



## Legislation Details (With Text)

**File #:** 2021-0469      **Version:** 5

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**File created:** 11/9/2021      **In control:** City Council Regular Meeting

**On agenda:** 4/11/2022      **Final action:** 4/11/2022

**Title:** Request for Conditional Use Approval to construct a drive-through associated with a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Michael Thompson, Stucky Vitale Architects, Applicant

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 041122 Agenda Summary.pdf, 2. Site Plans Pt 1 032322.pdf, 3. Site Plans Pt 2 032322.pdf, 4. Elevations.pdf, 5. PC Minutes 031522 (Draft).pdf, 6. PC Minutes 021522.pdf, 7. PC Minutes 111621.pdf, 8. Staff Report 030922.pdf, 9. Staff Report 021522.pdf, 10. Staff Report 111621.pdf, 11. TIS Response letter 012022.pdf, 12. MDOT letter 011722.pdf, 13. TIS 092921.pdf, 14. EIS 032221.pdf, 15. Public Comments.pdf, 16. Public Hearing Notice.pdf, 17. Alternate Resolution.pdf, 18. Resolution (Draft).pdf

Date	Ver.	Action By	Action	Result
4/11/2022	5	City Council Regular Meeting	Denied by Resolution	Pass
3/15/2022	4	Planning Commission	Recommended for Approval	Pass
2/15/2022	3	Planning Commission	Postponed	Pass
11/16/2021	1	Planning Commission		

Request for Conditional Use Approval to construct a drive-through associated with a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Michael Thompson, Stucky Vitale Architects, Applicant

**Resolved,** that the Rochester Hills City Council hereby Denies the Conditional Use to allow a restaurant with a drive-through at 2800 S. Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center business District with an FB-3 Flexible Business Overlay, based on plans dated March 17, 2022 and received by the Planning Department on March 23, 2022 with the following findings.

### Findings

1. The drive-through use will not promote the intent and purpose of the Zoning Ordinance due to traffic and circulation concerns associated with the drive-through layout.
2. The drive-through has not been designed and is not 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, based upon traffic and circulation concerns.
3. The proposal will not have a positive impact on the community due to traffic and circulation concerns associated with the proposed drive-through.

4. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare due to traffic and circulation concerns.