



Department of Planning and Economic Development

Staff Report to the Planning Commission

June 16, 2017

930 Mead Rd. Rezoning

REQUEST	Rezoning recommendation to City Council
APPLICANT	Brian Szliter, Arteva Homes Paint Creek, LLC 445 S. Livernois Rd., Suite 333 Rochester Hills, MI 48307
LOCATION	930 Mead Rd., East of Sheldon
FILE NO.	17-017
PARCEL NO.	15-02-200-016
CURRENT ZONING	RE One Family Residential Estate
REQUESTED ZONING	R-1 One Family Residential
STAFF	Sara Roediger, AICP, Director of Planning

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Summary

The proposed rezoning would change the RE One Family Residential designation to R-1 One Family Residential on 23.7 acres on the south side of Mead Rd., east of Sheldon Rd. The site currently contains a church retreat facility with associated parking and drive access.

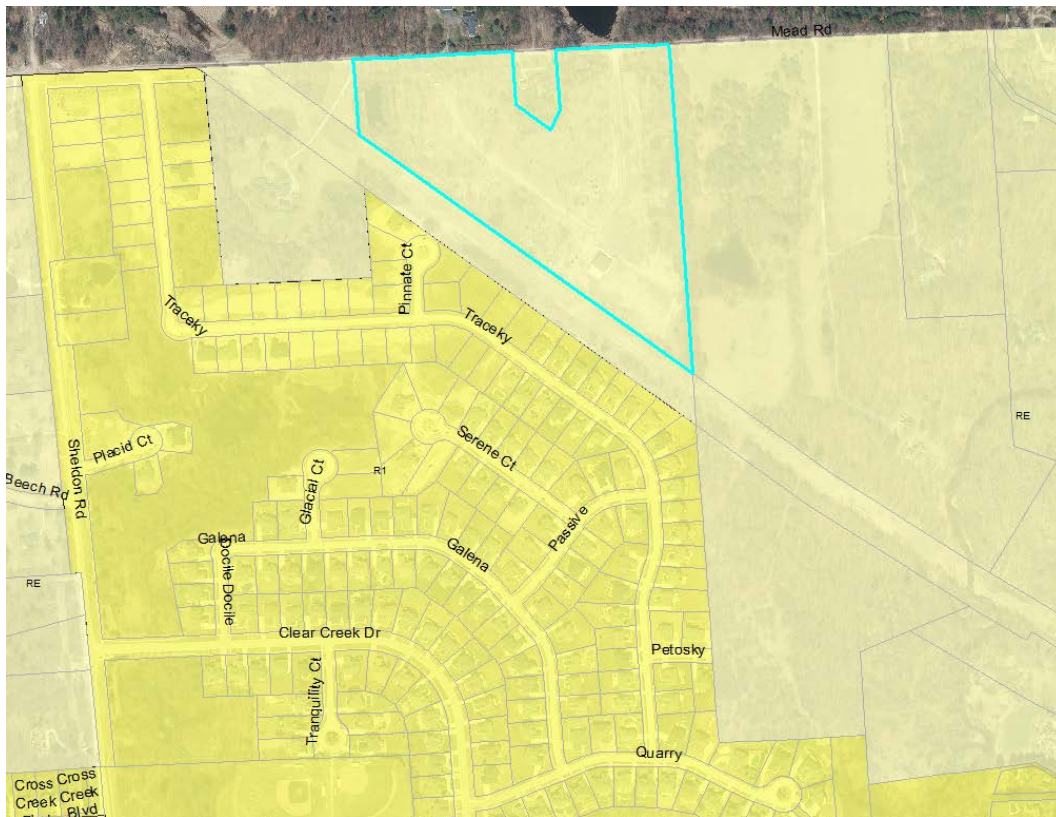
The applicant is a builder in the Clear Creek Subdivision No. 5 to the west and would like to extend the Clear Creek Subdivision across the Consumers Energy easement into the subject property. As you are aware, a rezoning request cannot be reviewed with a potential site plan unless the applicant offers a conditional rezoning. The applicant states that goal is to develop a subdivision with lot sizes that are consistent with the Clear Creek community.

