CITY COUNCIL REPORT

DATE: November 24, 2008

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 – Rezoning Application – Proposed Maple Business Center, North side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (File Number Z-733)

Background:

- A public hearing is scheduled for the December 15, 2008 City Council meeting.
- The Planning Commission recommended denial of the request to rezone the parcel to B-1 at the November 11, 2008 Regular meeting, for the following reasons:

  1. The rezoning is incompatible with single family uses and zoning districts to the north.
  2. Developing this parcel in a way that is consistent with the standards of Neighborhood Node B in the City of Troy Master Plan would be difficult due to its small size and narrow width.
  3. Rezoning this small, narrow parcel promotes poor access management.

- The Master Plan proposes Neighborhood Node B at the intersection of Maple and Dequindre. The characteristics of the node are described in the Neighborhood Node section of the Plan. Proposed uses include limited housing, service uses, or specialty retail and dining. The Master Plan proposes Single Family Residential west of the node along both sides of Maple. To determine whether the application complies with the Master Plan, the western extent of the Neighborhood Node needs to be determined.
- The application is not consistent with the general character of the area and is incompatible with adjacent single family zoning districts and land uses.
- The attached Planning Commission memo outlines the issues associated with this rezoning.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

- The application is not consistent with any of the “Outcome Statements” as established at the July 1 Special Council meeting.

Options:

- City Council can approve or deny the rezoning application.
- City Council can postpone the rezoning application for consideration of a conditional rezoning offered by the applicant.
- No City Council action until the December 15, 2008 public hearing.

Attachments:
1. Maps.
2. Minutes (draft) from the November 11, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated November 5, 2008.

