



Department of Planning and Economic Development

Staff Report to the Planning Commission

May 15, 2015

3841 S. Rochester Rd. Conditional Rezoning

REQUEST	Recommendation to City Council for Conditional Rezoning
APPLICANT	Dave Leshock, Vice President Auto City Investments, Inc. 14165 N. Fenton Rd., Suite 202 Fenton, MI 48430
LOCATION	3841 S. Rochester Rd., East side of Rochester Rd., South of M-59
FILE NO.	15-003
PARCEL NO.	15-35-352-019 and 15-35-352-067
CURRENT ZONING	B-5 Automotive Business
REQUESTED ZONING	B-2 General Business
STAFF	Ed Anzek, AICP, Director of Planning Sara Roediger, AICP, Manager of Planning

In this Report:

Summary and Analysis	1
Master Land Use Plan Considerations.....	3
Comparison of Uses Permitted	3
Criteria for Amendment of the Official Zoning Map.....	4
Motions to Recommend Approval/Denial to City Council	6

Summary and Analysis

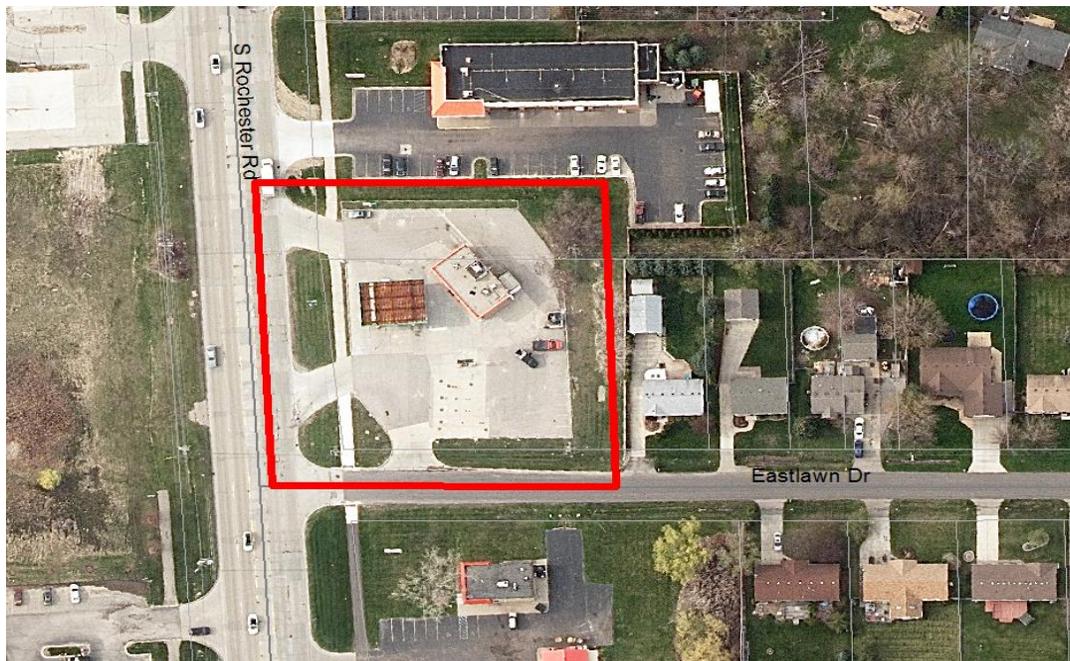
The proposed conditional rezoning would change the B-5 Automotive Business designation to B-2 General Business with conditions. The applicant’s submitted conditions limit the uses to medical/professional offices; a retail center with a coffee or ice cream shop with drive-thru; or a bank with drive-thru, and they preclude all other uses in the B-2 district. Other conditions include limiting the size of the building to 7,600 square feet, placing a six-foot, solid wood fence and row of hedges along the eastern side next to residential, limiting the hours of operation from 5 a.m. until midnight each day and closing access(es) onto Rochester Rd. as approved by MDOT. The subject site includes two parcels totaling 1.6 acres on the northeast corner of Rochester Rd. and Eastlawn Dr., just south of M-59. The site currently contains a BP gas station and convenience store.

The applicant would like to demolish the station and put up a 7,600 square-foot shopping center in its place. With a standard rezoning request, all uses allowed in B-2 would be considered, as the rezoning request cannot be reviewed with a potential site plan. However, with a conditional rezoning, a site plan and uses are tied to the site. The applicant states that the current building is “underperforming, old and run down” and does not operate efficiently and economically. The stated goal is to make the site house a group of businesses that will serve the community.

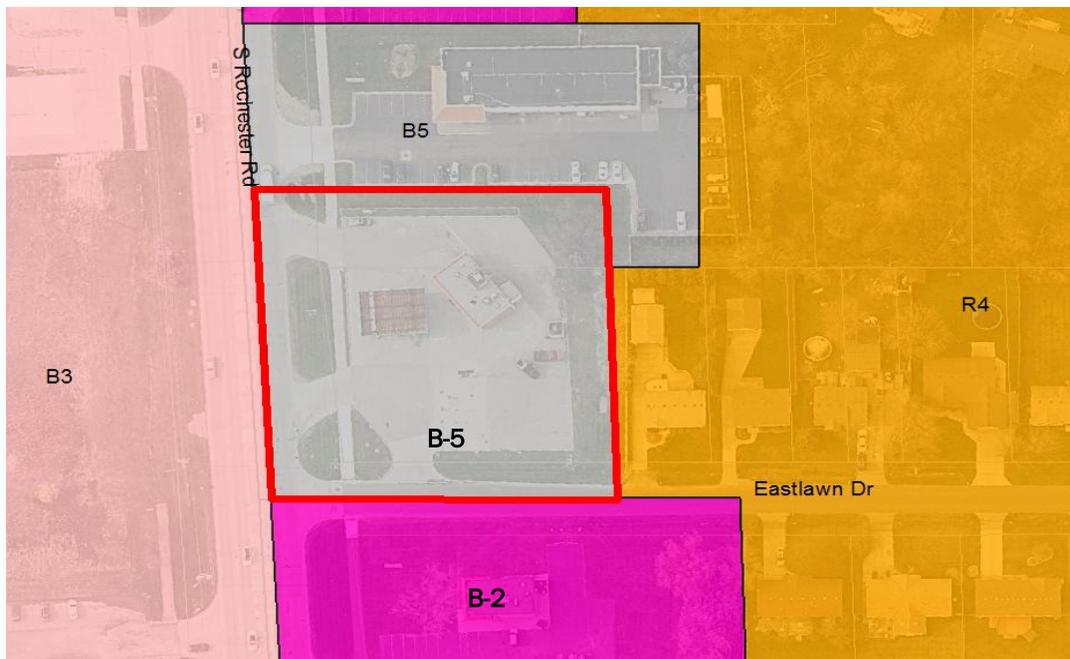
The applicant appeared before the Planning Commission on April 21, 2015 with a rezoning request. After hearing concerns from several Commissioners about what could potentially be allowed in the B-2 district, the applicant offered to withdraw the request to be able to submit a Conditional Rezoning application. The conditions offered are stated in the potential motion below and outlined in the applicant's letter dated April 27, 2015.

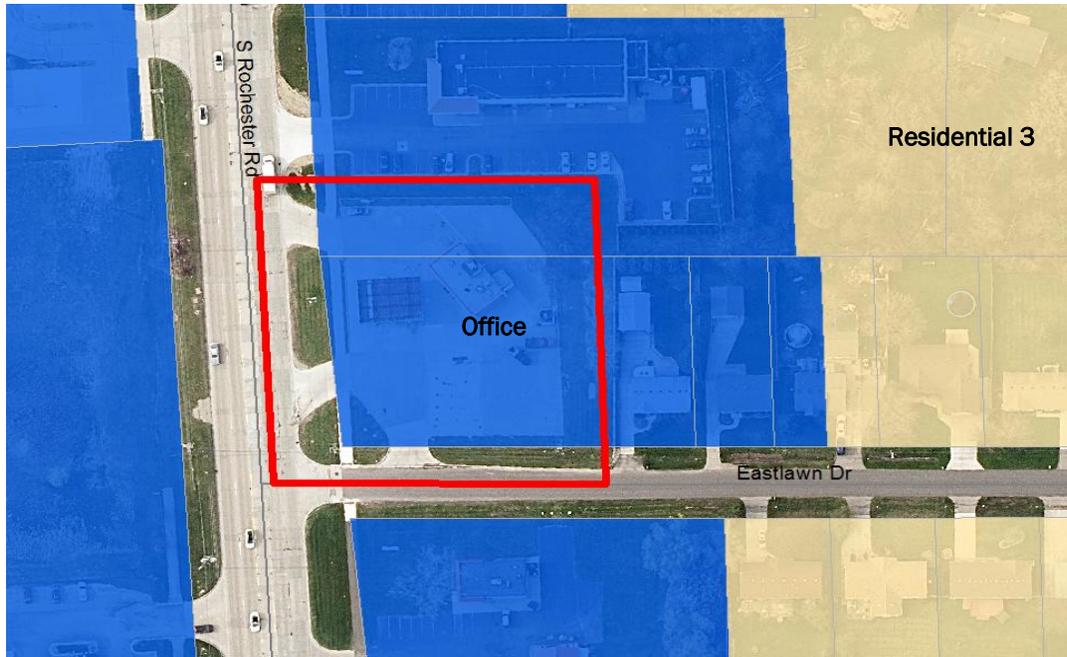
	Zoning	Existing Land Use	Future Land Use
Proposed Site	B-5 Automotive Business	Gasoline Station	Office
North	B-5 Automotive Business	Discount Tire Store	Office
South	B-2 General Business	Shores Fireplace & BBQ	Office
East	R-4 One Family Residential	Single family homes	Residential 3
West	B-3 Shopping Center Business	Vacant, Bolyard Lumber, Gateway Office Building	Office

