



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

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**Legislative File No: 2006-0235 V3**

**TO:** Mayor and City Council Members

**FROM:** Ed Anzek, Director of Planning and Development, ext. 2573

**DATE:** June 9, 2006

**SUBJECT:** Acceptance for First Reading – Conditional Rezoning of 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 from B-2, General Business to B-3, Shopping Center Business.

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**REQUEST:**

To conditionally rezone three parcels of land located on the east side of Rochester Road, north of Avon and totaling approximately 4.2 acres, from B-2, General Business to B-3, Shopping Center Business. The parcels are more commonly known as the House of Denmark site.

**BACKGROUND:**

Mr. Russ Shelton of Shelton PontiacGMCBuick recently acquired the GMC Truck dealership from Pat Moran and has entered into a Purchase Agreement with the owner of the House of Denmark property to acquire most of the House of Denmark property – the entire parcel on Rochester Road and portions of two dual-zoned parcels to the east. Only the northern B-2 portions of those parcels are being requested for rezoning. (Please refer to attached aerial map). Surrounding zoning includes B-3 to the north (Shelton dealership), retail and office to the south, industrial to the west, and to the east is a residentially zoned parcel developed with a church. Mr. Shelton intends to utilize the property to supplement his current showroom, automobile display and storage operation, but because the zoning district under consideration does not allow the intended use, Staff advised that a rezoning to B-3 would be necessary.

The applicant met with the Planning Commission in March of 2006 to discuss his desire to expand his existing dealership, and was received favorably. The Commission did express concern about potential future B-3 uses for the site, should the applicant sell or move, and the applicant was also concerned the rezoning would impede any change of plans in the future. Staff recommended Conditional Rezoning, which would restrict the B-3 use on the property to what the applicant proposed. Conditional Rezoning is a variation of conventional zoning, for which the City can tie a rezoning to a use on the property. 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. An applicant proposes conditions of approval, and those would run with the land. The applicant has proposed two conditions, which are included in the attached Resolution, which state that the site would only be developed for use as a new car dealership(s).

The Planning Commission recommended approval of the request to Conditionally Rezone the parcels at its May 16, 2006 meeting, and noted Mr. Shelton's longevity as a businessman in the City. Please refer to Minutes for both meetings for more details.

**RECOMMENDATION:**

Since new car dealerships only would be allowed on the subject parcels if zoned B-3, and 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 and the Planning Commission that a rezoning of the identified parcels to B-3 should be approved.

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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>		