



Department of Planning and Economic Development

Staff Report to the Planning Commission

January 17, 2023

Cloverport Rezoning

REQUEST	Rezoning recommendation to City Council
APPLICANT	City Initiated Rezoning
LOCATION	North of Cloverport, west of Rochester Road
FILE NO.	PR2023-0001 (285 Cloverport Ave.), PR2023-0002 (15-15-429-026), PR2023-0003 (15-15-429-026), PR2023-0004 (15-15-429-034), and PR2023-0005 (15-15-429-035)
PARCEL NOS.	15-15-405-004 (285 Cloverport Ave.), 15-15-429-026 (No Address), 15-15-429-027 (No Address), 15-15-429-034 (No Address), and 15-15-429-035 (No Address)
CURRENT ZONING	R-4 One Family Residential District, I Industrial District, and I Industrial District with FB Flex Business Overlay District
PROPOSED ZONING	R-4 One Family Residential District and B-2 General Business District with FB Flex Business Overlay District
STAFF	Sara Roediger, Planning and Economic Development Director Chris McLeod, Planning Manager

Summary

At their regular meeting of August 29th, the City Council unanimously resolved to refer parcels 15-15-429-026, 15-15-429-027, and 15-15-405-004 to the Planning Commission for their consideration to rezone from Industrial to Single Family Residential ([2022-0393](#)). Two of these parcels are privately owned, while one is owned by the City.

At the September 14th Planning Commission meeting, the Planning Commission, pursuant to City Council direction, discussed the potential rezoning of the subject properties. The representatives of Rochester Self Storage LLC (property owners of several of the subject parcels) and some of the abutting neighbors were also in attendance at the meeting. The property owners requested additional time to review the potential implications of the rezoning initiative. In response to the property owner's request, the Planning Commission motioned to postpone action for 60 days (the November Planning Commission meeting).

After the September Planning Commission meeting, City Staff met with the representatives of Rochester Self Storage, LLC to discuss potential land use and zoning of the property. The property owners were originally set to bring information forward to the October Planning Commission meeting but determined additional time was necessary. The application was therefore brought back before the Planning Commission at its November meeting pursuant to the Planning Commission's motion. At that meeting, the applicant requested additional time to consider development options with their new professionals that had been secured. The Planning Commission however, moved forward with establishing a public hearing to consider rezoning the five (5) total subject properties that were ultimately being considered. The public hearing was established for the January 17, 2023 Planning Commission meeting and noticed accordingly.

The background for the proposed rezoning initiative is that the three (3) properties originally sent to the Planning Commission from the City Council were discussed many times as part of the extensive review of the City's FB Flex Business Overlay District during 2022. It was noted as a part of those discussions that the existing Industrial zoning designation was generally not harmonious with the surrounding zoning designations, not consistent with any other uses in the area and could potentially render the properties unusable since there was no other similarly zoned industrial properties to provide appropriate access to the subject parcels. In addition, the noted properties also abut existing single family homes and City owned open space properties.

Noting these concerns, Council adopted the resolution for consideration to direct the Planning Commission to consider a rezoning to residential to allow access to the properties from Cloverport and that would allow for development that would be more harmonious with the surrounding land uses.

As discussed previously, during their review of the general area, in addition to the parcels originally identified by the City Council, City staff also recommended the addition of parcels 15-15-429-034 (south portion) and 15-15-429-035 for consideration of potential rezoning.

A summary of each of the parcels, along with the Zoning Map and adopted Master Plan future land use designations are provided below for the Planning Commission to consider.

Subject Properties

Parcel	Acreage	Zoning	Existing Land Use	Ownership	Future Land Use
15-15-405-004	7.42 (1 ac. approx. area to be rezoned)	Split zoned: mostly R-4 Single Family Residential, easternmost portion is Industrial	Open Space	City of Rochester Hills	Park/Public Open Space
15-15-429-026	3.00	Industrial	Vacant	Shared ownership with Rochester Self Storage, LLC	Residential 4
15-15-429-027	0.78	Industrial	Vacant		Residential 4
15-15-429-034	0.46 (0.24 ac, approx. area to be rezoned)	Split zoned: north half R-4 Single Family Residential, south half Industrial	Vacant		Residential Office Flex
15-15-429-035	0.29	Industrial, all with FB Flex Business Overlay	Vacant	Shared ownership with Gold Star Restaurant	Residential Office Flex

