



**PLANNING COMMISSION
MEETING AGENDA
SPECIAL/STUDY MEETING**

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

Mark Maxwell, Chair, and John J. Tagle, Vice Chair
Donald Edmunds, Michael W. Hutson, Tom Krent, Philip Sanzica
Gordon Schepke, Robert Schultz and Thomas Strat

May 22, 2012

7:00 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF AGENDA
3. MINUTES – May 8, 2012 Regular Meeting
4. PUBLIC COMMENT – For Items Not on the Agenda
5. ZONING BOARD OF APPEALS (ZBA) REPORT
6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT
7. PLANNING AND ZONING REPORT

OTHER ITEMS

8. REVISIONS TO CHAPTER 85 - SIGNS – Discussion of potential amendments
9. POTENTIAL CONDITIONAL REZONING APPLICATION – Northwest corner of Square Lake and Dequindre, Section 1, From NN Neighborhood Node to CB Community Business
10. PLANNING COMMISSION GOALS
11. PUBLIC COMMENT – Items on Current Agenda
12. PLANNING COMMISSION COMMENT

ADJOURN

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Chair Maxwell called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on May 8, 2012 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Tom Krent
Mark Maxwell
Philip Sanzica
Gordon Schepke
Robert Schultz
Thomas Strat
John J. Tagle

Also Present:

R. Brent Savidant, Planning Director
Allan Motzny, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2012-05-026

Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the Agenda as published.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2012-05-027

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the April 24, 2012 Special/Study meeting as submitted.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

Linda Kajma of 2196 Niagara Drive, Troy, addressed comments made by Gordon Schepke at the May 7, 2012 City Council meeting.

Mr. Motzny stated censuring a Board member is the purview of the Mayor and City Council, and the Planning Commission has no authority for cause of removal of a Board member.

Chair Maxwell said, after reviewing the tape from the City Council meeting, it is his personal opinion that Mr. Schepke did not say anything slanderous and is entitled to his opinion.

SITE CONDOMINIUM DEVELOPMENT

5. PRELIMINARY SITE PLAN REVIEW – Proposed Cedar Pines Estates No. 2 Site Condominium, 10 units/lots, East Side of Crooks Road, South of South Boulevard, Section 4, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle gave a brief review on the proposed development. Mr. Carlisle stated the plan meets all requirements of the Zoning Ordinance and recommends approval contingent on the four conditions as noted in his report.

There was general discussion on the proposed curb cuts, tree preservation and stormwater treatment.

Resolution # PC-2012-05-028

Moved by: Hutson
 Seconded by: Schultz

RESOLVED, That Preliminary Site Condominium Approval, pursuant to Article 8 and Section 10.02 of the Zoning Ordinance, as requested for Cedar Pines Estates No. 2 Site Condominium, 10 units/lots, east side of Crooks, south of South Boulevard, Section 4, within the R-1B (One Family Residential) District, be granted, subject to the following:

1. Approval by the Planning Department of the maximum proposed height, proposed lot coverage, and minimum floor area per unit as part of final site plan approval.
2. Reduce the width of both the curb cut and drive-aisle to a width agreeable with the engineering department.
3. Obtain all required permits identified by the City engineering department; and
4. State what trees, if any, outside of the area surveyed and outside of the 48-foot wide wooded buffer area will remain.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS

- 6. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 243) – Drive-Throughs for Financial Institutions within the Big Beaver Zoning District

There was general discussion on the proposed text amendment.

Resolution # PC-2012-05-029

Moved by: Hutson

Seconded by: Schultz

RESOLVED, That the Planning Commission schedule a Public Hearing on the next available meeting date and bring back the item for discussion and a recommendation to City Council.

Yes: All present (9)

MOTION CARRIED

- 7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

- 8. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

Chair Maxwell discussed the May 22, 2012 Special/Study meeting agenda.

The Regular meeting of the Planning Commission adjourned at 8:00 p.m.

Respectfully submitted,

Mark Maxwell, Chair

Kathy L. Czarnecki, Recording Secretary

DATE: May 18, 2012
TO: Planning Commission
FROM: R. Brent Savidant, Planning Director
Paul Evans, Zoning & Compliance Specialist
SUBJECT: REVISIONS TO CHAPTER 85 - SIGNS

The City of Troy Zoning Ordinance was adopted on April 18, 2011 and became effective on April 28, 2011. During the comprehensive rewrite process, it was determined that sign provisions would remain in a separate Sign Ordinance. There were many zoning districts modified or newly created; therefore, there are some inconsistencies between the Zoning Ordinance and Chapter 85 Signs.

Proposed revisions to this section include the following:

1. Updated the zoning districts to bring the document into conformance with the Zoning Ordinance.
2. Added provisions for the three new form-based districts: BB, MR and NN.
3. Added provisions to control the intensity of electronic message signs

No other revisions are proposed at this time, as the City is involved with ongoing litigation related to Chapter 85, in particular as related to size and setback.

Please be prepared to discuss this item at the May 22, 2012 Special/Study meeting.

Attachments:

1. Chapter 85 – Signs (draft)

cc: File

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Chapter 85 - Signs

85.01.00 Administration

85.01.01 Title and Purpose

- A. Short Title: This Ordinance shall be known as and may be cited as the City of Troy Sign Ordinance.
- B. Findings and Purpose: It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or indicates the sale or rental of such premises. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes. It is also determined that restrictions in this Ordinance on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purposes.

85.01.02 Enforcement:

- A. This Chapter shall be administered and enforced by the Zoning Administrator as provided for in Chapter 3 of the Troy City Code.
- (Rev. 06-07-2010)
- B. Responsibility of Compliance: The owner of any property on which a sign is placed, and the person maintaining said sign are equally responsible for the condition of the sign and the area in the vicinity thereof.
- C. Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Chapter, the Sign Erector and/or Owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Chapter within 30 days of written notice. If the Sign Erector or Owner fails to comply within the allocated 30-day period, then the Zoning Administrator shall remove the offending sign within 48 hours from the time of written notification. However, if the enforcing official determines that a sign is unsafe and an immediate hazard to health or safety, then the sign shall be removed or repaired at the owner's expense within 48 hours of written notification of such condition.

(Rev. 06-07-2010)

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85.01.03 Definitions: For the purpose of this chapter, certain terms, words and tenses used herein, shall be interpreted or defined as follows:

Board of Appeals: Board of Appeals means the Building Code Board of Appeals.

Business Development: One or more uses within a building or buildings that share common parking facilities.

Department: The Planning Department of the City of Troy, its officers, inspectors and other employees.

(Rev. 06-07-2010)

Electronic Message Sign (EMC): A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

Ground Sign: A freestanding sign supported by one or more uprights, braces, or pylons located in or upon the ground and not attached to any building.

LED: Light emitting diode.

Owner: A person, firm, partnership, association or corporation and/or their legal successors.

Person: Any individual firm, partnership, association or corporation and their legal successors.

Political Sign: A sign whose message relates to: The election of a person to public office, or to a political party, or to a public issue, which shall be voted on at an election called by a public body.

Projecting Sign: A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure, by more than twelve (12) inches.

Public Property: All publicly-owned property, including streets, rights-of-way, and everything affixed thereto and there over.

Road Closure Construction Sign: A sign permitted when road lane(s) adjacent to a property are closed, due to road construction activity, for a period of 30 or more calendar days.

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(Rev. 06-07-2010)

Roof line: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, the deck line of mansard roofs, and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

Roof Sign: A sign that is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.

Sign: A sign means any structure or wall or other object used for the display of any message, and includes but is not limited to any bill, poster, placard, handbill, flyer, painting, balloon, streamer or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof attached to or affixed to the ground or any structure.

Sign Erector: Any person engaged in the business of erecting, altering, or removing signs on a contractual or hourly basis.

Wall Sign: A sign attached to, painted on, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, and which may not project above the roof or parapet line.

Zoning Administrator: The City Manager or his/her designee, the person charged with the administration of this Ordinance.

85.01.04 Requirements for Permits

A. Permit Required: It is unlawful for any person to erect, re-erect, alter, or relocate any sign without obtaining a permit from the Zoning Administrator and paying the applicable permit fee, as set forth-in Chapter 60 of the City Code.

(Rev. 06-07-2010)

Exceptions:

1. Sign Permits shall not be required for street signs, which are erected by the City, State or Federal Government for street direction or traffic control.
2. Sign Permits shall not be required for signs located on the interior of buildings.
3. Sign Permits shall not be required for signs that are not visible from any adjacent right-of-way which do not exceed thirty-six square feet.
4. Sign Permits shall not be required for small ground signs for uses other than one and two family dwellings, as long as the signs are not more than two square feet in area.

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5. Sign Permits shall not be required for temporary signs, as set forth in Section 85.03.02 of this Chapter.
 6. Sign Permits shall not be required for flags that are allowed by Section 85.03.04.
- B. Permit Application: Applications for sign permits shall be made upon forms provided by the Department and shall contain the following information:
1. Name, address and telephone number of applicant.
 2. Name and address of the Sign Erector.
 3. Location of the building or structure to which the sign is to be attached or lot where the sign is to be erected.
 4. Position of the sign in relation to nearby buildings, structures, property lines, and existing or proposed rights-of-way.
 5. The zoning district of the real property where the sign is to be located.
 6. Two copies of the plans and specifications for the proposed sign and the method of construction and attachment to the building or placement in the ground.
 7. If deemed necessary by the Zoning Administrator, two copies of stress sheets and calculations, bearing the signature and seal of a registered professional engineer or architect, which show the structure as designed for dead load and wind pressure, and demonstrate that the proposed sign will satisfy the regulations adopted by the City of Troy.

(Rev. 06-07-2010)
 8. Such other information as the Zoning Administrator may require to demonstrate that the proposed sign would meet full compliance with this and other applicable laws of the City of Troy and the State of Michigan.

(Rev. 06-07-2010)
- C. Contractor Registration Required:
1. All Sign Erectors, as defined in Section 85.01.03 of this Chapter, shall annually register with the Department. The Sign Erector registrations shall expire April 1st of each year. The registration fee is as set forth in Chapter 60 of the City Code.
 2. Insurance Requirement: The following insurance is required before a sign permit will be issued:

a. Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit a Certificate of Insurance for Public Liability in the amount of One Hundred Thousand (\$100,000) Dollars for injuries to one person and Three Hundred Thousand (\$300,000) Dollars for injury to more than one person, and Property Damage insurance in the amount of Twenty-Five Thousand (\$25,000) Dollars for damage to any property due to the actions of the Sign Erector or any of their agents or employees. This Certificate shall be submitted to the Planning Department, and approved by the City's Risk Manager or his/her delegate.
(Rev. 06-07-2010)

b. Lapsing of Insurance: Sign Erectors shall maintain the above referenced insurance coverage at all times in order to be eligible to obtain sign permits. If the insurance coverage lapses at any time, the City can automatically revoke the right of a Sign Erector to obtain sign permits.

c. Notification of Change: A Sign Erector shall notify the Planning Department of any change in address, or any change in ownership or management that differs from what is indicated on the Insurance Certificates.

(Rev. 06-07-2010)

D. Permit Fees: Permit fees are as set forth in Chapter 60 of the City Code.

85.01.05 Prohibited Signs

A. Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as provided below:

1. Signs established and maintained by the City, County, State, or Federal Governments may be located in the right of way.
2. Banners advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.
3. In its discretion, City Council may approve an agreement to allow residential development identification signs in the medians of boulevard entrance streets. Any such agreement shall require continuing liability insurance and also provide satisfactory maintenance of the sign, as well as any other condition that is deemed necessary by the Troy City Council to protect the right of way. The agreement must also indicate the City Council's approval of the proposed design and materials for the sign. The residential development

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identification sign shall not exceed five feet in height, and shall not be more than 50 square feet in area. The height of such signs shall not exceed 30" when located in the corner clearance area depicted in Figure 85.01.05 A.

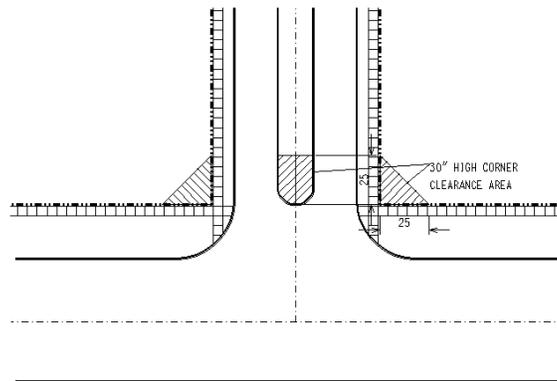


Figure 85.01.05 A

- B. Corner Clearance: Signs higher than 30 inches shall be prohibited in the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection. No sign shall be located in that area, or project into, or overhang into the area.
- C. Roof Projecting Signs: Roof signs and projecting signs are prohibited.
- D. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- E. Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.
- F. Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- G. Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.
- H. Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.

85.01.06 Inspections

- A. Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the Sign Erector must advise the Zoning Administrator so that the inspection may be made before concealment.

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(Rev. 06-07-2010)

- B. Compliance Certification: All signs shall be inspected at original installation; if found to comply with this chapter, the sign shall be issued a certificate of compliance.
- C: Inspections of Existing Signs: The Zoning Administrator can inspect existing signs to determine compliance with the provisions of this chapter.

(Rev. 06-07-2010)

85.01.07 Non-Conforming Signs:

- A. Intent: It is the intent of this Chapter to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Chapter. It is the intent, therefore, to administer this Chapter to facilitate the removal of illegal non-conforming signs while simultaneously avoiding any unreasonable invasion of established private property rights.
- B. Continuance: A non-conforming sign shall be maintained in good condition. A non-conforming sign may be continued, but shall not be:
 - 1. Replaced by another non-conforming sign; or
 - 2. Structurally altered so as to prolong the life of the sign; or
 - 3. Expanded; or
 - 4. Re-established after damage or destruction to the sign, if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost of the sign.

85.01.08 Appeals:

A. Procedure

- 1. Any person aggrieved by any decision, ruling or order from the Building Inspector may appeal that decision to the Board of Appeals. The appeal shall be made by filing an application for a hearing with the Department. The application shall specify the grounds for the appeal. The Zoning Administrator shall transmit the application and all other documents relating to the appeal to the Board of Appeals. Upon receipt of the Appeal Application, the Building Inspector shall administratively establish a date of the Public Hearing.

(Rev. 06-07-2010)

2. The Zoning Administrator shall notify all owners of real property within 300 feet of the real property that is proposed as the site of the sign subject to the appeal. The notice shall be sent by U.S. Mail to the owners at the address listed with the Troy Assessing Department, and shall be postmarked no less than 14 days before the date of the Public Hearing.

(Rev. 06-07-2010)

B. Powers of the Board of Appeals

1. The Board of Appeals has the power to grant specific variances from the requirements of this Chapter, upon a showing of each of the following:
 - a. The variance would not be contrary to the public interest or general purpose and intent of this Chapter; and
 - b. The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and
 - c. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.
2. Duration of Variances: The Board of Appeals shall not grant any variance for a period that exceeds 15 years. All variances shall terminate at the expiration of the period of time set by the Board of Appeals, or upon alteration or reconstruction of more than 50% of the sign, whichever occurs first.

85.01.09 Violations

- A. It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the City of Troy, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Any person violating any of the provisions of this Chapter shall be responsible for committing a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is deemed a separate Municipal Civil Infraction. Sanctions for each violation of Chapter 85 shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100. Any sign constituting an immediate hazard to health and safety is deemed a nuisance and may be removed by the Zoning Administrator at the expense of the owner of the sign or other responsible party, in the discretion of the Zoning Administrator.

(Rev. 06-07-2010)

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- B. Signs in Public Right-of-Way: In addition to the penalties prescribed in paragraph 85.01.09 A, any sign erected in violation of this Chapter may be removed by the Zoning Administrator or his/her authorized representative and stored in a safe location for at least 48 hours. During this period of time, the owner of the sign may obtain the sign from the Zoning Administrator upon request and payment of a fee of Fifty Dollars (\$50) for each sign to cover the costs of removal and storage. After 48 hours, the Zoning Administrator may dispose of the sign.

(Rev. 06-07-2010)

- C. Public Nuisance: Signs installed after the effective date of the adoption or subsequent amendment of this Chapter that are in violation of this Chapter are hereby declared to be public nuisances, and may be abated by the City. The City can take any legal action to abate the public nuisance. The collection of removal fees from the Owner, Sign Erector, or other responsible person shall not preclude the City from prosecuting the responsible person.

85.02.00 General Provisions

85.02.01 Construction Requirements

- A. Material Requirement: All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this Chapter.

- B. Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the Sign Erector shall be repaired by the Sign Erector.

- ~~C. Changeable Message Signs: The message change cycle of a changeable message sign shall be not less than one minute per message, except in a combined time and temperature sign, where the change cycle shall not be less than 30 seconds.~~

- ~~CD. Revolving Signs: Signs that revolve shall make no more than four complete revolutions per minute.~~

- ~~DE. Proximity to Electrical Conductors: No sign shall be erected so that any part, including cables, guys, etc, will be within six feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.~~

85.02.02 Illuminated Signs:

- A. Illumination: Only listed electrical devices shall be used for the illumination of signs. These listed electrical devices shall be installed in accordance with the requirements of the regulations adopted by the City of Troy. No open spark or flame

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may be used for display purposes unless specifically approved by the Zoning Administrator.

(Rev. 06-07-2010)

- B. Shielding from Residential Districts: Any lighting used to illuminate signs shall be directed away from and shall be shielded from any adjacent residential zoning districts and shall not adversely affect driver visibility on adjacent public thoroughfares.

85.02.03 Electronic Message Signs

- A. Electronic message signs shall be permitted subject to the sign regulations for each zoning district as permitted within Section 85.02.05 and further subject to the following additional regulations:

1. The frequency of the message change of an electronic message sign shall be restricted to no less than once every sixty (60) seconds.
2. Messages shall be static. Movement of text or images other than the message change shall be prohibited.
3. The electronic message sign shall not display light or such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum sign luminance shall not exceed 0.3 foot-candles above ambient light measurement based upon the sign of the sign (in square feet) and distance measured perpendicular to the sign face in accordance with the following table (Table 85.03.06):

TABLE 85.02.03 MAXIMUM LIGHT LEVELS OF ELECTRONIC MESSAGE SIGNS		
<u>Maximum Allowed Ambient Light Level</u>	<u>Area of Sign (sq. ft.)</u>	<u>Measurement of Distance (ft.)*</u>
<u>0.3 foot-candles</u>	<u>10</u>	<u>32</u>
<u>0.3 foot-candles</u>	<u>15</u>	<u>39</u>
<u>0.3 foot-candles</u>	<u>20</u>	<u>45</u>
<u>0.3 foot-candles</u>	<u>25</u>	<u>50</u>
<u>0.3 foot-candles</u>	<u>30</u>	<u>55</u>
<u>0.3 foot-candles</u>	<u>35</u>	<u>59</u>
<u>0.3 foot-candles</u>	<u>40</u>	<u>63</u>
<u>0.3 foot-candles</u>	<u>45</u>	<u>67</u>
<u>0.3 foot-candles</u>	<u>50</u>	<u>71</u>
<u>0.3 foot-candles</u>	<u>55</u>	<u>74</u>

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<u>0.3 foot-candles</u>	<u>60</u>	<u>77</u>
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Source: Model Code, Illuminating Engineering Society of North America

* Measured in feet, perpendicular to the face of the sign.

- B. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the electronic message sign has auto dimming capabilities and shall be programmed to comply with the standards contained in Table 85.02.03.

85.02.034 Identification of Sign Erector:

- A. Sign Erector's Imprint: Every sign, other than temporary signs herein defined, must carry the identification of the Sign Erector, in clearly legible letters.
- B. Re-hanging: In case of re-hanging or re-erection of any sign, the Sign Erector must place his/her identification and the date of the re-hanging on the sign.

85.02.045 Measurement of Signs:

- A. Sign Area: For the purpose of this Chapter, the area of the sign shall include the total area within any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, and is further calculated as follows:
1. Single Face Sign: For a single face sign, the area shall be computed as the total exposed exterior surface in square feet.
 2. Multi-faced Signs: When the sign has two or more faces, the area of all faces shall be included in computing the area of the sign.

Exceptions:

1. For a sign that has two or more faces placed back to back, the area shall be computed as one-half the total exposed exterior surface area in square feet.
2. For a sign that has two or more faces so arranged that the faces are greater than 24 inches from one another or such sign with any two faces that form a "V" is greater than 15 degrees, the area shall be computed as a single face sign.
3. Wall Signs: When a sign consists solely of writing, representation, emblems, logos, or any other figure or similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without distinguishing border, the area of such sign shall be computed as if it were framed by a

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border consisting of horizontal and vertical lines touching the outer limits of the sign and extending not more than one foot from smaller sign elements. However, in no instance shall there be any line having a dimension of less than one foot.

- B. Sign Height: The height of the sign is measured from the ground to the highest point of the sign from the ground.

85.02.056 Allowable Signs:

- A. The Zoning District Regulations and Table 85.02.05 set forth the allowable signs in each zoning district. These are in addition to the signage that is exempted from permits by Section 85.01.04 A.

- B. Nothing in this Chapter shall be construed so as to prohibit ideological or non-commercial advertising on any sign on which commercial advertising is allowed.

C. Specific Zoning District Regulations

1. R-1 and RT R-2-Districts: Signs in R-1 and RT single family and two family Districts shall be allowed as follows:

a. For other uses, Special Approval Uses listed in Chapter 39, Section 40.30.00 of the Troy City Code: One 1 sign not to exceed 100 square feet in area.

b. For Subdivision Entrances: For one, two, and multiple family housing development entrances, a maximum of two signs not exceeding a total of 100 square feet in area.

(Rev. 08-06-2007)

c. For Subdivisions Under Development: For one, two, and multiple family housing developments under construction, One1 sign not to exceed 100 square feet in area is allowed until such time as a certificate of occupancy is issued for all homes units in the subdivision development.

2. R-M, RI-T, CR-1-MF, UR, MHP and C-F Districts: Signs in Multiple Family Housing or Cluster Housing, and Community Facility Developments MF, UR, MHP and CF Districts shall be allowed as follows:

a. One sign not to exceed 100 square feet in area.

b. One additional sign not to exceed 36 square feet in area.

c. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or RT District.

3. All-O, OM and R-C Districts: Signs in Office and Research Center-O, OM and RC districts shall be allowed as follows:
 - a. One wall sign for each building, not to exceed 10% of the area of the front of the structure, to a maximum size of 200 square feet in area.
 - b. One ground sign for each building in accordance with Table 85.02.05.
 - c. One additional ground sign for each building, not to exceed thirty-six square feet in area, if the site fronts on a major thoroughfare.
 - d. Each tenant on the ground floor may have one wall sign, which shall not exceed 20 square feet in area. The sign must be located on the face of the area occupied by the tenant.
 - e. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or ~~R-2~~ RT district.

4. B-1, B-2, B-3 and H-S-CB, GB and PV Districts: Signs for each business development in the Commercial in CB, GB and PV Districts shall be allowed as follows:
 - a. One ground sign in accordance with Table 85.02.05.
 - b. One additional ground sign, not to exceed thirty-six square feet in area, if the site fronts on a major thoroughfare.
 - c. The required setback for ground signs from adjacent residentially zoned property shall be the same as for buildings within the zoning district.
 - d. Any number of wall signs, such that the total combined area of all wall signs for each tenant shall not exceed 10% of the front area of the structure or tenant area. Wall signs must be located on the face of the area that is occupied by the tenant.
 - e. A dealership within the GB and PV Districts shall be allowed the following additional signage:
 1. One ground sign, in accordance with Table 85.02.05.
 2. Two wall signs, with each sign being 20 square feet in area or less.

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5. ~~M-1-IB Districts~~: Signs for each ~~M-1 development~~ in the IB District shall be allowed as follows:
- a. One ground sign in accordance with Table 85.02.05.
 - b. One additional ground sign, not to exceed thirty-six square feet in area, if the site fronts on a major thoroughfare.
 - c. ~~One wall sign for each building, not to exceed 10% of the area of the front of the structure, up to a maximum of 100 square feet. The required setback for ground signs from adjacent residentially zoned property shall be the same as for buildings within the zoning district.~~
 - d. ~~One wall sign, not to exceed 20 square feet in area, for each tenant in multi-tenant buildings. Tenant signs must be located on the face of the area that is occupied by the tenant. Any number of wall signs, such that the total combined area of all wall signs for each tenant shall not exceed 10% of the front area of the structure or tenant area. Wall signs must be located on the face of the area that is occupied by the tenant.~~
 - e. One additional ground sign, provided it complies with all of the following:
 1. The sign is set back a minimum of 200 feet from any street right-of-way.
 2. The sign is located at least 1,000 feet from any sign exceeding 100 square feet in area.
 3. The sign does not exceed 300 square feet in area.
 4. The sign does not exceed 25 feet in height.
 - f. A dealership within a ~~Planned Auto Center~~ the IB District shall be allowed the following additional signage:
 1. One ground sign, in accordance with Table 85.02.05.
 2. Two wall signs, with each sign being 20 square feet in area or less.
 - g. No sign shall be located closer than 50 feet to any property line of an adjacent R-1 or ~~R-2-RT D~~RT D district.
6. BB, MR, NN Districts:
- a) One ground sign for each building in accordance with Table 85.02.05.

- b) One additional ground sign for each building, not to exceed thirty-six square feet in area if the site fronts on a major thoroughfare.
- c) Any number of wall signs, such that the total combined area of all wall signs for each tenant shall not exceed 10% of the front area of the structure or tenant area. Wall signs must be located on the face of the area that is occupied by the tenant.
- d) One pedestrian-scaled wall sign or projecting sign per tenant, provided it does not exceed twelve square feet in area and does not project more than forty eight (48) inches from the wall.

TABLE 85.02.056 STANDARDS FOR GROUND SIGNS			
Zoning District	Minimum Setbacks*	Maximum Height	Maximum Area
All R and C-F	10 ft. from Street	12 ft.	See Section 85.02.05,C,1 & 85.02.05,C,2
All <u>CB, GB, BB, MR, NN, H-S, O, OM, R-C, IB</u> and <u>PV Planned Auto Centers in M-1 Districts</u>	0 ft. - 20 ft.	10 ft.	50 sq. ft.
	20 ft. - 30 ft	20 ft.	100 sq. ft.
	30 ft. +	25 ft.	200 sq. ft.
M-1	40 ft	12 ft.	100 sq. ft. Max. See Section 85.02.05,C,5,e

* Indicates setback from existing street right-of-way, or from planned right-of-way (as indicated in Master Thoroughfare Plan), whichever is greater.

85.03.00 General Exceptions: The regulations of this Chapter shall be subject to the following exceptions.

85.03.01 Special Event Signs

A. Signs advertising a Special Event may be allowed for events that include, but are not limited to, grand openings, vehicle shows/displays, craft shows, benefit rummage/bake sales and festivals, as long as a Special Event Sign permit is issued. The application for a Special Event sign permit shall be submitted to the Zoning Administrator, and shall include the following:

1. Plans indicating the following:
 - a. Site layout (building location, parking, etc.)
 - b. Number, size and location of proposed signs, including banners, flags, cold air balloons, and other forms of signage.

Chapter 85 - Signs

2. Documentation detailing the purpose of the event and desired dates for the placement of the Special Event signs.
3. If the applicant for the Special Event Sign permit is not the property owner of the site where the signage is proposed to be located, then the written approval of property owner must be submitted with the application.
4. The required application fee, as set forth in Chapter 60 of the Troy City Code.

Exception: All fees for a Special Event sign application shall be waived for all non-profit applicants who provide satisfactory proof of the non-profit status to the Zoning Administrator.

- B. A Special Event Sign permit shall be issued for not more than seven (7) consecutive days within any twelve (12) month period.
- C. No more than four off-site signs related to a Special Event may be permitted. Such off-site signs shall each be limited to six (6) square feet in area. Applicant must also submit written approval from the owners of properties where the off-site Special Event Signs are proposed to be located. This permission must be provided prior to the issuance of a permit.

85.03.02 Temporary Signs

- A. Temporary signs include, but are not limited to the following:
 1. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premise for sale, rent or lease.
 2. For a single dwelling or building or vacant land: an off-site real estate sign for the purpose of providing direction to another premise that is offered for sale, rent, or lease.
 3. An on-site sign advertising an on-going garage, estate or yard sale.
 4. An off-site sign for the purpose of providing direction to another premise that is having a garage, estate or yard sale, as long as the dates of the sale are clearly indicated on the sign.
 5. Non-commercial signs, which contain non-commercial informational or directional messages.
 6. Political signs.
 7. Holiday or other seasonal signs.
 8. Construction signs for buildings under construction.

B. All temporary signs must comply with all of the following regulations:

1. Size of Temporary Signs: The total aggregate sign area of all temporary signs on any one site shall not exceed fourteen (14) square feet. The maximum size of individual temporary signs shall not exceed six square feet in area. Temporary signs shall not be higher than forty-two (42) inches above average mean grade of the yard on which it is placed.

Exceptions:

1. For uses other than one and two family dwellings, signs for buildings under construction shall be a maximum size of 10% of the square foot area of the front of the structure, and not more than 10 feet in height.
 2. One sign advertising the sale or lease of vacant land, when the parcel exceeds two acres in area, shall be allowed to have a size equal to 15 square feet of sign area per acre of land or 15 square feet of sign area per 100 lineal feet of thoroughfare frontage. In no case shall the sign be allowed to exceed 100 square feet of sign area or be more than 10 feet in height.
2. Location of Temporary Signs:
 - a. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way
 - b. Temporary signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and shall not be located in a dedicated right-of-way.
 - c. Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
 - d. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
 - e. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
 - f. Signs shall be located so as to comply with the corner clearance requirements of Section 85.01.05 B.
 3. Time Limitations for Temporary Signs: Each temporary sign shall be removed within 60 days of placement.

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Exceptions

1. Where there is a valid contract for work on the premises that exceeds sixty (60) days, then temporary signs shall be permitted on the premises for the length of the contract.

85.03.03 Road Closure Construction Signs

One road closure construction sign, not exceeding 36 square feet in area, shall be permitted for each owner or tenant of a building located on property adjacent to a road lane that is closed due to construction activity for a period of 30 or more calendar days. Road closure construction ground signs shall not exceed 10 feet in height and shall be located outside of the right-of-way. Road closure construction wall signs shall be placed flat against the exterior surface of the building, shall not project more than 12 inches from the building surface, and shall not project above the roof or parapet line. Road closure construction signs shall be removed upon the opening of all road lanes adjacent to the property

(06-07-2010)

85.03.04 Signs on Motor Vehicles

- A. No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property in the City of Troy for the purpose of advertising same "for sale" or "for trade".

(Renumbered: 06-07-2010)

Exceptions:

1. Properly licensed auto dealerships and properly licensed used car lots.
2. The owner of a motor vehicle who places a "for sale" or "for trade" sign on or within the vehicle provided:
 - a. The vehicle is located only on the vehicle owner's residential property; and
 - b. The owner of the vehicle displays a clearly visible sign on the vehicle indicating the owner's name and address; and
 - c. Not more than one vehicle is displayed on the residential property.
3. The owner of non-residential property who places or allows to be placed a "for sale" or "for trade" sign on or within the vehicle provided:
 - a. Not more than one vehicle is displayed on the nonresidential property; and

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- b. The owner of the vehicle displays a clearly visible sign indicating the nonresidential property owner's consent to the display of the vehicle.
- B. A displayed message containing a phone number in or on a parked motor vehicle that is or was visible constitutes a presumption that it is or was for the purpose of offering the vehicle for sale or trade.
- C. Proof that the vehicle described in the complaint was parked in violation of this Section, together with proof that the defendant named in the complaint was at the time of the cited parking the registered owner of the vehicle constitutes a presumption that the registered owner is responsible for the violation.

85.03.05 Flags

(Renumbered: 06-07-2010)

- A. The display of the flag of the United States of America or other political subdivision thereof shall not be regulated by this Chapter when attached to a structure or standardized flagpole.
- B. The display of not more than one flag, such as but not limited to, corporate, civic, social, cultural, church or club group shall be permitted if flown in conjunction with an American flag of equal or greater size.

(09-12-2005)

G:\Chapter 85\CHAPTER 85 Draft PC Version 05 22 2012.doc

DATE: May 18, 2012

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: POTENTIAL CONDITIONAL REZONING APPLICATION – Northwest corner of Square Lake and Dequindre, Section 1, From NN Neighborhood Node to CB Community Business

A property owner requested an opportunity to discuss a potential rezoning application with the Planning Commission. The applicant is interested in rezoning the subject parcel from NN to CB. It is intended that a Tim Horton's Restaurant with drive-through be developed on the site. Drive-throughs are not permitted in this particular node (Node N) given its street type and site type.

The Master Plan delineates the subject property as Neighborhood Node. The applicant seeks direction from the Planning Commission on this matter.

The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes this item.

Attachments:

1. Maps.
2. Concept plan.
3. Report prepared by CWA.
4. Letter prepared by R.B. Savidant RE: Modification of Regulating Plan.

G:\REZONING REQUESTS\Potential Rezonings\Potential Rezoning PC memo 05 22 2012.doc



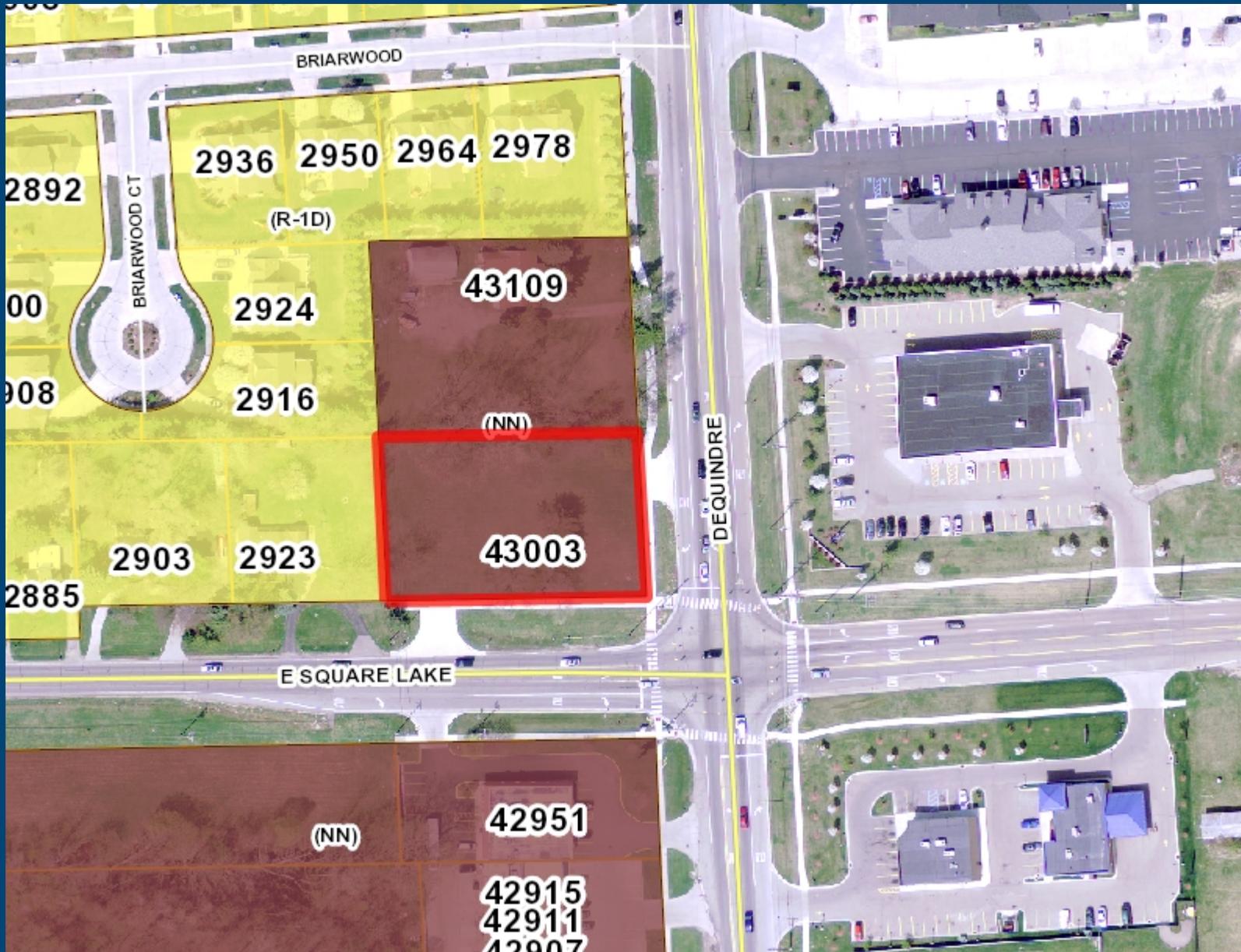
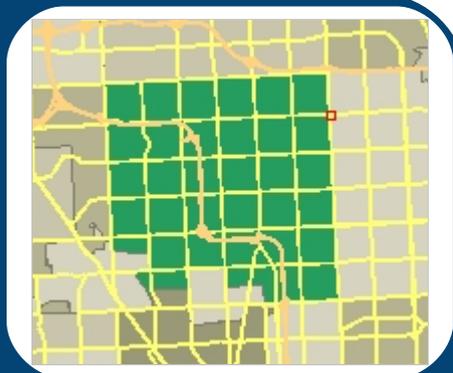
Legend

- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road
- Ponds and Basins
- Streams and Creeks
- Parcels
- Aerial Photos - 2010
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

