



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

**1000 Rochester Hills Dr.
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Legislative File No: 2014-0451 V2

TO: Mayor and City Council Members

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

DATE: October 31, 2014

SUBJECT: Request for approval of a Conditional Land Use to construct a drive-through at a proposed Tim Horton's located at the southeast corner of Adams and Walton Blvd.

REQUEST:

Approval of a Conditional Land Use to construct a drive-through for a new Tim Horton's proposed in conjunction with the demo and rebuild of a fuel station and convenience store at the site of the existing Mobil station at the southeast corner of Adams and Walton Blvd. The total building size is 7,320 square feet and site plans are attached.

BACKGROUND:

This proposal is for a new Tim Horton's restaurant and associated site improvements including a drive-through facility with a stacking and bypass lane, a new fuel station and convenience store among other standard and customary site improvements. There is a McDonald's parking lot to the south, McDonald's restaurant to the east, a gas station to the north across Walton Blvd., and Oakland University across Adams to the west.

Restaurants with drive-through facilities require a Conditional Land Use permit (CLU). The standards for Council's consideration regarding a restaurant 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 CLU 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 October 21, 2014 meeting to review the requests for a Conditional Land Use Recommendation and Site Plan Approval. After discussion, the Planning Commission found that the proposed plan met the requirements for Conditional Land Use for a drive-through facility at this location and recommended approval of the Conditional Land Use and approved the Site Plan with conditions as listed in the attached minutes.

At the Planning Commission meeting, some residents expressed concerns about noise and traffic associated with the redevelopment of this site. In response, the applicant has offered to change waste removal timing to the afternoon and install increased landscaping along the south and east property lines to help mitigate noise concerns.

The proposed plan should improve traffic circulation in the area through the closure of the northernmost driveway on Adams Road and by designating the two existing driveways off of Walton as enter only (westernmost driveway) and exit only (easternmost driveway). In addition, the applicant is working with Engineering to determine if the driveway on Adams Road should limit left hand turns, and the resultant Traffic Impact Study, which the applicant is currently working on, will determine if the proposed traffic conditions warrant this limitation. Please refer to the attached October 29, 2014 letter and supporting information from the applicant to help address the residents concerns.

RECOMMENDATION:

Staff and the Planning Commission recommend that City Council approves the Conditional Land Use for a new Tim Horton's restaurant with a drive-through at the southeast corner of Adams and Walton Blvd.

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