

DATE: December 12, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (JANUARY 9, 2006) – REZONING APPLICATION – Northwest corner of Maple Road and Crooks Road, Section 29 – H-S and O-1 to B-3 (Z 711)

RECOMMENDATION

The proposed zoning district is compatible with abutting zoning districts and land uses. The request is consistent with the Future Land Use Plan and will create a B-3 zoning designation on a single corner parcel. The Planning Commission recommended approval of this item at the November 29, 2005 public hearing. City Management agrees with the Planning Commission and recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner and applicant is Kenny Hannawa of D & K Hannawa, LLC.

Location of Subject Property:

The property is located on the northwest corner of Maple Road and Crooks Road, in Section 29.

Size of Subject Parcel:

The applicant proposes to rezone two parcels to B-3, Parcel B and Parcel D. Parcel B is approximately 11,556 square feet in area. Parcel D is approximately 1,800 square feet in area.

Current Zoning Classification:

The two parcels are contiguous to a larger parcel that is zoned B-3. The southeast corner of the parcel is zoned H-S. The northwest corner of the parcel is zoned O-1.

Proposed Zoning of Subject Parcel:

B-3 General Business District.

Current Use of Subject Property:

There are 3 vacant buildings located on the subject parcel. A vacant service station sits on Parcel B on the southeast corner. Parcel D is presently used for parking and circulation.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to rezone the two smaller parcels and create one contiguous parcel that is zoned B-3. The applicant proposes a multi-tenant retail building on the property.

Current Use of Adjacent Parcels:

North: Office.
South: Bank.
East: Service station and convenience store.
West: Restaurant.

Zoning Classification of Adjacent Parcels:

North: B-3 General Business and O-1 Office Building.
South: B-3 General Business and O-1 Office Building.
East: H-S Highway Service and B-3 General Business.
West: B-3 General Business and M-1 Light Industrial.

ANALYSIS

Range of Uses Permitted in the Proposed B-3 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Any retail business or service establishment permitted in B-2 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions.

Mortuary establishments, when assembly area is provided off-street for a minimum of ten (10) vehicles to be used in funeral procession; provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of a mortuary establishment.

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 in order to accommodate not more than three employees per each vehicle storage bay.

Parking garages and off-street parking areas.

Sales, showrooms, and incidental repair of recreational vehicles.

New and used car salesroom, showroom, or office.

Governmental offices, public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.

Other uses similar to the above uses.

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 B-3 Districts, Apart from Restaurants

Bowling alley, billiard hall, indoor archery range, indoor skating rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation, when the subject uses are located at least 100 feet from any Residential District.

Open air business uses when developed as uses subordinate to primary uses and structures within the B-3 District.

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

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

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

Motel or Hotel.

Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all abutting or adjacent property is non-residentially zoned.

Commercial Kennels.

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:

Access to the parcel is provided on both Crooks and Maple.

Natural Features and Floodplains:

The Natural Features Map does not indicate any significant natural features located on the property.

Compliance with Future Land Use Plan:

The Future Land Use Plan designates the northwest corner of Crooks and Maple as Non-Center Commercial. This classification has a primary correlation with B-3 and a secondary correlation with H-S. The application is therefore consistent with the Future Land Use Plan.

Compliance with Location Standards:

There are no location standards for the B-3 General Business District.

Attachments:

1. Maps.
2. Minutes from November 29, 2005 Planning Commission Regular Meeting.
3. Letter from petitioner, dated September 15, 2005
4. Letter from Paul A. Andoni, dated November 29, 2005.

Prepared by RBS, MFM

cc: Applicant
File (Z 711)

G:\REZONING REQUESTS\Z-711 Maple and Crooks B-3 Sec 29\Announcement CC Public Hearing Z-711 12 19 05.doc

CITY OF TROY



REZONING REQUEST
FROM O-1 AND H-S TO B-3
NW CORNER MAPLE & CROOKS
SEC. 29 (Z-711)

