Date: May 25, 2006

To: John M. Lamerato, Acting City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Mark F. Miller, Planning Director

Subject: Agenda Item – PUBLIC HEARING – REZONING APPLICATION (Z 704) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2

RECOMMENDATION

The rezoning application is compatible with surrounding land uses and zoning districts. Further, the request is consistent with the existing B-2 zoning located south of Vanderpool. The Planning Commission held a public hearing on this item on April 11, 2006 and recommended approval of the rezoning request. City Management agrees with the Planning Commission and recommends approval of the rezoning request.

RELATIONSHIP TO FUTURE LAND USE PLAN

The subject property is designated as non-center commercial on the Future Land Use Plan. Both the B-3 and H-S zoning districts correlate with the non-center commercial future land use designation. Most of the uses permitted in the proposed B-2 district are permitted in the B-3 district; however, the B-3 district includes a wider range of uses. Within the B-3 district, the front yard setback is 40 feet and the rear yard setback is 30 feet. The proposed B-2 district setbacks are greater; the front yard setback is 75 feet and the rear yard setback is 30 feet. Therefore, the potential land uses are less intensive within the proposed B-2 district and the building setbacks are greater, when compared to the future planned B-3 district.

The proposed rezoning would extend the existing western boundary of B-2 property to line up precisely with the abutting property to the south, which is also within the B-2 zoning district. This proposed B-2 boundary extends slightly further to the west than the B-3 district to the north and across Vanderpool. However, the depth of the proposed B-2 zoning towards the west is consistent with properties along the western side of the Rochester Road corridor, between Big Beaver and Wattles.

GENERAL INFORMATION

Name of Owner / Applicant:
The owners of the property are Glenn and Barbara Carter. The applicant is John Glasnak of Troy-Rochester Properties, LLC.

Location of Subject Property:
The property is located on the south side of Vanderpool, west of Rochester Road and east of Ellenboro, in Section 22.

Size of Subject Parcel:
The parcel is approximately 0.5 acres in area.

Parcel History:
The applicant submitted an application to rezone the subject parcel on May 16, 2005. The Planning Commission recommended approval of the rezoning request on June 14, 2005. City Council denied the request on August 1, 2005. The applicant modified the site plan by eliminating the entry drive on Vanderpool.

Current Use of Subject Property:
The subject parcel is a single family residence.

Current Zoning Classification:
R-1E One Family Residential.

Proposed Zoning of Subject Parcel:
B-2 Community Business.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to acquire three City-owned remnant parcels that abut the subject parcel to the east. The four parcels will be combined and developed as a Dunkin Donuts restaurant. Rezoning and combining these parcels creates a desirable commercial site. The applicant has provided a site plan that indicates all traffic will enter the site from Rochester Road. The site plan also proposes a 6-foot high screen wall on the western property line and significant landscaping on the east side of the wall.

The remnant parcels are Lot 42 and part of Lots 43 and 45 of Supervisor's Plat Number 17. The subject parcel is part of Lot 41 of Supervisor's Plat Number 17. The purchase of the remnant parcels will be approved upon the rezoning request being granted.

Current Use of Adjacent Parcels:
North: Single-family residential.
South: Troy Point Plaza (retail strip mall).
East: Vacant.
West: Single-family residential.

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

ANALYSIS

Range of Uses Permitted in Proposed B-2 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Any retail business or service establishment permitted in B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions,

Any retail business whose principal activity is the sale of merchandise in an enclosed building, except for those limited to or first permitted in the B-3 General Business District.

Any service establishment of a showroom or workshop nature, of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic studios and reproduction and similar service establishments that require a retail adjunct.

Business establishments which perform services on the premises, such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices.

Private clubs, fraternal organization, and lodge halls.

Restaurants, or other places serving food or beverage, except those having the character of a drive-in or open front store.

Theaters, assembly halls, concert halls or similar places of assembly, when conducted completely within enclosed buildings.

Business schools and colleges or private schools operated for profit, not including nursery schools.

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 Accessory to Principal Uses Within B-2 Districts, Apart from Restaurants

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

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

Drive-Up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District

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-2 District as follows:

A. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies.
B. Recreational space providing shuffleboard, miniature golf, tennis, or similar outdoor recreation, when part of a planned development.
C. Outdoor driver training and testing areas on or abutting the site of a driving school.

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

Facilities within a retail establishment for installation, in vehicles, of items sold at retail at that location.

Vehicular and Non-motorized Access:
The parcel fronts on Vanderpool.

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 Non-Center Commercial designation does not correlate with the B-2 Zoning District. However, the B-2 district is a commercial zone as is B-3, and the B-2 district is less intense in terms of potential uses than the B-3 district. Further, the request is an expansion of an existing B-2 zoning district. The Rochester Road frontage has been planned for Non-Center Commercial since 1965.

Compliance with Location Standards:
The B-2 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

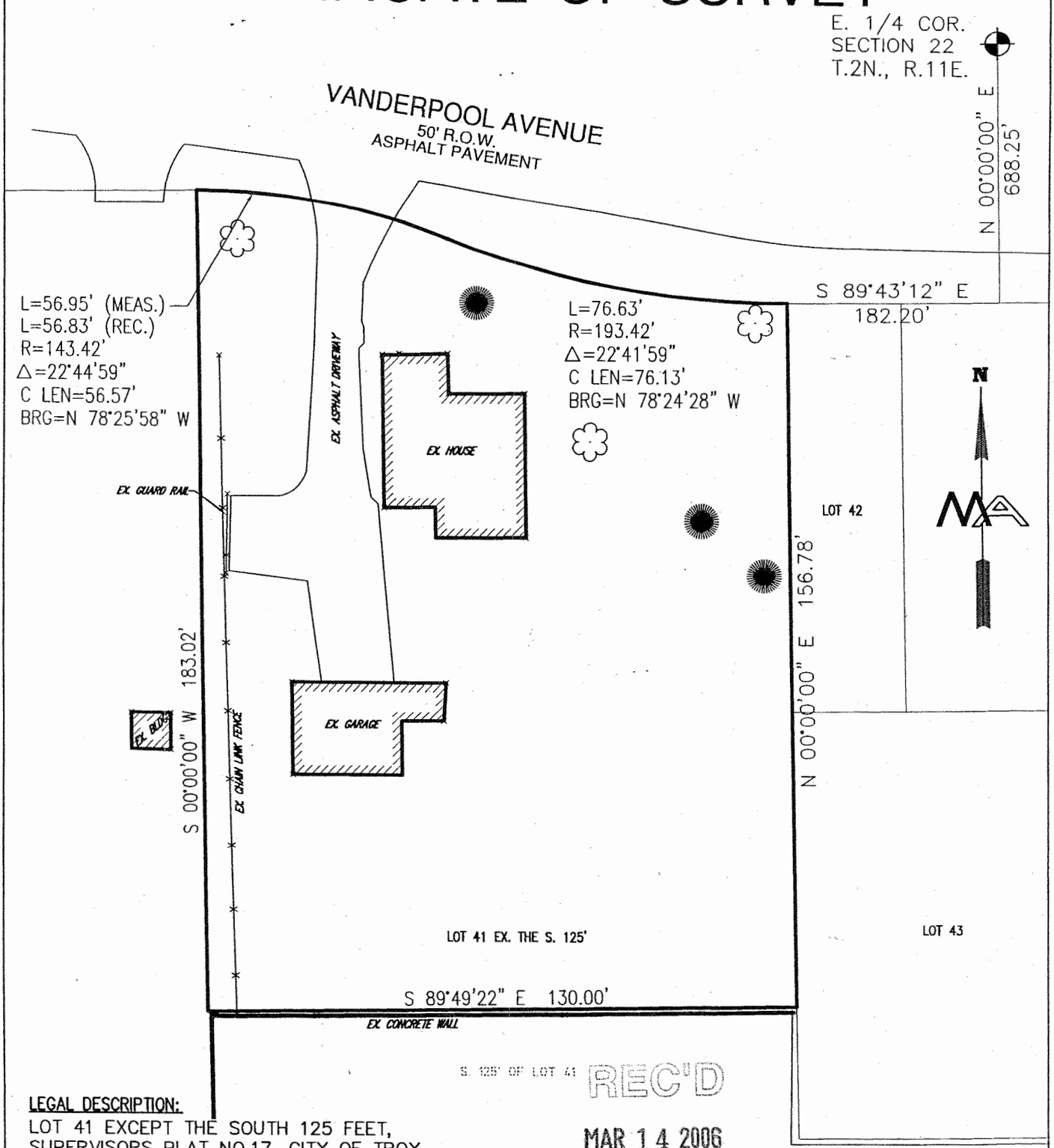
Attachments:
1. Maps.
2. Statement of Applicant.
3. Letters of opposition (3).

Prepared by RBS, MFM

cc: Applicant
File / Z 704

G:\REZONING REQUESTS\Z-704 DUNKIN DONUTS SEC 22\CC Public Hearing_06 05 06.doc

CERTIFICATE OF SURVEY



REC'D
MAR 14 2006
PLANNING DEPT.

LEGAL DESCRIPTION:

LOT 41 EXCEPT THE SOUTH 125 FEET, SUPERVISORS PLAT NO.17, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

REC'D
MAY 16 2005
PLANNING DEPT.

THOMAS M. SMITH

R.L.S. No. 31606

EX. BUILDING

0' 30' 60'

SCALE: 1"=30'

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:

STATE OF MICHIGAN — THOMAS M. SMITH — LICENSED SURVEYOR

SURVEYOR'S SEAL

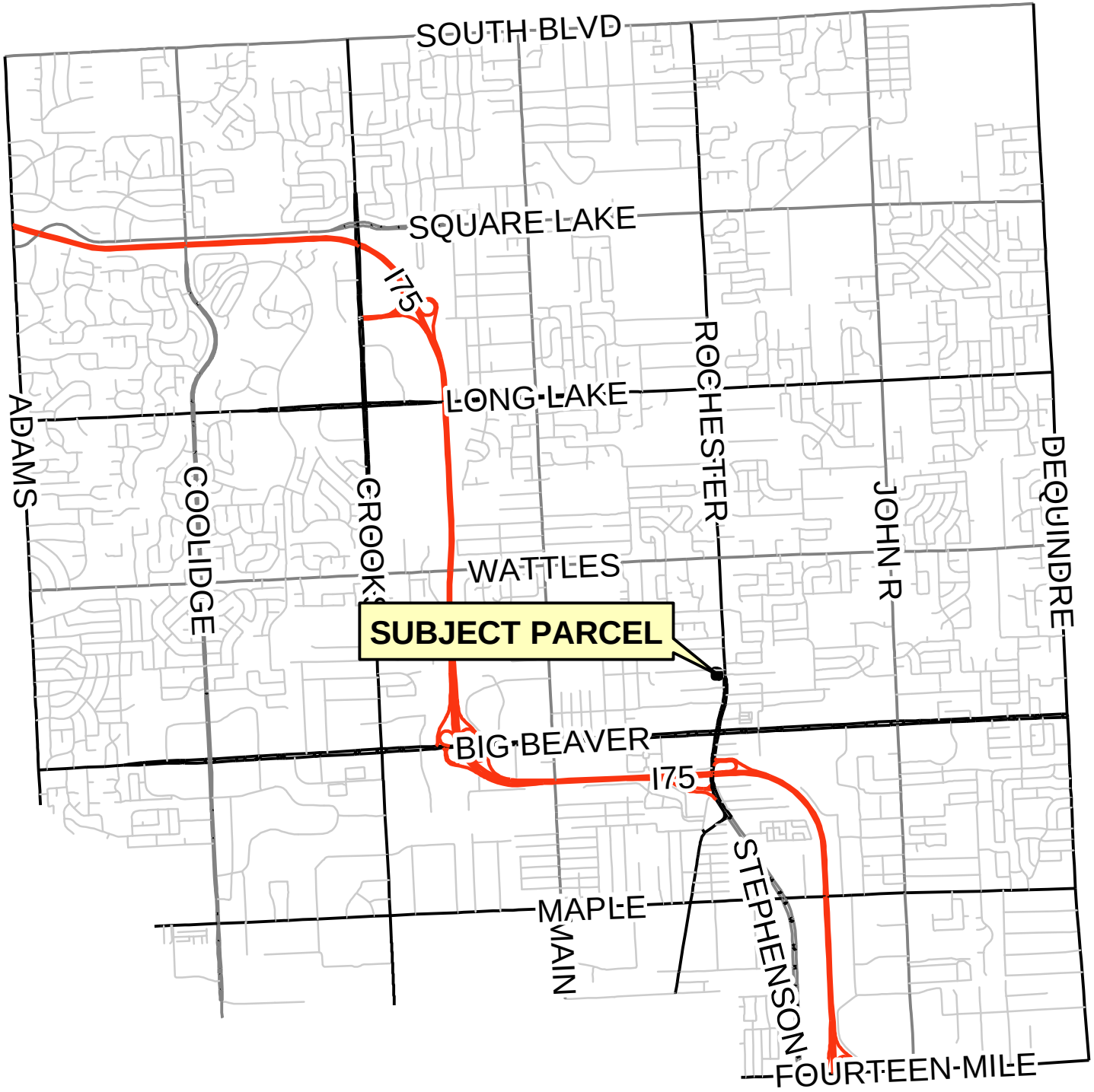
MICKALICH and ASSOCIATES, INC.
CIVIL ENGINEERING SURVEYING PLANNING
2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI. 48309
INTERNET:WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY MLB JOB No. 05-135

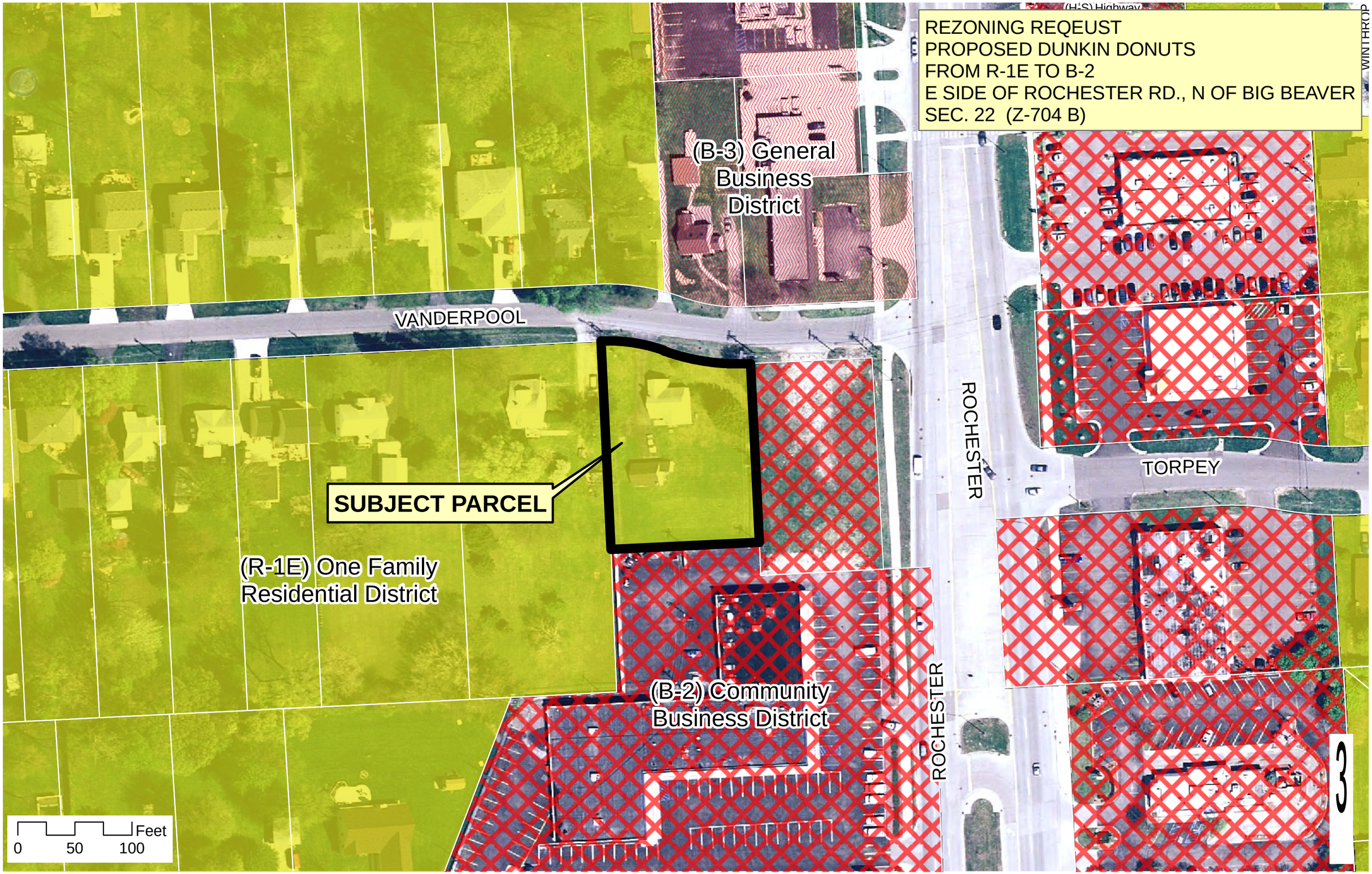
DATE 05/13/04 SHEET No. 1 OF 1 SCALE 1"=30'

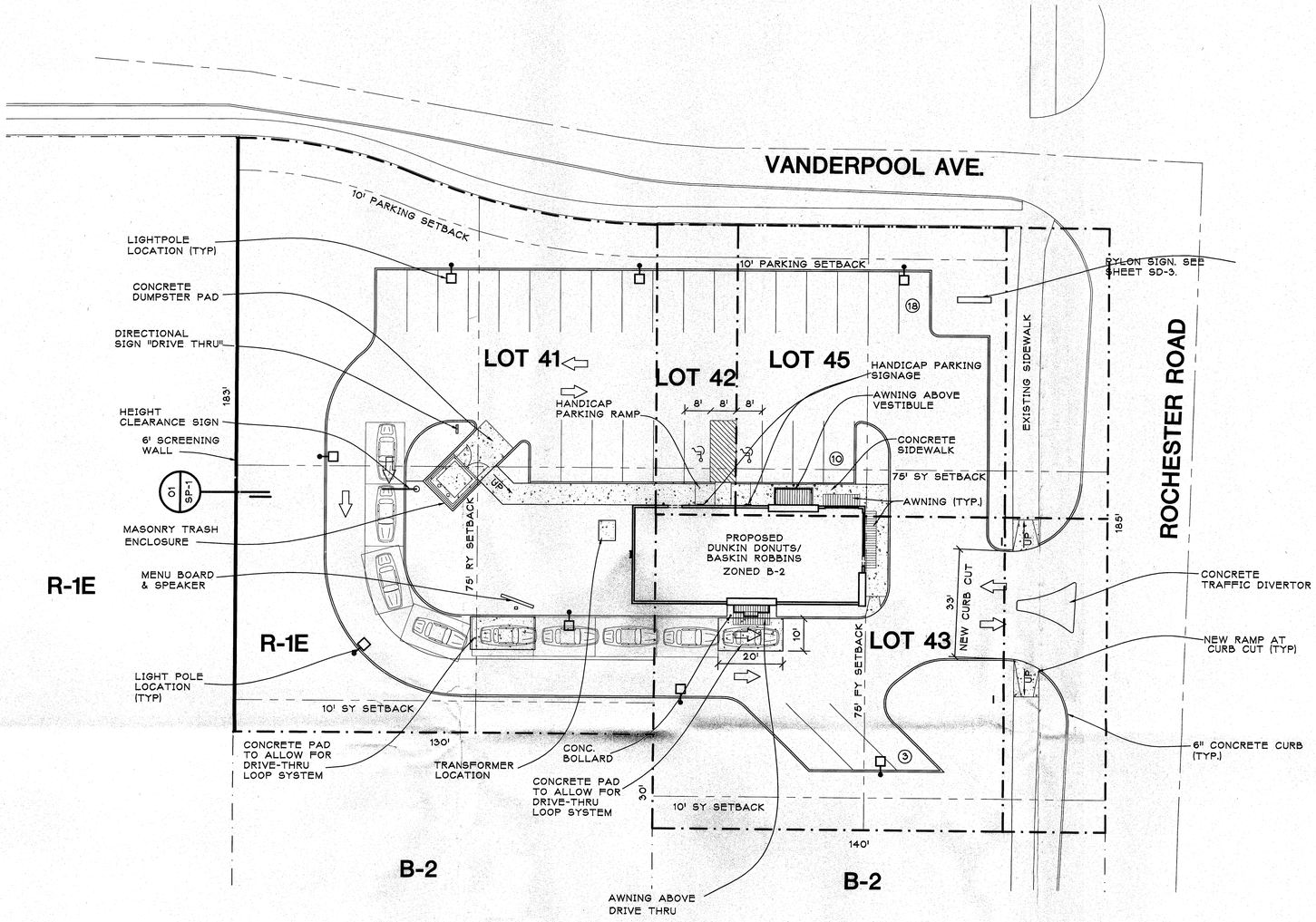
DESCRIPTION
LOT 41 EXCEPT THE SOUTH 125'
SUPERVISORS PLAT NO.17

CITY OF TROY

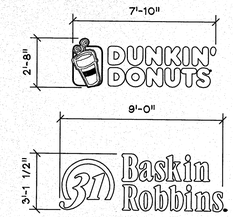

SOUTH BLVD
SQUARE LAKE
I75
LONG LAKE
ADAMS
COOLIDGE
CROOKS
ROCHESTER
JOHN R
DEQUINDRE
WATTLES
SUBJECT PARCEL
BIG BEAVER
I75
MAPLE
MAIN
STEPHENSON
FOURTEEN MILE

REZONING REQEUST
PROPOSED DUNKIN DONUTS
FROM R-1E TO B-2
E SIDE OF ROCHESTER RD., N OF BIG BEAVER
SEC. 22 (Z-704 B)
VANDERPOOL
SUBJECT PARCEL
ROCHESTER
ROCHESTER
TORPEY
WINTHROP
Feet
0
50
100
3


REZONING REQEUST
PROPOSED DUNKIN DONUTS
FROM R-1E TO B-2
E SIDE OF ROCHESTER RD., N OF BIG BEAVER
SEC. 22 (Z-704 B)
(B-3) General Business District
VANDERPOOL
SUBJECT PARCEL
(R-1E) One Family Residential District
(B-2) Community Business District
ROCHESTER
ROCHESTER
TORPEY
WINTHROP
Feet
0
50
100
3

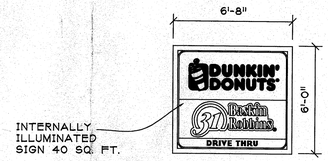


SITE PLAN
SCALE: 1"=20'-0"



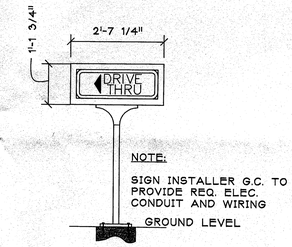
BUILDING WALL SIGNAGE
SCALE: 1/4" = 1'-0"

DUNKIN DONUTS SIGNAGE = 21 SQ. FT.
BASKIN ROBBINS SIGANGE = 28 SQ. FT.
TOTAL WALL SIGNAGE = 49 SQ. FT.



BUILDING WALL SIGNAGE
SCALE: 1/4" = 1'-0"

TOTAL WALL SIGNAGE= 40 SQ. FT.



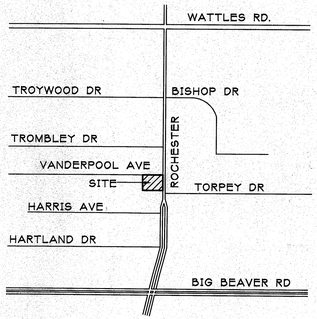
SIGN DETAIL (TYP.)
SCALE: 1/2" = 1'-0"

TOTAL SQUARE FOOTAGE = 2.98 SQ. FT.

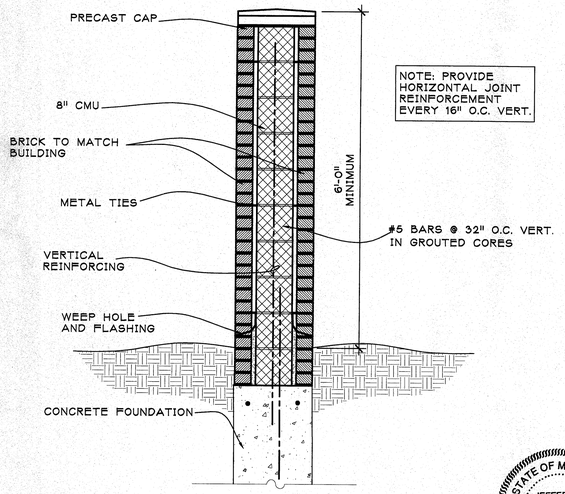
DETAILS OF DEVELOPMENT			
DATA		REQUIRED	PROVIDED
ZONING		B-2 COMMUNITY BUSINESS DISTRICT	
SETBACKS	FY- ROCHESTER	75'	83'-0"
	SY- VANDERPOOL	75'	80'-0"
	SY-WEST	20'	40'-0"
	RY	75'	122'-0"
NET LOT AREA (SQ.FT)		43,560 SQ.FT.	42,092 SQ.FT.
GROSS FLOOR AREA			2385 SQ.FT.
USEABLE FLOOR AREA			1855 SQ.FT.
BUILDING COVERAGE			5.7%
BUILDING HEIGHT		30'-0"	21'-4" -1 STORY
SEATING CAPACITY		20	
DINING/SEATING AREA SQ.FT.		300 SQ.FT.	
EMPLOYEES			4
DRIVE THRU STACKING		9	9
PARKING BASED ON 300 sq. ft.: 1 PER 35 SQ.FT. DINING AREA + 1 PER 2 SEATS		19	31
HANDICAPPED PARKING		2	2

LEGAL DESCRIPTION

LOT 42, ALSO LOT 43 AND 45 EXCEPT THE EAST 42 FEET TAKEN FOR ROAD, AND LOT 41 EXCEPT THE SOUTH 125 FEET, SUPERVISORS PLAT NO.17, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

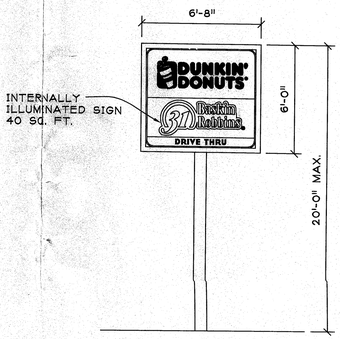


LOCATION MAP
NO SCALE



01 SP-1 **SCREEN WALL SECTION**
SCALE: 3/4"=1'-0"

STATE OF MICHIGAN
JEFFERY A. SCOTT
ARCHITECT
No. 36845
LICENSED ARCHITECT



TYPICAL PYLON SIGN
SCALE: 1/4" = 1'-0"

TOTAL SQUARE FOOTAGE = 80 SQ. FT.

REC'D
MAR 14 2006
PLANNING DEPT.

DUNKIN' DONUTS Baskin Robbins DUNKIN' Donuts [ecdrinkout]

jeffery a. scott architects p.c.
32316 grand river ave. suite 200
farmington, michigan 48336-3261
(248) 476-8800 fax (248) 476-8833

NO	DESCRIPTION	DATE
1	BIDS/PERMITS	2/27/06
2		
3		
4		
5		
6		
7		

REVISIONS

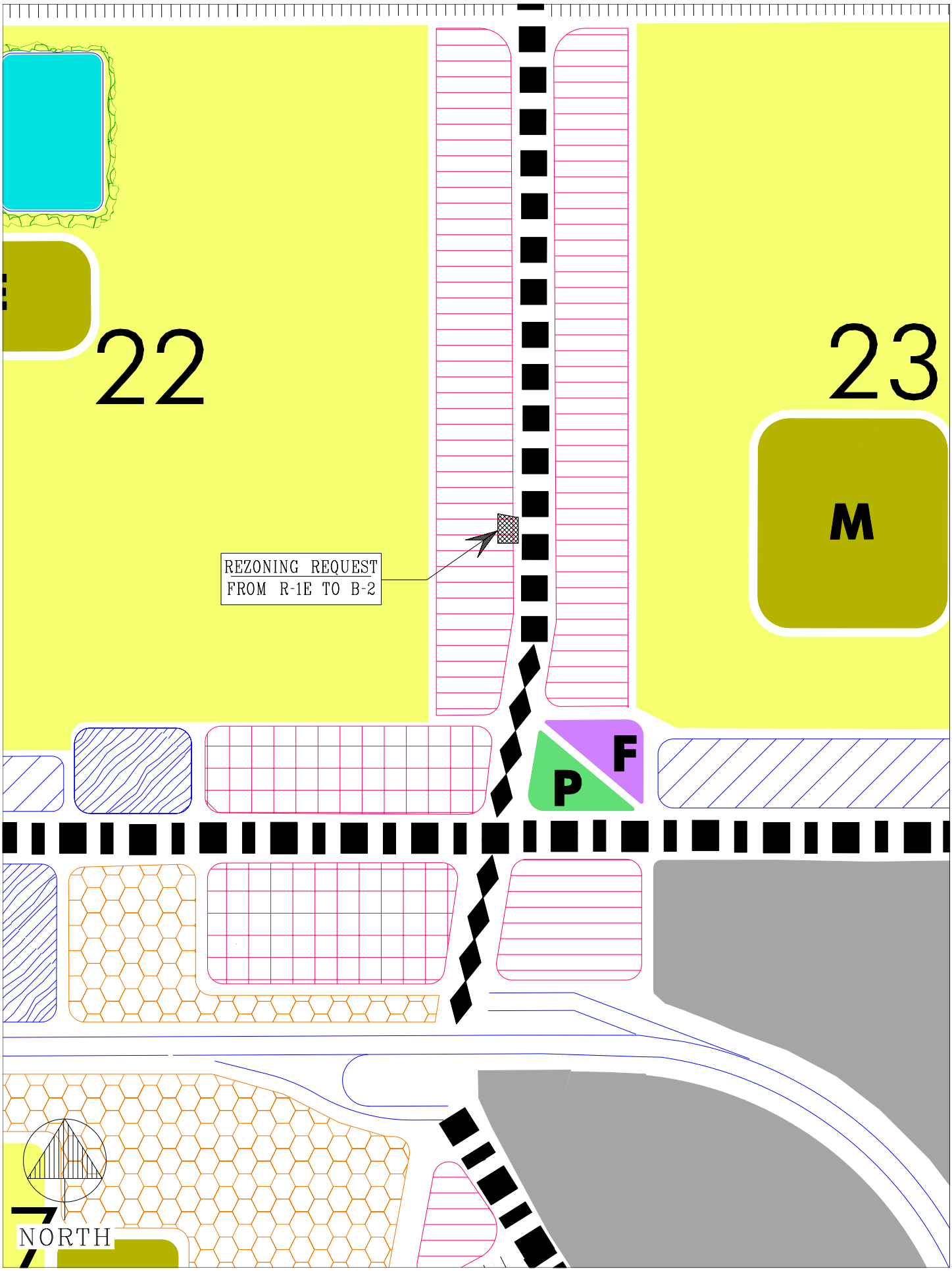
DATE	2/27/06
SCALE	VARIES
DRAWN	MB
CKD	MAB
APPD	MAB

SITE PLAN
ROCHESTER RD & VANDERPOOL AVE.
TROY, MI 48083
PC# 342707

JSA JOB NO.
0505.3

SHEET NO.
SP-1

#5


22
23
M
REZONING REQUEST
FROM R-1E TO B-2
F
P
NORTH

ATTACHMENT TO
REZONING RQUEST
980 VADERPOOL, TROY, MICHIGAN

STATEMENT OF APPLICANT

The applicant believes that the zoning change requested is necessary to make the adjacent parcel, which is owned by the City of Troy and which is proposed to be sold to applicant, a buildable parcel. By joining this parcel, as rezoned, with the City parcel, a much more desirable building site is achieved. The adjacent properties on Rochester Road consist of other retail developments, and the rezoning of this parcel should not have any negative impact on the adjacent properties or other persons located in the vicinity thereof.

Mark F Miller

From: Cynthia A Stewart
Sent: Tuesday, May 23, 2006 10:01 AM
To: Brian P Murphy; Mark F Miller
Subject: FW: Rochester and Vanderpool rezoning

-----Original Message-----
From: Virginia LaBute [mailto:vlabute@easternoil.com]
Sent: Monday, May 22, 2006 4:33 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Rochester and Vanderpool rezoning

Good afternoon,

I feel compelled to contact each of you regarding the fact that the issue of a Dunkin Donuts at the corner of Vanderpool and Rochester is once again being brought to council despite your decision rejecting the proposal several months ago.

I was stunned to hear from a woman at the planning committee that they can continue to bring issues back in to the council meetings as long as someone wants to put up the $1,500.00. This seems like a colossal waste of city resources as well as showing very little respect for the decision of the council members. I was even told that Mr. Miller stated that the issue is being brought back up again because planning didn't agree with your decision.

It was shown that the placement of a Dunkin Donuts in an already unsafe area (the 3 lane wide, turn lane on Rochester is known as dead man's turn lane) would not only add to the traffic issues in the area, it would also endanger children being picked up and dropped off at that same corner as well as school buses moving through the turn lane to go to Baker. I know that I and many of the parents in the area will not allow our children to cross Rochester at the light one block north at Charrington because drivers routinely ignore the red light there. This proposed Dunkin Donuts would only make the problem worse.

The corner is at the entrance to a dead end street. We often wait 3 to 5 minutes to enter onto Rochester road due to heavy traffic and drivers who ignore that red light one block down. There is no way to provide safe entrance or exit to/from this facility. I am sure that you are all aware of the traffic issues on Rochester Road in this area.

I understand that the planning committee is eager to create additional tax income for the city however, the citizens of Troy need to be considered in this process. We all came together at the prior council meeting and we will all come together for this one. We very much appreciated your hearing our concerns and keeping them in mind when you made your decision. We hope you will stick by the good decision you made, despite pressure from the planning committee.

Thank you for your time and service to the community.

Sincerely,

Virginia LaBute

636 Vanderpool

Troy, MI 48083

"If we have no peace, it is because we have forgotten that we belong to each other."
-- Mother Teresa

PEACE by Piece(s)...

2 04-15
Agenda # 5

Paula P Bratto

Dunkin Donuts

From: Chuck & Jenny Burke [jenandchuck@wowway.com]
Sent: Monday, April 10, 2006 2:03 PM
To: Paula P Bratto
Subject: Rezoning Issue

Hello,

We are residents on Vanderpool and are writing to you regarding the upcoming rezoning issue for the Dunkin' Donuts on the corner of Rochester Road and Vanderpool.

We circulated a protest petition last summer when this issue first came up and got over 75% of the houses on our street to sign the petition to stop the residence from being rezoned commercial. We also appeared at the Troy City Council meeting and spoke against this issue last August.

We are still against this property being rezoned for commercial purposes. We fully understand that the corner lot is commercial and a business will purchase that property at some point and build upon it. Our issue is that we do not see the need for a residence to be rezoned commercial.

I have lived in Troy since 1974 and have been proud to watch it grow. However, some of that pride is gone as I drive around town and see the large number of lots that have "will build to suit" or "for lease" signs on them. We have plenty of commercial property already in Troy that we can't lease or sell, why must we tear down a home and rezone the lot commercial? Just a few short weeks ago the headlines in the local papers was that Troy needed more workplace housing, it did not say Troy needed more commercial property.

I realize that it would be a huge benefit to Troy to welcome this franchise to our city, I just feel that the city should be helping this company to find a suitable lot that is already commercially zoned and not taking the easy way out and redesignating a residential lot for commercial use.

There are several other issues with putting this type of business on this lot. The residents on our part of Vanderpool have only one way in and out of our street. At morning rush hour (which lasts from about 6:30 to 9am) we already have a tough time getting out of our street onto Rochester Road - the only way to get out is to wait for the light to the north of Vanderpool which can take anywhere from 3 minutes to 10. Putting a Dunkin Donuts there will compound this problem as their customers will be entering and exiting the store during the morning commute, even by only putting an entrance/exit off Rochester it will cause the traffic to back up in front of our street preventing us from exiting our street. As one of our neighbors also pointed out, her child waits for the bus at this intersection and she is greatly concerned for her child's safety with the traffic that would be entering Dunkin Donuts in the morning. Another concern is that we do not have a boulevard in front of our street, just a very wide median that is already very accident prone, and during the morning rush for Dunkin Donuts the buses for Baker Middle School have to enter and exit through this wide median causing greater traffic issues for the bus drivers.

Another concern particularly of the neighbors surrounding this piece of property is that it will lower their property values. Rezoning this property would be unfair to them. Additionally we heard at the City Council meeting that there are several other streets in our area with businesses built down the street as is being proposed here, for example on Trombley and Charrington, to name a few. However, in the other cases, none of those businesses face residences or are even close to one and that is what would happen on Vanderpool. The Dunkin Donuts would directly face a residence and two others would be in very close proximity to it.

Again, we are not against Dunkin Donuts moving to Troy, we just feel that it should be located on an already designated commercial lot and that a residence should not be torn down and the lot be redesignated commercial to do it. There are plenty of commercial lots available in Troy that would be suitable for this type of store and the residents of Vanderpool should not be punished by tearing down a home on our street to make way for this business.

Thank you for your time.

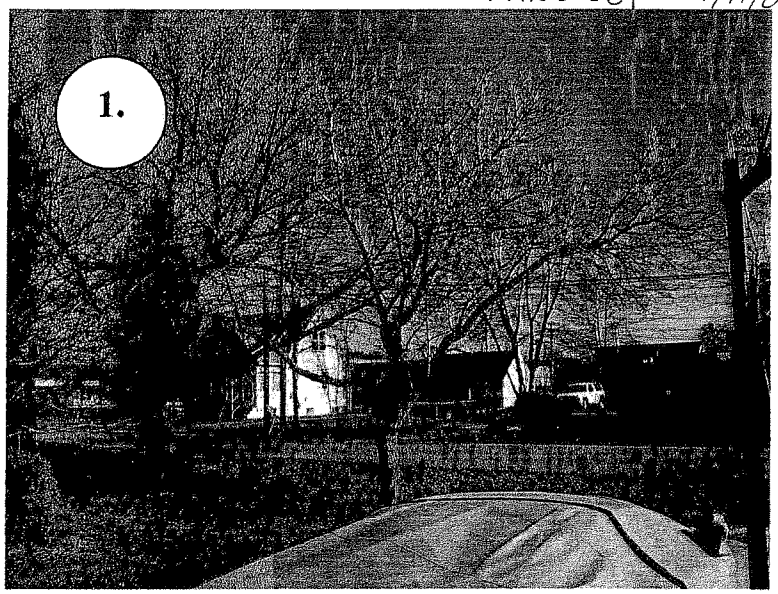
Sincerely,

Item # 5

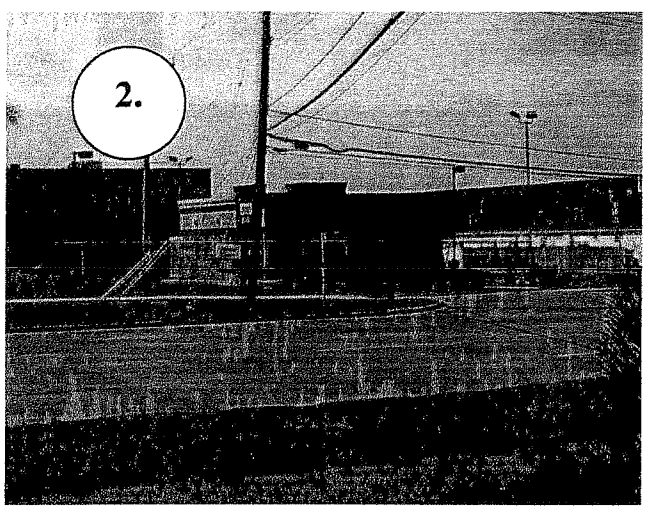
Charles and Jennifer Burke
803 Vanderpool
248-743-2656

943 Vanderpool HAND-OUT 4/11/06 P.C.

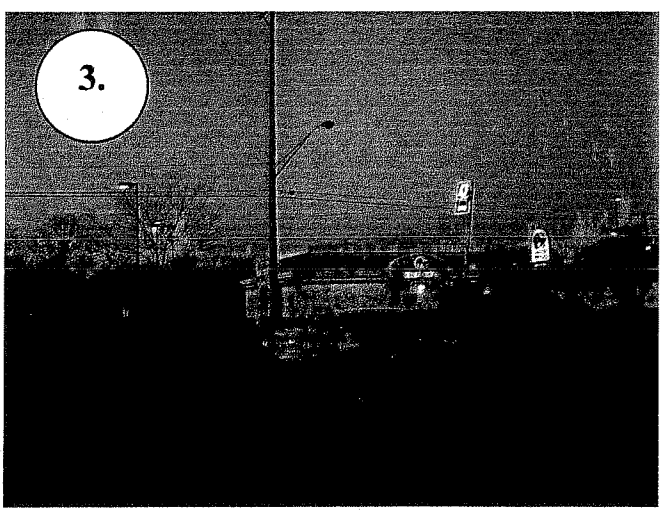
- Proposed re-zoning is encroaching on a residential area, and it is not necessary (figure 1).
- Re-zoning proposed to make room for drive-thru which is not required (per franchise policy, example in figure 2).
- Alternate site plan possible (figure 3).
- Alternate location possible (figures 4 and 5) among others.
- Less expensive to buy residential and re-zone than buy commercial property at the expense of residents.
- New establishment will benefits one person, but a financial setback and inconvenience to many.
- Proprietor has finances to seek more expensive alternative.



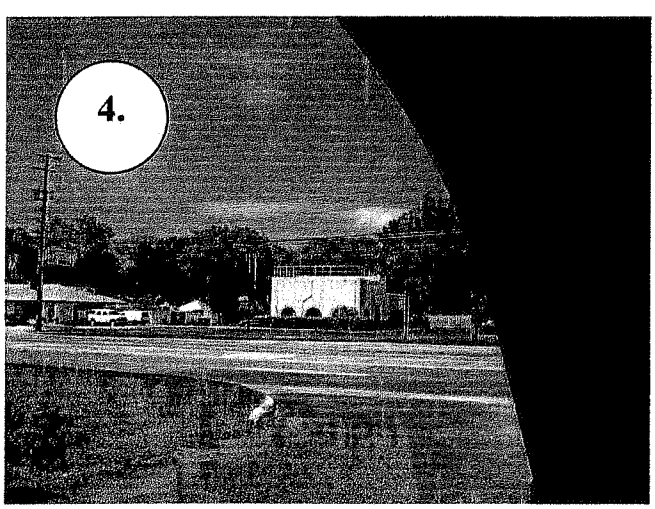
Re-zoning would extend commercial boundary to this fence.



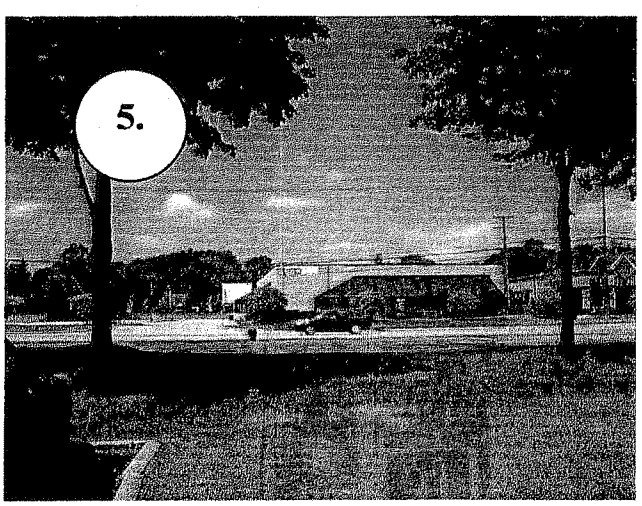
This Dunkin' Donuts/Baskin Robbins located on Rochester Road, north of M-59 doesn't have a drive-thru.



Taco Bell in Warren oriented 90-degrees to accommodate a drive-thru without re-zoning residential.



Old Taco Bell N. of Big Beaver. This is a suitable location for a donut shop.



DSW Shoe Warehouse would provide ample acreage for a donut shop with a drive-thru.

Z-704-B
HANDOUT 4/11/06 P.C.
LAURA BALYEAT
9605 VANDERPOOL

Planning:

A) You have heard from Jennifer Burke, I am in agreement with everything she stated in her letter to you. Including available space, traffic, etc.

B) While the residents, if forced to have this building built prefer the new design, those opposed are still opposed to having it built at all.

C) Should the residential property be rezoned, there is no turning back. Nothing prevents a 7-11 or anything else less desirable being built there. So any previous arguments that we should be pleased it is a Dunkin' Donuts rather than a 7-11 is really not a viable argument.

D) If you look at other available spaces up and down Rochester road, easy access from those homes across Rochester have streets exiting the subs with lights (Bishop, etc.) The street across from the proposed location ...the only access road to the middle school does not have a light. A couple years ago a neighbor on our street was hit and killed by a car while trying to cross Rochester road at 5 am. While the gentleman was mentally disabled, I would suggest that the judgement of middle schoolers might not be much better when it comes to crossing Rochester road for an icecream after school and that Rochester road at those times of the day would be far less safe than at 5:30 AM.

E) I realize that competition can be a good thing but in a stressed economy, small places such as Elaines Bagels and Troy Deli could, if Dunkin Donuts succeeds, take a fatal hit and we will have yet more empty building space on the street.

F) One of the main reasons Dunkin Donuts would like this residential piece of property rezoned commercial is that construction of their business on that property would cost considerably less to construct than it would if they were to build at a location that is already commercially zone and has a building on it. Frankly, there is no "greater community good"

associated with building a Dunkin Donuts on that corner. Our property values go down so they can save money. That hardly seems fair and in effect, we are being stolen from so they can save money. Homes are not selling, even if I wanted to move I could expect my house to remain on the market for at least a year. With the construction of the dunkin donuts it would not only mean I would get less for my home, but that it would be more difficult to sell at that decreased price. Greater community good may be an excuse the city could use in some instances to justify rezoning and hurting residential property values, but here, greater community good would apply only to encouraging them to build on other available, already commercially zone property on Rochester road. If they truly want to be on Rochester road, let it cost them, not the residents on the street

G) AND finally. If that property is rezoned commercial, I feel that it will very quickly encourage the rezoning of the Wiles property directly across the street from the Carters. ....along the same property line on the otherside of Vanderpool..... Which would further decrease our property values and would force me in the future to live directly next door to some commercial structure such as a drug store or 7 -11.

Keeping the property in this neighborhood residentially zoned is important not only for me and the other residents but for future city planning as well. I have tried to be an empty nester... it didn't work so well, but I have hopes it will happen again. When I move next... I would like to stay in Troy, but the condo type housing being built here is almost discriminatory...not by plan but by result. The reasonably affordable condos have stairs... and lots of them...those at 16 and Rochester, 15 and coolige, etc. They are great as long as we can manage the stairs....My knees are good, but I know a lot of guys who played football whose knees aren't and by 60's they really need to have a place with as few stairs as possible. Also, as the local paper noted... we don't have any affordable workforce housing. My son and his fiancé make nice money between them, but they are 25 and 27 year old college grads and they couldn't afford to buy their first home here. They and their friend have decided to plant their roots EOD...East of

Dequindre. We need reasonably priced, starter priced housing in this community and this area is really very suited to that... and we need our young people to feel they have the opportunity to remain in Troy.... We educated them here, they like it here, but they can't afford to stay and we do not reap the benefits of our investment in them. Please... Both specifically and in general... please stop rezoning any more of this area of Troy out of residential zoning.

AFTER MAY 9th

FOR DATE ON CITY COUNCIL agenda

please