

**City of Rochester Hills**  
**Department of Planning and Development**

**STAFF REPORT TO THE PLANNING COMMISSION**  
**October 15, 2003**

<b>Rezoning Request</b>	
<b>APPLICANT</b>	Stanley Finsilver, Co-Partner Finsilver/Friedman Venture I 34975 West 12 Mile Road Farmington Hills, MI 48331
<b>PARCEL NO.</b>	15-22-451-033
<b>ACREAGE</b>	0.97± Acres
<b>LOCATION</b>	West of Rochester Road, North of Hamlin
<b>FILE NO.</b>	03-015
<b>ZONING</b>	R-3, One Family Residential
<b>STAFF</b>	Deborah Millhouse, AICP, Deputy Planning Director
<b>REQUEST</b>	<b>Rezoning to O-1, Office Business</b>

**SUMMARY**

The referenced application involves a request to rezone the rear 0.97± acres of Parcel No. 15-22-451-033 from R-3, One Family Residential to O-1, Office Business. The parcel is located on the west site of Rochester Road north of Hamlin and south of Sandalwood.

**Specific action requested for consideration by the Planning Commission is a recommendation to rezone Parcel No. 15-22-451-033 (i.e. 0.97± acres) from R-3 to O-1.**

**EXISTING AND PROPOSED ZONING DISTRICTS**

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 existing R-3 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 O-1, Office Business District is “designed to accommodate office uses, office sales uses and basic personal services, particularly larger planned office complexes and office centers.” Principal permitted uses within the existing O-1 District are listed in Section 138-752, and conditional uses are noted in Section 138-753. All of the above-referenced sections have been included in this packet for your consideration.

### **MASTER LAND USE PLAN CONSISTENCY**

Although the front portion of 1812 South Rochester Road is planned for Professional Office development in the 1999 City of Rochester Hills Master Land Use Plan, the rear portion of the parcel is currently identified for future designation as Single Family Residential. Therefore, the Land Use Map does not support the proposed O-1 zoning.

However, the aforementioned Master Plan states that the Professional Office category is intended for parcels occupied by all types of individual office facilities and related parking. Included in this group are single building office structures and office parks – usually occupied by professional services --- including medical, real estate, insurance and others. Further, one of the office policies notes that office uses may be used as a transition between commercial areas and residential neighborhoods. Therefore, there appears to be support in the Plan itself for the proposed rezoning.

### **ADJACENT LAND USES AND ZONING**

The Avon Hills Village (Sycamores) subdivision is located north of the subject area and is zoned R-4, One Family Residential. The rear portions of single-family residential lots zoned R-3 are located to the west and south. The adjacent parcel to the west is 2.43 acres in size, with 105 feet of frontage on Hamlin Road. The adjacent parcel to the south is 1.48 acres in size, with 106 feet of frontage. The homes on these “bowling alley” lots are located along Hamlin Road, with no apparent structures located on the rear portion of either lot.

The eastern 1.73± acres of the subject parcel is currently zoned O-1, Office Business. Two medical office buildings are located on this portion of the lot and both are classified as historical structures. Mercy Medical Group occupies the structure closest to Rochester Road. Pediatric Denistry and EarPhonics Beltone are located in the rear building.

Remaining parcels to the east are zoned B-2, General Business and B-3, Shopping Center Business. A vacant commercial structure is located on the B-2 parcel, while the Hamlin Square shopping center is located on the parcel zoned B-3. Please refer the attached map for existing zoning designations.

## REASON FOR REZONING REQUEST

According to the attached information, the rezoning is requested so that the petitioner may use a segment of the rear portion of the property for additional vehicle parking. He states that current parking facilities at the site are simply insufficient to meet the demands of the tenant base. 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.

In support of his request, the petitioner notes the following:

- Modern zoning principles dictate that it is incongruous to place multiple zoning designations on a single parcel;
- By rezoning the rear portion of the property to O-1, the City will ensure a single zoning designation for the property;
- No adverse psychological or environmental impact is anticipated as a result of the requested zoning change;
- The subject property is located within a well-developed commercial corridor that provides many of the basic goods and services required by the community's residential population; and,
- Appropriate screening will be provided to shield the property from all neighboring residential uses.

Although staff agrees that it is not advisable to have multiple zoning designations on a single parcel, it should be noted that the rear 0.97± acres was a separate parcel until combined with the front 1.73± acres at the request of the petitioner on February 14, 2003. However, there was no direct access to the rear parcel prior to the combination. Therefore, the only access to any single-family home constructed on this site would be through the existing medical office complex. This is also not in accordance with sound planning principles. It should be further noted that the petitioner has owned both parcels since 1987.

## RECOMMENDATION

Given the above-referenced information, **staff recommends approval of the following motion to approve relative to City File No. 03-015.**

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References: Aerial; Zoning map; Sections 138-256 thru 138-259 of the City of Rochester Hills Zoning Ordinance; Sections 138-751 thru 138-753 of the City of Rochester Hills Zoning Ordinance; Notice of Public Hearing; Application to Rezone dated 08/30/03; Introduction; Statement Indicating Why Change is Requested; Letter of Intent; Environmental Impact Statement; and, Warranty Deed dated 09/25/87.

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-015, the Planning Commission **recommends** to City Council **approval** of the request to rezone 0.97± acres, identified as the rear portion of Parcel No. 15-22-451-033, from R-3, One Family Residential to O-1, Office Business.