



## CITY COUNCIL ACTION REPORT

October 29, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Rezoning Application – Proposed Office/Retail Development, South side of Big Beaver, West of Rochester Road, Section 27 – O-1 to B-2 (File Number Z-728)

### Background:

- The Planning Commission recommended approval of the request to rezone the parcel to B-2 at the September 11, 2007 Regular meeting.
- The parcel is classified on the Future Land Use Plan as Regional Center. The Regional Center classification has a primary correlation with the B-2 zoning district and a secondary correlation with the B-3 and H-S zoning districts. The application therefore is consistent with the Future Land Use Plan.
- The application is consistent with the general character of the area and compatible with adjacent zoning districts and land uses.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

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

Policy Considerations:

- Approval of the rezoning application would be consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can approve or deny the rezoning application.

Attachments:

1. Maps.
2. Minutes from the September 11, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

cc: Applicant  
File /Z 728

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY  
File Number Z-728

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Zoning District Map

This Ordinance shall amend the Zoning District Map, from O-1 Low Rise Office Building to B-2 Community Business, for parcels 88-20-27-201-008, -009, -010, located on the south side of Big Beaver Road, west of Rochester Road in Section 27, and described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NE 1/4 of Section 27

Lots 49, 50, and 51, except the North 32.00 feet taken for Big Beaver Rd., of Ford Subdivision (Liber 58, pg. 24 of Oakland County Records). Containing ±0.63 ac. more or less, and subject to easements and restrictions of record.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

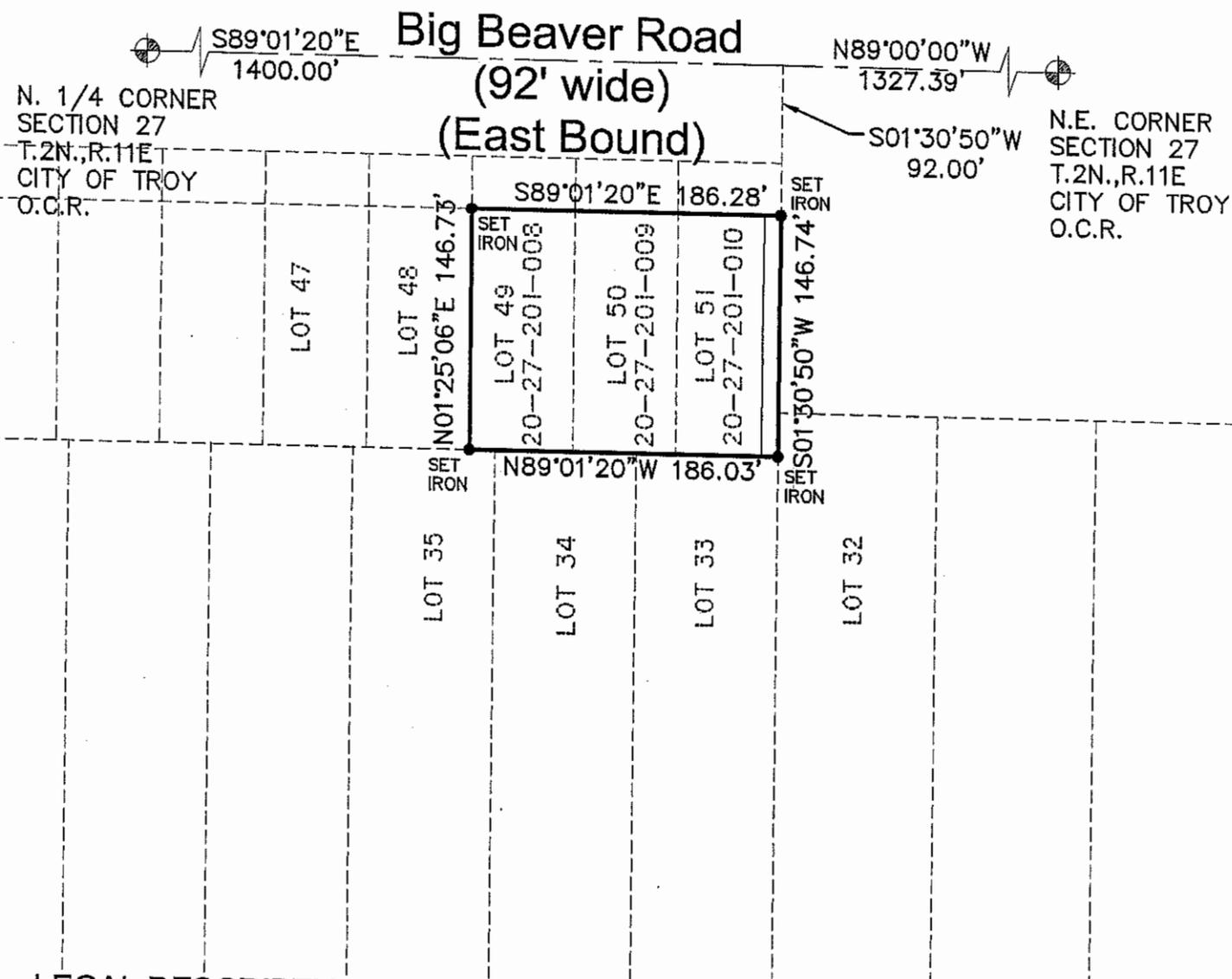
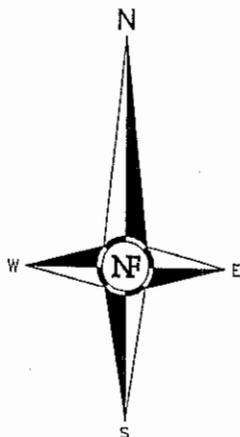
This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Louise Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

