



## Department of Planning and Economic Development

Staff Report to the Planning Commission December 15, 2017

### The Winchester District

<b>REQUEST</b>	Conditional Use Recommendation Tree Removal Permit Site Plan Approval
<b>APPLICANT</b>	Craig Singer Rochester KM Partners, LLC c/o First Holding Management Co. 6960 Orchard lake Rd., Suite 300 West Bloomfield, MI 48322
<b>LOCATION</b>	Rochester Rd. south of Avon (Winchester Mall)
<b>FILE NO.</b>	17-036
<b>PARCEL NO.</b>	15-22-226-014
<b>ZONING</b>	B-3 Shopping Center Business with an FB-3 Flex Business Overlay
<b>STAFF</b>	Kristen Kapelanski, AICP, Manager of Planning

*In this Report:*

Summary..... 1

Adjacent Land Uses and Zoning..... 1

General Requires for a Conditional Use..... 2

Site Plan Review Considerations..... 2

Motion to Recommendation Conditional Use..... 3

Motion to Approve a Tree Removal Permit..... 3

Motion to Approve Site Plan ..... 4

### Summary

The applicant proposes to redevelop a portion of the existing, vacant shopping center at the southwest corner of Rochester and Avon Roads. The building will be updated and two new outbuildings will be added, an ALDI grocery store and a future Building D, along with a relocated Burger King (approximately 2,000 s.f.) restaurant with drive-through. The site is on a 12.9-acre parcel and can be accessed from Rochester, Avon and Meadowfield Dr. to the south. Several spaces to park bikes and internal sidewalks will be added for the safety of pedestrians. Underground detention will be designed to connect to the City’s stormwater system.

### Adjacent Land Uses and Zoning

The site is zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay which permits the intended use. The site will be developed using the B-3 standards. Given the zoning, the applicant has made efforts to incorporate elements of the FB Overlay, including but not limited to providing safe pedestrian circulation throughout the site along with substantial landscape areas, a central entrance drive and pedestrian-scale

lighting. There is commercial zoning to the west (Home Depot) and south (shopping center); Industrial (Sanyo America) to the north across Avon; commercial and automotive service (Genisys Credit Union and a gas station) to the immediate north; and Special Purpose (Leader Dogs for the Blind) to the east across Rochester Rd. The site is Master Planned FB-3.

## General Requirements for Conditional Uses

---

Drive-through restaurants are a conditional use in the B-3 District. Per *Section 138-2.302* of the zoning ordinance, there are four areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use for a drive-through restaurant. The Planning Commission shall find that the conditional land use will:

- A. *Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures to separate the primary structure are prohibited.* The drive-through windows are clearly incorporated into the structure.
- B. *Drive-through uses must be located to the rear or side of the primary structure and set back a minimum of 10 feet from the front building wall of the primary structure.* Drive-through located on the side of the structure with sufficient setback.
- C. *Drive-through uses shall be configured such that glare from headlights is obstructed from shining into a public right-of-way or neighboring residential use.* Drive-through facing onto Rochester Road right-of-way has been appropriately screened.
- D. *Unless a more intense buffer is required by Section 138-12.300, a type B landscape buffer shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property.* The site is not adjacent to a residentially zoned property or use.

## Site Plan Review Considerations

---

1. **Site Layout.** The proposed development is in compliance with all setback, area and building requirements of the B-3 district. The proposed drive-through meets the requirements for a Conditional Use. The future building location for Building D is shown along with the relocated Burger King, but a description of all proposed façade materials should be provided for the Burger King.
2. **Parking/Access.** The number of spaces required for this site is 619, including 1 space per 2 persons at maximum occupancy for the restaurant and 566 spaces are proposed. The Planning Commission may modify the required number of spaces if it determines that another standard is reasonable due to the level of employment and customer traffic. According the applicant, a large portion of Building A will be occupied by Art Van furniture, which generates less customer traffic because of the large show space. All parking setbacks are in compliance. Parking dimensions are shown at 9.5' x 16' with a two-foot overhang into landscape area (10' x 18' regular). Employee spaces may be reduced to 9' x 18' and must be designated on the plan. The Planning Commission may reduce the minimum parking space width to nine feet and staff is not concerned with a .5 ft. reduction. Loading spaces are in compliance, but after hours deliveries for Building D and Burger King should be noted on the plan. The Building Dept. recommends relocating barrier free spaces by Buildings C and D to provide additional spaces. Details of the bike racks must be provided.
3. **Tree Removal.** The Tree Conservation Ordinance applies to this development. Seven trees are proposed to be removed and replaced with 8 tree credits onsite. A Tree Removal Permit is required, and a motion is included below.
4. **Lighting.** The proposed lighting plan is in compliance for fixtures, intensity (footcandles) and wattage.
5. **Detention.** Underground detention is being designed to meet Engineering standards.
6. **Natural Features.** The site does not contain any impacts to natural features setbacks or wetland areas in the subject development area.

7. **Landscaping.** All landscaping requirements of Section 138-12.100-308 are in compliance. Please refer to 9. Landscaping in the Planning memo dated December 4, 2017 for what is required and proposed. An irrigation plan must be provided prior to final approval by Planning staff, and a performance bond will be required prior to final grade inspection by Engineering.
8. **Architecture.** The proposed buildings are generally designed in accordance with the City's Architectural Design Standards. Proposed materials and colored elevations are provided for your review. Please refer to the attached colored renderings.
9. **Other Reviews.** The plans have received a conditional recommendation of approval from the City's building department and the engineering comments can be handled during construction plan approval. Please refer to the appropriate attached reviews.

### **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. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees that the development areas will be harmonious and compatible in appearance with the existing development, staff recommends approval of the following motions relative to City File No. 17-036 (The Winchester District).

### **Motion to Recommend Conditional Use Approval**

---

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 17-036 (The Winchester District) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a drive-through at a restaurant in the B-3 district, based on plans dated received by the Planning Department on November 20, 2017, with the following findings.

#### **Findings**

1. The proposed drive-through 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 drive-through 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 proposal should have a positive impact on the community as a whole and the surrounding area by offering an improved drive-through restaurant.
5. 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.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. 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.

### **Motion to Approve a Tree Removal Permit**

---

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 17-036 (The Winchester District), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on November 20, 2017, 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 seven regulated trees with four tree on site totaling eight tree credits.

### **Conditions**

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$216.75 per tree.

### **Motion to Approve Site Plan**

---

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 17-036 (The Winchester District), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on November 20, 2017, 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, Avon and Meadowfield Dr., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Paths and bike racks have been incorporated to promote safety and convenience of pedestrian traffic.
3. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety.
4. The proposed improvements will improve a vacant shopping center building, add a new grocery store and restaurants, and should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the vicinity.
5. 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 performance bond for replacement trees, landscaping and irrigation in the amount of \$205,222.00, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.

---

Reference: Plans dated received by the Planning Department November 20, 2017, prepared by PEA Associates, Technical Group and Gaspare Accordo.

Attachments: Assessing Department memo dated 9/28/17; Building Department memo dated 11/27/17; DPS/Engineering memos dated 9/27/17 and 12/06/17; Planning Department Memo dated 12/04/17; Fire Department memo dated 11/28/17; Parks & Forestry memo dated 11/26/17; Legal memo dated 9/27/17; WRC letter dated 10/02/17; EIS; Tree Removal Notice, Public Hearing Notice.

---

i:\pla\development reviews\2017\17-036 the winchester district\staff report 12-15-17.docx