

DATE: August 8, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item – Rezoning Application – Proposed Binson’s Home Health Care Center, Northwest corner of Rochester and Marengo, Section 3 – R-1B to B-1 (Z 180-B)

RECOMMENDATION

The application does not comply with the Future Land Use Plan. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions. While the proposed zoning district may appear to be compatible with the retail development to the south, this development is also non-compliant with the Future Land Use Plan. This rezoning application would result in the enlargement of an undesirable commercial spot zone on the Rochester Road corridor that is planned for medium density residential use. Furthermore, it could open the door for further commercial rezoning applications along the Rochester Road corridor.

The Planning Commission recommended denial of the rezoning request at the June 14, 2005 Regular Meeting. On August 1, 2005, City Council postponed the item to the first Regular City Council meeting in March 2006. On March 6, 2006, City Council postponed the item to the first Regular City Council meeting in August, 2006. City Management recommends denial of the rezoning application.

BACKGROUND

City Council initiated an amendment to the Future Land Use Plan in August, 2005. The Planning Commission developed a draft amendment of the City of Troy Future Land Use Plan for the Rochester Road Overlay District. The draft amendment proposes flexibility for future development along the Rochester Road Corridor through the application of an overlay zoning district. At the May 23, 2006 Special/Study meeting, the Planning Commission submitted the draft amendment to City Council for approval of distribution of the Plan amendment for review and comment, as per the Municipal Planning Act. On July 24, 2006, City Council approved distribution of the draft Plan amendment. The mailing list and notice language have been prepared and will be distributed to neighboring communities, the County planning commission and public

utilities and railroads within the City the week of August 7, 2006. These entities have between 65 and 95 days to review the draft Plan amendment and provide comment to the Planning Commission.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner is Fred Flaim. The applicant is James Gerback.

Location of Subject Property:

The property is located on the northwest corner of Rochester and Marengo, in Section 3.

Size of Subject Parcel:

The parcel is approximately 39,000 square feet in area.

Current Use of Subject Property:

The subject property is currently vacant.

Current Zoning Classification:

R-1B One Family Residential District.

Proposed Zoning of Subject Parcel:

B-1 Local Business District.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to construct a one-story, 8,600 square foot retail development on the property.

Current Use of Adjacent Parcels:

North: Single family residential.

South: Retail.

East: Woodside Bible Church and Northwyck PUD (PUD-1).

West: Single family residential.

Zoning Classification of Adjacent Parcels:

North: R-1B One Family Residential.

South: B-1 Local Business.

East: CR-1 One Family Residential Cluster and PUD-1.

West: R-1B One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed B-1 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Local retail businesses which supply commodities on the premises, for persons residing in adjacent residential areas, such as but not limited to: Groceries, meats, dairy products, baked goods or other foods dispensed for consumption off the site, hardware, drugs and pharmaceuticals.

Specialty shops such as, but not limited to: Antique shops, craft shops, and shops for the sale of gifts and notions.

Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.) beauty parlors and barber shops, and self-service laundries.

Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.

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

Professional services including the following: medical clinics, (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.

Post office and similar governmental office buildings, serving persons living in the adjacent residential area. Other uses similar to the above uses.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

City and School District buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water and sewage pumping stations, without storage yards.

Nursery schools, day nurseries and child care centers (not including dormitories).

Incidental Customer Seating as an accessory to food sales establishments,

Vehicular and Non-motorized Access:

The parcel fronts on both Rochester and Marengo.

Potential Storm Water and Utility Issues:

The applicant will be required to provide on-site storm water detention.

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 Future Land Use Plan classifies the Rochester Road frontage in this area as Medium Density Residential. The Medium Density Residential classification correlates with the R-1T Zoning District in the Plan. The application does not comply with the Future Land Use Plan.

Compliance with Location Standards:

The B-1 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

Attachments:

1. Maps.

cc: Applicant
File / Z 180-B

Prepared by RBS/MFM

G:\REZONING REQUESTS\Z-180 B BINSONS\CC Postponed Item Z-180 B 08 14 06.doc

LEGAL DESCRIPTION

LOTS 5, 6, 7, 8, AND 9 OF TROY LITTLE FARMS SUBDIVISION, ACCORDING TO THE PLAT THERE OF RECORDED IN LIBER 42 OF PLATS, PAGE 8 OF OAKLAND COUNTY, MICHIGAN.

NOTE

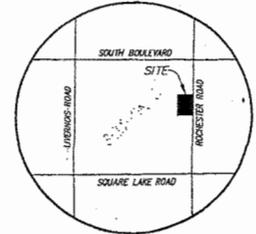
THIS SURVEY HAS BEEN COMPLETED WITH AVAILABLE RECORDS AND TITLE POLICY ENDING DATE AUGUST 8, 2003 AS PROVIDED BY CLIENT.

TO 300 PARK L.L.C.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (I) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, INCLUDES ITEMS 1, 2, AND 11A OF TABLE A THEREOF, AND (II) PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."

DATED 10-20-2010

CHARLES E. COLLIER
REGISTRAR



LOCATION MAP

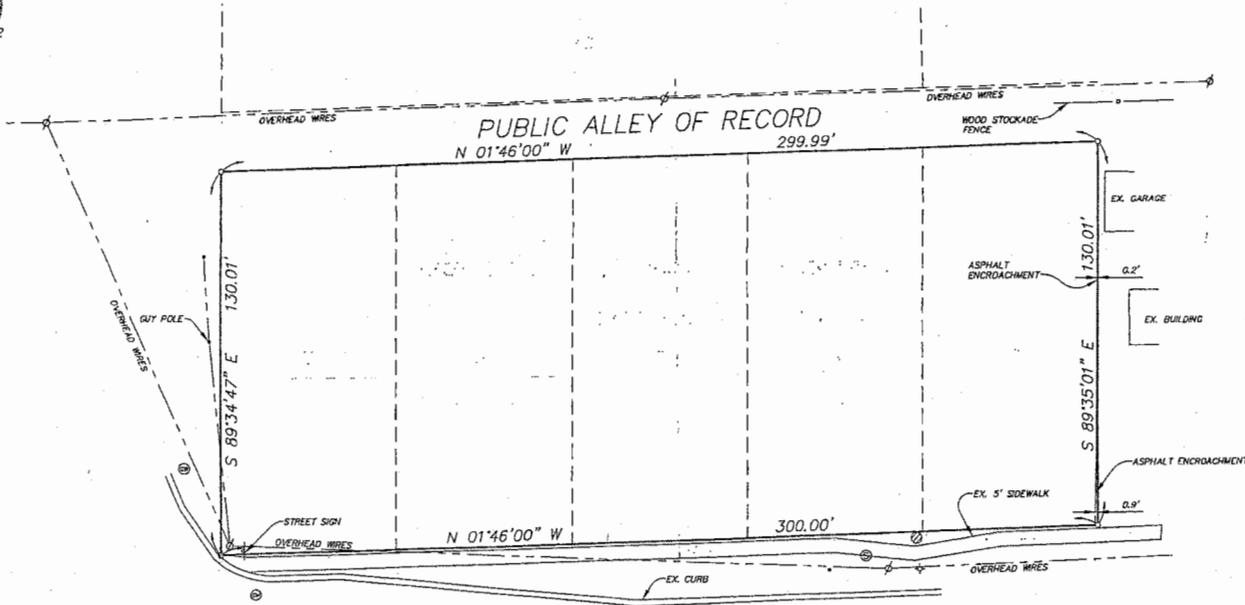
LEGEND

- SANITARY ——— SS ———
- STORM ——— ST ———
- WATERMAIN ——— W ———
- GUY ANCHOR ———
- UTILITY POLE ———
- MAILBOX ———
- LIGHT POLE ———
- GAS MAIN ——— G ———
- OVERHEAD WIRES ———
- SET IRON ROD ———
- FOUND IRON ROD ———
- SIGN ———
- ELECTRIC RISER ———
- GAS MARKER (MISS DIG FLAGS) ———



GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.



ROCHESTER ROAD

Pravison Land Surveying, Inc.
3 South State Street, Suite 9
Ann Arbor, MI 48103



REVISIONS

No.	Description	Date	By

SURVEYOR:
Steve Collin
Checked by: B. H. H. K.
Designed by: S. C.
Date: 10/28/10

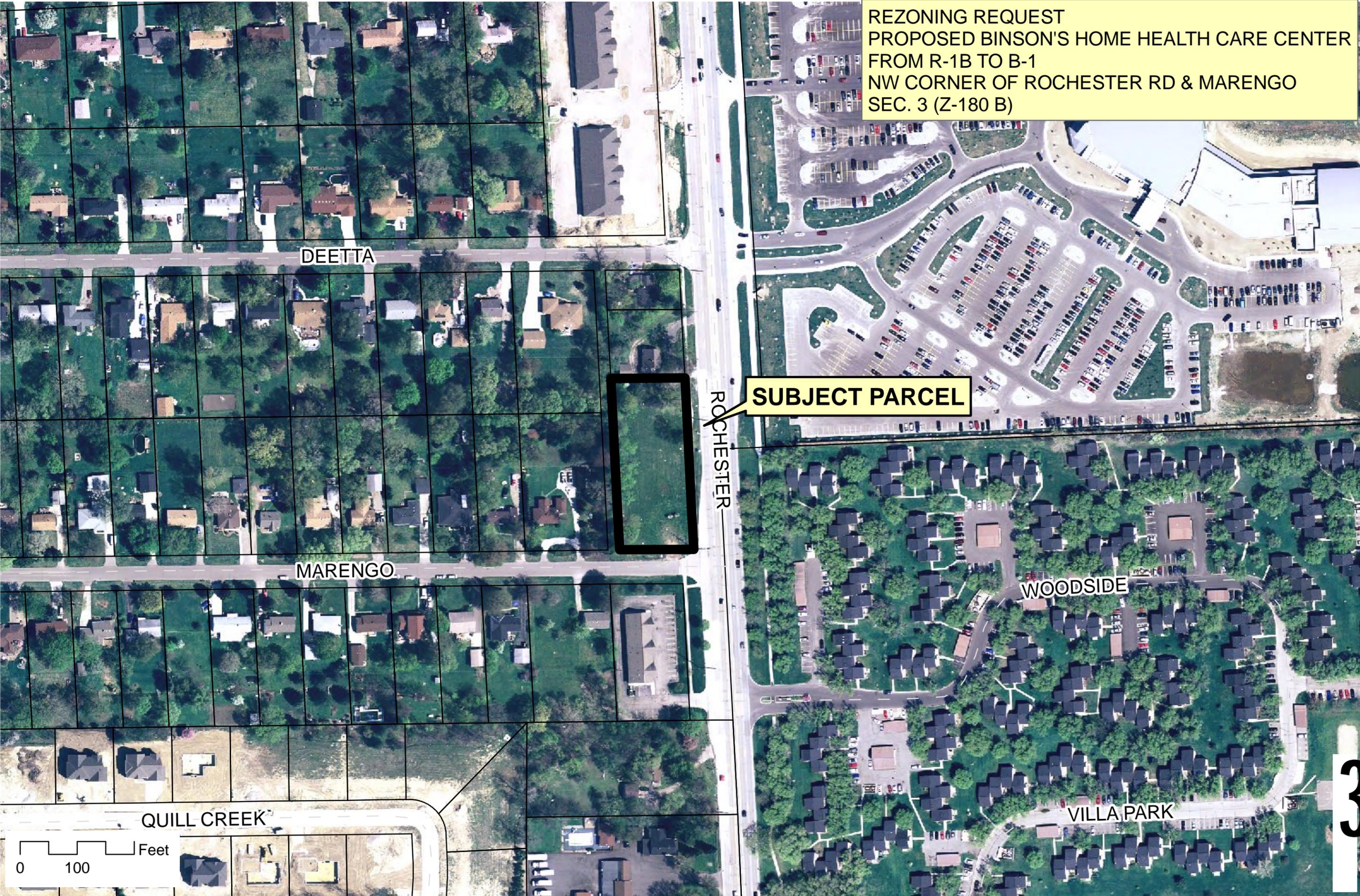
ALTA/ACSM SURVEY
STEVE COLLIN

04-5
SHEET
1

CITY OF TROY



REZONING REQUEST
PROPOSED BINSON'S HOME HEALTH CARE CENTER
FROM R-1B TO B-1
NW CORNER OF ROCHESTER RD & MARENGO
SEC. 3 (Z-180 B)



SUBJECT PARCEL

REZONING REQUEST
PROPOSED BINSON'S HOME HEALTH CARE CENTER
FROM R-1B TO B-1
NW CORNER OF ROCHESTER RD & MARENGO
SEC. 3 (Z-180 B)

CJ-32

(PUD)

DEETTA

SUBJECT PARCEL

ROCHESTER

MARENGO

(B-1)

WOODSIDE

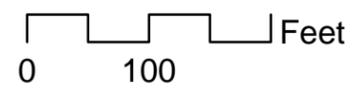
(CR-1)

(R-1B)

QUILL CREEK

VILLA PARK

(E-1)



3

3



REZONING REQUEST
FROM R-1B TO B-1



GOLF COURSE

