AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

MAY 8, 2006

CONVENING AT 7:30 P.M.

Submitted By
The Acting City Manager

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@ci.troy.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John M. Lamerato, Acting 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 M. Lamerato, Acting City Manager

CITY COUNCIL

AGENDA

May 8, 2006 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

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ROLL CALL: 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Steve Husava – Northfield Hills Baptist Church

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Proclamation Celebrating the Troy School District Named As One of the Best 100 Communities for Music Education

b) Law Day 2006 Essay Winners

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 1970 Larchwood

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

Proposed Resolution A (For Approval)

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Michael Fakoury, 1970 Larchwood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck and open utility trailer is hereby **APPROVED** for _ _____(not to exceed two years).

Or Proposed Resolution B (For Denial)

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 pursuant to Section 44.02.02 of Chapter 39 of the Code of the City of Troy:

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Michael Fakoury, 1970 Larchwood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck and open utility trailer is hereby **DENIED**.

Yes:
No:

C-2 Request to Withdraw Commercial Vehicle Appeal – 5361 Livernois

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

RESOLVED, That the City Council **ACCEPTS** the withdrawal of the request from Mr. Brian Van Tongeren, as indicated in the letter received from Melissa Van Tongeren on May 2, 2006, eliminating the need for a public hearing.

Yes:
No:

C-3 Zoning Ordinance Text Amendment (File Number: ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

Version A (As Recommended by Planning Commission)

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

Or

Version B (As Recommended by City Management)

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

Yes:
No:

POSTPONED ITEMS:

D-1 Preliminary Site Condominium Review – Preserves of Timbercrest Site Condominium, West of Fernleigh, South Side of Wattles Road, Section 24 – R-1C

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

RESOLVED, That the amended preliminary site condominium plan, revised April 28, 2006, 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 Preserves of Timbercrest Site Condominium, located west of Fernleigh, on the south side of Wattles Road, including 6 home sites, within the R-1C Zoning District, being 2.26 acres in size, is hereby **APPROVED**.

Yes:
No:

CONSENT AGENDA:

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

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

Suggested Resolution
Resolution #2006-05-
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

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E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2006-05-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of April 17, 2006; the Minutes of the 7:30 PM Regular City Council Meeting of April 24, 2006; the Minutes of the 7:30 PM Special Meeting of May 1, 2006; and the Minutes of the 10:04 PM Special Meeting of May 1, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations:

Suggested Resolution
Resolution #2006-05-

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

a) **Proclamation Celebrating the Troy School District – Named One of the Best 100 Communities for Music Education**
b) **Proclamation In Recognition of Maybelle Bombard on the Occasion of Her 100th Birthday**
c) **National Association of Letter Carriers Food Drive Day – May 13, 2006**

E-4 **Standard Purchasing Resolutions**

a) **Standard Purchasing Resolution 1: Award to Low Bidder – Grass Seed and Hydro-Seeding Mulch/Fertilizer**

Suggested Resolution
Resolution #2006-05-

RESOLVED, That a contract to purchase grass seed and hydro-seeding mulch/fertilizer is hereby **AWARDED** to the low total bidder, Tri-Turf of Farmington Hills, Michigan, for an estimated total cost of $12,099.00, at unit prices contained in the bid tabulation opened April 18, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) **Standard Purchasing Resolution 3: Exercise Renewal Option – MITN Purchasing Cooperative Pager Rental Contract**

Suggested Resolution
Resolution #2006-05-

WHEREAS, On November 3, 2003, a three (3) year contract with an option to renew for up to three (3) additional years to provide pager rental was awarded to the low bidder, Verizon Wireless Messaging Services of Lewisville, Texas for an estimated annual cost of $29,103.00 (Resolution #2003-11-559);

WHEREAS, Verizon Wireless has agreed to exercise the three-year option to renew the contract under the same pricing structure, terms, and conditions for participating members of the MITN (Michigan Intergovernmental Trade Network) Cooperative;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Verizon Wireless Messaging Services to provide pager rental services under the same pricing structure, terms and conditions for three years expiring December 1, 2009.

c) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities (NLC) FAIR/Public Finance Panel Spring Steering Committee Meeting**

Suggested Resolution
Resolution #2006-05-

RESOLVED, That those Council members interested are **AUTHORIZED** to attend the National League of Cities (NLC) FAIR/Public Finance Panel Spring Steering Committee Meeting on June 15 - 17, 2006 in Cambridge, Massachusetts in accordance with accounting procedures of the City of Troy.

d) Standard Purchasing Resolution 4: State of Michigan, MiDeal Purchasing Agreement – SMARTMSG, Emergency Notification System

Suggested Resolution
Resolution #2006-05-

RESOLVED, That contracts to purchase SMARTMSG, an emergency notification system, which includes hardware and software from Codespear, AT&T, Hewlett Packard, and EDS are hereby **APPROVED** through State of Michigan MiDeal contracts for an estimated total project cost of $37,620.00; and an estimated recurring cost of $3,531.96 per year to AT&T for the T1 line and $1,000 for SMARTMSG maintenance, at prices contained in Appendix 1, Detailed Cost Estimates, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

e) Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates

Suggested Resolution
Resolution #2006-05-

RESOLVED, That one (1) year contracts for aggregates with an option to renew for one additional year are hereby **AWARDED** to the low bidders, B&W Landscape Supply of Clinton Twp., MI, Richmond Transport of Lenox, MI, Troy Aggregate Carriers of Sterling Heights, MI, Tri City Aggregates of Holly, MI, and Edw. C. Levy Company of Detroit, MI, at unit prices contained in the bid tabulation opened April 19, 2006, with contracts expiring April 30, 2007.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

f) Standard Purchasing Resolution 1: Award to Low Bidder – Irrigation Installation

Suggested Resolution
Resolution #2006-05-

RESOLVED, That a contract to furnish and install irrigation at the Troy Community Center (Proposal A) and Jaycee Park (Proposal B) is hereby **AWARDED** to the low bidder, Stay Green Sprinklers, of Southfield, MI, for an estimated total cost of $75,965.00, **CONTINGENT** upon contractor submission of properly executed bid documents, including insurance certificates, bonds, and all specified requirements.

BE IT FURTHER RESOLVED, That if additional work is needed that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or $7,596.50.

g) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – 35,000 Cab and Chassis with Platform

Suggested Resolution
Resolution #2006-05-

RESOLVED, That a contract to purchase one (1) cab and chassis with platform Model Acterra by Sterling Truck is hereby **AWARDED** to the lowest bidder meeting specifications, Wolverine Truck Sales, Inc., of Dearborn, MI for an estimated total cost of $56,619.00.

h) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over $10,000.00 – Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County

Suggested Resolution
Resolution #2006-05-

RESOLVED, That approval is **GRANTED** to pay the renewal of City of Troy's membership in the Traffic Improvement Association for the year 2006, in the amount of $25,500.00. Funds are available in the 2005-2006 Traffic Engineering budget, Account No. 446.7958.

E-5 Assessment of Delinquent Accounts

Suggested Resolution
Resolution #2006-05-

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes; and

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	$ 13,539.12
Special Assessments	
Including Penalties & Interest	7,057.76
Water & Sewer Accounts	
Including Penalties	594,201.79
Total	$ 614,798.67

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED TO ASSESS** these delinquent accounts on the annual City Tax Roll.

E-6 Resolution Authorizing Request for Reimbursement: Oakland County West Nile Virus Fund

Suggested Resolution

Resolution #2006-05-

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy Parks and Recreation Department, to seek reimbursement in the amount of $30,057.91 from the Oakland County West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

E-7 Application for Transfer of Specially Designated Distributors (SDD) and Specially Designated Merchant (SDM) License for Troy Paradise Party Store

(a) License Transfer

Suggested Resolution
Resolution #2006-05-

RESOLVED, That the request from Troy Paradise, Inc., to transfer all stock interest in 2005 Specially Designated Distributors (SDD) and Specially Designated Merchant (SDM) licensed corporation located at 5945 John R, Troy MI 48085, Oakland County by dropping Sadik J. Sadik through transfer of 100 shares of stock to new stockholder, Louay Joulakh; be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

(b) Agreement

Suggested Resolution
Resolution #2006-05-

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 Paradise, Inc., to transfer all stock interest in 2005 Specially Designated Distributors (SDD) and Specially Designated Merchant (SDM) licensed corporation located at 5945 John R, Troy MI 48085, Oakland County by dropping Sadik J. Sadik through transfer of 100 shares of stock to new stockholder, Louay Joulakh**;** 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-8 Private Agreement for Walnut Forest Site Condominiums – Project No. 05.906.3

Suggested Resolution
Resolution #2006-05-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Jewel Construction Company, is hereby **APPROVED**

for the installation of water main, sanitary sewer, storm sewer, detention, paving, sidewalks, soil erosion and landscaping on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Request for Approval of Purchase Agreement, Kensington Community Church, 1825 East Square Lake Road – Sidwell #88-20-02-427-029, Project No. 02.204.5-Parcel 27 – Square Lake/John R CMAQ Project

Suggested Resolution
Resolution #2006-05-

RESOLVED, That the Agreement to Purchase between Kensington Community Church and the City of Troy, having Sidwell #88-20-02-427-029, for the acquisition of right-of-way at 1825 East Square Lake Road is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of $77,500.00, plus closing costs.

E-10 Request for Temporary Sales Trailer Monarch Condominiums

Suggested Resolution
Resolution #2006-05-

RESOLVED, That the request from Christopher Priddy of Joseph Freed and Associates for the placement of temporary office trailers on the site of the Monarch Condominium Development, is hereby **APPROVED** for a twelve month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 11 "F".

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust; Ethnic Issues Advisory Board; Historic District Commission; Municipal Building Authority; Personnel Board; and 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 black lines indicate the number of appointments required:

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

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

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

(Alternate) Unexpired Term Expires 11/01/06

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

Term Expires 04/30/09

Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust
Appointed by Council (8) – 3 Year Term

Term Expires 04/15/09

Ethnic Issues Advisory Board
Appointed by Council (9) 2 & 3 Year Terms

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

Historic District Commission
Appointed by Council (7) – 3 Year Terms

One member, an architect if available
Two members, chosen from a list submitted by a duly organized history group or groups

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

Term Expires 05/16/09 **(Architect)**

Term Expires 05/16/09

Term Expires 05/16/09

Municipal Building Authority
Appointed by Council (5) – 3 Year Terms

Term Expires 01/31/09

Term Expires 01/31/09

Personnel Board
Appointed by Council (5) – 3 Year Terms

Term Expires 04/30/09

Troy Daze Committee
Appointed by (9) – 3 Year Terms

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

Yes:
No:

F-2 Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2006/2007

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

WHEREAS, The Michigan Municipal League has provided Workers' Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the net estimated premium cost of $365,449.00 is hereby **APPROVED** for Workers' Compensation Insurance through the MML for the 2006-2007 fiscal year with a resulting final estimated cost to the City of $246,041.00 after applying a dividend distribution check in the amount of $119,408.00.

Yes:
No:

F-3 Downtown Development Authority Bylaw Changes

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

WHEREAS, The Troy Downtown Development Authority approved and recommended to City Council amendments to Article IV, Section 4 of the DDA Bylaws to strike "shall" and insert "may" in Line 1 "in the absence of" in Line 2 and in Line 3 strike "acting" and insert "Executive**"** to provide flexibility in the appointment of the Executive Director.

BE IT RESOLVED, That City Council **APPROVES** the following amendments to Article IV, Section 4 of the DDA Bylaws to strike "shall" and insert "may" in Line 1, "in the absence of" in Line 2 and in Line 3 strike "acting" and insert "Executive**"** of the DDA Bylaws.

Yes:
No:

F-4 City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

RESOLVED, That Chapter 28 – Tree and Plant Ordinance, a copy of which shall be **INCLUDED** in the original Minutes of this meeting, is hereby **ADOPTED**.

Yes:
No:

F-5 Rescind Bid Award/Re-Award Contract – Mosquito Control

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

WHEREAS, On March 6, 2006, a one-year contract for mosquito control in the residential curb storm drains was awarded to the low bidder, Invaders Pest Control of Lincoln Park, MI, (Resolution # 2006-03-126-E-4d);

WHEREAS, Invaders Pest Control has defaulted on the contract due to their inability to obtain the required insurance;

NOW, THEREFORE, BE IT RESOLVED, That the contract to treat 6,000 residential curb catch basins for mosquitoes be **RESCINDED** without prejudice from Invaders Pest Control, and **RE-AWARDED** to the next low bidder meeting specifications, Tri-County Pest Control of St. Clair Shores, MI, for an estimated total cost of $24,000.00, at unit prices contained in the bid tabulation opened February 10, 2006, with the contract expiring December 31, 2006.

Yes:
No:

F-6 Bid Waiver – Square Lake Water Main Replacement, Rochester Road to 700' West

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

WHEREAS, Troelsen Excavating Co., 1395 Rochester Road, Troy, MI, is currently under contract with the City of Troy for Contract 05-6 and has considerable experience in water main replacement work; and

WHEREAS, Troelsen's quote for water main replacement of the existing water main on the north side of Square Lake Road, from Rochester Road to approximately 700 feet to the west was the lowest quote submitted and is considered to be competitive and reasonable for our area;

NOW, THEREFORE, BE IT RESOLVED, That a contract modification for water main replacement work is **APPROVED** and shall be **ADDED** to Contract 05-6 at a cost of $145,413.00;

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

Yes:
No:

F-7 Final Preliminary Plat Approval – Beachview Estates Subdivision, West Side of Beach, South of Long Lake – Section 18

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

RESOLVED, That final approval of the Preliminary Plat for Beachview Estates Subdivision located on the west side of Beach Road, south of Long Lake Road, within Section 18, including 8 lots within the R-1A Zoning District, is hereby **GRANTED**.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Subdivision Agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-8 Schedule a Special Meeting for the Purpose of Deliberation and Action on the Selection of a City Manager

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

RESOLVED, That a Special Meeting is **SCHEDULED** for Saturday, June 10, 2006 at 8:00 a.m. in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of City Council deliberation and action on the selection of a City Manager.

Yes:
No:

F-9 Emerald Food Service Contract

Suggested Resolution
Resolution #2006-05-

Moved by
Seconded by

RESOLVED, That the Troy City Council hereby **CONFIRMS** the one-year contract with Emerald Food Service I, L.L.C. to provide a Café and Pro Shop operation in the Community Center, and food and beverage service at Sanctuary Lake Golf Course expiring April 30, 2007.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Preliminary Planned Unit Development Approval – PUD-5 Caswell Town Center – East Side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1, Section 2 – May 15, 2006

G-2 Green Memorandums:

a) Amending the Personal Property Tax Abatement for Manufacturing and Headquarter Companies

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Liquor Advisory Committee/Final – December 12, 2005
b) Troy Youth Council/Final – January 25, 2006
c) Historic District Study Committee/Final – February 7, 2006
d) Downtown Development Authority/Draft – February 15, 2006
e) Downtown Development Authority/Final – February 15, 2006
f) Advisory Committee for Senior Citizens/Final – March 2, 2006
g) Employees' Retirement System Board of Trustees/Final – March 8, 2006
h) Planning Commission/Final *(Corrected)* – March 14, 2006
i) Downtown Development Authority/Draft – March 15, 2006
j) Downtown Development Authority/Final – March 15, 2006
k) Traffic Committee/Final – March 15, 2006
l) Library Advisory Board/Final – March 16, 2006
m) Board of Zoning Appeals/Draft – March 21, 2006
n) Board of Zoning Appeals/Final – March 21, 2006
o) Historic District Commission/Final – March 21, 2006
p) Planning Commission Special/Study/Draft – March 28, 2006
q) Planning Commission Special/Study/Final – March 28, 2006
r) Troy Youth Council/Draft – March 29, 2006
s) Ethnic Issues Advisory Board/Draft – April 4, 2006
t) Planning Commission Special/Study/Draft – April 4, 2006
u) Planning Commission Special/Study/Final – April 4, 2006
v) Building Code Board of Appeals/Draft – April 5, 2006
w) Advisory Committee for Senior Citizens/Draft – April 6, 2006
x) Liquor Advisory Committee/Draft – April 10, 2006
y) Planning Commission/Draft – April 11, 2006
z) Planning Commission/Final – April 11, 2006
aa) Board of Zoning Appeals/Draft – April 18, 2006
bb) Planning Commission Special/Study/Draft – April 25, 2006
cc) Planning Commission Special/Study/Final – April 25, 2006

J-2 Department Reports:

a) Report from Council Member Robin Beltramini on NLC's Congressional Cities Conference, March 11-15, 2006 Washington D.C.
b) Assessing Department – Comparison of Local Millage Rates

J-3 Letters of Appreciation:

a) Letter of Thanks to Chief Craft from Anthony Kleibecker, Muskegon Police Department, In Appreciation of the Assistance Provided During the Funeral of Officer Kevin Stier
b) Letter of Appreciation to Sgt. Schaufler from Kirk Lytwyn Regarding the Efforts of Officer Tim Daniels
c) Letter of Thanks to Officer Breidenich from Dick Minnick for Speaking at the Homeowner's Association Annual Meeting
d) Letter of Appreciation to Captain Murphy from Angela Allen Regarding the Assistance During the 5th Annual Players Wives Fashion Extravaganza

e) Letter of Thanks to Officer Reynolds from Joseph Marchetti and Bruce Wade, Oakland Police Academy, for Participating in the Basic Detective/Investigator Program

f) Letter of Thanks to Tonni Bartholomew and Staff from Maureen Feighan, Detroit News, Regarding Election Training

g) Letter of Thanks to Barb Holmes from Marilyn Mostek In Appreciation of the Efforts of the Clerk's Office During the Passport Fair

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

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J-5 Calendar

J-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of the Detroit Edison Company – Case No. U-14838

J-7 Communication from the National Arbor Day Foundation Regarding Troy Being Named as a 2005 Tree City USA

J-8 Communication from the Planning Department Regarding Zoning Ordinance Text Amendment (ZOTA 214), Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts – Child Care Provider Meeting

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J-9 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Customers of the Detroit Edison Company – Case No. U-14275-R and Case No. U-14817

J-10 Communication from the Parks and Recreation Director Carol Anderson Regarding Employee Rates at Golf Courses and Aquatic Center

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J-11 Communication from Birmingham-Bloomfield Symphony Orchestra

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J-12 Communication from Oakland County Executive L. Brooks Patterson Regarding American Systems Technology and McGraw Wentworth being among the "50 Companies to Watch in 2006"

J-13 Communication from Community Affairs Regarding Closed Captioning for Cable Channel

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16,

during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session:

Suggested Resolution
Resolution #2006-05-
Moved by
Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by State Statute MCL 15.268 (e): Gerback v. City of Troy – Settlement Proposal and Gerback v Troy – Settlement Proposal.

Yes:
No:

ADJOURNMENT

Respectfully submitted,

John M. Lamerato, Acting City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, May 15, 2006 ..... Regular City Council
~~Monday, May 22, 2006 CANCELLED..... Regular City Council~~
Monday, June 5, 2006 ..... Regular City Council
Monday, June 19, 2006 ..... Regular City Council
Monday, July 10, 2006 ..... Regular City Council
Monday, July 24, 2006 ..... Regular City Council
Monday, August 14, 2006..... Regular City Council
Monday, August 28, 2006..... Regular City Council

PROCLAMATION
CELEBRATING THE TROY SCHOOL DISTRICT
NAMED ONE OF THE BEST 100 COMMUNITIES FOR MUSIC EDUCATION

WHEREAS, The **Troy School District** and its Board of Education have ensured that music education is a valued part of each student's education and a focal point in the overall development of the district's students; and

WHEREAS, The comprehensive nature of the **Troy School District's** total fine arts education program strives to reach and engage students beginning in first grade with vocal and visual arts programs, and at the fifth-grade level introduces instrumental music with over 92 percent of all students selecting a string, wind or percussion instrument; and

WHEREAS, The **Troy School District** strives to create community based partnerships that effectively involve parents and the community in an effort to provide enrichment and improve resources for Troy students; and

WHEREAS, The programs of the **Troy School District** have received state and national recognition, including Best in Nation through the Disney Corporation, an invitation to the MidWest Music Conference in Chicago and an invitation to perform at New York's Carnegie Hall; and

WHEREAS, The **Troy School District** continues to invest in its fine arts program, including more than $1 million in renovations and upgrades as well as budgets for supplies and equipment; and

WHEREAS, The **Troy School District** combines all of these elements – funding, student participation, community involvement, course offerings and instructional quality – to make fine arts an essential part of its outstanding and comprehensive educational program; and

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby congratulate the Troy School District **on being named one of the Best 100 Communities for Music Education in America by the American Music Conference**

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of the **Troy School District and its excellence in music education**.

Presented this 8th day of May 2006.

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 2, 2006
SUBJECT: Law Day 2006 Essay Winners

Part of the mission of the City Attorney's Office is to educate the City officials, board and committee members, employees, and the general public. In furtherance of this goal, our office has actively participated in an annual Law Day Program, which is promoted by the American Bar Association (ABA). Each year, the ABA selects a theme for Law Day, and suggests relevant activities for the annual event. The theme for Law Day 2006 is "Liberty Under the Law: Separate Branches, Balanced Powers."

This year, the long term separation of powers of the executive, legislative, and judicial branches was a theme that easily lent itself to an essay contest for high school students who resided in the City of Troy. The essays dealt with the federal system of separation of powers and checks and balances, which has been in place for over 200 years. The students opined on "What has made this system so successful for so many years, and what are the future challenges to the system?"

There were several thoughtful and insightful essays submitted, which made the judging of the entries extremely difficult. However, our staff selected the top three essays for additional recognition at the May 8, 2006 City Council meeting. The first place winner is ***Varun Sarna*** (11th grade), who will read his essay (attached) at the City Council meeting. Second place is awarded to ***Xinwei Gu*** (9th grade). ***Michael Lin*** (9th grade) submitted the third place essay. These three essays will also be featured during the month of May in the Law Day Displays at the Troy Library and the Museum. The essays will also be included on the Law Day section of our departmental web site www.ci.troy.mi.us/law/lawday2006.

Excellent essays were also submitted by the following students: ***Patrick Albertson*** (9th grade), ***Azfur Ali*** (10th grade), ***David Carlson*** (12th grade), ***Andrea Edelhauser*** (10th grade), ***Nicholas Flaherty*** (10th grade), ***Jeanie Gong*** (11th grade), ***Emily Jarema*** (10th grade), ***Geon Woo Kim*** (9th grade), ***Shantanu Kumar*** (11th grade), ***Tiffany Juo*** (11th grade), ***Lirija Margilaj*** (10th grade), ***Kunal Patel*** (11th grade), ***Andy Raina*** (11th grade), ***Nutan Sakpal*** (10th grade), ***Dhruv Sekhri*** (9th grade), ***Disha Sekhri*** (12th grade), ***Anuj Shah*** (11th grade), ***Kevin Shetler*** (9th grade), ***Rishdad Sidwa*** (9th grade), ***Ritika Singh*** (11th grade), and ***Michelle Szewczyk*** (9th grade).

Thank you for your participation in the recognition of Law Day 2006. As always, if you have any questions, please let me know.

Name: Varun Sarna

School: Troy High School

Grade: 11th Grade

In a nation as new and as prosperous as the United States of America, a delicate structure is necessary to foster the growth of the country. Our Constitution, an admirable document that encompasses a remarkable variety of topics, is able to address numerous issues that have come into existence in our recent history. However, there are some potential flaws in having a single branch control all operations, some imbalances that make the government slightly unstable and subject to erratic decisions. Thus, the system of checks and balances was developed and a three-branch system established and, for the past 200 years, the system has remained unblemished.

When the founding fathers sat down to draft the Constitution, they took a plethora of factors into consideration, especially the monarchy that had once ruled them in Great Britain. Not wishing to imitate such a powerful government in which the power lies explicitly in the hands of a few opportunistic people, the Constitution created a government that would be able to handle domestic as well as national issues, but would also respect the decisions of its citizens. After realizing the inherent flaws in the Articles of Confederation, Americans began petitioning for a stronger government, one that would not *control* the people, but would *protect* them; thus, the Constitution of the United States of America was ratified in 1789. The American government is now based on the belief that the common American is the nucleus that powers the cell and the Federal system of separation of powers ensures that this belief is engraved into the nation's heart for years to come.

Three branches exist under the Federal government's system: the executive (president), the legislative (Congress), and the judicial (Supreme Court). Each holds certain authorities that the others lack, making each branch exclusive in some of its

operations. For example, the President has the sole power to wage war, the legislative branch has the sole power to declare war, and the judicial branch has the sole power to interpret the law and apply it to particular disputes. The main idea, then, is that branches are separated intricately. With each branch possessing the power to "check" and "balance" the other two, the government ensures that the possible, though unlikely, corruption of a single branch does not affect the well-being of the nation. This system was developed as a remedy for the abuse of power that former British subjects felt that the monarchy had exercised. Consequently, the system of separation of powers accompanied with checks and balances was developed. Although at times, the system may seem somewhat convoluted, its ability to carry out its duties and provide a reliable and trustworthy government for the people makes it the most effective in the world.

One of the largest obstacles that the government may face in the future is the power of the press and the popular sentiment of the people. The press acts, as some say, as the "fourth branch" of the Federal government. The Constitution explicitly guarantees freedom of press, making the limits on the press extremely minute. Thus, the press has the ability to alter public opinion through the huge medium of television that exists in our society today or through the newly discovered World Wide Web. Public opinion fuels our society and with any unfavorable sentiment towards the government, the system of separation of powers and checks and balances may, although unlikely, eventually topple. This structure of government previously faced its greatest threats during crises such as the Civil War, the Great Depression, and the Vietnam War. This exemplifies the fact that during desperate times, the power lies largely in the hands of the people, and, with the

ability of the press to alter public sentiment, the predominant challenge to the Federal government in the future will be controlling the public's views, even in times of chaos.

The success of the Federal government today can be largely attributed to the system of separation of powers that underlies its structure. With each branch possessing the ability to verify the actions of the other two branches, an almost invincible structure is developed that has yet to be worn out through the test of time. Most would agree that despite future challenges the Federal government may face, the system of separation of powers and checks and balances, which has survived for over 200 years, will continue to protect a nation guided by one factor – faith.

DATE: April 25, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: Agenda Item - Public Hearing
Commercial Vehicle Appeal
1970 Larchwood

Mr. Michael Fakoury was cited by the Building Department relating to commercial vehicles located outdoors on his property. As part of that violation, he was advised that the Ford Dump truck, GMC van, and trailer parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Fakoury has filed an appeal. The appeal requests that a public hearing be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of May 8, 2006. Since the original notice, Mr. Fakoury has made other arrangements for the parking of the van. As such he is only asking for approval for the dump truck and trailer.

This case is rather unique in that this residence is actually located on land that is zoned in the M-1 (Light Industrial) Zoning Classification. However, the structure that is there is used as a single-family residence. While the outdoor storage of contractor's equipment is a use permitted subject to special use approval in the M-1 district, this property currently is a legal non-conforming use as a residence. The owners cannot apply for special use approval as an industrial use while still using the home for residential purposes.

The existing home on the property is 958 square feet in size. It has an attached carport. There is also a 128 square foot shed on the 80' x 115' property. If this were residentially zoned property, an attached garage would be permitted up to 718 square feet in size. In addition, an additional detached garage could be constructed up to 506 square feet. However, these would be considered to be expansions of the non-conforming use that would be prohibited by the ordinance.

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

Attachments
Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
FEB 07 2006
BUILDING DEPT.

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: Michael Fakhoury

ADDRESS: 1970 Larchwood

CITY: Troy MI. ZIP: 48083 PHONE: 248-379-4612

ADDRESS OF SITE: 1970 Larchwood

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDKF3864TEA66404 Trailer 5FTDE14234102163

LICENSE PLATE NUMBER(S) 5096AV → (Trailer) A513549

DESCRIPTION OF VEHICLE(S) 1996 Ford F350 Dump
2004 Trailer

REASON FOR APPEAL (see A - D below) Property is Zoned light industrial

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)

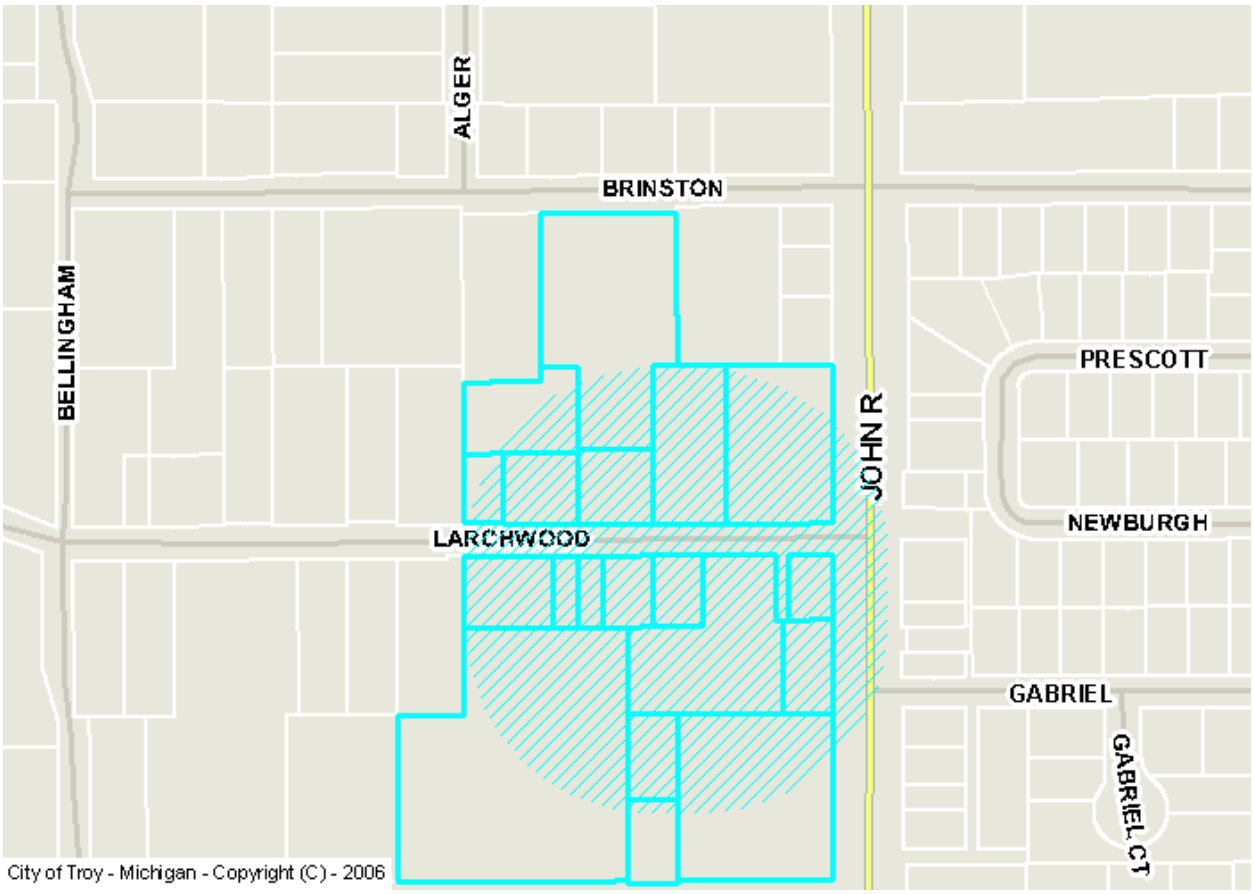
STATE OF MICHIGAN
COUNTY OF _____

On this 7 day of FEBRUARY, 2006 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.

KATHLEEN JEARLS
Notary Public, State of Michigan, County of Macomb
My Commission Expires July 15, 2012
Acting in the County of OAKLAND

Notary Public, County, Michigan

My Commission Expires:_____


ALGER
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BELLINGHAM
PRESCOTT
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NEWBURGH
LARCHWOOD
GABRIEL
GABRIEL CT
City of Troy - Michigan - Copyright (C) - 2006

DATE: May 2, 2006

TO: John M. Lamerato, Acting City Manager

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

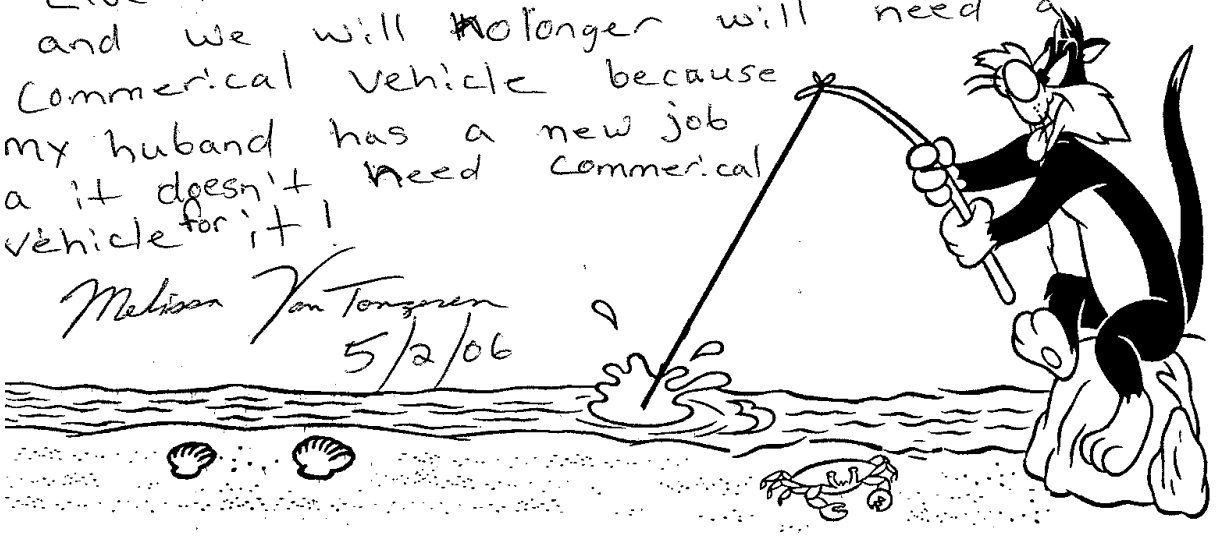
SUBJECT: Agenda Item - Public Hearing
Commercial Vehicle Appeal
5361 Livernois
Request to Withdraw Appeal

On May 2, 2006, we received the attached letter from the petitioner requesting withdrawal of their appeal of the restrictions regarding the outdoor storage of a commercial vehicle at the property at 5361 Livernois. They have sold the vehicle and no longer need the variance. The public hearing notices for this item have already been sent to the adjacent property owners. A proposed resolution, accepting the withdrawal has been provided for your adoption.

Prepared by: Mark Stimac, Director of Building and Zoning

I Melissa Van Tongeren and huband Brian Van Tongeren are withdrawn our request to have the Commerical Vehicle to be park on the property of 5361 Liverno's. Because we sold the truck and we will no longer will need a Commerical vehicle because my huband has a new job a it doesn't need Commerical vehicle for it!

Melissa Van Tongeren
5/2/06



Date: May 1, 2006

To: John M. Lamerato, Acting City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Director of Real Estate and Development
Mark S. Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

Subject: AGENDA ITEM – PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number: ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

RECOMMENDATION

City Council directed ZOTA 215-A to the Planning Commission for further consideration on November 28, 2005. The Planning Commission held a public hearing on the item on February 14, 2006 and re-affirmed their earlier recommendation of approval of ZOTA 215-A, Planning Commission Version A. This is the same recommendation that was forwarded to City Council on June 14, 2005. City Management recommends approval of Version B, which does not limit the height of garage doors on attached accessory buildings.

BACKGROUND

City Council adopted a City Council amended ZOTA 215-A, which pertained to Accessory Building definitions and provisions, on July 11, 2005. At the November 28, 2005 meeting, City Council approved the following resolution:

Vote on Resolution to Refer ZOTA 215A to the Planning Commission as Amended

Resolution #2005-11-536
Moved by Stine
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **DIRECTS** City Management to **REFER** ZOTA 215A to the Planning Commission for further consideration and forward their recommendations to the Troy City Council no later than the Regular City Council meeting scheduled for Monday, February 6, 2006.

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

MOTION CARRIED

The text amendment version recommended by the Planning Commission and the version recommended by City Management are attached, as is a Comparison Table for Accessory Buildings. The City Management version differs from the Planning Commission version in that City Management recommends elimination of the 8-foot maximum door height for attached accessory buildings. The 8-foot maximum height limit would create potential situations where a legal recreational vehicle would not be permitted to be stored inside an attached accessory structure without requiring a variance. Furthermore, this situation would not meet the test for practical difficulty as required by Section 43.72.00 of the Zoning Ordinance, and therefore the petitioner would not be granted a variance.

Prepared by RBS, MFM

Attachments:

1. Comparison Table for Accessory Buildings, prepared by City of Troy Planning Department.
2. ZOTA 215-A Planning Commission Version A, dated April 19, 2006.
3. ZOTA 215-A City Management Version B, dated April 19, 2006.
4. Examples of Allowable Accessory Structures.

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\215A\CC Public Hearing ZOTA 215A 5 8 06.doc

COMPARISON TABLE FOR ACCESSORY BUILDINGS (ZOTA 215-A)

	EXISTING ZONING ORDINANCE PROVISION	PLANNING COMMISSION VERSION A	CITY MANAGEMENT VERSION B
Section 40.56.01.B **Maximum area of attached accessory buildings**	The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the living area of the dwelling or six hundred (600) square feet whichever is greater.	The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.	The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.
Section 40.56.01.C **Maximum height of garage doors for attached accessory buildings**	The size of any door to an attached accessory building shall not exceed nine (9) feet in height.	The size of any door to an attached accessory building shall not exceed eight (8) ~~nine (9)~~ feet in height.	~~The size of any door to an attached accessory building shall not exceed nine (9) feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.~~
Section 40.56.02.A **Maximum Number of Detached Accessory Buildings**	*(No limitation)*	There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.	There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.
Section 40.56.03.A **Maximum Number of Accessory Supplemental Buildings**	*(No limitation)*	No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.	No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION A
PLANNING COMMISSION VERSION

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Article XL of Chapter 39

Article XL GENERAL PROVISIONS of Chapter 39 of the Code of the City of Troy is amended to modify the regulations relating to accessory buildings, accessory supplemental buildings and accessory structures.

(Underlining, except for major section titles, denotes changes)

[Revise Section 40.56.00 as follows]:

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

40.56.01 Attached Accessory Buildings

A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.

B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

C. The size of any door to an attached accessory building shall not exceed eight (8) ~~nine (9)~~ feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

(07-11-05)

40.56.02 Detached Accessory Buildings

A. There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.

B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%)of a required rear yard.

D. The combined ground floor area of all detached accessory buildings shall not exceed four hundred fifty (450) square feet plus two percent (2%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

E. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.

F. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.

G. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

(07-11-05)

40.56.03 Accessory Supplemental Buildings

A. No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.

B. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.

C. An accessory supplemental building shall not be located in any front yard.

D. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

E. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

(07-11-05)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION B
CITY MANAGEMENT VERSION

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Article XL of Chapter 39

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(07-11-05)

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(07-11-05)

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All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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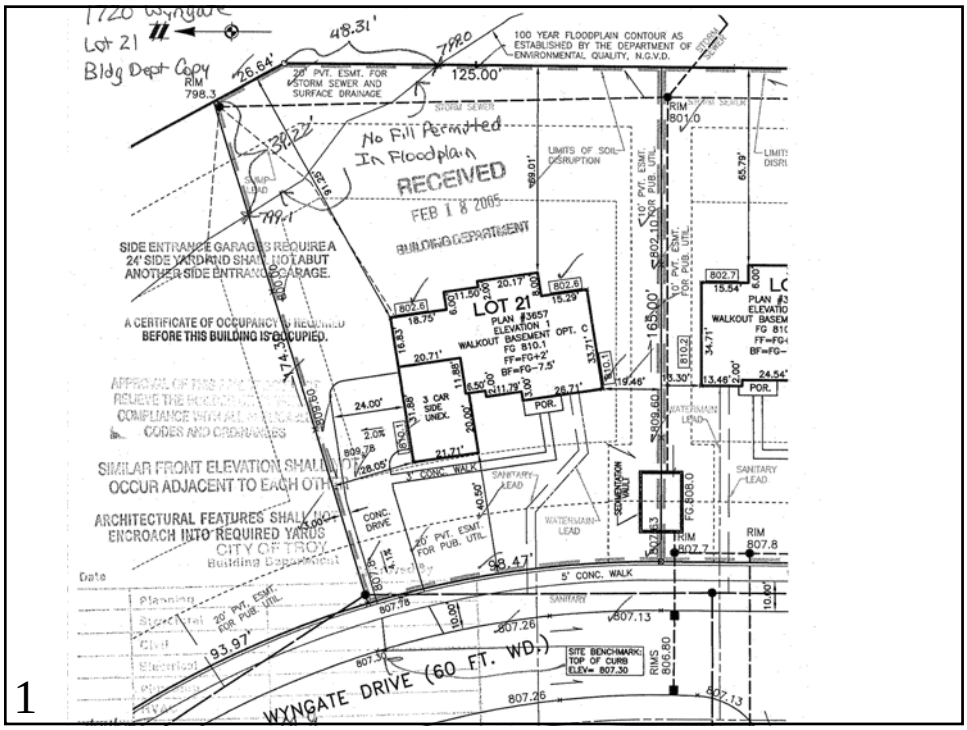
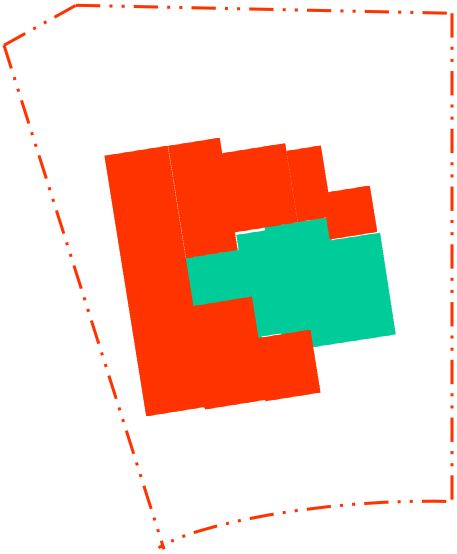
Example #1

Wyngate Subdivision



1

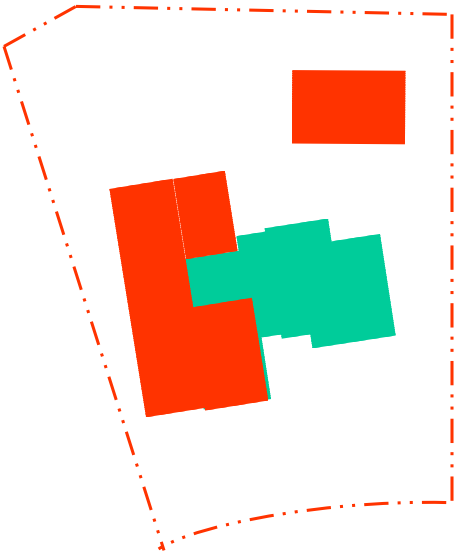
Current Ordinance Provisions – w/ basement



Lot Area	21,258
Living Area	5,804
Attached	4,333
Detached	0

2

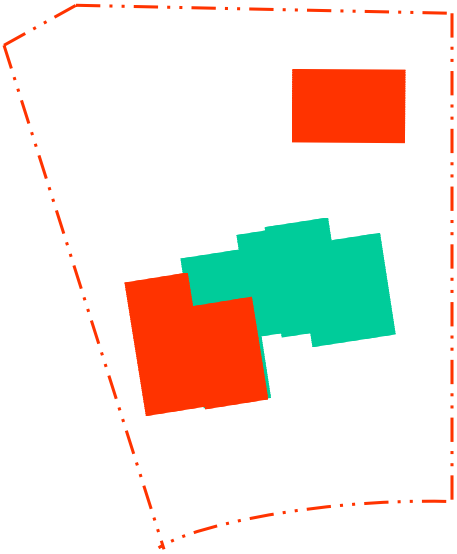
Current Ordinance Provisions – w/o basement



Lot Area	21,258
Living Area	3,777
Attached	2,833
Detached	875

3

Proposed Ordinance Provisions

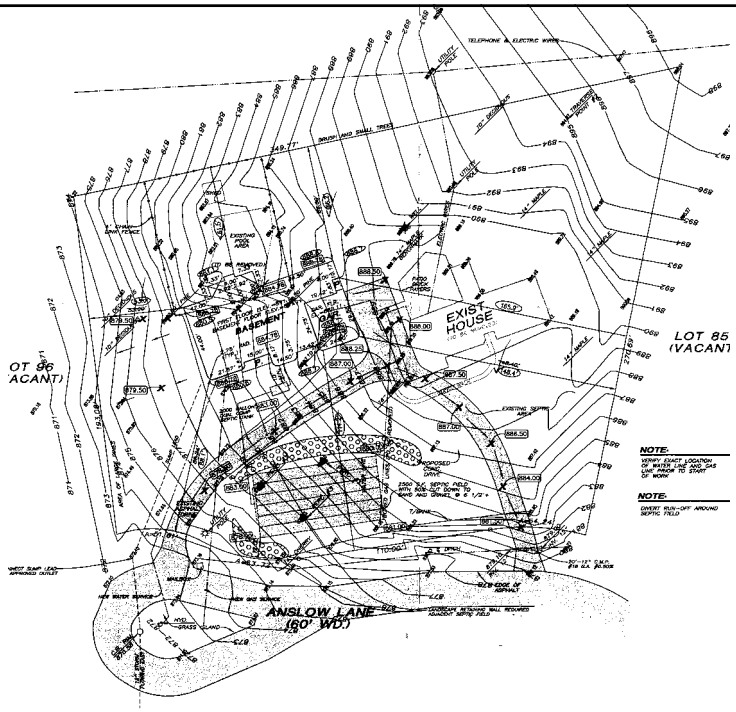


Lot Area	21,258
1st Fl Living Area	2,044
Attached	1,533
Detached	875

4

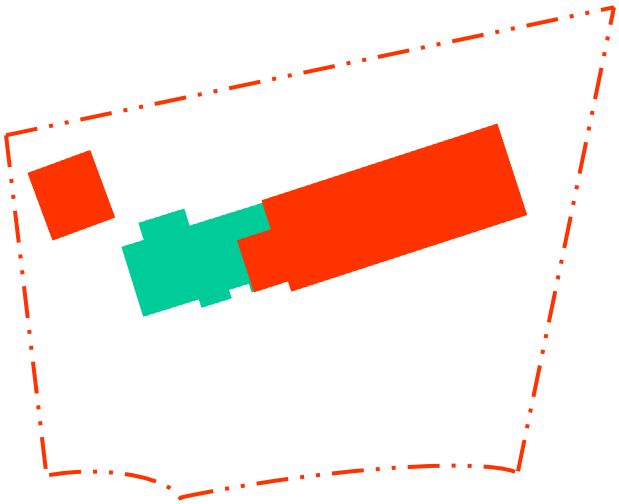
Example #2

Charnwood Subdivision



5

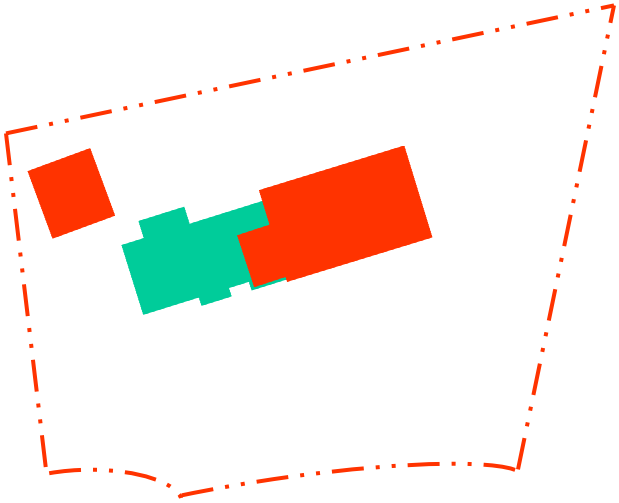
Current Ordinance Provisions – w/ basement



Lot Area	65,555
Living Area	9,693
Attached	7,270
Detached	1,721

6

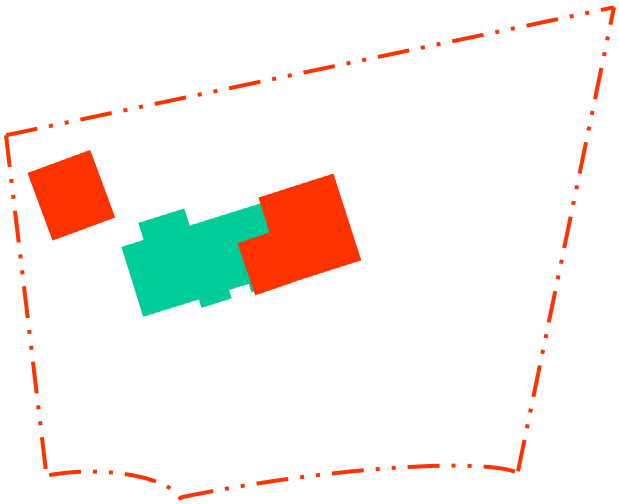
Current Ordinance Provisions – w/o basement



Lot Area	65,555
Living Area	6,243
Attached	4,682
Detached	1,721

7

Proposed Ordinance Provisions

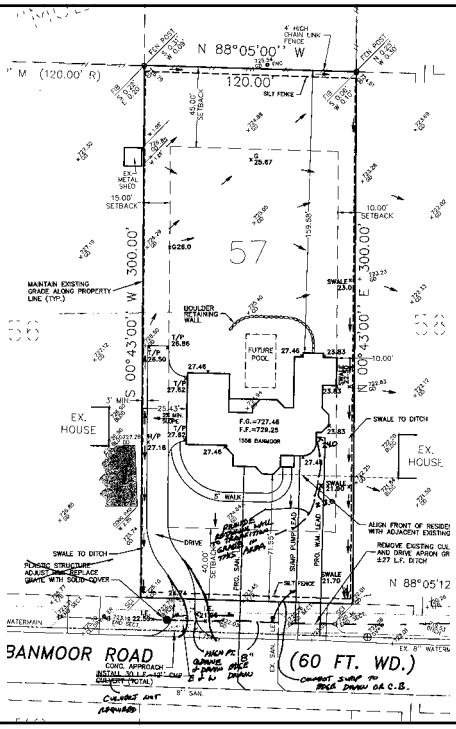


Lot Area	65,555
1st Fl Living Area	3,450
Attached	2,588
Detached	1,721

8

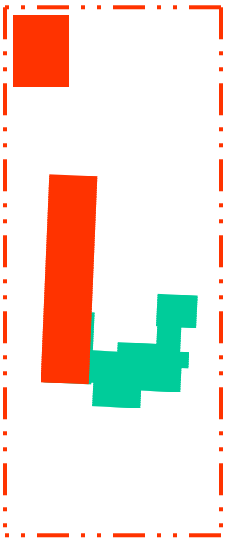
Example #3

Banmoor



9

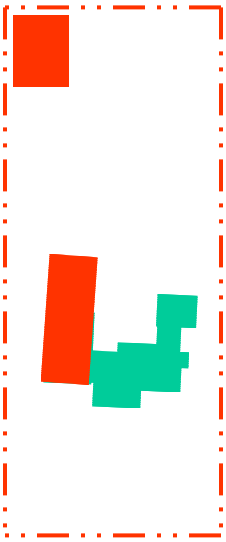
Current Ordinance Provisions



Lot Area	36,000
Living Area	3,590
Attached	2,693
Detached	1,170

10

Proposed Ordinance Provisions



Lot Area	36,000
1st Fl Living Area	2,270
Attached	1,703
Detached	1,170

11

Example #4

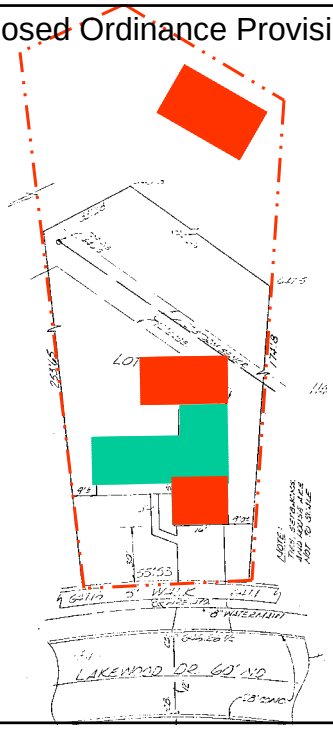
Raintree Village Subdivision

Current Ordinance Provisions

Lot Area	14,070
Living Area	2,384
Attached	1,788
Detached	731

13

Proposed Ordinance Provisions

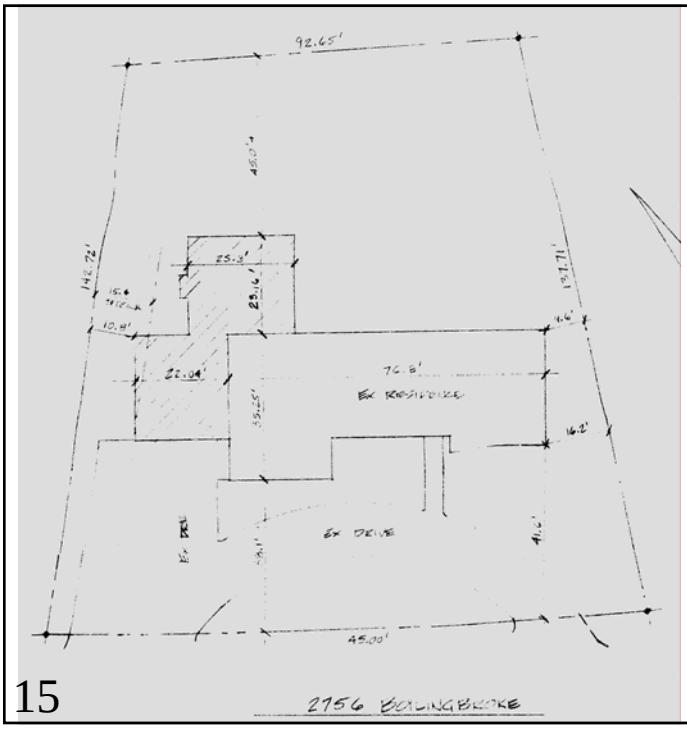


Lot Area	14,070
1st Fl Living Area	1,310
Attached	983
Detached	731

14

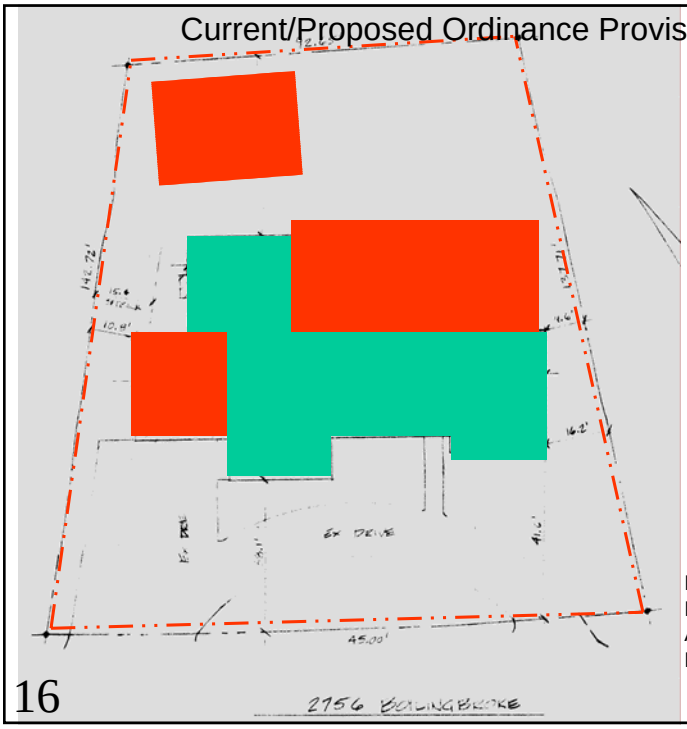
Example #5

Bollingbrooke



15

Current/Proposed Ordinance Provisions



Lot Area	20,691
Living Area	2,787
Attached	2,090
Detached	864

16

DATE: August 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Additional Information on Examples of Allowable Accessory Structures Based Upon Final Action on ZOTA 215A

At the City Council Meeting of July 18, 2005, staff provided analysis of the effects of the final action of City Council on the Zoning Ordinance Text Amendment 215A relating to the allowable sizes of accessory buildings. That analysis was in the form of five examples of the allowable areas for both attached and detached accessory buildings using existing homes and parcels in the City of Troy. A copy of that report is attached for your reference.

To further help facilitate the analysis of that information, staff has prepared the attached chart showing in data format the information that was included in paragraph format in the previous memorandum. We will be happy to provide any additional information that you require in this matter.

Prepared by: Mark Stimac, Director of Building and Zoning

Note to Mayor/Council:

This matrix was developed to indicate the difference in garage sizes using a formula with, and without basements constructed as living area.

John Szerlag
City Manager

Application of New Accessory Building Standards					
Example	1	2	3	4	5
Lot Size	21,258	65,555	36,000	14,070	20,691
30% Lot Coverage Maximum	6,377	19,667	10,800	4,221	6,207
Basement Area	2,027	3,450			
1st Floor Area	2,044	3,450	2,270	1,310	2,787
2nd Floor Area	1,733	2,793	1,320	1,074	
Living Area w/ Basement	5,804	9,693	3,590	2,384	2,787
75% Living Area w/ Basement	4,353	7,270	2,693	1,788	2,090
Maximum Attached Garage w/ Basement	4,333	7,270	2,693	1,788	2,090
Maximum detached garage w/ Basement	0	1,721	1,170	731	864
Maximum Accessory Buildings w/ Basement	4,333	8,991	3,863	2,519	2,954
Living Area w/o Basement	3,777	6,243	3,590	2,384	2,787
75% Living Area w/o Basement	2,833	4,682	2,693	1,788	2,090
Maximum Attached Garage w/o Basement	2,833	4,682	2,693	1,788	2,090
Maximum Detached Garage w/o Basement	875	1,721	1,170	731	864
Maximum Accessory Buildings w/o Basement	3,708	6,403	3,863	2,519	2,954
75% of First Floor Living Area	1,533	2,588	1,703	983	2,090

DATE: July 12, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Example of Allowable Accessory Structures
Based upon Final Action on ZOTA 215A

Attached is the text of the Zoning Ordinance Text Amendment regarding the provisions of the Zoning Ordinance relating to accessory building standards. This text incorporates the text as proposed by the Planning Commission as well as the revisions that were made and approved by City Council at their meeting of July 11, 2005. The Council changes are shown shaded to help differentiate them from the other proposed revisions. The only difference between the attached text and the one that was distributed on the evening of July 11th, is that the effective date in Paragraph B and C of Section 40.56.01has been corrected to show July 21, 2005.

Also enclosed are some examples of the new language applied to some residential lots within the City. The first example is a new home that is under construction in Pulte's Wyngate subdivision. The example uses one of the larger lots within the R-1B subdivision. Lot 21 has an area of 21,258 square feet. The home that Pulte is currently constructing on the lot has a first floor area of 2,044 square feet and a second floor of 1,733 square feet. This lot also uses a walk out basement with another 2,027 square feet of potential living space in the basement. This brings the total living space on this house to 5,804 square feet. The 75% limitation for attached garages would limit the size of an attached garage to no more than 4,353 square feet. However, when we add this garage area to the first floor area we get 6,397 square feet of building footprint that exceeds the 30% lot coverage limit of 6,377 square feet. Therefore the size of the attached garage would be limited to 4,333 square feet. In this scenario it would leave no available space for detached accessory buildings on the site because of the 30% lot coverage limit. Without counting the living space in the basement they could only build 3,344 square feet of attached garage. This would limit the house/garage footprint to 5,388 square feet but would free up the 875 square feet for the allowable detached accessory buildings. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,533 square feet.

The next example is for a typical lot in the Charnwood Hills Subdivision. There is a new home that has been built on Lot 95 on Anslow Lane. This lot is 63,555 square feet in area. The home that is built there has a first floor area of 3,450 and a second floor area of 2,793 square feet. This home also has a finished basement that is 3,450 square feet, bringing the total living area of the home to 9,693 square feet. With the 75% limitation a 7,270 square foot attached garage could be constructed. In this case the 30% lot coverage limitation would allow 19,066 square feet of building on the site. As such the allowable 1,721 square foot detached garage could be constructed as well. This would mean that the total lot coverage of all buildings would be 12,441 square feet. If the basement area of this home were not countable as living space then the total building area footprint would be limited to 9,853 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 2,588 square feet.

Another example is a new home under construction on Banmoor. This home has a 2,270 square foot first floor and a 1,320 square foot second floor on a 36,000 square foot lot. An attached garage of 2,692 square foot could be constructed as well as 1,170 square feet of detached accessory building on this parcel. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,702 square feet.

Another example is an existing home on Lakewood in the Raintree Village Subdivision. It has a home that has a 1,310 square foot ground floor and a 1,074 square foot second floor on a 14,070 square foot lot. This property would be permitted to have a 1,788 square foot attached garage as well as 731 square feet of detached garage while still staying under the 30% lot coverage limit of 4,221 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 982 square feet.

Lastly, is an example of a ranch home located on Bolingbroke. This home has a first floor area of 2,787 square feet on a lot that is 20,691 square feet. A total of 2,090 square foot of attached garage can be constructed with another 864 square feet of detached building permitted. Under the Planning Commission/Staff proposed language the allowable area of attached garage would not change.

Prepared by: Mark Stimac, Director of Building and Zoning

DATE: May 1, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: PRELIMINARY SITE CONDOMINIUM REVIEW – Preserves of Timbercrest Site Condominium, West of Fernleigh, South Side of Wattles Road, Section 24 – R-1C

RECOMMENDATION

On March 14, 2006, the Planning Commission recommended approval of the Preserves of Timbercrest Site Condominium. City Management agrees with the Planning Commission and recommends approval of the application.

BACKGROUND

City Council considered this item at the April 17, 2006 meeting and postponed the item to the May 8, 2006 meeting. Representatives of Mondrian Properties met with City Management in an attempt to provide a landscape buffer for the existing residential neighborhood to the west of the proposed site condominium. The original lay out provided very little area to plant shrubs.

The City Engineer determined that the road width profile could be reduced 2 feet in width to 26 feet, which is 2 feet wider than our asphalt roads without curbs. With only 6 home sites, low traffic volume and no possibility of extension, a 26-foot wide road section is ample for the development. This street width reduction creates a 5-foot wide planting strip on the western edge of the proposed site condominium. This will allow the petitioner to plant a row of shrubs along the western border of the development. The petitioner proposes 220 shrubs, 4 to 5 feet in height at planting, spaced 4 feet apart to create a maintained maturity height of 6 feet.

The details of the proposed hedge will be provided by the petitioner on a landscape plan to be reviewed and approved by the Parks and Recreation Department prior to final site condominium approval.

Attachments:

1. Mondrian Properties memorandum, dated April 26, 2006.
2. Developer correspondence to neighbors.

Prepared by RBS, MFM

cc: Applicant
File/ Preserves of Timbercrest Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Preserves of Timbercrest Sec 24\CC Prelim App Pres of Timbercrest Site Condo 05 08 06.doc

MONDRIAN PROPERTIES

Experience the next level.

April 26, 2006

RE

APR 2 7 2006

PLAN DEPT.

City of Troy
John M. Lamerato, Acting City Manager
500 West Big Beaver
Troy, MI 48084

Dear Mr. Lamerato:

This letter is to inform you that representatives of Mondrian Properties met with City Staff on Monday, April 24, 2006, to discuss the Preserves of Timbercrest and the concerns raised by the neighboring Old Forge Subdivision residents. We believe that we may have come up with a solution that we hope will satisfy our future neighbors and the City of Troy.

The street will be narrowed by 2 feet allowing for a larger green space for a landscaped buffer. After consulting with Ron Hynd, of the City of Troy Parks and Rec's, a row of Juniperus Chinensis (or something of equal size and value) will be planted along the west border of the Preserves of Timbercrest. Approximately 220 shrubs spaced 4 apart to allow for growth to a maintained maturing height of 6 feet. Thus, creating a hedge to shield and isolate the backyards of our neighbors along Forge.

We believe that this addresses the concerns expressed by our future neighbors and hope that all involved can appreciate the effort and expense being taken on by the Developer.

Sincerely,

Joseph Maniaci
Mondrian Properties LLC

Cc: Mark Miller, City of Troy

1111 W. Long Lake Road | Suite 103 | Troy MI 48098
T. 248.833.0242 | F. 248.833.0247 | mondrianproperties.com

MONDRIAN PROPERTIES

Experience the next level.

REC'D
MAY 2 - 2006
PLANNING DEPT.

May 2, 2006

Mrs. Toth
3840 Forge Drive
Troy, MI 48083

Dear Mrs. Toth:

At the City Council meeting on April 17, 2006, you and your neighbors raised concerns regarding our proposed Preserves of Timbercrest. First, we'd like to give you some insight into who Mondrian Properties, LLC is and what we're all about.

About Mondrian. At Mondrian Properties, we pride ourselves on developing, designing and constructing premier homes and communities for highly valued customers. In our 2-decade history, we have developed over 40 communities in Southeastern Michigan, continually winning awards for architectural design quality.

Community understanding. When our executive team members choose a site, we evaluate the compelling elements of that site as they relate to highly specific criteria that we have established over time. Once we choose a site, our team determines what type of homes we will be building and can proceed forward in obtaining the municipality approvals.

Community – Based Approach. We pride ourselves not only on the quality of our homes, but our commitment to the communities at large. Whether it's building relationship with nature conservancies, local fire department or Habitat For Humanity, it is about giving back to our communities.

Because we understand and respect your concerns, representatives of Mondrian Properties met with City Staff on Monday, April 24, 2006, to discuss the Preserves of Timbercrest and the concerns raised by you and the other neighboring Old Forge Subdivision residents. We believe that we may have come up with a solution that we hope will satisfy you, our future neighbors, and the City of Troy.

The City of Troy has agreed to allow the street to be narrowed by 2 feet allowing for a larger green space for a landscaped buffer. After consulting with Ron Hynd, of the City of Troy Parks and Rec's, a row of Juniperus Chinensis (or something of equal size and value) will be planted along the west border of the Preserves of Timbercrest to create a hedge screening. Approximately 220 shrubs of approximately 4-5 feet in height shall be spaced 4 feet on center to allow for growth to a maintained maturing height of 6 feet. Thus, creating a hedge to shield against vehicle headlights and to isolate the backyards providing privacy for you, our neighbors along Forge Drive.

We believe that this addresses the concerns expressed by you and hope that all involved can appreciate the effort and expense being taken on by the Developer. If you have any questions, please feel free to contact Mondrian Properties at (248) 833-0242.

Sincerely,

Joseph Maniaci

Joseph Maniaci
Mondrian Properties LLC

1111 W. Long Lake Road | Suite 103 | Troy MI 48098
T. 248.833.0242 | F. 248.833.0247 | mondrianproperties.com

MONDRIAN | PROPERTIES

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REC'D

MAY 2 - 2006

PLANNING DEPT.

May 2, 2006

Mr. Messina
3910 Forge Drive
Troy, MI 48083

Dear Mr. Messina:

At the City Council meeting on April 17, 2006, you and your neighbors raised concerns regarding our proposed Preserves of Timbercrest. First, we'd like to give you some insight into who Mondrian Properties, LLC is and what we're all about.

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MONDRIAN PROPERTIES

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May 2, 2006

REC'D
MAY 2 - 2006
PLANNING DEPT.

Mr. and Mrs. Long
3882 Forge Drive
Troy, MI 48083

Dear Mr. and Mrs. Long:

At the City Council meeting on April 17, 2006, you and your neighbors raised concerns regarding our proposed Preserves of Timbercrest. First, we'd like to give you some insight into who Mondrian Properties, LLC is and what we're all about.

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MONDRIAN PROPERTIES

Experience the next level.

REC'D

MAY 2 - 2006

PLANNING DEPT.

May 2, 2006

Mr. Hendrick
3868 Forge Drive
Troy, MI 48083

Dear Mr. Hendrick:

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Sincerely,

Joseph Maniaci

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1111 W. Long Lake Road | Suite 103 | Troy MI 48098
T. 248.833.0242 | F. 248.833.0247 | mondrianproperties.com

A Regular Meeting of the Troy City Council was held Monday, April 17, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Pastor Marvin Walker of Faith Apostolic Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
Wade Fleming (Absent)
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

Vote on Resolution to Excuse Council Member Fleming

Resolution #2006-04-178
Moved by Broomfield
Seconded by Stine

RESOLVED, That Council Member Fleming's absence at the Regular City Council meeting of Monday, April 17, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Fleming

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

Congressman Joe Knollenberg addressed City Council, City Staff and the public in regard to pending legislation addressing the many aspects of counterfeit goods and how it impacts the auto industry in the State of Michigan.

Mayor Schilling presented a proclamation on behalf of the City of Troy to Carla Reed in recognition of *Recording for the Blind & Dyslexic Week of April 24–29, 2006*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 376 Colebrook

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the petitioner. There was no public comment.

Resolution #2006-04-179
Moved by Howrylak
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

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 Mr. Lawrence Delbec, 376 Colebrook, 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, Beltramini, Howrylak, Lambert,
No: Stine, Schilling
Absent: Fleming

MOTION CARRIED

C-2 Zoning Ordinance Text Amendment (File Number ZOTA 201) – Article 28.30.00, Indoor Commercial Recreation in the M-1 Light Industrial Zoning District

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the public.

Resolution #2006-04-180
Moved by Beltramini
Seconded by Stine

RESOLVED, That Article IV (Definitions) and XXVIII (M-1 LIGHT INDUSTRIAL DISTRICT) of Chapter 39 of the Code of the City of Troy be **ADOPTED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 201), City Council Draft dated April 17, 2006, Version "B", including definitions for "Performance Studio" and "Performance Theater"; and

BE IT FURTHER RESOLVED, Performance Theaters **SHALL NOT** be included in the definition for Indoor Commercial Recreation Facility; and

BE IT FINALLY RESOLVED, That the Planning Commission and City Management **SHALL STUDY** the potential for developing standards for permitting Performance Theaters by Special Use Permit in the M-1 Light Industrial District.

Yes: All-6
No: None
Absent: Fleming

C-3 Zoning Ordinance Text Amendment (ZOTA 222) – Article XXVIII, Antique or Classic Automobile Sales in the M-1 Light Industrial District

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the attorney on behalf of the petitioner and the public.

Resolution #2006-04-181
Moved by Lambert
Seconded by Beltramini

RESOLVED, That Article IV (DEFINITIONS) and Article XXVIII (M-1 LIGHT INDUSTRIAL ZONING DISTRICT), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed City Council Public Hearing Draft Zoning Ordinance Text Amendment (ZOTA 222), dated March 24, 2006, as recommended by the Planning Commission and City Management.

Yes: All-6
No: None
Absent: Fleming

C-4 Rezoning Application – Proposed Medical Office, East Side of Stephenson Highway, North of Fourteen Mile and South of Maple, Section 35 – R-C to O-M (Z 715)

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the petitioner. There was no public comment.

Resolution #2006-04-182
Moved by Howrylak
Seconded by Stine

RESOLVED, That the R-C to O-M rezoning request, located on the east side of Stephenson Highway, north of Fourteen Mile and south of Maple, in Section 35, part of parcels 88-20-35-327-013 (500 Stephenson Highway) and 88-20-35-327-015 (550 Stephenson Highway), being 12.994 acres in size, is described in the following legal descriptions and illustrated on the attached survey drawings:

500 Stephenson Hwy.:

T2N, R11E, Part of the South ½ of Section 35 described as:

Lot 2 of Robbins Executive Park West Subdivision (Liber 143, pgs. 14, 15, 16, and 17 of Oakland County Records). Containing ±7.144 ac. more or less, and subject to restrictions and easements of record.

550 Stephenson Hwy.:

T2N, R11E, Part of the South ½ of Section 35 described as:

Part of Lot 3 of Robbins Executive Park West Subdivision (Liber 143, pgs. 14, 15, 16, and 17 of Oakland County Records) described as: Commencing at the South ¼ corner of Section 35; thence N 89°06'11" W, 771.06 ft. along the South line of Section 35; thence N 01°13'00" E, 1674.93 ft. to the Point of Beginning; thence N 01°13'00" E, 509.00 ft. along the East right-of-way line of Stephenson Hwy. (M-150) (204.00 ft. wide); thence S 88°47'00" E, 447.28 ft.; thence S 01°13'00" W, 321.35 ft.; thence S 88°47'00" E, 144.00 ft.; thence S 01°13'00" W, 187.65 ft.; thence N 88°47'00" W, 591.28 ft. to the Point of Beginning. Containing ±5.85 ac. more or less, and subject to restrictions and easements of record.

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: Lambert, Stine, Schilling, Broomfield, Howrylak
No: Beltramini
Absent: Fleming

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2006-04-183
Moved by Lambert
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4d and E-5 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Fleming

E-2 Approval of City Council Minutes

Resolution #2006-04-183-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of April 3, 2006 be **APPROVED** as submitted.

E-3 City of Troy Proclamations:

Resolution #2006-04-183-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

a) Proclamation – Recording for the Blind & Dyslexic Week of April 24–29, 2006
b) Law Day Proclamation – May 1, 2006

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Asphalt Patching Material

Resolution #2006-04-183-E-4a

RESOLVED, That a one-year contract for asphalt patching material is hereby **AWARDED** to the lowest bidder meeting specifications, Saginaw Asphalt Paving Company of Saginaw, MI, at unit prices contained in the bid tabulation opened March 23, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring April 30, 2007; and

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

FINALLY, BE IT RESOLVED, That bids for Item 2, QPR/UPM Picked-up are hereby **REJECTED**.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Roof Replacement Fire Station 1

Resolution #2006-04-183-E-b

RESOLVED, That a contract to replace the roof at Fire Station #1 located at 1019 E. Big Beaver Road is hereby **AWARDED** to the low bidder, Envision Builders, Inc. of Brighton, MI, at an estimated total cost of $30,039.00, for the 50-year asphalt fiberglass shingle system at unit prices contained on the attached bid tabulation opened March 22, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

c) Standard Purchasing Resolution 2: Bid Award – Low Bidder Meeting Specifications – Dispatch Recording System

Resolution #2006-04-183-E-4c

RESOLVED, That a contract to furnish and install a dispatch recording system in the Police Department including a two-year maintenance program is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, DSS Corporation of Southfield, MI, for an estimated project cost of $51,405.00; and

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

e) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 06-7 – Olympia and Tacoma Special Assessment District Paving and Storm Sewer

Resolution #2006-04-183-E-4e

RESOLVED, That Contract No. 06-7, Olympia and Tacoma Special Assessment District Paving and Storm Sewer, be **AWARDED** to Cadillac Asphalt, L.L.C., 4751 White Lake Road, Clarkston, MI 48346 at an estimated total cost of $499,916.00; and

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

E-6 Private Agreement for Boys & Girls Club of Troy – Project No. 06.901.3

Resolution #2006-04-183-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Boys & Girls Club of Troy, is hereby **APPROVED** for the installation of paving, storm sewer, water main and sidewalk on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Acceptance for Permanent Sanitary Sewer Easement and Permanent Sidewalk Easement – Saib P. Talia – Sidwell #88-20-25-352-045

Resolution #2006-04-183-E-7

RESOLVED, That the Permanent Sanitary Sewer Easement, and the Permanent Sidewalk Easement, both being part of the Clark Gas Station, store #1050, redevelopment project are hereby **ACCEPTED**; and

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

E-8 Private Agreement for Longfellow Site Condominiums – Project No. 05.915.3

Resolution #2006-04-183-E-8

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

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

E-4 Standard Purchasing Resolutions

d) Standard Purchasing Resolution 1: Award to Low Bidder – Iron Fence at Museum

Resolution #2006-04-184
Moved by Stine
Seconded by Broomfield

RESOLVED, That a contract to remove and dispose of existing fence and fabricate and install a Custom Iron Fence for the Troy Museum is hereby **AWARDED** to the low total bidder, American Fence and Supply Co., Inc. of Oak Park, Michigan for an estimated project cost of $25,245.00.

BE IT FURTHER RESOVED, That 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 $2,524.50; **CONTINGENT** upon contractor submission of properly executed contract documents, including insurance certificates, bonds, and all other specified requirements.

Yes: All-6
No: None
Absent: Fleming

E-5 Special Event Sign to be Placed on Civic Center Grounds – National Day of Prayer

Resolution #2006-04-185
Moved by Stine
Seconded by Beltramini

RESOLVED, That the request of Lori Wagner, representing the Troy National Day of Prayer Christian Task Force, to place a 30 square foot banner on the lawn in front of City Hall from April 27, 2006, through May 4, 2006, in conjunction with an event to be held at the Limited Public Forum of the Veteran's Plaza is hereby **APPROVED**.

Yes: All-6
No: None
Absent: Fleming

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-2 Traffic Committee Recommendations – March 15, 2006

Resolution #2006-04-186
Moved by Stine
Seconded by Broomfield

(a) City Council Support of Beaumont Hospital's Request to the Road Commission for Oakland County for Relief of Traffic Safety Concerns on Dequindre

RESOLVED, That City Council **SUPPORTS** Beaumont Hospital's request to the Road Commission for Oakland County for relief of traffic safety concerns on Dequindre, including a dedicated left turn arrow for northbound traffic during peak times, and enhancing the visibility of the existing crosswalk as is done for school crosswalks.

(b) Establishment of Fire Lanes/Tow Away Zones at 336 Minnesota

RESOLVED, That Traffic Control Order No.06-07-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 336 Minnesota.

(c) Establishment of Fire Lanes/Tow Away Zones at 342 Minnesota

RESOLVED, That Traffic Control Order No. 06-08-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 342 Minnesota.

(d) Installation of Signs – No Through Traffic at Fire Stations 1 and 5

RESOLVED, That Traffic Control Order No. 06-09-MR be **ISSUED** for NO THROUGH TRAFFIC signs to be installed at Fire Stations 1 and 5, locations to be determined by Lt. Matlick.

Yes: All-6
No: None
Absent: Fleming

The meeting **RECESSED** at 9:22 P.M.

The meeting **RECONVENED** at 9:33 P.M.

F-3 Preliminary Site Condominium Review – Preserves of Timbercrest Site Condominium, West of Fernleigh, South Side of Wattles Road, Section 24 – R-1C

Vote on Resolution to Postpone

Resolution #2006-04-187
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Preliminary Site Condominium 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 Preserves of Timbercrest Site Condominium, located west of Fernleigh, on the south side of Wattles Road, including 6 home sites, within the R-1C zoning district, being 2.26 acres in size, is hereby **POSTPONED** until the Regular City Council meeting scheduled for Monday, May 8, 2006.

Yes: All-6
No: None
Absent: Fleming

F-7 Scheduling of Special Meeting – Review of Applications for Employment for Position of City Manager

Resolution #2006-04-188
Moved by Broomfield
Seconded by Howrylak

RESOLVED, That a Closed Session is hereby **SCHEDULED** pursuant to §15.268(f) of the Open Meetings Act for the purpose of review of applications for employment for the position of

City Manager on Monday, May 15, 2006, at 7:30 PM in the Council Board Room following the Regular meeting.

Yes: Lambert, Stine, Schilling, Broomfield, Howrylak
No: Beltramini
Absent: Fleming

MOTION CARRIED

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: Charter Revision Committee; Parks & Recreation Board; and Personnel Board

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2006-04-189
Moved by Broomfield
Seconded by Lambert

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

Charter Revision Committee
Appointed by Council (7) – 3 Year Terms

Lillian Barno Term Expires 04/30/09

Parks & Recreation Board
Confirmation by Council (10) – 3 Year Terms

Merrill Dixon **(Advisory Committee for Sr. Citizens Rep)** Term Expires 04/30/07

Personnel Board
Appointed by Council (5) – 3 Year Terms

Albert T. Nelson, Jr. Term Expires 04/30/09

Yes: All-6
No: None
Absent: Fleming

F-4 Co-location on Sylvan Glen Golf Course Communications Tower

Resolution #2006-04-190
Moved by Stine
Seconded by Howrylak

RESOLVED, That the Acknowledgement and Lease between MetroPCS Michigan, Inc. and the City of Troy for co-location on the Sylvan Glen Golf Course tower is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents on behalf of the City, a copy of the Acknowledgement and Lease shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Fleming

F-5 Reconsideration of Resolution #2006-04-177 – Bid Waiver – Integrated Security Management System Installation with Time Tracker Software and Maintenance

Resolution #2006-04-191
Moved by Lambert
Seconded by Beltramini

RESOLVED, That Resolution #2006-04-177, Moved by Beltramini and Seconded by Stine, as it appears below be **RECONSIDERED** by City Council:

WHEREAS, SimplexGrinnel is an authorized, licensed installer in Michigan of the Andover Controls security system;

WHEREAS, The SimplexGrinnel system has the ability to track both building security and worker time and attendance;

WHEREAS, It is desirable that the same security system is installed at the DPW facility as in the Police and Fire Departments since the programmed ID cards currently in place could be used for the entry and egress of any authorized employee from the DPW site (building and grounds);

WHEREAS, It will be possible for Police Department to monitor the DPW facility from Police Communications with compatible equipment and software; and

WHEREAS, The DPW facility may be added to the maintenance contract currently established with SimplexGrinnel for the Police Department's system.

*NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to enter into a contract with SimplexGrinnel of Farmington Hills, MI, for labor and materials to install an Integrated Security Management System with the inclusion of the Time Tracker software and programming in accordance with their proposal dated February 13, 2006 for an estimated amount of $147,416.80 with maintenance, after the 2-year*

warranty period, provided in accordance with the existing maintenance agreement covering the Police Department's system, approved by Resolution #2005-12-557.

Yes: All-6
No: None
Absent: Howrylak

Yes: All-6
No: None
Absent: Fleming

Vote on Amendment to Resolution #2006-04-177

Resolution #2006-04-192
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Resolution #2006-04-177 be **AMENDED** by **STRIKING** "February 13, 2006" in the final NOW, THEREFORE, BE IT RESOLVED and **INSERTING** "March 27, 2006" in its place.

Yes: All-6
No: None
Absent: Fleming

Vote on Resolution as Amended

Resolution #2006-04-177
Moved by Beltramini
Seconded by Stine

WHEREAS, SimplexGrinnel is an authorized, licensed installer in Michigan of the Andover Controls security system;

WHEREAS, The SimplexGrinnel system has the ability to track both building security and worker time and attendance;

WHEREAS, It is desirable that the same security system is installed at the DPW facility as in the Police and Fire Departments since the programmed ID cards currently in place could be used for the entry and egress of any authorized employee from the DPW site (building and grounds);

WHEREAS, It will be possible for Police Department to monitor the DPW facility from Police Communications with compatible equipment and software; and

WHEREAS, The DPW facility may be added to the maintenance contract currently established with SimplexGrinnel for the Police Department's system.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to enter into a contract with SimplexGrinnel of Farmington

Hills, MI, for labor and materials to install an Integrated Security Management System with the inclusion of the Time Tracker software and programming in accordance with their proposal dated March 27, 2006 for an estimated amount of $147,416.80 with maintenance, after the 2-year warranty period, provided in accordance with the existing maintenance agreement covering the Police Department's system, approved by Resolution #2005-12-557.

Yes: All-6
No: None
Absent: Fleming

F-6 Standard Purchasing Resolution 3 – Contract Renewals – Emerald Food Service at Community Center and Sanctuary Lake Golf Course

Resolution #2006-04-193
Moved by Stine
Seconded by Lambert

RESOLVED, That the Troy City Council hereby **DIRECTS** City Management to **EXERCISE** the 90-day option and during that period attempt to negotiate a one year contract with Emerald Food Service to provide a Café and Pro Shop operation in the Community Center, and food and beverage service at Sanctuary Lake Golf Course and at the end of that period, Troy City Council further **DIRECTS** City Management to go out for a bid at the appropriate time so as to have continual service.

Yes: Lambert, Stine, Schilling, Beltramini, Broomfield
No: Howrylak
Absent: Fleming

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:
a) Commercial Vehicle Appeal – 1970 Larchwood – May 8, 2006
b) Commercial Vehicle Appeal – 5361 Livernois – May 8, 2006
c) Proposed Budget for the Fiscal Year 2006-2007 – May 15, 2006

Noted and Filed

G-2 Green Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Historic District Study Committee/Final – January 3, 2006
b) Historic Commission/Final – January 24, 2006
c) Advisory Committee for Persons with Disabilities/Draft – March 1, 2006
d) Advisory Committee for Persons with Disabilities/Final – March 1, 2006
e) Building Code Board of Appeals/Final – March 1, 2006
f) Planning Commission/Final – March 14, 2006
g) Troy Daze Advisory Committee/Draft – March 28, 2006

Noted and Filed

J-2 Department Reports:

a) Council Member Robin Beltramini's Travel Expense Report – MML Legislative Conference in Lansing
b) Council Member Robin Beltramini's Travel Expense Report – NLC Congressional Cities Conference in Washington, DC
c) Council Member Dave Lambert's Travel Expense Report – MML Legislative Conference in Lansing
d) Council Member Dave Lambert's Travel Expense Report – NLC Congressional Cities Conference in Washington, DC
e) Building Department – Permits Issued During the Month of March, 2006
f) Troy Fire Department – 2004 Annual Report
g) 2006 City of Troy Assessment Roll and Board of Review Report
h) Purchasing Department – Final Reporting – BidNet On-Line Auction – March, 2006
i) City Manager's Office – Transmittal of Proposed Fiscal Year 2006/2007 Annual Budget

Noted and Filed

J-3 Letters of Appreciation:

a) Letter of Thanks to Tonni Bartholomew and the Clerk's Office from Ashley Anderson, White Lake Township Election Secretary
b) Letter of Appreciation to Lori Bluhm from Troy Community Coalition Regarding the Presentation at the Troy Town Hall Meeting
c) Letter of Thanks to Paula Bratto from Craig Nardi Regarding Excellent Service

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from the City of Oak Park Supporting Full Formula Funding of State Revenue to Local Governments
b) Resolution from the City of Royal Oak Encouraging the Oakland County Parks and Recreation Commission to Purchase Catalpa Park

Noted and Filed

J-5 Calendar

J-6 Communication from the Purchasing Department Regarding State of Michigan MiDEAL Purchasing Program – Office Supply Contract with Office Max

Noted and Filed

J-7 Communication from the City Attorney's Office Regarding Law Day 2006

Noted and Filed

J-8 Communication from the Department of Public Works Regarding Water Main Tapping Crew and Continuing Education

Noted and Filed

J-9 Communication from Risk Management Regarding City Employees' Short-term Disability (STD), Long-term Disability (LTD), Life, and Accidental Death and Dismemberment (AD&D) Insurance Coverage

Noted and Filed

J-10 Communication from the City Attorney's Office Regarding City of Troy v. Ronald Greismayer

Noted and Filed

J-11 Communication and Requests from the Troy Daze Committee for 2006 Magic of Fall/Troy Daze Festival

Noted and Filed

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I.

Resolution #2006-04-194
Moved by Stine
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on an item J-11 *Communication and Requests from the Troy Daze Committee for 2006 Magic of Fall/Troy Daze Festival*.

Yes: All-6
No: None
Absent: Fleming

Vote on Requests from the Troy Daze Committee for 2006 Magic of Fall/Troy Daze Festival

Resolution #2006-04-195
Moved by Stine
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the following hours for the 2006 Magic of Fall/Troy Daze Festival:

Day	Open	Close
Thursday	3:00 PM to	9:00 PM
Friday	4:00 PM to	10:00 PM
	Parking	9:00 PM
Saturday	9:00 AM to	10;00 PM
	Parking	9:00 PM
Sunday	9:00 AM to	9:00 PM

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the additional ten (10) requests as listed on the memorandum submitted by the Troy Daze Committee and dated April 5, 2006 for the 2006 Magic of Fall/Troy Daze Festival, recommendations as they appear on Attachments 1-4 and memorandum for *Fee Recommendations*, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Beltramini, Broomfield, Lambert, Stine
No: Howrylak
Absent: Fleming

MOTION CARRIED

J-12 Communication from the Police Department Regarding the Troy Daze Festival Hours of Operation

Noted and Filed

J-13 Communication from the Police Department Regarding State of Michigan Homeland Security Grant

Noted and Filed

J-14 Order of Case Dismissal from the State of Michigan Department of Labor & Economic Growth, Michigan Tax Tribunal – COBASYS, LLC v. City of Troy

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 11:28 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

A Regular Meeting of the Troy City Council was held Monday, April 24, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
Wade Fleming
Martin F. Howrylak
David A. Lambert (Absent)
Jeanne M. Stine

Vote on Resolution to Excuse Council Member Lambert

Resolution #2006-04-196
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Member Lambert's absence at the Regular City Council meeting of Monday, April 24, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Lambert

CERTIFICATES OF RECOGNITION: No Presentations

CARRYOVER ITEMS: No Carryover Items

PUBLIC HEARINGS: No Public Hearings

POSTPONED ITEMS: No Postponed Items

CONSENT AGENDA: No Consent Items Submitted

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS: No Regular Business

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Zoning Ordinance Text Amendment (File Number: ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions – May 8, 2006

Noted and Filed

COUNCIL REFERRALS: **No Council Referrals Advanced**

COUNCIL COMMENTS: **No Council Comments Advanced**

REPORTS:

J-2 Department Reports:

a) City Manager's Office – City of Troy Quarterly Financial Report – March 31, 2006

b) Troy Police Department – 2005 Annual Report – Available for Viewing at the City Clerk's Office and the Troy Public Library

Noted and Filed

J-5 Calendar

Noted and Filed

STUDY ITEMS:

K-1 Fiscal Year 2006/07 Budget

John M. Lamerato, Acting City Manager, led a discussion of the General, Special Revenue, Internal Services and Debt Service Funds.

The meeting **RECESSED** at 8:45 PM.

The meeting **RECONVENED** at 9:00 PM.

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

CLOSED SESSION: **No Closed Session Requested**

The meeting **ADJOURNED** at 9:45 P.M.

Louise E. Schilling, Mayor

John M. Lamerato, Acting City Manager

A Special Meeting of the Troy City Council was held Monday, May 1, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

ROLL CALL:

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

Second Budget Session: Capital Projects, Enterprise Funds, and Wrap-up

Review of the 2006/07 Budget Document:

John M. Lamerato, Acting City Manager reviewed the Capital and Enterprise Fund budgets.

The meeting **RECESSED** at 8:55 PM.

The meeting **RECONVENED** at 9:08 PM.

Based upon discussion of the Proposed Budget during the Wrap-Up session, the Proposed Budget for consideration at the May 15 Public Hearing will reflect a .02 mill reduction in the tax rate with an offsetting reduction in the Capital Projects Fund.

PUBLIC COMMENT

The meeting **ADJOURNED** at: 10:03 P.M.

Louise E. Schilling, Mayor

John M. Lamerato, Acting City Manager

A Special Meeting of the Troy City Council was held Monday, May 1, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 10:04 P.M.

ROLL CALL:

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

Appointments to Board & Committees

DISCUSSION

No action was taken regarding board and commission appointments.

PUBLIC COMMENT

The meeting **ADJOURNED** at: 10:16 P.M.

Louise E. Schilling, Mayor

John M. Lamerato, Acting City Manager

PROCLAMATION
CELEBRATING THE TROY SCHOOL DISTRICT
NAMED ONE OF THE BEST 100 COMMUNITIES FOR MUSIC EDUCATION

WHEREAS, The **Troy School District** and its Board of Education have ensured that music education is a valued part of each student's education and a focal point in the overall development of the district's students; and

WHEREAS, The comprehensive nature of the **Troy School District's** total fine arts education program strives to reach and engage students beginning in first grade with vocal and visual arts programs, and at the fifth-grade level introduces instrumental music with over 92 percent of all students selecting a string, wind or percussion instrument; and

WHEREAS, The **Troy School District** strives to create community based partnerships that effectively involve parents and the community in an effort to provide enrichment and improve resources for Troy students; and

WHEREAS, The programs of the **Troy School District** have received state and national recognition, including Best in Nation through the Disney Corporation, an invitation to the MidWest Music Conference in Chicago and an invitation to perform at New York's Carnegie Hall; and

WHEREAS, The **Troy School District** continues to invest in its fine arts program, including more than $1 million in renovations and upgrades as well as budgets for supplies and equipment; and

WHEREAS, The **Troy School District** combines all of these elements – funding, student participation, community involvement, course offerings and instructional quality – to make fine arts an essential part of its outstanding and comprehensive educational program; and

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby congratulate the Troy School District **on being named one of the Best 100 Communities for Music Education in America by the American Music Conference**

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of the **Troy School District and its excellence in music education**.

Presented this 8th day of May 2006.

PROCLAMATION
IN RECOGNITION OF MAYBELLE BOMBARD
ON THE OCCASION OF HER 100th BIRTHDAY

WHEREAS, Today we gather to honor Maybelle Bombard on the occasion of her **100th birthday**; and

WHEREAS, Maybelle Bombard, nee Burau, was born in Detroit, Michigan on May 2, 1906; and

WHEREAS*,* **Maybelle** was married for 50 years to Gerald Bombard. They had 3 girls, Beverly Whitson, Barbara Kaatz and Margaret Cox and 2 boys, Donald Bombard and a son that died as a youngster. She now has 23 grandchildren, 46 great grandchildren & great, great grandchildren too numerous to count; and

WHEREAS, **Maybelle** has lived in Michigan and Pompano Beach, Florida where she was a sales clerk. She has traveled all over the United States including a trip to Hawaii with her children, as well as a Caribbean Cruise, but she likes Michigan the best; and

WHEREAS, **Maybelle** has lived at 920 On the Park since August 1, 1975. She was one of the original residents here when it was known as Oakland Park Towers I. She has been very active in the building including volunteering in their library; and

WHEREAS, **Maybelle** has enjoyed the ups and downs of her life. She has recuperated from two broken hips and at the age of 81, she fell and broke her wrist roller skating. She still loves to travel and gamble, the slots being her favorite; and

WHEREAS, **Maybelle** will celebrate her birthday at a party with her family and neighbors on May 11, 2006 in the Social Room of 920 On the Park.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy congratulate **Maybelle Bombard on the occasion of her 100th birthday**; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents extend best wishes to **Maybelle** for many more healthy and happy years.

Presented this 11th day of May 2006.

PROCLAMATION
National Association of Letter Carriers
Food Drive Day – May 13, 2006

WHEREAS, The National Association of Letter Carriers (NALC) in conjunction with the United States Postal Service (USPS) is sponsoring the **14th Annual National Food Drive Day on Saturday, May 13, 2006**; and

WHEREAS, NALC Branch 3126 in the City of Troy is participating in the National Food Drive; and

WHEREAS, The cost of inaction is too high, particularly in the face of many negative outcomes for our children and community which are preventable; and

WHEREAS, NALC President William H. Young encourages postal carriers and communities to work together, because as postal workers "no other people in America can possibly do what we can to fight hunger, reaching to every city and town, in every neighborhood and on every street;" and

WHEREAS, Over a half billion pounds of food has been collected for local food banks and pantries in the ten year history of the drive, helping families throughout the nation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **Saturday, May 13, 2006 as National Association of Letter Carriers Food Drive Day in the City of Troy**; and

BE IT FURTHER RESOLVED, that we invite **all Troy residents to leave non – perishable food at their mailboxes on Saturday, May 13, 2006**, to support our local letter carriers in their food drive to help alleviate hunger in our community and throughout the nation.

Proclaimed this 8th day of May 2006.

April 19, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: **Agenda Item**: Standard Purchasing Resolution 1: Award To Low Bidder – Grass Seed and Hydro-Seeding Mulch/ Fertilizer

RECOMMENDATION

On April 18, 2006, bid proposals were opened to furnish seasonal requirements of grass seed and hydro-seeding mulch/fertilizer for use on various projects. After reviewing these proposals, City management recommends awarding a contract to the low total bidder, Tri-Turf of Farmington Hills, Michigan at unit prices as contained in their bid proposal for an estimated total cost of $12,099.00.

SUMMARY

The various seed varieties are used throughout the City on irrigated and non-irrigated municipal grounds. Hydro-seeding mulch/fertilizer will be used on various ongoing projects at the Museum and Community Center, and to make turf repairs as needed.

BUDGET

Funds for these materials are available through the Park Maintenance Seed Planting Supplies Account # 770.7740.100

53 Vendors Notified via the MITN System
5 Bids received
1 No Bid: Company needed more detailed specifications in order to bid.

Prepared by: Ron Hynd, Landscape Analyst

Opening Date-- 04/18/06
Date Prepared-- 4/19/06

CITY OF TROY
BID TABULATION
GRASS SEED

ITB-COT 06-19
Summary Page

VENDOR NAME:	**TRI-TURF**	J MOLLEMA & SON	JOHN DEERE LANDSCAPES	LESCO	TURFGRASS
ESTIMATED GRAND TOTAL :	**$ 12,099.00**	$ 13,489.28	$ 14,443.00	$ 16,833.00	$ 18,886.40
MINIMUM SHIPMENT:	NONE	$400.00	NONE	$0	1 BAG
DELIVERY TURNAROUND:	1-2	WEEKLY	1-2 Business	7-10	1-3 DAYS
CONTACT INFORMATION:	8 - 4:30PM	7:30-4:30PM	7 - 5pm Mon-Fri	7:30-5:30PM	24 HOURS
	248.640.4439	810.252.4878	586.752.9534	800.321.5325	248.866.6081
		800.224.5328			
VARIETY CERTIFICATION:	YES	YES	YES	YES	YES
TERMS	2% 10 NET 30	10 DAYS EOM	NET 15th	NET 30 DAYS	1% 10 DAYS, NET 60 DAYS
WARRANTY	MANUFACTURER	YES	BLANK	DEPENDS ON PRODUCT	NONE
EXCEPTIONS	BLANK	BLANK	BLANK	N/A	BLANK
ACKNOWLEDGEMENT: Y or N	YES	YES	YES	YES	YES

NO BIDS:
Michigan State Seed Solutions

BOLDFACE TYPE DENOTES LOW TOTAL BIDDER

ATTEST:
Laura Campbell
Ron Hynd
Linda Bockstanz

PROPOSAL - Seasonal Requirements of Grass Seed and Hydro-Seeding Mulch/Fertilizer

Jeanette Bennett
Purchasing Director

G: ITB-COT 06-19 Grass Seed

April 27, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Jeanette Bennett, Purchasing Director

Subject: **Agenda Item**: Standard Purchasing Resolution 3: Exercise Renewal Option - MITN Purchasing Cooperative Pager Rental Contract

RECOMMENDATION

On October 28, 2003, informal quotations were received to furnish three (3) year requirements of pager rental with an option to renew for up to three (3) additional years. Troy City Council awarded the contract on November 3, 2003, to the low bidder, Verizon Wireless Messaging Services of Lewisville, Texas, for an estimated annual total cost of $29,103.00. (Resolution #2003-11-559). City management recommends exercising the option to renew for three (3) additional years at the same prices, terms, and conditions as the original contract to expire December 1, 2009.

Verizon has agreed to exercise the option to renew the contract for the (3) three additional years under the same discount structure, terms, and conditions.

Numeric Pagers	2.95 per mo
Alpha-Numeric (State)	4.95 per mo
Alpha-Numeric (Nation)	18.90 per mo
Two-Way Pagers	17.95 per mo

MARKET SURVEY

A market survey conducted by the Purchasing Department indicates the MITN contract continues to be the best value when compared to others in the marketplace. Therefore, staff concurs with the recommendation to exercise the option to renew for (3) three additional years.

SUMMARY

The City of Troy is the host city for the bid process conducted on behalf of the MITN Purchasing Cooperative including Farmington Hills, Sterling Heights, Warren, Rochester Hills, Pontiac and the County of Livingston.

BUDGET

Funds for this contract are currently available in various departmental operating budgets under Communications-Pagers.

Prepared by: Susan Leirstein CPPB, Purchasing Systems Administrator

Market Survey for Pagers - February 15, 2006						
		PAGER CONTRACTS				
	MITN Cooperative	**State of Michigan**	**Oakland County**	**MiCTA**	**REMC**	**US Communities**
Contract	Yes	Yes	Yes	Yes	No	No
Expires	12/1/2006	10/1/2006	12/31/2006	9/20/2008	0	0
Company	Verizon	USA Mobility	USA Mobility	Verizon Business	None	None
		(aka Arch Wireless)	(aka Arch Wireless)	(formerly MCI)		
Company Contact	Michelle Bearse	Barbara Williams	Wanda Williams	Jerry A. Edgeton	None	None
Phone #	1-888-858-7712	1-800-412-1044	248-423-2840		None	None
		Lower Peninsula				
Contract Rates:						
Numeric Pagers	2.95 per mo	2.95 per mo	None	6.99 per mo	None	None
Alpha-Numeric (State)	4.95 per mo	5.75 per mo	6.95 per mo	8.99 per mo	None	None
Alpha-Numeric (Nation)	18.90 per mo	None	38.00 per mo	34.55 per mo	None	None
Two-Way Pagers	17.95 per mo	None	38.45 per mo	7.26 per mo	None	None
Key Note (Tone/Voice)	None	11.95 per mo	None	None	None	None
BlackBerry Wireless	None	None	69.00 per mo	43.75 per mo		
Replacements: w/out Ins.						
Numeric	27.00 ea	49.00 ea		20.00 ea	None	None
Alpha-Numeric	55.00 ea	129.00 ea		64.99 ea	None	None
Two-Way Pagers	119.00 ea	None		49.95 ea	None	None
Key Note	None	145.00 ea		None	None	None

May 2, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Mary Redden, Admin. Assistant to City Manager

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) FAIR/Public Finance Panel
Spring Steering Committee Meeting

Authorization is requested for those Council members interested to attend the *NLC FAIR/Public Finance Panel Spring Steering Commission Meeting* in Cambridge, Massachusetts on June 15 -17, 2006.

Funds are available in Council's education and training account #102.7960.

National League of Cities

FAIR/Public Finance Panel
SPRING STEERING COMMITTEE MEETING
CAMBRIDGE, MASSACHUSETTS
JUNE 15-17, 2006

~ ATTENDANCE FORM ~

Please return this form by fax to Julia Pulidindi at 202-626-3043 or via e-mail (pulidindi@nlc.org) by May 14, 2006

☐ I **will** attend the FAIR spring meeting in Cambridge

☐ I **will not** be able to attend the FAIR spring meeting

Name/City: _____

Spouse/Guest Name if applicable: _____

Arrival date/time: _____ Departure date/time: _____

I plan on attending the following events (indicate number attending each event in the space provided; "1" for yourself, "2" for yourself and guest, etc.):

Thursday, June 15, 2006

Public Finance/FAIR Meeting
_____ 1:30 p.m.
Dinner in Cambridge
_____ 7:00 p.m.

Friday, June 16, 2006

Dinner in Cambridge
_____ 7:00 p.m.

Saturday, June 17, 2006

FAIR Steering Committee Meeting
_____ 8:30 a.m. – 4:00 p.m.

National League of Cities

2006 JOINT FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR) STEERING COMMITTEE AND PUBLIC FINANCE CITYFUTURES PANEL SPRING MEETING

June 15-17, 2006
Radisson Hotel Cambridge
Cambridge, Massachusetts

Michael Kasperzak, Councilmember, Mountain View, California
Chair, FAIR Policy and Advocacy Committee

Brian Murphy, Councilmember, Cambridge, Massachusetts
Chair, Public Finance Panel and
Host of the 2006 Joint Spring FAIR Steering Committee and Public Finance CityFutures Panel Meeting

DRAFT AGENDA

Thursday, June 15, 2006
9:00 a.m. – noon **Legislating for Results Committee Meeting**

1:30 – 5:00 p.m. **Joint Meeting with Public Finance CityFutures Panel**
Featuring nationally recognized speakers to address the ever changing face of tax reform at the federal, state and local level.

Friday, June 16, 2006
8:00 a.m. – 5:00 p.m. **Joint Meeting with Public Finance CityFutures Panel**
Facilitated Discussions and Breakout Groups
Development of NLC Principles on Tax Reform

Saturday, June 17, 2006
8:00 a.m. – 4:00 p.m. **FAIR Steering Committee Meeting**

2006 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)
STEERING COMMITTEE SPRING MEETING

June 17, 2006
Radisson Hotel Cambridge
Cambridge, Massachusetts

Michael Kasperzak, Councilmember, Mountain View, California
Chair, FAIR Policy and Advocacy Committee

Brian Murphy, Councilmember, Cambridge, Massachusetts
Host, 2006 Spring FAIR Steering Committee Meeting

DRAFT AGENDA

Saturday, June 17, 2006

8:00 – 8:30 a.m. **Breakfast**

8:30– 9:30 a.m. **Discussion of Principles Developed from Joint Meeting**
Review policy modifications based on principles, if needed

9:30 – 10:30 a.m. **Begin Development of FAIR Executive Summary**
One to two page summary highlighting FAIR policy

10:30 – noon **Review of 2006 Resolutions**
Give direction to staff about which ones the committee would like further education and discussion on at the fall meeting

noon – 1:00 p.m. Lunch

1:15 – 2:00 p.m. **Legislative Update**
Including updates on streamline sales tax, UMRA, Cuno Case and the tax implications telecommunications reform

2:00 – 2:30 p.m. **Field Operations Update**

Jimmy Gomez, NLC Field Operations Associate

2:30 – 2:45 p.m. **GASAC Update and GASB Discussion**
Patrick O'Reilly, Councilmember, Scarborough Maine and NLC Representative to GASAC

2:45 – 3:00 p.m. **Board and Advisory Council Update**

3:00 – 3:15 p.m. **Preview of Fall Meeting in San Antonio, Texas**

3:15 – 3:30 p.m. **Announcements and Adjournment**

May 4, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Jeanette Bennett, Purchasing Director
Gert Paraskevin, Information Technology Director
William Nelson, Fire Chief
Charles T. Craft, Chief of Police

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 4: State of Michigan, MiDeal Purchasing Agreement – SMARTMSG, Emergency Notification System

RECOMMENDATION

The Troy Police Department requests approval and authorization to purchase SMARTMSG from Codespear LLC, a T-1 line from AT&T, a Server from Hewlett Packard, and server software from EDS through the State of Michigan MiDeal Cooperative Purchasing Agreements, at an estimated total project cost of $37,620.00.

BACKGROUND

The City of Troy Workplace Security Committee along with the Police, Fire and Information Technology departments identified a need for a messaging system that will transcend any current method of notifications we currently use. SMARTMSG is a program that will enable the Police, Fire and other municipal departments to get urgent alerts out to the proper personnel as quickly as possible. A single alert can simultaneously be delivered to any device type, (i.e. pager, telephone, cell phone, workstation) reaching the proper recipients wherever they may be on whatever device they are currently using. Urgent alerts can easily be delivered to groups based on geographic location, profile, device type, or other criteria. As we become more regionalized (i.e. Special Response Unit, Regional Response Team), this program will allow quick messaging to many team members throughout the county.

The ancillary equipment from AT&T, Hewlett Packard and EDS are needed equipment purchases to support the SMARTMSG system.

SMARTMSG has also been selected by the State of Michigan as the official notification tool for E-Team system used by the State of Michigan, Oakland County and CVTs within the County, for emergency management. The City of Troy serves as a backup E-Team server site.

There is also a component of SMARTMSG that will allow for emergency notification to citizens and businesses. Once we have implemented it, we will research and test to see if we can utilize that component as a viable solution for citizen notification.

BUDGET

Funds for this project are available through the Police Department Capital Account for Communications, #401325.7980.030.

We are currently applying for 2005 Homeland Security Funds to defray the cost of some licensing and hardware.

Prepared by: Sgt. Donald Ostrowski

APPENDIX 1

DETAILED COST ESTIMATES

	UNIT COST	TOTAL
Codespear		
170 Full Licenses		
650 Receive only Licenses		
Implementation		
Training		
Maintenance & Support		
Voice Dialing capabilities		
PCI Server Card		
		$30,000.00
AT&T		
Purchase additional T-1 phone line (annual cost)	$3,531.96	$3,531.96
Hewlett Packard		
1 Dell Proliant DL 380G4 (3.2Ghz) Server	$3,600.00	$3,600.00
EDS		
MS Windows 2003 Server Software	$487.00	$487.00
	ESTIMATED TOTAL	**$37,618.96**

April 24, 2006

To: John M. Lamerato, Acting 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 1: Award to Low Bidders – Aggregates

RECOMMENDATION

On April 19, 2006, sealed bid proposals were opened to furnish one (1) year requirements of aggregates with an option to renew for one (1) additional year. After reviewing these proposals, City management recommends awarding contracts to following low bidders for an estimated total cost of $63,650.00.

Item	Est. Qty	Description	Price Per Ton	Estimated Total
B&W Landscape Supply Clinton Township MI				
6.	200	Crushed Concrete 1"-3"	$ 9.24	$ 1,848.00
		Estimated Cost		**$ 1,848.00**
Richmond Transport Lenox MI				
3.	300	Pea Stone	$ 11.60	$ 3,480.00
4.	200	60/40 Gravel	$ 12.35	$ 2,470.00
		Estimated Cost		**$ 5,950.00**
Troy Aggregate Carriers Sterling Heights MI				
8.	250	Chloride Sand	$ 18.00	$ 4,500.00
9.	250	2ns Sand	$ 8.95	$ 2,237.50
10.	250	Mason Sand	$ 8.90	$ 2,225.00
		Estimated Cost		**$ 8,962.50**
Tri City Aggregates Holly MI				
2.	3000	22A Road Gravel	$ 7.90	$23,700.00
5.	2000	Fill Sand	$ 5.55	$11,100.00
		Estimated Cost		**$34,800.00**
Edw. C. Levy Co Detroit MI				
1.	1000	6A Slag	$ 12.09	$12,090.00
		Estimated Cost		**$12,090.00**
		Estimated Total Cost		**$63,650.00**

SUMMARY

All items recommended represent the lowest bidder for each item. Estimated quantities of materials shall be purchased at quoted unit prices and ordered on an as-needed basis. Informal quotes will be taken for Item #7, 3x6 Crushed Concrete, as no formal bids were received.

BUDGET

Funds for these materials are available through the Public Works operating budgets for Streets and Water, as monies clear through the balance sheet Inventory Accounts for Aggregates.

41 Vendors Notified via MITN System
6 Bid Responses Rec'd

Prepared by: Emily Frontera, Administrative Aide

Opening Date -- 4/19/06
Date Prepared -- 4/24/06

CITY OF TROY
BID TABULATION
AGGREGATES

ITB-COT 06-18

VENDOR NAME:			EDW C LEVY COMPANY	TRI-CITY AGGREGATES INC	RICHMOND TRANSPORT	TROY AGGREGATE CARRIERS INC	B&W LANDSCAPE SUPPLY	OSBURN INDUSTRIES
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	1000	6A SLAG	**$ 12.09**		$ 12.35	$ 12.50	$ 12.22	$ 12.70
2.	3000	22A GRAVEL	$ 9.80	**$ 7.90**	$ 9.40	$ 8.90	$ 10.73	$ 10.55
3.	300	PEA STONE	$ 12.29	$ 12.40	**$ 11.60**	$ 12.25	$ 12.26	$ 12.39
4.	200	60/40 GRAVEL	$ 13.04		**$ 12.35**	$ 13.00	$ 14.14	$ 13.79
5.	2000	FILL SAND	$ 7.00	**$ 5.55**	$ 5.65	$ 6.35	$ 7.44	$ 7.39
6.	200	CRUSHED CONCRETE, 1" - 3"	NO BID		$ 9.65	$ 9.75	**$ 9.24**	$ 11.27
7.	100	CRUSHED CONCRETE, 3" - 6"	NO BID			N/A		NO BID
8.	250	CHLORIDE SAND	NO BID			**$ 18.00**		NO BID
9.	250	2NS SAND	$ 8.99		$ 9.10	**$ 8.95**	$ 9.64	$ 10.00
10.	250	MASON SAND	$ 11.02		$ 10.55	**$ 8.90**	$ 10.79	$ 11.45
	DISCOUNT IF AWARDED ALL ITEMS		0%			1%	1%	
	ESTIMATED TOTAL AWARDED ITEMS:		**$ 12,090.00**	**$ 34,800.00**	**$ 5,950.00**	**$ 8,962.50**	**$ 1,848.00**	N/A
	ESTIMATED GRAND TOTAL ALL ITEMS W/DISCOUNTS:					$ 68,396.63 w/discount	$ 72,023.99 w/discount	
INSURANCE		CAN MEET	XX	XX	XX	XX	XX	XX
		CANNOT MEET						
TERMS:			Net 30 Days	Net 30 Days	Net 30	30 Days	Net 30	Net 30 Days
EXCEPTIONS:			Mortar Sand for Mason Sand	Blank	Blank	Listed in Bid	Blank	Blank

PROPOSAL - One Year Requirements of Aggregates with an Option to Renew for One (1) Additional Year

ATTEST:
Charlene McComb
Emily Frontera
Tom Rosewarne
Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS

Jeanette Bennett
Purchasing Director

G:\ITB-COT 06-18 Aggregates

May 1, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Irrigation Installation

RECOMMENDATION

On April 28, 2006, three (3) bid proposals were opened to furnish and install irrigation systems at the Troy Community Center and Jaycee Park. After reviewing the proposals, staff recommends awarding the contract to the low bidder, Stay Green Sprinklers, located at 24450 Telegraph, Southfield, MI 48034, for an estimated total cost of $75,965.00. The award is contingent upon contractor submission of properly executed bid documents, including insurance certificates, bonds, and all specified requirements.

In addition, staff requests authorization to approve additional work as needed, due to unforeseen circumstances not to exceed 10% of the total project cost.

SUMMARY

This contract contains two proposals. **Proposal A** is for the installation of irrigation on the grounds of the Troy Community Center to the west, south and east of the building and parking lot. **Proposal B** will add automatic irrigation to six (6) soccer fields at Jaycee Park, ensuring healthy turf for a safer playing surface.

BUDGET

Funds for this project are available in Parks and Recreation Department Capital Accounts 401756.7975.125 and 401770.7974.040.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

118 Vendors Notified via MITN System
3 Bid Responses Rec'd
0 Late Bids
2 No Bids

Opening Date -- 4/28/06
Date Prepared --

CITY OF TROY
BID TABULATION
IRRIGATION SYSTEM - CC & JAYCEE PARK

VENDOR NAME:		Stay Green Sprinklers	Marc Duton Irrigation	American Sprinkler
CHECK # --		800008291	69557209	726044643
CHECK AMOUNT --		**$7,500.00**	**$7,500.00**	**$7,500.00**
PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO COMPLETE THE CITY OF TROY IRRIGATION SYSTEM FOR COMMUNITY CENTER & JAYCEE PARK				
PROPOSAL A: Community Center - for completion by June 30, 2006 **COMPLETE FOR THE SUM OF:**		$ 60,320.00	$ 66,840.00	$ 64,738.00
PROPOSAL B: Jaycee Park - for completion by June 30, 2006 **COMPLETE FOR THE SUM OF:**		$ 15,645.00	$ 17,250.00	$ 19,636.00
GRAND TOTALS - SITE 1 & SITE 2		**$ 75,965.00**	**$ 84,090.00**	**$ 84,374.00**
SCHEDULE OF VALUES:	Y or N	Yes	Yes	Yes
CONTACT INFORMATION: Hrs of Operation		7 to 9	8 to 5	7 to 6
Phone No.		248-229-6373	248-674-4470	734-320-1161
INSURANCE: Can Meet		XX	XX	XX
Cannot Meet				
PROGRESS PAYMENTS: Schedule		Net 30	30 Days	Monthly (Net 30)
Attachment	Y or N	No	No	No
COMPLETION DATE: Proposal A		Weather permitting 5/25/2006	6/30/2006	6/30/2006
Proposal B		5/25/2006	6/30/2006	6/30/2006
SITE INSPECTION: Y/N		Yes	Yes	Yes
Date		4/18/2006	4/25/2006	4/26/2006
SUBCONTRACTORS: Marked as		Blank	Blank	See Below Canton Electric-Flint
TERMS:		**Per Approved Payment Schedule**		
GUARANTEE:		**Per Specifications**		
EXCEPTIONS:		Blank	Blank	Blank
ACKNOWLDEGEMENT SIGNED	Y or N	Yes	Yes	Yes
ADDENDUM #1	Y or N	No	Yes	Yes

ATTEST:
Charlene McComb
Jeffrey Biegler
Linda Bockstanz

Jeanette Bennett
Purchasing Director

May 2, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L, Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – 35,000 Cab and Chassis with Platform

RECOMMENDATION

On April 10, 2006, bid proposals were opened to furnish one (1) 35,000 cab and chassis with platform. After reviewing these proposals, the Fleet Maintenance Division of the Public Works Department recommends awarding the contract to the low bidder meeting specifications, Wolverine Truck Sales, Inc. of Dearborn, MI, at an estimated total cost of $56,619.00 for a Model Acterra by Sterling Truck. This truck will be equipped with a frame-mounted crane (to be transferred from the existing 1991 GMC truck, due to come out of service).

Due to the severe work environment and expensive replacement parts for this type of equipment, the City specified a 7-year engine and 5-year transmission extended warranty to protect our investment.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

C & S Motor Inc. submitted a bid for an International Model 4400. The International Model 4400 did not meet specifications due to the strength and design of the frame not rated at resistant to bending movement (RBM) of 3,229,000 as specified. The specified frame with reinforcement is a very important factor in the overall strength of the cab and chassis due to the installation of the frame-mounted crane. The reinforced frame will limit the flexing and twisting of the frame and decking when loading and unloading pre-cast catch basin structures, fire hydrants, etc.

Graff Truck Centers, Inc., of Flint, Michigan, also does not meet specifications. The price submitted is conditioned upon GMC's 2006 production capacity and the additional charges for 2007 emission requirements if the truck is manufactured in the 2007 production year.

BUDGET

Funds for the cab and chassis with platform are available through the Fleet Maintenance Division Capital Account for Vehicles, #565.7981.

70 Vendors Notified via MITN System
15 Bid Responses Rec'd
2 Bids did not meet specifications
2 No Bids
0 Late Bids

Prepared by: Samuel P. Lamerato, Superintendent of Fleet Maintenance Division

Opening Date -- 4/10/06
Date Prepared -- 4/25/06

BID TABULATION
GVW CAB & CHASSIS TRUCK w/PLATFORM

VENDOR NAME:	Wolverine Truck Sales, Inc. Bid #1 (Knapheide)	Wolverine Truck Sales, Inc. Bid #3 (Cannon)	Wolverine Truck Sales, Inc. Bid #2 (Automotive Svc)	Wolverine Freightliner Eastside (Cannon)	Motor City Trucks
PROPOSAL-- FURNISH ONE(1) 35,000 GVW CAB & CHASSIS TRUCK w/PLATFORM IN ACCORDANCE WITH SPECIFICATIONS					
COMPLETE FOR THE SUM OF:	$ 56,619.00	$ 57,168.00	$ 57,181.00	$ 57,346.00	Knapheide + $720 $ 57,345.00
QUOTING ON MODEL:	Acterra	Acterra	Acterra	M2 106	L8513 w/Mercedes
MANUFACTURED BY:	Sterling	Sterling	Sterling	Freightliner	Sterling
TERMS:	Net 30	Net 30	Net 30	30 Days	Net 15 Days
WARRANTY:					
DELIVERY DATE:	(Est) 150 Days ARO	(Est) 150 Days ARO	(Est) 150 Days ARO	Late July/August	75 - 105 Days
EXCEPTIONS:	Single Leaf Auxiliary Spring	Single Leaf Auxiliary Spring	Single Leaf Auxiliary Spring	Blank	None
ACKNOWLEDGEMENT: Y or N	Yes	Yes	Yes	Yes	Yes

DMS:
C & S Motor Inc. ($56,114) Reason: Frame strength and design not as specified.
Graff Truck Center - ($56,484) Reason: Price not firm due to production and supply limitations including additional emissions changes for 2007 Models

NO BIDS:
Red Holman Pontiac GMC
VIP Truck Center

ATTEST:
Cheryl Stewart
Sam Lamerato
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:\ITB-COT 06-20 GVW CAB & CHASSIS TRUCK w/PLATFORM

Opening Date -- 4/10/06
Date Prepared -- 4/25/06

CITY OF TROY
BID TABULATION
GVW CAB & CHASSIS TRUCK w/PLATFORM

Wolverine Truck	Wink	Jorgensen Ford	Motor City	Wolverine Truck	Jefferson Chevrolet	
Sales, Inc.	Chevrolet	Sales	Trucks	Sales, Inc.	Company	
Bid #4				Bid #5		
(NBC)				(Monroe)		
PROPOSAL-- FURNISH ONE(1) 35,000 GVW CAB & CHASSIS TRUCK w/PLATFORM IN ACCORDANCE WITH SPECIFICATIONS						
$ 57,357.00	$ 57,498.00	$ 57,500.00	Knapheide + $720 $ 58,165.00	$ 58,227.00	$ 59,748.00	
Acterra	(2007) C7CC042	F750	CAT C7 Engine Acterra	Acterra	C8C042 Kodiak	
Sterling	Chevrolet (GM)	Ford Motor Co.	Sterling	Sterling	Chevrolet	
Net 30	Net 10 Days ARO	Net	Net 15 Days	Net 30	Net	
FULL SERVICE COVERAGE - NO PRORATION						
(Est) 150 Days ARO	90 - 150 Days ARO	180 Days ARO	75 - 105 Days	(Est) 150 Days ARO	150 Days ARO	
Single Leaf	Truck & Body Specs	Listed in Bid	None	Single Leaf	Warranty is 84 Months	
Auxiliary Spring	included with Bid			Auxiliary Spring	100,000 miles on	
					Engine & Trans Not Full Service	
Yes	Yes	Yes	Yes	Yes	Yes	
					NOTE: Truck is produced after 1-1-07 add $3,500 for Emissions.	

E-04h

April 25, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brain Murphy, Asst. City Manager/Services
Steve Vandette, City Engineer
John Abraham, Traffic Engineer
Charles Craft, Chief of Police
JKA

SUBJECT: Agenda Item - **Standard Purchasing Resolution 9**
Approval to Expend Funds for Membership Dues and Renewals Over $10,000
Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County

Recommendation:

Request Council authorization to renew membership in the Traffic Improvement Association, at a cost to the City of $25,500 for 2006. This membership fee is calculated based on the Act 51 monies allocated to member municipalities.

Background:

The City has been a member of the TIA since 1975. The TIA is a private non-profit organization that is responsive to the problems and needs of local traffic officials. They also perform area-wide programs such as the Drunk Driving Project, which resulted in 20% fewer alcohol-related accidents in Oakland County. TIA has been a source of traffic facts, including traffic crashes and traffic operations data. TIA has also recently taken over processing of crash reports from the Michigan State Police to ensure more timely and more accurate crash data. In the past year, the City obtained citywide traffic crash statistics (including the intersection and road segment crash reports and ranking), county traffic crash trends, location-specific crash details, and alcohol-related statistics for the City. TIA continues to work with the Corradino Group, consultant for the I-75 corridor study that aims at improving safety and efficiency of traffic on I-75 in Oakland County. TIA also works with our adjacent communities to improve traffic in the general area, that can be a secondary benefit to the City. Also attached is a memo from Frank Cardimen, President of TIA.

TIA also works with the Troy Police Department on several enforcement-related projects and grants. They facilitated our Police Department receiving in excess of $20,000 last year in federal funds for alcohol and seat belt enforcement. TIA also keeps the enforcement and traffic engineering community updated on new Traffic Improvement issues through their quarterly "Early Birds Meeting".

Budget:
Funds are available in the 2005-2006 Traffic Engineering budget, Account No. 446.7958.

JKA/ln

TRAFFIC IMPROVEMENT ASSOCIATION
2187 Orchard Lake Rd., Suite 140, Sylvan Lake, MI 48320-1778
(248) 334-4971 • FAX (248) 334-2060

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April 27, 2006

MEMORANDUM

RECEIVED
MAY 01 2006
ENGINEERING

To: John Abraham, P.E., PhD.
City of Troy

Frank

From: Frank Cardimen
TIA

RE: How TIA supports the City of Troy

Per our conversation yesterday, I am providing you with a few important ways in which TIA supports/supported the City of Troy, its police department to improve traffic safety in your community.

Traffic Crash Data

- For nearly 39 years TIA has provided important traffic crash data to you and all communities in Oakland County that help identify high traffic crash locations. TIA also provides location studies for intersections and road links and provides ranking reports of these crashes for your community and county. With this data, problem areas have been identified and specific projects developed to improve traffic safety problems.

- TIA crash data is also important since we have the time, day and month of year to analyze. Troy police patrols have participated in the state's ***"Click It or Ticket and Don't Drink or Drive"*** campaigns. Various analyses from our crash data allow us to place your law enforcement at places where there are drinking and driving problems. TIA has provided funding for Troy Police Department overtime pay that has helped improve our community.

- I am attaching a three year report about Troy's traffic crash data and ranking reports of the intersections and road links for the past three years for your review.

- In May 2006 TIA will implement the conversion of all traffic crash data to our web site that will allow you and the police department to go online to identify any immediate problems in Troy.

- TIA's traffic crash data supported the justification for MDOT to construct the center median barrier on I-75 in Troy. TIA worked closely with Troy law enforcement to achieve this important project that has helped reduce/eliminate cross over crashes in your community.

- TIA is, and has been, able to provide an important "shield" for law enforcement with neighbor traffic problems. With our staff Professional Engineer, TIA is able to present an independent view of the problem/solution. Many "potential" problems have been eliminated before they get to city council with our ability to defuse emotions and offer independent engineering opinions about the problem.

- Early Birds....for over 34 years these educational programs help bring new ideas to law enforcement and the engineering community to improve traffic safety.

I hope this information provides you with some addition information that you can use to support our request for continued financial support from the City of Troy.

Please advise if you have any further questions.

TO: John M. Lamerato, Acting City Manager

FROM: James A. Nash, Financial Services Director
Sandra L. Kasperek, City Treasurer

RE: **Agenda Item** - Assessment of Delinquent Accounts

DATE: May 8, 2006

The delinquent accounts from the various funds to be assessed to the 2006 tax roll are as follows:

General Fund Invoices	$ 12,308.30	
Penalties	1,230.82	
	$ 13,539.12	
Special Assessments	$ 4,745.92	
Penalties & Interest	2,311.84	
	$ 7,057.76	
Water & Sewer Accounts		
District 1	$141,703.84	
District 2	178,137.47	
District 3	220,341.71	
Penalties	54,018.77	
		$ 594,201.79
Total to be assessed		$ 614,798.67

May 1, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: Agenda Item: Resolution Authorizing Request for Reimbursement: Oakland County West Nile Virus Fund

RECOMMENDATION

The Parks and Recreation Department recommends the City Council approve the request to seek reimbursement in the amount of $30,057.91 from Oakland County's West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

BACKGROUND

The County of Oakland has designated funds for the creation of a West Nile Virus Fund to be distributed to assist cities in reducing the population of infected mosquitoes in the environment.

The portion of the annual West Nile Virus Fund appropriation available upon proper application to each Oakland County City has been established by a formula based on total population (75%) and total square miles (25%). Based on this formula, the City of Troy is eligible for $30,057.91.

The request for reimbursement of eligible expenses must be accompanied by a resolution adopted by the City's legislative board or council authorizing the reimbursement request.

Prepared by: Ron Hynd, Landscape Analyst

April 26, 2006

TO: Mr. John Lamerato, Acting City Manager

FROM: Charles Craft, Chief of Police CC
Gary Mayer, Police Captain
Chris Stout, Police Sergeant CS

SUBJECT: Agenda Item - Application for transfer of SDD & SDM license for Troy Paradise Party Store

Troy Paradise, Inc., requests to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 5945 John R, Troy MI 48085, Oakland County by dropping Sadik J. Sadik through transfer of 100 shares of stock to new stockholder Louay Joulakh.

At its April 10th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board were proposed new owner Louay Joulakh and current owner Sadik J. Sadik. Troy Paradise has been open since December 2002 and only Mr. Sadik and Mr. Joulakh sell the liquor. Mr. Joulakh will be the new owner and Mr. Sadik will continue to work at the business and both men have been through TIPS training.

The Committee unanimously approved this request.

The police department's background investigation of the shareholders revealed no criminal activity or disqualifying factors. Consequently, we have no objection to this request.

CS/cs

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

tkw

RID: 329089

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code) Troy Paradise, Inc.
5945 John R, Troy MI 48085, Oakland County

REQUEST FOR: transfer all stock interest in 2005 SDD & SDM licensed corporation by dropping Sadik J. Sadik as stockholder through transfer of 100 shares of stock to new stockholder Louay Joulakh

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
Louay Joulakh	
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1147 Baker Court Troy MI 48083 Telephone: (248) 894-1077; (248) 828-8000	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: ○ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ○ Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ○ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ○ Does the applicant have a Visa? Enter status: Date fingerprinted:

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should the Commission grant this request? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) Date
Troy Police Department

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 24 day of Jan, 2006, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and TROY PARADISE, INC. whose address is 5945 John R, Troy 48085, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a new Specially Designated Distributor (SDD) license, located at 5945 John R, Troy, Michigan 48085, Oakland County, to be held in conjunction with proposed new Specially Designated Merchant (SDM) license.
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Loday Joulakh

TROY PARADISE, INC.

Witnesses:

Subscribed and sworn to before me
this 24 day of January, 2006

Reginald J. Kakos

Notary Public, Reginald J. Kakos
County, Oakland
My commission expires: 3-12-2008

REGINALD J. KAKOS
Notary Public, State of Michigan
County of Oakland
My Commission Expires Mar. 12, 2008
Acting in the County of Oakland

CITY OF TROY

By:_____
Louise Schilling, Mayor

By:_____
Tonni Bartholomew, City Clerk

Witnesses:

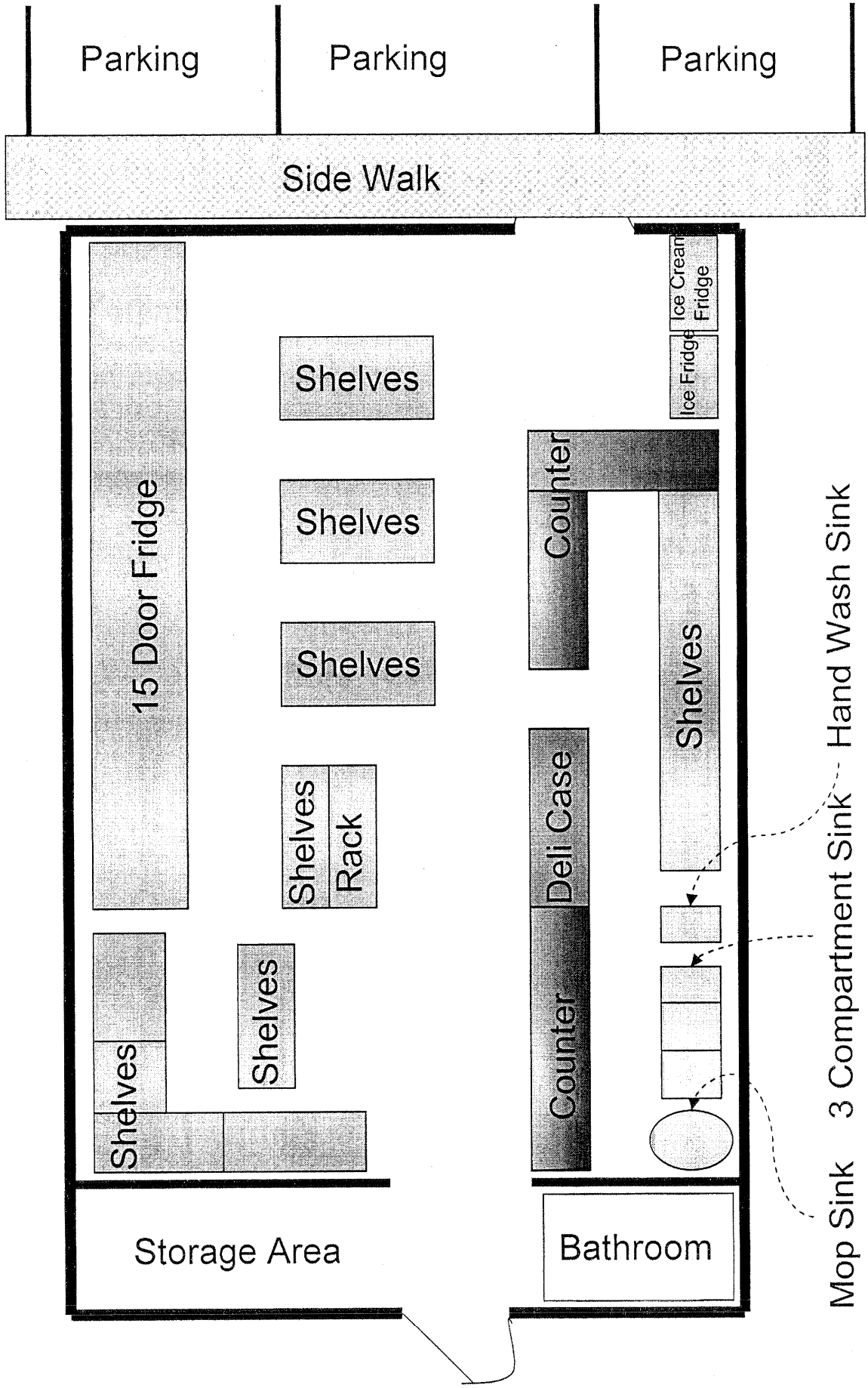
_____

_____

Subscribed and sworn to before me
this _____ day of _____, 200___

_____

Notary Public, Oakland
County, Michigan
My commission expires:


Parking
Parking
Parking
Side Walk
15 Door Fridge
Shelves
Shelves
Shelves
Shelves
Rack
Shelves
Shelves
Storage Area
Ice Cream Fridge
Ice Fridge
Counter
Counter
Shelves
Deli Case
Counter
Bathroom
Hand Wash Sink
3 Compartment Sink
Mop Sink

E-08

April 24, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item - Private Agreement for Walnut Forest Site Condominiums
Project No. 05.906.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, sanitary sewer, storm sewer, detention, paving, sidewalks, soil erosion and landscaping.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

cc: Carol Anderson, Director of Parks and Recreation
Tonni Bartholomew, City Clerk (Original Agreement)
Nino Licari, City Assessor
Mark Miller, Planning Director
James Nash, Financial Services Director
Timothy Richnak, Director of Public Works
Jewel Construction Company

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

Prepared by: G. Scott Finlay, P.E., Civil Engineer
G:\Projects\Projects - 2005\05.906.3 - Walnut Forest Site Condo's\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 05.906.3	PROJECT LOCATION: SE 1/4 SEC. 16
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Jewel Construction Company, Inc.** whose address is **46719 Hayes Road, Shelby Twp., MI 48315** whose telephone number is **586-532-9400** referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Water Main, Sanitary sewer, Storm sewer, detention, paving, sidewalks, soil erosion and landscaping** in accordance with plans prepared by **Bolton Engineering** whose address is **46719 Hayes Road, Shelby Twp., MI 48315** and whose telephone number is **586-532-9400** and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$ 336,296.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☑
Check	☐
Performance Bond & 10% Cash	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$82,537.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 05.906.3	PROJECT LOCATION: SE 1/4 SEC. 16
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of **$418,833.00** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 05.906.3 | PROJECT LOCATION: SE 1/4 SEC. 16

RESOLUTION NO. | DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 10TH day of APRIL, 20 06.

OWNERS Jewel Construction Co.

By: [signature]
ITS PRESIDENT.
VINCENT DILORENZO

Please Print or Type

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 10TH day of APRIL, A.D.20 06, before me personally appeared VINCENT DILORENZO, known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

[signature]

NOTARY PUBLIC, ~~Oakland~~ MACOMB County, Michigan

MARY S. GAROFALO
Notary Public, Macomb County, MI
Acting In Macomb County
My Commission Expires: 6/27/2006

My commission expires: _____

April 27, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Douglas J. Smith, Real Estate & Development Director DS

SUBJECT: AGENDA ITEM – Request for Approval of Purchase Agreement, Kensington Community Church, 1825 East Square Lake Road – Sidwell #88-20-02-427-029, Project No. 02.204.5 – Parcel 27 – Square Lake/John R CMAQ Project

As part of the proposed John R/Square Lake CMAQ Project, the Real Estate & Development Department has reached an agreement with Kensington Community Church to purchase right-of-way. The property is zoned R-1D and the compensation is for 25,715 square feet of land.

An appraisal was prepared by Patricia A. Petitto, State Licensed Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that $77,500, the compensation agreed upon, is a justifiable value for this acquisition.

In order for the City to proceed with the acquisition of this right-of-way, staff requests that City Council approve the attached Purchase Agreement with Kensington Community Church in the amount of $77,500, plus closing costs. Funds will come from the John R Improvements, Square Lake to South Boulevard project.

Prepared by: Patricia A. Petitto, Greenstar & Associates, LLC

Sidwell # 88-20-02-427-029

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Kensington Community Church, an Ecclesiastical Corporation (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 Seventy-Seven Thousand, Five Hundred and no/100 Dollars ($77,500) 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 insurance information, 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:

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 24TH day of APRIL, A.D. 2006 .

In presence of:

Patti Holland

Sheri Green

CITY OF TROY (BUYER)

Patricia A. Pettitt

SELLER:

x

CEO, SENIOR PASTOR

Dennis P. Nicholas

DIRECTOR OF OPERATIONS + FINANCE

EXHIBIT "A"

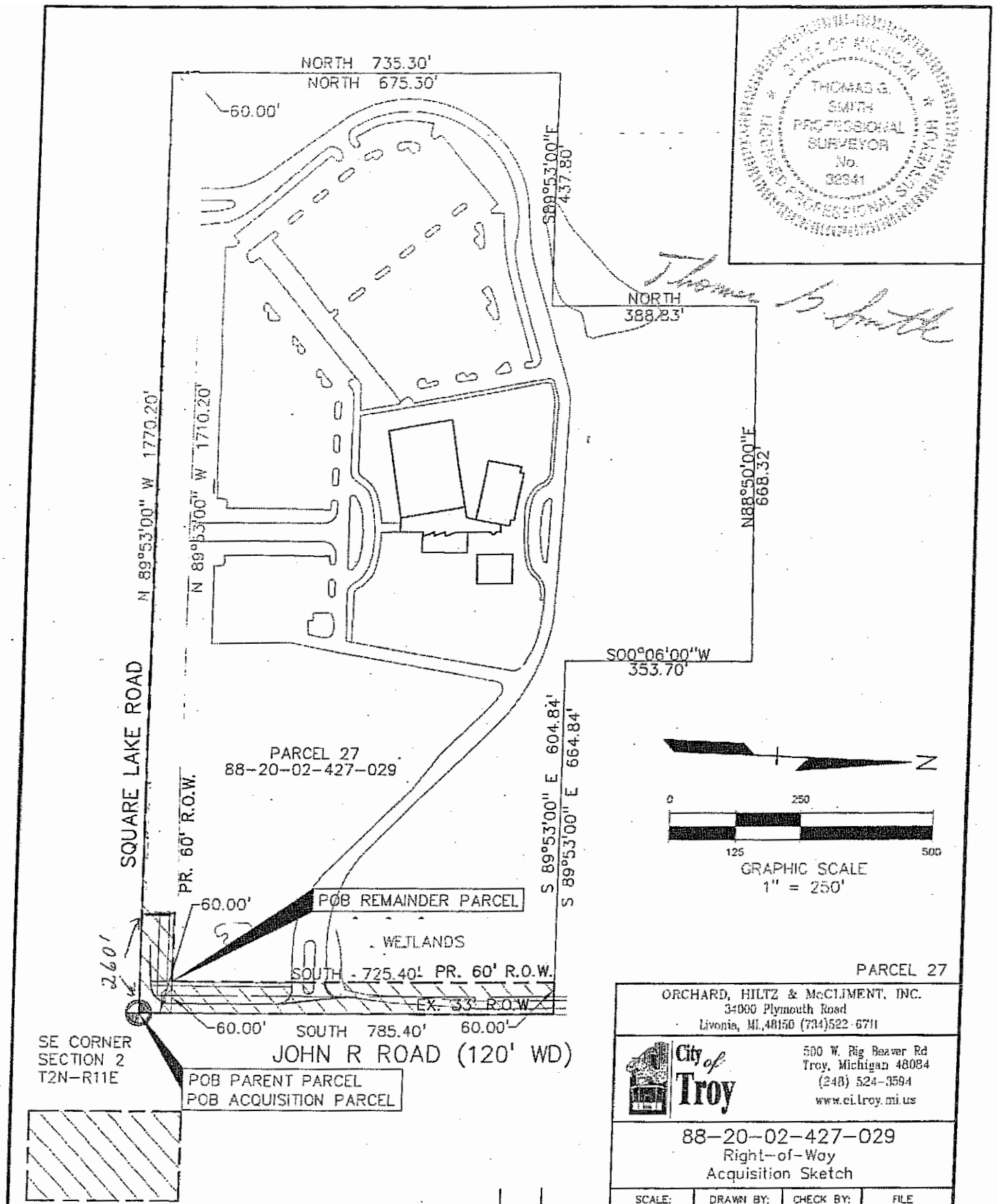
Section 2, John R Widening Project
Parcel: 88-20-02-427-029
Parcel #27

PARENT PARCEL #27 DESCRIPTION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE SOUTHEAST 1/4 BEGINNING AT THE SOUTHEAST SECTION CORNER, THENCE N 89°53'00" W 1770.20 FT, THENCE NORTH 735.30 FT, THENCE S 89°53'00" E 437.80 FT, THENCE NORTH 388.83 FT, THENCE N 88°50'00" E 668.32 FT, THENCE S 00°06'00" W 353.70 FT, THENCE S 89°53'00" E 664.84 FT, THENCE SOUTH 785.40 FT TO BEGINNING. CONTAINING 36.72 ACRES. THE SOUTH AND EAST 33.00 FEET OF WHICH IS CURRENTYLY BEING USED FOR ROADWAY PURPOSES.

PARCEL #88-20-02-427-029

REMAINDER PARCEL DESCRIPTION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT NORTH 60 FT & N 89°53'00" W 60 FT FROM THE SOUTHEAST SECTION CORNER, THENCE N 89°53'00" W 200.00 FT, THENCE SOUTH 60.00 FEET, THENCE N 89°53'00" W 1510.20 FT THENCE NORTH 735.30 FT, THENCE S 89°53'00" E 437.80 FT, THENCE NORTH 388.83 FT, THENCE N 88°50'00" E 668.32 FT, THENCE S 00°06'00" W 353.70 FT, THENCE S 89°53'00" E 604.84 FT, THENCE SOUTH 725.40 FT TO BEGINNING. CONTAINING 35.36 ACRES.

PROPOSED RIGHT OF WAY ACQUISITION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE SOUTHEAST 1/4 BEGINNING AT THE SOUTHEAST SECTION CORNER, THENCE N 89°53'00" W 260.00 FT, THENCE NORTH 60.00 FT, THENCE S 89°53'00" E 200.00 FT, THENCE NORTH 725.40 FT, THENCE S 89°53'00" E 60.00 FT, THENCE SOUTH 785.40 FT TO THE POINT OF BEGINNING, ALSO KNOWN AS R.O.W. PARCEL #27. CONTAINING 59,122 SQUARE FEET, 1.36 ACRES (GROSS) OR 25,715 SQUARE FEET, 0.59 ACRES (NET). THE SOUTH AND EAST 33.00 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES.



Right-of-Way Acquisition
Gross Area= 59,122 SQ. FT.
Net Area= 25,715 SQ. FT.

ORCHARD, HILTZ & McCLIMENT, INC.
34000 Plymouth Road
Livonia, MI. 48150 (734)522-6711

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

88-20-02-427-029
Right-of-Way
Acquisition Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1"= 250'	JRV	GWC	P27-SEC2_ROW
	1-27-05	2-17-05	

DATE	REV.
3-06	1

Document Prepared by Professional Engineering Associates, Inc.

CONTRACT No.

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No.	JOB No.
1 of 2	2002-234

DATE: April 25, 2006

TO: John M. Lamerato, Acting City Manager

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

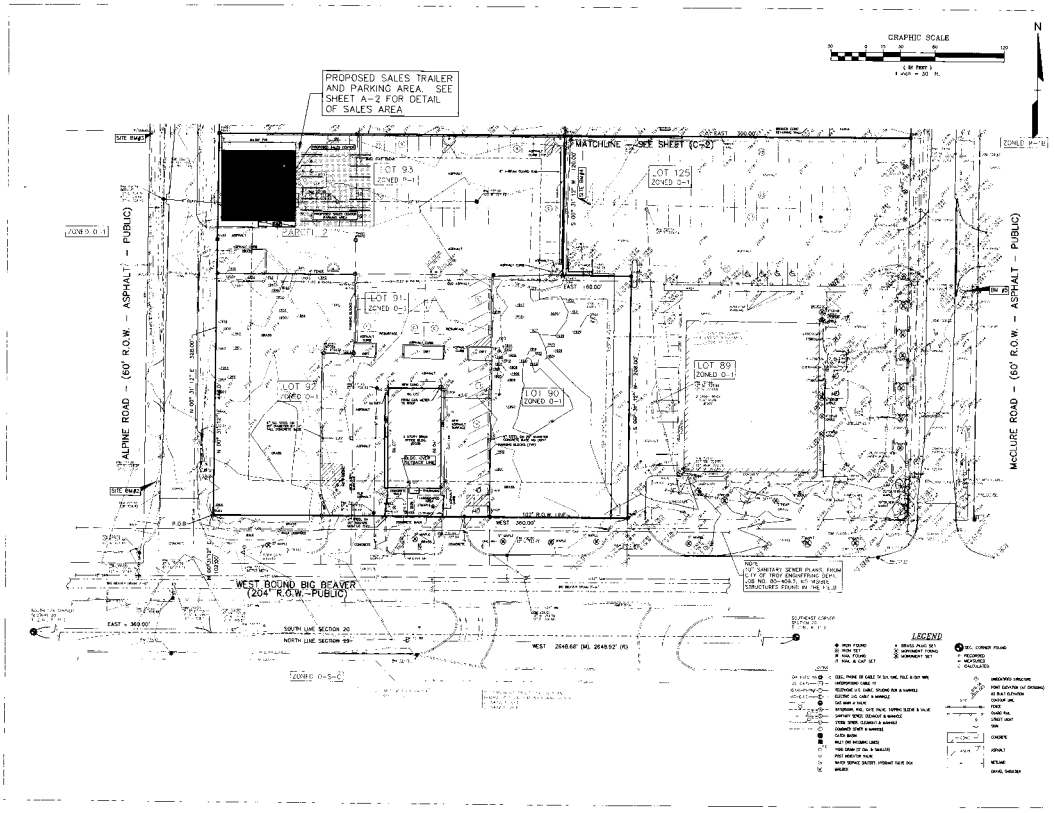
SUBJECT: Agenda Item - Request for Temporary Sales Trailer
Monarch Condominiums

I have received a request from Christopher Priddy of Joseph Freed and Associates for the placement of temporary office trailers on the property of the Monarch Development located on the east side of Alpine, North of Big Beaver Road. The trailers are intended to be used for a temporary sales office. Their request anticipates the need for the trailer for up to eighteen months.

Section 6.41 (3) of Chapter 47 of the Troy City Code allows the City Council to approve the placement of mobile offices, for use as a sales office, in residential developments for an initial period not to exceed 12 months. The request is further subject to renewal for an additional six months. Based upon this provision, the petitioner is requesting this item be placed on Council's agenda for consideration.

I have attached information showing the proposed location of the trailer, and a picture of a similar installation for your information.

Prepared by: Mark Stimac, Director of Building and Zoning



PEA
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1932
(248) 689-9090

Joseph Freed & Associates
2600 Big Beaver Road
Troy, Michigan

SALES TRAILER EXHIBIT "A"

DATE	10-20-04
PROJECT NUMBER	2594-96
DRAWN BY	BJM
SCALE	1" = 30'

NO.	REV. DESCRIPTION	DATE
1	PUD SUBMITTAL	2-24-04
2	PRELIMINARY DESIGN ISSUE	1-21-05
3	REVISED LAYOUT	4-18-05
4	REVISED LAYOUT	4-27-05
5	REVISED LANDMARK PLANS	7-18-05
6	FINAL AND SUBMITTAL	9-16-05
7	CITY REVIEW COMMENTS REVISIONS	9-26-05
8	CITY REVIEW COMMENTS REVISIONS	10-24-05
9	CITY REVIEW COMMENTS REVISIONS	11-23-05
10	EXHIBIT "B" REVISIONS	1-24-06
11	CITY REVIEW COMMENTS REVISIONS	12-4-06

SHEET NUMBER

A-1

ENTRANCE
NOW OPEN!
ONE WAY

April 13, 2006

TO: John M. Lamerato, Acting City Manager

FROM: James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item - Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2006/2007

RECOMMENDATION:

It is our recommendation that City Council approve the renewal of the City's workers' compensation coverage with the Michigan Municipal League Workers' Compensation Fund (MML WCF) for the annual estimated cost for fiscal year 2006-07 of $246,041. This is a 44.7% overall cost reduction from fiscal year 2005-06.

BACKGROUND:

The City's overall cost for FY 06/07 of $246,041 compares with $444,846 for FY 05/06 and $588,653 for FY 04/05.

The MML WCF belongs to a larger non-profit captive mutual insurance company, the National League of Cities Mutual. The member pools own the company. The NLC Mutual Company annually takes competitive bids from reinsurers. As of January 1, 2005 the reinsurer and Best rating is: Zurich American Insurance Company (A).

In March of 2003, City Management engaged independent insurance counselor, Mr. Angelo Zervos to evaluate the current state of the City's workers' compensation program and provide a recommendation as to the most appropriate action to be taken by the City. His evaluation indicated the MML program would cost the City less than if we were self-insured. This was because the City has received large dividend distribution checks from the MML WCF over the past five years. Mr. Zervos' report is as relevant today as it was then. The dividend distribution check for 2005 was $107,614. The check received this year is $119,408.

ANALYSIS:

We did not experience an increase in our premium for 2006-07. This can ultimately be attributed to our loss experience over the past three years and the current insurance market. In addition, we are seeing a decrease in our experience modifier from 1.01 to .69 for FY 2006-2007.

(The experience modifier is a factor developed by measuring the difference between the City's actual past loss experience and the expected experience. This factor may either be a debit or a credit. When applied to the standard premium, the experience modification produces a premium that is more representative of the City's actual loss experience.)

I spoke with Mr. Angelo Zervos regarding this year's renewal. Mr. Zervos concurred with the fact that his 2003 report is as relevant today as it was then. Mr. Zervos said the cost of commercial insurance would be more than what the City is paying to be in the MML WCF. He

also indicated that to be self-insured for workers' compensation would not be appropriate either. Mr. Zervos said that the large dividend check and the decrease in the experience modifier provide the City with a good financial position without having the increased risk of being self-insured. Mr. Zervos indicated that from a cost standpoint, being in the MML WCF is where the City currently belongs.

BUDGET IMPACT:

Attached is a renewal declaration page from the MML WCF indicating the net estimated premium to the City of Troy for FY 06/07 is $365,449. After applying the dividend distribution check in the amount of $119,408 to the net estimated premium; the net annual estimated cost to the City for workers' compensation coverage is $246,041. Funds are available in the Workers' Compensation Fund.

MICHIGAN MUNICIPAL LEAGUE
WORKERS' COMPENSATION FUND

April 14, 2006

James Nash
Troy, City Of
500 West Big Beaver
Troy, MI 48084 -5285

Dear Mr. Nash:

We are pleased to enclose your workers' compensation renewal package for the coverage period July 1, 2006 through June 30, 2007. Included are the Policy Declaration, Certificate of Membership and invoice.

The Fund received authorization to distribute $7 million of surplus from Fund years 7/1/1992-93, 94-95 and 97-98. Members who were insured by the Fund in any or all of the years for which a dividend was declared will receive their proportionate share of dividends. Of the $7 million, your portion of the dividend from 92-93 and 94-95 fund years will be distributed by check and your portion of the dividend from 97-98 fund year has been applied as a premium credit on your renewal declaration, if applicable. The following summarizes your renewal:

Premium Prior to Dividend Credit:	$434,512.00
Dividend Credit:	$-69,063.00
Net Estimated Premium:	$365,449.00
Dividend Distribution Check:	$-119,408.00
Annual Estimated Cost:	$246,041.00

The enclosed policy declaration indicates when payments are due. Enclosed in this mailing you will find your invoice requesting payment for this upcoming renewal. A return envelope has been provided for your convenience.

The enclosed Certificate of Membership may be provided to third parties as evidence that the required workers' compensation coverage is in place. If you need additional certificate copies throughout the year, visit our website and log on to www.mml.org, click on 'Insurance' then 'Workers' Compensation Fund'. After the Fund site loads, enter your user name and password on the right side of the screen. Now click 'Online Forms' from the top bar and finally 'Certificate of Insurance' from the left side bar.

If you have questions pertaining to any of the enclosed, please contact me at (248) 204-8530. Your cooperation and support are greatly appreciated.

Sincerely,

Kelli M. Collins

Kelli M. Collins
Underwriter
Michigan Municipal League

Enclosure
5000410-06

MICHIGAN MUNICIPAL LEAGUE
26255 AMERICAN DRIVE, P.O. BOX 2054
SOUTHFIELD, MI 48034

Phone: (248) 204-8530
Toll Free: (800) 482-0626
Fax: (248) 281-0381

April 19, 2006

TO: John Lamerato, Acting City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM – Downtown Development Authority Bylaw Changes

With John Szerlag departing, a vacancy occurs in the appointment of an Executive Director for the Downtown Development Authority (DDA). The DDA reviewed their bylaws and determined that currently, as drafted, the bylaws only permitted an appointment other than the City Manager to serve as Executive Director only on a temporary basis in the absence of the City Manager.

The DDA determined they wanted to allow, as State Law permits, the ability to appoint either the City Manager or another individual to serve as their Executive Director. Following are the recommended bylaw changes that are required to permit the DDA to appoint either the City Manager or another individual as Executive Director. The Downtown Development Authority also recommended that Doug Smith be appointed as Executive Director.

Article IV – Officers and Personnel

Section 4. Executive Director

The Executive Director for the BOARD ~~shall~~ **may** be the City Manager of the City of Troy or ~~in the absence of the City Manager~~ the BOARD may designate a qualified person as ~~acting~~ **Executive** Director to perform the duties of the office. The Executive Director shall function as the chief executive officer and business manager of the BOARD. The Executive Director shall supervise the preparations of plans and the performance of the functions of the Authority in the manner authorized by the State Act. The Director shall attend all meetings of the BOARD and shall have full right of discussion, but shall not have a vote on any matters coming before the BOARD. The Director shall be responsible for preparation of the budget of the BOARD and shall render to the BOARD and the CITY COUNCIL a regular report covering the activities and the financial condition of the Authority.

Reviewed as to Form and Legality:_____ _____
Lori Grigg Bluhm, City Attorney Date

May 1, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: **Agenda Item:** *City Ordinance, Chapter 28 - Tree Ordinance and the Landscape Design & Tree Preservation Standards*

RECOMMENDATION:
City Management recommends approval of the attached revised versions of City Ordinance, Chapter 28 – Tree Ordinance as well as the Landscape Design and Tree Preservation Standards. The changes in these documents clarify ambiguous sections and include changes as outlined herein. Following the Council study session of April 3, 2006, staff reviewed the comments by Council and public comments and submits Chapter 28 – Tree and Plant Ordinance for approval and the Landscape Design and Tree Preservation Standards for review.

This item was submitted as a Green Memo on March 20, 2006 and revisions were included in the documents reviewed by City Council at their study session on April 3, 2006. Both documents have been reviewed as to form and legality by the City Attorney's office.

BACKGROUND:
The purpose of Chapter 28 is to establish procedures, and practices governing the protection, installation and long-term maintenance of trees, plants, and vegetation within the City of Troy. The Landscape Design and Tree Preservation Standards provide development standards for commercial properties and subdivisions. The following is a general outline of the functions of the two documents:

Chapter 28 – Tree and Plant Ordinance

- *Enforcement:*
- *Maintenance and planting of materials on municipal sites*
- *Responsibilities of private plant owners*
- *Responsibilities of property owner before and during development*

The Landscape Design and Tree Preservation Standards

- *Approval Process for Tree Preservation and Landscape Plans*
- *Request for Variance/Waiver*
- *Information required for review and format for submittal*
- *Tree Preservation and Protection*
- *Fees and Deposits*
- *Inspections*
- *Violations of these Standards*
- *Qualifications and Responsibilities of Individuals*
- *Plant Material Requirements, Site Preparation and Plant Installation*

STUDY SESSION COMMENTS:
The following additional changes resulted from comments by City Council and public at the April 3, 2006 Council study session:

Changes made to Chapter 28 as of 4-3-06:

Punctuation and grammatical corrections are not noted.

Section 28.01.00 – section #'s removed numbers from line items and bulleted
Section 28.02.00:

- 28.02.02 - redefined "City"
- 28.02.04 – changed (28.02.23) to (28.02.26)
- 28.02.12 – moved "Lawn Extensions" definition from 28.14.02 and added the word "public".
- Renumber definitions 28.02.13 through 28.02.28 to accommodate new definitions
- 28.02.14 – added new definition for "Municipal property".
- 28.02.15 – added new definition for "Municipal Tree".
- 28.02.18 – moved list out of definition and added to 28.06.04.
- 28.02.19 – moved following to 28.08.01 – "There shall be no undue compression of the earth or otherwise impeding or preventing the access of water or air to the root system of the plant or excavation around or removal of soil or earth or the addition of earth or any other materials within the tree protection areas. Building material and other debris shall not be placed inside the tree protection areas."
- 28.02.20d – removed the word "City" and added "owned by the City"
- 28.02.26 – changed (28.02.10) to (28.02.19).

Section 28.04.00:

- 28.04.01 – added the word "trees" and the statement "All State and Federal requirements and restrictions shall be followed when applying weed/pest control to plants in public spaces".
- 28.04.02 – changed "planting" to "installing", changed "planting" to "installation", added "necessary to determine compliance with this ordinance".
- 28.04.03 – reworded leaving amount and type of insurance open.
- 28.04.07 – changed "Plant" to "installation" and "plant" to "install"

Section 28.06.00:

- 28.06.03 – changed (28.02.17) to (28.02.20)
- 28.06.04 – relocated prohibited plant list to this section
- 28.06.04L – separated this section from main body of text and changed (LD35.01.00) to (#LD35.02.00).
- 28.06.04M - separated this section from main body of text.
- 28.06.05 – changed "plants" to "trees (4" DBH and up)" and added "prior to the application and approval by the City for development".

- 28.06.05a – added as new.
- 28.06.06 – reworded for clarity.
- 28.06.07a – added “for said work”.
- 28.06.07b – added “for said work”.

Section 28.07.06 – changed “ordinance” to “section”.

Section 28.08.00:

- 28.08.01 – added “(see 28.02.19)” and added “There shall be……”
- 28.08.03 - changed “of” to “for”.
- 28.08.05 – changed (28.02.23) to (28.02.26).
- 28.08.06 – changed “may” to “will be allowed”.

Section 28.11.00:

- 28.11.02 – changed “shall” to “are to”
- 28.11.04 – added “All tree guards and stakes shall be removed one (1) year after installation”.
- 28.11.06 – added “stating otherwise”.
- 28.11.08 – changed from 6” to 10” to conform to other existing ordinances.

Section 28.12.00 – added “comply with the requirements of section 28.1.01 through 28.12.03”.

Section 28.13.01 – split this section out text and changed “damages” to “compensation”.

Section 28.14.00:

- Renumbered section after moving definition of “Lawn Extension” to 28.02.00.
- 28.14.02 – added the words “other than normal maintenance” & “maliciously, and/or wantonly”.
- 28.14.04 – added “of public streets” and changed “mechanically edged” to “edged”
- 28.14.05 – removed the word “major” and added “located in public spaces”.
- 28.14.07 – added “of public streets”.
- 28.14.07a – added as new.

Section 28.15.00:

- 28.15.03 – changed “as close as” to “at least
- 28.15.04 - changed “as close as” to “at least and changed “City” to “Director”.
- 28.15.05 – same as 28.15.04 and change “is involved” to “prevents the use of a larger tree”.
- 28.15.06 – changed “may be planted” to “twenty (20) feet or less are permitable plantings”.

Section 28.16.00:

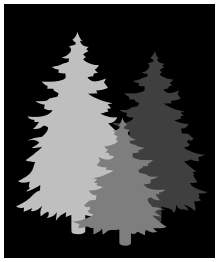
- 28.16.01 – changed “any of the provisions” to “pertaining to public spaces”.
- 28.16.04 – changed “revision” to “edition”.

Section 28.17.00:

- 28.17.00 – added “she/”
- 28.17.01 – added “or a combination “
- 28.17.02 – moved “except in case of an emergency or imminent danger” to end of sentence.
- 28.17.05 – added “have the right”

Figure #1 – removed the word “Study”
Figure #3 – removed the word “Study”
Figure #5 – added “Large (50+ feet)”, “Medium (30 – 50) feet”, and “Small (15 – 30)”.

Changes made to Landscape Design & Tree Preservation Standards as of 4-3-06:



Title Page - added quote
Approval Process Outline:
1. – added “and Preliminary landscape Plans (LD6.00.00)” & “to Planning Department with Site Plan Review or Special Use Application”
5. – added “which will be forwarded to Planning and/or Building Departments.”
6. – added #6
17e – changed “LD34.00.00i” to “LD34.00.00j”.
Section LD1.00.00 – changed “39.30.01 – 07” to “39.30.00” and re-word last paragraph to more accurately define who this standard applies too.
Section LD6.00.00:

- LD6.00.00 – Added “Landscape” and “Preliminary Landscape plans shall be submitted as separate documents”.
- LD6.02.00g – added “(Tree Preservation plan only)”.
- LD 6.02.00l – added “tree preservation”.
- LD6.02.00M – added as new.
- LD 6.02.01 – added as new

Section LD7.00.00 – added “be submitted as one combined document”.
Section 8.00.00:

- LD8.01.00 – changed “LD8.04.00” to “LD8.01.01”.
- LD8.02.00 – changed “LD8.01.01” to “LD8.04.00”.
- LD8.02.01 – added as new.
- LD8.03.02 through LD8.03.04 added as new,
- LD8.04.04 – removed “The City reserves the right to remove these trees from the list of preserved trees” as being redundant (see LD8.04.06)
- LD8.04.05 – reworded from “Trees to be preserved shall be in good to fair condition at the time of development” to “Tree preserved shall be in good condition (as deemed by the Director) for one full year after the final acceptance (closing) of the project by the City”.
- LD 8.05.09 – added as new.

Section LD9.00.00:

- Changed "when making the submittal" to "an application is submitted".
- Added "Special Use Approval Request, or Tentative Preliminary Plat Approval".
- Changed "subdivision" to "project".

Section LD10.00.00 – added "Final Tree Preservation / Landscape Plan shall be submitted as one combined document. The Final Landscape Plan shall be consistent with the Preliminary Landscape Plan used to grant Preliminary Site Plan approval by the Planning commission".

Section LD13.00.00 – changed "commercial" to "Non-residential".

Section LD16.00:

- LD16.00.00 – added "Plan".
- Changed "LD16.02.00d" to "LD16.02.01".

Section LD19.00.00 – added "Bank Letter of Credit will not be accepted for Maintenance Deposit".

Section LD19.02.03 – added "otherwise"

Section LD20.00.00 – added "Plan"

Section LD22.03.00c – reworded to read "Additional fees as per LD18.01.00".

Section LD23.00.00:

- LD23.05.01 – changed "28.02.23" to "28.02.26".
- LD23.06.00a – changed "fences" to "tree protection barriers".

Section LD28.00.00:

- LD28.03.00 & 28.04.00 – changed "has not been" to "is not".
- LD28.05.00 – changed "this procedure" to "the procedures in this section".

Section LD29.00.00– changed "must have prior to any landscape project coming under the control of this standards" to "are to be".

Section LD31.00.00 – changed "must have prior to a tree preservation project coming under the control of these standards" to "are to be".

Section LD35.00.00:

- LD35.02.00 – changed "at this time" to "As of May 8, 2006".
- LD35.03.00 – added as new.

Section LD 37.00.00 – changed "commercial properties or subdivision" to "Site Plan Approval, Special Use Approval, or Subdivisions Plat Approval"

COMPARISON WITH OTHER COMMUNITIES:

Finally, a comparison of the proposed City of Troy Tree and Plant Ordinance with four other communities is included here. As you can see from the chart titled "**Tree Ordinance Comparison"**, the tree preservation percentages proposed for Troy are less than for the compared communities, although the Troy preservation range is greater.

	Tree Ordinance Comparison	Rochester Hills	Sterling Heights	Rochester	Brighton Twp.	Troy (proposed)
	Minimum preservation % of trees	37%	37%	80%	by % canopy	30%
	preservation range	6" and up	6" and up	6" and up	10" and up	4" and up
a	**tree relocation on site allowed**	yes	yes	yes	yes	yes
b	**tree relocation off site allowed**	yes	yes	yes	yes	yes
c	**tree replanting on site allowed**	yes	yes	yes	yes	yes
d	**tree replanting off site allowed**	yes	yes	yes	no	yes
	City Tree Fund established	yes	yes	no	no	yes
	Recommended replacement tree list provided	yes	no	no	no	yes
e	**Building envelope trees count toward % preserved**	no	no	no		no
f	**Deciduous & coniferous trees included in % preserved**	yes	yes	yes	yes	yes

a - trees can be transplanted from one area to another on the same site
b - trees can be transplanted from another site to new project
c - reforestation of tree with new planting permited
d - reforestation tree can be located on a different site
e - tree inside allowable building area can not be counted as preserved trees
f both types of tree can be counted toward to total % of preserved trees

SUMMARY:

The purpose of Chapter 28 is to establish practices and procedures for the protection, installation, and long-term maintenance of trees, plants and vegetation within the City of Troy. Staff is confident the revisions to the ordinance make it a more understandable, and useful tool toward that purpose.

The revisions to Landscape Design and Tree Preservation Standards will assist developers with the process of landscaping their projects, while ensuring greater preservation of Troy's urban forest.

Approved as to form and legality:

_____

Lori Grigg Bluhm, City Attorney

CHAPTER 28

TREE AND PLANT ORDINANCE

Revised 4-25-06

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28.01.00 Purpose and Intent -

The *City* acknowledges that Troy's urban forest reduces noise, air pollution, energy costs, reflected light, and flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and increases the value of all properties in the area and the overall quality of life.

It is the *City*'s intent that the urban forest be protected, preserved and/or restored. To that end the *City* has created these ordinances, the Landscape Design and Tree Preservations Standards and the Building/Developmental Standards.

The purpose of this Ordinance is to establish procedures and practices governing the protection, installation and long-term maintenance of *tree*s, *plant*s and vegetation within the *City* of Troy. The *City*'s purpose is to:

- Promote the beautification of the *City* of Troy.
- Create for present and future generations a planned pattern for the urban landscape within the *City* of Troy.
- Promote reasonable preservation and replenishment of landscaping on existing commercial and public properties and to provide guidelines for protection of *plant*s.
- Safeguard and enhance property values and to protect public and private investment.
- Provide an ordinance that is reasonable and enforceable.
- Promote the awareness of the benefits of effective landscaping.

28.02.00 Definitions –

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given here. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

28.02.01 **Caliper** - the diameter of the *tree trunk* measured at:

a. Six (6) inches above the ground level if four (4) inches in diameter or less

b. twelve (12) inches above ground if greater than four (4) inches in diameter.

28.02.02 **City** – The Municipality of the *City* of Troy, Michigan

28.02.03 **Clearing** - the cutting down and/or removal of *plant*s and/or vegetation from a property whether by cutting or other means.

28.02.04 **Damage** - includes any intentional or negligent act which will cause *plant*s to decline and die within a period of three (3) years, including but not limited to such *damage* inflicted upon the *root system* by the compaction of the soil within the *drip line* of a *tree* during the operation of heavy machinery; the change of the natural grade above the *root system*, around the *drip line*, or around the *trunk* of a *plant* and/or *damage* from injury or from fire to vegetation which results in or permits infection or *pest* infestation. *Damage* also includes application of soil within the *tree protection area* (28.02.26) or introduction into the water source, and/or release of products, which move through the environment of a *plant*, any petroleum products, pesticides, toxic chemicals or other injurious materials.

28.02.05 **DBH** (Diameter at Breast Height) - the diameter of the *tree trunk* measured at 4.5 feet above ground level.

28.02.06 **Department** - the Department of Parks and Recreation of the *City* of Troy.

28.02.07 **Director** - Parks and Recreation Director and all employees under her/his direction, authorized by her/him to seek compliance with provision of this ordinance.

28.02.08 **Drip line** - the drip line of a *tree* or *plant* shall be determined by measuring from the center of the *trunk* to the tip of the farthest branch from the *trunk* center. This measurement shall be used as the radius of a circle drawn around the *plant* with the center of the *trunk* being the center of the circle.

28.02.09 **Emergency** - an event or events, disease, *pest*, or condition which has *damage*d or destroyed a *tree* or *plant* such that the continued presence of such *damage*d or destroyed *tree* or *plant* threatens *public space* in proximity thereto.

28.02.10 **Imminent danger** - any situation or occurrence that would cause directly or indirectly an immediate danger to any person in a *public space* within the *City*.

28.02.11 **grading** - the placement, removal or movement of earth or soil on a property by use of mechanical equipment or hand equipment.

28.02.12 **Lawn extensions** - that area between the property line and the curb/road edge of public streets/roads.

28.02.13 **Listed Species** - any *plant* that is endangered or threatened or is a species of special concern as listed on the Federal Inventory List or Michigan Natural Features Inventory List (MNFI), which is maintained by the Michigan Natural Heritage Program and/or the Michigan Land Conservancy.

28.02.14 **Municipal property** – all land, structures, facilities, and *plant*s, owned by the municipality of the *City* of Troy

28.02.15 **Municipal Tree** – any *tree* owned by the municipality of Troy and located on *municipal property*.

28.02.16 **Pest** – the full range of dangerous; destructive; or infectious organisms, insects, diseases, pathogens and/or conditions which attack or effect *plants* or which hinder their development as horticultural subjects. This shall include but not be limited to all biotic and/or abiotic agents.

28.02.17 **Plant(s)** - any *tree*, shrub, bush, perennial, annual, grass or other vegetation, native or introduced.

28.02.18 **Prohibited plants** – *Plant*s that shall not to be planted within the municipal boundaries of the *City.* (See Temporary Banned plants in the Landscape Design and Tree Preservation Standards section #LD35.02.00.)

28.02.19 **Protective barrier** – (see figure #1) a minimum four (4) foot tall plastic mesh barrier constructed at the *drip line* of the *plant* to protect the *root system* and/or *trunk* of the *plant* from *damage* caused by but not limited to: construction, vehicular traffic, storage of equipment, debris, soil, fill or other materials.

28.02.20 **Public nuisance** - any *plant*:

- **a.** with an infectious disease or *pest* problem that may infect *municipal tree*s.
- **b.** that is dead or dying that has the potential to fall into *public space*s.
- **c.** or limb of any plant that obstruct street lights, traffic signs, free passage of pedestrians or vehicles.
- **d.** that poses a threat to the safety of individuals in *public space*s or poses a threat to property owned by the *City*.

28.02.21 **Public spaces** - public streets, rights-of-way, alleys, avenues, lanes, parkways, sidewalks, walkways, trails, parks, open spaces, lots, retention/detention ponds, drains, streams, museums, bridges, parking lots, or paths within the *City* and all other lands controlled or publicly owned by the *City* or such land privately owned

when such land comes within the purview of this ordinance because of the maintenance or continuation of any hazards injurious to property, or individuals in *public space*s or the public interest.

28.02.22 **Public utility** - any person, corporation or organization owning or operating any pole, pipe, tower, satellite dish or conduit located in any *public space* or over or along any public easement or rights-of-way for the transmission of electricity, gas, telephone service, inter-net service, or any other means of electronic communication including the television transmission system and/or coaxial C.A.T.V. cable.

28.02.23 **Root system** – the part of the *plant*, located within the *plant*s *drip line*, usually but not always underground that holds the *plant* in position, drawing water and nutrients from the soil.

28.02.24 **Street tree** - any *tree* growing in the rights-of-way of the *City* of Troy. These *tree*s are generally but not always located between the sidewalk/curb or in the street islands/medians.

28.02.25 **Tree** - any self-supporting woody *plant* having one or more defined stems or *trunk*s with a *DBH* of 1.25 inches or more and having a defined crown which customarily attains a mature height of eight (8) feet or greater.

28.02.26 **Tree protection area** - the space between the *protective barrier* and the *trunk* of the *plant*. (see 28.02.19 and figure #1). Building material and other debris shall not be placed inside the *tree protection area.*

28.02.27 **Trunk** - the main stem or body of a *plant*, to be considered apart from its *root system* and branches. In the case of a multiple trunked *plant*, the stem with the largest *caliper* shall be used for the purpose of this ordinance.

28.02.28 **Topping** (also known as: Dead Heading and Severe Crown Reduction)- The reduction of the overall size of a *tree* and/or the severe internodal cutting back of branches or limbs to stubs within the *tree*s crown to such a degree so as to remove the normal *tree* canopy and disfigure the *tree*. *Topping* is not a form of pruning.

28.03.00 Responsibility

The *Director* shall be charged with the duty of enforcing the provisions of this ordinance and shall have exclusive jurisdiction and supervision over all *plant*s planted or growing in *public space*s.

28.03.01 ***Maintain, Preserve or Remove*** - The *Director* shall have the authority and it shall be the *Director's* duty to plant, trim, spray, preserve and remove *tree*s and other *plant*s and grassy areas in *public space*s to insure safety or to preserve the design intent of such *public space*s.

28.03.02 Unless otherwise directed by this or other *City* Ordinance, the *Director* is not required to notify the public of any actions taken when enforcing the provisions of this ordinance.

28.03.03 ***Order to Maintain, Preserve or Remove*** - The *Director* shall have the authority and it shall be her/his duty to order the maintenance, preservation or removal of *tree*s or *plant*s on private property when she/he shall find such *tree* or *plant* to constitute a *public nuisance*.

28.03.04 ***Unlawful Interference*** - It shall be unlawful for any person to prevent, delay or interfere with the City tree crew, or City contractors while they are engaged in the planting, cultivating, mulching, pruning, spraying, treating, transplanting, or removing any *tree* on *municipal property* as authorized in this ordinance.

28.03.05 ***Issue Conditional Permits*** - the *Director* shall have the authority to affix reasonable conditions to the granting of a permit issued in accordance with the terms of this ordinance. Permits issued under this Ordinance shall be obtained through the Department of Parks and Recreation. Any conditions granted by the

Director shall be based on current *City* policies.

28.03.06 ***Supervision*** - The *Director* shall have the authority and it shall be her/his duty to supervise all work done under a permit issued in accordance with the terms of this ordinance.

28.04.00 Permits for Planting, Care and Removal of *Plants* - *Public Spaces*

The *Director* shall be charged with the duty of issuing and enforcing permits issued to residents, individuals, groups, organizations, companies, and/or corporations for the planting, care and removal of plants in *public spaces*.

28.04.01 ***Preserve, Remove or Treat*** – No person shall trim, spray, transplant, remove or cause/authorize any person to trim, spray, transplant, or remove *tree*s, *plant*s or grassy areas in *public space*s without first filing an application and procuring a permit from the *Director*. This excludes the treatment of turf grasses, *tree*s and plants in the *Lawn Extension*s (28.14.00) with weed/*pest* control and fertilizer when done in conjunction with the adjoining private areas. All State and Federal requirements and restrictions shall be followed when applying weed/*pest* control to plants in *public spaces*.

28.04.02 ***Application Data*** - The application required by this ordinance shall state the number, size and variety of *plants* to be trimmed, sprayed, preserved, transplanted, or removed; the kind of treatment to be utilized, the kind and condition of nearest *plant*s upon the adjoining property. If installing, the application shall include drawings which indicates the variety and number of each *plant* type, the location, *plant* grade, and method of installation, including the supplying of suitable soil or soil amendments. When deemed necessary *Director* reserves the right to request addtional information necessary to determine compliance with this ordinance.

28.04.03 ***Insurance*** - Before any permit shall be issued, each applicant shall first contract the City Risk Manager who will set actual amounts and types of insurance required for proposed work.

28.04.04 ***Standards for Issuance*** - The *Director* shall issue the permit provided for in this ordinance when it is found that the desired action or treatment is necessary, effective, and appropriate and that the proposed method and workmanship is satisfactory and that such action is in conformance with this ordinance, the Landscape Design and Tree Preservation Standards and City Developmental Standards.

28.04.05 ***Permit Issuance*** – This permit shall be issued at the Department of Parks and Recreations, in the Troy Community Center – 3179 Livernois, Troy, MI 48083-5029.

28.04.06 ***Revoking Permit*** - the *Director* may revoke a permit when the permit holder refuses or neglects to comply with any of the provisions of this ordinance, the Landscape Design & Tree Preservation Standards, or specific conditions outlined in the permit.

28.04.07 ***Installation*** - No person shall install or set out any *tree* or *plant* in *public space*s without first filing an application and procuring a permit from the *Director.*

28.04.08 ***Notice of Completion*** - A notice of work completion concerning all plantings, transplanting, removals, *pest* control or major pruning shall be given by the permit holder, within five (5) days of completion of the permitted work, to the *Director* for inspection and approval. Permit holder will be notified of any required corrections, changes, alterations, or deficiencies. Notification shall include scheduling for required work.

28.05.00 *Plant* Removal - *Public Spaces*

The *Director* shall be charged with the duty of removing or ordering removal of *plant*s in *public space*s:

28.05.01 The *Department* shall have the right to remove *tree*s and/or *plant*s in *public space*s as may be necessary to ensure safety or to preserve the design intent of such *public space*s.

28.05.02 The *Director* may remove or cause or order to be removed, any *tree* or *plant* or part thereof which is in any unsafe condition or which is a prohibited species, or is affected with any injurious disease, fungus, *pest*, or otherwise be considered by the *City* to be a *public nuisance*.

28.05.03 Whenever the *Department* shall remove a *plant*, solely for the purpose of constructing any public work, the *Director* shall, if practical, replace the same at public expense, at some nearby location by planting another *plant,* but not necessarily of the same type or size.

28.06.00 Duties of Private *Plant* Owners

It shall be the duty of any person, organization, company, group, association, or corporation growing *tree*s and *plant*s within the *City* to:

28.06.01 ***Trim*** - To trim her/his *tree*s and *plant*s so as not to cause a hazard to *public space*s or interfere with the proper lighting of *public space*s by the streetlights.

- **a.** Any overhead portions of a plant/*tree* shall be a minimum of eight (8) feet above the surface of the street, sidewalk, trail system, or rights-of-way, which ever has the highest elevation and a minimum of one (1) foot off sidewalk (see figure #4).
- **b.** All private *plant*s shall be pruned so that the above ground portions do not extend beyond the property line into *public space*s.
- **c.** Said person shall remove all dead, diseased, or dangerous *tree*s and *plant*s, or broken or decayed limbs which constitute a menace to the safety of the public in *public space*s or which the *City* would otherwise consider a *public nuisance*.
- **d.** *Plant*s installed in the Corner Clearance Zone (see figure #2 & 28.12.00) shall be pruned and maintained to a height not to exceed thirty (30) inches above established street grade for shrubs and the lowest branch on a *tree* shall be eight (8) feet above the established street grade.
- **e.** Private *tree*s planted within thirty (30) feet of *municipal property* shall be pruned to allow the natural growth and development of the *municipal tree*.

28.06.02 ***City Trimming*** - The *City* shall have the right to trim any *tree*s and *plant*s on private property which interfere with vehicular and/or pedestrian traffic in *public space*s or the proper spread of light along the street from street lights, or interferes with visibility of any traffic control device / signs or would otherwise be considered by the *City* to be a *public nuisance*. Such trimming is to be confined to that work deemed necessary by the *City* to eliminate the interference or *public nuisance.* Property owner will be given 24 hours notice prior to removals unless need for removal is created by an *emergency* or an *imminent danger*. The Property owner shall pay all costs incurred by the *City*.

28.06.03 ***Private Plants - Diseased, Infested, Damaged, Dead, or Creating a Hazard***

When the *Director* shall discover any *tree* or *plant* on private property within the *City* is creating a *public nuisance (28.02.20),* the *Director* shall serve an order upon the

property owner in the manner specified in Section 28.17.00 of this ordinance. This order shall describe the *tree* or *plant*, its location and condition and order the property owner to take such measures as may be reasonably necessary. Such order may require the pruning, spraying or destruction and/or removal of the *tree* or *plant*. Such order may indicate the manner of deposal for all debris created by the required destruction and removal. Every such order shall be completed within ten (10) business days after the notice has been issued, or within such time as may be stipulated in such order as provided in Section 28.17.02. In the event of an *emergency* or *imminent danger* situation the *Director* shall have the authority to take immediate action as is necessary to abate the situation. The Property owner shall pay all costs incurred by the *City*. The *City* does not chip private plant debris.

28.06.04 ***Prohibited Plants*** - The general public, individuals, groups, organizations, or corporations shall not plant or cause to be planted any of the following *plant*s within the municipal boundaries of the *City*.

a.	Acer saccharinum	- Silver Maple
b.	Acer negundo	- Box Elder
c.	Acer platanoides	- Norway maple
d.	Ailanthus altissima	- Tree of Heaven
e.	Catalpa speciosa	- Northern Catalpa
f.	Fraxinus spp.	- Ash, all forms
g.	Paulownia tomentosa	- Royal Empress Tree
h.	Populus spp.	- Poplar / Cottonwood
i.	Pyrus calleryana 'Bradford'	- Bradford Pear
j.	Salix spp.	- Willow (excluding shrub forms)
k.	Ulmus	-Elm (excluding cultivars of U. parvifolia & U. americana)

L. See Temporary Banned plants in the Landscape Design and Tree Preservation Standards section #LD35.02.00.

M. The *Director*, on a case-by-case basis, can approve exceptions to this prohibition. Approval by the *Director* shall be based on current *City* policies.

28.06.05 ***Tree and* Plant *Protection Prior to Development*** - To prevent the unnecessary destruction of *trees (4" DBH and up)*, and/or *listed species* on land, prior to the application and approval by the *City* for development, the destruction within any five (5) year period, of more than twenty-five (25%) percent of the *tree*s on any parcel of real property within the *City*, without prior approval of the *Director* shall be prohibited (see 28.08.00, 28.16.02 and Landscape Design & Tree Preservation Standards and the City's Developmental Standards).

a. This ordinance does not apply to lots platted when proposed for development as originally platted or to land parcels equal to or smaller than one half (1/2) acre in size for single family residence.

28.06.06 ***Chipping or Removal of Plant Debris*** - The *City* does not chip or remove leaves, limbs, stems, logs, roots, or any other debris created by private *plant* owners or their agents while during the maintenance or *plant* removals required by this ordinance.

28.06.07 ***Plant Debris Disposal*** - No individual, group, organization, company, or corporation shall;

a. Dispose in the *City*, *plant* debris, and/or by-products of plants (lumber, logs, firewood, mulch, chips, leaves, etc.) from private or public *plants* that contains dangerous, destructive or infectious *pest*s without first obtaining a permit for said work.

b. Dispose on *municipal property* any *plant* debris, and/or by-products of

plants (lumber, logs, firewood, mulch, chips, leaves, etc.) from private or public *plants* without first obtaining a permit for said work.

c. The *Director* shall have the authority to affix conditions to the granting of the permit issued in accordance with the terms of this ordinance. Affixed conditions shall be based on current City policies.

28.07.00 *Plant* Protection - *Public Spaces*

It shall be the duty of any and all residents, individuals, groups, organizations, companies, and/or corporations within the *City* to protect plantings in *public spaces* so that:

28.07.01 No person shall *damage*, break, injure, mutilate, kill, destroy, transplant, remove, or otherwise deface any *plant*, or set any fire within ten (10) feet of the *drip line* or permit any fire, or the heat from a fire, to injure any portion of any *plant*. No toxic chemicals or other injurious materials shall be allowed to seep, drain, or be emptied on, near, or about any *plant*.

28.07.02 No electric wires or any other lines or wires shall be permitted to come in contact with any *plant* in any manner that shall cause *damage* to the *plant* and no person shall attach any electrical insulation to any *plant*.

28.07.03 No person shall use any *plant* as an anchor except by special written permit from the *Director* and no material shall be fastened to or hung on any *plant*s in *public space*s.

28.07.04 No person shall install, remove, or injure any guard or device placed to protect any *tree*s unless in conjunction with removal or relocation for which a permit issued under City ordinance 28.04.00.

28.07.05 All persons having under their care, custody or control, personal property which may obstruct with the trimming, care, removal or planting of any *plant*, shall, after notice by the *Director*, promptly abate, prior to the time requirement given in said notice, such obstruction in such manner as shall permit the trimming, care, removal or planting of such *plant*s by the *Department*.

28.07.06 At no time will the practice of *topping* be considered appropriate or normal practice for any person, firm or *City* department. *Tree*s severely *damage*d by storms or other causes, or certain *tree*s under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the *Director*. This determination shall be based on current *City* policies.

28.08.00 *Plant* Protection During Development - Public and Private Property

It shall be the duty of any residents, individuals, groups, organizations, companies, developers, and/or corporations developing property within the *City* to protect plantings so that:

28.08.01 During any building, exterior renovation or razing operations, the developer/builder shall erect and maintain suitable *protective barrier*s (see 28.02.19) around all *tree*s, *plant*s, on *public space*s and on private property, so as to prevent *damage* to *plant*s and/or areas intended for preservation. (See figure #1). There shall be no undue compression of the earth or otherwise impeding or preventing the access of water or air to the *root system* of the *plant* or excavation around or removal of soil or earth or the addition of earth or any other materials within the *tree protection area* (see 28.02.26). Building material and other debris shall not be placed inside the *tree protection area.*

28.08.02 *Protective barriers* shall not be relocated or removed without prior approval of the

City.

28.08.03 Silt screen or other acceptable measures shall be placed up slope for the *protective barrier*s. This silt protection barrier shall shield the area for preserved *tree*s or *plant*s from soil sedimentation intrusion into the *tree protection area*.

28.08.04 Where root loss will occur, root prune one foot beyond the *protective barrier*s using a vibrating saw or narrow trencher to make clean cuts. Cutting instrument shall have sharp blades to minimize *damage*. Back fill immediately and cover with three (3) inches of mulch.

28.08.05 When, in isolated incidents, as determined by the *City*, *protective barriers* may be impractical or ineffectual in protecting *roots* in the *tree protection area (28.02.26),* the Developer shall provide temporary buffers as approved by the *City* to prevent *root* damage.

28.08.06 Pruning of preserved trees during development shall be limited to the removal of dead, dying, and/or damaged branches. Where necessary the Developer may, with *City* permission, prune trees to accommodate construction activities. Upon completion of the development, overall pruning to enhance the quality of the trees will be allowed under the guidance and supervision of the *City*.

28.09.00 Excavations Near *Plants* - *Public Spaces*.

It shall be the duty of any residents, individuals, groups, organizations, companies, developers, and/or corporations working or owning property within the *City* to protect plantings in *public spaces* so that:

28.09.01 ***Excavations and Driveways*** Excavations and driveways shall not be placed within fifteen (15) feet of any existing *tree* without written permit from the *Director*. Any person making such excavation or construction shall erect and maintain a suitable *protective barrier* around the *tree* (see figure #1). Building material and other debris shall not be placed inside the *tree protection area (28-02.23).*

28.09.02 ***Irrigation Systems, Invisible Dog Fences, or any Unauthorized Underground Installation*** - The *City* shall not be responsible for damages to irrigation systems, invisible dog fences or any unauthorized underground installation installed in *public spaces* by private parties.

28.10.00 Covering the Surface near *Trees* - *Public Spaces*.

No person shall place within the *public space* any soil, stone, brick, sand, concrete, or other materials, which will in any way impede the full and free passage of water, air or fertilizer to the *root system* of any *plant* in a *public space*, except a sidewalk or driveway of authorized width and location.

28.10.01 This does not preclude the use of organic mulches, and/or geo-textile fabric.

28.11.00 Regulations for New Planting - Public *Spaces*

Work other than that in section 28.08.00 shall be done under a permit issued (see 28.04.00) in accordance with this ordinance, the Landscape Design and Tree Preservation Standards, and City Developmental Standards, shall be performed in strict accordance with the listed terms and with the following regulations for the planting, trimming and care of *tree*s and *plant*s in *public space*s:

28.11.01 *Tree*s must have a *caliper* of 1.5 inches or more for bare rootstock and 2.5 inches or more for container grown/balled and burlapped stock.

28.11.02 *Tree* types are to be selected from Parks and Recreations Recommended Deciduous Trees for Troy list unless otherwise approved by the *Director*. Approval by the *Director* shall be based on current City policies.

28.11.03 All replacement *plant*s other than *tree*s shall be a minimum of:

a. four (4) inch pot for perennials and non-turf grasses
b. one gallon for all shrubs.

28.11.04 All *tree*s with a *caliper* of two (2) inches or greater must be protected and supported by *tree* guards. (see figure #3) . All *tree* guards and stakes shall be removed one (1) year after installation.

28.11.05 In rights-of-way, all *tree*s shall be planted on fifty (50) foot centers, unless a special permit is obtained from the *Director* (see 28.04.00). All other plantings on municipal properties shall conform to the City's Developmental Standards. Permit approval by the *Director* shall be based on current City policies.

28.11.06 All *trees* shall be centered between the sidewalk and curb unless the *Director* issues a permit stating otherwise. Where no sidewalk and/or curb exist, the *Director* shall approve planting locations. Permit approval by the *Director* shall be based on current City policies.

28.11.07 No *tree* shall be planted within fifteen (15) feet either side of a driveway that opens onto a public street.

28.11.08 No plant that exceeds thirty (30) inches in height above the lowest established street grade, shall be planted within fifteen (15) feet either side of a driveway that opens onto a public street.

28.11.08 Other than turf grasses, no *tree*s or *plants* shall be planted within fifteen (15) feet of any fire hydrant or as to obstruct the fire hydrant when viewed from the street. Turf grasses planted around a fire hydrant shall be maintained at a mowed height of ten (10) inches or less.

28.11.09 No *tree* shall be planted on private property within thirty (30) feet of a *tree* planted in the rights-of-way.

28.11.10 All planting shall be done in accordance with Park and Recreation planting specifications (see figure #3).

28.11.11 All plantings shall conform to Corner Clearance (28.12.00).

28.12.00 Corner Clearance (Visual Barrier Setback)

Property owners in the *City* shall comply with the requirements of section 28.12.01 through 28.12.03:

28.12.01 In order that the view of the driver of a vehicle approaching a street intersection is not obstructed, all *plant*s located on the triangle formed by two (2) rights-of-way lines at the intersection of two (2) streets and extending for a distance of twenty-five (25) feet each way from the intersection of the rights-of-way lines on any corner lot within the *City*, shall not be permitted to grow to a height of more than thirty (30) inches from the lowest established street grade, along the legs of the fore mentioned triangle (see figure #2).

28.12.02 *Tree*s may be planted and maintained the corner clearance area, provided that all branches are trimmed for a vertical height of eight (8) feet above the highest established street grade perpendicular to the *tree trunk*.

28.12.03 Any person failing to trim any *plant*s to conformity with this ordinance shall be notified by the *Director* in the manner provided in Section 28.17.01 of this ordinance. Such notice shall require trimming or removal in conformity with this ordinance within the time prescribed in the notice as provided in 28.17.02 of this ordinance. Upon the expiration of such period, the *Director* may cause the trimming or removal to be done and the cost thereof may be collected from the owner of said property as provided in 28.17.06 of this ordinance.

28.13.00 Private *Plant* - Inspection

The *Director* shall have the authority to enter upon private property for the purpose of examining any *plant*s, for the presence of *pest*s and/or to determine if an *emergency* or *imminent danger* situation exists.

28.13.01 No compensation shall be awarded for the destruction of any *plant*, fruit, or injury to the same, if done by the *Director* in accordance with this ordinance.

28.14.00 Lawn Extensions & Subdivision Entry Islands/Cul-de-sac Islands

Property owners in the *City* are charged with the responsibility of maintenance of *public spaces* adjacent to their property as follows:

28.14.01 Property owners and/or occupants shall maintain the *lawn extension*s (see 28.14.02) that abut their property and/or the street island directly in front of their property in a neat and orderly manner in compliance with *City* ordinances. At no time shall property owners and/or occupants allow poison ivy, ragweed or any other poisonous, noxious, or unhealthy growths to occur in the *lawn extension*s or street island in their care.

28.14.02 Other than normal maintenance, no person shall willfully, maliciously, and/or wantonly injure, destroy, remove, or transplant any *plant*s, or grasses on any *lawn extension* / street island or throw papers, refuse, or any other thing thereon.

28.14.03 For other than turf type grasses; the property owner and/or occupants shall apply for a permit to plant in these areas (28.04.00). A proposed maintenance schedule and intended maintained size of the plants shall be provided when applying for permit.

28.14.04 All paved surfaces in the *lawn extension*s and islands of public streets shall be edged on a regular basis to maintain clean exposed edges and no dirt or other debris shall be allowed to collect on paved surfaces.

28.14.05 Property owners and/or occupants are not responsible for *tree* maintenance in the *lawn extension*s and islands located in *public spaces*.

28.14.06 Any plantings by developers, property owners, occupants, homeowner's associations, or agents thereof shall conform to 28.11.00.

28.14.07 When necessary based on street layout, additional properties may be required to maintain any street islands of public streets. The *Director* shall review and assign responsible properties on a case-by-case basis. Assignments by the Director shall be based on current City policies.

a. Residents shall be notified of new assignments by one of the methods outlined in 28.17.01 a through d.

28.15.00 *Tree* Spacing

To promote the awareness of the benefits of effective landscaping in the *City*, the following planting information has been prepared for *tree*s planted on private or *municipal property*:

28.15.01 The *City* strongly encourages all *tree*s planted on private property conform to Parks and Recreation's Recommended Deciduous Trees for Troy list.

28.15.02 No *tree* shall be planted on private property within thirty (30) feet of a *tree* planted in the rights-of-way.

28.15.03 ***LARGE TREES*** - *Tree*s that will attain a mature height over fifty (50) feet and at least thirty-five (35) feet wide. These *tree*s should be spaced at least thirty-five (35) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and at least fifty (50) feet apart on *public space*s.

28.15.04 ***MEDIUM TREES*** - *Tree*s that will attain a mature height of thirty (30) to fifty (50) feet and at least twenty-five (25) feet wide. These *tree*s should be spaced at least

twenty-five (25) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and at least forty (40) feet apart on *public space*s if approved by the *Director*.

28.15.05 ***SMALL TREES*** - *Tree*s that will attain a mature height of fifteen (15) to thirty (30) feet and at least fifteen (15) feet wide. These *tree*s should be spaced at least fifteen (15) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and at least thirty (30) feet apart on *public space*s if approved by the *Director*. Under no circumstance shall a small *tree* be considered for use as a *street tree* unless an overhead utility prevents the use of a larger *tree*.

28.15.06 All *tree*s shall have the following setbacks from an overhead utility lines (see figure #5):

- **a.** Large *tree*s shall be planted no closer than fifty (50) feet from the outer most utility line.
- **b.** Medium *tree*s shall be planted no closer than forty (40) feet from the outer most utility line.
- **c.** Small *tree*s twenty (20) feet or less are permitable plantings directly under utility lines.

28.16.00 Violation of *Tree* and *Plant* Ordinance – Except as otherwise provided, any resident, person, group, organization, company, firm or corporation violating the provisions of this Chapter is responsible for a Municipal Civil Infraction and subject to the provisions of Chapter 100 of the Code of the *City* of Troy.

28.16.01 ***Penalties for Unauthorized Removals of Plants - Public Spaces***

- **a.** Any person violating or causing to be violated any of the provisions pertaining to *public spaces* including but not limited to any person cutting down or removing *tree*s or *plant*s without personally seeing a copy of a valid permit authorizing such cutting down or removal of the *tree*s or *plant*s shall be subject to a fine of up to $500.00 per offense, depending on the commercial and/or historical value of such *tree*s and *plant*s.
- **b.** Each *tree* or *plant* destroyed or removed in violation of this ordinance shall be considered a separate offense.
- **c.** In the case of unauthorized removal or destruction of *tree*s or *plant*s, in addition to the fine, each *plant* destroyed or removed in violation of this ordinance shall be replaced with another like *tree* or *plant*. If the responsible party is unable to locate similar sized, type, or quality plant materials, she/he may request a variance from the *Director*. If the *Director* grants a variance, the party replacing the *plant*s will pay the *City* the cost difference between the value of the destroyed *plant* and the value of the replacement. The latest revision of the Guide For Plant Appraisals as published by the International Society of Arboriculture shall be used to determine the value of the destroyed *plant*. Variances approved by the *Director* shall be based on current City policies.

28.16.02 ***Penalties for Unauthorized Removals or Damage to Plants during or before Development- Public Spaces and Private Property***

Performing any *plant* removals and/or damaging any plants designated for preservation during development or on sites not yet designated for development (28.06.05), found to be in violation of this Ordinance, Tree Preservation Standards or any other developmental standards shall result in the following penalties:

- **a.** Payment of the Tree Preservation / Landscape Review Penalty Fee as found in Chapter 60.
- **b.** Replacement of *tree*s and *plant*s by the property owner will be required

when any removal is in violation of this ordinance, and/or the Tree Preservation Standards. Replacement *tree* varieties shall be selected from the *City*'s *Recommended Deciduous Trees for Troy* list.

c. The property owner must submit for approval a list of replacement *plant* varieties for review by the *City*. Approval of the list of replacement *plant* varieties shall be based on current City policies.

d. Property owner will be required to replace *tree*s at a rate of three (3) *caliper* inches for each inch *DBH* lost.

e. Amount of inches *DBH* lost will be determined by:

1) *City* approved Tree Preservation plan if previously submitted and approved prior to removals, otherwise see 28.16.02f2
2) Onsite inspection by City Staff. If staff is not able to make an accurate assessment due to site conditions, see 28.16.02f3
3) Inches of *DBH* lost will be assessed at a rate of 1089 inches *DBH* per acre.
4) Or any combination of above as determined necessary by City Staff to make a reasonable assessment of lost inches *DBH*

f. All replacement *tree*s shall have a minimum *caliper* size of four (4) inches.

g. All replacement *plant*s other than *tree*s shall be a minimum of:

1) one (1) gallon for perennials and non-turf grasses
2) five (5) gallon for all shrubs

h. Planting locations for replacement *plant*s shall be staked by the property owner and approved by the *Director* before any replacement plantings occur. Location approvals shall be based on current City policies.

i. Replacement plantings shall conform to "American Standard for Nursery Stock".

j. *Plant*s selected for use as replacements shall be free from injury, *pest*s, diseases, and nutritional disorders, root defects and must be in good vigor. The *Director* reserves the right to reject any or all *plant*s used as replacements. All rejected *plant*s shall be removed from the site. Rejection of plants shall be based on this ordinance and current City policy.

k. All replacement *plant*s shall carry a two-year unconditional guarantee.

l. All replacement *plant*s shall be planted as per Parks & Recreation specification. Copies of these specifications shall be obtained from the *Director*.

m. All plantings shall conform to Corner Clearance sec #28.12.00 of this ordinance.

28.16.03 ***Failure to Maintain Approved Plantings in Public Spaces***

Approved plantings in *public spaces* found to be poorly maintained shall, upon order by the *City*, be removed by the parties responsible for the maintenance and the site restored to turf or other *City* approved ground cover (plants or mulch). Failure to comply, see 28.17.05.

28.16.04 ***Penalties for Damaging Plants - Public Spaces***

Any person or persons who cause *damage* to any *City tree*s and/or *plant*s by the improper use of any machines, automobile, chemicals, or other activities shall be held liable for *damage*s to said *tree*s and *plant*s. *Damage*s shall be corrected, repaired and/or replaced by the *Department* as instructed by the *Director*. All costs incurred by the *City* for corrections, repairs, and replacements including administrative and process costs, shall be billed to the person or persons responsible for the *damage*s. Should the *City* choose not to replace *damaged*

*plant*s, the person or persons responsible for said *damage* shall be billed for the value of the *plant*s as determined in accordance with the latest edition of the Guide for Plant Appraisal (issued by the Council of Tree and Landscape Appraisers) and/or cost estimates for repairs/replacement, including all administrative costs.

28.17.00 Procedure for Ordering Action on Violations of *Tree* and *Plant* Ordinance

When the *Director* shall find it necessary to order the trimming, preservation, spraying or removal of *plant*s on private property or in *public spaces,* as authorized by this ordinance she/he shall serve a written order on the property owner in which the necessary corrections and time limits are listed.

28.17.01 Such order required herein shall be served in one or a combination of the following manners:

- **a.** By making personal delivery of the order to the property owner.
- **b.** By leaving the order with some person of suitable age and discretion upon the premises.
- **c.** By mailing a copy of the order to the last known address of the owner of the property by registered mail.
- **d.** By affixing a copy of the order to the door at the entrance to the premises in violation.
- **e.** By publishing the order in a local paper once a week for three (3) successive weeks.

28.17.02 ***Time for Compliance*** - Such order shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In no case shall the time limit be less than ten (10) business days, nor more than thirty (30) calendar days, except in case of an *emergency* or an *imminent danger*. In case of *emergency* or *imminent danger* the *City* shall eliminate or lessen the hazard and assess the costs to the owner as provided in Section 28.14.11 of this ordinance.

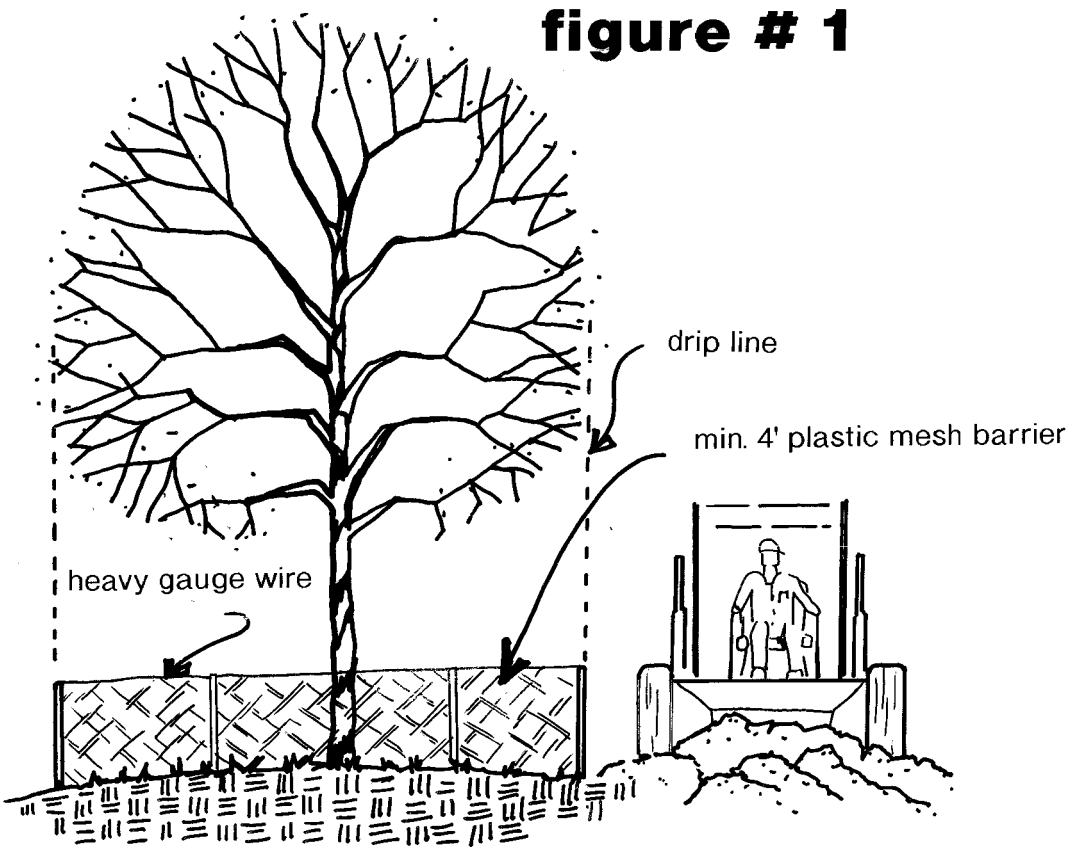
28.17.03 ***Notice of Compliance*** - Cited individual shall send a notice of compliance within five (5) days of completion of work to the *Director* for her/his inspection of completed work.

28.17.04 ***Appeal from Order*** - A person to whom such an order is directed shall have the right, within forty-eight (48) hours of service of such order, to appeal to the *City* Manager, of the *City* of Troy who shall review such order within five (5) business days and file her/his decision with the *City* Clerk with a copy to the *Director* of Parks and Recreation and to the appellant which shall be served in any of the methods provided in sec. # 28.17.01; unless the order is revoked or modified it shall remain in full force and shall be obeyed by the person to whom it is directed. No person to whom the order is directed shall fail to comply with such order within ten (10) business days or such additional time as prescribed in the order after an appeal shall have been determined. In the case of *imminent danger*, as described above, the *Director* shall have the authority to require compliance immediately upon service of the order which expressly dictates that the matter is of *imminent danger*.

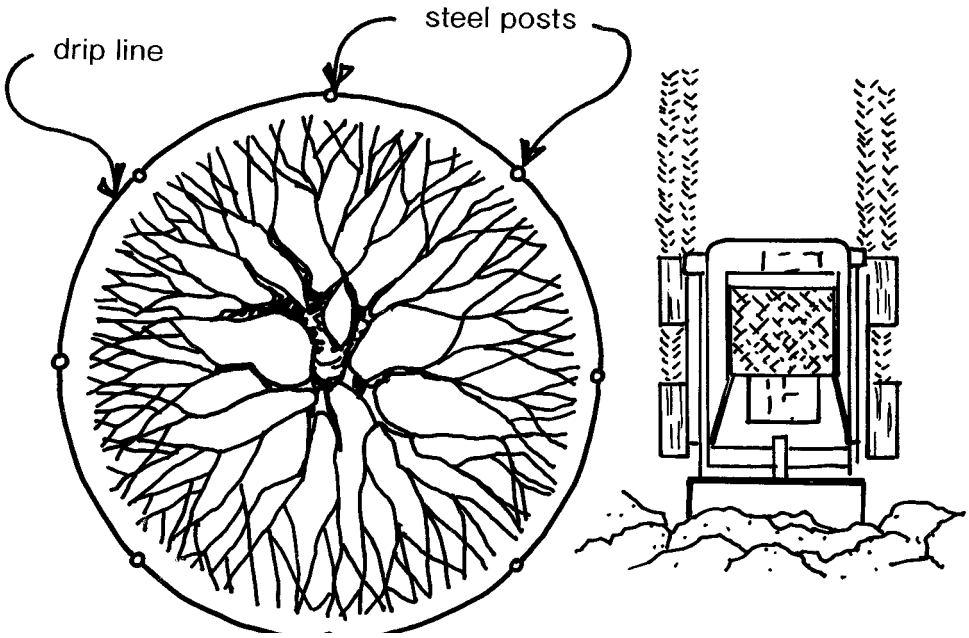
28.17.05 ***Failure to Comply*** - When a person to whom an order is directed shall fail to comply within the specified time, or in the specified manner, the *Director* shall have the right to remedy the conditions or contract with others for the purpose and charge the costs thereof to the person to whom the order is directed. The person remedying the condition under a contract made with the *City* shall be authorized to enter the property for that purpose.

28.17.06 ***Lien Against Property*** - If the cost of remedying a condition is not paid within thirty

(30) days after receipt of a statement from the *City*, such cost shall be levied against the property upon which said hazard exists or existed. Levying of such cost shall be certified by the *Director* to the *City* Treasurer and shall become a lien upon such property, and shall be included in the next tax bill rendered to the owner or owners unless paid before, and shall be collected in the same manner as other taxes against such property.



Tree Protection Area



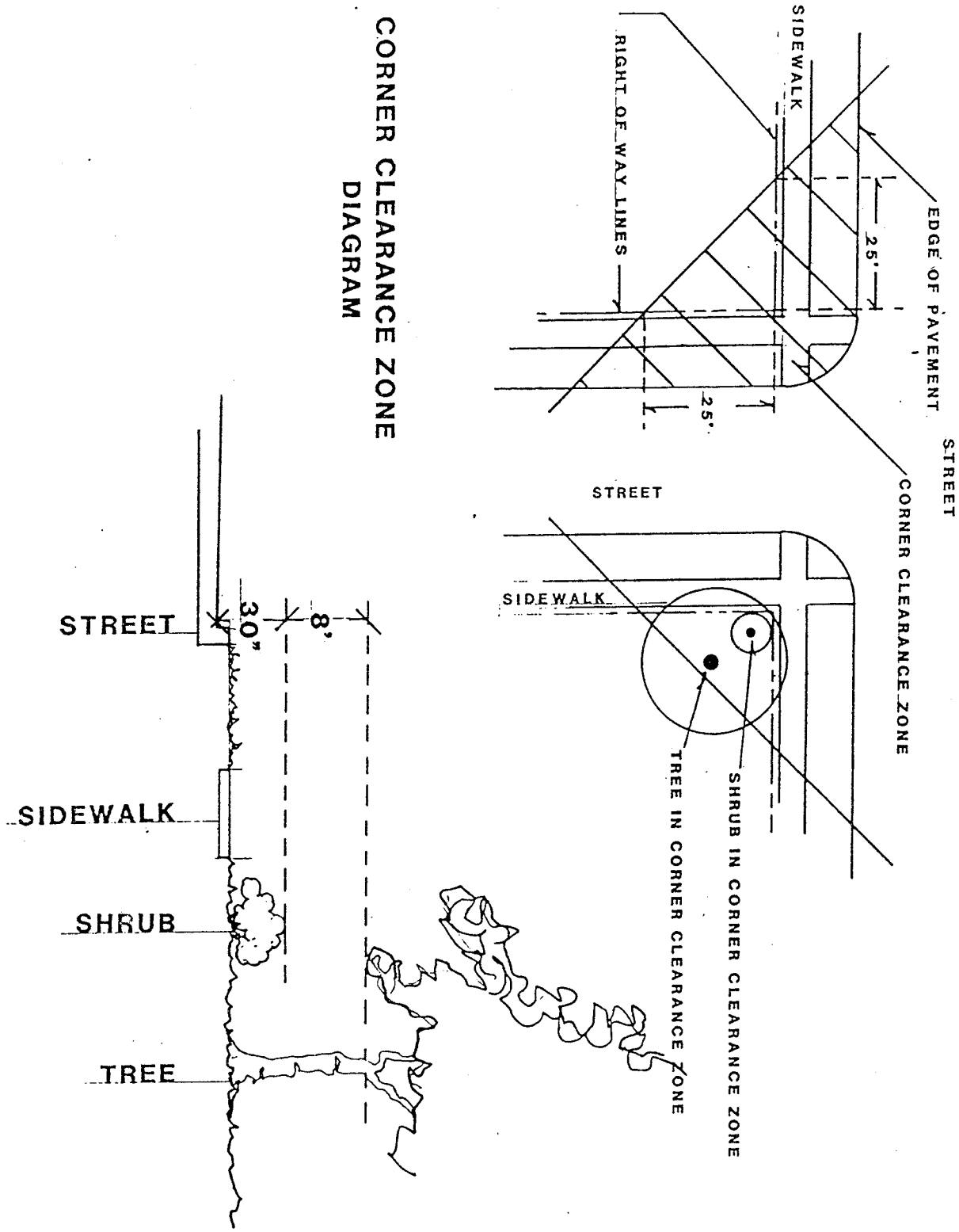
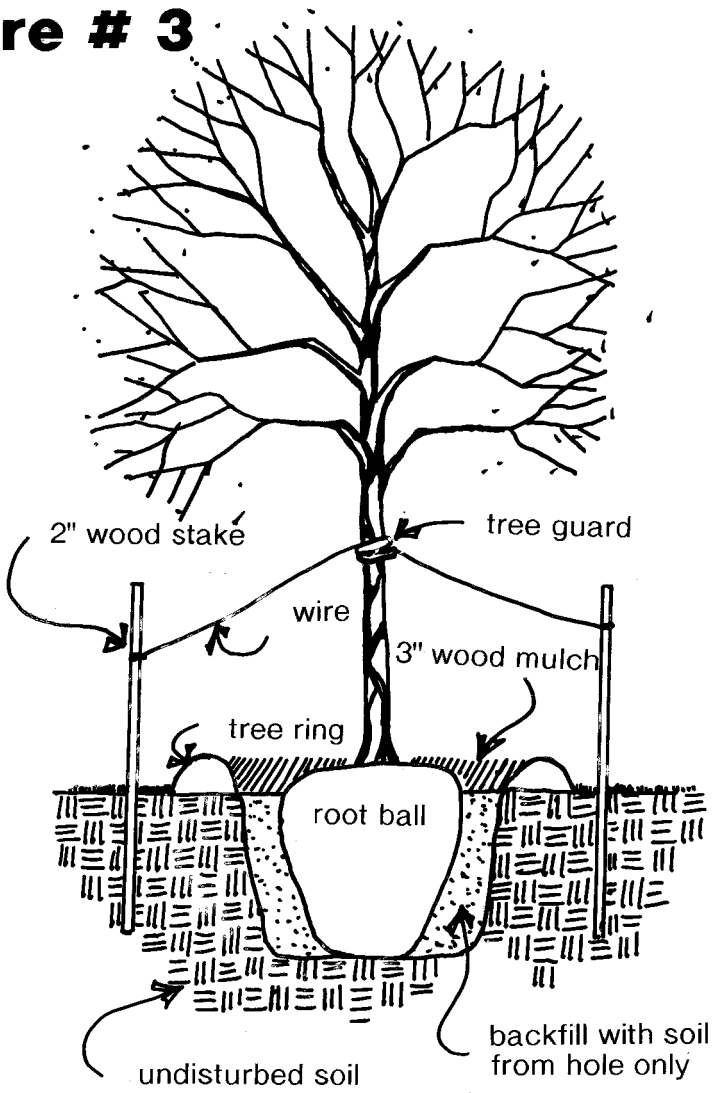
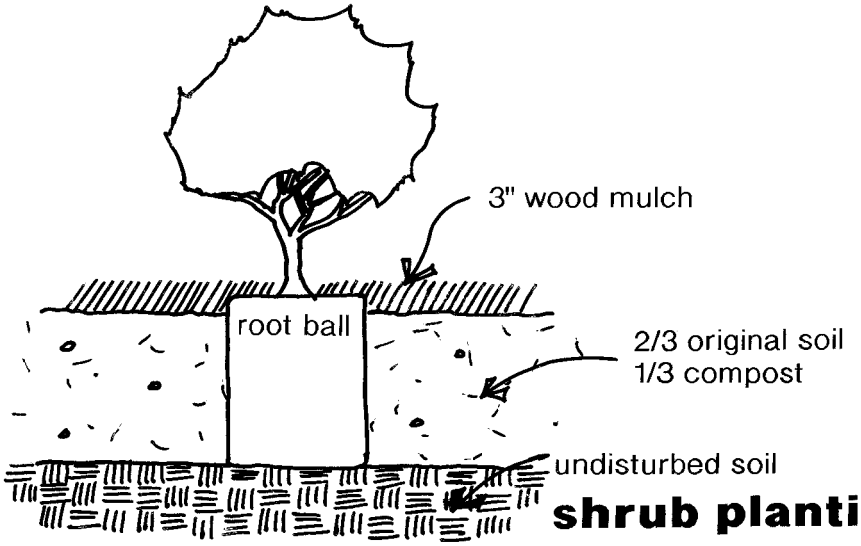

CORNER CLEARANCE ZONE
DIAGRAM
STREET
SIDEWALK
SHRUB
TREE
30"
8'
EDGE OF PAVEMENT
SIDEWALK
RIGHT OF WAY LINES
25'
25'
STREET
STREET
SIDEWALK
CORNER CLEARANCE ZONE
SHRUB IN CORNER CLEARANCE ZONE
TREE IN CORNER CLEARANCE ZONE

figure # 2

figure # 3

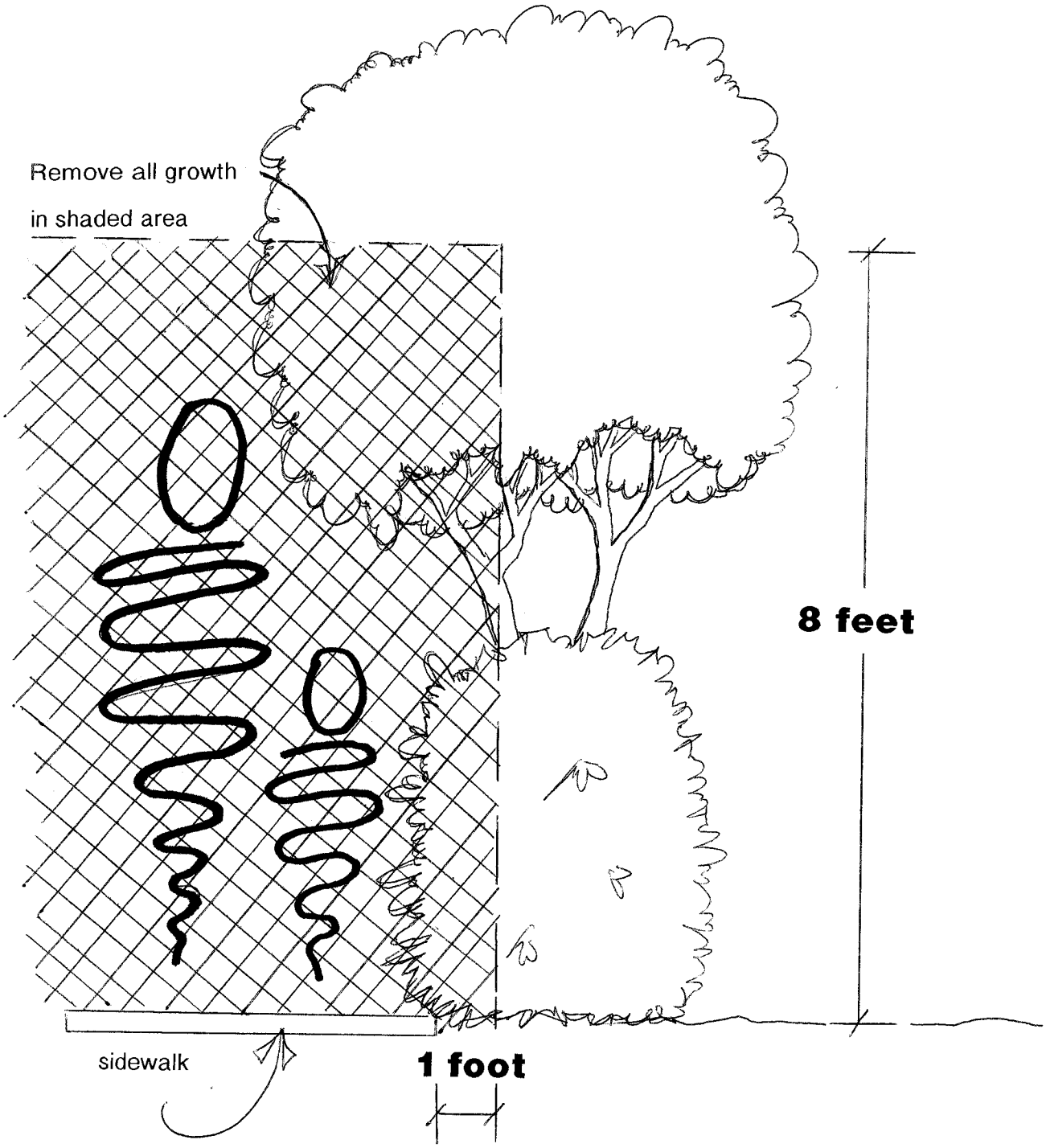


tree planting



shrub planting

figure # 4



Area to be cleared.

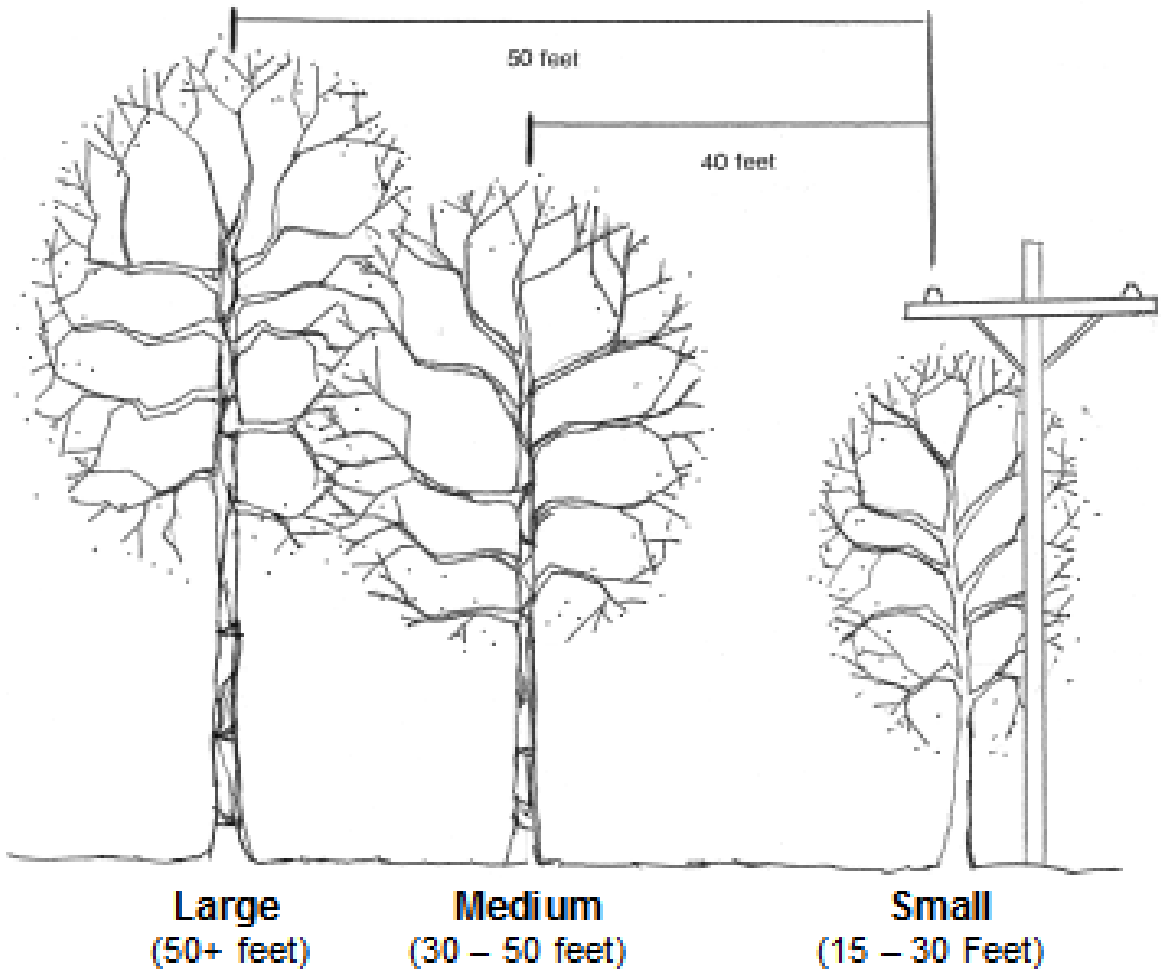

50 feet
40 feet
Large
(50+ feet)
Medium
(30 – 50 feet)
Small
(15 – 30 Feet)

figure # 5

Landscape Design and Tree Preservation Standards

Adopted 09/15/75
Revised 01/13/77
Revised 11/03/86
Revised 03/16/87
Revised 02/12/96
Revised 04-25-06

Each generation takes the earth as trustees. We ought to bequeath to posterity as many forests and orchards as we have exhausted and consumed.

--J. Sterling Morton

Changes as of 4-25-06

Reviewing Agency:

City of Troy
Parks and Recreation Department

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Tree Preservation / Landscape Submittal / Approval Process Outline

Preliminary Site Plan Approval

1. Developer submits three (3) copies of Preliminary Tree Preservation plan (PTPP)(LD6.00.00, LD9.00.00) and Preliminary Landscape plans(LD6.00.00), to Planning Department with Site Plan Review or Special Use Application or to Parks and Recreation (P&R) or submit written request for for variance (LD3.00.00) or Waiver of Tree Preservation Standards (LD5.00.00).
2. P&R reviews PTPP or request for waiver and validates the survey.
3. P&R comments, if any, will be forwarded to Planning & Building Departments.
4. Developer resubmits three (3) copies of revised PTPP plan based on P&R comments. If no comments go to #5.
5. P&R approves PTPP and signs off on preliminary sign off sheet which will be forwarded to Planning and/or Buidling Departments.
6. Preliminary Plans sent to Planning Commission for approval

Final Tree Preservation / Landscape Plan Approval

7. Developer submits three (3) copies of the Final Tree Preservation / Landscape Plan (FTPLP)(LD7.00.00, LD10.00.00), Construction Drawings (LD11.00.00), planting specifications (LD12.00.00) and line item cost estimates (commercial only) (LD13.00.00) to P&R.
8. P&R comments, if any, will be forwarded to Planning and Building Departments.
9. Developer resubmits three (3) copies of revised FTPLP. If no comments go to #9.
10. For commercial properties, P&R sets and collects Review fees (LD18.00.00) and Landscape Deposits (LD19.00.00). For sub-divisions, required landscape deposits are collected by the Engineering and/or Planning Department.
11. P&R signs off on Final project sheet.

Work Begins

12. P&R advised twenty-four (24) hours prior to tree clearing operation (LD20.02.00).
13. P&R monitors tree removal
14. P&R advised twenty-four (24) hours prior to landscaping operations (LD22.00.00)
15. P&R monitors installation of landscape.

Landscape Inspections called

16. Commercial Properties

a. Developer calls for First Implementation Inspection (FII)(LD26.00.00).
b. P&R comments based on FII forwarded to Building Department. If no comments FII shall be considered the Final Implementation Inspection.
c. Developer calls for Final Implementation Inspection (LD27.00.00)
d. P&R forwards comments to Building Department, if necessary, based on inspection.
e. P&R approves implementation and releases Implementation Deposit, collects Maintenance Deposit (LD19.00.02) and advises Building Department that P&R approves issuance of Certificate of Occupancy.
f. Minimum of twelve (12) months, maximum of thirty-six (36) months later, Developer calls for Maintenance Inspection (LD28.00.00). ***Deposit is forfeited after 36 months***.
g. P&R forwards comments based on Maintenance Inspection to Developer.
h. Developer calls for re-inspections.
i. If P&R approves Landscape, Maintenance Deposit is refunded.

17. Subdivisions

a. Developer calls for FII (LD26.00.00).
b. P&R comments based on FII forwarded to Developer. If no comments FII shall be considered the Final Implementation Inspection.
c. After implementation of City comments, Developer calls for Final Implementation Inspection (LD27.00.00)
d. P&R forwards comments to Developer, if necessary, based on inspection.
e. P&R approves implementation and authorizes release of 90% appropriate landscape deposits. Note, subdivision guaranteed see LD34.00.00j

Landscape Design and Tree Preservation Standards

LD1.00.00 ***Introduction - It*** is the intent of the City Code Chapter 28, and Chapter 39, Section 12.60.01; 11.50.05; 12.60.02; 13.60.00; 15.60.00; 16.60.00; 17.60.00; 39.30.00; 10.30.03 (C); 18.30.03 (B); 10.30.01 (E); 22.30.01 (B); 24.30.06 (B) and Chapter 41, Sections (E) and (F) to obtain an environment which is responsive to human needs, socially positive, economically viable and environmentally satisfying. Additionally these standards promote reasonable preservation and replenishment of landscaping in developments, commercial properties and municipal grounds by providing guidelines for protection of plants during construction, development and redevelopment.

The reviewing agency for these standards is the City of Troy Parks and Recreation Department (248-524-3484).

These Standards apply to any person or persons developing property where Site Plan approval, Special use Approval is required. These standards shall not apply to platted lots when proposed for development as originally platted or to land parcels equal to or smaller than one half (1/2) acre in size used for single family residence.

LD2.00.00 *Circumstances for Variations* - These Standards are not intended to be arbitrary or inhibiting to creative solutions. Project conditions may justify modifications of these standards when conditions arise where full compliance is impossible or under circumstances where achievement of the City's objectives can be better obtained through modified requirements. Therefore, in specific cases, variation from the requirements may be permitted by the Director of Parks and Recreation when this variation more fully achieves the objective contained herein and when one or more of the following conditions justify the variance*:*

LD2.01.00 Topography, soil, or other site conditions are such that full compliance is impossible.

LD2.02.00 Improved environmental quality, and/or utility would result from the variance.

LD2.03.00 Alternate methods, materials or equipment may be used when their use would more closely fulfill the intended objectives of these standards.

LD2.04.00 Lack of existing native vegetation within the limits of the property.

LD3.00.00 Request for Variance

A request for variance must be submitted to the Director of Parks and Recreation in writing at the beginning of the review procedure, describe completely the rationale for the variance request.

LD3.01.00 Special Conditions - Because of various conditions in a specific project, the Director of Parks and Recreation may require compliance with standards other

than those contained herein, in order to obtain those characteristics of viability, utility, service, public safety, and low maintenance expense, while satisfying its objectives and to ensure continued market acceptance of the project.

LD4.00.00 **Federal and State Standards -**It should be noted that where Federal and/or State Standards pertain, the higher standard shall govern. An example of a possible higher standard would be the Federal Government's Endangered Species Act.

LD5.00.00 **Request for Waiver of Tree Preservation Standards** - If there are no trees on the site, the Developer may request relief from conforming to the tree preservation portion of these standards by requesting a waiver. Written requests should be directed to the Parks and Recreation Department. City staff will evaluate the waiver request and the Developer will be advised of the findings.

LD6.00.00 **Preliminary Tree Preservation / Landscape Plan – General Requirements.** The Preliminary Tree preservation and Preliminary Landscape plans shall be submitted as separate documents and shall conform to this format. Three (3) copies shall be provided to the Department of Parks and Recreation, at the time of each submittal.

LD6.01.00 **Title block shall include:**

- **a.** Project name, address (if currently assigned) and Sid well numbers
- **b.** Project location map with a scale of 1" = 200'
- **c.** Name of the Developer, address, phone and fax number
- **d.** Name or Project Engineering Firm, address, phone and fax number
- **e.** Name, address, phone and fax number of Landscape Architect, Designer and/or Tree Appraiser
- **f.** Zoning Classification of the project

LD6.02.00 **Information to be included on all other sheets**

- **a.** Number
- **b.** Scale
- **c.** North Arrow (except on detail sheet)
- **d.** Title
- **e.** Legend
- **f.** Property Lines
- **g.** All structures existing on the site (Tree Preservation plan only)
- **h.** Proposed and existing easements, utilities, rights-of-ways and building envelopes.
- **i.** Adjacent land use
- **j.** Label existing topographic contours on preliminary plans
- **k.** Attach relevant sections of Consent Judgment if applicable.
- **l.** See LD9.00.00 for additional tree preservation information
- **m.** Preliminary Landscape plan shall include all items required of the Final Landscape Plan (see LD 7.00.00, LD10.00.00)

LD6.02.01 Landscape plans are a required element for Preliminary Site Plan Approval, including Tentative Preliminary Plat approval and Preliminary Site Condominium approval. Landscape Plans shall be reviewed by and approved

by the Parks and Recreation Department prior to being considered by the Planning Commission.

LD7.00.00 **Final Tree Preservation / Landscape Plan - General Requirement** The Final Tree Preservation and Final Landscape plans shall be submitted as one combined document and shall conform to this format. Three (3) copies shall be provided to the Department of Parks and Recreation, at the time of each submittal.

LD7.01.00 **Title block shall include:**

- **a.** Project name, address (if currently assigned) and Sid well numbers
- **b.** Project location map with a scale of 1" = 200'
- **c.** Name of the Developer, address phone and fax number
- **d.** Name or Project Engineering Firm, Landscape Architect/Designer, addresses, phone and fax numbers.
- **e.** Zoning classification of the project

LD7.02.00 **Information to be included on all other sheets**

- **a.** Number
- **b.** Scale - commercial/individual lots min. 1" = 30', max. 1" = 5' Subdivisions min. 1" = 100'
- **c.** North arrow (except on detail sheet)
- **d.** Title
- **e.** Legend
- **f.** Property lines
- **g.** Structures to remain or to be built on the site
- **h.** Proposed and existing easements, utilities, rights-of-ways and building envelopes.
- **i.** Adjacent land use
- **j.** Label existing topographic contours on preliminary plans
- **k.** Label existing and proposed topographic contour lines on final plans.
- **l.** Location and number code of preserved trees (see also 8.02.04)
- **m.** Location of reforested trees – must be called out.
- **n.** Plant list indicating quantity, botanical name, size, condition (bare root, container/size, B&B, etc.),
- **o.** Planting specifications
- **p.** Attach relevant sections of Consent Judgment if applicable.

LD8.00.00 **Tree Preservation Options -** Developer shall use one of the following options or a combination thereof:

LD8.01.00 Preservation of 30% of ***total site DBH inches***. (see LD8.01.01)

LD8.01.01 ***Total site DBH inches*** shall be the total number of DBH (diameter at breast height) inches existing on the site for all trees four (4) inches DBH and up.

LD8.02.00 Replacement of 30% of total site DBH (see LD8.04.00) with new or harvested (LD8.03.02) plantings (A.K.A. *Reforestation Plantings*) at a rate of one (1) DBH inch = one and one half (1 ½") caliper inches. (see LD 8.05.00)

LD8.02.01 For all *reforestation planting* – no one genus of tree shall represent more that 20% of the total number of trees found on the site after final acceptance of the project by the City.

LD8.03.00 Should the site be unable to accommodate all or part of the required *Reforestation Plantings*, upon approval by the City, the Developer may pay into the City's Tree Fund at a rate of one (1) DBH inch = two (2) caliper inches, multiplied by the Tree Reforestation Dollar Value (TRDV) (see LD8.03.01) as set annually by the City.

a. Example - 1000 Total Site DBH inches X 2 X TRDV = amount to be paid into City Tree Fund.

LD8.03.01 Tree Reforestation Dollar Value (TRDV) = $114.00

LD8.03.02 Harvesting trees for *Reforestation Plantings* – should the Developer choose, trees existing on this or other sites may be relocated in or into the project. Trees shall be:

a. A minimum of 2.5 caliper inches

b. Either balled/burlapped or moved by tree spade

c. In good to excellent condition after installation

d. Unless previously approved by City, only trees on the City's *Recommend Deciduous Trees for Troy* list will be approved for harvesting and relocation.

e. Guaranteed for one full year after final acceptance (closing) of the development/project by the City. Warranty replacement trees shall be nursery grown and guaranteed for one full year from date of installation. Developer is responsible for requesting all inspections.

f. Covered by a deposit based on the number of caliper inches harvested x TRDV (see LD8.03.01). Funds on healthy harvested trees (as determined by City) to be released at the end of the guarantee period. Remaining funds to be released at the end of the replacement guarantee period for all healthy replacement trees. Developer is responsible for requesting all inspections

g. Replaced if necessary by same number of caliper inches (minimum 2.5 ") but not necessarily with the same number of trees.

LD8.03.03 Developer shall be responsible for the removal of any preserved trees or *Reforestation Plantings,* harvested or nursery grown that die during guarantee period.

LD8.03.04 Developer shall also be responsible for any site damage cause by the removal and/or replacement of trees that died during the guarantee period. This restoration shall include but not be limited to sod, other trees, irrigation systems, underground utilities, fences, drives, walks, patios, pools, landscaping installed after the tree was planted, buildings, etc.

LD8.04.00 **Trees Preserved -** If the Developer chooses to preserve existing trees, tree selection shall be based on the following:

LD8.04.01 Trees to be considered preserved shall be within the size range of four (4) inches DBH and up.

LD8.04.02 Preserved trees shall not be on the City's prohibited species list. Trees on the prohibited species list can be maintained but will not be considered preserved trees.

LD8.04.03 Any tree that is endangered or threatened, or is a species of special concern as listed on the Federal Inventory List or Michigan Natural Features Inventory List (MNFI), which is maintained by the Michigan Natural Heritage Program and/or the Michigan Land Conservancy shall be preserved.

LD8.04.04 Any tree of a unique nature, size, or type that by its presence enhances the quality of the overall landscape design. These trees shall be called out on the Preliminary Tree Preservation Plan and Final Tree Preservation / Landscape Plan.

LD8.04.05 Trees Preserved shall be in good condition (as deemed by the Director) for one full year after the final acceptance (closing) of the project by the City.

LD8.04.06 At the City's discretion, <u>any tree</u> can be removed from the proposed list of preserved trees.

LD8.05.00 ***<u>Reforestation Plantings</u>***

Reforestation Plants shall conform to the following:

LD8.05.01 Size -

- **a.** Deciduous shade - minimum of 2 ½" caliper
- **b.** Deciduous flowering – minimum 1 ½" caliper
- **c.** Coniferous – minimum of 8 feet tall

LD8.05.02 Deciduous tree varieties shall be selected from the City's <u>Recommended D*eciduous Trees for Troy*</u> list. Proposed tree varieties not found on the City's list must be approved by the City

LD8.05.03 Front, back and side yards are the primary planting locations.

LD8.05.04 If the Developer proves to the City's satisfaction that the required number of trees cannot be located in these areas, the City reserves the option of assigning additional planting sites within the project boundaries.

LD8.05.05 Reforestation trees shall be a minimum of thirty (30) feet away from the right-of –way.

LD8.05.06 Reforestation trees shall not be planted in easements.

LD8.05.07 In areas with above ground utility lines, trees with a matured height of more than twenty (20) feet <u>shall not</u> be planted within fifteen (15) feet of the utility poles. (see City Ordinance 28.15.06)

LD8.05.08 Reforestation trees shall not be incorporated into any non-access green belts, detention ponds, street planting, medians, cul-de-sac planting or any other landscaping required by the Developmental Standards without City approval. If approved the trees will be used to augment not replace required landscaping.

LD8.05.09 Reforestation trees shall be in good condition (as deemed by the City) for one full year after the final acceptance (closing) of the project by the City.

LD9.00.00 Preliminary Tree Preservation Plans – Specific Requirements

Preliminary Tree Preservation plans shall be submitted to the Director of Parks and Recreation when an application is submitted to the Planning, Building Department, and /or City Clerk's office for Preliminary Site plan review for a building project or when the Preliminary Plan Review, Special Use Approval Request, or Tentative Preliminary Plat Approval for a project is submitted for review.

LD9.01.00 Plan shall include:

- **a.** All information listed in LD6.00.00
- **b.** Location of all trees four (4) inches DBH and larger within the projects property lines and all trees on adjoining properties that have drip lines extending onto the site, shall be located on Preliminary Tree Preservation plan. Each tree shall be number coded.
- **c.** Table of trees shall be created indicating tree number code, DBH,

species (maple, elm, spruce, etc.) and condition (good, fair, poor)

d. Total site DBH for all trees four (4) inch and greater shall be included with above listed table.

e. Copies of relevant sections of Consent Judgment if applicable.

LD10.00.00 **Final Tree Preservation / Landscape Plan Specific Requirements**

It is the intent of the Final Tree Preservation / Landscape plan to indicate location of preserved and/or reforested trees and show their relationship to the projects overall landscaping. Additionally, this plan will delineate all required and/or proposed landscaping. Final Tree Preservation / Landscape Plan shall be submitted as one combined document. The Final Landscape Plan shall be consistent with the Preliminary Landscape Plan used to grant Preliminary Site Plan approval by the Planning Commission.

LD10.01.00 Final Tree Preservation/Landscape plan shall include the following:

a. Base sheet information, as indicated in LD7.00.00.

b. Location of trees to be preserved as per these standards and/or locations of reforestation plantings.

c. Plant list. The plant list can be printed on the plan or can be typed and attached to each of three (3) sets of plans submitted for review. Plant list shall include:

1. Botanical name
2. Common name
3. Plant size
4. Number of each plant variety used
5. Condition
   - **a.** Balled and burlapped
   - **b.** Bare root
   - **c.** Potted
   - **d.** Container grown

LD10.01.01 All plants shall be identified with the proper botanical name. This requirement does not preclude the use of a key system method of identifying plant materials on the plan.

LD10.01.02 Planting details shall be provided for each plant group to be installed on the site (shade/flowering trees, shrubs, evergreens, perennials, ground covers, annuals, etc.)

LD10.01.03 The City reserves to right to reject any proposed plant materials or proposed planting locations.

LD10.01.04 A break down of the Tree Preservation option(s) used and shall also indicate:

a. Option(s) used

b. Total Site DBH inches (see LD8.01.01)

c. Number and size of trees preserved, or replanted, or amount to be paid into City Tree Fund

d. <u>Show calculations for all options used</u>

e. Construction drawings (LD11.00.00), landscape planting specifications (LD12.00.00) and cost estimates (LD13.00.00) shall be submitted at the same time as Final Tree Preservation / Landscape Plan.

LD11.00.00 **Construction Drawings -** All construction (engineering) drawings and specifications shall conform to the City of Troy Development Design Standards and the Landscape Design and Tree Preservation Standards.

LD12.00.00 **Landscape Planting Specifications - T**he Developer is required to provide a copy of the landscape planting specifications that will be employed during the implementation of the project. If these specifications are found to be insufficient, the proper changes are required to be made before the landscape plans will be approved.

LD13.00.00 **Cost Estimate - Landscaping (Non-residential only) –** An itemized estimate covering the costs of all landscaping (hardscape and softscape) scheduled for the project shall be submitted with all landscape plans. The cost estimate shall be in the form of a line item cost break out. A single total cost for the project is not acceptable. Irrigation shall not be included in the cost estimates.

LD14.00.00 **Submittal Requirements -** It is the intent of the Landscape Design Standards to inform the Developer of submittal requirements, review procedures, fees and inspections and guarantees. It should be noted that strict adherence to the procedures outlined herein will ensure expeditious processing of plans and thereby minimize the need for project modifications.

LD15.00.00 **The Reviewing Body -** The Tree Preservation Plans, Landscape Plans, cost estimates, construction drawings, details, and specifications will be reviewed by the Director of Parks and Recreation or her/his designated agent.

LD15.01.00 All submitted drawings, and supporting documentation shall be reviewed for:

- **a.** Conformity to all current City Ordinances and Standards.
- **b.** Aesthetic quality.
- **c.** Appropriate selection and use of all plants.
- **d.** Due to the unique natural of each site, no one set of ordinances or standards can cover all contingencies. The City reserves the right to critic any aspect of the proposed design. The Designer/Developer shall resolve any issues brought to their attention by the City.

LD16.00.00 **Submission for Review**

It is required that all landscape data be submitted, reviewed and approved before any Building permit / Final Site Approval can be issued. No tree regardless of size, shall be removed until the Final Site Plan Approval is issued (see City Ordinance 28.06.05).

LD16.01.00 Three (3) copies of required plans, planting specifications (statements that outline the procedures that will be used to install all plant materials and other landscape elements) and itemized cost estimates will be submitted to the Parks and Recreation Department.

LD16.02.00 On-site changes of an approved landscape plan may be made using the following:

- **a.** The City of Troy must approve all changes.

b. Prior to any deviation from the accepted plan, the City of Troy must be contacted and asked for an evaluation of the proposed change.

c. In projects where deviation from the accepted landscape plan has been approved, the Developer shall forward as-built drawings to the City of Troy prior to the implementation inspection.

LD16.02.01 Any changes made to the required plans, specifications, details, and/or cost estimates after the issuance of Final Site Approval could delay the issuance of the Final Certification of Occupancy, and release of the Implementation and/or Maintenance Deposits.

LD17.00.00 Changes in a Landscape Plan Resulting from Review Process - Any changes required by the reviewing body must be included in three (3) complete sets of revised plans to be submitted to Parks and Recreation, along with the revised specifications and cost estimates.

LD18.00.00 Tree Preservation / Landscape Plan Review Fee

The Tree Preservation / Landscape Plan Review Fee is based on the total (gross) acreage of the project. Final Site approval will not be issued until this fee is paid. The non-refundable fee will be charged at the rate of:

a. Less than five acres - $400.00

b. Five acres or more - $50.00 per acre with a minimum charge of $400.00

LD18.01.00 **Tree Preservation / Landscape Plan <u>Penalty</u> Review fee:**

a. Less than five acre - $800.00

b. Five acres or more - $100.00 per acre with a minimum charge of $800.00

LD19.00.00 Landscape Deposits

Landscape Deposits listed in this section are for all sites <u>other than sub-division</u> developments. Final Site approval will not be issued until this deposit is made.

LD19.01.00 **Implementation Deposit** – After the Final Tree Preservation / Landscape Plans, planting specifications and cost estimates have been approved, and prior to the issuance of Final Site Approval, the Developer shall post with the City of Troy an Irrevocable Bank Letter of Credit and/or cash deposit that will serve as the Implementation Deposit.

LD19.01.01 The amount of Implementation Deposit shall be determined by the Parks and Recreation Department based on the following percentages:

a. Forty-five (45) percent of the total project's landscaping costs of $3999.99 or less

b. Twenty-five (25) percent of the total project's landscaping cost of $4000.00 or more.

LD19.01.02 **No inspections shall be made if Bank Letter of Credit has expired.**

LD19.02.00 Maintenance Deposit – Once the Final Tree Preservation / Landscape plan has been fully implemented and the implementation has been approved by the City of Troy (LD27.00.00), the City of Troy shall release the Landscape Deposit less the M*aintenance Deposit*. Twenty (20) percent of the total estimate or $1000.00 (whichever is greater) shall be posted as a Maintenance Deposit with the Parks and Recreation Department prior to the issuance of the final Certification of Occupancy. Bank Letter of Credit will not be accepted for the

Maintenance Deposit. The Property Owner/Developer is responsible for requesting all inspections

LD19.02.01 Final inspection of the landscape for release of Maintenance Deposit may be called for one year after receiving implementation approval. The Property Owner/Developer is responsible for requesting all inspections

LD19.02.02 The intent of this requirement is to ensure that all dead, dying, diseased and/or weakened plant materials found during the Final Maintenance Inspection shall be replaced with viable plant materials during the next acceptable planting season. Additionally, it ensures that the site has received proper landscape maintenance.

LD19.02.03 The Irrevocable Bank Letter of Credit and/or cash deposit will be held for a minimum of one year. The Developer/Property Owner is responsible for requesting inspections. The Developer/Property Owner will be notified by the City of any replacements / repairs / corrections required. The replacements / repairs / corrections to the landscape shall be made within thirty days of notice unless otherwise approved by City.

LD19.02.04 When the replacements / repairs / corrections have been made to the satisfaction of the City, the Bank Letter of Credit and/or cash deposit will be released, and a final project approval will be forwarded to the Building Department.

LD19.02.05 Failure on the part of the Property Owner to comply with these standards may result in the forfeiture of either or both of the Irrevocable Letters of Credit and/or cash.

LD19.02.06 Should it be found that the Bank Letter of Credit has expired before the City has performed the Final Implementation Inspection and approved the landscape, the amount of the appropriate deposit and all administrative costs, may (at the City's discretion) be levied against the property.

a. Levying of such cost shall be certified by the Director of Parks and Recreation to the City of Troy Treasurer and shall become a lien upon such property, and shall be included in the next tax bill rendered to the Property Owner or Property Owners unless paid before and shall be collected in the same manner as other taxes against such property.

b. Of the monies collected in this manner only the original amount of the deposit is refundable and only after the maintenance inspection has been completed and the landscape receives final approval.

LD19.03.00 Depositor shall forfeit the Maintenance Deposit if the Maintenance Inspection is not called for within three years of Final Implementation Inspection, or unless otherwise approved by the Director of Parks and Recreation.

LD20.00.00 Tree removals prior to Final Site Approval –

No tree, regardless of size, shall be removed without Final Plan Site Approval.

LD20.01.00 Undergrowth may be removed at any time. However, if in the process of removing the undergrowth, soil is disturbed, all work shall cease until the City's Environmental Specialist clears the site for the continuation of work.

LD20.02.00 The Parks and Recreation Department shall be notified twenty-four hours prior to the beginning of **any** type of clearing operation.

LD21.00.00 Violation of Tree Preservation plan

Performing any tree or *plant* removals in violation of the City Ordinance Chapter 28 (Tree and Plant Ordinance) and/or the "Tree Preservation and Landscape Design Standards" shall result in the following:

- **a.** Issue of "Stop Work Order"
- **b.** Cancellation of all currently held Tree Preservation and Landscape approvals.
- **c.** See City ordinance 28.16.02

LD22.00.00 Landscape Installation

Prior to and during landscape installation:

LD22.01.00 No landscape work shall take place without final site approval.

LD22.02.00 The Parks and Recreation Department shall be notified of the proposed starting date twenty-four (24) hours before work on the project begins.

LD22.03.00 Landscaping not conforming to approved drawing and specification shall result in the:

- **a.** Issuance of a "Stop Work Order"
- **b.** Cancellation of all currently held permits
- **c.** Additional fees as per LD18.01.00
- **d.** All changes in approved Final Tree Preservation / Landscape plans shall be approved in writing prior to implementation of changes.

LD22.04.00 No temporary or final certificate of occupancy will be granted until these Standards are complied with fully.

LD23.00.00 Tree and Plant Protection

Developer is required to:

LD23.01.00 Adhere to the tree and plant protection measures as listed in Chapter 28 of City Code.

LD23.02.00 If encroachment into a tree protection area occurs, resulting in irreparable damage to the trees or the area inside the tree protection area, a "*Stop Work Order"* will be issued and the Final Tree Preservation/Landscape plan shall be revised to indicate reforestation planting required compensating for tree loss/damage. (see City ordinance 28.16.02) All revised plans will have to be re-approved. (see LD18.01.00)

LD23.03.00 Under no circumstance shall the Developer be relieved of the responsibility of compliance with the provisions of this Standard, City Ordinances and Developmental Standards.

LD23.04.00 ***Pre-construction Tree Protection***

Prior to construction:

- **a.** All protective measures as outlined in this standard and City Ordinance 28.08.00 shall be in place before any site work will be permitted.
- **b.** Remove non-preserved trees. Cut rather than push over with dozers to protect roots of preserved trees.
- **c.** With City approval, the Developer may prune limbs in the way of improvements prior to construction.

LD23.05.00 ***Construction Tree Protection***

During construction operations:

LD23.05.01 Keep all construction activities out of "Tree Protection Area" (City Ordinance 28.02.26). NO storage of any type of materials, equipment, or any other activity will be allowed inside the Tree Protection Area.

LD23.06.00 ***Post—Construction Tree Protection***

After all construction and the establishment of final grade:

- **a.** Remove all tree protective barriers
- **b.** Prune any damaged trees
- **c.** Replace preserved trees that died during construction (see City Ordinance 28.16.02)

LD24.00.00 **Inspection Schedule -** The intent of the following sections is to inform the Developer of the inspection schedule which will be employed by the City of Troy during the landscape construction period. This section also informs the Developer of what procedures must be employed in order to receive an inspection at the request time, and the scope of each inspection. Developer / Property Owner is responsible for requesting all inspections.

LD25.00.00 Initial Site Inspection **-** When the Parks and Recreation Department receives any plans, a site inspection may be made to help the reviewer(s) determine if any problems areas can be found that may not be fully delineated on the plans. This will also help the reviewers realize the full impact of the proposed development on the local environment.

LD26.00.00 First Implementation Inspection

After the Final Tree Preservation Landscape plan has been approved, review fee paid, landscape deposit posted, Final Site Approval issued, and the Parks and Recreation Department has been notified of installation schedule, the implementation of the Final Tree Preservation / Landscape plan can begin.

LD26.01.00 During the implementation of landscape the City reserves the right to perform unscheduled inspections of the site, and all landscape materials.

LD26.02.00 Developer shall be advised of any sub-standard plant materials, which shall be removed from the site.

LD26.02.00 Developer shall be advised of any installation concerns. These concerns shall be corrected within the time frame given or a "Stop Work Order" will be issued.

LD26.03.00 Failure to follow this procedure on the part of the Developer will result in a "Stop Work Order".

LD27.00.00 **Final Implementation Inspection**

The Developer/Property Owner will request a Final Implementation Inspection by the City of Troy at least five (5) working days prior to the proposed inspection date.

LD27.01.00 When the project has been approved by the City of Troy, the Parks and Recreation Department shall forward to the City of Troy Building Department all approvals and upon receipt of Maintenance Deposit the City will release the Implementation Deposit.

LD27.02.00 In cases where the City has not approved the project, the objections shall be outlined in writing and shall be forwarded to the Developer and Building

Department. This notice will also stipulate the date and/or dates by which the required alterations will be completed.

LD27.03.00 When a project has not been approved at the time of the Final Implementation Inspection, additional inspections will be made as the required alterations have been completed. The Developer /Property Owner will contact the City of Troy at least twenty-four (24) hours prior to the proposed re-inspection date.

LD27.04.00 The deposits will not be returned until the required corrections are complete.

LD28.00.00 Maintenance Inspection (Final)

This inspection will take place a minimum of twelve (12) months and a maximum of thirty-six (36) months after the last Implementation Inspection. The depositor forfeits the Landscape Maintenance Deposit after thirty-six (36) months. Developer/Property Owner is responsible for requesting all inspections.

LD28.01.00 It is the responsibility of the Developer/Property Owner to contact the City of Troy and request all inspections. Requests shall be made at least five (5) working days before inspection date.

LD28.02.00 All materials that do not pass this inspection will be listed in written form and forwarded to the Developer by the City of Troy. This notice will also stipulate the date by which all replacements will be completed.

LD28.03.00 When a project is not approved at the time of the Maintenance Inspection, additional inspections will be made when the required alterations have been completed. The date for this inspection can be established by contacting the City of Troy at least forty-eight (48) hours prior to the proposed inspection date.

LD28.04.00 When the project is not approved by the City of Troy, the Maintenance Deposit shall be released.

LD28.05.00 Failure on the part of the Developer to follow the procedures in this section, will result in the forfeiture of the Irrevocable Bank Letter of Credit and/or cash deposit.

LD29.00.00 Landscape Contractor Qualifications - The intent of this section of the Standards is to inform the Developer of what minimum qualifications a Tree Appraiser and/or Landscape Contractor are to be. Information as to the responsibilities of the Landscape Contractor other than the simple implementation of the landscape plans can be found in this section of these standards.

LD29.01.00 The Landscape Contractor (person and/or firm responsible for the implementation of the approved landscape development plan) shall be licensed by the State of Michigan, Department of Agriculture Plant Industries Division to handle plant materials.

LD29.02.00 The Landscape Contractor will be covered by a public liability property damage insurance policy.

LD29.03.00 The Landscape Contractor shall conform to all Federal and State Labor Laws.

LD30.00.00 Landscape Contractor Responsibilities

The Landscape Contractor shall guarantee that all plants are true to botanical name, and that the quality and size meet the approved specifications.

LD30.01.00 The Landscape Contractor shall fully guarantee that all plants are in a vigorous growing condition during and at the end of the guarantee periods. This

guarantee period shall be minimum of one (1) year from the issuance of Final Implementation Inspection.

LD30.02.00 Replacement plants and/or landscape materials other than plants shall be in accordance with the approved original specifications.

LD30.03.00 The Contractor shall at all times keep the premises and public streets free from any excessive accumulation of soil and waste material or rubbish caused by his employees or work, and at the completion of the work, he shall remove all his waste, excessive material, rubbish and equipment so as to leave the premises neat and clean and ready for the purpose for which it was intended.

LD30.04.00 The Landscape Contractor shall properly protect all existing structures and property on land abutting the project. This is to include, but not be limited to:

- **a.** Sidewalks
- **b.** Curbs
- **c.** Fences
- **d.** Buildings
- **e.** Lawns
- **f.** Trees
- **g.** Shrubbery
- **h.** Irrigation systems
- **i.** Lighting systems
- **j.** Ornamental structures

LD31.00.00 Tree Appraiser Qualifications –

The intent of this section of the Standards is to inform the Developer of what minimum qualifications a Tree Appraiser are to be.

Information as the responsibilities of the Tree Appraiser other than the simple implementation of the landscape plans can be found in this section.

LD31.01.00 A qualified Tree Appraiser shall have a minimum of two (2) years of college in the areas of Horticulture, Forestry, Urban Forestry, Landscape Architecture or related field or two (2) years experience at a supervisory level in one of these disciplines or related fields. The Parks and Recreation Department will review credentials upon request of the Developer.

LD32.00.00 Tree Appraiser Responsibilities

Shall be able to provide the necessary graphic and written reports as outlined in this standard.

LD32.01.00 The Tree Appraiser shall be held accountable for the accuracy of all graphic and written submittals.

LD33.00.00 Plant Material Requirements - The intent of this section to inform the Developer of the minimum requirements placed on all plant materials used to implement those landscape requirements as called for by the City Code.

The following information includes the definitions of the seven (7) major plant groups that come under the control of these standards and the specific requirements placed on each plant group.

LD33.01.00 Broadleaf Evergreens - As the name implies, this group of plant materials have broad leaves, rather than needles, and retain their foliage throughout the winter months. This plant group is a woody ornament having both low spreading varieties and shrub forms.

- **a.** Minimum required size for low spreading varieties of broadleaf evergreens is fifteen (15) to eighteen (18) inches in width.
- **b.** Minimum required size for shrub form broadleaf evergreens is eighteen (18) to twenty-four (24) inches in height.

LD33.02.00 Coniferous Evergreens - This group of plant materials maintains its foliage throughout the entire year in a green condition. These plants are woody ornamentals and for the most part, have very narrow leaves, often referred to as needles. It should be noted that coniferous evergreens have both spreading and upright varieties.

- **a.** Minimum required size for spreading coniferous evergreens is fifteen (15) to eighteen (18) inches in width.
- **b.** Minimum required size for upright coniferous evergreens is five (5) to six (6) feet in height.

LD33.03.00 Deciduous Shrubs - This group is made up of those woody ornamental plants with several self-supporting stems, which lose their foliage each autumn.

- **a.** Each plant will have a minimum of at least three (3) stems, at least eighteen (18) to twenty-four (24) inches long.
- **b.** This requirement does not preclude the possibility of using espaliered or topiary shrubs.

LD33.04.00 Deciduous Shade and Small Flowering Trees - These trees and shrubs are those woody ornamental; plant materials with one or more self-supporting stems or trunks with a usually well-defined branching network located near the distal end of the trunk. The foliage of this plant group is dropped each autumn, and is renewed in the spring of the year.

- **a.** The minimum heights and caliper requirements for shade trees are as follows:
  1. The minimum caliper - two (2) inches to two and one half (2½) inches.
  2. The minimum height - ten (10) feet.
- **b.** The minimum height and caliper requirements for small flowering trees are as follow:
  3. Minimum caliper - one and one-half (1½) to one and three-quarters (1¾) inches.
  4. Minimum height – five (5) feet.
- **c.** It should be noted that all caliper measurements will be taken at least six (6) inches above the graft (on grafted materials) and six (6) inches above root, shoot junction on all non-grafted materials.
- **d.** All height measurements will be taken from the soil line at the base of the tree to the end of the central leader.

e. Minimum Soil Surface Areas – When planting trees in areas totally surrounded by impermeable surfacing (i.e. Concrete, pavers, asphalt buildings, etc.), there shall be a minimum of thirty-six (36) square feet of exposed soil surface for *each* tree.

f. All tree spacing in the landscape and setbacks from overhead utility lines shall conform to City Ordinance 28.15.06 & Figure #5 (see below) unless otherwise required (see Developmental Standards) or approved by the City.

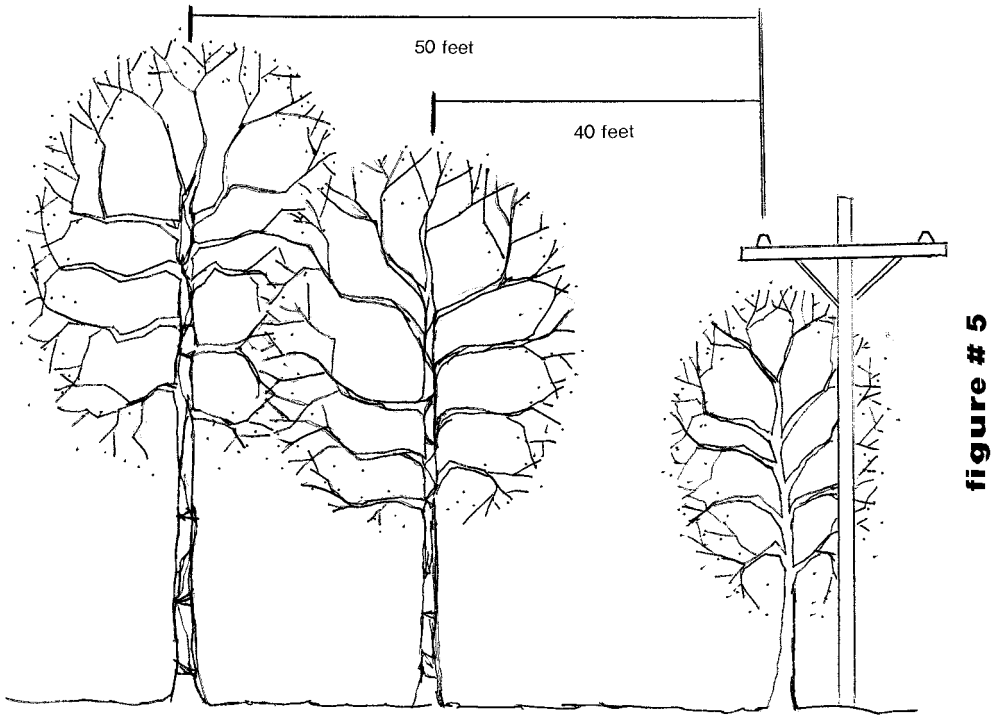

figure # 5

Large (50+ feet) **Medium** (30 – 50 feet) **Small** (15 – 30 Feet)

LD33.05.00 Ground Covers

a. As a general requirement placed on all ground covers, no rooted cuttings shall be deemed as acceptable plant materials. All ground cover materials shall be at least one (1) year bedded stock.

b. The following requirements shall govern those ground covers that spread over the desired area by the use of above ground runners:

1. The minimum number of runners required per plant - three (3).
2. The minimum required length of each runner - six (6) inches.

c. Maximum spacing between plants at installation shall not exceed:

1. 4” root ball and smaller - six (6) inches on center.
2. 6” root ball – twelve (12) inches on center
3. one gallon – twenty four (24) inches on center

d. The following requirements shall govern those ground covers that spread over the desired area by the use of under ground runners:

1. All plants shall be potted either four (4) or six (6) inch pots.
2. All plants shall be well balanced and have a well-established root system.

LD33.06.00 ***Perennials –*** This group is made up of those herbaceous ornamental plants that generally dies down to the ground each fall, but re-grow from the root system for a minimum of three years.

a. The following requirements shall govern perennial plants:

1. All plants shall be potted in minimum six (6) inch pots
2. All plants shall have a well-established root system.

b. Spacing - If used in a mass planting the maximum spacing between plants shall not exceed:

1. Plants with foliage height between one (1) and six (6) inches – twelve (12) inches on center.
2. Plants with foliage height between seven (7) and twelve (12) inches – eighteen (18) inches on center.
3. Plants with foliage height between thirteen (13) and twenty-four (24) inches – thirty (30) inches on center.
4. Plants with foliage height between twenty-five (25) and thirty-six (36) inches – thirty-six (36) inches on center.
5. Plants with foliage height greater than thirty-six (36) inches – forty-eight (48) inches on center

LD33.07.00 ***Turf Grass -*** Those herbaceous plant materials, which have a low spreading growth habit covering the soil surface often used in lieu of an ornamental ground cover, or an organic/inorganic material such as woodchips or stone.

a. City's Development Standards shall govern turf grass installations.

LD34.00.00 **Other Requirements Placed on Plant Materials -** The following information is a list of all other requirements placed on all plant materials used in the implementation of those landscape projects called for by City Code.

a. All plant material shall conform in botanical name, dimensions, and quality of the "Horticultural Standards" adopted by the *American Association of Nurserymen.*

b. All bare root plant material shall have a well-branched root system, characteristic of the species. The root system will meet the minimum standards for bare root nursery stock as set down by the *American Association of Nurserymen.*

c. Balled and Burlapped plant material shall be balled with original soil, intact with the fibrous roots to insure maximum recovery after transplanting.

d. Plants shall conform to the above standards when materials are balled and burlapped.

e. Potted plants shall have sufficient root structures to ensure full recovery and development.

f. Any plants existing on the site requiring relocation must be dug in accordance with the above stated standards.

g. Nursery stock shall be vigorous, free from disease, insects, insect eggs, or larvae.

h. All tree selections shall be made using the City's "*Recommended Deciduous Trees"* list unless otherwise approved.

i. Substitution of materials included in an approved plan shall only be made with the consent of the City of Troy. The Property Owner/Developer may request an amendment verbally or in writing. Approval can be given verbally and followed up in writing. The Property Owner/Developer shall provide an as-built drawing indicating the changes prior to the request for the implementation inspection.

j. All plantings shall be 100% guaranteed for one (1) year after the City releases relevant landscape deposits.

LD35.00.00 Prohibited Plant Materials -

*Plant*s that shall not be planted by the general public and Developers within the *City* include the following plants and all cultivars thereof:

LD35.01.00 **Permanent Ban:**

a.	Acer saccharinum	- Silver Maple
b.	Acer negundo	- Box Elder
c.	Acer platanoides	- Norway maple
d.	Ailanthus altissima	- Tree of Heaven
e.	Catalpa speciosa	- Northern Catalpa
f.	Fraxinus spp.	- Ash, all forms
g.	Paulownia tomentosa	- Royal Empress Tree
h.	Populus spp.	- Poplar / Cottonwood
i.	Pyrus calleryana 'Bradford'	- Bradford Pear
j.	Salix spp.	- Willow (excluding shrub forms)
k.	Ulmus spp.	- Elm (excluding cultivars of U. parvifolia & U. americana)

LD35.02.00 **Temporary Ban:**

As of May 8, 2006 the City will not approve the following plants, and all cultivars thereof, for planting in the City of Troy.

a.	Acer spp. (excluding Japanese forms)	-Maple
b.	Betula spp.	-Birch
c.	Gleditsia triacanthos	-Honeylocust
d.	Platanus occidentalis	-Sycamore
e.	Quercus spp.	-Oak
f.	Robinia pseudoacacia	-Black Locust
g.	Sorbus acucparia	-Mountain Ash
h.	Tilia spp. (excluding tomentosa 'Sterling')	-Linden

LD35.03.00 Temporary bans will be review by the City every five (5) years to determine if plants should be added, removed or remain on the list.

LD36.00.00 Site Preparation Prior to Plant and Irrigation Installation

LD36.01.00 No construction debris larger than one (1) inch in any dimension shall be found in the top twelve (12) inches of soil after completion of rough grading.

LD36.02.00 No construction debris larger than six (6) inches in any dimension shall be found between twelve (12) inches and twenty-four (24) inches below the topsoil.

LD36.03.00 Rough grades shall be established prior to soil fracturing.

LD36.04.00 Developer shall submit drawings indicating areas to be fractured. City reserves the right to add or delete areas.

LD36.05.00 Prior to the introduction of topsoil or soil improvers all designated areas not covered by hard surfaces, buildings, fences, etc. but excluding the tree protection area(s) and retention/detention ponds, shall be mechanically fractured to a minimum depth of eight (8) inches and re-graded to rough grades. Approved fracturing techniques include but shall not be limited to:

a. Plow
b. Hydro jet
c. Till
d. Drill-n-fill
e. Compressed air treatments
f. Hollow tine aerification

LD36.06.00 To reduce the degree of difficulty during soil compaction mediation, the City encourages Developers/Contractors to limit and confine activities that will cause and/or increase soil compaction.

LD36.07.00 Once the soils have been mechanically fractured, re-compaction of the soils shall be avoided. Should it be found that re-compaction or inadequate fracturing has occurred, the City shall designate those areas that shall be re-fractured.

LD36.08.00 Should it be determined, by the City, that soil fracturing can not be done in all areas, then:

a. Each location to receive a tree:
   1. Shall be radiate trenched. Eight (8) trenches shall radiate out from the tree planting hole, and shall measure a minimum of fifteen (15) feet long from center of hole, a minimum of thirty-six (36) inches deep, and a minimum of six (6) inches wide.
   2. 2/3 original soil, 1/3 decomposed organic matter shall be mixed and used as the trenching backfill.
b. Each location to receive shrubs/perennials/etc. shall be excavated to a depth of twelve (12) inches and backfilled with screened topsoil. (see LD36.01.00)

LD36.09.00 All areas to be maintained as turf shall receive a minimum of two (2) inches of screened topsoil after fracturing. (see LD36.01.00)

LD36.10.00 All finished grades shall be a minimum of one (1) inch and a maximum of two (2) inches below hard surfaces (i.e. concrete, asphalt, etc.) unless otherwise approved by the City.

LD36.11.00 Finish grading shall not be done when soils are wet.

LD37.00.00 Landscape Designer Qualifications and Responsibilities

Individuals designing landscapes for Site Plan Approval, Special Use Approval, or Subdivisions Plat Approval, prior to doing the submitted designs, shall have one of the following qualifications:

a. For proposed landscapes with total installed cost of $2000.00 or less - Michigan Certified Nurseryman or equivalent from another state.

b. Landscapes with total installed cost over $2,000.00 to $350,000.00 - Bachelors in Landscape Architecture, Architecture, Landscape Design, Horticulture, or Agriculture.

c. Landscapes with total installed cost over $350,000.00 – Registered Landscape Architect.

LD37.01.00 Responsibilities – Individuals creating landscape designs for commercial Properties and/or subdivisions shall:

a. Thoroughly acquaint themselves with site conditions found in the general area and on their specific project. This shall include but not be limited to:

1. All plants hardy to USDA Hardiness Zone 5b
2. Typical soil type – heavy clay
3. Plants located next to streets must tolerate aerial salt.

b. Produce high quality, easy to read, scaled drawings and details.

c. Produce an aesthetic design using the unique features on the site.

Landscaping Required

District	*Present Landscape Requirements*
C-F, B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C, M-1, P-1	✓ Ten (10) foot greenbelt along any public street, with one (1) tree for every thirty (30) lineal feet of frontage. ✓ Ten (10) percent of site area landscape – front and side yards only. ✓ General Note – not more than twenty (20) percent of required landscape area will be covered with non-living material, i.e. woodchips, stone etc.
R-1, R-2	✓ Subdivision Control Ordinance requirements only
CR-1	✓ Ten (10) foot greenbelt along any public street, with one (1) tree planted for every twenty (20) feet of frontage. ✓ Five (5) foot berm along any property line abutting a major thoroughfare with one (1) tree planted for every twenty (20) feet of frontage. ✓ Fifteen (15) percent of site shall be landscaped open space. ✓ One (1) tree shall be planted for every two (2) dwelling units.
R-1T, R-M, R-EC	✓ Ten (10) foot greenbelt along any public street with one (1) tree planted for every twenty (20) feet of frontage. ✓ Four (4) foot berm along any property line abutting a major thoroughfare, with one (1) tree planted for every twenty (20) feet of frontage. ✓ Five (5) berm along any property line abutting freeway, landscaped with double row six (6) feet apart, evergreen species, four (4) feet on center staggered two (2) feet on center.
RM-1	✓ Same as R-1T and R-M, with the exception that a five (5) foot rather than a four (4) foot minimum height berm is required along any property line abutting a major thoroughfare.
RM-2, RM-3	✓ Same as RM-1 with the following exceptions: • Seventy-five (75) percent (vs. 70%) of required yards shall be landscaped • Overall requirement for four hundred and fifty (450) feet of landscaped open space per dwelling unit. Sixty (60) percent of this open space area shall be located in direct proximity to the buildings.

April 28, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: **Agenda Item:** Rescind Bid Award/Re-award Contract – Mosquito Control

RECOMMENDATION

City management recommends that City Council rescind the award without prejudice to Invaders Pest Control of Lincoln Park, MI, for Mosquito Control (Resolution #2006-03-126-E-4d) and re-award the contract to the next low bidder meeting specifications, Tri-County Pest Control of St Clair Shores, MI, at an estimated total cost of $24,000.00.

BACKGROUND

On March 6, 2006, Invaders Pest Control was awarded a one-year contract to provide insecticidal treatment of 6,000 residential curb catch basins at an estimated total cost of $19,500.00. On April 26, 2006, Invaders Pest Control withdrew from the contract due to their inability to obtain the required insurance. The next low bidder Elite Pest Management was also unable to obtain the required insurance (see attached letter from Risk Manager, Stephen Cooperrider). Staff has obtained proof of insurance from Tri-County Pest Control.

Staff is recommending rescinding the award without prejudice since there was terminology confusion in discussions with Invaders Pest Control during the process to obtain insurance that met specifications.

BUDGET

Funds for this project are available through the Department of Public Works Storm Sewer Fund for Insect Control, Account #517.7802.160. Additionally, staff is applying to Oakland County for funds that will cover a substantial portion of this contract amount.

Prepared by: Ron Hynd, Landscape Analyst

April 28, 2006

TO: Jeanette Bennett, Purchasing Director

FROM: Stephen Cooperrider, Risk Manager

SUBJECT: Mosquito Control Bid ITB-COT 06-03

Please be advised that the bid award recipient, Invaders Pest Control did not provide the specified insurance documents. Several phone discussions were held with representatives of Invaders Pest Control, and an additional meeting. Mr. Curtis Shepard of Invaders requested to withdraw their bid without prejudice.

In addition, the second low bidder, Elite Pest Management was contacted to request they provide the specified insurance documents. Mr. Kenneth Matheny of Elite stated they would not be able to meet the insurance requirements as specified. Mr. Matheny was asked to provide a letter stating that Elite would not be providing the specified insurance on April 6, 2006. He said that he would, however we have not received said letter to date.

It should be noted the specified insurance requirements are the same requirements used in previous Mosquito Control bids. The previous contractor that was awarded the bid in each instance provided the required insurance documents.

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

Area code (248)

Assessing
524-3311

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Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

April 26, 2006

Mr. Curtis Shepherd
Invaders Pest Control Inc.
1126 Fort St.
Lincoln Park, MI 48146

Dear Mr. Shepherd;

As the chief administrative officer for the City of Troy, I wish to thank you for taking the time to allow Troy staff to address your questions and concerns. We at the City of Troy feel very fortunate to have so many companies compete for our work. From your letter dated January 19, 2006 to Mayor Schilling, it appears that you still wish to provide the mosquito services although we have received a request from your company twice (most recently today) to allow you to withdraw your bid since you are unable to provide the insurance as specified. Please allow a few minutes to clarify the issues and interests of both parties.

Issue 1: The ability of your company to meet the required insurance

Troy's insurance program is strictly enforced because that enforcement results in lower insurance costs to the City and, therefore, Troy's taxpayers. From the time the Mosquito Control bid was posted on the MITN website until today, the insurance requirements have remained the same. The insurance required is to be a mirror image of the sample insurance document attached to the bid. Mr. Cooperrider offered to assist your company meet the requirements of the bid by discussing the requirements with your insurance company but this offer went unanswered.

We know that it is possible for some companies to meet the insurance requirements as written. Two other companies that do business with the City of Troy have used both your insurance company and agent (Weisburger Insurance Brokerage and Starnet Insurance Company) and have been able to meet insurance requirements as written. Mr. Cooperrider is adamant concerning the wording on the Certificate of Insurance since he cannot change the specifications during a bid process. Companies doing business with the City of Troy provide specified insurance certificates daily.

Issue 2: Rescind the award without prejudice

As has been stated in past correspondence, withdrawing a bid is not an option after an award is made. After an investigation of your concerns, it was determined that confusion due to terminology used by staff may have led you to believe that you could withdraw your bid. Staff has recommended that I, as chief administrative officer, recommend to the Troy City Council to rescind the award without prejudice. I concur with the recommendation although you should understand that any future bids submitted by your company must meet specified insurance requirements - something you have been unable to do in the current process. Also, understand that the Troy City Council must approve the recommendation to rescind the award of contract without prejudice.

If you have further questions, please do not hesitate to call Jeanette Bennett, Purchasing Director (248) 680-7291.

Sincerely,

John M. Lamerato
Acting City Manager

cc: Mayor Louise E. Schilling
Brian P. Murphy, Assistant City Manger/Services
Jeanette Bennett, Purchasing Director ✓
Carol Anderson, Parks and Recreation Director
James Nash, Financial Services Director
Stephen Cooperrider, Risk Manager
Ron Hynd, Landscape Analyst
file

INVADERS PEST CONTROL INC.

February 26, 2006

City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Jeanette Bennett,

Per our conversation during our meeting January 25, 2006, our company regretfully withdrawals our bid without prejudice. We appreciate your assistance and time meeting with our company. Please contact our office if you should need any further assistance.

Curtis Shepherd
Invaders Pest Control Inc.

1126 Fort St. Lincoln Park, MI 48146 Phone (313)294-333 Fax (313-294-0330

Invaders Pest Control Inc.
1126 Fort Street
Lincoln Park, MI
48146

313-294-0333 Phone
313-294-0330 Fax

FAX TRANSMITTAL FORM

To: Jeanette Bennet
Date Sent: 04/26/06
Phone 248-680-7291

From: Invaders Pest Control
Number of pages : 2
Fax: 248-619-7608
*Including Coversheet

Message

INVADERS PEST CONTROL INC.

RECEIVED

APR 20 2006

CITY OF TROY
CITY MANAGER'S OFFICE

January 19, 2006

Louise E. Schilling
Troy City Hall
500 W. Big Beaver
Troy, MI 48084

I am writing this letter to inform you that there was some confusion regarding our company's approval as a vendor for the City of Troy. I want to give you pertinent information regarding the situation on our company's behalf. First of all our company submitted a bid for the mosquito control of City of Troy. In doing so we submitted all the paperwork including the form ITB-COT 06-03, certificates of insurance, and a copy of our applicators license on January 29, 2006. The paperwork sufficiency was then verified by our employee which contacted Mr. Hynd to verify the paperwork.
On February 10, 2006 Mr. Hynd contacted our office to obtain a letter from our insurance company verifying coverage for environmental exposure under our liability insurance. This letter was faxed along with another certificate of insurance. Again Mr. Hynd was contacted to verify receipt of the letter & certificate and to see if everything was sufficient. Mr. Hynd verified the sufficiency.
March 14, 2006 Mr. Cooperrider called & said he needed our insurance certificate to be rewritten because it wasn't correct. Our company's position was that our insurance was already verified when submitted with our bid and it was already approved. According to Mr. Cooperrider we were in breech of contract if we could not get our insurance to rewrite their certificate. We tried to resolve the writing with our insurance as well as Mr. Cooperrider however our insurance carrier could not word the certificate as Mr. Cooperrider needed it written. Therefore we contacted Mr. Hynd, 03/20/06 who originally said our paperwork was in order, and he said if our insurance company couldn't word the certificate as Mr. Cooperrider needed it we needed to send him a letter of withdrawal from the bid. March 20, 2006 we sent our letter of withdrawal, and called to verify receipt of the letter by Mr. Hynd. He received it and asked us to sign the document and fax it back again. This was completed and verified again that Mr. Hynd received this letter. Then on April 19, 2006 we received a fax by Jeanette Bennett, which stated we were to provide our insurance certificate to her due to the fact that we were awarded the bid. We contacted her and explained our situation to her. She said we were in breech of contract and we felt this in error. Therefore, we are contacting you to let you know of the situation of our company and the City of Troy.
Our company provides and have provided service to the State of Michigan, as well as several city governments and have never encountered such circumstances as these. We have always complied with bid specifications and have always prided ourselves on customer satisfaction. We would be more than happy to remedy this situation, however Mr. Cooperrider is adamant about the wording on our Certificate of Insurance, and our insurance carrier refuses to provide the wording needed by Mr. Cooperrider. Therefore, any assistance in which you could provide us with this situation, would be greatly appreciated.

Sincerely,

Curtis Shepherd
Invaders Pest Control Inc.

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

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City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

April 18, 2006

Notice of Contract Default
ITB-COT 06-03
Mosquito Control

Ms. Theresa Broome
Invaders Pest Control
1126 Fort St.
Lincoln Park, MI 48146

Dear Ms. Broome,

Please be advised that on Monday, March 6, 2006, the Troy City Council awarded ITB-COT 06-03, Mosquito Control, to your Company, Invaders Pest Control, contingent upon submission of the specified insurance certificate. Mr. Stephen Cooperrider, Troy's Risk Manager, recently notified the Purchasing Office that the required insurance certificate has not been furnished and we are in receipt of a faxed document from your company that states you wish to withdraw your bid from consideration since your insurance certificate does not meet specifications and, therefore, cannot be used.

Please accept this letter as notice that your company is in default of contract since you have not complied with the specifications and furnished the required insurance. Withdrawal of your bid is not an option at this time. Due to the default, the following steps would be required to be taken by your company if your company wishes to again become an active bidder for the City of Troy:

1. After three (3) years have expired (after March 6, 2009) your company will be eligible for reconsideration as a bidder for City of Troy. Liquidated damages may be assessed against your company and will consist of the difference between the amount quoted in the defaulted contract and the next awarded bidder, plus 6% compounded annually. If liquidated damages cannot be assessed, the City has the option to require a performance surety in the form of cash, certified check, cashier's check, or money order in the total amount budgeted for the pending contract. The performance surety shall be in addition to a bid deposit if required. It may be returned upon successful completion of all the contract requirements.

2. A written request by Invaders Pest Control is to be provided requesting reconsideration as a bidder for the City of Troy.

3. A statement must be provided by an authorized representative of your company that confirms that management will stand behind the integrity of bids and proposals submitted to the City of Troy. The statement is to be signed by senior management of Invaders Pest Control.

If you have any questions, please call Purchasing at (248) 680-7291 or 524-3338.

Sincerely,

Jeanette Bennett

Jeanette Bennett
Purchasing Director

CC: Stephen Cooperrider, Risk Manager

May 1, 2006

To: John M. Lamerato, Acting City Manager

From: Brian Murphy, Assistant City Manager / Services
Steve Vandette, City Engineer

Subject: **Agenda Item** – Bid Waiver
Square Lake Water Main Replacement, Rochester Road to 700' West

RECOMMENDATION

City Management is requesting a waiver of the formal bid process for the replacement of the existing 12" water main on the north side of Square Lake Road, from Rochester Road to approximately 700 feet to the west. City Management also recommends that City Council approve a contract modification to Contract 05-6 for Troelsen Excavating Co., 1395 Rochester Road, Troy, MI to complete this work under their existing contract for their low quote of $145,413.00, contingent upon submission of required insurance and bonds.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

SUMMARY

The Water and Sewer Department advised that the existing water main along the north side of Square Lake Road, between Rochester and Livernois, should be replaced due to increased maintenance needs of the water main. Portions of the existing water main and existing structures lie within or under the pavement in the intersection and should be replaced prior to the mill and overlay project, recently awarded by City Council to Ajax Paving, to avoid removing newly placed pavement. The mill and overlay work by Ajax Paving is scheduled for construction early this summer. A future project to complete the water main replacement from beyond the intersection to Livernois is scheduled for next year.

The City currently has three underground contractors under contract that are qualified and experienced to perform this type of work: Troelsen Excavating, Dan's Excavating and Macomb Pipeline. Quotes were requested from each of the underground contractors in order to maintain the foregoing roadwork schedule.

The low quote was provided by Troelsen Excavating Co., as can be seen in the attached tabulation of bids. The Engineer's estimate for the work was $196,950.00. The low quote of $145,413.00 is therefore $51,537.00 or 26.17% below the Engineer's estimate. Troelsen Excavating has completed similar work for the City on Crooks Road, between Maple and Big Beaver, and is currently completing water main replacement work on Livernois Road, between Square Lake and South Boulevard.

All three quotes received were reviewed by the Engineering Department and found to be consistent with prices that we have received on similar size water main projects for our area.

BUDGET

Funds for this work are included in the 2005/06 Water Fund, account number 555.7972.065035. The budgeted amount includes funds for construction, inspection and contingencies.