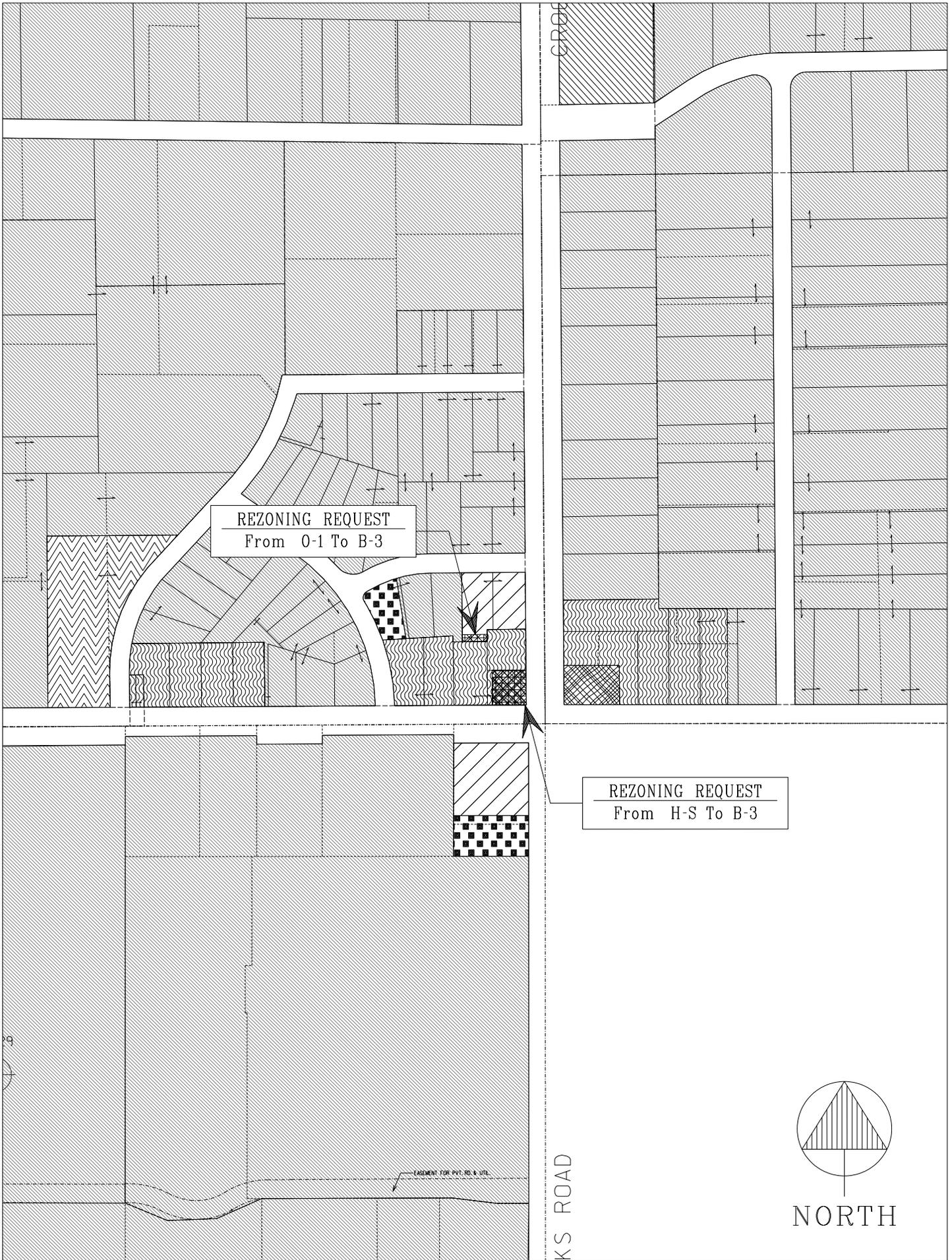
REZONING REQUEST
FROM O-1 TO B-3

REZONING REQUEST
FROM H-S TO B-3

CITY OF CLAWSON

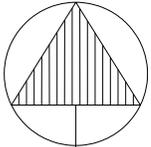
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REZONING REQUEST
From 0-1 To B-3

REZONING REQUEST
From H-S To B-3



NORTH

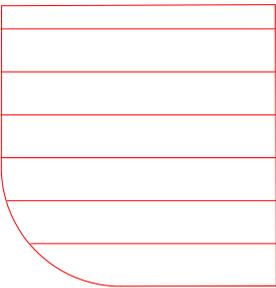
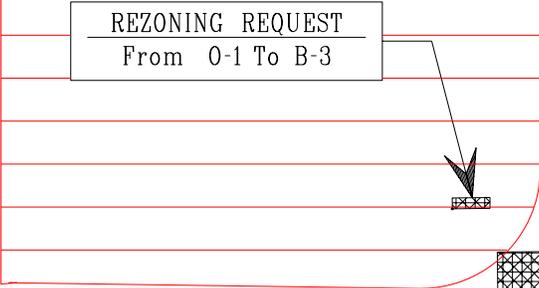
KS ROAD

GROVE

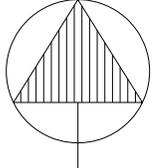
EASEMENT FOR PVT. RD. & UTIL.

INED AUTO CENTER

REZONING REQUEST
From 0-1 To B-3



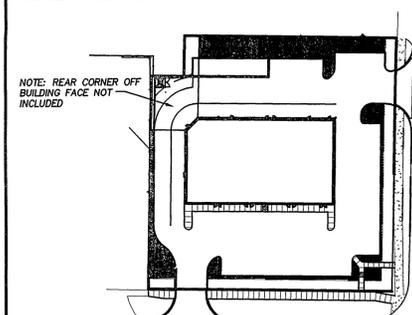
REZONING REQUEST
From H-S To B-3



NORTH

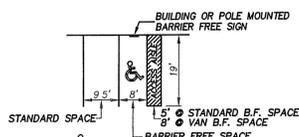
LEGEND		PROPOSED
EXISTING	ELEVATION	PROPOSED
4,000.00	500	4,000.00
500	500	500
CONTOUR		
STORM SEWER		
SANITARY SEWER		
WATERMAIN		
GAS		
ELECTRICAL		
CATCH BASIN		
MANHOLE		
GATEVALE IN WELL		
HYDRANT		

- GENERAL NOTES**
- THE CONTRACTOR SHALL NOTIFY "MISS DIG" (800/482-7171) AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO THE START OF CONSTRUCTION.
 - ALL CONSTRUCTION AND MATERIALS TO CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY.
 - HANDICAP PARKING SPACE TO BE IDENTIFIED WITH THE INTERNATIONAL SYMBOL.
 - ACCESS TO A STRUCTURE SHALL BE PROVIDED FOR THE PHYSICALLY HANDICAPPED.
 - ON-SITE PARKING SHALL BE PROVIDED FOR CONSTRUCTION WORKERS.
 - AN AS-BUILT REPRODUCIBLE MYLAR SHALL BE SUBMITTED TO THE CITY OF TROY ENGINEERING DEPARTMENT BEFORE ISSUANCE OF AN OCCUPANCY.
 - THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL NECESSARY PERMITS AND BONDS FOR CONSTRUCTION BEING DONE WITHIN THE OAKLAND COUNTY D.P.W. OR DRAIN COMMISSION RIGHT OF WAY AND THE CITY OF TROY RIGHT OF WAY UNDER THE JURISDICTION OF THE AFOREMENTIONED AGENCIES.
 - SOIL BORINGS HAVE NOT BEEN SUPPLIED. CONTRACTOR TO VERIFY SOIL BEARING CAPACITY. INADEQUATE SOIL FINDINGS OF LESS THAN 2,500 PSF MAY REQUIRE REDESIGN OF SITE FEATURES SUCH AS PAVEMENT, UTILITIES, AND FOOTINGS.
 - SOIL BORINGS HAVE NOT BEEN SUPPLIED. CONTRACTOR TO VERIFY EXISTING GROUND WATER ELEVATION. IF EXISTING WATER TABLE IS FOUND TO BE WITHIN THE INFLUENCE OF PROPOSED UTILITIES OR DETENTION FACILITIES REDESIGN MAY BE REQUIRED.
 - OWNERS SHALL PAY CITY OF TROY AND OAKLAND COUNTY D.P.W. OR DRAIN COMMISSION INSPECTION FEES.
 - THE CONTRACTOR SHALL NOTIFY THE CITY OF TROY ENGINEERING DEPARTMENT FORTY EIGHT (48) HOURS PRIOR TO START OF CONSTRUCTION OF PUBLIC UTILITIES OR CONSTRUCTION IN THE STREET RIGHT OF WAY.
 - THE CONTRACTOR IS TO ARRANGE PRE-CONSTRUCTION MEETING WITH GAS COMPANY, AMERITECH TELEPHONE COMPANY, DETROIT EDISON COMPANY, CITY OF TROY WATER & SEWER DEPARTMENTS AND THE OAKLAND COUNTY D.P.W. OR DRAIN COMMISSION FOR ASSISTANCE IN DETERMINING PROBLEMS OF CONSTRUCTION AND POSSIBLE CONFLICTS WITH EXISTING UTILITIES DURING CONSTRUCTION.
 - ENGINEERING HAS BEEN BASED OFF OF SURVEY PROVIDED BY OTHERS. DEVELOPER TO VERIFY ANY AND ALL EXISTING SITE FEATURES.
 - PROPOSED BUILDING LEADS TO BE VERIFIED WITH MECHANICAL CONTRACTOR FOR PROPER DESIGN, LOCATION AND DEPTH.
 - ALL GRADING TO BE DIRECTED TOWARDS ON-SITE STORM SYSTEM AND AWAY FROM BUILDINGS. GRADING NOT TO BE LESS THAN 0.5% IN LANDSCAPE AREAS OR 1% IN PAVEMENT AREAS.
 - THE CONTRACTOR SHALL NOTIFY THE CITY OF TROY WATER AND SEWER DEPARTMENTS AND OAKLAND COUNTY D.P.W. OR DRAIN COMMISSION AND ALL CONCERNED PUBLIC UTILITIES SEVENTY TWO (72) HOURS PRIOR TO THE START OF CONSTRUCTION.
 - DEVELOPER RESPONSIBLE FOR ENVIRONMENTAL ISSUES. ALL APPROPRIATE TESTING AND POSSIBLE UNDERGROUND TANKS TO BE ABANDONED OR REMOVED PER ALL STATE AND MUNICIPAL REQUIREMENTS.
 - DEVELOPER RESPONSIBLE TO TEST SOIL BEARING CAPACITY TO MEET CITY REQUIREMENTS.
 - LOCATION OF ALL EXISTING UTILITIES SHOWN IN AREA OF PROPOSED CONSTRUCTION ARE APPROXIMATE AND ARE NOT GUARANTEED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXISTENCE AND LOCATION OF ALL EXISTING UTILITIES IN THE CONSTRUCTION AREA AND WILL BE HELD RESPONSIBLE FOR ANY DAMAGE TO SUCH EXISTING UTILITIES FROM HIS OPERATION.
 - ROAD, ROAD SHOULDERS, ROAD PAVEMENT, PARKING PAVEMENT, CURBS, DRIVEWAYS, SIDEWALKS, DITCHES, DRAINAGE PIPE AND STRUCTURES, FENCES, LAWNS, TREES, BUSHES, MALLOXES, STREET AND PUBLIC INFORMATION SIGNS, ADVERTISEMENT SIGNS, ETC., DAMAGED DURING CONSTRUCTION SHALL BE RESTORED TO CONDITION PRIOR TO CONSTRUCTION AND SHALL BE CONSIDERED INCIDENTAL TO CONTRACT.
 - ALL WATER MAINS, SANITARY SEWERS (AND LEADS) AND STORM SEWERS UNDER PROPOSED OR EXISTING PAVEMENT OR WITHIN 3 FEET OF PAVEMENT TO BE SAND BACKFILLED AND COMPACTED TO 95% OPTIMUM DENSITY (PROCTOR.) SAND BACKFILLING TO BE INCIDENTAL TO CONTRACT.

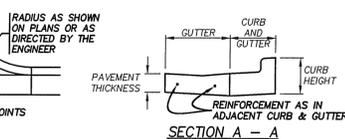
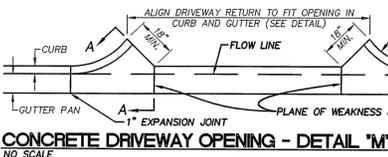


