



Department of Planning and Economic Development

Staff Report to the Planning Commission

January 16, 2014

Former City Place Rezoning	
REQUEST	Recommendation to City Council for requested rezoning
APPLICANT	City of Rochester Hills, Planning and Economic Development Department
LOCATION	East side of Rochester Road, south of Yorktowne, north of Hamlin
FILE NO.	02-027
PARCEL NO.	15-23-152-022 (3.57 acre parcel east of 5 th /3 rd Bank) 15-23-152-023 (0.40 acre parcel with ITC Transmission easement) 15-23-301-002 (3.89 acre parcel north of Eddington Blvd.) 15-23-300-035 (19.62 acre parcel south of Eddington Blvd.) Total acreage: 27.48+/- acreage
CURRENT ZONING	PUD Overlay B-2 General Business District (Underlying Zoning District) FB-2 Flex Business Districts (Overlay)
REQUESTED ZONING	<u>Request 1:</u> FB-2 Flex Business Overlay with R-4 Single Family (City initiated) <u>Request 2:</u> FB-2 Flex Business Overlay with RM-1 Multiple Family and O-1 Office Business (property owner requested)
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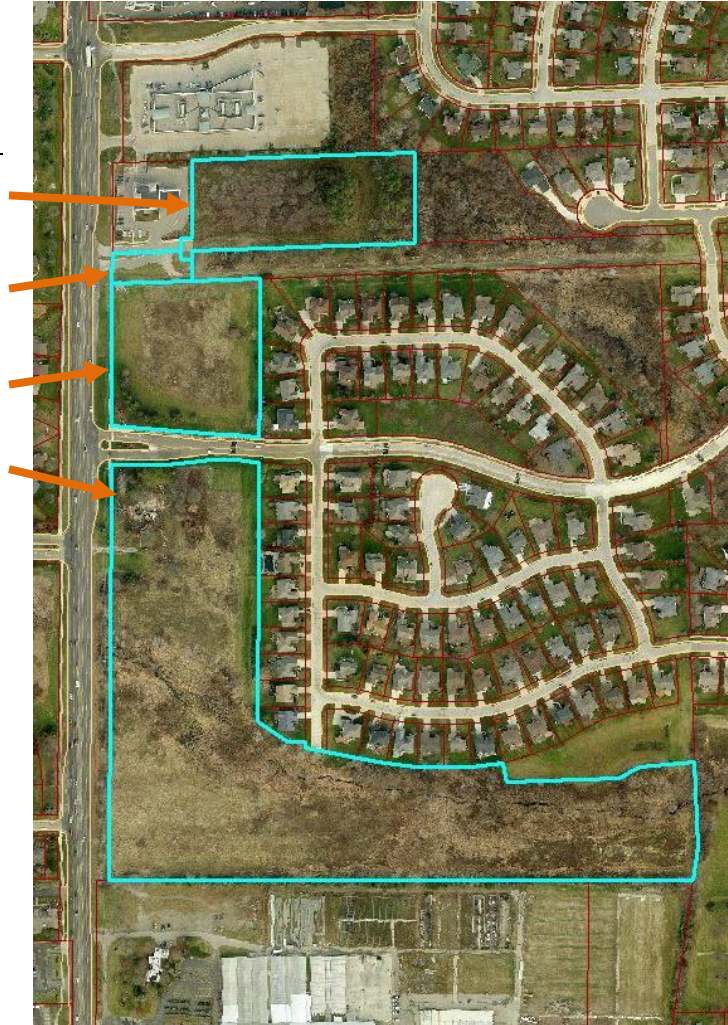
Summary and Analysis

At this time two potential zoning options for the City Place site have been applied for and noticed. This is an unusual situation where the City has proposed one combination of base zone (i.e. conventional zoning district) and overlay zone, and the property owner has applied for a different combination of base zone and overlay zone. This situation arises from the fact that the City Council has referred this item to the Planning Commission for review and a recommended zoning for the site once the City Place PUD is abandoned.

The City-initiated rezoning proposes a base zone of R-4 and an FB-2 overlay district over the entire site in question.

The property owner initiated rezoning proposes a combination of O-1 and RM-1 base zoning with an FB-2 overlay district over the entire site. Please refer to the following aerial for a description of which zoning district is proposed for the various parcels that make up the overall site under the City and property owner rezoning requests:

Parcel ID	City-Proposed	Property Owner Proposed
15-23-152-022	R-4 with FB-2	RM-1 with FB-2
15-23-152-023	R-4 with FB-2	O-1 with FB-2
15-23-152-002	R-4 with FB-2	O-1 with FB-2
15-23-152-035	R-4 with FB-2	O-1 with FB-2



Master Land Use Plan

The Future Land Use Map designates this site for business/flexible use 2.

It is the intent of the 2007 Master Land Use Plan to transition the City away from a use-based planning and zoning system to a design-based planning and zoning system. This represents a trade-off where property owners gain more flexibility in the types of uses that are permitted, but where stricter site and building design controls are in place. The overall intent is to move away from an automobile based increment of development to a human increment of development, with the goal being to create places that are accessible both by car and by walking or bicycling, and also that are more flexible because they can accommodate more than one kind of use.

The vast majority of areas planned for business/flexible use were already zoned and used for commercial purposes (i.e. they had a B zoning designation). There were a few areas that were designated for business/flexible use that did not have a B zoning designation, such as the Lorna Stone PUD at Adams and South Boulevard, the City Place PUD, and a few corner nodes which are zoned residential but are planned for business/flexible use 1, the lowest intensity designation that does not permit retail uses. In the case of Lorna Stone and City Place, the business/flexible use 2 designations reflected the fact that there were existing PUD's that sought to accomplish the same ends as the business/flexible use designations before the City had a formal means in the zoning ordinance to accommodate such development in a by-right manner. The Village of Rochester Hills is another example of this kind of development that had to be handled through a Consent Judgment because the zoning ordinance was not set up to accommodate it.

The 2009 Zoning Ordinance update created the flexible business overlay districts as the means to implement the recommendations of the 2007 Master Land Use Plan. The three flexible business overlay districts correspond directly to the three business/flexible use designations in the Master Land Use Plan.

During the development of the Zoning Ordinance, it was decided to make the flexible business districts overlay districts that sit on top of a conventional use-based zoning district. The reason for this was to preserve the substantial investment that property owners had made in their properties based on the City's use-based zoning system which has been in place since Avon Township first implemented zoning in the 1950s. When the zoning map was created that accompanied the 2009 zoning ordinance, properties retained the conventional zoning designation that they already had, and the flexible business overlay districts were added on top of the already existing zoning districts. By implementing the flexible use districts as overlay districts, property owners have the choice of using the conventional zoning under which their properties were originally developed, or to use the new flexible business overlay districts.

For a property like the City Place development, where the B-2 zoning was only put in place to support the PUD, Staff believes that there is no vested right to the B-2 zoning. It is the clear intent of the Master Land Use Plan that the City Place site be developed according to the FB-2 overlay district standards. For that reason, Staff is recommending an R-4 underlying zoning with the FB-2 overlay, which was the zoning in place prior to adoption of the City Place PUD. This combination of zoning would be consistent with the Master Land Use Plan, and would be the most likely combination to lead the property owner to develop the site using the FB-2 overlay district.

If the site is zoned RM-1 and O-1, it would provide the property owner the ability to develop the site using the conventional zoning standards. Even though the FB-2 district permits all of the uses permitted in the RM-1 and O-1 district, the RM-1 and O-1 district do not have the same design requirements that the FB-2 district has, meaning that the property owner could propose conventional site plans that do not meet the intent of the Master Land Use Plan or the FB-2 overlay district.

In addition, developing the site under the traditional RM-1 and/or O-1 would not entitle the developer to the incentives available in the FB-2 category. Those incentives focus more on the setbacks, building separations, possible elimination of shared parking due to potential "parceling" of the site and regional or shared storm water detention facilities. Staff would offer that any development proposed under the RM-1 and/or O-1

zoning would still be reviewed with the intent to ensure better access through the use of cross access agreements.

In summary, using O-1 and RM-1 as the base zoning increases the chances that development will occur that is not consistent with the vision of the Master Land Use Plan for this site. Implementing R-4 as the base zoning means that a developer would have to comply with the design requirements of the FB-2 district, but in return would have the ability to develop a wider range of uses on the site.

Zoning Considerations

An additional consideration with respect to the traditional zoning designations is the potential for land division that parcels out the parent parcels resulting in multiple parcels fronting on Rochester. That would entitle each parcel to obtain direct access via a drive approach to Rochester Road.

This subdividing could happen with any of the Business, Office, or Residential uses and to a lesser extent Multi-family and single-family. When individual sites are parceled out there is typically a right of access to the road upon which they front, and so there is a very real possibility of creating numerous new, individual parcels each with their own driveway if the underlying zoning is changed to an inappropriate "conventional" zoning district (i.e. O-1, RM-1). As stated previously, staff would work to establish the cross access but it cannot be certain of success.

Criteria for Amendment of the Official Zoning Map (Section 138-1.200.D)

There are ten criteria for consideration by the Planning Commission and City Council in making findings, recommendation, and decision for a rezoning request. Those criteria are listed below with annotated comments by Staff.

1. *Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.* FB-2 is clearly supported by the Master Plan. The Master Plan does not identify appropriate base zoning, and the 2009 zoning map preserved existing base zonings. Rezoning to RM-1 and O-1 would permit uses that are also permitted in the FB-2 district and as such are somewhat consistent with the business/flexible use 2 designation in that those conventional districts permit uses that are anticipated in the FB-2 district, but do not require any of the recommended design elements.

An underlying R-4 zoning would incentivize the use of the FB-2 overlay by requiring the property owner to use the FB-2 district in order to achieve any use other than single family residential.

2. *Compatibility with the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.* There are no significant environmental features of this site that would prohibit development under any zoning district standards. Wetlands do exist, but will not preclude development. The FB-2 standards will create a unified development on the site, connecting to the bank to the north and creating a potential connection to any future development on the Bordine's site to the south, and will also create an orderly on-site circulation system that limits points of access to Rochester Road.

It is possible that the same on-site circulation could be created using the conventional RM-1 and O-1 zoning districts, but it would not be required or guaranteed. Therefore, rezoning to RM-1 and O-1 as the base zoning districts creates risk of parceling out the site with many accesses to Rochester Road.

3. *Evidence that the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.* Under both scenarios the site would have the FB-2 overlay designation, which permits a wide range of uses and in fact, encourages a mixture of uses. This means that either rezoning scenario will allow for an equivalently reasonable return on investment.
4. *Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.* Given that FB-2 is recommended by the Master Land Use Plan, and that all of the uses that are allowed in the R-4, RM-1, and O-1 districts are also allowed in the FB-2 district, there is no difference between the two proposals with respect to the compatibility of uses with the surrounding area.
5. *The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.* Capacity exists to serve development under either proposal.
6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.* Traffic and access impacts to and from Rochester Road is an issue that will have to be carefully and thoughtfully managed under any scenario. Development under the FB-2 overlay district standards will likely provide the City the greatest influence over how the site develops and connects to sites to the north and south.
7. *The boundaries of the requested rezoning district are reasonable in relationship to surrounding and construction on the site will be able to meet the dimensional regulations for the requested zoning district.* As noted above, the buffering and dimensional regulations in the R-4, O-1, and RM-1 districts can be met on the site. There is no buffer requirement to separate R-4 and the existing homes. As such the berm that exists could be eliminated. RM-1 and O-1 require a Type "C" buffer that includes a 20 feet minimum buffer and various plantings.
8. *If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.* City staff is recommending R-4 base zoning with FB-2 overlay. The property owner has requested O-1 and RM-1 base zoning with FB-2 overlay. In this instance the Planning Commission and City Council have the ability to choose which proposal they feel is most appropriate. As staff discussed all the various district possibilities it was determined early on that further in-depth analysis would be futile for the reasons discussed previously; that of controlling access and eliminating the possibility of numerous curb-cuts.
9. *If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or conditional uses in the current zoning district to allow the use.* Not applicable.
10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.* The FB-2 overlay is the zoning that is compatible with and facilitates the development style envisioned by the Master Land Use Plan. As the FB-2 overlay zone is proposed in both scenarios, it will not create an isolated spot zone.

Motion to Recommend Approval/Denial to City Council: R-4 with FB-2 Overlay

MOTION by _____, seconded by _____, in the matter of City File No. 02-027 (Former City Place Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed rezoning of parcel nos. 15-23-152-022, 15-23-023, 15-23-301-002, and 15-23-300-035 to R-4 one family residential with an FB-2 flexible business overlay, with the following findings.

Findings for Approval

1. FB-2 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan, and is the most appropriate zoning district to implement the type of development envisioned in the Master Land Use Plan for this site.
2. R-4 is an appropriate zoning district at this location as it was the zoning designation that existed prior to the adoption of the City Place PUD (and associated zoning actions).
3. Approval of the proposed rezoning will allow for uses and a development character that are consistent and compatible with existing uses to the north, west and south.
4. The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.

Findings for Denial

1. R-4 is not the most appropriate zoning designation for the site.

Motion to Recommend Approval/Denial to City Council: RM-1 and O-1 with FB-2 Overlay

MOTION by _____, seconded by _____, in the matter of City File No. 02-027 (Former City Place Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed rezoning of parcel no. 15-23-152-022 to RM-1 multiple family residential with an FB-2 flexible business overlay, and parcel nos. 15-23-023, 15-23-301-002, and 15-23-300-035 to O-1 office business with an FB-2 flexible business overlay, with the following findings.

Findings for Approval

1. FB-2 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan, and is the most appropriate zoning district to implement the type of development envisioned in the Master Land Use Plan for this site.
2. RM-1 and O-1 are appropriate zoning districts at this location because they allow for uses that are permitted in the FB-2 overlay district.
3. Approval of the proposed rezoning will allow for uses and a development character that are consistent and compatible with existing uses to the north, west and south.
4. The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.

Findings for Denial

1. The RM-1 and O-1 zoning designations are unnecessary because the uses permitted in the RM-1 and O-1 districts are also permitted in the FB-2 overlay district, but without the higher design standards required in the FB-2 overlay district.
2. The RM-1 and O-1 zoning designations could create a patchwork development pattern on the site if parts of it are developed using the conventional zoning standards and other parts are developed using the FB-2 overlay standards.
3. RM-1 and O-1 are not the most appropriate zoning designations for the site because they decrease the incentive to the property owner to use the FB-2 overlay district and could result in a type of development that is not envisioned in the Master Land Use Plan.