Surrounding Properties

	Zoning	Existing Land Use	Future Land Use
North	R-4 One Family Residential, PUD Overlay	Single Family Residential Homes	Residential 4
South	B-2 General Business with FB Flex Business Overlay and I Industrial District with FB Flex Business Overlay and SP Special Purpose	Lifetime Fitness, Single Family Residential Home, Vacant,	Commercial Residential Flex 2 and Special Purpose
East	B-2 General Business District with FB Flex Business Overlay District	Savvy Sliders, Superior Lock & Key, Gold Star Family Restaruant	Residential Office Flex and Commercial Residential Flex 2
West	SP Special Purpose District with PUD Overlay	City of Rochester Hills Property, Rochester University, The Groves (apartments)	Park/Public Open Space, Residential 3 and Special Purpose

The City's Master Land Use Plan, adopted in 2019, designates the three (3) main properties, 15-15-405-004, 15-15-429-026, 15-15-429-027, as Residential 4. The Master Plan designation of Residential 4 is intended to coordinate with the City's R-4 One Family Residential Zoning District. The two easternmost properties,

15-15-429-034 and 15-15-429-035, are designated as Residential Flex Office. The Residential Flex Office envisions a transition between higher intensity nonresidential sites and abutting residential properties.

The Zoning pattern of the area is generally R-4 One Family Residential to the north and west of the subject sites. To the south, properties are zoned I Industrial with the FB Flex Business Overlay District but are either undeveloped or developed as the Lifetime Fitness complex. Properties to the east, along Rochester Road are zoned B-2 General Business District, also with the Flex Business Overlay District and are developed as small business locations.

Currently, the subject properties that are zoned for industrial purposes do not have a direct access to a public roadway through other industrially zoned properties. The City does not permit industrially zoned or utilized properties to gain access through residentially or commercially zoned properties. As part of the discussions that have occurred regarding these properties leading up to the rezoning public hearing, concern was raised that as zoned these sites did not meet the City's requirements for access and that the higher intensity industrial zoning classification was not generally consistent with the City's Master Land Use Plan or the general character of the area and that if the properties were zoned more consistent with the existing residentially zoned properties to the north, if developed, the subject sites could gain access through Cloverport, via an additional property.

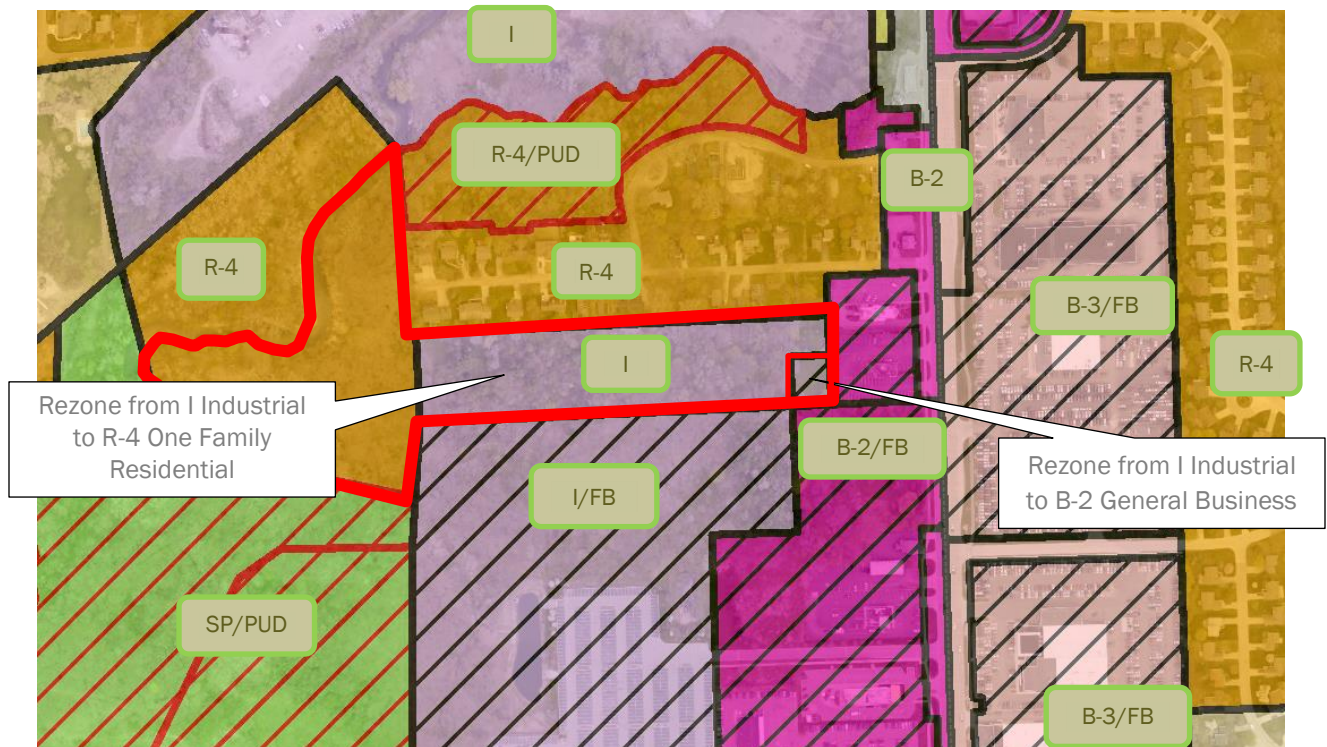
The two (2) properties that were identified by City staff as additional properties for consideration have similar issues to the original three (3) in regard to access. Property 15-15-429-034 currently is split zoned. The frontage of the property immediately along Cloverport is zoned R-4 One Family Residential, while the rear portion of the property is zoned I Industrial District. While the Master Plan indicates a higher density/intensity, zoning of office or local business may be suitable for this area. However with the frontage already zoned for residential purposes, the access to the property being to Cloverport Road, and with the limited visibility for the property for nonresidential purposes, City Staff supports the property to be rezoned in its entirety to R-4 One Family Residential to be consistent with the abutting properties to the west and north and eliminate the issue of the inconsistent industrial zoning at the rear of the property.

Property 15-15-429-035 is currently a landlocked property with no direct access to a public roadway. This property, while currently zoned for industrial purposes, does include the FB Overlay District which allows for a wider array of uses but requires a minimum size of two (2) acres to develop based on the revised FB District requirements, which the site does not meet independently. This property is currently owned by the same owners as Gold Star Family Restaurant along Rochester Road immediately to the east which is currently zoned B-2 General Business District with the FB Flex Business Overlay District. Based on the Master Land Use Plan calling for this area to be more intensely developed with either office or commercial uses, the abutting B-2 General Business District that is in common ownership, City Staff supports a rezoning to B-2 General Business District and maintaining the FB Flex Business Overlay District so the subject property and the Gold Star Family Restaurant property can potentially be (re) developed in conjunction with one another.

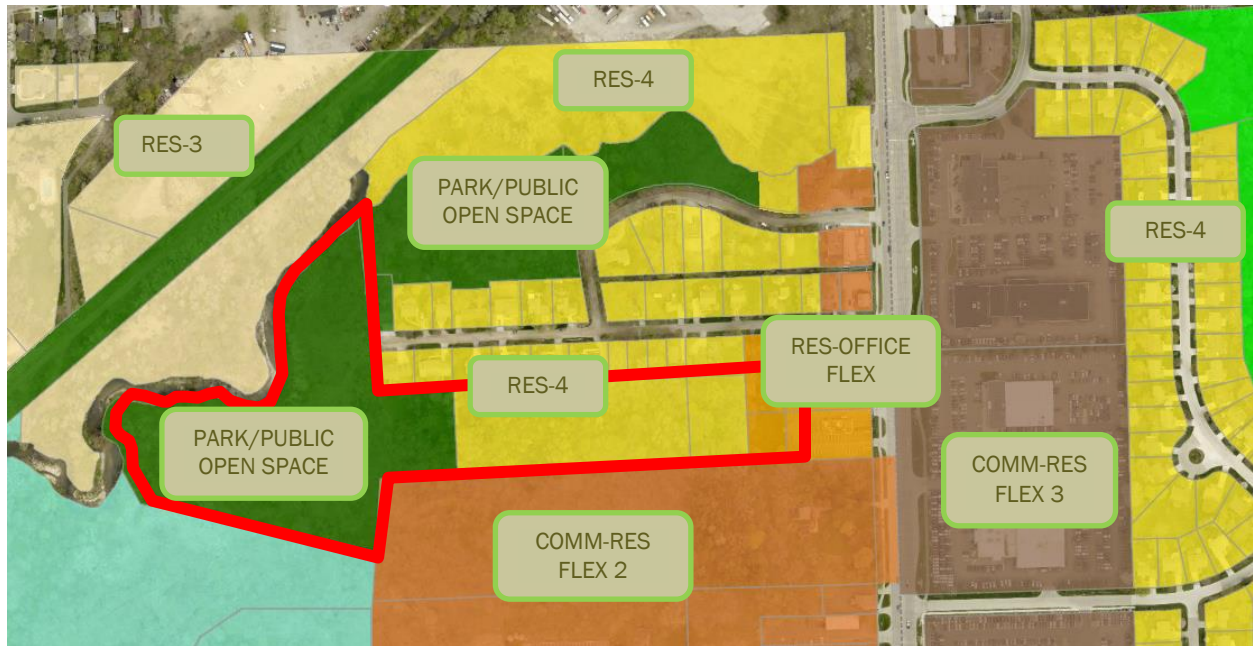
Aerial Photograph



Current and Proposed Zoning



Future Land Use Map



Criteria for Amendment of the Official Zoning Map

Section 138-1.200.D. sets forth the criteria for consideration by the Planning Commission and City Council in making findings, recommendation, and decision for a rezoning request. Each of the criterion are listed below in italics, followed by staff comments.

