



## CITY COUNCIL REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Proposed Office Building, East of Livernois, South side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725)

### Background:

- A public hearing is scheduled for the March 19, 2007 City Council meeting.
- The Planning Commission recommended denial of the request to rezone the parcel to O-1 at the February 13, 2007 Regular meeting.
- The Future Land Use Plan classifies the Rochester Road frontage in this area as Public and Quasi-Public (Community Facility). The parcel has been planned as Public and Quasi-Public (Community Facility) since 1999.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

- City Council has the authority to act on this application.

### Policy Considerations:

- Denial of the rezoning request would be consistent with City Council Goal I, Enhance the livability and safety of the community.

Options:

- City Council can approve the rezoning application.
- City Council can deny the rezoning application.
- The Planning Commission recommended denial of the rezoning application on February 13, 2007.

Attachments:

1. Maps.
2. Statement from applicant.
3. Draft minutes from February 13, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

cc: Applicant  
File /Z 725

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REZONING REQUEST  
PROPOSED WATTLES RD. OFFICE BLDG.  
FROM R-1C TO O-1  
S SIDE OF WATTLES, W OF LIVERNOIS  
SEC. 22 (Z-725)



LANGE

CRESTFIELD

HANOVER

W WATTLES

E WATTLES

LIVERNOIS

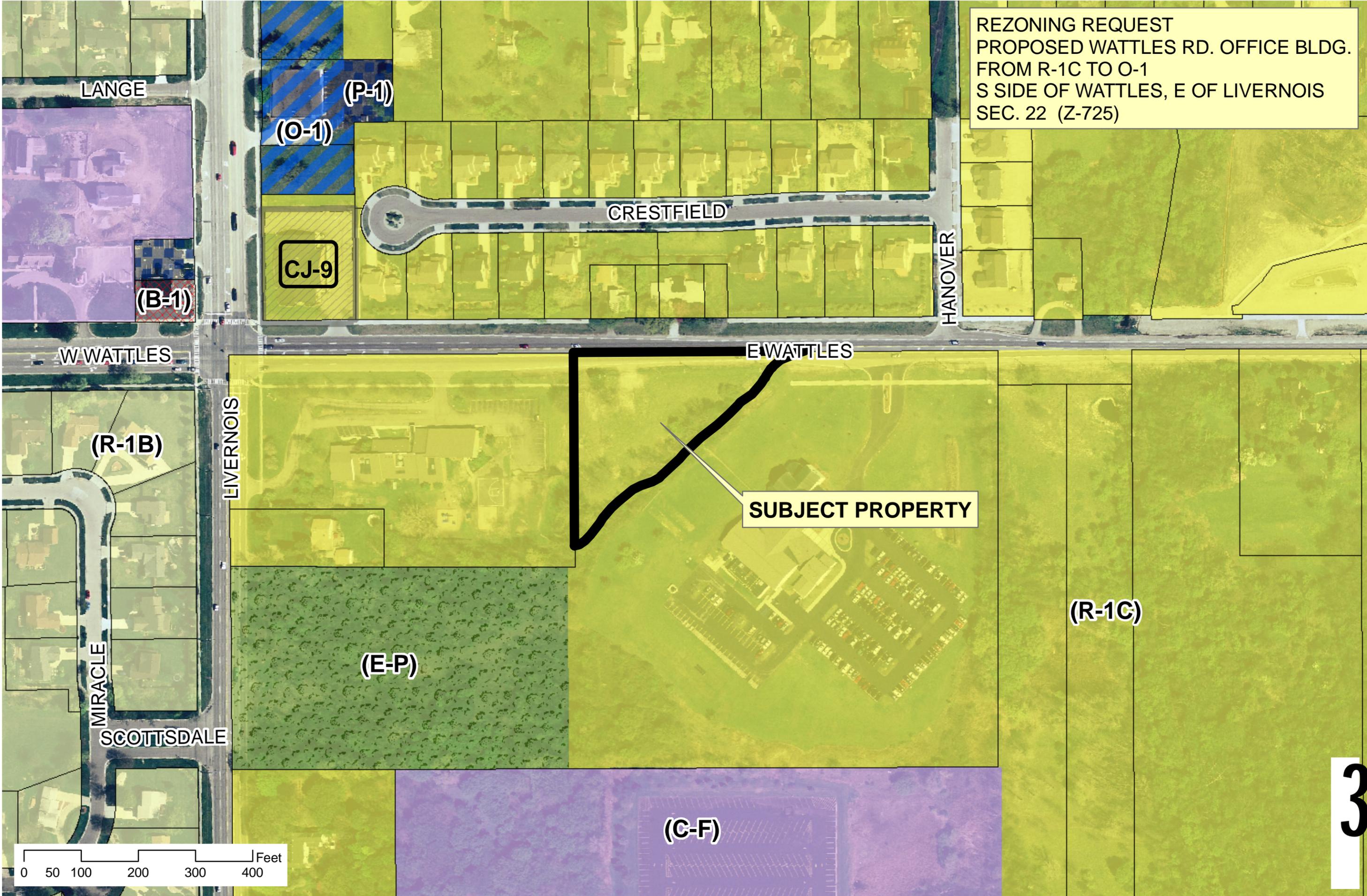
MIRACLE

SCOTTSDALE

SUBJECT PROPERTY

0 50 100 200 300 400 Feet

REZONING REQUEST  
PROPOSED WATTLES RD. OFFICE BLDG.  
FROM R-1C TO O-1  
S SIDE OF WATTLES, E OF LIVERNOIS  
SEC. 22 (Z-725)



I - 75 FREEWAY

16<sup>E</sup>

CF

E

15

CF

SUBJECT PROPERTY

CF

E

22

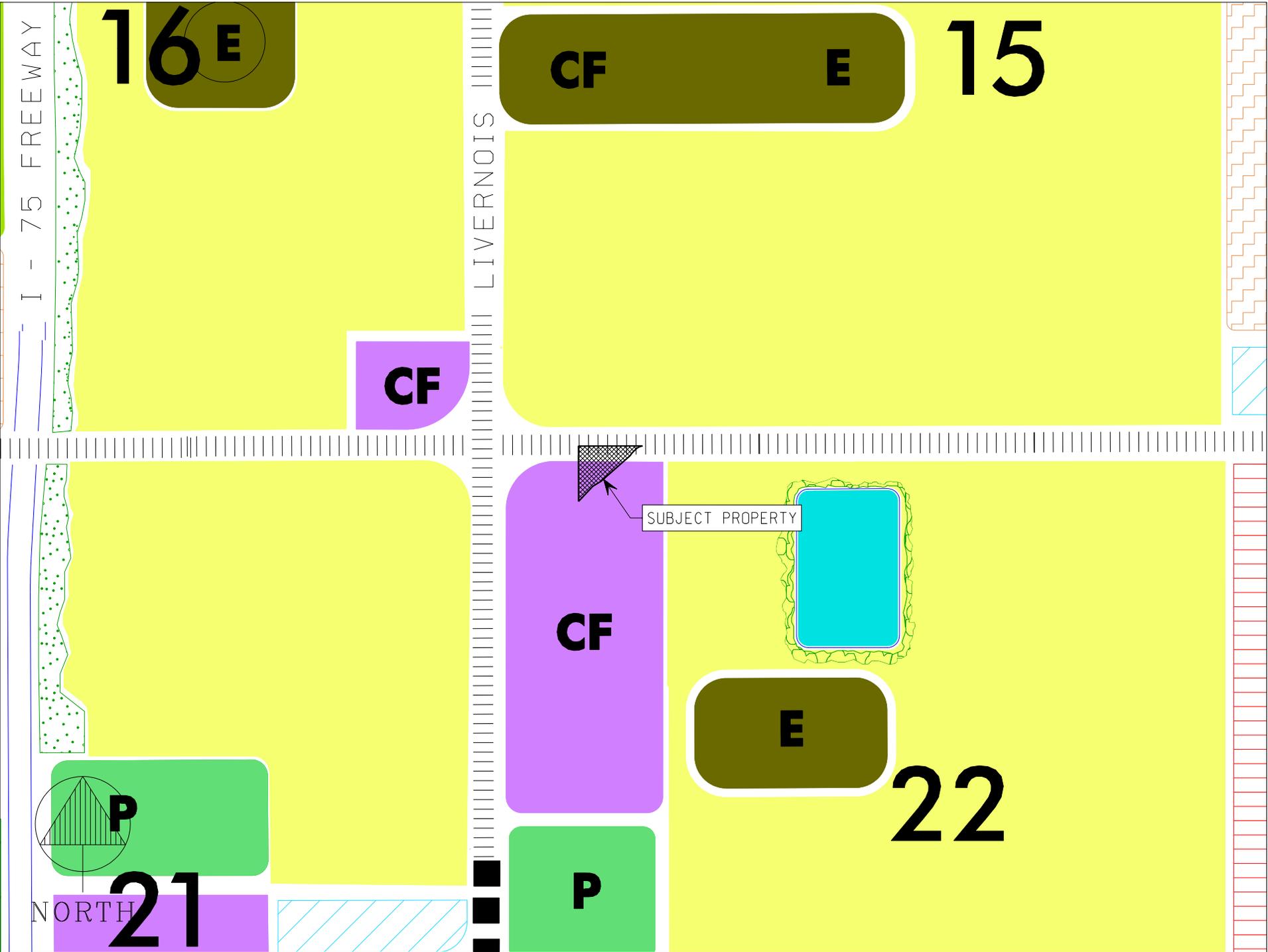
21

P

P

NORTH

LIVERNOIS



# APEX

ENGINEERING GROUP INC.  
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE  
SHELBY TOWNSHIP, MI 48317

TELEPHONE: 586-739-5200  
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January 5, 2007

Mark F. Miller, AICP/PCP  
Planning Director  
City of Troy, Planning Department  
500 W. Big Beaver Road  
Troy, MI 48084

RE: Rezoning Request, From R-1-C to O-1  
Wattles Road, Section 22, City of Troy  
Parcel ID No. 88-20-22-101-003

Dear Mr. Miller:

The enclosed plans and application package are being submitted in conjunction with a request to rezone a parcel of land in Section 22 from R-1-C, Single Family Residential to O-1, Low Rise Office District. The parcel is currently zoned R-1-C, Single Family Residential District, contains 1.01 acres of land and has approximately 319 feet of Wattles Road frontage. The site is triangular in shape and is located on the south side of Wattles Road between Livernois and Rochester Roads. The St. Lucy Croatian Catholic Church is to the east and south of the subject property. Brookfield Academy is located to the west of the site. Walsh College and Zion Christian Church occupy large parcels to the south of the subject site.

An office use is a more compatible use when compared to other land uses within the specific geographic area of the subject site. Benefits of an office use will include a larger quantity of required landscaping, greater setbacks, reduced traffic conflicts and controlled hours of operation. Greater screening requirements allow for additional areas of landscaping to buffer the existing parking lot to the west. One point of ingress/egress will be proposed rather than multiple curb cuts with vehicles backing out onto Wattles Road.

The underlying zoning for each of the adjacent parcels is R-1-C. R-1-C is also the classification of the parcels across Wattles Road to the north. The area is Master Planned for community facilities and low density residential use along this portion of Wattles Road. The parcel could be considered for an infill project for an office use between the school and church. Historically, it is much more difficult to market new construction of single family homes that front upon major roads such as Wattles Road. There is also a large inventory of homes for sale within the area and the overall residential market is relatively soft.

The site could be considered an extension of the non-residential use that is present at the intersection of Wattles and Livernois Roads. An introduction of a residential use on the subject parcel would not be consistent with the existing uses along this segment of Wattles Road.

Your consideration of the request to rezone a parcel of land within Section 22 of the City of Troy is greatly appreciated. Please contact our office if you have any questions or concerns.

Sincerely,



William E. Mosher, IV, P.E.

JAN 12 2007

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## REZONING REQUEST

7. PUBLIC HEARING - REZONING REQUEST (Z-725) – Proposed Office Bldg., East of Livernois, South side of Wattles, Section 22 – From R-1C (One Family Residential) to O-1 (Low Rise Office)

Planning Director Miller presented a summary on the Planning Department report for rezoning request Z-725. He noted that there was an error on the written correspondence regarding this location, and it should read that it is located on the south side of Wattles.

Bill Moser, 47745 Van Dyke, Sheby Township, was present on behalf of the petitioner. He stated that this is a unique parcel. It has been for sale for three years with residential zoning, but the housing market is weak. There have, however, been a lot of inquiries for office use. This is a more compatible use in light of the surrounding parcel arrangements and their uses.

Tony Haddad, 6507 John R, the petitioner, stated he would like to proceed with the rezoning request.

### PUBLIC HEARING OPENED

Chairperson Schultz opened the Public Hearing.

Lee Nardi, 6507 John R, stated he lives directly across the street from the proposed office. There is way too much noise from the church and mainly the school. There are flood lights on at the school that light up the neighborhood. The proposed office location will be directly in front of his front window and he does not wish to look at it. In addition, we have a lot of truck traffic creating a large amount of noise, and any office use would make the area less desirable.

### PUBLIC HEARING CLOSED

Chairperson Schultz closed the Public Hearing.

Commissioner Vleck stated he agreed that if it were to be rezoned, it would be spot zoning, however, we have a piece of property where on the north it is residential, but on both the east and west side there are heavy use zoning. It would be difficult to justify a residential use going into this area and poses a difficult zoning question.

Commissioner Tagle asked if there are there any wetlands.

Planning Director Miller replied that the natural features map does not indicate any wetlands.

Chairperson Schultz added that the east and south property of the border are active drains.

Mr. Haddad informed the Planning Commission that approximately a year ago the Brookfield academy wanted to buy the property. They were unable to put a daycare in the location due to ordinance restrictions. Despite the ordinance being changed, they pulled out of the purchase agreement. The point is, the ordinance already exists to permit daycare at a private academy and that is consistent with office zoning.

Chairperson Schultz asked if daycares, in schools, require O-1 zoning.

Planning Director Miller responded that the City amended the Zoning Ordinance to allow a daycare be in a single family zoning district in a private school. They are also permitted in other residential zoning when they are adjacent to an O-1 zoning or other commercial zoning.

Chairperson Schultz clarified that this property does not require O-1 zoning if Brookfield Academy wanted to put a daycare at that site.

**Proposed Resolution # PC-2007-02-033**

Moved by: Vleck  
Seconded by:

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size, be granted.

**MOTION DIED** for lack of second.

Moved by: Hutson  
Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Schultz, Tagle  
No: Vleck, Kerwin

Absent: Littman, Strat, Troshynski, Wright

**NO ACTION ON MOTION** due to failure to obtain minimum of five (5) votes needed to pass or fail.

Moved by: Schultz  
Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby reconsider the vote on the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size.

Yes: All present (5)  
No: None  
Absent: Littman, Strat, Troshynski, Wright

**MOTION CARRIED**

Moved by: Hutson  
Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Kerwin, Schultz, Tagle, Vleck  
No: None  
Absent: Littman, Strat, Troshynski, Wright

**MOTION CARRIED**