Aerial Photograph



Current Zoning





Master Land Use Plan Considerations

The Future Land Use Map calls for office uses on the subject parcel and the surrounding parcels. The request for the conditional rezoning does allow for office uses which would make the site more in compliance with the Master Plan; however, it is the applicant's intent to put in a bank or retail center. Furthermore, it will allow for uses that tend to be more complimentary to the residential, office and commercial uses in the area.

Comparison of Uses Permitted

The table below compares both the permitted and conditional uses permitted in both the exiting and proposed districts.

	Existing B-5 Automotive Business District	Proposed B-2 General Business District
Permitted Use	Animal & Agriculture Uses 1. Raising & keeping of animals	Animal & Agriculture Uses 1. Pet boarding facilities 2. Raising & keeping of animals 3. Veterinary hospitals or clinics
	Community, Public & Recreation Uses 1. Libraries & museums 2. Municipal buildings & uses 3. Places of worship 4. Privately operated recreational facilities located on publicly owned park properties 5. Transit passenger stations 6. Essential utilities	Community, Public & Recreation Uses 1. Libraries & museums 2. Municipal buildings & uses 3. Nursery schools, day nurseries, child care centers, adult foster care large group homes, & adult foster care congregate facilities 4. Places of worship 5. Private clubs, fraternal organizations, & lodge halls 6. Privately operated recreational facilities located on publicly owned park properties 7. Transit passenger stations 8. Essential utilities
Permitted Use	Commercial Uses 1. Automotive gasoline service stations & associated retail uses 2. Sales & service of food outdoors	Commercial Uses 1. Banks, credit unions, & similar uses 2. Banquet halls/conference centers 3. Dry cleaners

	Existing B-5 Automotive Business District	Proposed B-2 General Business District
		4. Health or exercise clubs 5. Indoor theatres, including movie theatres 6. Office/showroom or workshop establishment 7. Outdoor display & sales of goods 8. Private indoor recreational facilities 9. Restaurant, sit down 10. Retail sales establishments 11. Sales & service of food outdoors
		Office Uses 1. Dry cleaners 2. Medical offices & clinics 3. Personal service establishments 4. Professional offices 5. Studios or instruction centers for music, art, dance, crafts, martial arts, etc.
		Industrial, Research, & Technology Uses 1. Media & entertainment production facilities
	Temporary, Special Event & Other Uses 1. Accessory buildings & accessory uses customarily incidental to the permitted uses 2. Roadside stands & markets & Christmas tree sales 3. Temporary construction 4. Wireless telecommunication facilities	Temporary, Special Event & Other Uses 1. Accessory buildings & accessory uses customarily incidental to the permitted uses 2. Outdoor storage 3. Roadside stands & markets & Christmas tree sales 4. Temporary construction 5. Wireless telecommunication facilities
Conditional Use		Residential Uses 1. Nursing Homes, Convalescent Homes, & Assisted Living Facilities
		Community, Public & Recreation Uses 1. Publicly owned buildings & public utility buildings
	Commercial Uses 1. Automotive service centers 2. Car washes 3. Drive-through accessory to a permitted use	Commercial Uses 1. Drive-through accessory to a permitted use 2. Home improvement store 3. Outdoor sales of used cars, recreational vehicles, travel trailers, & manufactured homes 4. Restaurant, drive-in or drive-through

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 is 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 B-2 designation is consistent with the goals, policies, and objectives of the Master Plan in that it provides incentives and flexible zoning mechanisms for commercial owners and tenants to upgrade existing commercial sites as listed on page 6.3 of the Master Land Use Plan. Furthermore, the B-2 District would allow for office uses as recommended in the Master Plan, while the current B-5 zoning does not.
2. *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, location, and the surrounding uses make it a suitable location for a B-2 district. The environment will be benefitted by the removal of underground storage tanks and a petroleum dispensing system.

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.* The applicant states that the site is in need of major upgrades to be competitive, and that it currently does not provide a reasonable return on investment. Rezoning to B-2 would permit additional development options.
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.* Rezoning the parcel to B-2 would allow for a variety of uses including office and limited commercial uses, as listed in the conditional rezoning. The site is located along Rochester Road, which should be able to accommodate anticipated traffic volumes without perceptible impact on neighboring uses.
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 Rochester Road, the street system should be able to safely and efficiently accommodate the anticipated traffic. Redevelopment of this site would likely result in improved access through reduced access points.
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.* The site is physically capable of accommodating development under B-2 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 office, so it is up to the Planning Commission to determine whether a (conditional) B-2 is appropriate.
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.* The request is for a conditional rezoning so only the uses offered will be allowed.
10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.* There are parcels zoned B-2 immediately south of the subject parcel. The Discount Tire store to the north, although zoned B-5, could hold a commercial establishment and is consistent with B-2 zoning as well.

Conclusion

The proposed conditional rezoning to the B-2 district will upgrade a tired gas station development with only the uses as defined in the applicant's letter dated April 27, 2015. If the applicant does not proceed, the site would revert back to the underlying B-5 zoning. It would also open up redevelopment options to allow the owner to eliminate an older, underperforming use and replace it with a new developed use that would have to follow the city's current regulations thereby resulting in a safer, more modern site.

Motion to Recommend Approval/Denial to City Council

MOTION by _____, seconded by _____, in the matter of City File No. 15-003 (3841 S. Rochester Rd. Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed conditional rezoning of parcel no. 15-35-352-019 and 15-35-352-067 from B-5 Automotive Business to B-2 General Business with the following findings and conditions:

Findings for Approval

1. B-2 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 conditional rezoning will allow for uses that can compliment the existing, surrounding uses.
3. The proposed conditional 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 conditional rezoning would not facilitate all uses in the B-2 district, but those specifically outlined in the conditions.

Conditions

1. The building would be no larger than 7,600 square feet.
2. There would be at most one drive-thru at the northern end on the building limited to a user such as a donut or coffee shop or ice cream parlor (no McDonald's, Burger King or similar heavy use).
3. All uses would be limited to the uses listed in the City's B-2 Zoning Ordinance with the exception of those excluded below.
4. A stand alone drive-thru for fast food operation would be prohibited. However, a stand alone bank or one with a drive-thru would be acceptable.
5. Applicant agrees to not lease to tattoo shops, adult entertainment uses of any kind, pool halls, bars and similar uses.
6. Medical/Professional offices would be acceptable.
7. There will be a six-foot solid wood fence and a row of hedges along the eastern side next to homes to block views and headlights, and the hedges would block or reduce any noise.
8. Hours of operation would be limited to 5 a.m. until midnight seven days a week.
9. Any call box for the drive-thru will be designed to ensure no noise would be heard by the residents.
10. Access will be limited to that which is approved by MDOT for Rochester Rd. and Eastlawn Dr. in enjoyment with the City Traffic Department.

Findings for Denial

1. Approval of the rezoning could facilitate all uses in the B-2 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 B-2 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 B-5 zoning district.

Reference: Location Map; Letter of Intent; Statement Indicating Why Zoning Change is Requested; Letter regarding Deed Restrictions; Notarized Letter from Property Owner; and PHN

i:\pla\development reviews\2015\15-003 3841 s. roch. rd. rezoning\staff report 3-17-15.docx