



CITY COUNCIL ACTION REPORT

DATE: June 9, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
R. Brent Savidant, Acting Planning Director

SUBJECT: PUBLIC HEARING – REZONING APPLICATION (File Number Z 737) – Troy Sports Center Properties, Northwest corner of John R and Big Beaver, Section 23 – O-1 (Low Rise Office) District to B-2 (Community Business) District

Background:

A public hearing is scheduled for the June 21, 2010 City Council meeting. The Planning Commission recommended approval of the request to rezone the parcel to the B-2 (Community Business) zoning district at their May 11, 2010 Regular meeting (minutes attached).

The subject parcel is zoned O-1 (Low Rise Office). A Chase branch bank and vacant office sit on the western portion of the subject property; a parking lot sits on the eastern portion of the property. The applicant proposes to improve marketability of the vacant portion of the building by rezoning to B-2 (Community Business) and expanding the range of potential permitted uses. Banks are also permitted in the B-2 zoning district.

The Master Plan designates this area as being within the Big Beaver Road classification, which calls for a mix of commercial, office and residential along the Big Beaver Corridor. Rezoning the parcel to B-2 expands the range of potential uses on the subject property.

The required front yard setback in O-1 is 30 feet. The existing building is located approximately 60 feet from the Big Beaver Road right-of-way. Rezoning the parcel to B-2 would change the status of the existing building to a legal non-conforming building, due to the 75-foot front yard setback requirement of the B-2 district.

City Council has the authority to create non-conformities through the rezoning process. The applicant understands this issue and has no objection to this issue.

City Management Recommendation:

The proposed B-2 (Community Business) zoning district is consistent with the Master Plan and compatible with abutting zoning districts and uses. City Management recommends approval of the rezoning request to B-2 (Community Business).

Attachments:

1. Maps
2. Report prepared for Planning Commission by Carlisle/Wortman Associates, Inc.
3. Minutes from the May 11, 2010 Planning Commission Regular meeting (excerpt)

Prepared by RBS/MFM

cc: Applicant
File /Z 737

G:\REZONING REQUESTS\Z-737 Troy Sports Center Properties Sec 23\CC Public Hearing 06 21 10.docx

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the _____ amendment to the Zoning District Map of the Code of the City of Troy.

Section 2. Amendment

Section 05.20.00 of Chapter 39 is hereby amended to permit the zoning map of said code to be, and the same is hereby amended to delineate the subject parcel as B-2 (Community Business), as described in the attached Sketch of Parcels to be Rezoned.

The subject property is located on the northwest corner of John R and Big Beaver, in section 23, within the O-1 (Low Rise Office) Zoning District, being approximately 2.27 acres in size.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. 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 5. Severability Clause

Should any work, 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 6. 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, Michigan, on Monday, the 21st day of June, 2010.

