

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, AUGUST 7, 2013**

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.
2. Roll Call Showing: John Clark, Kenneth Mientkiewicz, Donald Morris, Melvin Zilka & Sheldon Chandler
Also in attendance: Carol Maise, City Planner & Linda McNeil, Sr. Secretary
3. Motion by Zilka supported Morris to approve the agenda as presented. Roll Call Vote: Zilka, Morris Clark, Mientkiewicz & Chandler. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
 2. Roll Call
 3. Approval of Agenda
 4. Approval of Minutes
 - A. Approval of the minutes of the special meeting of the Board of Zoning Appeals held on April 4, 2013 and the minutes of the regular meeting of the Board of Zoning Appeals held on June 5, 2013.
 5. Petitions
 - A. BZA-2013-006; Tim Horton’s requesting a variance to Section 11.06(b)(2) allow access to a Tim Horton’s/Cold Stone outdoor seating area from outside the building. The subject property is located at 7859 Merriman Road. D.P. # 80-80-042-99-0071-701.
 6. Old Business
 7. New Business
 8. Communications
 - A. City Planner’s Status Report
 - B. Minutes of the regular meeting of the Planning Commission held on April 15, 2013, May 20, 2013 and June 17, 2013.
 9. Discussion
 10. Adjournment
4. Motion by Morris supported by Mientkiewicz to amend the motion from the June 5, 2013 Board of Zoning Appeals meeting for BZA-2013-004; Clear Channel Outdoor to include “to grant a variance from Section 29-8.2.c”. Roll Call Vote: Ayes - Morris, Mientkiewicz, Zilka, Clark, Chandler. Nays – None. Motion Carried.

Motion by Mientkiewicz supported by Zilka to approve the amended minutes of the special meeting of the Board of Zoning Appeals held on April 4, 2013 and the minutes of the regular meeting of the Board of Zoning Appeals held on June 5, 2013. Roll Call Vote: Ayes – Mientkiewicz, Morris, Clark, Zilka & Chandler. Nays – None. Motion Carried.

5. Petitions

- B. BZA-2013-006; Tim Horton's requesting a variance to Section 11.06(b)(2) to allow access to a Tim Horton's/Cold Stone outdoor seating area from outside the building. The subject property is located at 7859 Merriman Road. D.P. # 80-80-042-99-0071-701.

Mr. Mark Kellenberger, Tim Horton's USA Inc., Project Planner, came forward representing the petitioner.

- Mr. Kellenberger stated that Tim Horton's is requesting the variance to allow an outdoor seating area without the main entrance being solely from the building. The outdoor seating area will be located on the south side of the building and will be accessible from the sidewalk area. It has been their experience in partnering with Cold Stone that not only do the Cold Stone customers utilize the patio area but the Tim Horton's customers also utilize the patio to drink their coffee. It has become a feature that is utilized for Cold Stone and also with free-standing Tim Horton restaurants. Outdoor seating is looked at on a site by site basis and is utilized when and where it will fit. It is a nice amenity for this particular site as Tim Horton's/Cold Stone is anticipating utilization by customers picking up people from the airport.
- Mr. Kellenberger noted that Tim Horton's has found that outdoor seating area requirements are tailored more towards the sit-down dining experience or drinking establishments that are trying to corral the diner's behavior and the ability to walk off with a glass of wine or a beer into the parking lot. Tim Horton's has received support from Fire Departments who do not want patrons having to go back into a burning building or have to jump over a fenced patio area. He finished by asking the Board of Zoning Appeals to allow Tim Horton's to have this outdoor seating area without the main entrance being through the building itself.

Chairman Chandler asked if anyone wished to speak on this matter. No one came forward.

Let the record show an affidavit of first class mail has been shown and is on file.

Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Chandler stated that this is going to be a nice project and that it will be nice to have it so close to home.
- Mr. Mientkiewicz questioned where exactly the outdoor seating area would be located.
- Mr. Kellenberger showed Mr. Mientkiewicz on the site plan where it would be located and how it would be accessed.
- Mr. Mientkiewicz asked whether you would have to go inside to purchase something from Cold Stone.
- Mr. Kellenberger answered yes and stated that it is a completely self-serve just like a normal Tim Horton's/Cold Stone would be; the customer would go inside and purchase their food/ice cream and then come outside to the patio.

- Mr. Mientkiewicz questioned if Mr. Kellenberger knows what franchise would occupy the second building on the site to the north.
- Mr. Kellenberger answered that he does not have a tenant at this point. This site was previously approved for a KFC/Taco Bell and the northern parcel, although not part of this proposal, shares the storm water system and the driveway has been designed to keep those patrons secluded off to the northern half of the property. The petitioner is only proposing to develop the southern half of the property at this time.
- Mr. Clark stated that this is a great idea and questioned how many patrons could be seated in the outdoor seating area.
- Mr. Kellenberger replied that there will be four (4) tables that seat four (4) patrons which would seat sixteen (16) people total.
- Mr. Clark stated that with all the hotels in the area, he believes a lot of people will be utilizing the Tim Horton's and that they may need more tables.
- Mr. Kellenberger noted there is the opportunity to add additional tables but that Tim Horton's has not experienced the need for the additional amount of outdoor seating at their other sites. He would love to come back in a year or so with the request for additional seating.
- Mr. Chandler questioned how Tim Horton's and Cold Stone are segregated inside the proposed building.
- Mr. Kellenberger answered that they are not separated. Tim Horton's works in conjunction Cold Stone but that all service is provided by Tim Horton's employees. The partnership with Cold Stone is working really well and given the right site it really has taken off.
- Mr. Morris asked Ms. Maise the status of the shared access easement agreement.
- Ms. Maise replied that as shown on the plan the two developments will share the driveway and the shared access easement agreement was part of the conditions of approval for both the site plan and special land use. Once the project nears completion the City will get a copy of the easement agreement.
- Mr. Morris questioned Mr. Kellenberger as to whether he is in agreement with providing additional plant materials as requested per the Planner's Report.
- Mr. Kellenberger answered that he read the Planner's Report and indicated on the plan where he thought the Planner was referencing.
- Ms. Maise stated that it is an approximately five (5) foot area located on the front of the building near the sidewalk. She suggested the use of some perennials.
- Mr. Kellenberger answered that it would not be a problem and that he would provide some low growing perennials.

Motion by Mientkiewicz supported by Zilka to approve the variance for BZA-2013-006 for Tim Horton's/Coldstone located at 7859 Merriman Road subject to the following:

1. Additional plant material shall be provided between the sidewalk on the north side of the building and the curb.
2. A shared access easement agreement is required as part of the lot split and all easements must be recorded with Wayne County Register of Deeds prior to issuance of any permits.

Roll Call Vote: Ayes – Mientkiewicz, Zilka, Clark, Morris & Chandler. Nays – None. Motion Carried.

6. Old Business – None.
7. New Business – None.

8. Communications

- Ms. Maise stated that there will be a meeting in September for Taco Bell who will be requesting a sign variance.
- Mr. Morris noted that it appears that Dollar General on Van Born Road is complete and open for business. He commented that the real brick looks nice.
- Ms. Maise answered yes and stated that there are issues with regards to outdoor storage, maintenance and landscaping but that they did utilize real brick.

9. Discussion

- Mr. Mientkiewicz thanked the Planning Department for the new packet holders and stated how nice they were.
- Ms. Maise replied that she saw these packets being utilized in another community and thought they were a great way to save money.

10. Adjournment

Motion by Mientkiewicz supported by Clark to adjourn at 7:18 p.m. Roll Call Vote: Ayes – Mientkiewicz, Clark, Morris, Zilka & Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals