



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

**1000 Rochester Hills Dr.
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Legislative File No: 2012-0324 V2

TO: Mayor and City Council Members

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

DATE: September 19, 2012

SUBJECT: Request for approval of a conditional land use permit to construct a drive-through at the proposed Tim Horton's located at 940 South Rochester Road, at the former Dunkin' Donuts site

REQUEST:

Approval of a conditional land use permit to construct a drive-through at the proposed 1,334 square-foot Tim Horton's, which will be located at the former Dunkin' Donuts site at 940 South Rochester Road, on the west side of Rochester Road north of Avon.

BACKGROUND:

This proposal is for a new Tim Horton's restaurant and associated site improvements including a drive through facility with a stacking and bypass lane, among other standard and customary site improvements.

Restaurants with drive-through facilities in a FB-1 overlay district require a conditional land use permit. The standards and/or requirements for Council's consideration regarding a restaurant with a drive-through are listed in Section 138-4.410 of the Zoning Ordinance and the findings listed in the enclosed Resolution. The issuance of the CLU 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 September 18, 2012 meeting to review the requests for a conditional land use recommendation and site plan approval. After discussion, the Planning Commission recommended approval of a conditional land use and approved the site plan with conditions as listed in the attached minutes.

RECOMMENDATION:

Staff and the Planning Commission recommend that City Council approve the conditional land use for a new Tim Horton's restaurant with a drive-through at 940 South Rochester Road.

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