AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JANUARY 10, 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

January 10, 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: ROLL CALL: 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: 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:** None Scheduled

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 **Rezoning Application – Northeast Corner of Rochester Road and Charrington Road – Section 23 – B-1 to H-S (Z-479-B)**

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

WHEREAS, A valid protest petition opposing this rezoning application was submitted to the City Clerk's Office on August 5, 2004; and

WHEREAS, The valid protest petition was signed by the owners of at least 20% of the area of land included within an area extending outward 100 feet from any point of the boundary of the land included in the proposed change, excluding publicly owned land; and

WHEREAS, Receipt of the valid protest petition requires that the rezoning application must be approved by a minimum 2/3-majority vote of Troy City Council, as per the City and Village Zoning Act, PA 207 of 1921, as amended.

NOW, THEREFORE, BE IT RESOLVED, That the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Road, Section 23, being 21,000 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

POSTPONED ITEMS:

D-1 Zoning Ordinance Text Amendment (ZOTA 200) for Article 34.70.00 – One Family Cluster Option

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

RESOLVED, That Article XXXIV (Residential Development Options), Article IV (Definitions) and Article X (One Family Residential Districts) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200), dated 12/20/04, as recommended by the Planning Commission and City Management.

Yes:
No:

CONSENT AGENDA:

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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.

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

Suggested Resolution
Resolution #2005-01-
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 #2005-01-

RESOLVED, That the Minutes of the Special Meeting of December 20, 2004 and the Minutes of the Regular Meeting of December 20, 2004, be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation(s): No Proclamations Submitted

E-4 Standard Purchasing Resolution 2 – Bid Award: Lowest Bidder Meeting Specifications – Physical Fitness Equipment

Suggested Resolution
Resolution #2005-01-

RESOLVED, That a contract to purchase and install new physical fitness equipment at the Community Center and Police Department is hereby **AWARDED** to the lowest bidder meeting specifications, All Pro Exercise, Inc. of Farmington Hills, MI, at an estimated net total cost of $72,760.00 including trade-ins, at unit prices contained in the attached bid tabulation dated November 18, 2004, and accompanying schedule of values.

BE IT FURTHER RESOLVED, That the award is contingent upon the vendor submission of proper contract and bid documents, including insurance certificates, and all other specified requirements.

E-5 Standard Purchasing Resolution 2 – Bid Award: Lowest Bidder Meeting Specifications – Bare Root Street Trees - Installed

Suggested Resolution
Resolution #2005-01-

RESOLVED, That a contract to furnish and install 2,500 bare root street trees, in the Spring of 2005, is hereby **AWARDED** to the lowest bidder meeting specifications, Marine City Nursery of Marine City, MI, for an estimated total cost of $410,000.00, and a second contract be **ISSUED** to SS Seeding, Inc. of Oxford, MI, for 900 additional trees totaling $90,000.00, at unit prices contained in the attached bid tabulation opened December 7, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the awards are contingent upon contractor(s) submission of properly executed bid and contract documents, including bonds, insurance certificates, and all other specified requirements.

E-6 Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Suggested Resolution
Resolution #2005-01-

RESOLVED, That a contract to provide fleet vehicles from Buff Whelan Chevrolet is hereby **APPROVED** through an Oakland County Cooperative Purchasing Agreement at an estimated total cost of $121,540.00.

E-7 Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Suggested Resolution
Resolution #2005-01-

RESOLVED, That a contract to provide fleet vehicles from Signature Ford L-M Jeep Eagle is hereby **APPROVED** through a Macomb County Cooperative Purchasing Agreement at an estimated total cost of $208,324.00.

E-8 Standard Purchasing Resolution 1: Award to Low Bidder – Glock .40 Caliber Handguns

Suggested Resolution
Resolution #2005-01-

RESOLVED, That a contract to purchase/trade-in Glock handguns is hereby **AWARDED** to the low bidder, Vance Outdoors, Inc. dba/Vance's Law Enforcement, of Columbus, OH, for an estimated net total cost of $27,975.00, at unit prices contained in the bid tabulation opened December 22, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Request for Approval of Purchase Agreement, Roxann L. Klee – 2895 Clayton, Sidwell #88-20-25-226-001 – Project No. 01.105.5, Big Beaver Road Improvements, Rochester to Dequindre

Suggested Resolution
Resolution #2005-01-

RESOLVED, That the Agreement to Purchase between Roxann L. Klee, and the City of Troy, having Sidwell #88-20-25-226-001 for the acquisition of right-of-way from the property at 2895 Clayton is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the right-of-way in the Agreement referenced above and reimburse the homeowner for fence relocation in the total amount of $24,382, plus closing costs.

E-10 Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities (NLC) Congressional City Conference in Washington, DC

Suggested Resolution
Resolution #2005-01-

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the National League of Cities 2005 Annual Congressional City Conference in Washington, DC from March 11-15, 2005 in accordance with accounting procedures of the City of Troy.

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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.

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 during the Public Comment section under item 12."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. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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.

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Board of Review; Downtown Development Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities; Animal Control Appeal Board; Election Commission; Historic District Commission; Liquor Committee; Municipal Building Authority; Traffic Committee; Troy Daze 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 red lines indicate the number of appointments required:

(a) Mayoral Appointments

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

Board of Review
Mayor, Council Approval (3) – 3 years

Term expires 01-31-2008

CURRENT MEMBERS

NAME	TERM EXPIRES
Hatch, James Edward	01-31-07
Howrylak, Frank J	01-31-06
Turner, Eileen	01-31-05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Courtney, Kenneth	03/12/04-03/2006	03/15/04
Freliga, Victor P	11/25/02-11/2004	12/02/02
Gies, Marcia	04/08/04-04/2006	04/12/04
Pritzloff, Mark	04/17/03-04/2005	04/28/03

Downtown Development Authority
Mayor, Council Approval (13) – 4 years

Term expires 07-01-2005 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Culpepper, Michael W	09/30/08
Frankel, Stuart	09/30/07
Hay, David R	09/30/07
Hodges, Michele	09/30/05
Kennis, William	09/30/06
Kiriluk, Alan M	09/30/08
MacLeish, Daniel	09/30/05
Price, Carol A	09/30/07
Reschke, Ernest C	09/30/06
Schilling, Louise E	09/30/08
Schroeder, Douglas J	09/30/06
Weiss, Harvey	09/30/05
Wong, Fred (Student)	07/01/04
York, G Thomas	09/30/08

INTERESTED STUDENT APPLICANTS

None on File

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

Advisory Committee for Persons with Disabilities

Appointed by Council (9) – 3 years

Term expires 11/01/2007

CURRENT MEMBERS

NAME	TERM EXPIRES
Bertin, Leonard G.	11/01/05
Buchanan, Cynthia	11/01/07
Robosan-Burt, Susan	11/01/06
Done, Angela	11/01/05
Fuhrman, Adam (Alternate)	11/01/06
Gauri, Kul B	11/01/05
House, Theodora	11/01/06
Johnson, Nancy (Alternate)	11/01/06
Kuschinsky, Dick (Resigned)	11/01/04
Manetta, Pauline	11/01/06
Pietron, Dorothy Ann	11/01/07
Pritzloff, Mark (Alternate)	11/01/06
Wiqar, Anbereen (Student)	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Connor, Kathleen Ann	02/25/04-02/2006	03/01/04
Laudicina, M.K.	07/20/04-07/2006	08/09/04
Uitto, Renee	12/03/04-12/2006	12/06/04
Werpetinski, Susan	11/14/04-11/2006	12/06/04

Animal Control Appeal Board

Appointed by Council (5) – 3 years

Term expires 09/30/2007

CURRENT MEMBERS

NAME	TERM EXPIRES
Ms Harriet Barnard (Resigned)	09/30/2004
Ms Kathleen Melchert	09/30/2007
Mr Al Petrulis	09/30/2005
Ms Jayne Saeger	09/30/2006
Mr Vincent James Viola	09/30/2006

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Larue, Patricia M	08/12/02- 08/2004	08/19/02
Pritzlaff, Mark	04/17/03- 04/2005	04/28/03
Wheeler, Nancy	03/08/04- 03/2006	04/12/04

Election Commission

Appointed by Council (3) – 1 year

Term expires 01-31-06

Term expires 01-31-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Anderson, David C	01-31-05
Dewan, Timothy	01-31-05
Bartholomew, Tonni	Charter

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Brodbine, Anju C.	08/13/02-08/2004	08/19/02
Courtney, Kenneth	03/12/04-03/2006	03/15/04
DeBacker, Deborah	05/20/02-05/2004	06/03/02
Gauri, Kul B	08/26/99-07/3/03-07/2005	
Larue, Patricia M	08/12/02-08/2004	08/19/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Salgat, Charles J	03/08/04-03/2006	04/12/04
Shah, Jayshree	08/28/01-04/23/04-04/2006	09/17/01-05/03/04
Silver, Neil S	06/9/03-05/2005	06/16/03
Uitto, Renee	12/03/04-12/2006	12/06/04
Ziegenfelder, Peter	12/07/00-06/11/01-6/11/03-05/2005	12/18/00-07/09/01-06/16/03

Historic District Commission

Appointed by Council (7) – 3 years

Unexpired term expires 05-15-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Ms Marjorie A Biglin	03/01/07
Mr Wilson Deane Blythe	03/01/05
Ms Barbara Chambers	03/01/05
Mr Paul C Lin	05/15/06
Ms. Ann Partian	03/01/05
Ms Muriel Rounds	05/15/06
Ms Dorothy Scott (Resigned)	05/15/06
Ms Vilin Zhang (Student)	07/01/05

INTERESTED APPLICANTS

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

Liquor Committee
Appointed by Council (7) – 3 years

Unexpired term expires 01-31-2006

Term expires 01-31-2008

Term expires 01-31-2008

CURRENT MEMBERS

NAME	TERM EXPIRES
Mr Henry Allemon	01/31/06
Mr Alex Bennett	01/31/06
Mr Max K Ehlert	01/31/05
Mr W S Godlewski	01/31/05
Mr Patrick C Hall	01/31/06
Mr James R Peard	01/31/06
Ms Anita Elenbaum (Resigned)	01/31/06
Ms Emily Polet (Student)	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Bloom, Jerry E	03/08/04-03/2006	04/12/04
Howe, Peter Thomas	03/12/03-03/2005	03/17/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03

Ogg, David S.	03/06/02-06/09/03-05/2005	03/18/02-06/16/03
Petrulis, Al	02/11/03-07/31/03-07/2005	02/17/03-08/18/03
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shah, Jayshree	01/12/04-01/2006	02/02/04
Sobota, Christopher A	02/14/02-02/2004	02/18/02
Ukrainec, Bohdan L	01/30/01-04/16/03-11/01/04-11/2006	02/05/01 11/08/04
Victor, Robert	06/03/03-05/2005	06/16/03
Ziegenfelder, Peter F	12/07/00-06/11/01-06/11/03-05/2005	12/18/00-07/09/01-6/16/03

Municipal Building Authority
Appointed by Council (5) – 3 years

_____ **Term expires 01-31-2008**

_____ **Term expires 01-31-2008**

CURRENT MEMBERS

NAME	TERM EXPIRES
Almassian, Carolyn	01/31/06
Freliga, Victor P	01/31/05
Krokosky, Robert J	01/31/05
Lamerato, John M	01/31/06
Miesiak, Conrad E	01/31/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Bluhm, Kenneth	11/24/00	12/04/00
Courtney, Kenneth	03/12/04-03/2006	03/15/04
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Schultz, Robert M	01/15/01	01/22/01
Shah, Jayshree	01/12/04-04/23/04-04/2006	02/02/04-05/03/04
Shier, Frank	02/18/03-02/2005	03/03/03
Sobota, Christopher A	02/14/02-02/2004	02/18/02

Traffic Committee
Appointed by Council (7) – 3 years

_____ **Term expires 01-31-2008**

_____ **Term expires 01-31-2008**

Term expires 01-31-2008

CURRENT MEMBERS

NAME	TERM EXPIRES
Ziegenfelder, Peter	01/31/05
Diefenbaker, John	**01/31/06**
Halsey, Lawrence	01/31/06
Hubbell, Jan L	01/31/05
Yau, Grace(Student)	07/01/05
Kilmer, Richard A	01/31/05
Minnick, Richard D II	01/31/06
Solis, Charles A	01/31/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Basmadjian, A. George	03/06/02-03/2004	03/18/02
Binkowski, Sarah	12/02/04-12/2006	12/06/04
Freliga, Victor P	11/29/04-11/2006	12/06/04
Hanna, Atef A	10/28/02-10/2004	11/04/02
Hrynik, Thomas F	10/01/00-06/14/01-06/09/03-05/2005	11/06/00-07/19/01-06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Kaiser, Dan	10/18/04-10/2006	11/08/04
Lakin, David	01/13/04-01/2006	02/02/04
O'Brien, Robert J		
Ogg, David	02/09/99-04/16/01-06/09/03-05/2005	04/23/01-06/16/03
Peard, James R	06/9/03-05/2005	06/16/03
Petrulis, Al	02/11/03-07/31/03-7/2005	02/17/03-08/18/03
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Wright, Wayne C	01/07/99-06/18/03-06/2005	
Yousif, Gary	11/24/03-11/2005	01/05/04

Troy Daze Committee

Appointed by Council (9) – 3 years

Term expires 11/30/07

Term expires 11/30/07

Term expires 11/30/07

CURRENT MEMBERS

NAME	TERM EXPIRES

Berk, Robert A	11/30/06
Cyrulewski, Jim D.	11/30/04
Dilley, Cecile	11/30/04
Gonda, Michael S	11/30/06
Kaltsounis, Kessie	11/30/05
Hall, William F	11/30/05
Mehta, Dhwani (Student)	07/01/05
Musick, Marilyn K.	11/30/04
Stewart, Jeffrey (Repr to Parks/Rec Board)	09/30/06
Preston, Robert S	11/30/05
Whitton-Kaszubski, Cheryl A	11/30/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/0-05/2005	05/05/03
Freliga, Mary E	11/25/02-11/2004	12/02/02
Hashmi, Amin	08/22/02-08/2004	
Huber, Laurie G	09/22/00-06/18/01-05/2003	09/22/00-07/09/01
Lenivov, Victor	04/08/04-04/2006	04/12/04
Pietron, Dorothy Ann	07/10/01-07/2003	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Solarte, Remedios A.	09/15/04-09/2006	09/20/04
Wells, Alexandra	08/22/02-08/2004	09/09/02

Yes:
No:

F-2 Parking Variance – 5991 Livernois

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

RESOLVED, That the Parking Variance Request for 5991 Livernois be **POSTPONED** to the first Regular City Council meeting after appropriate public notice can take place subsequent to Board of Zoning Appeals action.

Yes:
No:

F-3 Proposed City Council Resolution Regarding Concerns on Urban Area Security Initiative Funding and Area Determination

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

WHEREAS, The Urban Area Security Initiative (UASI) grant for FY 2004 provided a direct grant to certain urban areas, specifically to the County of Wayne and the City of Detroit in Michigan, for an amount approximating $13.8 million; and

WHEREAS, The cities, villages, and townships (CVTs) of Oakland County were excluded in the decision making process at the state level when the definitions of an 'urban area' were made as part of the State grant application process; and

WHEREAS, The City of Troy is aware of forthcoming UASI grant funds for homeland security which may expand the current 'urban area' from the original geographic boundaries of jurisdictions eligible to receive such funding; and

WHEREAS, The federal government has increased the allocation of the UASI at the expense of the Office of Domestic Preparedness grants enjoyed by the County and its cities, villages and townships; and

WHEREAS, The true urban area of Michigan is much more inclusive of other urban areas including Oakland County; and

WHEREAS, Oakland County represents approximately 11% of the State's population, approximately 19% of the State's taxable value, significant critical infrastructure, and much of the economic development and related support to the entire State of Michigan; and

WHEREAS, The exclusion of Oakland County and other contiguous counties has adversely impacted the police, fire, emergency medical services, public health, public works and other first responders responsible for ensuring our citizens are properly covered in the event of a weapons of mass destruction or other devastating emergency.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **OBJECTS** to the current definition of urban area which is only inclusive of Wayne County and the City of Detroit; and

BE IT FURTHER RESOLVED, That Oakland County, as well as other contiguous counties of Southeast Michigan, **BE INCLUDED** in the determination of the Urban Area; and

BE IT FURTHER RESOLVED, That Oakland County **RECEIVE** appropriate and proportionate UASI funding in accordance with their respective populations, critical infrastructure and identified threats, risks, and vulnerability assessments; and

BE IT FINALLY RESOLVED, That this Resolution **BE SUBMITTED** to Michigan's United States Senators, United States Congressmen, all members of the Michigan Legislature, the Governor's office, appropriate Federal Government Committees, and the President of the United States.

Yes:
No:

F-4 Preliminary Site Condominium Review – Chesapeake Grove Site Condominium, North Side of Square Lake Road, East of John R, Section 1- R-1D

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

RESOLVED, That the Preliminary 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 Chesapeake Grove Site Condominium, and as recommended for approval by City Management and the Planning Commission, located on the north side of Square Lake Road, east of John R, in Section 1, including 27 home sites, within the R-1D zoning district, being 8.03 acres in size, is hereby **APPROVED**.

Yes:
No:

F-5 Preliminary Site Condominium Review – Covington Estates Site Condominium, South Side of Long Lake Road, East of Livernois, Section 15 – R-1C

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

RESOLVED, That the Preliminary 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 Covington Estates Site Condominium, and as recommended for approval by City Management and the Planning Commission, located on the south side of Long Lake Road, east of Livernois, in Section 15, including 5 home sites, within the R-1C zoning district, being 2.3 acres in size, is hereby **APPROVED**.

Yes:
No:

F-6 Petition Analysis, Sanitary Sewer in the Charnwood Hills Subdivisions – SAD # 04.403.1

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

(a) Standard Resolution #1

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, That Standard Resolution #1 be hereby **ADOPTED** to direct the preparation of plans and cost estimates for the Special Assessment to pay all or part of the cost of Sanitary Sewer in the Charnwood Hills Subdivisions in Section 6, Project No. 04.403.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes:
No:

(b) Standard Resolution #2

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, That Standard Resolution #2 be hereby **ADOPTED** to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Sanitary Sewer in the Charnwood Hills Subdivisions, in Section 6, Project No. 04.403.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Total Estimated Cost	$2,593,750.00
Assessment (165 units @ $ 15,719.697 ea.)	2,593,750.00
City's Share	0.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED AND DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes:
No:

(c) Standard Resolution #3

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, That Standard Resolution #3 be hereby **ADOPTED** to set a Public Hearing date on the Special Assessment roll for Sanitary Sewer in the Charnwood Hills Subdivisions, in Section 6, Project No. 04.403.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be **ESTABLISHED** for January 24, 2005.

Yes:
No:

F-7 Petition Analysis, Bituminous Paving in the Charnwood Hills Subdivision – SAD # 04.104.1

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

(a) Standard Resolution #1

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, That Standard Resolution #1 be hereby **ADOPTED** to direct the preparation of plans and cost estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of the Charnwood Hills Subdivisions in Section 6 Project No. 04.104.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes:
No:

(b) Standard Resolution #2

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, That Standard Resolution #2 be hereby **ADOPTED** to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of the Charnwood Hills Subdivisions, in Section 6, Project No. 04.104.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy

Total Estimated Cost $1,708,162.50
Assessment (170 units @ $ 5,803.161 ea.) 986,537.50
City's Share 721,625.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED AND DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes:
No:

(c) Standard Resolution #3

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, That Standard Resolution #3 be hereby **ADOPTED** to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of the Charnwood Hills Subdivisions, in Section 6, Project No. 04.104.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be **ESTABLISHED** for January 24, 2005.

Yes:
No:

F-8 Request for Study Session

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

RESOLVED, That a study session is **SCHEDULED** for one of the following dates:

Tuesday, January 11, 2005 at 7:30 PM;
Wednesday, January 12, 2005 at 7:30 PM;
Thursday, January 13, 2005 at 7:30 PM;
Tuesday, January 18, 2005 at 7:30 PM;
Wednesday, January 19, 2005 at 7:30 PM;
Thursday, January 20, 2005 at 7:30 PM; or
_____, 2005 at _____

in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan.

Yes:
No:

F-9 Appointment of SOCRRA Delegate and Alternate

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

WHEREAS, The appointments of delegate and alternate delegate to the SOCRRA Board expired on December 31,2004,

NOW, THEREFORE, BE IT RESOLVED, That _____ is **APPOINTED** as delegate to the SOCRRA Board, effective immediately, until
_____, 2005; and

BE IT FURTHER RESOLVED, That _____ is **APPOINTED** as the alternate delegate to the SOCRRA Board, effective immediately, until
_____, 2005.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Commercial Vehicle Appeal – 2774 E. Maple Rd. – January 24, 2005
b) Rezoning Application – West Side of Rochester Road, North of Square Lake Road, Section 3 – R-1B to R-1T (Z 696-B) – January 24, 2005
c) Rezoning Application – West Side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T (Z 699-B) – January 24, 2005
d) Rezoning Request – Northwest Corner of Maple Road and Livernois Road, Section 28 – O-1 to B-1, B-2 or B-3 (Z 602-B) – January 24, 2005

G-2 Green Memorandums:

a) Response to Advisory Committee for Senior Citizens Letter Regarding Community Center Catering

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

H-1 Troy Representation on the Intergovernmental Cable Communications Authority (ICCA). Also Attached are Memoranda from City Administration Relative to This Matter – Referred by Council Member Martin Howrylak

Suggested Resolution
Resolution #2005-01-
Moved by
Seconded by

RESOLVED, That _____ is hereby **APPOINTED** to serve as the City of Troy Representative on the Intergovernmental Cable Communications Authority with a term effective January 10, 2005 and ending on _____

Yes:
No:

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Planning Commission Special/Study/Final – November 2, 2004
b) Planning Commission/Final – November 9, 2004
c) Library Board/Final – November 11, 2004
d) Board of Zoning Appeals/Final – November 16, 2004
e) Troy Youth Council/Final – November 17, 2004
f) Planning Commission Special/Study/Final – December 7, 2004
g) Special Meeting on Proposed Minor League Baseball Stadium/Final – December 7, 2004
h) Library Board/Draft – December 9, 2004
i) Liquor Advisory Committee/Draft – December 13, 2004
j) Planning Commission/Draft – December 14, 2004
k) Troy Youth Council/Draft – December 15, 2004
l) Board of Zoning Appeals/Draft – December 21, 2004

J-2 Department Reports:

a) Travel Expense Report – Council Member Lambert – National League of Cities Congress of Cities Meeting
b) Travel Expense Report – Council Member Beltramini – National League of Cities Congress of Cities Meeting
c) Permits Issued During the Month of October, 2004 – Building & Zoning Department
d) Permits Issued During the Month of November, 2004 – Building & Zoning Department
e) Bidcorp On-Line Auction – Ten (10) Computer Units and Workstations – Unassembled – Final Reporting
f) Phosphorus Reduction in Lawn Care Practices – Residential and City-Owned Properties
g) Park Board Action – Rotary Park Proposed Plan

J-3 Letters of Appreciation: None Submitted

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

J-5 Calendar

J-6 Request for Federal Aid Funding – FY 2008

J-7 City Council Meeting Report

STUDY ITEMS:

K-1 No Study Items submitted.

PUBLIC COMMENT: Address of "K" Items

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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 #2004-11-
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 (e), Papadelis v. City of Troy; Troy v. Premium Construction, L.L.C.; Estate of Leslie McPherson v. City of Troy.

Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, January 24, 2005 ..... Regular City Council
Monday, February 07, 2005 ..... Regular City Council
Monday, February 21, 2005 ..... Regular City Council
Monday, February 28, 2005 ..... Regular City Council
Monday, March 07, 2005..... Regular City Council
Monday, March 21, 2005..... Regular City Council
Monday, March 28, 2005..... Regular City Council
Monday, April 04, 2005 ..... Regular City Council
Monday, April 18, 2005 ..... Regular City Council
Monday, April 25, 2005 ..... Regular City Council

December 20, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate & Development Director
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PUBLIC HEARING – REZONING APPLICATION – Northeast corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B)

A valid protest petition opposing this rezoning application was submitted to the City Clerk's Office on August 5, 2004. Approval of this item will therefore require a 2/3 majority vote by City Council, as per the requirements of the City and Village Zoning Act, PA 207 of 1921, as amended.

RECOMMENDATION

The application is consistent with the Future Land Use Plan and compatible with the existing zoning districts and land uses.

The site is 21,000 square feet in area and meets the minimum site area standard for service stations of 15,000 square feet. The applicant is proposing to redevelop the existing service station and improve the site. Considering the uses permitted in the H-S district, service stations are one of the least demanding in terms of land area. Because of the small size of the subject property, the development potential is limited in terms of potential land uses.

The site is an appropriate location for a service station given its location on a major thoroughfare, and further given its proximity to other service stations and other automobile-oriented uses.

Prudent site planning suggests that consolidation of adjacent properties is desirable. A larger site would allow for the development of a service station that can meet all of the Zoning Ordinance requirements. However, the property to the east is a residential neighborhood and expansion of commercial zoning district into this neighborhood is undesirable and unlikely.

It must be noted that the architectural site plan indicated that the proposed development requires a number of variances, including rear yard building setback and canopy setback. All of the potential variances cannot be determined based on the submitted site plan. These non-use variances will require action by the Board of Zoning Appeals prior to preliminary site plan approval.

The Planning Commission recommended approval of the rezoning request at the November 9, 2004 Regular meeting. City Management concurs with the Planning Commission recommendation.

BACKGROUND

The Planning Commission recommended approval of this rezoning request following a Public Hearing at the August 10, 2004 Planning Commission Regular Meeting. A resident abutting the subject parcel submitted a protest petition and a resident petition to the Clerk's office on August 5, 2004. The resident intended that copies of the resident petition would be given to the Planning Commission for the August 10, 2004 meeting. Copies of the resident petition were inadvertently left out of the Planning Commission agenda packets. Therefore, the Planning Commission did not consider the resident petition when formulating its recommendation to City Council.

City Council considered this item on September 27, 2004 and referred the item back to the Planning Commission, giving the Planning Commission the opportunity to consider the resident petition prior to making a recommendation. The Planning Commission considered the resident petition prior to recommending approval of the rezoning request at the November 9, 2004 Regular meeting.

GENERAL INFORMATION

Name of Owner / Applicant:
The application lists the owner of the property as Anddraos Kattouah. City records indicate that the owner of the property is Fast Track Acquisitions. The applicant is Anddraos Kattouah.

Location of Subject Property:
The property is located on the northeast corner of Rochester Road and Charrington Road, in Section 23.

Size of Subject Parcel:
The parcel is approximately 21,000 square feet in area.

Current Use of Subject Property:
The property is currently used as a Clark gas station that received site plan approval and was constructed in 1966, and is a legal non-conforming use. The abutting houses to the east were constructed in 1968.

Current Zoning Classification:
B-1 Local Business.

Proposed Zoning of Subject Parcel:
H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to expand the convenience store. The gasoline pump islands and overhead canopy are to remain as is.

Current Use of Adjacent Parcels:
North: Tax accountant and single-family residence.

South: Restaurant.

East: Single-family residence.

West: Fast food restaurant and tire sales.

Zoning Classification of Adjacent Parcels:
North: B-1 Local Business and R-1C One Family Residential.

South: B-2 General Business.

East: R-1C One Family Residential.

West: B-3 General Business.

ANALYSIS

Range of Uses Permitted in the Proposed H-S Highway Service Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities.
Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles.

Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within H-S districts, apart from restaurants.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning, undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

Auto washes where engine fuels are sold as a significant part of the operation.

Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.

Uses, other than those specified in Section 23.20.06, wherein drive-up service facilities are the sole use of the property.

Business in the character of a drive-in restaurant.

Motel or hotel.

Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.

Automobile repair garages, provided all activities are conducted within a completely enclosed building.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Vehicular and Non-motorized Access:
The parcel fronts both Rochester Road and Charrington Road.

Potential Storm Water and Utility Issues:
The applicant will have to provide on-site storm water detention and all other utilities.

Environmental and Brownfield Issues

According to the Michigan Department of Environmental Quality's Leaking Underground Storage Tank Sites List, two gasoline storage tanks that were installed in 1966 were removed. In 1992 two gasoline storage tanks were installed. In 1992 there was a gasoline leak reported for the site. The MDEQ file related to this leak remains open.

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 rezoning application is therefore consistent with the City of Troy Future Land Use Plan.

Compliance with Location Standards

The Location Standards for the H-S District in Article 23.40.01 of the Zoning Ordinance provides the following:

> The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:
>
> 23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.
>
> 23.40.3 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The application is consistent with the Location Standards for the H-S District.

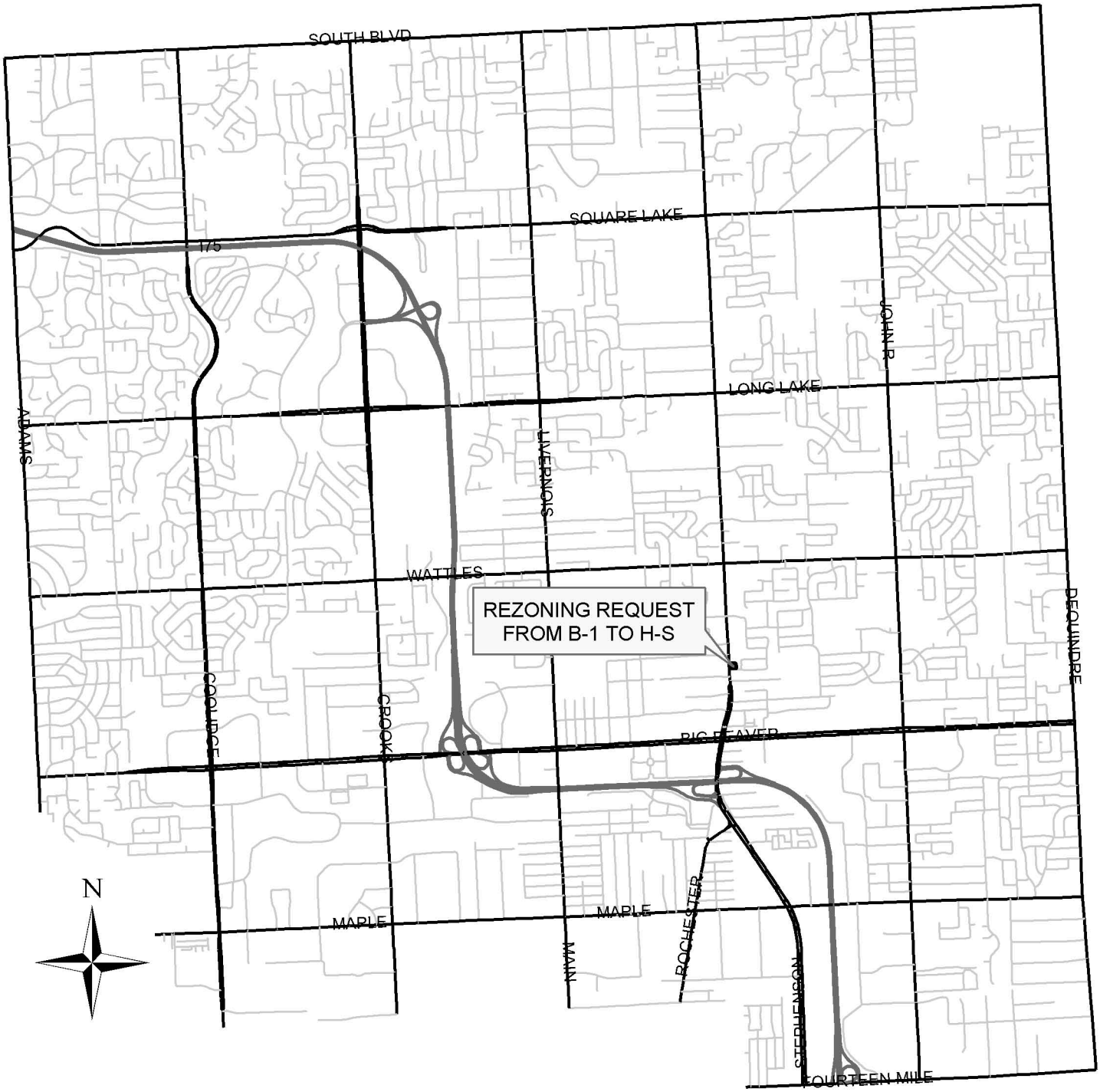
Attachments:

1. Maps.
2. Petitioners letter dated June 19, 2004.
3. Minutes from August 10, 2004 Planning Commission Regular Meeting.
4. Minutes from September 27, 2004 City Council Meeting.
5. Minutes from November 9, 2004 Planning Commission Regular Meeting.
6. Valid Protest Petition and Resident Petition, submitted August 5, 2004.
7. Letters opposed to rezoning.
8. Leaking Underground Storage Tank Sites List, from Michigan Department of Environmental Quality web site.

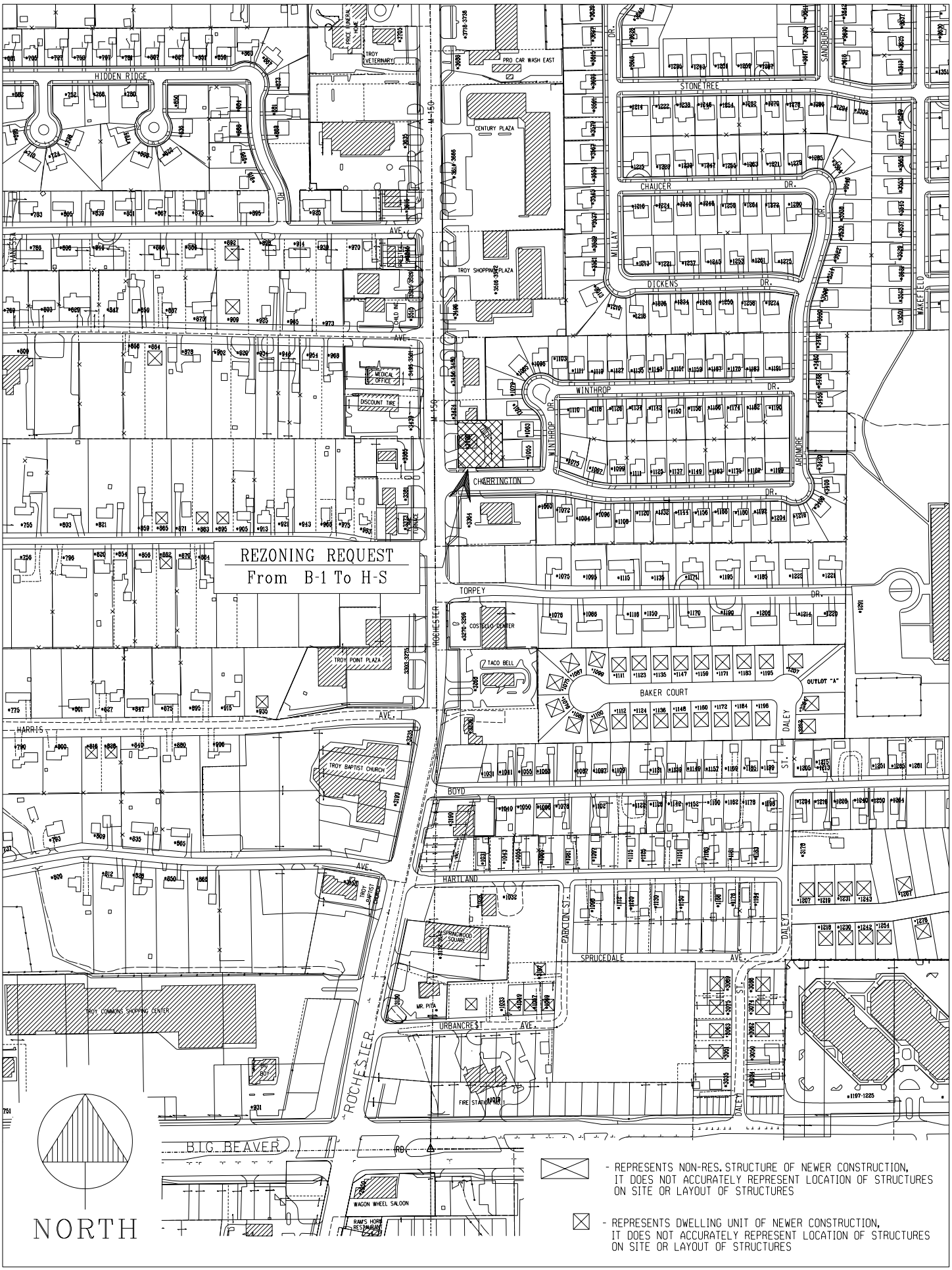
cc: Applicant
File (Z 479-B)

Prepared by RBS/MFM/PPB
G:\REZONING REQUESTS\Z-479 B Charrington Clark Station Sec 23\CC Public Hearing Charrington Clark 01 10 05.doc

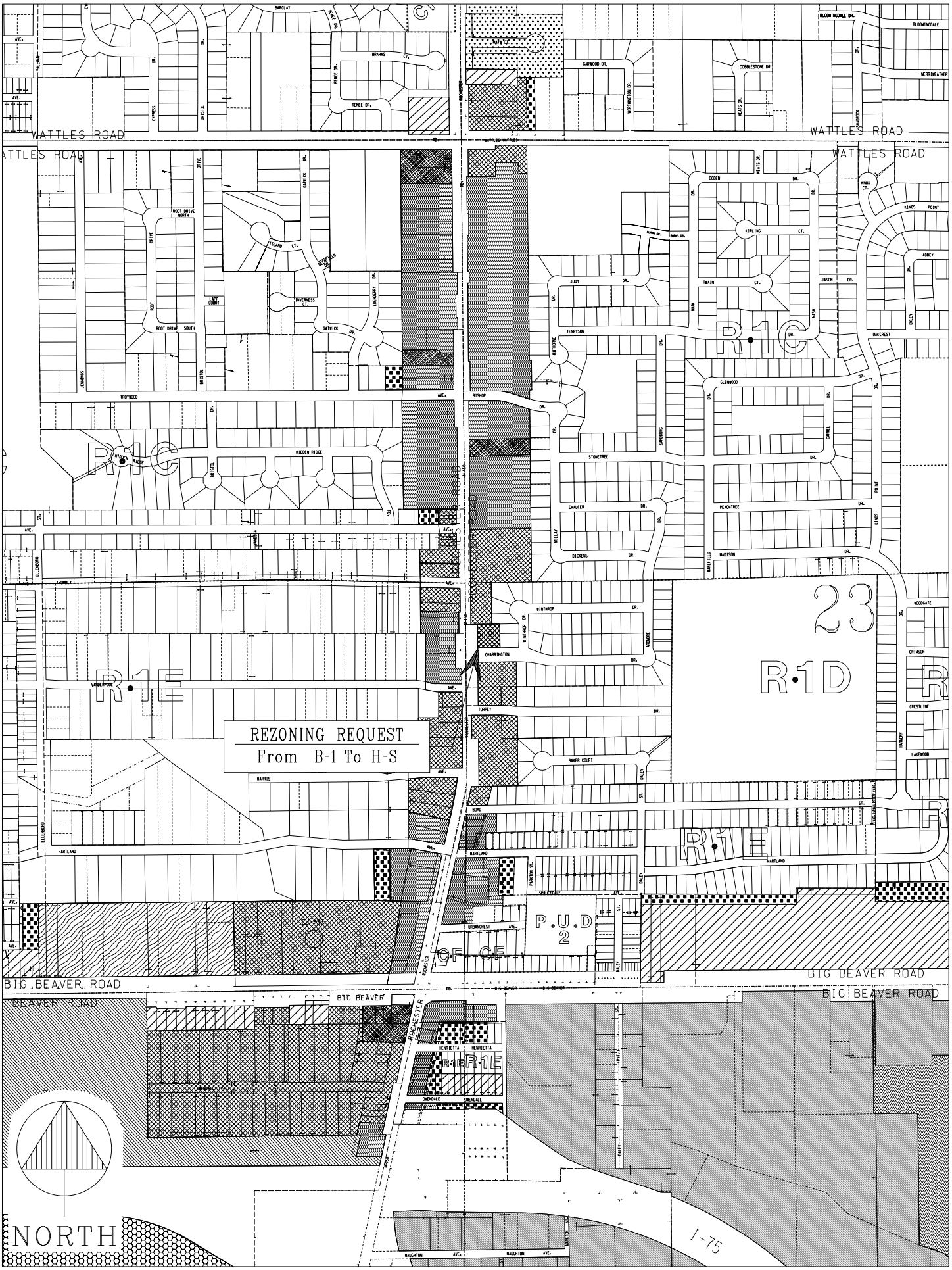
CITY OF TROY

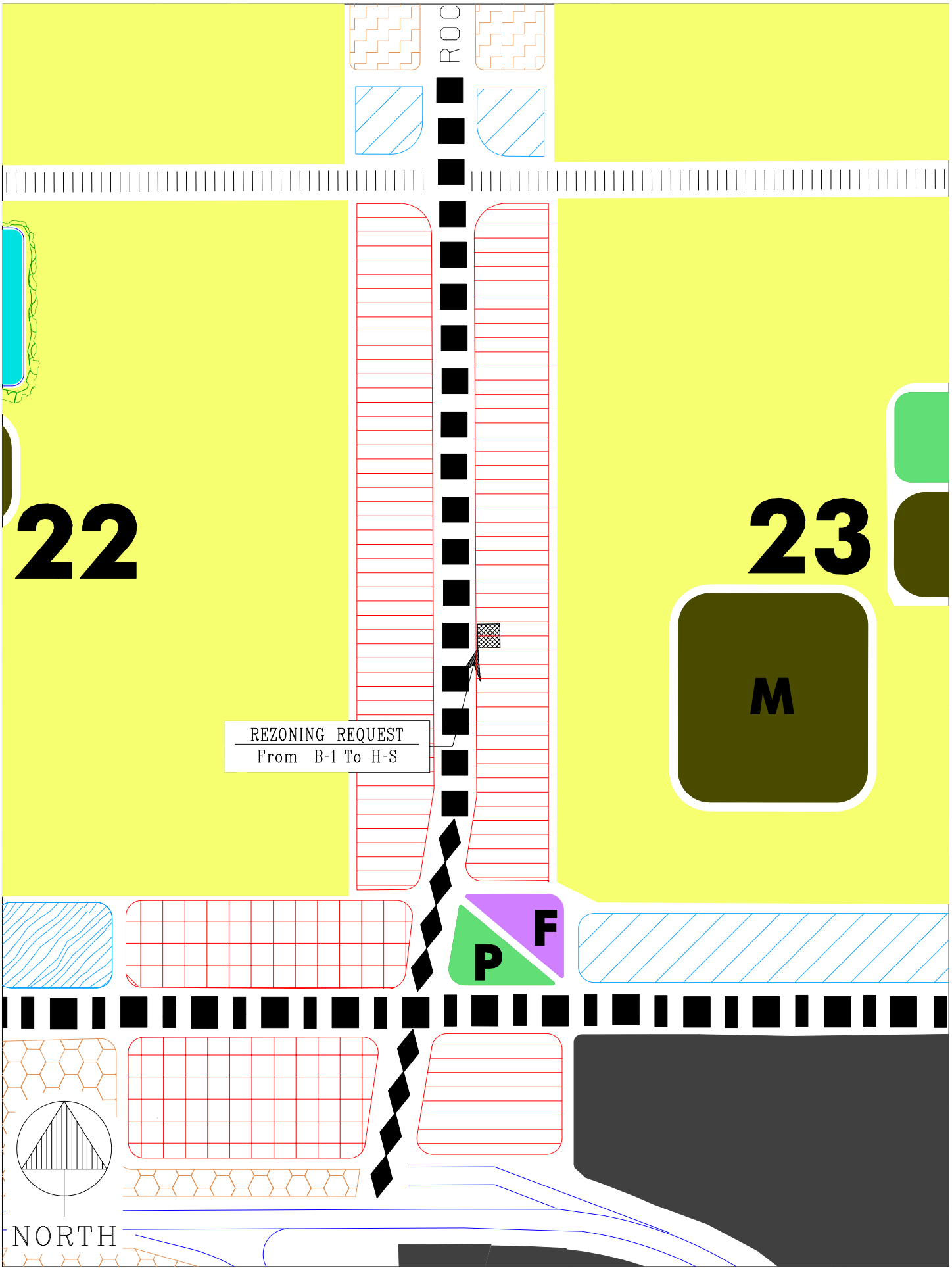


PREPARED BY CITY OF TROY PLANNING DEPT.



Z-479 B / SEC. 23 / 06-30-04


REZONING REQUEST
From B-1 To H-S
WATTLES ROAD
BIG BEAVER ROAD
ROCHESTER ROAD
R-1C
R-1E
R-1D
P.U.D 2
23
I-75
NORTH


ROC
22
23
M
REZONING REQUEST
From B-1 To H-S
F
P
NORTH

REZONING REQUEST
EXISTING CLARK STATION
FROM B-1 TO H-S
E SIDE OF ROCHESTER RD., N SIDE OF CHARRINGTON
SEC. 23 (Z-479 B)
REZONING REQUEST
FROM B-1 TO H-S
HIDDENRIDGE
COLEBROOK
TROMBLEY
ROCHESTER
MILLAY
CH
DICKENS
WAKEFIELD
MADISON
WINTHROP
ARDMORE
CHARRINGTON
VANDERPOOL
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600
Feet

SPACE STATION OF TROY
3400 Rochester Road
Troy, MI 48084
248-689-7806

June 19, 2004

City of Troy Planning Department
500 W. Big Beaver
Troy, MI 48084

RE: Proposed Rezoning of 3400 Rochester Road, Troy, Michigan

Dear Commissioners:

We are respectfully requesting that the subject property at 3400 Rochester Road be rezoned from B-1 to H-S. As you are aware, the current property use is an automotive service station with a small sales building. Because the current use is a non-conforming use in a B-1 zoning district, it cannot be expanded. The purpose of the rezoning request would change the property to H-S (which is the correct zoning for the current use) and allow the existing sales building to be expanded. The existing fuel pumps, islands and canopy would remain as-is.

Because of the very competitive nature of automotive fuel sales, the current trends are to provide generous amounts of merchandise and goods similar to a neighborhood style convenience store (7-11 style) which allows for the sales of these types of items to support the fuel sales portion of the business. The existing location is extremely small and only a very small inventory can be maintained. If the rezoning cannot be accomplished and the sales area not expanded, it is almost impossible to maintain the fuel-sales only business. It is very difficult and costly to redevelop old automotive service station properties into other uses and if the current business were to close, it would potentially create an eyesore in the neighborhood.

The proposed expansion would not be detrimental to the existing neighborhood because it will provide a convenience store in close proximity to residential subdivisions in the area. The closest convenience store is over one mile from the current location. The expansion of the existing location would allow the residents nearby to have a convenient place to obtain small items. The expanded building and upgraded landscaping would also provide a better buffer between the fuel pumps and the residences to the east. Because of this, the proposed expansion would be beneficial to the owner and the community.

We are requesting that you understand our position and consider the benefits to everyone involved. Thank you in advance for your consideration and time.

Sincerely,

ANDDRAOS G. KATTOUAH
President

RE
JUN 28 2004
PLANN

7. PUBLIC HEARING – PROPOSED REZONING (Z 479-B) – Existing Clark Gas Station, Northeast corner of Rochester Road and Charrington Drive (3400 Rochester Road), Section 23 – From B-1 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning of the existing Clark Gas Station. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application. He noted the petitioner would be required to obtain a number of variances from the Board of Zoning Appeals prior to meeting zoning ordinance requirements for preliminary site plan approval. Mr. Savidant also noted that the Planning Department has one written objection to the proposed rezoning on file.

Mr. Savidant clarified that a site plan for the development has not been distributed to the Commission, and that the Commission's consideration at tonight's meeting is the proposed rezoning only.

Mr. Schultz asked what the rear yard setback requirement would be for the development, in relation to the residential property to the east.

Mr. Savidant replied the rear yard setback requirement in the H-S zoning district is 30 feet except when the development abuts a residential district, in which case the setback requirement is 75 feet.

Mr. Miller stated that recently the Planning Department has received rezoning applications from a number of service stations. The service stations are requesting the H-S zoning classification in order to eliminate their non-conforming use status. Mr. Miller said that many of the City's service stations are old developments, and noted that the subject service station for rezoning consideration tonight has been in existence prior to the residential neighborhood to the east. Mr. Miller related that in the early 1980's, the intent of the City was to discourage the development of service stations. Because the service stations are not going away and because they cannot redevelop as non-conforming uses, the current thinking of City Management is that it would be better to rezone the properties and work with the petitioners to create safe, efficient and modern facilities.

John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present. Mr. DeBruyne said the petitioner is going through the proper channels to eliminate the non-conforming use, and noted the ultimate goal is to expand the retail portion of the establishment. Mr. DeBruyne confirmed that the service station would continue to service its customers with gasoline.

PUBLIC HEARING OPENED

Nels Bejleri was present to speak on behalf of his father, Arben Bejleri of 1055 Winthrop Drive, Troy. Mr. Bejleri expressed objection to the proposed rezoning. He cited concerns with the proposed development should the proposed rezoning be approved. The major concerns are the elevation of the development in relation to the residential homes to the east and the increase in parking and traffic with the expansion of the service station.

Chair Waller stated that concerns related to elevation, water flow and traffic are very valid, and the Commission would take into consideration all those concerns at the time the preliminary site plan is before the Commission for review and approval. He encouraged residents who are in opposition to the proposed rezoning and potential expansion of the service station to voice their concerns with the Planning Department, the Board of Zoning Appeals and the City Council.

Don Mencke of 1151 Winthrop Drive, Troy, was present. Mr. Mencke said he and some neighbors are concerned about the potential increase in traffic, traffic safety when crossing Rochester Road, elevation, property devaluation and the facility operating 24 hours. Mr. Mencke said the facility has not been taken care of by the owner until recently, and suggested that the rezoning be tabled for a couple of years to see how the owner takes care of the property. Mr. Mencke asked why the property must be rezoned to the H-S district.

Mr. Chamberlain briefly explained that the service station is required to be zoned in the H-S zoning district before any improvements can be made to the property.

John Mulligan of 1087 Charrington, Troy, was present. Mr. Mulligan said he and the neighbors are concerned that should the rezoning be approved, it leaves the property wide open for development. He also expressed concerns with the larger building and the potential of increased traffic, especially for cross traffic at Rochester Road.

The petitioner and property owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was present. Mr. Kattouah said he understands the concerns expressed by the residents. He stated that it is not his desire to run a 24-hour operation, to sell alcohol, or to own a gas station. Mr. Kattouah said he purchased the gas station for his wife because everybody in her family has a gas station, and the business is not his main source of income. Mr. Kattouah said he has had the service station for the past nine months, and it has taken some time to become familiar with the property and business. He said he is requesting to have the property rezoned to eliminate the non-conforming use and to improve on the only eyesore in the entire block. He would like to add an additional 1,400 square feet to the facility and provide retail of essential items to the nearby residents. Mr. Kattouah said the closest convenience store is over one mile from the service station. Mr. Kattouah, a State-licensed residential appraiser, said the expansion

of the service station would have no negative effect on the value of the nearby residential homes.

PUBLIC HEARING CLOSED

Mr. Miller gave a brief explanation of the requirements placed on a non-conforming use in relation to site improvements. Mr. Miller noted that the subject parcel has a history of minor violations (i.e., litter, tall grass), which have all been resolved at this time. Mr. Miller stated that the charge of the Commission tonight is to look at the appropriateness of the proposed rezoning district at this location. He explained the procedure of a Special Use Approval that would be required for improvements to the service station, and the Planning Commission's discretionary control over the site as a Special Use.

Resolution # PC-2004-08-089

Moved by: Chamberlain
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Drive, within Section 23, being 21,000 square feet in size, be granted.

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

MOTION CARRIED

Mr. Vleck said he agrees that the site needs to be redeveloped and understands it cannot make major improvements because of its non-conformity. He said he wished there was a way to be more flexible with different options.

7. RECONSIDERATION OF REZONING REQUEST – Northeast corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B)

Mr. Miller reviewed the rezoning request that was considered and recommended for approval at the August 10, 2004 Planning Commission Regular Meeting. Mr. Miller reported that subsequent to the regular meeting, a resident brought to the City's attention that he had submitted an official protest petition and a resident petition in opposition to the proposed rezoning to the City Clerk's Office. The resident said the resident petition of opposition was specifically addressed to both the Planning Commission and City Clerk. Mr. Miller explained that the protest petition is a matter for City Council, but the intent of the resident was to get the resident petition of opposition in front of the Planning Commission at their August 10, 2004 meeting. He asked that the Planning Commission consider the reconsideration of the rezoning request based upon the information that was not presented to the Commissioners at the August 10 Regular Meeting.

Mr. Miller provided an explanation of the official protest petition. Mr. Miller said the Planning Department's recommendation for approval of the proposed rezoning as submitted would not change should there be a reconsideration of the matter.

Mr. Motzny reported there is no provision for reconsideration of matters in the Planning Commission Bylaws or Zoning Ordinance. Mr. Motzny said his previous opinion has not changed; that is that Robert's Rules of Order for reconsideration would have to take place at the very same meeting in which the initial vote was taken. Mr. Motzny does not believe a reconsideration of the matter is appropriate. He noted that the only time it may be appropriate is if the Commission thought the initial Public Hearing or procedure was defective and not a valid Public Hearing. Mr. Motzny said another way a matter could be reconsidered is that the Commission decides to suspend Robert's Rules of Orders to allow the reconsideration. Mr. Motzny said the residents who signed the petition have an opportunity to voice their objections to the City Council, and City Council has an option to remand the matter back to the Planning Commission.

It was noted that the petitioner of the rezoning request was not present at tonight's meeting.

Mr. Vleck said the Commission could be opening up a can of worms and cautioned that careful consideration is given to the reconsideration of the matter.

Mr. Khan believes the Commission should not reconsider the rezoning request. He said the residents had an opportunity to speak at the scheduled Public Hearing.

Mr. Schultz said the rezoning request should not be reconsidered based on the advice given by legal counsel. He said a precedent would be set.

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek's property is adjacent to the service station. Mr. Dudek stated the Planning Department was helpful in providing information on the rezoning request and the process to follow if residents are in opposition to a proposed rezoning. Mr. Dudek created his own petition of opposition and collected 28 signatures from residents on August 4, 2004. On August 5, Mr. Dudek submitted to the City Clerk the official protest petition obtained from the City's website and the petition of opposition he created signed by 28 residents. He said the City Clerk's office had no idea how to handle a protest petition, that it was the first time they had ever received one. Mr. Dudek said he gave the Clerk's Office both petitions, which were date stamped. The Clerk's Office inadvertently stapled his created resident petition under the official protest petition. He said the Clerk's Office informed him they would take care of it, but it was never presented to the Planning Commission at their August 10, 2004 Regular Meeting. Mr. Dudek said the 28 people who signed the petition would have been at the Public Hearing to voice their opposition, but they felt the signed petition was an adequate voice. Mr. Dudek said he understood the Commission's beliefs that a reconsideration of the rezoning would set a precedent and a can of worms might be opened, but he feels the circumstances in this matter are very unique. He said the matter was not handled appropriately; nor maliciously – it was an accident. Mr. Dudek said he believes that the rezoning should be reconsidered and he would like to voice his concerns relating to the rezoning. He was unable to attend the Public Hearing because he was out of town. Mr. Dudek said he did everything in his power to voice his concerns, and his voice was never heard because the Planning Commission never saw the petition he developed. Mr. Dudek referenced the proposed PUD previously discussed at tonight's meeting wherein it was stated that it is very important to get neighborhoods involved and voices heard on proposed developments. He said this situation is a clear example that the voices of citizens and neighborhood residents have not been heard.

Mr. Miller confirmed that the proposed rezoning has not gone before the City Council yet, and that there will be a Public Hearing at the September 27, 2004 City Council meeting.

Chair Waller said mix-ups similar to what happened in the City Clerk's office just happen. He cited the three options of City Council: approve the rezoning, deny the rezoning, or remand the matter back to the Planning Commission.

Mr. Miller confirmed that the City Council would be provided a report similar to the one provided to the Planning Commission, along with the recommendation of the Planning Commission and City Management.

Mr. Schultz said he would like to see a communication sent to the City Council advising them that the petitions were not a part of the Planning Commission package, so that City Council will give the matter more weight. Mr. Schultz does not support reconsideration of the entire item at this point. He thinks it would be

fair to the residents who signed the petition that a complete disclosure be provided to the City Council why the Planning Commission did not see the petitions relating to the proposed rezoning prior to its review and recommendation.

It was confirmed that notices would be sent to property owners adjacent to the proposed rezoning notifying them of the Public Hearing before the City Council.

Mr. Vleck said the City Council should also be advised of its option to remand the matter back to the Planning Commission.

Mr. Strat stated that the opinion of legal counsel should be incorporated in the City Council report and recommendation.

Mr. Motzny suggested the appropriate motion might be to insure that the correspondence from citizens and the action taken at tonight's meeting is delivered to the City Council.

Resolution # PC-2004-08-099
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the City Council be informed that the petition originally sent to the Planning Commission was inadvertently misplaced and the Planning Commission never received it, and that information was not taken into consideration in the motion; and also that the City Council be informed that one of their options is to remand the item back to the Planning Commission.

Discussion on the motion on the floor.

Mr. Schultz requested that the motion be amended to include the recommendation of legal counsel and that the Planning Commission Bylaws do not afford the Commission the opportunity for a reconsideration other than on the exact night of the action, and based upon that, the Planning Commission asks that the City Council be thoroughly informed of the situation and the recommendation of legal counsel.

All members were in favor.

Vote on the motion as amended.

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

MOTION CARRIED

Mr. Dudek asked that the 28 citizens who signed the petition be informed as to why the petition was not presented at the August 10, 2004 Regular Planning Commission Meeting.

Chair Waller replied to Mr. Dudek that he had no answer to his request tonight, but the request would be taken into consideration.

Mr. Dudek said he would stay in contact with Mr. Miller.

C-2 Zoning Ordinance Text Amendment (ZOTA 479-B) Northeast Corner of Rochester Road and Charrington Road – Section 23 – B-1 to H-S

Resolution #2004-09-504
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Road, Section 23, being 21,000 square feet in size, is hereby **REFERRED BACK** to the Planning Commission.

Yes: All-6
No: None
Absent: Schilling

REZONING REQUESTS

7. PUBLIC HEARING – PROPOSED REZONING (Z 479-B) – Existing Clark Station, Northeast Corner of Rochester Road and Charrington, Section 23 – From B-1 (Local Business) to H-S (Highway Service)

Mr. Savidant provided a brief history of the rezoning request and reviewed the Planning Department's recommendation to approve the rezoning application as submitted.

Mr. Miller announced that one item of public input was distributed to the members prior to the meeting.

The petitioner, John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present.

The owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was also present. Mr. Kattouah said he would like to expand the size of the retail space that is presently only 200 square feet. Mr. Kattouah said the service station was built in 1966 and is like a "hole in the wall" in comparison to the surrounding development. He said the rezoning approval would allow him the opportunity to enhance the appearance and provide more services to the surrounding people.

Mr. Schultz asked the owner if he is aware of the 75-foot setback requirement to the abutting residential property, should the rezoning request be approved.

Mr. Kattouah said a variance must be granted to meet the 75-foot setback requirement. He said the property is 140 feet x 150 feet. Mr. Kattouah said the tanks and canopy would not be moved. Mr. Kattouah said he is trying to find a solution not only for his benefit but also for the benefit of serving the community. He said there are no nearby convenience stores for residents to buy milk, bread, etc.

PUBLIC HEARING OPENED

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek is an adjacent property owner to the Clark service station. He submitted the protest petition on August 10, 2004, and attended the September City Council meeting in which the matter was referred back to the Planning Commission. Mr. Dudek asked the status of the request by City Council to look into the environmental concerns associated with the gas station. He said there was a leak and contamination within the last year. Mr. Dudek said there are several permanent monitoring wells throughout the property, and a receiving well that is located 5 to 10 feet from his property. Mr. Dudek said the gas station has been going strong for 38 years and it will be there for the next 38 years, contrary to the owner's claim that the business will falter should there be no expansion. Mr. Dudek cited several

places in the area to shop for everyday groceries. Mr. Dudek said he has had numerous problems with the Clark gas station and believes the expansion would create more problems. Mr. Dudek said there is only one direction that the owner can go with the expansion, and that is closer to his property and the other two residential properties.

Vice Chair Chamberlain said the environmental concerns should be addressed with the Michigan Department of Environmental Quality (MDEQ). Vice Chair Chamberlain explained the rezoning procedure that the service station must follow in order to make improvements on the property. He further explained the Site Plan Approval process and the Board of Zoning Appeals process should variances be required. Vice Chair Chamberlain cited the criteria that the Commission considers in its approval of rezoning requests. He said the future improvement to the site could be a plus for the neighbors on the east side of Rochester Road.

Mr. Dudek said he is the neighbor on the east side of Rochester Road and he does not believe the proposed expansion would benefit him or his neighbors. Mr. Dudek further expressed concerns with potential cut-through traffic for drivers seeking to avoid the Big Beaver and Rochester Road intersection. Mr. Dudek personally thanked Members Wright and Chamberlain for their attention during his presentation.

Roy Gantt of Atlas Oil Company, 7731 Gary, Westland, was present. Mr. Gantt addressed the environmental issues associated with the service station recently purchased from Atlas Oil Company. Mr. Gantt reported that Phase 1 and Phase 2 tests were performed on the site. He said there is historical contamination but it has been remediated. Mr. Gantt said monitoring wells are on-site and no contamination is migrating off-site. Mr. Gantt said it is the owner's responsibility to meet the MDEQ requirements and forward reports to Atlas Oil Company. Mr. Gantt reported that the service station is in compliance and meets environmental objectives.

Vice Chair Chamberlain asked if the tanks and lines on the subject property meet Federal guidelines.

Mr. Gantt responded that the tanks and lines are not the latest, but they have been upgraded to the current State of Michigan standards. He said they are inspected on a regular basis.

PUBLIC HEARING CLOSED

Mr. Miller said the City Manager committed to City Council that (1) research would be done on contamination at this site; (2) the resident petition would be provided to the Planning Commission; and (3) the notice of Public Hearing would be mailed to each resident who signed the petition. Mr. Miller confirmed that the

Planning Department has met all three commitments. Mr. Miller reported the Planning Department's resources on contamination is limited to the MDEQ's website, and provided information obtained from the Leaking Underground Storage Tank (LUST) list.

Mr. Khan explained that there is no site plan to review because the matter being considered tonight is only the proposed rezoning. Mr. Khan further explained that the Commission has no authority on environmental contamination and it cannot regulate nor enforce any environmental issues.

Resolution # PC-2004-11-129
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Drive, within Section 23, being 21,000 square feet in size, be granted.

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

MOTION CARRIED

Rezoning Protest Petition

RECEIVED
CITY OF TROY
2004 AUG -5 PM 4:09
REC'D
AUG 11 2004
PLANNING DEPT.

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

Date: August, 2004

Contact Person: MR. JOHN DUSEK
Address: 1071 WINTHROP
City: TROY State: MI Zip: 48083
Telephone: 248-619-0362

Rezoning case being protested:
Case #: Z-479B Applicant Name: Andros G. Kattouah

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.

100 Ft BUFFER EXCL. PUBLIC PROP = 42272.50 S.F
20% OF 100' BUFFER = 8454.50 S.F.
4 VALID SIGNERS = 27450.49 S.F. (65% of BUFFER)

City of Troy

Rezoning Protest Petition
Case #: Z-479B

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the B-1 zoning district(s) to the H-S zoning district(s) Rezoning case identified above, applicant name Andros G. Kattouah

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

The reason(s) for this protest is/are: increasing safety concerns, noise, traffic, congestion, and our neighborhood will become a short cut for through traffic.

Print Name (clearly): JOHN DUDEK Date: August 4, 2004
Description or Parcel # of Parcel(s) Owned:
Signature: John Dudek
Address: 1071 WINTROP
Win 100 ft. ✓

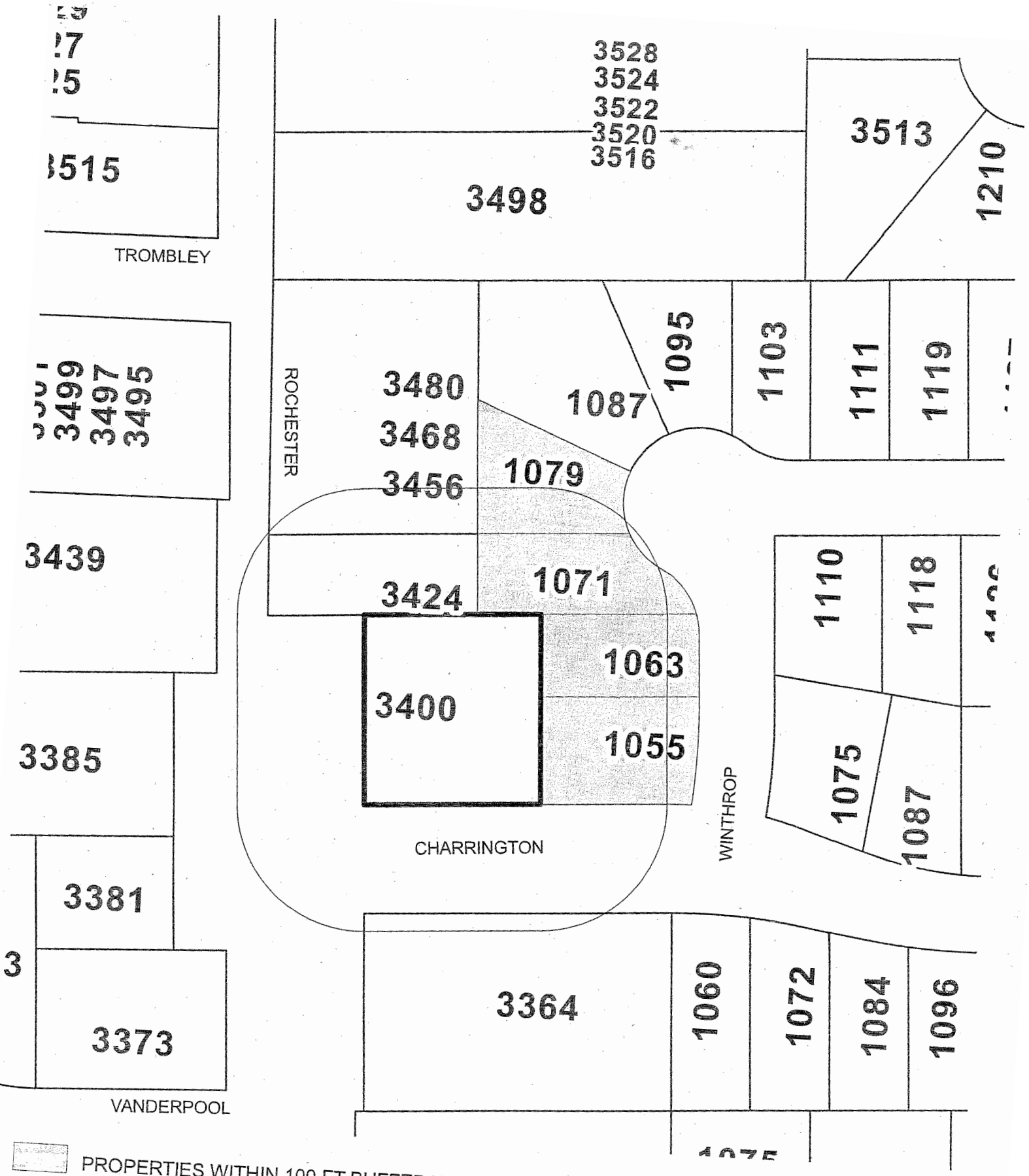
Print Name (clearly): MARJAN JESIH Date: AUGUST 4, 2004
Description or Parcel # of Parcel(s) Owned:
Signature: Marjan Jesih
Address: 1079 WINTHROP
Win 100 ft. ✓

Print Name (clearly): EDITH P. CONNELLY Date: 8-4-04
Description or Parcel # of Parcel(s) Owned:
Signature: Edith P. Connelly
Address: 1087 W. Winthrop

Print Name (clearly): TROMBLY INVESTMENT CO Date: 8-5-04
Description or Parcel # of Parcel(s) Owned: 3495-3503 ROCHESTER, TROY, MI
Signature: James Jablonski mgr
Address: 3503 Rochester RD, TROY, MI 48083

Print Name (clearly): PELLUMB GEGA Date: 8/5/04
Description or Parcel # of Parcel(s) Owned:
Signature: Pellumb Gega
Address: 1063 Winthrop Troy MI 48083
Win 100 ft. ✓

Print Name (clearly): ARBEN BEJLERI Date: 8.5.04
Description or Parcel # of Parcel(s) Owned:
Signature: Arben Bejleri
Address: 1055 WINTHROP TROY MI 48083
Win 100 ft. ✓



PROPERTIES WITHIN 100 FT BUFFER WHICH HAVE SIGNED PROTEST PETITION

Feet
50 100

N

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 JOHN DUDEK	1071 WINTHROP	248 619 0362	John Dudek
2 MARJAN JESIH	1079 WINTHROP	248-689-6653	Marjan Jesih
3 EDITH P. BONNELL	1087 WINTHROP	248 528-9107	Edith P. Bonnell
4 SHIRLEY FRAZIER	1119 WINTHROP	248-689-4772	Shirley Frazier
5 WILLIAM DENNIS	1111 WINTHROP	248-528-1777	William Dennis
6 RICHARD W PETRIE	1110 WINTHROP	248-689-3923	Richard W Petrie
7 PATRILIA DUDEK	1071 WINTHROP	248-619-0362	Patricia Dudek
8 Carrie Keifer	1099 Charrington	248-689-6922	Carrie L Keifer
9 MARIAN MULLIGAN	1087 CHARRINGTON	248-680-1844	Marian Mulligan
10 Donna Merby	1144 Charrington	(248) 524-3875	Donna Merby
11 JIM MERBY	1144 CHARRINGTON	248 524 3875	[illegible]

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 Mark R. McCullen	1156 Charrington	248 6894050	Mark R. McCullen
2 ROBERT McCULLEN	1156 CHARRINGTON	248 689 4050	Robert McCullen
3 JEFF BONTSAS	1216 CHARRINGTON DR.	248-528-2342	Jeffrey N. Bontsas
4 Marie Weber	1191 Winthrop Dr.	248-680-0810	Marie J. Weber
5 John Morrison	1166 Winthop Dr		[illegible]
6 Mark Smith	1127 Winthrop Dr	248-457-1968	Mark Smith
7 PELLUMB. GEGA	1063 WINTHROP DR	248-680-0124	Pellumb Gega
8 ARBEN BEJLERI	1055 WINTHROP	248 457-0176	Arben Bejleri
9 RICHARD STACHO	1096 CHARRINGTON	248-528-2015	Richard Stacho
10 FRANK LUCKEN	3456 ARDMORE		Frank Lucken
11 CAROL LUCKEN	1453 BOYD		Carol Lucken

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 JEANIE KRAUSS	3468 Ardmore Dr.	248-689-9735	
2 DEBORAH SWAIN	1190 WINTHROP	248-689-8491	
3 Devon Mencke	1151 Winthrop Drive	248.619.0355	Devon Mencke
4 Don Mencke	1151 Winthrop Drive	248.619.0355	Donald B. Mencke
5 Cleora J. Dekay	1134 Winthrop	248.689-2728	Cleora J. DeKay
6 TIMOTHY J. GOHR	1126 WINTHROP	248.740.3250	
7			
8			
9			
10			
11			

Paula P Bratto

From: jjboling [jjboling@wideopenwest.com]
Sent: Monday, August 09, 2004 10:09 PM
To: planning@ci.troy.mi.us
Subject: Opposition to request of rezoning of Clark Gas Station on Rochester Road

Dear Planning Commissioners:

We are writing to express our opposition to the proposed rezoning the Clark Gas Station at the corner of Rochester Road and Charrington Drive . We have lived on Charrington Drive for 36 years and know the area well.

We oppose the change in zoning for the following reasons:

1. There is enough traffic at that corner already and by allowing the station to expand will just create even more.
2. The gas station has been the site of robberies and crimes.By expanding the station, the potential of increase crimes exist.
3. Another food mart is not needed there. There is Buscemi's Party Store and Hungry Howies within one block of this gas station.
4. If the owners want to enlarge their business, they should sell and look for another site. They knew what the zoning was when they purchased the gas station.

As a resident, living just a few houses away from the gas station, we are opposed to any zoning changes at the Clark Gas Station.

Sincerely,
James

and Jeanette Boling

REC'D
AUG 10 2004
PLANNING DEPT

Kathy Czarnecki

From: Mark F Miller
Sent: Wednesday, September 22, 2004 3:08 PM
To: Kathy Czarnecki; Brent Savidant
Subject: FW:

September 22, 2004

Dear Mayor,

We are writing this letter to voice our opposition with Mr. Andros G. Kattouah's request, on behalf of Space Station of Troy, Inc, to rezone the property located at the northeast corner of Rochester Rd. and Charrington Dr. (3400 Rochester Rd.) from a B-1 (local business) to H-S (highway service). This rezoning file/case number Z-479B. We urge you not to grant this request.

We are one of three home owners whose property is adjacent to the Clark Gas Station. During the past twelve years we have experienced numerous problems with this Station. We attempted to resolve the problems with the station and the management directly. Unfortunately to get anything addressed we were often required to contact the city in-order to get a response. These issues include, but are not limited to the maintenance of the grounds; garbage and debris from their dumpster spilling onto our property; fumes and other environmental concerns; a sewer drain that was covered with a least a decade of garbage and dirt causing our yard to flood during the winter thaw and rainy weather; and the replacement of the four (4) foot chain link fence that currently separates our properties with a quality six (6) foot wooded fence.

This pass year the station was robbed, and the thief(s) cut through our property on their way to their vehicle. We have

two young daughters, and since this event we have been concerned for their safety. We feel the rezoning will only attract similar problems. Furthermore, we are concerned with the increased traffic which will be the likely result of this expansion. This traffic will cut through our subdivision to avoid Big Beaver and Rochester Rd. To those of us who live in Charrington Place this is already an on going problem. The rezoning will only make a bad situation worse.

We respect Mr. Andros G. Kattouah's right to apply and request that his property be rezoned, so he can maximize his investment, however, we think that this residential corner can not accommodate this expansion. We thank the city for this process which gives the citizens the opportunity to voice their concerns regarding these matters.

You may be aware that a petition, signed by twenty-six citizens opposing the rezoning, was submitted on Thursday, August 5th for the Planning Commission meeting that was held on August 10th. The commission never saw the petition at their August 10th meeting. We sincerely hope that you, the city council handle this matter with more consideration for the concerns of the community then the Planning Department, City Clerk's office, and the Planning Commission have thus far.

Sincerely,

Mr. & Mrs. John Dudek
1071 Winthrop
Troy, MI 48083

Z 479-B

Paula P Bratto

From: Ed Swain [eswain@comcast.net]

Sent: Sunday, November 07, 2004 2:44 AM

To: planning@ci.troy.mi.us

Subject: hearing on T2N,R11E,SW 1/4 of Section 23...3400 Rochester Rd.

Greetings, As past president of the Charrington homeowners association, my neighbors and I are certain that the proposed expansion of the gas station at Charrington and Rochester will cause the property values of our homes to decline in proportion to the homes that directly adjoin this proposed expansion, therefore Impacting the 60 homeowners negatively in the pocket book and in the quality of life in this subdivision. The criminal element targets these types of locations, because of easy access to the freeway. If you check with the Troy police department you will find the history of the crimes already committed at this location, it is certain to increase with a much larger retail operation. The owners may suggest to putting up bullet proof cages of thick clear plexiglass , this would not be a desirable addition to our neighborhood , as you certainly know.
The Torpey family just built a new retail strip store at Torpey Drive and Rochester Rd.and I believe this location should be the Last in this area. Please consider the endangerment of our neighbors by increasing their chance of coming in contact with a weapon wielding criminal while paying for gasoline.
And please consider that our property values declining, may not balance out the additional revenues the city will receive from this new construction, but you will impact the pocket books of over 60 citizens in favor of something they do not need or desire.
Respectfully yours...Ed.E.Swain 1190 Winthrop Drive Troy Mi 48083

NOV - 8 2004
PLANNING DEPT.

Department of Environmental Quality

Leaking Underground Storage Tank Sites List

List updated daily

Tank and Release details

Close this window

Facility Address:

Facility ID: 00012275
Clark Gas Station
3400 Rochester Rd
Troy, MI 48084
Phone#: (248) 689-7806

Owner Address:

Space Station of Troy
3400 Rochester Rd
Troy, MI 48084
Phone#: (248) 689-7806

Tank Information

Tank ID	Tank Status	Capacity (in gallons)	Installation Date	Substance Stored	Tank Release Detection	Piping Release Detection	Piping Material	Piping Type	Construction Material	Impressed Device
1	Removed from Ground	10000	5/2/1966	Gasoline			Galvanized Steel		Asphalt Coated or Bare Steel,Lined Interier	No
2	Removed from Ground	10000	5/2/1966	Gasoline			Galvanized Steel		Asphalt Coated or Bare Steel,Lined Interier	No
3	Currently In Use	12000	9/24/1992	Gasoline	Automatic Tank Gauging, Inventory Control	Automatic Line Leak Detectors, ELECTRONIC LD	Double Walled, Fiberglass reinforced plastic	Pressure	Composite(Steel w/Fiberglass)	No
4	Currently In Use	12000	9/24/1992	Gasoline	Automatic Tank Gauging, Inventory Control	Automatic Line Leak Detectors, ELECTRONIC LD	Double Walled, Fiberglass reinforced plastic	Pressure	Composite(Steel w/Fiberglass)	No

Release Information

Leak ID	Release Date	Release Status	Release Closed Date	Closure Subject To Audit	Substance Released
C-1899-92	10/26/1992	Open		No	Gasoline

DATE: January 4, 2005

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – ZONING ORDINANCE TEXT AMENDMENT FOR ARTICLE 34.70.00 ONE FAMILY CLUSTER OPTION (ZOTA 200) – Comments generated at the November 29, 2004 City Council Public Hearing

The following is a synopsis of comments raised by City Council at the November 29, 2004 Public Hearing. City Management provides a response to the comments:

1. *Add a statement or checklist to the Eligibility Criteria (Section 34.70.02) to ensure that the standards used to determine whether future projects are eligible for this option are applied on a consistent basis.*

   The Eligibility Criteria have measurable standards that provide for comparison between what is permitted under the existing ordinance and what is proposed under the cluster option.

2. *Eliminate the need for subdivision or condominium association dues to offset maintenance costs by eliminating common open space and making it the responsibility of each property owner to maintain that portion of open space located on his/her individual lot or unit.*

   The primary intent of the Cluster Option is to preserve open space, not to create parks that require a significant amount of maintenance. It is possible today for a developer to propose a park as part of a development that requires a significant amount of maintenance. Additionally, it is possible today or under the proposed Cluster Option to create conservation easements that place open space within an individual unit or lot. The problem with placing conservation easements within individual units or lots, it becomes difficult to enforce the provisions of the conservation easement since property owners typically want to maintain their property as they see fit. Experience shows that natural features within easements tend to get destroyed.

   Placing maintenance responsibility on a lot or unit owner does not ensure that proper maintenance will occur. Enforcement of the rules will still be an issue, whether it requires the payment of dues or completing assigned maintenance tasks. In addition, it would be unreasonable and impractical to expect owners within a development to be responsible to maintain a portion of a common facility such as a soccer field.

3. *Amend the proposed Section 34.70.02.C Guarantee of Open Space to read as follows: "All such documents <u>regarding ownership</u> shall be subject to approval by the City Attorney".*

   The City Attorney will review all documentation associated with the development, including the Master Deed for site condominiums. Besides ownership, issues that need to be reviewed include maintenance and enforcement.

4. *Revise Section 34.70.02, which incorrectly lists subsections A through G. Sections A through H should be listed.*

   The error was corrected as suggested.

During a previous City Council meeting, it was pointed out that the terms significant natural assets and significant natural features were used interchangeably in Section 34.70.02.B.1, causing confusion. The term significant natural assets was replaced by the term significant natural features, as suggested. It was also suggested that a definition of Significant Natural Features would assist in clarifying the Cluster Option provisions. This definition was provided.

Attachments:

1. Minutes from November 29, 2004 City Council meeting.
2. Drawings illustrating the Open Space Cluster Option, prepared by the City of Troy Planning Department, November 19, 2004.
3. ZOTA 200, dated December 20, 2004.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 200 CR-1 ONE FAMILY CLUSTER OPTION\CC Memo 12 21 04.doc

POSTPONED ITEMS:

D-1 Zoning Ordinance Text Amendment (ZOTA 200) for Article 34.70.00 – One Family Cluster Option

Vote on Resolution to Postpone

Resolution #2004-11-607
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That Article XII, R-1T (One Family Attached Residential District) and Article XXXIV (Residential Development Options), Article IV (Definitions) and Article X (One Family Residential Districts) of the City of Troy Zoning Ordinance, be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, January 10, 2005.

Yes: All-7

CONSENT AGENDA:

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

Resolution #2004-11-608
Moved by Beltramini
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-7

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

E-2 Minutes: Regular Meeting of November 15, 2004

Resolution #2004-11-608-E-2

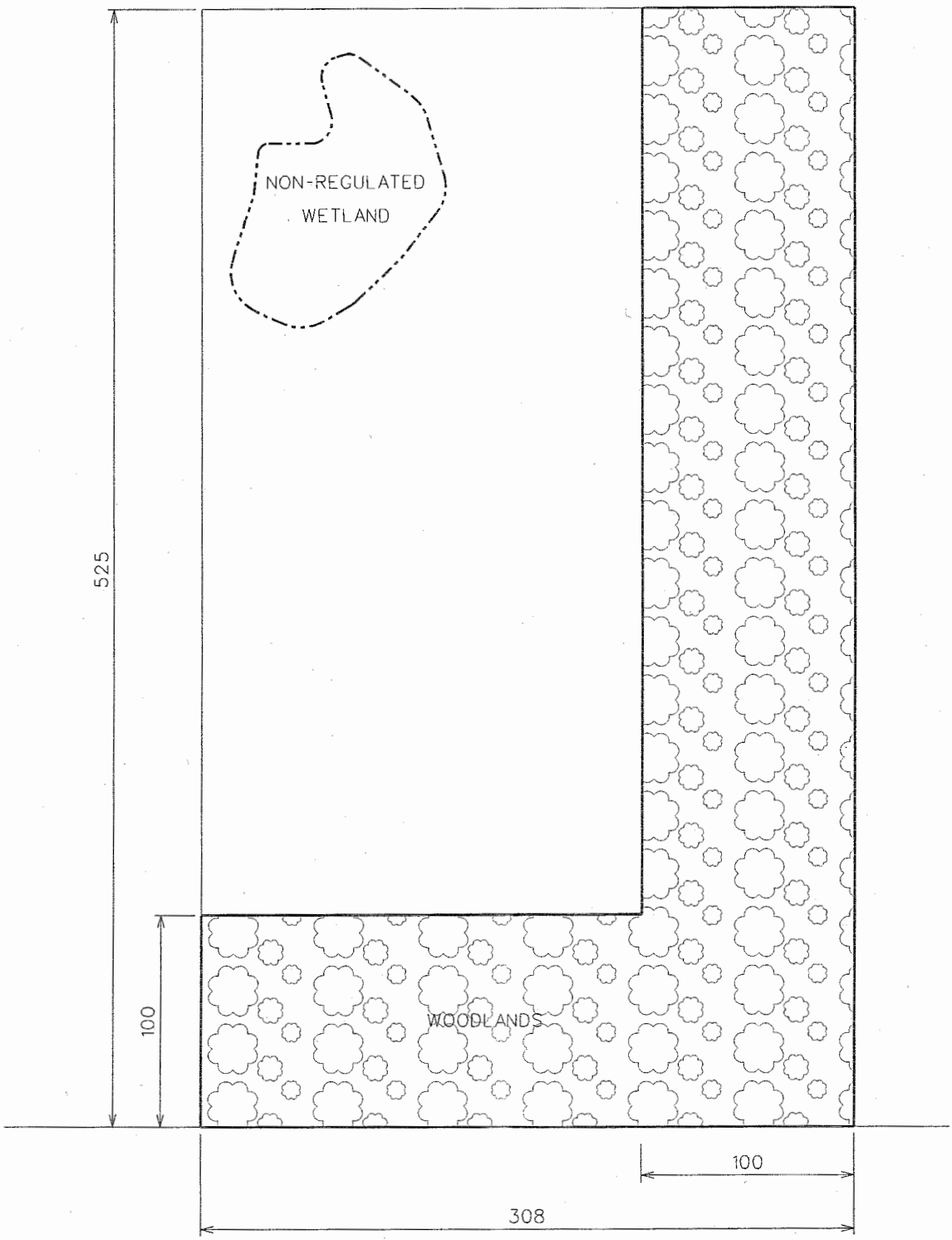
RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of November 15, 2004 be **APPROVED** as submitted.

