



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

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**Legislative File No: 2014-0502 V2**

**TO:** Mayor and City Council Members

**FROM:** Ed Anzek, Director of Planning and Economic Development, ext. 2572

**DATE:** January 30, 2015

**SUBJECT:** Request for approval of a Conditional Use to construct a drive-through facility at a proposed Taco Bell on Crooks, south of Avon Industrial

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**REQUEST:**

Approval of a Conditional Use to construct a drive-through facility at a proposed Taco Bell, a 2,200 square-foot restaurant located on the west side of Crooks, south of Avon Industrial (south of the Shell station and car wash).

**BACKGROUND:**

This proposal is for a drive-through at a new Taco Bell restaurant. The site will be accessed from Crooks. To enable the patrons of this Taco Bell along with the future users of the residual lands to the west of the Taco Bell, staff is having discussions with the Road Commission to see if they will approve an access to Avon Industrial gaining the use of the traffic signal for those wishing to travel north from the site. The site is part of a condo plat, and cross access will be provided by the owner for future development of the site. The drive-through will face Crooks. The proposed architecture is from a new prototype, and colored elevations are included.

Restaurants with drive-through facilities in the B-3, Shopping Center Business district require a Conditional Use (CU) approval from City Council. The standards and/or requirements for Council's consideration regarding restaurants with a drive-throughs are listed in Section 138-4.410 of the Zoning Ordinance and the findings listed in the enclosed Resolution. The issuance of the CU is a discretionary decision by the City Council and based on 5 general criteria contained in Sec. 138-2.302 of the Zoning Ordinance. They are:

- 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 January 20, 2015 meeting to review the requests for a Conditional Use Recommendation and Site Plan Approval. The Conditional Use Recommendation was unanimously passed with one condition that it shall apply only to the Taco Bell, and the Site Plan Approval passed seven to one with several conditions in the attached resolution.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that City Council approves the Conditional Use to construct a drive-through at a proposed Taco Bell restaurant on Crooks, south of Avon Industrial.

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