	Zoning	Existing Land Use	Future Land Use
Site	RE One Family Residential	Retreat Center/Vacant	Estate Residential
North	Residential (Oakland Township)	Single family homes (Oakland Township)	Recreation Conservation (Oakland Township)
South	RE One Family Residential	Single family homes	Estate Residential
East	RE One Family Residential	Single family homes/vacant	Estate Residential
West	R-1 One Family Residential	Clear Creek Subdivision	Estate Residential

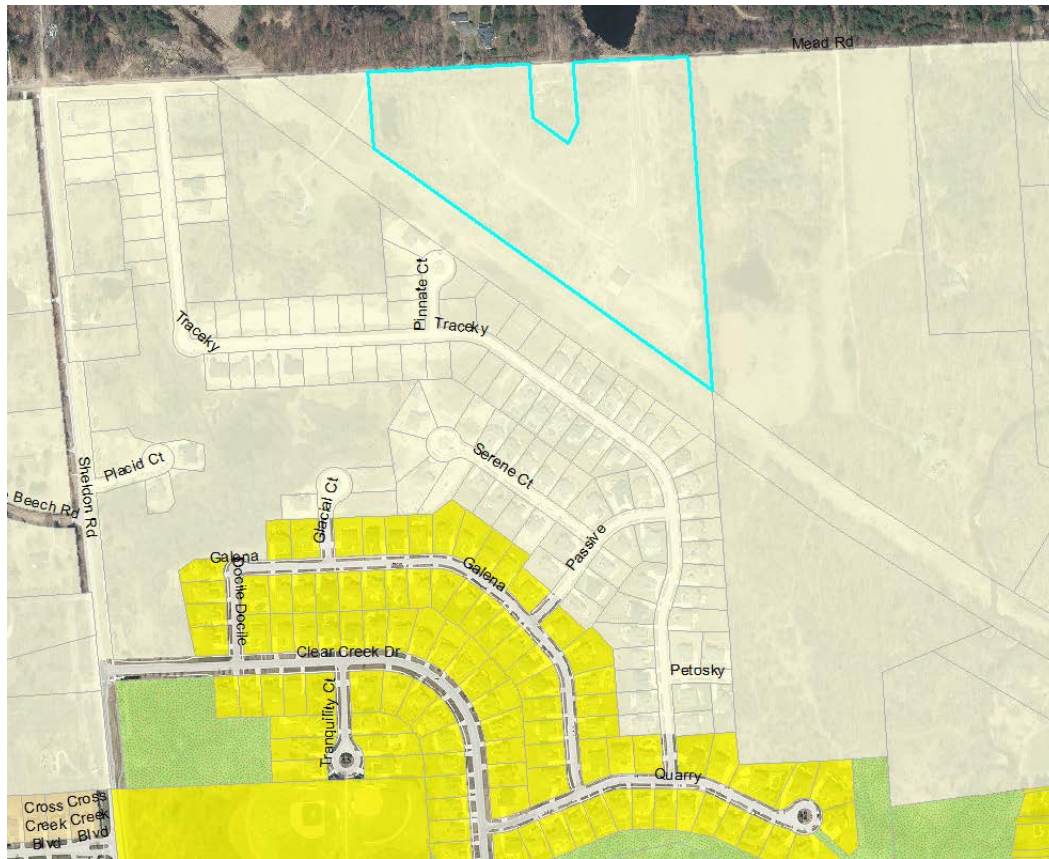
Aerial Photograph



Current Zoning



Future Land Use Map



Master Land Use Plan Considerations

The Future Land Use Map calls for residential uses on the subject parcel and the surrounding parcels except to the north, which is Master Planned for Recreation Conservation in Oakland Township. The request for the rezoning would allow for residential slightly more dense than called for in the Master Plan, but consistent with the Clear Creek development to the south. Note that the Future Land Use Plan for the northern portion of Clear Creek is not consistent with the zoning and development of Clear Creek as that is also planned for Estate Residential but is developed as R-1 consistent with this rezoning request.

Comparison of Districts

As both the existing and proposed districts are Single Family Residential Districts, the permitted and conditional uses permitted and setbacks in each district is the same, it is only in the minimum lot size and width that the districts differ.

Existing RE	Proposed R-1
Permitted Uses	
Agriculture	Agriculture
Private Stables	Private Stables
Raising & Keeping of Animals	Raising & Keeping of Animals
One-Family Detached Dwellings	One-Family Detached Dwellings
State Licensed Residential Facilities (6 or fewer residents)	State Licensed Residential Facilities (6 or fewer residents)
Library & Museums	Library & Museums
Municipal Buildings & Uses	Municipal Buildings & Uses