E-3 City of Troy Proclamations:

Resolution #2004-11-608-E-3

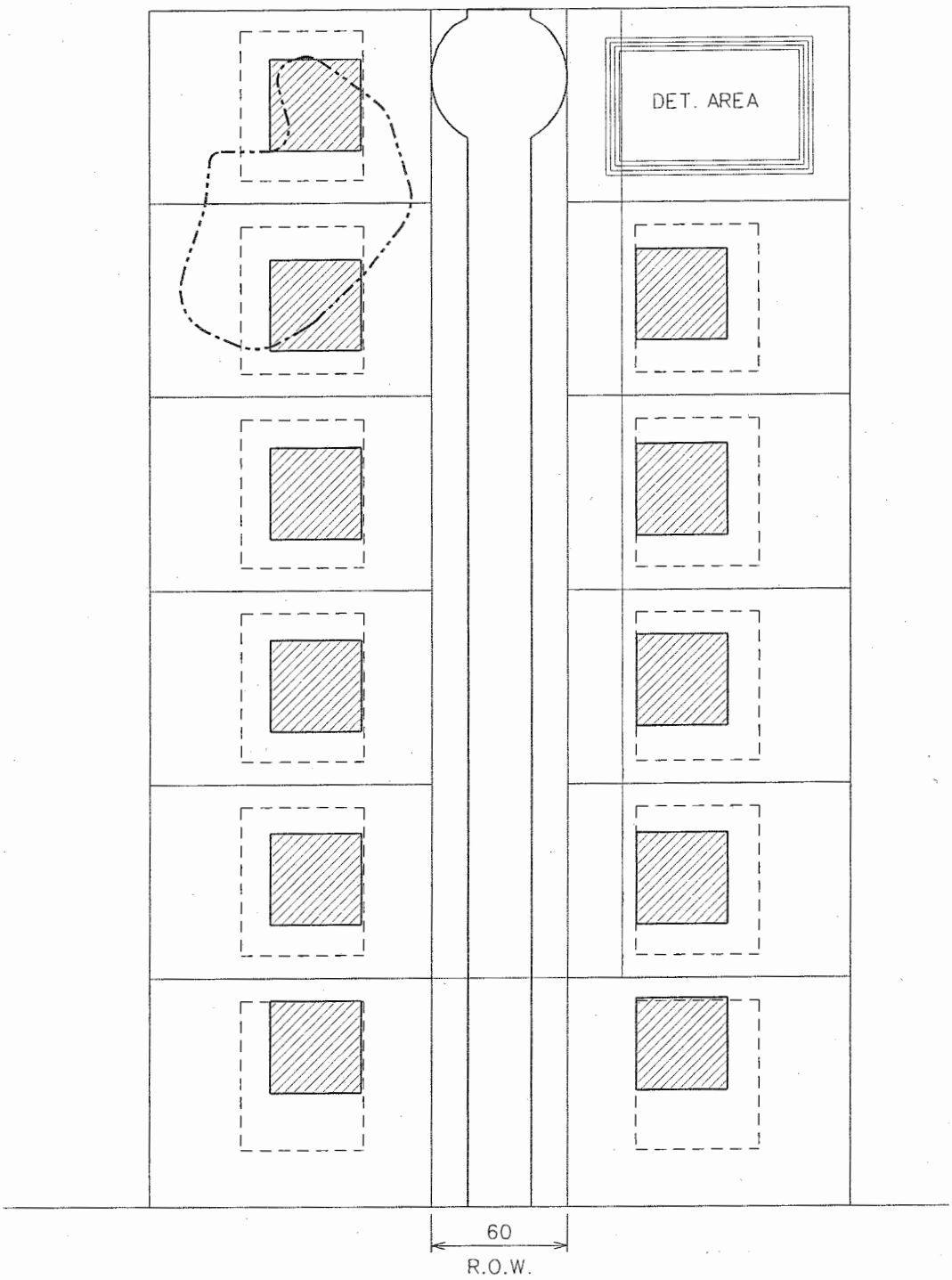
RESOLVED, That the following City of Troy Proclamation be **APPROVED**:
a) International Day of Persons with Disabilities – December 3, 2004

PROPOSED SITE
3.71 AC
ZONED R-1C
3.1 DU/AC



Prepared by City of Troy Planning Dept.
11-19-04

DRAWING #1
PARALLEL PLAN
(TYPICAL R-1C)



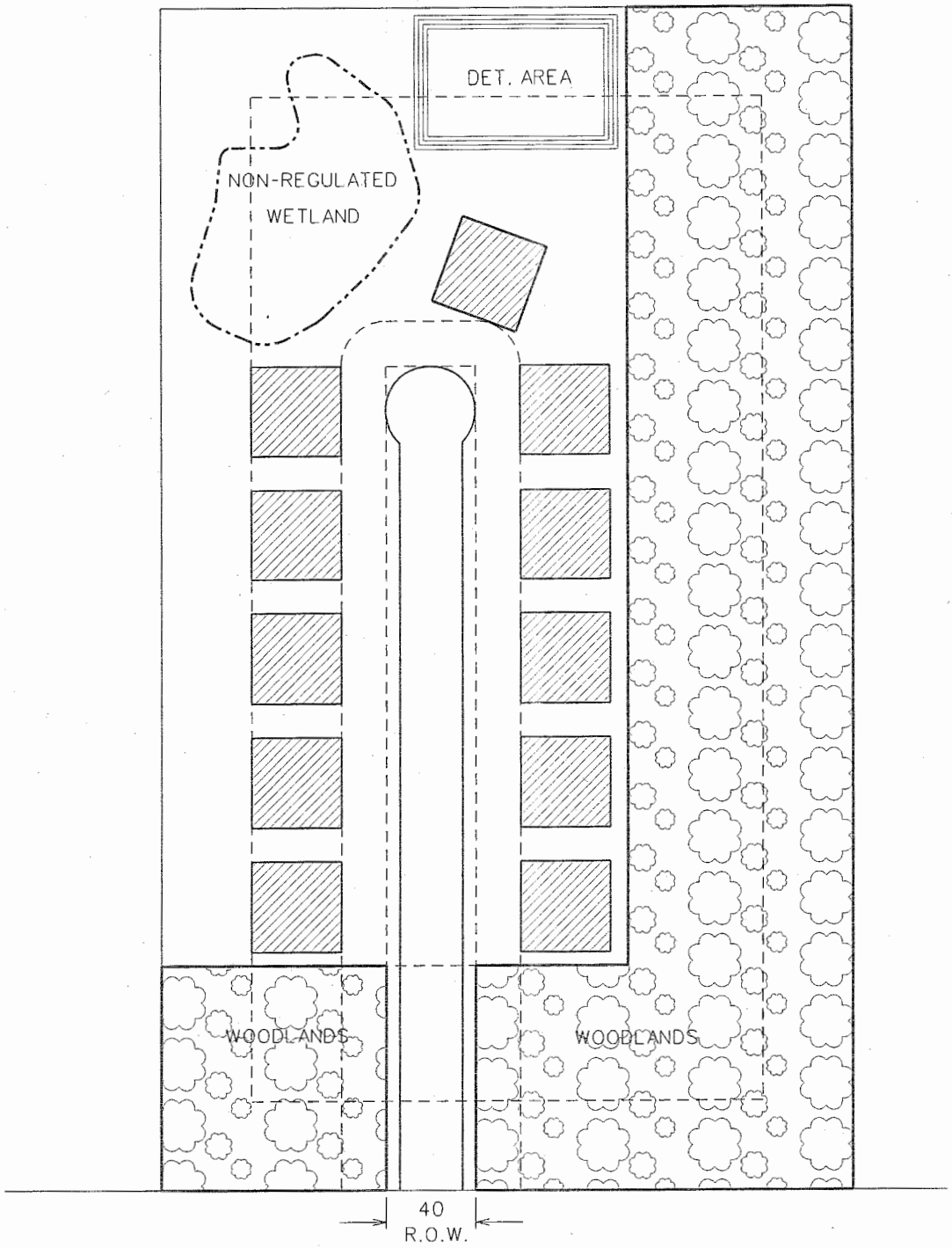
11 UNITS

0 TREES PRESERVED

WETLAND FILLED

Prepared by City of Troy Planning Dept.
11-19-04

DRAWING #2
CLUSTER OPTION



11 UNITS

MOST TREES PRESERVED

WETLAND PRESERVED

30% + OPEN SPACE PRESERVED

Prepared by City of Troy Planning Dept.
11-19-04

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 200)
12/20/04
Text Amendment for One Family Cluster Option

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

The City of Troy ordains:

Section 1. Amendment to Chapter 39

Chapter 39 of the City of Troy Code is amended by the addition of a new section 34.70.00 to read as follows:

34.70.00 ONE FAMILY CLUSTER OPTION

34.70.01 The One Family Cluster Option is offered as an alternative to traditional residential development for the purpose of:

A. Encouraging the use of property in accordance with its natural character.

B. Assuring the permanent preservation of open space and other natural features.

C. Providing recreational facilities and/or open space within a reasonable distance of all residents of the One Family Cluster development.

D. Allowing innovation and greater flexibility in the design of residential developments.

E. Facilitating the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.

F. Ensuring compatibility of design and use between neighboring property.

G. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

34.70.02 Eligibility Criteria

To be eligible for One Family Cluster consideration, the applicant must present a proposal for residential development that meets each of the following subsections (A-H):

A. Recognizable Benefits.

One Family Cluster shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the City. The recognizable and substantial benefits can be provided through site design elements that are in excess of the requirements of this Ordinance, such as extensive landscaping, the inclusion of a transition area from adjacent residential land uses, and preservation of individual trees, wetlands (regulated and non-regulated), woodland areas and open space.

B. Open Space.

The proposed development shall provide at least one of the following open space benefits:

1. Significant Natural Features. Preservation of significant natural features contained on the site, as long as it is in the best interest of the City to preserve these natural features which might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the Planning Commission and City Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.

2. Recreation Facilities. If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development. Recreational facilities that are less pervious than natural landscape shall not comprise more than fifty (50) percent of the open space. The determination of whether the site has significant natural features shall be made by the Planning Commission and City Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.

3. Creation of Natural Features. If the site lacks significant natural features, a proposed development may also qualify if the development will create significant natural features

such as wetlands. The determination of whether the site has significant natural features shall be made by the Planning Commission and City Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.

C. Guarantee of Open Space.

The applicant shall provide documentation to guarantee to the satisfaction of the Planning Commission and City Council that all open space portions of the development will be maintained as approved and that all commitments for such maintenance are binding on successors and future owners of the subject property. All such documents shall be subject to approval by the City Attorney. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City, and that the continued maintenance guarantees remain satisfactory to the City, and the land uses continue as approved in the One Family Cluster development.

D. Cohesive Neighborhood.

The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be reasonably accessible to all residents of the development.

E. Unified Control.

The proposed development site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. All documents shall be subject to the review and approval by the City Attorney.

F. Density Impact.

The proposed type and density of use shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

G. Future Land Use Plan.

The proposed development shall be consistent with the Future Land Use Plan.

H. Zoning

The land is zoned for R-1A, R-1B, R-1C, R-1D or R-1E residential development.

34.70.03 Application Information Requirements: In addition to the information required by the City of Troy for all other site plans, any development proposing to utilize the One Family Cluster Plan shall contain the following:

A. A complete description of the land proposed to be dedicated for the common use of lot owners in the association or to the City, including the following:

1. A legal description of dedicated open space required by Section 34.70.03(B), including dedicated easements.

2. A topographical and boundary survey of dedicated open space.

3. An identification of the types of soil in dedicated open space.

4. A Natural Features Plan that inventories all significant natural features on the property and on abutting properties, if applicable.

B. Information regarding current and proposed ownership and use of the dedicated open space, including the following:

1. The proposed ownership and control of the open space.

2. The proposed methods of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and/or nuisances that require enforcement by the City of Troy.

3. The proposed and/or potential uses of dedicated open space and the proposed improvements to be constructed by the developer.

4. A timeline setting forth the anticipated dates of the dedication of the open space for the common use of unit owners in the association or to the City of Troy.

C. A detailed narrative and graphic plan that indicates a specific method(s) for protecting significant natural features including significant (over 10 inches in diameter) individual trees, woodlands, wetlands, and open space during construction. The plan shall be consistent with the City's tree preservation requirements, and shall be agreeable to the developer, who shall so indicate with his/her signature on the detailed narrative and graphic plan.

D. Other relevant information necessary to show that the proposed development qualifies for approval as a One Family Cluster development.

34.70.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the One Family Cluster development shall be determined by the applicant through the preparation of a parallel plan for the subject property that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/unit width and setbacks as normally required for the underlying one-family zoning district. The number of units identified in the parallel plan shall determine the number of units permitted in the development.

B. Density Bonus. A variable density bonus of up to twenty (20) percent may be allowed at the discretion of the City Council, after recommendation from the Planning Commission, based upon a demonstration by the applicant of design excellence in the One Family Cluster development. Projects qualifying for a density bonus shall include a minimum of fifty (50) percent of the property (One Family Cluster) to be dedicated open space held in common ownership. In addition, projects qualifying for a density bonus shall include at least one (1) of the following elements:

1. The inclusion of perimeter transition areas of at least one hundred fifty feet (150 feet) in width around all borders of the development.

2. Provisions and design that preserve natural features, including use of bio-retention techniques and sustainable building features.

3. Donation or contribution of land or amenities in order to provide a significant community benefit, such as for a school, park, fire hall, etc.

4. Other similar elements that the City Council, after recommendation from the Planning Commission, determined to be of exceptional quality.

34.70.05 Regulatory Flexibility: The City shall permit specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The applicant may cluster the dwellings on smaller lots, as long as the following requirements are satisfied:

A. Overall density shall not exceed the number of residential cluster units determined in 34.70.04 above.

B. Setback provisions shall be as follows:

1. Setback requirements for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required setback.

2. Setback requirements for principal structures on the interior of the development shall be as follows: If property lines do not exist between houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks. The minimum setbacks shall be as follows.

Front:	20'. There shall be at least 25' between the garage door and the closest edge of the sidewalk to allow for an automobile to be parked in the driveway without obstructing the sidewalk.
Rear:	25'.
Side:	7.5'. For detached units with "rear-to-side" relationships, the required setback shall be 15' for each unit, for a total of 30'.

C. All regulations applicable to parking, loading, general provisions, and other requirements shall be met.

D. The permitted uses shall be restricted to single family detached residential development, duplex residential development, residential accessory structures, non-commercial recreation uses and open space.

34.70.06 Open Space Requirements:

A. All land within a development that is not devoted to a residential unit, accessory structures, vehicle access, vehicle parking, a roadway, or an approved improvement, shall be set aside as common land for recreation, conservation, or preserved in an undeveloped state.

B. A One Family Cluster development shall maintain a minimum of thirty percent (30%) of the gross area of the site as dedicated open space held in common ownership. A minimum of twenty-five percent (25%) of the open space shall be upland area, which does not include any MDEQ-regulated or non-regulated wetlands that are accessible to all residents of the development.

C. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of the One-Family Cluster development option:

1. The area of any street right-of-way or private drive.

2. The submerged area of any lakes, rivers, ponds or streams.

3. The required setbacks surrounding a residential structure, except as otherwise provided.

4. Storm water detention or retention facilities, with the exception of Bio-retention areas that provide an active or passive recreation function, which can be considered open space.

D. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. In its discretion, the City Council, after recommendation from the Planning Commission, may permit either minor reductions in width or variations in width of the open space along exterior roads to accommodate taking into consideration topographic and/or other natural resource conditions, as long as the density of existing vegetation to be preserved, and size and shape of the development area are taken into consideration. The open space along the exterior public roads shall be landscaped with a minimum of one (1) deciduous canopy tree (3 to 3 ½ inches in diameter) for each ten (10) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance, and shall be planted so as to have minimal impact on the future usability of sidewalks and trails. Preservation of existing trees shall be credited towards meeting the frontage landscaping requirement.

E. Principal access to the development shall be provided by 28 foot wide public streets constructed to City standards that are located within sixty (60) foot wide rights-of- way or by 28 foot wide streets constructed to City public street standards that are located, within 40 foot private easements for public access.

Sidewalks shall be constructed across the frontage of all dwelling unit parcels in accordance with City standards, Public utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.

F. Connections between the dedicated open space of the development and adjacent open space, public land or existing or planned safety paths is preferred and may be required by the City Council, after recommendation from the Planning Commission.

G. The dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions, restrictive covenants, conservation easements, plat dedication, or other legal documents that are subject to review and approval by the City Council, after review and recommendation by the City Attorney. These irrevocable conveyance documents shall be approved prior to final approval of the development (final site plan approval), and the developer shall record such documents with the Oakland County Register of Deeds. These irrevocable conveyance documents shall specifically identify the City of Troy or the common owners as beneficiary of its provisions.

H. The irrevocable conveyance referenced in subsection (G) shall assure that the open space will be protected from all forms of development, except as shown on the approved Final Site Plan. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The open space restrictions shall prohibit uses or activities that negatively affect the dedicated open space, including the following:

1. Dumping or storing of any material or refuse.

2. Activity that may cause risk of soil erosion or threaten any living plant material.

3. Cutting or removal of live plant material except for removal of dying or diseased vegetation.

4. Use of motorized off-road vehicles.

5. Cutting, filling or removal of vegetation from wetland areas

6. Use of pesticides, herbicides or fertilizers within any wetlands area.

I. The irrevocable conveyance referenced in subsection (G) shall provide the following:

1. The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.

2. Standards for scheduled maintenance of the open space.

3. If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property.

J. Continuing Obligation. The dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved Final Site Plan.

K. Allowable structures. Any structures or buildings accessory to a recreation or conservation use may be erected within the dedicated open space. These accessory structures or buildings shall not exceed one percent (1%) of the required open space area.

Chapter 39 of the City of Troy Code is amended by the re-numbering of section 04.20.113 to 04.20.112 and 04.20.121 to 04.20.120, and by the addition of new sections 04.20.113, 04.20.121 and 04.20.122 to read as follows:

04.20.112~~3~~ MUNICIPALITY: the City of Troy.

04.20.113 NATURAL FEATURE, SIGNIFICANT: A natural area as designated by the Planning Commission or City Council which exhibits unique topographic, ecological, hydrological characteristics, such as a wetland, floodplain, water feature, individual trees over 10 inch diameter, woodland areas, rolling topography with pre-development grades exceeding 15%, significant views, or other unique natural features.

04.20.120~~1~~ OPEN FRONT STORE: a business establishment so developed that service to the patron be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations, automobile service stations, or uses involving drive-up windows or service pedestals.

04.20.121 OPEN SPACE: A parcel or area of land that is intended to provide light and air, and is designed for either resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands and bio retention facilities. Open space shall not be deemed to include

streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic

04.20.122 OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots, which is designed for and dedicated to the common use or enjoyment of the residents of the development or general public.

Chapter 39 of the City of Troy Code is amended by the addition of new section 10.20.09 to read as follows:

10.20.09 The One Family Cluster Option may be utilized in the R-1A through R-1E districts, subject to the requirements of Section 34.70.00.

Section 2. 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 _____, 2005.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 200 CR-1 ONE FAMILY CLUSTER OPTION\One Family Cluster Option Draft 12 20 04.doc

A Regular Meeting of the Troy City Council was held Monday, December 20, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

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

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations: None Scheduled

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 6903 John R

Resolution
Moved by Stine
Seconded by Beltramini

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 Elena Minetos, 6903 John R, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Peterbuilt semi tractor in a residential district is hereby **DENIED**.

Vote on Resolution to Amend by Substitution

Resolution #2004-12-619
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTING** with:

“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, justifying the granting of a variance:

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Elena Minetos, 6903 John R, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Peterbuilt semi tractor in a residential district is hereby **APPROVED** until January 11, 2004."

Yes: All-7

Vote on Resolution as Substituted

Resolution #2004-12-620
Moved by Stine
Seconded by Beltramini

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, justifying the granting of a variance:

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Elena Minetos, 6903 John R, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Peterbuilt semi tractor in a residential district is hereby **APPROVED** until January 11, 2005.

Yes: All-7

C-2 Commercial Vehicle Appeal – 1263 Wrenwood

Resolution #2004-12-621
Moved by Eisenbacher
Seconded by Broomfield

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, justifying the granting of a variance:

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Jane Bulak-Ramsden, 1263 Wrenwood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **APPROVED** for two years.

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

MOTION CARRIED

C-3 Commercial Vehicle Appeal – 2875 Bywater

Resolution
Moved by Stine
Seconded by Beltramini

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 Raad Makisi, 2875 Bywater, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford box truck in a residential district is hereby **DENIED**.

Vote on Resolution to Amend by Substitution

Resolution #2004-12-622
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTING** with:

“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, justifying the granting of a variance:

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.

NOW, THEREFORE, BE IT RESOLVED, That the request from Raad Makisi, 2875 Bywater, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford box truck in a residential district is hereby **APPROVED** until January 11, 2005."

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

MOTION FAILED

Vote on Original Resolution

Resolution #2004-12-623
Moved by Stine
Seconded by Beltramini

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 Raad Makisi, 2875 Bywater, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford box truck in a residential district is hereby **DENIED**.

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

MOTION CARRIED

C-4 Rezoning– South Side of South Boulevard, West Side of Rochester Road, Section 3 – R-1C to R-1T (Z 698)

Resolution #2004-12-624
Moved by Stine
Seconded by Lambert

RESOLVED, That the R-1C to R-1T rezoning request, located on the south side of South Boulevard, west side of Rochester Road, Section 3, being 2.31 acres in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

Yes: All-7

C-5 Street Vacation (SV 179) – A Portion of Alger Street Right-Of-Way, Located Between Birchwood and Vermont, Located West of John R Road, North of Maple Road – Section 26

Resolution #2004-12-625
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted public Alger Street, extending north approximately 260 feet from Birchwood Street to Vermont Street, and within the John R Garden Subdivision, Section 26 (Liber 44, page 27 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include abutting lots 409, 410, 433 and 434 of John R Garden Subdivision; and
WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted subject to the following conditions:

1. The house at 1767 Alger Street shall be demolished prior to final vacation.
2. The City shall retain the southern 5 feet of the Alger Street right-of-way for the purpose of establishing a 60-foot right-of-way on Birchwood.

NOW, THEREFORE, BE IT RESOLVED, That the City Council **CONCURS** in the recommendations of City Management and the Planning Commission; and,

BE IT FURTHER RESOLVED, That final action on this street vacation request shall be **TAKEN** by the City Council, after the petitioner has met the two conditions.

Yes: All-7

POSTPONED ITEMS:

D-1 Commercial Vehicle Appeal – 1855 Boulan

Resolution
Moved by Howrylak
Seconded by Eisenbacher

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 conditions, justifying the granting of a variance:

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Sergiu Botezan, 1855 Boulan, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **APPROVED** for one-year.

Resolution to Amend

Resolution #2004-12-626
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “and that the vehicle be parked in an area directly behind the house” **AFTER** “one-year”.

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2004-12-627
Moved by Howrylak
Seconded by Eisenbacher

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 conditions, justifying the granting of a variance:

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Sergiu Botezan, 1855 Boulan, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **APPROVED** for one-year and that the vehicle be parked in an area directly behind the house.

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

MOTION CARRIED

CONSENT AGENDA:

E-1a Approval of “E” Items NOT Removed for Discussion

Resolution #2004-12-628
Moved by Beltramini
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-12 and E-14, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

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

E-2 Approval of City Council Minutes

Resolution #2004-12-628-E-2

RESOLVED, That the Minutes of the Regular Meeting of December 6, 2004 and the Special Meetings of December 10, 2004 and December 11, 2004, be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation(s): No Proclamations Submitted

E-4 Troy Golf, LLC – Final Contract Reconciliation and Payment

Resolution #2004-12-628-E-4

RESOLVED, That final contract reconciliation and payment to Troy Golf, LLC is **APPROVED** in the estimated amount $220,000.00.

E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Brick Paver Project

Resolution #2004-12-628-E-5

RESOLVED, That a contract to complete the brick paver project at the Troy Museum and Historic Village is hereby **AWARDED** to the lowest bidder meeting specifications, Mueller's Sunrise Nursery, Inc. of Shelby Township, MI at an estimated total cost of $50,290.00, for completion in the Spring of 2005.

BE IT FURTHER RESOLVED, That the award is contingent upon the vendor submission of proper contract and bid documents, including insurance certificates, bonds, and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or $5,029.00.

E-6 Transfer Ownership of a Class C Liquor License – Brinker Michigan, Inc. (Chili's Restaurant)

(a) License Transfer

Resolution #2004-12-628-E-6a

RESOLVED, That the request from Brinker Michigan, Inc. (a Delaware Corporation) to transfer ownership of a 2004 Class C licensed business, located at 402 W. Fourteen Mile, Troy,

Michigan 48083, in Oakland County, from Brinker Restaurant Corporation; be **CONSIDERED FOR APPROVAL**.

It is the consensus of this legislative body that the application be **RECOMMENDED** "above all others" for issuance.

(b) Agreement

Resolution #2004-12-628-E-b

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Brinker Michigan, Inc. (a Delaware Corporation) to transfer ownership of a 2004 Class C licensed business, located at 402 W. Fourteen Mile, Troy, Michigan 48083, in Oakland County, from Brinker Restaurant Corporation; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Approval for a Price Differential Payment and Moving Costs, Emad and Niran Youno, 2955 Thames, Sidwell #88-20-25-229-005, Big Beaver Improvements, Rochester to Dequindre Road – Project #01.105.5

Resolution #2004-12-628-E-7

RESOLVED, That as required by Michigan Laws and Federal Regulations, a price differential payment, not to exceed $19,500.00, and a moving payment of $3,997.15 is hereby **APPROVED** to be paid to Emad and Niran Youno as part of the relocation payments for relocating from 2955 Thames, having Sidwell # 88-20-25-229-005, which was acquired by the City of Troy for the Big Beaver to Dequindre Road Improvement Project.

E-8 Approval a Price Differential Payment and Moving Costs, Saoud Jamo and Nidhal Jamo, 2907 Thames, Sidwell #88-20-25-229-001, Big Beaver, Rochester to Dequindre Road - Project #01.105.5

Resolution #2004-12-628-E-8

RESOLVED, That as required by Michigan Laws and Federal Regulations, a price differential payment, not to exceed $18,900.00, and a fixed moving payment not to exceed $1,800.00, or not to exceed the lowest of 3 estimates for a commercial move is hereby **APPROVED** to be paid to Saoud Jamo and Nidhal Jamo as part of the relocation payments for relocating from 2907 Thames, having Sidwell # 88-20-25-229-001, which is being acquired by the City of Troy for the Big Beaver, Rochester to Dequindre Road Improvement Project.

E-9 Allocation of 2005 Tri-Party Program Funds, Big Beaver, Rochester to Dequindre

Resolution #2004-12-628-E-9

RESOLVED, That the City of Troy allotment for the 2005 Tri-Party Program is $406,638 and that the City's share is $135,546 and that these funds be **USED**, as required, for the Big Beaver Improvement Project, Rochester to Dequindre construction phase.

E-10 Acceptance of Covenant Deed with Attached Conservation Easement & Approval of Hold Harmless Agreement, Elgin Corners, LLC – Sidwell #88-20-04-226-015 & 016

Resolution #2004-12-628-E-10

RESOLVED, That the Covenant Deed with Conservation Easement received from Elgin Corners, LLC, having Sidwells #88-20-04-226-015 & 016, is hereby **ACCEPTED**, and that the City Clerk is hereby directed to **RECORD** said deed with the Oakland County Register of Deeds Office, copies of which shall be **ATTACHED** to the original Minutes of this meeting, and

BE IT FURTHER RESOLVED, That the Hold Harmless Agreement between the City of Troy and Eglin Corners, LLC is hereby **APPROVED**, the Mayor and City Clerk are authorized to **EXECUTE** the document, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Resolution to Permit Use of Shell Crackers to Disperse Migratory Waterfowl – Emerald Lakes Subdivision

Resolution #2004-12-628-E-11

RESOLVED, That the City Council of the City of Troy hereby waives the provisions of Chapter 98, Section 98.07.02 of the Code of the City of Troy relative to the use of shell crackers to frighten and disperse waterfowl away from Emerald Lakes Village, provided that authorized persons of the Homeowners Association shall adhere to the following procedures:

1. Shell crackers shall not be discharged before 7:00 AM and not after dusk.
2. The permitee(s) shall notify the Police Communications Section prior to discharging the shell crackers and shall provide the police with his/her name(s) and phone number(s).
3. A violation of either of the above limitations shall be cause for immediate revocation of the City authorization.
4. Authorization shall expire December 31, 2009.

E-13 Change Order to Standard Purchasing Resolution 1: Award to Sole Bidder – Duct Cleaning, and Testing, Adjusting and Balancing Services on the Lead Contaminated Gun Range Ventilation System

Resolution #2004-12-628-E-13

RESOLVED, That the Troy City Council **CONFIRMS** the emergency authorization granted to the Police Department by the City Manager for Asbestos Control Environmental, Inc. of Taylor, MI to remove damaged insulation from the gun range ductwork at a cost not to exceed $2,000.00.

BE IT FURTHER RESOLVED, That the Troy City Council **CONFIRMS** the emergency authorization granted by the City Manager for any additional unforeseen work related to the duct cleaning, and testing, adjusting and balancing services on the lead contaminated gun range ventilation system in an amount not to exceed 25% of the total project cost or $10,566.00.

E-15 State of Michigan Election Equipment Grant Application Authorization

Resolution #2004-12-628-E-15

WHEREAS, The Troy City Council wishes to apply to the Secretary of State for a grant to purchase an optical scan voting system and related Election Management System (EMS) software to comply with the Help America Vote Act (HAVA);

WHEREAS, The Troy City Council has chosen to submit a grant application for a new optical scan voting system in 2005; and

WHEREAS, That the County Clerk must have this resolution as Proof of Authority for entering into upcoming Grant Agreements with the State by the end of January 2005 in order to meet the wishes of the majority of the local clerks in this county that Oakland County qualify for ordering the new voting system in the 05-1 order period in early February 2005.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Clerk is hereby **AUTHORIZED** to submit this grant application on behalf of the City of Troy, Oakland County, Michigan, on this 20th day of December, 2004.

ITEMS TAKEN OUT OF ORDER:

E-12 RWT Building, LLC v. City of Troy – Partial Plat Vacation Action

Resolution #2004-12-629
Moved by Stine
Seconded by Howrylak

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of the RWT Building, L.L.C. v City of Troy, et al and to pay all expenses and to retain any necessary expert witnesses to adequately represent the City.

Yes: All-7

E-14 Sale of Rochester Road Remnant Parcel, Sidwell # 20-22-426-057, Section 22, Part of Lots 42, 43, and 45 of Supervisors Plat #17 – No Action Taken by City Council

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PUBLIC COMMENT: Limited to Items Not on the Agenda

The meeting **RECESSED** at 9:05 pm.

The meeting **RECONVENED** at 9:05 pm.

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: No appointments made.

F-2 Proposed Minor League Baseball Multi-Use Facility

The meeting **RECESSED** at 11:34 pm.

The meeting **RECONVENED** at 11:39 pm.

F-2 Proposed Minor League Baseball Multi-Use Facility

Resolution #2004-12-630
Moved by Howrylak
Seconded by Stine

WHEREAS, General Sports and Entertainment, L.L.C. approached the City of Troy for reason of locating a multi-use minor league baseball stadium on Civic Center property, and

WHEREAS, The Troy City Council gave direction to the City Manager at the Study Session of November 15, 2004 to identify and address elements that have salience relative to the proposed stadium in terms of benefit to the community, site plan issues, environmental issues, and financing, and

WHEREAS, On November 29, 2004, the Troy City Council directed City staff to continue discussions with General Sports and Entertainment, L.L.C. regarding the placement of a minor league baseball stadium at the southeast portion of the Civic Center site with additional consideration being given to financial arrangements, alcohol use, and additional public input from the City of Troy boards and committees,

RESOLVED, That the City of Troy is not interested in locating a multi-use minor league baseball stadium on Troy Civic Center property.

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

MOTION FAILED

Resolution
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED That Council members individually finalized their questions regarding the minor league baseball stadium and deliver them to City staff prior to the close of business on December 23, 2004 and request that City staff prepare answers to the questions prior to the January 20, 2005 City Council meeting and simultaneously began to draft parameters with General Sports on the stadium project.

Yes:
No:

Substitute Amendment

Resolution #2004-12-631
Moved by Howrylak
Seconded by Stine

RESOLVED That a study session of City Council be scheduled for 5:30 PM on January 10, 2005 to discuss the Civic Center Site minor league baseball proposal.

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

MOTION CARRIED

Vote on Resolution as Substituted

Resolution #2004-12-632
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED That a study session of City Council be scheduled for 5:30 PM on January 10, 2005 to discuss the Civic Center Site minor league baseball proposal.

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

MOTION CARRIED

F-3 New Class C (Quota) License for Red Robin Restaurant

Resolution #2004-12-633
Moved by Stine
Seconded by Broomfield

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Troy Robin, Inc., for a new full year (quota) Class C license with Official Permit (Food), Entertainment Permit, and new SDM, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County, **"**above all others**"**; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

F-4 New Class C (Quota) License for Brio Tuscan Grille Restaurant

Resolution #2004-12-634
Moved by Eisenbacher
Seconded by Stine

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Bravo Development, Inc., d/b/a Cucina Development, Inc. for a new QUOTA Class C license, a Sunday Sales permit, an SDM license, and an Official Permit for the Sale of Food on Sundays, to be located at Somerset Collection South, Suite E 150, 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County, **"**above all others**"**; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

F-5 Traffic Committee Recommendations – November 17, 2004

Resolution #2004-12-635
Moved by Stine
Seconded by Eisenbacher

a) **No Changes Be Made at Donaldson and Square Lake**

RESOLVED, That **NO CHANGES** be made at Donaldson and Square Lake.

b) **Installation of All-Way STOP Signs at the Intersection of Larchwood and Bellingham**

RESOLVED, That Traffic Control Order 2004-_____ be **ISSUED** for installation of all-way STOP signs at the intersection of Larchwood and Bellingham, and that the intersection be striped to designate the separate lanes, if deemed necessary by the Traffic Engineer.

c) **Addition of Flashing Red Phase to the Traffic Signal on Westbound Maple at Chicago Road**

RESOLVED, That the City **REQUEST** the Road Commission for Oakland County to change operation of the traffic signal on westbound Maple at Chicago Road to **ADD** a flashing red phase.

Yes: All-7

F-6 Administrative Consent Order for Evergreen Farmington SDS

Resolution #2004-12-636
Moved by Stine
Seconded by Beltramini

RESOLVED, That the City Council **APPROVED** the Administrative Consent Order, and authorizes the City Manager to **EXECUTE** the document on behalf of the City of Troy.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Rezoning Application – Northeast Corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B) – January 10, 2005
Noted and Filed

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

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H-1 Moratorium on Expenditures for the I-75/Long Lake Road Exit Project – Proposed by Council Member Lambert – No action taken

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

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

Urban Area Security Initiative (UASI) Funding Formulas and Geographic Urban Area Determination

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Cat Leash Ordinance

Noted and Filed

STUDY ITEMS:

K-1 No Study Items submitted.

PUBLIC COMMENT: **Address of "K" Items**

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 2:00 AM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Special Meeting of the Troy City Council was held Monday, December 20, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 6: 05 PM.

ROLL CALL

PRESENT: Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak - Arrived 6:17 PM
David A. Lambert
Jeanne M. Stine- Arrived 6:10 PM

STUDY ITEMS:

2. Moratorium on Expenditures for the I-75/Long Lake Road Exit Project and I-75/Long Lake Road/Crooks Road Interchange Improvement Project

Public input was received.

Resolution #2004-11-618
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the City of Troy will halt expenditures for the I-75/Long Lake Road Exit Project and I-75/Long Lake Road/Crooks Road Interchange Improvement Project except for any work required by the Federally-mandated Environmental Assessment. This moratorium will continue until the Environmental Assessment is completed.

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

MOTION FAILED

2. Receive Public Input on the Proposed Minor League Baseball Facility

The meeting **ADJOURNED** at 7:15 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

December 13, 2004

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police
Carol K. Anderson, Parks and Recreation Director

Subject: **Agenda Item** – Standard Purchasing Resolution 2 – Bid Award: Lowest Bidder Meeting Specifications– Physical Fitness Equipment

RECOMMENDATION

On November 18, 2004, sealed bids were opened to purchase and install new physical fitness equipment for the Community Center and the Police Department. Staff recommends awarding the contract to the lowest bidder meeting specifications, All Pro Exercise Inc. of Farmington Hills, MI for an estimated net total cost of $72,760.00, at unit prices contained in the attached bid tabulation and schedule of values.

The cost includes treadmills for the Community Center Fitness Room expansion including a Precor three-year full service/maintenance agreement on parts and labor, and fitness equipment for the Police Weight Room with standard manufacturer warranties, as well as equipment trade-ins for the Police department totaling $1,500.00.

BACKGROUND

Due to the increased demand of users and over crowding during peak hours at the Community Center, it was determined that additional cardiovascular equipment was needed to accommodate pass holders.

In the Police department, much of the current equipment is fifteen (15) years old and several of the older pieces are broken. The Police department budgeted for this project with monies in the drug forfeiture fund.

EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS

The Police department received four bid responses to their project, in which a non-responsive bid was received from Sourcelinq. Sourcelinq failed to provide several mandatory requirements including a floor plan of the weight room to ensure the equipment proposed would fit in the allotted space.

The Community Center received six bid responses, but five of them which include - the Sports Art 6310 Treadmill from Sourelinq, the Super Tread st-4600HRT Treadmill from Wate-Man Fitness Equipment, the Landice L-9 from All-Pro Exercise Inc (Alternate proposal “B”) & Exercise Warehouse, as well as the

EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS - Continued

Cybex 530T ProT Treadmill from Fitness Things have major deviations from the City's specifications in the following areas:

1. The deck system does not give the user a constantly smooth running surface, allowing the deck more contact with the rest of the treadmill, resulting in less flex in the deck which may increase injuries and maintenance problems. The treadmills, other than Precor, consider the belt and deck a wear item while Precor has an unlimited mileage warranty on these parts.
2. The control panel used on the various treadmills bid vary. The treadmills, other than Precor, have a contact membrane control board that requires the user to compress the buttons. As the machine wears, increasing force is necessary to engage the control board to start/stop, increase/decrease speed and elevation. Safety may be compromised if the user has difficulty engaging the control panel.
   The treadmills specified have a touch sensitive control panel which is heat activated by running your finger over the panel. The touch sensitive control panel is the same technology currently used on Precor ellipticals, and member preferred.
3. The Precor treadmill has a solid reputation for use in major commercial fitness settings such as Powerhouse Gym, YMCA, Great Lakes Athletic Club and LifeTime Fitness.

BUDGET

Funds for the Police department equipment are available through the Capital Fund, Account #401305.7978.065 and for the Community Center in the Capital Fund - Annex Equipment, Account #401755.7978.045.

44 Vendors Notified on MITN System
6 Bid Responses Rec'd (Community Center)
5 Bids did not meet specifications (Community Center)
4 Bid Responses Rec'd (Police)
1 Bid did not meet specifications (Police)
2 No Bids: Both companies do not handle products specified.

Prepared by: John Hug, Fitness/Gym Coordinator and Sgt. Donald Ostrowski

Opening Date -- 11-18-04
Date Prepared -- 12/13/04

CITY OF TROY
BID TABULATION
PHYSICAL FITNESS EQUIPMENT

VENDOR NAME:	* ALL PRO EXERCISE "A"	* ALL PRO EXERCISE "B"	FITNESS THINGS INC	
PROPOSAL: PHYSICAL FITNESS EQUIPMENT FOR TROY COMMUNITY CENTER AND POLICE DEPARTMENT				
DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	
PROPOSAL A:				
COMMUNITY CENTER				
Eight (8) Treadmills, Precor 956i	**$ 4,495.00**	$ (3,795.00)	$ 4,676.40	
or approved alternate	* **$ 35,960.00**	DMS	DMS	
Ouoting on:	956i	L9 CARDIO	530T PROT	
Manufactured by:	PRECOR	LANDICE	CYBEX	
Dimensions:	EXACT SPECS	32"X82"	32wX79L	
MAINTENANCE:				
Year 1:	N/C	N/C	N/C	
Year 2:	* **$ 900.00**	$ 900.00	N/C	
Year 3:	* **$ 900.00**	$ 900.00	N/C	
Total for Proposal A:	**$ 37,760.00**	DMS	DMS	
		$ (32,160.00)	$ (37,411.20)	
PROPOSAL B:				
POLICE WEIGHT ROOM				
Furnish and install Fitness Equipment in accordance with specifications				
COMPLETE FOR THE SUM OF:	$ 29,066.00	**$ * 26,700.00**	$ 28,738.45	
LESS: Equipment Trade-in	$ (1,500.00)	**$ * (1,500.00)**	$ (1,500.00)	
NET TOTAL for Proposal B:	$ 27,566.00	**$ * 25,200.00**	$ 27,238.45	
OPTIONAL EQUIPMENT				
COMPLETE FOR THE SUM OF:	$ 8,168.00	**$ * 8,178.00**	$ 11,484.92	
GRAND TOTAL OF A, B, & OPTIONAL EQUIPMT.	$ 73,494.00	N/A	N/A	
SCHEDULE OF VALUES: Y or N	YES	YES	YES	
DESCRIPTIVE LITERATURE: Y or N	YES	YES	YES	
INSURANCE: Can meet	XX	XX	XX	
Cannot meet				
COMPLETION SCHEDULE: No later than	80 days	80 days	60 days	
SITE INSPECTION: Police DATE	9/9/04	9/9/04	11/5/04	
Comm. Ctr DATE	9/2/04	9/2/04	11/5/04	
TERMS:	NET 30	NET 30	NET 30 DAYS	
WARRANTY: Police Equipment	ATTACHED TO BID	ATTACHED TO BID	3 YEARS	

Opening Date -- 11-18-04
Date Prepared -- 12/13/04

CITY OF TROY
BID TABULATION
PHYSICAL FITNESS EQUIPMENT

VENDOR NAME:	* ALL PRO EXERCISE "A"	* ALL PRO EXERCISE "B"	FITNESS THINGS INC	
DELIVERY:	2 WEEKS - CARDO 4-10 WKS-STRENGTH	2 WEEKS 4-10 WEEKS	60 DAYS	
EXCEPTIONS:	LISTED IN BID	LISTED IN BID	BLANK	
ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	
ADDENDUM 1 Y or N	YES	YES	YES	

NO BID:
Cannon Sports Inc
Rainbow Sports & Trophies

*** DENOTES LOWEST ACCEPTABLE BIDDER**

ATTEST:
Donald Ostrowski
John Hug
Cheryl Morrell
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G: ITB-COT 04-41 Physical Fitness Equipment

VENDOR NAME:	SOURCELINQ	EXERCISE WAREHOUSE	WATE-MAN FITNESS EQUIP	
	DMS	DMS	DMS	
PROPOSAL: PHYSICAL FITNESS EQUIPMENT FOR TROY COMMUNITY CENTER AND POLICE DEPARTMENT				
DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	
PROPOSAL A:				
COMMUNITY CENTER				
Eight (8) Treadmills, Precor 956i or approved alternate	$ (3,794.00)	$ (3,999.00)	$ (3,995.00)	
	DMS	DMS	DMS	
Ouoting on:	6310	L9	SUPER TREAD ST-4600HRT	
Manufactured by:	SPORTS ART	LANDICE	NORAMCO	
Dimensions:	BLANK	BLANK	34"X90"	
MAINTENANCE:				
Year 1:	$ -	0	$ -	
Year 2:	$ -	0	$ 350.00	
Year 3:	$ 1,000.00	0	$ 550.00	
Total for Proposal A:	DMS	DMS	DMS	
	$ (31,352.00)	$ (31,992.00)	$ (32,860.00)	
PROPOSAL B:				
POLICE WEIGHT ROOM				
Furnish and install Fitness Equipment in accordance with specifications	$ (23,488.00)			
COMPLETE FOR THE SUM OF:	DMS	NO BID	NO BID	
LESS: Equipment Trade-in	$ (500.00)			
NET TOTAL for Proposal B:	DMS	NO BID	NO BID	
	$ (22,988.00)			
OPTIONAL EQUIPMENT				
COMPLETE FOR THE SUM OF:	$ (7,624.00)	NO BID	NO BID	
GRAND TOTAL OF A, B, & OPTIONAL EQUIPMT.	DMS	N/A	N/A	
	$ (61,964.00)			
SCHEDULE OF VALUES: Y or N	YES	NO	NO	
DESCRIPTIVE LITERATURE: Y or N	YES	YES	YES	
INSURANCE: Can meet	XX	XX	XX	
Cannot meet				
COMPLETION SCHEDULE: No later than	BLANK	14 days	30 days	
SITE INSPECTION: Police DATE	NO	NO	NO	
Comm. Ctr DATE	NO	10/25/04	NO	
TERMS:	BLANK	NET 30	2% 10 Days Net 30 Days	
WARRANTY: Police Equipment	BLANK	N/A	N/A	

Opening Date -- 11-18-04
Date Prepared -- 12/13/04

CITY OF TROY
BID TABULATION
PHYSICAL FITNESS EQUIPMENT

VENDOR NAME:	SOURCELINQ	EXERCISE	WATE-MAN	
		WAREHOUSE	FITNESS EQUIP	
	DMS	DMS	DMS	
DELIVERY:	20 DAYS	BLANK	BLANK	
EXCEPTIONS:	ATTACHED TO BID	BLANK	ATTACHED TO BID	
ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	
ADDENDUM 1 Y or N	NO	NO	NO	

G: ITB-COT 04-41 Physical Fitness Equipment

City of Troy

FITNESS EQUIPMENT
SCHEDULE OF VALUES
Your company MUST complete this form
Complete Specifications Attached

ITEM	UNIT EQUIPMENT PRICES INCLUDING INSTALLATION
POLICE	
Item A1. Precor 846R Recumbent Bike or approved alternate Quoting: PRECOR 842R	$ / Each 1675.00
Item A2. Precor 764 Stair Stepper or approved alternate Quoting: Exact Spec	$ / Each 2295.00
Item B1. Hampton Durabell 5-120 lb dumbbells in 5 lb. increments (1 pair each) or approved alternate Quoting: Exact Spec.	$ / Complete Set 4295.00
Item B2. Magnum M 688 dumbbell rack or approved alternate Quoting: Exact Spec.	$ / Each 695.00
Item C. Free Weights: Magnum M-67 vertical weight Tree with Weights (see below) or approved alternate: Weight / Quantity a. 45 / 20 b. 35 / 20 c. 25 / 20 d. 10 / 14 e. 5 / 14 f. 2 1/2 / 8 Quoting: Exact Spec.	$ / Set 3129.00

NOTE: The Schedule of Values is a " per unit" price schedule. The total number of units required is included in the specifications.

ITEM	UNIT EQUIPMENT PRICES INCLUDING INSTALLATION
Item D1. Hampton #IB86-15CE Olympic Straight Bar with collars or approved alternate Quoting: MAGNUM 7-B	$ / Each 120.00 240.00
Item D2. Hampton #IB-53CE Bulldog Olympic Curl Bar or approved alternate Quoting: Exact Spec.	$ / Each 69.00 138.00
Item E1. Magnum Model #M78F Olympic flat bench press or approved alternate Quoting: Exact Spec.	$ / Each 588.00 588.00
Item E2. Paramount Fitness Model #PFW-8200 Incline / Decline bench press or approved alternate, with weight storage Quoting: Exact Spec.	$ / Each 1595.00 1595.00
Item E3. Paramount Fitness Model #PRW-6200 Adjustable (flat/incline) Benches with wheels or approved alternate Quoting: Exact Spec.	$ / Each 595.00 1190.00
Item F1 and F2. Paramount Model #MS-8000 Multi-station Cable Crossover Gym (8 position) with cable accessories, Model #CP-MB or approved alternate Quoting:	$ / Set See ADDENDUM
Item G. Icarian Model #201 Preacher Curl Bench or approved Alternate Quoting: Exact Spec.	$ / Each 529.00 529.00
Item H. Icarian Model #601 Leg Press / Hack-Squat Machine (weight loaded) with weight Storage or approved alternate. Quoting: Exact Spec	$ / Set See ADDENDUM

NOTE: The Schedule of Values is a " per unit" price schedule. The total number of units required is included in the specifications.

ALL PRO EXERCISE

OPTIONAL EQUIPMENT:	
Item I1. Paramount Model FL-30 250 lb. Weight stack leg extension / curl (seated) or approved alternate. Quoting: Exact Spec.	$ / Each 1495.00
Item I2. Pro-elite Model #'s 34, 36, 37 Sit-up Bench-Laddered or approved alternate. Quoting: Exact Spec.	$ / Each 795.00
Item I3. Paramount AP-3400 Peck Deck / Rear Delt plate loaded Row Machine or approved alternate. Quoting: Exact Spec	$ / Each 2395.00
Item I4. Icarian Model #550 plate loaded Military Press or approved alternate. Quoting: MAGNUM # 414	$ / Each 1449.00
Item I5. Magnum M-53, Calf Raise or approved alternate. Quoting: Exact Spec	$ / Each 595.00
Item I6. ISO Lateral Row-Hammer Strength or approved alternate. Quoting: MAGNUM 420	$ / Each 1449.00

NOTE: The Schedule of Values is a " per unit" price schedule. The total number of units required is included in the specifications.

City of Troy

ALL PRO EXERCISE

November 9, 2004

Amendment / Addendum 1
ITB– COT 04-41
Physical Fitness Equipment

To All Bidders:

Please be advised that the Police Department for the City of Troy authorized the following **changes** to the specifications that is included in ITB-COT 04-41, Physical Fitness Equipment. The *CHANGES* will be considered an integral part of the original proposal document.

INSTRUCTIONS TO BIDDERS – COVER PAGE:

FROM:

Sealed proposals for–PHYSICAL FITNESS EQUIPMENT FOR THE TROY COMMUNITY CENTER FITNESS ROOM EXPANSION AND THE TROY POLICE DEPARTMENT WEIGHT ROOM - will be received by the City of Troy at the office of the City Clerk, 500 W. Big Beaver Road, Troy, MI 48084 until Wednesday, November 10, 2004 at 10:00 AM, after which time they will be publicly opened and read in the Troy City Offices. The City does NOT accept bid responses via fax transmission.

CHANGE TO:

Sealed proposals for–PHYSICAL FITNESS EQUIPMENT FOR THE TROY COMMUNITY CENTER FITNESS ROOM EXPANSION AND THE TROY POLICE DEPARTMENT WEIGHT ROOM - will be received by the City of Troy at the office of the City Clerk, 500 W. Big Beaver Road, Troy, MI 48084 until **Thursday, November 18, 2004** at **10:00 AM**, after which time they will be publicly opened and read in the Troy City Offices. The City does NOT accept bid responses via fax transmission.

CHANGE: FITNESS EQUIPMENT SCHEDULE OF VALUES Page 2 of 3

FROM:

Item F1 and F2. Paramount Model #MS-8000 Multi-station Cable Crossover Gym (8 position) with cable accessories, Model #CP-MB or approved alternate

CHANGE TO:

Item F1 and F2. **Paramount Multi-station** Cable Crossover Gym **(6 position)** with cable accessories, (Model #CP-MB) or approved alternate **Quoting:** MAGNUM 6 Position ETS w/ Hampton CP-MB	**$** **/ Set** 8690.00

CHANGE: FITNESS EQUIPMENT SCHEDULE OF VALUES Page 2 of 3

FROM:

Item H. Icarian Model #601 Leg Press / Hack-Squat Machine (weight loaded) with weight Storage or approved alternate.

CHANGE TO:

Item H. Icarian Model #601 **Leg Press Machine** (weight loaded) with weight Storage or approved alternate. **Quoting:** MAGNUM M51	**$** **/ Set** 2359.00

CHANGE: POLICE WEIGHT ROOM PROPOSAL B – SPECIFICATIONS Page 3 of 3

FROM:

Item F - Cable Crossover:

F1. Multi-station Cable Crossover Gym (8 position) Paramount Model #MS-8000 or approved alternate with 2 lat pull, 2 low rows, cable cross over, bicep curl, triceps press down.

CHANGE TO:

Item F - Cable Crossover:

F1. Multi-station Cable Crossover Gym **(6 position)** Paramount Model or approved alternate **with 1 lat pull, 1 low row**, cable cross over, bicep curl, triceps press down.

CHANGE: POLICE WEIGHT ROOM PROPOSAL B – SPECIFICATIONS Page 3 of 3

FROM:

Item H - Leg Press/Hack-Squat Machine:

One (1) Weight loaded leg press, Icarian model # 601 or approved alternate with weight storage

CHANGE TO:

Item H - Leg Press Machine:

One (1) Weight loaded leg press, Icarian model # 601 or approved alternate with weight storage

On the original opening date, any bids received will remain unopened and will be held until the new opening date. If your company has already submitted a bid document and the specification change results in a change to your company's bid price, please submit a new bid proposal marked **REVISED.** Another bid document may be downloaded from the MITN e-procurement website.

If we do not receive a **REVISED** bid document, the original document will be opened and read. Conversely, if your bid has already been sent and you choose to submit a **REVISED** bid document, the revision will supersede the original bid document.

CLEARLY MARK ENVELOPES ITB-COT 04-41, FITNESS EQUIPMENT - REVISED ON THE LOWER LEFT-HAND CORNER (if your company submits a revised document).

Amendment / Addendum 1
ITB– COT 04-41
Physical Fitness Equipment

I, the undersigned Bidder, have read this addendum and have integrated the changes into the specifications for ITB-COT 04-41, Physical Fitness Equipment. All other items in the original proposal document remain the same. This addendum should be attached to the top of the proposal packet at the time of submission on or before ***Thursday, November 18, 2004*, at 10:00 a.m., ET, in the Office of the City Clerk.**

COMPANY: All-Pro Exercise

NAME OF REPRESENTATIVE: Donald R King
(Print)

SIGNATURE OF AUTHORIZED REPRESENTATIVE: Donald R King

ADDRESS: 24166 Haggerty Rd
Farmington Hills, MI.
48335

DATE:

Downloading History for ITB-cot 04-41FitnessEqmt

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 **12/13/2004.**

Document Title:	Physical Fitness Equipment for Police & Community Center
Date Issued:	10/20/2004
Close Date:	11/18/2004
Date Amendment #1 was Issued:	11/9/2004

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
13998	ABM Janitorial Services	Free	11/2/2004	
16603	Ad-Tech Agency Inc.	E-mail		
15120	All-Pro Exercise, Inc.	Fax	10/21/2004	#1 11/9/2004
16743	American Playground Corp.	Free	11/9/2004	
13031	Anaconda Sports	E-mail	10/20/2004	
10481	Angers Equipment Company, Inc	E-mail	10/21/2004	
12765	Aress Corporation	E-mail	10/22/2004	
19065	BEC International	Free	11/2/2004	
10988	Bill Fritz Sports Corporation	Free	10/20/2004	
19172	C-Mark Services, Inc.	Free	11/2/2004	
12704	Cannon Sports Inc.	E-mail	11/13/2004	
17830	CI Apparel	Free	11/8/2004	
14715	Ebon Group LLC	E-mail		
12616	Exercise Warehouse, Inc	Free	11/11/2004	#1 11/9/2004
19102	Fit Equip Commercial	Free	10/26/2004	
12053	Fitness Things, Inc.	E-mail	11/4/2004	#1 11/15/2004
14017	Flaghouse	Free	11/3/2004	
11536	Good Sport	E-mail	11/9/2004	
11071	Hamilton Uniforms	E-mail		
11766	HES STALLINGS-JULIEN SALES &	E-mail	11/9/2004	

	SERVICE			
13808	Hoyle Athletic Supply, Inc.	E-mail	10/20/2004	
15538	Joe A. Copperstone, Co. Inc	E-mail		
15113	KLM Bike & Fitness, Inc.	E-mail	11/14/2004	#1 11/14/2004
19124	Lifefitness, Inc.	Free	10/29/2004	
18155	Majestic Sales	E-mail	10/20/2004	
18911	McNish Sporting Goods & Trophies, Inc.	E-mail		
10194	Net Connection, Inc.	E-mail		
18093	Noramco USA	E-mail	10/20/2004	
11936	Northside True Value Hardware	Fax		#1 11/9/2004
11373	Play Mart Inc.	E-mail		
16120	PlaySmart Recreational Construction Inc.	Free	10/21/2004	
10970	ProMaxima MFG., LTD	E-mail	10/21/2004	
17958	Rainbow Sports & Trophies	E-mail	10/20/2004	
10972	School Specialty Inc. (Acct. 1of8)	E-mail	11/10/2004	
16758	ShayLeslie Corp DBA Gaffey &Associates	E-mail		
15696	Sourcelinq LLC	Free	11/10/2004	#1 11/10/2004
13340	SPECIAL EVENTS PARTY RENTAL	Free	10/27/2004	
15260	Sportable Scoreboards	E-mail		
17718	Team Sports Inc.	E-mail	10/20/2004	
17813	The Emption Group	E-mail		
19107	True Fitness	Free	10/27/2004	
12658	Tuff Stuff aka Task Industries	E-mail		#1 11/10/2004
16682	V.T.L., Inc. d/b/a Tumbl Trak	E-mail		
18767	Wate-Man Fitness Equipment, Inc.	Free	10/20/2004	

Return to Main Menu Return to Report Menu

December 22, 2004

E-05

To: John Szerlag, City Manager

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

Subject: **Agenda Item** – Standard Purchasing Resolution 2 – Bid Award: Lowest Bidder Meeting Specifications – Bare Root Street Trees - Installed

RECOMMENDATION

On December 7, 2004, sealed bid proposals were opened to furnish and install bare root street trees in residential Right-of-Ways. After reviewing these proposals, City management recommends awarding the contract to the low bidder meeting specifications, Marine City Nursery of Marine City, MI, for an estimated total cost of $410,000.00, at the unit price indicated on the attached bid tabulation.

In addition, staff is requesting authorization to purchase an additional 900 trees from the second vendor, SS Seeding, Inc. at a cost of $100.00 per tree installation for an estimated total cost of $90,000.00. $500,000.00 remains of the $2 million budgeted for the tree replacement program, and many trees are needed to replace the thousands of ash trees removed. A contract with SS Seeding, Inc. is needed to provide the additional 900 trees from the two tree types they have available. The contracts will commence on the date of award and expire June 1, 2005.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

The original bid was written to furnish and install 2500 bare root trees late winter/ early spring by the contractor. All trees are to be installed between the sidewalk and curb in front of Troy homes. Quantity stated was estimated and could be increased or decreased depending upon bid prices.

SS Seeding, Inc. could not be awarded the original contract because they did not meet specifications due to their inability to provide the required nine different tree types. Because of a lack of buying power, SS Seeding can only provide two tree types. Management desires to avoid planting a monoculture when doing tree replacement. By increasing the diversity of tree types in the City's forests, it is hoped we can minimize the effects caused by the next imported bug or disease.

BUDGET

Funds for these materials will be available through the Parks and Recreation – Subdivision Improvements Account # 401780.7974.130

64 Vendors Notified on MITN System
2 Bid Responses Rec'd
3 No Bids: (1) Company could not be competitive.
(1) Company not interested at this time.
(1) Company did not bid due to the availability of trees.
1 Late Bid

Prepared by: Ron Hynd, Landscape Analyst

Opening Date -- 12-7-04
Date Prepared -- 12/16/04

CITY OF TROY
BID TABULATION
STREET TREES

ITB-COT 04-50

VENDOR NAME:		* MARINE CITY NURSERY CO	SS SEEDING INC	
CHECK #:		467 5664029	100375029-0	
CHECK AMOUNT:		$ 5,000.00	$ 5,000.00	
PROPOSAL: To Provide and Install for the City of Troy an Estimated 2500 Bare Root Street Trees In Accordance with the Specifications				
PRICE PER TREE INSTALLATION		**$ 164.00**	$ 100.00	
ESTIMATED TOTAL COST FOR 2500 TREES *		**$ 410,000.00**	DMS	
CONTACT INFORMATION	HRS OF OPER.	7:30-5PM	7:30-5:30	
	PHONE NO.	(810)560-9099	(248)640-2514	
LIST OF NINE TREE TYPES	Y or N	YES	YES	
	How many listed:	NINE	NINE	
STATEMENT OF GUARANTEE	Y or N	BLANK	CITY GUARANTEE YES	
INSURANCE	We can meet	XX	XX	
	We cannot meet			
DELIVERY		PER SPECS	BLANK	
TERMS		NET 30 DAYS	STANDARD	
WARRANTY		PER SPECS	AS REQUIRED	
EXCEPTIONS		BLANK	N/A	
ACKNOWLEDGEMENT:	Y or N	YES	YES	

DMS:
SS Seeding, Inc. ($250,000.00) Reason: Vendor can only supply two of the nine tree types required under the specifications. However, the City will purchase 900 trees from the two tree species available for a grand total of 3400 trees.

NO BIDS:
B&L Landscaping
Mueller's Sunrise Nursery
Sherman Nursery Farms

*** DENOTES LOWEST ACCEPTABLE BIDDER**

ATTEST:
Charlene McComb
Ron Hynd
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:ITB-COT 04-50 STREET TREES INSTALLED

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-50StreetTrees

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 **12/16/2004.**

Document Title:	Provide and Install Bare Root Street Trees - Spring 2005
Date Issued:	11/10/2004
Close Date:	12/7/2004
Date Amendment #1 was Issued:	11/10/2004

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
12306	Advanced Services Lawn and Landscape	E-mail	11/11/2004	
13986	Advanced Tree Care, Inc.	E-mail	11/16/2004	#1 11/16/2004
19261	ADVANCEDPOWERWASH PLUS INC.	E-mail	12/2/2004	#1 12/2/2004
16914	Angela Niswander	E-mail		
19405	Anzell Associates, Inc.	Free	11/22/2004	
16443	Auburn Oaks Inc.	Fax		#1 11/10/2004
12114	B & B Lawn Service	Fax	12/2/2004	
10927	B & L Landscaping	Fax	12/1/2004	#1 11/11/2004
11631	Bowman Construction LLC	Free	11/10/2004	#1 12/6/2004
13895	Cal Fleming Landscaping and Tree Service, Inc.	Free	11/17/2004	#1 11/17/2004
12856	CCH Incorporated	Free	11/10/2004	
16702	Christensen's Plant Center	E-mail	11/18/2004	
14219	COTTAGE GARDENS	Free	11/15/2004	
16174	Croswell Greenhouse	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		
17560	D1 Services	Free	11/23/2004	#1 11/23/2004
13468	DESIGN GROUP	Free		#1 11/11/2004
16488	Discount Tree Sales and Transplanting	Free	11/22/2004	
10657	Envision Enterprises	E-mail		
13905				

	Excell Landscaping	Free	11/10/2004	#1 11/23/2004
10938	Great Lakes Landscaping & Construction Inc.	Fax		#1 11/10/2004
19350	James J. Leamon Landscape Design and Construction	E-mail	12/6/2004	#1 11/16/2004
14945	John Deere Landscapes	E-mail	12/1/2004	#1 12/1/2004
15760	K & K Construction and Landscapin g LLC	E-mail		
10704	Kappen Tree Service, LLC	E-mail		
19573	Kingsway Landscaping	Fax	12/7/2004	#1 12/7/2004
16835	Kirtland Landscape Inc.	E-mail		
18579	LMW Constructors, LLC	E-mail	11/11/2004	
11900	MARINE CITY NURSERY CO	Fax	11/15/2004	#1 12/6/2004
17093	MCI Aquatic Management Co.	Free	12/1/2004	#1 12/1/2004
14030	Michigan Turf Inc	Free	11/15/2004	#1 11/15/2004
11639	Mike's Tree Surgeons, Inc.	E-mail		
14001	Mueller's sunrise Nursery, Inc.	Free	11/15/2004	#1 11/15/2004
14957	neighborhood tree and landscape	Free	12/2/2004	#1 12/6/2004
11936	Northside True Value Hardware	Fax		#1 11/10/2004
15680	nutri-turf lawn and tree service	Fax		#1 11/10/2004
10203	Owen Tree Service, Inc.	E-mail		
18539	Oxford Ornamentals Nursery,inc.	Fax		#1 11/10/2004
10061	Parks Landscaping & Snow Service	E-mail	11/10/2004	#1 11/10/2004
15672	Perfect Irrigation & Landscape	E-mail		
16949	Perfections Complete Outdoor Maintenance	Free	11/24/2004	
16071	Pro Commercial Services, Inc.	E-mail	11/12/2004	
10449	Pro Mow Lawn Services	E-mail		
10116	Rasch's Landscape Express, LLC	E-mail		
16449	RAY WIEGAND'S NURSERY, INC	E-mail		
18212	Rico Landscaping	Fax		#1 11/10/2004
10401	Rumptz Landscape & Design	E-mail	12/5/2004	
19544	S.S. Seeding, Inc.	Free	12/7/2004	#1 12/6/2004
15826	Selene Systems Incorporated	Free	11/28/2004	
16190	shades of green	Fax		#1 11/10/2004
14349	Shemin Nurseries, Inc.	Free	11/30/2004	#1 11/30/2004
12936	SHERMAN NURSERY FARMS	E-mail	11/10/2004	#1 11/11/2004
12565	snows nursery	E-mail	11/16/2004	#1 11/16/2004
19191	Soulliere Yard Care and Landscaping	Free	11/14/2004	#1 11/14/2004
13914	Steele's Service's LLC	E-mail		
13975	The Davey Co.	Free	12/3/2004	#1 12/3/2004
13915	Tom's Landscaping & Nursery, Inc.	Fax	11/15/2004	#1 11/10/2004
13480	Tri-County Tree Expert Co., Inc.	E-mail		
16126	ULTRA Professional Outdoor Services	Free	11/12/2004	#1 11/12/2004
13921	WALKER LANDSCAPING, INC.	E-mail		

14338	Washtenaw Inc., Maintenance Services	E-mail	12/2/2004	#1 12/9/2004
15979	Wayne Oakland Washtenaw Contracting, Inc.	Free	11/30/2004	
11671	Westin Engineering, Inc.	Free	12/6/2004	
17135	Wildtype	Free	11/16/2004	

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December 16, 2004

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 Agreement – Fleet Vehicles

RECOMMENDATION

City management recommends approval and authorization to purchase eight (8) fleet vehicles through an Oakland County Cooperative Purchasing Agreement from Buff Whelan Chevrolet at an estimated total cost of $121,540.00.

The equipment will replace vehicles due to come out of service from the Parks and Public Works Departments.

	ITEM	BUDGET	UNIT COST	TOTAL
BUFF WHELAN CHEVROLET				
1 Chevrolet 4X2 Pick-Up Crew Cab	A-7	$22,500.00	$19,882.61	$19,882.61
5 GMC ½ ton Pick-Up 4X2	A-8	$80,000.00	$11,916.06	$59,580.30
2 Chevrolet 4X4 Pick-Up W/Plow	A-9	$46,000.00	$21,038.31	$42,076.62
TOTAL		**$148,500.00**		**$121,539.53**

If you have any questions regarding this recommendation, please feel free to call me at your convenience.

BUDGET

Funds are available from the Vehicle Motor Pool Capital Account 565.7981.

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

December 16, 2004

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: Macomb County Cooperative Purchasing Agreement —Fleet Vehicles

RECOMMENDATION

City management recommends approval and authorization to purchase ten (10) fleet vehicles through a Macomb County Cooperative Purchasing Agreement from Signature Ford, L-M Jeep Eagle at an estimated total cost of $208,324.00.

The equipment will replace vehicles due to come out of service from the Police and Fire Departments, and are as follows:

	ITEM	BUDGET	UNIT COST	TOTAL
SIGNATURE FORD, L-M JEEP EAGLE				
2 Ford Crown Victoria 4-Door Sedan Solid Color(Police)	A-1	$46,000.00	$19,964.00	$39,928.00
7 Ford Crown Victoria 4-Door Blue & White (Police)	A-1	$161,000.00	$20,352.80	$142,469.60
1 Ford Explorer XLT 4X4 (Fire)	A-4	$28,000.00	$25,926.00	$25,926.00
TOTAL		**$235,000.00**		**$208,323.60**

If you have any questions regarding this recommendation, please feel free to call me at your convenience.

BUDGET

Funds are available from the Vehicle Motor Pool Capital Account 565.7981.

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

December 29, 2004

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Glock .40 Caliber Handguns

RECOMMENDATION

On December 22, 2004, bids were opened for the purchase/trade-in of Glock Handguns for the Troy Police Department. City management recommends a contract be awarded to the low bidder, Vance Outdoors, Inc. dba/Vance's Law Enforcement of Columbus, OH for an estimated net total cost of $27,975.00, at unit prices contained in the attached bid tabulation.

SUMMARY

The Troy Police Department is in the process of replacing its current inventory of Glock 9mm handguns. Most of these handguns are upwards of seventeen (17) years of age and are in need of replacement. The Glock .40 caliber was chosen as the replacement handgun. This change was based on the fact that the .40 caliber is the most common American Law Enforcement weapon, the benchmark standard of which police handguns are judged, taking over the 9mm market during the past ten (10) years.

BUDGET

Funds are available for this purchase in the 2004/05 capital budget from the Troy Police Department Drug Enforcement Account, #401305.7978.065.

38 Vendors Notified on the MITN System
3 Bid Responses Rec'd

Prepared by: Sergeant Michael Bjork, Training Section Supervisor

Opening Date -- 12/22/04
Date Prepared -- 12/29/04

CITY OF TROY
BID TABULATION
HANDGUNS

PROPOSAL: To Purchase Glock Handguns for the City of Troy Police Department less Trade-Ins per Specifications

ITEM	EST QTY	DESCRIPTION		UNIT PRICE	UNIT PRICE	UNIT PRICE	
		VENDOR NAME:	*	**VANCE OUTDOORS, INC DBA/VANCE'S LAW ENFORCEMENT**	CMP DISTRIBUTORS INC	MICHIGAN POLICE EQUIPMENT	
1.	144	Glock Handgun - Model 22 Trijicon Night sight installed		**$ 429.00**	$ 429.00	$ 429.00	
2.	49	Glock Handgun - Model 23 Trijicon Night sight installed		**$ 429.00**	$ 429.00	$ 429.00	
3.	47	Glock Handgun - Model 27 Trijicon Night sight installed		**$ 429.00**	$ 429.00	$ 429.00	
		TOTAL COST OF HANDGUNS:		**$ 102,960.00**	$ 102,960.00	$ 102,960.00	
		(LESS) TRADE - INS:					
A)	139	Glock Handgun - Model 17		**$ (312.00)**	$ (296.00)	$ (280.00)	
B)	49	Glock Handgun - Model 19		**$ (312.00)**	$ (296.00)	$ (280.00)	
C)	47	Glock Handgun - Model 26		**$ (312.00)**	$ (296.00)	$ (300.00)	
D)	5	Glock Target Pistols - Model 17L		**$ (333.00)**	$ (325.00)	$ (230.00)	
		TOTAL TRADE-IN ALLOWANCE:		**$ (74,985.00)**	$ (71,185.00)	$ (67,890.00)	
		NET TOTAL COST:	*	**$ 27,975.00**	$ 31,775.00	$ 35,070.00	
		CONTACT INFORMATION	HRS OF OPER.	10-6/T-F10-8	M-F 9-5PM	8:30-5PM	
			PHONE NO.	(614)327-7350	(517)974-4276	(313)610-9903	
		ADDITIONAL ORDERS:	TIME PERIOD	2005 CALENDAR YEAR	UNTIL 7/30/05	ONE YEAR FROM DATE OF ORIGINAL ORDER	
		DEALER FIREARM LICENSE NUMBER		431049015J00677	438163017H31291	438045017B22789	
		TERMS		NET 30 DAYS	NET 30	NET 30 DAYS	
		DELIVERY		30-60 DAYS ARO	30-45 DAYS ARO	45-60 DAYS	
		WARRANTY		LIMITED LIFETIME	MANUFACTURERS	2 YRS FROM DATE OF MANUFACTURER	
		EXCEPTIONS		GLOCK 27 IS NOT OFFERED WITH A FINGER GROOVE RAIL FRAME BY GLOCK	BLANK	NONE	
		ACKNOWLEDGEMENT:	Y or N	YES	YES	YES	
		ADDENDUM 1:	Y or N	YES	YES	YES	

ATTEST:
Michael Bjork
Cheryl Morrell
Michael Lyczkowski
Linda Bockstanz

*** DENOTES LOW BIDDER**

Jeanette Bennett
Purchasing Director

G:ITB-COT 04-46 Handguns w/trade-In

Downloading History for ITB-COT 04-46 Handguns

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 **12/29/2004.**

Document Title:	Glock Handguns for the Troy Police Department less Trade Ins
Date Issued:	12/2/2004
Close Date:	12/22/2004
Date Amendment #1 was Issued:	12/14/2004

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
13440	Advance Glove & Safety Co., Inc.	E-mail		
19492	Advantage Police Supply	Free	12/7/2004	
12399	Alert Emergency Equipment Group, Inc	E-mail		
12040	Argus Supply Company	E-mail		
10497	ATD-AMERICAN CO	E-mail		
13425	Cats Company	E-mail		#1 12/21/2004
14650	cmp distibutors inc.	Free	12/15/2004	#1 12/21/2004
18048	Davidson's	E-mail		
19583	EMA, Inc.	Free	12/14/2004	
13037	Galls Incorporated	E-mail		
19677	GLOCK, Inc.	E-mail	12/16/2004	
15640	GT Distributors	E-mail		
11071	Hamilton Uniforms	E-mail		
19572	Hotline Electric Inc	Free	12/6/2004	
18804	In The Zone Communications Company	E-mail	12/16/2004	
16695	John Gould Firearms & Collectables LLC	E-mail	12/3/2004	
16544	Laser Devices, Inc.	E-mail		
19149	Metro Building Services	Free	12/8/2004	
10172	Metropolitan Uniform	E-mail		
14496				

	Michigan Police Equipment Co.	E-mail	12/14/2004	#1 12/16/2004
11297	NBC TRUCK EQUIPMENT	Free	12/3/2004	
12190	New York Police Supply Inc.	E-mail		
19501	Novak Engineering, Inc.	E-mail	12/13/2004	
13312	Public Safety Communications, LLC	E-mail		
15345	Safety Systems Corporation	E-mail		
16769	SHAHEEN CHEVROLET	Free	12/3/2004	
13340	SPECIAL EVENTS PARTY RENTAL	Free	12/10/2004	
16233	Sterling Fire and Rescue Corp, DBA Michigan First	E-mail		
10748	Streicher's (Corporate)	E-mail		
14974	Superior Environmental Corp.	E-mail	12/16/2004	
13689	Surefire	E-mail		
12774	T-Mobile	E-mail	12/16/2004	
19281	The ASU Group	Free	12/8/2004	
11127	U.S. Cavalry, Inc.	E-mail		
19042	Vance Outdoors, Inc.	Free		#1 12/16/2004
18735	Vance's Law Enforcement	Free	12/3/2004	
11743	W. T. BERESFORD CO.	E-mail	12/17/2004	
19564	Weber Security Group, Inc.	E-mail	12/4/2004	

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January 4, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director

RE: AGENDA ITEM – REQUEST FOR APPROVAL OF PURCHASE AGREEMENT, ROXANN L. KLEE – 2895 CLAYTON
SIDWELL #88-20-25-226-001 – PROJECT NO. 01.105.5
BIG BEAVER ROAD IMPROVEMENTS, ROCHESTER TO DEQUINDRE

As part of the proposed Big Beaver Road Widening Project – Rochester to Dequindre, the Real Estate & Development Department has reached an agreement with Roxann L. Klee to purchase right-of-way from her property at 2895 Clayton.

Based on an appraisal prepared by R.S. Thomas & Associates, Inc., and reviewed by Kimberly Harper, Deputy Assessor, staff believes that $22,200, the compensation agreed upon, is a justifiable value for this acquisition. The property is zoned R-1E and the compensation is for 1,619 square feet of land, plus extensive landscape improvements, shed relocation, sprinkler system, and damages to the remainder.

Please note Condition #10 of the attached agreement which includes the reimbursement to the property owner of $2,182 for the relocation of part of her fence and the purchase of additional panels and a gate to separate her property from the property to the east. As part of this project the homes immediately to the east will be demolished and the vacant area landscaped.

In order for the City to proceed with the proposed project, staff requests that City Council approve the attached Purchase Agreement with Roxann L. Klee in the total amount of $24,382. Funds will come from the Big Beaver Road – Rochester to Dequindre project.

Prepared by: Patricia A. Petitto, Senior Right of Way Representative

Sidwell #88-20-25-226-001

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Roxann L. Klee, survivor of herself and Francis C. Klee, her deceased husband, whose death certificate is attached (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Twenty-Two Thousand, Two Hundred and no/100 Dollars ($22,200.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.

2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.

3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.

4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.

5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.

6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.

7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.

8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

10. Additional conditions, if any: The City of Troy also agrees to reimburse the property owner $2,182 for the relocation of part of her fence and the purchase of additional panels and a gate.

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this day of , A.D. 20 .

In presence of:

Philip J. MacGowan

Philip J. MacGowan

Alfred J Baskangy

CITY OF TROY (BUYER)

Patricia A. Petitto

SELLER:

Roxann L. Klee

Roxann L. Klee, survivor of herself and Francis C. Klee, her deceased husband, whose death certificate is attached

LF 2004-0050

CF

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
CERTIFICATE OF DEATH

STATE FILE NUMBER 2476001

DECEDENT

1. DECEDENT'S NAME (First, Middle, Last): Francis Cornelious Klee
2. DATE OF BIRTH (Month, Day, Year): February 8, 1933
3. SEX: Male
4. DATE OF DEATH (Month, Day, Year): January 19, 2004
5. NAME AT BIRTH OR OTHER NAME USED FOR PERSONAL BUSINESS (Include AKA's if any):
6a. AGE - Last Birthday (Years): 70
6b. UNDER 1 YEAR: MONTHS / DAYS
6c. UNDER 1 DAY: HOURS / MINUTES
7a. LOCATION OF DEATH (Enter place officially pronounced dead in 7a, 7b, 7c) HOSPITAL OR OTHER INSTITUTION - NAME (If not in either, give street and number and zip code): William Beaumont Hospital
7b. CITY, VILLAGE, OR TOWNSHIP OF DEATH: Troy
7c. COUNTY OF DEATH: Oakland
8a. CURRENT RESIDENCE - STATE: Michigan
8b. COUNTY: Oakland
8c. LOCALITY (check the box that describes the location): [X] CITY OR VILLAGE (Inside limits of) Troy [ ] TOWNSHIP [ ] UNINCORPORATED PLACE
8d. STREET AND NUMBER (Include Apt. No. if applicable): 2895 Clayton Dr.
8e. ZIP CODE: 48083
9. BIRTHPLACE (City and State or Country): Port Austin, Michigan
10. SOCIAL SECURITY NUMBER: [redacted]
11. DECEDENT'S EDUCATION - What is the highest degree or level of school completed at the time of death? 10
12. RACE - American Indian, White, Black, etc. (If Asian, give nationality, i.e. Chinese, Filipino, Asian Indian, etc.) (Enter all that apply): White
13a. ANCESTRY - Mexican, Cuban, Arab, African, English, French, Dutch, etc. (Enter all that apply) If American Indian race, enter principal tribe: German
13b. HISPANIC ORIGIN (Yes or No): No
14. WAS DECEDENT EVER IN THE U.S. ARMED FORCES? (yes or no): Yes
15. USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.): Electrician
16. KIND OF BUSINESS OR INDUSTRY: Construction
17. MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify): Married
18. NAME OF SURVIVING SPOUSE (If wife, give name before first married): Roxann Gregg

NAME OF DECEDENT
For use by physician or institution

PARENTS

19. FATHER'S NAME (First, Middle, Last): Joseph Klee
20. MOTHER'S NAME BEFORE FIRST MARRIED (First, Middle, Last): Bulah Yingling

INFORMANT

21a. INFORMANT'S NAME (Type/Print): Roxann Klee
21b. RELATIONSHIP TO DECEDENT: Wife
21c. MAILING ADDRESS (Street and Number or Rural Route Number, City or Village, State, Zip Code): 2895 Clayton Dr. Troy, Michigan 48083

DISPOSITION

22. METHOD OF DISPOSITION (Burial, Cremation, Entombment, Donation, Removal, Storage (Specify)): Burial
23a. PLACE OF DISPOSITION (Name of Cemetery, Crematory, or other location): White Chapel Cemetery
23b. LOCATION - City or Village, State: Troy, Michigan
24. SIGNATURE OF MORTUARY SCIENCE LICENSEE: [signature]
25. LICENSE NUMBER (of Licensee): 6554
26. NAME AND ADDRESS OF FUNERAL FACILITY: Wujek-Calcaterra & Sons, Inc. 36900 Schoenherr Rd. Sterling Heights, MI 48312

CERTIFICATION

27a. CERTIFIER (Check only one):
[X] Certifying Physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated.
[ ] Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.

Signature and Title: Latha Chandy Thatai, MD

28a. ACTUAL OR PRESUMED TIME OF DEATH: 10:35 P M
28b. PRONOUNCED DEAD ON (Mo. Day Yr.): January 19, 2004
28c. TIME PRONOUNCED DEAD: 10:35 P M
29. MEDICAL EXAMINER CONTACTED? (Yes or No): No
30. PLACE OF DEATH (Home, Hospice, Nursing Home, Hospital, Ambulance) (Specify): Hospital
31. IF HOSPITAL, Inpatient, Outpatient, Emergency Room, DOA (Specify): Inpatient
27b. DATE SIGNED (Mo, Day, Yr.): January 23, 2004
27c. LICENSE NUMBER: 53150078 22
32. MEDICAL EXAMINER'S CASE NUMBER (If applicable):
33. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print):
34. NAME AND ADDRESS OF CERTIFYING PHYSICIAN (Type or Print): LATA. C. THATAI, MD 115, E. LONG LAKE ROAD, TROY, MI 48085
35a. REGISTRAR'S SIGNATURE: Tonni L. Bartholomew
35b. DATE FILED (Month, Day, Year): January 23, 2004

CAUSE OF DEATH

36. PART I. Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. Enter only one cause on a line.

If diabetes was an immediate, underlying or contributing cause of death be sure to record diabetes in either Part I or Part II of the cause of death section, as appropriate.

IMMEDIATE CAUSE (Final disease or condition resulting in death)

Sequentially list conditions, IF ANY, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST

		Approximate Interval Between Onset and Death
a.	Small cell lung cancer with brain metastasis	2 months
	DUE TO (OR AS A CONSEQUENCE OF)	11/25/03
b.	Herpes Simplex Enkephalitis	2 months
	DUE TO (OR AS A CONSEQUENCE OF)	
c.		
	DUE TO (OR AS A CONSEQUENCE OF)	
d.		

PART II. OTHER SIGNIFICANT CONDITIONS contributing to death but not resulting in the underlying cause given in Part I.

37. DID TOBACCO USE CONTRIBUTE TO DEATH? [ ] Yes [X] Probably [ ] No [ ] Unknown
38. IF FEMALE: [ ] Not pregnant within past year [ ] Pregnant at time of death [ ] Not pregnant, but pregnant within 42 days of death [ ] Not pregnant, but pregnant 43 days to 1 year before death [ ] Unknown if pregnant within the past year

MEDICAL EXAMINER

39. MANNER OF DEATH - Accident, Suicide, Homicide, Natural, Indeterminate or Pending (Specify): Natural
40a. WAS AN AUTOPSY PERFORMED? (Yes or No): No
40b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or No):
41a. DATE OF INJURY (Mo., Day, Yr.):
41b. TIME OF INJURY: M
41c. DESCRIBE HOW INJURY OCCURRED:
41d. INJURY AT WORK (Yes or No):
41e. PLACE OF INJURY - At home, farm, street, construction site, wooded area, etc. (Specify):
41f. IF TRANSPORTATION INJURY - Driver/Operator, Passenger, Pedestrian, etc. (Specify):
41g. LOCATION - Street or RFD No. City, Village or Twp. State:

DCH-0483 10/03

STATE OF MICHIGAN)
COUNTY OF OAKLAND) §

I, Tonni L. Bartholomew, Clerk of the City of Troy, Oakland County, Michigan, do hereby certify that the foregoing is a true copy of the record now remaining in my office

Tonni L. Bartholomew
Tonni L. Bartholomew, City Clerk
City of Troy, Michigan

This copy is not valid unless displaying embossed seal and registrar signature.
WARNING! It is illegal to duplicate this copy by Photostat or photograph. VALID ONLY WITH IMPRESSED SEAL.

Exhibit "A"

Wednesday, May 19, 2004

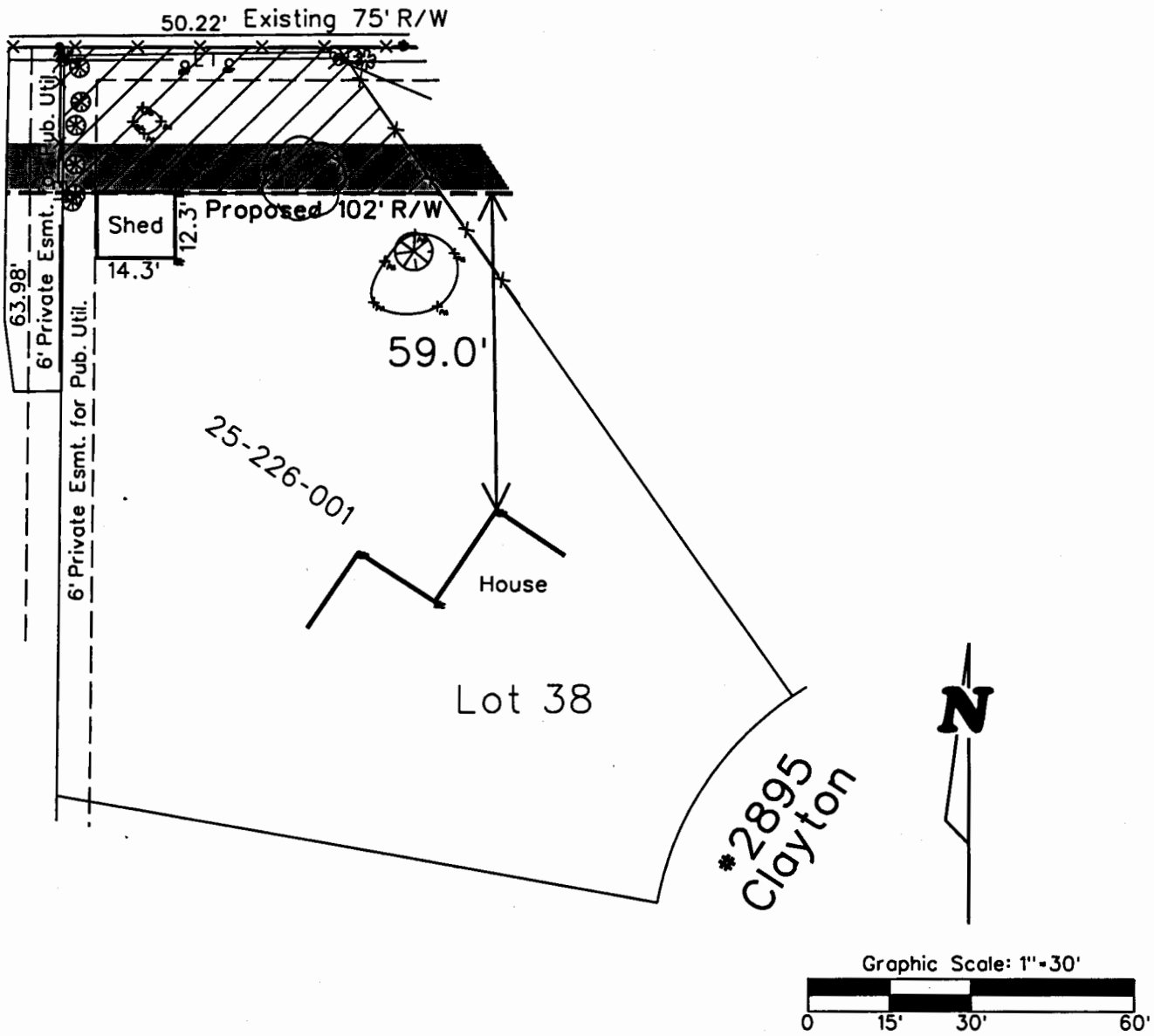
Section 25, Big Beaver Widening Project
Parcel: 88-20-25-226-001
Owner: Francis C. Klee and Roxann L. Klee
Parcel #3

Parent Parcel Description (Title Commitment #63-510793)

Situated in the City of Troy, Oakland County, Michigan, described as:
Lot 38, Yorkshire Subdivision, according to the plat thereof as recorded in liber 115, pages 29-30 of Plats, Oakland County Records.

Proposed Right of Way Acquisition

Situated in the City of Troy, Oakland County, Michigan, described as:
The North 27.00 feet of Lot 38, Yorkshire Subdivision, according to the plat thereof as recorded in liber 115, pages 29-30 of Plats, Oakland County Records. Containing 1,619 Square Feet or 0.037 Acres and being subject to all easements of record.



Parcel #3

STATE OF MICHIGAN
George J. Ballard III
SURVEYOR NO. 41090
LICENSED PROFESSIONAL SURVEYOR

Right of Way Acquisition Area=1,619 Sq.Ft.

City of Troy
"The City of Tomorrow, Today"
500 W. Big Beaver Rd.
Troy, Michigan 48084
(248) 524-3594
www.ci.troy.mi.us

*2895 Clayton
Right of Way
Acquisition Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR.	NAME GJB III	NAME	See Above
VER.	DATE 5-19-04	DATE	VIEW #1

DATE	REV.

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No.	JOB No.
1 of 1	01.105.5

January 4, 2005

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator

SUBJECT: Agenda Item – Standard Purchasing Resolution 10
Travel Authorization and Approval to Expend Funds
for Troy City Council Members' Travel Expenses -
National League of Cities (NLC) Congressional
City Conference in Washington, DC

Authorization is requested for Council Members' attendance of the NLC 2005 Annual Congressional City Conference to be held in Washington, DC from March 11-15, 2005.

Council Members may submit registrations materials to me if they wish, and I can handle registration and travel arrangements using our department's procurement card.

2005 Congressional City Conference

Lobbying for America's Cities

The Opportunity

March 2005 will mark the beginning of the 109th Congress. A new Congress will return—in a less contentious, post election environment—to complete significant unfinished business from the)8th Congress. In addition to completing the FY 2005 budget, Congress must ldress two critical programs that are set to expire within the first half of the year -reauthorization of a six-year transportation bill and welfare reform.

The President will also be asking Congress to act on his second-term gislative agenda. His proposals to make tax cuts permanent and reform social curity, combined with pressures to reduce the soaring budget deficit and ntinue to support the war in Iraq will put significant pressures on the using, public safety, homeland security, and education programs that are so nportant to cities and towns across America.

The National League of Cities Congressional City Conference, larch 11-15, 2005, will be a particularly important opportunity to present a rong and unified municipal voice in Congress, to develop and strengthen lationships with members of Congress, and to advocate the cities' osition on the must-pass transportation and welfare reauthorization bills.

As Congress begins to grapple with intense pressures to cut discretionary ograms in the FY 2006 budget, it will be imperative for local elected officials to mmunicate the local impact of essential federal programs in your communities.

The 2005 Congressional City Conference also offers local elected officials e opportunity to discuss critical legislative issues on the horizon that will have dramatic impact on state and local taxation and regulatory authority. elecommunications reform, streamline sales and use tax legislation, the ntinuing threat of an Internet tax moratorium, and issues regarding how lephone service provided over the Internet should be taxed and regulated will be ont and center in the 109th Congress. Cities must be at the table and part of the lution as Congress grapples with these far reaching regulatory and tax reforms.

Come to Washington, DC, March 11-15, 2005, to educate and advocate behalf of the 225 million people we collectively represent. The strength of e National League of Cities, as the preeminent voice in Congress for cities roughout this country, depends on thousands of local officials—including each you—coming together to speak with a loud, clear, and unified voice on a ared set of priorities.

There is much at stake for cities in the 109th Congress. Join with your lleagues to demand a renewed federal-local partnership to address the issues itical to cities and towns across America.

The Action Plan

Saturday, March 12

City officials gather at the Hilton Washington for **leadership meetings, policy discussions, and legislative briefings** to learn about current federal issues and priorities for America's cities and towns.

Sunday, March 13

NLC's leaders and general session speakers set the stage for the action to come by outlining the opportunities and challenges for political action and building capacity to make a difference on key federal issues.

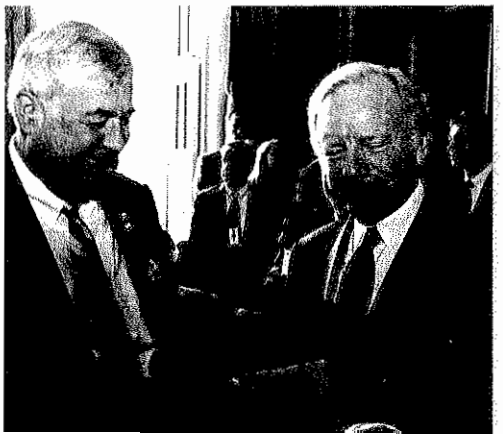
Monday, March 14

President Bush and Congressional and administrative leaders are invited to discuss their priorities and reactions to the National League of Cities agenda. The program will wrap up with a **closing general session to review the agenda and confirm plans for City Lobby Day.**

Tuesday, March 15

Buses take all conference delegates to the Capitol for **strategic meetings with Congressional leaders** to talk about NLC's priorities for federal action and expectations of Congress and the Administration.

