



Department of Planning and Economic Development

Staff Report to the Planning Commission

August 10, 2012

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) 15-34-227-037 (4.409 acre Meadowbrook Dodge parcel)
CURRENT ZONING	B-5 Automotive Business (0.708 acre parcel) B-3 Shopping Center Business (4.409 acre parcel)
REQUESTED ZONING	B-2 (both parcels, combined 5.117 acres)
STAFF	Ed Anzek, AICP, Director of Planning and Economic Development Jim Breuckman, AICP, Manager of Planning

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Summary and Analysis

The proposed rezoning would change two parcels with a combined area of 5.117 acres from B-3 Shopping Center Business and B-5 Automotive Service Business to B-2 General 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. The application also includes a conceptual site plan showing an 11,225 square foot office building, 4,600 square foot McDonald's restaurant with drive through, 2,800 square foot Tim Horton's restaurant with drive through, and 16,264 square foot in-line retail center.

The B-3 zoned parcel by itself does not meet the minimum lot area for the B-3 district, however, the City granted a variance for the area deficiency in March of 1989. At the time the City's Planning Director relayed that the parcel was rezoned from B-2 to B-3 in 1982 and that the 5 acre minimum lot area requirement in the B-3 district was established to avoid outlots on shopping center parking lots. The Zoning Board of Appeals granted a variance to the minimum area requirement for the dealership parcel because it had the depth and width necessary to accommodate development while meeting the setback requirements.

This staff report takes it as a given that the 0.7 acre gas station parcel must be rezoned to either B-2 or B-3 to match the zoning on the larger Meadowbrook Dodge parcel, and that the primary question before the City is whether a B-2 or B-3 zoning designation for the combined 5.117 acre parcel is more appropriate. Whenever this report refers to rezoning to B-2 or retaining the existing B-3, it is implied that the gas station parcel would be zoned to match the zoning on the larger auto dealership parcel.

Summary of Current and Proposed Zoning Districts

1. Intent Statements. The intent of the B-2, B-3, and B-5 districts are as follows:

B-2 General Business District. The B-2 general business districts are designed to cater to the needs of the larger consumer population than serviced by the B-1 local business district.

B-3 Shopping Center Business District. The B-3 shopping center business districts are designed to cater to the needs of the larger consumer population than served by the B-1 local business district than the B-2 general business district and so are mapped typically in shopping center locations characterized by establishments so grouped as to generate larger volumes of vehicular and pedestrian traffic.

2. Permitted Uses. Every use that is permitted or by-right or as a conditional land use in the B-2 district is permitted by-right or as a conditional land use in the B-3 district. The B-3 district includes a few uses that are not permitted in the B-2 district, including adult regulated uses (conditional use), automotive service center (conditional use), new car sales, commercial outdoor recreation, and hotel/motel.
3. Dimensional Standards. The most notable difference between districts is that there is no minimum lot area or width requirement in the B-2 district, while the B-3 district has a 5 acre minimum lot area and a 400 foot minimum lot width requirement.

The minimum setbacks in the two districts are similar, with the only notable exceptions being that the B-2 district requires a front and rear yard setback of 50 feet while the B-3 district requires a front and rear yard setback of 75 feet. Both districts require a 50 foot total side yard setback, while the B-2 district allows for a zero foot setback on one side (provided the total setback is 50 feet).

The zoning structure and differences between B-2 and B-3 are primarily one of scale. The permitted uses are nearly identical, with the existing B-3 zoning permitting a wider range of uses.

Master Land Use Plan

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. Goals and Objectives. The Master Land Use Plan adopted in 2007 represents a shift away from a use-based land planning focus to a character-based planning focus that places equal or greater importance on the physical characteristics of development compared to uses. The guiding philosophy of the current Master Land Use Plan is to encourage the transitioning of existing retail and commercial areas to nodes of walkable development, with the potential for a mixing of uses.

The goals and objectives for retail/service uses on page 6.3 set forth the City's intent to encourage the use of creative development concepts on commercial sites and to promote and maintain high standards for site and building design. The continuation of sprawling, auto-dependent development is not a goal of the Master Land Use Plan.

2. 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.

3. 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 flex business designations as shown on the Future Land Use Map. In practice, we find that there are **numerous examples of sites that are zoned B-2 and numerous sites that are zoned B-3 that are located in Flex Business 2 overlay districts.** Similarly, there are numerous examples of sites that are zoned B-2 or B-3 being located in Flex Business 3 overlay districts. It can be concluded that a determination of which zoning district – B-2 or B-3 – is more appropriate for a site designated Business/Flexible Use 2 on the Future Land Use Map must be guided by the physical characteristics of the site and its environs.

