

City of Rochester Hills
Department of Planning and Development

STAFF REPORT TO THE PLANNING COMMISSION
May 5, 2004

Rezoning Request REVISED (June 15, 2004)	
APPLICANT	Hamlin Adams Properties LLC 24400 Jefferson Avenue St. Clair Shores MI 48080
PARCEL NO.	15-29-101-022, 15-29-101-023
ACREAGE	28± Acres
LOCATION	Northeast Corner of Hamlin and Adams
FILE NO.	03-013
ZONING	R-2, One Family Residential
STAFF	Derek L. Delacourt
REQUEST	Rezoning to B-2, General Business

SUMMARY

The referenced application involves a request to rezone 28± acres identified as Parcel Nos. 15-29-101-022 and 15-29-101-023 from R-2, One Family Residential to B-2, General Business. The parcels are located on the northeast corner of Hamlin and Adams Roads.

Specific action requested for consideration by the Planning Commission is a recommendation to rezone Parcel Nos. 15-29-101-022 and 15-29-101-023 (i.e. 28± acres) from R-2 to B-2.

EXISTING AND PROPOSED ZONING DISTRICTS

The existing R-2 One Family Residential District is “designed to provide for one-family, low density dwelling sites and residentially related uses in keeping with the master plan of residential development in the city. The uses permitted by right and on special condition as conditional uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noises.” Principal permitted uses within the existing R-2 District are specifically listed in Section 138-257 of the Zoning Ordinance, with conditional uses being listed in Section 138-258 and ancillary uses listed in Section 138-259.

The proposed B-2, General Business District is “designed to cater to the needs of the larger consumer population than serviced by the B-1 local business” Principal permitted uses within the existing B-2 District are listed in Section 138-522, and conditional uses are noted in Section 138-523. All of the above-referenced sections have been included in this packet for your consideration.

MASTER LAND USE PLAN CONSISTENCY

The proposed rezoning is not in accordance with the Master Planned identified Single Family designation for the subject site.

ADJACENT LAND USES AND ZONING

To the north and west the surrounding property is zoned and developed as single family residential. The property to the east is zoned single family and is used as a City Park (Riverbend Park). To the south, the property’s current use as a private recreation facility (i.e., softball fields and golf driving range) has been and is currently controlled through Use Variance and/or Consent Judgment. Its potential future use is outlined in a revised consent judgment that allows for the redevelopment of the property as a mixed-use office and commercial development. Also to the south a new M-59 Adams Road Interchange is planned.

REASON FOR REZONING REQUEST

The applicant has indicated that the reason for the requested rezoning is the subject sites status as a Brownfield (contaminated site) and therefore inability to develop the site as single family. The applicant has received approval from the City’s Brownfield Authority for a Brownfield Plan for the subject site (minutes attached). The plan approved by the authority was based on a proposed office/commercial development. The BRA does not review the plan relevant to zoning, therefore its approval is conditioned on the applicant resolving the zoning issue with the Planning Commission and City Council.

The Brownfield Plan dated September 2, 2003 and BRA meeting minutes dated September 18, 2003 are included for review and regard the specifics of the brownfield process and some of the contamination issues. The applicant will present additional details to the Planning Commission at the meeting; also, the City’s environmental and brownfield consultants will be there to discuss issues relative to the site and existing environmental information.

RECOMMENDATION

Staff does believe there are considerable issues related to the known environmental contamination and potential additional unknown environmental concerns on the subject site, and if proven to be serious enough, it may be difficult to develop the site or portions of the site as single family residential.

However at this point, based on the rezoning request not being in accordance with the City's Master Plan and because the existing and potential contamination may dictate the need for further investigation and potential additional control by the City and State, **Staff recommends denial of the rezoning request relative to City File #03-013.**

In addition staff is seeking input from the Planning Commission related to additional investigation and a potential process for the development of the site. Based on the existing information it is Staff's opinion that the City should only consider development of this site, regardless of use, utilizing the maximum amount of control and involvement. Based on the contamination issues it may be necessary to provide flexibility of use and design to eliminate the contamination on the subject site. Staff is seeking input and recommends consideration of the Planned Unit Development process, the Use Variance process and any other process the Planning Commission members may consider appropriate.

References: Notice of Public Hearing; Application to Rezone dated 11/15/03; Statement Indicating Why Change is Requested; Letter of Intent; Letter verifying no deed restrictions w/legal description dated 11/14/03; Environmental Impact Statement dated 11/14/03; BRA Minutes dated 09/18/03; BRA Plan dated 09/02/03; Sections 138-256 thru 138-259; Sections 138-521 thru 138-526 and Schedule of Regulations, all from the City of Rochester Hills Zoning Ordinance.

MOTION by _____, seconded by _____, in the matter of City File No. 03-013, the Planning Commission **recommends** to City Council **denial** of the request to rezone 28± acres, identified as Parcel Nos. 15-29-101-022 and 15-29-101-023 from R-2, One Family Residential to B-2, General Business with the following findings.

1. The requested rezoning does not conform to the City's Master Plan designation for the subject site.
2. The rezoning of the subject site to B-2 (General Business) would not be in character with the surrounding Single Family land uses north of Hamlin Road.
3. Although the applicant has indicated that there is known contamination on the site there has been no clear indication that the site cannot be developed in accordance with the existing zoning designation or that there are not potentially less intense options for the rezoning of the property.

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