

COORDINATING ZONING COMMITTEE

Township: Commerce
County Code: 09-10
Section: 36

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 the City of Novi to the south.
- 2. A map change from:** B-5 Highway Service Business District to B-3, General Business District.
- 3. Size:** Four parcels make up this rezoning request of which two are boundary parcels, Sidwell Nos. 17-36-400-029 (1.5 acre) and 17-36-400-030 (2.26 acres).
- 4. Site and surrounding land use:** The rezoning site is on the northeast corner of M-5 and Fourteen Mile Road. Of the four parcels that make up this rezoning, one parcel is vacant, one is the Hampton Inn, and the two boundary parcels are a gas station and a strip commercial center. M-5 provides a buffer between these uses and land to the west. To the east are commercial uses. South of Fourteen Mile Road in the City of Novi, the immediately adjacent parcels are vacant. To the east of the vacant parcels are commercial uses and a parcel owned by the City of Detroit used for utility purposes.
- 5. Permitted uses under existing zoning:** B-5, Highway Service Business District: 1) Retail sales and dispensing of automotive fuels and related products. 2) Retail sales establishments which market only convenience goods such as groceries, meats, dairy products, produce, baked goods, beverages, and automobile parts. Sales of alcoholic beverages are not permitted. 3) Motels, hotels, and transient lodging facilities (but not including travel parks) and provided that with the exception of the owner, in no instance shall occupancy exceed thirty days in any given calendar year. 4) Utility type trailer rental facilities not including the business of the storage of trailers, campers, etc. 5) Parking garages. 6) Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses. 7) 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 special land uses.
- 6. Minimum lot size of existing zoning:** B-5, Highway Service Business District (one acre minimum lot size).
- 7. Permitted uses under proposed zoning:** 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:** B-3, General Business District (12,000 sq. ft. minimum).
- 9. **Zoning in Adjacent Community:** OST, Office Service Technology District.
- 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 two parcels in Commerce Township from B-5, Highway Service Business District to B-3, General Business District in Section 36. The proposed map change is 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 Community Commercial. The Community Commercial classification allows for retail and commercial uses that serve the needs of the entire Township. Both the existing zoning classification of B-5, Highway Service Business District and the proposed B-3, General Business District are compatible with the Commerce Township Master Plan.

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 the City of Novi.

Boundary Commerce Township/City of Novi				
Commerce Township Existing Zoning	Commerce Township Proposed Zoning	Commerce Township Master Plan	City of Novi Zoning	City of Novi Master Plan
B-5, Highway Service Business District	B-3, General Business District	Community Commercial	OST, Office Service Technology	Office

The OST zoning district in the City of Novi is intended to allow for high tech and multi-use

office/laboratory/production uses. The proposed General Business District in Commerce Township will allow complementary commercial and retail uses and is compatible with what is planned and zoned in the City of Novi.

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 a number of sensitive natural areas within one mile of the proposed rezoning site. 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 make up 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-5, Highway Service Business District, is being eliminated. Therefore, parcels currently zoned B-5 must be rezoned into another classification. The B-3, General Business District allows shopping centers as a Principal Permitted Use while retail sales and dispensing of automobile fuels, lubricants and minor accessories (gas stations) are allowed as Special Land Uses, so the logical classification for these parcels is B-3. However, motels and hotels are not allowed as Principal Permitted Uses or Special Land Uses in the B-3 District, thereby making the Hampton Inn property (one of the non-boundary parcels involved in this change) a legally non-conforming use if the property is rezoned as proposed. This concern was brought to the attention of the Commerce Township Planning Commission at the Public Hearing (see minutes from the March 16, 2009 meeting); however the Planning Commission did not recommend any changes to the ordinance. Oakland County Planning and Economic Development Services staff hopes the Commerce Township Board will be sympathetic to the property owner's concerns and make provisions so that this relatively new hotel does not become a legally non-conforming use. The property owner is legitimately concerned about insurance and mortgage availability and these issues should be addressed by the Commerce Township Board before the proposed zoning ordinance is adopted.

Recommendation: Based on Master Plan compliance and boundary coordination, Oakland County Planning and Economic Development Services staff recommends **Approval** of County Code No. 09-10, rezoning in Commerce Township from B-5, Highway Service Business District to B-3, General Business District for parcels 17-36-400-029 and 17-36-400-030.