3 - Quotes Sent / 3 - Quotes Rec'd

Prepared by: Bill Huotari, Deputy City Engineer

G:\Projects\Projects - 2006\06.503.5 - Square Lake Water Main, Rochester to Livernois\Award_r1.doc

CITY OF TROY
OAKLAND COUNTY, MICHIGAN
TABULATION OF QUOTES FOR
PROJECT NO. 06.503.5
SQUARE LAKE WATER MAIN REPLACEMENT,
ROCHESTER TO 700' WEST

	BIDDER	AMOUNT
1.	Troelsen Excavating Co.	$ 145,413.00 *
2.	Dan's Excavating, Inc.	$ 214,266.50
3.	Macomb Pipeline & Utilities Co.	$ 228,402.50

* Corrected by Engineer

Quote Opening Date: Friday, April 28, 2006 at 10:00 a.m.

G:\Projects\Projects - 2006\06.503.5 - Square Lake Water Main, Rochester to Livernois\Bid Tab - Short.doc

May 1, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: FINAL PRELIMINARY PLAT APPROVAL – Beachview Estates Subdivision, West Side of Beach, South of Long Lake – Section 18

RECOMMENDATION

City Management recommends granting final approval to the preliminary plat of Beachview Estates Subdivision (8 lots), with the condition that a conservation easement be executed prior to Final Plat Approval.

BACKGROUND

The tentative preliminary plat approval was granted a one-year extension by City Council on September 13, 2004, conditional on the petitioner completing a wetlands report, or providing a letter of "no permit required" from the MDEQ, prior to receiving final plat preliminary approval. City Council initially granted tentative approval of the preliminary plat of the proposed subdivision on July 10, 2000. Extensions for this proposal were granted by City Council on June 16, 2003, July 8, 2002 and October 1, 2001.

The applicant provided a wetland determination report dated October 8, 2004 prepared by Holloway Environmental Planning, Inc., which has been accepted by the City of Troy Environmental Specialist. In addition, MDEQ granted an inland lakes and streams permit and a wetlands protection permit on November 21, 2005. The proposed final preliminary plan is consistent with the tentative preliminary plan. The Engineering Department granted approval of the engineering plans based upon the City's Development Standards. Therefore, this development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development.

The proprietor submitted to the City Clerk a letter of credit for the escrow deposits and cash fees for the public improvements. The Subdivision Agreement and Exhibits "A" and "B" are attached to this report.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner/applicant is Choice Properties, Inc. Professional Engineering Associates Inc. is the project engineer.

Location of subject property:
The property is located on the west side of Beach Road, south of Long Lake Road, in Section 18.

Size of subject parcel:
The parcel area is 5.55 acres.

Description of proposed development, including number and density of units:
The applicant is proposing an 8-unit subdivision, which represents a density of approximately 1.45 units per acre.

Current use of subject property:
The parcel is presently vacant.

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-1A One Family Residential.

Zoning classification of adjacent parcels:
North: R-1A One Family Residential.
South: R-1A One Family Residential.
East: R-1B One Family Residential.
West: R-1A 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 lot area in the R-1A district is 21,780 square feet. The application is utilizing the lot averaging option (Section 34.10.00) which permits a 10% reduction in lot area in some lots provided the average lot size is at least 21,780 square feet. No lots are smaller than 19,602 square feet. The applicant meets this requirement.

Lot Width: The minimum lot width in the R-1A district is 120 feet. The application is utilizing the lot averaging option (Section 34.10.00) which permits a 10% reduction in lot width in some lots provided the average lot width is at least 120 feet. No lots are narrower than 108 feet. The application meets this requirement.

Height: The maximum height in the R-1A district is 2-1/2 stories or 25 feet. The application will be required to meet this requirement.

Setbacks: Front: 40'
Sides: 15' (least one), 30' (total)
Rear: 45'.

Minimum Floor Area: 1,400 square feet.

Maximum Lot Coverage: 30%.

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:
The applicant has submitted a Final Tree Preservation Plan, which was approved by the Parks and Recreation Department. No Landscape Plans submitted.

Storm Water Detention:
The applicant is proposing to construct a detention area in the southwest corner of the property. The detention area needs to be labeled on the plat and dedicated to the City.

Natural Features and Floodplains:
The Natural Features Map indicates a small amount of woodlands on the property. The applicant provided a Wetland Determination Report dated October 8, 2004 prepared by Holloway Environmental Planning, Inc. The report indicates one wetland in the southwest corner of the parcel regulated by the MDEQ.

The applicant has received a wetland permit (05-63-0324-P issued 11-21-05 expires 12-31-06) to allow for: Excavation of 456 cubic yards of material from upland within 500 feet of a stream for the construction of a detention basin, installation of a storm water outlet structure with a 12 inch end section below the ordinary high watermark of a stream, installation of 1 cubic yard rip-rap at the base of the outflow and release of pre-treated storm water to wetland and the stream

Subdivision Control Ordinance, Article IV Design Standards

Blocks:
A public street provides access from Beach Road.

Lots:
Lots conform to the minimum requirements of the Zoning Ordinance. The applicant is using the lot averaging option (Section 34.10.00), which allows the reduction of lot area and lot width by 10 percent, provided the average lot area and average lot width meet the general requirements for the R-1A district.

Easements:
The applicant proposes a 15-foot wide non-access greenbelt easement along Beach Road. The applicant will be required to provide appropriate easements for all utilities, including water, sewer and storm water infrastructure.

The applicant has provided an Agreement for Conservation Easement to protect wetlands as per the Environmental Specialist. The agreement needs to be corrected as required by the Environmental Specialist and the City Attorney prior to final plat approval.

Topographic Conditions:
The southwest corner of the property is within the 100-year floodplain. The proposed 100-year floodplain limit is indicated on the plat and has been accepted by the City of Troy Engineering Department.

Streets:
There is only one public street proposed for the subdivision. This cul-de-sac is approximately 460 feet in length. The street name will need to be approved by the street name committee.

Sidewalks:
The applicant proposes 5-foot wide sidewalks along both sides of the public street and along the west side of Beach Road.

Utilities:
The property is served by public water and sewer services.

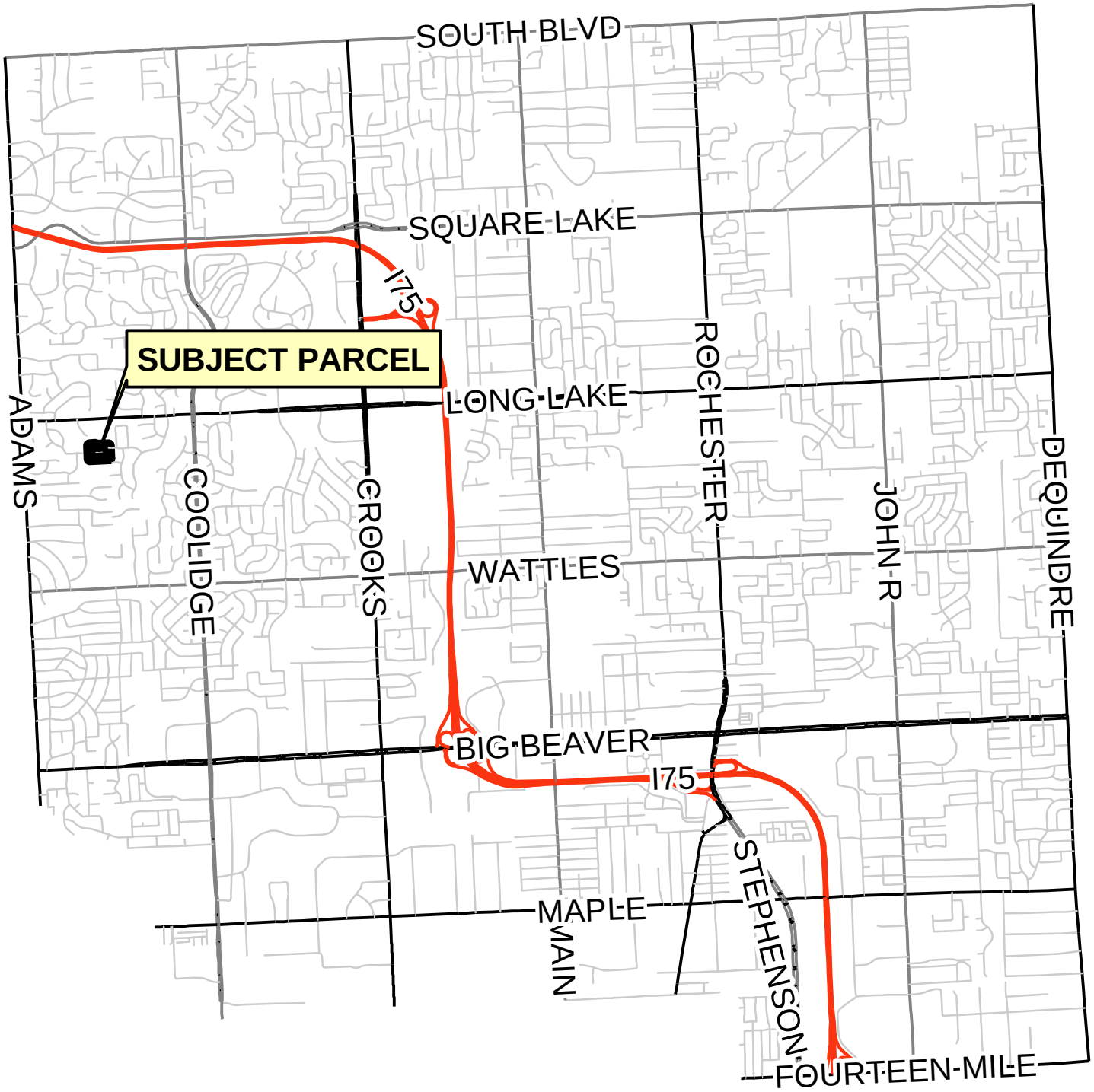
Prepared by: PPB and MFM

Attachments:
1. Maps
2. Certificate of Improvement Design Approval, dated April 25, 2006
3. Subdivision Agreement
4. Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits

cc: Applicant
File/Beachview Estates Subdivision

G:\SUBDIVISIONS & SITE CONDOS\Beachview Estates\Beachview Estates CC Final Prelim Approval 05 08 06 rev.doc

CITY OF TROY


SOUTH BLVD
SQUARE LAKE
I75
SUBJECT PARCEL
LONG LAKE
ADAMS
COOLIDGE
CROOKS
ROCHESTER
WATTLES
JOHN R
DEQUINDRE
BIG BEAVER
I75
STEPHENSON
MAPLE
MAIN
FOURTEEN MILE

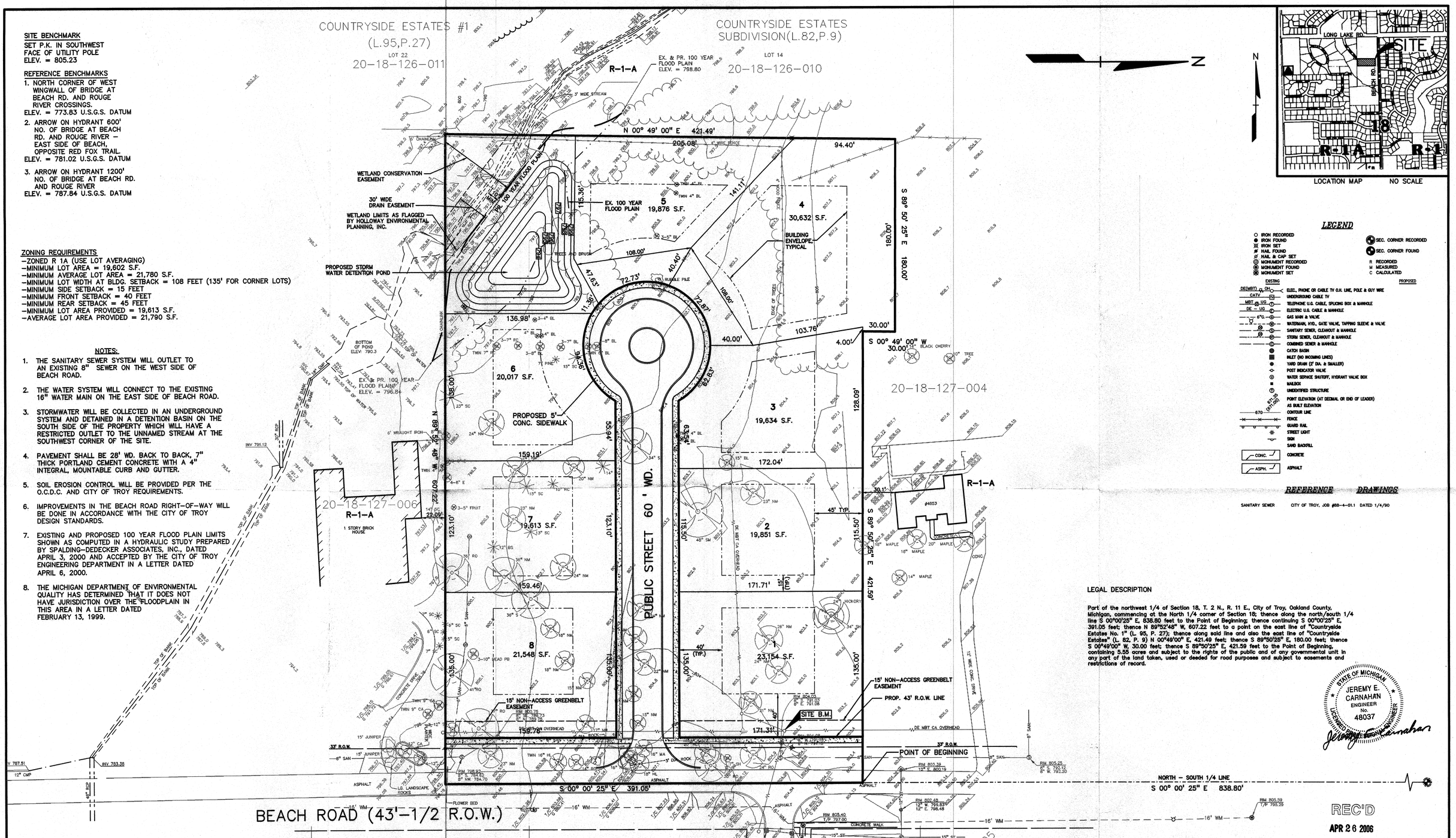
PROPOSED BEACHVIEW ESTATES SUBDIVISION
W SIDE OF BEACH, S OF LONG LAKE
SEC. 18 (ZONED R-1A)
W LONG LAKE
W LONG LAKE
LONGVIEW
VALLEY VISTA CIR
VALLEY VISTA CT
BIG OAK
BEACH
MOONGLOW
DEEPWOOD
OAK RIVER CT
DEER PATH CT
HIDDEN PINE
RIVERS EDGE
WHITE OAKS
WHITE OAKS CT
WHITE OAKS
TRANQUIL
RIVERS EDGE
RIVERS EDGE
SUBJECT PARCEL
QUAIL RUN
STRAWBERRY
SHADYWOOD
ORCHARD RIDGE
ORCHARD TRAIL
Feet
0 50100 200 300
3

SITE BENCHMARK
SET P.K. IN SOUTHWEST
FACE OF UTILITY POLE
ELEV. = 805.23

REFERENCE BENCHMARKS
1. NORTH CORNER OF WEST WINGWALL OF BRIDGE AT BEACH RD. AND ROUGE RIVER CROSSINGS.
ELEV. = 773.83 U.S.G.S. DATUM
2. ARROW ON HYDRANT 600' NO. OF BRIDGE AT BEACH RD. AND ROUGE RIVER – EAST SIDE OF BEACH, OPPOSITE RED FOX TRAIL.
ELEV. = 781.02 U.S.G.S. DATUM
3. ARROW ON HYDRANT 1200' NO. OF BRIDGE AT BEACH RD. AND ROUGE RIVER
ELEV. = 787.84 U.S.G.S. DATUM

ZONING REQUIREMENTS
–ZONED R 1A (USE LOT AVERAGING)
–MINIMUM LOT AREA = 19,602 S.F.
–MINIMUM AVERAGE LOT AREA = 21,780 S.F.
–MINIMUM LOT WIDTH AT BLDG. SETBACK = 108 FEET (135' FOR CORNER LOTS)
–MINIMUM SIDE SETBACK = 15 FEET
–MINIMUM FRONT SETBACK = 40 FEET
–MINIMUM REAR SETBACK = 45 FEET
–MINIMUM LOT AREA PROVIDED = 19,613 S.F.
–AVERAGE LOT AREA PROVIDED = 21,790 S.F.

NOTES:
1. THE SANITARY SEWER SYSTEM WILL OUTLET TO AN EXISTING 8" SEWER ON THE WEST SIDE OF BEACH ROAD.
2. THE WATER SYSTEM WILL CONNECT TO THE EXISTING 16" WATER MAIN ON THE EAST SIDE OF BEACH ROAD.
3. STORMWATER WILL BE COLLECTED IN AN UNDERGROUND SYSTEM AND DETAINED IN A DETENTION BASIN ON THE SOUTH SIDE OF THE PROPERTY WHICH WILL HAVE A RESTRICTED OUTLET TO THE UNNAMED STREAM AT THE SOUTHWEST CORNER OF THE SITE.
4. PAVEMENT SHALL BE 28' WD. BACK TO BACK, 7" THICK PORTLAND CEMENT CONCRETE WITH A 4" INTEGRAL, MOUNTABLE CURB AND GUTTER.
5. SOIL EROSION CONTROL WILL BE PROVIDED PER THE O.C.D.C. AND CITY OF TROY REQUIREMENTS.
6. IMPROVEMENTS IN THE BEACH ROAD RIGHT-OF-WAY WILL BE DONE IN ACCORDANCE WITH THE CITY OF TROY DESIGN STANDARDS.
7. EXISTING AND PROPOSED 100 YEAR FLOOD PLAIN LIMITS SHOWN AS COMPUTED IN A HYDRAULIC STUDY PREPARED BY SPALDING–DEDECKER ASSOCIATES, INC., DATED APRIL 3, 2000 AND ACCEPTED BY THE CITY OF TROY ENGINEERING DEPARTMENT IN A LETTER DATED APRIL 6, 2000.
8. THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY HAS DETERMINED THAT IT DOES NOT HAVE JURISDICTION OVER THE FLOODPLAIN IN THIS AREA IN A LETTER DATED FEBRUARY 13, 1999.



LOCATION MAP NO SCALE

LEGAL DESCRIPTION

Part of the northwest 1/4 of Section 18, T. 2 N., R. 11 E., City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north/south 1/4 line S 00°00'25" E, 838.80 feet to the Point of Beginning; thence continuing S 00°00'25" E, 391.05 feet; thence N 89°52'48" W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (L. 95, P. 27); thence along said line and also the east line of "Countryside Estates" (L. 82, P. 9) N 00°49'00" E, 421.49 feet; thence S 89°50'25" E, 180.00 feet; thence S 00°49'00" W, 30.00 feet; thence S 89°50'25" E, 421.59 feet to the Point of Beginning, containing 5.55 acres and subject to the rights of the public and of any governmental unit in any part of the land taken, used or deeded for road purposes and subject to easements and restrictions of record.

STATE OF MICHIGAN
JEREMY E. CARNAHAN
ENGINEER
No. 48037
LICENSED PROFESSIONAL ENGINEER

LEGEND

- IRON RECORDED
- IRON FOUND
- IRON SET
- NAIL FOUND
- NAIL & CAP SET
- MONUMENT RECORDED
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER RECORDED
- SEC. CORNER FOUND

R RECORDED
M MEASURED
C CALCULATED

EXISTING		PROPOSED
DE(MBT) OH		ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
CATV		UNDERGROUND CABLE TV
MBT UG		TELEPHONE U.G. CABLE, SPLICING BOX & MANHOLE
DE – UG		ELECTRIC U.G. CABLE & MANHOLE
6"G		GAS MAIN & VALVE
		WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
		SANITARY SEWER, CLEANOUT & MANHOLE
		STORM SEWER, CLEANOUT & MANHOLE
		COMBINED SEWER & MANHOLE
		CATCH BASIN
		INLET (NO INCOMING LINES)
		YARD DRAIN (2' DIA. & SMALLER)
		POST INDICATOR VALVE
		WATER SERVICE SHUTOFF, HYDRANT VALVE BOX
		MAILBOX
		UNIDENTIFIED STRUCTURE
		POINT ELEVATION (AT DECIMAL OR END OF LEADER)
		AS BUILT ELEVATION
670		CONTOUR LINE
		FENCE
		GUARD RAIL
		STREET LIGHT
		SIGN
		SAND BACKFILL
CONC.		CONCRETE
ASPH.		ASPHALT

REFERENCE DRAWINGS

SANITARY SEWER CITY OF TROY, JOB #88-4-01.1 DATED 1/4/90

REC'D
APR 26 2006
PLANNING DEPT.

CAUTION !!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE)

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

THIS DRAWING AND DESIGN ARE THE PROPERTY OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. THEY ARE SUBMITTED ON THE CONDITION THAT THEY ARE NOT TO BE USED, REPRODUCED, OR COPIED, IN WHOLE OR IN PART, OR USED FOR FURNISHING INFORMATION TO OTHERS, WITHOUT THE PRIOR WRITTEN CONSENT OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 2000 PROFESSIONAL ENGINEERING ASSOCIATES, INC.

J:\97192\PROJECT\DWG\NEW\NEW-PRE-PLAT.DWG
X-REF: NONE
TWIST ANGLE -90°00'00"

No.	By	Ck.	Revisions (Description)	Date
3	JEC	JEC	REVISED PER CITY OF TROY COMMENTS	4-26-06
2	JEC	JEC	REVISED PER CITY OF TROY COMMENTS	9-16-05
1	JEC	JEC	FINAL PRELIMINARY PLAT SUBMITTAL	8-9-05

CHOICE PROPERTIES, INC.
755 WEST BIG BEAVER RD., SUITE 1275
TROY, MICHIGAN 48084 (248)362-4150

FINAL PRELIMINARY PLAT
BEACHVIEW ESTATES SUBDIVISION

A PART OF THE N.W. 1/4 OF SECTION 18, T-2N., R-11E.
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DES. JBT/JC	SUR. RS	SCALE 1" = 40'	JOB NO. 97192
DN. CAT	P.M. MJM	DATE 4-18-00	DWG. NO. P-1

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

April 25, 2006

Professional Engineering Associates
2430 Rochester Ct., Suite 100
Troy, MI 48083

Regarding: Certificate of Improvement Design Approval
Beechview Estates Subdivision

Developer: Choice Properties, Inc. **Date of Application for Plan Review:** 09-11-00

The design of all improvements included within the Beechview Estates Subdivision is hereby approved by the City of Troy's Engineering Department.

G. Scott Finlay, Civil Engineer

Steven Vandette, City Engineer

cc: Tonni Bartholomew, City Clerk
Choice Properties, Inc

SUBDIVISION AGREEMENT

THIS AGREEMENT is entered into and executed this_____day of _____, ~~19~~ 2005,

between the **CITY OF TROY**, a Michigan municipal corporation, party of the first part, hereinafter referred to as "City", and Beachview Estates LLC

755 W. Big Beaver, Suite 1275, Troy, MI 48084

party of the second part, hereinafter referred to as the "Owner".

WITNESSETH:

WHEREAS the Owner is the owner of certain real property described as follows: (See attached Exhibit "A")

and

WHEREAS the Owner desires to plat same into a Single Family subdivision and to erect 8 Homes thereon, for which development there is required the installation of certain necessary public improvements, hereinafter described and specified, and

WHEREAS the Owner desires to install at his own expense all of the necessary improvements, and

WHEREAS the City has expended and will be required to expend time and effort in reviewing the various plans, specifications and other documents, and in the field inspection involved in the development process.

NOW, THEREFORE, in consideration of the mutual convenants hereinafter contained, it is hereby mutually agreed by these parties as follows:

I

The Owner agrees that he has submitted a proposed plat of the Beachview Estates subdivision embracing the above described property, and that he will as a condition precedent to

the terms and conditions of this Agreement promptly proceed with all the necessary steps to accomplish the recording of the said proposed plat; further, that as a part of said platting procedure, he has filed with the City Clerk cash deposits, escrow deposits, certified check, or irrevocable bank letter of credit to guarantee the installation of the public improvements in said proposed subdivision as required by the City and outlined in the "Detailed Summary of Required Deposits", attached to this Agreement as Exhibit "B".

II

The Owner represents and agrees that he has familiarized himself with the Subdivision Regulations as contained in Chapter 41 of the Troy City Code, the Engineering Design Standards and Landscape Design Standards, and with all other policies of the City Council which relate to the installation of subdivision improvements.

III

The Owner agrees that he will at his own expense furnish and install all of the public improvements specified in the attached Exhibit "B", in accordance with the plans and specifications furnished by the Owner to the City and approved by the City of Troy, the Michigan Department of Natural Resources, the Michigan Department of Health, and all other governmental agencies which may have jurisdiction, and in accordance with any and all other applicable laws and regulations of the City of Troy, County of Oakland, and State of Michigan. Said improvements shall be installed within a period of two years from the date of Final Approval of the Preliminary Plat of Beachview Estates Subdivision by the City Council.

IV

The Owner further represents that the estimated costs set opposite the various public improvements in the attached Exhibit "B" are to the best of his information, knowledge, and belief the correct estimated costs for each of such public improvements.

Council. Failure to comply with this provision shall suspend the approval of improvement construction plans by the City, and the Owners right to proceed with the processing of Beachview Estates Subdivision, until such time as a new "Detailed Summary of Required Deposits" is prepared, indicating any revisions in the estimated costs of required subdivision improvements, and reflecting any change in the Engineering Design Standards, since the inception of this Agreement. This revised information shall then become Exhibit "B", superseding that initially attached to this Agreement. The deposits or guarantees referred to in Paragraph I shall then be revised to cover the costs indicated in Exhibit "B" as revised.

VIII

The Owner agrees that he will maintain all streets located within the subdivision in which the improvements are to be installed in a reasonably safe and passable condition during the course of the work contemplated. The Owner further agrees and understands that no Building Permits, except those for builders "models" (the maximum number of which is established by City Building Department Policy in effect at the inception of this Agreement), shall be issued or sought for issuance until the street improvements called for by this Agreement have been completed and accepted by the City; further, all improvements constructed by the Owner in public right-of-ways or streets or alleys shall become the property of the City of Troy immediately upon the acceptance of said improvements by the City; further, this contract shall not be deemed to have been fully consummated and completed, until such time as the City has formally accepted the improvements to be made. ""Acceptance" of subdivision improvements by the City shall be in accordance with established City administrative procedures in effect at the inception of this Agreement.

IX

The parties hereto understand and agree that all of the improvements herein referred to are at the expense of the Owner, and that there shall be no liability or obligation on the part of

V

The Owner agrees to pay all engineering, inspection, and other administrative costs of the City occasioned by the assignment of City Engineers, Inspectors, and other personnel to the construction work to be performed pursuant to this Agreement, provided however, that such costs shall be limited to either the flat rate or percentage customarily applied by the City to such matters as a firm City policy in existence at the inception of this Agreement, plus direct costs clearly chargeable to the construction work contemplated hereunder.

VI

Before proceeding with any of the work contemplated herein, the Owner will provide liability, property damage, and workmen's compensation insurance in amounts at least equal to that required by City specifications or standards in existence at the inception of this Agreement, naming the City as "Additionally Insured", protecting the City against any and all claims for damages to persons or property resulting from the installation of any of the public improvements herein contemplated, and true and accurate copies of said insurance policies will be filed with the City Manager. Higher levels of insurance coverage may be required by the City Manager when he determines that unique features of the particular improvement project, such as exceptional difficulty or hazards involved in construction, warrant such additional coverage. Any contractor or subcontractor employed by the Owner must be acceptable to the City, and before any contractor or subcontractor shall commence work on any of the improvements contemplated herein, such contractor or subcontractor must be approved by the City Manager.

VII

The Owner agrees that contracts covering the installation of all required subdivision improvements, with the exception of paving, shall be let within ninety (90) days from the date of Final Approval of the Preliminary Plat of Beachview Estates Subdivision by the City

the City to create any special assessment districts or to process any special assessments in reimbursement of the Owner.

X

The terms of this Agreement shall be coterminous with that of the Final Approval of the Preliminary Plat Beachview Estates Subdivision by the City Council, that being two (2) years from the date of said approval. A certified copy of the City Council Resolution granting such approval, and thus indicating the subject time period, is attached to this Agreement as Exhibit "C".

At the end of this time period, the subject Final Preliminary Plat Approval the approval of subdivision improvement construction plans, and this Agreement shall be terminated. Any extension of this time period, as in the case of the Final Preliminary Plat Approval, shall require the approval of the City Council. Prior to consideration, by the City Council, of any extension, revised estimates of costs of any required subdivision improvements not as yet completed shall be prepared, Exhibit "B" shall be revised accordingly, and revised deposits or guarantees shall be submitted by the Owner to the City.

XI

The Provisions and conditions of this Agreement constitute a covenant running with the land and shall be binding upon the heirs, successors, and assigns of the parties hereto, for the term of the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the day, month, and year first above appearing. By the execution of this Agreement, the City is authorized to record same in the office of the Oakland County Clerk and Register of Deeds.

WITNESSES

_____

_____

_____

_____

x Kenda R. Herbert

_____

APPROVED:

_____
City Engineer

_____
City Manager

_____
City Attorney

CITY OF TROY

By: _____
Mayor

By: _____
City Clerk

By: Beachview Estates, LLC
Owner

By: Choice Development Corporation, Mgr.

By: _____
~~Kamal H. Shouhayib, President~~

By: Joseph P. Lombardo - Vice President

LEGAL DESCRIPTION
OF
PROPERTY

EXHIBIT "A"

Part of the northwest ¼ of Section 18, T.2 N., R. 11 E., City of Troy, Oakland County, Michigan, commencing at the North ¼ corner of Section 18: thence along the north/south ¼ line S. 00°00′25″ E, 838.80 feet to the Point of Beginning: thence continuing S 00°00′25″ E, 391.05 feet; thence N 89°52′48″ W. 607.22 feet to a point on the east line of "Countryside Estates No. 1″ (L. 95. P. 27): thence along said line and also the east line of "Countryside Estates″ (L. 82. P. 9) N 00°49′00″ E, 421.49 feet; thence S 89°50′25″ E, 180.00 feet; thence S 00°49′00″ W, 30.00 feet; thence S 89°50′25″ E, 421.59 feet to the Point of Beginning. Containing 5.55 acres and subject to the rights of the public and of any governmental unit in any part of the land taken, used or deeded for road purposes and subject to easements and restrictions of record.

EXHIBIT "B"

Detailed Summary of Required Escrow Deposits or Performance Bond, Cash Fees & Deposits
Beachview Estates
8 Units - Section 18

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	$22,650
Water Mains	$32,960
Storm Sewers	$42,168
Rear Yard Drains	$35,424
Pavement - CONCRETE	$31,136
Grading	$10,925
Detention Basin	$3,000
Soil Erosion Control Measures	$2,035
Monuments and Lot Corner Irons	$430
Temporary Access Road	$1,500
Improvement of Park or Open Space	$5,000
Deceleration and/or Passing Lane - MAJOR ROAD	$5,600
Sidewalks - ON SITE	$5,400
Sidewalks - OFF SITE	$1,275
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$6,000
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$205,503**

+ $20,551 cash

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$650
Street Name and Traffic Signs	$504
Maintenance of Detention Basin (20 year)	$19,620
Soil Erosion and Sedimentation Control Permits	$514
Testing Services	$3,083
Engineering Review and Inspection	$15,639
TOTAL CASH FEES (NON-REFUNDABLE):	~~$40,009~~ 40,010

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	$324
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$2,000
Landscape Deposit	$21,613
Punchlist & Restoration Deposit	$3,309
TOTAL CASH DEPOSITS (REFUNDABLE):	**$27,246**

$87,806 Total cash

CASH RECEIPT
CITY OF TROY

FUND

Date 7-8 Yr 05

M CHOICE DEVELOPMENT

Address

DESCRIPTION	AMOUNT	
ESCROW DEPOSIT	20,551	00
WATER MAIN TESTING	650	—
SIGNS	504	—
MTNCE of DETENTION BASIN	19,620	—
SOIL EROSION	514	—
TESTING	3083	—
Eng Review	15,639	—
Cash Deposits	27,246	—
#3177 = 87,806.00 Total	87,807	—

Ck 1.00

All claims and returned goods MUST be accompanied by this receipt.

PAID

No D557158

Rec'd by

ORIGINAL

JUL - 8 2005

VALID RECEIPT ONLY WHEN STAMPED "PAID"

CITY OF TROY
TREASURER'S OFFICE

FORMS MANAGEMENT, INC. 248)543-0505

51110

Fidelity and Deposit Company

Home Office **OF MARYLAND** *Baltimore, MD. 21203*

License and/or Permit Bond

BOND NO. LPM8788012

KNOW ALL MEN BY THESE PRESENTS:

That we, CHOICE DEVELOPMENT CORP as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, incorporated under the laws of the State of Maryland, with principal office P.O. Box 1227, Baltimore, Maryland 21203, as Surety, are held and firmly bound unto THE CITY OF TROY, 500 W. Big Beaver Rd, Troy, MI 48084 , as Obligee, in the penal sum of Two hundred and five thousand, five hundred and three and no/100 Dollars, ($205,503.) lawful money of the United States, for which payment, well and truly be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly, by these presents.

WHEREAS, the above bounden Principal has obtained or is about to obtain from the said Obligee a license or permit for developing 8 units at Section 18, Beachview Estates and the term of said license or permit is as indicated opposite the block checked below:

☐ Beginning the _ day of_ 1999, and ending the day of _ 2000.

x Continuous, beginning the **15th** day of July 2005.

WHEREAS, the Principal is required by law to file with THE CITY OF TROY a bond for the above indicated term and conditioned as hereinafter set forth.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden Principal as such licensee or permittee shall indemnify said Obligee against all loss, costs, expenses or damage to it caused by said Principal's non-compliance with or breach of any laws, statutes, ordinances, rules or regulations pertaining to such license or permit issued to the Principal, which said breach or non-compliance shall occur during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that if this bond is for a fixed term, it may be continued by Certificate executed by the Surety hereon; and

PROVIDED FURTHER, that regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the amount of this bond, and

PROVIDED FURTHER, that if this is a continuous bond and the Surety shall so elect, this bond may be cancelled by the Surety as to subsequent liability by giving thirty (30) days notice in writing to said Obligee.

Signed, sealed and dated the 8th day of July , 2005.

By _____

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By Irene Basso

Irene Basso *Attorney-in Fact*

May 2, 2006

TO: The Honorable Mayor and City Council Members

FROM: John M. Lamerato, Acting City Manager

SUBJECT: Schedule a Special Meeting for the Purpose of Deliberation and Action on the Selection of a City Manager

After applications are reviewed in Closed Session on May 15, 2006, the following activities are scheduled with City Manager candidate finalists:

Friday, June 9, 2006

9:00 a.m.	City tour for candidates
11:00 a.m.	45-minute sessions for each candidate to meet with senior management
5:30 p.m.	Public reception

Saturday, June 10, 2006

8:00 a.m.	Interview preparation meeting -Tom Dority and Peggy Clifton with City Council
9:00 a.m.	Interviews with finalists scheduled at 1 ½ hour intervals
4:00 p.m.	Council deliberation and action

The June 10, 2006 activities must be conducted as a public Special Meeting. Therefore I recommend that City Council schedule a Special Meeting for June 10, 2006 in the Council Board Room beginning at 8:00 a.m.

Please call me if you have any questions.

May 1, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: Agenda Item: Emerald Food Service Contract

Recommendation

City Management recommends confirmation of the one-year contract with EFS expiring April 30, 2007.

Background

The contract as attached is for one year and includes a 90-day option to cancel.

City Management intends to go out for bid or proposal on this service within 60 days. As this contract expires April 30, 2007, the new contract would commence May 1, 2007.

2005-06 Revenue

A preliminary report is attached with estimates of the total revenue generated by Emerald Foods from May 1, 2005 through April 27, 2006. Based on this report, the estimated revenue to the City of Troy is $33,600.00 in addition to the annual rent of $6,960.00 for annual income of $40,560.00.

Approved as to form and legality:

_____
Lori Grigg Bluhm, City Attorney

Attachments

3:00 PM
04/28/06
Accrual Basis

Emerald Food Service LLC
2005 / 2006 Revenue
May 2005 through April 2006

	May '05 - Apr 06
Ordinary Income/Expense	
Income	
4000 · Banquet Sales	217,938.57
4006 · Emerald Vending	2,758.55
4010 · Cafe Sales	204,636.72
4030 · Service Fee Income	36,900.52
4100 · Sanctuary Sales	
4110 · Liquor Sales	1,517.17
4120 · Grill Sales	2,639.72
Total 4100 · Sanctuary Sales	4,156.89
Total Income	466,391.25

AGREEMENT FOR THE COMMUNITY CENTER CAFÉ/PRO SHOP

THIS AGREEMENT entered into on May 1, ____, 2006, between the CITY OF TROY, 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter referred to as the "City", and EMERALD FOOD SERVICES I, L.L.C., a Michigan limited liability company, whose address is 1980 Greenfield Road, Berkley, Michigan 48072, as the Café/Pro Shop Operator, hereinafter referred to as the "Operator";

WITNESSETH:

In consideration of the City granting to the Operator the exclusive privilege and right of conducting the sale of food, beverages, and other sundry pro shop related articles, including catering rights but excluding those times when Operator is preempted as set out in Paragraph 8, in the Troy Community Center, 3179 Livernois, Troy, Michigan 48083, the Operator agrees as follows:

1. REVENUE SHARING PLAN: Simultaneously with this Agreement, the Operator and the City are entering into an Agreement for Food Service at Sanctuary Lake Golf Course. The parties to this Agreement (Agreement for the Community Center Café/Pro Shop) desire to use the same revenue sharing plan as set out in the Agreement for Food Service at Sanctuary Lake Golf Course and, for computation purposes, the parties desire to combine the gross receipts for the food and beverage operation at both the Community Center Café/Pro Shop and Sanctuary Lake Golf Course, including all monies derived from the operation of the café/pro shop, catering service including off-premises catering where food was prepared in the Troy Community Center kitchen but excluding

revenue from coffee/tea service at the Community Center for seniors from 8:00 a.m. to noon, the golf course grill room, the golf course outside food service area, catering for golf outings and sundry items at both locations less Michigan Sales Tax (6% as of the date of this Agreement). Vending machine sales at the Troy Community Center only shall be included as part of the revenue sharing plan as set out in Paragraph 3. In exchange, the Operator agrees to pay the City an incremental percentage of the combined yearly gross receipts of both facilities with a guaranteed minimum per year based on the revue sharing plan as follows:

Yearly Gross Receipts	% to City
0 to $200,000	$10,000 guaranteed minimum (Minimum guaranteed per year)
$200,001 to $300,000	7
$300,001 to $600,000	10
$600,001 per year or more	12

Within sixty (60) days after the end of each combined fiscal year (that is, the fiscal year for both the Troy Community Center Café/Pro Shop and the Sanctuary Lake Golf Course food service), the Operator will provide an accounting of gross receipts from that previous combined fiscal year with the amount due the City of the percentage of gross receipts under the revenue sharing plan. The City has the right to request documentation of the reconciliation and shall be provided with access to books and records of the Operator for review or audit, if deemed necessary. In additional monies are due the City for that previous combined fiscal year of operation, those monies shall be paid forthwith to the City but no later than sixty (60) days after the end of that

previous combined fiscal year. In the event that the Operator submits documentation acceptable to the City that it has overpaid the City during that previous combined fiscal year of the operation under the revenue sharing plan, the City will refund the overpayment to the Operator.

The parties agree that the final figure accepted by the City as the previous combined fiscal year gross receipts shall be used to compute payments under the Agreement for the current fiscal year of operation if the option to renew the Agreement is exercised. That figure shall be divided by 12 to obtain the monthly payment amount for the current combined fiscal year of operation. Those payments shall continue to be due and payable to the City on the first (1st) of each month and calculated as set out above. At the end of each combined fiscal year that the Agreement is in effect by extensions of the Agreement, or whenever the Agreement is terminated, the Operator will provide an accounting of gross year receipts for the previous combined previous fiscal year, and/or for the current combined fiscal year to date if there is a termination of the Agreement prior to the end of a contract period, and reconcile the amount paid to the City with the amount due the City and the terms and conditions set out above for any money due to the City or any refund due to Operator shall apply.

2. SEPARATE AGREEMENTS: It is understood and agreed that a separate Agreement establishing terms and conditions between the City and Operator for food service at Sanctuary Lake Golf Course is being signed simultaneously with this Agreement. That Agreement for Sanctuary Lake Golf Course includes the revenue sharing plan as set out in Paragraph 1 of this Agreement. If the

Agreement for Food Service at Sanctuary Lake Golf Course is terminated or not extended but this Agreement is not terminated or is extended, the revenue sharing plan set out in Paragraph 1 shall continue in effect without including gross receipts from Sanctuary Lake Golf Course. Renewal or extension of this Agreement is not contingent on renewal or extension of the Sanctuary Lake Golf Course Agreement.

3. VENDING MACHINES: The Operator shall have the exclusive right to contract with a vendor to provide for vending machine service at the City of Troy Community Center. The Operator shall in no way represent to any persons, corporations or any other entity that they are acting as an agent of the City of Troy or have the authority to bind the city to any contracts. No vending machine shall contain cigarettes, tobacco products or alcoholic beverages but rather shall contain food and non-alcoholic beverage items only. The Director of Parks and Recreation or his or her designee shall approve the vending machine items and prices. Gross receipts from vending machines sales shall be included as part of the revenue sharing plan set out in Paragraph 1. Those gross receipts shall be that percentage of revenue paid to the Operator under its contract with the vending machine vendor. Those gross receipts shall be added into total gross receipts per year and paid to the City as provided in Paragraph 1.

The City shall have the right to verbally request a copy of the signed agreement or any amendments, supplements or subsequent agreements between the Operator and the vending machine vendor or vendors and the Operator shall provide the same within ten (10) days of the request.

4. LOCATION OF VENDING MACHINES: The Director of Parks and Recreation, or his or her designee, shall have the sole discretion to determine where the vending machines are placed in the Community Center and how many vending machines shall be on the premises at any one time. Once the initial determination is made regarding the location and number of vending machines, the Director of Parks and Recreation shall give thirty (30) days written notice of any change to the location and number of vending machines.

5. OPERATIONAL HOURS OF VENDING MACHINES: All vending machines shall be accessible to the public when the Café/Pro Shop is closed to the public.

6. MAINTENANCE OF PREMISES AND REPAIR OF VENDING MACHINES: The Operator is responsible for the cleaning, maintenance and repair of the vending machines and all costs associated with the cleaning, maintenance and repair of the vending machines. The Operator shall make a good faith effort to see that the vending machines are fully operational at the times set out in Paragraph 5. If the City notifies the Operator of the need for cleaning, maintenance or repair of any vending machine and the Operator fails to correct the problem within three (3) days, the City may take reasonable action to correct the problem. Any costs incurred by the City for the cleaning, maintenance or repair of the vending machines will be the responsibility of the Operator. Invoices submitted to the Operator by the City for reimbursement of said costs shall be paid within fifteen (15) days.

7. USE OF KITCHEN AND LIMITATIONS: The Operator shall provide a food/beverage service to all users of the Troy Community Center. The Operator

shall provide coffee/tea service in the Dining Room for seniors from 8:00 a.m. to noon at a maximum price of $ .30/cup.

The Operator shall be the exclusive caterer of commercially prepared food/beverage served in the following rooms of the Troy Community Center: 301,302,303, 304,305 AND 402. Another caterer may be used if the Operator is first consulted and acknowledges that it cannot provide the food requested by a group. User groups that wish to have food/beverages catered for their meetings shall make arrangements, including payment, directly with the Operator.

The Operator's services shall include preparation, delivery and clean-up of food/beverages.

The Operator shall not have the exclusive catering rights to serve pre-packaged food/beverage and items prepared from scratch at home for meetings and events in rooms not set out in this Paragraph. User groups will be permitted to bring snacks and food made from scratch at home but not meals to serve its members.

The Operator shall provide complimentary dinner and beverages for 100 persons from the catering menu for one (1) Parks and Recreation Department program each year of the Agreement (for example, the Friday Frolic or Senior Dance). Said event will be chosen at the discretion of the City.

8. PREEMPTION OF USE OF KITCHEN: The Operator shall have exclusive use of the kitchen except if preempted by the Troy Parks and Recreation Department for special programs and events. The City will make every effort to notify the Operator of those programs and events as soon as possible before each event.

The Operator, who at the effective date of this Agreement, is also the provider of senior lunches for the Senior Citizen Nutrition Program in Troy, acknowledges that, if in the future, the Operator is no longer providing senior lunches under that program that the contractor for the Senior Citizens Nutrition Program will preempt the Operator for use of the kitchen during the times it is necessary to prepare senior lunches for that program, generally, Monday through Friday from 6:00 a.m. to 2:00 p.m. Operator will not be allowed any use of the kitchen during those times it is preempted as set out herein.

9. HOURS OF OPERATION: The operating schedule for the Café/Pro Shop, unless preempted as set out in Paragraph 8, shall be as follows:

A. Monday to Friday: 7:00 a.m. to 1:30 p.m. and 5:00 p.m. to 8:00 p.m.

B. Saturday and Sunday: 9:00 a.m. to 3:00 p.m.

C. The schedule may change to meet user demand as agreed to by the parties.

10. MAINTENANCE OF PREMISES: The Operator shall maintain the interior of the kitchen/dining area (except the dining area floor), the service window, if applicable, and all adjacent areas in a clean and neat manner and in compliance with all City ordinances, State law and applicable health standards and regulations. The Operator shall maintain the trash receptacles in the kitchen/dining area. The Operator is responsible for cleaning all equipment and reporting any type of mechanical problem to the Parks and Recreation Department.

11. OPERATOR'S EMPLOYEES: The Operator shall provide appropriate uniforms and name badges for its employees and shall require that all employees maintain themselves and their uniforms in a clean and neat appearance. The Operator is responsible for all wages, benefits or any other condition of employment and acknowledges that its employees have no employment relationship with the City. The City shall have the right to mandate that the Operator terminate an employee for inappropriate behavior. The Operator shall have three (3) days from the date that is first has information that the City has requested that an employee be terminated, to file a written request for an informal meeting with the Department of Parks and Recreation. That request shall set out the reason for the Operator's objection to the City's request to terminate the employee and the Operator's proposal as to what action, if any, should be taken against the employee. The City and the Operator shall meet informally as soon as possible at a mutually convenient date and make a good faith effort to resolve their differences. If an agreement regarding the employee cannot be reached, the Operator shall terminate the employee.

12. INSPECTIONS AND REPAIRS: The City shall have the right to enter and/or inspect the kitchen area at any reasonable time and make repairs and/or improvements as it deems necessary. The expense of periodic maintenance caused by normal wear and tear of the kitchen equipment will be paid by the City. Other repairs will be done at the City's expense unless it is determined that the repair was necessary due to the misuse or negligence of the Operator, its employees and/or agents in which event the Operator shall be responsible for the

costs of said repair. The City will make every effort to notify the Operator in advance if non-City employees will be entering onto the premises at the City's request. Any additions, repairs and/or improvements made on the premises shall become property of the City.

13. NO INTOXICATING LIQUOR: The Operator, its employees and/or agents shall not sell intoxicating liquor or permit and/or knowingly allow intoxicating liquor to be consumed in the kitchen/dining area or in any part of the Community Center where it is catering. The Operator shall be deemed responsible if such conduct occurs. The Operator shall not sell or provide intoxicating liquor for off-premises catering where food has been prepared in the Troy Community Center kitchen.

14. KITCHEN SUPPLIES/EQUIPMENT AND MODIFICATIONS: The Operator shall provide all necessary small cooking utensils and disposable supplies and personnel to staff the operation of the kitchen/dining area and the catering service. Building and/or equipment modifications shall be approved in advance by the City and shall become the property of the City at the conclusion or upon termination by either party of this Agreement. Additionally, the City shall approve equipment brought into the facility by the Operator or at the request of the Operator in advance of delivery to the Community Center.

15. PRICES/PRICE AND HOURS CHANGES: Products sold or marketed, the prices charged and the operation schedules of the kitchen/dining area are subject to regulation by the City and , once established, no changes shall be made without prior approval of the Director of Parks and Recreation or his/her

designee. Prices will be re-evaluated at the conclusion of each year of the Agreement. Increases in prices shall be no greater than the percentage increase of the Consumer Price Index of Food Eaten Away from Home. Prices shall be posted for patrons and a detailed printed description of prices shall be available for review by the City.

16. RECORDS: The Operator shall keep accurate records of all sales and receipts through the use of computerized/electronic cash registers which provide daily tapes and reports. Those cash registers shall be approved by the City prior to commencement of the Agreement. The Operator shall submit a copy of its monthly Michigan Department of Treasury Sales Tax Return by the 20th date of the month following the month for which the Return was filed. An annual report, summarizing the monthly reports, shall be submitted to the City within sixty (60) days after the first anniversary date of the Agreement and each year thereafter that the Agreement is in effect. The City shall have the right to inspect the books, records and inventories of the Operator at any reasonable time.

17. RENTAL OF ADDITIONAL SPACE: In addition to the terms and conditions of this Agreement, the Operator shall be entitled to the use of an additional 464 square feet of space within the Troy Community Center as shown on the attached Exhibit A for a rental payment of $6,960.00 per year or $580.00 per month ($15.00 per square foot). By the first (1st) day of each month, the Operator shall pay rent of $580.00 per month for this space. This space is to be used only for office and for business relating to the operation of the Troy Community Center and/or Sanctuary Lake Golf Course food service. This

provision for rental of space runs with this Agreement only and shall become null and void at the expiration of the Agreement or at the termination for any reason and the space shall be vacated within ten (10) days of the either of those occurrences.

A. Equipment and Building Modifications: The Operator shall provide all necessary equipment, supplies and building modifications for the space. Building modifications and additions, including but not limited to fixtures, a door, carpeting, electrical outlets and voice/data connections must be approved by the City in advance and shall become the property of the City at the expiration or termination of this Agreement. The costs associated with building modifications that are necessary to make the space a viable office shall be the responsibility of the Operator. Equipment brought into the space must also be approved in advance by the City.

B. Maintenance: The Operator shall maintain the interior of the space in a clean and neat manner and in compliance with all City ordinances and State law. This includes, but is not limited to, the removal of trash to the proper containers.

C. Hours of Availability: The Operator acknowledges that the rental space shall only be available during the hours of operation of the Troy Community Center. The Operator also waives any claim or cause of action regarding the non-availability of the space as set out herein or for emergency periods when, due to weather electrical power outages,

or acts of nature, the Troy Community Center remains closed for operation.

18. ASSIGNMENT OF AGREEMENT/INDEPENDENT CONTRACTOR: The Operator shall have no authority or power to assign, sublet and/or transfer any rights, privileges or interests under this Agreement without prior written consent from the City. The Operator acknowledges that it is an independent contractor with no authority to bind the City to any contracts or agreements, written or oral.

19. COMPLIANCE WITH LAWS: The Operator shall at all times be in compliance with all federal and state statutes and the City ordinances and with all Oakland County Health Department licensing requirements, rules and regulations.

20. INSURANCE: The Operator shall maintain liability insurance in the amount of three million ($3,000,000.00) dollars for any actions, claims, liability or damages caused to persons and/or property arising out of the operation and/or maintenance of the food service, kitchen/dining area and its catering operation both on-premises and off-premises where food has been prepared in the Troy Community Center kitchen, in addition to product liability insurance and worker's compensation. All insurance coverage shall be approved by the City. Certificates of Insurance shall comply with the sample form attached to the Request for Proposal. The City shall be named as an additional insured under all policies except worker's compensation. All insurance companies must be licensed and admitted to do business in the State of Michigan. All insurance set out herein shall be maintained for the duration of the Agreement. Failure to

maintain coverage or to continue to maintain coverage shall be considered a breach of contract with immediate termination of the Agreement at the will of the City. The Operator is responsible for any deductibles under its policies of insurance.

21. INDEMNIFY/HOLD HARMLESS: The Operator agrees to indemnify and hold the City harmless for any claims, actions, liabilities or damages arising out of the operation, maintenance or management of the food service, kitchen/dining area, on-premises catering and off-premises catering where food has been prepared in the Troy Community Center kitchen.

22. REPORTS OF CLAIMS: Copies of all claims, damage or accident reports received by the Operator, its employees and/or its agents, whether submitted to an insurance company or not, relating to any damage or accident that occurred or is alleged to have occurred shall be sent to the City.

23. PERSONAL PROPERTY TAXES: The Operator shall be liable for any personal property taxes assessed against its equipment or inventory.

24. UTILITY COSTS: The City will pay utility costs.

25. TERM OF AGREEMENT: The effective date of this Agreement is May 1, 2006 and shall terminate one (1) year from that date or on April 30, 2007 unless cancelled by either party upon ninety (90) days written notice sent by certified mail as set out in Paragraph 26. Cancellation may be without cause by either party.

26. NOTICE: All written notices to be given under this Agreement shall be mailed by certified mail, return receipt requested, to the other party at its address

set forth herein or at such address as the party may provide in writing from time to time. Any such notice shall be deemed to have been received five days subsequent to mailing.

27. SECTION HEADINGS: All section headings contained herein are for the convenience of reference only and are not intended to define or limit the scope of any provisions of this Agreement.

28. SEVERABILITY: If any provision of this Agreement or the application of such provision to any person, entity or circumstance shall be held invalid, the remainder of this Agreement, or the application of such provision to persons, entities or circumstances, other than those as to which it is held invalid, shall not be affected.

29. ENTIRE AGREEMENT: This Agreement incorporates by reference the Request for Proposal and the Operator's Proposal as thought fully set out herein. These documents constitute the entire Agreement and any changes thereto shall be in writing signed by both parties unless otherwise set out in this Agreement.

IN WITNESS WHEREOF, the City and the Operator have executed this Agreement.

EMERALD FOOD SERVICES I, L.L.C.

Kim Haveraneck
Member

Dated: 5/1/06

CITY OF TROY,

By: Louise E. Schilling, Mayor

By: Tonni Bartholomew, City Clerk

AGREEMENT
FOOD SERVICE AT SANCTUARY LAKE GOLF COURSE

THIS "AGREEMENT" entered into on May 1, 2006, between the CITY OF TROY, 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter referred to as the "City", and Emerald Food Services I, L.L.C., a Michigan limited liability company, whose address is 1980 Greenfield, Berkley, Michigan 48072, hereafter known as the food service provider for Sanctuary Lake Golf Course, hereinafter referred to as the "Operator";

WITNESSETH:

In consideration of the City granting to the Operator the exclusive privilege and right of conducting the sale of food, beverages including alcoholic beverages, vending machines, and catering rights for golf outings at the Sanctuary Lake Golf Course, the parties agree as follows:

1. REVENUE SHARING PLAN: Simultaneously with this Agreement, the Operator and the City are entering into an Agreement for use of the kitchen at the Troy Community Center, catering rights and the rental of space at the Community Center. The Community Center Café/Pro Shop Agreement sets up a revenue sharing plan.

The parties to this Agreement (Food Service at Sanctuary Lake Golf Course Agreement) desire to use the same revenue sharing plan as set out in the Community Center Café/Pro Shop Agreement and, for computation purposes, the parties desire to combine the gross receipts for the food and beverage operation at both the Community Center Café/Pro Shop and Sanctuary Lake Golf Course, including all monies derived from the operation of the café/pro shop, catering service including off-premises catering where food was prepared in the Troy Community Center kitchen but excluding revenue from coffee/tea service at the Center for seniors from 8:00 a.m. to noon, the golf course grill room, the golf course outside food service area, catering for golf outings and sundry items at both locations less Michigan Sales Tax (6% as of the date of this Agreement). Vending machine sales shall be included as part of the

revenue sharing plan as set out in the Community Center Café/Pro Shop Agreement, Paragraph 3. A sixteen percent (16%) service fee in lieu of a gratuity may be added to catering for golf outings only. That 16% service fee shall be included in the gross receipts under this Agreement. In exchange, the Operator agrees to pay the City an incremental percentage of the combined yearly gross receipts of both facilities with a guaranteed minimum per year based on the revenue sharing plan as follows:

Yearly Gross Receipts	% to City
0 to $200,000	$10,000 guaranteed minimum (Minimum guaranteed per year)
$200,001 to $300,000	7
$300,001 to $600,000	10
$600,001 per year or more	12

Within sixty (60) days after the end of each combined fiscal year (that is, the fiscal year for both the Troy Community Center Café/Pro Shop and the Sanctuary Lake Golf Course food service), the Operator will provide an accounting of gross receipts from that previous combined fiscal year with the amount due the City of the percentage of gross receipts under the revenue sharing plan. The City has the right to request documentation of the reconciliation and shall be provided with access to books and records of the Operator for review or audit, if deemed necessary. If additional monies are due the City for that previous combined fiscal year of operation, those monies shall be paid forthwith to the City but no later than sixty (60) days after the end of that previous combined fiscal year. In the event that the Operator submits documentation acceptable to the City that it has overpaid the City during that previous combined fiscal year of the operation under the revenue sharing plan, the City will refund the overpayment to the Operator.

The parties agree that the final figure accepted by the City as the previous combined fiscal year gross receipts shall be used to compute payments under the Agreement for the current fiscal year of operation if the option to renew the Agreement is exercised. That figure shall be divided by 12 to obtain the monthly payment amount for the current combined fiscal year of operation. Those payments shall continue to be due and payable to the City on the first (1st) of each month and calculated as set out above. At the end of each combined fiscal year that the Agreement is in effect by extensions of the Agreement, or whenever the Agreement is terminated, the Operator will provide an accounting of gross year receipts for the previous combined previous fiscal year, and/or for the current combined fiscal year to date if there is a termination of the Agreement prior to the end of a contract period, and reconcile the amount paid to the City with the amount due the City and the terms and conditions set out above for any money due to the City or any refund due to Operator shall apply.

2. SEPARATE AGREEMENTS: It is understood and agreed that a separate Agreement establishing terms and conditions between the City and Operator for food, catering and vending service at Troy Community Center Café/Pro Shop is being signed simultaneously with this Agreement. That Agreement for Sanctuary Lake Golf Course includes the revenue sharing plan as set out in Paragraph 1 of this Agreement. If the Agreement for the Community Center Café/Pro Shop is terminated or not extended but this Agreement is not terminated or is extended, the revenue sharing plan set out in Paragraph 1 shall continue in effect without including gross receipts from the Troy Community Center food, catering and/or vending service. Renewal or extension of this Agreement is not contingent on renewal or extension of the Agreement for the Community Center Café/Pro Shop Agreement.

3. USE OF KITCHEN AND LIMITATIONS: The Operator shall provide a food/beverage service to all users of the Sanctuary Lake Golf Course. The Operator shall be the exclusive caterer of commercially prepared food/beverages served at the golf course. User groups that

wish to have food/beverages catered for their events shall make arrangements, including payment, directly with the Food Service Operator. The Operator's services shall include preparation, delivery, and clean up of food and/ or beverages.

4. HOURS OF OPERATION: The operating schedule for the Sanctuary Lake Golf Course shall be as follows unless the designated City representative provides written amendments to the following schedule:

MINIMUM OPENING DATES AND TIMES

April 1st – April 25th:	Monday thru Sunday 7:30 am
April 26th – May 16th:	Monday thru Sunday 7:00 am
May 17th – June 6th:	Monday thru Sunday 6:30 am
June 7th – August 22nd:	Monday thru Friday 6:30 am Saturday & Sunday 6:00 am
August 23rd – September 5th:	Monday thru Sunday 6:30 am
September 6th – September 26th:	Monday thru Sunday 7:00 am
September 27th – November 15th:	Monday thru Sunday 7:30 am

Note: Opening dates and times are subject to change to meet user demand. A minimum of 72 hours notice will be given for all changes.

OPERATING TIMES FOR OUTSIDE GRILL AND BEVERAGE CART

The Outside Grill and Beverage Cart are expected to be open and running daily. The outside grill is to be opened no later than 9:30 a.m. and close no earlier than 5:00 p.m. daily. Upon agreement with the Director of Golf, the schedule may be changed to due weather and/or special circumstances.

Vending machines will be placed and filled for operation during the normal golf season with the exception of any vending machines that are placed in the golf range area. The golf range vending machines will be maintained during the entire year.

5. **MAINTENANCE OF PREMISES**: The Operator shall maintain the interior of the kitchen/dining area, vending area(s), outside food service area, the service window, if applicable, and all adjacent areas in a clean and neat manner and in compliance with all City ordinances, State law and applicable health standards and regulations. The Operator shall maintain the trash receptacles in all kitchen / dining areas. The Operator is responsible for cleaning all equipment and reporting any type of mechanical problem to the Parks and Recreation Department. The City has a contractor for the cleaning of all restrooms. However, the Operator shall be responsible for making sure that all restrooms which are located in the kitchen and grilling area only are kept in a clean and neat manner when the restroom cleaning contractor is not on site. This includes the picking up of all trash left on floors or counter-tops, restocking hand towels, toilet tissue, soap, and emptying any trash receptacles if needed. It will be the responsibility of the Operator to lock entrance and exit gates to the facility at the end of each day.

6. **OPERATOR'S EMPLOYEES**: The Operator shall provide appropriate uniforms and name badges for its employees and shall require that all employees maintain themselves and their uniforms in a clean and neat appearance. The Operator is responsible for all wages, benefits or any other condition of employment and acknowledges that its employees have no employment relationship with the City. The City shall have the right to mandate that the Operator terminate an employee for inappropriate behavior. All employees serving alcoholic beverages shall do so within the guidelines of the State of Michigan Liquor Laws and may be terminated due to violations of this law.

7. INSPECTION AND REPAIRS: The City shall have the right to enter and/or inspect the kitchen area at any reasonable time and make repairs and/or improvements, as it deems necessary. The City will pay the expense of periodic maintenance caused by normal wear and tear of the kitchen equipment. Any maintenance or repair to Operator equipment is the sole responsibility of the Operator. Other repairs will be done at the City's expense unless it is determined that the repair was necessary due to the misuse or negligence of the Operator, its employees and/or agents in which event the Operator shall be responsible for the costs of said repairs. The City will make every effort to notify the Operator in advance if non-City employees will be entering onto the premises at the City's request. Any additions, repairs and/or improvements made on the premises shall become the property of the City.

8. **SERVING OF ALCOHOLIC BEVERAGES**:

(A) The City shall require the Operator to maintain its liquor license for the premises known as Sanctuary Lake Golf Course under the Operator's name and keep the license in good standing during the term of the Agreement. Violation of the State of Michigan Liquor laws will be considered as a violation of the Agreement and may result in termination of the Agreement at the City's discretion. Employees serving alcoholic beverages shall do so in compliance with the State of Michigan Liquor laws and guidelines as set forth by the Michigan Liquor Control Commission. Serving violations by an employee will be just cause for termination of the Agreement at the City's discretion, and the Operator shall be deemed responsible if such conduct occurs. The Operator shall in no way jeopardize the liquor license obtained for the Sanctuary Lake Golf Course facility.

(B) The City grants to the Operator the possession and control of the Sanctuary Lake Golf Course, which includes the Outside Grill, for the limited purpose of controlling and monitoring

the consumption of alcohol on the premises, including the collection of money for alcoholic beverages. The City reserves to itself the exclusive right to operate the golf business at Sanctuary Lake Golf Course, including the collection of all fees related to playing of golf and the operation of a pro shop.

(C) The Operator agrees to assume the responsibilities of a liquor licensee at Sanctuary Lake Golf Course, and agrees to be responsible for all sanctions and/or penalties assessed for alleged violations of the Michigan Liquor Control Commission's Administrative Rules and Regulations and/or federal, state, or local laws concerning the sale of alcohol at Sanctuary Lake Golf Course. This includes the assumption of a licensee's responsibility for the actions of the Operator's employees, agents and/or representatives who sell alcohol.

(D) The Operator agrees that there shall be no sales of alcohol on the Sanctuary Lake Golf Course proper, but that the Operator, if licensed to do so by the Michigan Liquor Control Commission, may sell up to two beers per golfer at the Club House or the Outside Grill, which the golfer can then take onto the golf course for consumption.

(E) The City agrees to provide the Operator with a motorized golf cart, at no charge, for operation by the Operator's employees on the Sanctuary Lake Golf Course, in order to facilitate monitoring of alcohol consumption. The Operator agrees to coordinate its operation of the golf cart with the City's Director of Golf Operations, and understands and agrees that the City may provide back up security to monitor alcohol consumption on the Sanctuary Lake Golf Course.

(F) The Operator recognizes and agrees that the operation and control of normal golf activities lies exclusively with the City, except as otherwise provided in this Agreement.

(G) The Operator agrees to indemnify and hold the City harmless from any and all claims arising out of the sale of alcoholic beverages by the Operator, its employees, its agents and/or its representatives which occurred on City property.

(H) Both the City and the Operator acknowledge that a liquor license in the restaurant industry has a significant market value. Operator further acknowledges that if it desired to open a restaurant with liquor service in the private sector, it would have to secure a liquor license. The liquor license would have to be approved by a municipality, which might have a limited number of licenses or no licenses available; or the Operator might have to pay a substantial amount of money to purchase an existing liquor license from another liquor licensee. Operator understands that the City is not in the restaurant industry but desires to enhance the services available to the public at the City's Sanctuary Lake Golf Course, a municipal golf course, by having food and beverage service on the premises. The Operator acknowledges that it is the City's responsibility to insure a smooth transition of any food or beverage service at the Sanctuary Lake Golf Course if the Operator's Agreement is not renewed or if it is terminated. Therefore, the City is willing to forgo payment by the Operator of the market value of the liquor license which the City has agreed to approve for issuance to the food service vendor of the Sanctuary Lake Golf Course as part of the award of the bid in this matter, but if and only if, the food service vendor, in this instance the Operator, transfers the liquor license acquired by the food service vendor, in this instance the Operator, for Sanctuary Lake Golf Course to the City or the City's approved vendor at the termination of the Agreement by either party for any cause and/or for non-renewal of the Agreement. The Operator understands that this paragraph is an essential term and condition of this Agreement that the liquor license acquired by the Operator shall remain with the premises known as Sanctuary Lake Golf Course. The Operator understands that, but for the Operator's agreement to the terms and conditions in this

paragraph, that City Council would not have approved this Agreement. Therefore, the Operator shall transfer the liquor license acquired for the Sanctuary Lake Golf Course to the new food service vendor selected by the City Council or to the City upon termination for any cause or by any party of the Agreement or upon non-renewal of the Agreement.

(I) Upon termination of this Agreement by either party or upon expiration and non-renewal of the Agreement, the Operator shall cooperate fully and professionally to insure the transfer of the liquor license to the new food service vendor or the City, at the City's discretion. The Operator acknowledges that failure to cooperate in the transfer of the liquor license as set out herein will result in severe money damages to the City, loss of the liquor license and loss of the market value of the liquor license by the City. In lieu of a denial by a court of specific performance under this Agreement for the transfer of the liquor license to the City or a new food service vendor approved by the City, the City shall be entitled to payment of the market value of the liquor license in the amount of $100,000.00, representing a minimum market value of the liquor license.

(J) Although the term of this Agreement is a one (1) year period commencing on May 1, 2006, the City agrees that if this Agreement is terminated prior to April 30, 2007 by the City for reasons other than violation of the State of Michigan Liquor Law and guidelines as set forth by the Michigan Liquor Control Commission, the City will purchase and take possession of all non-food inventory including by way of example, but not limited to, dishes, small wares, silverware, glasses, serving pieces, equipment (including any specialized golf carts), non Emerald Food Service signage, and the like. The cost for such purchases shall be the Operator's documented cost of acquisition for such items minus depreciation based on the rules and regulations published by the Internal Revenue Service Act 1986, as amended. The Operator shall also have the discretion to remove those items from the premises and not receive payment as set out

herein. The City shall pay the costs of the non-food inventory as set out herein within sixty (60) days after receipt of documentation of Operator's cost.

(K) Additionally, if the Agreement is terminated by the City within the one (1) year period for reasons other than violation of the State of Michigan Liquor Law and guidelines as set forth by the Michigan Liquor Control Commission, the City shall also pay to the Operator the documented cost associated with the acquisition of a liquor license for example, the application and processing fee. The City shall not be responsible for the potential market value of the liquor license, any unopened liquor or other items not directly related to the acquisition of a liquor license. The City shall pay the costs for the acquisition of the liquor license as set out herein within sixty (60) days after receipt of documentation of Operator's cost.

9. ENTERTAINMENT: There shall be no entertainment including, but not limited to, music, singers, dancing, videos, movies, DVD's, modeling, magicians, without approval of the Director of Parks and Recreation.

10. KITCHEN SUPPLIES / EQUIPMENT AND MODIFICATION: The Operator shall provide all necessary supplies and personnel to staff the operation of the kitchen/dining area(s), catering service for golf outings, and vending machines that are required and not on the ***Kitchen Equipment*** List attached to the Request for Proposal. Building and/or equipment modifications shall be approved in advance by the Director of Parks and Recreation or his or her designated representative and shall become the property of the City at the conclusion or upon termination by either party of this Agreement. Additionally, the designated City representative shall approve equipment brought into the facility by the Operator or at the request of the Operator in advance of delivery to the Sanctuary Lake Golf Course. Any modification or

addition of equipment required by the Oakland County Health Department shall be the responsibility of the Operator.

11. PRICES / PRICE AND HOUR CHANGES: Products sold or marketed, the prices charged, and the operation schedules of the kitchen/dining area(s) are subject to regulation by the City and, once established, no changes shall be made without prior approval of the Director of Parks and Recreation or his/her designee. Prices will be re-evaluated at the conclusion of each year of the Agreement. Increases in prices shall be no greater than the percentage increase of the Consumer Price Index of Food Eaten Away from Home. Prices shall be posted for patrons and a detailed printed description of prices shall be available for review by the City.

12. RECORDS: The Operator shall keep accurate records of all sales and receipts through the use of computerized/electronic cash registers which provide daily tapes and reports. The City, prior to commencement of the Agreement, shall approve the cash registers that will be used for the operation of the food services described in this agreement. At the City's option, Operator shall make available for inspection by the City, or it's designated representative or shall submit forthwith at City's request, a copy of its monthly Michigan Department of Treasury Sales Tax Return. An annual report, summarizing the monthly reports, shall be submitted to the City within sixty (60) days after the first anniversary date of the Agreement and each year thereafter that the Agreement is in effect. The City shall have the right to inspect the books, records, and inventories of the Operator at any reasonable time.

13. ASSIGNMENT OF AGREEMENT / INDEPENDENT CONTRACTOR: The Operator shall have no authority or power to assign, sublet and/or transfer any rights, privileges or interests under this Agreement without prior written consent from the City. The Operator

acknowledges that it is an independent contractor with no authority to bind the City to any contracts or agreements, written or oral.

14. COMPLIANCE WITH LAWS: The Operator shall at all times be in compliance with all federal and state statutes and City ordinances and with all Oakland County Health Department licensing requirements, rules and regulations. The serving of alcoholic beverages will be in full compliance with State of Michigan Liquor Laws. The Operator will be responsible to obtain a State of Michigan Liquor License and keep it in force during the term of the contract. If the Operator receives liquor violations that jeopardize the facility's liquor license, the violations will be considered a breach of contract and, at the City's discretion, the contract may be terminated.

15. INSURANCE: The Operator shall maintain liability insurance for any actions, claims, liability or damages caused to persons and/or property arising out of the operation and/or maintenance of the food service, kitchen/dining area(s) and its catering operation for golf outings where food has been prepared in the Sanctuary Lake Golf Course food preparation area(s), in addition to liquor liability insurance, product liability insurance, and worker's compensation. All insurance coverage shall be approved by the City. Certificates of Insurance shall comply with the sample form attached to the Request for Proposal. The City shall be named as an additional insured under all policies except worker's compensation. All insurance companies must be licensed and admitted to do business in the State of Michigan. All insurance set out herein shall be maintained for the duration of the Agreement. Failure to maintain coverage or to continue to maintain coverage shall be considered a breach of contract with immediate termination of the Agreement at the will of the City. The Operator is responsible for any deductibles under its policies of insurance. The Operator agrees to indemnify and hold the City harmless for any claims, actions, liabilities or damages arising out of the operation,

maintenance or management of the food service, kitchen/dining area(s), vending area(s), on-premises catering for golf outings where food has been prepared in the Sanctuary Lake Golf Course food preparation area(s).

16. REPORTS OF CLAIMS: Copies of all claims, damage, or accident reports received by the Operator, its employees and/or agents, whether submitted to an insurance company or not, relating to any damage or accident that occurred or is alleged to have occurred shall be sent to the City.

17. PERSONAL PROPERTY TAXES: The Operator shall be liable for any personal property taxes assessed against its equipment or inventory.

18. UTILITY COSTS: The City will pay utility costs.

19. TERM OF AGREEMENT: The effective date of this Agreement is May 1, 2006 and shall terminate one (1) year from that date or on April 30, 2007 unless cancelled by either party upon ninety (90) days written notice sent by certified mail as set out in Paragraph 20. Cancellation may be without cause by either party. If cancellation by the City is without cause prior to April 30, 2007, the additional terms of Paragraphs 8(J) and 8(K) shall apply.

20. NOTICE: All written notices to be given under this Agreement shall be mailed by certified mail, return receipt requested, to the other party at its address set forth herein or at such address as the party may provide in writing from time to time. Any such notice shall be deemed to have been received five days subsequent to mailing.

21. SECTION HEADINGS. All section headings contained herein are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

22. ENTIRE AGREEMENT: This Agreement incorporates by reference the Request for Proposal, General Specifications, Vendor's Questionnaire, and the Operator's Proposal as set out herein. These documents constitute the entire Agreement and any changes thereto shall be in writing signed by both the parties unless otherwise set out in the Agreement.

IN WITNESS WHEREOF, the City and the Operator have executed this Agreement.

EMERALD FOOD SERVICES I, L.L.C.

By: Kim Haveraneck
Member

CITY OF TROY,

By: Louise E. Schilling, Mayor

By: Tonni Bartholomew, City Clerk

Dated: 5/1/06

Date: May 1, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (MAY 15, 2006) – PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL – PUD-5 CASWELL TOWN CENTER – East Side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1, Section 2

RECOMMENDATION

The Planning Commission held a public hearing on the item on March 28, 2006 and recommends Preliminary PUD Approval of PUD-5 Caswell Town Center. City Management agrees with the Planning Commission and recommends Preliminary PUD Approval of PUD-5 Caswell Town Center.

BACKGROUND

The applicant proposes a mixed-use development including three (3) retail buildings totaling 19,100 square feet in area, seventy-four (74) attached condominium units and fourteen (14) detached single-family homes. The project utilizes a number of innovative sustainable design features including bioswales and pervious pavement.

A report was prepared for this project by the City's Planning Consultant, Richard Carlisle of Carlisle/Wortman Associates, Inc. This report provides a detailed explanation of the project, including how the project meets the criteria for PUD approval. The report recommends approval of PUD-5 Caswell Town Center.

A neighborhood input meeting was held by the petitioner at Petruzello's on July 28, 2005 to solicit input from neighbors. All residents within 300 feet of the subject property were mailed invitations. Approximately 25 residents attended the meeting. The treasurer of the Maple Forest of Troy Homeowners Association provided a letter of support for the project.

Prepared by RBS, MFM

Attachments:
1. Maps.
2. Planned Unit Development/Site Plan Review, prepared by Carlisle/Wortman Associates, Inc., dated April 27, 2006.
3. Letter of Support from Treasurer of Maple Forest of Troy Homeowners Association, dated February 20, 2006.
4. Miscellaneous correspondence from residents.

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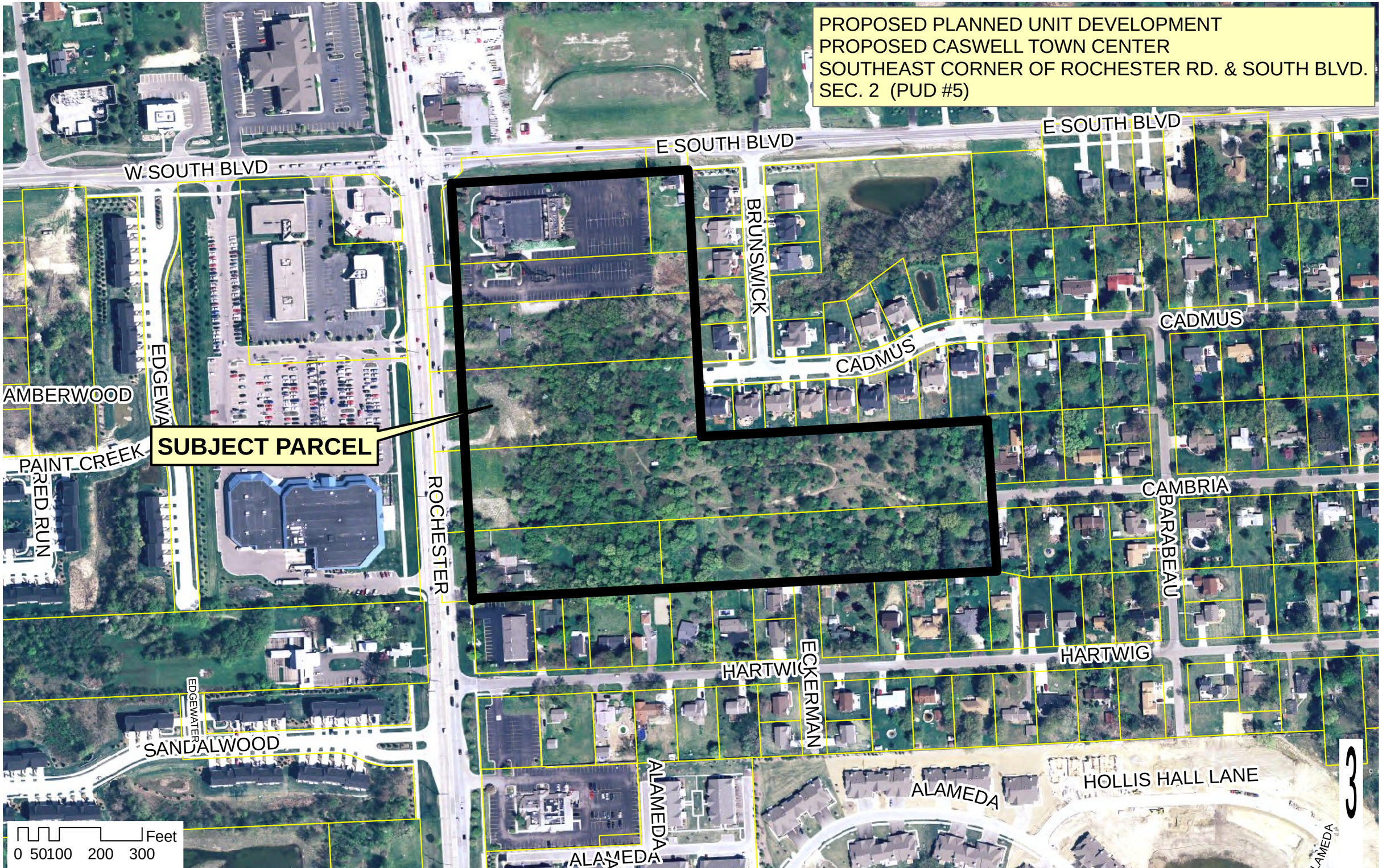
CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.


PROPOSED PLANNED UNIT DEVELOPMENT
PROPOSED CASWELL TOWN CENTER
SOUTHEAST CORNER OF ROCHESTER RD. & SOUTH BLVD.
SEC. 2 (PUD #5)
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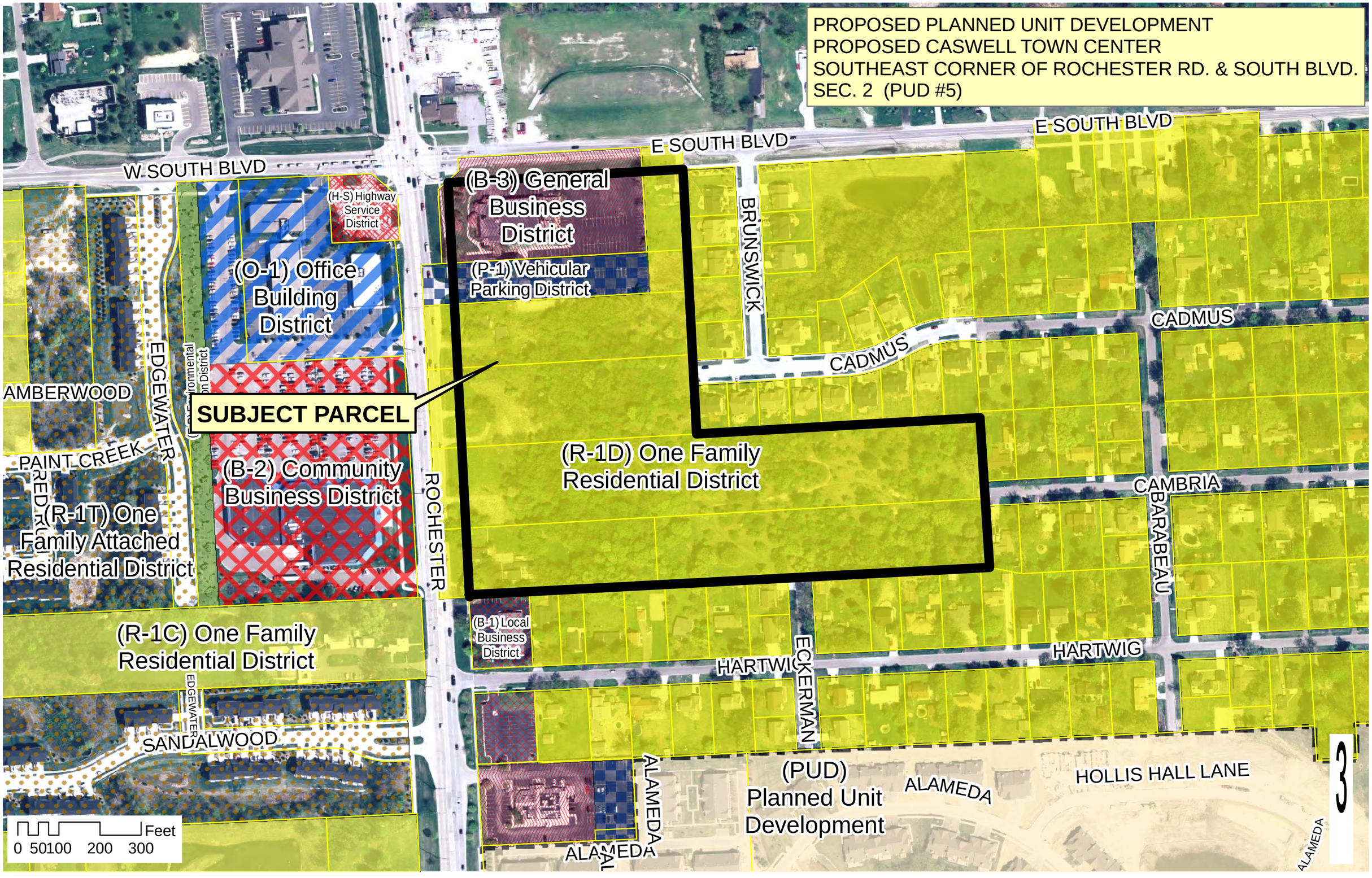
PROPOSED PLANNED UNIT DEVELOPMENT
PROPOSED CASWELL TOWN CENTER
SOUTHEAST CORNER OF ROCHESTER RD. & SOUTH BLVD.
SEC. 2 (PUD #5)
E SOUTH BLVD
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(B-3) General Business District
(H-S) Highway Service District
(O-1) Office Building District
(P-1) Vehicular Parking District
BRUNSWICK
CADMUS
CADMUS
AMBERWOOD
EDGEWATER
SUBJECT PARCEL
PAINT CREEK
(B-2) Community Business District
(R-1D) One Family Residential District
CAMBRIA
CABARABEAU
ROCHESTER
(R-1T) One Family Attached Residential District
(R-1C) One Family Residential District
(B-1) Local Business District
HARTWIG
HARTWIG
ECKERMAN
EDGEWATER
SANDALWOOD
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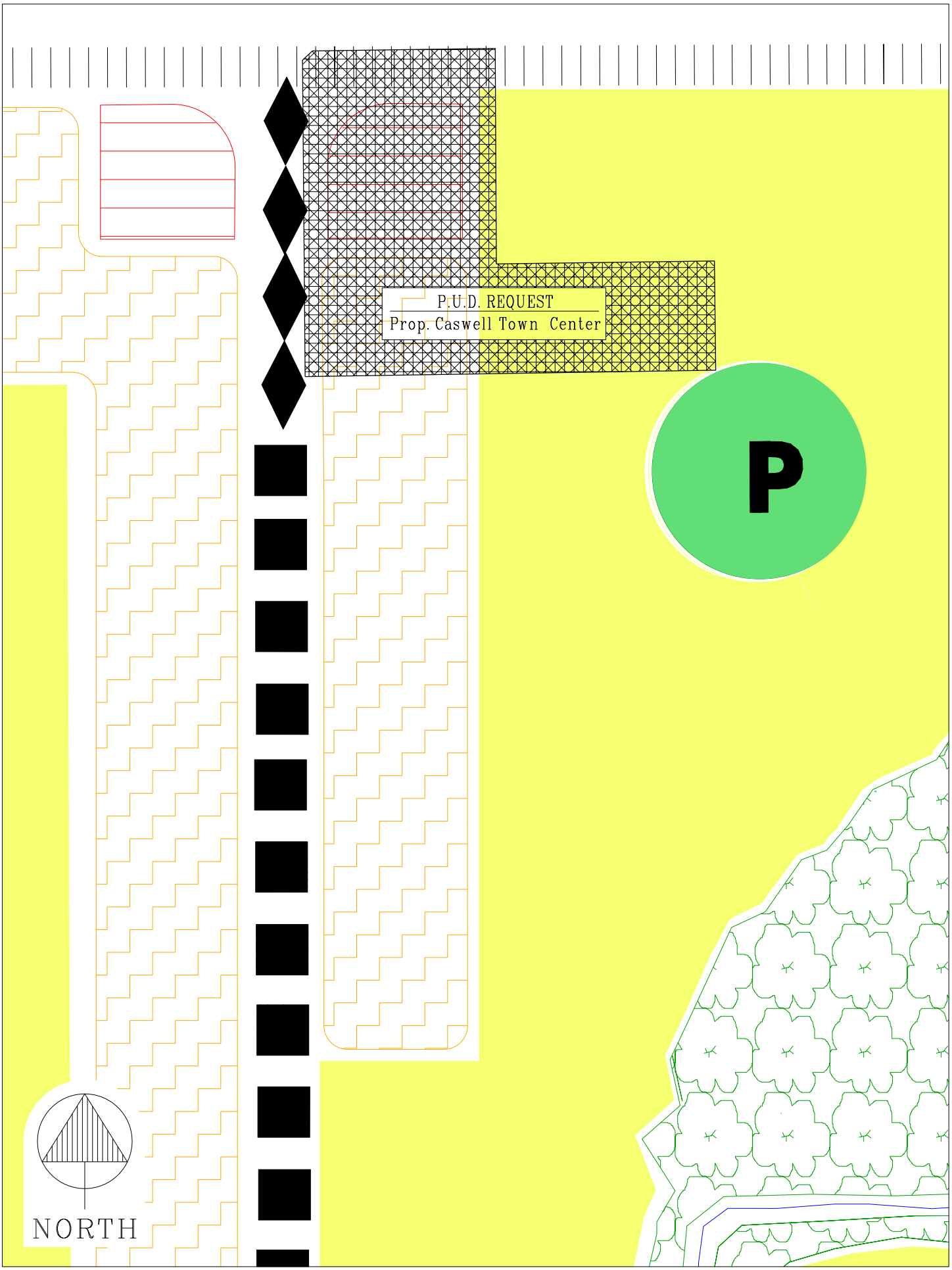
FUTRUE LAND USE PLAN



CARLISLE/
WORTMAN
Associates, Inc.

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 *fax* 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 *fax* 248-625-8455

Date: April 27, 2006

Planned Unit Development/Site Plan Review
For
City of Troy, Michigan

GENERAL INFORMATION

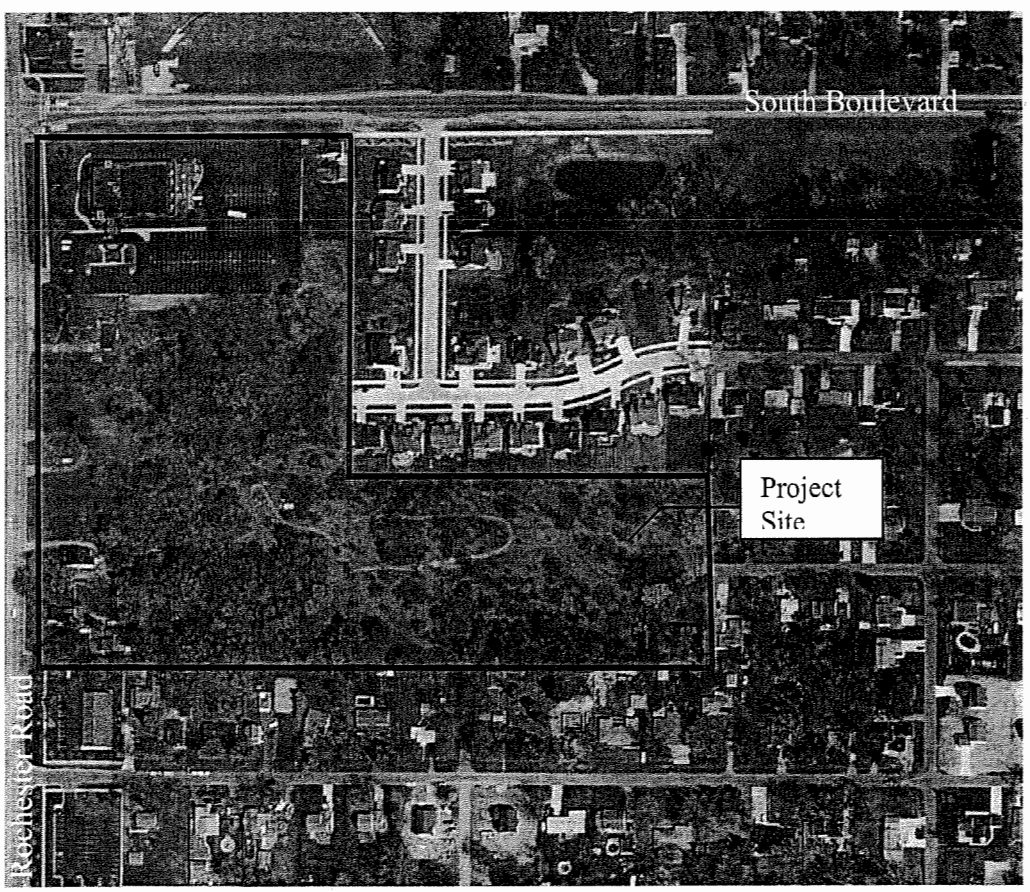
Applicant:	Michigan Home Builders 13400 Canal Road Sterling Heights, MI 48313
Project Name:	Caswell Town Center
Plan Date:	August 3, 2004
Latest Revision:	February 1, 2006
Location:	Southeast corner of Rochester Road and South Boulevard
Zoning:	R-1D, One-Family Residential; B-3, General Business; and P-1, Vehicular Parking.
Action Requested:	City Council approval of Preliminary PUD Site Plan.
Required Information:	Required information for Preliminary Plan Approval has been provided.

PROJECT AND SITE DESCRIPTION

The applicant proposes a mixed use Planned Unit Development. The project has been assembled from seven (7) parcels and constitutes 18.62 acres. Two (2) wood frame homes and a kennel will be demolished to accommodate this proposal. The project consists of the eight (8) two-story multiple family condominium buildings with a total of seventy-four (74) multi-family units, ranging in size from 1,740 to 1,883 square feet.

- fourteen (14) single-family homes,
- three (3) commercial retail buildings totally 19,100 square foot site, which combines seven (7) parcels.
- An existing banquet facility at the corner of Rochester Road and South Boulevard will remain, with improvements made to landscaping and the parking area.

The Planning Commission held a public hearing and at their meeting held on March 28, 2006, recommended approval of the preliminary PUD plan to the City Council.



Key Features and Benefits

In addition to the project elements described above, the following other features are included:

- Consolidation of seven (7) separate parcels into one unified development plan;
- The improvement of parking for the existing banquet facility;
- Single family development which replicates surrounding land use patterns;
- Density patterns which are consistent with the Master Plan;
- Appropriate transitional land use providing buffering and protection of existing single family neighborhoods;
- Breaking the commercial portion into three buildings. This creates additional open space and eliminates any appearance of strip commercial;
- Well conceived and consolidated access to the site. In particular, the consolidation of the existing driveway to Rochester Road immediately south of the subject site with the proposed driveway within the subject site;
- The provision of acceleration/deceleration lanes along Rochester Road and South Boulevard, otherwise impossible with the development of seven separate parcels;
- Extension of additional landscaping to the south beyond the subject site to create a more orderly treatment from South Boulevard to Hartwig Drive;
- The provision of gateway signage showcasing the City of Troy at the Rochester Road and East South Boulevard intersection; and,
- An innovative stormwater management system which contains stormwater on-site, promotes infiltration, and enhances water quality.

NEIGHBORING ZONING AND LAND USE

North: Located in the City of Rochester Hills, the property across South Boulevard is zoned B-2, General Business, and R-4, One-Family Residential. The current uses include an animal hospital, dental office, landscape storage yard at the corner, and vacant property to the east.

South: Properties to the south of the site are zoned B-1, Local Business, and R-1D, One Family Residential. Current uses include the May Will Kennels in a small house, and a small strip office building along Rochester Road. Single-family homes are situated along Hartwig.

East: The land use directly to the east is zoned R-1D, One Family Residential, and is comprised of single family residential uses.

West: The land use to the west across Rochester Road is zoned B-1, Local Business; O-1, Office Building; B-2, Community Business; and E-P, Environmental Protection. The current uses in this area include a gas station at the corner, office building, a large specialty grocery, and a kennel. Condominiums surround these uses to the west.

Items to be Addressed: *None*

MASTER PLAN

The subject property is currently planned for Medium Density Residential use along Rochester Road, and Low Density Residential use throughout the remainder of the property. The southeast corner of Rochester Road and South Boulevard (the site of the existing banquet facility) is planned for Non-center Commercial.
The following illustrates the surrounding Master Land Use Plan designations:

North: Commercial and Office (Rochester Hills)

South: Medium Density Residential along Rochester Road, and Low Density Residential in the interior of the site.

East: Low Density Residential.

West: Across Rochester Road, this area is Master Planned for Non-Center Commercial and Medium Density Residential.

The residential uses in the PUD are consistent with the Master Plan, in that they include both single-family and multi-family uses. While the location of these uses is slightly different than the Master Plan, the intent of providing housing in this part of the City is met. The proposal also contributes to the environmental quality of the site by treating stormwater from this property and from the west side of Rochester Road through the detention basin before releasing it to the existing stormwater system. Open space areas in the form of two small parks, and the stormwater area also work to meet the intent of the Master Plan.

