

DATE: July 20, 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 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 Non-Center Commercial on the Future Land Use Plan. Both the B-3 and H-S zoning districts correlate with this Non-Center Commercial future land use designation. Most of the uses permitted in the proposed B-2 district are permitted in the B-3 district, however the B-3 district includes a wider range of uses. 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. Rezoning and combining these parcels creates a desirable commercial site. 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:

In addition to the 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. The site plan indicates that all traffic will enter the site from Vanderpool. Note that the entry drive on Vanderpool was moved to the east away from the residential neighborhood.

In this section of Rochester Road there are examples of automobile-oriented retail uses with entry drives onto residential streets on Torpey, Trombley, Charrington and Bishop. None of these examples are on dead-end streets. Since Vanderpool is a dead-end street, the impact of traffic exiting the Dunkin Donuts restaurant will primarily be additional waiting times for traffic making turns onto Rochester Road. There will be no cut-through traffic associated with the proposed restaurant.

On-site circulation forces drive-thru traffic to exit onto Rochester while other traffic will primarily exit onto Vanderpool. This will help to reduce the volume of traffic exiting onto Vanderpool. It must be noted that since this is a rezoning application, the site plan could be altered following approval of the rezoning request.

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.
5. Letter of opposition dated July 7, 2005.

cc: Applicant
File / Z- 704

Prepared by RBS/MFM

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CITY OF TROY



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



VANDERPOOL

CHARRINGTON

ROCHESTER

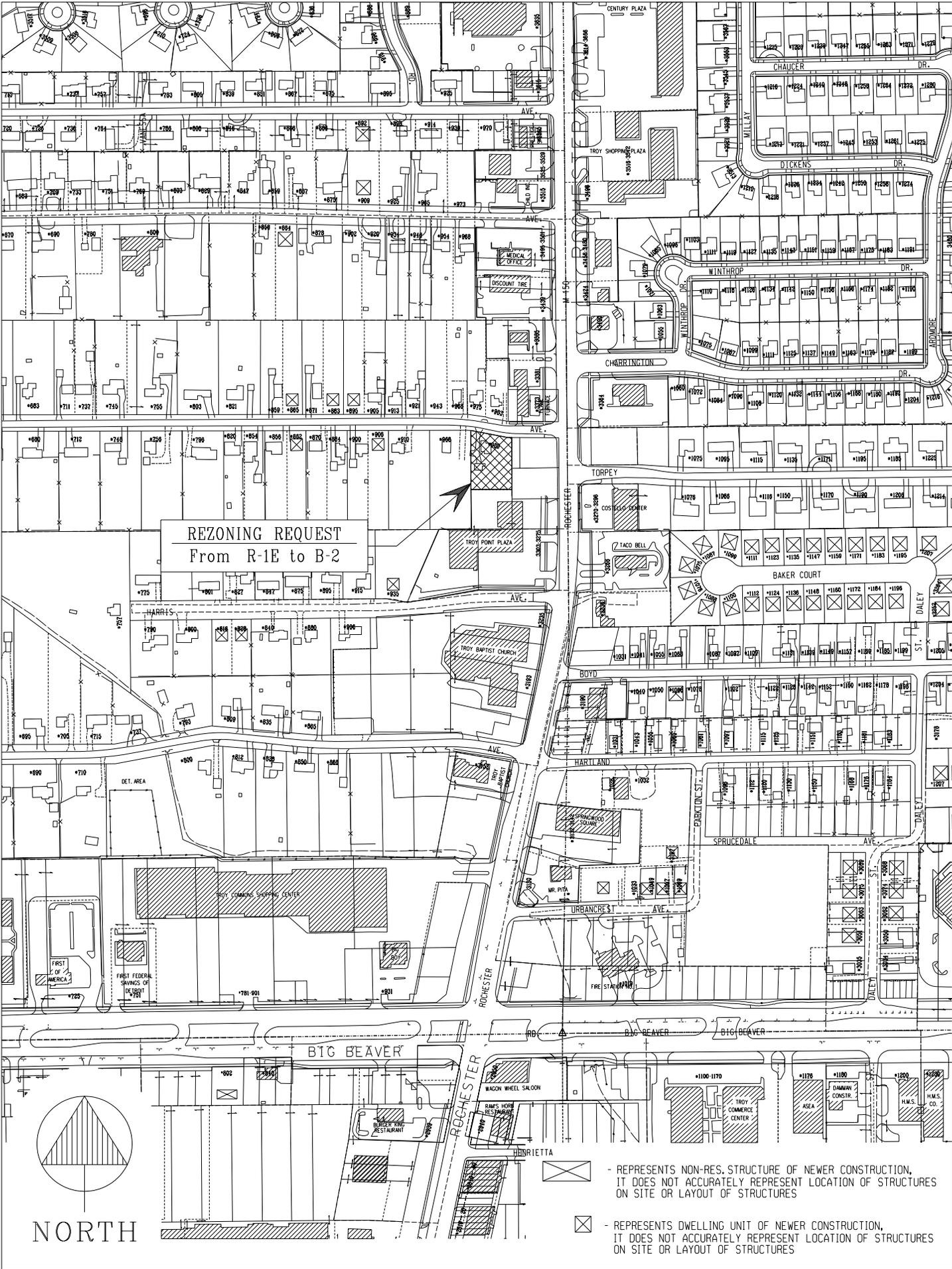
WINT

TORPEY

REZONING REQUEST
FROM R-1E TO B-2

0 100 200 HARRIS
Feet

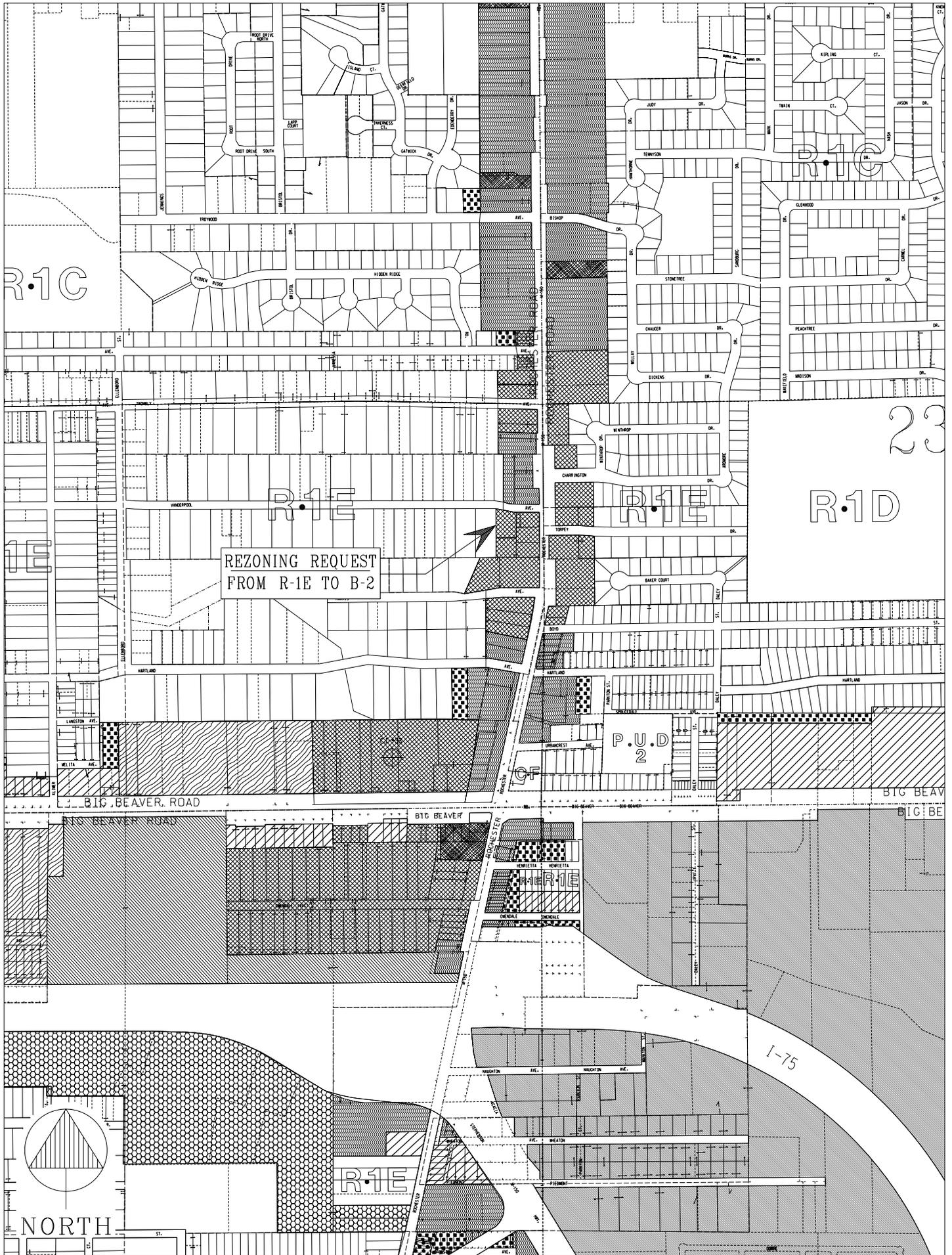


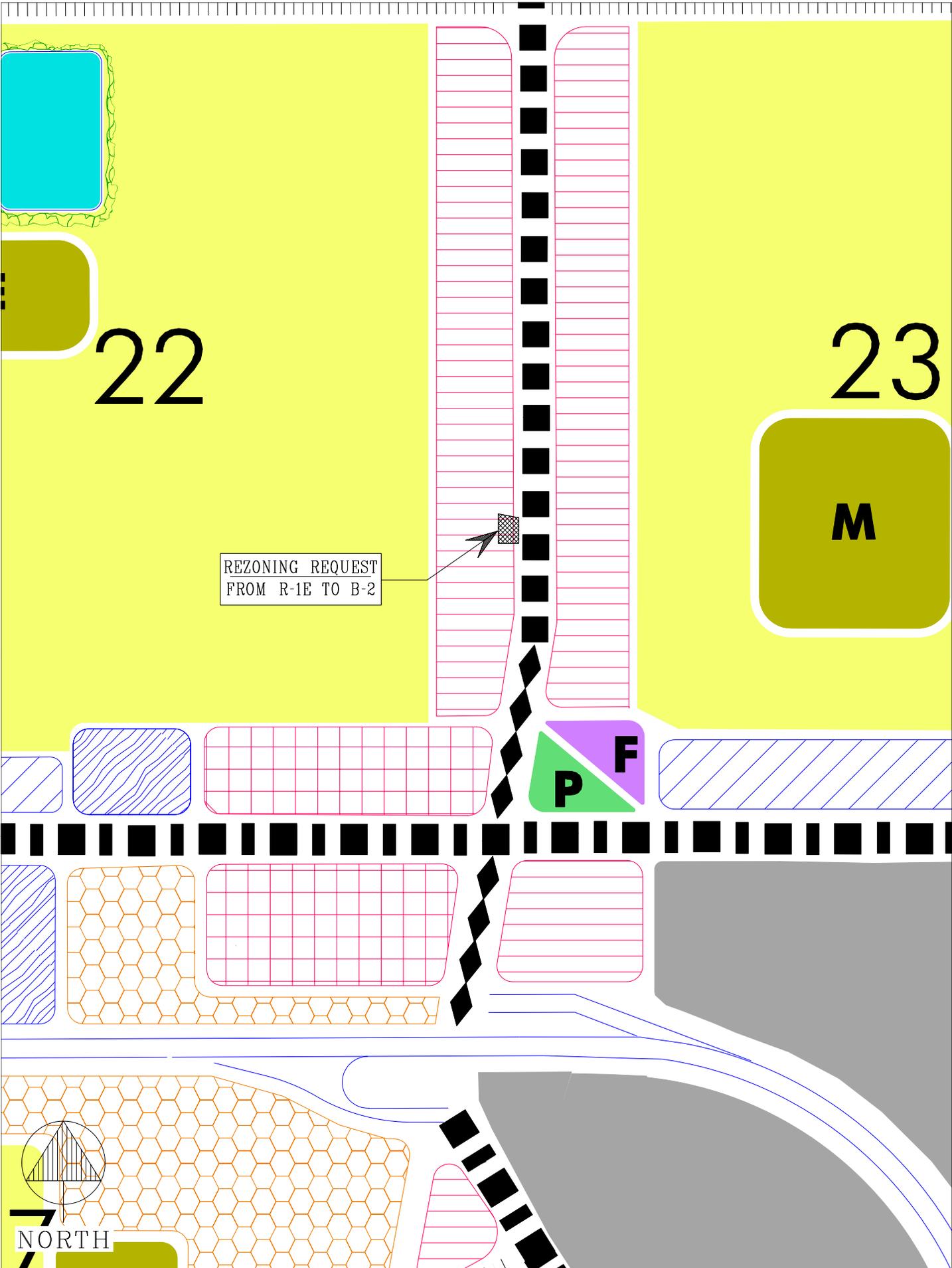


REZONING REQUEST
From R-1E to B-2

- 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

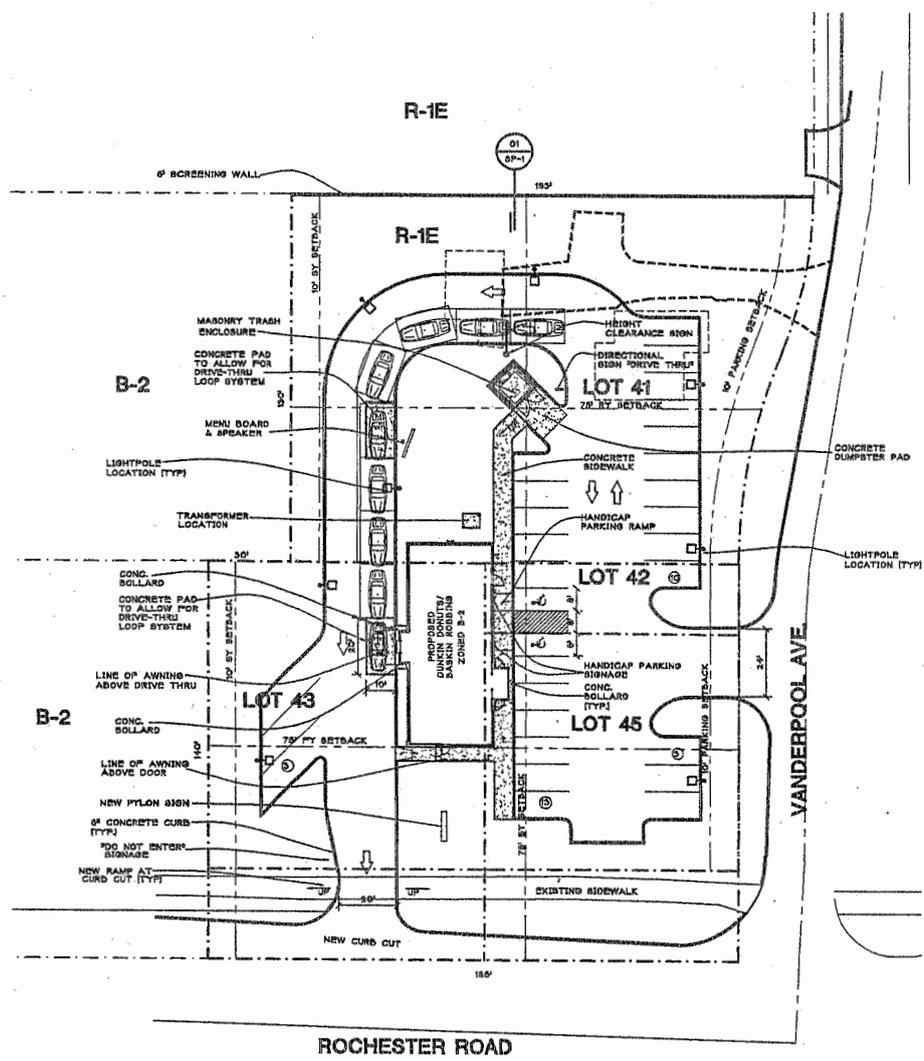
7
NORTH

Jeffery A. Scott

REVISED

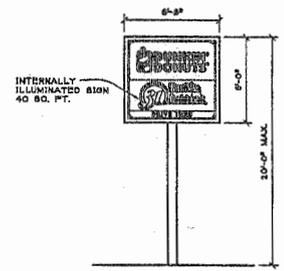
MAY 16 2005

PLANNING



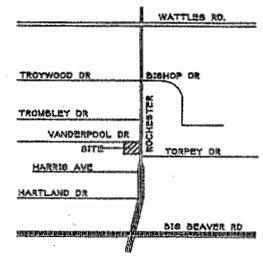
SITE PLAN
SCALE 1/8" = 1'-0"

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.

