

UNFINISHED BUSINESS

2021-0469 Request for Conditional Use Recommendation - City File No. 21-008 - Bebb Oak Meadows - to construct a drive-through associated with a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

(Staff Report dated March 9, 2022, site plans and elevations, letters from the Applicant, review comments had been placed on file and by reference became a part of the record thereof).

Present for the applicant were Michael Thompson and John Vitale, Stucky Vitale Architects, 27122 Woodward Avenue, Royal Oak Michigan, and Greg Need, Adkison, Need, Allen & Rentrop, PLLC, 39572 Woodward Ave. #222, Bloomfield Hills, Michigan, along with property owner Fred Hadid.

Ms. Kapelanski stated that the Commission has seen this item a couple of times and explained that the applicant is seeking site plan approval, tree removal permit approval and a conditional use recommendation. She noted that the item was before the Commission most recently at its February 15, 2022 meeting, and at that meeting consideration was postponed in order for the applicant to address a number of issues. Per those requests, the applicant has revised the elevations, has selected a carport elevation, has clarified the maximum floor plate issue, and has made some changes to the drive-through circulation. She pointed out that generally the site layout does meet all of the provisions of the Zoning Ordinance with one exception, and that is that the required right-of-way plantings have been placed elsewhere on the site to avoid utility conflicts. She mentioned that the conditional use portion of the request is a discretionary decision by the Planning Commission.

Mr. Need stated that he was here tonight representing the property owner along with John Vitale and Michael Thompson, and property owner Fred Hadid. He explained that Mr. Vitale would go through a brief history and then indicate how the applicant has responded to the concerns raised by the Commission and the Planning Department at the last meeting. Following Mr. Vitale's presentation, Mr. Need stated that he will summarize the comments.

Mr. Vitale reviewed the timeline of the proposed project, noting that the original submittal was made March 19, 2021. Several submittals were made to the Planning Department and they worked closely with the department, City administration, Michigan Department of Transportation (MDOT) and the City Engineering Department. He noted that they have received all of the approvals from MDOT and have worked closely with MDOT engineering in making sure that the driveway approaches on Rochester Road work well. He stated that they

have made three submittals, and this is their third presentation in front of the Planning Commission. With the Commission's input and working with the City, Ms. Kapelanski and Ms. Roediger, he thinks they have done everything that they felt they could do in making this project still successful. He stated that they have a three-dimensional presentation along with videoscaping that they hope will be more helpful to describe the project and what is being proposed at the site.

He began the video presentation, noting that they have softened the colors and have switched from a metal panel to a composite panel. The stark white which was mentioned in feedback from the Commission has been changed to a softer beige tone, more like limestone. He pointed out that the wood and the panels themselves are a composite product and more brick was introduced. He stated that their original submission was approximately 21% brick and now there is approximately 35% of the façade brick. He stated that the additional brick and detail is shown on every elevation and there is no more metal panel. He noted it will have a more stone-like appearance with the introduction of the composite panels along with stone and masonry. He noted that the main material will be approximately 70 percent and the secondary materials lessened substantially.

He showed an illustration that depicts how it was evaluated relative to the FB district, and noted that two interpretations show courtyard and lawn frontage versus the street frontage. He added that they reviewed the ordinance in both interpretations and note that confirmed with Ms. Kapelanski that they meet all the ordinance criteria in both interpretations.

Mr. Vitale noted that they listened to the Commission's feedback on the drive-through. He stated that the Commissioners expressed concern that as cars exited the drive-through they were going into almost a head-on view of the oncoming traffic. He explained that they shrunk the retail building down considerably, widened the separation between the drive-through and the adjoining drive lanes and created a landscaped area so now cars that are coming out of the drive-through have to stop and make a left-hand turn. He stated that there is no more concern for a head-on consideration. A video showed a walk-around view of the drive-through itself showing the clear separation between the drive-through exit land and the aiseways on the side, how the cars would look in the drive-through lane, and how the drive-through looks at the rear of the building. He commented that he thinks it's a much safer setup and they have accomplished what the Commission's concerns are relative to safety.

A night shot of the drive-through was included along with lighting on the divider. He pointed out that the divider was widened to approximately six feet with a high curb to prevent cars from coming over it. Lighting at night will also help create a much safer environment.

