

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

**STAFF REPORT TO THE PLANNING COMMISSION  
February 02, 2010**

<b>Conditional Rezoning Request</b>	
<b>APPLICANT</b>	Hamlin-Livernois Associates 96 Kercheval Ave., Suite #200 Grosse Pointe, MI 48236
<b>AGENT</b>	<b>Chileshe Mulenga, Signature Associates</b>
<b>PARCEL NOS.</b>	<b>15-22-351-001 &amp; 002</b>
<b>ACREAGE</b>	4.2 acres
<b>LOCATION</b>	Northeast corner of Hamlin and Livernois
<b>FILE NO.</b>	<b>04-013</b>
<b>ZONING</b>	R-3, One Family Residential, with Mixed Residential Overlay
<b>STAFF</b>	Derek Delacourt
<b>REQUEST</b>	<b>Rezoning to 0-1, Office Business</b>

**SUMMARY**

The referenced application involves a request to conditionally rezone two parcels located on the northeast corner of Hamlin and Livernois from R-3, One Family Residential, to O-1, Office Business. The total acreage of the subject parcels is 4.2 acres. Parcel identification maps have been included in attached materials. **Specific action requested for consideration by the Planning Commission is a conditional rezoning recommendation to City Council.**

**EXISTING AND PROPOSED ZONING DISTRICTS**

The existing R-3 One Family Residential District is “designed to provide for one-family, low density dwelling sites and residentially related uses in keeping with the master plan of residential development in the city. The uses permitted by right and on special condition as conditional uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noises.” Principal permitted and conditional uses within the R-3 District are listed in Section 138-4.300 of the Zoning Ordinance. The Mixed Residential development standards are “a development option that may be exercised

by a landowner or developer in areas zoned MR". Principal permitted and conditional uses within the MR District are listed in Section 138-6.501 of the Zoning Ordinance.

The proposed O-1 district is "designed to accommodate office uses, office sales uses and basic personal services, particularly larger planned office complexes and office centers." Principal permitted and conditional uses within the O-1 district are listed in Section 138-4.300.

#### **MASTER LAND USE PLAN CONSISTENCY**

The subject site (both parcels) is currently identified in the 2007 City of Rochester Hills Master Land Use Plan for future designation as Single Family Residential with a Mixed Residential Overlay. All surrounding parcels, except for the parcels on the northwest corner of Hamlin and Livernois of the requested rezoning, are master planned for Single Family Residential with a Mixed Residential Overlay. The parcels on the northwest corner of Hamlin and Livernois are zoned I-Industrial and master planned for Regional Employment Area.

The request is inconsistent with the City's Master Plan. The applicant has identified changes that have occurred, since the adoption of the plan, that in their opinion have created different circumstances and the need to reevaluate the subject site. Staff agrees that the changes since the plan adoption are significant enough to reevaluate the property and to consider the Office district.

The request, if approved would change the underlying zoning district from Single Family to Office. If that takes place Staff recommends that a Master Plan amendment be brought back to remove the Mixed Residential Overlay.

#### **ADJACENT LAND USES AND ZONING**

The parcels to the south of the subject properties, across Hamlin Road, are currently zoned and master planned as single family residential with a mixed residential overlay. The parcel on the southwest corner is undeveloped.

The parcels to the north and east of the subject site are both zoned and master planned single family residential with a mixed residential overlay. Both parcels are developed and utilized as places of worship.

The parcels to the west of the subject site, across Livernois Road, are zoned light industrial and master planned for regional employment area. These parcels are currently utilized for that purpose.

To the southwest the parcels are zoned and master planned single family residential with a mixed residential overlay, and are either vacant or developed with single-family homes.

## **REZONING REQUEST**

The applicant is proposing rezoning the subject site to Office Business. The applicant has also submitted a letter of intent for the development of the subject property listing proposed conditions for the building and the site.

The applicant, in submitted materials, indicates that the request for rezoning is based on the market shift in real estate, the new use would have a higher SEV value, it is a good transitional use between industrial and residential, and the potential for Crittenton and Oakland University use due to proximity. Furthermore, the pending improvements to Hamlin and Livernois Roads (an intersection roundabout is scheduled for construction in the spring) will have an impact on the relationship of any future development to the intersection. The applicant believes that the change is more conducive to an office use, while at the same time, makes a residential area less desirable. The applicant proposes that the requested O-1 zoning is consistent with the surrounding land uses and creates a more appropriate transition to the east, west, and in relation to the intersection.

If approved the property can be reasonable developed under the O-1 requirements.

## **CONDITIONAL REZONING**

The applicant is requesting conditional rezoning. This is different than a standard request in that it allows the applicant to offer conditions directly related to concerns or issues that are identified with the zoning district requested. The applicant has meet with the Planning Commission on two occasions soliciting input regarding what concerns the Commission may have with the requested O-1 district. Based on that input the applicant has offered conditions in connection with the request for rezoning.

The intent of incorporating conditions into a rezoning request is not to create a quid-pro-quo situation. It is to mitigate potential issues, use or dimensional, associated with the requested zoning district. It is not an opportunity to extract improvements or items that are not directly related to the district requested. Conditions should not be used to lessen the use or dimensional requirements of the requested district and they should not be used to acquire off site improvements or property.

Proposed conditions are included in the potential motion provided below.

## **RECOMMENDATION**

Staff understands the intent of the City's Master Land Use Plan and supports the flexibility that was created with the Mixed Residential Overlay District and its future land use designation at this corner.

As part of that Master Plan process Staff had serious discussions regarding the appropriateness of O-1 for the subject parcels. Ultimately it was decided to leave the underlying zoning as is and

add the flexibility of the Mixed Residential district. However, Staff does acknowledge the changes that have take place since the adoption of the plan, the substantial change in the residential housing condition and the incorporation of a roundabout at the intersection. It's Staff opinion that these changes do warrant a reevaluation of the subject site by both the Planning Commission and the City Council.

Based on the identified changes and with the incorporation of the conditions offered by the applicant it is Staff opinion that the O-1 Zoning district is appropriate for this location. If the Planning Commission agrees Staff recommends that the Planning Commission recommends approval of the conditional rezoning to City Council.

---

References: Sections 138-4.300 and 138-6.501 of the City of Rochester Hills Zoning Ordinance; Rezoning Application from Hamlin-Livernois Associates/Signature Associates dated received 01/11/10; Restriction letter from Signature Associates dated 01/29/10; PC Minutes 04/19/05, 07/19/05, 10/20/09 and 12/15/09

---

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 04-013 (Signature Associates), the Planning Commission **recommends** to City Council approval/denial of the request to **Conditionally Rezone** 4.2 acres, identified as Parcel Nos. **15-22-351-001 and 002**, from R-3, One Family Residential to O-1, Office Business with the following conditions:

Conditions

1. That the proposed building will comply with all building elevation and design restrictions of the Planning Commission upon submission for site plan approval.
2. That any building proposed for the site will be limited to a maximum of two story and 32 feet.
3. That any proposed building will have a maximum first story floor plate of 28,000 square feet in size, and a maximum building square footage of 48,000 sq feet.
4. That 30% of the existing regulated trees defined in the City's Tree Conservation Ordinance will be maintained on site.
5. That any regulated trees removed from the site will be replaced in conformance with the City's Tree Conservation Ordinance.

6. That the developer will comply with right-of-way requirements as determined by the City of Rochester Hills.
7. That the raising and keeping of animals will not be proposed or permitted on the site.
8. That roadside stands and markets and Christmas tree sales will not be permitted on or proposed on the site.
9. That wireless telecommunication facilities relating to monopole facilities will not be proposed or permitted on the site.
10. That transit passenger station will not be proposed or permitted on the site.