249 0 125 249Feet

Scale 1: 1,496





Legend

Road Centerline

-  Major Road
-  Industrial Road
-  Local Road

Current Zoning Ordinance

-  (PUD) Planned Unit Development
-  (CF) Community Facilities District
-  (EP) Environmental Protection District
-  (BB) Big Beaver Road (Form Based)
-  (MRF) Maple Road (Form Based)
-  (NN) Neighborhood Nodes (A-U)
-  (CB) Community Business
-  (GB) General Business
-  (IB) Integrated Industrial Business District
-  (O) Office Building District
-  (OM) Office Mixed Use
-  (P) Vehicular Parking 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
-  (RT) One Family Attached Residential District
-  (MR) Multi-Family Residential
-  (MHP) Manufactured Housing
-  (UR) Urban Residential
-  (RC) Research Center District
-  (PV) Planned Vehicle Sales

Ponds and Basins

Streams and Creeks

Parcels

Aerial Photos - 2010

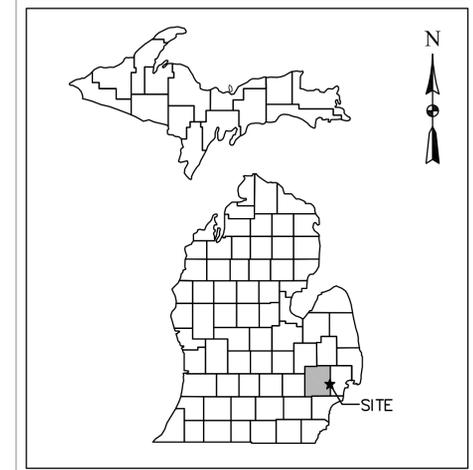
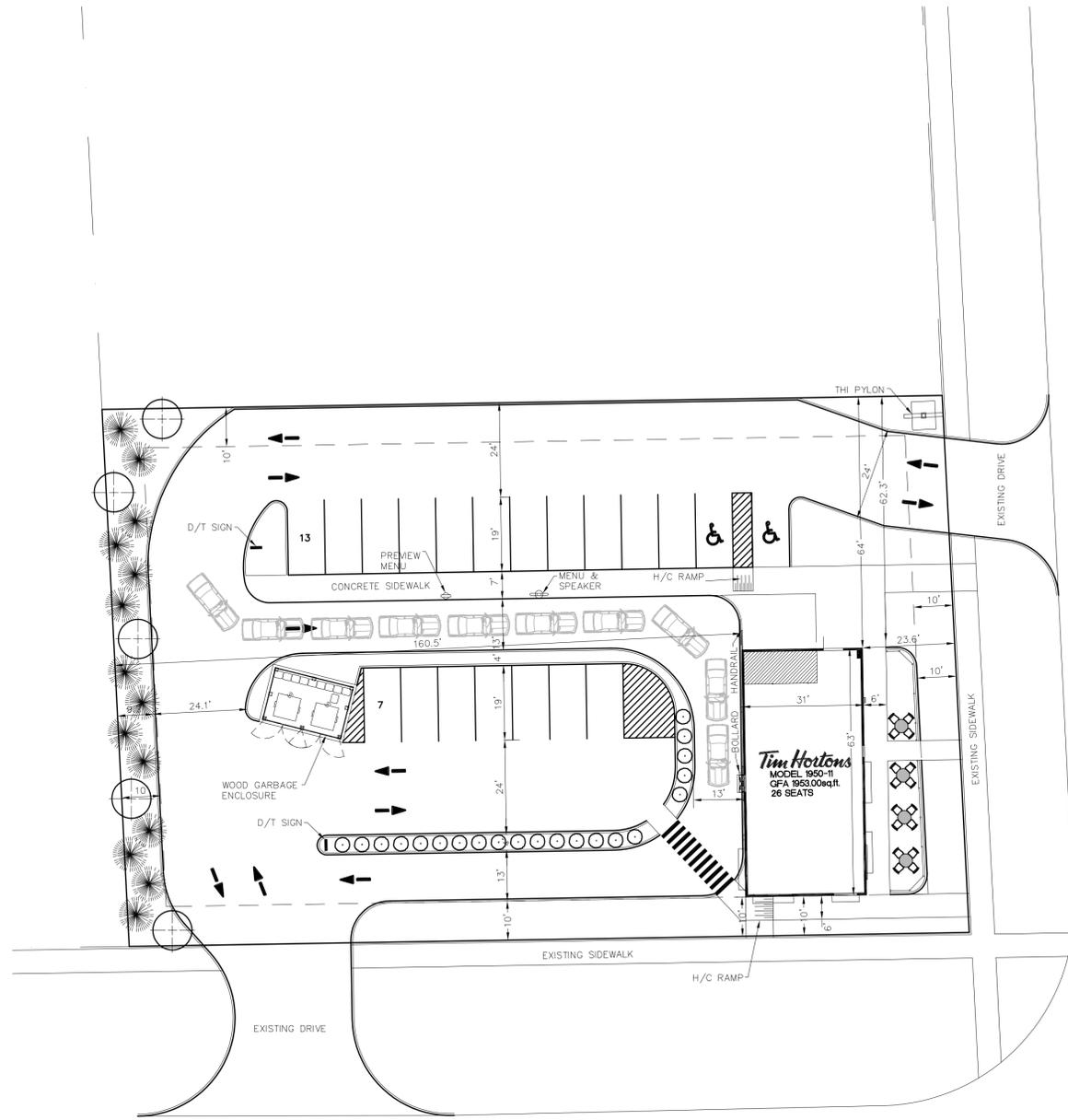
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-  Green: Band_2
-  Blue: Band_3

249 0 125 249Feet

Scale 1: 1,496



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LOCATION MAP
NOT TO SCALE

DETAILS OF DEVELOPMENT			
DATA	REQUIRED	PROVIDED	
SETBACKS	ZONING	ZONING NOT PROVIDED	
	FY	n/a	10.00'
	RY	n/a	160.50'
	INT.SY	n/a	64.00'
	EXT.SY	n/a	10.00'
NET LOT AREA (sq. ft. / Ac.)	29,488.79sq.ft./0.68acres		
BUILDING COVERAGE	0.0%	6.6%	
BUILDING HEIGHT	n/a	±16.60'	
GROSS FLOOR AREA	1953.00sq.ft.		
No. of UNITS	1		
DT STACKING	n/a	10	
LOADING SPACES	n/a	1	
PARKING:	Total Spaces	n/a	20
	Handicap Spaces	n/a	2
	Stall Length	n/a	19.00'
	Stall Width	n/a	9.50'
	Aisle Width	n/a	24.00'
OTHER:			

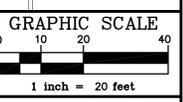
ZONING NOT PROVIDED

SITE DATA TABLE

DATE:	REV:	ISSUED FOR:
02/20/12	1	PER CLIENT
03/26/12	2	PER CLIENT
03/30/12	3	PER CLIENT



METRO CONSULTING ASSOCIATES
 6001 SCHOONER DRIVE
 BELLEVILLE, MICHIGAN 48111
 PHONE: 734.483.1427 FAX: 734.483.3431
 www.metroca.net



CLIENT NAME: TIM DONUT U.S. LIMITED, INC.
TIM HORTONS RESTAURANT
 2923 E. SQUARE LAKE ROAD (±1.487 ACRES)
 CONCEPT PLANS

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND MAY NOT HAVE BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR THE RESTORATION OF AND/OR RELOCATION OF ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION OR FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



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NOT FOR CONSTRUCTION



TOWNSHIP: 2N, 11E
 COUNTY: OAKLAND
 SHEET: 1



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

MEMORANDUM

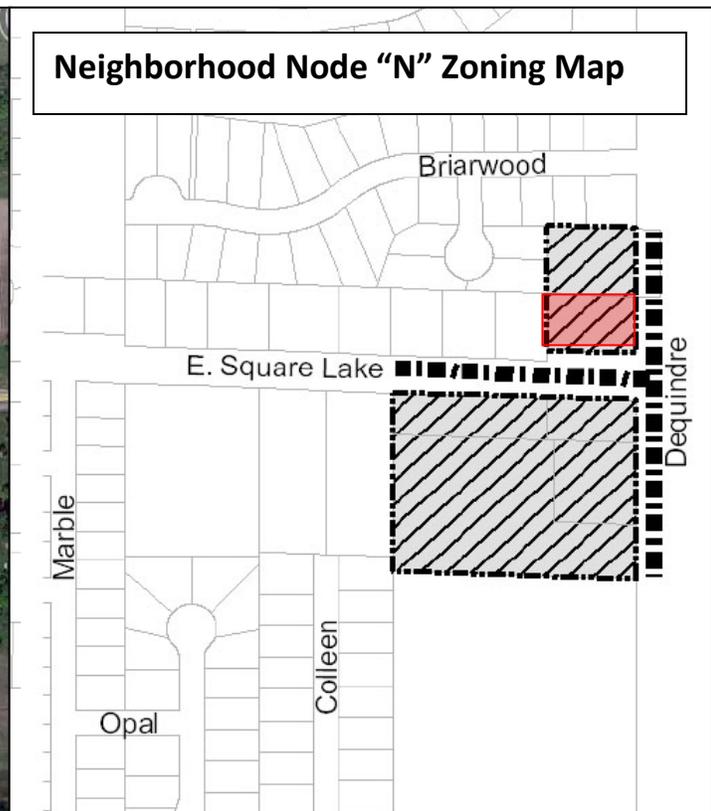
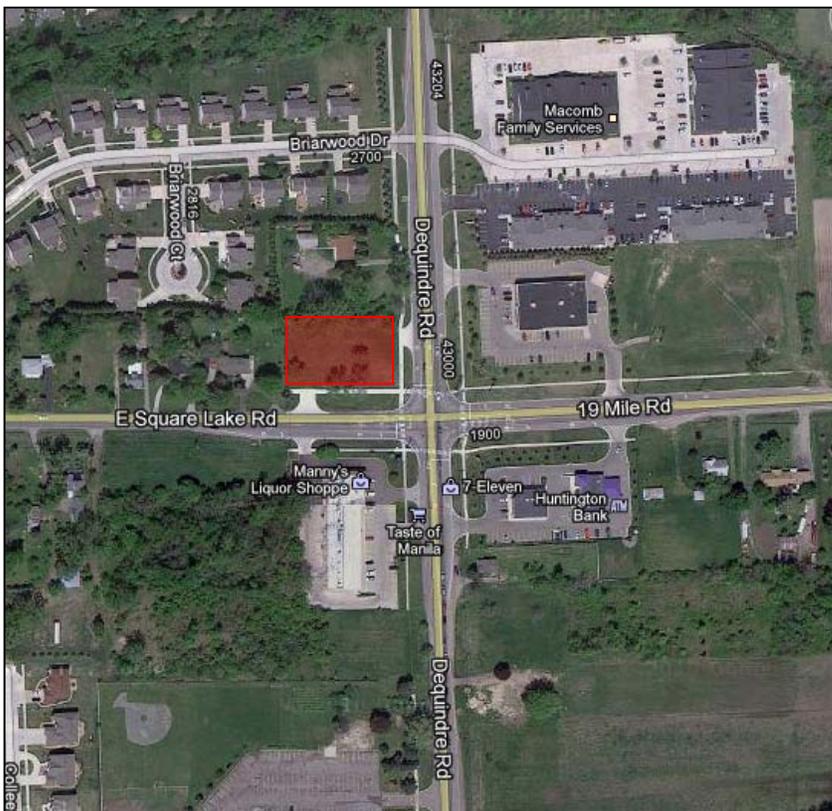
TO: Brent Savidant, Planning Director
City of Troy Planning Commission

FROM: Ben Carlisle, AICP

DATE: May 10, 2012

RE: Neighborhood Node N –Requested Conditional Rezoning

Burt Kassab, owner of a 0.68 acre vacant parcel at the northwest corner of Square Lake Road and Dequindre Road, has requested the Planning Commission consideration of a conditional rezoning. The parcel is located in form-based district Neighborhood Node N and regulated as a Site Type B. The conditional rezoning process is outlined in Section 16.04 of the Zoning Ordinance. The applicant is requesting to conditional rezone the property to CB, Community Business in order to construct a Tim Hortons Café and Bake Shop with a drive-through. A drive-through use is not permitted in Site Type B in any neighborhood node. Drive-through uses are permitted by Special Use in the CB District.



Master Plan

Neighborhood nodes are the concentrated, commercial and mixed-use centers situated at major intersections. The Master Plan for this node calls for:

Neighborhood Node N: Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented development in combination with new residential development would provide a unique setting here.

The proposed use as commercial is appropriate and encouraged. A commercial use, built to the form-based district design standards outlined in the Zoning Ordinance, fits the intent of this node and would greatly enhance and serve the adjacent neighborhood well. However, due to site planning issues, the intent to develop more urban form buildings and pedestrian-oriented areas, and the character of the surrounding neighborhood (see Neighborhood Node N section below), a drive-through use on this parcel was not considered or intended in the Master Plan.

Zoning Background

Site Type B in neighborhood nodes permits a number of uses including attached and multiple family residential, office/institution, service, and retail uses such as a Tim Hortons. However, a drive-thru within Site Type B in any neighborhood node is not permitted. There is a rational relationship as to why drive-throughs are not permitted in Site Type B in neighborhood nodes including 1). the proximity of single-family residential lots can create negative impacts (lighting, noise, emissions, etc); 2). the importance of maintaining neighborhood character; and 3). size limitations of parcels can impede safe traffic circulation and create pedestrian and automobile conflicts.

In early April, Mr. Kassab requested a site reclassification to Site Type A, which does allow a drive-thru in a neighborhood node through a Special Use. The reclassification of Site Types can be considered by the Zoning Administrator as outlined in Section 5.02.G. In considering the requested reclassification, the Zoning Administrator applies the standards outlined in Section 5.02.G.1-5. In a letter April 10, 2012, Mr. Savidant outlined his findings of the standards as follows:

5.02.G.1: The applicant's property cannot be used for the purpose permitted in the form-based district.

The form-based district permits a wide range of uses with site type B. Use groups 2 (residential/lodging), 3 (office/institution) and 5 (retail/entertainment/service) are all permitted by right within site type B (see Table 5.06.C-1). There do not appear to be any reasons that would preclude the site being used for any of these purposes, nor does your application mention any.

5.02.G.2: Area has been added to or deleted from the subject property in question, requiring the modification

Area has not been added or deleted from this property.

5.02.G.3: The proposed modification and resulting development will not alter the essential character of the area.

The other three corners are commercial in nature. Commercial development on the subject site would not alter the essential character of the area. However a drive-through could potentially negatively alter the character of the area, based on the relatively small parcel size.

The subject parcel is approximately 0.678 acres in area. This is a relatively small site for a drive-through restaurant, particularly one on a corner, with two curb cuts. This small size results in a number of potential turning conflicts between stacking cars, cars entering or leaving parking spaces, and cars entering or leaving the site. These potential turning conflicts, in addition to increasing potential vehicular and pedestrian conflicts, could negatively impact maneuverability and safety both on the site and in the immediate area.

As a comparison, the existing Tim Horton's (with drive-through window) on Rochester Road is approximately 0.961 acres, and has only one curb cut. The Tim Horton's (with drive-through) recently approved on Maple Road is approximately 0.746 acres, and has only one curb cut. These parcels are both larger than the subject parcel and have only one point of ingress/egress, and therefore fewer potential traffic conflicts.

5.02.G.4: The proposed modification meets the intent of the district

A drive-through use on this site would be a significant deviation from the Master Plan, which calls for the following in Node N: "Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office.

Service-oriented use development in combination with new residential development would provide a unique setting here". The drive-through component is more intense and less compact than what is planned for this particular node.

5.02.G.5: Existing streets have been improved and/or new streets constructed that may result in the modification of specific site type or street type.

Existing streets have not been improved or constructed recently.

It was Mr. Savidant's finding and our concurrence that the application did not meet the standards for reclassification, and thus the reclassification was denied. Please see attached letter from Mr. Savidant for more details. We met with the Mr. Kassab and Tim Horton's representative on April 19th to discuss our findings and offer further considerations for the applicant's consideration.

Proposed Conditional Rezoning

Since our April 19th meeting, Mr. Kassab has requested that the Planning Commission consider a conditional rezoning from Neighborhood Node N to CB, Community Business in order to construct a Tim Hortons with a drive-through. Drive-through uses are permitted by Special Use in the CB District. Conditional Rezoning are allowed to be considered by the Planning Commission under Section 16.04. Conditions are voluntarily submitted by the applicant.

The applicant has submitted a site plan; however has not submitted any specific conditions. The applicant did note that the proposed general conditions are that the site would be developed as a Tim Horton's in accordance the proposed site plan. If the Planning Commission wishes to further consider the conditional rezoning to CB, Community Business, the applicant should list their proposed conditions as part of their application.

Considerations for Rezoning from Neighborhood Node N to CB, Community Business

Neighborhood nodes are located at major intersections adjacent to residential neighborhoods. These nodes are intended to serve as commercial and mixed use centers serving as places to meet the basic needs of the neighborhoods, as well as the community as a whole. The key parcels within the neighborhood nodes are the corner parcels at these major intersections. Because the parcel in question is a corner parcel, its importance to develop under the regulations of Site Type B and the design standards outlined in the Neighborhood Node is a key to the future development and the implementation of Neighborhood Node N. A potential rezoning of this parcel to CB could limit the remaining parcels in the node to develop under the Neighborhood Node N - Site Type B regulations. This is especially true for the parcel to the north, which would be an isolated Neighborhood Node N parcel surrounded by differentiating zoning districts. A rezoning of this parcel would greatly limit the implementation of the Neighborhood Node N as envisioned in the Master Plan.

Specifically looking at this parcel, the intent of the Neighborhood Nodes is to develop urban building forms at these major intersections. These urban building forms are predicated on buildings placed on the street, and the incorporation of architectural details, most notably ground floor story activation. The CB, Community Business requires a ten-foot setback from the front property line and does not require the architectural details as outlined in the neighborhood nodes.

As noted in Mr. Savidant's letter to the applicant, the site is only 0.68 acres in area. As can be seen in the submitted site plan, the site appears too tight for adequate circulation for a drive-through use and creates the potential for both automobile and pedestrian conflicts. Furthermore, the size limitation of the site does not allow for adequate buffering from adjacent residential uses.

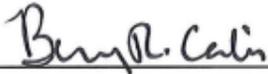
Considerations for the Planning Commission

We strongly encourage the development of a Tim Hortons or associated commercial use, and we applaud Mr. Kassab's attempt to turn a vacant, dilapidated site into a viable commercial development. However, we find that a drive-thru use predicated on a conditional rezoning would not advance the Master Plan intent of Neighborhood Node N at this location. Rezoning this parcel to CB, would weaken the ability to implement the building form and uses intended for Neighborhood Node N, especially the adjacent parcel to the north. Most importantly, while we have not done a complete review, the site plan submitted by the applicant appears too tight for adequate circulation for a drive-through use, and creates the potential for both automobile and pedestrian conflicts.

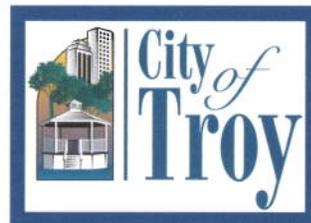
Alternatively, we encourage the applicant to either:

1. Add the entire parcel or portions of the parcel to the north. By adding additional area to the site, a drive-thru use might be feasible because issues of pedestrian and automobile conflict, tight circulation, and encroachment and impact upon adjacent properties can be mitigated.
2. Maintain the retail use but eliminate the drive-through. By eliminating the drive-through the proposed use is by-right and the applicant would be only required to go through a site plan review, which could be approved by the Planning Commission at one meeting.

I look forward to addressing any comments and questions from the Planning Commission.



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP



April 10, 2012

Burt S. Kassab
Liberty Group Holdings, LLC
31000 Northwestern Highway, Suite 100
Farmington Hills, MI 48334

Re: Modification of Regulating Plan – Neighborhood Node N, Northwest Corner of Square Lake/Dequindre, Troy, Michigan

This letter is prepared in response to your request to modify the Regulating Plan for Node N of the Neighborhood Node Form Based District of the City of Troy Zoning Ordinance. Presently Node N is categorized as site type B, street type A (see Map 5.06.1). Site type B does not permit Use Group 6, which includes drive-through uses. You are applying to modify the site type to type A, which permits drive-through uses by special use approval. You provided a conceptual sketch showing a proposed layout for the site, including a drive-through.

Section 5.02.G of the Zoning Ordinance lists the standards that the Zoning Administrator shall apply in making a determination to modify a site type or street type designation:

1. *The applicant's property cannot be used for the purpose permitted in the form-based district.*
2. *Area has been added or deleted from the subject property in question, requiring the modification.*
3. *The proposed modification and resulting development will not alter the essential character of the area.*
4. *The proposed modification meets the intent of the district.*
5. *Existing streets have been improved and/or new streets constructed that may result in the modification of a specific site type or street type.*

The following is an application of each of the standards:

1. *The applicant's property cannot be used for the purpose permitted in the form-based district.*

The form-based district permits a wide range of uses within site type B. Use groups 2 (residential/lodging), 3 (office/institution) and 5 (retail/entertainment/service) are all permitted by right within site type B (see Table 5.06.C-1, attached). There do not appear to be any reasons that would preclude the site being used for any of these purposes, nor does your application mention any.

2. *Area has been added or deleted from the subject property in question, requiring the modification.*

Area has not been added or deleted from this property.

3. *The proposed modification and resulting development will not alter the essential character of the area.*

The other three corners are commercial in nature. Commercial development on the subject site would not alter the essential character of the area. However a drive-through could potentially negatively alter the character of the area, based on the relatively small parcel size.

The subject parcel is approximately 0.678 acres in area. This is a relatively small site for a drive-through restaurant, particularly one on a corner, with two curb cuts. This small size results in a number of potential turning conflicts between stacking cars, cars entering or leaving parking spaces, and cars entering or leaving the site. These potential turning conflicts, in addition to increasing potential vehicular and pedestrian conflicts, could negatively impact maneuverability and safety both on the site and in the immediate area.

As a comparison, the existing Tim Horton's (with drive-through window) on Rochester Road is approximately 0.961 acres, and has only one curb cut. The Tim Horton's (with drive-through) recently approved on Maple Road is approximately 0.746 acres, and has only one curb cut. These parcels are both larger than the subject parcel and have only one point of ingress/egress, and therefore fewer potential traffic conflicts.

4. *The proposed modification meets the intent of the district.*

A drive-through use on this site would be a significant deviation from the Master Plan, which calls for the following in Node N: "Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here". The drive-through component is more intense and less compact than what is planned for this particular node.

5. *Existing streets have been improved and/or new streets constructed that may result in the modification of a specific site type or street type.*

Existing streets have not been improved or constructed recently.

The application fails to meet all five (5) of the standards of Section 5.02.G. Therefore the request to modify the Regulating Plan for Node N by modifying the site type from type B to type A is denied.

If you have further questions, please do not hesitate to call.

Sincerely,



R. Brent Savidant, AICP, PCP
Planning Director

Attachments:

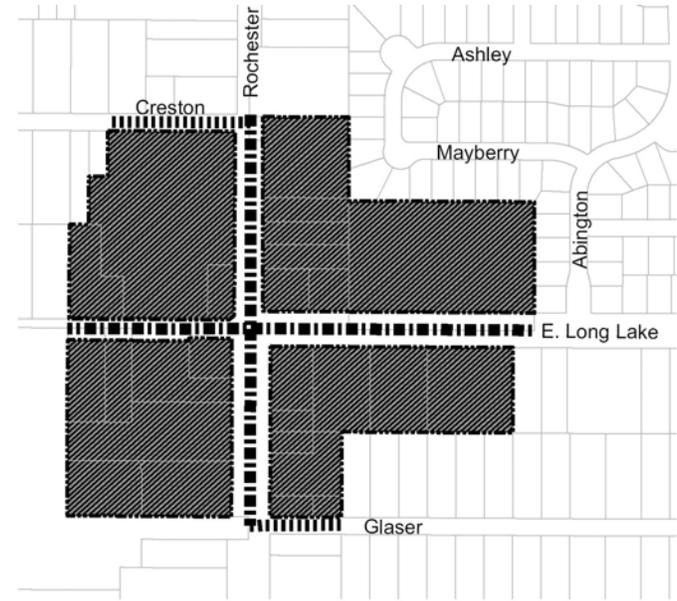
1. Map 5.06.1 from City of Troy Zoning Ordinance (excerpt)
2. Table 5.06.C-1 from City of Troy Zoning Ordinance
3. Table 5.03-A-1 from City of Troy Zoning Ordinance
4. City of Troy Master Plan, pages 93-96

Map 5.06.1: Neighborhood Node District Regulating Plan (Continued)

Node K



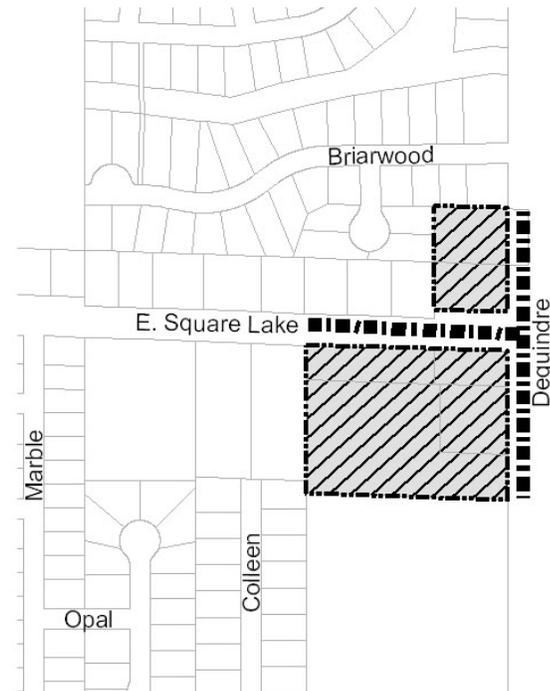
Node L



Node M



Node N



Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Nonconformity, Appeals, Amendments

Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Nonconformity, Appeals, Amendments

Table 5.06.C-1 Use Groups Permitted				
Use Group (Table 5.03-1)	Site Type NN:A		Site Type NN:B	
	Street Type NN:A Arterials	Street Type NN:B Local and Connectors	Street Type NN:A Arterials	Street Type NN:B Local and Connectors
1 Residential	NP	NP	NP	NP
2 Residential/Lodging	P ¹	P ¹	P	P
3 Office/Institution	P	P	P	P
4 Auto/Transportation	S	S	NP	NP
5 Retail/Entertainment/ Service	P	P	P	P
6 Misc. Commercial	S	S	NP	NP
7 Industrial	NP	NP	NP	NP

¹ Permitted on upper floors only.
P - Permitted Use Groups
S - Special Use Approval Groups
NP - Prohibited Use Groups

Table 5.06.C-2 Building Forms Permitted				
Building Forms	Site Type NN:A		Site Type NN:B	
	Street Type NN:A Arterials	Street Type NN:B Local and Connectors	Street Type NN:A Arterials	Street Type NN:B Local and Connectors
A: Small, single-purpose, out buildings	P	P	P	P
B: Small, multi-tenant commercial with mixed use	P	P	P	P
C: Attached residential or live/work	S	S	P	P
D: Multi-story mixed use, medium density	P	P	S	S
E: Large format com- mercial	P	S	NP	NP
F: Large format mixed- use	P	S	NP	NP

P - Permitted Building Form
S - Special Approval Building Form
NP - Prohibited Building Form

Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.

- g. If a site is adjacent to two (2) different street types, the more intense street type shall control for the purpose of determining allowable use groups.

TABLE 5.03-A-1 USE GROUPS BY CATEGORY	
PRINCIPAL USE	
Use Group 1	Residential Uses:
	One-Family dwellings
	Two-Family dwellings
Use Group 2	Residential/Lodging Uses:
	One-Family attached dwellings
	Multiple-Family dwellings
	Live/Work units
	Senior assisted/independent living
	Child care centers
Use Group 3	Office/Institution:
	General office
	Professional and medical office
	Hospitals
	Medical office
	Primary/secondary schools (private)
	Post-secondary schools
	Places of worship
	Data centers
	Technology centers / Office research
	Publicly owned/operated office and service facilities
	Funeral homes
	Veterinary clinics or hospitals
Use Group 4	Auto/Transportation Uses:
	Vehicle sales
	Vehicle service station
	Vehicle repair station
	Vehicle body repair
	Vehicle wash

Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

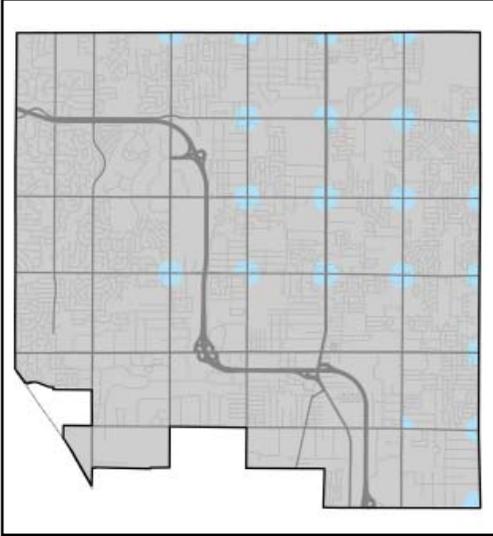
Nonconformity, Appeals, Amendments

Use Group 5
Retail, Entertainment, and Service Uses:
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Use Group 6
Miscellaneous Commercial Uses:
Building & lumber supply
Garden centers, nurseries
Outdoor commercial recreation
Indoor commercial recreation
Self-Storage
Commercial kennels / pet day care
Drive-through facilities
Use Group 7
Industrial Uses:
Contractor's equipment storage
Food products
Commercial outdoor storage
Manufacturing, processing, etc.
Metal plating
Plastics
Printing
Tool & die, gauge & machine shops
Truck/trailer rental
Warehousing/wholesale
Experimental research & testing labs

B. Building Form Standards.

1. The [form-based districts](#) permit a series of potential building forms, dependant on the site's location. The six building forms, set forth in Tables 5.03.B.1 through 6, are established in this section as follows:
 - a. [Building Form A](#). Small, generally single purpose buildings for retail, office, restaurant, or service uses. Typically situated in an out lot of a larger

Neighborhood Nodes: The Economic Neighborhood



- *Located at intersections of the City's main roads.*
- *Work together with Social Neighborhoods to create a more livable community.*
- *Mixed use.*
- *Provide neighborhood gathering places.*
- *Accommodate the daily needs of residents.*

Neighborhood Nodes are the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods. The nodes are specifically identified on pages 95 and 96. Economic Neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers. The attributes of Economic Neighborhoods are described in more detail in the final section of this Chapter, and the urban design characteristics of Neighborhood Nodes will be described in depth in Chapter 10. The nodes will typically permit a mix of commercial, office, and high-density residential, although the predominant uses in any Neighborhood Node development must be in keeping with the node characteristics described on pages 95 and

96. Industrial uses will not be permitted in the Neighborhood Nodes.

The Economic Neighborhoods of Troy also center on the square mile grid system. Unlike the social neighborhood, the **Economic Neighborhoods are centered on major road intersections where commercial and office development occurs.** When destinations are created, these nodes become a "go to" place and take on a social role. Each of these nodes serves four quadrants of the overlapping social neighborhoods and has the ability to bring residents of four neighborhoods together.

These Economic Neighborhood nodes are destinations that draw people, visually distinguished from the balance of corridor strips through greater density and scale. Variation in building height will often be used to separate the node from the surrounding area, but will not be so extreme as to visually overpower abutting neighborhoods. The separation of building heights at intersections with the "between" segments of corridors stimulates the visual concept of "pulsing" development and sets up a system of visual anchors.

Moderately dense residential environments may be encouraged within some nodes to provide steady activity for longer periods of the day. In these cases, residences may be mixed with offices on upper floors or be developed immediately adjacent to the commercial areas. Connections between the commercial activity and residences must be directly and seamlessly integrated.

During the course of the planning process, the Planning Commission closely analyzed the need for additional neighborhood nodes throughout the City. The City will continue to consider the demand for additional nodes as part of subsequent plan revisions.

DESIGN CONCEPT

- These nodes are within a fifteen minute walking distance of residential neighborhoods to permit alternative modes of transportation.
- Development will be denser and taller than the surrounding area, encouraging visual prominence to signal a gathering space.
- Nodes should be generally confined to a 1,000 foot radius from a major intersection.
- The nodes provide uses and spaces that attract and welcome neighborhood residents.

SITE DESIGN ATTRIBUTES

- Buildings should be separated from the right-of-way line by a landscaped greenbelt, one lane of off-street parking or a pedestrian walk, or a combination of these.
- Primary parking areas will be located within rear or interior side yards.
- Off-street parking should be screened from the public right-of-way by a knee wall or low decorative fence with a hedge of plantings.
- Walks will connect adjacent developments and the public sidewalks.
- Well-defined crosswalks with timed signalization will permit safe crossings.
- Flexible use of space allowing modest outdoor gathering spaces, such as plazas, will be encouraged.

BUILDING DESIGN ATTRIBUTES

- Buildings should be between two and three stories, although one-story structures accommodating gas stations or other special situations may be permitted.
- One-story buildings should have a minimum exterior height of sixteen feet.
- A ground level story should have a

minimum height of twelve feet from finished floor to finished ceiling.

- Facades facing major thoroughfares will be treated as fronts and should have a minimum of half transparent glass and special architectural design treatments.
- Fenestration (the arrangement of windows and doors) should be highlighted through the use of awnings, overhangs or trim detailing.
- Lighting will be carefully managed so as not to encroach on adjacent residential areas.

The following pages contain a table describing the primary intended uses and character of the Neighborhood Nodes designated on the Future Land Use Map. Individual Nodes are numbered and identified on the Economic Nodes Map following the table.

	Node/Intersection	Primary Uses and Character
A	14 Mile and Dequindre Road	Non-residential uses catering to the day-to-day needs of the workforce in the surrounding industrial area. Restaurants and convenience needs integrated with banks and other service uses in compact developments would suit the needs of this area.
B	Maple Road and Dequindre Road	The unique neighborhood node is home to a collection of uses serving the local Polish population. Uses complementary to the cultural center and bank which help this area serve as a gathering place and focus area for the neighborhood could include limited housing, service uses, or specialty retail and dining.
C	John R. Road and Maple Road	The node would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.
D	Big Beaver Road and Dequindre Road	This area should be a high-intensity, high-density, compact area that serves as a notable entry point to the community. Development may include residential, retail, office, and service-oriented uses, but should be designed to create a very noticeable "gateway" into Troy with its complex, high-density, mixed-use character.
E	Wattles Road and Dequindre Road	The predominant use in this node should be offices, both medical and professional. Limited commercial service uses designed to complement the main focus of the area as an office node serving this area of the City may also be permissible, if clearly secondary to the primary office character of the area.
F	John R Road and Wattles Road	This node may include all uses from high-density residential in combination with restaurants, limited office, and retail. Development at this intersection should include at least two of these uses in any one development, in order to better complement and strengthen the already mixed-use character of the node.
G	Rochester Road and Wattles Road	A careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods, should be the main uses at this intersection. Recent residential development in the area has taken pedestrian access to the intersection into consideration with effective pathways and sidewalks, and any new development at the intersection must continue this positive trend.
H	Livernois Road and Wattles Road	This lower-intensity area is characterized by single-family residential directly abutting the southwest corner of the intersection, and uses which generate only sporadic activity, such as churches and day care. This node contains the Troy Museum and Historic Village. New development or redevelopment at this node must be especially considerate of the adjoining residential and low-intensity uses and should not include any retail or restaurant uses. Office and other uses similar to the existing uses would likely provide the best combination here.
I	Crooks Road and Wattles Road	Development at this location should be low-impact and provide a high benefit to the neighborhood using the least amount of land. Compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node. The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate.
J	Dequindre Road and Long Lake Road	Predominantly commercial, catering to both local needs and regional traffic, new development and redevelopment should be mostly commercial, identifying opportunities for small office mixed-use and variations in floor area to allow for a wide range of commercial types. Pedestrian access to the adjoining area and effective screening should be primary areas of focus during the site design process.

	Node/Intersection	Primary Uses and Character
K	John R Road and Long Lake Road	Like Crooks Road and Wattles Road, compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node.
L	Rochester Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
M	Livernois Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
N	Dequindre Road and Square Lake Road	Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here.
O	John R Road and Square Lake Road	Near a known heron rookery, this node must be careful to respect this important natural resource. New development or redevelopment should complement the churches and limited commercial uses in the area, and should incorporate above-average landscaping, natural buffers, and conscientious site design to enhance the known natural features in the area.
P	Rochester Road and Square Lake Road	Major commercial uses dominate and should continue to provide a foundation for this neighborhood node. While uses in the area may cater to regional traffic, service uses, retail, and limited office uses designed to provide service to the immediate residential neighborhood should be incorporated into any new development or redevelopment plans.
Q	Livernois Road and Square Lake Road	Development in this area should be especially considerate of the remaining historic asset of the neighborhood. Adaptive use of existing historic structures must be considered before demolition or relocation of these resources. Low-intensity uses working in conjunction with one another to form a central neighborhood village, walkable and accessible, would create an ideal complement to the predominantly residential surroundings.
R	John R Road and South Boulevard	Small local commercial uses and office uses should be the focus of this node, to complement the large scale office development across the City's boundary to the north, within the City of Rochester Hills.
S	Rochester Road and South Boulevard	This neighborhood node provides a suitable mix of uses to cater to the daily needs of the immediate residential area, while also providing a unique opportunity for specialty retailers, compact walkable residential development, and small-scale office development in an integrated, mixed-use setting.
T	Livernois Road and South Boulevard	Limited local commercial and housing for seniors in a dense development pattern should remain the primary focus of this neighborhood node.
U	Crooks Road and South Boulevard	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.