

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

**STAFF REPORT TO THE PLANNING COMMISSION**  
**January 13, 2006**

<b>Rezoning Request</b>	
<b>APPLICANT</b>	Rochester Avon Properties, L.L.C. 380 N. Old Woodward Ave. Birmingham, MI 48009
<b>AGENT</b>	John Gaber
<b>PARCEL NO.</b>	Portion of Parcel 15-35-100-035
<b>ACREAGE</b>	0.50± Acres
<b>LOCATION</b>	Rochester Road, South of Auburn Road
<b>CITY FILE NO.</b>	05-037
<b>ZONING</b>	R-4, One Family Residential
<b>STAFF</b>	Derek L. Delacourt
<b>REQUEST</b>	<b>Rezoning to B-3, Shopping Center Business</b>

**SUMMARY**

The referenced application involves a request to rezone a portion of Parcel 15-35-100-035 from R-3, One Family Residential to B-3, Shopping Center Business. The subject site is a narrow strip of property that separates the former Pat Moran Car Dealership from the Senior Congregate facility to the south. The entire parcel is approximately .84 acres in size "L shaped" and extremely narrow. The applicant is requesting to rezone approximately .50 acres of the parcel; the portion separating the existing B-3 zoned property and the Senior Facility to the South (see attached exhibits for property description and dimensions). The subject property is an orphan parcel that was bought by the applicant with the intention of combining it with the parcel to the north in connection with the proposed redevelopment of the site for a Lowe's Home Center.

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

## **BACKGROUND INFORMATION**

The subject site is 0.84± acre in size and consists of an extremely narrow, long “L shaped” property with no road frontage. The applicant is proposing rezoning the portion of the property that abuts the former Pat Moran Dealership. The applicant’s intent is to combine the rezoned portion with the former dealership to the north. If the property is combined the applicant intends to use the extra width to meet the requirements of the City’s Zoning Ordinance for redevelopment of the property.

The existing parcel is unable to be developed under any Zoning District within the City, and is certainly unable to be developed independently as zoned. The size and shape of the parcel cannot support any Single Family Residential Development.

## **ADJACENT LAND USES AND ZONING**

The property to the north is zoned B-3 and developed as the former car dealership, currently not in operation. The property to the south is zoned residential, but a Consent Agreement dictates the use of the parcel as a Senior Congregate/Assisted Living Facility. The property to the east is zoned and developed as Single Family Residential (see attached location and zoning information attached.)

## **EXISTING AND PROPOSED ZONING DISTRICTS**

The existing R-4, 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-4 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**

It appears that the parcel is identified for future land use as Single Family Residential, although because of the width of the parcel it is difficult to be positive what the map indicates.

## RECOMMENDATION

Based on the parcel's inability to be developed as zoned and planned, and because the applicant is only proposing to rezone the portion that abuts the current B-3 and because the property is controlled by Consent Agreement and developed in accordance with that preventing any likely combination with the parcel to the south, **Staff recommends the following motion relative to City File No. 05-037.**

The applicant should clarify with the Planning Commission what their intent is to do with the remainder of the subject parcel.

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References: Letter from Atwell-Hicks dated 10/19/05, including a zoning map and Exhibits A & B; Letter from Williams, Williams, Ruby & Plunkett, P.C. dated 10/12/05; Notice of Public Hearing; Application to Rezone dated 10/11/05; Environmental Impact Statement dated 10/18/05; Title Insurance Policy effective 07/26/05; Sections 138-567 and 138-568 of the Zoning Ordinance.

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 05-037, the Planning Commission **recommends** to City Council approval of the request to rezone a portion of 15-35-100-035 (0.50± acres) from R-3, One Family Residential to B-3, Shopping Center Business.