Prepared by RBS/MFM

cc: Applicant
File /Z 733

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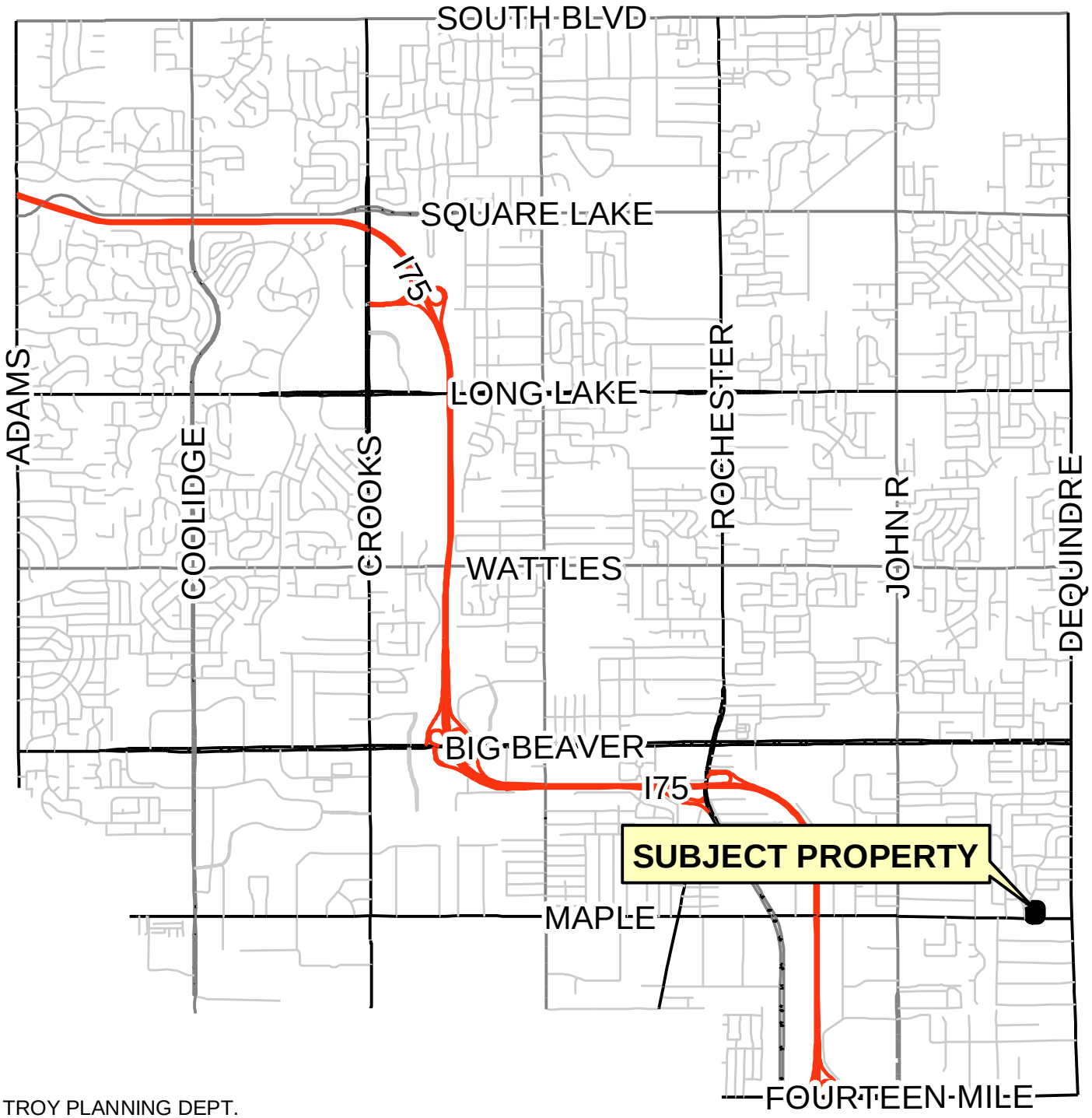