REQUIRED LANDSCAPE AREA
53,873 X 10% = 5,387 SQ FT
PROVIDED AREA (HATCHED AREA) = 6,296 SQ FT

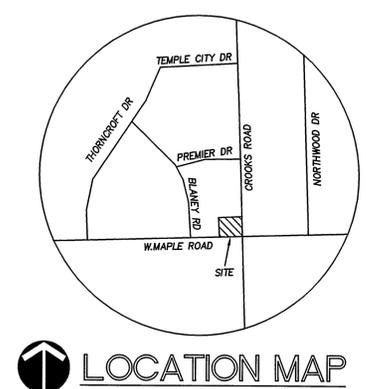
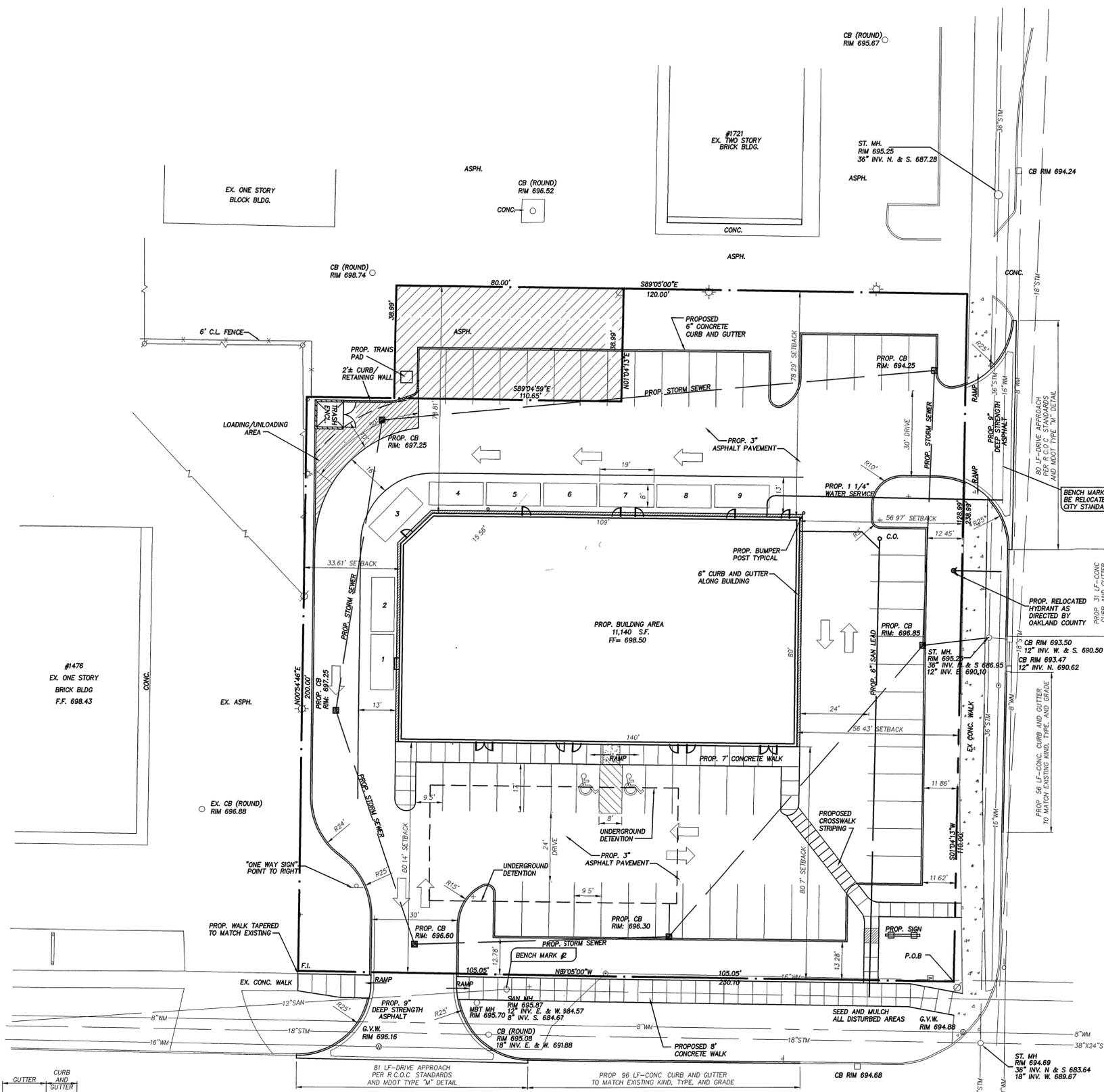
LANDSCAPE CALCULATION
NO SCALE



TYP. PARKING SPACE LAYOUT
NO SCALE



MAPLE RD 120 FT. WD.



LOCATION MAP
NO SCALE

SITE DATA
SITE AREA = 53,873 S.F. (W/ NORTHWEST PIECE)
TOTAL ACREAGE = 53,873/43,560 = 1.24 ACRES
PROPOSED BUILDING
PROPOSED BUILDING AREA = 11,140 S.F.
PROVIDED COVERAGE = 11,140/53,873*100 = 20.68%
ADJACENT ZONING = B3
SETBACKS REQUIREMENTS
FRONT = 40'
SIDE = 0'
REAR = 30'
MAX HEIGHT = 40'
SETBACKS PROVIDED
FRONT = 80.14'
WEST SIDE = 33.61'
EAST SIDE = 56.43'
REAR = 78.29'
PARKING REQUIREMENTS
NINE (9) STACKING SPACE SHALL BE PROVIDED FOR EACH DRIVE-IN SPOT.
PROVIDED STACKING = 9 SPACES

RETAIL STORE AND RESTAURANTS
20 SEAT MAXIMUM
ONE (1) FOR EACH TWO HUNDRED (200) SQ FT OF GROSS FLOOR AREA
PARKING SPACES REQUIRED = 11,140/200 = 55.7 = 56 SPACES

PARKING PROVIDED
BARRIER FREE = 2
STANDARD = 55
STACKING SPACES = 9
TOTAL = 57

UNIT NO.	USE	AREA
UNIT #1	STARBUCKS	1,540 S.F.
UNIT #2	RETAIL	1,600 S.F.
UNIT #3	RETAIL	1,600 S.F.
UNIT #4	RESTAURANT	1,600 S.F.
UNIT #5	RETAIL	1,600 S.F.
UNIT #6	RETAIL	1,600 S.F.
UNIT #7	RETAIL	1,600 S.F.

BENCH MARKS
B.M. #1 - ARROW ON FIRE HYDRANT
ELEV. 695.92 (U.S.G.S.)
B.M. #2 - RIM OF SANITARY MANHOLE
ELEV. 695.67 (U.S.G.S.)

PROPERTY DESCRIPTION
THE WEST 14.95 FEET OF LOT 1, ALL OF LOTS 2 AND 3, SUPERVISOR'S PLAT NO. 23, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 15 OF PLATS, PAGE 58, OAKLAND COUNTY, RECORDS, MORE PARTICULARLY DESCRIBED AS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 THENCE N 89°05'00" W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MAPLE ROAD (120 FT. WD.) 230.10 FEET; THENCE 0°54'46" E, ALONG THE WEST LINE OF SAID LOT 3, 200.00 FEET; THENCE S 89°04'39" E, ALONG THE NORTH LINE OF LOT 3, 110.65 FEET; THENCE N 01°04'13" E, ALONG THE WEST LINE OF SAID LOT 2, 33.89 FEET; THENCE S 89°05'00" E, 120.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CROOKS ROAD (120 FT. WD.) AND THE NORTHWEST CORNER OF SAID LOT 2; THENCE S 01°04'13" W (RECORDED AS S 00°50'00" W), ALONG SAID WESTERLY RIGHT-OF-WAY LINE 238.99 FEET TO THE POINT OF BEGINNING, CONTAINING 50,753.71 SQUARE FEET, OR 1.165 ACRES, SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

SHEET LIST
SP-1 SITE PLAN
SP-2 PRELIMINARY ENGINEERING
SP-3 DEMOLITION PLAN

REVISIONS

DATE	DESCRIPTION
5-16-05	FOR ENGINEERING REVIEW
9-12-05	FOR SITE PLAN REVIEW
9-13-05	FOR SITE PLAN REVIEW

A R DECKER & ASSOCIATES, INC.
Consulting Engineers
Civil-Structural
920 E. Long Lake Rd., Suite 200
Troy, Michigan 48065
(248) 528-3779 P
(248) 528-3548 F

CLIENT
H&H DESIGN CONSULTANTS

5600 E. NINE MILE RD
WARREN, MI 48091
PH: (586)795-9903
FAX: (586)795-9814

PROJECT TITLE
PROPOSED RETAIL CENTER
TROY, MI

SHEET TITLE
SITE PLAN

APPROVALS

DATE: 9-13-05
DRAWN/CHK: [Signature]
DATE: 9-13-05
M.B.
DATE: 9-13-05
M.B.
DATE: 9-13-05
M.B.

REC'D
SEP 16 2005
PLANNING

SHEET NO.
SP-1
PROJECT NO.
05-0080

NOTICE
THE LOCATION AND ELEVATIONS OF EXISTING UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE. NO GUARANTEE IS MADE FOR THE ACCURACY OF THESE DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE AND DEPTHS OF ALL UTILITIES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

BEFORE YOU DIG CALL MISS DIG
1-800-482-7171
(TOLL FREE)

SCALE: 1" = 20'

5. PUBLIC HEARING – PROPOSED REZONING (Z 711) – Proposed Shopping Center, Northwest corner of Maple Road and Crooks Road, Section 29 – From H-S (Highway Service) and O-1 (Low Rise Office) to B-3 (General Business)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning and reported it is the recommendation of the City Management to approve the rezoning request. A communication received by the Planning Department from the owner of Shield's Restaurant was distributed to the members prior to tonight's meeting. The owner voiced concerns with the impact of a multiple story building and decreased visibility to westbound traffic.

