DATE: August 4, 2005

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Director of Real Estate and Development
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (SEPTEMBER 12, 2005) – REZONING APPLICATION (Z 706) – South side of Long Lake Road, West of Calvert Drive, Section 14 – R-1C to CR-1

RECOMMENDATION

The proposed rezoning is consistent with the Future Land Use Plan. The application is compatible with abutting uses and zoning districts. The Planning Commission recommended approval of the rezoning request at the July 12, 2005 Regular Meeting. City Management recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
The owners and applicants are Maurice Gennari and Antonio Vettraino.

Location of Subject Property:
The property is located on the south side of Long Lake Road, west of Calvert Drive in Section 14.

Size of Subject Parcel:
The parcel is approximately 3.07 acres in area.

Current Use of Subject Property:
Three single family homes presently sit on the property.

Current Zoning Classification:
R-1C One Family Residential District.

Proposed Zoning of Subject Parcel:
CR-1 One Family Residential Cluster District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to construct a 10-unit cluster development, comprised of detached units, on the property. Note that it appears the applicant can only develop 9 units on the property, based on the parcel size and the permitted CR-1 density (3.07 acres x 3.1 units per acre = 9.517 units).

Current Use of Adjacent Parcels:
North: Single family residential.
South: Single family residential.
East: Single family residential.
West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.
South: R-1C One Family Residential.
East: R-1C One Family Residential.
West: R-1C One Family Residential.

ANALYSIS

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

PRINCIPAL USES PERMITTED:

One-Family dwelling units (as defined in Section 04.20.43) developed according to the standards of the One-Family Residential (R-1A through R-1E) District in effect immediately prior to the application of the CR-1 District. If the previous District was other than R-1A through R-1E, the standards of the abutting or nearest One-Family Residential District shall be applicable.

All other Principal Uses Permitted and as regulated in the R-1A through R-1E One-Family Residential Districts, as described in Section 10.20.00.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

All uses permitted and as regulated in R-1A through R-1E, One-Family Residential, Districts, as described in Section 10.30.00 of this Chapter.

One-Family Residential Cluster Dwelling units developed in accordance with the standards of Section 11.40.00.

Vehicular and Non-motorized Access:
The parcel fronts on Long Lake Road.

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 does not indicate any significant natural features located on the property.

Compliance with Future Land Use Plan:
The property is classified as Low Density Residential on the Future Land Use Plan. This designation correlates with R-1A through R-1E and CR-1 in the Future Land Use Plan. The application is in compliance with the Future Land Use Plan.

Compliance with Location Standards:

Article 11.40.00 of the Zoning Ordinance states that the application of the CR-1 (One Family Residential Cluster) District shall be based upon one of the following locational standards:

(A) Transition Basis
(B) Topographic Condition or Environmental Basis
(C) Difficult Parcel Configuration Basis

The applicant's letter indicates that they are applying for CR-1 zoning under the Difficult Parcel Configuration Basis. Under the Difficult Parcel Configuration Basis, CR-1 may be applied to parcels with major thoroughfare frontage, which are also physically restricted in such a manner as to make conventional single-family residential development physically unfeasible. The parcel has relatively narrow width (244 feet) that limits its development potential under R-1C.

The Planning Commission and the City Council must also find that the subject property cannot reasonably be combined with abutting properties to enable conventional single-family residential development and that the proposed District and development will not interfere with the development of the surrounding area, and will not be detrimental to the safety or convenience of vehicular and/or pedestrian traffic. It appears that the applicant would not be able to purchase abutting property, given the single-family residential character of the abutting neighborhood. Access to the property would be from Long Lake Road, a major thoroughfare; therefore traffic in abutting neighborhood would not be directly impacted.

The application qualifies under (C) Difficult Parcel Configuration Basis and therefore meets the Location Standards of the CR-1 District.

Attachments:
1. Maps.
2. Letter from petitioner, dated June 8, 2005.
3. Potential R-1C Layout with 60-foot wide right-of-way (public street).
4. Potential R-1C Layout with 40-foot wide easement (private road).
5. Minutes from July 12, 2005 Planning Commission Regular Meeting.

cc: Applicant
File (Z 706)