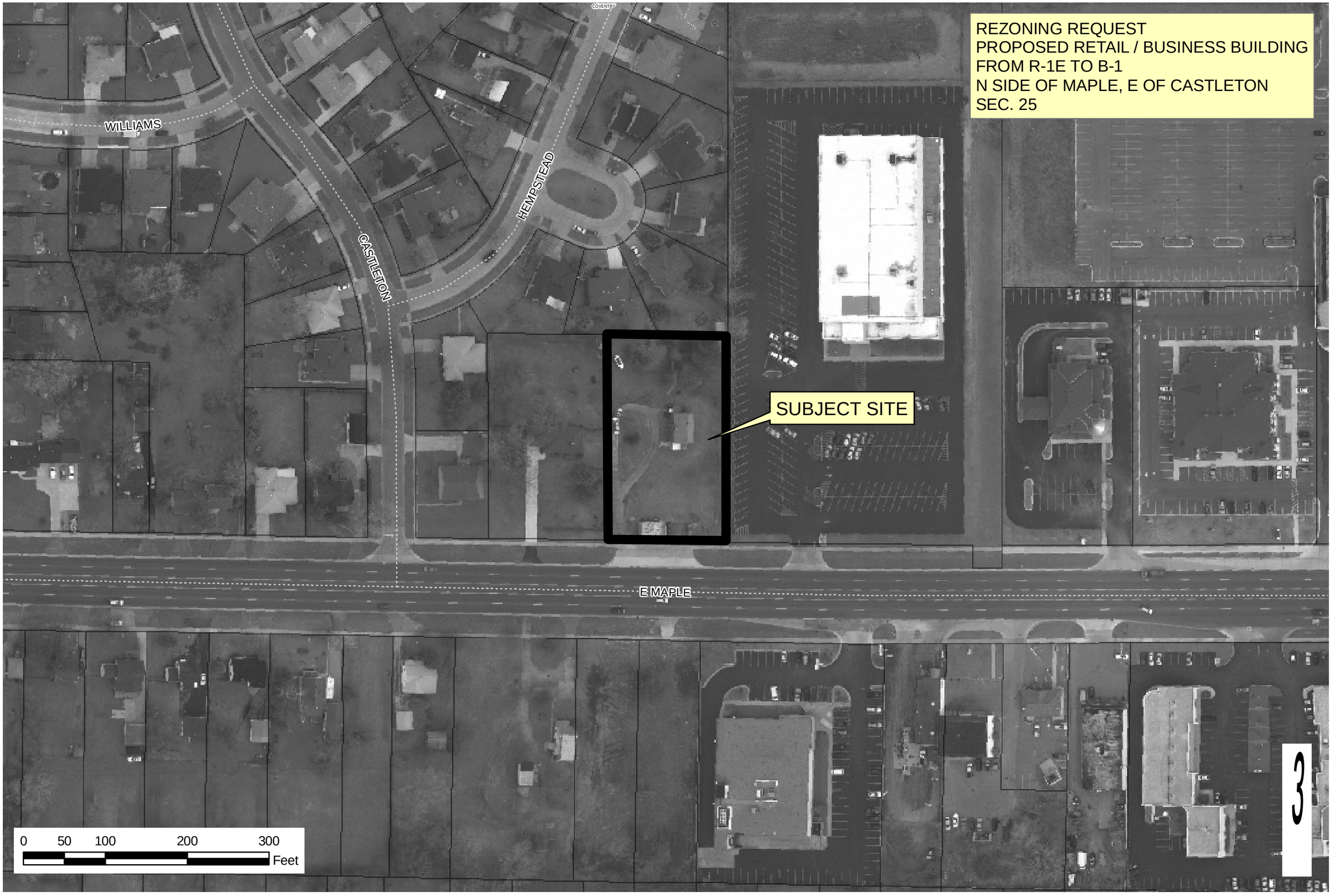
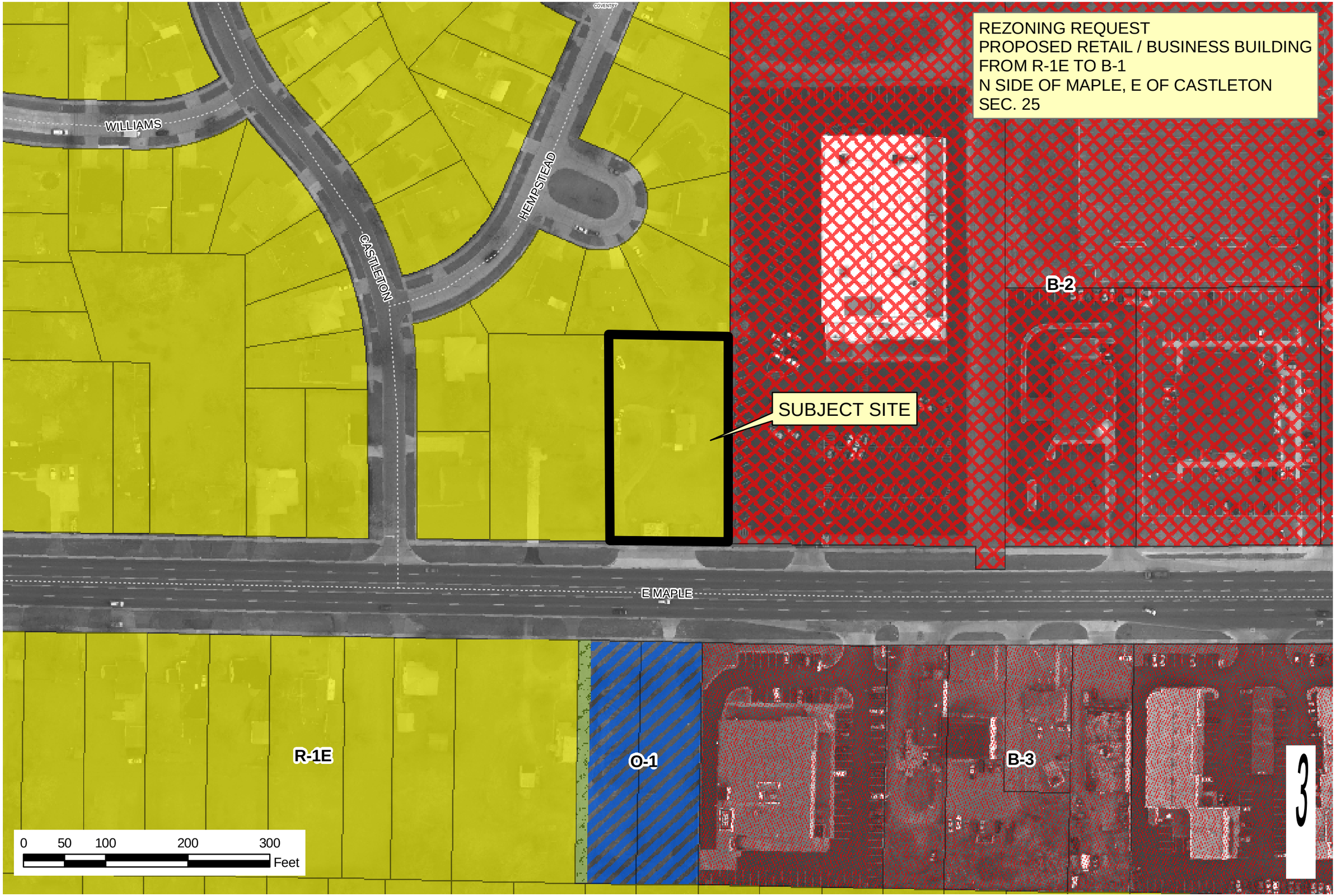
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.


