



Department of Planning and Development
 Staff Report to the Planning Commission

May 3, 2011

McDonald's Demo/Rebuild	
REQUEST	Conditional Land Use Recommendation Site Plan Approval Parking Modification Side Yard Parking Buffer Modification
APPLICANT	Dorchen/Martin Associates, Inc. 29895 Greenfield, Suite 107 Southfield, MI 48076
AGENT	Mr. Frank Martin, AIA, NCARB
LOCATION	West side of Rochester Road, north of Avon
FILE NO.	73-175.2
PARCEL NO.	15-15-476-020
ACREAGE	1.1 Acres
ZONING	B-2 General Business
STAFF	Ed Anzek, AICP, Director of Planning and Economic Development Jim Breuckman, AICP, McKenna Associates

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Summary

The owner proposes to raze the existing McDonald's building, damaged by a fire in late 2010, and construct a new 5,117 square-foot McDonald's with a drive-through on approximately one acre located on the west side of Rochester, north of Avon. The site is zoned B-2, which permits the proposed use. The applicant would like to show that the parking provided and proposed can accommodate the operation, and a Modification from the Planning Commission would be necessary for four spaces. Drive-through service windows accessory to the main use require conditional use approval in this zoning district.

The applicants met with the Planning Commission on March 1, 2011 to present the proposed plans. At that meeting, reducing the landscape buffer and parking spaces were discussed and the Planning Commission provided guidance and input. Per Zoning Ordinance requirements, the applicant will have to demonstrate that the parking will be sufficient before the Planning Commission may approve the requested modifications.

Background

The existing site was developed as a McDonald's 35 years ago with two accesses from Rochester Road. The site will be reconfigured to have only one entryway off of Rochester Rd. and a possible cross access to the north entry road owned by Lifetime Fitness. The site will contain improvements to the landscaping, the use of LED exterior lot light fixtures, and an updated façade.

Adjacent Land Uses and Zoning

The property is surrounded by commercial zoning, with a car dealership across the street to the east, a shopping center to the south and west, and the Lifetime access road and an Arby's restaurant to the north. The City's current Master Plan shows commercial (FB-2, Flexible Business Overlay) for the site.

Requested Actions

Specific actions requested for consideration by the Planning Commission are Recommendation of Conditional Land Use Approval, Approval of a Parking Modification and Site Plan Approval.

General Requirements for Conditional Land Uses (Section 138-2.302)

There are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional land use. They are:

1. Will promote the intent and purpose of (the Ordinance).
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.

A McDonald's restaurant has operated with a drive through window on the site for decades without issue. The proposed development will therefore be an improvement on an existing condition, and as such it is expected that the site will continue to operate in conformance with the above conditional land use approval criteria.

Site Plan Review Considerations

Landscaping/Tree Removal

The Tree Conservation Ordinance regulates the development, but there are no regulated trees on site. The applicant proposes to add additional trees and landscaping above what is required by the Ordinance. Interior landscape island requirements have been noted on the plans, which show that the parking lot islands and peninsulas will be landscaped. Street trees, as required, will be provided. An irrigation plan has been submitted (please refer to details on Sheet C4b).

Canopy trees are located within the corner clearance areas (Section 138-5.204), which is acceptable so long as the first branch of the trees are a minimum of 8 feet above grade level. The landscape plan must be revised to stipulate that trees in the corner clearance areas will have a minimum first branch height of 8 feet. The corner clearance zone must also be shown for the intersection of the Lifetime Fitness private road and Rochester Road and any trees with a first branch height less than 8 feet removed from that area.

Buffer Requirements

The applicant expressed the desire to reduce the landscape buffer for the south and north property lines at the March 1, 2010 meeting. Section 138-11.102(B)(3)(c) requires a 10 foot landscaped buffer is required in the side yard adjacent to parking in nonresidential districts, while a 7 foot buffer is proposed along the north property line and a 1.5 foot buffer is proposed along the south property line. Plantings are not required by ordinance in the side yards, but the applicant is proposing to add flowering trees in the side yards. The side yard buffer requirement may be modified by the Planning Commission upon determining that the modification is compatible with adjacent properties.

Wetlands

There are no wetlands or natural features on the site.

Parking

Restaurant uses require one parking space per 2 persons permitted a maximum occupancy (Section 138-11.204). The building has a rated capacity of 100 persons, which requires 50 parking spaces. The applicant is proposing a total of 44 parking spaces (42 regular spaces and 2 accessible spaces). As such, the proposed parking layout requires a parking modification by the Planning Commission per Section 138-11.202. A parking modification may be approved based on evidence that a reduced standard is more reasonable.

Drive-Through Facility

Any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in his or her car shall comply with the requirements of Section 138-4.410 of the Zoning Ordinance, including that they must be built as an integral architectural element of the primary structure and use; building materials shall be the same as those used in the primary structure; drive-through uses must be located to the rear or side of the primary structure and set back a minimum of 10 feet from the front building wall of the primary structure; and drive-through uses shall be configured such that glare from headlights is obstructed from shining into a public right-of-way or neighboring residential use.

The application meets the requirements of Section 138-4.410. A drive-through requires a recommendation of approval from the Planning Commission and City Council approval. A motion for consideration has been included later in this report. The applicant has submitted a Part IV Summary as part of the EIS, which speaks about meeting the criteria for a CLU.

Multi-Use Pathway Design

The required 8-foot wide multi-use pathway is shown on the plans. However, a few changes to the pathway design are required:

1. The pathway should be constructed out of asphalt except for landing or ramp areas which must be concrete.
2. The pathway should curve to the interior side of the utility pole at the southeast corner of the site. It is currently shown curving to the exterior side of the utility pole. The exact location of the pathway can be determined during engineering review.