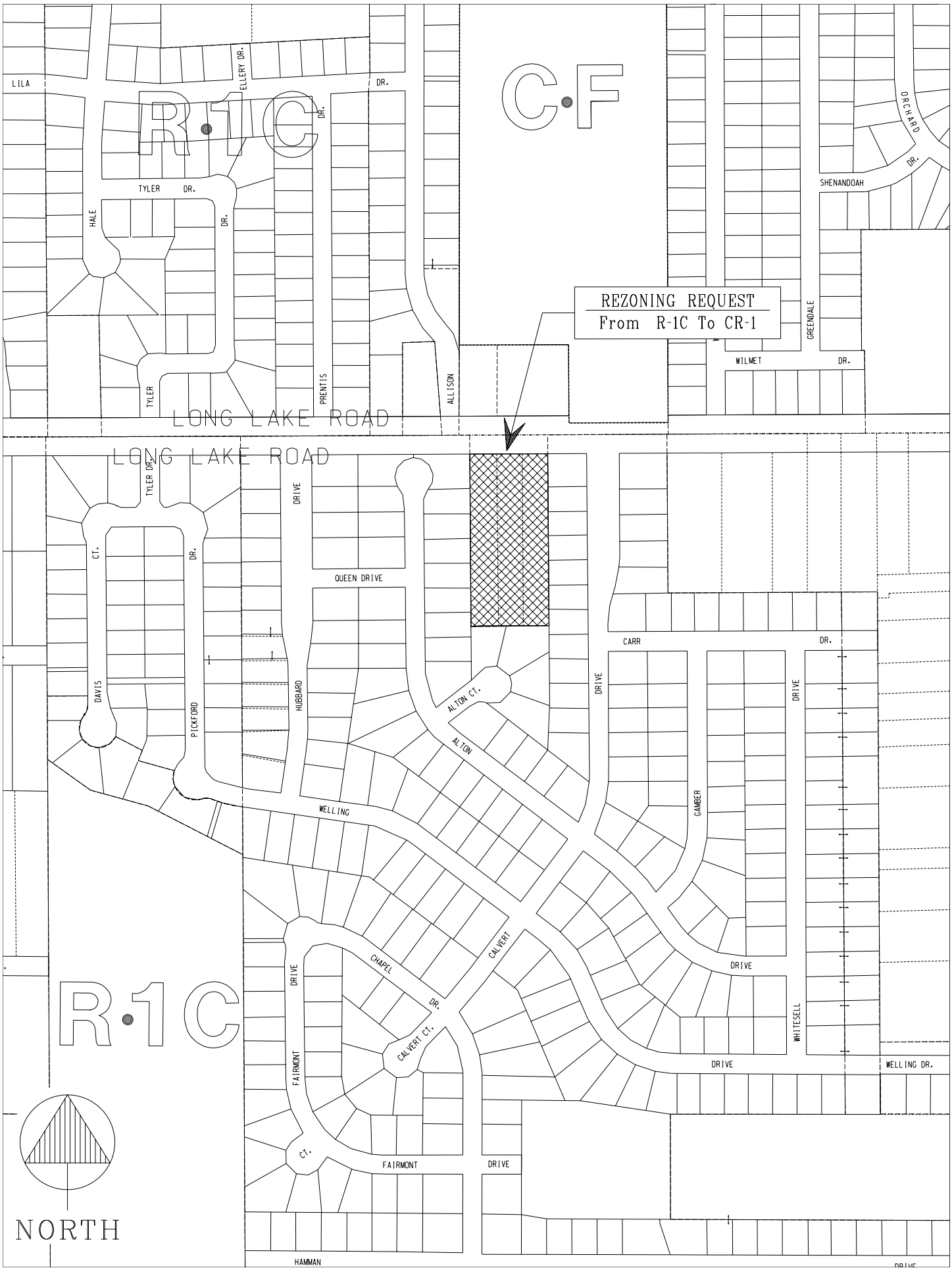
PREPARED BY RBS/MFM

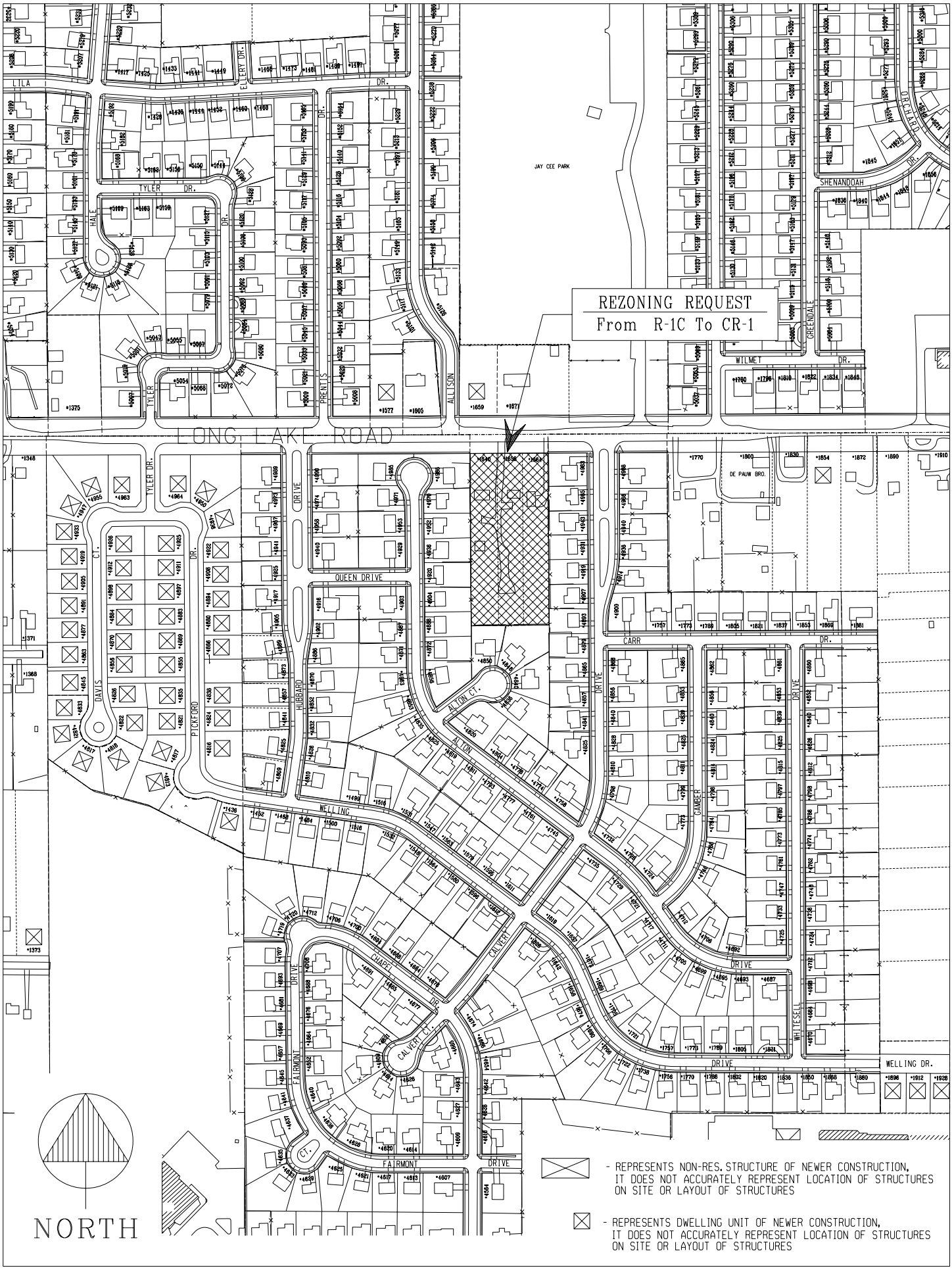
G:\REZONING REQUESTS\Z-706 Village of Tuscany Sec 14\Announce CC Public Hearing Z-706 08 15 05.doc

