



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

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**Legislative File No: 2009-0393 V5**

**TO:** Mayor and City Council Members

**FROM:** Ed Anzek, Director of Planning and Development, ext. 2572

**DATE:** March 29, 2010

**SUBJECT:** Acceptance for First Reading – An Amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills to conditionally rezone two parcels totaling approximately 4.256 acres, located at the northeast corner of Hamlin and Livernois, from R-3 (One-Family Residential) to O-1 (Office Business), Signature Associates, applicant.

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**REQUEST:**

Accept for first reading the request to conditionally rezone two parcels of land at the northeast corner of Hamlin and Livernois from R-3, One Family Residential, to O-1, Office Business. The subject parcels are zoned and master planned Single Family with a Mixed Residential Overlay. The parcel to the west, across Livernois Road, is developed as light industrial and the parcels immediately abutting the subject site to the north and the east are developed as places of worship.

**BACKGROUND:**

The applicant originally appeared before the Planning Commission to discuss the possibility of rezoning the property from Single Family to Office Business. The applicant identified changes that have occurred since the adoption of the City's Master Land Use Plan that, in their opinion, have created the need to reevaluate the subject site. The Commission indicated that the circumstances appeared to warrant consideration of the Office Business district but were concerned with the impact any future development would have on the area.

Based on the Commission's concerns the applicant proposed a conditional rezoning. This is different than a standard request in that it allows the applicant to offer conditions directly related to issues with the zoning district requested. The applicant subsequently met with the Planning Commission on separate occasions soliciting input regarding what concerns the Commission may have with the requested O-1 district.

Based on that input the applicant has offered conditions in connection with the request for rezoning including limiting the height of the building to two-stories and 32 feet with a maximum floor plate of 28,000 square feet in size, the building will comply with elevations and design restrictions of the Planning Commission, that 30% of the existing regulated trees will be maintained on site and any trees removed will be replaced in conformance with the Tree Conservation Ordinance, and that specific uses, e.g., raising animals, roadside stands, wireless telecommunication facilities and transit passenger stations will not be proposed or permitted on site.

The requested district is inconsistent with the City's Master Plan. However, Staff agrees that the changes since the adoption of the Master Plan are significant enough to reevaluate the property and to consider the conditional rezoning.

In 2005, a rezoning request to O-1 (not conditional) was reviewed and recommended for denial by the Planning Commission. The request was never reviewed by City Council. (For minutes regarding the previous request, please contact the Planning Department and will provide complete copies.)

**RECOMMENDATION:**

The Planning Commission recommends unanimously the approval of the request to conditionally rezone two parcels of land known as 15-22-351-001 and -002, located at the northeast corner of Hamlin and Livernois from R-3 (One Family Residential) to O-1 (Office Business).

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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>		