



Department of Planning and Economic Development

Staff Report to the Planning Commission

May 16, 2013

Rochester/Auburn Rezoning	
REQUEST	Recommendation to City Council for requested rezoning
APPLICANT	Rochester Auburn Associates LLC Doraid Markus, Managing Member
LOCATION	Southwest Corner of Rochester and Auburn
FILE NO.	12-010
PARCEL NO.	15-34-227-031 (0.708 acre gas station parcel)
CURRENT ZONING	B-5 Automotive Business
REQUESTED ZONING	B-3 Shopping Center Business
STAFF	Jim Breuckman, AICP, Manager of Planning

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Summary and Analysis

The proposed rezoning would change the .708 acre parcel at the southwest corner of Auburn and Rochester Roads from B-5 Automotive Service Business to B-3 Shopping Center Business. The application indicates that the purpose of the rezoning is to remove the existing gas station and vacant auto dealership and redevelop the property for retail and restaurant use (refer to the site plan and conditional land use application).

Previously, this site and the surrounding Meadowbrook Dodge site were proposed to be rezoned to B-2 to permit redevelopment. The applicant has revised the plans to be consistent with the intent of the B-3 district, so a rezoning is no longer necessary for the Meadowbrook Dodge site.

Master Land Use Plan Considerations

The subject site and adjacent sites along Auburn and Rochester Roads are designated Business/Flexible Use 2 on the Future Land Use Map. Sites on the east side of Rochester Road and on the north side of Auburn Road are designated for Business/Flexible Use 3 development.

1. Correlation of "Conventional" Zoning Districts with Business/Flexible Use Designations. The long-used zoning district structure in the Zoning Ordinance was a conventional Euclidian approach which regulated primarily based on use, and secondarily based on physical and design characteristics. As the current Master Land Use Plan envisioned a new approach to development regulation based primarily on physical design characteristics and secondarily on use, there was no attempt in the Master Land Use Plan to correlate appropriate conventional Euclidian zoning districts (i.e. B-1, B-2, B-3, B-4, B-5) to the flex business designations. The Master Land Use Plan envisioned commercial areas being able to

“develop or redevelop under the existing conventional land use standards set forth in the existing Zoning Ordinance, or under the flexible use guidelines set forth herein” (page 7.4).

This has created a situation where property owners in commercial districts have two zoning designations for their land – the long-standing conventional B districts and the new Flex Business overlay districts. It is at the property owner’s discretion which set of standards he/she chooses to develop under.

2. Rezoning From One Conventional B District to another Conventional B District. The Master Land Use Plan makes no attempt to correlate appropriate conventional B districts with business/flexible use designations as shown on the Future Land Use Map. Properties located in the southwest quadrant of the Rochester/Auburn intersection are planned for Business/Flexible Use 2 development. In practice, we find that there are numerous examples of sites that are zoned B-3 that are located in areas planned for Business/Flexible Use 2 and Business/Flexible Use 3 development. Given the surrounding site’s existing B-3 designation, the proposed B-3 zoning for the gas station parcel is appropriate and consistent with the Master Land Use Plan.

Criteria for Amendment of the Official Zoning Map (Section 138-1.200.D)

There are ten criteria for consideration by the Planning Commission and City Council in making findings, recommendation, and decision for a rezoning request. Those criteria are listed below with annotated comments by Staff.

1. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered. The B-3 zoning designation is consistent with the Master Land Use Plan’s Business/Flexible Use 2 designation. B-3 is the most appropriate designation for the gas station site as it is consistent with the goals and objectives of the Master Land Use Plan because it would require a unified development of the site.
2. Compatibility with the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district. The site has long been used for commercial land uses, and so redevelopment on the site will be compatible with the physical and environmental features of the site in both the B-5 and B-3 districts.
3. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning. No evidence has been provided that the current B-5 zoning will not provide a reasonable return on investment, but rezoning to B-3 would permit the redevelopment of the gas station and Meadowbrook Dodge sites.
4. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values. Rezoning the gas station parcel to B-3 is consistent with the surrounding Meadowbrook Dodge’s B-3 zoning designation. While the proposed redevelopment will likely result in higher total traffic volumes, rezoning the gas station parcel will allow for the reconfiguration of driveways and the installation of right turn lanes on Auburn and Rochester to mitigate the increase in traffic.
5. The capacity of the City’s utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City. There is anticipated to be no net difference in the impact of redevelopment on the capacity of the City’s utilities and services.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. As noted above, rezoning to B-3 will create the potential for the development of multiple drive-through uses on the site. The Planning Commission and City Council must weigh if this is offset by the driveway consolidation and road improvements.

7. The boundaries of the requested rezoning district are reasonable in relationship to surrounding and construction on the site will be able to meet the dimensional regulations for the requested zoning district. The site is physically capable of accommodating development under B-3 dimensional standards if it is combined with the adjacent Meadowbrook Dodge site (as it is proposed to be).
8. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district. The B-3 district is the most appropriate district if a rezoning is to be approved.
9. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or conditional uses in the current zoning district to allow the use. Not applicable.
10. The requested rezoning will not create an isolated or incompatible zone in the neighborhood. The site is an existing commercial site and B-3 zoning will not create an isolated zone.

Conclusion

The proposed B-3 zoning is consistent with the Master Land Use Plan, and will allow for the consolidated redevelopment of the gas station and Meadowbrook Dodge sites.

Motion to Recommend Approval/Denial to City Council

MOTION by _____, seconded by _____, in the matter of City File No. 12-010 (Rochester/Auburn Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed rezoning of parcel no. 15-34-227-031 from B-5 to B-3 with the following findings.

Findings for Approval

1. B-3 is an appropriate zoning district in areas designated for Business/Flexible Use 2 on the Future Land Use Map.
2. Approval of the proposed rezoning will permit the unified redevelopment of the approximately 5 acre combined parcel at the southwest corner of Rochester and Auburn.
3. The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.

Findings for Denial

1. Approval of the rezoning would facilitate an automobile-dependent form of redevelopment that is contrary to the Master Land Use Plan's vision for the future development of the City, as stated in the goals and objectives and the in the future land use recommendations.
2. Approval of the B-3 zoning would increase the potential for development with higher trip generation rates at an already-congested intersection.
3. The applicant has submitted no evidence that a reasonable return cannot be realized under the existing B-5 or FB-2 Overlay districts.

Reference: Letter Kaakarhi 07-23-12, Owner of Petro Service; Location Map; Statement Indicating Rezoning Change, Markus 07-23-12; Conceptual Site Plans and Elevations; Letter of Intent, Markus 07-23-12; Letter R. Reynolds dated 07-23-12 re: Deed Restrictions; and PHN
