



Rochester Hills Master Report

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File Number: 2006-0045

File Number: 2006-0045	File Type: Ordinance	Status: For Introduction
Version: 2	Reference: 05-037	Controlling Body: City Council Regular Meeting
Requester: Planning/Development	Cost:	Introduced: 01/09/2006
File Name: Lowe's of Rochester Hills	Final Action:	

Title: Acceptance for First Reading - City File No. 05-037 - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone a portion of Parcel No. 15-35-100-035 totalling approximately .50 acres, located east of Rochester Road, north of M-59, from R-4, One Family Residential to B-3, Shopping Center Business District; Rochester Avon Properties, LLC., applicant

Notes: Tom Ebels
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Rochester Avon Properties, LLC
380 N. Woodward Ave.
Birmingham, MI 48009
John Gaber

Code Sections:	Agenda Date:
Indexes: Rezoning	Agenda Number:
Sponsors:	Enactment Date:
Attachments: Agenda Summary.pdf, Map.pdf, Staff Report.pdf, Letter Gaber 101205.pdf, Letter Motte 101905.pdf, Parcel Information.pdf, Ordinance.pdf	Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	01/17/2006	Recommended for Approval	City Council Regular Meeting			Pass
Notes: <i>Mr. Hooper explained the procedure for conducting Public Hearings, and advised that anyone wishing to speak would be required to fill out a card. He noted that all questions should be directed to the Chair and would be answered at the end of the Public Hearing.</i>							

(Reference: Staff Report prepared by Derek Delacourt, dated January 13,

2006 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were John Gaber, Williams, Williams, Ruby & Plunkett, 380 N. Old Woodward, Suite 300, Birmingham, MI 48009 and Lawrence McNally, Atwell Hicks, 50182 Schoenherr Rd., Shelby Township, MI 48315, representing Lowe's.

Mr. Delacourt related that the request was to rezone a portion of a parcel just south of the currently vacant Pat Moran Dealership on Rochester Road. The parcel was long, narrow and L-shaped, and was about 23 feet at its widest point. The parcel was about .83 acres in size and the rezoning request was for approximately .5 acres, the portion that directly abutted the former dealership. The property, bought at a tax sale, was zoned single-family residential, and was known as an "orphan piece." It was unable to be developed as single-family due to its size. The property to the south was controlled by a consent agreement and was currently developed as a senior congregate facility. He indicated that it was highly unlikely that the subject parcel would be combined with the congregate piece since it was already developed. The applicant was requesting that about 880 feet be rezoned to B-3, to be combined with the existing B-3 parcel to the north and to incorporate it into the proposed Lowe's development. Based on those facts, Staff recommended approval of the request.

Mr. Hooper clarified that the current zoning was R-4; the Staff report indicated R-3 in the proposed motion.

Mr. Gaber stated that the applicant recognized the fact that there was availability to acquire the parcel. They did not know the exact history, but, as mentioned, it became an orphan parcel. He noted that there were two portions to the parcel; the part they wished to rezone to B-3 and the L-shaped portion that would remain residential. They had no plans to use the residential part whatsoever and planned to leave it in its natural state. He suggested there might be an easement or another way to protect it for the residents.

Mr. Hooper opened the Public Hearing at 7:37 p.m.

Salvatore Consiglio, 340 Daylily Drive, Rochester Hills, MI 48307 Mr. Consiglio said he had dropped off a letter to the Planning Department about a week ago and that one of his questions had been answered. He noted there was a detention pond behind the homes and he wondered the future of that. He thought the rezoning should have stopped before the detention pond so it would remain and capture the stormwater, as it had for the last 15 years. He asked if the detention area would remain undeveloped. He indicated that the dealership did not have much traffic, and he wondered how it would be affected by having a Lowe's and what the City would do for the newly created traffic. He was concerned additional traffic would go through

his subdivision because Lowe's was a major store and the area was one of the worst for traffic at all times of the day.

Mr. Hooper explained that the traffic was something that would be discussed in more detail when they reviewed the Site Plan.

Scott Frankhouse, 3384 Primrose Dr., Rochester Hills, MI 48307 Mr. Frankhouse said that one of his concerns was the trees behind their properties, and he wondered what would be done with the 20 foot strip, other than store crates and maybe pave it for storage of vehicles. He wondered if something would be put in writing about the L-shaped portion or if it would be rezoned at a future date. He asked if it would be available for purchase by the existing, affected homeowners so it would remain zoned R-4. Another concern was the potential traffic impact.

Cindy McMillan, 422 Jonathan Dr., Rochester Hills, MI 48307 Ms. McMillan was present representing the board of the Wildflower Homeowner's Association. She asked if the current condition of the parcel was grass or part of the Clinton River that ran behind the senior complex. She wondered if it had trees that would be coming down or if it would be a parking lot. She wished to promote the idea that the portion to remain residential be restricted through some type of legal document to make sure it did not get developed. Her subdivision was also concerned about proposed lighting, noting that the former dealership's lighting was toward Rochester Road. She said she would let the residents know about purchasing the strip that was not being rezoned.

Mr. Hooper closed the Public Hearing at 7:45 p.m. He further explained that traffic and lighting would be dealt with if a Site Plan came forward and that those issues were not applicable to the rezoning. He brought up the detention pond question, and said he believed the pond was on the Meijer's property.

Mr. Gaber agreed that it was. When the transaction was structured, it would be a pond that serviced the Lowe's and the Meijer's sites. He said that the pond would be enlarged by Lowe's and they needed to acquire some land from Meijer's. They would maintain the drainage facilities so as to not encroach further back toward the residents.

Mr. Hooper asked if Lowe's had any intention to do something with the portion that was not part of the rezoning. Mr. Gaber said there was none whatsoever and he confirmed that it would remain as it was. Mr. Hooper asked about an easement to restrict that portion. Mr. Gaber said they had not really discussed it in detail, and he was not yet sure what vehicle would be used to keep the property in its current state.

Mr. Delacourt advised that if the portion were rezoned to B-3 and included in development, it would be part of the required 50-foot buffer to any adjacent

residential, which included the congregate site. They only thing the applicant could do with the rezoned piece would be to supplement it with additional plantings to provide further screening. It could not be used for storage, parking or structures without a buffer modification from the Commission.

MOTION by Kaltsounis, seconded by Hardenburg, in the matter of City File No. 05-037, the Planning Commission **recommends** to City Council approval of the request to rezone the western portion of Parcel No. 15-35-100-035 (0.50± acres as shown on Exhibit B as presented) from R-4, One Family Residential to B-3, Shopping Center Business.

Mr. Delacourt advised the residents that Lowe's had submitted Site Plans for review to the Planning Department, and that people were welcome to look at what was being proposed for lighting, buffering and so on. Mr. Hooper added that those issues would be addressed at one or more meetings in the future, and that anyone who turned in a card would be notified when it came back before the Planning Commission.

Aye: Boswell, Brnabic, Dettloff, Hardenburg, Holder, Hooper, Kaltsounis, Reece and Schroeder

Text of Legislative File 2006-0045

..Title

Acceptance for First Reading - City File No. 05-037 - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone a portion of Parcel No. 15-35-100-035 totalling approximately .50 acres, located east of Rochester Road, north of M-59, from R-4, One Family Residential to B-3, Shopping Center Business District; Rochester Avon Properties, LLC., applicant

..Body

Resolved that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone a portion of Parcel No. 15-35-100-035 totalling approximately .50 acres, located east of Rochester Road, north of M-59, from R-4, One Family Residential to B-3, Shopping Center Business District, is hereby accepted for First Reading.