



## Legislation Details (With Text)

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**On agenda:**      **Final action:** 2/7/2022

**Title:** Request for Conditional Use Approval to allow a modular coffee drive-through with landscaping within an outlot within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 020722 Agenda Summary.pdf, 2. Letter to City Council 012822.pdf, 3. Presentation 012822.pdf, 4. Staff Report 011822.pdf, 5. Minutes PC 011822 (Draft).pdf, 6. Applicant's Letter 011022.pdf, 7. Letters of Support.pdf, 8. Letter from Rochester Salon Suites.pdf, 9. Minutes PC 122121.pdf, 10. Staff Report 122121.pdf, 11. Reviewed plans 120221.pdf, 12. Minutes PC 111621.pdf, 13. Staff Report 111621.pdf, 14. PHN 111621.pdf, 15. Response letter 111521.pdf, 16. Reviewed Site Plan 101521.pdf, 17. MDOT email 081621.pdf, 18. Landscape estimate 091721.pdf, 19. Irrigation schedule 091721.pdf, 20. EIS 091721.pdf, 21. Fire test 091421.pdf, 22. Alternate Resolution (Draft).pdf, 23. Resolution (Draft).pdf

Date	Ver.	Action By	Action	Result
2/7/2022	4	City Council Regular Meeting	Denied by Resolution	Pass
1/18/2022	3	Planning Commission	Recommended for Denial	Pass
12/21/2021	3	Planning Commission	Postponed	
11/16/2021	1	Planning Commission		

Request for Conditional Use Approval to allow a modular coffee drive-through with landscaping within an outlot within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

**Resolved,** that the Rochester Hills City Council hereby denies the Conditional Use to allow a modular coffee drive-through with landscaping within an outlot within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, based on plans dated received by the Planning Department on December 1, 2021 and September 17, 2021 with the following findings:

**Findings**

1. The use will not promote the intent and purpose of the Zoning Ordinance because (i) the Zoning Ordinance promotes building architecture and aesthetics to be compatible and harmonious with the surrounding area, which the proposed building fails to do, and approval of the proposed development would set an adverse precedent to allow similar buildings to be developed in many parking lots and other similar areas of the City; and (ii) the Zoning Ordinance promotes safe vehicular access, which the proposed site does not provide due to potential traffic conflicts between the only site entrance and traffic passing thereby from three (3) other directions in a busy shopping center. Further, the Zoning Ordinance does not specifically promote modular drive-through structures that look like the proposed modular structures within existing parking lots, nor does it promote a business with only a drive-through and no seating area inside a building. If approved, there are concerns that such uses could proliferate throughout the City, which would create visual clutter and be detrimental to the building and development standards of the community.

2. The site and the proposed building have not been designed and proposed to be compatible, harmonious, and appropriate in appearance or operation with the existing and planned character of the general vicinity and adjacent uses of land or the community as a whole, for several reasons. First, the Meijer parking lot was not designed to accommodate such a development in this location. The proposed site plan within the existing parking lot will create potential traffic conflicts and make vehicular circulation for adjoining businesses more difficult, as it is filling a large portion of a relatively small space within a very busy shopping center, which will likely lead to vehicle conflicts and unsafe conditions. Such traffic conflicts may be detrimental to both the customers of those businesses and the businesses themselves if they suffer a loss of customers. Second, the design, architecture and aesthetics of the proposed modular drive-through structure are not compatible or harmonious in appearance with any of the existing buildings surrounding the site, including the Meijer store, the MedPost Urgent Care, the Culver's restaurant or the Panda Express building. These other sites have buildings that are conventional rectangular shaped buildings, and do not contain a vertical and a horizontal component that resemble shipping containers, such as the proposed development. Allowing the proposed use would detract from the architectural and aesthetic standards expected by, and found throughout the Rochester Hills community.

3. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, and the public welfare. The potential traffic conflicts created by the single entrance/exit to the site and the potential for an excess of cars in the drive-through queue may be detrimental to existing land uses by restricting access to nearby businesses or by creating traffic hazards for patrons of surrounding businesses, including drivers and any pedestrians. Specifically, if cars in the drive-through queue "spill out" outside of the site plan shown to the south, they would be directly interfering with access and circulation of that two-way drive which may cause traffic conflicts, accidents, and difficulties in accessing adjoining businesses. Nearby businesses may be negatively harmed financially if they suffer a loss of business due to frustration of potential customers who experience such difficulties with access and traffic circulation. Further, the aesthetics of the proposed building would contravene the design standards of other development within the community, harming the public welfare by setting an adverse precedent.