The proposed uses in this PUD will increase the amount of commercial lands within the City. However, the amount proposed is not very large, and it will provide local services to nearby residences. The commercial component also provides a transition between residential and the busy Rochester Road corridor. Note that the Medium Density Residential designation along the Rochester Road frontage is inconsistent with existing commercial zoning on the west side of the Road. The pedestrian connections proposed will also encourage homeowners beyond the development to visit these retailers. Furthermore, the commercial buildings are not planned as a "strip," thereby improving both appearance and functionality of the commercial space.

Items to be Addressed: *None*

NATURAL RESOURCES

Topography: The topography is flat to very gently sloping toward the drainageway located in the middle of the site. The Topographic Survey describes the drainageway as a Floodplain per FEMA.

Woodlands: A Tree Survey was provided that indicates where the trees are located on the site, with an associated reference number. The applicant does not show any existing trees on the proposed Landscape Plan, though note 12 of the "general landscape notes" on sheet L-2 states that "at the time of site preparation, landscape architect to review all existing vegetation and tag materials to be saved and relocated." We suggest the applicant identify those trees to be preserved.

Wetlands: Based on the City's Natural Features Map, there are no existing wetlands on this site.

Flood Plain: According to the Topographic Survey provided by the applicant, a floodplain traverses the middle of the site, from east to west. (Note that FEMA is currently updating the floodplain maps for southeast Michigan.) The City shows this feature as a "drain" on its Natural Features map (1/8/02). We have recommended that the applicant provide documentation that the appropriate measures have been taken with FEMA to permit the improvements as proposed. The applicant has stated in their February 1, 2006 letter that a Letter of Map Amendment (LOMA) request has been submitted to FEMA.

Please see the "Essential Facilities and Services" section of this review for more comments regarding stormwater quality.

Items to be Addressed: *None.*

TRAFFIC IMPACT

A review has been provided by the City's Traffic Engineer and the plans regarding the traffic issues are acceptable.

Items to be Addressed: *None.*

ESSENTIAL FACILITIES AND SERVICES

Water and Sewer

The site will connect to existing water and sewer mains located within the right-of-way of Rochester Road.

Stormwater Management

A highly innovative stormwater management plan which promotes infiltration is planned. Stormwater will be directed to catch basins and then to swales at the property lines of the development into a detention basin that will outflow to the storm sewer on Eckerman. Stormwater from the west side of Rochester Road that currently flows through a culvert into a nearby wetland will be captured by the stormwater system as well. The plans state that a permanent water level of up to three feet will be present in the retention basin. The shape of the basin is naturalized, which will produce an attractive site amenity.

Given that this pond is receiving stormwater from off site, sediments and other pollutants was an issue. Some of the storm water will be pre-treated through bioswales throughout the site before it reaches the pond. The pond will have a forebay and has been designed to provide capacity for sediment to filter in the pond prior to being released into the stormwater system. Therefore, the proposal system will provided for improved water quality.

The basin is proposed to be planted with native emergent and wetland plant species, providing some filtration of stormwater pollutants. This planting scheme may need to be amended based on how the pond functions and the amount of infiltration that happens into the sandy soil. Additional study may be necessary to make a final determination of proposed plant material. The applicant has acknowledged in his letter that he is willing to revise proposed plant materials based on ongoing conversations with the City of Troy as the project evolves. A conservation easement will be placed over the land with the detention basin.

A perforated storm line is proposed to be located in the bioswale at the rear of the property to promote infiltration and improve water quality. This line will be perforated. A bioswale seed mix is proposed to help treat the stormwater that reaches these facilities. The applicant has added interpretive signage explaining the bio-swale purpose and landscaping.

Other areas within the development are also used for stormwater infiltration. The 8-foot wide pathway connecting the phases of the project are now proposed as pervious paving; however, on sheet CE2B, these walkways are still shown as impervious paving. Through our conversations with the applicant, it is our understanding that this is an error on Sheet CE2B, and that the corrected site plan will show the path as pervious paving.

Items to be Addressed: *None.*

PUD ELIGIBILITY

The Zoning Ordinance sets forth criteria in *Section 35.30.00 Eligibility*, for consideration of a project as a PUD. The following are our comments:

Section 35.30.00, A. and B.: In our opinion, the proposed development meets the location requirements set forth in Section 35.30.00, A. and B. We believe that the site is appropriate for either category B.2 or B.3 because the unique layout and location of the site can be better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the site's frontage on the highly traveled Rochester Road. The multiple-family residential would provide a transition and compatible use with Rochester Road.

35.30.00.C. The applicant must demonstrate that a sufficient number of objectives are met which would not be accomplished without the use of the PUD. As the comments indicate, we would consider that the intent of the PUD is met by this plan in the following manner:

1: The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. The proposal provides for several quality objectives, such as building design and materials, environmental protection through stormwater quality, and extensive pedestrian facilities that connect the development and existing residential areas to retail uses on Rochester Road.

2: The proposal provides a mixture of land uses that would otherwise not be permitted. It is our opinion that the pedestrian facilities provide for safe passageways for residents using the amenities of the site and adjacent retail area.

3: The use will include screening to buffer the site from adjacent properties beyond Ordinance requirements. The plan is also coordinating like uses (single-family) with like uses. The multi-family residential and commercial uses will also buffer the existing residential from Rochester Road activity.

4: The project will be developing a group of properties that could be considered obsolete; that is, properties that were previously used for rural-style residential uses.

5: As noted, the use will be compatible with the single-family residences and Rochester Road frontage.

6: Also as noted, while the use may be arranged differently from the Master Plan, it is consistent with the residential intent of the plan, while providing commercial uses as a buffer from Rochester Road.

We would also indicate that the PUD does not meet the following objective:

1. Based on the information provided by the applicant to date, the proposal will not alleviate current traffic congestion on adjacent roadways.

Items to be Addressed: *None.*

PLANNED UNIT DEVELOPMENT STANDARDS

The Ordinance sets forth general standards in Section 35.40.00 General Development Standards. The following are our comments:

A. Consistency with Intent of Master Plan:

The intent of the Master Plan for this area is to provide land for multi-family and single-family residential development. The Master Plan does not explicitly allow for commercial development along the Rochester Road frontage, but does call for this land use at the intersection of Rochester Road and South Boulevard. Retail businesses in this specific location do complement the existing land uses across the street, and also provide amenities to the residential neighborhood (proposed and existing) to the east of these businesses. It is our opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, we do not believe an amendment is necessary. However, as we have indicated before, the Master Plan needs to be generally updated.

B. Consistency and Compatibility with Adjacent Properties:

The proposed mixed land uses are compatible with the following uses:

- To the north:
  Retail uses are proposed for next to general business (existing banquet facility); multi-family residential is proposed to be across the street from future office development (Rochester Hills).

- To the south:
  Commercial is proposed next to existing office along Rochester Road; multi-family residential and single-family residential next to existing single-family residential.

- To the west:
  Commercial is proposed to be across the street from existing commercial and office uses.

- To the east:
  Multi-family and single-family residential is proposed to be next to existing single-family residential.

C. Open Space and Landscape Area:

The applicant is required to provide substantially more open space and landscape area than the ten (10%) percent requirement of Section 39.70.04. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments.

The proposed site plan indicates that there will be 4.36 acres, or 23.4% open space and landscaped areas throughout the development. Landscaped areas used for storm drainage purposes may be countable for a portion of required landscape area, but may not exceed more

than 5% of the overall site area. Given the site area of 18.62 acres, no more than 0.931 acres may be counted toward the open space requirement. With this in mind, we calculate that 4.201 acres of eligible space is provided; which constitutes 22.56% of the overall subject site. Regardless, the amount is nearly twice the minimum requirement.

D. Stormwater Detention/Retention:

The applicant has proposed an innovative stormwater management system that promotes infiltration and improved water quality. Key features include a wet detention basin design, with natural contours and native wetland and emergent plant species use of porous pavement, bioswales, and catch basins with bottomless sumps.

E. Parking:

Parking is adequate to serve the project and improves parking for the existing banquet center.

F. Implementation Single/Cohesive Development vs. Multi-Stage Development:

The development of the site will be completed as a single coordinated and cohesive development project.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

The underlying zoning for the entire site is R-1D, Single-Family Residential. However, the applicant has provided the required setbacks for single-family, multi-family, and commercial zoning districts based on the proposed uses. We would agree with this approach, and applicable Ordinance requirements have been met.

The multi-family district requirements are met, except that the proposed buildings are shown at thirty-four (34) feet tall. Section 35.20.00 states that physical standards such as height may be determined based upon a specific PUD and its unique circumstances. The Planning Commission determined that the combination of setbacks, landscaping, and design mitigate the issue of height.

Items to be Addressed: *None.*

PARKING, LOADING

For the multi-family residential units, two (2) parking spaces per unit are required. The site plan provides one-hundred forty-eight (148) spaces within the garages. This meets the required number of spaces. An additional eighteen (18) spaces will be provided on the street for visitor parking.

The applicant has provided additional parking spaces throughout the non-residential portion of the proposed development in response to a need for additional parking for the existing banquet center. The applicant has indicated that the entire non-residential portion of the project will be part of an overall reciprocal access agreement, allowing for cross access to all parking areas. The new additional spaces are primarily located between the existing banquet facility and the proposed Commercial Building 1, and between the existing banquet facility and the Rochester Road right-of-way.

There are no loading areas designated on the plans, although there is sufficient area provided behind the buildings for loading.

Items to be Addressed: *None.*

SITE ACCESS AND CIRCULATION

Overall site access is well planned. It is especially critical to recognize the benefit of this plan when one considers the significant problems that would occur if all seven parcels were developed separately. The development has four access points. Three accesses are off of Rochester Road, (zone of which consolidates an existing access point for the offices to the south. This consolidation is a significant benefit and one boulevard entryway off of South Boulevard.

Circulation of the site provides for a well planned vehicular connection between the multi-family development and the commercial development.

Items to be Addressed: *None.*

SAFETY PATHS/SIDEWALKS

Well conceived sidewalk/pedestrian walkway concept is proposed. Pedestrian circulation patterns throughout the development will allow residents from the project, and from outside the project, to access Rochester Road and the new commercial businesses.

Items to be Addressed: *None.*

LANDSCAPING

The landscape plan shows a substantial amount of landscaping, including the proposed amenities of the central park and gazebo, masonry walls, screening at the property lines, the naturalized detention basin, and street trees throughout the site. Review of the plan by the Troy Department of Parks and Recreation has been completed and plans comply with the Landscape Design and Tree Preservation Standards.

Composition: The mix of landscaping is appropriate. The applicant is proposing a wide range of species throughout the site.

Existing Vegetation: As mentioned above, the applicant states that they will preserve existing trees. However, the landscape plan does not show which trees will be preserved, and where they are located. This will be addressed when more detailed plans are prepared.

Greenbelt: The Rochester Road and South Boulevard greenbelt and landscaping has been provided, and has been reduced in width to the exact required depth of ten (10) feet. Elements within the greenbelt include a mix of shade trees, flowering trees, shrubs, entryway walls, and the safety path. The ordinance requires one tree per every thirty (30) linear feet of roadway frontage. Therefore, Rochester Road will require 35 trees (1004/30), and South Boulevard will require nineteen (19) trees (557/30). A substantial amount of landscaping has been added along both frontages to extend the treatment to the extreme northwest corner of the site, in front of the new proposed parking between the banquet facility and the rights-of-way for both Rochester Road and South Boulevard.

In addition, ample plantings and a new gateway sign have been added at the intersection. The proposed greenbelt landscaping exceeds Ordinance requirements.

Residential Screening: A vegetated buffer and walls between the commercial portions of the property and the residential portions will provide a substantial screen between these uses. This is also true at the rear and sides of the site where the multi-family abut the existing single-family residential areas.

Site Landscaping: Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district. As noted in the PUD section, the site plan indicates that about 4.36 acres or 23.4% percent of the site has been provided for site landscaping.

Details: Details have been provided and are appropriate. Review by the Troy Department Parks and Recreation department has been done.

Refuse Container: Trash receptacles are now shown on the landscape plan, and are satisfactorily screened.

Other: Use of native herbaceous plantings within the detention basin and along the bio-swales will require appropriate seed bed preparation, weed control as the plants are established, and maintenance to ensure that the plantings

thrive and stay attractive. No indication has been provided of how the applicant proposes to accomplish these tasks.

Approval for all work within the Rochester Road and South Boulevard rights-of-way will be required.

Items to be Addressed: *None.*

LIGHTING

A lighting plan has been provided as part of this submission and found to meet adequate photometric standards.

Items to be Addressed: *None.*

SIGNS

Entryway signs will be part of the masonry wall at the South Boulevard entrance into the multi-family residential portion of the project, and at the northern entrance point off of Rochester Road. Furthermore, the applicant has added a gateway sign for the City of Troy at the intersection of Rochester Road and South Boulevard.

A ground sign is proposed along the Rochester Road right-of-way. The Commission found the sign area to be adequate, but recommended the height be reduced by two (2) feet.

Items to be Addressed: *None.*

FLOOR PLANS AND ELEVATIONS

Elevations have been provided for the commercial and multi-family buildings were provided with the previous submittal. The colored renderings in the submission indicate very attractive buildings with traditional design details. Materials will be a combination of brick and siding for the single-family units, and brick, faux stone, and a pre-fabricated crown for the commercial buildings. While the styles are not the same, they compliment one another and are attractive.

The height of the residential buildings is thirty-four (34) feet tall, and exceeds the twenty-five (25) foot height permitted. As indicated above, we believe this request is reasonable.

Items to be Addressed: *None.*

RECOMMENDATIONS

The plan provides many positive aspects that couldn't be achieved without applying the PUD option. The PUD concept locates appropriate uses across the site as it changes from the Rochester Road corridor to single-family residential homes. The commercial buildings provide space for local businesses and complement the other commercial uses across Rochester Road. The multi-family use provides a comfortable transition between the commercial and single-

family homes, as well as coordinates with the City's Mater Plan. The single-family residential lots integrate well with the exiting single-family homes, and achieve the Master Plan's vision for this section of the City.

We support the overall plan and many of the revisions the applicant has made to respond to comments provided throughout the process. We recommend approval by Council.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

225-02-2402

RKC: lh

cc: Brad Byarski, Michigan Home Builders, FAX (586) 726-6708
Hennessey Engineers, FAX (734) 692-3203
Calvin Hall Associates, FAX (248)557-5416

Brent Savidant

From: Mark F Miller
Sent: Monday, February 20, 2006 2:54 PM
To: Brent Savidant; Kathy Czarnecki; Paula P Bratto; Ronald Figlan
Subject: FW: CASWELL TOWN CENTER PROJECT/ PUD 5

-----Original Message-----
From: dbrown879@comcast.net [mailto:dbrown879@comcast.net]
Sent: Monday, February 20, 2006 2:48 PM
To: bbyarski@mihomebuilders.com
Cc: Mark F Miller
Subject: CASWELL TOWN CENTER PROJECT/ PUD 5

Dear Mr. Byarski,
Thank you for your letter of October 3, 2005 with attached Preliminary Site Plan (sheet CE2) and Landscape plan (sheet LS1). Maple Forest homeowners appreciate your consideration/accomodation of their expressed concern over adequate greenbelt separations throughout the plan to ensure acceptable line of sight visual privacy. Given the nature of mixed use/density in a PUD project the existing homeowners want assurance that the very best plan possible is approved and constructed according to plan. The subject plan received from your company appears to largely satisfy that concern. I reproduced additional copies and distributed them to all the homeowners of Maple Forest of Troy Homeowners Association at the end of October 2005, asking for their review and comments back to me. Based upon their feedback, the Maple Forest homeowners are satisfied with and approve the intent of the subject plan as presented.

Again, thank you for your professional thoroughness in handling detailed follow up of these matters, and I look forward to continuing our constructive communication as the project progresses toward completion. It is my understanding that March 14, 2006 is penciled in as the Troy Planning Commission review date for public comment. I plan on attending. Please feel free to call me anytime.

Regards,

Don Brown
Treasurer, Maple Forest of Troy Homeowners Association
1221 Cadmus Drive
Troy MI 48085
248-879-1415
dbrown879@comcast.net
2/20/2006

Brent Savidant

From: Mark F Miller
Sent: Friday, July 29, 2005 1:36 PM
To: Brent Savidant; Kathy Czarnecki; Paula P Bratto; Ronald Figlan
Subject: FW: Caswell Town Center proposalby Michigan Home Builders

-----Original Message-----
From: dbrown879@comcast.net [mailto:dbrown879@comcast.net]
Sent: Friday, July 29, 2005 1:17 PM
To: Mark F Miller
Cc: bbyarski@mihomebuilders.com
Subject: Caswell Town Center proposalby Michigan Home Builders

Dear Mr. Miller:
For information only, the attached notes are being shared with yourself, Michigan Home Builders, and Maple Forest Homeowners Association. In re a proposed PUD development at the southeast corner of Rochester Road and South Boulevard.

Respectfully,
Don Brown
Treasurer, Maple Forest of Troy Homeowners Association
1221 Cadmus Drive Troy MI 48085 248-879-1415

TroT

CASWELL TOWN CENTER MEETING NOTES **7/28/2005**

1. Meeting held at Petruzello's Banquet Hall 7/28/2005 by MHB (Michigan home builders) and various adjacent Troy homeowners (about 30 persons in total, with 14 of 21 homes from Maple Forest Sub represented).
2. Meeting consisted of presentation of drawings, slides, overview talk, and questions and answers period, (no handouts).
3. Residents expressed concerns over several topics including: ***greenbelt separations,*** vehicular ***traffic flows***/congestions, ***visual appearance*** (line of sight) of development from Rochester Rd, i.e. draw attention to the visual attraction of the housing units over the commercial units, need to have City of Troy guarantee the completion of ***a specifically detailed landscaping plan,*** abundant trees and shrubs provides more separation privacy (Maple Forest builder left without completing trees and shrubs), an inviting curb appeal type appearance, and a ***park like look*** from all viewing angles, ***street /sidewalk transitions*** from new wider concrete streets with sidewalks into older narrower asphalt streets with no sidewalks (City of Troy problem), ***lack of a tree belt*** along the backyard to backyard property line for lots on Cadmus Drive backing up to backyards of lots on Cambria Drive (Cadmus lot owners problem since Cambria lot owners would be restricted from plantings by condo covenants & deed restrictions), although City of Troy does not require such separations under present rules, the PUD concept embraces adding equitable extras in original design that merit offsetting relief in zoning & regs, indications that ***base pricing levels for detached site condos*** on Cambria could be $350,000 while Maple Forest houses are $450,000 up (i.e. base pricing would drag down pricing on Maple Forest homes, a prior existing development).
4. Michigan Home Builders representatives said that they heard the residents various concerns, were sensitive to them, and would take them into consideration prior to finalizing their plan that they would submit to the City of Troy. MHB verbally indicated that they would make extra efforts to preserve existing trees along the backyard property line between Cadmus and Cambria.
5. The meeting was hosted and presented well by MHB, and the question and answer and discussion period was engaged in energetically and with almost full participation from the attending residents.
6. The meeting was professionally conducted and amicably concluded after approximately one hour.

Don Brown Treasurer, Maple Forest of Troy Homeowners Association
1221 Cadmus Drive 248-879-1415

RE: Caswell Town Center Planned Unit Development Request

Planning Commission of Troy:

The "beat goes on"! First, the Woodside Development strips every tree and brush from every inch of their development property! Now, Michigan Home Builders wants to finish off the last of the orchard area - home still to many creatures! What are creatures doing living in Automation Alley, you say? They are blocking "progress" and unless every square inch of Troy is either built on or paved, progress will be retarded, profits won't be made, and tax money will be missed! This development is "for the kids", it'll improve our living standards, this isn't the "north country" (you know?) or could it just be another developer taking the easiest route to large profits, i.e. mass building in a stripped area?

My favorite color is green, followed by brown. I like the smell in the Spring when everything buds. I like wind breaks and oxygen. But I really like the wood-based critters! I guess that I live in the wrong city!! I oppose this development!

REC'D
MAR - 7 2006

Lee Garwood
1109 Hartwig Dr.
Troy

Paula P Bratto

From: Kris Brust [concepts@htdconnect.com]
Sent: Saturday, April 29, 2006 11:59 AM
To: Paula P Bratto
Subject: Caswell Town Center

Thank you for the information package on the public hearing for the proposed Caswell Town Center. It is unclear as to the location of the 14 single family homes and any connection with our dead end street (Cambria).

We certainly would vigorously oppose any change from low density residential and a connection to our street/sub. We would be much more tolerant of an isolated development that does connect to our street. Any higher density development with retail could impose a great safety risk for our children, should our narrow dead end streets without sidewalks be connected and, thus, a thoroughfare.

If there is any more descriptive information we can obtain on this development, it would be greatly appreciated.

We would not oppose any low density development as zoned when we purchased our home in 1988.

Sincerely,

Kris J and Cynthia M Brust
1275 Cambria
248 608-2627

May 3, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM – Amending the Personal Property Tax Abatement for Manufacturing and Headquarter Companies

The recent Oakland County Economic Outlook lunch held last week at the Troy Marriott provided a rather dismal picture of the Michigan and even Oakland County economies for the next two to three year period. The slide presentation that was provided at the conference can be accessed through www.oakgov.com/peds/info_pub/economic_outlook_forecast.html.

Troy is not immune from these major economic trends and issues. As Troy competes on a daily basis to fill vacant space, particularly in the Maple Road and Stephenson corridors, every visit results in identification of a very competitive situation with other locations in other communities and other states. The Stephenson corridor, in particular, has a vacancy rate of 26%, compared with the overall industrial vacancy rate of 12.87%.

After a thorough review of the economic development tools that are available in Troy, and active discussions with the Michigan Economic Development Corporation about eligible MEGA companies, management would like to recommend a change to the current personal property tax abatement in Troy (PA 198 of 1974, City Council policy resolution attached).

Currently, the Industrial Facilities Tax (IFT) abatement requires the company to have three times as much personal property as real property; it does not include furniture and fixtures. We are currently limited to M-1 zoning areas, whereas the State law, and other communities, allow the abatement to any division of a company primarily engaged in the manufacturing process, regardless of zoning. Also, one-half of the equipment must qualify for the shortest depreciation possible. This is unlike most other communities' application of this tool, where the restrictions are very limited in scope.

State law is limited in that it only provides an abatement of the personal property that is new to the State of Michigan. Therefore, it prohibits moving equipment from one place in the community to another or even from one community to another. This assures that the policy does not encourage communities to raid available companies from each other.

Tax abatements are a principally accepted local match to qualify a company for MEGA incentives from the State.

Staff is currently dealing with five potential MEGA qualified companies who would fill over a half a million square feet of industrial property. They would be eligible to receive MEGAs through the local contribution of utilizing the tax abatement tool. Without a local match, we are not assured of any of the companies locating here. Any of them would make a significant difference in the vacancy rate in Troy today.

Additionally, this tool is effective for both attracting and retaining companies. It does not impact the real property taxes paid by these companies to Troy. Troy would receive 50% of the new personal property taxes as opposed to no personal property tax, should space remain vacant, as a company does not come into Troy, or expand into larger facilities.

As for the three-to-one personal to real property ratio, it effectively limited the policy in the past, but has now become extremely onerous by eliminating most parties because of increased real property values in today's market. It is far more typical to find a company with twice as much real property as personal property then it is to find a company that has three times as much personal property as real property.

In terms of fabrication and design equipment, manufacturing has moved so much to simulation, CAD/CAM and robotics that it seems inappropriate to continue a prohibition on the use of widely utilized equipment that is eligible for this abatement in most communities.

Finally, it is simply recognizing that all equipment, furniture, and fixtures are permitted in most other communities. This creates an incentive that recognizes there still remains some revenue source for the community, but provides an environment that expresses the community interest in having the major investment in its boundaries, rather than elsewhere.

The abatement is allowed by State law for up to 12 years, with the local unit setting the limit up to that point. Council's most recent decisions have limited the abatement to six years. Management would encourage consideration of the length of the abatement on a case-by-case basis, and not make any general policy regarding the length of the abatement. There may be some cases where six years is certainly effective and justifiable. There may be other cases where the importance of the overall investment and the nature of the company's ability to relocate may require 12 years to be effective.

Management certainly recognizes that there may be existing companies who feel that this is an unfair advantage to companies expanding or coming into the area. However, most companies understand how competitive the manufacturing situation has become, and as long as this tool is available to them for expansion, the existing companies generally support the abatement.

Management feels this an effective tool that can make a difference, particularly in the next two to three years when the competition will be most fierce, as the auto industry and the supplier base continues to go through upheaval and restructuring. Therefore, it would be the intention of management to bring forward this recommendation at the May 15, 2006 meeting. Any comments should be directed to the Acting City Manager John M. Lamerato.

Resolution #79-128

Industrial Facilities Tax Abatements (I.F.T.)

WHEREAS, the City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the industrial base of the community, (c) reducing economic obsolescence of the industrial base, (d) providing homogenous industrial areas, (e) encouraging industrial expansion, (f) providing for improved public facilities in industrial areas, and (g) encouraging attractive, viable industrial sites, and

WHEREAS, the Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax exemptions for certain industrial properties which meet certain criteria established by the Act, and

WHEREAS, the City Council of the City of Troy has determined that additional criteria should be established for the creation of such districts and exemptions,

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Troy, that the following criteria are to be met, applied or measured by the City Manager or his designees in the review of areas and locations to be considered for designation as Industrial Development Districts (IDD) by the City Council:

1) They must be included in the light industrial (M-1) zoning district classification.
2) They must be within an area comprised of small parcels with ownership patterns requiring assembly in order to create sites which are of sizes practical for industrial uses.
3) They must have non-conforming land uses on scattered sites with interposing vacant lands.
4) They must have a rate of change in State Equalized Valuation over the past five years which is less than the average growth in Troy industrial land values for the same period.
5) ~~**Parcels that do not meet the above requirements may be eligible for the establishment of districts if :**~~
    - ~~**a) The proposed project has qualified for grants through the Michigan Economic Growth Authority (MEGA).**~~
    - ~~**b) The project will generate a minimum of $40 million in capital improvements.**~~
    - ~~**c) The project will generate a minimum of 500 new jobs in the City of Troy.**~~

    ~~**(in bold amended 01/17/2000)** (~~Strikethrough repealed 12/18/00 Resolution #2000-572)

RESOLUTION #83-555

WHEREAS, The growth and development of enterprises pioneering in high technology research and proto-type development and production is economic development and expansion which is assigned a high priority by the City Council of the City of Troy; and

WHEREAS, Equipment and instrumentation required to conduct basic high technology and research and proto-type development and production has an accelerated rate of depreciation due to technological obsolescence in an ever-changing scientific environment; and

WHEREAS, It has become common practice for other states and other communities to offer incentives for high technology research and development enterprises to establish facilities within their Jurisdictions by economic inducements, including tax reductions and/or tax abatement, which inducements are providing a competitive advantage to enterprises which are lured to those communities because of reduced overhead and a pricing advantage which increases their success in the market place.

NOW,THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that upon compliance with the following standards and criteria, the City Council will accept for review and possible approval, applications for tax abatement on personal property as provided by Act 198 of the Public Acts of 1974, as amended:

(1) That the applicant will engage in the research, proto-type development and production of high technology systems and products, the origin of which can be traced to the research and development efforts of enterprises situated within the City of Troy; and

(2) That the applicant will engage in research and development activities which include the conjunctive use of some or all of the following: computers, semi-conductors, bio. genetics, super conductivity, thin film devices, advanced adoptive robotics, biomedical instrumentation and pharmaceutics; and

(3) That the estimated personal property value of all Troy- based equipment, machinery and instrumentation is of such capital intensity so as to exceed the value of real estate by a ratio of 3 to1at the time of application for said abatement; and

(4) That more than one-half (1/2) of the personal property (by value) contained in the application shall be qualified for the shortest term of depreciation possible under Michigan tax laws and regulations; and

(5) That the product(s) of the applicant must be on the forefront of new scientific discovery. That is, the result of scientific discovery, through utilization of personal property which is addressed in the application, shall be embodied in the product or service produced.

BE IT FURTHER RESOLVED, That the following limits, conditions and stipulations are to apply to applications which are submitted to the City Council:

(1) That the tax exemption shall not apply to real property except those building improvements which are uniquely required to support research and development activities; and

(2) That the tax exemption shall not apply to leasehold improvements or building improvements except those uniquely required to support research and development activities

(3) That the tax exemption shall not apply to furniture and equipment commonly found in offices or businesses. Applications which include such furniture and equipment will be rejected.

(4) The said abatement of taxes shall cease at such time as applicant fails to prove by factual evidence that such personal property is being used in compliance with the basic guidelines established above; and

(Amendments per Resolution #84-840 in italics)

~~**BE IT FURTHER RESOLVED, That applications that do not meet the previously listed criteria may be considered for tax abatements providing the following limits, conditions, and stipulations are met:**~~

~~**(1) The project is eligible for Michigan Economic Growth Authority (MEGA) incentives.**~~

~~**(2) The project will generate capital expenditures for both Real and Personal Property of at least $40 million.**~~

~~**(3) The project will generate at least 500 new jobs in the City of Troy.**~~ ~~**(Amendments as of 02/07/00 in bold)**~~ (Strikethrough repealed 12/18/00 Resolution #2000-573)

BE IT FINALLY RESOLVED, That the term of abatement for any and all ~~**Real and**~~ **Personal Property** shall not exceed 12 years, it being the intent of the City Council to approve various lengths of abatements to the extent provided by laws of the State of Michigan. (Strikethrough repealed 12/18/00)

LIQUOR ADVISORY COMMITTEE MINUTES – FINAL DECEMBER 12, 2005

A regular meeting of the Liquor Advisory Committee was held on Monday, December 12, 2005 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Committee member Henry W. Allemon called the meeting to order at 7:02 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
Patrick C. Hall
James R. Peard
Bohdan L. Ukrainec
Sergeant Christopher Stout
Chris Forsyth, Assistant City Attorney
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Alex Bennett
W. Stan Godlewski

Resolution to Excuse Committee Members Ehlert, Bennett, and Godlewski

Resolution #LC2005-12-029
Moved by Peard
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert, Bennett, and Godlewski at the Liquor Advisory Committee meeting of December 12, 2005 BE EXCUSED.

Yes: 4
No: 0
Absent: Ehlert, Bennett, Godlewski

Resolution to Approve Minutes of November 14, 2005 Meeting

Resolution #LC2005-12-030
Moved by Ukrainec
Seconded by Hall

RESOLVED, that the Minutes of the November 14, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 4
No: 0
Absent: Ehlert, Bennett, Godlewski

Old Business

Agenda Item No. 3 (concerning White Star Entertainment acquiring ownership of Corradi's) from the November 14, 2005 meeting was raised for discussion by Mr. Ukrainec.

Sergeant Stout stated that Chris Forsyth, Assistant City Attorney, could answer the question if the Committee could recommend a probationary or conditional license. Mr. Forsyth explained that a probationary or conditional license is not a possibility. He further stated that in the future a request to transfer a license with dance permit could be considered separately. In other words, the Committee could approve the license transfer and deny the dance permit. He explained that White Star would have to apply for an amusement and recreation license and comply with City Ordinance Chapter 68 in order to operate under a dance permit. Mr. Forsyth cautioned the Committee that they need evidence to support any denial, and the Committee's actions cannot be arbitrary or capricious.

Mr. Hall stated that there is an annual renewal process for liquor licenses in Royal Oak and questioned such a process in Troy. Sergeant Stout stated the MLCC has an annual renewal process and any violations would be taken into consideration before renewal is granted.

Mr. Forsyth stated that City Council could include in their resolution that a license be reviewed again in one year. Mr. Ukrainec stated he supports an annual renewal review process.

Terry Conlin, attorney for Djont/JPM Troy Leasing and Felcor/JPM Troy Hotel, offered the information that the City can object to any license renewal and the State will abide by their wishes.

Agenda Items

1. **DJONT/JPM TROY LEASING, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY) AND FELCOR/JPM TROY HOTEL, L. L. C. (A DELAWARE LIMITED LIABILITY COMPANY)** requests to drop DT Management, Inc. (An Arizona Corporation) as Co-Licensee and add Promus Hotels Inc. (A Delaware Corporation) as Co-Licensee in 2005 B-Hotel Licensed Business with dance permit, official permit (food), outdoor service (1 area), 1 direct

connection, 3 bars, and 251 rooms, located at 850 Tower, Troy, MI 48098, Oakland County (Step 2) {MLCC Ref #318853} *Embassy Suites Hotel*

Present to answer questions from the Committee was Terry Conlin.

Mr. Conlin explained to the Committee that the ownership of the Embassy Suites Hotel remains unchanged. This request is to cover a technical change in building and hotel operations.

Resolution #LC2005-12-031
Moved by Ukrainec
Seconded by Hall

RESOLVED, that DJONT/JPM TROY LEASING, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY) AND FELCOR/JPM TROY HOTEL, L. L. C. (A DELAWARE LIMITED LIABILITY COMPANY) be allowed to drop DT Management, Inc. (An Arizona Corporation) as Co-Licensee and add Promus Hotels Inc. (A Delaware Corporation) as Co-Licensee in 2005 B-Hotel Licensed Business with dance permit, official permit (food), outdoor service (1 area), 1 direct connection, 3 bars, and 251 rooms, located at 850 Tower, Troy, MI 48098, Oakland County.

Yes:	4
No:	0
Absent:	Ehlert, Bennett, Godlewski

The meeting adjourned at 7:19 p.m.

_____
Henry W. Allemon

_____
Patricia A. Gladysz, Office Assistant II

A meeting of the **Troy Youth Council (TYC)** was held on January 25, 2006 at 7:00 PM at the Troy Civic Center, 500 W. Big Beaver. Kristin Randall and Jessica Kraft called the meeting to order at 7:04 p.m.

MEMBERS PRESENT:	Alexandra Bozimowski Andrew Corey Maxine D'Amico Rishi Joshi Jessica Kraft (Co-chair) Jia (Lisa) Luo Joseph Niemiec Kristin Randall (Co-chair) Neil Shaw (Secretary) Katie Thoenes Nicole Vitale
MEMBERS ABSENT:	Anupama Prasad, Karen Wullaert
VISITORS:	Nicolette Kaptur and Andy Breidenich, Police Community Services
STAFF PRESENT:	Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2006-01-01
Moved by Bozimowski
Seconded by Kraft

RESOLVED, That the minutes of December 21, 2005 be approved.

Yes: All – 9
No: None
Absent: 4 - Corey, D'Amico, Prasad, Wullaert

3. Attendance Report: Updated through November meeting - To note and file

4. Futures Process

Review of meetings and direction for upcoming meetings.

1. Civic Infrastructure – (Shaw and Kraft)
   Discussed trends in Troy (Aging Population, Increasing Diversity), the tax base and how to get citizens involved.
2. Image and Feel – (Prasad and Thoenes)
   Discussed the feel of Troy, the Big Beaver corridor and other possible entrances into Troy.
3. Lifetime Learning – (Kristin Randall)
   No representative present.
4. Lifestyle – (D'Amico and Luo)
   Discussed how to attract people age 20 and over.

5. Mobility – (Bozimowski and Vitale)
   Discussed the finishing of sidewalks and more bike trails need to be added to Troy. Also discussed the existing bus system and possible cab system.
6. Regionalism – (Corey and Niemiec)
   Discussed topics to the development of Troy, such as the synchronization of traffic signals.
7. Wealth Creation – (Joshi and Wulleart)
   Discussed the building of a large tax base.

5. Visitor:

Community Services Officers Nicolette Kaptur and Andy Breidenich
Presented information on Jamfest, Youth Dialogue Day, Spring Break Troy Style and possible careers in law enforcement. Question and answer period followed presentation.

6. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2006-01-02
Moved by Niemiec
Seconded by Thoenes

RESOLVED that Anapama Prasad and Karen Wullaert excused.

Yes: All - 11
No: None
Absent: 2 – Prasad and Wullaert

7. Youth Council Comments – None

8. Public Comments - None

The meeting adjourned at 7:37 P.M.
(Tour of Police Department followed meeting)

_____
Jessica Kraft, Co-chair

_____
Scott E. Mercer, Recreation Supervisor

Reminder Next Meeting: March 1st at 7:00 P.M. ***@ Troy Community Center***

TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL FEBRUARY 7, 2006

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, February 7, 2006 at the Troy Museum.

The next regular meeting will be held Tuesday, Tuesday, March 7, 2006 at 7:30 p.m. at the Troy Museum.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

A meeting of the Downtown Development Authority was held on Wednesday, February 15, 2006 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Michael Culpepper
Stuart Frankel (departed 9:02 a.m.)
David Hay
Michele Hodges
William Kennis
Alan Kiriluk
Daniel MacLeish
Carol Price
Ernest Reschke
Louise Schilling
Douglas Schroeder
Harvey Weiss

ABSENT: G. Thomas York

ALSO PRESENT: John Szerlag
John Lamerato
Brian Murphy
Lori Bluhm
Doug Smith
Mark Miller

EXCUSE ABSENT MEMBERS

Resolution: DD-06-01
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, That York be excused.

Yeas: All (12)
Absent: York

NEW BUSINESS

A. Election of Chair

Resolution: DD-06-02
Moved by: Kennis
Seconded by: Hodges

RESOLVED, That Alan Kiriluk be elected Chairman of the Troy Downtown Development Authority for 2006.

Yeas: All (12)
Absent: York

B. Election of Vice Chair and Secretary/Treasurer

Resolution: DD-06-03
Moved by: Hodges
Seconded by: MacLeish

RESOLVED, That Tom York be elected Vice Chairman and John Lamerato Secretary/Treasurer for 2006.

Yeas: All (12)
Absent: York

C. 2006 Meeting Schedule

Resolution: DD-06-04
Moved by: Kennis
Seconded by: Reschke

RESOLVED, That the Board adopt the 2006 meeting schedule, which shall be attached to the original copy of these minutes.

Yeas: All (12)
Absent: York

APPROVAL OF MINUTES

Resolution: DD-06-05
Moved by: Hodges
Seconded by: MacLeish

RESOLVED, That the minutes of the December 21, 2005 regular meeting be approved.

Yeas: All (12)
Absent: York

OLD BUSINESS

A. Corridor Study Update

Doug Smith gave an update on the Corridor Study.

B. Citizen Education Initiative for DDA

Resolution: DD-06-06
Moved by: Hodges
Seconded by: Culpepper

RESOLVED, that the Board request the Executive Director to develop an RFP for the Citizen Education Initiative.

Yeas: All (11)
Nays: Frankel
Absent: York

NEW BUSINESS (cont.)

D. Upcoming Vacancy of Executive Director

Resolution: DD-06-07
Moved by: Culpepper
Seconded by: Schilling

RESOLVED, that Doug Smith be named Acting Executive Director effective March 13, 2006.

Yeas: All (12)
Absent: York

E. Change to Bylaws

Resolution: DD-06-08
Moved by: Culpepper
Seconded by: MacLeish

RESOLVED, That the Board wishes to discuss the amendment of Article IV, Section 4 at its next Board meeting by adding “or other designated person” to this Section.

Yeas: All (12)
Absent: York

F. DDA Position on Excluding Monarch

The Board reviewed various components and ramifications of removing the Monarch from the district including: Bonding Capacity, Donors vs. Consumers, Taxes.

Resolution: DD-06-09
Moved by: Reschke
Seconded by: Hodges

WHEREAS, the current Troy Downtown Development Authority boundaries include only 31% of the property that is in the proposed Monarch residential development; and

WHEREAS, this action would limit the ability of the DDA to fund any recommendations resulting from the Big Beaver Corridor Study; and

WHEREAS, residential property, particularly high-density residential and mixed use developments (PUD's) are critical elements to the long-term growth of the corridor; and

WHEREAS, according to our Municipal Finance Advisor, Bendzinski & Co., the following reasons were given not to reduce the boundaries of the DDA: 1) The City and Downtown Development Authority (DDA) has a "moral obligation" to bond holders to continue, at a minimum, the boundaries of the DDA; 2) The initial projections as to anticipated growth within the DDA have not been met; 3) Debt service coverage was based on projections of growth. The current debt service coverage has not met the requirements of the Plan or insurance commitments. By Changing the boundaries of the District, the City would be acting in bad faith to its bond holders; and 4) The DDA and the City would have to make a "disclosure of a material event" to all bond holders, insurers and rating agencies; and

WHEREAS, the DDA would no longer capture non-city taxes (currently 40% of the tax capture $226,000) to fund public infrastructure projects in the DDA; and

WHEREAS, the taxes continuing to flow into the general fund from the base year determinations of 1993, exceed the amount of expenditures required to provide public services in the DDA district;

THEREFORE, BE IT RESOLVED, that the Troy Downtown Development Authority supports retaining the current boundaries and opposes any modifications including the removal of the Monarch Project.

Yeas: All (12)
Absent: York

PUBLIC COMMENT

Two visitors in attendance addressed the Board.

The meeting was adjourned at 9:05 a.m.

Next Meeting: March 15, 2006 @ 7:30 a.m. @ Troy City Hall, Lower Level Conference Room

_____
Alan Kiriluk, Chairman

_____
John M. Lamerato, Secretary/Treasurer

JL/pg

A meeting of the Downtown Development Authority was held on Wednesday, February 15, 2006 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Michael Culpepper
Stuart Frankel (departed 9:02 a.m.)
David Hay
Michele Hodges
William Kennis
Alan Kiriluk
Daniel MacLeish
Carol Price
Ernest Reschke
Louise Schilling
Douglas Schroeder
Harvey Weiss

ABSENT: G. Thomas York

ALSO PRESENT: John Szerlag
John Lamerato
Brian Murphy
Lori Bluhm
Doug Smith
Mark Miller

EXCUSE ABSENT MEMBERS

Resolution: DD-06-01
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, That York be excused.

Yeas: All (12)
Absent: York

NEW BUSINESS

A. Election of Chair

Resolution: DD-06-02
Moved by: Kennis
Seconded by: Hodges

RESOLVED, That Alan Kiriluk be elected Chairman of the Troy Downtown Development Authority for 2006.

Yeas: All (12)
Absent: York

B. Election of Vice Chair and Secretary/Treasurer

Resolution: DD-06-03
Moved by: Hodges
Seconded by: MacLeish

RESOLVED, That Tom York be elected Vice Chairman and John Lamerato Secretary/Treasurer for 2006.

Yeas: All (12)
Absent: York

C. 2006 Meeting Schedule

Resolution: DD-06-04
Moved by: Kennis
Seconded by: Reschke

RESOLVED, That the Board adopt the 2006 meeting schedule, which shall be attached to the original copy of these minutes.

Yeas: All (12)
Absent: York

APPROVAL OF MINUTES

Resolution: DD-06-05
Moved by: Hodges
Seconded by: MacLeish

RESOLVED, That the minutes of the December 21, 2005 regular meeting be approved.

Yeas: All (12)
Absent: York

OLD BUSINESS

A. Corridor Study Update

Doug Smith gave an update on the Corridor Study.

B. Citizen Education Initiative for DDA

Resolution: DD-06-06
Moved by: Hodges
Seconded by: Culpepper

RESOLVED, that the Board request the Executive Director to develop an RFP for the Citizen Education Initiative.

Yeas: All (11)
Nays: Frankel
Absent: York

NEW BUSINESS (cont.)

D. Upcoming Vacancy of Executive Director

Resolution: DD-06-07
Moved by: Culpepper
Seconded by: Schilling

RESOLVED, that Doug Smith be named Acting Executive Director effective March 13, 2006.

Yeas: All (12)
Absent: York

E. Change to Bylaws

Resolution: DD-06-08
Moved by: Culpepper
Seconded by: MacLeish

RESOLVED, That the Board wishes to discuss the amendment of Article IV, Section 4 at its next Board meeting by adding “or other designated person” to this Section.

Yeas: All (12)
Absent: York

F. DDA Position on Excluding Monarch

The Board reviewed various components and ramifications of removing the Monarch from the district including: Bonding Capacity, Donors vs. Consumers, Taxes.

Resolution: DD-06-09
Moved by: Reschke
Seconded by: Hodges

WHEREAS, the current Troy Downtown Development Authority boundaries include only 31% of the property that is in the proposed Monarch residential development; and

WHEREAS, this action would limit the ability of the DDA to fund any recommendations resulting from the Big Beaver Corridor Study; and

WHEREAS, residential property, particularly high-density residential and mixed use developments (PUD's) are critical elements to the long-term growth of the corridor; and

WHEREAS, according to our Municipal Finance Advisor, Bendzinski & Co., the following reasons were given not to reduce the boundaries of the DDA: 1) The City and Downtown Development Authority (DDA) has a "moral obligation" to bond holders to continue, at a minimum, the boundaries of the DDA; 2) The initial projections as to anticipated growth within the DDA have not been met; 3) Debt service coverage was based on projections of growth. The current debt service coverage has not met the requirements of the Plan or insurance commitments. By Changing the boundaries of the District, the City would be acting in bad faith to its bond holders; and 4) The DDA and the City would have to make a "disclosure of a material event" to all bond holders, insurers and rating agencies; and

WHEREAS, the DDA would no longer capture non-city taxes (currently 40% of the tax capture $226,000) to fund public infrastructure projects in the DDA; and

WHEREAS, the taxes continuing to flow into the general fund from the base year determinations of 1993, exceed the amount of expenditures required to provide public services in the DDA district;

THEREFORE, BE IT RESOLVED, that the Troy Downtown Development Authority supports retaining the current boundaries and opposes any modifications including the removal of the Monarch Project.

Yeas: All (12)
Absent: York

PUBLIC COMMENT

Two visitors in attendance addressed the Board.

The meeting was adjourned at 9:05 a.m.

Next Meeting: March 15, 2006 @ 7:30 a.m. @ Troy City Hall, Lower Level Conference Room

_____
Alan Kiriluk, Chairman

_____
John M. Lamerato, Secretary/Treasurer

JL/pg

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Mar. 2 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1 PM.

Present: JoAnn Thompson, Chair
Frank Shier, Member
Merrill Dixon, Member
Jo Rhoads, Member
David Ogg, Member
James Berar, Member
Pauline Noce, Member
Carla Vaughan, Staff

Absent: Bud Black, Member

Visitors: None

Approval of Minutes

Resolution # SC-2006-3-001
Moved by Jo Rhoads
Seconded by James Berar

RESOLVED, That the Minutes of Feb. 2, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Merrill reported that the bid award will probably go before City Council in April. Carla reported that the courts should be completed in June and she will begin to advertise the facility in the April newsletter.

Catering Service at the Community Center: Carla reported that the contract expires May 1. Staff has initiated discussions with Emerald Food Service.

New Business

Term Limits: Carla reported that term limits for committees have been eliminated.

Attendance at Other Committee Meetings: James Berar suggested that committee members might want to attend other committee meetings on occasion.

Reports

Park Board: Merrill Dixon reported that the Park Board did not meet in February.

Medi-Go: Jo Rhoads reported that the cost of insurance is a concern for Medi-Go and they would like to get under the City's umbrella policy.

Senior Program: Carla reported that the Expo will be held on March 21 with over 60 vendors. New this year is a fashion show to be held on March 29 with fashions from Oakland Mall. Over 200 seniors are expected to attend.

OLHSA: Jo Rhoads reported that a doctor spoke on healthy sleeping habits.

Oakland County Senior Advisory Board: Jo Rhoads reported that they discussed changes in the administration and that their booklet will be printed soon.

Medicare Part D: Joann indicated that everyone she has talked to is hesitating to sign up because they are confused about the conflicting and changing information.

Suggestion Box: There were two comments: one unsigned complaint that the chicken patty on February 21 was "dry and overcooked like a hockey puck." The other comment was about the fact that non-seniors are parking in the lot designated for seniors at the Community Center and therefore the lot is full. Carla will check the sign to see if it needs to be made to stand out more she will and talk to staff about the problem.

Comments:

Joann Thompson welcomed new member Frank Shier. She also commented about the citizen's academy – that it is great and everyone should attend.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, March 8, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:15 p.m.

TRUSTEES PRESENT:
Mark Calice
Michael Geise
Thomas Houghton, Chair
John M. Lamerato
William R. Need (Ex-Officio)
Steven A. Pallotta
Louise Schilling
John Szerlag

MINUTES

Resolution # ER – 2006 – 03 - 010
Moved by Pallotta
Seconded by Houghton

RESOLVED, That the minutes of the February 8, 2006 meeting be approved as amended.

Yeas: All 7

OTHER BUSINESS – RETIREMENT REQUESTS

Resolution # ER – 2006 – 03 - 011
Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the board approve the following retirement requests:

Ronald J. Bodek, DB, 4/1/06, Police, 25 years
Gregory R. Latka, DB, 4/22/06, Police, 27 years, 5 months
Mary Esther Cram, DB, 6/3/06, Library, 15 years, 2 months

Yeas: All 7

OTHER BUSINESS – RETIREE NEWSLETTER

The Board reviewed the responses of 63 retirees regarding the initial retiree newsletter. The Board will continue to monitor the responses at their April Meeting.

INVESTMENTS

Resolution # ER – 2006 – 03 - 012
Moved by Pallotta
Seconded by Schilling

RESOLVED, That the Board sell and purchase the following securities:

Sell: Comcast, Dana, Arvin Meritor, 10,000 shares of Fifth Third Bank

Purchase: $1,000,000 John Hancock,5.71%, due 4/15/09;
$1,000,000 SLMA Ednotes, 5.42%, due 6/15/09;
$1,000,000 John Hancock, 5.84%, due 3/15/11;
$1,000,000 Cohen Steer International Reit Fund

Yeas: All 7

The next meeting is April 12, 2006 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:17 p.m.

Thomas Houghton, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2006\3-08-06 Minutes_Final.doc

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on March 14, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Lynn Drake-Batts
Fazal Khan

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Richard K. Carlisle, Carlisle Wortman Associates
Christopher Kulesza, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-03-040
Moved by: Wright
Seconded by: Vleck

RESOLVED, That Members Drake-Batts and Khan are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Drake-Batts, Khan

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller requested the American Planning Association (APA) travel request for Ms. Kerwin be added to the agenda.

It was the consensus of the members to approve the agenda as revised.

3. MINUTES

Resolution # PC-2006-03-041
Moved by: Schultz
Seconded by: Kerwin

RESOLVED, To approve the February 28, 2006 and March 7, 2006 Special/Study Meeting minutes as published.

Yes: All present (7)
No: None
Absent: Drake-Batts, Khan

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

Chair Strat announced that five (5) affirmative votes are required for approval and recommendations of action of agenda items. He stated the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 5) – Proposed Caswell Town Center including 14 single family homes, 74 condominium units, ±19,000 s.f. retail space and the existing Petruzzello's Banquet Center, Southeast corner of Rochester Road and South Blvd., Section 2 – B-3 (General Business), P-1 (Vehicular Parking) and R-1D (One Family Residential) Districts

Mr. Miller reported the Planning Consultant's report dated March 14, 2006 and the proposed Resolution prepared by the Planning Department were distributed to the members prior to the beginning of tonight's meeting.

Richard Carlisle of Carlisle Wortman Associates, the City's Planning Consultant, was present. Mr. Carlisle provided an overall description of the proposed development relating to the site's characteristics, PUD eligibility, transition to the single family homes to the south and east, parking and landscaping. He addressed the revisions to the plan since his last review, dated February 21, 2006, and outlined the outstanding items that need to be addressed. The outstanding items are:

- FEMA determination.
- City's Traffic Engineer review.
- Multiple family building height.
- City's Parks and Recreation Department review.
- Photometric plan review.
- Signage.

The petitioner, Brad Byarski of Michigan Home Builders, 13400 Canal Road, Sterling Heights, was present. Mr. Byarski provided a PowerPoint presentation of the overall development and displayed renderings and visual boards. He addressed the transition to single family homes to the east, the landscaped buffer and lot sizes of the proposed single family homes.

PUBLIC HEARING OPENED

Don Brown of 1221 Cadmus Drive, Troy, Treasurer of Maple Forest of Troy Homeowners Association, was present. Mr. Brown commended the petitioner for his professionalism in working with the homeowners and addressing their concerns. The concerns related to providing a buffer for visual privacy and adequate vegetation for sound absorption. Mr. Brown said the proposed development would be a benefit to both the City and the Maple Forest homeowners, and the homeowners would like to see the project go forward.

PUBLIC HEARING CLOSED

Discussion followed on:
- Environmentally protected area near rear yard drainage.
- Revised parking layout.
- Submission and review of photometric plan.
- Setbacks of multiple family homes.
- Signage and its spatial relationship to development.
- Elevations and grades.

Resolution # PC-2006-03-042
Moved by: Wright
Seconded by: Waller

WHEREAS, The Planning Commission has reviewed a Preliminary Plan for a Planned Unit Development, pursuant to article 35.60.01, as requested by Michigan Home Builders for Caswell Town Center Planned Unit Development (PUD 5), located on the south side of South Boulevard and east side of Rochester Road, located in Section 2, within the B-3, P-1 and R-1D zoning districts, being 18.62 acres in size.

RESOLVED, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00.

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development consist of the project manual, dated October 10, 2005 and revised on February 1, 2006, which contain narratives, reduced plans, and full size plans.

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development application consists of the project manual, dated October 10, 2005 and revised on February 1, 2006, which contain narratives, reduced plans, and full size plans.

BE IT FURTHER RESOLVED, That the City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. has prepared a memorandum dated March 14, 2006 that identifies some issues that still need to be resolved.

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Caswell Town Center Preliminary Planned Unit Development be postponed to the March 28, 2006 Special/Study meeting to address issues identified by the City's Planning Consultant.

Discussion on the motion on the floor.

It was noted that Messrs. Miller and Carlisle would not be in attendance at the March 28, 2006 Special/Study meeting, and that Mr. Savidant would represent City Management on the review of the photometric plan.

There was discussion with respect to the intent of the motion and keeping the Public Hearing open for the March 28th meeting.

Messrs. Wright and Waller agreed that the intent of the motion is to make a recommendation to City Council at the March 28, 2006 Special/Study meeting after review of the photometric plan and that the Public Hearing would be re-opened for public comment at that meeting.

Vote on the motion on the floor.

Yes:	All present (7)
No:	None
Absent:	Drake-Batts, Khan

MOTION CARRIED

Chair Strat requested a recess at 8:35 p.m.

The meeting reconvened at 8:45 p.m.

REZONING REQUEST

6. PUBLIC HEARING – PROPOSED REZONING (Z 715) – Proposed Office Use of Existing Buildings, East side of Stephenson Hwy, North of Fourteen Mile Road, Section 35 – From R-C (Research Center) to O-M (Office Mid-Rise) and/or O-1 (Office Low Rise) District

Mr. Miller identified three pieces of correspondence distributed to the members prior to the beginning of tonight's meeting; i.e., written request from the petitioner to withdraw one parcel from the rezoning request; a proposed Resolution to correspond to the exclusion of that parcel, and a boundary survey showing the withdrawn parcel.

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning and noted that the rezoning was advertised for both O-M and O-1. Mr. Miller reported it is the recommendation of City Management to approve the revised rezoning request.

The petitioner, Michael Surnow of Robbins Investments LLC, 7115 Orchard Lake Road, West Bloomfield, was present. Mr. Surnow said the property is needed for medical office use.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Motzny confirmed the rezoning request as revised does not need to be re-advertised and the members could proceed with the request.

Resolution # PC-2006-03-043
Moved by: Littman
Seconded by: Schultz

WHEREAS, The applicant has requested that a parcel approximately 3.047 acres in size, described in the legal description as Lot 1 of Robbins Executive Park West, referred to as 466 Stephenson Highway, be withdrawn from the rezoning application, and

WHEREAS, The applicant wishes to proceed with the rezoning of the remaining portion of the property, described in the legal description as Lot 2 and part of Lot 3 of Robbins Executive Park West, referred to as 500 and 550 Stephenson Highway.

BE IT FURTHER RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-C to O-M rezoning request, located on the east side of Stephenson Highway, north of Fourteen Mile Road, within Section 35, being approximately 13 acres in size, be granted.

Yes: All present (7)
No: None
Absent: Drake-Batts, Khan

MOTION CARRIED

[Mr. Kulesza exited at 8:55 p.m.]

SPECIAL USE REQUEST

7. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN APPROVAL (SU 330) – Proposed Auto Dealership, North of Maple, West side of Maplelawn, Section 29, Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed auto dealership. Mr. Savidant reported it is the recommendation of City Management to approve the special use and site plan as submitted with the condition that an alternate tree than proposed is provided within the required landscape greenbelt.

The petitioner, Stanley Tkacz of Studio Design, 1529 S. Wayne Road, Westland, was present. Mr. Tkacz said there would be no problem providing an alternate tree and indicated the landscaped area would be well maintained.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-03-044
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.05 of the Zoning Ordinance, as requested for the proposed Infiniti and Hyundai Dealerships, located on the west side of Maplelawn, north of Maple, Section 29, within the M-1 Zoning District, be granted, subject to the following condition:

1. Provide an alternate tree to Cercis canadensis within the required landscaped area.

FURTHERMORE, That the Planned Auto Center be expanded to include the subject parcel.

Yes: All present (7)
No: None
Absent: Drake-Batts, Khan

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

8. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT REQUEST (ZOTA 222) – Articles 04.00.00 and 28.25.00 Classic and Antique Auto Sales Facilities in the M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report for the proposed Zoning Ordinance text amendment and reported it is the recommendation of City Management to approve the Planning Commission Public Hearing draft language.

Gregory Need, attorney, 39533 Woodward Avenue, Bloomfield Hills, was present to represent the petitioner. Mr. Need announced the two principals of Birmingham Auto World were also present. He provided a brief explanation for the request and indicated his clients are supportive of the text revisions presented by City Management. Mr. Need asked the members for a favorable recommendation to City Council.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Vleck addressed Section 28.25.07 (D) of the proposed text that states antique or classic automobiles located on site and offered for sale must be in operable condition. He suggested the elimination of the text to also allow inoperable automobiles on site.

Mr. Need said his clients have no preference on the wording of that section because all their vehicles are in operable condition.

Resolution # PC-2006-03-045
Moved by: Wright
Seconded by: Kerwin

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV DEFINITIONS and XXVIII M-1 LIGHT INDUSTRIAL DISTRICT, pertaining to Antique or Classic Automobile Sales Agencies in the M-1 District, be amended as printed on the Proposed Zoning Ordinance Text Amendment, Planning Commission Public Hearing Draft.

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

MOTION CARRIED

Mr. Vleck said he would prefer the deletion of Section 28.25.07 (D) because it would allow more flexibility to potential people who wish to service classic automobiles in the M-1 district.

STREET VACATION

9. STREET VACATION REQUEST (SV 134-B) – Cherry Street east of Livernois, approximately 173 feet abutting Lots 6 and 7, Greenough Heights Subdivision, East of Livernois, South of I-75, Section 27 – Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts (the abutting parcels)

Mr. Miller reported the Planning Department received a written request to postpone the item to the May Regular meeting because of the death of one of the petitioners.

Resolution # PC-2006-03-046
Moved by: Wright
Seconded by: Waller

RESOLVED, That the Planning Commission hereby postpones this item to the May Regular Planning Commission meeting.

Yes: All present (7)
No: None
Absent: Drake-Batts, Khan

MOTION CARRIED

SITE CONDOMINIUM SITE PLAN

10. SITE PLAN REVIEW – Preserves of Timbercrest Site Condominium, 6 units/lots proposed, West of Fernleigh, South side of Wattles Road, Section 24, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed site condominium and reported it is the recommendation of City Management to approve the application with the condition that a wetlands determination is submitted.

The petitioner, Joe Maniaci of Mondrian Properties, 1111 W. Long Lake Road, Troy, was present. Mr. Maniaci said the width of the lot dictated a private street to accommodate buildable lots.

Chair Strat opened the floor for public comment.

Lou Messina of 3910 Forge, Troy, was present. Mr. Messina voiced opposition to the proposed development. He said the proposed homes would face the back yards of the residential homes on Forge and the proposed private road would be behind their back yards. Mr. Messina voiced concern with additional traffic exiting onto Wattles Road. Mr. Messina said residents on Forge have maintained the retention area behind their homes.

Shirley Roberts of 3896 Forge, Troy, was present. Ms. Roberts voiced her concern about the private road that would be behind her house. She enjoys outside activities with her small grandchildren and is concerned for their safety.

Michael Long of 3882 Forge, Troy, was present. Mr. Long voiced opposition to the proposed development. He said the development seems to be poorly designed and houses are just being jammed in. Mr. Long addressed concern with vehicular headlights from the cul de sac reflecting on the residential homes on Forge.

The floor was closed.

Mr. Savidant confirmed that the retention area to the rear of the homes on Forge is owned by the State of Michigan and is approximately 100 feet in width.

Resolution # PC-2006-03-047
Moved by: Waller
Seconded by: Schultz

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 Preserves of Timbercrest Site Condominium, including 6 units, located west of Fernleigh on the south side of Wattles Road, Section 24, within the R-1C zoning district be granted, subject to the following condition:

1. The applicant must get a wetlands determination for the parcel as per Section 3.43.01(9). The Planning Department will ensure that the report is submitted for consideration by City Council prior to Preliminary Site Condominium Approval. If the report indicates there are State-regulated wetlands on the parcel, the item will come back to Planning Commission for consideration.

Discussion on the motion on the floor.

Mr. Miller explained the wetlands determination is a requirement of the site plan application and the Planning Department erred in accepting the application without a wetlands determination.

Mr. Littman asked for further information on the retention area.

Larry Hendrick of 3868 Forge was present. Mr. Hendrick provided information on the retention basin. He said all the subdivision water goes into the basin. The pumping station shuts off with a heavy rainfall [5-year rain]. Mr. Hendrick estimated the basin filled up about 15 times since he's lived there (34 years), and said the overflow water goes into the creek at the south end. He said water would not go on the proposed development, nor does it go onto the residential properties on Forge.

There was a brief discussion on the State-owned property as relates to landscaping and maintenance.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Vleck would prefer a landscaped buffer between the private road and the residential homes on Forge.

SITE PLAN REVIEW

11. SITE PLAN REVIEW (SP 928) – Proposed Industrial Building Parking Lot Revisions, North side of Fourteen Mile, East of John R, Section 36 – Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed site plan and reported it is the recommendation of City Management to approve the site plan as submitted.

The petitioner, John Secco of 977 14 Mile Associates, LLC, 18530 Mack Avenue, Grosse Pointe, was present. Mr. Secco said the plan would provide adequate parking for employees and visitors of the proposed user, Innovative Cadence, which is a Tier 1 automotive supplier.

There was discussion on the 14 Mile Road frontage landscaping.

Mr. Secco agreed to extend the landscaping along the 14 Mile Road frontage.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2006-03-048
Moved by: Schultz
Seconded by: Littman

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Industrial Building Parking Lot Revisions, located on the north side of Fourteen Mile Road, east of John R, located in Section 36, on approximately 8.4 acres, within the M-1 zoning district, is hereby granted, subject to the following condition:

1. That the lawn area between the sidewalk and the parking lot just east of the west entrance be landscaped consistent with the proposed landscape plan for the rest of the property frontage.

Yes: All present (7)
No: None
Absent: Drake-Batts, Khan

MOTION CARRIED

OTHER ITEMS

12. AMERICAN PLANNING ASSOCIATION (APA) TRAVEL REQUEST

Resolution # PC-2006-03-049
Moved by: Littman
Seconded by: Schultz

RESOLVED, That the Planning Commission approve Ms. Kerwin's travel request for the American Planning Association (APA) conference on April 22-26, 2006.

Discussion on the motion on the floor.

There was a brief discussion on budget monies and the transfer of budget line items.

Mr. Vleck asked Ms. Kerwin to provide a written report of knowledge gained at the conference.

Vote on the motion on the floor.

Yes: All present (7)
No: None
Absent: Drake-Batts, Khan

MOTION CARRIED

13. PUBLIC COMMENTS – Items on Current Agenda

Chris Komasara of 5287 Windmill Drive, Troy, was present. Mr. Komasara addressed the proposed Timbercrest Site Condominium development with respect to providing landscaping on State-owned property.

Michael Long of 3882 Forge, Troy, addressed the proposed Timbercrest Site Condominium development. He asked if Troy has any existing residential developments where houses are arranged front yard to back yard. He suggested an alternate plan where the homes would face toward the existing condominium development. Mr. Long agreed additional landscaping between the proposed development and residential homes on Forge would be beneficial.

Larry Hendrick of 3868 Forge, Troy, addressed the proposed Timbercrest Site Condominium development. He said the looks of the area near the turnaround would change because the developer is removing six pine trees that are approximately 50 years old and 20 feet tall. Mr. Hendrick addressed a dead-end street versus a turnaround.

The Planning Commission members encouraged the residents on Forge to address their concerns directly to the City Council.

GOOD OF THE ORDER

Ms. Kerwin briefly reviewed the presentation given by Environmental Specialist, Jennifer Lawson, at the Women's League of Voters. She announced that a water management panel is scheduled for Leadership Troy on March 22, 2006 at 7:00 p.m. at the Community Center. Ms. Kerwin thanked the members for approval of her attendance at the APA conference.

Mr. Schultz announced he is attending an Advanced BZA training session offered by the Michigan Association of Planning (MAP) on March 21, 2006.

Mr. Vleck addressed redevelopment in Troy and said the engineering firm going into the former Scott Shuptrine furniture store is a great example. He said the APA conference is a valuable tool for opportunity and forward thinking in the City.

Chair Strat apologized if he offended anyone during the discussion of reviewing the photometric plan for PUD 5.

The Regular Meeting of the Planning Commission was adjourned at 9:48 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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A meeting of the Downtown Development Authority was held on Wednesday, March 15, 2006 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT:

Stuart Frankel
David Hay
Michele Hodges
William Kennis
Alan Kiriluk
Daniel MacLeish
Ernest Reschke
G. Thomas York

ABSENT:

Michael Culpepper
Carol Price
Louise Schilling
Douglas Schroeder
Harvey Weiss

ALSO PRESENT:

John Lamerato
Brian Murphy
Lori Bluhm
Doug Smith
Mark Miller

APPROVAL OF MINUTES

Resolution: DD-06-10
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, That the minutes of the February 15, 2006 regular meeting be approved.

Yeas: All (8)
Absent: Culpepper, Price, Schilling, Schroeder, Weiss

OLD BUSINESS

A. Bylaws Amendment

Resolution: DD-06-11
Moved by: MacLeish
Seconded by: Hodges

RESOLVED, that the Troy Downtown Development Authority approves the amendment as attached in Article IV, Section 4 of the DDA Bylaws to strike “shall” and insert “may” in Line 1 “in the absence of” in Line 2 and in Line 3 strike “acting” and insert “**Executive”**; and

RESOLVED, that the DDA recommends City Council approval of this amendment as required in Article X of the DDA Bylaws; and

BE IT FURTHER RESOLVED, that the DDA recommends the appointment of Doug Smith as Executive Director.

Yeas: All (8)
Absent: Culpepper, Price Schilling, Schroeder, Weiss

B. Legal Update

Lori Grigg Bluhm, City Attorney reviewed State Law and Open Meetings Act requirements with the Board.

C. Potential Site Inventory

The Board received a map delineating potential site for future projects within the district.

D. Mission Statement

The Board will review the proposed Mission Statement at their next meeting.

E. Corridor Study Update

Doug Smith gave an update on the Corridor Study. Final draft will be presented at the April Board meeting.

F. Citizen Education Initiative

Doug Smith and Cynthia Stewart are working on RFP.

G. City Council Meeting February 27, 2006 - Monarch

Board was informed of the City Council action in favor of retaining the existing boundaries of the DDA.

NEW BUSINESS

A. Expanding District

The Board will review expanding the district boundaries, and the use of the new Corridor Development Plan.

EXCUSE ABSENT MEMBERS

Resolution: DD-06-12
Moved by: MacLeish
Seconded by: York

RESOLVED, That Culpepper, Price, Schilling, Schroeder, Weiss be excused.

Yeas: All (8)
Absent: Culpepper, Price, Schilling, Schroeder, Weiss

PUBLIC COMMENT

Two visitors in attendance addressed the Board.

The meeting was adjourned at 8:34 a.m.

Next Meeting: April 19, 2006 @ 7:30 a.m. @ Troy City Hall, Lower Level Conference Room

_____
Alan Kiriluk, Chairman

_____
John M. Lamerato, Secretary/Treasurer

JL/pg

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PRESENT:

Stuart Frankel
David Hay
Michele Hodges
William Kennis
Alan Kiriluk
Daniel MacLeish
Ernest Reschke
G. Thomas York

ABSENT:

Michael Culpepper
Carol Price
Louise Schilling
Douglas Schroeder
Harvey Weiss

ALSO PRESENT:

John Lamerato
Brian Murphy
Lori Bluhm
Doug Smith
Mark Miller

APPROVAL OF MINUTES

Resolution: DD-06-10
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, That the minutes of the February 15, 2006 regular meeting be approved.

Yeas: All (8)
Absent: Culpepper, Price, Schilling, Schroeder, Weiss

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RESOLVED, that the DDA recommends City Council approval of this amendment as required in Article X of the DDA Bylaws; and

BE IT FURTHER RESOLVED, that the DDA recommends the appointment of Doug Smith as Executive Director.

Yeas: All (8)
Absent: Culpepper, Price Schilling, Schroeder, Weiss

B. Legal Update

Lori Grigg Bluhm, City Attorney reviewed State Law and Open Meetings Act requirements with the Board.

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The Board received a map delineating potential site for future projects within the district.

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Board was informed of the City Council action in favor of retaining the existing boundaries of the DDA.

NEW BUSINESS

A. Expanding District

The Board will review expanding the district boundaries, and the use of the new Corridor Development Plan.

EXCUSE ABSENT MEMBERS

Resolution: DD-06-12
Moved by: MacLeish
Seconded by: York

RESOLVED, That Culpepper, Price, Schilling, Schroeder, Weiss be excused.

Yeas: All (8)
Absent: Culpepper, Price, Schilling, Schroeder, Weiss

PUBLIC COMMENT

Two visitors in attendance addressed the Board.

The meeting was adjourned at 8:34 a.m.

Next Meeting: April 19, 2006 @ 7:30 a.m. @ Troy City Hall, Lower Level Conference Room

_____
Alan Kiriluk, Chairman

_____
John M. Lamerato, Secretary/Treasurer

JL/pg

TRAFFIC COMMITTEE MINUTES MARCH 15, 2006 FINAL

A regular meeting of the Troy Traffic Committee was held Wednesday, March 15, 2006 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Ted Halsey
Jan Hubbell
Richard Kilmer
Gordon Schepke
Pete Ziegenfelder
Katherine Tan, Student Representative

ABSENT: John Diefenbaker
Jonathan Shin, Student Representative

Also present: John Abraham, Traffic Engineer
Lt. Scott McWilliams, Traffic Safety Division, Troy Police Department
Lt. Robert Matlick, Fire Department
and Chris Hengstebeck, Beaumont Hospital
Mark Mason, Beaumont Hospital
John Rogers, Beaumont Hospital
H. Kezlarian, DDS, 873 Highwood, Bloomfield 48304
Joe Morelli, 3065 Crooks Road
Jeff Osborne, 3085 Crooks Road
Dale R. Zygnowicz, 6370 Elmoor

Resolution to Excuse Absent Members

RESOLUTION #2006-03-26
Moved by Kilmer
Seconded Hubbell

To excuse Mr. Diefenbaker as he is out of the state.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

2. Minutes – February 15, 2006

RESOLUTION #2006-03-27
Moved by Kilmer
Seconded by Halsey
To approve the February 15, 2006 minutes as printed.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

PUBLIC HEARINGS

3. Request for Sidewalk Waiver – 2977 Lenox

Irene Sadikoff is requesting a waiver for the sidewalk at 2977 Lenox. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

RESOLUTION #2006-03-28
Moved by Halsey
Seconded by Schepke

To table this item to give the petitioner one more chance to appear.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

4. Request for Sidewalk Waiver – 1126 Chopin

Chris Vance is requesting a waiver for the sidewalk at 1126 Chopin. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

The petitioner did not attend the meeting to address the committee.

RESOLUTION #2006-03-29
Moved by Hubbell
Seconded by Halsey

WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee denies a waiver of the sidewalk requirement for the property at 1126 Chopin, which is owned by Chris Vance.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

5. Request for Sidewalk Waiver – 1132 Chopin

Chris Vance is requesting a waiver for the sidewalk at 1132 Chopin. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

The petitioner did not attend the meeting to address the committee.

RESOLUTION #2006-03-30
Moved by Hubbell
Seconded by Kilmer

WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee denies a waiver of the sidewalk requirement for the property at 1132 Chopin, which is owned by Chris Vance.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

REGULAR BUSINESS

6. Safety Concerns Around Beaumont Hospital

During the February meeting, Lt. McWilliams reported that he received a letter from an attorney for Beaumont Hospital regarding safety of pedestrians crossing

Dequindre, and a request for additional enforcement. The police have been performing some directed enforcement and issuing citations for jaywalking, speeding and other violations. There are two facilities, one on each side of Dequindre. Employees are required to park in the east side lots and cross Dequindre to get to the hospital on the west side. There are ongoing concerns with vehicles turning in and out of the west parking lot being in conflict with pedestrians crossing the street. There have been crashes, and two pedestrians have been hit. The hospital administration wants to increase safety and is willing to work with the city to ensure it. The hospital has already added a traffic light with a crosswalk and walk light at its main entrance, and added streetlights on both sides of Dequindre (see attached letter from Christine Stesney-Ridenour, Assistant Hospital Director).

This request from the hospital was discussed with the Road Commission for Oakland County, which has jurisdiction over Dequindre and also controls traffic signals in the City. Following is a response from Mr. Dylan Foukes, Traffic Engineer for the RCOC:

> *We met with Beaumont and their consultants about two weeks ago regarding the expansion of the Troy Beaumont campus. As part of their plan, they will most likely be moving/modifying their existing signals on Dequindre. In addition, a pedestrian bridge over Dequindre is part of the hospital's plans. Although, it may be a few years on the pedestrian bridge, the signal modifications may come much sooner. I suggest that Ms. Stesney-Ridenour talk with John Rogers from Beaumont who was at the meeting and is the project manager for the project.*
>
> *However, if they would still like to move forward with some type of modifications, I have the following comments on the requests that they noted in the letter:*
>
> 1) *A left turn phase for just the driveway traffic is not warranted. If there is considerable left turn/pedestrian conflicts on the northside of the main entrance's intersection, I suggest eliminating this crosswalk and adding a crosswalk on the southside of the intersection.*
> 2) *There is already pedestrian signals which give dedicated time for pedestrians. Vehicles must yield to pedestrians in the crosswalk when crossing during this time.*
> 3) *Since there is pedestrian signals and a marked crosswalk, there is no reason for any additional signing or flashers.*
> 4) *Yellow paint to mark a crosswalk is not supported by the Michigan Manual of Uniform Traffic Control Devices and, therefore, we can not implement it. The existing crosswalk is standard and appropriate for a crosswalk at a traffic signal.*
> 5) *RCOC does not participate or initiate the installation of street lighting.*
>
> *I appreciate the hospital's concerns for safety. However, from the five accidents over the last two years that were noted, only one was a pedestrian/vehicle accident in which it was a left turning vehicle and a pedestrian crossing Dequindre in the designated crosswalk.*

Mark Mason, Hospital Administration, pointed out that traffic exiting the west campus to go north on Dequindre is in direct conflict with pedestrians crossing to and from the east side parking lot. The exiting traffic often consists of stressed family members of patients, and pedestrians are staff members coming or

leaving after a long shift, and some of them may not be as alert as they should be.

Chris Hengstebeck, from Beaumont Security, addressed the committee about accidents and countless near misses in front of the hospital. He presented a handout elaborating on their concerns.

Mr. Mason proposed some solutions: a dedicated left turn lane and green arrow during peak times, 6:30-8:30 a.m. and 3:00-5:30, a delayed green signal to allow pedestrians a head start across the street, and emphasizing crosswalk markings.

Lt. McWilliams and his officers have been observing the area, and they agree that there is heavy pedestrian traffic, and he often observed left turners in conflict with people crossing the street.

Mr. Halsey pointed out that Dequindre is a county road, and the Road Commission for Oakland County has not demonstrated any concern. As illustrated in the letter quoted above from Dylan Foukes, the RCOC sees no need for any improvements in the area. The county traffic engineer also mentioned that the hospital is planning to move the main drive to the south in the future. Mr. Mason indicated that the hospital master plan includes moving driveways and also an elevated pedestrian bridge (similar to the one at Somerset Collection) that will be built in the next five years. However, the requested improvements are for the interim.

Mr. Halsey suggested a fence along the east side of Dequindre to keep pedestrians from jaywalking across Dequindre and direct them to the crosswalk.

John Rogers asked if there could be a pause in the traffic signal timing to allow for crossing Dequindre. The traffic engineer mentioned that it could be discussed with the RCOC. Mr. Schepke asked about increasing general lighting near the crosswalk, and Mr. Mason replied that two lights have been added in the area.

There was much discussion about moving driveways, crosswalks, possible new exits, etc., but nothing practical can be done without cooperation from the Road Commission for Oakland County.

RESOLUTION #2006-03-31
Moved by Hubbell
Seconded by Schepke

To recommend that City Council support Beaumont Hospital's request to the Road Commission for Oakland County for relief of traffic safety concerns on Dequindre, including a dedicated left turn arrow for northbound traffic during peak times, and enhancing the visibility of the existing crosswalk as is done for school crosswalks.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

7. Traffic Safety Concerns on Crooks, North of Big Beaver

At the February meeting Lt. McWilliams discussed traffic concerns in and around businesses on Crooks north of Big Beaver. This has been an ongoing problem for several years. The driveway at the shopping area there is 60 feet wide instead of the standard 30 feet, and there are conflicts with entering and exiting traffic. Officers have been monitoring the area and confirm the concerns. Lt. McWilliams wants to restrict left turns, especially during the 7-9 am and 4-6 pm busy times, in and out of the driveways.

In September of 2003 the Traffic Committee recommended, and Council approved, prohibiting left turns from the Shell station on the corner onto northbound Crooks Road, from 7:00 a.m. to 6:00 pm.

The traffic engineer said the City has been in discussions with the property owners for many years, and some improvements to the parking lot elevations were completed, but further action is needed. A long-term solution would involve modifications to both older developments. Therefore, to promote better circulation, the City required the grade level of the new development to match the grade level of the Osborne Square Development. The DDA allocated $19,000 to assist Weiss properties complete the land balancing. The purpose of leveling the grades was to allow for a cross access easement agreement.

Some of the business owners have been cooperative, but others are reluctant to make any changes. Weiss Properties provided the cross-access easements and installed curb cuts, but the neighboring properties to the south have not provided easements, and have, in fact, blocked the curb cuts.

A traffic crash analysis for the past three years shows five crashes in 2003, one in 2004 and one in 2005 related to the 60-foot driveway. A collision diagram is attached for review. Also attached are a memo to City Council and the minutes from previous Traffic Committee meetings when this item was discussed.

Aron Rozenberg, owner of Princess Flowers & Gifts, was unable to attend the meeting but wrote a letter to the Traffic Committee expressing his opposition to the idea of NO LEFT TURN signs. He feels the inability to make left turns into and/or out of the shopping center would ruin his business. Customers would have to make a minimum of three other turns to get in and out of their plaza. Exiting customers would have to use Wilshire or use turnarounds on Big Beaver to go north on Crooks. As many people wouldn't be willing to undergo that much inconvenience, they would just shop elsewhere. It would also be difficult for trucks to make their normal deliveries to the businesses.

The business owners present at the meeting were equally concerned about potential damage to their livelihoods. Jeff Osborne, Osborne Cleaners, also feels that customers will shop elsewhere rather than have to go to Big Beaver and make Michigan left turns. That would also make traffic at the Big Beaver/Crooks intersection and nearby turnaround much more congested. He also mentioned the inadequate parking space; drivers circle around and wait for an opening, further congesting the area.

The business owners pointed out that the crash rate has dropped in the last couple of years, but Lt. McWilliams attributes that to the closing of the gas station on the corner. A new Starbucks will be taking over that piece of property soon, and the traffic engineer explained that as a part of their site plan review, the City has required the drive from Crooks Road to be a "right turn only" drive so that the potential for any left- turn-related crashes from Starbucks is eliminated. Also, there is a cross-access easement required so that in the future there could be provision for cross access between the developments along Crooks Road from Big Beaver to Wilshire.

Lt. McWilliams said there is currently a partial barrier between #3045 and #3065 Crooks Road. If that barrier were to be extended to the east property line, the driveway could at least be designated as "In" and "Out" driveways, thereby eliminating a lot of confusion and potential traffic conflicts.

Joe Morelli said the real problem is inadequate parking space for customers. Einstein Bagel and Potbellies stores made the situation much worse, and when Starbucks opens, it will be critical.

The committee agreed to postpone this item to give the property owners 60 days to meet with staff and agree on a solution. The item will then be brought before the committee at the June meeting. If no satisfactory agreement has been reached, the committee will recommend installation of signs prohibiting left turns in and out of the shopping center.

RESOLUTION #2006-03-32
Moved by Kilmer
Seconded by Schepke

Recommend postponing this item to give the property owners 60 days to meet with staff and agree on a solution other than installing signs prohibiting left turns. The item will then be brought before the committee at the June meeting.

YES: All-
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

8. Establish Fire Lanes at 336 Minnesota

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical). This item was tabled at the February meeting to allow further study by the Fire Department. Lt. Matlick has determined that the plans on the attached sketch are satisfactory.

RESOLUTION #2006-03-33
Moved by Hubbell
Seconded by Halsey

Recommend establishing fire lanes at 336 Minnesota as shown in the attached sketch.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

9. Establish Fire Lanes at 342 Minnesota

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical). This item was tabled at the February meeting to allow further study by the Fire Department. Lt. Matlick has determined that the plans on the attached sketch are satisfactory.

RESOLUTION #2006-03-34
Moved by Hubbell
Seconded by Halsey

Recommend establishing fire lanes at 342 Minnesota as shown in the attached sketch.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

10. Visitors' Time

No one else wished to address the committee.

11. Other Business

Mr. Ziegenfelder and Mr. Halsey reported that they will be absent from the April meeting.

Mr. Kilmer would like to see the bridge installed at the Crestwood Site Condominiums on Wattles that the builder promised a year ago. The traffic engineer will check with the Engineering Department for an update.

There is a continuing problem with traffic cutting through Fire Stations 1 and 5. There was discussion of cut-through traffic from the new condominiums on the northeast corner of Rochester and Big Beaver. Traffic from the condos uses the fire station property to get through to Big Beaver. At John R and Atkins, vehicles use Station 5 to get from Atkins to John R to save time.

RESOLUTION #2006-03-35
Moved by Hubbell
Seconded by Kilmer

Recommend installation of NO THROUGH TRAFFIC SIGNS at Fire Stations 1 and 5, locations to be determined by Lt. Matlick.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

12. Adjourn

The meeting adjourned at 9:13 p.m. The next meeting is scheduled for April 19, 2006.

Pete Ziegenfelder, Chairman
JAN HUBBELL

Laurel Nottage, Recording Secretary

February 21, 2006

Mr. John Abraham
City Traffic Engineer
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Dear John:

In follow up to our conversation last Thursday, I have put together some background information to support our request to present at the next Traffic Committee meeting scheduled for March 15 at 7:30 p.m. In addition to describing the history and current situation, we will be prepared to show videotape, and have large photos to visually describe the pedestrian crossing issues.

Current Situation

Beaumont Hospital, Troy has buildings and parking lots on its east and west campuses. The hospital has dedicated shuttle service from 6 a.m. to 9 p.m. Monday through Friday. However, many pedestrians choose to walk back and forth across Dequindre on a daily basis. There is a pedestrian crosswalk on Dequindre, but pedestrians who cross with the light (and have the right of way) must compete with vehicles turning north out of the hospital's main campus. At present, vehicles turning north (from the west campus) must wait for pedestrians to clear before completing a left-hand turn. Most often, vehicles do not wait and motorists' turn in front of the pedestrian or complete their turn just as the pedestrian is halfway across the street, sometimes barely missing the pedestrian. This situation can create fear and anxiety for those who choose to walk across the street.

Background and History

The hospital has been developing both the east and west sides of its campuses for the past 15 years. In 2000, a second parking lot was created for employees on the east campus to accommodate increased patient parking demand on the west campus. To increase safety for our employees the hospital has done the following:

- Increased shuttle service hours from 6 a.m. to 9 p.m., Monday through Friday, to accommodate employees parking on the east campus as well as continued shuttle service loop from the east campus ambulatory building to the main hospital campus for patients and visitors.

- Added a second shuttle during the morning hours of 6:30 a.m. – 8:30 a.m. to accommodate high employee volumes.
- Added a traffic light with a crosswalk and walk light at its main entrance.
- Added a streetlight on the Sterling Heights side of Dequindre.
- Added a streetlight (on Hospital property) on the Troy side of Dequindre.
- Periodic communication to pedestrians encouraging them to use the shuttle service as a safer option of crossing Dequindre.

We have record of five accidents within the past two years that could have had very serious outcomes. The accidents can be summarized as follows:

1. An employee was jaywalking across Dequindre and was struck by a car sustaining minor injuries.
2. An employee walking with the light across Dequindre was hit as a car turned left onto northbound Dequindre. The employee sustained minor injuries.
3. A motorist northbound on Dequindre ran the red light and broadsided the hospital's shuttle bus (no injuries).
4. A passenger on the shuttle bus sustained a moderate injury when a car turned left onto northbound Dequindre in front of the shuttle bus causing the driver to stop suddenly.
5. An employee in her car crossing from East campus to Main Campus was struck by a south bound motorist who ran the red light. The employee's car was flipped over and both cars were totaled. Each driver sustained minor injuries.

Hospital videotapes and employee experiences validate countless "near misses" of pedestrians almost being struck by vehicles turning left or running red lights along Dequindre. Despite continued communication from the hospital to its employees discouraging them from walking across Dequindre, many still choose to walk.

Alternatives Considered

The hospital met with the City of Troy in 2004 to discuss alternatives and options to help create safer pedestrian crossing on Dequindre. Our request involved the following:

- A dedicated left-hand turn arrow for vehicles turning left onto Dequindre, reducing the risk to pedestrians trying to cross at the same time vehicles are trying to turn left.
- Flashing yellow lights/signage warning approaching drivers of the intersection and that pedestrians may be crossing.
- A yellow reflective paint crosswalk with hash marks clearly indicating a pedestrian walkway to help motorists' see the crosswalk, particularly in the early morning and early evening hours.
- Periodic traffic enforcement by the police for speeding and enforcement of vehicles observed running red lights.

It was suggested by the City Traffic Engineer, John Abraham, that the Hospital conduct a traffic study. The Hospital engaged Rich and Associates, a recognized consultant in parking and traffic

analysis. The study counted the number of vehicles coming in and out of the hospital's main entrance.

At the same time, the hospital had just received approval from the City of Troy to open an exit allowing direct vehicle exiting to southbound Dequindre at the south end of the campus. At the time, this exit significantly improved vehicle congestion by reducing vehicle traffic at the main entrance. However, increasing pedestrian traffic crossing from the main campus at peak arrival/departure times continued to delay northbound vehicles from exiting the campus, which perpetuated the unsafe crossing conditions for the pedestrians.

After reviewing the vehicle counts coming in and out of Dequindre, the hospital was told that the traffic study (or volume of vehicles) did not statistically support a dedicated left hand turn or <u>any</u> of the safety measures proposed.

The hospital has met with City of Troy and City of Sterling Heights in the past to ask for more safety measures for pedestrians who cross Dequindre. With the exception of adding a streetlight on the Sterling Heights side of the street, our requests for other safety measures have been denied.

After the second pedestrian accident, Hospital leadership asked its legal counsel to write a letter to the City of Troy and Sterling Heights police departments asking for extra police patrols with an emphasis on traffic enforcement during shift change. The letter was sent January 16, 2006. On January 31, the Troy police arrived and began ticketing pedestrians for crossing against the light when they fail to push the crosswalk button[1] as well as for jaywalking. The police also ticketed vehicles for failing to yield to pedestrians, running red lights and speeding. In discussion with the Troy police, they plan to be on campus for the next 30 days enforcing these ordinances and evaluating the safety issues at this intersection. Sterling Heights has not responded to our letter.

<u>Request</u>

It is our hope to obtain the approval of the City of Troy Traffic Committee and the Troy City Council to support our request as described below to gain permission from Oakland County for the following safety improvements at the Main Entrance:

- A dedicated left hand turn arrow for vehicles turning left onto north and south bound Dequindre
- In turn, dedicated time for the crosswalk to allow pedestrians to walk across Dequindre without competing with traffic trying to turn left.
- Flashing yellow lights/signage at the intersection indicating pedestrians may be crossing.

---

[1] When the light was added, the City of Troy required that the walk signal be activated by pushing a button, which turns the walk signal white and adds extra time to the length of the traffic signal. It is unfortunate that employees were ticketed in lieu of a warning as most were unaware they were breaking the law as they were crossing while the traffic signal was in their favor. The hospital has since added additional signage notifying employees to stay within the crosswalk, always push the pedestrian button even if the light is red and do not cross Dequindre unless the pedestrian crossing sign is white.

- Yellow reflective paint crosswalk with hash marks clearly indicating a pedestrian walkway to help vehicles see the crosswalk, particularly in the early morning and early evening hours.
- Improved lighting at the intersection.

The hospital has been and remains prepared to pay for all costs and expenses related to the installation of these improvements.

Our Vision for the Future

As a part of our Master Site Plan, which has been reviewed conceptually with the city planners, Beaumont, Troy will seek approval to create a pedestrian skywalk over Dequindre that links the east and west campuses by 2009. The skywalk is similar to the pedestrian bridge at Somerset Mall.

Summary

Please let us know what else you may need prior to the meeting. I will be transitioning to a new position in the near future so future correspondence and communication should be directed to Mr. Mark Mason (mmason@beaumonthospitals.com) and by phone at (248) 964-5032.

Sincerely,

Christine Stesney-Ridenour
Assistant Hospital Director
William Beaumont Hospital, Troy

cc: E. Hunt
C. Hengstebeck
M. Mason

ITEM 7

Traffic Committee
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

March 14, 2006

To the Traffic Committee Members and all present at this meeting,

I am a business owner on crooks road and I am writing to you in regards to the discussion at the March15th meeting regarding item number seven of the agenda- Traffic safety concerns on Crooks Road north of Big Beaver. I will be out of town but would like to give you information from my perspective, as I cannot be there personally to express my thoughts.

I believe you were negligent for approving new businesses without checking into parking lot spaces, driveways, traffic and all set up to begin with. Which now gives us your traffic concerns. I have been in business for over twenty years an I am astonished that you would go to such extreme circumstances of the suggested resolution a, because I feel that it would not work. Approximately ten years ago when they were putting Einstein Bagels in we went through this same circumstance and the only resolution was a small unnoticeable sign "do not block the driveway". The driveways are to this day constantly blocked, as the sign is not visible enough. I have many doubts as to whether or not a no left hand turn sign would be visible either. They probably will still turn and I feel we need our police to serve us in emergencies, not to sit around the parking lot as potential harassment and handing out tickets to our dedicated and faithful customers. I do understand the need of the 2003, no left turn out of the Shell gas station but there were multiple exits to this property and the exit they proposed no left turn out of was way to close to the stoplight. We do not have any other exits and it will be hard for employees and our delivery people to service us without being able to go in and out more freely. Also it will be a nuisance to our reliable customers. You cannot expect us to survive in this case.

By choosing no left hand turns everyone would have to make at least a minimum of three other turns to get into and out of our plaza to get where they want. By using Wilshire and making more traffic there or by the turn around(s) of Big Beaver to go north on Crooks Road. Who will do that in place of one single left turn? They'll just stop coming period! If you had to do that just to get flowers or food, I would guarantee you would go someplace else with less hassle and less time involvement! You state your traffic analysis has been taken the last three years with a collision diagram. We did not get the diagram but with info provided, the traffic crash rate has dropped drastically from 2003-2005. To only one crash, which is a big jump from five, so I would say that is a sign of much improvement.

RECEIVED
MAR 14 2006
ENGINEERING

I would like for you to take in consideration that suggested resolution a would be disruptive to our everyday routines as you cannot exist on a daily basis at our location with all these added obstacles you propose to detract business. We would lose our customers and patrons during our prime business hours as it would be a huge inconvenience for them and then it would be financially devastating for us. It is hard enough as a small business to stay a float today in our economy and now you want to add to it and make the hardship worse.

As a concerned business owner and Troy resident for more than twenty years I strongly believe that resolution b is the best option of the two. Thank you for your time and consideration.

Sincerely.

Aron Rozenberg
Owner
Princess Flowers & Gifts
248-649-3808

Cc: file, neighboring business owners.

COLLISION DIAGRAM

ITEM 7

PERIOD: 3yr

FROM 1/1/03
TO 12/31/05

INDICATE NORTH BY ARROW

WEISS PROPERTIES
POTBELLYS / CARIBOU COFFEE
NOODLES

OSBORNE SHOPPING PLAZA 60'

FLOWER SHOP 75'

EINSTEIN'S BAGELS

GAS STATION

240' 180' 105'

2003 - 5 CRASHES
2004 - 1 CRASH
2005 - 1 CRASH

CROOKS

BIG BEAVER

3/5/3 11:00
4/9/3 8:25
2/4/3 14:50
8/17/4 17:55
8/16/3 10:30
7/7/3 10:30
3/15/5 12:14
4/21/4 21:30
11/10/5 13:57
9/19/3 10:37
11/19/5 10:41
8/19/3 20:20
6/28/5 8:25
8/16/5 12:30
4/1/3 15:50
8/20/5 13:00
6/8/04 18:00
11/22/5 16:40
3/1/5 10:58
12/24/3 12:10
8/1/3 14:48
3/12/4 21:40
8/11/5 20:25
8/17/5 9:00
6/28/3 10:25
11/26/5 12:27
9/29/5 18:30
6/30/4 20:17
10/30/3 13:50
5/11/04 18:33

SYMBOLS	TYPES OF COLLISIONS	FOR EACH ACCIDENT SHOW:
MOVING VEHICLE	REAR END	1. Date & Time
BACKING VEHICLE	HEAD ON	2. Weather & Road Surface Conditions
PEDESTRIAN	SIDE SWIPE	
PARKED VEHICLE	RIGHT ANGLE	
FIXED OBJECT	LEFT TURN HEAD ON	
INJURY ACCIDENT	OUT OF CONTROL	

REV A

Northwest Segment

BIG BEAVER & CROOKS

BY: [illegible] DATE: 3/2/06

From the 2002-11-20 meeting of Traffic Committee

10. **Update on Concerns about Left Turns from Shell Station at Crooks and Big Beaver.**

Mr. Schultz indicated at the last meeting that the gas station at the northwest corner of the intersection of Crooks and Big Beaver had some left-turn challenges; i.e., left turns onto Crooks Road which are very difficult, but motorists still try to do it. Attached is a collision diagram for the intersection of Crooks and Big Beaver for 2000 and 2001. In 2000, there were five crashes in the proximity of the gas station drive onto Crooks Road. Two angle-type crashes involved vehicles exiting the drive involved in crashes with southbound vehicles.

In 2001 there were three right-angle crashes involving vehicles trying to make a left turn from northbound Crooks into the gas station. There was one head-on crash related to the same maneuver. Three rear-end type crashes also occurred near the driveway. The rear end type crashes are typical at driveways such as this close to the intersection. Three right angle crashes and the head-on are of concern.

From the two-year crash analysis, however, there is no pattern of crashes that can be targeted with improvements. In 2000 the angle crashes involved outbound vehicles making left turns, while in 2001 it involved inbound left-turning vehicles. Making left turns in or out of this driveway is a considerable challenge due to high traffic volumes at the intersection and the fact that left turners will need a gap in three lanes (two southbound through and one southbound right turn lane) to safely complete their turn.

From the 2003-09-17 meeting of the Traffic Committee:

6. **Update on Concerns about Left Turns from Shell Station and Osborne Shopping Center at Crooks and Big Beaver.**

Mr. Kilmer indicated at the November 2002 meeting that the gas station and the Osborne Shopping Center at the northwest corner of the intersection of Crooks and Big Beaver had some left-turn challenges; i.e., left turns onto Crooks Road which are very difficult, but motorists still try to do it. Attached is a collision diagram for the intersection of Crooks and Big Beaver for 2000 and 2001. In 2000, there were five crashes in the proximity of the gas station drive onto Crooks Road. Two angle-type crashes involved vehicles exiting the drive involved in crashes with southbound vehicles.

In 2001 there were four right-angle crashes involving vehicles trying to make a left turn from northbound Crooks into the gas station. There was one head-on crash related to the same maneuver. Three rear-end type crashes also occurred near the driveway. The rear end type crashes are typical at driveways such as

this close to the intersection. Four right angle crashes and the head-on are of concern. There was one right angle crash involving vehicles entering the Osborne Shopping Center.

In 2000 there were four right angle crashes involving vehicles entering the gas station and six rear-end type crashes. There was one right angle and two rear end type crashes at the shopping center entrance.

The gas station drive is around 70 feet from the Big Beaver/Crooks intersection. This entrance is extremely close to the intersection and making left turns in and out of the entrance is very challenging. The Big Beaver and Crooks intersection is one of the top three intersections in the City with the highest number of crashes. This intersection also is among the intersections carrying the highest volume of traffic in the City.

The driveway into Osborne Square has been discussed at the staff level earlier to find a solution to the extra wide driveway. It is a double driveway and the unrestricted open pavement causes confusion as to where motorists have to enter and exit. Observations show that on many occasions there are two vehicles waiting to exit parallel to each other at the driveway in such a way that entering vehicles do not know where to enter. A median in the driveway assigning entry and exit points may help resolve this. However, since it is private property we can only advise the property owners of this.

Joe Nasher states it is very difficult for customers to turn left onto Crooks; however, everyone still tries to do so and it blocks other potential customers from getting to the gas pumps. He would like to see a no left turn sign installed at least during the peak rush hour times of 7:00 am through 6:00 pm at the gas station.

Joe Morelli, 155 Millstone, Troy, owner of Papa Romano's, stated that a no left turn sign out of his parking lot would not be helpful as he is too far down the block for it to make any difference. He stated that the problem is because of Einstein Bagel and the fact that the restaurant and parking lot is not big enough for the amount of business they do.

Dr. Kezlarian, 873 Highwood, Bloomfield, owner of mall where Einstein Bagel and the flower shop are located, stated that if all three places, i.e. Shell, Einstein, Papa Romano's had no left turn signs then that would probably help the situation.

John Abraham stated that Einstein and Osborne Square have an extra wide drive and four cars can fit in the drive, therefore allowing more than one person to try the left turn at one time. He recommends a redesign of the driveway so that these two venues have a joint access and eliminate the two entrances and two exits.

Committee members would like to see the driveway redesigned and they would like to see the drawings of the redesigned driveway.

Resolution #TC2003-09-007
Motion by Halsey
Seconded by Diefenbaker

a. To recommend prohibiting left turns from the Shell station onto northbound Crooks from 7:00 am to 6:pm.

b. To recommend driveway redesign to owners of Osborne Square.

YEAS: All-4
NAYS: None
ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

Memo to Council from City Staff

October 14, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Asst. City Manager/Services
Mark Miller, Planning Director
Doug Smith, Real Estate & Development Director
Mark Stimac, Building and Zoning Director
Steve Vandette, City Engineer
John Abraham, Deputy City Engineer/Traffic

Subject: Northwest Corner of Big Beaver and Crooks

This memo outlines the concerns at the retail establishments on the west side of Crooks Road north of Big Beaver Road, as requested by City Council. This is a status report since the work is still in progress.

The retail establishments on Crooks include the Shell gas station just north of Big Beaver, the small shopping complex that houses Einstein's Bagels and the flower shop, Osborne Square shopping complex (party store, pizza, cleaners), and the new plaza that is still not fully occupied and includes two restaurants and a future coffee shop (Weiss properties). Some of the concerns in the past have been:

a. Access to/from the Shell gas station, from Crooks Road, is a challenge. The Traffic Committee considered this item and recommended restricting left turns out of the gas station onto Crooks road. This item was subsequently approved by City Council. Traffic crashes due to left turns into the gas station will be monitored on a quarterly basis to find if additional improvements need to be made.

b. The driveway into Osborne Square has been discussed at the staff level to find a solution to the extra wide driveway. It is a double driveway and the unrestricted, open pavement causes confusion for motorists entering and exiting. Observations show that on many occasions there are two vehicles waiting to exit parallel to each other at the driveway; thus, entering vehicles do not know where to go. The Traffic Committee also discussed this item, and staff is trying to contact both property owners so that a consensus can be reached on what may work for the driveway.

c. Two years ago, staff attempted to meet with both Mr. Kazlarean and Mr. Osborne, the owners of the two small strip malls between Shell and the new plaza. Plans were drawn to show alternative parking arrangements and consideration of moving the entrance away from the Big Beaver/Crooks Road intersection, further north, to reduce the problems with accidents from a large driveway too close to the intersection. After several months of working with Mr. Kazlarean and being unable to gain any headway with Mr. Osborne, efforts to try and make some kind of corrections were abandoned. The entire episode was initiated by complaints from Somerset Liquors (in the northern section where Mr. Osborne's strip mall is located) who felt the Einstein Bagel parking situation was creating a nightmare for their customers, making it difficult for them to access the site). The site, while within ordinance, lacks enough parking spaces during peak hour parking for a successful business like Einstein Bagels.

   The new restaurants in the Weiss Properties development that opened north of Osborne Square are also very busy and we have received concerns that the restaurant customers are using Osborne Square as an overflow parking lot and walking to the restaurant.

   Staff has been looking for ways to enhance traffic safety in this area for some time and a long-term solution would involve modifications to both older developments. Therefore, in the interest of promoting better circulation in the future, we required the grade level of the new development to match the grade level of the Osborne Square development. The DDA allocated $19,000 to assist Weiss Properties in completing the land balancing. The purpose of leveling the grades is to allow for a future cross access easement agreement. Weiss Properties provided the cross access easements and installed curb cuts. The neighboring properties to the south have not provided the cross access. This reciprocal cross access will occur at some time in the future, if and when those properties redevelop and the City requires the agreements. Therefore, Weiss Properties/Pot Bellies does not have the legal right to use the older established retail areas to the south.

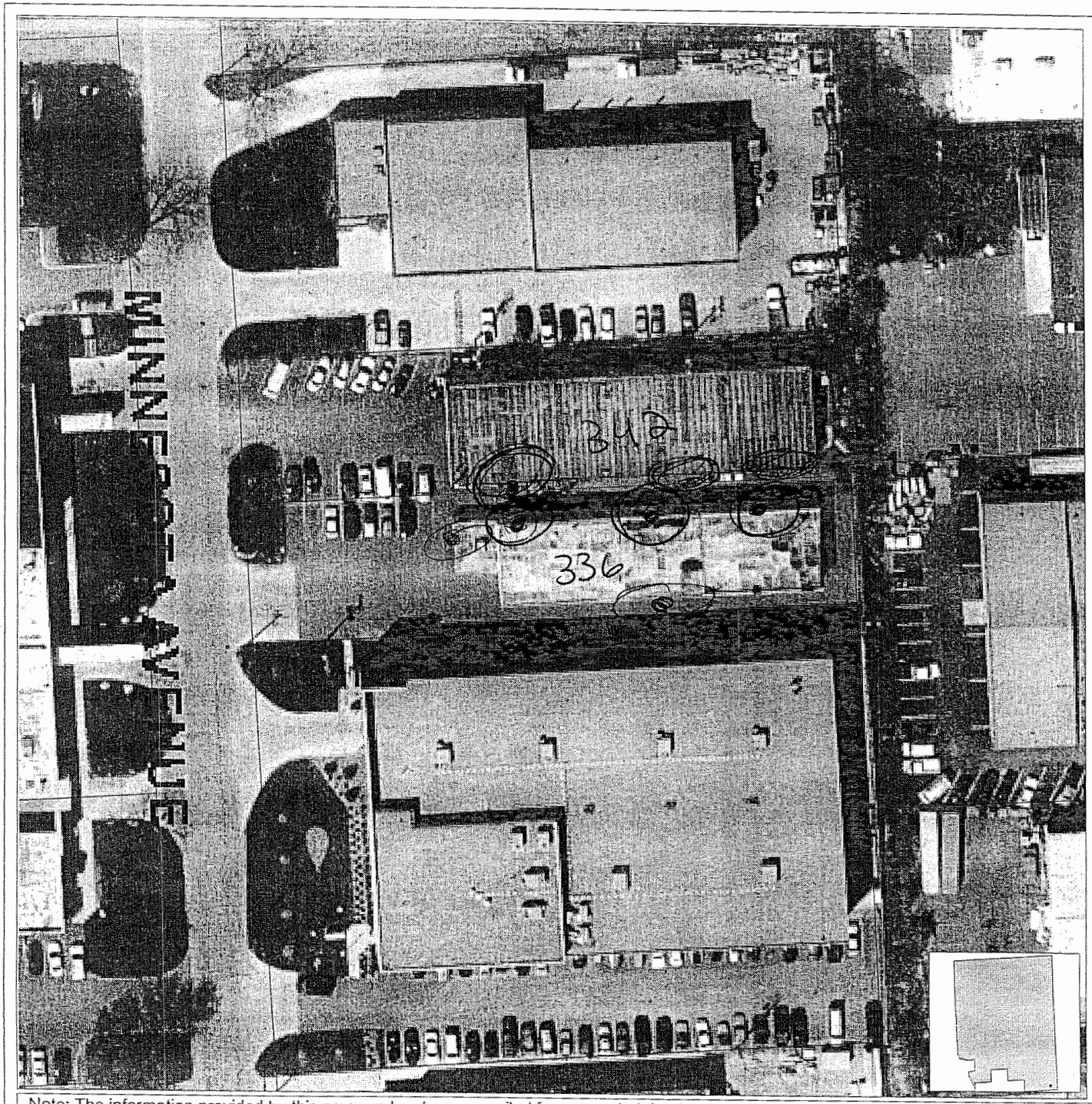
Weiss' development is in full compliance with the zoning ordinance parking requirements. Pot Bellies restaurant is a very popular place and tends to use up all the parking during restaurant peak periods. It should also be noted that a Caribou Coffee restaurant has requested a permit for the vacant spaces in the center. There is a fourth tenant space vacant that may request a permit in the future. Based upon the way that the parking was calculated, this fourth retail space should be "general retail." They have maxed out their parking with the inside seating installed in the three restaurants.

Regarding the use of the storm water detention basin for parking, someone will have to purchase the property from the title company that owns it. In fact, Weiss Properties was looking into this. Also, storm water detention will have to be provided in another location.

From a planning standpoint, the existing retail centers are not ideally designed; large driveways, multiple drives, confusing traffic circulation and parking patterns that just do not work. Clearly, City management encouraged Weiss Properties to purchase the southern retail properties and consolidate the land into one well-designed retail center.

Some other solutions discussed are:

Encourage the entire redevelopment of the properties.
DDA purchase of the properties and market for a consolidated, well-designed development.
Staff will continue to work on this project and meet with property owners to find solutions to the concerns.



City of Troy

CVTSight SnapShot

336 -342 Minnesota

Fire Lane Posting

Map Legend:

- LAKES
- BOUNDARY LINE
- MAJOR ROADS
- I-75
- LABEL ROAD NAMES
- PARCEL
- IMAGE AERIAL PHOTOS

336 E powerHouse, PC
342 YAREMA Die Eng.

336 EPOWERHOUSE PC

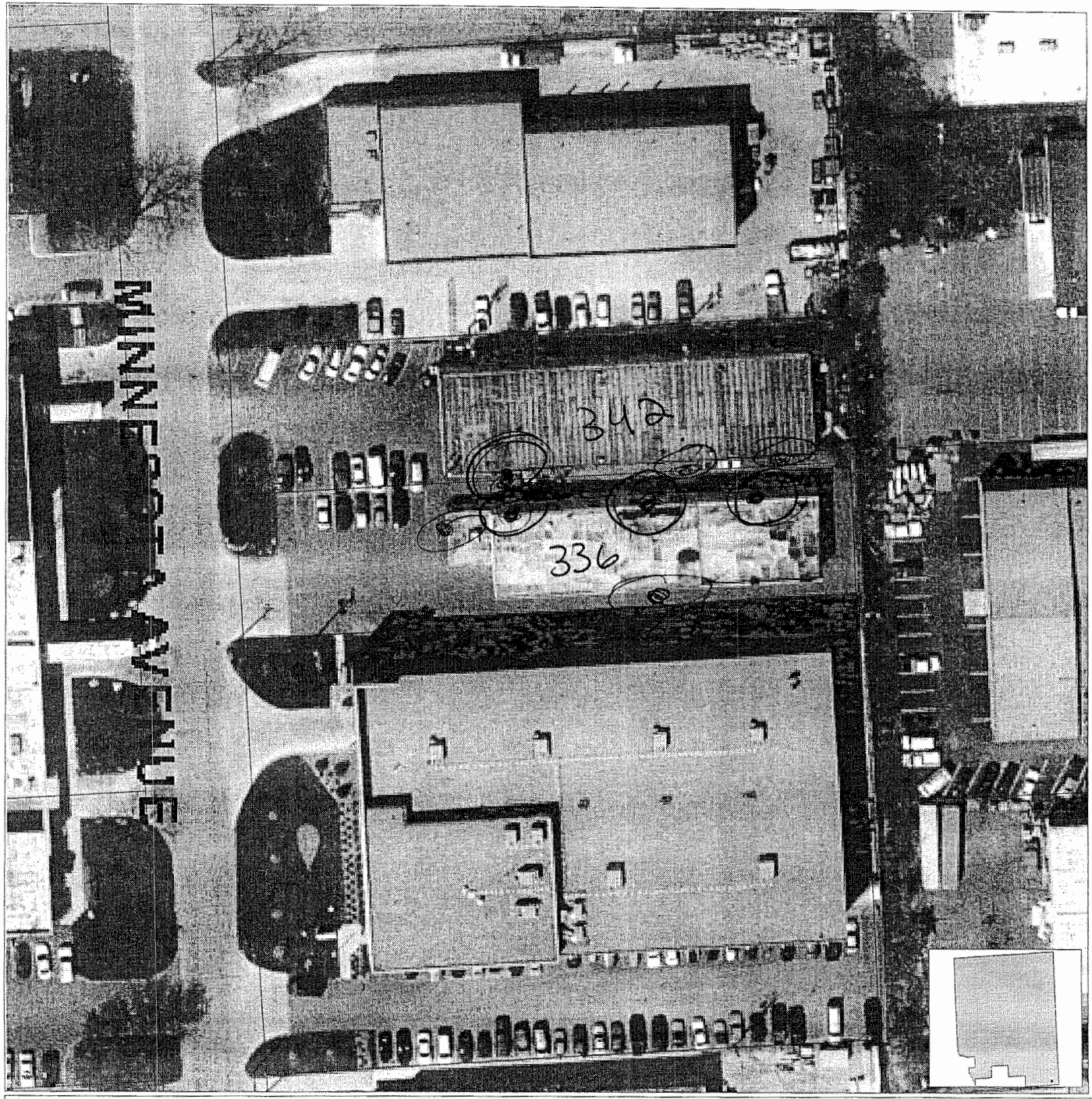
342 YAREMA DIE + ENG

N

Map Scale: 1" = 72'
Map Date: March 22, 2001
Data Date: Janurary 2001

ITEM 8

Note: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey a not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information.



City of Troy

CVTSight SnapShot

336 -342 Minnesota

Fire Lane Posting

Map Legend:

- LAKES
- BOUNDARY LINE
- MAJOR ROADS
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- LABEL — ROAD NAMES
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- IMAGE — AERIAL PHOTOS

336 E powerHouse PC

342 YAREMA Die Eng.

336 EPOWERHOUSE PC

342 YAREMA DIE + ENG

N

Map Scale: 1" = 72'

Map Date: March 22, 2001

Data Date: Janurary 2001

Note: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or su not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information.

ITEM 9

LIBRARY ADVISORY BOARD — FINAL **MARCH 16, 2006**

A Regular Meeting of the Troy Library Board was held on Thursday March 16, 2006 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL PRESENT: Heather Eisenbacher
Brian Griffen
Audre Zembrzuski

Lauren Andreoff, Student Represetnative

Brian Stoutenburg, Library Director

Resolution #LB-2006-3-01
Moved by Zembrzuski
Seconded by Eisenbacher

RESOLVED, That Lynne Gregory, Nancy Wheeler and Cheng Chen be excused.

Yes: 3—Eisenbacher, Griffen, Zembrzuski
No: 0

The Pledge of Allegiance to the Flag was given

Resolution #LB-2006-3-02
Moved by Zembrzuski
Seconded by Eisenbacher

RESOLVED, That Minutes of February 9, 2006 be approved.

Yes: 3—Eisenbacher, Griffen, Zembrzuski
No: 0

Reviewed Agenda entries

Resolution #LB-2006-3-03
Moved by Zembrzuski
Seconded by Eisenbacher

RESOLVED, That the Agenda be approved.

Yes: 3—Eisenbacher, Griffen, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS
There were no postponed items.

REGULAR BUSINESS

Boards and Committee Term Limits.
It was announced that City Council has removed term limits for Boards and Committees.

Library Survey Results.
The annual survey of library patrons as to their level of satisfaction was conducted March 5, 2006 through March 12, 2006. The results for those filling out the survey in person at the library showed that the overall impression of the library remains very high only 1.5% dissatisfied. 69% of respondents indicated they were highly satisfied and another 29.5% were satisfied.

Library In-service Program.
The Library Board was invited to join staff and the Friends Board at an in-service training session on April 7, 2006. The topic is: Communication Styles – How Diversity Affects Us.

REPORTS & COMMUNICATIONS

Director's Report.
The growth in use of the library is becoming overwhelming, particularly for the Circulation Department. We are working on ways to keep up with the workflow. We held our annual survey of patrons to measure their level of satisfaction with us. This year we noticed a drop in satisfaction with the facility. This is the first year we had the survey available online from our Webpage. We are holding an in-service for staff, Library Board Members and Friends of the Library Board Members on April 7th. Maureen Burns will work with us on Communication Styles and how diversity affects us.

Board Member's Comments
Eisenbacher asked about the Exhibit Policy, particularly concerning the posting of pricing information. We will review the policy at the April meeting. Zembrzuski asked if the Library Calendar could be posted at the Community Center.

Student Representative's Comments
There were no comments.

Suburban Library Cooperative.
No report.

Friends of the Troy Public Library.
No report.

Gifts.
None.

Informational Items.
March TPL Calendar

Contacts and Correspondence.
24 written comments from the public were reviewed.

Public Participation.
There was no public participation.

The Library Board meeting adjourned at 8:30 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

J-01m

The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, March 21, 2006 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 21, 2006

Motion by Courtney
Supported by Wright

MOVED, to approve the minutes of the meeting of February 21, 2006 as written.

Yeas: 6 – Fejes, Gies, Hutson, Kovacs, Wright, Courtney
Abstain: 1 – Maxwell

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #5

Motion by Courtney
Supported by Wright

RESOLVED, that items #3 and #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All – 7

ITEM #3 – RENEWAL REQUESTED. K-MART, 100 E. MAPLE, for relief which will allow for an outdoor display of plant material, during the months of April through July, in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk at the west end of the building, adjacent to the building.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board on a yearly basis since 1978, which allows for an outdoor display of plant materials in front of Kmart along the north side of the fenced area and four-foot section

ITEM #3 – con't.

of the sidewalk, at the west end of the building, adjacent to the building. This display is used for plants and flowers, and the variance is valid during the months of April through July. This request has been subject to the petitioner providing a corral type fence to both enclose the area of the display and maintain a safe sidewalk at the same time. This item last appeared before this Board at the meeting of March 15, 2005 and was granted a one-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Kmart, 100 E. Maple, a one-year (1) renewal of a variance which will allow for an outdoor display of plant material, during the months of April through July, in front of Kmart along the north side of the fenced area and a four-foot section of the sidewalk, at the west end of the building, adjacent to the building.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. ST. GEORGE ORTHODOX CHURCH, 2160 E. MAPLE, for relief to maintain a 5' high landscaped berm along the south and east property lines in place of the 4'-6" high masonry screening wall; and relief of the 4'-6" high masonry wall required along the west side of off-street parking where it is adjacent to residentially zoned land.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board since February 1993, which allowed for the construction of a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall, along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line. The relief was originally granted based on the fact that the property to the west is a non-residential use under the terms of a consent judgment and the neighbors to the south and east preferred a berm in lieu of a wall. This item last appeared before this Board at the meeting of March 18, 2003 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant St. George Orthodox Church, 2160 E. Maple, a three (3) year renewal of relief to maintain a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall, along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line where the parking lot is adjacent to residentially zoned land.

- Property to the west is a non-residential use under the terms of a consent judgment.
- Neighbors on the east and the south prefer a berm in lieu of a wall.

ITEM #4 – RENEWAL REQUESTED. S.O.C. CREDIT UNION, 4555 INVESTMENT DR., for relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board since 1987 to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning. The berm is in place and landscaping has been completed and it appears to adequately screen the sites from the south. This item last appeared before this Board at the meeting of March 18, 2003 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

Motion by Courtney
Supported by Wright

MOVED, to postpone the request of S.O.C. Credit Union, 4555 Investment Dr., for a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning until the meeting of April 18, 2006.

- To allow the Building Department the opportunity to publish a Public Hearing to consider making this a permanent variance.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF APRIL 18, 2006 CARRIED

Mr. Maxwell said that in the past this location did not have complete landscaping. He would be hesitant in making this a permanent variance until the Board was sure that the landscaping was sufficient in separating this property from the residential property behind it.

The Chairman informed the people in Council Chambers that the petitioner for Item #7 had requested that this item be moved to the end of the agenda. Item #7 would now be heard as Item #11.

ITEM #6 - VARIANCE REQUEST. ALLIED METALS CORPORATION, 1750 STEPHENSON, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Troy Ordinance requires that the 50' front yard remain as a landscaped open space. Presently the existing parking lot has a 35' front yard setback and is considered a non-conforming structure. Section 40.50.04 of the Ordinance prohibits expansions of non-conforming structures in any way that increases the non-conformity.

ITEM #6 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to the parking lot in front of their building. Paragraph L of Section 31.30.00 requires that the 50' front yard remain as a landscaped open space, without vehicular parking spaces and maneuvering aisles. The existing parking lot is located about 35' from the front property line. At the time the parking lot was constructed parking was allowed in the front yard setback. This existing parking area is classified as a non-conforming structure per Section 40.50.04 of the Troy Zoning Ordinance. The site plan submitted indicates a proposed addition to the parking lot that will result in a 24' front setback from the front property line. Section 40.50.04 of the Troy Zoning Ordinance prohibits expansions of non-conforming structures in any way that increases the non-conformity.

This item last appeared before this Board at the meeting of February 21, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present detailed plans regarding this variance request.

Mr. Courtney asked if the petitioner had submitted any revised plans for the review of the Board. Mr. Stimac informed him that the Building Department had not received any other plans from the petitioner.

Mr. Fejes said that the Board was hoping to receive revised plans that were more detailed in explaining why the petitioner needs to have parking in the front of the building and what the hardship is that runs with the land that would justify increasing the non-conformity.

Mr. Robert Abraham, the Chief Financial Officer of Allied Metals and Mr. David Rogers were present. Mr. Abraham explained that this company has been at this location since 1996. Originally they had approximately twenty-four (24) shop employees and six (6) to seven (7) clerical staff. Since 2000 they have experienced an extraordinary growth pattern. They are operating twenty-four (24) hours a day and their clerical staff has grown from seven (7) to fourteen (14). This increase in business is what is causing their hardship.

There are trucks coming in and out of this facility constantly and they are concerned about the safety of their employees. These trucks come in off of Stephenson go to the weight scale and then proceed to the back of the property where they turn around and then are either loaded or unloaded. They are willing to increase the berm and landscaping along Stephenson and do not feel they have any other alternative. To stay in this facility they require more parking.

Mr. Fejes asked why some of the material that is stored outside could not be put inside the building. Mr. Abraham said that some of the material is 25' long, and they don't want to mix the different types of raw material that they receive. As their business continues to grow the amount of material is increasing and they have no choice but to

ITEM #6 – con't.

leave it outside. They have added more machinery inside and are operating at capacity now.

Mr. Fejes asked if Mr. Abraham could tell the Board what their rate of growth was. Mr. Abraham stated from 2005 to 2006 their business has increased by another 15%. Mr. Fejes said that if this rate of growth continued they would outgrow this building by 2008 and Mr. Abraham indicated that they are looking at other options. They would maintain their core operation at this facility and would take out one to two of the lines and move them to another location. Mr. Fejes informed Mr. Abraham that a variance runs with the property, and if they were to sell this property, the variance would still be in effect. Mr. Abraham said that the property is under a common ownership and they would be willing to post a bond, or sign an agreement that if they were to leave this site, they would remove whatever they install. Mr. Abraham also said that they have a second building on Piedmont and have moved some of their operations to that location.

Mr. Hutson asked how many shop employees are at this location. Mr. Abraham said that there are between 30 and 35 in the plant, and 14 in the office. Mr. Hutson asked where they park at this time and Mr. Abraham said that they park in the front of the building. Mr. Abraham also stated that they have an agreement with the Troy Medical Office across Stephenson to allow parking at their site. They have tried to obtain permission to park at the building next door, but the owner has been unwilling to let them use that area. Mr. Hutson expressed concern about employees crossing Stephenson to come into the building.

Mr. Hutson said that in his opinion the outside storage looks very unorganized and he was hoping that someone would have brought in a plan showing how this area could be organized and perhaps supply more parking. Mr. Rogers said that they can't bury one material with a different type of material and this is the reason that they are all separated as it would be too difficult to dig out the material they need.

Mr. Abraham said that it is very important to keep the passageway open for the trucks coming in and out of the property. Mr. Courtney stated that the Board had postponed this request to allow the petitioner to bring in a drawing showing how much parking was available on the site. Mr. Courtney asked how many people park on the south side of the site, Mr. Abraham said that people only park in the front of the building, and no one parks inside the gated area. Mr. Courtney asked how many parking spaces were available and Mr. Abraham said that he thought there were twenty-five (25) spaces. Mr. Courtney asked if that covered a day shift and Mr. Abraham said that it did not and this is the problem. Mr. Abraham said that they also take safety very seriously, have moved about 20% of their operation down to Piedmont to provide some relief, and are in the beginning stages of another relocation study to provide more relief. With or without re-locating some of their operations they would still require a variance. Regardless of where they move their lines, this building will always be their headquarters.

ITEM #6 – con't.

Mr. Courtney asked if the City could accept any of the proposals that the petitioner had offered regarding this variance. Ms. Lancaster said that this Board can never accept a bond from a petitioner and secondly, a variance runs with the land and the Board has to make a decision based on hardship and practical difficulty with the land. Mr. Courtney asked if they could give a temporary variance and Ms. Lancaster said that a temporary variance is not permitted unless it is specifically addressed in the Ordinance.

Mr. Stimac stated that the petitioner indicated that there are twenty-five parking spaces up in front of the property; however, as he reads the plan there are fifteen (15) parking spaces available. There are eleven (11) parking spaces shown north of the driveway and four (4) additional parking spaces on the south side. The petitioner wants to double the amount of parking, which would get him up to twenty-nine (29) or thirty- (30) parking spaces.

Mr. Abraham said that the southernmost lot is already striped with that configuration, currently there are three (3) or four (4) spots for parallel parking, and they are trying to change those to perpendicular parking. They are doing a lot of work to obtain these extra parking spots, not because they want them, but because they need them.

Mr. Kovacs asked if the Board could stipulate that the asphalt would have to be removed if this petitioner would leave this site, although the variance would run with the land. Ms. Lancaster said that it would not be a good idea because it would be very difficult to enforce such a stipulation, and because the variance runs with the land the hardship has to be the same no matter who owns this property. The judgment has to be made on the practical difficulty that runs with the land.

Mr. Abraham passed out some photos for the Board to look at showing the parking on the property.

Mr. Fejes said that if someone else were to buy this property, they may not need the extra parking in the front, but if the variance is granted, it will add to the non-conformity of this property. Mr. Fejes also expressed concern about employees crossing Stephenson to get into work.

Mr. Hutson said that although the petitioner has been there a long time, the hardship is that the petitioner has outgrown this site. Even though they are outsourcing some of their operations, Mr. Hutson did not see a practical difficulty that runs with the land, he believes this is a more of a case of overuse of the property. Mr. Hutson also said that it was his opinion that the parking this property juts further out than the other properties on Stephenson. Mr. Abraham said that the linear line of parking would be in line with the other properties along Stephenson.

ITEM #6 – con't.

Mr. Maxwell said that this would primarily be a temporary solution and because the variance would run with the land permanently, he does have reservations regarding this request.

Mr. Wright said that he had expected to see drawings or some sort of representation of what they may be able to do with the property at the rear in order to increase the parking. Mr. Courtney said that he agreed and thought that the petitioner would have presented more information to the Board.

Mr. Fejes said that he thought the petitioner had covered some of this information through the previous discussion. Mr. Fejes said that it is his understanding that the main reason for the different stacks of material that are outside is to allow the petitioner easier access to the raw materials.

Mr. Courtney said that he understands that but would have liked to see some type of drawing. The variance is going to run with the land no matter who owns the building.

Mr. Kovacs said that currently they are double-parking even though they are not supposed to be doing that. Mr. Kovacs asked if the Board could grant a variance to simply park in two rows with a smaller width. Mr. Stimac said that the Board does have the authority to grant a variance on the size of parking spaces or the width of the aisle; however, the Public Hearing notice that was sent on this request did not address a change in the dimension of the parking spaces or aisles. A new application would have to be received asking for the dimensional change the petitioner would like to have and the Public Hearing notices would be re-published.

Ms. Gies asked if the petitioner would obtain what he is looking for if he submitted a request on the change in the size of the parking spaces or width aisle. Mr. Stimac said that it depended on what the petitioner asked for and how far the Board would be willing to go on such a request. Currently it appears that the deficiency on the drawings is 11', which is going down from 35' to 24'. If you shorten the parking spaces 2' each that would give you 4', but the driveway would go from a 24' drive to a 17' drive.

Mr. Courtney said that he would be concerned about the turning radius if this type of change was made. Mr. Kovacs said that they are already parking in this manner on the south side of the property. Mr. Abraham said that people park where there are stripes.

Mr. Maxwell asked if the driveway could be moved and Mr. Abraham said that it would be too costly as there is a fire hydrant and sewers in this area. They still have to get the trucks in and out of there and right now the alignment works very well.

Mr. Courtney asked if they were making arrangements to move the fire hydrant and/or sewers, perhaps they could move the truck scale. Mr. Abraham said that this would be impossible as the scale would be in the middle of the lot. Mr. Abraham said that they

ITEM #6 – con't.

are planning on splitting their product line, but have no plans to move from Troy and this facility would be their world headquarters. They are not trying to encroach on their neighbors and would be willing to make it aesthetically pleasing for everyone.

Mr. Stimac asked if there was a retaining wall on the south property line and Mr. Abraham indicated that there was. Mr. Stimac explained that originally the property south of this wall was part of this site. Mr. Stimac said that if the petitioner had access rights to the southerly 19' of the site and moved the wall, they may be able to park cars all along that south property line and would not require a variance. Mr. Stimac also clarified that this is a private two-way drive and the owner of the property behind this location brought this land to allow a second access to their facility. Mr. Stimac does not know what was in the purchase agreement and if access rights were granted.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Allied Metals Corporation, 1750 Stephenson, until the meeting of April 18, 2006, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Ordinance requires that the 50' front yard remain as a landscaped open space. Presently the existing parking lot has a 35' front yard setback and is considered a non-conforming structure. Section 40.50.04 of the Ordinance prohibits expansions on non-conforming structure an any way that increases the non-conformity.

- To allow the petitioner the opportunity to determine if they have access rights to the property on the south side.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF APRIL 18, 2006

Mr. Courtney said that if they can't withdraw this request, he would like to see drawings showing the material that is stored outside and perhaps a plan to re-organize it. He would also like to know exactly how much parking is actually available.

Mr. Wright said that originally they had plenty of parking but because they are using the property for storage, they have created their own hardship.

Mr. Abraham clarified that there are no storage bins outside, the only thing stored outside is raw iron.

ITEM #7 – MOVED TO ITEM #11

Mr. Fejes stated that they would like to hear Item #8, Item #9 and Item #10 together as they are all basically the same request. Ms. Lancaster said that they could definitely hear the presentation of these items together, and at the time of the Public Hearing, anyone wishing to speak would indicate which property they were addressing.

ITEM #8 – VARIANCE REQUEST. METRO PCS, 4031 JOHN R., on the request from Metro PCS for approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 4031 John R. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a portable antenna facility alongside the existing tower facility located on this parcel. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. Wireless telecommunication services from Metro PCS are proposed to be made available to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility will not be ready at that time. Petitioners are requesting a temporary permit until the permanent antenna facility can be turned on. 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.

There is one (1) written approval on file. There are no written objections on file.

ITEM #9 – VARIANCE REQUEST. METRO PCS, 203 LOWRY, on the request from Metro PCS for approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 203 Lowry. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance for the installation of a portable antenna facility at this location. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. Wireless telecommunication services from Metro PCS are proposed to be made available to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility will not be ready at that time. Petitioners are requesting a permit for a temporary tower until the permanent antenna facility can be turned on. 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.

There are no written approvals or objections on file.

ITEM #10 – VARIANCE REQUEST. METRO PCS, 200 E. WATTLES, for approval to install a 75' tall temporary antenna for a six-month time period at 200 E. Wattles. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance for the installation of a portable antenna facility at this location. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. This petitioner will provide wireless telecommunication service to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility on the adjacent property at 3838 Livernois, will not be ready at that time. Petitioners are requesting a temporary permit until the permanent antenna facility can be turned on. 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.

The existing tower at this site, 200 E. Wattles, is not on this property, but is located next door at Walsh College. This location is strictly a temporary location and will be moved to the property to the south.

There is one written objection on file. There are no written approvals on file.

Mr. Stimac further explained that each location will have a generator that will run 24 hours a day on each site. The towers are basically on a trailer, are telescoping towers, and will extend 75' in the air.

Mr. Courtney asked if there were homes located close to these towers. On John R. there is a residence approximately 400' away from the tower. Lowry has office buildings to the east and a single-family residence about 200' away from the tower on the west. The closest residential property to 200 E. Wattles would probably be on the north side of Wattles.

Mr. Hutson said that regarding the John R. site, the owner Mr. Garrett gave permission for the temporary antennas and he has a partnership with Mr. Garrett. Mr. Hutson said he has no interest in this property and does feel it would cause a conflict, but wanted the Board to be aware of the relationship. The Board agreed that it would not cause a conflict.

Mr. Bernard Yantz was present and said that they are looking for temporary permits for these three sites. The generators will run at about 57 decibels, which is a little quieter than an air conditioner. They will be the only people on this temporary tower and plan on using a microwave dish. They will not hook up to the municipality power or telephone.

Mr. Courtney asked if they had agreements with the people that own the existing towers to put their equipment on them. Mr. Yantz said that they have agreements with the

ITEM #8, #9, and #10 – con't.

owners of all three sites, and the existing towers are being strengthened to handle the extra antennas.

Mr. Kovacs asked what the decibel level would be at 100' if the generator would run at 57 decibels at 23'. Mr. Yantz said that it would be considerably less.

Mr. Fejes asked about the safety of these towers. Mr. Yantz said that they have stabilizer bars and if need be they could put guide wires up. The antennas are fairly small and he does not believe they would be adding a lot of weight to the tower.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Metro PCS, 4031 John R., approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 4031 John R. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed six months.

- If the petitioner requires additional time, they will need to come back to the Board for a renewal.

Yeas: All – 7

MOVED, to grant Metro PCS, 203 Lowry, approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 203 Lowry. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed six months.

- If the petitioner requires additional time, they will need to come back to the Board for a renewal.

Yeas: All – 7

MOVED, to grant Metro PCS, 200 E. Wattles, approval to install a 75' tall temporary antenna for a six-month time period at 200 E. Wattles. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed six months.

- If the petitioner requires additional time, they will need to come back to the Board for a renewal.

ITEM #8, #9, and #10 – con't.

Yeas: All – 7

MOTION TO GRANT REQUEST FOR ITEM #8, ITEM #9 AND ITEM #10 CARRIED

ITEM #11 (ITEM #7) - VARIANCE REQUEST. SAIF JAMEEL, 3031 CROOKS RD., for relief of the Ordinance to construct a new commercial building on a site which is .51 acres in size, where Section 23.25.01 of the Troy Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new commercial building. A majority of this property is located within the H-S (Highway Service) Zoning District. The plans submitted indicate that the development will include a drive-up window accessory to the restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is only .51 acres in size.

Mr. Fejes asked if another fast food, drive up restaurant could come in this area. Mr. Stimac explained that the number of parking spaces required is based on the number of seats inside the restaurant. Technically, whether it is a small restaurant, or a fast food type of restaurant the parking does not change, but is based on the number of seats. Mr. Stimac said that he is not aware of any issues regarding the parking at this location. Mr. Fejes also asked if the property to the west had been purchased as of yet by the petitioner. Mr. Stimac explained that as far as he knew it was an agreement to purchase the property.

Mr. Maxwell asked what the square footage was of the seating area. Mr. Stimac said that there are 13 parking spaces provided, and the analysis shows that there is one parking space for each 35 square feet of seating area. Based upon seating count, with 13 parking spaces the petitioner could get 21 seats.

Mr. Courtney said that he would like the petitioner to demonstrate to the Board the changes in this plan compared to the plan brought forth from the request that was presented to the Board in October 2005.

Mr. Joe Novitsky, the architect for this request was present as well as Saif Jameel, the petitioner and John Anderson of Starbucks. Mr. Novitsky indicated that they have been working very carefully with the Planning Commission and the Building Department to develop this site. The additional land to the west of this site was not part of the original plan submitted. The site was very tight and Mr. Novitsky believes that there would not have been any way to make the original plan fit. They have tried to satisfy the City requirements and are working with the standards of the corporate structure that is ultimately coming to them with their needs. Mr. Novitsky said that he has been working very carefully with the City regarding their landscape plans and believes that they will

ITEM #11 – con't.

meet all the requirements. The hardship created is because this property is in the Highway Zoning District.

Mr. Hutson asked if Mr. Jameel owned this property. Mr. Jameel said that he is actually a lessee of this property. Mr. Hutson then asked if they have reached an agreement with Starbuck's yet and Mr. Jameel said that he cannot sign an agreement with Starbuck's until he has taken care of the items that Starbuck's is requesting. Mr. Hutson said that it is his understanding that the lease agreement restricts Mr. Jameel to lease this property as a gas station and asked if he had reached an agreement with Mrs. Ford to change this lease agreement. Mr. Jameel said that he had and they have been talking to attorneys for both families and they are very agreeable. Mr. Hutson asked if he had a signed agreement and Mr. Jameel said he did not, because Mrs. Ford did not want the zoning on this property to change. Mr. Jameel said that Mrs. Ford did not want to lose the zoning as a gas station. Mr. Hutson asked Mr. Jameel if the only issue he had to address was the zoning. Mr. Jameel said that Mrs. Ford does not want to lose her zoning as a gas station, in case they ever want to make it a gas station again. Mr. Hutson said that he had spoken to an attorney representing one of the owners and was informed that no agreement has been reached on this property at all. Mr. Jameel said that he would dispute that because he has several letters from the attorney handling both sides that lists ten issues that he has to take care of, and this variance and an appearance before the Planning Commission would be the last items he would have to take care of. Mr. Hutson confirmed that Mr. Jameel does not have any type of signed agreement for the purchase of this property.

Mr. Fejes asked what this means and if this issue is actually putting the cart before the horse. Ms. Lancaster said that if there is a personal conflict or a lawsuit between the parties, it does not concern the Board. The Board has to take a vote based on the property. Ms. Lancaster also said that if the property was not developed in a certain time the variance would not be in effect. Mr. Stimac explained that the Zoning Ordinance addresses this issue, and in fact states that if a Building Permit is not obtained within twelve (12) months of the variance being granted, the variance is no longer valid. Mr. Fejes said that theoretically someone could come in and do something that they don't want them to do. Mr. Stimac said that the variance runs with the land, and the Board could place a stipulation on the variance that it is approved per the plans submitted to the Board at this time. This would include the layout of the building, the parking and general appearance of the site. Mr. Stimac also said that the plan has not gone before the Planning Commission at this time, and the Planning Commission may make different recommendations.

Mr. Courtney asked what lot size would be required for a building of this type if it was located in another Zoning classification. Mr. Stimac stated that the minimum lot size for a drive up restaurant is the same in any Zoning classification, which is one (1) acre. Mr. Courtney asked about the cross access to the parcel to the north. Mr. Stimac said that he couldn't speak for the Planning Commission, however, he believes that as part of the

ITEM #11 – con't.

Planning Commission site approval they would want a cross access easement on this site. The owner, lessee, or lawyer representing the petitioner cannot mandate the owner of the property to the north provide cross access easement.

Mr. Courtney asked if they had signed an agreement with the owner of the property to the north to give them a cross access easement. Mr. Novitsky said that nothing has been signed, but he feels this is a "good faith" agreement. He also feels that everything depends on their success tonight. The cross access agreement is contingent on the petitioner receiving the variance tonight. Mr. Novitsky said that they have done everything they can to ease the traffic patterns in this area.

Mr. Courtney said that if he remembers correctly it appeared that there were more cars in the stacking lane in the plan submitted in 2005. Mr. Novitsky said that he did not remember the original plan, but they have moved the drive as far to the west as they could. There is a deed restriction on the parcel that they wish to purchase stating that nothing can be built on that property, so they moved the building closer to Crooks, and the driveway farther away from Crooks. Mr. Courtney said that he would like to see the driveway closed off of Crooks. Mr. Novitsky agreed and said that if he could he would.

Mr. Fejes said that there will be people coming in from Crooks, Big Beaver, and also through the cross access easement with the property to the north and asked where the people will order their coffee. Mr. Novitsky explained that you order your coffee behind the building and pick it up at the window on the side. Mr. Fejes said that looking at the plan, he felt that it would be very difficult to get through the oncoming traffic to order his coffee especially between the hours of 6 A.M. and 9 A.M. Mr. Novitsky said that they are willing to take a risk and this is what they think will work for them. Mr. Fejes said that he is wondering what will work for the residents of Troy. Mr. Novitsky said that you may have to wait a little while to get in, but he thinks that this plan would provide relief to the property to the north. The parking lot to the north is a mess and Mr. Novitsky believes this would be an improvement.

Mr. Kovacs asked if the petitioner meets the stacking requirements of the Ordinance. Mr. Stimac said that the Ordinance requires that there is room for eight (8) vehicles and one (1) by the window, and this is shown on the plan. Mr. Kovacs said that the Board cannot force Starbuck's to provide more stacking and Mr. Fejes agreed.

Mr. Maxwell said that if you have cars coming in from every direction it is going to create congestion. Mr. Novitsky said that every gas station has a lot of curb cuts and if everyone flooded the gas stations it would be a mess. This is not something you can regulate.

The Chairman opened the Public Hearing.

ITEM #11 – con't.

Mr. John Anderson, of Starbuck's was present. Mr. Anderson said that he is familiar with what traffic patterns are and in his opinion they are restricting some of the traffic coming in off of Crooks by limiting the access. Also, if the drive-through is packed, a prudent person will not wait to get into this area off of Crooks. This would be the best use of this property and they will get people through very quickly. Their menu is quite limited and he does not feel people will stay at the location a long time. When looking at this piece of property and the lack of redevelopment on this site, he believes Starbuck's would be a fine addition to this area. They will provide a nice warm atmosphere for customers to come in. Mr. Anderson said that in his opinion the cooperation that they will get from the property to the north is going to be very limited. If they cannot get the cross access, they could provide more landscaping or more of a stacking lane.

No one else wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Hutson said that he has not changed his mind regarding this property from the first presentation. He is fully aware of the traffic in this area and thinks it is absolutely horrendous. The Ordinance requires that this site be one acre in size and there has been no evidence presented that any of the agreements have been signed. Mr. Hutson also said that he does not believe they will be able to obtain a cross access easement from the property owner to the north. Mr. Hutson also said that he thinks they would be better off to go the Planning Commission, obtain site approval and then come back to this Board.

Mr. Courtney agreed with Mr. Hutson and said that he would like to know what restrictions the Planning Commission would put on this plan.

Mr. Fejes said that he feels this would work if it was any other corner but this one. Most people know when they go to Starbuck's, they know what they want so service is very quick. Mr. Fejes said that he did not know what else could be put on this corner.

Ms. Gies said that if people want to go in there, they will wait as long as it takes to get in there. Mr. Fejes said that he feels this is a nice plan, but he would like the Board to be able to limit the size of the building and the site plan. Before any approval is granted though, Mr. Fejes said that they would like them to go before the Planning Commission first and see what requirements the Planning Commission would put on them.

Mr. Stimac said that the petitioner has submitted their plan to the Planning Commission, but it is in the process of review and is not on their agenda at this time. Where this is a land size issue, they cannot go to the Planning Commission and present this as a one-acre site, and they come back to this Board and say that the site is only ½ acre. This Board can get comments from the Planning Commission on the plan presented to them.

ITEM #11 – con't.

Ms. Lancaster said that in addition, no motions be made contingent on what the Planning Commission requires, because the Board would be putting the burden on the Planning Commission to actually re-visit the issue, where actually this Board must determine whether this is a hardship issue. The Planning Commission may be able to address some of the concerns that have been brought up by this Board. Basically, it is up to this Board to determine that this property deserves a variance from the one-acre provision. Mr. Courtney said that he would still like to have the Planning Commission input on this site.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Saif Jameel, 3031 Crooks Rd., for relief of the Ordinance to construct a new commercial building on a site which is .51 acres in size, where Section 23.25.01 of the Troy Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District until the meeting of April 18, 2006.

- To allow the petitioner the opportunity to present this site plan to the Planning Commission.
- To allow this Board the opportunity to examine the comments of the Planning Commission.

Yeas: 6 – Maxwell, Wright, Courtney, Fejes, Gies, Hutson
Nays: 1 - Kovacs

MOTION TO POSTPONE THIS REQUEST UNTIL APRIL 18, 2006 CARRIED

Mr. Fejes asked if the concerns of this Board should be presented to the Planning Commission. Mr. Stimac said that as he understands it, this Board is concerned with traffic circulation first and foremost, the availability of stacking, parking and the availability of the cross access easement to the north. Mr. Stimac said that in his opinion the cross access easement will be very difficult to obtain.

Mr. Kovacs stated that the reason for his no vote was because some of the concerns brought forth tonight were not under the jurisdiction of this Board, and he was ready to make a decision.

The Board of Zoning Appeals adjourned at 9:35 P.M.

_____
Christopher Fejes, Chairman

_____
Pamela Pasternak, Recording Secretary

The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, March 21, 2006 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 21, 2006

Motion by Courtney
Supported by Wright

MOVED, to approve the minutes of the meeting of February 21, 2006 as written.

Yeas: 6 – Fejes, Gies, Hutson, Kovacs, Wright, Courtney
Abstain: 1 – Maxwell

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #5

Motion by Courtney
Supported by Wright

RESOLVED, that items #3 and #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All – 7

ITEM #3 – RENEWAL REQUESTED. K-MART, 100 E. MAPLE, for relief which will allow for an outdoor display of plant material, during the months of April through July, in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk at the west end of the building, adjacent to the building.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board on a yearly basis since 1978, which allows for an outdoor display of plant materials in front of Kmart along the north side of the fenced area and four-foot section

ITEM #3 – con't.

of the sidewalk, at the west end of the building, adjacent to the building. This display is used for plants and flowers, and the variance is valid during the months of April through July. This request has been subject to the petitioner providing a corral type fence to both enclose the area of the display and maintain a safe sidewalk at the same time. This item last appeared before this Board at the meeting of March 15, 2005 and was granted a one-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Kmart, 100 E. Maple, a one-year (1) renewal of a variance which will allow for an outdoor display of plant material, during the months of April through July, in front of Kmart along the north side of the fenced area and a four-foot section of the sidewalk, at the west end of the building, adjacent to the building.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. ST. GEORGE ORTHODOX CHURCH, 2160 E. MAPLE, for relief to maintain a 5' high landscaped berm along the south and east property lines in place of the 4'-6" high masonry screening wall; and relief of the 4'-6" high masonry wall required along the west side of off-street parking where it is adjacent to residentially zoned land.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board since February 1993, which allowed for the construction of a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall, along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line. The relief was originally granted based on the fact that the property to the west is a non-residential use under the terms of a consent judgment and the neighbors to the south and east preferred a berm in lieu of a wall. This item last appeared before this Board at the meeting of March 18, 2003 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant St. George Orthodox Church, 2160 E. Maple, a three (3) year renewal of relief to maintain a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall, along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line where the parking lot is adjacent to residentially zoned land.

- Property to the west is a non-residential use under the terms of a consent judgment.
- Neighbors on the east and the south prefer a berm in lieu of a wall.

ITEM #4 – RENEWAL REQUESTED. S.O.C. CREDIT UNION, 4555 INVESTMENT DR., for relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board since 1987 to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning. The berm is in place and landscaping has been completed and it appears to adequately screen the sites from the south. This item last appeared before this Board at the meeting of March 18, 2003 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

Motion by Courtney
Supported by Wright

MOVED, to postpone the request of S.O.C. Credit Union, 4555 Investment Dr., for a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning until the meeting of April 18, 2006.

- To allow the Building Department the opportunity to publish a Public Hearing to consider making this a permanent variance.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF APRIL 18, 2006 CARRIED

Mr. Maxwell said that in the past this location did not have complete landscaping. He would be hesitant in making this a permanent variance until the Board was sure that the landscaping was sufficient in separating this property from the residential property behind it.

The Chairman informed the people in Council Chambers that the petitioner for Item #7 had requested that this item be moved to the end of the agenda. Item #7 would now be heard as Item #11.

ITEM #6 - VARIANCE REQUEST. ALLIED METALS CORPORATION, 1750 STEPHENSON, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Troy Ordinance requires that the 50' front yard remain as a landscaped open space. Presently the existing parking lot has a 35' front yard setback and is considered a non-conforming structure. Section 40.50.04 of the Ordinance prohibits expansions of non-conforming structures in any way that increases the non-conformity.

ITEM #6 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to the parking lot in front of their building. Paragraph L of Section 31.30.00 requires that the 50' front yard remain as a landscaped open space, without vehicular parking spaces and maneuvering aisles. The existing parking lot is located about 35' from the front property line. At the time the parking lot was constructed parking was allowed in the front yard setback. This existing parking area is classified as a non-conforming structure per Section 40.50.04 of the Troy Zoning Ordinance. The site plan submitted indicates a proposed addition to the parking lot that will result in a 24' front setback from the front property line. Section 40.50.04 of the Troy Zoning Ordinance prohibits expansions of non-conforming structures in any way that increases the non-conformity.

This item last appeared before this Board at the meeting of February 21, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present detailed plans regarding this variance request.

Mr. Courtney asked if the petitioner had submitted any revised plans for the review of the Board. Mr. Stimac informed him that the Building Department had not received any other plans from the petitioner.

Mr. Fejes said that the Board was hoping to receive revised plans that were more detailed in explaining why the petitioner needs to have parking in the front of the building and what the hardship is that runs with the land that would justify increasing the non-conformity.

Mr. Robert Abraham, the Chief Financial Officer of Allied Metals and Mr. David Rogers were present. Mr. Abraham explained that this company has been at this location since 1996. Originally they had approximately twenty-four (24) shop employees and six (6) to seven (7) clerical staff. Since 2000 they have experienced an extraordinary growth pattern. They are operating twenty-four (24) hours a day and their clerical staff has grown from seven (7) to fourteen (14). This increase in business is what is causing their hardship.

There are trucks coming in and out of this facility constantly and they are concerned about the safety of their employees. These trucks come in off of Stephenson go to the weight scale and then proceed to the back of the property where they turn around and then are either loaded or unloaded. They are willing to increase the berm and landscaping along Stephenson and do not feel they have any other alternative. To stay in this facility they require more parking.

Mr. Fejes asked why some of the material that is stored outside could not be put inside the building. Mr. Abraham said that some of the material is 25' long, and they don't want to mix the different types of raw material that they receive. As their business continues to grow the amount of material is increasing and they have no choice but to

ITEM #6 – con't.

leave it outside. They have added more machinery inside and are operating at capacity now.

Mr. Fejes asked if Mr. Abraham could tell the Board what their rate of growth was. Mr. Abraham stated from 2005 to 2006 their business has increased by another 15%. Mr. Fejes said that if this rate of growth continued they would outgrow this building by 2008 and Mr. Abraham indicated that they are looking at other options. They would maintain their core operation at this facility and would take out one to two of the lines and move them to another location. Mr. Fejes informed Mr. Abraham that a variance runs with the property, and if they were to sell this property, the variance would still be in effect. Mr. Abraham said that the property is under a common ownership and they would be willing to post a bond, or sign an agreement that if they were to leave this site, they would remove whatever they install. Mr. Abraham also said that they have a second building on Piedmont and have moved some of their operations to that location.

Mr. Hutson asked how many shop employees are at this location. Mr. Abraham said that there are between 30 and 35 in the plant, and 14 in the office. Mr. Hutson asked where they park at this time and Mr. Abraham said that they park in the front of the building. Mr. Abraham also stated that they have an agreement with the Troy Medical Office across Stephenson to allow parking at their site. They have tried to obtain permission to park at the building next door, but the owner has been unwilling to let them use that area. Mr. Hutson expressed concern about employees crossing Stephenson to come into the building.

Mr. Hutson said that in his opinion the outside storage looks very unorganized and he was hoping that someone would have brought in a plan showing how this area could be organized and perhaps supply more parking. Mr. Rogers said that they can't bury one material with a different type of material and this is the reason that they are all separated as it would be too difficult to dig out the material they need.

Mr. Abraham said that it is very important to keep the passageway open for the trucks coming in and out of the property. Mr. Courtney stated that the Board had postponed this request to allow the petitioner to bring in a drawing showing how much parking was available on the site. Mr. Courtney asked how many people park on the south side of the site, Mr. Abraham said that people only park in the front of the building, and no one parks inside the gated area. Mr. Courtney asked how many parking spaces were available and Mr. Abraham said that he thought there were twenty-five (25) spaces. Mr. Courtney asked if that covered a day shift and Mr. Abraham said that it did not and this is the problem. Mr. Abraham said that they also take safety very seriously, have moved about 20% of their operation down to Piedmont to provide some relief, and are in the beginning stages of another relocation study to provide more relief. With or without re-locating some of their operations they would still require a variance. Regardless of where they move their lines, this building will always be their headquarters.

ITEM #6 – con't.

Mr. Courtney asked if the City could accept any of the proposals that the petitioner had offered regarding this variance. Ms. Lancaster said that this Board can never accept a bond from a petitioner and secondly, a variance runs with the land and the Board has to make a decision based on hardship and practical difficulty with the land. Mr. Courtney asked if they could give a temporary variance and Ms. Lancaster said that a temporary variance is not permitted unless it is specifically addressed in the Ordinance.

Mr. Stimac stated that the petitioner indicated that there are twenty-five parking spaces up in front of the property; however, as he reads the plan there are fifteen (15) parking spaces available. There are eleven (11) parking spaces shown north of the driveway and four (4) additional parking spaces on the south side. The petitioner wants to double the amount of parking, which would get him up to twenty-nine (29) or thirty- (30) parking spaces.

Mr. Abraham said that the southernmost lot is already striped with that configuration, currently there are three (3) or four (4) spots for parallel parking, and they are trying to change those to perpendicular parking. They are doing a lot of work to obtain these extra parking spots, not because they want them, but because they need them.

Mr. Kovacs asked if the Board could stipulate that the asphalt would have to be removed if this petitioner would leave this site, although the variance would run with the land. Ms. Lancaster said that it would not be a good idea because it would be very difficult to enforce such a stipulation, and because the variance runs with the land the hardship has to be the same no matter who owns this property. The judgment has to be made on the practical difficulty that runs with the land.

Mr. Abraham passed out some photos for the Board to look at showing the parking on the property.

Mr. Fejes said that if someone else were to buy this property, they may not need the extra parking in the front, but if the variance is granted, it will add to the non-conformity of this property. Mr. Fejes also expressed concern about employees crossing Stephenson to get into work.

Mr. Hutson said that although the petitioner has been there a long time, the hardship is that the petitioner has outgrown this site. Even though they are outsourcing some of their operations, Mr. Hutson did not see a practical difficulty that runs with the land, he believes this is a more of a case of overuse of the property. Mr. Hutson also said that it was his opinion that the parking this property juts further out than the other properties on Stephenson. Mr. Abraham said that the linear line of parking would be in line with the other properties along Stephenson.

ITEM #6 – con't.

Mr. Maxwell said that this would primarily be a temporary solution and because the variance would run with the land permanently, he does have reservations regarding this request.

Mr. Wright said that he had expected to see drawings or some sort of representation of what they may be able to do with the property at the rear in order to increase the parking. Mr. Courtney said that he agreed and thought that the petitioner would have presented more information to the Board.

Mr. Fejes said that he thought the petitioner had covered some of this information through the previous discussion. Mr. Fejes said that it is his understanding that the main reason for the different stacks of material that are outside is to allow the petitioner easier access to the raw materials.

Mr. Courtney said that he understands that but would have liked to see some type of drawing. The variance is going to run with the land no matter who owns the building.

Mr. Kovacs said that currently they are double-parking even though they are not supposed to be doing that. Mr. Kovacs asked if the Board could grant a variance to simply park in two rows with a smaller width. Mr. Stimac said that the Board does have the authority to grant a variance on the size of parking spaces or the width of the aisle; however, the Public Hearing notice that was sent on this request did not address a change in the dimension of the parking spaces or aisles. A new application would have to be received asking for the dimensional change the petitioner would like to have and the Public Hearing notices would be re-published.

Ms. Gies asked if the petitioner would obtain what he is looking for if he submitted a request on the change in the size of the parking spaces or width aisle. Mr. Stimac said that it depended on what the petitioner asked for and how far the Board would be willing to go on such a request. Currently it appears that the deficiency on the drawings is 11', which is going down from 35' to 24'. If you shorten the parking spaces 2' each that would give you 4', but the driveway would go from a 24' drive to a 17' drive.

Mr. Courtney said that he would be concerned about the turning radius if this type of change was made. Mr. Kovacs said that they are already parking in this manner on the south side of the property. Mr. Abraham said that people park where there are stripes.

Mr. Maxwell asked if the driveway could be moved and Mr. Abraham said that it would be too costly as there is a fire hydrant and sewers in this area. They still have to get the trucks in and out of there and right now the alignment works very well.

Mr. Courtney asked if they were making arrangements to move the fire hydrant and/or sewers, perhaps they could move the truck scale. Mr. Abraham said that this would be impossible as the scale would be in the middle of the lot. Mr. Abraham said that they

ITEM #6 – con't.

are planning on splitting their product line, but have no plans to move from Troy and this facility would be their world headquarters. They are not trying to encroach on their neighbors and would be willing to make it aesthetically pleasing for everyone.

Mr. Stimac asked if there was a retaining wall on the south property line and Mr. Abraham indicated that there was. Mr. Stimac explained that originally the property south of this wall was part of this site. Mr. Stimac said that if the petitioner had access rights to the southerly 19' of the site and moved the wall, they may be able to park cars all along that south property line and would not require a variance. Mr. Stimac also clarified that this is a private two-way drive and the owner of the property behind this location brought this land to allow a second access to their facility. Mr. Stimac does not know what was in the purchase agreement and if access rights were granted.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Allied Metals Corporation, 1750 Stephenson, until the meeting of April 18, 2006, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Ordinance requires that the 50' front yard remain as a landscaped open space. Presently the existing parking lot has a 35' front yard setback and is considered a non-conforming structure. Section 40.50.04 of the Ordinance prohibits expansions on non-conforming structure an any way that increases the non-conformity.

- To allow the petitioner the opportunity to determine if they have access rights to the property on the south side.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF APRIL 18, 2006

Mr. Courtney said that if they can't withdraw this request, he would like to see drawings showing the material that is stored outside and perhaps a plan to re-organize it. He would also like to know exactly how much parking is actually available.

Mr. Wright said that originally they had plenty of parking but because they are using the property for storage, they have created their own hardship.

Mr. Abraham clarified that there are no storage bins outside, the only thing stored outside is raw iron.

ITEM #7 – MOVED TO ITEM #11

Mr. Fejes stated that they would like to hear Item #8, Item #9 and Item #10 together as they are all basically the same request. Ms. Lancaster said that they could definitely hear the presentation of these items together, and at the time of the Public Hearing, anyone wishing to speak would indicate which property they were addressing.

ITEM #8 – VARIANCE REQUEST. METRO PCS, 4031 JOHN R., on the request from Metro PCS for approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 4031 John R. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a portable antenna facility alongside the existing tower facility located on this parcel. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. Wireless telecommunication services from Metro PCS are proposed to be made available to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility will not be ready at that time. Petitioners are requesting a temporary permit until the permanent antenna facility can be turned on. 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.

There is one (1) written approval on file. There are no written objections on file.

ITEM #9 – VARIANCE REQUEST. METRO PCS, 203 LOWRY, on the request from Metro PCS for approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 203 Lowry. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance for the installation of a portable antenna facility at this location. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. Wireless telecommunication services from Metro PCS are proposed to be made available to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility will not be ready at that time. Petitioners are requesting a permit for a temporary tower until the permanent antenna facility can be turned on. 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.

There are no written approvals or objections on file.

ITEM #10 – VARIANCE REQUEST. METRO PCS, 200 E. WATTLES, for approval to install a 75' tall temporary antenna for a six-month time period at 200 E. Wattles. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance for the installation of a portable antenna facility at this location. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. This petitioner will provide wireless telecommunication service to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility on the adjacent property at 3838 Livernois, will not be ready at that time. Petitioners are requesting a temporary permit until the permanent antenna facility can be turned on. 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.

The existing tower at this site, 200 E. Wattles, is not on this property, but is located next door at Walsh College. This location is strictly a temporary location and will be moved to the property to the south.

There is one written objection on file. There are no written approvals on file.

Mr. Stimac further explained that each location will have a generator that will run 24 hours a day on each site. The towers are basically on a trailer, are telescoping towers, and will extend 75' in the air.

Mr. Courtney asked if there were homes located close to these towers. On John R. there is a residence approximately 400' away from the tower. Lowry has office buildings to the east and a single-family residence about 200' away from the tower on the west. The closest residential property to 200 E. Wattles would probably be on the north side of Wattles.

Mr. Hutson said that regarding the John R. site, the owner Mr. Garrett gave permission for the temporary antennas and he has a partnership with Mr. Garrett. Mr. Hutson said he has no interest in this property and does feel it would cause a conflict, but wanted the Board to be aware of the relationship. The Board agreed that it would not cause a conflict.

Mr. Bernard Yantz was present and said that they are looking for temporary permits for these three sites. The generators will run at about 57 decibels, which is a little quieter than an air conditioner. They will be the only people on this temporary tower and plan on using a microwave dish. They will not hook up to the municipality power or telephone.

Mr. Courtney asked if they had agreements with the people that own the existing towers to put their equipment on them. Mr. Yantz said that they have agreements with the

ITEM #8, #9, and #10 – con't.

owners of all three sites, and the existing towers are being strengthened to handle the extra antennas.

Mr. Kovacs asked what the decibel level would be at 100' if the generator would run at 57 decibels at 23'. Mr. Yantz said that it would be considerably less.

Mr. Fejes asked about the safety of these towers. Mr. Yantz said that they have stabilizer bars and if need be they could put guide wires up. The antennas are fairly small and he does not believe they would be adding a lot of weight to the tower.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Metro PCS, 4031 John R., approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 4031 John R. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed six months.

- If the petitioner requires additional time, they will need to come back to the Board for a renewal.

Yeas: All – 7

MOVED, to grant Metro PCS, 203 Lowry, approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 203 Lowry. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed six months.

- If the petitioner requires additional time, they will need to come back to the Board for a renewal.

Yeas: All – 7

MOVED, to grant Metro PCS, 200 E. Wattles, approval to install a 75' tall temporary antenna for a six-month time period at 200 E. Wattles. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed six months.

- If the petitioner requires additional time, they will need to come back to the Board for a renewal.

ITEM #8, #9, and #10 – con't.

Yeas: All – 7

MOTION TO GRANT REQUEST FOR ITEM #8, ITEM #9 AND ITEM #10 CARRIED

ITEM #11 (ITEM #7) - VARIANCE REQUEST. SAIF JAMEEL, 3031 CROOKS RD., for relief of the Ordinance to construct a new commercial building on a site which is .51 acres in size, where Section 23.25.01 of the Troy Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new commercial building. A majority of this property is located within the H-S (Highway Service) Zoning District. The plans submitted indicate that the development will include a drive-up window accessory to the restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is only .51 acres in size.

Mr. Fejes asked if another fast food, drive up restaurant could come in this area. Mr. Stimac explained that the number of parking spaces required is based on the number of seats inside the restaurant. Technically, whether it is a small restaurant, or a fast food type of restaurant the parking does not change, but is based on the number of seats. Mr. Stimac said that he is not aware of any issues regarding the parking at this location. Mr. Fejes also asked if the property to the west had been purchased as of yet by the petitioner. Mr. Stimac explained that as far as he knew it was an agreement to purchase the property.

Mr. Maxwell asked what the square footage was of the seating area. Mr. Stimac said that there are 13 parking spaces provided, and the analysis shows that there is one parking space for each 35 square feet of seating area. Based upon seating count, with 13 parking spaces the petitioner could get 21 seats.

Mr. Courtney said that he would like the petitioner to demonstrate to the Board the changes in this plan compared to the plan brought forth from the request that was presented to the Board in October 2005.

Mr. Joe Novitsky, the architect for this request was present as well as Saif Jameel, the petitioner and John Anderson of Starbucks. Mr. Novitsky indicated that they have been working very carefully with the Planning Commission and the Building Department to develop this site. The additional land to the west of this site was not part of the original plan submitted. The site was very tight and Mr. Novitsky believes that there would not have been any way to make the original plan fit. They have tried to satisfy the City requirements and are working with the standards of the corporate structure that is ultimately coming to them with their needs. Mr. Novitsky said that he has been working very carefully with the City regarding their landscape plans and believes that they will

ITEM #11 – con't.

meet all the requirements. The hardship created is because this property is in the Highway Zoning District.

Mr. Hutson asked if Mr. Jameel owned this property. Mr. Jameel said that he is actually a lessee of this property. Mr. Hutson then asked if they have reached an agreement with Starbuck's yet and Mr. Jameel said that he cannot sign an agreement with Starbuck's until he has taken care of the items that Starbuck's is requesting. Mr. Hutson said that it is his understanding that the lease agreement restricts Mr. Jameel to lease this property as a gas station and asked if he had reached an agreement with Mrs. Ford to change this lease agreement. Mr. Jameel said that he had and they have been talking to attorneys for both families and they are very agreeable. Mr. Hutson asked if he had a signed agreement and Mr. Jameel said he did not, because Mrs. Ford did not want the zoning on this property to change. Mr. Jameel said that Mrs. Ford did not want to lose the zoning as a gas station. Mr. Hutson asked Mr. Jameel if the only issue he had to address was the zoning. Mr. Jameel said that Mrs. Ford does not want to lose her zoning as a gas station, in case they ever want to make it a gas station again. Mr. Hutson said that he had spoken to an attorney representing one of the owners and was informed that no agreement has been reached on this property at all. Mr. Jameel said that he would dispute that because he has several letters from the attorney handling both sides that lists ten issues that he has to take care of, and this variance and an appearance before the Planning Commission would be the last items he would have to take care of. Mr. Hutson confirmed that Mr. Jameel does not have any type of signed agreement for the purchase of this property.

Mr. Fejes asked what this means and if this issue is actually putting the cart before the horse. Ms. Lancaster said that if there is a personal conflict or a lawsuit between the parties, it does not concern the Board. The Board has to take a vote based on the property. Ms. Lancaster also said that if the property was not developed in a certain time the variance would not be in effect. Mr. Stimac explained that the Zoning Ordinance addresses this issue, and in fact states that if a Building Permit is not obtained within twelve (12) months of the variance being granted, the variance is no longer valid. Mr. Fejes said that theoretically someone could come in and do something that they don't want them to do. Mr. Stimac said that the variance runs with the land, and the Board could place a stipulation on the variance that it is approved per the plans submitted to the Board at this time. This would include the layout of the building, the parking and general appearance of the site. Mr. Stimac also said that the plan has not gone before the Planning Commission at this time, and the Planning Commission may make different recommendations.

Mr. Courtney asked what lot size would be required for a building of this type if it was located in another Zoning classification. Mr. Stimac stated that the minimum lot size for a drive up restaurant is the same in any Zoning classification, which is one (1) acre. Mr. Courtney asked about the cross access to the parcel to the north. Mr. Stimac said that he couldn't speak for the Planning Commission, however, he believes that as part of the

ITEM #11 – con't.

Planning Commission site approval they would want a cross access easement on this site. The owner, lessee, or lawyer representing the petitioner cannot mandate the owner of the property to the north provide cross access easement.

Mr. Courtney asked if they had signed an agreement with the owner of the property to the north to give them a cross access easement. Mr. Novitsky said that nothing has been signed, but he feels this is a "good faith" agreement. He also feels that everything depends on their success tonight. The cross access agreement is contingent on the petitioner receiving the variance tonight. Mr. Novitsky said that they have done everything they can to ease the traffic patterns in this area.

Mr. Courtney said that if he remembers correctly it appeared that there were more cars in the stacking lane in the plan submitted in 2005. Mr. Novitsky said that he did not remember the original plan, but they have moved the drive as far to the west as they could. There is a deed restriction on the parcel that they wish to purchase stating that nothing can be built on that property, so they moved the building closer to Crooks, and the driveway farther away from Crooks. Mr. Courtney said that he would like to see the driveway closed off of Crooks. Mr. Novitsky agreed and said that if he could he would.

Mr. Fejes said that there will be people coming in from Crooks, Big Beaver, and also through the cross access easement with the property to the north and asked where the people will order their coffee. Mr. Novitsky explained that you order your coffee behind the building and pick it up at the window on the side. Mr. Fejes said that looking at the plan, he felt that it would be very difficult to get through the oncoming traffic to order his coffee especially between the hours of 6 A.M. and 9 A.M. Mr. Novitsky said that they are willing to take a risk and this is what they think will work for them. Mr. Fejes said that he is wondering what will work for the residents of Troy. Mr. Novitsky said that you may have to wait a little while to get in, but he thinks that this plan would provide relief to the property to the north. The parking lot to the north is a mess and Mr. Novitsky believes this would be an improvement.

Mr. Kovacs asked if the petitioner meets the stacking requirements of the Ordinance. Mr. Stimac said that the Ordinance requires that there is room for eight (8) vehicles and one (1) by the window, and this is shown on the plan. Mr. Kovacs said that the Board cannot force Starbuck's to provide more stacking and Mr. Fejes agreed.

Mr. Maxwell said that if you have cars coming in from every direction it is going to create congestion. Mr. Novitsky said that every gas station has a lot of curb cuts and if everyone flooded the gas stations it would be a mess. This is not something you can regulate.

The Chairman opened the Public Hearing.

ITEM #11 – con't.

Mr. John Anderson, of Starbuck's was present. Mr. Anderson said that he is familiar with what traffic patterns are and in his opinion they are restricting some of the traffic coming in off of Crooks by limiting the access. Also, if the drive-through is packed, a prudent person will not wait to get into this area off of Crooks. This would be the best use of this property and they will get people through very quickly. Their menu is quite limited and he does not feel people will stay at the location a long time. When looking at this piece of property and the lack of redevelopment on this site, he believes Starbuck's would be a fine addition to this area. They will provide a nice warm atmosphere for customers to come in. Mr. Anderson said that in his opinion the cooperation that they will get from the property to the north is going to be very limited. If they cannot get the cross access, they could provide more landscaping or more of a stacking lane.

No one else wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Hutson said that he has not changed his mind regarding this property from the first presentation. He is fully aware of the traffic in this area and thinks it is absolutely horrendous. The Ordinance requires that this site be one acre in size and there has been no evidence presented that any of the agreements have been signed. Mr. Hutson also said that he does not believe they will be able to obtain a cross access easement from the property owner to the north. Mr. Hutson also said that he thinks they would be better off to go the Planning Commission, obtain site approval and then come back to this Board.

Mr. Courtney agreed with Mr. Hutson and said that he would like to know what restrictions the Planning Commission would put on this plan.

Mr. Fejes said that he feels this would work if it was any other corner but this one. Most people know when they go to Starbuck's, they know what they want so service is very quick. Mr. Fejes said that he did not know what else could be put on this corner.

Ms. Gies said that if people want to go in there, they will wait as long as it takes to get in there. Mr. Fejes said that he feels this is a nice plan, but he would like the Board to be able to limit the size of the building and the site plan. Before any approval is granted though, Mr. Fejes said that they would like them to go before the Planning Commission first and see what requirements the Planning Commission would put on them.

Mr. Stimac said that the petitioner has submitted their plan to the Planning Commission, but it is in the process of review and is not on their agenda at this time. Where this is a land size issue, they cannot go to the Planning Commission and present this as a one-acre site, and they come back to this Board and say that the site is only ½ acre. This Board can get comments from the Planning Commission on the plan presented to them.

ITEM #11 – con't.

Ms. Lancaster said that in addition, no motions be made contingent on what the Planning Commission requires, because the Board would be putting the burden on the Planning Commission to actually re-visit the issue, where actually this Board must determine whether this is a hardship issue. The Planning Commission may be able to address some of the concerns that have been brought up by this Board. Basically, it is up to this Board to determine that this property deserves a variance from the one-acre provision. Mr. Courtney said that he would still like to have the Planning Commission input on this site.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Saif Jameel, 3031 Crooks Rd., for relief of the Ordinance to construct a new commercial building on a site which is .51 acres in size, where Section 23.25.01 of the Troy Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District until the meeting of April 18, 2006.

- To allow the petitioner the opportunity to present this site plan to the Planning Commission.
- To allow this Board the opportunity to examine the comments of the Planning Commission.

Yeas: 6 – Maxwell, Wright, Courtney, Fejes, Gies, Hutson
Nays: 1 - Kovacs

MOTION TO POSTPONE THIS REQUEST UNTIL APRIL 18, 2006 CARRIED

Mr. Fejes asked if the concerns of this Board should be presented to the Planning Commission. Mr. Stimac said that as he understands it, this Board is concerned with traffic circulation first and foremost, the availability of stacking, parking and the availability of the cross access easement to the north. Mr. Stimac said that in his opinion the cross access easement will be very difficult to obtain.

Mr. Kovacs stated that the reason for his no vote was because some of the concerns brought forth tonight were not under the jurisdiction of this Board, and he was ready to make a decision.

The Board of Zoning Appeals adjourned at 9:35 P.M.

_____
Christopher Fejes, Chairman

_____
Pamela Pasternak, Recording Secretary

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL MARCH 21, 2006

A meeting of the Troy Historic District Commission was held Tuesday, March 21, 2006 at City Hall. Barbara Chambers called the meeting to order at 7:42 P.M.

ROLL CALL PRESENT Barbara Chambers
Muriel Rounds
Robert Hudson
Sabah Jihad
Paul Lin
Loraine Campbell, Museum Manager

ABSENT Ann Partlan
Marjorie Biglin

Resolution #HDC-2006-03-001
Moved by Hudson
Seconded by Rounds

RESOLVED, That the absence of Partlan and Biglin be excused.
Yes: 5— Chambers, Rounds, Hudson, Jihad and Lin
No: 0

MOTION CARRIED

Resolution #HDC-2006-03-002
Moved by Rounds
Seconded by Chambers

RESOLVED, That the minutes of the February 21, 2006 meeting be approved.
Yes: 5— Chambers, Rounds, Hudson, Jihad and Lin
No: 0

MOTION CARRIED

OLD BUSINESS

A. **Home Owners Request:**
Fred and Jeannine Jezierski
The commission has had no further communication with Mrs. Jezierski. Bob Hudson will call her.

B. **Plaque Program**
Whitehall Products has asked for our design for their graphic artists to review before submitting a fabrication price.

C. Homeowner Packets
The committee will complete their orders for information to be included in the packets by April 30.

D. Certified Local Government
No update.

NEW BUSINESS

E. 2995 Quail Run- request to de-list
The Historic District Study Committee has received from Charlene Harris-Freeman a request to de-list her property as a historic district. The committee has begun their review.

The Troy Historic District Commission Meeting was adjourned at 9:00 p.m. The next regular meeting will be held Tuesday, April 18, 2006 at 7:30 p.m. at City Hall Conference Room C.

Barbara Chambers
Chairperson

Loraine Campbell
Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on March 28, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Lawrence Littman
Mark J. Vleck

Also Present:
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2006-03-050
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Littman and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Schultz addressed a letter from the petitioner of Agenda item #9 requesting to move the item forward on tonight's agenda.

Resolution # PC-2006-03-051
Moved by: Schultz
Seconded by: Waller

RESOLVED, To reverse the order of Agenda items #8 and #9 on tonight's agenda.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

Resolution # PC-2006-03-052
Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the Agenda as amended.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

3. APPROVAL OF MINUTES – March 14, 2006 Regular Meeting

Resolution # PC-2006-03-053
Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the March 14, 2006 Regular Meeting minutes as published.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the March 21, 2006 Board of Zoning Appeals (BZA) meeting. Agenda items of interest were:

- Proposed Starbucks Coffee, northwest corner of Big Beaver and Crooks – Request to allow drive-up window facility on site less than one acre in size – *Postponed to review site plan comments by Planning Commission.*
- Allied Metals Corporation, 1750 Stephenson Hwy – Request to construct an addition to the parking lot in front of their building – *Postponed to provide petitioner opportunity to present better layout of outside storage.*

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was no report available.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following City Council action item:

- ZOTA 214 Group Child Care Homes – City Council agreed to administratively approve group child care homes and establish conditions of approval. City administration was directed to prepare draft ordinance language. Input from group child care home providers will be considered in the determination of conditions. – *March 20 and 27, 2006 City Council meetings*

9. SITE PLAN REVIEW (SP 909-B) – Proposed Starbucks Coffee w/Drive-Up, Northwest corner of Big Beaver and Crooks, Section 29, H-S (Highway Service) and B-3 (General Business) District

Mr. Savidant reported that the Board of Zoning Appeals (BZA) postponed the variance request and would reconsider the item at a future meeting upon review of the Planning Commission comments. Mr. Savidant identified potential issues after a preliminary review of the proposed site plan:

- Parking
- Driveway width
- Aisle width
- Dumpster location
- Split zoning
- Storm water retention
- Deed restriction

The petitioner, Joseph Novitsky of JSN Architects, 30100 Telegraph, Bingham Farms, was present. Michele Sargeant of JSN Architects was also present.

Mr. Novitsky and Ms. Sargeant provided a brief overview of the proposed site plan.

Mr. Novitsky indicated the concerns identified by the Planning Department have been addressed except the dumpster location. He said the dumpster could be relocated to the back of the site should that be the desire of the members. Mr. Novitsky said the dumpster could be effectively screened at the existing proposed location and, if desired, screened on all four sides. He noted trash removal times would be discretionary. Mr. Novitsky said the deed restriction places a handicap on the layout of the plan.

Mr. Schultz said he would like to see the dumpster screened on all four sides.

Chair Strat stressed the prominence of the major thoroughfare corner. He said there is no guarantee the dumpster gate would remain closed, and any dead landscaping would be visible. Chair Strat said he would prefer to see the parking further back on the site, and the building in front. He also recommended that a wall or hedge be used to screen the parking lots from Crooks and Big Beaver.

Mr. Novitsky said cross access with Einstein Bagels is in the discussion stage. He also noted the corporate office of Starbucks is supportive of the proposed plan. Mr. Novitsky addressed the site plan with respect to the fabric of nearby buildings. It is his opinion the continuation of the fabric makes for a better site plan.

The difference in grade was briefly discussed.

Mr. Khan has concerns with the dumpster location, parking at the corner, and the entrance from Crooks Road. Mr. Khan said he would not support the site plan without a cross access agreement. He also addressed the downtown corridor plan in relation to the proposed site plan.

Mr. Waller said each member should drive off of Crooks into Einstein Bagels or the florist, try to find a place to park and maneuver your vehicle. He said to go through the Einstein parking lot and down the grade differential to the proposed Starbucks would be tricky. And to have everyone do it would compound the problem.

Mr. Schultz addressed parking at the west end of the property in relation to the one-way drive-through.

Mr. Novitsky said the west end parking is intended for store employees. He addressed the driveway on the south end and its relation to vehicular traffic. He noted an arrow was inadvertently omitted and the driveway would be two-way. Mr. Novitsky indicated that Jim Scott would be the landscape architect.

Mr. Waller questioned the status of the gas tanks on site.

Ms. Sargeant confirmed the tanks would be removed. She said consideration was given to the area's congestion and the drive off of Crooks would be used as an "in" drive only.

Chair Strat asked the petitioner if they tried to lay out the plan with the building in the back corner.

Ms. Sargeant responded in the negative. She said they would like to maintain the fabric and keep the buildings in line.

Chair Strat does not agree with the fabric concept, but he thinks it would be in the best interest of the City to work with the petitioner on developing the site.

Mr. Wright is not concerned with the parking near the major roads. He said parking from the existing developments extends to both major roads. Mr. Wright said placing the building to the front could pose a sight hazard for emergency vehicles.

Ms. Drake-Batts is firmly against a drive-through facility at this location and indicated she would not vote for its approval with the drive-up window. She is not comfortable because the drive-through facility would remain for future users should Starbucks close.

Mr. Schultz addressed the existing brick pavers with respect to an impervious surface. He would like to see landscaping at this prominent corner that far exceeds the City requirements.

Ms. Kerwin likes the drive-through concept and noted the design layout appears to have been based on safety factors. Ms. Kerwin stated that a Starbucks facility would attract walkers from the Monarch development.

Mr. Khan would like to see an alternate site plan layout.

Ms. Schultz would like to see more permeable surface and more landscaping.

Mr. Wright suggested brick pavers as well as grass because of road salt.

Mr. Waller said the permeability of brick is dependent on the underlying material. Mr. Waller would like the item to go back to the BZA for a determination of the variance, with the message that the site plan has potential to be worked out.

Mr. Savidant brought to the attention of the members that the brick pavers are in the right of way and not on the subject property and also that a drive-through facility is a permitted use in the H-S district if the site is one acre in size.

Chair Strat said brick pavers are not the right material to use.

Mr. Wright asked how much of this property was taken for the widening of Crooks and Big Beaver Roads.

Ms. Sargeant responded she did not know offhand but was confident the files contain that information.

Discussion continued on development of difficult parcels and the hardships considered by the BZA.

Ms. Sargeant said their hardship is the property size and the deed restriction. Ms. Sargeant said Starbucks is currently a very popular and profitable business. She said they are presenting the safest design layout by placing the driveway in the rear and keeping the intersection open. Ms. Sargeant noted existing trees near the west end and additional landscaping would screen the dumpster and rear parking. She stated the purchase agreement is subject to receiving the BZA variance.

Planning Commission comments will be forwarded to the BZA for its consideration of the requested variance.

PLANNED UNIT DEVELOPMENT

8. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 5) – Proposed Caswell Town Center including 14 single family homes, 74 condominium units, ±19,000 s.f. retail space and the existing Petruzzello's Banquet Center, Southeast corner of Rochester Road and South Blvd., Section 2 – B-3 (General Business), P-1 (Vehicular Parking) and R-1D (One Family Residential) Districts

Mr. Savidant reviewed two concerns discussed at the March 14, 2006 Public Hearing: (1) photometric plan and (2) height and area of the ground sign. He cited the lighting requirement stipulated in the Zoning Ordinance and reported that the photometric plan shows no spill off of light onto abutting residential properties and minimal spill off onto the thoroughfares. Mr. Savidant said a representative of Hadco Lighting is present to answer any technical questions on the proposed photometric plan. Mr. Savidant cited the specifications of the proposed ground sign and reported that City Management recommends a reduction in height to 10 feet and a reduction in sign area to 40 square feet per face.

Mr. Savidant referenced the report submitted by the City's Planning Consultant, Richard Carlisle, in which Mr. Carlisle indicates the proposed illumination is appropriate and agrees with City Management's recommendation to reduce the area and height of the ground sign.

Mr. Savidant reported that the Planning Department and the City's Planning Consultant recommends that the Planning Commission consider recommending preliminary approval of PUD 5 subject to: (1) final FEMA determination, (2) review and recommendations of the City's Traffic Engineer, and (3) review and recommendations of the City's Parks and Recreation Department.

Mr. Savidant reviewed a rendering that shows the proposed signage in scale to the height and mass of the development.

Discussion followed on the size of the signage and its visibility from the road in relation to the petitioner's proposal, the recommendation of City Management and the signage at Woodside Bible PUD.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the height of letters on signage in relation to traveling speed of vehicles.

The petitioner, Brad Byarski of Michigan Home Builders, 13400 Canal Road, Sterling Heights, was present. Mr. Byarski said the purpose of the signage is to introduce the development and provide signage for tenants. He explained that the sign base should be at least 3 feet to keep the sign above the 36-inch privet hedge. Mr. Byarski said he would agree to reduce the height of the sign to 15 feet.

Mr. Schultz realized that the petitioner's proposal of 100 square foot of sign face includes the proposed development designation. Mr. Schultz said 100 square feet is not out of line compared to signage at Woodside Bible. He suggested to reduce the pedestal by 2 feet and to keep the sign face at 100 square feet.

The majority of members were in agreement.

PUBLIC HEARING CLOSED

Resolution # PC-2006-03- *(amended Resolution follows)*
Moved by: Kerwin
Seconded by: Wright

WHEREAS, The Planning Commission reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Michigan Home Builders for Caswell Town Center Planned Unit Development (PUD 5), located on the south side of South Boulevard and east side of Rochester Road, located in section 2, within the B-3, P-1 and R-1D zoning districts, being 18.62 acres in size.

AND WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 23, 2006 that recommends approval of Caswell Town Center Planned Unit Development.

RESOLVED, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00.

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development application consists of the project manual dated October 10, 2005 and revised on February 1, 2006, which contain narratives, reduced plans, and full size plans.

BE IT FURTHER RESOLVED, That the Photometric Data sheet prepared by Hadco Lighting and dated March 21, 2006, be included in the Preliminary Planned Unit Development application.

BE IT FURTHER RESOLVED, That the proposed ground or pylon sign proposed at the boulevard entrance on the east side of Rochester Road, as illustrated on the Sign Profile drawing dated March 6, 2006, shall be approved.

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Caswell Town Center Preliminary Planned Unit Development be approved.

Discussion on the motion on the floor.

Mr. Wright asked that the second to last paragraph of the motion be amended to reflect that the sign shall not exceed 15 feet in height.

Ms. Kerwin did not accept the amendment.

Comments from around the table related to the procedure to follow on the proposed amendment if not accepted by the maker of the motion.

Ms. Kerwin requested a point of order. She said it is the prerogative of the maker of the motion to accept or not accept an amendment.

Mr. Motzny stated that if another motion was made, the members would have to move to approve the motion as a substitute motion, and a vote would be taken on the substitute motion. Mr. Motzny said the procedure at this point would be to vote on the motion as presented by Ms. Kerwin because there was no substitute motion approved.

Discussion continued on procedure as relates to amendments and substitute motions.

Ms. Kerwin explained that the body is in order to discuss the motion on the floor. Ms. Kerwin is supportive of the petitioner's proposed 17-foot high signage. She asked for comments from members on the proposed amendment to lower the sign height to 15 feet.

Comments were solicited from around the table with respect to the height and sign area of the signage. A majority of members agreed to a 15-foot height restriction.

Ms. Kerwin accepted the amendment on the motion as proposed by Mr. Wright.

The amended motion reads:

Resolution # PC-2006-03-054
Moved by: Kerwin
Seconded by: Wright

WHEREAS, The Planning Commission reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Michigan Home Builders for Caswell Town Center Planned Unit Development (PUD 5), located on the south side of South Boulevard and east side of Rochester Road, located in section 2, within the B-3, P-1 and R-1D zoning districts, being 18.62 acres in size.

AND WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 23, 2006 that recommends approval of Caswell Town Center Planned Unit Development.

RESOLVED, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00.

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development application consists of the project manual dated October 10, 2005 and revised on February 1, 2006, which contain narratives, reduced plans, and full size plans.

BE IT FURTHER RESOLVED, That the Photometric Data sheet prepared by Hadco Lighting and dated March 21, 2006, be included in the Preliminary Planned Unit Development application.

BE IT FURTHER RESOLVED, That the proposed ground or pylon sign proposed at the boulevard entrance on the east side of Rochester Road, as illustrated on the Sign Profile drawing dated March 6, 2006, shall not exceed 15 feet in height.

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Caswell Town Center Preliminary Planned Unit Development be approved.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

Dennis Morgan of Hadco Lighting made a brief presentation on the illumination plan for the Caswell Town Center PUD. Mr. Morgan distributed brochures and displayed a sample light fixture.

Chair Strat requested a recess at 9:00 p.m.

The meeting reconvened at 9:08 p.m.

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10. POTENTIAL CITY INITIATED REZONING (Z 716) – Consider City Initiated rezoning of the non-conforming parcels in the area of Troyton Manor, Adrienne Manor, and the southern portion of John F. Englehardt Subdivisions, Section 30 – From R-1C (One Family Residential) to R-1E (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the potential City-initiated rezoning request.

A brief discussion followed. It was the consensus of the members to go forward with the City-initiated rezoning request exclusive of the Pembroke Elementary school site.

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 219) – Articles II and III, Conditional Rezoning

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment relating to conditional rezoning.

Mr. Motzny reviewed his memo dated March 16, 2006 that addressed Section 03.24.02 (C) (1), Standards for Approval, and an additional revision to Section 03.24.01, Authority.

Mr. Motzny offered hypothetical examples of conditional rezoning. Discussion followed.

After review and discussion on each condition stipulated in Section 03.24.02 (C), it was determined to make the following revisions to the proposed language.

- Wordsmith, but keep the intent, of (C) (1).
- Provide language that site plan approval could be simultaneously considered at time of conditional rezoning request.
- Revisit (C) (4) (b) as relates to natural resources.

12. 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

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A brief discussion followed and comments were solicited from around the table.

The members agreed that City Management should proceed with draft ordinance language for temporary use variances through the Board of Zoning Appeals (BZA) and that standards should be established.

13. PUBLIC COMMENTS – Items on Current Agenda

Chris Komasara of 5287 Windmill, Troy, addressed PUD 5, proposed Starbucks site plan and ZOTA 219. Mr. Komasara also suggested that a recycling container be placed in the Council Board Room.

GOOD OF THE ORDER

Mr. Motzny thinks the Commission is off to a good start with conditional rezoning. He addressed conditional rezoning as relates to the lack of State guidelines and deed restrictions.

Mr. Schultz referenced the discussion on PUD 5, Caswell Town Center, and asked legal council to prepare a written memo on the procedure for amendments to motions and substitution motions.

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Ms. Drake-Batts asked to be addressed as Ms. Drake-Batts.

Chair Strat outlined the upcoming meeting agenda: (1) Hamilton Anderson Associates presentation on Classic Commercial Corridors; (2) Sub-committee assignments and progress reports; and (3) timeline of Master Plan and Zoning Ordinance revamping.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on March 28, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Lawrence Littman
Mark J. Vleck

Also Present:
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2006-03-050
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Littman and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Schultz addressed a letter from the petitioner of Agenda item #9 requesting to move the item forward on tonight's agenda.

Resolution # PC-2006-03-051
Moved by: Schultz
Seconded by: Waller

RESOLVED, To reverse the order of Agenda items #8 and #9 on tonight's agenda.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

Resolution # PC-2006-03-052
Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the Agenda as amended.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

3. APPROVAL OF MINUTES – March 14, 2006 Regular Meeting

Resolution # PC-2006-03-053
Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the March 14, 2006 Regular Meeting minutes as published.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the March 21, 2006 Board of Zoning Appeals (BZA) meeting. Agenda items of interest were:

- Proposed Starbucks Coffee, northwest corner of Big Beaver and Crooks – Request to allow drive-up window facility on site less than one acre in size – *Postponed to review site plan comments by Planning Commission.*
- Allied Metals Corporation, 1750 Stephenson Hwy – Request to construct an addition to the parking lot in front of their building – *Postponed to provide petitioner opportunity to present better layout of outside storage.*

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was no report available.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following City Council action item:

- ZOTA 214 Group Child Care Homes – City Council agreed to administratively approve group child care homes and establish conditions of approval. City administration was directed to prepare draft ordinance language. Input from group child care home providers will be considered in the determination of conditions. – *March 20 and 27, 2006 City Council meetings*

9. SITE PLAN REVIEW (SP 909-B) – Proposed Starbucks Coffee w/Drive-Up, Northwest corner of Big Beaver and Crooks, Section 29, H-S (Highway Service) and B-3 (General Business) District

Mr. Savidant reported that the Board of Zoning Appeals (BZA) postponed the variance request and would reconsider the item at a future meeting upon review of the Planning Commission comments. Mr. Savidant identified potential issues after a preliminary review of the proposed site plan:

- Parking
- Driveway width
- Aisle width
- Dumpster location
- Split zoning
- Storm water retention
- Deed restriction

The petitioner, Joseph Novitsky of JSN Architects, 30100 Telegraph, Bingham Farms, was present. Michele Sargeant of JSN Architects was also present.

Mr. Novitsky and Ms. Sargeant provided a brief overview of the proposed site plan.

Mr. Novitsky indicated the concerns identified by the Planning Department have been addressed except the dumpster location. He said the dumpster could be relocated to the back of the site should that be the desire of the members. Mr. Novitsky said the dumpster could be effectively screened at the existing proposed location and, if desired, screened on all four sides. He noted trash removal times would be discretionary. Mr. Novitsky said the deed restriction places a handicap on the layout of the plan.

Mr. Schultz said he would like to see the dumpster screened on all four sides.

Chair Strat stressed the prominence of the major thoroughfare corner. He said there is no guarantee the dumpster gate would remain closed, and any dead landscaping would be visible. Chair Strat said he would prefer to see the parking further back on the site, and the building in front. He also recommended that a wall or hedge be used to screen the parking lots from Crooks and Big Beaver.

Mr. Novitsky said cross access with Einstein Bagels is in the discussion stage. He also noted the corporate office of Starbucks is supportive of the proposed plan. Mr. Novitsky addressed the site plan with respect to the fabric of nearby buildings. It is his opinion the continuation of the fabric makes for a better site plan.

The difference in grade was briefly discussed.

Mr. Khan has concerns with the dumpster location, parking at the corner, and the entrance from Crooks Road. Mr. Khan said he would not support the site plan without a cross access agreement. He also addressed the downtown corridor plan in relation to the proposed site plan.

Mr. Waller said each member should drive off of Crooks into Einstein Bagels or the florist, try to find a place to park and maneuver your vehicle. He said to go through the Einstein parking lot and down the grade differential to the proposed Starbucks would be tricky. And to have everyone do it would compound the problem.

Mr. Schultz addressed parking at the west end of the property in relation to the one-way drive-through.

Mr. Novitsky said the west end parking is intended for store employees. He addressed the driveway on the south end and its relation to vehicular traffic. He noted an arrow was inadvertently omitted and the driveway would be two-way. Mr. Novitsky indicated that Jim Scott would be the landscape architect.

Mr. Waller questioned the status of the gas tanks on site.

Ms. Sargeant confirmed the tanks would be removed. She said consideration was given to the area's congestion and the drive off of Crooks would be used as an "in" drive only.

Chair Strat asked the petitioner if they tried to lay out the plan with the building in the back corner.

Ms. Sargeant responded in the negative. She said they would like to maintain the fabric and keep the buildings in line.

Chair Strat does not agree with the fabric concept, but he thinks it would be in the best interest of the City to work with the petitioner on developing the site.

Mr. Wright is not concerned with the parking near the major roads. He said parking from the existing developments extends to both major roads. Mr. Wright said placing the building to the front could pose a sight hazard for emergency vehicles.

Ms. Drake-Batts is firmly against a drive-through facility at this location and indicated she would not vote for its approval with the drive-up window. She is not comfortable because the drive-through facility would remain for future users should Starbucks close.

Mr. Schultz addressed the existing brick pavers with respect to an impervious surface. He would like to see landscaping at this prominent corner that far exceeds the City requirements.

Ms. Kerwin likes the drive-through concept and noted the design layout appears to have been based on safety factors. Ms. Kerwin stated that a Starbucks facility would attract walkers from the Monarch development.

Mr. Khan would like to see an alternate site plan layout.

Ms. Schultz would like to see more permeable surface and more landscaping.

Mr. Wright suggested brick pavers as well as grass because of road salt.

Mr. Waller said the permeability of brick is dependent on the underlying material. Mr. Waller would like the item to go back to the BZA for a determination of the variance, with the message that the site plan has potential to be worked out.

Mr. Savidant brought to the attention of the members that the brick pavers are in the right of way and not on the subject property and also that a drive-through facility is a permitted use in the H-S district if the site is one acre in size.

Chair Strat said brick pavers are not the right material to use.

Mr. Wright asked how much of this property was taken for the widening of Crooks and Big Beaver Roads.

Ms. Sargeant responded she did not know offhand but was confident the files contain that information.

Discussion continued on development of difficult parcels and the hardships considered by the BZA.

Ms. Sargeant said their hardship is the property size and the deed restriction. Ms. Sargeant said Starbucks is currently a very popular and profitable business. She said they are presenting the safest design layout by placing the driveway in the rear and keeping the intersection open. Ms. Sargeant noted existing trees near the west end and additional landscaping would screen the dumpster and rear parking. She stated the purchase agreement is subject to receiving the BZA variance.

Planning Commission comments will be forwarded to the BZA for its consideration of the requested variance.

PLANNED UNIT DEVELOPMENT

8. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 5) – Proposed Caswell Town Center including 14 single family homes, 74 condominium units, ±19,000 s.f. retail space and the existing Petruzzello's Banquet Center, Southeast corner of Rochester Road and South Blvd., Section 2 – B-3 (General Business), P-1 (Vehicular Parking) and R-1D (One Family Residential) Districts

Mr. Savidant reviewed two concerns discussed at the March 14, 2006 Public Hearing: (1) photometric plan and (2) height and area of the ground sign. He cited the lighting requirement stipulated in the Zoning Ordinance and reported that the photometric plan shows no spill off of light onto abutting residential properties and minimal spill off onto the thoroughfares. Mr. Savidant said a representative of Hadco Lighting is present to answer any technical questions on the proposed photometric plan. Mr. Savidant cited the specifications of the proposed ground sign and reported that City Management recommends a reduction in height to 10 feet and a reduction in sign area to 40 square feet per face.

Mr. Savidant referenced the report submitted by the City's Planning Consultant, Richard Carlisle, in which Mr. Carlisle indicates the proposed illumination is appropriate and agrees with City Management's recommendation to reduce the area and height of the ground sign.

Mr. Savidant reported that the Planning Department and the City's Planning Consultant recommends that the Planning Commission consider recommending preliminary approval of PUD 5 subject to: (1) final FEMA determination, (2) review and recommendations of the City's Traffic Engineer, and (3) review and recommendations of the City's Parks and Recreation Department.

Mr. Savidant reviewed a rendering that shows the proposed signage in scale to the height and mass of the development.

Discussion followed on the size of the signage and its visibility from the road in relation to the petitioner's proposal, the recommendation of City Management and the signage at Woodside Bible PUD.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the height of letters on signage in relation to traveling speed of vehicles.

The petitioner, Brad Byarski of Michigan Home Builders, 13400 Canal Road, Sterling Heights, was present. Mr. Byarski said the purpose of the signage is to introduce the development and provide signage for tenants. He explained that the sign base should be at least 3 feet to keep the sign above the 36-inch privet hedge. Mr. Byarski said he would agree to reduce the height of the sign to 15 feet.

Mr. Schultz realized that the petitioner's proposal of 100 square foot of sign face includes the proposed development designation. Mr. Schultz said 100 square feet is not out of line compared to signage at Woodside Bible. He suggested to reduce the pedestal by 2 feet and to keep the sign face at 100 square feet.

The majority of members were in agreement.

PUBLIC HEARING CLOSED

Resolution # PC-2006-03- *(amended Resolution follows)*
Moved by: Kerwin
Seconded by: Wright

WHEREAS, The Planning Commission reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Michigan Home Builders for Caswell Town Center Planned Unit Development (PUD 5), located on the south side of South Boulevard and east side of Rochester Road, located in section 2, within the B-3, P-1 and R-1D zoning districts, being 18.62 acres in size.

AND WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 23, 2006 that recommends approval of Caswell Town Center Planned Unit Development.

RESOLVED, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00.

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development application consists of the project manual dated October 10, 2005 and revised on February 1, 2006, which contain narratives, reduced plans, and full size plans.

BE IT FURTHER RESOLVED, That the Photometric Data sheet prepared by Hadco Lighting and dated March 21, 2006, be included in the Preliminary Planned Unit Development application.

BE IT FURTHER RESOLVED, That the proposed ground or pylon sign proposed at the boulevard entrance on the east side of Rochester Road, as illustrated on the Sign Profile drawing dated March 6, 2006, shall be approved.

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Caswell Town Center Preliminary Planned Unit Development be approved.

Discussion on the motion on the floor.

Mr. Wright asked that the second to last paragraph of the motion be amended to reflect that the sign shall not exceed 15 feet in height.

Ms. Kerwin did not accept the amendment.

Comments from around the table related to the procedure to follow on the proposed amendment if not accepted by the maker of the motion.

Ms. Kerwin requested a point of order. She said it is the prerogative of the maker of the motion to accept or not accept an amendment.

Mr. Motzny stated that if another motion was made, the members would have to move to approve the motion as a substitute motion, and a vote would be taken on the substitute motion. Mr. Motzny said the procedure at this point would be to vote on the motion as presented by Ms. Kerwin because there was no substitute motion approved.

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Comments were solicited from around the table with respect to the height and sign area of the signage. A majority of members agreed to a 15-foot height restriction.

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The amended motion reads:

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Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

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Chair Strat outlined the upcoming meeting agenda: (1) Hamilton Anderson Associates presentation on Classic Commercial Corridors; (2) Sub-committee assignments and progress reports; and (3) timeline of Master Plan and Zoning Ordinance revamping.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

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A meeting of the **Troy Youth Council (TYC)** was held on March 29, 2006 at 7:00 PM at the Troy Civic Center, 500 W. Big Beaver. Kristin Randall and Maxine D'Amico called the meeting to order at 7:06 p.m.

MEMBERS PRESENT:	Alexandra Bozimowski
	Andrew Corey
	Maxine D'Amico (Co-chair)
	Rishi Joshi
	Jia (Lisa) Luo
	Anupama Prasad
	Kristin Randall (Co-chair)
	Neil Shaw
	Katie Thoenes
	Nicole Vitale (Secretary)
MEMBERS ABSENT:	Joseph Niemiec
	Karen Wullaert, notified will be late
	Jessica Kraft, notified will be late
VISITORS:	James Nash, Financial Services Director
STAFF PRESENT:	John Hug, Fitness Coordinator

1. **Roll Call**

2. **Approval of Minutes**

Resolution # TY-2006-03-03
Moved by Corey
Seconded by Bozimowski

RESOLVED, That the minutes of January 25, 2006 be approved.

Yes: All – 10
No: None
Absent: 3 - Kraft, Niemiec, Wullaert

3. **Attendance Report:** Updated through January meeting - To note and file

4. **Visitor:** James Nash, Financial Services Director

-Personal history: 20 years of city government
-$140 million dollar annual budget.
-22 Funds (Funds include: General, special revenue, capital project and others)
-Revenue sources (Sources include: Revenue sharing, sales tax, property tax, business tax, service charges, federal money and others)
-Troy has lowest tax rate of cities that include Rochester, Rochester Hills, Birmingham and Madison Heights.

5. Futures Process

Review of meetings and direction for upcoming meetings.

1. Civic Infrastructure – (Shaw and Kraft)
   No update. Group has not met.

2. Image and Feel – (Prasad and Thoenes)
   Group discussed the need for an increase in green space.

3. Lifetime Learning – (Kristin Randall)
   New trends - Diversity. Downtown area that all can enjoy. Health and fitness – want a place where more people can work out.

4. Lifestyle – (D'Amico and Luo)
   Make Troy more mobile (bike and walking trails).

5. Mobility – (Bozimowski and Vitale)
   Topics included additional taxis and a bus system to Community Center.

6. Regionalism – (Corey and Niemiec)
   No report.

7. Wealth Creation – (Joshi and Wulleart)
   Discussion revolved around tax base in Troy. Also adding a walkway boulevard along Big Beaver.

6. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-
Moved by
Seconded by

RESOLVED that

Yes: All –
No: None
Absent:

7. Youth Dialogue Day - Day included a guest speaker, smaller breakout groups and an opportunity for teens to express themselves. Community leaders present included: Mayor, Council members, President of School Board and others.
-Adults seemed interested.
-Desired outcomes included a downtown area, movie theater and a dance club.

8. **Youth Council Comments** – Andrew Corey brought up the topic of Troy Daze and the changes that are being discussed by the Troy Daze Committee. Areas of concern include new closing time, no battle of the bands and type of music that will not be allowed.
   - -Corey started a petition online.
   - -Discussion as to what can be done.
   - -Possible letter to City Council.

9. **Public Comments** - None

The meeting adjourned at 8:16 P.M.
(Tour of Police Department followed meeting)

_____
Kristin Randall, Co-chair

_____
John Hug, Fitness Coordinator

Reminder Next Meeting: April 26 at 7:00 P.M. ***@ Troy Community Center***

ETHNIC ISSUES ADVISORY BOARD – DRAFT MINUTES April 4, 2006

Call to Order

The regular meeting was called to order at 7:25 pm in Conference Room C at Troy City Hall

Roll Call

Present: Kelly Gu, Lulu Guo, Reuben Ellis, Oniell Shah, Padma Kuppa, Tony Haddad, Malini Sarma, Cindy Stewart, Staff Liaison

Absent: Anju Brodbine, Tom Kaszubski, Michelle Haight, Mark Priztlaff

Approval of Minutes

Moved by Malini Sarma seconded by Reuben Ellis that the minutes of Match 7, 2006 be approved. Approved unanimously.

Correspondence / Articles

1) Prayer Breakfast – May 5, 2006 @ St. Nick's Cultural Center 7:30am, tickets are $15. CS will email flyer to the Board.
2) Books of interest for the EIA Board to read -
   The Great Shift of Wealth and Power to the East by Clyde Prestowitz
   The Flight of the Creature Class- The New Global Competition for Talent by Richard Florida.
   "A community needs technology, talent and tolerance and must be proactively inclusive of all kinds of people"

Both are interesting reading as recommended by Padma Kuppa

Old Business

A. EthniCity at Troy Daze

Booth participant letter finalized and given out to Sights and Sounds participants. No responses to date.

We need to email or mail letter/application again. Padma will go through 2005 participant list – CS will get new list typed up.

Theme for Poster Contest---
2000 Unity and Diversity
2002 Celebrating Our Heritage
2003?
2004 Diversity in the Arts
2005 Diversity on Sports

Ideas

Diversity in Fashion
Imagine the World As Your Canvas
Celebrating Diversity through Education

2006 Theme chosen - Celebrating Diversity Through Education

Deadlines: Monday September 11th

Awards: 1st, 2nd, 3rd Honorable Mention, People's Choice.
Call Joann Preston — How many entries for poster contest? Where hung at Troy Daze? Awards?

By May we need to finalize children's activities (Masks, Passports – not this year), Crayons, Flag Match Game

Padma, Malini and Michelle will meet before May meeting re: activities.

Add Tony Haddad to flags committee.
Reuben Ellis will be co-chair w/ Shirley Darge for outdoor entertainment.

B. EIA Goals – nothing new.

C. Senior Citizen Project -

If anyone can attend April 6th please go to Comm. Center at 12:30pm. This one is the Jewish Faith led by Rabbi Aaron Starr.

Next EIA meeting May 9th -
Principal, teacher, parents from Hamilton Elementary talking about their Diversity Program.

Motion to adjourn at 8:20 pm by Oniell Shah, seconded by Malini Sarma. Meeting is adjourned.

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:35 p.m. on April 4, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:
Wayne Wright

Also Present:
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney

Resolution # PC-2006-04-055
Moved by: Schultz
Seconded by: Khan

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present
No: None
Absent: Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-04-056
Moved by: Kerwin
Seconded by: Littman

RESOLVED, To approve the Agenda as published.

Yes: All present
No: None
Absent: Wright

MOTION CARRIED

3. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

4. PRESENTATION BY HAMILTON ANDERSON ASSOCIATES – Classic Commercial Corridors – PowerPoint Presentation and Q & A

David Skurto of Hamilton Anderson Associates made a PowerPoint presentation on Classic Commercial Corridors. A general discussion followed.

Chair Strat requested a recess at 9:00 p.m.

The meeting reconvened at 9:05 p.m.

---

5. SUB-COMMITTEE PROGRESS REPORTS AND DISCUSSION

A. Tracking of Planning and Zoning Projects

Mr. Schultz presented a draft document entitled *Troy Planning Commission – 2006 Activity Tracking Document*. The document could assist the Planning Commission in tracking of projects. General discussion followed.

B. By-Laws

Ms. Kerwin presented a draft document entitled Standards of Practice. It is intended that these standards be incorporated into the Planning Commission By-Laws. General discussion followed.

E. Sustainable Development Standards

Mr. Waller recommended the Planning Commission focus their efforts on one sustainable development concept. He stated that at the May 2, 2006 Special/Study Meeting he will present zoning ordinance standards for green roofs that were adopted by the City of Toronto.

The following agenda items will carry over to the May 2, 2006 Special/Study Meeting:

- Master Plan Time Line and Milestones - Mark Miller
- Complete Update of Ordinance - Time Line and Milestones - Mark Miller
- Design Standards and Examples - Khan / Waller
- Promotion of Ingenuity - Mark Miller
- Educational - Speakers and Presentations to Planning Commission - Strat

6. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:15 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Brent Savidant, Principal Planner

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:35 p.m. on April 4, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:
Wayne Wright

Also Present:
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney

Resolution # PC-2006-04-055
Moved by: Schultz
Seconded by: Khan

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present
No: None
Absent: Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-04-056
Moved by: Kerwin
Seconded by: Littman

RESOLVED, To approve the Agenda as published.

Yes: All present
No: None
Absent: Wright

MOTION CARRIED

3. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

4. PRESENTATION BY HAMILTON ANDERSON ASSOCIATES – Classic Commercial Corridors – PowerPoint Presentation and Q & A

David Skurto of Hamilton Anderson Associates made a Power Point presentation on Classic Commercial Corridors. A general discussion followed.

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A. Tracking of Planning and Zoning Projects

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Ms. Kerwin presented a draft document entitled Standards of Practice. It is intended that these standards be incorporated into the Planning Commission By-Laws. General discussion followed.

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Mr. Waller recommended the Planning Commission focus their efforts on one sustainable development concept. He stated that at the May 2, 2006 Special/Study Meeting he will present zoning ordinance standards for green roofs that were adopted by the City of Toronto.

The following agenda items will carry over to the May 2, 2006 Special/Study Meeting:

- Master Plan Time Line and Milestones - Mark Miller
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- Promotion of Ingenuity - Mark Miller
- Educational - Speakers and Presentations to Planning Commission - Strat

6. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:15 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Brent Savidant, Principal Planner

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, April 5, 2006 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 1, 2006

Motion by Kessler
Supported by Nelson

MOVED, to approve the minutes of the meeting of March 1, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. TIM BONUCCELLI, OF NATIONAL RETAIL EQUIPMENT LIQUIDATORS, 3100 W. BIG BEAVER, for relief of Chapter 85 to erect a 450 square foot wall sign and six (6) directional signs, each six (6) square feet in size to advertise a liquidation sale until December 31, 2006.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 450 square foot wall sign and six (6) directional signs, each six (6) square feet in size to advertise a liquidation sale of office furniture until December 31, 2006. Section 85.02.05 3a states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure, to a maximum size of 200 square feet. The proposed sign exceeds the allowable area. Petitioner is also asking for 36 square feet of temporary directional signs where a maximum of 14 square feet is allowed by Section 85.03.02 of the Sign Ordinance.

Mr. Tim Bonuccelli and Brian Brothers of Equipment Liquidators were present. Mr. Brothers explained that after looking at their initial submittal, Kmart drew up an alternate plan that proposes putting up a window sign facing Cunningham that would be less visible. The construction of this alternate sign would be vinyl lettering, but would still be 450 square feet.

ITEM #2 – con't.

Mr. Stimac asked if the sign would be placed on the inside or outside of the windows, and Mr. Brothers said that because the windows are so heavily tinted it would need to be on the outside of the building.

Mr. Brothers said that they would like the directional signs so that people would not go to the front of the building, where driving conditions are very tight, but would in fact go to the back of the building, directly to the showroom.

Mr. Richnak asked why the petitioner was asking to leave the sign up until the end of the year. Mr. Brothers stated that Kmart is slowly moving their departments to different areas and it takes a lot of time. The IT Department controls 1,000 stores and they anticipate the process will be completed by the end of November.

Mr. Dziurman asked when they planned to start this liquidation sale and Mr. Brothers said that they thought the sale would be open to the general public within two weeks. They are selling off their office furniture and equipment.

Mr. Brothers also indicated that their alternative proposal would remove the Kmart name from the sign and display the verbiage "Liquidation Showroom".

Mr. Kessler explained to the petitioner that in order for this variance to grant a variance, there must be a hardship that runs with the land and he did not see such a hardship with this request. If people go to the front door, the petitioner should be able to put up directional signs on the door with a map showing them the correct location.

Mr. Brothers said that the front drive and parking lot are very small and can become very congested and they were hoping to be able to direct traffic directly to the back where the showroom will be located. Mr. Brothers said that a lot of the people that will be coming to this sale are not familiar with this building and in his opinion it is a very difficult place to find your way around in.

Mr. Richnak asked what type of clientele they are expecting and Mr. Bonuccelli said that they believe about 30% will be the general population and approximately 70% will be businesses.

Mr. Dziurman asked if this sale was going to be held seven days a week. Mr. Brothers said that Monday through Friday, it would be open from 10 AM to 7 PM, Saturday it would run from 10 AM to 6 PM, and Sunday the hours would be 11 AM to 5 PM.

Mr. Bonucelli said that the parking lot in front is just too small to handle the number of people coming to the sale as well as to handle the regular number of business people still working at this location.

ITEM #2 – con't.

Mr. Brothers said that they are planning on putting in signs to direct people to a specified area in the back of the building. The location they have chosen will not allow people to get anywhere else in the building without an escort.

Mr. Kessler said that if they came in the front entrance, there should be a sign showing them how to get to the back of the building. Mr. Brothers said that they thought six (6) signs was the appropriate number in order to direct people to the back of the building. Mr. Kessler suggested that they could put an "employees sign only" at the front of the building and Mr. Brothers indicated that this would be difficult as this is also the entrance used by visitors to the building. Mr. Kessler said that in his opinion the red lettering of a liquidation sign would lead people to the correct location.

Mr. Dziurman asked how many employees were still at Kmart and Mr. Brothers said that they are still using about 50% of the building.

Mr. Zuazo asked if a map couldn't be included as part of their advertising campaign and Mr. Brothers indicated that they were planning to provide a small map on the website. Mr. Bonucelli stated that the website advertising shows where to go and how to get there. In addition, they are planning on advertising in the classified section of the newspapers.

Mr. Richnak said that they may want to consider making the words "Office Liquidation" small and indicate, "enter at the rear of the building" and then put up two signs indicating the location of the showroom. Mr. Brothers said that they are trying to provide a smooth flow in taking the furniture out, as there is 800,000 square feet of furniture that is going to sold.

Mr. Kessler said that he did not see a hardship and asked what they planned to do if this request is denied. Mr. Brothers said that the building is so large and if they had to make the sign smaller it would be very difficult to read. Mr. Kessler said that this Board cannot act on this request without a hardship and perhaps it would be better to postpone this request so that the petitioner could bring back an alternate plan or could find a different way to advertise. Mr. Kessler also said that he thought the petitioners would be able to stay within what is allowed by the Ordinance.

Mr. Richnak said that he agreed that this was a large complex but there are no driveways other than at the corner of Big Beaver and Coolidge. Additional signs along the part of Big Beaver and Coolidge would be redundant. He agreed with Mr. Kessler that he did not see a hardship that would justify this variance. Mr. Richnak also suggested that a sign could be placed directing people to go west on Big Beaver to the first driveway and then around the back. Mr. Brothers said that they were trying to avoid people using the front entrance at all. Mr. Kessler said that he felt Kmart was going to have to find a way to deal with that issue rather than by putting up signs all over the place.

ITEM #2 – con't.

Mr. Brothers said that they feel there could be a hazard in the front of the property and this could be avoided if people were funneled to the back. Mr. Richnak said that he thought a lot of local people will be coming to this sale and they will know the area enough to be able to find the showroom location. Mr. Kessler said that people from this area are familiar with this building, and Kmart should consider closing off the front driveway. Mr. Kessler also said that he thought the petitioner should be able to comply with the Ordinance.

Mr. Brothers asked where this Board would suggest putting up the signs. Mr. Kessler said that they could direct people to go to the Cunningham drive and Mr. Richnak said that there are two entrances at the back of the building that would support directional signs. Mr. Brothers said that there are four entrances off of Cunningham. Mr. Kessler said that he thought the petitioner could accomplish everything with three signs – 2 directional signs and 1 sign on the door to go into the showroom. Mr. Brothers said that it is very easy for people to get lost inside this building. Mr. Kessler said that they could place a large sign over the door at the back of the building. Mr. Brothers said that he did not believe these signs would be visible from Coolidge or Cunningham.

Mr. Nelson suggested that a sign be placed at the front drive that states "No access for liquidation sale" and this would indicate to customers coming in that the sale is not at this location. Mr. Nelson also asked what signage was allowed under the Ordinance.

Mr. Stimac said that temporary signs are limited to maximum size of six (6) square feet. Provisions are available for larger signs that are not visible to traffic. A 32 square foot sign on the end tower would work against the petitioner; people will head toward the sign. Mr. Stimac suggested moving the sign to the X-tower no matter what size the sign is. The window base is generally larger than the lettering of a sign.

Mr. Brothers stated that if the sign was one-half the proposed size, it would be much less visible, although he thought that may be able to get away with a 300 square foot sign.

Mr. Richnak said that the proposed banner on the N tower was designed to be a directional sign, and in his opinion the alternative sign would be used as a directional sign also. Mr. Richnak said that the vinyl letters would be less obtrusive to the surrounding neighbors. Mr. Brothers said that the banner would be straight across several windows.

Mr. Dziurman asked if the Board wanted to address each request separately. Mr. Richnak said that he does not like the way the original request is presented. He stated that he would like to see them come back after doing some additional research. With all the advertising that the petitioner is proposing to do, he believes that 2 directional signs at the back of the building will be enough to direct the people to the right place. Even if

ITEM #2 – con't.

the sign is smaller people will be looking at the area and he would definitely be against the original proposal.

Mr. Zuazo asked if the will be security guards in place during the sale and Mr. Brothers said that already have additional guards as Kmart is still functioning. Mr. Zuazo suggested having a guard outside to direct traffic and keep people out of the front of the building. Mr. Brothers said that they hadn't considered this an option but would definitely take a look into this idea.

Mr. Richnak said that the word "liquidation" in red letters sticks out immensely and does not think the petitioner needs a 450 square foot sign on the front of the building. Mr. Richnak said that he believes they only need 2 signs, 1 on Cunningham and 1 on Coolidge. Mr. Richnak also suggested taking a vote on a vinyl sign on Tower X and allowing the petitioner to determine whether another sign is required or not. Mr. Kessler said that in his opinion the petitioner should be able to provide a compliant directional sign.

Mr. Brothers said that perhaps they could create a map indicating "you are here" with directional signs from that point.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals on file. There is one (1) written objection on file.

Motion by Richnak
Supported by Nelson

MOVED, to grant Tim Bonucelli of National Liquidators, 3100 W. Big Beaver relief of Chapter 85 to erect a 300 square foot wall sign and 2 directional signs to sell furniture until December 31, 2006. Section 85.02.05 3a states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure, to a maximum size of 200 square feet. The proposed sign exceeds the allowable area.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All - 5

MOTION TO GRANT REQUEST FOR A 300 SQUARE FOOT WALL SIGN & TWO DIRECTIONAL SIGNS CARRIED

ITEM #3 – VARIANCE REQUEST. BASEMENT EXPERTS, 4687 ALTON, for relief of the Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioners are requesting relief of the 2003 Michigan Residential Code to finish a basement. The plans submitted show that the existing basement has a 7' height to the bottom of the joists, a dropped I-beam with a 6'-5" clear height and dropped plumbing with 6'-6" clear height. The finished ceiling materials would lower the main ceiling areas to 6'-8" and 6'-9", and the plumbing and I-beam dropped ceilings to 6'-4". Section R-305 of the Michigan Residential Code requires a 7' minimum ceiling height in finished basement and 6'-6" clear heights under dropped areas.

Mr. Dave Dubay of Basement Experts was present. Mr. Dubay stated that they have a corner under the soffet that they plan to change from a 90º angle to a 45º angle. Mr. Richnak asked why the ceiling height varies and Mr. Dubay said that there were plumbing fixtures in the area and the reason the height of the ceiling varies from 6'-4" to 6'-7" was due to the sloping of the basement floor.

Mr. Richnak asked if the 3' x 4' area could be partitioned off and Mr. Dubay said that it could not as there was an existing door in that area that they did not plan to move as they do not plan to put their system up to the existing wall.

Mr. Kessler said that the petitioner states that the existing height of the ceiling is 7' and asked why it varies between 6'-8" and 6'-9". Mr. Dubay said that this is because the basement floor slopes. Mr. Kessler then asked how large the unfinished part of the basement was and the petitioner didn't know. Mr. Kessler asked if they could change the area of the basement that they are planning to finish off and the petitioner stated that the other area is where the furnace is located.

Mr. Kessler asked why part of the ceiling height is 6'-4" and Mr. Dubay said that height is under the width of the I-beam which is 12". Mr. Kessler stated that he had asked the petitioner to start bringing in more detailed plans two months ago, which would show this Board the product material and the area of the entire basement. He would like to see a picture of how they plan to change the corner from 90º to 45º in order to be able to make an informed decision. Mr. Kessler also said that the Board would like to be able to see where the plumbing or gas lines area and how they plan to box those in. The plans that are now being submitted are showing more of a basement plan but he would like to see more detail provided to the Board.

Mr. Dubay said that the Code calls for a 6'-6" ceiling height under the drops and Mr. Kessler asked if there was any way they could get the ceiling any higher. Mr. Dubay said that they could not tighten it up any more than what they are showing.

Mr. Richnak explained to the petitioner that the Board is asking to see exactly how this system works and that they want to see drawings of the entire basement. If possible

ITEM #3 – con't.

the Board would like to see pictures of how this system goes into the basement from the beginning to the end.

Mr. Dubay suggested that the Board come and look at a basement under construction. Mr. Stimac informed the petitioner that they could bring in pictures from other jobs that they are presently doing. Mr. Kessler said that he wants to see how they frame up to the I-Beam and the ductwork and also he would like to see how tight the assembly is.

Mr. Dziurman said that he thought one set of pictures would be sufficient for the Board to see what type of system this is.

Mr. Richnak said that the petitioner should take some pictures and show that they are getting the ceiling up as high as possible so that the Board knows that they are making the best possible decision they can.

Motion by Kessler
Supported by Richnak

MOVED, to postpone the request of Basement Experts, 4687 Alton**,** for relief of the Michigan Residential Code to finish a basement until the next scheduled meeting of May 3, 2006.

- To allow the petitioner the opportunity to provide pictures of the system they are installing.
- To allow the petitioner the opportunity to provide more detailed drawings of the basements they are planning to finish, indicating gas and plumbing lines as well as I-beams and ductwork.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF MAY 3, 2006 CARRIED

ITEM #4 – VARIANCE REQUEST. BASEMENT EXPERTS, 1432 LEAFGREEN, for relief of the Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioners are requesting relief of the 2003 Michigan Residential Code to finish a basement. The plans submitted show that the existing basement has a 7' height to the bottom of the joists and a dropped I-beam with a 6'-6" clear height. The plans propose installing a suspended ceiling and covering the I-beam with finish materials. These changes would lower the main ceiling height to 6'-8" and the dropped I-beam to 6'-5".

ITEM #4 – con't.

The 2003 Michigan Residential Code, Section R-305 requires a 7' minimum ceiling height in finished basements and 6'-6" clear heights under dropped areas.

Motion by Kessler
Supported by Richnak

MOVED, to postpone the request of Basement Experts, 1432 Leafgreen, for relief of the Michigan Residential Code to finish a basement until the meeting of May 3, 2006.

- To allow the petitioner the opportunity to provide pictures of the system they are installing.
- To allow the petitioner the opportunity to provide more detailed drawings of the basements they are planning to finish, indicating gas and plumbing lines as well as I-beams and ductwork.

Yeas: All – 5

MOTION TO POSTPONE REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:40 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 6 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1 PM.

Present: JoAnn Thompson, Chair
Frank Shier, Member
Bud Black, Member
Jo Rhoads, Member
David Ogg, Member
James Berar, Member
Pauline Noce, Member
Carla Vaughan, Staff

Absent: Merrill Dixon, Member, excused

Visitors: None

Approval of Minutes

Resolution # SC-2006-4-001
Moved by Jo Rhoads
Seconded by Pauline Noce

RESOLVED, That the Minutes of March 2, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Carla reported that there were no bids for the project. Jeff Biegler will contact some of the people on the bidder's list to see why they did not bid. The project will be delayed but it is still expected to be completed this summer.

Catering Service at the Community Center: Carla reported that the contract is being reviewed by the City Attorney's office before being presented to City Council. There will be a discounted snack menu for non-profit groups.

New Business

Appointment of Park Board:

Resolution # SC-2006-4-002
Moved by David Ogg
Seconded by James Berar

RESOLVED, That Merrill Dixon be recommended for reappointment to the Park Board.

Yes: 7
No: 0

MOTION CARRIED

Reports

Park Board: No report

Medi-Go: Jo Rhoads reported that they had a booth at the Expo and it was a worthwhile experience. They also dedicated a new van that day and celebrated the 10-year anniversary of their partnership with SMART.

Senior Program: Carla reported that an estimated 350 seniors attended the March 21 Expo at the Community Center. The 67 vendors brought a variety of information to seniors and there were also numerous health screenings, free chair massage, and dozens of door prizes. Two hundred seniors attended the fashion show on March 29 and comments have been very favorable. A My Medicare Matters enrollment event will be held at the Community Center on April 26. The Oakland County Spelling Bee will be held in Troy next year.

OLHSA: Pauline Noce reported that the meeting was cancelled due to low attendance.

Oakland County Senior Advisory Board: Jo Rhoads reported that they would be meeting with legislators at a breakfast in May. Jo will be discussing transportation.

Medicare Part D: The committee discussed the complexity of the process and the uncertainty of who to enroll with because the medications a person is taking may change.

Suggestion Box: One unsigned suggestion stated that the $10 fee for a flea market table is too much. After discussion, the committee decided that the fee is not unreasonable. A second suggestion requested that the bathroom by the senior lunchroom not be closed for cleaning when there are a lot of seniors in the area. Carla spoke to Kraig, and the cleaning schedule will be adjusted.

Comments:

David Ogg noted that the bylaws state that the election of officers should be held in April. They were scheduled for May last year but postponed until June due to lack of quorum in May. The election will be held in May this year.

Frank Shier noted that he is a member of the Heart-Of-The-Hills Players and discussed ways that Troy could get more involved by attending performances in Warren or bringing a smaller group here to entertain.

The meeting was adjourned at 3:05 p.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT APRIL 10, 2006

A regular meeting of the Liquor Advisory Committee was held on Monday, April 10, 2006 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Committee member Henry W. Allemon called the meeting to order at 7:02 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Kelsey Brunette
Sergeant Christopher Stout
Lori Bluhm, City Attorney
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Bohdan L. Ukrainec

Resolution to Excuse Committee Members Ehlert, Godlewski, and Ukrainec

Resolution #LC2006-04-001
Moved by Hall
Seconded by Ogg

RESOLVED, that the absence of Committee members Ehlert, Godlewski, and Ukrainec at the Liquor Advisory Committee meeting of April 10, 2006 BE EXCUSED.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, and Ukrainec

Resolution to Approve Minutes of December 12, 2006 Meeting

Resolution #LC2006-04-002
Moved by Hall
Seconded by Allemon

RESOLVED, that the Minutes of the December 12, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, and Ukrainec

Agenda Items

1. **TROY PARADISE, INC,** requests to transfer ownership of 2005 SDD& SDM licensed corporation located at 5945 John R, Troy MI, 48085, Oakland County by dropping Sadik J. Sadik through transfer of 100 shares of stock to new stockholder Louay Joulakh [MLCC REQ # 329089]

Present to answer questions from the Committee were Louay Joulakh and Sadik Sadik.

Mr. Joulakh stated that he and Mr. Sadik are brothers-in-law and have been working together in this business for approximately seven months. Mr. Sadik is experiencing financial trouble and wants to sell the store. Mr. Joulakh is interested in purchasing the store and wants to improve the business. They will be the only two employees and have both completed TIPS training.

Resolution #LC2006-04-003
Moved by Hall
Seconded by Ogg

RESOLVED, that TROY PARADISE, INC, be allowed transfer ownership of 2005 SDD& SDM licensed corporation located at 5945 John R, Troy MI, 48085, Oakland County by dropping Sadik J. Sadik through transfer of 100 shares of stock to new stockholder Louay Joulakh.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, and Ukrainec

Sergeant Stout advised the Committee that he received notification that Hooters plans to move and purchase the liquor license from the Wagon Wheel. The liquor license that Hooters currently holds will be sold. This information was just received and it was unable to be added to this month's Agenda.

Lori Bluhm, City Attorney, advised the Committee that the responsibilities of this Committee would be explained at next month's meeting in order to educate new and current members.

The meeting adjourned at 7:20 p.m.

_____
Henry W. Allemon

_____
Patricia A. Gladysz, Secretary II

J-01y

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:33 p.m. on April 11, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
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
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-04-057
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. APPROVAL OF AGENDA

Resolution # PC-2006-04-058
Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the Agenda as presented.

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

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-04-059
Moved by: Schultz
Seconded by: Littman

RESOLVED, To approve the March 28, 2006 and April 4, 2006 Special/Study Meeting minutes as published.

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

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

Chair Strat announced five (5) affirmative votes are required for any approval process and petitioners have the option to postpone the item prior to their presentation to the Planning Commission.

REZONING REQUEST

5. PUBLIC HEARING – PROPOSED REZONING (Z 704-B) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester, Section 22 – From R-1E (One Family Residential) to B-2 (Community Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning and reported it is the recommendation of City Management to approve the rezoning request. A letter of opposition was distributed to the members prior to the beginning of tonight's meeting.

Discussion followed on the May 16, 2005 rezoning request that was recommended for approval by the Planning Commission and denied by the City Council.

Mr. Miller reported the configuration of property has not changed from the previously submitted rezoning request. He said the proposed site plan submitted at the time of the rezoning request would not necessarily be the same site plan submitted for site plan approval, and should the rezoning request be approved, the proposed use could be any use permitted in the B-2 zoning district.

Burt Kassab of 7125 Orchard Lake Road, West Bloomfield, was present to represent the petitioner. Mr. Kassab said a neighborhood meeting was held to discuss the concerns of the neighbors in opposition of the previous rezoning request that was denied by the City Council. Mr. Kassab said the modified site plan incorporates the elimination of the driveway off of Vanderpool and ensures the safety of school children, which are major concerns of the neighbors. He indicated the petitioner's willingness to enter into a deed restriction for the property purchased from the City.

Mr. Motzny confirmed that entering a deed restriction with the petitioner would be an appropriate direction for the City to take.

Ms. Drake-Batts referenced communication from a resident with a concern that the rezoning would lower property values, and said she agrees. Ms. Drake-Batts asked if the houses next to and across the street from the proposed rezoning are in agreement to the zoning change.

Mr. Kassab said the resident directly across the street has no objection, and indicated no objections have been received from the house immediately to the west, which is a rental property. Mr. Kassab addressed the density of the proposed building and the large buffer that would be provided between the use and the residents.

PUBLIC HEARING OPENED

James Savage of 800 Harris, Troy, was present. Mr. Savage spoke in opposition of the proposed rezoning. He addressed the procedural policy of the City Council, the neighborhood meeting held by the developers, and the future widening of Rochester Road.

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat spoke in opposition of the proposed rezoning. Prepared comments were read and submitted to the Planning Department, and hereby are attached and made a part of the minutes.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger spoke in opposition of the proposed rezoning. He addressed photographs that were distributed to the members and submitted to the Planning Department, and hereby are attached and made a part of the minutes.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles spoke in support of the proposed rezoning. He stated the petitioner has addressed the concerns of the residents.

Kim Antoine of 968 Vanderpool, Troy, was present. Mr. Antoine rents the house next door to the proposed rezoning and spoke in support of the rezoning. Mr. Antoine, a prospective owner of the house, indicated his landlord has no objections to the proposed rezoning.

PUBLIC HEARING CLOSED

Mr. Vleck said he is not comfortable with the rezoning request because the petitioner cannot be tied to a specific site plan. Mr. Vleck said the proposed rezoning extends into and affects the residential area.

Resolution # PC-2006-04-060
Moved by: Vleck
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission hereby does not recommend to the City Council approval of the rezoning for Dunkin Donuts property located on the south side of Vanderpool, west of Rochester Road, within Section 22, from R-1E to B-2.

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

MOTION FAILED

Resolution # PC-2006-04-061
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road, within Section 22, being approximately 0.5 acres in size, be granted, for the following reasons:

1. It is consistent with Future Land Use Plan.
2. The western boundary of this property will be consistent with the existing B-2 zoning of the parcel to the south.

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

MOTION CARRIED

Mr. Littman said he supported the previous rezoning request and cited the reasons for his change of support. Mr. Littman said there was little input from residents on the previous request and more residents voiced opposition to the rezoning at tonight's meeting. He believes the proposed rezoning would have a negative impact on the residents. Mr. Littman addressed the study undertaken by the City on Rochester Road, north of the subject rezoning request, with respect to mixed use, varying depths, and development that would encompass more areas and a mixed use zoning. He said the proposed commercial use could be developed in other areas of the City with no impact on its business. Mr. Littman said he sees no need to rezone the area.

Mr. Vleck said the proposed rezoning encroaches too far into the residential area, and the rezoning does not align with property to the north. Mr. Vleck said he would be supportive of a conditional rezoning or encompassing more properties. He said the proposed rezoning request is no different than the previous rezoning request that was denied by City Council.

Ms. Drake-Batts believes the proposed rezoning would reduce the property values of the three adjacent parcels.

SPECIAL USE REQUESTS

6. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 334) – Proposed Walsh College Addition, East side of Livernois, South of Wattles, Section 22, Zoned C-F (Community Facility) District

Mr. Miller presented a summary of the Planning Department report for the proposed Walsh College Addition and reported it is the recommendation of City Management to approve the special use request and site plan as submitted with the condition that a landscaped earth berm is provided along the western and north property line in lieu of the required wall. Mr. Miller noted that a preliminary site plan review checklist and communication from an adjacent resident requesting a vegetative barrier in lieu of a wall or berm were distributed to the members prior to tonight's meeting. Mr. Miller confirmed that a wall or berm is required for site plan approval, and indicated the Board of Zoning Appeals (BZA) is the authoritative body to waive that requirement.

Mr. Waller disclosed that he is on the President's Advisory Council of Walsh College.

The petitioner, Keith Pretty, President of Walsh College, 3838 Livernois, Troy, was present. Mr. Pretty shared the college's history and changes it has experienced. He said they were looking forward to the additional building and parking area.

Dan Rappel, architect from Valerio Dewalt Train, 4637 N. Paulina #3N, Chicago, Illinois, was present. Mr. Rappel's architectural firm worked on the Kresge

Foundation project. Mr. Rappel addressed parking, LEED strategy [PowerPoint presentation] and storm water retention.

Mr. Wright asked if the petitioner would be willing to go before the BZA to get a waiver on the required berm.

Mr. Pretty said he would be happy to work with the neighbor on whatever is in the best interest.

Mr. Littman asked if the college was considering any green strategy with the existing facility.

Mr. Pretty indicated LEED standards would be utilized for the future renovation of the existing facility.

PUBLIC HEARING OPENED

Brian Wattles of 3864 Livernois, Troy, was present. Mr. Wattles thanked Mr. Pretty for working with him on the BZA variance to waive the required berm. He would prefer a vegetative barrier with a farm-type fence and addressed the reasoning behind his request. Mr. Wattles applauded Walsh College for their leadership in the LEED initiative.

PUBLIC HEARING CLOSED

Mr. Littman said the vegetative barrier would be more natural looking and more appropriate for the neighborhood.

Resolution # PC-2006-04-062
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to nine hundred eighty five (985) when a total of one thousand one hundred fourteen (1,114) spaces are required on the site based on the off-street parking space requirements for colleges, as per Article XL. This reduction meets the standards of Article 40.20.12 and will assist Walsh College in minimizing the amount of storm water runoff on the site.

BE IT FURTHER RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 18.30.06 of the Zoning Ordinance, as requested for the proposed Walsh College Addition, located on the east side of Livernois, south of Wattles, Section 22, within the C-F Zoning District, be granted, subject to the following conditions:

1. A landscaped earth berm shall be provided along the western and northern property line, between the parking lot and adjacent R-1C property, in lieu of the required wall, as per Section 39.10.05.
2. That the deceleration lane as designated per the City of Troy Traffic Engineer be dropped at this time because it is not on the property of Walsh College.

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

MOTION CARRIED

7. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 335) – Proposed Daycare Center, Southeast corner of New King and New King, Section 8, Zoned R-C (Research Center) District

Mr. Miller presented a summary of the Planning Department report for the proposed daycare center and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

Steven VandenBossche, 550 Hulet Drive, Bloomfield Hills, was present to represent Talon Development and the property owner, The Gale Group. Mr. VandenBossche provided information on the proposed daycare center, *The Learning Experience*. He addressed parking with respect to the number of spaces and the provision for landbanked spaces.

Ms. Drake-Batts asked for an explanation on the access drives.

Mr. VandenBossche indicated there would be an access easement agreement with The Gale Company and the daycare center would have access from both points off of New King Road. Mr. VandenBossche confirmed that the existing turf area would remain between the play area and the drives.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said the architecture of the proposed building, in his opinion, does not fit into the neighborhood. He asked if the recent Zoning Ordinance change to allow the proposed use in this particular district contains language as relates to building compatibility with existing businesses and structures.

Mr. Miller replied the recent zoning ordinance text amendment does not specify standards or conditions relating to compatibility. He noted general standards for special uses are required to be compatible with adjacent land uses and cited the specific Zoning Ordinance language.

Chair Strat agreed with the comments of Mr. Schultz. He said the building as designed would have an adverse impact on the adjoining properties.

Mr. Littman agreed, and further asked for an explanation of the PVC fence that is designated on the site plan.

Mr. VandenBossche provided a description of a PVC fence.

Mr. Motzny stated that an advantage of a special land use approval is that it allows more discretion than a site plan approval. He said if a condition or item relating to the building or materials is such that the members find incompatible with adjacent land uses, that would be a basis for either imposing a different condition as part of the special use approval or would justify a denial.

Resolution # PC-2006-04- -- (motion withdrawn)
Moved by: Littman
Seconded by: Kerwin

RESOLVED, To table this Public Hearing for one month to allow the petitioner to meet with us at a Study Session so we can see what the facility would look like in greater detail.

Discussion on the motion on the floor.

Mr. Schultz pointed out it might not be possible to meet with the petitioner within the next 30 days because of the meeting schedule and prepared agendas.

Mr. Miller asked the members for clarification whether the motion is to table or postpone the item. He offered another direction that could be taken is to give authority to City Management to discuss and address the compatibility concerns with the petitioner prior to the next regular meeting.

Mr. Littman withdrew the motion on the floor. Ms. Kerwin agreed with the withdrawal.

Resolution # PC-2006-04-063
Moved by: Littman
Seconded by: Waller

RESOLVED, To postpone the Public Hearing on this item to the May 9, 2006 Regular meeting to allow the Planning Department to study with the petitioner the compatibility of this facility with surrounding buildings.

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

MOTION CARRIED

Mr. Vleck said this body has attempted in the past to architecturally influence a building with not always a positive impact, in his opinion.

Ms. Drake-Batts said she has no issue with the proposed building because the owner of the property approves the building.

Mr. VandenBossche said he would work with the City to address the Commission's concerns. He respectfully requested expediency in a resolution of the matter.

Chair Strat requested a recess at 8:57 p.m.

The meeting reconvened at 9:06 p.m.

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8. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 336) – Proposed Restaurant, Southeast corner of Livernois and Big Beaver, Section 27, Zoned O-S-C (Office Service Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed restaurant site plan originally submitted. Mr. Savidant reported that City Management recommends approval of the Special Use Request and the Site Plan originally submitted with the condition that a front yard setback variance from the future right of way is received from the Board of Zoning Appeals (BZA).

Mr. Savidant announced the Planning Department received a revised Site Plan on April 6, 2006, and distributed copies to the members. He noted that time did not allow for an interdepartmental review. Mr. Savidant indicated the significant change on the revised plan is the location of the restaurant. The petitioner moved the restaurant to the southeast, providing two rows of parking spaces and a maneuvering lane on the west and north sides of the building. Mr. Savidant

provided a parking comparison between the original site plan and revised site plan. He noted the original plan has a strong relationship with Big Beaver and Livernois. The petitioner prefers the revised plan because it provides parking on all four sides of the building and better situates the outdoor seating. Mr. Savidant reported the revised plan, should it be considered for approval, requires a BZA variance to permit parking within the future 180 foot right of way and the applicant is required to add one tree per 30 linear feet of frontage.

Mr. Miller provided additional information relating to the required setback for the future right of way, and noted that the City Engineer indicated only 120 feet would be needed.

Tysen McCarthy of Redico, One Towne Square, Southfield, was present to represent the landlord and Kona Grill. Handouts on Kona Grill were distributed to the members. Mr. McCarthy introduced project team members who were present: Jim Jonas of Redico, Ron Farmer of Kona Grill, David Nash of Aria Group Architects and Chris Lavoie of C. M. Lavoie and Associates. Mr. McCarthy apologized for the last-minute changes to the site plan. He indicated the revised plan addresses safety concerns. Mr. McCarthy briefly reviewed the revisions: relocation of building to improve circulation around building for customers, tenants and emergency vehicles; increased and improved circulation on the north side to help mitigate traffic stacking onto Big Beaver Road; improved accessibility for disabled persons; improved atmosphere for outdoor patio and bar patrons; additional green space; and the impact of future right of way would be on parking only. Mr. McCarthy said the revised site plan would be appropriate and beneficial from a safety standpoint to patrons of the restaurant and residents of the City. He asked for the Commission's support in moving forward with the revised site plan.

There was a lengthy discussion on the existing driveways that would be shared access points for the restaurant and the U.S. Post Office, specifically as relates to the safety in making left turns going south on Livernois.

Mr. Lavoie, consulting engineer, 4941 Forest Avenue, Downers Grove, Illinois, addressed the access points with respect to restaurant traffic and said they do not see it as a great concern. He noted an existing traffic sign at the Livernois access drive stipulates no left-hand turns onto southbound Livernois and that a traffic signal would not be warranted at this location. Mr. Lavoie said they would be willing to work with the City's Traffic Engineer to address traffic concerns.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said his preference is the originally submitted site plan that has a greater presence toward Big Beaver and Livernois. He would prefer tabling the matter so members would have time to review the revised site plan that was distributed tonight.

Chair Strat concurred and said his preference is the originally submitted site plan. Chair Strat said the revised site plan might create a potential problem with traffic backup on Big Beaver Road. He also questioned the function of the designated pedestrian crossing parallel to Big Beaver.

Resolution # PC-2006-04-064
Moved by: Schultz
Seconded by: Littman

RESOLVED, That the Special Use Approval and Site Plan Approval for the proposed restaurant, located on the southeast corner of Big Beaver and Livernois, Section 27, in the O-S-C Zoning District, be tabled until the Planning Commission Regular meeting of May 9, 2006. This tabling will afford the Planning Commission adequate opportunity to review the revised site plan presented to the Commission by the petitioner during the advertised Public Hearing being held this evening, April 12, 2006. The Public Hearing shall remain open until said date.

Ms. Kerwin asked for a point of order with respect to a motion to table versus a motion to postpone.

Chair Strat agreed to hear comments from the petitioner.

Mr. McCarthy said they are willing to work with the Commission on concerns expressed on the revised site plan. He asked if there was a way to move forward with the site plan review process during the tabling process; i.e., call a special meeting, review at study meeting, approve original plan and come back later with revised plan. Mr. McCarthy noted they would like to have the restaurant open by the end of the year.

Chair Strat asked the petitioner if he would be receptive to site plan approval of the originally submitted site plan. Chair Strat said he would be reluctant to call a special meeting at this point in time.

Mr. Waller said there are no provisions in the Zoning Ordinance to allow the Commission to demand or require standards of design. He said the members are asking for a lawsuit and the responsibility lies with the Commission to approve a site plan that meets all the requirements of the Zoning Ordinance. Mr. Waller recalled the client's experience with the City on a previous opening of a restaurant. He said consideration should be given to the professional opinions of the people in the business who put their money on the line.

Mr. Vleck said he would be hesitant to vote on the revised site plan because members and City Management have not had enough time to review it.

Mr. Schultz agreed with Mr. Vleck. He said the tabling motion would provide the opportunity to review the revised site plan. Mr. Schultz said he would withdraw the tabling motion if the Planning Commission would like to go forward with approval of the original site plan as distributed in the agenda meeting packet.

Mr. McCarthy, after caucusing with his client, asked the members to continue with a vote on the motion to table the matter.

Ms. Kerwin asked for a point of order again with respect to a motion to table versus a motion to postpone.

Mr. Motzny said the motion on the floor to table the matter to a specific date is appropriate. He pointed out that discussion on the floor after support of the tabling motion was not appropriate.

Vote on the motion on the floor.

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

MOTION CARRIED

[Comments on dissenting votes were not taken.]

SITE CONDOMINIUM SITE PLANS

9. SITE PLAN REVIEW – Adams Road Site Condominium, 5 units/lots proposed, East side of Adams, South of South Blvd., Section 6, Zoned R-1A (One Family Residential) District

Mr. Littman informed the members that he lives in the subdivision immediately to the west of the subject development and that the proposed development could have a financial impact on his property value.

There were no objections from the members to the participation of Mr. Littman in the discussion and approval process of the matter.

Mr. Savidant presented a summary of the Planning Department report for the proposed site condominium development and reported it is the recommendation of City Management to approve the site condominium application as submitted with the condition to eliminate the portion of Unit #2 that falls within the required 45-foot rear yard setback.

Chair Strat informed the petitioner that five affirmative votes are required for approval. He brought to the petitioner's attention that a registered architect, as required, did not seal the site plans. It was the consensus of the members to accept the plans as submitted.

The petitioner, David Donnellon of Design Resources, 755 W. Big Beaver Road, Troy, was present to represent Choice Development Corporation. Mr. Donnellon assured the members he is aware that five affirmative votes are required for approval. Mr. Donnellon addressed the uniqueness of the property. He said he has 40 years of experience in planning and architecture, and has worked very hard with his client to create a plan that would meet the City's Zoning Ordinance and preserve the wetlands. He said he intimately knows the need to have a conservation easement on the property, and they are looking into deeding property to a land conservancy. Mr. Donnellon said all construction work would be maintained on the upland area. Mr. Donnellon addressed the sidewalk notation of the Engineering Department, protection of the wetlands during construction, and fertilization of the property.

At the request of the Planning Commission, Mr. Savidant briefly clarified the request and reviewed the obligation of the Planning Commission in the approval process and the procedure of the approval process.

Chair Strat opened the floor for public comment. He asked that comments be limited to three minutes per speaker.

Jim Stewart of 2583 Lake Charnwood, Troy, Vice President of Lake Charnwood Property Owners Association, was present. Mr. Stewart provided a history of Lake Charnwood and the homeowners' participation in the lake's revival and maintenance. He shared photographs of the lake in various stages. Mr. Stewart voiced opposition to the proposed development, on behalf of the homeowners, because the proposed development would negatively impact the lake's shallowness, the sediment run-off, the large watershed and phosphate loads. He requested the Commission's consideration in protecting the environment, wildlife, endangered species and property values of the 135 homeowners.

Mr. Motzny stated that a denial of the proposed development must be based on a ruling of State Law, Zoning Ordinance requirement, or some other regulation that would apply.

Stan Sanders of 6725 Limerick Lane, Troy, was present. Mr. Sanders voiced opposition to the proposed development. His concerns relate to storm water retention and phosphates.

Kaia Slater of 2914 Tewksbury, Troy, was present. Ms. Slater voiced opposition to the proposed development. She would like to see the area remain the same as when they bought their property; i.e., beautiful trees, pond, wetlands. She asked the City to protect the beauty in that corner of the City.

Sue McPhail of 2861 Lake Charnwood, Troy, was present. Ms. McPhail voiced opposition to the proposed development. She said their back and side yards are extremely wet, and she is concerned modifications to the land from construction would exacerbate the problem. Ms. McPhail asked if the City or the developer would be held responsible for the flooded properties. Ms. McPhail said the land is not solid to build upon. Ms. McPhail referenced the statement of the developer's representative with respect to donating property to a land conservancy. She asked to go on record that while she acknowledges the donation would be generous, anyone who donates property to a land conservancy receives a significant tax benefit. Ms. McPhail said the 20 people present at tonight's meeting are a small sampling of residents who would be affected by the proposed development.

Bob Larsen of 2920 Limerick Lane, Troy, was present. Mr. Larsen voiced opposition to the proposed development. He questioned the type of proposed development in terms of acreage and buildability. Mr. Larsen encouraged the City to walk the site to determine if the site is suitable to build.

Bob Larson of 2855 Donegal, Troy, was present. Mr. Larsen voiced opposition to the proposed development. He said it is a serious matter and encouraged the City to walk the site to determine its buildability. Mr. Larsen asked the Commission's consideration of the negative impacts that have been brought to its attention.

Jack Myers of 6651 Limerick Lane, Troy, was present. Mr. Myers voiced opposition to the proposed development. He said his property would be greatly impacted, as well as the property below him, with respect to the wetlands, run-off and watershed. Mr. Myers said the City's nature center would also be impacted.

Bob Nixon of 6905 Limerick Lane, Troy, was present. Mr. Nixon voiced opposition to the proposed development. He asked where the wildlife would move to should the development go forward.

Lionel Lessenthien of 6908 Limerick Lane, Troy, was present. Mr. Lessenthien voiced opposition to the proposed development. He addressed the wetlands, wildlife habitat and drainage.

The floor was closed.

A brief discussion followed with respect to the type of fertilizer used and the use of the pond for sprinkler systems by the existing homeowners.

Ms. Drake-Batts said she generally sides with the developer because they have interest in the property. She indicated she could not make a decision either way because there is not enough information on the lake issue.

Mr. Miller addressed the wetlands map displayed on the City's website. He explained that the Michigan Department of Environmental Quality (MDEQ) regulates wetlands. Mr. Miller said a wetlands determination required by the petitioner

identifies the wetlands regulated by MDEQ and the buildable areas for the parallel plan. Mr. Miller noted the City's Environmental Specialist does review wetlands and provides the Planning Department with a report.

Chair Strat said he discussed storm water retention and costs associated with dredging Quarton Lake with the City's Environmental Specialist.

Mr. Vleck reviewed the responsibility of the Planning Commission with respect to site plan approval, and noted that the proposed site plan meets all of the requirements of the Zoning Ordinance with the exception of one setback requirement.

Resolution # PC-2006-04-065
Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.70.00 One-Family Cluster Option), as requested for Adams Road Site Condominium, including 5 units, located on the east side of Adams, south of South Boulevard, Section 6, within the R-1A zoning district be granted, subject to the following condition:

1. Eliminate the portion of Unit #2 that falls within the required 45-foot rear yard setback.

Discussion on the motion on the floor.

Chair Strat sympathized with the residents and their concerns expressed tonight. He encouraged them to voice their concerns at the City Council level.

Vote on the motion on the floor.

Yes: Kerwin, Schultz, Strat, Vleck, Waller, Wright
No: None
Abstain: Drake-Batts, Littman
Absent: Khan

MOTION CARRIED

10. SITE PLAN REVIEW – Village of Tuscany Site Condominium, 10 units/lots proposed, South side of Long Lake, West of John R, Section 14, Zoned CR-1 (One Family Residential Cluster) District

Mr. Savidant reported the petitioner requested to postpone the item to a future meeting to provide them an opportunity to investigate the possibility of developing 10 units on the parcel.

Resolution # PC-2006-04-066
Moved by: Schultz
Seconded by: Waller

RESOLVED, That the Planning Commission moves that the Preliminary Site Plan (Section 11.00.00 One Family Residential Cluster), as requested for Village of Tuscany Site Condominium, located on the south side of Long Lake, west of John R, Section 14, within the CR-1 zoning district, be postponed to a future meeting, at the request of the applicant.

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

MOTION CARRIED

OTHER ITEMS

11. PUBLIC COMMENTS – Items on Current Agenda

John Makris of 4919 Calvert Drive, Troy, was present. Mr. Makris addressed Agenda item #10, Village of Tuscany Site Condominium. He asked if notification would be sent to the public when the item comes back to the Planning Commission.

Mr. Miller said notification would be sent to the public.

GOOD OF THE ORDER

Mr. Motzny said he would provide a report to the members on the new Michigan Zoning Enabling Act recently passed by both houses of legislature.

Mr. Vleck questioned the recycling procedure to follow within the Planning Department.

Mr. Littman addressed Agenda item #9, Adams Road Site Condominium. Mr. Littman said he could not, in all fairness, vote on the item because he knows the area well and finds it hard to believe anyone would build on property that is all peat.

Mr. Schultz gave a brief report on a seminar he attended sponsored by the International Council of Shopping Centers.

Ms. Kerwin thanked Mr. Schultz for organizing the retirement party for Gary Chamberlain. She said Mr. Chamberlain would be missed.

Mr. Waller addressed the recurring flooding problems experienced by residents.

Mr. Savidant said any recyclable items could be left at the table after meetings, or dropped off at the Planning Department any time.

Chair Strat said the tape on form base codes is available again.

Ms. Kerwin said she found the tape to be easy to understand.

Mr. Littman requested the tape.

The Regular Meeting of the Planning Commission was adjourned at 10:43 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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Z-704-B
HANDOUT 4/11/06 P.C.
LAURA BALYEAT
965 VANDERPOOL

Planning:

A) You have heard from Jennifer Burke, I am in agreement with everything she stated in her letter to you. Including available space, traffic, etc.

B) While the residents, if forced to have this building built prefer the new design, those opposed are still opposed to having it built at all.

C) Should the residential property be rezoned, there is no turning back. Nothing prevents a 7-11 or anything else less desirable being built there. So any previous arguments that we should be pleased it is a Dunkin' Donuts rather than a 7-11 is really not a viable argument.

D) If you look at other available spaces up and down Rochester road, easy access from those homes across Rochester have streets exiting the subs with lights (Bishop, etc.) The street across from the proposed location ...the only access road to the middle school does not have a light. A couple years ago a neighbor on our street was hit and killed by a car while trying to cross Rochester road at 5 am. While the gentleman was mentally disabled, I would suggest that the judgement of middle schoolers might not be much better when it comes to crossing Rochester road for an icecream after school and that Rochester road at those times of the day would be far less safe than at 5:30 AM.

E) I realize that competition can be a good thing but in a stressed economy, small places such as Elaines Bagels and Troy Deli could, if Dunkin Donuts succeeds, take a fatal hit and we will have yet more empty building space on the street.

F) One of the main reasons Dunkin Donuts would like this residential piece of property rezoned commercial is that construction of their business on that property would cost considerably less to construct than it would if they were to build at a location that is already commercially zone and has a building on it. Frankly, there is no "greater community good"

associated with building a Dunkin Donuts on that corner. Our property values go down so they can save money. That hardly seems fair and in effect, we are being stolen from so they can save money. Homes are not selling, even if I wanted to move I could expect my house to remain on the market for at least a year. With the construction of the dunkin donuts it would not only mean I would get less for my home, but that it would be more difficult to sell at that decreased price. Greater community good may be an excuse the city could use in some instances to justify rezoning and hurting residential property values, but here, greater community good would apply only to encouraging them to build on other available, already commercially zone property on Rochester road. If they truly want to be on Rochester road, let it cost them, not the residents on the street

G) AND finally. If that property is rezoned commercial, I feel that it will very quickly encourage the rezoning of the Wiles property directly across the street from the Carters. ....along the same property line on the otherside of Vanderpool..... Which would further decrease our property values and would force me in the future to live directly next door to some commercial structure such as a drug store or 7 -11.

Keeping the property in this neighborhood residentially zoned is important not only for me and the other residents but for future city planning as well. I have tried to be an empty nester... it didn't work so well, but I have hopes it will happen again. When I move next... I would like to stay in Troy, but the condo type housing being built here is almost discriminatory...not by plan but by result. The reasonably affordable condos have stairs... and lots of them....those at 16 and Rochester, 15 and coolige, etc. They are great as long as we can manage the stairs....My knees are good, but I know a lot of guys who played football whose knees aren't and by 60?. they really need to have a place with as few stairs as possible. Also, as the local paper noted.. we don't have any affordable workforce housing. My son and his fiancé make nice money between them, but they are 25 and 27 year old college grads and they couldn't afford to buy their first home here. They and their friend have decided to plant their roots EOD...East of

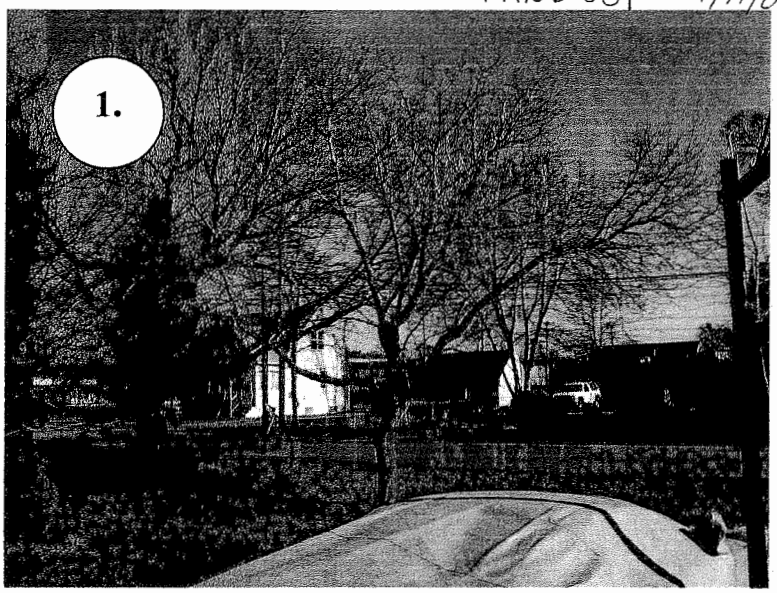
Dequindre. We need reasonably priced, starter priced housing in this community and this area is really very suited to that... and we need our young people to feel they have the opportunity to remain in Troy.... We educated them here, they like it here, but they can't afford to stay and we do not reap the benefits of our investment in them. Please... Both specifically and in general... please stop rezoning any more of this area of Troy out of residential zoning.

AFTER MAY 9TH FOR DATES ON COUNCIL CITY AGENDA

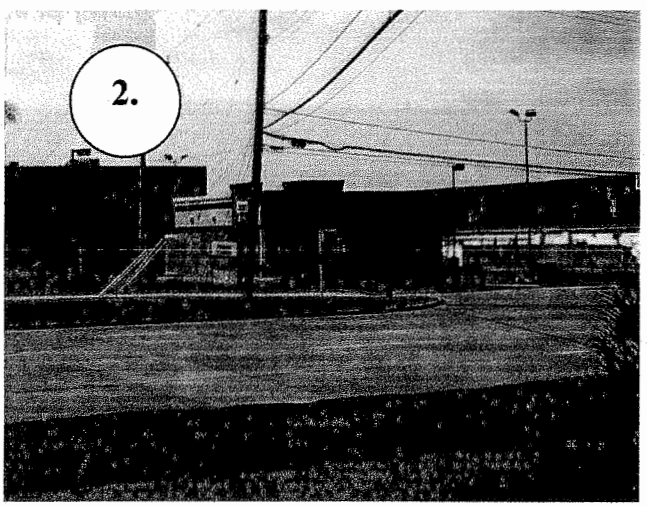
Please

943 Vanderpool HAND-OUT 4/11/06 P.C.

- Proposed re-zoning is encroaching on a residential area, and it is not necessary (figure 1).
- Re-zoning proposed to make room for drive-thru which is not required (per franchise policy, example in figure 2).
- Alternate site plan possible (figure 3).
- Alternate location possible (figures 4 and 5) among others.
- Less expensive to buy residential and re-zone than buy commercial property at the expense of residents.
- New establishment will benefits one person, but a financial setback and inconvenience to many.
- Proprietor has finances to seek more expensive alternative.

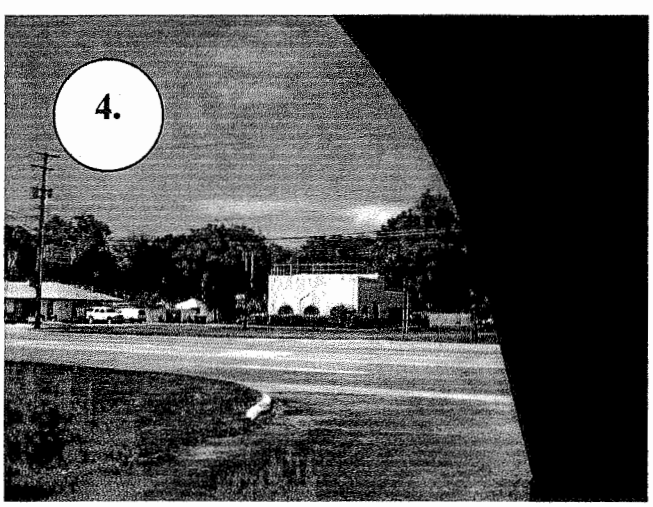


Re-zoning would extend commercial boundary to this fence.

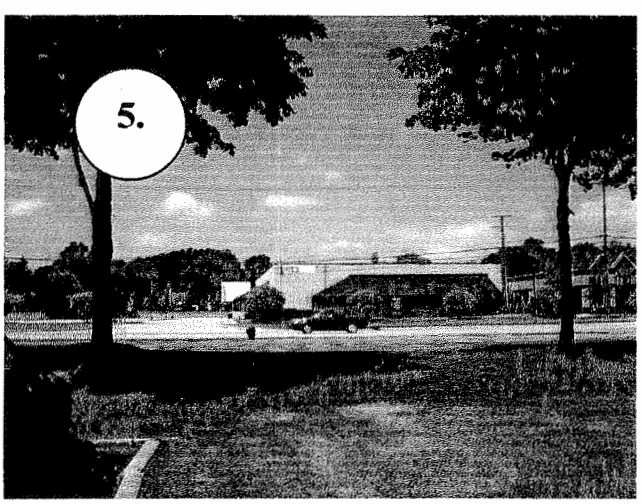


This Dunkin' Donuts/Baskin Robbins located on Rochester Road, north of M-59 doesn't have a drive-thru.

Taco Bell in Warren oriented 90-degrees to accommodate a drive-thru without re-zoning residential.



Old Taco Bell N. of Big Beaver. This is a suitable location for a donut shop.



DSW Shoe Warehouse would provide ample acreage for a donut shop with a drive-thru.

J-01z

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:33 p.m. on April 11, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
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
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-04-057
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. APPROVAL OF AGENDA

Resolution # PC-2006-04-058
Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the Agenda as presented.

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

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-04-059
Moved by: Schultz
Seconded by: Littman

RESOLVED, To approve the March 28, 2006 and April 4, 2006 Special/Study Meeting minutes as published.

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

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

Chair Strat announced five (5) affirmative votes are required for any approval process and petitioners have the option to postpone the item prior to their presentation to the Planning Commission.

REZONING REQUEST

5. PUBLIC HEARING – PROPOSED REZONING (Z 704-B) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester, Section 22 – From R-1E (One Family Residential) to B-2 (Community Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning and reported it is the recommendation of City Management to approve the rezoning request. A letter of opposition was distributed to the members prior to the beginning of tonight's meeting.

Discussion followed on the May 16, 2005 rezoning request that was recommended for approval by the Planning Commission and denied by the City Council.

Mr. Miller reported the configuration of property has not changed from the previously submitted rezoning request. He said the proposed site plan submitted at the time of the rezoning request would not necessarily be the same site plan submitted for site plan approval, and should the rezoning request be approved, the proposed use could be any use permitted in the B-2 zoning district.

Burt Kassab of 7125 Orchard Lake Road, West Bloomfield, was present to represent the petitioner. Mr. Kassab said a neighborhood meeting was held to discuss the concerns of the neighbors in opposition of the previous rezoning request that was denied by the City Council. Mr. Kassab said the modified site plan incorporates the elimination of the driveway off of Vanderpool and ensures the safety of school children, which are major concerns of the neighbors. He indicated the petitioner's willingness to enter into a deed restriction for the property purchased from the City.

Mr. Motzny confirmed that entering a deed restriction with the petitioner would be an appropriate direction for the City to take.

Ms. Drake-Batts referenced communication from a resident with a concern that the rezoning would lower property values, and said she agrees. Ms. Drake-Batts asked if the houses next to and across the street from the proposed rezoning are in agreement to the zoning change.

Mr. Kassab said the resident directly across the street has no objection, and indicated no objections have been received from the house immediately to the west, which is a rental property. Mr. Kassab addressed the density of the proposed building and the large buffer that would be provided between the use and the residents.

PUBLIC HEARING OPENED

James Savage of 800 Harris, Troy, was present. Mr. Savage spoke in opposition of the proposed rezoning. He addressed the procedural policy of the City Council, the neighborhood meeting held by the developers, and the future widening of Rochester Road.

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat spoke in opposition of the proposed rezoning. Prepared comments were read and submitted to the Planning Department, and hereby are attached and made a part of the minutes.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger spoke in opposition of the proposed rezoning. He addressed photographs that were distributed to the members and submitted to the Planning Department, and hereby are attached and made a part of the minutes.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles spoke in support of the proposed rezoning. He stated the petitioner has addressed the concerns of the residents.

Kim Antoine of 968 Vanderpool, Troy, was present. Mr. Antoine rents the house next door to the proposed rezoning and spoke in support of the rezoning. Mr. Antoine, a prospective owner of the house, indicated his landlord has no objections to the proposed rezoning.

PUBLIC HEARING CLOSED

Mr. Vleck said he is not comfortable with the rezoning request because the petitioner cannot be tied to a specific site plan. Mr. Vleck said the proposed rezoning extends into and affects the residential area.

Resolution # PC-2006-04-060
Moved by: Vleck
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission hereby does not recommend to the City Council approval of the rezoning for Dunkin Donuts property located on the south side of Vanderpool, west of Rochester Road, within Section 22, from R-1E to B-2.

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

MOTION FAILED

Resolution # PC-2006-04-061
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road, within Section 22, being approximately 0.5 acres in size, be granted, for the following reasons:

1. It is consistent with Future Land Use Plan.
2. The western boundary of this property will be consistent with the existing B-2 zoning of the parcel to the south.

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

MOTION CARRIED

Mr. Littman said he supported the previous rezoning request and cited the reasons for his change of support. Mr. Littman said there was little input from residents on the previous request and more residents voiced opposition to the rezoning at tonight's meeting. He believes the proposed rezoning would have a negative impact on the residents. Mr. Littman addressed the study undertaken by the City on Rochester Road, north of the subject rezoning request, with respect to mixed use, varying depths, and development that would encompass more areas and a mixed use zoning. He said the proposed commercial use could be developed in other areas of the City with no impact on its business. Mr. Littman said he sees no need to rezone the area.

Mr. Vleck said the proposed rezoning encroaches too far into the residential area, and the rezoning does not align with property to the north. Mr. Vleck said he would be supportive of a conditional rezoning or encompassing more properties. He said the proposed rezoning request is no different than the previous rezoning request that was denied by City Council.

Ms. Drake-Batts believes the proposed rezoning would reduce the property values of the three adjacent parcels.

SPECIAL USE REQUESTS

6. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 334) – Proposed Walsh College Addition, East side of Livernois, South of Wattles, Section 22, Zoned C-F (Community Facility) District

Mr. Miller presented a summary of the Planning Department report for the proposed Walsh College Addition and reported it is the recommendation of City Management to approve the special use request and site plan as submitted with the condition that a landscaped earth berm is provided along the western and north property line in lieu of the required wall. Mr. Miller noted that a preliminary site plan review checklist and communication from an adjacent resident requesting a vegetative barrier in lieu of a wall or berm were distributed to the members prior to tonight's meeting. Mr. Miller confirmed that a wall or berm is required for site plan approval, and indicated the Board of Zoning Appeals (BZA) is the authoritative body to waive that requirement.

Mr. Waller disclosed that he is on the President's Advisory Council of Walsh College.

The petitioner, Keith Pretty, President of Walsh College, 3838 Livernois, Troy, was present. Mr. Pretty shared the college's history and changes it has experienced. He said they were looking forward to the additional building and parking area.

Dan Rappel, architect from Valerio Dewalt Train, 4637 N. Paulina #3N, Chicago, Illinois, was present. Mr. Rappel's architectural firm worked on the Kresge

Foundation project. Mr. Rappel addressed parking, LEED strategy [PowerPoint presentation] and storm water retention.

Mr. Wright asked if the petitioner would be willing to go before the BZA to get a waiver on the required berm.

Mr. Pretty said he would be happy to work with the neighbor on whatever is in the best interest.

Mr. Littman asked if the college was considering any green strategy with the existing facility.

Mr. Pretty indicated LEED standards would be utilized for the future renovation of the existing facility.

PUBLIC HEARING OPENED

Brian Wattles of 3864 Livernois, Troy, was present. Mr. Wattles thanked Mr. Pretty for working with him on the BZA variance to waive the required berm. He would prefer a vegetative barrier with a farm-type fence and addressed the reasoning behind his request. Mr. Wattles applauded Walsh College for their leadership in the LEED initiative.

PUBLIC HEARING CLOSED

Mr. Littman said the vegetative barrier would be more natural looking and more appropriate for the neighborhood.

Resolution # PC-2006-04-062
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to nine hundred eighty five (985) when a total of one thousand one hundred fourteen (1,114) spaces are required on the site based on the off-street parking space requirements for colleges, as per Article XL. This reduction meets the standards of Article 40.20.12 and will assist Walsh College in minimizing the amount of storm water runoff on the site.

BE IT FURTHER RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 18.30.06 of the Zoning Ordinance, as requested for the proposed Walsh College Addition, located on the east side of Livernois, south of Wattles, Section 22, within the C-F Zoning District, be granted, subject to the following conditions:

1. A landscaped earth berm shall be provided along the western and northern property line, between the parking lot and adjacent R-1C property, in lieu of the required wall, as per Section 39.10.05.
2. That the deceleration lane as designated per the City of Troy Traffic Engineer be dropped at this time because it is not on the property of Walsh College.

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

MOTION CARRIED

7. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 335) – Proposed Daycare Center, Southeast corner of New King and New King, Section 8, Zoned R-C (Research Center) District

Mr. Miller presented a summary of the Planning Department report for the proposed daycare center and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

Steven VandenBossche, 550 Hulet Drive, Bloomfield Hills, was present to represent Talon Development and the property owner, The Gale Group. Mr. VandenBossche provided information on the proposed daycare center, *The Learning Experience*. He addressed parking with respect to the number of spaces and the provision for landbanked spaces.

Ms. Drake-Batts asked for an explanation on the access drives.

Mr. VandenBossche indicated there would be an access easement agreement with The Gale Company and the daycare center would have access from both points off of New King Road. Mr. VandenBossche confirmed that the existing turf area would remain between the play area and the drives.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said the architecture of the proposed building, in his opinion, does not fit into the neighborhood. He asked if the recent Zoning Ordinance change to allow the proposed use in this particular district contains language as relates to building compatibility with existing businesses and structures.

Mr. Miller replied the recent zoning ordinance text amendment does not specify standards or conditions relating to compatibility. He noted general standards for special uses are required to be compatible with adjacent land uses and cited the specific Zoning Ordinance language.

Chair Strat agreed with the comments of Mr. Schultz. He said the building as designed would have an adverse impact on the adjoining properties.

Mr. Littman agreed, and further asked for an explanation of the PVC fence that is designated on the site plan.

Mr. VandenBossche provided a description of a PVC fence.

Mr. Motzny stated that an advantage of a special land use approval is that it allows more discretion than a site plan approval. He said if a condition or item relating to the building or materials is such that the members find incompatible with adjacent land uses, that would be a basis for either imposing a different condition as part of the special use approval or would justify a denial.

Resolution # PC-2006-04- -- (motion withdrawn)
Moved by: Littman
Seconded by: Kerwin

RESOLVED, To table this Public Hearing for one month to allow the petitioner to meet with us at a Study Session so we can see what the facility would look like in greater detail.

Discussion on the motion on the floor.

Mr. Schultz pointed out it might not be possible to meet with the petitioner within the next 30 days because of the meeting schedule and prepared agendas.

Mr. Miller asked the members for clarification whether the motion is to table or postpone the item. He offered another direction that could be taken is to give authority to City Management to discuss and address the compatibility concerns with the petitioner prior to the next regular meeting.

Mr. Littman withdrew the motion on the floor. Ms. Kerwin agreed with the withdrawal.

Resolution # PC-2006-04-063
Moved by: Littman
Seconded by: Waller

RESOLVED, To postpone the Public Hearing on this item to the May 9, 2006 Regular meeting to allow the Planning Department to study with the petitioner the compatibility of this facility with surrounding buildings.

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

MOTION CARRIED

Mr. Vleck said this body has attempted in the past to architecturally influence a building with not always a positive impact, in his opinion.

Ms. Drake-Batts said she has no issue with the proposed building because the owner of the property approves the building.

Mr. VandenBossche said he would work with the City to address the Commission's concerns. He respectfully requested expediency in a resolution of the matter.

Chair Strat requested a recess at 8:57 p.m.

The meeting reconvened at 9:06 p.m.

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8. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 336) – Proposed Restaurant, Southeast corner of Livernois and Big Beaver, Section 27, Zoned O-S-C (Office Service Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed restaurant site plan originally submitted. Mr. Savidant reported that City Management recommends approval of the Special Use Request and the Site Plan originally submitted with the condition that a front yard setback variance from the future right of way is received from the Board of Zoning Appeals (BZA).

Mr. Savidant announced the Planning Department received a revised Site Plan on April 6, 2006, and distributed copies to the members. He noted that time did not allow for an interdepartmental review. Mr. Savidant indicated the significant change on the revised plan is the location of the restaurant. The petitioner moved the restaurant to the southeast, providing two rows of parking spaces and a maneuvering lane on the west and north sides of the building. Mr. Savidant

provided a parking comparison between the original site plan and revised site plan. He noted the original plan has a strong relationship with Big Beaver and Livernois. The petitioner prefers the revised plan because it provides parking on all four sides of the building and better situates the outdoor seating. Mr. Savidant reported the revised plan, should it be considered for approval, requires a BZA variance to permit parking within the future 180 foot right of way and the applicant is required to add one tree per 30 linear feet of frontage.

Mr. Miller provided additional information relating to the required setback for the future right of way, and noted that the City Engineer indicated only 120 feet would be needed.

Tysen McCarthy of Redico, One Towne Square, Southfield, was present to represent the landlord and Kona Grill. Handouts on Kona Grill were distributed to the members. Mr. McCarthy introduced project team members who were present: Jim Jonas of Redico, Ron Farmer of Kona Grill, David Nash of Aria Group Architects and Chris Lavoie of C. M. Lavoie and Associates. Mr. McCarthy apologized for the last-minute changes to the site plan. He indicated the revised plan addresses safety concerns. Mr. McCarthy briefly reviewed the revisions: relocation of building to improve circulation around building for customers, tenants and emergency vehicles; increased and improved circulation on the north side to help mitigate traffic stacking onto Big Beaver Road; improved accessibility for disabled persons; improved atmosphere for outdoor patio and bar patrons; additional green space; and the impact of future right of way would be on parking only. Mr. McCarthy said the revised site plan would be appropriate and beneficial from a safety standpoint to patrons of the restaurant and residents of the City. He asked for the Commission's support in moving forward with the revised site plan.

There was a lengthy discussion on the existing driveways that would be shared access points for the restaurant and the U.S. Post Office, specifically as relates to the safety in making left turns going south on Livernois.

Mr. Lavoie, consulting engineer, 4941 Forest Avenue, Downers Grove, Illinois, addressed the access points with respect to restaurant traffic and said they do not see it as a great concern. He noted an existing traffic sign at the Livernois access drive stipulates no left-hand turns onto southbound Livernois and that a traffic signal would not be warranted at this location. Mr. Lavoie said they would be willing to work with the City's Traffic Engineer to address traffic concerns.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said his preference is the originally submitted site plan that has a greater presence toward Big Beaver and Livernois. He would prefer tabling the matter so members would have time to review the revised site plan that was distributed tonight.

Chair Strat concurred and said his preference is the originally submitted site plan. Chair Strat said the revised site plan might create a potential problem with traffic backup on Big Beaver Road. He also questioned the function of the designated pedestrian crossing parallel to Big Beaver.

Resolution # PC-2006-04-064
Moved by: Schultz
Seconded by: Littman

RESOLVED, That the Special Use Approval and Site Plan Approval for the proposed restaurant, located on the southeast corner of Big Beaver and Livernois, Section 27, in the O-S-C Zoning District, be tabled until the Planning Commission Regular meeting of May 9, 2006. This tabling will afford the Planning Commission adequate opportunity to review the revised site plan presented to the Commission by the petitioner during the advertised Public Hearing being held this evening, April 12, 2006. The Public Hearing shall remain open until said date.

Ms. Kerwin asked for a point of order with respect to a motion to table versus a motion to postpone.

Chair Strat agreed to hear comments from the petitioner.

Mr. McCarthy said they are willing to work with the Commission on concerns expressed on the revised site plan. He asked if there was a way to move forward with the site plan review process during the tabling process; i.e., call a special meeting, review at study meeting, approve original plan and come back later with revised plan. Mr. McCarthy noted they would like to have the restaurant open by the end of the year.

Chair Strat asked the petitioner if he would be receptive to site plan approval of the originally submitted site plan. Chair Strat said he would be reluctant to call a special meeting at this point in time.

Mr. Waller said there are no provisions in the Zoning Ordinance to allow the Commission to demand or require standards of design. He said the members are asking for a lawsuit and the responsibility lies with the Commission to approve a site plan that meets all the requirements of the Zoning Ordinance. Mr. Waller recalled the client's experience with the City on a previous opening of a restaurant. He said consideration should be given to the professional opinions of the people in the business who put their money on the line.

Mr. Vleck said he would be hesitant to vote on the revised site plan because members and City Management have not had enough time to review it.

Mr. Schultz agreed with Mr. Vleck. He said the tabling motion would provide the opportunity to review the revised site plan. Mr. Schultz said he would withdraw the tabling motion if the Planning Commission would like to go forward with approval of the original site plan as distributed in the agenda meeting packet.

Mr. McCarthy, after caucusing with his client, asked the members to continue with a vote on the motion to table the matter.

Ms. Kerwin asked for a point of order again with respect to a motion to table versus a motion to postpone.

Mr. Motzny said the motion on the floor to table the matter to a specific date is appropriate. He pointed out that discussion on the floor after support of the tabling motion was not appropriate.

Vote on the motion on the floor.

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

MOTION CARRIED

[Comments on dissenting votes were not taken.]

SITE CONDOMINIUM SITE PLANS

9. SITE PLAN REVIEW – Adams Road Site Condominium, 5 units/lots proposed, East side of Adams, South of South Blvd., Section 6, Zoned R-1A (One Family Residential) District

Mr. Littman informed the members that he lives in the subdivision immediately to the west of the subject development and that the proposed development could have a financial impact on his property value.

There were no objections from the members to the participation of Mr. Littman in the discussion and approval process of the matter.

Mr. Savidant presented a summary of the Planning Department report for the proposed site condominium development and reported it is the recommendation of City Management to approve the site condominium application as submitted with the condition to eliminate the portion of Unit #2 that falls within the required 45-foot rear yard setback.

Chair Strat informed the petitioner that five affirmative votes are required for approval. He brought to the petitioner's attention that a registered architect, as required, did not seal the site plans. It was the consensus of the members to accept the plans as submitted.

The petitioner, David Donnellon of Design Resources, 755 W. Big Beaver Road, Troy, was present to represent Choice Development Corporation. Mr. Donnellon assured the members he is aware that five affirmative votes are required for approval. Mr. Donnellon addressed the uniqueness of the property. He said he has 40 years of experience in planning and architecture, and has worked very hard with his client to create a plan that would meet the City's Zoning Ordinance and preserve the wetlands. He said he intimately knows the need to have a conservation easement on the property, and they are looking into deeding property to a land conservancy. Mr. Donnellon said all construction work would be maintained on the upland area. Mr. Donnellon addressed the sidewalk notation of the Engineering Department, protection of the wetlands during construction, and fertilization of the property.

At the request of the Planning Commission, Mr. Savidant briefly clarified the request and reviewed the obligation of the Planning Commission in the approval process and the procedure of the approval process.

Chair Strat opened the floor for public comment. He asked that comments be limited to three minutes per speaker.

Jim Stewart of 2583 Lake Charnwood, Troy, Vice President of Lake Charnwood Property Owners Association, was present. Mr. Stewart provided a history of Lake Charnwood and the homeowners' participation in the lake's revival and maintenance. He shared photographs of the lake in various stages. Mr. Stewart voiced opposition to the proposed development, on behalf of the homeowners, because the proposed development would negatively impact the lake's shallowness, the sediment run-off, the large watershed and phosphate loads. He requested the Commission's consideration in protecting the environment, wildlife, endangered species and property values of the 135 homeowners.

Mr. Motzny stated that a denial of the proposed development must be based on a ruling of State Law, Zoning Ordinance requirement, or some other regulation that would apply.

Stan Sanders of 6725 Limerick Lane, Troy, was present. Mr. Sanders voiced opposition to the proposed development. His concerns relate to storm water retention and phosphates.

Kaia Slater of 2914 Tewksbury, Troy, was present. Ms. Slater voiced opposition to the proposed development. She would like to see the area remain the same as when they bought their property; i.e., beautiful trees, pond, wetlands. She asked the City to protect the beauty in that corner of the City.

Sue McPhail of 2861 Lake Charnwood, Troy, was present. Ms. McPhail voiced opposition to the proposed development. She said their back and side yards are extremely wet, and she is concerned modifications to the land from construction would exacerbate the problem. Ms. McPhail asked if the City or the developer would be held responsible for the flooded properties. Ms. McPhail said the land is not solid to build upon. Ms. McPhail referenced the statement of the developer's representative with respect to donating property to a land conservancy. She asked to go on record that while she acknowledges the donation would be generous, anyone who donates property to a land conservancy receives a significant tax benefit. Ms. McPhail said the 20 people present at tonight's meeting are a small sampling of residents who would be affected by the proposed development.

Bob Larsen of 2920 Limerick Lane, Troy, was present. Mr. Larsen voiced opposition to the proposed development. He questioned the type of proposed development in terms of acreage and buildability. Mr. Larsen encouraged the City to walk the site to determine if the site is suitable to build.

Bob Larson of 2855 Donegal, Troy, was present. Mr. Larsen voiced opposition to the proposed development. He said it is a serious matter and encouraged the City to walk the site to determine its buildability. Mr. Larsen asked the Commission's consideration of the negative impacts that have been brought to its attention.

Jack Myers of 6651 Limerick Lane, Troy, was present. Mr. Myers voiced opposition to the proposed development. He said his property would be greatly impacted, as well as the property below him, with respect to the wetlands, run-off and watershed. Mr. Myers said the City's nature center would also be impacted.

Bob Nixon of 6905 Limerick Lane, Troy, was present. Mr. Nixon voiced opposition to the proposed development. He asked where the wildlife would move to should the development go forward.

Lionel Lessenthien of 6908 Limerick Lane, Troy, was present. Mr. Lessenthien voiced opposition to the proposed development. He addressed the wetlands, wildlife habitat and drainage.

The floor was closed.

A brief discussion followed with respect to the type of fertilizer used and the use of the pond for sprinkler systems by the existing homeowners.

Ms. Drake-Batts said she generally sides with the developer because they have interest in the property. She indicated she could not make a decision either way because there is not enough information on the lake issue.

Mr. Miller addressed the wetlands map displayed on the City's website. He explained that the Michigan Department of Environmental Quality (MDEQ) regulates wetlands. Mr. Miller said a wetlands determination required by the petitioner

identifies the wetlands regulated by MDEQ and the buildable areas for the parallel plan. Mr. Miller noted the City's Environmental Specialist does review wetlands and provides the Planning Department with a report.

Chair Strat said he discussed storm water retention and costs associated with dredging Quarton Lake with the City's Environmental Specialist.

Mr. Vleck reviewed the responsibility of the Planning Commission with respect to site plan approval, and noted that the proposed site plan meets all of the requirements of the Zoning Ordinance with the exception of one setback requirement.

Resolution # PC-2006-04-065
Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.70.00 One-Family Cluster Option), as requested for Adams Road Site Condominium, including 5 units, located on the east side of Adams, south of South Boulevard, Section 6, within the R-1A zoning district be granted, subject to the following condition:

1. Eliminate the portion of Unit #2 that falls within the required 45-foot rear yard setback.

Discussion on the motion on the floor.

Chair Strat sympathized with the residents and their concerns expressed tonight. He encouraged them to voice their concerns at the City Council level.

Vote on the motion on the floor.

Yes: Kerwin, Schultz, Strat, Vleck, Waller, Wright
No: None
Abstain: Drake-Batts, Littman
Absent: Khan

MOTION CARRIED

10. SITE PLAN REVIEW – Village of Tuscany Site Condominium, 10 units/lots proposed, South side of Long Lake, West of John R, Section 14, Zoned CR-1 (One Family Residential Cluster) District

Mr. Savidant reported the petitioner requested to postpone the item to a future meeting to provide them an opportunity to investigate the possibility of developing 10 units on the parcel.

Resolution # PC-2006-04-066
Moved by: Schultz
Seconded by: Waller

RESOLVED, That the Planning Commission moves that the Preliminary Site Plan (Section 11.00.00 One Family Residential Cluster), as requested for Village of Tuscany Site Condominium, located on the south side of Long Lake, west of John R, Section 14, within the CR-1 zoning district, be postponed to a future meeting, at the request of the applicant.

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

MOTION CARRIED

OTHER ITEMS

11. PUBLIC COMMENTS – Items on Current Agenda

John Makris of 4919 Calvert Drive, Troy, was present. Mr. Makris addressed Agenda item #10, Village of Tuscany Site Condominium. He asked if notification would be sent to the public when the item comes back to the Planning Commission.

Mr. Miller said notification would be sent to the public.

GOOD OF THE ORDER

Mr. Motzny said he would provide a report to the members on the new Michigan Zoning Enabling Act recently passed by both houses of legislature.

Mr. Vleck questioned the recycling procedure to follow within the Planning Department.

Mr. Littman addressed Agenda item #9, Adams Road Site Condominium. Mr. Littman said he could not, in all fairness, vote on the item because he knows the area well and finds it hard to believe anyone would build on property that is all peat.

Mr. Schultz gave a brief report on a seminar he attended sponsored by the International Council of Shopping Centers.

Ms. Kerwin thanked Mr. Schultz for organizing the retirement party for Gary Chamberlain. She said Mr. Chamberlain would be missed.

Mr. Waller addressed the recurring flooding problems experienced by residents.

Mr. Savidant said any recyclable items could be left at the table after meetings, or dropped off at the Planning Department any time.

Chair Strat said the tape on form base codes is available again.

Ms. Kerwin said she found the tape to be easy to understand.

Mr. Littman requested the tape.

