



## CITY COUNCIL AGENDA ITEM

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Date: January 21, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING - REZONING APPLICATION (File Number Z 745) – Proposed Amber Town Center Townhomes and Lofts, West side of Livernois, North of Town Center (3409 Livernois), Section 21, From O (Office) District to BB (Big Beaver) District

The applicant, Amber Properties Company, seeks a rezoning of the subject parcel from O (Office) District to BB (Big Beaver) District. The applicant intends to construct a 5-story, 60-unit apartment building on the site. A Preliminary Site Plan application was submitted, to be considered by the Planning Commission should the rezoning be approved by City Council.

The Planning Commission held a public hearing on this item on January 14, 2014 and recommended approval of the application by a 6-2 vote.

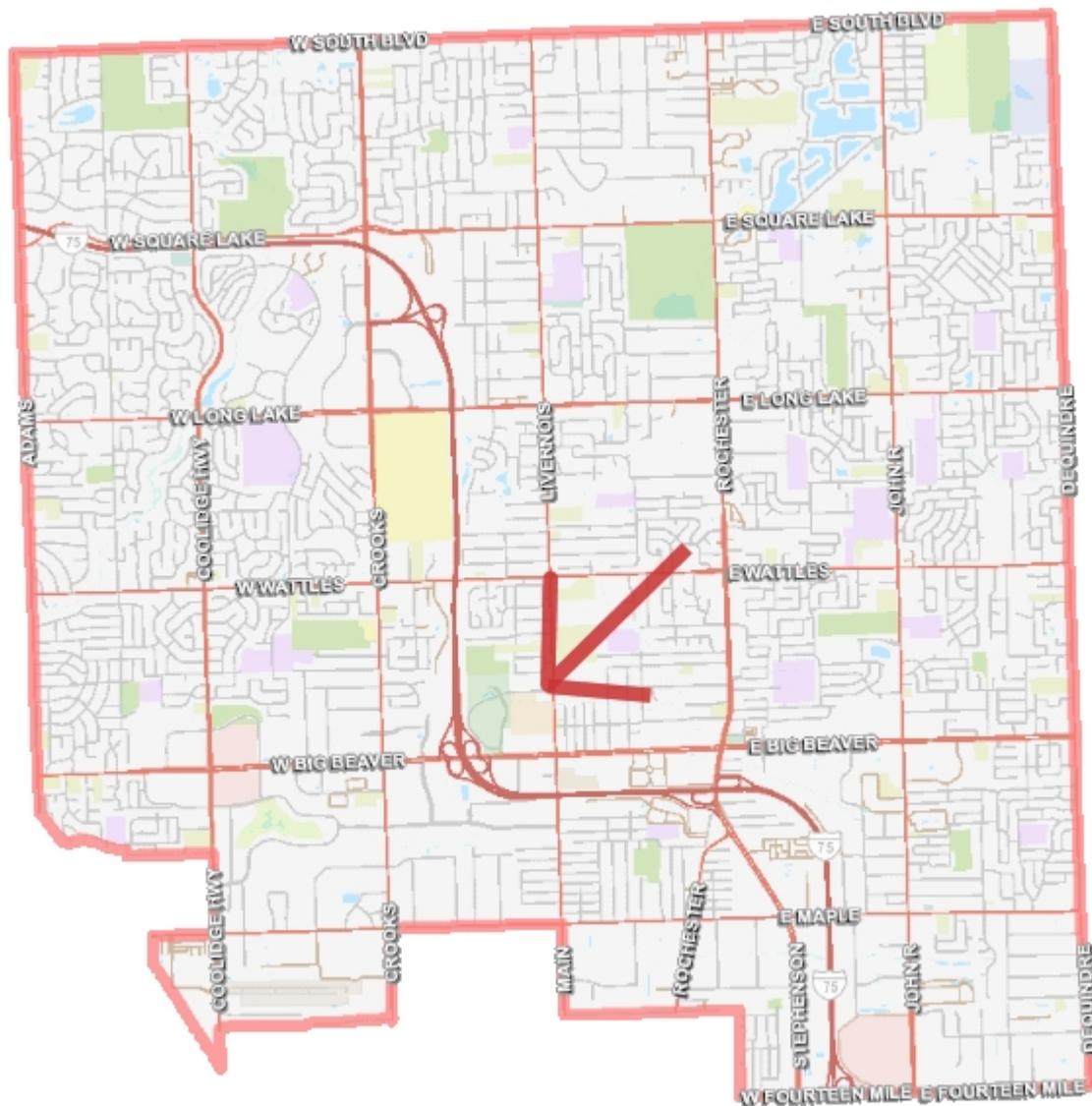
The site is within the Big Beaver classification in the City of Troy Master Plan, which supports multi-story residential development. The application is consistent with the Master Plan.

The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City's Planning Consultant, summarizes the rezoning request.

City Management recommends approval of the rezoning request from O (Office) District to BB (Big Beaver) District.

Attachments:

1. Map
2. Minutes (draft) from January 14, 2014 Planning Commission Regular minutes (excerpt)
3. Agenda item from January 14, 2014 Planning Commission Regular meeting
4. Public comment
5. Correspondence from applicant, dated January 21, 2014



15,568 0 7,784 15,568 Feet



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



Legend:

Street Name Text

188 0 94 188Feet

Scale 1: 1,128

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Printed: 11/19/2013



## **REZONING REQUEST**

5. **PUBLIC HEARING - REZONING APPLICATION (File Number Z 745) – Proposed Amber Town Center Townhomes and Lofts, West side of Livernois, North of Town Center (3409 Livernois), Section 21, From O (Office) District to BB (Big Beaver) District**

Chair Tagle informed the Board he has a client who has a business relationship with the petitioner. Chair Tagle said he has no business involvement or financial interest in the proposed application.

It was the consensus of the Board there was no conflict of interest.

Mr. Carlisle explained that due to an administrative error in the rezoning notification requirement, the Rezoning Request application is before the Board again this evening for consideration and a Public Hearing. Mr. Carlisle said the Rezoning Request meets the objectives of the Master Plan. He advised the Board the petitioner has officially submitted a Preliminary Site Plan application for the proposed development, noting the site plan submittal addresses concerns brought to the petitioner's attention at the time a conceptual site plan was offered at the December 10, 2013 meeting. Mr. Carlisle reminded the Board the site plan is not a consideration of the Rezoning Request before the Board this evening and would be reviewed and acted upon at a later date. Mr. Carlisle recommended approval of the Rezoning Request for the reasons as specified in his report, dated December 5, 2013.

Present were the applicant, Jerome Amber of Amber Properties Company, and Dennis Cowan of Plunkett Cooney.

Mr. Cowan stated that contact was made with those residents who were not initially notified of the proposed Rezoning Request. He stated also that contact was made with Dr. Goldin of 3415 Livernois, who spoke in opposition at the December 10, 2013 meeting, and it appears the concerns of Dr. Goldin have been satisfied. Mr. Cowan said the Preliminary Site Plan application demonstrates the petitioner's intent to construct the building at the same height and dimensions as discussed at the December meeting. Mr. Cowan said the proposed building was moved as far south and east as possible. He briefly gave a history of the Amber Properties developments and tenant demographics.

Mr. Krent asked if the petitioner would consider a conditional rezoning.

