



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

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**Legislative File No: 2012-0158 V4**

**TO:** Mayor and City Council Members

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

**DATE:** January 30, 2015

**SUBJECT:** Request for approval of a Conditional Use to construct a drive-through facility at the west end of the Walton Shoppes, a multi-tenant retail building located east of Livernois, north of Walton

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**REQUEST:**

Approval of a Conditional Use to construct a drive-through facility at the west end of the Walton Shoppes, an existing 22,880 square-foot retail building, located east of Livernois, north of Walton (east of Walgreen's).

**BACKGROUND:**

This proposal is for a drive-through to be added to the west end of the existing Walton Shoppes retail building plus associated site improvements including outdoor seating and landscaping. The site has an access drive to the rear (north) of the building, and the drive-through will be accessed from the rear of the building, and cars will travel west and/or south and face Walton at the drive-up window. The shops also face Walton.

Restaurants with drive-through facilities in the B-2, General Business district require a Conditional Use (CU) approval from City Council. The standards and/or requirements for Council's consideration regarding restaurants with a drive-throughs are listed in Section 138-4.410 of the Zoning Ordinance and the findings listed in the enclosed Resolution. The issuance of the CU 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.*

The Planning Commission held a public hearing at its December 16, 2014 meeting to review the requests for a Conditional Use Recommendation and Revised Site Plan approval. After a lengthy discussion, which included the impacts of having two drive-throughs next to each other (Walgreen’s Pharmacy and Walton Shoppes) and hearing concerns about the lack of screening along the northern property line, traffic, trash and the open dumpster, the Planning Commission recommended denial of the Conditional Use five to four. The Site Plan review was postponed.

Subsequently, Mr. Jonna and Staff met onsite to observe the conditions and concerns raised by the residents and the Planning Commission. Mr. Jonna revised the landscape plans to include substantial buffering to the north and made some requested Site Plan changes. He consulted with a Traffic Engineer who made recommendations regarding the drive-through, which will be incorporated. Please refer to his attached letter dated January 19, 2015. Mr. Jonna requested a list of all residents that attended the December Planning Commission meeting; Invited them to a meeting to discuss their concerns and review his intensified landscape plan. Mr. Jonna also requested a “reconsideration” by the Planning Commissions in order that he could present his revisions and results from the meeting with the neighbors..

At its January 20, 2015 meeting, the Planning Commission voted unanimously to reconsider the Conditional Use. With the proposed changes, the Planning Commission voted six to two to recommend approval of the Conditional Use with one condition about the hours of operation and to approve the Site Plan with conditions.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that City Council approves the Conditional Use to add a drive-through to the west end of the Walton Shoppes, located east of Livernois, north of Walton.

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