- 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.* The Master Plan designates the westernmost properties for R-4 Single Family Residential purposes and Park and Public Open Space and the eastern properties for Residential Office Flex. Rezoning the westernmost properties to the R-4 One Family Residential District would be consistent with the Master Plan. In addition the easternmost properties are planned for Residential Office Flex which is calls for more intensive type development by introducing office and commercial development, making the rezoning to B-2 General Business District consistent with the property immediately to the east more appropriate.
- 2. Compatibility with the site's physical, geological, and hydrological and other environmental features with the uses permitted in the proposed zoning district.* The subject sites are largely wooded with some topographic constraints. The development of a site(s) for industrial purposes may be difficult due to the access issues identified. Development of the subject site(s) for residential purposes may allow the existing environmental features to be preserved more readily as opposed to being developed as industrial and provide a more cohesive land use pattern for this area.
- 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.* As noted previously, the current site likely cannot be developed with the Industrial zoning unless access is gained to the south through the abutting industrially zoned properties. In addition to requiring cross access through these properties, the topography in this area may also create challenges to connecting the subject properties to those to the south.

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.* The development of the subject properties for industrial land use would not be in harmony with the surrounding area. As noted, currently the properties do not have access to a public thoroughfare through other industrially zoned properties and the City does not permit industrially zoned/utilized property to gain access through residentially or commercially zoned property. Therefore, the development of these properties for industrial purposes would not be compatible with the surrounding zonings and land uses as currently zoned. Further, the City's adopted Master Land Use Plan designates the majority of the subject area for single family residential purposes and not for industrial land use.
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.* The proposed rezoning should not impact utilities or services as the R-4 One Family Residential District will likely require less utilities and services than the existing industrial. The property proposed to be rezoned to B-2 General Business District can be provided utilities and services from the mutually owned Gold Star property to the east.
6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.* Access to the properties will be enhanced with the proposed rezoning. The proposed rezoning will unify the zoning of properties in this area and allow other residentially zoned properties to be used to access the site(s). The singular property proposed to be rezoned to B-2 General Business District can be accessed through the mutually owned Gold Star property to the east.
7. *The boundaries of the requested rezoning district are reasonable in relationship to surrounding & construction on the site will be able to meet the dimensional regulations for the requested zoning district.* The site is physically capable of accommodating development under the R-4 One Family Residential District dimensional standards. The singular property proposed to be rezoned to B-2 General Business District can be used in conjunction with the mutually owned Gold Star property to the east.
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.* The proposed rezonings are generally consistent with the Master Plan's Future Land Use Map and are therefore considered the most appropriate rezoning.
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.* There is no intended specific development with the proposed rezoning as it is City initiated. Amending the zoning ordinance to allow residential uses within the Industrial District is not desirable.
10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.* The proposed rezonings are intended to eliminate what has been identified as an incompatible zoning relationship between the subject properties and those abutting them.

Conclusion

The proposed rezonings to the R-4 One Family Residential District and B-2 General Business District would allow the properties to be developed consistent with the surrounding residential and commercial properties, gain appropriate access through similarly zoned properties and be consistent with the Future Land Use identified in the Master Plan.

Motion to Recommend Approval to City Council

MOTION by _____, seconded by _____, in the matters of File Nos. PR2023-0001, 0002, 0003, 0004 and 0005, regarding the City initiated rezonings, the Planning Commission **recommends approval** to City Council of the proposed rezoning of approximately 5.2 acres, consisting of all or part thereof of Parcel Nos. 15-15-405-004 (part of), 15-15-329-027, 15-15-429-026, and 15-15-429-034 (part of) from I Industrial District to R-4 One Family Residential District and all of Parcel No. 15-15-429-035 to B-2 General Business District with following findings:

Findings for Approval

1. The R-4 One Family Residential District and the B-2 General Business District are appropriate zoning districts at these locations as they are compatible with the goals and objectives of the Master Land Use Plan to service residents of the community and the region.
2. Approval of the proposed rezoning will allow for uses that will complement the existing surrounding land uses and will be a logical extension of and improvement to the existing commercial business along Rochester Road.
3. 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.