Mr. Cowan asked for time to discuss that possibility with his client.

### PUBLIC HEARING OPENED

Karen Crusse of 55 Timberview spoke in opposition on behalf of the Westwood Park Homeowners Association. Concerns expressed were the building would be an obstruction and not pleasing to the eye, the development is not a fit for the area, residential ownership preferred instead of tenants, no guarantee tenants would be professional and underwhelmed with Amber House developments in other communities.

Robert Warner of 3551 Cherished View spoke in opposition. Concerns expressed were the Big Beaver district encroachment on residential, potential future use of site and development inappropriate fit for the area.

Sanjay Shah of 123 Millstone spoke in opposition. Concerns expressed were the development does not fit in downtown feeling of city and vacant property does not mean the City should allow building.

### PUBLIC HEARING CLOSED

Mr. Amber said the proposed development is one story less and 11 to 12 feet lower than is allowed by right.

Mr. Cowan said he discussed the possibility of a conditional rezoning with his client and his client has decided to go forward with the traditional Rezoning Request. Mr. Cowan said his client is under a time constraint with respect to the purchase agreement and a resubmittal process would place his client in a precarious position. Mr. Cowan shared that Amber House Properties is an owner-operated company. He said his client has given concessions on the Preliminary Site Plan application with respect to the building height and dimensions.

Mr. Schepke said he does not like the aesthetics of the development and would not support the request.

Mr. Savidant reminded the Board that the applicant is moving forward with the Preliminary Site Plan submittal, however the site plan is not being considered at this time. Furthermore, the Rezoning Request meets the Master Plan.

Mr. Sanzica, who voted no on the Rezoning Request at the December 10, 2013 meeting, said he would support the Rezoning Request this evening because the applicant has demonstrated his intent with the Preliminary Site Plan submission and has acted in good faith.

Mr. Schultz said he would not support the Rezoning Request because the proposed site plan drawings are not a condition to the rezoning. He expressed concerns with the potential future use of the site. Mr. Schultz said the proposed

development will be an asset to the City and he has no doubt the applicant is honest and forthright in what he wants to build.

Chair Tagle addressed the positives of the proposed development with respect to aesthetics, location, height and buffer to residential.

Mr. Savidant addressed the audience with respect to the roles of the Planning Commission and City Council.

**Resolution # PC-2014-01-003**

Moved by: Sanzica

Seconded by: Edmunds

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the O to BB rezoning request, located on the west side of Livernois, north of Town Center (3409 Livernois), in Section 21, being approximately 1.22 acres in size, be approved, for the following reasons:

- 1) The request complies with the Master Plan
- 2) The Form-Based District would permit greater flexibility in use and development of the property.
- 3) The abundance of Office District property in the City has been well documented.
- 4) The rezoning would be compatible with surrounding zoning and land use.
- 5) The site can be adequately served with municipal water and sewer.

Yes: Edmunds, Gottlieb, Hutson, Krent, Sanzica, Tagle

No: Schepke, Schultz

Absent: Strat

**MOTION CARRIED**

DATE: January 9, 2013

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING - REZONING APPLICATION (File Number Z 745) –  
Proposed Amber Town Center Townhomes and Lofts, West side of  
Livernois, North of Town Center (3409 Livernois), Section 21, From O  
(Office) District to BB (Big Beaver) District

The applicant, Amber Properties Company, seeks a rezoning of the subject parcel from O (Office) District to BB (Big Beaver) District. The Planning Commission held a public hearing on this item on December 10, 2013 however the 300-foot mailing list was incorrect. Therefore the Planning Commission must hold a public hearing that complies with public notice requirements.

The site is within the Big Beaver classification in the City of Troy Master Plan. This classification supports residential development along the Big Beaver Corridor.

The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City's Planning Consultant, summarizes the rezoning request. CWA prepared the report with input from various City departments including Planning, Engineering, Public Works and Fire. City Management supports the findings of fact contained in the report and agrees with the recommendation.

Please be prepared to discuss this item at the January 14, 2014 Planning Commission Regular meeting.

Attachments:

1. Maps
2. City of Troy Master Plan (excerpt)
3. Report prepared by Carlisle/Wortman Associates, Inc.
4. Public comment

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## PROPOSED RESOLUTION

REZONING APPLICATION (File Number Z 745) – Proposed Amber Town Center Townhomes and Lofts, West side of Livernois, North of Town Center (3409 Livernois), Section 21, From O (Office) District to BB (Big Beaver) District

**Resolution # PC-2014-01-**

Moved by:

Seconded by:

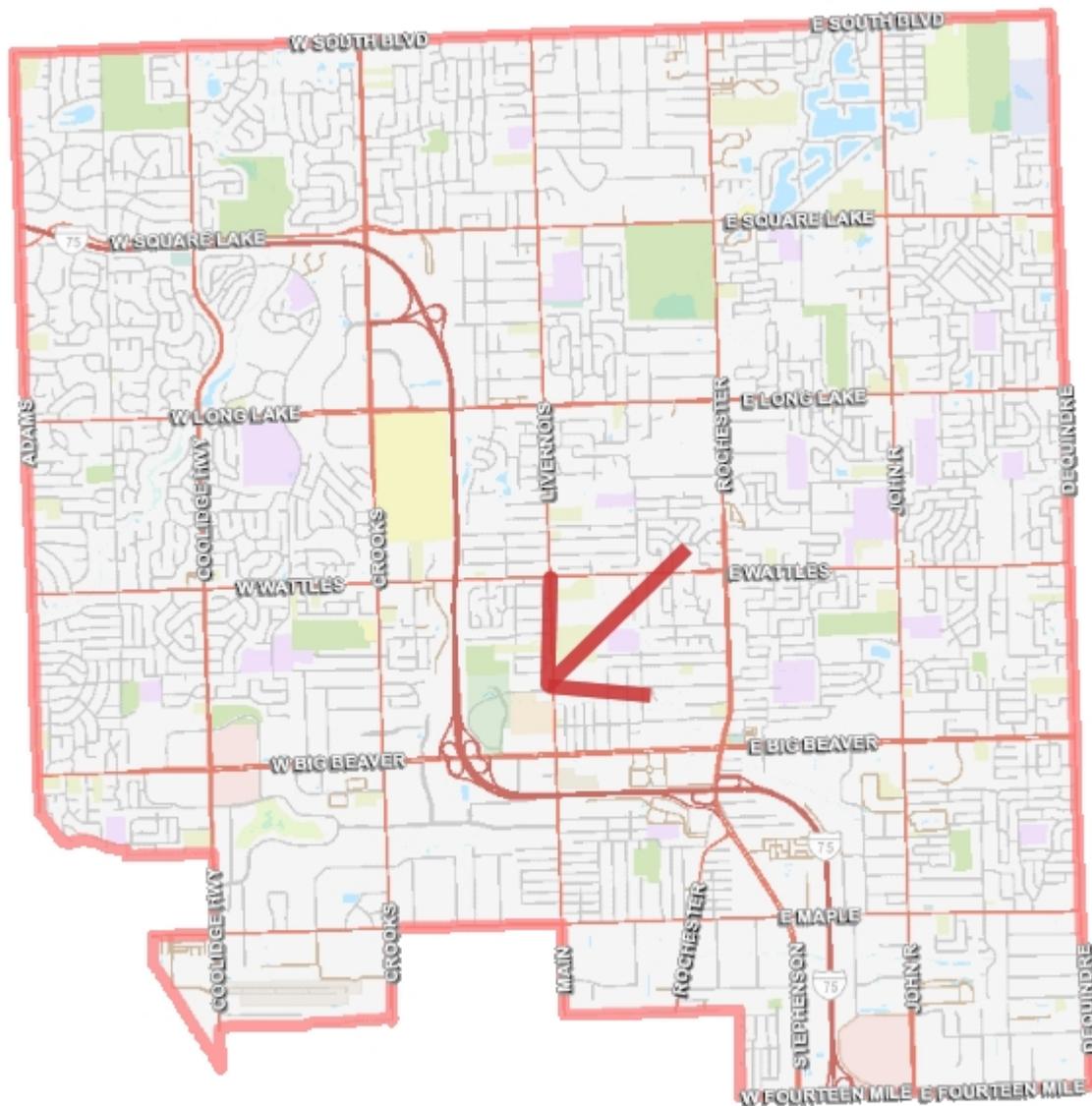
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- 3) The abundance of Office District property in the City has been well documented.
- 4) The rezoning would be compatible with surrounding zoning and land use.
- 5) The site can be adequately served with municipal water and sewer.

