AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JULY 18, 2005

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

John Szerlag, City Manager

CITY COUNCIL

AGENDA

July 18, 2005 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Mr. Joel Arnold – First Baptist Church 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Mr. Joel Arnold – First Baptist Church

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Community Development Block Grant (CDBG) – Tacoma and Olympia Streets

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy authorizes Tacoma and Olympia Streets be added to the activity list of CDBG projects for 2005, and

BE IT FURTHER RESOLVED, That $27,000 of Year 2005 CDBG Funds **BE RE-PROGRAMMED** from Section 36/Flood Drain Improvements to the Special Assessment activity description

Yes:
No:

C-2 Parking Variance – Maple Research Center – 1650 Research Drive

Suggested Resolution

Resolution #2005-07-
Moved by
Seconded by

Proposed Resolution A (for Approval)

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

A. That absent a variance, no reasonable use can be made of the property; or

B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or

C. That absent a variance, public health, safety and welfare would be negatively affected; or

D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare;

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal.

NOW, THEREFORE, BE IT RESOLVED, That the request from Joe Trinkle, representing Liberty Properties for waiver of 318 additional parking spaces at the development at 1650 Research Drive be **APPROVED**.

Or Proposed Resolution B (for Denial)

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that there are practical difficulties justifying the variances;

WHEREAS, City Council has not found that the requirements of Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance have been met.

NOW, THEREFORE, BE IT RESOLVED, That the request from Joe Trinkle, representing Liberty Properties for waiver of 318 additional parking spaces at the development at 1650 Research Drive be **DENIED**.

Yes:
No:

C-3 Commercial Vehicle Appeal – 82 Miracle Drive

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

Proposed Resolution A (for Approval)

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:_____
_____
_____

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Dzubur Emir, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby approved for _____(not to exceed two years).

Or Proposed Resolution B for Denial

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance.

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Dzubur Emir, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **DENIED**.

Yes:
No:

C-4 Preliminary Planned Unit Development Review – PUD-004 (The Monarch Private Residences) – North Side of Big Beaver Road – East of Alpine and West of McClure – Section 20

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

WHEREAS, City Management, Planning Commission and City Planning Consultant have reviewed a Preliminary Plan for a Planned Unit Development and recommended approval thereof, pursuant to article 35.60.01, as requested by Big Beaver Alpine LLC for the Monarch Planned Unit Development (PUD – 4), located on the north side of Big Beaver Road east of Alpine and west of McClure, located in section 20, within the O-1, P-1 and R-1B zoning districts, being 5.85 acres in size.

NOW THEREFORE BE IT RESOLVED, The proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2; and

BE IT FURTHER RESOLVED, Pursuant to Article 35.30.00.C, the applicant demonstrated quality objectives such as those referred to in Section 35.30.00-B-2. This includes a high quality of architectural design and materials, the provision of a higher quality of landscape materials, the provision of extensive pedestrian facilities and amenities; and

BE IT FURTHER RESOLVED, Pursuant to Article 35.30.00.C.2, the applicant provides a mixture of land uses that would otherwise not be permitted, including retail, high rise residential, town home residential and live-work units; and

BE IT FURTHER RESOLVED, Pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The applicant will be making a number of improvements within the Big Beaver, Alpine, and McClure rights-of-way. Furthermore, the applicant is in the process of determining the feasibility of which of the following contributions will be made to the City: the purchase and donation of the two residential parcels north of the project and a financial commitment to implement the results of the Big Beaver Corridor Study, or some combination of these two; and

BE IT FURTHER RESOLVED, Pursuant to Article 35.30.00.C.6, the applicant provides a complementary variety of housing types that is in harmony with the adjacent uses. This variety includes three housing types: high-rise residential, including luxury condominiums, with some penthouses, town homes and live-work units; and

BE IT FURTHER RESOLVED, Pursuant to Article 35.30.00.C. 7, the PUD promotes the intent of the Future Land Use Plan, which generally calls for more intense uses on major thoroughfares with less intense uses serving as transition areas between the more intense uses and single-family residential development; and

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development consist of the a project manual, dated May 23, 2005, supplemental letter dated June 10, 2005, and Application Highlights and Amendments dated July 1, 2005 which contain narratives, reduced plans, and full size plans, including the following:

Reduced plans and illustrations:

Sheet L-1.1	Conceptual Landscape Plan (color)
Sheet L-1.3	The Villas Landscape Elevations (color)
Sheet C1.1	Topographic Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A2.0	Ground Level Floor Plan
Sheet A-2.1	Building Plans Level 2
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Sheet A-2.3	Building Plans Level 4
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Sheet A-2.8	Building Plans Level 19
Sheet A-2.9	Building Plans Level 20
Sheet A-3.0	Exterior Elevations
Sheet A-3.1	Elevations
Sheet A4.0	Unit Plans Levels 3-5, Levels 8-18
Sheet A10.1	Somerset Bridge Conceptual 3D Study
Sheet A10.1a	Big Beaver Road Conceptual 3D Study
Sheet A10.1b	Alpine Street Conceptual 3D Study
Sheet A10.2	Height Studies
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations
Sheet A10.4	Sales Center & Signage Plan
Sheet A10.5	Signage Site Plan
Sheet A10.6	Signage Elevation
(No number)	Exterior Materials (Tower Building) (color)
(No number)	(No title - Villa Unit Exterior Materials) (color)
Sheet L-1.2	Conceptual Lighting Plan
(No number)	View From Somerset Bridge (color)
(No number)	View From Big Beaver (color)

(No number)	View From Alpine Street (color)
(No number)	Big Beaver (South) Elevation (color)
(No number)	North Elevation (color)
(No number)	Alpine Street (West) Elevation (color)
(No number)	Photo Montage Views from McClure Street (color)
(No number)	Photo Montage Views from Alpine Street (color)
(No number)	Shadow Studies June 21st (color)
(No number)	Shadow Studies December 21st (color)

Full Size Plans:

Sheet C1.1	Topographic and boundary Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations, and

BE IT FINALLY RESOLVED, That the City Council grants **PRELIMINARY APPROVAL** to The Monarch Private Residences Planned Unit Development subject to the following conditions:

1. That there is an appropriate public benefit.
2. The auto courts and the circulation drive north of the auto courts shall be designated as fire lanes. No parking shall be permitted within the fire lanes at any time.
3. Provide a connecting sidewalk from McClure to the northern tower entrance, on the south side of the drive that is north of the DADA parcel.

Yes:
No:

POSTPONED ITEMS:

D-1 Standard Purchasing Resolution #3 and Bid Waiver: Option to Renew (1 Year) and Bid Waiver (2 Years) to Extend – Tree Removal Services Contract

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

Standard Purchasing Resolution 3 and Bid Waiver: Option to Renew (1 year) and Bid Waiver (2 years) to extend – Tree Removal Services Contract

WHEREAS, On August 9, 2004, a one-year contract with an option to renew for one (1) additional year to provide Tree/Stump Removal Services on City-owned property, including ash

trees was awarded to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights, for an estimated annual cost of $1,500,000.00, at unit prices contained in the bid tabulation opened July 30, 2004, and supplemental schedule of values (Resolution #2004-08-400);

WHEREAS, J.H. Hart Urban Forestry has agreed to exercise the one-year option to renew and extend the contract from one to three years under the same pricing structure, terms, and conditions with rates increasing in year two by 2%;

NOW, THEREFORE, BE IT RESOLVED, *That formal bidding procedures are hereby* ***WAIVED*** and the option to renew and extend the contract is hereby **EXERCISED** with J.H. Hart Urban Forestry to provide Tree/Stump Removal Services on City-owned property at unit prices contained in the bid tabulation opened July 30, 2004 for three additional years, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with rates increasing at the beginning of year two by 2%;

BE IT FINALLY RESOLVED, That the rates contained in the attached supplemental schedule of values as listed in Appendix I will be the same for year one of the option and limited to a 2% increase per man hour for year two, with equipment rates remaining the same. The entire contract shall expire December 31, 2008.

Yes:
No:

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E".

E-1a Approval of "E" Items NOT Removed for Discussion

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:
No:

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the Minutes of the Regular City Council Meeting of July 11, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations

Suggested Resolution
Resolution #2005-07-

a) Proclamation Celebrating 50 Years – Woodside Bible Church

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution #4: Oakland County Cooperative Purchasing Agreements – Truck Mounted Attenuator

Suggested Resolution
Resolution #2005-07-

RESOLVED, That a contract to provide one truck mounted crash attenuator with arrow board vertical lift from Traffix Devices, Inc., is hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of $16,524.00.

E-5 Amend Resolution #2004-02-089 – Local Law Enforcement Block Grant (LLEBG) – Purchase of Iview-60 Digital Video and Audio Interoperability Server from Miri Microsystems for the Technology Support Team Satellite System

Suggested Resolution
Resolution #2005-07-

WHEREAS, On February 23, 2004, the Troy City Council accepted a grant and approved the purchase of Web-EOC software from ESI Acquisition Inc. (Resolution #2004-02-089);

WHEREAS, The County gave the City EOC (E-team) software, since the City is an alternate emergency operations center for the County; and the State, County and City would be compatible which is considered a public safety enhancement;

WHEREAS, Staff notified Council on December 20, 2004, in a *Department Report* that the grant funds would be redirected to a satellite communications system and the Bureau of Justice Assistance (BJA) who controls the grant funds approved the redirection.

WHEREAS, The Fire Department bought a satellite system from Miri Microsystems in January 2005 in the amount of $9,930.16 and the purchase of the Iview-60 Digital Video and Audio Interoperability Server by the Police Department at an estimated cost of $6,050.00 would put the total project cost over $10,000.00, which requires Council approval;

NOW, THEREFORE, BE IT RESOLVED, That the use of LLEBG grant funds for the purchase of the Iview-60 Digital Video and Audio Interoperability Server from Miri Microsystems at an estimated cost of $6,050.00 is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Local Law Enforcement Block Grant is **APPROVED** and the expenditure of matching City funds in the amount of $2,109.00 is hereby **AUTHORIZED**.

E-6 Private Agreement for Crooks Retail II – Project No. 04.945.3

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Crooks\Wilshire Associates, LLC is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, soil erosion, sidewalks and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Consulting Services Agreement with the Troy School District – Baker Middle School

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the Agreement between the City of Troy and the Troy School District for engineering services provided by our consultant, Spalding DeDecker Associates, Inc. as part of the Baker Middle School project for a not-to-exceed lump sum fee of $10,000.00 and an additional $1,500.00 administrative fee with all costs to be paid for by the Troy School District is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment limited to items not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by

the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 11"F" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee; Ethnic Community Issues Advisory Committee; Historic District Commission; Historical Commission; Library Advisory Board; Liquor Committee; Traffic Committee

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Advisory Committee for Persons with Disabilities
Appointed by Council (9 Regular Members; 3 Alternates) – 3 years

_____ Term Expires 07/01/06 **(Student)**

_____ Unexpired Term 11/01/05

CURRENT MEMBERS

NAME	TERM EXPIRES
Leonard G. Bertin - **Resigned**	11/01/05
Cynthia Buchanan	11/01/07
Susan Burt	11/01/06
Angela J. Done	11/01/05
Adam Fuhrman **(Alternate)**	11/01/06
Kul B. Gauri	11/01/05
Theodora House	11/01/06
Nancy Johnson **(Alternate)**	11/01/06
Pauline Manetta	11/01/06
Dorothy Ann Pietron	11/01/07
Mark Pritzlaff **(Alternate)**	11/01/06
Susan Werpetinski	11/01/07
Anbereen Wigar **(Student)**	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Margaret Apte	01/19/05	01/24/05
Kathleen Ann Connor	02/25/04-02/2006	03/01/04
M.K. Laudicina	07/20/04-07/2006	08/09/04
Renee Uitto	12/03/04-12/2006	12/06/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Advisory Committee for Senior Citizens
Appointed by Council (9) – 3 years

Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
James Berar	04/30/07
Burdette L. Black, Jr. (Bud)	04/30/07
Merrill W. Dixon **(Sr Rep for Parks & Rec Board)**	04/30/06
Marie Hoag	04/30/06
Pauline Y. Noce	04/30/07
David S. Ogg	04/30/08
Josephine Rhoads	04/30/08
JoAnn Thompson	04/30/06
William Weisgerber **(Does not seek reappointment)**	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Cynthia Buchanan	06/07/00	06/07/00

Susan Burt	09/24/01	10/01/01
Kathleen Ann Connor	02/25/04-02/2006	03/01/04
Mary E. Freliga	11/25/02-11/2004	12/02/02
Victor P. Freliga	04/19/04-04/2006	05/03/04
Victoria Lang	06/16/03-06/2005	07/07/03
Dorothy A. Pietron	12/21/98-07/10/01	07/23/01
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Shiva Shakara K. Sastry	07/20/04-07/2006	08/23/04
Donald E. Schafer	06/08/04-06/2006	06/21/04
Remedios Solarte	09/15/04	09/20/04
Nancy Wheeler	03/108/04-03/2006	04/12/04

Cable Advisory Committee (CAC)
Appointed by Council (7) – 3 years

Term Expires 07/01/06 **(Student)**

CURRENT MEMBERS

NAME	TERM EXPIRES
Jerry L. Bixby	02/28/06
Shazad Butt	11/30/05
Richard Hughes	02/28/06
Penny Marinos	02/28/07
Alan Manzon	09/30/06
Fan Lin **(Student)**	07/01/05
W. Kent Voigt	02/28/07
Bryan H. Wehrung	02/28/08

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Ethnic Community Issues Advisory Committee
Appointed by Council (9) – 3 years

Term Expires 07/01/06 **(Student)**

CURRENT MEMBERS

NAME	TERM EXPIRES
Anju C. Brodbine	09/30/05
Amin Hashmi	09/30/05
Kara Huang **(Student)**	07/01/05
Yul Woong (Jeff) Hyun	09/30/05
Tom Kaszubski	09/30/05
Padma Kuppa	09/30/05
Oniell Shah	09/30/05
Flora M. Tan	09/30/05

Charles Yuan	09/30/05

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Historic District Commission
Appointed by Council (7) – 3 years

One member must be an architect.
Two members-Historical Society recommendations.
One member – Historical Commission recommendation.

Term expires 03/01/08

Term Expires 07/01/06 **(Student)**

CURRENT MEMBERS

NAME	TERM EXPIRES
Marjorie A. Biglin	03/01/07
Wilson Deane Blythe **(Does not request reappointment)**	03/01/05
Barbara Chambers **(Historical Commission)**	03/01/08
Robert Hudson	05/15/06
Paul C. Lin **(Architect)**	05/15/06
Ann Partlan **(Historical Society)**	03/01/08
Muriel Rounds	05/15/06
Vilin Zhang **(Student)**	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S. Krivoshein	08/12/99-06/14/01-05/2003	07/09/01
Al Petrulis	02/11/03-07/31/03-07/2005	02/17/03-08/18/03
Nancy Wheeler	03/08/04-03/2006	04/12/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Historical Commission
Appointed by Council – (7) – 3 years

Term Expires 07/31/08

Term Expires 07/31/08

Term Expires 07/31/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Edward J. Bortner	07/31/05

Rayma Gopal **(Student)**	07/01/06
Roger Kaniarz	07/31/05
Rosemary Kornacki **(Requests Reappointment)**	07/31/05
Kevin Lindsey	07/31/06
Terry Navratil	07/31/06
Vera Milz	07/31/07
Brian Wattles	07/31/07

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Margaret Apte	01/19/05	01/24/05
Wilson Deane Blythe	03/06/02-03/2004	03/18/02
Barbara Chambers	02/24/03	03/03/03
Robert A. Hudson	01/17/05	01/24/05
Kerry S. Krivoshein	08/12/99-06/14/01-05/2003	07/09/01
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Remedios Solarte	09/15/04	09/20/04
Renee Uitto	12/03/04-12/2006	12/06/04
Nancy Wheeler	03/08/04-03/2006	04/12/04

Library Advisory Board

Appointed by Council - (5) – 3 years

Unexpired Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Joanne C. Allen **(Resigned 06.20.05)**	04/30/08
Brian Griffen	04/30/06
Lynne R. Gregory	04/30/07
Nancy D. Wheeler	04/30/07
Audre Zembrzuski	04/30/08
Lauren Andreoff	07/01/06
Cheng Chen	07/01/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Wilson Deane Blythe	03/06/02	03/18/02
Michael Brady	04/30/03	
Mary E. Freliga	11/25/02-12/2004	12/02/02
Kul B. Gauri	08/26/99-07/03/03-07/2005	
Amin Hashmi	08/22/02-08/2004	
Dick Mellen	05/02/03-05/2005	05/05/03
Albert T. Nelson, Jr.	03/16/99	
Michael O'Brien	07/28/03-07/2005	08/04/03
Brian M. Powers	10/15/02-10/2004	10/21/02
Mark Pritzlaff	04/17/03-04/2005	04/28/03

Shiva Shankara K. Sastry	07/20/04-07/2006	08/23/04
Jayshree Shah	08/28/01-01/12/04-01/2006	09/17/01-02/02/04
Oniell Shah	08/07/02	09/23/02
Patricia A. Shepich	07/22/04-07/2006	08/23/04
Mary E. Shiner	11/28/01	12/09/01
Beatrice G. Smits	12/02/03-12/2005	12/15/03
Remedios A. Solarte	12/19/04	09/20/04
Mark R. Solomon	02/05/99-06/16/03-05/2005	07/07/03
Renee Uitto	12/03/04-12/2006	12/06/04

Liquor Committee
Appointed by Council - (7) – 3 years

Term Expires 07/01/06 **(Student)**

CURRENT MEMBERS

NAME	TERM EXPIRES
Henry W. Allemon	01/31/06
Alex Bennett	01/31/06
Max K. Ehlert	01/31/06
W.S. Godlewski	01/31/08
Patrick C. Hall	01/31/06
James R. Peard	01/31/06
Bohdan L. Ukrainec	01/31/08
Emily Polet **(Student)**	07/01/05
Capt. Gary Mayer	(Ex-officio)

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Traffic Committee
Appointed by Council (7) – 3 years

Term Expires 07/01/06 **(Student)**

CURRENT MEMBERS

NAME	TERM EXPIRES
John Diefenbaker	01/31/06
Lawrence Halsey	01/31/06
Jan L. Hubbell	01/31/08
Richard D. Kilmer	01/31/08
Richard D. Minnick II	01/31/06
Charles Solis	01/31/06
Grace Yau **(Student)**	07/01/05
Peter F. Ziegenfelder	01/31/08
John Abraham	(Ex-officio)

Charles Craft	(Ex-officio)
William Nelson	(Ex-officio)

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:
No:

F-2 Proposed Amendments to Chapter 26 – Parks – General Regulations

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That an ordinance amendment to Chapter 26– Parks-General Regulations is hereby **ADOPTED** as recommended by the City Administration. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-3 Bid Waiver – Purchase of One (1) 64,000 GVW Tandem Axle Dump Truck

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

WHEREAS, On April 4, 2005, a contract to purchase four (4) tandem axle dump trucks were awarded to the low total bidders, Bi-State Sterling Truck Center of Toledo, OH and Monroe Truck Equipment of Flint, MI, at an estimated total cost of $327,588.00 and $190,748.00 respectively (Resolution #2005-04-149-E18);

WHEREAS, Bi-State Sterling Truck Center of Toledo, OH and Monroe Truck Equipment of Flint, MI have agreed to extend the pricing for one additional tandem axle dump truck (model year 2006), even though they have experienced a 4% increase since the time of the original bid.

NOW THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to provide one (1) tandem axle dump truck is hereby **AWARDED** to Bi-State Sterling Truck Center of Toledo, OH and Monroe Truck Equipment of Flint, MI for an estimated cost of $81,897.00 and $47,687.00 respectively, for an estimated total cost of $129,584.00.

Yes:
No:

F-4 Traffic Committee Recommendations – June 15, 2005

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

a) Creation of a T-Intersection at Glyndebourne/Chalgrove and a 4-Way Intersection at Glyndebourne/Dalesford, and Make Glyndebourne/Dalesford an All-Way STOP-Controlled Intersection

RESOLVED, That a Traffic Control Order be issued to modify the Glyndebourne/Chalgrove/Dalesford intersection to create a T-intersection at Glyndebourne/Chalgrove and a 4-way intersection at Glyndebourne/Dalesford, and make Glyndebourne/Dalesford an all-way STOP-controlled intersection.

b) Make Northbound Right Through Lane of Rochester at Big Beaver into a Through and Right-Turn Lane, and NO "No Turn on Red" Sign for Northbound Rochester at Big Beaver

RESOLVED, That a Traffic Control Order be issued to make the northbound right through lane of Rochester at Big Beaver into a through and right-turn lane, providing one exclusive and one shared right-turn lane onto Big Beaver at this intersection, with painted solid white lines and signage to direct traffic, and NO "No turn on Red" sign for northbound Rochester at Big Beaver.

c) No Changes be Made to the Intersection at Coolidge and Maple

RESOLVED, That no changes be made to the intersection at Coolidge and Maple.

d) No Changes be Made at Pine Hill at Bronson and Rouge Circle

RESOLVED, That no changes be made at Pine Hill at Bronson and Rouge Circle.

e) Replacement of YIELD Signs with STOP Signs on Scone at Fredmoor

RESOLVED, That a Traffic Control Order be issued for replacement of YIELD signs with STOP signs on Scone at Fredmoor.

Yes:
No:

F-5 Proposed Revision to Our Sanitary Sewer Service Ordinance Which Would Eliminate Connection Requirement

Suggested Resolution
Resolution #2005-07-

Moved by
Seconded by

RESOLVED, That City Administration is **DIRECTED** to develop amendment language to Ordinance Chapter 19 that would eliminate the 18 month sanitary sewer connection requirement, as outlined in the memorandum from city staff; and

BE IT FURTHER RESOLVED, That City Administration is **DIRECTED** to **PREPARE** cost estimates for installing sanitary sewers, utilizing the Benefit Fee approach, throughout the city where properties are currently not serviced by sanitary sewers.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Rezoning Application – 600 Stephenson Highway, East Side of Stephenson Highway, North of Fourteen Mile Road, Section 35 – R-C to O-1 (Z-703) – August 1, 2005

b) Rezoning Application – Proposed Binson's Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1 (Z 180-B) – August 1, 2005

c) Rezoning Application – Proposed Dunkin Donuts, South Side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2 (Z-704) – August 1, 2005

G-2 Green Memorandums: No Green Memorandums Submitted

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

a) Building Code Board of Appeals/Final – June 1, 2005

b) Planning Commission/Draft – June 14, 2005

c) Planning Commission Special/Study/Draft – June 28, 2005

d) Troy Daze Festival Committee/Draft – June 29, 2005

e) Building Code Board of Appeals/Draft – July 6, 2005

J-2 Department Reports:

a) Building Permits Issued During the Month of June, 2005
b) Building Permits Issued January through June, 2005
c) Building Permits Issued July 2004 through June 2005

J-3 Letters of Appreciation:

a) Letter of Appreciation to Chief Craft from Patrick M. Cleary Thanking Public Service Aide Jackie Sherwin for Her Helpfulness and Courteousness

J-4 Proposed Proclamations/Resolutions from Other Organizations:

J-5 Calendar

J-6 Update on the Transit Center at Midtown Square

J-7 Depletion of RCOC (Road Commission for Oakland County) Road Maintenance Funds

J-8 Public Management Article

J-9 Example of Allowable Accessory Structures Based upon Final Action on ZOTA 215A

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session

Suggested Resolution

Resolution #2005-07-
Moved by
Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (d), Boulan Park Property.

Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, August 1, 2005 ..... Regular City Council
Monday, August 15, 2005 ..... Regular City Council
Monday, September 12, 2005 ..... Regular City Council
Monday, September 19, 2005 ..... Regular City Council
Monday, September 26, 2005 ..... Regular City Council
Monday, October 3, 2005 ..... Regular City Council
Monday, October 17, 2005 ..... Regular City Council
Monday, October 24, 2005 ..... Regular City Council
Monday, November 14, 2005 ..... Regular City Council
Monday, November 21, 2005 ..... Regular City Council
Monday, November 28, 2005 ..... Regular City Council
Monday, December 5, 2005 ..... Regular City Council
Monday, December 19, 2005 ..... Regular City Council

July 11, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Timothy Richnak, Public Works Director

SUBJECT: Agenda Item – Community Development Block Grant (CDBG)
Re: Tacoma and Olympia Streets

We are respectfully requesting approval to add Tacoma and Olympia Streets to our list of CDBG projects for 2005 and re-program year 2005 funds as detailed below:

Existing (From):

Account #	**ACTIVITY DESCRIPTION**	**AMOUNT**
2696	Section 36/Flood Drain Improvements	$27,000

Proposed (To)

Account #	**ACTIVITY DESCRIPTION**	**AMOUNT**
3616	Special Assessment	$27,000

Reprogramming year 2005 funds will allow us to be reimbursed for the special assessment cost of asphalt paving for Tacoma and Olympia Streets. This project was initiated after the 2005 application was submitted, so it was not included on the initial list of projects.
11 residents of Tacoma and Olympia have come forward and qualified for Community Development Block Grant funds.

Prepared by: Vicki Richardson, Solid Waste Coordinator

DATE: July 12, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item – Public Hearing
Parking Variance, Maple Research Center
1650 Research Drive

We have received a request from Joe Trinkle of Liberty Properties to locate facilities for Central Michigan University in one of the buildings in the Maple Research Center. This complex is located on the north side of Maple Road, just west of I-75 and is in the R-C (Research Center) Zoning District. With this proposed use, combined with the other uses existing in the center, a total of 1,627 parking spaces would be required for the six building complex based upon the requirements of Section 40.21.00 of the Zoning Ordinance. The existing development has only 1,309 parking spaces available.

In light of this 318 parking space deficiency the plans for the conversion of the space for CMU have been denied. In response to our denial, the petitioners have filed an appeal asking for a variance on the parking requirement. In accordance with Section 44.01.00 a public hearing on the request has been scheduled for your meeting of July,18, 2005.

We have included copies of the appeal request as well as the supporting documentation for your information.

Prepared by: Mark Stimac, Director of Building and Zoning

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED
JUL 05 2005
BUILDING DEPT.

TO TROY CITY COUNCIL DATE: 7/5/05

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: ~~JOE TRINKLE~~ LIBERTY PROPERTY TRUST Phone: 248·262·1010

Address: 26957 NORTHWESTERN HWY. STE 140 SOUTHFIELD, MI 48034

Address of Property: 1650 RESEARCH DRIVE

Lot #_____ Subdivision: _____

Zoning District: RC Sidwell # 88 20262360 29

Owner of Property: LIBERTY PROPERTY TRUST Phone: _____

Address: (SEE ABOVE)

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: JUNE 22, '05

Has there been a previous appeal involving this property? _____ If Yes, state date_____

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 1627 PER NEW PLAN

Number of Stalls? _____ Parking Spaces Provided: 1309

Other Dimensions? _____ Variance Requested: 318 SPOTS

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

REFER TO ATTACHED MEMO DATED JUNE 22, '05

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JUL 05 2005
BUILDING DEPT.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: JULY 5 2005 DAVIS & DAVIS
(Signature of Applicant)

Signed and Sworn to before me this 5th day of July 20 05

Pamela R Pasternak
Notary Public

My Commission Expires: _____

Filing Fee $200.00	Date Paid 7-5-05

REV:2/2002

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland

DAVIS & DAVIS
INTERIOR DESIGN CO.

MEMORANDUM

TO: City of Troy Building / Planning Department
Joe Trinkle - Liberty Property Trust

FROM: Chuck Brewer

RE: **Maple Research Park parking variance**
Central Michigan University
Davis & Davis Job Numbers 05098, 05115, 05123

DATE: July 5, 2005

****

This letter is being submitted by Davis & Davis to discuss the parking issues. We have had conversations with Joe Trinkle - Liberty Property Trust and Mark Stimac - Troy Building Department; it is understood that the Central Michigan University proposed project will have only "after hours" classes. Refer to submitted letter from Central Michigan. Most of the other tenants in this complex do not have shifts or employees working after 5:00 pm. The tenant, International Academy of Design & Technology, has classes that are after 5:00 pm. However, these parking requirements have been included in the attached calculations.

It is our understanding that this situation would constitute non-simultaneous use & parking requirements. Granting this variance should not create a parking issue that would violate the zoning or parking requirements for this complex.

Please call if you have any questions or need any additional information.

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5829 WEST MAPLE ROAD • SUITE 119 • WEST BLOOMFIELD • MICHIGAN 48322 • (248) 855-7040 • FAX (248) 855-7744

DAVIS & DAVIS
INTERIOR DESIGN CO.

MEMORANDUM

TO: City of Troy Building / Planning Department
Joe Trinkle - Liberty Property Trust

FROM: Chuck Brewer

RE: **Maple Research Park parking count**
Central Michigan University
Davis & Davis Job Numbers 05098, 05115, 05123

DATE: June 22, 2005

RECEIVED
JUL 05 2005
BUILDING DEPT.

****

Parking space counts for the entire Maple Research Center complex:
(excluding the existing restaurant & hotel – separate parcels)

Building A (3 stories) total gross square footage 75,000 sf
Building B (1 story) total gross square footage 30,450 sf
Building C (1 story) total gross square footage 30,450 sf
Building D (3 stories) total gross square footage 75,000 sf
Building E (1 story) total gross square footage 38,600 sf
Building F (1 story) total gross square footage 38,600 sf

Parking spaces required when complex was built:
Total: 288,100 sf x .80 (for 80% of spaces useable) = 230,480 sf / 200 = 1152 required

TOTAL PARKING PROVIDED WHEN COMPLEX WAS BUILT: 1309
The attached layout indicates the number of spots. This layout has been "spot checked" & appears to be an accurate count.

BUILDING A (1650) - Parking spaces increase for proposed tenant:
First Floor (since an approximate floor plan is available)
The total floor area is 26,492. Excluding corridors, lobby areas, vertical shafts, restrooms, mechanical spaces and storage areas (6144 sf), the useable floor area is 20,348 usf. 220 students will be attending classes on this floor; therefore, 220 spots will be required for the classroom spaces using the calculation of 1 spot per student. 7428 usf will be deducted from the useable floor area number for the classrooms. The balance of12,920 sf will be calculated as office space standards as 1 parking spot per

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200 sf. The parking required for this floor would be 64 + 220 = 284 spots.

Second Floor (since a floor plan is not available)
The total floor area is 26,113. Excluding corridors, lobby areas, vertical shafts, restrooms, mechanical spaces and storage areas (3,918 sf), the useable floor area is 22,195 sf x .8 = 17,756 / 200 assumed as business. The parking for this floor would be 89 parking spots.

Third Floor (since an approximate floor plan is available)
The total floor area is 25,611. Excluding corridors, lobby areas vertical shafts, restrooms, mechanical spaces and storage areas (2892 sf), the useable floor area is 22,719 sf / 200 assumed as business. The parking for this floor would be 113 parking spots.

The parking spots required now for this building, as proposed would be 486 spots. Refer to enclosed site plan, the outlined area indicates more than the 486 spots required.

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JUL 0 5 2005
BUILDING DEPT.

BUILDING D (1850) - Parking spaces increase for proposed tenant:
First Floor (since an approximate floor plan is available)
The International Academy of Design and Technology is a tenant on the first and second floor of this building. Refer to the attached 11x17 floor plans provided. The floors have been walked and visually reviewed. The school has administrative functions (registration, offices, work rooms, etc.) on the north half of this floor. This half of the floor is 8568 sf / 200 for business = 43 parking spots. The southern half of the first floor minus the stairs and corridor to the exterior of the building is considered classroom use (1 parking spot per student). By counting chairs and number of students, verified by the tenant, a total of 142 students would requires 142 parking spots. The parking for this floor would be 185 spots.

Second Floor (since an approximate floor plan is available)
The majority of this floor is lecture halls and lab rooms. We have been informed that lab rooms are areas that "overlap" or are "redundant uses". They are rooms that the students from the lecture halls go into to do their work. They are not rooms for addition students. The total number of seats, counted and verified by the tenant is 308. 1000 square feet of this floor are for offices, work areas, faculty spaces therefore they should be calculated for business 1000 sf/200 = 5. The parking for this floor would be 313 parking spots.

Third Floor (since an approximate floor plan is not available)
The total floor area is 25,611 – 2820 sf (for core elements) = 22,791 x .8 = 18,233/ 200 (assumed for business). The parking for this floor would be 91 parking spots.

This building requires 589 parking spots as currently designed.

The remaining buildings B, C, E & F are intended to remain; therefore their parking calculations would remain as is. 138,100 sf x .80 = 110,480 sf / 200 = 552 parking spots.

Please keep in mind that many of tenants currently in the park have long term leases and have made the commitment to keep their business in the city of Troy. Almost every tenant is currently below the "worse case scenario" from a parking perspective (1 parking spot per 200 sf). At any time during the day parking spots are readily available without "looping or hovering" for a spot. This scenario could be documented in the future if necessary.

TOTAL PARKING SPOTS REQUIRED (FOR PROPOSED CMU PLANS): 1627 PARKING SPACES

The 1309 existing spots represent 80% of the new total spots required.

Therefore, the existing parking would not be sufficient to accommodate this increase without a variance. The solution to this parking issue is being addressed by documented information that the Central Michigan University (CMU) classrooms are used only "after work hours". The additional parking this classroom use requires can be acquired from existing parking spots vacated by employees working 9-5. REFER TO ATTACHED LETTER FROM CMU EXPLAINING HOW THE PROPOSED SPACES WILL BE USED.

RECEIVED
JUL 0 5 2005
BUILDING DEPT.

Mr. Joseph A. Trinkle
Vice President/City Manager
Liberty Property Trust
26957 Northwestern Highway - Suite 140
Southfield, MI 48034

Dear Joe,

In response to your request concerning our expected staff personnel and student (customer) usage of our new CMU - Troy Learning Center at 1650 Research Drive, Troy, MI during day-time, evening, and weekend hours, I respectfully submit the following information:

1st Floor – Approximately 12,000 sq ft. – Administrative and Classroom Usage

1) Staff personnel – 8 FTE employees working between 8 am & 6 pm – Monday thru Friday
2) Students – 7 classrooms operating between
    a. 6 pm & 10 pm - Monday thru Friday
    b. 9 am & 5 pm - Saturday & Sunday
    c. Staff personnel are NOT present during the classroom evening & weekend hours. Faculty instructors handle the closing / securing of the classrooms & offices.
    d. Student attendance averages 18 – 22 per class throughout the fiscal year.
    e. It is common during each 8 week term for 1 to 2 classes to remain vacant throughout the weeknight and weekend.
    f. Only during a short time span (2 to 4 weeks) during the summer months will 1 or 2 classrooms be used during the weekday hours of 9 am & 5 pm. These special classes are offered primarily to accommodate Metro Detroit elementary, middle, and high school teachers who choose to take 1 week long educational classes during their summer employment break.
    g. A small break-room lounge will be used by staff during the day and students attending evenings & weekends. Typically 2 - 15 minute breaks are provided to students during weeknight programs and 3 to 4 – 15 minute breaks in 8 hour weekend classes.
    h. Only students registered for weeknight or weekend classes are allowed to be in the building during classroom hours.

3rd Floor – Approximately 10,000 sq ft. – Administrative Usage Only

1) Staff personnel – 25 FTE employees operating between 8 am & 6 pm – Monday thru Friday
2) Traditional administrative office use – NO classroom use

If additional information is needed, please don't hesitate to contact me.

Sincerely,

Daniel J. Stephens
Director of Finance
Central Michigan University
Off-Campus Programs
989-774-1573

Phase Three

BUILDING A 75,000 S.F.
B 30,450
C 30,450
D 75,000
E 38,600
TOTAL 209,500 S.F.

TOTAL PARKING
REQUIRED 1,5
PROVIDED 1,51

Phase Two

BUILDING A 75,000 S.F.
B 30,450
C 30,450
D 75,000
TOTAL 210,900 S.F.

TOTAL PARKING
REQUIRED 644
PROVIDED 665

Phase One

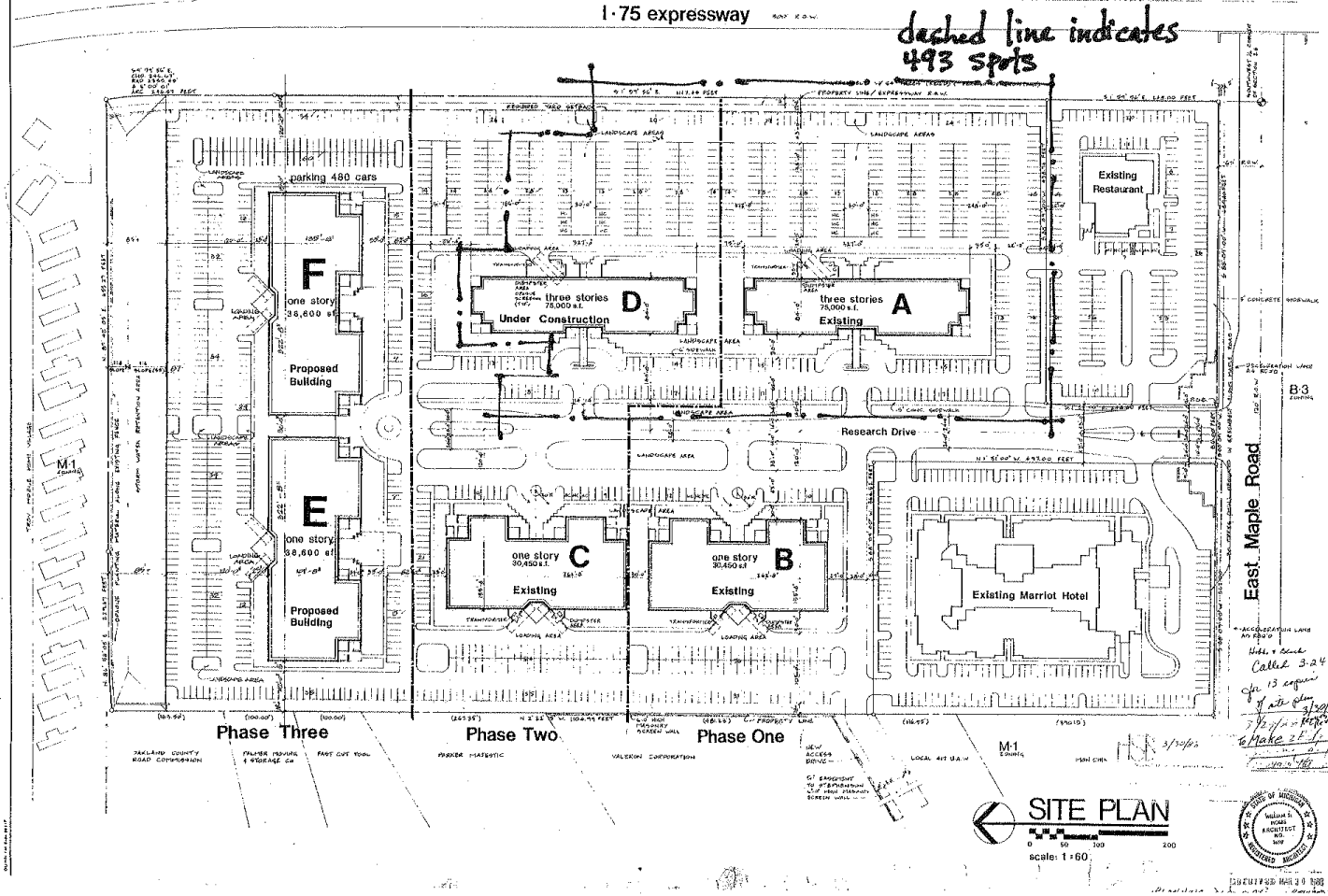
BUILDING A 75,000 S.F.
B 30,450 S.F.
TOTAL 105,450 S.F.

TOTAL PARKING
REQUIRED 443
PROVIDED 443

Landscaping Requirements

AREA REQUIRED (10% OF NET SITE AREA): 26.17 ACRES (10% x 2.617 ACRES (114,492 S.F.)
AREA PROVIDED: TOTAL LANDSCAPED AREA = 7.12 ACRES (30% 817 S.F.)
NOW COUNTABLE AREAS:
- LANDSCAPE BUFFER (EAST) - 13,641 S.F.
- REAR YARD (NW CORNER) - 17,264 S.F.
- RETENTION AREA (1.14 ACRES) - 21,936 S.F.

NET LANDSCAPED AREA (COUNTABLE) = 5.90 ACRES (257,100 S.F.)



SITE PLAN
scale: 1:60

Called 3-24-88

29 FEB., 1988
issue dates

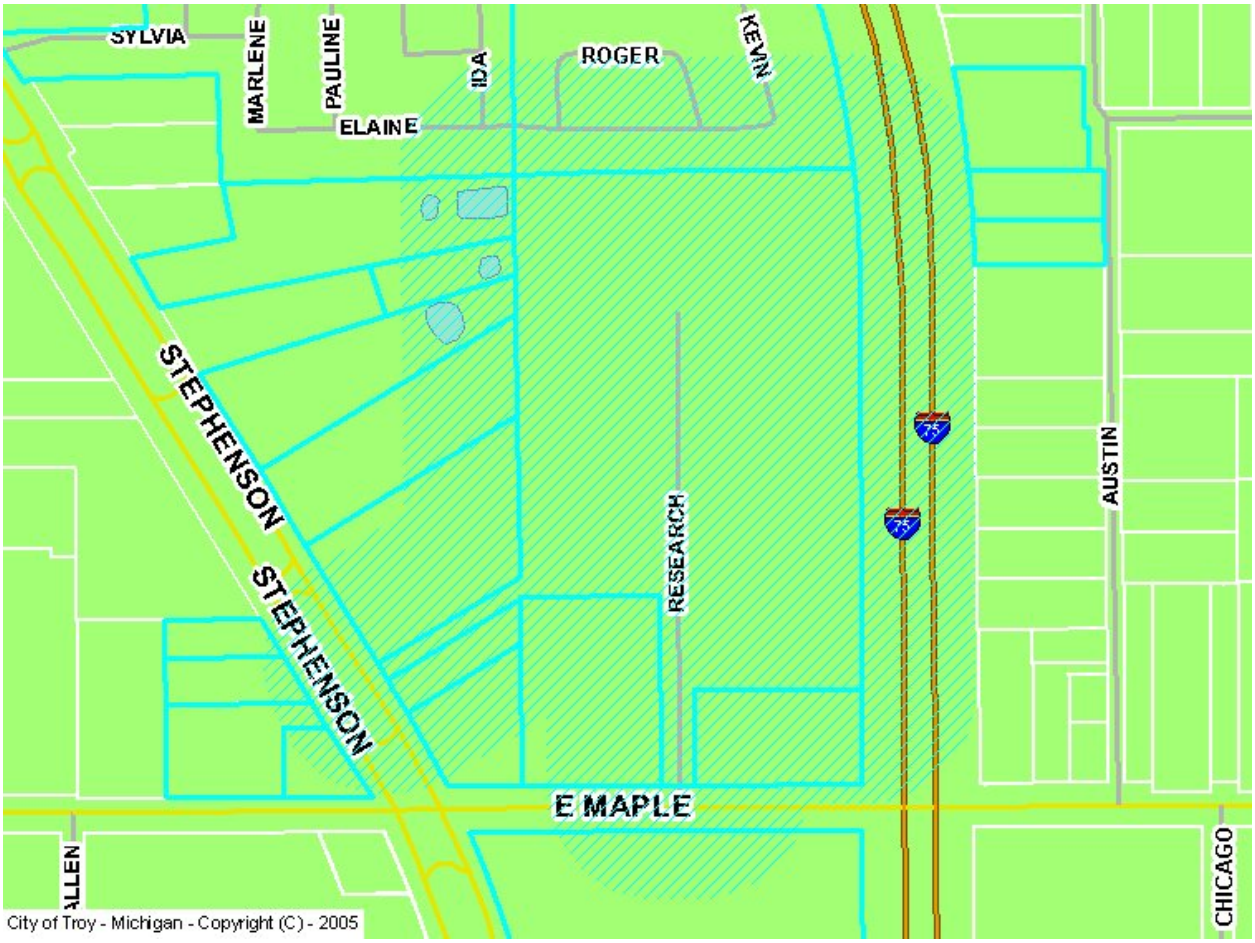
MAPLE RESEARCH CENTER
ANTHONY S. BROWN DEVELOPMENT COMPANY, INC.
project

hobbs + black associates inc architects
206 EAST WASHINGTON STREET
ANN ARBOR, MICHIGAN 48104
313/663-4189

sheet title

84-131
project no.

C1
sheet no.


SYLVIA
MARLENE
PAULINE
IDA
ROGER
KEVIN
ELAINE
STEPHENSON
STEPHENSON
RESEARCH
AUSTIN
E MAPLE
CHICAGO
City of Troy - Michigan - Copyright (C) - 2005

DATE: July 12, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Public Hearing
Commercial Vehicle Appeal
82 Miracle Drive

On June 16, 2005, I spoke with Mr. Dzubur Emir. Mr. Emir is interested in purchasing the existing home at 82 Miracle Drive. However his decision for the purchase is predicated on whether or not he would be able to park his commercial vehicle on the property. His vehicle is a Ford cube van that he proposes to park on the north side of the home, behind the fence.

In order to seek approval for this vehicle, Mr. Emir has filed an appeal. To our knowledge this is the first request that has been submitted by an individual who is not the owner or occupant of the existing home at the time of application. As such, we have asked for and received authorization from the existing owner of the property for the petitioner to file the appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of July 18, 2005.

The existing home has a ground floor living area of 1,124 and has an attached two car garage that is 416 square feet. An additional 427 square feet of attached garage could be constructed. The lot has an area of approximately 15,640 square feet. A detached garage up to 762 square feet could also be constructed.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
JUN 1 6 2005
BUILDING DEPARTMENT

COMMERCIAL VEHICLE APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: DZUBUR EMIR

ADDRESS: 2771 Charter Blvd apt 108

CITY: TROY MI. ZIP: 48083 PHONE: (248)689-4657

ADDRESS OF SITE: 82 MIRACLE DR TROY, MI 48084

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDNE 2724 XHB11359

LICENSE PLATE NUMBER(S) 1473 MQ

DESCRIPTION OF VEHICLE(S) VAN

REASON FOR APPEAL (see A - D below) C - A garage or accessory building on the subject site cannot accomodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.

C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle)s) and a photo of the vehicle on-site..

EMIR IZUBUR
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 10 day of June, 20 05 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Cathy Dickens
Notary Public, Oakland County, Michigan

CATHY DICKENS
Notary Public, Oakland County
My Commission Expires Nov. 3, 2006

My Commission Expires: 11-03-06

MORTGAGE SURVEY

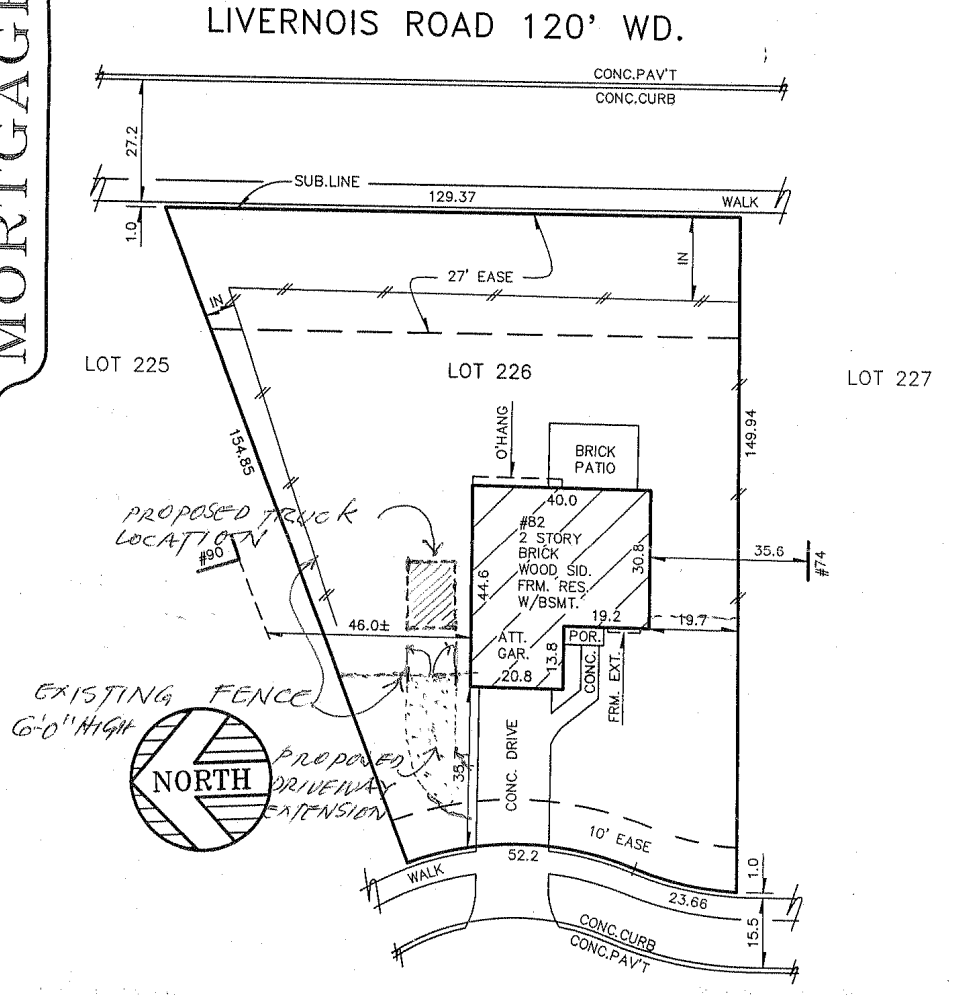
RECEIVED
JUN 1 6 2005
BUILDING DEPARTMENT

Certified to: RICHLAND MORTGAGE

Applicant: JIUNN CHEN AND LIU WANG

Property Description:

Lot 226; TROY MEADOWS SUBDIVISION NO. 4, a part of the N.E. 1/4 of Section 21, T.2 N., R.11 E., City of Troy, Oakland County, Michigan, as recorded in Liber 201 of Plats, Pages 27 and 28 of Oakland County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

STATE OF MICHIGAN
SHANE P. AZBELL
PROFESSIONAL SURVEYOR
No. 46724
LICENSED PROFESSIONAL SURVEYOR

Shane P. Azbell

JOB NO: 03-33899 SCALE: 1"=30'

DATE: 10-20-03 DR BY: LAO

KEM-TEC
LAND SURVEYORS
22556 Gratiot Avenue
Eastpointe, MI 48021-2312
(586) 772-2222
FAX: (586) 772-4048

KEM-TEC WEST
LAND SURVEYORS
800 E. STADIUM
Ann Arbor, MI 48104-1412
(734) 994-0888 * (800) 433-6133
FAX: (734) 994-0667

RECEIVED
JUN 1 6 2005
BUILDING DEPARTMENT

To: City of Troy Code Enforcement Department

I, Jiunn An Chen, owner of the property at 82 Miracle Drive, Troy, Michigan, hereby grant permission to Emir Dzubur, potential buyer of my home, to file the necessary application to be able to park a van (that will not fit into the existing garage) on the property (once it becomes his). I have no opposition to the process nor to the eventual parking of the van.

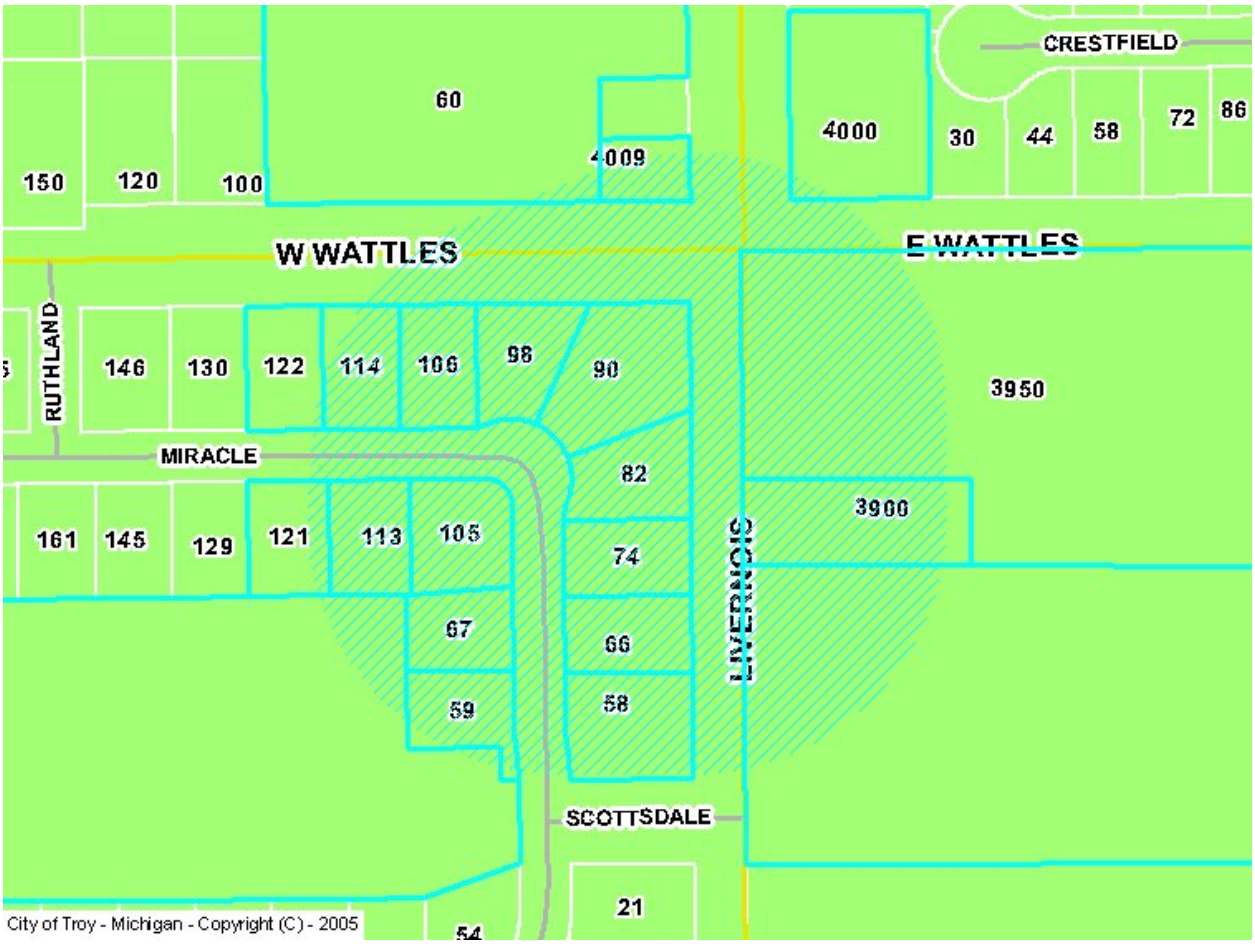
Sincerely,

Jiunn An Chen

6/14/05.

248-740/5810

NYU 423


CRESTFIELD
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LIVERNOIS
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66
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58
SCOTTSDALE
21
54
City of Troy - Michigan - Copyright (C) - 2005

DATE: July 13, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM (PUBLIC HEARING) – PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-004 (The Monarch Private Residences) – North side of Big Beaver Road, east of Alpine and west of McClure, Section 20

RECOMMENDATION

From the beginning of the PUD process, the petitioner and development team allocated substantial resources to assemble and employ a team of very qualified consultants. These consultants contributed their expertise towards the project, which is highlighted by the exemplary architecture and landscape architecture design incorporated into the development. The petitioner conducted three public input meetings to address neighborhood concerns. In addition, the development team was responsive to the recommendations and comments from City Management, Planning Commission and City Planning Consultant.

City Management and the City Planning Consultant recommend approval of the proposed PUD. On June 14, 2005, the Planning Commission recommended approval of the PUD. It is recognized that this high-rise residential project will help support the existing concentration of office space and offer another type of housing which is not available in the City. It is also been determined that property values are decreasing within the Big Beaver Corridor and this PUD can be the impetus to initiate diverse economic sustainability. This economic sustainability will further be investigated as part of the Big Beaver Corridor Study.

However, there is one outstanding issue identified by City Management, Planning Commission and City Planning Consultant: What is the appropriate public benefit? All three parties agreed that the PUD package submitted for the Planning Commission public hearing did not include an appropriate level of public benefit. On July 1, 2005, a new public benefit package was submitted by the petitioner. City Management recommends that the primary Specific Benefits be directed to the purchase and donation of the two residential lots directly north of the proposed PUD. These residential lots would be owned by the City and used as a buffer and be reserved for future development as the City deems appropriate. Secondary, as an alternative, City Management recommends that the petitioner provide a financial commitment to implement the results of the Big Beaver Corridor Study.

PUBLIC BENEFIT

The Preliminary PUD proposes both general and specific public benefits:

Specific Public Benefits as proposed by Petitioner

1. A $200,000 donation to assist with the design and improvement costs related to the City of Troy Transit Facility located at Midtown Square.

   City Management is of the opinion that funding for the Transit Facility will be secured through the State of Michigan.

2. Pedestrian crossing pavement striping and new stop signs will be installed by the petitioner, at the intersections of Muer Lane and Alpine Road, Muer Lane and McClure Road and McClure and Banmoor Drive.

   City Management cannot recommend this public benefit, due to the lack of proven need and appropriateness of the proposed improvement.

3. The Monarch Private Residences will cover the cost for a traffic signal at Big Beaver Road and McClure Road, subject to Road Commission for Oakland County and City of Troy approval (based upon Michigan Uniform Traffic Code Warrant Requirements).

   City Management cannot recommend this improvement, due to the lack of justification by the petitioner that a traffic signal will meet the standards of the Michigan Uniform Traffic Code Warrant Requirements.

4. In the event that improvement #3, the traffic signal, does not receive approval, the following improvements will be offered by the petitioner:

   A. A cul de sac will be constructed at the southern end of McClure Road, just north of the subject PUD property. Therefore, McClure would no longer be a through street to Big Beaver Road.

      City Management cannot recommend this public benefit, due to the lack of proven need and appropriateness of the proposed improvement.

   B. $100,000 will be donated to the City of Troy Parks and Recreation Department and shall be used for improvements to Boulan Park. The City of Troy would determine the appropriate improvement.

      City Management does not recommend this public benefit, due to the lack of a direct relationship between the park and the proposed PUD.

General Public Benefits as proposed by Petitioner

1. Creation of a new symbol of value and economic development, by adding $1.9 million of additional revenue.

2. Overall improvement of landscaping and streetscape along Big Beaver, Alpine and McClure by improving the pedestrian atmosphere.

3. Offsite landscaping improvements along Big Beaver, Alpine and McClure. This includes ornamental pole fixtures, street trees, seating areas and decorative pavers.

4. The landscape areas and neighborhood dog park will create opportunities to create a neighborhood atmosphere.

5. The project will become an architectural icon for the City of Troy.

6. The site makes maximum use of its surface area through the use of structured parking and subsurface storm water detention, thereby increasing the amount of green and permeable surface area.

7. The project will provide a new type of housing for the City of Troy.

8. As a mixed-use development, it will create a more exciting and interactive environment in the Big Beaver Corridor.

9. Over 60% of the onsite parking will be housed in a structured indoor parking facility, a significant improvement over the existing surface parking lot.

10. The project will create a structure that is sustainable and meets LEED (Leadership in Energy and Environmental Design) certification requirements.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Big Beaver Office, LLC. The applicant is Big Beaver Alpine, LLC.

Size of Subject Parcel:
The parcel is approximately 5.85 acres in size.

Proposed Use(s) of Subject Parcel:
The applicant is proposing a mixed-use development. Proposed uses include a building with a 23-story tower and 12-story tower fronting on Big Beaver Road. The ground floor will include 11,166 square feet of retail and other ancillary uses. There

will be a total of 155 residential condominium units in the two towers, including 9 live/work units with entrances on the west and north sides of the tower. Parking will be accommodated by a combination of 59 at-grade spaces and 308 heated above ground parking garage spaces. A total of 52 townhouse units are proposed for the area north of the towers, between the towers and the single-family residential neighborhood to the north.

Current Use of Subject Property:
The property is presently comprised of office and single family residential uses.

Current Use of Adjacent Parcels:
North: Single family residential.
South: Office and restaurant.
East: Office and single family residential.
West: Office and single family residential.

Current Zoning Classification:
The parcel is currently zoned O-1 Office Building, P-1 Vehicular Parking and R-1B One Family Residential.

Zoning Classification of Adjacent Parcels:
North: R-1B One Family Residential.
South: O-S-C Office Service Commercial and O-1 Office Building.
East: O-1 Office Building, P-1 Vehicular Parking and R-1B One Family Residential.
West: O-1 Office Building and R-1B One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Rise Office.

Stormwater Detention:
The applicant is proposing to provide underground detention in the parking area in front of the towers and in the park area in the northeast portion of the property. In addition a green roof system is proposed which will assist in reducing storm water runoff.

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property.

Compatibility with Adjacent Land Uses:
The 52 town house units serve as a transitional use between the single-family residential units and the high-rise building. The applicant proposes extensive landscaping to buffer the uses. The distance from the northern property line to units 8, 16 and 24 is approximately 38 feet. The distance from the northern property line

to units 32, 42 and 52 is approximately 33 feet. Landscaping and open space at the northwest and northeast corners of the site also help to buffer the uses.

Compliance with Standards for Approval of Planned Unit Developments (Section 35.70.00)

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:

The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:

The proposed PUD is consistent with the Intent of the PUD approach (Article 35.10.00). Specifically, the application meets the following criteria:

A. Encourage innovation and variety in design, layout, and types of land uses and structures;
B. Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and facilities;
C. Encourage a higher quality of development than can be achieved utilizing the requirements of the underlying zoning classifications;
D. Encourage the assembly of properties and redevelopment of outdated structures and areas;
E. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;
F. Ensure compatibility of developments with the design and function of neighboring sites;

The PUD meets the Eligibility criteria of Article 35.30.00 (A), (B) and (C).

In granting approval of the Preliminary PUD, it must be determined whether the proposed PUD has enough public benefit to justify the intensity of development.

The proposed Planned Unit Development shall be consistent with the intent of the Master Land Use Plan:

This area is master planned as Low Rise Office, which correlates with the O-1 Zoning District. On the surface, it appears that the proposed high density residential, medium density residential and retail uses are not consistent with the letter of the Future Land Use Plan. However, the PUD is consistent with the intent of the Future Land Use Plan.

The Future Land Use Plan is silent on the concept of Planned Unit Developments in general and mixed use developments in particular. In addition, the Plan has built-in Euclidean rigidness that makes it difficult to consider mixed-use applications. The Development Policies in the Plan make it possible to consider whether the proposed PUD is consistent with the intent of the Future Land Use Plan. The PUD is clearly consistent with the Plan's more flexible Development Goals.

1. RESIDENTIAL AREAS

   a) Continue the development of Troy's residential areas at densities compatible with adjacent areas.
   b) Encourage a variety of housing types within the density framework of the Future Land Use Plan.
   c) Encourage private development, renovation, and redevelopment of residential areas.
   d) Provide for recreational and cultural amenities and facilities which will support and enhance residential areas.
   e) Encourage the provision and maintenance of open space and environmental preservation areas within residential areas.

2. COMMERCIAL AREAS

   c) Initiate and support actions to aesthetically integrate and provide positive identities for commercial areas.

3. OFFICE AND OFFICE/RESEARCH AREAS

   b) Subsequently take actions to optimize the revenue, service, and employment values of office and office/research areas.
   d) Support the upgrading and enhancement or redevelopment of existing office and office/research areas.
   e) Encourage the provision of support service and commercial uses within office and office/research developments.
   f) Initiate and support actions to aesthetically integrate and provide positive identities for office and office/research areas.

The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:

The bulk, placement, and materials of construction of the proposed structures and other site improvements:

The tower structure will be located relatively close to Big Beaver and will therefore have a strong visual relationship with Big Beaver Road. The height of the towers provides a less obtrusive design than a lower, bulkier building. The materials used to construct both the tower building and the villas will be of high quality. The design will complement the Somerset Collection and establish a character and sense of place for this area. Other site improvements such as the sculpture in the arrival auto court, right-of-way tree plantings, site landscaping assist in creating a high quality mixed use development. It is anticipated that this development will serve as a catalyst for future development along the Big Beaver Corridor.

The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:

The circulation drive along the northern boundary within the villa portion of the project will be screened from abutting property to the north by a solid 10-foot high hedge. Auto courtyards will be screened from the east and west north by the villa units and from the north by the solid hedge. The expansiveness of the courtyards will be broken up by small landscape beds. The southern portion of the drive will be shielded from the north and south by buildings and landscape material.

The retail parking along Big Beaver will be screened by hedges and softened by trees and shrubs. Parking for all residential tower units will be located in the parking deck. Parking for the villa units will be in individual garages. Guest parking spaces located north of the towers will be screened by hedges and trees.

The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:

Garbage pick-up for the individual villas will be within the auto court, which will be screened from the east and west by units and from the north by a solid 10-foot high hedge. Garbage for the tower units will be stored inside the building and picked up via the service court. Mechanical equipment will be located on top of the towers and screened. Air conditioning condensing units for the villas will be located on the north and south ends of the units. Landscaping will screen these units and assist in noise reduction.

The hours of operation of the proposed uses:

The retail uses and spa will have hours of operation typical to similar facilities in the area.

The location, amount, type and intensity of landscaping, and other site amenities:

The applicant is proposing significant landscaping on the parcel, on both private and public property. Trees will be planted on both sides of Alpine and McClure, thereby enhancing the southern portion of these rights-of-way. The northern property line will by planted with 10-foot high juniper trees, planted 3-feet on center, to form a solid screen wall. The entire site will be enhanced by landscape material. A landscaped garden area and green roof system will add landscaping to the sixth floor of the tower structure. A sculpture in the arrival auto court will add visual interest and an artistic amenity. A vest pocket park will be created at both the Big Beaver/Alpine and Big Beaver/McClure intersections. Two large open space areas provide passive recreation opportunity to PUD residents. Sidewalks throughout the site encourage pedestrian movement within and without the site.

The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04):

The proposed PUD will not exceed the capacities of existing public infrastructure and services.

A Traffic Impact Study prepared by Parsons, dated December 20, 2004, indicates that traffic generated by the proposed PUD will not significantly impact the existing Level of Service at intersections in the area.

The Rezoning Traffic Study prepared by Parsons on December 13, 2004, includes trip generation information. The report compares the projected number of trips for the PUD compared to the number of trips if it were to be built out as zoned. There are 26 more A.M. peak hour trips and 59 more peak hour P.M. trips for the PUD, and a net gain of 803 daily trips for the PUD.

The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05):

The PUD will share the entry drive with DADA, therefore no new curb cuts will be required on Big Beaver. One entry drive is proposed for the villa units on McClure, one entry drive for the villa units and one for the service court are proposed for Alpine.

The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and

along the perimeter of the site, without undue interference from vehicular traffic:

The PUD proposes an extensive sidewalk system. The sidewalk along Big Beaver will be retained and improved. Sidewalks will be developed on the east side of Alpine and the west side of McClure. Sidewalks are proposed for the front of each villa unit, with walkway connections to each unit. The tower and villa portions of the PUD will be connected by sidewalk. There is a need for a sidewalk just to the north of the DADA property**,** to connect McClure to the villa units and the northern tower entrance.

The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances:

The proposed PUD shall be incompliance with all applicable uses.

Attachments

1. Locational Map
2. Carlisle/Wortman Associates, Inc., July 11, 2005 report
3. Planning Commission Final Minutes, June 14, 2005
4. Uniformity of Analysis Memorandum
5. Application Highlights and Amendments, July 1, 2005 (distributed with announcement of public hearing)
6. CD Application, July 1, 2005 (distributed with announcement of public hearing)
7. City Management Memorandum, July 14, 2005, Estimate of Taxes Generated by Proposed Monarch Project
8. City Management Memorandum, July 12, 2005, Response to Resident Requests to Close Residential Streets Such As Alpine and McClure
9. Public Input (this includes Communications of Support/Non-Support from June 14, 2005 through July 14, 2005).
10. Rezoning Protest Petition With Validity Analysis (rezoning occurs at Final Planned Unit Development Approval)

cc: Applicant
File/PUD-004

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CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

PROPOSED PLANNED UNIT DEVELOPMENT
THE MONARCH
N SIDE BIG BEAVER, BTWN ALPINE & McCLURE
SEC. 20 (PUD #4)

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 Dr., Suite E Clarkston, MI 48346 248-625-8480 *fax* 248-625-8455

Date: February 14, 2005
Rev: June 8, 2005
Rev: July 11, 2005

Preliminary Planned Unit Development (PUD) Review For City of Troy, Michigan

Applicant:	Big Beaver Alpine LLC Joseph Freed & Associates 220 N. Smith St., Suite 300 Palatine, IL 60067
Project Name:	The Monarch PUD
Plan Date:	July 1, 2005
Location:	North side of Big Beaver Road, between Alpine Road and McClure Road.
Zoning:	O-1 (Office Building: three lots along Big Beaver Rd.) P-1 (Vehicular Parking: next lot north, adjacent to Alpine Rd.) R-1B (Residential; four northerly lots)
Action Requested:	Preliminary Planned Unit Development review for public hearing
Required Information:	As noted in the following review.

PROJECT AND SITE DESCRIPTION

The applicant proposes to construct a mixed planned unit development project on 5.85 acres.

Project Elements include:

- Two residential towers (12 stories and 23 stories tall) are proposed to front Big Beaver Road that include 155 condominiums.
- 308-space parking structure.
- Nine live-work residences wrap around the parking structure.
- 52 villa townhouse units that span the northern part of the property.
- Ground floor retail consisting of 11,166 square feet.
- Combination of 189 surface, on-street, and townhouse unit parking spaces through project site.

PUD REVIEW CRITERIA

The PUD District Regulations are given in Section 35 of the Zoning Ordinance, and require the applicant to demonstrate that the PUD proposal meet the three conditions outlined in the ordinance. The applicant has submitted a written narrative with the Preliminary Plan outlining how the development complies with these conditions.

A) *The proposed development site shall be under a single ownership or control, and be capable of being planned and developed as one integral unit.*

The applicant has provided proof of single control, and the proposal is being planned as one cohesive unit.

B) *The proposed development site shall be limited in its location to one of the following areas: 1) The City Center Area; 2) Parcels where PUD regulations would achieve a substantially higher quality of development than could be achieved under a conventional zoning approach; 3) Parcels on which extreme economic obsolescence exists and would be extremely difficult to achieve economically sound development under a conventional zoning approach.*

The proposed development is not located within the City Center Area as defined in Section 35.30.00. However, the proposed project takes an approach to developing these parcels that could not be achieved under current zoning, and that will create a much higher quality development than if developed under current zoning as office, parking, and low-density residential. It also replaces partially vacant office space with a desirable residential choice

that is not currently available within the City. The last point speaks to criteria B.3. As a low rise office building, the main component of the site lacks the flexibility to respond to changes in the market place where there are high office space variances.

C) *The approach must show that a sufficient number of the following objectives, which would not be able to be accomplished without the use of the PUD, are met:*

It is our opinion that this proposal meets the following objectives:

1. *Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above;* See the response to the previous question.

2. *Provide a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare;* The proposal meets several objectives outlined in the "Intent" paragraph of this section, including:

   - Innovation and variety in design, layout and types of land uses and structures. This mixed use proposal provides for a variety of residential choices (high-rise condominiums, live-work units, and townhouses) integrated with high quality retail/service use.

   - The proposal also offers to use LEED technologies and approaches to lessen the environmental impact of the development.

   - Achieving economy and efficiency in the use of land. The project offers compact and efficient development of the site in a manner which minimally impacts the surrounding area;

   - Encouraging higher quality of development. High quality materials and first-rate design are exampled throughout the project; and

   - Ensuring compatibility of developments with neighboring sites.

3. *Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety and welfare, or protect existing or future uses from the impacts of the proposed uses.*

The City staff's memo of July 7, 2005 provides an excellent summary of the general and specific public benefits associated with the subject.

There are a number of tangible benefits in terms of advancing the improvement of Big Beaver, particularly the diversification of the economic base. However, the City has typically expected to see specific public improvement benefits identified with past projects which are <u>proportional</u> to the benefit received by the applicant. Specific physical improvements include on-site (along Big Beaver, Alpine and McClure) and off-site streetscape elements.

To supplement the public benefits, the applicant previously offered alternatives ranging from additional property acquisition of the two neighboring lots to a contribution of $200,000 towards amenity improvements to Big Beaver.

Currently the following specific public benefits proposed by Petitioner are as follows:

1. A $200,000 donation to assist with the design and improvement costs related to the City of Troy Transit Facility located at Midtown Square.

2. Pedestrian crossing pavement striping and new stop signs will be installed by the petitioner, at the intersections of Muer Lane and Alpine Road, Muer Lane and McClure Road and McClure and Banmoor Drive.

3. The Monarch Private Residence will cover the cost for a traffic signal at Big Beaver Road and McClure Road, subject to Road Commission for Oakland County and City of Troy approval (based upon Michigan Uniform Traffic Code Warrant requirements).

4. In the event that improvement #3, the traffic signal, does not receive approval, the following improvements will be offered by the petitioner:

    A. A cul de sac will be constructed at the southern end of McClure Road, just north of the subject PUD property. Therefore, McClure would no longer be a through street to Big Beaver Road.

    B. $100,000 will be donated to the City of Troy Parks and Recreation Department and shall be used for improvements to Boulan Park. The City of Troy would determine the appropriate improvement.

We have advised that the contribution of $200,000 roughly $1000 per unit, is insufficient and should be altered.

The $1,000 per unit is adequate for the base level units. However, we would suggest that the amount be gradually increased for the more costly units. In other words, a contribution ranging between $1,000 - $2,000 would seem more equitable based on the cost of the luxury units.

Therefore, the Council will need to decide in the first instance whether a cash contribution is appropriate. Secondly, the appropriate amount needs to be determined. Finally, the use of those funds should be decided.

4. *Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses;*

The City has a considerable amount of office space that is not currently being used. Some studies have indicated vacancy rates as high as 15 – 18%. Replacing this relatively small building with a luxury high-rise and townhouse residential development will provide a more economically-viable alternative to additional office space. As mentioned, the current building has little ability to respond to a changing market.

5. *Provide a complementary variety of housing types that is in harmony with the adjacent uses;*

   The types of residential units being proposed (high-rise condominiums, live/work units, and townhouses), meets this criteria in our opinion. Furthermore, the project will provide a housing type that is otherwise not available in the City.

6. *Promote the intent of the Master Plan* (see Master Plan discussion)

In addition to the general standards, specific design criteria are set forth in Section 35.40 of the Ordinance. Individual sections of this report provide more detail regarding how these standards are met.

Items to be Addressed: *Public benefit contribution.*

NEIGHBORING ZONING AND LAND USE

The following lists the zoning and current land uses of properties adjacent to the subject site:

North: Zoning to the north of this property is zoned R-1B, One-Family Residential (15,000 s.f. minimum with sewer) and used for single-family residential on large lots.

South: Big Beaver Road is the southern boundary to this property. Parcels across the street are zoned O-S-C, Office Service Commercial, and are used for an office building and small commercial mall.

East: Properties east of the site have two zoning designations. The property along Big Beaver Road is zoned and used for O-1, Office Building. The properties across McClure Road are zoned R-1B, One-Family Residential (15,000 s.f. minimum) on large lots. All properties are used as zoned.

West: Parcels across Alpine Road to the west are zoned O-1, Office Building, and R-1B, One Family Residential. The parcel adjacent to Big Beaver is used for office space, the parcel north is vacant, and the parcel north of that is used for single-family residential.

While the residential properties are zoned to be a minimum of 15,000 s.f., they are actually much larger at an average of 35,760 s.f., or approximately .8 acres.

Items to be Addressed: *None.*

MASTER PLAN

The Future Land Use Plan designates the following future uses for the adjoining properties:

North: Low Density Residential

South: Low Rise Office

East: Low Rise Office and Low Density Residential

West: Low Rise Office and Low Density Residential

Master Plan designations are quite varied along this portion of Big Beaver and include a combination low rise office, mid rise office, high rise office, office service, non-center commercial, and regional center. Although the Master Plan contemplates a mixed use environment in the overall area, it does not specifically designate mixed use on any given site. Given the fact that one of the criteria to be considered for a PUD is providing a mixture of uses, we would advise the City that stronger policy guidance is needed in the City's Master Plan regarding areas which are conducive to mixed use development. We believe this is such an area.

The subject site is designated for low rise office along Big Beaver, and low density residential development at the rear on the Future Land Use Plan. Note that there is no definition of low rise office in the Master Plan.

While the mapped Land Use designation is for low rise office and low density residential, there are Master Plan goals and policies that would support the proposed development:

1) The Master Plan concentrates urban development along Big Beaver. The proposed high-rise mixed use residential development is typical of such urban development.

2) Over the past 20 years or so, the City has amended the Master Plan to provide for more variety in housing alternatives to single-family detached units. This proposal provides alternative types of housing.

3) While the major office concentrations are along the Big Beaver corridor, the Master Plan acknowledges that the City's "office center" status will cause some existing office complexes to be re-developed or expanded to a greater level of intensity and value to the City. This is especially true of older, obsolete office buildings. The City states that they would like to encourage this type of redevelopment. The proposal is consistent with this policy.

   Another situation that encourages development like the proposal is that the City has experienced an increase in office space vacancies. This indicates that if the parcels along

Big Beaver were to be redeveloped as planned, there would be even more vacant office space. A mixed use residential project is an opportunity to provide a more sustainable economic base along Big Beaver. In addition, the low density residential lots behind the office designation are surrounded on three sides by either office districts, or a low density residential transition area.

The Master Plan also provides goals and policies that are addressed in relation to this proposal, including:

1) The Master Plan ensures that the ultimate development along Big Beaver should not exceed the ability of the roads and utilities to serve the area. Although the proposal will be reviewed by the City engineering staff, it is our understanding that the existing utilities and roadways are adequate to handle the project.

2) The new development shall enhance the existing development. Full development of the property as a low rise office could have negative impacts on neighboring residences. Conversely, a well planned residential project, albeit high density, may well be more compatible than other possible uses. As requested, the applicant has provided a comparison of the impacts of developing the property fully under the low rise office district to the current proposal.

   As zoned, the property will support an office building of nearly 26,000 square feet and seven dwelling units. Alternatively, the entire site would support an office of 87,750 square feet. The proposed project represents a significantly greater amount of building. However, due to the predominantly residential nature of the project, the increase in peak traffic is not at all significant.

3) The Master Plan clearly states that there is no need for additional commercial uses within the City. However, the type of commercial contemplated for this project is largely confined to service residents.

4) A plan goal states that it strives to continue residential development at densities compatible with adjacent areas. While the project will be at densities considerably higher than the adjacent uses, the highest density portion of the project is related almost solely to Big Beaver. As requested, plans have been revised to ensure a proper transition is made to the low density single family residence to the north.

Items to be Addressed: *None.*

DENSITY

The proposed project will consist of 207 units on 5.85 acres. In calculating density for this proposal, we compared the proposed housing types with the different residential districts in the Zoning Ordinance. It is our opinion that the high-rise portion of the project is more consistent with RM-3 High-Rise Residential District, and that the townhouse portion of the project is more

consistent with the RM-1 Multi family Low Rise Residential District. (As a note, we have found the Ordinance to be overly complex and cumbersome as it pertains to multiple family developments.)

The applicant previously prepared an analysis comparing the proposed project to alternative development scenarios. With that information, we have prepared our own analysis of development potential.

- If developed as a Low Rise Office, the applicant estimates that an 87,750 square foot building would be possible on the entire site. We would agree with that estimate. It is interesting to note that under that scenario, the amount of traffic generated during peak hours will be 2 to 3 times more than the current project.

- If developed in an RM-1 fashion, the applicant estimates the site would yield 253 units based on a combination of efficiency and one bedroom units. We disagree and believe that a combination of one and two bedroom units would be more realistic. Our analysis indicates a total of 200 units is more realistic.

- Under the RM-3 requirements, our same comments apply. We estimate a total of 186 units are possible.

Based on our analysis, the proposed density compares favorably with that allowed by the comparative districts.

Items to be Addressed: *None.*

NATURAL RESOURCES

As an urban site that has existing development, there are few natural features of note on the property.

Topography: Contour lines have not been provided on the plans across the entire site; however, spot elevations give an idea of the site's topography. The site is relatively flat, with just a few feet in elevation change from west to east, and from north to the south.

Woodlands: Existing vegetation on the site is mainly limited to scrub. A tree survey has been provided, which shows the main species to be American Elm, and Tree of Heaven (exotic invasive). A tree demolition plan (Sheet L-2) has been provided, showing that six trees will be preserved or transplanted under this concept. Note that the City has a Tree Preservation Plan process that needs to be followed as part of the site plan review process.

Wetlands: There are no wetlands on this site, which is confirmed by a letter from King & MacGregor Environmental, Inc. However, the current County data identifies a floodplain across the northwest corner of the site, which is consistent with the floodplain line shown on the plans. The applicant explains in their narrative that the Flood mapping for Oakland County is being updated, and the new data shows the floodplain outside the subject site.

Soils: Soil borings have been conducted and provided by the applicant.

Items to be Addressed: *None.*

TRAFFIC IMPACT

The site plan proposes to have two vehicular access points off of Alpine Road, one off of McClure Road, and one from Big Beaver that shares access with the adjacent office building to the east.

The applicant has submitted a traffic study conducted by Parsons in December, 2004 that has concluded the following:

- Peak AM traffic generation of PUD will be 75 trips (8 inbound/67 outbound)

- Peak PM traffic generation of PUD will be 125 trips (92 inbound/33 outbound)

- Under **existing** conditions without this project, all intersections operate at an acceptable level except the Big Beaver and Crooks road intersection. Several movements at this intersection are operating in the Level of Service (LOS) range of "E" and "F", where "D" is typically considered to be the lowest acceptable level. The study has provided a possible solution (that would need to be implemented by the Road Commission of Oakland County) that could mitigate this situation.

- Considering **future** traffic patterns that include traffic generated by The Monarch development, the study reports that the signalized eastbound Big Beaver crossover west of Coolidge Highway would operate at an unacceptable level. However, because the signal is responsive to traffic flow, the signal should be able to correct the situation as it responds to changes in traffic demand. The background timing plan at this study location would need to be updated, however.

As requested, a comparison has been made between traffic generated by the existing zoning district and traffic generated by proposed PUD development. Although, we would defer to the City's Traffic Engineer, we believe the project will not create an unreasonable impact.

In considering traffic flow patterns between office and residential uses, the office use would generate traffic during day-time hours, while the proposed high-density residential uses will have activity at more times of the day and night and on week-ends.

Items to be Addressed: *None.*

ESSENTIAL FACILITIES AND SERVICES

The site plan proposes the use of existing water, sanitary, and storm drainage systems. We will defer technical review of these systems to the City's Engineer.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

The underlying zoning of these parcels (O-1: Office Building; P-1: Vehicular Parking; and R-1B: One-Family Residential; minimum area 15,000 s.f.) are not applicable to a project of this nature. The following table illustrates a comparison between RM-1 and RM-3 requirements which are more applicable to the proposed project. However, as we have pointed out previously, the City's existing multiple family requirements are outdated and in need of revisions.

	Required RM-1	Required RM-3	Provided
Setbacks			
Front	30 ft.	50 ft.	15 - 36 ft.
Side	30 ft.	50 ft.	33 ft.
Rear	30 ft.	50 ft.	NA
Distance Between Units	30 ft.		40 ft.
Min. Floor Area/Unit	1-BR-600; 2-BR-800; 3-BR-1,000; 4-BR 1,200	1-BR-600; 2-BR-800; 3-BR-1,000; 4-BR 1,200	Requirements Met
Lot Area Coverage	30%	25%	35%**
Building Height	2 stores or 25 ft.	No max.	2 – 23 stories

*There are no specific requirements in the ordinance for these categories.

**This figure includes the parking structure.

The front setback lines for the Villas are 16'-18', where the ordinance requires a 30' front setback. The side setbacks for these same buildings are 33' from the northern property line, where the ordinance requires a 30' side setback. The high-rise building's minimum side setback

to the east is 21', where the ordinance requires 50'. However, the adjacent use is an office building and this deviation is not significant.

RM-3 (Section 17.50.04) requires that the length of the building shall not exceed three times its height. The high-rise building meets this standard. However, the RM-1 district only allows buildings up to 180' in length. The proposed Villas are slightly over, at 200' long. We do not believe this is a significant deviation.

Items to be Addressed: *None.*

BUILDING LOCATION AND SITE ARRANGEMENT

In general, the building locations and site arrangement is appropriate. The large towers are oriented toward Big Beaver Road, while the smaller townhomes are clustered behind the towers adjacent to existing residential properties. In particular, a significant improvement has been made with the layout of the townhomes. Two units have been eliminated, additional guest parking added, circulation is improved, and critical setbacks have been increased.

The applicant states in the accompanying narrative that the location of the 52 Villa townhouses will serve as a transition from the single-family neighborhood to the tower structure. The document also states that the scale of the high-rise buildings will establish a visual center for Troy and that the high quality materials and design of the buildings will complement the buildings at the Somerset Collection.

We agree and have the following comments:

1) The proposed residential use is consistent with the other residential uses in this area, although at significantly different densities. However, providing high-density residential uses along Big Beaver Road creates a compatible arrangement along this roadway.

2) The scale of the towers is such that they are compatible with other large buildings along the Big Beaver roadway. The quality of materials and design will make the towers an attractive addition to this road corridor.

3) While the towers will be used for residential purposes, the physical structure is similar to a large urban office building which is appropriate for the Big Beaver roadway. The townhomes are more in scale with the single-family homes. Transition between the townhomes and single family residential has been imposed.

4) The applicant has provided an analysis of how the proposed high-rise towers affect sunlight on the adjoining residential lots and there are no significant impacts.

Items to be Addressed: *None.*

PARKING AND LOADING

The required number of parking spaces for the proposed uses is determined under Section 40.20 of the Zoning Ordinance.

	Required	Provided
Residential (Structure & Surface) Parking	414	446
Retail (surface)	56 spaces	51 spaces
Total	470	497

As mentioned previously in this review, we consider the integrated parking structure to be a strong point of this plan. The orientation of the villas to Alpine and McClure Roads is also positive.

The character of the courtyard parking on Big Beaver has been improved with the design details and elements.

Parking will be allowed on Alpine or McClure Roads in front of the townhouses. We think this is a necessary feature of the project and can be done without impacting traffic patterns.

Items to be Addressed: *None.*

SITE ACCESS AND CIRCULATION

This site is accessed from several different directions. The front, main vehicular and pedestrian access is off of Big Beaver Road. This drive is shared with the adjacent office building, and leads to a paved courtyard and drop off area for the towers. The front drive also provides parking and access to a service area on the east side of the towers.

There are two access points from Alpine Road, which includes a service drive to the west tower and access to the parking garage. McClure Road has one access point. The access through the villas has been greatly improved by the elimination of two units in the central portion of the site.

Multiple access points provide good opportunities for emergency vehicles to access all sides of the towers, and all townhouse units. The circulation pattern looks well thought out and appears to function properly.

Items to be Addressed: None.

PEDESTRIAN WALKWAYS

The sidewalks and 8' wide safety paths are shown on the site plan to traverse Big Beaver, Alpine and McClure Roads. Sidewalks are also provided within the internal circulation system, allowing pedestrians to walk through most of the development to the other without having to walk in the roadway. However, we suggest the sidewalk be extended along the entire drive to McClure to provide continuous access. We understand that the applicant has agreed with this recommendation.

Items to be Addressed: *None.*

LANDSCAPING

A landscape concept plan has been provided.

Landscape Plan: The general formal concept is appropriate for a luxury residential high-rise. As with other aspects of the project, there is exceptional attention to detail. It provides similar landscape elements that visually tie this building with Somerset. Vertical plant material provided on the landscaped terrace will help soften and add interest to the building façade.

The concept plan for the townhouse area is also appropriate, with many shade trees creating a softer, less urban feeling than along Big Beaver Road.

Screening: The buffer along northern property line has been increased to 33 feet. The applicant has stated that the existing vegetation will remain as a buffer. Based on a recent site visit, this vegetation is an assortment of various trees and shrubs that is very transparent in the winter months. It will create an insufficient buffer.

To provide a better transition, we previously recommended that the applicant consider increasing the distance between the Villas and the northern property line, and/or providing a much more substantial buffer. The applicant has actually addressed both recommendations by increasing the setback and adding landscape materials and fencing.

Parking Lot: Most of the parking is provided within the parking structure or in each townhouse unit. Therefore, no landscaping is needed for the spaces dedicated to units. However, parking is framed with landscaping.

Parking areas in the rear of the towers have, in our opinion, sufficient landscape buffering for townhouse units.

Landscaping: The following requirements pertain to the RM-1 district:

1) Section 15.50.02 states that that 70% of any required yard or space between buildings must be landscaped and designed for pedestrian use only. Since the space between units is needed to access garages, landscaping is not practical, nor desirable.

2) Section 39.70.02 requires that one tree, at least 10' in height or with a 2" caliper minimum be planted within 10' of the front setback for every 30 linear feet of public roadway. The RM-1 district abuts both Alpine and McClure Roads, equaling 480 linear feet of roadway. Therefore, 16 trees are required. Sixteen trees have been provided.

3) Section 39.70.04 requires that at least 10% of the net site area shall be developed as landscaped open space. Using the land for the Villa development only (approximately 144,000 s.f.), the requirement would equal 14,400 s.f. of landscaping. The plans state that 1.52 ac. of landscaped area is provided across the entire site.

The following requirements pertain to the RM-3 district:

1) Section 17.50.2 states that 75% of any required yard or space between buildings must be landscaped and designed for pedestrian use only. 60% of this open space must be in direct proximity to the building. This requirement cannot be practically applied to a project of this nature.

2) Section 17.50.03 states that sites in the RM-3 district must have open space of 450 s.f. per unit, or 1.6 acres for this project (155 units x 450 = 1.6 acres). The site plan that landscaped area across the entire site equals 1.52 acres.

3) Section 15.60.01 states that a landscaped berm or equivalent screening device, at least five feet in height, shall be required along any property line abutting a major thoroughfare. This landscape treatment would not be appropriate along Big Beaver, and we would suggest that it be waived.

Plant Material: More general information about plant species has been provided at this time, although the current plans propose a wide variety of plant material, including evergreen hedges and vertical evergreen trees on terrace for winter interest.

Trash Container: We understand that trash will be handled internally in the development.

Items to be Addressed: *None.*

LIGHTING

A lighting and photometric plan has been provided. A subdued and residential style of lighting has been selectively consisting of a combination of pole mounted and pedestal lights.

Items to be Addressed: *None.*

SIGNS

A signage plan has also been provided. Two (2) signs are shown on the site plan. One large sign is located near the southwest corner of the property. Another smaller sign is located at the drive off of McClure Road. Typical details have been provided which illustrate that sign design and materials will complement the building design.

Items to be Addressed: *None.*

FLOOR PLAN AND ELEVATIONS

Floor plans for both the towers and townhomes have been provided. They function very nicely.

Elevations of the towers and townhomes have also been provided. Both building styles are attractive, and propose quality building materials. Similar materials are used on both structure types.

We continue to have reservations about the use of EIFS on the villa units. If not properly applied, this material has a history of deteriorating due to moisture problems.

Items to be Addressed: *None.*

RECOMMENDATIONS

The proposed project will offer many benefits to the Big Beaver corridor. A great deal of thought has gone into this plan. While high-rise residential was previously not considered as a possibility amongst the City's high concentration of office space, the option would help support existing office and commercial development, offer another housing type currently unavailable in Troy, redevelop obsolete office space, bring the high-quality construction and landscaping

elements from Somerset east along Big Beaver, and enhance the overall economic sustainability of the corridor.

Therefore, we would recommend preliminary PUD approval by the Council subject to the following:

1. Modification of public benefit contribution formula and/or determination of sufficient alternative benefits.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

#225-02-2401

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SB Architects, One Beach St., Suite 301, San Francisco, CA 94133

PLANNED UNIT DEVELOPMENT REQUEST

6. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) Districts

Mr. Miller reported that City Management recommends approval of the proposed PUD with four conditions.

(1) The public benefit be reviewed and increased to an appropriate level.
(2) The auto courts and circulation drive north of the auto courts in the Villas be designated as fire lanes and no parking permitted.
(3) A connecting sidewalk provided from McClure to the northern tower entrance.
(4) A screen wall provided along the northern property line.

Mr. Miller said he believes it is a superlative project that would provide impetus and direction for the Big Beaver Road corridor.

Richard Carlisle, Planning Consultant, highlighted key elements why the proposed development meets the PUD criteria and the intent of the Master Plan. He said the project would offer many benefits to the Big Beaver Road corridor and enhance the overall economic sustainability of the corridor. Mr. Carlisle specifically addressed the public benefit. A contribution of $200,000 (roughly $1,000 per unit) has been offered by the petitioner to be appropriated to a Big Beaver Road improvement fund. Mr. Carlisle said the contribution would not be proportional to the benefit that is being received by the applicant. He recommended a more equitable contribution and suggested a graduated range from $1,000 to $2,000 per unit, based on the quality of the unit.

Chair Strat requested a recess at 8:15 p.m.

The meeting reconvened at 8:20 p.m.

Thomas Kafkes of Joseph Freed and Associates, 220 North Smith Street, Palatine, Illinois, provided a visual and descriptive narrative presentation of the proposed project. He introduced members of the development, design and marketing teams and reviewed design highlights and benefits to the City of Troy that would support the project. Mr. Kafkes respectfully requested that the Planning Commission forward a favorable recommendation to the City Council.

Mr. Kafkes specifically addressed the following issues.

- The relocation of air-conditioning units in the Villas to screen potential noise.
- The traffic impact – comparison of office building -vs- the PUD.
- The pavement widening along Alpine and McClure to accommodate parallel parking.
- The containment of trash within a private courtyard accessible off of Alpine. Trash from residents in The Villas would be contained in respective garages and placed on curbside for pickup.
- The vegetation screen wall to the north at 100% opacity, and the flexibility of the petitioner to construct a brick wall as well as limited vegetation should the City desire.
- The use of cutting-edge technology to become LEED certified.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed concern for the increase of traffic that would result from the proposed development. Mr. Krent distributed information to the members addressing specific concerns on traffic and CD's depicting the length of time cars would have to wait to exit Alpine onto Big Beaver Road during peak rush hours. He said the quality of life for existing residents would be affected by the proposed development.

Mike Baxter of 3141 McClure, Troy, was present. Mr. Baxter is one of the property owners immediately to the north of the proposed development. Mr. Baxter said there are outstanding concerns that have not been addressed; i.e., setbacks, layout of the auto courts. He stated a preference for a stone wall at the northern edge of the development. Mr. Baxter urged the members to give attention to comments in the Planning Department and Planning Consultant reports relating to stronger policy guidance for the Master Plan, outdated requirements for existing multiple family developments, and the compatibility of the proposed development with the Future Land Use Plan. Mr. Baxter expressed concern with the future use of the land. He said developers who are interested in developing the area for future town homes have already approached neighbors. Mr. Baxter said the contribution of $200,000 to the City for public benefit would set precedence and appears to be a kickback.

Debbie Liposky of 3492 Balfour, Troy, was present. She is a resident of the Somerset North subdivision. Ms. Liposky is opposed to the proposed development. She said in their search of a perfect home, they checked on the surroundings. They were told that the City would not build any more tower buildings similar to the Top of Troy; the airport at Maple and Coolidge would restrict building heights; in essence, the surroundings would remain the same. Ms. Liposky asked how many stories would be considered high-rise if a mid-rise building is 23 stories. She referenced that the word on the streets is too many

hands have been greased on this project and it is a done deal. It is her understanding that the taxes generated from the proposed development would go to the Downtown Development Authority, and she questioned the validity of that as opposed to using the tax dollars to repair Coolidge Road or any other side streets that would incur higher traffic volumes from the proposed development. Ms. Liposky addressed the affect the proposed development would have on future development in the area. She cited cities such as Birmingham, Bloomfield Hills and Rochester Hills do not have high-rise residential developments. Ms. Liposky encouraged the members to look at its vision of the city of tomorrow and determine if they would like to build a Birmingham or a Southfield.

Ms. Drake-Batts and Mr. Wright asked the audience to refrain from comments that suggest members have been paid off, or hands have been greased.

Zakariya Abuzaid of 3128 Alpine, Troy, was present. Mr. Abuzaid is one of the property owners directly to the north of the proposed development. Mr. Abuzaid said his previous concerns with respect to the floodplain and snow removal have not been addressed. He would like to have a 30-foot fence that would obscure the proposed development.

Wade Fleming of 3820 Victoria Court, Troy, was present. Mr. Fleming spoke in support of the proposed development. He said the project would benefit the Big Beaver Road corridor and the City's tax base. He asked that the City seriously address and remedy the traffic concerns voiced by the residents.

Ted Wilson of 5038 Kellen, Bloomfield Township, was present. Mr. Wilson spoke on behalf of the Troy Chamber of Commerce Board of Directors and the Economic Development Committee in support of the proposed development. He addressed the original proposal that offered alternative traffic flow patterns (i.e., cul de sacs) for the neighborhood to the north and a corporate America view for residents near the Big Beaver Road corridor.

Barbara Dawson of 1834 Boulan, Troy, was present. Ms. Dawson is opposed to the potential increase in traffic and expressed concern with the safety of school children and pedestrians. She said their subdivision roads have no curbs or stop signs, and the long straight roads encourage speeders. She noted that Boulan is used as a cut-through to avoid the light at Big Beaver and Crooks. Ms. Dawson suggested barriers be placed on Alpine/Muer and McClure/Banmoor in an effort to prevent cut-through traffic. She distributed written comments to the members.

Keith Howard of 3229 McClure, Troy, was present. Mr. Howard said he bought his property after checking the City's Zoning Ordinance with respect to what he wanted to do with his property. He said the Zoning Ordinance permits only 3-story buildings in the area. Mr. Howard expressed concern with the future of the neighborhood. He said prior to his move to McClure, he was compelled to relocate due to an improvement generated by the City.

Michael Otti of 3225 McClure, Troy, was present. Mr. Otti is a 30-year resident and likes the area. He asked what the future plan is for the subdivision. Mr. Otti said he had seen advertisements for the proposed development several weeks ago, and questioned how they could advertise the sale of units before the project gets City approval.

Kim Duford of 3141 Alpine, Troy, was present. Ms. Duford noted that she has spoken before the Commission several times with respect to her concerns. Ms. Duford addressed the comments of Mr. Wilson, and noted residents were not given an opportunity to vote on the cul de sac layout proposed originally for the development. Ms. Duford said it would have been beneficial to circulate a survey to get suggestions from the residents. She noted that there are elderly neighbors who are unable to attend public meetings. Ms. Duford addressed public benefit (suggested sidewalks throughout the subdivision), setbacks, parallel parking, transitional screening, and noise. She expressed concern for the safety of the young children for whom she cares. Ms. Duford asked the petitioner to offer a public benefit to the neighborhood because they have supported the City prior to the proposed development.

Paul Piscopo of 3129 Alpine, Troy, was present. Mr. Piscopo spoke in support of the proposed development. He said the development would be a benefit to the City and its tax base. Mr. Piscopo feels there have been misrepresentations on behalf of the petitioner, and referenced the petitioner's contribution toward the monster garage lawsuit. Mr. Piscopo voiced a concern with the potential increase in traffic as a result from the proposed development.

Shirley Jordan of 3268 Alpine, Troy, was present. Ms. Jordan addressed the tax base, increase in traffic and traffic flow, turnaround for trash pickup, access to schools, additional residential expenses and the Master Land Use Plan. She suggested looking into rezoning the whole area of land, and addressed the attractiveness of the City for commercial use.

PUBLIC HEARING CLOSED

Mr. Miller confirmed that all City departments reviewed the proposed development. He said the Fire Department reported no concerns with the layout.

Chair Strat said the Road Commission of Oakland County reported that a traffic signal is not warranted on Big Beaver Road, based on its traffic study. He said the Road Commission should listen to the comments of the residents in how difficult it is to exit onto Big Beaver. Chair Strat said cul de sacs create dead-end situations and can cause problems with emergency access.

Chair Strat asked the petitioner if he was involved with developments in other areas where the values of the homes adjacent to the development were either greater or had diminished in value.

Mr. Kafkes has been in the development business over 25 years. Mr. Kafkes said the impact to property values has been positive for residential developments similar to The Monarch that were situated immediately adjacent to another residential neighborhood. He said the only time in his career there was a negative affect on adjacent property values was when an industrial development was constructed adjacent to a residential area.

A brief discussion took place with respect to an appropriate public benefit contribution.

Mr. Kafkes said he could not make a commitment at tonight's meeting but would be willing to agree to a recommendation of approval conditioned upon final resolution of public benefit, to be discussed and determined at the City Council level.

Mr. Carlisle said the members would be assured that the public benefit contribution would be no less than what was initially offered.

Ms. Lancaster said the proposal could go forward to the City Council without a commitment from the petitioner with respect to the appropriate public benefit contribution because City Council is the actual body with the authority for final approval.

Resolution # PC-2005-06-099
Moved by: Chamberlain
Seconded by: Waller

WHEREAS, the Planning Commission has reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Big Beaver Alpine LLC for the Monarch Planned Unit Development (PUD 4), located on the north side of Big Beaver Road east of Alpine and west of McClure, located in Section 20, within the O-1, P-1 and R-1B zoning districts, being 5.85 acres in size.

RESOLVED**,** the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C*,* the applicant demonstrated quality objectives such as those referred to in Section 35.30.00.B-2. This includes a high quality of architectural design and materials, the provision of a higher quality of landscape materials, the provision of extensive pedestrian facilities and amenities.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.2, the applicant being a mixture of land uses that would otherwise not be permitted, including retail, high rise residential, town home residential and live-work units.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The applicant will be making a number of improvements within the Big Beaver, Alpine, and McClure rights-of-way. Furthermore, the applicant is in the process of determining the feasibility of which of the following three contributions will be made to the City: the donation of the two parcels north of the project; the donation of one residential parcel plus a cash contribution; or, a cash contribution only.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.6, the applicant provides a complementary variety of housing types that is in harmony with the adjacent uses. This variety includes three housing types: high-rise residential, including luxury condominiums (some penthouses), town homes and live-work units.

BE IT FURTHER RESOLVED**,** pursuant to Article 35.30.00.C. 7, the PUD promotes the intent of the Future Land Use Plan, which generally calls for more intense uses on major thoroughfares with less intense uses serving as transition areas between the more intense uses and single-family residential development.

BE IT FURTHER RESOLVED, that the Preliminary Planned Unit Development consist of a project manual, dated May 23, 2005, and a supplemental letter dated June 10, 2005, which contain narratives, reduced plans, and full size plans, including the following:

<u>Reduced plans and illustrations:</u>

Sheet L-1.1	Conceptual Landscape Plan (color)
Sheet L-1.3	The Villas Landscape Elevations (color)
Sheet C1.1	Topographic Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A2.0	Ground Level Floor Plan
Sheet A-2.1	Building Plans Level 2
Sheet A-2.2	Building Plans Level 3
Sheet A-2.3	Building Plans Level 4
Sheet A-2.4	Building Plans Level 5
Sheet A-2.5	Building Plans Level 5.5
Sheet A-2.6	Building Plans Level 6
Sheet A-2.7	Building Plans Level 8

Sheet A-2.8	Building Plans Level 19
Sheet A-2.9	Building Plans Level 20
Sheet A-3.0	Exterior Elevations
Sheet A-3.1	Elevations
Sheet A4.0	Unit Plans Levels 3-5, Levels 8-18
Sheet A10.1	Somerset Bridge Conceptual 3D Study
Sheet A10.1a	Big Beaver Road Conceptual 3D Study
Sheet A10.1b	Alpine Street Conceptual 3D Study
Sheet A10.2	Height Studies
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations
Sheet A10.4	Sales Center & Signage Plan
Sheet A10.5	Signage Site Plan
Sheet A10.6	Signage Elevation
(No number)	Exterior Materials (Tower Building) (color)
(No number)	(No title - Villa Unit Exterior Materials) (color)
Sheet L-1.2	Conceptual Lighting Plan
(No number)	View From Somerset Bridge (color)
(No number)	View From Big Beaver (color)
(No number)	View From Alpine Street (color)
(No number)	Big Beaver (South) Elevation (color)
(No number)	North Elevation (color)
(No number)	Alpine Street (West) Elevation (color)
(No number)	Photo Montage Views from McClure Street (color)
(No number)	Photo Montage Views from Alpine Street (color)
(No number)	Shadow Studies June 21st (color)
(No number)	Shadow Studies December 21st (color)

Full Size Plans:

Sheet C1.1	Topographic and Boundary Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations

BE IT FINALLY RESOLVED**,** That the Planning Commission recommends that The Monarch Preliminary Planned Unit Development be approved subject to the following conditions:

1. Troy Planning Consultant recommendation for the public benefit contribution formula is appropriate.
2. The auto courts and the circulation drive north of the auto courts shall be designated as fire lanes. No parking shall be permitted within the fire lanes at any time.
3. Provide a connecting sidewalk from McClure to the northern tower entrance, on the south side of the drive that is north of the DADA parcel.
4. There will not be a screen wall along the northern property line; it will be vegetation.

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

MOTION CARRIED

Mr. Vleck said he is supportive of the overall development. He noted the areas of concern relate directly to the town house portion of the development. Mr. Vleck's concerns are: (1) density is too great of an impact on the property to the north; (2) parallel parking abuts the existing property on McClure and Alpine; and (3) setbacks are not in line with the existing residential homes in the area.

_____

Chair Strat requested a recess at 9:40 p.m.

The meeting reconvened at 9:50 p.m.

_____

December 30, 2002

TO: Gary Shripka, Assistant City Manager/Services
John Abraham, Traffic Engineer
Bill Huotari, Deputy City Engineer
Mark Miller, Planning Director
Doug Smith, Real Estate & Development Director
Mark Stimac, Director of Building/Zoning
Steve Vandette, City Engineer

FROM: John Szerlag, City Manager

SUBJECT: Uniformity of Analysis When Reviewing Proposed Planned Unit Developments (PUDs)

Our PUD ordinance is saturated with criteria to justify and quantify when PUDs can be utilized. And now that we no longer have a dimensioned requirement for PUDs, we're going to be using this ordinance for proposed infill developments; at least until such time as we develop an infill ordinance. In any event, our objective is to remain fair and consistent in determining what factors should be examined to achieve a fair balance between community benefit and developer output. Thus while each proposed PUD should have comment on each criterion listed in the ordinance, it would be of benefit to Planning Commission, City Council and developer to have an overview of what is being proposed in terms of the following elements:

1) Environment

- What is being done to preserve significant natural features and open space areas?
- Is any area being designated as a conservation easement?
- Is any blight to be eradicated?

2) Traffic

- Identify traffic volumes of proposed development to what could be generated from maximum density under existing zoning classifications. Relate to peak and non-peak times.
- Analysis to also include comparison of traffic patterns and points of ingress/egress from proposed development to what could be developed under existing zoning.

3) Durability of Design and Use

- What architectural features, materials, and building elements are being proposed that exceed industry standards?. Also delineate obstacles developer had or will overcome in achieving this particular site development, and include any assemblage of adjacent parcels in your commentary.

- Comment on how landscaping on the proposed site compares to basic requirements.

- If you were to visit this site in 50 years, what do you think you'd see?

- How does proposal compare with general direction of the master land use plan?

4) Economics

- Determine if proposed PUD will be a catalyst to improve and/or support surrounding area.

- If a density incentive is being proposed, determine differential from maximum density under applicable zoning

5) Public Input

- As the first stages of a PUD is a blending of developer and staff input which is later calibrated by the Planning Commission and City Council, meetings will be held with surrounding property owners prior to the public hearing at the Planning Commission level. Staff members will attend the informational meeting along with the developer so that public input comments can be made as part of the analysis by staff to the Planning Commission, and City Council; also because staff will have had input in the PUD plan.

In order to adequately address the above issues, the developer will need to submit a site plan that comports with existing zoning. This submittal will be in tandem with a proposed PUD.

Before formalizing this process via administrative memorandum, please let me know if there are any other factors you, as well as individuals copied below, would like considered in this executive summary of PUDs.

JS/mr\2002\Procedure for Reviewing Proposed PUDs

c: City Council
Planning Commission
Lori Grigg Bluhm, City Attorney
Susan Lancaster, Assistant City Attorney

July 14, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager - Finance/Administration
Doug Smith, Director of Real Estate and Development
Nino Licari, City Assessor

Re: Agenda Item - Report and Communication
Estimate of Taxes Generated by Proposed Monarch Project

Council has requested an estimate of taxes that might be generated by the proposed Monarch High-Rise condominium and retail project on the north side of Big Beaver, between Alpine and McClure.

The estimate is for City and/or DDA taxes, and makes assumptions based on project costs of $90,000,000 from the developer. These costs cannot be verified at this time. Additionally, an estimated $2,000,000 of Personal Property may be expected at the site.

The tax revenue estimate below will detail estimated total City taxes from the project, if it were removed from the current DDA boundaries, and total DDA taxes based on a $46,000,000 Taxable Value (T/V).

Total CITY Tax Revenue Calculation - Project Removed from DDA		
Total T/V	City Mills	Total City Taxes
$46,000,000	**9.4500**	**$434,700**
Current T/V	City Mills	Current Taxes
$589,500	**9.4500**	**$5,571**
Net T/V	City Mills	Net New City Taxes
$45,410,500	**9.4500**	**$429,129**

As is DDA/City Tax Revenue Calculation		
*Total T/V DDA	DDA Mills	DDA Taxes
$37,310,500	**15.6865**	**$585,271**
Current DDA Captured T/V	DDA Mills	Current DDA Taxes
$1,001,650	**15.6865**	**$15,712**
Total T/V DDA	DDA Mills	DDA Taxes
$36,308,850	**15.6865**	**$569,559**
Townhouses (not DDA)	City Mills	City Taxes
$8,100,000	**9.4500**	**$76,545**

DDA/City Tax Revenue Calculation - Podium Bldg Removed from DDA		
*Total T/V DDA	DDA Mills	DDA Taxes
$37,310,500	**15.6865**	**$585,271**
Current DDA Captured T/V	DDA Mills	Current DDA Taxes
$1,001,650	**15.6865**	**$15,712**
Total T/V DDA	DDA Mills	DDA Taxes
$22,874,575	**15.6865**	**$358,822**
Townhouses (not DDA)	City Mills	City Taxes
$8,100,000	**9.4500**	**$76,545**
Podium Bldg (not DDA)	City Mills	City Taxes
$13,434,275	**9.4500**	**$126,954**

Drafted by Nino Licari *** minus $589,500 base value**

July 12, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager / Services
Steve Vandette, City Engineer
Charles Craft, Police Chief
William Nelson, Fire Chief
John Abraham, Deputy City Engineer/Traffic Engineer

SUBJECT: Monarch Development - Resident Requests to Close Residential Streets such as Alpine and McClure

This is in response to traffic concerns raised by the residents who live north of the proposed Monarch development and requests to close off some public roads. We have received many concerns about increased traffic on McClure, Alpine, Banmoor, Boulan streets due to the proposed development. One of the suggested measures to reduce traffic in the neighborhood is to use barriers to close of some streets like Alpine and McClure so that traffic generated from the new development may not use the existing residential streets. Closing these two streets at the vicinity of the new development may result in two very long dead end streets. Another option that residents proposed was to close Alpine at Muer and McClure at Banmoor. This will essentially divide the neighborhood since vehicular access will be restricted between Alpine and McClure to Muer/Boulan and Banmoor respectively.

City management is not in favor of barricading / closing off public streets in light of the City policy on interconnecting residential streets. The attached policy describes the advantages and disadvantages of interconnecting residential streets.

It is also the Fire Department's position that any kind of closure of existing residential streets will affect their response times when attending to emergencies. The closure would result in a single access to homes several streets under consideration. The Police and EMS also share similar concerns on the potential for delayed response in case of emergencies.

Placing a barrier as suggested may adversely affect many public services such as, school buses, garbage pick-up and other utilities, police patrol, snow plowing, mail service and others. The result wild double load major streets to get from one side of the neighborhood to the other.

CURRENT CITY OF TROY POLICY AND ORDINANCE THAT REQUIRE INTER-CONNECTION OF SUBDIVISIONS AND SITE CONDOMINIUMS

ADVANTAGES	DISADVANTAGES
• ALLOWS FOR EFFICIENT DEVELOPMENT OF ADJACENT PROPERTIES • ALLOWS FOR "LOOPED" WATER MAINS • REDUCES NUMBER OF CURB CUTS ONTO MAJOR THOROUGHFARES. MORE DRIVEWAYS UNDERMINE THE SAFETY AND EFFCIENCY OF THOROGHFARES. • PROVIDES ALTERNATE ROUTE FOR POLICE AND FIRE RESPONSE • COULD REDUCE RESPONSE TIMES FOR POLICE, FIRE AND EMS • CITY COUNCIL APPROVED A TRAFFIC HARMONIZATION PROGRAM TO ADDRESS NEIGHBORHOOD TRAFFIC PROBLEMS • PEDESTRIANS AND BICYCLISTS HAVE CONNECTION TO ADJACENT NEIGHBORHOODS • RESIDENTS DO NOT HAVE TO USE ALREADY CONGESTED MAJOR THOROGHFARES TO GET TO THE NEXT SUBDIVISION, SCHOOL, PARK OR PLAYGROUND • REDUCES NEED FOR SCHOOL DISTRICTS TO BUS MORE CHILDREN (HEALTH, SAFETY BENEFITS)	• ALLOWS FOR "CUT-THROUGH" AUTO TRIPS • GENERALLY, EXISTING RESIDENTS DO NOT WANT THEIR NEIGHBORHOODS CONNECTED TO NEW SUBDIVISIONS OR SITE CONDOS • CREATES DEAD-END STUB STREETS THAT REMAIN UNTIL ADJACENT PROPERTY IS DEVELOPED • PROVIDES MULTIPLE ROUTES FOR AUTOS BEING PURSUED BY POLICE • CREATES ISOLATED NEIGHBORHOODS AND POTENTIAL LOSS OF SENSE OF COMMUNITY

July 13th, 2005

Troy City Council
500 W. Big Beaver Road
Troy, Michigan 48084

Dear Council Members:

As you know, the continual development and redevelopment of the Big Beaver corridor is essential to maintaining a vibrant community that is unparalleled in Southeastern Michigan. As owners of the Somerset Collection, we feel that the proposed Monarch project will continue to maintain the standards by which all cities in Michigan are measured. We believe that this development will have a positive impact to the Big Beaver corridor and the City of Troy, and will be a good neighbor to the Somerset Collection and other businesses along the corridor.

I would hope that the City of Troy would look positively on this request.

Very truly yours,

THE FORBES COMPANY

Nathan Forbes
Managing Partner

/myp

Mark F Miller

From: U R Not Alone [urnotalone02@yahoo.com]
Sent: Friday, July 08, 2005 4:41 PM
To: Mark F Miller
Subject: oppose

we would like to pass our vote in opposition to the development of the monarch private residences and also oppose the placemet of barriers along our subdivision.

chad and caryn
boulan rd.

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Paula P Bratto

From: U R Not Alone [urnotalone02@yahoo.com]
Sent: Friday, July 08, 2005 4:38 PM
To: Paula P Bratto
Subject: Re: July 18, 2005 City Council Public Hearing Notice

we would like to pass our vote in opposition to the monarch private residences and the opposition to place barriers along our subdivision.

chad and caryn
boulan rd.

--- Paula P Bratto <BrattoPP@ci.troy.mi.us> escribió:

> The following Public Hearings / Meetings will be on
> the July 18, 2005 City Council Meeting:
>
> (1) Public Hearing Notice for a Planned Unit
> Development Request PUD-4
> Proposed The Monarch Private Residences (Condominium
> Development)
> Section 20
> The subject property lies on the north side of Big
> Beaver Rd. and between Alpine Rd. and McClure Rd.
>
>
> Notices and information for public hearings will be
> posted at http://www.ci.troy.mi.us/PublicHearings/
> .
>
> The agendas for City Council meetings will be posted
> on the City website at
> http://www.ci.troy.mi.us/council/Meetings.asp ,
> agendas for Planning Commission meetings are posted
> at
>
http://www.ci.troy.mi.us/committees/committeelist.asp#PC
> (usually the Friday before the meeting).
>
> If you have any questions or concerns regarding the
> above item please contact our office. All
> correspondence received will be forwarded onto the
> Planning Commission and/or City Council.
>
>
> Paula Preston Bratto
> City of Troy
> Planner
> 248.524.3365
> www.ci.troy.mi.us
>
>

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1834 Boulan Drive Troy, MI 40084
Dawsonoak@aol.com
248-822-2085

June 28, 2005

REC'D
JUN 30 2005
PLANNING DEPT.

Louise Schilling, Mayor
Robin Beltramini, Mayor Pro Tem
Cristina Broomfield, Councilwoman
David Eisenbacher, Councilman
Martin Howrylak, Councilman
David Lambert, Councilman
Jeanne Stine, Councilwoman

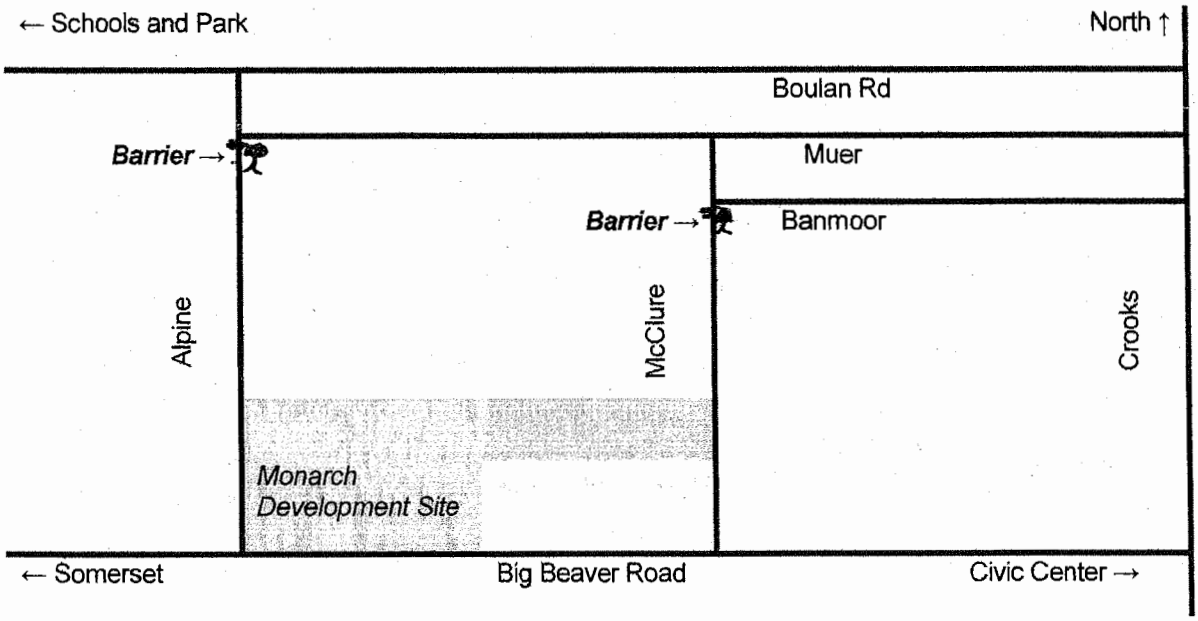
500 West Big Beaver
Troy, MI 48084

Dear Sir or Madam:

This letter addresses our concern in regard to the Monarch development plan passed on June 14, 2005 by the planning commission. We are not opposed to the development. However, we are opposed to any increase in traffic. Here is why:

- There currently exists a problem with speeding through the neighborhood.
- Although the traffic may not be as frequent as other subs, our streets are long and straight which gives way to excess speeds. (Speeds >45 mph)
- We live close to the K-8 schools as well as Boulan Park. The many children and residents walk and bike the roads to get to school or the park. No sidewalks exist.
- It is already a scary condition that exists and even more so with the potential for more cars on our streets. It is not worth one child's life.

There is a solution. It is low cost and will solve the current problem as well as prevent future traffic issues when Monarch is built. The solution is a barrier at Muer/Alpine and Banmoor/McClure.



The barriers would have specific qualities and serve multiple functions:

- Locate one barrier just south of Muer on Alpine and a second barrier south of Banmoor on McClure. It would not interfere with any existing driveways. This location prevents all "cut-through" traffic.

- The barrier could be attractive with low maintance shrubs or trees to accent it.

- It does not have to be a wall. It could still allow emergency vehicle access.

- It should allow for pedestrian/bike traffic.

- Residents could still exit to the closest main road but access to the other main would be slightly more difficult.

- Only residents and those with interests tied to the neighborhood would require using the streets thus greatly reducing traffic and the tendency to speed.

The addition of the barriers would improve the quality of our neighborhood now and after the Monarch development is complete. Please consider action on this proposal prior to your approval of the development.

Sincerely,

Barbara L Dawson, Matthew J Dawson

Barbara and Matthew Dawson
Troy Residents

❖ *In addition, we strongly support the efforts of Tom Krent and his Alpine neighbors to establish a light on Big Beaver Road east of the proposed development.*

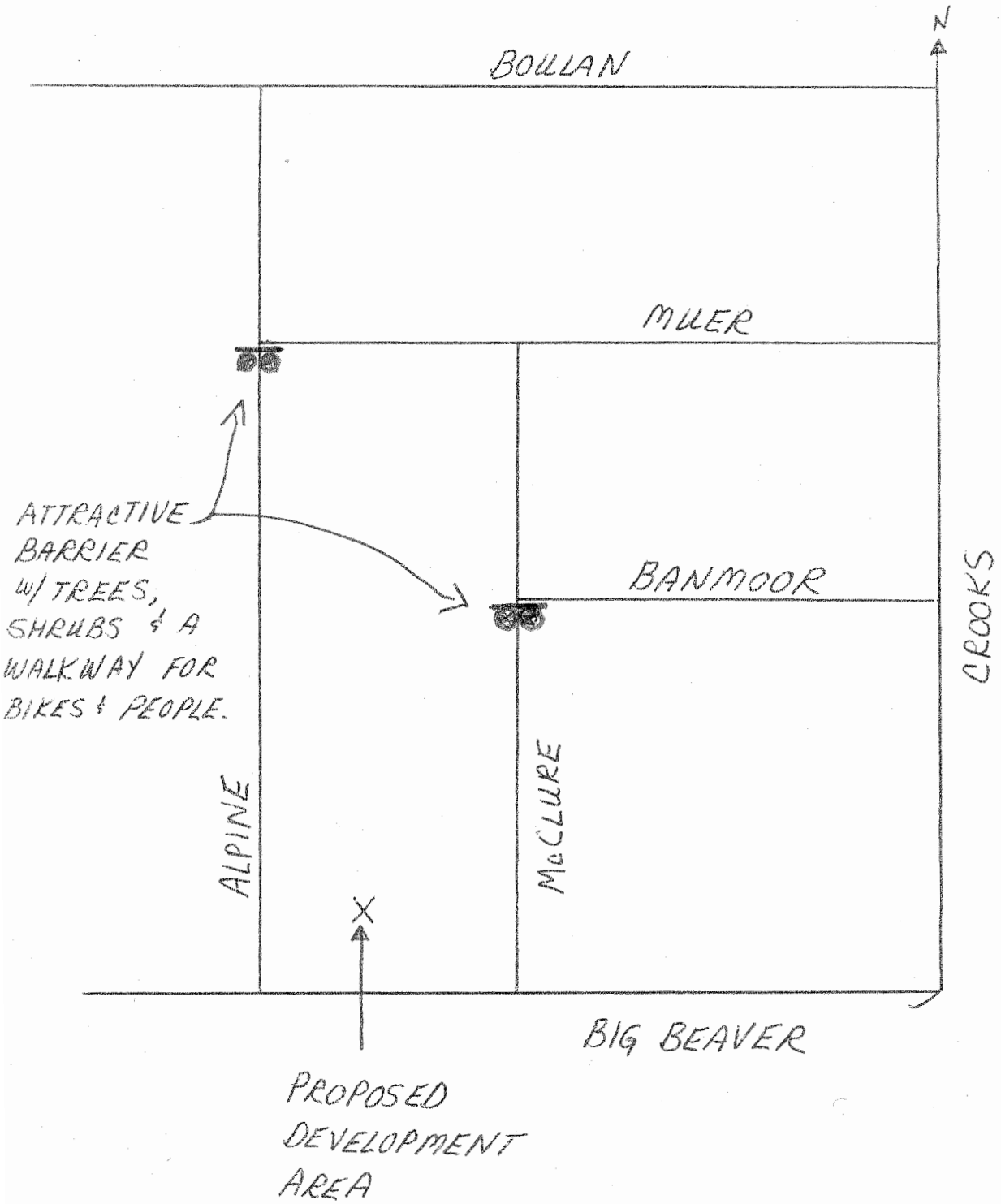
CC: Mark Miller, Planning Director
John Szerlag, City Manager

Neighborhood Traffic Ideas

Idea	Description	Pros	Cons
A	**Place an attractive barrier at Alpine/Muer and McClure/Banmoor (See map).**	**• Eliminates all cut-through (current and future) on neighborhood streets. Only residents (and our associated interests) will require use of the side streets.** **• Creates dead-ends which may increase property values.** **• Placing barrier in the middle of our neighborhood as opposed to at the Big Beaver entrances will prevent traffic increases on ALL streets (Boulan, Muer, Banmoor, Alpine and McClure).** **• Improves the character of our neighborhood.**	**• Residents will not have choice to exit/enter on Big Beaver or Crooks. Must use closest road.** • Fire / Police Access
B	**Place stop light on Big Beaver (at or slightly east of McClure).**	**• Allows traffic for Monarch and the neighborhood to exit onto Big Beaver in a timely fashion.**	**• Slows traffic on Big Beaver if not timed correctly.** **• May result in cut-through off of McClure and Alpine if other deterrents are not in place.**
C	Dead-end Alpine and McClure at Big Beaver and force access to the development from only Big Beaver.	• All Monarch traffic enters and exits off of Big Beaver. • Less traffic on Alpine and McClure.	• Neighborhood looses direct access to Big Beaver. • Traffic will increase on Boulan, Muer, and Banmoor as current residents enter/exit the neighborhood.
D	Install speed bumps on all streets.	• Diverts traffic to Crooks and Big Beaver. • Slows traffic on neighborhood streets.	• Hassle to current residents. • May not do what the Pros describe. • Difficult for winter snow plows.
E	Access to development off of Alpine and McClure but place No Turn sign for traffic leaving Monarch.	• Traffic leaving Monarch must exit toward Big Beaver.	• Difficult to enforce. • Does not prevent traffic from taking neighborhood streets when returning to Monarch.
F	Install stop signs at all corners.	• Diverts traffic to Crooks and Big Beaver • Slows traffic on neighborhood streets. • Provides a safer crossing for school children.	• Hassle to current residents. • May not do what the Pros describe.
G	Install side walks on all streets.	• Provides a safer crossing for school children. • Changes neighborhood character.	• Cost • Changes neighborhood character.

★ I support Idea A

Prepared by Barbara and Matt Dawson
248-822-2085
Dawsonoak@aol.com


N
BOULAN
MUER
ATTRACTIVE BARRIER w/ TREES, SHRUBS & A WALKWAY FOR BIKES & PEOPLE.
BANMOOR
CROOKS
ALPINE
McCLURE
X
BIG BEAVER
PROPOSED DEVELOPMENT AREA

June 24, 2005

Dear Troy City Council Members,

SUBJECT: MONARCH DEVELOPMENT

This letter is in regards to my concerns over the planned Monarch project. I feel the size and nature of this project will create great havoc on myself and others in my position. The current neighborhood consists of single family dwellings, thus making it a quiet secluded place to live. With the purposed plan there will be an increase of housing that will move a minimum of 52 families into a space originally occupied by only 4. I and my neighbor have voiced a concern over the planned increased noise, lights, lose of neighborhood and other issues such as water drainage and parking.

When this project was first brought to my attention I was told by surveys of the project, that my house was being considered for inclusion in the plans. Although I had some misgivings about leaving the dream home I had worked hard and searched hard for, I was willing to do so to escape the new development of the area. Sometime later I was pretty much told my house was not included and that they would address my concerns by possibly purchasing flood insurance for me. At this time I provided a counter offer and explained that the land to my right was unoccupied and next neighbor had no problems with the project. After this meeting, my backyard neighbor and I were offered the ridiculous some of $375,000 each for our homes. I call this offer ridiculous in that the smaller house to my left was purchased for $725,000, which is more than I was asking for and the house across from mine has a value far greater than $725,000. I informed them this was not an acceptable offer, to which they replied that I could rewrite the contract to my terms. It was during this time that the developers had informed the Council Members that they were possible willing to purchase additional home(s) in the area and making the purchase(s) a gift to the city. I found a ray of hope in escaping the nightmare that is about to destroy my neighborhood, in that what I have asked the developers for my home is below the combined total of what they where offering my neighbor and I. This last ray was first dimmed when I was told the person who could "write" my offer was ill, then later extinguished, when I was told that they were not making any offers at this time. From this I am beginning to feel as if the developers are saying anything and everything to accomplish their project, yet my concerns are not being met.

Before the council makes a final decision on this project, I am respectively requesting that you please listen to the concerns of the neighborhood prior granting the developers request. We are only requesting fare solutions to the increase of residents into the neighbor hood.

If you have any questions please feel free to contact me at the information below.

Thank you,

Zakariya AbuZaid

3128 ALPINE ROAD
TROY, MI 48084
HOME: (313) 516-4098 * WORK: (313) 768-3312

Mark F Miller

From: Cynthia A Stewart
Sent: Monday, June 20, 2005 2:22 PM
To: John Szerlag; Douglas J Smith; Brian P Murphy
Cc: Mark F Miller
Subject: FW: The Monarch Development

-----Original Message-----
From: Kim Duford [mailto:krduford@comcast.net]
Sent: Monday, June 20, 2005 2:06 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: The Monarch Development

Good Afternoon Members of Council,

My name is Kim Duford, my husband and I own the property on 3141 McClure, which is referred to in planning meetings and development discussions as "the properties to the north". Zakariya AbuZaid owns the other property to the north and directly behind us. Zack (shortened version of his name and what he goes by) my husband and myself, have attended every meeting from the neighborhood meeting to all the meetings held with the planning department. We are very upset about this development for the following reasons: The starting point will be 10ft away from our property line, where their access road begins, then on the other side of the road for a total of 33ft (including the road) the villa development begins. The villas are three stories high and 52 units in all. We will lose all of our privacy, along with the beautiful view we have currently. We have already lost our long time neighbors a family of two, and gained a minimum of two hundred people plus their dogs!. We will go from a peaceful neighborhood to a construction site for the next two years. I can only imagine the type of pounding we will hear when they drive the steel beams in for the 23 story tower, the noise from the construction equipment and all the dirt that will make its way over into our properties, I feel nauseas just thinking about it. Then after all the construction is complete we will have fifty five garage doors opening and shutting, fifty five porch lights, not to mention the street lights with in the complex, our yard will look like a stadium. On the nicer days when you don't need the air conditioning on, all the noise coming from everyone's individual homes will filtrate over to our house. Not to mention they will have two doggie parks, so we will have the barking of all the dogs as they greet each other. Not only will this have a major impact on our lives, but they will have air conditioning units going all the time in the heat of the summer and garbage trucks emptying dumpsters throughout the year. In the winter how will they be taking care of snow removal?. Will we ever hear the birds or be able to sit on our deck and enjoy the now quietness of the backyard? We will be looked down upon by not only those who live in the villas, but the penthouses as well. The planning department is also allowing for parallel parking on McClure and Alpine, so not only will we endure all the things listed so far, but we also will have people parking in our street (there is no parking on the right hand side of the road, and signs are posted) but we are going to allow for it of the left? This development will also be excluded form the set back that every other home owner has had to comply with, they will be able to start building 16 ft from the road! We will no longer have a view of anything but brick walls from the front of our property to the back. What is going to happen to our property value? We have expressed our concerns to the planning commission as well as the developer. The developer offered to buy our property at market value, after they just gave the last homeowner 725,000. As I have stated to them for us to relocate in the same general area and find a home with 3000 sq ft of living space and just under an acre of land the 375,000 they offered to us is not going to make it. Especially considering the new tax bracket it will put us in with property taxes. They should have to purchase this property as well as Zack's for a bigger buffer. For a development of this size to start 10ft away from our homes is not fair. I have lived in Troy all my life and on McClure for almost 22 years. We are asking for your help and support. We feel the planning commission has done this neighborhood an injustice by allowing this to be so close to the residents that have lived here first. Ten foot juniper trees are not going to block out the amount of noise that we will have to tolerate. My bedroom is above my garage and we have no central air to be able to shut the windows when the noise gets to be to much. As for residents in our sub their children and those who have enjoyed walking in the sub will be at risk with an added two hundred plus cars. We don't know where else to turn, other than to a lawyer, rather then the latter, we are turning to you the council members to ask for you assistance in this matter
Sincerely,
Kim Duford

DATE: JUNE 14, 2005
TO: CITY OF TROY PLANNING COMMISSION
FROM: RESIDENTS OF MUER'S GARDEN FARMS SUBDIVISION
Contact: Tom Krent 248-649-4948
RE: THE MONARCH PROJECT

There will be **155 homes** in the proposed Monarch towers. The parking structure for the towers will hold **308 vehicles. ALL OF THESE VEHICLES WILL EXIT THE STRUCTURE ONTO ALPINE ROAD.** The driveway for this structure is approximately 250 feet from Big Beaver Road.

Additionally, **54 townhouses** are proposed to be located between Alpine and McClure. The layout for the townhouses shows 30 homes close to Alpine and 24 close to McClure. Proposed vehicle access for these homes is from Alpine and McClure. The driveway for the townhouses on Alpine is approximately 330 feet from Big Beaver Road.

Vehicles (waiting in traffic) occupy approximately 30 feet per vehicle. If 11 vehicles were waiting on Alpine to enter Big Beaver, then traffic headed to Big Beaver from both driveways would be blocked.

Presently, there is usually not more than ONE vehicle ever waiting at the STOP SIGN on Alpine to enter Big Beaver.

If Monarch traffic were allowed to use Alpine, the current residents of the 50+ year old Muer's Garden Farms Subdivision would have to wait an ABSURDLY LONG time to access the "Golden Corridor". If the proposed plan is implemented, the quality of life for the long time residents will be drastically reduced.

We have provided a 15-minute movie showing the traffic wait times to access Big Beaver Road from Alpine. In this movie a group of residents on Alpine simulated a line of vehicles leaving the Monarch parking structure.

To solve this impending disaster for the current residents we propose the following.

1) Since the Monarch Towers have a Big Beaver address, ALL VEHICLE ACCESS FOR THE TOWERS PARKING SHOULD BE FROM BIG BEAVER ROAD.

2) Limit vehicle access to Alpine and McClure from the townhouses so that only the homes facing those two streets have a driveway onto those streets. The remainder would use Big Beaver Road.

3) Install a Traffic Signal at the intersection of McClure and Big Beaver. This will provide accessibility to Big Beaver for residents of Alpine, McClure, and The Monarch Project. We recommend that it be a STOP, CAUTION, GO during morning, noon and evening rush hours, and a flashing CAUTION on Big Beaver, and STOP on McClure at other times.

RECEIVED
CITY OF TROY
2005 JUL 13 AM 10: 52

Rezoning Protest Petition

REC'D
JUL 13 2005
PLANNING DEPT.

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

Date: 6/23/05

Contact Person: KIMBERLY DUFORD
Address: 3141 McCLURE
City: TROY State: MI Zip: 48084
Telephone: 248-649-0273

Rezoning case being protested:
Case #: Z- PUD-004 Applicant Name: BIG BEAVER ALPINE LLC, JOSEPH FREED + ASSOCIATES

What is a valid rezoning protest petition?

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

(1) Be signed by the owner(s) of twenty percent (20%) or more of the area of land included in the proposed change ***or*** be signed by the owner(s) of twenty percent (20%) or more of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. **Publicly owned land shall be excluded in the calculating the twenty percent (20%) land area requirement.**

(2) Be signed by all persons having an ownership interest in the property as represented on the property deed - i.e., both spouses, the managing partner of a partnership, etc.

(3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.

(4) Be submitted to the office of the City Clerk, 500 W. Big Beaver, at or before 12:00 p.m. on the date the Rezoning is scheduled for action by the City Council.

