

June 7, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – REZONING APPLICATION  
– Proposed Buscemi’s Party Shoppe, Northeast corner of Hartland  
and Rochester Road, Section 23 – R-1E and B-3 to B-1 (Z-701)

### **RECOMMENDATION**

The subject parcel is comprised of two parcels. The residential property is proposed to be developed in combination with the vacant parcel to the west. The applicant has a purchase agreement with the City of Troy, the current owner, which is proposing to sell the vacant parcel under a remnant parcel sale. The combination of these two properties will create a larger and more viable parcel for development. The purchase of this parcel will also be an agenda item on the June 20, 2005 City Council meeting.

The rezoning application is compatible with surrounding land uses and zoning districts. The Non-Center Commercial Future Land Use designation does not correlate to the proposed B-1 district, but is compatible with the H-S and B-3 districts.

The Planning Commission recommended approval of the request at the May 10, 2005 Planning Commission Regular Meeting. City Management agrees with the Planning Commission and recommends approval of the rezoning application.

### **GENERAL INFORMATION**

Name of Owner / Applicant:

The owner of the property is Paul Buscemi and the City of Troy. The applicant is Paul Buscemi.

Location of Subject Property:

The property is located on the northeast corner of Hartland and Rochester Road in Section 23.

Size of Subject Parcel:

The parcel is approximately 16,505 square feet in area.

Current Use of Subject Property:

The subject parcel is comprised of two parcels, Parcel A and Parcel B. A single family home currently sits on Parcel A, the easternmost parcel, which is 5,505 square feet in area. Parcel B is a vacant 11,000 square feet parcel that is currently vacant. This is a remnant parcel presently owned by the City of Troy.

Current Zoning Classification:

R-1E One Family Residential and B-3 General Business.

Proposed Zoning of Subject Parcel:

B-1 Local Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to demolish the existing home and construct a convenience store.

Current Use of Adjacent Parcels:

North: Office.

South: Troy Masonic Temple and single family residential.

East: Single family residential.

West: Life Christian Church.

Zoning Classification of Adjacent Parcels:

North: B-3 General Business.

South: B-3 General Business.

East: R-1E One Family Residential.

West: B-3 General Business

**ANALYSIS**

Range of Uses Permitted in Proposed 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.

Vehicular and Non-motorized Access:

The parcel fronts both Rochester Road and Hartland.

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-1 Zoning District. The rezoning application therefore does not comply with the letter of the City of Troy Future Land Use Plan.

Note that almost all of the uses permitted in the B-1 district are permitted in the B-3 district. The B-1 district is a commercial district, however the range of uses is wider and the potential impacts are higher in the B-3 district. However, the front yard setback and rear yard setback requirements are slightly greater in the B-3 district (40 feet and 30 feet) than in the B-1 district (25 feet and 20 feet).

The section of Rochester Road between Wattles Road and Big Beaver Road is characterized by a dramatic mix of commercial zoning districts, including B-1, B-2, B-3 and H-S. The property to the south, which is zoned B-3 and P-1, extends three lots further to the east than the subject parcel.

The rezoning application is compatible with these surrounding land uses and zoning districts. Although the Non-Center Commercial Future Land Use designation does not correlate to the proposed B-1 district, this B-1 works well with the small subject parcel.

Compliance with Location Standards

The B-1 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

Attachments:

1. Maps.
2. Letter from applicant, received by Planning Department March 22, 2005.
3. Minutes from May 10, 2005 Planning Commission Regular Meeting.
4. Letter of opposition, dated April 26, 2005.

Prepared by RBS/MFM

cc: Applicant  
File (Z 701)

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# CITY OF TROY



REZONING REQUEST  
PROPOSED BUSCEMI'S PARTY SHOPPE  
FROM R-1E & b-3 TO B-1  
NE CORNER OF HARTLAND & ROCHESTER RD.  
SEC. 23 (Z-701)



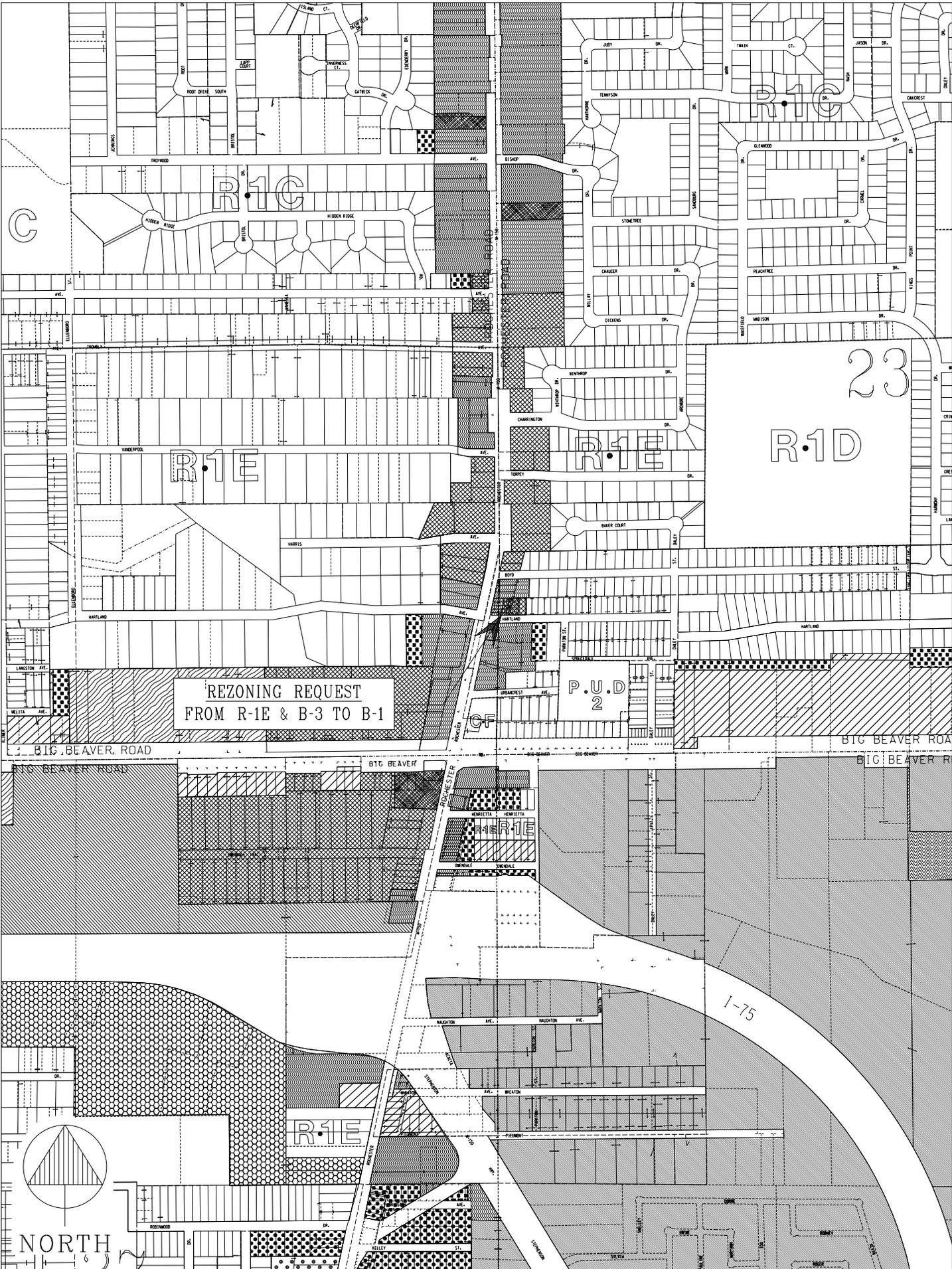
REZONING REQEUST  
FROM B-3TO B-1

REZONING REQEUST  
FROM R-1E TO B-1

ROCHESTER COMMONS  
UNDER CONSTRUCTION

0 50 100 200 300 Feet

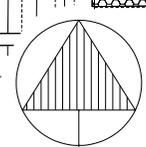




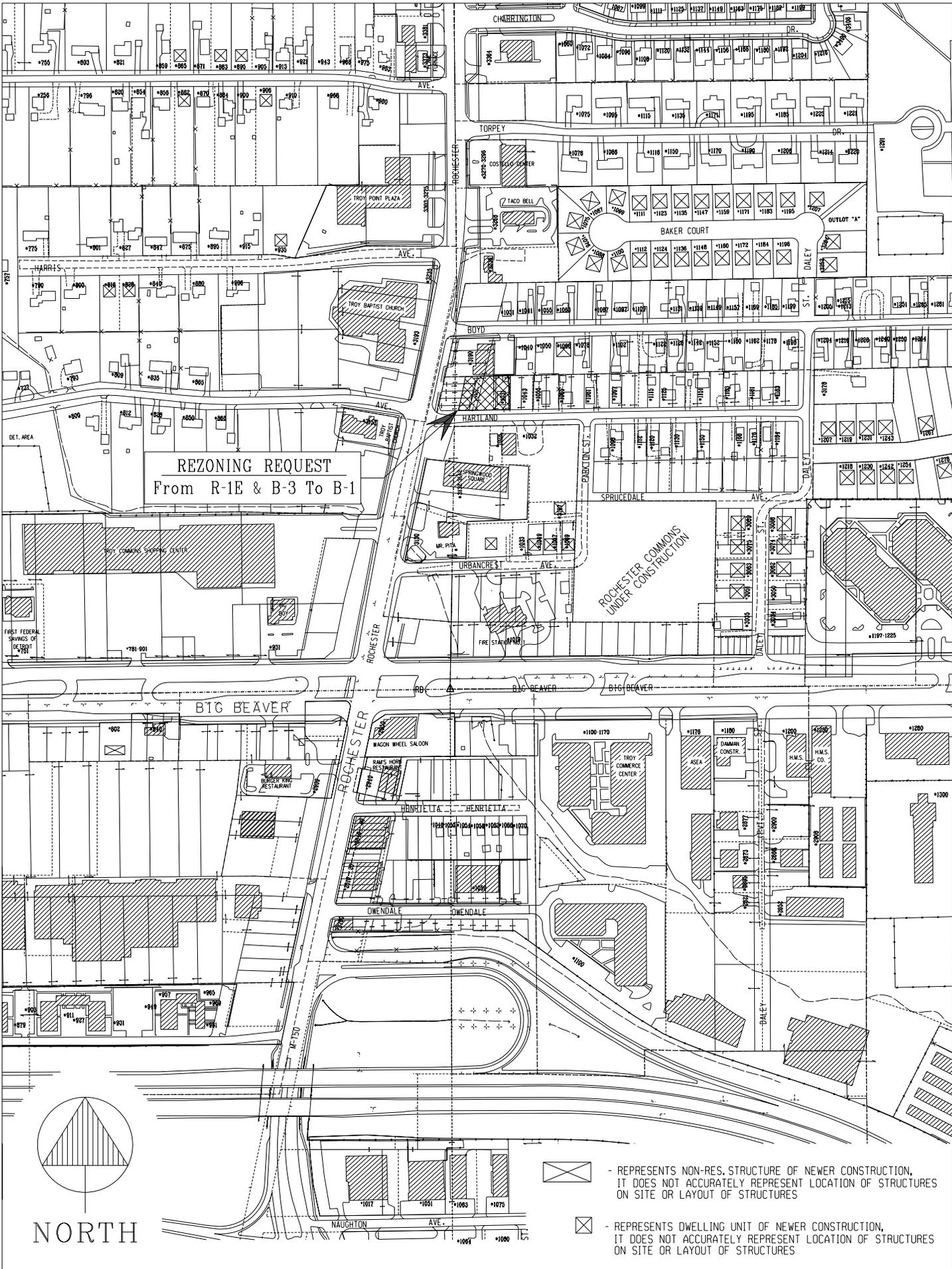
REZONING REQUEST  
FROM R-1E & B-3 TO B-1

23  
R-1D

P.U.D.  
2



NORTH



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23

M

REZONING REQUEST  
FROM R-1E & B-3 TO B-1

P F

E

NORTH

Buscemis Party Shoppe  
3296 Rochester  
troy MI 48348  
(248) 689-5959

REC'D  
MAR 22 2005  
PLANNING DEPT.

We believe the rezoning of this property will turn a partially vacant piece of land that has no aesthetic value or benefit to the City of Troy into a functional , well-maintained, tastefully-landscaped, family-owned business that has been operating in the City of Troy for more than 15 years.

As this piece of property is located between already-existing commercial buildings, the business that will reside on the property will complete the landscape on Rochester Road. In addition, the resident's that are located behind this property will be shielded from the traffic on Rochester Road. We are also hoping that the new building will revitalize this older part of the City and offer a new retail market for the enjoyment of the residents in the near vicinity.

A handwritten signature in black ink, appearing to be "Paul R.", is located in the lower right quadrant of the page.

14. PUBLIC HEARING – PROPOSED REZONING (Z 701) – Proposed Buscemi Party Shoppe, North of Harland, East of Rochester, Section 23 – From R-1E and B-3 to B-1

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

The petitioner, Paul Buscemi of 3296 Rochester Road, Troy, was present. Mr. Buscemi said they would like to stay in the same vicinity of Troy so they could keep their clientele of 15 years. He distributed a sketch of the proposed building.

Mr. Littman referenced a letter received by the Planning Department from neighboring residents Steve and Heather Clement of 1040 Boyd. The Clement's state their concern of the negative affects the proposed development would have on their home; i.e., decrease in property value, lack of privacy, noise.

Mr. Buscemi said he was not aware of the neighbor's concern. He suggested that a wall could be provided for privacy, and noted that the new building might buffer noise from Rochester Road. Mr. Buscemi said he would contact the neighbor to discuss their concerns.

Ms. Drake-Batts asked about the surrounding neighbors.

Mr. Buscemi noted the locations of the Masonic Temple and the home of the Butcher's. Mr. Buscemi said the Butcher 's are in support of the rezoning.

Ms. Drake-Batts said she would like to hear from the surrounding neighbors.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2005-05-083**

Moved by: Schultz

Seconded by: Wright

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1E and B-3 to B-1 rezoning request, located on the north side of Hartland, east of Rochester, within Section 23, being approximately 16,505 square feet size, be granted.

Yes: Khan, Littman, Schultz, Strat, Wright  
No: Drake-Batts  
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

Ms. Drake-Batts said she understands that commercial is across the street but she believes the commercial will devalue the residential home.

Mr. Savidant confirmed that property owners within 300 feet of the proposed rezoning were notified by mail.

**Paula P Bratto**

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**From:** Heather Clement [hclement76@comcast.net]  
**Sent:** Tuesday, April 26, 2005 8:11 PM  
**To:** Paula P Bratto  
**Subject:** Paul Buscemi's Rezone request

We live in the house diagonally behind the said property on the corner of Hartland and Rochester Road. Our house is located at 1040 Boyd (directly behind the doctor's office). The property that Mr. Buscemi is referring to is virtually in our backyard. We feel that having a business in that location will cause our home to depreciate in value. It will also make our privacy situation go from bad to worse. We have no privacy whatsoever in our backyard, and the thought of seeing and hearing party store patrons while we sit on our living room couch, or try to sleep is unappealing. It will increase the outdoor noise level, which already floods into our home, since we are close to the main road. We are frequent patrons of Buscemi's Party Shoppe, and have the utmost respect for Mr. Buscemi as a business owner. However, we must consider our own interest as homeowners. We do not want the resale value of our home to decrease, nor do we wish to be uncomfortable while we are living in this location. While we wish Mr. Buscemi success, the rezoning request is not something that we can agree to.

Sincerely,  
Steve and Heather Clement  
1040 Boyd

TCID

APR 27 2005

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