REZONING REQUEST
PROPOSED RETAIL / BUSINESS BUILDING
FROM R-1E TO B-1
N SIDE OF MAPLE, E OF CASTLETON
SEC. 25
WILLIAMS
CASTLETON
HEMPSTEAD
COVENTRY
SUBJECT SITE
E MAPLE
0 50 100 200 300
Feet


REZONING REQUEST
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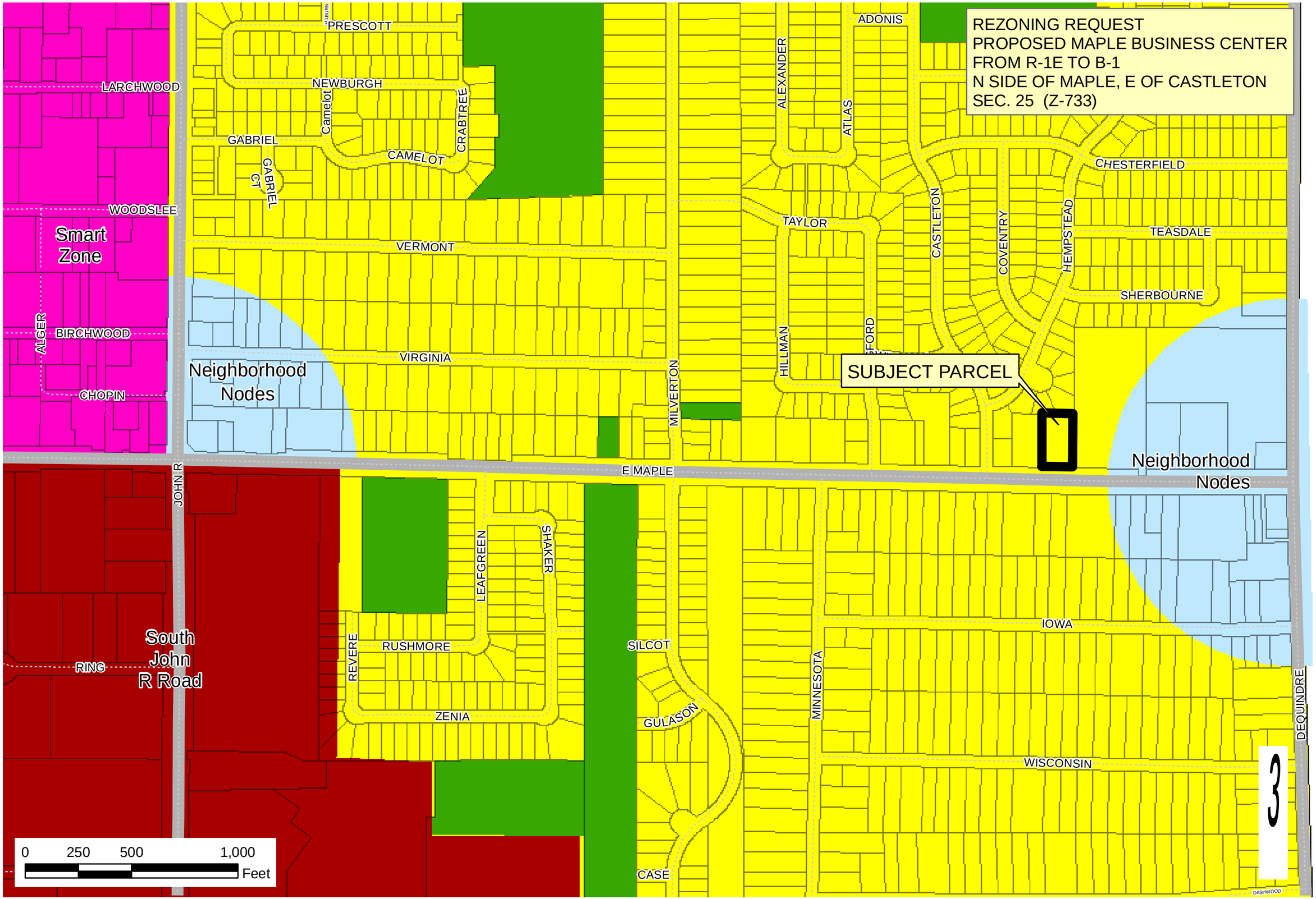
FROM R-1E TO B-1
N SIDE OF MAPLE, E OF CASTLETON
SEC. 25
WILLIAMS
CASTLETON
HEMPSTEAD
COVENTRY
E MAPLE
SUBJECT SITE
B-2
R-1E
O-1
B-3
0 50 100 200 300
Feet
3