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

City of Troy

RECEIVED
CITY OF TROY
2005 JUL 13 AM 10: 52

Rezoning Protest Petition
Case #: Z- PUD-004

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the O-1, P-1, R-1B zoning district(s) to the PUD-004 zoning district(s) Rezoning case identified above, applicant name BIG BEAVER ALPINE LLC, JOSEPH FREED + ASSOCIATES

The Rezoning is scheduled for action by the City Council on _____ (date)

The reason(s) for this protest is/are: PROJECT PROXIMITY TO EXISTING HOMES, LOSS OF PRIVACY, INCREASED TRAFFIC PROBLEMS, DENSITY OF PROJECT, PARALLEL PARKING,

Print Name (clearly): KIMBERLY DUFORD / MICHAEL BAXTER Date: 6/23/05
Description or Parcel # of Parcel(s) Owned: 88-20-20-402-030
Signature: Kimberly Duford / Michael D Baxter
Address: 3141 McCLURE

Print Name (clearly): Diane Moore Date: 6/23/05
Description or Parcel # of Parcel(s) Owned: 88-20-20-476-008
Signature: Diane E Moore
Address: 3114 McClure

Print Name (clearly): DONNA Eichner Date: 6-27-05
Description or Parcel # of Parcel(s) Owned: 88-20-20-476-009
Signature: Donna Eichner
Address: 3086 McClure Troy, Mi. 48084

Print Name (clearly): Katherine Anne Bourdeau Date: 6-27-05
Description or Parcel # of Parcel(s) Owned: 88-20-20-476-006
Signature: Katherine A. Bourdeau
Address: 3162 McClure

Print Name (clearly): ZAKARIYA ABUZAID Date: 6-27-05
Description or Parcel # of Parcel(s) Owned: 88-20-20-402-016
Signature: Zak Zaid
Address: 3128 ALPINE RD TROY, MI 48084

Print Name (clearly): BRUCE S. Eichner Date: 6/27/05
Description or Parcel # of Parcel(s) Owned: 88-20-20-476-009
Signature: Bruce S Eichner
Address: 3086 McClure, Troy, MI 48084

City of Troy

RECEIVED
CITY OF TROY

2005 JUL 13 AM 10: 52

Rezoning Protest Petition

Case #: Z- PUD-004

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the O-1, P-1, R-1B zoning district(s) to the PUD-004 zoning district(s) Rezoning case identified above, applicant name BIG BEAVER ALPINE LLC, JOSEPH FRIED + ASSOCIATES

The Rezoning is scheduled for action by the City Council on _____(date)

The reason(s) for this protest is/are: PROJECT PROXIMITY TO EXISTING HOMES, LOSS OF PRIVACY, INCREASED TRAFFIC PROBLEMS, DENSITY OF PROJECT, PARALLEL PARKING

Print Name (clearly): Sharon / Sidney Mitchell Date: 6-30-05
Description or Parcel # of Parcel(s) Owned: 88-20-20-476-007
Signature: Sharon Mitchell Sidney Clint Mitchell
Address: 3142 MC Clure

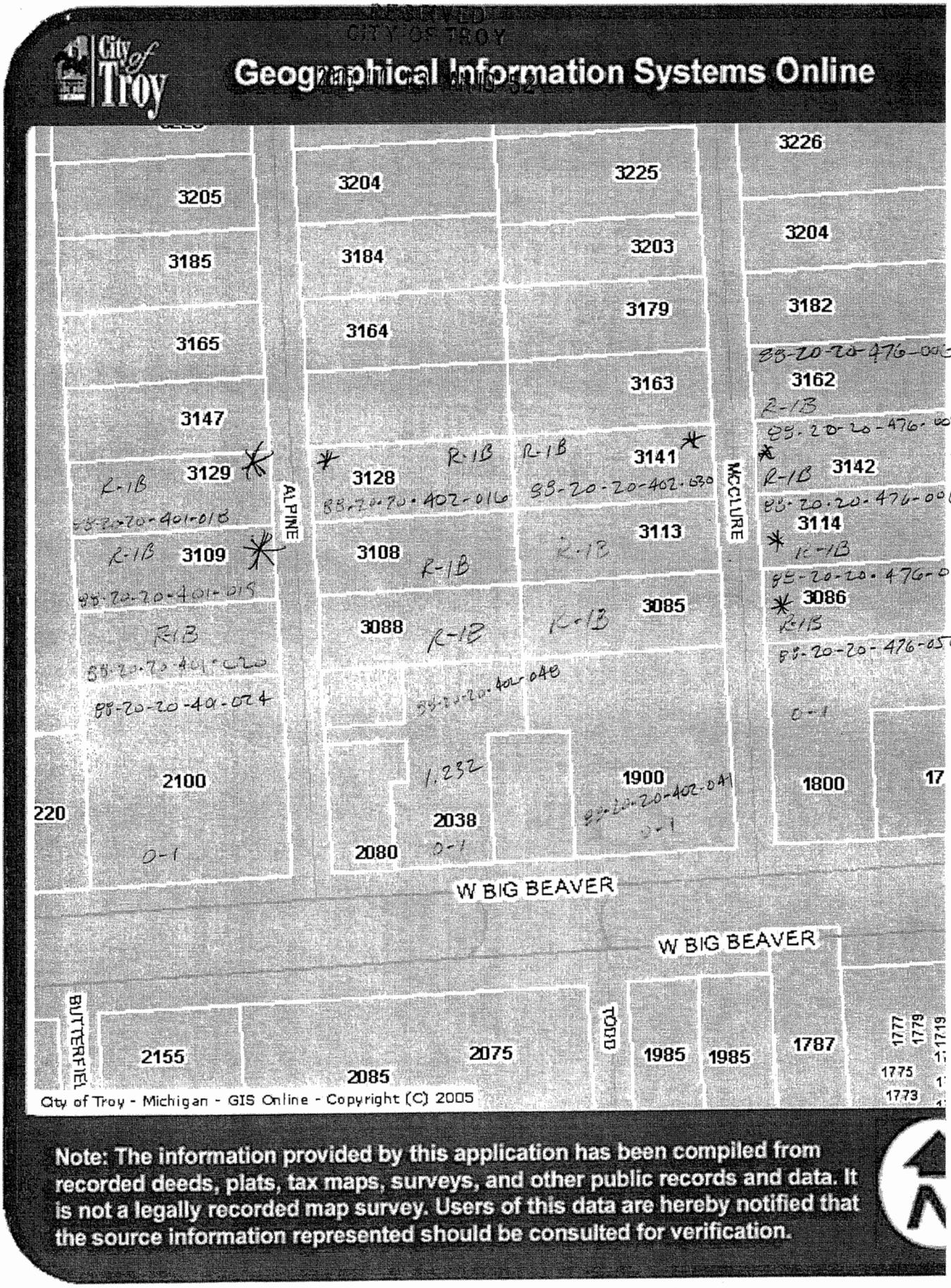
Print Name (clearly): Paul Piscopo, Louise A. Piscopo Date: 7-12-05
Description or Parcel # of Parcel(s) Owned: 88-20-20-401-019
Signature: Paul Piscopo Louise A. Piscopo
Address: 3109 Alpine ST

Print Name (clearly): Paul Piscopo, Louise A. Piscopo Date: 7-12-05
Description or Parcel # of Parcel(s) Owned: 88-20-20-401-018
Signature: Paul Piscopo Louise A. Piscopo
Address: 3129 Alpine ST

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

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

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



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.

PROPOSED MONARCH SITE

SIGNED PETITION

AREA OF 100 FT. BUFFER (EXCLUDING R.O.W.) = 153,031.50 S.F.
= 3.51 AC.

20% OF 100 FT. BUFFER (EXCLUDING R.O.W.) = 30,606.3 S.F.
= .70 AC.

AREA REPRESENTED IN PETITION = 78,853S.F.
= 1.81 AC.
= 52 %. OF 100 FT. BUFFER

June 27, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 3 and Bid Waiver: Option To Renew and Extend –Tree Removal Services Contract

RECOMMENDATION

On August 9, 2004, City Council approved a one-year contract to provide municipal tree/stump removal services on City-owned property, including ash trees with an option to renew for one (1) additional year to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights. (Resolution #2004-08-400). City management recommends exercising the option to renew, and extending the option from one to three additional years, in order to ensure the completion of the municipal ash tree removal program.

The current contract allows for a rate increase within the Consumer Price Index at the beginning of the option year. However, if a multiple year extension is approved, J.H. Hart has agreed to forego any increase in year one, and limit the increase in year two to 2%. If the City approves a three-year extension, J.H. Hart will forego increases in both years one and three, with a 2% increase in year two (see attached letter from J.H. Hart).

SUMMARY

Tree Removal

Provide three-man tree removal crews, all equipment, saws, vehicles, aerial tower, chipper, trucks, traffic controls etc	Current Rate	Proposed New Rate
	$114.90	$117.20
Overtime	$159.86	$163.06
Holiday Time	$159.86	$163.06

Stump Removal

Provide a stumping crew including all equipment for removal and grinding of the stumps	Current Rate	Proposed New Rate
	$81.25	$ 82.88
Overtime	$99.75	$101.75
Holiday Time	$99.75	$101.75

June 27, 2005

To: John Szerlag, City Manager
Re: Option To Renew and Extend – Tree Removal Services

MARKET SURVEY

Staff has completed a market survey and verified that Hart's prices remain competitive with fuel cost continuing to rise.

BACKGROUND

J.H. Hart Urban Forestry has been removing municipal ash trees in the City since September of 2004. During that time, they have demonstrated the level of professionalism expected of a quality contractor.

They have developed a cooperative working relationship with City staff by promoting clear communication between their company and the City, resulting in fewer concerns from City staff or complaints from residents throughout the removal operation. J.H. Hart Urban Forestry has gone above and beyond to ensure the City is getting the best service possible and has even purchased additional equipment to that end.

BUDGET

Funds for this contract will be available in Subdivision Improvements Capital Account #401780.7974.130.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

June 22, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – TREE/STUMP REMOVAL SERVICES

ASPLUNDH TREE EXPERT COMPANY – Pete (215) 784-4384
Pete has indicated unless we were bidding this out next week, he could not help us with the Market Survey, because a lot of factors go into tree and stump removal, as fuel prices, labor costs, insurance, and etc.

THE DAVEY TREE EXPERT COMPANY- Keith (248) 371-9007
According to Keith, tree and stump removal services are expected to increase, mainly because of increasing cost of fuel prices. Insurance and labor costs would be second.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Tree/Stump Removal Services with the current vendor based on the fact that costs of this service may increase because on the gasoline market.

CC: Susan Leirstein
File

J.H. Hart Urban Forestry

May 16, 2005

Carol K. Anderson
Director of Parks and Recreation
City Of Troy
3179 Livernois
Troy, MI 48083

RE: Contract Extension For Tree Care And Removal

Dear Carol,

Some seven months have passed since our professional lives came together. To date, more than four thousand ash trees have met their match against the boys here at J.H. Hart. I must compliment you, and your staff, for making our Company feel so welcome in your City. The support has been unparalleled and all of you have made us feel like an extension of your staff. I am proud to see how well we have all worked together.

Since this endeavor began, we have made a number of changes which have had a positive impact both on productivity and service to the community. I believe the versatility you have allowed us in the deployment of our tree crews, aerial towers, dump trucks, log trucks and stump grinders has contributed greatly to this effort. While we have achieved success in most areas, I remain somewhat concerned with regard to the issue of our stump grinding and seeding operations.

As you know, during the winter months we are forced to suspend placing soil and seed in the holes. In addition, trailing surface roots are often covered by snow and therefore missed on the first pass. Hence, we are forced to expend an inordinate amount of time performing soil, seeding and regrinding operations in the spring. Although you and Mark have assured me that this is not an uncommon problem, we still receive calls daily from residents hoping to find out when their particular stump will be completed. In an effort to address this issue, and demonstrate our commitment to the City, we have been running stump crews on Saturdays and absorbing the overtime expenses internally.

We are also in the process of purchasing another self-propelled walk-behind stump grinder for use in Troy. This type of stump grinder is particularly well suited for applications requiring the removal of stumps down city right-of-ways. Specifically, it allows us to move from one stump to the next without the set-up time expended with stump grinders pulled behind a truck. Currently, only one of the stump grinders we have is a self-propelled walk-behind grinder and that grinder has always been dedicated for use

P.O. Box 222 • Birmingham, Michigan 48012 • 1-800-404-9390 • Fax (586) 795-0930

in Troy. I believe the addition of yet another self-propelled grinder will contribute significantly to our productivity.

As you know, the contract now in effect contains a one-year option to renew through mutual consent, and provides that the City may accept an increase in labor rates to the extent that the requested increase does not exceed the annual Consumer Price Index change for the Detroit/Ann Arbor area. Accordingly, I would respectfully request that the City grant us the privilege of a one-year extension of our contract at this time, together with a labor rate increase equal to the change in the Consumer Price Index.

I would also like to propose that you give consideration to granting us a two-year or three-year extension of the current contract. The removal of ash trees in the right-of-ways, parks, and other city properties will, in all likelihood, require a sustained three to four year effort. By granting us a two or three-year extension at this time, the City will be secure in maintaining a 'known commodity' and avoid the additional learning curve expenses associated with having to 'change horses in midstream'. As an added incentive, in the event that the City were to grant us a two-year extension at this time, we would be willing to forgo any increase in rates for the first year of the two-year extension, and limit the increase in the second year to a two percent increase. In the event that the City were to grant us a three-year extension, we would be willing to forgo any increases in the first and third years of the extension, and limit the increase in the second year to two percent.

It remains a pleasure working with you and serving the residents of Troy. As you may gather from our proposals to extend the contract, we look forward to building a lasting relationship and continuing our efforts on behalf of the City of Troy. I look forward to hearing your thoughts with regard to the contract extension. In the interim, please do not hesitate to call should you have any questions or concerns, or if I may provide any additional information.

Best regards,

Judd H. Hart

JHH:lh

VENDOR NAME:	* JH HART URBAN FORESTRY	ASPLUNDH TREE EXPERT CO	THE DAVEY TREE EXPERT COMPANY
Check Number	649163513	3282970	244840206
Amount	$50,000.00	$50,000.00	$50,000.00

PROPOSAL -- FURNISH ONE (1) YEAR REQUIREMENTS OF TREE/STUMP REMOVAL SERVICES WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR IN ACCORDANCE WITH THE SPECIFICATIONS

PROPOSAL "A"			
TREE REMOVAL 6,000 HOURS - Estimated Qty			
Provide three-man tree removal crews, all equipment, saws, vehicles, aerial tower, chipper, trucks, traffic controls etc	$ 114.90 Hour/3man Crew	$ 132.91 Hour/3man Crew	$ 240.00 Hour/3man Crew
Overtime:	$ 159.86 Hour/3man Crew	$ 157.96 Hour/3man Crew	$ 360.00 Hour/3man Crew
Holiday Time:	$ 159.86 Hour/3man Crew	$ 183.01 Hour/3man Crew	$ 480.00 Hour/3man Crew
PROPOSAL "B"			
STUMP REMOVAL 6,000 HOURS - Estimated Qty			
Provide a stumping crew including all equipment for removal and grinding of the stumps.	$ 81.25 Man Hour	$ 156.10 Man Hour	$ 120.00 Man Hour
Overtime:	$ 99.75 Man Hour	$ 160.81 Man Hour	$ 180.00 Man Hour
Holiday Time:	$ 99.75 Man Hour	$ 185.87 Man Hour	$ 240.00 Man Hour
Typical Crew Size for Stumping	One (1) # of Men	Three (3) # of Men	Two (2) # of Men
ESTIMATED GRAND TOTAL PROPOSALS 'A-B':	* $1,176,900.00	$1,734,060.00	$ 2,160,000.00
SCHEDULE OF VALUES	Attached	Attached	Attached
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
SITE INSPECTION: Y/N	YES	YES	YES
DATE	JULY 2004	7/26/04	7/23 & 7/24/04
EXTENDING TO MITN PURCHASING COOPERATIVE Y or N	NO	YES	NO
PROGRESS PAYMENTS Schedule:	BI-WEEKLY	W/I 30 DAYS OF INVOICE	WEEKLY
Identified as:	N/A	BLANK	BLANK
TERMS:	NET 14 DAYS	BLANK	UPON RECEIPT
EXCEPTIONS:	NONE	LISTED IN BID	BLANK
	VALUE-ADDED SERVICES: PRODUCE 1500CY OF SHREDDED HARDWOOD ANNUALLY FREE OF CHARGE		
ACKNOWLEDGEMENT - SIGNED Y or N	YES	YES	YES
Proposed Personnel & Equipment Y or N	YES	YES	YES

*** JH HART URBAN FORESTRY LOW TOTAL BIDDER MEETING SPECIFICATIONS**

NO BIDS:
Harry Fox, Inc

DMS: Owen Tree Service, Inc. Reason - No bid surety check submitted as specified. Included a 5% bid bond which was specifically excluded in the bid documents.

ATTEST:
Ron Hynd
Mark Colombo
Jeffrey Biegler
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

J.H. HART URBAN FORESTRY

City of Troy

SCHEDULE OF VALUES 2004 – 2005 PROGRAM

Your company MUST complete this form

ITEM	EQUIPMENT DESCRIPTION:	RATES:
Labor – ARBORIST Monday – Friday 8am to 5pm	See exhibit 'D'	$ 37.00 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 55.50 / Man Hour $ 55.50 / Man Hour
Labor – TREE MAN Monday – Friday 8am to 5pm	See exhibit 'D'	$ 26.45 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 39.68 / Man Hour $ 39.68 / Man Hour
Labor – STUMP MAN Monday – Friday 8am to 5pm	See exhibit 'D'	$ 37.00 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 55.50 / Man Hour $ 55.50 / Man Hour
Logging truck / lift	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Aerial tower	See exhibit 'D'	$ 12.50 / Unit / 1 Hour
Brush chipper	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
Dump truck	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
Truck w/ walking floor	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Stump chipper	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Loader	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Heavy duty pick-up	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
OTHER:		
Arrow Board	See exhibit 'D'	$6.25/Hr / Unit/ 1
Horizontal Grinder	See exhibit 'D'	$300.00/Hr / Unit/ 1
Wood Trailer	See exhibit 'D'	$2.00/Hr / Unit/ 1

E-7 Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over $10,000.00: Southeast Michigan Council of Governments (SEMCOG) – 2004 Membership Dues

Resolution #2004-08-398-E-7

RESOLVED, That **APPROVAL IS GRANTED** to pay the 2004 Southeast Michigan Council of Governments (SEMCOG) membership dues from July 15, 2004 to July 15, 2005 in the amount of $11,040.00.

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

E-8 Approval of Changed Service Dates for Maintenance Contract for Sanctuary Lake Golf Course

Resolution #2004-08-399
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, On March 1, 2004 through Resolution #2004-03-117, staff was authorized to prepare contract documents for Douglas Treadwell Golf and Associates to provide golf maintenance from June 1, 2004 through November 30, 2004.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the attached contract documents as corrected, and with the following date change from July 1, 2004 through December 31, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

E-9 Standard Purchasing Resolution 2: Bid Award – Low Bidder Meeting Specifications – Tree/Stump Removal Service

Resolution #2004-08-400
Moved by Howrylak
Seconded by Stine

RESOLVED, That a one-year contract to provide crews and equipment for Tree / Stump Removal Services on City-owned property, including ash trees, with an option to renew for one (1) additional year is hereby **AWARDED** to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights, for an estimated yearly cost of $1,500,000.00, at unit prices contained in the bid tabulation opened July 30, 2004, and supplemental Schedule of Values as listed in Appendix I, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor **SUBMISSION** of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

August 5, 2004

To: John Szerlag, City Manager

From: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

Subject: **Agenda Item** - Standard Purchasing Resolution 2: Bid Award - Low Bidder Meeting Specifications – Tree/Stump Removal Services

RECOMMENDATION

On July 30, 2004, bid proposals were opened for a one (1) year contract to provide crews and equipment for tree / stump removal services on right-of-ways and City owned property, including ash trees, with an option to renew for one (1) additional year. After reviewing these proposals, City management recommends awarding the contract to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights for an estimated total yearly cost of $1,500,000.00, at unit prices contained in the attached bid tabulation and supplemental Schedule of Values listed in Appendix I.

The award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

SUMMARY

Due to the emerald ash borer, an estimated 20,000 to 30,000 ash trees on municipal property are creating hazardous situations. This contract will field four (4) tree removal crews and three (3) stump removal crews. These crews will be assigned square miles of the City and instructed to remove all ash trees and any other dead trees found on municipal property inside that square mile. Upon completion of each square mile, they will be reassigned to another square mile until the entire City has been serviced.

BUDGET

Funds for this project are available through the Parks Capital Account for Subdivision Improvements #401780.7974.130.

79 Vendors Notified on the MITN System
4 Bid Responses Received
1 Bid did not meet specifications
1 Late Bid
1 No Bid: Company's schedule does not permit performance of the specifications.

Prepared by: Ron Hynd, Landscape Analyst

Downloading History for ITB-COT 04-34TreeRemoval

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **8/2/2004.**

Document Title:	One Year Requirements Tree / Stump Removal Services with Option
Date Issued:	7/9/2004
Close Date:	7/30/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
16428	A. LILIA'S MAINTENANCE, INC.	Fax	7/15/2004	
12306	Advanced Services Lawn and Landscape	E-mail		
13986	Advanced Tree Care, Inc.	E-mail	7/28/2004	
14952	All State Tree & Lawn, Inc.	E-mail	7/21/2004	
14279	Amerinational Community Services	E-mail		
18056	ARBORCARE TREE SPECIALISTS LLC	Fax	7/20/2004	
13397	Asplundh Tree Expert Co.	Free	7/20/2004	
12114	B & B Lawn Service	Fax		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
15934	B & W Management Services, Inc	E-mail		
17378	Bedard Shade Tree Co., Inc.	E-mail		
17272	Ben & Dan's Landscaping, Inc.	E-mail		
18295	Beninati Land Clearing, Inc	Free	7/29/2004	
16863	BOSS Commercial Building Services	Free	7/29/2004	
11631	Bowman Construction LLC	Free	7/12/2004	
13917	Branch Tree Service, Inc.	Fax	7/9/2004	
18138	C & G Disaster Recovery Group, LLC	Free	7/15/2004	
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	7/20/2004	
11355	Cartegraph	E-mail		
12856	CCH Incorporated	Free	7/20/2004	
10915				

	CITYWORKS, INC.	E-mail		
16071	Corporate Cleaning Group, Inc.	E-mail	7/14/2004	
15987	Cutting by Faith Landscaping snow	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		
15620	D. A. Alexander & Company	E-mail	7/22/2004	
13317	DJG & Associates	E-mail		
14616	Downriver Tree Service, Inc.	E-mail	7/28/2004	
17666	Eagle 1 Tree Service	Fax	7/10/2004	
14381	Environmental Wood Solutions	Fax		
10657	Envision Enterprises	E-mail		
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		
16111	Green Way Maintenance, LLC	E-mail		
14972	Harry Fox, Incorporated	Free	7/13/2004	
15149	HAWTHORNE TREE & LAWN CARE INC.	Fax	7/21/2004	
16255	I.E. Inc. Land Clearing and Grinding Service	Fax		
18255	IROQUOIS TREE SERVICE,LLC	Free	7/27/2004	
10543	J & W Tree Artisans	Free	7/18/2004	
10798	J.H. Hart Urban Forestry	E-mail	7/29/2004	
17522	Jack B. Anglin Company, Inc	E-mail		
17160	K.J. Tree Service Inc.	Fax		
15135	Kappy Industries Inc	Free	7/22/2004	
13409	kathys lawn maintenance	Free	7/16/2004	
14108	Kevin's Lawn Care & Snow Removal	E-mail		
16835	Kirtland Landscape Inc.	E-mail		
16067	Landscape Services, Inc.	E-mail		
14891	Lawn Barber Inc.	Fax		
17283	Metropolitan Tree Inc.	Fax		
11639	Mike's Tree Surgeons, Inc.	E-mail	7/23/2004	
10295	NLS Lawn Care Inc.	Free	7/27/2004	
14529	Northwood Contracting Incorporated	Fax		
18182	Oakland Tree Service	E-mail	7/19/2004	
10203	Owen Tree Service, Inc.	E-mail	7/16/2004	
18148	Paul Davis Restoration of Macomb and St. Clair	Free	7/14/2004	
15672	Perfect Irrigation & Landscape	E-mail	7/14/2004	
17790	Pete Wood Plumbing & Heating Co.	E-mail		
18310	Phil's Tree Services	E-mail	8/1/2004	
16120	PlaySmart Recreational Construction Inc.	Free	7/12/2004	
13725	Quality Tree Services, L.L.C.	E-mail		
16190	shades of green	Fax	7/29/2004	

13704	Shepherd's Landscape and Tree Service	E-mail		
13730	SMART Management Group, LLC	E-mail		
13684	soil and materials engineers, inc	E-mail		
13914	Steele's Service's LLC	E-mail		
18172	Stewarts Tree Service	Fax	7/29/2004	
10731	T.F.R. Enterprises, Inc.	E-mail		
13975	The Davey Co.	Free	7/28/2004	
17106	The Energy Group, Inc.	E-mail	7/30/2004	
15269	Tiede Landscaping	E-mail		
12516	Tree & Lawn Spraying	Free	7/19/2004	
13480	Tri-County Tree Expert Co., Inc.	E-mail	7/15/2004	
16126	ULTRA Professional Outdoor Services	Free	7/24/2004	
16454	UNITED TREE SERVICE	E-mail		
17713	Valentinco	E-mail		
15073	W.T. Stevens Construction, Inc.	Free	7/21/2004	
14338	Washtenaw Inc., Maintenance Services	E-mail	7/15/2004	
17151	Watts Lawn Service	E-mail		
17546	wonsey tree service, inc	Fax		
14292	Woody's Tree Service	E-mail	7/24/2004	

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July 13, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Tree Costs of Other Municipalities

At the July 11, 2005 City Council meeting, staff was asked to research the costs other municipalities are paying for tree removal. The contract with J.H. Hart Urban Forestry is structured whereby the City of Troy pays an hourly cost for a 3- or 4-person crew.

Birmingham, Bloomfield Hills, Rochester Hills, and Beverly Hills contract all tree maintenance, trimming, removals, etc. They have no municipal forces doing tree work. The contracts in these municipalities are set up to pay an hourly cost but also pay hourly rates for additional work and equipment.

Several municipalities researched are paying a cost for each tree removed. The municipalities pay the same cost for a tree removal regardless of size in each range as indicated below.

To compare the removal costs, staff computed the per/caliper-inch cost for all City of Troy trees removed thus far. The average size tree removed is 20.78". Thus far, the cost the City is paying for removal of a 20.78" tree is $12.99/caliper-inch or $269.93 total.

It should be noted that this cost changes as work is completed and that staff monitors the per/caliper-inch cost. Should there be unusual increases/decreases to this cost, staff requires justification from the Contractor for those changes.

City of Sterling Heights - Contractor: Woody's Tree Service

Size Range	Per Tree Removal	Cost/Caliper Inch
6" - 12"	$ 65	$10.83 -$5.16
13" - 18"	$125	$9.62 - $6.94
19" - 24"	$335	$17.63 - $13.95 (cost for 20.78" caliper tree - $16.12)
25" - 30"	$400	$16.00 - $13.33
31" - 36"	$575	$18.54 - $15.97
37" +	$750	$20.27

City of Farmington Hills - Contractor: Energy Group

Size Range	Per Tree Removal	Cost/Caliper Inch
6" - 11"	$75	$12.50 - $6.82
12" - 17"	$175	$14.58 - $10.29
18" - 23"	$350	$19.44 - $15.21 (cost for 20.78" caliper tree - $16.84)
24" - 35"	$600	$25.00 - $17.14
36" - 47"	$975	$27.08 - $20.74
48" - 60"	$1500	$31.25 - $25.00

City of Novi - Contractor: Owen Tree Service

Size Range	Per Tree Removal	Cost/Caliper Inch
7" - 12"	$110	$15.71 - $9.17
13" - 18"	$200	$15.38 - $11.11
19" - 24"	$400	$21.05 - $16.66 (cost for 20.78" caliper tree - $19.25)
25" - 30"	$600	$24.00 - $20.00
31" - 36"	$825	$26.61 - $22.92
37" - 42"	$1250	$33.78 - $29.76
43" - 54"	$1575	$36.63 - $29.17

City of Southfield - Contractor: Energy Group

Size Range	Per Tree Removal	Cost/Caliper Inch
6" - 12"	$125	$20.83 - $10.50
13" - 18"	$225	$17.31 - $12.50
19" - 24"	$425	$22.37 - $17.71 (cost for 20.78" caliper tree - $20.45)
25" - 30"	$575	$23.00 - $19.17
31" - 36"	$725	$23.39 - $20.14
37" - 48"	$1170	$31.62 - 24.38

A Regular Meeting of the Troy City Council was held Monday, July 11, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 PM.

Mayor Pro Tem Beltramini gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Presentation to the City of Troy by Roberta Urbani, Environmental Planner, and Mike Palchesko, Regional Manager, of the DTE Energy Tree Planting Grant Check

b) Acknowledgement of the City of Troy's 50th Anniversary by the Troy Chamber of Commerce

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Outdoor Seating in Excess of 20 Seats in Conjunction with a Restaurant in B-3 Zoning – 1515 East Maple – Mon Jin Lau Restaurant

Resolution #2005-07-316
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the request from Marco Chin representing Mon Jin Lau Restaurant, to install an outdoor dining area for 40 seats at their existing restaurant at 1515 East Maple Road, is hereby **APPROVED** for a period not to exceed 2 years, in accordance with Section 22.30.07 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy.

Yes: All-7

POSTPONED ITEMS:

D-1 Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution
Moved by Stine
Seconded by Schilling

RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission.

Vote on Resolution to Amend

Resolution #2005-07-317
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING**, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and **INSERTING**, "The size of any door to an accessory building shall not exceed nine (9) feet in height" in Section 40.56.01 C.

Yes: Beltramini, Lambert, Stine, Schilling
No: Broomfield, Eisenbacher, Howrylak

MOTION CARRIED

Vote on Resolution to Amend by Substitution

Resolution #2005-07-318
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission CONTINGENT upon STRIKING, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and INSERTING, "The size of any door to an accessory building shall not exceed nine (9) feet in height" in Section 40.56.01 C be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTING** it with, "RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215A), Version B, as recommended by City Management."

Yes: Eisenbacher, Howrylak, Lambert,
No: Broomfield, Stine, Schilling, Beltramini

MOTION FAILED

Vote on Resolution to Postpone

Resolution #2005-07-319
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission CONTINGENT upon STRIKING, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and INSERTING, "The size of any door to an accessory building shall not exceed nine (9) feet in height" in Section 40.56.01 C be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 12, 2005.

Yes: Eisenbacher, Howrylak, Broomfield
No: Lambert, Stine, Schilling, Beltramini

MOTION FAILED

Vote on Resolution to Amend

Resolution #2005-07-320
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING** "There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory as set forth in Section 40.56.03." in Section 40.56.02 A and by **STRIKING** "No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel." in Section 40.56.03 A.

Yes: All-7

Vote on Resolution to Amend

Resolution #2005-07-321
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning

Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **INSERTING** "This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005." **AT THE END** of 40.56.01 C **AFTER "**height".

Yes: All-7

Vote on Resolution to Amend

Resolution #2005-07-322
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING**, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and **INSERTING,** "The size of any door to an accessory building shall not exceed fourteen (14) feet in height". in Section 40.56. 01 C.

Yes: Eisenbacher, Howrylak
No: Stine, Schilling, Beltramini, Broomfield, Lambert

MOTION FAILED

Vote on Resolution to Amend

Resolution #2005-07-323
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING**, "of the ground floor footprint" in Section 40.56.01 B.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert
No: Schilling, Beltramini, Stine

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-07-324
Moved by Stine
Seconded by Schilling

RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the Proposed Zoning Ordinance Text

Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission **CONTINGENT** upon **STRIKING**, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and **INSERTING**, "The size of any door to an accessory building shall not exceed nine (9) feet in height" in Section 40.56.01 C and by **STRIKING** "There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory as set forth in Section 40.56.03." in Section 40.56.02 A and by **STRIKING,** "No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel." in Section 40.56.03 A and by **INSERTING,** "This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005." in Section 40.56.01 C **AFTER** "height" and by **STRIKING** "of the ground floor footprint" in Section 40.56.01 B.

Yes: Beltramini, Broomfield, Eisenbacher, Lambert, Stine, Schilling
No: Howrylak

MOTION CARRIED

The meeting **RECESSED** at 9:38 PM.

The meeting **RECESSED** at 9:50 PM.

CONSENT AGENDA:

E-1a Approval of "E" Items NOT Removed for Discussion

Resolution #2005-07-325
Moved by Lambert
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items, E-4b, E-4c, E-4d and E-14 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2005-07-325-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of June 20, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations (None Proposed)

E-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution #1: Award to Low Bidder – Contract 05-5 – Fernleigh Water Main Replacement**

Resolution #2005-07-325-E-4a

RESOLVED, That Contract No. 05-5, Fernleigh Water Main Replacement, be **AWARDED** to Macomb Pipeline, 4500 River Ridge, Clinton Twp., MI 48038 at an estimated total cost of $570,727.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

e) **Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities Finance, Administration and Intergovernmental Relations (FAIR) Committee Meeting**

Resolution #2005-07-325-E-4e

RESOLVED, That the Council Member Robin Beltramini is **AUTHORIZED** to attend the National League of Cities Finance, Administration and Intergovernmental Relations (FAIR) committee meeting in Scarborough, Maine September 15-17, 2005 in accordance with accounting procedures of the City of Troy.

E-5 Acceptance of Permanent Easements and Warranty Deeds from Hidden Development, LLC – Section 22, Sidwell #88-20-22-101-023, 025 and 030

Resolution #2005-07-325-E-5

RESOLVED, That the three Permanent Easements and Warranty Deed received from Hidden Development, LLC, owners of property having Sidwell # 88-20-22-101-023, 025 & 030 are hereby **ACCEPTED**, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Acceptance of Permanent Easements and Warranty Deeds from Mondrian Properties, LLC – Section 20, Sidwell #88-20-20-226-101, 100 and 104

Resolution #2005-07-325-E-6

RESOLVED, That the three Permanent Easements and two Warranty Deeds received from Mondrian Properties, LLC, owners of property having Sidwell # 88-20-20-226-101, 100 & 104 are hereby **ACCEPTED;** and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Acceptance of a Permanent Watermain Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

Resolution #2005-07-325-E-7

RESOLVED, That the Permanent Watermain Easement and Temporary Regrading and Construction Permit received from Boward Investment Corp., owners of property having Sidwell # 88-20-34-152-026, are hereby **ACCEPTED**, and payment for the Easement and Permit in the combined amount of $2,000.00, plus recording costs, is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Watermain Improvement Project #01.502.5; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the Permanent Watermain Easement with the Oakland County Register of Deeds, and copy of both Easement and Permit shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Troy Daze Festival Entertainment Tent Fee

Resolution #2005-07-325-E-8

RESOLVED, That the Troy Daze/Magic of Fall request to charge a $3.00 admission fee to the entertainment tent during Special Adults Day is hereby **APPROVED** as requested by the Troy Daze Advisory Committee.

E-9 Private Agreement for Clark Gas Station – Project No. 04.903.3

Resolution #2005-07-325-E-9

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Majid Kesto, is hereby **APPROVED** for the installation of sanitary sewer, detention and soil erosion controls on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Private Agreement for Hidden Forest Site Condominiums – Project No. 04.908.3

Resolution #2005-07-325-E-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and GFA Development Company is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, soil erosion, sidewalks, landscaping and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Amendment #1 – Concrete Pavement Repair Program

Resolution #2005-07-325-E-11

WHEREAS, On January 24, 2005, contracts to complete the City of Troy's Concrete Pavement Repair Program were awarded to the low bidders, Major Cement Company of Detroit, MI for Proposal A, Hard Rock Concrete Inc. of Westland, MI – Proposal B, and Six-S, Inc. of Waterford, MI – Proposal C, at estimated total costs of $824,775.00, $458,975.00, and $507,865.00 respectively for completion by June 30, 2005, at unit prices contained in the bid tabulation opened December 10, 2004 (Resolution #2005-01-041-E-20);

WHEREAS, It is recommended that the contracts be amended to allow for additional concrete replacement for work to be completed by June 30, 2006, on Major Roads, Local Roads, and Stephenson Highway.

NOW, THEREFORE, BE IT RESOLVED, That the contracts are hereby **AMENDED** to provide additional concrete pavement repair to the three low bidders, Major Cement Company – Proposal A, Hard Rock Concrete, Inc. – Proposal B, and Six S, Inc. – Proposal C, in an amount not to exceed $750,000.00, $500,000.00, and $500,000.00, respectively.

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

b) **Standard Purchasing Resolution #7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)**

Resolution #2005-07-326
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That a two-year proprietary software maintenance contract for the City of Troy's Microstation CAD and plotting software is hereby **APPROVED** to Bentley Systems, Inc., for an estimated annual cost of $18,687.50 expiring July 13, 2007.

Yes: All-7

c) **Standard Purchasing Resolution #8: Best Value Award – Sale of Surplus Parcels**

Resolution #2005-07-327
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That contracts to sell $636,450.00 of surplus real estate parcels be **AWARDED** to the highest bidders as listed on the attached bid tabulation(s) opened June 24, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and are summarized below:

Parcel #	Sidwell #	Minimum Bid	High Bid	Name of Bidder
6	20-10-477-017	$200,000.00	$204,950.00	Scarchilli Brothers Construction, LLC
7	20-13-227-	$ 87,000.00	$110,000.00	Patrick Bismack

	008			
8	20-15-352-006	$170,000.00	$171,500.00	Hung T. Dam
18	20-24-352-041	$102,000.00	$150,000.00	Antoine El-Amoud, Gus Abbanour, Joseph M Dicicco
		GRAND TOTAL	$636,450.00	

BE IT FURTHER RESOLVED, That the Real Estate and Development Department **SHALL EXPEND** the necessary funds for Title Insurance and recording, to be taken from the proceeds of said sales, to close and record these real estate parcels.

Yes: All-7

d) **Standard Purchasing Resolution #3: Option to Renew and Extend – Tree Removal Services Contract**

Resolution #2005-07-328
Moved by Schilling
Seconded by Stine

RESOLVED, That Standard Purchasing Resolution #3: Option to Renew and Extend – Tree Removal Services Contract be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 18, 2005.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Local Development Finance Authority; Planning Commission; b) City Council Appointments: Parks and Recreation Board; Retiree Health Care Benefits Plan & Trust Board; Troy Daze

(a) Mayoral Appointments

Resolution #2005-07-329
Moved by Schilling
Seconded by Beltramini

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** to serve on the Boards and Committee as indicated:

Local Development Finance Authority
Appointed by Mayor, Council Approval (5-Regular; 2-Council Alternates) – 3 years

Keith Pretty Term Expires 06/30/08

Michael M. Adamczyk Term Expires 06/30/08

Yes: Stine, Schilling, Beltramini, Broomfield, Eisenbacher, Lambert
No: Howrylak

MOTION CARRIED
Vote on Resolution for Student Appointment to the Planning Commission

Resolution #2005-07-330
Moved by Schilling
Seconded by Beltramini

RESOLVED, That the following person is hereby **APPOINTED BY THE MAYOR** to serve on the Boards and Committees as indicated:

Planning Commission
Appointed by Mayor, Council Approval (9) – 3 years

Christopher Kulesza Term Expires 07/01/06 **(Student)**

Yes: All-7

(b) City Council Appointments

Resolution #2005-07-331
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Parks and Recreation Board
Appointed by Council (10) (1-School; 1-Senior Adv. Board; 1-Troy Daze; Parks & Recreation Director) – 3 years

Brad Henson Term Expires 07/01/06 **(Student)**

Retiree Health Care Benefits Plan & Trust Board
Appointments confirmed by City Council (8) – 3 Employee Trustees – 3 years; 1 Citizen Trustee – 3 years; 1 Council Trustee – 4 years; Retiree - Non-voting Member; City Manager and Assistant City Manager/Finance & Admn – by virtue of his position.

Michael Geise **(Employee Rep)** Term Expires 12/31/05

Thomas Houghton **(Employee Rep)** Term Expires 12/31/07

Steven A. Pallotta **(Employee Rep)**	Term Expires 12/31/06
Mark A. Calice **(Citizen-Council Appt.)**	Term Expires 12/31/06
Louise E. Schilling **(Council-Council Appt.)**	Term Expires 04/16/06
William Need **(Retiree-Council Appt.)**	Retiree Non-Voting Member
John Szerlag	City Manager
John M. Lamerato	Assistant City Manager/Finance & Admn.

NOTE: Retiree Health Care Benefits Plan and Trust (Established June 20, 2005 Resolution #2005-06-303): 1:303. Board of Trustees: The Board of Trustees shall consist of eight (8) trustees which shall be the same elected and appointed individuals that serve on the City of Troy Employees Retirement System Board of Trustees.

Troy Daze
Appointed by Council (9) – 3 years

Berj Alexanian	Term Expires 07/01/06 **(Student)**

Yes: All-7

F-2 Standard Purchasing Resolution 1: Award to Sole Bidder

a) Miscellaneous Golf and Turf Maintenance

Resolution #2005-07-332a
Moved by Beltramini
Seconded by Stine

RESOLVED, That a contract to purchase three-year requirements of Miscellaneous Original Equipment Manufacturers Replacement Parts for the City of Troy Golf Division with an option to renew for one additional year is hereby **AWARDED** to the sole bidder, W.F. Miller Company of Novi, Michigan at pricing and percentage discounts contained in the bid tabulation opened April 27, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract **EXPIRATION DATE** of June 30, 2008.

Yes: All-7

b) OEM Replacement Parts for Golf and Turf Maintenance Equipment

Resolution #2005-07-332b
Moved by Beltramini
Seconded by Stine

WHEREAS, Weingartz of Farmington Hills and Spartan Distributors of Sparta, Michigan, are the exclusive distributors in Michigan for John Deere and Toro replacement parts respectively;

WHEREAS, both Weingartz and Spartan Distributors has offered to sell their parts at list prices with discounts up to 55%.

NOW, THEREFORE, BE IT RESOLVED, That contracts to purchase both John Deere and Toro replacement parts are hereby **APPROVED** with Weingartz and Spartan Distributors, respectively, **TO EXPIRE** June 30, 2008, at list prices less discounts up to 55%.

Yes: All-7

F-3 Publish and Solicit for Public Sealed Bid – Sale of 11 Surplus Parcels

Resolution
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED TO ADVERTISE** to sell by sealed bid to the highest bidder, at or above the minimum bid value established as the appraised value, the following listed surplus parcels:

Parcel #	Sidwell #	Appraised Value	Type Property
1	20-01-476-032	$340,000.00	Vacant B-1
2	20-03-226-022 (part)	$175,000.00	Vacant Residential
3	20-03-126-006	$ 80,000.00	Vacant Residential
5	20-03-226-022	$ 95,000.00	Vacant O-1
9	20-16-476-027, 028	$187,000.00	Vacant Residential
21	20-26-433-019, 020	$ 70,000.00	Vacant M-1
22	20-26-483-053	$235,000.00	Vacant M-1
23	20-26-477-042	$ 18,000.00	Vacant M-1
24	20-27-155-013	$ 60,000.00	Vacant Residential
26	20-34-201-003	$ 20,000.00	Vacant M-1
27	20-34-201-009	$ 13,500.00	Vacant M-1

Vote on Resolution to Amend

Resolution #2005-07-333
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Resolution to P*ublish and Solicit for Public Sealed Bid – Sale of 11 Surplus Parcels* be **AMENDED** by excluding Parcel #5 from the list until the next listing of sale of surplus parcels is presented to City Council.

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-07-334
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED TO ADVERTISE** to sell by sealed bid to the highest bidder, at or above the minimum bid value established as the appraised value, the following listed surplus parcels:

Parcel #	Sidwell #	Appraised Value	Type Property
1	20-01-476-032	$340,000.00	Vacant B-1
2	20-03-226-022 (part)	$175,000.00	Vacant Residential
3	20-03-126-006	$ 80,000.00	Vacant Residential
9	20-16-476-027, 028	$187,000.00	Vacant Residential
21	20-26-433-019, 020	$ 70,000.00	Vacant M-1
22	20-26-483-053	$235,000.00	Vacant M-1
23	20-26-477-042	$ 18,000.00	Vacant M-1
24	20-27-155-013	$ 60,000.00	Vacant Residential
26	20-34-201-003	$ 20,000.00	Vacant M-1
27	20-34-201-009	$ 13,500.00	Vacant M-1

Yes: All-7

F-4 Final Site Condominium Review – Stone Haven Woods East No. 2 Site Condominium, South Side of Wattles Road, West of Crooks Road, Section 20 – R-1B

Resolution #2005-07-335
Moved by Stine
Seconded by Lambert

RESOLVED, That the Final Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Stone Haven Woods East No. 2 Site Condominium, located on the south side of Wattles Road, west of Crooks Road, including 4 home sites, within the R-1B Zoning District, being 2.02 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-7

F-5 Final Site Condominium Review (Revised) – Hidden Forest Site Condominium, South Side of Wattles, East of Livernois, Section 22 – R-1C

Resolution #2005-07-336
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Final Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Hidden Forest Site Condominium, located on the south side of Wattles Road, east of Livernois Road, including 37 home sites, within the R-1C Zoning District, being 17.79 acres in size, is hereby **APPROVED**, as recommended by City Management.
Yes: All-7

F-6 Approval of Purchase Agreement for Acquisition of Property Adjacent to Historic Green – Katharyn L. Jensen – Sidwell #88-20-16-478-027

Resolution #2005-07-337
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the Agreement to Purchase between Katharyn L. Jensen, and the City of Troy, having Sidwell #88-20-16-478-027 for the acquisition of her property at 100 West Wattles, is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED TO PURCHASE** the property in the Agreement referenced above in the amount of $180,000.00, plus closing costs.

Yes: All-7

F-7 Charter Revision Committee Recommendations

Resolution
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "any portion of a term served shall constitute one full term" to "Any service greater than two (2) years plus one (1) month shall constitute a term"?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

Vote on Amendment

Resolution #2005-07-338
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the Resolution for Recommended Charter Revision Proposals be **AMENDED** by **INCLUDING** the following Charter Revision Proposal: "In January each year, the Mayor of the City shall issue a written proclamation requesting the Governor and the members of the Michigan Legislature to use their best efforts to prevent the building of exit and entrance ramps on I-75 where it intersects Long Lake Road. The proclamation shall be delivered to the Governor and each State Senator and State Representative whose district includes any part of the City."

Yes: Broomfield, Howrylak, Lambert
No: Beltramini, Eisenbacher, Stine, Schilling

MOTION FAILED

Vote on Amendment

Resolution #2005-07-339
Moved by Broomfield
Seconded by Howrylak

RESOLVED, That the Resolution for Recommended Charter Revision Proposals be **AMENDED** by **INCLUDING** Recommended Charter Revision Proposal #12 (44 words): "*Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?"*

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Beltramini
No: Stine, Schilling

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-07-340
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "any portion of a term served shall constitute one full term" to "Any service greater than two (2) years plus one (1) month shall constitute a term"?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on

more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

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RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

Yes: Eisenbacher, Howrylak, Stine, Schilling, Beltramini, Broomfield
No: Lambert

MOTION CARRIED

Vote on Resolution to Draft Recommended Charter Revision Language and Forward to the Charter Revision Committee

Resolution #2005-07-341
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to **DRAFT** Recommended Charter Revision Language to add provisions for long term use agreements in Section 12.3, *Restriction on Powers to Lease Property* in the City Charter and **FORWARD** the recommended language to the Charter Revision Committee for their review.

Yes: All-7

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2005-07-342
Moved by Stine
Seconded by Beltramini

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 1:00 AM.

Yes: All-7

Vote on Resolution to Reconsider Resolution #2005-07-340

Resolution #2005-07-343
Moved by Howrylak
Seconded by Lambert

RESOLVED, That Resolution #2004-07-340, Moved by Lambert and Seconded by Howrylak, as it appears below be **RECONSIDERED** by City Council:

*RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:*

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "any portion of a term served shall constitute one full term" to "Any service greater than two (2) years plus one (1) month shall constitute a term."?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor

to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

Yes: Eisenbacher, Howrylak, Stine, Schilling, Beltramini, Broomfield
No: Lambert

MOTION CARRIED

Yes: All-7

Vote on Reconsideration of Resolution #2005-07-340

Resolution #2005-07-344
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

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RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

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RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the “first Monday in April of each year” to the “first Tuesday after the first Monday of every odd-year November” and eliminating “if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed”, since these provisions conflict with Michigan Election Law?

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Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

Yes: Schilling, Beltramini, Eisenbacher, Stine
No: Broomfield, Howrylak, Lambert

MOTION FAILED

Vote on Resolution to Reconsider Resolution #2005-07-344

Resolution #2005-07-345
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Resolution #2004-07-344, Moved by Lambert and Seconded by Howrylak, as it appears below be **RECONSIDERED** by City Council:

RESOLVED, That the Troy City Council ***APPROVES AS TO FORM*** *the following proposed Charter amendments for the November 8, 2005 City General Election:*

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

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Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

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Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

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RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

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RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

Yes: Schilling, Beltramini, Eisenbacher, Stine
No: Broomfield, Howrylak, Lambert

MOTION FAILED

Yes: All-7

Vote on Reconsideration of Resolution #2005-07-344

Resolution #2005-07-346
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "any portion of a term served shall constitute one full term" to "Any service greater than two (2) years plus one (1) month shall constitute a term."?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on

more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

Yes: Broomfield, Eisenbacher, Stine, Schilling, Beltramini
No: Howrylak, Lambert

MOTION CARRIED

Vote on Resolution to Draft Proposed Charter Revision Language and Forward to the Charter Revision Committee

Resolution #2005-07-347
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to **DRAFT** a Recommended Charter Revision Proposal to add a provision permitting City Council to hold Study Sessions whereby no action is taken and **FORWARD** the language to the Charter Revision Committee for their review.

Yes: Eisenbacher, Lambert, Stine, Broomfield
No: Howrylak, Schilling, Beltramini

MOTION CARRIED

F-8 Renew and Amend Contract – Sidewalk Replacement Program

Resolution #2005-07-348
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, On August 4, 2003 and corrected August 18, 2003, a one-year contract to provide Sidewalk Replacement and Installation with an option to renew for two additional one-year periods was awarded to the low bidder, Hard Rock Concrete, Inc., at an estimated cost of

$366,210.00, and if changes in the quantity of work are required, either additive or deductive, such changes are authorized in an amount not to exceed 25% of the contract total per year (Resolution #2003-08-425-E9);

WHEREAS, Hard Rock Concrete Inc has agreed to exercise the second one-year option to renew under the same prices, terms, and conditions as the original contract;

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, not to exceed $92,237.50.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED AND AMENDED** with Hard Rock Concrete, Inc. to provide sidewalk replacement and installation with the City of Troy for an additional $92,237.50, which will be added to the previously approved contract amounts and all costs will not exceed $550,000.00; and

BE IT FURTHER RESOLVED, That this contract renewal will be the same contract unit prices, terms and conditions for one-year **EXPIRING** June 30, 2006.

Yes: All-7

F-9 Final Environmental Impact Statement for Widening and Reconstruction of I-75 from M-102 to M-59

Resolution #2005-07-349
Moved by Stine
Seconded by Eisenbacher

WHEREAS, Improvements to the I-75 freeway corridor such as additional lanes on I-75, interchange improvements and local roadway improvements are overdue, and are recommended by the I-75 corridor study;

WHEREAS, The lack of these improvements continues to exacerbate concerns regarding traffic congestion and traffic crashes in the City and in the region.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **SUPPORTS** the Final Environmental Impact Statement (FEIS) for the I-75 Corridor Study and **ENCOURAGES** communities along I-75 to support the FEIS, for the timely approval of federal funds for the completion of the recommended improvements.

Yes: Stine, Schilling, Beltramini, Broomfield, Eisenbacher
No: Lambert, Howrylak

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Parking Variance – Maple Research Center – July 18, 2005
b) Commercial Vehicle Appeal – 82 Miracle Drive – July 18, 2005
c) Preliminary Planned Unit Development Review – PUD-004 (The Monarch Private Residences) – North Side of Big Beaver Road, East of Alpine and West of McClure, Section 20 – July 18, 2005

Noted and Filed

G-2 Green Memorandums:

a) Proposed Amendments to Chapter 26 – Parks – General Regulations
b) Chapter 28 – Tree Ordinance Revision

Noted and Filed

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 No Council Referrals

COUNCIL COMMENTS:

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I.

Resolution #2005-07-350
Moved by Beltramini
Seconded by Schilling

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take further action on agenda item, *F-1 – Appointments to Boards and Committees: Parks and Recreation Board.*

Yes: All-7

Vote on Appointment to Parks and Recreation Board

Resolution #2005-07-351
Moved by Beltramini
Seconded by Howrylak

Parks and Recreation Board
Appointed by Council (10) (1-School; 1-Senior Adv. Board; 1-Troy Daze; Parks & Recreation Director) – 3 years

Ida Edmunds (School Board Rep) Term Expires 07/31/06

Yes: All-7

REPORTS:

J-1 Minutes – Boards and Committees:

a) Charter Revision Committee/Final – November 5, 2003
b) Library Board/Final – April 14, 2005
c) Downtown Development Authority/Final – April 20, 2005
d) Board of Zoning Appeals/Final – May 17, 2005
e) Troy Daze Advisory Committee/Final – May 24, 2005
f) Building Code Board of Appeals/Draft – June 1, 2005
g) Planning Commission Special/Study/Draft – June 7, 2005
h) Planning Commission Special/Study/Final – June 7, 2005
i) Charter Revision Committee/Draft – June 20, 2005

Noted and Filed

J-2 Department Reports:

a) 2005 Community Development Block Grant Funds Released
b) 2005 Second Quarter Litigation Report

Noted and Filed

J-3 Letters of Appreciation:

a) Letter of Appreciation to Sgt. Don Ostrowski from Oakland County Sheriff Michael Bouchard
b) Letter of Thanks to Chief Charles Craft from Larry W. West, Sr., Career Academy Manager at Macomb Community College

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from the Charter Township of Independence Regarding Local Control of Liquor Licenses
b) Resolution from the City of Ferndale Regarding Detroit Intermodal Freight Terminal (DIFT) Project
c) Resolution from the City of Ferndale Regarding Social Security
d) Notice of Hearing for the Customers of the Detroit Edison Company – Case Number U-14528
e) Resolution of the Council of the City of Berkley, Michigan Supporting Local Control of Liquor Licenses
f) Resolution from the Charter Township of Bloomfield in Support of Local Control of Liquor Licenses

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Resignation Letter to John Szerlag from Laura Fitzpatrick

Noted and Filed

J-7 Intra-County Class C Liquor License Transfers

Noted and Filed

J-8 Letter from Oakland County Road Commission Regarding Discontinued Road Maintenance Work

Noted and Filed

J-9 Enforcement Activities Regarding Non-Permitted Group Day Care Homes in Single Family Residential Zoning

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2005-07-352
Moved by Beltramini
Seconded by Stine

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Sunset Excavating, Inc. v. MDOT (as Agent for the City of Troy.)

Yes: All-7

The meeting **RECESSED** at 12:53 AM on Tuesday, July 12, 2005.

The meeting **RECONVENED** at 1:17 AM on Tuesday, July 12, 2005.

The meeting **ADJOURNED** at 1:18 AM on Tuesday, July 12, 2005.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

PROCLAMATION
CELEBRATING 50 YEARS
WOODSIDE BIBLE CHURCH

WHEREAS, In 1955, **Woodside Bible Church** began as Big Beaver Baptist Church by Rev. Harold Moran, who gathered a few local families to meet in each other's homes. Enthusiasm grew, and they moved their meetings to the former Troy City Hall on Wattles and Livernois; and

WHEREAS, In 1962, Big Beaver Baptist changed its name to Troy Baptist Church and added an educational program. In 1965, Rev. Martin Turner led Troy Baptist as pastor; and

WHEREAS, The Rev. David Anderson arrived at Troy Baptist as its third pastor in 1970. Adjacent properties were purchased to make room for parking and future growth; and

WHEREAS, In 1980, Troy Baptist Church broke ground for the fifth and largest building project in the church's history to date—a new 1,200 seat auditorium and office complex. The first service was held in the new auditorium in March 1981, and remodeling continued in the few years following to accommodate a still-growing congregation; and

WHEREAS, In 1991, Dr. Douglas Smith came to Troy Baptist, and attendance more than doubled under his leadership. In 2002, Troy Baptist officially became **Woodside Bible Church** to better reflect its true identity of Bible believing and Bible teaching. Three Sunday services were now held each week, and plans moved forward on construction of a new building on 35 acres in northern Troy. In 2003, ground was officially broken; and

WHEREAS, On February 12, 2005, **Woodside Bible Church** moved into its current facility at 6600 Rochester Road. The 128,000 sq. ft., two-story building has two entrances with TV monitors and maps. The main auditorium seats 2,550 for four weekly worship services. There are 28 offices, 9 adult fellowship rooms, 18 classrooms, 6 nursery rooms and 1,090 parking spaces. During the Church's 50-year history, dozens of ministries have met the needs of the community. The new facility will enable **Woodside Bible Church** to continue that mission, including ministries for men, women, children, teens, adults, small groups, music and drama, AWANA, Bible studies, recovery groups, and mission outreach.

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby congratulate **Woodside Bible Church on its 50th Anniversary** and recognizes its impact upon thousands and thousands of lives, not just in our local community of Troy, but across the world.

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of **Woodside Bible Church's 50th Anniversary.**

Presented this 24th day of July 2005.

July 11, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreements – Truck Mounted Attenuator

RECOMMENDATION

City management recommends approval and authorization to purchase one (1) truck-mounted crash attenuator with arrow board vertical lift (Exhibit 1) from Traffix Devices, Inc. through Oakland County Cooperative Purchasing Agreements for an estimated total cost of $16,524.00.

The attenuator is a roadside safety device used to protect work crews by preventing errant vehicles from coming into contact with the work zone or work trucks. This equipment is to replace a ten-year old attenuator in the Streets Department.

	QTY	UNIT COST	TOTAL COST
TRAFFIX DEVICES, INC.			
Truck Mounted Crash Attenuator RCOC UNIT #J0061-J0071	1	$16,524.00	$16,524.00

BUDGET

Funds are available in the Streets Capital Account 401464.7978.010.

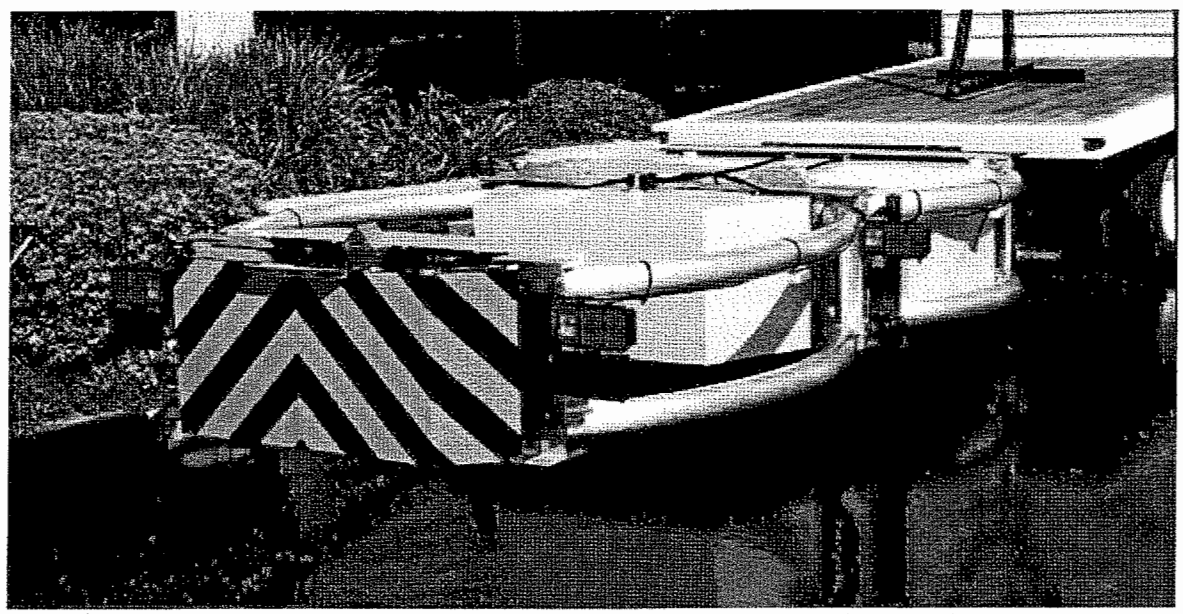
Prepared by: Emily Frontera, Administrative Aide

Scorpion Truck Mounted Attenuator

EXHIBIT I

The Scorpion TMA has been tested and PASSED ALL optional and mandatory requirements suggested in the NCHRP-350 Report for TL-3 evaluation criteria-for speeds up to 62.5mph (100km/h)

Different by Design



The Scorpion measures only 13 feet long when fully extended

- The hydraulic system allows the cartridge to be partially raised for maximum road clearance and maneuverability
- Scorpion's low profile and open tubular design in beneficial in minimizing wind resistance and drag, allowing you to drive at freeway speeds safely, as well as increasing rear visibility and gas mileage
- Scorpion's lightweight aluminum construction minimizes rust and other corrosive elements and weighs only 1,800 lbs.
- With its modular design, Scorpion crushes in progressive stages upon impact thus reducing repair costs
- Scorpion's durable construction and heavy duty tubular side rails minimize incidental back-up or turning damage
- The unique curved design redirects side angle impacts away from the exposed corner of the truck
- Scorpion can be easily and quickly mounted to or removed from the truck

July 7, 2005

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: **AGENDA ITEM:** Amend Resolution #2004-02-089 - Local Law Enforcement Block Grant (LLEBG) - Purchase of Iview-60 Digital Video and Audio Interoperability Server from Miri Microsystems for the Technology Support Team Satellite System

RECOMMENDATION

City management recommends amending Resolution #2004-02-089 to redirect funds for the purchase of Web-OEC software from ESI Acquisition, Inc. to the purchase of an Iview-60 Digital Video and Audio Interoperability Server from Miri Microsystems for the Technology Support Team Satellite communications system in the amount of $6,050.00. In January 2005, the Fire Department had purchased the satellite system from Miri Microsystems in the amount of $9,930.16. Because both items from one vendor for the Satellite project are going over $10,000.00, City Council approval is required. The City's match is $2,109.00. The grant funds must be in direct support of the law enforcement function.

BACKGROUND

A Local Law Enforcement Block Grant (LLEBG) was approved by City Council on February 23, 2004, for the purchase of Web-EOC software from ESI Acquisition, Inc. in the amount of $45,000.00. At the Council Meeting of December 20, 2004, Council was notified through a *Department Report* that the County purchased EOC E-Team software for Troy, and the LLEBG grant funds would be redirected to a satellite communications system. The Bureau of Justice Assistance (BJA), who controls the grant funds, approved the redirection. The federal award is $18,984.00.

The County purchased the E-team software for Troy, since Troy's EOC is an alternate County emergency operations center. The State and County use the E-team software. It was determined that public safety would be enhanced if the State, County and City all used the same software.

SATELLITE SYSTEM

The Police Department along with the Fire Department used the grant funds to set up a Technology Support System to assist in interoperability and data transfer for emergency situations. The purchase of an Iview-60 digital and audio server from Miri Microsystems will integrate both digital and video systems with the Technology Support Teams Satellite and allow us to broadcast real time video, audio and other technologies from an incident through a satellite to the EOC or anyone who has access to the internet in real time.

SATELLITE SYSTEM - continued

The system will allow staff to get real time expert help who may be in another state or country. Secondly, field staff will be able to send live video and audio information to the Emergency Operations Center assisting Management in decision-making during emergencies.

AC Technologies, located in Canada, is the manufacturer of the Iview-60. Miri Microsystems is the State of Michigan vendor for AC Technologies. This sole source is recommended due to compatibility with the City's current satellite system.

BUDGET INFORMATION

Funds were budgeted for the LLEBG local match.

Prepared by: Sgt. Donald Ostrowski

REPORTS:

J-1 Minutes – Boards and Committees:

a) Parks and Recreation Advisory Board/Final – October 21, 2004
b) Advisory Committee for Persons with Disabilities/Draft – November 3, 2004
c) Advisory Committee for Persons with Disabilities/Final – November 3, 2004
d) Advisory Committee for Senior Citizens/Draft – November 4, 2004
e) Liquor Advisory Committee/Final – November 8, 2004
f) Employees' Retirement System Board of Trustees/Final – November 10, 2004
g) Board of Zoning Appeals/Draft – November 16, 2004
h) Building Code Board of Appeals/Draft – December 1, 2004
i) Advisory Committee for Senior Citizens/Draft – December 2, 2004
j) Special Meeting Minor League Baseball Stadium Proposal – Minutes from Civic Center Priority Task Force (CCPTF) – December 7, 2004
k) Special Meeting on Proposed Minor League Baseball Stadium/Draft – December 7, 2004
l) Special Meeting Minor League Baseball Stadium Proposal – Minutes from Parks and Recreation Advisory Board – December 7, 2004
m) Special Meeting on Proposed Minor League Baseball Stadium/Draft – Minutes from Planning Commission – December 7, 2004
n) Parks and Recreation Advisory Board/Draft – December 7, 2004
o) Planning Commission Special/Study/Draft – December 7, 2004

Noted and Filed

J-2 Department Reports:

a) SOCRRA Quarterly Report – October 2004
b) Notification of Local Law Enforcement Block Grant Change
c) Brownfield Redevelopment Authority Audited Financial Statement for Year Ended June 30, 2004
d) Downtown Development Authority Audited Financial Statement for Year Ended June 30, 2004
e) Report – Auction – Vehicle Sale on October 30, 2004 in Rochester Hills
f) Monthly Financial Report – November 30, 2004

Noted and Filed

J-3 Letters of Appreciation:

a) Thank You Note from Ann and Gary Renard Thanking the Troy Police Department and Officers Kocenda and Langbeen for Responding Quickly to Their Home Alarm
b) Thank You Note from Mrs. Angela Schroeder on Behalf of the Troy Estates Neighborhood Playgroup to Chief Craft, Thanking Officer Kaptur for the Stranger Safety Presentation
c) Thank You Note from Spalding DeDecker Associates, Inc. to Sergeant Don Ostrowski, Thanking Him for Participating in the Oakland County Vulnerability Assessment

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Report from General Government Committee Regarding: MR #04316 – County Executive – Emergency Response and Preparedness – Representation Concerns on the

A Regular Meeting of the Troy City Council was held Monday, February 23, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:36 P.M.

The Invocation was given by Mr. Jorge Sanchez – The Bahá'i Faith and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PRESENTATIONS: No presentations proposed.

PUBLIC HEARINGS

C-1 Acceptance of a Local Law Enforcement Block Grant for the Purchase of Web-EOC

Resolution #2004-02-089
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Police Department to receive a grant and expend funds for the purchase of Web-EOC software from ESI Acquisition, Inc., the sole source provider of proprietary software for an estimated $45,000.00; and

BE IT FURTHER RESOLVED, That the Local Law Enforcement Block Grant is **APPROVED**; the expenditure of matching City funds in the amount of $2,109.00 is hereby **AUTHORIZED.**

Yes: All-7

C-2 Commercial Vehicle Appeal – 3769 Meadowbrook

Resolution #2004-02-090
Moved by Eisenbacher
Seconded by Lambert

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

E-06

July 11, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven Vandette, City Engineer SJV

SUBJECT: Agenda Item - Private Agreement for Crooks Retail II
Project No. 04.945.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer, water main, storm sewer, detention, sidewalks, paving and soil erosion.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

Prepared by: G. Scott Finlay
Civil Engineer

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

G:\Projects\Projects – 04.945.3\Private Agreement Cover Letter.doc

Enclosed Private Agreement, Detailed Summary, Sketch

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 04.945.3	**PROJECT LOCATION: SE 1/4 Sec. 20**
RESOLUTION NO.	**DATE OF COUNCIL APPROVAL:**

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Crooks\Wilshire Associates LLC** whose address is **6960 Orchard Lake Road, Suite 234, West Bloomfield, MI 48322** and whose telephone number is **(248) 932-4100** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Sanitary Sewer, Water Main, Detention and Soil Erosion** in accordance with plans prepared by **SSOE, Inc. Architects Engineers** whose address is **1050 Wilshire, Troy, MI 48084** and whose telephone number is **248-643-6222** and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$161,343.50**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☒
Check	☐
Performance Bond & 10% Cash	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	$	13,068.82
Engineering Review Fee (Private Improvements)	$	3,887.27
Water Main Testing Fee	$	650.00
Street Cleaning/Road Maintenance (Refundable)	$	2,000.00
Soil Erosion	$	601.41
TOTAL:	$	**$20,207.50**

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 04.945.3	**PROJECT LOCATION: SE 1/4 Sec. 20**
RESOLUTION NO.	**DATE OF COUNCIL APPROVAL:**

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of **$ 181,551.00** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 04.945.3	PROJECT LOCATION: SE 1/4 Sec. 20
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 8th day of July, 20 05.

OWNERS

By:

Please Print or Type Harvey Weiss

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 8th day of July, A.D.20 05, before me personally appeared Harvey Weiss known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

KAREN M. PITTMAN
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Dec 20, 2008
ACTING IN OAKLAND COUNTY, MI

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR CROOKS RETAIL II
PROJECT NO. 04.945.3

The estimated costs of public improvements for the aforementioned project are as follows:

Escrow Deposits:

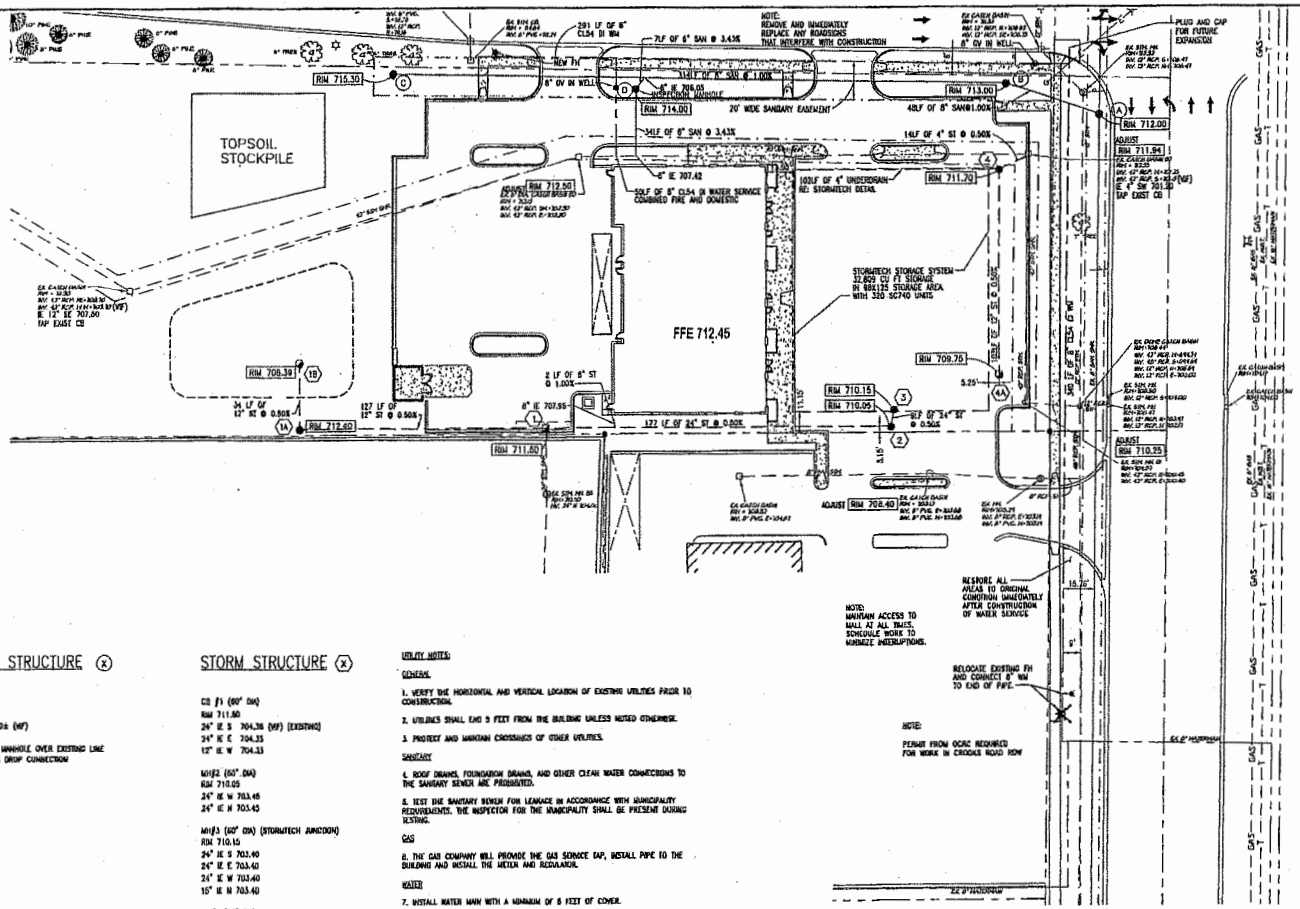
Sanitary Sewer	**18,082.00**
Water Main	**23,230.00**
Storm / Detention	**114,831.50**
Soil Erosion	**4,200.00**

Total Escrow Deposits: (letter of credit) **$ 161,343.50**

Cash Fees:

Review & Inspection	$13,068.82
Engineering Review	3,887.27
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	2,000.00
Soil Erosion	601.41

Total Cash Fees: (check) **$ 20,207.50**



SANITARY STRUCTURE (X)

MH #A (48" MH)
RIM 712.00
6" IE N/S 696.00± (NF)
8" IE W 703.55
CONSTRUCT NEW MANHOLE OVER EXISTING LINE
INSTALL EXTERIOR DROP CONNECTION

MH#B (48" MH)
RIM 713.00
6" IE E 704.05
8" IE W 704.15

MH#C (48" MH)
RIM 715.30
8" IE E 707.29

MH#D (48" MH)
INSPECTION MH
RIM 714.00
6" IE S 704.25
6" IE N 706.31

STORM STRUCTURE (X)

CB #1 (60" DIA)
RIM 711.80
24" IE S 704.36 (NF) (EXISTING)
24" IE E 704.35
12" IE W 704.33

MH#2 (60" DIA)
RIM 710.05
24" IE W 703.45
24" IE N 703.45

MH#3 (60" DIA) (STORMTECH JUNCTION)
RIM 710.15
24" IE S 703.40
24" IE E 703.40
24" IE W 703.40
15" IE N 703.40

MH#4 (48" DIA)
RIM 711.70
12" IE S 708.23
6" IE W 701.30
4" IE NE 701.27

CB#4A (48" DIA)
RIM 709.75
12" IE N 705.76

MH #1A (48" DIA)
RIM 712.40
12" IE W 705.07
12" IE E 704.97

CB #1B (48" DIA)
RIM 708.39
12" IE S 705.24

UTILITY NOTES:

GENERAL

1. VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.

2. UTILITIES SHALL END 5 FEET FROM THE BUILDING UNLESS NOTED OTHERWISE.

3. PROTECT AND MAINTAIN CROSSINGS OF OTHER UTILITIES.

SANITARY

4. ROOF DRAINS, FOUNDATION DRAINS, AND OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER ARE PROHIBITED.

5. TEST THE SANITARY SEWER FOR LEAKAGE IN ACCORDANCE WITH MUNICIPALITY REQUIREMENTS. THE INSPECTOR FOR THE MUNICIPALITY SHALL BE PRESENT DURING TESTING.

GAS

6. THE GAS COMPANY WILL PROVIDE THE GAS SERVICE TAP, INSTALL PIPE TO THE BUILDING AND INSTALL THE METER AND REGULATOR.

WATER

7. INSTALL WATER MAIN WITH A MINIMUM OF 6 FEET OF COVER.

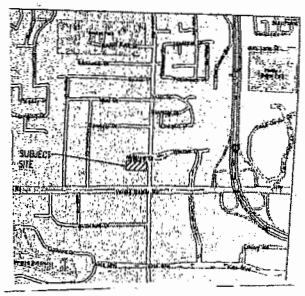
8. PROVIDE A MINIMUM OF EIGHTEEN (18) INCHES OF VERTICAL SEPARATION AND TEN (10) FEET OF HORIZONTAL SEPARATION BETWEEN THE WATER MAIN AND ALL SANITARY AND STORM SEWERS

9. PROVIDE THRUST BLOCKS AT ALL WATER MAIN BENDS, PLUGS AND TEES.

STORM

10. INSTALL UNDERDRAINS (UD) WITH A MINIMUM FIFTEEN (15) INCHES OF COVER FROM FINISH SUBGRADE.

11. ALL UNDERDRAINS ARE FOUR INCH DIAMETER AT A MINIMUM SLOPE OF 0.50 PERCENT UNLESS NOTED OTHERWISE.



NORTH

0' 30' 60' 90'
SCALE: 1" = 30'

WORKING DAYS! BEFORE YOU DIG CALL MISS DIG 800-482-7171

NO.	DATE	REVISION OR ISSUE	SUBJECT
	05-11-2005	PERMIT ISSUE	
	04-29-2005	CITY REVIEW COMMENTS	
	03-25-2005	CITY REVIEW COMMENTS	
	02-15-2005	PERMITS/OWNER REVIEW	

DRAWN	KOHLER
CHECKED	COUNSELL
DESIGNED	KOHLER
DEPT.MGR.	HOLMBLADE
PROJ.MGR.	KOHLER

JOB TITLE
WEISS PROPERTIES, LLC
PROPOSED OFFICE/RESTAURANT SITE
CROOKS ROAD
TROY, MI

UTILITY PLAN

SOE, INC.
ARCHITECTS ENGINEERS PLANNERS
1050 WILSHIRE DR. - SUITE 220
TROY, MICHIGAN 48084 TEL. 248-643-6322

JOB NO.: 05-2005-00
DATE: 10-26-2004
SCALE: 1"=30'
SHEET NO.:
C-400

July 11, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: **Agenda Item** – Consulting Services Agreement with the Troy School District – Baker Middle School

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RECOMMENDATION:

Staff recommends that City Council approve the attached agreement with the Troy School District for site engineering services to be provided by our consultant, Spalding DeDecker Associates (SDA), for the Baker Middle School replacement project. SDA would provide these services under our current contract with them for general engineering services. The estimated cost of the work is $10,000 which would be deposited into escrow with the City by the Troy School District. The School District will also pay the City of Troy a fifteen percent (15%) administrative fee to cover the city's cost of administrating the design project.

BACKGROUND:

SDA, in its capacity as a consultant for the City, has a working knowledge of the city's Development Standards and existing sanitary, storm and water main systems that would support the new Baker School, which make them ideal for the site design under the direction of the City Engineering Department, rather than the Troy School District. Additionally, the Troy School District has utilized SDA for other school projects in Troy prior to the city's contract with SDA. The School District and SDA have a positive relationship generated by the success of these past projects and would like SDA to do the site engineering work for their new school.

City Council Resolution No. 2005-06-284 extended the city's current contract with SDA for three additional years until June 2008. This contract provides that the Consultant will not perform any services for the City in which there is a conflict of interest, or the appearance of a conflict of interest with any builder, developer, contractor or private client who is or might be expected to be active in the city. Accordingly, the School District should not contract with SDA for civil engineering work for which the City would expect SDA to comply with all City Development Standards when by state law the School District is not obligated to comply with these standards or pay related fees. Notwithstanding, the School District agrees to comply with city Development Standards and pay the City the required fees for permits and inspection in addition to the 15% administrative fee.

SDA will not have any responsibilities on the project beyond the design of the project, including review of engineering drawing or any construction observation duties.

BUDGET

Funds for this work will be provided by the 2005-06 Engineering Department Operation Budget, with reimbursement by the School District as provided for in the agreement with the Troy School District.

Reviewed as to Form and Legality: _____
Lori G. Bluhm, City Attorney Date

AGREEMENT

This Agreement, entered into this ____ day of _____, 2005, is by and between the City of Troy (hereinafter "City") and the Troy School District (hereinafter "District").

WHEREAS, Spalding DeDecker Associates, Inc. (hereinafter "SDA") provides and has a contract for general engineering services for the City.

WHEREAS, the District, through their architect Kingscott Associates and Kingscott's planning consultant O'Boyle Cowell Blalock and Associates, desires to utilize Spalding DeDecker Associates, Inc. to provide civil engineering services for utility design and stormwater management system design on the Baker Middle School project.

WHEREAS, it is recognized that SDA, in providing its services as part of its contract with the City, will have no responsibilities regarding review or inspection for the District project.

WHEREAS, it is recognized by all parties that any new utilities on school properties will ultimately utilize existing City infrastructure and/or discharge storm water runoff to drainage facilities under the jurisdiction of the City or Oakland County.

WHEREAS, the District acknowledges that it is in the best interest of all parties to design the utility systems on the District's project to City standards in order to minimize adverse impact to the City systems or adjacent properties.

Now, therefore, in consideration of the foregoing, be it resolved that:

1. SDA will provide civil engineering consulting services for the Baker Middle School project. These services will be provided by SDA under its current contract with the City, for a lump sum fee of $10,000.00. This fee shall be deposited into escrow at the City by the District.
2. In addition to the design fee noted in number one above, the District will pay a 15% administrative fee ($1,500.00) to cover the costs associated with the City administering the project. This fee will be paid in lieu of engineering review fees for the project.
3. Watermain, sanitary sewer, and stormwater management systems will be designed in accordance with the current standards of the City, unless otherwise approved by personnel in the City's Engineering Department.
4. The District will pay the City the required fees for permits and inspection.
5. The City will submit engineering plans to Oakland County for review and approval of all utility systems that outlet to or impact County systems (primarily County Drain systems).
6. SDA, in its capacity as a consultant for the City, will not have any responsibilities on the District's project beyond the design of the project, including review of engineering drawings or any construction observation duties.

7. The Project will not be given any special privileges or consideration due to SDA's relationship with the City.
8. In the event that offsite improvements are required for any projects, including utility extensions, drain cleanouts, drainage studies, or the like, the City may utilize SDA in their capacity as City consultant to provide these services with the District funding the work unless other separate agreement is made between the City and the District.

IN WITNESS WHEREOF, the undersigned agree to the aforementioned resolutions and have hereunto set their hands and seals, this _____day of _____, 2005.

WITNESSES:

_____

_____
(Print Name)

_____

_____
(Print Name)

CITY OF TROY

_____

Its _____

_____
(Print Name)

_____

Its _____

_____
(Print Name)

WITNESSES:

_____

_____
(Print Name)

_____

_____
(Print Name)

TROY SCHOOL DISTRICT

_____

Print Name:
Its Assistant Superintendent

ACKNOWLEDGEMENT
STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

On this _____ day of _____, 2005, before me, a Notary Public in and for said State and County, personally appeared_____and _____
_____
_____, known to me to be the person__ described in and who executed the within instrument, and acknowledged the same to be _____ free act and deed.

_____
Notary Public
Oakland County, Michigan
My Commission Expires:

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Brian Murphy, Assistant City Manager/ Services
Carol Anderson, Director of Parks and Recreation
Lori Grigg Bluhm, City Attorney
DATE: July 1, 2005
SUBJECT: Proposed Amendments to Chapter 26- Parks- General Regulations

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The City of Troy received a request for a waiver of some of the provisions of Chapter 26 for the Troy Soccer City Classic. However, the current version of the ordinance did not provide express authority for a waiver of the conditions for special events hosted by civic, social, church, and club groups. In reviewing the current ordinance, the City Manager is vested with the authority to grant use of the parks to non-profit organizations, but is not currently authorized to allow for the sale of merchandise, which is requested for events such as the Troy Soccer City Classic or Troy Daze. City Administration has therefore proposed an amendment to Chapter 26, which expressly allows a non-profit organization to be granted a permit for these special events in the Troy parks.

Since the ordinance would be an agenda item, City Administration also incorporated other items into the proposed revision, including a sequential numbering and the inclusion of a new section on Radio Controlled Models in the City Parks. Additional changes were made to the text in an effort to increase the clarity of the ordinance. Attached please find a red lined copy of the ordinance, which depicts the proposed amendments. Also included is a clean copy of the ordinance that incorporates all proposed revisions.

City Administration recommends approval of the proposed revisions to Chapter 26. As always, if you have any questions, please let us know.

TITLE III - PARKS AND PUBLIC GROUNDS

CHAPTER 26 - PARKS - GENERAL REGULATIONS

26.013.1 (1) Restricted Use of Park. The use and enjoyment of the Parks that are established and maintained by the City of Troy shall be, and is hereby, restricted to the following:

(a) Persons permanently residing within the corporate limits of the City of Troy and their families.

(b) Persons owning and paying taxes on real estate within the corporate limits of the City of Troy, and their families.

(c) Persons temporarily residing within the corporate limits of the City of Troy.

(d) Bonafide guests of any person referred to in paragraphs a, b, and c, above, attending the parks in the company of such person.

(e) Special permission to use the Park may be authorized by the City Manager to Civic, Social, Cultural, Church and Club groups and the like, and to visiting dignitaries, officers of other governmental agencies, City employees, and in such other special instances where, in the judgment of the Manager, the issuance of special permission will serve the public benefit and welfare.

3.1 (2) 26.02 Protection of Park Property. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any buildings, tables, benches, fireplaces, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the City Manager.

3.2.(1)26.03 Traffic Regulations. No Each person shall fail to comply with all provisions of the City Code relative to equipment and operation of motor vehicles. No person shall drive or park a motor vehicle on any park area except roads or parking area, or such other areas as may on occasion be specifically designated as temporary parking areas by the City Manager or his/her designee.

(Rev. 3-26-79)

3.2.(2)26.04 Service and Repair of Autos. No person shall clean, wash, polish, repair, or in any manner service any motor vehicle or trailer in any public park or playground or cause the same to be done. For the purpose of this Chapter, the term "repair" shall be deemed to means the replacement of old, worn-out parts of the vehicle with new parts, and the term "service" shall be deemed to means the draining of oil, sludge, gasoline and water and other engine cooling fluids for the purpose of replacing same with a new supply. This prohibition shall not apply to the changing of deflated tires or the performing of necessary emergency work on a disabled car for the purpose of immediate movement.

(Rev. 3-26-79)

~~3.2 (3)~~26.05 Motor Cycles. Unless authorized, motor vehicles, including, motorcycles, motor scooters or motor bicycles or motor cars commonly known as "go carts" that are lawfully permitted to be driven, ridden or operated on public streets shall be permitted only on the improved or paved portion of the right of way designated for vehicles in any public park, playground or any other public property.

(Rev. 6-27-94)

~~3.2.(4)~~ 26.06 Refuse and Trash Disposal. No person shall dump, deposit or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, garbage or other trash of any nature in a public park, except in proper receptacles where they are provided. ~~; w~~Where proper receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

~~3.2.(5)~~26.07 Fires. No person shall kindle or build a fire in any public park or playground except in receptacles provided therein for public use, or in private receptacles or grills, provided that the allowable receptacles or grills ~~same~~ are placed in areas designated for that ~~said~~ purpose.

~~3.2.(6)~~26.08 Fireworks. No person shall bring into a park, or have in his/her possession, or set off any firecrackers, torpedoes, rockets, or other fireworks or explosives, or otherwise cause the same to explode in a park. ~~, any firecrackers, torpedoes, rockets or other fireworks or explosives, or~~ No person shall discharge any firecrackers, torpedoes, rockets, or other fireworks or explosives, ~~them~~ or throw them into any park area from land or highway. ~~adjacent thereto,~~ The exception to this prohibition is when a ~~provided only that a~~ special permit is ~~may be~~ granted by the City Manager and Fire Chief, which should include restrictions as to time and location.

~~3.3.~~26.09 Disorderly Conduct. No person shall sleep or protractedly lounge on the seats or benches or other park area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

~~3.4.~~26.~~-~~10 Merchandising and Advertising. Except for any regularly licensed concessionaire acting by and under the authority and regulation of the City Manager, or any organization that is granted a Non-Profit Organizational Permit, ~~No~~ no person shall expose or offer for sale in a park any saleable merchandise. ~~. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the City Manager~~ The City Manager can grant a Non-Profit Organizational Permit to any civic, social, cultural, church, club groups and the like, or visiting dignitaries or officers of other governmental agencies or employees, as long as the special permission will serve the public benefit and welfare. Limitations as to time, location, duration, or other restrictions may be authorized by the City Manager in the granting of a Non-Profit Organizational Permit, and a violation of these conditions may result in a revocation of the Non-Profit Organizational Permit. Persons requesting a Non-Profit Organizational Permit shall fully complete the application for the Permit, which shall be available through the Parks and Recreation Department, and submit it to the Parks and Recreation Department at least ten days prior to the requested event. ~~-~~ No person shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in any park, nor shall any person erect or cause to be erected any sign whatsoever in any park (with the exception of directional signs that are authorized by the City Manager or his/her delegate) ~~-~~ The exception to this prohibition is for ~~Exception is hereby made for~~ advertising banners used during special events for non-profit community

based organizations, as long as approval for the placement of the banners is granted by the City Manager and/or his delegate. The banners which shall be limited to 48 square feet in size, and . These banners shall not advertise tobacco, alcohol or political candidates. In addition, the organization seeking request for banners must be a non-profit community based organization.

(Rev. 3-2-92)

3.5.26.11 Alcoholic Beverages. No person shall bring alcoholic beverages into the Park nor shall any person drink alcoholic beverages at any time in the Park unless he/she shall have first obtained a written permit for beer for that specific date from the Police Chief. stating that he may do so on a specific date. No permit shall be issued for consumption of alcoholic beverages that haveing a higher alcoholic content than beer. or wine.

3.6. 26.12 Bicycles, Games and Activities. No person shall take part in or abet bicycle riding, or the playing of any games involving thrown or otherwise propelled objects such as ball, arrows, or javelins or model airplanes, except in areas specifically set apart for such forms of recreation.

26.13 Radio Controlled Models. No person shall operate any radio controlled model planes, rockets, boats or wheeled model vehicles in any park, except in areas specifically designated and set apart for such forms of recreation.

3.7.26.14 Enclosures. No person shall take down, climb over or upon, interfere with, disturb or displace or walk upon any rails, posts, boards, fence, or other structures enclosing any park or playground or portion thereof.

3.8.26.15 Animals. No person shall permit any dog that is owned by him/her or under his/her control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal (either wild or domestic) that is, owned by him/her or under his/her control or custody, with the exception of dogs as outlined above, to enter any park. except when special permission is granted by the City Manager.

3.9 26.16 Loitering. No person shall loiter or remain upon any public park or playground between the hours of 10:00 P.M. and 7:00 A.M.; provided, however, that this section shall not apply to employees of the City of Troy in the course of their duties or to activities being held under the auspices of the Parks and Recreation Department. The City Manager is hereby empowered to waive this section when such action will serve the public benefit and welfare.

(Rev. 4-27-79)

16.26.17 Additional Rules. The City Manager is hereby empowered to make such rules and regulations, subject to the approval of the City Council, pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public. Each person shall , and no person shall fail to comply with such rules and regulations.

(Rev. 3-26-79)

TITLE III - PARKS AND PUBLIC GROUNDS

CHAPTER 26 - PARKS - GENERAL REGULATIONS

26.01 Restricted Use of Park. The use and enjoyment of the Parks that are established and maintained by the City of Troy shall be, and is hereby, restricted to the following:

(a) Persons permanently residing within the corporate limits of the City of Troy and their families.

(b) Persons owning and paying taxes on real estate within the corporate limits of the City of Troy, and their families.

(c) Persons temporarily residing within the corporate limits of the City of Troy.

(d) Bona fide guests of any person referred to in paragraphs a, b, and c above, attending the parks in the company of such person.

(e) Special permission to use the Park may be authorized by the City Manager to Civic, Social, Cultural, Church and Club groups and the like, and to visiting dignitaries, officers of other governmental agencies, City employees, and in such other special instances where, in the judgment of the Manager, the issuance of special permission will serve the public benefit and welfare.

26.02 Protection of Park Property. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any buildings, tables, benches, fireplaces, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the City Manager.

26.03 Traffic Regulations. Each person shall comply with all provisions of the City Code relative to equipment and operation of motor vehicles. No person shall drive or park a motor vehicle on any park area except roads or parking area, or such other areas as may on occasion be specifically designated as temporary parking areas by the City Manager or his/her designee.

26.04 Service and Repair of Autos. No person shall clean, wash, polish, repair, or in any manner service any motor vehicle or trailer in any public park or playground or cause the same to be done. For the purpose of this Chapter, the term "repair" means the replacement of old, worn-out parts of the vehicle with new parts, and the term "service" means the draining of oil, sludge, gasoline and water and other engine cooling fluids for the purpose of replacing same with a new supply. This prohibition shall not apply to the changing of deflated tires or the performing of necessary emergency work on a disabled car for the purpose of immediate movement.

26.05 Motor Cycles. Unless authorized, motor vehicles, including, motorcycles, motor scooters or motor bicycles or motor cars commonly known as "go carts" that are lawfully permitted to be driven, ridden or operated on public streets shall be permitted only on the improved or paved portion of the right of way designated for vehicles in any public park, playground or any other public property.

26.06 Refuse and Trash Disposal. No person shall dump, deposit or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, garbage or other trash of any nature in a

public park, except in proper receptacles where they are provided. Where proper receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

26.07 Fires. No person shall kindle or build a fire in any public park or playground except in receptacles provided therein for public use, or in private receptacles or grills, provided that the allowable receptacles or grills are placed in areas designated for that purpose.

26.08 Fireworks. No person shall bring into a park, or have in his/her possession, or set off any firecrackers, torpedoes, rockets, or other fireworks or explosives, or otherwise cause the same to explode in a park. No person shall discharge any firecrackers, torpedoes, rockets, or other fireworks or explosives, or throw them into any park area from land or highway. The exception to this prohibition is when a special permit is granted by the City Manager and Fire Chief, which should include restrictions as to time and location.

26.09 Disorderly Conduct. No person shall sleep or protractedly lounge on the seats or benches or other park area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

26.10 Merchandising and Advertising. Except for any regularly licensed concessionaire acting by and under the authority and regulation of the City Manager, or any organization that is granted a Non-Profit Organizational Permit, no person shall expose or offer for sale in a park any saleable merchandise. The City Manager can grant a Non-Profit Organizational Permit to any civic, social, cultural, church, club groups and the like, or visiting dignitaries or officers of other governmental agencies or employees, as long as the special permission will serve the public benefit and welfare. Limitations as to time, location, duration, or other restrictions may be authorized by the City Manager in the granting of a Non-Profit Organizational Permit, and a violation of these conditions may result in a revocation of the Non-Profit Organizational Permit. Persons requesting a Non-Profit Organizational Permit shall fully complete the application for the Permit, which shall be available through the Parks and Recreation Department, and submit it to the Parks and Recreation Department at least ten days prior to the requested event. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in any park, and no person shall erect or cause to be erected any sign whatsoever in any park (with the exception of directional signs that are authorized by the City Manager or his/her designee). The exception to this prohibition is for advertising banners used during special events for non-profit community based organizations, as long as approval for the placement of said banners is granted by the City Manager and/or his designee. The banners shall be limited to 48 square feet in size, and shall not advertise tobacco, alcohol or political candidates.

26.11 Alcoholic Beverages. No person shall bring alcoholic beverages into the Park nor shall any person drink alcoholic beverages at any time in the Park unless he/she shall have first obtained a written permit for beer for that specific date from the Police Chief. No permit shall be issued for consumption of alcoholic beverages that have a higher alcoholic content than beer.

26.12 Bicycles, Games and Activities. No person shall take part in or abet bicycle riding, or the

playing of any games involving thrown or otherwise propelled objects such as ball, arrows, or javelins, except in areas specifically set apart for such forms of recreation.

26.13 Radio Controlled Models. No person shall operate any radio controlled model planes, rockets, boats or wheeled model vehicles in any park, except in areas specifically designated and set apart for such forms of recreation.

26.14 Enclosures. No person shall take down, climb over or upon, interfere with, disturb or displace or walk upon any rails, posts, boards, fence, or other structures enclosing any park or playground or portion thereof.

26.15 Animals. No person shall permit any dog that is owned by him/her or under his/her control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal (either wild or domestic) that is owned by him/her or under his/her control or custody to enter any park, except when special permission is granted by the City Manager.

26.16 Loitering. No person shall loiter or remain upon any public park or playground between the hours of 10:00 P.M. and 7:00 A.M.; provided, however, that this section shall not apply to employees of the City of Troy in the course of their duties or to activities being held under the auspices of the Parks and Recreation Department. The City Manager is hereby empowered to waive this section when such action will serve the public benefit and welfare.

26.17 Additional Rules. The City Manager is hereby empowered to make such rules and regulations, subject to the approval of the City Council, pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public. Each person shall comply with such rules and regulations.

July 14, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** - Bid Waiver - Purchase of One (1) 64,000 GVW Tandem Axle Dump Truck

RECOMMENDATION

On April 4, 2005, Troy City Council approved a contract to purchase four (4) tandem axle dump trucks from the low total bidders, Bi-State Sterling Truck Center of Toledo, OH and Monroe Truck Equipment of Flint, MI. (Resolution #2005-04-149-E18) Bi-State and Monroe Truck Equipment have agreed to provide the Motor Pool Division with one (1) additional tandem axle dump truck, at the original bid price of $81,897.00 and $47,687.00 respectively, for an estimated total cost of $129,584.00. The Motor Pool Division recommends the purchase of the 2006 tandem axle dump truck.

BACKGROUND

In March of 2005, bids were received for the purchase of four- (4) tandem axle dump trucks. The bid was awarded to Bi-State Sterling Truck Center for the chassis and Monroe Truck Equipment for the dump bodies on the basis of their low total bid of $129,584.00 per truck. The new Tandem-Axle has a Sterling cab and chassis, Model LT9513 with Stainless Steel 10-yard dump body and salt spreader, 12-foot front snowplow and 10-foot underbody scraper. The truck is also equipped with a 75-gallon calcium chloride auto pre-wet system. In addition to the standard Sterling warranty, Caterpillar will warranty the diesel engine for seven (7) years or 100,000 miles and Williams Detroit Allison, the automatic transmission for five (5) years or unlimited miles against failure or malfunction.

Bi-State Sterling Truck Center of Toledo, OH, has indicated that they have experienced approximately a 4% price increase since the equipment was originally bid. There would be no benefit to the City to re-bid this item since staff has documented price volatility industry wide for steel (see articles attached) and other materials such as rubber and oil. Also, the City purchased four (4) trucks in the last bid process vs. one truck in the current budget. By purchasing the tandem axle dump truck from the same manufacturer, the unit will be identical to existing equipment on order, making training, repairs and parts procurement much easier for our employees. This tandem axle dump truck will replace a 1993 Ford, tandem axle dump truck with front mounted snow plow, tailgate salt spreader and underbody scraper.

BUDGET

Funds for the tandem axle dump truck are available in the 2005-06 fiscal year Equipment Replacement Fund Account #565.7981.

Total Estimated Award:	$129,584.00
Budget:	$140,000.00

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

7/7/2005

SECTION A - REPLACEMENT UNITS

ITEM	QTY.	REPLACES	DESCRIPTION	UNIT COST	EST. COST
1	12	A	Police Patrol Cars	$23,000	$276,000
2	4	B	Detective Cars	$21,000	$84,000
3	1	C	Command 4X4	$28,000	$28,000
4	3	D	Police Service Aids 4X4 Pickups	$25,500	$76,500
5	1	E	Fire Department 4X4	$28,000	$28,000
6	4	F	Staff Vehicles	$15,500	$62,000
7	2	G	2-1/2 YD. Dump Trucks 4X4 W/Plows	$30,000	$60,000
8	1	H	2-1/2 YD. Crew Cab Dump Trucks	$30,000	$30,000
9	1	I	Crew Cab Pickup	$22,500	$22,500
10	6	J	Pickup Trucks	$16,000	$96,000
11	2	K	Pickup Trucks 4X4 W/Plows	$23,000	$46,000
12	1	L	Crew Truck W/Air Compressor & Crain	$80,000	$80,000
13	1	M	10-12 Yard Dump Truck Stainless W-Snow Plow, Salt Spreader & Float	$140,000	$140,000
14	2	N	Truck Mounted Street Sweepers	$150,000	$300,000
15	2	O	Trailer Mounted Arrow Boards (Battery)	$9,000	$18,000
16	1	P	Trailer Mounted Air Compressor	$14,000	$14,000
17	1	Q	72" Riding Mower W/Snow Blower 4X4	$17,000	$17,000
					$1,378,000

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Dear Sam,

Thank you for the opportunity to add an additional truck to your P.O.20100835600001, we have checked with our suppliers for the equipment needed to complete another truck, and all have agreed to hold prices for us through the end of July 2005. With this commitment we can offer to do the same. We will need from you an add on to this P.O. by August 1, 2005 which will hold prices on an additional truck. This does not mean that we have to build by that date, we just need a solid commitment from the City of Troy, to hold these prices. With that commitment we will place all required equipment on order as of that date. The build date will be dependant upon the chassis availability, and the corresponding equipment availability.

Please phone with any questions you may have, or should you require additional information, or clarification. Again Thank you for this opportunity, and your support of our company.

Best regards,

Scott Hanewall

Don't Just Do It Right...Do The Right Thing

BI-STATE STERLING TRUCK CENTER

City of Troy Michigan
500 W. Big Beaver
Troy, Michigan 48084
Attn: Sam Lamerato

6/05/05

Mr. Lamerato,

This letter is in response to your inquiry of the possibility of adding another truck to your current order with our dealership. We have contacted Sterling Trucks and confirmed that you may order additional Sterling chassis, with the exact equipment specifications currently on order, to maintain the current pricing schedule.

I have negotiated the price extension until the last day of July 2005. We need a written purchase order by that date in order to guarantee the current contract / bid pricing.

With the impending emissions for 2007 we both know their will be a price increase, as it did for the past 2004 emissions. There have been discussions as to the amount of this increase; I look for it to be in $4,000.00 - $ 7,000.00. Not to mention the extended delivery on certain specifications caused by the large fleets be proactive in their ordering previous to the changes.

Should you have any questions or comments, feel free to call me @ the dealership, 800-686-1694 ext. 3008.

Thank you,

William R. Burroughs

Commercial Truck Sales

E-17 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder Meeting Specifications – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2005-04-149-E-17

RESOLVED, That a contract to furnish all materials, equipment, and labor for one-year requirements of Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for an additional year is hereby **AWARDED** to the lowest bidder meeting specifications, Turf Grass, Inc. of South Lyon, MI, for an estimated total cost of $34,140.00, at unit prices contained in the attached bid tabulation opened March 15, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor's submission of properly executed bid documents, including insurance certificates and all other specified contract requirements.

E-18 Standard Purchasing Resolution 1: Award to Low Bidders – Four (4) 64,000 GVW Tandem Axle Dump Trucks

Resolution #2005-04-149-E-18

RESOLVED, That a contract to purchase four (4) 64,000 GVW Tandem-Axle Dump Trucks is hereby **AWARDED** to the low total bidders, Bi-State Sterling Truck Center of Toledo, OH and Monroe Truck Equipment of Flint, MI for an estimated total cost of $327,588.00 and $190,748.00 respectfully, at unit prices contained in the bid tabulation opened March 1, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-19 Standard Purchasing Resolution 3: Option to Renew – Automobile, Light Truck, Farm, and Construction Equipment Replacement Parts

Resolution #2005-04-149-E-19

WHEREAS, On May 6, 2002, three-year contracts with the option to renew for three additional years to provide automobile, light truck, farm, and construction equipment replacement parts were awarded to the lowest acceptable bidders meeting specifications, Kirk's Automotive, Terminal Supply, Jack Doheny Supply Company, DTS Fluid Power, LLC (previously Rubber Materials), and Shults Equipment, Inc. (Resolution #2002-05-288-E10).

WHEREAS, All the above named vendors have agreed to exercise the three-year option to renew the contracts under the same price discount structure, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Kirk's Automotive, Terminal Supply, Jack Doheny Supply Company, DTS Fluid Power, LLC (previously Rubber Materials), and Shults Equipment, Inc. to provide automobile, light truck, farm, and construction equipment replacement parts under the same pricing structure, terms, and conditions as the original contracts expiring May 6, 2008.

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BI-STATE STERLING TRUCK CENTER

City of Troy
500 West Big Beaver
Troy, Michigan 48084
Attn: Sam Lamerato

Mr. Lamerato,

In regards to your interest in adding on to your current contract with us, I submit the following.

It has become an accepted industry standard that the raw cost of the common components that make up most manufacturers' chassis rise on average 4% - 7%.

As axles to engines, are made up of steel, the price of steel alone causes wide fluctuations in the total chassis cost. Not to mention labor, benefits to those individuals who assemble these units.

We are now on the cusp of a new emissions requirement for 2007. This alone is expected to add $ 5,000.00 -$ 7,000.00 conservatively, just for engine makers to comply.

And I am sure you were made aware of the extended lead time that the early fleet orders caused by trying to get all "pre emissions engines" last go around.

Sterling, as perhaps other truck providers, no longer has a general month of model year change as in the past. Sterling uses an allotment of components to determine end of model year.

Should you elect to not add an additional chassis at our current contract price, a new bid process could easily make this a 2007 model as early as say, October 2005.

Should you have any additional questions or comments, please call me 800-686-1694 ext. 3008

Sincerely,

WRB

William R. Burroughs
Commercial Truck Sales

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Tank trailer, truck builders struggle with steel prices, component shortages

Oct 1, 2004 12:00 PM

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SOARING steel prices may have been one of the biggest challenges for tank trailer builders and truck manufacturers over the past year, but it's not the only material-based problem they faced. Tires are emerging as another issue.

Tire concerns cropped up in the second half of the year and have been a big topic of discussion at recent truck shows. Original equipment manufacturers (both truck and trailer) report being put on allocation by some of the largest tire suppliers to the industry.

"Within the past 60 days, our company was put on allocation," one trailer manufacturer said during the International Trucking Show in September in Anaheim, California. "In fact, Bridgestone has cut off our tire supplies for the rest of the year. Michelin says they have plenty of widebase tires but only limited supplies of standard size truck tires. It's been a long time since we've seen component shortages on this level."

Historic high

With regard to steel, historically high prices have been the chief problem. US Cargo tank builders report that they have been able to get enough sheet and plate to meet demand, but raw material price increases are adding $4,000 to $6,000 to a stainless steel tanker.

"We saw stainless steel prices climb 70% to 100% this year, which translated to a 10% to 15% increase in the trailers we built," says Bruce Wadman, president of Brenner Tank LLC. "Steel prices are the highest I've seen in 15 years in this business.

"We think we might see some moderation in steel prices in 2005, and supplies should be adequate. If any shortages do occur, we should see them first in carbon steel, which is widely used throughout the world for cargo tanks and many other products."

Terry Taylor, president of Bulk Resources Inc, adds that his company was able to get as much 316 and 304 stainless as it needed this year. There were also good supplies of 22-gauge bright stainless steel jacketing.

"We didn't experience any shortages, but we certainly paid hefty prices," he says. "Type 316 stainless has a base price of more than $1 a pound. Stainless steel dipped to about 75 cents in June and July but were back up to 89 cents in August."

Trailer demand

Higher steel prices cut into demand for new stainless steel tank

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trailers in 2004. Wadman says demand was off by 10% to 20% from what he believes it could have been.

Steel component availability is another issue that hurt demand, according to both tank trailer and truck builders. Mack Truck officials report that steel wheel hubs have been in such short supply that the company has been providing aluminum hubs at no extra cost to some customers. Shortages of steel axles, valves, and manways also are being reported.

"We're definitely seeing delays in getting steel components," says Todd Vincent, West-Mark sales manager. "We're facing lead times of as much as 12 weeks right now for components such as axles. However, we're still able to deliver a new trailer within about 90 days."

The surging steel prices and product shortages caught many truck and trailer manufacturers by surprise. After all, lower steel prices were expected after President Bush removed the tariffs on imported steel in December 2003.

Shortage factors

A number of factors are blamed for shortages of some types of steel and overall higher prices:

NOTE

Worldwide demand for steel has increased dramatically, especially in China, where the economy has been superheated in order to improve the country's infrastructure leading up to the Beijing Olympics in 2008. Last year, China's demand for steel increased by 38 million tons — more than the total used by Mexico and Canada annually. Although some Chinese commercial banks temporarily suspended lending in April and the government said it would curb investment in roads and bridges, China's steel prices did not drop significantly and US prices continued to rise.

China's steel demand is expected to continue growing in the near term. In an effort to meet the demand, every steel manufacturer in the world, including those in the United States, is shipping product to China, helping to create a global shortage. Industry experts say it will be at least three years before enough new production capacity comes on line in China to offset the demand for imported steel.

A weaker US dollar has made foreign steel more expensive in this country at the same time it is favoring the export of US-made steel. In the past, imported steel helped protect truck and trailer manufacturers from price competition.

On the international front, prices for 300-series stainless steels are at lofty levels. For instance, prices in Europe for grade 304 hot rolled stainless steel are up 46% over 2003, and price hikes for grade 304 cold rolled have been comparable.

Consolidation of US steelmakers has cut capacity in the United States. This is another factor reducing the overall availability of steel in the United States, which means more customers than product.

Coke prices

Price increases have been posted for the raw materials used to

make steel. One reason is that a coalmine fire in West Virginia in 2003 reduced by 25% the US output of coke, which is made from coal and is used to make steel. Coke prices tripled in the wake of the fire.

Scrap steel is in short supply, and scrap prices also have tripled. This has raised costs for the mini-mills that recycle scrap steel.

Supply shortages remain for nickel and chromium, both of which are ingredients in stainless steel. The shortages in these metals seem likely to extend well into 2005.

US steel mills across the board have been impacted by higher energy prices, especially natural gas. Now that crude oil has hit $50 a barrel, it's unlikely that energy prices will abate anytime soon.

NOTE

Steel producers responded to the domestic and international challenges with higher prices, surcharges, and allocations. The surcharges, adopted early in the year, appear to have had the biggest impact on truck and trailer builders.

According to a survey by the Precision Metalforming Association, 85% of steel users said they were forced to pay a surcharge, and 90% said suppliers raised their base prices. Almost half said at least one supplier canceled an order in January.

Surcharges

US Steel, citing higher costs for natural gas and raw materials, reportedly added a surcharge of $30 per ton. Nucor, the largest US steel producer, took it even further, announcing a surcharge in February of $93 a ton on reinforcing, merchant, and structural products, and a surcharge of $100 a ton for special bar products that became effective March 1.

Many of the surcharges appear to be giving way to overall price increases that could remain in place for quite awhile. "US steel manufacturers have been become very aggressive at grabbing higher prices," Wadman says. "We have little choice but to pay those prices."

He adds that one of the big questions is what will the US steel manufacturers do with the increased revenues? Will they just reap the profits without taking adequate steps to improve and modernize their operations to be more competitive, efficient, and productive in the future?

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INDUSTRIAL Distribution

News

Steel prices cause concern

Distributors and manufacturers prepare for surcharges and possible shortages as steel prices rise

By Jack Keough, Editor

Industrial Distribution May 1, 2004

Newton, Mass.—Rising steel prices, surcharges and possible shortages are creating havoc for industrial distributors and manufacturers, and there appears to be no end in sight.

In March, for example, The Timken Co. announced price increases on its steel bar products. Non-contract prices increased by $30 per ton for all sizes and grades of carbon and alloy steel bars, effective with April 4 shipments.

"Scrap concerns are well documented throughout the industry, and our surcharge system has been effective in recovering some of these cost increases. Escalating costs in our industry have permeated all other consumable items as well, and this base price increase is necessary to address those costs," Robert N. Keeler, Timken's director of steel sales for North and South America, said in a prepared statement.

Purchasing magazine, a sister publication of INDUSTRIAL DISTRIBUTION, reports that market prices are rising because of cost increases for steel scrap, iron ore, pig iron and coke—the residue left after coal is distilled. The magazine reports that though demand is awakening from a three-year slumber, steel hasn't been available in sufficient

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quantities this year, and the end result is much costlier shipments. Some distributors say that fastener prices have increased up to 35 percent as a result.

Steel is used in making bearings, fasteners, shelving, construction materials and a number of other products that distributors sell.

Tom Stundza, executive editor of *Purchasing*, said that hot-rolled sheet steel, which cost $350 per ton in January, rose to $585 per ton in April.

China is one reason for the surge in prices. Stundza, an expert in steel pricing issues, said China's demand for steel has exploded as it builds infrastructure for the Beijing Summer Olympics in 2008, as well as for its own internal consumption. Chinese steel consumption rose 30 percent last year, to 250 million metric tons, or one-third of the world output for rolled steel.

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To feed their mills, Chinese producers have been scouring the world for scrap steel, causing scrap prices in the United States, the world's largest supplier, to rise by as much as 80 percent over the past year. Steel costs 30 percent more on average since early January, and further price increases are expected.

Stundza said some supply shortages are occurring in the United States for several reasons: delayed delivery of orders and low inventories at the service centers; a seasonal pickup in demand by consumer and commercial manufacturing firms; an unexpected demand from such metalworking segments as machinery and off-road equipment; and a resurgence in demand by construction firms involved in non-residential construction projects.

Some U.S. and overseas manufacturers say that plants could face shutdowns if the problems persist.

Truck body and equipment manufacturers report they are going from a situation where steel was readily available, to one in which long-term steel supply contracts and guaranteed pricing have been eliminated.

In *Truck Equipment News*, a newsletter published by the National Truck Equipment Assn., a member reported that its guaranteed price on a blanket order for steel was recently cancelled. The company, which makes truck equipment and parts, was told there would be a surcharge of 15 percent to 20 percent.

Some big customers are challenging higher spot prices and, especially, the surcharges. General Motors, for example, the largest steel consumer in the United States, is rejecting invoices from steel suppliers that include such "non-negotiated extra charges" as mill surcharges and freight premiums. Smaller companies don't have the clout to combat such charges.

Jack Cahill, president of bearings and power transmission distributor Kaman Industrial Technologies, said the steel problems are severe, but not as bad as what occurred during the recession of 1970-71, when prices skyrocketed and shortages resulted.

Still, some companies are concerned enough about the steel problem that they are double-booking product "so they'll have it when they need it," pointed out Craig Ketchum of Red Man Pipe & Supply, a large distributor of pipe, valves and fittings.

F-04

July 12, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Services
Steve Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Agenda Item – Traffic Committee Recommendations – June 15, 2005

At the Traffic Committee meeting of June 15, 2005, the following recommendations were made for City Council approval:

1. Recommend that the Glyndebourne/Chalgrove/Dalesford intersection be modified to create a T-intersection at Glyndebourne/Chalgrove and a 4-way intersection at Glyndebourne/Dalesford, and make Glyndebourne/Dalesford an all-way STOP-controlled intersection (Item 3).

2. Recommend that the northbound right through lane of Rochester at Big Beaver be made a through and right-turn lane, providing one exclusive and one shared right-turn lane onto Big Beaver at this intersection, with painted solid white lines and signage to direct traffic, and NO "No Turn on Red" sign for northbound Rochester at Big Beaver (Item 4).

3. Recommend no changes to the intersection at Coolidge and Maple. (Item 5).

4. Recommend no changes on Pine Hill at Bronson and Rouge Circle (Item 6).

5. Recommend replacing YIELD signs with STOP signs on Scone at Fredmoor (Item 7).

JKA/ln

TRAFFIC COMMITTEE MINUTES JUNE 15, 2005 DRAFT

A regular meeting of the Troy Traffic Committee was held Wednesday, June 15, 2005 in the Lower Level Conference Room at Troy City Hall. Charlie Solis called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Ted Halsey
Richard Minnick
Charles Solis
Peter Ziegenfelder

ABSENT: John Diefenbaker
Jan Hubbell
Richard Kilmer

Also present: John Abraham, Traffic Engineer
Lt. Scott McWilliams, Police Department
Lt. Robert Matlick, Fire Department

and Deborah Miela, 2410 Dalesford
Gloria Gold, 2410 Dalesford
John & Brenda Tagle, 2747 Pine Hill Drive
Kathy Genautis, 2758 Pine Hill Drive
Karen Przytakoski, 6928 Fredmoor
Lennie Wilson, 6949 Fredmoor

2. Resolution to Excuse Absent Members

RESOLUTION #2005-06-22
Moved by Halsey
Seconded by Ziegenfelder

To excuse absent members Diefenbaker, Hubbell and Kilmer.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer)

Minutes – May 18, 2005

RESOLUTION #2005-06-23
Moved by Minnick
Seconded by Ziegenfelder

To approve the May 18, 2005 minutes as printed.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer)

MOTION CARRIED

3. Install STOP sign on Glyndebourne at Dalesford

This item was tabled by the committee at the May 18 meeting. Jefree Vang, 2345 Dalesford, requests STOP signs on Glyndebourne at Dalesford. Mr. Vang thinks that this is a very unsafe intersection and does not really know what to do about it but something needs to be done. He said even though he does not know how to cure this problem, safety is the main issue.

This item has been considered by the Traffic Committee a number of times in the past. The present configuration has STOP signs on all approaches that have sight obstructions. Basically, this intersection has five approaches and only Glyndebourne does not have any traffic control. A traffic crash analysis shows no reported crashes in the past five years. Adding STOP signs on Glyndebourne will create more confusion, since this is a five-legged intersection. The only other option is to do some physical changes to the intersection so that a "T" intersection is created at Glyndebourne/Chalgrove, and a four-way intersection at Glyndebourne/Dalesford, as shown in the attachments. Field observations indicate that currently the intersection operates in such a way that there is the least confusion. Attached are copies of earlier items considered by the Traffic Committee on this matter.

Current traffic volumes on the streets entering the intersection in a day are: Dalesford from the east, 114 vehicles per day; Dalesford from the west, 66 vehicles per day; Chalgrove from the south, 257 vehicles per day; Chalgrove from the north, 83 vehicles per day; Glyndebourne from the north, 167 vehicles per day. Traffic volumes on Troy residential streets range between 300 and 5000, and the values observed at this intersection are in the low end of the usual residential traffic volumes.

Years ago a recommendation went to Council to enclose one side of the island so that it would create a three-way T-intersection at Chalgrove and Glyndebourne, and a four-way intersection at Dalesford, Chalgrove and Glyndebourne and was approved. However, one resident went to Council to oppose this and the decision was overturned. The concern with adding more STOP signs here it that a six-way stop-controlled intersection would be created and cause even more confusion.

Dr. Abraham would like the petitioner to talk to area residents and see if they would be receptive to blocking off the short street from Chalgrove to Dalesford and

reconfiguring this intersection to make a 3-way T-intersection and a 4-way intersection. He says that reconfiguring is the best solution. A roundabout would work but would also be costly. The intersection of Dalesford and Glyndebourne will be 4-way and controlled by existing STOP signs on Dalesford. The intersection of Glyndebourne and Chalgrove will be 3-way controlled by the existing STOP sign on Chalgrove. The work will also involve widening the section of Glyndebourne between Dalesford and Chalgrove to accommodate two-way traffic.

Dr. Abraham requested a delay on any recommendations until he consulted with Engineering to see if this intersection could be reconfigured and how long it would take.

The City Engineer has indicated that the work involved can be added to one of the other City contracts and that the work can be completed this summer.

Deborah Miela, 2410 Dalesford, is in favor of the proposed changes. She feels southbound through traffic should stop.

Gloria Gold, 2410 Dalesford, wants STOP signs on Glendebourne to slow down speeding traffic. Her cat was killed there. She questioned why the island would have to be removed. The Traffic Engineer explained that the island will not be removed. The portion of Glyndebourne between Dalesford and Chalgrove will be widened.

Mr. Minnick asked about the timing of the proposed project, and Dr. Abraham indicated that it would be done this summer. Mr. Minnick suggested that widening Glyndebourne at the intersection could increase traffic speeds.

The two residents would prefer a 4-way STOP.

RESOLUTION #2005-06-24
Moved by Ziegenfelder
Seconded by Minnick

To recommend that the Glyndebourne/Chalgrove/Dalesford intersection be modified to create a T-intersection at Glyndebourne/Chalgrove and a 4-way intersection at Glyndebourne/Dalesford, and make Glyndebourne/Dalesford an all-way STOP-controlled intersection.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer)

MOTION CARRIED

4. Reconfigure a Northbound Through Lane as a Shared Right Turn Lane on Rochester at Big Beaver

At the May 18 meeting Mr. Ziegenfelder suggested that the northbound right through lane of Rochester at Big Beaver be made a through and right-turn lane, providing one exclusive and one shared right turn lane onto Big Beaver at this intersection.

Rochester and Big Beaver is the busiest intersection in the City (last count shows 130,500 vehicles entering the intersection in a day). The intersection has 3 lanes in each direction with a wide median (both roads) and all left turns are indirect (left turn traffic has to make a right turn and make a U turn at a crossover / median opening).

There is a heavy right turn demand for the northbound approach, (10,250 vehicles in a day) and 700-850 during one hour of the PM peak period. There is currently a dedicated right turn lane for northbound traffic, and there have been many requests to make the second lane a "through and right" shared lane.

One of the concerns with the above is the weaving/merging that could occur when drivers in both the dedicated right and adjacent shared thru-right lane make right turns and both want to get into the first left/U-turn crossover to head west. Merging could be a relatively difficult maneuver and poses a safety concern.

This is not to say that such a configuration has not been implemented in the area before. We do see some other locations in the area. One of the locations is westbound 12 Mile at Telegraph and on westbound 13 Mile at Telegraph. All of these installations also have right turns on red signal restricted due to the fact that with 2 lanes turning right, there could be problems with seeing oncoming eastbound traffic and also the possibilities of sideswipe crashes. Therefore these locations have NO TURN ON RED signs installed at the intersection. This may increase congestion since all right turns can be made only on a green signal.

The next aspect is to adequately sign and mark the shared and exclusive right turn lane. Some options are:

1. Have additional information next to the arrows at the lane control sign. We could have westbound next to the shared right arrow, and eastbound next to the exclusive right. The problem is that these are regulatory, so it might be considered illegal to make a left from the exclusive lane. This could be an issue.

2. We could look at the lane-use control signs in combination with some pavement striping. The existing 8"-12" solid stripe for the northbound right around the corner can be continued until past the 3rd driveway on eastbound Big Beaver (to prevent exclusive right turn lane traffic from

merging earlier and to restrict exclusive right turn lane traffic to eastbound Big Beaver only). This will not physically prevent the maneuver but may provide better guidance and compliance.

3. Overhead lane use control signage may be useful in informing drivers as to which lane they need to be in, to head only east and for those having the option to make the left/U-turn.

Anything we do is going to be a compromise. As in all other cases, this has tradeoffs between safety and congestion. The question is: are the benefits derived greater than the liabilities/risks, and are we willing to accept them?

Lt. McWilliams has observed a lot of right-turn traffic backed up on Rochester and thinks the shared through-right turn lane would improve traffic flow.

Dr. Abraham pointed out that this is a part of the DDA area, and directional signage would have to be on mast arms to conform with DDA specifications.

RESOLUTION #2005-06-25
Moved by Ziegenfelder
Seconded by Minnick

To recommend that the northbound right through lane of Rochester at Big Beaver be made a through and right-turn lane, providing one exclusive and one shared right turn lane onto Big Beaver at this intersection, with painted solid white lines and signage to direct traffic, and NO "No Turn on Red" sign for northbound Rochester at Big Beaver.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer)

MOTION CARRIED

5. Install No Right Turn on Red Sign on Westbound Maple to Northbound Coolidge

At the May 18 meeting, Lt. McWilliams mentioned his concern that the intersection of westbound Maple at Coolidge is misaligned and that people making a right turn from westbound Maple to northbound Coolidge are seeing an optical illusion when turning on red. The lane on Coolidge jogs coming across Maple and it appears that there is no one in the right lane and the turns are made causing accidents because there really is someone in the right lane. He would like a "No Right Turn on Red" sign installed.

Dr. Abraham has already talked to the county and the Traffic Information Association regarding this problem and they have said that the "No Right Turn On Red" sign is not warranted. Maple is a county road and the Road Commission for Oakland County has jurisdiction over the roadway. Following is an e-mail from Dylan Foukes, the Traffic Engineer from the County Road Commission's Traffic Safety Department:

John,

At your request, we reviewed this intersection for a NTOR for WB Maple. A review of the accident history did not reveal any accident trend related to this movement. In addition, a field review revealed sufficient sight distance. I agree the geometrics are a little different at this intersection due to the offset. However, I believe that if vehicles pull up properly after stopping at the stop bar, they should have no problem making the right on red. This is also a heavily used right turn lane and any prohibition will begin to cause greater delays than already exist. Therefore, I see no reason to prohibit the right on red at this time. Please let me know if you have any questions or comments.

Thanks,

Dylan

The Traffic Improvement Association of Oakland County performed a crash analysis for the intersection at our request and found that there were 2 crashes related to the right turn traffic sideswiping northbound through traffic in the past 5 years (2001-2004). There were also 3 other right-turn-related crashes in the same 5-year period (please see attachment for details on the crash analysis). TIA's recommendation also was not to restrict right turns at this intersection, considering the trade-off between safety and traffic congestion at the intersection, and given the high right turn volumes at the intersection.

Moved by Ziegenfelder

To recommend that the City request that the Road Commission for Oakland County install a No Turn On Red sign on Westbound Maple at Coolidge.

There was no second.

MOTION FAILED

<u>RESOLUTION #2005-06-26</u>
Moved by Minnick
Seconded by Halsey

To recommend no changes.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer))

MOTION CARRIED

6. Install STOP Sign on Pine Hill at Bronson and Rouge Circle

George Kostopoulos, 2720 Pine Hill, requests installation of a STOP sign on Pine Hill where it intersects with Bronson and Rouge Circle. Pine Hill runs east off Adams Road and ends in a T intersection at Bronson and Rouge Circle. He has noticed motorists turning both ways without slowing down, causing near crashes. He feels that a STOP sign would improve safety at this intersection.

The intersection of Pine Hill, Bronson and Rouge circle is a non-traditional 3-way intersection. The three streets meet at a circle. Northbound traffic was observed to go in either direction of the circle to continue beyond the intersection; the southbound traffic was observed to be on the west side of the street causing no major confusion. Field observations show that this is a very low-traffic intersection and a traffic crash analysis for the past 3 years reveals no reported crashes at the intersection. Mr. Kostopoulous was concerned about confusion as to who has the right-of-way at the intersection and the request is to install a STOP sign on Pine Hill at the intersection. No major sight obstructions were noticed at the intersection, but there is potential for confusion due to the unusual configuration of the intersection.

Brenda Tagle of 2747 Pine Hill pointed out that Mr. Kostopoulos doesn't even live at the Pine Hill address. John Tagle indicated that the petitioner has a construction project that is causing whatever problems there may be. Mr. and Mrs. Tagle are opposed to the STOP sign.

Kathy Genaitis, 2758 Pine Hill, is also opposed to installation of a STOP sign.

Lt. McWilliams sat in his patrol car for half an hour and only saw one car other than the construction traffic.

RESOLUTION #2005-06-27
Moved by Minnick
Seconded by Halsey

To recommend no changes.

YES: 3 (Halsey, Minnick, Solis)
NO: 1 (Ziegenfelder)
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer)

MOTION CARRIED

Mr. Ziegenfelder voted against the resolution because he believes all intersections should have traffic control devices.

7. Install 2-Way Stop Signs on Scone at Fredmoor.

Karen Przytakoski, 6928 Fredmoor, has expressed concern about the speed of traffic on Scone at Fredmoor and has suggested the installation of stop signs on Scone and Fredmoor. Currently, yield signs are posted on Scone at Fredmoor. Ms. Przytakoski's concern is also for the safety of children who wait for the school bus at this corner.

For stop signs to be installed at Scone and Fredmoor, one of the following conditions should be satisfied as per the Michigan Manual of Uniform Traffic Control Devices:

a. Intersection of a less important road with a main road, where application of a normal right-of-way rule is disruptive to capacity on the main road.

b. Street entering a through highway or street.

c. Unsignalized intersection in a signalized area.

d. Other intersections with a combination of high speed, restricted view and serious accident record.

Traffic volumes at the intersection are as follows:
Fredmoor southbound at Scone: 483 vehicles a day
Fredmoor Northbound at Scone: 350 vehicles a day
Scone eastbound at Fredmoor: 313 vehicles a day
Scone westbound at Fredmoor: 122 vehicles a day

Fredmoor carries higher traffic than Scone and if STOP signs were placed, they should be on Scone, as requested. The intersection is controlled by YIELD signs on Scone at Fredmoor. Traffic volumes on Troy residential roads range between 300 and 5000 vehicles per day. This intersection carries a relatively low traffic volume.

Traffic crash analysis shows that there were no reported accidents at the intersection of Fredmoor and Scone in the past 3 years. Therefore, there is not an accident problem that could be corrected by the installation of stop signs at this intersection.

This item was considered by the committee in September 1998, at that time Scone on the eastside of Fredmoor was not open to traffic. Now that Scone is open, the petitioner indicated that traffic from the new subdivision does not even slow down at the YIELD sign to make their turns onto Fredmoor.

Ms. Przytakoski mentioned that in 1998 the other subdivision wasn't open yet. She reiterated her concerns about five little boys who wait at the school bus stop on the corner.

Lennie Wilson is also concerned about the safety of his boys at the bus stop. His wife was T-boned while driving southbound on Fredmoor a couple of years ago.

Mr. Halsey noticed that there is a huge tree at 6904 Fredmoor that causes a sight obstruction.

RESOLUTION #2005-06-28
Moved by Halsey
Seconded by Ziegenfelder

To recommend replacing YIELD signs with STOP signs on Scone at Fredmoor.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer)

MOTION CARRIED

8. Change YIELD Signs to STOP Signs on Berwyck at Hampshire

Ruth Evans, 5317 Berwyck, requests changing the YIELD sign to a STOP sign on Berwyck at Hampshire. She says that motorists do not pay attention to the YIELD sign, and that a STOP sign would be more effective.

Hampshire runs off Livernois and serves as the major entrance into the subdivision from Livernois. Berwyck runs off of Long Lake and serves as the other major entrance to the subdivision, from Long Lake. The intersection is controlled by YIELD signs on Berwyck at Hampshire.

For STOP signs to be installed at Berwyck at Hampshire, one of the following conditions should be satisfied as per the Michigan Manual of Uniform Traffic Control Devices:

a. Intersection of a less important road with a main road, where application of a normal right of way rule is disruptive to capacity on the main road.

b. Street entering a through highway or street.

c. Unsignalized intersection in a signalized area.

d. Other intersections with a combination of high speed, restricted view and serious accident record.

Traffic crash analysis show that there were no reported accidents at the intersection of Hampshire and Berwyck in the past 3 years

Traffic volume at the intersection is as follows:

Street	Vehicles per day
Southbound Berwyck	232
Northbound Berwyck	292
Eastbound Hampshire	743
Westbound Hampshire	510

Field observations show no major sight obstructions at the intersection.

Ms. Evans notified the Traffic Engineer that she would be out of town and unable to attend the meeting.

RESOLUTION #2005-06-29
Moved by Halsey
Seconded by Ziegenfelder

To recommend postponing this matter until the next meeting so Ms. Evans can attend.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Kilmer)

MOTION CARRIED

9. Visitors' Time

No one appeared to address items not on the agenda.

10. Other Business

There was no further discussion on the request from the May meeting for yellow slash lines in left turn lanes before intersections.

Mr. Minnick mentioned that the square brown signs in front of Somerset are rusty. Dr. Abraham said the DDA is responsible for those signs and lamp posts painted with a "rusty" color to relieve maintenance costs. They were installed along the Big Beaver corridor and the City Hall campus. Mr. Ziegenfelder said I-696 used to have the rusty poles, but they have now been replaced.

Mr. Solis said that residents have approached him about reopening Harmony. In the past, City Council has rejected the request. Dr. Abraham said residents must submit a petition to City Council to request reconsideration.

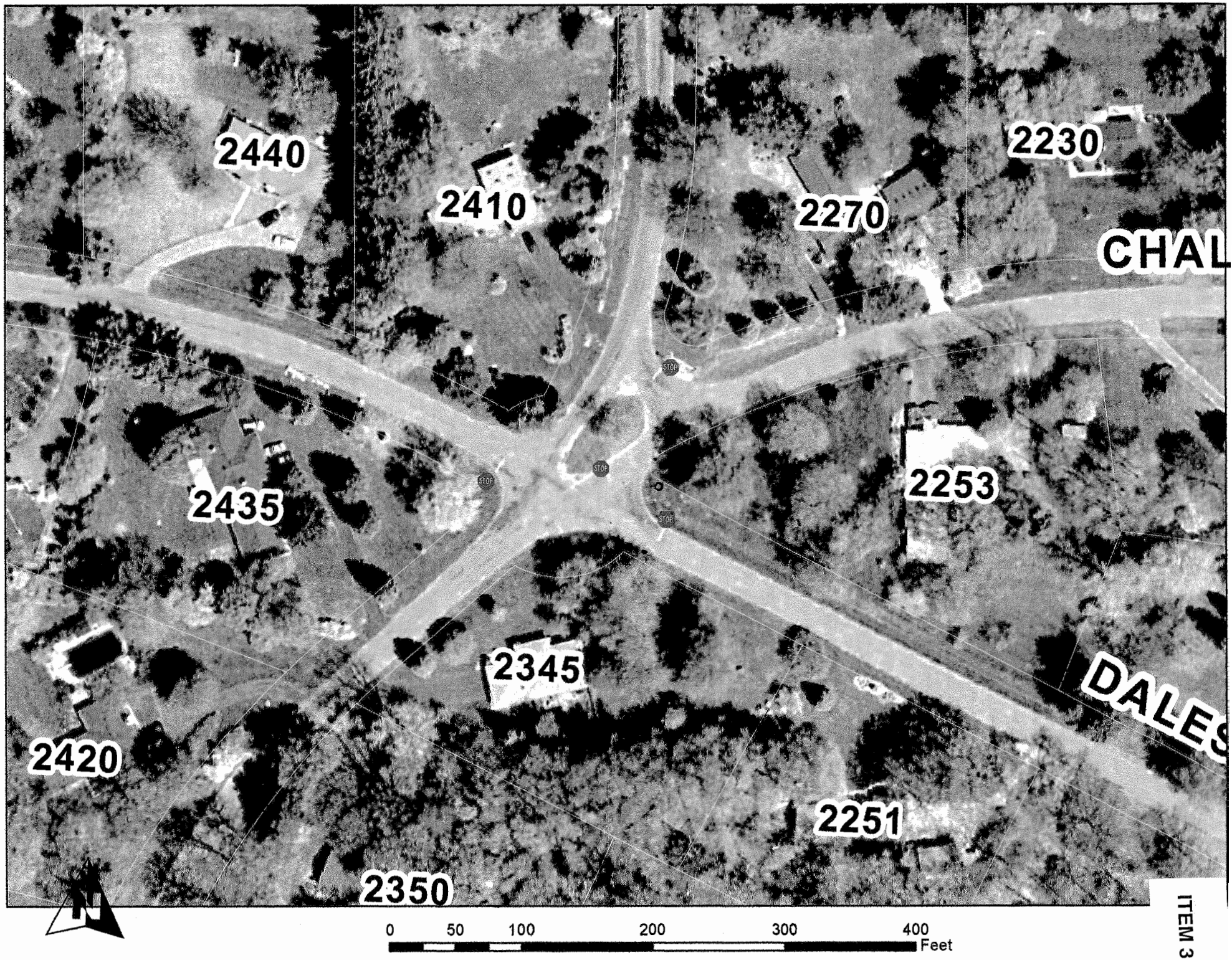
In response to Mr. Ziegenfelder's question, Dr. Abraham said New King Street will be repaved this summer.

Mr. Halsey asked how many intersections will be repaved next year. Dr. Abraham mentioned Rochester Road/Square Lake and Maple/Livernois.

11. Adjourn

The meeting adjourned at 8:30 p.m.

Charles Solis Chairperson	Laurel Nottage Recording Secretary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ITEM 3

PARKTO
FOXBORO
URBANCREST
FAULKNER
PARKTON
BEAVER RUN
SCHOOLHOUSE
ROCHESTER
BIG BEAVER
HENRIETTA
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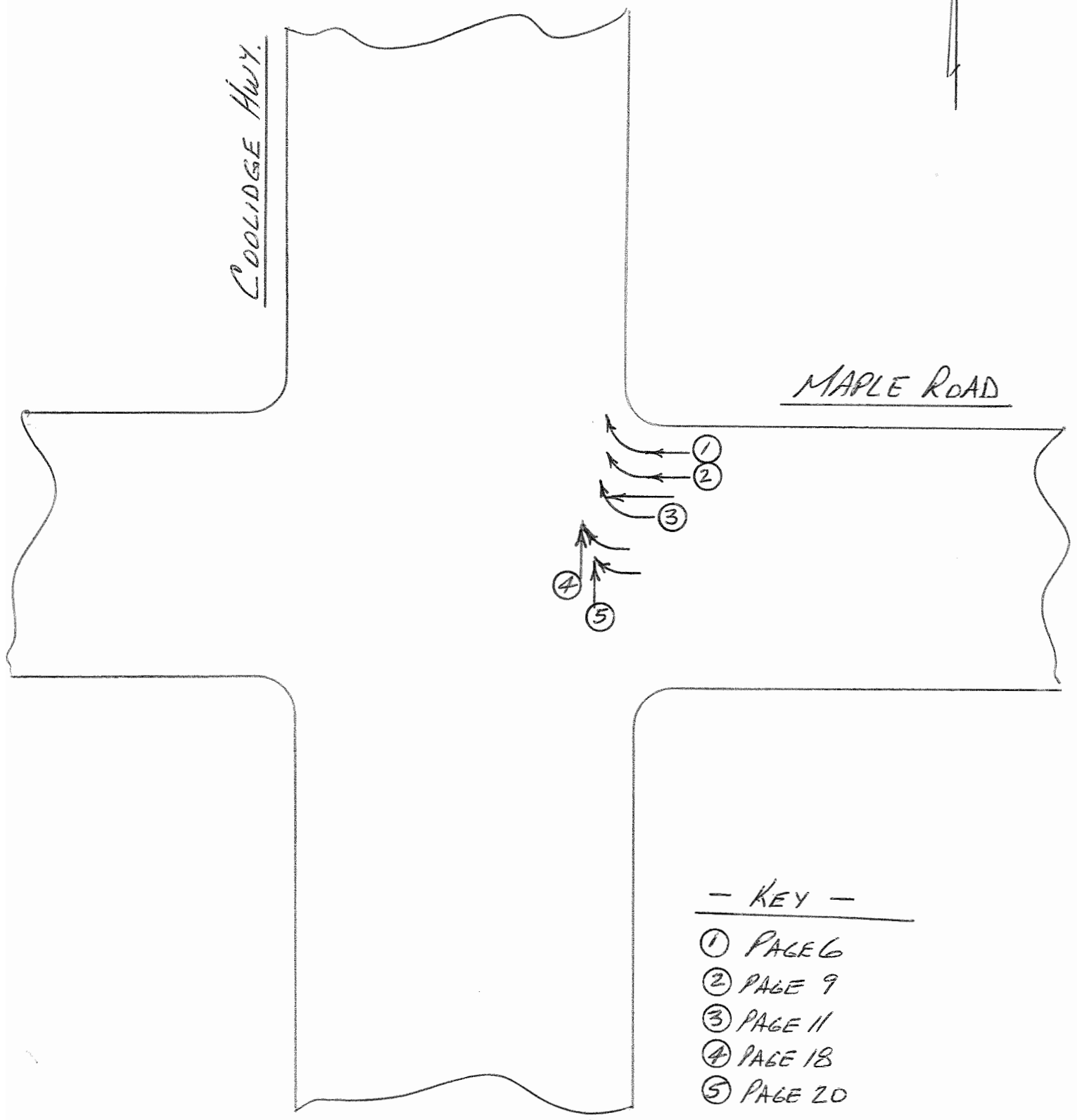
ITEM 4

ITEM 5

CITY OF TROY
COLLISION DIAGRAMS
W.B. RIGHT TURNS
(JAN. 2001 - DEC. 2004)



Crash Data Report

For Troy, Maple and Coolidge

For Dates 01/01/2001 to 12/31/2004

Location: Maple Rd (15.20) 0 feet X of Old Woodward Ave **Serial No:** 2800004

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
	unknown	none	none	none	none	fail to yield	unkn	unkn
	x not at inter	veh in transpt	none	none	none	fail to yield	unkn	unkn
E	go straight	pedestrian	none	none	none	none	smltruck	ctrfrnt

CVT: 80 **Date/Hr/Day:** 02/14/02 21 Thu **#k/pi:** 0 / 2 **Wthr:** clear **Rd:** dry **Lt:** dark/ltd **Area:** strght.unrel **How:** other **HBD:** 0

Location: Maple Rd (15.20) 0 feet X of Coolidge Rd **Serial No:** 2800029

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
N	left trun	veh in transpt	none	none	none	none	car	rtside
W	unknown	none	none	none	none		car	rtfrnt

CVT: 80 **Date/Hr/Day:** 12/24/01 77 Mo **#k/pi:** 0 / 0 **Wthr:** unkn **Rd:** dry **Lt:** day **Area:** unkn **How:** angle **HBD:** 0

Location: Maple Rd (15.20) 0 feet X of Old Woodward Ave **Serial No:** 2800090

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
E	go straight	veh in transpt	none	none	none	unknown	car	lftside
E	go straight	veh in transpt	none	none	none	unknown	car	rtfrnt

CVT: 80 **Date/Hr/Day:** 01/11/02 23 Fri **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** dark/ltd **Area:** w/i intersection **How:** angle **HBD:** 0

Location: Maple Rd (15.20) 0 feet X of Old Woodward Ave **Serial No:** 2800351

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	right turn	veh in transpt	none	none	none	none	car	ctrrear
W	go straight	veh in transpt	none	none	none	unable to stop	pickup	rtfrnt

CVT: 80 **Date/Hr/Day:** 06/10/02 11 Mo **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** w/i intersection **How:** rr-end **HBD:** 0

Location: Maple Rd (15.20) 25 feet W of Old Woodward Ave **Serial No:** 2800628

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
E	stop on road	veh in transpt	none	none	none	none	car	ctrrear
E	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 80 **Date/Hr/Day:** 06/08/02 16 Sat **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** w/i intersection **How:** rr-end **HBD:** 0

Location: Maple Rd (15.20) 0 feet X of Old Woodward Ave **Serial No:** 2800657

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
E	unknown	veh in transpt	none	none	none	none	car	lftrear
S	go straight	veh in transpt	none	none	none		pickup	lftside

CVT: 80 **Date/Hr/Day:** 06/05/02 19 We **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** angle **HBD:** 1

ITEM 5

Crash Data Report

For Troy, Maple and Coolidge

For Dates 01/01/2001 to 12/31/2004

Location: Maple Rd (15.20) 20 feet E of Coolidge Rd **Serial No:** 5808148

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage

CVT: 84 **Date/Hr/Day:** 10/31/03 9 Fri **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** rr-end **HBD:** 0

Location: Maple Rd (15.20) 15 feet E of Coolidge Rd **Serial No:** 5808480

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt
W	stop on road	veh in transpt	none	none	none	none	car	ctrrear

CVT: 84 **Date/Hr/Day:** 04/23/04 19 Fri **#k/pi:** 0 / 1 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** rr-end **HBD:** 0

Location: Maple Rd (15.20) 25 feet W of Coolidge Rd **Serial No:** 5808905

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
E	go straight	veh in transpt	none	none	none	other	car	ctrfrnt
E	stop on road	veh in transpt	none	none	none	none	car	ctrrear

CVT: 84 **Date/Hr/Day:** 05/03/04 10 Mo **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** rr-end **HBD:** 0

Location: Maple Rd (15.20) 15 feet E of Coolidge Rd **Serial No:** 5810349

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
N	go straight	veh in transpt	none	none	none	none	car	rtside
W	go straight	veh in transpt	none	none	none	other	car	ctrfrnt

CVT: 84 **Date/Hr/Day:** 01/12/04 13 Mo **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** wet **Lt:** day **Area:** strght.unrel **How:** angle **HBD:** 0

Location: Maple Rd (15.21) 40 feet E of Coolidge Rd **Serial No:** 0491396

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	left trun	veh in transpt	none	none	none	unable to stop	van	ctrfrnt
W	stop on road	veh in transpt	none	none	none	none	car	ctrrear

CVT: 84 **Date/Hr/Day:** 04/30/01 13 Mo **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** inter other **How:** rr-lt **HBD:** 0

Location: Maple Rd (15.21) 50 feet E of Coolidge Rd **Serial No:** 0990876

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	stop on road	veh in transpt	none	none	none	none	smltruck	rollovr
W	start on road	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 84 **Date/Hr/Day:** 08/03/01 10 Fri **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** inter other **How:** rr-end **HBD:** 0

Location: Maple Rd (15.21) 35 feet E of Coolidge Rd **Serial No:** 1503931

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	right turn	ran off road/r	none	none	none	none	car	ctrrear
W	go straight	veh in transpt	none	none	none	unable to stop	car	rtfrnt

2

CVT: 84 **Date/Hr/Day:** 09/28/01 14 Fri **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** inter other **How:** rr-end **HBD:** 0

ITEM 5

Crash Data Report

For Troy, Maple and Coolidge

For Dates 01/01/2001 to 12/31/2004

Location: Maple Rd (15.21) 50 feet E of Coolidge Rd **Serial No:** 3510441

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	stop on road	veh in transpt	none	none	none	none	car	ctrrear
W	slow/stop on rd	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 84 **Date/Hr/Day:** 09/15/02 18 Sun **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** dusk **Area:** strght.unrel **How:** rr-end **HBD:** 0

Location: Maple Rd (15.21) 75 feet E of Coolidge Rd **Serial No:** 4095603

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	start on road	veh in transpt	none	none	none	none	car	ctrrear
W	slow/stop on rd	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 84 **Date/Hr/Day:** 01/20/03 15 Mo **#k/pi:** 0 / 1 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** rr-end **HBD:** 0

Location: Maple Rd (15.21) 50 feet NE of Old Woodward Ave **Serial No:** 4545124

3

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	right turn	veh in transpt	none	none	none	fail to yield	car	rtfrnt
W	go straight	veh in transpt	none	none	none	too fast	car	lftside

CVT: 80 **Date/Hr/Day:** 11/04/02 10 Mo **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** angle **HBD:** 0

Location: Maple Rd (15.21) 35 feet E of Coolidge Rd **Serial No:** 5194954

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
SE	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt
SE	stop on road	veh in transpt	none	none	none	none	car	ctrrear

CVT: 84 **Date/Hr/Day:** 12/03/03 17 We **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** dark/ltd **Area:** w/i intersection **How:** rr-end **HBD:** 0

Location: Maple Rd (15.21) 50 feet E of Coolidge Rd **Serial No:** 5803068

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	stop on road	veh in transpt	none	none	none	none	car	ctrrear
W	slow/stop on rd	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 84 **Date/Hr/Day:** 05/06/04 15 Thu **#k/pi:** 0 / 1 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** inter other **How:** rr-end **HBD:** 0

Location: Maple Rd (15.21) 50 feet E of Coolidge Rd **Serial No:** 5809556

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage

CVT: 84 **Date/Hr/Day:** 09/23/03 15 Tue **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** inter other **How:** rr-end **HBD:** 0

Location: Maple Rd (15.21) 60 feet E of Coolidge Rd **Serial No:** 7056611

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	stop on road	veh in transpt	none	none	none	none	car	ctrrear
W	start on road	veh in transpt	none	none	none	other	car	ctrfrnt

CVT: 84 **Date/Hr/Day:** 06/25/04 22 Fri **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** dark/ltd **Area:** inter other **How:** rr-end **HBD:** 0

ITEM 5

Crash Data Report

For Troy, Maple and Coolidge

For Dates 01/01/2001 to 12/31/2004

Location: Coolidge Rd (1.09) 15 feet N of Maple Rd **Serial No:** 4095611

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
N	right turn	veh in transpt	none	none	none	fail to yield	smltruck	lftfrnt
N	left trun	veh in transpt	none	none	none	none	car	rtfrnt

CVT: 84 **Date/Hr/Day:** 03/29/03 14 Sat **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** inter other **How:** ss-same **HBD:** 0

Location: Coolidge Rd (1.09) 1 feet N of Maple Rd **Serial No:** 4095860

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
N	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt
N	go straight	veh in transpt	none	none	none	none	car	ctrrear

CVT: 84 **Date/Hr/Day:** 12/11/02 8 We **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** fwy other **How:** rr-end **HBD:** 0

Location: Coolidge Rd (1.09) 10 feet S of Maple Rd **Serial No:** 4710460

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
N	start on road	veh in transpt	none	none	none	none	car	ctrrear
N	start on road	veh in transpt	none	none	none	unable to stop	pickup	ctrfrnt

CVT: 84 **Date/Hr/Day:** 11/13/02 11 We **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** inter other **How:** rr-end **HBD:** 0

Location: Coolidge Rd (1.09) 0 feet X of Maple Rd **Serial No:** 4711224

4

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	right turn	veh in transpt	none	none	none	fail to yield	car	lftfrnt
N	go straight	veh in transpt	none	none	none	none	car	rtside

CVT: 84 **Date/Hr/Day:** 04/16/03 7 We **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** w/i intersection **How:** angle **HBD:** 0

Location: Coolidge Rd (1.09) 0 feet X of Maple Rd **Serial No:** 5807916

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage

CVT: 84 **Date/Hr/Day:** 10/22/03 8 We **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** w/i intersection **How:** ss-same **HBD:** 0

Location: Coolidge Rd (1.10) 50 feet N of Maple Rd **Serial No:** 0356419

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
S	go straight	veh in transpt	none	none	none	none	car	rtfrnt
S	change lanes	veh in transpt	none	none	none	improp lane use	car	lftside

CVT: 80 **Date/Hr/Day:** 08/27/01 9 Mo **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** median xing **How:** ss-opp **HBD:** 0

Location: Coolidge Rd (1.10) 50 feet N of Maple Rd **Serial No:** 0357377

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
S	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt
S	stop on road	veh in transpt	none	none	none	none	smltruck	ctrrear

CVT: 80 **Date/Hr/Day:** 10/07/01 15 Sun **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** rr-end **HBD:** 0

ITEM 5

Crash Data Report

For Troy, Maple and Coolidge

For Dates 01/01/2001 to 12/31/2004

Location: Coolidge Rd (1.10) 40 feet N of Maple Rd **Serial No:** 4544986

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
S	go straight	veh in transpt	none	none	none	none	car	ctrrear
S	stop on road	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 80 **Date/Hr/Day:** 02/15/03 13 Sat **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** inter other **How:** rr-end **HBD:** 0

Location: Coolidge Rd (1.11) 80 feet NW of Maple Rd **Serial No:** 0356286

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
S	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt
S	stop on road	veh in transpt	none	none	none	none	pickup	ctrrear

CVT: 80 **Date/Hr/Day:** 08/15/01 16 We **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** dry **Lt:** day **Area:** unkn **How:** rr-end **HBD:** 0

Location: Coolidge Rd (1.11) 80 feet N of Maple Rd **Serial No:** 2800165

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
S	slow/stop on rd	none	none	none	none	unable to stop	unkn	unkn
S	unknown	none	none	none	none		car	ctrrear

CVT: 80 **Date/Hr/Day:** 09/23/02 77 Mo **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** unkn **Area:** unkn **How:** rr-end **HBD:** 0

Location: Coolidge Rd (1.11) 100 feet N of Maple Rd **Serial No:** 2800656

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
S	slow/stop on rd	veh in transpt	none	none	none	none	pickup	ctrrear
S	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 80 **Date/Hr/Day:** 06/05/02 18 We **#k/pi:** 0 / 0 **Wthr:** cloudy **Rd:** dry **Lt:** day **Area:** strght.unrel **How:** rr-end **HBD:** 0

Location: Coolidge Rd (1.11) 100 feet N of Maple Rd **Serial No:** 4010731

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
S	go straight	veh in transpt	none	none	none	none	car	rtrear
S	go straight	veh in transpt	none	none	none	unable to stop	car	ctrfrnt

CVT: 80 **Date/Hr/Day:** 01/07/04 15 We **#k/pi:** 0 / 1 **Wthr:** clear **Rd:** wet **Lt:** day **Area:** strght.unrel **How:** rr-end **HBD:** 0

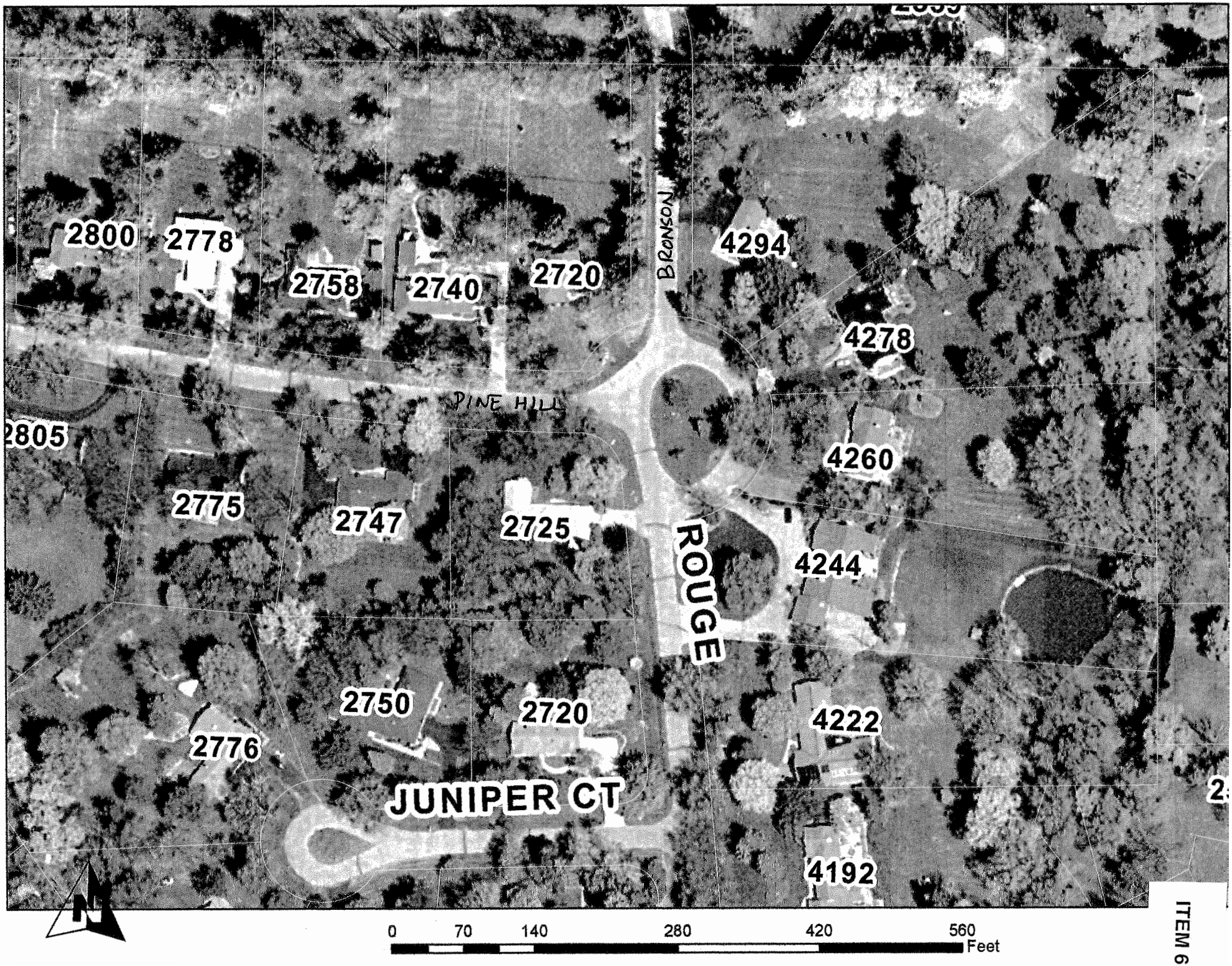
Location: Coolidge Rd (1.11) 100 feet N of Maple Rd **Serial No:** 4711440

5

Veh Dir	Action Prior	1st Event	2nd Event	3rd Event	4th Event	Hazard Action	Veh Type	Damage
W	right turn	veh in transpt	none	none	none	none	car	lftside
N	go straight	veh in transpt	none	none	none	too fast	pickup	rtfrnt

CVT: 84 **Date/Hr/Day:** 12/18/02 14 We **#k/pi:** 0 / 0 **Wthr:** clear **Rd:** wet **Lt:** day **Area:** strght.unrel **How:** angle **HBD:** 0

ITEM 5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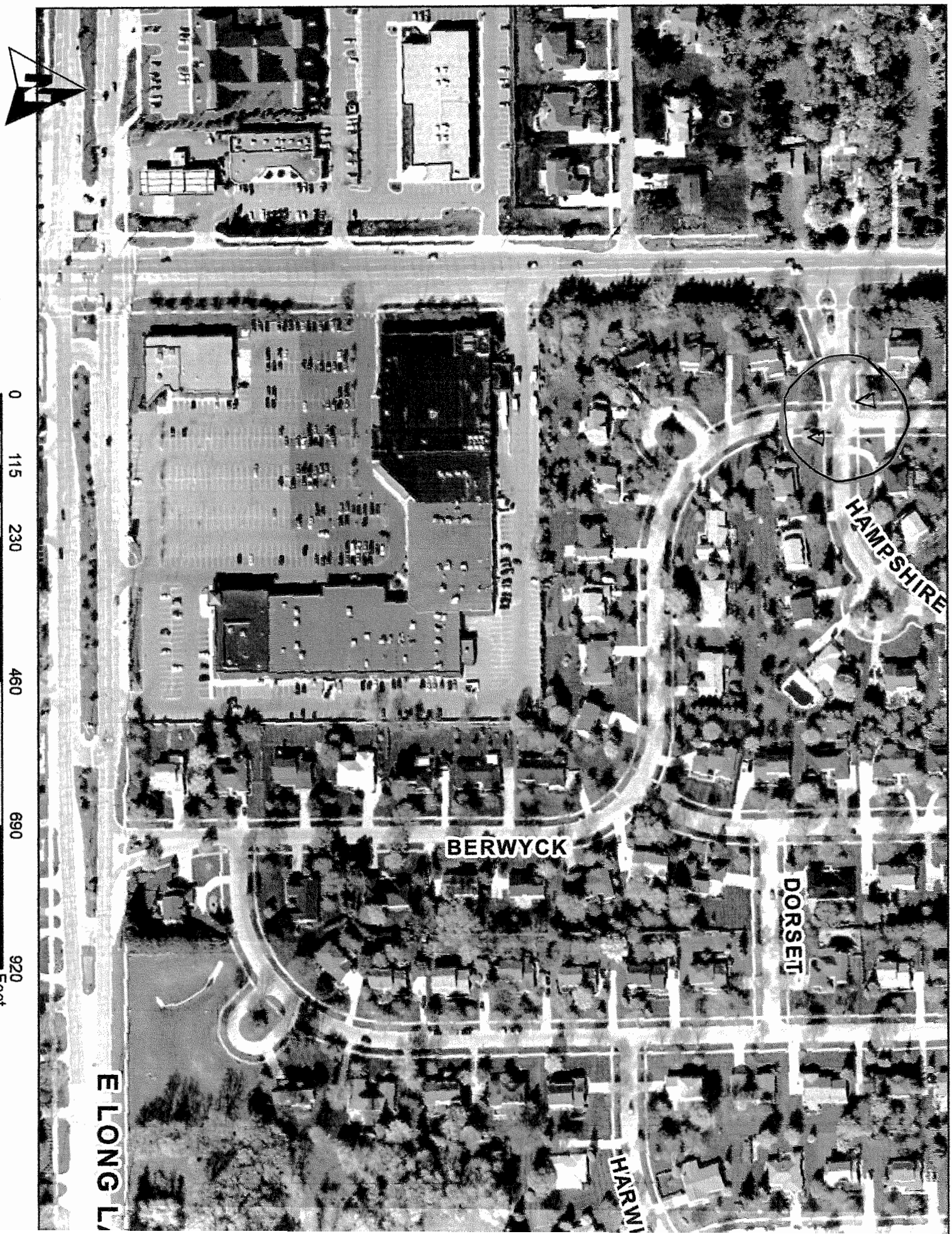
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City of Troy

500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Operations
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Technology
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

June 10, 2005

Ms. Barbara A. Yagley
860 Huntsford Road
Troy, MI 48084

Dear Ms. Yagley:

Thank you for your letter regarding the use of center two-way left turn lanes on Troy streets. As we discussed, many of our roads (particularly the ones you mentioned, are under the jurisdiction of the Road Commission for Oakland County (RCOC). Therefore, I forwarded your letter to the RCOC officials to get their opinion on your request for yellow diagonal stripes on certain sections of our two-way left turn lanes. Attached is a letter from David Allyn, Director of the Traffic Safety Department at RCOC.

I also contacted the Michigan State Police and the Michigan Department of Transportation, which produces the "Michigan Manual of Uniform Traffic Control Devices" which mandates the colors, schemes and all other details of traffic control devices and their application. Both agencies confirmed that diagonal stripes in the center lane as you requested will be a "non-standard" application and discouraged the installation of the same.

I do agree with you that there may be a 'gap' in education of drivers regarding this issue. We will try to supplement our enforcement activities with more educational efforts to reach a larger audience regarding the proper use of center left lanes.

If you need more information, please contact me at 248-524-3379 or email to abrahamjk@ci.troy.mi.us.

Sincerely,

John Abraham, Ph.D., P.E.
Deputy City Engineer/Traffic Engineer

JKA/ln

cc: John Szerlag, City Manager
Brian Murphy, Assistant City Manager/Services
Steve Vandette, City Engineer

TRA\Communications - Citizens\Yagley.doc

ITEM 10

ROAD COMMISSION for OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Richard G. Skarritt
Chairman

Rudy D. Lozano
Vice-Chairman

Larry P. Crake
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

Traffic Safety Department

2420 Pontiac Lk. Rd.
Waterford, MI
48328

248-858-4802

FAX
248-858-4814

TDD
248-858-8005

www.rcocweb.org

May 19, 2005

John Abraham
Deputy City Engineer
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

Dear Mr. Abraham:

This is in response to your inquiry in regard to the letter the city received from Barbara Ann Yagley concerning the use and striping of left turn lanes. The purpose of the left turn lane is to provide a lane from which motorists are to make left turns. The left turn lane is not to be driven in to pass traffic backed up from a traffic signal or for any other reason. Although driving past vehicles backed up in the through lanes from a traffic signal may be "standard practice", that does not make it legal.

In regard to cross-hatching out the left turn lanes as discussed in her letter we do not do that except in special circumstances, which are very rare. At most intersections there are many driveways in advance of the exclusive left turn lanes and drivers are allowed to go into these areas to make their left turns. To install cross-hatching in these areas would mean that the motorist that wishes to legally use the left turn lane to make a left turn would be unable to enter the lane at this cross-hatched location. Therefore, the cross-hatching of these areas would be inappropriate.

If you have any further questions on this, please feel free to contact me.

Very truly yours,

David F. Allyn, P.E.
Director
Traffic-Safety Department

DFA/ch

C: Dylan Foukes

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MAY 24 2005
ENGINEERING

ITEM 10

Barbara A. Yagley
860 Huntsford Rd.
Troy, MI 48084
248-244-9214

May 10, 2005

Mr. John Szerlag
City Manager, City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Mr. Szerlag;

I wrote this letter to request to the City to paint diagonal yellow stripes in the sections of the shared left turn lanes throughout the city where is it unsafe for vehicles to be.

Background:
On December 15, 2004, members of the Troy Police Department gave me a traffic ticket for "improper passing" because I entered the Livernois northbound left turn lane at Scottsdale Rd. This case was tried before Judge Drury on March 7, 2005 and I was found responsible for "improper lane use". No one contested that the traffic was backed up to Scottsdale Rd., or that the backup was the reason I moved over into the left turn lane there. The judge advised me that I was "not supposed to enter to make a left turn until there's the gate as it's called or break". However, the "What Every Driver Should Know" booklet published by the Michigan Dept. of State defines "Center lane. Left-turn-only" as being marked "with a solid yellow line with broken yellow lines on the inside edges", such as found the length of Livernois between Big Beaver and Wattles (and further north). It further states, "Left turns must be made from within this lane, and may be made from either direction."

Based on this information (and common practice) I had thought it was proper to enter the left turn lane when I did. However, the judge told me that it was dangerous, there had been fatalities in Troy and that was why the officers cited me.

Now my family and I refrain from moving into the center left turn lane until we reach the break in the lines and find that we are having near misses with other drivers who have not had the benefit of the lesson taught by Judge Drury or the Troy Police Department. This is why I am requesting the City to paint yellow diagonal stripes across the center lanes where it is unsafe for vehicles to be. Yellow diagonal stripes clearly indicate to drivers to stay out of the lane. I suggest these stripes be placed on the primary roads intersecting Wattles and Maple and also on Maple itself (when the roadwork is done) or wherever else these fatal accidents have occurred.

I am attaching the relevant portions of the court transcript for your information. I would appreciate a reply to this request and your recommendations for next steps for me to follow.
Thank you,

Barbara A Yagley

Attachments

July 14, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposed Revision to Our Sanitary Sewer Service Ordinance which would eliminate Connection Requirement

The attached memorandum from the City Attorney's Office and City Management indicates that it is possible to eliminate mandatory connection to public sanitary sewers within a given time frame i.e. 18 months. This is good news as we will no longer be dependent upon revisions to state law to expunge time frames to hook-up to a sanitary sewer. However, I still think it's prudent to pursue changes at the State level because then hook-ups could be required upon septic failures; which is something we can't do with a change to our City Code.

Given the above, a resolution has been prepared for your consideration which instructs City Administration to modify our sanitary sewer ordinance to eliminate the 18 month sanitary sewer connection requirements. In addition, staff will be preparing a cost analysis to install sanitary sewers in all areas of the City where septic fields are currently used. We will then start a public notification campaign advising property owners on the benefits of our new ordinance.

RECEIVED

JUL 0 8 2005

CITY OF TROY
CITY MANAGER'S OFFICE

June 30, 2005

TO: John Szerlag, City Manager

FROM: Lori Grigg Bluhm, City Attorney
Brian Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning
Steven Vandette, City Engineer

SUBJECT: Analysis of Proposed Revisions to Chapter 19 – Sanitary Sewer Service Elimination of Connection Requirement

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Introduction:

At the City Council meeting of June 6, 2005, city staff was requested to consider revising ordinance Chapter 19, Section 19.02.04 that requires structures to be hooked up to newly available sewer lines within 18 months of publication of the availability of a new sanitary sewer. This request was made in connection with Council's approval of a Sewer Benefit Fee project within Charnwood Hills that would require homeowners to connect to the new sewers within 18 months after completion of the sewers in late 2006.

This report analyzes the ordinance revisions that would be needed to defer connection to the sewer while staying in compliance with state law. Also, potential consequences of these revisions are identified.

Enabling Legislation:

As early as 1913, the Courts have recognized the ability of municipalities to require property owners to connect to sanitary sewer systems. In *Hutchinson v. City of Valdosta*, 227 US 303 (1913), the Court required Ms. Hutchinson to connect to the City sewer within 30 days. The Court rejected her financial hardship arguments, and held that the health and welfare of the citizens required connection to the sewer at the earliest possible date. According to the U.S. Supreme Court, "It is the commonest exercise of the police power of a state or city to provide for a system of sewers, and to compel property owners to connect therewith. "

In Michigan, the Legislature adopted P.A. 1957, No. 185, which provided a financing mechanism to build sanitary sewer systems. This act was followed by P.A. 1961, No. 151, which authorized municipalities in urban counties (75,000 or more inhabitants) to pass legislation requiring all structures where water is used or available for use to connect to available sewer. This act was further refined in 1970, when the Michigan Legislature extended the authority to the rural communities as well as the urban communities. (P.A. 1970, No.191) Since "available sewer" was not defined under

state statute, the Michigan legislature again amended the law in 1972. According to P.A. 1972, No. 288, "available sewer" was now defined as a sewer line that was 200 feet or less from a structure. The Michigan legislature again re-visited the statute in 1978 (P.A. 1978, No. 368). At this time, the legislature extended the time for completing the mandatory connection from six months to eighteen months. The amendment also made it clear that it applied only to those structures that emanate sewage (as opposed to the earlier version which was tied to parcels where water was used or available).

There have been challenges to the state enabling legislation. The early cases challenged the ability of a local government unit to mandate sewer connections unless and until it was proved that the existing septic system was a health hazard. The Court has repeatedly rejected this argument. Under the state statute, local governments can mandate connection, even when a septic tank is functioning properly. According to *Township of Bedford v. Bates*, 62 Mich. App. 715 (1975), the Court stated "The clear thrust of the new act was to avoid the necessity of individual determinations..." Property owners aggrieved by the mandatory connection provisions have also argued that the required abandonment of their septic in favor of mandatory sewers constitutes a taking under the Fifth Amendment to the Constitution. The courts have also rejected this argument. In *Bedford*, the Court looked to cases in other states before finding the takings claim "without merit." In *Renne v. Waterford Township*, 73 Mich. App. 685 (1977), the Court also explained that the theory of "vested rights" for functioning septic systems was inapplicable, and did not excuse property owners from complying with a mandatory connection directive. In *Renne*, the Plaintiffs also unsuccessfully argued that the 200- foot measurement that was used to determine which properties would require connection was arbitrary. The Court stated that although connection could be required for all properties, the 200-foot measurement was upheld as "a reasonable upper limit on the reach of the statute." (The Attorney General has also opined that a city may adopt an ordinance that is more stringent than the current 200-foot measurement in OAG 1978 No. 5372). The *Renne* Court also rejected the Plaintiff's argument that they had a right to a vote or even a public hearing on the financing and construction of the sewer system.

These challenges were unsuccessful, largely because section one of the enabling legislation "makes it quite evident that the Legislature was concerned with the health hazards posed by septic tank systems". (*Renne)* According to the state law,

> Public sanitary sewer systems are essential to the health, safety and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of a septic tank disposal system poses a threat to the public health, safety and welfare; presents a potential for ill health, transmission of disease, mortality and potential economic blight and constitutes a threat to the quality of surface and subsurface waters of the state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of public health, safety and welfare and necessary

> in the pubic interest which is declared as a matter of legislative determination. (MCL 333.12752)

MCL 333.12753 (1) states: "Structures in which sanitary sewage originates within the limits of a city... shall be connected to an available public sanitary sewer in the city...IF REQUIRED by the city..." (Emphasis added) According to section (3),

> the connection ... shall be completed promptly ***but not later than 18 months*** after the date of occurrence of the last of the following events or before the city.. requires the connection. (a) publication by a notice by the governmental agency ... of the availability of the public sewer system in a newspaper of general circulation. (b) Modification of a structure so as to become a structure in which sanitary sewage originates.

This enabling legislation provides local communities with the ability to finance expensive sewer projects by spreading the cost of the improvements to all the persons who benefit. If the community makes the decision to do the improvements, then all persons must connect. The law, as it is currently written, requires this connection within 18 months, or a shorter time "for reasons of public health." (MCL 333.12753(4)) There is at least one city that has adopted an ordinance that allows functioning septic systems within 200 feet to postpone connection to a newly available sewer system until septic system failure. Although Troy's representative, Bob Gosselin, proposed an amendment to the state statute that would expressly allow communities to have ordinances that allowed a postponement of the sewer connection until a septic system failed, this proposed legislation has been in Senate committee since February 2005.

It is uncertain whether this legislation will pass. However, if the Troy City Council desires to postpone the mandatory connection to the sewers for the Charnwood Hills area, then Council could eliminate the provisions of its ordinance that mandate connection to the sewers when they are installed. Since the State and City have declared that the eventual elimination of septic systems furthers the health, safety, and welfare of the community, Troy should continue its efforts to install new sewer systems. However, if the mandatory connection provision of Chapter 19 is eliminated, then Troy would need to advance the financing for any new sewer improvements. It is unknown when (and if) the property owners would be connecting to the system. It would only be at that time, when a voluntary connection is made to the system, that the City would be reimbursed for some of the costs of the new sewer system.

Revisions to Chapter 19 of Troy's Ordinance- No Connection Required:

In 1965, the City of Troy adopted an ordinance that required property owners to connect to available sanitary sewers within six months after notification of an available sewer line. The Troy ordinance was again amended in 1973 to incorporate the recent state law revisions that established a 200- foot measurement as "available" sewer. This ordinance also allowed for connections outside the 200- foot measurement when there were serious threats to health, safety, and welfare. In 1993, the Troy ordinance

expanded the time for the mandatory connection from six months to eighteen months. In 2003, the ordinance was again amended to implement the EPA/ MDEQ Phase II storm water requirements.

Troy's current ordinance is based on the enabling legislation, and incorporates several provisions from state law. This includes the purpose provision of MCL 333.12752, which states that the elimination of septic systems is in the interest of the health, safety, and welfare of the City. (Chapter 19, Section 19.02)

In order to implement the direction given by City Council, Chapter 19 of the City Code would need to be revised eliminating the requirement for connecting a structure from which sanitary sewage originates to an available public sewer. The following changes would be necessary:

Deletions from the Ordinance

~~USE OF PUBLIC SEWERS REQUIRED~~

~~19.02 Public sanitary sewer systems are essential to the health, safety and welfare of the people of the State and the City of Troy. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety and welfare; presents a potential for ill health, transmission of disease, mortality and potential economic blight and constitutes a threat to the quality of surface and subsurface waters of the State and the City of Troy.~~
~~The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety and welfare and necessary in the public interest which is declared as a matter of legislative determination.~~

~~(Rev. 02-26-73)~~

~~19.02.04 Structures in which sanitary sewage originates located in the City of Troy in the area served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied, after the effective date hereof, unless said structures are connected to the sewage disposal system: Provided, that structures within the City of Troy in which sanitary sewage is originating on the effective date hereof or in which sanitary sewage originates before availability of the system or any part thereof to service said structures shall be connected to said system within eighteen (18) months after publication of a notice by the City of Troy in a newspaper of general circulation in the City of Troy of the availability of the system.~~

~~19.02.05~~
~~A. When the structure in which sanitary sewage originates has not been connected to an available sanitary sewer system before use and occupancy or within the eighteen (18) month period provided in this Chapter, the City of Troy shall require the connection to be made forthwith after notice, which may be by first class mail or~~

~~posting on the property, to the owner of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer of the system, which is available for connection of the structure involved and shall advise the owner of the requirements and of the enforcement provisions of this Chapter.~~

~~B. Any property from which sanitary sewage emanates which is not connected to an available public sewer within 90 days after the date of mailing of the written demand is hereby declared to be a threat to the health, safety, and welfare of the people and a public nuisance and the City may forthwith enter upon or in the property and install, construct and make such connections to abate the nuisance and to serve the property as are necessary or desirable, in the sole discretion of the City. The owner or occupant of any property who fails or refuses to connect the property to an available public sewer upon written demand shall forfeit a sum not exceeding $100.00 and shall be liable to the City for the costs incurred in making the connection to the sewer, which sum, including contingencies, shall be recoverable, jointly and severally from the owner or occupant, in an action at law or may be assessed against such property and shall be collected and treated in the same manner as taxes.~~

~~C. If the City attempts to enter onto property for the purpose of ascertaining if it is the property from which sanitary sewage emanates, or to install, construct, and make connection of the property to the sewer, and is refused such entry, the City shall make complaint in writing to the Judge stating the facts of the case so far as may be known to the complainant. The Judge may issue a warrant directed to the Police Chief commanding him to take sufficient aid, and being accompanied by the Building Inspector of the City, between the hours of sunrise and sunset, to enter upon or in the property to the extent and for the duration required to enforce and carry out the provisions of this act.~~

~~(Rev. 06-07-93)~~

~~19.02.06 Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the provisions of this Chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this Chapter is deemed to be a nuisance per se.~~
~~Properties upon which the structure is more than 200 feet distance from the public sewer will be exempt from the provisions of this section unless deemed to be a serious threat to the health, safety and welfare of the people by the Building Department Inspector. Single family homes existing in areas zoned other than residential may be temporarily exempt from the provisions of this section provided that on-site sewage systems meet the approval of the Building Department Inspector and continue to function in a manner which does not threaten the health, welfare, and safety of the community as determined through periodic inspections by the Building Department Inspector.~~

~~(Rev. 01-13-03)~~

The current text of Sections 19.02.01, 19.02.02 and 19.02.03 should be moved and renumbered to become Sections 19.05.03, 19.05.04, and 19.05.05 respectively based on the current numbering.

The remaining portions of the Ordinance should be renumbered to account for the deletion of Section 19.02

Septic System Inspection Program:

Even if Council eliminates the mandatory connection provisions, the property owners with septic systems are still subject to the inspection program required by Chapter 19. If the inspection reveals a septic system failure, then a connection to available sewer may be more economical than a repair of the septic system. However, under this system, there is a potential to prejudice home- owners who purchase property without notification of the availability of a public sewer or the eventual requirement to hook-up to the public sewer. In addition to the additional record keeping responsibilities and potential enforcement problems and financing issues caused by delaying the connection, the City of Troy has previously encountered situations where a purchaser is not provided with notification of the availability of a new public sewer. The purchaser is surprised when they learn that the previous owner was actually required to complete the mandatory hook-up, thereby incurring unexpected costs.

Development Standard implications:

The City's development standards deal with technical and plan requirements for sewers and other public improvements; not with the requirement for sewers to be installed. Section 4.07(C) of Chapter 41, Subdivision Control requires that all lots be served by a public sewer:

C. Sewage Disposal

Sewage systems must be constructed to plans approved by the City Engineer. All lots must be served by a public sewer.

Chapter 39, Zoning, may require the addition of similar language that would pertain to non-residential zoning districts since Chapter 19 would remove the requirement for connection to available public sanitary sewer systems. Except for this revision, revisions to the City's development standards are not needed.

Although connections would not be required in all zoning districts, it's unlikely any new development that is required to build a sewer would not utilize it and instead install an onsite system. However, in rare instances there may be circumstances that produce a new structure with sewer already available to it but the owner decides to install a septic system rather than connect to the available sewer.

Potential Impacts:

The adoption of ordinance revisions not requiring connection to available sewers may provide an opportunity to construct sewers citywide. A single contract or perhaps a series of contracts could take advantage of lower pricing for large quantities of sewer work. Structures adjoining these new sewers would not have to connect, nor pay any benefit fee, until the actual connection is made, presumably at the request of the owner or as the result of a failed septic system that was identified during regular inspection (every four years) of all septic systems, as required by Chapter 19. This would allow property owners to pay for the connection utilizing the Sewer Benefit Fee, which allows for payment over 40 years or all at once, and the fee itself could be lower as a result of a large sewer construction program. An exception the 40- year payment period would be for new structures or a lot split which would require that the Benefit Fee be paid before a building permit is issued.

Engineering has analyzed all locations throughout Troy where sewers are missing and determined that most properties, (sixty-seven percent (67%)) are located on major roads where most sewer extensions would serve only one side of the street; this is "single sided" vs. "double sided. " This condition can result in a very high cost when a sewer extension is needed on only one side of a street and to service only a few lots. For example, there is one lot that would require a 1,200-foot sewer extension to service just the one lot. Excluding Charnwood, approximately 29,460 feet of sewers would need to be constructed to service only 132 lots scattered across the city but by spreading the cost among all lots in all zoning districts, the cost could be reduced to perhaps $25,000 per lot. This would be higher than Charnwood at approximately $15,700 per lot but Charnwood is "double sided " where the cost would naturally be somewhat lower. A rough estimate for constructing sanitary sewers citywide to service all properties and complete our system is approximately $3 million. The Sewer Fund could finance this cost, which is the funding source for all sewers constructed by the city and could be accomplished without bonding or increasing taxes.

Recommendation:

We recommend that if City Council wishes to continue to consider deleting the connection requirement in Chapter 19 that staff be directed to return to council with specific language for Council's consideration and action.

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DATE: July 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (AUGUST 1, 2005) – REZONING APPLICATION – 600 Stephenson Highway, East side of Stephenson Highway, North of Fourteen Mile Road, Section 35 – R-C to O-1 (Z-703)

RECOMMENDATION

The application is consistent with the Future Land Use Plan and the proposed zoning district is compatible with adjacent zoning districts and uses. The Planning Commission recommended approval of the rezoning request at the June 14, 2005 Regular Meeting. City Management recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is JB Davies of Allison Associates.

Location of Subject Property:
The property is located at 600 Stephenson Highway, on the east side of Stephenson Highway, north of Fourteen Mile Road, in Section 35.

Size of Subject Parcel:
The parcel is approximately 1.74 acres in area.

Current Use of Subject Property:
The subject parcel is currently used as an office.

Current Zoning Classification:
R-C Research Center.

Proposed Zoning of Subject Parcel:
O-1 Office Building.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to use the existing office building for a medical tenant. No physical improvements are proposed for the site.

Current Use of Adjacent Parcels:
North: Office/Research.
South: Office/Research.
East: I-75 Expressway
West: Office/Research.

Zoning Classification of Adjacent Parcels:
North: R-C Research Center
South: R-C Research Center
East: N/A (I-75 Expressway).
West: R-C Research Center

ANALYSIS

Range of Uses Permitted in Proposed O-1 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Office Buildings for any of the following occupations: executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales.

Medical office, including clinics.

Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use.

Publicly owned buildings, exchanges, and public utility offices.

Other uses similar to the above uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Uses customarily supporting or serving the Principal Uses permitted in this District, such as 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, and provided that there is no direct outside entrance for these uses separate from the entrance serving the Principal Uses.

Data processing and computer centers, including sales support, service and maintenance of electronic data processing equipment. The sales support, service and maintenance functions shall be accessory or secondary to the Principal Uses permitted in this District, and thus shall not be operated as independent businesses.

Technical training uses, when such are accessory or secondary to the Principal Uses permitted in this District, and thus not operated as independent businesses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Mortuary establishments.

Private service clubs fraternal organizations and lodge halls, including accessory structures and uses customarily incidental to such uses, racquet and athletic clubs.

Private ambulance facilities.

Utility sub-stations, transformer stations or gas regulator stations (without storage yards).

Mechanical or laboratory research involving testing and evaluation of products, or prototype or experimental product or process development.

Child care centers, nursery schools, or day nurseries (not including dormitories).

Vehicular and Non-motorized Access:
The parcel has vehicular access on Stephenson Highway.

Potential Storm Water and Utility Issues:
The applicant is proposing to utilize an existing office building.

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:
The parcel is classified on the Future Land Use Plan as Office/Research. Research has a primary correlation with the R-C Zoning District and a secondary correlation with the O-1 Zoning District. The rezoning application complies with the Future Land Use Plan.

Compliance with Location Standards

The Location Standards in Article 24.40.10 state that the O-1 (Office Building) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Planning and policies related thereto, and therefore involves the following types of areas:

24.40.11 Areas indicated as low-rise office.

24.40.12 Portions of areas designated as community service centers or neighborhood service centers.

24.40.13 Areas designated for commercial or other non-residential development, or higher intensity office development, when one or more of the following determinations are made:

A. When the adjacent area and/or the total community would be more effectively served by the application of O-1 zoning than by the application of a commercial or other non-residential zoning District of a more intense office District.

B. When development in accordance with O-1 zoning would serve as a transitional element and would thus be more compatible with adjacent properties than would development under commercial or other office classifications.

Since the application is consistent with the Future Land Use Plan, it is therefore consistent with the Location Standards of the O-1 Office Building District.

Attachments:
1. Maps.
2. Applicant Statement of Request.
3. Minutes from the June 14, 2005 Planning Commission Regular Meeting.

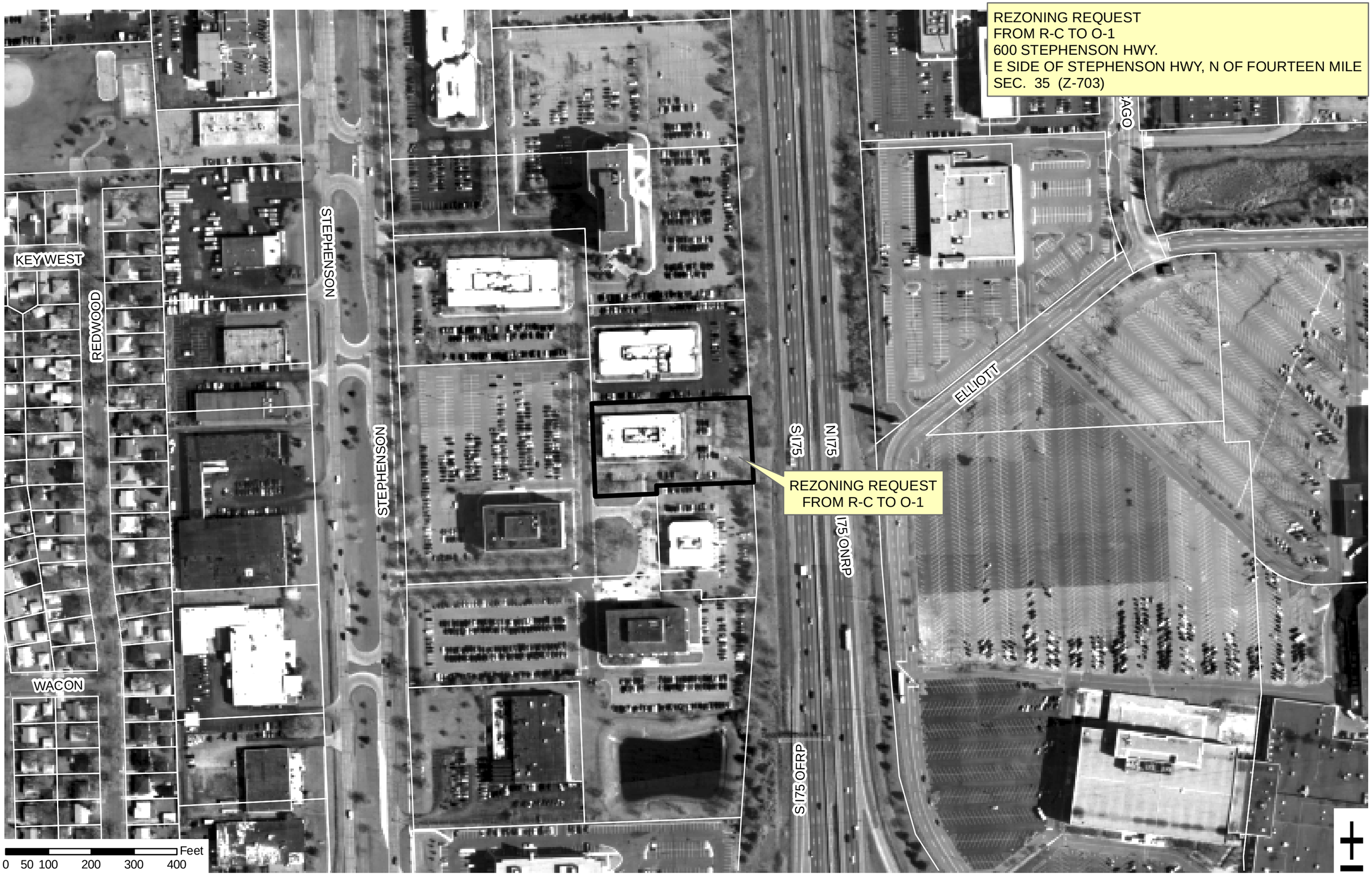
cc: Applicant
File / Z-703

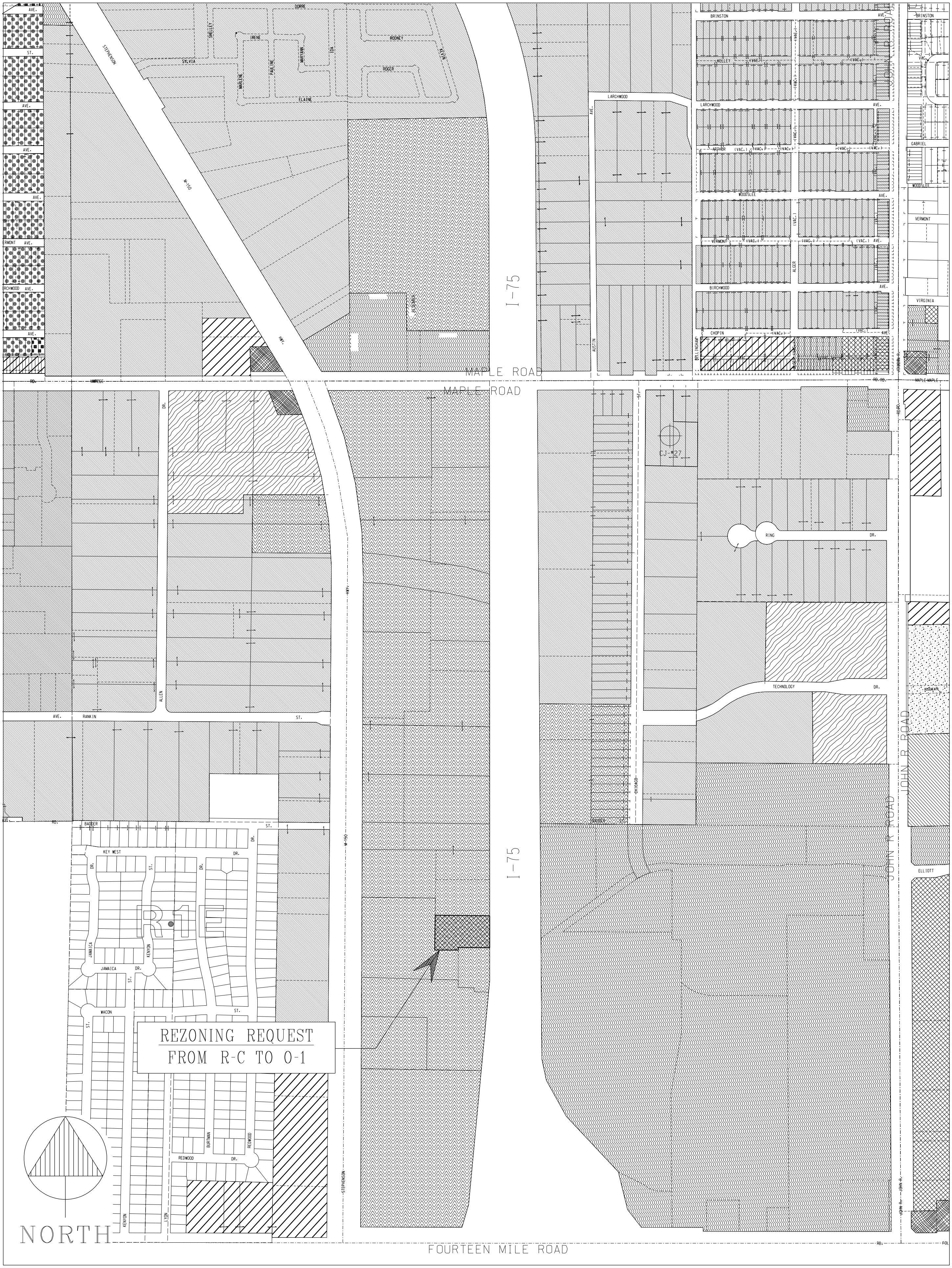
Prepared by PPB/RBS/MFM

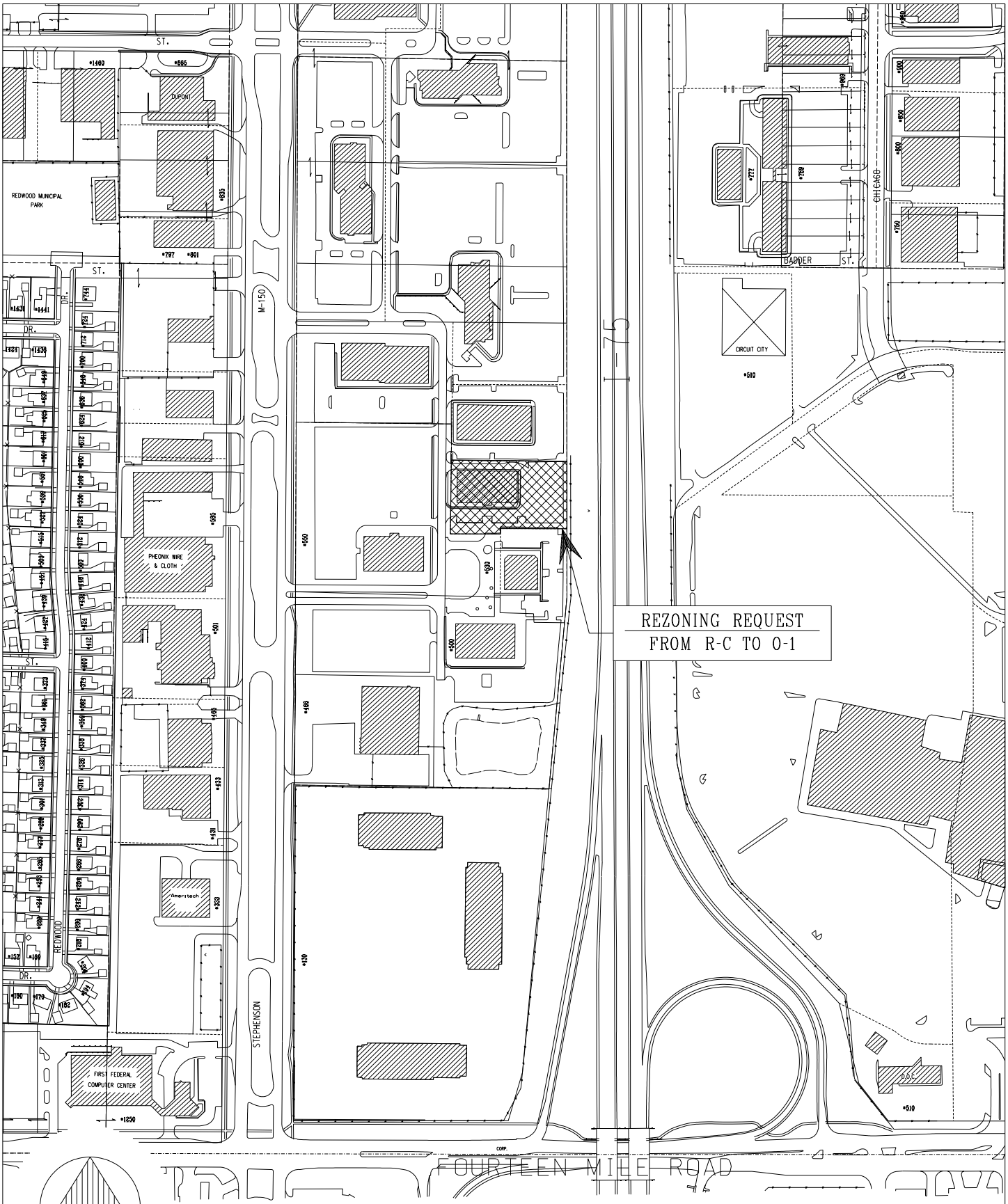
G:\REZONING REQUESTS\Z-703 600 STEPHENSON HWY SEC 35\Announcement of CC Public Hearing Z-703 07 18 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.


REZONING REQUEST
FROM R-C TO O-1
600 STEPHENSON HWY.
E SIDE OF STEPHENSON HWY, N OF FOURTEEN MILE
SEC. 35 (Z-703)
REZONING REQUEST
FROM R-C TO O-1
KEY WEST
REDWOOD
WACON
STEPHENSON
STEPHENSON
S I75
N I75
I75 ONRP
S I75 OFRP
ELLIOTT
Feet
0 50 100 200 300 400

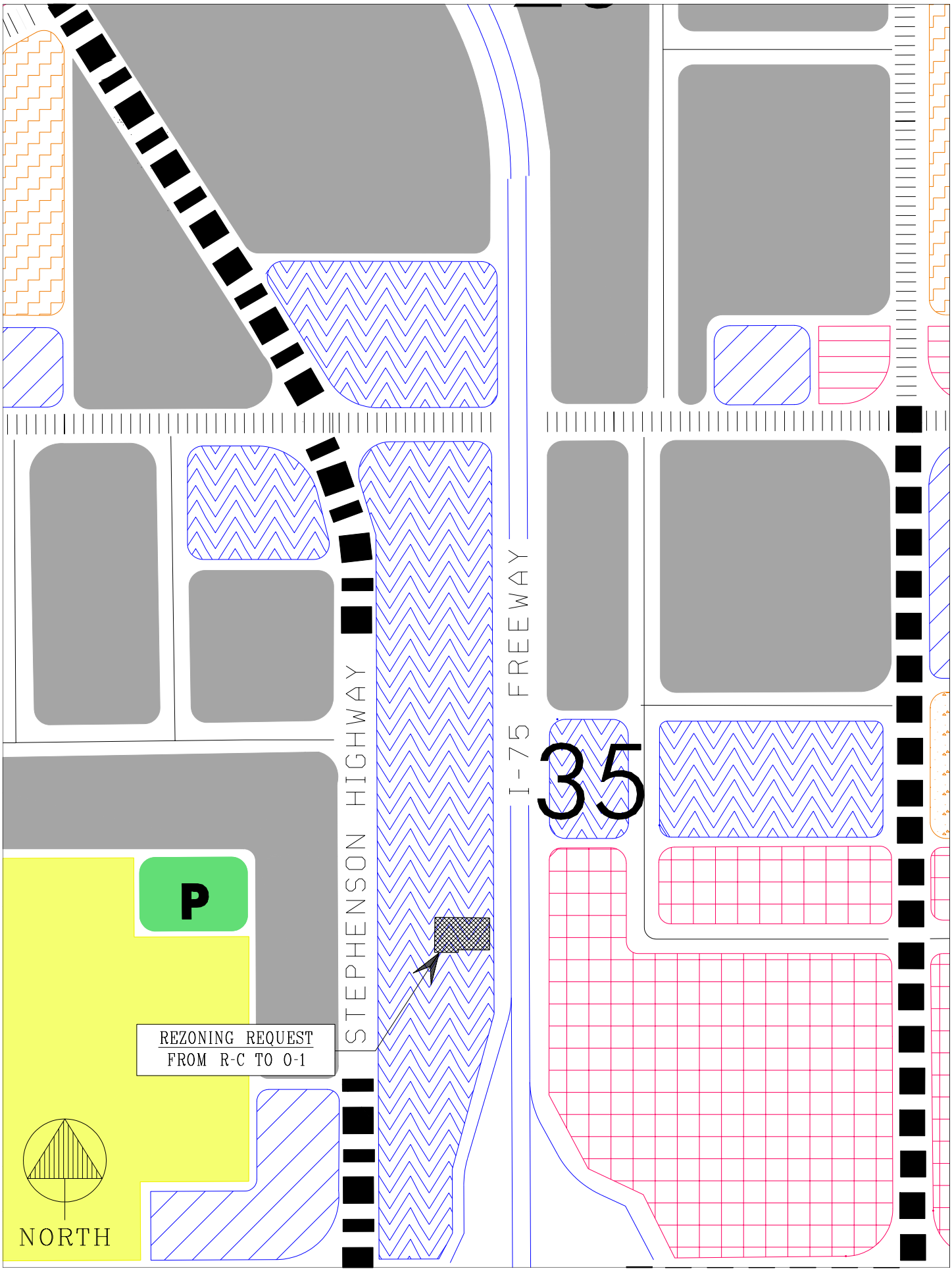

MAPLE ROAD
I-75
FOURTEEN MILE ROAD
JOHN R ROAD
REZONING REQUEST
FROM R-C TO O-1
R1E
NORTH
STEPHENSON
BRINSTON
LARCHWOOD
WOODSLEE
VERMONT
BIRCHWOOD
CHOPIN
VIRGINIA
GABRIEL
RANKIN
ALLEN
BADDER
KEY WEST
JAMAICA
KENYON
MACON
REDWOOD
BURTMAN
RING
TECHNOLOGY
ELLIOTT
AUSTIN
ALGER
CJ-#27



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

Z-703 / SEC. 35 / 05-17-05


STEPHENSON HIGHWAY
I-75 FREEWAY
35
P
REZONING REQUEST
FROM R-C TO O-1
NORTH

Statement for 600 Stephenson Highway

We are desirous to lease the building to a company that would utilize it for a medical purpose. In particular, the tenant is a specialty care provider to those suffering from closed head injuries. Their use is not materially different than previous users except for the fact that they would be seeing patients in a portion of the space. The current zoning will not condone this use, even though it is consistent with other businesses presently operating in Robbins Executive Park. The requested change in zoning will allow this socially responsible tenant the ability to occupy the building and thereby further enhancing the value of other property owners in the park. This change is necessary for the preservation and enjoyment of the substantial property rights of the existing owner

7. PUBLIC HEARING – PROPOSED REZONING (Z 703) – 600 Stephenson Hwy, North of Fourteen Mile Road, East side of Stephenson Hwy, Section 35 – From R-C to O-1

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

There was a brief discussion with respect to parking requirements. Mr. Savidant said there appears to be enough parking available for the medical use. He explained that a submission of a site plan through the Planning Commission would not be required because it is simply an office use replacing another office use. Mr. Savidant said that at the time of application to the Building Department, the Building Department, with input from the Planning Department, would make a determination on the required amount of parking spaces. Mr. Savidant said the Planning Commission would be the authoritative body should there be a request to reduce the number of parking spaces.

The petitioner, J. B. Davies of Allison Associates of 180 High Oak Road, Bloomfield Hills, was present. Mr. Davies said the family business of 30 years would make an application to Special Tree, a company who provides rehabilitation for those with closed head injuries. He said the majority of space would be for its headquarters and administration office; a minority of the space would be for medical. Mr. Davies believes the use would conform to the parking requirements.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-100
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-C to O-1 rezoning request, located on the east side of Stephenson Highway, north of Fourteen Mile Road, within Section 35, being approximately 1.74 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED

DATE: July 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (AUGUST 1, 2005) – REZONING APPLICATION – Proposed Binson's Home Health Care Center, Northwest corner of Rochester and Marengo, Section 3 – R-1B to B-1 (Z 180-B)

RECOMMENDATION

The application does not comply with the Future Land Use Plan. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions. While the proposed zoning district may appear to be compatible with the retail development to the south, this development is also non-compliant with the Future Land Use Plan. This rezoning application would result in the enlargement of an undesirable commercial spot zone on the Rochester Road corridor that is planned for medium density use. Furthermore, it could open the door for further commercial rezoning applications along the Rochester Road corridor.

The Planning Commission recommended denial of the rezoning request at the June 14, 2005 Regular Meeting. City Management recommends denial of the rezoning application.

If the City Council makes a finding that the subject rezoning request is appropriate, City Management recommends an amendment to the Future Land Use Plan be initiated. A rezoning recommendation that is obviously contrary to the intent of the Future Land Use Plan is not strategy based upon accepted land use planning principles. The more appropriate strategy is to amend the Future Land Use Plan designation along the Rochester Road frontage based upon professional community planning advice and land use planning principals.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Fred Flaim. The applicant is James Gerback.

Location of Subject Property:
The property is located on the northwest corner of Rochester and Marengo, in Section 3.

Size of Subject Parcel:
The parcel is approximately 39,000 square feet in area.

Current Use of Subject Property:
The subject property is currently vacant.

Current Zoning Classification:
R-1B One Family Residential District.

Proposed Zoning of Subject Parcel:
B-1 Local Business District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to construct a one-story, 8,600 square foot retail development on the property.

Current Use of Adjacent Parcels:
North: Single family residential.
South: Retail.
East: Woodside Bible Church and Northwyck PUD (PUD-1).
West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1B One Family Residential.
South: B-1 Local Business.
East: CR-1 One Family Residential Cluster and PUD-1.
West: R-1B One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed B-1 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Local retail businesses which supply commodities on the premises, for persons residing in adjacent residential areas, such as but not limited to: Groceries, meats, dairy products, baked goods or other foods dispensed for consumption off the site, hardware, drugs and pharmaceuticals.

Specialty shops such as, but not limited to: Antique shops, craft shops, and shops for the sale of gifts and notions.

Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.) beauty parlors and barber shops, and self-service laundries.

Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.

Business establishments which perform services on the premises such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance companies, and real estate offices.

Professional services including the following: medical clinics, (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.

Post office and similar governmental office buildings, serving persons living in the adjacent residential area. Other uses similar to the above uses.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

City and School District buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water and sewage pumping stations, without storage yards.

Nursery schools, day nurseries and child care centers (not including dormitories).

Incidental Customer Seating as an accessory to food sales establishments,

Vehicular and Non-motorized Access:
The parcel fronts on both Rochester and Marengo.

Potential Storm Water and Utility Issues:
The applicant will be required to provide on-site storm water detention.

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies the Rochester Road frontage in this area as Medium Density Residential. The Medium Density Residential classification correlates with the R-1T Zoning District in the Plan. The application does not comply with the Future Land Use Plan.

