



Department of Planning and Economic Development

Staff Report to the Planning Commission

October 13, 2021

Gateway Spec. Building Drive-Through

REQUEST	Site Plan Approval Conditional Use Recommendation
APPLICANT	Emily D'Agostini Kunath D'Agostini 38700 Van Dyke, Suite 200 Sterling Heights, MI 48312
LOCATION	3784 S. Rochester Rd. West side of Rochester, north of South Blvd.
FILE NO.	95-044.3
PARCEL NO.	15-34-477-018
ZONING	B-3 Shopping Center Business District with an FB-3 Flex Business Overlay District
STAFF	Kristen Kapelanski, AICP, Manager of Planning

Summary

The applicant is proposing to construct a two story 29,000 sq. ft. mixed use building with retail, office and restaurant uses on an approximately 2.6 acre parcel of land located on the west side of Rochester Rd. and north of South Blvd. The project is part of a larger proposed development on 9.5 acres that includes a four story hotel. A drive-through is proposed as part of the mixed use building which requires a Conditional Use permit in the B-3 Shopping Center Business District. The drive-through will be located on the south side of the proposed building.



Bolyard Lumber is located to the north of the site, the proposed hotel property is located to the west of the site, and an existing medical office building is located to the south.

Staff Recommendations

All staff have recommended approval or approval with conditions. If the Planning Commission feels that the proposed use and development will be compatible with its surroundings, below are motions for consideration.

Department	Comments & Waivers/Modifications	Recommendation
Planning	Conditional use permit required for drive-through	Approval
Fire	No outstanding comments	Approval
Engineering	Comments to be handled at construction plan review	Approval
Parks & NR	No outstanding comments	Approval
Building	Comments to be handled at Building permit review	Approval

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. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

- Will promote the intent and purpose of (the Ordinance).* Drive-through operations are commonly associated with permitted uses within the B-3 zone district and the FB-3 overlay district.
- 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.* The proposed drive-through operation should be compatible and harmonious the location and adjoining properties.
- 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.* The plans have been reviewed and approved by City Engineering and Fire departments and found to be acceptable.
- Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* There will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to the public welfare. There appears to be adequate space for drive-through cueing as the layout wraps around to the rear of the building, and there is additional space if needed.
- Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* There will be no additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

The conditional use was noticed for a public hearing. One supportive public comment was received from Bolyard Lumber m who owns the property directly north of the proposed drive through as part of the mixed used building.

Conditions for Drive-Through Facilities

Per Section 138-4.410 any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the following requirements:

1. *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 separate from the primary structure are prohibited.* In compliance, the drive through is designed as part of the principal building on the site.
2. *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.* In compliance, the drive-through is located along the southerly side of the proposed building, with cueing to wrap around the rear of the building, and is set back appropriately.
3. *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.* There are no adjacent residential properties, and the cars might be far enough from Rochester so as to not cause glare. It should be noted that there are residential properties located to the west of the proposed four story hotel that will be a part of this development.
4. *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.* Not applicable, the property does not abut any residentially zoned or used properties.

Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed by staff. If the Planning Commission agrees that allowing a drive-through operation as part of this proposed mixed use building will be harmonious and compatible with the surroundings, below are motions for consideration:

Motion to Approve Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. 95-044.3 (Gateway Spec. Building Drive-Through), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on September 1, 2021 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 Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. 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 bond in the amount of \$136,981.75, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, in the matter of City File No. 95-044.3 (Gateway Spec. Building Drive-Through), the Planning Commission **recommends** to City Council **Approval of the Conditional Use** to allow for a drive-through operation, based on documents dated received by the Planning Department on September 2, 2021 with the following findings.

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The building has been designed and is proposed to be 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.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, 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. City Council approval of the Conditional Use.
2. If, in the determination of City staff, the intensity of the drive-through changes, increases, or becomes materially greater than the intensity normally and reasonably associated with other food service drive-through uses that are established in the City, in terms of traffic, queing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission for re-examination of the conditional use approval and conditions for possible modification or supplementation.

Reference: Plans dated received by the Planning Department on September 2, 2021

Attachments: Conditional use request documentation and Notice of Public Hearing

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