



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

**1000 Rochester Hills Dr.
Rochester Hills, MI 48309
248.656.4630
www.rochesterhills.org**

Legislative File No: 2023-0401 V1

TO: Mayor and City Council Members

FROM: Sara Roediger, Director of Planning and Economic Development, ext. 2573

DATE: September 11, 2023

SUBJECT: Request for Site Plan Approval and a Tree Removal Permit for Whitewater Car Wash per the April 3, 2003 Consent Judgment and the May 26, 2005 Stipulation and Order to Reinstate Consent Judgment of April 3, 2003 and for Amendment of Consent Judgment, Case No. 02-046199-AW concerning the development and use of property located south of Adams Rd. and south and west of M-59

REQUEST:

Approval of the proposed Site Plan and Tree Removal Permit for Whitewater Car Wash per the April 3, 2003 Consent Judgment and the May 26, 2005 Stipulation and Order to Reinstate Consent Judgment of April 3, 2003 and for Amendment of Consent Judgment, Case No. 02-046199-AW concerning the development and use of property located south of Adams Rd. and south and west of M-59, Parcel No. 15-30-302-031 in the City of Rochester Hills, Oakland County, MI. The First Amendment stipulates a site plan approval process with the City to administratively review plans and to make a recommendation to City Council.

BACKGROUND:

Existing Consent Judgment. The subject parcel consists of approximately 3.75 acres which is currently zoned I Industrial District. The Marketplace shopping center was developed under a consent judgment originally approved in 2003 and amended in 2005. The consent judgment involved the realignment of Adams Rd., with a portion of land to be conveyed to the Road Commission for Oakland County; the City's installation of the Ring Road now known as Marketplace Circle; and the development of the Marketplace shopping center with a large format retail use for Walmart. The subject parcel is in part, a result of the realignment of Adams Road. The consent judgment further regulates dimensional standards including height and setbacks, parking, and site design standards including signs, lighting, and building design, and provides permitted and prohibited uses.

Request for Site Plan Approval and Tree Removal Permit. The current request for site plan approval does not require the amendment of the consent judgment. The use of the site for car wash purposes is permitted by the consent judgment. The site alterations proposed are largely in compliance with the judgment with the exception of the front yard setback. The proposed site plan includes the development of a 3,848 square foot car wash, a series of exterior vacuum units, associated maneuvering lanes, and site landscaping consistent with Zoning Ordinance requirements. The requested tree removal permit is for the removal of nineteen (19) regulated trees and the planting of seventeen (17) replacement trees and the utilization of a four (4) inch tree credit.

Departmental reviews were conducted with all City departments as specified in the consent judgment, and all reviews recommend approval, with some minor comments to be addressed prior to the issuance of permits. The City’s traffic review indicated the approval was conditioned on revising the proposed cross walk location across Adams Road. In addition, as noted earlier, the site plan is not in compliance with the front yard setback stipulated within the Consent Judgment (75 feet), however, the building does comply with the typical front yard setback (50 feet) that would normally be required for Industrially zoned properties. The applicant is requesting the front yard setback variance to allow for additional tree preservation to occur along the southern portion (rear) of the site. The consent judgment specifically gives the City Council the ability to grant variances to setbacks. The Parks and Forestry department has reviewed and determined the site plan is in compliance with the City’s Tree Conservation Ordinance.

Representatives from the property owner, City staff and the City’s attorney will be available at the meeting to discuss the proposed development.

RECOMMENDATION:

Should the City Council grant the variance to the required front yard setback, then; staff recommends that City Council approve the requested Site Plan and Tree Removal Permit for Whitewater Car Wash, as per the April 3, 2003 Consent Judgment and the May 26, 2005 Stipulation and Order to Reinstate Consent Judgment of April 3, 2003 and for Amendment of Consent Judgment pertaining to Grand/Sakwa Acquisitions, LLC vs the City of Rochester Hills, Case No. 02-046199-AW, Parcel No. 15-30-302-031 in the City of Rochester Hills, Oakland County, MI, to allow for the construction of a car wash as shown on the plans submitted, including the requested variance to reduce the front yard setback to allow for additional tree preservation onsite.

Should the City Council deny the variance to the required front yard setback, then; staff recommends that the City Council postpone action on the requested Site Plan and Tree Removal Permit for Whitewater Car Wash and allow the applicant to revise their plans to comply with all City requirements.

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

Contract Reviewed by City Attorney Yes N/A