



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.  
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Legislative File No: 2021-0385 V2

**TO:** Mayor and City Council Members

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

**DATE:** December 3, 2021

**SUBJECT:** Request for conditional use approval for Avon/Rochester Mixed Use Development to allow for a drive-through operation associated with a new two-story mixed use building, located at 945 & 975 S. Rochester Rd., at the northeast corner of Avon Rd.

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**REQUEST:**

Approval of a conditional use to allow a drive-through for a new two-story mixed use building at 945 & 975 S. Rochester Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay.

**BACKGROUND:**

The applicant is proposing to demolish the existing gas station and multi-tenant commercial buildings onsite and to construct a 26,575 sq. ft. restaurant with a drive-through, as part of a two-story mixed use building consisting of first floor commercial/retail space and office space on the second floor, with associated parking areas and landscaping. On September 21, 2021 the Planning Commission granted the requested site plan modifications for exceeding maximum front yard arterial setbacks for Rochester Rd. and Avon Rd., and for not meeting the requirement of 70% first floor non-residential transparency for the building façade, as measured between 2-8 ft. above the sidewalk. There were no comments made during the public hearing at the Planning Commission. An application for this project was also reviewed by the Brownfield Redevelopment Authority most recently on November 18, 2021.

The issuance of the conditional use 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 September 19, 2021 meeting. Please refer to the attached Planning Commission minutes for further details.

**RECOMMENDATION:**

Finding that the proposed request for a drive-through operation meets the criteria of the Zoning Ordinance, the Planning Commission recommends that City Council approves the conditional use for Avon/Rochester Mixed Use Development to allow a drive-through operation, located at 945 & 975 S. Rochester Rd., City File No. 21-007, 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