Louise E. Schilling, Mayor

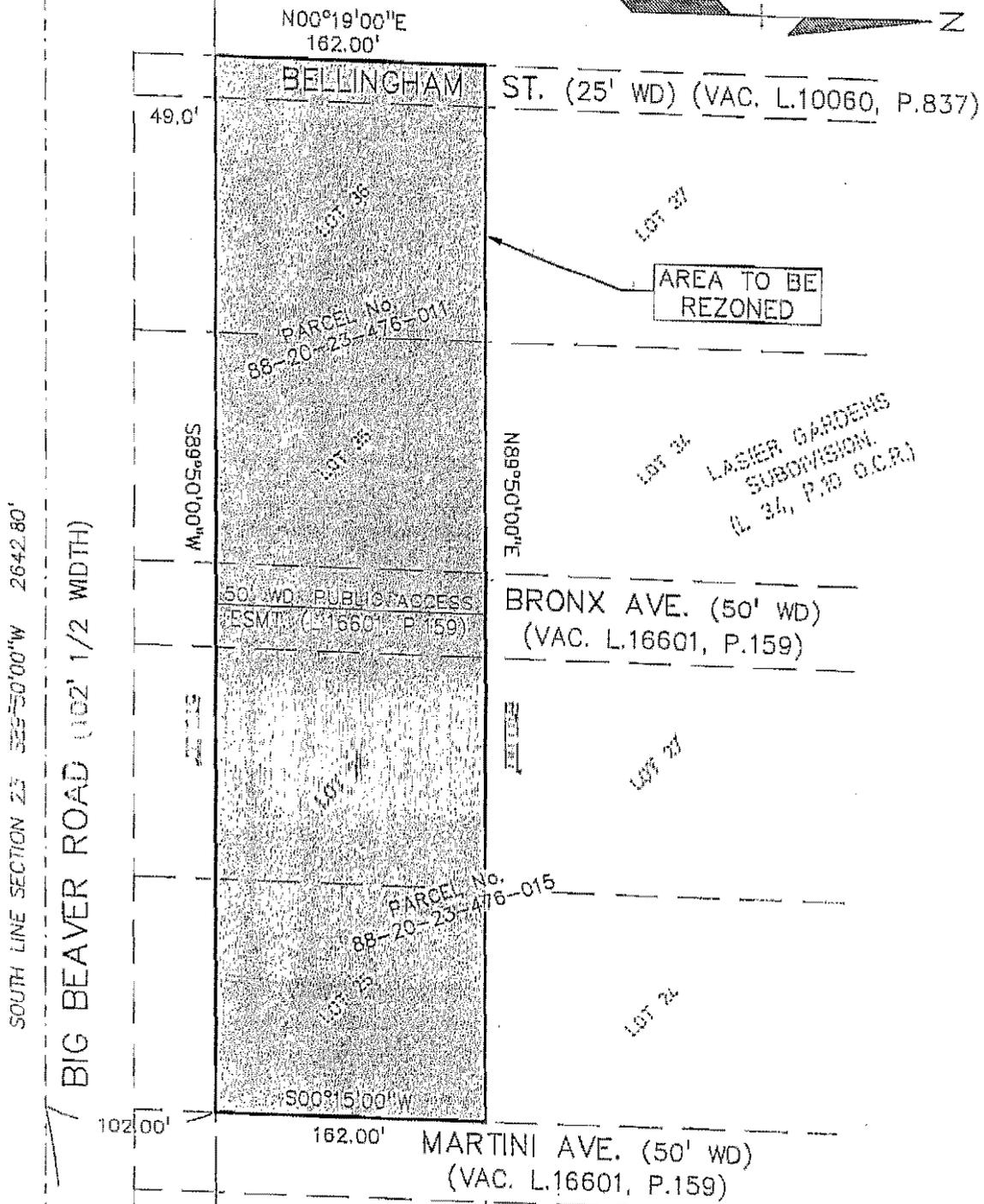
Tonni L. Bartholomew, MMC
City Clerk

PUBLISHED: _____

G:\REZONING REQUESTS\Z-737 Troy Sports Center Properties Sec 23\Z 737 Published Map Amendment.doc

SOUTH 1/4 COR.
SECTION 23
T.2N., R.11E.

SKETCH OF PARCELS
TO BE REZONED



SOUTH LINE SECTION 23 325°50'00"W 2642.80'

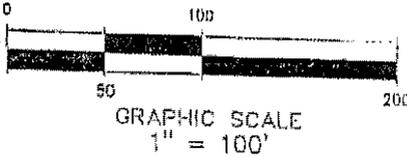
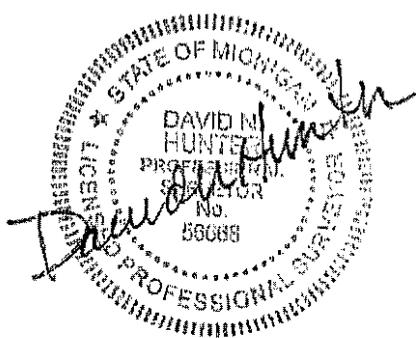
BIG BEAVER ROAD (102' 1/2 WIDTH)

NORTH LINE 100°58'9" 14,00,05,685

NORTH LINE

BIG BEAVER ROAD

SOUTHEAST COR.
SECTION 23
T.2N., R.11E.



