



CITY COUNCIL ACTION REPORT

DATE: January 7, 2009

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 Animal Advocates Veterinary Hospital, North side of Long Lake, East of Rochester Road, Section 11 – B-2 to B-3 (File Number: Z-734)

Background:

- The Planning Commission recommended approval of the request to rezone the parcel to B-3 at the December 9, 2008 Regular meeting.
- The rezoning application is consistent with the Future Land Use Plan in the Master Plan, which calls for a Neighborhood Node at the corner of Long Lake Road and Rochester Road (Neighborhood Node L). The Plan proposes that the node "should remain, predominantly commercial, catering to local needs and regional traffic. New development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development".
- The application is consistent with the general character of the area and is 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:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve or deny the rezoning application.

Attachments:

1. Maps.
2. Minutes from the December 9, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated December 1, 2008.

Prepared by RBS/MFM

cc: Applicant
File /Z 734

G:\REZONING REQUESTS\Z-734 Animal Advocates Veterinary Hospital Sec 11\CC Public Hearing 01 26 09.docx

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the _____ amendment to the Zoning District Map of the Code of the City of Troy.

Section 2. Amendment

Section 05.20.00 of Chapter 39 is hereby amended to permit the zoning map of said code to be, and the same is hereby amended to delineate the subject parcel as B-3 (General Business), the following described property, to wit:

T2N, R11E, SW ¼ of Section 11

Beginning at a point on the Center line of East Long Lake Road (120 ft. wide) also being on the South line of said Section 11 and being due East 210.00 ft. from the Southwest corner of said Section 11: thence N 00°17'00" W, 210.00 ft.; thence due East 140.00 ft.; thence S 00°17'00" E, 210.00 to a point on the Center line of said East Long Lake Road also being on the South line of said Section 11; thence continuing along said line due West 140.00 ft. to the Point of Beginning. Excepting there from the South 60.00 ft. thereof taken for road purposed. Containing 0.48 ac. more or less and subject to all easements and matters of record.

The subject property is located on the north side of Long Lake Road, east of Rochester Road, in section 11, within the B-2 (Community Business) Zoning District, being approximately 0.48 acres in size.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. 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 5. Severability Clause

Should any work, 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 6. Effective Date

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

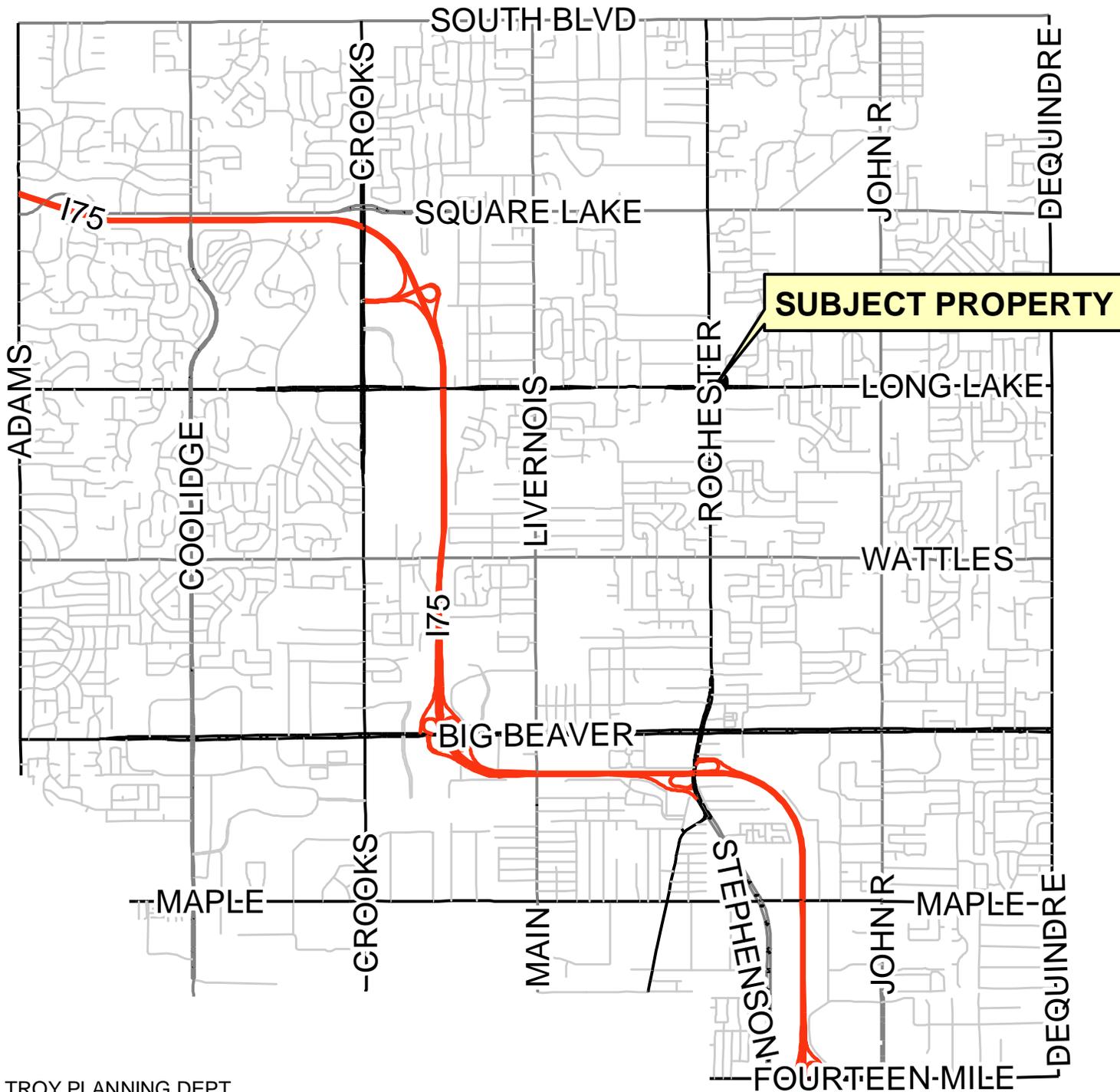
This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on _____, the _____ day of _____, _____.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PUBLISHED: _____

CITY OF TROY



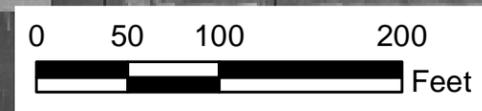
REZONING REQUEST
FROM B-2 TO B-3
PROPOSED VETERINARY HOSPITAL
N SIDE OF LONG LAKE, E OF ROCHESTER RD
SEC. 11 (Z-734)

SUBJECT PARCEL

ROCHESTER

E LONG LAKE

E Long Lake



REZONING REQUEST
FROM B-2 TO B-3
PROPOSED VETERINARY HOSPITAL
N SIDE OF LONG LAKE, E OF ROCHESTER RD
SEC. 11 (Z-734)

R-1C

B-2

SUBJECT PARCEL

H-S

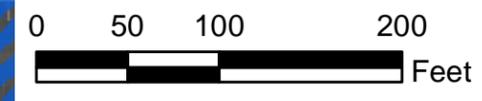
E LONG LAKE

E Long Lake

B-1

B-3

O-1



REZONING REQUEST
FROM B-2 TO B-2
PROPOSED VETERINARY HOSPITAL
N SIDE OF LONG LAKE, E OF ROCHESTER RD.
SEC. 11 (Z-734)

RECREATION
& OPEN
SPACE

Rochester Road

SUBJECT PARCEL

Neighborhood
Nodes

E Long Lake

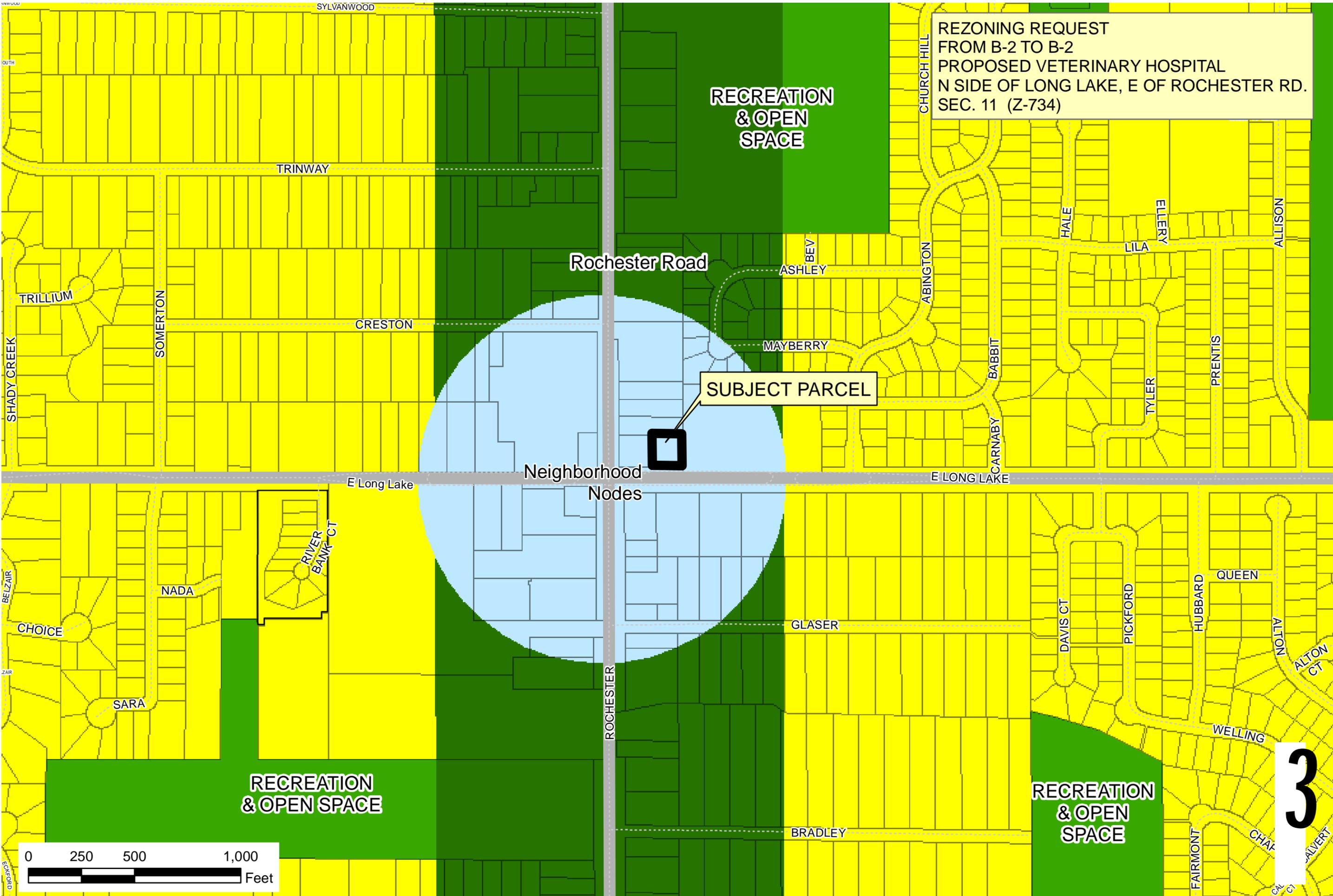
E LONG LAKE

RECREATION
& OPEN
SPACE

RECREATION
& OPEN
SPACE



3

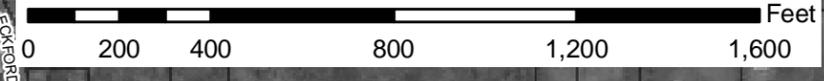


REZONING REQUEST
FROM B-2 TO B-3
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N SIDE OF LONG LAKE, E OF ROCHESTER RD.
SEC. 11 (Z-734)

SUBJECT PARCEL



3



REZONING REQUEST
FROM B-2 TO B-3
PROPOSED VETERINARY HOSPITAL
N SIDE OF LONG LAKE, E OF ROCHESTER RD.
SEC. 11 (Z-734)