Lighting

The site will have pole mounted fixtures on 20-foot tall poles with an average footcandle of .2 at the property lines. LED lighting is proposed used for efficiency and as the EIS states, "sensitivity to exterior lighting." Exterior fixtures will have full cutoff shields, are attractive, and meet ordinance requirements.

Detention System

The City's engineering department has reviewed the proposed plan and has accepted the proposed utility and detention design. The storm water will be collected within the parking area through catch basins and underground pipe and directed to a detention pond to the northwest that was constructed with the original McDonald's.

Architecture

The proposed building consists of cast stone decorative arcades and blended BellaBrik exterior material. Staff agrees that the proposed building will be an upgrade over the existing building, and feels it is appropriate for the site and compatible with the surrounding area.

Lighting

Full cutoff LED fixtures are proposed on the site. The proposed lighting will be an upgrade over what exists on the site, and will exceed the standard of lighting found on many sites in the City. The proposed photometric plan indicates that the proposed light intensity is within Ordinance standards.

Summary

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments and consultants and have been recommended for approval or approval with conditions. 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. 73-175.2 (McDonald's Demo/Rebuild).

Conditional Land Use Motion

MOTION by _____, seconded by _____, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission recommends to City Council approval of the Conditional Land Use, based on plans and information dated received by the Planning Department on April 11, 2011, with the following findings.

Findings:

1. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land. The drive-through will be built as an integral architectural element of the primary structure and use and building materials will be the same as those used in the primary structure.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare. The drive-through will be located to the rear and side of the primary structure and set back a minimum of 10 feet from the front building wall of the primary structure. The drive-through is configured so that glare from headlights is obstructed from shining into a public right-of-way.
5. 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.
6. The project meets the requirements of Section 138.4.410 for drive-through facilities.

Parking Modification Motion

MOTION by _____, seconded by _____, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission approves the reduction in parking to 46 spaces, and approves a 9-foot width for employee parking, based on plans dated received by the Planning and Development Department on April 11, 2011, with the following findings:

Findings:

1. Sections 138-11.202 and 138-11.302 B allows the Planning Commission to approve reduced parking when it has been shown that offsite parking can be used to supplement in an appropriate location or the parking provided will be sufficient and allows approval of a reduction in the parking space width for employee parking.
2. The restaurant has a high percentage of drive-through customers.
3. The applicant has adequately demonstrated that the proposed parking will be sufficient to accommodate expected sit-down customer traffic.

Side Yard Parking Buffer Modification Motion

MOTION by _____, seconded by _____, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission grants a Buffer Modification to reduce the buffer width along the north property line to seven feet and the south property line to 1.5 feet, based on plans dated received by the Planning and Development Department on April 11, 2011 with the following findings:

Findings:

1. The applicant is supplementing the buffer area with flowering trees.
2. The proposal is to reconstruct an already-developed parcel, limiting design options to comply with the buffer requirements.
3. The alternate width and type of buffer zone and landscaping provided therein will ensure compatibility with surrounding land uses and the development is by nature compatible with the surrounding neighborhood.
4. The proposed plan meets the criteria of Section 138-11.102(B)(3)(c) to allow the Planning Commission to modify or waive the buffer requirements for the proposed development.

Site Plan Approval Motion

MOTION by _____, seconded by _____, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning and Development Department on April 11, 2011, 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 one ingress to and egress from Rochester Road and potentially have cross access to the Lifetime Fitness driveway.
3. Off-street parking areas have been designed to avoid common traffic problems and promote safety and to accommodate pedestrian circulation with crosswalks.
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. City Council Approval of the Conditional Land Use.
2. Submittal of a revised plan addressing Staff comments in this and other department's memos.
3. That all applicable permits must be reviewed and approved by Engineering Services, prior to Construction Plan Approval.
4. Appropriate approvals from MDOT, if required for work in Rochester Rd., must be obtained prior to issuance of a Land Improvement Permit for this project.
5. The applicant shall obtain a Land Improvement Permit prior to starting any work on site.
6. A Storm maintenance Agreement with a maintenance schedule must be provided reflecting revised locations of pipes and structures prior to issuance of a Land Improvement Permit.
7. That the applicant receives a soil erosion permit from the Water Resources Commissioner, prior to issuance of a Land Improvement Permit.
8. Provide a landscape bond for replacement trees in the amount of \$44,030.50, prior to issuance of a Land Improvement Permit for this development.

Attachments: *Site Plans, dated received April 11, 2011: Cover Sheet C-1, Land Title Survey, Sheet 1 of 1; Wall and Gate Detail, Sheet C1a; Fire Truck Turning Path, Sheet C1-FT; Site Location, Sheet C2, C2a, C2b, C3, and C3a; Sanitary Sewer Details Sheets 1 and 2; Storm System Details, Sheet 1; Watermain Details, Sheets 1 and 2; Watermain Special Details, Sheet 1; Soil Erosion, Sheet 1; Landscape Plan, Sheets C4 and C4a, Irrigation Details, Sheet C4b and Lighting Plan, Sheet C5, Floor Plans and Elevations, Sheets A1.0, A1.1, A2.0 and A2.1, prepared by Dorchen/Martin Associates, Inc., John Deer Landscapes and DIFFIN Development Consultants.*

Assessing Department memo dated 03/29/11; Building Department memo dated 04/18/11; Fire Department memo dated 04/13/11; Public Services Department memos dated 03/21/11 and 04/19/11; Parks and Forestry Department memo dated 04/19/11; Letter from OCWRC, dated 03/24/11; Environmental Impact Statement dated 03/03/11; PC Minutes dated 03/01/11; and PHN.