Be part of the national voice of America's cities 2005



Preliminary Schedule

The conference will provide a range of education, networking, and strategy sessions to maximize the value of this event for city officials. This preliminary schedule provides an outline of major events during the conference to help delegates make travel plans.

Friday, March 11

9:00 a.m. – 5:00 p.m.	Leadership Training Seminars
5:15 p.m. – 6:30 p.m.	**Orientation to the Conference for First Time Attendees**
5:30 p.m. – 7:00 p.m.	Constituency and Special Group Meetings

Saturday, March 12

9:00 a.m. – 5:00 p.m.	NLC Board of Directors Meeting
	NLC Advisory Council Meeting
	Leadership Training Seminars
9:00 a.m. – 12:30 p.m.	**Policy and Advocacy Committee Meetings**
	Energy, Environment and Natural Resources (EENR)
	Finance, Administration, and Intergovernmental Relations (FAIR)
	Human Development (HD)
1:30 p.m. –5:00 p.m.	**Policy and Advocacy Committee Meetings**
	Community and Economic Development (CED)
	Information Technology and Communications (ITC)
	Public Safety and Crime Prevention (PSCP)
	Transportation Infrastructure and Services (TIS)
5:15 p.m. - 7:00 p.m.	Constituency and Special Group Meetings

Sunday, March 13

7:30 a.m. -9:00 a.m.	**Steering Committee Work Sessions**
	Energy, Environment and Natural Resources (EENR)
	Finance, Administration, and Intergovernmental Relations (FAIR)
	Human Development (HD)
8:45 a.m. - 10:15 a.m.	Celebrate Diversity Breakfast
10:30 a.m. - Noon	**Opening General Session**
Noon - 1:30 p.m.	Roundtable Networking and Lunch
Noon - 1:30 p.m.	**Steering Committee Work Sessions**
	Community and Economic Development (CED)
	Information Technology and Communications (ITC)
	Public Safety and Crime Prevention (PSCP)
	Transportation Infrastructure and Services (TIS)
1:45 p.m. - 2:45 p.m.	**General Session on Key Priorities**
3:00 p.m. - 4:15 p.m.	Workshops on Legislative Priorities
4:30 p.m. - 6:30 p.m.	State League Caucuses and Receptions
	Constituency and Special Group Meetings/Events

Monday, March 14

9:00 a.m. –11:45 a.m.	**General Session**
Noon - 1:30 p.m.	Roundtable Networking and Lunch
1:45 p.m. - 3:30 p.m.	Workshops on Legislative Priorities
4:00 p.m. – 5:00 p.m.	**Closing General Session**
5:15 p.m. – 6:30 p.m.	State League Caucuses and Receptions
6:30 p.m. – 8:00 p.m.	**Reception and The Capitol Steps**

Tuesday, March 15

9:00 a.m. – Noon	City Lobby Day on Capitol Hill

Visit the NLC website at www.nlc.org and read ***Nation's Cities Weekly*** for updates on specific program plans.

Special Events

Sunday, March 13

Celebrate Diversity Breakfast

8:45 a.m. – 10:15 a.m.

Fee: $40 ($50 on site)

The 19th annual Celebrate Diversity Breakfast will feature a keynote speaker who will provide a perspectiv on "diversity" issues facing America's cities and towns. The breakfast is sponsored by five NLC constituency groups.

Monday, March 14

The Capitol Steps

7:00 p.m. – 8:00 p.m.

The Capitol Steps will perform on Monday as part of a conference wrap up to energize the delegates for City Lobby Day on Tuesday morning. This troupe of Congressional employees provides bi-partisan fun for everyone.

Dates to Remember

February 6, 2005 **Deadline for advance registratior and housing requests.** All requests must be post-marked by this date. After this date, all delegates must register onsite at higher rates.

February 6, 2005 **Deadline for Cancellations.** Cancellation letters must be postmarked by this date ar are subject to a $50 cancellation fee. There are no refunds for cancellations after this date.

How to Register

To register for the 2005 Congressional City Conference fill out the registration form and return it with your check, city purchase order, or credit card information t the NLC Meeting Services, **postmarked by February 6, 2005 or register online at www.nlc.org.**

★ Each delegate, guest, speaker, member of the press, and any other conference participant must register. There is a $75 youth delegates fee. There is no char for press registrations with proper press credentials.

★ No telephone registrations or cancellations will be accepted.

★ Payment (check, city purchase order, or credit card) must be included with advance registrations.

★ People unable to meet the February 6 deadline will have to register onsite at the meeting and make their own hotel reservations.

Refunds will be made for cancellations received by February 6, 2005, subject to a $50 cancellation charge. Cancellation letters must be postmarked by this date. No telephone cancellations will be accepted. No partia refunds will be made if you decide not to attend particular functions.

Hotels

★ If you need hotel accommodations, please check the appropriate box on the registration form.

★ NLC will make a hotel reservation for you when you register for the conference.

★ Rooms will be assigned on a first come, first served basis.

★ All conference sessions will be held at the Hilton Washington Hotel.

Leadership Training Institute Seminars

Congressional City Conference March 11-12, 2005

These special institute seminars are offered to delegates for a separate registration fee. Space is limited and available on a first-come, first-served basis.

FULL-DAY SEMINARS
Friday, March 11, 2005

L01: The Six Essential Tools of Public Service
9:00 am – 5:00 pm
Registration Fee: $150
Competency: Cornerstone

Elected and appointed officials have vast duties to perform, pressures to satisfy, and desired results to attain. Is there a growing crisis in constituency confidence or a lack of trust? Successful leaders master identifiable traits while using essential tools that have proven to be effective and successful. . manage change, recognize and manage conflict; actively listen and effective in communication; effective in time management, implement a code of ethics, and make a commitment to situational leadership.
Instructor: *Dr. Eddie Holloway, President, Holloway and Associates, Hattiesburg, MS*

L02: Local Ballot Issues: Techniques for Effective Advocacy
9:00 am – 5:00 pm
Registration Fee: $150
Competency: Catalyst

Learn and understand the best practices available for municipal officials to express your opinion and use your office to fairly persuade your community about upcoming ballot initiatives. As a community leader you have both a legal right and duty to inform citizens of upcoming ballot initiatives that will have an impact on your community. Learn how to conduct an effective, legal and ethical advocacy campaign, along with the importance of adopting findings and safeguards.
Instructor: *Robert Meyers, Executive Director, Miami-Dade Ethics Commission, Miami, FL*

L03: Cause Development: Mobilizing Public/Private Partnerships
9:00 am – 5:00 pm
Registration Fee: $150
Competency: Collaborator

Public sector leaders must draw upon a wide array of public and private resources in order to achieve significant objectives. Learn to catalyze and sustain effective public/private sector partnerships, focused on top priority issues. Examine a new methodology known as 'cause development' and recognize what transforms an issue into a cause. Learn to develop a goal that is clear, achievable and capable of attracting sustained support.
Instructors: *Stephen Crowley, VP and COO, DCA, Boston, MA*
Chase Vincent, Consultant, DCA, Boston, MA

AFTERNOON SEMINARS
Friday, March 11, 2005

L04: Emerging Communities of Hope: Community and Servant Leadership
1:30 pm – 5:00 pm
Registration Fee: $95
Competency: Competent Practitioner

Servant leadership is a practical philosophy which supports people who choose to serve first, and then lead as a way of expanding service to individuals and institutions. Recognize the progression of leader and follower roles under different leadership styles. Learn how servant leadership has inspired a growing movement of people and organizations concerned with issues of service and spirit, management and leadership.
Instructor: *Dr. Sandra K. Bryant, Director, Dean and Adjunct Professor of Government in the Robertson School of Government, Regent University, Alexandria, VA*

L05: Effective Diplomacy: Taking the Lead in Resolution Building
1:30 pm – 5:00 pm
Registration Fee: $95
Competency: Collaborator

Learn, practice and incorporate a proven conflict management process into your daily life, with a focus on consistent issues for elected officials and municipal leaders. Learn how to resolve conflicts in daily life as you develop an appreciation of the conflict resolution process. Recognize the 'ladder of assumptions' and learn how conflict can be thwarted. Learn how leaders can talk across differences in ways that decrease polarization and increase mutual understanding with the option of collaborative action.
Instructor: *Hillary H. Freeman, Principal, Conflict Prevention and Resolution Services/Positive Interactions, Palo Alto, CA*

L06: Elected Officials Guide to Effective Media Relations
1:30 pm – 5:00 pm
Registration Fee: $95
Competency: Communicator

Learn how to look and sound your best when working with the media—TV, radio, and print—from message development to successful interviews. Learn how to develop easy-to-communicate messages and understand the differences for TV, radio and print. Discover how not to be misquoted and how to handle both tough interviews and sensitive issues. Engage in a mixture of training, group discussion, video taping and interaction, as you practice the best techniques for successfully working with the media.
Instructor: *Joseph M. Slye, Trainer and Media Consultant, Kalish Communications, Washington, DC*

FULL-DAY SEMINAR
Saturday, March 12, 2005

L07: Translating Governance and Policy Direction into Enhanced Citizen Relations
9:00 am – 5:00 pm
Registration Fee: $150
Competency: Competent Practitioner

Local municipal leaders are responsible for governance and policy direction in the delivery of public services. Develop a framework that will enable you to govern and create policy. Learn the method to ensure that the governance and policy direction you establish cascades through the various layers of municipal government. Ensure that the policy you create is effectively implemented. Learn, practice, and develop an action plan to implement a model of leadership to enhance citizen relations and improve service delivery.
Instructor: *David Geisler, President, Next Level Learning Systems, Riverdale, IA*

MORNING SEMINARS
Saturday, March 12, 2005

L08: Leading a Great Meeting with Effective Parliamentary Procedure
9:00 am – Noon
Registration Fee: $95
Competency: Cornerstone

Recognize the mechanics of leading a great meeting. Learn how to handle both the basic and essential parliamentary processes to handling motions, amendments, taking votes and handling debate. Engage in the opportunity to exercise judgment in posed difficult situations to craft solutions based on the principles that have governed the democratic process. Discover the tools to be more confident in your ability to engage, as well as lead a great meeting.
Instructor: *Colette Collier Tobin, Parliamentarian and Trainer, Silver Spring, MD*

L09: Strengthening Partnerships with Citizen Boards and Commissions
9:00 am – Noon
Registration Fee: $95
Competency: Collaborator

Enlisting citizens to participate in city government decision making through appointed boards and commissions has compelling appeal to our democratic values. Learn the affirmative policies and practices necessary to maximize citizen boards' contributions to city government and the community it serves. Discover how citizen boards can become indispensable to the affairs of the city. Learn strategies that will increase the likelihood that citizens will realize a sense of civic satisfaction as the result of their volunteer contributions.
Instructor: *Marla Flentje, President, Flentje and Associates, Wichita, KS*

L10: Visionary Leaders Blaze a New Trail for Change
9:00 am – Noon
Registration Fee: $95
Competency: Catalyst

We instantly recognize people with vision because they are not afraid to share their hopes, their dreams, and their longings. Engage in a dynamic program that will help you to create a compelling vision and lead the 'people side' of change. Learn and examine best practices for creating new initiatives in your community. Use the proven 'tell your vision' process to unleash passionate energy as you plan a better future for your community. Become a catalyst for positive change and leading innovation.
Instructor: *Martha Lasher, Director of Training, Leadership That Works, Troy, PA*

LTI Luncheon
Saturday, March 12, 2005

Leadership Luncheon
Noon – 1:30 pm
Registration Fee: $35

Platinum, Gold, Silver, and Bronze recipients in the NLC Certificate of Achievement in Leadership program will be recognized.
Facilitators: *Leadership Training Council*

AFTERNOON SEMINARS
Saturday, March 12, 2005

L11: Give Your Best Speech Ever
1:30 pm – 5:00 pm
Registration Fee: $95
Competency: Communicator

Learn how to organize, write, and deliver strong, convincing speeches and presentations, use Power Point effectively, and handle stage fright and still be dynamic. Focus attention on key issues, develop important partnerships as you inspire, motivate and mobilize your community. Overcome nervousness and develop your energy and enthusiasm to influence and inspire. Learn how to write and deliver strong speeches and how to use audio and visual aids productively.
Instructor: *Joseph P. Slye, Trainer and Media Consultant, Kalish Communications, Washington, DC*

L12: The Diversity Institute: Building Bridges of Understanding and Appreciation
1:30 pm – 5:00 pm
Registration Fee: $95
Competency: Collaborator

Broaden your awareness of the underlying concepts that foster prejudice, bias and phobia as you are challenged to engage in a leadership role. Explore key concepts that under gird bias with proven methods of prejudice interruption. The development of bridges that link citizens, diverse cultures, and our way to life is essential to the future of America's success and stability. Learn to develop strategies that will build bridges of understanding, inclusion and appreciation of differences in the residents of your community.
Instructor: *Dr. Eddie Holloway, President, Holloway and Associates, Hattiesburg, MS*

L13: Performance Leader: Taking Responsibility for Results
1:30 pm – 5:00 pm
Registration Fee: $95
Competency: Cornerstone

Discover a simple model of what it takes to be a successful performance leader and outline actual steps to enhance your personal effectiveness as a leader. A successful performance leader requires you to be a visionary leader who has defined clear expectations for the future and establishes realistic, simple goals necessary to achieve them; a team leader who develops relationships and working partnerships; an inspirational leader who mobilizes and excites people to give their maximum effort; and a production leader who produces results through others and is responsible for the bottom line results.
Instructor: *Lyle Sunoch, President, Lyle Sunoch Associates, Inc., Heathrow, Florida*

CERTIFICATE OF ACHIEVEMENT IN LEADERSHIP

This program allows local elected officials to organize their professional development around critical skills necessary for effective leadership. The program is built around five core leadership competencies for local elected officials, with each Leadership Training Institute Seminar addressing one of the following competency areas:

(1) Cornerstone;

(2) Competent Practitioner;

(3) Communicator;

(4) Collaborator;

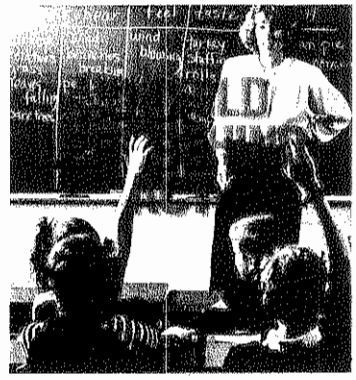
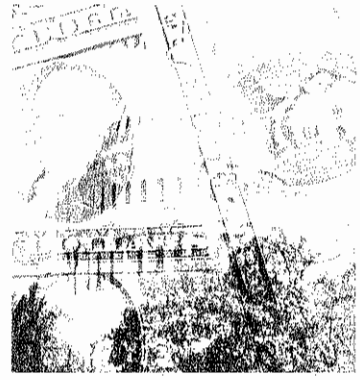
(5) Catalyst.

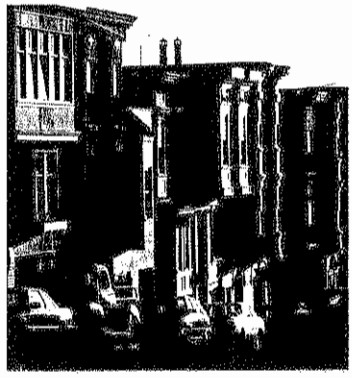
To obtain more information or enroll in the Certificate of Achievement in Leadership program, contact the **Leadership Training Institute** hotline at **(202) 626-3170.**

2005 Congressional City Conference

Key ISSUES

The 2005 Congressional City Conference will feature **general sessions, workshops,** and **strategy meetings** built around NLC's lobbying priorities for the first session of the 109th Congress. Among the topics that are important to cities and towns that are likely to be on federal agenda in 2005 are:



ransportation

ith the current extension of the Transportation Equity t for the 21st Century (TEA-21) scheduled to expire ay 31, 2005, transportation will be a congressional iority in March 2005. City leaders will have a timely d critical opportunity to advocate for maximum nding, more flexibility, more authority, and a federal mmitment to reducing congestion in this six-year uthorization bill.

lometown Safety and Security

ntinued federal funding to support both traditional blic safety programs and homeland security sponsibilities will be a top budget priority in the oming year. City officials must continue to stress the portance of direct and sufficient first responder nding, interoperable public safety communications, and her federal programs necessary to protect the hometown.

Velfare Reform

e Temporary Assistance for Needy Families (TANF) ock grants to states are scheduled to expire March 31, 05. Congress will be debating this program—which is cial to the lives of so many of our citie's residents—hen city officials hit Washington in early March. A ong united city voice for key additions to the program, cluding essential funding for child care supported by Senate in 2004, will make a difference in the outcome this legislation.

Affordable Housing

Affordable housing—so essential to the realization of the American Dream in this country—will likely be under attack again, particularly given the intense pressures to control the soaring budget deficit. To maintain continued federal investment in programs like CDBG, HOME, HOPE VI and Section 8 vouchers—in the face of these fiscal pressures—local officials must tell the compelling local stories of how these programs make a difference for real people in their communities. Workshops will be designed to enable local officials to make the local case.

Educational Reform

As implementation of the requirements of the No Child Left Behind Act (NCLB) continues, this educational reform bill may be on a collision course. Congress and the Administration must evaluate how the reforms are working in local schools, and what adjustments are needed, and must close the gap between the mandates for reforms and the funds needed to implement them. City officials—many of whom are blamed when schools fail—must be prepared to make this case to Congress.

Intergovernmental Partnership

In an age of declining municipal budgets and increasing responsibilities, it is essential that the federal government work in partnership with local officials to promote quality of life in communities across America. NLC is continuing to build upon its existing advocacy capabilities to strengthen the voice of cities on federal legislation and regulations that impact local government.

The 2006 Federal Budget

Intense pressures will be placed on the 2006 budget to implement the President's campaign promises on tax cuts and social security and continued support for the war in Iraq, while beginning promised deficit reduction. This means that federal programs important to cities and towns including housing, public safety, homeland security, and education will be under attack in the budget process. Municipal officials will need to be prepared to make the local case to preserve federal support for these programs.

Telecommunications Reform

The migration of telecommunications services to a non-taxed, non-regulated Internet platform will continue to shrink traditional sources of revenue for cities and towns across the country. Telecommunications and regulatory tax reforms are inevitable. The issue is whether cities and towns will be part of the solution. Workshops will bring members up to date on new developments in telecommunications reform, Internet tax, Voice over Internet Protocol, and efforts to streamline telecommunications taxes.

Visit the Congressional City Conference section of the NLC web site at www.nlc.org for regular updates on key issues and specific NLC advocacy priorities

NLC 2005 Congressional City Conference

Registration and Housing Form

Hilton Washington Hotel and Towers
Washington, DC – March 11-15, 2005

For Faster Registration and Housing Reservation,

housing or registration will be processed without accompanying payment in full

e you a newly elected official? _____ Size of city? _____

me _____ Sex _____

le _____

y/Organization _____

iling Address _____

y _____ State _____ Zip _____

one _____

_____

nail _____

ouse/Guest Name* ($35 fee) _____

ouse/Guest not eligible for a separate hotel room

ild Name (14 and under, no fee) _____ Age _____

uth Delegate** (15-18, $75 fee) _____ Age _____

Local officials are encouraged to register youth as active participants in this conference to ntribute to NLC's youth agenda. If the youth delegate requires hotel accommodations separate m yours, attach the registration form with your completed form.

uth Delegate** (15-18, $75 fee) _____ Age _____

pecial Conference Rates

$35	Spouse/Guest *(non-refundable)*	$_____
$75	Youth Delegate	$_____
$75	Youth Chaperone *(not applicable to elected officials)*	$_____

dvance Registration Fees (Postmarked by February 6, 2005

$335	First Time Attendee		$_____
$395	NLC Member City	(On-site rate is $445 after 2/6/05)	$_____
$395	Associate Member	(On-site rate is $445 after 2/6/05)	$_____
$510	SML Member City	(On-site rate is $570 after 2/6/05)	$_____
$605	Non-Member/Other	(On-site rate is $645 after 2/6/05)	$_____

egistration for Leadership Training Institute Seminars

iday, March 11, 2005)

u must be registered for the conference in order to attend.

1	$150	The Six Essential Tools of Public Service	$_____
2	$150	Local Ballot Issues: Techniques for Effect Advocacy	$_____
3	$150	Cause Development: Mobilizing Public/Private Partnerships	$_____
4	$95	Emerging Communities of Hope: Community and Servant Leadership	$_____
5	$95	Effective Diplomacy: Taking the Lead in Resolution Building	$_____
6	$95	Elected Officials Guide to Effective Media Relations	$_____

egistration for Leadership Training Institute Seminars

turday, March 12, 2005)

u must be registered for the conference in order to attend.

7	$150	Translating Governance and Policy Direction into Enhanced Citizen Relations	$_____
8	$95	Leading a Great Meeting with Effective Parliamentary Procedure	$_____
9	$95	Strengthening Partnerships with Citizen Boards and Commissions	$_____
0	$95	Visionary Leaders Blaze a New Trail for Change	$_____
1	$95	Give Your Best Speech Ever	$_____
2	$95	The Diversity Institute: Building Bridges of Understanding and Appreciation	$_____
3	$95	Performance Leader: Taking Responsibility for Results	$_____

pecial Events

	$40	Celebrate Diversity Breakfast (On-site rate is $50 after 2/6/05)	$_____
4	$35	LTI Leadership Luncheon	$_____

onstituency Group Dues and Events

u must be registered for the conference in order to attend.

$35	APAMO Activity Fee	$_____
$35	GLBLO Activity Fee	$_____
$45	HELO Activity Fee	$_____
$85	NBC-LEO Activity Fee	$_____
$55	WIMG Luncheon	$_____

tal Registration Fee: $_____

Registration Cancellation Policy:

All requests must be received in writing, postmarked by February 6, 2005, and are subject to a $50 cancellation fee. No partial refunds will be made if you decide not to attend particular functions. **No registrations or cancellations will be accepted by telephone.**
NO REFUNDS will be given after February 6, 2005.

fice use only: Payment _____ Check# _____ Amount _____

Hotel Reservations:

You must be registered to reserve a hotel room. To guarantee your room, all hotels require one night's deposit plus tax, per room 21 days prior to your arrival. This is required even if you plan to arrive before 6:00 p.m. If accommodations are not guaranteed 21 days in advance, the reservation will be canceled.

- ☐ Please make my hotel reservation as indicated below.
- ☐ I do not require hotel accommodations at any of the hotels listed below.
- ☐ Please contact me regarding suite information.

Room Dates: Arrival Date: ___/___/___ Departure Date: ___/___/___
Some hotels charge an early departure fee. Confirm your arrival and departure dates are correct on NLC Meeting Services and Hotel confirmations.

Room Type Preference:
- ☐ Single (1 person/1 bed)
- ☐ Double (2 people/1 bed)
- ☐ Double/Double (2 people/2 beds)
- ☐ Smoking
- ☐ Non-Smoking

Hotels attempt to provide room type preference but it's not guaranteed.

Sharing My Room With: _____

Special Housing Request *(e.g., wheelchair accessible rooms, etc.)*:

If you have special housing or transportation needs, please contact NLC Meeting Services.

Hotel Choices:

Indicate your first-choice hotel with the number "1". Number the other hotels from "2" to "15" in order of your preference. The hotels below are listed in order of proximity to host hotel. **Hilton Washington & Towers is the headquarters hotel.**

	Sgl/Dbl		Sgl/Dbl
___ Hilton Washington	$199/219	___ Radison Barcelo	$146/146
___ and Towers/Club Level	$229/249	___ Jurys Washington	$175/175
___ Churchill	$183/203	___ Mayflower	$206/206
___ Courtyard by Marriott	$170/170	___ St. Gregory	$189/189
___ Jurys Normandy	$150/150	___ Capital Hilton	$185/185
___ Westin Embassy Row	$185/185	___ and Towers	$212/212
___ Hilton Wash Embassy Row	$178/178		

Hotel Deposit:

All major credit cards ***with expiration date of 03/05 or later*** are accepted at the conference hotels. All checks, government purchase orders, vouchers or claims must be submitted to the hotel with 6 digit REG ID indicated on NLC Meeting Services confirmation **FOUR WEEKS** prior to your arrival but are ***subject to hotel approval.***

Registration Fee Payment Information:

You must check one of the options below.

- ☐ Charge my REGISTRATION FEES to VISA, MasterCard or AMEX listed below
- ☐ Check for REGISTRATION FEES made payable to ***National League of Cities***
- ☐ Purchase Order for REGISTRATION FEES - copy must be enclosed & payment must be received by ***March 1, 2005***

Hotel Deposit Payment Information:

You must check one of the options below.

- ☐ Charge my HOTEL DEPOSIT to the credit card listed below
- ☐ Check for HOTEL DEPOSIT – please submit to hotel address noted on confirmation **FOUR WEEKS** prior to your arrival - ***subject to hotel approval***
- ☐ Purchase Order for HOTEL DEPOSIT – submit to hotel address noted on confirmation **FOUR WEEKS** prior to your arrival - ***subject to hotel approval***

Credit Card Authorization:

NLC Meeting Services is authorized to use the card below to pay all applicable registration fees and guarantee my hotel reservation. I understand that one night's room charge will be billed through this card if I fail to show up for my assigned housing on the confirmed date, unless I have canceled my reservation with the hotel at least 72 hours in advance.

Visa/MC/AMEX #: _____ Exp. Date _____

Card Holder Name _____

Card Holder Signature _____

Additional Credit Card Authorization:

For hotel deposit only if different than the credit card number listed above.
(Expiration date must be 03/05 or later, per hotel requirement.)

Visa/MC/AMEX #: _____ Exp. Date _____

Card Holder Name _____

Card Holder Signature _____

Return Conference Registration and Housing Form to:

Fax: 703-631-6288 (Credit Card and Purchase Orders Only – No Checks)
Mail: NLC Meeting Services, c/o J. Spargo & Associates,
11212 Waples Mill Road, Suite 105, Fairfax, VA 22030

For more information:

Phone: 888-319-3864 or 703-449-6418
Email: nlcccregandhousing@jspargo.com

DATE: December 22, 2004

TO: John Szerlag, City Manager

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

SUBJECT: Parking Variance
5991 Livernois

At the June 21, 2004, City Council Meeting the following resolution was passed:

RESOLVED, That the Parking Variance Request for 5991 Livernois be **POSTPONED** to the first Regular City Council meeting after appropriate public notice can take place subsequent to Planning Commission action.

The Planning Commission, at their December 14, 2004 meeting, did conditionally approve a site plan for the reconstruction of the gas station at this location. That plan, a revision of the one that appeared before Council in June, did not require a parking variance. It did, however, require a number of variances for setbacks and landscape area. Those variances are scheduled to be heard by the Board of Zoning Appeals at their meeting on January 18, 2005.

At this time it does not appear that the petitioner will need a parking variance and that the item can be withdrawn. However, that situation could change if the variance request is not successful before the Board of Zoning Appeals. As such we would like City Council to continue this item until the final outcome of the variance request is known. We have prepared a resolution that will accomplish this goal.

Prepared by: Mark Stimac, Director of Building and Zoning

January 4, 2005

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief

SUBJECT: AGENDA ITEM-Proposed City Council resolution regarding concerns on Urban Area Security Initiative funding and area determination

---

Per your request, the attached resolution addresses the concerns expressed by the Oakland County Board of Commissioners with respect to the Federal governments determination of the “Detroit Urban Area” which will be utilized to determine future homeland security funding.

WSN/wsn

DATE: December 28, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PRELIMINARY SITE CONDOMINIUM REVIEW– Chesapeake Grove Site Condominium, north side of Square Lake Road, east of John R, Section 1 – R-1D

RECOMMENDATION

On December 14, 2004 the Planning Commission recommended approval of the Chesapeake Grove Site Condominium, subject to the following conditions:

1. That the landscape plan drawing be changed to show an 8-foot concrete sidewalk on Square Lake Road.

2. That the landscape plan be changed to show the plantings of low limb trees pushed further north from the sidewalk so the plantings will not infringe on the use of the sidewalk when they reach maturity.

The applicant has addressed these issues on the updated site plan. City Management agrees with the Planning Commission and recommends approval of the Preliminary Site Plan for Chesapeake Grove Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Joseph Maniaci of Mondrian Properties Chesapeake Grove Development LLC.

Location of subject property:
The property is located on the north side of Square Lake Road, east of John R, in section 1.

Size of subject parcel:
The parcel is approximately 8.03 acres in area.

Description of proposed development:
The applicant is proposing a 27-unit site condominium. The development will have two points of ingress/egress, with connections to Square Lake Road and Dryden Road.

At the request of City Management, the applicant has provided an alternate layout for the development. Alternate 2 shows a 25-unit development that is provided access by extending Dryden road to the east and south. The street ends in a cul-de-sac just north of Square Lake Road. City Management prefers the Preliminary Site Plan layout, with two points of ingress/egress.

Current use of subject property:
Two single family homes presently sits on the property.

Current use of adjacent parcels:
North: Single family residential.

South: Single family residential.

East: Troy School District Nature Preserve.

West: Single family residential.

Current zoning classification:
The property is currently zoned R-1D One Family Residential.

Zoning classification of adjacent parcels:
North: R-1D One Family Residential.

South: R-1D One Family Residential.

East: R-1D One Family Residential.

West: R-1D One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum required lot area is 8,500 square feet. The applicant is utilizing the lot averaging option that permits a 10% reduction in lot area to 7,650 square feet, provided the lots average at least 8,500 square feet in area.

Lot Width: The minimum required lot width is 75 feet. The applicant has utilized the lot averaging option, which permits a 10% reduction in lot widths to 67.5 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 25 feet.
Side (least one): 8 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,000 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1D One Family Residential District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan was submitted as part of the application. A wetlands determination was prepared by King & MacGregor on November 5, 2004. The report identifies four separate small wetlands on the property. The wetlands range in size from 0.05 acres to 0.22 acres and total 0.54 acres. The report indicates that wetland A and B are likely state-regulated as they appear to be contiguous to Plum Brook. The applicant is proposing to develop units 6 and 7 on top of wetland B. A permit from the MDEQ to fill the wetland is required. There is no wetlands mitigation proposed as part of the development.

Stormwater detention:
The applicant is proposing to utilize the existing detention basin located in Square Lake Subdivision to the west.

Natural features and floodplains:
The Natural Features Map indicates there are wetlands and woodlands located on the property.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: A double-loaded street is proposed.

Lots: The applicant proposes 27 site condominium units.

Topographic Conditions: The parcel is relatively flat. There are three small pockets of wetlands located on the site.

Streets: The applicant is proposing a 28-foot wide paved street within a 60-foot wide public right-of-way. The street will connect to both Square Lake Road and Dryden Road.

Sidewalks: The applicant proposes an 8-foot wide sidewalk along Square Lake Road and a 5-foot wide sidewalk on both sides of the street.

Utilities: The parcel is served by public water and sewer.

Attachments:

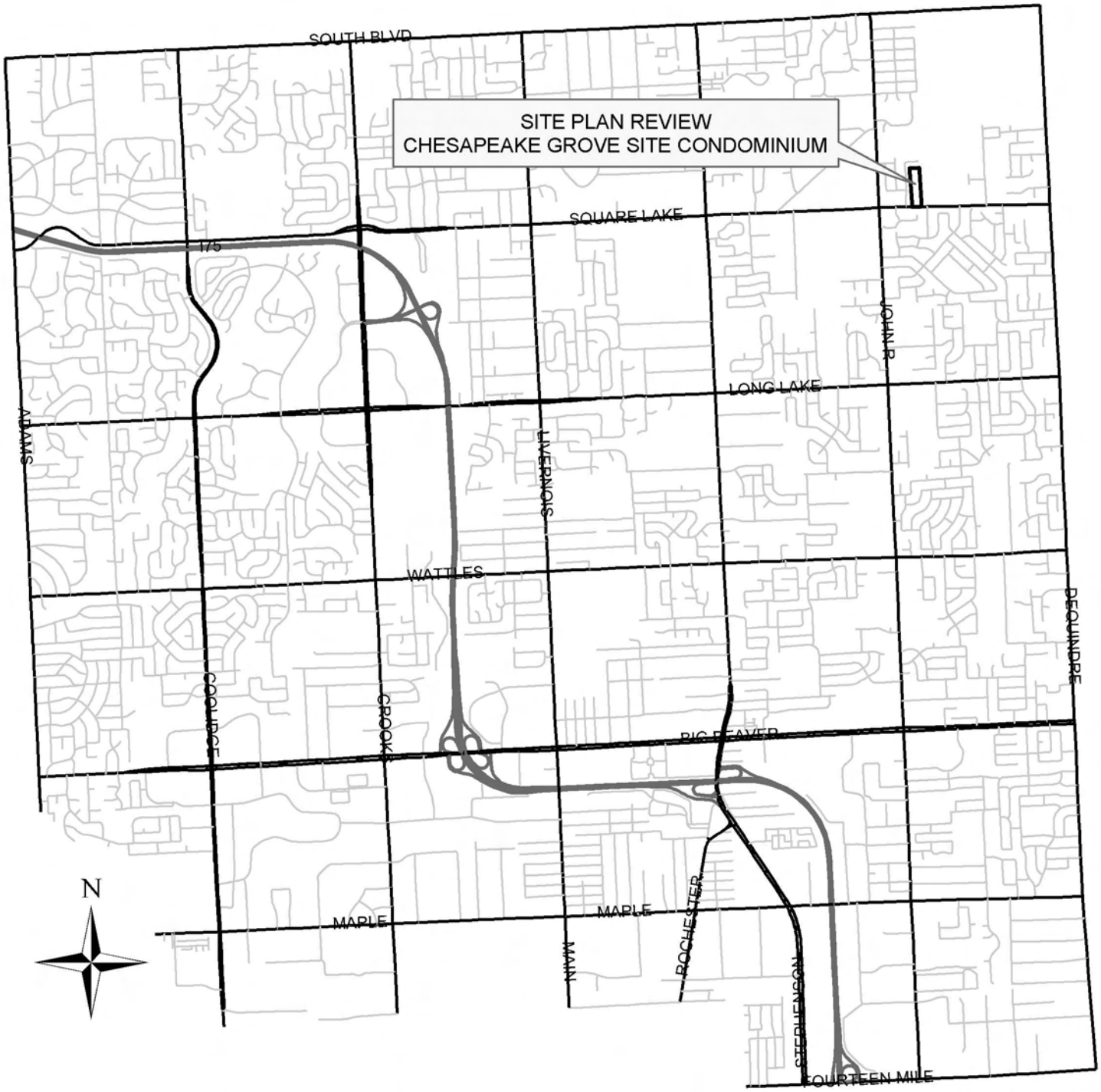
1. Maps.
2. Wetlands determination prepared by King & MacGregor, November 5, 2004.
3. Draft Minutes from December 14, 2004 Planning Commission Regular Meeting.

Prepared by RBS/MFM/PPB

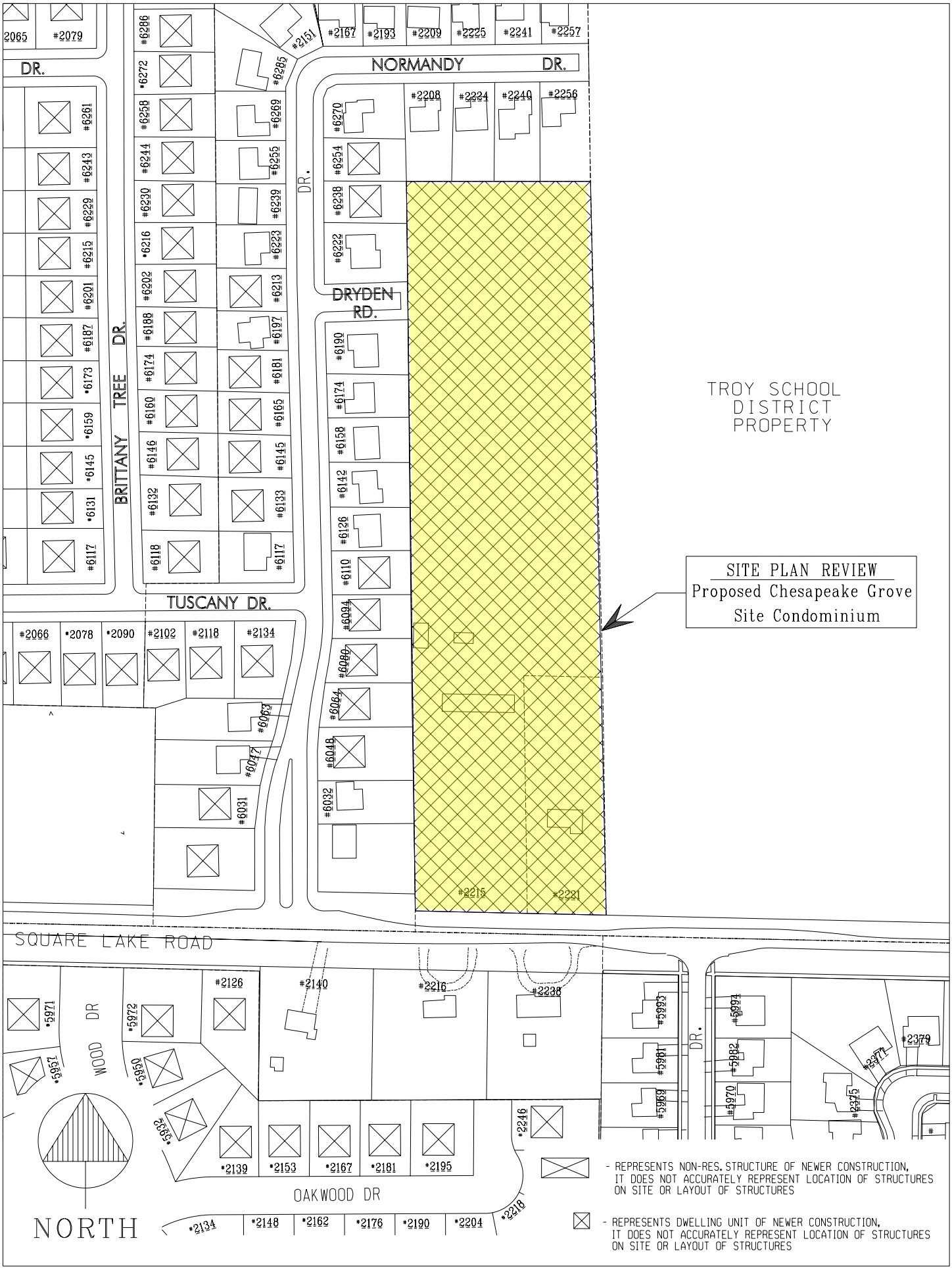
cc: Applicant
File/Chesapeake Grove Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Chesapeake Grove Site Condo\CC Prelim App Chesepeake Grove Site Condo 01 10 05.doc

CITY OF TROY

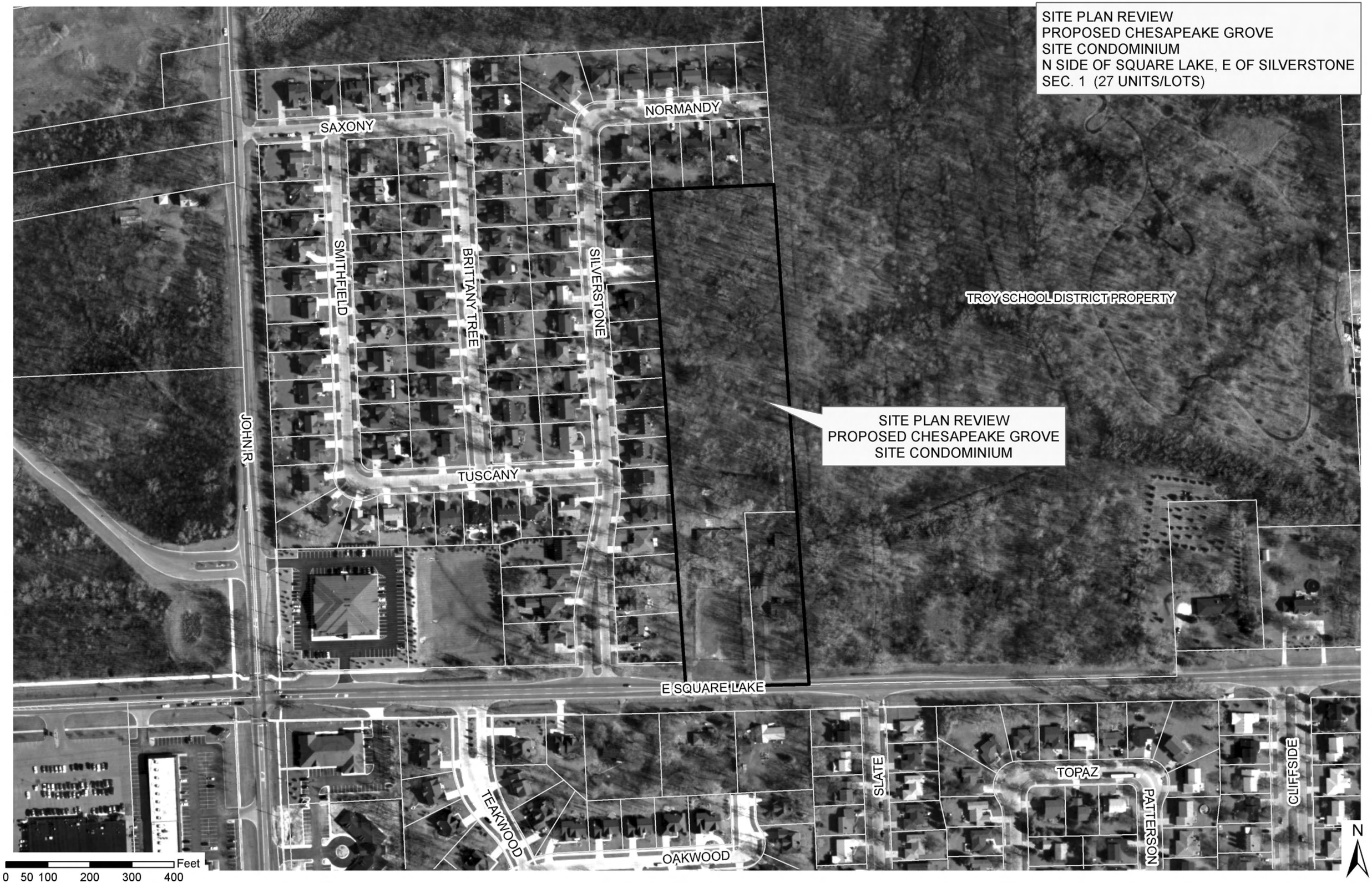


PREPARED BY CITY OF TROY PLANNING DEPT.



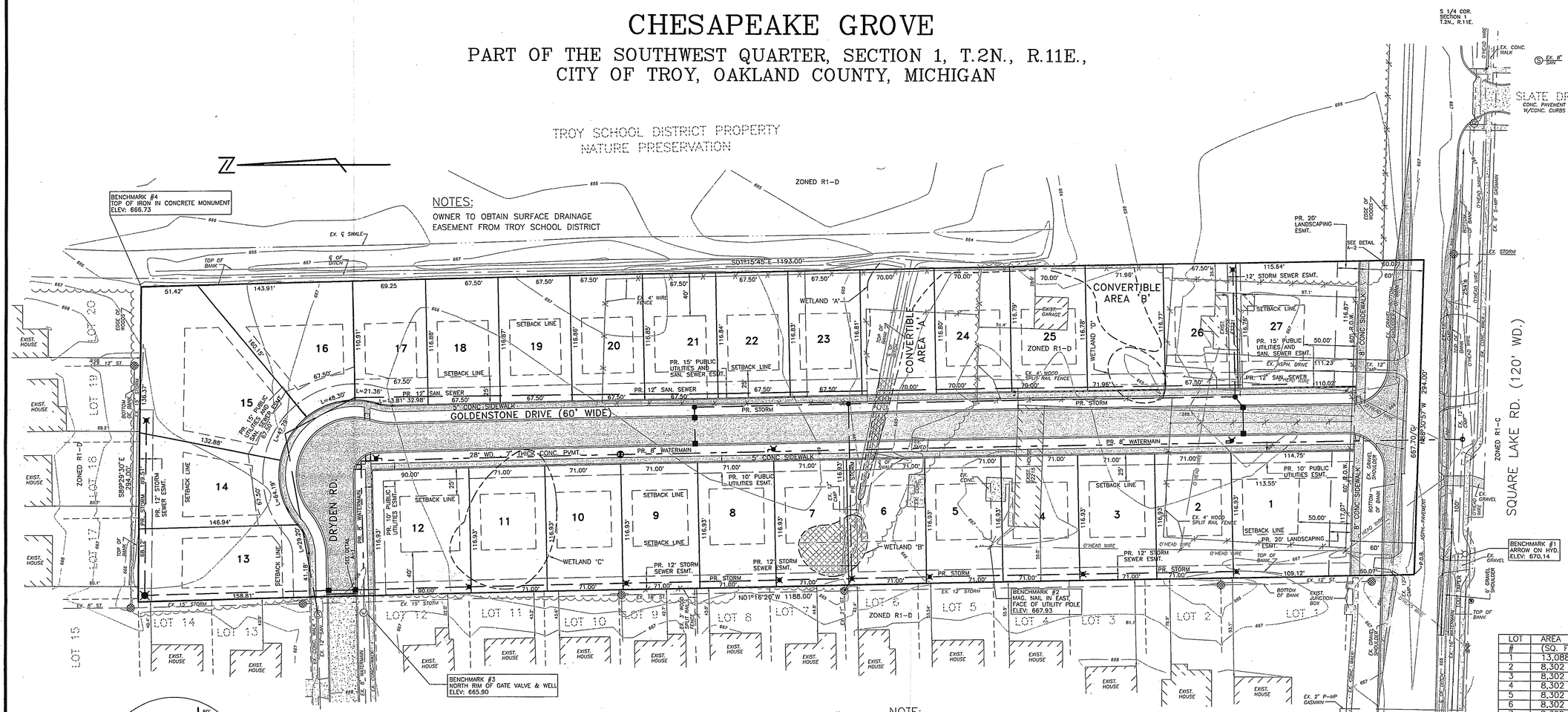
CHESAPEAKE GROVE SC / SEC. 1 / 11-23-04

R-1D
SITE PLAN REVIEW
Proposed Chesapeake Grove
Site Condominium
SAXONY DR.
NORMANDY DR.
SMITHFIELD DR.
BRITTANY TREE DR.
DRYDEN RD.
TUSCANY DR.
CJ-#1
JOHN R. RD.
SQUARE LAKE RD.
SQUARE LAKE
OAKWOOD DR
FLAXWOOD DR
TOPAZ DR.
PATTERSON DR.
CLIFFSIDE DR.
SLATE DR.
ELLIS DR.
RUTGERS DR.
ENDICOTT DR.
HIGHBURY DR.
LARKINS DR.
BINGHAM DR.
NORTH


SITE PLAN REVIEW
PROPOSED CHESAPEAKE GROVE
SITE CONDOMINIUM
N SIDE OF SQUARE LAKE, E OF SILVERSTONE
SEC. 1 (27 UNITS/LOTS)
NORMANDY
SAXONY
SMITHFIELD
BRITTANY TREE
SILVERSTONE
TROY SCHOOL DISTRICT PROPERTY
SITE PLAN REVIEW
PROPOSED CHESAPEAKE GROVE
SITE CONDOMINIUM
JOHN R
TUSCANY
E SQUARE LAKE
SLATE
TOPAZ
PATTERSON
CLIFFSIDE
TEAKWOOD
OAKWOOD
N
Feet
0 50 100 200 300 400

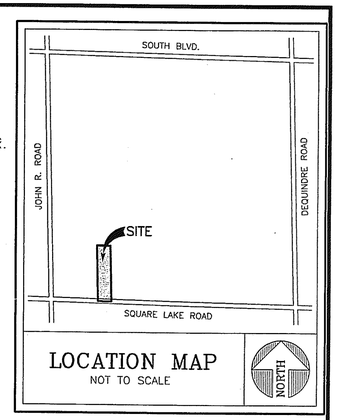
CHESAPEAKE GROVE

PART OF THE SOUTHWEST QUARTER, SECTION 1, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN



NOTES:
OWNER TO OBTAIN SURFACE DRAINAGE EASEMENT FROM TROY SCHOOL DISTRICT

NOTE:
WETLANDS FLAGGED BY KING & MACGREGOR ON APRIL 2, 2004.
WETLAND AREAS 'A' & 'B' ARE REGULATED AND WETLAND AREA 'C' & 'D' ARE NON-REGULATED.



LOCATION MAP
NOT TO SCALE

LEGEND

- SECTION CORNER
- FOUND IRON, MON., NAIL
- SET IRON
- R RECORDED
- M MEASURED
- C CALCULATED

EXISTING / PROPOSED

- O.H.W. — ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
- CATV — UNDERGROUND CABLE TV
- MBT CO — TELEPHONE U.G. CABLE, SPLICING BOX & MANHOLE
- EE CO — ELECTRIC U.G. CABLE & MANHOLE
- G 6"M — GAS MAIN & VALVE
- — WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
- — SANITARY SEWER, CLEANOUT & MANHOLE
- — STORM DRAIN & MANHOLE
- — COMBINED SEWER & MANHOLE
- — CATCH BASIN, INLET
- — YARD BASIN
- — STORM DRAIN & END SECTION
- — POST INDICATOR VALVE
- — WATER SERVICE SHUTOFF, HYDRANT VALVE BOX
- — MAILBOX
- 1045 — POINT ELEVATION (AT X OR END OF LEADER) — 671.21
- 670 — CONTOUR LINE — 671
- — FENCE
- — GUARD RAIL
- — STREET LIGHT
- — SIGN
- — TREE

REGULATED WETLANDS TO BE FILLED

LOT #	AREA (SQ. FT.)	LOT WIDTH
1	13,088	113.55'
2	8,302	71.00'
3	8,302	71.00'
4	8,302	71.00'
5	8,302	71.00'
6	8,302	71.00'
7	8,302	71.00'
8	8,302	71.00'
9	8,302	71.00'
10	8,302	71.00'
11	8,302	71.00'
12	10,524	90.00'
13	10,658	68.09'
14	9,963	67.50'
15	16,561	67.50'
16	11,417	67.50'
17	7,782	67.50'
18	7,889	67.50'
19	7,888	67.50'
20	7,888	67.50'
21	7,887	67.50'
22	7,886	67.50'
23	7,885	67.50'
24	8,176	70.00'
25	8,175	70.00'
26	7,881	67.50'
27	13,173	111.23'

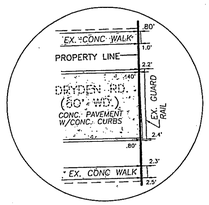
SITE DATA

RESIDENTIAL SINGLE FAMILY
EXISTING ZONED R-1D
PROPOSED ZONED R-1D

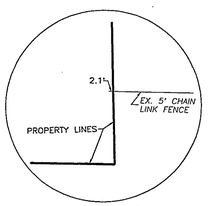
TOTAL ACREAGE.....8.03
NET ACREAGE.....7.61 (LESS R.O.W.)
SETBACKS
FRONT.....25' (INTERNAL ROAD)
FRONT.....50' (SQUARE LAKE ROAD)
REAR.....40'
SIDEYARD MIN.....8'
TOTAL.....20'

AREA OF UNIT.....8,500 SQ. FT.
SIZE OF UNIT.....75' (WIDTH) 113.4' (DEPTH)
AVERAGED UNIT SIZE.....10% REDUCTION IN WIDTH AND AREA
MIN AREA OF UNIT.....7,650 SQ.FT.
MIN SIZE OF UNIT.....67.5' (WIDTH) 113.4' (DEPTH)
MAX DENSITY ALLOWED.....3.8 UNITS/ACRE
PROPOSED DENSITY.....27/7.61 = 3.55<3.8 UNITS/ACRES
MIN. FLOOR AREA.....1,000 SQ.FT.
MAX STORY.....2
MAX HEIGHT.....25'
TOTAL UNITS.....27

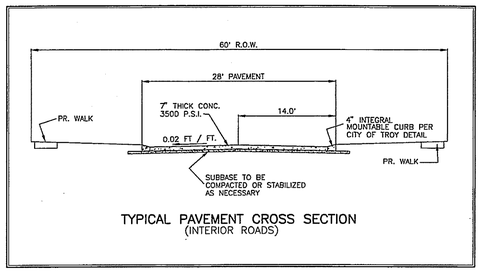
NOTES:
1) LOT AREAS SHOWN ARE ROUNDED TO 1.0 ± AND MAY CHANGE UPON FINAL APPROVAL.
2) LOT WIDTH DIMENSION IS AT FRONT SETBACK LINE



DETAIL A-1
WALK, ROAD & GUARD RAIL ENCROACHMENT
N.T.S.



DETAIL A-2
FENCE LINE ENCROACHMENT
N.T.S.



TYPICAL PAVEMENT CROSS SECTION
(INTERIOR ROADS)

PARCEL DESCRIPTION (AS SURVEYED)

Part of the Southwest Quarter of Section 1, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as: Commencing at the Southwest corner of said Section 1; thence S88°30'57"W, 1016.47 feet along the South line of said Section 1 and the centerline of Square Lake Road to the Point of Beginning;
thence along "Square Lake Place Subdivision", part of the S.W. 1/4 of Section 1, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 189 of Plats, Pages 20 and 21, oakland County Records, the following two courses: N01°16'20"W 1188.00 feet and S89°29'30"E 294.00 feet; thence S01°15'45"E, 1193.00 feet to the South line of said Section 1 and the centerline of Square Lake Road; thence N88°30'57"W 294.00 feet along the South line of said Section 1 and the centerline of Square Lake Road to the Point of Beginning,

Containing 8.03 acres of land, more or less, subject to the rights of the public over the southerly 60.00 feet thereof as occupied by Square Lake Road, and also subject to easements, exceptions, conditions and requirements, if any.

BENCHMARK DATUM: (U.S.G.S.)

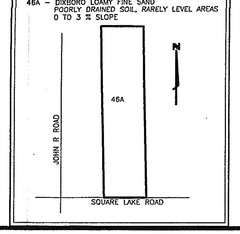
BENCHMARK # 1 :
ARROW ON HYDRANT, 1037'± EAST OF JOHN R. ROAD & SOUTH SIDE OF SQUARE LAKE ROAD, ELEVATION : 670.14
BENCHMARK # 2 :
MAG. NAIL ON EAST SIDE OF UTILITY POLE, 1030'± EAST OF JOHN R. ROAD & WEST OF EXISTING HOUSE # 2215
ELEVATION : 667.93
BENCHMARK # 3 :
NORTH RIM OF GATE VALVE & WELL, SOUTH SIDE OF & EAST DEAD END OF DRYDEN ROAD, ELEVATION : 665.90
BENCHMARK # 4 :
TOP OF IRON IN CONCRETE MONUMENT, NORTH EAST OF PROPERTY CORNER. ELEVATION : 666.73

SHEET INDEX

1.) PRELIMINARY SITE PLAN
2.) TOPOGRAPHIC SURVEY
3.) TREE PRESERVATION PLAN
4.) TREE PRESERVATION SCHEDULE

SOIL TYPES:

46A – DIXBORO LOAMY FINE SAND
POORLY DRAINED SOIL, RARELY LEVEL AREAS
0 TO 3 % SLOPE



DETENTION CALCULATIONS 25 YEAR STORM PER OAKLAND COUNTY STANDARDS

PUMP OUTLET FORMULA

ALLOWABLE DISCHARGE	C1 = 0.10 CFS/ACRE
TIME INITIAL	T = 20.00 MINUTES
NET AREA	A = 7.61 ACRES
RUNOFF COEFF	C = 0.35 TOTAL
ALLOWABLE DISCHARGE	QA = C1 x A = 0.761 CFS
ALLOWABLE OUTFLOW	QO = QA / (A x C) = 0.286 CFS
PEAK STORAGE TIME	T=-25+(SQR(5375 / QO)) = 112.159 MINUTES
MAX. STORAGE VOLUME/ACRE	VS = (12900xT/(T + 25)) - (60xQOxT) = 8625.99 CU.FT./ACRE
TOTAL STORAGE REQUIRED	VT = VS x A x C = 22,975 CU.FT.

STORAGE WILL BE IN EXISTING DETENTION BASIN WITHIN SQUARE LAKE SUBDIVISION. EX. PUMP STATION TO BE UPGRADED BY CHESAPEAKE GROVE, MONDRIAN PROPERTY CHESAPEAKE DEVELOPMENT, L.L.C.

NOTE:
UTILITY INFORMATION, AS SHOWN, INDICATES APPROXIMATE LOCATIONS AND TYPES OF FACILITIES ONLY, AS DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANY'S RECORDS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY.

CALL MISS DIG

3 WORKING DAYS
(EXCLUDING SAT, SUN, AND HOLIDAYS)
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE)

CLIENT:
MONDRIAN PROPERTIES CHESAPEAKE DEVELOPMENT LLC
1111 W. LONG LAKE ROAD, SUITE 103
TROY, MI 48098
TEL: (248) 833-0242
FAX: (248) 833-0247

DEC 30 2004

STATE OF MICHIGAN
JEFFREY A. RIZZO
ENGINEER
No. 42265
LICENSED PROFESSIONAL ENGINEER

CHESAPEAKE GROVE
PART OF THE SOUTHWEST 1/4 OF SECTION 1, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

PRELIMINARY SITE PLAN

REVISIONS
12-03-04 PER CITY

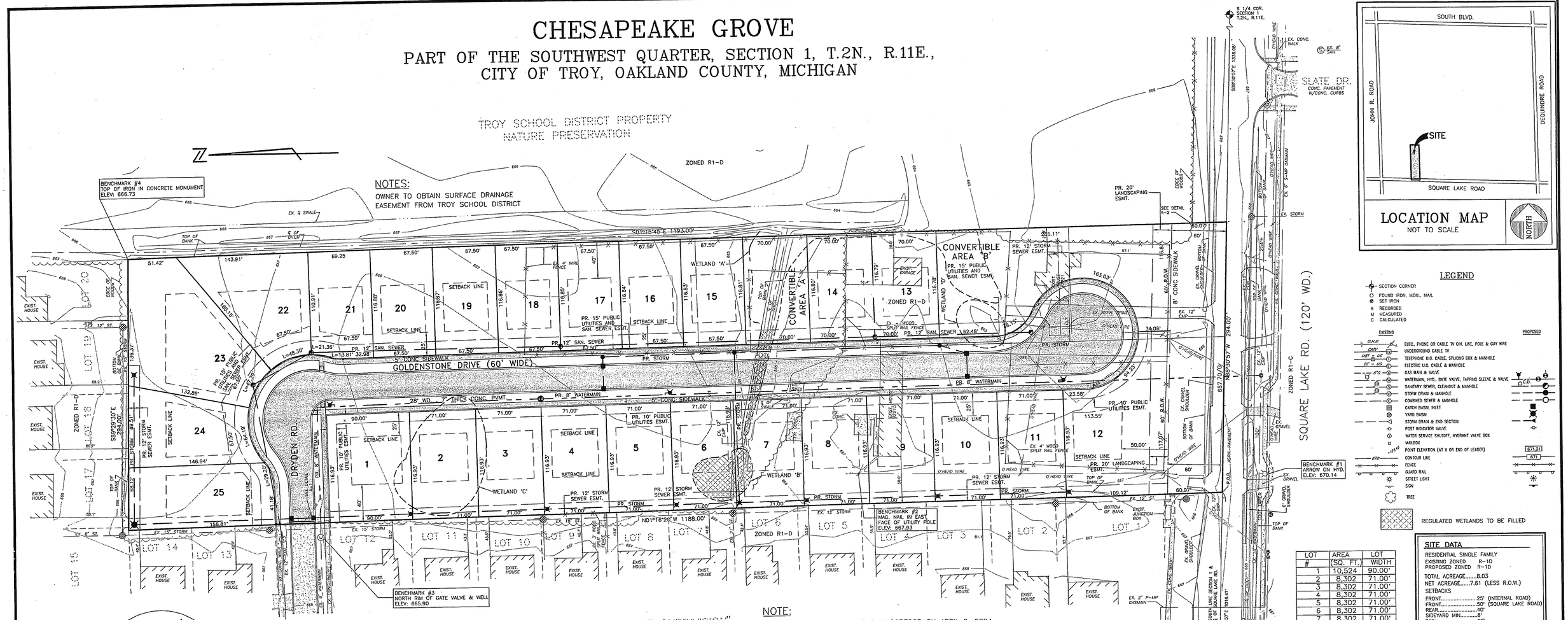
Fenn & Associates Inc.
13399 West Star Drive
Shelby Township, Michigan 48315
PHONE: (586) 254-9577
FAX: (586) 254-9020

SCALE: 1"=50'	DESIGNED BY: S. K. Gandhi, P.E.	DRAWN BY: Surendra, P.E.	
DATE: 10/21/04	CHECKED BY: J.S.R., P.E.	DRAWING NUMBER: 04-015	SHEET 1 OF 4

M:\2004 Contracts\04-015 - Chesapeake Grove\PRE-PLAN\04-015-PREL-Plan.dwg, dawn 12/3/04 11:42

CHESAPEAKE GROVE

PART OF THE SOUTHWEST QUARTER, SECTION 1, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LOCATION MAP
NOT TO SCALE

NOTES:
OWNER TO OBTAIN SURFACE DRAINAGE EASEMENT FROM TROY SCHOOL DISTRICT

NOTE:
WETLANDS FLAGGED BY KING & MACGREGOR ON APRIL 2, 2004. WETLAND AREAS 'A' & 'B' ARE REGULATED AND WETLAND AREA 'C' & 'D' ARE NON-REGULATED.

NOTE:
MAXIMUM LENGTH OF STREET ALLOWED IS 500 FEET FOR CUL-DE-SAC PER SUBDIVISION CONTROL SEC.-# 4.05

LEGEND

SECTION CORNER
FOUND IRON, MON., NAIL
SET IRON
R RECORDED
M MEASURED
C CALCULATED

EXISTING		PROPOSED
O.H.W.	ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE	
CATV	UNDERGROUND CABLE TV	
HB	TELEPHONE U.G. CABLE, SPLICING BOX & MANHOLE	
UG	ELECTRIC U.G. CABLE & MANHOLE	
GV	GAS MAIN & VALVE	
	WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE	
	SANITARY SEWER, CLEANOUT & MANHOLE	
	STORM DRAIN & MANHOLE	
	COMBINED SEWER & MANHOLE	
	CATCH BASIN, INLET	
	YARD BASIN	
	STORM DRAIN & END SECTION	
	POST INDICATOR VALVE	
	WATER SERVICE SHUTOFF, HYDRANT VALVE BOX	
	MAILBOX	
631.45	POINT ELEVATION (AT X OR END OF LEADER)	671.21
670	CONTOUR LINE	671
	FENCE	
	GUARD RAIL	
	STREET LIGHT	
	SIGN	
	TREE	
	REGULATED WETLANDS TO BE FILLED	

SITE DATA

RESIDENTIAL SINGLE FAMILY
EXISTING ZONED R-1D
PROPOSED ZONED R-1D
TOTAL ACREAGE.....8.03
NET ACREAGE.....7.61 (LESS R.O.W.)
SETBACKS
FRONT.....25' (INTERNAL ROAD)
FRONT.....50' (SQUARE LAKE ROAD)
REAR.....40'
SIDEYARD MIN.....8'
TOTAL.....20'
AREA OF UNIT.....8,500 SQ. FT.
SIZE OF UNIT.....75' (WIDTH) 113.4' (DEPTH)
AVERAGED UNIT SIZE.....10% REDUCTION IN WIDTH AND AREA
MIN AREA OF UNIT.....7,650 SQ.FT.
MIN SIZE OF UNIT.....67.5' (WIDTH) 113.4' (DEPTH)
MAX DENSITY ALLOWED.....3.8 UNITS/ACRE
PROPOSED DENSITY.....25/7.61 = 3.28<3.8 UNITS/ACRES
MIN. FLOOR AREA.....1,000 SQ.FT.
MAX STORY.....2
MAX HEIGHT.....25'
TOTAL UNITS.....25

LOT #	AREA (SQ. FT.)	LOT WIDTH
1	10,524	90.00'
2	8,302	71.00'
3	8,302	71.00'
4	8,302	71.00'
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6	8,302	71.00'
7	8,302	71.00'
8	8,302	71.00'
9	8,302	71.00'
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11	8,302	71.00'
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13	8,175	70.00'
14	8,176	70.00'
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16	7,886	67.50'
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NOTES:
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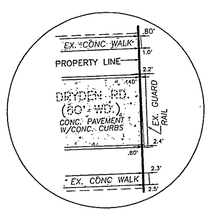
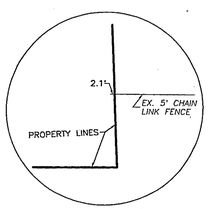
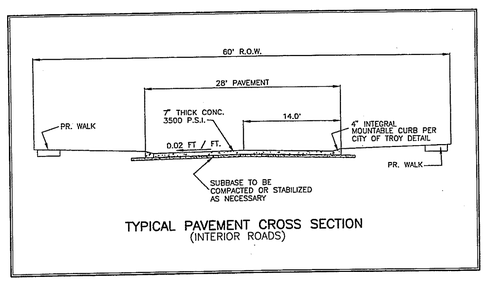


DETAIL A-1
WALK, ROAD & GUARD RAIL ENCROACHMENT
N.T.S.



DETAIL A-2
FENCE LINE ENCROACHMENT
N.T.S.



TYPICAL PAVEMENT CROSS SECTION
(INTERIOR ROADS)

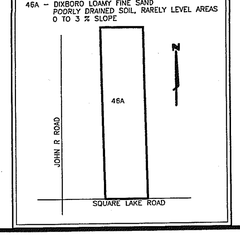
PARCEL DESCRIPTION (AS SURVEYED)

Part of the Southwest Quarter of Section 1, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as: Commencing at the Southwest corner of said Section 1; thence S88°30'57"W, 1016.47 feet along the South line of said Section 1 and the centerline of Square Lake Road to the Point of Beginning;
thence along "Square Lake Place Subdivision", part of the S.W. 1/4 of Section 1, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 189 of Plats, Pages 20 and 21, oakland County Records, the following two courses: N01°16'20"W 1188.00 feet and S89°29'30"E 294.00 feet; thence S01°15'45"E, 1193.00 feet to the South line of said Section 1 and the centerline of Square Lake Road; thence N88°30'57"W 294.00 feet along the South line of said Section 1 and the centerline of Square Lake Road to the Point of Beginning.

Containing 8.03 acres of land, more or less, subject to the rights of the public over the southerly 60.00 feet thereof as occupied by Square Lake Road, and also subject to easements, exceptions, conditions and requirements, if any.

SOIL TYPES:

46A – DIXBORO LOAMY FINE SAND
POORLY DRAINED SOIL, RARELY LEVEL AREAS
0 TO 3 % SLOPE



DETENTION CALCULATIONS 25 YEAR STORM PER OAKLAND COUNTY STANDARDS

PUMP OUTLET FORMULA		
ALLOWABLE DISCHARGE	C1 =	0.10 CFS/ACRE
TIME INITIAL	T =	20.00 MINUTES
NET AREA	A =	7.61 ACRES
RUNOFF COEFF	C =	0.35 TOTAL
ALLOWABLE DISCHARGE	QA = C1 x A = 0.761 CFS	
ALLOWABLE OUTFLOW	QO = QA / (A x C) = 0.286 CFS	
PEAK STORAGE TIME	T=-25+(SQR(5375 / QO)) = 112.159 MINUTES	
MAX. STORAGE VOLUME/ACRE	VS = (12900xT/(T + 25)) – (60xQOxT) = 8625.99 CU.FT./ACRE	
TOTAL STORAGE REQUIRED	VT = VS x A x C = 22,975 CU.FT.	

STORAGE WILL BE IN EXISTING DETENTION BASIN WITHIN SQUARE LAKE SUBDIVISION. EX. PUMP STATION TO BE UPGRADED BY CHESAPEAKE GROVE, MONDRIAN PROPERTY CHESAPEAKE DEVELOPMENT, L.L.C.

BENCHMARK DATUM: (U.S.G.S.)

BENCHMARK # 1 :
ARROW ON HYDRANT, 1037'± EAST OF JOHN R. ROAD & SOUTH SIDE OF SQUARE LAKE ROAD, ELEVATION : 670.14
BENCHMARK # 2 :
MAG. NAIL ON EAST SIDE OF UTILITY POLE, 1030'± EAST OF JOHN R. ROAD & WEST OF EXISTING HOUSE # 2215
ELEVATION : 667.93
BENCHMARK # 3 :
NORTH RIM OF GATE VALVE & WELL, SOUTH SIDE OF & EAST DEAD END OF DRYDEN ROAD, ELEVATION : 665.90
BENCHMARK # 4 :
TOP OF IRON IN CONCRETE MONUMENT, NORTH EAST OF PROPERTY CORNER, ELEVATION : 666.73

NOTE:
UTILITY INFORMATION, AS SHOWN, INDICATES APPROXIMATE LOCATIONS AND TYPES OF FACILITIES ONLY, AS DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANY'S RECORDS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY.

CALL MISS DIG

3 WORKING DAYS (EXCLUDING SAT, SUN, AND HOLIDAYS)
BEFORE YOU DIG CALL MISS DIG
1-800-482-7171
(TOLL FREE)

CLIENT:
MONDRIAN PROPERTIES CHESAPEAKE DEVELOPMENT LLC
1111 W. LONG LAKE ROAD, SUITE 103
TROY, MI 48098
TEL: (248) 833-0242
FAX: (248) 833-0247

RECEIVED
DEC 30 2004
PLANNING DEPT.

CHESAPEAKE GROVE
PART OF THE SOUTHWEST 1/4 OF SECTION 1, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

PRELIMINARY SITE PLAN–ALTERNATE–2

REVISIONS
12-03-04 PER CITY

Fenn & Associates Inc.
13399 West Star Drive
Shelby Township, Michigan 48315
PHONE: (586) 254-0577
FAX: (586) 254-9020

DRAWN BY: Surendra, P.E.
SCALE: 1"=50'
DESIGNED BY: S. K. Gandhi, P.E.
DATE: 10/21/04
CHECKED BY: J.S.R., P.E.
DRAWING NUMBER: 04-015
SHEET 1 OF 1

M:\2004 Contracts\04-015 - Chesapeake Grove\PRE-PLAN\04-015-PRELIM-R1-ALT-11-12-03-R1.dwg dsm 12/2/04 10:28

King & MacGregor
Environmental
Inc.

November 5, 2004

Mr. Joe Maniaci
Cherry Creek Building Company
50215 Schoenherr Road
Shelby Township, MI 48315

Re: Square Lake Road Property, City of Troy
Preliminary Wetland Determination

Dear Mr. Maniaci:

On April 01, 2004 wetland boundaries on the subject property were flagged for survey. The surveyed wetland boundaries are reflected on the attached excerpt from Fenn & Associates drawing number 04-015.01. This report is intended to provide a summary of observations made during that visit and an opinion as to the jurisdiction of the Michigan Department of Environmental Quality (MDEQ) over wetland areas within the subject property.

Property Description
The 8-acre property is located on the north side of Square Lake Road between John R and Dequindre Roads, east of Silverstone Street. The southern third of the property contained two residences, one unoccupied, a small barn and an empty horse paddock with meadow with scattered trees, shrubs and young woods. The northern two thirds of the property is predominantly wooded. The topography is generally level with some shallow ditches and small depressions.

Preliminary Review
The following sources of information were reviewed:

- Soil Survey of Oakland County, Michigan (1980)
- USGS Warren, Mich. quadrangle map (photorevised 1980)
- MDEQ Oakland County Preliminary Wetland Inventory map (March 5, 2003)

The Oakland County Soil Survey indicates two soil types on the property. Dixboro loamy fine sand is shown to be present on the majority of the property, with a small area of Gilford sandy loam along the western property boundary near the center of the site. The Dixboro soil series is described as somewhat poorly drained and can include small areas of poorly drained Granby and very poorly drained Gilford, Thomas and Colwood soils. Gilford sandy loam is considered to be a hydric or wetland soil type. No wetlands are indicated on the property on the soil survey, USGS, or the MDEQ Oakland County Preliminary Wetland Inventory maps. A large area of hydric soils and wetland is shown on the MDEQ maps where the current subdivision is located to the west of the property. All of the sources of information that were reviewed show a linear drainage feature (ditch) crossing the property from west to east about one-third of the way north from Square Lake Road.

5880 N. Canton Center Rd.
Suite 462
Canton, MI 48187
Phone: 734/354-0594
Fax: 734/354-0593

Other Offices:
Grand Rapids
St. Clair Shores
East Lansing
Reed City

e-mail: kme@king-macgregor.com

REC'D
NOV 10 2004

On-Site Review

Four separate small wetland areas were identified on the property. These wetlands, labeled A, B, C and D on the attached drawing, ranged in size from 0.05 acres to 0.22 acres and total 0.54 acres.

The wetland areas are associated with the ditch and depressions of the property. Wetland A is a 0.22-acre forested and emergent wetland that includes the ditch and some adjacent lowland. Plant species identified included red ash, American elm, Eastern cottonwood, silver maple, highbush cranberry, water horehound, grass-leaved goldenrod, side-flowering aster, dandelion, and curly dock. Standing water was observed in portions of the wetland. Wetland B is a 0.06-acre forested and scrub/shrub wetland in a shallow depression with red ash, American elm, Eastern cottonwood, silver maple and highbush cranberry. No standing water or evidence of standing water was observed. Wetland C is a 0.21-acre forested wetland in a shallow depression with Eastern cottonwood and silver maple. It is situated in the approximate location of the hydric soil area shown on the soil survey. No standing water or evidence of standing water was observed. Wetland D, is a small emergent/wet meadow with water horehound, side-flowering aster, Kentucky bluegrass and sedge species. Standing water was observed in this area.

Forested upland areas on the subject property included tree species such as red oak, bur oak, red maple, black cherry, basswood, tulip tree and sassafras mixed with red ash, cottonwood, and American elm with understory vegetation that included common buckthorn, honeysuckle, prickly ash, running strawberry bush and trout lily. Evidence of the presence of emerald ash borer was observed on the property.

Upland areas in the southern third of the property included evening primrose, Queen Anne's lace, grass-leaved goldenrod, late goldenrod, blue vervain, Indian hemp dogbane, beggar's lice, Kentucky bluegrass, Canada bluegrass, and orchard grass.

Regulatory Jurisdiction

In Oakland County the MDEQ regulates wetlands that are 5 acres in size or greater, and/or wetlands that are contiguous to an inland lake, river, stream, or pond. MDEQ regulations define a "lake" as a permanent open waterbody greater than five acres in size and a "pond" as a permanent open waterbody one to five acres in size. MDEQ regulations define a "stream" as a body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. "Contiguous" is defined as a permanent surface water connection or other direct physical contact with; and/or being located within 500 feet of a lake, river, stream, or pond.

The wetlands on the subject property are all less than 5 acres in size and not within 500 feet of an inland lake, river, stream, or pond. However, the ditch on the subject property, which would likely not considered a stream by the MDEQ, appears to be the upstream limit of a tributary to Plum Brook. Consequently, the MDEQ may consider Wetland A to be contiguous to Plum Brook. Wetland B may also be considered contiguous since it is separated from Wetland A by an artificial

separation created by fill for a trail leading to the small barn. Wetlands C and D do not appear to be contiguous and would therefore not likely to be regulated by the MDEQ.

Please be advised that the information provided in this report is a professional opinion. The ultimate decision on wetland boundary locations and jurisdiction thereof rests with the MDEQ and, in some cases, local and/or federal government. Therefore, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary, depending on various factors, including, but not limited to, experience of the agency representative making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature or extent of wetlands on the site.

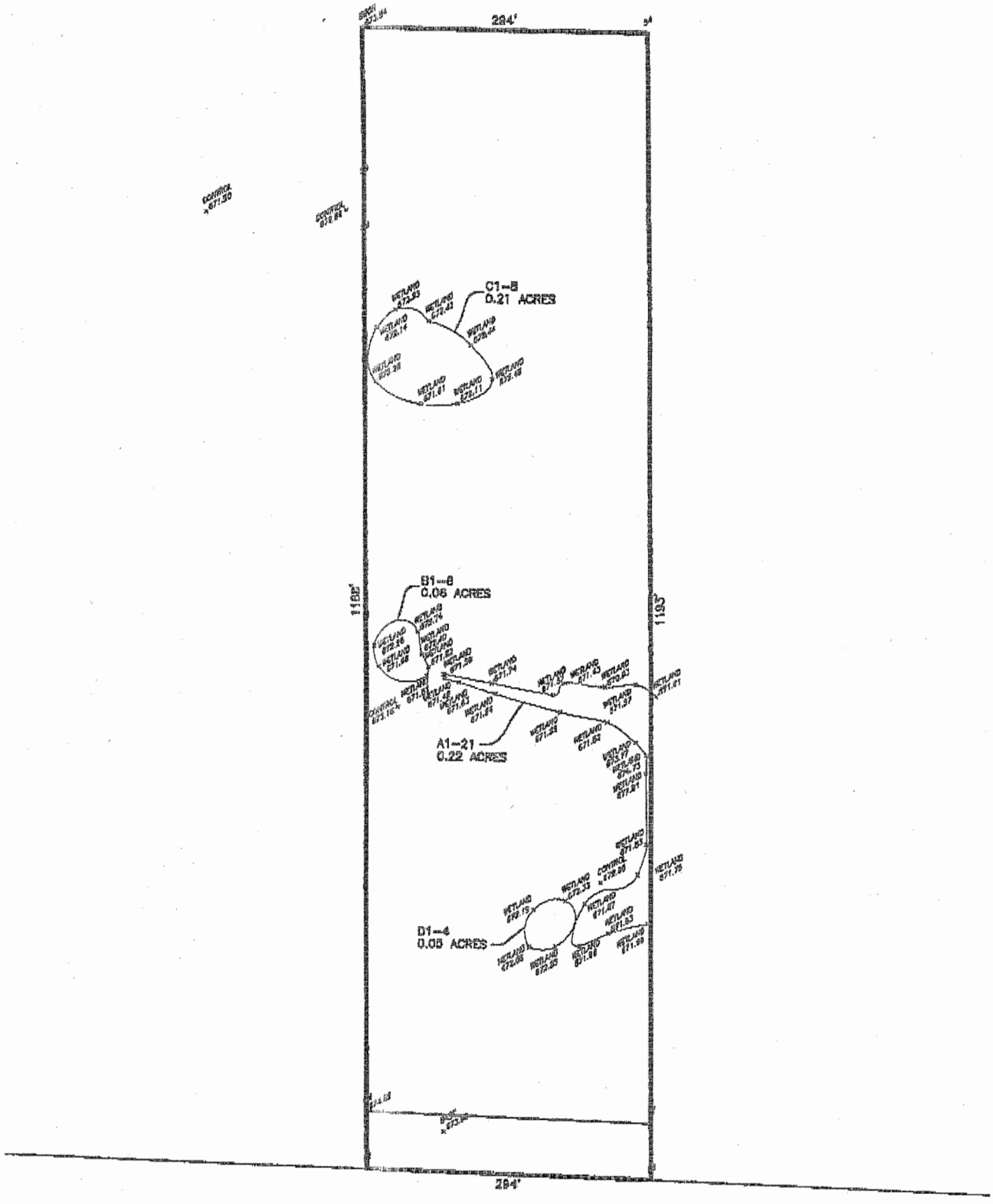
Thank you for contacting King & MacGregor Environmental, Inc. Please feel free to call me in our Southeast Michigan Office if you have any questions or we can be of further assistance.

Sincerely,

Woody L. Held

King & Macgregor Environmental, Inc.
Woody L. Held

Attachment



SQUARE LAKE ROAD

SITE CONDOMINIUM SITE PLANS

9. SITE PLAN REVIEW – Proposed Chesapeake Grove Site Condominium 27 units/lots proposed, North side of Square Lake, East of John R, Section 1 – R-1D

Mr. Wright brought to the attention of the Commission that his wife's sister and brother-in-law are owners of property on Silverstone, which backs up to the subject proposal. Mr. Wright said he feels the personal association would have no affect on his vote.

Mr. Miller presented a summary of the Planning Department report for the proposed development. Mr. Miller noted that City Management prefers the Preliminary Site Plan layout with two points of ingress/egress. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Chesapeake Grove Site Condominium. He noted that if the Michigan Department of Environmental Quality (MDEQ) does not issue a wetland permit to fill wetland B, units 6 and 7 would be undevelopable.

Mr. Chamberlain addressed the landscape plan and the 5-foot concrete sidewalk depicted on the site plan along Square Lake Road. Mr. Chamberlain voiced strong opposition to planting spruce trees against the sidewalk because the trees will spread and cover the sidewalk in five years.

Mr. Miller noted that an 8-foot wide concrete sidewalk in accordance with the Zoning Ordinance could be a condition to the site plan approval.

The petitioner, Joe Maniaci of Mondrian Properties, 1111 W. Long Lake, Troy, was present. Mr. Maniaci noted that the retention basin is not on the subject property. He has agreed to make improvements to the adjacent subdivision's retention basin as well as replace of all the pumps.

Resolution # PC-2004-12-156
Moved by: Chamberlain
Seconded by: Littman

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, the City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before the Commission and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Chesapeake Grove Site

Condominium, including 27 units, located on the north side of Square Lake Road and east of John R Road, Section 1, within the R-1D zoning district be granted, subject to the following conditions:

1. That the landscape plan drawing be changed to show an 8-foot concrete sidewalk on Square Lake Road.

2. That the landscape plan be changed to show the plantings of low limb trees pushed further north from the sidewalk so the plantings will not infringe on the use of the sidewalk when they reach maturity.

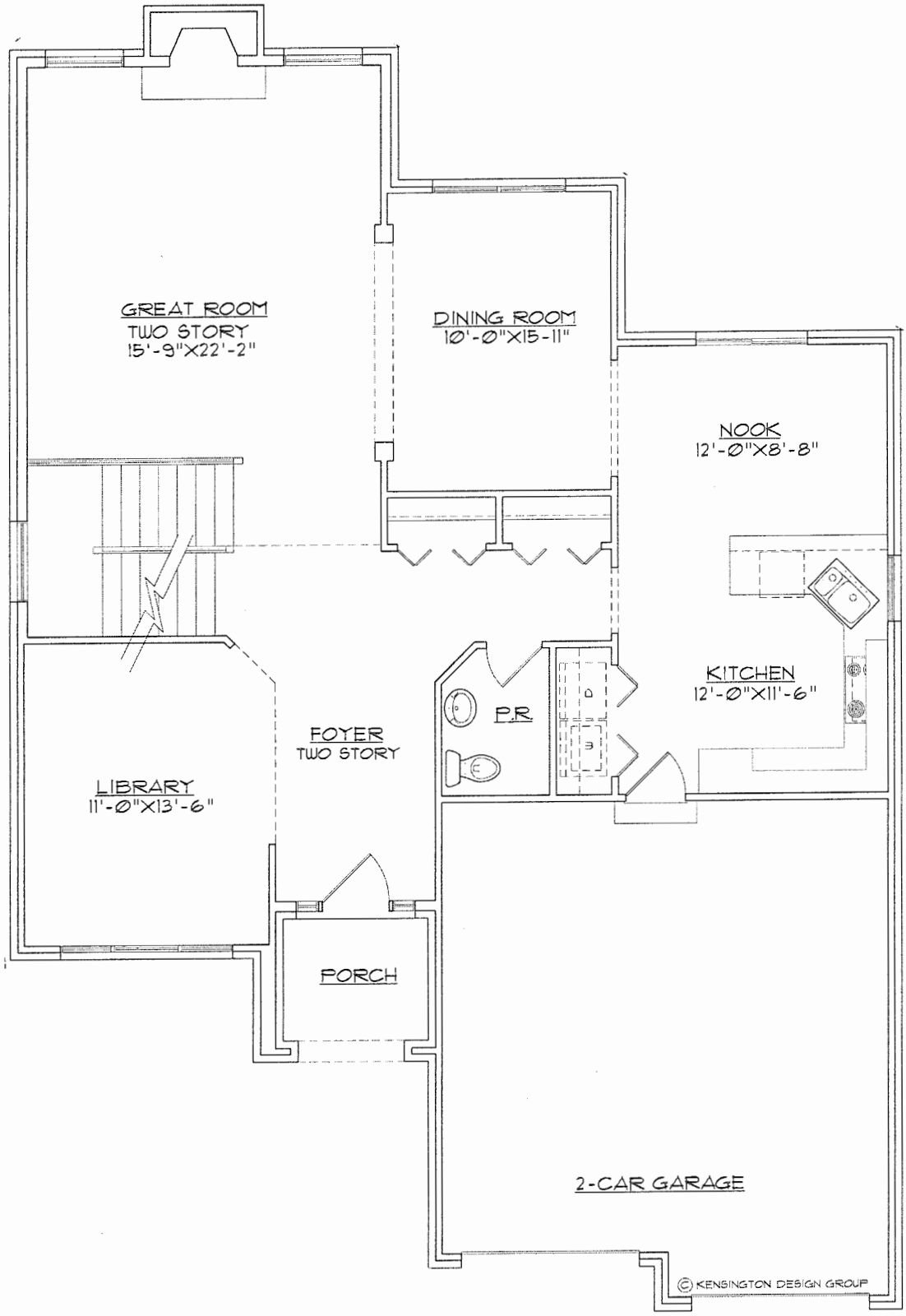
Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

RECEIVED
DEC - 3 2004

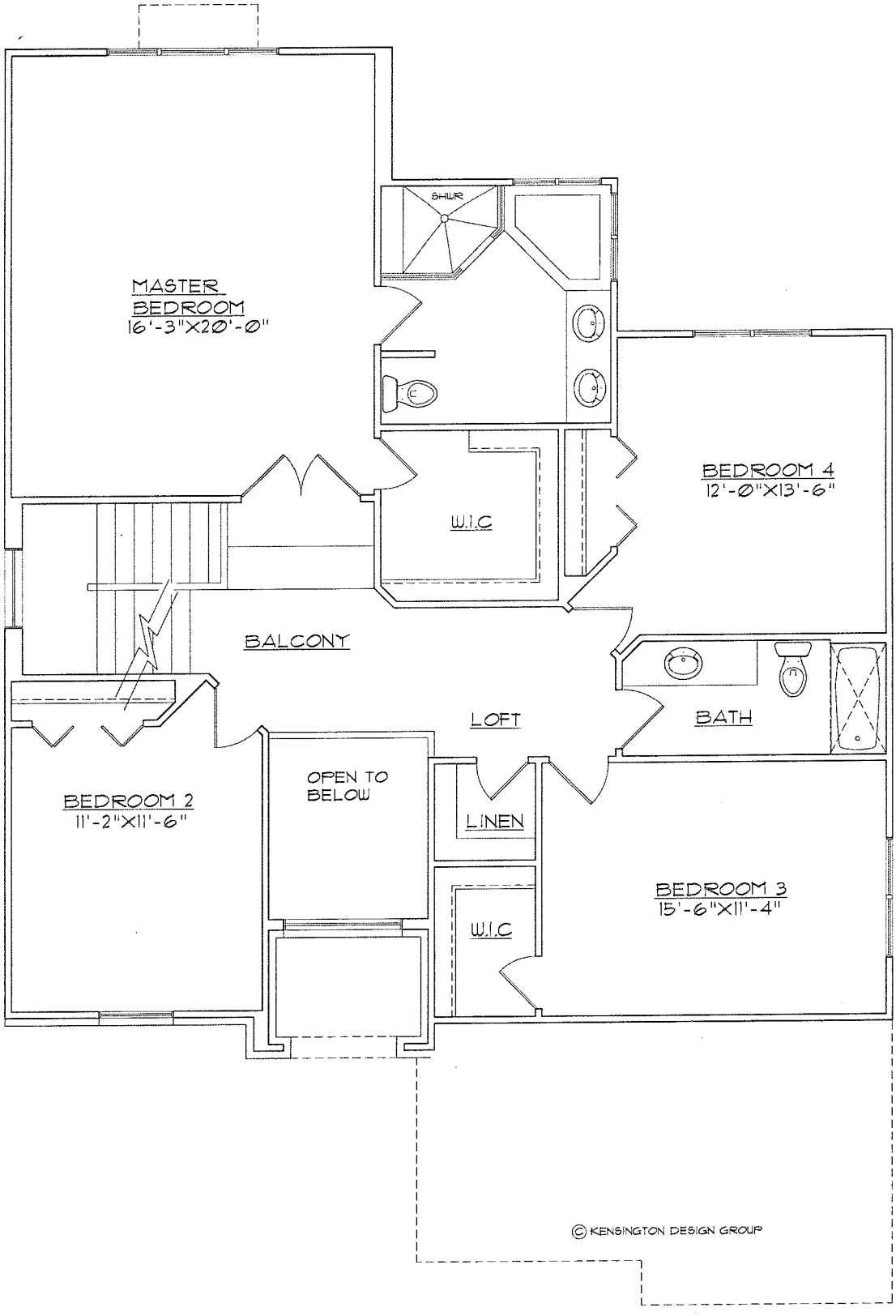
ELEVATIONS

CHESAPEAKE GROVE PLANS



FIRST FLOOR

CHESAPEAKE GROVE PLANS



SECOND FLOOR

CHESAPEAKE GROVE PLANS

DATE: December 28, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PRELIMINARY SITE CONDOMINIUM REVIEW – Covington Estates Site Condominium, south side of Long Lake Road, east of Livernois, Section 15 – R-1C

RECOMMENDATION

On December 14, 2004, the Planning Commission recommended approval of the Covington Estates Site Condominium, subject to the following conditions:

1. Provision of a temporary construction access easement on Long Lake Road.

2. Provide one common driveway for the two units that front on Long Lake Road.

These issues have been addressed on the site plan. City Management concurs with the Planning Commission and recommends approval of the Preliminary Site Plan for Covington Estates Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Dennis Siavrakas of Bryden Development Corporation.