CJ-34

SUBJECT PARCEL

H-S

B-1

B-3

P-1

B-2

O-1

M-1

R-1T

CR-1

R-1C

C-F

E-P

TRINWAY

CRESTON

ROCHESTER
E LONG LAKE

GLASER

BRADLEY

SYLVANWOOD

CHURCH HILL

ABINGTON

HALE

LILA

ELLERY

ALLISON

ASHLEY

MAYBERRY

BABBIT

GARNABY

TYLER

PRENTIS

SOMERTON

TRILLIUM

SHADY CREEK

NADA

CHOICE

SARA

RIVER BANK CT

DAVIS CT

PICKFORD

HUBBARD

QUEEN

ALTON

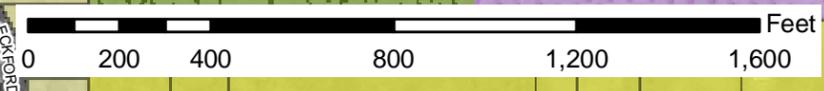
ALTON CT

WELLING

FAIRMONT

CHAPEL

CALVERT



3

5. PUBLIC HEARING – REZONING APPLICATION (Z 734) – Proposed Veterinary Office, North side of Long Lake Road, East of Rochester Road (1047-1055 E. Long Lake Road), Section 11, From B-2 (Community Business) to B-3 (General Business) District

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

John Hennessey of Hennessey Engineers, 13500 Mack Road, Southgate, was present to represent the petitioner. Mr. Hennessey said the use is harmonious with the neighborhood and would fill a need within the community.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2008-12-145

Moved by: Maxwell

Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to B-3 rezoning request, located on the north side of Long Lake Road, east of Rochester, within Section 11, being approximately 0.67 acres in size, be granted, because it is consistent with the intent of the Master Plan and is compatible with abutting zoning districts and uses.

Discussion on the motion on the floor.

There was a brief discussion on the principal uses permitted in the B-3 zoning district in relation to the size of the subject property.

Vote on the motion on the floor.

Yes: Hutson, Maxwell, Sanzica, Schultz, Tagle

No: Vleck

Absent: Strat, Ullmann, Wright

MOTION CARRIED

Mr. Vleck said he does not disagree with the proposed use, but he would prefer to see a conditional rezoning on the site so there would be more control with the integration of its use with surrounding properties.

DATE: December 1, 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 Animal Advocates Veterinary Hospital, North side of Long Lake, East of Rochester Road, Section 11 – B-2 to B-3 (Z-734)

GENERAL INFORMATION

Name of Owner / Applicant:

The owner is Arkan Jonna of AFJ Long Lake, LLC. The applicants are Stephanie Bellisario, Maureen Birley, and Colleen Overla of Animal Advocates Veterinary Hospital.

Location of Subject Property:

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

Size of Subject Property:

The property is approximately 0.67 acres in size.

Current Use of Subject Property:

A small vacant multi-tenant retail building currently sits on the property.

Current Zoning Classification:

B-2 Community Business.

Proposed Zoning of Subject Parcel:

B-3 General Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to use the existing building to house a veterinary hospital. The applicant is not proposing any additional construction on the site.

Zoning Classification of Adjacent Parcels:

North: B-2 Community Business.

South: O-1 Low Rise Office and B-3 General Business.

East: B-2 Community Business.

West: H-S Highway Service.

Current Use of Adjacent Parcels:

North: Vacant retail building.

South: Belle Tire and bank.

East: Shopping center.

West: Gas station.

ANALYSIS

Range of Uses Permitted in Proposed B-3 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Any retail business or service establishment permitted in B-2 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions.

Mortuary establishments.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities.

Parking garages and off-street parking areas.

Sales, showrooms, and incidental repair of recreational vehicles.

New and used car salesroom, showroom, or office.

Governmental offices, public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.

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 an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within B-3 Districts, apart from restaurants.

Bowling alley, billiard hall, indoor archery range, indoor skating rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation.

Open air business uses when developed as uses subordinate to primary uses and structures within the B-3 District.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

Outdoor sales space for exclusive sale or lease of new or second-hand automobiles, trucks, mobile homes, trailers, or recreational.

