



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

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Legislative File No: 2015-0029 V4

TO: Mayor and City Council Members

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

DATE: May 8, 2015

SUBJECT: Acceptance for First Reading – An ordinance to amend *Chapter 138, Zoning* of the Code of Ordinances to permit in the B-3 district parcels smaller than the minimum size required under certain conditions, repeal inconsistent provisions and prescribe a penalty for violations.

REQUEST:

To accept for First Reading amendments to Table 7 of *Section 138-5.100*, Schedule of Regulations and Footnote E of *Section 138-5.101, Article 5 of Chapter 138, Zoning*, of the Code of Ordinances of the City of Rochester Hills to permit smaller parcels than the minimum size required in the B-3 district.

BACKGROUND:

The proposed amendments to the Zoning Ordinance are for the B-3 District, which now requires a minimum lot size of five acres and a minimum of 400 feet of frontage on the street. Staff has been approached by developers who lease outlots on B-3 parcels who would like to own the portion of land they now lease. One example is the Rochester Square retail facility on the Meijer lot at Auburn and Rochester Rd. Historically, the B-3 zoning district focused on the larger parcels to limit the number of fast food and smaller retail/commercial businesses that could develop along the Rochester Road corridor, and thereby limit the number of access points along this and other busy corridors. In keeping with that intent, staff suggests that a proposed parcel in a B-3 district, with access being limited to internal access/egress from a larger development only, with deed restrictions prohibiting a separate access or an additional driveway, would meet both the intent of the ordinance while permitting flexibility in ownership for potential businesses. From staff's opinion, the ownership is not as critical as long as the center functions "as one." An owner of a facility is much more likely to stay and maintain the facility over time than a tenant leasing tenant space would.

Staff proposed modifying the footnote E. to Table 7 that relates to the minimum lot requirements in the B-3 district, which initially contained four criteria reviewed extensively by Mr. Staran. The first was that a parcel was part of a larger, cohesive development; secondly, a parcel would be accessed through existing access points and additional access points could only be constructed upon approval by the Planning Commission; third, there would be a covenant restriction prohibiting additional ingress/egress drives from abutting public thoroughfares; and fourth that a cross access easement must be provided to neighboring parcels. Staff feels that providing flexibility to the Planning Commission in cases where the new access point would improve safety or circulation could provide the city with an opportunity to improve access. A fifth criterion was added as a condition to the motion that "any parcel established under this process shall not be entitled to a freestanding monument sign." The ordinance should not change the design of a site plan, and there would still be buffer and landscape requirements. It is a matter of ownership and how the parcels are operated and maintained after construction.

The matter was discussed briefly at the January 20, 2015 Planning Commission meeting, and an ordinance amendment was prepared by staff with input from Mr. Staran. A public hearing was held on April 21, 2015, whereby the Planning Commission unanimously recommended approval of the proposed ordinance amendment.

RECOMMENDATION:

That City Council accepts for First Reading Amendments to Chapter 138, Zoning, of the Code of Ordinances, as defined in the attached B-3 ordinance amendment. Please refer to the attached ordinance amendment and minutes from the Planning Commission meeting.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		