

COORDINATING ZONING COMMITTEE

Township: Milford
County Code: 06-31
Section: 12

Consistent with the modifications to the review of township zoning proposals adopted April 22, 1982, by the Planning and Building Committee of the Oakland County Board of Commissioners, the zoning review summary sheets have been modified accordingly.

DESCRIPTION OF REZONING PROPOSAL

1. **The CZC is reviewing this case because:** The proposal borders Commerce Township to the east.
2. **A map change from:** R-1-S, Suburban Residential District, to C-2, Planned Shopping Center District.
3. **Size:** Approximately 16 acres. Sidwell Numbers 16-12-200-057, -058, -059, -060, -061, -062, -063, -064, -065 & -066
4. **Site and surrounding land use:** This site is located on the south side of Commerce Road, west of Duck Lake Road. Single family homes on large and medium sized lots surround this site to the north, west, and south. The only exception is a Montessori School (a permitted use after special approval in the R-1-S District) immediately west of the rezoning site. To the east in Commerce Township, are Oak Valley Middle School and Country Oaks Elementary School, which are also surrounded by single family homes.
5. **Permitted uses under existing zoning:** R-1-S, Suburban Residential District: 1) Any principal use permitted in the R-1 single-family residential district. 2) Home occupations, in accordance with certain criteria. 3) Accessory buildings and uses customarily incidental to the above permitted principal uses. 4) Keeping and raising of horses, cattle, fowl, rabbits or other small animals and accessory buildings to house same, subject to regulations. 5) Personal use heliports in accordance with certain criteria. 6) Signs, subject to regulations. 7) Private garage, used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. 8) Township government buildings.
6. **Minimum lot size of existing zoning:** 1.5 acre minimum lot size.
7. **Permitted uses under proposed zoning:** C-2, Planned Shopping Center District: 1) Any retail business or service establishment permitted in the RO-1 and C-1 districts, as permitted principal uses, and permitted uses after special approval, subject to the design restrictions therein. 2) Retail business or service establishments as follows. A retail business whose principal activity is the sale of merchandise within an enclosed building. A service establishment of an office, showroom or workshop of an electrician, decorator, dressmaker,

tailor, baker, painter, upholster or an establishment doing radio, television or home appliance repair; photographic reproduction and similar service establishments that require a retail adjunct. Assembly halls or similar places of assembly when conducted within an enclosed building. Bowling alley, billiard hall or similar forms of indoor commercial recreation. Restaurants or other places serving food or beverages except those which permit food or beverages to be consumed on the premises in a motor vehicle. Personal service establishments which perform personal services on the premises including: tailor shops, beauty parlors, beauty shops, laundry and dry cleaning establishments, watch repair, shoe repair and travel agency. 3) Hotels, motels, indoor theaters. 4) Uses permitted in an R-2 district when such are secondary to the principal use on the site (i.e., a planned shopping center), in accordance with certain criteria. 5) Preschools, nursery schools, day nurseries, child care centers, including Montessori schools, operated for a profit or nonprofit but not including dormitories in accordance with certain criteria. 6) Adult bookstores, adult motion pictures, adult mini motion picture theaters, adult cabarets and massage parlors as defined in the ordinance. 7) The planning commission may permit with concurrence of the township board additional uses upon a finding that certain conditions are met.

8. **Minimum lot size of proposed zoning:** 25 acre minimum lot size.
9. **Zoning in Adjacent Community:** R-1A, One Family Residential District (20,000 sq. ft. minimum lot size).
10. **Local Planning Commission recommendation:** The Milford Township Planning Commission by an 8 to 0 vote recommends denial of this rezoning proposal.

ANALYSIS AND RECOMMENDATION OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES

Oakland County Planning and Economic Development Services has reviewed the request to rezone an approximately 16 acre site in Section 12 of Milford Township from R-1-S, Suburban Residential District, to C-2, Planned Shopping Center District. The following review looks at 1) Master Plan compliance and 2) boundary coordination. Natural resource conditions are presented for information purposes.

Master Plan Review: The Charter Township of Milford Land Use Plan Update was adopted in May 1999. The Land Use Plan Map shows the rezoning site and all the area around the site planned for Single Family Residential, Low Density. This designation allows for a 1.5 acre minimum lot size. The current zoning of R-1-S, Suburban Residential (1.5 acre minimum lot size) is consistent with the Master Plan. The proposed zoning of C-2, Planned Shopping Center District, is not consistent with the Master Plan.

Boundary Community Review: The following chart shows a comparison between the existing and proposed zoning and Master Plan designations for Milford Township and the existing zoning and Master Plan designations for Commerce Township.

Boundary				
Milford Township/Commerce Township				
Milford Existing Zoning	Milford Proposed Zoning	Milford Master Plan	Commerce Existing Zoning	Commerce Master Plan
R-1-S, Suburban Residential (1.5 acre minimum lot size)	C-2, Planned Shopping Center (25 acre minimum)	Single Family Residential, Low Density (1.5 acre minimum lot size)	R-1A, One Family Residential District (20,000 sq. ft. minimum lot size)	School and Neighborhood Commercial

Natural Resource Information: In 2004, Michigan Natural Features Inventory (MNFI) staff conducted an inventory of high-quality, sensitive natural areas in Oakland County. The sites identified represent the least disturbed natural areas remaining within Oakland County. The inventory identified two sensitive natural areas within one mile of the proposed rezoning site, but not immediately adjacent to the site. Conservation of these natural areas and their native plant and animal populations are vital to maintaining the County’s diverse natural heritage.

Analysis: According to the Milford Township zoning ordinance, the intent of the C-2, Planned Shopping Center classification is “...to provide planned shopping facilities to serve the township. As such, it should permit a sufficient size site for integrated off-street parking, landscaping and loading/unloading area and be located adjacent to major thoroughfares and/or freeways to permit safe and efficient vehicular traffic circulation. These districts and the traffic such shopping centers therein may generate must be planned so as not to cause adverse effects on adjacent residential property and the township as a whole.” This site does not meet the basic requirements for rezoning to the C-2 classification. The size of the site (16 acres) is well below the 25 acre minimum required for the C-2 district, and it is not located adjacent to a major thoroughfare and/or freeway. If this site were developed as a Planned Shopping Center, it could have a detrimental effect on the surrounding residential area and generate traffic congestion that the road system is not equipped to handle.

The proposed rezoning also is not consistent with the Milford Township master plan. The plan calls for this area to be developed as Single Family Residential, Low Density, with a 1.5 acre minimum lot size. Residential land use is the prevailing pattern in this area. A commercial use of this intensity would be inconsistent with existing uses.

Immediately east of the site, in Commerce Township, a narrow strip of land along the northern edge of the middle school is designated as Neighborhood Commercial in the Commerce Township master plan. This anticipates that the school district may choose to sell this portion of the property at some time in the future. Neighborhood Commercial is a less intense use than C-2, Planned Shopping Center, and is intended to provide small scale shopping opportunities for the adjacent residential neighborhoods. Commerce Township has sent a letter opposing this rezoning on the grounds that it would be inconsistent with the surrounding land uses, would generate large volumes of traffic, is inconsistent with the master plan, sanitary sewer is not available, and it would be detrimental to the Village of Milford downtown area. The letter is attached.

Finally, this site, if rezoned, would have all four elements of an unlawful ‘spot zone’. It is small in size, inconsistent with uses already established or allowed in the vicinity, would confer a “special benefit” not available to others in the area, and it is contrary to the master plan.

Recommendation: Based on Master Plan non-compliance and lack of boundary coordination, Oakland County Planning and Economic Development Services staff recommends **Denial** of County Code No. 06-31, a rezoning request in Milford Township from R-1-S, Suburban Residential District, to C-2, Planned Shopping Center District, in Section 12.