

March 24, 2005

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate & Development Director
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – REZONING APPLICATION PUBLIC HEARING
– Northeast corner of Livernois and Maple Road, Section 27 – B-1
to H-S (Z-700)

RECOMMENDATION

The application is compatible with surrounding land uses and zoning districts and is consistent with the Future Land Use Plan, which classifies the corner as Non-Center Commercial. The Planning Commission recommended approval of the rezoning application at the March 8, 2005 Regular Meeting. City Management concurs with the Planning Commission and recommends approval of the rezoning application.

It must be noted that the site plan indicated that the proposed development requires a number of variances, including front and rear yard building setbacks, canopy setbacks, and possibly island and canopy support setbacks. The application requires non-use variances from the Board of Zoning Appeals prior to receiving Preliminary Site Plan Approval.

The size of the property limits its potential for redevelopment. Service stations are one of the least demanding uses permitted in H-S in terms of land area. The subject property exceeds the minimum site area standard of 15,000 square feet for service stations. Redevelopment of the existing service station is proposed. This corner location is an appropriate location for a service station. However, prudent site planning suggests that consolidation of adjacent properties is desirable. A larger site would allow for the development of a service station that can meet the Zoning Ordinance requirements.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner of the property is Sankaran Balakrishnan of V3M Associates, LLC. The applicant is Michael Kozlowski of Caeruleum Environmental Design.

Location of Subject Property:

The property is located on the northeast corner of Livernois and Maple Roads, in Section 27.

Size of Subject Parcel:

The parcel is approximately 15,900 square feet in area.

Current Use of Subject Property:

The property is currently used as a Clark gas station.

Current Zoning Classification:

B-1 Local Business.

Proposed Zoning of Subject Parcel:

H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to redevelop the property by adding a convenience store and adding a canopy over the gasoline pumps.

Current Use of Adjacent Parcels:

North: Retail.

South: Retail.

East: Retail and One Family Residential.

West: Vacant and Office.

Zoning Classification of Adjacent Parcels:

North: B-1 Local Business.

South: B-2 Community Business.

East: R-1E One Family Residential and B-1 Local Business.

West: O-1 Low Rise Office and B-3 General Business.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities.

Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles.

Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within H-S districts, apart from restaurants.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning, undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering,

auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

Auto washes where engine fuels are sold as a significant part of the operation.

Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.

Uses, other than those specified in Section 23.20.06, wherein drive-up service facilities are the sole use of the property.

Business in the character of a drive-in restaurant.

Motel or hotel.

Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.

Automobile repair garages, provided all activities are conducted within a completely enclosed building.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Vehicular and Non-motorized Access:

The parcel fronts both Livernois and Maple Roads. The abutting alley to the east is in the process of being vacated. The alley provides vehicular access to the parking area north of the building to the east.

Potential Storm Water and Utility Issues:

The applicant will have to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:

The parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The rezoning application is therefore consistent with the City of Troy Future Land Use Plan.

Compliance with Location Standards

The Location Standards for the H-S District in Article 23.40.01 of the Zoning Ordinance provides the following:

The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:

23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.

23.40.03 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The application is consistent with the Location Standards for the H-S District.

Attachments:

1. Maps.
2. Letter from applicant dated February 8, 2005.
3. Minutes from March 8, 2005 Planning Commission meeting.

cc: Applicant
File (Z 700)

Prepared by RBS/MFM

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CITY OF TROY



REZONING REQUEST
EXISTING CLARK STATION
FROM B-1 TO H-S
NE CORNER LIVERNOIS & MAPLE
SEC. 27 (Z-700)

