



## Department of Planning and Economic Development

Staff Report to the Planning Commission

January 15, 2016

### Auto Rite Sales

<b>REQUEST</b>	Conditional Use Recommendation Site Plan Approval
<b>APPLICANT</b>	Auto Rite Sales 1923 E. Auburn Rd. Rochester Hills, MI 48307
<b>AGENT</b>	Syed Ahmed
<b>LOCATION</b>	North side of Auburn Rd., between John R and Dequindre
<b>FILE NO.</b>	13-005.2
<b>PARCEL NO.</b>	15-25-482-025
<b>ZONING</b>	CI Commercial Improvement with FB-2 Flexible Business Overlay
<b>STAFF</b>	Sara Roediger, AICP, Manager of Planning

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### Background

At the November 17, 2015 Planning Commission meeting, this matter was postponed so that the applicant, Mr. Ahmed could revise drawings to downsize the building and better clarify the parking and storage. Please refer to the attached minutes from that meeting. The initial proposal was for a 2,448 square-foot building with three service bays, and the request now is for a new 1,757 square-foot automobile sales building (including 714 square feet of office space) with two service bays. The 0.86-acre parcel is located at the northwest corner of Auburn and Hessel Rds., west of Dequindre, and the building is proposed for the north eastern 0.29-acre of the parcel, with parking to the south and west of the building.

The site had previously been conditionally approved (in the summer of 2013) for a used car lot displaying a maximum of five cars. At that time, the CI district permitted the outdoor sales of used cars as a conditional use. During the approval process, it was understood that the applicant would be proceeding with a plan to demolish the existing building and construct a new building and be allowed to display more than five cars. Since the project was approved, the uses permitted in the CI district have changed, and used car sales are no longer permitted. Staff, in consultation with the city attorney, has concurred that as originally discussed, the applicant is vested at this location for outdoor used car sales. As proposed, the plan requires a recommendation to City Council for the Conditional Use and approval of the Site Plan.

With direction from the Planning Commission, staff commenced in late 2013 with a modification to the Zoning Ordinance that established the permitted uses for the CI District to be those permitted in the FB-2 District (Sec. 138-6.300). This action prohibited used car lots, however, the Auto Rite operation was grandfathered in, but only for the small corner lot. This change went into effect in June, 2014. About that time Code Enforcement asked staff about an inordinate number of vehicles being stored on the adjacent lot. It was learned that they were the excess inventory for the Auto Rite operation. After a series of conversations, directives and citations to remove the vehicles a meeting was held between the attorneys for Mr. Ahmed, the City Attorney and staff. This meeting was in January 2015. A pledge was made that Mr. Ahmed would submit plans immediately, build the new facility that would allow for more than 5 vehicles as originally conditioned and remove the excess inventory from the adjacent lot.

The cars have been removed from the western lot as required, and the applicant is storing five cars from the original Conditional Use request. He would like to commence with construction as soon as possible to be able to develop the site as depicted in the plans.

### **Adjacent Land Uses and Zoning**

The site is zoned commercial and master planned for Business Flexible Use 2 as are the areas to the south, east and west. To the north, the properties are zoned R-4 One Family Residential, master planned for Residential 4 and are developed with homes. To the east is a Marathon Gas Station and to the south is the Gethsemane Lutheran Church. This review does not include the property immediately west of the site, also owned by the applicant, which has been illegally used for vehicle storage.

### **General Requirements for Conditional Uses**

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Per Section 138-2.302 of the zoning ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use. The Planning Commission shall find that the conditional use will:

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.

### **Site Plan Review Considerations**

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1. **Site Layout.** The setback requirements have been met on all but the front yard, where a 66+ -foot setback is now being proposed where the maximum is 10 feet. The Planning Commission can approve a larger maximum setback provided that it is necessary to accommodate the intended use or is justified by conditions on or adjacent to the site. The historical nature of car sales lots is to place the product for sale in front, with the building in the rear. If the Planning Commission agrees to the setback modification, it has been added as a finding.

2. **Access.** The approaches currently being used are from Hessel and Auburn, extending across the majority of the east and south property lines. The approach on Auburn will be reduced to 24 feet. There is an existing gate along Hessel which will be permanently locked, however, if in the future that access point is used, the access point on Hessel would need to be similarly reduced. Per staff's request, a sidewalk is being provided along Hessel.
3. **Parking.** The minimum parking requirement for retail and service is one space per 300 square feet which results in six spaces. Six designated parking spaces are proposed in addition to an area for display parking.
4. **Landscaping/Tree Removal.** As proposed, the site is deficient in 13 required trees. Due to the site's size and proximity to infrastructure and right of way conflicts, cannot accommodate the required trees onsite. As a result, the applicant will pay \$2,600 into the City's Tree Fund. An irrigation plan must be submitted prior to final approval by staff. A landscape bond is required to be posted prior to issuance of a Land Improvement Permit.
5. **Building Design.** The building is proposed to be one story, 23.4 feet high, which is in compliance with the two-story maximum allowed in the district. The primary materials are light red brick with a blue fiberglass panel fascia entrance and grey split face CMU for accent.
6. **Other Reviews.** The plans have been reviewed and have received a recommendation of approval with conditions from other the city departments, with the exception of Engineering, who raises some concerns about corner clearance, which can be worked out on revised plans at an administrative level if the Planning Commission wishes to move this project forward.

### **Site Plan 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. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees the addition will be harmonious and compatible in appearance with the existing development, staff recommends approval of the following motions relative to City File No. 13-005.2 (Auto Rite Sales).

### **Conditional Use Approval Motion**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-005.2 (Auto Rite Sales) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to construct a used car sales operation, based on plans dated received by the Planning Department on December 22, 2015, with the following findings.

### **Findings**

1. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The proposed building has been designed and is proposed to be constructed, 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 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 proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
5. 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.

## Conditions

1. That the construction of the new facility and all site improvements be completed by October 31, 2016. If the completion date is not met the applicant can request an extension to be granted by the Planning Commission. If no extension is requested the City will initiate action to revoke the conditional use permit.

## Site Plan Approval Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-005.2 (Auto Rite Sales), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on December 22, 2015, 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 use was approved in 2013, prior to the ordinance change, and the applicant is vested for automobile sales in the CI and FB-2 districts.
3. The requested 66 foot increased front yard setback is justified as it will allow for a better display of the vehicles in front and allow the building to the rear, as is typical with automobile sales establishments.
4. The proposed project will be accessed by an existing driveway which will be reduced to 24 feet, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic on Hessel.
5. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
6. The proposed fencing had been recommended for approval by the Planning Commission.
7. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
8. 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. City Council approval of the conditional use.
2. Provide a landscape bond for replacement trees and landscaping in the amount of \$5,935, plus inspection fees, prior to issuance of a Land Improvement Permit for this development.
3. Provide an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.
4. Payment of \$2,600 into the City's Tree Fund, prior to final approval by staff.
5. Reduce access approach on the eastern property line to 24 feet in width if access if ever provided off of Hessel.
6. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.

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Reference: Plans dated received by the Planning Department December 22, 2015 (*floor Plan and Elevations, Sheet C.1, prepared by Chester Stempien Associates; Storm Sewer/Utility Plan, Sheet 1, prepared by Chippewa Consulting; Landscape Plan, Sheet LS-1, prepared by Felino A. Pascual and Associates; Photometric Plan, Sheet E.1, prepared by Chester Stempien Associates*)

Attachments: Building Department memo dated 8/27/15; Fire Department memo dated 9/1/15; Parks and Forestry memo dated 10/15/15; DPS/Engineering memo dated 12/29/15; Planning Memo dated 1/6/16.

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