



## Department of Planning and Economic Development

Staff Report to the Planning Commission September 16, 2021

### Avon/Rochester Mixed Use Development

<b>REQUEST</b>	Conditional Use Recommendation Tree Removal Permit Site Plan Approval
<b>APPLICANT</b>	Doraid Markus Rochester Avon Partners LLC 251 E. Merrill, Suite 105 Birmingham, MI 48009
<b>LOCATION</b>	945 & 975 S. Rochester Rd., northeast corner of Rochester Rd. and Avon Rd.
<b>FILE NO.</b>	21-007
<b>PARCEL NOS.</b>	15-14-351-011 and 15-14-351-012
<b>ZONING</b>	B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay
<b>STAFF</b>	Kristen Kapelanski, AICP, Manager of Planning

### Summary

The applicant is proposing to demolish the existing gas station and multi-tenant commercial buildings onsite and to construct a 26,575 sq. ft. restaurant with a drive thru, as part of a two-story mixed use building consisting of first floor commercial/retail space and office space on the second floor, with associated parking areas and landscaping. Conditional use approval is required for the proposed drive-thru. Additionally, the applicant is requesting modifications for the requested front yard arterial setback for the Rochester Rd. and Avon Rd. setbacks and for not meeting the requirement of 70% first floor non-residential transparency measured between 2-8 ft. above the sidewalk. An application for this project was reviewed by the Brownfield Redevelopment Authority on July 15, 2021.



	Zoning	Existing Land Use	Future Land Use
<b>Site</b>	B-2 General Business District and B-5 Automotive Service Business District with FB-3 Flexible Business Overlay	Gas Station/Convenience Store, Retail Operation, Parking area and vacant	Commercial Residential Flex 3
<b>North</b>	B-2 General Business District with FB-3 Flexible Business Overlay	Comerica Bank	Commercial Residential Flex 3

<b>South</b>	SP Special Purpose District	Leader Dogs for the Blind	Special Purpose
<b>East</b>	O1 Office with FB-3 Flexible Business Overlay	Medical Buildings	Commercial Residential Flex 3
<b>West</b>	I Industrial District with an FB-1 Flexible Business Overlay	Sanyo Machine	Residential Office Flex

## 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	Modifications requested	<b>Approval</b>
Fire	Minor comments	<b>Approval</b>
Assessing	Lot combination required	<b>Approval</b>
Engineering	Comments to be handled at construction plan review	<b>Approval</b>
Parks & NR	No outstanding comments	<b>Approval</b>
Building	Comments to be handled at Building permit review	<b>Approval</b>

## Motion to Recommend Conditional Use Approval

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 21-007 (Avon/Rochester Mixed Use Development), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a restaurant with a drive-thru, based on plans dated received by the Planning Department on July 23, 2021 with the following findings.

### Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site 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 will have a positive impact on the community by adding trees and offering employment opportunities.
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 will 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.

## **Motion to Approve a Tree Removal Permit**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 21-007 (Avon Rochester Mixed Use Development), the Planning Commission **grants** a **Tree Removal Permit**, based on plans dated received by the Planning Department on July 23, 2021 with the following findings and subject to the following conditions.

### **Findings**

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove 12 regulated trees and no specimen trees, with 18 replacement trees required, and with 9 replacement trees proposed to be installed.

### **Conditions**

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. Payment into the City's Tree Fund of \$2,706.00 for 9 trees, prior to temporary grade being issued by Engineering.

## **Motion to Approve Site Plan**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 21-007 (Rochester/Avon Mixed Use Development), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on July 23, 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. Planning Commission modification to allow reduced front yard arterial setbacks.
3. Planning Commission modification to allow reduced first floor non-residential transparency for the proposed facades.
4. The proposed project will be accessed from Avon and Rochester Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
6. 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 \$104,796, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

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Reference: Plans dated July 21, 2021 received by the Planning July 23, 2021

Attachments: EIS, TIS, Response Letter, TRP notice, Public hearing notice

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