Existing RE	Proposed R-1
Places of Worship	Places of Worship
Primary & Secondary Schools	Primary & Secondary Schools
Privately Operated Recreational Facilities located on Publicly Owned Parkland	Privately Operated Recreational Facilities located on Publicly Owned Parkland
Utilities	Utilities
Accessory Buildings & Accessory Uses customarily incidental to the Permitted Uses	Accessory Buildings & Accessory Uses customarily incidental to the Permitted Uses
Home Occupations	Home Occupations
Roadside Stands & Markets & Christmas Tree Sales	Roadside Stands & Markets & Christmas Tree Sales
Temporary construction	Temporary construction
Conditional Uses	
Kennels	Kennels
Plant Material Nurseries	Plant Material Nurseries
State Licensed Residential Facilities (7 but less than 12)	State Licensed Residential Facilities (7 but less than 12)
Cemeteries	Cemeteries
Golf Courses	Golf Courses
Nursery Schools, Day Nurseries, Child Care, Adult Foster Care, Adult Large Group Homes	Nursery Schools, Day Nurseries, Child Care, Adult Foster Care, Adult Large Group Homes
Private Recreation Areas, Swim Clubs & Tennis Courts	Private Recreation Areas, Swim Clubs & Tennis Courts
Alcoholic Beverage Sales (for on-premise consumption) Accessory to a Permitted Use	Alcoholic Beverage Sales (for on-premise consumption) Accessory to a Permitted Use
Funeral Homes	Funeral Homes
Wireless Telecommunications Facilities	Wireless Telecommunications Facilities
Schedule of Regulations	
Min. Lot Area 43,560 sq. ft.	Min. Lot Area 20,000 sq. ft.
Min. Lot Width 120 ft.	Min. Lot Width 100 ft.
Max. Building Height 2 stories/ 35 ft.	Max. Building Height 2 stories/ 35 ft.
Min. Front Yard Setback 40 ft.	Min. Front Yard Setback 40 ft.
Min. Side Yard Setback 15/30 ft.	Min. Side Yard Setback 15/30 ft.
Min. Front Yard Setback 35 ft.	Min. Front Yard Setback 35 ft.
Min. Floor Area 1,500 sq. ft.	Min. Floor Area 1,500 sq. ft.
Max. Lot Coverage 25%	Max. Lot Coverage 25%

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.

- 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 R-1 designation is consistent with the goals, policies, and objectives of the Master Plan for maintaining residential areas; however at a higher density than what is currently called for in the Master Plan. Development trends are moving towards smaller lots developments as many people do not want the responsibilities associated with the maintenance and upkeep of larger lot development.
- Compatibility with the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.* The site's physical characteristics and location make it a logical extension of the Clear Creek Subdivision.

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.* Information has not been provided comparing different development scenarios. The applicant states that the intent is to develop an extension of the Clear Creek Subdivision, which has successfully and steadily been selling lots.
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.* All the uses allowed in the RE district are allowed in the R-1 district. The site is located along Mead Road, which should be able to accommodate anticipated traffic volumes without perceptible impact on neighboring uses or the environment.
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 could result in a development that may have an increased demand on public utilities and services; however there should be adequate capacity to serve this site. The Engineering and Fire Departments will conduct a full review of public utility and service needs during site plan review.
6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.* With access off of Mead Road and internally through Pinnate Court to the existing Clear Creek subdivision, the street system should be able to safely and efficiently accommodate the anticipated traffic.
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 R-1 dimensional standards.
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 Master Land Use Map shows this area for future development as slightly less dense residential; however it is not consistent with the areas zoning and development of the Clear Creek subdivision. As indicated previously in this report, this area is a logical extension of the Clear Creek subdivision that could be accessed of Pinnate Court.
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.* There are parcels zoned R-1 to the south and west of the subject parcel.

Conclusion

Although a site plan cannot be considered with a rezoning request, the proposed rezoning to the R-1 district would allow the site to be an extension of the neighboring Clear Creek Subdivision. It would allow the site to remain residential and provide connectivity between adjacent developments, a priority in the Master Plan.

Motion to Recommend Approval/Denial to City Council

MOTION by _____, seconded by _____, in the matter of City File No. 17-017 (930 Mead Rd. Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed rezoning of parcel no. 15-02-200-016 from RE One Family Residential to R-1 One Family Residential with following findings:

Findings for Approval

1. R-1 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan.
2. Approval of the proposed rezoning will allow for uses that can compliment the existing surrounding uses and will be a logical extension of the Clear Creek Subdivision.
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.
4. Approval of the rezoning could facilitate all uses in the R-1 district, which is consistent with the Master Land Use Plan's vision for the future development of this area of the City.

Findings for Denial

1. Approval of the rezoning could facilitate greater density than currently allowed in the RE district, which is contrary to the Master Land Use Plan's vision for the future development of this area of the City.
2. Approval of the R-1 zoning district could increase the potential for development with higher trip generation rates in the area.
3. The applicant has submitted only verbal evidence that a reasonable return cannot be realized under the existing RE zoning district.

Reference: Location Map; Letter of Intent; Statement Indicating Why Zoning Change is requested; Notarized Letter from Property Owner; & PHN

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