

City Council Agenda Summary Sheet (Non Purchases)

Agenda No: 2004-0414 - **Acceptance for First Reading** – a request to rezone 1.945± acres (i.e., Parcel No. 15-26-351-002) located at the southeast corner of Rochester Road and Barclay Circle from B-3 (Shopping Center Business) to B-2 (General Business); Diversified Property Group, L.L.C., Applicant.

Date: June 4, 2004

Prepared By: Deborah Millhouse, AICP, Planning and Development Department

City File No: 86-745.2

Meeting Date: June 16, 2004

PURPOSE:

To discuss the request to rezone 1.945± acres (i.e., Parcel No. 15-26-351-002) located at the southeast corner of Rochester Road and Barclay Circle from B-3 (Shopping Center Business) to B-2 (General Business).

DISCUSSION:

The subject site consists of one parcel upon which the Salsa's Mexican Cantina restaurant is currently located. The parcel is nearly two acres in size with a minimum width of 215 feet along Rochester Road. The B-3 zoning district requires a parcel be at least five acres in size with a minimum width of 400 feet. Therefore, the subject site is currently a non-conforming lot.

According to available information, the subject site was part of a large, vacant parcel zoned B-2, Community Business. The B-2 district had no minimum lot size or width. Avon Township approved the site plan for a Win Schuler's restaurant on March 22, 1977 and a land division on July 26, 1977. Adoption of Zoning Ordinance No. 80 on August 24, 1977 established the B-3, Shopping Center Business district with a minimum lot size of five acres and minimum width of 400 feet. It also zoned the subject site B-3.

The intent of the rezoning request is to redevelop the property under the B-2 classification as a high quality multi-tenant retail property. However, any request to rezone should be considered in the context of all uses that could be permitted under the existing and proposed zoning designations and the other requirements of each district.

The intent of both districts is provided in the attached Staff Report. To summarize the permitted and conditional uses, all uses within the B-2 district are permitted within the B-3 district with the exception of childcare centers with outdoor play areas. However, several uses are allowed within the existing B-3 district that are not allowed within the proposed B-2 district. Specifically, the following uses are permitted by right in the B-3 district but cannot be located in a B-2 district: new car dealerships, bus passenger stations, commercially used outdoor recreational space for adults' or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges. The following conditional uses may be located within the B-3

district but not within the B-2 district: hotels, motels, residential inns, automobile service centers when attached and incidental to another permitted retail use in a shopping center, and recreational space providing children’s or adults’ amusement parks and other similar recreation when part of a planned development.

Other differences between the two districts involve dimensional requirements. As previously noted, the B-3 zoning district requires a parcel be at least five acres in size with a minimum width of 400 feet. The B-2 zoning district has no minimum size or width. Further, height and setback requirements differ as depicted below.

Standards	B-2	B-3
Maximum Height	2 stories/30 feet	2 stories/30 feet 5 stories for other structures subject to PC review and CC approval after public hearing
Minimum Front Setback	50'	75'
Minimum Interior Side Setback	25' with openings 0' with no openings	25'
Minimum Exterior Side Setback	25'	75'
Minimum Rear Setback	50'	75' abutting business district – 40' with PC approval

The parcel is currently identified in the 1999 City of Rochester Hills Master Land Use Plan for future designation as Retail Commercial. Therefore, the City’s Master Land Use Plan supports the proposed B-2 zoning of the subject parcel. Since it does not make a distinction between the B-1 thru B-3 zoning districts, the City’s Master Land Use Plan also supports the existing B-3 zoning.

Following the public hearing held at its May 18, 2004 meeting, the Planning Commission recommended approval of the rezoning request by a vote of six ayes and one nay. Please refer the attached Planning Commission minutes for more information relative to this action.

FISCAL INFORMATION:

None.

RECOMMENDATION:

Since the rezoning request is to a less intense zoning district and in conformance to the City’s Master Land Use Plan, both staff and the Planning Commission recommend approval of the request to rezone 1.945± acres (i.e., Parcel No. 15-26-351-002) **from** B-3 (Shopping Center Business) **to** B-2 (General Business).

ATTACHMENTS:

- Maps – Aerial and Current Zoning
- Minutes PC 20040518
- Report Staff 20040514

Department Authorization: Ed Anzek, Director of Planning and Development
Reviewed by:

Fiscal: *Jean Farris*

Clerks: *Susan Koliba-Galeczka*

Approved by: *Pat Somerville*

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA