December 13, 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 – Northeast corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-C)

RECOMMENDATION

The application is consistent with the Future Land Use Plan and compatible with the existing zoning districts and land uses.

The applicant is proposing to redevelop the existing service station and improve the site. Considering the uses permitted in the H-S district, service stations are one of the least demanding in terms of land area. Because of the small size of the subject property, the development potential is limited in terms of potential land uses.

The site is an appropriate location for a service station given its location on a major thoroughfare, and further given its proximity to other service stations and other automobile-oriented uses.

Prudent site planning suggests that consolidation of adjacent properties is desirable; however, the property to the east is a residential neighborhood and expansion of commercial zoning district into this neighborhood is undesirable and unlikely.

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.

PARCEL HISTORY

On June 28, 2004, the applicant submitted an application to rezone the subject property from B-1 to H-S. The application was denied by City Council on January 10, 2005. The applicant has submitted a new rezoning application for consideration.

GENERAL INFORMATION

Name of Owner / Applicant:
The application lists the applicant and owner of the property as Andraos Kattouah of Space Station of Troy, Inc.

Location of Subject Property:
The property is located on the northeast corner of Rochester Road and Charrington Road, in Section 23.

Size of Subject Parcel:
The parcel is approximately 21,000 square feet in area.

Current Use of Subject Property:
The property is currently used as a Marathon gas station, which received site plan approval and was constructed in 1966 and is a legal non-conforming use. The abutting houses to the east were constructed in 1968.

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 expand the convenience store. The gasoline pump islands and overhead canopy are to remain as is.

Current Use of Adjacent Parcels:
North: Tax accountant and single-family residence.
South: Restaurant.
East: Single-family residence.
West: Fast food restaurant and tire sales.

Zoning Classification of Adjacent Parcels:
North: B-1 Local Business and R-1C One Family Residential.
South: B-2 General Business.
East: R-1C One Family Residential.
West: B-3 General Business.

ANALYSIS

Range of Uses Permitted in the Proposed H-S Highway Service 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 Rochester Road and Charrington Road.

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.

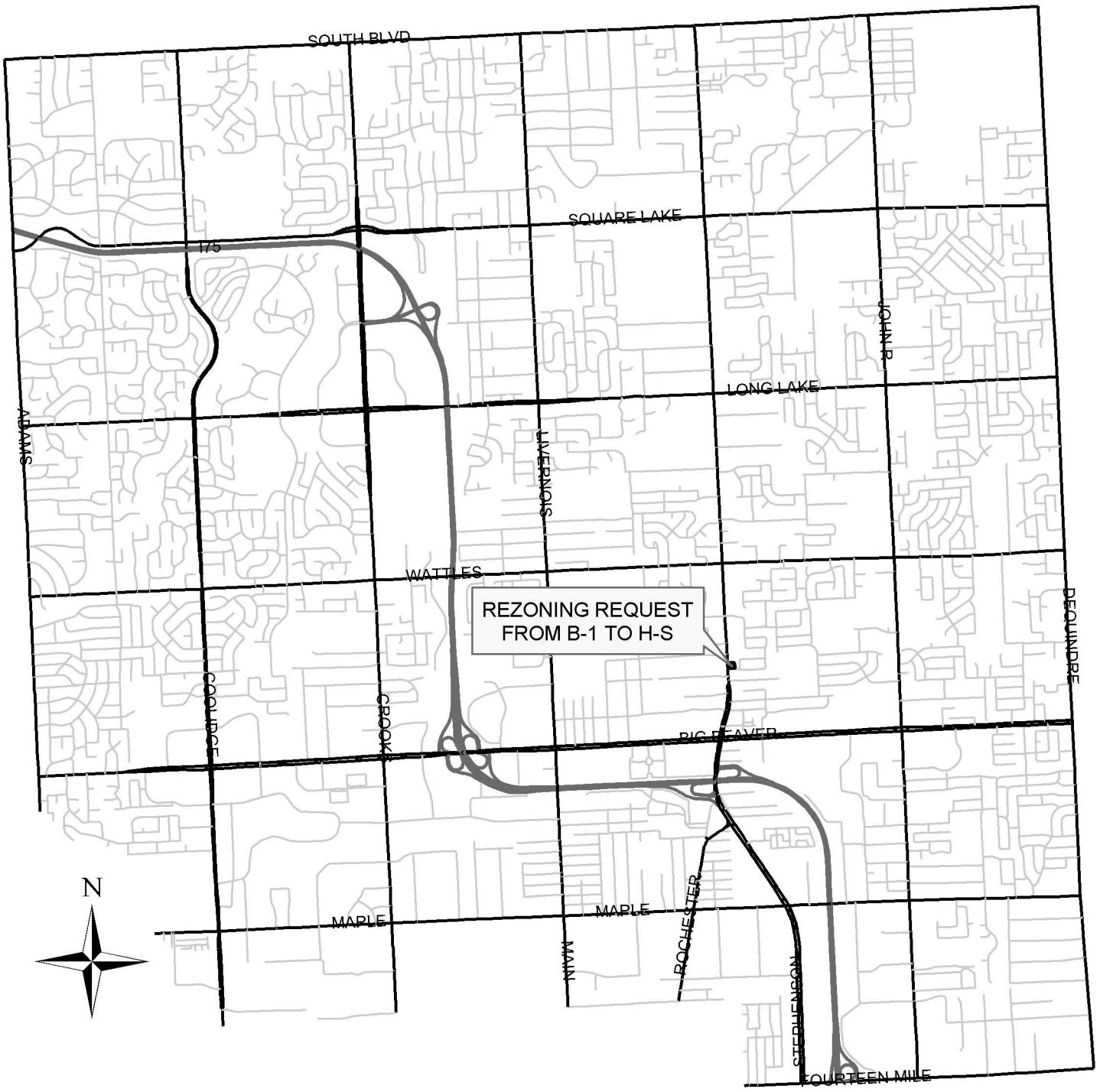
Attachments:
1. Maps.
2. Minutes from November 29, 2005 Planning Commission Regular Meeting.
3. Letter from petitioner dated September 21, 2005.
4. Letter from petitioner's attorney, dated September 26, 2005.
5. Letters of opposition (2).

Prepared by RBS, MFM

cc: Applicant
File (Z-479 C)

G:\REZONING REQUESTS\Z-479 C Charrington Marathon Station Sec 23\Announcement CC Public Hearing ZOTA 279C 12 19 05.doc

CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
EXISTING GAS STATION
FROM B-1 TO H-S
NE CORNER ROCHESTER RD. & CHARRINGTON
SEC. 23 (Z-479 C)
REZONING REQUEST
FROM B-1 TO H-S
COLEBROOK
HIDDENRIDGE
TROMBLEY
ROCHESTER
MILLAY
CHAUCER
DICKENS
WAKEFIELD
MADISON
ARDMORE
WINTHROP
CHARRINGTON
VANDERPOOL
TORPEY
BAKER
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DALEY
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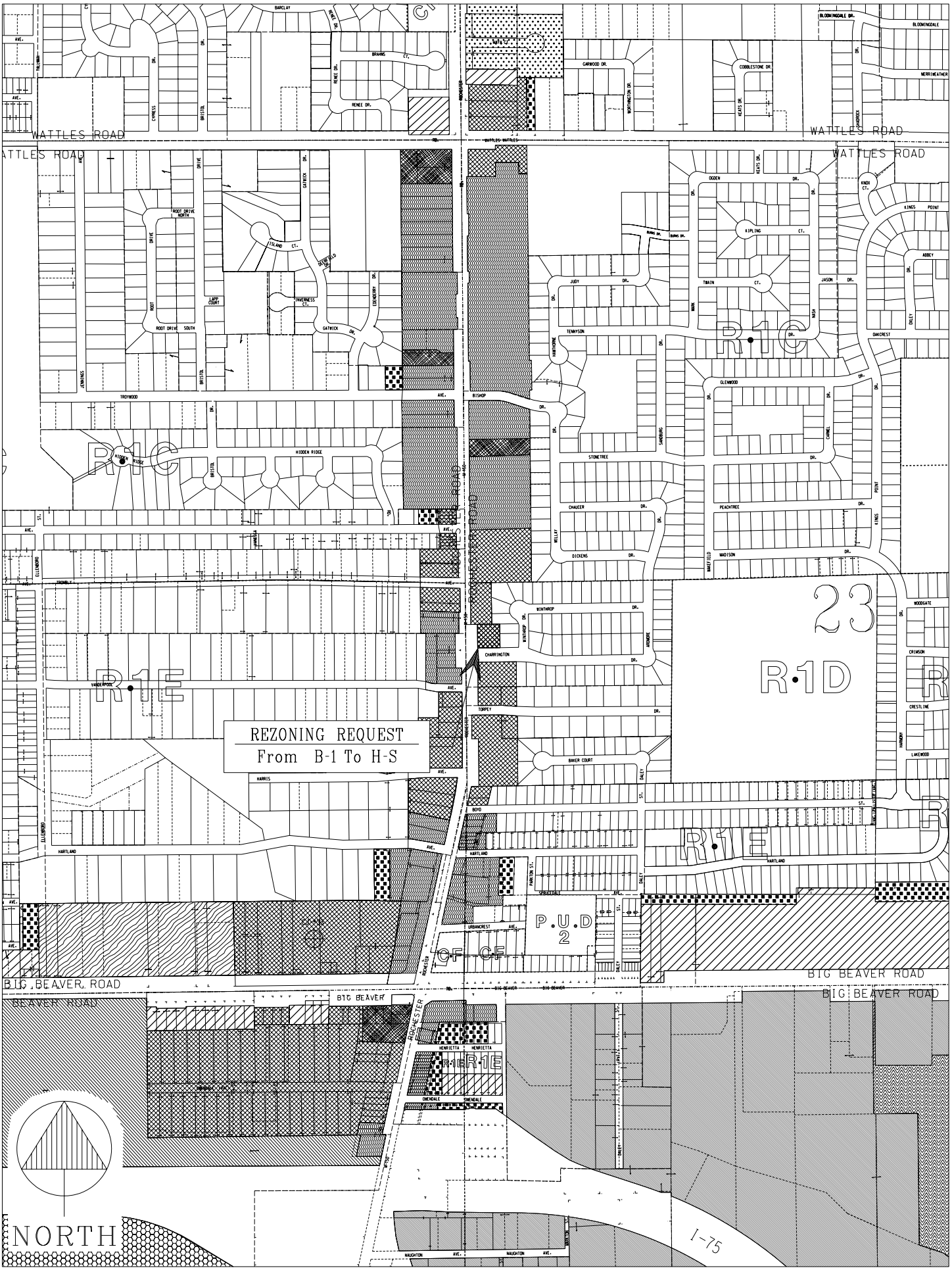
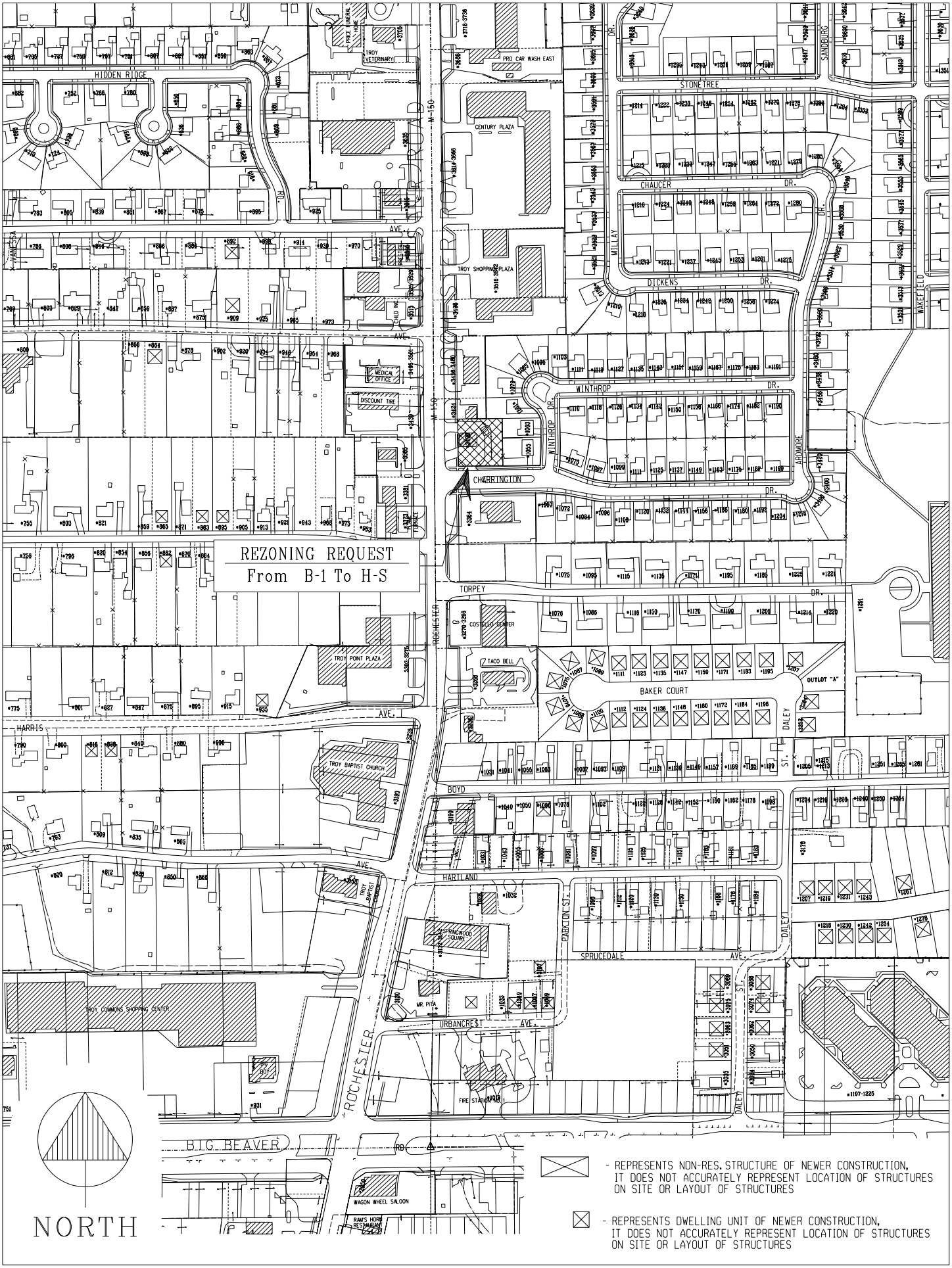
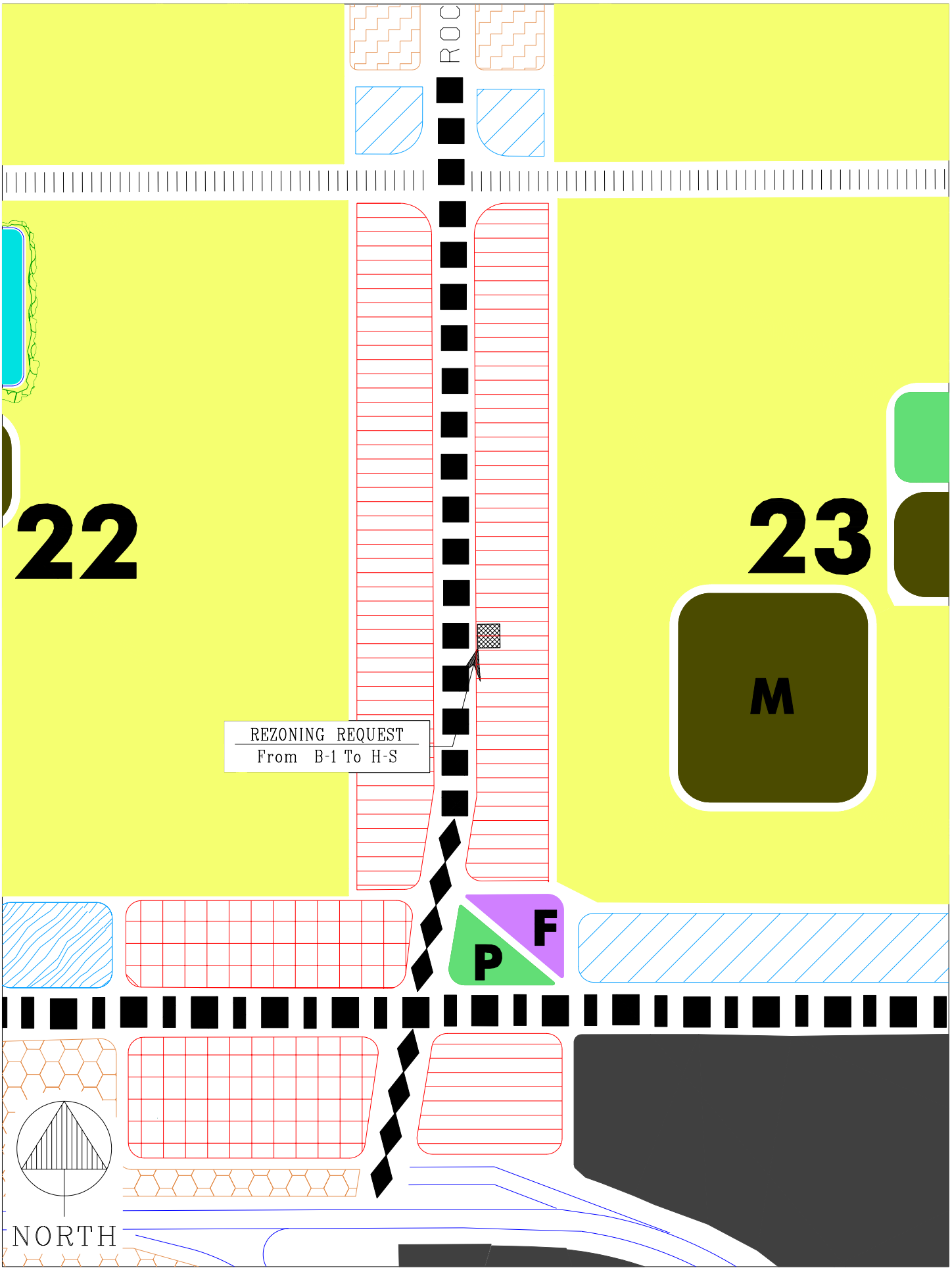

REZONING REQUEST
From B-1 To H-S
WATTLES ROAD
BIG BEAVER ROAD
NORTH
R-1C
R-1E
R-1D
23
P.U.D
2
C-F
I-75



Z-479 B / SEC. 23 / 06-30-04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23
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REZONING REQUEST
From B-1 To H-S
P
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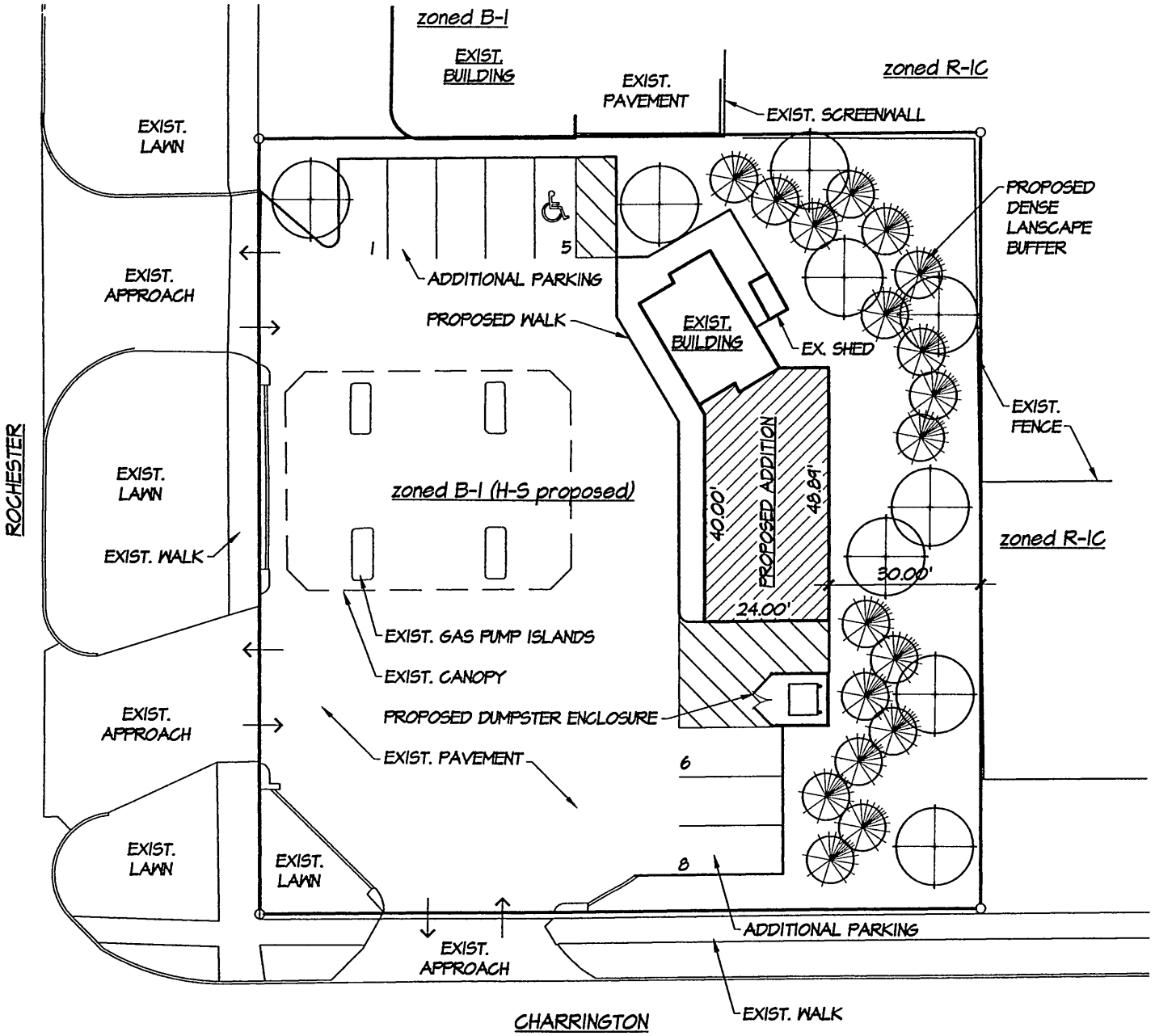
NORTH



Preliminary Site Plan

Scale: 1"=30'

True North

REFERENCE 'CERTIFIED BOUNDARY SURVEY' AND 'LOCATION MAP' FOR ADDITIONAL INFORMATION

REC'D

SEP 27 2005

PLANNING

sda

SDA ARCHITECTS, INC.
2201 Twelve Mile Road
Warren, MI 48092
(586) 751-9629
Fax (586) 751-9641

