



Department of Planning and Economic Development

Staff Report to the Planning Commission December 13, 2022

Chick Fil A Drive Through Restaurant and Associated Retail Shopping Center

REQUEST	Conditional Use Recommendation for Drive Through Site Plan Approval Tree Removal Permit
APPLICANT	Rochester Hills Retail Management II LLC 30200 Telegraph Road, Suite 205 Bingham Farms, MI 48025
LOCATION	3178 and 3200 S. Rochester Road and 3247 Hickory Lawn Road, west side of Rochester Road, north of M-59/south of Auburn Road
FILE NO.	PCU2021-0015
PARCEL NO.	70-15-34-227-039, 70-15-34-227-040, and 70-15-34-227-017
ZONING	B-2 General Business District with an FB Flexible Business Overlay and R-3 One Family Residential
STAFF	Sara Roediger, Planning and Economic Development Director Chris McLeod, AICP, Planning Manager

Summary

The applicant is proposing to demolish the existing Alex’s restaurant building, a vacant residential structure along Rochester Road along with another residential structure on Hickory Lawn to construct a new 4,978 square foot restaurant with an ancillary drive through and outdoor seating space. In addition, the applicant is proposing a second phase of development which would include an additional 5,036 square feet of additional retail space on site in a separate two (2) tenant retail building to the north end of the site. The proposed ancillary drive through is permitted as a conditional use which requires a public hearing before the Planning Commission who makes a recommendation to City Council.

As noted above, the development is proposed to be constructed in two (2) phases. The first phase of the development, which includes the proposed 4,978 square foot Chick-Fil-A restaurant with an ancillary drive through would have a seating (and employee) capacity of one hundred and thirty-six (136) persons, that would require a total of sixty eight (68) parking spaces and the plans also propose a total of stacking spaces for approximately one hundred and thirty-seven (137) vehicles. This number of stacking spaces is based on City of Rochester Hills Zoning Ordinance requirements of a sixteen (16) foot long stacking space (please note the City’s reviewing traffic engineer and consultant utilize a different standard for stacking spaces of twenty five (25) feet which yields far fewer stacking spaces). The stacking configuration is shown on Sheet 27 (EX-1) of the applicant’s submittal.

If and when phase 2 of the development occurs, which includes constructing the approximate 5,000 square foot retail building to the north end of the site and providing additional parking areas for that building, the number of stacking spaces dedicated for the Chick-Fil-A restaurant reduces to fifty-two (52) spaces. The stacking configuration after phase 2 of the development is shown on Sheet 28 (EX-2) of the applicant’s submittal.

During the administrative site plan review process, concerns have been raised regarding the overall number of stacking spaces, the ability of the site to accommodate adequate stacking spaces without backing onto Rochester Road, particularly after initial construction, how Chick-Fil-A would ensure the stacking spaces and stacking line as proposed would function appropriately (due to its unique configuration) and how maneuvering would occur efficiently as patrons enter the site.

The “throat” of the driveway entering and exiting the site is relatively short. Concerns have been raised specifically about traffic entering the site and being forced to make a series of very quick decisions/turning movements depending on the level of queuing onsite within a very short distance upon entering the site from a major roadway. In addition, those exiting the site from either the Chick-Fil-A (those who were parked and dined within the restaurant) as well as those leaving the retail shopping center to the north end of the site would also likely create additional congestion and conflict upon exiting the site. Concerns have also been raised that while a significant number of queuing spaces have been provided leading up to the drive through window, a very limited number have been provided exiting the drive through.

Finally, the site plan proposes an assortment of two-way and double one-way lane maneuvering lanes depending where an individual is within the site. The assortment of lane configurations will likely cause confusion for vehicles coming to and exiting from the site as many of the lanes and parking alignments suggest standard two way traffic but are actually limited to a single direction.

In an attempt to address the concerns noted above, regarding stacking, traffic flow and potential traffic conflicts both onsite and on Rochester Road as a result of the proposed drive through facility, the applicant has submitted a number of revised plans for City Staff (along with consultants, county agencies, including the Road Commission and the Michigan Department of Transportation) to review. To date, City Staff, Oakland County Road Commission and MDOT still have concerns regards queuing onsite along with on and off site maneuvering relative to the site.

Additional Planning review comments include the identification of problematic parking spaces, particularly the easternmost spaces at the exit of the drive through, which appear to be in conflict with traffic exiting the drive through and potentially stacking trying to leave the site, the location and accessibility of fire hydrants within the site, the ability for the site to accommodate a full weight fire apparatus, the need for appropriate flow tests, and the need for sprinkling for buildings. Please refer to the Reviewed Plans for additional details.