Location of subject property:
The property is located on the south side of Long Lake Road, east of Livernois, in section 15.

Size of subject parcel:
The parcel is approximately 2.3 acres in area.

Description of proposed development:
The applicant is proposing a 5-unit site condominium. Two units will front on Long Lake Road and three units will front on the Nada Circle cul-de-sac.

Current use of subject property:
A single family home presently sits on the property.

Current use of adjacent parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: CR-1 One Family Cluster Residential.

West: R-1C One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum required lot area is 10,500 square feet. Minimum 13,662 square feet provided.

Lot Width: The minimum required lot width is 85 feet. The applicant has utilized the lot averaging option, which permits a 10% reduction in lot widths, provided the lot widths average 85 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C One Family Residential District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan was submitted as part of the application.

Stormwater detention:
The applicant is proposing to utilize the existing City-owned detention basin located to the south.

Natural features and floodplains:
The Natural Features Map indicates there is a wetland in the southeast corner of the parcel. The applicant provided a Wetland Delineation prepared by Brooks Williamson and Associates, Inc., dated June 2004. This report indicates that the wetland area in the southeast corner of the property is State-regulated.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: The applicant is proposing to extend Nada Drive to the east.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Topographic Conditions: The parcel slopes down gradually to the southeast.

Streets: The applicant is proposing connect to Nada Court to Nada Drive, a 60-foot wide public right-of-way.

Sidewalks: The applicant is proposing to construct 5-foot wide sidewalks around the perimeter of the Nada Court cul-de-sac. There is an existing 8-foot wide sidewalk along Long Lake Drive. The site plan incorrectly indicates that the sidewalk is located one foot outside of the right-of-way. The Topographic Survey indicates the sidewalk is actually located one foot inside the right-of-way.

Utilities: The parcel is served by public water and sewer.

Attachments:

1. Maps.
2. Environmental Specialist review comments, dated November 24, 2004.
3. Wetland Delineation prepared by Brooks Williamson and Associates, Inc., June 2004
4. Draft Minutes from December 14, 2004 Planning Commission Regular Meeting.

Prepared by RBS/MFM/PPB

cc: Applicant
File/Covington Estates Site Condominium

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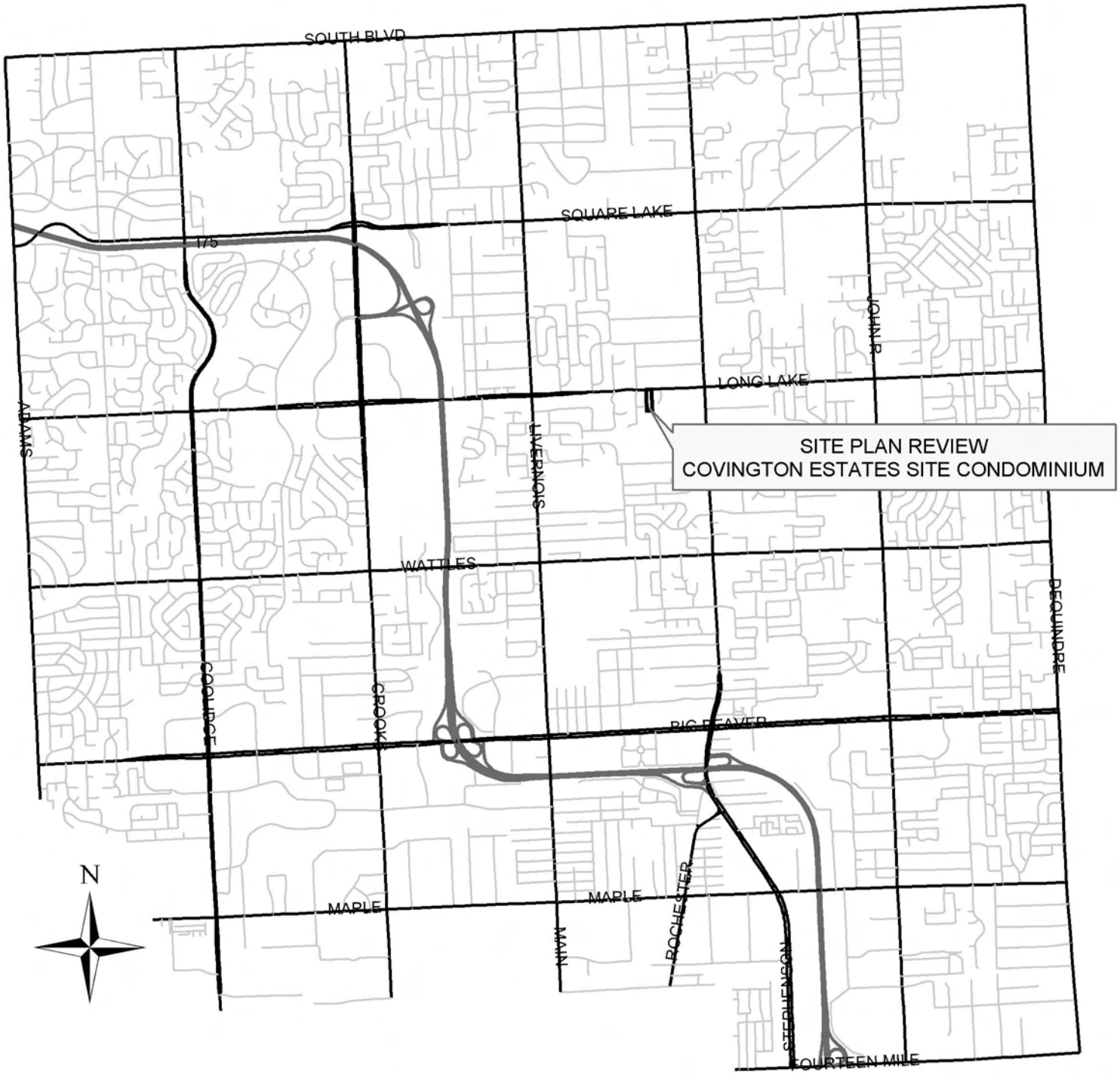
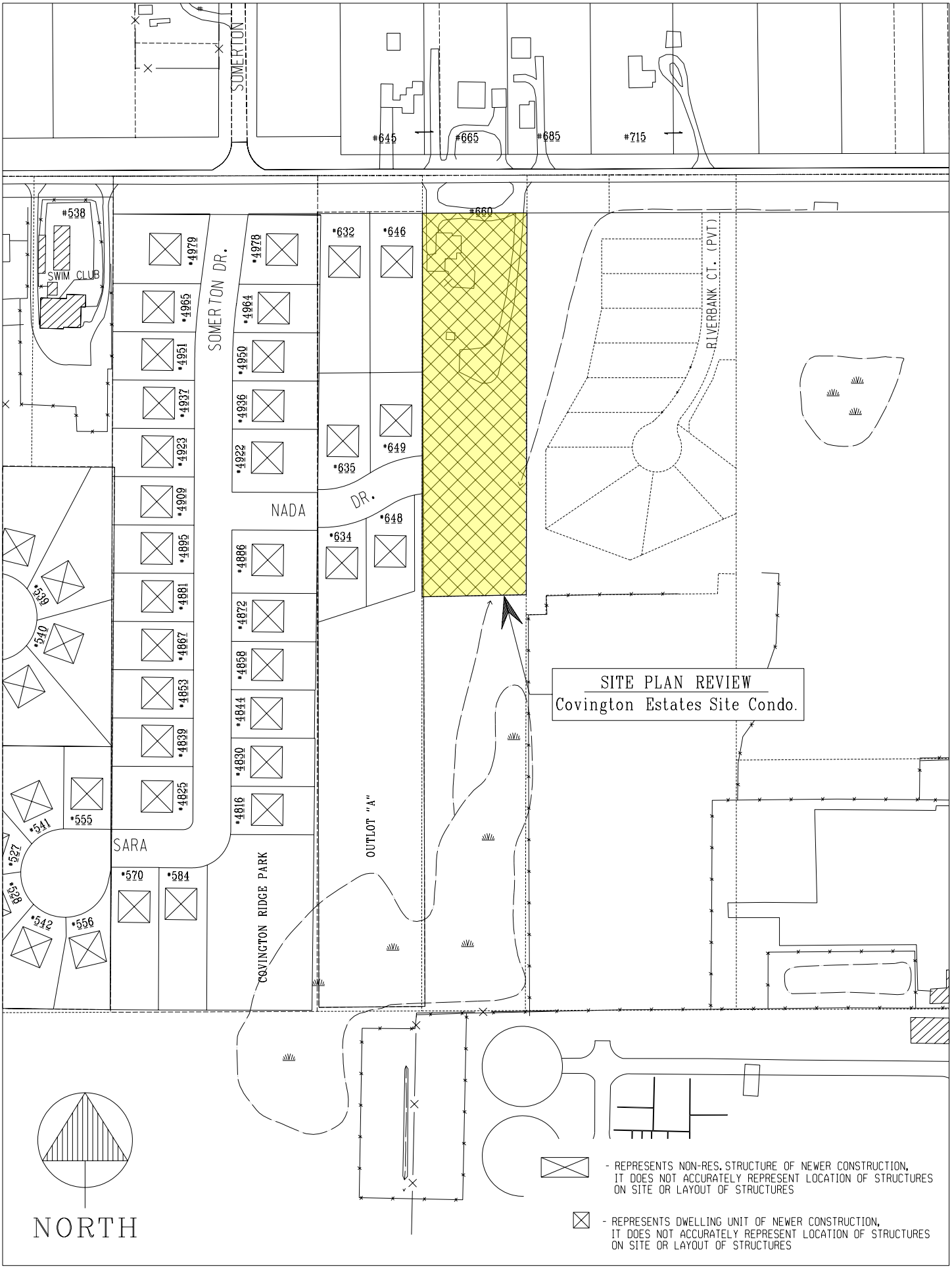
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



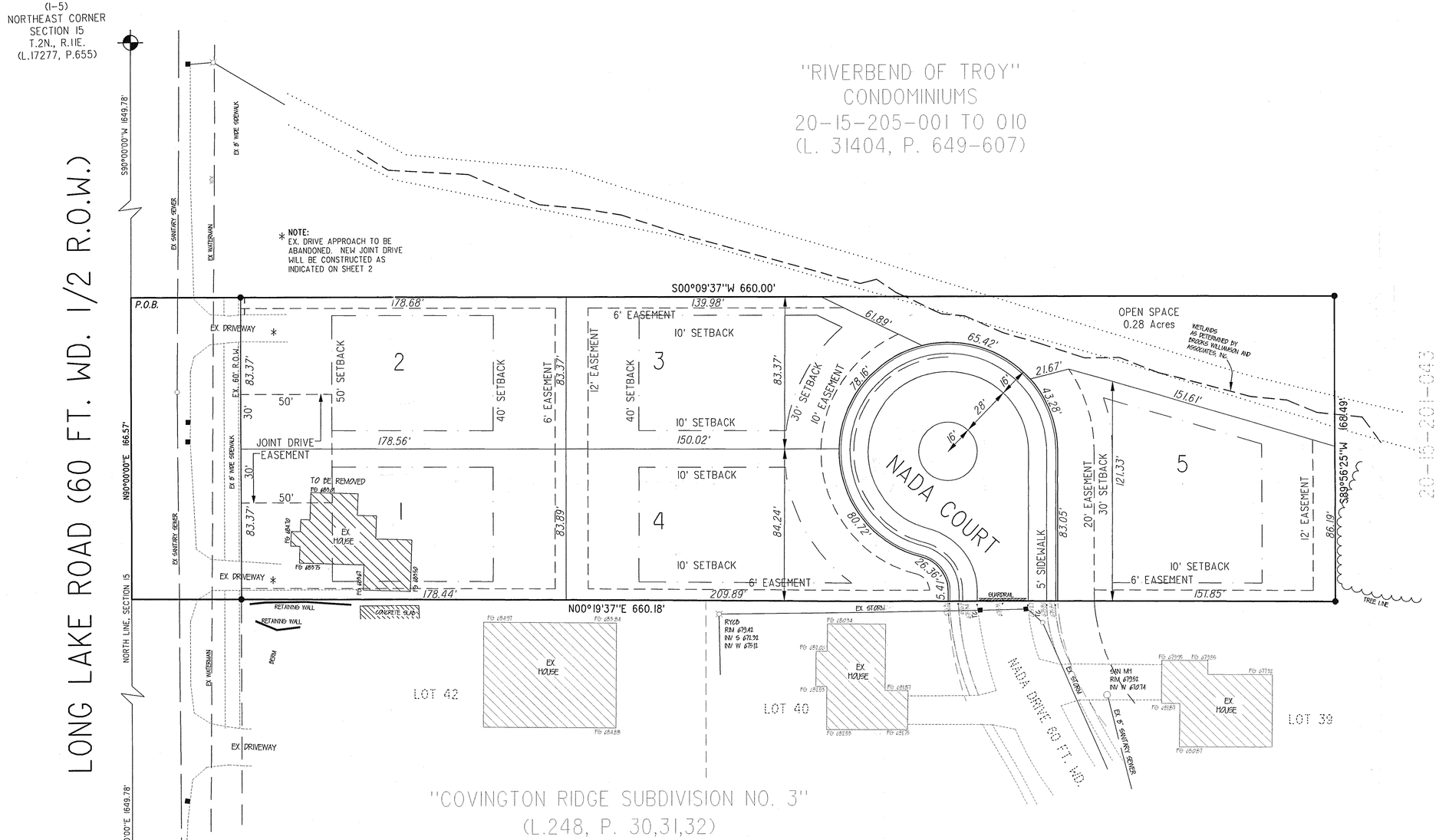
COVINGTON ESTATES S.C. / SEC. 15 / 11-29-04

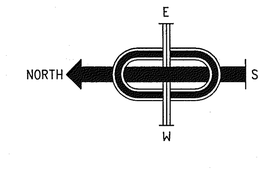
TRINWAY
R-1C
TRILLIUM
DR.
CRESTON
SHREWSBURY
SHADY CREEK
SOMERTON
10-380-035
LONG LAKE ROAD
LONG LAKE ROAD
R-1B
DR.
SOMERTON DR.
CR-1
RIVERBANK CT. (PVT.)
NADA
DR.
CHOICE
CT.
BELZAIR
SARA
DR.
SITE PLAN REVIEW
Covington Estates Site Condo.
C-F
RD.
ECKFORD
CT.
R-1C
ECKFORD
ECKFORD
NORTH

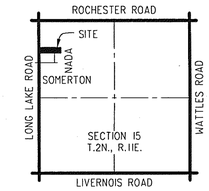
SITE PLAN REVIEW
PROPOSED COVINGTON ESTATES
SITE CONDOMINIUM
S SIDE OF LONG LAKE, E OF SOMERTON
SEC. 15 (5 UNITS/LOTS)
SHREWSBURY
SHADY CREEK
SOMERTON
E LONG LAKE
RIVERBANK CT
NADA
CHOICE
SOMERTON
BELZAIR
SARA
BELDALE
SITE PLAN REVIEW
PROPOSED COVINGTON ESTATES
SITE CONDOMINIUM
Feet
0 50 100 200 300 400
N

"COVINGTON ESTATES CONDOMINIUMS"

PART OF THE NORTHEAST 1/4 OF SECTION 15 ,
T. 2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN.







LOCATION MAP
NOT TO SCALE

5 TOTAL UNITS

NOTES:

1. This site is for single family residential use. (R-1-C ZONING)
2. All units meet the minimum area requirements of 9,450 square ft. and minimum frontage at the building line of 76.5 ft. in accordance with the City of Troy zoning ordinance. The lot averaging concept has been used. The average unit size exceeds 10,500 square ft.
3. Minimum setback is 30 ft. with minimum side yards of 10 and 20 ft total, rear setback 40 ft. A 6 ft. easement is at the rear of the units, a 12 ft. easement is provided if abutting acreage parcels, unless otherwise noted.
4. Layout and dimensions are tentative and subject to modification upon calculations of the final site plan.
5. All units will be served with public sanitary sewers and water mains. All interior streets will be concrete paved with curb and gutter. Storm drainage will be enclosed throughout the site.
6. Street signs shall be installed in accordance with the requirements of the Engineering Department of the City of Troy.
7. The developer shall comply with all applicable codes and ordinances of the City of Troy, Oakland County and the State of Michigan.
8. Utility easements shall be provided to the satisfaction of the City of Troy Engineering Department.
9. Trees throughout the site will be removed at time of development only in those areas where necessary to install utilities. Trees in house areas to be selectively removed only as necessary for house construction at time of building.
10. The proposed 5 ft. walk shall be 1 ft. off the property line (in the R.O.W.).
11. All existing buildings on site shall be demolished.
12. Wetlands identified by Brooks Williamson and Associates, Inc. on June 8, 2004.
13. Stormwater detention to be provided within existing City owned detention basin to the south.

UNIT NUMBER	WIDTH (FT.)	AREA (SQ. FT.)
1	83.37	14,928
2	83.37	14,891
3	83.37	13,662
4	83.85	14,694
5	121.33	16,600
AVERAGE		14,955

DEVELOPER:
BRYDEN DEVELOPMENT CORPORATION
3190 ROCHESTER ROAD
SUITE 100
TROY, MICHIGAN, 48083
248-740-9500

AUTHORIZED REPRESENTATIVES
DENNIS SIAVRAKAS
BRIAN VARGASON

PREPARED BY:
MCS ASSOCIATES, INC
44444 MOUND ROAD
SUITE 100
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE (586) 726-6310

REVISED
DEC 04 2004 5
JAN
PLANNING DEPT.

BENCHMARKS DESCRIPTIONS:

1. *ARROW/TOP OF HYDRANT #15-149, SOUTH SIDE OF LONG LAKE ROAD, 130 FT OF DRIVE TO HOUSE #720*
   ELEV. 677.95 (N.A.V.D. 88)
2. *ARROW/TOP OF HYDRANT #15-148 SOUTH SIDE OF LONG LAKE ROAD, 75 FT. OF CENTERLINE OF SOMERTON DRIVE. @ HOUSE #4978*
   ELEV. 689.92 (N.A.V.D. 88)

LEGAL DESCRIPTION: PARCEL A; 20-15-201-041 (Based on field survey)

Part of the Northeast 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Beginning at a point which is N90°00'00"E 1649.78 feet (S89°10'30"W 1650.00 ft. R.) along North line of said Section 15, being also the centerline of Long Lake Road (60 ft. wd. R.O.W. South 1/2) from the Northeast Corner of Section 15; thence S00°09'37"W (S00°36'30" R.) 660.00 feet along the West line of "River Bend of Troy" Condominiums as recorded in Liber 31404, of Plats, Pages 549-607, Oakland County Records; thence S89°56'25"W (S89°10'18"W R.) 168.49 feet to the East line of "Covington Ridge Sub No. 3" as recorded in Liber 248 of Plats, Pages 30,31, and 32, Oakland County Records; thence N00°19'37"E 660.18 feet (N00°26'30"W 660.02' R.) along said line of "Covington Ridge Sub No. 3" to the North line of Section 15, being also the centerline of Long Lake Road (60 ft. wd. R.O.W. South 1/2); thence N90°00'00"E (N89°10'30"E R.), along said North line of Section 15 and centerline of Long Lake Road (60 ft. wd. R.O.W. South 1/2) to the point of beginning.
Containing 110,583 Square Feet --- 2.539 Acres (Gross)
100,584 Square Feet --- 2.309 Acres (Net), more or less.

Subject to the rights of the public and of any governmental unit in any part of the land taken, used or deeded for street, road or highway purposes for Long Lake Road.

STATE OF MICHIGAN
JOHN C. WRIGHT
ENGINEER
No. 51423
LICENSED PROFESSIONAL ENGINEER

REV. 1-04-05 PER CITY JCW
REV. 12-03-04 PER CITY AR

MCS ASSOCIATES, INC.
Civil Engineering and Surveying
44444 Mound Road, Suite 100
Sterling Heights, Michigan 48314
Telephone (586) 726-6310

COVINGTON ESTATES CONDOMINIUMS
PART OF THE N.E. 1/4 OF SECTION 15, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DATE OCT. 15, 2004	SCALE 1"=30'
DRAWN BY SV	SHEET 1 OF 2
CHECKED BY JCW	DRAWING PS-04-779

PRELIMINARY SITE PLAN

MEMORANDUM

TO: Planning Department
FROM: Jennifer Lawson
SUBJECT: Covington Estates Site Condominiums
FILE: Covington Estates
DATE: November 24, 2004

RECD
NOV 2 0 2004
PLANNING DEPT.

Site Plan Review Comments

1. Must contact Mark Fife, MDEQ regarding NPDES Permit-by-Rule Program. (517) 241-8993. (Site is less than 5 acres)
2. Must apply for a soil erosion permit from the City of Troy Engineering Department. (Part 91, PA 451).
3. Must contact Oakland County Drain Commissioner's Office (Site may impact Houghten Drain).
4. Nada Court curb edge is less than 10 feet from the top of the streambank, as well as the Brooks Williamson delineated wetland line. Is there a way to reconsider the design of the road to increase the distance to both the delineated wetland edge as well as the top of streambank?
5. The island in the court is a good opportunity to place a biofilter swale or rain garden.
6. The wetlands report from Brooks Williamson, Inc., dated June 2004, was reviewed. This report states that there is one potentially regulated wetland onsite.
7. The wetlands that are adjacent and included in lot 5 may be impacted during construction, or after construction by the homeowner. Please consider requiring a buffer, or moving the location of the structure. A deed restriction would protect the buffer in perpetuity.
8. No floodplain issues.

660 Long Lake Road

Wetland Delineation
and
Determination of Jurisdiction

Part of the NE 1/4 of Section 15, T.2N., R.11E.
The City of Troy
Oakland County, Michigan

June 2004

Prepared For:
Mr. Dennis Siavrakas
Bryden Homes
3190 Rochester Road
Suite 100
Troy, MI 48083

Prepared By:
Brooks Williamson and Associates, Inc.
30366 Beck Road
Wixom, Michigan 48393

[BWA 04-060]

NOV 10 2004

EXECUTIVE SUMMARY

This document with associated field mapping is a determination of the existence and extent of any wetlands, ponds, lakes, or streams on a parcel of property located in the City of Troy, Oakland County, and is a determination of their regulatory status under the following:

a) Natural Resources and Environmental Protection Act (1994 P.A. 451),
   - Part 301, Inland Lakes and Streams Protection;
   - Part 303, Wetland Protection;

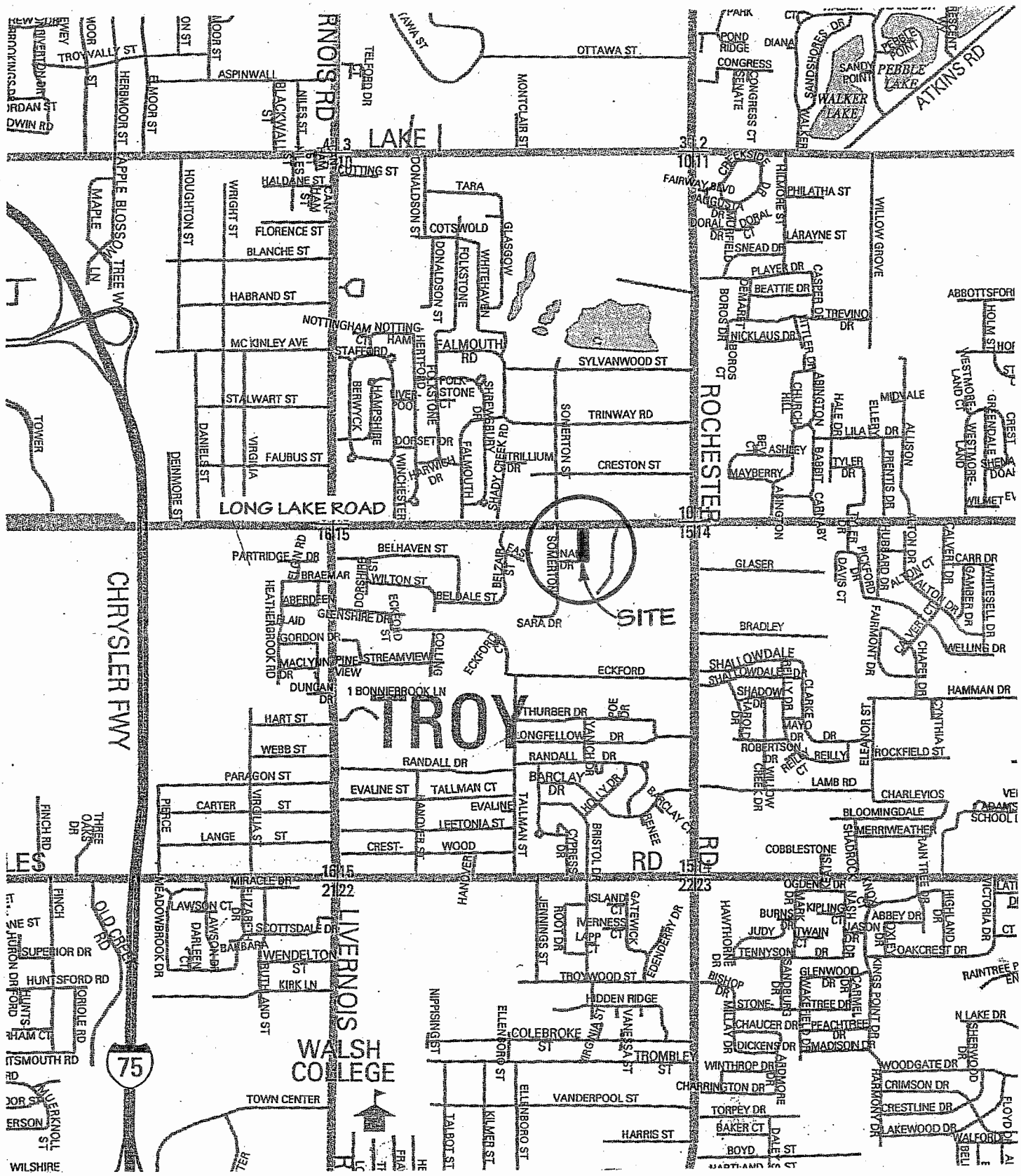
b) Regulation of any wetland and water features by The City of Troy.

The wetland and water features on the parcel were delineated at the request of Mr. Dennis Siavrakas of Bryden Homes. This work revealed that one wetland and one stream are present on the parcel. It is our opinion that this wetland and the stream are subject to regulation by the Michigan Department of Environmental Quality (MDEQ). Permits will be required for construction activities involving regulated areas. At the time of the site inspection, the City of Troy had no ordinances regulating wetland or watercourse areas.

These findings represent the opinion of Brooks Williamson and Associates, Inc. Wetland delineation in the field conforms to currently accepted State wetland definitions and procedures. A detailed description of methods and site conditions follows.

SITE LOCATION

The site is located in part of the NE 1/4 of Section 15, T.2N., R.11E., the City of Troy, Oakland County, Michigan (Figure 1). The site is situated at 660 Long Lake Road. The site is south off Long Lake Road, just west of Rochester Road. There is a house on the northern portion of the site. The remainder of the site is currently vacant.



SITE LOCATION

NO SCALE

(BWA FILE 04-060)

NORTH

FIGURE 1

AVAILABLE MAPPING

County Soil Survey

The Oakland County Soil Survey was reviewed prior to the site inspection. One soil mapping unit is shown on the parcel (Figure 2). This is Selfridge loamy sand (52A). This series is not listed by the U.S. Department of Agriculture as a hydric soil. A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic (wetland) vegetation.

According to the technical definition used by the Natural Resources Conservation Service (NRCS) the following soils are hydric:

1. All Histosols except Folists; or
2. Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Aquisalids, Pachic subgroups, or Cumulic subgroups that are:
    a. Somewhat poorly drained with a water table equal to 0.0 foot (ft) from the surface during the growing season, or
    b. poorly drained or very poorly drained and have either:
        (1) water table equal to 0.0 ft during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in),

        or for other soils

        (2) water table at less than or equal to 0.5 ft from the surface during the growing season if permeability is equal to or greater than 6.0 in/hour (h) in all layers within 20 in, or
        (3) water table at less than or equal to 1.0 ft from the surface during the growing season if permeability is less than 6.0 in/h in any layer within 20 in, or
3. Soils that are frequently ponded for long duration or very long duration during the growing season, or
4. Soils that are frequently flooded for long duration or very long duration during the growing season.

In a natural or unaltered condition, the hydric soils shown on a parcel typically support wetland vegetation. Therefore, the soil survey information provides an idea of what may be expected on the property in question.

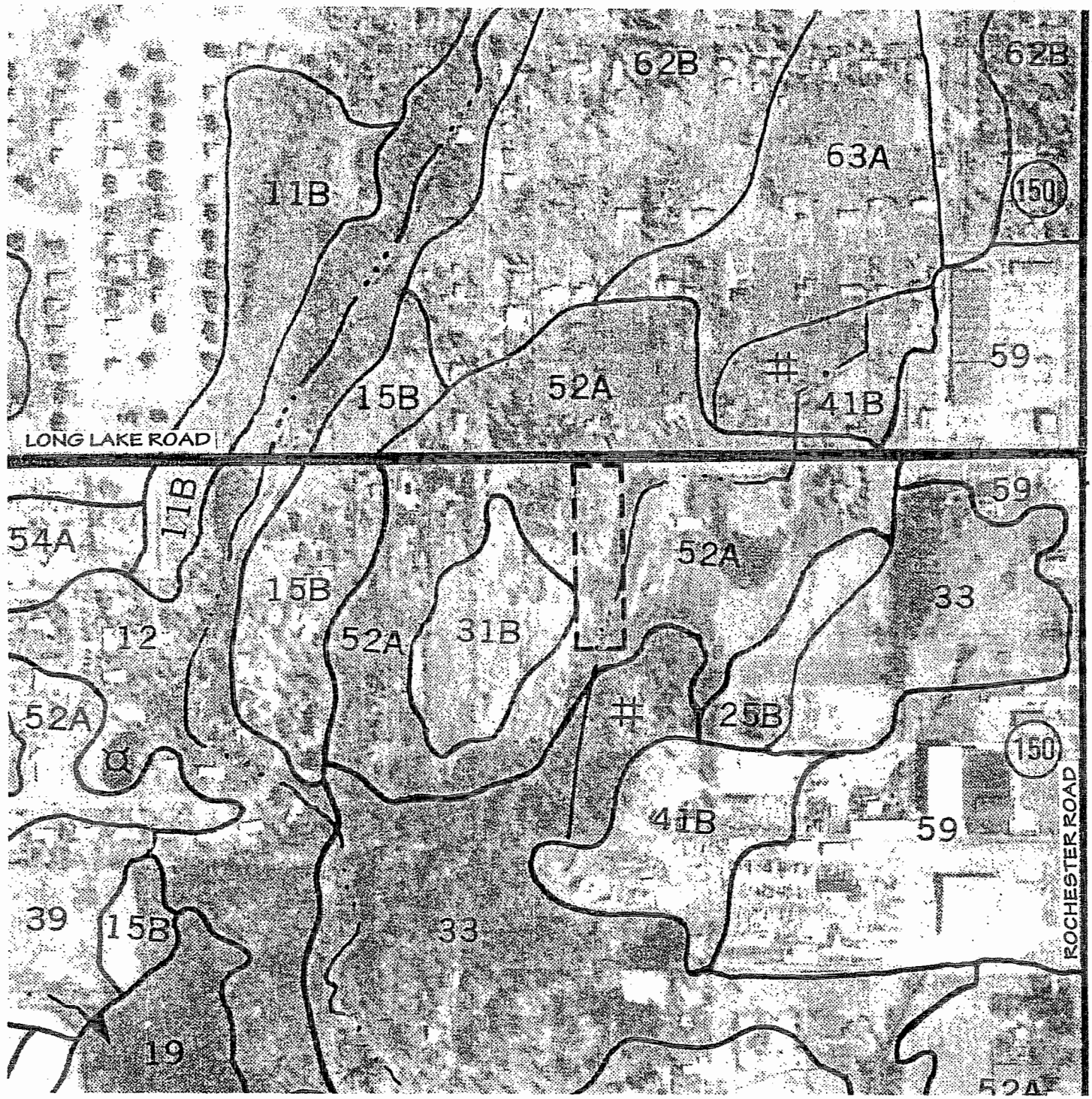
A water course is shown in the southeast corner of the property.

U.S. Geological Survey Map (USGS)

The USGS Quadrangle map for this area (Figure 3) shows no wetland or watercourse features on the property. These maps typically show only the more distinct wetland and water features, and should be utilized for preliminary analysis only. Actual field mapping is necessary to determine the actual existence, type, and boundaries of wetland on a given site.

National Wetland Inventory (NWI)

The NWI map for this area (Figure 4) shows no wetland or watercourse features on the property. Please note that NWI maps are compiled from aerial photography and may not show all wetlands in a given area, nor accurately characterize all wetlands shown. These maps should be used only for preliminary analysis.



52A Selfridge loamy sand

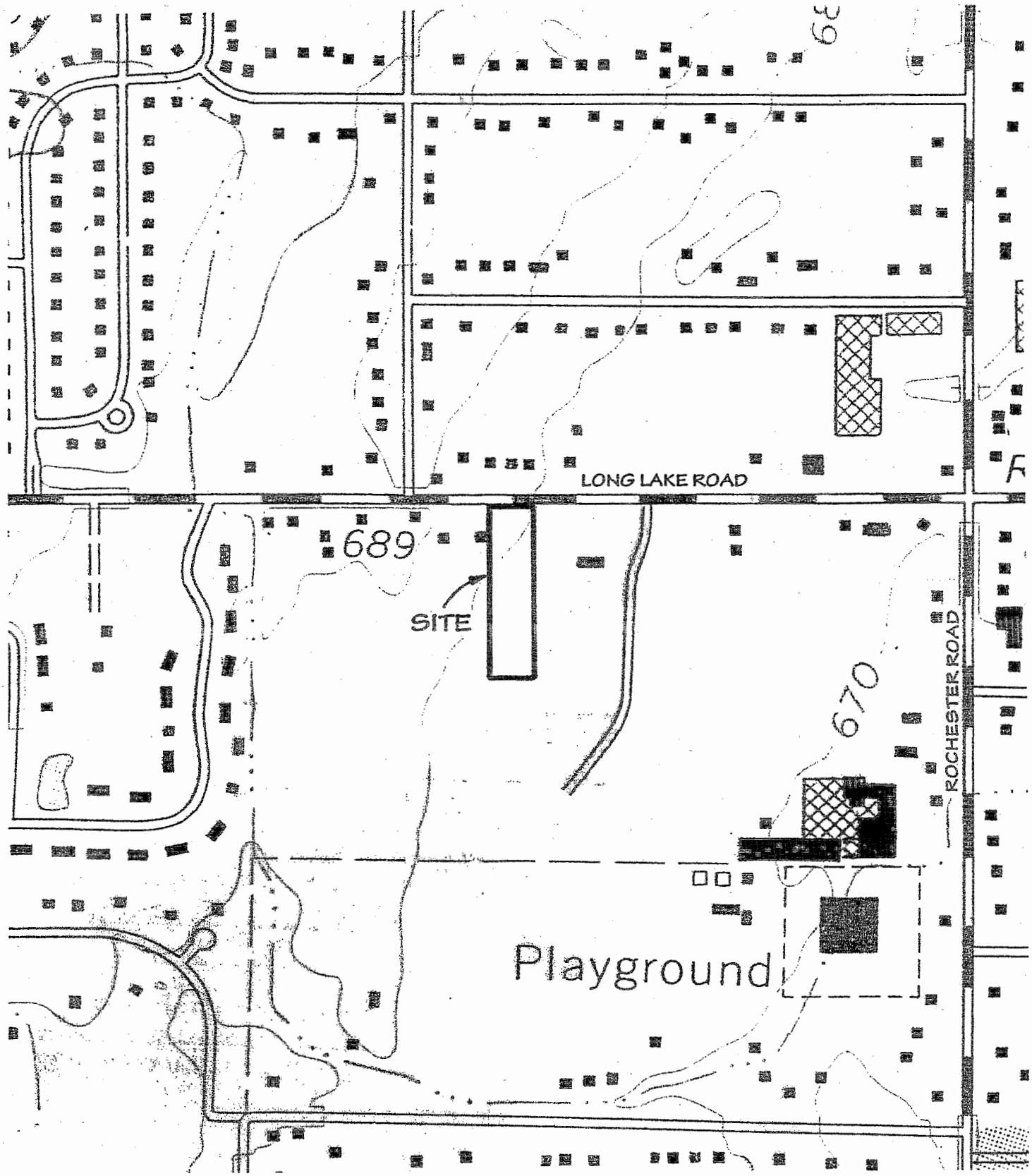
OAKLAND COUNTY SOIL SURVEY

SCALE: 1" = 500'

(BWA FILE 04-060)

NORTH

FIGURE 2



U.S.G.S. QUADRANGLE

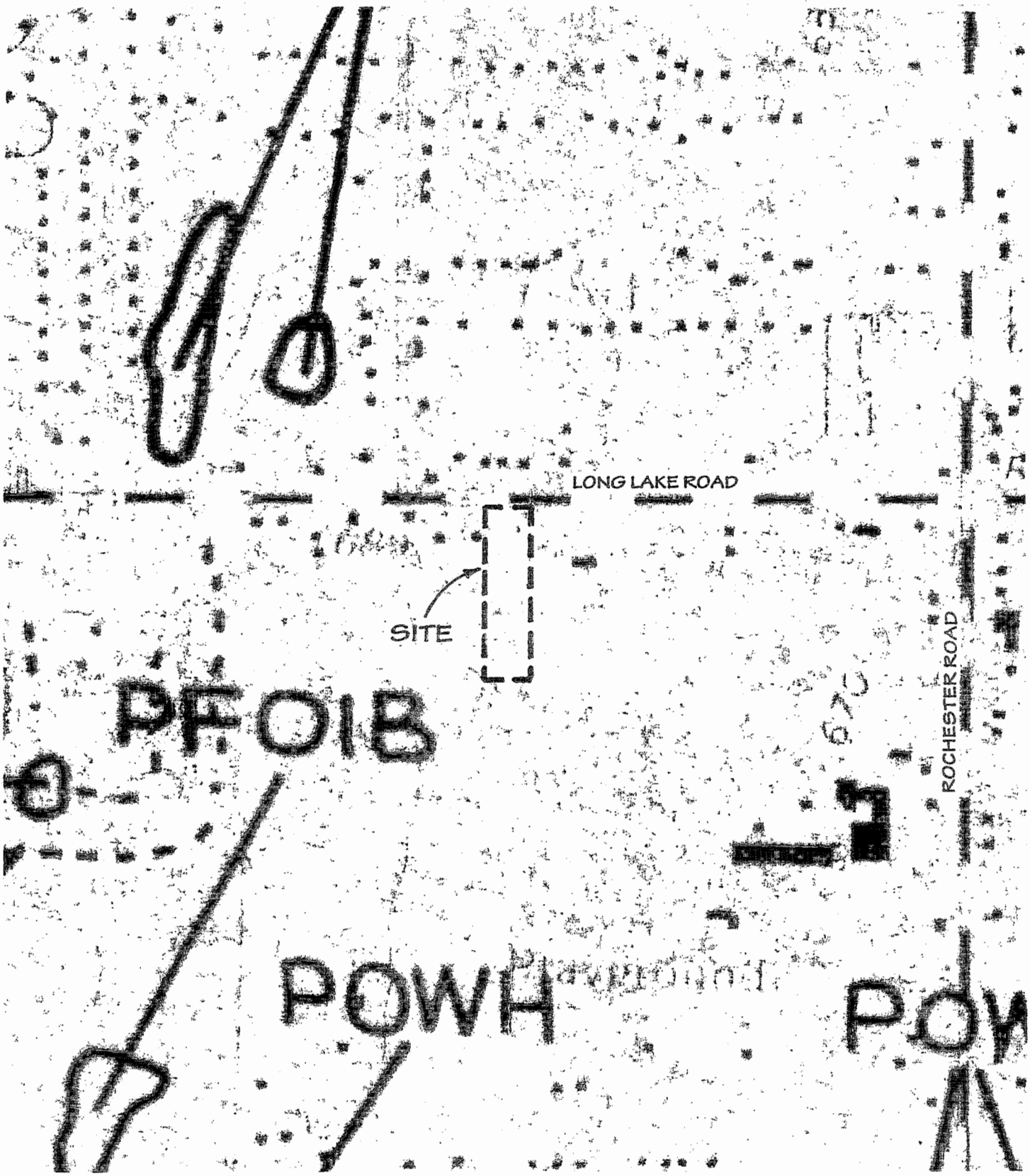
'BIRMINGHAM' QUAD

SCALE: 1" = 500'

(BWA FILE 04-060)

NORTH

FIGURE 3



NATIONAL WETLANDS INVENTORY (N.W.I.)

' BIRMINGHAM ' QUAD

SCALE : 1" = 500 '

(BWA FILE 04-060)

NORTH

FIGURE 4

METHODOLOGY

Wetland areas are defined by P.A. 451 of 1994, Part 303, Wetland Protection, as:

> "... land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh ..."

The methodology used in defining the location of wetland areas within the parcel was that established by Rule 4 of the rules promulgated pursuant to the Act and by the Michigan Department of Environmental Quality: A Technical Manual for Identifying Wetlands in Michigan (March, 2001). When questions arose regarding the proper location of the line, the Corps of Engineers Wetlands Delineation Manual, 1987, and supporting documents were used.

Determination of the possible existence, extent, or distance of any off-site wetlands, ponds, lakes, streams, or other features is based on publicly available information including aerial photographs, U.S. Geological Survey maps, National Wetland Inventory maps, and County Soil Surveys.

DESCRIPTIONS OF WETLAND AND WATER FEATURES

The site was inspected and delineated June 8, 2004. One wetland was identified on the property. The wetland–upland boundary was flagged with fluorescent pink and blue survey ribbon. A preliminary map of the general location and size of the wetland areas is included as Figure 5. Please note that this map shows only an approximate location of wetland–upland boundaries, and any ponds, lakes, or streams. We recommend that the delineated wetland boundaries be surveyed and incorporated into the site plan. A sketch showing flag numbering for identification in the field is included as Attachment A.

The wetland areas are briefly described below:

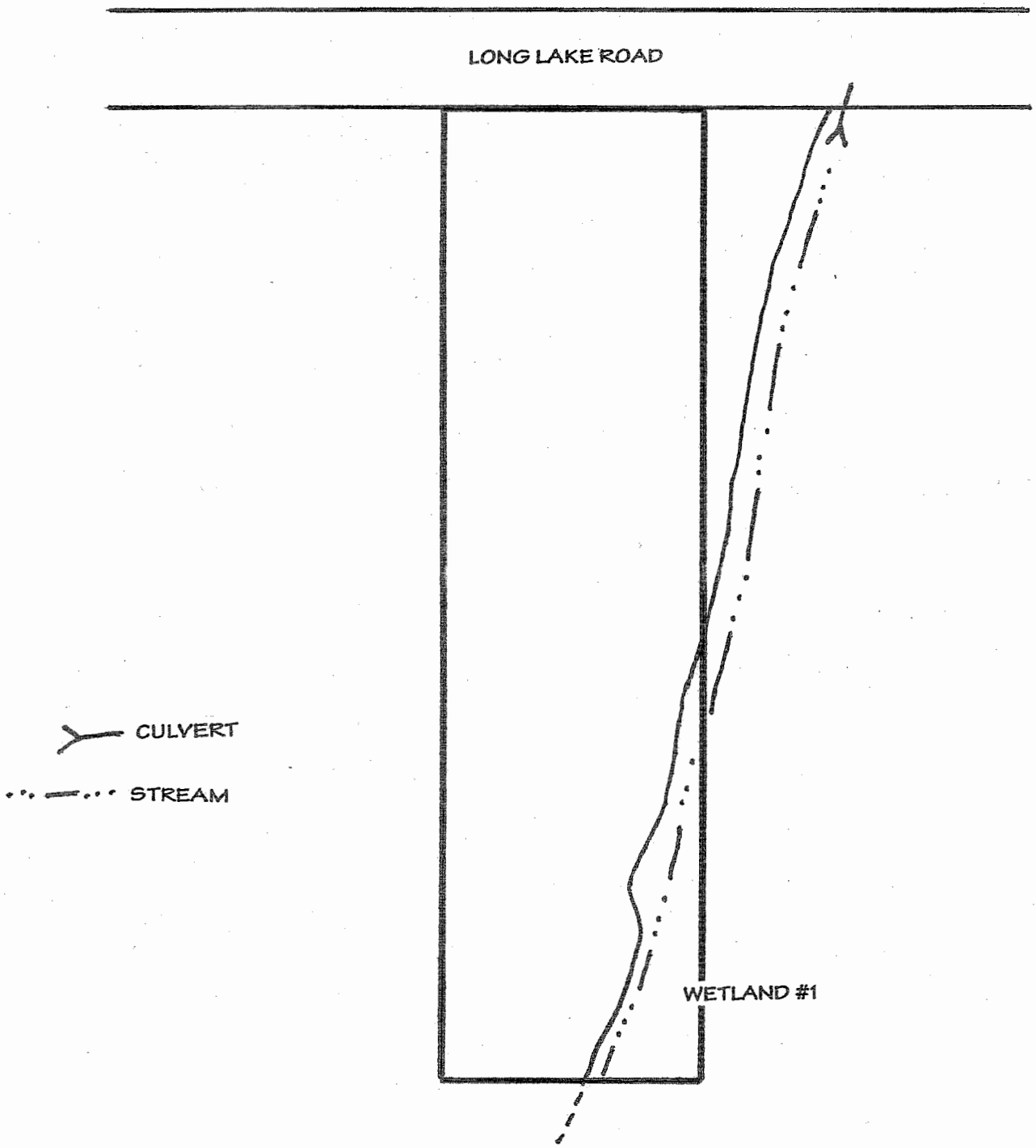
Wetland #1

This area is a stream and its associated wetland fringe. Vegetation includes cat-tail (*Typha latifolia*), jewelweed (*Impatiens capensis*), lakebank sedge (*Carex lacustris*) and common reed (*Phragmites australis*). Standing water, saturated soils, water stained leaf litter, bare soil and water marks indicate wetland hydrology.

This wetland continues off-site to the south and east.

BROOKS WILLIAMSON
AND ASSOCIATES, INC.
30366 BECK ROAD
WIXOM, MICHIGAN 48393
TEL: 248 624 9100
FAX: 248 624 3963

THIS IS ONLY AN ESTIMATE OF THE WETLAND LINE. FLAGGED LINES MUST BE SURVEYED FOR ACCURATE LOCATION AND PLANNING PURPOSES.



PRELIMINARY WETLANDS MAP

SCALE: 1" = 100'

(BWA FILE 04-060)

FIGURE 5

REGULATION OF WETLAND AND WATER FEATURES

Regulation of Inland Lakes and Streams by the State of Michigan

Inland lakes and streams are protected under Part 301 of 1994 P.A. 451, Inland Lakes and Streams Protection. The Michigan Department of Environmental Quality (MDEQ) assumes authority over natural or artificial inland streams that have definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water; and natural or artificial lakes or ponds with a surface area of five acres or greater. The Great Lakes and Lake St. Clair are not considered to be inland lakes under this act.

One stream was identified on the property during the site inspection. Observations of bed, bank and flow suggest that the definition of a stream is met under Part 301.

This stream originates from a culvert at Long Lake Road. The origin of this culvert is unknown. This culvert may be connected to storm water drains along Long Lake Road.

Please note that the following activities are prohibited within regulated inland lakes and streams without a MDEQ permit:

1. Dredging or filling bottomland;
2. Constructing, enlarging, extending, removing or placing a structure on bottomland;
3. Erecting, maintaining or operating a marina;
4. Creating, enlarging or diminishing an inland lake or stream;
5. Structurally interfering with the natural flow of an inland lake or stream;
6. Constructing, dredging, commencing, extending or enlarging an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with an existing inland lake or stream, or where any part of the artificial waterway is located within 500 feet of the ordinary high water mark of an existing inland lake or stream;
7. Connecting any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar water with an existing inland lake or stream for navigation or any other purpose.

Wetland Regulation by the State of Michigan

Wetlands are protected under Part 303 of 1994 P.A. 451, Wetland Protection. The Michigan Department of Environmental Quality (MDEQ) assumes authority over wetlands that are contiguous to an inland lake, pond, or stream, within 500 feet of an inland lake, pond, or stream, or within 1,000 feet of a Great Lake, Lake St. Clair, the St. Clair River, or the Detroit River. Isolated wetlands five acres in size or greater are also regulated in counties with a population of greater than 100,000 per the most recent Federal census. The population of Oakland County was in excess of 100,000 at the time of the most recent Federal census (2000).

The MDEQ may also exert regulatory control over isolated wetlands less than five acres in size "...if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner".

Wetland #1

This wetland is subject to regulation by the MDEQ because it is contiguous by direct physical contact with the stream located within it.

Please note that the following activities are prohibited within regulated wetlands without a MDEQ permit:

1. The placement of fill material;
2. Dredging;
3. Construction within; and/or
4. The draining of surface water from a wetland.

Regulation by The City of Troy

At the time of the site inspection, the City of Troy had no ordinances regulating wetland or watercourse areas.

CONFIRMATION BY REGULATORY AGENCIES

Numerous natural environmental factors and human induced changes may cause changes in the extent of wetland on a parcel over a period of time. Identification of wetland or water features on the property represents what this firm believes the MDEQ would consider to be a wetland, pond, lake, or stream based on the condition of the site at the time of inspection and recent regulatory policies and attitudes. Please note that the Department has the final decision in matters of jurisdiction and delineation.

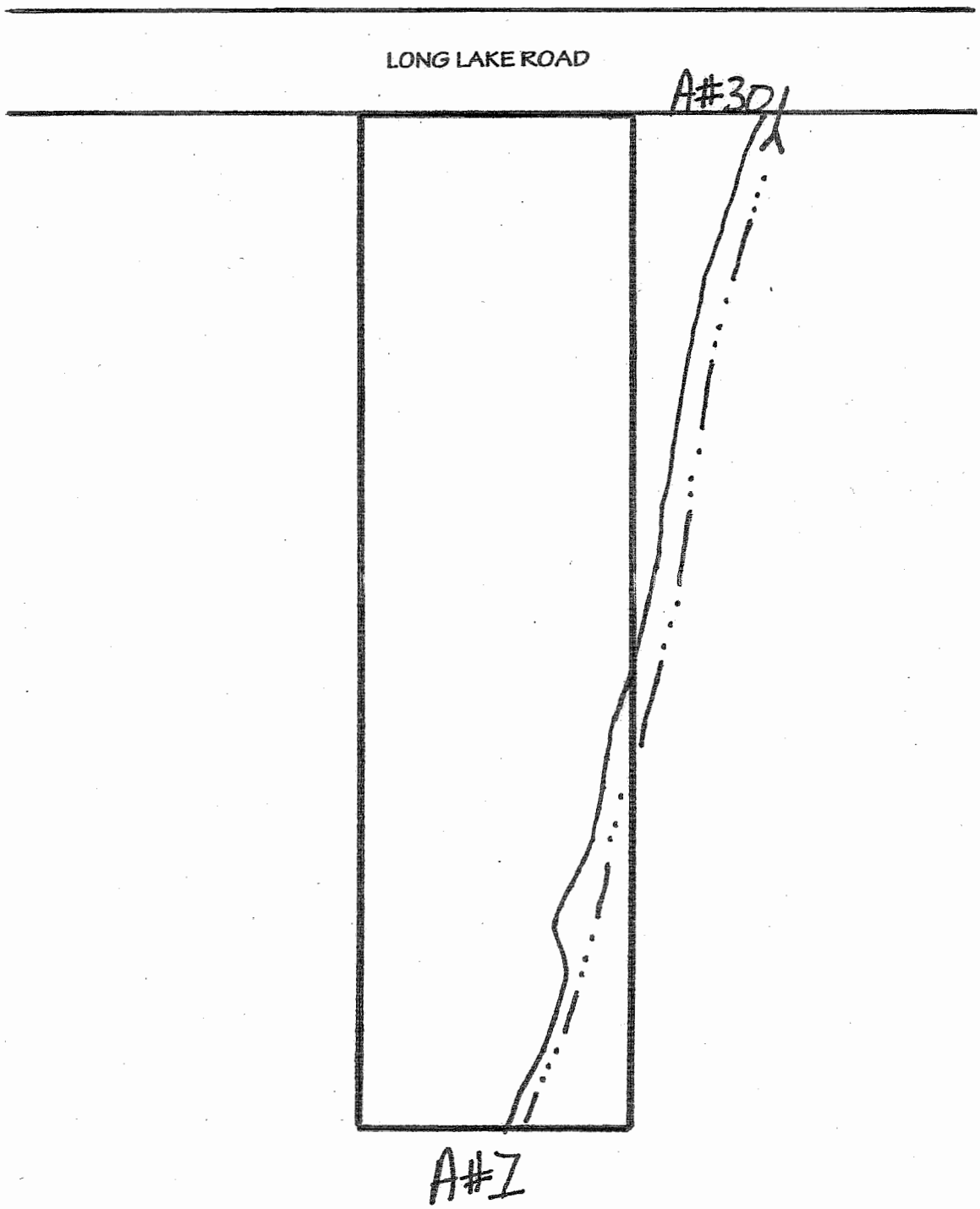
We recommend that this delineation report be forwarded to the MDEQ for confirmation or corrections, should any questions arise. Purchase or detailed planning should generally be considered only after receiving written confirmation.

Attachment A

Flag Numbering for Preliminary Wetland Boundaries

BROOKS WILLIAMSON
AND ASSOCIATES, INC.
30366 BECK ROAD
WIXOM, MICHIGAN 48393
TEL: 248 624 9100
FAX: 248 624 3963

THIS IS ONLY AN ESTIMATE OF THE WETLAND LINE. FLAGGED LINES MUST BE SURVEYED FOR ACCURATE LOCATION AND PLANNING PURPOSES.



PRELIMINARY WETLANDS MAP(FLAG NUMBERS)

SCALE : 1" = 100'

(BWA FILE 04-060)

NORTH

FIGURE

10. SITE PLAN REVIEW – Proposed Covington Estates Site Condominium, 5 units/lots proposed, South side of Long Lake Road, East of Somerton, Section 15 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed site condominium development. Mr. Miller reported that it is the recommendation of the Planning Department to approve Covington Estates Site Condominiums with the conditions to provide a temporary construction access easement on Long Lake Road and one common driveway for the two units that front on Long Lake Road.

There was a brief discussion on the following:

- common driveway for the two units that front on Long Lake Road;
- property to the immediate south in relation to the storm water detention;
- designated common space for the development;
- potential regulated wetlands on site.

The petitioner, Dennis Siavrakas of Bryden Development Corporation, 3190 Rochester Road, Troy, was present. Mr. Siavrakas said he is in agreement with the recommendations of the Planning Department.

Resolution # PC-2004-12-157
Moved by: Chamberlain
Seconded by: Littman

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, the City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before the Commission and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Covington Estates Site Condominium, including 5 units, located south of Long Lake Road and east of Somerton Street, Section 15, within the R-1C zoning district be granted, subject to the following conditions:

1. Provision of a temporary construction access easement on Long Lake Road.

2. Provide one common driveway for the two units that front on Long Lake Road.

Yes: All present (6)
No: None

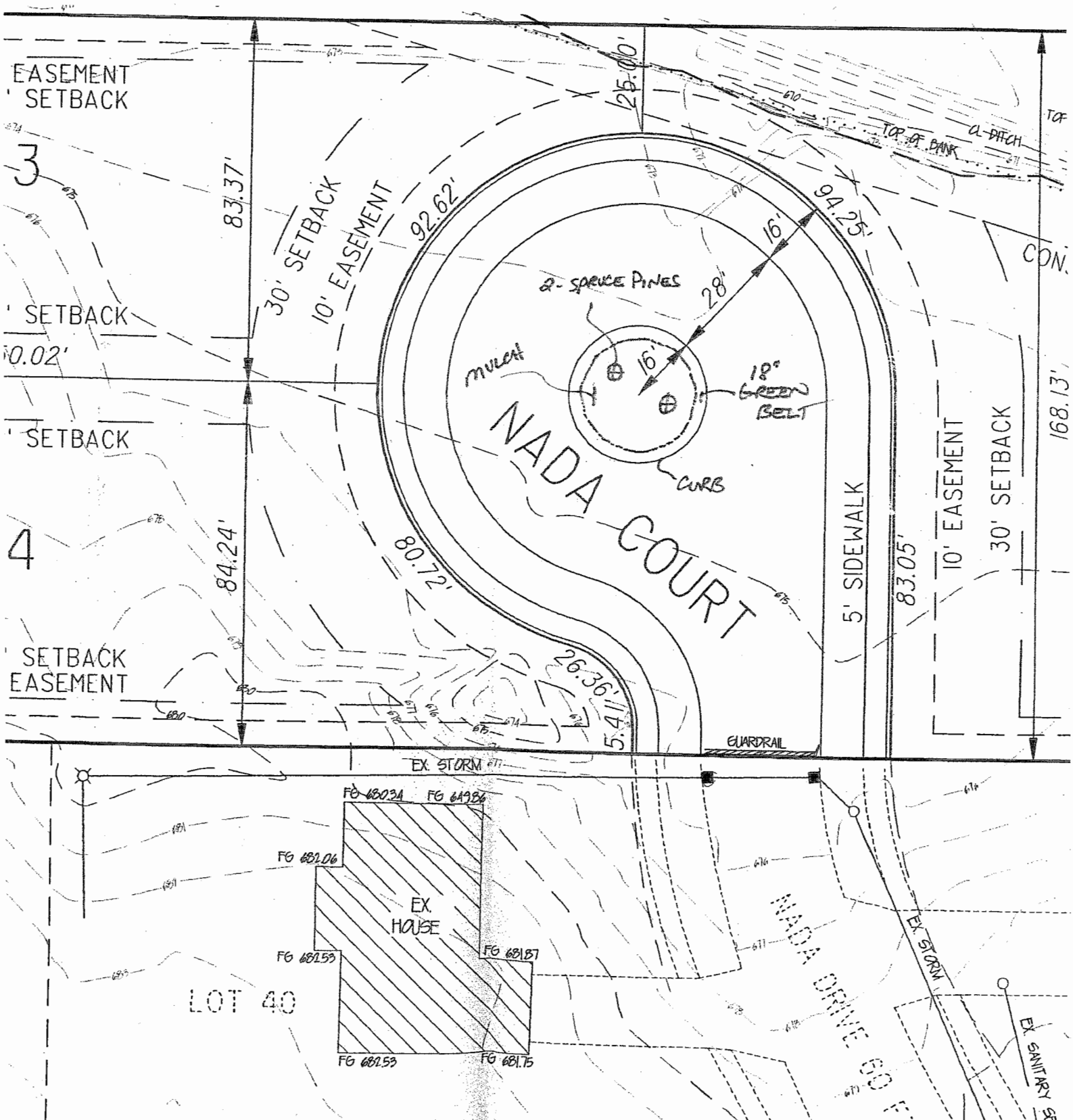
Absent: Khan, Schultz, Vleck

MOTION CARRIED

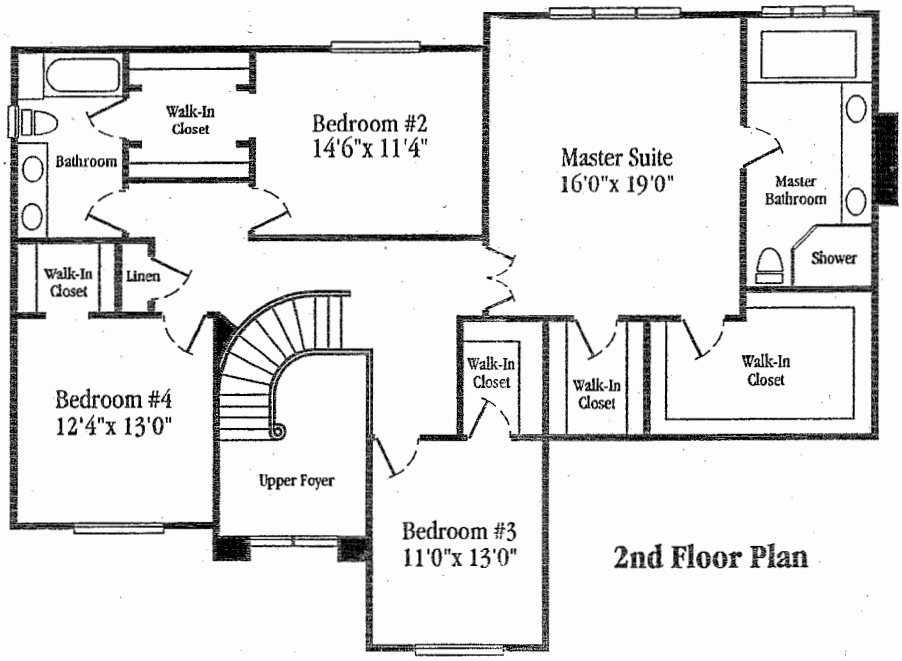
NADA COURT
COVINGTON ESTATES CONDOMINIUMS
LANDSCAPE PLAN / COST ESTIMATE

REC'D
NOV 10 2004
PLANNING & ZONING

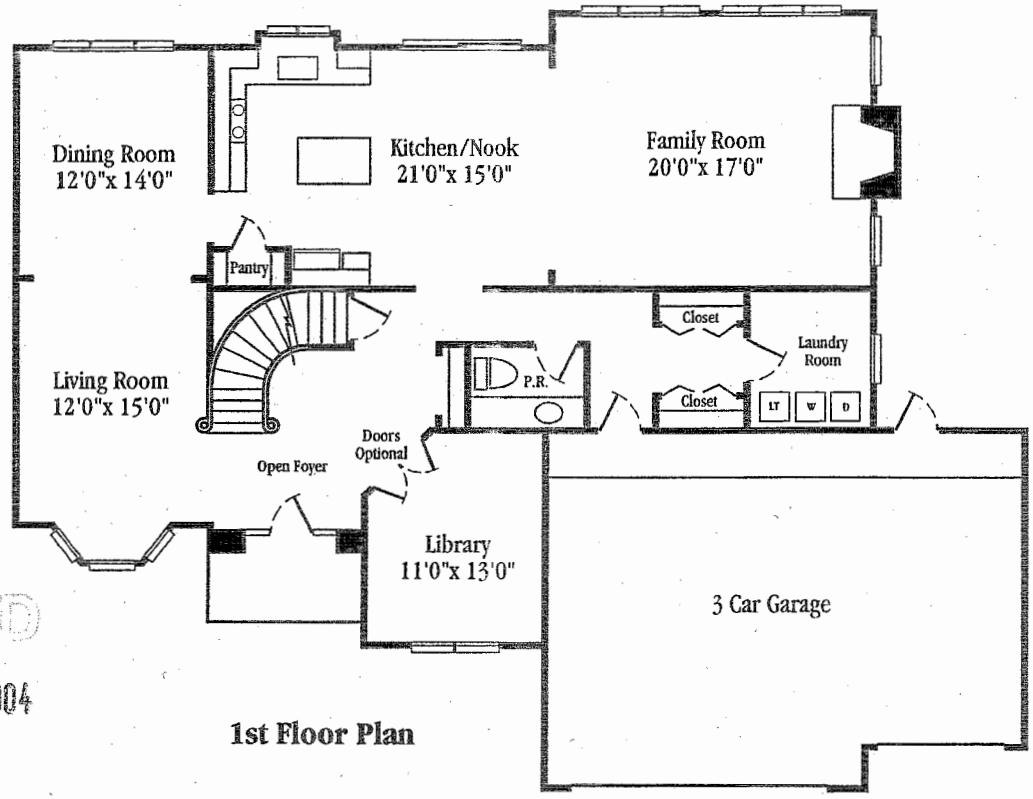
1.	2 – 6' min. tall Spruce Pine Trees	$ 600.00
2.	25 yards sod	$ 100.00
3.	3 yards Cedar Mulch	$ 100.00
	Total:	$ 800.00



Edenderry West - Floor Plans



2nd Floor Plan



RECVD
DEC - 7 2004

1st Floor Plan

BRYDEN HOMES
CORPORATION

The renderings and photograph are the artist's conception. Floor plans are intended to serve as a general guide, not to accurately depict the legal description of the property's walls, boundaries, dimensions, scale of rooms and their relative locations. We cannot provide any warranties or representations that the actual and depicted descriptions will not differ. Features subject to change without notice.

December 28, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Brian Murphy, Assistant City Manager – Services
Steve Vandette, City Engineer
Nino Licari, City Assessor

Re: Agenda Item: Petition Analysis, Sanitary Sewer in the Charnwood Hills Subdivisions – SAD # 04.403.1

The City Assessor has analyzed numerous petitions presented from property owners of the Charnwood Hills Subdivisions in Section 6, requesting the installation of sanitary sewers throughout the subdivisions, and the creation of a Special Assessment District to finance the project.

There are one hundred-sixty five (165) assessable units in the project area. Eighty-five (85) of the affected unit owners have signed the petition in favor of the project. This equates to 50.91% of the owners being in favor of the paving.

This is the third time the residents in this area have requested information on sanitary sewers in the area. None of the previous submittals totaled more than 20% of the residents.

This is the single largest area in the City that is without sanitary sewer service and asphalt paving. The streets in this area are a gravel base, with a chip seal coat that was applied in the 90's.

The renewed interest in sanitary sewers is partially the result of House Bill 5145, which would allow the City to delay the tap in to existing sewer lines within 18 months, provided the septic system has been inspected, and deemed to be in good working order (this bill has been stalled in the House Committee on Local, Urban and State Affairs since November of 2003, and does not appear likely to be reintroduced).Additionally, City Council has adopted revisions to Ordinance Chapter 19, requiring septic system inspections every four (4) years.

This proposed district is the result of meetings with residents, conducted by Engineering Department staff, on June 10, 2004. Through the summer and fall, residents of the area have worked diligently with staff to outline the boundaries of the proposed district, which would provide sanitary sewer to all areas of Charnwood Hills, and Charnwood Hills 1, 2, and 3.

Smaller districts can be created to bring sanitary sewer into the region, and bypass many (but not all) of the areas that are opposed to this project. These smaller districts could be created by the submission of new petitions, or by City Council resolution itself, under authority of the City Charter, Chapter 10, and Chapter 5, of the City Ordinances.

The cost of this project is substantial, and a twenty (20) year payment schedule is recommended and attached.

Additionally, while Community Development Block Grant Funds (CDBG) are pledged for the project, there is reason to believe that sufficient funds may not be available to cover all of the qualifying homesteads. Staff has determined that approximately $389,000 in CDBG funds could be made available for this project, over the two year expected completion time. With an anticipated 17 – 19 homes qualifying for the CDBG funds, the amount of exposure is between $365,888.62 and $408,934.34 (creating a shortage of funds of $19,934.34 at the high end).

When this situation presented itself, the Engineering Department conducted a poll of the residents affected by the project, and received twenty (20) responses from residents that feel they do qualify for the CDBG funding.

It is possible that there might be two (2), or three (3) other qualifying homes in the area. In this scenario, the City at large might be responsible for four (4) additional qualifying homes, at $21,522.86 each, plus the $19,934.34 shortage that occurs in the 19th home, for a total of $106,025.78.

Staff recommends the approval of this contingent payment, based upon the actual number of households qualifying.

Also, the owners have also petitioned for bituminous (asphalt) paving in the area. This should be the next regular business item on the agenda. Should Council decide not to proceed with the sanitary sewer installation, staff would strongly suggest that no bituminous paving be installed, as it would all have to be removed to install sanitary sewers, at a future time.

Finally, staff recommends that you request City Council Approve Standard Resolution #1 (preparation of plans and cost estimates for the project), Standard Resolution #2 (approval of the cost estimates), and Standard Resolution #3 (setting a public hearing for this project) as submitted.

City of Troy - Assessing Department
Analysis of Petition for Sanitary Sewer in the Charnwood Hills Subdivisions

04.403.1

Parcel ID	#	Street	Owner 1	# of Units	# of Owners	Owners Signed	Units Signed in Favor	
88-20-06-151-001	2956	TEWKSBURY	FAMBROUGH, HENRY & NORMA	1	2	2	1	
88-20-06-151-002	2914	TEWKSBURY	SLATER, THOMAS & KAIA	1	2	2	1	
88-20-06-151-003	2880	TEWKSBURY	ECCLESTON, JOHN	1	1	0	0	
88-20-06-151-004	2840	TEWKSBURY	HIBBARD, FREDERICK G	1	1	0	0	
88-20-06-151-011	2800	TEWKSBURY	CIARAMITARO, PETER	1	1	1	1	
88-20-06-151-012	2740	BRETBY	PERKINS, CARLA	1	1	1	1	
88-20-06-151-013	2710	BRETBY	ELSTER, WILLIAM P	1	1	0	0	
88-20-06-151-014	6511	MALVERN	GOUDA, MOHAMED & THERESE	1	2	0	0	
88-20-06-152-001	2955	TEWKSBURY	IVERY, BESSIE LEE	1	1	1	1	
88-20-06-152-002	2915	TEWKSBURY	BLIZMAN, WAYNE & JANE	1	2	1	1	
88-20-06-152-003	2875	TEWKSBURY	GOSSETT, JAY & JENNIFER	1	2	2	1	
88-20-06-152-004	2835	TEWKSBURY	MOFFAT, KEITH S	1	1	0	0	
88-20-06-152-005	2795	TEWKSBURY	SHOQUIST, RE: ROCHE, MARGARET	1	2	2	1	
88-20-06-152-006	2761	BRETBY	MONTGOMERY, CYNTHIA	1	1	0	0	
88-20-06-152-007	6496	TUTBURY	BLISS, NANCY J	1	1	1	1	
88-20-06-152-008	6472	TUTBURY	HOFFMAN, LAWRANCE F	1	2	2	1	
88-20-06-152-009	6448	TUTBURY	GEMOLAS, NICHOLAS & SHERRY	1	2	2	1	
88-20-06-152-010	6424	TUTBURY	MANLEY, LANNY & JOSEPHINE	1	2	2	1	
88-20-06-177-008	2680	BRETBY	MC CARDY, ROBERT & PATRICIA	1	2	0	0	
88-20-06-177-009	2640	BRETBY	KULAS, JERRY C & EDWINA E	1	2	0	0	
88-20-06-177-010	2600	BRETBY	DAIEK, DAVID E	1	1	1	1	
88-20-06-177-011	2560	BRETBY	BOOTH TRUST, CHARLES & NANCY	1	2	0	0	
88-20-06-177-012	2526	BRETBY	GUSTILO, C & D **(NOT IN DISTRICT)**	0	2	2	0	*
88-20-06-301-001	6495	TUTBURY	BROQUET, TONI ANN	1	1	0	0	
88-20-06-301-002	6374	ADAMS	BREWSTER, GLENN W	1	1	0	0	
88-20-06-301-003	2974	BRETBY	BREWSTER, BERTHA	1	1	0	0	
88-20-06-301-004	6461	TUTBURY	MOORE, WARREN L & JOANNE	1	2	2	1	
88-20-06-301-005	2898	BRETBY	WATKINS, LARRY C & MARGIE L	1	2	0	0	
88-20-06-301-006	2848	BRETBY	FLETCHER, GEORGE & ELEANOR	1	2	0	0	
88-20-06-302-001	2983	BRETBY	FRANCO, STANLEY N	1	1	0	0	
88-20-06-302-002	2949	BRETBY	BIELSKI, ANTHONY V	1	1	0	0	
88-20-06-302-003	2899	BRETBY	CASPER JR, JAMES & RUTHANNE	1	2	2	1	
88-20-06-302-004	6385	TUTBURY	MELCHERT, DONALD A	1	1	0	0	
88-20-06-302-005	6351	TUTBURY	HOLAS, KENNETH	1	1	0	0	
88-20-06-302-006	6327	TUTBURY	GERARD, STEVEN & DEBORAH	1	2	0	0	
88-20-06-302-007	2990	CHARNWOOD	GOBLE, GEORGE R & LAURIE ANN	1	2	0	0	
88-20-06-302-008	2960	CHARNWOOD	CLAPP, KEITH & MARTHA	1	2	0	0	
88-20-06-302-009	6303	TUTBURY	BORIN, JAMES & MERI	1	2	0	0	
88-20-06-303-001	6396	TUTBURY	PALMER, ESTHER	1	1	0	0	
88-20-06-303-002	6372	TUTBURY	JA DITTY & ASSOC	1	1	1	1	
88-20-06-303-003	6348	TUTBURY	HAGELSTEIN, CHARLES	1	1	0	0	
88-20-06-303-004	6324	TUTBURY	CUNNINGHAM, JAMES & RUTH	1	2	0	0	
88-20-06-303-005	2860	CHARNWOOD	SMITH, JEFFREY & DONNA	1	2	1	1	
88-20-06-303-006	2745	BRETBY	POLLOCK, ROBERT & TERESA	1	2	0	0	
88-20-06-303-007	6455	MALVERN	KOPKAU, GARY W	1	1	0	0	
88-20-06-303-008	6437	MALVERN	JOHNSON, PATRICIA: WISHART, ROBERTA	1	2	0	0	
88-20-06-303-009	6419	MALVERN	MYONG, JOHN & CHRISTINA	1	2	0	0	
88-20-06-303-010	6393	MALVERN	MARTIN, ANNA	1	1	0	0	
88-20-06-303-011	6345	MALVERN	REED, ANDREW & JENNIFER	1	2	0	0	
88-20-06-303-012	2830	CHARNWOOD	POST, SUZANNE: HARBOUR DIANE	1	2	0	0	

City of Troy - Assessing Department
Analysis of Petition for Sanitary Sewer in the Charnwood Hills Subdivisions

04.403.1

Parcel ID	#	Street	Owner 1	# of Units	# of Owners	Owners Signed	Units Signed in Favor
88-20-06-326-001	2673	BRETBY	CARY, ALLAN P	1	1	0	0
88-20-06-326-002	2621	BRETBY	BANGHART, LAWRENCE J	1	1	0	0
88-20-06-326-004	6492	MALVERN	CASALOU, STEPHEN & SUSIE	1	2	2	1
88-20-06-326-005	6468	MALVERN	MACDONALD, RODERICK & JUDITH	1	2	0	0
88-20-06-326-006	6444	MALVERN	ANDERSON, JAMES & SALLY	1	2	0	0
88-20-06-326-007	6420	MALVERN	LUCAS, JOSEPH MARK	1	1	0	0
88-20-06-326-009	6455	ANSLOW	STEC, GEORGE & ARLENE	1	2	0	0
88-20-06-326-010	6433	ANSLOW	TINETTI, ROSEMARY	1	1	1	1
88-20-06-326-011	2626	RAMSBURY	GOSSELIN, GLEN & VICTORIA	1	2	0	0
88-20-06-327-001	6440	ANSLOW	MOYLAN, THOMAS & JULIE	1	2	0	0
88-20-06-327-002	6476	ANSLOW	BARINGER, ROGER K & MARY BETH	1	2	0	0
88-20-06-327-004	6410	ANSLOW	NORDEN, MARK & ROBIN	1	2	0	0
88-20-06-327-005	2550	RAMSBURY	GALLOP, DOUGLAS E & LUNETTA E	1	2	2	1
88-20-06-327-006	2520	RAMSBURY	SHABA, KHALID	1	1	1	1
88-20-06-328-001	6360	MALVERN	BLAKE TRUST, DIANE & RICHARD	1	2	2	1
88-20-06-328-002	2625	RAMSBURY	HADDOCK, DAVID	1	1	1	1
88-20-06-328-003	2593	RAMSBURY	AMICO, JOHN & PATRICIA D	1	2	0	0
88-20-06-328-004	2525	RAMSBURY	BEGDORIAN, GARY & CAROL	1	2	0	0
88-20-06-328-005	2505	RAMSBURY	SHUCK, HENRY & MAY	1	2	0	0
88-20-06-328-007	6307	BEACH	BONNICI TRUST, PATRICIA WILLARD	1	1	0	0
88-20-06-328-008	6305	ANSLOW	HAQUE TRUST, SELIMUL & AMINA	1	2	2	1
88-20-06-328-009	6321	ANSLOW	HAROON, HAFEEZ & HEENA	1	2	2	1
88-20-06-328-010	6355	ANSLOW	MORRIS, DORIS	1	1	1	1
88-20-06-328-011	6330	MALVERN	FITZPATRICK, ROBERT & JANET	1	2	2	1
88-20-06-328-012	2760	CHARNWOOD	WATKINS, ANTHONY & ANNE	1	2	0	0
88-20-06-328-013	2730	CHARNWOOD	HEATON TRUST, MARY ALICE J	1	1	1	1
88-20-06-328-018	2520	CHARNWOOD	KRIEBEL TRUST, VALENTINA & ARNOLD	1	2	0	0
88-20-06-328-019	2556	CHARNWOOD	COSTIGAN, PAUL & ANN	1	2	0	0
88-20-06-328-020	6300	ANSLOW	CAMPBELL, GERALD & GRACE	1	2	0	0
88-20-06-328-021	6345	BEACH	WEISGERBER, JOHN & DENISE	1	2	0	0
88-20-06-328-022	2580	CHARNWOOD	BLACKWOOD, ROGER	1	1	1	1
88-20-06-351-001	2991	CHARNWOOD	BULLOCK, HARRY & BETTY	1	2	2	1
88-20-06-351-002	2955	CHARNWOOD	SCHWEITZER, FREDA: BAKER JACQUELINE	1	2	2	1
88-20-06-351-003	2915	CHARNWOOD	JANKOWSKI, THOMAS & DIANA	1	2	0	0
88-20-06-351-004	2865	CHARNWOOD	SOKOLY, GEORGE R	1	1	1	1
88-20-06-351-005	6213	MALVERN	SHEPPARD, JOHN	1	1	1	1
88-20-06-351-006	6227	MALVERN	FORIL TRUST, JOHN R	1	1	1	1
88-20-06-351-007	6239	MALVERN	AGRO, ANTHONY & DIANNE	1	2	0	0
88-20-06-351-008	6263	MALVERN	GOSS, ROBERT LEE	1	1	0	0
88-20-06-351-009	2825	CHARNWOOD	NORMAN, KATHRYN	1	1	1	1
88-20-06-352-001	6214	MALVERN	STERLING, DENNIS & ELLA	1	2	0	0
88-20-06-352-002	6228	MALVERN	MUSZYNSKI, JAMES & MARSHA	1	2	0	0
88-20-06-352-003	6242	MALVERN	HINKLE, JAMES E	1	1	1	1
88-20-06-352-004	6256	MALVERN	YATES, DONALD A	1	1	0	0
88-20-06-352-005	6270	MALVERN	SAVAYA, ANJEL	1	1	1	1
88-20-06-352-006	6284	MALVERN	HAQUE TRUST, SELIMULL & AMINA	1	2	2	1
88-20-06-352-007	2759	CHARNWOOD	PARISEN, JON & MARIA	1	2	2	1
88-20-06-352-008	2725	CHARNWOOD	HASCALL, KENT D	1	1	0	0
88-20-06-352-009	2595	CHARNWOOD	DAVIES, KENNETH & CAROL	1	2	0	0
88-20-06-352-010	2575	CHARNWOOD	WEZENSKY, BRIAN	1	1	0	0
88-20-06-352-011	2555	CHARNWOOD	HESSLING, KATHLEEN	1	1	1	1

City of Troy - Assessing Department
Analysis of Petition for Sanitary Sewer in the Charnwood Hills Subdivisions

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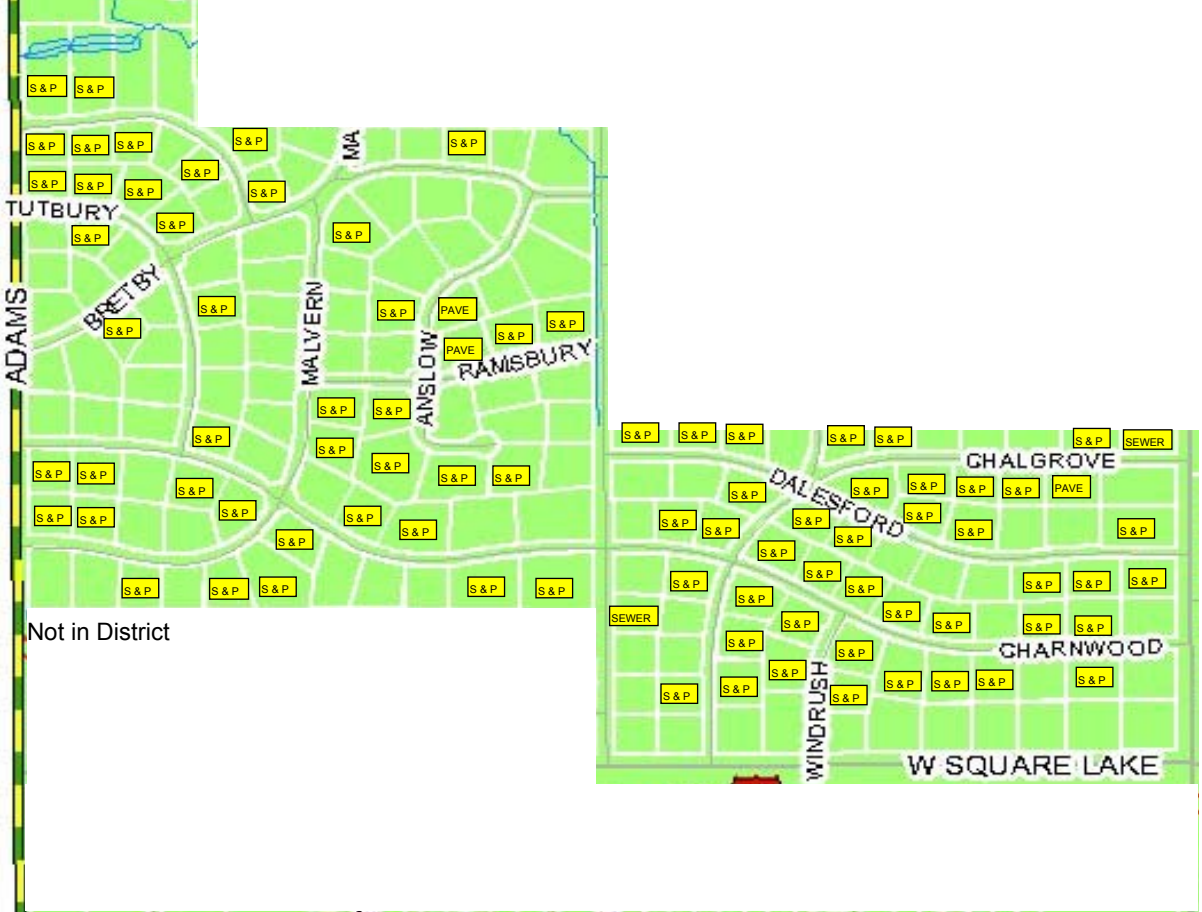
Parcel ID	#	Street	Owner 1	# of Units	# of Owners	Owners Signed	Units Signed in Favor
88-20-06-352-012	2525	CHARNWOOD	GUPTA, ANIK & NEELUM	1	2	2	1
88-20-06-401-001	2498	DALESFORD	BRUSCA, ANTHONY & SUSAN	1	2	2	1
88-20-06-401-002	2470	DALESFORD	STANICHUK, ROBERT & CAROL	1	2	2	1
88-20-06-401-003	2440	DALESFORD	BRIHKO, JOHNNY	1	1	1	1
88-20-06-401-004	2410	DALESFORD	MIELA, DEBORAH L: GOLD, GLORIA	1	2	0	0
88-20-06-426-001	2270	CHALGROVE	ELLISTON, DAVID & JOYCE	1	2	2	1
88-20-06-426-002	2230	CHALGROVE	DUNN, CHARLES R & KAREN A	1	2	2	1
88-20-06-426-003	2190	CHALGROVE	FRANZ, RICHARD & SANDRA	1	2	0	0
88-20-06-426-004	2150	CHALGROVE	MURRAY, CHARLENE	1	1	0	0
88-20-06-426-005	2110	CHALGROVE	RETKO, EDWARD	1	1	0	0
88-20-06-426-006	2070	CHALGROVE	MC KAY, JOSEPH & DIANA	1	2	2	1
88-20-06-426-007	2030	CHALGROVE	TAORMINA, CHUCK & JANICE	1	2	2	1
88-20-06-427-001	2251	CHALGROVE	PAIK, LISA & EUGENE	1	2	2	1
88-20-06-427-002	2211	CHALGROVE	LOWING, JOSEPH	1	3	3	1
88-20-06-427-003	2161	CHALGROVE	KHAWAJA, KASHIF	1	1	1	1
88-20-06-427-004	2121	CHALGROVE	ASHARE, VERA	1	1	1	1
88-20-06-427-005	2091	CHALGROVE	SMITH, CHARLES & ANNTREAL	1	2	0	0
88-20-06-427-006	2041	CHALGROVE	BALES, JACK & JACQUELINE	1	2	0	0
88-20-06-427-007	2240	DALESFORD	SESTAK, PETER A	1	1	1	1
88-20-06-427-008	2160	DALESFORD	GUITAR TRUST, BEVERLY	1	1	1	1
88-20-06-427-009	2130	DALESFORD	MALCHO, CHARLES M	1	1	0	0
88-20-06-427-010	2080	DALESFORD	SCHMIDT, DARCY & NANCY	1	2	0	0
88-20-06-427-011	2040	DALESFORD	FESTIAN, GERALD & PAMELA	1	2	2	1
88-20-06-451-001	2497	DALESFORD	PARKS, RALPH S & BARBARA A	1	2	0	0
88-20-06-451-002	2469	DALESFORD	KEBBE, LOIS	1	1	0	0
88-20-06-451-003	2435	DALESFORD	NIEMEN, MICHAEL & ANGELE	1	2	2	1
88-20-06-451-004	2480	CHARNWOOD	JOHIMSTHAL, JAMES & SALLY	1	2	0	0
88-20-06-451-005	2450	CHARNWOOD	HARTIG, KEVIN & KIRSTEN	1	2	2	1
88-20-06-451-006	2420	CHARNWOOD	KRETSCHMER, THOMAS & KERI	1	2	2	1
88-20-06-452-001	2475	CHARNWOOD	WEISGERBER, JOHN & DENISE	1	2	0	0
88-20-06-452-002	6140	BEACH	ENGLISH, LARRY & JUDITH	1	2	2	1
88-20-06-452-006	2441	CHARNWOOD	KELLY, CAROL D	1	1	1	1
88-20-06-452-007	6125	GLYNDEBOURNE	ROSE, GENEVA L	1	1	0	0
88-20-06-452-008	6081	GLYNDEBOURNE	PRYDE, DANIEL & LIANA	1	2	0	0
88-20-06-452-009	6041	GLYNDEBOURNE	DAWIDOWICZ, PETER & AMY	1	2	2	1
88-20-06-453-001	6158	GLYNDEBOURNE	LAMB, RICHARD & CARRIE	1	2	2	1
88-20-06-453-002	6114	GLYNDEBOURNE	STEGEMAN, THOMAS & LORI	1	2	2	1
88-20-06-453-003	6068	GLYNDEBOURNE	VANG, YIARAVANH	1	1	1	1
88-20-06-453-005	2305	CHARNWOOD	SIMMONS, STEVEN & DONNA	1	2	2	1
88-20-06-453-006	6071	WINDRUSH	FUNK, ROBERT & LISA	1	2	2	1
88-20-06-476-001	2345	DALESFORD	VANG, JEFREE	1	1	1	1
88-20-06-476-002	2251	DALESFORD	LAPALM, MARK J	1	1	1	1
88-20-06-476-003	2245	DALESFORD	KELLY, RALPH T	1	1	0	0
88-20-06-476-004	2205	DALESFORD	LAVERDIERE, DAVID A & GRACE L	1	2	0	0
88-20-06-476-005	2145	DALESFORD	CHAMPINE, CALVIN D	1	1	0	0
88-20-06-476-006	2105	DALESFORD	KOKAL, JACK W	1	1	1	1
88-20-06-476-007	2065	DALESFORD	FISHER, ROBERT & JILL	1	2	2	1
88-20-06-476-008	0		GOSSELIN, ROBERT	1	1	1	1
88-20-06-476-009	2350	CHARNWOOD	HAGEN, BERNARD & SHARON	1	2	2	1
88-20-06-476-010	2310	CHARNWOOD	AUSTIN, RICHARD & CARMALITA	1	2	2	1
88-20-06-476-011	2260	CHARNWOOD	DUDA, EDMUND	1	1	1	1