Proposed Rezoning for
3400 Rochester Road
Troy, MI

PROJECT DESCRIPTION:

IT IS PROPOSED TO REZONE THE EXISTING B-1 (LOCAL BUSINESS) PROPERTY TO H-S (HIGHWAY SERVICE) TO ALLOW THE EXISTING NON-CONFORMING USE TO EXPAND. THE EXISTING 420 S.F. SALES BUILDING WOULD EXPAND TO APPROXIMATELY 1,544 S.F. TO PROVIDE ADDITIONAL FLOOR SPACE FOR THE SALE OF GOODS SUCH AS NON-ALCOHOLIC BEVERAGES, CANDY, SNACKS, ETC.

6. PUBLIC HEARING – PROPOSED REZONING (Z 479-C) – Existing Gas Station, Northeast corner of Rochester Road and Charrington Drive, Section 23 – From B-1 (Local Business) to H-S (Highway Service)

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone his item prior to his presentation to the Planning Commission.

The petitioner indicated he would like to go forward.

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning and reported it is the recommendation of the City Manager to approve the rezoning request.

Dennis Szokolay of 26021 Southfield Road, Lathrup Village, was present to represent the petitioner. Mr. Szokolay said expansion and improvement to the service station would enable the owner to sell a larger inventory of convenience items and would provide for a more aesthetically pleasing landscaped area. He asked the members to look favorably on the rezoning request.

Mr. Waller said improvements to the building and landscaping would enhance the appearance at this location. He asked that consideration be given to the limited size of the property in terms of the site plan, noting property has been taken for the expansion of Rochester Road.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-11-182
Moved by: Chamberlain
Seconded by: Wright

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 Rochester and Charrington, within Section 23, being approximately 21,000 square feet in size, be granted.

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

MOTION CARRIED

SPACE STATION OF TROY
3400 Rochester Road
Troy, MI 48084
248-689-7806

September 21, 2005

REC'D
SEP 27 2005
PLANNING DEPT.

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

RE: Proposed Rezoning of 3400 Rochester Road, Troy, Michigan

Dear Commissioners:

We are respectfully requesting that the subject property at 3400 Rochester Road be rezoned from B-1 to H-S. As you are aware, the current property use is an automotive service station with a small sales building. Because the current use is a non-conforming use in a B-1 zoning district, it cannot be expanded. The purpose of the rezoning request would change the property to H-S (which is the correct zoning for the current use) and allow the existing sales building to be expanded. The existing fuel pumps, islands and canopy would remain as-is.

Because of the very competitive nature of automotive fuel sales, the current trends are to provide generous amounts of merchandise and goods similar to a neighborhood style convenience store (7-11 style) which allows for the sales of these types of items to support the fuel sales portion of the business. The existing location is extremely small and only a very small inventory can be maintained. If the rezoning cannot be accomplished and the sales area not expanded, it is almost impossible to maintain the fuel-sales only business. It is very difficult and costly to redevelop old automotive service station properties into other uses and if the current business were to close, it would potentially create an eyesore in the neighborhood.

The proposed expansion would not be detrimental to the existing neighborhood because it will provide a convenience store in close proximity to residential subdivisions in the area. The closest convenience store is over one mile from the current location. The expansion of the existing location would allow the residents nearby to have a convenient place to obtain small items. The expanded building and upgraded landscaping would also provide a better buffer between the fuel pumps and the residences to the east. Because of this, the proposed expansion would be beneficial to the owner and the community.

We are requesting that you understand our position and consider the benefits to everyone involved. Thank you in advance for your consideration and time.

Sincerely,

ANDDRAOS G. KATTOUAH
President

DENNIS SZOKOLAY
Attorney at Law
26021 Southfield Road, Suite 101
Lathrup Village, Michigan 48076
(248) 557-4287
fax (248) 557-2402

September 26, 2005

City of Troy Planning Commission
500 West Big Beaver Road
Troy, Michigan 48084

Re: Space Station of Troy, Inc.
3400 Rochester Road
Troy, Michigan 48084

REC'D
SEP 27 2005
PLANNING DEPT.