The Regular Meeting of the Planning Commission was adjourned at 10:43 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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Z-704-B
HANDOUT 4/11/06 P.C.
LAURA BALYEAT
965 VANDERPOOL

Planning:

A) You have heard from Jennifer Burke, I am in agreement with everything she stated in her letter to you. Including available space, traffic, etc.

B) While the residents, if forced to have this building built prefer the new design, those opposed are still opposed to having it built at all.

C) Should the residential property be rezoned, there is no turning back. Nothing prevents a 7-11 or anything else less desirable being built there. So any previous arguments that we should be pleased it is a Dunkin' Donuts rather than a 7-11 is really not a viable argument.

D) If you look at other available spaces up and down Rochester road, easy access from those homes across Rochester have streets exiting the subs with lights (Bishop, etc.) The street across from the proposed location ...the only access road to the middle school does not have a light. A couple years ago a neighbor on our street was hit and killed by a car while trying to cross Rochester road at 5 am. While the gentleman was mentally disabled, I would suggest that the judgement of middle schoolers might not be much better when it comes to crossing Rochester road for an icecream after school and that Rochester road at those times of the day would be far less safe than at 5:30 AM.

E) I realize that competition can be a good thing but in a stressed economy, small places such as Elaines Bagels and Troy Deli could, if Dunkin Donuts succeeds, take a fatal hit and we will have yet more empty building space on the street.

F) One of the main reasons Dunkin Donuts would like this residential piece of property rezoned commercial is that construction of their business on that property would cost considerably less to construct than it would if they were to build at a location that is already commercially zone and has a building on it. Frankly, there is no "greater community good"

associated with building a Dunkin Donuts on that corner. Our property values go down so they can save money. That hardly seems fair and in effect, we are being stolen from so they can save money. Homes are not selling, even if I wanted to move I could expect my house to remain on the market for at least a year. With the construction of the dunkin donuts it would not only mean I would get less for my home, but that it would be more difficult to sell at that decreased price. Greater community good may be an excuse the city could use in some instances to justify rezoning and hurting residential property values, but here, greater community good would apply only to encouraging them to build on other available, already commercially zone property on Rochester road. If they truly want to be on Rochester road, let it cost them, not the residents on the street

G) AND finally. If that property is rezoned commercial, I feel that it will very quickly encourage the rezoning of the Wiles property directly across the street from the Carters. ....along the same property line on the otherside of Vanderpool..... Which would further decrease our property values and would force me in the future to live directly next door to some commercial structure such as a drug store or 7 -11.

Keeping the property in this neighborhood residentially zoned is important not only for me and the other residents but for future city planning as well. I have tried to be an empty nester... it didn't work so well, but I have hopes it will happen again. When I move next... I would like to stay in Troy, but the condo type housing being built here is almost discriminatory...not by plan but by result. The reasonably affordable condos have stairs... and lots of them....those at 16 and Rochester, 15 and coolige, etc. They are great as long as we can manage the stairs....My knees are good, but I know a lot of guys who played football whose knees aren't and by 60?. they really need to have a place with as few stairs as possible. Also, as the local paper noted.. we don't have any affordable workforce housing. My son and his fiancé make nice money between them, but they are 25 and 27 year old college grads and they couldn't afford to buy their first home here. They and their friend have decided to plant their roots EOD...East of

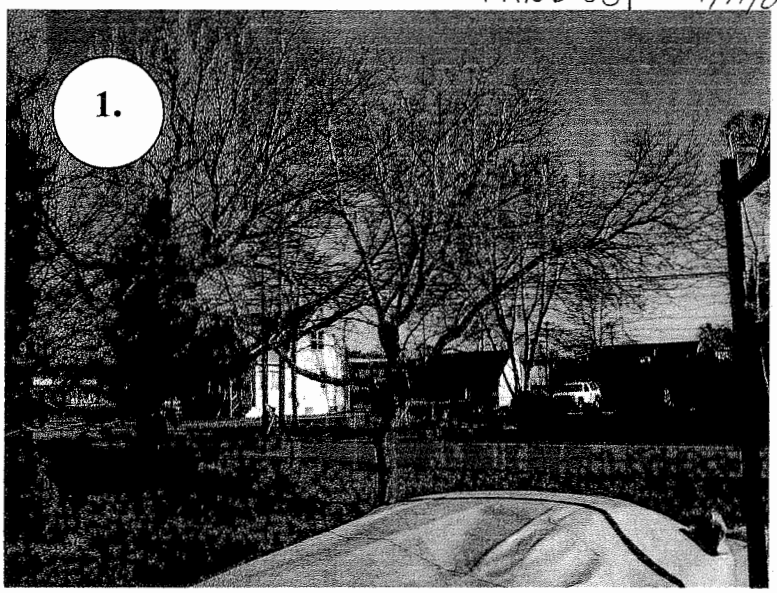
Dequindre. We need reasonably priced, starter priced housing in this community and this area is really very suited to that... and we need our young people to feel they have the opportunity to remain in Troy.... We educated them here, they like it here, but they can't afford to stay and we do not reap the benefits of our investment in them. Please... Both specifically and in general... please stop rezoning any more of this area of Troy out of residential zoning.

AFTER MAY 9TH FOR DATES ON COUNCIL CITY AGENDA

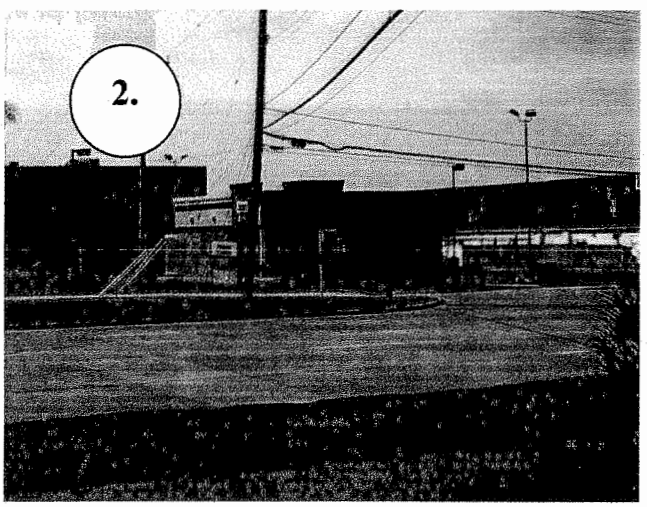
Please

943 Vanderpool HAND-OUT 4/11/06 P.C.

- Proposed re-zoning is encroaching on a residential area, and it is not necessary (figure 1).
- Re-zoning proposed to make room for drive-thru which is not required (per franchise policy, example in figure 2).
- Alternate site plan possible (figure 3).
- Alternate location possible (figures 4 and 5) among others.
- Less expensive to buy residential and re-zone than buy commercial property at the expense of residents.
- New establishment will benefits one person, but a financial setback and inconvenience to many.
- Proprietor has finances to seek more expensive alternative.

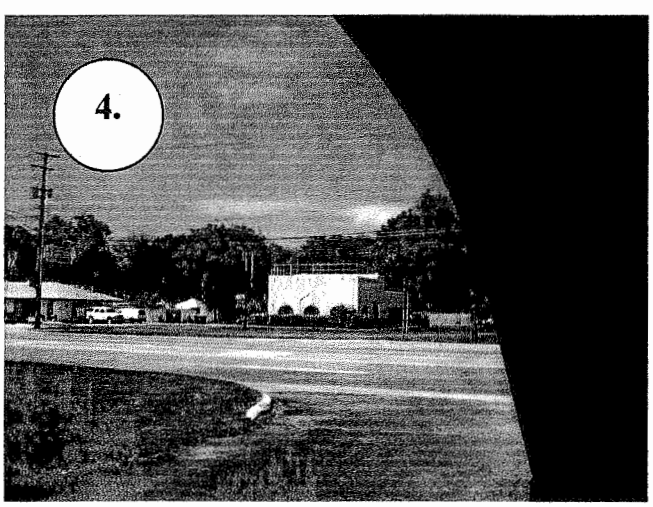


Re-zoning would extend commercial boundary to this fence.

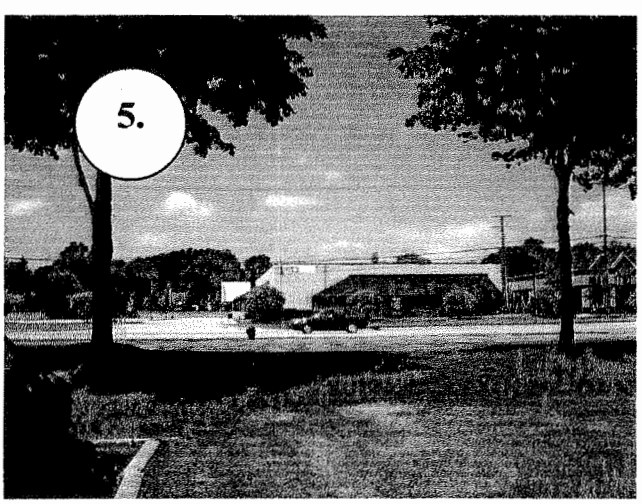


This Dunkin' Donuts/Baskin Robbins located on Rochester Road, north of M-59 doesn't have a drive-thru.

Taco Bell in Warren oriented 90-degrees to accommodate a drive-thru without re-zoning residential.



Old Taco Bell N. of Big Beaver. This is a suitable location for a donut shop.



DSW Shoe Warehouse would provide ample acreage for a donut shop with a drive-thru.

The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, April 18, 2006 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 21, 2006

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of March 21, 2006 as written.

Yeas: All - 7

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

The Chairman stated that Item #15 and Item #6 would be taken out of order.

ITEM #15 – INTERPRETATION REQUEST. SIDNEY FRANK, REPRESENTING GABECARE DIRECT RX, 1179 MAPLELAWN, for an interpretation that a doctor's office is an accessory use permitted in the M-1 (Light Industrial) Zoning district per Section 28.25.01 of the Troy Zoning Ordinance.

Mr. Stimac explained that the petitioner is requesting an interpretation that a doctor's office is an accessory use permitted in the M-1 (Light Industrial) Zoning District per Section 28.25.01 of the Troy Zoning Ordinance. The petitioner operates a prescription drug distribution facility in the M-1 Zoning District. This use complies with the principal permitted uses per Section 28.20.09 of the Zoning Ordinance. For some of the activities that the business does, the services of a licensed physician are required. The physician that provides these services has opened an office on site providing family practice services to patients. Some of these patients (approximately 35% per discussions with the petitioner) have no connection to the prescription drug distribution business. This activity has been determined to not be included within the permitted uses of the M-1 District. The petitioners are asking for an interpretation that this use is permitted per the provisions of Section 28.25.01.

ITEM #15 – con't.

Mr. Sidney Frank was present and stated that after meeting with Mr. Stimac and Mr. Doug Smith of Real Estate and Development and Ms. Bluhm, both he and his client are going to make a concerted effort to comply with the requirements of the City. Mr. Frank said that he would appreciate it if this request was postponed for thirty (30) days in order for he and his client to find a location for this office that will comply with the requirements of the Ordinance.

Motion by Maxwell
Supported by Gies

MOVED, to postpone the request of Sidney Frank, representing Gabecare Direct RX, 1179 Maplelawn, for an interpretation that a doctor's office is an accessory use permitted in the M-1 (Light Industrial) Zoning District per Section 28.25.01 of the Troy Zoning Ordinance until the meeting of May 16, 2006.

- To allow the petitioner to opportunity to find a site that will comply with the Ordinance.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF MAY 16, 2006 CARRIED

ITEM #6 – VARIANCE REQUESTED. ALLIED METALS CORPORATION, 1750 STEPHENSON, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Troy Ordinance requires that the 50' front yard remain as a landscaped open space. Presently the existing parking lot has a 35' front yard setback and is considered a non-

This item last appeared before this Board at the meeting of March 21, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present detailed plans regarding this variance request. A letter requesting further tabling for 60 days has been received from the petitioner.

Motion by Courtney
Supported by Maxwell

MOVED, to postpone the request of Allied Metals Corporation, 1750 Stephenson, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Troy Ordinance requires that the 50' front yard remain as a landscaped open space until the meeting of June 20, 2006.

- Postponed at the request of the petitioner.

ITEM #6 – con't.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF JUNE 20, 2006 CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 AND ITEM #4

RESOLVED, that Items #3 and #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Maxwell

Yeas: All – 7

ITEM #3 – RENEWAL REQUESTED. DENNIS BOSTICK, TROY SPORTS CENTER, 1819 E. BIG BEAVER, for relief of the Ordinance to provide a landscaped berm in place of the 4'-6" high wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board since 1997 to provide a landscaped berm along the north property line in lieu of the 4'-6" high masonry-screening wall. Relief was originally granted based on the fact that the petitioner had demonstrated that conformance was unnecessarily burdensome and the wall would be less attractive than the landscaped berm. The adjacent residential property to the north is vacant. This item last appeared before this Board at the meeting of April 2003 and was granted a three-year (3) renewal at that time. Recently the depth of the non-residential zoning on the property to the west has been increased such that the wall is only required for the north property line. Other than that, conditions remain the same and we have no complaints or objections on file.

MOVED to grant Dennis Bostick, 1819 E. Big Beaver, a three-year (3) renewal of relief to provide landscaped berms along the north property line in lieu of the required 4'-6" high masonry screening wall.

- Variance will not cause an adverse effect to surrounding property.
- Conditions remain the same.

ITEM #4 – RENEWAL REQUESTED. ED KENDZIUK, KMART, 3100 W. BIG BEAVER, for relief of the masonry-screening wall required on the north and east side of the parking lot.

Mr. Stimac explained that the petitioner is requesting renewal of variance granted by this Board for relief of the 4'-6" high masonry wall required where their parking lot abuts

ITEM #4 – con't.

residential zoned property. This variance has been granted on a yearly basis since 1998 and last appeared before this Board at the meeting of April 2003. At that time this request was granted a three-year (3) renewal. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Ed Kendziuk, 3100 W. Big Beaver, a three-year (3) renewal of relief of the 4'-6" high masonry wall required where their parking lot abuts residential zoned property.

- Conditions remain the same.
- Variance is not contrary to public interest.

ITEM #5 – VARIANCE REQUESTED. WILLIAM NICHOLS, 1080 MINNESOTA, to maintain a shed, constructed without first obtaining the necessary Building Permit, in the front yard setback along Wisconsin. Section 40.56.03 of the Ordinance prohibits the placement of an accessory building in a front yard.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a shed constructed in the front yard setback along Wisconsin. This lot is a double front corner lot. As such, it has a front yard setback along both Minnesota and Wisconsin. The site plan submitted indicates that a shed has been constructed without first obtaining the necessary Building Permit in the required front yard setback, 8 feet from the property line along Wisconsin. Section 40.56.03 of the Ordinance prohibits the placement of an accessory building in a front yard.

This item last appeared before this Board at the meeting of February 21, 2006, and was postponed to this meeting to allow the petitioner the opportunity to obtain a lot split of his property. An inquiry with the City Assessor's Office shows that as of this date, a split request has not been received.
I
Mr. Nichols was present and stated that he had turned in an application for a lot split to the Assessing Department, however, they told him they would not act on this request until the Board of Zoning Appeals had made a decision regarding the location of this shed.

Mr. Stimac said that he had spoken with Nino Licari, the City Assessor this afternoon, and he had not received a request for a lot split for this property. Mr. Stimac suggested that perhaps someone else in the Assessing Office had received the request and Mr. Licari may not be aware of it. Mr. Nichols said that he had turned his application in to Kim and did not understand why the Assessing Office was not aware of it.

Mr. Stimac stated that there is a buildable area at the back of the house and if the shed was put in this area it would comply with the Ordinance.

ITEM #5 – con't.

Mr. Nichols apologized for putting the shed in without a permit, but indicated that he had lived in both Warren and Lapeer and permits were not required in either City for an accessory structure that was less than 200 square feet. Mr. Nichols indicated that he still would have applied for a variance as he feels this is the best location for the shed. Mr. Nichols said that he grew up in this neighborhood and planted the trees that are now on the property. He was fortunate to be able to purchase this home and the main reason he wanted this property was because of the number of large mature trees that are on the property. He has seen the area lose a number of trees, and he feels that if he has to move the shed he would be required to take out some of the existing trees. Mr. Nichols said that he has a history with these trees and they are very significant to his family. They are valuable as they help to contain the flood area, act as noise buffers and provide shade. Mr. Nichols staked out the property after a lot split and does not believe there is any area to move the shed without taking out some of the trees.

Mr. Courtney stated that the original reason this request was postponed was to allow the petitioner the opportunity to obtain a lot split and if he no longer wishes to split the lot the shed could be moved to another location. Mr. Courtney did not see a reason for a variance as there is a large area to put the shed that would comply with the Ordinance.

Mr. Nichols said that the lot split was taking place before the shed was constructed. Mr. Courtney said that until this parcel was split there is no valid reason for a variance.

Mr. Stimac confirmed that the back portion of the parcel is 127' wide and asked why that dimension was chosen. Mr. Nichols said that their present home does not have a basement and they plan to build a new home on the back portion of the parcel that will have a basement. Mr. Nichols mother is planning to buy their present home.

Mr. Stimac said that the majority of the trees are on the property that they are planning to leave. Mr. Nichols said that the eastern portion of this property would be as large as they can make it so they can preserve as many trees as possible.

Mr. Courtney said that the petitioner is asking for a variance on property that they are planning to sell. Mr. Nichols said that would be some years away and they have 3 children and very limited storage. Mr. Courtney then asked what Mr. Nichols' future plan was. Mr. Nichols said that they are hoping to build a new home within the next 4 to 5 years and that is a significant amount of time to be without storage.

Mr. Wright confirmed that regardless of whether a lot split is obtained or not this shed would still be in the front yard setback and would still be in violation of the Ordinance. Mr. Stimac said this was correct.

Mr. Fejes asked what this shed was used for. Mr. Nichols said it is used to store bicycles, lawn equipment and other miscellaneous things. The garage is used as a

ITEM #5 – con't.

basement would be used, and they use it for the extra storage of clothing. Mr. Courtney asked what the square footage of their home is and Mr. Nichols said that it is just less than 1700 square feet.

Mr. Nichols said that he has a lot of money invested in this lot split.

Mr. Fejes said that in his opinion this is a lot with double frontage and even if the petitioner does decide to build a new home, anyone purchasing the existing home would need more storage.

Mr. Courtney stated that he does not feel there is a hardship that would justify a variance as the shed could be placed on the property and would comply with the Ordinance. Mr. Fejes asked if Mr. Courtney would be happier to deal with this issue once the property is split and Mr. Courtney stated that he would like to see the split actually occur.

Mr. Wright said that there is plenty of room now and even after the lot split he would have a problem leaving the shed within 8' of the front setback along Wisconsin.

Mr. Nichols said that there is a 6' high privacy fence that runs along that side of the property with a great deal of trees. Mr. Nichols contacted the surrounding neighbors and he said that no one in the area objected to this shed. The roof line is the same as his home and in his opinion he put up a building that would aesthetically pleasing and not just a temporary metal structure. He does not want to lose any of the existing trees and this shed is a necessity to his family for storage.

Motion by Kovacs
Supported by Gies

MOVED, to postpone the request of William Nichols, 1080 Minnesota, to maintain a shed, constructed without first obtaining the necessary Building Permit, in the front yard setback along Wisconsin until the meeting of May 16, 2006.

- To allow the petitioner the opportunity to obtain a lot split.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL MAY 16, 2006 CARRIED

ITEM #7 - VARIANCE REQUEST. SAIF JAMEEL, 3031 CROOKS RD., for relief of the Ordinance to construct a new commercial building containing a restaurant with a drive-up window on a site which is .51 acres in size, where Section 23.25.01 of the Troy Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District.

ITEM #7 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new commercial building. A majority of this property is located within the H-S (Highway Service) Zoning District. The plans submitted indicate that the development will include a drive-up window accessory to the restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is only .51 acres in size.

This item last appeared before this Board at the meeting of March 21, 2006 and was postponed until tonight's meeting to allow the petitioner the opportunity to present his site plan to the Planning Commission, and to allow this Board to study the comments made by the Planning Commission. This item was presented to the Planning Commission at there meeting of March 28, 2006. While the Planning Commission did not take official action and they did not reach consensus on the matter, their minutes are included for your review.

Mr. Fejes asked Mr. Wright to summarize the discussion of the Planning Commission.

Mr. Wright stated that there was no real consensus by the Planning Commission. They were pleased that this would create an opportunity for a cross access easement to the property to the north, however, they were concerned about the size of the property and also about the traffic in this area. The Planning Commission also felt that the building was located too close to the corner and felt that this location would hamper emergency vehicles.

Mr. Fejes asked if the Planning Commission felt that this was a workable lot and Mr. Wright said that in his opinion the majority of the members thought it could be workable if a variance was granted. If this variance was granted and this Board allowed the drive thru on this ½ acre parcel, and if Starbuck's were to close and a fast food restaurant were to come in, they would have the same variance. There was some concern on the Planning Commission's part regarding the number of stacking that was available.

Mr. Fejes asked if a motion could be made that would put constraints on what type of drive-thru would be allowed on that lot. Ms. Lancaster said that they may be able to make a motion that as a condition of approval, a new restaurant would either have to keep the drive-thru where it is or not use the drive-thru at all. Ms. Lancaster also said that a variance runs with the land, but she feels that putting a condition on the drive-thru would be appropriate. Mr. Fejes asked if they could limit it to a restaurant with a limited menu. Ms. Lancaster said she did not think it was possible to restrict the type of restaurant as it would be just about impossible to enforce.

Mr. Fejes asked if the Board could put a restriction of the amount of people that would be stopping for coffee. Ms. Lancaster said that the restriction would have to be that the

ITEM #7 – con't.

drive through would be the same as shown on this plan or there would be no drive through at all. The drive through would have to comply with this plan.

Mr. Fejes then asked if they could grant a temporary variance, for a certain number of years and have them come back for a renewal. Ms. Lancaster said that there is a specific section of the Ordinance that allows for renewals of variances for screen walls, however, it does not cover general building.

Mr. Courtney asked if they could stipulate that this drive through would be for coffee only. Ms. Lancaster said that this would become an enforcement issue and how to enforce this issue would be very difficult.

Mr. Stimac said that the difficulty you would have is that Starbuck's sells other food items besides coffee and determining what type of items would be available through the drive through would not be feasible. Any fast food restaurant or Starbuck's could go in this location today as long as it did not have a drive up window. The issue before the Board is the fact that a restaurant with a drive up window requires one-acre minimum of property and this parcel is only .51 acres.

Ms. Gies asked what would happen if it turned out that traffic was a problem. Ms. Lancaster said that if there were cars blocking pedestrians or traffic that would be a Police issue and would not fall under the jurisdiction of the Building Department.

Mr. Courtney said that recently he had visited a Starbuck's in the middle of the morning, that did not have a drive through, but customers took up a lot of parking. He has doubts that this drive through would not be a problem. He would like to see Starbuck's go in there and then come back and ask to add the drive through.

Mr. Kovacs stated that the only variance this petitioner is asking for is the one-acre requirement for a drive through and asked where this requirement came from. Mr. Stimac stated that this requirement was developed after an evaluation of sites that had drive up services offered. This requirement was based on McDonald's, Burger King and other sites that typically had approximately 60 to 100 seats inside the restaurant and 36 to 60 parking spaces. This restaurant only has between 18 and 20 seats inside the restaurant. All of the other requirements are met other than the one-acre requirement.

Mr. Kovacs said that in his opinion the petitioner has to demonstrate to the Board how this restaurant will work on this parcel and he believes the one-acre requirement is an arbitrary number. Mr. Stimac said that in his opinion if this site was one-acre in size the restaurant would be larger and there would be more parking available.

Mr. Fejes asked if they would have more stacking lanes. Mr. Stimac said that on the larger developed sites, you don't normally find additional designated stacking areas, but you will find stacking lanes that are behind parked cars. Mr. Courtney said that he

ITEM #7 – con't.

thought the original intent of the one-acre minimum was to allow for more stacking of cars waiting in line.

Mr. Kovacs said that in his opinion Section 23.25.01 would have required more stacking if that was the reason for the one-acre minimum. Mr. Courtney said that they did not have to require more than the minimum amount of stacking. At the time the one-acre minimum was put into effect it was to allow for more stacking. Mr. Kovacs said that in his opinion the one-acre allows for more seating and more parking not for more stacking. Mr. Courtney said that if there are sixteen cars in line at McDonalds there would not be out in the middle of the road because the site is larger, and if there were sixteen cars in line at this location, they would be out in the road.

Mr. Hutson said that he felt the discussion was based on policy, which should be held after a motion was made. Mr. Fejes said that the would like as much information as possible before a vote was taken.

Michele Sargeant of JSN Design and Mr. Saif Jameel, the lessee of this property. were present. Ms. Sargeant said that they meet all the other requirements of the Ordinance with the exception of the one-acre requirement. The Corporate Office of Starbuck's has approved this plan and the drive up window is vital to them. They exceed the landscape requirement and the hardship is that this property is located at an intersection and part of the property was taken away when Big Beaver was widened. They are willing to work with the Planning Commission and take care of any concerns they may have. Ms. Sargeant said that they also understand this is a busy intersection and they plan to make the entrance from Crooks a one-way drive. They also have a good-faith agreement signed by the property owner to the north that will allow for a cross access easement. Right where this easement is located, the property is fairly level and so a lot of grading will not be required.

Mr. Jameel said that besides the good faith agreement from the property owner next door, they also have a letter from the Sandy Corporation stating that if the variance is granted they will sell Mr. Jameel the additional property. Mr. Jameel indicated that he has control over this site for the next twenty (20) years.

Mr. Hutson said that Ms. Sargeant indicated that one of the hardships for this parcel of property was the widening of Big Beaver and asked if they had a property interest in this parcel before the widening of Big Beaver. Mr. Jameel said that he had purchased this property in 2004. Mr. Hutson said that was after Big Beaver was widened. Mr. Hutson said that in his opinion this is not a hardship, as he did not acquire an interest in this parcel until after the widening of Big Beaver and was aware of the dimensions of this lot. Mr. Hutson said that his concern is that they are asking for the use of a drive through on a parcel of land that is just over ½ acre where 1 acre is required. Mr. Hutson said that in his opinion they are trying to over use the property. This is one of the busiest

ITEM #7 – con't.

intersections of Troy and he believes that it will create a tremendous health, safety and health problem.

Mr. Jameel said that if he were to open this as a gas station he would create more traffic than Starbucks ever would and would have more traffic coming in and out. He would probably have 700 cars a day and Starbucks would not. Mr. Jameel also controls the other corner in this intersection and he has to make the best financial decision for himself.

Ms. Sargeant said that the west portion of the site, which Mr. Jameel acquired, has a deed restriction that will not allow for a curb cut or any type of building to be put on this property. Starbucks is very popular and would be an asset to this area.

Mr. Maxwell asked how the access to the property to the north would help the traffic flow in this area, especially with traffic flowing in two directions. Ms. Sargeant said that the parking lot to the north is very difficult for people to get in and out from and this access will help to alleviate some of this congestion. Mr. Maxwell said that in his opinion this would actually create more congestion as there will be people coming in and out from every direction and he does not feel that it will help. Ms. Sargeant said that they did that at the request of the City and basically the lot to the north is a dead end parking lot. It is very difficult for cars to get back out onto Crooks Road. Mr. Maxwell said that he understood it was done at the request of the City, but does not feel it will help this site at all. Ms. Sargeant said that if there were 12 to 13 cars that wanted to be in the stacking lane, this would prevent them from going onto Crooks Road. Mr. Maxwell said that in his opinion you would find more cars on Crooks Road.

Mr. Stimac said that according to the Ordinance, eight stacking spaces are required plus one at the window and that is what is indicated on the plans that have been submitted.

Mr. Fejes said that he would like to see a Starbucks here but has a problem with the traffic in this area. People that know that are going to get stuck in the right turn lane, they will fight to move into the other lanes to make a right turn. Mr. Fejes believes it will be worse in the morning than in the evening. Mr. Fejes also said that he believes there will be a backup of traffic along both Crooks and Big Beaver.

Mr. Jameel asked if there was a backup there when this location was a gas station, and Mr. Fejes said that traffic was backed up. Mr. Jameel said that the gas station moved out of this area because their lease ended and he does not believe another gas station will make it in this area. They would have only one curb cut along Big Beaver, which he believes will prevent a traffic backup. Mr. Fejes said that he was not convinced that this would not be a problem.

ITEM #7 – con't.

Mr. Courtney said he would rather see them close the Crooks entrance and use the cross access to the north. If they could buy the property to the north that would solve the whole problem. Ms. Sargeant said that they made the entrance off of Crooks a one-way drive to help alleviate the problem.

Mr. Kovacs said that there is a problem with traffic in this area. The burden of proof is for the petitioner to prove that they will not increase the traffic problem in this area. Mr. Kovacs said that in his opinion the petitioner has done that. He does not believe this restaurant will make the traffic problem any worse than the existing problems and this area will always be a traffic problem.

Mr. Fejes said that one of the concerns is that the variance runs with the land and will apply to anyone that goes into this area. Mr. Kovacs said that a restaurant can go in this area. Mr. Fejes said that it could, but it would not have a drive through. Ms. Sargeant said that in this day and age a drive through is vital. Mr. Fejes said that he agrees with that but he thinks they need more room.

Mr. Fejes said that he would like to see something done with this corner.

Motion by Hutson
Supported by Courtney

MOVED, to deny the request of Saif Jameel, 3031 Crooks Road, for relief of the Ordinance to construct a new commercial building containing a restaurant with a drive-up window on a site which is .51 acres in size, where Section 23.25.01 of the Troy Ordinance requires a site that is at least one acre is size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District.

- Petitioner did not demonstrate a practical difficulty that would justify a variance.
- Variance would have an adverse effect to surrounding property.
- Widening of Big Beaver was completed before petitioner had an interest in this property.
- Traffic congestion could be increased along both Big Beaver and Crooks Road.

Mr. Kovacs said that he agrees with Mr. Hutson regarding the acquisition of this property after the widening of Big Beaver. Mr. Kovacs does not believe the traffic congestion will be any worse in this area with this business put in. This is a workable site and Mr. Kovacs believes that conformance to the Ordinance is unnecessarily burdensome.

Yeas: 4 – Wright, Courtney, Fejes, Hutson
Nays: 3 – Gies, Kovacs, Maxwell

MOTION TO DENY REQUEST CARRIED

ITEM #7 – con't.

Mr. Maxwell said that this restaurant has been kept to a very small size although he is not happy with the cross access easement with the property to the north.

ITEM #8 – VARIANCE REQUEST. S.O.C. CREDIT UNION, 4555 INVESTMENT DR., for relief to maintain a landscaped berm in lieu of the 6' high masonry-screening wall required along the south property line where the property abuts residential property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board since 1987 to maintain a landscaped berm in lieu of the 6' high masonry-screening wall required along the south property line where it abuts residential zoning. The berm is in place and landscaping has been completed and it appears to adequately screen the sites from the south. This item last appeared before this Board at the meeting of March 21, 2006 and was postponed to allow the Building Department the opportunity to publish a Public Hearing to consider making this a permanent variance. The required notice has been provided to the nearby property owners and the item is appropriate for consideration.

Mr. Steve Brewer was present and stated that he had nothing to add.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Mr. Maxwell said that although the berm is very nice, he does not find a solid line of trees on the berm. There are gaps in the tree line and he thinks that perhaps some of the trees need to be replaced. Mr. Maxwell is against a permanent variance.

Mr. Courtney pointed out that the people that abut this property have sent in approval letters.

Mr. Maxwell said that people move and in his opinion this should not be a permanent variance and looks fantastic now, but he would like to look at it every three years.

Motion by Maxwell
Supported by Kovacs

MOVED, to grant S.O.C. Credit Union, 4555 Investment Dr., a three (3)-year renewal of relief to maintain a landscaped berm in lieu of the 6' high masonry-screening wall required along the south property line where the property abuts residential property.

- To allow the Board to make sure that the landscaping is kept up.
- Variance is not contrary to public interest.
- Conditions remain the same.

ITEM #8 – con't.

- There are no objections on file.

Yeas: 6 – Courtney, Fejes, Hutson, Kovacs, Maxwell, Wright
Nays: 1 – Gies

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #9 – VARIANCE REQUEST. SUNNYMEDE APARTMENT, LLC, 561 KIRTS, for relief of the Zoning Ordinance to construct a detached garage with a 5' rear yard setback, where Section 40.57.00 requires a 30' minimum rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a detached garage. The site plan submitted indicates the proposed garage location 5' from the rear property line. Recent changes in the Zoning Ordinance require that the location standards for accessory buildings in zoning districts other than single family residential be the same as required for main buildings. As such Section 40.57.00 now requires a 30' minimum rear setback for accessory structures in RM-1 Zoning Districts.

Dennis Roys was present and stated that the first phase of this complex was completed in 1974 and phases one and two were completed in 1978. Recently a utility vehicle was stolen because it was parked outside. They have run out of storage space and when appliances are delivered, someone has to come from the office and put them inside vacant apartments so that they will not be stolen.

Mr. Courtney asked if they could put this garage at the end of the carports. Mr. Roys said that they would not meet the setback requirements and they would like this building in view of the office. Mr. Courtney asked where the current maintenance building was and Mr. Roys said it was farther north. Mr. Courtney asked if he would like to put this garage in that area but Mr. Roys said there is an existing gas line and telephone pole in that area that would prohibit the garage in this area.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Hutson asked how large the complex was and Mr. Roys pointed out the entire area of the development. Mr. Hutson asked if there was any where else this garage could be located and Mr. Roys said that the only location would be in the area where the Austrian Pines are located and the owners would not permit that.

Motion by Maxwell
Supported by Courtney

ITEM #9 – con't.

MOVED, to grant the request of Sunnymede Apartment, LLC, 561 Kirts, for relief of the Zoning Ordinance to construct a detached garage with a 5' rear yard setback, where Section 40.57.00 requires a 30' minimum rear yard setback.

- Variance is not contrary to public interest.
- Variance applies only to the property described in this petition.
- Variance will not have an adverse effect to surrounding property.
- The adjacent property is industrially zoned
- There are already carports that are on the property line.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 – VARIANCE REQUEST. JEFF WILLIAMS, 159 TELFORD, for relief of the Zoning Ordinance to construct a detached garage in a side yard location, where Section 40.56.02 (a) prohibits the location of a detached accessory building in any yard except a rear yard.

Mr. Stimac explained that the property owner of the platted lot at 159 Telford has purchased a portion of the acreage parcel extending north off of Square Lake Road adjacent to his lot. Petitioner is requesting relief of the Zoning Ordinance to construct a detached garage on this additional property. This location places it in the side yard. Section 40.56.02 (a) of the Zoning Ordinance prohibits the location of a detached accessory building in any yard except a rear yard.

Mr. Kovacs asked if a variance would be required if there was some type of cover between the house and this structure. Mr. Stimac said that it would comply, although he was not sure if the distance from the building to the property line would require a minimum 10' setback. As a detached building it could be as close as 6' to the property line. There is also a10' easement that runs on the property and nothing could be built on the easement.

Mr. Hutson asked what the property was that is behind the property along Telford. Mr. Stimac said this a commons area that was platted as part of the Telford Ridge Subdivision.

Mr. Williams was present and said that the area behind his home runs into a culvert. Mr. Courtney asked why he wanted the garage in this area rather than in an area that would comply with the Ordinance. Mr. Williams indicated that the property immediately behind his home has a large cement patio and aesthetically it would not look good. There is also a berm at the back of the property and he does not believe there is enough room to add a garage. There is a line of pine trees along the driveway and this garage would not be visible to the neighbors. The Homeowners Association approved

ITEM #10 – con't.

this plan, and running a driveway all the way to the back would be expensive. Mr. Courtney said that the petitioner would not see the garage, but the neighbor across the street would see it and objects to this location. Mr. Williams said he will only be able to see the face of the garage as the pine trees hide it.

Mr. Williams said that anyone coming down the street will see the garage. The face of the garage will match the brick on the house and the roof line will be the same as the roof line of Mr. Williams' home. Mr. Williams said that the Homeowners Association never came back and told Mr. Williams to put this garage in another location.

Mr. Courtney asked what the parking situation is now. Mr. Williams said that they have too many hobbies, which include a boat, and a third car that he works on, as well as the toys of his children. Mr. Williams said that this will enable him to clean up this site and the area will be more aesthetically pleasing.

The Chairman opened the Public Hearing.

Charles Stenback, 144 Telford, was present and said that he and the person next door would have the most visible view of the proposed structure. Mr. Stenback indicated that there are a large number of trees in this area and he does not believe this structure will create a problem at all. Mr. Stenback also said that he is a representative of the Homeowners Association and they did approve Mr. Williams' plans by quite a majority. There were 14 yes votes, 3 no votes and 3 members abstained. Mr. Stenback said that he is in favor of this request.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval and one written objection on file.

Motion by Maxwell
Supported by Wright

MOVED, to grant Jeff Williams, 159 Telford, for relief of the Zoning Ordinance to construct a detached garage in a side yard location, where Section 40.56.02 (a) prohibits the location of a detached accessory building in any yard except a rear yard.

- Proposed garage will be well screened.
- 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 #11 – VARIANCE REQUEST. MIKE JOHNSON, LOTS 248-253 OF STUMPF'S BEECH GROVE SUBDIVISION, for relief of the Ordinance to split six (6) existing 40' wide platted lots into four 60' wide parcels that would result in 7,205 square feet in area. Section 30.10.06 requires a minimum of 7,500 square feet of area for lots in the R-1E Zoning Classification.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to take a series of six (6) existing 40' wide, 120.08' deep platted lots and to divide them into four 60' wide parcels and construct a new single-family home on each one. These resultant parcels would each be only 7,205 square feet in area. Section 30.10.06 requires a minimum of 7,500 square feet of area for lots in the R-1E Zoning Classification.

Mr. Courtney asked if the petitioner could put up a duplex on this parcel. Mr. Stimac said that he could put a duplex on this property.

Mr. Johnson was present and stated that he has a purchase agreement on the property and he has tentative approval from Assessing to split these parcels. Mr. Johnson said that the neighbors do not want any more duplexes in the area and he does not feel it is in the public interest of the neighborhood. Mr. Courtney said that he thought Mr. Johnson could put up three houses instead of four, and Mr. Johnson said that he chooses not to do this, as it is not in his best interests financially. Mr. Johnson said that he came before this Board about one year ago and received a variance for basically the same thing.

Mr. Johnson said that the neighbors do not want duplexes, they would rather have single-family homes in the area. Mr. Johnson said that he also believes that the neighbors do support this request and would rather have four (4) new homes in the area.

The Chairman opened the Public Hearing. No one wished to be heard and the Public hearing was closed.

There is one written approval and one written objection on file.

Mr. Hutson said that he remembers the request from last year and the neighbors wanted to see single-family homes rather than duplexes.

Motion by Hutson
Supported by Wright

MOVED, to grant Mike Johnson, Lots 248-253 of Stumpf's Beech Grove Subdivision, for relief of the Ordinance to split six (6) existing 40' wide platted lots into four 60' wide parcels that would result in 7,205 square feet in area where Section 30.10.06 requires a minimum of 7,500 square feet of area for lots in the R-1E Zoning Classification.

ITEM #11 – con't.

- 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.
- Conformance to the Ordinance is unnecessarily burdensome.

Mr. Kovacs asked if the petitioner could put up duplexes if this variance was approved. Mr. Stimac said that the petitioner would not be able to put up duplexes on lots that were 60' wide. He could split the lots in conformance with the ordinance and construct duplexes.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Wright, Fejes
Nays: 1 - Gies

MOTION TO GRANT VARIANCE CARRIED

ITEM #12 – VARIANCE REQUEST. BEHR AMERICA, 2716 DALEY (proposed address), for relief of the Ordinance to construct a new three-story office building that will be 55' in height where Section 30.20.08 of the Troy Zoning Ordinance limits the height of buildings in the M-1 (Light Industrial) Zoning District to not more than 40' in height; and to construct a new parking area right up to the front property line where Paragraph L of Section 31.30.00 requires a 50' front yard free of parking.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new three-story office building at 2716 Daley. The site plan submitted indicates that the proposed building will be 55' in height. Section 30.20.08 of the Troy Zoning Ordinance limits the height of buildings in the M-1 (Light Industrial) Zoning District to not more than 40'. A previous variance granted by this Board allowed the wind tunnel portion of this development to be 60' tall. In addition, the site plan indicates a new parking area to be constructed on the site right up to the front property line along Daley. Paragraph L of Section 31.30.00 requires a 50' front yard free of parking.

Mr. Phil Tocco was present and stated that one of the biggest hardships with this property is that there is a lot of floodplain and low area, which will define the footprint of the building. The first floor is to be used as a test lab and this is the reason that they require the additional height. A test lab requires a higher ceiling in order to get the equipment in. The second and third floors will be used as regular offices and the ceiling height will be maintained at 8 or 10 feet.

Mr. Hutson asked what the petitioner meant when he stated that they require 15' floor to ceiling for view and light. Mr. Tocco said that they are trying to build this building to the same standard as the other buildings and this is a basic Behr standard that they follow. This standard dictates the amount of glass, the type of furniture and the amount of light that is in the building.

ITEM #12 – con't.

Mr. Fejes asked why they need so many parking spaces. Mr. Tocco said that this parking is required by the City of Troy. Mr. Stimac said that because of the amount of office use proposed, as evidenced by plans that indicate there will be workstations for 290 people, a large amount of parking is required. There is an intensive Research and Development area as well as office use.

Mr. Fejes asked if this was why the parking went right to the property line. Mr. Stimac said that there was not enough information and data submitted to do an exact calculation of required parking.

Mr. Courtney asked how tall the current office and lab building were. Mr. Tocco said that the office area is in a two-story building, but the way the one story lab is constructed, it is equal height and does not affect the height of the office building.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Kovacs asked if the petitioner planned to remove any of the existing vegetation. Mr. Tocco said that there is an easement and setback from the stream along Daley. They are trying to build something that looks better and they would like to leave as much vegetation as possible.

Motion by Kovacs
Supported by Hutson

MOVED, to approve the request of Behr America, 2716 Daley (proposed address) for relief of the Ordinance to construct a new three-story office building that will be 55' in height where Section 30.20.08 of the Troy Zoning Ordinance limits the height of buildings in the M-1 (Light Industrial) Zoning District to not more than 40' in height; and to construct a new parking area right up to the front property line where Paragraph L of Section 31.30.00 requires a 50' front yard free of parking.

- Variance is not contrary to public interest.
- The existing drain and easements require multi-story construction.
- Petitioner will make the best use of this site.
- The height variance will go along with the current structure.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #13 – VARIANCE REQUEST. WILLIAM BEAUMONT HOSPITAL, 44201 DEQUINDRE, for relief of the Ordinance to construct a new four story parking deck that will result in a 140' setback to the north property line and a 160' setback to the west property line. Paragraph D of Section 18.30.04 of the Troy Zoning Ordinance requires a minimum setback of 240' in each location.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new four story parking deck that will be constructed with a 140' setback to the north property line and a 160' setback to the west property line. Paragraph D of Section 18.30.04 of the Troy Zoning Ordinance requires a minimum setback of 240' in each location. The setback is determined as 200' for the first two stories and an additional 20' for each additional story.

Mr. David Jaeger of Harley Ellis was present and stated that the health care is constantly changing. Beaumont in Troy has had the blessing of receiving a lot of patients and as part of that they have had to add to their master plan. The overall growth of the community is very dramatic and some of the outpatients cross Dequindre and use the parking on the Sterling Heights side of the campus. The hospital would like to increase the parking on the west side of the site.

The northwest corner of this site was seen as ideal for expansion because any impact to surrounding property would be minimal and also the relationship would be congruent with the Emergency Room, which is consistently growing. The neighbors to the south would rather see parking in the northwest quadrant of this site also. This would be the highest and best use of the property that Beaumont has.

Parking on the Dequindre side has been maximized and they cannot put any more parking in that location. In order to support the long-term needs of the hospital, they need to make the best use of this property in the northwest quadrant.

Mr. Fejes asked if the reason for more parking was because of the growth of this hospital. Mr. Jaeger said that was correct.

Mr. Courtney asked if they were going to enlarge the parking spaces as compared to the current parking. Mr. Jaeger said that they were not at that stage at this time, but they would definitely consider the suggestion. Mr. Courtney also said that he certainly could understand the need for more parking.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Wright said that he did not see a need to maintain a 240' setback as he feels the impact of this structure would be minimal.

Motion by Wright
Supported by Courtney

ITEM #13 – con't.

MOVED, to grant William Beaumont Hospital, 44201 Dequindre, relief of the Ordinance to construct a new four story parking deck that will result in a 140' setback to the north property line and a 160' setback to the west property line. Paragraph D of Section 18.30.04 of the Troy Zoning ordinance requires a minimum setback of 240' in each location.

- Variance will not have an adverse effect to surrounding property.
- The adjacent properties are not used for residential uses.
- Conformance to the Ordinance would be unnecessarily burdensome.
- No valid reason to require the minimum 240' setback.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #14 – VARIANCE REQUEST. CHRISTOPHER LAVOIE, 30 E. BIG BEAVER (proposed address), for relief of the requirement of Paragraph R of Section 31.30.00 of the Ordinance requiring setbacks to be measured from the right of way lines shown on the Master Thoroughfare Plan in the construction of a new restaurant.

Mr. Stimac explained that the petitioner is requesting relief of the Troy Zoning Ordinance to construct a new restaurant at the southeast corner of Big Beaver and Livernois. Paragraph R of Section 31.30.00 of the Troy Zoning Ordinance requires that front yard setbacks for developments along major thoroughfares be measured from the right of way established by the Master Thoroughfare Plan. The Master Thoroughfare Plan shows a 90-foot wide half-width for Livernois in this area. The plans submitted show the existing parking lot and other amenities are developed using the 60-foot wide half-width for Livernois Road.

Mr. Fejes asked if the petitioner would require a parking variance. Mr. Stimac explained that the Planning Commission will determine the amount of parking needed at the time of their site plan approval. The Planning Commission has the authority to look at non-simultaneous use of a site regarding parking.

Mr. Kovacs asked if there may be a problem with the site regarding parking based on the Master thoroughfare plan. Mr. Stimac said that he has had discussions with the City Engineer and the Traffic Engineer regarding a boulevard in this area and has been told that this is something that probably will not happen. The City is in the process of doing a Big Beaver visioning project to come up with a development plan for Big Beaver and that has not been finalized, and although, Mr. Stimac does not know what it is going to say, it appears that the boulevard section on Livernois will be eliminated. Should there be a development that includes a boulevard cross section in the future the City would be required to acquire additional land. The petitioner would have to replace any parking spaces that would be lost or show that he has sufficient parking on the site to accommodate this restaurant.

ITEM #14 – con't.

Mr. Wright said that this has been discussed at their last Planning Commission meeting and it was determined that it was highly unlikely that they would ever use a 180' right of way width. This is because of the overpass on Livernois.

Mr. Courtney asked how many parking spaces are required and how many the petitioner would lose if the right of way was changed. Mr. Stimac said that he did not have that information at this time.

Mr. Jim Jonas was present and stated that they have a cross use agreement with the existing office building and there are more than enough parking spaces. If the City acquired more land they would lose approximately 100 parking spaces, but there is more than enough parking in this lot.

Mr. Kovacs said that they could build a restaurant right now, but did not understand why they required a variance. Mr. Stimac explained that the City would still acquire the property if necessary, however, the petitioner requires a variance because of the location of the existing improvements where there is a possibility that the right of way line will change.

Mr. Jonas said that the Engineering Department has indicated that they do not believe the City will acquire the additional land for a boulevard. Mr. Jonas also said that basically this is an American Grille that will appeal to families.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Christopher Lavoie, 30 E. Big Beaver (proposed address), relief of the requirement of Paragraph R of Section 31.30.00 of the Ordinance requiring setbacks to be measured from the right of way lines shown on the Master Thoroughfare Plan in the construction of a new restaurant.

- Conformance to the Ordinance is unnecessarily burdensome.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac informed the Board that the election of Officers will be held at the meeting of May 16, 2006.

Ms. Gies informed the Board that she will be out of town and will not attend the May meeting.

The Board of Zoning Appeals adjourned at 10:13 P.M.

_____
Christopher Fejes, Chairman

_____
Pamela Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on April 25, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Fazal Khan
Lawrence Littman
Robert Schultz
David T. Waller
Wayne Wright

Absent:
Lynn Drake-Batts
Mary Kerwin
Thomas Strat
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2006-04-067
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Drake-Batts, Kerwin, Strat and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (5)
No: None
Absent: Drake-Batts, Kerwin, Strat, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-04-068
Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the Agenda as published.

Yes: All present (5)
No: None
Absent: Drake-Batts, Kerwin, Strat, Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-04-069
Moved by: Littman
Seconded by: Khan

RESOLVED, To approve the March 14, 2006 Regular Meeting minutes as corrected and April 11, 2006 Regular Meeting minutes as published.

Yes: All present (5)
No: None
Absent: Drake-Batts, Kerwin, Strat, Vleck

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the April 18, 2006 Board of Zoning Appeals (BZA) meeting. Agenda items of interest were:

- Proposed Kona Grill Restaurant, southeast corner of Livernois and Big Beaver, Section 27, Request relief of setback requirements to be measured from the right of way lines shown on the Master Thoroughfare Plan (120-foot setback) – *Request approved.*
- Proposed Starbucks Coffee, northwest corner of Big Beaver and Crooks, Section 20, Request to allow drive-up window facility on site less than one acre in size – *Request denied.*

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the following items acted upon by the Downtown Development Authority (DDA) at its April 19, 2006 meeting.

- Mission Statement – *Approved.*
- 2006/07 Budget – *Approved.*

7. PLANNING AND ZONING REPORT

Mr. Miller reported on the following City Council action items:

- Preserves of Timbercrest Site Condominium, west of Fernleigh, south side of Wattles, Section 24, Preliminary Review – *Postponed 4/17/06; scheduled 5/8/06.*

- Zoning Ordinance Text Amendment (ZOTA 201), Article 28.30.00 Indoor Commercial Recreation in the M-1 Light Industrial Zoning District – *Approved 4/17/06.*

- Zoning Ordinance Text Amendment (ZOTA 222), Article XXVIII, Antique or Classic Automobile Sales in the M-1 Light Industrial District – *Approved 4/17/06.*

- Rezoning Application (Z 715), Medical Office, east side of Stephenson Highway, north of Fourteen Mile, Section 35, from R-C to O-M – *Approved 4/17/06.*

- Zoning Ordinance Text Amendment (ZOTA 221), Article II, Municipal Civil Infractions – *Approved 3/27/06.*

- Rezoning Application (Z 712), west side of Dequindre Road, north of Big Beaver and south of Continental, Section 24, from CR-1 to B-1 – *Approved 3/27/06.*

- PUD 5 Caswell Town Center – *Public Hearing scheduled 5/15/06.*

- Zoning Ordinance Text Amendment (ZOTA 215-A), Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions Accessory structures ZOTA – *Public Hearing scheduled 5/8/06.*

8. PRESENTATION BY WILLIAM BEAUMONT HOSPITAL TROY

Representatives of William Beaumont Hospital Troy and Harley Ellis Devereaux were present to give a presentation on the proposed expansion plans of William Beaumont Hospital Troy. The presentation outlined the hospital's expansion history, master plan, proposed developments and time sequence.

Present to represent Harley Ellis Devereaux were Craig McEwen and David Yeager. Tom Brisse, John Krolicki and Nickolas Vitalie were present to represent Beaumont Hospital Troy.

A question and answer period followed the presentation.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 219) – Articles II and III, Conditional Rezoning

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment relating to conditional rezoning, and announced the Public Hearing is scheduled for the May 9, 2006 Regular meeting.

Mr. Motzny reviewed the revisions to the text that were made following the April 4, 2006 Special/Study meeting.

Section 03.24.02 (A) (7) was discussed thoroughly as relates to the approval of Site Plan and/or Special Use at the same time as the Conditional Rezoning agreement.

It was the consensus of the members to require Site Plan and/or Special Use approval at the same time as the Conditional Rezoning agreement.

10. 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

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment relating to commercial vehicle parking appeals. He cited the four standards upon which applications would be reviewed and considered for approval.

After a brief discussion, it was the consensus of the members to add standards that would accommodate self-employed residents and give flexibility to the Board of Zoning Appeals on additional conditions.

A Public Hearing on the proposed text will be scheduled for the June 13, 2006 Regular meeting.

11. ROCHESTER ROAD FUTURE LAND USE PLAN AMENDMENT

Mr. Miller provided a review of the proposed future land use plan amendment as relates to study area, findings/trends, goals, establishment of Rochester Road overlay district and standard recommendations.

Discussion followed, specifically on the standard to require a minimum parcel depth of 300 feet.

It was the consensus of the members to further address the 300-foot minimum parcel depth in terms of flexibility in depth, environmental protection, clarification of ultimate right of way, and definitions.

Revisions will be made and reviewed at a future study meeting.

12. PUBLIC COMMENTS – Items on Current Agenda

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed the Rochester Road Future Land Use Plan Amendment and ZOTA 215-C relating to Commercial Vehicle Parking Appeals.

GOOD OF THE ORDER

Mr. Kulesza said it was good to be back.

Mr. Littman said he would not be in attendance at the May 2, 2006 Special/Study meeting.

Mr. Miller referenced two memorandums prepared by the Assistant City Attorney relating to (1) Procedure for Amending a Pending Motion and (2) Deed Restrictions. Mr. Miller said the items could be placed on a future study meeting agenda for discussion, should the members desire.

Mr. Miller announced that Chair Strat, Ms. Kerwin and Mr. Savidant are at the American Planning Association (APA) annual conference in San Antonio.

Vice Chair Schultz expressed appreciation for everyone's cooperation at tonight's meeting.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:09 p.m.

Respectfully submitted,

_____
Robert Schultz, Vice Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on April 25, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Fazal Khan
Lawrence Littman
Robert Schultz
David T. Waller
Wayne Wright

Absent:
Lynn Drake-Batts
Mary Kerwin
Thomas Strat
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2006-04-067
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Drake-Batts, Kerwin, Strat and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (5)
No: None
Absent: Drake-Batts, Kerwin, Strat, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-04-068
Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the Agenda as published.

Yes: All present (5)
No: None
Absent: Drake-Batts, Kerwin, Strat, Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-04-069
Moved by: Littman
Seconded by: Khan

RESOLVED, To approve the March 14, 2006 Regular Meeting minutes as corrected and April 11, 2006 Regular Meeting minutes as published.

Yes: All present (5)
No: None
Absent: Drake-Batts, Kerwin, Strat, Vleck

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

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Vice Chair Schultz expressed appreciation for everyone's cooperation at tonight's meeting.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:09 p.m.

Respectfully submitted,

_____
Robert Schultz, Vice Chair

_____
Kathy L. Czarnecki, Recording Secretary

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To: Mayor and City Council
cc: John Lamerato, Acting City Manager
Lori Grigg Bluhm, City Attorney

From: Robin Beltramini, Council Member

Subject: NLC's Congressional Cities Conference, March 11-15, 2006
Washington D.C.

Date: May 1, 2006

First, thank you for allowing me to represent the City of Troy at this event. It was a wonderful opportunity to learn about pending legislation, federal and in the various states, to network and learn from other city officials, and to speak with members of Congress regarding city issues. I spent the first portion of my time in Washington at committee meetings and attending a training seminar.

Committee Meetings:

City Futures Panel on Democratic Governance:

- Meeting objective was to develop a comprehensive dissemination and impact agenda for local officials
- Develop Democratic Governance themes which support *Inclusive Communities* agenda
    - Model some of the ideas fostered by the Institute for Local Government's Collaborative Governance Initiative
    - Include "beyond the usual" participants in all efforts
    - Comparison shop for right approach
    - If divisions exist, jointly develop a new process for decision-making

City Futures Panel on Equity and Opportunity:

It was my job to illuminate Democratic Governance themes that could be used to assist the Equity and Opportunity Panel in their discussion regarding *Building Inclusive Communities.* I shared strategies and strengths that could be implemented to cross economic, racial, and social barriers.

Finance, Administration, & Intergovernmental Relations (FAIR) Policy Committee:

About 50 of the 80 members of this committee were present. We separated into small groups to better discuss the thrust of NLC policy/advocacy in this area—where the emphasis could/should be, priorities, federal issues negatively impacting local government in the areas of interest to this committee. In the end, the following areas were of greatest concern:

- Tax policy
    - Potential non-deductibility of municipal bonds
    - Impact of the AMT and the deductibility of state and local taxes
    - The quintessential question of why tax and what?
    - The overall linkage between federal, state, and local taxes that ultimately results in a reduction to the lowest level of government resulting in insufficient funding for meeting expected needs
- Unfunded Mandates Reform Act
    - Federal officials need to hear more of the compelling local stories
        - Funding deficit stories
        - Preemptions of state and local authority (over ½ by CBO analysis)
    - Threshold of $60 million is too high
    - Narrow the legislation not subject to UMRA
- Sales tax
    - Shortage of revenues
    - Internet sales
    - Maintain Dialogue

FAIR Steering Committee:

- Presentation by Ellen Marshall (consultant to state and local governments on Streamlined Sales and Use Tax Project [SSTP] since the agreement's inception) regarding the SSTP

    - Oct. 1, 2005 voluntary collection agreement went into effect
    - 13 states, including Michigan, are in full compliance
    - 6 states are partially compliant
    - Moving to totally electronic system with 200 existing and new retailers collecting
    - 2-3 years from final action—possibility of Congressional or Supreme Court action to mandate collection is still unclear
    - Current problem exacerbated by pending legislation which would require locals to streamline collection of telecom taxes for states to remain compliant
    - New formal role for locals "State and Local Advisory Council"—12 members: 8 at large, 1 each from NLC, National Association of Counties, U.S. Conference of Mayors, Government Finance Officers Association
- Discussed work plan as delineated in Policy meeting
- Scheduled summer and fall meetings—no details

Leadership Training:

Seminar on Effective Strategic Communications:
The trainer was Marcelo Gaete-Tapia, Senior Director of Programs for NALEO Education Fund, Los Angeles CA. The workshop was helpful, particularly as most examples shed some light on dealing with the English-as-a-second-language population.

- Communication process
    - Objectives to persuade and inform
    - Strategy includes: Value, message, vehicle(s), discipline, calendar
- Other issues covered
    - Interview techniques
    - Determining newsworthiness of event
    - Bridging techniques

Conference activities:

John Kasich, Westerville OH, host of *Heartland with John Kasich*, was the opening speaker and the first to express a recurring theme. The former Senator talked about bipartisanship and division. He spoke about how the system appears to be permanently divided—and, therefore, broken. Compromise, keeping the needs of average folks constantly at the forefront, cooperation all seem to have fallen by the wayside and been replaced by some egocentric need of legislators to demonstrate an ability to single-handedly create—or halt—something. Kasich "waxed poetic" about his time in Washington when members on both sides of the aisle demonstrated citizenship and teamwork.

Cable and Video franchising workshop outlined the federal legislation that appears to be much like the Michigan legislation, but has since proven to be even more draconian for local interests. At the time of the conference there was not a specific bill or set of bills, only potential elements of legislation. The session had a panel of folks including a Senate aide, and Mike Bracy a Washington attorney heavily involved in lobbying on this issue, and Jeanine Kenney, senior policy analyst for Consumers Union. Without specifics, the discussion focused on the needs of locals: maintaining local control of ROW; continuing any revenues through current state or local contracts or legislation; retaining local ability to provide cable and video services; and equal treatment of all delivery systems. Of course, since the conference, the legislation has been revealed, and fast-tracked, and, if passed will eliminate our control of ROW, eliminate our ability to infuse community values into the video offerings, make the FCC—not locals—the place for consumers to complain about service, allows new providers to pick and choose to whom they will offer services, reduces revenue from our cable franchises and limits PEG revenue. Additionally, this federal legislation also negatively impacts our state Metro Act—further eroding revenue to local communities—the money we use for cablecasting public meetings, emergency and regular community announcements, subsidy to Community Media Network for service groups, hobbyists, and issue forums. Like the proposed Michigan legislation, there is no provision for reimbursement for physical repair and maintenance of our ROW after a private, for-profit company has dug it up.

Senators Kent Conrad (D-ND) and Joseph Biden (D-DE) spoke to the general assembly each touting their own priorities. Both were careful not to blame the Executive Branch of government for the stalemate and

divisiveness in Washington. However, like Kasich, neither offered a solution. It is always interesting to listen to such individuals first-hand—but, sometimes, not very memorable.

Although First Lady Laura Bush and Secretary for Homeland Security Michael Chertoff addressed the assembly, I did not hear them. That was the time *Senator Debbie Stabenow* could meet with us. I chose to use my time advocating for our local interests with someone who actually should be personally representing those interests. We talked about Community Development Block Grants (CDBG), which are again scheduled for reduction, the budget and not balancing it "on the backs" of local communities, as well as the cable and video franchise issue, and Canadian trash, of course. Sen. Stabenow seemed receptive and her staff was helpful. This was particularly true for those of us who met with her outside of the "MML delegation" setting.

With Henrietta Davis of Cambridge MA, I led a workshop on implementing Democratic Governance techniques. We used a small group participation format that allowed us to showcase a variety of issues, vehicles, and outcomes. Such efforts continue to add to our ability to find a level of effective civic engagement that leads to long-term, supported local decisions.

David Gergen, Editor-at-Large for *U.S. News & World Report* and Director of the Center for Public Leadership at the JFK School of Government at Harvard was the closing general session speaker. Gergen revealed a personal belief that folks in Washington have no direct relationship to the folks that are affected by the laws passed there. He also reinforced the position that programs like CDBG assist local governments in doing their job. The bulk of Gergen's remarks focused on the changing issues of the 21st century. There is a rising competitive challenge from Asia. US healthcare is currently 16% of the GDP. Some studies show our standard of living dropping by 40% over the next generation. Education is critical, but current high school training is obsolete—need more science, math, technology, engineering training. We have extensive financial imbalances—budget, trade, debt; US is broke and facing the retirement of baby boomers within five years. The hope lies in the rise of "social entrepreneurs" who are part of programs such as "Teach for America." Social service is a growing vocation by both necessity and desire. Gergen stressed new processes and priorities for the future, more social capital and less politics.

All in all, it was an enlightening experience. I was proud to share our Troy successes with others. I learned a few things as well and have shared those with staff. Again, thank you to Council for approving the expenditure and the citizens of Troy for allowing the privilege.

R.E.B.

City Of TROY - Assessing Department
Comparison of Local Millage Rates

2005 Certified Millage Rates
for Cities, Villages, & Townships
(alphabetically)

City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills
Addison Twp.	7.2669		7.2669
Auburn Hills	11.3852	0.5950	10.7902
Berkley	13.2200	0.5950	12.6250
Beverly Hills, Village of	12.4206	0.5950	11.8256
Bingham Farms, Village of	7.3950	0.5950	6.8000
Birmingham	15.6669	0.5950	15.0719
Bloomfield Hills	8.3000		8.3000
Bloomfield Twp	11.5495	0.5950	10.9545
Brandon Twp	6.3870		6.3870
Clarkston	17.9959		17.9959
Clawson	16.5696	0.5950	15.9746
Commerce Twp	4.5560		4.5560
Farmington	16.5969	0.5950	16.0019
Farmington Hills	11.7027	0.5950	11.1077
Ferndale	24.8349	0.5950	24.2399
Franklin, Village of	7.1943	0.5950	6.5993
Groveland Twp	4.5000		4.5000
Hazel Park	21.2434	0.5950	20.6484
Highland Twp	6.7259		6.7259
Holly Twp	2.4608		2.4608
Holly, Village of	15.3653		15.3653
Huntington Woods	20.5849	0.5950	19.9899
Independence Twp	7.1489		7.1489
Keego Harbor	13.6945		13.6945
Lake Angelus	9.9571		9.9571
Lake Orion, Village of	12.1704		12.1704
Lathrup Village	19.3324		19.3324
Leonard, Village of	6.0000		6.0000
Lyon Twp	4.2000		4.2000
Madison Heights	17.8920	0.5950	17.2970
Milford Twp	7.4245		7.4245
Milford, Village of	5.6129		5.6129
Northville	16.8940		16.8940
Novi	10.5416		10.5416
Novi Twp	3.3547		3.3547
Oak Park	24.3151	0.5950	23.7201
Oakland Twp	6.0283		6.0283
Orchard Lake	8.9600		8.9600
Orion Twp	5.4519		5.4519
Ortonville, Village of	8.0000		8.0000
Oxford Twp	10.0563		10.0563
Oxford, Village of	12.6200		12.6200
Pleasant Ridge	19.6575	0.5950	19.0625
Pontiac	20.3961	0.5950	19.8011
Rochester	13.7374		13.7374
Rochester Hills	9.6681		9.6681

2005 Certified Millage Rates
for Cities, Villages, & Townships
(by Millage Rate, without Transportation mills)

City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills
Southfield Twp	0.5500		0.5500
Rose Twp	2.4260		2.4260
Holly Twp	2.4608		2.4608
Novi Twp	3.3547		3.3547
Lyon Twp	4.2000		4.2000
Groveland Twp	4.5000		4.5000
Commerce Twp	4.5560		4.5560
Springfield Twp	5.0037		5.0037
Orion Twp	5.4519		5.4519
Milford, Village of	5.6129		5.6129
Leonard, Village of	6.0000		6.0000
Oakland Twp	6.0283		6.0283
White Lake Twp	6.0380		6.0380
Brandon Twp	6.3870		6.3870
Franklin, Village of	7.1943	0.5950	6.5993
Highland Twp	6.7259		6.7259
Bingham Farms, Village of	7.3950	0.5950	6.8000
Independence Twp	7.1489		7.1489
Addison Twp.	7.2669		7.2669
Milford Twp	7.4245		7.4245
Ortonville, Village of	8.0000		8.0000
Bloomfield Hills	8.3000		8.3000
Orchard Lake	8.9600		8.9600
West Bloomfield Twp	9.6569	0.5950	9.0619
Troy	10.0450	0.5950	9.4500
Wolverine Lake, Village of	9.5730		9.5730
Rochester Hills	9.6681		9.6681
Lake Angelus	9.9571		9.9571
Royal Oak Twp	10.6192	0.5950	10.0242
Oxford Twp	10.0563		10.0563
Waterford Twp	10.2910		10.2910
Novi	10.5416		10.5416
Auburn Hills	11.3852	0.5950	10.7902
Bloomfield Twp	11.5495	0.5950	10.9545
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Wixom	11.6363		11.6363
Royal Oak	12.3766	0.5950	11.7816
Beverly Hills, Village of	12.4206	0.5950	11.8256
Lake Orion, Village of	12.1704		12.1704
Oxford, Village of	12.6200		12.6200
Berkley	13.2200	0.5950	12.6250
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Sylvan Lake	14.9661		14.9661
Birmingham	15.6669	0.5950	15.0719
South Lyon	15.1084		15.1084

** per "2004 Apportionment of Local Tax Rates" Oakland County Equalization*

J-03a

Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

March 29, 2006

Chief Charles Craft
Troy Police Department
500 West Big Beaver Road
Troy, Michigan 48084

Dear Chief Craft:

On behalf of all of our staff I would like to thank you for the assistance that you provided to us during the funeral of Officer Kevin Stier. As you can imagine, this was a very difficult time for us. However, the professionalism and sensitivity of your staff made our day just that much easier.

If we may ever be of service in the future please don't hesitate to contact us. Thanks again.

Sincerely,

Anthony L. Kleibecker
Director of Public Safety

RECEIVED
Chief of Police
4/6/2006

CC: City Mgr
Capt. Morath
Sgt Dance

J-03b

March 10, 2006

Sergeant John Schaufler
City of Troy Police Department
500 West Big Beaver
Troy, MI 48084

Dear Sergeant Schaufler,
I was the victim of a recent crime; my truck was stolen from my driveway in Livonia. It has been a major event in the life of me and my family. We are still feeling the repercussions of this event and have no doubt that there will be more to come. I am writing you this letter today, not to portray the tribulations of this event, but to point out a source of hope working under your command. I was contacted by the Livonia P.D. and given instructions to contact Officer Tim Daniels of the Troy P.D, regarding the recovery of my truck. As I understand it, Officer Daniels was an integral part of the recovery and subsequent arrest of the perpetrator of this crime. Upon contact with Officer Daniels, he was cordial, polite, and extremely helpful. Officer Daniels answered every question that I had, and to help me with some of my greatest concerns, offered to go to my vehicle and search for the items that I was looking for. He actually called me from a cell phone and looked in my truck for the items that I was referencing, while I spoke with him on the phone! It is this type of concern and kindness that we should all seek to exhibit. I wanted to take a moment to show my appreciation for the fine work that Officer Daniels is doing. I'm certain this is an attribute of your leadership abilities as well. Thank you both for your help.

Sincerely,

Kirk Lytwyn
[redacted] Drive
Livonia, MI 48154

CC: City Manager
Capt. Murphy
Sgt. Schaufler's file
Off. Tim Daniel's file
BB

RECEIVED
Chief of Police
3/30/06 RC

 J-03c

Police Officer
Andrew D Breidenich

From: Dick Minnick [[redacted].com]
Sent: Saturday, March 25, 2006 8:08 PM
To: Andrew D Breidenich
Cc: George Collins; Jim Peterson; Karen Crusse; Kathy Walsh; Krishna Patel; Sanjay Shah; Victor Yee
Subject: Thank You

Andy,

I just wanted to thank you for speaking at our homeowner's association annual meeting today. It was comforting to hear that Westwood Park continues to enjoy a very low rate of police intervention. And, I believe, the number of questions and general discussion indicated a high level of interest to our residents.

I scanned your handout and sent it to all our residents who were not able to attend the meeting.

P.S. I have been forwarding your weekly Crime Alert to our entire email list since you began this service.

Dick

| **Dick Minnick**
| Troy, Michigan USA

Cc: City Mgr.
Capt. Mayer
Off. Breidenich's File
BB

RECEIVED
Chief of Police
3/28/2006 CTC

J-03d

Players' Wives'
5th Annual Fashion Extravaganza
Women, The Motor That Moves Mankind

March 21, 2006

CAPTAIN
~~Lieutenant~~ Edward Murphy
Police Department City Of Troy
500 West Big Beaver Road
Troy, MI 48084

CAPTAIN
Dear ~~Lieutenant~~ Murphy:

We send our appreciation and gratitude of thanks for your volunteered time of professional services during the 5th Annual Players Wives Fashion Extravaganza held this past February in Troy, Michigan.

Your professional services of providing law enforcement staffing were of great value to us. Our event was a success because of you. In addition, this was an experience rich in excellence of presentation, professionalism of the highest standards from local businesses and city personnel. We appreciate the warm welcome, gracious hospitality we have received and look forward to opened doors of future endeavors.

Warmest Regards,

Angela Allen
Event Manager
Total Renaissance Woman
Player Wives Fashion Extravaganza

RECEIVED
Chief of Police
3/28/2006 RC

CC: City Mgr
Capt. Murphy's File

7101 LaTijera Blvd. Box 205 ◇ Los Angeles, CA ◇ 90045
866-800-3439 office ◇ 310-215-3600 fax

J-03e

OAKLAND
COMMUNITY
COLLEGE

Oakland Police Academy
2900 Featherstone Road, Auburn Hills, MI 48326-2845
Advanced Training (248) 232-4220
Basic Training (248) 232-4222
Fax: (248) 232-4225

April 7, 2006

To: Officer Jay Reynolds
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

RECEIVED
Chief of Police
4/13/06 CT

From: Joseph Marchetti & Bruce Wade
Oakland Police Academy

Re: Basic Detective School, April 03 – 07, 2006

Once again, we really appreciate and thank you for taking time out of your busy schedule to participating in our ***Basic Detective/Investigator program***. The session you taught was conducted in both a professional and business like manner.

A review of the class critiques found no negative comments to relay to you, but did indicate that your expertise was received as a positive contribution to law enforcement training.

Both Bruce and I would like to take this opportunity to tell you how proud we are to have you associated with our detective program. Again, thank you for your participation.

Joseph Marchetti
Joseph Marchetti
Director Advance Training
Oakland Police Academy

Bruce Wade
Bruce Wade
Captain
Coordinator – Detective Program

Cc: Lt. Keith Frye

Cc: City Mgr
Capt. Slater
Off. Reynolds Dept File
BB

RECEIVED 4-11-06 KAR #312

Printed on Recycled Paper with Soy Ink

J-03f

Tonni L Bartholomew

From: Feighan, Maureen [mfeighan@detnews.com]
Sent: Friday, April 21, 2006 11:42 AM
To: Tonni L Bartholomew
Subject: RE: Troy Election Insptector Training Schedule

Hi Tonni –

I just wanted to thank you and your staff again for letting me crash your training this week. I honestly feel like I could work one of the precincts now! The story ran on Thursday. I hope you were OK with it.

Thanks again and good luck on May 2. I'm sure I'll be in contact again.

Maureen Feighan
The Detroit News
(248) 647-7416

-----Original Message-----
From: Tonni L Bartholomew [mailto:t.bartholomew@ci.troy.mi.us]
Sent: Wednesday, April 05, 2006 10:19 AM
To: Feighan, Maureen
Subject: Troy Election Insptector Training Schedule

Maureen:

Here is the schedule for upcoming training. Please feel free to contact me should you have any additional questions.

Thanks,

Tonni

Tuesday, April 18, 2006 from 1:30 - 3:30 PM
(Dual Precinct/Multi-School Districts)
Pcts 2/10; 3/9, 4/5

Wednesday, April 19, 2006 from 9:00 AM - 11:00 AM
(Dual Precinct/Multi-School Districts)
Pcts 7/18; 23/24; 25/30; 28/29

Thursday, April 20, 2006 from 9:00 AM - 11:00 AM
(Single Precincts/Multi-School Districts)
Pcts 6; 19

J3f

Tuesday, April 25, 2006 from 1:30 PM - 3:30 PM
(Dual Precincts/Single School Districts)
Pcts 1/11; 12/13; 14/22

Wednesday, April 26, 2006 from 1:30 PM - 3:30 PM
(Dual Precincts/Single School Districts)
Pcts 15/21; 17/20, 26/27

Thursday, April 27, 2006 from 9:00 AM - 11:00 AM
(Single Precinct/Single School District)
Pcts 8; 16; 31

Thursday, April 27, 2006 from 1:30 PM - 3:30 PM
(32-AVCB)

Tonni L. Bartholomew, MMC
Troy City Clerk
500 W Big Beaver
Troy, MI 48084
248.524.3316

J-03g

Thanks a bunch!

#1 GOVERMENT WORKERS

TONNI L. BARTHOLOMEN
BARBARA A. HOLMES
AILEEN BIMNER
LAURA CAMPBELL
CHERL SKWART
CHARLENE McCOMB
CUSTODIAN - NAME UNKNOWN

That was really nice of you.

Sorry for being so late with my thank-you. I guess it a new trend I am starting. Thank you all for being so nice and helpful, and staying past your quitting time

Sincerely yours
Marilyn Mostek

J-39

May 2006

May 2006

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
May 1 7:30pm City Council-Special/Study Budget (Council Boardroom)	2 7:30pm Planning Commission Special/Study (Council Boardroom)	3 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	4	5	6 7
8 7:30pm City Council Meeting (Council Chambers)	9 7:30pm Planning Commission Regular Meeting (Council Chambers)	10	11	12	13 14
15 7:30pm City Council Meeting (Council Chambers) 7:30pm CC - Closed Session (Council Boardroom)	16 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	17 7:30am CANCELLED DDA Meeting (Lower Level Conference Room)	18	19	20 21
22	23 7:30pm Planning Commission Special/Study (Council Boardroom)	24	25	26	27 28
29	30	31			

5/15/06 PH PUD-5 Caswell Twn. Cntr. R-1D, B-3, P-1, Sec 2
5/15/06 PH Prop. Budg. Fiscal Yr. 06-07

June 2006

June 2006

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			June 1 7:30am DDA Meeting (Community Center - Room 305)	2	3 4
5 7:30pm City Council Meeting (Council Chambers)	6 7:30pm Planning Commission Special/Study (Council Boardroom)	7 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	8	9	10 11
12	13 7:30pm Planning Commission Regular Meeting (Council Chambers)	14	15	16	17 18
19 7:30pm City Council Meeting (Council Chambers)	20 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	21 7:30am DDA Meeting (Conference Room Lower Level)	22	23	24 25
26	27 7:30pm Planning Commission Special/Study (Council Boardroom)	28	29	30	

July 2006

July 2006

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August 2006

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27	**28**	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					July 1
					2
3	4	5	6	7	8
	7:30pm Planning Commission Special/Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			9
10	11	12	13	14	15
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Regular Meeting (Council Chambers)				16
17	18	19	20	21	22
	3:00pm Brownfield Redevelopment 7:30pm BZA (Chambers) 7:30pm Historic District Commission (C	7:30am DDA Meeting (Conference Room Lower Level)			23
24	25	26	27	28	29
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				30
31					

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

NOTICE OF HEARING FOR THE CUSTOMERS OF THE DETROIT EDISON COMPANY CASE NO. U-14838

- The Detroit Edison Company may experience a revenue sufficiency by 2007 and a decrease in its annual revenues may be warranted.
- The information below describes how a person may participate in this case.
- A public hearing in this matter will be held:

DATE:	April 25, 2006 This will be a prehearing conference to review and determine procedural matters.
TIME:	9:00 a.m.
LOCATION:	Michigan Public Service Commission 6545 Mercantile Way, Suite 7 Lansing, Michigan
PARTICIPATION:	Any interested person may attend and participate. Persons with disabilities, needing help to effectively participate, should call the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to determine if The Detroit Edison Company's (Detroit Edison) retail rates for the sale and distribution of electric energy should be reduced.

All documents filed in this case shall be submitted electronically through the Commission's Electronic Case Filings Web site at: https://efile.mpsc.cis/state.mi.us/cgi-bin/efile/login.pl.

Requirements and instructions for filing electronic documents can be found in the Electronic Case Filings Users Manual at: http://efile.mpsc.cis.state.mi.us/efile/pdfs/usersmanual.pdf.

An application for account and letter of assurance, required of all first-time users, are located at: http://efile.mpsc.cis.state.mi.us/efile/pdfs/assurance.pdf. If you require assistance prior to e-filing, contact Commission staff at 517-241-6170 or by e-mail at: mpscefilecases@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by April 21, 2006. (Customers unable to file electronically may file petitions to intervene using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Richard P. Middleton, The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226-1279.

Any person wishing to make a statement of position without becoming a party to a case may participate by filing an appearance. To file the appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position.

A copy of the Commission's March 23, 2006 order may be reviewed on the Commission's Web site at **http://www.cis.state.mi.us/mpsc/orders/electric** and at the office of The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan. For more information on how to participate in a case, you may contact the Commission at (517) 241-6170.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

March 23, 2006
Lansing, Michigan

J-07

The National Arbor Day Foundation®
211 N. 12th St. • Lincoln, NE 68508 • 402-474-5655 arborday.org

We inspire people to plant, nurture, and celebrate trees.

March 27, 2006

RECEIVED
APR 17 2006
CITY OF TROY
CITY MANAGER'S OFFICE

The Honorable Louise Schilling
Mayor of the City of Troy
500 West Big Beaver
Troy, MI 48083

Dear Mayor Schilling,

Congratulations to Troy on being named as a 2005 Tree City USA!

Trees are a vital component of the infrastructure in our cities and towns, and provide environmental and economical benefits. A community, and its citizens, that recognize these benefits and provide needed care for its trees deserves recognition and thanks.

This year we are excited to celebrate the 30th Anniversary of Tree City USA. From its humble beginning in 1976, the program has grown to be the leading community forestry recognition program in the country. Communities like yours, who emphasize the important role trees play to the well being of its citizens, have made this program such a success.

Tree City USA is sponsored in cooperation with the National Association of State Foresters and the USDA Forest Service. State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward your awards to Kevin Sayers in your state forester's office. They will be coordinating the presentation with you. It would be especially appropriate to make the Tree City USA award a part of your Arbor Day ceremony.

Again, congratulations on receiving this national recognition for your tree-care program.

Best regards,

John Rosenow
President

cc: Ron Hynd

RECYCLED PAPER RECYCLABLE PRINTED WITH SOY INK

For more information, contact
John Rosenow, President or
Gary Brienzo, Communications Manager
at (402) 474-5655

News from
The National Arbor Day Foundation®
100 Arbor Avenue • Nebraska City, NE 68410 • www.arborday.org

FOR IMMEDIATE RELEASE:

Troy Named Tree City USA

Troy has been named a Tree City USA by The National Arbor Day Foundation to honor its commitment to community forest. It is the sixteenth year Troy has received this national recognition.

The Tree City USA program is sponsored by The National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Troy has met the four standards to become a Tree City USA: a tree board or department, a tree care ordinance, a comprehensive community forestry program, and an Arbor Day observance.

"Trees are a vital component of the infrastructure in our cities and towns, and provide environmental and economical benefits," said John Rosenow, President of The National Arbor Day Foundation. "A community, and its citizens, that recognize these benefits and provide needed care for its trees deserves recognition and thanks."

"This year we are excited to celebrate the 30th Anniversary of Tree City USA," Rosenow added. "From its humble beginning in 1976, the program has grown to be the leading community forestry recognition program in the country. Communities like yours, who emphasize the important role trees play to the well being of its citizens, have made this program such a success."

# # #

April 25, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Mark F. Miller, Planning Director

SUBJECT: **ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214), Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts – Child Care Provider Meeting**

Attached is a list of attendees at the April 24, 2006 child care provider meeting to which both family and group child care providers were invited. The purpose of the meeting was to get assistance from the child care providers in the drafting of an ordinance that will permit group child care homes in the R-1A through R-1E districts within the City of Troy.

Please let me know if you have any questions.

Mark Miller, City of Troy
Dave and Sharon Schafer, 5593 Mandale Drive, Troy 48085 (group)
Jim and Caroline Dunleavy, 1866 Sutton Place Drive, Troy 48098 (family)
Syed and Talat Haque, 1033 Redding Drive, Troy 48098 (group)
Nichol Childs, 1931 Atlas Court, Troy 48083 (group)
Judith M. Collins, 5410 Hertford Drive, Troy 48085 (group)
Kathleen Peterson, 1175 Garwood Drive, Troy 48085 (group)
Bonnie and John Johnston, 1510 Boulan, Troy 48084 (group)
Karen and John Krisconick-Mukalla, 3784 Forge Drive, Troy 48083 (group)
Sharon Manning, 2651 E. Square Lake, Troy 48085 (group)
Barb Webb, 787 Marengo Drive, Troy 48085 (family)
Joyce Doyle, 1834 Farmbrook, Troy 48098 (group)

G:\ZOTAs\ZOTA 214 Group Day Care Homes\GCCH and FCCH Provider Meeting_Memo to CM.doc

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

NOTICE OF HEARING
FOR THE ELECTRIC CUSTOMERS OF THE DETROIT EDISON COMPANY
CASE NO. U-14275-R
CASE NO. U-14817

- The Detroit Edison Company may reconcile its power supply cost recovery plan for the net underrecovery of $137,391,837 from its commercial and industrial PSCR customers for the 12-month period ending December 31, 2005, and its pension equalization mechanism for the overrecovery of $11,560,007 from its customers for the November 24, 2004 through December 31, 2004 and 2005 calendar year reconciliation periods, if the Michigan Public Service Commission approves its request.

- The information below describes how a person may participate in this case.

- You may call or write The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226-1279, (313) 235-7706, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.

- The first public hearing in this matter will be held:

DATE: May 11, 2006
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

TIME: 9:00 a.m.

PRESIDING OFFICER: Administrative Law Judge Daniel E. Nickerson, Jr.

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the March 30, 2006 application of The Detroit Edison Company (Detroit Edison) to reconcile its power supply cost recovery (PSCR) plan for the 12-month period ending December 31, 2005, and to reconcile its pension equalization mechanism (PEM) for 2004 and 2005 years. Detroit Edison proposes to collect the underrecovery of $137,391,837 to all its commercial and industrial customers through the operation of the PSCR for the year end 2005. Detroit Edison also proposes to refund an overrecovery of $11,560,007 to all its customers for the 2004 and 2005 PEM reconciliation periods

The Commission has selected this case for participation in its Paperless Electronic Filings Program. All documents filed in this case shall be submitted electronically through the Commission's Electronic Case Filings Web site at: https://efile.mpsc.cis.state.mi.us/cgi-bin/efile/login.pl. Requirements and instructions for filing electronic documents can be found in the Electronic Case Filings Users Manual at: http://efile.mpsc.cis.state.mi.us/efile/pdfs/usersmanual.pdf.

An application for account and letter of assurance, required of all first-time users, is located at: http://efile.mpsc.cis.state.mi.us/efile/pdfs/assurance.pdf. Documents may also be submitted in Word format, as an attachment to an email sent to mpscefilecases@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6170 or by e-mail at: mpscefilecases@michigan.gov.

Any person wishing to intervene and become a party to the case shall file a Petition to Intervene with this Commission by May 4, 2006. The proof of service shall indicate service upon Detroit Edison's attorney, Jon P. Christinidis, 2000 Second Avenue, Detroit, MI 48226-1279.

A member of the public who wishes to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file the appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position.

A copy of Detroit Edison's request may be reviewed on the Commission's Web site at http://efile.mpsc.cis.state.mi.us/efile and at the office of The Detroit Edison Company, 2000 Second Avenue, Detroit, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

A Utility Consumer Representative Fund has been created for the purpose of aiding the representation of residential utility customers in energy proceedings. Further information may be obtained from the Chairperson, Utility Consumer Participation Board, Department of Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

April 13, 2006
Lansing, Michigan

J-10

April 28, 2006

To: City of Troy Employees
From: Brian Murphy, Assistant City Manager/Services BM.
Carol Anderson, Parks and Recreation Director CLA
Subject: Employee rates –Golf Course and Aquatic Center

As of May 1, 2006 all City of Troy employees and retirees (regardless of residency) will be able to access the Troy Family Aquatic Center, Sylvan Glen and Sanctuary Lake golf courses at resident rates.

Upon admission, employees accessing these facilities must prove employee status by presenting City of Troy employee identification badge or City of Troy payroll/retiree check stub. The discounted rates apply to the employee only.

Approximate discounts are $1.75/visit or $15.75/ season at the Aquatic Center.
Golf discounts are approximately $7-10 for 18 holes.
Current rates can be found on the website.

Approved: _____
John M. Lamerato, Acting City Manager

J-11

BIRMINGHAM-BLOOMFIELD SYMPHONY ORCHESTRA

1592 BUCKINGHAM ♦ BIRMINGHAM, MI 48009
(248) 645-BBSO ♦ FAX (248) 645-2276 ♦ WWW.BBSO.ORG

Louise E. Schilling, Mayor
City of Troy
500 West Big Beaver Road
Troy, MI 48084-5285

RECEIVED
MAY 01 2006
CITY OF TROY
CITY MANAGER'S OFFICE

April 28, 2006

Dear Honorable Mayor Schilling:

I write you this letter of a request for funding not only as a resident of Oakland County but also as the President & Executive Director of the Birmingham-Bloomfield Symphony Orchestra. This Symphony Orchestra has been serving Oakland County and residences of your community for many years. The BBSO is beginning our 32nd Season in October 2006-May 2007. We have over 800 audience members at each of the five concerts presented throughout our season. We recognize young artists and have all Michigan-resident musicians as well as guest soloists. We are right in everyone's backyard in Oakland County. The BBSO is convenient and affordable and has a partnership with local access television to reach those who cannot make attend the concerts due to health reasons. Our policy is that children 18 years and younger, are free to attend our concerts. We believe that getting youth interested and excited about the classics and pops music now, is the key to our audiences of the future. Please visit us at www.bbso.org.

The economy in Michigan and the disastrous weather-related incidents around the world throughout the past few years has lessened and/or depleted the giving power of many corporations and individuals. That is why I write to you as well as to our donors and audience members. The BBSO truly believes if everyone could give a small amount, this wonderful orchestra can continue to bring live-music to so many. The professionalism and quality programming (keeping the entire family's taste in mind) allows the BBSO not only to be a source of entertainment but also pride within the communities serviced.

The request is for $1,000 that would be utilized to support our educational outreach programs, regular concerts, wellness through music (a program to take ensembles to nursing homes) and free mentoring workshops/concerts that could take part in your community. Our dreams are big and music is a necessary part of everyone's calmer existence. We truly appreciate your consideration in helping to support the ARTS and most importantly, supporting live-music in Oakland County.

Any questions can be answered by calling me directly at 248-645-2276. I thank you in advance.

Sincerely,

Carla Lamphere

Carla Lamphere
BBSO President & Executive Director

✓CC: John Lamerato, Acting City Manager

BIRMINGHAM-BLOOMFIELD SYMPHONY ORCHESTRA

1592 BUCKINGHAM • BIRMINGHAM, MI 48009 • (248) 645-BBSO

Advertising & Underwriting Contract

Authorization is hereby given to insert our logo and/or advertisement in the size and location designated below in the BIRMINGHAM-BLOOMFIELD SYMPHONY ORCHESTRA PROGRAM which is distributed, free of charge, to the people who attend the Regular Season Concerts of the BBSO, and we agree to the following:

	Category	Benefit	Cost	
[ ]	Conductor's Circle	25 Season Tickets, Logo, Ad Option	$7,500	
[ ]	Gold Baton*	20 Season Tickets, Logo, Ad Option,	$5,000	
[ ]	Silver Baton*	14 Season Tickets, Logo, Ad Option	$2,500	
[ ]	Corporate Underwriter	8 Season Tickets, Logo, Ad	$1,500	
[ ]	Individual/City/Township Underwriter	6 Season Tickets, Name Recognition	$1,000	City/Township Request
[ ]	Back Cover Outside	5" x 8" [Black & White Only]	$ 750	
[ ]	Front Cover Inside	5" x 8" [Black & White Only]	$ 650	
[ ]	Back Cover Inside	5" x 8" [Black & White Only]	$ 650	
[ ]	Full Page Inside	5" x 8" [10 Four-Color Pages Available]	$ 750	
[ ]	Full Page Inside	5" x 8" [Black & White Only]	$ 500	
[ ]	½ Page Inside	5" x 4"	$ 300	
[ ]	¼ Page Inside	5" x 2"	$ 175	
[ ]	Business Card	2 ½ x 1 ¼"	$ 150	

Sponsor a Musician's Chair or the Conductor's Podium and receive a Chair Plaque.
Your Company/Name will have recognition on an Orchestra Display at each concert.

Chair Sponsorship: Principal's Chair [ ] $250 Regular Section Musician [ ] $100
Conductor's Podium [ ] $1,000 (Greenwell/Resnick)

Business:_____
(Please Print)

Address:_____

City:_____ MI Zip:_____

Authorized by:_____ Title:_____

Phone: ( )_____ Solicited by:_____ Date:_____

[ ] Camera-Ready Ad Supplied [ ] Payment Enclosed (Payable: BBSO) [ ] Need BBSO to Make Ad for Company (Extra Cost)
[ ] Will Submit Artwork [ ] Bill After Publication [ ] Logo Needed ASAP

Ad Copy: E-mail to ted@jigsawintergalactic.com . Or mail a **Disc to BBSO.**

OAKLAND
COUNTY MICHIGAN

L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

RECEIVED
MAY 0 3 2006
CITY OF TROY
CITY MANAGER'S OFFICE

Mayor Louise E. Schilling
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Mayor Schilling:

As you may be aware, 15 Oakland County businesses were recently honored by business and government as being among the "50 Companies to Watch in 2006." Two of those companies – American Systems Technology and McGraw Wentworth – are located in Troy.

Businesses such as these are vital in helping Oakland County maintain its position as an economic leader both nationally and internationally. I thought it was important for you to know that these local businesses are among the 60,000 small businesses that form the foundation of our county's strong economy.

The efforts and leadership of entrepreneurs such as these add so much to our economy and our quality of life. For your information, I sent letters to each of the honorees, congratulating them on their success.

Sincerely,

L. Brooks Patterson
Oakland County Executive

EXECUTIVE OFFICE BUILDING 34 EAST • 1200 N TELEGRAPH RD DEPT 409 • PONTIAC MI 48341-0409 • (248) 858-0484 • FAX (248) 452-9215

Plexus Systems, LLC
1731 Harmon Rd
Auburn Hills, MI 48326

Louise Schilling, Mayor
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

Joseph Huang, CEO
American Systems Technology, Inc.
888 W. Big Beaver Ste 800
Troy, MI 48084

Thomas McGraw, President & Founder
McGraw Wentworth
3331 W. Big Beaver Rd., Ste. 200
Troy, MI 48084

Louis Csordas, Mayor
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

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City of Auburn Hills
1827 North Squirrel Road
Auburn Hills, MI 48326

Robert Beatty, CEO

May 2, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Cindy Stewart, Community Affairs Director

SUBJECT: AGENDA ITEM: Closed Captioning for Cable Channel

Councilman Lambert brought up the topic of offering closed captioning for our cable channel, WTRY. We researched this last year after receiving a resident inquiry related to closed captioning services. Research through the National Association of Telecommunications Officers and Advisors – Michigan Chapter shows that only two cities in Michigan (Clinton Township and Grand Rapids) provide Closed Captioning for their government access channels. They both have three-year contracts for closed captioning services and said that their companies provide about a 95% accuracy rate in the captioning.

There are some California and Arizona cities, as well as some State Senate hearings that offer limited closed captioning services and the State of Michigan offers closed captioning only for the annual Governor's State of the State address.

We did contact the Advisory Committee for Persons with Disabilities and the Senior Citizen Advisory Committee asking for their assistance in talking to residents they come in contact with to determine if there is a need for Closed Captioning Services. We will also have a question related to Closed Captioning Services on the 2006 City Services Report Card due to be mailed out with the September, October and November water bills.

Companies we found that offer closed captioning are Communication Works for the Deaf in Farmington Hills, Closed Captioning Services in Grand Rapids and Rapidtext, Inc. in Newport Beach, California. We would need to purchase a Link Electronics Encoder/Decoder ($3,000 – 6,000 depending on the company) for our cable office and have a telephone interface and two dedicated phone lines – one to receive the audio and one to send back to us to include on the tape. If we use internal phone lines, there would be no additional cost. If we have to provide external phone lines, the cost would be approximately $20 per month for each line. A translator would listen to our meetings via a phone line, type the conversations and route it back to our television screen. It would be live with a one – two second delay. We would also be able to tape the captioning for meeting playbacks.

The cost for the Realtime Captioning ranges from $125 - 135 per hour. If we provided closed captioning for all City Council Meetings (minimum 31 meetings x approx. 5 hours per meeting), cost would be approximately $19,375 - 20,925 per year. This would not include any Study Sessions or other meetings.

Current Services for the Hearing Impaired: We have installed a hearing assistance device in the Council Chambers. To date no one has asked to use this equipment. We provide audio and videotapes, which are available at the Library. We also have an interpreter resource, *Deaf Can!* which provides sign language interpreters for meetings at $34 per hour (minimum two hours) plus mileage for the interpreter. We offer this service of a sign language translator at meetings when requested in advance by a resident. We had a request for this service only twice in the past six years.

CS