An examination of the Zoning Map shows that larger sites in areas designated for Flex Business 2 and Flex Business 3 on the Future Land Use Map are zoned B-3, while smaller sites are zoned B-2. This is generally consistent with the fact that the minimum lot area in the B-3 district is 5 acres.

B-2 and B-3 Physical Characteristics Standards

The physical characteristics of the site and the ability of the surrounding road network to accommodate the type of development permitted by the B-2 and B-3 districts is an important consideration.

1. The **minimum area requirement** in the B-3 district is 5 acres with 400 feet of frontage on a public road, while there is no minimum lot area or frontage requirement in the B-2 district. Thus, developments in the B-3 district are unified under single ownership, while B-2 parcels may be split and transferred among many owners.
2. **B-2 sites** in the city contain a mixture of multi-tenant shopping centers and single-user stand alone businesses. Most stand-alone restaurants, banks, pharmacies, and the like are found on B-2 parcels, and create a proliferation of curb cuts and parcel accesses. **Rezoning the site to B-2 would allow for the division of the site into multiple sites for sale or lease** that would permit the development of stand-alone uses such as restaurants, pharmacies, banks, and other similar uses. Such uses typically have drive-through windows and high trip generation rates.
3. **B-3 sites** in the City are car dealerships, or shopping centers which contain a principal multi-tenant building. When stand-alone buildings that contain a single use such as banks, pharmacies, or restaurants exist within the B-3 district, they are subordinate to and on the same parcel as a principal shopping center with a common internal circulation system that channels traffic to a few points of intersection with the public street system. **Retaining the current B-3 designation would require the parcel to remain in single ownership with a unified development.**

Traffic Impact

1. Existing Traffic Conditions. According to the recently completed Rochester Road Access Management Plan, prepared for SEMCOG with assistance from MDOT and the Oakland County Road Commission, the Rochester/Auburn intersection had the highest crash rate and highest number of crashes in the study area. Further, the Meijer Drive to Auburn Road segment of Rochester Road had the highest crash rate of any road segment in the study area – its rate was more than double that of the segment with the second highest crash rate.

The access management study also identifies the Rochester/Auburn intersection as a critical crash intersection and the Rochester Road segment adjacent to the site as critical crash segment. The potential to add higher traffic generating uses along this segment of Rochester Road must be a consideration.

2. Trip Generation. The following trip generation scenario analysis is intended to illustrate the potential impact of B-2 zoning vs. the existing B-3 zoning. While it is not possible to predict or model every combination of development that would be permitted under the B-2 and B-3 zoning scenarios, we can generalize about traffic impact by examining potential scenarios.

For the trip generation analysis we considered the baseline condition for the site to be the gas station and the new car dealership (when it was operating) and compared that to the B-2 development scenario shown on the site plan submitted by the applicant in his application package, and also to a B-3 development scenario with the parcel being redeveloped for a shopping center use.

Trip generation data is obtained from the Institute of Transportation Engineers' Trip Generation Manual 8th Edition, and trip generation numbers for weekdays are used. The analysis is summarized as follows. Note that the percentage in parentheses is a comparison of the trips generated by each scenario compared to the base scenario.

Scenario	24 Hour Trip Generation	AM Peak Hour Trip Generation	PM Peak Hour Trip Generation
Scenario 1 – Base (existing) Case <i>auto dealership and gas station</i>	2,357	170	204
Scenario 2 – B-2 Zoning <i>per site plan submitted w/rezoning</i>	5,396 (229%)	571 (336%)	353 (173%)
Scenario 3 – B-3 Zoning <i>entire parcel used for shopping center</i>	2,201 (93%)	51 (30%)	191 (94%)

The above table shows that the B-2 zoning scenario creates in the largest increase in trip generation for each time period. Specifically, it would result in an increase that more than doubles the estimated trips (229% increase) in 24 hour trips, more than triples morning peak trips (336% increase), and nearly doubles evening peak hour trips (173% increase) over the base case. The B-2 scenario would exacerbate the existing traffic issues at this busy intersection, while the B-3 shopping center scenario would reduce trips generated at the site compared to the base case.

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. Both B-2 and B-3 zoning designations can be consistent with the Master Land Use Plan's Business/Flexible Use 2 designation. B-3 would be more consistent with the goals and objectives of the Master Land Use Plan as it would require a unified development of the site, and it would also facilitate the future development using the Flex Business 2 overlay standards by retaining the site as a single parcel. Developing using the Flex Business-2 standards would be made much more difficult if the parcel were rezoned to B-2 and subsequently split and divided among multiple ownership.
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-2 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-3 or FB-2 zoning will not provide a reasonable return on investment. It is possible that the site is still a viable auto dealership location, as the former Meadowbrook Dodge was closed as part of Chrysler's dealership consolidation efforts in 2009.

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. While the uses permitted in the B-2 and B-3 district are nearly identical (with the B-2 district actually being more restrictive), rezoning to B-2 would allow for the development of multiple stand-alone uses with drive through facilities due to the lesser dimensional standards. The dimensional standards of the B-3 district, most notably the 5 acre minimum lot area, would require a unified development that limits the potential for high-trip generating uses. Rezoning to B-2 would increase the potential for off-site traffic impacts from high trip generating drive-through uses
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. The B-2 and B-3 districts will allow for similar total building floor areas, and as such 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-2 will create the potential for the development of multiple drive-through uses on the site, exacerbating existing congested traffic conditions proximate to the site.
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 the B-2 or B-3 dimensional standards.
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 more appropriate than the requested B-2 district given all of the considerations noted elsewhere in this report.
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 neither B-2 nor B-3 zoning will create an isolated zone.

Conclusion

The list of uses permitted in the B-2 and B-3 districts is nearly identical. The primary difference is the layout of development which could result from rezoning the parcel from B-3 to B-2. Retaining the existing B-3 zoning would help to mitigate the off-site impacts of development at the site (notably traffic impacts) by allowing for a unified development. Rezoning to B-2 would allow for fragmented development to occur, which is harder to coordinate and would increase the likelihood of exacerbating dangerous traffic conditions at this corner.

Retaining B-3 zoning on the site would further ensure that the site remain undivided, increasing the likelihood that it could develop using the Flex Business 2 overlay standards as encouraged by the Master Land Use Plan and preferred by the City.

Motions to Recommend Approval/Denial to City Council

Motion for Meadowbrook Dodge Parcel

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. 15-34-227-037 from B-3 to B-2** with the following findings.

Findings for Approval

1. B-2 is an appropriate zoning district in areas designated for Business/Flexible Use 2 on the Future Land Use Map.

Findings for Denial

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 rezoning would facilitate a fragmented, automobile-dependent form of development 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.
3. Approval of the B-2 zoning would increase the potential for development with higher trip generation rates at an already-congested intersection.
4. The applicant has submitted no evidence that a reasonable return cannot be realized under the existing B-3 or FB-2 Overlay districts.
5. Denial of the rezoning would ensure that the parcel remains intact, making development under the FB-2 overlay standards more feasible.
6. The City rezoned the property to B-3 in part to avoid outparcel development in 1982, and granted a variance in 1989 to facilitate development using the B-3 standards. Preventing outlot-style development has been a long-standing policy of the City at this corner, and approval of the requested rezoning would represent a break with that policy.

Motion for Gas Station Parcel

MOTION by _____, seconded by _____, in the matter of City File No. 89-200.2 (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-2** with the following findings.

Findings for Approval

1. B-2 is an appropriate zoning district in areas designated for Business/Flexible Use 2 on the Future Land Use Map.

Findings for Denial

1. B-3 is a more appropriate zoning designation for the site as it would create a unified zoning lot with the adjacent B-3 zoned parcel.
2. Approval of the rezoning would facilitate a fragmented, automobile-dependent form of development 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.
3. Approval of the B-2 zoning would increase the potential for development with higher trip generation rates at an already-congested intersection.
4. The applicant has submitted no evidence that a reasonable return cannot be realized under the existing B-5 or FB-2 Overlay districts.
5. Denial of the rezoning would ensure that the parcel remains intact, making development under the FB-2 overlay standards more feasible.

Reference: Letter Kaakarhi 07-23-12, Owner of Petro Service; Legal Descriptions; Warranty Deed; Location Map; Statement Indicating Rezoning Change, Markus 07-23-12; Conceptual Site Plans and Elevations; Letter of Intent, Markus 07-23-12; Letter Reynolds 0723-12 Re: Deed Restrictions; EIS dated received 08-10-12.