PROFESSIONAL
ENGINEERING
ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
(248) 689-9090

CLIENT: TROY SPORTS CENTER 1819 BIG BEAVER ROAD TROY, MI., 48063	SCALE: 1" = 100'	JOB No: 2010-089
	DATE: 4-26-10	DWG. No: 1 of 2

DESCRIPTION OF PARCELS

Legal Description:

(Tax Parcel 88-20-23-476-015 per City of Troy Assessing Dept.)

Town 2 North, Range 11 East, Section 23 LASIER GARDENS SUB Lots 1, 2 & 3 Except East 7 feet taken for John R Road, ALSO North 96 Feet of Lot 4 Except East 7 Feet Taken for John R Road, ALSO North 96 Feet of Lot 7, ALSO Lots 8 to 34 Inclusive Except South 49 Feet of Lots 15, 16, 25 & 28 Taken for Big Beaver, ALSO Lots 37 to 40 Inclusive, ALSO all of Vacated Manhattan, Alger, Home, Bellingham & Walford Avenues adjacent to same Except East 27 feet of Vacated Manhattan Ave adjacent to Lot 8, also except East 27 feet of Vacated Manhattan Ave adjacent to Lot 7 except North 500 ft, ALSO Except West 1/2 of Vacated Home Ave adjacent to Lot 36, ALSO Except East 7 feet of Vacated Walford Ave, ALSO part of Lot 4, part of Lot 7 & part of Vacated Manhattan Ave described as Beginning at point distant N00°15'00"E 102 feet & S89°48'00"W 329.14 feet from Southeast Section Corner, thence S89°48'40"W 2.86 feet, thence N00°15'00"E 330 feet, thence N89°48'40"E 272 feet, thence S00°15'00"W 4.30 feet, thence N89°45'00"W 211.18 feet, thence S52°13'38"W 73.56 feet, thence S00°15'00"W 282.46 feet, to Beginning.

Legal Description:

(Tax Parcel 88-20-23-476-011 per City of Troy Assessing Dept.)

Town 2 North, Range 11 East, Section 23 LASIER GARDENS SUB Lots 35 & 36 Except South 49 feet taken for Big Beaver Road, ALSO Vacated Bellingham Street adjacent to same, ALSO West 1/2 of Vacated Bronx Ave adjacent to same

Legal Description:

(Area to be Rezoned)

All of Tax Parcel 88-20-23-476-011 together with part of Tax Parcel 88-20-23-476-015 being more particularly described as: Town 2 North, Range 11 East, Section 23, Lots 36, 35, 26 and 25, Except South 49 feet of said Lots taken for Big Beaver Road, ALSO Vacated Bellingham Street adjacent to said Lot 36, ALSO Vacated Bronx Ave. adjacent to said Lots 35 and 26, LASIER GARDENS SUBDIVISION, as recorded in Liber 34, Page 10, Oakland County Records.



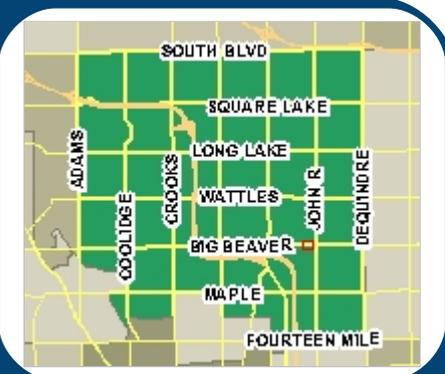
PROFESSIONAL
ENGINEERING
ASSOCIATES

2430 Rochester Ct. Suite 100
Troy, MI 48063-1172
(248) 689-0000

CLIENT: TROY SPORTS CENTER 1819 BIG BEAVER ROAD TROY, MI., 48063	SCALE: 1" = 100' DATE: 4-26-10	JOB No: 2010-089 DWG. No: 2 of 2	
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1735 E. Big Beaver and O-1 Portion to East

