



## CITY COUNCIL ACTION REPORT

DATE: December 10, 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 Rite Aid Pharmacy Development, North side of Long Lake, East side of Rochester Road, Section 11 – B-1 to B-2 (File Number Z-729)

### Background:

- The Planning Commission recommended approval of the request to rezone the parcel to B-2 at the November 13, 2007 Regular meeting.
- The parcel is classified on the Future Land Use Plan as Community Service Area. The Community Service Area classification has a primary correlation with the B-2 zoning district. The application therefore is consistent with the Future Land Use Plan.
- Parcel 1 (1047 – 1055 E. Long Lake) is approximately 0.67 acres in size and Parcel 2 (5016-5024 Rochester) is approximately 0.68 acres in size for a total of approximately 1.35 acres. Small retail centers currently sit on Parcel 1 and Parcel 2. The applicant proposes to assemble Parcels 1 and 2 along with Parcel 3 which is approximately 1.01 acres in size and located immediately south and west of the proposed rezoning and is currently developed as a gasoline service station. The stated intent is to construct a Rite Aid Pharmacy including a drive-up window. The total size of the assembled parcel will be approximately 2.36 acres.
- The applicant decided that Parcel 3 shall remain zoned H-S Highway Service classification to permit the gasoline service station to continue. If the proposed future development is not approved, the gasoline service station will remain a conforming use. A pharmacy with drive-up window is a use permitted in both the H-S Highway Service and B-2 Community Business zoning districts.
- 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:

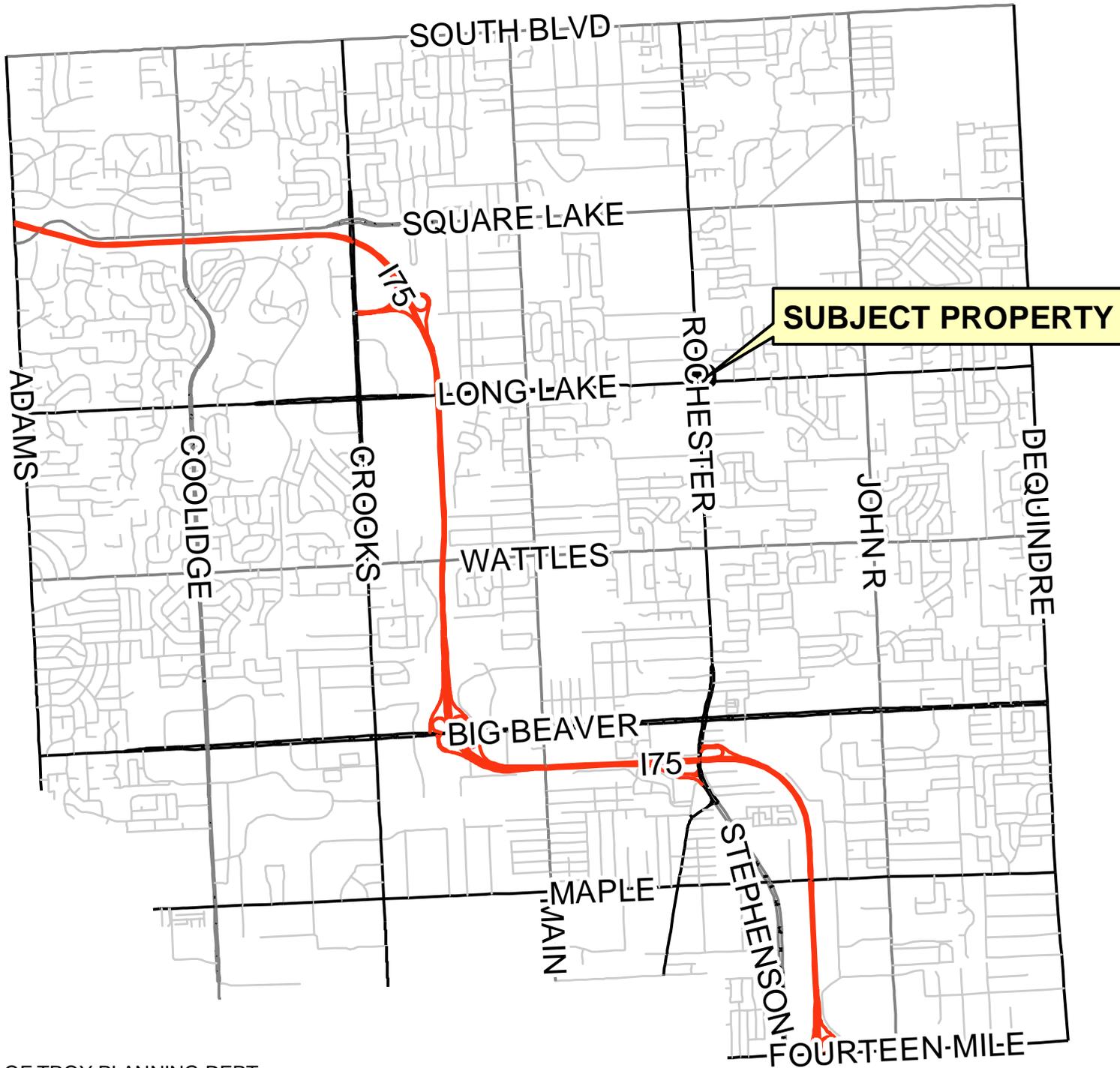
1. Maps.
2. Planning Commission report dated October 22, 2007.
3. Minutes from the November 13, 2007 Planning Commission Regular meeting.
4. Public comment.

Prepared by RBS/MFM

cc: Applicant  
File /Z 729



# CITY OF TROY

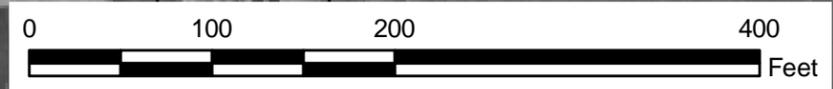


REZONING REQUEST  
PROPOSED RITE AID DEVELOPMENT  
FROM B-1 TO B-2  
N SIDE LONG LAKE, E SIDE ROCHESTER RD.  
SEC. 11 (Z-729)

SUBJECT PARCEL

ROCHESTER

E LONG LAKE



REZONING REQUEST  
PROPOSED RITE AID DEVELOPMENT  
FROM B-1 TO B-2  
N SIDE LONG LAKE, E SIDE ROCHESTER RD.  
SEC. 11 (Z-729)

R-1C

B-1

B-2

SUBJECT PARCEL

ROCHESTER

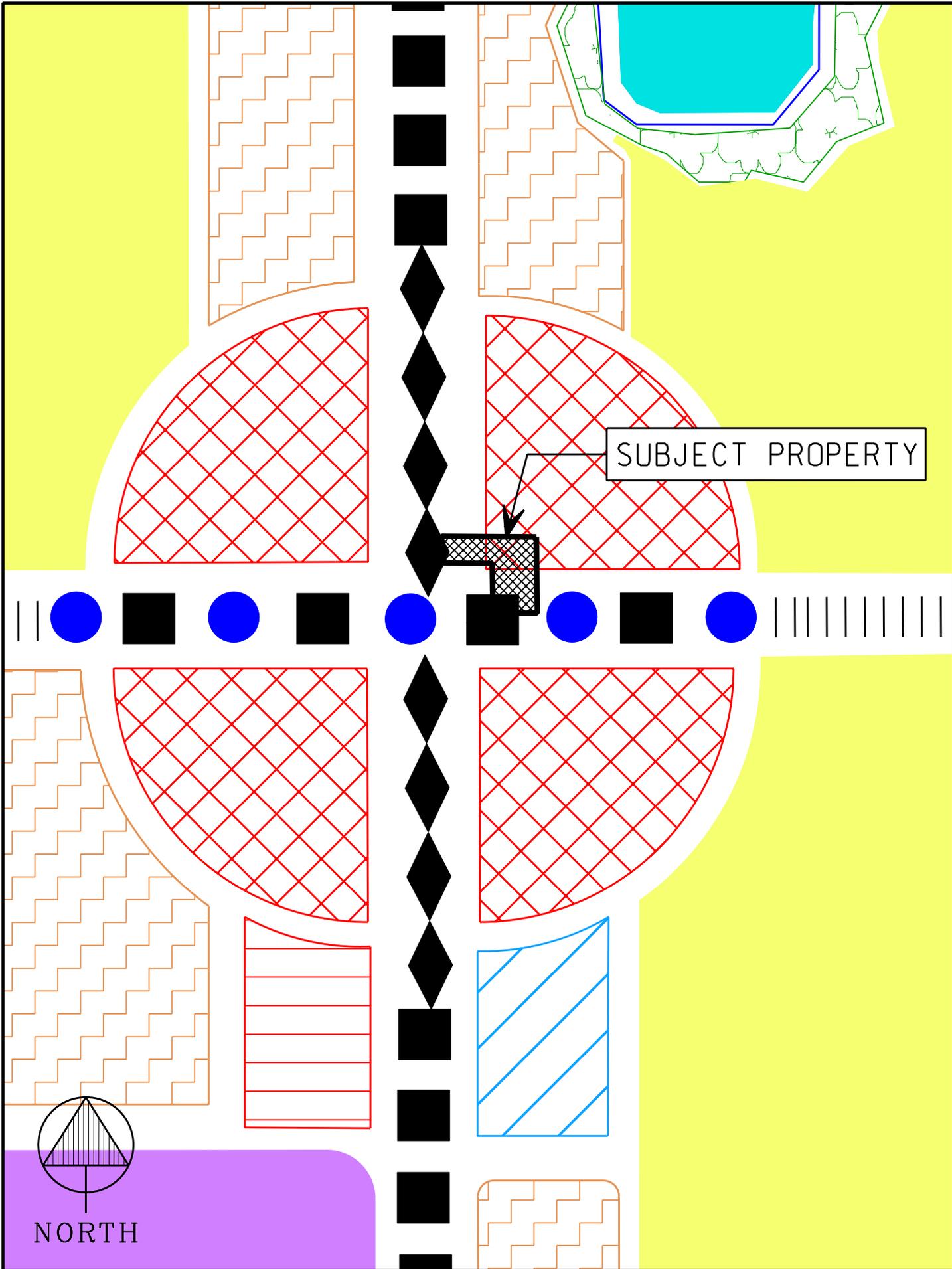
H-S

E LONG LAKE

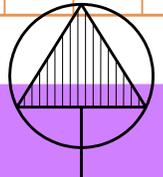
B-3

O-1





SUBJECT PROPERTY



NORTH

DATE: October 22, 2007

TO: Planning Commission

FROM: Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Ronald Figlan, Planner  
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING – REZONING APPLICATION – Proposed Rite Aid Pharmacy Development, North side of Long Lake, East side of Rochester Road, Section 11 – B-1 to B-2 (Z-729)

### **GENERAL INFORMATION**

Name of Owner / Applicant:

The owner is Arkon Jonna of A. F. Jonna Development Co. The applicant is John Hennessey of Hennessey Engineers Inc.

Location of Subject Property:

The property is located on the north side of Long Lake Road and the east side of Rochester Road, in Section 11.

Size of Subject Property:

Parcel 1 (1047 – 1055 E. Long Lake) is approximately 0.67 acres in size and Parcel 2 (5016-5024 Rochester) is approximately 0.68 acres in size for a total of approximately 1.35 acres.

Current Use of Subject Property:

Small retail centers currently sit on Parcel 1 and Parcel 2.

Current Zoning Classification:

B-1 Local Business.

Proposed Zoning of Subject Parcel:

B-2 Community Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to assemble Parcels 1 and 2 along with Parcel 3 which is approximately 1.01 acres in size and located immediately south and west of the proposed rezoning and is currently developed as a gasoline service station. The stated intent is to construct a Rite Aid Pharmacy including a drive-up window. The total size of the assembled parcel will be approximately 2.36 acres.

The applicant decided that Parcel 3 shall remain zoned H-S Highway Service classification to permit the gasoline service station to continue. If the proposed future development is not approved, the gasoline service station will remain a conforming use. A pharmacy with drive-up window is a use permitted in both the H-S Highway Service and B-2 Community Business zoning districts.

Zoning Classification of Adjacent Parcels:

North: B-1 Local Business.

South: H-S Highway Service, B-3 General Business and O-1 Low Rise Office.

East: B-2 Community Business.

West: H-S Highway Service, B-2 Community Business and O-1 Low Rise Office.

Current Use of Adjacent Parcels:

North: Father & Son Construction.

South: Gas Station, Belle Tire & Bank.

East: Shopping Center.

West: Gas Station, Bank & Shopping Center.

**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 parcels front on Rochester Road and Long Lake 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 Community Service Area. The Community Service Area classification has a primary correlation with the B-2 zoning district and a secondary correlation with the B-3, B-1 and O-1 zoning districts. The application therefore is consistent with the intent of the Future Land Use Plan.

Compliance with Location Standards of the B-2 District:

There are no Location Standards for the B-2 General Commercial District.

**CITY MANAGEMENT RECOMMENDATION**

The rezoning application is consistent with the intent of the Future Land Use Plan and compatible with abutting zoning districts and uses.

City Management recommends approval of the rezoning request.

cc: Applicant  
File / Z 729

G:\REZONING REQUESTS\Z-729 Rite Aid Development Sec 11\PC Report Z-729 11 13 07.doc

## **REZONING REQUEST**

6. **PUBLIC HEARING – REZONING APPLICATION (Z 729)** – Proposed Rite Aid Pharmacy Development, North side of Long Lake, East side of Rochester Road, Section 11 – B-1 (Local Business) District to B-2 (Community Business) District

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning, and reported it is the recommendation of City Management to approve the rezoning request. Mr. Savidant announced that a letter of opposition was distributed to the members prior to the beginning of tonight's meeting.

Ms. Troshynski asked which direction the store would face.

Chair Schultz asked the Assistant City Attorney to address discussion of site plan issues at the time a rezoning request is considered.

Ms. Lancaster said members are not to consider site plan issues during the approval process of a rezoning request, but consideration should be given to all applicable uses in a specific zoning district. She indicated the developer would not be bound by any commitments made relating to the site plan.

The petitioner was present.

### **PUBLIC HEARING OPENED**

No one was present to speak.

### **PUBLIC HEARING CLOSED**

### **Resolution # PC-2007-11-165**

Moved by: Hutson

Seconded by: Vleck

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the B-1 to B-2 rezoning request, located on the north side of Long Lake Road, east of Rochester Road, within Section 11, being approximately 1.35 acres in size, be granted.

Yes: All present (8)

**MOTION CARRIED**

Z 121  
PC 11-1307 #6

Thomas Achard  
1136 Mayberry Dr.  
Troy, MI 48085

12 November 2007

Planning Department  
City of Troy

Re: Planning File No.: Z-729 Proposed Rite Aid Development

As other activities may keep me from attending the public hearing, I would like to have my concerns heard by the Planning Commission.

I understand zoning regulations are put in place to provide for orderly business activities and that business's have the right to request changes to better suit proposed business activities, but I also understand that zoning regulations provide some level of protection for surrounding residents. I request that the Planning Commission deny the proposed zoning change as this would adversely affect the aesthetics, property value, and general feeling of security for my home and family. The businesses behind my house have received zoning variations which have already reduced the value of my home, influenced a neighbor to move and directly resulted in activities which caused my wife to summon the police.

My home is directly affected since the property with the few remaining trees is visible through my patio door.

My first concern with the proposed zoning change is the reduction in green space as a buffer to the residences. Properties adjacent to the north and south borders of the Rochester portion of this property were given zoning variations to reduce setback to the rear of their properties. This resulted in the loss of all of the buffering trees on their properties. This was a significant change for the view from my home – this reduces my property value as well as increasing noise and light pollution to my bedroom windows. The few remaining trees in this area would be in the middle of the Rite Aid property and would most certainly be cut down. I would like to see the city require planting of mature trees along the entire existing grass areas forming the East and North boundaries of the Rite Aid property.

My second concern is that Rite Aid may operate 24 hours a day. Even if they currently have no intention of 24 hour operation, they may do so in the future. Currently all the businesses, including the gas station, close at night. A 24 hour Rite Aid would greatly increase the noise, traffic, light, and people in the area throughout the night. My wife has, on several occasions, called the police because people were hanging around closed businesses in the middle of the night. On two occasions these turned out to be non-uniformed "security" personnel in unmarked cars watching storage containers for Honey Baked Ham (next week the Planning Commission will review another request by Honey Baked Ham for this zoning variation request). These people parked their car facing directly at my wife's bedroom window while I was away on a business trip. On other occasions people hop the wall from the businesses into our property. This greatly reduces my family's sense of security. We do not need more reasons for people to hang around the back of our house in the middle of the night.

The third concern is that there will almost certainly be all night flood lights visible to our bedroom windows. We currently have far too many lights. Trees would help but not eliminate this situation. Proper aiming and shielding would also help but is not done on the existing businesses.

My fourth concern is increased traffic. During rush hour times, mile long backups are the norm on both Rochester and Long Lake. We do not need another pharmacy adding to the traffic at this location. One mile east and one mile west are two other pharmacies. There is also available property on the northwest corner of Rochester and Long Lake in a larger shopping center which would be much better equipped for handling a pharmacy. When we moved to Troy there was a pharmacy at that location.

In summary please maintain the existing zoning requirements to help protect property values, aesthetics, and security of the homes nearby. If it is impossible to do this, please require a sufficient buffer zone of trees, proper alignment and shielding of outdoor lights and a prohibition against a 24 hour operation.

Thank you for your consideration.

**Paula P Bratto**

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**From:** tom a [t\_achard@yahoo.com]  
**Sent:** Monday, November 12, 2007 11:16 PM  
**To:** Paula P Bratto  
**Subject:** Planning File No Z-729 Proposed Rite Aid development  
**Attachments:** 2554464676-07-NV12 zoning change.doc

Hello

Attached is a Word file listing my objections to the proposed zoning variation request.

Please consider my objections at your Novemebt 13th meeting.

Thank you

Tom Achard  
1136 Mayberry Dr.  
[t\\_achard@yahoo.com](mailto:t_achard@yahoo.com)

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Be a better pen pal.

Text or chat with friends inside Yahoo! Mail. See how. <http://overview.mail.yahoo.com/>

## Paula P Bratto

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From: Irvin J. Swider [irvins@future-products.com]  
Sent: Friday, November 30, 2007 2:45 PM  
To: Paula P Bratto  
Subject: Rite Aid zoning

We look forward to the new Rite Aid development at Long Lake / Rochester. Meadowbrook Plaza, Irv Swider

Irvin J. Swider  
President  
Future Products Tool Corporation  
Phone: 248 588-1060  
Fax: 248 588-7303  
Email: [irvins@future-products.com](mailto:irvins@future-products.com)

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.503 / Virus Database: 269.16.11/1161 - Release Date: 11/30/2007 12:12 PM