

**City of Rochester Hills  
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION  
June 6, 2006**

<b>Conditional Rezoning Request Shelton PontiacGMCBuick</b>	
<b>APPLICANT</b>	Russ Shelton 855 S. Rochester Road Rochester Hills, MI 48307
<b>LOCATION</b>	East side of Rochester Road, North of Avon
<b>PARCEL NOS.</b>	15-14-351-061; a portion of Parcel No. 15-14-351-017; and a portion of Parcel No. 15-14-351-018
<b>ACREAGE</b>	4.38± Acre
<b>FILE NO.</b>	06-004
<b>ZONING</b>	B-2 General Business
<b>STAFF</b>	Derek L. Delacourt, Deputy Director
<b>REQUEST</b>	<b>Conditional Rezoning to B-3, Shopping Center Business</b>

**SUMMARY**

The referenced application concerns a proposal to Conditionally Rezone approximately 4.38 acres of property, located on the east side of Rochester Road, north of Avon from B-2, General Business to B-3, Shopping Center Business district. The applicant appeared before the Planning Commission in March to discuss a possible rezoning, and was received favorably. Please refer to Planning Commission Minutes dated March 21, 2006 for further observation.

**Specific action requested for consideration by the Planning Commission is a recommendation to conditionally rezone three parcels of land from B-2 to B-3.**

**BACKGROUND INFORMATION**

Mr. Shelton recently acquired the Moran GMC franchise and integrated it into his existing Pontiac Buick dealership on Rochester Road, currently on five acres. The existing dealership is not large enough to supplement the showroom and to store extra vehicles. To accommodate the overflow, Mr. Shelton has entered into a purchase agreement with the owner of the House of Denmark property, located directly to the south and south east of his dealership, to

acquire 4.8 acres, consisting of one entire B-2 parcel, and the B-2 portion of two other dual-zoned parcels (please refer to attached location map).

The zoning district for the property under consideration does not allow the intended use, and Staff has recommended that a rezoning will be necessary to implement this activity. Since the B-3 zoning district requires that a parcel be at least five acres in size, the subject parcels would need to be combined with the current Pontiac GMC site if rezoned.

The Planning Commission expressed concern about potential future B-3 uses for the site, should the applicant sell or move, and the applicant was concerned the rezoning would impede any change of plans in the future. Staff suggested applying for a Conditional Rezoning, which would tie conditions submitted by the applicant to the rezoning. Conditional Rezoning for the subject parcels would only allow a use recommended by Planning Commission and approved by City Council.

The proposed rezoning supports the commercial car dealership by allowing the parking of additional inventory. According to the Environmental Impact, the rezoning request “will allow for employment growth for the Shelton operations and avoid an undesirable vacancy of the Denmark Furniture Building.”

## **KEY ISSUES**

### Conditional Rezoning

During a regular rezoning request, the City does not consider a Site Plan because if a property is rezoned, an owner cannot be prevented from selling it and/or be prevented from applying another use permitted in the rezoned category. Conditional Rezoning is a variation of conventional zoning, and the City goes through the same analysis for both – by looking at the zoning map, Master Plan, and surrounding uses – and making an evaluation whether the Master Plan is valid or if conditions have changed enough to justify changing the zoning. With Conditional Rezoning, the City can tie a rezoning to a development with conditions proposed by an applicant that would be related to the proposed land use on the property. The City would not have authority to create variances or deviations from the City ordinance requirements, and a Conditional Rezoning would run with the land.

### Adjacent Land Uses and Zoning

The parcels located to the north of the subject site are zoned B-3 and are developed with the applicant’s dealership. To the south the parcels are zoned B-2 and O-1; to the east is a church on a residential property; and to the west, across Rochester Road, there is industrial development.

Existing and Proposed Zoning Districts

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 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

The parcel is currently identified in the City’s 1999 Master Land Use Plan for future land use designation as B-2 retail commercial. Sales of new cars are allowed in B-3 zoning, and although the 1999 Master Land Use Plan does not support the proposed B-3 rezoning, since the subject parcels are contiguous to a new car dealership and the proposed rezoning is consistent with the use pattern in the area, it is the opinion of staff that a rezoning of the identified parcels to B-3 should be recommended.

The proposed rezoning does not create any dimensional nonconformance on the site, and no variances would be necessary.

**Staff recommends approval of the following motion relative to City File No. 06-004. The conditions have been proposed by the applicant as part of the submittal, in accordance with Public Act 579, which allows consideration of Conditional Rezoning.**

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References: Sections 138-522, -523, -524, -567, -568, and -569 of the City’s Zoning Ordinance; Letter of Intent dated 05/17/06; Purchase Agreement dated 01/30/06; Consent to Rezone dated 02/16/06; Deed Restriction Certification dated received 05/18/06; Environmental Impact Statement dated received 05/18/06 Public Hearing Notice for Rezoning; PC Minutes dated 03/21/06.

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 06-004, the Planning Commission **recommends** to City Council **approval** of the request to Conditionally Rezone Parcel No. 15-14-351-061, a portion of Parcel No. 15-14-351-017 and a portion of Parcel No. 15-14-351-018, totaling approximately 4.38 acres, from B-2, General Business to B-3, Shopping Center Business with the following conditions.

Conditions:

1. The rezoned parcels shall be used only for Auto Dealership/Vehicle Display and Storage.
2. The rezoned parcels shall be combined with each other and parcel no. 15-14-351-055 to the immediate north to form a single parcel.