



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

**1000 Rochester Hills Dr.
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Legislative File No: 2017-0577 V2

TO: Mayor and City Council Members

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

DATE: January 12, 2018

SUBJECT: Request for approval of a Conditional Use Permit to construct a drive-through facility at a proposed Burger King restaurant at the southwest corner of Rochester and Avon Roads

REQUEST:

Approval of a Conditional Use to construct an approximately 2,000 sq. ft. Burger King drive-through restaurant located on an outlot near the southwest corner of Rochester and Avon Roads (Winchester District). The restaurant is being relocated from its current location just to the north, along with a renovation of the shopping center, the addition of a grocery store and an additional outbuilding. The site is zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay and is being developed using the B-3 district standards.

BACKGROUND:

The site will be accessed from Rochester, Avon or Meadowfield, and there will be no new curb cut onto Rochester Road. Restaurants with drive-through facilities in the B-3 district require a Conditional Use approval from City Council. The standards and/or requirements for Council's consideration regarding restaurants 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 Conditional Use is a discretionary decision by the City Council and based on 5 general criteria contained in *Sec. 138-2.302* of the Zoning Ordinance as follows:

- 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 December 19, 2017 meeting to review the requests for a Conditional Use Recommendation, Tree Removal Permit and Site Plan Approval. The requests were unanimously passed with findings for the Conditional Use in the attached resolution. Please refer to the meeting Minutes for details.

RECOMMENDATION:

Staff and the Planning Commission recommend that City Council approves the Conditional Use to construct a relocated drive-through Burger King restaurant on an outlot at the southwest corner of Rochester and Avon Roads, based on plans dated received by the Planning and Economic Development Department on November 20, 2017.

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

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