Mr. Schultz asked that the small rectangular parcel of the subject rezoning request be addressed with respect to creating a non-conformity use for the existing building. Mr. Schultz noted that a multi story building could be constructed on the parcel to the east of Shield's Restaurant because it is zoned B-3.

Mr. Savidant confirmed that the parcel to the east of Shield's Restaurant is zoned B-3 and that the setback requirements are the same along Maple Road. Mr. Savidant briefly addressed the site plan submitted with the rezoning request. He noted it appears the parking space requirements might not be met.

Hathem Hannawa of H&H Design Consultants, 5600 E. Nine Mile Road, was present to represent the petitioner. Mr. Hannawa said the rectangular piece of property is being acquired from the office building to the north. Mr. Hannawa said a survey of the parking spaces was completed, and they are acquiring just enough property to accommodate their parking needs. He stated that the site plan would show that parking requirements are met by each property owner and would meet all site plan requirements.

Tom Hannawa of 4534 W. Quarton Road, Bloomfield, was also present. He addressed the existing O-1 parcel that is not maintained and currently a shrubbed area. It was noted that the shrubbed property does not comply with the approved site plan on file.

Mr. Miller said the usage of the property would not change the existing parking. He encouraged the petitioner to pursue a legal lot split with the City before executing a transfer of property. Mr. Miller briefly addressed the review process as relates to lot splits.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-11-181

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the H-S and O-1 to B-3 rezoning request, located on the northwest corner of Maple and Crooks, within Section 29, being approximately 13,356 square feet in size, be granted.

Yes: All present (6)
No: None
Absent: Khan, Littman, Vleck

MOTION CARRIED



September 15, 2005

City of Troy
Planning Department
500 W. Big Beaver
Troy, MI 48084

Re: 15 Mile & Crooks

To Whom It May Concern:

On behalf of D&K Hannawa LLC, Kenny Hannawa hereby requests that the following existing properties located on the northwest corner of 15 Mile & Crooks Road be re-zoned. The property labeled REM of Lot 1 should be re-zoned from (H-S)Highway Service District to (B3)General Business District. And property labeled Lot 4 should be re-zoned from (O1)Low Rise Office District to (B3)General Business District.

The re-zoning will unify the current REM of Lot 1 and Lot 4 with the existing zoning of Lots 2 & 3, therefore creating a consistent zoning for the intended development. This re-zoning should not be detrimental to the other properties within the vicinity.

Respectfully,

RA
Hathem Hannawa

Hathem Hannawa

REC'D

SEP 16 2005

PLANNING

ARCHITECTURAL DESIGN ♦ CONSTRUCTION MANAGEMENT ♦ DEVELOPMENT ♦ COMMERCIAL AND RETAIL

Paula P Bratto

From: Paul and Laura Andoni [plandoni@sbcglobal.net]
Sent: Tuesday, November 29, 2005 2:15 PM
To: Paula P Bratto
Cc: Peter and Lisa Andoni
Subject: Public Hearing before Planning Commission Tonight

City of Troy
Planning Department
500 W. Big Beaver
Troy, Michigan

To Whom It May Concern:

I am writing in response to the Notice of Public Hearing concerning the request of Kenny Hannawa of D & K Hannawa, L.L.C. to rezone the property on the northwest corner of Maple Rd. and Crooks Rd. I am unable to attend the planning commission meeting tonight to voice my concerns, so I am forwarding this email to you per the instructions on the Notice.

I own the Shield's Restaurant located at 1476 W. Maple Road immediately adjacent to the westerly boundary of the proposed site. I have owned and operated Shield's and have been involved in the Troy community since 1991. While I look forward to the development of the parcel in question, because it will eliminate the eyesore that exists on the corner in question, I am concerned about the impact that a multiple story building may have on our business and decreased visibility to westbound traffic.

Please take into consideration my comments when evaluating the benefits of the proposed plan.

Thank you for your consideration. If you have any questions you may call me at 248-637-3131.

Sincerely,

Paul A. Andoni
Shield's of Troy

Z 711

#5

REC'D

NOV 29 2005

PLANNING DEPT.

11/29/2005