



Department of Planning and Economic Development

Staff Report

August 18, 2016

Flex Business Overlay Rezoning

REQUEST	Recommendation to City Council for requested rezoning	
APPLICANT	City of Rochester Hills	
LOCATION	Rochester Rd, between M-59 & South Blvd	
FILE NO.	16-016	
PARCEL NO.	<u>4 parcels (west of Rochester Rd)</u>	<u>9 parcels (east of Rochester Rd)</u>
	15-34-429-019	15-35-352-001
	15-34-429-021	15-35-352-061
	15-34-477-015 (split zoned)	15-35-352-066
	15-34-477-016	15-35-352-067
		15-35-352-019
		15-35-353-055
		15-35-353-039
		15-35-353-040
		15-35-353-041
CURRENT ZONING	B-2 General Business (8 parcels) B-3 Shopping Center Business (3 parcels) B-5 Automotive Service Business (1 parcel) O-1 Office Business (2 parcels)	
REQUESTED ZONING	FB-2 Flex Business Overlay (9 parcels east of Rochester Rd) & FB-3 Flex Business Overlay (4 parcels west of Rochester Rd)	
STAFF	Sara Roediger, AICP, Manager of Planning	

In this Report:

Summary and Analysis	1
Master Land Use Plan Considerations.....	4
Comparison of Uses Permitted	5
Criteria for Amendment of the Official Zoning Map.....	7
Motion to Recommend Approval/Denial to City Council	8

Summary and Analysis

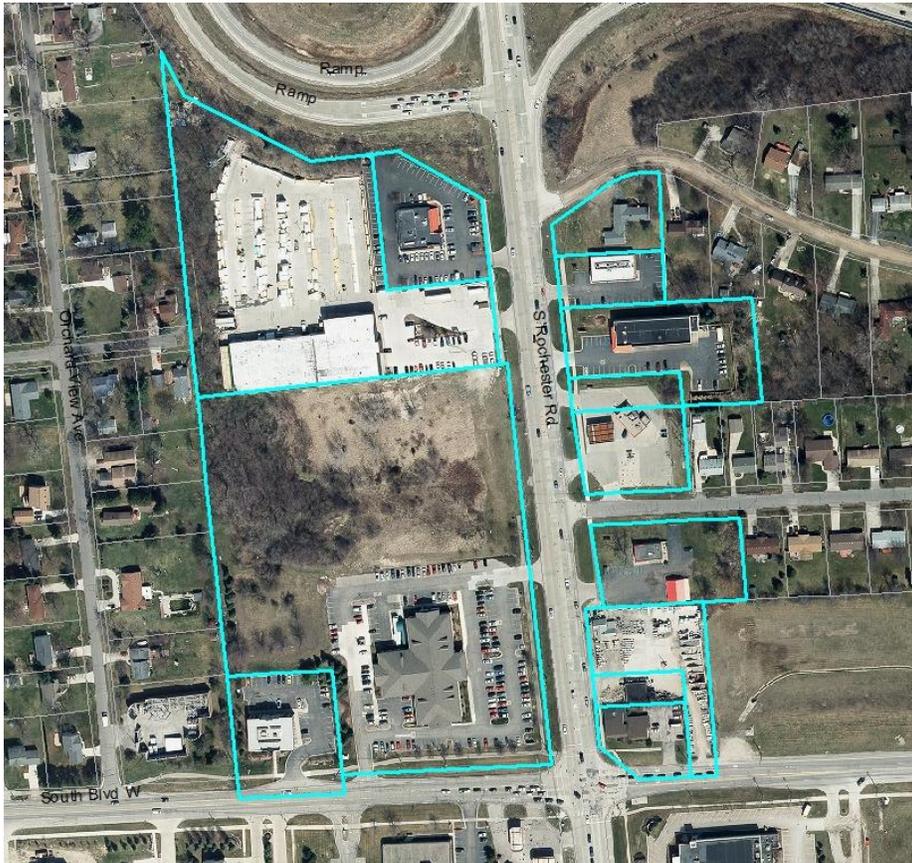
The proposed rezoning would add an optional Flex Business (FB) Overlay District to 13 parcels, totaling approximately 22.5 acres near Rochester Road between M-59 and South Boulevard. The FB districts are optional overlay districts. Any land that is located within the boundaries of a FB overlay district will have two zoning designations, the FB Overlay and the standard underlying zoning district as shown on the Zoning Map. The FB districts are an optional method of development that permits a mixture of uses that includes residential, public, institutional, office, business, and retail commercial uses. The addition of the FB Overlay District is an additional option for development, but each property still maintains its underlying zoning, a range of Business and Office zonings in this area. If a property were to be developed or redeveloped, the property owner would have the choice to follow the regulations of the underlying district or the new FB overlay district.

The FB districts are designed to foster vital, lively, and sustainable development that creates an identity for portions of the City. The FB districts are adopted to implement the vision of the Master Land Use Plan. These form-based zoning regulations are at a basic level similar to traditional use-based zoning techniques because they regulate the same characteristics of development. Both traditional use-based zoning regulations and the form-based regulations regulate four major components of development - use, site design, building design, and management. The difference between the form-based regulations and traditional use-based regulations is the emphasis and specificity of regulation placed on each of the four elements. Where traditional use-based zoning regulations emphasize the regulation of uses and contain much less specificity about design, the form-based regulations emphasize design and permit greater flexibility in use.

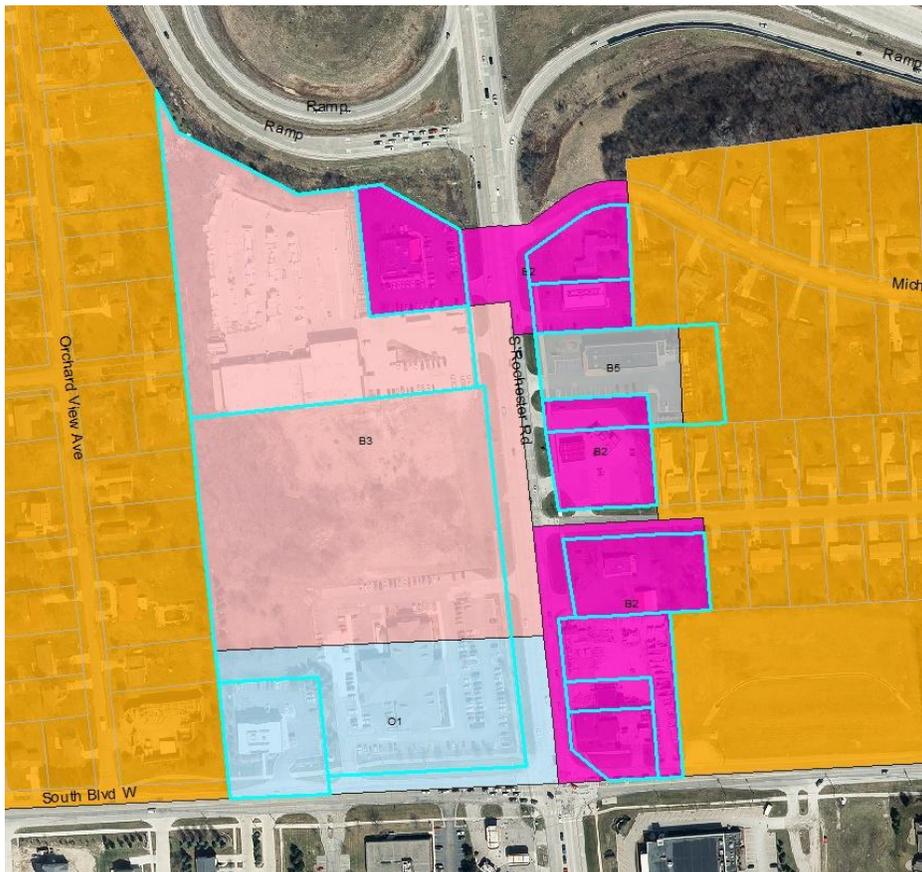
The table below identifies the 13 parcels to be rezoned, along with their existing zoning and uses and future land use recommendation. The parcels on the east side of Rochester Rd. are proposed to be rezoned to FB-2, which has a maximum height of 3 stories when setback at least 100 ft. from any single-family residential zoning, and because of their size and depth the parcels on the west side of Rochester Rd. are proposed to be rezoned to FB-3, which has a maximum height of 4 stories when setback at least 125 ft. from any single-family residential zoning. The uses permitted in the two districts are almost identical, with the exception of the FB-2 district permitting single-family homes (conditional) and the FB-3 permitting hotels (conditional in the FB-2).

Parcel Number	Existing Zoning	Existing Land Use	Future Land Use
Parcels west of Rochester Rd (proposed to be FB-3)			
1. 15-34-429-019	B-2 General Business	Big Boy	Office
2. 15-34-429-021	B-3 Shopping Center Business	Bolyard Lumber	Office
3. 15-34-477-015 (split zoned)	B-3 Shopping Center Business & O-1 Office Business	Various medical & professional offices	Office
4. 15-34-477-016	O-1 Office Business	Professional office	Office
Parcels east of Rochester Rd (proposed to be FB-2)			
5. 15-35-352-001	B-2 General Business	Vacant house	Office
6. 15-35-352-061	B-2 General Business	Zetouna Liquor Store	Office
7. 15-35-352-066	B-5 Automotive Service	Discount Tire Store	Office
8. 15-35-352-067	B-2 General Business (with conditional rezoning)	BP Gas Station	Office
9. 15-35-352-019	B-2 General Business (with conditional rezoning)	BP Gas Station	Office
10. 15-35-353-055	B-2 General Business	Shores Fireplace and BBQ	Office
11. 15-35-353-039	B-2 General Business	Haley Stone Supply	Office
12. 15-35-353-040	B-2 General Business	Haley Stone Supply	Office
13. 15-35-353-041	B-2 General Business	McLaughlin Animal Hospital	Office

