



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

1000 Rochester Hills Dr.
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Legislative File No: 2011-0099 V3

TO: Mayor and City Council Members

FROM: Ed Anzek, Director of Planning and Economic Development, ext. 2572

DATE: May 26, 2011

SUBJECT: Request for Approval of a Conditional Land Use to construct a drive-through at the proposed rebuilt McDonald's restaurant on Rochester Rd., north of Avon

REQUEST:

Approval of a Conditional Land Use to construct a drive-through at the proposed 5,117 square-foot McDonald's, which will replace the existing restaurant damaged by fire last Fall located on the west side of Rochester Road, north of Avon.

BACKGROUND:

The proposed development involves a demo and rebuild of the existing restaurant, including associated paving for stacking and bypass lanes for the drive-through, with parking and additional landscaping. The owners wish to update the establishment to national standards with a new façade and larger play area.

Drive-through restaurants in a B-2 zoning district require a Conditional land Use Permit be issued by the City Council. The standards and/or requirements for Council's consideration regarding a restaurant with a drive-through are listed in Section 138-4.410 of the Zoning Ordinance and the findings listed in the enclosed Resolution. The issuance of the CLU is a discretionary decision by the City Council and based on 5 general criteria contained in Sec. 138-2.302 of the Zoning Ordinance. They are:

- 1) *Will promote the intent and purpose of this chapter.*
- 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.*
- 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.*
- 4) *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
- 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.*

At its May 3, 2011 meeting after conducting a Public Hearing, the Planning Commission recommended approval of a Conditional Land Use and approved the Site Plan for McDonald's with conditions as listed in the attached Minutes. The conditions regarded obtaining appropriate engineering permits, adding a band of colored brick to accent the building and a minor landscaping change.

The owner has elected to rebuild and upgrade the facility rather than restore the fire damaged structure.

RECOMMENDATION:

Staff and the Planning Commission recommend that City Council approve the Conditional Land Use for a new McDonald's with a drive-through.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		