City of Troy - Assessing Department
Analysis of Petition for Sanitary Sewer in the Charnwood Hills Subdivisions

			04.403.1				Units
				# of	# of	Owners	Signed
Parcel ID	**#**	**Street**	**Owner 1**	**Units**	**Owners**	**Signed**	**in Favor**
88-20-06-476-012	2220	CHARNWOOD	KOCHAJDA, VICTOR & CAROLYN	1	2	2	1
88-20-06-476-013	2180	CHARNWOOD	HOOTON, GEORGE & BETTY	1	2	2	1
88-20-06-476-014	2140	CHARNWOOD	VANEVERY, BARANT & GLORIA	1	2	0	0
88-20-06-476-015	2100	CHARNWOOD	GIANCOTTI, PRISCILLA: DUTCHESEN, BARBARA	1	2	2	1
88-20-06-476-016	2060	CHARNWOOD	ALI, MOHAMMAD & UZMA	1	2	2	1
88-20-06-476-017	2020	CHARNWOOD	BOOSER, ROBERT & KIMBERLY	1	2	0	0
88-20-06-477-001	6100	WINDRUSH	JOHNSON, IVAN R & ZOE	1	2	2	1
88-20-06-477-002	2211	CHARNWOOD	ELLIOTT, NANCY ANN	1	1	1	1
88-20-06-477-003	2181	CHARNWOOD	CLIPPERT, THOMAS & SUSAN	1	2	2	1
88-20-06-477-004	2141	CHARNWOOD	BALOCATING, GEORGE & GLORIA	1	2	2	1
88-20-06-477-005	2101	CHARNWOOD	BUCHESKY, DAVID M	1	1	0	0
88-20-06-477-006	0		GOSSELIN, ROBERT	1	1	1	1
88-20-06-477-007	2021	CHARNWOOD	BOOSER, CHARLES C	1	1	0	0
88-20-06-477-008	6042	WINDRUSH	TROGDEN, RYAN & KATHY	1	2	2	1
				165	267	136	84
							Units
				# of	**# of**	**Owners**	**Signed**
Parcel ID	**#**	**Street**	**Owner 1**	**Units**	**Owners**	**Signed**	**in Favor**

Total Percentage of Available Units Signed in Favor ===>	**50.91**



Not in District

City of Troy

500 W. Big Beaver Road
Troy, Michigan 48084

Preliminary Engineer's Estimate

Charnwood Hills Subs. 1,2 & 3 Sanitary Sewer SAD
Proj. No. 04.403.1

Prepared by: G. Scott Finlay, P.E.
Date: 03/15.01
Revised 6/8/2004

	Description	Unit	Est. Qty	Unit price	Total
1	Video of Construction Area	LSUM	1.00	8,000.00	$8,000.00
2	Bonds, Insurance & Initial Set-up	LSUM	1.00	59,550.00	$59,550.00
3	Remove Trees 8"-18"	EACH	2.00	400.00	$800.00
4	Remove Trees 18"-36"	EACH	2.00	500.00	$1,000.00
5	Remove Trees 36"-UP	EACH	2.00	750.00	$1,500.00
6	Remove Drainage Structure	EACH	10.00	200.00	$2,000.00
7	Removing Culverts	EACH	131.00	100.00	$13,100.00
8	Remove Approach	S.Y.	5825.00	3.00	$17,475.00
9	12" Sanitary Sewer, T.D. - B	L.F.	630.00	70.00	$44,100.00
10	10" Sanitary Sewer, T.D. - B	L.F.	1590.00	60.00	$95,400.00
11	8" Sanitary Sewer, T.D. - B	L.F.	21390.00	45.00	$962,550.00
12	Boring for Sanitary Sewer	L.F.	100.00	150.00	$15,000.00
13	Casing	L.F.	100.00	75.00	$7,500.00
14	6" Sanitary Lead, T.D.- A	L.F.	2580.00	18.00	$46,440.00
15	6" Sanitary Lead, T.D.- B (incl. Road patching)	L.F.	2580.00	30.00	$77,400.00
16	4' Diameter Sanitary Manhole	EACH	90.00	1,850.00	$166,500.00
17	Sewer Taps	EACH	6.00	1,000.00	$6,000.00
18	Mailbox Posts	EACH	50.00	100.00	$5,000.00
19	Reditching	L.F.	25000.00	2.00	$50,000.00
20	12" CMP, 14 gage, Culvert	L.F.	3600.00	18.00	$64,800.00
21	Std. 12" CMP End Sections	EACH	352.00	75.00	$26,400.00
22	Conc.Driveway, Nonreinforced 6"	S.Y.	1200.00	30.00	$36,000.00
23	Bituminous Approach	TONS	1025.00	75.00	$76,875.00
24	Class A Sodding w/ 2" Top Soil	S.Y.	96000.00	2.50	$240,000.00
25	Watering (1000 gallons/unit)	UNITS	600.00	20.00	$12,000.00
26	Mowing Sodded Areas	Times	4.00	1,500.00	$6,000.00
27	Traffic Control & Maintenance	LSUM	1.00	10,000.00	$10,000.00
28	Sanitary Sewer Testing	L.F.	23610.00	1.00	$23,610.00
	Total Construction Costs				$2,075,000.00
	Construction Costs				$2,075,000.00
	Admin. & Contingency (25%)				$518,750.00
	Total				$2,593,750.00

Sanitary Sewer Only

88-20-06-151-001
FAMBROUGH, HENRY
2956 TEWKSBURY
TROY MI 48098-6002

88-20-06-151-002
SLATER, THOMAS & KAIA
2914 TEWKSBURY
TROY MI 48098-6002

88-20-06-151-003
ECCLESTON, JOHN
2880 TEWKSBURY
TROY MI 48098-6001

88-20-06-151-004
HIBBARD, FREDERICK G
2840 TEWKSBURY
TROY MI 48098-6001

88-20-06-151-011
CIARAMITARO, PETER
2800 TEWKSBURY
TROY MI 48098-6001

88-20-06-151-012
PERKINS, CARLA
2740 BRETBY
TROY MI 48098-2106

88-20-06-151-013
ELSTER, WILLIAM P
2710 BRETBY
TROY MI 48098-2106

88-20-06-151-014
GOUDA, MOHAMED & THERES
6511 MALVERN
TROY MI 48098-2142

88-20-06-152-001
IVERY TRUST, BESSIE LEE
2955 TEWKSBURY
TROY MI 48098-6004

88-20-06-152-002
BLIZMAN, WAYNE & JANE
2915 TEWKSBURY
TROY MI 48098-6004

88-20-06-152-003
GOSSETT, JAY & JENNIFER
2875 TEWKSBURY
TROY MI 48098-6003

88-20-06-152-004
MOFFAT, KEITH S
2835 TEWKSBURY
TROY MI 48098-6003

88-20-06-152-005
SHOQUIST, RE
2795 TEWKSBURY
TROY MI 48098-2150

88-20-06-152-006
MONTGOMERY, CYNTHIA
2761 BRETBY
TROY MI 48098-2168

88-20-06-152-007
BLISS, NANCY J
6496 TUTBURY
TROY MI 48098-2152

88-20-06-152-008
HOFFMAN, LAWRANCE F & CH
6472 TUTBURY
TROY MI 48098-2152

88-20-06-152-009
GEMOLAS, NICHOLAS & SHER
6448 TUTBURY
TROY MI 48098-2152

88-20-06-152-010
MANLEY, LANNY & JOSEPHIN
6424 TUTBURY
TROY MI 48098-2152

88-20-06-177-008
MC CARDY, ROBERT & PATRIC
2680 BRETBY
TROY MI 48098-2179

88-20-06-177-009
KULAS, JERRY C & EDWINA E
2640 BRETBY
TROY MI 48098-2179

88-20-06-177-010
DAIEK, DAVID E
2600 BRETBY
TROY MI 48098-2179

88-20-06-177-011
BOOTH , CHARLES & NANCY
2560 BRETBY
TROY MI 48098-2105

88-20-06-177-012
GUSTILO, CESAR & DOMINICA
2526 BRETBY
TROY MI 48098-2195

88-20-06-301-001
BROQUET, TONI ANN
6495 TUTBURY
TROY MI 48098-2156

88-20-06-301-002
BREWSTER, GLENN W
6374 ADAMS
TROY MI 48098-2101

88-20-06-301-003
BREWSTER, BERTHA
2974 BRETBY
TROY MI 48098-2182

88-20-06-301-004
MOORE, WARREN L & JOANNE
6461 TUTBURY
TROY MI 48098-2156

88-20-06-301-005
WATKINS, LARRY C & MARGIE
2898 BRETBY
TROY MI 48098-2108

88-20-06-301-006
FLETCHER, GEORGE & ELEANO
2848 BRETBY
TROY MI 48098-2108

88-20-06-302-001
FRANCO, STANLEY N
2983 BRETBY
TROY MI 48098-2153

88-20-06-302-002
BIELSKI, ANTHONY & MARY A
2949 BRETBY
TROY MI 48098-2153

88-20-06-302-003
CASPER JR, JAMES & RUTHAN
2899 BRETBY
TROY MI 48098-2153

88-20-06-302-004
MELCHERT, DONALD A
6385 TUTBURY
TROY MI 48098-2157

88-20-06-302-005
HOLAS, KENNETH
6351 TUTBURY
TROY MI 48098-2157

88-20-06-302-006
GERARD, STEVEN & DEBORAH
6327 TUTBURY
TROY MI 48098-2157

88-20-06-302-007
GOBLE, GEORGE R & LAURIE A
2990 CHARNWOOD
TROY MI 48098-2113

88-20-06-302-008
CLAPP, KEITH & MARTHA
2960 CHARNWOOD
TROY MI 48098-2113

88-20-06-302-009
BORIN, JAMES & MERI
6303 TUTBURY
TROY MI 48098-2157

88-20-06-303-001
PALMER, ESTHER
6396 TUTBURY
TROY MI 48098-2151

88-20-06-303-002
JA DITTY & ASSOC
6372 TUTBURY
TROY MI 48098-2151

88-20-06-303-003
HAGELSTEIN, ZATA
6348 TUTBURY
TROY MI 48098-2151

88-20-06-303-004
CUNNINGHAM, JAMES & RUT
6324 TUTBURY
TROY MI 48098-2151

88-20-06-303-005
SMITH, JEFFREY & DONNA
2860 CHARNWOOD
TROY MI 48098-2111

88-20-06-303-006
BRIGGS, TIMOTHY S & MARY S
2745 BRETBY
TROY MI 48098-2107

88-20-06-303-007
KOPKAU, GARY W
6455 MALVERN
TROY MI 48098-2115

88-20-06-303-008
JOHNSON TRUST, PATRICIA
6437 MALVERN
TROY MI 48098-2115

88-20-06-303-009
MYONG, JOHN & CHRISTINA
6419 MALVERN
TROY MI 48098-2115

88-20-06-303-010
MARTIN, ANNA
6393 MALVERN
TROY MI 48098-2140

88-20-06-303-011
REED, ANDREW & JENNIFER
6345 MALVERN
TROY MI 48098-2140

88-20-06-303-012
POST , SUZANNE
2830 CHARNWOOD
TROY MI 48098-2111

88-20-06-326-001
CARY, ALLAN P
2673 BRETBY
TROY MI 48098-2154

88-20-06-326-002
BANGHART, LAWRENCE J
2621 BRETBY
TROY MI 48098-2154

88-20-06-326-004
CASALOU, STEPHEN & SUSIE
6492 MALVERN
TROY MI 48098-2141

88-20-06-326-005
MACDONALD, RODERICK & JU
6468 MALVERN
TROY MI 48098-2141

88-20-06-326-006
ANDERSON, JAMES & SALLY
6444 MALVERN
TROY MI 48098-2141

88-20-06-326-007
LUCAS, JOSEPH MARK
6420 MALVERN
TROY MI 48098-2141

88-20-06-326-009
STEC, GEORGE & ARLENE
6455 ANSLOW
TROY MI 48098-2165

88-20-06-326-010
TINETTI, ROSEMARY
6433 ANSLOW
TROY MI 48098-2165

88-20-06-326-011
GOSSELIN, GLEN & VICTORIA
2626 RAMSBURY
TROY MI 48098-2144

88-20-06-327-001
MOYLAN, THOMAS & JULIE
6440 ANSLOW
TROY MI 48098-2104

88-20-06-327-002
BARINGER, ROGER K & MARY
6476 ANSLOW
TROY MI 48098-2104

88-20-06-327-004
NORDEN, MARK & ROBIN
6410 ANSLOW
TROY MI 48098-2104

88-20-06-327-005
GALLOP, DOUGLAS E & LUNET
2550 RAMSBURY
TROY MI 48098-2143

88-20-06-327-006
SHABA, KHALID & HUDA
2520 RAMSBURY
TROY MI 48098-2143

88-20-06-328-001
BLAKE TRUST, DIANE & RICH
6360 MALVERN
TROY MI 48098-2139

88-20-06-328-002
HADDOCK, DAVID G
2625 RAMSBURY
TROY MI 48098-2114

88-20-06-328-003
AMICO, JOHN & PATRICIA D
2593 RAMSBURY
TROY MI 48098-2145

88-20-06-328-004
BEGDORIAN, GARY & CAROL
2525 RAMSBURY
TROY MI 48098-2145

88-20-06-328-005
SHUCK, HENRY & MAY
2505 RAMSBURY
TROY MI 48098-2145

88-20-06-328-007
BONNICI TRUST, PATRICIA WI
6307 BEACH
TROY MI 48098-2261

88-20-06-328-008
HAQUE TRUST, SELIMUL & AM
6305 ANSLOW
TROY MI 48098-2103

88-20-06-328-009
HAROON, HAFEEZ & HEENA
6321 ANSLOW
TROY MI 48098-2103

88-20-06-328-010
MORRIS, DORIS
6355 ANSLOW
TROY MI 48098-2103

88-20-06-328-011
FITZPATRICK, ROBERT & JANE
6330 MALVERN
TROY MI 48098-2139

88-20-06-328-012
WATKINS, ANTHONY & ANNE
2760 CHARNWOOD
TROY MI 48098-2184

88-20-06-328-013
HEATON TRUST, MARY ALICE
2730 CHARNWOOD
TROY MI 48098-2184

88-20-06-328-018
KRIEBEL TRUST, VALENTINA
2520 CHARNWOOD
TROY MI 48098-2109

88-20-06-328-019
COSTIGAN, PAUL & ANN
2556 CHARNWOOD
TROY MI 48098-2109

88-20-06-328-020
CAMPBELL, GERALD & GRACE
6300 ANSLOW
TROY MI 48098-2103

88-20-06-328-021
WEISGERBER, JOHN & DENISE
6345 BEACH
TROY MI 48098

88-20-06-328-022
BLACKWOOD, ROGER
2580 CHARNWOOD
TROY MI 48098-2109

88-20-06-351-001
BULLOCK, HARRY & BETTY
2991 CHARNWOOD
TROY MI 48098-2164

88-20-06-351-002
SCHWEITZER, FREDA
2955 CHARNWOOD
TROY MI 48098-2164

88-20-06-351-003
JANKOWSKI, THOMAS & DIAN
2915 CHARNWOOD
TROY MI 48098-2164

88-20-06-351-004
SOKOLY, GEORGE R
2865 CHARNWOOD
TROY MI 48098-2112

88-20-06-351-005
SHEPPARD, JOHN
6213 MALVERN
TROY MI 48098-2138

88-20-06-351-006
FORIL TRUST, JOHN R
6227 MALVERN
TROY MI 48098-2138

88-20-06-351-007
AGRO, ANTHONY & DIANNE
6239 MALVERN
TROY MI 48098-2138

88-20-06-351-008
GOSS, ROBERT LEE
6263 MALVERN
TROY MI 48098-2138

88-20-06-351-009
NORMAN, KATHRYN
2825 CHARNWOOD
TROY MI 48098-2112

88-20-06-352-001
STERLING, DENNIS & ELLA
6214 MALVERN
TROY MI 48098-2137

88-20-06-352-002
MUSZYNSKI, JAMES & MARSH
6228 MALVERN
TROY MI 48098-2137

88-20-06-352-003
HINKLE, JAMES E
6242 MALVERN
TROY MI 48098-2137

88-20-06-352-004
YATES, DONALD A
6256 MALVERN
TROY MI 48098-2137

88-20-06-352-005
SAVAYA, ANJEL
6270 MALVERN
TROY MI 48098-2137

88-20-06-352-006
HAQUE TRUST, SELIMULL & A
6284 MALVERN
TROY MI 48098-2137

88-20-06-352-007
PARISEN, JON & MARIA
2759 CHARNWOOD
TROY MI 48098-2186

88-20-06-352-008
HASCALL, KENT D
2725 CHARNWOOD
TROY MI 48098-2186

88-20-06-352-009
DAVIES, KENNETH & CAROL
2595 CHARNWOOD
TROY MI 48098-2110

88-20-06-352-010
WEZENSKY, BRIAN D
2575 CHARNWOOD
TROY MI 48098-2110

88-20-06-352-011
HESSLING, KATHLEEN
2555 CHARNWOOD
TROY MI 48098-2110

88-20-06-352-012
P S RAN LLC
2525 CHARNWOOD
TROY MI 48098-2110

88-20-06-401-001
BRUSCA, ANTHONY & SUSAN
2498 DALESFORD
TROY MI 48098-2227

88-20-06-401-002
STANICHUK, ROBERT & CARO
2470 DALESFORD
TROY MI 48098-2227

88-20-06-401-003
BRIKHO, JOHNNY
2440 DALESFORD
TROY MI 48098-2227

88-20-06-401-004
MIELA, DEBORAH L
2410 DALESFORD
TROY MI 48098-2227

88-20-06-426-001
ELLISTON, DAVID & JOYCE
2270 CHALGROVE
TROY MI 48098-2295

88-20-06-426-002
DUNN, CHARLES R & KAREN A
2230 CHALGROVE
TROY MI 48098-2295

88-20-06-426-003
FRANZ, RICHARD & SANDRA
2190 CHALGROVE
TROY MI 48098-2294

88-20-06-426-004
MURRAY, CHARLENE
2150 CHALGROVE
TROY MI 48098-2294

88-20-06-426-005
RETKO, EDWARD
2110 CHALGROVE
TROY MI 48098-2294

88-20-06-426-006
MC KAY, JOSEPH & DIANA
2070 CHALGROVE
TROY MI 48098-2202

88-20-06-426-007
TAORMINA, CHUCK & JANICE
2030 CHALGROVE
TROY MI 48098-2202

88-20-06-427-001
PAIK, LISA & EUGENE
2253 CHALGROVE
TROY MI 48098-2298

88-20-06-427-002
LOWING, JOSEPH
2211 CHALGROVE
TROY MI 48098-2298

88-20-06-427-003
KHAWAJA, KASHIF
2161 CHALGROVE
TROY MI 48098-2296

88-20-06-427-004
COX, MINA J
744 MORNINGSIDE
GRAND BLANC MI 48439

88-20-06-427-005
SMITH, CHARLES & ANNTREA
2091 CHALGROVE
TROY MI 48098-2201

88-20-06-427-006
BALES, JACK & JACQUELINE
2041 CHALGROVE
TROY MI 48098-2201

88-20-06-427-007
SESTAK, PETER A
2240 DALESFORD
TROY MI 48098-5206

88-20-06-427-008
GUITAR TRUST, BEVERLY
2160 DALESFORD
TROY MI 48098-5205

88-20-06-427-009
MALCHO, CHARLES M
2130 DALESFORD
TROY MI 48098-5205

88-20-06-427-010
SCHMIDT, DARCY DEL
2080 DALESFORD
TROY MI 48098-2208

88-20-06-427-011
FESTIAN TRUST, PAMELA J
2040 DALESFORD
TROY MI 48098-2208

88-20-06-451-001
PARKS, RALPH S & BARBARA
2497 DALESFORD
TROY MI 48098-2228

88-20-06-451-002
KEBBE, LOIS
2469 DALESFORD
TROY MI 48098-2228

88-20-06-451-003
NIEMEN, MICHAEL & ANGELE
2435 DALESFORD
TROY MI 48098-2228

88-20-06-451-004
JOHIMSTHAL, JAMES & SALLY
2480 CHARNWOOD
TROY MI 48098-2206

88-20-06-451-005
HARTIG, KEVIN & KIRSTEN
2450 CHARNWOOD
TROY MI 48098-2206

88-20-06-451-006
KRETSCHMER, THOMAS & KER
2420 CHARNWOOD
TROY MI 48098-2206

88-20-06-452-001
WEISGERBER, WILLIAM H & GL
2475 CHARNWOOD
TROY MI 48098-2207

88-20-06-452-002
ENGLISH, LARRY & JUDITH
6140 BEACH
TROY MI 48098-2285

88-20-06-452-006
KELLY, CAROL D
2441 CHARNWOOD
TROY MI 48098-2207

88-20-06-452-007
ROSE, GENEVA L
6125 GLYNDEBOURNE
TROY MI 48098-5212

88-20-06-452-008
PRYDE, DANIEL & LIANA
6081 GLYNDEBOURNE
TROY MI 48098-2210

88-20-06-452-009
DAWIDOWICZ, PETER & AMY
6041 GLYNDEBOURNE
TROY MI 48098-2210

88-20-06-453-001
LAMB, RICHARD & CARRIE
6158 GLYNDEBOURNE
TROY MI 48098-5211

88-20-06-453-002
STEGEMAN, THOMAS & LORI
6114 GLYNDEBOURNE
TROY MI 48098-5211

88-20-06-453-003
VANG, YIARAVANH
6068 GLYNDEBOURNE
TROY MI 48098-2211

88-20-06-453-005
SIMMONS, STEVEN
2305 CHARNWOOD
TROY MI 48098-2205

88-20-06-453-006
FUNK, ROBERT & LISA
6071 WINDRUSH
TROY MI 48098-2260

88-20-06-476-001
VANG, JEFREE
2345 DALESFORD
TROY MI 48098-5235

88-20-06-476-002
LAPALM, MARK J
2251 DALESFORD
TROY MI 48098-5209

88-20-06-476-003
KELLY, RALPH T
2245 DALESFORD
TROY MI 48098-5209

88-20-06-476-004
LAVERDIERE, DAVID A & GRA
2205 DALESFORD
TROY MI 48098-5209

88-20-06-476-005
CHAMPINE, CALVIN D
2145 DALESFORD
TROY MI 48098-5208

88-20-06-476-006
KOKAL, JACK W
2105 DALESFORD
TROY MI 48098-5208

88-20-06-476-007
FISHER, ROBERT & JILL
2065 DALESFORD
TROY MI 48098-2209

88-20-06-476-008
GOSSELIN, ROBERT
2915 LENOX
TROY MI 48098-2348

88-20-06-476-009
HAGEN, BERNARD & SHARON
2350 CHARNWOOD
TROY MI 48098-2267

88-20-06-476-010
AUSTIN, RICHARD & CARMALI
2310 CHARNWOOD
TROY MI 48098-2267

88-20-06-476-011
DUDA, EDMUND
2260 CHARNWOOD
TROY MI 48098-5202

88-20-06-476-012
KOCHAJDA, VICTOR & CAROL
2220 CHARNWOOD
TROY MI 48098-5202

88-20-06-476-013
HOOTON, GEORGE & BETTY
2180 CHARNWOOD
TROY MI 48098-5201

88-20-06-476-014
VANEVERY, BARANT & GLORI
2140 CHARNWOOD
TROY MI 48098-5201

88-20-06-476-015
GIANCOTTI, PRISCILLA
2100 CHARNWOOD
TROY MI 48098-5201

88-20-06-476-016
ALI, MOHAMMAD & UZMA
2060 CHARNWOOD
TROY MI 48098-2204

88-20-06-476-017
BOOSER, ROBERT & KIMBERL
2020 CHARNWOOD
TROY MI 48098-2204

88-20-06-477-001
JOHNSON, IVAN R
6100 WINDRUSH
TROY MI 48098-5230

88-20-06-477-002
ELLIOTT, NANCY ANN
2211 CHARNWOOD
TROY MI 48098-5204

88-20-06-477-003
CLIPPERT, THOMAS & SUSAN
2181 CHARNWOOD
TROY MI 48098-5203

88-20-06-477-004
BALOCATING, GEORGE & GLO
2141 CHARNWOOD
TROY MI 48098-5203

88-20-06-477-005
BUCHESKY, DAVID M
2101 CHARNWOOD
TROY MI 48098-5203

88-20-06-477-006
GOSSELIN, ROBERT
2915 LENOX
TROY MI 48098-2348

88-20-06-477-007
BOOSER, CHARLES C
2021 CHARNWOOD
TROY MI 48098-2203

88-20-06-477-008
TROGDEN, RYAN & KATHY
6042 WINDRUSH
TROY MI 48098-2223

City of Troy
Assessing Department

Project Name **Charnwood Hills Sewer Only**

Project # 04.403.1

			Amount
20 Year	Interest	0.06	$15,719.697

Year	Principal	Interest	Payment	Balance
1	$ 785.98		$ 785.98	$ 14,933.71
2	$ 785.98	$ 896.02	$ 1,682.01	$ 14,147.73
3	$ 785.98	$ 848.86	$ 1,634.85	$ 13,361.74
4	$ 785.98	$ 801.70	$ 1,587.69	$ 12,575.76
5	$ 785.98	$ 754.55	$ 1,540.53	$ 11,789.77
6	$ 785.98	$ 707.39	$ 1,493.37	$ 11,003.79
7	$ 785.98	$ 660.23	$ 1,446.21	$ 10,217.80
8	$ 785.98	$ 613.07	$ 1,399.05	$ 9,431.82
9	$ 785.98	$ 565.91	$ 1,351.89	$ 8,645.83
10	$ 785.98	$ 518.75	$ 1,304.73	$ 7,859.85
11	$ 785.98	$ 471.59	$ 1,257.58	$ 7,073.86
12	$ 785.98	$ 424.43	$ 1,210.42	$ 6,287.88
13	$ 785.98	$ 377.27	$ 1,163.26	$ 5,501.89
14	$ 785.98	$ 330.11	$ 1,116.10	$ 4,715.91
15	$ 785.98	$ 282.95	$ 1,068.94	$ 3,929.92
16	$ 785.98	$ 235.80	$ 1,021.78	$ 3,143.94
17	$ 785.98	$ 188.64	$ 974.62	$ 2,357.95
18	$ 785.98	$ 141.48	$ 927.46	$ 1,571.97
19	$ 785.98	$ 94.32	$ 880.30	$ 785.98
20	$ 785.98	$ 47.16	$ 833.14	$ (0.00)
Total	$ 15,719.70	$ 8,960.23	$ 24,679.92	

12.14.04

December 21, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Brian Murphy, Assistant City Manager – Services
Steve Vandette, City Engineer
Nino Licari, City Assessor

Re: Agenda Item: Petition Analysis, Bituminous Paving in the Charnwood Hills Subdivisions – SAD # 04.104.1

The City Assessor has analyzed numerous petitions presented from residents and property owners of the Charnwood Hills Subdivisions in Section 6,requesting the installation of bituminous paving throughout the subdivisions, and the creation of a Special Assessment District to finance the project.

There are one hundred-seventy (170) assessable units in the project area. Eighty-five (85) of the affected unit owners have signed the petition in favor of the project. This equates to 50.00% of the owners being in favor of the paving.

This project is to be done in conjunction with the installation of sanitary sewers in the area. The sanitary sewer project should be the first of two (2) items scheduled before Council.

While the cost of this project is higher than most paving projects that we special assess, it is directly proportional to the width of these lots, which are some of the largest in the City. Therefore, staff recommends the standard ten (10) year payment schedule for this project.

Additionally, while Community Development Block Grant Funds (CDBG) are pledged for the project, in conjunction with the sanitary sewer installation, there may be reason to believe that sufficient funds may not be available to cover all of the qualifying homesteads. Any funds in excess of the allotted available funding would need to be covered by the City at large.

Assuming a favorable response from City Council for the sanitary sewer project, it is recommended that you request City Council approve Standard Resolution #1 (preparation of plans and cost estimates for the project), Standard Resolution #2 (approval of the cost estimates, and directing the Assessor to create the roll), and Standard Resolution #3 (setting a Public Hearing for the project) as submitted.

City of Troy - Assessing Department
Analysis of Petition for Asphalt (Bituminous) Paving in the Charnwood Hills Subdivisions
SAD # 04.104.1

Parcel ID	#	Street	Owner 1	# of Units	# of Owners	Owners Signed	Units Signed in Favor
88-20-06-151-001	2956	TEWKSBURY	FAMBROUGH, HENRY & NORMA	1	2	2	1
88-20-06-151-002	2914	TEWKSBURY	SLATER, THOMAS & KAIA	1	2	2	1
88-20-06-151-003	2880	TEWKSBURY	ECCLESTON, JOHN	1	1	0	0
88-20-06-151-004	2840	TEWKSBURY	HIBBARD, FREDERICK G	1	1	0	0
88-20-06-151-011	2800	TEWKSBURY	CIARAMITARO, PETER	1	1	1	1
88-20-06-151-012	2740	BRETBY	PERKINS, CARLA	1	1	1	1
88-20-06-151-013	2710	BRETBY	ELSTER, WILLIAM P	1	1	0	0
88-20-06-151-014	6511	MALVERN	GOUDA, MOHAMED & THERESE	1	2	0	0
88-20-06-152-001	2955	TEWKSBURY	IVERY, BESSIE LEE	1	1	1	1
88-20-06-152-002	2915	TEWKSBURY	BLIZMAN, WAYNE & JANE	1	2	1	1
88-20-06-152-003	2875	TEWKSBURY	GOSSETT, JAY & JENNIFER	1	2	2	1
88-20-06-152-004	2835	TEWKSBURY	MOFFAT, KEITH S	1	1	0	0
88-20-06-152-005	2795	TEWKSBURY	SHOQUIST, RE: ROCHE, MARGARET	1	2	2	1
88-20-06-152-006	2761	BRETBY	MONTGOMERY, CYNTHIA	1	1	0	0
88-20-06-152-007	6496	TUTBURY	BLISS, NANCY J	1	1	1	1
88-20-06-152-008	6472	TUTBURY	HOFFMAN, LAWRENCE & CHARLOTTE	1	2	2	1
88-20-06-152-009	6448	TUTBURY	GEMOLAS, NICHOLAS & SHERRY	1	2	2	1
88-20-06-152-010	6424	TUTBURY	MANLEY, LANNY & JOSEPHINE	1	2	2	1
88-20-06-177-008	2680	BRETBY	MC CARDY, ROBERT & PATRICIA	1	2	0	0
88-20-06-177-009	2640	BRETBY	KULAS, JERRY C & EDWINA E	1	2	0	0
88-20-06-177-010	2600	BRETBY	DAIEK, DAVID E	1	1	1	1
88-20-06-177-011	2560	BRETBY	BOOTH TRUST, CHARLES & NANCY	1	2	0	0
88-20-06-177-012	2526	BRETBY	GUSTILO, CESAR & DOMINICA	1	2	0	0
88-20-06-301-001	6495	TUTBURY	BROQUET, TONI ANN	1	1	0	0
88-20-06-301-003	2974	BRETBY	BREWSTER, BERTHA	1	1	0	0
88-20-06-301-004	6461	TUTBURY	MOORE, WARREN L & JOANNE	1	2	2	1
88-20-06-301-005	2898	BRETBY	WATKINS, LARRY C & MARGIE L	1	2	0	0
88-20-06-301-006	2848	BRETBY	FLETCHER, GEORGE & ELEANOR	1	2	0	0
88-20-06-302-001	2983	BRETBY	FRANCO, STANLEY N	1	1	0	0
88-20-06-302-002	2949	BRETBY	BIELSKI, ANTHONY & MARY ANN	1	2	2	0
88-20-06-302-003	2899	BRETBY	CASPER JR, JAMES & RUTHANNE	1	2	2	1
88-20-06-302-004	6385	TUTBURY	MELCHERT, DONALD A	1	1	0	0
88-20-06-302-005	6351	TUTBURY	HOLAS, KENNETH	1	1	0	0
88-20-06-302-006	6327	TUTBURY	GERARD, STEVEN & DEBORAH	1	2	0	0
88-20-06-302-007	2990	CHARNWOOD	GOBLE, GEORGE R & LAURIE ANN	1	2	0	0
88-20-06-302-008	2960	CHARNWOOD	CLAPP, KEITH & MARTHA	1	2	0	0
88-20-06-302-009	6303	TUTBURY	BORIN, JAMES & MERI	1	2	0	0
88-20-06-303-001	6396	TUTBURY	PALMER, ESTHER	1	1	0	0
88-20-06-303-002	6372	TUTBURY	JA DITTY & ASSOC	1	1	1	1
88-20-06-303-003	6348	TUTBURY	HAGELSTEIN, CHARLES	1	1	0	0
88-20-06-303-004	6324	TUTBURY	CUNNINGHAM, JAMES & RUTH	1	2	0	0
88-20-06-303-005	2860	CHARNWOOD	SMITH, JEFFREY & DONNA	1	2	2	1
88-20-06-303-006	2745	BRETBY	POLLOCK, ROBERT & TERESA	1	2	0	0
88-20-06-303-007	6455	MALVERN	KOPKAU, GARY W	1	1	0	0
88-20-06-303-008	6437	MALVERN	JOHNSON, PATRICIA: WISHART, ROBERTA	1	2	0	0
88-20-06-303-009	6419	MALVERN	MYONG, JOHN & CHRISTINA	1	2	0	0
88-20-06-303-010	6393	MALVERN	MARTIN, ANNA	1	1	0	0
88-20-06-303-011	6345	MALVERN	REED, ANDREW & JENNIFER	1	2	0	0
88-20-06-303-012	2830	CHARNWOOD	POST, SUZANNE: HARBOUR DIANE	1	2	0	0
88-20-06-326-001	2673	BRETBY	CARY, ALLAN P	1	1	0	0

City of Troy - Assessing Department
Analysis of Petition for Asphalt (Bituminous) Paving in the Charnwood Hills Subdivisions

SAD # 04.104.1

Parcel ID	#	Street	Owner 1	# of Units	# of Owners	Owners Signed	Units Signed in Favor
88-20-06-326-002	2621	BRETBY	BANGHART, LAWRENCE J	1	1	0	0
88-20-06-326-003	6491	ANSLOW	FOX, JAMES C	1	1	0	0
88-20-06-326-004	6492	MALVERN	CASALOU, STEPHEN & SUSIE	1	2	2	1
88-20-06-326-005	6468	MALVERN	MACDONALD, RODERICK & JUDITH	1	2	0	0
88-20-06-326-006	6444	MALVERN	ANDERSON, JAMES & SALLY	1	2	0	0
88-20-06-326-007	6420	MALVERN	LUCAS, JOSEPH MARK	1	1	0	0
88-20-06-326-008	6473	ANSLOW	PSARIANOS, PETER & LAURA	1	2	0	0
88-20-06-326-009	6455	ANSLOW	STEC, GEORGE & ARLENE	1	2	0	0
88-20-06-326-010	6433	ANSLOW	TINETTI, ROSEMARY	1	1	1	1
88-20-06-326-011	2626	RAMSBURY	GOSSELIN, GLEN & VICTORIA	1	2	0	0
88-20-06-327-001	6440	ANSLOW	MOYLAN, THOMAS & JULIE	1	2	2	1
88-20-06-327-002	6476	ANSLOW	BARINGER, ROGER K & MARY BETH	1	2	0	0
88-20-06-327-004	6410	ANSLOW	NORDEN, MARK & ROBIN	1	2	2	1
88-20-06-327-005	2550	RAMSBURY	GALLOP, DOUGLAS E & LUNETTA E	1	2	2	1
88-20-06-327-006	2520	RAMSBURY	SHABA, KHALID	1	1	1	1
88-20-06-327-007	2525	BRETBY	HERMANCZUK, ALEXANDER & ANNA	1	2	0	0
88-20-06-327-008	6484	ANSLOW	POHL, JERRY & KATHLEEN	1	2	0	0
88-20-06-328-001	6360	MALVERN	BLAKE TRUST, DIANE & RICHARD	1	2	2	1
88-20-06-328-002	2625	RAMSBURY	HADDOCK, DAVID	1	1	1	1
88-20-06-328-003	2593	RAMSBURY	AMICO, JOHN & PATRICIA D	1	2	0	0
88-20-06-328-004	2525	RAMSBURY	BEGDORIAN, GARY & CAROL	1	2	0	0
88-20-06-328-005	2505	RAMSBURY	SHUCK, HENRY & MAY	1	2	0	0
88-20-06-328-008	6305	ANSLOW	HAQUE TRUST, SELIMUL & AMINA	1	2	2	1
88-20-06-328-009	6321	ANSLOW	HAROON, HAFEEZ & HEENA	1	2	2	1
88-20-06-328-010	6355	ANSLOW	MORRIS, DORIS	1	1	1	1
88-20-06-328-011	6330	MALVERN	FITZPATRICK, ROBERT & JANET	1	2	2	1
88-20-06-328-012	2760	CHARNWOOD	WATKINS, ANTHONY & ANNE	1	2	0	0
88-20-06-328-013	2730	CHARNWOOD	HEATON TRUST, MARY ALICE J	1	1	1	1
88-20-06-328-018	2520	CHARNWOOD	KRIEBEL TRUST, VALENTINA & ARNOLD	1	2	0	0
88-20-06-328-019	2556	CHARNWOOD	COSTIGAN, PAUL & ANN	1	2	0	0
88-20-06-328-020	6300	ANSLOW	CAMPBELL, GERALD & GRACE	1	2	0	0
88-20-06-328-022	2580	CHARNWOOD	BLACKWOOD, ROGER	1	1	1	1
88-20-06-351-001	2991	CHARNWOOD	BULLOCK, HARRY & BETTY	1	2	2	1
88-20-06-351-002	2955	CHARNWOOD	SCHWEITZER, FREDA: BAKER JACQUELINE	1	2	2	1
88-20-06-351-003	2915	CHARNWOOD	JANKOWSKI, THOMAS & DIANA	1	2	0	0
88-20-06-351-004	2865	CHARNWOOD	SOKOLY, GEORGE R	1	1	1	1
88-20-06-351-005	6213	MALVERN	SHEPPARD, JOHN	1	1	1	1
88-20-06-351-006	6227	MALVERN	FORIL TRUST, JOHN R	1	1	1	1
88-20-06-351-007	6239	MALVERN	AGRO, ANTHONY & DIANNE	1	2	0	0
88-20-06-351-008	6263	MALVERN	GOSS, ROBERT LEE	1	1	0	0
88-20-06-351-009	2825	CHARNWOOD	NORMAN, KATHRYN	1	1	1	1
88-20-06-352-001	6214	MALVERN	STERLING, DENNIS & ELLA	1	2	0	0
88-20-06-352-002	6228	MALVERN	MUSZYNSKI, JAMES & MARSHA	1	2	0	0
88-20-06-352-003	6242	MALVERN	HINKLE, JAMES E	1	1	1	1
88-20-06-352-004	6256	MALVERN	YATES, DONALD A	1	1	0	0
88-20-06-352-005	6270	MALVERN	SAVAYA, ANJEL	1	1	1	1
88-20-06-352-006	6284	MALVERN	HAQUE TRUST, SELIMULL & AMINA	1	2	2	1
88-20-06-352-007	2759	CHARNWOOD	PARISEN, JON & MARIA	1	2	2	1
88-20-06-352-008	2725	CHARNWOOD	HASCALL, KENT D	1	1	0	0
88-20-06-352-009	2595	CHARNWOOD	DAVIES, KENNETH & CAROL	1	2	0	0
88-20-06-352-010	2575	CHARNWOOD	WEZENSKY, BRIAN	1	1	0	0

City of Troy - Assessing Department
Analysis of Petition for Asphalt (Bituminous) Paving in the Charnwood Hills Subdivisions

SAD # 04.104.1

Parcel ID	#	Street	Owner 1	# of Units	# of Owners	Owners Signed	Units Signed in Favor
88-20-06-352-011	2555	CHARNWOOD	HESSLING, KATHLEEN	1	1	1	1
88-20-06-352-012	2525	CHARNWOOD	GUPTA, ANIK & NEELUM	1	2	2	1
88-20-06-401-001	2498	DALESFORD	BRUSCA, ANTHONY & SUSAN	1	2	2	1
88-20-06-401-002	2470	DALESFORD	STANICHUK, ROBERT & CAROL	1	2	2	1
88-20-06-401-003	2440	DALESFORD	BRIHKO, JOHNNY	1	1	1	1
88-20-06-401-004	2410	DALESFORD	MIELA, DEBORAH L: GOLD, GLORIA	1	2	0	0
88-20-06-426-001	2270	CHALGROVE	ELLISTON, DAVID & JOYCE	1	2	2	1
88-20-06-426-002	2230	CHALGROVE	DUNN, CHARLES R & KAREN A	1	2	2	1
88-20-06-426-003	2190	CHALGROVE	FRANZ, RICHARD & SANDRA	1	2	0	0
88-20-06-426-004	2150	CHALGROVE	MURRAY, CHARLENE	1	1	0	0
88-20-06-426-005	2110	CHALGROVE	RETKO, EDWARD	1	1	0	0
88-20-06-426-006	2070	CHALGROVE	MC KAY, JOSEPH & DIANA	1	2	2	1
88-20-06-426-007	2030	CHALGROVE	TAORMINA, CHUCK & JANICE	1	2	0	0
88-20-06-427-001	2251	CHALGROVE	PAIK, LISA & EUGENE	1	2	2	1
88-20-06-427-002	2211	CHALGROVE	LOWING, JOSEPH	1	3	3	1
88-20-06-427-003	2161	CHALGROVE	KHAWAJA, KASHIF	1	1	1	1
88-20-06-427-004	2121	CHALGROVE	ASHARE, VERA	1	1	1	1
88-20-06-427-005	2091	CHALGROVE	SMITH, CHARLES & ANNTREAL	1	2	2	1
88-20-06-427-006	2041	CHALGROVE	BALES, JACK & JACQUELINE	1	2	0	0
88-20-06-427-007	2240	DALESFORD	SESTAK, PETER A	1	1	1	1
88-20-06-427-008	2160	DALESFORD	GUITAR TRUST, BEVERLY	1	1	1	1
88-20-06-427-009	2130	DALESFORD	MALCHO, CHARLES M	1	1	0	0
88-20-06-427-010	2080	DALESFORD	SCHMIDT, DARCY & NANCY	1	2	0	0
88-20-06-427-011	2040	DALESFORD	FESTIAN, GERALD & PAMELA	1	2	2	1
88-20-06-451-001	2497	DALESFORD	PARKS, RALPH S & BARBARA A	1	2	0	0
88-20-06-451-002	2469	DALESFORD	KEBBE, LOIS	1	1	0	0
88-20-06-451-003	2435	DALESFORD	NIEMEN, MICHAEL & ANGELE	1	2	2	1
88-20-06-451-004	2480	CHARNWOOD	JOHIMSTHAL, JAMES & SALLY	1	2	0	0
88-20-06-451-005	2450	CHARNWOOD	HARTIG, KEVIN & KIRSTEN	1	2	2	1
88-20-06-451-006	2420	CHARNWOOD	KRETSCHMER, THOMAS & KERI	1	2	2	1
88-20-06-452-001	2475	CHARNWOOD	WEISGERBER, JOHN & DENISE	1	2	0	0
88-20-06-452-006	2441	CHARNWOOD	KELLY, CAROL D	1	1	1	1
88-20-06-452-007	6125	GLYNDEBOURNE	ROSE, GENEVA L	1	1	0	0
88-20-06-452-008	6081	GLYNDEBOURNE	PRYDE, DANIEL & LIANA	1	2	0	0
88-20-06-452-009	6041	GLYNDEBOURNE	DAWIDOWICZ, PETER & AMY	1	2	2	1
88-20-06-452-010	2420	SQUARE LAKE	MAHIKARI, SUKYO	1	1	0	0
88-20-06-453-001	6158	GLYNDEBOURNE	LAMB, RICHARD & CARRIE	1	2	2	1
88-20-06-453-002	6114	GLYNDEBOURNE	STEGEMAN, THOMAS & LORI	1	2	2	1
88-20-06-453-003	6068	GLYNDEBOURNE	VANG, YIARAVANH	1	1	1	1
88-20-06-453-004	2360	SQUARE LAKE	ROWE, LAWRENCE E & BEVERLY	1	2	0	0
88-20-06-453-005	2305	CHARNWOOD	SIMMONS, STEVEN & DONNA	1	2	2	1
88-20-06-453-006	6071	WINDRUSH	FUNK, ROBERT & LISA	1	2	2	1
88-20-06-453-007	2320	SQUARE LAKE	LEONARD, WILLIAM	1	1	0	0
88-20-06-476-001	2345	DALESFORD	VANG, JEFREE	1	1	1	1
88-20-06-476-002	2251	DALESFORD	LAPALM, MARK J	1	1	1	1
88-20-06-476-003	2245	DALESFORD	KELLY, RALPH T	1	1	0	0
88-20-06-476-004	2205	DALESFORD	LAVERDIERE, DAVID A & GRACE L	1	2	0	0
88-20-06-476-005	2145	DALESFORD	CHAMPINE, CALVIN D	1	1	0	0
88-20-06-476-006	2105	DALESFORD	KOKAL, JACK W	1	1	1	1
88-20-06-476-007	2065	DALESFORD	FISHER, ROBERT & JILL	1	2	2	1
88-20-06-476-008	0		GOSSELIN, ROBERT	1	1	1	1

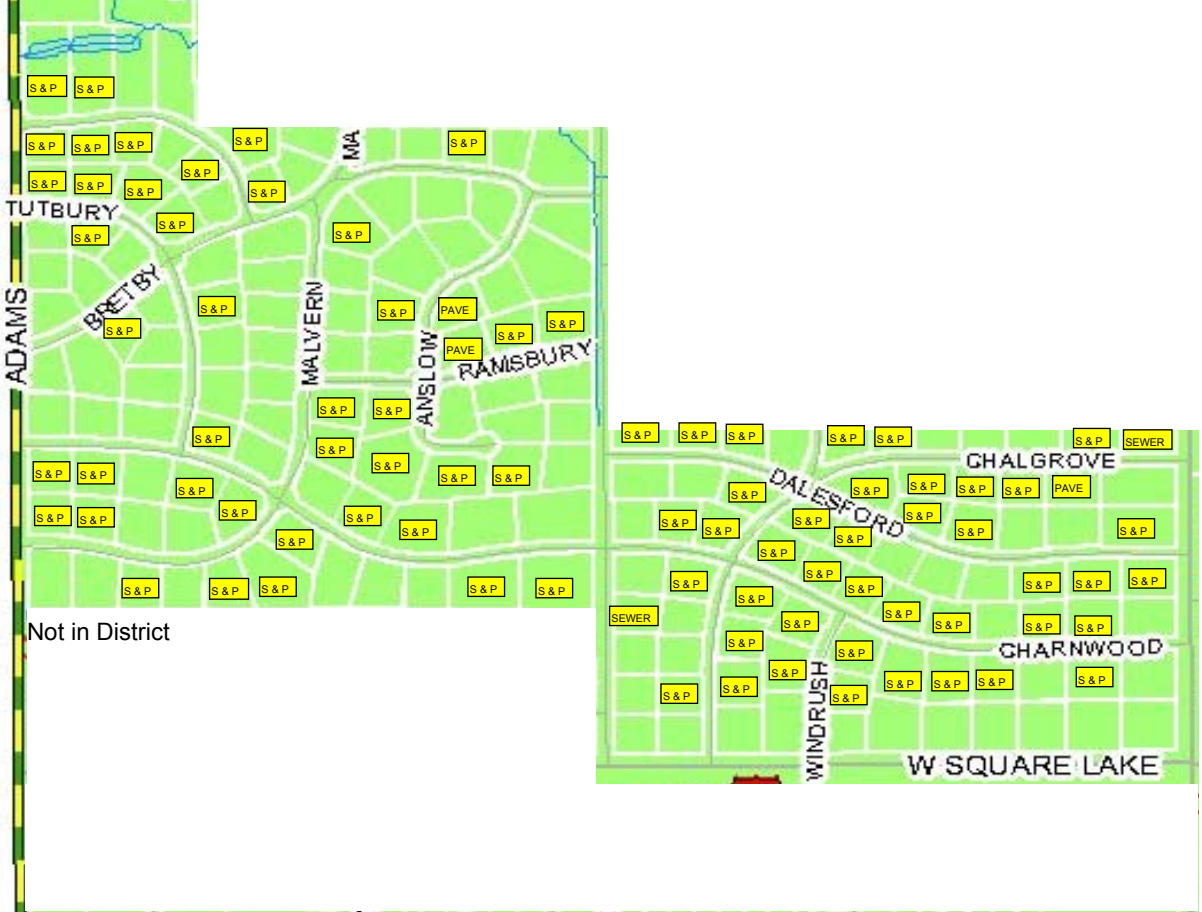
City of Troy - Assessing Department
Analysis of Petition for Asphalt (Bituminous) Paving in the Charnwood Hills Subdivisions

SAD # 04.104.1

Parcel ID	#	Street	Owner 1	# of Units	# of Owners	Owners Signed	Units Signed in Favor
88-20-06-476-009	2350	CHARNWOOD	HAGEN, BERNARD & SHARON	1	2	2	1
88-20-06-476-010	2310	CHARNWOOD	AUSTIN, RICHARD & CARMALITA	1	2	2	1
88-20-06-476-011	2260	CHARNWOOD	DUDA, EDMUND	1	1	1	1
88-20-06-476-012	2220	CHARNWOOD	KOCHAJDA, VICTOR & CAROLYN	1	2	2	1
88-20-06-476-013	2180	CHARNWOOD	HOOTON, GEORGE & BETTY	1	2	2	1
88-20-06-476-014	2140	CHARNWOOD	VANEVERY, BARANT & GLORIA	1	2	0	0
88-20-06-476-015	2100	CHARNWOOD	GIANCOTTI, PRISCILLA: DUTCHESEN, BARBARA	1	2	2	1
88-20-06-476-016	2060	CHARNWOOD	ALI, MOHAMMAD & UZMA	1	2	2	1
88-20-06-476-017	2020	CHARNWOOD	BOOSER, ROBERT & KIMBERLY	1	2	0	0
88-20-06-477-001	6100	WINDRUSH	JOHNSON, IVAN R & ZOE	1	2	2	1
88-20-06-477-002	2211	CHARNWOOD	ELLIOTT, NANCY ANN	1	1	1	1
88-20-06-477-003	2181	CHARNWOOD	CLIPPERT, THOMAS & SUSAN	1	2	2	1
88-20-06-477-004	2141	CHARNWOOD	BALOCATING, GEORGE & GLORIA	1	2	2	1
88-20-06-477-005	2101	CHARNWOOD	BUCHESKY, DAVID M	1	1	0	0
88-20-06-477-006	0		GOSSELIN, ROBERT	1	1	1	1
88-20-06-477-007	2021	CHARNWOOD	BOOSER, CHARLES C	1	1	0	0
88-20-06-477-008	6042	WINDRUSH	TROGDEN, RYAN & KATHY	1	2	2	1
88-20-06-477-009	6030	WINDRUSH	HANS, CHAUDRY & YASMIN	1	2	0	0
				170	275	139	85
Parcel ID	**#**	**Street**	**Owner 1**	**# of Units**	**# of Owners**	**Owners Signed**	**Units Signed in Favor**

Total Percentage of Available Units Signed in Favor ===>	**50.00**

!! = Petitioned for Chip Seal only



Not in District

City of Troy

500 W. Big Beaver Road
Troy, Michigan 48084

Preliminary Engineer's Estimate

Charnwood Hills Subs. 1,2 & 3 Bituminous Paving SAD
Proj. No. 04.104.1

Prepared by: G. Scott Finlay, P.E.
Date: 8-Jun-04

	Description	Unit	Est. Qty	Unit price	Total
1	Remove Approach	S.Y.	5825.00	3.00	$17,475.00
2	12" CMP, 14 gage, Culvert	L.F.	3600.00	18.00	$64,800.00
3	Std. 12" CMP End Sections	EACH	352.00	75.00	$26,400.00
4	Storm Sewer, 12" C-76 Cl-IV	L.F.	500.00	20.00	$10,000.00
5	Drainage Structure, 4 ft. Dia.	EACH	10.00	800.00	$8,000.00
6	Drainage Structure, 2 ft. Dia.	EACH	10.00	600.00	$6,000.00
7	Drainage Structure, Covers	LBS.	6000.00	1.00	$6,000.00
8	Reconstruct Drainage Structure	EACH	5.00	350.00	$1,750.00
9	Adjust Drainage Structures	EACH	5.00	200.00	$1,000.00
10	Conc.Driveway, Nonreinforced 6"	S.Y.	1200.00	30.00	$36,000.00
11	Bituminous Approach	TONS	1025.00	75.00	$76,875.00
12	Remove Chip Seal	S.Y.	69000.00	2.00	$138,000.00
13	Base Prep. Machine Grading	STA.	250.00	100.00	$25,000.00
14	Bituminous Mix - 500-20C, 3 Inche	TONS	11386.00	35.00	$398,510.00
15	Bituminous Mix - 1100T - 20AA, W	TONS	5693.00	40.00	$227,720.00
16	Reditching	L.F.	25000.00	2.00	$50,000.00
17	Mailbox Posts	EACH	50.00	100.00	$5,000.00
18	Class A Sodding w/ 2" Top Soil	S.Y.	96000.00	2.50	$240,000.00
19	Watering (1000 gallons/unit)	UNITS	600.00	20.00	$12,000.00
20	Mowing Sodded Areas	Times	4.00	1,500.00	$6,000.00
21	Traffic Control & Maintenance	LSUM	1.00	10,000.00	$10,000.00
	Total Construction Costs				$1,366,530.00
	Drainage Items (City Share)				$577,300.00
	Admin. & Conting. (25%)				$144,325.00
	Total City Share				$721,625.00
	SAD Assessment Share				$789,230.00
	Admin. & Conting. (25%)				$197,307.50
	Total SAD Assessment Share				$986,537.50

Bituminous Paving

88-20-06-151-001
FAMBROUGH, HENRY
2956 TEWKSBURY
TROY MI 48098-6002

88-20-06-151-002
SLATER, THOMAS & KAIA
2914 TEWKSBURY
TROY MI 48098-6002

88-20-06-151-003
ECCLESTON, JOHN
2880 TEWKSBURY
TROY MI 48098-01

88-20-06-151-004
HIBBARD, FREDERICK G
2840 TEWKSBURY
TROY MI 48098-6001

88-20-06-151-011
CIARAMITARO, PETER
2800 TEWKSBURY
TROY MI 48098-6001

88-20-06-151-012
PERKINS, CARLA
2740 BRETBY
TROY MI 48098-2106

88-20-06-151-013
ELSTER, WILLIAM P
2710 BRETBY
TROY MI 48098-2106

88-20-06-151-014
GOUDA, MOHAMED & THERES
6511 MALVERN
TROY MI 48098-2142

88-20-06-152-001
IVERY TRUST, BESSIE LEE
2955 TEWKSBURY
TROY MI 48098-6004

88-20-06-152-002
BLIZMAN, WAYNE & JANE
2915 TEWKSBURY
TROY MI 48098-6004

88-20-06-152-003
GOSSETT, JAY & JENNIFER
2875 TEWKSBURY
TROY MI 48098-6003

88-20-06-152-004
MOFFAT, KEITH S
2835 TEWKSBURY
TROY MI 48098-6003

88-20-06-152-005
SHOQUIST, RE
2795 TEWKSBURY
TROY MI 48098-2150

88-20-06-152-006
MONTGOMERY, CYNTHIA
2761 BRETBY
TROY MI 48098-2168

88-20-06-152-007
BLISS, NANCY J
6496 TUTBURY
TROY MI 48098-2152

88-20-06-152-008
HOFFMAN, LAWRANCE F & CH
6472 TUTBURY
TROY MI 48098-2152

88-20-06-152-009
GEMOLAS, NICHOLAS & SHER
6448 TUTBURY
TROY MI 48098-2152

88-20-06-152-010
MANLEY, LANNY & JOSEPHIN
6424 TUTBURY
TROY MI 48098-2152

88-20-06-177-008
MC CARDY, ROBERT & PATRIC
2680 BRETBY
TROY MI 48098-2179

88-20-06-177-009
KULAS, JERRY C & EDWINA E
2640 BRETBY
TROY MI 48098-2179

88-20-06-177-010
DAIEK, DAVID E
2600 BRETBY
TROY MI 48098-2179

88-20-06-177-011
BOOTH , CHARLES & NANCY
2560 BRETBY
TROY MI 48098-2105

88-20-06-177-012
GUSTILO, CESAR & DOMINICA
2526 BRETBY
TROY MI 48098-2195

88-20-06-301-001
BROQUET, TONI ANN
6495 TUTBURY
TROY MI 48098-2156

88-20-06-301-003
BREWSTER, BERTHA
2974 BRETBY
TROY MI 48098-2182

88-20-06-301-004
MOORE, WARREN L & JOANNE
6461 TUTBURY
TROY MI 48098-2156

88-20-06-301-005
WATKINS, LARRY C & MARGIE
2898 BRETBY
TROY MI 48098-2108

88-20-06-301-006
FLETCHER, GEORGE & ELEANO
2848 BRETBY
TROY MI 48098-2108

88-20-06-302-001
FRANCO, STANLEY N
2983 BRETBY
TROY MI 48098-2153

88-20-06-302-002
BIELSKI, ANTHONY & MARY A
2949 BRETBY
TROY MI 48098-2153

88-20-06-302-003
CASPER JR, JAMES & RUTHAN
2899 BRETBY
TROY MI 48098-2153

88-20-06-302-004
MELCHERT, DONALD A
6385 TUTBURY
TROY MI 48098-2157

88-20-06-302-005
HOLAS, KENNETH
6351 TUTBURY
TROY MI 48098-2157

88-20-06-302-006
GERARD, STEVEN & DEBORAH
6327 TUTBURY
TROY MI 48098-2157

88-20-06-302-007
GOBLE, GEORGE R & LAURIE A
2990 CHARNWOOD
TROY MI 48098-2113

88-20-06-302-008
CLAPP, KEITH & MARTHA
2960 CHARNWOOD
TROY MI 48098-2113

88-20-06-302-009
BORIN, JAMES & MERI
6303 TUTBURY
TROY MI 48098-2157

88-20-06-303-001
PALMER, ESTHER
6396 TUTBURY
TROY MI 48098-2151

88-20-06-303-002
JA DITTY & ASSOC
6372 TUTBURY
TROY MI 48098-2151

88-20-06-303-003
HAGELSTEIN, ZATA
6348 TUTBURY
TROY MI 48098-2151

88-20-06-303-004
CUNNINGHAM, JAMES & RUT
6324 TUTBURY
TROY MI 48098-2151

88-20-06-303-005
SMITH, JEFFREY & DONNA
2860 CHARNWOOD
TROY MI 48098-2111

88-20-06-303-006
BRIGGS, TIMOTHY S & MARY S
2745 BRETBY
TROY MI 48098-2107

88-20-06-303-007
KOPKAU, GARY W
6455 MALVERN
TROY MI 48098-2115

88-20-06-303-008
JOHNSON TRUST, PATRICIA
6437 MALVERN
TROY MI 48098-2115

88-20-06-303-009
MYONG, JOHN & CHRISTINA
6419 MALVERN
TROY MI 48098-2115

88-20-06-303-010
MARTIN, ANNA
6393 MALVERN
TROY MI 48098-2140

88-20-06-303-011
REED, ANDREW & JENNIFER
6345 MALVERN
TROY MI 48098-2140

88-20-06-303-012
POST , SUZANNE
2830 CHARNWOOD
TROY MI 48098-2111

88-20-06-326-001
CARY, ALLAN P
2673 BRETBY
TROY MI 48098-2154

88-20-06-326-002
BANGHART, LAWRENCE J
2621 BRETBY
TROY MI 48098-2154

88-20-06-326-003
FOX, JAMES C
6491 ANSLOW
TROY MI 48098-2165

88-20-06-326-004
CASALOU, STEPHEN & SUSIE
6492 MALVERN
TROY MI 48098-2141

88-20-06-326-005
MACDONALD, RODERICK & JU
6468 MALVERN
TROY MI 48098-2141

88-20-06-326-006
ANDERSON, JAMES & SALLY
6444 MALVERN
TROY MI 48098-2141

88-20-06-326-007
LUCAS, JOSEPH MARK
6420 MALVERN
TROY MI 48098-2141

88-20-06-326-008
PSARIANOS, PETER & LAURA
6473 ANSLOW
TROY MI 48098-2165

88-20-06-326-009
STEC, GEORGE & ARLENE
6455 ANSLOW
TROY MI 48098-2165

88-20-06-326-010
TINETTI, ROSEMARY
6433 ANSLOW
TROY MI 48098-2165

88-20-06-326-011
GOSSELIN, GLEN & VICTORIA
2626 RAMSBURY
TROY MI 48098-2144

88-20-06-327-001
MOYLAN, THOMAS & JULIE
6440 ANSLOW
TROY MI 48098-2104

88-20-06-327-002
BARINGER, ROGER K & MARY
6476 ANSLOW
TROY MI 48098-2104

88-20-06-327-004
NORDEN, MARK & ROBIN
6410 ANSLOW
TROY MI 48098-2104

88-20-06-327-005
GALLOP, DOUGLAS E & LUNET
2550 RAMSBURY
TROY MI 48098-2143

88-20-06-327-006
SHABA, KHALID & HUDA
2520 RAMSBURY
TROY MI 48098-2143

88-20-06-327-007
HERMANCZUK, ALEXANDER &
2525 BRETBY
TROY MI 48098-2167

88-20-06-327-008
POHL, JERRY & KATHLEEN
6484 ANSLOW
TROY MI 48098-2104

88-20-06-328-001
BLAKE TRUST, DIANE & RICH
6360 MALVERN
TROY MI 48098-2139

88-20-06-328-002
HADDOCK, DAVID G
2625 RAMSBURY
TROY MI 48098-2114

88-20-06-328-003
AMICO, JOHN & PATRICIA D
2593 RAMSBURY
TROY MI 48098-2145

88-20-06-328-004
BEGDORIAN, GARY & CAROL
2525 RAMSBURY
TROY MI 48098-2145

88-20-06-328-005
SHUCK, HENRY & MAY
2505 RAMSBURY
TROY MI 48098-2145

88-20-06-328-008
HAQUE TRUST, SELIMUL & AM
6305 ANSLOW
TROY MI 48098-2103

88-20-06-328-009
HAROON, HAFEEZ & HEENA
6321 ANSLOW
TROY MI 48098-2103

88-20-06-328-010
MORRIS, DORIS
6355 ANSLOW
TROY MI 48098-2103

88-20-06-328-011
FITZPATRICK, ROBERT & JANE
6330 MALVERN
TROY MI 48098-2139

88-20-06-328-012
WATKINS, ANTHONY & ANNE
2760 CHARNWOOD
TROY MI 48098-2184

88-20-06-328-013
HEATON TRUST, MARY ALICE
2730 CHARNWOOD
TROY MI 48098-2184

88-20-06-328-018
KRIEBEL TRUST, VALENTINA
2520 CHARNWOOD
TROY MI 48098-2109

88-20-06-328-019
COSTIGAN, PAUL & ANN
2556 CHARNWOOD
TROY MI 48098-2109

88-20-06-328-020
CAMPBELL, GERALD & GRACE
6300 ANSLOW
TROY MI 48098-2103

88-20-06-328-022
BLACKWOOD, ROGER
2580 CHARNWOOD
TROY MI 48098-2109

88-20-06-351-001
BULLOCK, HARRY & BETTY
2991 CHARNWOOD
TROY MI 48098-2164

88-20-06-351-002
SCHWEITZER, FREDA
2955 CHARNWOOD
TROY MI 48098-2164

88-20-06-351-003
JANKOWSKI, THOMAS & DIAN
2915 CHARNWOOD
TROY MI 48098-2164

88-20-06-351-004
SOKOLY, GEORGE R
2865 CHARNWOOD
TROY MI 48098-2112

88-20-06-351-005
SHEPPARD, JOHN
6213 MALVERN
TROY MI 48098-2138

88-20-06-351-006
FORIL TRUST, JOHN R
6227 MALVERN
TROY MI 48098-2138

88-20-06-351-007
AGRO, ANTHONY & DIANNE
6239 MALVERN
TROY MI 48098-2138

88-20-06-351-008
GOSS, ROBERT LEE
6263 MALVERN
TROY MI 48098-2138

88-20-06-351-009
NORMAN, KATHRYN
2825 CHARNWOOD
TROY MI 48098-2112

88-20-06-352-001
STERLING, DENNIS & ELLA
6214 MALVERN
TROY MI 48098-2137

88-20-06-352-002
MUSZYNSKI, JAMES & MARSH
6228 MALVERN
TROY MI 48098-2137

88-20-06-352-003
HINKLE, JAMES E
6242 MALVERN
TROY MI 48098-2137

88-20-06-352-004
YATES, DONALD A
6256 MALVERN
TROY MI 48098-2137

88-20-06-352-005
SAVAYA, ANJEL
6270 MALVERN
TROY MI 48098-2137

88-20-06-352-006
HAQUE TRUST, SELIMULL & A
6284 MALVERN
TROY MI 48098-2137

88-20-06-352-007
PARISEN, JON & MARIA
2759 CHARNWOOD
TROY MI 48098-2186

88-20-06-352-008
HASCALL, KENT D
2725 CHARNWOOD
TROY MI 48098-2186

88-20-06-352-009
DAVIES, KENNETH & CAROL
2595 CHARNWOOD
TROY MI 48098-2110

88-20-06-352-010
WEZENSKY, BRIAN D
2575 CHARNWOOD
TROY MI 48098-2110

88-20-06-352-011
HESSLING, KATHLEEN
2555 CHARNWOOD
TROY MI 48098-2110

88-20-06-352-012
P S RAN LLC
2525 CHARNWOOD
TROY MI 48098-2110

88-20-06-401-001
BRUSCA, ANTHONY & SUSAN
2498 DALESFORD
TROY MI 48098-2227

88-20-06-401-002
STANICHUK, ROBERT & CARO
2470 DALESFORD
TROY MI 48098-2227

88-20-06-401-003
BRIKHO, JOHNNY
2440 DALESFORD
TROY MI 48098-2227

88-20-06-401-004
MIELA, DEBORAH L
2410 DALESFORD
TROY MI 48098-2227

88-20-06-426-001
ELLISTON, DAVID & JOYCE
2270 CHALGROVE
TROY MI 48098-2295

88-20-06-426-002
DUNN, CHARLES R & KAREN A
2230 CHALGROVE
TROY MI 48098-2295

88-20-06-426-003
FRANZ, RICHARD & SANDRA
2190 CHALGROVE
TROY MI 48098-2294

88-20-06-426-004
MURRAY, CHARLENE
2150 CHALGROVE
TROY MI 48098-2294

88-20-06-426-005
RETKO, EDWARD
2110 CHALGROVE
TROY MI 48098-2294

88-20-06-426-006
MC KAY, JOSEPH & DIANA
2070 CHALGROVE
TROY MI 48098-2202

88-20-06-426-007
TAORMINA, CHUCK & JANICE
2030 CHALGROVE
TROY MI 48098-2202

88-20-06-427-001
PAIK, LISA & EUGENE
2253 CHALGROVE
TROY MI 48098-2298

88-20-06-427-002
LOWING, JOSEPH
2211 CHALGROVE
TROY MI 48098-2298

88-20-06-427-003
KHAWAJA, KASHIF
2161 CHALGROVE
TROY MI 48098-2296

88-20-06-427-004
COX, MINA J
744 MORNINGSIDE
GRAND BLANC MI 48439

88-20-06-427-005
SMITH, CHARLES & ANNTREA
2091 CHALGROVE
TROY MI 48098-2201

88-20-06-427-006
BALES, JACK & JACQUELINE
2041 CHALGROVE
TROY MI 48098-2201

88-20-06-427-007
SESTAK, PETER A
2240 DALESFORD
TROY MI 48098-5206

88-20-06-427-008
GUITAR TRUST, BEVERLY
2160 DALESFORD
TROY MI 48098-5205

88-20-06-427-009
MALCHO, CHARLES M
2130 DALESFORD
TROY MI 48098-5205

88-20-06-427-010
SCHMIDT, DARCY DEL
2080 DALESFORD
TROY MI 48098-2208

88-20-06-427-011
FESTIAN TRUST, PAMELA J
2040 DALESFORD
TROY MI 48098-2208

88-20-06-451-001
PARKS, RALPH S & BARBARA
2497 DALESFORD
TROY MI 48098-2228

88-20-06-451-002
KEBBE, LOIS
2469 DALESFORD
TROY MI 48098-2228

88-20-06-451-003
NIEMEN, MICHAEL & ANGELE
2435 DALESFORD
TROY MI 48098-2228

88-20-06-451-004
JOHIMSTHAL, JAMES & SALLY
2480 CHARNWOOD
TROY MI 48098-2206

88-20-06-451-005
HARTIG, KEVIN & KIRSTEN
2450 CHARNWOOD
TROY MI 48098-2206

88-20-06-451-006
KRETSCHMER, THOMAS & KER
2420 CHARNWOOD
TROY MI 48098-2206

88-20-06-452-001
WEISGERBER, WILLIAM H & GL
2475 CHARNWOOD
TROY MI 48098-2207

88-20-06-452-006
KELLY, CAROL D
2441 CHARNWOOD
TROY MI 48098-2207

88-20-06-452-007
ROSE, GENEVA L
6125 GLYNDEBOURNE
TROY MI 48098-5212

88-20-06-452-008
PRYDE, DANIEL & LIANA
6081 GLYNDEBOURNE
TROY MI 48098-2210

88-20-06-452-009
DAWIDOWICZ, PETER & AMY
6041 GLYNDEBOURNE
TROY MI 48098-2210

88-20-06-452-010
SUKYO MAHIKARI CORP
2420 W SQUARE LAKE
TROY MI 48098-2222

88-20-06-453-001
LAMB, RICHARD & CARRIE
6158 GLYNDEBOURNE
TROY MI 48098-5211

88-20-06-453-002
STEGEMAN, THOMAS & LORI
6114 GLYNDEBOURNE
TROY MI 48098-5211

88-20-06-453-003
VANG, YIARAVANH
6068 GLYNDEBOURNE
TROY MI 48098-2211

88-20-06-453-004
ROWE, LAWRENCE E & BEVER
2360 W SQUARE LAKE
TROY MI 48098-2221

88-20-06-453-005
SIMMONS, STEVEN
2305 CHARNWOOD
TROY MI 48098-2205

88-20-06-453-006
FUNK, ROBERT & LISA
6071 WINDRUSH
TROY MI 48098-2260

88-20-06-453-007
LEONARD, WILLIAM
2320 W SQUARE LAKE
TROY MI 48098-2221

88-20-06-476-001
VANG, JEFREE
2345 DALESFORD
TROY MI 48098-5235

88-20-06-476-002
LAPALM, MARK J
2251 DALESFORD
TROY MI 48098-5209

88-20-06-476-003
KELLY, RALPH T
2245 DALESFORD
TROY MI 48098-5209

88-20-06-476-004
LAVERDIERE, DAVID A & GRA
2205 DALESFORD
TROY MI 48098-5209

88-20-06-476-005
CHAMPINE, CALVIN D
2145 DALESFORD
TROY MI 48098-5208

88-20-06-476-006
KOKAL, JACK W
2105 DALESFORD
TROY MI 48098-5208

88-20-06-476-007
FISHER, ROBERT & JILL
2065 DALESFORD
TROY MI 48098-2209

88-20-06-476-008
GOSSELIN, ROBERT
2915 LENOX
TROY MI 48098-2348

88-20-06-476-009
HAGEN, BERNARD & SHARON
2350 CHARNWOOD
TROY MI 48098-2267

88-20-06-476-010
AUSTIN, RICHARD & CARMALI
2310 CHARNWOOD
TROY MI 48098-2267

88-20-06-476-011
DUDA, EDMUND
2260 CHARNWOOD
TROY MI 48098-5202

88-20-06-476-012
KOCHAJDA, VICTOR & CAROL
2220 CHARNWOOD
TROY MI 48098-5202

88-20-06-476-013
HOOTON, GEORGE & BETTY
2180 CHARNWOOD
TROY MI 48098-5201

88-20-06-476-014
VANEVERY, BARANT & GLORI
2140 CHARNWOOD
TROY MI 48098-5201

88-20-06-476-015
GIANCOTTI, PRISCILLA
2100 CHARNWOOD
TROY MI 48098-5201

88-20-06-476-016
ALI, MOHAMMAD & UZMA
2060 CHARNWOOD
TROY MI 48098-2204

88-20-06-476-017
BOOSER, ROBERT & KIMBERL
2020 CHARNWOOD
TROY MI 48098-2204

88-20-06-477-001
JOHNSON, IVAN R
6100 WINDRUSH
TROY MI 48098-5230

88-20-06-477-002
ELLIOTT, NANCY ANN
2211 CHARNWOOD
TROY MI 48098-5204

88-20-06-477-003
CLIPPERT, THOMAS & SUSAN
2181 CHARNWOOD
TROY MI 48098-5203

88-20-06-477-004
BALOCATING, GEORGE & GLO
2141 CHARNWOOD
TROY MI 48098-5203

88-20-06-477-005
BUCHESKY, DAVID M
2101 CHARNWOOD
TROY MI 48098-5203

88-20-06-477-006
GOSSELIN, ROBERT
2915 LENOX
TROY MI 48098-2348

88-20-06-477-007
BOOSER, CHARLES C
2021 CHARNWOOD
TROY MI 48098-2203

88-20-06-477-008
TROGDEN, RYAN & KATHY
6042 WINDRUSH
TROY MI 48098-2223

88-20-06-477-009
HANS, CHAUDRY & YASMIN
6030 WINDRUSH
TROY MI 48098-2223

City of Troy
Assessing Department

Project Name Charnwood Hills Bituminous Paving

Project # 04.104.1

Amortization Table
10 Year

int. @.06

Assessment
$5,803.161

Year	Principal	Interest	Payment	Balance
1	$ 580.32		$ 580.32	$ 5,222.84
2	$ 580.32	$ 313.37	$ 893.69	$ 4,642.53
3	$ 580.32	$ 278.55	$ 858.87	$ 4,062.21
4	$ 580.32	$ 243.73	$ 824.05	$ 3,481.90
5	$ 580.32	$ 208.91	$ 789.23	$ 2,901.58
6	$ 580.32	$ 174.09	$ 754.41	$ 2,321.26
7	$ 580.32	$ 139.28	$ 719.59	$ 1,740.95
8	$ 580.32	$ 104.46	$ 684.77	$ 1,160.63
9	$ 580.32	$ 69.64	$ 649.95	$ 580.32
10	$ 580.32		$ 580.32	$ -
TOTAL	$ 5,803.16	$ 1,532.03	$ 7,335.20	

06/08/04

January 4, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Request for Study Session

Please schedule a study session so that we may review and discuss goals and objectives for the City of Troy. We'll also take a look at organization positives for 2004, and discuss the results of individual interviews I conducted with you relative to Troy's future vision.

JS/mr\AGENDA ITEMS\2005\01.10.05 – Request for Study Session

COUNCIL MEMBERS' RESPONSES DURING INDIVIDUAL MEETINGS WITH CITY MANAGER

1) What do you want the City of Troy to excel at 5, 10 and 20 years from now? Possible elements pertain to security, infrastructure, quality of life, economic development, property values.

Five years - balanced tax rate; high level of service, quality schools, high property values and high quality of life.

Ten years – Troy to become IT capitol of Oakland County as well as invention capitol. DDA and SMART Zone projects heretofore reach fruition and enhance/sustain economic development.

20 years – Troy's the Oakland County destination point to live, work, and play. Outstanding infrastructure improvements and advances made toward a functional mass transit system.

A financially secure and economically viable City. We need to concentrate on redevelopment efforts and in particular the Maple/Big Beaver/Stephenson corridor. We also need to address an economically viable use for the hundreds of light industrial buildings with little parking, large shop areas and small office spaces to a more economically viable use.

The Master Land Use Plan should be adhered to and we should strive to keep property values high. We should also strive to remain one of America's safest cities.

Safest cities award; life safety award. Also maintain spirit of volunteerism for Fire Department, and outside organizations managing recreation programs like baseball boosters, and Troy Cowboys. Cricket should also be handled in the same fashion whereby players assume most of the costs.

Lower or maintain millage rate, operate more efficiently, consolidation of departments, possible combination/sharing of services, good communications, encourage maintenance of infrastructure, continue to have one of the lowest tax rates in the area. In addition, more involvement is needed along Maple Road for economic development reasons, and we need to find ways to keep property values high throughout the entire community.

Improving alternate methods of transportation such as bike trails, sidewalks, and continued street construction. Encourage public/private partnerships in this regard.

Producing highest level of service at most efficient cost. Management to operationally define efficiency. Privatization with public/private partnerships.

Maintain functional correlation with level of service offered to match changing demographics.

Ultimately, Troy is Oakland County's destination point to live, work, and play. There will be outstanding infrastructure improvements and advancements made toward a coordinated regional mass transit system.

We are currently a stellar community and should strive to maintain it in that fashion. Should also be known for adherence to master land use plan and need to be careful on issuing density bonuses. Also should be mindful to maintain quality preservation of open space, and economic vitality. We should strive for excellent infrastructure and be a safe city with a high standard of quality of life services. We should also have a strong property maintenance code, which keeps property values up, and strengthen ordinances to support this.

2) How do you feel about transferring the debt service millage to operating millage, without increasing the overall rate of 9.45 mils?

Would prefer not to transfer the debt service millage rate this coming fiscal year.

No, but it's okay for keeping the .75 mils for further bonding of capital projects.

No.

No, but it's okay to issue bonds for infrastructure projects approved by the voters, and thus this .75 mill rate should be reserved for that purpose.

More information is required on short- versus long-term revenue/cost projections before deciding on this matter.

It's OK.

Yes.

3) City Management believes that we should ideally maintain a fund balance of 17% but not drop below 10%. What is your opinion on this?

12% is prefereable.

Ten percent is okay, but not to raise taxes in order to achieve it.

The City needs to preserve enough reserve to provide cash flow.

10% is okay but should be included in the budget stabilization fund.

Ten percent is bottom line.

Okay for 10%. Should strive for 15-17% fund balance.

Should not drop below 12%.

4) Is it more important to:

a. Maintain the same level of service, even if it means a tax increase within our authorized limit, or

b. Reduce the level of service in order to maintain the overall rate of 9.45 mils?

b.

Look to reducing the level of service in quality of life or non-essential services, i.e., shorter Library and Museum hours. Additionally, some high-cost special events such as Troy Daze should be looked at for possible cuts. So too, areas where we have an extremely high level of service could be reduced while still providing a good level of service, i.e., going from 24 hours to 48 hours to having our streets cleared of snow. We also need to examine discounts for our programs based on need as opposed to entitlements relating to age and/or disability.

For quality of life services, there should be an increase in fees before an increase in taxes.

b.

Reduce spending before increasing taxes by increasing efficiency, removing redundancy, and eliminating waste. Programs with poor return (participation, interest, involvement) should be eliminated. Look at subsidizing individuals based on need, not age or disability.

For non-essential/quality of life services, fees should be increased or perhaps a decrease in level of service. It may be okay to increase taxes for essential services. In any event, business case should be included justifying any increase in fees. We should also look at staffing levels and plan for future efficiencies. The Manager should examine the entire structure of the table of organization to assure the most efficient mode of operation. We should also look at regional services.

b. It's more important to reduce the level of service in order to maintain the overall rate of 9.45 mils. But we also must prioritize services and be innovative. Additionally, we should strive for cooperation with the school district to share services; and look at other partnership possibilities. We should also address advertising as a cost-cutting technique and look at fee-based entitlements.

A tax increase should be considered only if the level of service would otherwise be negatively impacted. This of course assumes that we operate in the most efficient and effective fashion.

a. But we should always aspire to be more efficient. With reference to efficiency, how does our community center costs compare to that of Lifetime Fitness? Perhaps we should look at types of service offered, and numbers thereof compared with staff counts and membership costs.

Also aspire to improve level of service in all areas, and assure that our current level of service is not reduced.

5) <u>In a general sense, please prioritize capital expenditures in terms of:</u>

a. Infrastructure
b. IT improvements
c. Park development

a. Infrastructure
b. IT improvements
c. Park development

Note that IT improvements are ahead of park development because of efficiencies it can provide.

a. Infrastructure
c. Park development
b. IT improvements if those improvements result in efficiency of operations.

a. Infrastructure
c. Park development
creation of new infrastructure
b. IT improvements

a. Infrastructure
c. IT Improvements if efficiencies exist for operations
d. Park development

a. Infrastructure
c. Park development
b. IT improvements

a. Infrastructure
c.. Park development
b. IT improvements

a. Infrastructure
c. Park development
b. IT improvements

6) <u>What's the one thing we do as an organization that you're most proud of?</u>

Public safety (Police/Fire). We provide great leadership in the County and State and also a high degree of ancillary services like home inspections when residents are on vacation. We practice high customer service and invest in training.

Extremely proud of community per se, as well as professional staff.

Volunteer fire department.

Service delivery, in particular the Fire Department.

Culture of professionalism with special emphasis on responsiveness, customer service and parks and recreation services.

Employees dedicated to doing a great job.

Service delivery for the volunteer Fire Department, Parks and Recreation, Police Department, and Library/Museum.

7) <u>What's one thing that you'd like to see us do better?</u>

Be the IT leader in Oakland County. Achieve more financial independence from the State of Michigan. A portion of the hotel tax should stay in Oakland County/City. Troy should also look into having our State reps push for home rule cities keeping part of the sales tax. DDA wireless access?

Better use of web for good communication with citizens. Perhaps development of a speakers bureau would be in order to communicate the rationale for policy issues. Part of being the IT leader includes issuance of building permits on line.

Rezone residential parcels along major streets with high volumes to a more appropriate use, i.e., Rochester Road. An in-house corridor study on Rochester Road and subsequent changes to the Master Land Use Plan could accommodate this.

Eliminate the mentality of "We're a rich city so we can afford it".

Proactive in planning for future needs of the City and changing demographic.

More focused on long-term planning; determining a preferred future for the City and staying with it; responsibility of the Manager and veteran Council Members to assist new Council Members will buy-in for future vision.

Streamline rules and procedures regarding time allowed for speaking at microphone and limit number of items a person can address.

Better communication city-wide, and shorter response times for resident inquiries.

8) What's one thing we're not doing that you'd like to see us be known for?

Use of the democratic governance model to augment citizen background information that will be given to Council to facilitate policy issues.

Better training and professional development for staff.

Encouraging different uses of the industrial areas of Troy, i.e., loft housing, indoor sports, catering, manufacturing condos for small start-ups, a zoning district or overlay for people that want to work at home and store their commercial vehicle at home and have customers go to their home; this pertains to homes that are zoned other than residential.

Regional approach to service delivery.

Innovative approaches to public/private partnerships with emphasis in the areas of land use and transportation.

Innovative in delivery of information over the Internet; on-line registration for all programming.

Development of an ongoing City business marketing plan.

Enhanced quality of life services.

9) What else would you like to discuss that pertains to the City of Troy as an organization, City Council, or the Council/Manager partnership?

Is it possible to get EOC manuals for Council?

Need to look into ratio of condominiums to single family structures.

Continue to review fees for user groups and also review fee discounts based on income levels instead of our current practice of age and/or disability.

Insert chart of per capita taxes paid in local communities to illustrate the inverse relation of tax rate to actual taxes paid.

Discuss the City Management perception regarding Proposal A and the Headlee Amendment.

Emphasize "user pays" as a means of deciding by the market what items and services are of value.

Request that staff prepare a structurally balanced budget and then let the Council decide what we should continue to spend the reserve on. The budget cuts must be made to minimize impact to items that have a direct relation to the goals of the City.

The objectives for staff need a thorough review in conjunction with Council as part of the budget process.

No major outlays off capital (new Library, new barn, etc.) until the revenue stream is no longer deteriorating due to State law.

We do very well with what we have, but have to produce business cases to justify cost increases.

Joint meetings with school board, and chamber. Manager and assistant managers to attend NLC conference and MML conferences.

Continued professional development of Manager.

Proper relationship of Mayor/Council to Manager.

Address major policy issues in 2005 relative to ethics; and the relationship of open space preservation/development/redevelopment.

More long-term planning by Council, as opposed to day-to-day matters.

Management to represent City on SOCRRA board.

Fact sheet for Troy relative to heritage milestones for our last 50 years.

Strengthen Council/Manager partnership.

10) <u>Do you want to ask voters to consider a dedicated 1 mil for Library services and/or a dedicated 1 mil for parks and recreation?</u>

Only as a last resort and to maintain and to save level or serve. Other revenue streams and efficiencies should first be exhausted.

Asking the voters to consider a dedicated millage rate should only be as a last resort, after efficiencies, fees and other income streams are exhausted.

No.

Perhaps we should ask the residents for a quality-of-life millage not to exceed 1 mil for Library and parks services.

The voters should be asked to consider if they wish a dedicated millage for Library and/or parks and recreation services only if budget constraints are such that the level of service in these areas would be negatively impacted without the increase.

Preference is to ask voters for a millage increase for Library *capital*.

11) <u>What role, if any should the Troy City Council play to assure Troy is a community to which residents and businesses aspire to locate?</u>

Understand the benefit of balance in the community. Showcase core competencies to the City and region individually and collectively. Be a leader in developing a 'civic infrastructure' and also function in a teaching capacity. Allocate and demonstrate community values.

Maintaining a low tax base for all properties; providing a high level of service; building good civic infrastructures with other facets of the community; and being pro-business as well as pro-resident.

We need to concentrate on maintaining our infrastructure as well as parks; taxes should be kept low and we should be proactive to optimize the highest economic uses of properties in Troy. We should also be at the forefront of economic development and redevelopment. Other: Should there be voice mail for Council Members at City Hall?

The keys to Council's role are to maintain good parks and recreation programming and to have a good tax base and regulatory environment for residents and businesses.

City Council needs to be more positive. All members need to play a positive role, which will generate a desire to have businesses and residents aspire to locate here, which is best for the entire community of Troy. Council also needs to spend more time on long-range policy issues, as opposed to day-to-day matters.

City Council needs to adopt ordinances that are consistent with having residents and businesses obtain a reasonable expectation for what they can expect to happen to properties around them, i.e., the commercial vehicle ordinance needs to be revisited. City Council needs to be active in community activities as this will help to create a better civic infrastructure. Mayor Schilling provides a better opportunity for functional leadership, which will better serve our residents and businesses.

January 5, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services

SUBJECT: Agenda item – Appointment of SOCRRA Delegate and Alternate

On June 21, 2004, City Council appointed Council member Howrylak and Council member Eisenbacher as the City's delegate and alternate, respectively, to the SOCRRA Board. The appointments were effective through December 31, 2004. Attached is a copy of the June 21, 2004 Motion for Council's review and consideration.

The next meeting of the SOCRRA Board is scheduled for Thursday, January 13, 2005. In order to seat a delegate at the meeting, City Council action is required at the January 10, 2005 Council Meeting to name the delegate and an alternate delegate.

As historical reference, also attached is a list of City of Troy delegates serving on the SOCRRA Board over the past ten years. The City of Troy has been a SOCRRA member community for over 50 years, having first joined while still Troy Township.

Please let me know if you need any further information.

BPM/bt\my documents\agenda item\2005\Appointment of SOCRRA Delegate and Alternate

---

F-9 Appointment of South Oakland County Resource Recovery Authority (SOCRRA) – Delegate and Alternate

Vote on Amended Resolution

Resolution #2004-06-333
Moved by ~~Broomfield~~ Beltramini
Seconded Lambert

WHEREAS, That the appointments of delegate and alternate delegate to the SOCRRA Board expire on June 30, 2004.

NOW, THEREFORE, BE IT RESOLVED, That Martin Howrylak is **APPOINTED** as delegate to the SOCRRA Board effective immediately until December 31, 2004; and

BE IT FURTHER RESOLVED, That David Eisenbacher is **APPOINTED** as the alternate delegate to the SOCRRA Board effective immediately until December 31, 2004.

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

MOTION CARRIED

CITY OF TROY
BOARD OF TRUSTEES
LIST OF REPRESENTATIVES & ALTERNATES
JULY 1994 – DECEMBER 2004

Reg. Bd. Mtg. Date	Representative	Alternate
July 1994	F. Gerstenecker	J. Szerlag
January 1996	Gerstenecker Retired	
May 1996	J. C. Bacon	
August 1998	J. Szerlag	J. C. Bacon
February 2000		G. Shripka
April 2000	G. Shripka	J. Szerlag
February 2001		N. Shroeder
March 21, 2002*	D. Lambert	M. Pryor
May 15, 2002*		M. Howrylak
June 2002	M. Howrylak	M. Pryor
June 2004		D. Eisenbacher
October 2004 (Oct Meeting Only)	B. Murphy	T. Richnak
Nov 2004 (Resume duties)	M. Howrylak	D. Eisenbacher

*Special Board Meeting

DATE: December 23, 2004

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
2774 E. Maple

On December 9, 2004, information was sent to Donna Venticinque that identified restrictions related to a commercial vehicle located on residential property that she owned. As part of that information, she was advised that the Volvo semi tractor and trailer parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. She was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letter, Craig Phillips, a tenant of the home has filed an 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 January 24, 2005.

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

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
DEC 2 2 2004
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: Craig Phillips

ADDRESS: 2774 E Maple Rd

CITY: Troy MI. ZIP: 48083 PHONE: 248-583-0898

ADDRESS OF SITE: 2774 E Maple Troy, M 48083

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S) 4V4NC9TG95N382456

LICENSE PLATE NUMBER(S) 338087 IN

DESCRIPTION OF VEHICLE(S) 2005 Volvo Tractor w/trailer (53') Van Style.

REASON FOR APPEAL (see A - D below) D.

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..

_____
(signature of applicant)

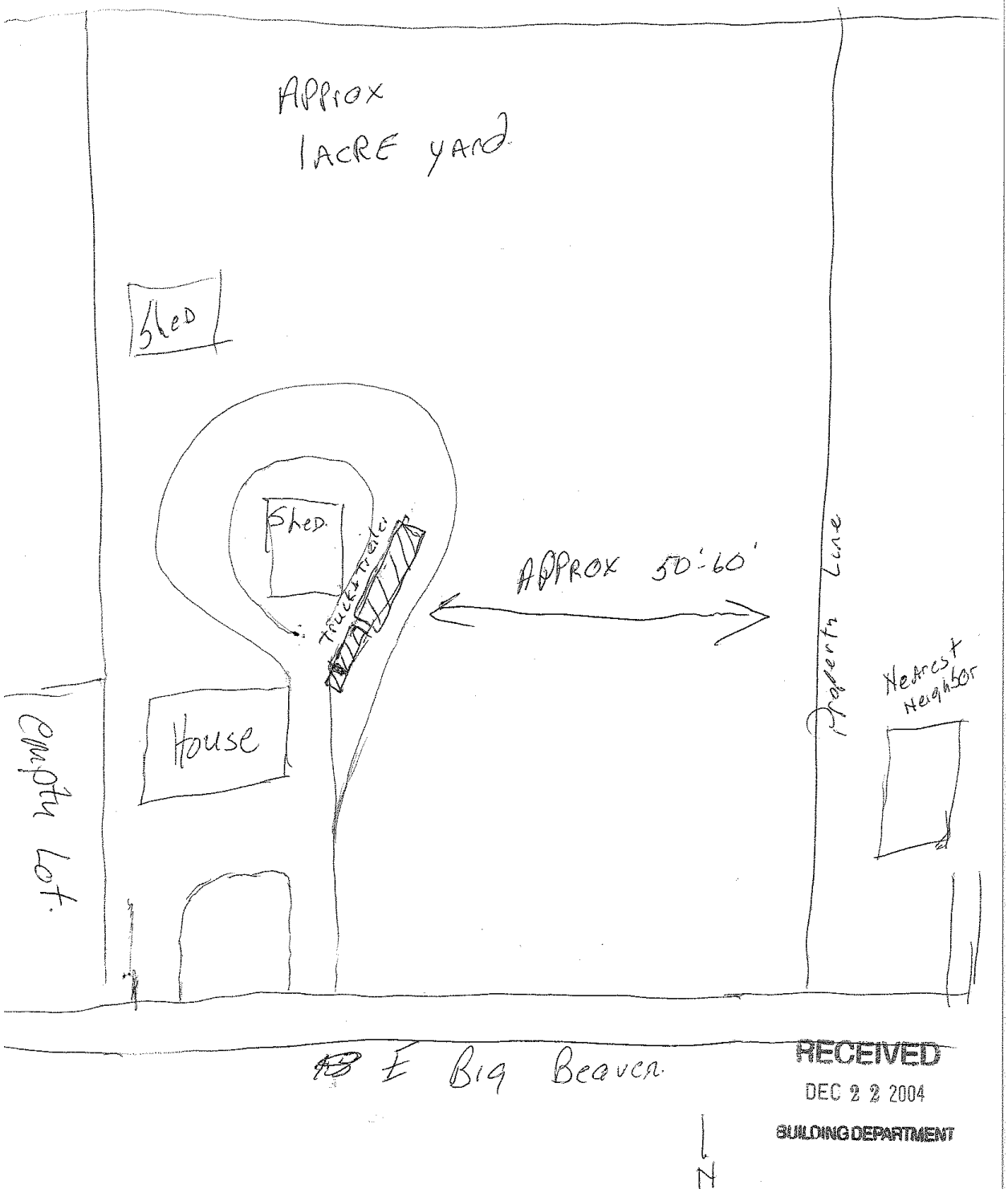
STATE OF MICHIGAN
COUNTY OF _____

On this _____ day of _____, 20_____ 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.

_____
Notary Public, County, Michigan

My Commission Expires:_____

2774 E Maple



RECEIVED
DEC 2 2 2004
BUILDING DEPARTMENT

December 22, 2004

City Of Troy
Building & Inspection Division
500 West Big Beaver Road
Troy, Michigan 48083

Re: Craig & Annette Phillips
2774 East Maple Road
Troy, Michigan 48083

I, Donna Venticinque, give Craig the authority to park his truck on the above property.

If you should have any questions please call me at 248-835-7270.

Sincerely,

Donna M. Venticinque

RECEIVED
DEC 2 2 2004
BUILDING DEPARTMENT

December 28, 2004

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 (JANUARY 24, 2005) – REZONING APPLICATION – West side of Rochester Road, North of Square Lake Road, Section 3 – R-1B to R-1T (Z 696-B)

RECOMMENDATION

The proposed R-1T One Family Attached District is consistent with the Future Land Use Plan. The R-1T Zoning District is an appropriate buffer between a major thoroughfare and a single-family residential district. The application is compatible with abutting uses and zoning districts.

The applicant has consolidated this one-acre parcel with a two-acre parcel to the south. The Planning Department further encourages acquisition of and consolidation with the 5 single-family residential lots to the south, between the strip mall and the parent parcel. However, this cannot be required since the applicant meets the criteria in both the Future Land Use Plan and the Zoning Ordinance.

The Planning Department recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Dale Russel. The applicant is Chary, LLC.

Location of Subject Property:
The property is located on the west side of Rochester Road, north of Square Lake Road, in Section 3.

Size of Subject Parcel:
The parcel is comprised of lots 25 and 26 of Golf Estates Subdivision. The parcel is approximately one acre in area.

Current Use of Subject Property:
A single-family residence currently sits on the property.

Current Zoning Classification:
R-1B One Family Residential District.

Proposed Zoning of Subject Parcel:
R-1T One Family Attached District.

Proposed Uses and Buildings on Subject Parcel:
The abutting two-acre parcel to the south was rezoned from R-1B to R-1T at the October 25, 2004 City Council meeting. The application indicates that the applicant is proposing to combine this parcel with the abutting parcel to the south, thus creating a three-acre parcel. The applicant intends to develop an 18-unit residential development, comprised of 6 buildings with 3 attached units per building, for a total of 18 units.

Current Use of Adjacent Parcels:
North: Single family residential.

South: Vacant.

East: Single family residential.

West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1B One Family Residential District.

South: R-1T One Family Attached District.

East: R-1D One Family Residential District.

West: R-1B One Family Residential District.

ANALYSIS

Range of Uses Permitted in the Proposed R-1T Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

All principal uses permitted and as regulated in the nearest R-1A through R-1E One Family Residential Districts.

Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

One family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

Accessory buildings and uses customarily incidental to the above principal uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Schools.

Child care centers.

Utility and public service buildings and uses.

Vehicular and Non-motorized Access:
The parcel fronts on Rochester Road and Ottawa Avenue.

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 property as Medium Density Residential. The Medium Density Residential classification correlated with the R-1T Zoning District in the Plan. The application is therefore consistent with the Future Land Use Plan.

Compliance with Location Standards:

Article 12.40.01 states that the R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:

(A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.

(B) When the application of such a classification would be an integral part of a planned residential development approach, such as a planned neighborhood development (34.50.00), wherein the overall density is consistent with the intent of the Master Land Use Plan.

The application meets the standard of (A) above and therefore meets the Location Standards of the R-1T District.

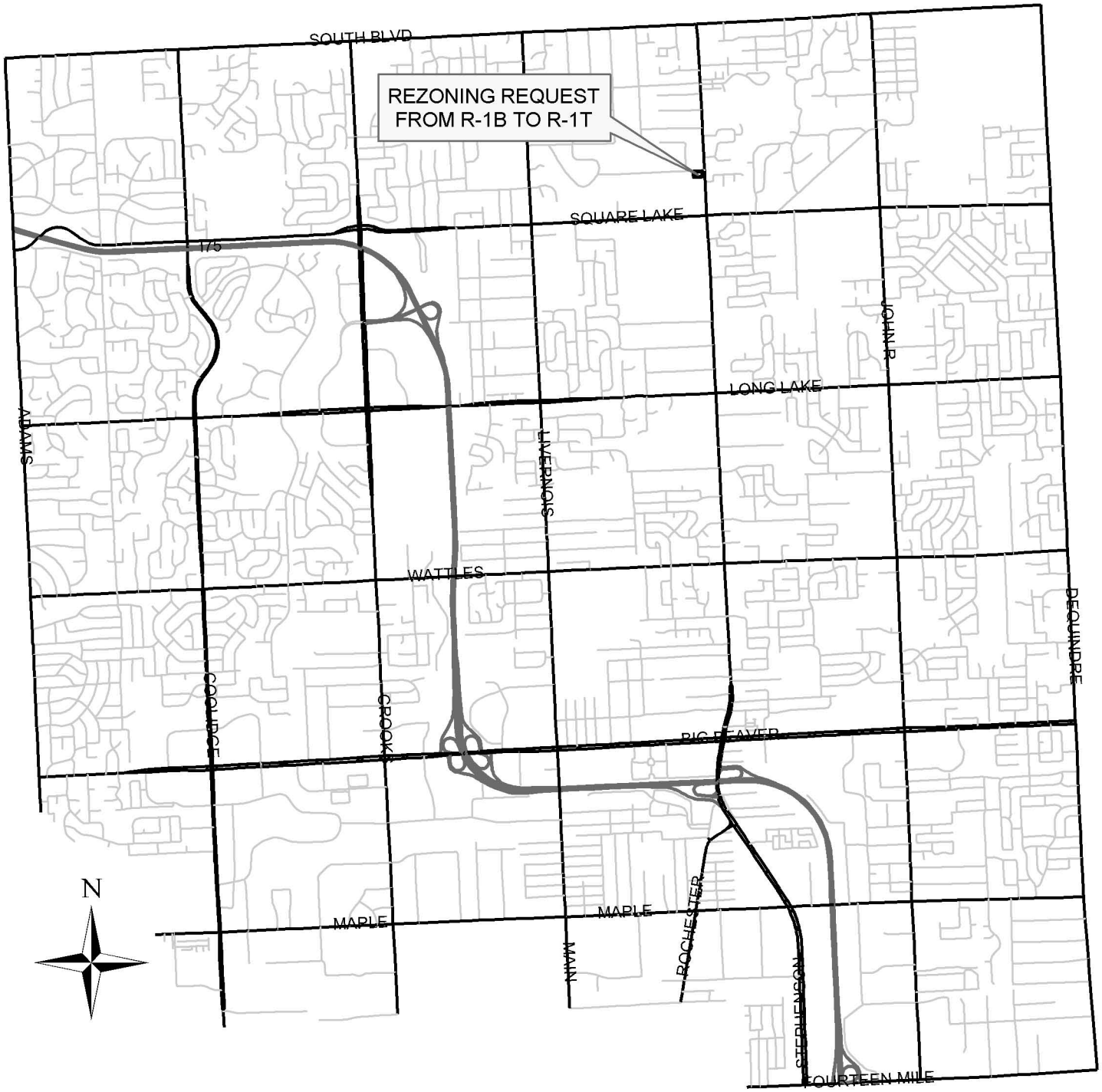
Attachments:
1. Maps.
2. Draft Minutes from December 14, 2004 Planning Commission Regular Meeting.
3. Letter from petitioner, dated October 21, 2004.

cc: Applicant
File (Z 696-B)

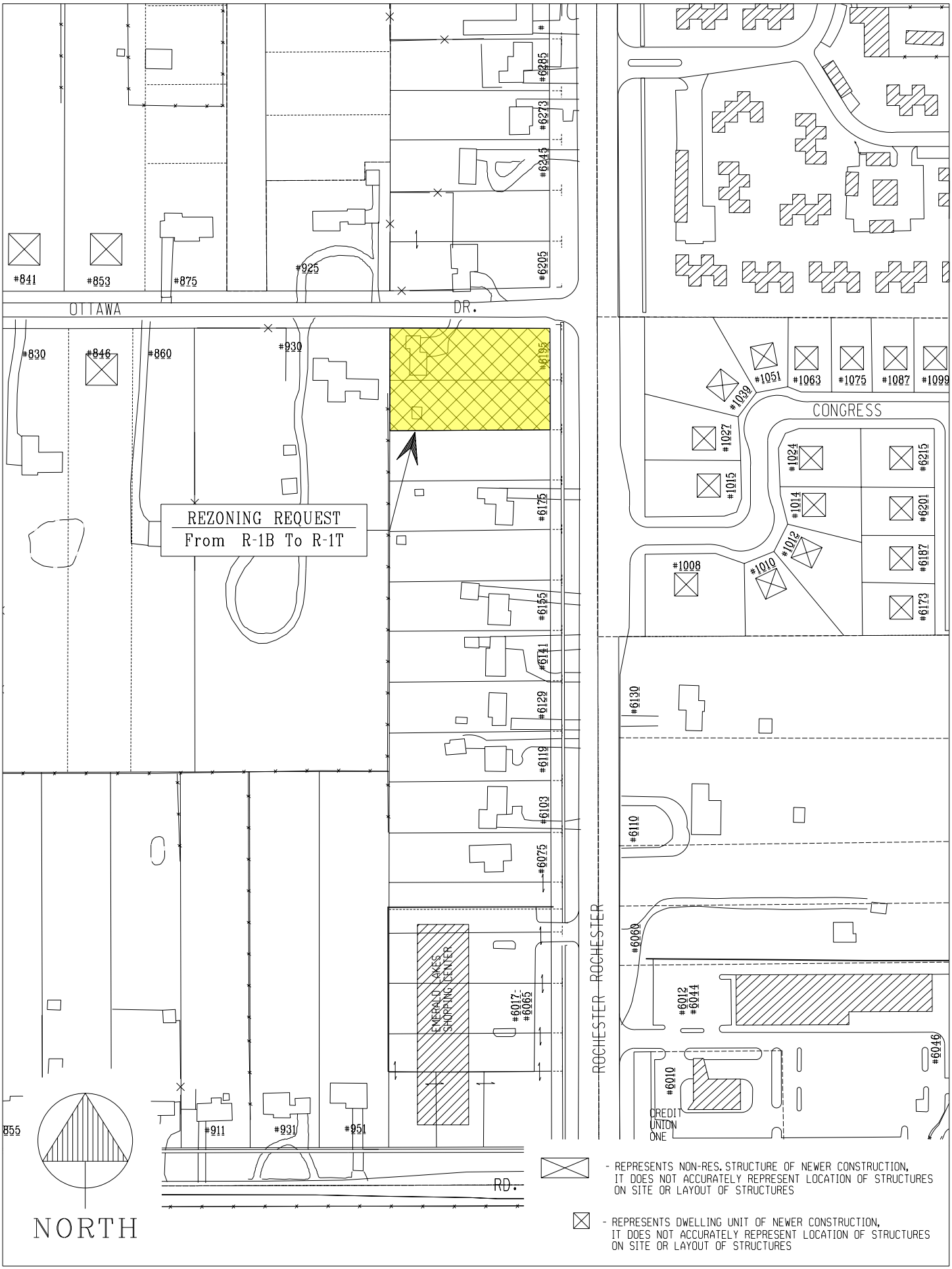
Prepared by RBS/MFM/PPB

G:\REZONING REQUESTS\Z-696B Chary Villas Addl Prop Sec. 3\Announcement CC Public Hearing 01 24 05.doc

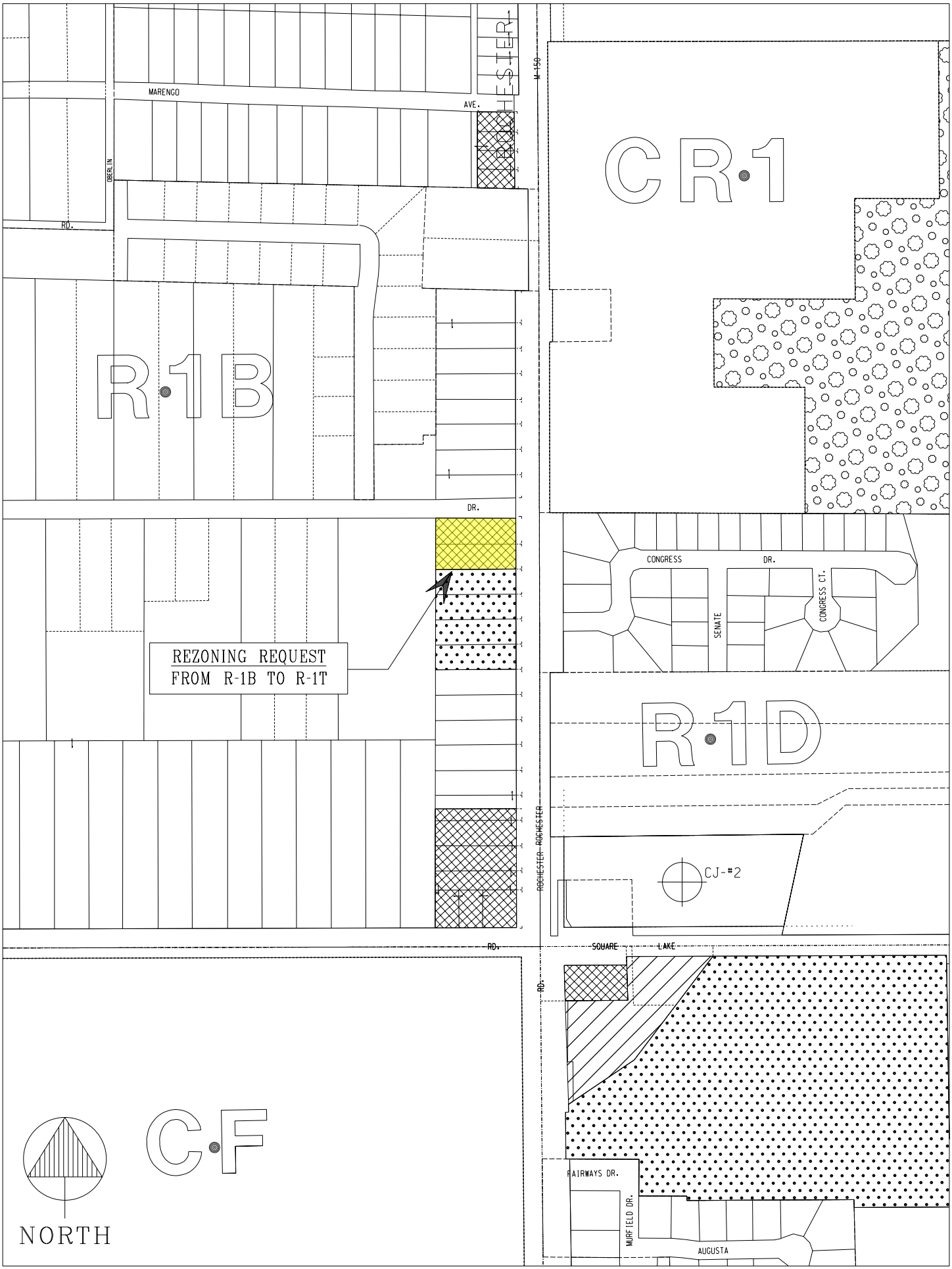
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



Z-696 B / SEC. 3 / 11-23-04


MARENGO
AVE.
OBERLIN
RD.
ROCHESTER
M-150
CR-1
R-1B
DR.
CONGRESS
DR.
SENATE
CONGRESS CT.
REZONING REQUEST
FROM R-1B TO R-1T
R-1D
ROCHESTER ROCHESTER
CJ-#2
RD.
SQUARE
LAKE
RD.
C-F
NORTH
FAIRWAYS DR.
MURFIELD DR.
AUGUSTA

REZONING REQUEST
FROM R-1B TO R-1T
PROPOSED CHARY VILLA CONDOMINIUM
SW CORNER OF ROCHESTER AND OTTAWA
SEC. 3 (Z-696 B)
QUILL CREEK
VILLA PAR
POND RIDGE
PEACOCK
OTTAWA
ROCHESTER
CONGRESS
CONGRESS CT
SENATE
REZONING REQUEST
FROM R-1B TO R-1T
Feet
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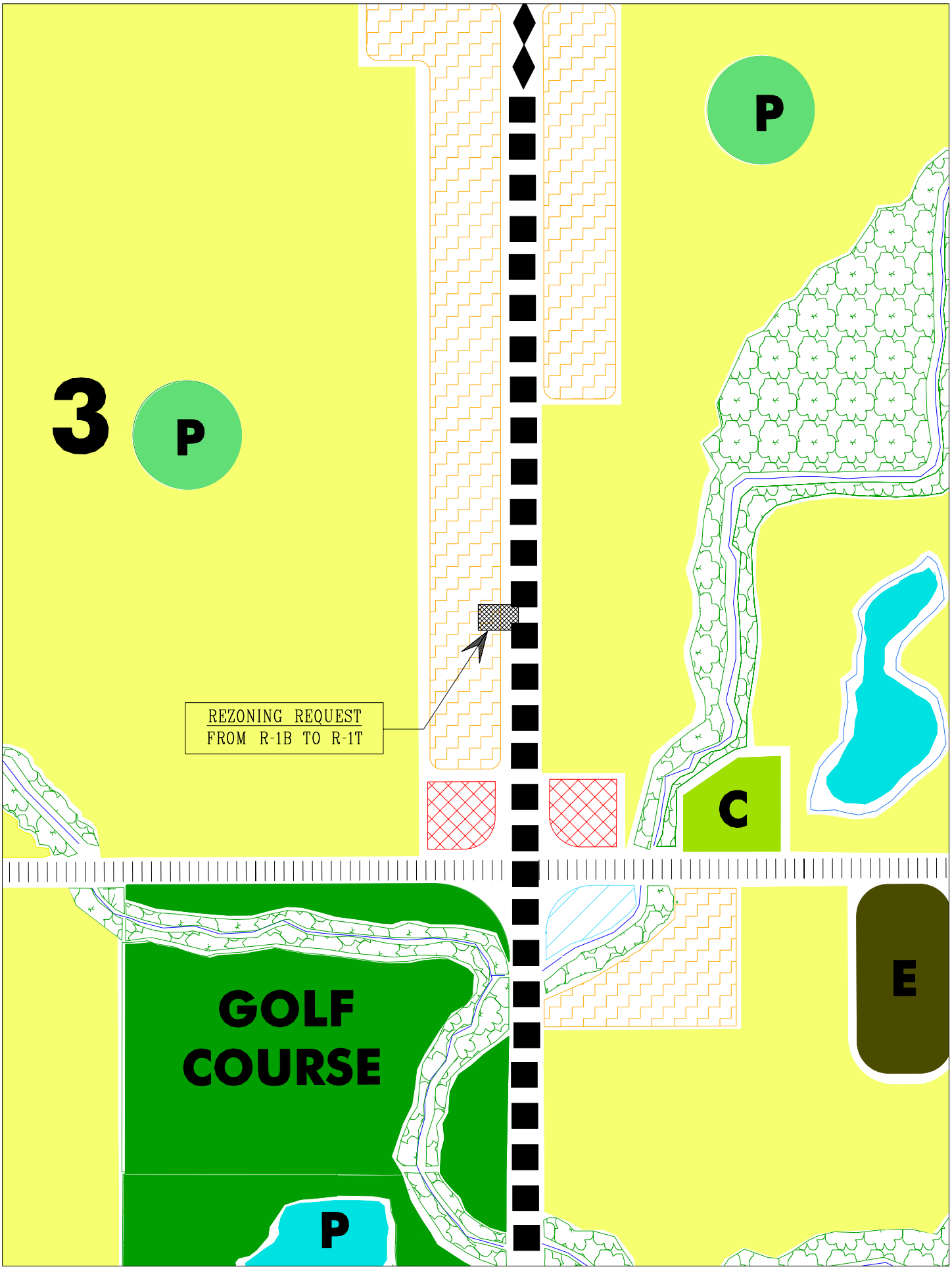

3
P
P
REZONING REQUEST
FROM R-1B TO R-1T
C
E
GOLF
COURSE
P

6. PUBLIC HEARING – PROPOSED REZONING (Z 696-B) – Proposed Chary Villas (additional property to the north), West side of Rochester Road, North of Square Lake, Section 3 – From R-1B (One Family Residential) to R-1T (One Family Attached)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application.

Bill Mosher of Apex Engineering Group of 47745 Van Dyke, Shelby Township, was present to represent the petitioner. Mr. Mosher stated the application meets the Future Land Use Plan and locational standards. He said the intent is to combine the recently rezoned 4 parcels to the south with the subject parcel to develop 18 units of unattached products. Mr. Mosher offered to address any concerns or questions the Commission might have.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-12-153
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to R-1T rezoning request, located on the west side of Rochester Road and north of Square Lake Road, within Section 3, being approximately 1 acre in size, be granted.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317

TELEPHONE: 586-739-5200
FACSIMILE: 586-254-5314

October 21, 2004

Mark F. Miller, AICP, PCP
Planning Director
Planning Department
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

RE
NOV 10 2004
PLA

Re: Proposed Rezoning for R-1B to R-1T
Lots 25-26, Golf Estates Subdivision
Section 3, City of Troy

Dear Mr. Miller:

The enclosed plans and application package are being submitted in conjunction with a petition to rezone two (2) lots on the west side of Rochester between Square Lake Road and Ottawa Avenue in the southeast quarter of Section 3.

The lots are currently zoned R-1B, One-Family Residential and when combined have 160 feet of frontage along Rochester Road and are approximately 272 feet deep and contain 1.00 acres. The petition as submitted asks to rezone both of the parcels from R-1B to R-1T, One-Family attached.

The subject lots sit amongst a setting of a mixture of land uses in the Rochester Road corridor. There are office, retail sites, condominiums, churches, golf courses and single family developments in a quarter mile radius of the site.

A Feasibility Plan for Lots 25-30 has been included in the submittal to demonstrate the intent if successfully rezoned. Six (6) lots will be combined and be developed as an eighteen (18) unit condominium project. Because this use is more intense than the abutting use of single-family residential to the west, screening and landscaped buffers will be introduced to soften the transition from the more intensive uses associated with the Rochester Road corridor.

Multiple Family designations are commonly used as a traditional buffer to the larger, single family lots, similar to those along Ottawa Avenue. It is becoming more difficult to market newer single family residences that front on major travel corridors.

The Master Plan designates medium density Multiple Family areas within the Rochester Road corridor. The city has also been addressing a need for greater density, Multiple-Family classifications in specific areas were more intense uses abut single-family areas.

Multiple-Family attached developments are becoming more desirable as the population ages. People like to keep the comforts of their single-family homes and leave the traditional maintenance items of lawn care, painting and snow removal to the responsibility of an association. Attached condominium developments are the current trend of growth. Alternate forms of affordable home ownership should always be an available option. Younger couples and older individuals generally would like to stay in areas that they have family and friends in Condominium ownership fulfills that need.

Your consideration of the rezoning petition is greatly appreciated. Please contact our office if you have any questions or concerns.

Sincerely,

WEMosher

William E. Mosher, P.E.

Enclosures

Cc: Chary L.L.C.

December 28, 2004

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 (JANUARY 24, 2005) – West side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T (Z 699)

RECOMMENDATION

The frontage of the parcel is consistent with the Future Land Use Plan. At the December 14, 2004 Regular Meeting, the Planning Commission determined that the rezoning application is consistent with the depth of the Medium Density Residential classification shown on the Future Land Use Plan, and recommended approval of the rezoning request. The R-1T Zoning District is an appropriate buffer between a major thoroughfare and a single-family residential district. The application is compatible with abutting uses and zoning districts. City Management concurs with the Planning Commission recommendation and recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Robert S. Binder Building. The applicant is Fred Binder.

Location of Subject Property:
The property is located on the west side of Rochester Road, south of Trinway, in Section 10.

Size of Subject Parcel:
The parcel is approximately 2.74 acres in area.

Current Use of Subject Property:
A single family home presently sits on the property.

Current Zoning Classification:
R-1C One Family Residential District.

Proposed Zoning of Subject Parcel:
R-1T One Family Attached District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to construct a condominium development on the property.

Current Use of Adjacent Parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed R-1T Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

All principal uses permitted and as regulated in the nearest R-1A through R-1E One Family Residential Districts.

Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

One family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

Accessory buildings and uses customarily incidental to the above principal uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Schools.

Child care centers.

Utility and public service buildings and uses.

Vehicular and Non-motorized Access:
The parcel fronts on Rochester Road.

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. A site visit indicated there is an open drain on the western half of the property. It will need to be determined during the site plan review process whether there are any wetlands on the property. There are also woodlands 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. On the surface, the rezoning application is consistent with the Future Land Use Plan. However, the depth of the subject parcel is 570 feet. The exact depth of the Medium Density Residential classification cannot be determined from the Future Land Use Plan because it is conceptual in nature. If the City Council agrees with the Planning Commission and determines that the depth of the parcel is consistent with the Future Land Use Plan, the application would be considered to be consistent with the intent of the Future Land Use Plan.

Compliance with Location Standards:

Article 12.40.01 states that the R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:

(A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.

(B) When the application of such a classification would be an integral part of a planned residential development approach, such as a planned neighborhood development (34.50.00), wherein the overall density is consistent with the intent of the Master Land Use Plan.

The Planning Commission determined that the depth of the parcel is consistent with the depth of the area classified on the Future Land Use Plan as Medium Density Residential. If the City Council has the same finding of fact, the application would meet the standard of (A) above and therefore meet the Location Standards of the R-1T District.

Research shows that other R-1T parcels located on Rochester Road within the Medium Density Residential classification exceed 570 feet in depth (see attached table).

Attachments:

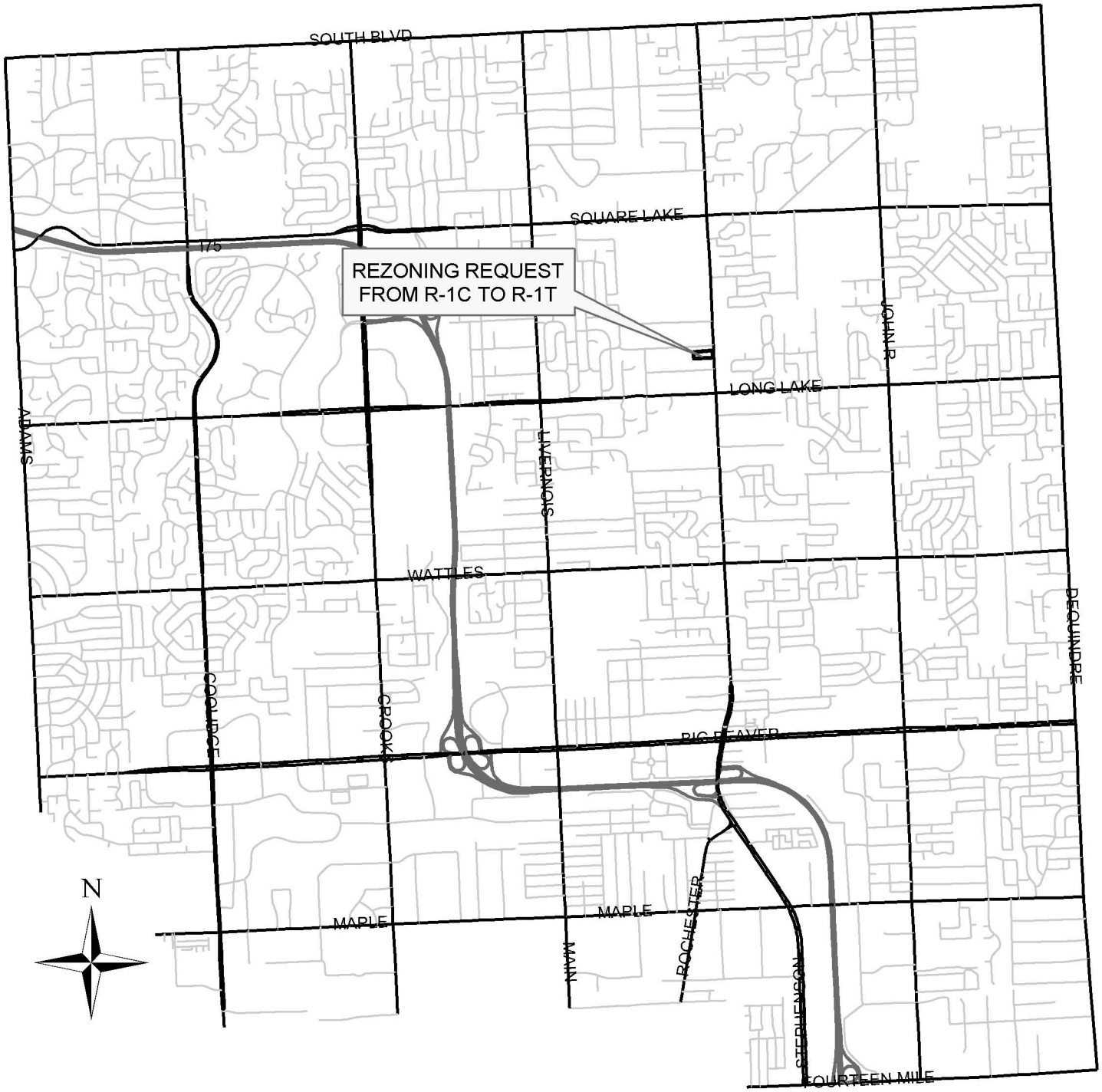
1. Maps.
2. Table: R-1T Parcel Sizes and Depths.
3. Draft Minutes from December 14, 2004 Planning Commission Regular Meeting.
4. Letter from petitioner, dated November 10, 2004.
5. Two (2) letters of opposition, both dated December 14, 2004.

Prepared by RBS/MFM/PPB

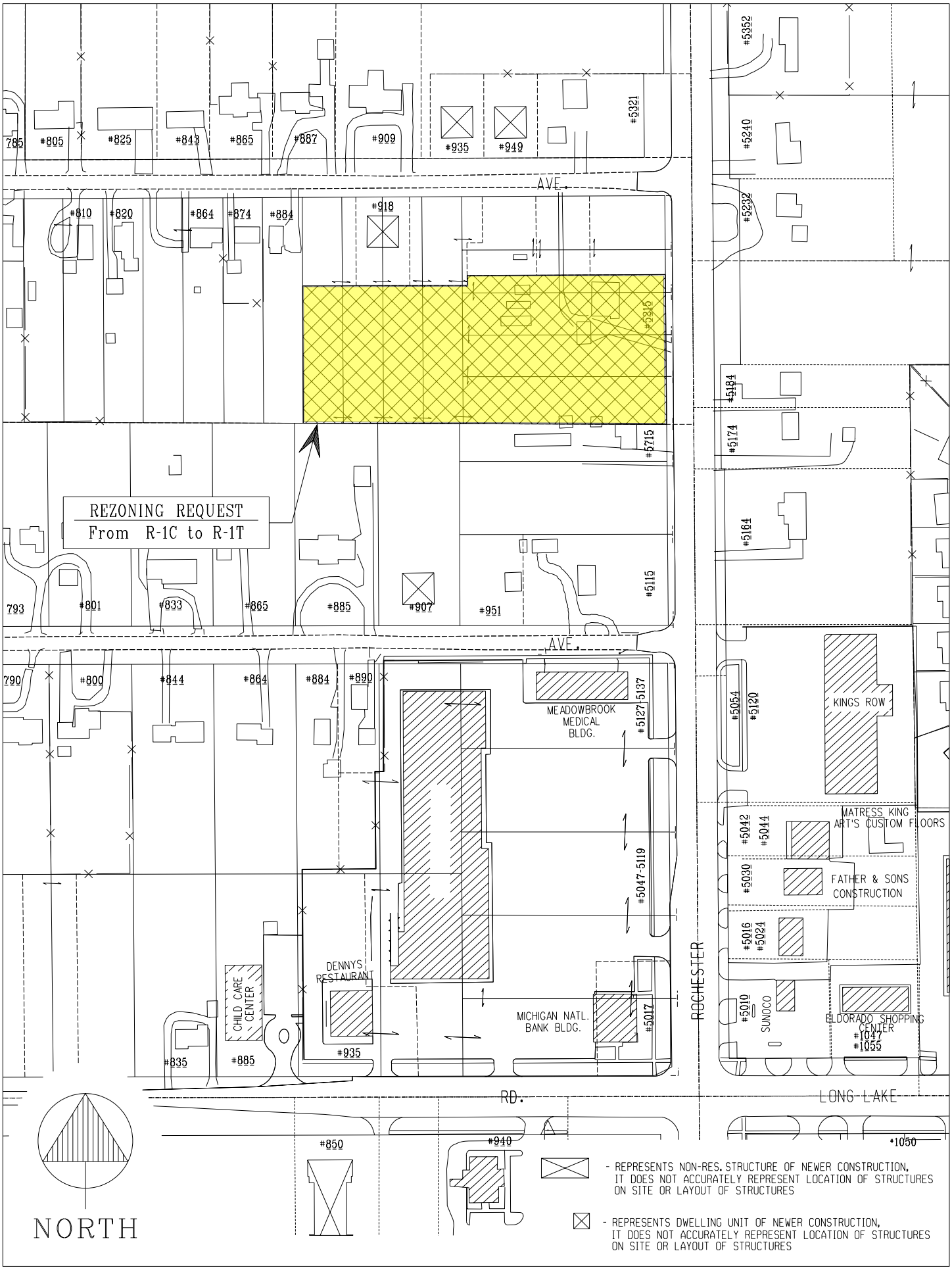
cc: Applicant
File (Z 699)

G:\REZONING REQUESTS\Z 699 BRIGGS CROSSING SEC 10\Announcement CC Public Hearing 01 24 05.doc

CITY OF TROY

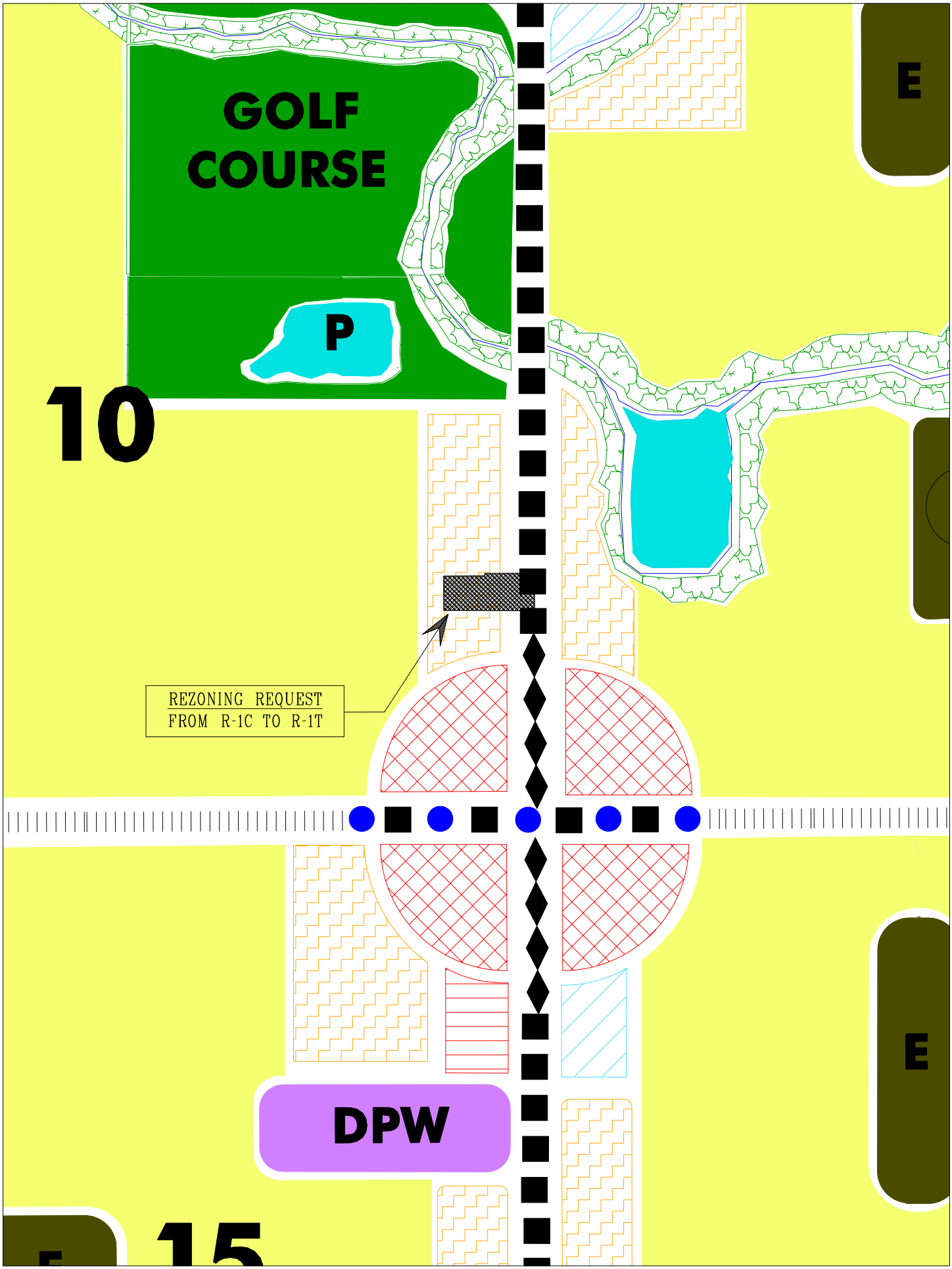


PREPARED BY CITY OF TROY PLANNING DEPT.



Z-699 / SEC. 10 / 11-22-04

ROCHESTER ROAD
M-150
ROCHESTER ROAD
CJ-#21
TREVINO
DR.
DEMARET
NICKLAUS
BOROS
AVE.
AVE.
AVE.
R-1C
R-1C
R-1C
REZONING REQUEST
FROM R-1C TO R-1T
BEV DR.
ASHLEY
MAYBERRY
ROCHESTER
RD.
LONG LAKE
RD.
CR-1
GLASER
NORTH


GOLF
COURSE
P
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REZONING REQUEST
FROM R-1C TO R-1T
E
DPW
15

REZONING REQUEST
FROM R-1C TO R-1T
PROPOSED BRIGGS CROSSING CONDOMINIUM
W SIDE OF ROCHESTER, S OF TRINWAY
SEC. 10 (Z-699)
SYLVANWOOD
TRINWAY
CRESTON
ROCHESTER
BEV
ASHLEY
MAYBERRY
ABINGTON
REZONING REQUEST
FROM R-1C TO R-1T
Feet
0 50 100 200 300 400
N

R-1T ZONING DISTRICTS
PARCEL SIZES AND DEPTHS

Development/Units	Location	File #	Parcel Size	Parcel Depth (from ROW)
Enclave of Troy 36 units	Northwest corner of Wattles & John R Section13	SP-92	6.6 ac.	600' from Wattles 563' from John R
Maya's Meadows 28 units	East side of Rochester Road, north of Wattles, Section 14	SP-857	5.3 ac.	617' from Rochester
Charleston Club Condominiums 12 units	North side of Long Lake Road, west of Livernois, Section 9	SP-844	0.6 ac.	333' from Long Lake
Harrington Park Condominium 34 units	North side of Long Lake Road, west of Livernois, Section 9	SP-861	5.9 ac.	333' from Long Lake
Fountain Park Condominium 14 units	West side of Rochester Road, north of Wattles, Section 14	SP-871	2.7 ac.	336' from Rochester
Sandalwood North of Troy 54 units	South side of South Boulevard, west of Rochester Rd., Section 3	SP-854	10.1 ac.	1037' from South
Sandalwood South of Troy 54 units	West side of Rochester Road, south of South Blvd., Section 3	SP-853	9.45 ac.	1255' from Rochester
Undeveloped	East side of Rochester Road, north of Wattles Road, Section 14		14.11 ac.	670' from Rochester
The Fairways 100 units	East side of Rochester Road, south side of Square Lake Road, Section 11	SP-702	19.9 ac.	1221' from Rochester 772' from Square Lake
Wattles Creek Townhouses 210 units	South side of Wattles, west of I-75, Section 21.	SP-180	28.9 ac.	2741' from Wattles
Undeveloped	South side of Long Lake, west of Rochester, Section 15.		14.5 ac.	924' from Wattles

7. PUBLIC HEARING – PROPOSED REZONING (Z 699) – Proposed Briggs Crossing Condominium, West side of Rochester Road, South of Trinway, Section 10 – From R-1C (One Family Residential) to R-1T (One Family Attached)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant referenced three handouts relating to the proposed rezoning request. They are: (1) an amended page 2 of the Planning Department report with respect to natural features; (2) a table identifying R-1T zoning districts parcel sizes and depths; and (3) a letter of opposition received today.

Mr. Savidant cited the sizes and depths of specific parcels located within the R-1T zoning district from former rezoning requests. Mr. Savidant reported that Article 12.40.01 states that the R-1T zoning district may be applied to property when the application of such a classification is consistent with the intent of the Future Land Use Plan, and therefore involves areas indicated as medium density or high density residential. Mr. Savidant said the subject application would meet this standard and the locational standards of the R-1T district should the Planning Commission determine that the depth of the parcel is consistent with the depth of the area classified on the Future Land Use Plan as Medium Density Residential.

The petitioner, Fred Binder of 5215 Rochester Road, Troy, was present. Mr. Binder said he thinks the request fits within the Future Land Use Plan, and it does appear that similar depths have been approved in the past.

Mr. Chamberlain referenced the Future Land Use Plan with respect to the depth of the R-1T zoning versus the commercial to the south. He said it appears that the subject parcel would be deeper or the same depth as the commercial to the south.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-12-154
Moved by: Chamberlain
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 west side of Rochester Road and south of Trinway, within Section 10, being approximately 2.74 acres in size, be granted, for the following reason:

1. That it complies with the Future Land Use Plan of the City of Troy.

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

MOTION CARRIED

Mr. Littman said he thinks the parcel goes too deep when you look at the neighborhood and how it is put together.

Fred Binder
5215 Rochester Rd.
Troy, Mi 48085
248-835-6662
Fax: 248-865-9935
fredbinder@aol.com

November 10, 2004

City of Troy planning Department
500 W. Big Beaver Rd.
Troy, MI 48084
248-524-3364
Fax: 248-524-3382
RE: Statement of desire for zoning change 5215 Rochester Rd

To whom it may concern,

In our opinion it is in both the best interest of the residents of The City of Troy and ourselves to change the zoning of our 2.74 acres located at 5215 Rochester Rd from R-1C to R-1T. T he R-1T designation is in compliance with the future land use plan , and appears to be the best use of the land.
My house is one of the original houses in Troy and we have worked very hard to restore it. By giving the R1-T designation we will be able to best use the land, and will most likely be able to retain the house as the focal point for our proposed condominium project. This will be best to help retain the charm and character of the City of Troy, and the neighborhood. We further believe that this proposed change in zoning, and the beauty of the new development will be a positive thing for my neighbors and their property.

Thank You,

Fred Binder

NOV 12 2004

Paula P Bratto

From: Ehsan Jaghory [ERJ@franklinbank.com]
Sent: Tuesday, December 14, 2004 2:56 PM
To: Paula P Bratto
Subject: Binder rezoning request

The Jaghory Family

884 Trinway

Troy, MI 48085
Dear City commissioner:

Please do not allow this rezoning to happen, it is not good for the city of Troy or this neighborhood. We are positively aware that we have elected good representative in the City and they are always considerate of our interest and the future of City of Troy.

Respectfully Yours,

Ehsan Jaghory

(248) 386-9897

DEC 14 2004

Paula P Bratto

From: Arakali, Guru [arakali@ugs.com]

Sent: Tuesday, December 14, 2004 5:15 PM

To: Paula P Bratto

Subject: Rezoning from R-1C to R-1T

Sir,

We recently bought a house near the re-zoning area requested by Mr. Fred Binder (in Crystal Springs Subdivision). We were told that single family residential houses will be built in our neighborhood. This rezoning request from R-1C to R1-T concerns us a bit that the value of our house might go down, if an apartment like building comes up behind our house.

Thank you for requesting comments from residents in this regard.

Guru Arakali
Troy Resident

DEC 15 2004

January 4, 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 (JANUARY 24, 2005) – Northwest corner of Maple Road and Livernois Road, Section 28 – O-1 to B-1, B-2 or B-3 (Z 602-B)

Note: The applicant has applied to rezone the parcel from O-1 to B-1. City Management prepared the Public Hearing notice to advertise a potential rezoning to B-1, B-2 or B-3. This was done to provide the Planning Commission and City Council the ability to consider additional zoning districts.

RECOMMENDATION

The Planning Commission recommended rezoning the parcel to B-3 General Commercial at their December 14, 2004 Regular Meeting. City Management concurs with the Planning Commission and recommends rezoning the parcel to B-3 General Business, which complies with the Future Land Use Plan. The proposed B-3 zoning district is appropriate and compatible with the adjacent zoning districts and land uses. Furthermore, all uses permitted within the B-1 district are also permitted within the B-3 district.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Larry Farida.

Location of Subject Property:
The property is located on the northwest corner of Maple Road and Livernois Road, in Section 28.

Size of Subject Parcel:
The parcel is 30,301 net square feet in area.

Current Use of Subject Property:
A vacant bank building sits on the property.

Current Zoning Classification:
O-1 Office Building.

Proposed Zoning of Subject Parcel:
B-1 Local Business.

Proposed Uses and Buildings on Subject Parcel:
The application indicates that the existing building will remain and a 2,350 square foot addition will be constructed. Red Wagon Shoppe relocation is proposed.

Current Use of Adjacent Parcels:
North: Office.

South: Red Wagon Shoppe (City of Clawson).

East: Clark gas station.

West: Commercial retail.

Zoning Classification of Adjacent Parcels:
North: B-2 Community Business and O-1 Office Building.

South: B-3 General Business (City of Clawson).

East: B-1 Local Business.

West: B-2 Community Business.

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. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

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. Banks, savings and loan associations, and credit unions may include drive-up facilities only as an accessory use.

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

It should be noted that the B-1 through B-3 commercial zoning districts are characterized by a "pyramiding" of uses; that is, uses permitted in the least intense districts are also permitted in the more intense districts. Therefore a use that is permitted in B-1 is permitted in B-2, and a use permitted in B-2 is permitted in B-3. Attached is a full summary of the B-1, B-2 and B-3 uses permitted.

Vehicular and Non-motorized Access:
The parcel fronts on both Maple Road and Livernois Road.

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 following summarizes the zoning district correlation for commercial designations in the Future Land Use Plan:

Commercial	Primary	Secondary
Local Service Area	B-1	O-1
Community Service Area	B-2	B-3, B-1, O-1
Non-Center Commercial	B-3	H-S
Regional Center	B-2	B-3, H-S

The Future Land Use Plan classifies the subject property as Non-Center Commercial, which has a primary correlation with the B-3 district and a secondary correlation with the H-S district. The Non-Center Commercial designation does not correlate with the B-1 zoning district according to the Plan. Therefore on the surface, the rezoning application is inconsistent with the Future Land Use Plan.

The Future Land Use Plan categorizes the northeast and northwest corners of the Maple/Livernois intersection as Non-Center Commercial. The northeast corner is zoned B-1. The northwest corner stretches to the west to Heide, a distance of approximately one-half mile. In that entire area, the only parcel that is zoned either B-3 or H-S is a thin sliver of land that is zoned H-S and used as a car wash. The remainder is zoned B-2 and O-1. The Non-Center Commercial areas at the Maple/Livernois intersection are generally not consistent with the Future Land Use Plan.

The subject parcel was zoned B-1 in the past. On March 8, 1988, the Planning Commission recommended that the parcel be rezoned from B-1 to O-1. According to the meeting minutes, this action was initiated by the Planning Commission to "provide a higher level of control as to the future use of these sites, while at the same time enabling reasonable office use such as that presently in place". The parcel was designated as Non-Center Commercial at the time of the rezoning. The rezoning was approved by City Council on April 25, 1988. It appears that this rezoning was inconsistent with the Plan that was in place in 1988.

This analysis raises the question: If the desired use of the property was for lower impact commercial and office uses, why wasn't this area planned as Local Service Area or Community Service Area? Instead, it was planned as Non-Center Commercial. Because of this, the B-1 zoning district does not comply with the Future Land Use Plan.

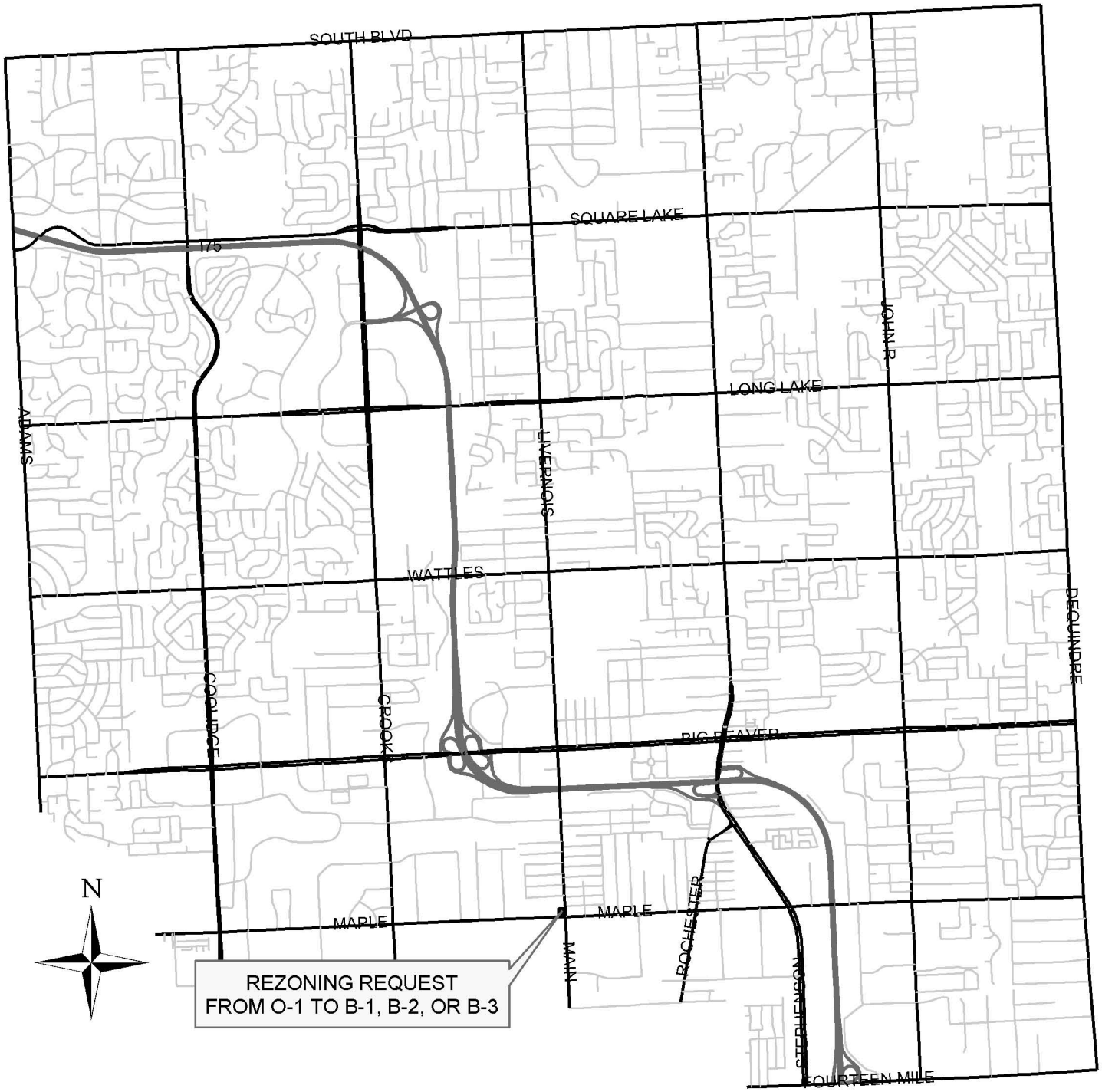
Compliance with Location Standards:
There are no Location Standards for the B-1 Local Business District.

Attachments:
1. Maps.
2. Summary of uses permitted in B-1, B-2 and B-3 (Articles XX through XXII).
3. Draft Minutes from December 14, 2004 Planning Commission Regular Meeting.
4. Letter from petitioner dated November 15, 2004.
5. Letter in opposition to rezoning, dated December 14, 2004.

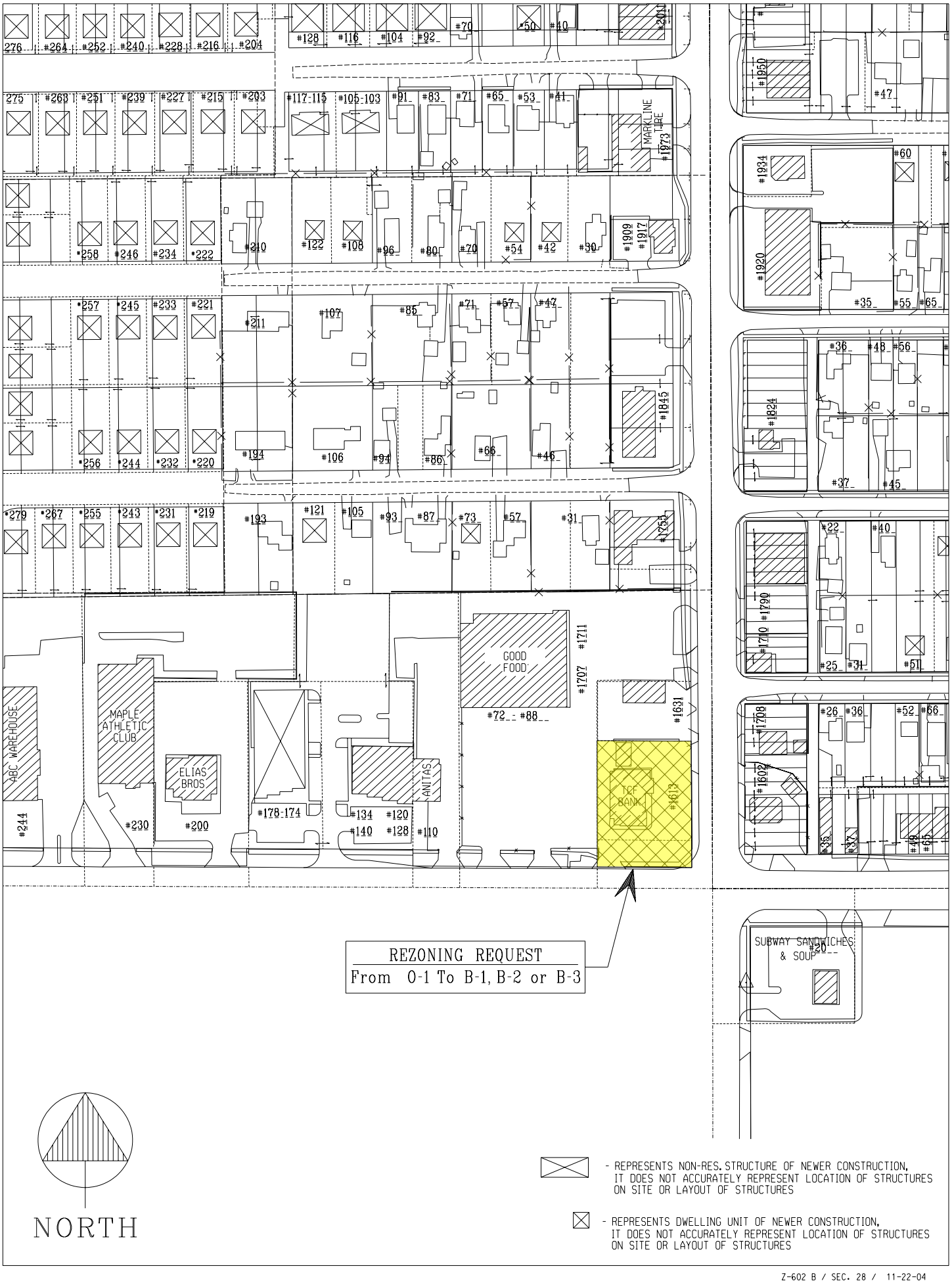
cc: Applicant
File (Z 602-B)

Prepared by RBS/MFM/PPB
G:\REZONING REQUESTS\Z-602 B Red Wagon Shoppe\Announcement CC Public Hearing 01 10 05.doc

CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



Z-602 B / SEC. 28 / 11-22-04

IVERNOIS
IVERNOIS
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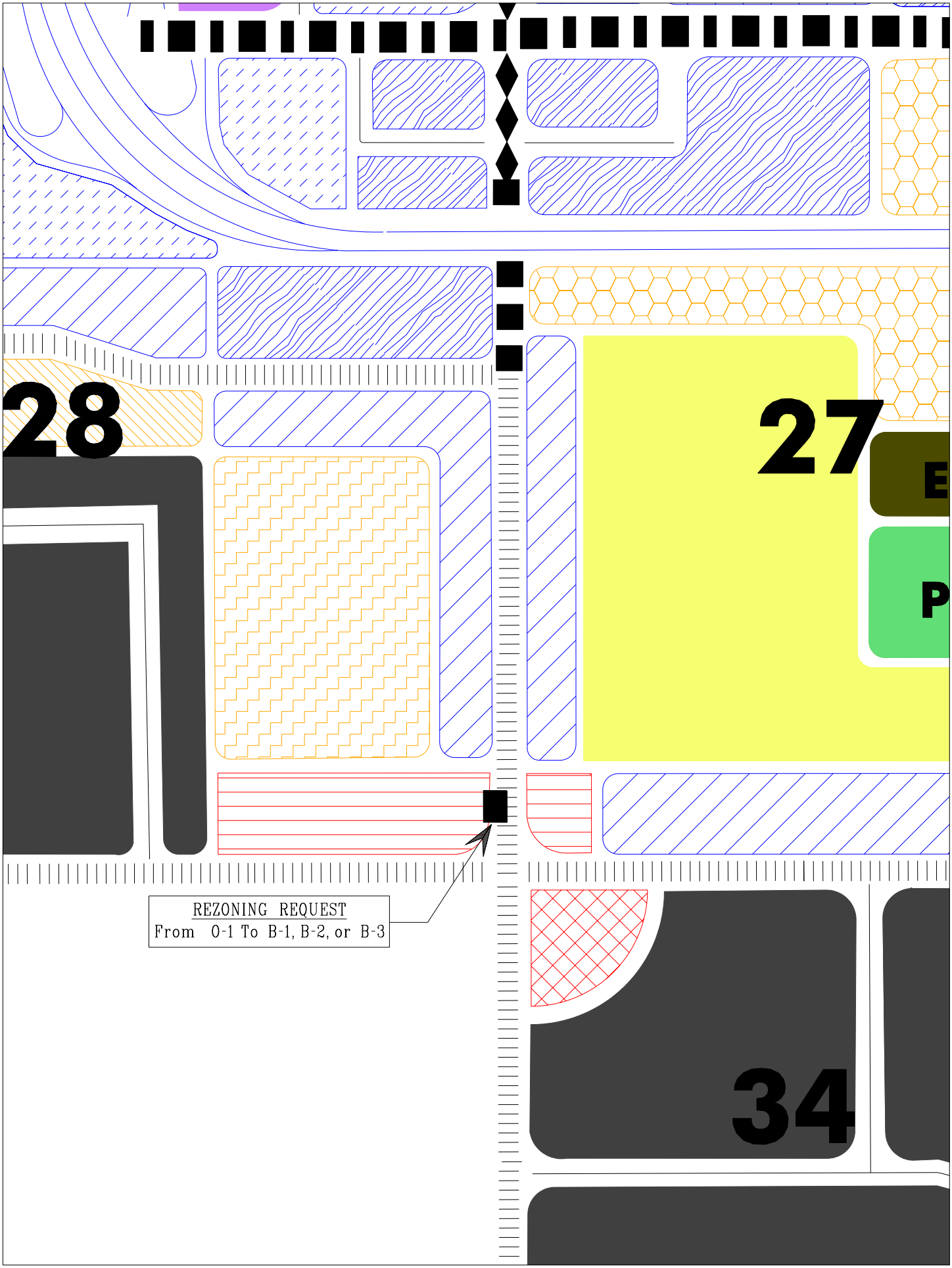
R-1E
REZONING REQUEST
From O-1 To B-1, B-2, or B-3
NORTH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REZONING REQUEST
From O-1 To B-1, B-2, or B-3

REZONING REQUEST
FROM O-1 TO B-1, B-2, OR B-3
PROPOSED RED WAGON SHOPPE
NW CORNER OF LIVERNOIS & MAPLE
SECTION 28 (Z-602 B)
CHOPIN
LIVERNOIS
W MAPLE
E MAPLE
REZONING REQUEST
FROM O-1 TO B-1, B-2, OR B-3
MAIN
CITY OF CLAWSON
N
0
50
100
200
300
400
Feet

REZONING REQUEST
PROPOSED RED WAGON SHOPPE
FROM O-1 TO B-1, B-2, OR B-3
NW CORNER OF LIVERNOIS & MAPLE
SEC. 28 (Z-602 B)
(R-1E) One Family Residential District
(R-2) Two Family Residential District
(R-1E) One Family Re
CLOVERIDGE
SHEPHERDS
VERMONT
HARTSHORN
(R-1E) One Family Residential District
(R-1E) One Family Residential District
(R-1E) One Family Residential District
BIRCHWOOD
FORTHTON
LIVERNOIS
(M-1) Light Industrial District
(R-2) Two Family Residential District
(R-1E) One Family Residential District
(R-1E) One Family Residential District
(R-1E) One Family Residential District
(R-1E) One Family Residential District
CHOPIN
(H-S) Highway Service District
(B-2) Community Business District
(O-1) Office Building District
MASTIN
(R-1E) One Family Residential District
(R-1E) One Family Residential District
(B-1) Local Business District
(O-1) Office Building District
E MAPLE
W MAPLE
REZONING REQUEST
FROM O-1 TO B-1, B-2, OR B-3
MAIN
(B-2) Community Business District
(M-1) Light Industrial District
(H-S) Highway Service District
(B-2) Community Business District
Feet
0 50 100 200 300 400
N

20.00.00 ARTICLE XX B-1 LOCAL BUSINESS DISTRICT

20.10.00 INTENT:
The B-1 Local Business Districts, as herein established, are designed to meet the day-to-day convenience, shopping and service needs of persons residing in adjacent residential areas. The following regulations shall apply in all "B-1" Districts and no building, structure or premises, except as otherwise provided in this Chapter, shall be erected, altered or used except for one or more of the following specified uses:

20.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

20.20.00 PRINCIPAL USES PERMITTED:

20.20.01 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.

20.20.02 Specialty shops such as, but not limited to: Antique shops, craft shops, and shops for the sale of gifts and notions.

20.20.03 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.

20.20.04 Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

20.20.05 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. Banks, savings and loan associations, and credit unions may include drive-up facilities only as an accessory use, subject to the provisions of back up or waiting space, apart from required off-street parking areas, at the rate of four (4) car spaces for each service window or pedestal, in addition to the space at the window or pedestal.

20.20.06 Professional services including the following:
medical clinics, (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.

20.20.07 Post office and similar governmental office buildings, serving persons living in the adjacent residential area. Other uses similar to the above uses.

20.20.08 Accessory structures and uses customarily incident to the above permitted uses.

20.25.00 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:
The following uses shall be permitted, subject to the conditions hereinafter imposed for each use.

(Rev. 03-06-95)

20.25.01 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.

A. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.

B. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.

1. Applications for the placement of free-standing tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.

C. The setback for a free-standing communications antenna tower structure, from an abutting residentially-zoned or used parcel, shall be at least five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.

D. Actions to approve the placement of free-standing tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

20.25.02 Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for there is provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of at least five thousand (5,000) square feet, and shall be fenced or screened from any adjoining residential or commercial land.

20.25.03 Incidental Customer Seating as an accessory to food sales establishments, subject to the following conditions:

A. A maximum of twenty (20) seats may be provided, subject to the determination by the Chief Building Inspector that overcrowding will not occur.

B. All applicable building code and health code requirements shall be met in relation to the provision of such incidental seating.

C. A portion of the proposed seating may occur outside the building subject to the following conditions:

1. The proposed seating area shall be enclosed by decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Chief Building Inspector.

2. Outside seating shall not occupy required sidewalk or landscape areas.

3. Applications for outside seating shall be accompanied by the following:

   a. Fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the method of delineation proposed.

   b. An affidavit signed by the owner of the property on which outside seating is proposed indicating concurrence with the proposed use.

D. Approval of accessory seating shall apply only to the business operation of the applicant and shall be designated by the granting of a Certificate of Approval by the Building Department. Any assignment, transfer, sale of the business, or change of management shall require the granting of a new Certificate of Approval by the Building Department.

E. An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector in relation to Zoning Ordinance requirements for outside customer seating, as provided for under sub-paragraph C of this Section. Appeals related to Building Code requirements may be presented to the Building Code Board of Appeals.

(Rev. 03-06-95)

20.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

The following uses may be permitted in B-1 Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

A) The land use or activity being proposed shall be of such location, size, and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.

B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

20.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

20.50.00 DEVELOPMENT STANDARDS:

20.50.01 All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on said premises.

(Rev. 09-14-92)

20.50.02 All business, service, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, except as otherwise provided in this Article. The outdoor storage and display of goods for sale shall be expressly prohibited with the exception of "Sidewalk Sales", which may be permitted in accordance with the provisions of Chapter 69 (Miscellaneous Licensed businesses), Sections 1 and 2.

(Rev. 10-06-97)

20.50.03 See Section 40.20.00 for parking requirements.

20.50.04 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

A) Joint-access driveways or driveways located so as to provide access to more than one site.

B) Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

20.50.05 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

20.60.00 ENVIRONMENTAL STANDARDS:
See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

20.80.00 SITE PLAN REVIEW:
All site plans for the development of property within a B-1 District shall be subject to the review and approval of the Planning Commission.

20.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

20.90.00 AREA AND BULK REQUIREMENTS:
See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing the minimum yard setback requirements.

21.00.00 ARTICLE XXI B-2 COMMUNITY BUSINESS DISTRICT

21.00.00 INTENT:

The B-2 Community Business Districts are designed to cater to the needs of a larger consumer population that is served by the Local Business Districts, and are generally characterized by integrated or planned clusters of establishments, on large sites, served by common parking areas and generating large volumes of vehicular and pedestrian traffic.

The following regulations shall apply in all "B-2" Districts and no building, structure, or premises, except as otherwise provided in this Chapter, shall be erected, altered, or used except for one or more of the following specified uses:

21.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00..

21.20.00 PRINCIPAL USES PERMITTED:

21.20.01 Any retail business or service establishment permitted in B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions, except as otherwise provided in the Article, subject to the regulations applicable in the following sections of this Article.

All retail business, service establishments, or processing uses as follows:

21.20.02 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.

21.20.03 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.

21.20.04 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.

21.20.05 Private clubs, fraternal organization, and lodge halls.

21.20.06 Restaurants, or other places serving food or beverage, except those having the character of a drive-in or open front store.

21.20.07 Theaters, assembly halls, concert halls or similar places of assembly, when conducted completely within enclosed buildings.

21.20.08 Business schools and colleges or private schools operated for profit, not including nursery schools.

21.20.09 Other uses similar to the above uses.

21.20.10 Accessory structures and uses customarily incident to the above permitted uses.

21.25.00 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:
The following uses shall be permitted in B-2 Districts, subject to the conditions hereinafter imposed for each use.

21.25.01 Drive-up Windows or Service Facilities, as Accessory to Principal Uses Within B-2 Districts, Apart from Restaurants, Subject to the Following Conditions:

A) Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

B) Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

21.25.02 Outside seating areas, of twenty (20) seats or less, for restaurants or other food service establishments, subject to the following conditions:

A. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Chief Building Inspector.

B. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

C. Outside seating areas shall not occupy required sidewalk or landscape areas.

D. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.

E. Applications for outside seating shall be accompanied by the following:

1. Fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the method of delineation proposed.

2. An affidavit signed by the owner of the property on which outside seating is proposed, indicating concurrence with the proposed use.

F. Approval of outside seating shall apply only to the business operation of the applicant, and shall be designated by the granting of a Certificate of Approval by the Building Department. Any assignment, transfer, sale of the business, or change of management shall require the granting of a new Certificate of Approval by the Building Department.

G. An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector, in relation to Zoning Ordinance requirements for outside customer seating, as provided for under sub-paragraph C of this Section. Appeals related to Building Code requirements may be presented to the Building Code Board of Appeals

(03-06-95)

21.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

The following uses may be permitted in B-2 Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

A) The land use or activity being proposed shall be of such location, size, and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.

B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

21.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

21.30.02 Drive-Up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District, Subject to the Following Conditions:

A) Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

B) A minimum site area of one acre shall be required, with a minimum frontage of 150 feet on a Major Thoroughfare, as designated on the Master Thoroughfare Plan.

C) Back-up or waiting space for drive-up windows or service facilities shall be provided, in a manner physically separated from off-street parking areas and drives, at the rate of eight (8) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

D) The consumption of food within vehicles parked on the premises is prohibited.

21.30.03 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.

21.30.04 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; provided further that such sales areas shall be designed as a part of the building mass to which they are accessory, in the sense that they shall be enclosed by masonry walls and/or decorative fencing elements extended from the main building, and shall be capable of entry only from the interior of the main building.

B. Recreational space providing shuffle board, miniature golf, tennis, or similar outdoor recreation, when part of a planned development; provided further that such uses shall be located adjacent to the building mass to which they are secondary, but not at the intersection of two Major Thoroughfares. Such uses shall be at least one hundred fifty (150) feet from any Residential District, and shall be enclosed on all sides with a fence having a minimum height of four (4) feet.

Setbacks for the open air business uses covered under Sub-Sections A and B above shall be at least equal to those required for conventional buildings within this District.

(Rev. 02-16-98)

C. Outdoor driver training and testing areas on or abutting the site of a driving school, subject to the following conditions:
   1. The applicant shall provide evidence that the training or testing area meets the minimum requirements of the State of Michigan.
   2. The training or testing area shall not include required parking, loading, or landscaped areas.
   3. The Planning Commission shall determine that the training or testing area does not restrict or impede access to or through the site, or cause any undue traffic congestion on or adjacent to the site.

(2-16-98)

21.30.05 Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

A. The City Council may approve such outside seating uses for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management shall terminate approval.

B. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated and limited in a manner acceptable to the City Council.

C. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

D. Outside seating/dining areas shall not occupy required sidewalk or landscape areas. In considering requests for outside seating, the City Council shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the seating area.

E. Parking shall be provided for outside seating/dining areas in accordance with applicable provisions of this Chapter. The City Council may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.

F. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.

G. The application process for outside seating shall include the following elements in lieu of those indicated in Section 03.30.00:

1. Applications for outside seating shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineation method proposed.

2. Notice of the City Council's consideration of a request for outside seating shall be sent by First Class Mail to owners of properties and occupants of businesses abutting the subject outside seating site. Such notices shall be postmarked at least five (5) days in advance of the date of City Council consideration.

(03-6-95)

21.30.06 Facilities within a retail establishment for installation, in vehicles, of items sold at retail at that location.

A. The area devoted to such installation shall not exceed ten (10) percent of the gross floor area of the retail establishment.

B. The site and building involving the installation activity shall be arranged in a manner which will minimize on-site traffic congestion and potential pedestrian/vehicular traffic conflicts.

C. The portion of the building involving the installation activity shall be architecturally compatible with the rest of the building, recognizing that one or more overheads doors may be involved.

(03-29-99)

21.50.00 DEVELOPMENT STANDARDS:

21.50.01 All business establishments shall be retail or service establishments dealing with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.

21.50.02 All business, service, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings, except as otherwise provided in this Article. The outdoor storage and display of goods for sale shall be expressly prohibited, with the exception of "Sidewalk Sales", which may be permitted in accordance with the provisions of Chapter 69 (Miscellaneous Licensed Business), Sections 1 and 2.

(Rev. 10-06-97)

21.50.03 An Environmental Impact Statement, according to the provisions of ARTICLE VII of this Chapter, shall be submitted as a part of an application for rezoning of Site Plan Approval, whichever shall first occur, which is intended to enable a development of fifty thousand (50,000) square feet of floor area or greater. This provision is also applicable to multistage developments whose total building area will ultimately meet or exceed this amount.

21.50.04 See Section 40.20.00 for parking requirements.

21.50.05 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problem will result:

A) Joint-access driveways or driveways located so as to provide access to more than one site.

B) Cross access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

Instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificate of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

21.50.06 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

21.60.00 ENVIRONMENTAL STANDARDS:

21.60.01 See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

21.80.00 SITE PLAN REVIEW:
All site plans for the development of property within a B-2 District, shall be subject to the review and approval of the Planning Commission.

21.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

21.90.00 AREA AND BULK REQUIREMENTS:
See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

22.00.00 ARTICLE XXII B-3 GENERAL BUSINESS DISTRICT

22.10.00 INTENT:
The B-3 General Business Districts are designed to provide sites for more diversified business types requiring a City-wide general market area and/or arterial exposure, The General Business Districts are thus typically mapped along major thoroughfares and/or adjacent to Community Business Districts.

The following regulations shall apply to all "B-3" Districts and not building, structure, or premises except as otherwise provided in this Chapter, shall be erected, altered, or used except for one or more of the following specified uses:

22.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

22.20.00 PRINCIPAL USES PERMITTED:

22.20.01 Any retail business or service establishment permitted in B-2 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions.

22.20.02 Mortuary establishments, when assembly area is provided off-street for a minimum of ten (I0) vehicles to be used in funeral procession; provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of a mortuary establishment.

22.20.03 Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities in order to accommodate not more than three employees per each vehicle storage bay.

22.20.04 Parking garages and off-street parking areas.

22.20.05 Sales, showrooms, and incidental repair of recreational vehicles.

22.20.06 New and used car salesroom, showroom, or office.

22.20.07 Governmental offices, public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.

22.20.08 Other uses similar to the above uses.

22.20.09 Accessory structures and uses customarily incident to the above permitted uses.

22.25.00 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:
The following uses shall be permitted in B-3 Districts, subject to the conditions hereinafter imposed for each use.

22.25.01 Drive-up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District, Subject to the Following Conditions:

A) Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

B) A minimum site area of one acre shall be required, with a minimum frontage of l50 feet on a Major Thoroughfare, as designated on the Master Thoroughfare Plan.

C) Back-up or waiting space for drive-up windows or service facilities shall be provided, in a manner physically separated from off-street parking areas and drives, at a rate of eight (8) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

D) The consumption of food within vehicles parked on the premises is prohibited.

22.25.02 Drive-up Service Facilities, as Accessory to Principal Permitted Uses Within B-3 Districts, Apart from Restaurants, Subject to the Following Conditions:

A) Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

B) Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

22.25.03 Bowling alley, billiard hall, indoor archery range, indoor skating rinks, indoor tennis courts, athletic or heath clubs, or similar forms of indoor commercial recreation, when the subject uses are located at least 100 feet from any Residential District.

22.25.04 Open air business uses when developed as uses subordinate to primary uses and structures within the B-3 District, as follows:

A. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such sales areas shall be designed as a part of the building mass to which they are accessory, in the sense that they shall be enclosed by masonry walls and/or decorative fencing elements extended from the main building, and shall be capable of entry only from the interior of the main building.

B. Recreational space providing shuffle board, miniature golf, tennis, or similar outdoor recreation, when part of a planned development; provided further that such uses shall be located adjacent to the building mass to which they are secondary, but not at the intersection of two Major Thoroughfares. Such uses shall be at least one hundred fifty (150) feet from any Residential District, and shall be enclosed on all sides with a fence having a minimum height of four (4) feet.

Setbacks for the open air business uses covered under sub-sections A and B above shall be at least equal to those required for conventional buildings within this District.

(Rev. 02-16-98)

C. Outdoor driver training and testing areas on or abutting the site of a driving school, subject to the following conditions:

1. The applicant shall provide evidence that the training or testing area meets the minimum requirements of the State of Michigan.
2. The training or testing area shall not include required parking, loading, or landscaped areas.
3. The training or testing area shall not restrict or impede access to or through the site, or cause any undue traffic congestion on or adjacent to the site.

(02-16-98)

22.25.05 Outside seating of twenty (20) seats or less for restaurants, or other food service establishments, subject to the following conditions:

A. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Chief Building Inspector.

B. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

C. Outside seating areas shall not occupy required sidewalk or landscape areas.

D. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.

E. Applications for outside seating shall be accompanied by the following:

1. Fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the method of delineation proposed.

2. An affidavit signed by the owner of the property on which outside seating is proposed indicating concurrence with the proposed use.

F. Approval of outside seating shall apply only to the business operation of the applicant and shall be designated by the granting of a Certificate of Approval by the Building Department. Any assignment, transfer, sale of the business, or change of management shall require the granting of a new Certificate of Approval by the Building Department.

G. An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector, in relation to Zoning Ordinance requirements for outside customer seating, as provided for under sub-paragraph C of this Section. Appeals related to Building Code requirements may be presented to the Building Code Board of Appeals

(03-06-95)

22.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

The following uses may be permitted in B-3 Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.

B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

22.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

22.30.02 Outdoor sales space for exclusive sale or lease of new or second-hand automobiles, trucks, mobile homes, trailers, or recreational vehicles subject to the following:

A) The lot area shall be a minimum of thirty thousand (30,000) square feet, located on a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed.

B) The required front yard shall be landscaped and shall not be used for parking or for the display of vehicles.

C) The lot area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.

D) Ingress and egress points shall be at least sixty (60) feet from the intersection of any two thoroughfare right-of-way lines, existing or proposed.

E) No major repair or refinishing shall be done on the premises.

F) All lighting shall be shielded from adjacent residential districts.

22.30.03 Motel or Hotel, subject to the following conditions:

A) Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

B) A minimum site area of three (3) acres shall be required, with a minimum frontage of one hundred (100) feet on a major thoroughfare of at least one hundred twenty (120) feet of right-of-way width, existing or proposed.

C) Each unit shall contain not less than two hundred (200) square feet of floor area.

D) No guest shall establish permanent residence at a motel or hotel for more than thirty (30) consecutive days.

E) Additional height (beyond the District limit) may be permitted on sites of five (5) acres or more, provided yard setbacks are provided as follows:

1. A setback of at least two (2) feet per foot of building height, where such yard abuts residentially zoned land.

2. A setback of at least one (1) foot per foot of building height, where such yard abuts non-residentially zoned land or thoroughfares.

22.30.04 Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all abutting or adjacent property is non-residentially zoned.

22.30.05 Commercial Kennels, subject to the following conditions:

A. The site shall have at least one property line abutting a major thoroughfare.

B. The site shall be no closer than three hundred (300) feet from any residentially-zoned or used property. This distance provision shall not apply to residentially-0zoned land, which is developed or committed for uses other than the construction of residential dwellings.

C. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 02-15-01)

22.30.06 Automobile repair garages, provided all activities are conducted within a completely enclosed building. Such uses shall not include the sale of fuels, vehicle body repair, painting, refinishing, tire recapping, auto dismantling, or other such activities whose external effects could adversely extend beyond the property lines.

(Rev. 02-05-01)

22.30.07 Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

A. The City Council may approve such outside seating uses for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management

shall terminate approval.

B. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated and limited in a manner acceptable to the City Council.

C. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

D. Outside seating/dining areas shall not occupy required sidewalk or landscape areas. In considering requests for outside seating, the City Council shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the seating area.

(Rev. 02-05-01) ---------

E. Parking shall be provided for outside seating/dining areas in accordance with applicable provisions of this Chapter. The City Council may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.

F. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.

G. The application process for outside seating shall include the following elements in lieu of those indicated in Section 03.30.00:

1. Applications for outside seating shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineation method proposed.

2. Notice of the City Council's consideration of a request for outside seating shall be sent by First Class Mail to owners of properties and occupants of businesses abutting the subject outside seating site. Such notices shall be postmarked at least five (5) days in advance of the date of City Council consideration.

(03-06-95)

22.50.00 DEVELOPMENT STANDARDS:

22.50.01 All business, service or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings except as otherwise provided in this Article. The outdoor storage and display of goods for sale shall be expressly prohibited, with the exception of "Sidewalk Sales", which may be permitted in accordance with the provisions of Chapter 69 (Miscellaneous Licensed Businesses), Sections 1 and 2.

(Rev. 10-06-97)

22.50.02 See Section 40.20.00 for parking requirements.

22.50.03 An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for rezoning or Site Plan Approval, whichever shall first occur, which is intended to enable a development of thirty thousand (30,000) square feet of floor area or greater. This provision is also applicable to multi-stage developments whose total building area will ultimately meet or exceed this amount.

22.50.04 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

A) Joint-access driveways or driveways located so as to provide access to more than one site.

B) Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

22.50.05 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

22.60.00 ENVIRONMENTAL STANDARDS:

22.60.01 See Article XXXIX, "ENVIRONMENTAL PROVISIONS' for requirements pertaining to walls, landscaping, performance standards, and signs.

22.80.00 SITE PLAN REVIEW:
All site plans for the development of property within a B-3 District shall be subject to the review and approval of the Planning Commission.

22.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

22.90.00 AREA AND BULK REQUIREMENTS:
See Article XXX, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing the minimum yard setback requirements.

8. PUBLIC HEARING – PROPOSED REZONING (Z 602-B) – Proposed Red Wagon Shoppe, Northwest corner of Maple and Livernois, Section 28 – From O-1 (Low Rise Office) to B-1 (Local Business), B-2 (Community Business) or B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller said the Planning Department cannot recommend rezoning the parcel to the B-1 zoning district, as requested by the petitioner, because it does not comply with the Future Land Use Plan. Mr. Miller reported that it is the recommendation of the Planning Department to approve rezoning the parcel to B-3 General Business, which complies with the Future Land Use Plan.

Mr. Chamberlain asked if the current building would become non-conforming if zoned B-1, B-2 or B-3.

Mr. Miller replied that there would be no non-conformity issues if the parcel is zoned B-1. He said there would be front and rear yard setback non-conformities if zoned B-2, and a rear yard setback non-conformity if zoned B 3. Mr. Miller said it appears there would not be enough landscaped open space no matter what the site is zoned.

Mr. Chamberlain asked if the site immediately to the west currently meets the zoning requirements of the B-2 zoning district.

Mr. Miller replied that the site immediately to the west meets the front yard setback requirements, but he is uncertain about the rear yard setback requirements.

Mr. Wright asked the zoning classification for the K-Mart property.

Mr. Miller responded that it is in the B-2 zoning district.

The petitioner, Larry Farida of 3105 Interlaken, West Bloomfield, was present. Mr. Farida, owner of the Red Wagon Shoppe on the south side of Maple, said he would like to move the wine cellar building to the north side of Maple. This move would provide him with additional square footage. Mr. Farida said he has applied to the State of Michigan for a liquor license. It is his understanding that one license is available in the City of Troy and would most likely be approved if the property were zoned for retail use. Mr. Farida said another alternative would be to purchase a liquor license from licenses held in escrow.

PUBLIC HEARING OPENED

John Gonway of Hyman Lippitt, P.C., 322 N. Old Woodward, Birmingham, was present. Mr. Gonway represents Peter P. Ruppe, Inc., the owner of the parcel of land to the immediate west of the subject property. Mr. Gonway distributed additional copies of his letter dated December 14, 2004, that addresses his client's concerns relating to the proposed rezoning.

Mr. Gonway said the property, whose most visible tenants are The Good Food Company and Priya Indian Cuisine Restaurant, has a history of parking problems and it is his client's concern that the parking problems would increase should the rezoning be approved. Mr. Gonway also expressed concern with respect to the conceptual site plan

relating to square footage. Mr. Gonway requested that the item be tabled for additional review.

Peter P. Ruppe, Jr., of 19815 E. Nine Mile, St. Clair Shores, was also present.

Chair Waller stated the request before the Commission tonight is only the rezoning, and no consideration is given at this time for any site plan, sketch or drawing submitted with the application. He confirmed that the decision of the Commission tonight is only a recommendation to the City Council.

PUBLIC HEARING CLOSED

Mr. Chamberlain said the Maple Road corridor has been taken under review by the Planning Commission with the intent to make the thoroughfare more viable. He said the intent is to bring all of the land into conformance with the Future Land Use Plan. Mr. Chamberlain said he would prefer to rezone the subject parcel to B-3, and asked the petitioner if he would be agreeable to either B-2 or B-3 zoning.

Mr. Farida said he would be agreeable to any of the business zoning classifications.

Resolution # PC-2004-12-155
Moved by: Chamberlain
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-1, B-2 or B-3 rezoning request, located on the northwest corner of Maple Road and Livernois, within Section 28, being approximately 30,301 square feet in size, be granted, and that the zoning district be B-3 (General Business), not B-1 or B-2, so that the parcel would be in compliance with the Future Land Use Plan.

Discussion on the motion on the floor.

Mr. Littman instructed the petitioner that a request to table the site plan would be appropriate only at the time of Site Plan Approval. Mr. Littman said he is in favor of supporting the Future Land Use Plan and would not want to create non-conforming uses. Mr. Littman said there are few parcels on Maple Road that do meet the setback requirements, including the property immediately to the west of the subject parcel. Mr. Littman said he believes B-3 zoning would work the best.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

Stone Age Investments
1571 N. Main
Clawson, MI 48017

November 15, 2004

To Whom it may Concern:

I am requesting, for the property at 1613 Livernois, to be rezoned from office-1 to B-1 because I am going to attempt to purchase a liquor license and attempt to move from my current location in Clawson on the southern same corner. In the instance I cannot purchase one I would like to turn the corner into retail rental property.

Larry Farida
Stone Age Investments
248-388-7765

RECD
NOV 15 2004

J. LEONARD HYMAN
NORMAN L. LIPPITT
DOUGLAS A. HYMAN
BRIAN D. O'KEEFE
H. JOEL NEWMAN
NAZLI G. SATER
EDWARD G. LENNON
JOHN A. SELLERS
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JOAN C. SKRZYNIARZ
STEPHEN T. McKENNEY

DEC 15 2004

December 14, 2004

**VIA FACSIMILE, HAND DELIVERY
AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Troy Planning Commission
Troy City Hall
500 West Big Beaver
Troy, MI 48084

Re: Rezoning Request # Z 602-B; T2N, R11E, SE ¼ of Section 28; Proposed Red Wagon Shoppe; Parking Infringement Concern

Dear Ladies and Gentlemen:

I write on behalf of my client, Peter P. Ruppe, Inc. regarding the above-captioned rezoning request. My client owns the parcel of land to the immediate west of the property that is the subject of Mr. Larry Farida's rezoning request. As you may know, the most visible tenants at my client's property are The Good Food Company and Priya Indian Cuisine Restaurant. My client has owned this property since 1960 and is proud to be a good, long-standing corporate citizen of the City of Troy.

In welcoming Mr. Farida and Stone Age Investments to the City of Troy, my client sought to discuss with Mr. Farida the proposed rezoning of his newly purchased property. At that time, Mr. Peter P. Ruppe, Jr. met Mr. Farida in person to discuss some historical concerns with their respective adjoining parcels. In the 1970s, one of Mr. Farida's predecessors in interest created a nuisance by operating a bank on the property without sufficient parking, seriously disrupting the operation of Mr. Ruppe's shopping center and interfering with customer and employee parking - - intensive use of the property that my client is afraid will be re-established by Mr. Farida under his proposed zoning change. Due to the lack of sufficient parking on the property, it was often the case that the owner either overtly or tacitly encouraged employees of the business on the subject property to park in my client's parking lot. Upon a review of the site plans for these parcels, one will note that my client's parking lot has parking spaces abutting Mr. Farida's parcel. The problem that arose back in the 1970s is now a concern that may be further increased by Mr. Farida's proposed addition of 2,350 square feet to the existing building.

Section 40.21.41 and Section 40.21.71 of the Troy Zoning Ordinance clearly indicate that one (1) parking space shall be required for each two hundred (200) square feet of gross floor area. However, Mr. Farida's concept site plan provides sufficient parking only for the square footage contained in the first floor and makes no provision for the second floor and any

mezzanine and basement levels. Therefore, this conceptual site plan does not demonstrate compliance with the Troy Zoning Ordinance by providing a full drawing and measure of the square footage of the building and sufficient parking in accordance with the ordinance.

Moreover, it appears from the rezoning request that the square footage of 4,493 (for purposes of computing parking requirements) is calculated only at the ground level. This is a two story building with substantial square footage in the second floor and mezzanine level and it is believed that there may be a basement to this building as well. In addition, the conceptual site plan lists 36 spaces available, but a count of the actual spaces drawn on the site plan shows only 33 spaces. Therefore, I respectfully request that the Troy Planning Commission require Mr. Farida to provide a more detailed site plan for the rezoning request with an accurate parking proposal and one that includes all square footage within the building, including the space on the second floor, any mezzanine levels and the basement, where appropriate.

My client is very open to discussing an arrangement with Mr. Farida that can alleviate these concerns. However, my client does not wish to be taken advantage of in a manner that will allow his neighboring landowner to impose increased parking use on my client's parcel, along with the increased maintenance, insurance and enforcement costs that attend to such a burden. In brief: my client would like to resolve this matter, but it does not wish to subsidize someone else's business or spend countless hours and sums of money to enforce its rights to its own parking lot. At first, Mr. Farida indicated that he would be razing the building and putting in one single story building for the operations of the Red Wagon Wine Shoppe. This plan has since changed and overtures to Mr. Farida to discuss this matter further have been rebuffed.

If you have any questions regarding the foregoing, please do not hesitate to contact me. I look forward to expressing my client's concerns in person with him at the hearing on December 14, 2004 at 7:30 p.m.

Very truly yours,

HYMAN LIPPITT, P.C.

John P. Gonway
Direct Email: jgonway@hymanlippitt.com
Direct Telephone: (248) 723-1292
Direct Facsimile: (248) 646-1605

JPG/lmc

cc: Mr. Peter P. Ruppe, Jr. (via facsimile)
Mr. R. Brent Savidant (via facsimile and first class mail)

00018063

December 30, 2004

To: John Szerlag, City Manager

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

Subject: **Agenda Item** - Response to Advisory Committee for Senior Citizens Letter Regarding Community Center Catering

Stu Alderman and Kraig Schmottlach met with the Advisory Committee for Senior Citizens on December 2, 2004, to discuss their concerns with Community Center catering contract for groups meeting in the facility. Their main concern was that when the contract is renewed, that non-profit organizations/groups be allowed to bring refreshments into all rooms in the Community Center.

- The current contract is not up for renewal until one year after they begin operations at Sanctuary Lake golf course, not this year.

- There are some rooms that do allow pre-packaged food to be brought in for meetings/functions – small conference rooms 403 and 403; larger rooms 503, 504, and the arts 'n crafts room (which can all accommodate up to 49 people). The banquet/conference rooms, which do not permit refreshments to be brought into by an organization/group are 301, 302, 303, 304, and 305. This policy is distributed to all groups/businesses that reserve rooms in the facility on an annual basis.

- When the RFP for food service at the Community Center was solicited in 2002, only one company submitted a proposal (which is believed to be due to no alcohol being served in the facility and the unknown of the food business projected in the meeting rooms).

- When the contract was negotiated, the city receives a percentage of gross food sales, which includes the café and banquet sales.

- Any food service we have in the building, whether the current provider or another vendor would require exclusive rights or it would not be profitable for them to operate.

- Rentals require food and generate approximately $8000 and approximately $51,500 from room rentals.

- They stated that some groups have stopped meeting at the facility because of this policy – Garden Club, AAUW, and the Troy Newcomers. After checking the room reservations, these groups are meeting here but not as frequently.

- We do have many non-profit groups that have benefited from the catering services (boys scouts, girl scouts, school groups, etc…) that are pleased with our current catering arrangement and the high level of service it offers. The caterer, Emerald Food Service, estimates that 25% of its revenue is from food sales from non-profit organizations/groups.

The Parks and Recreation department, which includes the Community Center, is under the guideline to cover costs for operating under a set subsidy. With the expanded Community Center, we have created a positive environment for non-profit groups (with no room rental charges) and business/for-profit groups (who do pay a room rental fee) to meet at the facility and satisfy their meeting objective.

The department is operating the Community Center more as a business nowadays than when in the old facility with no catered food functions. The policies that are in place are consistent with other venues, both public and private, in the area regarding food restrictions. If groups were allowed to bring in their own food throughout the facility, it would not be beneficial to any vendor to operate and provide food services in the Community Center.

At the conclusion of the meeting with the Advisory Committee for Senior Citizens, we asked them to develop a list of reasonable solutions to their request without impeding the vendor's ability to generate revenue and also Community Center revenue from room rentals to meets its operating costs.

CKA/sja

Ck info

Advisory Committee for Senior Citizens

3179 Livernois, Troy, MI 48083

seniorac@ci.troy.mi.us

JoAnn Thompson
Chair
248-879-2637

Bill Weisgerber
Vice Chair
248-828-7072

Bud Black
248-641-7745

James Berar
248-689-3408

Merrill Dixon
248-879-2887

Marie Hoag
248-879-6433

Pauline Noce
248-540-1606

David Ogg
248-689-2210

Jo Rhoads
248-689-2741

The Advisory Committee for Senior Citizens is appointed by City Council to study and consider the welfare and concerns of senior citizens in Troy. The Committee offers recommendations to City Council as to programs and services that would benefit senior citizens in our community.

December 2, 2004

To: Honorable Mayor and City Council

From: Troy Senior Citizen Advisory Committee

Re: Community Center Catering Contract

The catering contract at the Community Center is up for renewal soon, and we recommend a change that will allow non-profit groups to bring refreshments into any room at the Community Center. Many groups that use the Community Center do not have a budget for catered food and would like to bring refreshments from home. This is currently allowed in two meeting rooms and two conference rooms at the Community Center, but if these rooms are in use or if your group is too large for one of those rooms, you are out of luck.

The cost of one dozen cookies from the Community Center caterer is $13.42 ($11 plus 22% tax and tip). Many non-profit groups do not have the money for this PLUS the cost of the beverage, especially groups that meet every week. In addition, for some food items there are minimum numbers and advanced reservations required, so groups end up paying even more because they order more food than needed.

Also, with the senior programs, businesses often want to donate refreshments, and under the current contract, we are not allowed to accept these donations.

We do not object to requiring the use of a caterer for banquet meals, but a caterer is cost prohibitive for many groups for weekly refreshments.

Some groups have stopped meeting at the Community Center because of this policy, and other groups are going without refreshments at their meetings. We do not think that the current policy serves the needs of the community.

Sincerely,

JoAnn Thompson
Chair

Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, December 2 2004 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 10:01 AM.

Present: JoAnn Thompson, Chair; Bill Weisgerber, Vice-Chair; David Ogg, Member; Pauline Noce, Member; Bud Black, Member; James Berar, Member; Merrill Dixon, Member; Carla Vaughan, Staff

Absent: Marie Hoag, Jo Rhoades-excused

Visitors: David Keats, Stu Alderman, Kraig Schmottlach, Mary Beth Halushka

Approval of Minutes

Resolution # SC-2004-12-001
Moved by Bud Black
Seconded by Pauline Noce

RESOLVED, That the Minutes of November 4, 2004 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

Stu Alderman stated that he and Kraig were there to answer questions the Committee might have about the catering contract.

Old Business

Troy Senior Council Name Change: JoAnn Thompson reported that she talked to the assistant City Attorney who is willing to help Jo-Anne Stein with the name change.

Senior Centers in Neighboring Cities/Shuffleboard: JoAnn Thompson visited the shuffleboard and bocce courts in St. Clair Shores and talked to someone there about them. They are well used. Warren has indoor and outdoor shuffleboard courts. Carla drafted a form that committee members can use to gather information when visiting other senior centers. Committee members will review the form and revise it at the next meeting.

Catering Service at the Community Center: Stu Alderman explained the catering contract and discussed concerns that the committee has about the cost of refreshments for non-profit groups. JoAnn Thompson would like to know how much revenue the cater gets from non-profit groups, and what profit Parks and Recreation gets from this revenue. Bud Black would like to see a copy of the catering contract. JoAnn read a letter from the Troy American Association of University Women stating that they and other groups no longer meet at the Community Center due to the high cost of refreshments. The committee reviewed and approved a memo for City Council recommending changes in the catering contract (copy attached).

Resolution # SC-2004-12-002
Moved by Pauline Noce
Seconded by Bud Black

RESOLVED, That the memo reviewed at today's meeting be sent to City Council.

Yes: 6
No: 0

MOTION CARRIED

New Business

Minor League Baseball Stadium: David Ogg led a discussion about the minor league baseball stadium and handed out information from Troy Citizens United.

Reports

Park Board: Merrill Dixon reported that the Park Board will attend a special meeting to discuss the baseball stadium.

Medi-Go: No report.

Nutrition: No report.

Senior Program: No report

OLHSA: No report

Suggestion Box: There were two suggestions in favor of shuffleboard and bocce courts, one requesting that they be in the shade.

The meeting was adjourned at noon.

Respectfully submitted,

JoAnn Thompson, Chair Carla Vaughan, Secretary

Mary F Redden

From: Lori G Bluhm
Sent: Wednesday, January 05, 2005 12:10 PM
To: 'mfhowryl@umich.edu'; John Szerlag
Subject: RE: Two items for Monday's agenda

Hi Martin...According to the clerk's records, the ICCA representative was designated by resolution in 1999- and there was no limit to the term in that resolution. As we have recently discovered with the CMN representative appointment- when there are no set terms specified- and no terms specified in the by-laws or contractual docuements- then it is my opinion that there is no express authority to remove a member of a board or committee unless there is a statutory reason or misconduct in office (Charter, Section 6.4) .. This is something that needs to be clarified in the future- whether by ordinance amendment or explicitly in the resolutions of appointment. Please call me if I can answer additional questions.

Lori Grigg Bluhm
City Attorney
City of Troy
(248) 524-3323

-----Original Message-----
From: mfhowryl@umich.edu [mailto:mfhowryl@umich.edu]
Sent: Tuesday, January 04, 2005 11:51 PM
To: John Szerlag
Cc: Lori G Bluhm
Subject: Two items for Monday's agenda

John,

Please be sure that the following two items are added to Monday's agenda:

(1) We need to appoint a SOCRRA delegate and alternate thru June 30, 2005. This should be a regular "F" item.

(2) Troy representation on the Intergovernmental Cable Communications Authority (ICCA). This should be a Council Referral set for action on January 10.

Please feel free to call me or email me if you have any questions or need clarification.

Sincerely,
Martin F. Howrylak
Councilman, City of Troy
248.643.6653 or 248.882.4599

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager-Finance and Administration

RE: Council Referral Item – Representation on the Intergovernmental Cable Communication Authority (ICCA) Board

DATE: January 6, 2005

The ICCA is made up of eleven member cities and townships. The purpose of the ICCA is to obtain for the citizens of the member communities, and thereafter maintain for them, the highest quality of cable communications service at the lowest reasonable cost.

The City of Troy's City Council appointed Community Affairs Director Cynthia Stewart to the ICCA Board at their December 20, 1999 City Council meeting. The role of an ICCA board member includes the following:

- Attend Board meetings
- Negotiate cable franchise agreements and transfers
- Oversee public access
- Serve as liaison between cable providers and citizens

On November 1, 1999 City Council authorized the remittance of half of the one (1) percent Public Education Government (PEG) franchise fee (approximately $70,000 per year) to Community Media Network (CMN) to be used for the management and operations of a public access center for playback of the public access channel. The remaining half of the funds are used for capital equipment for City of Troy cable production needs (City Council Boardroom remote cameras and audio, and City Council Chambers remote cameras, etc.).

The mechanics of the remittance of funds to CMN are as follows: upon receipt of the quarterly franchise fees from Wide Open West (WOW) and Comcast a check is prepared for half of the one (1) percent PEG franchise fee and mailed to ICCA. When ICCA has received all of the fees from contributing members (8 of 11) one check is issued by ICCA to CMN.

It should be noted that the current CMN contract expired on December 31, 2004 and City Administration is preparing a report to City Council for the January 24, 2005 City Council meeting on the status and a recommendation on whether to renew a contract with CMN with major revisions or to use the PEG franchise fees in another way.

According to State statute (MCL124.535), City employees can serve on a joint inter-governmental board. These offices are not incompatible when the loyalty to one entity does not require a sacrifice of loyalty to the other.

In conclusion, Cynthia Stewart can simultaneously serve as a City employee and also the City's representative on the ICCA Board.

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on November 2, 2004, in the Conference Room of the Troy City Library.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts (arrived 7:36 p.m.)
Fazal Khan
Robert Schultz
Thomas Strat
Mark. J. Vleck (arrived 7:32 p.m.)
David T. Waller
Wayne Wright

Absent:
Lawrence Littman

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Mark Stimac, Building & Zoning Director
Howard Wu, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-11-122
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That Member Littman be excused from attendance at this meeting for personal reasons.

Yes: Chamberlain, Khan, Schultz, Strat, Waller, Wright
No: None
Absent: Drake-Batts, Littman, Vleck

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat reported on the October 19, 2004 BZA meeting.

St. Augustine Lutheran Church, 5475 Livernois
The BZA granted a variance for a one year renewal of relief of the 4'6" high masonry wall required along the south and west sides.

3015 Crooks Road
The BZA granted the petitioner's request to withdraw the variance request.

D'Anna-Latter, LLC, 400 E. Big Beaver
The BZA granted relief to maintain the existing 4'6" high concrete screen wall located on the east and south sides.

[Mr. Vleck arrived at 7:32 p.m.]

4. MICHIGAN SOCIETY OF PLANNING ANNUAL CONFERENCE 2004

Item was postponed to the December 7, 2004 Special/Study Meeting.

5. PLANNING AND ZONING REPORT

Mr. Miller reported that a member of City Council has requested reconsideration of City Council's resolution authorizing City Management to move forward with the Big Beaver Road Corridor Study. The requested reconsideration is related to citizen input to the RFP process and will be considered at the November 8, 2004 City Council meeting.

Chair Waller said the RFP Committee met this past week. The meeting was an overall informational meeting about what has happened to date. Chair Waller said there was a lot of conversation about the need for citizen input throughout the entire RFP process.

[Ms. Drake-Batts arrived at 7:36 p.m.]

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 326) – Square Lake Marathon Station, Southwest corner of Livernois and Square Lake (5991 Livernois), Section 9 – H-S (Highway Service) District

Mr. Savidant gave a review of the Special Use Request and the revised site plan. Mr. Savidant reported that the revised site plan strikes a balance between safety, aesthetics and economic viability and is a significant improvement. Mr. Savidant said final consideration of the Site Plan and Special Use Request is on the November 9, 2004 Regular Meeting agenda. He noted the petitioner would be required to go before the Board of Zoning Appeals for several variances.

Mr. Miller said the Special Use and Site Plan Approvals would be contingent upon the petitioner receiving variances on several outstanding items.

There was discussion on the proposed 30-inch screen wall with respect to safety, visual obstruction, material, and sidewalk clearance.

Mr. Chamberlain asked if there are any current cross access easements to the property to the west.

Mr. Miller said there are no cross access easements.

Mr. Chamberlain requested that a note be placed in the file to assure that any cross access easements to the west match the subject property and are legally filed, should the property to the west be developed.

Mr. Schultz questioned which frontage -- Livernois or Square Lake -- is used to determine the canopy setbacks.

Mr. Savidant replied that both frontages were used in the setback determinations.

There was discussion on the number of required variances from the BZA and clarification on the variances received.

Mr. Strat pointed out discrepancies on the site plan with respect to the variances received and the setbacks applied. Mr. Strat also pointed out that the floor plan of the building is not to scale to the actual site plan. Mr. Strat questioned the parking calculations with respect to the snack bar. He expressed concern with the parking requirements, the traffic circulation, retention and the proposed screen wall.

Mr. Miller commented that the evolution of this particular site plan might have resulted in the site plan discrepancies.

Mr. Savidant stated that the parking spaces for the snack bar were calculated for retail and a restaurant without seating.

Mr. Miller said the parking calculations were determined with respect to the number of gas pumps and the retail use.

Mr. Miller further clarified that the Commission has the discretion to allow a wall that has masonry or similar material in lieu of the 10-foot landscaping strip, but the Commission cannot waive the wall. He reported that the fence as proposed does not meet the Zoning Ordinance standards. Mr. Miller noted that this site is so tight that it becomes a balancing act between the number of pumps, the size of the building, parking and landscaping. Mr. Miller confirmed that the Commission could make a recommendation to the BZA with respect to the wall or approve the site plan contingent on the wall.

The petitioner, Mike Elias of 5991 Livernois, Troy, was present. Mr. Elias said it was anticipated that the wrought iron fence would make for a good appearance and blend in with the makeup of the corner. Mr. Elias is amenable to suggestions and recommendations on the screen wall.

Resolution # PC-2004-11-123
Moved by: Khan
Seconded by: Schultz

RESOLVED, That the Public Hearing be continued to the November 9, 2004 Regular Meeting.

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

MOTION CARRIED

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215) – Articles 04.20.00, 10.00.00, 30.00.00, 31.00.00, and 40.00.00 Accessory Structures and Neighborhood Compatibility

Mr. Miller reported that extensive meetings have been held wherein the Planning Department and Building Department reviewed the proposed zoning ordinance text amendments as revised by the Planning Commission at its last meeting. Mr. Miller distributed the most current revisions. He noted that the Planning Consultant, Richard Carlisle, has reviewed the revisions and said the changes are appropriate. Mr. Miller reported that Mr. Carlisle was not able to attend tonight's meeting due to a conflict in his calendar. Mr. Miller reported that the proposed language has not been reviewed by the City Attorney's Office for legalities or format.

Mr. Stimac clarified that three separate resolutions are being prepared so that the resolutions can be considered independently. The three resolutions relate to (1) accessory building provisions; (2) commercial vehicle definitions; and (3) the commercial vehicle appeal process.

Chair Waller asked around the table whether the members would like to consider submitting commercial vehicles to City Council as part of their review on accessory buildings and neighborhood compatibility.

It was the consensus of the members to consider all three items.

There was a brief discussion on the publication of the Public Hearing notice for the proposed zoning ordinance text amendments. The Attorney's Office will provide an opinion on the legality of the notice prior to the November 9, 2004 Regular Meeting.

Discussion followed on specific sections of the proposed zoning ordinance text amendment.

Section 04.20.32
It was determined that trailers should be defined.

Section 40.65.02
Mr. Stimac explained the revision cleans up a long-standing inconsistency in the section. Mr. Stimac noted that the revision has no impact on the proposed amendments relating to accessory structures.

The typographical error in the third line will be corrected; i.e., change the word “of” to “or”.

Section 40.66.00
There was discussion on:
- Gross vehicle weight rating (GVWR)
- Lettering, graphics, advertising on vehicles
- Dual use of vehicles (commercial and personal)
- Limitation on the number of vehicles
- Household occupancy; i.e., more than one family member in same commercial business
- Indoor and outdoor parking and storage
- Home occupation ordinance and enforcement

[There was a 5-minute recess for technical reasons.]

Proposed revision. Outdoor parking of more than one commercial vehicle with the gross vehicle weight rating (GVWR) of less than 10,000 pounds or the indoor or outdoor parking of any commercial vehicle with the gross vehicle weight rating (GVWR) above 10,001 pounds shall be prohibited.

Sections 43.74.00, 43.74.01, 43.74.02
There was discussion on:
- Time period of appeals
- Tracking / updating of VIN numbers
- Administration approval
- Fee for appeals and renewals

Proposed revision: The BZA may grant appeals for an initial period not to exceed two years, and may thereafter extend such actions for a period up to 3 years.

04.20.01, 04.20.02 Definitions
Proposed revision: Include public parking garages in definitions.

Section 40.56.01
There was discussion on:
- Building height limitation
- Ground floor living area formula; i.e., quad, tri-level, 3-car garage
- Footprint language
- Door height limitation
- Limitations on number of detached accessory buildings

[There was a 5-minute recess for technical reasons.]

Section 40.56.02
There was discussion on:
- Footprint language relating to combined ground floor area

Section 40.56.03
There was discussion on:
- Limitations on number of detached accessory supplemental buildings
- Locations of detached accessory supplemental buildings
- Carports, sheds

Proposed revisions:
(1) Reword Section 40.56.03 (C) with respect to setbacks
(2) Change limitation of detached accessory supplement buildings to 3

Section 40.57.06
There was discussion on:
- Variance requirements for barns and greenhouses

8. REVIEW OF NOVEMBER 9, 2004 REGULAR MEETING

Mr. Chamberlain requested that the order of agenda items be rearranged so that the Public Hearing items are scheduled at the end of the meeting.

9. PUBLIC COMMENTS – Items on Current Agenda

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent said he lives three doors north and across the street from the monster garage at 3129 Alpine. Mr. Krent distributed two documents. One document provided guidelines to aesthetics. The second document related to suggestions for revisions to the Zoning Ordinance with regards to residential accessory buildings. Mr. Krent addressed the following with respect to size, use and compatibility: (1) Length of structures along a shared property line; (2) Maximum ground covering area of attached garages; (3) Home business; (4) Intent of compatibility; (5) Preventing industrial looking buildings in residential districts.

Mr. Vleck said he likes the idea of the correlation of the square footage of the house to the attached accessory structure and using similar type of materials.

GOOD OF THE ORDER

Mr. Strat brought to the attention of the members that a seminar on sustainable stormwater management is being held at the Troy Marriott Hotel on November 16, 2004.

Mr. Vleck commented on the minor league baseball stadium that is under discussion by the City Council.

Several members commented on traffic roundabouts and the roundabout simulation provided via email by the Planning Department.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:24 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chair Chamberlain at 7:31 p.m. on November 9, 2004, 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
Wayne Wright

Absent:
David T. Waller

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-11-124
Moved by: Wright
Seconded by: Schultz

RESOLVED, That Member Waller is excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

2. MINUTES

Vice Chair Chamberlain requested that the October 26, 2004 Special/Study Meeting minutes reflect the following change.

Page 8, the second bullet under “Revisions to the proposed amendments” at the bottom of the page, change the bullet to read “Height of garage (14 foot)”

Resolution # PC-2004-11-125
Moved by: Schultz
Seconded by: Littman

RESOLVED, To approve the October 26, 2004 Special/Study Meeting minutes as amended.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Vleck
Absent: Waller

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEM

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 326) – Square Lake Marathon Station, Southwest corner of Livernois and Square Lake (5991 Livernois), Section 9 – H-S (Highway Service) District

Vice Chair Chamberlain announced the petitioner requested that this item be postponed to the Regular Meeting in December.

Resolution # PC-2004-11-126
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Special Use Approval request for the Square Lake Marathon Station, located on the southwest corner of Square Lake Road and Livernois Road, Section 9, within the H-S Zoning District, be tabled, at the request of the petitioner, to the December 14, 2004 Regular Meeting.

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

MOTION CARRIED

SITE PLAN REVIEWS

5. SITE PLAN REVIEW (SP 843-A) – Marshall Music Company and Retail Building, East side of Rochester Road, South of Wattles, Section 23 – B-3 (General Business) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Marshall Music retail building. He announced that a revised site plan and an accompanying cover letter were distributed to the members prior to the meeting. Mr. Savidant explained that the original site plan showed a total building square footage of 11,475. Mr. Savidant said that an additional 4,400 square feet was factored in for the building's mezzanine/loft area, bringing the total square footage to 15,875. Therefore, the required number of off-street parking spaces was revised to 69, and the site plan exceeds the requirement by 16 parking spaces. Mr. Savidant reported that the petitioner and the property owner to the north have agreed to remove both existing entry drives to be replaced by a shared entry drive. This will eliminate the sub-standard drive to the north, reduce the number of curb cuts and reduce turning conflicts at this location. The entry drive improvements will be the responsibility of the petitioner, to be designed and completed at his expense. The property owner to the north will be granted an easement to use the shared entry drive. Mr. Savidant reported that the property owner has indicated his willingness to replace the entry drive with a 5-foot sidewalk as well as provide landscaping to improve the look to the property to the north. Mr. Savidant commended the petitioner and property owner to the north for getting together to make a nicer and safer entry area. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Schultz asked if there are three cross access easements: (1) at the rear of the building immediately to the north; (2) at the south edge of the property; and (3) at the far north edge of the property.

Mr. Savidant replied that is correct.

Mr. Schultz echoed the Planning Department's desire for additional landscaping on the property. He said the site plan is an excellent one, and that he would love to do business with other petitioners like this on a regular basis.

The petitioner, Dan Ludwig of Ludwig Architects, 127 S. Main, Plymouth, was present. Mr. Ludwig thanked Messrs. Savidant and Figlan for an excellent job in guiding them through the Site Plan Approval process; and thanked the City's Traffic Engineer for his assistance with respect to the shared cross access agreement with the property owner to the north. Mr. Ludwig provided a brief history of the Marshall Music Company business. He noted the focus of the new facility would be on sales and service, with an emphasis on service to local schools. Mr. Ludwig said the building would be replaced with a building of a much grander scale and more appropriate to Marshall Music. Mr. Ludwig addressed their plans for landscaping.

Mr. Vleck asked the petitioner if consideration was given to land banking the excess parking spaces.

Mr. Ludwig said consideration was given to land banking. He stated that Marshall Music is optimistic about the new facility's success, and it is estimated that the facility will be operational by the fall of 2005. Marshall Music would prefer to install the number of parking spaces per the site plan instead of making accommodations in the future should there be a shortage. Mr. Ludwig said Marshall Music believes the replacement of new trees and landscaped islands is a more appropriate scenario and a better fit for the parcel.

Mr. Strat said the site plan was one of the finest drawings and presentations before the Commission. He expressed appreciation on behalf of the administration and staff.

Resolution # PC-2004-11-127
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval as requested for Marshall Music Company and Retail Building, located on the east side of Rochester Road and south of Wattles Road, located in Section 23, within the B-3 zoning district, is hereby granted.

Discussion on the motion.

Mr. Littman questioned what mechanism would be in place to insure that there is a cross access easement provided for the property to the north.

Mr. Miller replied that there is an existing cross access easement to and from the north, but not to the width that is needed to implement a joint access. Mr. Miller stated it is required that the appropriate documents are prepared and reviewed by the City prior to receiving Final Site Plan Approval. He said the Planning Department would insure that the proper steps are in place.

Vote on the motion on the floor.

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

MOTION CARRIED

6. SITE PLAN REVIEW (SP 910-A) – Dr. Sklar Medical Office Building, North side of Maple, between Kirkton and Eastport, Section 27 – O-1 (Office Low Rise) District

Mr. Savidant distributed the relevant building elevations, landscaping plans, and preliminary grading plans to the members. He apologized that the material was not inclusive with the meeting packets.

Mr. Savidant presented a summary of the Planning Department report for the proposed medical office building. He reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the following conditions:

1. Provide deceleration lane on Maple Road as per City of Troy Traffic Engineer.
2. Provide a landscape island abutting parking spaces 13 and 18 to the east to protect sidewalk users from vehicles using the Maple Road entry drive. Provide a 5-foot wide concrete sidewalk within this island.
3. Relocate fire hydrant from the west side of the building to the south side of the Eastport entry drive, as per Troy Fire Department.
4. Reduce the width of the cross access easement with the property to the east by adding a landscaped island on the south side of the shaded easement area. This will define the cross access easement, improve safety for easement users, and protect cars parked in parking space 24.

Mr. Savidant confirmed the Fire Department's review indicated there is appropriate coverage on the west side of the building, but it is recommended to place a fire hydrant at the southeast side of the building.

Messrs. Strat and Khan expressed their concerns on the recommendation that a deceleration lane be provided on Maple Road with respect to available access and driveway interference.

Mr. Savidant said a deceleration lane is the recommendation of the City Traffic Engineer. He indicated he would advise the City Traffic Engineer of the Commission's concerns with a deceleration lane.

It was noted and discussed that there were differences in the site plan submission as relates to the landscape plan and preliminary grading plans.

Mr. Miller said it appears that revisions were made only to the site plan drawings as the site plan evolved in the review process. He noted that all the plans should match. Mr. Miller cited the requirements of Site Plan Approval process as relates to the site plan and landscape plan.

Mr. Motzny stated the recent amendment to Site Plan Approval process says the Parks and Recreation Department shall review and approve the landscape plan prior to site plan approval.

There was discussion with respect to the storm water retention located on the parking lot surface. Concerns were expressed that visitors to the building would be wading through 6 inches of water to get into the building.

The petitioner, Tom Moss of 1893 Birchwood Drive, Troy, was present. Mr. Moss said it was understood that the project was on the right road to receiving preliminary site plan approval. He questioned the Planning Department's interpretation on the second condition to provide a landscape island and 5-foot sidewalk near parking spaces 13 and 18.

Mr. Savidant said the City requires a concrete sidewalk to delineate safe walking areas from the parking areas. He indicated that it is adequate to provide striping only for the traveled portion of the parking area. Mr. Savidant explained that the intent of the City is to provide a safe haven, or island, for pedestrian traffic. He said it would be more appropriate to create a larger island with a sidewalk going through the middle.

Mr. Moss said he understood that the sidewalk would be curbed along parking spaces 13 and 18, and the development would not lose those two spaces for parking. Mr. Moss said he would work with the appropriate City departments to comply with the conditions cited by the Planning Department.

Vice Chair Chamberlain asked the petitioner to address the proposed storm water retention.

John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present. Mr. DeBruyne said the storm water retention would occur only in a limited area around the catch basins, and that there would not be 6 inches of water across the whole parking lot.

Vice Chair Chamberlain said he would not vote for approval of the site plan should there be any storm water retention on the parking lot surface.

Mr. Strat commented that the catch basin in the center of the largest part of the parking area would be a bad location to collect storm water. He noted that 6 inches of water is very near the underside of a car door. Mr. Strat said that many municipalities do not allow this type of storm water retention. He recommended reconsideration of the matter by the Engineering Department.

Mr. Wright suggested moving the sidewalk from Maple Road to the west side of the parking lot so that pedestrian traffic would not have to cross any driveways.

Mr. Littman questioned the disposal of medical waste.

Mr. DeBruyne replied that it is an ophthalmologist office and there would be no medical waste.

Mr. Moss expressed willingness to work with the Planning and Engineering Departments to resolve the concerns of the members, and indicated that time is of the essence in receiving preliminary site plan approval on the project. He asked the members to consider granting site plan approval subject to the outstanding concerns.

It was the consensus of the members that it would be most appropriate to table the matter so the petitioner could address the (1) submission of corresponding plans; (2) approval of the landscape plan by the Parks and Recreation Department; (3) storm water retention; (4) deceleration lane; and (5) landscape island and sidewalk from Maple Road.

Resolution # PC-2004-11-128
Moved by: Vleck
Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval, as requested for the Dr. Sklar Medical Office Building, located on the north side of Maple Road, between Kirkton and Eastport, located in section 27, within the O-1 zoning district, be tabled to the December 7, 2004 Special/Study Meeting.

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

MOTION CARRIED

REZONING REQUESTS

7. PUBLIC HEARING – PROPOSED REZONING (Z 479-B) – Existing Clark Station, Northeast Corner of Rochester Road and Charrington, Section 23 – From B-1 (Local Business) to H-S (Highway Service)

Mr. Savidant provided a brief history of the rezoning request and reviewed the Planning Department's recommendation to approve the rezoning application as submitted.

Mr. Miller announced that one item of public input was distributed to the members prior to the meeting.

The petitioner, John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present.

The owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was also present. Mr. Kattouah said he would like to expand the size of the retail space that is presently only 200 square feet. Mr. Kattouah said the service station was built in

1966 and is like a “hole in the wall” in comparison to the surrounding development. He said the rezoning approval would allow him the opportunity to enhance the appearance and provide more services to the surrounding people.

Mr. Schultz asked the owner if he is aware of the 75-foot setback requirement to the abutting residential property, should the rezoning request be approved.

Mr. Kattouah said a variance must be granted to meet the 75-foot setback requirement. He said the property is 140 feet x 150 feet. Mr. Kattouah said the tanks and canopy would not be moved. Mr. Kattouah said he is trying to find a solution not only for his benefit but also for the benefit of serving the community. He said there are no nearby convenience stores for residents to buy milk, bread, etc.

PUBLIC HEARING OPENED

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek is an adjacent property owner to the Clark service station. He submitted the protest petition on August 10, 2004, and attended the September City Council meeting in which the matter was referred back to the Planning Commission. Mr. Dudek asked the status of the request by City Council to look into the environmental concerns associated with the gas station. He said there was a leak and contamination within the last year. Mr. Dudek said there are several permanent monitoring wells throughout the property, and a receiving well that is located 5 to 10 feet from his property. Mr. Dudek said the gas station has been going strong for 38 years and it will be there for the next 38 years, contrary to the owner’s claim that the business will falter should there be no expansion. Mr. Dudek cited several places in the area to shop for everyday groceries. Mr. Dudek said he has had numerous problems with the Clark gas station and believes the expansion would create more problems. Mr. Dudek said there is only one direction that the owner can go with the expansion, and that is closer to his property and the other two residential properties.

Vice Chair Chamberlain said the environmental concerns should be addressed with the Michigan Department of Environmental Quality (MDEQ). Vice Chair Chamberlain explained the rezoning procedure that the service station must follow in order to make improvements on the property. He further explained the Site Plan Approval process and the Board of Zoning Appeals process should variances be required. Vice Chair Chamberlain cited the criteria that the Commission considers in its approval of rezoning requests. He said the future improvement to the site could be a plus for the neighbors on the east side of Rochester Road.

Mr. Dudek said he is the neighbor on the east side of Rochester Road and he does not believe the proposed expansion would benefit him or his neighbors. Mr. Dudek further expressed concerns with potential cut-through traffic for drivers seeking to avoid the Big Beaver and Rochester Road intersection. Mr. Dudek personally thanked Members Wright and Chamberlain for their attention during his presentation.

Roy Gantt of Atlas Oil Company, 7731 Gary, Westland, was present. Mr. Gantt addressed the environmental issues associated with the service station recently purchased from Atlas Oil Company. Mr. Gantt reported that Phase 1 and Phase 2 tests were performed on the site. He said there is historical contamination but it has been remediated. Mr. Gantt said monitoring wells are on-site and no contamination is migrating off-site. Mr. Gantt said it is the owner's responsibility to meet the MDEQ requirements and forward reports to Atlas Oil Company. Mr. Gantt reported that the service station is in compliance and meets environmental objectives.

Vice Chair Chamberlain asked if the tanks and lines on the subject property meet Federal guidelines.

Mr. Gantt responded that the tanks and lines are not the latest, but they have been upgraded to the current State of Michigan standards. He said they are inspected on a regular basis.

PUBLIC HEARING CLOSED

Mr. Miller said the City Manager committed to City Council that (1) research would be done on contamination at this site; (2) the resident petition would be provided to the Planning Commission; and (3) the notice of Public Hearing would be mailed to each resident who signed the petition. Mr. Miller confirmed that the Planning Department has met all three commitments. Mr. Miller reported the Planning Department's resources on contamination is limited to the MDEQ's website, and provided information obtained from the Leaking Underground Storage Tank (LUST) list.

Mr. Khan explained that there is no site plan to review because the matter being considered tonight is only the proposed rezoning. Mr. Khan further explained that the Commission has no authority on environmental contamination and it cannot regulate nor enforce any environmental issues.

Resolution # PC-2004-11-129
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Drive, within Section 23, being 21,000 square feet in size, be granted.

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

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 698) – Proposed Condominium Development, South side of South Blvd., West of Rochester Road, Section 3 – From R-1C (One Family Residential) to R-1T (One Family Attached)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request.

The petitioner, Ted Berlinghof of Architects International, 40 Hague, Detroit, was present.

The property owner, Frank Ayar of 6924 Cottonwood Knoll, West Bloomfield, was also present.

Mr. Berlinghof provided a brief description of the proposed condominium project.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-11-130
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the south side of South Boulevard, west of Rochester Road, within Section 3, being 2.31 acres in size, be granted.

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

MOTION CARRIED

SPECIAL USE REQUEST

9. PUBLIC HEARING – SPECIAL USE REQUEST (SU 323) – Existing Clark Station, Northeast corner of Maple and John R (1610 John R), Section 25 – H-S (Highway Service) District

Mr. Miller presented a summary of the Planning Department report for the proposed special use. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted subject to two conditions: (1) provide deceleration lanes for both entry drives; and (2) provide 30-inch screen wall along the west and south property lines. Mr. Miller

confirmed that the request was submitted prior to the requirement of an approved landscape plan at site plan approval.

Vice Chair Chamberlain expressed concerns with the condition to provide deceleration lanes on John R.

Mr. Vleck asked for clarification on site access by gasoline tankers.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, City, was present. Mr. Kozlowski stated that the 30-foot wide driveways provide plenty of access for gasoline tankers. Mr. Kozlowski briefly addressed the site plan improvements since the Commission last reviewed the site plan and after receiving variances from the BZA; i.e., reduction in the building size and the number of gasoline dispensers, green buffer between curb, sidewalk and property line. Mr. Kozlowski said the improvements were an effort to make the site safer, more maneuverable, and better in appearance. Mr. Kozlowski addressed the deceleration lanes on John R. He explained that the Planning Department wanted to make sure it was agreeable that deceleration lanes would be provided should the Engineering Department make that requirement. He said the Engineering Department has not made a specific request for the deceleration lanes. Mr. Kozlowski said he shares the concerns of Mr. Chamberlain that the deceleration lanes are not applicable in this case.

Mr. Strat questioned if there is a cross access easement to the property to the north.

Mr. Kozlowski replied that a cross access easement is proposed for the neighbor to the north, but it is not known whether the property owner to the north is willing to make it a reciprocal cross access easement.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller provided a brief explanation on the cross access easement agreement and said it would be recorded at the County level as a private easement.

Mr. Littman asked for clarification on the condition to provide deceleration lanes on John R.

Mr. Miller explained that the City Traffic Engineer reserves his determination whether deceleration lanes are required until final engineering review has taken place.

Vice Chair Chamberlain recommended that deceleration lanes not be required at the site.

Resolution # PC-2004-11-131
Moved by: Wright
Seconded by: Khan

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 23.30.02 of the Zoning Ordinance, as requested for the Clark Station, located on the northeast corner of Maple and John R Roads, Section 25, within the H-S Zoning District, be granted, subject to the following conditions:

1. That a 30-inch screen wall be placed along the western and southern property boundaries, as shown on the site plan.

2. That it is recommended deceleration lanes for both Maple and John R as recommended by the City of Troy Traffic Engineer are not helpful or practical.

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

MOTION CARRIED

STREET VACATION REQUEST

10. PUBLIC HEARING – STREET VACATION REQUEST (SV-179) – Alger Street between Birchwood and Vermont, approximately 260 feet, abutting Lots 409, 410, 433 and 434, John R Garden Subdivision, North of Birchwood, West of John R, Section 26 – M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report for the proposed Alger Street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the request with the conditions that (1) the house at 1767 Alger Street be demolished prior to final vacation; and (2) that the City retain the southern 5 feet of the Alger street right-of-way for the purpose of establishing a 60-foot right of way on Birchwood.

The petitioners, Tom Moss of 1893 Birchwood, Troy, and Shirley Coleman of 2089 Burdic, Troy, were present.

Mr. Moss said he is the owner of the property located immediately to the east of the subject vacation and the Coleman's are owners of the property immediately to the west. Mr. Moss said the house at 1767 Alger Street is scheduled to be demolished next Monday. He explained the home was recently used by the Troy Police Department for SWAT team drills.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-11-132
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 409, 410, 433 and 434, being approximately 260 feet in length and 50 feet in width, in Section 26, be approved subject to the following conditions:

1. That the structure at 1767 Alger shall be demolished prior to final vacation.

2. That the City shall retain the southern 5 feet of Alger Street right-of-way for purposes of establishing a 60 foot right-of -way on Birchwood.

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

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

Mr. Miller announced that the members received correspondence from the Assistant City Attorney with respect to the legality of dividing this particular proposed zoning ordinance text amendment into three text amendments, and further that the legal requirements of the Public Hearing notices were met.

Mr. Miller reported City Management in recent meetings made a determination to recommend to City Council that commercial vehicles be dealt with independent of large accessory structures. He noted that the Planning Commission members have the ability and authority this evening to make recommendations on any one of the proposed zoning ordinance text amendments.

11. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller presented a summary of the proposed zoning ordinance text amendment that relates specifically to accessory building definitions and provisions. He reviewed the revisions that were made after the November 2, 2004 Planning Commission Special/Study Meeting. Mr. Miller recommended an additional change to Section 40.56.03(C). He said the intent and clarity of the section would be better

if it read: "An accessory supplemental building shall not be allowed in a front yard." Mr. Miller also noted that the number of accessory supplemental buildings was changed from 2 to 3.

Vice Chair Chamberlain said he would like to see all three proposed zoning ordinance text amendments considered tonight and recommendations forwarded to City Council.

Mr. Vleck disagreed and said he would like more time to consider the proposed amendments. Mr. Vleck said the members had a very short timeframe to consider the matter, and that more time and consideration was put into other proposed zoning ordinance text amendments that had much less of an affect on residents. Mr. Vleck voiced dissatisfaction with the Public Hearing notice. He said anyone reading the Public Hearing notice would not have a clue that the City has taken under consideration restricting the size of accessory buildings and changing commercial vehicle provisions. Mr. Vleck said he would like more time to discuss the 8-foot height restriction of garage doors. He said the height of mini conversion vans range from 8 feet 2 inches to 9 feet 10 inches. He suggested restricting the size of an attached or detached accessory building to the square footage of the house. Mr. Vleck said that the proposed amendments are overall too restrictive.

Mr. Schultz questioned if the revision to Section 40.56.03 adequately handles a corner lot that is considered a double front.

Mr. Miller said they are both considered front yards.

Mr. Schultz said he is comfortable moving forward with the accessory building proposed amendments, but not comfortable going forward with the proposed amendments relating to commercial vehicles and the appeal process.

Mr. Wright said he agrees with Mr. Chamberlain. He would like to see all three items off the Planning Commission table and onto the City Council table. Mr. Wright said the commercial vehicle section is simple and has been bandied around for 15 years.

Mr. Littman said he is comfortable with the 8-foot restriction on the garage door height. Mr. Littman agreed to move forward with the amendments relating to accessory buildings, but would like more time to review and get further input from the Planning Consultant on commercial vehicles and the appeal process.

Ms. Drake-Batts said she would like to see a higher height restriction on the garage door. She would also like to see language added so that materials used on an accessory building are consistent with materials of the residence. Ms. Drake-Batts said she would like to see all three text amendments considered and forwarded to City Council tonight.

Mr. Strat said he is comfortable with the 8-foot restriction on the garage door height. Mr. Strat said the members and staff worked very hard on the proposed zoning ordinance text amendments relating to accessory buildings and would like to see that go forward to City Council. He would prefer more time to review the text amendments relating to commercial vehicle definitions.

Mr. Khan said he is comfortable with the 8-foot restriction on the garage door height and going forward on all three proposed text amendments.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent said the proposed amendments relating to the size of accessory structures are too restrictive. Mr. Krent brought to the attention of the Commission that the 2% growth factor formula was added to the proposed amendment on detached accessory structures but not attached accessory structures. Mr. Krent distributed a photograph that depicts a neighbor's view of a large "warehouse garage". Mr. Krent said such a building would be horrible to the character and continuity of the neighborhood. Mr. Krent also addressed materials. He said ribbed steel panel material that is used on industrial storage facilities does not belong in a residential neighborhood. He noted that the Zoning Ordinance as currently written allows the material. Mr. Krent said he has spoken to neighboring community officials who agree that ribbed steel panel material should not be used in residential areas.

PUBLIC HEARING CLOSED

Mr. Vleck agrees with the comments of Mr. Krent with respect to the size restrictions of accessory structures and doors. Mr. Vleck would like to see materials addressed and language added to the Zoning Ordinance that materials must be consistent with the residence.

It was noted by the Planning Department and confirmed that the language to incorporate the 2% growth factor formula for attached accessory structures could be accomplished prior to the City Council Public Hearing.

Vice Chair Chamberlain asked for comments from around the table.

Mr. Vleck recommended that all accessory structures be equal to the ground floor space, and the construction of attached or detached structures is at the homeowner's discretion.

Vice Chair Chamberlain said that would not work with some of the large existing parcels in the City. He recommended the separation of detached and attached structures.

Mr. Khan said the proposed amendments are good to go before City Council and, if necessary, revisions to the text could be made in the future.

Mr. Strat concurred with the comments of Mr. Khan. He said the ordinance should be designed for the norm and not the exception, and that the exceptions can go before the BZA.

Ms. Drake-Batts said the proposed text is good to go.

Mr. Littman said he is fine with the proposed text. He questioned the rationale for attached buildings being 600 square feet and detached buildings being 450 square feet plus the 2% growth factor.

Vice Chair Chamberlain said it works out to be the same number.

Mr. Miller explained the general direction is to provide more of a limit on the attached structures in an effort to model traditional home development.

Mr. Wright said he is okay with the proposed text as printed. He would like to see compatible materials addressed in the near future.

Mr. Schultz said he is fine with the proposed text as printed. He would not like to see the 2% growth factor on attached accessory structures. Mr. Schultz said that under no circumstances should an attached accessory structure be greater than the size of the home. Mr. Schultz said he would like to see an additional paragraph under 40.56.01 Attached Accessory Buildings that would state exterior finishes of attached accessory buildings shall be similar or compatible with the exterior of the principal structure. Mr. Schultz said he would not support similar language for detached accessory structures.

Mr. Vleck questioned if the latest text revisions have been reviewed by the City's Planning Consultant and the City Attorney's office.

Mr. Miller confirmed that the City's Planning Consultant, Richard Carlisle, reviewed the revisions as of Monday, November 8. Mr. Carlisle is in concurrence with the revisions and stated it is the discretion of individual communities to determine the size of accessory structures as a part of the community character.

Resolution # PC-2004-11-133
Moved by: Khan
Seconded by: Strat

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, dated 11/09/04, subject to the following condition.

1. Revise Section 40.56.03 C to read: "An accessory supplemental building shall not be allowed in a front yard."

Discussion on the motion.

Resolution # PC-2004-11-134
Moved by: Schultz
Seconded by: Wright

RESOLVED, To amend the motion on the floor that if there are changes to the proposed text by either City Council or City staff, that said recommendations or requests be returned to the Planning Commission for its consideration for inclusion and resubmission of the ZOTA to City Council.

Vote on the amendment to the motion on the floor.

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

MOTION FAILED

Resolution # PC-2004-11-135
Moved by: Wright
Seconded by: Schultz

RESOLVED, To amend the motion on the floor to add under Section 40.56.01 Attached Accessory Buildings, paragraph D, to read: "The exterior materials on any attached accessory buildings shall be compatible with the exterior materials of the main dwelling structure."

Discussion on the amendment to the motion on the floor.

Mr. Khan said it is normal to have the same material for an attached garage.

Mr. Wright and other members referenced the photograph submitted by Mr. Krent and confirmed that the 3129 Alpine structure is attached and is constructed of different material than the house.

Mr. Littman asked the definition of "compatible" and who would be the determining party.

A brief discussion followed on the definition of "compatible".

Ms. Drake-Batts suggested using the word "consistent" instead of "compatible".

Mr. Strat questioned the enforceability of the Zoning Ordinance with respect to "compatible" or "consistent" materials. He said it is an interpretation, and he would assume the determining party would be the Building Department's plan reviewer.

Mr. Motzny said whenever the words "compatible, consistent, typical" or similar terms are used, a problem is created. The ordinance is vague because it leaves too much discretion to the person who has to make a decision. Mr. Motzny said the cure to the problem is to provide standards as to what "compatible" or similar terms mean. Mr. Motzny said whether the ordinance is enforceable or not is whether or not some judge says there are sufficient standards to define what "compatible" or similar terms mean.

Vice Chair Chamberlain reminded the members that a Public Hearing in front of City Council has been scheduled at the end of the month.

Vote on the amendment to the motion on the floor.

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

MOTION FAILED

Vote on the original motion.

Resolution # PC-2004-11-133
Moved by: Khan
Seconded by: Strat

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, dated 11/09/04, subject to the following condition.

1. Revise Section 40.56.03 C to read: "An accessory supplemental building shall not be allowed in a front yard."

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

MOTION CARRIED

Mr. Vleck made the following comments on his no vote.
(1) Section 40.57.02 B – The area of the attached accessory building should be equal to the square footage of the house and not half the ground floor print; and the 600 square feet should be 800 square feet.
(2) Section 40.57.02 C – Should be stricken, or the 8 feet should be increased to either 10 or 12 feet because it does not include standard conversion vans that are used by the physically disabled.
(3) Section 40.57.04 D – The 450 square feet should be 600 square feet plus 2% of the total lot area.
(4) Section 40.57.06 G – Should be stricken and any other references to garage door height should deleted or increased to 10 or 12 feet.

12. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215B) – Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions

Mr. Miller presented a summary of the proposed zoning ordinance text amendment that relates to commercial vehicle definitions. He reviewed the revisions that were made after the November 2, 2004 Planning Commission Special/Study Meeting.

Vice Chair Chamberlain asked for comments from around the table.

Mr. Schultz brought to the attention of the Planning Department two typographical errors in Section 40.66.00 Parking of Commercial Vehicles in Residential Districts. Two words were inadvertently omitted from the first paragraph.

Mr. Vleck suggested that the gross vehicle weight rating (GVWR) be increased to 26,000 pounds, and said the limit of 10,000 pounds is too restrictive. Mr. Vleck explained that the gross vehicle weight is the weight of the truck plus what it can haul. Mr. Vleck would like to see the Commission study the matter further.

Mr. Wright said he is happy with the language as printed.

Messrs. Littman and Khan had no comments.

Mr. Strat said 26,000 pounds might be too high. Mr. Strat said he is not familiar with gross weight vehicle ratings.

Ms. Drake-Batts said she is fine with the language as printed.

Vice Chair Chamberlain said residential neighborhoods should be preserved as residential and commercial equipment should be stored in another location. He referenced the recent study done by the Planning Commission with respect to the storage of commercial vehicles at public facilities. Mr. Chamberlain said the monster garage situation on Alpine was created because commercial vehicles in residential areas are required to be stored. He said it is important to get a handle on the definition of commercial vehicles so the vehicles look more like transportation vehicles than businesses out for hire.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Strat said he agrees with the comments of Mr. Chamberlain.

Mr. Khan expressed surprise and bewilderment that no one came to speak at the Public Hearing.

Mr. Schultz said he would like to have more time to study the matter. He stated, in his opinion, that there are vehicles less than 10,000 pounds that qualify as commercial vehicles. Mr. Schultz said it is interesting that no one was present to speak at the Public Hearing tonight, in light of the fact that City Council considers a lot of commercial vehicle appeals.

Mr. Vleck said he is definitely in favor of tabling the matter. He referenced a portion of the definition of commercial vehicle "…or for other purposes to generate income", and said any vehicle used to get to work could be considered a commercial vehicle. Mr. Vleck said the restriction of one commercial vehicle per household should be increased to the number of licensed residents per household. He addressed the format of the Public Hearing notice and recommended that it be re-publicized to specifically state the matter under consideration and the proposed modifications.

Mr. Wright said that defining a car that is used to get to work as a commercial vehicle is a real stretch. Mr. Wright is satisfied with the proposed language as printed.

Mr. Littman said he would prefer to review the matter further and would like to have input from the public who would be affected by the ordinance.

Vice Chair Chamberlain said the definition of commercial vehicles was discussed extensively at previous study meetings. He said the Commission could study the matter ad nauseam and it wouldn't change that much.

Resolution # PC-2004-11-136
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions, be amended as printed on the Proposed Zoning Ordinance Text Amendment, dated 11/09/04, subject to the following typographical corrections:

1. Under Section 40.66.00 Parking of Commercial Vehicles in Residential Districts, first paragraph, first sentence, add the word "vehicle" after the word "commercial" and add the word "pounds" after the words "ten thousand (10,000)".

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

MOTION FAILED

Mr. Motzny stated that the City and Village Zoning Act states the Planning Commission's responsibility is to forward a report to City Council on proposed zoning ordinance text amendments. He suggested the failed motion and an amended motion stipulating what occurred would satisfy the requirement to report to City Council. Mr. Motzny confirmed that the members could move to reconsider the item and further move to have the item studied at a future study session.

Resolution # PC-2004-11-137
Moved by: Schultz
Seconded by: Strat

RESOLVED, That the Planning Commission reconsider ZOTA 215B for future action.

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

MOTION CARRIED

Resolution # PC-2004-11-138
Moved by: Schultz
Seconded by: Strat

RESOLVED, That the Commission reschedule additional conversations and consideration of this item at the December 7, 2004 Special/Study Meeting and decide at that time when it would attempt to put forward a recommendation to City Council.

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

MOTION CARRIED

Discussion followed on steps to follow in the review process.

- Research/obtain information on gross vehicle weight ratings.
- Provide pictures of trucks in relation to height and weight.
- Get input from residents impacted by commercial vehicles in residential districts; i.e., business owners and neighbors.
- Involve residents through Public Hearings and televised City Council meetings.
- Clarify language in Public Hearing notices and re-advertise Public Hearings.
- Advise organizations (i.e., COTHA) of study and Public Hearings.
- Advise commercial businesses (i.e., contact names from Member Vleck) of study and Public Hearings.
- Obtain definition of commercial vehicles from surrounding communities; i.e., Bloomfield, Farmington Hills, Sterling Heights.
- Obtain definition of commercial vehicles and relevant ordinances from suburban and urban communities located throughout the United States.
- Review restrictions as relates to blue-collar workers.

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller presented a summary of the proposed zoning ordinance text amendment that relates to commercial vehicle parking appeals. He reviewed the revisions that were made after the November 2, 2004 Planning Commission Special/Study Meeting.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-11-139
Moved by: Wright
Seconded by: Khan

RESOLVED, That ZOTA 215C be tabled to the December 7, 2004 Special/Study Meeting for more discussion.

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

MOTION CARRIED

Vice Chair Chamberlain stated that all the comments made in the previous tabling action of ZOTA 215B would also apply to ZOTA 215C.

Mr. Miller confirmed that appropriate Public Hearing notices would be sent.

Mr. Vleck suggested that paragraphs C and D of Section 43.74.01 reflect both outdoor and indoor parking.

Mr. Miller stated that to his knowledge commercial vehicle appeals are not permitted.

14. PUBLIC COMMENT

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek addressed the proposed rezoning of the existing Clark Station located on the northeast corner of Rochester Road and Charrington (agenda item #7).

Mr. Dudek was advised of City procedures relating to rezoning requests, site plan approval, special use requests, engineering and Board of Zoning Appeals. Further, Mr. Dudek was advised that the Michigan Department of Environmental Quality (MDEQ) is the appropriate channel to address any environmental concerns.

It was the recommendation of Vice Chair Chamberlain that Mr. Dudek meet with the Planning Director and other appropriate City staff members for further assistance and clarification on the proposed matter.

Mr. Dudek questioned if the 28 residents who signed the resident petition were provided an explanation as to why the resident petition was not distributed to the Planning Commission members prior to the August 10, 2004 Public Hearing. Mr. Dudek said that, to date, he has not received any communication from the City to this regard.

Vice Chair Chamberlain said that question should be directed to City staff.

Mr. Strat encouraged Mr. Dudek to continue his endeavor through the various City channels of review and approval.

Mr. Vleck commented that the 28 residents have been heard because that was the basis that City Council referred the matter back to the Planning Commission.

GOOD OF THE ORDER

Mr. Miller advised the members that City Council authorized City Management to go forward with the Big Beaver Corridor Study. Interviews with potential consulting teams are expected to take place in late January 2005.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 11:05 p.m.

Respectfully submitted,

_____
Gary Chamberlain, Vice Chair

_____
Kathy L. Czarnecki, Recording Secretary

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LIBRARY BOARD MINUTES - FINAL NOVEMBER 11, 2004

A Regular Meeting of the Troy Library Board was held Thursday, November 11, 2004 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL PRESENT: Joanne Allen
Lynne Gregory
Brian Griffen
Audre Zembrzuski
Cheng Chen, Student Representative
Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2004-11-001
Moved by Zembrzuski
Seconded by Gregory

RESOLVED, That Nancy Wheeler and Lauren Andreoff be excused.
Yes: 4—Allen, Gregory, Griffen, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2004-11-002
Moved by Zembrzuski
Seconded by Allen

RESOLVED, That the Minutes of October 14 2004 be approved with the correction of signature line Joanne Allen, Chair be replaced with Audre Zembrzuski, Vice Chairman.
Yes: 4—Allen, Gregory, Griffen, Zembrzuski
No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2004-11-003
Moved by Allen
Seconded by Gregory

RESOLVED, That the Agenda be approved.
Yes: 4—Allen, Gregory, Griffen, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS
Information and Procedures for Exhibitors
The policy was reviewed. Griffen asked that the Meeting Room Policy be reviewed at the next meeting.

REGULAR BUSINESS
Resolution #LB-2004-11-004
Moved by Allen
Seconded by Gregory

RESOLVED, That the 2005 Library Closing Dates be approved as presented.
Yes: 3—Allen, Gregory, Griffen
No: 1—Zembrzuski (Wanted to be closed Fourth of July Weekend and open Labor Day Weekend)

MOTION CARRIED

Resolution #LB-2004-11-05
Moved by Gregory
Seconded by Zembrzuski

RESOLVED, That the 2005 Board Meeting Dates be approved indicating that the July and August meetings would be held if needed.
Yes: 4—Allen, Gregory, Griffen, Zembrzuski
No: 0

MOTION CARRIED

REPORTS & COMMUNICATIONS
Director's Report.
The Library ranked as the number one library in Michigan for libraries serving over 50,000 in population according to the Hennen's American Public Library Ranking Index. The Library was awarded a Citation of Excellence by the Library of Michigan Foundation at the recent MLA Conference. A picture of the Library's Peace Garden entrance will be featured in the 2005 Sirsi calendar.

Board Member comments.
Gregory reported that he attended the SLC Trustees meeting and heard a presentation about MelCat. He also reported that the Gulf Beaches Public Library allows non-

residents to purchase a 3 month library card for $10.00. He also said that that library has a display of books selected by a librarian with the librarian's picture and a short biography.

Zembrzuski suggested that the Library have a program for children at which they can buy cloth book bags and decorate them. This could be used by parents as an incentive for children to come to the library as opposed to candy or other treats.

Also suggested was the idea of giving away pencils or other inexpensive items with the library printed on them during National Library Week.

SLC Report – Gregory reported that he will assume the office of President of SLC. The By-Laws were reviewed.

Friends of the Library – No report

Gifts.
None.

Informational Items.
November TPL Calendar

Contacts and Correspondence.
11 written comments from the public were reviewed.

Public Participation. Victor Lenivov asked the Board if they would think about if they would be interested in participating in a day and evening of activities similar to Detroit's Noel Night.

The Library Board meeting adjourned at 8:10 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, November 16, 2004 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Thomas Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES - MEETING OF OCTOBER 19, 2004

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of October 19, 2004 as written.

Yeas: All – 7

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. FRANK ZIMMER, OF THE HONEY BAKED HAM COMPANY, 1081 E. LONG LAKE ROAD, for approval under Section 43.80.00 of the Zoning Ordinance to place two temporary storage containers outside for a period from December 10, 2004 through December 31, 2004.

Mr. Stimac explained that the Petitioner is requesting approval under the Zoning Ordinance to place two temporary storage containers outside at 1081 E. Long Lake from December 10th through December 31, 2004. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses for a time frame not to exceed two years.

Mr. Frank Zimmer was present and stated that they have been coming to this Board with the same request for approximately six (6) years. Mr. Zimmer apologized for not attending the meeting last year and thanked the Board for approval of this request. Mr. Zimmer stated that these containers are used for the storage of containers and plastic bags. Honey Baked Ham would rent additional space in the shopping center if it became available, as there is no storage in their space but there are no spaces currently vacant. Mr. Zimmer also asked if the Board could approve this request for two (2) years.

ITEM #2 – con't.

Mr. Strat asked if this Board could grant the variance for a period of two years. Mr. Stimac stated that the Zoning Ordinance does allow for the Board of Zoning Appeals to approve this request for up to two (2) years.

Mr. Courtney asked about the length of time these storage containers would be out and Mr. Zimmer explained that they would actually be removed on the 29th of December.

The Chairman opened the Public Hearing.

John Ungvarsky, 5063 Abington was present and stated that his property backs up to this site and both he and his wife totally support this request. Mr. Ungvarsky stated that he thinks this is a wonderful product and would like to see the Board support this request and keep this business in the location it is in.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Hutson stated that although he is in favor of this request, he is not comfortable with granting the variance for two (2) years. Mr. Hutson said that he likes to review this file on a yearly basis as the storage containers are placed in an alleyway.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Frank Zimmer, of the Honey Baked Ham Company, 1081 E. Long Lake Road, approval under Section 43.80.00 of the Zoning Ordinance to place two temporary storage containers outside for a period from December 10, 2004 to December 31, 2004.

- Variance is not contrary to public interest.
- Abutting neighbor has indicated approval of this request.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. MR. & MRS. ROBERT ARKING, 4705 STODDARD, for relief of Section 30.10.04 of the Ordinance to construct a 10' addition to the front of their attached garage, which will result in a 26' front yard setback where 30' is required by Section 30.10.04.

ITEM #3 – con't.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an attached garage addition. The plans submitted indicate a 10' addition to the front of the attached garage, which will result in a proposed 26' front yard setback. Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts.

Mr. and Mrs. Arking were present. Mr. Arking stated that his wife has a back condition, which is progressive and this extra space would allow them to bring up the washer and dryer. The extra space will also allow for the storage of their lawn equipment.

Mr. Kovacs asked about the size of the space and Mr. Arking indicated that they wish to enlarge this area to be approximately 26' deep and 19' wide. Mr. Arking also stated that they could not do this alteration in another area because of the location of the kitchen.

Mr. Courtney asked if this addition would comply with the requirements of the Ordinance if the road was not curved into the corner of the lot. Mr. Stimac stated that this 10' addition would comply with the Zoning Ordinance.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are thirteen (13) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Gies

MOVED, to grant Mr. & Mrs. Robert Arking, 4705 Stoddard, relief of Section 30.10.04 of the Ordinance to construct a 10' addition to the front of their attached garage, which will result in a 26' front yard setback where 30' is required by Section 30.10.04.

- Irregular shape of lot creates a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. MR. THOMAS QUAKENBUSH, 2544 HOMEWOOD, for relief of Section 40.57.03 and Section 40.57.05 to maintain a shed installed in the side yard, 6' from the north wall of the existing home.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to maintain a shed installed without first obtaining a Building Permit. The site plan submitted indicates that the shed has been placed in a side yard, 6' from the north wall

ITEM #4 – con't.

of the home. Section 40.57.03 prohibits the placement of a shed in a side yard and Section 40.57.05 requires a 10' minimum setback from the house.

Mr. & Mrs. Quakenbush were present. Mr. Quakenbush stated that his property has two (2) front yards, and also has a 15' easement at the back of the property, which creates a hardship for them.

Mr. Kovacs asked about the location of the shed. Mr. Stimac explained that this accessory building would have to be set back behind the rear line of the house and at least 40' from the property line along Beach Road. In order to comply the shed would have to be moved back approximately 10 or 15 feet.

Mr. Kovacs asked about the height of the fence on this property. Mr. Quakenbush stated that this is a 6' high privacy fence and the peak of the shed is approximately 8' high.

Mr. Hutson asked how long Mr. Quakenbush owned this property and Mr. Quakenbush stated that it has been approximately 2 years. Mr. Hutson then asked if they had reviewed the deed restrictions pertaining to this property. Mr. Quakenbush stated that he had not. Mr. Hutson informed Mr. Quakenbush that the deed restrictions prohibited a stockade fence. Mr. Quakenbush indicated that all he had done was replace an existing stockade fence. Mr. Hutson then asked what incidents led up to Mr. Quakenbush appearing before this Board. Mr. Quakenbush stated that someone had complained and a Building Inspector came out and informed him that a permit was required to put up a shed. At the time the permit application was submitted, he was informed that a variance would be required to put the shed in this location. Mr. Hutson also stated that Mr. Stimac had indicated that a variance would not be necessary if the shed was moved back 10 – 15'. Mr. Quakenbush said that he thought there would be a spot the shed would fit.

Mr. Courtney asked if he had spoken to the neighbors to the north of his property. Mr. Quakenbush stated that they had signed the affidavit for the permit. Mr. Courtney questioned the affidavit required for the Building Permit. Mr. Stimac clarified that the affidavit is a affidavit of notification, which acknowledges that at least 50% of the neighbors are notified of the construction of the shed and does not indicate approval or disapproval.

Mr. Kovacs asked if the Building Department had determined another location for this shed. Mr. Stimac said that based upon the plans submitted, the back wall of the house is located about 63' from the rear property line and the shed could be placed 10' from the corner of the house and as much as 12' from the back of the house. Mr. Kovacs asked if the shed would be more visible if it was placed farther back on the lot. Mr. Stimac stated that he could not offer an opinion on this.

ITEM #4 – con't.

Mrs. Quakenbush stated that if they moved the shed back, it would make their back yard much smaller. Mrs. Quakenbush also said that she did not think it would change the appearance to the neighbors on the north side of their property.

Mr. Strat stated that the Planning Commission is looking at the placement of sheds and accessory structures and they want to make sure that these structures are not seen from the front yard and placed only in the back yard area. Mr. Strat said that there is a 6' concrete walk next to the shed and also stated that he has some difficulty in approving this request. Mr. Quakenbush said that the concrete pad was in place for his pool equipment and that was one of the reasons that he put the shed in this area.

The Chairman opened the Public Hearing.

Steven Stelmach, 2624 Homewood was present and indicated that he objects to the request for this shed. Mr. Stelmach said this is a relatively small subdivision and he knows that there are a number of his neighbors that also object to this request. Mr. Stelmach said that there are deed restrictions that prohibit the 6' high fence. Mr. Stelmach believes that Mr. Quakenbush has disregarded these deed restrictions and does not respect his contractual obligations to obey the deed restrictions. Approval by the Architectural Committee is required for even a 4' high fence. Mr. Stelmach drove by this site the other and the fence blocks out most of the shed, although there is a gable that is 2' – 3' above the fence line. Mr. Stelmach believes that the neighbors' rights , and deed restrictions should be respected and Ordinances should be followed. Mr. Stelmach indicated that Mr. Quakenbush has done a number of improvements to the home, but does not think he should be able to come to this Board as an afterthought. Mr. Stelmach also indicated that the Homeowners Association has the right to enter this property and "abate" this condition and could in fact remove this shed.

Mr. Kovacs asked if sheds in this subdivision were prohibited by the deed restrictions. Mr. Stelmach said that his understanding is that approval by the Architectural Committee is required and does not believe Mr. Quakenbush received approval from this Committee before putting up the shed. Mr. Kovacs also said that this Board does not have control over the deed restrictions regarding the fence or the shed. Mr. Kovacs asked if there were any other sheds in this subdivision and Mr. Stelmach said he could not say for sure whether there were other sheds or not.

Bonnie Katschanow, 2704 Homewood was present. Ms. Katschanow said that the Subdivision deed restrictions, Section 2, paragraphs A & D, were written with the Zoning laws and City Ordinances in mind, and sheds are prohibited by these restrictions. Even if the City allows him to move the shed, it is possible that the rest of the residents would not accept this variance. There is a lot of openness between the homes in this subdivision and this is the way she would like the area to remain. Ms. Katschanow believes this variance would set a precedent and she objects to this request.

ITEM #4 – con't.

Wayne Wright, 2525 Homewood was present and stated that Mr. & Mrs. Quakenbush have done a lot to improve the appearance of this home. Mr. Wright cannot see the shed from his home, but knows that the neighbors to the north were adamantly opposed to this shed. Mr. Wright also said that he has a problem with something being constructed without the required permits. Mr. Wright objects to this variance.

Felimar Latif, 2513 Homewood was present and stated that she agrees with the neighbors and is opposed to this variance request. Ms. Latif was one of the first homeowners in this subdivision and has not seen any sheds being constructed in this area.

John Zawislak, 4582 Odette Ct. was present and although he does not live in this subdivision, he is opposed to this request. There are deed restrictions against sheds, and thinks that one of the reasons Troy is an outstanding City is because the Zoning Ordinances are strictly enforced. Mr. Zawislak also stated that he felt this would set a very bad precedent.

Martin and Linda Vittands, 2528 Homewood were present and stated that the Quakenbush's have done a lot of improvements to this property, but they are against this variance. Mr. Vittands also said that the deed restrictions do allow a 4' fence and the Quakenbush property now has a 4' chain link fence and a 6' high privacy fence. Mr. & Mrs. Vittands feel that this area is a very upscale area and believes that sheds will drop the property values. Mrs. Vittands also thinks this shed would open the door to other property owners putting up sheds.

Nancy Gross, 2656 Homewood was present and stated that she objects to this variance. Ms. Gross said that she feels this would set a bad precedent for the area and it does go against the deed restrictions.

Mr. Quakenbush stated that he wanted to clear up some inaccuracies. Mr. Quakenbush is a licensed builder but does not build homes. The stockade fence was existing and he replaced the fence with a cedar dog-eared fence. Mr. Quakenbush also said that he contacted the president of the homeowners association, Mary Strowbridge, and she gave him approval and told him to also contact the neighbor next to him.

Mr. Quakenbush also said that he had gone on line to see what the requirements were for sheds in the City of Troy, but went to the wrong web site and admits he did make an error but did not blatantly ignore the City Ordinance.

No one else wished to be heard and the Public Hearing was closed.

There are nine (9) written approvals on file. There were eight (8) verbal objections.

ITEM #4 – con't.

Ms. Latif questioned the number of objections and approvals. Mr. Courtney explained that the views expressed by the neighbors were a part of the record, but are not considered to be a vote deciding the variance request.

Mr. Kovacs asked for clarification regarding the area that Public Hearing notices are sent to. Mr. Stimac stated that Public Hearing notices are sent to property owners and residents within 300' of the subject property.

Mr. Fejes asked what would happen if this Board approved the variance. Ms. Lancaster stated that the deed restrictions over rule any decision of this Board. If the homeowners association wants to file a lawsuit, they can and make Mr. Quakenbush take the shed down. Mr. Fejes then stated that he did not believe that the actions of this Board would mean anything. Ms. Lancaster said that from these deed restrictions, the homeowner could go to the architectural committee and ask for permission to put up this shed, but that decision would have nothing to do with this Board. Ms. Lancaster also indicated that if this Board were to grant the variance because of a hardship with the land, and the court decided in favor of the homeowners association, the homeowners deed restrictions would supercede any decision made by this Board.

Mr. Fejes asked Mr. Quakenbush if he wanted this item postponed. Mr. Quakenbush said that a number of his neighbors had come over and told him they were sorry he had to go through all of this and did in fact support his request for the shed. Mr. Quakenbush also stated that before putting up the shed, he contacted the president of the Homeowners Association and was given approval. Mr. Quakenbush said that this shed helps him keep his property neat.

Mr. Courtney said that he would like to approve this request, but cannot find a hardship that runs with the land.

Motion by Courtney
Supported by Strat

MOVED, to deny the request of Mr. Thomas Quakenbush, 2544 Homewood, for relief of Section 40.57.03 and Section 40.57.05 to maintain a shed installed in the side yard, 6' from the north wall of the existing home.

- Petitioner did not demonstrate a hardship.
- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.
- Location of shed could be changed to comply with the requirements of the Ordinance.
- Petitioner's difficulties are not the result of any unusual characteristics of the property.

ITEM #4 – con't.

Yeas: 6 – Maxwell, Strat, Courtney, Fejes, Gies, Hutson
Nays: 1 – Kovacs

MOTION TO DENY VARIANCE CARRIED

Mr. Strat said that there are other alternatives available to this petitioner that would not cause an adverse effect to surrounding property. Mr. Strat also said that he has a great deal of difficulty in that the shed is visible from the street. Mr. Strat further stated that the Planning Commission is looking into these types of structures and is in the process of modifying the Ordinance regarding the location of sheds and accessory structures.

ITEM #5 – VARIANCE REQUEST. STEVEN CERRONE, 2103 PIPPIN, for relief of Section 30.10.02 of the Ordinance to maintain a covered front porch, which has a 34'-11" front setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a covered front porch that was constructed without first obtaining a Building Permit. The site plan submitted indicates this construction has resulted in a 34'-11" front yard setback. Section 30.10.02 requires a 40' minimum front setback in R-1B Zoning Districts.

Laura from AZD Architects, and Mr. Cerrone were present. Laura indicated that this had started as a maintenance project in 1994 due to problems with water backing up on the porch. Mr. Cerrone had hired a contractor and found the problem was more extensive than originally thought. AZD Architects worked with him to not only fix the original problem, but also to provide shelter for his elderly mother-in-law and medical personnel going in and out of the house. This new covered entry does not project any further into the setback than the original porch. The porch is not enclosed but just creates a covered area. A number of the neighbors have indicated approval of this covered porch.

Mr. Courtney asked how a wheel chair gets in and out of this door. Mr. Cerrone indicated that they are able to get his mother-in-law right to the edge of the porch, and into the cars. The way the garage is configured makes it impossible to get her in and out of that door. Mr. Courtney also stated that he feels the porch looks much better with the roof. Mr. Cerrone also stated that the roof over the porch helps protect medical supplies that are delivered to him.

Mr. Hutson asked what the setbacks were based on the site plan. Mr. Stimac said that he thought this was a somewhat unusual shaped lot, and thought that it was approximately 70' to the rear property line. Mr. Hutson said that he thought that the placement of this house on the lot creates a hardship in dealing with the front yard setback.

ITEM #5 – con't.

Mr. Strat stated that Mr. Cerrone has been his personal dentist for a number of years, and if the Board felt that this was a conflict of interest, he would abstain from the vote. The Board did not make any motion indicating that this would be a conflict of interest.

There are twenty-four (24) written approvals on file. There are no written objections on file.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Courtney
Supported by Hutson

MOVED, to grant Steven Cerrone, 2103 Pippin, relief of Section 30.10.02 of the Ordinance to maintain a covered front porch, which has a 34'-11" front setback where 40' is required.

- Variance is not contrary to public interest.
- Roof over porch is aesthetically pleasing.
- Variance would not have an adverse effect to surrounding property.
- Irregularly shaped lot creates a hardship.

Yeas: 6 – Maxwell, Strat, Courtney, Fejes, Hutson, Kovacs
Nays: 1 – Gies

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. SAM ASKAR, 2970 E. LONG LAKE, for relief of Section 40.50.04 of the Ordinance to construct an addition to an existing legal non-conforming structure.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition on an existing service station. The property is located in the H-S (Highway Service) Zoning District, and Section 30.20.07 requires a minimum rear yard setback of 30'. The site plan submitted indicates that the setback to the existing rear building line is only 19'-7". The proposed addition will continue this existing wall line out to the east with the addition. Because this building existed before the zoning of the property was changed to H-S, it is classified as a legal non-conforming structure. Section 40.50.04 of the Zoning Ordinance prohibits the expansion of a non-conforming structure in any way that increases the non-conformity.

ITEM #6 – con't.

Mr. Art Kalasian, Sam Askar and Maan Askar were present. Mr. Kalasian stated that the structure they are talking about adding onto is part of the original building. This addition would give the owner the opportunity to expand his display area. Right now he has about 300 square feet and this addition would expand this area to about 750 square feet. They would not add any footings, but would continue the existing structure. This addition would also make the area more usable and would update the look of the building. The hardship would be the existing condition that is already there and this would enable him to make the best use of this property.

Mr. Sam Askar stated that he has managed this gas station since 1993 and recently had the opportunity to purchase it. Mr. Askar stated that this gas station supports seven (7) families and they have a lot of plans to improve their image and update this property.

Mr. Strat asked if he owned the property and Mr. Askar said that he now owns the property.

Mr. Strat then asked if this was going to go before the Planning Commission. Mr. Stimac stated that he had met with Mark Miller, but could not remember if a determination had been made to take this item to the Planning Commission. Mr. Strat said that he was concerned about the wall that is going in right next to the sidewalk. Mr. Strat stated that if a truck hit this wall it would be possible that people walking by could be injured. Mr. Strat also asked if the wall would be repaired if it was damaged. Mr. Askar said that he plans to put in a brick wall and would keep it in good condition.

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.

Motion by Maxwell
Supported by Fejes

MOVED, to grant Sam Askar, 2970 E. Long Lake, relief of Section 40.50.04 of the Ordinance to construct an addition to an existing legal non-conforming structure.

- Variance is for an area that is already covered by a roof.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in question.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. BRUCE HUDALLA OF THE HEARTLAND GROUP, INC., 2003 BRIARGROVE, for relief of the Ordinance to construct a sunroom addition that will result in a 34' rear yard setback, where a 45' minimum rear yard setback is required by Section 30.10.02.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a sunroom addition that would result in a proposed 34' rear yard setback. Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1B Zoning District.

Mr. Bruce Hudalla of the Heartland Group, and Mr. Bernardo Duller were present. Mr. Hudalla explained that originally they had planned to make this sunroom much larger because Mr. Duller and his wife have four (4) children and the extra space is very much needed. Mr. Hudalla stated that after discussion it was determined that the room needed to be made smaller. They had looked at an alternative location to the east, but if the sunroom was put there it would diminish the light coming in from the windows in the basement and would also block an egress door. This home is located on a corner lot and Mr. Hudalla believes that this creates a hardship for the homeowner.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Fejes

MOVED, to grant Bruce Hudalla of the Heartland Group, Inc., 2003 Briargrove, for relief of the Ordinance to construct a sunroom addition that will result in a 34' rear yard setback where a 45' minimum rear yard setback is required by Section 30.10.02.

- Shallower lot creates a hardship for the petitioner.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 5 – Fejes, Gies, Kovacs, Maxwell, Strat
Nays: 2 – Courtney, Hutson

MOTION TO GRANT VARIANCE CARRIED

Mr. Kovacs stated that he would like the record to reflect that the reason he voted No on Item #4, was because he felt that the shed could be moved farther back on the property, which would then comply with the Zoning Ordinance. Mr. Stimac said that if the shed was moved behind the rear line of the house and was setback 6' from the side property line, 10' from the house and 40' from the rear property line it would comply with the Ordinance.

Mr. Strat asked how the new ZOTA going before Council would affect this type of request. Mr. Stimac stated that the changes as proposed would not have any changes on this request. The only way it would affect this building was if it was a cabana, which sole purpose and use was to house pool equipment and supplies. Under the new Zoning regulations it could be located in a side yard, but would have to comply with the side yard requirements. Mr. Courtney asked if a cabana would have to be put near the pool and Mr. Stimac said it would not.

Mr. Strat also commented on the very large signs, one of which is on Long Lake and Crooks and other that is on Crooks and Big Beaver. Mr. Stimac explained that both of these signs were granted variances by the Building Code Board of Appeals. Mr. Stimac stated that one of the reasons these variances were granted was because of the distance of the building from the road, and the percentage of the sign area compared to the area of the building. Mr. Strat said that he felt these signs were huge.

Ms. Lancaster said that she wished to be the first to wish everyone a happy Thanksgiving.

Ms. Gies asked what the occupancy rate was now in Troy. Mr. Stimac said he did not know, but stated that there are members of staff that are working on these statistics. Ms. Gies also said that the company she is employed by would also like more signs.

The Board of Zoning Appeals meeting adjourned at 9:15 P.M.

_____

Matthew Kovacs – Chairman

_____

Pamela Pasternak, Recording Secretary

TROY YOUTH COUNCIL – FINAL MINUTES **November 17, 2004**

A meeting of the **Troy Youth Council (TYC)** was held on November 17, 2004 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. The meeting was called to order at 7:04 p.m.

MEMBERS PRESENT: Min Chong
Juliana D'Amico
Maniesh Joshi
Rishi Joshi
Maniesh Joshi
Andrew Kalinowski
Jessica Kraft
Monika Raj
Manessa Shaw
Nicole Vitale
YuJing Wang

MEMBERS ABSENT: Alexandra (Sasha) Bozimowski
Emily Burns (excused)
Manessa Shaw

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**
2. **Approval of Minutes**

Resolution # TY-2004-11-020
Moved by Chong
Seconded by D'Amico
RESOLVED, That the minutes of 10/27/04 be approved with changes.
Yes: All - 10
No: None
Absent 3 – Bozimowski, Burns, Shaw
MOTION CARRIED

3. **Attendance Report:** To note and file
4. **City Event:** Tree Lighting; Tuesday 12/7 @ 7:00 PM
"Toys for Tots" Drop Off Point: Flyers for distribution. If each TYC member shares 7 flyers, there will be 91 people to whom the TYC has promoted the event (7 X 13).
Volunteer Opportunity: City Tree Lighting: work 6:40 PM to 8 PM: Distribute song books and refreshments. Sign-up sheet circulated.
5. **December Meeting:**
Meet the Mayor: Brainstormed Topics and Questions; also introduction questions
Holiday Basket of Groceries for an Underprivileged Family: sign-up sheet circulated
6. **2005 Community Kaleidoscope:** TYC invited to help host the event
Sun , 1/23/05 12-4 PM at the Community Center
Polo Shirts with TYC Logo - $21 each
It was agreed that the TYC wants to purchase polo shirts.

Resolution # TY-2004-11-021
Moved by Kalinowski
Seconded by Chong
RESOLVED, That the shirts shall be navy blue with a white logo.
Yes: 6 - Kalinowski, Chong, Raj Joshi, Joshi, Wang,
No: 4 - D'Amico, Herzog, Kraft, Vitale
Absent 3 - Bozimowski, Burns, Shaw
MOTION CARRIED

7. **Motion to Excuse Absent Members Who Have Provided Advance Notification**
Resolution # TY-2004-11-022
Moved by Joshi
Seconded by Kraft
RESOLVED, That member Burns is excused.
Yes: All - 10
No: None
Absent 3 – Bozimowski, Burns, Shaw
MOTION CARRIED

Youth Council Comments

8. PUBLIC COMMENT

Next Meeting: Reminder Next Meeting: WED December 15th 7:00 P.M.
@ the Community Center

The meeting adjourned at 7:42 P.M.

_____
Catherine Herzog, Co-chair

_____
Laura Fitzpatrick, Assistant to the City Manager

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 6:30 p.m. on December 7, 2004, in Room 304-305 of the Troy Community Center.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
Mark. J. Vleck
David T. Waller
Wayne Wright

Absent:
Fazal Khan

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney

Resolution # PC-2004-12-140
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Member Khan is excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. SITE PLAN REVIEW (SP 910-A) – Dr. Sklar Medical Office Building, North side of Maple, between Kirkton and Eastport, Section 27 – O-1 (Office Low Rise) District *(tabled from November 9, 2004 Regular Planning Commission Meeting)*

Mr. Savidant presented a summary of the Planning Department report for the proposed medical office building. Mr. Savidant addressed the five concerns discussed at the November 9, 2004 Regular Meeting, at which time the Planning Commission tabled the matter. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Vleck questioned the residence to the west with respect to the requirement of additional screening.

Mr. Miller confirmed that there would be no additional screening required because the residence is in the same zoning classification.

The petitioner, Tom Moss of 1893 Birchwood Drive, Troy, was present. Mr. Moss emphasized the importance of keeping all the parking spaces that are designated on the site plan because the majority of patients who would visit the medical building are elderly.

Also present was John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren.

Mr. Chamberlain asked if the petitioner had any problem with the future cross access easement as noted on the site plan.

Mr. Moss said no.

Mr. Strat asked the petitioner to address the 4-foot high chain link fence to the north of the subject property in relation to the required 6-foot high screen wall.

Mr. Moss said he would discuss the matter with the adjacent property owner to the north.

Mr. Strat addressed the 1-inch to 3-inch PVC sleeve at the screen wall with respect to leaves clogging the pipe. He also addressed the parking calculations as relates to the basement and the installation of an elevator.

Mr. DeBruyne said further research would be necessary to determine if there is a requirement to install an elevator. He confirmed that it is the petitioner's intent to use the basement for storage.

Mr. Miller clarified that parking is not required should a building owner dedicate the basement to storage only. He noted that the Building Department would insure that the parking requirements would be met at that time, should the basement be used as usable space in the future.

Mr. Schultz said it is his opinion that the 5-foot sidewalk on the west side of the property that runs adjacent to the 4-foot chain link fence on the existing home is an eyesore. He said his first reaction upon reviewing the site plan was to request the petitioner to eliminate 3 parking spaces and put in a landscaped greenbelt behind the sidewalk.

Mr. Schultz asked if a stipulation should be made in the resolution of the site plan approval that the surface detention would remain 100% underground, thus eliminating any possibility of it changing during final engineering.

Mr. Miller confirmed that the Engineering Department agrees the storm water can be underground. He noted the Planning Commission could identify that as a condition in its site plan approval.

Resolution # PC-2004-12-141
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Dr. Sklar Medical Office Building, located on the north side of Maple Road, between Kirkton and Eastport, located in section 27, within the O-1 zoning district, is hereby granted subject to the following conditions:

1. That the cross access easement as noted on the drawing be filed with the County.
2. That there be an island put in immediately south of the cross access easement.
3. That the storm water detention is not allowed to be detained or retained on the surface of the parking lot.

Discussion on the motion on the floor.

Mr. Littman questioned the requirement of an island.

Mr. Savidant cited the advantages of an island. He explained the island would define the cross access drive and create a safer vehicular connection between the two sites.

Vote on the motion on the floor.

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

MOTION CARRIED

4. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions *(tabled from November 9, 2004 Regular Planning Commission Meeting)*

Resolution # PC-2004-12-142
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Accessory Buildings Definitions and Provisions, be postponed to the January 25, 2005 Special/Study Meeting.

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

MOTION CARRIED

5. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals *(tabled from November 9, 2004 Regular Planning Commission Meeting)*

Resolution # PC-2004-12-143
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals, be postponed to the January 25, 2005 Special/Study Meeting.

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

MOTION CARRIED

6. PUBLIC COMMENTS

There was no one present who wished to speak.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 6:50 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Mark F. Miller, Planning Director

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The Joint Special Meeting of the Downtown Development Authority, Civic Center Priority Task Force, Parks and Recreation Advisory Board and Planning Commission was called to order by John Szerlag at 7:00 p.m. on December 7, 2004, in Room 304-305 of the Troy Community Center.

The following minutes cover the Planning Commission breakout session.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
Mark. J. Vleck
David T. Waller
Wayne Wright

Absent:
Fazal Khan

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney

Resolution # PC-2004-12-144
Moved by: Waller
Seconded by: Vleck

RESOLVED, That Member Khan is excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

2. PROPOSED MINOR LEAGUE BASEBALL STADIUM

Resolution # PC-2004-12-145
Moved by: Waller
Seconded by: Vleck

WHEREAS, The proposed Minor League Ballpark will be an asset for the City of Troy.

WHEREAS, It will serve as a catalyst to increase Troy's non-residential tax base.

WHEREAS, The Ballpark will be privately financed as a $15,000,000 gift to the City of Troy.

WHEREAS, The facility will be available for use year-round by Troy citizens.

WHEREAS, The facility will further the improvement of the Civic Center site and will serve as a catalyst for additional community activities throughout the entire property.

WHEREAS, Alcohol will be managed in a similar manner as the two City of Troy golf courses and all City parks.

BE IT RESOLVED, That the Troy Planning Commission recommends that City Council move forward to facilitate the construction of a Ballpark on the Civic Center site as proposed by General Sports.

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

MOTION CARRIED

_____
David T. Waller, Chair

_____
Mark F. Miller, Planning Director

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LIBRARY BOARD MINUTES - DRAFT **DECEMBER 9, 2004**

A Regular Meeting of the Troy Library Board was held Thursday, December 9, 2004 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL PRESENT: Lynne Gregory
Brian Griffen
Nancy Wheeler
Audre Zembrzuski
Cheng Chen, Student Representative
Lauren Andreoff
Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2004-12-001
Moved by Zembrzuski
Seconded by Gregory

RESOLVED, That Joanne Allen be excused.
Yes: 4—Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2004-12-002
Moved by Wheeler
Seconded by Gregory

RESOLVED, That the Minutes of October 14 2004 be approved with this correction: adding the sentence "This could be used by parents as an incentive for children to come to the library as opposed to candy or other treats." The sentence would follow "Zembrzuski suggested that the Library have a program for children at which they can buy cloth bags and decorate them."

Yes: 4—Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2004-12-003
Moved by Gregory
Seconded by Zembrzuski

RESOLVED, That the Agenda be approved.
Yes: 4— Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS
There were no postponed items.

REGULAR BUSINESS

Resolution #LB-2004-11-005
Moved by Zembrzuski
Seconded by Wheeler

RESOLVED, That the Suburban Library Cooperative's Plan of Service be approved as presented.
Yes: 4—Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

The Meeting Room Guidelines were reviewed by the Board.

REPORTS & COMMUNICATIONS
Director's Report.
A photo of the Library's Youth Services entrance through the Peace Garden was chosen for the 2005 Sirsi Calendar for the month of April. Staff, Friends and Library Board enjoyed a recognition party for being ranked number one in the State for libraries our size and for receiving a Citation of Excellence from the Library of Michigan Foundation. The Library's Liaison Committee coordinated the event. We have received a lot of media coverage over these two achievements.

Board Member comments.
Wheeler inquired about Mr. Lenivov's presentation about establishing an event similar to Detroit's Noel Night at the last meeting. Griffen commented that so much is going on City-wide that this probably isn't necessary. Each organization could do something separately if they chose to. He further commented that this is something that should come down from City Council, rather than up from Boards and Commissions.

Zembrzuski relayed a patron's concern that magazines were not in sequence and sometimes issues were not there. Our magazines can be checked out once a new issue arrives, so that would account for the "missing" issues.
Griffen asked for Quarterly Budget figures to be presented when the other quarterly reports were provided.

Gregory asked about the restrictions for meetings held at the Community Center.

Chen commented that students come to the library to study and has received no complaints from them as to library services.

SLC Report.
Gregory reported that the SLC Board voted to keep the Non-Resident Card fee at $200 per residence. He also said that information on self checkout machines was available at www.checkpoint.com.

Friends of the Library.
The Friends will be holding three evening book sales to reduce their stock. They are scheduled for December 7, 14, 21 from 4:00 until 7:00 in the west lobby.

Gifts.
Two gifts totaling $110.00 were received.

Informational Items.
December TPL Calendar

Contacts and Correspondence.
20 written comments from the public were reviewed.

Public Participation.
There was no public participation.

The Library Board meeting adjourned at 8:25 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT December 13, 2004

A regular meeting of the Liquor Advisory Committee was held on Monday, December 13, 2004 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Committee member James R. Peard called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Emily Polet, Student Representative
Carolyn Glosby, Assistant City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Anita Elenbaum (resigned)

Resolution to Excuse Committee Member Ehlert

Resolution #LC2004-12-132
Moved by Allemon
Seconded by Bennett

RESOLVED, that the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of December 13, 2004 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Elenbaum

Resolution to Approve Minutes of November 8, 2004 Meeting

Resolution #LC2004-12-133
Moved by Allemon
Seconded by Bennett

RESOLVED, that the Minutes of the November 8, 2004 meeting of the Liquor Advisory Committee be approved.
Yes: 5
No: 0

Absent: Ehlert, Elenbaum

Agenda Items:

1. **MJMN, INC.,** requests to transfer ownership of 2004 SDD & SDM licensed business located at 36949 Dequindre, Troy MI, 48084, Oakland County, from Asia Mart, Inc. [MLCC REQ ID# 268689] *Inspections underway – proposed Atlas Market and Bakery*

Present to answer questions from the Committee was Thomas Giachino, attorney for Atlas Market and Bakery.

The owners of this business are planning to open a full service grocery and bakery, subleasing space for a pharmacy. They are doing extensive remodeling and city inspections are nearly completed. They currently own a store in Highland Park and have many years of management experience.

Resolution #LC2004-12-134
Moved by Allemon
Seconded by Bennett

RESOLVED, that MJMN, INC., be allowed to transfer ownership of 2004 SDD & SDM licensed business located at 36949 Dequindre, Troy MI, 48084, Oakland County, from Asia Mart, Inc. [MLCC REQ ID# 268689]

Yes: 5
No: 0
Absent: Ehlert

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2. **MK 2, L.L.C.**, requests to transfer ownership of 2004 SDD and SDM licensed business located at 4835 John R, Troy MI 48098, Oakland County, from Faten A and A, Inc. [MLCC REQ ID# 271602] *Inspections underway – sale of The Beer Barrel to Lucky's Market*

Present to answer questions from the Committee were Michael Konja, Sr. and Michael Konja, Jr.

This family has purchased this convenience store. They plan to change the name and do exterior improvements. The layout of the store will basically remain the same, with minor changes to the shelving. This will be a seven day operation with just family members as

staff. They previously owned a convenience store in Waterford and received a liquor violation in 1997.

Resolution #LC2004-12-135
Moved by Allemon
Seconded by Godlewski

RESOLVED, that MK 2, L.L.C., be allowed to transfer ownership of 2004 SDD and SDM licensed business located at 4835 John R, Troy MI 48098, Oakland County, from Faten A and A, Inc. [MLCC REQ ID# 271602]

Yes: 5
No: 0
Absent: Ehlert, Elenbaum

Assistant City Attorney, Carolyn Glosby, distributed to Committee members a memo dated November 22, 2004 directed to the Mayor and Members of City Council. This memo deals with the potential impacts and available alternatives for liquor license applicants once the quota licenses are depleted. This memo was discussed by the Committee members.

The meeting adjourned at 7:35 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Office Assistant II

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on December 14, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Fazal Khan
Robert Schultz
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Howard Wu, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-12-146
Moved by: Littman
Seconded by: Wright

RESOLVED, That Members Khan, Schultz and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-12-147
Moved by: Wright
Seconded by: Strat

RESOLVED, To approve the November 2, 2004 Special/Study Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Strat, Waller, Wright
No: None
Abstain: Littman
Absent: Khan, Schultz, Vleck

MOTION CARRIED

Resolution # PC-2004-12-148
Moved by: Wright
Seconded by: Strat

RESOLVED, To approve the November 9, 2004 Regular Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Littman, Strat, Wright
No: None
Abstain: Waller
Absent: Khan, Schultz, Vleck

MOTION CARRIED

Resolution # PC-2004-12-149
Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the December 7, 2004 Special/Study Meeting minutes as published.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

Resolution # PC-2004-12-150
Moved by: Wright
Seconded by: Strat

RESOLVED, To approve the December 7, 2004 Joint Special Meeting minutes as published.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEM

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 326) – Square Lake Marathon Station, Southwest corner of Livernois and Square Lake (5991 Livernois), Section 9 – H-S (Highway Service) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Special Use Request. He briefly cited the most recent revisions to the site plan. Mr. Savidant said the improved site plan design has struck a balance between safety, aesthetics and economic viability. Mr. Savidant reported that the petitioner would like to install 8 pumps and has indicated that the project would not go forward should the Commission not approve the installation of 8 pumps.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use Approval and Site Plan on the condition that the petitioner seek and receive variances from the Board of Appeals in relation to the Zoning Ordinance requirements for landscaping, side yard and rear yard setbacks. Mr. Savidant further reported that the petitioner would be required to provide a sidewalk connection to Square Lake Road.

There was a brief discussion on the location and utilization of the required sidewalk to Square Lake Road.

Mr. Strat complimented the petitioner on the improved site plan. He questioned the dimensions of the 2.5-foot high screen wall.

Mr. Savidant stated that the thickness of the wall could be stipulated as one of the conditions to the site plan approval.

The petitioner, Mike Elias of 5991 Livernois, Troy, was present. Mr. Elias said he is very happy with the recent site plan because it provides more parking spaces, better circulation and a cross access easement to the south. Mr. Elias said every effort would be made to make the corner attractive. He explained that the installation of 8 pumps is very important for the investment of the project.

Mr. Miller noted that the Planning Department recognizes the fact that a service station use might not have a need for sidewalks as much as other uses, but the 5-foot connecting sidewalk is a requirement of the Zoning Ordinance. He said a variance from the Board of Zoning Appeals (BZA) would be required should the site plan be approved without the condition to provide a sidewalk.

Chair Waller stated that one of the reasons the subject parcel has a limited amount of property is that over the years the property has been decreased in size because of the widening of the roads. Chair Waller believes the City should review some of the requirements imposed on service stations within the H-S zoning district to make sure the requirements are reasonable in light of the fact that some properties have been downsized because of the taking of land for the public right-of-way.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

A brief discussion followed on the cross access easement agreement. Mr. Miller provided the procedure followed by the Planning Department to effectuate a cross access easement agreement and a reciprocal cross access easement agreement. He reported that the Planning Department is required to secure the easements prior to giving Final Site Plan Approval and that the easements are recorded with the Register of Deeds.

Resolution # PC-2004-12-151
Moved by: Wright
Seconded by: Chamberlain

RESOLVED, That the Special Use Approval Request and Site Plan for the Square Lake Marathon Station, located on the southwest corner of Square Lake Road and Livernois Road, Section 9, within the H-S Zoning district, be granted, subject to the following conditions:

1. The filing of the cross access easement with the property to the south.
2. The granting of variances by the Board of Zoning Appeals for the side yard setback requirements for the canopy support, pump island and canopy edge, the landscaping requirements, the rear yard setback requirements and the connecting sidewalk to Square Lake Road.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

Mr. Strat will draft a letter of recommendation to the Board of Zoning Appeals to recommend BZA approval of the conditions set forth by the Planning Commission.

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 695) – Proposed Becker Overflow Parking Area, South side of Henrietta, East of Rochester Road, Section 27 – From R-1E (One Family Residential) to P-1 (Vehicular Parking)

Mr. Savidant reported that the petitioner submitted a request to postpone the rezoning request to the February 8, 2005 Regular Meeting. The petitioner would like more time to address design issues associated with the application.

Resolution # PC-2004-12-152
Moved by: Wright
Seconded by: Strat

RESOLVED, That the rezoning request for the proposed Becker Overflow Parking Area, located on the south side of Henrietta and east of Rochester Road, Section 27, from R-1E to P-1, be postponed to the February 8, 2005 Regular Meeting.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

6. PUBLIC HEARING – PROPOSED REZONING (Z 696-B) – Proposed Chary Villas (additional property to the north), West side of Rochester Road, North of Square Lake, Section 3 – From R-1B (One Family Residential) to R-1T (One Family Attached)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application.

Bill Mosher of Apex Engineering Group of 47745 Van Dyke, Shelby Township, was present to represent the petitioner. Mr. Mosher stated the application meets the Future Land Use Plan and locational standards. He said the intent is to combine the recently rezoned 4 parcels to the south with the subject parcel to develop 18 units of unattached products. Mr. Mosher offered to address any concerns or questions the Commission might have.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-12-153
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to R-1T rezoning request, located on the west side of Rochester Road and north of Square Lake Road, within Section 3, being approximately 1 acre in size, be granted.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

7. PUBLIC HEARING – PROPOSED REZONING (Z 699) – Proposed Briggs Crossing Condominium, West side of Rochester Road, South of Trinway, Section 10 – From R-1C (One Family Residential) to R-1T (One Family Attached)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant referenced three handouts relating to the proposed rezoning request. They are: (1) an amended page 2 of the Planning Department report with respect to natural features; (2) a table identifying R-1T zoning districts parcel sizes and depths; and (3) a letter of opposition received today.

Mr. Savidant cited the sizes and depths of specific parcels located within the R-1T zoning district from former rezoning requests. Mr. Savidant reported that Article 12.40.01 states that the R-1T zoning district may be applied to property when the application of such a classification is consistent with the intent of the Future Land Use Plan, and therefore involves areas indicated as medium density or high density residential. Mr. Savidant said the subject application would meet this standard and the locational standards of the R-1T district should the Planning Commission determine that the depth of the parcel is consistent with the depth of the area classified on the Future Land Use Plan as Medium Density Residential.

The petitioner, Fred Binder of 5215 Rochester Road, Troy, was present. Mr. Binder said he thinks the request fits within the Future Land Use Plan, and it does appear that similar depths have been approved in the past.

Mr. Chamberlain referenced the Future Land Use Plan with respect to the depth of the R-1T zoning versus the commercial to the south. He said it appears that the subject parcel would be deeper or the same depth as the commercial to the south.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-12-154
Moved by: Chamberlain
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 west side of

Rochester Road and south of Trinway, within Section 10, being approximately 2.74 acres in size, be granted, for the following reason:

1. That it complies with the Future Land Use Plan of the City of Troy.

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

MOTION CARRIED

Mr. Littman said he thinks the parcel goes too deep when you look at the neighborhood and how it is put together.

8. PUBLIC HEARING – PROPOSED REZONING (Z 602-B) – Proposed Red Wagon Shoppe, Northwest corner of Maple and Livernois, Section 28 – From O-1 (Low Rise Office) to B-1 (Local Business), B-2 (Community Business) or B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller said the Planning Department cannot recommend rezoning the parcel to the B-1 zoning district, as requested by the petitioner, because it does not comply with the Future Land Use Plan. Mr. Miller reported that it is the recommendation of the Planning Department to approve rezoning the parcel to B-3 General Business, which complies with the Future Land Use Plan.

Mr. Chamberlain asked if the current building would become non-conforming if zoned B-1, B-2 or B-3.

Mr. Miller replied that there would be no non-conformity issues if the parcel is zoned B-1. He said there would be front and rear yard setback non-conformities if zoned B-2, and a rear yard setback non-conformity if zoned B 3. Mr. Miller said it appears there would not be enough landscaped open space no matter what the site is zoned.

Mr. Chamberlain asked if the site immediately to the west currently meets the zoning requirements of the B-2 zoning district.

Mr. Miller replied that the site immediately to the west meets the front yard setback requirements, but he is uncertain about the rear yard setback requirements.

Mr. Wright asked the zoning classification for the K-Mart property.

Mr. Miller responded that it is in the B-2 zoning district.

The petitioner, Larry Farida of 3105 Interlaken, West Bloomfield, was present. Mr. Farida, owner of the Red Wagon Shoppe on the south side of Maple, said he would like to move the wine cellar building to the north side of Maple. This move would

provide him with additional square footage. Mr. Farida said he has applied to the State of Michigan for a liquor license. It is his understanding that one license is available in the City of Troy and would most likely be approved if the property were zoned for retail use. Mr. Farida said another alternative would be to purchase a liquor license from licenses held in escrow.

PUBLIC HEARING OPENED

John Gonway of Hyman Lippitt, P.C., 322 N. Old Woodward, Birmingham, was present. Mr. Gonway represents Peter P. Ruppe, Inc., the owner of the parcel of land to the immediate west of the subject property. Mr. Gonway distributed additional copies of his letter dated December 14, 2004, that addresses his client's concerns relating to the proposed rezoning.

Mr. Gonway said the property, whose most visible tenants are The Good Food Company and Priya Indian Cuisine Restaurant, has a history of parking problems and it is his client's concern that the parking problems would increase should the rezoning be approved. Mr. Gonway also expressed concern with respect to the conceptual site plan relating to square footage. Mr. Gonway requested that the item be tabled for additional review.

Peter P. Ruppe, Jr., of 19815 E. Nine Mile, St. Clair Shores, was also present.

Chair Waller stated the request before the Commission tonight is only the rezoning, and no consideration is given at this time for any site plan, sketch or drawing submitted with the application. He confirmed that the decision of the Commission tonight is only a recommendation to the City Council.

PUBLIC HEARING CLOSED

Mr. Chamberlain said the Maple Road corridor has been taken under review by the Planning Commission with the intent to make the thoroughfare more viable. He said the intent is to bring all of the land into conformance with the Future Land Use Plan. Mr. Chamberlain said he would prefer to rezone the subject parcel to B-3, and asked the petitioner if he would be agreeable to either B-2 or B-3 zoning.

Mr. Farida said he would be agreeable to any of the business zoning classifications.

Resolution # PC-2004-12-155
Moved by: Chamberlain
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-1, B-2 or B-3 rezoning request, located on the northwest corner of Maple Road and Livernois, within Section 28, being approximately 30,301 square feet in size, be granted, and that the zoning district be B-3 (General Business), not B-1 or B-2, so that the parcel would be in compliance with the Future Land Use Plan.

Discussion on the motion on the floor.

Mr. Littman instructed the petitioner that a request to table the site plan would be appropriate only at the time of Site Plan Approval. Mr. Littman said he is in favor of supporting the Future Land Use Plan and would not want to create non-conforming uses. Mr. Littman said there are few parcels on Maple Road that do meet the setback requirements, including the property immediately to the west of the subject parcel. Mr. Littman said he believes B-3 zoning would work the best.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

9. SITE PLAN REVIEW – Proposed Chesapeake Grove Site Condominium 27 units/lots proposed, North side of Square Lake, East of John R, Section 1 – R-1D

Mr. Wright brought to the attention of the Commission that his wife's sister and brother-in-law are owners of property on Silverstone, which backs up to the subject proposal. Mr. Wright said he feels the personal association would have no affect on his vote.

Mr. Miller presented a summary of the Planning Department report for the proposed development. Mr. Miller noted that City Management prefers the Preliminary Site Plan layout with two points of ingress/egress. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Chesapeake Grove Site Condominium. He noted that if the Michigan Department of Environmental Quality (MDEQ) does not issue a wetland permit to fill wetland B, units 6 and 7 would be undevelopable.

Mr. Chamberlain addressed the landscape plan and the 5-foot concrete sidewalk depicted on the site plan along Square Lake Road. Mr. Chamberlain voiced strong opposition to planting spruce trees against the sidewalk because the trees will spread and cover the sidewalk in five years.

Mr. Miller noted that an 8-foot wide concrete sidewalk in accordance with the Zoning Ordinance could be a condition to the site plan approval.

The petitioner, Joe Maniaci of Mondrian Properties, 1111 W. Long Lake, Troy, was present. Mr. Maniaci noted that the retention basin is not on the subject property. He has agreed to make improvements to the adjacent subdivision's retention basin as well as replace of all the pumps.

Resolution # PC-2004-12-156
Moved by: Chamberlain
Seconded by: Littman

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, the City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before the Commission and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Chesapeake Grove Site Condominium, including 27 units, located on the north side of Square Lake Road and east of John R Road, Section 1, within the R-1D zoning district be granted, subject to the following conditions:

1. That the landscape plan drawing be changed to show an 8-foot concrete sidewalk on Square Lake Road.

2. That the landscape plan be changed to show the plantings of low limb trees pushed further north from the sidewalk so the plantings will not infringe on the use of the sidewalk when they reach maturity.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

10. SITE PLAN REVIEW – Proposed Covington Estates Site Condominium, 5 units/lots proposed, South side of Long Lake Road, East of Somerton, Section 15 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed site condominium development. Mr. Miller reported that it is the recommendation of the Planning Department to approve Covington Estates Site Condominiums with the conditions to provide a temporary construction access easement on Long Lake Road and one common driveway for the two units that front on Long Lake Road.

There was a brief discussion on the following:
- common driveway for the two units that front on Long Lake Road;
- property to the immediate south in relation to the storm water detention;
- designated common space for the development;
- potential regulated wetlands on site.

The petitioner, Dennis Siavrakas of Bryden Development Corporation, 3190 Rochester Road, Troy, was present. Mr. Siavrakas said he is in agreement with the recommendations of the Planning Department.

Resolution # PC-2004-12-157
Moved by: Chamberlain
Seconded by: Littman

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, the City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before the Commission and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Covington Estates Site Condominium, including 5 units, located south of Long Lake Road and east of Somerton Street, Section 15, within the R-1C zoning district be granted, subject to the following conditions:

1. Provision of a temporary construction access easement on Long Lake Road.

2. Provide one common driveway for the two units that front on Long Lake Road.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

SITE PLAN REVIEW

11. PUBLIC HEARING - SITE PLAN REVIEW (SP 883-C) – Proposed Heartland Health Care Skilled Nursing Facility, Southeast corner of Livernois and South Blvd., Section 3 – R-1B (One Family Residential) and O-1 (Low Rise Office) District (Consent Judgment)

Mr. Miller presented a summary of the Planning Department report for the proposed Heartland Health Care Skilled Nursing Facility. He noted the petitioner‘s proposal is to amend an existing Consent Judgment agreement and provided a detailed explanation of the development relating to the Consent Judgment.

Mr. Miller reported that the Planning Department recommends approval of the site plan as submitted with one condition relating to the landscape plan. Mr. Miller said the Planning Department recommends that the Consent Judgment be revised to allow the proposed use. He said the revised Consent Judgment and preliminary site plan would go to City Council for review and approval.

Chair Waller asked if staff had any discussion with the petitioner with respect to landbanking excess parking spaces and providing permeable pavement.

Mr. Miller responded in the negative.

Mr. Savidant noted that the petitioner met with representatives of the Meadowland Estates Homeowners Association to discuss the potential development, and that the homeowners association has provided a letter of support.

Peter DeLoof, Attorney with Seeligson DeLoof Hopper & Deve of 401 E. Liberty Street, Ann Arbor, was present to represent the petitioner. Mr. DeLoof introduced the petitioner, Brion Harrigan, Director of Development for ManorCare Health Services Inc., 12530 Coral Grove, Germantown, Maryland. He also introduced the project's engineer, Brad Brickel of Nowak & Fraus, 1310 N. Stephenson Highway, Royal Oak.

Mr. Harrigan provided a brief account of the health care company.

Mr. DeLoof circulated a rendering of the project and a sample material board.

Mr. Miller stated that the Consent Judgment allows the City more authority in the building material selection, and City Management would encourage input from the Planning Commission in that respect. Mr. Miller said the petitioner has indicated they would be receptive to any materials within reason.

Chair Waller asked how to address the canopy that is too close to the property line.

Mr. Miller replied the canopy would be addressed in the revised language of the Consent Judgment.

Mr. Chamberlain voiced strong objection to the tree selection noted on the landscape plan and he would recommend that the plantings be placed further from the sidewalk.

Mr. DeLoof said they have tried to be responsive to the concerns of the neighboring subdivision and to the City administration. Mr. DeLoof said that in terms of landscaping, he would work with the City and the neighbors.

PUBLIC HEARING OPENED

Peter Leto of Leto & Associates, 2525 Telegraph Road, Suite 302, Bloomfield Hills, was present. Mr. Leto, retained counsel for Meadowland Estates Homeowners Association, distributed a letter of site plan endorsement from the homeowners association. Mr. Leto expressed two concerns of the association. The subdivision's retention pond to the southeast currently retains some water, and he requested that the City assess the situation. Also, the association would like additional green foliage placed in the corner lot of Whitetail Court and Fieldstone.

PUBLIC HEARING CLOSED

Mr. Strat complimented the landscaping of the detention pond, and asked if a fence would be required.

Mr. Miller said the swale would be deep and no fence is necessary. He also noted that the petitioner would be responsible for maintenance.

Resolution # PC-2004-12-158

Moved by: Chamberlain
Seconded by: Littman

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, the City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before the Commission and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, That the Planning Commission recommends to City Council that Preliminary Site Plan Approval, pursuant to a Consent Judgment, for a proposed nursing home, located on the southeast corner of South Boulevard and Livernois Road within section 3, within the O-1 zoning district, be approved, subject to the following conditions:

1. That City Management reviews the detention pond serving the existing residential development for proper construction, as it appears that water is being retained on site.

2. That the trees along the South Boulevard sidewalk as shown by the petitioner, being that they are ornamental and evergreens, be pushed away from the sidewalk so that the ultimate growth size shall not impede the use of the sidewalk.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

12. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 210) – Article 03.20.07 – Rezoning Protest Petitions

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment relating to protest petitions.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-12-159
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 03.20.07, pertaining to Rezoning Protest Petitions, be amended as printed on the Proposed Zoning Ordinance Text Amendment.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

13. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 209) – Articles 04.20.152, 28.30.09, and 28.30.10 – Veterinary Hospitals in the M-1 (Light Industrial) District

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment relating to veterinary hospitals.

Mr. Chamberlain brought to the attention of the Planning Department one typographical error in the third line of Section 22.30.05(B); that is, to delete the “0” in front of the word “zoned”. Mr. Chamberlain said he was informed from a veterinarian friend of his that the facility terms used by veterinarians (i.e., clinic, hospital) are synonymous with respect to medical treatment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-12-160
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 04.20.152, 28.30.09, and 28.30.10, pertaining to Veterinary Hospitals in the M-1 (Light Industrial) District, be amended as printed on the Proposed Zoning Ordinance Text Amendment and further, that Article 22.30.05(B) be amended per Member Chamberlain's comments.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

14. JANUARY 4, 2005 SPECIAL/STUDY MEETING – Cancellation and Schedule Alternative Meeting

Mr. Miller said that in light of the fact that there are a number of items to be reviewed by the Commission, due to the holiday season there would be limited staff hours available to prepare for the scheduled meeting of January 4, 2005. He asked for direction from the Commission.

It was the consensus of the members to cancel the January 4, 2005 meeting, and an additional meeting could be scheduled at the January 11, 2005 Regular Meeting should the Commission so desire.

Resolution # PC-2004-12-161
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Planning Commission cancels the January 4, 2005, Special/Study Meeting.

Yes: All present (6)
No: None
Absent: Khan, Schultz, Vleck

MOTION CARRIED

Chair Waller asked the Planning Department to prepare a summary of Planning Commission items that remain on its plate, and to rank the items by priority.

15. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Chamberlain said the City's tree ordinance should be revisited for review.

Mr. Miller announced that the proposed Minor League Baseball Facility is on the December 20, 2004 City Council agenda.

Holiday wishes were exchanged.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:34 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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A meeting of the **Troy Youth Council (TYC)** was held on December 15, 2004 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. The meeting was called to order at 7:02 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Min Chong (co-chair)
Juliana D'Amico (co-chair)
Maniesh Joshi
Rishi Joshi
Maniesh Joshi
Andrew Kalinowski (arrived 7:04 PM)
Jessica Kraft
Monika Raj
Manessa Shaw
Nicole Vitale
YuJing Wang

MEMBERS ABSENT: Emily Burns
Maniesh Joshi

ALSO PRESENT: Michael Toth, Intern, City of Troy

1. **Roll Call**

2. **Approval of Minutes**

Resolution # TY-2004-12-023

Moved by Herzog
Seconded by Bozimowski
RESOLVED, That the minutes of 11/17/04 be approved.
Yes: All - 11
No: None
Absent: 2 – Burns, M. Joshi
MOTION CARRIED

3. **Attendance Report:** To note and file

4. **City Event: 2005 Community Kaleidoscope:** TYC invited to help host the event Sun, 1/23/05 12-4 PM at the Community Center; Circulated sign-up sheet

5. **Polo Shirts with TYC Logo** – Order sheet circulated

6. **CCPTF Update** from TYC Representative CCPTF Member Catherine Herzog

Resolution # TY-2004-12-024
Moved by D'Amico
Seconded by Bozimowski

RESOLVED, That the Troy Youth Council supports the proposed minor league baseball stadium.
Yes: 10
No: None
Abstain: Kalinowski
Absent: 2 – Burns, Joshi
MOTION CARRIED

January Meeting:

- Meet the Mayor (re-scheduled from December)
- Vote to recommend student for appointment to the TYC – recommendation will then be sent to City Council: REVIEW applications prior to next meeting

Youth Council Comments

8. PUBLIC COMMENT

Next Meeting: Reminder Next Meeting: WED January 19th 7:00 P.M.
@ the Community Center
"MEET THE MAYOR"

The meeting adjourned at 7:37 P.M.

_____
Juliana D'Amico, Co-chair

_____
Michael Toth, Intern

Mark Maxwell called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, December 21, 2004 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Michael Hutson
Mark Maxwell
Robert Schultz

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Christopher Fejes
Marcia Gies
Matthew Kovacs

Motion by Courtney
Supported by Hutson

MOVED, to excuse Mr. Fejes, Ms. Gies from this meeting as they are out of town and Mr. Kovacs due to illness.

Yeas: All – Courtney, Hutson, Maxwell, Schultz

MOTION TO EXCUSE MEMBERS CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 16, 2004

Motion by Courtney
Supported by Hutson

MOVED, to approve the minutes of the meeting of November 16, 2004 as written.

Yeas: 3 – Courtney, Hutson, Maxwell
Abstain: 1 – Schultz

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. JAMES JONAS, 888 W. BIG BEAVER, LLC, 888 W. BIG BEAVER, for relief of the Zoning Ordinance to maintain a 4588 square foot habitable space in the parking garage.

Mr. Stimac explained that this petitioner has obtained and attached additional land to this development. With this additional land the project now complies with the maximum allowable building area per acre of land. This variance is no longer required and no additional action is necessary by the Zoning Board of Appeals.

ITEM #3 – VARIANCE REQUESTED. MR. ENCLOSURE REPRESENTING MR. & MRS. LLOYD GEERING, 4451 REILLY, for relief of the Ordinance to construct a patio enclosure that would result in a proposed 25.3' rear yard setback where Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure that would result in a 25.3' rear yard setback. Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

Mr. Hutson asked what the difference was between a R-1C Zoning District and the open space option. Mr. Stimac explained that in an R-1C Zoning District the front yard setback would be 30' and the rear yard setback would be 40'. In this case the front yard is the same and the rear yard setback has been reduced to 35'.

Mr. Hadad and Mr. Geering were present. Mr. Hadad asked Mr. Stimac if the setbacks had changed after this home was built. Mr. Stimac stated that this subdivision was developed with the open space option and the rear yard setback has always been 35'.

Mr. Hadad stated that they were asking for this variance because this property was very well hidden and this sunroom would not have a negative effect to any of the surrounding property. Mr. Hadad also explained that several other communities in the area have changed their setback requirements when a room of this type is mostly glass. Mr. Hadad did not think that the intent of the Troy Zoning Ordinance was to limit the setbacks on glass structures and thought that this should be taken into consideration. Mr. Hadad also brought up another variance that was granted on a property in Troy and felt that the situations were very similar.

Mr. Maxwell explained to Mr. Hadad the request for a variance is related to this property only and the Board would not consider granting a request based on a variance granted in another part of the City. Mr. Maxwell also stated that although the Board appreciated the information regarding variance changes in other cities, these changes do not apply to the restrictions in the Troy Ordinance, and a variance would only be granted based on a practical difficulty. Mr. Hadad said that he understood that and only wanted the Board to know that he felt these two properties were similar.

Mr. Hadad also said that Mr. Geering's elderly mother lives with them and is confined to a wheel chair. It is very difficult for her to get around and he does not believe that the legislative intent of the Ordinance would be to limit her enjoyment of this property. Mr. Hadad went on to say that this site is very remote and hidden by trees. Mr. Maxwell informed Mr. Hadad that he as well as other members of the Board had visited this site.

Mr. Maxwell opened the Public Hearing.

ITEM #3 – con't.

Mr. Kenneth Hietikko, 4447 Reilly was present and stated that he is the neighbor south of this property and is in favor of this request.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Hutson stated that although he sympathizes with Mr. Geering, he is not in favor of this request, as the petitioner has not shown a hardship that runs with the land. Mr. Hutson also stated that he feels that this is a very large variance request.

Mr. Hadad said that he appreciated Mr. Hutson's comments, but had spoken to the neighbors and they did not object to this request. Mr. Hadad also said that this sunroom would be in keeping with the requirements of lot coverage.

Mr. Hutson stated that the lot coverage was not an issue, but the Board was considering the request for a reduced setback.

Mr. Maxwell stated that he was concerned with this request because of the proximity to the neighbor behind. Mr. Maxwell said that this variance would bring this room to within 60' of the neighbor's home and was concerned because of the close proximity of the sunroom.

Mr. Schultz stated that he did not see a practical difficulty with the land and was concerned about the size of this variance request. Mr. Hadad said that without a variance the use of the yard is limited for a handicapped member of this family.

Mr. Schultz asked Ms. Lancaster if a person's health concern was one of the reasons to grant a variance. Ms. Lancaster informed him that a practical difficulty that runs with the land is the reason to grant a variance. Ms. Lancaster also stated that once a variance is granted it stays with the property and not the person.

Motion by Schultz
Supported by Maxwell

MOVED, to postpone the request of Mr. Enclosure, 4451 Reilly, for relief of the Ordinance to construct a patio enclosure that would result in a proposed 25.3' rear yard setback where Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option until the meeting of January 18, 2005.

- To allow the petitioner the opportunity of a full board.

Yeas: All – 4

ITEM #3 – con't.

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JANUARY 18, 2005 CARRIED

ITEM #4 – VARIANCE REQUESTED. MERI BORIN, 2317 VERMONT, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit located in the side yard, with a side yard setback of 2.4' to the east property line and a distance of 7.5' to the attached garage.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a shed that has been constructed without first obtaining a Building Permit. The site plan submitted indicates that the shed has been constructed in a side yard with a side yard setback of 2.4' to the east property line and with a distance of 7.5' to the attached garage. Section 40.57.03 prohibits the placement of any accessory building in any yard except a rear yard. Section 40.57.05 requires a 6' minimum setback from an accessory building to any property line and a 10' minimum distance to the main structure.

Mr. Stimac also informed the Board that a copy of the original Building Permit from 1985 was found and indicated that this permit was for a 10' x 9' metal shed.

Ms. Borin was present and stated that the existing shed was in a state of disrepair, and all she did was repair that shed and in so doing left it in exactly the same area it was in. Ms. Borin indicated that she did not realize a permit was required. Ms. Borin also said that due to the condition of the original shed, animals were getting inside. The perimeter of her yard has been professionally landscaped and she does not feel that this shed could be placed in any other location. Ms. Borin also stated that her neighbor, David Gralewski, signed the affidavit of notification indicating approval of the location of this shed. There are no neighbors to the east of this property and the rear of the lot backs up to Brinston Park. Ms. Borin said that the only part of the shed that is visible from the street is the roof and does not think this creates a problem for the neighbors. Ms. Borin also said that all she was doing was putting the shed in the same location as the original shed and did not believe this was a problem.

Mr. Maxwell stated that it does not matter if the original shed was in this location or not, the Ordinance dictates that an accessory structure has to be a minimum of 6' from the property line.

Mr. Hutson stated that he understood her concern about the landscaping, but thinks this is a very large lot and the petitioner has not demonstrated a hardship that runs with the land.

Mr. Stimac asked for clarification regarding Ms. Borin's statement that Mr. Gralewski said that this was the location of the original shed. Ms. Borin said that Mr. Gralewski had signed the affidavit from the City. Mr. Stimac explained that this form is a notification that a shed is going to be built and not a verification of the location.

ITEM #4 – con't.

Mr. Maxwell opened the Public Hearing.

Ms. Borin's fiancée was present and stated that he had helped with the re-building of the shed and did not realize a permit was required from the City. He also indicated that they're a number of mature trees in the yard and did not think the shed could be moved to another location. He also said that they had about $1,000.00 tied up in the materials for the shed and they would not be able to re-use these materials.

Mr. Maxwell said that he thought the roof would probably not be destroyed but he also felt that the other materials could be salvaged to rebuild this shed.

Ms. Borin's fiancée stated that the neighbor's house is closer to the property line than this shed.

Ms. Borin stated that there is a fence line that would have to be moved and also there is another area of mature trees and her neighbor stated that he did not have a problem with the shed in this area.

Mr. Maxwell stated that when a variance is granted it stays with the land. Ms. Borin's fiancée stated that he thought this shed had very little impact on any of the surrounding neighbors.

Mr. Maxwell opened the Public Hearing.

Mr. & Mrs. Douglas Smith, 2320 Vermont were present. Mr. Smith stated that this shed is visible to him from both his front window and the front door. Mr. Smith said that when he was going to build a shed he called the City and spoke to Mitch Grusnick in the Building Department, who was extremely helpful and receptive to questions. Mr. Smith also said that Ms. Borin had completely torn down the original shed and rebuilt it from scratch. Mr. Smith indicated that he had seen the cement truck come in to pour the foundation. From his home it appears as though the house extends right into the shed. Mr. Maxwell asked how much of the shed was visible to the Smith's. Mr. Smith indicated that he could see about 3' to 4' of the roofline. Mr. Smith also said that he objects to this request.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals on file. Mr. Smith brought in one (1) written objection from the neighbor at 2300 Vermont.

Ms. Borin's fiancée asked when the City required permits. Mr. Stimac stated that the City of Troy is under the State of Michigan Building Code and also the Troy Zoning Ordinance. Permits are required when changes are made to any type of walls, and also to determine Zoning Compliance according to Section 40.57.12 of the Zoning

ITEM #4 – con't.

Ordinance. Mr. Stimac also stated that the work that was done to this shed did require a Building Permit.

Mr. Maxwell stated that the bottom line is that Ms. Borin has a shed that is 2.4' from the side property line.

After reading the letter brought in by Mr. Smith, Ms. Borin indicated that this objection was from a man she had sued and won her case and who is also a business partner of Mr. Smith's. Ms. Borin felt that these objections should not be taken into consideration because of this lawsuit.

Mr. Schultz asked if Ms. Borin had contacted the City before beginning the repairs to this shed. Ms. Borin stated that she did not as she did not believe a permit was required.

Motion by Hutson
Supported by Courtney

MOVED, to postpone the request of Meri Borin, 2317 Vermont, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit located in the side yard, with a side yard setback of 2.4' to the east property line and a distance of 7.5' to the attached garage until the next meeting of January 18, 2005.

- To allow the petitioner the benefit of a full board.

Yeas: All – 4

MOTION TO POSTPONE REQUEST UNTIL JANUARY 18, 2005 CARRIED

Mr. Courtney stated that his opinion was formed on his own observations and not because of other factors. Mr. Maxwell also said that his decision will be made solely on the proximity of this shed to the property line.

Mr. Maxwell wished everyone a Happy Holiday.

The Board of Zoning Appeals meeting adjourned at 8:26 P.M.

_____
Mark Maxwell, Acting Chairman

_____
Pamela Pasternak, Recording Secretary

J-02a

Form 87-007
1-P-1

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Dave Lambert** Position: **Councilmember**

Other Employees Included in Request:

Trip Destination: **Indianapolis, IN** Date From: **11/30/2004** To: **12/4/2004**

Purpose of Trip: **National League of Cities Congress of Cities Meeting**

Items Dates:	Sun	Mon	Tues 30-Nov	Wed 1-Dec	Thurs 2-Dec	Fri 3-Dec	Sat 4-Dec	TOTAL
Miles (Personal Car)			47.00	0.00			47.00	94.00
Enter Current Mileage Rate: **$ 0.36** /mile			$16.92				$16.92	$33.84
City Car Expense (Details on Bottom)								
Registration			750.00	0.00				$750.00
Room (Attach all Receipts)			155.68	155.68	155.68	155.68	~~622.72~~	$622.72
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:			5.07	4.25	paid 11.58	10.50		$31.40
Lunch:			17.83	included	included	included	included	$17.83
Dinner:			40.00	20.80	43.50	0.00	19.90	$124.20
Other Detail, Explain Below			200.40				13.00	$213.40
Additional Other Detail, Explain Below							21.25	$21.25
TOTAL EXPENSE			1,195.90 ~~1,030.22~~	180.73 ~~25.05~~	210.76 ~~55.08~~	166.18 ~~10.50~~	71.87 ~~693.79~~	$1,814.64

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	$1,584.70
Balance Due Employee	$229.94
(or) Balance Due City	

David Lambert — Requested By — Date 12-14-04

Department Head — Date 12/16/04

Approved - Human Resources Director — Date

Approved - Financial Services Director — Date 12-15-04

Notes and Explanations:
$200.40 was for air fare on Northwest Air. $13.00 on December 4 was for transportation to Indianapolis Airport. $21.25 on December 4 was for parking at Bishop Airport.

Charge to: Council's Education & Training Account Dept. Account # 102.7960

Form 87-007 J-02b
1-P-1

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: Robin Beltramini Position: Mayor Pro Tem

Other Employees Included in Request: Mayor Louise Schilling (Room)

Trip Destination: Indianapolis IN Date From: 11/30/04 To: 12/05/04

Purpose of Trip: NLC Congress of Cities

Items / Dates:	Sun 11/28	Mon 11/29	Tues 11/30	Wed 12/01	Thurs 12/02	Fri 12/03	Sat 12/04	TOTAL
Miles (Personal Car)	32		32					64
Enter Current Mileage Rate: $ 0.37 /mile	11.84		11.84					23.68
City Car Expense (Details on Bottom)								
Air/Bus/Train			199.70					199.70
Registration			625.00					625.00
Room (Attach all Receipts)			147.84	147.84	147.84	147.84	147.84	739.20
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:				per diem 17.75				17.75
Other Parking Detail, Explain Below	per diem 6.00						per diem 12.00	18.00
Additional Other Detail, Explain Below								
TOTAL EXPENSE	17.84		984.38	165.59	147.84	147.84	159.84	1623.33

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	1599.65
Balance Due Employee	23.68
(or) Balance Due City	

Robin E. Beltramini — Requested By — Date 12.14.04

Department Head — Date 12/16/04

Approved - Human Resources Director — Date

Approved - Financial Services Director — Date 12-15-04

Notes and Explanations:

Charge to: Annual Education & Training Dept. Account # 102.7960

DATE: November 16, 2004
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of October 2004

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	7	$292,000.00	$2,200.00
Parking Lot	1	$165,000.00	$935.00
Sub Total	**8**	**$457,000.00**	**$3,135.00**
COMMERCIAL			
New	1	$395,000.00	$2,085.00
Completion (New)	1	$2,970,000.00	$14,960.00
Tenant Completion	1	$18,000.00	$200.00
Add/Alter	26	$1,725,180.00	$11,335.00
Sub Total	**29**	**$5,108,180.00**	**$28,580.00**
RESIDENTIAL			
New	16	$2,946,504.00	$16,520.00
Add/Alter	25	$681,601.00	$5,475.00
Garage/Acc. Structure	19	$142,846.00	$1,845.00
Pool/Spa/Hot Tub	3	$60,700.00	$585.00
Repair	1	$2,400.00	$55.00
Wreck	4	$0.00	$210.00
Fnd./Slab/Footing	3	$6,000.00	$120.00
Sub Total	**71**	**$3,840,051.00**	**$24,810.00**
TOWN HOUSE/CONDO			
New	24	$1,986,000.00	$12,600.00
Add/Alter	4	$15,117.00	$280.00
Garage/Acc. Structure	1	$121,500.00	$720.00
Sub Total	**29**	**$2,122,617.00**	**$13,600.00**
RELIGIOUS			
Repair	1	$13,128.00	$180.00
Sub Total	**1**	**$13,128.00**	**$180.00**
MISCELLANEOUS			
Signs	43	$0.00	$3,835.00
Fences	16	$0.00	$270.00
Sub Total	**59**	**$0.00**	**$4,105.00**
TOTAL	**197**	**$11,540,976.00**	**$74,410.00**

PERMITS ISSUED DURING THE MONTH OF OCTOBER 2004

	NO.	PERMIT FEE
Cert. of Occupancy	69	$2,867.50
Plan Review	99	$6,469.50
Microfilm	39	$395.00
Building Permits	197	$74,410.00
Electrical Permits	210	$15,910.00
Heating Permits	206	$10,340.00
Air Cond. Permits	68	$2,425.00
Plumbing Permits	140	$15,277.00
Storm Sewer Permits	26	$627.00
Sanitary Sewer Permits	24	$818.00
Sewer Taps	47	$10,578.00
TOTAL	**1125**	**$140,117.00**

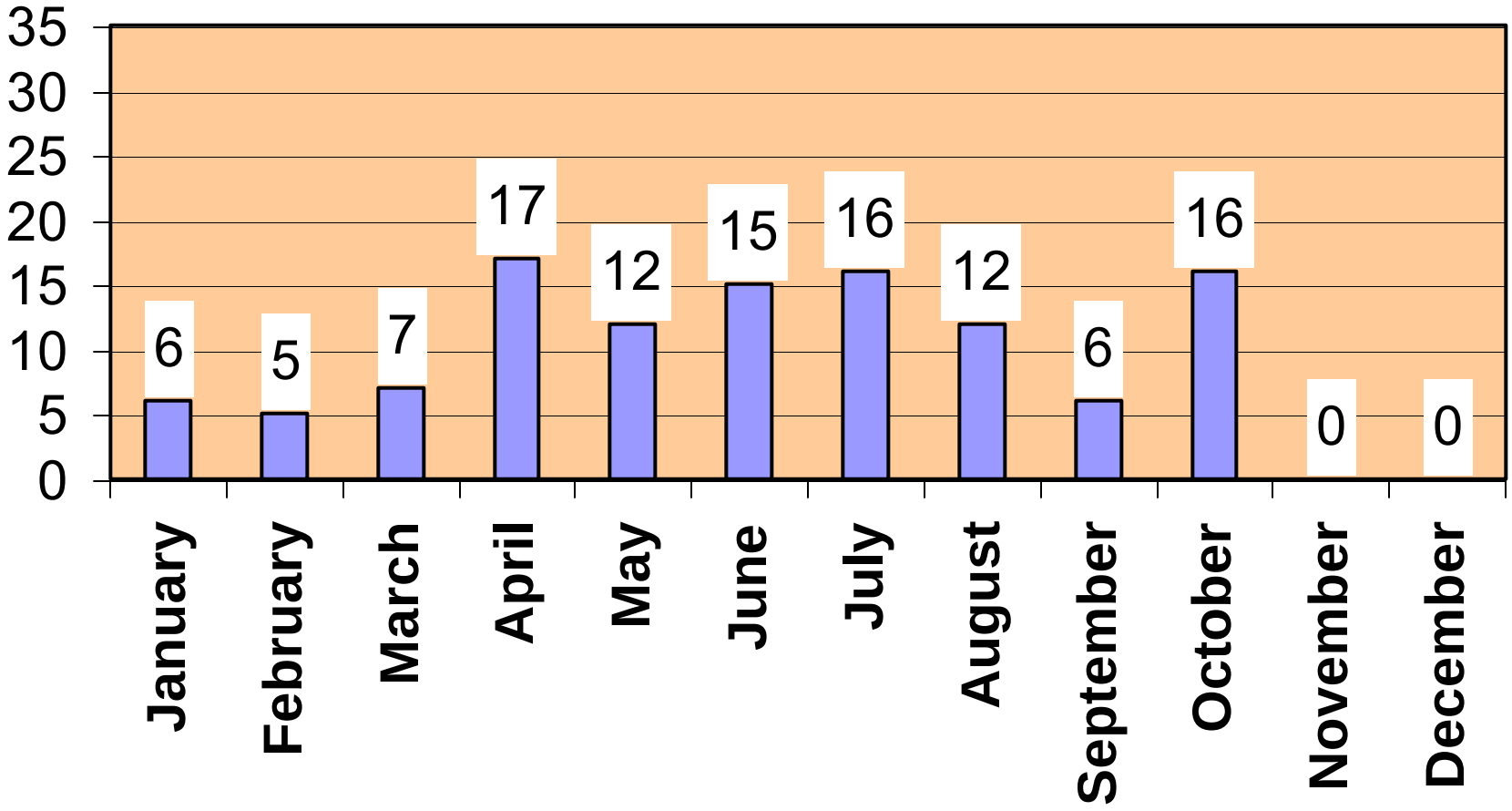
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF OCTOBER 2004

	NO.	LICENSE FEE
Mech. Contr.-Reg.	60	$300.00
Elec. Contr.-Reg.	16	$240.00
Master Plmb.-Reg.	14	$14.00
Sewer Inst.-Reg.	3	$150.00
Sign Inst. - Reg.	6	$60.00
E. Sign Contr-Reg.	4	$60.00
Fence Inst.-Reg.	1	$10.00
Bldg. Contr.-Reg.	19	$190.00
F.Alarm Contr.-Reg.	3	$45.00
TOTAL	**126**	**$1,069.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2003	PERMIT VALUATION 2003	BUILDING PERMITS 2004	PERMIT VALUATION 2004
JANUARY	83	$3,349,579.00	100	$5,235,481.00
FEBRUARY	98	$6,941,418.00	130	$21,354,496.00
MARCH	106	$10,102,093.00	159	$9,372,242.00
APRIL	150	$7,185,781.00	180	$14,158,227.00
MAY	269	$13,984,618.00	236	$11,511,644.00
JUNE	209	$20,116,880.00	236	$16,224,865.00
JULY	196	$17,222,754.00	181	$19,788,711.00
AUGUST	179	$7,971,188.00	227	$11,179,780.00
SEPTEMBER	181	$13,656,695.00	203	$13,582,037.00
OCTOBER	195	$11,302,769.00	197	$11,540,976.00
NOVEMBER	136	$5,897,752.00	0	$0.00
DECEMBER	182	$18,153,988.00	0	$0.00
TOTAL	**1984**	**$135,885,515.00**	**1849**	**$133,948,459.00**

SINGLE FAMILY DWELLING PERMITS 2004



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF OCTOBER 2004

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	CHRISTOPHER JOSEPH	2701 TROY CENTER 330	229,750.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	1414 E MAPLE 135	125,000.00
Commercial, Add/Alter	WHEELER BUILDING LLC	300 JOHN R B	143,000.00
Commercial, Add/Alter	KIRCO CONSTRUCTION LLC	201 W BIG BEAVER 800	400,000.00
Total Commercial, Add/Alter			897,750.00
Commercial, Completion New	DON VERCRUYSSE	3215 W BIG BEAVER	2,970,000.00
Total Commercial, Completion New			2,970,000.00
Commercial, New Building	FINSILVER, BRETT R.	36745 DEQUINDRE	395,000.00
Total Commercial, New Building			395,000.00
Industrial, Add/Alter	WASHINGTON GROUP INTL	865 STEPHENSON	140,000.00
Total Industrial, Add/Alter			140,000.00
Industrial, Parking Lot	EDGE CONTRACTING	2350 MEIJER -2500	165,000.00
Total Industrial, Parking Lot			165,000.00

Records 9

Total Valuation: 4,567,750.00

DATE: December 17, 2004
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of November 2004

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	6	$199,500.00	$1,610.00
Sub Total	**6**	**$199,500.00**	**$1,610.00**
COMMERCIAL			
Fnd./Shell New	3	$1,282,000.00	$6,740.00
Add/Alter	12	$725,590.00	$4,680.00
Wreck	1	$0.00	$100.00
Sub Total	**17**	**$2,007,590.00**	**$11,545.00**
RESIDENTIAL			
New	9	$2,164,422.00	$11,980.00
Add/Alter	32	$484,350.00	$5,275.00
Garage/Acc. Structure	7	$31,085.00	$535.00
Pool/Spa/Hot Tub	1	$36,500.00	$295.00
Repair	2	$3,051.00	$375.00
Fire Repair	1	$79,152.00	$510.00
Temporary Sales Trailer		$0.00	$0.00
Wreck	3	$0.00	$160.00
Fnd./Slab/Footing	1	$4,200.00	$85.00
Sub Total	**56**	**$2,802,760.00**	**$19,215.00**
TOWN HOUSE/CONDO			
Add/Alter	8	$91,856.00	$990.00
Sub Total	**8**	**$91,856.00**	**$990.00**
MULTIPLE			
Add/Alter	2	$16,000.00	$260.00
Sub Total	**2**	**$16,000.00**	**$260.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	1	$1,042,800.00	$5,325.00
Sub Total	**1**	**$1,042,800.00**	**$5,325.00**
MISCELLANEOUS			
Satellite/Antennas	2	$72,000.00	$580.00
Signs	57	$0.00	$6,735.00
Fences	12	$0.00	$180.00

Sub Total	**71**	**$72,000.00**	**$7,495.00**
TOTAL	**161**	**$6,232,506.00**	**$46,440.00**

PERMITS ISSUED DURING THE MONTH OF NOVEMBER 2004

	NO.	PERMIT FEE
Mul. Dwel. Insp.	24	$240.00
Cert. of Occupancy	24	$1,403.00
Plan Review	103	$4,603.00
Microfilm	23	$220.00
Building Permits	161	$46,440.00
Electrical Permits	199	$11,302.00
Heating Permits	179	$9,258.00
Air Cond. Permits	54	$2,830.00
Refrigeration Permits	4	$355.00
Plumbing Permits	116	$12,324.00
Storm Sewer Permits	20	$767.00
Sanitary Sewer Permits	27	$951.00
Sewer Taps	14	$7,572.00
TOTAL	**948**	**$98,265.00**

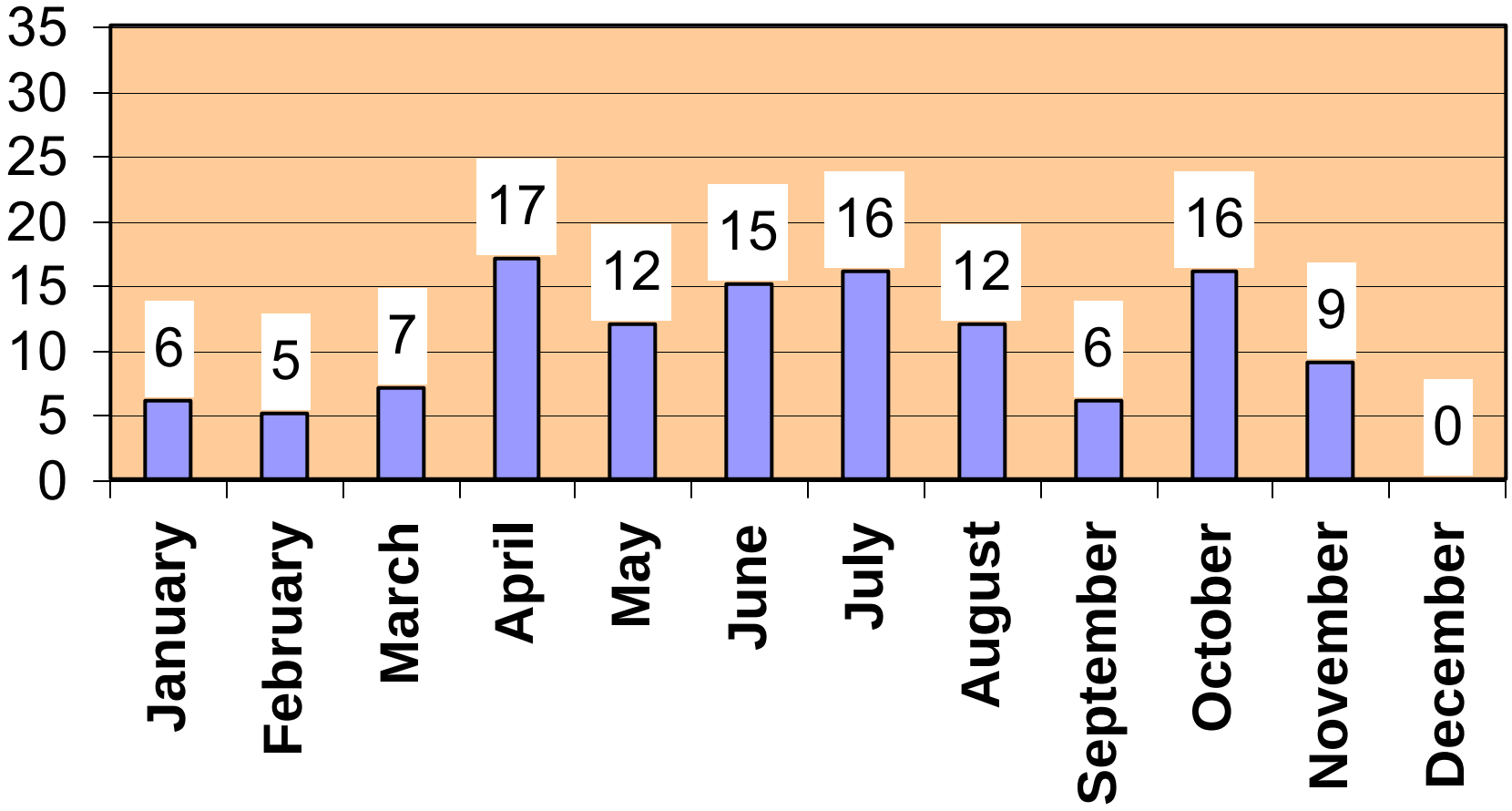
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF NOVEMBER 2004

	NO.	LICENSE FEE
Mech. Contr.-Reg.	45	$225.00
Elec. Contr.-Reg.	12	$180.00
Master Plmb.-Reg.	14	$14.00
Sewer Inst.-Reg.	5	$250.00
Sign Inst. - Reg.	4	$40.00
E. Sign Contr-Reg.	2	$30.00
Fence Inst.-Reg.	1	$10.00
Bldg. Contr.-Reg.	18	$180.00
F.Alarm Contr.-Reg.	1	$15.00
TOTAL	**102**	**$944.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2003	PERMIT VALUATION 2003	BUILDING PERMITS 2004	PERMIT VALUATION 2004
JANUARY	83	$3,349,579.00	100	$5,235,481.00
FEBRUARY	98	$6,941,418.00	130	$21,354,496.00
MARCH	106	$10,102,093.00	159	$9,372,242.00
APRIL	150	$7,185,781.00	180	$14,158,227.00
MAY	269	$13,984,618.00	236	$11,511,644.00
JUNE	209	$20,116,880.00	236	$16,224,865.00
JULY	196	$17,222,754.00	181	$19,788,711.00
AUGUST	179	$7,971,188.00	227	$11,179,780.00
SEPTEMBER	181	$13,656,695.00	203	$13,582,037.00
OCTOBER	195	$11,302,769.00	197	$11,540,976.00
NOVEMBER	136	$5,897,752.00	161	$6,232,506.00
DECEMBER	182	$18,153,988.00	0	$0.00
TOTAL	**1984**	**$135,885,515.00**	**2010**	**$140,180,965.00**

SINGLE FAMILY DWELLING PERMITS 2004



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF NOVEMBER 2004

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	GALE CONSTRUCTION CO.	700 TOWER	145,000.00
Commercial, Add/Alter	GALE CONSTRUCTION CO.	5607 NEW KING 150	220,000.00
Commercial, Add/Alter	PREMIER CONSTRUCTION COMPANY	3290 W BIG BEAVER 420	180,000.00
Total Commercial, Add/Alter			545,000.00
Commercial, Fnd/Shell New	TROY SPORTS CENTER LLC	1819 E BIG BEAVER 1829	154,000.00
Commercial, Fnd/Shell New	FERLITO CONSTRUCTION INC	3144 JOHN R	628,000.00
Commercial, Fnd/Shell New	TROY COMMONS	3059 ROCHESTER 3099	500,000.00
Total Commercial, Fnd/Shell New			1,282,000.00
Inst./Hosp., Add/Alter	SKANSKA USA DESIGN BUILD INC	44201 DEQUINDRE COOK/C	1,042,800.00
Total Inst./Hosp., Add/Alter			1,042,800.00

Records 8

Total Valuation: 2,869,800.00

December 14, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/ Finance and Administration
Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** – Report and Communication
Bidcorp On-Line Auction – Ten (10) Computer Units and Workstations - Unassembled– Final Reporting

SUMMARY:

In compliance with Resolution #2004-02-075, final reporting is being presented for ten (10) computer units and approximately six (6) Haworth workstations – unassembled, which were auctioned on-line through Bidcorp. The on-line auctions were placed on October 27, 2004 and November 22, 2004 and closed on November 2nd and November 29th respectively. Final sale amounts and fees are listed below:

LOT – 7823 - Workstations – Unassembled	$103.50
LOT – B006 – Computer with 17" monitor and keyboard	$ 42.78
LOT – B007 – Computer with 15" monitor and keyboard	$ 31.03
LOT – B008 – Computer with 17" monitor and keyboard	$ 43.00
LOT – B009 – Computer with 17" monitor and keyboard	$ 26.01
LOT – B010 – Computer with 17" monitor and keyboard	$ 54.00
LOT – B011 – Computer with 15" monitor and keyboard	$ 20.00
LOT – B012 – Computer with 17" monitor and keyboard	$ 37.78
LOT – B013 – Computer with 17" monitor and keyboard	$ 41.38
LOT – B014 – Computer with 17" monitor and keyboard	$ 53.00
LOT – B015 – Computer with 15" monitor and keyboard	$ 56.00
	$508.48
Sales Tax (plus 6% on winning amount):	+30.51
Bidcorp Auction Fee (-5% Fee)	-25.43
Net Income:	**$513.56**

Note: Due to licensing issues, computers were striped of all software prior to auctioning.

BACKGROUND

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use Bidcorp with the provision that other on-line auction service options would be considered. Bidcorp and Ebay were used to auction equipment during the last year with Bidcorp auctions more successful than those hosted by Ebay. Also during the last year, the partnering of Bidcorp and Bidnet dissolved. Bidnet is ready to implement an on-line auction service for MITN (Michigan Inter-governmental Trade Network) and will be operational in January with access through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

City of Troy
Nov-04
Billing Statement

	Lot #	Description		High Bid	Bid Received	Date
	7823	Workstation - unassembled	City of Troy	$103.50	16	11/29/2004 9:04
*	7822	Workstation - unassembled	City of Troy		0	11/29/2004 8:15
	7644	Computer Equipment - Lot B015	City of Troy	$56.00	7	11/3/2004 7:38
	7643	Computer Equipment - Lot B014	City of Troy	$53.00	7	11/3/2004 7:35
	7642	Computer Equipment - Lot B013	City of Troy	$41.38	6	11/3/2004 7:31
	7641	Computer Equipment - Lot B012	City of Troy	$37.78	5	11/3/2004 7:28
	7640	Computer Equipment - Lot B011	City of Troy	$20.00	1	11/3/2004 7:25
	7639	Computer Equipment - Lot B010	City of Troy	$54.00	9	11/3/2004 7:21
	7638	Computer Equipment - Lot B009	City of Troy	$26.01	3	11/3/2004 7:18
	7637	Computer Equipment - Lot 008	City of Troy	$43.00	8	11/3/2004 7:14
*	7636	Computer Equipment - Lot 007	City of Troy		0	11/3/2004 7:10
	7635	Computer Equipment - Lot 007	City of Troy	$31.03	4	11/3/2004 7:09
	7634	Computer Equipment - Lot B006	City of Troy	$42.78	12	11/3/2004 7:04
	TOTALS FOR: TROY			**$508.48**	**13**	

Bidcorp Fee @ 5%	**$25.43**		

* Auctions cancelled

BE IT FURTHER RESOLVED, That payments be **AUTHORIZED** for the reimbursement of landscaping in the total amount of $34,486.75; and

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

Yes: All-7

REGULAR BUSINESS

F-2 Closed Session

Resolution #2004-02-073
Moved by Beltramini
Seconded by Howrylak

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); City of Troy v. Premium Construction, L.L.C. and Roy Rathka v. City of Troy, after adjournment of this meeting.

Yes: All-7

F-3 2004 Poverty Exemption Guidelines

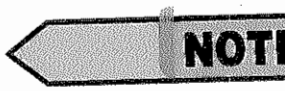
Resolution #2004-02-074
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2004 as presented by the City Assessor in a memorandum dated January 21, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting with the provision that the amount of advertising be increased.

Yes: All-7

F-5 On-Line Auctioning with Bidcorp Through Our E-Procurement Provider, Bidnet

Resolution #2004-02-075
Moved by Eisenbacher
Seconded by Lambert



RESOLVED, That the agreement is hereby **APPROVED** to provide on-line auction services with Bidcorp, a partner of Bidnet, the provider of E-procurement on-line processes for the Michigan Intergovernmental Trade Network (MITN) of which Troy is a member, with the fee for

the auction service established at 5% with the provision that other on-line auction service options are being considered; and

BE IT FURTHER RESOLVED, That staff is **AUTHORIZED** to post auction items on the website for sale as the items are deactivated from service with final auction reporting presented to City Council on a monthly basis.

Yes: All-7

F-7 Traffic Committee Recommendations

(a) Proposed Resolution A: Requesting the Road Commission for Oakland County to Retain the Traffic Signal on Big Beaver at Wrenwood

Resolution #2004-02-076a
Moved by Stine
Seconded by Howrylak

WHEREAS, The City of Troy received a letter from the Road Commission for Oakland County (RCOC) recommending the removal of the traffic signal at the intersection of Wrenwood and Big Beaver Road because the signal does not meet warrants; and

WHEREAS, The City Traffic Committee, and the majority of residents in the area believe that the removal of the traffic signal at the intersection of Wrenwood and Big Beaver Road will cause traffic concerns in the area; and

WHEREAS, The traffic signal at the intersection of Wrenwood and Big Beaver Road provides gaps in the Big Beaver traffic facilitating safer, easier ingress and egress to residential streets and driveways in this mile section of Big Beaver; and

WHEREAS, The traffic signal at the intersection of Wrenwood and Big Beaver Road serves a City designated and marked bike route, and provides for pedestrians/bikers to safely cross Big Beaver for after school activities and other recreational purposes.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **REQUESTS** the Road Commission for Oakland County (RCOC) to retain the traffic signal at the intersection of Big Beaver and Wrenwood.

Yes: All-7

(b) Proposed Resolution B: Requesting the Road Commission for Oakland County to Install a Traffic Signal on South Boulevard at High Oaks

Resolution #2004-02-076b
Moved by Stine
Seconded by Howrylak

December 20, 2004

TO: Brian Murphy, Assistant City Manager/Services

FROM: Jennifer Lawson, Environmental Coordinator

SUBJECT: **Phosphorus reduction in Lawn Care Practices – Residential and City-owned properties**

Background
The City of Troy staff was asked to look into the feasibility of introducing a fertilizer ordinance for properties within the City of Troy. Staff has researched this issue, and has found the following:

Ordinance
The City of Troy could not successfully implement and enforce a residential ordinance regarding phosphorus–based fertilizers. A program with this magnitude would require a minimum of three additional full-time staff members. In addition, the monitoring of resident purchases in other communities would be difficult to police. There have been cases in other municipalities that involve legal suits filed against communities by various agencies, including lawn care companies, fertilizer manufacturers and retailers.

Education Campaign
To address phosphorus use in lawn care, an education campaign directed specifically at the importance of phosphorus reduction/removal from the residential lawn care program, as well as the importance of soil testing should be undertaken immediately. This campaign would complement and enhance the existing education programs we are already involved in, including: watershed awareness, water quality, 7 Steps to Clean Water, Red Run subwatershed Public Education, Clinton River Watershed Council education campaign, and other local programs. These existing programs, as well as the proposed phosphorus-campaign would assist in the implementation of the Stormwater Permit that the City of Troy has in accordance with Federal Stormwater Mandates and Regulations.

Existing Practices
The City of Troy performs soil tests on several City of Troy Parks, as well as the Civic Center Property every 3 years, to ensure that the fertilizer applied to City properties is adequate and correct in regards to Phosphorus, Nitrogen and Potassium, or Potash. In addition, there are several City of Troy Parks that are phosphorus-free, and areas of other parks that are not fertilized at all. The City of Troy prides itself on the proper management of parklands to assure environmental and natural resource protection.

In addition, the City of Troy already educates homeowners through multiple forms of media, including Troy Today, PSAs on Comcast cable, newspaper articles, educational events, direct mailers, etc. City staff work actively with local environmental groups, and regional interest groups on issues regarding water quality impacts and education.

What is phosphorus?
Phosphorus is one of the key elements necessary for growth of plants and animals. Phosphates PO4--- are formed from this element. Phosphates exist in three forms: orthophosphate, metaphosphate (or polyphosphate) and organically bound phosphate. Each compound contains phosphorous in a different chemical formula. Ortho forms are produced by natural processes and are found in sewage. Poly forms are used for treating boiler waters and in detergents. In water, they change into the ortho form. Organic phosphates are important in nature. Their occurrence may result from the breakdown of organic pesticides that contain phosphates. They may exist in solution, as particles, loose fragments or in the bodies of aquatic organisms.

Where does excess phosphorus come from in the natural environment?
The sources of P in lakes and rivers consist of point sources, such as discharges from factories and sewage treatment plants, as well as Non Point Sources (NPSs), such as suburban lawns and agricultural lands. On a practical basis, point sources are readily identified and measured, while NPSs are diffuse as well as difficult to identify and measure. Runoff from uncultivated or pristine land is considered the natural background loading, which cannot be reduced. This source determines the natural trophic status of a lake or river and can be sufficient to cause eutrophication.

Why is phosphorus bad?
According to a recent survey by the Environmental Protection Agency (EPA), accelerated eutrophication is the main cause of water quality "impairment" in the United States (EPA 1996). Eutrophication is the natural aging of lakes or streams brought on by nutrient enrichment. This process is accelerated by human activities that increase nutrient loading rates to water.

Eutrophication restricts water use for fisheries, recreation, industry, and drinking, due to (1) increased growth of undesirable algae and aquatic weeds and (2) oxygen shortages caused by their death and decomposition.

Adverse effects of eutrophication on lakes and rivers.
- Increased phytoplankton
- Increased algae
- Decreases in water transparency
- Taste, odor, and water treatment problems
- Oxygen depletion
- Increased incidence of fish kills
- Loss of desirable fish species
- Decreases in aesthetic value of water body

January 5, 2005

To: John Szerlag, City Manager

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

Subject: Agenda Item - Park Board Action - Rotary Park Proposed Plan

At the December 7, 2004 meeting of the Parks and Recreation Advisory Board, the following action was taken:

Resolution # PR - 2004 - 12 - 023
Moved by Krent
Seconded by Edmunds

RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council that the agreement for the Rotary Club of Troy for development and maintenance of the park on Long Lake Road at Somerton be pursued.

Yeas: All
Nays: None
MOTION CARRIED

CKA/mw

J-05

January 2005

January 2005

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February 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			9
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7:30pm City Council-Regular (Council Chambers)					16
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	7:30pm BZA (Chambers) 7:30pm BOARD OF ZONING APPEALS (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			23
24	25	26	27	28	29
7:30pm City Council-Regular (Council Chambers)					30
31					

Jan 24 Comm. Veh. App. 2774 E. Maple Rd.
Jan 24 Rezon App Sec 3 R-1B-R-1T
Jan 24 Rezon App Sec 10 R-1C -R-1T
Jan 24 Rezon Req Sec 28 O-1-B-1, B-2, or B-3

February 2005

February 2005

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March 2005

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28 7:30pm City Council-Regular (Council Chambers)					

March 2005

March 2005

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April 2005

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28 7:30pm City Council-Regular (Council Chambers)	29	30	31		

January 4, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Request for Federal Aid Funding – FY 2008

The Oakland County Federal Aid Funding Committee will hold their annual meeting on January 26, 2005 for the purpose of approving road improvement projects for federal aid funding. The Funding Committee will be accepting only next phase Surface Transportation Program – Urban (STPU); Resurfacing, Restoration and Rehabilitation (RRR); and Reconstruction projects for FY 2008 funding. The City of Troy has submitted a request that the next phase of the projects listed below be considered for federal aid funding for FY 2008 in the STPU category:

Project Name	Limits	Federal Amount	Local Match	Year	Phase
Stephenson	14 Mile to I-75	$ 3,032,000	$ 758,000	2008	CON
Rochester	Torpey to Barclay	$ 8,412,000	$ 3,817,000	2008	CON
Wattles	600' E. & W. of Rochester	$ 2,756,000	$ 689,000	2008	CON

Once a project has been approved for preliminary engineering the entire project is then moved into the "Next Phase" category and subsequent phases (right-of-way and construction) are approved for funding based on the year originally ranked and availability of federal funds. The approval by the Funding Committee earmarks the federal funds in a future year. It is still the responsibility of the local agency to complete all requirements for a specific phase in order to obligate the federal funds, including executing an agreement with the Michigan Department of Transportation (MDOT) which requires approval by City Council. Until obligation of the federal funds has been approved, no federal funds are available to the project phase and no local match is required.

The three projects listed above are all in various stages of preliminary engineering or design. There is no additional right-of-way required for the Stephenson project. The Rochester and Wattles projects will both require the acquisition of right-of-way. The right-of-way phases for these projects were previously approved for federal funding in 2006. An environmental assessment is still required prior to obligation of the federal funds for the Rochester and Wattles projects.

Prepared by: William J. Huotari, Deputy City Engineer
G:\Funding Issues\TIP Submittals\FY 2008 - STPU ONLY\Memo to CC re Continuation of Funding Request.doc

December 13, 2004

Brian L. Blaesing, Chairperson
Oakland County Federal Aid Funding Committee
ROAD COMMISSION FOR OAKLAND COUNTY
31001 Lahser Road
Beverly Hills, MI 48025

Regarding: FY 2008 Call for Projects
STPU Next Phase Projects

The City of Troy requests that the next phase of the projects listed on the attached sheets be submitted to the Oakland County Federal Aid Funding Committee for consideration for federal aid funding for fiscal year 2008.

The projects are not presented in an order of priority.

The *Project Activities Cost Estimates* are enclosed. No Rating Sheets have been submitted as all projects were previously submitted.

The City of Troy is prepared to fund the local share of these projects in the event that they are approved for funding.

Very truly yours,

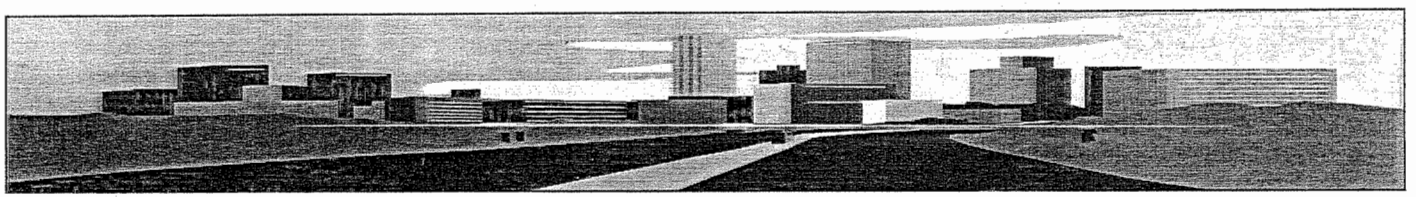
Brian Murphy
Assistant City Manager/Services

cc: John Szerlag, City Manager
Steve Vandette, City Engineer
William J. Huotari, Deputy City Engineer
Neall Schroeder, Civil Engineer
John Abraham, Traffic Engineer

G:\Funding Issues\TIP Submittals\FY 2008 - STPU ONLY\Submittal to RCOC for 2008 Projects.doc

TIP Form

FY 2008



Oakland County Federal Aid Committee

QTR	PHS	PROJECT	miles	LIMITS	PROPOSED WORK	JURISDICTION	FEDERAL $$$ SOURCE	FEDERAL $$$ AMT (000)	MATCH $$$ SOURCE	MATCH $$$ AMT (000)
1	CON	STEPHENSON	1.75	14 MILE TO I-75	RESURFACING, RIGHT TURN LANES, CURB & GUTTER & STORM DRAINAGE	TROY	STPU	3,032	TROY	758
1	CON	ROCHESTER	0.91	TORPEY TO BARCLAY	WIDEN TO 6 LANE BLVD.	TROY	STPU	8,412	TROY	3,817
1	CON	WATTLES	0.23	600' E & W OF ROCHESTER	RECONSTRUCT TO 4 LANE BLVD.	TROY	STPU	2,756	TROY	689

Project Summary Form. To be submitted as part of federal aid funding request. Please summarize each project on a separate line.

J-07

RECEIVED
JAN 05 2005
CITY OF TROY
CITY MANAGER'S OFFICE

December 29, 2004

TO: John Szerlag, City Manager

FROM: John Lamerato, Asst. City Manager/Finance Admin.
Brian Murphy, Asst. City Manager/Services BPM
Jim Nash, Financial Services Director
Rob Bittner, IT Programmer
Cindy Stewart, Community Affairs Director CS

SUBJECT: Agenda Item - City Council Meeting Report

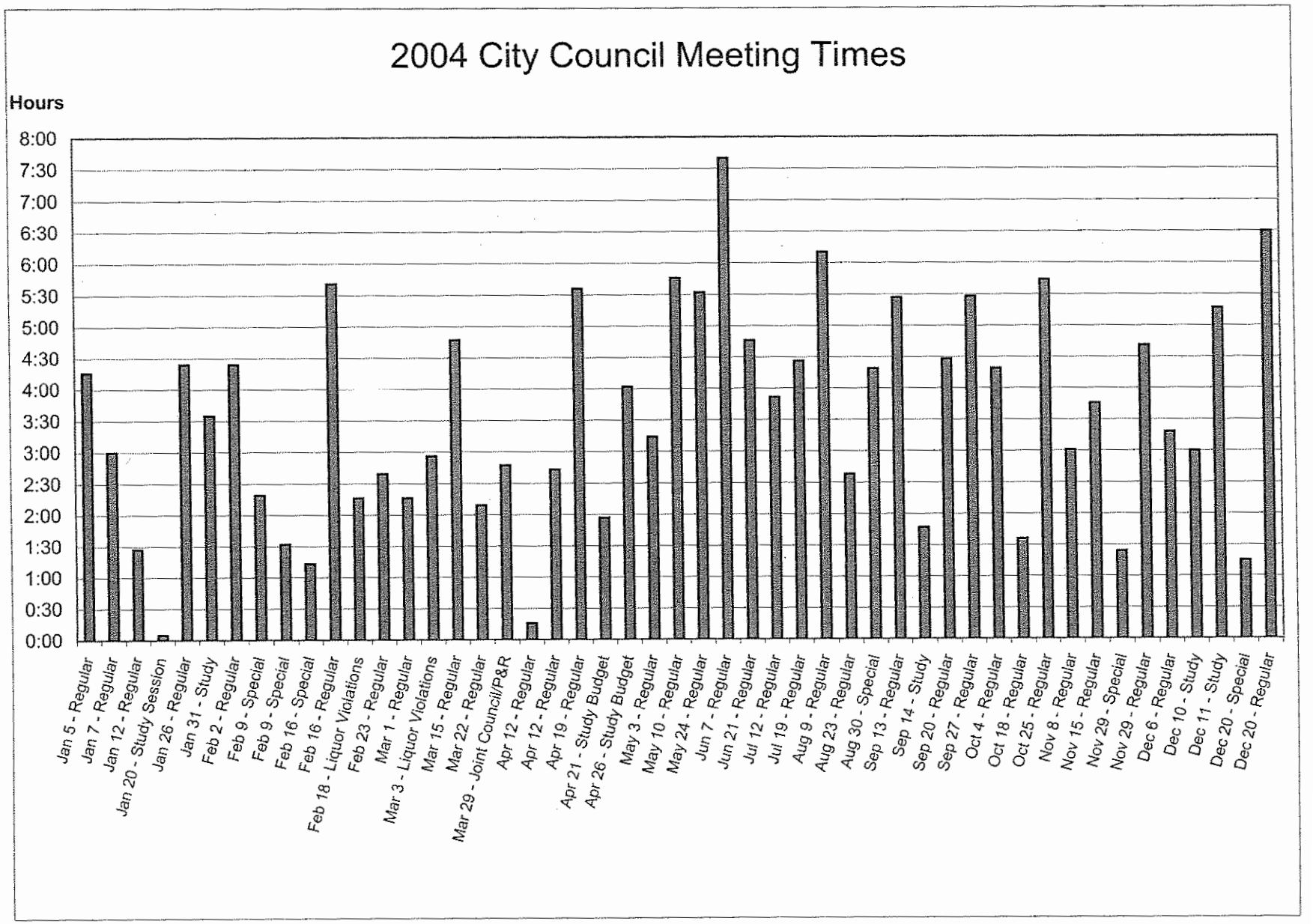
DATE: January 5, 2005

There were a total of 49 City Council meetings in 2004 (35 regular, 7 study, 7 special). Council meetings in 2004 totaled 175 hours. The management staff in attendance (City Manager, Assistant City Managers, City Attorney, Police Chief, Fire Chief, City Clerk, Deputy Clerk, Real Estate & Development Director, Community Affairs Director, City Engineer, Building & Zoning Director, Planning Director, Parks & Recreation Director) at these meetings is exempt from federal overtime requirements, that is, they receive the same compensation whether or not they attend council meetings.

CS

NOTE: This information was requested by Mayor Schilling.

John


2004 City Council Meeting Times
Hours
8:00
7:30
7:00
6:30
6:00
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4:30
4:00
3:30
3:00
2:30
2:00
1:30
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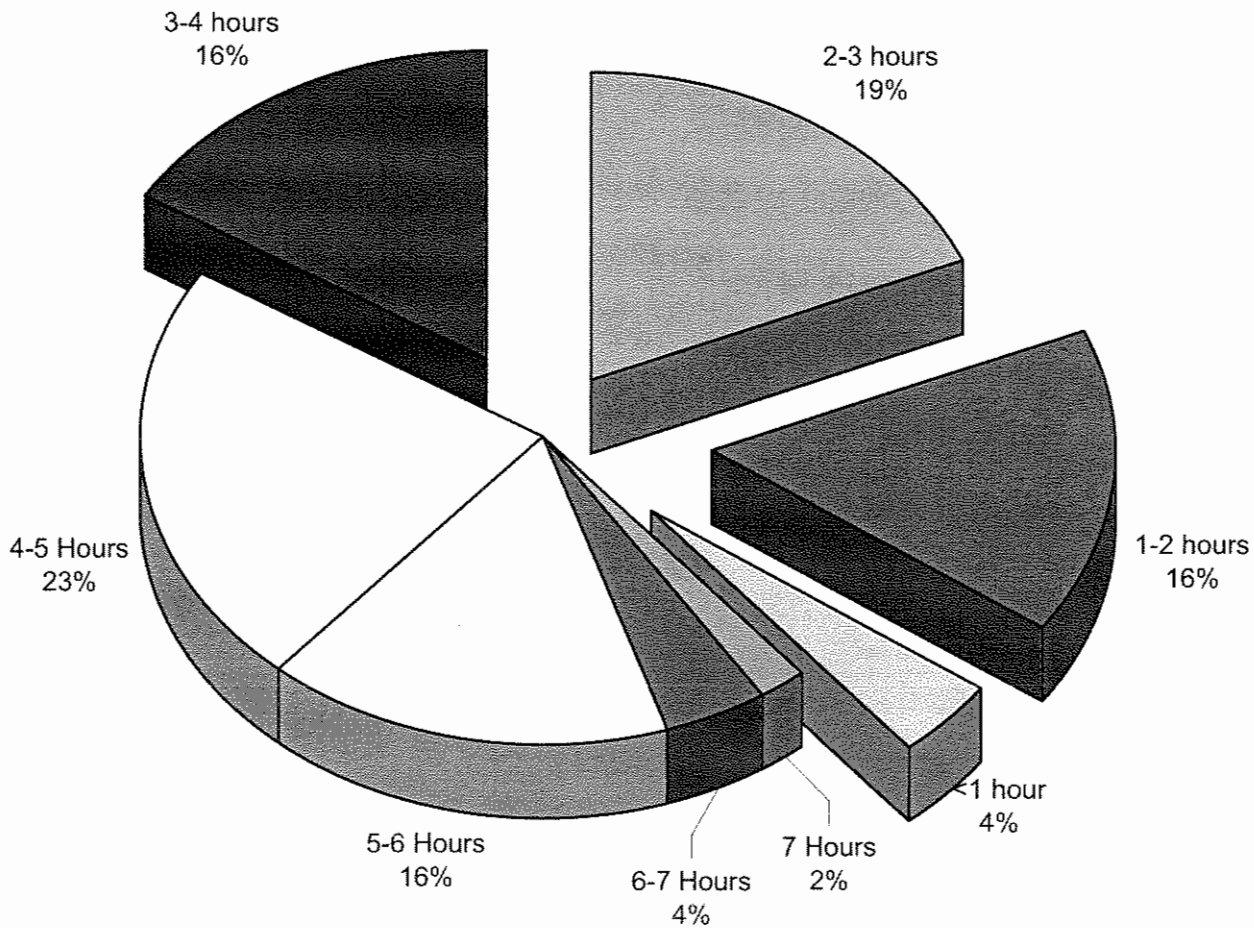
0:00
Jan 5 - Regular
Jan 7 - Regular
Jan 12 - Regular
Jan 20 - Study Session
Jan 26 - Regular
Jan 31 - Study
Feb 2 - Regular
Feb 9 - Special
Feb 9 - Special
Feb 16 - Special
Feb 16 - Regular
Feb 18 - Liquor Violations
Feb 23 - Regular
Mar 1 - Regular
Mar 3 - Liquor Violations
Mar 15 - Regular
Mar 22 - Regular
Mar 29 - Joint Council/P&R
Apr 12 - Regular
Apr 12 - Regular
Apr 19 - Regular
Apr 21 - Study Budget
Apr 26 - Study Budget
May 3 - Regular
May 10 - Regular
May 24 - Regular
Jun 7 - Regular
Jun 21 - Regular
Jul 12 - Regular
Jul 19 - Regular
Aug 9 - Regular
Aug 23 - Regular
Aug 30 - Special
Sep 13 - Regular
Sep 14 - Study
Sep 20 - Regular
Sep 27 - Regular
Oct 4 - Regular
Oct 18 - Regular
Oct 25 - Regular
Nov 8 - Regular
Nov 15 - Regular
Nov 29 - Special
Nov 29 - Regular
Dec 6 - Regular
Dec 10 - Study
Dec 11 - Study
Dec 20 - Special
Dec 20 - Regular

2004 City Council Meetings Ending after 11PM

Meeting	Start	End	Time after 11PM	Σ
Jun 7 - Regular	7:32 PM	3:12 AM	4:12	4:12
Dec 20 - Regular	7:30 PM	2:00 AM	3:00	7:12
Aug 9 - Regular	7:31 PM	1:41 AM	2:41	9:53
Feb 16 - Regular	7:43 PM	1:24 AM	2:24	12:17
May 10 - Regular	7:32 PM	1:18 AM	2:18	14:35
Oct 25 - Regular	7:31 PM	1:15 AM	2:15	16:50
Apr 19 - Regular	7:34 PM	1:10 AM	2:10	19:00
May 24 - Regular	7:33 PM	1:05 AM	2:05	21:05
Sep 13 - Regular	7:33 PM	1:00 AM	2:00	23:05
Sep 27 - Regular	7:32 PM	1:00 AM	2:00	25:05
Jun 21 - Regular	7:37 PM	12:23 AM	1:23	26:28
Mar 15 - Regular	7:33 PM	12:20 AM	1:20	27:48
Nov 29 - Regular	7:34 PM	12:15 AM	1:15	29:03
Feb 2 - Regular	7:36 PM	12:00 AM	1:00	30:03
Jul 19 - Regular	7:34 PM	12:00 AM	1:00	31:03
Sep 20 - Regular	7:32 PM	12:00 AM	1:00	32:03
Jan 26 - Regular	7:35 PM	11:59 PM	0:59	33:02
Oct 4 - Regular	7:32 PM	11:51 PM	0:51	33:53
Jan 5 - Regular	7:34 PM	11:50 PM	0:50	34:43
Aug 30 - Special	7:31 PM	11:50 PM	0:50	35:33
Jul 12 - Regular	7:36 PM	11:28 PM	0:28	36:01
Nov 15 - Regular	7:31 PM	11:17 PM	0:17	36:18
Jan 7 - Regular	8:07 PM	11:07 PM	0:07	36:25

2004 City Council Meetings
Time Distribution