Aerial Photograph



Current Zoning



Future Land Use



Master Land Use Plan Considerations

The Master Land Use Plan, adopted in 2012, sets forth the vision for development in the City and is supported by a number of goals and objectives. The rezoning of this area of Rochester Rd. meets the retail/service goal and many of its objectives, along with supporting the vision for the City as follows. The full Master Land Use Plan, can be found on the City's website at <http://www.rochesterhills.org/index.aspx?NID=205>.

Vision

To recognize Rochester Hills is an essentially built-out community, which needs to focus its land use decisions on optimizing remaining development and redevelopment while recognizing opportunities for improvement of existing conditions within the City.

Retail/Service Goal

Redevelop existing retail areas and corridors with appropriately sited and attractively designed retail, service, and entertainment establishments.

Objectives

2. Promote "vertical density" as a method of accommodating additional commercial demand on and better utilizing existing commercial sites.
3. Encourage the use of creative development concepts on commercial sites, such as parking structures, the mixing of uses and increased densities.
4. Promote and maintain high standards for site and building design.
6. Provide incentives and flexible zoning mechanisms for commercial owners and tenants to upgrade existing commercial sites.

Comparison of Uses Permitted

The table below compares the permitted and conditional uses permitted in all of the existing districts and proposed FB Overlay District, which are highlighted in yellow.

Table 4. Permitted Uses by Zoning District

Key: P: Permitted Use C: Conditional Use [--]: use not permitted

Use	B-2	B-3	B-5	O-1	FB-2	FB-3
Animal & Agriculture Uses	B-2	B-3	B-5	O-1	FB-2	FB-3
Pet boarding facilities	P	P	--	--	--	--
Raising & keeping of animals	P	P	P	P	--	--
Veterinary hospitals or clinics	P	P	--	C	P	P
Residential Uses	B-2	B-3	B-5	O-1	FB-2	FB-3
Dwelling unit in a mixed-use building	--	--	--	--	P	P
Live/work unit	--	--	--	--	P	P
Multiple-family dwelling unit	--	--	--	--	P	P
One-family detached dwellings	--	--	--	--	C	--
State licensed residential facilities (all types)	--	--	--	--	P	P
Nursing homes, convalescent homes & assisted living facilities	C	C	--	--	P	P
Community, Public, & Recreation Uses	B-2	B-3	B-5	O-1	FB-2	FB-3
Libraries & museums	P	P	P	P	P	P
Municipal buildings & uses	P	P	P	P	P	P
Nursery schools, day nurseries, child care centers, adult foster care large group homes & adult foster care congregate facilities	P	P	--	P	P	P
Places of worship	P	P	P	P	P	P
Private clubs, fraternal organizations & lodge halls	P	P	--	--	P	P
Privately operated recreational facilities located on publicly owned parkland	P	P	P	P	P	P
Publicly owned buildings & public utility buildings	C	C	--	P	P	P
Transit passenger stations	P	P	P	P	P	P
Essential utilities	P	P	P	P	P	P
Public Parking	--	--	--	--	P	P
Commercial & Retail Uses	B-2	B-3	B-5	O-1	FB-2	FB-3
Adult regulated businesses	--	C	--	--	--	--
Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use	C	C	--	C	C	C
Automotive gasoline service stations & associated retail uses	--	--	P	--	--	--
Automotive service centers	--	C	C	--	--	--
Banks, credit unions & similar uses	P	P	--	P	P	P
Banquet halls/conference centers	P	P	--	C	P	P
Bed & Breakfast	--	--	--	--	P	P
Car washes	--	--	C	--	--	--

Drive-through accessory to a permitted use	C	C	C	C	C	C
Dry cleaners	P	P	--	--	P	P
Health or exercise clubs	P	P	--	--	P	P
Home improvement store	C	P	--	--	--	--
Hotel	--	--	--	--	C	P
Inn	--	--	--	--	C	P
Indoor theatres, including movie theatres	P	P	--	--	P	P
New car office, sales or showroom	--	P	--	--	--	--
Office/showroom or workshop establishment	P	P	--	--	--	--
Outdoor display & sales of goods	P	P	--	--	P	P
Outdoor recreation, commercial	--	P	--	--	P	P
Outdoor sales of used cars, recreational vehicles, travel trailers & manufactured homes	C	C	--	--	--	--
Private indoor recreational facilities	P	P	--	--	P	P
Restaurants	P	P	--	--	P	P
Retail sales establishments	P	P	--	--	P	P
Sales & service of food outdoors	P	P	P	--	P	P
Office & Service Uses	B-2	B-3	B-5	O-1	FB-2	FB-3
Dry cleaners	P	P	--	--	P	P
Funeral Homes	--	--	--	P	P	P
Medical offices & clinics	P	P	--	P	P	P
Personal service establishments	P	P	--	--	P	P
Professional offices	P	P	--	P	P	P
Retail businesses normally associated with & complementary to office districts (e.g. stationery shops, office supplies, coffee shops, etc.)	--	--	--	P	P	P
Research & development and/or technical training, including data processing & computer centers	--	--	--	P	P	P
Studios or instruction centers for music, art, dance, crafts, martial arts, etc.	P	P	--	--	P	P
Industrial, Research, & Technology Uses	B-2	B-3	B-5	O-1	FB-2	FB-3
Laboratories (experimental, film, or testing)	--	--	--	P	P	P
Media & entertainment production facilities	P	P	--	P	--	--
Temporary, Special Event, & Other Uses	B-2	B-3	B-5	O-1	FB-2	FB-3
Accessory buildings & accessory uses customarily incidental to the permitted uses in this section	P	P	P	P	P	P
Outdoor storage	P	P	--	--	--	--
Roadside stands & markets & Christmas tree sales	P	P	P	P	P	P
Temporary construction	P	P	P	P	P	P
Wireless telecommunication facilities	P	P	P	C	--	--

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.* As stated above, the proposed FB overlay designations are consistent with the retail/service goal and many of its objectives, along with supporting the vision for the City as stated in the City's Master Plan.
2. *Compatibility with the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.* The sites have minimal environmental features, and those that do exist can be preserved through site plan review regardless of the zoning district.
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 properties can be developed under the various existing zoning districts; however the city wishes to promote business growth and expansion in the community by allowing for the redevelopment of parcels and providing additional opportunities for potential uses in this area.
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.* Many of the uses allowed in the existing various districts are permitted in the FB overlays; however the FB overlays allow for a greater mixture of uses with a focus on design and connectivity between sites, thereby resulting in better developments.
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 development that may have an increased demand on public utilities and services; however there should be adequate capacity to serve this area. The Engineering Department will conduct a full review of public utility and service needs during any 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.* The amount of traffic generated from uses permitted in the FB overlay districts can be expected to be comparable to uses permitted in the underlying districts and should not be detrimental to Rochester Rd., a five-lane major thoroughfare. Also, the intent of the FB overlay districts is to design sites so as to encourage walkability, thereby reducing the number of automobile trips needed between sites.
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 proposed boundaries will create a logical zoning transition from the residential neighborhoods to the more intense business uses along Rochester Rd. The sites are physically capable of accommodating development under the FB overlay districts 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 FB overlay districts at this location help implement the City's vision for this area, and will likely result in better designed development than if constructed under the underlying zoning.
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.* A specific use is not identified for this area.
10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.* The addition of the FB overlay districts in this area is consistent with the other business areas along Rochester Rd., all of which already have the FB overlays as a development option.

Conclusion

The proposed rezoning to add the FB Overlay District as described in this report meets the criterion required for

an amendment of the official Zoning Map.

Motion to Recommend Approval/Denial to City Council

MOTION by _____, seconded by _____, in the matter of City File No. 16-016 (Flex Business Overlay Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed rezoning to add a Flex Business Overlay District to 13 parcels of land totaling approximately 22.50 acres: Parcel Nos. 15-35-352-001, -061, -066, -067, 019,15-35-353-055, -039, -040, -041 with an FB-2 Flex Business Overlay; and Parcel Nos. 15-34-429-019, -021,15-34-477-015 and -016 with an FB-3 Flex Business Overlay with the following findings.

Findings for Approval

1. FB-2 and FB-3 are appropriate zoning districts at this location as they are compatible with the goals, policies and objectives of the Master Plan.
2. Approval of the proposed rezoning will promote business growth and expansion in the community by allowing for the redevelopment of parcels and providing additional opportunities for potential uses in this area.
3. Approval of the proposed rezoning allows for a greater mixture of uses with a focus on design and connectivity between sites, thereby resulting in better developments that encourage walkability, thereby reducing the number of automobile trips needed between sites.
4. The proposed boundaries will create a logical zoning transition from the residential neighborhoods to the more intense business uses along Rochester Rd.
5. The addition of the FB overlay districts in this area is consistent with the other business areas along Rochester Rd., all of which already have the FB overlays as a development option.
6. 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. Approval of the proposed zoning could increase the potential for development with higher trip generation rates in the area.
2. Approval of the proposed rezoning could result in a development that may have an increased demand on public utilities and services
3. Approval of the proposed rezoning could allow for uses that are not consistent and compatible with the surrounding parcels.