

DATE: July 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (AUGUST 1, 2005) – REZONING APPLICATION – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2 (Z-704)

RECOMMENDATION

The subject property is designated as a Non-Center Commercial on the Future Land Use Plan. Both, the B-3 or H-S zoning districts correlate with this Non-Center Commercial future land use designation. Almost all of the uses permitted in the proposed B-2 district are permitted in the B-3 district. The B-2 district is a community commercial district; however, the B-3 district includes a wider range of uses and potential greater negative impacts. Within the B-3 district the front yard setback is 40 feet and the rear yard setback is 30 feet, while the proposed B-2 district are greater, and the front yard setback is 75 feet and the rear yard setback is 30 feet. Therefore, the potential land uses are less intensive within the proposed B-2 district and the building setbacks are greater, when compared to the future planned B-3 district.

The proposed rezoning would extend the existing western boundary of B-2 property to line up precisely with the abutting property to the south, which is also with the B-2 zoning district. This proposed B-2 boundary extends slightly further to the west than the B-3 district to the north and across Vanderpool. However, the proposed B-2 zoning and its depth towards the west, is consistent with properties along the western side of the Rochester Road corridor, between Big Beaver and Wattles.

The petitioner proposes to combine the subject property with a City owned remnant parcel, that fronts Rochester Road and is within the B-2 zoning district. By combining these parcels the remnant parcel becomes developable. The rezoning application is compatible with surrounding land uses and zoning districts. Further, the request is consistent with the existing B-2 zoning located south of Vanderpool. On June 14, 2005 the Planning Commission recommended approval of the rezoning request. City Management concurs and recommends approval of the B-2 rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:

The owners of the property are Glen and Barbara Carter. The applicant is John Glasnak.

Location of Subject Property:

The property is located on the south side of Vanderpool, west of Rochester Road and east of Ellenboro, in Section 22.

Size of Subject Parcel:

The parcel is approximately 0.5 acres in area.

Current Use of Subject Property:

The subject parcel is currently used as a single family residence.

Current Zoning Classification:

R-1E One Family Residential.

Proposed Zoning of Subject Parcel:

B-2 Community Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to acquire the abutting remnant parcel to the east, from the City of Troy and develop both parcels as a Dunkin Donuts restaurant.

Current Use of Adjacent Parcels:

North: Single-family residential.
South: Troy Point Plaza (retail strip mall).
East: Vacant.
West: Single-family residential.

Zoning Classification of Adjacent Parcels:

North: R-1E One Family Residential and B-3 General Business.
South: B-2 Community Business.
East: B-2 Community Business.
West: R-1E One Family Residential.

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 parcel fronts on Vanderpool.

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 Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The Non-Center Commercial designation does not correlate with the B-2 Zoning District. The B-2 district does not comply with the Future Land Use Plan. However, the B-2 district is a commercial zone as is B-3, and the B-2 district is less intense in terms of potential uses than the B-3 district. Further, the request is an expansion of an existing B-2 zoning district

Compliance with Location Standards

The B-2 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

Attachments:

1. Maps.
2. Conceptual Site Plan.
3. Applicant Statement of Request.
4. Minutes from the June 14, 2005 Planning Commission Regular Meeting.

cc: Applicant
File / Z- 704

Prepared by PPB/RBS/MFM

G:\REZONING REQUESTS\Z-704 DUNKIN DONUTS SEC 22\Announcement of CC Public Hearing Z-704 07 18 05.doc

CITY OF TROY



REZONING REQUEST
PROPOSED DUNKIN DONUTS
FROM R-1E TO B-2
S SIDE VANDERPOOL, W OF ROCHESTER
SEC. 22 (Z-704)

TROMBLEY

WINTHROP

ARDMORE

CHARRINGTON

REZONING REQUEST
FROM R-1E TO B-2

VANDERPOOL

TORPEY

BAKER

HARRIS

BOYD

ROCHESTER

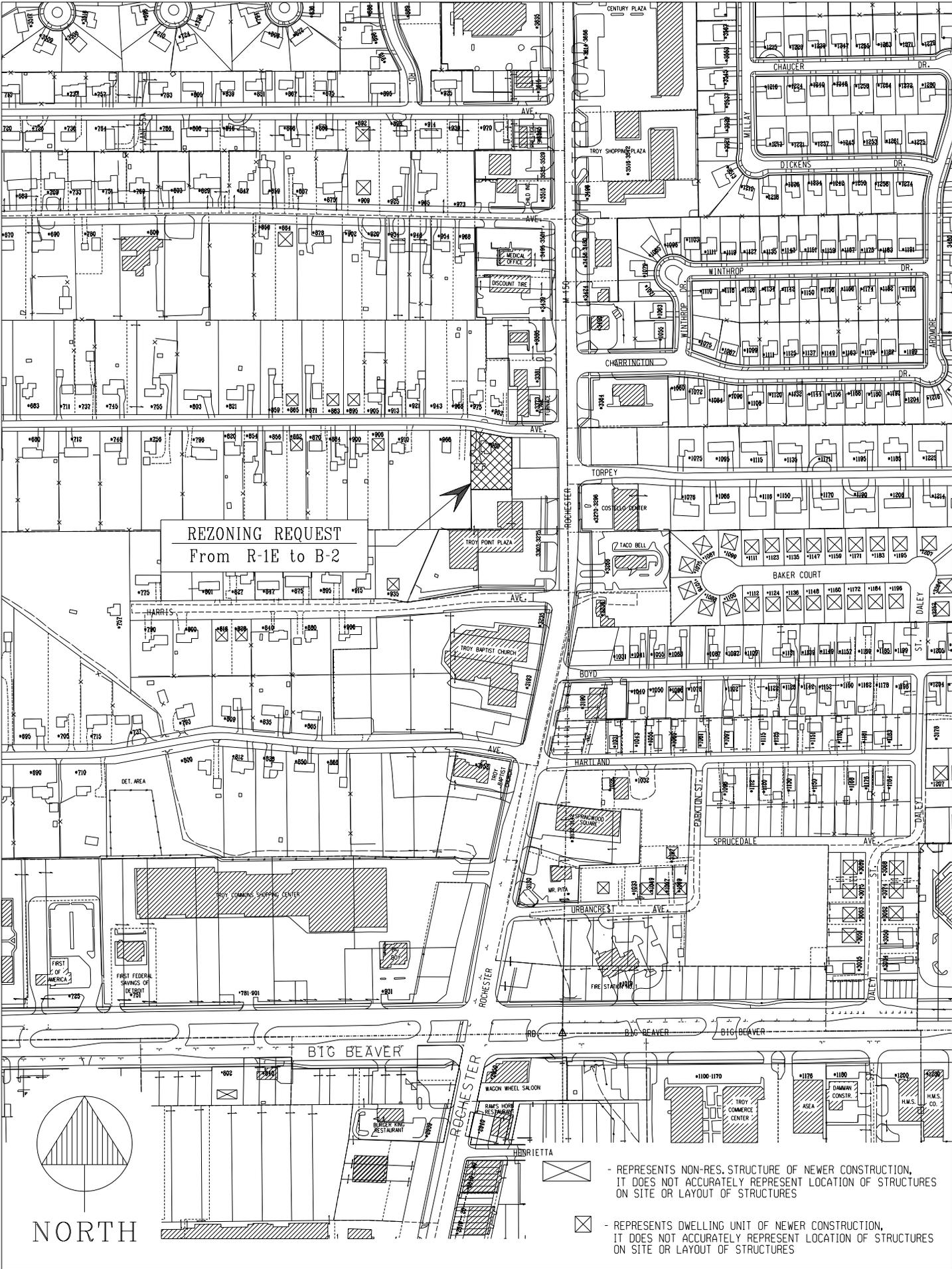
DALEY

HARTLAND

HARTLAND

0 50 100 200 300 400 Feet



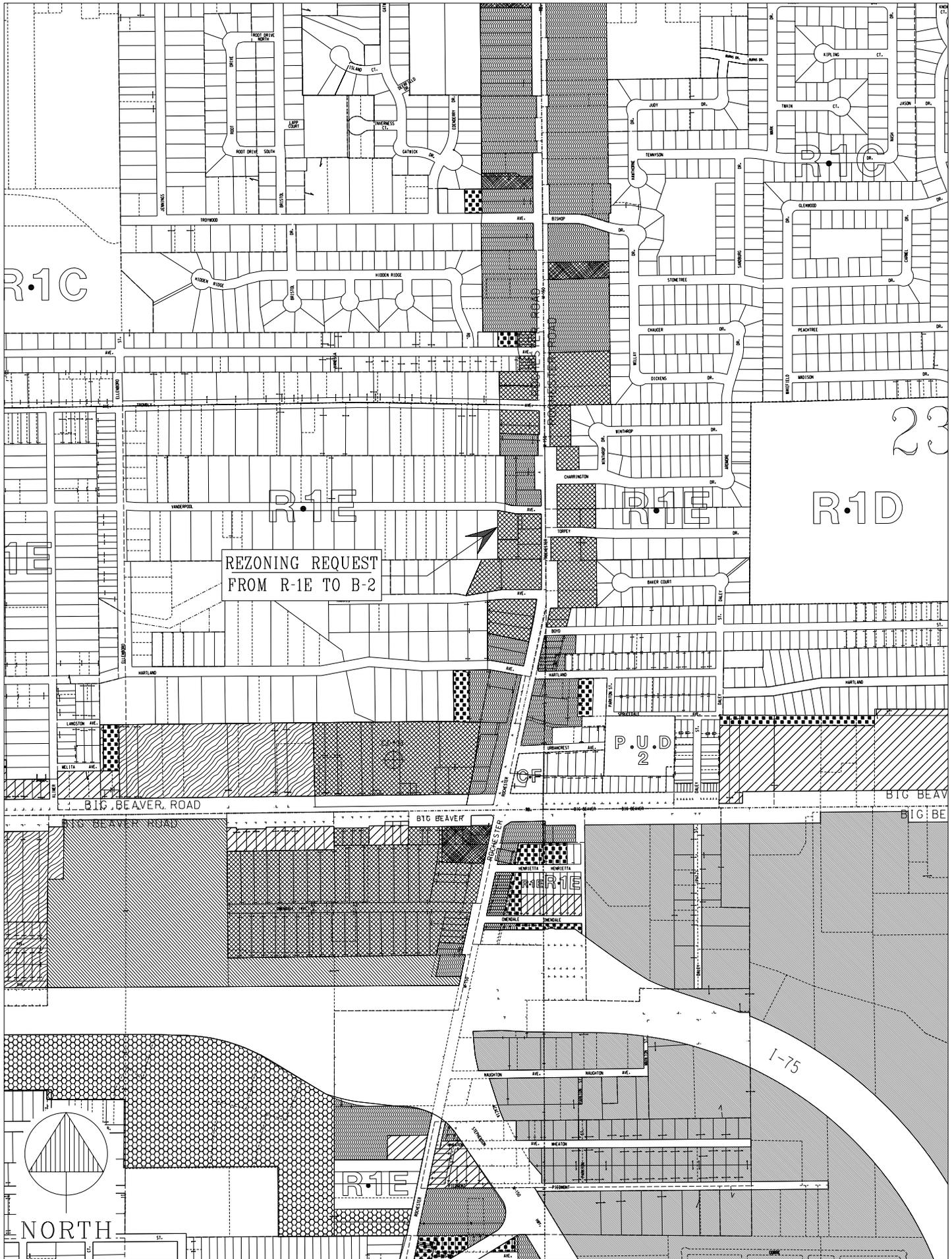


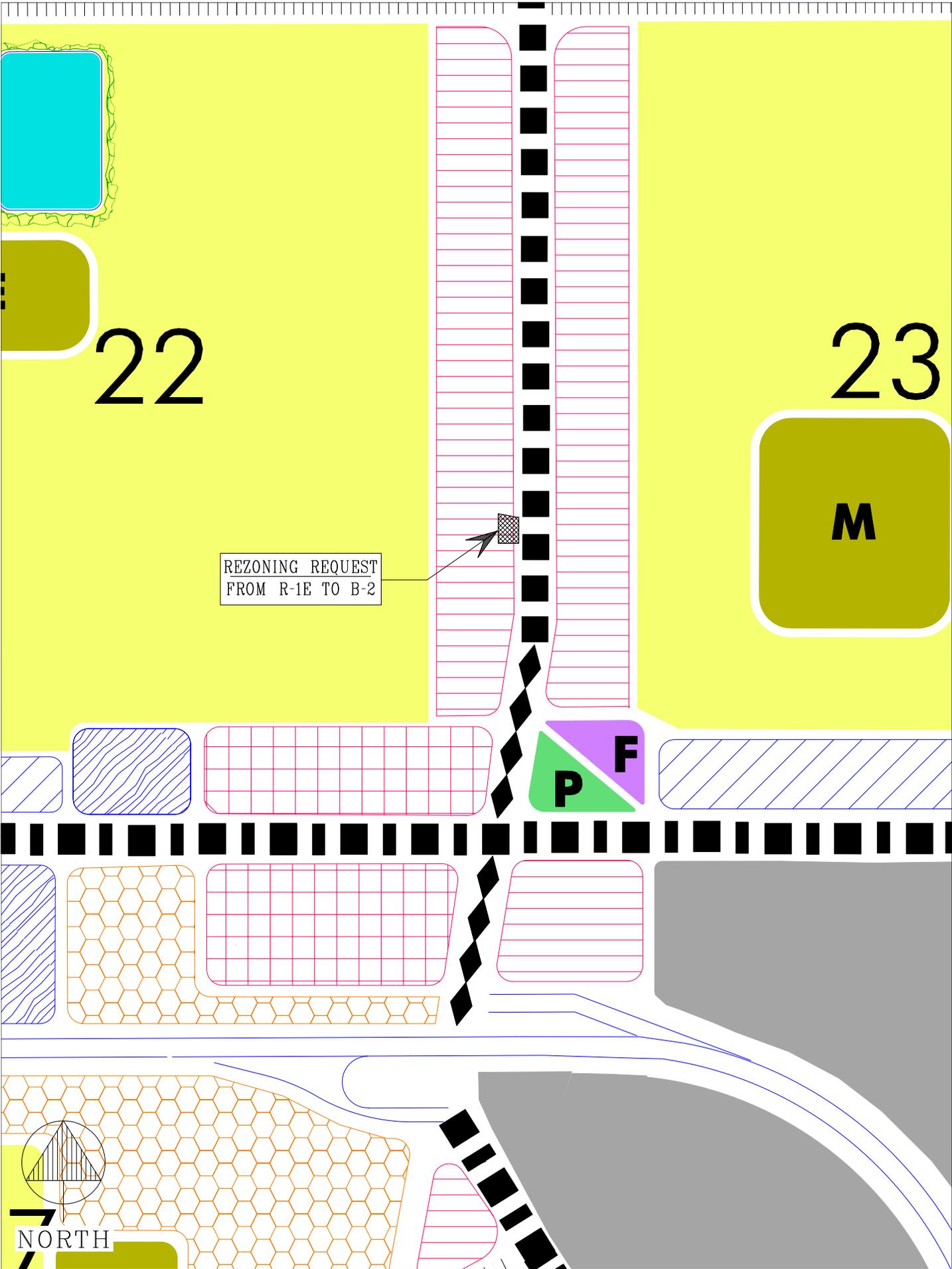
REZONING REQUEST
From R-1E to B-2

⊠ - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

⊠ - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

NORTH





22

23

M

REZONING REQUEST
FROM R-1E TO B-2

F

P

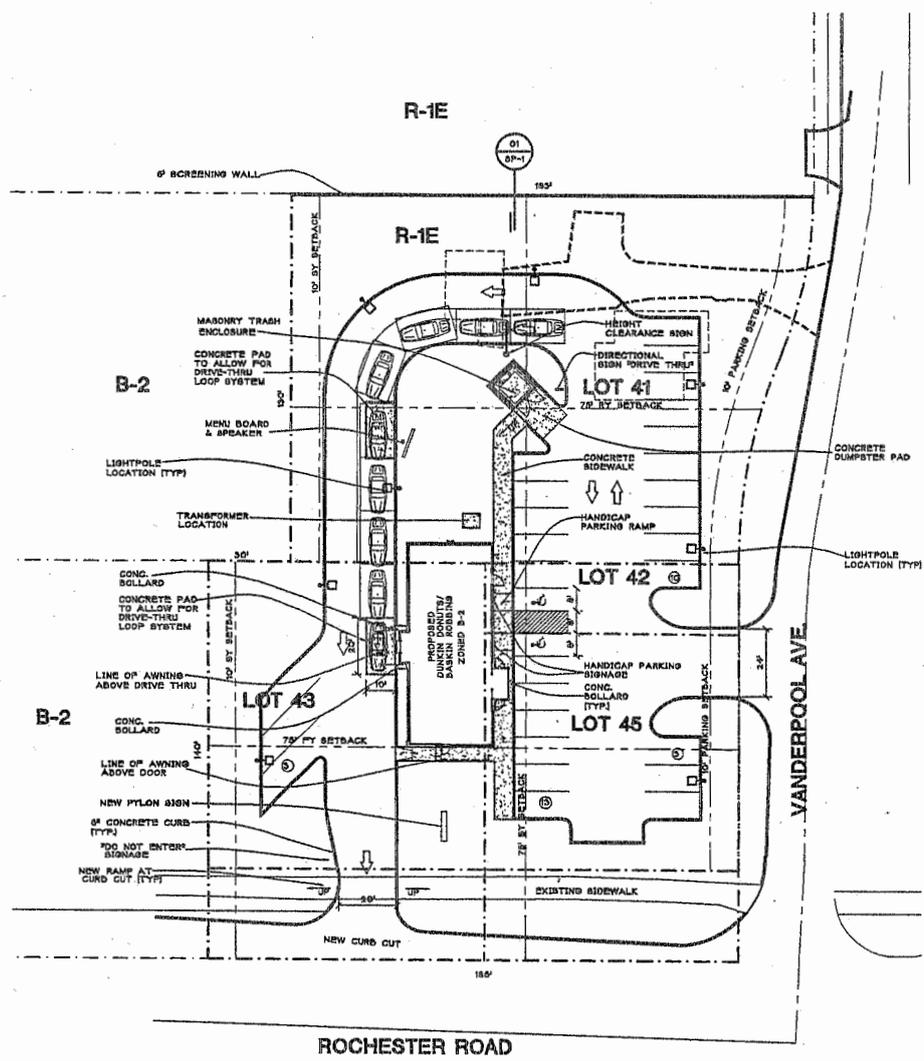
7
NORTH

Jeffery A. Scott

REVISED

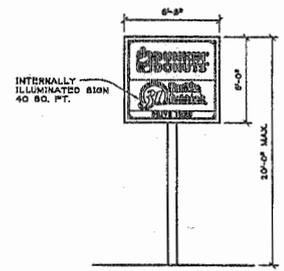
MAY 16 2005

PLANNING



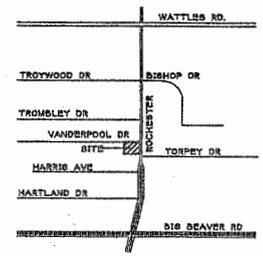
SITE PLAN
SCALE 1/8" = 1'-0"

LEGAL DESCRIPTION
LOT 42, ALSO LOT 43 AND 48 EXCEPT THE EAST 45 FEET TAKEN FOR ROAD, AND LOT 41 EXCEPT THE SOUTH 132 FEET, SUPERVISOR'S PLAT NO. 17, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.



TYPICAL PYLON SIGN
SCALE 1/4" = 1'-0"
TOTAL SQUARE FOOTAGE = 80 SQ. FT.

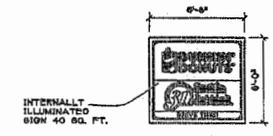
DETAILS OF DEVELOPMENT		
DATA	REQUIRED	PROVIDED
ZONING	RY-1 COMMUNITY BUSINESS DISTRICT	
SETBACKS	FR - ROCHESTER 75'	50'-0"
	RY - VANDERPOOL 75'	50'-0"
	BY - WEST 10'	40'-0"
	BY 75'	55'-0"
NET LOT AREA SQ.FT.	43,840 SQ.FT.	43,000 SQ.FT.
DRIVE FLOOR AREA		1,348 SQ.FT.
USABLE FLOOR AREA		1,888 SQ.FT.
BUILDING COVERAGE		4.3%
BUILDING HEIGHT	32'-0"	32'-0" 1 STORY
SEATING CAPACITY		50
SINSE/SEATING AREA SQ.FT.		200 SQ.FT.
EXPLORATION		
DRIVE THRU STACKING	2	2
DARKING BASED ON RDD. 60' D.I.	16	16
1 PER 50 SQ.FT. DINING AREA		
1 PER 1 SEAT		
HANDICAPPED PARKING	2	2



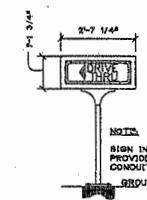
LOCATION MAP
NO SCALE



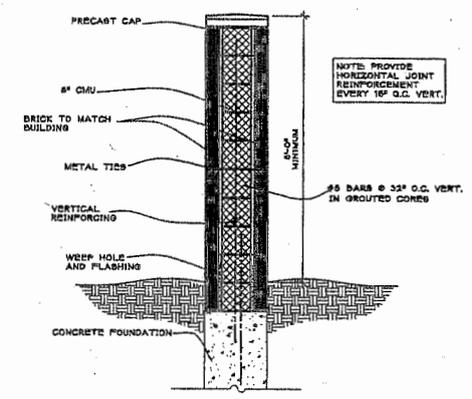
BUILDING WALL SIGNAGE
SCALE 1/4" = 1'-0"
DUNKIN DONUTS SIGNAGE = 21 SQ. FT.
BASKIN ROBBINS SIGNAGE = 24 SQ. FT.
TOTAL WALL SIGNAGE = 45 SQ. FT.



BUILDING WALL SIGNAGE
SCALE 1/4" = 1'-0"
TOTAL WALL SIGNAGE = 40 SQ. FT.



SIGN DETAIL (TYP.)
SCALE 1/2" = 1'-0"
TOTAL SQUARE FOOTAGE = 3.66 SQ. FT.



SCREEN WALL SECTION
SCALE 3/4" = 1'-0"



DATE	BY	SCALE	VARIES	DRAWN	MS	MS	MS	MS	MS

PRELIMINARY SITE PLAN
ROCHESTER ROAD
TROY, MI 48063
P/C #

JSA JOB NO.
0505.3

SHEET NO.
SP-1

**ATTACHMENT TO
REZONING RQUEST
980 VADERPOOL, TROY, MICHIGAN**

STATEMENT OF APPLICANT

The applicant believes that the zoning change requested is necessary to make the adjacent parcel, which is owned by the City of Troy and which is proposed to be sold to applicant, a buildable parcel. By joining this parcel, as rezoned, with the City parcel, a much more desirable building site is achieved. The adjacent properties on Rochester Road consist of other retail developments, and the rezoning of this parcel should not have any negative impact on the adjacent properties or other persons located in the vicinity thereof.

REC'D

MAY 16 2005

PLANNING DEPT.

8. PUBLIC HEARING – PROPOSED REZONING (Z 704) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester, Section 22 – From R-1E to B-2

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

Mr. Miller explained that both actions, the Offer to Purchase the remnant parcel and the rezoning request, would be considered at the same City Council meeting. Should one action not be approved, the other action would not take place.

Ms. Lancaster confirmed that the Planning Commission could make their recommendation approval contingent upon the applicant's acquisition of the remnant parcel from the City.

Burt Kassab of 7125 Orchard Lake, West Bloomfield, was present to represent the petitioner.

PUBLIC HEARING OPENED

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat said the proposed rezoning is an intrusion and an encroachment of commercial use into the residential area. She said the property values of the residential homes would decrease. Ms. Balyeat questioned the need for another breakfast/coffee use at this location when there are vacant buildings throughout the City. Ms. Balyeat said that should the City go forward with the proposed rezoning, she would like the City's consideration to provide a tasteful brick wall as a transitional buffer and appropriate shielding of the parking lot lights.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger voiced opposition to the proposed rezoning. He said the City is literally taking down a house and moving commercial further into the subdivision. Mr. Billinger expressed concern with respect to noise, trash and dumpster locations. Mr. Billinger said his front yard view would be a brick wall should the proposed rezoning go forward. Mr. Billinger addressed current vacancies along Rochester Road that could accommodate the commercial use.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles said he is not opposed to the proposed rezoning. His concerns are the uneven property lines for commercial use in the area, and the potential of being enclosed by walls should the future commercial use construct a brick wall.

PUBLIC HEARING CLOSED

Chair Strat encouraged the residents to address their concerns at the time of City Council review and approval of the proposed rezoning, and again at the time of site plan approval by the Planning Commission should the rezoning go forward.

Ms. Lancaster clarified her earlier statement that the Planning Commission's recommendation could be contingent upon the remnant parcel sale. She pointed out that a rezoning request does not require conditions and putting a condition on the approval would put a condition on the City to sell the property. Ms. Lancaster suggested consideration of a recommendation that the property not be rezoned without the City remnant parcel sale, should the members make a recommendation of approval.

Mr. Miller clarified that property owners would not be notified at the time of site plan review and approval should the rezoning go forward. He said interested residents could contact the Planning Department for status of the site plan application.

Resolution # PC-2005-06-101

Moved by: Waller

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road, within Section 22, being approximately 0.5 acres in size, be granted, with the condition that this recommendation will cease if the City is not able to work out a purchase agreement between the applicant for the Dunkin Donut property and the City and that the only way to move forward is if the applicant owns both parcels.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Waller, Wright

No: Drake-Batts, Vleck

MOTION CARRIED

Ms. Drake-Batts is not in favor of commercial use going into a residential neighborhood because of the affect it would have on the value of the residential homes. Ms. Drake-Batts encouraged the residents to send their concerns in writing to the City Council members.

Mr. Vleck agreed with the comments of Ms. Drake-Batts.