

City of Rochester Hills
Department of Planning and Development

STAFF REPORT TO THE PLANNING COMMISSION
July 19,2005

Rezoning Request	
APPLICANT	Talon Development Group, Inc. 550 Hulet Drive Suite 103 Bloomfield Hills, MI 48302
AGENT	Steven Vanden Bossche
PARCEL NOS.	15-22-351-001 & 002
ACREAGE	4.74 acres
LOCATION	Northeast corner of Hamlin and Livernois
FILE NO.	04-013
ZONING	R-3, One Family Residential
STAFF	Ed Anzek
REQUEST	Rezoning to 0-1, Office Business

SUMMARY

The referenced application involves a request to 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 4.74 acres. Parcel identification maps have been included in attached materials. **Specific action requested for consideration by the Planning Commission is a 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 uses within the existing R-3 District are specifically listed in Section 138-257 of the Zoning Ordinance, with conditional uses being listed in Section 138-258 and ancillary uses listed in Section 138-259.

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 uses within the existing O-1 district are listed in Section 138-752, and conditional uses are noted in Section 138-753.

MASTER LAND USE PLAN CONSISTENCY

The subject site (both parcels) is currently identified in the 1999 City of Rochester Hills Master Land Use Plan for future designation as Single Family Residential. 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. The parcels on the northwest corner of Hamlin and Livernois are zoned and master planned for I-1 light industrial (please refer to the “residential development location map” of the applicant’s submitted materials for parcel identification).

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. The parcel on the southwest corner is undeveloped and the parcel to the east has a single-family home.

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

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

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

REZONING REQUEST

The applicant is proposing utilization of the subject site as professional/medical offices and a daycare. Both of these uses are permitted within the O-1 ordinance, however, the same ordinance also allows the property to be used for public utility yards, retail businesses normally associated with, and complementary to office districts, banks, funeral homes, wireless telecommunications facilities, and accessory uses.

The applicant, in submitted materials, indicates that the request for rezoning is based on the owners’ desire to sell their parcels due to the light industrial to the west, churches to the north and east, traffic, and the pending widening of Hamlin road. The applicant feels these conditions are inconsistent with residential use. Furthermore, the pending improvements to Hamlin and Livernois Roads will increase the volume of traffic, which is conducive to an office use, while at the same time, makes a residential area less desirable. An office use will also require less curb

cuts than needed for a residential development. The applicant proposes that the requested O-1 zoning is alone consistent with the surrounding land uses and creates a more appropriate transition to the east, west, and in relation to the intersection. However, as in all zoning amendment requests, this is the threshold question that the applicant must address.

RECOMMENDATION

Unless the applicant provides the Planning Commission with sufficient reasons as to why the site is not valid for use as single-family, **staff recommends denial of the following motion relative to City File No. 04-013:**

References: Sections 138-751 thru 138-753 of the City of Rochester Hills Zoning Ordinance; Sections 138-256 thru 138-259 of the City of Rochester Hills Zoning Ordinance; Letter from Nowak & Fraus dated 06/21/2005; Letter from Talon Development dated 06/23/2005; Booklet from Talon Development, Inc., dated received 5/11/2005.

MOTION by _____, seconded by _____, in the matter of City File No. 04-013 (Talon Development Rezoning), the Planning Commission **recommends** to City Council **denial** of the request to rezone 4.74 acres, identified as Parcel Nos. **15-22-351-001 and 002**, from R-3, One Family Residential to O-1, Office Business.