REZONING REQUEST
PROPOSED MAPLE BUSINESS CENTER
FROM R-1E TO B-1
N SIDE OF MAPLE, E OF CASTLETON
SEC. 25 (Z-733)
SUBJECT PARCEL
Smart Zone
Neighborhood Nodes
Neighborhood Nodes
South John R Road
LARCHWOOD
WOODSLEE
BIRCHWOOD
CHOPIN
RING
ALGER
JOHN R
PRESCOTT
NEWBURGH
Camelot
CRABTREE
GABRIEL
CAMELOT
GABRIEL CT
VERMONT
VIRGINIA
MILVERTON
E MAPLE
ADONIS
ALEXANDER
ATLAS
TAYLOR
HILLMAN
CASTLETON
COVENTRY
HEMPSTEAD
CHESTERFIELD
TEASDALE
SHERBOURNE
LEAFGREEN
SHAKER
REVERE
RUSHMORE
ZENIA
SILCOT
GULASON
CASE
MINNESOTA
IOWA
WISCONSIN
DEQUINDRE
0 250 500 1,000
Feet
3

6. PUBLIC HEARING – REZONING APPLICATION (Z 733) – Proposed Maple Business Center, North side of Maple Road, East of Castleton (2795 E. Maple Road), Section 25, From R-1E (One Family Residential) to B-1 (Local Business) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request. He addressed the newly adopted Master Plan as relates to neighborhood nodes and the proposed rezoning. It is the recommendation of City Management to deny the rezoning request for reasons as specified in the Planning Department report. Mr. Miller said City Management would support a conditional rezoning application if the applicant were to acquire the parcel to the west and combine it with the subject parcel.

There was a brief discussion on the conditional rezoning application process.

Arthur Kalajian, petitioner and project architect, 1871 Austin Drive, Troy, was present. Visual boards of the potential development were displayed.

Terrey Barash, property owner, 2795 E. Maple Road, Troy, was present. Mr. Barash expressed his desire to expand his valet parking business and make site improvements.

Mr. Kalajian addressed the potential development as relates to the transition to residential, proposed site improvements and the property across the street. He indicated the adjacent property owner is not interested in selling his property.

Brother of Terrey Barash [did not sign in] addressed the conditions of the site and encouraged going forward with the site improvements.

PUBLIC HEARING OPENED

Robert Henkle of 1642 Castleton, Troy, was present. He spoke in opposition of the proposed rezoning request.

Randolph Grieser of 2775 E. Maple, Troy, was present. He spoke in opposition of the proposed rezoning request as submitted.

PUBLIC HEARING CLOSED

There was a brief discussion in which several members expressed opposition to the proposed rezoning because of its proximity to residential.

Resolution # PC-2008-11-132
Moved by: Hutson
Seconded by: Ullmann

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-1 rezoning request, located on the north side of Maple Road, east of Castleton, within Section 25, being approximately 0.84 acres in size, be denied, for the following reasons:

1. The rezoning is incompatible with single family uses and zoning districts to the north.
2. Developing this parcel in a way that is consistent with the standards of Neighborhood Node B in the City of Troy Master Plan would be difficult due to its small size and narrow width.
3. Rezoning this small, narrow parcel promotes poor access management.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

DATE: November 5, 2008

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 Maple Business Center, North side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (Z-733)

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Terrey Barash. The applicant is Arthur E. Kalajian of Arthur E. Kalajian & Associates, Inc.

Location of Subject Property:
The property is located on the north side of Maple Road, east of Castleton Drive in section 25.

Size of Subject Property:
The property is approximately 0.84 acres in size.

Current Use of Subject Property:
A single family residence and non-conforming commercial building presently sit on the property.

Current Zoning Classification:
R-1E One Family Residential.

Proposed Zoning of Subject Parcel:
B-1 Local Business.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to develop a multi-tenant retail/business building on the parcel.

Zoning Classification of Adjacent Parcels:
North: R-1E One Family Residential.
South: O-1 Low Rise Office and B-3 General Business.
East: B-2 Community Business.
West: R-1E One Family Residential.

Current Use of Adjacent Parcels:
North: Single family residential.
South: Vacant and Gordon Food Service.
East: Skateworld.
West: Single family residential.

ANALYSIS

Range of Uses Permitted in 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.

Access Management:
The parcel has frontage on Maple Road.

Combining the subject parcel with the parcel to the west and developing them as one integrated development would be preferable to having two abutting smaller parcels be developed independently of each other, with adjacent entry drives placed relatively close to each other.

Potential Storm Water and Utility Issues:
The applicant will be required 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 City of Troy Master Plan:
The Master Plan proposes Neighborhood Node B at the intersection of Maple and Dequindre. The characteristics of the node are described in the Neighborhood Node section of the Plan (page 93). Proposed uses include limited housing, service uses, or specialty retail and dining. The Master Plan proposes Single Family Residential west of the node along both sides of Maple. To determine whether the application complies with the Master Plan, the western extent of the Neighborhood Node needs to be determined.

A single family residence and non-conforming commercial building presently sit on the property. The commercial building is small and has limited potential for re-use.

The applicant provided a sketch showing how he intends to develop the property. The sketch shows a strip commercial building with its front face being perpendicular to Maple Road. Given the narrow width of the parcel (144 feet), a strip commercial building of this scale would need to be oriented this way to fit on the parcel. This orientation would contribute little to the Maple Road streetscape. Additionally, the long term economic viability of buildings that do not front on the street would be questionable. The applicant indicates that a similar type commercial building could be developed opposite this building in the future, if the parcel to the west were to be rezoned and redeveloped. However this may never happen.

To improve the economic viability of the parcel and improve its relationship with the Maple Road corridor, the applicant should consider acquisition of the abutting parcel to the west. This would expand the width of the parcel, improve its economic viability, and provide area for an appropriately screened parking area in front of and/or to the rear of the building.

Residential parcels abut the subject parcel to the west and north. If the property were to be rezoned, a 6-foot high zoning wall would be required along both property lines. This relationship would need to be considered during the Preliminary Site Plan Review process to ensure that impacts on these residential parcels are minimal.

Compliance with Location Standards of the B-1 District:
The B-1 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

CITY MANAGEMENT RECOMMENDATION

City Management recommends denial of the rezoning application for the following reasons:

1. The rezoning is incompatible with single family uses and zoning districts to the north and west.
2. Developing this parcel in a way that is consistent with the standards of Neighborhood Node B in the City of Troy Master Plan would be difficult due to its small size and narrow width.
3. The proposed development shown on the sketch plan is “strip” development that is not economically viable.
4. Rezoning this small, narrow parcel promotes poor access management.

