



Department of Planning and Economic Development

Staff Report to the Planning Commission November 13, 2015

Auto Rite Sales

REQUEST	Conditional Use Recommendation Site Plan Approval
APPLICANT	Auto Rite Sales 1923 E. Auburn Rd. Rochester Hills, MI 48307
AGENT	Syed Ahmed
LOCATION	North side of Auburn Rd., between John R and Dequindre
FILE NO.	13-005.2
PARCEL NO.	15-25-482-025
ZONING	CI Commercial Improvement with FB-2 Flexible Business Overlay
STAFF	Sara Roediger, AICP, Manager of Planning

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Summary

Mr. Ahmed is proposing to construct a new 2,448 square-foot automobile sales building with three service bays on the eastern 0.29 acre of a parcel located on the northwest corner of Auburn and Hessel Rds., west of Dequindre. The site had previously been conditionally approved (in the summer of 2013) for a used car lot displaying a maximum of five cars. At that time, the CI district permitted the outdoor sales of used cars as a conditional use. During the approval process, it was understood that the applicant would be proceeding with a plan to demolish the existing building and construct a new building. Since the project was approved, the uses permitted in the CI district have changed, and used car sales are no longer permitted. Staff, in consultation with the city attorney, had concurred that as originally discussed, the applicant is vested at this location for outdoor used car sales. As proposed, the plan requires a public hearing before the Planning Commission and a recommendation to City Council for the conditional use.

Adjacent Land Uses and Zoning

The site is zoned commercial and master planned for Business Flexible Use 2 as are the areas to the south, east and west. To the north, the properties are zoned R-4 One Family Residential, master planned for Residential 4 and are developed with homes. To the east is a Marathon Gas Station and to the south is the Gethsemane Lutheran Church. This review does not include the property immediately west of the site, also owned by the applicant, which has been illegally used for vehicle storage.

Time Limitations

Some history. With direction from the Planning Commission, staff commenced in late 2013 with a modification to the Zoning Ordinance that established the permitted uses for the CI District to be those permitted in the FB-2 District (Sec. 138-6.300). This action prohibited used car lots, however, the auto rite operation was grandfathered but only for the small corner lot. This change went into effect in June, 2014. About that time Code Enforcement asked staff about an inordinate number of vehicles being stored on the adjacent lot. It was learned that they were the excess inventory for the Auto-Rite operation. After a series of conversations, directives and citations to remove the vehicles a meeting was held between the attorneys for Mr. Ahmed, the City Attorney and staff. This meeting was in January 2015. A pledge was made that Mr. Ahmed would submit plans immediately, build the new facility that would allow for more than 5 vehicles as originally conditioned and remove the excess inventory from the adjacent lot.

Now that the plans have finally reached a point that they can come before the Planning Commission, staff would like to establish some timeframe for the construction of the new building and the elimination of the storage of excess vehicles on the adjacent lot. The amended Conditional Use Permit can apply a condition for date of completion however, staff would offer that the adjacent land area where the vehicles are being stored would be a zoning compliance issue handled by Code Enforcement. To that end, we have added a suggested condition as a timeframe for completion.

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. The Planning Commission shall find that the conditional use will:

1. Will promote the intent and purpose of (the ordinance).
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.

Site Plan Review Considerations

1. **Site Layout.** The setback requirements have been met on all but the front yard, where a 70-foot setback is now being proposed (increased since the staff review from 65 feet to accommodate the proposed right-of-way) where the maximum is 10 feet. The Planning Commission can approve a larger maximum setback provided that it is necessary to accommodate the intended use or is justified by conditions on or adjacent to the site. The historical nature of car sales lots is to place the product for sale in front, with the building in the rear. If the Planning Commission agrees to the setback modification, it has been added as a finding.
2. **Access.** The approaches currently being used are from Hessel and Auburn, extending across the majority of the east and south property lines. The approach on Auburn will be reduced to 24 feet. There is an

existing gate along Hessel which will be permanently locked, however, if in the future that access point is used, the access point on Hessel would need to be similarly reduced. Per staff's request, a sidewalk is being provided along Hessel.