CITY OF TROY

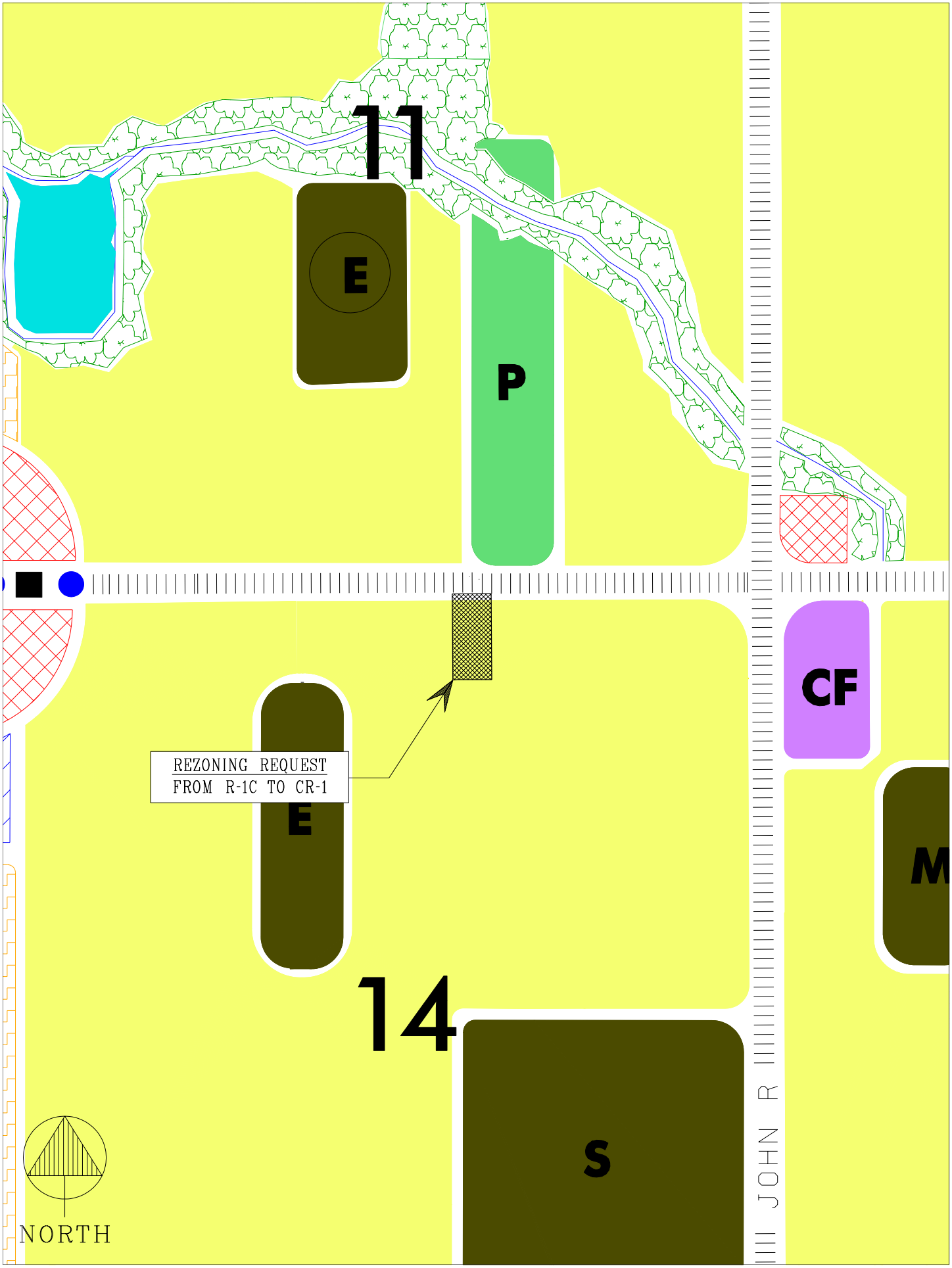
PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
PROP. VILLAGE OF TUSCANY CLUSTER DEVELOPMENT
FROM R-1C TO CR-1
SOUTH SIDE OF LONG LAKE, WEST OF CALVERT
SEC. 14 (Z-706)
REZONING REQUEST
FROM R-1C TO CR-1
HALE
TYLER
PRENTIS
ALLISO
WESTMORELAND CT
WILMET
E LONG LAKE
TYLER
ALTON
CALVERT
QUEEN
HUBBARD
PICKFORD
DAVIS CT
CARR
ALTON CT
GAMBER
WHITESELL
WELLING
0 50 100 200 300 400
Feet


REZONING REQUEST
From R-1C To CR-1
R-1C
C-F
R-1C
LONG LAKE ROAD
LONG LAKE ROAD
LILA
ELLERY DR.
DR.
DR.
TYLER DR.
HALE
DR.
TYLER
PRENTIS
ALLISON
ORCHARD
DR.
SHENANDOAH
GREENDALE
WILMET
DR.
TYLER DR.
CT.
DR.
DRIVE
QUEEN DRIVE
DAVIS
PICKFORD
HUBBARD
ALTON CT.
ALTON
WELLING
CARR
DR.
DRIVE
DRIVE
GAMBER
DRIVE
CALVERT
CHAPEL
DR.
DRIVE
CALVERT CT.
FAIRMONT
CT.
FAIRMONT
DRIVE
WHITESELL
DRIVE
WELLING DR.
HAMMAN
NORTH



Z-706 / SEC. 14 / 06-21-05


11
E
P
CF
REZONING REQUEST
FROM R-1C TO CR-1
E
M
14
S
JOHN R
NORTH

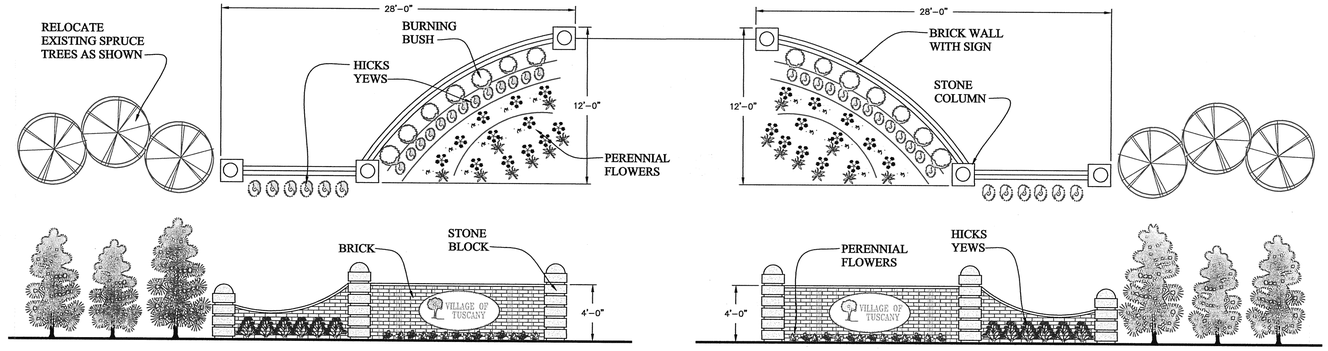
SCALE: 1"=40'

SITE CRITERIA

EXISTING ZONING: R1-C
PROPOSED ZONING: CR-1
PROPOSED USED: CLUSTER DEVELOPMENT
AREA OF SITE: 3.07 AC.
WATER SUPPLY: MUNICIPAL
SANITARY: MUNICIPAL
STORM: ENCLOSED PIPE W/OUTLET TO EXISTING STORM SEWER
SIGN: INCLUDED WITH SITEPLAN
PROPOSED SETBACKS:
REAR= 40 FT
FRONT= 30 FT
SIDE= 15 FT

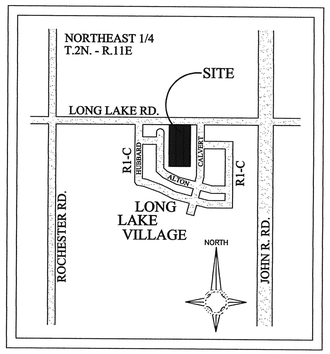
DENSITY DATA:

PROPERTY SIZE: 133,306.06 SF
ROAD EASEMENT- 15,628.31 SF
DENSITY PER ZONING ORDINANCE: 1 LOT/10,500 SF
133,306.06-15628.31=117,677.75 NET
POSSIBLE # OF LOTS=117,677.75/10,500=11.2074 UNITS
PROPOSED UNITS 10 UNITS
BUILDING ENVELOPE: 60FT X 38FT=2280 SF
LOT COVERAGE=((2280 SF X10)/133,306.06)=0.171=17.1%
OPEN SPACE AREA= 17,810.70 SF (NOT INCLUDING PONDS)
POND WITH FOUNTAIN=7,140 SF X 2=14,280 SF
TOTAL OPEN SPACE DEDICATED AS COMMON OWNERSHIP:
((17,810.70 + 14,280)/133,306.06)=24.1%



ENTRANCE PLANS AND ELEVATIONS

NOTE: NOT ALL PLANTING PROPOSED ON PLAN ABOVE IS ILLUSTRATED ON THE ELEVATIONS ABOVE FOR CLARITY.



LOCATION MAP

ENTRANCE PLANTING KEY			
SYMBOL	TYPE	QUANTITY	CAL/HEIGHT
	EXISTING SPRUCE	6	6'-7'
	HICKS YEWS	38	24" HT.
	BURNING BUSH	14	36" HT.
	VARIOUS FLOWERING PLANTS VARIOUS FLOWERING PLANTS	VARIES	12" HT.

PARCEL SIZE SCHEDULE			
PARCEL#	PARCEL AREA	PARCEL#	PARCEL AREA
1	8212.5 S.F. (0.188 ACRE)	6	10055.1 S.F. (0.231 ACRE)
2	8212.5 S.F. (0.188 ACRE)	7	7991.7 S.F. (0.183 ACRE)
3	8212.5 S.F. (0.188 ACRE)	8	8133.4 S.F. (0.186 ACRE)
4	8010.9 S.F. (0.184 ACRE)	9	8133.4 S.F. (0.186 ACRE)
5	10138.66 S.F. (0.232 ACRE)	10	8133.4 S.F. (0.186 ACRE)

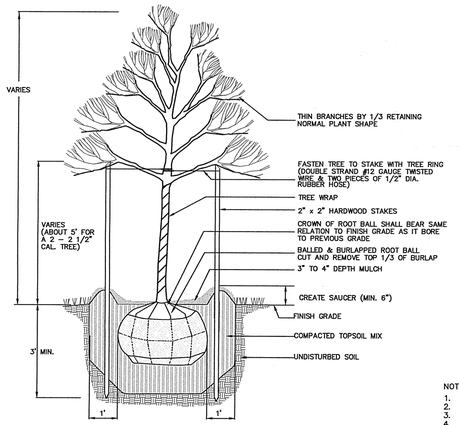
72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)

UTILITY WARNING

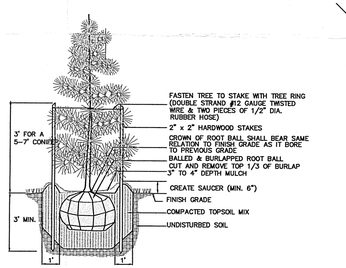
UNDERGROUND UTILITY LOCATIONS AS SHOWN ON THE PLAN, WERE OBTAINED FROM UTILITY OWNER AND NOT FIELD LOCATED.

A MINIMUM OF 72 HOURS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY MISS DIG AND HAVE ALL UNDERGROUND UTILITIES STAKED BEFORE ANY WORK CAN BEGIN.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF AND/OR RELOCATION OF ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION.

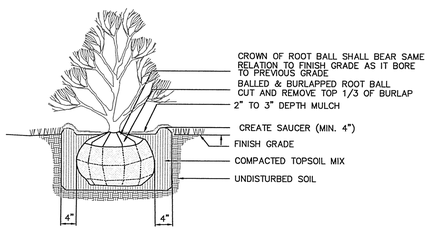


DECIDUOUS TREE PLANTING DETAIL



NOTES:
1. DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING
2. DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOT BALL WHEN INSTALLING TREE STAKE
3. REMOVE TREE RINGS AND STAKES TWO YEARS AFTER INSTALLATION
4. WATER TREE THOROUGHLY SUBSEQUENT TO INSTALLATION