City of Troy Planning Department



Legend

-  I-75
-  Road Centerline
 -  Major Road
 -  Industrial Road
 -  Local Road
-  Hydrography Poly
-  Hydrography Arc
-  Parcels
- Aerial Photos - 2008
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

226 0 113 226Feet

Scale 1: 1,357

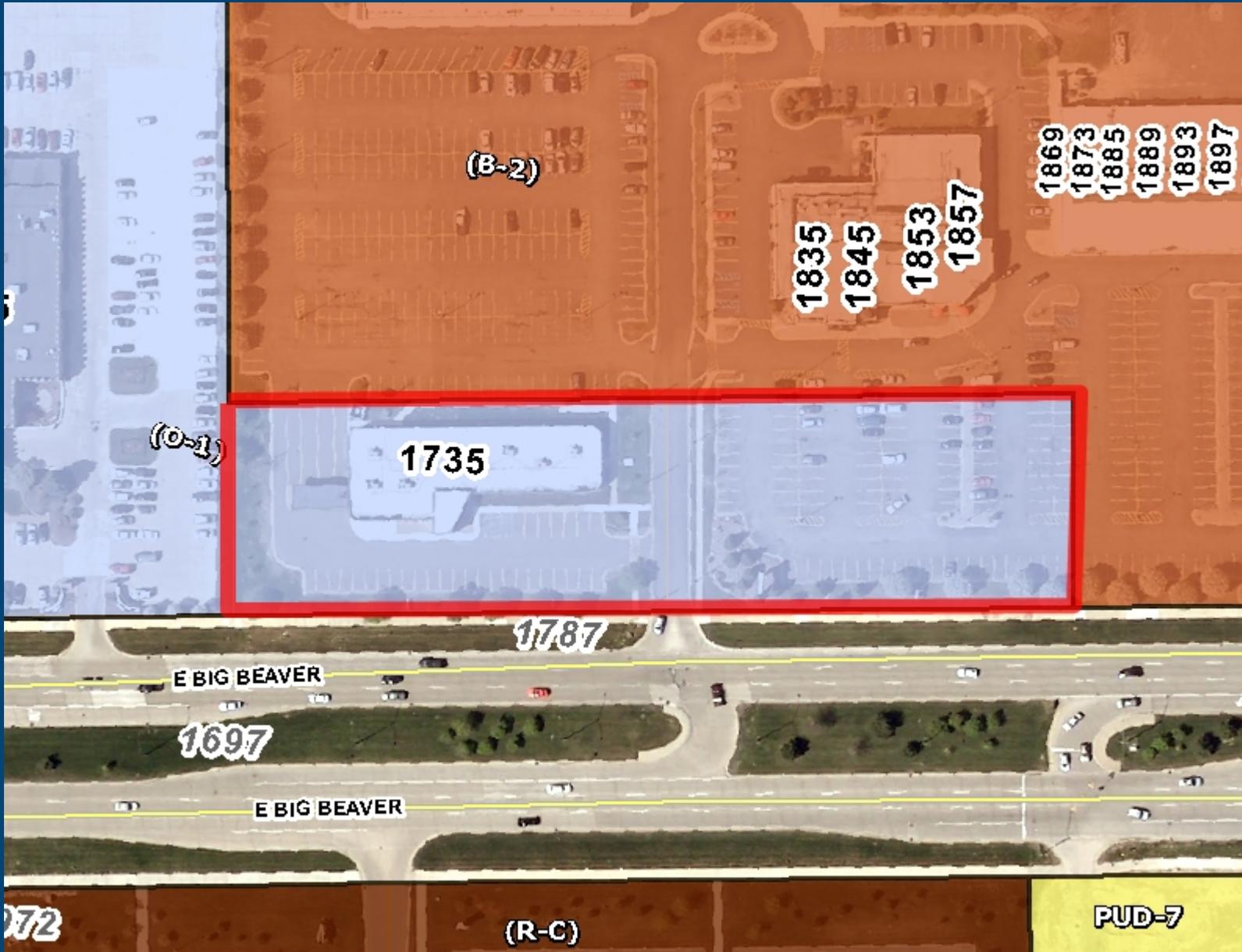


Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 4/20/2010

1735 E. Big Beaver and O-1 Portion to East

City of Troy Planning Department



Legend

- I-75
- Road Centerline**
 - Major Road
 - Industrial Road
 - Local Road
- Zoning**
 - (PUD) Planned Unit Development
 - (B-1) Local Business District
 - (B-2) Community Business District
 - (B-3) General Business District
 - (R-C) Research Center District
 - (C-F) Community Facilities District
 - (C-J) Consent Judgment
 - (E-P) Environmental Protection District
 - (R-EC) Residential Elder Care
 - (P-1) Vehicular Parking District
 - (H-S) Highway Service District
 - (M-1) Light Industrial District
 - (O-1) Office Building District
 - (O-M) Office Mid-Rise District
 - (OSC) Office Service Commercial District
 - (CR-1) One Family Residential Cluster District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (R-1T) One Family Attached Residential Distr
 - (R-2) Two Family Residential District
 - (R-M) Multiple Family Residential Medium De
 - (RM-1) Multiple Family Residential District Lc
 - (RM-2) Multiple Family Residential District (M
 - (RM-3) Multiple Family Residential District (Hi
- Hydrography Poly
- Hydrography Arc
- Parcels

Aerial Photos - 2008

- Red: Band_1
- Green: Band 2

Printed: 4/20/2010

226 0 113 226Feet

Scale 1: 1,357



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



CARLISLE/WORTMAN ASSOCIATES, INC.

Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: May 6, 2010

Rezoning Analysis For City of Troy, Michigan

Applicant: Dennis Bostick

Project Name: Troy Sports Center Properties Rezoning

Location: North side of Big Beaver Road, near the northwest corner of John R. Road and Big Beaver Road

Current Zoning: O-1, Office Building District

Action Requested: To rezone Tax Parcels #88-20-23-476-011 and 015 to B-2, Community Business District

Required Information: As noted in review.

BACKGROUND

The purpose of this analysis is to assist the City in determining the appropriateness of rezoning a pair of out lot parcels, owned by Dennis Bostick, as part of the Troy Sports Center facility. The site is located on the north side of Big Beaver Road, near the northwest corner of John R. Road and Big Beaver Road. The two parcels are zoned O1, Office Building District, and the applicant seeks a rezoning to B-2, Community Business District.

The O-1 District is designed to accommodate office uses, office sales uses, and certain basic personal services. The O-1 District would permit conventional office, medical office, banks, public buildings, and medical sales buildings by right. Subject to conditions, uses permitted in O-1 include pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants; provided that these uses are within the building housing the principal uses which they support. Also, technical training centers and data processing or computer centers, including sales support, service and maintenance of electronic data processing equipment, would be permitted with conditions. Subject to special use approval, a wide variety of uses would be allowed in the O-1 District, including mortuary establishments, private service

clubs, fraternal organizations or lodge halls, utility substations, mechanical or laboratory research facilities, and childcare centers.

The proposed B-2 District would permit a list of uses that may be more in keeping with the remainder of the Troy Sports Center property. These uses include any retail business or service establishment permitted in B-1 Districts, 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. It also permits 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.

The B-2 District also permits private clubs, fraternal organization, 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, and business schools and colleges or private schools operated for profit, not including nursery schools. More intense uses are also permitted in the B-2 District subject to special conditions and subject to special land use review.

Items to be Addressed: None.

SITE DESCRIPTION AND SURROUNDING USES

The site is currently occupied by a parking area serving the larger Sports Center project, and an existing office building. The Sports Center development includes a series of smaller restaurant and retail spaces, a Kroger Store, and the Sports Center itself, as well as the office building noted above.

Items to be Addressed: None.

NATURAL RESOURCES

The site is previously developed and is essentially devoid of natural features, with the exception of some existing landscaping materials.

Items to be Addressed: None.

