

City of Rochester Hills
Department of Planning and Development

STAFF REPORT TO THE PLANNING COMMISSION
June 24, 2004

Rezoning Request	
APPLICANT	Viviano Land Company, L.L.C. 3050 South Rochester Road Rochester Hills, MI 48307
AGENT	Salvatore Viviano
PARCEL NO.	Portion of Parcel 15-34-227-010
ACREAGE	0.35± Acres
LOCATION	South of Auburn, West of Rochester Road
CITY FILE NO.	04-008
ZONING	R-3, One Family Residential
STAFF	Deborah Millhouse, AICP, Deputy Planning Director
REQUEST	Rezoning to B-3, Shopping Center Business

SUMMARY

The referenced application involves a request to rezone a portion of Parcel 15-34-227-010 from R-3, One Family Residential to B-3, Shopping Center Business. The subject site is the rear portion of a residentially zoned lot fronting Hickory Lawn. The portion under consideration is located immediately south of the Auburn Center and west of the Meadowbrook Dodge dealership.

Specific action requested for consideration by the Planning Commission is a rezoning recommendation to City Council.

BACKGROUND INFORMATION

The subject site is 0.35± acre in size and consists of the rear portion of a residentially zoned lot fronting Hickory Lawn. According to the City's information, Lot 20 of the Avoncrofts Subdivision is 0.99± acre in size, with an existing residence located on the front portion of the lot.

According to the enclosed Environmental Impact Statement (EIS), the 0.35 acres will supplement the current operations at Meadowbrook Dodge by providing additional parking for new car inventory. The EIS further states as follows. "The 0.35 acres is contiguous to the existing operations. There will be no ecological impacts. The proposed rezoning supports the commercial car dealership by allowing the parking of additional inventory which is beneficial to the customer base. It will also provide a better 'look' to the dealership. Thus, the rezoning request has a positive economic impact."

Since the B-3 zoning district requires a parcel be at least five acres in size, the subject site would need to be combined with the current Meadowbrook Dodge site (i.e., Parcel 15-34-227-037) if rezoned.

ADJACENT LAND USES AND ZONING

Meadowbrook Dodge to the east is zoned B-3 (Shopping Center Business), while Auburn Center to the north is zoned B-2 (General Business). Adjacent properties to the south and east are zoned R-3 (One Family Residential), as are the properties located on the opposite side of Hickory Lawn. With the exception of two vacant parcels, single-family homes are located on the remaining residentially zoned lots along Hickory Lawn.

Additional zoning districts and uses within the immediate vicinity include several commercial establishments along the west side of Rochester Road south of Meadowbrook Dodge that are zoned B-2 (i.e., Pools A-Go-Go, Wendy's, D.O.C. Eyeworld, A&W, and Fox Portrait Studio) and a Citgo station located at the southwest corner of Rochester and Auburn zoned B-5 (Automotive Service District). A map depicting the current zoning pattern is included in this packet.

EXISTING AND PROPOSED ZONING DISTRICTS

Although the intended use is for the storage of new vehicles, 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 existing R-3, 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 R-3 district are specifically listed in Section 138-257, with conditional uses being listed in Section 138-258 and ancillary uses listed in Section 138-259.

The proposed B-3, Shopping Center Business District is “designed to cater to the needs of the larger consumer population than served by the B-1, Local Business District and the B-2, General Business District and so mapped typically in shopping center locations characterized by establishments so grouped as to generate larger volumes of vehicular and pedestrian traffic.” Principal permitted uses within the existing B-3 district are specifically listed in Section 138-567 of the Zoning Ordinance, with conditional uses being listed in Section 138-568 as enclosed.

MASTER LAND USE PLAN CONSISTENCY

The parcel is currently identified in the 1999 City of Rochester Hills Master Land Use Plan to continue its designation as Single Family Residential. Therefore, the City’s Master Land Use Plan does not support the proposed B-3 zoning. Although not consistent with the Master Plan, the enclosed letter from the applicant’s attorney states that the proposed rezoning is consistent with the use pattern in the area.

RECOMMENDATION

Unless the City feels that there are sufficient reasons or that there is a compelling argument to change its future residential designation of the rear portion of the parcel, **staff recommends the following motion relative to City File No. 04-008.**

References: Aerial; Current Zoning Map; Boundary Survey and Split of Lot 20 dated 11/11/03; Proposed Zoning Drawing & Parcel Combination Drawing dated 11/11/03; Sections 138-256 thru 138-260 of the City of Rochester Hills Zoning Ordinance; Sections 138-476 thru 138-479 of the City of Rochester Hills Zoning Ordinance; Sections 138-521 thru 138-525 of the City of Rochester Hills Zoning Ordinance; Sections 138-566 thru 138-570 of the City of Rochester Hills Zoning Ordinance; Notice of Public Hearing; Application to Rezone; O’Reilly Rancilio P.C. letter dated 05/21/04; Salvatore P. Viviano letter dated 03/19/04; Laurie & Diana Soper letter dated 03/19/04; Offer to Purchase Real Estate dated 09/19/02; and, Environmental Impact Statement.

MOTION by _____, seconded by _____, in the matter of City File No. 04-008, the Planning Commission **recommends** to City Council **denial** of the request to rezone a portion of 15-34-227-010 (0.35± acres) from R-3, One Family Residential to B-3, Shopping Center Business.