



CITY COUNCIL REPORT

DATE: February 23, 2009

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 – Zoning Ordinance Text Amendment (File Number: ZOTA 234) – Article 28 – Automobile Repair in M-1

Background:

- A public hearing is scheduled for the March 23, 2009 City Council meeting.
- The Planning Commission held a public hearing for this item at the February 10, 2009 Regular meeting and recommended approval of ZOTA 234.
- The proposed amendment permits parcels that front on major thoroughfares or abut I-75 to be utilized for automobile repair. This improves the potential for reuse for vacant industrial buildings in the City of Troy.
- The proposed amendment permits automobile repair facilities without outdoor storage by right in M-1. Presently, these facilities are permitted by Special Use Approval.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to amend the Zoning Ordinance.

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, deny or modify the proposed text amendment.
- No action required until the public hearing on March 23, 2009.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft ZOTA 234 City Council Public Hearing Draft.
2. Minutes from February 10, 2009 Planning Commission Regular meeting.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT
ZOTA 234

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 Article III of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to permit automobile repair and service facilities by Conditional Use in the M-1 District, to read as follows:

28.00.00 ARTICLE XXVIII M-1 LIGHT INDUSTRIAL DISTRICT

28.25.00 Conditional Uses Permitted:

The following uses shall be permitted in M-1 Districts, subject to the conditions imposed for each use:

28.25.08 Automobile repair and service facilities, including engine, electrical, and mechanical repair, vehicle body repair, painting, rust-proofing, and auto glass work, subject to the following conditions:

A. Outside storage or display of vehicles, parts or equipment shall be prohibited unless the applicant receives Special Use Approval per the provisions of Section 28.30.04.

28.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

~~28.30.07 Automobile Repair and Service Facilities, Including Engine, Electrical, and Mechanical Repair, Vehicle Body Repair, Painting, Rust-Proofing, and Auto Glass Work, Subject to the Following Conditions:~~

~~A. Such sites shall be within the interior of industrially zoned areas. They shall have their frontage on and access only to secondary or interior streets, and no frontage on or access to Major Thoroughfares or Freeways as established by the Master Thoroughfare Plan.~~

~~B. Outside storage or display of parts or equipment shall be prohibited.~~

~~C. Retail sales shall be limited to those items necessary to carry out the vehicle service activities occurring on the site.~~

~~The uses permitted by this Section shall not include Automobile Service Stations, as provided for in Section 23.30.02 of this Chapter.~~

~~(Rev. 12-05-94)~~

28.30.78 Commercial Kennels, subject to the following conditions:

- A. The site shall be no closer than three hundred (300) feet from any residentially zoned or used property. This distance provision shall not apply to residentially zoned land which is developed or committed for uses other than the construction of residential dwellings.
- B. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 02-05-01)

28.30.089 Indoor commercial recreation facilities, subject to the following conditions:

- A. Off-street parking requirements shall be determined based on the Zoning Ordinance requirements.

28.30.940 Retail uses, subject to the following:

- A. The retail use shall not exceed twenty-five percent (25%) of the gross floor area of a building that is used for industrial purposes.
- B. There shall be a functional relationship between the retail use and the industrial use, as determined by one of the following:
 - i. The retail use sells only products, or products directly accessory thereto, that are manufactured or fabricated in the industrial portion of the building.
 - ii. The retail use sells only products, or products directly accessory thereto, that are stored in the industrial portion of the building.
- C. For application B. ii. above, the industrial and retail uses shall have common ownership.
- D. For application B. ii. above, the building shall front on a major thoroughfare as classified on the City of Troy Transportation Plan.

(Renumbered: 04-17-06)

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 _____, 2009.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

ZONING ORDINANCE TEXT AMENDMENTS

8. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 234) – Article 28.30.07, Automobile Repair and Service Facilities in the Light Industrial District**

Mr. Miller gave a brief summary of the proposed zoning ordinance text amendment. He indicated a representative of the Building Department gave a thumbs-up relative to the intent and enforceability of the proposed amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2009-02-017**

Moved by: Vleck
Seconded by: Maxwell

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28, M-1 LIGHT INDUSTRIAL DISTRICT, pertaining to automobile repair and service facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED