



## Department of Planning and Economic Development

Staff Report to the Planning Commission

April 13, 2018

### First State Bank

<b>REQUEST</b>	Conditional Use Recommendation Tree Removal Permit Site Plan Approval
<b>APPLICANT</b>	Eugene Lovell First State Bank 24300 Little Mack St. Clair Shores, MI 48080
<b>LOCATION</b>	Northeast Corner of Rochester and Eddington Blvd.
<b>FILE NO.</b>	18-003
<b>PARCEL NO.</b>	15-23-300-039
<b>ZONING</b>	R-4 One Family Residential with an FB-2 Flexible Business Overlay
<b>STAFF</b>	Kristen Kapelanski, AICP, Manager of Planning

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#### **Summary**

The applicant is proposing to construct a two-story, 6,100 s.f. bank with drive-through on 1.31 acres at the northeast corner of Rochester and Eddington Blvd. The plans show a phase two development for a potential future office building; however, the request is for approval of the bank only at this point.

The site has road frontage on all four sides but will be accessed from the recently realigned Eddington Blvd. and the old Eddington Blvd., which was closed at Rochester Rd. Several spaces to park bikes have been added to encourage non-motorized access to the site. A walkway is proposed around the entire site and crosswalks will be striped over drive aisles and for the safety of pedestrians. As is required in the FB district, an outdoor amenity space is proposed near the northwest corner of the property which will intersect with the new Eddington Park being created on the old Eddington Blvd. Underground detention will be designed to connect to the City's stormwater system.

## **Adjacent Land Uses and Zoning**

The site is zoned R-4 One Family Residential with an FB-2 Flexible Business Overlay which permits the intended use. The drive-through requires a Conditional Use recommendation from Planning Commission and approval by City Council. The site will be developed using the FB-2 standards. There is residential zoning surrounding the site, with the north and south having FB-2 Overlays. There are homes to the east and west. The site is Master Planned FB-2.

## **General Requirements for Conditional Uses**

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Drive-through restaurants are a conditional use in the FB-2 District. Per *Section 138-4.410* of the zoning ordinance, there are four areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use for a drive-through restaurant. The Planning Commission shall find that the conditional land use will:

- A. *Drive-through uses 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 facilities and structures to separate the primary structure are prohibited.* The drive-through is designed as part of the principal building on the site.
- B. *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.* The drive-through is located to the east side of the primary structure behind the proposed screen wall and building overhang.
- C. *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.* Landscape screening has been provided.
- D. *Unless a more intense buffer is required by Section 138-12.300, a type B landscape buffer shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property.* The area to the east is planned for future development and the area to the north is screened by City-owned open space.

## **Site Plan Review Considerations**

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1. **Site Layout.** The applicant is seeking modifications from the requirements of the FB-2 district relating to minimum building frontage build-to area (old and new Eddington), front yard minor setback (old and new Eddington), minimum façade transparency, maximum height and to permit the principal entrance to face a parking area. Please see the Planning memo dated April 4, 2018 for what is required and what is proposed. The Planning Commission has the ability to modify the regulations upon a determination that the requested modifications meet the intent of the FB district; that evidence has been submitted demonstrating that compliance with the standard makes development impractical; that it will not make future adjacent development impractical; that it is the smallest modification necessary; or will permit innovative design.
2. **Parking/Access.** The minimum number of spaces required for this site is 15, including 1 space per 400 s.f. and 25 spaces are proposed plus two ADA spaces. All parking setbacks, vehicle and pedestrian zones and street zones are in compliance. There is no loading space required, and large deliveries are not anticipated. **Details of the bike racks must be provided.**
3. **Tree Removal.** The Tree Conservation Ordinance applies to this development. 32 trees are proposed to be removed with monies placed in the tree fund for replacement. A Tree Removal Permit is required, and a motion is included below.
4. **Lighting.** The proposed lighting plan is generally in compliance for intensity (footcandles) and wattage. Manufacturer's cut sheets are required and Fixture B must be revised to be downward facing.
5. **Detention.** Underground detention is being designed to meet Engineering standards.
6. **Natural Features.** The site does not contain any impacts to natural features setbacks or wetland areas in

the subject development area.

7. **Landscaping.** Several landscape waivers are required for the deficient front yard width along Rochester, a deficiency in the number of ornamental trees proposed along old and new portions of Eddington and a deficient number of deciduous trees in the parking lot. Please refer to 15. Landscaping in the Planning memo dated April 4, 2017 for what is required and proposed. An irrigation plan must be provided prior to final approval by Planning staff, and a performance bond will be required prior to final grade inspection by Engineering.
8. **Architecture.** The proposed building is generally designed in accordance with the City's Architectural Design Standards. The building façade will consist mainly of stone and metal with a significant amount of transparency. Please refer to the attached colored renderings.
9. **Other Reviews.** The plans have received a conditional recommendation of approval from the City's Engineering department. Please refer to the appropriate attached reviews.

### **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, which are attached for consideration. The site plan review for this project is considered a discretionary review by the Planning Commission because of the request for a conditional use approval for the proposed drive-through and the requested modifications from the Flex Business Overlay District regulations as noted in this report. The required findings for the conditional use approval are noted in the motion provided below. In order to approve the requested FB modifications, the Planning Commission shall find all of the following:

1. The proposed development meets the intent of the FB district.
2. Evidence has been submitted demonstrating that compliance with the standard makes development impractical on the site and that the modifications are necessary to development in accordance with the FB district.
3. The modifications will not make future adjacent development impractical.
4. The modifications are the smallest modifications necessary.
5. The modifications will permit innovative design.

A sample motion is provided below if the Planning Commission feels that the proposed project warrants the discretionary approval of the conditional use and the requested FB modifications.

### **Motion to Recommend Conditional Use Approval**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 18-003 (First State Bank) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a drive-through at a bank in the FB-2 district, based on plans dated received by the Planning Department on March 21, 2018, with the following findings.

#### **Findings**

1. The proposed drive-through and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The expanded use will promote the intent and purpose of the zoning ordinance and Master Plan.
3. The proposed drive-through 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.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by

offering another financial institution with the convenience of drive-through banking and add 15-20 jobs.

5. 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.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. 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.

## **Motion to Approve a Tree Removal Permit**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 18-003 (First State Bank), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on March 21, 2018, with the following findings and subject to the following conditions.

### ***Findings***

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove 32 regulated trees and pay into the City's Tree Fund.

### ***Conditions***

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$216.75 per tree.

## **Motion to Approve Site Plan**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 18-003 (First State Bank), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on March 21, 2018, 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 project will be accessed from Eddington Blvd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Paths and bike racks have been incorporated to promote safety and convenience of pedestrian traffic.
3. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety
4. The minimum building frontage build-to area for Eddington New – south, the front yard minor setback for Eddington New – east, the minimum building frontage build-to area for Eddington New – east, the front yard minor setback for Eddington Old – north, the minimum building frontage build-to area for Eddington Old - north and the width of the planting area along Rochester Road are modified based upon the Planning Commission's determination that they meet the intent of the FB district.
5. The maximum height is modified based upon the Planning Commission's determination that the building is set back at least 100 feet from any single family residential district and because the property has 180 feet of Rochester Rd. frontage (100 ft. required).
6. The principal entrance to the building does not face a street; however, the applicant has indicated that due

to bank security concerns, the site can only have one entrance which has been positioned toward the parking area and the Planning Commission waives this requirement along with the minimum façade transparency finding that evidence has been submitted demonstrating that compliance with the standard makes development impractical for the organization's operations.

7. The proposed development will improve a vacant parcel with the addition of a bank, and should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the 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.
9. The relocation of Eddington and the Master Plan have anticipated this type of development, eliminating the need for a curb cut onto Rochester Rd.

### **Conditions**

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape cost estimate for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff, and posting of bond prior to temporary grade certification being issued by Engineering.
3. Payment into the City's Tree Fund for any trees that are not replaced onsite in the amount of \$216.75 per tree.

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Reference: Plans dated received by the Planning Department March 21, 2018, prepared by Stucky Vitale Architects.

Attachments: Assessing Department memo dated 1/18/18; Building Department memo dated 3/27/18; DPS/Engineering memos dated 4/6/18 and 1/18/18; Planning Department Memo dated 4/04/18; Fire Department memo dated 4/3/18; Parks & Natural Resources memo dated 3/23/18; EIS dated received 1/12/18; Tree Removal Notice, Public Hearing Notice.

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