REZONING REQUEST
FROM B-1 TO H-S



SHEPHERDS

CLOVERIDGE

VERMONT

HARTSHORN

BEECH LANE

FORTHTON

LIVERNOIS

BIRCHWOOD

REZONING REQUEST
FROM B-1 TO H-S

CHOPIN

MASTIN

W MAPLE

E MAPLE

MAIN

0 100 200 400 600 Feet



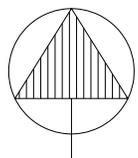


REZONING REQUEST
FROM B-1 TO H-S

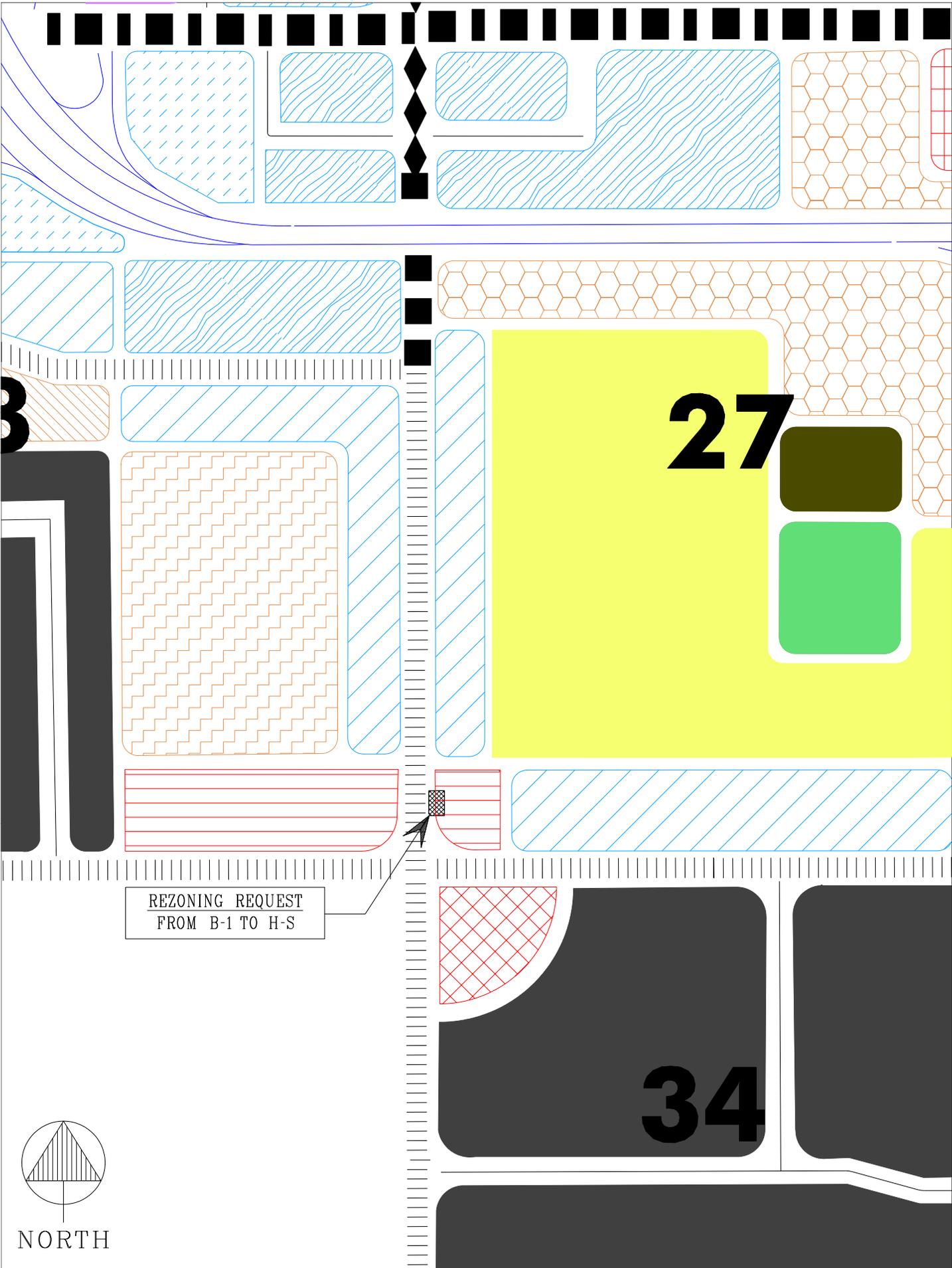
MAPLE ROAD

LIVERNOIS ROAD

MAPLE ROAD



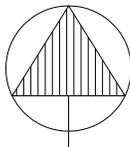
NORTH



27

34

REZONING REQUEST
FROM B-1 TO H-S



NORTH



5603 S. Telegraph, Suite 103 Dearborn Heights, Michigan 48125
313-299-4499 tel. 313-299-4433 fax

February 8, 2005

Planning Department
City of Troy, Michigan
500 Big Beaver Road
Troy, Michigan 48084
248-524-3368, fax 248-524-0821

RE: Clark Store, 1602 Livernois Road (at Maple Road), Troy, MI

Sirs,

This letter is sent with an accompanying application and request for rezoning. We feel that the rezoning of the parcel will allow for substantial property development rights. The parcel in question has been and will remain used as a gas station. The owner has proposed a significant redevelopment of the parcel that will allow the business to better represent the architectural goals of the City of Troy and also allow him to remain a viable business for the residents of Troy.

The rezoning is required by ordinance if any modifications are made to the site. We respectfully request that the rezoning of this parcel to HS be considered and granted. Thank you for your prompt attention to this matter and your careful review of our request.

Sincerely,

Michael Kozlowski, AIA

FEB -8 2005

REZONING REQUEST

10. PUBLIC HEARING – PROPOSED REZONING (Z 700) – Existing Clark Gas Station, Northeast corner of Livernois and Maple Road (1602 Livernois), Section 27 – From B-1 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant noted that the site plan indicated that the proposed development would require a number of non-use variances from the Board of Zoning Appeals prior to receiving Preliminary Site Plan Approval. He said prudent site planning suggests that consolidation of adjacent properties would be desirable, but the Planning Department cannot require the applicant to do so. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Schultz asked how the City could vacate the alleyway to the east if the vacation places the building to the east in non-compliance because of the loss of parking.

Mr. Savidant said the vacation would dedicate access to insure that the property to the east would have access to the parking area to the north of the building. He noted there is no indication on the site plan that the petitioner intends to utilize any of the alleyway for the gas station operation.

Mr. Miller stated that one of the conditions when City Council adopted an authorizing resolution to vacate the alleyway was that there would be an easement of access retained.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 Telegraph Road, Dearborn Heights, was present. Mr. Kozlowski said the site is just above the minimum size for a service station, and it is recognized that a number of variances would be required as well as utility and cross access easement challenges. Mr. Kozlowski said he is prepared to address those items with site plan approval

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-03-034

Moved by: Littman

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Maple Road and Livernois Avenue, within Section 27, being approximately 15,800 square feet in size, be granted.

Yes: All present (8)

No: None

Absent: Drake-Batts

MOTION CARRIED