



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

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Legislative File No: 2024-0203 V2

TO: Mayor and City Council Members

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

DATE: April 26, 2024

SUBJECT: Request for approval of a Conditional Use (PCU2024-0003) to allow a stepped back, three-story mixed-use building, The Gerald, located at 1760 E. Auburn, the southwest corner of Auburn and Gerald Ave. in the Brooklands, Mike Chaudhary, Applicant

REQUEST:

Approval of a conditional use to allow a stepped back, three-story mixed-use building (The Gerald), located at 1760 E. Auburn (Parcel No. 15-36-226-068), property zoned BD Brooklands District.

BACKGROUND:

The applicant has filed for a new Conditional Use permit to allow for a stepped back, three-story mixed-use building on the site, which is currently vacant. The property is located at the southwest corner of Auburn and Gerald Ave. The building is proposed to be 33,692 square feet. The first floor is proposed to provide approximately 8,395 square feet of retail use, while the 2nd and 3rd floors will include a total of 10 residential units. The site will provide onsite parking for the residential uses and the parking for nonresidential uses will be serviced by street parking along with the parking that is provided in the City's recently completed Eastern Ave. parking lots. The subject property is approximately 0.49 acres and is zoned BD Brooklands District which allows for a number of nonresidential and mixed uses.

Third stories in the subject district require a conditional use approval from City Council. The standards for Council's consideration regarding a third-story in the BD district are listed in Section 138-6.302 B. of the Zoning Ordinance. The City may allow additional height up to a maximum of 45 feet/three stories subject to the top floor being stepped back ten feet from the second story on front building facades along Auburn Road and all rear building facades. The proposed building is 42 feet to the top of the roof beam. The applicant was required to and has submitted site line drawings that illustrate the relationship of the additional height with the nearest residential buildings on any residentially zoned parcels sharing a boundary with the site.

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 and that are included in the resolution:

General Conditional Use Criteria

- 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 site plan and conditional use were previously approved (recommended) for approval by the Planning Commission at their February 16, 2021 meeting. The City Council previously granted conditional use approval at their February 22, 2021 meeting. However, these approvals have expired since construction did not proceed per the requirements of Sec. 138-2.207.

The Planning Commission, at its April 16, 2024 meeting, again, recommended approval of the conditional use and again, approved the associated site plan, with several findings and conditions as reflected in the attached resolution. The two main conditions, which the applicant is in agreement with, was to provide additional brick materials on the upper stories of the building and to provide an additional fire hydrant pursuant to the Fire Department’s requirements. Please refer to the attached Planning Commission minutes for further details.

RECOMMENDATION:

Staff and the Planning Commission recommend that City Council approves the conditional use to construct The Gerald, a three-story, stepped back mixed-use building at the southwest corner of Auburn Road and Gerald Ave., based on plans dated received by the Planning and Economic Development Department on March 1, 2024. (Parcel No. 15-36-226-068, File No. J2024-0040 (PCU2024-0003), subject to the findings and conditions noted in the attached resolution

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

Contract Reviewed by City Attorney Yes N/A