



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.
Rochester Hills, MI 48309
248.656.4630
www.rochesterhills.org

Legislative File No: 2021-0427 V2

TO: Mayor and City Council Members

FROM: Sara Roediger, Director of Planning and Economic Development, ext. 2573

DATE: November 5, 2021

SUBJECT: Request for conditional use approval for Gateway Spec Building Drive-Through to allow for a drive through as part of a mixed use development at 3784 S. Rochester Rd., north of South Blvd.

REQUEST:

Approval of a conditional use to allow for a drive through as part of a previously approved mixed use building with retail, office and restaurant uses located at 3784 S. Rochester Rd., zoned B-3 Shopping Center Business District with an FB-3 Flex Business Overlay District. The mixed use building is part of a larger development that includes a previously approved four-story hotel.

BACKGROUND:

The applicant has filed for a Conditional Use Permit to allow for a drive-through operation as part of a mixed use building, which is required in the B-3 Shopping Center Business District. The drive through window will be located on the south side of the building, with stacking for 10 cars to be provided along the south and west sides of the building.

As a tenant has not yet been identified for the drive-through; the Planning Commission added a condition to their recommendation for approval to allow the City additional oversight should a high intensity user look to occupy the space, per the City attorney's recommendation. The approval with conditions is attached. At the meeting, the applicant noted that a lower intensity user would be appropriate for this space, and a resident expressed concern regarding increases in traffic and circulation associated with the drive through.

The issuance of the conditional use permit is a discretionary decision by the City Council based on five general criteria contained in Sec. 138-2.302 of the Zoning Ordinance as follows, which are included in the resolution:

- 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 recommended approval of the conditional use with several findings and conditions as reflected in the attached resolution, at its October 19, 2021 meeting. Please refer to the attached Planning Commission minutes for further details.

RECOMMENDATION:

Finding that the proposed request to allow for a drive through operation meets the criteria of the Zoning Ordinance, the Planning Commission recommends that City Council approves the conditional use for Gateway to allow for a drive through operation, located at 3784 S. Rochester Rd., City File No. 95-004.3, subject to the findings and conditions noted in the attached resolution.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy City Clerk		

Contract Reviewed by City Attorney Yes N/A