He stated that they wanted to present a better depiction of the carports, noting that it was a simple one-story carport primarily of metal construction. He stated that this shows the hard work they accomplished with MDOT and the City Engineer and their engineering department relative to how both driveways work and they now have their MDOT permit, and have accomplished everyone's

objective making that as safe as possible.

Mr. Vitale stated that it was discussed to have a better depiction of the courtyard, and displayed a three-dimensional view of the courtyard. He noted that more screening was added between the parking and the courtyard itself, and stated that the courtyard is pretty well screened from a landscaping standpoint. He explained that they now show the hardscape as well as the plantings, the feature trees including the Bebb Oak tree that is the center point of the courtyard itself, and how well the courtyard is screened from the parking area creating a nice private residential area. He showed setbacks depicting the adjoining properties and how they have screened everything they can against the residential property at the rear. He noted there will be a six foot wall, and in addition to the wall is a berm, and on the berm are deciduous trees and evergreens to accomplish maximum screening. He noted additional masonry was added and now they are over 35% masonry. He mentioned that there is a lot of articulation on the building, and pointed out that the balconies also have architectural features that house some of the systems in the building, and he expressed his hope that this better demonstrates the character and architecture of the building.

He noted that more markings were added throughout on the pavement in terms of better describing the vehicular and pedestrian circulation on the site. He added that the three dimensional views show the amenities in the courtyard. He listed some of the amenities that the development would offer, including a resident lounge, fitness center, mail package room, dog wash station, potential fiber optic internet, outdoor courtyard, outdoor seating, barbecue and grill area, smoke free building, bike rack, EV charging stations and the feature Bebb Oak tree.

He noted that there were some questions on how the emergency vehicles would be easily accessible underneath the crossover bridge, noting that there is a 14-foot clearance that easily accommodates emergency vehicles underneath that drive-through area. He mentioned one of the views talked about at one of the previous meetings, stating that they took a drone shot and looked at views from the neighboring property at eye level, and explained that their presentation better demonstrates where those shots were taken. He noted that they have done their best to photo-in the proposed building. He referenced the screening at the property line and stated that there is a wall and a berm, deciduous trees and evergreens creating quite a screen in addition to the foliage and deciduous trees already present in the neighboring property. He added adjoining uses include a car wash and a car lot, and stated that this will be a great addition to the community in terms of comparison to other uses there. He pointed out that there will be less density in terms of traffic compared to some of the adjoining uses.

He noted that the loading area had been discussed, and stated that his presentation better describes the loading area placed on the property close to one of the entrances to the building. He showed a video that he stated would give a better feel for the entire project noting the masonry, interior, and approach.

Chairperson Brnabic expressed her thanks for the 3-D presentation, stating that it presents a clearer picture of what is being proposed with a lot more detail. She questioned the landscaping, and whether it was actual size at planting.

Mr. Vitale responded that the landscaping on the courtyard is what is specified on the landscape drawing, and will be purchased as close as it can be to what is proposed.

Chairperson Brnabic asked if they are presenting the landscape as of when it is planted or in the future.

Mr. Vitale responded that the rendering took the actual landscape that was specified on the plan. He commented that he was not sure of the maturity of every plant, but he thought it was as close as they could come to buying the plant at the size that is available.

Mr. Weaver stated that the shrubs are probably at three to five years after planting based on the sizes that are shown on the plan. Trees may be a little longer.

Mr. Need stated that at this point they believe they have met all of the objective requirements of the ordinance and they have received recommendations for approval from all the City departments. He pointed out that the only discretionary decision is with regard to the drive-through, and based upon what has been heard tonight, he believes that they have addressed all those concerns. He stated that they have their MDOT permit, have addressed the additional separation and have addressed the on-site circulation as far as cars exiting that drive-through. He stated that he wished to also comment for the record that they have gone through the moratorium presentation earlier and have reviewed the moratorium ordinance and it is his understanding that the moratorium would not apply to this development as they had submitted their final site plan documents prior.

Chairperson Brnabic confirmed that was correct.

Mr. Need stated that at this time they would request that they receive a favorable recommendation with regard to the conditional use permit, and later on approval of their site plan and tree removal permit.

Dr. Bowyer expressed her thanks for the presentation, noting that she felt the colors look like they blend in well with what Rochester Hills is about, and it is not the stark white that looks like a prison from a distance. She added that it is good that they put in more brick, noting that brick is one of the themes through the city. She noted that she was happy when the loading lane was added. She questioned whether there was a photo of what the actual carports would look like and if they were for cars and not an RV-height.

Mr. Vitale showed the carport photo again noting that it is a very simple shed metal roof with four metal posts. He noted it was probably ten feet high at the high-point, and would be a low single-story structure.

Dr. Bowyer stated that the courtyard is awesome and she loves how that looks. She commented that the 3-D views really help understand how it looks. She stated that she still comes back to the drive-through, noting that she still has issues with it. She commented that the 3-D image shows that it is a negative impact to the courtyard to have all those cars idling there, with fumes, noise and light pollution, stating that she would not enjoy a courtyard like that with cars idling for a longer period of time. She stated that she still feels that they should go back to a bigger building and remove the drive-through. She stated that she appreciates the change to the drive-through flow, but noted that there are no plantings in front of that to screen people from coming in from looking at cars coming at them. She commented that would prefer having plantings in front so people coming in cannot see the headlights. She stated that she hates that it is four stories and hates the density, but loves how the building turned out. She noted that she does not like the drive-through design and believes that it will negatively impact the courtyard.

Mr. Vitale apologized that he could not disclose the tenant, but what is being proposed is a fast-casual. He stated that it is not fast food and he thinks that the density of the drive-through will be very minimal.

Dr. Bowyer pointed out that the drive-through was set up as a double lane, and she noted that cars will still point out toward Rochester Road.

Mr. Vitale responded that he believed that will minimize any waiting time. He added that it is not a fast food restaurant and thinks that they will have minimal wait times and traffic in the drive-throughs. He stated that they would be open to putting landscaping on that curve. He noted that they have moved the drive-through over so significantly and the drive-lane is so wide that it will be difficult to look right into the cars.

Dr. Bowyer noted that the 3-D fly-in still shows that headlights will face toward those driving in.

Mr. Vitale commented that they were trying to demonstrate how much room they actually have. He stated that while he understands her concern, he does not think that they will have the situation Dr. Bowyer is concerned about. He stressed it has been pulled a whole lane over.

Mr. Thompson stated that while there are two lanes, with the outside lane for rapid pick up so it will not be a stop and sit lane. He stated that adding more screening is easily done. He commented that he might even propose a short wall there.

Dr. Bowyer stated that she would like that as it is an accident waiting to happen.

Mr. Gaber commented that while Dr. Bowyer raises some good points, he would prefer to see some type of evergreen low shrub there to soften it up. He stated that there is no reason it needs to be concrete or hard surface and stated that he does not think it is intended for people to walk in that area because there is nowhere to go to. He commented that he does not have a problem seeing some of the lights as it alerts people coming in that they know there is a car

there. He asked if the carports were all the way around the perimeter.

Mr. Vitale responded that they are not everywhere. He stated that there are six carports and not all the parking is covered.

Mr. Gaber stated that given what he has seen elsewhere, for instance at City Lofts he was somewhat disappointed with the carports, he understands what they are trying to accomplish and market conditions might dictate what they do like what happened at City Walk. He stated that with regard to the pavement markings, they are different in the renderings and fly-bys than are shown in the site plans. He stated that they are much more detailed in the renderings. He commented that he likes the markings, particularly the drive-through direction, and where there are conflicts, arrows going different directions, and he stated that he would like to see those going into the site plan.

Mr. Vitale responded that they would be happy to incorporate those and include those as a condition to make sure they are on there.

Mr. Gaber stated that he thinks they have done quite a bit to make this building much more attractive than it was in the original submissions, and that is appreciated.

Mr. Struzik stated that he feels that the Commission's feedback has been acted on and has resulted in a much better project for the potential future residents and future customers at the site. He feels much better about the driveway exit now and does echo Dr. Boyer's concerns that it would be nice to have some sort of barrier or additional screening right there at that spot. He pointed out that there is a crosswalk right there and he would hate for a car to unintentionally go forward and go over. Additional screening would ease that and help the headlight situation. He agreed with Mr. Gaber that he would not want cars coming out of nowhere so getting it right is very important. He commented that the building is much more aesthetically pleasing especially with the beige and is much less harsh. The colors were showing up more favorably on his laptop than show on this screen, and he hoped that his laptop is more true to the color. He concurred with Dr. Bowyer that the courtyard is great, and it is unfortunate that the drive-through lane will be right there. He commented that one thing to keep in mind is that over the coming decades internal combustion engines will be phased out in favor of electric vehicles and in a matter of 10 or 20 years there might not be an issue with that as much.

