



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

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Legislative File No: 2023-0373 V7

TO: Mayor and City Council Members

FROM: Chris McLeod, Planning Manager, ext. 2572

DATE: June 14, 2024

SUBJECT: Request for an amended conditional use approval for Clean Express Auto Wash to allow a car wash at 10 E. Auburn, along the south side of E. Auburn, east of S. Rochester Road.

REQUEST:

Approval of an amendment to the previously approved conditional use, for a car wash, to allow for a revised circulation pattern, including cross access to the abutting Culver's site and limiting access to the abutting Meijer site, located at 10 E. Auburn Road, zoned CB Community Business District with an FB Flexible Business Overlay District. The site is being developed under the CB Community Business District regulations.

BACKGROUND:

The applicant originally applied for conditional use approval for a car wash in December of 2022. The conditional use was ultimately approved by City Council in October of 2023. The original layout of the car wash submitted for staff reviews included a limited driveway to E. Auburn Road, a full two-way cross connection to the Culver's property to the east, and a full driveway to the Meijer parking lot to the south. During the review process and as a part of the Council consideration of the original conditional use approval, the cross connection to the Culvers site to the east was specifically removed, due to potential traffic flow issues, a request from the owner/operator of the Culver's site and a willingness of Clean Express to eliminate the cross connection.

During the engineering and permitting process with the City, Meijer notified Clean Express that a full access driveway to their parking lot would not be allowed, only an egress (due to Meijer's concerns about potential stacking/circulation issues in their ring road). As a response to the restriction of the Meijer driveway, Clean Express requested to re-open the cross connection to the Culver's site that was specifically closed as a result of the City Council's consideration. Since, in the opinion of staff, this was a significant modification to the conditional use approval originally granted to Clean Express, City staff directed Clean Express to return to the Planning Commission and City Council for a reconsideration of the site plan and conditional use.

The Planning Commission initially considered the amendment to the site plan and conditional use request at its March 19, 2024 meeting. Revised plans were presented and there was significant discussion regarding circulation concerns for the site and adjoining properties, especially Culver's, and the Planning Commission postponed the requests and asked the applicant to address concerns presented by submitting revised plans for review.

After the March meeting, the applicant provided a traffic review letter and other documentation for review. The Planning Commission then considered the amendment to the site plan and conditional use request at its May 21, 2024 meeting. There was significant conversation regarding the potential impacts to the Culver's site to the east since the Culver's site would be the main access to the car wash for anyone trying to enter the site from the east (due to the restricted Auburn Rd. driveway for the Clean Express site which only allows for a right-turn in from eastbound traffic). The Planning Commission, the applicant, and the owner of Culver's came to a general agreement on proposed improvements to the Clean Express site along with off-site improvements to the Culver's site to be completed by the applicant at their expense. It should be noted that

the Planning Commission’s recommendation for approval was contingent upon the applicant again submitting revised plans to address the issues discussed, which included a recommendation to straighten the northern curb line of the drive through on the Culver’s property to allow for additional parking spaces; to relocate an existing fire hydrant and ground sign on Culver’s property to allow for the curb alteration; and to add speed bumps on Culver’s property. To date, it does not appear that agreement has been reached between Clean Express and Culvers regarding potential improvements on the Culver’s site. Several different options have been presented by Clean Express (which have not gone through full department reviews at this time) with the hope of satisfying concerns raised by Culver’s, however, responses to those options do not appear to provide clear direction as to whether they are satisfactory and whether they would be able to meet all City requirements. Therefore, since the City has an obligation to continue to move the application forward, City staff has brought the application to City Council for consideration, with the potential that the Culver’s improvements may not be possible as conditioned by the Planning Commission motion.

As a reminder, car washes require a conditional use permit in the CB Community Business District. The issuance of the conditional use permit is a discretionary decision by the City Council based on five general criteria contained in Sec. 138-2.302 of the Zoning Ordinance as follows and that are included in the resolution:

- 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.*

As noted, the Planning Commission recommended approval of the conditional use permit and approved the amended site plan, with several findings and conditions as reflected in the attached resolution. Please refer to the attached Planning Commission minutes for the August and September meetings for further details.

RECOMMENDATION:

Finding that the proposed revisions to the previously approved car wash facility and the proposed improvements to the abutting Culver’s site meet the criteria of the Zoning Ordinance, the Planning Commission recommends that City Council approves the amended conditional use for Clean Express Autowash to construct and operate a car wash facility at 10 E. Auburn, File No. JNRNB2022-0013 (PCU2023-0007), subject to the findings and conditions noted in the attached resolution.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy City Clerk		

Contract Reviewed by City Attorney Yes N/A