



## Department of Planning and Economic Development

Staff Report to the Planning Commission December 21, 2021

### Biggby at Meijer

<b>REQUEST</b>	Conditional Use Recommendation Site Plan Approval Tree Removal Permit
<b>APPLICANT</b>	24Ten, LLC Kyan Flynn and Deanna Richard 807 Ironstone Drive Rochester Hills, MI 48309
<b>LOCATION</b>	3099-3175 S. Rochester Rd., south of Auburn Rd., within the existing Meijer parking lot
<b>FILE NO.</b>	21-022
<b>PARCEL NOS.</b>	15-35-100-056
<b>ZONING</b>	B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay
<b>STAFF</b>	Kristen Kapelanski, AICP, Manager of Planning

### Summary

The applicant is proposing to add a modular coffee drive-through with landscaping within an outlot in the Meijer parking lot. The applicant indicates this would provide drive-through as well as walk up services. A drive-through is permitted as a conditional use which requires a public hearing before the Planning Commission who makes a recommendation to the City Council.

At the November 16, 2021 Planning Commission meeting the commissioners expressed concerns that the structure presented was not harmonious with the setting and surrounding buildings, and also concerns with regard to traffic flow and potential drive-through conflicts. Recommendations included revising the structure's façade to include stone or brick; revising the elevations to accurately show how the structure will look skirting; and to address traffic flow. Revised plans were submitted for review which show a full brick structure with skirting at the bottom to cover the open space, and curbing has also been extended to the north and east of the structure, thereby enclosing nine (9) parking spaces to the east. With this revision the only entrance/exit is on the south side, to the southeast of the proposed structure. Per the Building Department, foundations for the structure would be per the manufacturer's specifications.



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	Zoning	Existing Land Use	Future Land Use
<b>Site</b>	<b>B-3 Shopping Center Business with an FB-3 Flexible Business Overlay</b>	<b>Vacant/Meijer parking lot</b>	<b>Commercial Residential Flex 3</b>
<b>North</b>	B-3 Shopping Center Business w/FB-3 Flex Business Overlay	Medpost Medical Facility	Commercial Residential Flex 3
<b>South</b>	B-3 Shopping Center Business with an FB-3 Flexible Business Overlay	Panda Express	Commercial Residential Flex 3
<b>East</b>	B-3 Shopping Center Business with an FB-3 Flexible Business Overlay	Meijer Parking Lot	Commercial Residential Flex 3
<b>West (across Rochester Rd.)</b>	B-2 General Business w/FB-3 Flex Business Overlay	Retail Center	Commercial Residential Flex 2

## Staff Recommendations

All staff have recommended approval or approval with conditions. If the Planning Commission feels that the proposed use and development will be compatible with its surroundings, below are motions for consideration.

Department	Comments & Waivers/Modifications	Recommendation
Planning	Approved with conditions	<b>Approval</b>
Fire	Approved with conditions	<b>Approval</b>
Assessing	Approved	<b>Approval</b>
Engineering	Comments to be handled at construction plan review	<b>Approval</b>
Parks & NR	Approved with conditions	<b>Approval</b>
Building	Comments to be handled at Building permit review	<b>Approval</b>

## 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.

- Will promote the intent and purpose of (the Ordinance).* The B-3 and FB-3 districts do support and promote uses including a coffee shop with a drive-through, although not specifically a modular structure placed within an existing parking lot.
- 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. At the November 16, 2021 Planning Commission meeting the commissioners expressed concerns that the proposed modular structure was not harmonious in appearance with the surrounding buildings. The applicant has submitted revised plans showing the structure to have full brick facades and skirting to cover the open space between grade and the bottom of the structure. Landscaping as shown on the plans will help the structure to fit into the setting.

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.* The modular structure will utilize a holding tank for sanitary waste and a grinder pump before connecting to the sewer. The grinder pump which would be privately owned and maintained.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* There will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to the public welfare. The Planning Commissioners previously expressed concerns with regard to traffic flow for the proposed coffee drive-through and whether it may affect traffic to neighboring uses at Culver's and Meijer. The applicant submitted revised plans which show one entrance and exit to the southeast of the structure to address these concerns.
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 will be no additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community. As previously mentioned, the grinder pump for sanitary waste would be privately owned and maintained.

The conditional use was noticed for a public hearing, and staff has not received any comments or concerns, and there were no public comments made at the previous Planning Commission meeting.

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

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 21-022 (Biggby at Meijer) the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on December 1, 2021 and September 17, 2021 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 one regulated tree. One replacement tree, as approved by Parks and Natural Resources is required; otherwise the applicant must pay into the City's tree replacement fund as required.

### **Conditions**

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. A Land Improvement Permit must be issued prior to the tree being removed.

## Motion to Recommend Conditional Use Approval

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 21-022 (Biggby at Meijer), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a drive-through, based on plans dated received by the Planning Department on December 1, 2021 and September 17, 2021 with the following findings.

### Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be 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.
3. The proposal will have a positive impact on the community by adding trees and offering employment opportunities.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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.

### Conditions

1. City Council approval of the Conditional Use.
2. If, in the determination of City staff, the intensity of the drive-through changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

## Motion to Approve Site Plan

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 21-022 (Biggby at Meijer), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on December 1, 2021 and September 17, 2021 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 Rochester Rd. and Auburn Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.

4. 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.

### **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 bond in the amount of \$23,600, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. Any expansion or relocation of the structure requires Planning Commission approval.
4. The structure must be constructed with full brick facades on each side of the building; skirting at the bottom of the structure must fully cover the open space between grade and the bottom of the structure on all sides. No artificial turf is permitted to be installed.

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Reference: Plans dated April 2021 received by the Planning December 1, 2021 and September 17, 2021

Attachments: EIS, Response Letter, Landscape estimate, Public hearing notice

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