He commented that retail will complement the adjacent commercial uses and there are a lot of potential customers sitting in waiting rooms for vehicles and other services nearby. He mentioned that it is always difficult to look at a potential four story building that is adjacent to single family residential. He mentioned that there were a couple of other recent examples built including City Flats and the Gateway Hotel, so the rear setback for City Flats for the rear property line to the four story building is 115 feet and this proposal is 39 percent greater of a rear setback than City Flats. He noted the other recent example is the gateway hotel and that four-story building is also 125 feet rear setback. Once again, Bebb Oak is 160 feet and that represents a 28% greater rear setback and he thinks that additional rear setback combined with all of the

screening makes it doable for being adjacent to the single family homes.

Mr. Weaver stated that he would agree with his fellow Commissioners in that the applicant has done a great job dressing it up and addressing the Commission's concerns. He stated that he shares the same concerns regarding the drive-through and would agree that some landscaping might help, making sure that it is low enough to not block sight lines of those pulling out of the drive-through. Looking at the rendering, it helps because it shows a green section where there might be some added landscaping while still maintaining the crosswalk. He suggested flipping the green and the concrete on the plan and slide the crosswalk over to line it up.

Mr. Vitale suggested that they could make it all green in that area.

Mr. Kaltsounis noted that earlier today there were many people in attendance, and it was heard loud and clear at the last election, heard by the Council members and everyone let the Commission know at the last meeting, that there is a general concern with how the FB-2 overlay is being interpreted. He stated that he would not blame a developer to push the limits to the law to the nth degree, but unfortunately developments and some of the features in this development is the reason why this moratorium is there or why it is being asked for today. He questioned what the projected floor plate of the entire building, if it were looked at from above without the breakup of the first one.

Mr. Vitale recalled that the leasable footprint is approximately 24,000 square feet.

Mr. Kaltsounis commented that the 2nd floor is approximately 32,000 square feet. He noted that the reason why many people were in attendance concerned about the FB-2 overlay is that there is a second floor which obviously does not pass the floor plate requirement, but they cheated the first floor. Not only did they cheat the first floor to make it smaller to meet the requirement, they added a drive-through.

Mr. Vitale commented that this was not accurate. The floor plate does not come into consideration in the FB ordinance for the way this is evaluated. He commented that it was under a different criteria, and they worked with Ms. Kapelanski on that. He noted that they looked at it with two kinds of frontages, and the floor plate has no bearing on how this building is evaluated in the FB Flexible District.

Mr. Kaltsounis noted that this is where the split gives two types of advantages, but in the end a big building is the result.

Mr. Vitale stated that it is a 5-acre site and if you look at this building in terms of acreage, he is not sure he would agree with concerns of the density. He stated that he understands the concern with the ordinance and that there is a feeling of overdensity in the community and he applauds people and the Commission for looking at that and evaluating that; however, this building as the ordinance is written fully fits the ordinance.

Mr. Kaltsounis stated that he would agree with Mr. Vitale, but the reason why it also fits the ordinances and the different moves that were made to do it is what a lot of people are complaining about. He commented that it is not for today, but is for the moratorium. He stated that he wants to point out to staff that this drive-through made the building larger than what it should have been and it is a great idea; but it is also the reason why they had all those people here today concerned about it.

Mr. Vitale stated that for clarification, and not meaning to make it a point of contention, even if you evaluated the building with the front yard without the drive-through, it still meets the ordinance. He commented that the way the ordinance is written right now, to evaluate the ordinance.

Mr. Kaltsounis stated that he is pointing out items that need to be evaluated because there is a lot of gray area in the way this development was considered or done and that is per the rules, and the general heartburn he has about it.

Mr. Hooper stated that missed the last meeting and he read the minutes in detail about what occurred and wanted to add his comments and thoughts. When they looked at flexible business use as an overlay zoning back in 2007 and 2009 and it has been in effect for 13 years now, it was done very purposeful in that they were looking at existing commercial structures that were becoming obsolete and to encourage redevelopment, and created this flexible use overlay to reduce some of the commercial retail component and provide alternative uses whether it be office or multi-family or additional residential component to this. This fits this concept of what the Flexible Business thought process was 14-15 years ago to a T. The idea was Rochester Hills went through a growth period of time, and now it was a mature community looking at some of the older 35-40-50 year old parcels and to encourage redevelopment and reinvestment in the community, looking at alternative ways to encourage and alternative ideas as well. With that, in his opinion, this meets that criteria of what the thought process was. He stated that he has been on the Commission for 23 years now. He stated that as far as the concept goes here of having the apartments, which he believes will be high-end apartments. He stated that he applauds the developer on this, and thinks this will be a huge hit. People want to live in the center of town close to all the amenities around, and this will be successful. Taking a commercial property and introducing the multi-family or additional residential component into it in a middle of town in close convenience to all the amenities will be a huge hit. In regard to the drive-through, he agrees with Dr. Bowyer and thinks what can be done, as Mr. Weaver is spot on - on the site plan sheet 4 shows the sidewalk/crosswalk. If the applicant simply relocates that as they still have to maintain the crosswalk to get out of the front of the building and move that to the north with 3-foot tall landscaping to the south creating the headlights screening, he thinks you could easily take care of that. He suggested that be done for that island as well as to the island to the east. He noted that there may be a hydrant to be moved, but it could be done in the final adjustment of the site plan.

He added that the other thought is that this drive-through is 170 feet from Rochester Road, and one mile down the street Starbucks is 78 feet from the road and they do not have a problem with cars coming in and out. He

mentioned that they are offset at Starbucks but this is twice the distance, so he did not think it would be much of an issue, but to make sure it is not an issue he would agree with his colleagues on adding that concept.

Mr. Hooper commented that the earth tone colors are absolutely appropriate here for Rochester Hills. He mentioned that Mr. Gaber noted the added markings in the video and he would agree with that as well to add them to the site plan. He mentioned noise, and stated that he would guarantee that the self-service car wash adjacent would create 10 times the noise that this development will create. He commented that this is a residential community and the self-service car wash is right next to the neighbors, 25 feet from their property line, while this is 160 feet off. He added that the carports will help minimize the noise from the vehicles in the rear of parking lot if there is any. He stated that the applicant has come before the Planning Commission three times and has made a lot of improvements to the plan, and he fully supports the project going forward.

Mr. Weaver stated in scrolling through the part 2 of the plans submitted, the landscape plans and floor plans, the site plan did not match the new drive-through layout. He stated that when cleaning up the plans to incorporate the pavement markings, they need to make sure the site plan matches up with everything.

Mr. Vitale stated that he would be happy to do that.

Mr. Dettloff questioned whether the end cap on the north end would be the fast casual restaurant.

Mr. Vitale stated it would be the opposite side.

Mr. Dettloff questioned where people would be placing orders and questioned where the apartments would be in relation.

Mr. Vitale stated that it will be at the rear of the building and there will be some apartments above at some distance.

Mr. Dettloff stated from a noise standpoint it was previously a concern at another development where the drive-through was adjacent to a residential area, neighbors had expressed concern regarding noise, and questioned what was being done to reduce or eliminate noise.

Mr. Vitale stated that it will be a low-density operation and they do not anticipate a lot of ordering. One lane will be fast pickup where someone texts or calls in to order and they would do a fast pickup. He commented that sometime there is some noise there, but they will try to minimize it as much as they can. He noted that they have incorporated covered screens which they think will be a buffer and capture the sound.

Mr. Dettloff questioned the hours of operation for the drive-through.

Mr. Vitale stated that he does not know the exact hours of operation but it is not

going to be 24-hour service and will be limited hours.

Mr. Dettloff referred to the second lane and asked if it was for pickup only.

Mr. Vitale stated that it was noted that they would bypass orders in the pickup lane.

Mr. Dettloff stated that his concern is noise and he would agree with what Dr. Bowyer initially said; however, he wholeheartedly supports this and thinks the applicant has done a phenomenal job. To Mr. Hooper's point, he thinks this will be a big hit in Rochester Hills and he thanked the applicant for bringing this opportunity.

Dr. Bowyer commented that the noise issue she had is in reference to sitting in the courtyard and trying to enjoy that in the summer those cars will be loud. She stated that she assumes that the apartments above will be built in such a way that they will not be hearing all the cars sitting there.

Mr. Vitale responded that they would take this into consideration as they finalize the design. He added that the other thing they could do is use products like acoustic deck to help absorb the sound in those covered areas. He stated that there are things they are conscious of that they hope will minimize any spillage and absorb sound.

