



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.
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Legislative File No: 2012-0293 V3

TO: Mayor and City Council Members

FROM: Ed Anzek, Director of Planning and Economic Development, ext. 2572

DATE: May 31, 2013

SUBJECT: Conditional land use permit for two drive-through restaurants, southwest corner of Rochester and Auburn Roads

REQUEST:

Approval of a conditional land use permit to construct two drive-through restaurant uses as part of the redevelopment of the former Meadowbrook Dodge and current gas station site at the southwest corner of Rochester and Auburn roads.

BACKGROUND:

The applicant plans to demolish the existing dealership buildings and the gas station in order to redevelop the site for retail and restaurant uses. The proposed development includes a 4,600 square-foot stand alone McDonald's on Auburn Rd., two proposed retail buildings on Rochester Road totaling 18,759 square feet, including a drive-thru window on the southernmost building, and a future use building on Auburn totaling 8,832 square feet. The plan will reduce the overall number of driveways from seven to three, and the plans have been approved by MDOT.

The dealership parcel is zoned B-3, Shopping Center Business and the gas station is zoned B-5, Automotive Service (the gas station is proposed to be rezoned to B-3). Retail and restaurant uses are permitted by right in the B-3 district, while the two drive-thru uses require conditional land use approval by City Council following a recommendation by Planning Commission. Restaurants with drive-thru facilities in a B-3 overlay district require a conditional land use permit. The standards and/or requirements for Council's consideration regarding a restaurant with a drive-through are listed in Section 138-4.410 of the Zoning Ordinance and the findings listed in the enclosed Resolution. The issuance of the CLU is a discretionary decision by the City Council and based on 5 general criteria contained in Sec. 138-2.302 of the Zoning Ordinance. They are:

- 1) *Will promote the intent and purpose of this chapter.*
- 2) *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.*
- 3) *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or*

agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.

- 4) *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
- 5) *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

The Planning Commission held the conditional use permit public hearing at its May 21, 2013 meeting. At that meeting the Planning Commission recommended approval of the gas station parcel rezoning from B-5 to B-3, recommended approval of a conditional land use permit for the two drive-throughs, and approved the site plan subject to conditions (one of which was the approval of the rezoning). Please refer to the attached minutes for the specific Planning Commission actions.

RECOMMENDATION:

Staff and the Planning Commission recommend that City Council approve the conditional land use permit for two drive-through restaurants as part of the Rochester/Auburn retail redevelopment, located at the southwest corner of Rochester and Auburn, City File No. 12-010.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		