Dear Commissioners,

I represent Space Station of Troy, Inc. My client respectfully requests the re-zoning of the above referenced property from B-1 to H-S. This property is a former Clark Gas Station which has been converted to Marathon. The building was built forty years ago when unleaded regular sold at a lower price than regular gas and an attendant did the pumping for the customers.

The current zoning is for B-1, however, the current use of the premises is a non-conforming use and the correct zoning would be H-S. As such, my client is not able to rebuild or expand the existing structure to suit its needs.

As can be seen from the enclosed materials, the existing structure would be expanded with an addition which will provide approximately 1000 additional square feet of space for office and retail sales of non-alcoholic convenience items. Costruction is expected to go very quickly as the building is of a simple design and easy to integrate into the structural scheme. Extensive landscaping is also planned for the property including the introduction of several shrubs and trees in the newly created green areas.

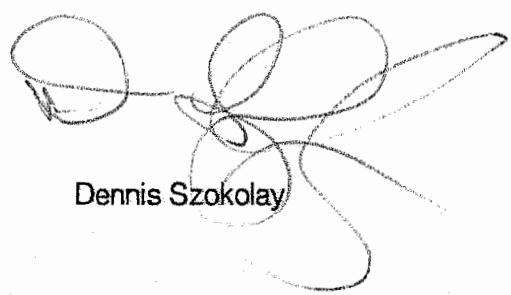
There is no other convenience store located within a mile of the location so the expanded business will benefit the surrounding neighborhood as well as passing motorists. The hours of opertion will also be of benefit to the community.

A change in zoning as requested would bring about the renovation of the existing business making it more functional to the community as well as aesthetically pleasing. It will provide the neighborhood with convenient shopping and provide passing motorists with a more pleasant place in

which to do their business. .

Thank you for your kindness in considering my request.

Sincerely Yours,



Dennis Szokolay

Ds/sc

Paula P Bratto

From: Gerald Emanuel [gemanuel@wideopenwest.com]
Sent: Wednesday, November 30, 2005 3:24 PM
To: Paula P Bratto
Subject: Rezoning B-1 to H-S, Gas Station, Rochester Rd at Charrington Drive.

Planning Commissioners,

This is to express our opposition to the subject rezoning proposal which we and a number of concerned residents in the immediate neighborhood intend to protest at the City Council hearing. We are well aware that this same proposal by the same petitioner was rejected by the Council several months ago for valid reasons which took into account our collective objections at that time. We have no reason to believe that any circumstances have changed in the meantime which could possibly support a reversal of the Council decision. We believe that this rezoning proposal should be denied again, hopefully with some finality.
Would you please register this message in connection the matter.

Sincerely,

Gerald and Breda Emanuel.
1111 Charrington Dr,
Troy, Mi, 48083.

Paula P Bratto

From: jjboling [jjboling@wideopenwest.com]
Sent: Sunday, November 27, 2005 10:08 PM
To: Paula P Bratto
Subject: Rezoning at Charring Drive and Rochester Road

Planning Commissioners;

We are writing in opposition to rezoning from B-1 to H-S. Our reasons remain as the same as a few months ago when the partitioner requested the same rezoning. Your commission approved but the City Council denied this rezoning.

Simply put, it will create more traffic congestion; it will definitely impact our neighborhood for the worse since it backs directly on residential property: it is not needed (you have just approved of a Buscemi Party Store only two blocks away); the site will require many variances; it will cause drainage problems because on a elevation at the rear of the property. Our neighborhood protest will take place at the City Council level.

We received a site plan for the proposed change from the Planning Dept. We thought no one can take into account for site plans when considering a zoning change. We may be wrong.

Sincerely, James and Jeanette Boling 1125 Charrington Drive Troy 48083