Motel or hotel.

Veterinary hospitals.

Commercial kennels.

Automobile repair garages.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Potential Storm Water and Utility Issues:

The applicant proposes no additional construction on the property.

Compliance with Location Standards of the B-3 District:

There are no Location Standards for the B-3 General Commercial District.

CONSISTENCY WITH CITY OF TROY MASTER PLAN

Quality of Life Considerations:

Rezoning the parcel would expand its development potential as B-3 permits a wider range of uses than does B-2.

Design and Community Character Considerations:

The parcel abuts a service station, a shopping center and a vacant retail building. The vacant building on the subject parcel could be re-used under the provisions of the B-3 zoning district. If rezoned from B-2 to B-3, the underlying zoning will remain retail. The B-3 district permits a wider range of uses than B-2 does, however the small parcel size limits its development potential for some of the more intense uses.

Preservation and Enhancement of Natural Features:

The Natural Features Map indicates there are no significant natural features located on the property.

Low Impact Development Considerations:

The application indicates the applicants intend to re-use the existing building. There is no indication that the applicant intends to utilize LID techniques.

Non-motorized Access Considerations:

The development will require building perimeter sidewalks and a connection to the public sidewalk on Long Lake Road.

Access Management Considerations:

Access to the property is provided by two curb cuts on Long Lake Road. Access management could be improved in this area through the reduction in the number of curb cuts and the use of cross-access easements and shared parking.

Compliance with Ten Tenets of Smart Growth:

The following is a list of the Ten Tenets of Smart Growth:

1. Create a range of housing opportunities.
2. Create walkable communities.
3. Encourage community and stakeholder collaboration in development decisions.
4. Foster distinctive, attractive communities with a strong sense of place.
5. Make development decisions predictable, fair, and cost effective.
6. Mix land uses.
7. Preserve open space, farmland, natural beauty and critical environment areas.
8. Provide a variety of transportation options.
9. Strengthen and direct development towards existing communities.
10. Take advantage of compact building design.

The application indicates the existing vacant building will be reused. Reusing the building will add a B-3 use within an established Neighborhood Node.

Compliance with Future Land Use Plan of the Master Plan:

The Master Plan calls for a Neighborhood Node at the corner of Long Lake Road and Rochester Road (Neighborhood Node L). The Master Plan proposes that the node "should remain, predominantly commercial, catering to local needs and regional traffic. New development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development".

The rezoning application is consistent with the Future Land Use Plan.

CITY MANAGEMENT RECOMMENDATION

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

City Management recommends approval of the rezoning request.

cc: Applicant
File / Z 734

Statement of Intent for the City of Troy Rezoning Board

Animal Advocates Veterinary Hospital would like to open our business at 1047-1055 Long Lake Road. We feel our business would greatly benefit the city of Troy in the following ways:

1. We would provide quality veterinary care to Troy residents, as well as bringing in business from surrounding cities, which would aid in boosting Troy's economy.
2. We would become actively involved in the Troy community by participating in Troy Daze and other community events.
3. We would promote the city of Troy by providing veterinary educational tours of our facility to local schools and organizations.
4. We also plan on improving the appearance of the building by refinishing the parking lot and updating its exterior/interior making it aesthetically pleasing to the community.
4. We would occupy a currently vacant building with a successful business.

We do not plan on hindering or impinging upon any existing businesses, and our practice will be a small animal exclusive facility.

1. Our office hours will be 8 AM – 6 PM, M, T, W, and F. Thursdays, we will be open from 8 AM – 8 PM, and Saturdays, from 8 AM – 1 PM. We will be closed on Sundays.
2. We do not plan on having any boarding services at our facility, and there will be no outdoor kennels.
3. We plan on performing approximately 98% outpatient procedures with only overnight stays of hospitalized animals when necessary.
4. We will be diligent in cleaning up pet waste daily.

We look forward to practicing in Troy, and we appreciate your time and consideration in this matter.

Sincerely,

Stephanie Bellisario, D.V.M.

Maureen Birley, D.V.M.

Colleen Overla, D.V.M.

REC'D

NOV 10 2008

PLANNING DEPT.

