



**City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS**

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**Legislative File No: 2008-0303 V2**

**TO:** Mayor and City Council Members

**FROM:** Ed Anzek, Director of Planning and Development

**DATE:** July 1, 2008

**SUBJECT:** Acceptance for First Reading – An Ordinance to Amend Chapter 138, Zoning of the Code of Ordinances of the City of Rochester Hills to Rezone one parcel of land totaling .91 acres, Parcel No. 15-27-351-008, from B-5, Automotive Service Business to B-1, Local Business, located at the northeast corner of Livernois and Auburn.

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**REQUEST:**

To accept for First Reading an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances, to Rezone one parcel of land at the northeast corner of Auburn and Livernois (Parcel No. 15-27-351-008, addressed as 990 W. Auburn) and totaling approximately .91± acre, from B-5, Automotive Service Business, to B-1, Local Business. The parcel was previously the site of a gas station, which has since been abandoned.

**BACKGROUND:**

The applicant wishes to put in a neighborhood retail facility for two or three tenants, which B-1 zoning supports. As City Council is aware, however, the issues during a Rezoning discussion should include what uses would be acceptable and viable, with consideration of the Master Plan, and not site plan issues.

The Master Plan designation for this parcel is Flexible Business Use 2, which also supports neighborhood commercial. If the Rezoning is approved, the next step would involve discussion and concept development of the site to a useful and functioning layout and what would be supported to bring that result, i.e., setback relief or buffer modifications.

Based on the parcel's size and irregularity, it is anticipated that some degree of relief from setbacks will be necessary to enable this site to be developed whether it have a B-5, B-1, or B-2 Zoning designation. However, that question is one for the ZBA to determine. The intent of both districts is provided in the June 17, 2008 Staff Report, and the Ordinance requirements are attached to this packet.

The applicant submitted a letter addressing why B-5 is not viable and why B-1 would be a better zoning category for this site. It has been included in your packet.

At its June 17, 2008 meeting, the Planning Commission unanimously recommended approval of the rezoning request, and those Minutes are included.

**RECOMMENDATION:**

Since the Master Land Use Plan supports the requested rezoning, and the request is consistent with the policy of the Master Plan regarding convenience and community commercial land uses, it is the opinion

of Staff and the Planning Commission that a rezoning of the identified parcel to B-1 should be accepted for First Reading.

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**RESOLUTION**

**NEXT AGENDA ITEM**

**RETURN TO AGENDA**

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<b>APPROVALS:</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>Department Review</b>		
<b>Department Director</b>		
<b>Mayor</b>		
<b>City Council Liaison</b>		