

Bebb Oak Meadows

REQUEST	Conditional Use Recommendation Tree Removal Permit Site Plan Approval
APPLICANT	Michael Thompson Stucky Vitale Architects 27172 Woodward Ave. Royal Oak, MI 48067
LOCATION	2800 S. Rochester Rd., north of Auburn Rd. (former Barnes & Noble building)
FILE NO.	21-008
PARCEL NOS.	15-27-477-058
ZONING	B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay
STAFF	Kristen Kapelanski, AICP, Manager of Planning

Summary

The applicant is proposing to demolish the existing Barnes & Noble building on a five acre parcel located on Rochester Rd. north of Auburn Rd. and to construct a mixed use development with retail, a drive-through restaurant and 94 apartments, with associated parking areas and landscaping. The plans include a one-story retail building constructed with a drive-through, and a four-story building including apartments constructed to the west/rear, totaling 121,796 sq. ft. A drive-through is permitted as a conditional use which requires a public hearing before the Planning Commission makes a recommendation to the City Council.

Based on the commissioners comments made at the November 18, 2021 meeting, the applicant made revisions to address circulation concerns, revised the residential building elevations, provided revised landscaping, and other items.

The applicant made the following revisions based on commissioners' comments at the February 15, 2022 meeting:

- Elevations were revised to remove the white/gray appearance.
- An elevation of the proposed carport design was added to the plans.



- Changes to the drive-through circulation have been made to provide some additional separation.
- The maximum floorplate of the rear structure has been provided as 18,716 sq. ft. when 25,000 sq. ft. is permitted per Section 138-8.500.B. Refer to the applicant's response letter dated March 9, 2022 for additional information.

A note should be added to the landscape plan for future submittals, instructing that the clay barrier should be broken up to allow for better plant growth.

	Zoning	Existing Land Use	Future Land Use
Site	B-3 Shopping Center Business with an FB-3 Flexible Business Overlay	Vacant Barns and Noble Store	Commercial Residential Flex 3
North	B-5 Automotive Service Business with an FB-3 Flexible Business Overlay	Jax Car Wash	Commercial Residential Flex 3
South	B-3 Shopping Center Business with an FB-3 Flexible Business Overlay	Ford Dealership	Commercial Residential Flex 3
East	B-3 Shopping Center Business with an FB-3 Flexible Business Overlay	Hampton Village Retail plaza	Commercial Residential Flex 3
West	R-3 One Family Residential	Single family residential	Residential 3

Staff Recommendations

As the plan meets all of the technical requirements of the ordinance, staff has recommended approval or approval with conditions. The Planning Commission must also consider the discretionary standards of *Section 138-2.302* of the Zoning Ordinance pertaining to the conditional use associated with the drive-through facility. Draft motions for both approval and denial are provided for consideration.

Department	Comments & Waivers/Modifications	Recommendation
Planning	Modifications requested	Approval
Fire	Approved with conditions	Approval
Assessing	Approved	Approval
Engineering	Comments to be handled at construction plan review	Approval
Parks & NR	No outstanding comments	Approval
Building	Comments to be handled at Building permit review	Approval

General Requirements for Conditional Uses

Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed drive-through's compliance with each.

1. *Will promote the intent and purpose of (the Ordinance).* The B-3 and FB-3 districts do support and promote uses including a restaurant with a drive-through.
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.* The physical appearance of the proposed commercial building with the drive-through will be compatible with the surrounding area.
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.* The property has been served adequately by all City services. Any demands placed on the public infrastructure are already accounted for by previous use of this property.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* There will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to 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.* There will be no additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

The conditional use was noticed for a public hearing. Written comments received previously have been included, and public comment was received at the November public hearing.

Motion to Recommend Conditional Use Approval

MOTION by _____, seconded by _____, in the matter of City File No. 21-008 (Bebb Oak Meadows), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a restaurant with a drive-through, based on plans received by the Planning Department on February 25, 2022 with the following findings:

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal will have a positive impact on the community by adding housing options, goods and services, and offering employment opportunities.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will 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. If, in the determination of City staff, the intensity of the drive-through changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

Motion to Recommend Conditional Use Denial

MOTION by _____, seconded by _____, in the matter of City File No. 21-008 (Bebb Oak Meadows), the Planning Commission **recommends** to City Council **Denial** of the **Conditional Use** to allow a restaurant with a drive-through, based on plans received by the Planning Department on February 25, 2022 with the following findings:

Findings

1. The drive-through use will not promote the intent and purpose of the Zoning Ordinance due to traffic and circulation concerns associated with the drive-through layout.
2. The drive-through has not been designed and is not proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use, based upon traffic and circulation concerns.
3. The proposal will not have a positive impact on the community due to traffic and circulation concerns associated with the proposed drive-through.
4. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare due to traffic and circulation concerns.

Motion to Approve a Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 21-008 (Bebb Oak Meadows) the Planning Commission **grants** a **Tree Removal Permit**, based on plans received by the Planning Department on February 25, 2022 with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove 13 regulated trees and no specimen trees, with 8 replacement trees required, and with 8 replacement trees proposed to be installed.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.

No payment to the City's tree fund is required.

Motion to Approve Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. 21-008 (Bebb Oak Meadows) the Planning Commission **approves** the **Site Plan**, based on plans received by the Planning Department on February 25, 2022 with the following findings and subject to the following conditions:

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Rochester Rd. by existing curb cuts, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape bond in the amount of \$155,585, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

Reference: Revised Plans dated February 25, 2022 and received by the Planning Department February 25, 2022

Attachments: EIS, TIS, Response Letter, Staff review letters, Landscape cost estimate, Soils report, Hydrant Flow Test, TRP notice, Public hearing notice