Yes:

Absent:

**MOTION CARRIED / FAILED**



15,568 0 7,784 15,568 Feet



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Printed: 11/19/2013



## Big Beaver Road: A World Class Boulevard



- *Home to large, landmark projects and mixed-use regional destinations.*
- *Central gathering area of the community.*
- *A collection of international corporations, local companies, and establishments which complement these high-visibility uses.*

The Big Beaver Road corridor is responsible for the first impression many people have throughout Michigan when they think of the City of Troy. The high-rise buildings, Somerset Collection, and its immediate proximity to I-75 are frequently the main elements visitors remember about the Corridor and the City. **In order to remain competitive and continue to be a leader in economic development in Southeast Michigan, Troy must plan for this Corridor to evolve in light of a changing economy.** In that spirit, the City adopted the key concepts of the Big Beaver Corridor Study in 2006:

- Gateways, Districts and Transitions
- Trees and Landscape as Ceilings and Walls
- Walking Becomes Entertainment - Much to Observe & Engage In
- Mixing the Uses Turns on the Lights - Energetic Dynamic of Mixed Uses with a Focus on Residential

- The Automobile & Parking are No Longer #1.
- Civic Art as the Wise Sage of the Boulevard

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

This Study provided a comprehensive analysis of the existing and potential characteristics of this important area. The planned future land uses in the Big Beaver Corridor are in large part considered mixed-use, to allow for a wave of new residential development and the redevelopment of individual sites to make a more meaningful contribution to the quality of life of the City. The main difference between the various mixed-use districts planned in the Study is building height. The intended characteristics of the various districts are also very different, and are the topic of in-depth analysis in the Study. Some important recommendations of that Study are listed below.

- Moving toward the creation of distinct physical districts by building from lot line to lot line along the right-of-way rather than continuing to be a collection of isolated towers.
- Becoming flexible with land use relationships. The use of vertically integrated mixed-use commercial, office and residential towers should be promoted. The use of prominent ground floor retail, restaurants and cafes allows visual interest and activity for visitors and residents.
- Contain parking in structures that are shared by surrounding developments. Do not allow off-street parking to be visible from major thoroughfares.
- Landscape Big Beaver and intersecting thoroughfares with rows of mature trees.

## DESIGN CONCEPT

- This will be a vibrant high-rise business and residential district.
- Pedestrian use will be promoted through massive landscaping, wide sidewalks, outdoor cafes, and public art.
- The Big Beaver Corridor Study and Big Beaver Development Code provide for a specific land development pattern.
- Architectural design must create an interesting visual experience for both sidewalk users at close range and for those viewing the skyline from a distance.

## SITE DESIGN ATTRIBUTES

- Parking should be located in rear yards.
- Development should include intense street tree planting along Big Beaver.
- Cafes, plazas, parks and similar amenities to draw pedestrians will be encouraged.
- Buildings will frame the street network by building to the front and side property lines. Exceptions for cafes, plazas and access roads may be permitted.

## BUILDING DESIGN ATTRIBUTES

- Buildings should rise in height toward Crooks Road in the east-west direction.

- Buildings should rise in height toward Big Beaver in the north-south direction.
- Ground level stories should be a minimum of twelve feet in height; with large expanses of transparent glass.
- Fenestration at the ground level should be highlighted through the use of awnings, overhangs or trim detailing, and building caps or roofs should provide a visually interesting skyline.



Big Beaver Corridor Study; Birchler Arroyo Associates, Inc.



Concept Sketch from the Big Beaver Corridor Study; Birchler Arroyo Associates, Inc.



CARLISLE

WORTMAN  
associates, inc.

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

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

Date: December 5, 2013

## Land Use and Zoning Analysis For Amber Properties - Troy, Michigan

### GENERAL INFORMATION

<b>Applicant</b>	Amber Properties
<b>Project Name:</b>	Amber Town Center
<b>Location:</b>	Northwest Corner of Town Center Dr. and Livernois Rd.
<b>Zoning:</b>	O, Office Building District
<b>Action Requested:</b>	Rezoning to Big Beaver Formal Based District
<b>Required Information:</b>	Provided