3. **Parking.** The minimum parking requirement for retail and service is one space per 300 square feet which results in eight spaces. Eight parking spaces are proposed in addition to an area for display parking.
4. **Landscaping/Tree Removal.** As proposed, the site is deficient in 13 required trees (increased by two trees since the staff review to accommodate tree spacing requirements from right-of-way). Due to the site's size and proximity to infrastructure and right of way conflicts, cannot accommodate the required trees onsite. As a result, the applicant will pay \$2,600 into the City's Tree Fund. An irrigation plan must be submitted prior to final approval by staff. A landscape bond is required to be posted prior to issuance of a Land Improvement Permit.
5. **Building Design.** The building is proposed to be one story, 23.4 feet high, which is in compliance with the two-story maximum allowed in the district. The primary materials are light red brick with a blue fiberglass panel fascia entrance and cream split face CMU for accent.
6. **Other Reviews.** The plans have been reviewed and have received a recommendation of approval with conditions from other the city departments, with the exception of Engineering. In response, the applicant has submitted revised plans and the attached November 10, 2015 response letter from Stempien Associates that should address Engineering's comments.

Site Plan Summary

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments and consultants. The applicant submitted a response letter dated received November 10, 2015 to address some outstanding comments (please refer to attached letter from Stempien Associates). Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees the addition will be harmonious and compatible in appearance with the existing development, staff recommends approval of the following motions relative to City File No. 13-005.2 (Auto Rite Sales).

Conditional Use Approval Motion

MOTION by _____, seconded by _____, in the matter of City File No. 13-005.2 (Auto Rite Sales) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to construct a drive-through, based on plans dated received by the Planning Department on October 6, 2015, with the following findings.

Findings

1. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The expanded use will promote the intent and purpose of the zoning ordinance.
3. The proposed building has been designed and is proposed to be constructed, 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.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
5. The proposed development should 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. That the construction of the new facility and all site improvements be completed no later than October 31, 2016. If the completion date is not met the applicant can request an extension to be granted by the Planning Commission. If no extension is requested the City will initiate action to revoke the Conditional Use Permit.

Site Plan Approval Motion

MOTION by _____, seconded by _____, in the matter of City File No. 13-005.2 (Auto Rite Sales), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on October 6, 2015, 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 use was approved in 2013, prior to the ordinance change, and the applicant is vested for automobile sales in the CI and FB-2 districts.
3. The requested 70 foot increased front yard setback is justified as it will allow for a better display of the vehicles in front and allow the building to the rear, as is typical with automobile sales establishments.
4. The proposed project will be accessed by an existing driveway which will be reduced to 24 feet, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic on Hessel.
5. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
6. The proposed fencing had been recommended for approval by the Planning Commission.
7. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
8. 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. City Council approval of the conditional use.
2. Provide a landscape bond for replacement trees in the amount of \$5,275, prior to issuance of a Land Improvement Permit for this development.
3. Provide an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.
4. Payment of \$2,600 into the City's Tree Fund, prior to final approval by staff.
5. Reduce access approach on the eastern property line to 24 feet in width if access is ever provided off of Hessel.
6. Address all applicable comments from other city departments and outside agency review letters, prior to final approval by staff.

Reference: Plans dated received by the Planning Department October 6, 2015 (*floor Plan and Elevations, Sheet C.1, prepared by Chester Stempien Associates; Storm Sewer/Utility Plan, Sheet 1, prepared by Chippewa Consulting; Landscape Plan, Sheet LS-1, prepared by Felino A. Pascual and Associates;*

Photometric Plan, Sheet E.1, prepared by Chester Stempien Associates; Topographical Survey, Sheet 1, prepared by Reichert Surveying, Inc.

Attachments: Assessing Department memo dated 4/1/15; Building Department memo dated 8/27/15; Fire Department memo dated 9/1/15; Parks and Forestry memo dated 10/15/15; DPS/Engineering memo dated 10/20/15; Planning Memo dated 10/21/15; Response letter from Stempien Associates and Notice of Public Hearing.

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