



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.  
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Legislative File No: 2021-0469 V2

**TO:** Mayor and City Council Members

**FROM:** Sara Roediger, Director of Planning and Economic Development, ext. 2573

**DATE:** April 1, 2022

**SUBJECT:** Request for conditional use approval to construct a drive-through associated with the construction of a new mixed use development with retail and multiple family residential uses, 2800 S. Rochester Rd., north of Auburn Rd.

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**REQUEST:**

Approval of a conditional use to construct a drive-through associated with the construction of a new mixed use development with retail uses and apartments after demolition of the existing Barnes & Noble building, 2800 S. Rochester Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay.

**BACKGROUND:**

The applicant has filed for a Conditional Use Permit to allow for the construction of a drive-through associated with a new retail building as part of a mixed use development that also includes 94 apartment units. Drive through operations require a Conditional Use permit in the B-3 zoning district.

The issuance of the conditional use permit is a discretionary decision by the City Council based on five general criteria contained in Sec. 138-2.302 of the Zoning Ordinance as follows, which are included in the resolution:

- 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 recommended approval of the conditional use with an 8-1 vote, with several findings and conditions as reflected in the attached resolution, at its March 15, 2022 meeting. Please refer to the attached Planning Commission minutes for further details.

It should be noted that the application for this development was submitted in its entirety prior to discussions of the moratorium on the Flex Business Overlay Districts. The development utilizes the FB-3 provisions of the Zoning Ordinance.

**RECOMMENDATION:**

Finding that the proposed request to allow a restaurant with a drive through meets the criteria of the Zoning Ordinance, the Planning Commission recommends that City Council approves the conditional use for Bebb Oak Meadows to construct a drive through at 2800 S. Rochester Rd., City File No. 21-008, subject to the findings and conditions noted in the attached resolution. If City Council should decide to not follow the Planning Commission recommendation and to deny the conditional use, an alternate resolution is also provided.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy City Clerk		

Contract Reviewed by City Attorney  Yes  N/A