

## COORDINATING ZONING COMMITTEE

**Township:** Commerce  
**County Code:** 09-06  
**Section:** 1

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

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- 1. The CZC is reviewing this case because:** The proposal borders White Lake Township to the north.
- 2. Map change from:** R-1D, One Family Residential and B-4, Restricted General Business to B-3, General Business and B-1, Local Business with Union Lake Road Overlay.
- 3. Size:** The boundary portion of this rezoning consists of six small parcels. Their Sidwell Nos. are 17-01-205-007, 17-01-226-001, 17-01-226-012, 17-01-226-023, 17-01-227-001, and 17-01-227-023. Together, these parcels make up about 7 acres.
- 4. Site and surrounding land use:** The area of the rezoning is at the intersection of Cooley Lake Road and Union Lake Road. Five of the six boundary parcels front on Cooley Lake Road. The sixth parcel fronts on Cascade. Commercial uses are mainly found along this intersection, although two of the rezoning parcels are residential (one vacant parcel and a home). On the north side of Cooley Lake Road in White Lake Township, there are commercial uses including several strip commercial centers.
- 5. Permitted uses under existing zoning:** R-1D, One Family Residential District: 1) One family detached dwellings. 2) Agriculture, but not including: mushroom growing, production of dairy products, dairy farming, livestock farming, including breeding, feeding or grazing, poultry or egg production, and grain drying operations. 3) Publicly owned and operated libraries, parks, parkways, and recreational facilities. 4) Private subdivision parks. 5) Municipal buildings and uses. 6) Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit. 7) Home occupations, as defined in this Ordinance, on a limited basis will be allowed subject to certain requirements. 8) Because roadside produce stands are seasonal in character and utilized on a temporary basis such stands may be permitted in R-1 zone districts upon obtaining a permit from the Building Department subject to certain requirements. 9) The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three dogs, of more than six months old, shall be permitted on any lot or parcel. 10) Private stables, without a permit, are allowed as an accessory use subject to conditions. 11) Family day care homes as provided in this Ordinance. 12) Roadside Open Space

Preservation housing developments shall be permitted in all R-1 zone districts in an effort to encourage the preservation of open space along main roads and retain the semi rural appearance of the community. Lots or units in single family detached subdivisions or detached site condominium developments may be reduced in area and/or width in exchange for preservation of open space areas along main roads subject to certain requirements. 13) Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses. 14) Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in the ordinance and which are not listed as special land uses. 15) State Licensed Residential Facilities that provide resident services for six or fewer persons under 24-hour supervision or care, including Foster Care Facilities.

B-4, Restricted General Business District: 1) Any retail business or service establishment which supplies commodities on the premises in an enclosed building. 2) Any service establishment which performs services on the premises. 3) Professional, Executive, or Sales Offices. 4) Banks, savings and loan institutions, and other financial office buildings. 5) Restaurants, taverns or other places serving foods or beverage for consumption within an enclosed building. 6) Delicatessen or other places selling prepared food for carry out. 7) Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within an enclosed building. 8) Government offices. 9) Physical culture or health service facilities. 10) Radio or television studios. 11) Bus passenger stations. 12) Required off-street parking and loading. 13) Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses. 14) Temporary outdoor sales events as allowed in the ordinance. 15) Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in the ordinance and which are not listed as special land uses. 16) Outdoor display and sales of Christmas trees shall be permitted as a temporary use.

6. **Minimum lot size of existing zoning:** R-1D, One Family Residential (12,000 sq. ft. minimum lot size) and B-4, Restricted General Business (4,000 sq. ft. minimum lot size).
7. **Permitted uses under proposed zoning:** B-1, Local Business District: 1) Convenience oriented retail and service establishments provided no individual use alone on a lot, nor uses combined as in a multi-tenant building or shopping center, shall exceed ten thousand (10,000) gross square feet in area. Uses can include retail food establishments; bakeries, delicatessens, and similar take-out businesses; retail merchandise establishments, such as drug, hardware, flower, stationery, dry goods, notions and variety stores; and offices for medical, dental and similar allied professions. Restaurants, bars and similar uses are excluded. 2) Banks and other similar financial institutions excluding drive-thru facilities. 3) Personal service establishments which perform services on the premises, such as barber and beauty shops, tanning salons, dressmaker or tailor shops, self service laundries, dry cleaning establishments with the exception of dry cleaning plants, photographic reproduction, repair shops for shoes, watches, jewelry, radios, small household appliances and similar items but excluding repair shops for lawnmowers, large appliances, furniture, motor vehicle and similar items. 4) Small animal veterinary clinics provided all overnight patients are boarded within a wholly enclosed building. 5) Child care centers. 6) Municipal buildings and uses. 7) Temporary outdoor sales events as allowed in the ordinance. 8) Accessory buildings and

accessory uses customarily incidental to any of the above principal permitted uses. 9) Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in the ordinance and which are not listed as special land uses.

B-3, General Business District: 1) Any Principal Permitted Use permitted in the B-2 District. 2) Bus passenger stations. 3) Outdoor sales events as allowed in the ordinance. 4) Car wash establishments. 5) Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses. 6) Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in the ordinance and which are not listed as special land uses.

8. **Minimum lot size of proposed zoning:** Under the proposed zoning ordinance, both the B-1 and B-3 Districts would require a 12,000 square foot minimum lot area.
9. **Zoning in Adjacent Community:** In White Lake Township, the zoning district to the west of Union Lake Road is R1-D, Single Family Residential (12,000 sq. ft. minimum) and to the east is RB, Restricted Business.
10. **Local Planning Commission recommendation:** The Commerce Township Planning Commission by a 5 to 0 vote recommends approval of the proposed zoning ordinance and map amendments.

## **ANALYSIS AND RECOMMENDATION OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES**

The Oakland County Planning and Economic Development Services Division has reviewed the request to rezone six boundary parcels from R-1D, One Family Residential and B-4, Restricted General Business to B-3, General Business and B-1, Local Business with Union Lake Road Overlay in Commerce Township, Section 1. These proposed map changes are part of a new zoning ordinance being considered for adoption by Commerce Township. The following review looks at 1) Master Plan compliance and 2) boundary coordination. Natural resource conditions are presented for information purposes only.

**Master Plan Review:** The Commerce Township Master Plan 2011 was adopted in June 2004 and amended in November 2006. The Future Land Use map shows the rezoning site and surrounding area as Four Corners Village. Text for the Special Area Plan for the Union Lake area indicates a mix of neighborhood commercial and community commercial uses. The proposed rezoning to B-1, Local Business District and B-3, General Business District will allow the type of commercial uses envisioned for this area and is consistent with the Master Plan. The Union Lake Road Overlay District specifically addresses issues like building entrances, façade design, lighting, parking, and landscaping. The intent is to create a unified commercial district with a small town theme. Under the overlay district, some additional uses are allowed under the B-1 and B-3 districts as special land uses, such as outdoor dining areas, farmers' markets, and mixed use buildings.

**Boundary Community Review:** The following chart shows a comparison between the existing and proposed zoning and master plan designations for Commerce Township and the existing zoning and

master plan designations for White Lake Township. Both Commerce Township and White Lake Township Master Plans pay special attention to the Union Lake area with the intent of having this older commercial area function as a neighborhood node of mixed retail and residential uses. The proposed rezoning is consistent with what is planned and zoned in White Lake Township.

<b>Boundary</b>				
<b>Commerce Township/White Lake Township</b>				
<b>Commerce Township Existing Zoning</b>	<b>Commerce Township Proposed Zoning</b>	<b>Commerce Township Master Plan</b>	<b>White Lake Township Zoning</b>	<b>White Lake Township Master Plan</b>
R-1D, One Family Res. (12,000 sq. ft. min.) and B-4, Restricted General Bus.	B-1, Local Business and B-3, General Business with Union Lake Road Overlay	Four Corners Village	R1-D, Single Family Res. (12,000 sq. ft. minimum) and RB, Restricted Business	Residential Resort (2-3 units/acre) and Planned Community

**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 identifies one sensitive natural area within one mile of the proposed rezoning site to the northeast in White Lake Township. Conservation of these areas and their native plant and animal populations are vital to maintaining the County’s diverse natural heritage.

**Analysis:** The map changes that are part of this rezoning request are the result of a proposed new zoning ordinance being considered for adoption by Commerce Township. Under the new ordinance, the existing B-4, Restricted General Business District is being eliminated. Therefore, parcels currently zoned B-4 must be rezoned into another category. Within this Union Lake area, parcels currently zoned B-4 are proposed to change to B-3, General Business District and B-2, Community Business District. The B-2 parcels are not immediately adjacent to White Lake Township and therefore are not being considered by the Oakland County Coordinating Zoning Committee. The rezoning to both the B-2 and B-3 Districts is compatible with the Commerce Township Master Plan 2011 as these zoning districts allow for community and general commercial uses in line with the Four Corners Village master plan designation.

Also included in the Four Corners Village designation are residential parcels fronting on Larkspur Road, just to the east of Union Lake Road and south of Cooley Lake Road. These residential parcels, going down to Locklin Road, are also being proposed for rezoning from R-1D, One Family Residential to B-1, Local Business District. This rezoning is compatible from a master plan and boundary coordination standpoint. However, Oakland County Planning and Economic Development Services staff does have some concerns on what impact the rezoning will have on the existing residential properties. If rezoned, these residential parcels will become legally non-conforming.

While they can remain as residential uses, their new business zoning status may impact their ability to obtain or refinance a mortgage. Before the B-1 rezoning is finalized, PEDS staff strongly encourages that property owners be made aware of this potential change and how it may impact them in the future.

The White Lake Township Planning Director called regarding this case to get more information on what was being proposed by Commerce Township. Staff sent the proposed text of the Commerce Township zoning ordinance related to the business districts and the overlay district. The attached email was received indicating that “*White Lake Township has no objections to this proposed rezoning in Commerce Township.*” A copy of the email is attached.

**Recommendation:** Based on Master Plan compliance and boundary coordination, Oakland County Planning and Economic Development Services staff recommends **Approval** of County Code No. 09-06, rezonings in Commerce Township from R-1D, One Family Residential and B-4, Restricted General Business to B-1, Local Business and B-3, General Business in Section 1. However, due to potential impacts on existing residential parcels (Sidwell Numbers 17-01-227-001, 17-01-227-023, and the rest of the non-boundary residential parcels fronting on Larkspur and Locklin Roads), County staff strongly recommends that Commerce Township individually notify each affected property owner before the new zoning ordinance is adopted, if this has not already been done.