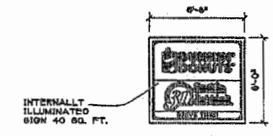
DETAILS OF DEVELOPMENT		
DATA	REQUIRED	PROVIDED
ZONING	RY-1 COMMUNITY BUSINESS DISTRICT	
SETBACKS	FR - ROCHESTER 75'	50'-0"
	RY - VANDERPOOL 75'	50'-0"
	BY - WEST 10'	40'-0"
	BY 75'	55'-0"
NET LOT AREA SQ.FT.	43,840 SQ.FT.	43,000 SQ.FT.
DRIVE FLOOR AREA		1,348 SQ.FT.
USABLE FLOOR AREA		1,888 SQ.FT.
BUILDING COVERAGE		4.2%
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. 80' D. 1 PER 50 SQ.FT. DRIVING AREA = 1 PER 5 SEATS	10	10
HANDICAPPED PARKING	2	2



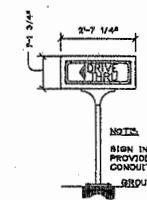
LOCATION MAP
NO SCALE



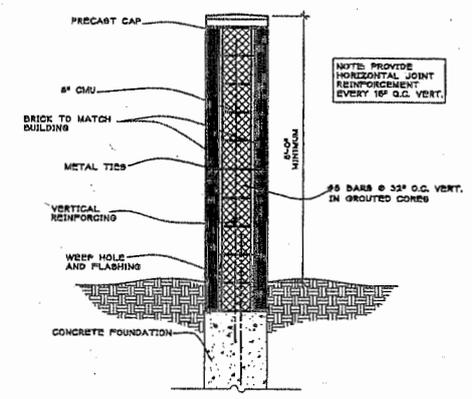
BUILDING WALL SIGNAGE
SCALE 1/4" = 1'-0"
DUNKIN DONUTS SIGNAGE = 21 SQ. FT.
BASKIN ROBBINS SIGNAGE = 24 SQ. FT.
TOTAL WALL SIGNAGE = 45 SQ. FT.



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 REQUEST
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.

Paula P Bratto

From: Mark F Miller
Sent: Monday, July 11, 2005 3:52 PM
To: Brent Savidant; Kathy Czarnecki; Paula P Bratto; Ronald Figlan
Subject: FW: Case Z-704

-----Original Message-----

From: Mark S Stimac
Sent: Monday, July 11, 2005 3:50 PM
To: Mark F Miller
Subject: FW: Case Z-704

You were not included with the original distribution.

-----Original Message-----

From: Cynthia A Stewart
Sent: Monday, July 11, 2005 3:34 PM
To: John Szerlag; Brian P Murphy; Douglas J Smith; Mark S Stimac
Subject: FW: Case Z-704

-----Original Message-----

From: kjmertz@wowway.com [mailto:kjmertz@wowway.com]
Sent: Thursday, July 07, 2005 9:33 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Case Z-704

Dear City Council Members,

I am writing you to express my concerns with the subject case and protest the rezoning that has been proposed. As I am sure that you are aware this case proposes rezoning residential property from R1-E to B2.

It is my opinion that re-zoning this property and allowing commercial businesses to encroach residential areas will reduce the value of the surrounding properties.

In addition to the impact on the property values this will also likely increase traffic at an already busy intersection. It is already quite a task to turn left onto Rochester Road, if 2 or 3 cars are added due to the commercial traffic it will be a nightmare.

There are several vacant buildings, and more becoming vacant (Expo & Organized Living), in the proximity that should be occupied prior to re-zoning residential property.

I hope that you will reconsider this proposal and deny the re-zoning request.

Sincerely,

Karl Mertz
883 Vanderpool
248-457-0832