

May 26, 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 (JUNE 20, 2005) – REZONING APPLICATION – From R-1E and E-P to P-1 and E-P, Al-Zouhayli Office Building (Z 683-B), North side of Big Beaver between Rochester Road and John R Road, Section 23

NOTE: The Clerk's Office received a valid protest petition opposing this application on April 11, 2005. A copy of the protest petition was provided to the Planning Commission at the April 12, 2005 Regular Meeting. This rezoning application shall not be approved except by a two-thirds vote by City Council, as per Article 03.21.07 of the City of Troy Zoning Ordinance. The application has been slightly modified since the protest petition was submitted.

RECOMMENDATION

The application is compatible with surrounding land uses and zoning districts and is consistent with the intent of the Future Land Use Plan. The Planning Commission recommended approval of the rezoning request at the May 10, 2005 Regular Meeting. City Management also recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:

Dr. Kheir Al-Zouhayli.

Location of Subject Property:

The property is located on the north side of Big Beaver between Rochester Road and John R Road, in section 23.

Size of Subject Parcel:

The applicant's entire parcel is approximately 4.6 acres in size (not including right-of-way).

Current Use of Subject Property:

The property is currently vacant.

Current Zoning Classification:

The front half of the property is zoned O-1 Office Building. The rear half is zoned P-1 Vehicular Parking, E-P Environmental Protection and R-1E One Family Residential.

Parcel History:

On November 18, 2002, City Council rezoned 1.5 acres of the parcel to P-1 and a 0.4-acre portion of the parcel to E-P.

Proposed Zoning of Subject Parcel:

The applicant is proposing to extend the northern boundary of the E-P zoning district approximately 78.75 feet further to the north. In addition, the applicant proposes to rezone a portion of the parcel from E-P to P-1. This will extend P-1 50 feet to the north, however the northern boundary of the parcel will be defined by the southern boundary of the gas pipeline easement. This additional 50 feet will enable the applicant to provide additional parking for the proposed office building.

The expansion to the north will allow for a double-loaded street to run east-west through the northern portion of the property, with 3 single-family lots on each side of the street. Each lot would be 130 feet deep. The northern limit of the P-1 district will line up with the northern limit of the O-1 district on the property to the east. This limit is approximately 907.05 feet north of the Big Beaver right-of-way.

Note that the Planning Commission resolution of May 10, 2005 incorrectly states that a portion of property will be rezoned from R-1E to P-1. The only proposed rezonings are from R-1E to E-P and from E-P to P-1.

Proposed Uses and Buildings on Subject Parcel:

The applicant has submitted a site plan for the proposed uses and building. The applicant is proposing a 2-story office building with approximately 37,536 gross square feet of space.

Current Use of Adjacent Parcels:

North: Single family residential neighborhood.
South: Post office processing and shipping facility (south of Big Beaver).
East: Vacant.
West: Office Building and West Oak 1 and 2 Subdivision.

Zoning Classification of Adjacent Parcels:

North: R-1E One Family Residential.
South: M-1 Light Industrial.
East: O-1 Office Building and R-1E One Family Residential.
West: O-1 Office Building, P-1 Vehicular Parking and R-1E One Family Residential.

ANALYSIS

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

Property rezoned to E-P Environmental Protection may be used as a land use buffer pursuant to Section 8.10.00 and 8.50.07 of the Zoning Ordinance. A detention pond may be designed as part of the land use buffer, if approved by the Planning Commission.

Vehicular and Non-motorized Access:

Access to the parcel will be provided from Big Beaver Road, a major thoroughfare.

Potential Stormwater and Utility Issues:

There does not appear to be any potential stormwater or utility issues associated with this application.

Natural Features and Floodplains:

The Natural Features Map indicates that there are some woodlands in the northern third of the property.

Compliance with Future Land Use Plan:

The application is consistent with the intent of the Future Land Use Plan, which calls for Low Rise Office on the Big Beaver frontage with Low Density Residential to the north.

Attachments:

1. Maps.
2. Minutes from the April 12, 2005 Planning Commission Regular Meeting.
3. Minutes from the May 3, 2005 Planning Commission Special/Study Meeting.
4. Minutes from the May 10, 2005 Planning Commission Regular Meeting.
5. Copy of valid protest petition, submitted to Clerk's Office on April 11, 2005.

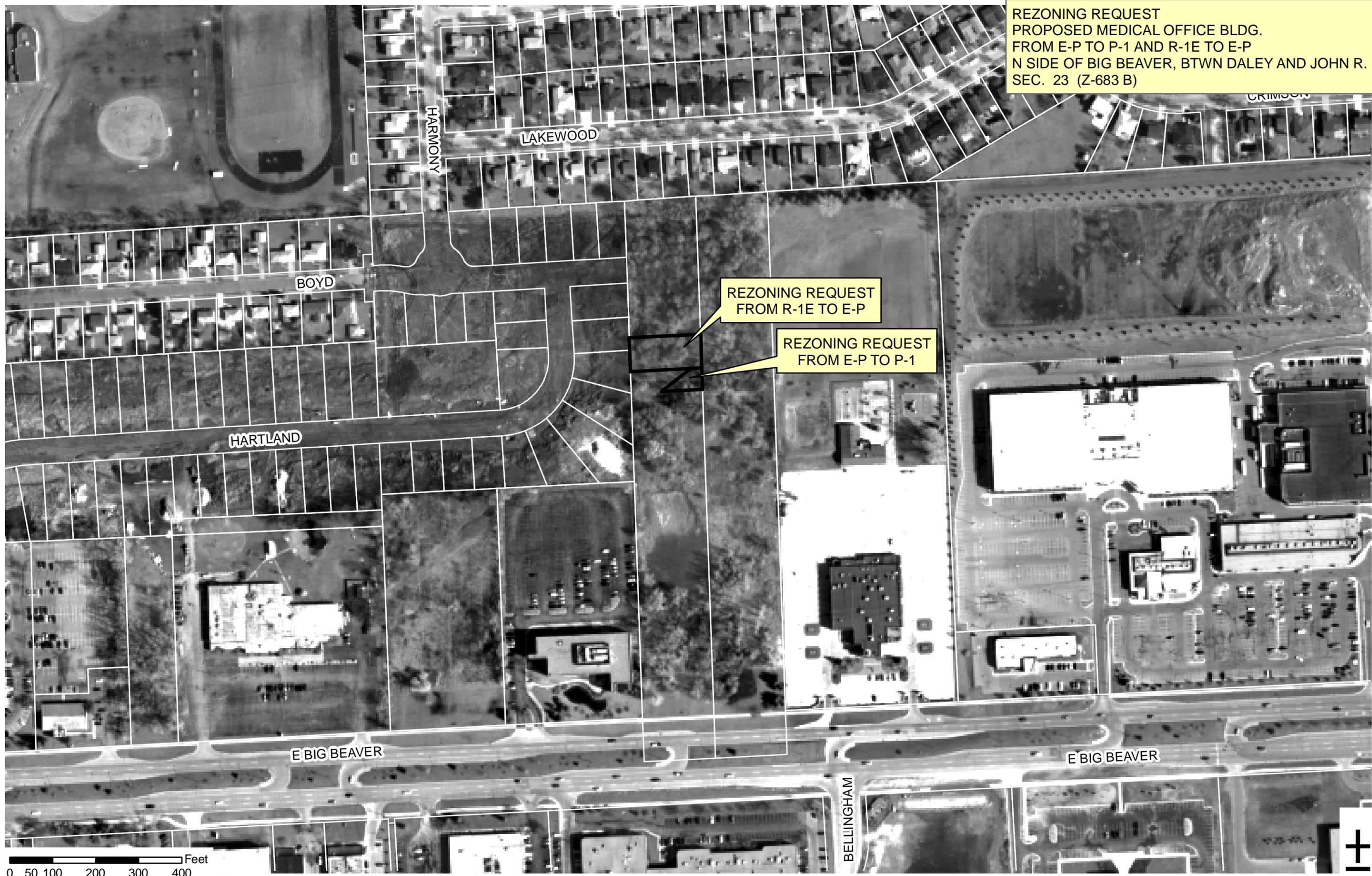
cc: Applicant
File/ Z 683-B

G:\REZONING REQUESTS\Z-683 B Al-Zouhayli Office Building Sec 23\Announcement of CC Public Hearing Z-683B 06 06 05.doc

CITY OF TROY



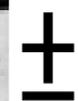
REZONING REQUEST
PROPOSED MEDICAL OFFICE BLDG.
FROM E-P TO P-1 AND R-1E TO E-P
N SIDE OF BIG BEAVER, BTWN DALEY AND JOHN R.
SEC. 23 (Z-683 B)

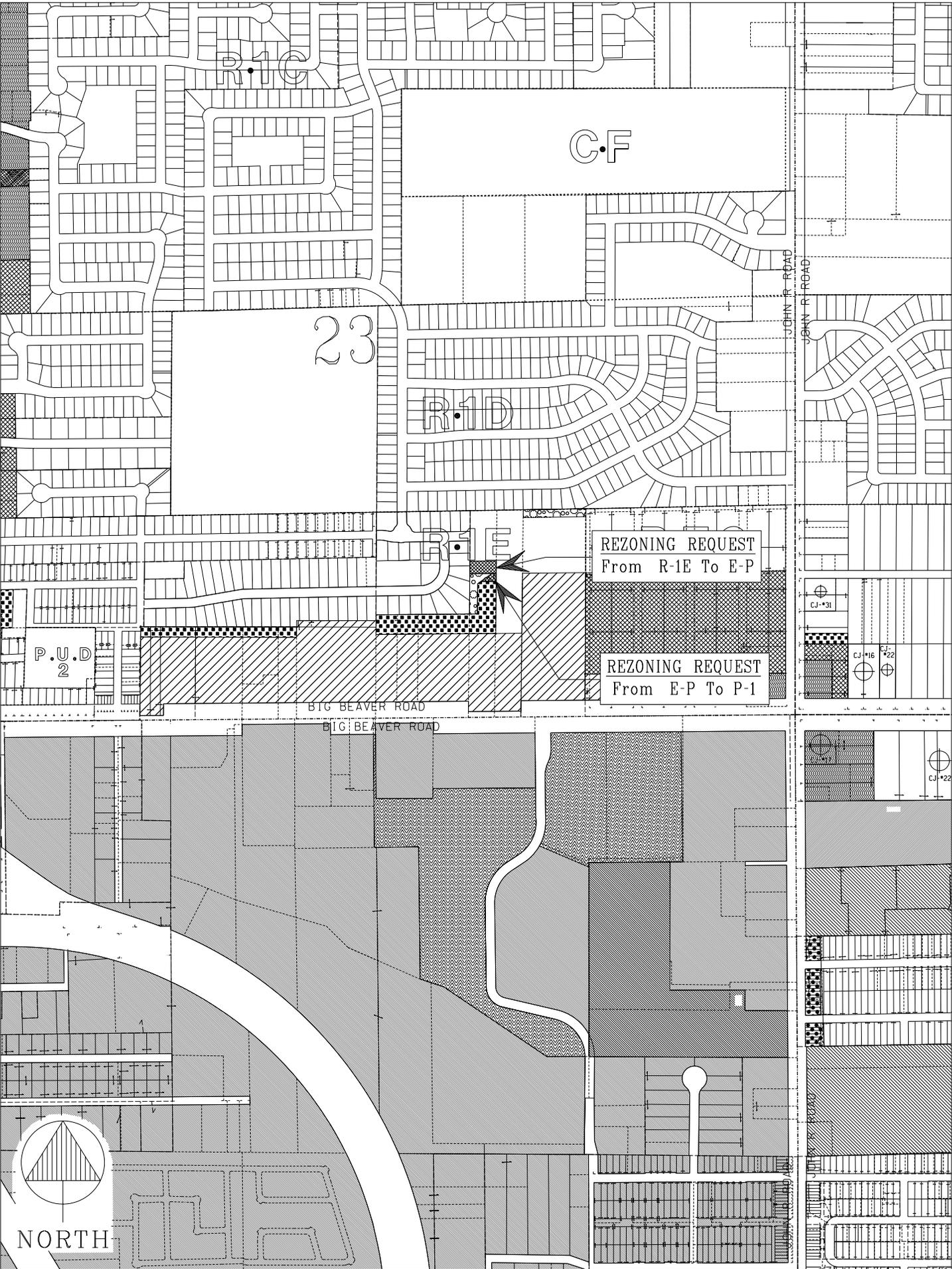


REZONING REQUEST
FROM R-1E TO E-P

REZONING REQUEST
FROM E-P TO P-1

0 50 100 200 300 400 Feet





23

P

E

M

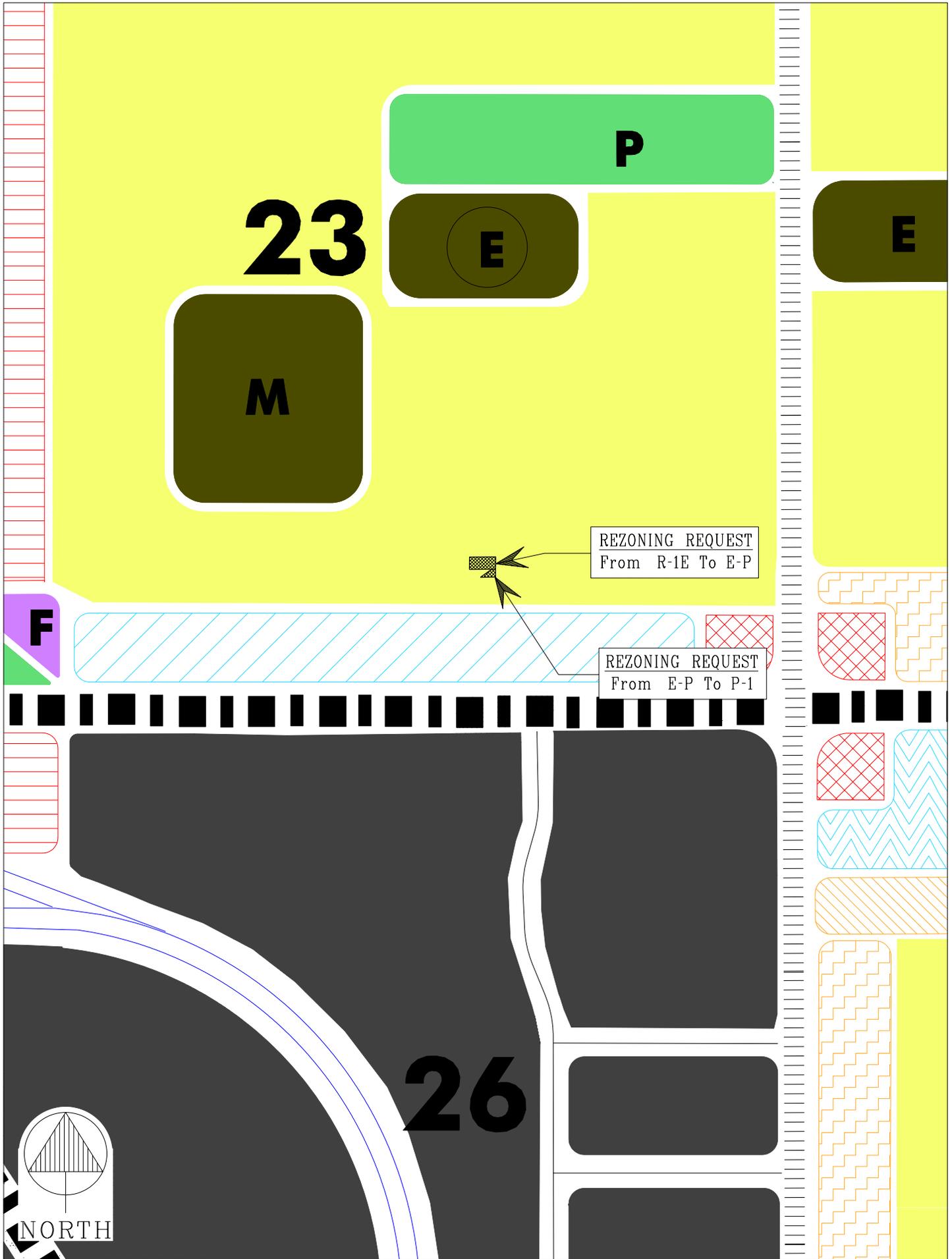
E

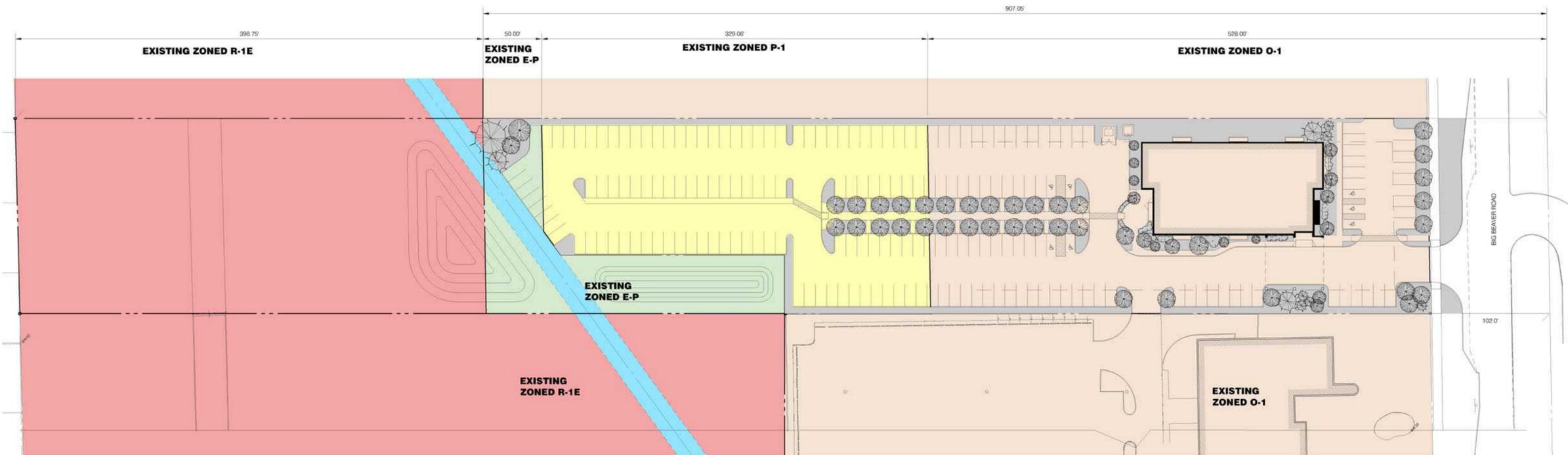
REZONING REQUEST
From R-1E To E-P

F

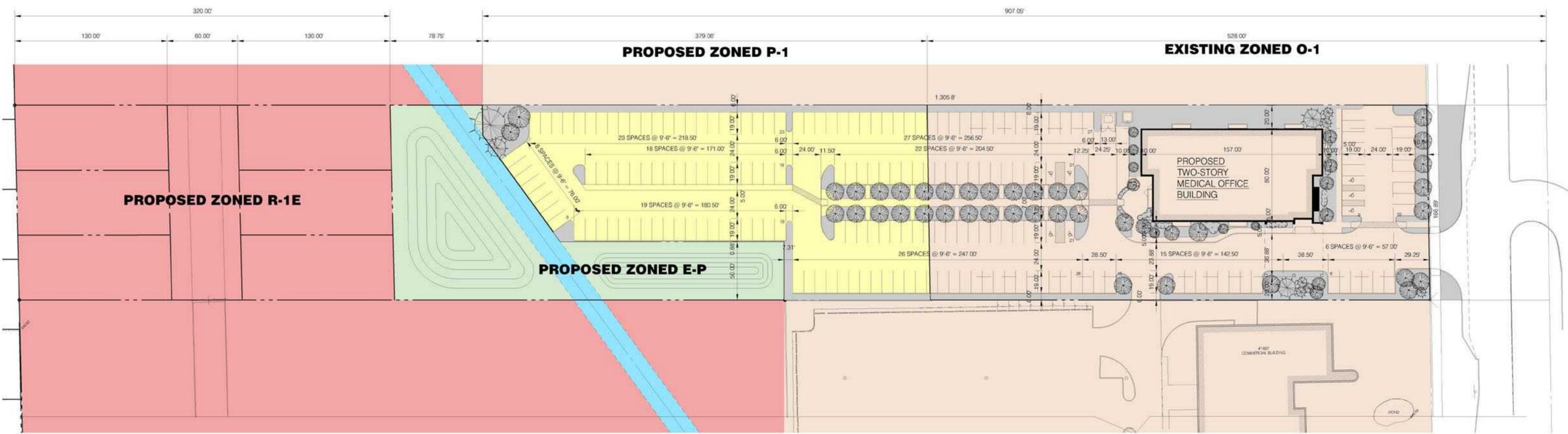
REZONING REQUEST
From E-P To P-1

26





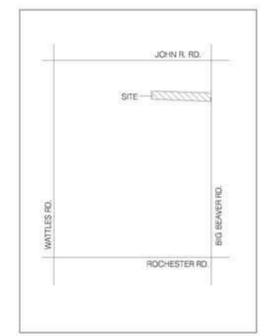
EXISTING ZONING
SCALE: 1" = 40'-0"



PROPOSED ZONING
SCALE: 1" = 40'-0"



AERIAL IMAGE
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

E-P TO P-1
LAND IN THE SOUTHEAST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:
COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 23, THENCE S 89°31'00" E, 597.85 FEET, ALONG THE SOUTH SECTION LINE, THENCE N 01°24'30" E, 658.00 FEET, THENCE S 89°31'00" E, 50.00 FEET, THENCE N 01°24'30" E, 190.63 FEET, THENCE N 55°28'19" E, 25.13 FEET, TO THE POINT OF BEGINNING, THENCE N 55°28'19" E, 87.14 FEET, THENCE S 89°31'00" E, 25.98 FEET, THENCE S 01°24'30" W, 50.00 FEET, THENCE N 89°31'00" W, 98.54 FEET TO THE POINT OF BEGINNING, CONTAINING 0.070 ACRES OF LAND, MORE OR LESS.

R-1E TO E-P
LAND IN THE SOUTHEAST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:
COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 23, THENCE S 89°31'00" E, 597.85 FEET, ALONG THE SOUTH SECTION LINE, THENCE N 01°24'30" E, 907.05 FEET, TO THE POINT OF BEGINNING, THENCE N 01°24'30" E, 78.75 FEET, THENCE S 89°31'00" E, 166.89 FEET, THENCE S 01°24'30" W, 78.75 FEET, THENCE N 89°31'00" W, 166.89 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.302 ACRES OF LAND, MORE OR LESS.

BUILDING INFORMATION AND PARKING CALCULATIONS					
PER ZONING ORDINANCE					
BUILDING LEVEL	GROSS FLOOR AREA SQ. FT.	NET USABLE FLOOR AREA SQ. FT.	PARKING SPACES REQUIRED @ 1 SPACE PER 100 SQ. FT. (MEDICAL)	TOTAL PARKING PROVIDED	BARRIER FREE REQ'D/ PROVIDED
SECOND FLOOR	13,536	10,470			
FIRST FLOOR	12,000	9,096			
BASEMENT	12,000	0			
TOTAL	37,536	19,566	196 SPACES	203	7

REZONING REQUEST

10. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that the request is compatible with surrounding land uses and zoning districts and is consistent with the intent of the Future Land Use Plan. As a courtesy, a copy of a protest petition in opposition to the proposed rezoning was provided members prior to the beginning of tonight's meeting. Mr. Savidant indicated that the petition would be considered at the time of City Council review.

Mr. Chamberlain suggested that all of the R-1E area be rezoned to E-P, not just the 50 feet as proposed by the petitioner. He said that would line up all of the properties.

Mr. Schultz concurred. He would like to see the 33.75 feet included in the E-P zoning so all of the lots would be the same depth. Mr. Schultz said the high-pressure transmission line that runs under the piece of property would most likely inhibit building a parking lot.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah asked to see the protest petition. He explained the hardship as relates to the proposed rezoning. Mr. Saymuah, in reviewing the site plan, acknowledged the existence of a gas line easement. He said the development does not encroach on the easement and indicated the easement stops the development from moving further north.

Chair Strat stated that the site plan provided serves as clarification in the rezoning request but should not be considered in the review process of the rezoning request.

Dr. Kheir Al-Zouhayli, owner of the property, was also present.

Mr. Saymuah and Dr. Al-Zouhayli did not fully understand the concept proposed by the members.

A lengthy and detailed discussion and review of the site plan followed in an attempt to clarify the members' position on the proposed rezoning.

Mr. Saymuah indicated they would have no opposition to rezone the 33.75-foot property to E-P.

It was the consensus of the members to table the rezoning request so that the boundaries could be better clarified.

PUBLIC HEARING OPENED

Shih Hwang Wu ("John") of 1577 Boyd, Troy, was present. Mr. Wu said the protest petition submitted was signed by approximately 66% of residents who would be affected and are opposed to the proposed rezoning. He shared the major concerns of the residents: (1) Safety of the young children of the 70 families in the West Oaks Subdivision. (2) Encroachment of commercial and industrial development into residential areas, as relates to property values of their homes. (3) Flood lights from the commercial buildings. (4) Preservation of the existing natural barrier, beauty and balance to the neighborhood. (5) Increase of noise. Mr. Wu asked why commercial development could go on the gas line easement, but not residential.