Dr. Bowyer questioned Mr. Hooper's comment regarding the Starbucks at Auburn and Rochester, and stated that the drive-through there is not the same as those cars pulling in off of Rochester Road as those pulling in can only turn right and there is no conflict. She commented that if the drive-through had been designed like that, she would have been 100% on board. She stated that because it is not like that she still has problems with the drive-through.

Mr. Hooper stated that his point regarding that Starbucks was the distance of 78 foot versus 170 feet here.

Mr. Kaltsounis stated that this project has come a long way.

Mr. Vitale stated that they have appreciated all of the Commission's feedback and commented that it is a much better project because of their feedback.

Mr. Kaltsounis stated that he is still concerned about echoing of the drive through to the properties that are facing it, but feels that the applicant will make adjustments as needed to fill rooms on that side. He commented that he is looking at adding several conditions, and one that he would like to add would be to the Conditional Land Use and the comment that one drive-through lane be designated for on-line orders only and make that a condition. He questioned whether the applicant would agree to that.

Mr. Vitale stated that he believes so.

Chairperson Brnabic restated the condition, that one drive-through lane be revised for online orders only.

Mr. Vitale stated that he would like to use the proper terminology and stated that they call it a fast pickup lane.

Mr. Kaltsounis stated that he could call it pre-orders.

Mr. Vitale stated that without the tenant being in attendance, he is not sure that the tenant can commit to how they run their operation; but the idea is that they do have a fast pickup lane. He commented that he is not sure what restrictions that is implied, but that is a fast pickup lane.

Mr. Kaltsounis stated calling it preorders only is fast pickup. He commented that it was mentioned here today as a way to help push this along and if they are going in that direction, he would like to add that to the Conditional Land Use.

Mr. Vitale stated that he would hope that the tenant's style of business and their interpretation of that is not out of alignment.

Mr. Kaltsounis stated that he would leave this condition out for today, but make it noted for City Council and it could be addressed then. He stated that it is definitely a good idea as it would help the residents in that area from hearing all the cars.

He noted the two other conditions to add to the site plan, including that the applicant submit for staff approval pavement markings to be added to the plans as shown on the video renderings, and that the applicant submit a plan for staff approval with the bulb at the end of the driveway revised to flip the green areas to allow better access to the sidewalk. He moved the motion in the packet for recommendation for approval of the conditional use, and it was seconded by Mr. Hooper.

After the vote, Chairperson Brnabic stated that the motion for recommendation for approval of the conditional use passed 8-1.

Mr. Kaltsounis moved the motions in the packet to approve the tree removal permit, and to approve the site plan with the two conditions added, and both motions were seconded by Mr. Hooper. Chairperson Brnabic announced that each motion passed by unanimous vote.

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Weaver, Neubauer and Struzik

Nay 1 - Bowyer

Resolved, in the matter of City File No. 21-008 (Bebb Oak Meadows), the Planning Commission recommends to City Council Approval of the Conditional Use to allow a restaurant with a drive-through, based on plans received by the Planning Department on February 25, 2022 with the following findings:

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal will have a positive impact on the community by adding housing options, goods and services, and offering employment opportunities.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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. City Council approval of the Conditional Use.
2. If, in the determination of City staff, the intensity of the drive-through changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

2021-0470

Request for approval of a Tree Removal Permit - City File No. 21-008 - for the removal and replacement of as many as 13 trees for Bebb Oak Meadows, a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Granted. The motion carried by the following vote:

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, in the matter of City File No. 21-008 (Bebb Oak Meadows) the Planning Commission grants a Tree Removal Permit, based on plans received by the Planning Department on February 25, 2022 with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.

2. The applicant is proposing to remove 13 regulated trees and no specimen trees, with 8 replacement trees required, and with 8 replacement trees proposed to be installed.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.

No payment to the City's tree fund is required.

2021-0471

Request for Site Plan Approval - City File No. 21-008 - Bebb Oak Meadows - a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, in the matter of City File No. 21-008 (Bebb Oak Meadows) the Planning Commission approves the Site Plan, based on plans received by the Planning Department on February 25, 2022 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. The proposed project will be accessed from Rochester Rd. by existing curb cuts, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
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. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape bond in the amount of \$155,585, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. The applicant submit for staff approval a plan with pavement markings to be added to the plans as shown in the video renderings.

4. That the applicant submit for staff approval updated prints with the bulb at the end of the driveway revised to flip the green areas to allow for better access for the sidewalk.