



Department of Planning and Economic Development

Staff Report to the Planning Commission December 12, 2014

6780 Old Orion Ct. Rezoning

REQUEST	Recommendation to City Council for requested Rezoning
APPLICANT	The Silver Spoon Ristorante Italiano, LLC 6840 Rochester Rd. Rochester Hills, MI 48306
LOCATION	6780 Old Orion Ct., west of Rochester, north of Tienken
FILE NO.	14-016
PARCEL NO.	15-03-476-013
CURRENT ZONING	R-1, One Family Residential
REQUESTED ZONING	R-1, One Family Residential with FB-1, Flexible Business Overlay
STAFF	Sara Roediger, AICP, Manager of Planning

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Summary and Analysis

The proposed rezoning would add an FB-1, Flexible Business Overlay district to a 3.0-acre parcel on Old Orion Ct., which is north of Tienken and west of Rochester Rd. The site is currently zoned, and would continue to be zoned R-1, One Family Residential. The addition of the FB-1 overlay district would allow the property owner the ability to choose between the R-1 and FB-1 zoning districts if and when they develop the site.

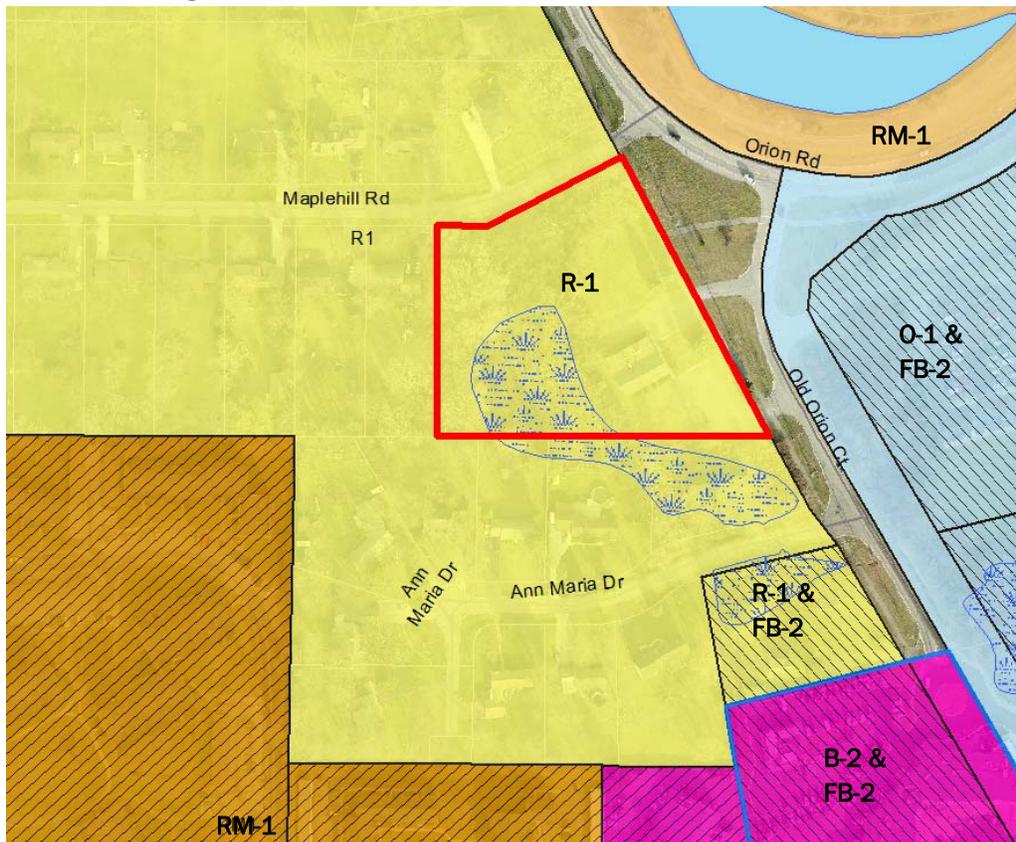
The applicant indicates that the purpose of the rezoning is to be able to move their restaurant, The Silver Spoon, from the Papa Joe's complex because of their growing clientele. The subject parcel was the site of a former Sikh Gudwara and has been vacant for four years

	Existing Zoning	Existing Land Use	Future Land Use
Proposed Site	R-1 One Family Residential	Vacant	Business/Flexible Use 1 & Residential 2
North	R-1 One Family Residential	Single family homes	Residential 2
South	R-1 One Family Residential	Single family homes	Business/Flexible Use 1 & Residential 2
East	O-1 Office Business w/ FB-2 Flexible Business Overlay & RCD One Family Cluster	Beaumont medical facility & Quail Crest Subdivision	Business/Flexible Use 2 & Private Recreation/Open Space
West	R-1 One Family Residential	Single family homes	Residential 2

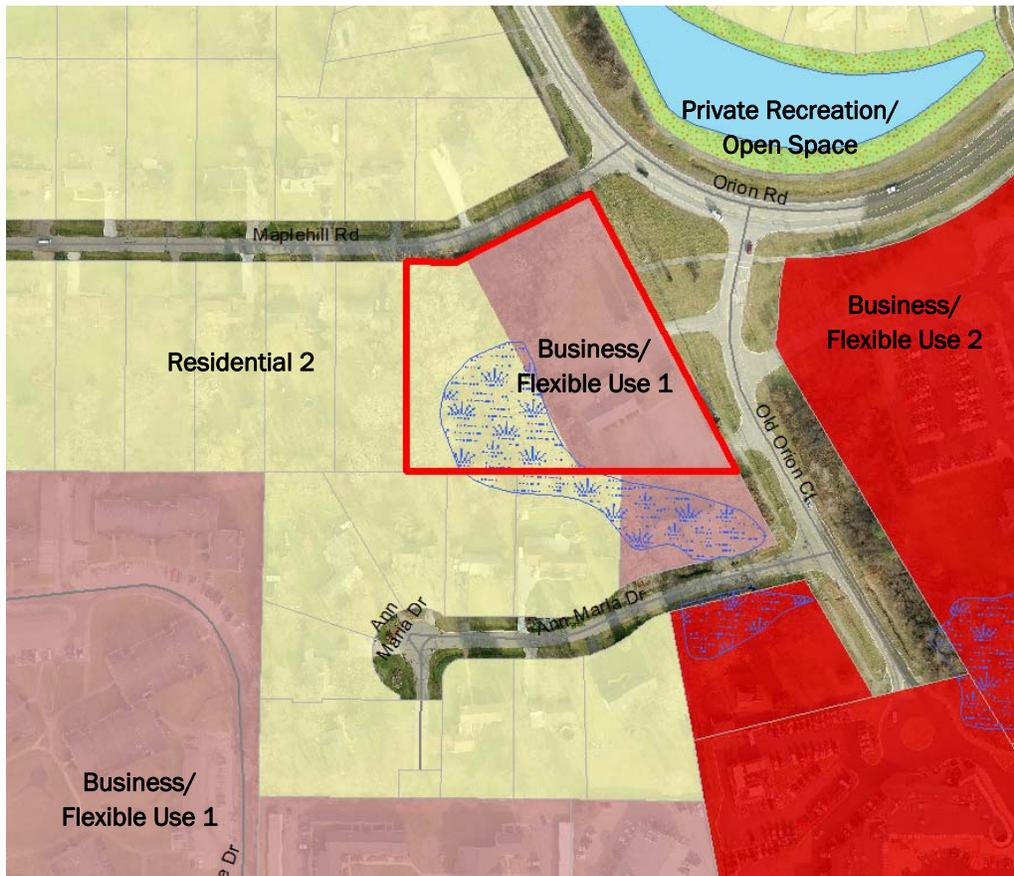
Aerial Photograph



Current Zoning



Future Land Use Map



Master Land Use Plan Considerations

The Future Land Use Map calls for Business/Flexible Use 1 uses on the majority of this parcel and for the parcel to the south, and for residential uses on the sites to the north and west. This parcel was specifically changed in the 2013 Master Land Use Plan from Residential 2 to Business/Flexible Use 1 to allow for the potential for non-residential development because of the sites location on a major road, therefore staff finds that the requested rezoning is in agreement with the Future Land Use Map. The addition of the FB-1 will not eliminate the residential zoning of the property. Rather, it will allow for transitional uses that are complimentary to residential uses as recommended in the Master Plan.

Comparison of Uses Permitted

The table below compares both the permitted and conditional uses permitted in both the exiting and proposed districts. Note that as an overlay district, the FB-1 district allows for uses in addition to those already permitted in the underlying R-1 zoning district.

	Existing R-1 One Family Residential District	Proposed FB-1 Flexible Business Overlay
Permitted Use	<p>Animal & Agriculture Uses</p> <ol style="list-style-type: none"> 1. Agriculture 2. Private stables 3. Raising & keeping of animals <p>Residential Uses</p> <ol style="list-style-type: none"> 4. One-family detached dwellings 5. State licensed residential facilities (6 or fewer residents) <p>Community, Public & Recreation Uses</p> <ol style="list-style-type: none"> 6. Libraries & museums 7. Municipal buildings & uses 8. Places of worship 9. Primary & secondary schools (public, private & parochial) 10. Privately operated recreational facilities located on publicly owned park properties 11. Essential utilities <p>Temporary, Special Event & Other Uses</p> <ol style="list-style-type: none"> 12. Accessory buildings & accessory uses customarily incidental to the permitted uses 13. Home occupations 14. Roadside stands & markets & Christmas tree sales 15. Temporary construction 	<p>Residential Uses</p> <ol style="list-style-type: none"> 1. Dwelling unit in a mixed-use building 2. Live/work unit 3. Multiple-family dwelling unit 4. One-family detached dwellings 5. State licensed residential facilities (all types) <p>Lodging Uses</p> <ol style="list-style-type: none"> 6. Bed & Breakfast <p>Office Uses</p> <ol style="list-style-type: none"> 7. Office <p>Civic Uses</p> <ol style="list-style-type: none"> 8. Childcare Center 9. Community Facility 10. Recreational Facility 11. Essential Services 12. Public Parking 13. Transit Facilities <p>Education Uses</p> <ol style="list-style-type: none"> 14. Learning Center 15. Research Facility 16. School 17. Special Training/Vocational
Conditional Use	<p>Animal & Agriculture Uses</p> <ol style="list-style-type: none"> 1. Kennels 2. Plant material nurseries <p>Residential Uses</p> <ol style="list-style-type: none"> 3. State licensed residential facilities (more than 7 but not more than 12 residents) <p>Community, Public & Recreation Uses</p> <ol style="list-style-type: none"> 4. Cemeteries 5. Golf courses (may or may not be operated for-profit) 6. Nursery schools, day nurseries, child care centers, adult foster care large group homes & adult foster care congregate facilities 7. Private recreation areas, swim clubs & tennis courts <p>Office & Service Uses</p> <ol style="list-style-type: none"> 8. Funeral Homes <p>Temporary, Special Event & Other Uses</p> <ol style="list-style-type: none"> 9. Wireless telecommunication facilities 	<p>Lodging Uses</p> <ol style="list-style-type: none"> 1. Inn <p>Commercial Uses</p> <ol style="list-style-type: none"> 2. Bar, Tavern, or other Alcohol Service Establishment 3. Drive-Through Facility accessory to a principal use 4. Restaurant <p>Civic Uses</p> <ol style="list-style-type: none"> 5. Place of Worship

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 previously mentioned staff finds the proposed FB-1 designation to be consistent with the Future Land Use Map and is furthermore consistent with the goals, policies, and

objectives of the Master Plan. It will allow for development at an intensity and scale that is compatible with both the residential neighborhood to the west and north, along with the transitional uses located along Old Orion Ct. Specifically, the proposed rezoning promotes the following goals and objectives of the Master Land Use Plan and other applicable long range plans:

- a. Page 6.2 of the Master Land Use Plan, under Community Vision, states that “Rochester Hills is an essentially built-out community, which needs to focus its land use visions on optimizing remaining development and redevelopment while recognizing opportunities for improvement of existing conditions within the City.”
2. *Compatibility with the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.* The site has a wetland on the eastern portion of the parcel, which would potentially prohibit use of this part of the parcel. The wetland provides a natural buffer from the developed portion of the site and the residential neighborhood to the west. The site’s location on Old Orion Ct. does not make it a particularly attractive site for individual single-family homes. The combination of the site’s physical characteristics, location, and the uses to the south and east make it a suitable location for an FB-1 overlay 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.* No evidence has been provided that the current R-1 zoning will not provide a reasonable return on investment, but rezoning to FB-1 would permit for additional development options in addition to the existing R-1 zoning.
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 FB-1 would allow for some limited retail or office uses that would serve the nearby residents. While the proposed redevelopment will likely result in higher total traffic volumes, the site is located along Orion Ct. which should be able to accommodate additional traffic volumes without perceptible impact on neighboring uses. The operational characteristics of uses permitted in the FB-1 district are most compatible with residential 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 Department 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.* The amount of traffic generated from FB-1 should not be detrimental to Orion Ct.
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 FB-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.* FB-1 is the lowest intensity mixed-use overlay district, so there is no more appropriate mixed-use zoning district. The site will retain its existing R-1 zoning, and still may be developed for residential purposes if the FB-1 overlay is approved.
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.* It would not be appropriate to permit restaurants in a residential district. The FB-1 overlay district was designed specifically to allow a mixture of compatible uses and is the most appropriate course of action.
10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.* The requested FB-1 overlay would extend the business/flexible use overlay district as recommended in the Master Land Use Plan, so approval of the zoning would not create a spot zone.

Conclusion

The proposed rezoning to add an FB-1 overlay district meets the majority of 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. 14-016 (6780 Old Orion Ct. Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed rezoning of parcel no. 15-03-476-013 to add an FB-1, Flexible Business Overlay in addition to the R-1 One Family Residential underlying zoning, which will remain, with the following findings.

Findings for Approval

1. FB-1 is an appropriate zoning district at this location as it is compatible with the future land use map and the goals and objectives of the Master Land Use Plan.
2. Approval of the proposed rezoning will allow for flexibility in uses that are consistent and compatible with the surrounding area.
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.

Findings for Denial

1. Approval of the FB-1 overlay zoning would increase the potential for development with higher trip generation rates in the area.
2. Approval of the proposed rezoning will allow for uses that are not consistent and compatible with the residential neighborhood to the west and north.
3. The applicant has submitted no evidence that a reasonable return cannot be realized under the existing R-1 zoning district.

Reference: Location Map; Letter of Intent, Rito Lisi and PHN

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