	Zoning	Existing Land Use	Future Land Use
Site	B-2 General Business and R-3 One Family Residential with an FB Flex Business Overlay	Alex's Restaurant, Vacant	Commercial Residential Flex 2
North	B-2 General Business with an FB Flex Business Overlay	Lenscrafters, Wendy's Restaurant	Commercial Residential Flex 2
South	B-2 General Business with an FB Flex Business Overlay	Oakhill Plaza	Commercial Residential Flex 2
East	B-3 Shopping Center Business with an FB Flex Business Overlay	Lowes Home Improvement, Meijer, Verizon	Commercial Residential Flex 3
West	R-3 One-Family Residential	Single Family Residential	Residential 3

Staff Recommendations

Planning, Engineering and Fire staff have recommended denial as described below; other staff have recommended approval or approval with conditions.

Department	Comments & Waivers/Modifications	Recommendation
Planning	Concerns with entrance maneuvering lane and traffic flow patterns along with proposed location of drive through lane.	Denial
Fire	Concerns with parking blocking hydrant locations, verifying that the proposed underground detention can accommodate a 75,000 lbs. fire apparatus, and the number of hydrants based on building types, sizes, and uses.	Denial
Assessing	Approved	Approval
Engineering	See Engineering memo dated November 9, 2022 for details.	Denial
Parks & NR	Approved	Approval
Building	Comments to be handled at Building permit review	Approval

General Requirements for Conditional Uses

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. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

1. *Will promote the intent and purpose of (the Ordinance).* The B-2 General Business District generally supports and promotes uses including a restaurant with a drive-through.
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. The proposed buildings appear to be harmonious in appearance with surrounding buildings. However staff (along with MDOT and city consultants) have significant concerns regarding traffic coming to and from on the site on a regular/daily basis along with concerns of onsite traffic operating in a confusing manner. Planning, Engineering and Fire staff have recommended denial based upon the potential conflicts on Rochester Road for those entering and existing the site, the onsite queuing and traffic patterns and the need for additional fire protection onsite.

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.* Based on the current site plans provided, Planning, Engineering and Fire staff have recommended denial based upon the potential conflicts on Rochester Road for backups that may occur for those entering and existing the site, the onsite queuing and traffic patterns, and the need for additional fire protection onsite.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* Planning, Engineering and Fire staff have recommended denial based upon the potential conflicts on Rochester Road for those entering and existing the site, the onsite queuing and traffic patterns and the need for additional fire protection onsite. In regards to impacts to the south, no access has been proposed to Hickory Lawn Road. In regards to impacts to the west, the site plan proposes the combination of a screening wall and a series of deciduous, evergreen and shrub plantings (of various depths and intensities) along Hickory Lawn Road to the south and the residences to the west.
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.* There may be additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community, if vehicle conflicts cause traffic accidents which require emergency response.

The conditional use was noticed for a public hearing, and staff has received comments which are attached. However, due the fact that the City required signage noticing the site is being proposed for a conditional use was not placed onsite by the applicant at least fifteen (15) days prior to the meeting, the Planning Commission cannot take action (either recommendation for approval or denial) and must conduct an additional public hearing that satisfies all requirements of the relevant State statutes and City ordinances regarding public hearings. Depending on the discussion that occurs at the December 13, 2022 meeting and the extent of site plan changes that may be proposed or required, the Planning Commission should establish a new date for review and consideration once all notification requirements can be satisfied.

Requirements for Drive-Through Facilities

Per Section 138-4.410 of the Zoning Ordinance, any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the following requirements:

1. *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 separate from the primary structure are prohibited.* The proposed drive-through is presented as integrated to the primary structure and its use.
2. *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 plans show the drive through window to be located on the east side of the building which is the "side" of the building since the front façade and entrance to the building faces northward.
3. *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.* The site landscaping plan proposes landscaping and a screening wall along the south side of the site, next to the residential properties along Hickory Lawn. In addition, the landscaping plan also shows plantings, including a hedge row and large tree plantings adjacent

to the drive through lane along Rochester Road.

4. *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 landscape provided meets the intent of a Type B landscape buffer between the site and the adjoining single family residences to the west.*

Motion for Conditional Use Postponement

MOTION by _____, seconded by _____, in the matter of File No. JNRNB2021-0033 (Chick-Fil-A at 3200 S. Rochester Road), the Planning Commission **postpone** action on the **Conditional Use** to allow a drive-through, to allow the Office of Planning to re-advertise the required public hearing and to allow the applicant time to place the required notice of proposed conditional use sign at the subject site in compliance with the City's Zoning requirements.

Motion for Site Plan

MOTION by _____, seconded by _____, in the matter of File No. JNRNB2021-0033 (Chick-Fil-A at 3200 S. Rochester Rd.), the Planning Commission **postpone** action on the **Site Plan** to allow a drive-through restaurant use and ancillary retail building, to allow the Office of Planning to re-advertise the required public hearing and to allow the applicant time to place the required notice of proposed conditional use sign at the subject site in compliance with the City's Zoning requirements.

Motion for Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of File No. JNRNB2021-0033 (Chick-Fil-A at 3200 S. Rochester Rd.) the Planning Commission **postpone** action on the **Tree Removal Permit** to allow a drive-through restaurant use and ancillary retail building, to allow the Office of Planning to re-advertise the required public hearing and to allow the applicant time to place the required notice of proposed conditional use sign at the subject site in compliance with the City's Zoning requirements.
