

**City of Rochester Hills
 Department of Planning and Development**

**STAFF REPORT TO THE PLANNING COMMISSION
 September 5, 2006**

Lowe's Home Improvement Center Site Plan Approval Request	
APPLICANT	Rochester Avon Properties, L.L.C. 380 N. Old Woodward Ave. Birmingham, MI 48009
AGENT	John Gaber
PARCEL NOS.	15-35-100-038 and -042; part of -035 and -041
ACREAGE	18± Acres
LOCATION	Rochester Road, South of Auburn Road, North of M-59
CITY FILE NO.	05-037
ZONING	B-3, Shopping Center Business
STAFF	Derek L. Delacourt, Deputy Director
REQUEST	Conditional Land Use Recommendation Site Plan Approval Wetland Use Permit Recommendation Natural Features Setback Modification

SUMMARY

The referenced application involves a request to redevelop the former Pat Moran auto dealership, located on the east side of Rochester Road, north of M-59, as a Lowe's Home Improvement Center. The plan is for a 138,431 square foot building, 29,153 square foot garden center and associated site improvements. The site is zoned B-3, Shopping Center Business, which allows the proposed use of the retail establishment; however, the outdoor sales and garden center area will require a Conditional Land Use approval by City Council per Section 138-568 of the Zoning Ordinance. The applicant has entered into an agreement with Meijer's to purchase four acres on the east side of the property for the detention area, making the site approximately 18 acres in size.

Specific actions requested for consideration by the Planning Commission are Conditional Land Use Recommendation to City Council, Site Plan Approval, Wetland Use Permit Recommendation to City Council, and a Natural Features Setback Modification.

BACKGROUND INFORMATION

In March of 2006, the applicant was granted approval to rezone a small parcel running along the south side of the site from R-4 to B-3, and plans to use it for landscaping to buffer the senior housing development to the south. Lowe's is leasing land from Meijer's on the east side of the development and changes are proposed to the layout of the existing Meijer's site, including the construction of a new access drive and the construction of a marginal access drive to the Verizon store parcel. The Lowe's site will share the drive from Rochester Road with Meijer's. A traffic light is proposed for that location, which is subject to MDOT approval, and site driveways off the access road must be approved by the City's Engineering Department. The proposed plan has gone through thorough technical reviews by consultants and City Staff, and is recommended for approval with conditions as outlined in the attached motions. Although the Fire Department recommended disapproval, the condition required was addressed on the Site Plan subsequent to their July 28, 2006 memo.

ADJACENT LAND USES AND ZONING

The property to the north is zoned B-3 and developed with a Meijer's store. The property to the south is zoned residential, but a Consent Agreement dictates the use of the parcel as a Senior Congregate/Assisted Living Facility. The property to the east is zoned and developed as Single Family Residential and to the west, across Rochester Road, the parcels are zoned General Business.

KEY ISSUES

Landscaping/Tree Removal

The Tree Conservation Ordinance does not regulate the development. There are 78 existing trees on site, of which 24 are being removed and replaced with sufficient tree credits, which saves 69% of the trees on site. The City's Landscape Consultant recommends approval of the landscape plan, subject to the conditions as outlined in her memo dated July 18, 2006. The revised plan dated received August 29, 2006 reflects all but two of the conditions, and those are included by Staff in the motion below. Please refer to the enclosed Planning and Development Department memo dated July 18, 2006 for complete landscape plan review comments.

Buffer Requirements

A Type A buffer will be required on the southern and eastern limits of the development between

the site and the senior housing to the south, and the subdivision to the east, and all requirements for the Buffers have been met. No buffer is required along the north or west property lines adjacent to commercial zoning.

Parking Calculations

A total of 588 parking spaces are required for the site, according to the submitted calculations for usable floor area. The applicant is proposing to construct 566 spaces and bank an additional 22 spaces for employees at the rear of the building near the detention pond. The details for constructing the banked parking can be discussed as a condition in the Site Plan motion.

Architecture

In its July 28, 2006 letter regarding the Site Plan, McKenna Associates, Inc. states that the proposed architecture is not suitable for development at this “gateway” location, and recommends improvements to the building design. In response, and subsequent to McKenna’s review, the applicant resubmitted plans with proposed changes to the elevations. Those include adding Quik Brik, and Quik Brik compatible material, to the front, side and rear elevations; adding metal coping, horizontal bands, pilasters, matching columns for the Garden Center, and a 3’, 4” Quik Brik wall around the front and side of the Garden Center.

Wetland Use Permit/Natural Features Setback Modification

An MDEQ Part 303 Permit and a Wetland Use Permit from the City are required. The DEQ permit was issued in April 2006 and is being reviewed by Staff. The subject site includes two regulated wetland areas totaling approximately .8 acre (called Wetland A and Wetland B/C), for which a Wetland Boundary Determination was completed by ASTI in October 2005. Approximately .25 acres of wetland impacts will result, and 660 lineal feet of natural features setback will be impacted by the grading activities and construction of a paved loading area near the southeast corner of the proposed main building. ASTI recommends approval of a Wetland Use Permit and accompanying Natural Features Setback Modification per their letter of August 14, 2006.

Conditional Land Use

Outdoor sales/garden areas may be permitted per Section 138-568.1(a) of the Rochester Hills Zoning Ordinance, subject to Conditional Land Use approval by City Council following a recommendation from the Planning Commission and subject to the findings in the attached motion. The City’s planning consultant recommends that City Council approve the Conditional Land Use subject to conditions in the attached Site Plan motion. Please refer to McKenna Associates, Inc. letter dated July 28, 2006 for complete review comments.

1. *Will promote the intent and purpose of this ordinance (138-1306(d)(1)).*

- The applicant has provided a large shopping center with open-air business uses, which is consistent with the intent and purpose of Section 138.568.1 of the Zoning Ordinance. Revisions to landscaping and details for the garden center enclosure have been added to the Site Plan.
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.*
 - The prominence of the site as a gateway to the City calls for high quality building materials and architectural elements, and the applicant has resubmitted architectural elevations to comply with this finding. The Planning Commission will need to determine whether the proposed architecture and materials are compatible, harmonious, and appropriate in appearance with the character of the general vicinity and adjacent uses of land.
 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.*
 - The development will be accessed from an entrance drive shared by Meijer's, and a condition has been added to have MDOT, the City's Traffic Engineer and the Fire Department review the changes to the site to ensure they will not negatively impact surrounding roads.
 4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
 - The applicant has revised the fence to a 6' high, wooden stockade fence, and the chain link fence w/slats has been removed from the plan. There is an existing chain link fence that meanders between Lowe's property and the adjacent Wildflower Subdivision to the east, and the Commission can decide if it should remain or be replaced by the stockade fence. If it remains, the applicant would like to place the proposed fence immediately adjacent to the existing fence or that enough separation is provided to maintain landscaping between the fences.
 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 development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

RECOMMENDATION

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, staff recommends approval of the following motions relative to City File No. 05-037 (Lowe's).

Attachments: Site Plans dated received August 29, 2006; Letters (2) from McKenna Associates, Inc. dated 07/28/06; Letter from HRC dated 07/24/06; Planning and Development Department memo dated 07/18/06; Building Department Memo dated 07/21/06; Letter from ASTI Environmental, dated 08/14/06; Fire Department memo dated 07/28/06; Parks and Forestry Memo dated 01/26/06; Environmental Impact Statement dated 10/18/05; MDEQ Permit issued 04/25/06; Notice of Public Hearing.

If the Planning Commission feels that the proposed architecture and materials are compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land, **staff recommends approval of the following motion relative to City File No. 05-037 (Lowe's).**

MOTION by _____, seconded by _____, in the matter of City File No. 05-037 (Lowe's), the Planning Commission **recommends** to City Council **approval** of a **Conditional Land Use**, based on plans dated received by the Planning Department on August 29, 2006, with the following findings and subject to the following conditions.

Findings:

1. The existing development does promote the intent and purpose of the Zoning Ordinance in general, and of Section 138-568.1 in particular.
2. The subject site 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, with the approval of the improved architecture.
3. The subject site will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, 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. The subject site will not be not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
5. The subject site does 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. No truck idling during deliveries and deliveries to be restricted to normal store operating hours.
2. Trash compactor to be used only during normal store operating hours.

Wetland Use Permit Recommendation

MOTION by _____, seconded by _____, in the matter of City File No. 05-037 (Lowe's), the Planning Commission **Recommends** to City Council **Approval of a Wetland Use Permit**, based on plans dated received by the Planning Department on August 29, 2006 with the following findings and subject to the following conditions.

Findings:

1. The Wetland and Watercourse Protection Ordinance is applicable to the subject site because it is not included within a site plan which has received final approval prior to January 17, 1990.
2. Approximately 7,550 square feet of permanent wetland impacts will result in the grading activities and the construction of a paved loading area near the southeast corner of the proposed main building.

Conditions:

1. Final review and approval by Staff of the MDEQ Part 303 Permit.
2. Implementation of site appropriate structural and non-structural best management practices, to prevent or minimize the impact on water quality.

Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 05-037 (Lowe's), the Planning Commission **grants a Natural Features Setback Modification** for approximately 690 lineal feet for grading activities and the construction of a paved loading area near the southeast corner of the proposed main building, based on plans dated received by

the Department of Planning and Development on August 29, 2006, with the following finding and subject to the following conditions.

Finding:

1. A Natural Features Setback Modification is needed to construct a paved loading area.

Conditions:

1. Restore area to original grade with sod and stabilize slopes with stabilization seed mix after grading, to be approved by the City's Landscape Architect prior to Final Site Plan Approval by Staff.
2. Restore temporarily impacted Natural Features Setback areas (associated with Wetland A) to original grade with original soils or equivalent soils and seed with City approved seed mix, where possible (as noted on Plans).

MOTION by _____, seconded by _____, in the matter of City File No. 05-037 (Lowe's), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on August 29, 2006, 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 development will be accessed by existing ingress to and egress from Rochester Road and a new access drive will be constructed and shared with the Meijer's site. A traffic light is proposed at that entrance for better traffic flow.
3. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
4. There appears to be a satisfactory and harmonious relationship with existing contiguous development and adjacent neighborhoods.
5. The proposed development should not have an unreasonably detrimental nor an injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions:

1. Conditional Land Use approval by City Council.

2. Wetland Use Permit approval by City Council.
3. That all off site drainage easements, stormwater agreements and calculations regarding the proposed regional detention system must be reviewed and approved by Engineering Services, including items in ASTI's letter dated August 14, 2006, prior to Construction Plan Approval.
4. Appropriate approvals from the Road Commission for Oakland County and the Oakland County Drain Commissioner (if applicable) must be obtained prior to issuance of a Land Improvement Permit for this project.
5. Install tree protective fencing, as reviewed and approved by the City's Landscape Architect, prior to issuance of the Land Improvement Permit.
6. Provide a performance guarantee in the amount of \$261,731.50, as adjusted if necessary by the City's Landscape Architect, to ensure the proper installation of replacement trees and other landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
7. Provide note on the Plan regarding timeframe for constructing banked parking.
8. Modification of the blue background on the Lowe's sign to a brick material that matches the building, as proposed and discussed at the September 5, 2006 meeting, to be reviewed by the City's Planning Consultant prior to Final Approval by Staff.
9. That prior to issuance of a Land Improvement Permit the applicant agrees, subject to approval by the City's Landscape Architect, to remove all ash and any dead trees adjacent to the abutting residential subdivision, within the property conveyed by Lowe's to the adjacent residential property owners.
10. The six-foot high stockade fence to be relocated to the west side of the existing trees on the easterly property line and shall be constructed of vinyl material with earth tone colors, as approved by Staff prior to Final Approval.
11. That appliances stored in the area behind the building are not to be stacked higher than the proposed 12-foot high black vinyl fence.
12. Handicap parking to be reconfigured to add spaces by the garden center entrance, to be approved by Staff prior to Final Approval.