Sanjay Dixit of 1590 Hartland, Troy, was present. Mr. Dixit expressed concern with the parking lot being extended further into single family residential. He said the proposed rezoning request would spoil a well-planned subdivision. He questioned when commercial development from the Big Beaver Road corridor would stop extending into the residential area. Mr. Dixit said the residents cannot fight business owners and developers and rely on the Planning Commission and City Council members to protect their interests.

Ashtiaq Khokhar of 1566 Hartland, Troy, was present. Mr. Khokhar has a wooded lot behind his home and he said the proposed development would destroy the beauty of the subdivision. Mr. Khokhar's request to build a gazebo was denied because of the gas line easement, and he questioned why a parking lot could be built on top of it.

Chair Strat informed the audience that there would be no parking lot on the gas line easement.

PUBLIC HEARING CLOSED

Mr. Saymuah asked that he be provided the names and addresses of the residents who spoke this evening.

Resolution # PC-2005-04-052

Moved by: Littman

Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends that the R-1E to E-P, R-1E to P-1 and E-P to P-1 rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, be tabled to the May 10, 2005 Regular Meeting, for the following reason:

1. Review the request for further definition where the boundaries are and how they might line up with surrounding areas.

FURTHER RESOLVED, that the request be reviewed at a Study Session Meeting prior to the May 10, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

4. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Miller reviewed the proposed rezoning that was tabled at the April 12, 2005 Regular Meeting and displayed slides of the rezoning proposal.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah briefly presented the proposed revisions to the rezoning and displayed two sketches that represented the changes.

The members expressed favorable comments.

Mr. Miller requested the petitioner provide legal descriptions to the Planning Department as soon as possible in order for the Planning Department to complete its review for the May 10, 2005 Regular Meeting.

Mr. Schultz said the revised proposal shows great concern for both the existing neighbors and potential new neighbors to the north because the lots are the same depth and width and an environmentally protected area abuts the residential property.

Mr. Saymuah said the neighbors are happy, and he apologized for the misunderstanding at the last meeting.

9. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1, and From E-P to P-1

Mr. Miller reported that the rezoning request has been modified based on Planning Commission comments made at their April 12, 2005 Regular Meeting. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Schultz asked if the Planning Department received the appropriate legal descriptions for the proposed rezoning.

Mr. Savidant replied that the Planning Department has received legal descriptions and confirmed their accuracy.

The petitioner, Najim Saymuah of CDP Architects, 26600 Telegraph, Southfield, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-05-

Moved by: Khan

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, being approximately 4.6 acres in size, be granted, for the following reason:

1. The proposed rezoning request complies with the Future Land Use Plan.

Discussion on the motion on the floor.

Mr. Schultz questioned if the proper zoning requests were incorporated in the Resolution. It was determined that the Resolution should incorporate three different rezoning requests.

Resolution # PC-2005-05-074

Moved by: Wright

Seconded by: Schultz

RESOLVED, To amend the Resolution to read that the rezoning request is from R-1E to E-P, R-1E to P-1 and E-P to P-1.

Yes: All present (6)

No: None

Absent: Chamberlain, Vleck, Waller

MOTION CARRIED**Resolution # PC-2005-05-075**

Moved by: Khan

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P, R-1E to P-1 and E-P to P-1 rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, being approximately 4.6 acres in size, be granted.

Yes: All present (6)

No: None

Absent: Chamberlain, Vleck, Waller

MOTION CARRIED



DEPT. CIRCULATION	
<input checked="" type="checkbox"/>	DIRECTOR
<input type="checkbox"/>	PRINCIPAL PLANNER
<input checked="" type="checkbox"/>	PLANNER
<input type="checkbox"/>	SECRETARY

Rezoning Protest Petition

RECEIVED
CITY OF TROY
APR 11 AM 9:26
REC'D

#10

APR 11 2005

PLANNING DEPT.

Submit this form to: City Clerk's Office
City of Troy
500 W. Big Beaver
Troy, MI 48084

Date: 4/9/2005

Contact Person: SANJAY DIXIT
 Address: 1590 HARTLAND
 City: TROY State: MI Zip: 48083
 Telephone: (313) 224 6616

Rezoning case being protested:

Case #: Z-683B Applicant Name: NAJIM SAYMUAH ON
BEHALF OF DR K. AL-ZOUHAYLI

What is a valid rezoning protest petition?

If a valid rezoning protest petition is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of two-thirds of all Council members. A simple majority can approve all other rezoning requests. To be considered valid, the protest petition must:

- (1) Be signed by the owner(s) of twenty percent (20%) or more of the area of land included in the proposed change **or** be signed by the owner(s) of twenty percent (20%) or more of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. **Publicly owned land shall be excluded in the calculating the twenty percent (20%) land area requirement.**
- (2) Be signed by all persons having an ownership interest in the property as represented on the property deed - i.e., both spouses, the managing partner of a partnership, etc.
- (3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.
- (4) Be submitted to the office of the City Clerk, 500 W. Big Beaver, at or before 12:00 p.m. on the date the Rezoning is scheduled for action by the City Council.

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.



RECEIVED
CITY OF TROY

Rezoning Protest Petition

Case #: Z- 683 B

2005 APR 11 AM 9:34

Statement of Opposition:

We, the undersigned property owners, hereby protest the proposed Rezoning from the R1-E, R1-E, E-P zoning district(s) to the E-P, P-1, P-1 zoning district(s) Rezoning case identified above, applicant name NAJIM SAYMUAM ON BEHALF OF DR. K. AL-ZOUHAYLI

The Rezoning is scheduled for action by the City Council on 04/12/2005 (date)

The reason(s) for this protest is/are: Rezoning will take away the privacy of the residential properties, and will reduce the property value in the new subdivision.

✓ Print Name (clearly): AJITHA & GEORGE VILLANASSEY Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-002
Signature: [Signature]
Address: 1602 HARTLAND TROY MI 48083

✓ Print Name (clearly): GIRISH THROAGUNTA Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-001
Signature: [Signature]
Address: 1614 HARTLAND TROY MI - 48083

Print Name (clearly): Shih Hwang Wu Date: 4/19/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-407-024
Signature: [Signature]
Address: 1577 Boyd, Troy MI 48083

NOT W/IN
100' BUFFER

Print Name (clearly): RAHUL BAWLA Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-409-007
Signature: [Signature]
Address: 1591 HARTLAND, TROY, MI 48083

10T W/IN
00' BUFFER

Print Name (clearly): VINOD SHARMA Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-407-022
Signature: [Signature]
Address: 1553 Boyd St. Troy MI 48083

10T W/IN
00' BUFFER

Print Name (clearly): Sunderaram & Mahalakshmi Bhagavathuk Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-006
Signature: [Signature]
Address: 1554, Hartland St, Troy MI - 48083

10T W/IN
00' BUFFER

Rezoning Protest Petition

100' BUFFER = 92960.01 S.F.
20% OF BUFFER = 18592.00 S.F.
SIGNATURES REPRESENT 27103.80 S.F. = 29%



Rezoning Protest Petition

RECEIVED
CITY OF TROY
2005 APR 11 AM 9:34

Submit this form to: City Clerk's Office
City of Troy
500 W. Big Beaver
Troy, MI 48084

Date: 4/9/2005

Contact Person: SANJAY DIXIT
Address: 1590 HARTLAND
City: TROY State: MI Zip: 48083
Telephone: (313) 224 6616

Rezoning case being protested:

Case #: Z- 683B Applicant Name: NAJIM SAYMUAH ON
BEHALF OF DR. K. AL-ZOUHAYLI

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Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.



RECEIVED
CITY OF TROY

Rezoning Protest Petition

Case #: Z-683 B

2005 APR 11 AM 9:34

Statement of Opposition:

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The Rezoning is scheduled for action by the City Council on 04/12/2005 (date)

The reason(s) for this protest is/are: Rezoning will take away the privacy of the residential properties, and will reduce the property value in the new subdivision.

30' W/IN
30' BUFFER

Print Name (clearly): NIGAR KHAN Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-007
Signature: [Signature]
Address: 1542 Hartland Troy, MI 48083

30' W/IN
30' BUFFER

Print Name (clearly): Munazza Mufti / Ashtiq Khotchar Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-005
Signature: [Signature]
Address: 1566 Hartland Troy, MI 48083

✓

Print Name (clearly): SANJAY DIXIT Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-003
Signature: [Signature]
Address: 1590 HARTLAND TROY MI 48083

✓

Print Name (clearly): Keyur Vyas & Urjita Shukla Date: 4/10/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-004
Signature: [Signature]
Address: 1578 Hartland Troy MI 48083

30' W/IN
100' BUFFER

Print Name (clearly): JAYKISHAN & VEENA MOTWANI Date: 4/10/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-407-023
Signature: [Signature]
Address: 1565 BOYD ST. TROY, MI 48083

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____