



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

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Legislative File No: 2015-0348 V3

TO: Mayor and City Council Members

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

DATE: February 12, 2016

SUBJECT: Request for a conditional use permit for a used car operation located at 1923 E. Auburn, west of Dequindre, Syed Ahmed, Applicant

REQUEST:

Approval of a conditional use permit to operate a used car sales business in the Old Towne district at the northwest corner of Auburn and Hessel.

BACKGROUND:

The applicant plans to demolish the existing building and use 0.29 acre of a 0.86 acre site to put up a new, 714 square-foot office and 1,043 square-foot service bay building with associated site improvements at the northwest corner of Auburn and Hessel Roads (west of Dequindre) for a used car business.

When the applicant first appeared before the Planning Commission in 2013 to operate a used car lot in the C-I Commercial Improvement District, a conditional use recommendation was required and obtained. Subsequently, in 2015, a zoning amendment was approved adding an FB-2 Overlay to the C-I District, which no longer allowed used car operations. When the applicant received site plan approval in 2013 (prior to the zoning amendment) the City permitted the business to park five cars on the site until the lot was improved and a new building was constructed at which time additional cars would be permitted.

The applicant appeared before the Planning Commission on January 19, 2016 with a request for conditional use recommendation and site plan approval for a new building and to be able to display 18 cars. The requests were granted with conditions (please refer to the minutes dated January 19, 2016) with the exception that the conditions included that a maximum of 12 cars to be displayed and that the gate along Hessel had to be removed, among others. Please refer to the applicant's letter dated February 8, 2016 and the attached planning and engineering department staff reviews. The applicant asks for reconsideration of three of the conditions of approval as follows, with staff comments noted in italics:

1. A total of 12 vehicles shall be allowed for display and two in the bays at one time, prior to City Council consideration of the plans. *The applicant has provided revised plans that show 12 display spaces, along with 6 alternate locations and references an approval by the planning department in their letter, which is not true. Planning staff has not met with or discussed*

providing additional cars on this site. City Council should determine whether or not the applicant's request warrants consideration, but please reference the Planning Commission minutes as there was much discussion regarding concerns for over parking this site. If the City Council upholds the Planning Commission recommendation to limit the site to 12 cars (plus 2 in the bay) then revised plans eliminating the six alternate locations must be submitted.

2. *If two or more violations, as determined by the local district court or violations of the conditions occur in one year on the west or east lot, the Conditional Use Permit shall be considered revoked, and staff shall be directed to initiate legal revocation proceedings of the Conditional Use Permit. If the City Council upholds the Planning Commission recommendation no changes are needed, but if the City Council reconsiders the monetary penalties shall be clearly identified.*
3. *The gate on Hessel shall be shown as removed and replaced with a solid fence, prior to City Council consideration of the plans. Staff believes the intent of this condition was to prevent access in and out of the site, and if the applicant welds the gate shut it will meet the intent of this condition, and if the City Council agrees, then revised plans indicating the gate will be welded shut must be submitted.*

Approval of a conditional use permit is a discretionary decision by the City Council and based on 5 general criteria contained in Sec. 138-2.302 of the zoning ordinance as follows:

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.*

RECOMMENDATION:

The Planning Commission recommends that City Council approve the conditional use permit for a used car sales business located at 1923 E. Auburn, west of Dequindre with conditions in the attached Resolution, City File No. 13-005.2.

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