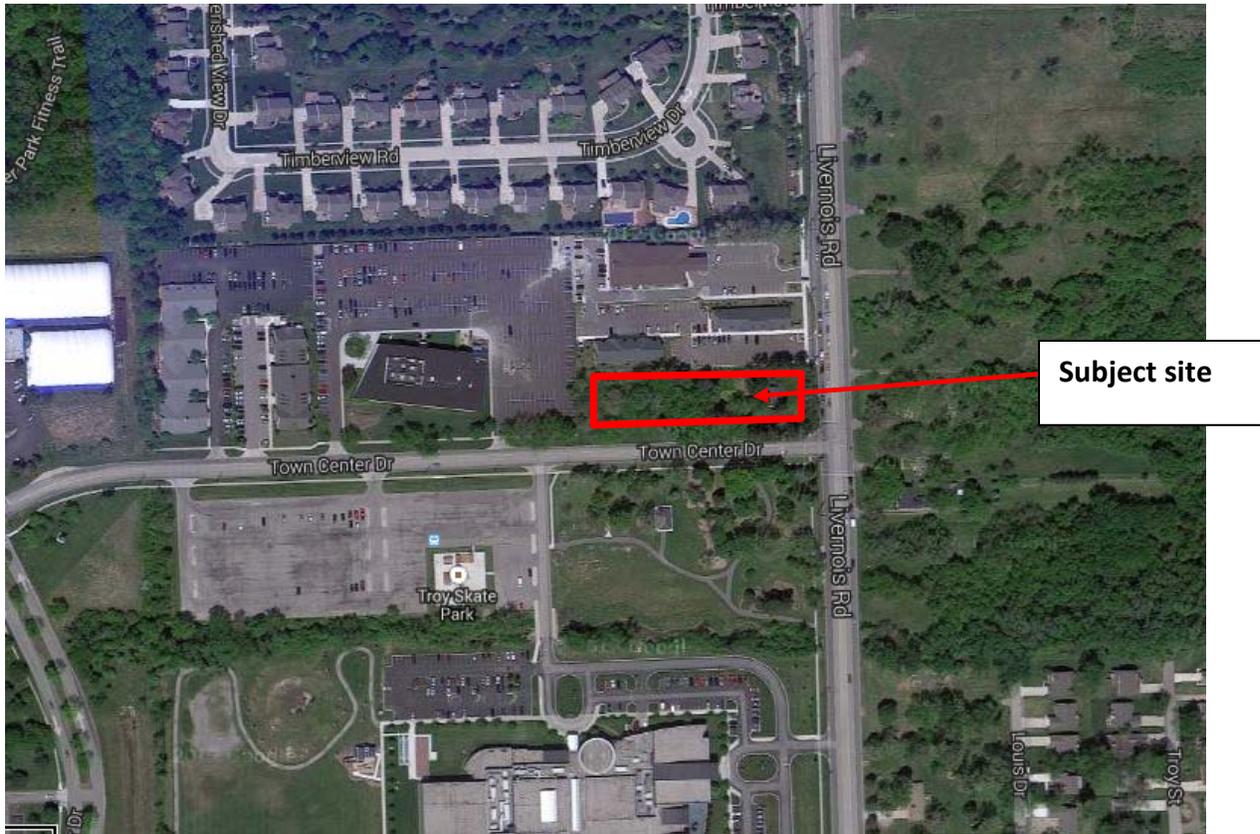
### SITE DESCRIPTION

The applicant is requesting a rezoning of a 1.21 acre vacant parcel from O – Office to Big Beaver (Form Based) District. The applicants' intent is to construct a residential project on the property which would be permitted in the Big Beaver District, based on the site and street types.

Although a concept plan has been supplied, it is purely illustrative. A more detailed site plan and other documents are required for preliminary site plan approval.

### NEIGHBORING ZONING AND LAND USE

The neighboring zoning and use to the north and west are Office, to the south is Community Facilities, and used as a park and across Livernois is residential but largely vacant.



**MASTER PLAN**

The site is located within the area designated as Big Beaver in the Master Plan. The Big Beaver designation responds to the recommendations set forth in the Big Beaver Corridor Study, which promotes higher density, vertically integrated mixed-use commercial, office, and residential uses. The Plan encourages increased residential units along and in proximity to Big Beaver. Development of residential uses should be designed with a strong orientation towards the roadway corridor to support pedestrian activity and frame the street.

Neighboring zoning, land use, and master plan designations are summarized in the following chart:

	NORTH	South	East	West
<b>Zoning</b>	O	CF	R-1F	O
<b>Land Use</b>	Office	Park	Vacant/Res.	Office
<b>Master Plan</b>	Big Beaver	Public	Residential	Big Beaver

## **NATURAL RESOURCES**

The site is vacant and appears to have been previously graded. There, it is devoid of any significant natural features.

## **DEVELOPMENT POTENTIAL**

The City has an abundance of land zoned and used for office purposes. With the current vacancy rate, it is unlikely that office use of the property is reasonable.

The full development potential of the site within the form based district will be determined through submission of a site plan. However, this specific property is required to be designated as a Site Type C using Town Center (a collector) as its principal frontage. Therefore, residential use is permitted. In addition, Building Forms A-D are permitted.

## **TRAFFIC IMPACT AND SITE ACCESS**

Due to the principal and sole access from Town Center, traffic impact is not expected to be an issue. The location of access points on Town Center Drive will be reviewed during the site plan review process. Cross-access to the north will be required in order to distribute traffic.

## **ESSENTIAL FACILITIES AND SERVICES**

The site is served by municipal water and sewer. All utility locations, as well as stormwater management will be considered during site plan review.

## **OTHER**

The applicant has submitted a Concept Plan. A Concept Plan is illustrative and not required to provide the detail necessary for a site plan review. If the rezoning is granted, the applicant is encouraged to thoroughly review the building form requirements as set forth in Section 5.03 and design standards set forth in Section 5.04 E. The Concept Plan does not reflect consideration of all of these standards, including parking location along Livernois, ground story activation, and pedestrian orientation. These are details that will be considered during the site plan review process, provided the rezoning is approved.

## **RECOMMENDATIONS**

We would recommend approval of the subject rezoning for the following reasons:

- 1) The request complies with the Master Plan
- 2) The Form-Based District would permit greater flexibility in use and development of the property.
- 3) The abundance of Office District property in the City has been well documented.

- 4) The rezoning would be compatible with surrounding zoning and land use.
- 5) The site can be adequately served with municipal water and sewer.

*Please contact me if you have any questions.*



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**CARLISLE/WORTMAN ASSOC., INC.**  
**Richard K. Carlisle, PCP, AICP**  
**President**

225-02-1336

**From:** [Debra](#)  
**To:** [Planning](#)  
**Subject:** Planning File No. Z 745 Amber Town Center Townhomes and Lofts  
**Date:** Wednesday, January 08, 2014 5:31:20 PM

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## **Planning Department -**

**I am writing on behalf of Mr. and Mrs. William Black who reside at 3364 Livernois. They wish to express their concerns regarding the consideration of the re-zoning for the Amber Town Center Townhomes and Lofts.**

**Mr. and Mrs. William Black are not in favor of a five story residential building at the corner of Town Center Drive and Livernois.**

**It will greatly affect the traffic flow more than a business would at that corner. It would definitely need to be reviewed for safety because of the park directly across the street and the busy sidewalk crossing. You are already aware that Towncenter Drive accommodates traffic for the city offices, library, tennis courts, outdoor swim area, recreational trails, community center and various businesses. The Towncenter Drive intersection at Livernois and the out let on to Big Beaver are extremely busy already. Why would you want to add "living quarters" to such a congested area?**

**It will also set the precedence for future development in the area. The undeveloped land across the road may be subject to the same type of structure. It is important to develop residential areas - that is understood - but keep residential as residential. It is not part of the Big Beaver Corridor!**

**Thank you.**

**Sincerely,**

**Mr. and Mrs. William Black**

**From:** [Karen J Collingsworth-Crusse](#)  
**To:** [Planning](#)  
**Subject:** Planning Commission Public Hearing Tues. 1/14  
**Date:** Tuesday, January 14, 2014 1:24:14 PM

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To Whom It May Concern,

The Planning Commission will hold a Public Hearing at 7 p.m. tonight on a re-zoning request, namely Z745 Amber Town Center Townhomes and Lofts. There will be several homeowners from the adjoining Westwood Park subdivision in attendance tonight to express their concerns regarding this proposed change.

Kind regards,  
Karen J. Collingsworth-Crusse

*Karen J. Collingsworth-Crusse*

Vice President  
Trust and Estate Advisor

**COMERICA WEALTH MANAGEMENT**

One Woodward Avenue, MC 3318 | Suite 2600 | Detroit, MI 48226  
(313) 222-5575 | Fax: (313) 222-6286

January 17, 2014

Members of City Council  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Subject: Proposed Amber Town Center Townhomes and Lofts  
10 – 90 Town Center Drive  
Troy, MI 48083

Ladies and Gentlemen:

I am a 25 year resident of Troy and moved into Amber Creek East Apartments on Kirts Blvd. in 1999. I'm a registered voter and proud to be a member of the Troy Community. I like renting from Amber Apartments and especially like that they handle the water bill, cut the grass, plow the snow, pay the taxes, and maintain my apartment so I don't have to.

I support Amber's rezoning request for the property on Town Center Drive and think a new apartment development there would greatly benefit the community as a whole. Young professionals who are looking for a nice place to live and want to move to Troy will find this location near the Troy Community Center, library, tennis courts, and park the place to be in the Big Beaver District of the City.

I respectfully request that my letter of support for rezoning this property to the Big Beaver District and the Amber Town Center Townhomes and Lofts development be entered into the public record of the Troy City Council meeting scheduled for January 27, 2014.

Thank you for allowing me the opportunity to submit these comments.

Sincerely,



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Robert M. Plater  
659 Kirts Blvd., Apt. 110  
Troy, MI 48084

January 17, 2014

City Council Members  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Subject: Proposed Big Beaver District Rezoning  
Vacant Property at Town Center Drive and Livernois

Dear City of Troy Members of Council:

As a longtime member of the Troy business and residential community through my involvement in the management of Somerset Park Apartments, I support the proposed rezoning of the vacant property at the northwest corner of Town Center Drive and Livernois by the City of Troy to the Big Beaver District.

We consider residential housing opportunities that are attractive to professionals with good jobs, especially new construction developments that would be allowed in the Big Beaver District, to be good for the City of Troy and all of its residents. Being near City Offices, the Troy Community Center, Library, and tennis courts is a particularly desirable location for new apartments and we should welcome them to the City of Troy.

It is our understanding that with rezoning approval of this property by the City of Troy to the Big Beaver District, Amber Properties Company intends to develop this site for new apartments and lofts, and we sincerely hope they are successful in their efforts. We thus encourage your full support. Thank you.

Sincerely,



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George M. Nyman  
President  
Professional Property Management, Inc./ Nykel Management LLC.  
managing agent for Somerset Park Apartments



January 21, 2014

Mayor Dane Slater  
and Troy City Council  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Re: Amber Properties Company  
3409 Livernois, Troy, Michigan

Dear Mayor Slater and City Council Members:

The undersigned and our Firm represent Amber Properties Company ("Amber"), the applicant for rezoning to the Big Beaver District designation for the property at 3409 Livernois. The site is located at the northwest corner of Livernois and Town Center. This letter is written in support of Amber's rezoning request.

Amber is very pleased to have received an affirmative recommendation for rezoning from the Troy Planning Commission at its meetings of December 10, 2013 (6-3 vote) and January 14, 2014 (6-2 vote). The clear majority of the Planning Commission believed Amber met the City's criteria for rezoning. Amber is very pleased to have the opportunity to bring this exciting project to Troy's dynamic Big Beaver Corridor.

As stated below, the rezoning request meets the goals and objectives of the Troy Master Plan.

**Rezoning is Consistent with Troy's Master Plan**

The Troy Master Plan supports housing options for Troy residents in the Big Beaver Corridor, as stated:

Only recently has the City begun to fully embrace more "urban" housing styles, by encouraging their development as part of a mixed use, planned unit development projects. The City of Troy must recognize the importance of having a variety of housing styles represented within the community, and describes how having these units will help Troy become a more vibrant place. While not all knowledge-economy workers and their families are seeking urban lifestyles, this is an area where Troy has room to grow. (p. 83)

Mayor Dane Slater  
and City Council  
City of Troy  
January 21, 2014  
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Amber Apartments are an upscale, urban housing style which fits into the niche which the City recognizes. The proposed project will include townhomes, loft-style and studio apartments. Recent Amber developments in Oakland County are well known for their "urban" interior design, including wood floors, open ceilings, metal stairways and other design elements that attract a variety of workers including those in health-care and knowledge-based industries.

The Troy Master Plan in its discussion of Big Beaver Road encourages new residential development. The proposed Amber Apartments project will be within walking distance of many of the shopping areas and restaurants on Big Beaver Road. The development will be adjacent to the Troy Community Center which will allow greater utilization by the apartment residents.

**Rezoning will not be Detrimental to the Property of Other Persons Located in the Vicinity**

The Amber Apartment project will be part of an existing mixed-use area, blending in and not creating any conflict with surrounding office, residential, commercial and municipal uses.

The immediate vicinity already encompasses:

- A) Office uses to the north;
- B) Single family homes to the north;
- C) Commercial buildings to the west; and
- D) Troy Community Center and park to the south.

Clearly, there already exists a variety of uses in the immediate vicinity, and the proposed multi-family use will enhance the mixed-use nature of the area. Adequate on-site parking is provided for the Amber Apartment project and there are nearby off-site parking options as well. Amber has submitted a site plan for the project that does not require any variances for parking, set-backs or otherwise.

Mayor Dane Slater  
and City Council  
City of Troy  
January 21, 2014  
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### **Rezoning Will Meet Goals of Big Beaver District**

The proposed Amber Apartment project will meet the goals of Section 5.04 (Big Beaver District) of the Zoning Ordinance to:

1. Establish a development pattern in which new buildings and building modifications enhance the character of the existing built environment.
2. Orient building entrances and storefronts to the street to add visual interest, increase pedestrian traffic, and to reduce crime through increased surveillance.
3. Enhance a sense of place and contribute to the sustainability of the City.
4. Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit) to reduce automobile dependence and fuel consumption.
5. Add value to property along the Big Beaver Corridor.

All of the above criteria are met by the proposed rezoning and project. In particular, the residential presence will increase walkability and bicycle usage to Big Beaver Road and the Troy Community Center.

### **Such Rezoning is Consistent with Adjacent Zoning Districts**

The rezoning of the subject property is a natural extension of the adjacent Big Beaver District, which is directly to the south. The rezoning will be consistent with nearby residential subdivisions, but provide a different and desirable housing option.

### **Amber's Proposed Project**

The requested zoning designation will allow Amber to apply for approval to construct an upscale, multi-family building at this location. The project will include townhome, 1 and 2 bedroom loft and studio units. They will have wood floors, exposed ceilings, in-unit washer/dryer and other amenities. Amber intends to provide necessary off-street parking and does not anticipate having to request variances.

Mayor Dane Slater  
and City Council  
City of Troy  
January 21, 2014  
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Amber has completed seven new projects in the last seven years in Royal Oak and Clawson. The two newest buildings, Amber Corners and Amber Crossing, have very positive tenant demographics. At both locations, about 80% of residents hold a Bachelors, Masters or Ph.D./J.D./M.D. degree. Average yearly income is in excess of \$60,000. Monthly rentals for these properties are between \$825 and \$2,195 depending on the unit. We believe Amber's tenants are the future residents Troy wishes to attract to the community.

### **Outreach to Neighbors**

In preparation for our two meetings with the Planning Commission and the January 27<sup>th</sup> City Council meeting, Amber has taken the following actions:

- Prior to the December 10, 2013 Planning Commission meeting, sent 22 letters to all parties who received notice from the City describing the project and making Amber available to answer any questions.
- On January 2, 2014, Jerry Amber met with Dr. Craig Goldin of the Cosmetic Dentistry Institute, who had attended the December 10<sup>th</sup> meeting and expressed concerns about some aspects of the project. Mr. Amber believes the meeting went well and he was able to satisfy Dr. Goldin's primary concerns that the building might be too close to the lot line. In fact, the building has been pushed as far south as practicable and away from the lot line.
- Prior to the January 14<sup>th</sup> Planning Commission meeting, Amber sent 10 letters to residential neighbors who inadvertently did not receive the City's first notice for the December 10<sup>th</sup> meeting, describing the request and making Amber available for any questions.
- After the January 14<sup>th</sup> Planning Commission meeting, Mr. Amber, Amber's architect and myself answered questions from residents who attended the meeting.

Mayor Dane Slater  
and City Council  
City of Troy  
January 21, 2014  
Page 5

- Amber is holding a meeting for residential neighbors at the Troy Community Center on January 22<sup>nd</sup> at 7:30 p.m. to further discuss the project.
- We have been in touch with Michael Fahmy, who owns and operates the physical therapy business in a nearby building. We have forwarded a copy of the landscape plan at Mr. Fahmy's request.

Amber has taken all steps to answer questions and provide information to its neighbors. Amber recognizes that it will be at this location for many years and wants to be a "good neighbor."

Amber has been a family operated business since 1960. It now owns and manages 1,200 apartment units in Royal Oak, Clawson, Berkley and Troy. Amber properties are well kept and its apartments have a very positive reputation in the community. Two of its recent projects have demonstrated that building a quality product in close proximity to businesses, stores and restaurants attracts great interest and tenants.

On behalf of Amber Properties Company, we respectfully request your approval of the rezoning request at your January 27<sup>th</sup> meeting. We look forward to attending the meeting. In the meantime, if you have any questions or issues you want addressed at the meeting, please let us know.

Sincerely,

PLUNKETT COONEY



Dennis G. Cowan  
Direct Dial: (248) 901-4029  
Email: [dcowan@plunkettcooney.com](mailto:dcowan@plunkettcooney.com)

DGC/cmw

cc: Jerry Amber

Open.19331.70425.13664820-1



## MEMORANDUM

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Date: January 22, 2014

To: Brian Kischnick, City Manager

From: Aileen Bittner, City Clerk

Subject: Rezoning Protest Petitions – Amber Town Center Townhomes and Lofts

---

On January 17<sup>th</sup>, a resident of Timberview Drive delivered Rezoning Protest Petitions, signed by other Timberview Drive residents, to the City Clerk's Office (Attachment 1). These petitions were determined to be invalid due to the signers all owning property outside the 100' radius surrounding the subject property which is the northwest corner of Livernois and Town Center (Attachment 3).

On January 22<sup>nd</sup>, another resident of Timberview Drive delivered Rezoning Protest Petitions signed by residents of Troy from Ivy Lane, Faircastle Drive, Kingsway Drive and Cherrywood Drive (Attachment 2). These residences are all located well outside the 100' radius surrounding the subject property. The January 22<sup>nd</sup> petitions are determined to be invalid.

Valid Rezoning Protest Petitions must contain signatures of 20% of the owners of properties within 100' of the subject property. If a petition is determined to be valid, the City Council would need a super majority vote of 5 instead of a majority vote of 4 in order to pass a rezoning resolution. The misconception is that a valid Rezoning Protest Petition kills a resolution for rezoning. The question has come up many times in the past few months. City Administration has consistently and diligently reiterated the petition rules and super majority vote rule to petition circulators and signers.

The City Clerk's Office notifies the circulator of the outcome of their petition submittal and includes a copy of the section of the Zoning Enabling Act that pertains to Rezoning Protest Petitions. I've attached that section for your reference as well (Attachment 4). The petitions are kept on file in the City Clerk's Office as public records.

E. Conde Bruce (sp)  
Clerk 16 Jan 14

27

2014 JAN 17 AM 11:29



# Rezoning Protest Petition

✓ = Registered Voter  
✓ = Property Owner

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

Date: 1.13.2014

Contact Person: John B. Casse

Address: 55 Timberline Dr

City: Troy State: MI Zip: 48064

Telephone: 248.777.7576

### Rezoning case being protested:

Case #: Z-745 Applicant Name: Amica Properties

Amica Town Center Townhouses + Lofts

Parcel 88-20-21-426-010

### 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.**



2014 JAN 17 AM 11:29

Rezoning Protest Petition

Case #: Z-745

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the D Office zoning district(s) to the B2 Business zoning district(s) Rezoning case identified above, applicant name Amber Land Homes

The Rezoning is scheduled for action by the City Council on 1-14-2014 (date)

The reason(s) for this protest is/are: Adverse to surrounding residential property values, no benefit to city or residents and increases noise & traffic

Print Name (clearly):  Kayed & Fadia Azar Date: 1-13-2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature:  Fadia Azar

Address:  60 Millstone Dr. Troy, MI 48084

Print Name (clearly):  Hong Lang Date: 1-13-2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature:  Hong Lang (NR)

Address:  76 Millstone Dr. Troy, MI

Print Name (clearly):  WASEEM ALAM Date: \_\_\_\_\_

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature:  Waseem Alam

Address:  92 MILLSTONE DR

Print Name (clearly):  MOGIN AMIN Date: 1-13-14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature:  Mogin Amin

Address:  124 MILLSTONE DR, TROY, MI 48084

Print Name (clearly):  DINESH J. DAGLI Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature:  Dinesh J. Dagle

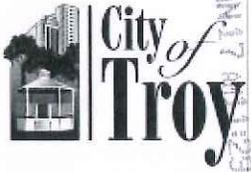
Address:  140 MILLSTONE DR TROY MI 48084

Print Name (clearly):  Qing Huang Date: \_\_\_\_\_

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature:  Qing Huang

Address:  138 Millstone Dr. Troy, MI 48084



2014 JAN 17 AM 11:29

2014 JAN 17 AM 11:29

Rezoning Protest Petition

Case #: Z- 745

**Statement of Opposition:**

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the O Office zoning district(s) to the BB Big Box zoning district(s) Rezoning case identified above, applicant name Arden Tomlinson

The Rezoning is scheduled for action by the City Council on 1-14-2014 (date)

The reason(s) for this protest is/are: Adverse to surrounding residential property values, no benefit to city or residents and increases noise + traffic

Print Name (clearly): Ashwin & Rita Dalal Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Rita Dalal

Address: 204, Millstone DR - TROY - MI - 48084

Print Name (clearly): Suresh & Krishna Subramanian Date: 1/13/2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Suresh

Address: 3583 CHERISHED VIEW DR. TROY, MI 48084

Print Name (clearly): Michelle & Rob Warner Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: 3551 Chenshed View 48084 Millstone/Timberley

Signature: [Signature]

Address: 3551 Chenshed View Westwood Park

Print Name (clearly): Bill Xia Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Bill Xia (Not signature)

Address: 202 Timberview DR. Troy, MI. 48084

Print Name (clearly): MINAL & NAHDEO KALE Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: NM Kale

Address: 186 TIMBERVIEW DR TROY, MI - 48084

Print Name (clearly): Brad Shah Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: [Signature]

Address: 3574 Chenshed view Drive Troy, MI 48084



2014 JAN 17 AM 11:29

Rezoning Protest Petition

Case #: Z- 745

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the O Office zoning district(s) to the B0 Big Beaver zoning district(s) Rezoning case identified above, applicant name Anchor Town Homes

The Rezoning is scheduled for action by the City Council on 1-14-2014 (date)

The reason(s) for this protest is/are: Address to surrounding residential property values, no benefit to city or residents and increased noise + traffic

Print Name (clearly):  Draga Palincas Date: 1/13/14  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  Draga Palincas  
Address:  187 Millstone Dr, Troy, MI 48084

Print Name (clearly):  RAJ VASUDEVAN Date: 1/13/14  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  Raj (NR)  
Address:  203 Millstone Dr, Troy, MI 48084

Print Name (clearly):  VIRU PATEL Date: 1/13/14  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  V Patel (NR)  
Address:  3615 Cherished View Troy MI 48084

Print Name (clearly):  Brad Rugh Date: 1/13/14  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  BRAD R  
Address:  3567 Cherished View Dr. Troy, MI 48084

Print Name (clearly):  Ying zhang Date: 1/13/14  
Description or Parcel # of Parcel(s) Owned: 215 Timberview Drive.  
Signature:  Ying zhang  
Address:  215 Timberview Drive, Troy, MI 48084

Print Name (clearly):  Steve Jamil Date: 1/13/14  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  Steve Jamil  
Address:  199 Timberview Drive, Troy, MI, 48084



2014 JAN 17 AM 11:29

Rezoning Protest Petition

Case #: Z- 745

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the O Office zoning district(s) to the BD Big Bear zoning district(s) Rezoning case identified above, applicant name Amber Townshend

The Rezoning is scheduled for action by the City Council on 1-14-2014 (date)

The reason(s) for this protest is/are: Adverse to surrounding residential properties value, no benefit to city and increased noise + traffic

Print Name (clearly): Akbal Brikha Date: 1-13-14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: 103 Timberview Dr, Troy MI 48064

Print Name (clearly): MANISHA BAJWA Date: 1-13-14

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Manisha Bajwa

Address: 87 Timberview Dr TROY MI 48084

Print Name (clearly): Jaw B. Conise Date: 1.13.2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Jaw Conise

Address: 55 TIMBERVIEW Dr Troy MI 48084

Print Name (clearly): SEEMA GARG Date: 1/13/2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Seema Garg (NR)

Address: 39 Timberview Troy MI-48084

Print Name (clearly): MARCY YEE Date: 1/13/2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Marcy Yee

Address: 23 TIMBERVIEW TROY, MI 48084

Print Name (clearly): RICHARD D. MINNICK II Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: 28 MILLSTONE DRIVE WP #1

Signature: Richard Minnick II

Address: 28 MILLSTONE DR. TROY 48084

Not property owner



17014 APR 17 AM 11:29

Rezoning Protest Petition

Case #: Z-745

**Statement of Opposition:**

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the D Office zoning district(s) to the Big Beaver BB zoning district(s) Rezoning case identified above, applicant name Amber Tonboes

The Rezoning is scheduled for action by the City Council on 1-14-2014 (date)

The reason(s) for this protest is/are: Adverse to surrounding residential property values, no benefit to city or residents and increases noise + traffic

Print Name (clearly):  CHEYAN PASTOVI Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  [Signature]  
Address:  13535 CHERISHED VIEW, TROY, MI 48084

Print Name (clearly):  Janet Peterson Date: 1-13-14  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  [Signature]  
Address:  183 Timberview Dr. Troy 48084

Print Name (clearly):  SHENG LIU Date: 1-13-2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature:  [Signature]  
Address:  90 Timberview Dr. Troy 48084

Print Name (clearly):  LALATIAKSHA KUMBAR Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: \_\_\_\_\_ (NR)  
Address:  38 TIMBERVIEW DR, TROY 48084

Print Name (clearly):  QIBIAO SHEN Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: \_\_\_\_\_ (NR)  
Address:  3599 Cherished View, Troy MI 48084

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



2014 JAN 17 AM 11:29

2014 JAN

Rezoning Protest Petition

Case #: Z-745

Statement of Opposition:

We, the undersigned property owners, hereby protest the proposed Rezoning from the Office zoning district(s) to the BB Bc Bover zoning district(s) Rezoning case identified above, applicant name Area Townhomes

The Rezoning is scheduled for action by the City Council on 1-14-2014 (date)

The reason(s) for this protest is/are: Adverse to surrounding residential property values, no benefit to city or resident and increased noise + traffic

Print Name (clearly): HAMED SADRUA Date: 1/13/2014

Description or Parcel # of Parcel(s) Owned:

Signature: [Signature]

Address: 44 Millstone Dr., Troy, MI 48084

Print Name (clearly): LEONARDO STACCO Date: 1-13-2014

Description or Parcel # of Parcel(s) Owned:

Signature: [Signature]

Address: 75 Millstone Trust MI 48084

Print Name (clearly): NUROMELO VINLUAN Date: 1-13-2014

Description or Parcel # of Parcel(s) Owned:

Signature: Nurmeo O. Vinluan

Address: 91 Millstone Drive Troy MI 48084

Print Name (clearly): SANJAY SHAH Date: 1-13-14

Description or Parcel # of Parcel(s) Owned:

Signature: [Signature]

Address: 123 Millstone Dr Troy MI 48084

Print Name (clearly): Joe Morelli Date: 1/13/2014

Description or Parcel # of Parcel(s) Owned:

Signature: [Signature]

Address: 155 Millstone Dr Troy MI 48084

Print Name (clearly): STEPHEN BHASKARAN Date: 1/13/14

Description or Parcel # of Parcel(s) Owned: 171 Millstone Dr, Troy 48084

Signature: Stephen Dubny (NR)

Address:



2014 JAN 17 04:11:29

Rezoning Protest Petition

Case #: Z- 745

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the O Office zoning district(s) to the BB Big Beaver zoning district(s) Rezoning case identified above, applicant name Amber Townhomes.

The Rezoning is scheduled for action by the City Council on 1-14-2014 (date)

The reason(s) for this protest is/are: adverse to surrounding residential property values, no benefit to City or residents, increased noise and traffic

Print Name (clearly): XIAOJIN WANG & MINGHUA YANG Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: Xiaojin Wang Minghua Yang (NR)  
Address: 135 Timberview Dr. Troy, MI 48084

Print Name (clearly): SEN & "CARMENCITA" YOLLY MARBAS Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: Sen P. Marbas Carmencita M. Marbas  
Address: 151 Timberview Dr. Troy, MI 48084

Print Name (clearly): CHRISTINE AUSTIN Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: Christine Austin (NR)  
Address: 106 Timberview Dr. Troy, MI 48084

Property in Kenneth Austin's name

Print Name (clearly): GEORGE COLLINS Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: George Collins  
Address: 139 MILLESTONE DR 48084

Print Name (clearly): GADGEEL SHIRISH & MANISHA Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: Gadgeel Shirish (NR)  
Address: 122 Timberview Dr. Troy, MI 48084

Print Name (clearly): Ghassan Gebara Date: 1/13/2014  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: Ghassan Gebara  
Address: 138 Timberview Dr Troy, MI 48084

/ = All Petition signers live outside 100' from parcel being rezoned.