City Management would support a conditional rezoning application if the applicant were to acquire the parcel to the west and combine it with the subject parcel. The expanded area would provide the following:

1. Opportunities for Integrated development on one parcel.
2. Opportunities for improved access management.
3. Opportunities for appropriate buffering between residential and non-residential uses.
4. Opportunities for development that complements the Maple Road Corridor.
5. Opportunities for development that meets the standards of Neighborhood Node B of the City of Troy Master Plan.

Attachments:
1. Letter from applicant.
2. Maps.

Applicant
File / Z- 733

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First Class Valet Inc.

2795 E. Maple Rd. Troy, MI. 48083
248-740-0900 fax 248-740-4822
e-mail : tbarash@aol.com

REC'D
SEP 26 2008
PLANNING DEPT.

July 25, 2008

City of Troy
Planning Department
500 W. Big Beaver Rd.
Troy, Mi. 48084

Attn: Mark F. Miller, Planning Director

Re: Proposed rezoning of parcel 20-25-479-034, SE 1/4 of Section 25 commonly known as 2795 and 2797 Maple Road, Troy, Mi. 48083

Subject: Statement regarding the necessity for the rezoning request

Dear Planning Commission:

The proposed change in zoning use will allow the expansion of my business and remain on site. As shown in my proposal, I would occupy approximately 25% of the proposed building and lease the remainder to other business service establishments and retail establishments which deal directly with customers as allowed within the proposed zoning district. The average size of tenants is anticipated to be approximately 2,000 sf. as shown within the submitted drawings and not exceeding the maximum allowed 5,000 sf.

There will be no outdoor storage or display of goods for sale on site.

I had purchased the property two years ago. My business is performing well even in this depressed economy and there is a need to expand to service the needs of my clients. I provide valet services throughout the surrounding area. The limousines for my business that remain on site are there for temporary periods throughout the day and are cleaned and serviced off premise. No maintenance to these vehicles will occur on the site.

The existing building is now too small for our current needs and the parking area is inadequate. The site is more than large enough to service my current and any foreseen future needs.
I desire to remove the unattractive conditions on my site and replace them with an attractive building with enhanced landscaping which will improve the area.

At the request of my architect, I had approached my neighbor to the west to see if he would be interested in selling his property for the creation of a possible larger development. He desires to remain where he is and is not interested in moving or selling his property at this time. If circumstances change in the future, the possibility to enlarge my project to the west can still be achieved by creating a flip side to the current proposed building and site layout.
The parking would then occur for the most part within the center of the site and the access to the site from Maple Road can be combined into one driveway.

I prefer the current scale of the project as presented due to the current economic climate and do not want to over leverage the development.

This project would allow my business to grow within the community I desire to remain in and help the surrounding area to become a more attractive environment.

I also understand that a possible joint access drive may be required with the property to the east and am in favor to whatever the planning department desires.

