



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

**1000 Rochester Hills Dr.
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Legislative File No: 2015-0348 V6

TO: Mayor and City Council Members

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

DATE: April 1, 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 at 1923 E. Auburn in the C-I district at the northwest corner of Auburn and Hessel, west of Dequindre.

BACKGROUND:

At the March 14, 2016 City Council meeting, a resolution regarding the conditional use was brought back to Council after the matter had been tabled at Council's February 22, 2016 meeting. The applicant wished to discuss the possibility of rescinding the resolution, and he agreed to accept and address the conditions of the Planning Commission meeting of January 19, 2016. After a short deliberation at the March 14 meeting, Council passed a resolution to deny the request, but added a stipulation that would allow Mr. Syed to bring back revised site plans showing the display of 12 cars and addressing the conditions of the Planning Commission. A March 2, 2016 letter from the applicant is again attached, which agrees to all conditions of approval and urges Council to approve the conditional use.

As related previously, the applicant plans to demolish the existing building and use 0.29 acre of a 0.86 acre parcel to put up a new building, consisting of a 714 square-foot office and 1,043 square-foot service bay with associated site improvements at the northwest corner of Auburn and Hessel Roads 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 approved ultimately by Council. 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, including that a maximum of 12 cars could be displayed. The applicant appeared before Council continuing the request to park 18 cars, which was denied. He is now before Council with a site plan showing 12 cars and addressing prior conditions.

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 as requested for a used car sales business located at 1923 E. Auburn, west of Dequindre with findings and conditions in the attached Resolution, City File No. 13-005.2.

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