EVERGREEN TREE PLANTING DETAIL

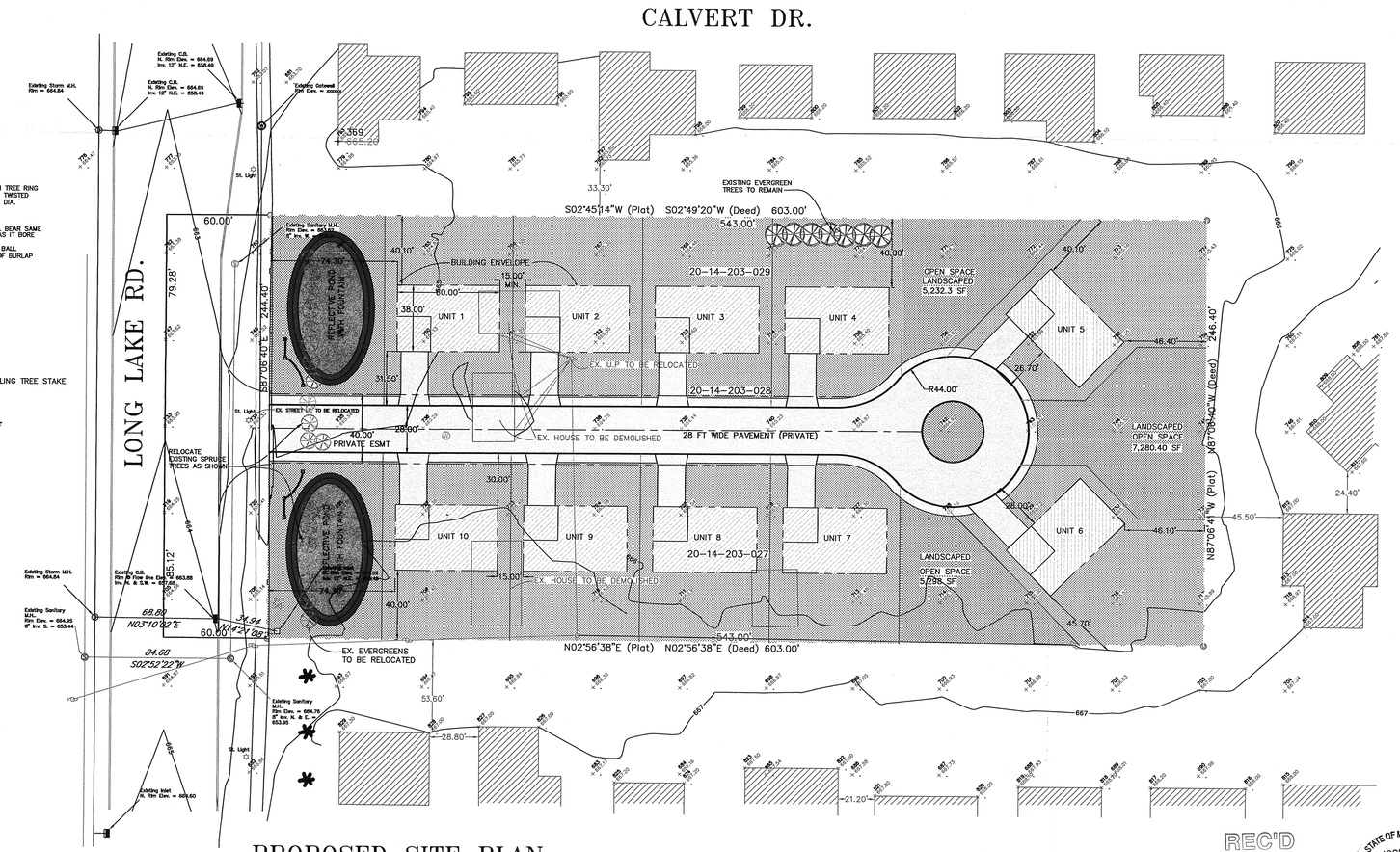


NOTES:
1. DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING
2. WATER SHRUB THOROUGHLY SUBSEQUENT TO INSTALLATION

DECIDUOUS SHRUB PLANTING DETAIL

BENCHMARK
BENCH MARK #1
Turn Arrow on Hydrant # 14-20
100' East of Calvert Rd.
South side of long lake Rd.
ELEVATION 664.356

BENCH MARK #2
TOP OF HYDRANT @ SOUTHEAST CORNER
OF PROPERTY
ELEVATION 695.12



PROPOSED SITE PLAN

SCALE: 1"=40'

REC'D JUN - 9 2005 PLANNING DEPT.

STATE OF MICHIGAN JOSEPH VAGLICA ENGINEER NO. 50340 LICENSED PROFESSIONAL ENGINEER

#5

GATEWAY ENGINEERING & SURVEYING
• ARCHITECTS • ENGINEERS • SURVEYORS
8155 ANNSBURY SUITE 109
SHELBY TWP. MI 48316
OFFICE (586) 786-5533 • FAX (586) 786-5575

VILLAGE OF TUSCANY CLUSTER DEVELOPMENT

REZONING REQUEST

CLIENT: CHATEAU CONSTRUCTION
6924 MONTELAIR
TROY, MI 48083

ISSUED FOR:	DATE:

NOTICE: USE OF THE INFORMATION CONTAINED WITHIN THE SHEETS OF THIS DRAWING IS AN ACCEPTANCE OF THE FOLLOWING TERMS AND CONDITIONS BY THE USER WHO COVENANTS AND AGREES THROUGH USAGE TO BE BOUND AS STATED.

Definitions: "Gateway" refers to Gateway Engineering and Surveying, Inc. its employees, agents, engineers, surveyors, assigns and sub-contractors. "User" refers to all persons and entities that rely upon the information contained in these drawings either directly or indirectly.

Liability: User, personally and on behalf of his/her/its heirs and assigns agrees that Gateway's liability for damages shall be strictly limited to the value of the services being rendered. User and Users on behalf of his/her/its heirs and assigns further agrees that Gateway shall not be liable for any incidental or consequential damages first suffered by User. Gateway liability is limited to gross negligence, fraud and intentional misrepresentation only.

Hold Harmless: User covenants and agrees that User shall hold harmless Gateway from any and all damages, including but not limited to civil suit, fixed judgments, costs and reasonable attorney fees that Gateway may incur due to User's employment of these drawing and design information contained herein.

Warranty: Gateway, its employees, agents, engineers, assigns and sub-contractors does not warrant either explicitly or by implication the design information contained herein for fitness of purpose.

Integration: This is the sole and entire agreement between the Parties pertaining to fitness of purpose and use of the design information and supersedes any and all previous written or oral agreements. All modifications shall be in writing, dated and sign by both Parties to be binding and in full force an effect.

All Contractors shall verify and coordinate all dimensions on these drawings, as well as review and coordinate plans with exterior Building Elevations, Section and Details before commencing with the work. If a dimensional error or conflict occurs between these plans, Building Elevations, Sections, and Details, in order to avoid delay, shall immediately notify of the Designer, before proceeding with the work. Contractors who fail to do so shall take full responsibility of any errors.

© COPYRIGHT
GATEWAY ENGINEERING & SURVEYING (G.E.S.) 2002-05
THESE DRAWINGS, DESIGNS, AND DETAILS ARE THE PROPERTY OF G.E.S. AND ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMIT OF G.E.S. THESE PLANS ARE DESIGNATED ONLY FOR THE PROJECT LISTED AND AND ANY FURTHER DISTRIBUTION OF THESE PLANS IS STRICTLY PROHIBITED. ALL RIGHTS RESERVED.

SCALE: 1" = 40'
DATE 05/16/2005
IN CHARGE J.V.
DESIGNED GES
DRAWN GES
CHECKED GES
APPROVED
DATE

JOB LOCATION:
SOUTH SIDE OF LONG LAKE RD.
TROY, MI

PROPOSED SITE PLAN

1

SHEET NUMBER

GATEWAY ENGINEERING & SURVEYING

Wednesday, June 08, 2005

To: City of Troy, Planning Department

RE: Rezoning Request
Development: Village of Tuscany

Location: Long Lake Rd. between Rochester Rd. and John R.

We are proposing to rezone the existing parcel from R1-C (one-family residential detached) to CR-1 (one-family residential cluster district.) The current classification of R-1C allows for a minimum unit density of 3.1 dwellings per acre. This request is being Due to the following:

The above mentioned parcel of land is a narrow rectangle. Typically a subdivision consisting of lots of the proposed size would make use of an access road entering the middle of the property separating the lots and ending with a cul-de-sac. Due to the narrow shape of this parcel, the developers would be forced to place the road on either side of the property to accommodate for the minimum lot size requirements. This would cause hardships for property owners adjacent to that road because all future residents would enter and exit the subdivision along their property lines. The developer also would experience hardships accounting from irregular lot sizes that would waste buildable portions of land. The balance and beauty of the subdivision would be diminished, and so would reduce the overall value of the proposed subdivision.

With the density allowed under CR-1 the parcel could be divided more appropriately. The road would be placed down the center of the property with a cul-de-sac at the end for vehicles to turn around if needed. The individual dwellings would be placed on either side and at the end of the road. This would avoid the aforementioned hardships for the surrounding property owners, and for the owner of this specific parcel of land.

Sincerely;
Gateway Engineering & Surveying, Inc.

Joseph Vagnica, MSCE, P.E

REC'D
JUN - 9 2005
PLANNING DEPT.

8155 ANNSBURY DRIVE SUITE 109, SHELBY TWP., MICHIGAN, 48316
Telephone: 586-786-5533 Facsimile: 586-786-5575
PROFESSIONAL ENGINEERS & DESIGNERS

POTENTIAL R-1C LAYOUT WITH 60' R.O.W. PUBLIC ROAD

PREPARED BY CITY OF TROY
PLANNING DEPT.

POTENTIAL R-1C LAYOUT WITH 40' EASEMENT PRIVATE ROAD

PREPARED BY CITY OF TROY
PLANNING DEPT.

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 706) – Proposed Village of Tuscany Cluster Development, South side of Long Lake, West of Calvert, Section 14 – Section R-1C to CR-1

Mr. Chamberlain announced that he lives next to the property that is proposed for rezoning. He asked the Assistant City Attorney if it would be appropriate for him to abstain from discussion and voting on the request.

Mr. Motzny said it appears Mr. Chamberlain's participation in the discussion and voting process would not be appropriate because there is a possibility that the proposed rezoning could have an affect on his personal interest that could result in financial implications. He recommended consideration of a motion to allow Mr. Chamberlain to abstain from voting on the matter.

Mr. Chamberlain asked to be excused.

Resolution # PC-2005-07-113
Moved by: Schultz
Seconded by: Wright

RESOLVED, To allow Mr. Chamberlain to abstain from voting on Agenda Item #5, at his request, because of the proximity of his residential property to the development.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Chamberlain
Absent: Vleck, Waller

(Mr. Chamberlain exited the meeting.)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

Joseph Vaglica of GES Engineering, 8155 Annsbury, Shelby Township, was present to represent the petitioner. Mr. Vaglica provided an explanation for the discrepancy in the cluster density in relation to the 60-foot easement that was recently sold to the City of Troy. Mr. Vaglica said the proposed development would be a better fit for the property and more suitable to its environment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-114
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to CR-1 rezoning request, located on the south side of Long Lake Road, west of Calvert, within Section 14, being approximately 3.07 acres in size, be granted.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Chamberlain *(per Resolution #PC-2005-07-113)*
Absent: Vleck, Waller

MOTION CARRIED

(Mr. Chamberlain returned to the meeting.)