ZONING/LAND USE/MASTER PLAN

The zoning, land use and Master Plan designations for the surrounding parcels are shown in Table 1 below:

**Table 1
Zoning, Land Use and Master Plan Designations**

	North	South	East	West
Zoning	B-2	R-C (across Big Beaver)	B-2	O-1
Land Use	Sports Center, retail, restaurants	Office	Sports Center, retail, restaurants	Office
Master Plan	Big Beaver Road District	Smart Zone District	Big Beaver Road District	Big Beaver Road District

The subject site lies in the Big Beaver Road future land use category. The intent of the Big Beaver Road future land use category is described on page 101 of the Master Plan as follows:

The Big Beaver Road corridor is responsible for the first impression many people have throughout Michigan when they think of the City of Troy. The high-rise buildings, Somerset Collection, and its immediate proximity to I-75 are frequently the main elements visitors remember about the Corridor and the City. In order to remain competitive and continue to be a leader in economic development in Southeast Michigan, Troy must plan for this Corridor to evolve in light of a changing economy.

This page also states:

The uses and character of this future land use category are driven by the recommendations of the Big Beaver Corridor Study and subsequent efforts of the Planning Commission to create new zoning techniques to implement those recommendations.

The B-2 category is far more suited, due to its wide variety of permitted uses, to fulfill the goals of the Big Beaver Road future land use category. The existing office category is far more limited in application, and cannot fully accommodate the variety of potential uses that would most complement the Big Beaver Corridor. Also, the surrounding commercial properties are already zoned B-2, and this would simply “fill in” the existing district there. The O-1 category is clearly unmarketable at this time, and the Master Plan calls for the Big Beaver Corridor to “evolve in light of the changing economy.” Therefore, we support the applicant’s request.

Items to be Addressed: None.

TRAFFIC IMPACT AND SITE ACCESS

The proposed rezoning could increase the potential for additional traffic, although the site is part of a larger retail and restaurant development already. No additional access drives or major site circulation changes are anticipated as a result of this rezoning. The existing office building and parking area produce a similar, but likely smaller number of overall trips than additional retail development would create. While no formal traffic impact information has been provided, the

redevelopment would create additional vehicle trips, but no so many as to be disruptive to the existing, intense retail development.

Items to be Addressed: None.

SUMMARY

The proposed B-2 District has potential to support the goals and policies of the Master Plan. It is the more logical category when compared with the existing O-1 District, when considering the surrounding categories and uses, and the policies contained within the Big Beaver Corridor Study. Therefore, we support the applicant's request and recommend that the Planning Commission recommend to the City Council that the proposed rezoning be approved.



CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

REZONING REQUEST

6. **PUBLIC HEARING – REZONING APPLICATION (File Number Z 737)** – Proposed Sports Center Properties, Northwest corner of John R and Big Beaver, 1735 E. Big Beaver (approx 1.227 acres) and that portion of the abutting property to the east that is presently zoned O-1 (approx 1.1 acres), Section 23, From O-1 (Office Building) to B-2 (Community Business) Zoning District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed rezoning. He addressed the requested B-2 zoning district with respect to the Master Plan and Big Beaver Corridor Study. Mr. Branigan expressed support of the applicant's request and recommends that the Planning Commission forward a favorable recommendation to the City Council to approve the proposed rezoning application.

Mr. Savidant stated that the proposed B-2 zoning district could potentially create a legal non-conforming building as a result of the Zoning Ordinance requirement for front and rear yard setbacks. He noted the City Council has the authority to approve a legal non-conforming building, should that be the case in this instance.

Mr. Savidant informed the petitioner that the short-term result of a rezoning approval could be the creation of a non-conforming building. He noted the long-term result is the potential reduction of the 75-foot front yard setback requirement in the re-write of the Zoning Ordinance.

The petitioner, Dennis Bostick of 1819 E. Big Beaver, Troy, was present. Mr. Bostick indicated he would like to go forward with the rezoning request.

Mr. Strat addressed the site location in relation to the Big Beaver Corridor Study.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2010-05-031

Moved by: Edmunds

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the northwest corner of John R and Big Beaver Road, within Section 23, being approximately 2.327 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED