



## Planning and Economic Development

Ed Anzek, AICP, Director

From: Ed Anzek and Sara Roediger  
To: Planning Commissioners  
Date: 4/17/2015  
Re: Ordinance amendment for B-3 Districts

The city has had a couple of inquiries from businesses as to the possibility of splitting off their "out-parcel" into a separate parcel for their ownership structure. Some businesses prefer to own the land and building their business occupies, while others prefer leasing arrangements where they lease from a landlord. The problem arises in B-3 Districts where a business wishes to own their property, and the city requires 400 feet of frontage and a minimum of 5 acres in order to create the parcel.

Historically the B-3 zoning district focused on the larger parcels in the city to limit the number of fast food and smaller retail/commercial businesses could develop along the Rochester Road corridor, and thereby limit the number of access points along this corridor. In keeping with that intent, staff suggests that a proposed parcel in a B-3 district, with access being limited to internal access/egress from the larger entity only, with deed restrictions prohibiting a separate access or an additional driveway, would meet both the intent of the ordinance while permitting flexibility in ownership for potential businesses. From staff's opinion, the ownership is not as critical as long as the center functions "as one". An owner of a facility is much more likely to stay and maintain the facility over time than a tenant would.

The matter was discussed briefly at the January 20, 2015 Planning Commission meeting. Staff, in concert with the city attorney, has prepared an Ordinance amendment for consideration, and is requesting the Planning Commission's recommendation to City Council. As you will note, text was added that permits the Planning Commission to permit additional access points if deemed appropriate. Staff feels that providing this flexibility to the Planning Commission in cases where the new access point would improve safety or circulation could provide the City with an opportunity to improve access. If the Planning Commission agrees, below is a motion for consideration.

Thank you.

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, that the Rochester Hills Planning Commission hereby recommends to City Council an Ordinance to amend Table 7 of Section 138-5.100 and Footnote E of Section 138-5.101 of Article 5 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to permit in the B-3 district parcels smaller than the minimum size required under certain conditions, repeal inconsistent provisions and prescribe a penalty for violations.