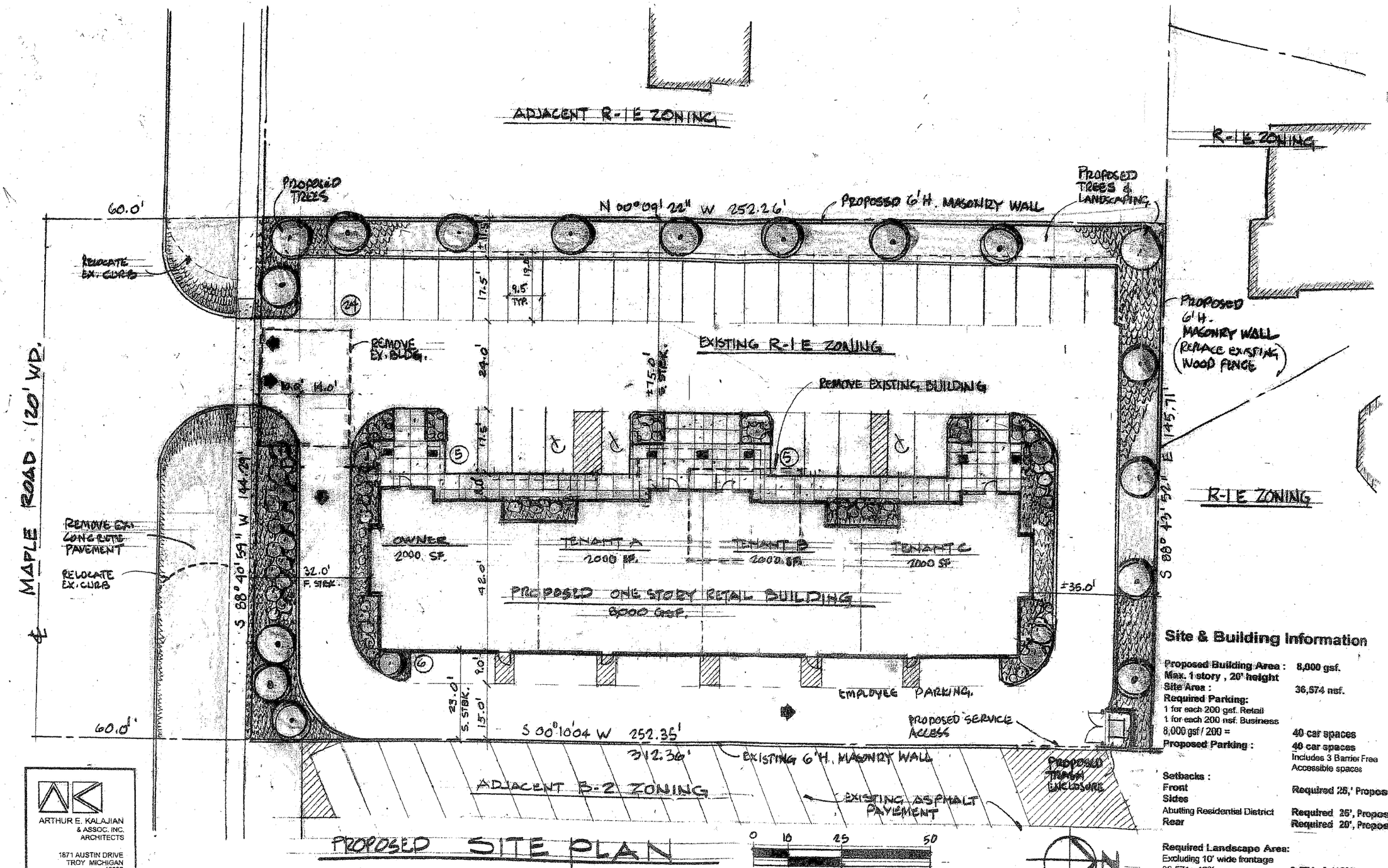
I hope you will view our project in the same favorable condition.

Sincerely yours,

Terrey Barash

Terrey Barash, Owner

REC'D
SEP 26 2008
PLANNING DEPT



Site & Building Information

Proposed Building Area :	**8,000 gsf.**
Max. 1 story , 20' height	
Site Area :	**36,574 nsf.**
Required Parking:	
1 for each 200 gsf. Retail	
1 for each 200 nsf. Business	
8,000 gsf / 200 =	**40 car spaces**
Proposed Parking :	**40 car spaces** Includes 3 Barrier Free Accessible spaces
Setbacks :	
Front	**Required 25,' Proposed 32'**
Sides	
Abutting Residential District	**Required 25', Proposed 75'**
Rear	**Required 20', Proposed 35'**
Required Landscape Area:	
Excluding 10' wide frontage 36,574 x 10% =	**3,574 sf. (10%)**
Proposed Landscaping :	
Front & Side yards	**5,170 sf. (14%)**

ARTHUR E. KALAJIAN & ASSOC. INC. ARCHITECTS
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TROY MICHIGAN 48083
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Maple Business Center
2795 E. Maple Rd. Troy, Mi. 48083

7-23-08