**Certificate of Survey**  
 PART OF THE N.E. 1/4 OF  
 SECTION 27, T. 2N., R. 11E.,  
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN



**LEGAL DESCRIPTION**

LOTS 49, 50 AND 51 EXCEPT THE NORTH 32.00 FEET TAKEN FOR BIG BEAVER ROAD OF "FORD SUBDIVISION" OF PART OF THE N. 1/2 OF N.E. 1/4 OF SECTION 27, T.2N.,R.11E, TROY TWP(NOW CITY OF TROY) OAKLAND COUNTY, MICHIGAN, LIBER 58, PAGE 24, OAKLAND COUNTY RECORDS.

CONTAINING 27,413 SQUARE FEET OR 0.63 ACRES OF LAND

PARCEL ID: 20-27-201-008  
 20-27-201-009  
 20-27-201-010



**CERTIFICATE OF SURVEY**

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED AND THAT WE HAVE PLACED MARKER IRONS AT THE CORNERS OF THE PARCEL OR AS INDICATED IN THE ABOVE SKETCH AND THAT WE HAVE COMPLIED WITH THE SURVEY REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED.

**NF NOWAK & FRAUS**

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway  
 Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886  
 Fax. (248) 399-0805

ALEX NICOLAESCU, PLS  
 NO.: 22705

DATE: 08-10-03

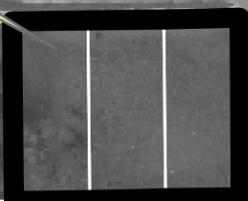
SCALE      DATE      DRAWN      JOB No.      SHEET  
 1" = 100'      07-17-2007      RJJ      E538-01      1 of 1



REZONING REQUEST  
RESTAURANT / RETAIL DEVELOPMENT  
FROM O-1 TO B-2  
S SIDE OF BIG BEAVER, W OF ROCHESTER RD  
SEC. 27 (Z-728)

SUBJECT PROPERTY

E BIG BEAVER



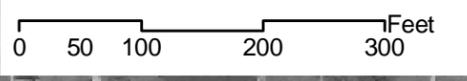
CHARTER

ROCHESTER

HENRIETTA

OWENDALE

3



N 175  
CORP

R-1E

REZONING REQUEST  
RESTAURANT / RETAIL DEVELOPMENT  
FROM O-1 TO B-2  
S SIDE OF BIG BEAVER, W OF ROCHESTER RD  
SEC. 27 (Z-728)

O-M

B-3

SUBJECT PROPERTY

E BIG BEAVER

O-1

H-S

ROCHESTER

HENRIETTA

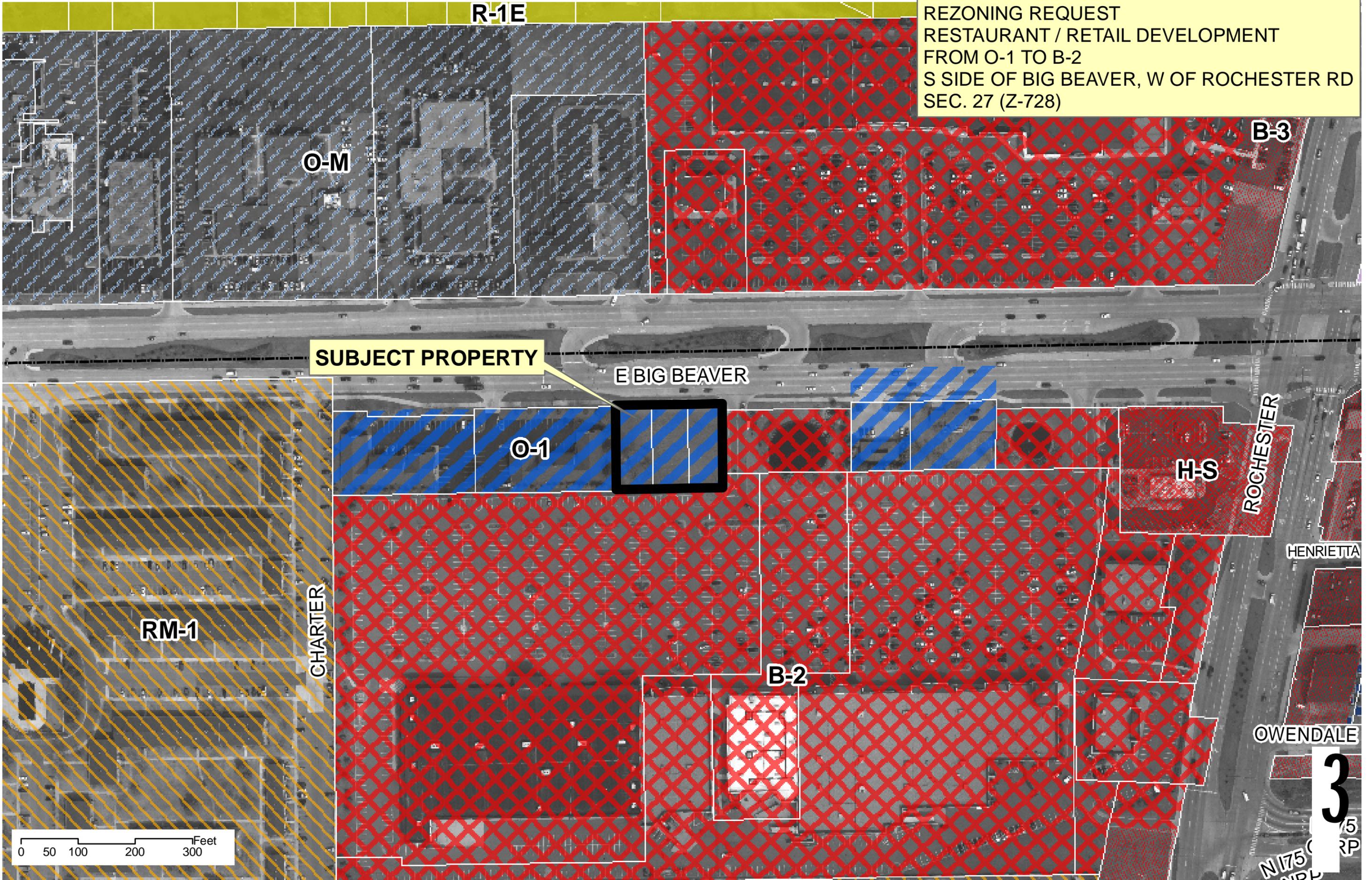
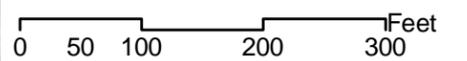
RM-1

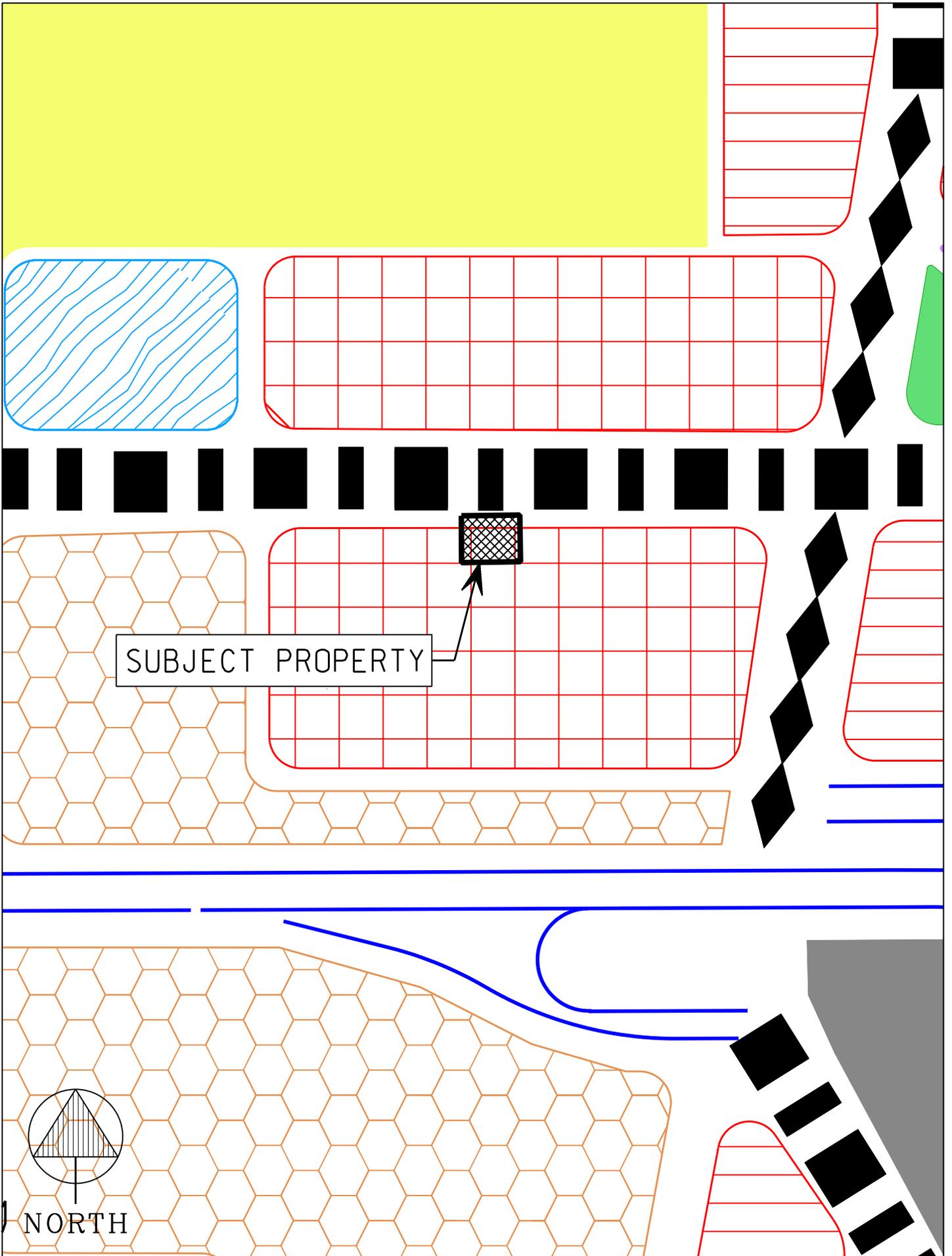
CHARTER

B-2

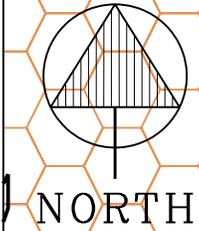
OWENDALE

3





SUBJECT PROPERTY



## **REZONING REQUEST**

7. **PUBLIC HEARING – REZONING REQUEST (Z 728)** – Proposed Retail Development, South Side of Big Beaver, West of Rochester Road, Section 27 – From O-1 (Low Rise Office) to B-2 (Community Business)

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request, and reported it is the recommendation of City Management to approve the rezoning application.

The petitioner, Dan MacLeish of 650 E. Big Beaver Road, Troy, was present. Mr. MacLeish said his intent is to seek alternate uses to comply with the spirit of the Big Beaver Corridor Study.

### **PUBLIC HEARING OPENED**

Laith Hermiz of 1695 Apple Drive, Troy, was present. Mr. Hermiz, Vice President of Development for Ramco-Gershenson Properties Trust, owner of the Troy Marketplace Retail Center, expressed full support of the rezoning request.

### **PUBLIC HEARING CLOSED**

#### **Resolution # PC-2007-09-141**

Moved by: Vleck  
Seconded by: Strat

***RESOLVED***, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the south side of Big Beaver, west of Rochester Road, within Section 27, being approximately 0.63 acres in size, be granted.

#### **Discussion on the motion on the floor.**

Chair Schultz said he would hope that the site plan would have no parking designations between the building and Big Beaver Road.

Mr. MacLeish replied that is the intent.

#### **Vote on the motion on the floor.**

Yes: All present (9)

**MOTION CARRIED**