

City of Rochester Hills
Department of Planning and Development

STAFF REPORT TO THE PLANNING COMMISSION
May 14, 2004

Rezoning Request	
APPLICANT	Jonathan Klein Diversified Property Group, L.L.C. 6024 West Maple Road, Suite 107 West Bloomfield, MI 48322
PARCEL NO.	15-26-351-002
ACREAGE	1.945± Acres
LOCATION	Southeast Corner of Rochester and Barclay Circle
CITY FILE NO.	86-745.2
ZONING	B-3, Shopping Center Business
STAFF	Deborah Millhouse, AICP, Deputy Planning Director
REQUEST	Rezoning to B-2, General Business

SUMMARY

The referenced application involves a request to rezone one parcel located at the southeast corner of Rochester Road and Barclay Circle from B-3, Shopping Center Business to B-2, General Business. **Specific action requested for consideration by the Planning Commission is a rezoning recommendation to City Council.**

BACKGROUND INFORMATION

The subject site consists of one parcel upon which the Salsa's Mexican Cantina restaurant is currently located. The parcel is nearly two acres in size with a minimum width of 215 feet along Rochester Road. The B-3 zoning district requires a parcel be at least five acres in size with a minimum width of 400 feet. Therefore, the subject site is currently a non-conforming lot.

Staff has tried to determine the sequence of events relative to this parcel and its zoning. According to available information, the subject site was part of a large, vacant parcel zoned B-2, Community Business. The B-2 district had no minimum lot size or width.

The attached motion from the Township Board minutes of March 22, 1977 granting site plan approval for a Win Schuler's restaurant confirms the B-2 zoning designation and that the site was part of Parcel 15-26-351-001. The Township approved the Division of Land Petition creating Parcel 15-26-351-002 (i.e., the subject site) on July 26, 1977. Adoption of Zoning Ordinance No. 80 on August 24, 1977 established the B-3, Shopping Center Business district with a minimum lot size of five acres and minimum width of 400 feet. It also zoned the subject site B-3.

According to the attached, the application to rezone is being made due to the fact that the property as currently zoned is non-conforming. The intent is to redevelop the property under the B-2 classification as a high quality multi-tenant retail property. However, any request to rezone should be considered in the context of all uses that could be permitted under the existing and proposed zoning designations and the other requirements of each district.

ADJACENT LAND USES AND ZONING

The parcel surrounding the subject site (i.e., Hampton Village including Olive Garden, Chili's, Red Lobster, Target, Michaels, Star Theatre, etc.) is zoned B-3, Shopping Center. The property along the north side of Barclay Circle is zoned O-1, Office Business and includes Bank One and the Hampton Office Park. The Charter One Bank, located at the northwest corner of Rochester and Wabash, is also zoned O-1. Hawthorne Plaza (i.e., Blockbuster, Dollar Sense, Hawthorne Appliances & Electronics, etc.) is located on the west side of Rochester Road and is zoned B-2 (General Business). A map depicting the current zoning pattern is included in this packet.

EXISTING AND PROPOSED ZONING DISTRICTS

The existing B-3, Shopping Center Business District is "designed to cater to the needs of the larger consumer population than served by the B-1, Local Business District and the B-2, General Business District and so mapped typically in shopping center locations characterized by establishments so grouped as to generate larger volumes of vehicular and pedestrian traffic." Principal permitted uses within the existing B-3 district are specifically listed in Section 138-567 of the Zoning Ordinance, with conditional uses being listed in Section 138-568 as attached.

The proposed B-2 General Business District is "designed to cater to the needs of the larger consumer population than serviced by the B-1, Local Business District." Principal permitted uses within the existing B-2 district are listed in Section 138-522, and conditional uses are noted in Section 138-523 as attached.

To summarize the permitted and conditional uses, all uses within the B-2 district are permitted within the B-3 district with the exception of childcare centers with outdoor play areas. However, several uses are allowed within the existing B-3 district that are not allowed within the proposed B-2 district. Specifically, the following uses are permitted by right in the B-3 district but cannot be located in a B-2 district: new car dealerships, bus passenger stations, commercially used outdoor recreational space for adults' or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges. The following conditional uses may be located within the B-3 district but not within the B-2 district: hotels, motels, residential inns, automobile service centers when attached and incidental to another permitted retail use in a shopping center, and recreational space providing children's or adults' amusement parks and other similar recreation when part of a planned development.

Other differences between the two districts involve dimensional requirements. As previously noted, the B-3 zoning district requires a parcel be at least five acres in size with a minimum width of 400 feet. The B-2 zoning district has no minimum size or width. Further, height and setback requirements differ as depicted below.

Standards	B-2	B-3
Maximum Height	2 stories/30 feet	2 stories/30 feet 5 stories for other structures subject to PC review and CC approval after public hearing
Minimum Front Setback	50'	75'
Minimum Interior Side Setback	25' with openings 0' with no openings	25'
Minimum Exterior Side Setback	25'	75'
Minimum Rear Setback	50'	75' abutting business district – 40' with PC approval

MASTER LAND USE PLAN CONSISTENCY

The parcel is currently identified in the 1999 City of Rochester Hills Master Land Use Plan for future designation as Retail Commercial and more specifically as Convenience or Comparison on page 62 of the City's Master Land Use Plan. Therefore, the City's Master Land Use Plan supports the proposed B-2 zoning of the subject parcel. Since it does not make a distinction between the B-1 thru B-3 zoning districts, it should be further noted that the City's Master Land Use Plan also supports the existing B-3 zoning.

RECOMMENDATION

It is difficult for staff to make a recommendation at this time. Instead, staff looks forward to input from the Planning Commission and City Attorney.

References: Parcel Map; Aerial; Avon Township Board 03/22/77 minutes; Rezoning Request Map; Sections 138-521 thru 138-525 of the City of Rochester Hills Zoning Ordinance; Sections 138-566 thru 138-570 of the City of Rochester Hills Zoning Ordinance; Notice of Public Hearing; Application to Rezone; Letter of Intent; Statement Indication Why Change is Requested; Norman Heinrich letter dated 04/16/04; Assessing Data current as of 04/20/04; Purchase Agreement dated 02/13/04; Property Owners; Environmental Impact Statement; Deed Restrictions; Declaration of Restrictions and Easements-Nonresidential dated 01/25/73; and, Amendment to Declaration of Restrictions and Easements-Nonresidential dated 02/08/77.

MOTION by _____, seconded by _____, in the matter of City File No. 86-745.2, the Planning Commission **recommends** to City Council **approval/denial** of the request to rezone Parcel No. 15-26-351-002 (1.945± acres) from B-3, Shopping Center Business to B-2, General Business.