

5. The proposed development should 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. Public hours of operation for the restaurant will not exceed Monday through Friday 10:00 p.m. - 9:00 p.m. and Saturday and Sunday 11 a.m. - 9:00 p.m.

2021-0472

Public Hearing and request for Conditional Use Recommendation - City File No. 21-022 - Biggby - to add a modular coffee drive-through with landscaping within an outlot within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

Present for the applicant were Kyan Flynn and Deanne Richard, 24Ten LLC, 807 Ironstone Dr., Rochester Hills, MI 48309, and Tonia Olson with BCubed Manufacturing, 666 McKinley Ave., Alpena, MI 49707.

Ms. Brnabic introduced the application for Biggby to add a modular coffee drive-through with landscaping within an outlot in the Meijer parking lot, on Rochester Rd. south of Auburn Rd.

Ms. Kapelanski reviewed the plans for a modular coffee drive through with landscaping to be installed within an outlot of the Meijer parking lot and Auburn and Rochester Road. The proposed service would include both drive through and walk up service. She noted that the applicant has provided the required parking counts, and staff has confirmed that adequate parking will remain for the entire square footage of the Meijer store. She noted that the development does not include any new access points, all access would be provided by the existing entrances on Rochester or Auburn Roads. The applicant has provided required lighting specifications, and mounting heights are within the ordinance requirements. The site is zoned B-3 with an FB-3 overlay, drive throughs are a conditional use in the B-3 district. All departments are recommending approval with some minor comments to be addressed in a future submittal. Ms. Kapelanski noted staff recommends a more natural brick or stone appearance for the façade instead of the proposed Indurawall material. She stated the applicant is seeking site plan approval and a positive recommendation for the conditional use this evening. A tree removal permit is required for one tree; adequate notice was not posted for this so it will have to be noticed again for a later date. Ms. Kapelanski suggested an approval condition that if the intensity of the drive through were to increase, the applicant may be required to come

back to the Planning Commission for reconsideration of the conditional use request, and she noted this condition is similar to the condition the Planning Commission added for another drive through at the last meeting. Ms. Kapelanski introduced Mr. Boughton from the Engineering department who could answer any engineering and utility related questions.

Ms. Richard noted that she and Ms. Flynn have been dear friends for 30 years, this is their first business and they are the first franchisee. She explained that they are both Michiganders and what landed them back into Rochester Hills together was to open this Biggby. She said that they are partnering with Michigan based companies, Meijer, BCubed Manufacturing, and Biggby. She noted that they want to bring this before the Planning Commission, to put faces to names and they are excited to be here tonight.

Chairperson Brnabic noted that she agrees with staff that the façade needs some stone or brick; the facade is rather unattractive as it is presented right now. She said that she has a few concerns with this location. She explained that if someone was traveling west, and looking at where a customer would enter the drive through, there are ten stacking spaces. She expressed concern that traffic could back up into the main travel aisle, which is two-way as of now. Chairperson Brnabic noted that another concern is that if someone entered off Rochester Road and then came in the other way, they may try to go around and use that aisle with the parking there to go past where people are exiting the drive through, and then continue and try to come into the line, which looks like it would be a safety issue for a few reasons. She asked the applicants that since this is a modular building, if this structure is this meant to be temporary and asked the length of their lease.

Ms. Olson said that B Cubed Manufacturing is the company that invented this building. She explained that it has three different sections and an awning. It has the capability of being expandable and moveable. She said it is like any stick built building in that it will be connected to utilities and it is intended to be permanent, and stated that it is structurally sound and well built. She said they have a five year lease term with three renewals, so it is intended to be long term.

Chairperson Brnabic said that drive through stacking may extend out into the main aisleway. She said that someone could be trying to turn left or right to get into the drive through since that aisle is two-way, plus there could be someone coming around. She expressed that she really has some concerns with the setup and the location right now. She noted there is outdoor seating, and a walkway in this location is helpful; but drivers would have to be paying attention. She referred on the plans to the far aisle to the north of the structure, that is currently a two-way traffic aisle. She explained her concern is that people could be coming in off of Rochester Road and either choose to use that traffic aisle or the other to go to the front of the store. She noted that with the way that the drive through is set up, people could be turning left or right to enter the drive through, plus the concern about the stacking if it exceeds ten cars, because then those cars would come out and block people.

Ms. Olson said that her role for this project is beyond merely manufacturing or providing the building because this is a new concept. She said they currently

have 23 of these structures installed in Michigan, Kentucky, Indiana and Ohio. She said she worked with their site plan support and engineers to make sure this location is suitable for the use. She explained that they did think a lot about the traffic and said that City staff has done a good job of pointing out concerns. She would agree there might be a need to address things in a different way in the future once they see what the traffic patterns are going to look like. She is comfortable knowing that they have provided the required stacking, the bypass lane, and have ensured that deliveries would not obstruct the flow of traffic. She said their engineers felt comfortable with the proposal as it is. She said that they have an understanding with Meijer, and they may have to look further with Meijer at some modifications.

Chairperson Brnabic said that she is also concerned about how close this proposal is to Rochester Road and expressed concern for the traffic patterns adjacent. She noted regarding the façade, that it had been suggested by staff to use stone or brick. She asked at this point whether the applicants did not think that is necessary.

Ms. Flynn said that the picture they provided does not do justice to the planned structure, and suggested that they could try to get pictures of current buildings that are already in use. She said that looking at the neighboring strip mall, Panda Express, Culvers and the building in front of Rochester Road they seem to be somewhat made out of the same material.

Ms. Olson referred to the rendering presented, and that they will have an attractive façade material with the landscaping, a dryvit stucco-like material, painted in two tones of gray. She said the kitchen unit will be a bit darker than the tower.

Chairperson Brnabic said that she would like to see some stone or brick on the façade as it would coordinate better in that area with the surrounding buildings as they basically all have those materials and noted that it would definitely give it a more attractive façade.

Mr. Kaltsounis asked staff whether the City currently has a coffee drive through situation similar to this.

Ms. Roediger responded that there are coffee businesses in outlots, but none are similar to this proposal.

Mr. Kaltsounis shared his screen, and suggested the applicants should utilize similar façade materials as Panda Express, and showed a picture of their brick façade. He also showed an aerial photo of a Starbucks in the City with numerous stacking spaces. He noted that he went to a Biggby similar to this proposal in a Meijer's parking lot in Alpena, and was extremely disappointed, and showed a photo of it. He said that is not something that is Rochester Hills worthy. He commented regarding the poor placement of the structure within the parking lot, the sad the look of the building sitting on the columns, and noted that the window was not impressive. Mr. Kaltsounis remarked that the look of the building sitting on the columns does not impress much, and looking at what is presented it is the same thing which is being proposed here.

Ms. Olson said that the Alpena location is the prototype building, as they are manufactured there. Their owner reclaimed a foundry and that's where they are being manufactured. She said the one shown in Alpena fits that location more and not Rochester Hills. She said that is not how any of their other installations look. She explained that there would be a curb around the base of the building to create a skirt and therefore a more finished look together with the landscaping. She said that the window has an overhang on it in the newer buildings they have designed. Also the color scheme on the one in Alpena is nowhere near the color scheme that they are proposing. Mr. Kaltsounis said that the details he sees in the plans presented match the picture in Alpena, Michigan. Ms. Olson replied that the Alpena location is the only one that does not have a curb around the structure. She said that the renderings they provided were intended to be a reference sheet so that you could understand the elevation of the building and not necessarily how it fits into the land use.

Mr. Kaltsounis said that he agrees with staff on the façade needing brick and he would like to see more accurate renderings and designs. He noted that there are brick-style Biggby's around. Ms. Olson said that there is an option for brick veneer and it is an upgrade for the franchisees to consider, however it's all or nothing, they can't do a combination of materials. She said that using brick presents a concern for transportation weight.

Mr. Kaltsounis said the Planning Commission is charged with ensuring that the structure would be harmonious with the environment, and right now how it is presented it is not. He noted that he doesn't want to see under the building. He said in some of the other pictures presented you can see underneath the building and in some you can't. He said going back to the Alpena picture he was very concerned about it.

Ms. Olson said she has other examples in her binder of other locations.

Mr. Gaber said that in terms of the site working for what is being proposed, it has the potential with the drive through and the configuration and the surrounding drive aisles that it can work in that location. But in terms of the façade and the look he has a difficult time with it, as it's not compatible with anything in Rochester Hills in terms of the modular look with the three components, the height variation, and the way the drive through looks. He commented that Panda Express, Meijer, and Culver's, perhaps even the oil change place on the corner, all have stone or brick in their façade. He said that frankly this proposal is not what he wants to see in Rochester Hills, and he is afraid of setting a precedent. He said that this proposal doesn't meet the site plan or conditional land use criteria, it is not architecturally or aesthetically harmonious and compatible with surrounding land uses in the area. He said that the applicants may be able to design a building that could work on this site but this is not it.

Mr. Struzik asked to show his screen, and said that he is concerned with the aesthetics of the structure and it is not harmonious with surrounding developments. He presented a picture of a Biggby's in Akron, Ohio with a brick façade, and said that would be a lot closer to the mark. He said that he is not

opposed to the modular design but he does oppose the current materials on the plans. He said that the applicant needs to provide better renderings to provide a better understanding of the texture of the materials. He pointed out the main aisle leading to where the Biggby's would be located. He noted he has a concern with two parking spaces, that already it's difficult to pull out of that aisle. Adding the Biggby's will add a lot of traffic to that particular aisle. He said that when he went to visit the site today there was a big Cadillac parked there. He said that any proposal is going to need to address the difficulties with those two parking spaces, there needs to be some sort of hard barrier and not just paint in order to increase visibility if the proposed development is going to be adding traffic to that location. He also said that it would be nice if there were more sidewalks to enter on foot and via bicycle from Rochester Road, although it's not necessarily a requirement for this proposal.

Ms. Neubauer also shared her screen and asked the applicant if the structure shown would be closer to what it the structure would look like. Ms. Olson responded that the photo being shown was taken during the installation and was not finished. She said contractors would come back and install a patio. Ms. Neubauer showed another picture with a patio, and asked if it would be the structure shown on one picture and the patio and curbing shown on another. She said that the material and color are gray from the first picture and it has the skirting.

Ms. Olson said that is 95% of what it would look like.

Ms. Neubauer asked the purpose of the second story.

Ms. Olson explained that the shorter piece is the kitchen unit, the taller portion contains a bathroom, and the top contains infrastructure including a reverse osmosis system, a water softener, and utility items.

Ms. Neubauer remarked that the façade presented tonight with the brick is much closer and more fitting for Rochester Hills.

Ms. Flynn explained that they went with the façade that Meijer has approved for all of their locations.

Ms. Neubauer replied that the commissioners are trying to give the applicants advice so they can bring this use to Rochester Hills. She said that she is not a big fan of the modular type of structure, and she hates the Meijer parking lot as it's very difficult to navigate. She stated that as Chairperson Brnabic mentioned, she also watched someone at Taco Bell turn in, get stuck, and they just couldn't back out. She said that the area is always is so congested and people are always looking for shortcuts. She said that the way the drive is proposed it is very concerning, it is a safety issue, and the commissioners are trying to do what's best. She suggested that they discuss it with the commissioners today so it can be fixed today, to allow the applicants have the chance to do what they want to do.

Dr. Bowyer said that she appreciates the idea but doesn't think it fits in Rochester Hills at all. She suggested that the applicants custom design the

building so that it is half brick, and resembles Panda Express, for example. She noted that Meijer's recently spent a lot of money to upgrade their façade. She suggested that to put something in there that won't have any brick at all would not fit in. She asked the applicant whether there would there would be a walk up window, and asked Ms. Kapelanski whether there are any buildings in Rochester Hills that are on piers.

Ms. Kapelanski responded that was not aware of any but did not know for sure.

Dr. Bowyer said that since you can't put a deck on piers in Rochester Hills, how it would be possible to put a structure on piers in Rochester Hills.

Ms. Kapelanski noted that the Building Department has reviewed these plans; however, they look more at the details during the permit review process.

Dr. Bowyer suggested that the piers may not work and they may need to dig a foundation. She noted she also has traffic concerns as Culvers backs up and it's going to be an issue. She remarked that Meijer may have to lose some of their spaces in the parking lot in order to have the area curbed, and so the traffic flow can be better directed.

Ms. Kapelanski responded that if the Planning Commission were to add a condition that there be more curbing to the site plan approval, then it would be up to Meijer or Biggby as to who would be responsible for installing it.

Dr. Bowyer said this is a quaint idea, but this would not be fitting with the buildings in the area and therefore would not be harmonious. She noted the commissioners are charged with ensuring buildings are kept to the same standard and are harmonious.

Chairperson Brnabic asked Mr. Boughton if he has any concerns about sanitary waste, kept in a holding tank and then pumped out with a two inch force main to the sewer.

Mr. Boughton responded that there are multiple properties that are on grinder pumps in the City, and explained that it is in essence a glorified sump pump with a special plate on the bottom if it, they discharge to a force main out and out to Rochester Road where there's an existing sanitary lead pretty close to the right/in-right/out entrance at Rochester Road. He noted there are approximately 150 in the City. He said that at times, pumps do fail, and this one would be privately owned and maintained.

Mr. Weaver stated that he is concerned about setting a precedent for a modular structure, and commented that he doesn't want to see this everywhere. He stated that there are a lot of parking lots in the City. He suggested that the trees shown on the plans can get very large, and they would get too large for this spot. He suggested that the applicant should have some soil tests done, and commented that they may struggle with getting plants to grow in this location. He asked the applicants whether they would be looking to have signage on Auburn Road for this business.

Ms. Olson responded that the building comes with built-in signage. She commented that they would have to negotiate additional signage with Meijer, and did not think that Meijer would be a fan of additional signage.

Mr. Struzik shared his screen showing an aerial photo and referenced "Lake Meijer" right to the south of the proposal where water pools when it rains. The applicants responded that that issue has been resolved.

Chairperson Brnabic said that with all of the concerns expressed she cannot support this proposal, even with the comment that that the applicants could see how it goes. She stated that there needs to be a better plan before approval and not leave it until after. She noted that there have been many concerns expressed about safety, the façade, and about setting a precedent for a modular facility, especially one that looks like this.

Ms. Olson questioned the procedures if they were to receive a denial. Ms. Roediger responded that a denied site plan has to wait one year before coming back before the Planning Commission.

Ms. Olson asked if they can postpone the application, nothing that they felt that they spent a long time working with staff to understand the requirements so they could determine where to go with this proposal. She said they were listening and taking notes about all of the concerns brought up tonight, and they'd like to have the opportunity to interact with staff and understand the requirements versus what are the interests. Chairperson Brnabic responded that it wouldn't just be the requirements, because there have been a lot of comment tonight expressing different concerns. She said the applicant has the option to request a postponement and to come back.

Chairperson Brnabic opened the public hearing at 8:17 p.m. There being no cards for public comment, she closed the public hearing.

Mr. Kaltsounis said that he took a lot of notes regarding the building, piers, and seeing underneath the structure. He noted that every time he has driven with his college-aged daughter to Meijer she has made the mistake of not looking, and stated that there is a lot of traffic. He said that the traffic flow needs to be addressed right away, which is why he showed the pictures of the Starbucks across the street. He commented that the Planning Commissioners have a tough job with the intangibles and they have let these concerns be known today.

Motion by Kaltsounis 2nd by Neubauer to postpone to a later date when the applicant would like to come back with a revised plan.

Mr. Dettloff stated that there is a Biggby on Long Lake in Troy, there is not one in Rochester Hills. He asked if this is a partnership they see in the future between Biggby and Meijer, installing more of these. Ms. Olson said that she can't speak on behalf of Biggby but BCubed have the exclusive modular design with Biggby and they have enormous growth plans, mostly because they will be using this structure, which is 349 sq. ft. of coffee-making efficiency, it will be efficient and 40% less operating costs than a traditional building. So it is part of the Biggby growth plan to locate these in what would be considered overparked

areas or on small lots that are not suitable to develop in any other fashion.

Mr. Dettloff said that he agrees with all the other commissioners' comments made tonight and suggested the applicants coming back with revised plans is a good plan, and wished the applicants good luck.

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

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

Resolved, that the Rochester Hills Planning Commission hereby postpones Legislative File 2021-0472 and 2021-0473 to a later date to allow the applicant to return with a revised plan.

2021-0473

Request for Site Plan Approval - City File No. 21-022 - City File No. 21-022 - Biggby - to add a modular coffee drive-through with landscaping within an outlet within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

Postponed.

2021-0469

Public Hearing and 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

Present for the applicant were Michael Thompson and John Vitale, Stucky Vitale Architects, 27122 Woodward Avenue, Royal Oak, Michigan. Also in attendance were Jill Bauer, PE, Rowe Professional Services Company, and Nick Nacita, Hubbel Roth and Clark, the City's traffic consultant, and property owner Fred Hadid.

Chairperson Brnabic introduced the proposal to construct a drive through 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. She introduced Michael Thompson with Stucky Vitale Architects as the applicant.

Ms. Kapelanski explained that the plans include the demolition of the existing Barnes & Noble store and the construct a mixed use development which includes of a one-story retail building with a drive-through restaurant and a four-story 94 unit apartment building. She noted that the site is zoned B-3 with an FB-3 overlay and the applicant is proposing this development using the FB-3 provisions. Access to the site is provided via a full access drive on the south side of the property, and then also a right-in/right-out access drive on the north