# Rezoning Protest Petition

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

14 JAN 22 PM 12:53

Date: 1/22/14

Contact Person: XIAOJIN WANG ✓

Address: ✓ 135 Timberview Dr

City: Troy State: MI Zip: 48084

Telephone: 248-250-0012

### Rezoning case being protested:

Case #: Z-745 Applicant Name: Ameber Town Center  
Townhomes and Loft

### 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.**



**Statement of Opposition:**

2014 JAN 22 PM 12:53

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the 0 zoning district(s) to the 13B zoning district(s)  
Rezoning case identified above, applicant name \_\_\_\_\_

Amber towncenter Townhomes and Loft.

The Rezoning is scheduled for action by the City Council on 1/27/14 (date)

The reason(s) for this protest is/are: devalue the surrounding Property values, traffic, noise, unstabllize the region where families live and seniors often visit.

Print Name (clearly): Xiu Juan Ma, Feng Lin Date: 01/17/2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Xiu-Juan Ma, Feng Lin

Address: 346 IVY Ln, Troy MI 48098

Print Name (clearly): Gengmei Wang Date: 01/18/2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Gengmei Wang

Address: 5797 Faircastle Dr. Troy, MI 48098

Print Name (clearly): Wenhua Jin Date: 1/20/2014

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: Wenhua Jin

Address: 2079 Kingsway Dr, Troy, MI 48098

Print Name (clearly): \_\_\_\_\_ Date: \_\_\_\_\_

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Print Name (clearly): \_\_\_\_\_ Date: \_\_\_\_\_

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Print Name (clearly): \_\_\_\_\_ Date: \_\_\_\_\_

Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_



Statement of Opposition:

2014 JAN 22 PM 12:53

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the 0 zoning district(s) to the BB zoning district(s) Rezoning case identified above, applicant name Amber Town Center Townhomes and Loft

The Rezoning is scheduled for action by the City Council on 1/27/14 (date)

The reason(s) for this protest is/are: not go along with Troy's Masterplan. create traffic, noise, unstablize the region where families, children and seniors often visit.

Print Name (clearly): Wei Ren Date: \_\_\_\_\_  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: Wei Ren  
Address: 4312 Cherrywood Dr. Troy 48098

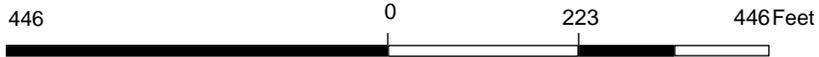
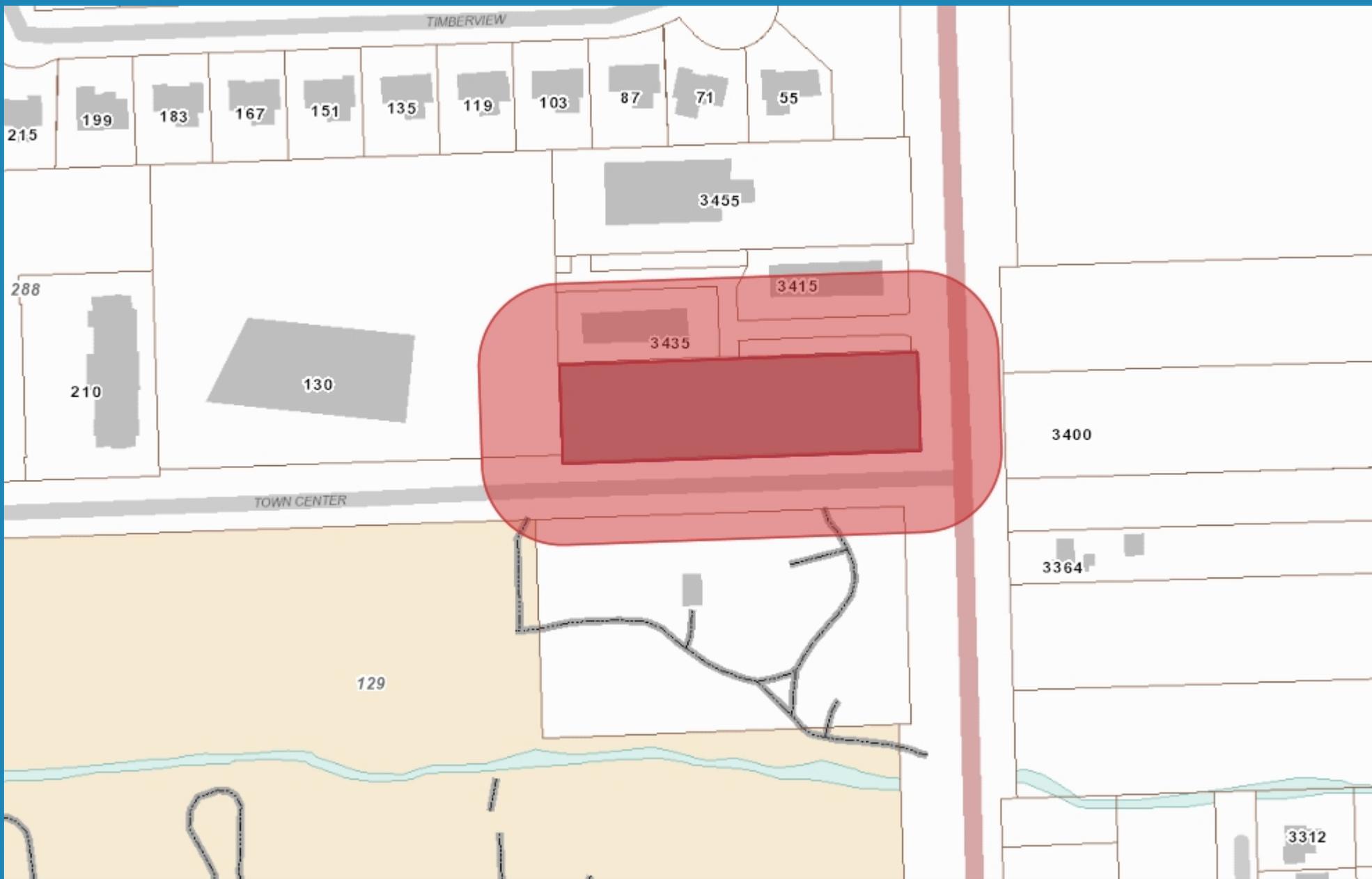
Print Name (clearly): \_\_\_\_\_ Date: \_\_\_\_\_  
Description or Parcel # of Parcel(s) Owned: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_

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

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

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

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



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

# Attachment 4

## MICHIGAN ZONING ENABLING ACT (EXCERPT) Act 110 of 2006

### 125.3403 Amendment to zoning ordinance; filing of protest petition; vote.

Sec. 403. (1) An amendment to a zoning ordinance by a city or village is subject to a protest petition as required by this subsection. **If a protest petition is filed, approval of the amendment to the zoning ordinance shall require a 2/3 vote of the legislative body,** unless a larger vote, not to exceed a 3/4 vote, is required by ordinance or charter. The protest petition shall be presented to the legislative body of the city or village before final legislative action on the amendment and shall be signed by 1 or more of the following:

(a) The owners of at least 20% of the area of land included in the proposed change.

(b) **The owners of at least 20% 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.

(2) Publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (1).

**History:** 2006, Act 110, Eff. July 1, 2006.