

**City of Rochester Hills
Department of Planning and Development**

**STAFF REPORT TO THE PLANNING COMMISSION
June 17, 2008**

Rezoning Request	
APPLICANT	Ron Jona & Associates 29000 Inkster Road Southfield, MI 48034
PARCEL NO.	15-27-351-008
ACREAGE	0.91± Acres
LOCATION	Northeast Corner of Auburn and Livernois
CITY FILE NO.	95-015.3
ZONING	B-5, Automotive Service Business
STAFF	Ed Anzek, AICP, Director of Planning and Development
REQUEST	Rezoning to B-1, Local Business

SUMMARY

The applicant has filed a request to rezone one parcel of land located at the northeast corner of Auburn and Livernois Roads **from** B-5, Automotive Service Business, **to** B-1, Local Business. The subject site totals approximately 0.9 acre and holds a vacant building that used to be a gas station.

Specific action requested for consideration by the Planning Commission is a Rezoning Recommendation to City Council.

BACKGROUND INFORMATION

As members of the Planning Commission may recall, an applicant came forward in August 2005 with a request to Rezone this parcel to B-2, General Business. At the time, the applicant filed for a rezoning to build a small convenience/strip center for two or three tenants and Staff advised the applicant that their proposed use might not be buildable due to setbacks, buffers, and access needs. It was acknowledged that site plan issues are really not a concern of Rezoning requests, but that there would be problems planning redevelopment of the site.

The applicant, at that time, informed Staff that the owner (Marathon Oil) would not permit the sale for use as another gas station. The City would not be involved with that issue, but even if a new gas station or car wash were to be proposed, they could not be built in conformance with the current Ordinance. The owner of the adjacent property was contacted to see if there was interest in selling some land, which would also require a rezoning, but he did not want to sell any of his land, which we believe is still the case. The applicant decided not to go forward with the request.

The setbacks and buffers of the various districts render this site difficult to redevelop, but the issues during a Rezoning discussion should include what uses would be acceptable and viable, with consideration of the Master Plan, and not site plan issues. If the Rezoning is approved, the next step would involve discussion about redevelopment of the site to a useful and well-designed layout and what would be supported to bring that result, i.e., setback relief or buffer modifications. The applicant, if the rezoning is approved, will in all likelihood, apply to the Zoning Board of Appeals for Setback Variances, for reasons similar to the applicant for the Clark station on Auburn near Dequindre. (Although not an issue for the rezoning consideration; applying the setbacks for a B-1 or a B-2 designation allows a buildable area about 10 feet wide and shaped like an “L”.)

ADJACENT LAND USES AND ZONING

The parcel surrounding the site to the north and east is zoned RM-1, Multiple-Family Residential and is currently vacant. Pine Ridge Apartments are located north of this vacant parcel and is also zoned RM-1. The parcels to the south, on the south side of Auburn Road east of Livernois, are zoned B-5, Automotive Service Business, and next to the B-5 is a B-2 parcel. The Mobil service station, west of the site and at the northwest corner of Auburn and Livernois is zoned B-5. The Rochester Hills Baptist Church/Christian Schools is zoned R-4 and is at the southwest corner of Auburn and Livernois.

EXISTING AND PROPOSED ZONING DISTRICTS

The existing B-5, Automotive Service Business District is “established to accommodate those uses which attract and generate a high volume of moving or standing vehicular traffic.” These districts are designed to be located on major thoroughfares in the City, other than freeways, and are generally incompatible with residential vehicular traffic from secondary thoroughfares (86-foot right-of-way) and local thoroughfares (60-foot right-of-way). Principal permitted uses within the existing B-5 District are listed in Section 138-657, conditional uses are noted in Section 138-658, and required conditions are specified in Section 138-659.

The proposed B-1, General Business District is “designed for the convenience shopping of persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which, by their very nature and size, are not related to the shopping pattern of the citywide or regional shopping centers.” Principal permitted

uses and required conditions within the proposed B-1 district are listed in Sections 138-477 and 138-478. All of the above-referenced sections have been included in this packet for your consideration.

MASTER PLAN

The Master Land Use map shows this parcel for future zoning as Business/Flexible Use 2, which would allow neighborhood commercial. In the text of the MLUP, the Business/Flexible Land Use 2 category supports conventional zoning that provides for "Convenience and Community commercial land uses" The text further states, "Convenience uses include convenience stores, drug stores, dry cleaners, smaller grocery stores, and other establishments that serve the daily needs of persons living in adjacent residential areas". Staff would contend that B-1 as a conventional zoning category closely matches the intent of the MLUP.

In discussing why the change is needed, the applicant states that the proposed rezoning will "facilitate the desired neighborhood commercial needs." They propose 5,000+/- square feet of commercial retail, but, as previously discussed, a specific site plan is not offered as part of the Rezoning request and actual square footage is yet to be determined.

RECOMMENDATION

Since the request is a straight Rezoning from B-5 to a B-1, the question before the Planning Commission is to accept the position that B-5 is no longer viable and that B-1 is. The letter from the applicant, dated June 10, 2008, lists the reasons that B-5 is not valid for the subject site, including that the size of the parcel cannot support a multiple pump station and store and that the adjacent neighborhoods would be better served with a small retail in closer proximity. The rezoning to a B-1 from a B-5 can be supported, as it is considered less intense, and is supported by the Master Plan.

Staff has provided the standard motion to approve or deny.

References: Letter from R. Jona, dated 06/10/08; Environmental Impact Statement dated received 06/09/08; letter of authorization dated received 05/23/08; Covenant Deed executed 11/17/99; Sections 138-656 thru 138-660 and Sections 138-476 thru 138-479 of the City of Rochester Hills Zoning Ordinance; Notice of Public Hearing; Application to Rezone.

MOTION by _____, seconded by _____, in the matter of City File No. 95-015.3, the Planning Commission **recommends** to City Council **approval/denial** of the request to rezone Parcel No. 15-27-351-008 (0.91± acres) **from** B-5, Automotive Service Business **to** B-1, Local Business.