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

Attachments:
1. Maps.
2. Conceptual Site Plan.
3. Applicant Statement of Request
4. Minutes from the May 10, 2005 Planning Commission Regular Meeting.
5. Minutes from the May 24, 2005 Planning Commission Regular Meeting.
6. Minutes from the June 14, 2005 Planning Commission Regular Meeting.
7. Resident Communication.

cc: Applicant
File / Z- 180 B

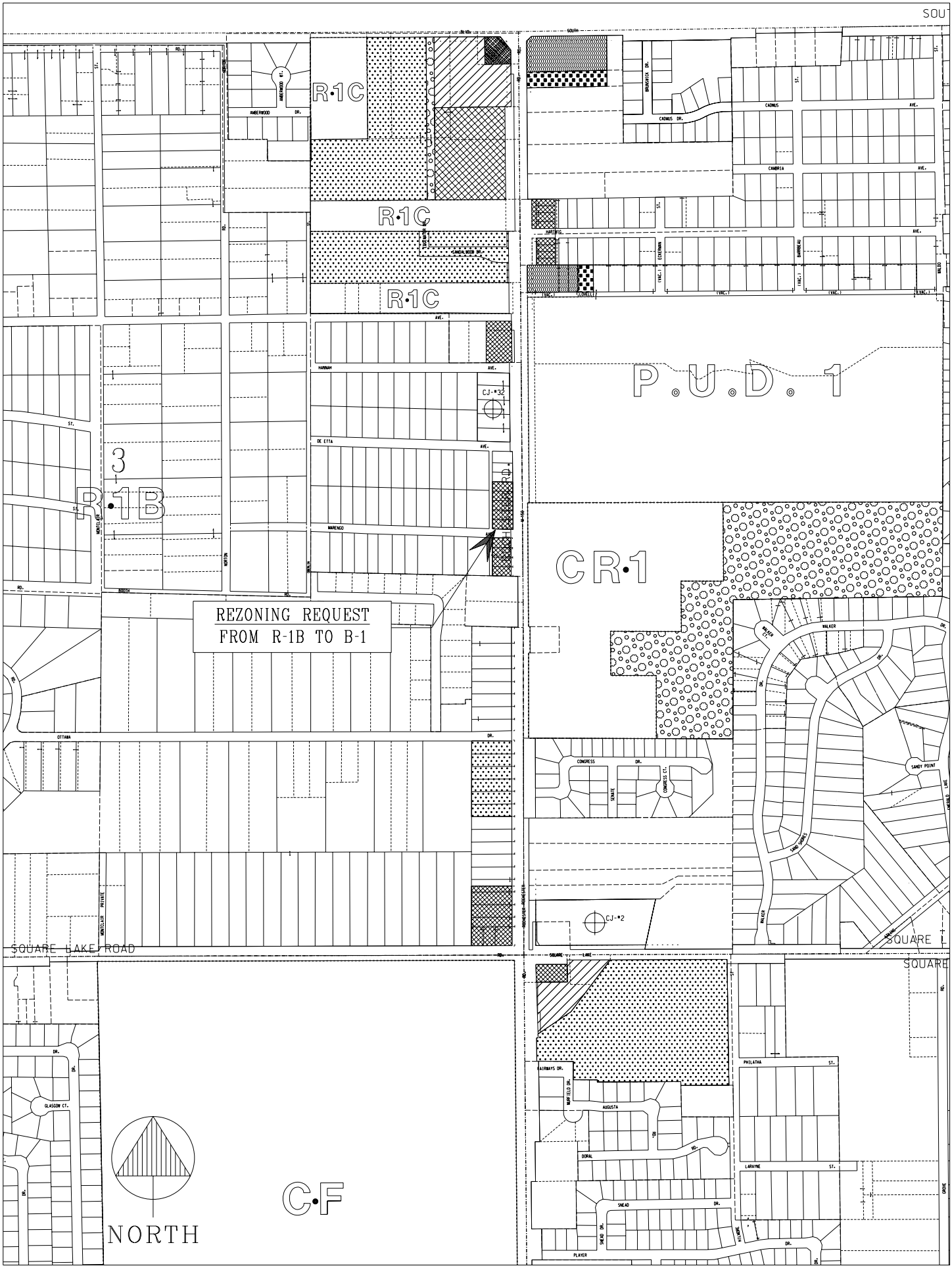
Prepared by PPB/RBS/MFM

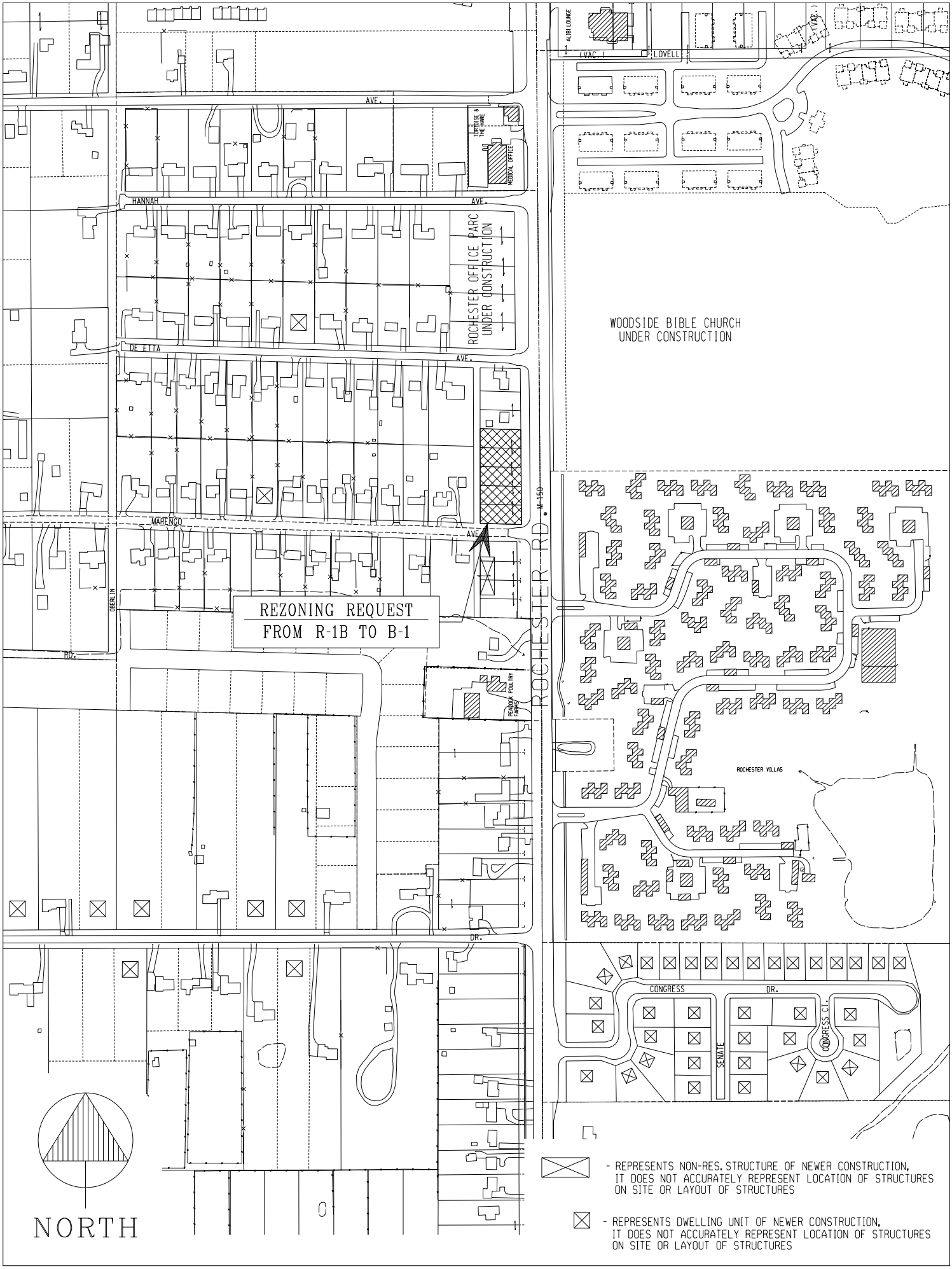
G:\REZONING REQUESTS\Z-180 B BINSONS\Announcement of CC Public Hearing Z-180 B 07 18 05.doc

CITY OF TROY

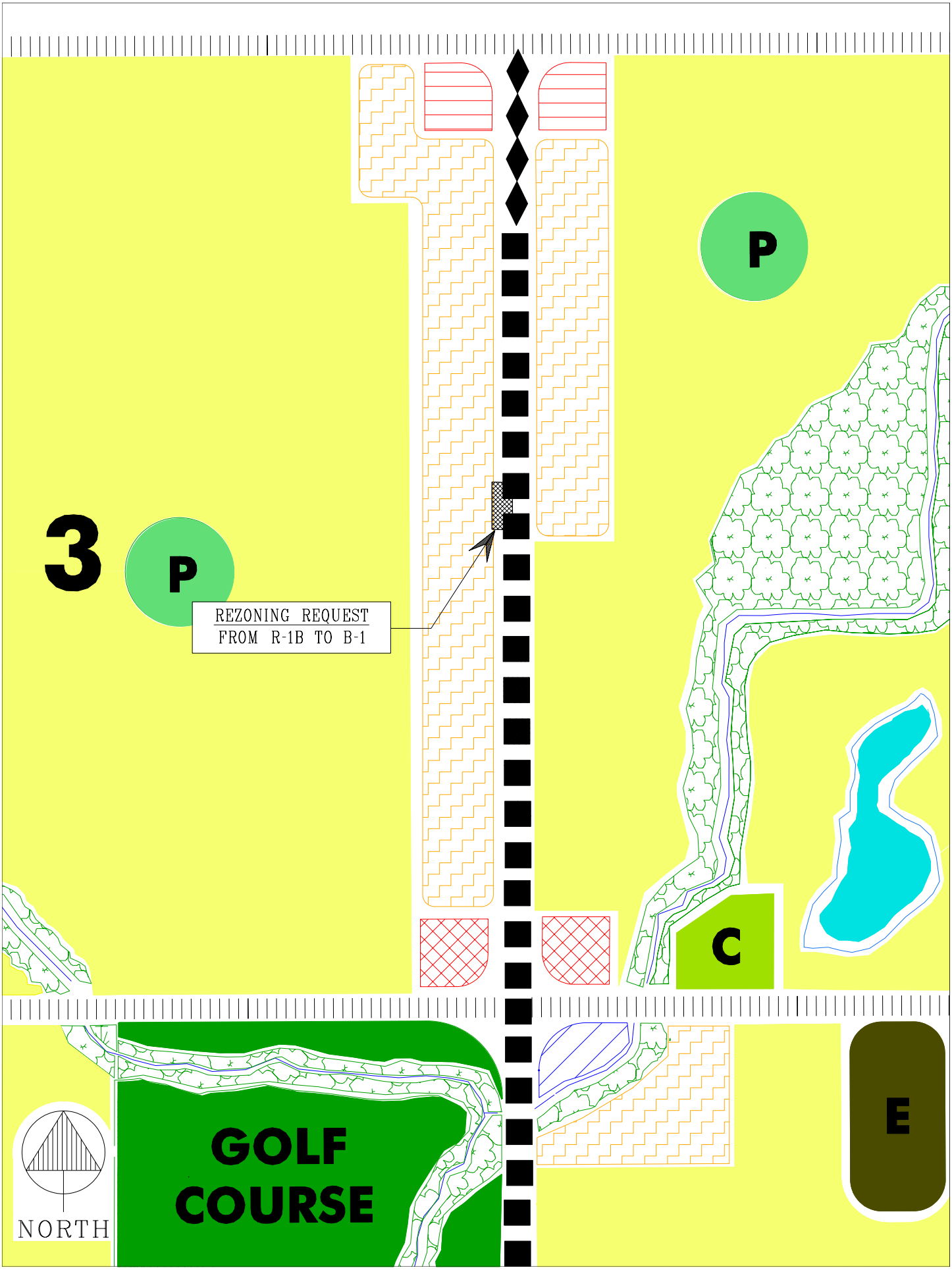
PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
PROPOSED BINSON'S HOME HEALTH CARE CENTER
FROM R-1B TO B-1
NW CORNER ROCHESTER RD. & MARENGO
SEC. 3 (Z-180 B)
HANNAH
OFFICE
UNDER CONSTRUCTION
DEETTA
WOODSIDE BIBLE CHURCH - UNDER CONSTRUCTION
REZONING REQUEST
FROM R-1B TO B-1
ROCHESTER
MARENGO
WOODSIDE
QUILL CREEK
VILLA PARK
PEACOCK
Feet
0
100
200
400
600


R-1C
R-1C
R-1C
P.U.D. 1
R-1B
CR-1
REZONING REQUEST
FROM R-1B TO B-1
CJ-#32
CJ-#2
C-F
NORTH
SQUARE LAKE ROAD
SQUARE
SQUARE
AMBERWOOD
HANNAH
DE ETTA
MARENGO
BOOTH
OTTAWA
CONGRESS
SENATE
WALKER
SAND SPIRES
SANDY POINT
CADMUS
CAMBRIA
BRANDWICK
DARTING
EDGEMAN
BARBEAU
WALDO
LOWELL
(VAC.)
GLASGOW CT.
FAIRWAYS DR.
MAYFIELD DR.
AUGUSTA
DORAL
SNEAD
PLAYER
PHILATHA
LAFAYNE
HILLARE
MONTCLAIR
PRIVATE
NORTON
WALSH
MONTCLAIR
ROCHESTER-ROCHESTER



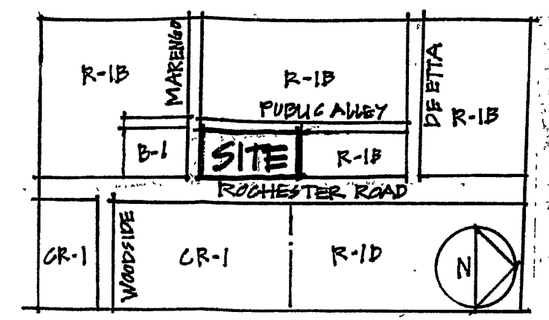
Z-180 B / SEC. 3 / 04-12-05


3
P
REZONING REQUEST
FROM R-1B TO B-1
P
C
E
GOLF
COURSE
NORTH

LAND BUILDING DATA

SITE AREA 39,000 SF / 0.895 A
(REZONE FROM R-1B to B-1)
BUILDING AREA 8600 SF GROSS
PARKING REQ'D
1 SP/200 SF GROSS 8600 ÷ 200 = 43 SPACES REQ'D
PARKING PROVIDED 43 SPACES PROV'D.
OPEN SPACE REQ'D
39,000 X .10 = 3900
OPEN SPACE PROV'D = 3900 SF #

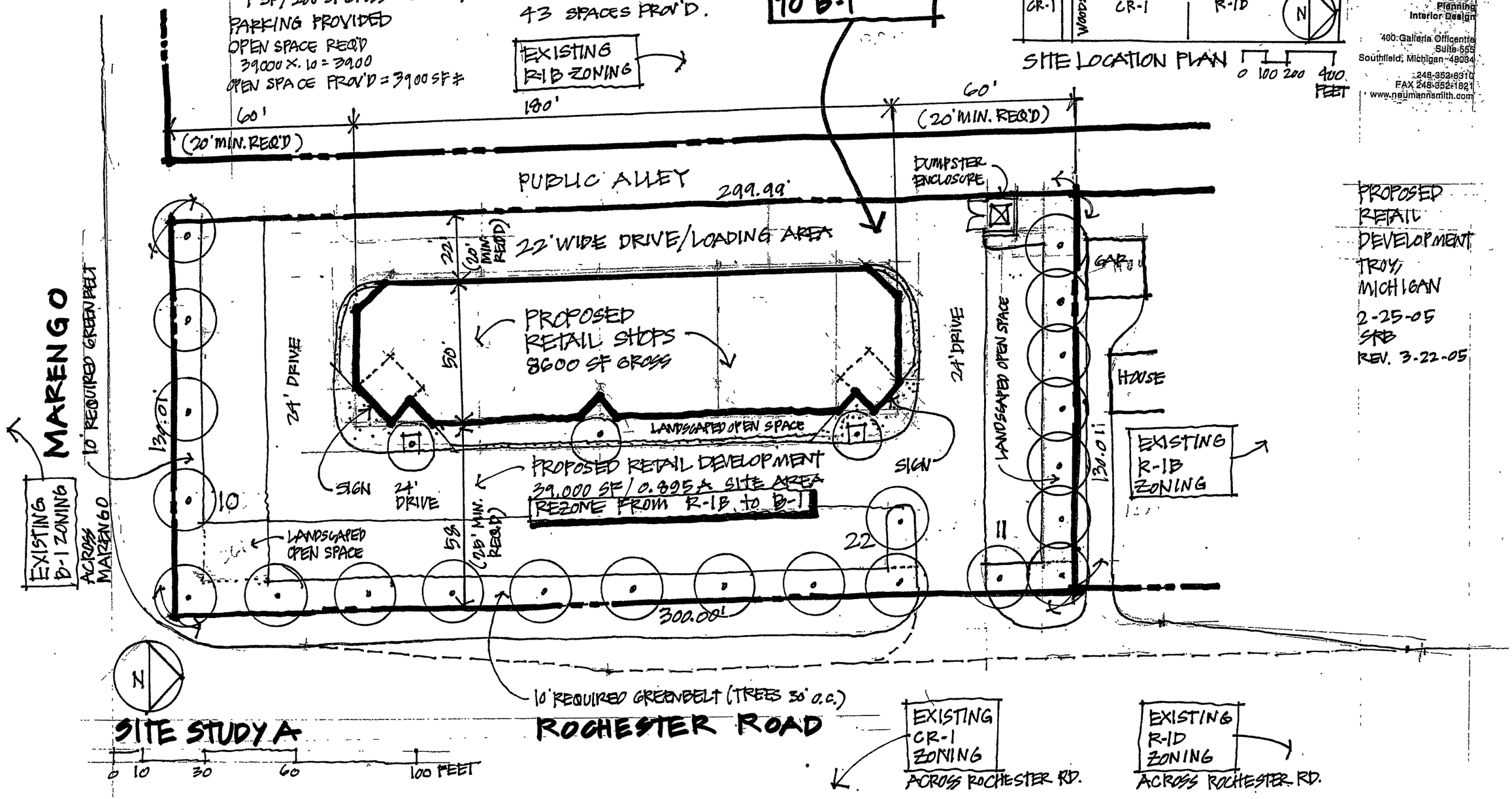
PROPOSED 0.895 ACRE PARCEL TO BE REZONED FROM R-1B TO B-1



SITE LOCATION PLAN 0 100 200 400 FEET

NEUMANN SMITH & ASSOCIATES
Architecture
Planning
Interior Design
400 Galleria Officentre
Suite 555
Southfield, Michigan 48034
248-352-8310
FAX 248-352-1821
www.neumannsmith.com

PROPOSED RETAIL DEVELOPMENT
TROY, MICHIGAN
2-25-05
SRB
REV. 3-22-05



SITE STUDY A
0 10 30 60 100 FEET

City of Troy
Rezoning Request

Tax ID:20-03-278-032

Statement of Request

The property outlined above is on the northwest corner of Rochester Road and Marengo. The 300' frontage is along a very busy Rochester Road. The property directly south, on the southwest corner of Rochester and Marengo is a retail convenience store. The property directly east is a very large religious complex. The property to the north is a house being used as a lawyer's office and the property to the west is residential separated by a heavily vegetated alley buffer.

Due to the busy commercial surroundings and the high traffic volume on Rochester Road, this property is not suitable for residential use. The property therefore has no reasonable economic use for residential development. Since the majority of the adjacent parcels are already used as commercial or institutional, the business use requested for this property would not be detrimental to their use. On the contrary, a business use at this site would most likely be beneficial to the adjacent properties use and value.

15. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

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

A brief discussion followed with respect to the spot zoning of the property located south of the subject rezoning. It was understood that it was a commercial site that was approved for rezoning by City Council approximately 25 years ago.

Chair Strat asked what would be the highest and best use of the property.

Mr. Miller said an appraiser or assessor might appropriately determine the highest and best use of the property. Planners provide information with respect to what is consistent or conforming with the Future Land Use Plan and compatible land uses.

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the applicant and owner. Mr. Gaber provided a brief review of the proposed use and site dimensions. He said Binson's has been in Troy since 1992 and would like to stay in Troy. Mr. Gaber clarified that the use immediately to the north is a residence that is currently being used as a law office. He said the property on the corner immediately to the north of the residence/law office is currently being used as a rental house. Mr. Gaber said the owner made several unsuccessful attempts to rezone the property to commercial. He noted the owner receives interest calls on the property only for commercial and office uses, not residential. Mr. Gaber cited reasons that merit the proposed rezoning to commercial: (1) The heavy traffic volume on Rochester Road is not conducive to residential; (2) The shallow lot does not allow much for buffering; (3) It appears residential is not feasible given the history of the site and the owner's experience in marketing the site. Mr. Gaber noted that the Rochester Road corridor has experienced many zoning and land use changes. He referenced and read the Judge's opinion given on a court action for the rezoning of property on Rochester Road, north of DeEtta, from residential to medical/office use. Mr. Gaber indicated that it has been some time since the City revisited its Master Land Use Plan. Mr. Gaber asked the members for their support of the rezoning request and a recommendation of approval to the City Council.

Amy Neary of McKenna Associates, Inc., Land Use Consultant for the project, was present and distributed material related to the presentation. Ms. Neary pointed out the existing land use in the area, indicated that the subject location is not desirable for residential use, and noted that the B-1 zoning is a reasonable use for the area.

Mr. Schultz said it is interesting that two condominium projects (Sandalwood and Northwyck) located within the subject area were not included in the report of McKenna Associates. He said it appears that both condominium projects have been successful.

PUBLIC HEARING OPENED

Eileen Carty of 990 DeEtta, Troy, was present. Ms. Carty said she would welcome condominiums, site or otherwise, near her home; she would welcome anything but business. Ms. Carty said there are residential homes all around her and never thought commercial would come to the area. She referenced the site directly north of her home that was rezoned commercial as a result of a consent judgment. Ms. Carty understood that the use was to be medical/office, and questioned the existing use of the building. Ms. Carty addressed her concern that should the subject property be rezoned to commercial, there would be no guarantee in the future as to what might go in. Ms. Carty said her front picture window view is of a waste receptacle. She said that should the proposed rezoning be approved, she would have a view of another waste receptacle. Ms. Carty said it would be economically disastrous for her should any commercial go in that location.

PUBLIC HEARING CLOSED

A brief discussion followed with respect to potential residential development on the site.

Resolution # PC-2005-05-084
Moved by: Khan
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 39,000 square feet in size, be tabled to a future study session meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning that was tabled at the May 10, 2005 Regular Meeting for further study. Mr. Miller said the property is designated on the Future Land Use Plan as Medium Density Residential (corresponds with the R-1T, R-M and R-2 zoning districts). He briefly reviewed aerials and photographs of the subject location, the site plan drawing submitted by the petitioner, and three drawings prepared by the Planning Department with respect to R-1T and B-1 zoning districts. Mr. Miller stated that there are a variety of uses along Rochester Road, as well as the occurrence of very strong trends. Mr. Miller reported that should the members determine that the B-1 zoning classification is appropriate for the subject property, the correct action would be consideration of an amendment to the Future Land Use Plan.

PUBLIC HEARING OPENED

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the petitioner. Mr. Gaber identified key issues for consideration of the proposed rezoning: (1) Proposed use is consistent with the character of the neighborhood; (2) Whether or not the current zoning of single family is appropriate or inappropriate due to the Rochester Road corridor, the depth of the property and the site characteristics; (3) The Consent Judgment on the Rabanni property located one block north wherein the judgment of the Court was that O-1 zoning is consistent with the commercial character of the area and single family residential zoning is inappropriate due to the traffic and proximity to Rochester Road.

Mr. Gaber said it is believed that residential is not feasible for the site. He indicated that the property owner has received no offers to purchase for residential use. Mr. Gaber noted that placing 4 or 5 residential units on the subject site would result in a bunker-type of layout for backyards that would face Rochester Road and home fronts that would face an alley. Mr. Gaber referenced the home of Eileen Carty, 990 DeEtta, who spoke at the May 10, 2005 Regular Meeting. He said the home would be kiddy-korner, not directly behind, from the proposed site. Mr. Gaber noted that Ms. Carty has a privacy fence along her back property line. Mr. Gaber said the petitioner would be required to put up a screening wall of some type at the time of site plan approval that would address any concerns of the neighbors. Mr. Gaber asked the members' consideration to forward a favorable recommendation to the City Council for the proposed rezoning.

Mr. Gaber confirmed the existing Binson's on Rochester and Square Lake Roads would move its operation to the proposed location. He indicated that the petitioner intends to use the entire building with consideration given to any site constraints. Mr. Gaber noted that the specifics of the site plan have not been determined at this time.

Chair Strat stated that the proposed site plan should not be a consideration in the approval process of the rezoning request.

There was a brief discussion on the residential home located at 990 DeEtta. It was determined that the home does abut the property of the proposed rezoning along the western edge, and one of the concerns of the homeowner was the location of the dumpster on the business site in relation to her home.

Jim Lawrence of 3553 Lakewood Shores, Howell, project architect, was present. Mr. Lawrence addressed the schematic drawing that was originally provided and distributed to the members a more detailed drawing. He indicated that they are comfortable with the open space requirements being met, and noted that the square footage of the building would most likely be reduced to accommodate Zoning Ordinance requirements.

Mr. Lawrence indicated a typical house at this location would sell for $250,000, and the land itself would be worth $150,000 ($30,000 per unit) should a developer build it for residential use. Mr. Lawrence said the current sale price is almost 3 times that amount, and there is a concern about the cost of the property and the actual ability to use it. Mr. Lawrence addressed the design factors of the site should it be built for residential use and said a residential development would not be economically viable.

Mr. Wright said the building size would be reduced by over 15% to meet the requirements of the City's building department. He asked if the site would be big enough for the proposed Binson's facility, and if the petitioner would be requesting variances from the Board of Zoning Appeals.

Mr. Lawrence said the sketch is not drawn to scale and detail, and a more detailed analysis would determine the square footage of the building. He indicated that it is not the petitioner's intent to request variances.

The petitioner, James Gerback of 300 Park Street, Birmingham, CFO of Binson's, was present. Mr. Gerback said the building size of the existing location on Rochester and Square Lake Roads is approximately 4,800 square feet. He indicated a building size of 1,000 additional square feet would be sufficient for another 20 years.

PUBLIC HEARING CLOSED

There was discussion on the following:

- Vacation of the alley.
- Allowable uses in the B-1 zoning district.
- Desired and appropriate uses for the subject location.
- Conditional approval based upon specific use and design conditions, as provided by State law.

The item is scheduled for a Public Hearing at the Regular Meeting of June 14, 2005.

5. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller said appropriate planning and zoning uses in the location should be determined and an amendment to the Future Land Use Plan would be recommended, should the rezoning request go forward. Mr. Miller reported that it is the recommendation of City Management to deny the rezoning application because it does not comply with the Future Land Use Plan.

Mr. Vleck asked for information on nearby properties with respect to Consent Judgments.

Mr. Miller said a Consent Judgment on the property one block north (commonly known as the Rabbani property) allows office use on the subject property. He reported that, in general, the area has had a number of land uses, and noted more recently residential development; i.e., PUD 1 Northwyck Condominiums, Sandalwood North and South condominiums, and a proposed PUD for a mixed-use development on the northeast corner of Rochester Road and South Boulevard.

Ms. Lancaster said the Rabbani Consent Judgment is the only one in the area of which she is aware. She said both zoning plans and future land use plans are important factors in litigation cases. Ms. Lancaster said the Judge in the Rabbani case was concerned about the number of non-conforming uses in the area at that time.

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the petitioner. Mr. Gaber said the proposed use is consistent with the character of the neighborhood. He reviewed the site characteristics with respect to residential development. Mr. Gaber said the lease for the existing Binson's located on Rochester and Square Lake Roads expires in a few months and they would like to relocate in the near future. He asked that the rezoning request not be held up in the process should the Planning Commission opt to amend the Future Land Use Plan. Mr. Gaber said there was an opinion and a judgment by the Court, prior to the Rabbani Consent Judgment, finding that the uses and zoning in the area had changed significantly, and that the site would not be compatible for what it was zoned and master planned. Mr. Gaber said the McKenna report provided to the members support the changing uses and zoning. Mr. Gaber requested a favorable recommendation to the City Council.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Vleck believes the requested B-1 zoning classification is appropriate for the location, and a revision in the zoning classification would be considered in the future when the City undertakes its study of the Future Land Use Plan.

Mr. Khan said a main road is not suitable for residential use. He agreed with Mr. Vleck's comments.

Resolution # PC-2005-06-097
Moved by: Khan
Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 0.89 acres in size, be granted, for the following reasons:

1. That the property is too narrow to put residential use.
2. B-1 is the best use for this property.

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

MOTION DENIED

Resolution # PC-2005-06-098
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 0.89 acres in size, be denied, for the following reasons:

1. The application does not comply with the Future Land Use Plan.
2. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions.
3. Rezoning this parcel to B-1 would result in the enlargement of an undesirable commercial "spot zone" along an area along the Rochester Road corridor that is planned for medium density use.

4. Approval of the rezoning request could open the door for further commercial rezoning applications along the Rochester Road corridor.

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

MOTION CARRIED

Ms. Drake-Batts believes the zoning should be commercial. She said denial of the request would result in a court matter.

Mr. Khan said residential zoning is improper on a main road. He agreed the matter would end up in court.

Messrs. Waller and Vleck agreed with the comments of Ms. Drake-Batts and Mr. Khan.

Paula P Bratto

From: IRLlene@aol.com

Sent: Monday, May 09, 2005 11:29 PM

To: Paula P Bratto; Mark F Miller

Subject: Gerback rezone request regarding Lots 5,6,7,8,9 of Troy Little Farms Subdivision

I reside at 990 De Etta, directly behind the lot that is currently requesting a rezoning request scheduled for hearing on Tuesday, May 10 at 7:30 p.m. I am against the rezoning request as the lot is much too small to construct a building and offer parking for its patrons. We currently have the Woodside Church that has just been constructed directly across the street and also have the office park which consists of two office buildings at the corner of De Etta and Rochester roads. The traffic as you know on Rochester Road is heavy and now with the church traffic (which by the way does not occur on just Sundays, its Monday Wednesday Friday Saturday and Sunday!!!) trying to get out of our street some days is next to impossible!!!! We have not had the pleasure of the traffic with the office park project as it is still not completed. If you allow this rezoning request from residential to commercial then we will have another business and more business patrons to contend with in a small area. The lot is just too small for this business. Binsons is currently located at the corner of Square Lake Rd and Rochester, if that's not large enough for them then this location can't possibly be any better as the current location is a strip mall and has more than ample parking. The residents here are tired of being squished out by businesses!!!! It's time the planning commission said no to some of these rezoning requests and think about their residents!! Our property values are plummeting and will contiue to do so with more business buildings why not a home? When they purchased this property they knew it was zoned residential, unfortunately for the city residents these business owners know that they can petition the planning commission and get their way!!! I think it will be very unfortunate if this request is granted. Please take in consideration the residents of this area.
Thank you for your time.
Eileen Carty.

DATE: July 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (AUGUST 1, 2005) – REZONING APPLICATION – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2 (Z-704)

RECOMMENDATION

The subject property is designated as a Non-Center Commercial on the Future Land Use Plan. Both, the B-3 or H-S zoning districts correlate with this Non-Center Commercial future land use designation. Almost all of the uses permitted in the proposed B-2 district are permitted in the B-3 district. The B-2 district is a community commercial district; however, the B-3 district includes a wider range of uses and potential greater negative impacts. Within the B-3 district the front yard setback is 40 feet and the rear yard setback is 30 feet, while the proposed B-2 district are greater, and the front yard setback is 75 feet and the rear yard setback is 30 feet. Therefore, the potential land uses are less intensive within the proposed B-2 district and the building setbacks are greater, when compared to the future planned B-3 district.

The proposed rezoning would extend the existing western boundary of B-2 property to line up precisely with the abutting property to the south, which is also with the B-2 zoning district. This proposed B-2 boundary extends slightly further to the west than the B-3 district to the north and across Vanderpool. However, the proposed B-2 zoning and its depth towards the west, is consistent with properties along the western side of the Rochester Road corridor, between Big Beaver and Wattles.

The petitioner proposes to combine the subject property with a City owned remnant parcel, that fronts Rochester Road and is within the B-2 zoning district. By combining these parcels the remnant parcel becomes developable. The rezoning application is compatible with surrounding land uses and zoning districts. Further, the request is consistent with the existing B-2 zoning located south of Vanderpool. On June 14, 2005 the Planning Commission recommended approval of the rezoning request. City Management concurs and recommends approval of the B-2 rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
The owners of the property are Glen and Barbara Carter. The applicant is John Glasnak.

Location of Subject Property:
The property is located on the south side of Vanderpool, west of Rochester Road and east of Ellenboro, in Section 22.

Size of Subject Parcel:
The parcel is approximately 0.5 acres in area.

Current Use of Subject Property:
The subject parcel is currently used as a single family residence.

Current Zoning Classification:
R-1E One Family Residential.

Proposed Zoning of Subject Parcel:
B-2 Community Business.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to acquire the abutting remnant parcel to the east, from the City of Troy and develop both parcels as a Dunkin Donuts restaurant.

Current Use of Adjacent Parcels:
North: Single-family residential.
South: Troy Point Plaza (retail strip mall).
East: Vacant.
West: Single-family residential.

Zoning Classification of Adjacent Parcels:
North: R-1E One Family Residential and B-3 General Business.
South: B-2 Community Business.
East: B-2 Community Business.
West: R-1E One Family Residential.

ANALYSIS

Range of Uses Permitted in Proposed B-2 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Any retail business or service establishment permitted in B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions,

Any retail business whose principal activity is the sale of merchandise in an enclosed building, except for those limited to or first permitted in the B-3 General Business District.

Any service establishment of a showroom or workshop nature, of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic studios and reproduction and similar service establishments that require a retail adjunct.

Business establishments which perform services on the premises, such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices.

Private clubs, fraternal organization, and lodge halls.

Restaurants, or other places serving food or beverage, except those having the character of a drive-in or open front store.

Theaters, assembly halls, concert halls or similar places of assembly, when conducted completely within enclosed buildings.

Business schools and colleges or private schools operated for profit, not including nursery schools.

Other uses similar to the above uses.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up Windows or Service Facilities, as Accessory to Principal Uses Within B-2 Districts, Apart from Restaurants

Outside seating areas, of twenty (20) seats or less, for restaurants or other food service establishments

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

Drive-Up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District

Bowling alley, billiard hall, indoor archery range, indoor skating, rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation, when the subject uses are located at least 100 feet from any Residential District.

Open air business uses when developed as uses subordinate to primary uses and structures within the B-2 District as follows:

A. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies.
B. Recreational space providing shuffleboard, miniature golf, tennis, or similar outdoor recreation, when part of a planned development.

C. Outdoor driver training and testing areas on or abutting the site of a driving school.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments

Facilities within a retail establishment for installation, in vehicles, of items sold at retail at that location.

Vehicular and Non-motorized Access:
The parcel fronts on Vanderpool.

Potential Storm Water and Utility Issues:
The applicant will have to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:
The parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The Non-Center Commercial designation does not correlate with the B-2 Zoning District. The B-2 district does not comply with the Future Land Use Plan. However, the B-2 district is a commercial zone as is B-3, and the B-2 district is less intense in terms of potential uses than the B-3 district. Further, the request is an expansion of an existing B-2 zoning district

Compliance with Location Standards
The B-2 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

Attachments:
1. Maps.
2. Conceptual Site Plan.
3. Applicant Statement of Request.
4. Minutes from the June 14, 2005 Planning Commission Regular Meeting.

cc: Applicant
File / Z- 704

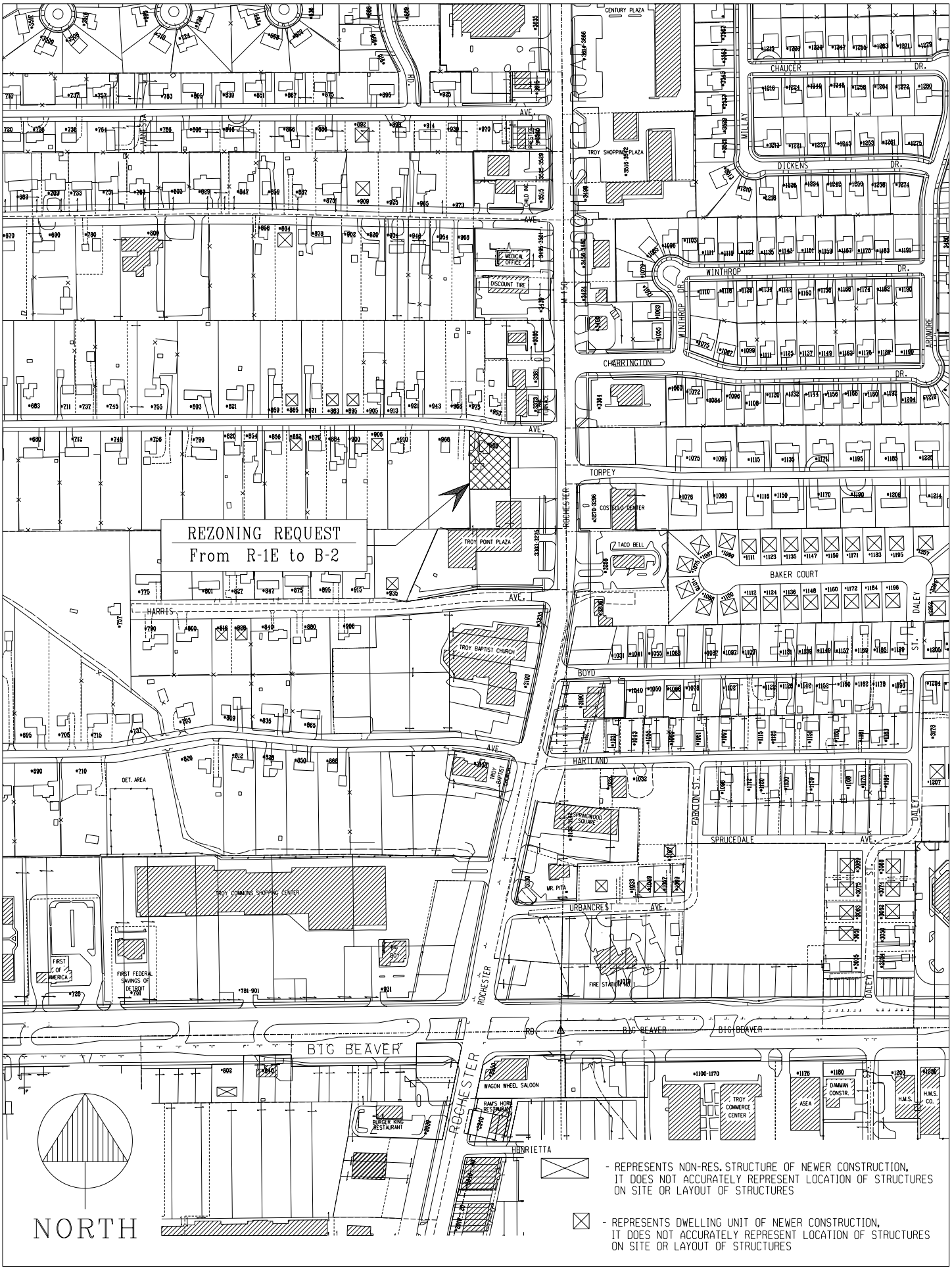
Prepared by PPB/RBS/MFM

G:\REZONING REQUESTS\Z-704 DUNKIN DONUTS SEC 22\Announcement of CC Public Hearing Z-704 07 18 05.doc

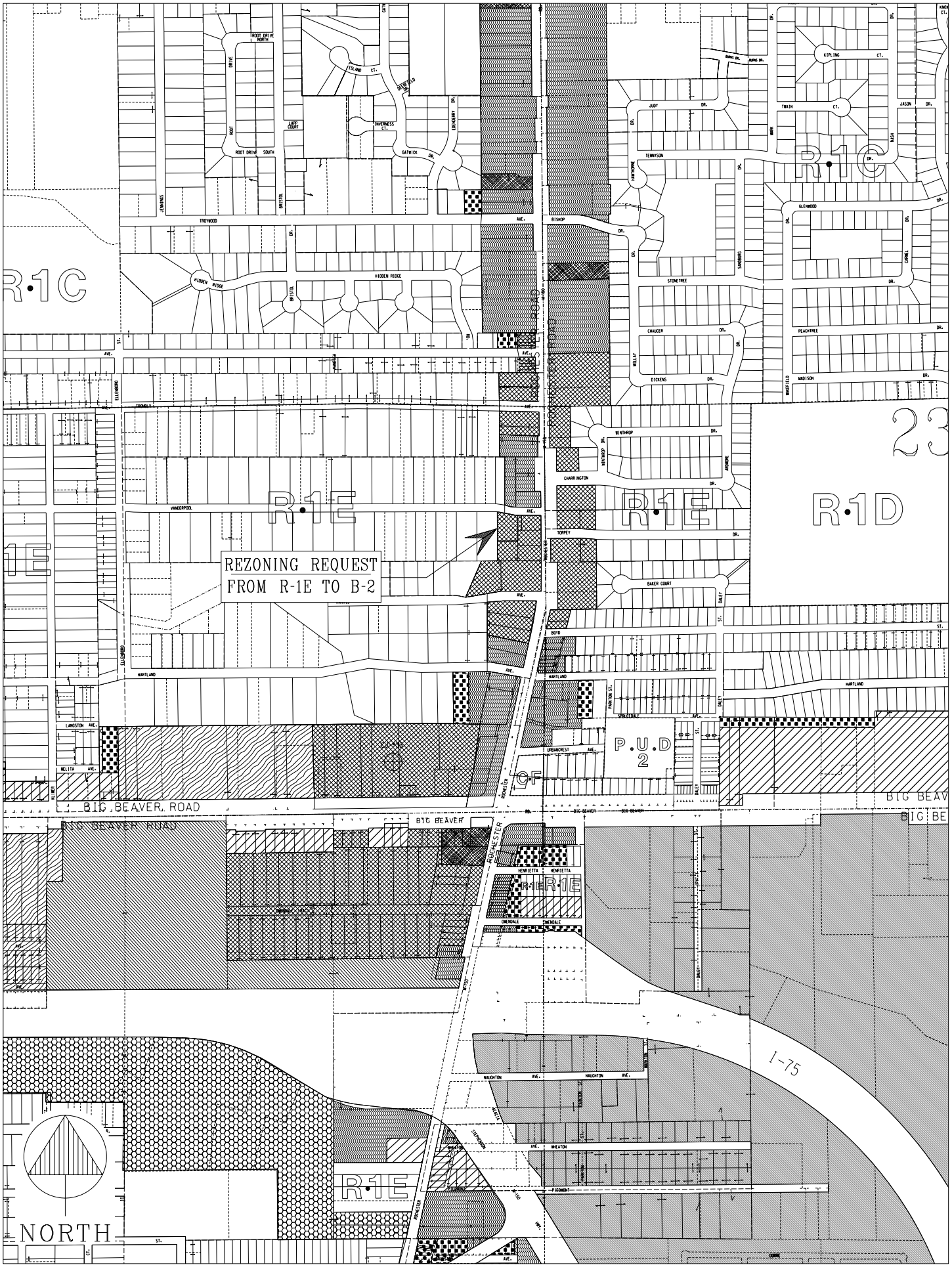
CITY OF TROY

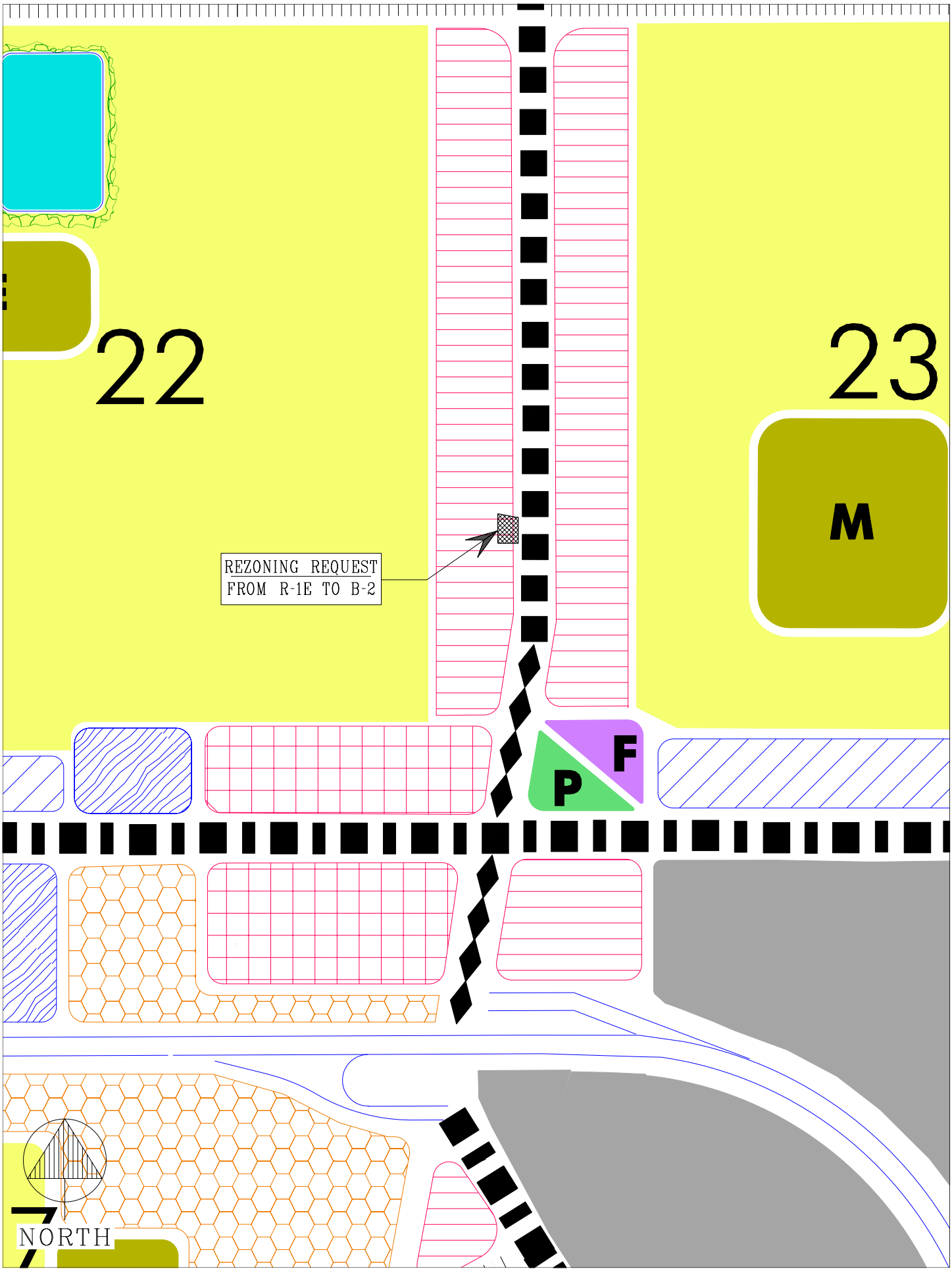
PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
PROPOSED DUNKIN DONUTS
FROM R-1E TO B-2
S SIDE VANDERPOOL, W OF ROCHESTER
SEC. 22 (Z-704)
REZONING REQUEST
FROM R-1E TO B-2
TROMBLEY
WINTHROP
ARDMORE
CHARRINGTON
VANDERPOOL
TORPEY
BAKER
HARRIS
ROCHESTER
BOYD
DALEY
HARTLAND
HARTLAND
Feet
0 50 100 200 300 400



Z-704 / SEC. 22 / 05-24-05

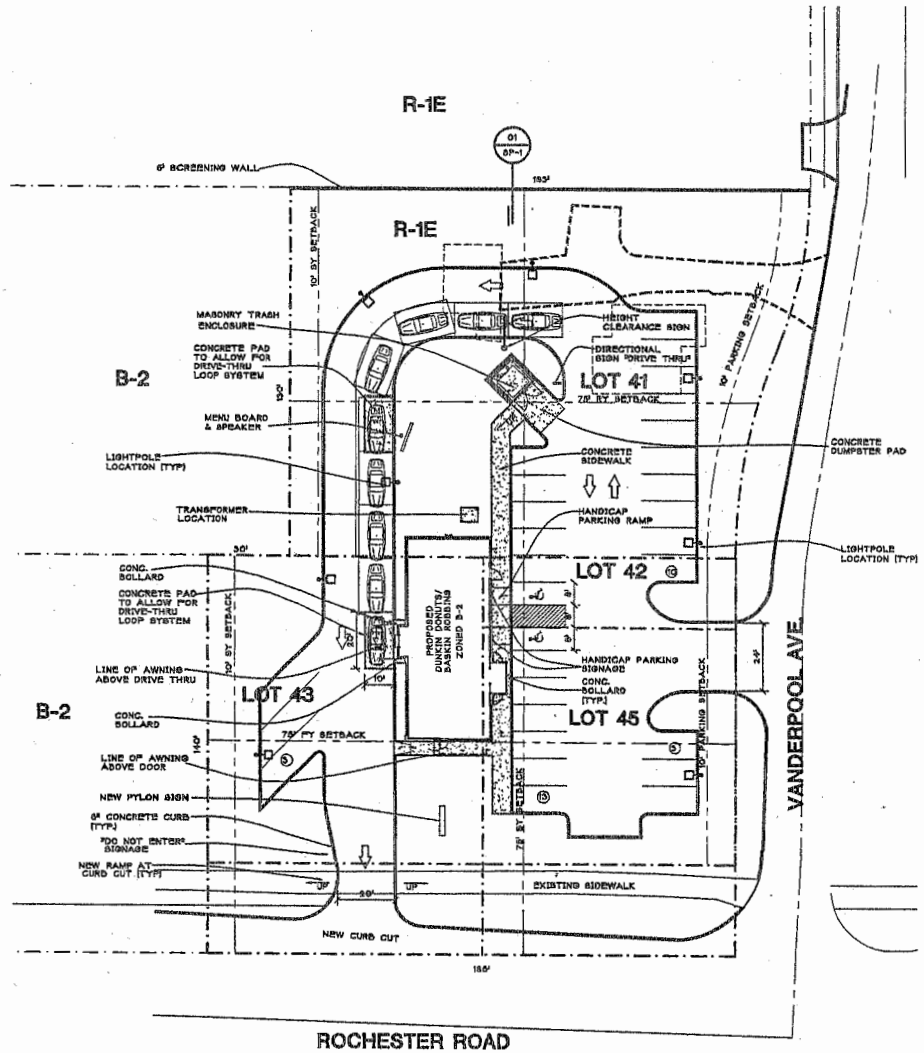

REZONING REQUEST
FROM R-1E TO B-2
R-1C
R-1E
R-1D
P.U.D
2
C-F
BIG BEAVER ROAD
ROCHESTER ROAD
I-75
NORTH
TROYWOOD
BISHOP
HIDDEN RIDGE
STONE TREE
CHAUCER
DICKENS
TENNYSON
GLENWOOD
PEACHTREE
MADISON
WINTHROP
CHARRINGTON
VANDERPOOL
TORPEY
BAKER COURT
BOYD
HARTLAND
LANGSTON
MELITA
URBANCREST
SPRINGDALE
HENRIETTA
OWENDALE
NAUGHTON
WHEATON
PIEDMONT
ELLINGWOOD
JENNINGS
BRISTOL
GATWICK
INVERNESS
ROOT DRIVE NORTH
ROOT DRIVE SOUTH
LAPP COURT
ISLAND
KIPLING
TRAIN
JASON
JUDY
MARK
NASH
HARTMORE
SANDBURG
CARMEL
WINFIELD
MILLAY
ARDMORE
PARKLIN ST.
DALEY
ROCHESTER
WALTON
DUBLIN
ACADY
STEPHENSON
MAPLE
WOODWARD
LAUREL
BIRMINGHAM
CORPORATE


22
23
M
REZONING REQUEST
FROM R-1E TO B-2
F
P
NORTH

RECEIVED

MAY 16 2005

PLANNING DEPT.

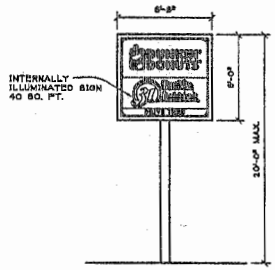


SITE PLAN

N SCALE: 1"=20'-0"

LEGAL DESCRIPTION

LOT 43, ALSO LOT 43 AND 46 EXCEPT THE EAST 4½ FEET TAKEN FOR ROAD, AND LOT 41 EXCEPT THE SOUTH 13.3 FEET, SUPERVISORS PLAT NO.17, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.



TYPICAL PYLON SIGN

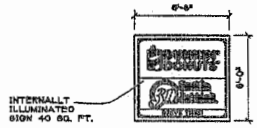
SCALE: 1/4" = 1'-0"

TOTAL SQUARE FOOTAGE = 80 SQ. FT.

BUILDING WALL SIGNAGE

SCALE: 1/4" = 1'-0"

DUNKIN DONUTS SIGNAGE = 21 SQ. FT.
BASKIN ROBBINS SIGNAGE = 28 SQ. FT.
TOTAL WALL SIGNAGE = 49 SQ. FT.

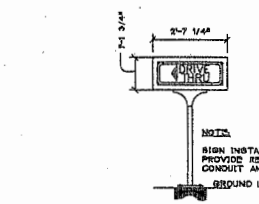


BUILDING WALL SIGNAGE

SCALE: 1/4" = 1'-0"

TOTAL WALL SIGNAGE= 40 SQ. FT.

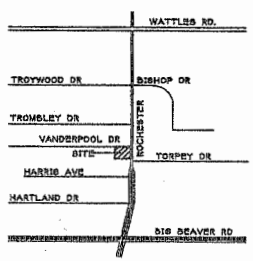
DETAILS OF DEVELOPMENT		
DATA	REQUIRED	PROVIDED
ZONING	B-2 COMMUNITY BUSINESS DISTRICT	
SETBACKS FY- ROCHESTER	75'	89'-0"
SY- VANDERPOOL	75'	80'-0"
SY-WEST	20'	40'-0"
RY	75'	152'-0"
NET LOT AREA (SQ.FT)	43,560 SQ.FT.	43,038 SQ.FT.
BIGBEE FLOOR AREA		2365 SQ.FT.
USEABLE FLOOR AREA		1835 SQ.FT.
BUILDING COVERAGE		5.7%
BUILDING HEIGHT	30'-0"	21'-4" -1 STORY
SEATING CAPACITY		50
DINING/SEATING AREA SQ.FT.		300 SQ.FT.
EMPLOYEES		4
DRIVE THRU STACKING	9	6
PARKING BASED ON 300 sq. ft. 1 PER 30 SQ.FT. DINING AREA + 1 PER 2 SEATS	16	18
HANDICAPPED PARKING	2	2



SIGN DETAIL (TYP.)

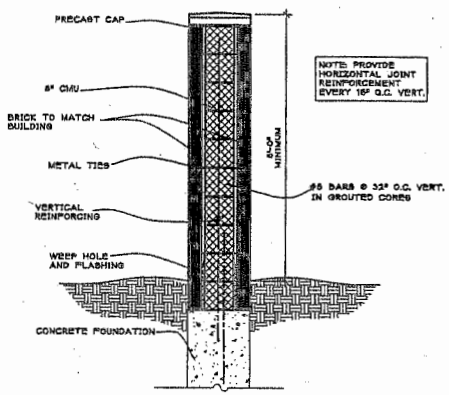
SCALE: 1/2" = 1'-0"

TOTAL SQUARE FOOTAGE = 2.86 SQ. FT.



LOCATION MAP

NO SCALE



01 SP-1 SCREEN WALL SECTION

SCALE: 3/4"=1'-0"

DUNKIN' DONUTS Baskin Robbins

jeffery a. scott architects p.c.

NO	DESCRIPTION	DATE
1	REZONING	5/17/05
2		
3		
4		
5		
6		
7		

REVISIONS

DATE	5/17/05
SCALE	VARIES
DRAWN	MB
CKD	MB
APPD	MB

PRELIMINARY SITE PLAN

ROCHESTER ROAD
TROY, MI 48083

P/C #

JSA JOB NO.

0505.3

SHEET NO.

SP-1

ATTACHMENT TO
REZONING RQUEST
980 VADERPOOL, TROY, MICHIGAN

STATEMENT OF APPLICANT

The applicant believes that the zoning change requested is necessary to make the adjacent parcel, which is owned by the City of Troy and which is proposed to be sold to applicant, a buildable parcel. By joining this parcel, as rezoned, with the City parcel, a much more desirable building site is achieved. The adjacent properties on Rochester Road consist of other retail developments, and the rezoning of this parcel should not have any negative impact on the adjacent properties or other persons located in the vicinity thereof.

REC'D
MAY 16 2005
PLANNING DEPT.

8. PUBLIC HEARING – PROPOSED REZONING (Z 704) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester, Section 22 – From R-1E to B-2

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

Mr. Miller explained that both actions, the Offer to Purchase the remnant parcel and the rezoning request, would be considered at the same City Council meeting. Should one action not be approved, the other action would not take place.

Ms. Lancaster confirmed that the Planning Commission could make their recommendation approval contingent upon the applicant's acquisition of the remnant parcel from the City.

Burt Kassab of 7125 Orchard Lake, West Bloomfield, was present to represent the petitioner.

PUBLIC HEARING OPENED

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat said the proposed rezoning is an intrusion and an encroachment of commercial use into the residential area. She said the property values of the residential homes would decrease. Ms. Balyeat questioned the need for another breakfast/coffee use at this location when there are vacant buildings throughout the City. Ms. Balyeat said that should the City go forward with the proposed rezoning, she would like the City's consideration to provide a tasteful brick wall as a transitional buffer and appropriate shielding of the parking lot lights.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger voiced opposition to the proposed rezoning. He said the City is literally taking down a house and moving commercial further into the subdivision. Mr. Billinger expressed concern with respect to noise, trash and dumpster locations. Mr. Billinger said his front yard view would be a brick wall should the proposed rezoning go forward. Mr. Billinger addressed current vacancies along Rochester Road that could accommodate the commercial use.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles said he is not opposed to the proposed rezoning. His concerns are the uneven property lines for commercial use in the area, and the potential of being enclosed by walls should the future commercial use construct a brick wall.

PUBLIC HEARING CLOSED

Chair Strat encouraged the residents to address their concerns at the time of City Council review and approval of the proposed rezoning, and again at the time of site plan approval by the Planning Commission should the rezoning go forward.

Ms. Lancaster clarified her earlier statement that the Planning Commission's recommendation could be contingent upon the remnant parcel sale. She pointed out that a rezoning request does not require conditions and putting a condition on the approval would put a condition on the City to sell the property. Ms. Lancaster suggested consideration of a recommendation that the property not be rezoned without the City remnant parcel sale, should the members make a recommendation of approval.

Mr. Miller clarified that property owners would not be notified at the time of site plan review and approval should the rezoning go forward. He said interested residents could contact the Planning Department for status of the site plan application.

Resolution # PC-2005-06-101
Moved by: Waller
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road, within Section 22, being approximately 0.5 acres in size, be granted, with the condition that this recommendation will cease if the City is not able to work out a purchase agreement between the applicant for the Dunkin Donut property and the City and that the only way to move forward is if the applicant owns both parcels.

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

MOTION CARRIED

Ms. Drake-Batts is not in favor of commercial use going into a residential neighborhood because of the affect it would have on the value of the residential homes. Ms. Drake-Batts encouraged the residents to send their concerns in writing to the City Council members.

Mr. Vleck agreed with the comments of Ms. Drake-Batts.

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, June 1, 2005.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak

ABSENT: Frank Zuazo

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 4, 2005

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of May 4, 2005 as written.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. LLOYD LEWIS, 3405 UPTON, for relief of Chapter 83 to install a 6' high privacy fence 26' from the south property line in the front setback along Wendover.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This lot is a double front corner lot. As such, it has a 40' front yard setback along both Upton and Wendover. The site does however have a common rear yard to rear yard relationship with the adjacent site to the west. The site plan submitted indicates a 6' high privacy fence located 26' from the south property line along Wendover. The front setback in this Zoning District is 40'. Chapter 83 limits the height of fences to non-obscuring 48" in the front setback of the side street when there is a common rear yard to rear yard relationship.

Mr. Dziurman clarified that there were two (2) variances involved with this request, one, which is a setback variance, and the other, which is the height of the fence. Mr. Stimac explained that if Mr. Lewis wished to put up a 48" high non-obscuring fence it could be placed at the property line.

Mr. Lewis was present and stated that he has lived at this location for five (5) years and presently there is a 6' high stockade fence that is deteriorating. Mr. Lewis explained that this existing fence cannot be repaired and that is the reason they wish to replace it. Mr. Lewis also said that they have a pool in their yard and this location would increase their privacy. The home at 3404 Adams also has a privacy fence and Mr. Lewis said

ITEM #2 – con't.

that if the location of their fence were approved, it would line up with that fence.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Richnak asked if the existing fence had been put up with a permit. Mr. Stimac said that the existing fences goes from the southwest corner of the house and meets the required setback. Mr. Stimac also said that this petitioner wishes to put the new fence 14' farther south.

Motion by Nelson
Supported by Kessler

MOVED, to grant Lloyd Lewis, 3405 Upton, relief of the Chapter 83 to install a 6' high privacy fence 26' from the south property line in the front setback along Wendover.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in this petition.

Yeas: 4 – Kessler, Nelson, Richnak, Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. RICH CARRELL, 585 W. BIG BEAVER, for relief of Chapter 78 to install two (2) wall signs at a proposed TGI Fridays Restaurant.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install two (2) wall signs at 585 W. Big Beaver, proposed TGI Fridays Restaurant. The site plan submitted indicates two (2) wall signs, with sizes of 44.5 square feet and 26.67 square feet on the north and west elevation respectively. The primary wall sign for this development is being used for the Drury Inn. Tenants within the building are limited to a maximum of one, 20 square foot wall sign. These proposed signs exceed the number and size of signs permitted by Section 9.02.03 of the Sign Ordinance.

Mr. Tim Poole, representing Mr. Carrell, was present and stated that the main reason they are requesting this signage was to have visibility in recognizing the restaurant. Mr. Poole went on to say that the previous restaurant had received a variance regarding the amount of signage and they are actually proposing signage that will be smaller than the previous sign. Mr. Poole also stated that they would be putting up a new building and

ITEM #3 – con't.

extra signage would be crucial because of this location. To traffic heading east on Big Beaver the wall sign on the west side of the building would be a recognizable icon. Traffic coming off of I-75 to Big Beaver would also be able to identify this location more easily. Other restaurants on Big Beaver have monument signs and this would enable this restaurant to compete with their competitors.

Mr. Dziurman asked if the Drury Inn owned the property and Mr. Poole said that the Drury Inn does own the property, but they were going to build the building. Mr. Dziurman then asked if a variance had been granted to the previous restaurant. Mr. Stimac said that in June 1997, City Council granted a variance for two wall signs not to exceed 176 square feet.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Chief Nelson asked if the addition to the Drury Inn would change the size of the allowable signs. Mr. Stimac said that he thought they are already at the maximum of 200 square feet. Chief Nelson then asked if there were any other signs at this location and Mr. Stimac said that there currently there is a monument sign on the site, however, there are no additional wall signs.

Motion by Nelson
Supported by Richnak

MOVED, to grant Rich Carrell, 585 W. Big Beaver relief of Chapter 78 to install two (2) wall signs, with sizes of 44.5 square feet and 26.67 square feet on the north and west elevation respectively, at a proposed TGI Fridays Restaurant.

- The site has frontage and visibility to both Big Beaver and I-75.
- Signs will increase visibility to on-coming traffic.
- Variance will not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Kessler, Nelson, Richnak, Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. STEVE & SHARON TATAREK, 239 LANGE, for relief of Chapter 83 to install a 6' high privacy fence.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence in the front setback along Virgilia. This lot is a double front corner lot.

As such, it has front yard setback requirements along both Lange and Virgilia. The site does however have a common rear yard to rear yard relationship with the adjacent site to the south. The site plan submitted indicates a proposed 6' high privacy fence to be installed along the rear property line out to the west property line along Virgilia as well as sections from the house out to the west property line. This places portions of the fence in the front setback along Virgilia. Chapter 83 limits the height of fences to 48" high, non-obscuring in the front setback along Virgilia.

Ms. Sharon Tatarek was present and stated that they had received approval to put a fence up but are asking for this variance in height, to allow more privacy for their pool. On the side of the property that faces Virgilia, presently there is a hedge and the back of their house faces Wattles. The fence will line up with the hedge. Ms. Tatarek brought in two (2) written approvals as well as pictures of their pool. Ms. Tatarek also said that the house across Wattles is vacant and she believes it is in the process of being repossessed. The City has cut the weeds, however, the property once again has high weeds and is unkempt.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There is one (1) written objection on file.

Ms. Tatarek said that there is a 6' high privacy fence along the property of the home kitty corner to their home. Mr. Richnak asked for clarification of the location of the proposed fence. Ms. Tatarek said that the fence will butt up to the hedge, and they would like the additional 40' of fencing to be 6' high instead of 4' high. Mr. Stimac said that the fence is proposed to go the entire width of the south property line. Ms. Tatarek added that it would not go past the hedge.

Chief Nelson said that it appears from the mortgage survey that this house is currently 13' – 14' from the right of way line. Mr. Stimac said assuming the survey is correct those dimensions would also be correct.

Motion by Kessler
Supported by Richnak

MOVED, to grant Steve & Sharon Tatarek, 239 Lange, relief of Chapter 83 to install a 6' high privacy fence in the front setback along Virgilia where Chapter 83 limits the height of fences to 48" high, non-obscuring in the front setback.

- Variance is not contrary to public interest.

ITEM #4 – con't.

- The existing landscape hedge already establishes a visual barrier in that yard.
- The fence will not go beyond the existing hedge.
- Variance would not have an adverse effect to surrounding property.
- Variance applies only to the property in this application.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. JILL STEWART OF YAMASAKI ASSOCIATES, INC., 755 W. BIG BEAVER, for relief of Chapter 78 to install three (3) wall signs for National City Bank.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install three (3) wall signs at 755 W. Big Beaver for National City Bank. The plans submitted indicate three (3) wall signs, one on each elevation of the triangular shaped building, with a size of 662 square feet each. Section 9.02.03 of the Sign Ordinance states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure to a maximum of 200 square feet. Their proposal exceeds both the number and size of the signs permitted.

Mr. David Haboian of Kojaian Management was present and introduced several people that had also come to this hearing: Jim McCarthy, Tony Antoine, Mike Davis, Robert Szantner and Jill Stewart. Mr. Haboian said that National City will be the largest tenant in this building and they have signed a lease for twenty-five (25) years. Mr. Haboian said he believes this will be an enhancement to this building and is very happy that National City has decided to put their headquarters here in Troy. Mr. Haboian also said that they would be re-naming the building to the National City Bank Building.

Jill Stewart of Yamasaki Associates stated that they felt the proposed size of the three signs would be the best solution because of the height of the building. Ms. Stewart explained that they had looked at alternative sizes and determined that they would not be visible and would not give the credibility to the building that they are looking for. The total square footage of the signs would still be less than 10% of the size of the building. Ms. Stewart also explained that they are planning to put a "cap" around the top portion of the building and will not cause any interference with the antennas that are presently in that location. The National City logo will also help to conceal some of the items on the top of the building.

Mr. Szantner said that although the signs would be readable if they were each 200 square feet, in terms of the proportion of the signs to the building, they feel that the larger signs would be more aesthetically pleasing. Mr. Szantner also said that this

ITEM #5 – con't.

structure is very unique and once the top of the building is capped it will bring the top of the building forward.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Dziurman said that he felt the proposed signs at 200 square feet each would be more than adequate.

Motion by Kessler
Supported by Richnak

MOVED, to grant Jill Stewart of Yamasaki Associates, Inc., 755 W. Big Beaver relief of Chapter 78 to install three (3) wall signs, with a size of 662 square feet each, where Section 9.02.03 of the Sign Ordinance states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure to a maximum of 200 square feet.

- Total area of the signs is less than 10% of the face of the structure.
- This is the largest building in the City of Troy.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in this application.

Yeas: 3 – Kessler, Nelson, Richnak
Nays: 1 – Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. J & E HOME IMPROVEMENTS, 2288 PRESTIWCK, for relief of the 2003 Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to finish a basement that will result in a 6'-10" overall ceiling height and a 6'-4" ceiling height under a ductwork drop area. The 2003 Michigan Residential Code, Section R-305 requires a 7' minimum finished basement ceiling height and 6'-6" minimum for dropped areas.

Mr. David Shipley of J & E Home Improvements, and Mr. Mark St. Cyr the homeowner were present. Mr. Shipley said that they are proposing to squeeze the drop ceiling up to 6'-10" and will add a plywood soffet under the ductwork.

ITEM #6 – con't.

Mr. Dziurman asked about the 36" door located on the plans and Mr. Shipley said that this door will allow access to the egress window.

Motion by Nelson
Supported by Richnak

MOVED, to grant J & E Home Improvements, 2288 Prestwick, relief of the 2003 Michigan Residential Code to finish a basement result in a 6'-10" overall ceiling height and a 6'-4" ceiling height under a ductwork drop area. Section R-305 of the Michigan Residential Code requires a 7' minimum finished basement ceiling height and 6'-6" minimum for dropped areas.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:15 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:34 p.m. on June 14, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Chair Strat said he would limit public comment and discussion due to the length of the agenda.

2. PUBLIC COMMENT

Ed Sarkis of 70 McKinley, Troy, was present. Mr. Sarkis spoke with reference to the Special Use Approval (SU 325) granted to St. Augustine Lutheran Preschool located on the southwest corner of Livernois and McKinley. He said the light projecting onto McKinley is not properly shielded and asked that the City take enforcement action.

Chair Strat thanked Mr. Sarkis for bringing the matter to the attention of the Planning Commission. He said the Planning Department would look into the matter and take appropriate action.

TABLED AND POSTPONED ITEMS

3. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church/Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Miller reviewed the two proposed amendments to the PUD requested by the petitioner. He reported that the petitioner has committed to the screening of the

rooftop mechanical equipment. Mr. Miller said the freestanding sign on Rochester Road has been discussed but there has been no resolution to the matter. Mr. Miller reported that the EVA (Emergency Vehicle Access) connection between Woodside Bible Church and Northwyck Condominiums has not been constructed and City Management is concerned that the contractually obligated improvement has been ignored. It is City Management's recommendation to table the item to the July 12, 2005 Regular Meeting, as requested by the petitioner.

Mr. Miller explained the petitioner does not want to remove or replace the freestanding sign on Rochester Road, but would prefer to amend the PUD agreement to allow the sign. A permit was not granted for the erection of the sign.

Mr. Schultz asked if the Planning Commission has the right to direct the City to cease the issuance of a certificate of occupancy should the petitioner be in non-compliance of the PUD agreement.

Ms. Lancaster said the development agreement signed by all parties after the PUD approval by the City Council stipulates a remedy for non-compliance of the agreement. Ms. Lancaster said she would check into the matter and report back to the Planning Commission.

Note: The petitioner was not present.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

Resolution # PC-2005-06-095
Moved by: Waller
Seconded by: Schultz

RESOLVED, That the Proposed Amendment to Woodside Bible Church / Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1, is postponed for 30 days to the July 12, 2005 Planning Commission Regular Meeting.

FURTHER RESOLVED, That the petitioner be made aware they have to answer questions about the continued construction of the sign and respond to the EVA (Emergency Vehicle Access) construction. It would be appropriate that the response be in writing.

Discussion on the motion on the floor.

Mr. Schultz said it might be in the best interest of the City that the Planning Department contact both parties involved in the PUD; i.e., Woodside Bible Church

and Northwyck Condominiums. He said he would not be in favor of any forthcoming PUD amendments until the EVA is installed.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Littman said it appears the petitioner is putting off the matter and doing what they want to do as opposed to what the ordinance requires.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reviewed two versions of the proposed zoning ordinance text amendment relating to accessory building definitions and provisions. The version recommended by the Planning Commission (Version A) limits the size of an accessory building to not exceed 75% of the ground floor footprint of the living area of the dwelling, incorporates a grandfather clause for existing accessory buildings that have been granted valid building permits, and limits the height of a garage door to 8 feet. City Management supports the Planning Commission recommendation with the exception of the 8-foot maximum garage door height limit (Version B).

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-096
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be amended as printed on the proposed Zoning Ordinance Text Amendment, Version A, as recommended by the Planning Commission.

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

MOTION CARRIED

Mr. Vleck said the structure identified as the problem was a garage that was double the square footage of the living area. He believes an ordinance that would limit the size of the accessory structure to be not greater than the total living area would be sufficient. Mr. Vleck is also opposed to the 8-foot garage door height limit.

Chair Strat said his opinion is that neither the City Management recommendation nor the Planning Commission recommendation satisfies or addresses the massing of the actual garage, and a so-called monster garage still could be built under either scenario in terms of the size of the massing.

5. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller said appropriate planning and zoning uses in the location should be determined and an amendment to the Future Land Use Plan would be recommended, should the rezoning request go forward. Mr. Miller reported that it is the recommendation of City Management to deny the rezoning application because it does not comply with the Future Land Use Plan.

Mr. Vleck asked for information on nearby properties with respect to Consent Judgments.

Mr. Miller said a Consent Judgment on the property one block north (commonly known as the Rabbani property) allows office use on the subject property. He reported that, in general, the area has had a number of land uses, and noted more recently residential development; i.e., PUD 1 Northwyck Condominiums, Sandalwood North and South condominiums, and a proposed PUD for a mixed-use development on the northeast corner of Rochester Road and South Boulevard.

Ms. Lancaster said the Rabbani Consent Judgment is the only one in the area of which she is aware. She said both zoning plans and future land use plans are important factors in litigation cases. Ms. Lancaster said the Judge in the Rabbani case was concerned about the number of non-conforming uses in the area at that time.

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the petitioner. Mr. Gaber said the proposed use is consistent with the character of the neighborhood. He reviewed the site characteristics with respect to residential development. Mr. Gaber said the lease for the existing Binson's located on Rochester and Square Lake Roads expires in a few months and they would like to relocate in the near future. He asked that the rezoning request not be held up in the process should the Planning Commission opt to amend the Future Land Use Plan. Mr. Gaber said there was an opinion and a judgment by the Court, prior to the Rabbani Consent Judgment, finding that the uses and zoning in the area had

changed significantly, and that the site would not be compatible for what it was zoned and master planned. Mr. Gaber said the McKenna report provided to the members support the changing uses and zoning. Mr. Gaber requested a favorable recommendation to the City Council.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Vleck believes the requested B-1 zoning classification is appropriate for the location, and a revision in the zoning classification would be considered in the future when the City undertakes its study of the Future Land Use Plan.

Mr. Khan said a main road is not suitable for residential use. He agreed with Mr. Vleck's comments.

Resolution # PC-2005-06-097
Moved by: Khan
Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 0.89 acres in size, be granted, for the following reasons:

1. That the property is too narrow to put residential use.
2. B-1 is the best use for this property.

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

MOTION DENIED

Resolution # PC-2005-06-098
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 0.89 acres in size, be denied, for the following reasons:

1. The application does not comply with the Future Land Use Plan.

2. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions.
3. Rezoning this parcel to B-1 would result in the enlargement of an undesirable commercial "spot zone" along an area along the Rochester Road corridor that is planned for medium density use.
4. Approval of the rezoning request could open the door for further commercial rezoning applications along the Rochester Road corridor.

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

MOTION CARRIED

Ms. Drake-Batts believes the zoning should be commercial. She said denial of the request would result in a court matter.

Mr. Khan said residential zoning is improper on a main road. He agreed the matter would end up in court.

Messrs. Waller and Vleck agreed with the comments of Ms. Drake-Batts and Mr. Khan.

PLANNED UNIT DEVELOPMENT REQUEST

6. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) Districts

Mr. Miller reported that City Management recommends approval of the proposed PUD with four conditions.

(1) The public benefit be reviewed and increased to an appropriate level.
(2) The auto courts and circulation drive north of the auto courts in the Villas be designated as fire lanes and no parking permitted.
(3) A connecting sidewalk provided from McClure to the northern tower entrance.
(4) A screen wall provided along the northern property line.

Mr. Miller said he believes it is a superlative project that would provide impetus and direction for the Big Beaver Road corridor.

Richard Carlisle, Planning Consultant, highlighted key elements why the proposed development meets the PUD criteria and the intent of the Master Plan. He said the project would offer many benefits to the Big Beaver Road corridor and enhance the

overall economic sustainability of the corridor. Mr. Carlisle specifically addressed the public benefit. A contribution of $200,000 (roughly $1,000 per unit) has been offered by the petitioner to be appropriated to a Big Beaver Road improvement fund. Mr. Carlisle said the contribution would not be proportional to the benefit that is being received by the applicant. He recommended a more equitable contribution and suggested a graduated range from $1,000 to $2,000 per unit, based on the quality and selling price of the unit.

Chair Strat requested a recess at 8:15 p.m.

The meeting reconvened at 8:20 p.m.

Thomas Kafkes of Joseph Freed and Associates, 220 North Smith Street, Palatine, Illinois, provided a visual and descriptive narrative presentation of the proposed project. He introduced members of the development, design and marketing teams and reviewed design highlights and benefits to the City of Troy that would support the project. Mr. Kafkes respectfully requested that the Planning Commission forward a favorable recommendation to the City Council.

Mr. Kafkes specifically addressed the following issues.

- The relocation of air-conditioning units in the Villas to screen potential noise.
- The traffic impact – comparison of office development -vs- PUD.
- The pavement widening along Alpine and McClure to accommodate parallel parking.
- The containment of trash within a private courtyard accessible off of Alpine. Trash from residents in The Villas would be contained in respective garages and placed on curbside for pickup.
- The vegetation screen wall to the north at 100% opacity, and the flexibility of the petitioner to construct a brick wall as well as limited vegetation should the City desire.
- The use of cutting-edge technology to become LEED certified.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed concern for the increase of traffic that would result from the proposed development. Mr. Krent distributed information to the members addressing specific concerns on traffic and CD's depicting the length of time cars would have to wait to exit Alpine onto Big Beaver Road during peak rush hours. He said the quality of life for existing residents would be affected by the proposed development.

Mike Baxter of 3141 McClure, Troy, was present. Mr. Baxter is one of the property owners immediately to the north of the proposed development. Mr. Baxter said

there are outstanding concerns that have not been addressed; i.e., setbacks, layout of the auto courts. He stated a preference for a stone wall at the northern edge of the development. Mr. Baxter urged the members to give attention to comments in the Planning Department and Planning Consultant reports relating to stronger policy guidance for the Master Plan, outdated requirements for existing multiple family developments, and the compatibility of the proposed development with the Future Land Use Plan. Mr. Baxter expressed concern with the future use of the land. He said developers who are interested in developing the area for future town homes have already approached neighbors. Mr. Baxter said the contribution of $200,000 to the City for public benefit would set precedence and appears to be a kickback.

Debbie Liposky of 3492 Balfour, Troy, was present. She is a resident of the Somerset North subdivision. Ms. Liposky is opposed to the proposed development. She said in their search of a perfect home, they checked on the surroundings. They were told that the City would not build any more tower buildings similar to the Top of Troy; the airport at Maple and Coolidge would restrict building heights; in essence, the surroundings would remain the same. Ms. Liposky asked how many stories would be considered high-rise if a mid-rise building is 23 stories. She referenced that the word on the streets is too many hands have been greased on this project and it is a done deal. It is her understanding that the taxes generated from the proposed development would go to the Downtown Development Authority, and she questioned the validity of that as opposed to using the tax dollars to repair Coolidge Road or any other side streets that would incur higher traffic volumes from the proposed development. Ms. Liposky addressed the affect the proposed development would have on future development in the area. She cited cities such as Birmingham, Bloomfield Hills and Rochester Hills do not have high-rise residential developments. Ms. Liposky encouraged the members to look at its vision of the city of tomorrow and determine if they would like to build a Birmingham or a Southfield.

Ms. Drake-Batts and Mr. Wright asked the audience to refrain from comments that suggest members have been paid off, or hands have been greased.

Zakariya Abuzaid of 3128 Alpine, Troy, was present. Mr. Abuzaid is one of the property owners directly to the north of the proposed development. Mr. Abuzaid said his previous concerns with respect to the floodplain and snow removal have not been addressed. He would like to have a 30-foot fence that would obscure the proposed development.

Wade Fleming of 3820 Victoria Court, Troy, was present. Mr. Fleming spoke in support of the proposed development. He said the project would benefit the Big Beaver Road corridor and the City's tax base. He asked that the City seriously address and remedy the traffic concerns voiced by the residents.

Ted Wilson of 5038 Kellen, Bloomfield Township, was present. Mr. Wilson spoke on behalf of the Troy Chamber of Commerce Board of Directors and the Economic Development Committee in support of the proposed development. He addressed

the original proposal that offered alternative traffic flow patterns (i.e., cul de sacs) for the neighborhood to the north and a corporate America view for residents near the Big Beaver Road corridor.

Barbara Dawson of 1834 Boulan, Troy, was present. Ms. Dawson is opposed to the potential increase in traffic and expressed concern with the safety of school children and pedestrians. She said their subdivision roads have no curbs or stop signs, and the long straight roads encourage speeders. She noted that Boulan is used as a cut-through to avoid the light at Big Beaver and Crooks. Ms. Dawson suggested barriers be placed on Alpine/Muer and McClure/Banmoor in an effort to prevent cut-through traffic. She distributed written comments to the members.

Keith Howard of 3229 McClure, Troy, was present. Mr. Howard said he bought his property after checking the City's Zoning Ordinance with respect to what he wanted to do with his property. He said the Zoning Ordinance permits only 3-story buildings in the area. Mr. Howard expressed concern with the future of the neighborhood. He said prior to his move to McClure, he was compelled to relocate due to an improvement generated by the City.

Michael Otti of 3225 McClure, Troy, was present. Mr. Otti is a 30-year resident and likes the area. He asked what the future plan is for the subdivision. Mr. Otti said he had seen advertisements for the proposed development several weeks ago, and questioned how they could advertise the sale of units before the project gets City approval.

Kim Duford of 3141 Alpine, Troy, was present. Ms. Duford noted that she has spoken before the Commission several times with respect to her concerns. Ms. Duford addressed the comments of Mr. Wilson, and noted residents were not given an opportunity to vote on the cul de sac layout proposed originally for the development. Ms. Duford said it would have been beneficial to circulate a survey to get suggestions from the residents. She noted that there are elderly neighbors who are unable to attend public meetings. Ms. Duford addressed public benefit (suggested sidewalks throughout the subdivision), setbacks, parallel parking, transitional screening, and noise. She expressed concern for the safety of the young children for whom she cares. Ms. Duford asked the petitioner to offer a public benefit to the neighborhood because they have supported the City prior to the proposed development.

Paul Piscopo of 3129 Alpine, Troy, was present. Mr. Piscopo spoke in support of the proposed development. He said the development would be a benefit to the City and its tax base. Mr. Piscopo feels there have been misrepresentations on behalf of the petitioner, and referenced the petitioner's contribution toward the monster garage lawsuit. Mr. Piscopo voiced a concern with the potential increase in traffic as a result from the proposed development.

Shirley Jordan of 3268 Alpine, Troy, was present. Ms. Jordan addressed the tax base, increase in traffic and traffic flow, turnaround for trash pickup, access to

schools, additional residential expenses and the Master Land Use Plan. She suggested looking into rezoning the whole area of land, and addressed the attractiveness of the City for commercial use.

PUBLIC HEARING CLOSED

Mr. Miller confirmed that all City departments reviewed the proposed development. He said the Fire Department reported no concerns with the layout.

Chair Strat said the Road Commission of Oakland County reported that a traffic signal is not warranted on Big Beaver Road, based on its traffic study. He said the Road Commission should listen to the comments of the residents in how difficult it is to exit onto Big Beaver. Chair Strat said cul de sacs create dead-end situations and can cause problems with emergency access.

Chair Strat asked the petitioner if he was involved with developments in other areas where the values of the homes adjacent to the development were either greater or had diminished in value.

Mr. Kafkes, in the development business over 25 years, said the impact to property values has been positive for residential developments similar to The Monarch that were situated immediately adjacent to another residential neighborhood. He said the only time in his career there was a negative affect on adjacent property values was when an industrial development was constructed adjacent to a residential area.

A brief discussion took place with respect to an appropriate public benefit contribution.

Mr. Kafkes said he could not make a commitment at tonight's meeting but would be willing to agree to a recommendation of approval conditioned upon final resolution of public benefit, to be discussed and determined at the City Council level.

Mr. Carlisle said the members would be assured that the public benefit contribution would be no less than what was initially offered.

Ms. Lancaster said the proposal could go forward to the City Council with a condition related to the public benefit contribution because City Council is the authoritative body for final approval.

Resolution # PC-2005-06-099
Moved by: Chamberlain
Seconded by: Waller

WHEREAS, the Planning Commission has reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Big Beaver Alpine LLC for the Monarch Planned Unit Development (PUD 4), located on

the north side of Big Beaver Road east of Alpine and west of McClure, located in Section 20, within the O-1, P-1 and R-1B zoning districts, being 5.85 acres in size.

RESOLVED**,** the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C*,* the applicant demonstrated quality objectives such as those referred to in Section 35.30.00.B-2. This includes a high quality of architectural design and materials, the provision of a higher quality of landscape materials, the provision of extensive pedestrian facilities and amenities.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.2, the applicant being a mixture of land uses that would otherwise not be permitted, including retail, high rise residential, town home residential and live-work units.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The applicant will be making a number of improvements within the Big Beaver, Alpine, and McClure rights-of-way. Furthermore, the applicant is in the process of determining the feasibility of which of the following three contributions will be made to the City: the donation of the two parcels north of the project; the donation of one residential parcel plus a cash contribution; or, a cash contribution only.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.6, the applicant provides a complementary variety of housing types that is in harmony with the adjacent uses. This variety includes three housing types: high-rise residential, including luxury condominiums (some penthouses), town homes and live-work units.

BE IT FURTHER RESOLVED**,** pursuant to Article 35.30.00.C. 7, the PUD promotes the intent of the Future Land Use Plan, which generally calls for more intense uses on major thoroughfares with less intense uses serving as transition areas between the more intense uses and single-family residential development.

BE IT FURTHER RESOLVED, that the Preliminary Planned Unit Development consist of a project manual, dated May 23, 2005, and a supplemental letter dated June 10, 2005, which contain narratives, reduced plans, and full size plans, including the following:

<u>Reduced plans and illustrations:</u>

Sheet L-1.1	Conceptual Landscape Plan (color)
Sheet L-1.3	The Villas Landscape Elevations (color)
Sheet C1.1	Topographic Survey
Sheet C2.1	Tree Survey

Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A2.0	Ground Level Floor Plan
Sheet A-2.1	Building Plans Level 2
Sheet A-2.2	Building Plans Level 3
Sheet A-2.3	Building Plans Level 4
Sheet A-2.4	Building Plans Level 5
Sheet A-2.5	Building Plans Level 5.5
Sheet A-2.6	Building Plans Level 6
Sheet A-2.7	Building Plans Level 8
Sheet A-2.8	Building Plans Level 19
Sheet A-2.9	Building Plans Level 20
Sheet A-3.0	Exterior Elevations
Sheet A-3.1	Elevations
Sheet A4.0	Unit Plans Levels 3-5, Levels 8-18
Sheet A10.1	Somerset Bridge Conceptual 3D Study
Sheet A10.1a	Big Beaver Road Conceptual 3D Study
Sheet A10.1b	Alpine Street Conceptual 3D Study
Sheet A10.2	Height Studies
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations
Sheet A10.4	Sales Center & Signage Plan
Sheet A10.5	Signage Site Plan
Sheet A10.6	Signage Elevation
(No number)	Exterior Materials (Tower Building) (color)
(No number)	(No title - Villa Unit Exterior Materials) (color)
Sheet L-1.2	Conceptual Lighting Plan
(No number)	View From Somerset Bridge (color)
(No number)	View From Big Beaver (color)
(No number)	View From Alpine Street (color)
(No number)	Big Beaver (South) Elevation (color)
(No number)	North Elevation (color)
(No number)	Alpine Street (West) Elevation (color)
(No number)	Photo Montage Views from McClure Street (color)
(No number)	Photo Montage Views from Alpine Street (color)
(No number)	Shadow Studies June 21st (color)
(No number)	Shadow Studies December 21st (color)

Full Size Plans:

Sheet C1.1	Topographic and Boundary Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan

Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations

BE IT FINALLY RESOLVED**,** That the Planning Commission recommends that The Monarch Preliminary Planned Unit Development be approved subject to the following conditions:

1. Troy Planning Consultant recommendation for the public benefit contribution formula is appropriate.
2. The auto courts and the circulation drive north of the auto courts shall be designated as fire lanes. No parking shall be permitted within the fire lanes at any time.
3. Provide a connecting sidewalk from McClure to the northern tower entrance, on the south side of the drive that is north of the DADA parcel.
4. There will not be a screen wall along the northern property line; it will be vegetation.

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

MOTION CARRIED

Mr. Vleck said he is supportive of the overall development. He noted the areas of concern relate directly to the town house portion of the development. Mr. Vleck's concerns are: (1) density is too great of an impact on the property to the north; (2) parallel parking abuts the existing property on McClure and Alpine; and (3) setbacks are not in line with the existing residential homes in the area.

Chair Strat requested a recess at 9:40 p.m.

The meeting reconvened at 9:50 p.m.

REZONING REQUESTS

7. PUBLIC HEARING – PROPOSED REZONING (Z 703) – 600 Stephenson Hwy, North of Fourteen Mile Road, East side of Stephenson Hwy, Section 35 – From R-C to O-1

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

There was a brief discussion with respect to parking requirements. Mr. Savidant said there appears to be enough parking available for the medical use. He explained that a submission of a site plan through the Planning Commission would not be required because it is simply an office use replacing another office use. Mr. Savidant said that at the time of application to the Building Department, the Building Department, with input from the Planning Department, would make a determination on the required amount of parking spaces. Mr. Savidant said the Planning Commission would be the authoritative body should there be a request to reduce the number of parking spaces.

The petitioner, J. B. Davies of Allison Associates of 180 High Oak Road, Bloomfield Hills, was present. Mr. Davies said the family business of 30 years would make an application to Special Tree, a company who provides rehabilitation for those with closed head injuries. He said the majority of space would be for its headquarters and administration office; a minority of the space would be for medical. Mr. Davies believes the use would conform to the parking requirements.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-100
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-C to O-1 rezoning request, located on the east side of Stephenson Highway, north of Fourteen Mile Road, within Section 35, being approximately 1.74 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 704) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester, Section 22 – From R-1E to B-2

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

Mr. Miller explained that both actions, the Offer to Purchase the remnant parcel and the rezoning request, would be considered at the same City Council meeting. Should one action not be approved, the other action would not take place.

Ms. Lancaster confirmed that the Planning Commission could make their recommendation approval contingent upon the applicant's acquisition of the remnant parcel from the City.

Burt Kassab of 7125 Orchard Lake, West Bloomfield, was present to represent the petitioner.

PUBLIC HEARING OPENED

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat said the proposed rezoning is an intrusion and an encroachment of commercial use into the residential area. She said the property values of the residential homes would decrease. Ms. Balyeat questioned the need for another breakfast/coffee use at this location when there are vacant buildings throughout the City. Ms. Balyeat said that should the City go forward with the proposed rezoning, she would like the City's consideration to provide a tasteful brick wall as a transitional buffer and appropriate shielding of the parking lot lights.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger voiced opposition to the proposed rezoning. He said the City is literally taking down a house and moving commercial further into the subdivision. Mr. Billinger expressed concern with respect to noise, trash and dumpster locations. Mr. Billinger said his front yard view would be a brick wall should the proposed rezoning go forward. Mr. Billinger addressed current vacancies along Rochester Road that could accommodate the commercial use.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles said he is not opposed to the proposed rezoning. His concerns are the uneven property lines for commercial use in the area, and the potential of being enclosed by walls should the future commercial use construct a brick wall.

PUBLIC HEARING CLOSED

Chair Strat encouraged the residents to address their concerns at the time of City Council review of the proposed rezoning, and again at the time of site plan review by the Planning Commission should the rezoning go forward.

Ms. Lancaster clarified her earlier statement that the Planning Commission's recommendation could be contingent upon the remnant parcel sale. She pointed out that a rezoning request does not require conditions and putting a condition on the approval would put a condition on the City to sell the property. Ms. Lancaster suggested consideration of a recommendation that the property not be rezoned without the City remnant parcel sale, should the members make a recommendation of approval.

Mr. Miller clarified that property owners would not be notified at the time of the site plan review process should the rezoning go forward. He said interested residents could contact the Planning Department for status of the site plan application.

Resolution # PC-2005-06-101
Moved by: Waller
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road, within Section 22, being approximately 0.5 acres in size, be granted, with the condition that this recommendation will cease if the City is not able to work out a purchase agreement between the applicant for the Dunkin Donut property and the City and that the only way to move forward is if the applicant owns both parcels.

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

MOTION CARRIED

Ms. Drake-Batts is not in favor of commercial use going into a residential neighborhood because of the affect it would have on the value of the residential homes. Ms. Drake-Batts encouraged the residents to send their concerns in writing to the City Council members.

Mr. Vleck agreed with the comments of Ms. Drake-Batts.

9. PUBLIC HEARING – PROPOSED REZONING (Z 705) – Proposed Robin's Nest Condominium, North side of Creston, West side of Rochester, Section 10 – From R-1C to R-1T

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

The petitioner, Fadi Nassar of 930 Smith Avenue, Birmingham, was present. Mr. Nassar said the proposed high-end development would complement the area and act as a nice buffer.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-102
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the north side of Creston and west side of Rochester, within Section 10, being approximately 0.67 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED

SITE PLAN REVIEW

10. SITE PLAN REVIEW (SP 915) – Proposed Carlton Villas Condominium, South side of Ottawa, West side of Rochester Road, Section 3, Zoned R-1T (One Family Attached) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Carlton Villas Condominium. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Bill Mosher of Apex Engineering, 47745 Van Dyke, Shelby Township, was present to represent the petitioner.

Mr. Vleck asked why the existing resident on the corner is staying.

Mr. Mosher said they would like to keep the residential compatibility with the existing neighborhood.

Mr. Savidant confirmed that the residence on the corner is a legal non-conforming structure.

Resolution # PC-2005-06-103
Moved by: Chamberlain
Seconded by: Littman

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Carlton Villas Condominium, located on the south side of Ottawa and west side of Rochester Road, located in Section 3, containing 15 units on approximately 3 acres, within the R-1T zoning district, is hereby granted.

Yes: All present (9)

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

11. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Articles XXV, XXVI, and XXVII – Freestanding Restaurants, Banks and Daycare Facilities in the O-M (Mid-Rise Office), O-S-C (Office-Service-Commercial) and R-C (Research Center) Districts

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reviewed the latest three revisions that were incorporated in the proposed text. Mr. Savidant reported that City Management concurs with the proposed text amendment.

Items briefly discussed were the size of the play area with respect to State and City requirements, and the minimum height of a fence for outdoor dining with respect to requirements of the Michigan Liquor Control Commission.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-104
Moved by: Waller
Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV, XXV, XXVI and XXVII, pertaining to Freestanding Restaurants, Banks and Daycare Facilities in the O-M, O-S-C and R-C Zoning Districts, and related additional definitions, be amended as printed on the Proposed Zoning Ordinance Text Amendment, and

BE IT FURTHER RESOLVED, That any reference to the requirement of the City ordinance for square footage of a play area be altered to match the requirements by State law.

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

MOTION CARRIED

Ms. Drake-Batts said daycare facilities do not belong in parking lots and she expressed concern for the safety of children. She said the accessory uses would reduce the value of the buildings, affect leasing opportunities and generate litter.

12. PUBLIC COMMENT

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed the proposed The Monarch project. He confirmed that the project comprises of 207 units. Further, he asked the City's consideration in the construction of roads with respect to new developments and suggested the petitioner consider a daycare facility within the development.

GOOD OF THE ORDER

Ms. Lancaster said it was good to see everyone.

Mr. Miller announced that the June 15, 2005 Downtown Development Authority meeting was cancelled.

The Regular Meeting of the Planning Commission was adjourned at 10:38 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on June 28, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-06-105
Moved by: Schultz
Seconded by: Chamberlain

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

2. MINUTES

Resolution # PC-2005-06-106
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, To approve the June 7, 2005 Special/Study Meeting minutes as published.

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

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. BOARD OF ZONING APPEALS (BZA) REPORT

There was no report available.

5. PLANNING AND DEVELOPMENT REPORT

Mr. Miller reported on the following items.

- PUD 4 The Monarch, north side of Big Beaver Road, east of Alpine and west of McClure, Section 20 – Public Hearing is scheduled for July 18, 2005 City Council Meeting.
- Hidden Parc Site Condominium, north of Welling, west of John R, Section 14 – Preliminary approval by City Council at its June 20, 2005 meeting, with two cul de sacs as recommended by Planning Commission.
- Rezoning Request (Z 701) Buscemi's Party Shoppe, northeast corner of Hartland and Rochester Road, Section 23, R-1E and B-3 to B-1 – Approved by City Council at its June 20, 2005 meeting.
- Rezoning Request (Z 683-B), Al-Zouhayli Office Building, north side of Big Beaver between Rochester Road and John R, Section 23, R-1E and E-P to P-1 and E-P – Approved by City Council at its June 20, 2005 meeting.
- Requests for Final Site Plan Approval, Hidden Forest Site Condominium and Stone Haven Woods East 2 Site Condominium – To be considered at the July 11, 2005 City Council meeting.
- ZOTA 215-A, Accessory Buildings Definitions and Provisions – To be considered at the July 11, 2005 City Council meeting.
- July 12, 2005 Planning Commission Regular Meeting Agenda.
- First Tuesday of the month study meeting not scheduled due to the July 4 holiday – Next Planning Commission Meeting is the Regular Meeting on July 12, 2005.

Resolution # PC-2005-06-107
Moved by: Waller
Seconded by: Littman

RESOLVED, That Agenda Items #6 and #7 be reversed.

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

MOTION CARRIED

Messrs. Khan and Vleck thought it would be beneficial and informative to the public to observe the U. S. Green Building Council presentation, Agenda Item #7.

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7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Group Daycare Homes in the R-1 (One Family Residential) Districts

[Note: There was a large number of people in attendance to address this item; 47 people signed in.]

Mr. Miller reviewed the proposed zoning ordinance text amendment relating to group daycare homes. He provided definitions of group daycare and family daycare. Mr. Miller reported that there are 19 group daycare homes, 45 family daycare homes and 48 child daycare homes in the City. He said municipalities have the legal right to regulate land use, and the City is not required to permit group daycare homes. Mr. Miller reported that City Management does not recommend adoption of the proposed zoning ordinance text amendment. Mr. Miller reviewed information relating to regulations of group daycare homes in nearby communities and the State of Michigan licensing process. Mr. Miller reported the Planning Department received a substantial amount of public comment that is unanimously in favor of group daycare. He noted that copies of the public comment were distributed to the members prior to the beginning of tonight's meeting.

Mr. Motzny reviewed a memorandum he prepared on the applicability of the State Construction Code Act with respect to family and group daycare homes. The memorandum was distributed to members prior to the beginning of tonight's meeting. Mr. Motzny opined that both family and group daycare homes would be subject to the provisions of the Michigan Building Code, based on the provisions of Michigan law currently in effect. He said the City is required to allow family daycare facilities with up to six children as a permitted use in all residential districts.

Ms. Drake-Batts read prepared comments. She said the needs of children, elderly, and working parents should be addressed and support should be given to both group daycare and home care providers because the City's Zoning Ordinance is out-of-date. Ms. Drake-Batts said group daycare homes should be permitted by Special Use, and the required Public Hearing would provide opportunity for public input from neighbors. She addressed concerns relating to traffic, parking, and in-home employees; the definition of "home occupation" in relation to home care providers for the elderly and disabled; and the value of the Troy school system.

[Audience applauded.]

Mr. Schultz said a study session is not a public forum or theatre performance, and asked the audience to withhold any applause.

Chair Strat concurred. Chair Strat said a resident seeking home care is not doing it for a profit, and that is a distinct difference between home care providers and childcare providers.

Discussion points were:

- Michigan Building Code in relation to departmental jurisdiction.
- Make-up of "City Management" and concerns of City Management (i.e., traffic, in-home employees).
- Review of public comment received and distributed by Planning Department.
- Definition of "home occupation".
- House Bill 4398 – Passage of Bill would require cities to allow group daycare homes by special land use subject to conditions.
- Special Use Approval and proposed conditions recommended by Planning Department.
- Conditions placed on daycare facilities by other communities. [Conditions of the City of Livonia were read.]
- Concerns relating to business operation, noise, traffic, parking, drop-off areas, outdoor play area.
- Time limitations on Special Use Approval; Mr. Motzny reported time limitation would be an inappropriate condition to impose on Special Use Approval under current laws.
- Public Hearing input from neighbors in relation to future changes in neighborhood residency.
- State of Michigan application that specifies applicant should check with City ordinances.
- Options: (1) Set Public Hearing; (2) Table item for further review; (3) Take action to abandon proposed amendment.

Comments were solicited from around the table.

Chair Strat announced that public comment on this item would be more appropriate at a Public Hearing forum. Chair Strat noted that a Public Hearing held in the Council Chambers would more appropriately accommodate the number of people who wish to address the members and would provide proper notification for public comment.

Resolution # PC-2005-06-108
Moved by: Khan
Seconded by: Schultz

RESOLVED, That a Public Hearing on proposed Zoning Ordinance Text Amendment (ZOTA 214) relating to group daycare homes in the R-1 District be scheduled at the August 9, 2005 Regular Meeting, that notification of the Public Hearing be mailed to residents within a 300 foot radius of the 19 existing group daycare homes, that City Management provide a memorandum outlining its pros and cons on the matter, and that additional Special Use criteria be developed.

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

MOTION CARRIED

Chair Strat requested a recess at 8:15 p.m.

The meeting reconvened at 8:25 p.m.

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6. PRESENTATION BY U.S. GREEN BUILDING COUNCIL, DETROIT REGIONAL CHAPTER, ADVOCACY COMMITTEE

Paul H. Goldsmith of Harley Ellis and Detroit Regional Chapter of U. S. Green Building Council (USGBC) provided an introduction to sustainable design. An outline of his presentation follows:

A. Building History leading up to “sustainable design”.
B. Characteristics of “unsustainable building design standards” that have been in conflict with the growing “sustainable design” transformation.
C. 1990’s – the transformation toward a “green building design” industry, the common sense alternative to current design practices.
D. The emergence of the USGBC and LEED as the standard of measure.
E. The future of green design.
F. Q. and A.

Presentations on “Sustainable Planning for the Future” and “Bringing It All Together” are scheduled at the July 26, 2005 and August 2, 2005 Special/Study Meetings, respectively.

The members thanked Mr. Goldsmith for his time and excellent presentation.

8. PUBLIC COMMENTS

There was no one present who wished to speak.

GOOD OF THE ORDER

There was a review and discussion on the July 12, 2005 Regular Meeting agenda items.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:10 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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TROY DAZE ADVISORY COMMITTEE

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, June 29, 2005** at the Troy Community Center. Meeting was called to order at 7:33 pm.

ROLL CALL
Present:
Marilyn Musick
Jim Cyrulewski
Bob Berk
Cecile Dilley
Kessie Kaltsounis
Robert Preston
Mike Gonda
Bill Hall
Cheryl Whitton Kaszubski

City Staff Present:
Bob Matlick
Tonya Perry
Gerry Scherlinck
Andrea Herzog

EXCUSE ABSENT MEMBER
Resolution #TD-2005-06-17
Moved by Cheryl Whitton
Seconded by Cele Dilley
RESOLVED that member Jeff Stewart be excused.

Yeas: All
Nays: None
MOTION CARRIED

APPROVAL OF MINTUES
Resolution #TD-2005-06-18
RESOLVED that the minutes from the May 24, 2005 Troy Daze Advisory Committee are approved with changes*
Moved by Cheryl Whitton
Seconded by Cele Dilley

*Amend to excuse Marilyn Musick for last weeks meeting

Yeas: All
Nays: None
MOTION CARRIED

NEW BUSINESS
1) Appoint new member – Danielle Numerosi; Youth Parent contest

Resolution #TD-2005-06-19
Motion to appoint Danielle Numerosi as Youth-Parent Contest Chairperson.
Moved by Cheryl Whitton
Seconded by Kessie Kaltsounis

Yeas: All
Nays: None
MOTION CARRIED

OLD BUSINESS

1. Festival Manual – No update yet, Marilyn Musick will continue to work on this project.

2. Update on contracts
   a. Shirts –
   Resolution #TD-2005-06-20
   Motion we have gold shirts
   Moved by Mike Gonda
   Seconded by Kessie Kaltsounis

Put City of Troy 50th Anniversary on sleeve

Yeas: All
Nays: None
MOTION CARRIED

   b. Fireworks, "The Mad Bomber" completed contract
   c. Pony Rides
   d. Stage Lighting
   e. Tents
   f. Golf Carts
   g. Porta Johns
   h. Trailers
   i. Portable Lights
   j. Electrical
   k. Sound
   l. Tables and Chairs

<u>ADJOURN MEETING</u>
Resolution #TD-2005-06-21
Moved by Cheryl Whitton
Seconded by Bill Hall

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 7:43 pm

Yeas: All
Nays: None

MOTION CARRIED

_____
Bob Berk, Chairman

_____
Andrea Herzog, Recording Secretary

TROY DAZE FESTIVAL COMMITTEE MEETING – DRAFT JUNE 29, 2005

A regular meeting of the Troy Daze Festival Committee was held **Tuesday, June 29, 2005** at the Troy Community Center. Meeting was called to order at 7:44 pm.

ROLL CALL

Present:

Marilyn Musick	Jim Cyrulewski
Bob Berk	Cecile Dilley
Kessie Kaltsounis	Tom Kaszubski
Jeffrey Super	Doris Schuchter
Sandy Macknis	Shirley Darge
Robert Preston	JoAnn Preston
Tarcisio Massaini	Scott Wharff
Jeff Winarski	Tim McAvoy
Mike Gonda	Jonathan Campian
Bob Broquet	Bill Hall
Tom Tighe	Cheryl Whitton-Kaszubski

City Staff Present: Bob Matlick, Tonya Perry, Gerry Scherlinck, Andrea Herzog

A. Approval of Minutes

RESOLVED that the minutes from the May 24, 2005 Troy Daze Festival Committee are approved with changes*.

Moved by Cele Dilley
Seconded by Mike Gonda
Yeas: All
Nays: None

*Capitalize President Tuxedo in May minutes

B. Treasurers Report

1. Through May 31, 2005
   Revenue: $159, 657.06($1,000 added in corporate sponsorship)
   Expenses $172, 080.26 (postage)

2. New City of Troy Check Request Procedure -
   Prize money at festival, cannot hand out checks this year. Cheryl Whitton made form to give to prizewinner, they get to keep top half, bottom half turned into City of Troy.
3. Check Request Forms- Turn in now to Cheryl, she will begin processing Friday

C. **Correspondence**

1. June Meeting Notice (optional meeting)
2. Miss Troy Pageant Modeling Studios notice –applications coming back
3. Memo: City Manager. Re: Special Adults Day $3 Fee -On July 11 Council Meeting - Special Needs Adults will register & receive lanyard

D. Events Chairperson

1. Update - Need to update phone list (Jim Cyrulewski)
2. Set-up needs per chairperson

Bill Hall – Mr. Troy & Info Booth

President Tuxedo banner on stage. Banner ordered. Need to make sure it gets dropped down before contest. Need regulator for helium from Jeff Biegler – Order 6 Helium tanks. Get posters from Louise (813) 229-2510 at Arnold Amusements.

Sandy Macknis –Volunteers & Special Needs Adults

Went to Intl Academy and spoke to classes

- 112 student volunteers signed up, 40 with parents signatures
- Will go back to Intl Academy again in August
- Contacted Niles, Lamphere, Clawson, Avondale no response yet
- 300 Beanie Babies (new) donated
- If student works for 4 hours, gets a T-shirt

Shirley Darge – Outdoor Entertainment

Booked outdoor entertainment for Fri - Sun. 6+ Ethnic dancing groups

Cele Dilley – All food booths filled but one & 3 outdoor spaces filled

- Ice Cream Express donated ice cream bars to special needs
- Needs tickets to give to teacher for ice cream people (750)
- Snake, lizard, tortoise guy wants to be under tent / Animals in cages, will remove for people to hold. Jim C. said ask Jeff Biegler to research and talk to Steve Cooperrider re: Insurance. Jim also said sounds like a new special event, it's too late, needs to ask by next February to go through process. Cele will contact guy - too late for this year.
- Still awaiting word on Pistons Hoopstrailer.

Marilyn Musick- Magic Cauldron

Has magicians scheduled. Needs electrical, tables and chairs

Bob Preston – Volunteers

Attorney General Cox said, 40 hour volunteer service can't require for merit awards. School can require and within clubs they do require (meap $,NHS)

Doris Schuchter- EthniCity

Poncho designed flag stand for EthniCity flags. Have enough made for all flags so we can put on stage. Need 60 flag stands. Mike Gonda suggested getting 65 and paint green or black to blend in. Poncho will see how many he can make. EthniCity booths close 7pm on Sunday, 10 pm Saturday and Friday. Mike will get Doris silver tape for Friday and on Fri at 3pm needs carts to move supplies

JoAnn Preston – EthniCity

N.American Indian Association of Detroit new group. Taiwan puppet shows, Hindu Group, St. Marks, Philippines, Chinese Association, Falun Dafa, Faith Lutheran (India/Pakistan booth). Poster contest forms sent out. City setting up New Citizen Ceremony

Tom Tighe - Raffle tickets already available for 50/50

Scott Wharff – Car Show - Need generator again

Bob Matlick – Fire Dept.
1 pm Sunday will be Water Battle
1 pm Saturday Tug of War
Fireworks Melrose last year, Mad Bomber new, needs to go through process

Gerry Scherlinck - PD in good shape

Tim McAvoy – Opening Ceremony
Jim ordered flag from Knollenberg. JoAnn will have flags on stage instead of parade in
- No parade of nations. Ask Hamilton Elementary Scouts to attend

Mike Gonda – Operations
Need table requests by July
Need to reserve park shelters for Saturday and Sunday - Jim will ask Jeff Biegler.

Bob Preston- Volunteers get meal ticket after 4 hours of service, Marilyn adding to manual

Jim C. – Louise Schilling asked to involve Troy in Clawson Parade. Those we asked declined (cutest toddlers and ethnic groups were asked)

E. NEW BUSINESS

1. Milestone Awards – no report

ADJOURN
Motion to adjourn Troy Daze Festival Committee Meeting 8:45 pm
Moved by Cheryl Whitton
Second by Jeff Winarski

YEAS: All
NAYS: None
Motion carried

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 6, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 1, 2005.

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of June 1, 2005 as written.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Abstain: 1 – Zuazo

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. R.E. MOORHOUSE & ASSOCIATES, 2380 MEIJER DR., for relief of Chapter 78 to install a 30 square foot ground sign with a one (1)-foot setback from the right of way of Meijer Drive where a ten (10)- foot setback is required.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a 30 square foot ground sign with a one (1)-foot setback from the right of way of Meijer Drive. Section 9.01 A of the Troy Sign Ordinance requires a minimum 10' setback from the City right of way in a M-1 (Light Industrial) zoned property.

Mr. Moorhouse was present and explained that they were granted a variance in April 2004 for the location of the existing sign. Mr. Moorhouse explained that the existing sign is located east of the entrance. Mr. Moorhouse's client, Woodbridge has purchased two (2) additional buildings and the main office would be located up front and this is the reason they wish to relocate this sign. Originally, Woodbridge, had their sign in the right of way, and Mr. Moorhouse is proposing to put the new sign 12' farther back from the existing location. The new sign would be the same height as the existing sign.

ITEM #2 – con't.

Mr. Dziurman stated that basically this request is to relocate the existing sign. Mr. Moorhouse stated that trucks will not be coming in to the main entrance and the proposed sign will help to direct traffic.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Stimac stated that the location of the new sign is not on the site plan submitted by the petitioner and asked for clarification from the petitioner. Mr. Moorhouse said that they are proposing to put the sign 1' from the easement. Mr. Stimac said that based on that statement, a variance would not be required as the sign would be in compliance with the Ordinance. Mr. Stimac asked that this item be postponed in order for Mr. Moorhouse to submit plans indicating exact placement of the sign.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of R. E. Moorhouse & Associates, 2380 Meijer Drive for relief of Chapter 78 to install a 30 square foot ground sign until the meeting of August 3, 2005.

- To allow the petitioner the opportunity to submit a site plan indicating the exact location of the proposed sign.
- Based on location of the sign, the action to postpone will determine whether a variance is required or not.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005 CARRIED

ITEM #3 – VARIANCE REQUEST. EDMUND PROGAR, SIGN-A-RAMA, 1057-1155 E. LONG LAKE, for relief of Chapter 78 to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road where a 30' setback is required for a sign this size.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road replacing an existing ground sign that was damaged. Section 9.01 of Chapter 78 requires that a ground sign with an area of 200 square feet, be setback a minimum of 30' from the existing right of way.

ITEM #3 – con't.

Mr. Bob Chara of Sign-a-Rama, and Ms. Elaine Yaffe, owner of Long Lake Plaza were present. Mr. Chara explained that the existing sign had been damaged by an automobile accident and all they are asking for is to be able to replace the damaged sign with an identical sign. The existing sign has been in this same location since 1975. If the location is changed, they will have to remove four (4) parking spaces as well as relocate the wiring.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are two (2) written objections, however, Mr. Chara stated that he believed these objections were to relocating the sign.

Mr. Zuazo asked if the proposed sign would have any type of flashing light and Ms. Yaffe stated that it would not and the sign would comply in every other way with the requirements of the Ordinance.

Mr. Richnak asked if the vehicle that damaged the existing sign ran off of Long Lake Road. Ms. Yaffe stated that they were not present at the time of the accident and the Police Report was unclear, however, the sign was leaning over about 40%, so they believe that speed was a factor.

Motion by Richnak
Supported by Nelson

MOVED, to grant Edmund Progar, Sign-A-Rama, 1057-1155 E. Long Lake, relief of Chapter 78 to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road where a 30' setback is required for a sign of this size.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Relocation to a conforming location would cause significant revision to the circulation on the site.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. HAYSSAM BOUSSIE, DEARBORN SIGNS & AWNING, 36949 DEQUINDRE, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to expand the existing 40 square foot ground sign to 48 square feet. The existing ground sign is non-conforming as it has a height of 16' and a setback of less than 20'. Section 9.01 states that signs setback between 10' and 20' cannot exceed 10' in height. Section 10.02.03 of the Sign Ordinance prohibits the expansion of non-conforming signs.

Mr. Allen of Dearborn Signs was present and stated that he also wished to add an additional wall sign. His client has added a pharmacy and that is the reason they want to add the extra footage to the sign.

Mr. Stimac stated that the Building Department did not advertise the request for an additional wall sign and the Board would not be able to act on that request until it was advertised as a Public Hearing.

Mr. Dziurman confirmed that the existing sign is a legal non-conforming sign and Mr. Stimac said that was correct.

Mr. Richnak asked if a variance would be required if the sign was brought down to a height of 10'. Mr. Stimac said that if the sign were 10' in height it would be in compliance and would not require a variance.

Mr. Dziurman asked the petitioner if it would be a problem for them to lower the sign. Mr. Allen said that it would be too expensive, as they would have to get a new sign.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Zuazo asked if they would still add the word "pharmacy" if the sign was lowered. Mr. Stimac said that the top of the existing box is at 15' and in order to comply it would have to be less than 10' in height.

Mr. Richnak said that he does not believe they would require a brand new sign if they were to lower the height, as they would be able to use the existing posts and electrical. Mr. Richnak suggested that the petitioner speak with his client and propose this option. Mr. Richnak went on to say that there are a lot trees in this area and he believes that if they lower the sign it will be more visible.

Mr. Kessler expressed concern that if the sign is brought down too low it could obstruct vision. Mr. Richnak said that if you brought it down and started the actual signage above 4', you would still have 5' underneath. Mr. Allen stated that presently there is 13' underneath.

ITEM #4 – con't.

Mr. Zuazo asked why the petitioner objected to just conforming to the Ordinance. Mr. Allen said that he thinks his client just wants to be higher rather than lower and he is just following what his client wants.

Mr. Zuazo stated that he believes the petitioner's client needs to rethink the position of sign and does believe that this sign could be in conformance with Chapter 78.

Motion by Richnak
Supported by Nelson

MOVED, to postpone the request of Hayssam Boussie, Dearborn Signs & Awning, 36949 Dequindre, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet until the meeting of August 3, 2005.

- To allow the petitioner the opportunity to meet with his client to determine if conformance is possible.
- To allow the Building Department to publish this petitioner's request for an additional wall sign.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005 CARRIED

ITEM #5 – VARIANCE REQUEST. KATHLEEN DEBURGHGRAEVE, 1750 BRENTWOOD, for relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size for a 7-day period.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size, for a 7-day period, from Monday, August 22nd through Sunday, August 28th. The Sign Ordinance limits the number of off-site signs to 4.

This event is held on a yearly basis and has been granted a variance by this Board since 1999.

Ms. Deburghgraeve was present.

Mr. Dziurman asked if there were any problems in the past and Mr. Stimac stated that there have not been any problems.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #5 – con't.

There is one (1) written objections on file. There are no written approvals on file.

Mr. Richnak asked when the signs were going to be picked up, as he had seen some signs from a recent past special event that were not picked up when they were supposed to be. Ms. Deburghgraeve stated that the signs are picked up on the last night of the Art Fair, after closing.

Motion by Richnak
Supported by Kessler

MOVED, to grant Kathleen Deburghgraeve, 1750 Brentwood, relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size for a 7-day period to advertise a the Northfield Hills Art in the Park special event.

- Signs will be displayed from August 22nd – August 28, 2005.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. PAUL DIETER, METRO DETROIT SIGNS, 1755 MAPLELAWN, for relief of Chapter 78 to erect a 66 square foot wall sign at the above location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to erect a 66 square foot wall sign at the above location. The wall sign exceeds the permitted 20 square feet area as stated in section 9.02.05 D (2) of the Sign Ordinance.

Mr. Dieter was present and stated that this property is unusual in that it also sells Bentley and Rolls Royce brand vehicles. Other brands of vehicles are located in other areas of this building. This proposed sign would be considered a primary wall sign and Mr. Dieter stated that he believes the size of the sign is within the scale of the building and is consistent with other primary signs along Maplelawn.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Dziurman asked what would be on the sign and Mr. Dieters stated it would say "Hummer". Mr. Dziurman asked if there was a ground sign at this location and Mr. Dieters said that there was.

ITEM #6 – con't.

Mr. Stimac explained that there are other signs in this location as this building is intended to house four (4) dealerships when it is completed and occupied. Presently there is an 85 square foot ground sign that says "Hummer" and a 4 2/3' wall sign that identifies the Service Department. The Bentley dealership has a 60 square foot ground sign that says "Bentley", an 8.8 square foot wall sign with their logo and a 9.8 square foot wall sign that says "Bentley Troy". The Rolls Royce dealership has a 6 square foot ground sign that says "Rolls Royce", a 19 square foot wall sign that says "Rolls-Royce Motor Cars Michigan" and a 12 square foot wall sign that says "Rolls-Royce" with the logo. At the present time the fourth space is vacant, however, it would be permitted one ground sign as well as two (2) walls signs that would be 20 square feet each.

Mr. Dziurman asked why they are asking for this additional wall sign and Mr. Dieters stated that it will help customers identify that this is the Hummer location. This is the only sign that faces Maplelawn.

Mr. Richnak asked if the size of the proposed sign was the reason for this variance request. Mr. Stimac said that they are allowed two (2) wall signs that would be 20 square feet each and this proposed sign is 66 square feet. Mr. Zuazo confirmed that they are asking for a 26 square foot variance. Mr. Richnak said that one of the conditions of the variance could be that they would give up the second wall sign.

Mr. Nelson asked what would happen when the fourth tenant came in. Mr. Stimac explained that the fourth tenant would be allowed one ground sign and two additional wall signs that would not exceed 20 square feet in area. The current tenants other than the Hummer Dealership front the parking lot to the west.

Mr. Nelson asked if this space was larger than the other dealerships and Mr. Dieters said that have quite a bit more frontage.

Motion by Nelson
Supported by Richnak

MOVED, to grant Paul Dieter, Metro Detroit Signs, 1755 Maplelawn, relief of Chapter 78 to erect a 66 square foot wall sign at the Hummer dealership.

- This sign will take the place of the second 20 square foot wall sign allowed by the Ordinance.
- No other wall signs will be put up.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. THOMAS WIGGINS, 2286 COLUMBIA, for relief of Chapter 83 to install a 6' high privacy fence in a front yard location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence at 2286 Columbia. This property is a double front corner lot. It has front yard requirements along both Columbia and Rhode Island Drive. Chapter 83 limits the height of fences in front setbacks to 30". The site plan submitted indicates a 6' high privacy fence adjacent to the west property line along Rhode Island.

Mr. Wiggins was present and stated that when he purchased this property Rhode Island Drive was not developed and the property was not considered a double front corner lot. Mr. Wiggins stated that a lot of the neighbor children play in his yard and he wants to be able to provide a safe environment for them. There is also considerable landscaping in this area and he plans to put this fence behind the line of evergreens.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Kessler asked if Mr. Wiggins had spoken to the neighbor on Rhode Island that would be the most affected by this fence. Mr. Wiggins said that he had talked to him although there was a language barrier. Mr. Wiggins said he did not think his neighbor objected to this fence. Mr. Kessler then asked if Mr. Wiggins had looked into the possibility of putting up a 4' high fence rather that a 6' high fence. Mr. Wiggins said he did not have any objection to that suggestion but did not know this was an option for him and the only information given to him was that he had to appear before this Board. Mr. Kessler stated that if he received a variance for a 6' high fence it would run the entire length of the neighbor's front yard and he felt the 4' high fence would not be as intrusive. Mr. Wiggins said that he did not see a problem with that.

Mr. Richnak explained to Mr. Wiggins that it is not the City's responsibility to give all of the options that are available. It is up to the petitioner to make a request to the City, and if not in compliance they are directed to appear before whichever Board is applicable. Mr. Stimac explained that anything other than a 30" high fence in the front yard along Rhode Island would require the petitioner to appear before this Board.

Mr. Nelson asked if Mr. Wiggins was proposing to put the fence on the outside of the evergreens and Mr. Wiggins stated that they would be put on the inside of the evergreens. Mr. Richnak asked how tall these shrubs were and Mr. Wiggins said that they were about 6 to 8' high.

Mr. Zuazo asked if the petitioner was planning on bringing the fence from the shrub line to the house and if he would also be willing to add more landscaping in this area. Mr. Wiggins said that he would.

ITEM #7 – con't.

Motion by Kessler
Supported by Richnak

MOVED, to grant Thomas Wiggins, 2286 Columbia, relief of Chapter 83 to install a 4' high privacy fence in the front yard along Rhode Island.

- Fence would be 4' high and placed inside the row of hedges.
- Additional landscaping is to be added where the fence is installed between the shrub line and the house.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUEST. SCOTT GARDNER OF GARDNER SIGNS, 2600 W. BIG BEAVER, for relief of Chapter 78 to install an additional 80 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install an additional 80 square foot wall sign on an existing building. Section 9.02.03 of the Sign Ordinance limits each building one major wall sign. An 80 square foot wall sign has already been approved for this building. This proposal exceeds the number of signs permitted.

Mr. Richnak stated that basically the petitioner wished to replace two (2) existing wall signs with two (2) wall signs that will be smaller than the existing signs. Mr. Stimac said that on June 9, 2004 this Board granted a variance for two (2) wall signs that were 99 square feet in size. The new signs will be 80 square feet in size.

Mr. Scott Gardner of Gardner Signs and Mr. Thomas Darling of 2600 W. Big Beaver were present.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Motion by Richnak
Supported by Nelson

ITEM #8 – con't.

MOVED, to grant Scott Gardner of Gardner Signs, 2600 W. Big Beaver, relief of Chapter 78 to install an additional 80 square foot wall sign.

- New signs will be smaller than existing signs.
- Variance will not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUEST. JEFFREY EISCHEN, JR. 3140 KILMER, for relief of Chapter 83 to install a 6' high privacy fence in a front yard location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This property is a double front corner lot. It has front yard requirements along both Kilmer and Hartland. Chapter 83 limits the height of fences in front yard setbacks to 30 inches. The site plan submitted indicates a 6' high wood privacy fence adjacent to the north property line along Hartland.

Mr. Eischen was present and stated basically that he wants to make his yard look nicer and the fence will help to block traffic and noise.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) approvals on file. There are no written objections on file.

Mr. Richnak asked Mr. Stimac if the approvals received were from neighbors that were adjacent to this property. Mr. Stimac said there was one approval from the next block, one from the property two lots south, one from the property two lots east, one from the property directly across the street and one from the property immediately to the south.

Mr. Zuazo asked the petitioner why he needed a fence and Mr. Eischen said that he wants more privacy. Mr. Zuazo asked if he was planning to add landscaping and Mr. Eischen said that eventually he would. Mr. Zuazo then asked if he would settle for a 4' high fence rather than a 6' high fence and the petitioner indicated that he would rather have a 6' high fence.

Mr. Stimac explained that the previous owner had put up a fence without a permit and had been cited so he took the fence down.

Mr. Kessler said that driving down Hartland there are no privacy fences and the area is pretty much open. He would hate to set a precedent for privacy fences on corner lots.

ITEM #9 – con't.

Mr. Eischen said that there is a 6' high privacy fence behind him and he thinks a 4' high fence would not look right next to the 6' high fence.

Mr. Dziurman asked if the petitioner could install a 6' high fence at the back of the property and Mr. Stimac said that the only place he cannot put up a 6' high fence is north of the house.

Motion by Kessler
Supported by Richnak

MOVED, to grant Jeffrey Eischen, Jr., 3140 Kilmer, relief of Chapter 83 to install a 6' high privacy fence in the front property line along Hartland.

- Fence must be placed 10' back from the property line.
- Chain link fence must be removed.
- Additional landscaping must be added between the fence and Hartland.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

The petitioner indicated that moving the fence back would make the yard smaller.

ITEM #10 – VARIANCE REQUEST. JEFF CLEMENTS, 5505 CORPORATE, for relief of Chapter 78 to install a 192 square foot ground sign 19' from the City right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 19' from the Corporate Drive and New King City right of way. Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way line.

The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Jeff Clements, 5505 Corporate, for relief of Chapter 78 to install a 192 square foot ground sign 19' from the City right of way.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

ITEM #10 – con't.

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005
CARRIED

ITEM #11 – VARIANCE REQUEST. JEFF CLEMENTS, 700 TOWER, for relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way lines.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way line along Tower Drive and 16' from the right of way line along Long Lake Road. Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way lines.

The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Jeff Clements, 700 Tower, for relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way lines.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005
CARRIED

The Building Code Board of Appeals meeting adjourned at 9:50 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

DATE: July 1, 2005
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of June 2005

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	7	$1,358,000.00	$8,295.00
Temp. Office Trailer	1	$0.00	$35.00
Sub Total	**8**	**$1,358,000.00**	**$8,330.00**
COMMERCIAL			
Tenant Completion	8	$1,118,000.00	$6,525.00
Add/Alter	39	$1,561,472.00	$14,414.00
Sub Total	**47**	**$2,679,472.00**	**$20,939.00**
RESIDENTIAL			
New	11	$2,355,374.00	$17,238.00
Add/Alter	39	$958,155.00	$10,170.00
Garage/Acc. Structure	13	$100,100.00	$1,820.00
Pool/Spa/Hot Tub	10	$132,150.00	$1,966.00
Fire Repair	2	$175,098.00	$1,522.00
Wreck	7	$0.00	$390.00
Sub Total	**82**	**$3,720,877.00**	**$33,106.00**
TOWN HOUSE/CONDO			
Add/Alter	17	$43,931.00	$1,100.00
Sub Total	**17**	**$43,931.00**	**$1,100.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	2	$6,003,000.00	$30,185.00
Sub Total	**2**	**$6,003,000.00**	**$30,185.00**
RELIGIOUS			
Add/Alter	3	$627,000.00	$3,465.00
Sub Total	**3**	**$627,000.00**	**$3,465.00**
MISCELLANEOUS			
Signs	28	$0.00	$2,760.00
Fences	20	$0.00	$305.00
Sub Total	**48**	**$0.00**	**$3,065.00**
TOTAL	**207**	**$14,432,280.00**	**$100,190.00**

PERMITS ISSUED DURING JUNE 2005

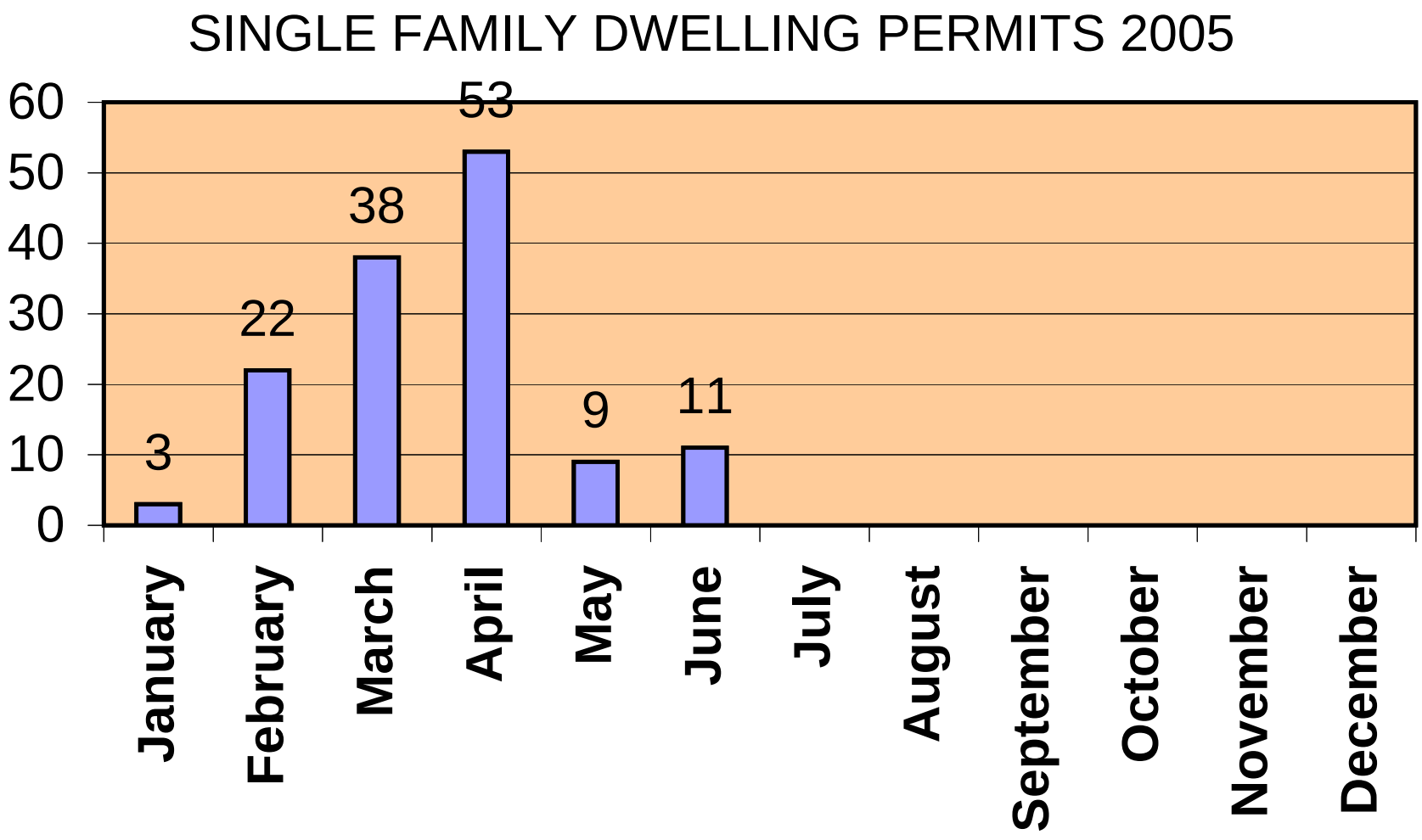
	NO.	PERMIT FEE
Cert. of Occupancy	63	$3,885.10
Plan Review	185	$14,017.00
Microfilm	61	$779.00
Building Permits	207	$100,190.00
Electrical Permits	239	$17,219.00
Heating Permits	242	$11,900.00
Air Cond. Permits	90	$4,560.00
Plumbing Permits	169	$14,471.00
Storm Sewer Permits	9	$209.00
Sanitary Sewer Permits	12	$362.00
Sewer Taps	23	$13,156.00
TOTAL	**1300**	**$180,748.10**

LICENSES & REGISTRATIONS ISSUED DURING JUNE 2005

	NO.	LICENSE FEE
Mech. Contr.-Reg.	21	$105.00
Elec. Contr.-Reg.	40	$600.00
Master Plmb.-Reg.	41	$41.00
Sewer Inst.-Reg.	2	$100.00
Sign Inst. - Reg.	8	$80.00
E. Sign Contr-Reg.	2	$30.00
Fence Inst.-Reg.	7	$70.00
Bldg. Contr.-Reg.	35	$350.00
F.Alarm Contr.-Reg.	4	$60.00
TOTAL	**160**	**$1,436.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2004	PERMIT VALUATION 2004	BUILDING PERMITS 2005	PERMIT VALUATION 2005
JANUARY	100	$5,235,481.00	93	$6,617,765.00
FEBRUARY	130	$21,354,496.00	133	$8,586,755.00
MARCH	158	$9,372,242.00	143	$19,405,253.00
APRIL	178	$14,158,227.00	234	$16,039,899.00
MAY	232	$11,511,644.00	229	$8,974,377.00
JUNE	232	$16,224,865.00	207	$14,432,280.00
JULY	178	$19,788,711.00	0	$0.00
AUGUST	224	$11,179,780.00	0	$0.00
SEPTEMBER	198	$13,582,037.00	0	$0.00
OCTOBER	197	$11,540,976.00	0	$0.00
NOVEMBER	161	$6,232,506.00	0	$0.00
DECEMBER	148	$7,316,487.00	0	$0.00
TOTAL	**2136**	**$147,497,452.00**	**1039**	**$74,056,329.00**


SINGLE FAMILY DWELLING PERMITS 2005
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December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF JUNE 2005

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter		100 KIRTS A	180,000.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	755 W BIG BEAVER 2000	160,000.00
Commercial, Add/Alter	TAYLOR BROTHERS CONSTRUCTION	1301 COOLIDGE	140,000.00
Total Commercial, Add/Alter			480,000.00
Commercial, Tenant Completion	WOODS CONSTRUCTION	2971 W MAPLE	800,000.00
Total Commercial, Tenant Completion			800,000.00
Industrial, Add/Alter	STANLEY BRISH	1099 ROCHESTER	250,000.00
Industrial, Add/Alter	SYNERGY GROUP, INC.	1857 TECHNOLOGY	200,000.00
Industrial, Add/Alter	MBL ARCHITECTS	1725 JOHN R	750,000.00
Total Industrial, Add/Alter			1,200,000.00
Inst./Hosp., Add/Alter	SKANSKA USA DESIGN BUILD INC	44201 DEQUINDRE 4	6,000,000.00
Total Inst./Hosp., Add/Alter			6,000,000.00
Religious, Add/Alter	KIRCO CONSTRUCTION LLC	2160 E MAPLE	605,000.00
Total Religious, Add/Alter			605,000.00

Records 10

Total Valuation: 9,085,000.00

DATE: July 1, 2005
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued January through June 2005

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	35	$5,821,630.00	$33,215.00
Temp. Office Trailer	1	$0.00	$35.00
Sub Total	**36**	**$5,821,630.00**	**$33,250.00**
COMMERCIAL			
New	2	$930,000.00	$4,870.00
Fnd./Shell New	2	$1,297,500.00	$6,710.00
Tenant Completion	16	$1,714,000.00	$10,385.00
Accessory Structure	1	$5,000.00	$85.00
Add/Alter	129	$13,030,226.00	$70,024.00
Parking Lot	1	$52,000.00	$370.00
Kiosk	2	$9,000.00	$155.00
Sub Total	**153**	**$17,037,726.00**	**$92,599.00**
RESIDENTIAL			
New	136	$28,186,558.00	$161,690.00
Add/Alter	198	$4,938,873.00	$45,823.00
Garage/Acc. Structure	33	$227,982.00	$3,625.00
Pool/Spa/Hot Tub	24	$408,540.00	$4,431.00
Repair	5	$80,173.00	$780.00
Fire Repair	7	$758,695.00	$4,957.00
Temporary Sales Trailer	1	$2,500.00	$55.00
Wreck	35	$3,000.00	$1,850.00
Fnd./Slab/Footing	2	$11,000.00	$230.00
Sub Total	**441**	**$34,617,321.00**	**$223,441.00**
TOWN HOUSE/CONDO			
New	17	$2,503,800.00	$14,440.00
Add/Alter	35	$182,210.00	$2,922.00
Sub Total	**52**	**$2,686,010.00**	**$17,362.00**
MULTIPLE			
Add/Alter	5	$38,682.00	$635.00
Sub Total	**5**	**$38,682.00**	**$635.00**

INSTITUTIONAL/HOSPITAL			
Add/Alter	17	$13,147,960.00	$67,560.00
Sub Total	**17**	**$13,147,960.00**	**$67,560.00**
RELIGIOUS			
Add/Alter	3	$627,000.00	$3,465.00
Sub Total	**3**	**$627,000.00**	**$3,465.00**
MISCELLANEOUS			
Satellite/Antennas	11	$80,000.00	$1,110.00
Signs	240	$0.00	$25,395.00
Fences	81	$0.00	$1,280.00
Sub Total	**332**	**$80,000.00**	**$27,785.00**
TOTAL	**1039**	**$74,056,329.00**	**$466,097.00**

PERMITS ISSUED JANUARY THROUGH JUNE 2005

	NO.	PERMIT FEE
Mul. Dwel. Insp.	415	$4,150.00
Cert. of Occupancy	348	$18,388.20
Plan Review	938	$55,356.00
Microfilm	226	$2,406.00
Building Permits	1039	$466,097.00
Electrical Permits	1284	$89,200.00
Heating Permits	1165	$56,253.00
Air Cond. Permits	366	$16,300.00
Refrigeration Permits	6	$415.00
Plumbing Permits	719	$64,695.00
Storm Sewer Permits	168	$3,781.00
Sanitary Sewer Permits	164	$5,648.00
Sewer Taps	172	$56,658.00
TOTAL	**7010**	**$839,347.20**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JANUARY THROUGH JUNE 2005

	NO.	LICENCE FEE
Mech. Contr.-Reg.	148	$740.00
Elec. Contr.-Reg.	248	$3,720.00
Master Plmb.-Reg.	143	$143.00
Sewer Inst.-Reg.	26	$1,300.00
Sign Inst. - Reg.	42	$420.00
E. Sign Contr-Reg.	22	$330.00
Fence Inst.-Reg.	14	$140.00
Bldg. Contr.-Reg.	97	$970.00
F.Alarm Contr.-Reg.	21	$315.00
TOTAL	**761**	**$8,078.00**

DATE: July 1, 2005
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued July 2004 through June 2005

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Completion (New)	1	$750,000.00	$3,860.00
Add/Alter	68	$7,797,326.00	$46,320.00
Temp. Office Trailer	1	$0.00	$35.00
Parking Lot	2	$245,000.00	$1,445.00
Sub Total	**72**	**$8,792,326.00**	**$51,660.00**
COMMERCIAL			
New	3	$1,325,000.00	$6,955.00
Fnd./Shell New	6	$12,479,500.00	$48,210.00
Completion (New)	2	$3,674,400.00	$18,595.00
Completion Less Tenant	1	$1,000.00	$25.00
Tenant Completion	22	$2,186,000.00	$13,405.00
Accessory Structure	1	$5,000.00	$85.00
Add/Alter	255	$26,641,540.00	$145,464.00
Wreck	1	$0.00	$100.00
Parking Lot	2	$252,000.00	$1,480.00
Repair	2	$377,000.00	$2,105.00
Kiosk	3	$9,000.00	$180.00
Sub Total	**298**	**$46,950,440.00**	**$236,604.00**
RESIDENTIAL			
New	208	$41,668,421.00	$237,365.00
Add/Alter	373	$9,571,950.00	$83,723.00
Garage/Acc. Structure	94	$664,843.00	$9,245.00
Pool/Spa/Hot Tub	56	$828,498.00	$8,701.00
Repair	17	$169,131.00	$2,305.00
Fire Repair	11	$960,180.00	$6,412.00
Temporary Sales Trailer	3	$10,500.00	$490.00
Wreck	58	$7,000.00	$3,060.00
Fnd./Slab/Footing	13	$51,575.00	$1,000.00
Sub Total	**833**	**$53,932,098.00**	**$352,301.00**
TOWN HOUSE/CONDO			
New	138	$14,432,479.00	$87,525.00
Add/Alter	59	$405,116.00	$5,797.00
Garage/Acc. Structure	1	$122,220.00	$720.00
Pool/Spa/Hot Tub	1	$19,800.00	$210.00
Sub Total	**199**	**$14,979,615.00**	**$94,252.00**

MULTIPLE			
Add/Alter	12	$93,782.00	$1,545.00
Garage/Acc. Structure	1	$24,750.00	$235.00
Sub Total	**13**	**$118,532.00**	**$1,780.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	20	$14,580,760.00	$75,055.00
Sub Total	**20**	**$14,580,760.00**	**$75,055.00**
MUNICIPAL			
Add/Alter	2	$70,000.00	$0.00
Sub Total	**2**	**$70,000.00**	**$0.00**
RELIGIOUS			
New	2	$3,467,647.00	$17,695.00
Add/Alter	5	$639,500.00	$3,680.00
Repair	1	$13,128.00	$180.00
Sub Total	**8**	**$4,120,275.00**	**$21,555.00**
MISCELLANEOUS			
Satellite/Antennas	14	$153,500.00	$1,730.00
Signs	503	$0.00	$55,438.00
Fences	174	$0.00	$2,745.00
Sub Total	**691**	**$153,500.00**	**$59,913.00**
TOTAL	**2136**	**$143,697,546.00**	**$893,120.00**

PERMITS ISSUED JULY 2004 THROUGH JUNE 2005

	NO.	PERMIT FEE
Mul. Dwel. Insp.	499	$4,990.00
Cert. of Occupancy	681	$34,276.70
Plan Review	1716	$94,308.00
Microfilm	415	$4,185.00
Building Permits	2136	$893,120.00
Electrical Permits	2582	$182,271.00
Heating Permits	2364	$116,716.00
Air Cond. Permits	775	$34,380.00
Refrigeration Permits	12	$910.00
Plumbing Permits	1642	$142,647.00
Storm Sewer Permits	308	$9,032.00
Sanitary Sewer Permits	304	$10,504.00
Sewer Taps	358	$102,882.00
TOTAL	**13792**	**$1,630,221.70**

LICENSES & REGISTRATIONS ISSUED JULY 2004 THROUGH JUNE 2005

	NO.	LICENSE FEE
Mech. Contr.-Reg.	407	$2,035.00
Elec. Contr.-Reg.	373	$5,595.00
Master Plmb.-Reg.	259	$259.00
Sewer Inst.-Reg.	49	$2,450.00
Sign Inst. - Reg.	75	$750.00
E. Sign Contr-Reg.	33	$495.00
Fence Inst.-Reg.	26	$260.00
Bldg. Contr.-Reg.	233	$2,330.00
F.Alarm Contr.-Reg.	32	$480.00
TOTAL	**1487**	**$14,654.00**

PSA Sherwin

J-03a

PATRICK M. CLEARY, P.C.
ATTORNEY AT LAW
43996 Woodward Avenue
Suite 200
Bloomfield Hills, Michigan 48302
(248) 335-7890
(248) 334-7202 Fax

June 27, 2005

Chief of Police Charles Craft
500 W. Big Beaver
Troy, MI 48084

Dear Chief Craft:

I am an attorney with offices in Bloomfield Hills. On Wednesday, June 22, 2005, I had occasion to go to the Troy Police Department in the evening to see a client who had been arrested earlier that day.

I went to the front desk and was directed to the cell area. There I met Officer Jackie Sherwin. She was courteous and helpful. I indicated that my client, a female, was undoubtedly nervous and I was concerned for her mental state. Officer Sherwin was attentive to my concern. My client subsequently told me that she was grateful for Officer Sherwin's care.

I know you must receive calls or letters from citizens complaining about the officers, I just wanted to take the time to write and tell you how professional Officer Sherwin was. She is a credit to your department.

Sincerely,

Patrick M. Cleary

RECEIVED
Chief of Police
6/30/05 CK

PMC/sb

CC: City Mgr.
Capt Mrg
PSA Sherwins File

July 2005

July 2005

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August 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				July 1	2
					3
4	5	6	7	8	9
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH			10
11	12	13	14	15	16
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Regular (Council Chambers)				17
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	12:00pm Updated: Assessing Board of Review (Conference Room D) 7:30pm BZA (Chambers) 7:30pm Historic District Commission (C	7:30am DDA Meeting (Conference Room Lower Level)			24
25	26	27	28	29	30
	7:30pm Planning Commission-Study (Council Boardroom)				31

PH 8/1 Rezoning App. 600 Stephenson Sec 35 R-C to O-1
PH 8/1 Rezoning App. Binson's Sec 3 R-1B to B-1
PH 8/1 Rezoning App Dunkin Donuts Sec. 22 R-1E to B-2

August 2005

August 2005

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September 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
August 1 7:30pm City Council-Regular (Council Chambers)	2	3 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	4	5	6 7
8	9 7:30pm Planning Commission-Regular (Council Chambers)	10	11	12	13 14
15 7:30pm City Council-Regular (Council Chambers)	16 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	17 7:30am DDA Meeting (Conference Room Lower Level)	18	19	20 21
22	23 7:30pm Planning Commission-Study (Council Boardroom)	24	25	26	27 28
29	30	31			

September 2005

September 2005

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30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			September 1	2	3
			10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		4
5	6	7	8	9	10
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	7:30pm Park Board meeting (Comm Ctr conf rm)		11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Regular (Council Chambers)				18
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			25
26	27	28	29	30	
	7:30pm Planning Commission-Study (Council Boardroom)				

July 12, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director

SUBJECT: Update on the Transit Center at Midtown Square

On May 4, 1999, a consent judgment was entered into between Grand Sakwa Properties Inc. and the City of Troy for the development on 77-acres located at Maple Road and Coolidge Hwy. As part of this consent judgment, the developer donated 3 acres of property to the City of Troy to be used as a Transit Center. The requirement was that if the city did not develop a Transit Center at this site within 10 years, the property would revert back to the developer.

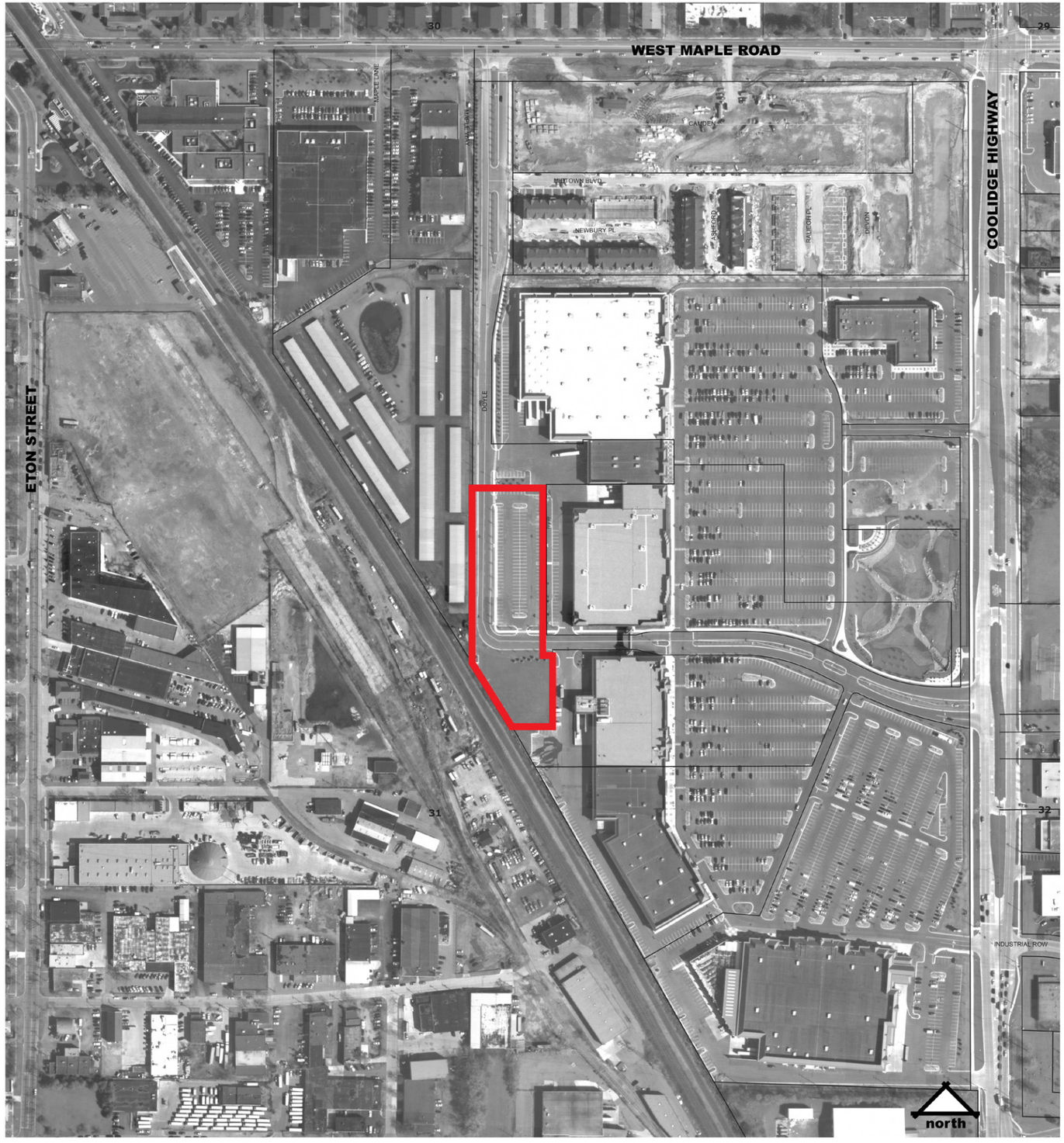
Over the past 5 years there has been a number of discussions with the City of Birmingham and a cooperative effort has developed in terms of trying to create an inter-modal transportation center at this site. The intent is to create a facility that would provide for all forms of transportation from bus to taxi cab service, car rental, limousine service and of course train travel. The property sits on the Grand Trunk rail line and across the street from the Oakland Troy Airport.

One of the key issues being considered was how to create a passageway from Birmingham to Troy in order to provide for at least pedestrian traffic, if not vehicular traffic. In late 2004, a study was completed by HRC that determined that a tunnel or overpass would be cost prohibitive. Following those conclusions, staff continued to work with Birmingham and now has a general consensus with Birmingham of working together to, in the short term, move the train station to the Troy side and providing the first phase of eventually a 28,000 sq. ft. facility that would provide inter-modal transportation connections for the area.

Ongoing discussions with SMART has developed a partnership that will provide a major hub for bus transportation for the area. Most importantly, State Representative, Shelley Taub has placed an appropriation in the range of $500,000 to $1.5 Million in the 2005/06 appropriation bill to help fund this center.

Attached are very preliminary conceptual designs of the Transit Center. The designs were prepared in partnership with the City of Birmingham for discussion purposes with the parties involved.

Given these developments and the recent suggestion by Freed & Associates in the Monarch Project that they would help contribute to the Transit Center, management felt it was an appropriate time for an update to City Council regarding this project.



Troy - Birmingham Transit Center

Aerial and Area Photographs

06.23.2005

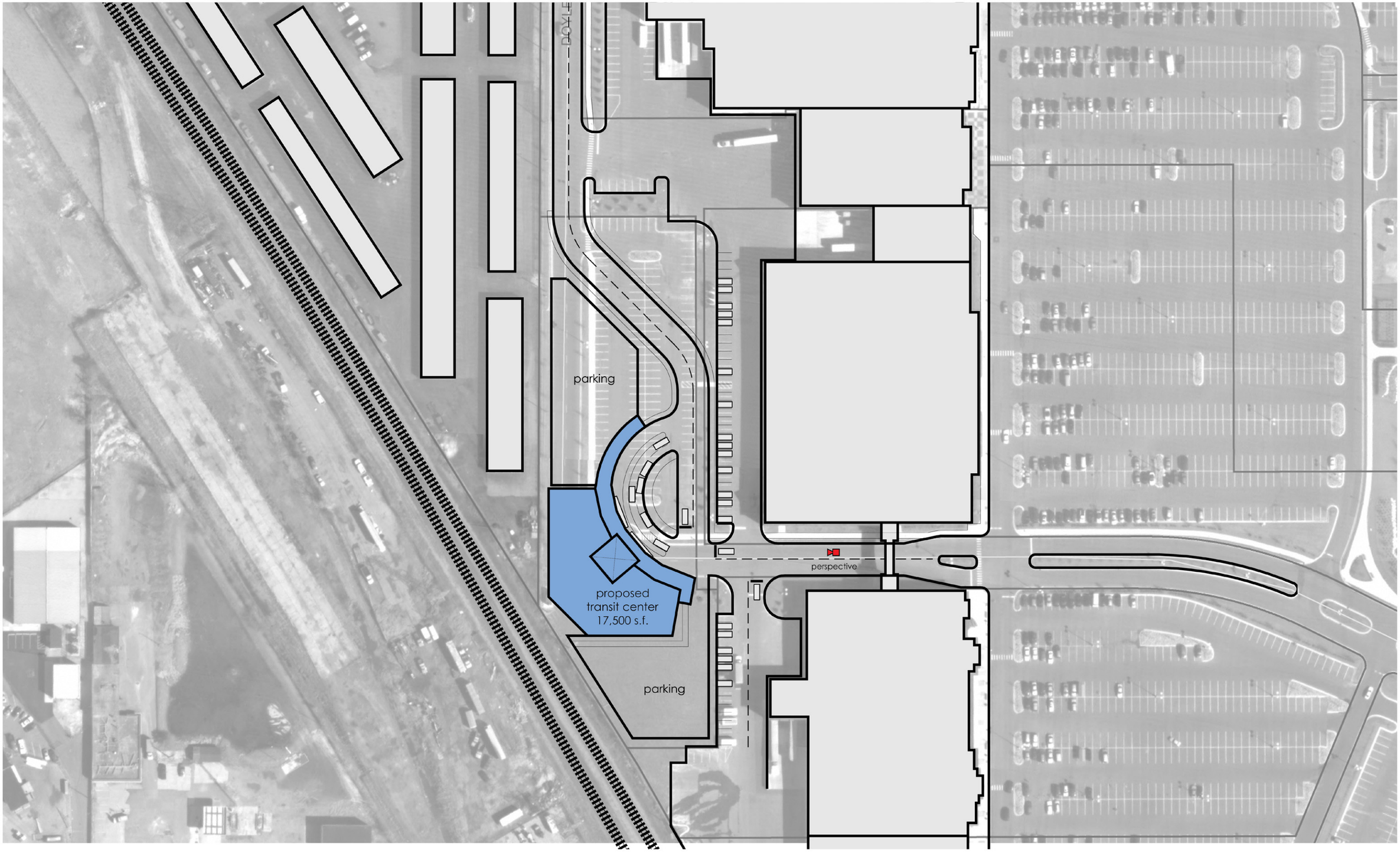
fTC&h

Troy - Birmingham Transit Center

Conceptual Rendering - Looking West

06.23.2005

fTC&h



Troy - Birmingham Transit Center

Aerial and Area Photographs

06.23.2005 frc&h

J-07

June 23, 2005

RECEIVED

JUL 13 2005

CITY OF TROY
CITY MANAGER'S OFFICE

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services BPM.
Steven Vandette, City Engineer

SUBJECT: Depletion of RCOC Road Maintenance Funds

We recently received the attached letter from the Road Commission for Oakland County (RCOC) that indicates that routine maintenance work will cease on all state roads in Oakland County due to depletion of funding from MDOT. While this may have major impacts in some communities with lots of state roads, the impact on Troy with I-75 being the only state road should be minimal. Freeway slope mowing will continue, as will emergency pothole patching, emergency traffic signal repairs and other emergency related activities.

MDOT is presently working to address this issue and attempting to find additional funds.

G:\Council Reports and Communications\RCOCfundingMaint.doc

J-7

R/C

Fax

Cc Murphy
Vandette
Pichnak
J-8

July 1, 2005

ROAD COMMISSION for OAKLAND COUNTY
QUALITY LIFE THROUGH GOOD ROADS.
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

John Szerlag, Manager
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

TC
7/01/05

Dear Mr. Szerlag:

I am writing to inform you that on June 22, the Road Commission for Oakland County (RCOC) ceased performing all routine maintenance work on all state roads in Oakland County. We were forced to take this drastic action because the state funds available to us through our maintenance contract with the Michigan Department of Transportation (MDOT) have been expended. This is due in part to the worse-than-usual winter, as well as the fact that the amount of money budgeted by MDOT for RCOC to provide maintenance under our contract has remained at the same amount for the last five years, while the cost of maintaining the roads has increased. In addition, in recent years the MDOT system has grown (the addition of M-5 and the DaimlerChrysler headquarters interchange on I-75), but the amount of money provided by MDOT through the maintenance contract has not.

This is the second time this year that we have reached this point. We first ran out of state road maintenance funding and ceased maintenance operations on May 10. MDOT eventually provided some additional funding at that point. The additional funding has now been depleted. We met with MDOT Director Gloria Jeff on June 23 to discuss this issue. At that time, she committed to attempt to find additional funds, but indicated that MDOT is currently experiencing financial difficulties. We understand the state's dilemma. The state-collected road funds that provide the majority of road maintenance dollars for MDOT, county road commissions, and cities and villages alike have not kept up with inflation for years. In fact, RCOC will receive the same amount of state road funds in 2005 that we received in 2000.

This work cessation means that RCOC will perform only emergency pothole patching, emergency traffic signal repairs, and other emergency-related activities on the state roads, using MDOT work orders. To date, this funding for emergency work is the only additional funding MDOT has been able to make available. Freeway slope mowing and street sweeping will continue, since contracts are in place with private companies to do that work. Work that WILL NOT be performed by RCOC workers includes boulevard mowing, routine drainage work, routine pothole patching, litter pickup, shoulder maintenance, routine traffic signal maintenance, etc. We have no choice but to cease this work, as state statutes do not permit us to expend our county road funds on state highways without guaranteed reimbursement.

Board of Road Commissioners

Rudy D. Lozano
Chairman

Larry P. Crake
Vice-Chairman

Richard G. Skarritt
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-1349

TDD
248-645-9923

www.rcocweb.org

Fax

ROAD COMMISSION of OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

We recognize that this situation is frustrating for you and your constituents. It is frustrating for us as well. Unfortunately, it is another symptom of Michigan's inability or unwillingness to adequately fund its roads. We will let you know if MDOT provides any additional funding that would allow us to restore any or all of these activities.

Sincerely,

Brent O. Bair
Managing Director

c: Rudy D. Lozano
Larry P. Crake
Richard G. Skarritt
Gerald M. Holmberg
Thomas Meszler
County Commissioner Charles Palmer

/lb

J-08

OK

July 14, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Public Management Article

Attached is a copy of the article I wrote for Public Management Magazine regarding the methodology we use in Troy for setting goals and objectives, and how that segues into performance evaluations. I have received positive comments from my colleagues across the United States relative to our process. And I wish to thank Mayor and Council for allowing me to have the latitude to develop this system, and more importantly, for your participation and ownership of this process.

c: Department Heads

JS/bt\AGENDA ITEMS\2005\07.18.05 – Public Management Article

It's (gulp) Evaluation Time

Manager John Keller went back to his office after the weekly council meeting. Thankfully, there were no extreme problems on the council's agenda, and the meeting appeared to have gone smoothly. But his thoughts couldn't help but stall on the short but meaningful statement of councilmember John Parker, who had ended one of his remarks on a new downtown redevelopment project with the comment "We probably don't know half the problems that are going on with this project."

He remembered that he'd heard a similar comment several weeks earlier, when the council was discussing how successful the snow removal operations had been during the winter months. One councilmember had alluded to the possibility that maybe they were hearing only the good reports from staff and not the ugly facts on snow removal problems.

To add to Keller's growing unease, the previous month, two of the community's five councilmembers had wanted Keller to plot out the effects and costs of a new skateboard park that they wanted built in two years. But another two members wanted him to determine how much a new swimming pool would affect the community's budget. He felt he was receiving conflicting messages about priorities and direction from the council.

Everything else seemed to be going peacefully, and the council was set to decide on his annual salary increase in two weeks. But Keller was anxious about this upcoming review because there was no evaluation process in place for his management position and no way to get accurate feedback on whether he was meeting councilmembers' expectations. With the negative comments and the conflicting messages about priorities, he knew it was time to suggest that an evaluation process for his position be put into place.

What kind of performance evaluation plans should the council consider? Two practitioners offer their advice.

The council-manager partnership is like a marriage in that it's sometimes hot and sometimes not. Just as spouses should know what to expect of each other, so, too, should the manager and governing body. This requires a balanced relationship in which not only does the council advise the manager on how he or she is doing toward measurable objectives, but also the manager advises the council on how it's faring against agreed-upon expectations.

I've outlined the model used in Troy, Michigan, for judging the city manager's performance. First and foremost, the model is outcome-based, as in "This is what you wanted, this is how I did it, what do you think?"

While getting to an outcome-based manager review takes some work, it does yield positive external data for community visioning. This is because we fold in the performance review as part of our ongoing strategic planning process. This process incorporates goals adopted by the city council, objectives and tasks that are subsets of goals, and organizational accomplishments that tie it all together.

GOALS, OBJECTIVES, AND TASKS

Succinctly put, goals are generic and reflect community values pertaining to a preferred future. Objectives are more specific in relation to these goals, and tasks are a direct subset of objectives and involve the most specificity. For example, Troy could adopt a goal calling for improving public infrastructure. An objective could thus be widening Main Street, and the task would be to allocate resources and manpower toward developing a project budget, including design, right-of-way acquisition, and construction.

Goals

Indeed, one of the goals advanced by Troy *is* to "Improve public infrastructure," which we'll refer to as Goal 1. We have also agreed on five other goals:

Goal 2: Minimize cost, and increase the efficiency of city government.
Goal 3: Retain and attract investment while encouraging redevelopment.
Goal 4: Communicate effectively and professionally.
Goal 5: Protect life and property.
Goal 6: Improve the strategic plan annually.

About seven years ago, we asked a facilitator to help frame our goals. We reexamine our goals each year; sometimes we bring in a facilitator to help us, and sometimes we don't. In the Troy experience, our goals have pretty much remained constant. I believe that most communities have goals similar to ours because, as I've indicated, goals represent community values. They just need to be articulated so the manager and council can agree on objectives.

Objectives

When framing objectives, you shouldn't need or want an outside facilitator, as this phase ideally brings the most balance to the council-manager relationship. Because councils should be community value– or goal-oriented, and the manager's role is results-oriented, the delineation of objectives is the bridge between these two perspectives. This calls for the governing body and manager to be of equal voice when determining objectives, meaning that all parties share in the ownership of the objectives.

Bridging goals to tasks means that the objectives need to be subsets of one or more goals. In Troy, for instance, the council and I agreed that the objective to "Enhance the flow of information" is specific to Goal 4, which is to communicate effectively and professionally. And our objective to "Promote a culture of professionalism" is germane to all of our goals.

Here are the other objectives we have agreed to, along with their corresponding goals:

- Address citizen input and concerns (Goals 1, 4, 6).
- Maintain high level of service (all goals).
- Determine appropriate staffing levels (Goals 1, 2, 3, 6).
- Expand electronic functions (Goals 2, 4, 6).
- Prioritize capital projects (Goals 1, 2, 5, 6).
- Promote economic development and redevelopment (Goals 1, 2, 3, 6).
- Uphold fiscal integrity (Goals 1 and 2).
- Recognize diversity, and encourage participation (Goal 4).

You may say that the subsets of objectives to goals in Troy may not be as other localities would arrange them. But that's not a problem because the salient point here is the ownership of the goals and objectives arrangement, resulting from a balanced discussion among all members of council and with the manager. Once this has been accomplished, the manager can go back to the drawing board and work on tasks.

While getting to an outcome-based manager review takes some work, it does yield positive external data for community visioning. This is because we fold in the performance review as part of our ongoing strategic planning process.

Tasks

Here in Troy, I find it useful to view tasks within a rolling three-year time frame that is tied to our fiscal-year calendar. Thus, addressing council in this format to get concurrence on tasks also eases subsequent budget sessions. Examples—our three-year task schedules for capital projects and for the expansion of electronic functions—are shown in Figures 1 and 2.

IDENTIFYING THE NATURE OF YOUR RELATIONSHIP WITH ELECTED OFFICIALS

In addition to the community benefit you get from working with council to identify goals, objectives, and tasks, you also benefit by gaining a sense of the type of relationship that exists between the council and manager. The types of partnerships are better explained by looking at the examples shown in Figure 3, where areas left of the balance point are more council-oriented and areas right of the balance point are more manager-oriented.

In keeping with our underpinning subject of goals, objectives, and tasks, line a-a-a in Figure 3 delineates a functional relationship between the council and manager. Goals that represent community values are more council-oriented. A balance between the council and manager is achieved by agreeing on objectives; tasks that segue into outcomes and budgets fall more in the area of the manager.

Line a-b-b denotes a weak manager in the council-manager relationship. And as any manager who has the misfortune of working in an environment similar to line a-b-c knows, the relationship is dysfunctional, and the dysfunction extends to the local organization and the community. Of course, there are many more combinations that can be shown on the illustrative matrix, but I'm sure you catch my drift, so I'll move on.

ORGANIZATIONAL ACCOMPLISHMENTS

In preparation not only to hold a performance evaluation but also, more important, to address in part the overall state of the city, I compile organiza-

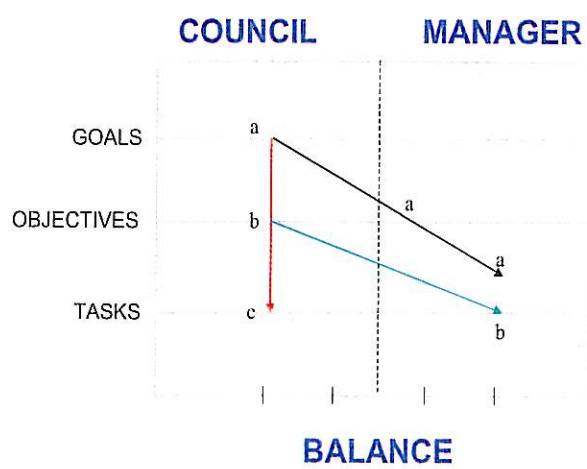
Figure 1. Objective 7: Capital Projects (Goals 1, 2, 5, 6)

Road Projects	2005	2006	2007
CMAQ Projects	Construction	Construction	Complete
Maplelawn	Complete		
Crooks Road from Square Lake to South Boulevard		Construction	Construction
Rochester from Torpey to Barclay		Right of Way	
Rochester from Barclay to Trinway			Right of Way

Figure 2. Objective 6: Expansion of Electronic Function (Goals 2, 4, 6)

	2005	2006	2007
E-Procurement Initiative	Complete		
In-House Hosting of Web Site	Review and update information	Review and update information	
Staff Review of Web Site Services and Information	Review and update information	Review and update information	
Online Permit Applications	Investigate software options	Implement program	Further enhancement
Electronic Inspection Process for Field Inspectors	Purchase equipment	Implement program	Further enhancement

Figure 3. Types of Council-Manager Relationships



a-a-a = FUNCTIONAL RELATIONSHIP
a-b-b = WEAK MANAGER RELATIONSHIP
a-b-c = DYSFUNCTIONAL RELATIONSHIP

tional accomplishments related to the goals, objectives, and tasks that have been framed through the council-manager partnership. This is accomplished through an electronic PowerPoint presentation to the council. Here is a sampling of what the council sees:

Objective: Fiscal Integrity

- Maintained AAA bond rating.
- Defeased the 2000 Recreational Facilities Bond, resulting in interest savings of $2.9 million.
- Purchasing department received the Achievement of Excellence in Procurement Award from the National Purchasing Institute.

Objective: Major Capital Projects

- Completed the widening and reconstruction of Long Lake, from Carnaby to Dequindre streets, to five lanes. This project was selected by the Michigan Concrete Paving Association as a top project in the "urban arterial road" category.
- Sanctuary Lake Municipal Golf Course opened for play in July 2004.

Objective: Communication

- Revamped the city Web site to approve its appearance, functionality, and ease of use. One of the major additions was public access to GIS data.
- Received the national Clarion Award from the Association for Women in Communications for the "Diversity in Troy" entry.

EVALUATION TIME

Once we've assembled all of our goals, objectives, tasks, and accomplishments, I put them all together and schedule an evaluation. And what I've spoken about so far more or less constitutes the empirical side of the evaluation, or, in other words, *what* we want. Now, it's time to evaluate the manager in terms of *how* it was accomplished. As long as the manager does a good job and instills a culture of professionalism in his or her staff, this system should serve you well.

Now, if your partnership with council is functional, as illustrated earlier, you can take this evaluation process one step further. You can evaluate each other against previously agreed-to, reasonable expectations. This will involve a discussion of what the council should expect of the manager, what the manager should expect from the council, and what councilmembers should expect of each other. And it's a pretty good idea to use a facilitator if this exercise is a first-time experience. In Troy, we used a facilitator and came up with the following:

What Council Should Expect of the Manager

- Objective, professional work product that gives council adequate information to make informed decisions.
- Same information going to all councilmembers.
- Efficiency and effectiveness.
- Respect, support, trust, and decisiveness.
- Willingness to work to implement the decisions made.
- Support for council's decisions when dealing with staff and community.
- Provision of relevant information before council has to make a decision, and advice about the ramifications of a bad decision.
- Equal treatment of all councilmembers.

What the Manager Should Expect of the Council

- Consistency.
- Ownership of decisions by the governing body.
- Recognition of council's role as policymaker, not micromanager.
- Respect, support, trust, and decisiveness.
- Defense of staff members when they are being attacked publicly for carrying out council's policies.

What Councilmembers Should Expect of Each Other

- Respect, understanding, and support.
- Acceptance and support of decisions made by the governing body as a whole.
- Timely decisions (no "paralysis by analysis").
- Uninterrupted consideration when someone is making a point.
- Consistency.
- Opportunity for council debate.
- Thought process shaped by a policy framework.

While not a quantifiable element of the evaluation procedure, a discussion between council and manager about reasonable expectations should be an integral part of the process. This gives both parties a chance to calibrate their attitudes and behaviors, to enhance their work-related strengths, and to recognize their weaknesses.

By the same token, if a council-manager partnership has evolved to permit an open dialogue on reasonable expectations, this dialogue should not be relegated to a once-a-year event. Rather, it needs to be an ongoing process, both collectively and individually, that will nurture both parties—pretty much as in a good marriage.

The system we used in Troy involves more than 100 PowerPoint slides, and I'm happy to forward them to readers, should someone want to take a look at the entire process. Just e-mail me at szerlagaj@ci.troy.mi.us. My only request is that you let me know if you improve on the process.

—John Szerlag
City Manager
Troy, Michigan
szerlagaj@ci.troy.mi.us

Effective organizational leadership requires a shared vision of the future, specific goals, clear expectations of employees, a strong team of people who work collaboratively, and accountability for achieving objectives. Local government managers seek annual feedback on their own performance from their councils as part of the process of strengthening the core leadership team and ensuring that they are on track with council expectations.

This article was written following interviews in 2004–2005 with managers, councilmembers, and consultants who have participated in

performance evaluation processes. Managers who have annual evaluations typically say they cannot imagine things otherwise. Years ago, this was not the case, just as until the last decade or two, manager employment agreements were uncommon.

One manager had this to say: "Most managers get into this profession because they are high-performing. The performance evaluation can validate and document that we're doing a good job. It also can point out areas we need to improve. As professional managers, we should want to do that."

Councilmembers said that the annual performance review gives them an organized method of setting direction, evaluating progress, and raising issues that otherwise may not be voiced, even in a positive council-manager relationship.

Various reasons were cited by both managers and councilmembers for holding an annual performance review:

- It is a sound business practice that fosters excellence in professional management.
- It is an essential part of helping a council to succeed in setting and achieving ambitious goals for the community.
- Evaluations are part of the council role as the governing board, ensuring that clear direction is established and that the council and manager assess their effectiveness in achieving goals.
- Managers want to know what their councils are thinking. They believe that speculating about the council's opinion is dangerous and hinders any efforts at course correction.
- In addition to hearing the individual opinions of councilmembers, a manager wants to know how the council *as a group* views his or her performance.
- It is useful for councilmembers to hear each other's views on the manager and on council priorities.
- It is an opportunity to discuss sensitive issues and ways in which the council/staff team can be strengthened.

Evaluation Tip

In selecting a facilitator, choose someone:

- With strong experience in working with councils and managers.
- Who, other managers say, has successfully facilitated evaluation processes for them.

- Evaluations are opportunities for the manager to inform the council about the range and complexity of work for which he or she is responsible, including day-to-day operations, staff performance, and major projects in the pipeline that will require a significant commitment of resources and leadership.
- A performance review gives the council a basis for making compensation decisions. A manager's employment agreement may in fact call for an annual review, with compensation decisions tied to that process.

Some managers may hesitate to initiate a performance evaluation because of strains in the council-manager relationship and concerns about what may result from the process. This strategy can work if there will be a change in council makeup, but it can be risky to assume that this will solve a troubled situation.

One consultant interviewed for this article said, "If problems exist in the relationship, dodging them will only make them larger. Only by confronting them early can weakened relationships be mended." Consultants who have assisted managers in making a transition out of a job once the council has decided to fire the manager note that often the situation is one in which mismatched expectations between the council and manager, or aspects of the manager's style or approach, were not addressed early enough; it simply became too late for adjustments to be made and for the relationship to be saved.

The costs are high to both the locality and the manager when a termination is involved. Regular opportunities for the council and manager to discuss expectations, communications, and performance can help prevent serious problems in the relationship.

A VARIETY OF MODELS

Managers and councils use a variety of approaches to performance evaluations. The process needs to be tailored to the needs, personality, and interests of the individual community. What works well in one situation may not be effective or well received in another.

Internal facilitation. A number of managers handle their annual performance reviews informally, with the mayor, a councilmember, or the manager serving as process facilitator. Normally, an evaluation form is completed by each councilmember, summarized by the mayor, and discussed by the entire council in a closed session with the manager.

Most of the managers interviewed said they prepare a written report for the council on their accomplishments for the prior year and on goals for the coming 12 months. Typically, managers discuss performance outcomes of the organization, projects in the pipeline, and council priorities, and seek feedback in those areas, among others, that are important to themselves individually.

Third-party facilitator. In this approach, an outside consultant is hired to assist with the evaluation process. Councilmembers and managers who have used facilitators reported that, even when there is an excellent council-manager relationship, the evaluation process is one of their most difficult tasks. It might be that councilmembers are not experienced in conducting evaluations and are more comfortable with a facilitator.

A third party can help councilmembers talk about difficult subjects and focus the discussion on important matters, whether pertaining to the council-manager relationship or to goals. Some managers have engaged facilitators when there has not

Resources

Web Site

Articles of interest to managers and examples of manager-performance evaluation forms can be found on the California City Management Foundation Web site, at www.cacitymanagers.org.

Articles from *Public Management* Magazine (*PM* Index at ICMA.org/pm)

- Caravalho, George, and Jo Anne Darcy. "Manager Appraisals Can Be Nothing But a Benefit" (December 1999).
- Carlson, Margaret S. "How Are We Doing? Evaluating the Performance of the Chief Administrator" (March 1997).
- Mathis, R. William. "What Councils Want from Managers . . . But Do Not Tell Them" (September 1993).
- Marshall, John. "Building a Working Relationship with Your Elected Officials" (August 1992).

been a performance evaluation in several years, in order to set a successful tone and structure for the evaluation.

When compensation is to be discussed, some managers find it helpful to have someone who is able to inform the council of industry standards and the competitiveness of the manager's current compensation package. The cost of a facilitator ranges from $5,000 to $10,000, depending on the number of interviews and meetings to be held and the amount of follow-up work desired.

ELEMENTS OF THE PERFORMANCE EVALUATION

Interviews with managers, councilmembers, and consultants suggested that there are five key elements to the evaluation process:

1. Organization and management of the process are decided.

- Everyone involved should understand what will occur at each step.
- Guidelines should be given to councilmembers on conducting an evaluation.
- Whoever facilitates the process must have credibility with all parties.
- There should be a commitment to a time frame so the process can be completed on a timely basis.

2. Comments are collected from councilmembers and manager.

- An evaluation form is derived.
- Each councilmember completes the form and gives it to one person (typically, the mayor or an outside facilitator) to summarize the ratings and comments in a combined, confidential document.
- When a facilitator has been engaged, each councilmember, as well as the manager, is interviewed privately to hear comments on the manager's effectiveness, accomplishments, issues that should be addressed in the relationship, and other concerns that should be discussed by the council and manager.
- The evaluation form should be easy to use and tailored to the unique interests of the local government and the responsibilities of the manager. Typical categories for evaluation are:
  - Vision and strategy
  - Accomplishment of goals
  - Organizational effectiveness
  - Personal performance
    - Management skills
    - Communication
    - Leadership
    - Judgment
  - Areas for improvement or change
  - Manager's goals for the next year.

3. Manager prepares a written report.

- Key organizational accomplishments and challenges are listed.
- He or she summarizes accomplishments of his or her goals for the prior year.
- Goals for the next year are clarified.

4. Closed session of council with manager is held.

- An agenda is outlined for the discussion, often by the manager.
- The mayor or facilitator reviews the agenda with the council at the start of the closed session and sets the ground rules for the discussion in the closed session. Typical guidelines are:
  - Each person will have an equal opportunity to speak.
  - A council consensus will be reached on specific items and on overall performance. And, while the general consensus may not be unanimous, it will ultimately reflect the council's position and direction to the manager.
  - Everyone will treat each other with respect.
- The mayor or facilitator goes through the combined evaluation report, pointing out areas of agreement and disagreement among councilmembers regarding the manager's performance.
- Each councilmember is asked to comment on the manager's performance, including what is going well and what he or she would like to see changed. The mayor or consultant facilitates a discussion, seeking to reach a council consensus on the manager's overall performance and on particular items of importance.
- When there is disagreement among councilmembers on the manager's performance or on some specific issue, the mayor or facilitator asks each councilmember to comment, so that everyone hears all perspectives. The mayor or facilitator seeks a council consensus (not

necessarily unanimous) on the manager's performance on this item, so that the entire council and the manager are clear on the council's position.

- The manager discusses sensitive issues and/or areas in which the council can assist the manager and organization in carrying out the council's work program.
- Goals for the manager in the coming year are discussed, and a council consensus is reached on these goals.
- Compensation considerations may form part of the process.

5. A post-evaluation report is prepared by the mayor or manager that contains:

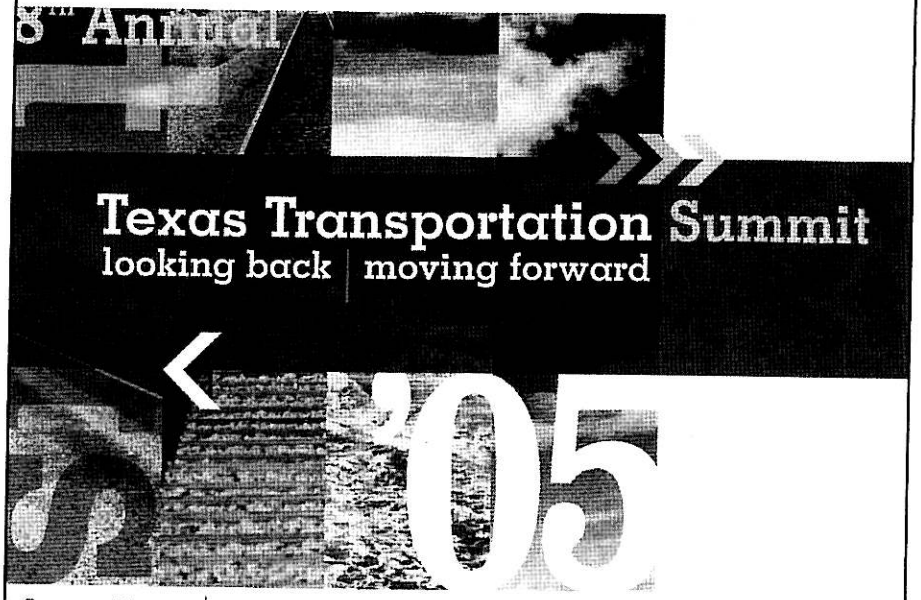
- A summary of the council's view (as a group) of the manager.
- A summary of items to be addressed in the coming year (personal performance and goals).
- Any follow-up actions agreed to during the closed session.

Councils and managers can make an opportunity each year to hold an open conversation about vision, goals, council direction, and performance. This is considered a sound management practice that leads to clear direction to the staff through the manager, and stronger relationships between the manager and council.

—Jan Perkins
ICMA Senior Adviser
Leadership Trainer
Laguna Beach, California, and
Former City Manager
janperk@cox.net

Coming in PM

The First 45 Days of a New Council



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IRVING

DATE: July 12, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Miller, Planning Director
Mark Stimac, Director of Building and Zoning

SUBJECT: Example of Allowable Accessory Structures
Based upon Final Action on ZOTA 215A

Attached is the text of the Zoning Ordinance Text Amendment regarding the provisions of the Zoning Ordinance relating to accessory building standards. This text incorporates the text as proposed by the Planning Commission as well as the revisions that were made and approved by City Council at their meeting of July 11, 2005. The Council changes are shown shaded to help differentiate them from the other proposed revisions. The only difference between the attached text and the one that was distributed on the evening of July 11th, is that the effective date in Paragraph B and C of Section 40.56.01has been corrected to show July 21, 2005.

Also enclosed are some examples of the new language applied to some residential lots within the City. The first example is a new home that is under construction in Pulte's Wyngate subdivision. The example uses one of the larger lots within the R-1B subdivision. Lot 21 has an area of 21,258 square feet. The home that Pulte is currently constructing on the lot has a first floor area of 2,044 square feet and a second floor of 1,733 square feet. This lot also uses a walk out basement with another 2,027 square feet of potential living space in the basement. This brings the total living space on this house to 5,804 square feet. The 75% limitation for attached garages would limit the size of an attached garage to no more than 4,353 square feet. However, when we add this garage area to the first floor area we get 6,397 square feet of building footprint that exceeds the 30% lot coverage limit of 6,377 square feet. Therefore the size of the attached garage would be limited to 4,333 square feet. In this scenario it would leave no available space for detached accessory buildings on the site because of the 30% lot coverage limit. Without counting the living space in the basement they could only build 3,344 square feet of attached garage. This would limit the house/garage footprint to 5,388 square feet but would free up the 875 square feet for the allowable detached accessory buildings. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,533 square feet.

The next example is for a typical lot in the Charnwood Hills Subdivision. There is a new home that has been built on Lot 95 on Anslow Lane. This lot is 63,555 square feet in area. The home that is built there has a first floor area of 3,450 and a second floor area of 2,793 square feet. This home also has a finished basement that is 3,450 square feet, bringing the total living area of the home to 9,693 square feet. With the 75% limitation a 7,270 square foot attached garage could be constructed. In this case the 30% lot coverage limitation would allow 19,066 square feet of building on the site. As such the allowable 1,721 square foot detached garage could be constructed as well. This would mean that the total lot coverage of all buildings would be 12,441 square feet. If the basement area of this home were not countable as living space then the total building area footprint would be limited to 9,853 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 2,588 square feet.

Another example is a new home under construction on Banmoor. This home has a 2,270 square foot first floor and a 1,320 square foot second floor on a 36,000 square foot lot. An attached garage of 2,692 square foot could be constructed as well as 1,170 square feet of detached accessory building on this parcel. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,702 square feet.

Another example is an existing home on Lakewood in the Raintree Village Subdivision. It has a home that has a 1,310 square foot ground floor and a 1,074 square foot second floor on a 14,070 square foot lot. This property would be permitted to have a 1,788 square foot attached garage as well as 731 square feet of detached garage while still staying under the 30% lot coverage limit of 4,221 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 982 square feet.

Lastly, is an example of a ranch home located on Bolingbroke. This home has a first floor area of 2,787 square feet on a lot that is 20,691 square feet. A total of 2,090 square foot of attached garage can be constructed with another 864 square feet of detached building permitted. Under the Planning Commission/Staff proposed language the allowable area of attached garage would not change.

Prepared by: Mark Stimac, Director of Building and Zoning

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
AS ADOPTED BY CITY COUNCIL JULY 11, 2005

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Articles IV and XXVIII of Chapter 39

Article XL GENERAL PROVISIONS of Chapter 39 of the Code of the City of Troy is amended to modify the regulations relating to accessory buildings, accessory supplemental buildings and accessory structures. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

(Underlining, except for major section titles, denotes changes)

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A ~~subordinate~~ building, or portion thereof, ~~the use of~~ which is ~~clearly incidental to that of~~ supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.

B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

~~C.~~ STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters,

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.

B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.

~~C.~~ GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.

D. GREENHOUSE: A detached, building that is used for non-commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

E. PLAY HOUSE: A detached building designed and used for children's play.

40.20.02 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: ~~is a~~ A use which is supplemental and subordinate to the main use ~~on a lot~~ and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.

B. They shall ~~therefore not be permitted as the only building or structure~~ be on ~~a~~ the same parcel of land, as the principal building they serve.

C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code~~.~~ Permits shall be required for buildings greater than thirty-six (36)

square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. ~~(Rev. 04-23-01)~~

E. They shall not be located within a dedicated easement or right-of-way.

~~40.56.00 The various types of accessory buildings and structures shall be defined as follows:~~

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNS: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one-hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-2301)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all-terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels~~

~~or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-2301)~~

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

~~40.57.01 Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

~~40.57.02~~ A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.

B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) ~~of the ground floor footprint~~ of the living area of the dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005~~(insert effective date of revision here)~~.

C. The size of any door to an attached accessory building shall not exceed ~~eight (8)~~ nine (9) feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005

40.56.02 Detached Accessory Buildings

~~A. There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.~~

~~40.57.03~~ A~~B.~~ Detached accessory buildings shall not be erected in any yard, except a rear yard.

~~40.57.04~~ B~~C~~. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. ~~In no instance shall~~

~~40.57.05~~ C~~D~~. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

~~40.57.05~~ D~~E~~. No detached accessory building ~~or structure except antennas, dog houses or cabanas~~ shall be located closer than ten (10) feet to any main building, nor ~~shall any accessory building or structure be located~~ closer than six (6) feet to any side or rear lot line.

~~40.57.06~~ E~~F~~. ~~No~~ A detached accessory building ~~or structure, in any Residential, C-F, B-1, and P-1~~ shall not exceed one (1) story or fourteen (14) feet in height. ~~Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)~~

F~~G~~. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

~~40.57.07 Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

40.56.03 Accessory Supplemental Buildings

~~A. No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.~~

A~~B~~. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.

B~~C~~. An accessory supplemental building shall not be located in any ~~required yard other than a rear~~ front yard.

C~~D~~. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

D~~E~~. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

A. Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

~~40.57.08~~ B. No more than two (2) antenna structures (no more than one of which may be ground-mounted, and thus detached from the main building) shall be permitted for each lot or parcel, with the following exception:

~~A.~~1. On non-residential parcels, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one antenna structure permitted for

each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.

~~B.~~2. The numerical limits of this Section shall not apply in the following situations:

~~1.~~a. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).

~~2.~~b. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

~~40.57.09 When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.~~

~~40.57.10 When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.~~

~~40.57.11 NEIGHBORS NOTIFICATION:~~
~~Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.~~

~~40.57.12 The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

Section 3. 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 4. Severability Clause

Should any word, 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 5. Effective Date

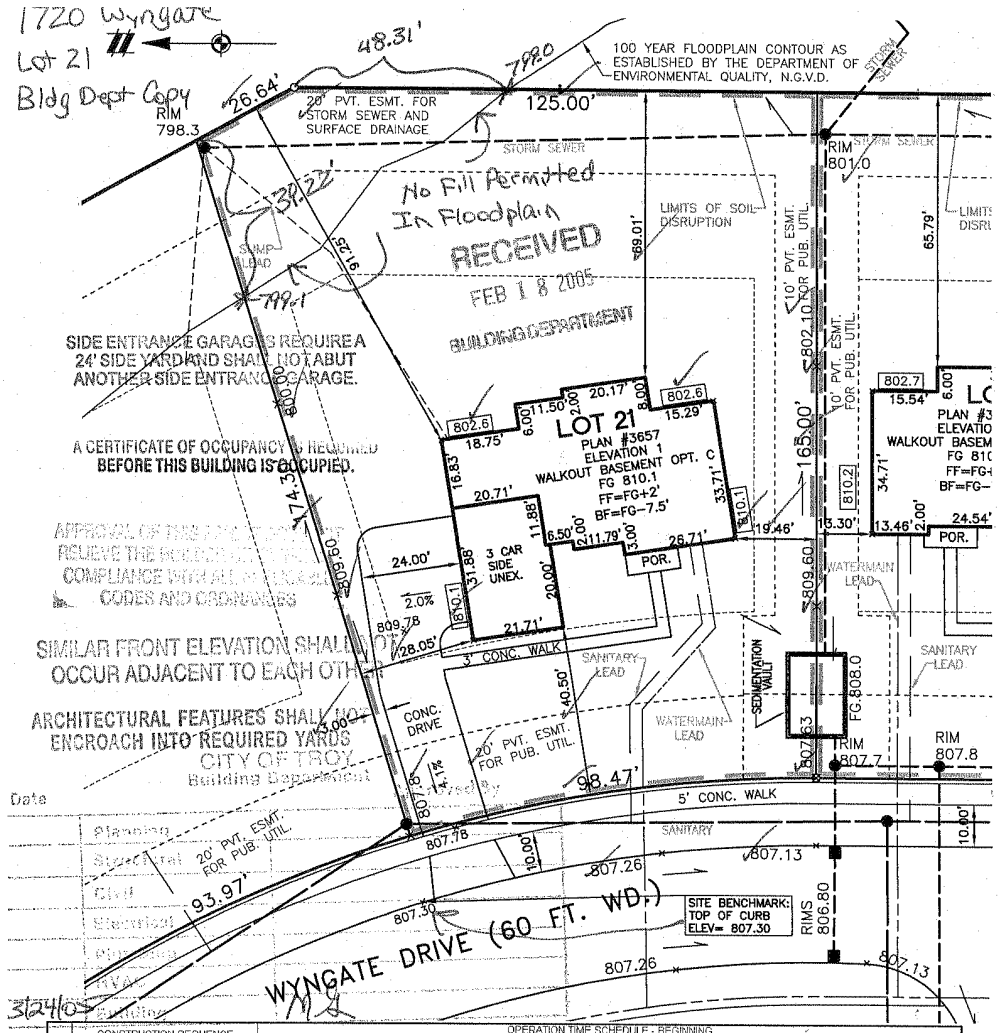
This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

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, MI, on the _____ day of _____, ____.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\215A\ZOTA 215A Planning Commission Version A 06 14 05.doc



	CONSTRUCTION SEQUENCE	OPERATION TIME SCHEDULE - BEGINNING											
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
A	SOIL EROSION CONTROL MEASURE												
B	EXCAVATE BASEMENT												
C	BACKFILL BASEMENT												
D	STONE ACCESS DRIVE												
E	COMPLETE ALL EARTH MOVEMENT												
F	SEED & MULCH AS REQUIRES												

NOTE:
THIS TIMING AND SEQUENCE CHART IS TO BE FILLED IN BY THE CLIENT PRIOR TO SUBMITTAL TO THE TOWNSHIP.

NOTE:
CLOSEST DISTANCE TO REGULATED WETLANDS 267'±.

NOTE:
HOMEOWNER WILL INSTALL PERMANENT VEGETATION.

NOTE:
SOIL EROSION CONTROLS WILL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT BY PULTE HOMES.

NOTE:
ATWELL-HICKS ASSUMES NO RESPONSIBILITY FOR GIVEN HOUSE DIMENSIONS AND DRIVEWAY PLACEMENT. CLIENT MUST VERIFY ALL DIMENSIONS AND DRIVEWAY PLACEMENT PRIOR TO CONSTRUCTION. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES. BEFORE BEGINNING CONSTRUCTION, VERIFY AS-BUILT HOME LEAD LOCATION WITH THE TOWNSHIP. NO FIELD WORK HAS BEEN DONE AT THIS TIME.

LEGEND

— — — — — —	SUMP LEAD
— — — — — —	SANITARY LEAD
— — — — — —	WATERMAIN LEAD
←———	DRAINAGE ARROW
X 700.00	PROPOSED GRADES

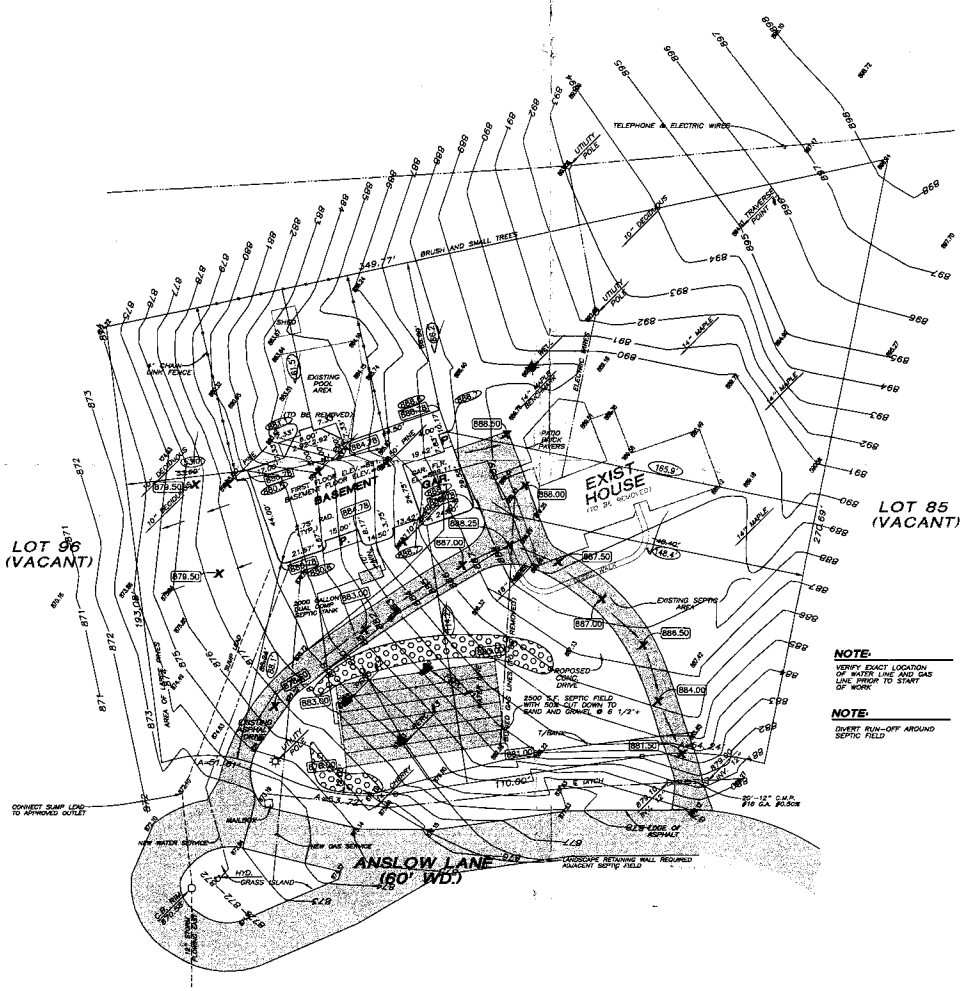
CLIENT PULTE HOMES OF MICHIGAN	**ATWELL-HICKS** Engineering • Surveying • Planning Environmental • Water/Wastewater 866 850 4200 www.atwell-hicks.com MICHIGAN ILLINOIS OHIO	
PLOT PLAN #1720 WYNGATE LOT 21 WYNGATE OF TROY SUBDIVISION	JOB: 300609	CAD 21-30
SECTION 5 TOWN 2 NORTH, RANGE 11 EAST CITY OF TROY OAKLAND COUNTY	DR. TJB	CH. JIF
	BOOK	PG.
SCALE: 1 INCH = 30 FEET (0 15 30)	SHEET 1 OF 1	DATE: 02-09-05
	FILE NO. MA	

STATE OF MICHIGAN BRIAN W. BOLD PROFESSIONAL SURVEYOR No. 46655 LICENSED PROFESSIONAL SURVEYOR

6321 Anslow
Lot 95
Bldg Dept Copy
B02-0061

BENCHMARK
V. MAG NAIL NORTH FACE OF 14" MAPLE; ELEVATION=889.78

NORTH
SCALE: 1"=30'



NOTE:
VERIFY EXACT LOCATION OF WATER LINE AND GAS LINE PRIOR TO START OF WORK

NOTE:
DIVERT RUN-OFF AROUND SEPTIC FIELD

NOTE:
THE CONTRACTOR IS REQUIRED TO INSPECT THE EROSION MEASURES ON A WEEKLY BASIS AND AFTER EVERY RAIN STORM

GRADING NOTE

1. ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENCROACH UPON ANY ADJACENT PROPERTIES.
2. SOIL EROSION CONTROLS ARE REQ'D TO BE INSTALLED AROUND THE ENTIRE PERIMETER OF SOIL DISRUPTION PER THE TOWNSHIP

NOTE: SIDEYARD DRAINAGE SHALL NOT DRAIN ONTO ADJACENT LOT(S). (TYPICAL)

SOIL BORINGS

- PERC #1:
  - 0"–6" TOPSOIL
  - 6"–6.5' CLAY LOAM
  - 6.5'–9.5' SAND/GRAVEL
- PERC #2:
  - 0"–6" TOPSOIL
  - 6"–8' CLAY LOAM
  - 8'–9' SAND/GRAVEL
- PERC #3:
  - 0"–6" TOPSOIL
  - 6"–4' CLAY LOAM
  - 4'–7' SAND/GRAVEL

AS-BUILT

SHEET NO 1 OF 1

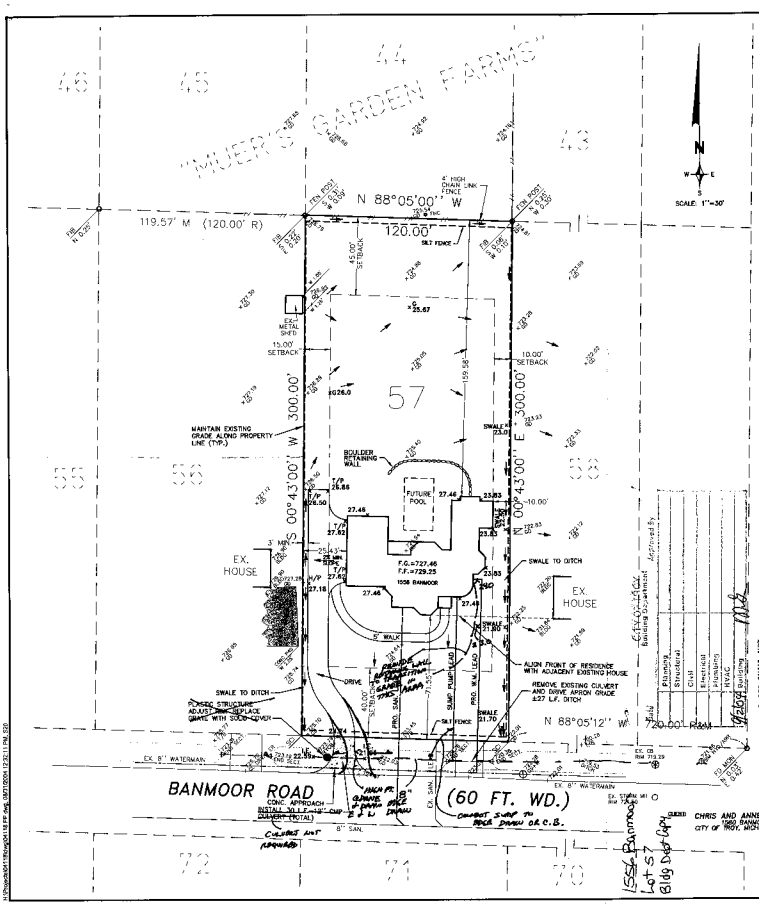
PLOT PLAN
LOT 95
CHARNWOOD HILLS
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

DATE	ADDITIONS AND/OR REVISIONS
1/14/02	F.O.C.
6/20/01	REVISED HOUSE PER BUILDER
6/21/01	REVISED HOUSE LOCATION
8/16/01	PER CITY OF TROY
8/15/01	REVISED GRADES

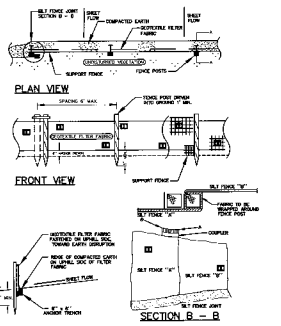
JOB NO. 010354-6300
DATE 4/19/01
SCALE 1" = 30'
DRAWN C.E.E.
CHECK R. UNDH
FIELD BOOK

CLIENT
HAFEEZ HAROON
1743 LANGFORD DRIVE
TROY, MICHIGAN
(248) 528-8595

URBAN LAND CONSULTANTS®
CIVIL ENGINEERS • PLANNERS • LAND SURVEYORS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516
PHONE 810 731-8030
FAX 810 731-2605



SILT FENCE



S.E.S.C. SEQUENCE:

ALL EROSION CONTROLS SHALL CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY AND SHALL BE CONSTRUCTED AS FOLLOWS:

1. ALL EROSION CONTROLS SHALL BE INSTALLED PRIOR TO BASEMENT EXCAVATION.
2. ALL EROSION CONTROLS SHALL BE INSPECTED REGULARLY AND MAINTAINED THROUGHOUT BUILDING CONSTRUCTION.
3. ONCE BUILDING IS COMPLETED AND SITE HAS BEEN STABILIZED (LANDSCAPING AND/OR SEED AND MULCH) TEMPORARY EROSION CONTROLS SHALL BE REMOVED.

EXISTING LEGEND

- INLET
- END SECTION
- CATCH BASIN
- GATE VALVE
- HYDRANT
- BOUNDARY LINE
- PARCEL LINE
- FENCE LINE
- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- FD MON, FCI, FIB
- FCI FOUND CAPPED IRON
- FIB FOUND IRON BAR
- SCI SET CAPPED IRON
- M MEASURED
- R RECORDED
- + 700.00 SPOT ELEVATION

PROPOSED

- MANHOLE
- 25.0 PROPOSED GRADE
- T/P TOP OF PAVEMENT
- T/B TOP OF BANK
- B/C BOTTOM OF CURB
- F.F. FINISH FLOOR
- F.G. FINISH GRADE
- DRAINAGE ARROW
- SILT FENCE
- SANITARY LEAD
- WATERMAIN LEAD

** APPROVED **
AS NOTED:
CITY OF TROY
LANE SUPERVISOR
8-6-04

APPROVAL OF THIS PERMIT DOES NOT RELIEVE THE BUILDER/OWNER TO COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES

LAWN SPRINKLER SYSTEMS SHALL NOT BE INSTALLED BETWEEN SIDEWALK & CURB WITHOUT A RIGHT-OF-WAY PERMIT ISSUED BY CITY ENGINEERING DEPARTMENT.

3 FULL BUSINESS DAYS BEFORE YOU DIG

DESCRIPTION:

LOT 57 OF "MUER'S GARDEN FARMS" SUBDIVISION, PART OF THE S.E. 1/4, SEC. 20 T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 15 OF PLATS, PAGE 45 OAKLAND COUNTY RECORDS.

BENCHMARK:

ARROW ON HYDRANT #21-3
EAST SIDE OF CROOKS
360' NORTH OF WILSHIRE C/L
ELEVATION: 716.031 (NAVD 88)

ARCHITECTURAL FEATURES SHALL NOT ENCROACH INTO REQUIRED YARDS

A DEPARTMENT OF CITY'S REQUIRED BEFORE THE BUILDING IS OCCUPIED.

REVISIONS		
ITEM	DATE	BY
PER CITY	8-31-04	AJ

DRAWN BY	DESIGNED BY	DATE
PTG	JJW	5-15-04

LOT 57 "MUER'S GARDEN FARMS"

CITY OF TROY MICHIGAN

PLOT PLAN

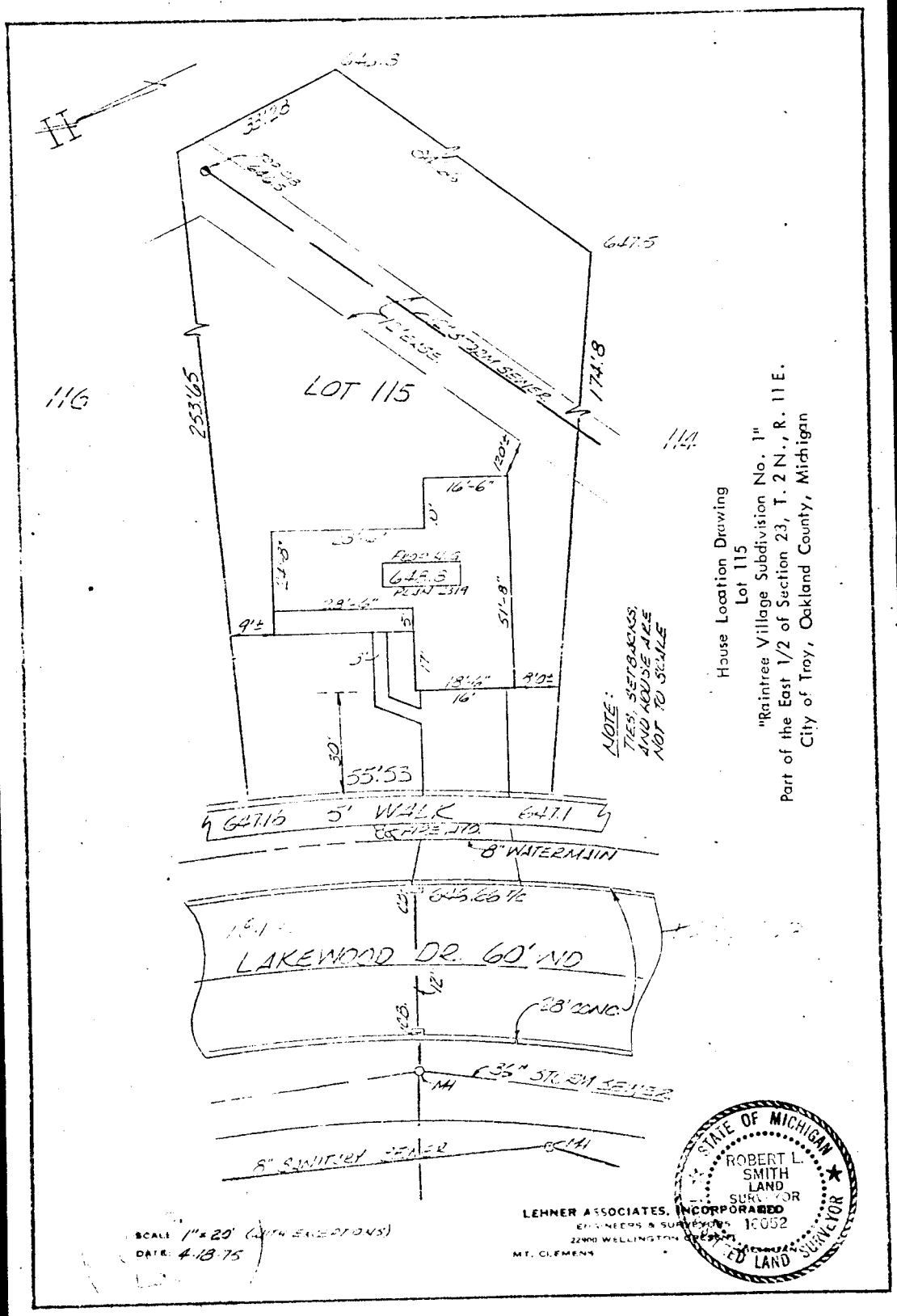
SCALE: HOR. 1" = 30' VER. 1" = "

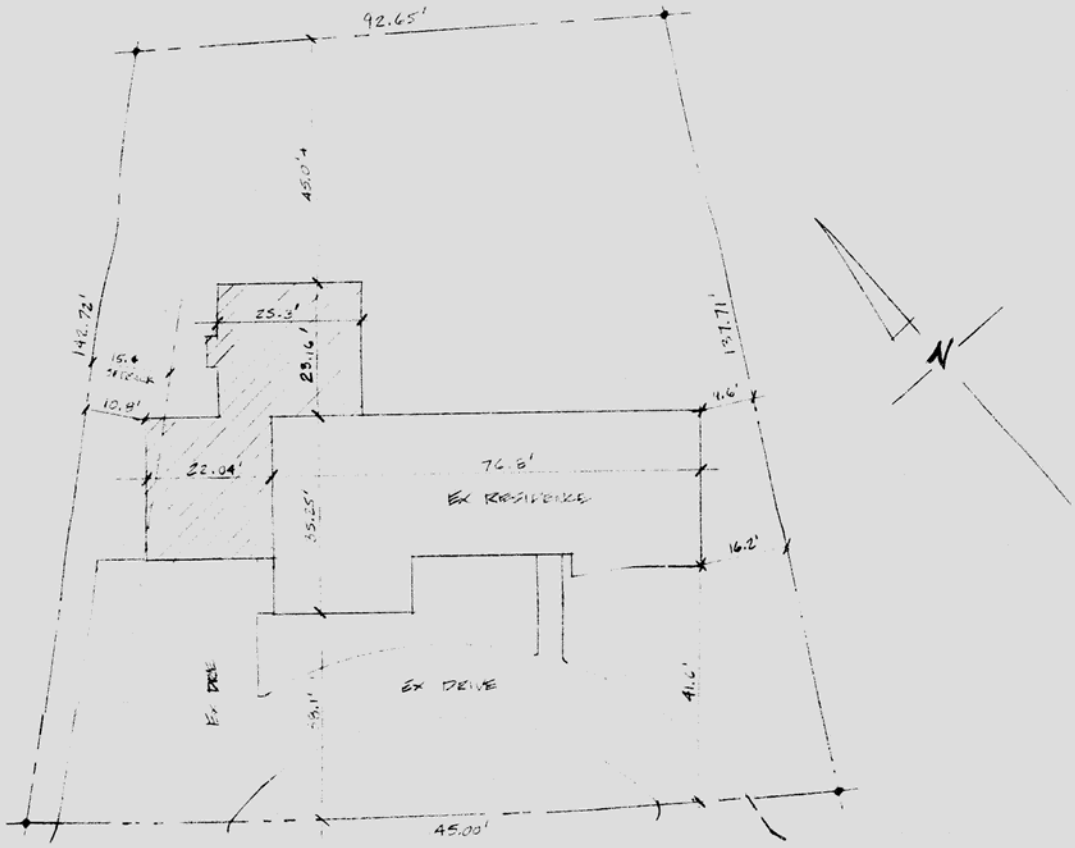
FIELD BOOK NO.

JOB NO. 04118

SHEET NO. 1/1

NEDBOR WOZNIAK & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
28450 FRANKLIN ROAD
SOUTHFIELD, MICHIGAN 48034
(810) 352-8950


LOT 115
116
114
253.65
174.8
647.5
5' WALK
8" WATERMAIN
LAKEWOOD DR. 60' WD
28' CONC.
8" SANITARY SEWER
NOTE:
TIES, SETBACKS, AND HOUSE ARE NOT TO SCALE
House Location Drawing
Lot 115
"Raintree Village Subdivision No. 1"
Part of the East 1/2 of Section 23, T. 2 N., R. 11 E.
City of Troy, Oakland County, Michigan
SCALE 1" = 20' (with exceptions)
DATE 4-18-75
LEHNER ASSOCIATES, INCORPORATED
ENGINEERS & SURVEYORS
22900 WELLINGTON STREET
MT. CLEMENS
STATE OF MICHIGAN
ROBERT L. SMITH
LAND SURVEYOR
10052
REGISTERED LAND SURVEYOR



2756 BOLINGBROKE

PLOT PLAN 1" = 20'-0"

HOUSE ADDITION:	606 SQ FT
GARAGE ADDITION:	568 SQ FT.
TOTAL	1174 SQ FT.