

Present: Vice Chairperson Tillman; Members: Berwick, Brady, Donnelly, Meah, Mueller, Rass and Tillman

Absent: Schafer

Also Present: Village Clerk/Asst. Manager, Marshall
Council Liaison, Mercer

Vice Chairperson Tillman called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF ZONING BOARD MEETING HELD AUGUST 9, 2010

Motion by Meah, second by Donnelly, that the minutes of a regular Zoning Board of Appeals meeting held on August 9, 2010 be approved as submitted.

Motion passed (9 – 0).

CASE NO. 1227

Petitioner: Sundance Inc. (on behalf of Taco Bell)
7914 Kensington Ct., Brighton, MI

Property: 31305 Southfield Road
99-00-006-606

Petition: Petitioner requests a variance from the required front open space in a business zoning district from 35 feet to 16 feet.

Tillman stated that the Village's planning consultant firm of LSL Planning, Inc. has provided the Board with a review letter on the request for a front yard setback variance as part of a redevelopment proposal for the Taco Bell site on Southfield Road. The facility director for Sundance Inc., Rick Eccles, was present with Eric Rauch from Desine Inc. Tillman stated that a vote of five or more in favor is required to grant a dimensional variance. She reviewed conditions that need to be established in order to grant a variance.

Village Manager Chris Wilson was called upon to provide background information on the proposal. Wilson said that he has met with the petitioners about this proposed redevelopment. LSL Planning has reviewed the proposed plans and prepared a memo to the Zoning Board. The proposal is to demolish the Taco Bell building at 31305 Southfield Road and rebuild it with a structure oriented in a different fashion. The building plan proposed represents the smallest building footprint available from the corporate prototypes. The front yard setback required by the Village ordinance is 35 feet; the applicant requests a variance of 19 feet to construct the building 16 feet from the front lot line.

Another issue addressed in the review letter is the parking requirements for this property. Research has indicated that the Zoning Board of Appeals granted a variance for a 5 space parking reduction (25 required; 20 provided) in 1983. The property currently provides 22 spaces. The planning consultant applied the Village's current ordinance to their construction plans. It is proposed to increase the size of the building by 302 square feet, which would require 52 parking spaces according to the current parking ordinance. The planning consultant has recommended that the applicant provide the Village with a parking study to support the 20 spaces proposed. It was suggested that the Zoning Board may need to consider a variance for parking if this project is to proceed as proposed.

The petitioner Eric Rauch from Desine Engineers was present with Rick Eccles, facility director with Sundance, Inc., franchisee for Taco Bell. Rauch stated that this Taco Bell restaurant has been in operation since 1981. It is proposed to build the smallest corporate prototype on this site. The purpose of the improvements are not only to upgrade to the new prototypes and imaging, but to improve the kitchen area and bring it up to current health, ADA and safety codes. The 300 square foot addition is in the kitchen area.

Rauch outlined the rationale for a dimensional variance in the front yard. There is an existing retaining wall at the rear property line. A 15 ft. drive aisle is provided to circumnavigate around the building along with a 10 ft. wide drive-through lane. The Taco Bell building is 70 feet long with a 2 ft. tower accent. This results in 16 feet remaining for the front yard setback.

The possibility is mentioned in the planning consultant's letter to reduce the 15 ft. wide bypass lane at the rear of the site to 12 ft. Rauch said that there is potential to bring the building back 5 ft. from what is shown on the plan. The total distance from the property line would be 21 feet, bringing the variance to 14 feet.

Donnelly expressed the view that it would not be practical to reduce the turning radius to less than 15 feet; trucks would have difficulty with the turn.

Comments and questions from Board members were addressed by the petitioners.

Parking requirements on the site were discussed. The ZBA granted a variance for 20 parking spaces in 1983. The applicant is proposing to maintain 20 parking spaces with the proposed project. Village parking requirements have changed since that variance was granted. The planning consultant has suggested that additional justification be provided by the applicant on the interpretation of usable space based on the current parking ordinance requirement of 52 spaces. LSL recommended that the applicant provide detailed parking calculations and prepare a parking study in support of the amount of parking proposed. An additional variance from parking requirements should be considered and attached to the property.

Tillman affirmed that the Zoning Board does not have the authority to consider another variance at this point. The only variance before the Board is the dimensional variance for a front yard setback.

Wilson said that he discussed this with Brian Borden, and everyone has been made aware of the parking issue. As a matter of expediency, the applicant can go before the Planning Board with the parking as it exists. The Planning Board may decide to refer them back to the Zoning Board of Appeals for an additional variance.

In answer to an inquiry from the Board, Eccles stated that they approached the adjacent business owner to the south about purchasing land for parking. That owner indicated that their site was deficient in parking for their building, and they did not want to lose more spaces. Neither was the adjacent owner interested in a mutual parking arrangement with Taco Bell.

Tillman inquired as to whether the applicant could approach the corporate office with a building that would meet ordinance constraints of the municipality. Rauch responded that Taco Bell designed the prototype presented to deal with properties that have size restrictions. They would have to redesign the building and show corporate the constraints of the Village ordinance.

Eccles said that they could probably negotiate 5 feet off the building. A building any smaller than that would not accommodate the additional equipment and storage that has been added to the kitchen area over the years. He mentioned that the architectural features and the lobby area are important to Taco Bell for their image.

Eccles related that it will cost close to \$1 million to redo the store in terms of building and equipment. They want to get the most for their money and not end up with an inefficient facility. The franchise agreement has expired. If the owner does not rebuild, he would have to close the Beverly Hills franchise. Eccles invited the Board members to take a look at a similar new building and drive through in Berkley on Coolidge between 11 and 12 Miles.

It was questioned whether the proposed new building would be any closer to Southfield Road than the Detroit Deli. Wilson could not verify the front yard setback of the Deli.

A member of the Board commended the Taco Bell store for the landscaping on their site. It was noted that many of the Southfield Road businesses have parking in the front, which is not an attractive use of the property. The Planning Board has been working on a concept plan for the redevelopment of the Southfield Road commercial area. Design considerations include pushing buildings closer to the roadway and relocating parking to the side or rear yards.

There was further discussion on how the plan could be modified to reduce the size of the building by 5 feet. Eccles indicated that they would have to go back to corporate with the variance granted and see how it can be worked out logistically.

Decision: Motion by Brady, second by Verdi-Hus, to approve a variance from the 35 foot front open space requirement in a business district to 21 feet for property located at 31305 Southfield Road based on practical difficulties with the size of the lot and unique circumstances involved in rebuilding an outdated 30-year old Taco Bell store at that location. The owner must update the building in order to maintain the franchise.

Roll Call Vote:
Motion passed (9 – 0).

PUBLIC COMMENTS

None

ZONING BOARD COMMENTS

None

MANAGER COMMENTS

Wilson updated the Board on the status of the fence at One Brady Lane. A portion of the fence has been removed and arbor vitae screening has been planted on the north side of the fence. The property appears to be in compliance with the ruling made by the Zoning Board of Appeals at its August 9, 2010 meeting.

Motion by Brady, second by Rass, to adjourn the meeting at 8:21 p.m.

Motion passed.

Michele Tillman, Vice-Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary