DATE: August 21, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item – Announcement of Public Hearing (September 11, 2006) – Proposed Amendment to Planned Unit Development – Woodside Bible Church/Northwyck Condominium Planned Unit Development (PUD 1), located on the east side of Rochester Road, north of Square Lake Road and south of South Boulevard, Section 2

RECOMMENDATION

Woodside Bible Church requested to amend PUD 1 to permit a freestanding sign for Woodside Bible Church along Rochester Road. The Planning Commission held a Public Hearing for this amendment at the October 11, 2005 Regular meeting and recommended approval of the amendment. City Council has the authority to approve the proposed amendment to PUD 1.

City Management determined that the placement and bulk of the sign is not a health and safety concern. The landscaping and retaining wall at the base of the sign soften its mass. In addition, the sheer size of the church and site diminishes the impact of the sign. The applicant has agreed to plant an additional 70 trees on the site as a public benefit. City Management recommends approval of the amendment to PUD 1 and that the Mayor and City Clerk be authorized to execute the First Amendment to the Development Agreement.

BACKGROUND

The sign was not included in the approved PUD document, but was constructed. The applicant submitted plans after construction (Sheet Number A-065). The V-shaped sign has two sign faces that measure collectively 276 square feet in area, and is located approximately 4 feet from the Rochester Road right-of-way. The property is zoned PUD 1. There are no specific sign standards for PUD's, as signage details are typically negotiated on a case-by-case basis during the PUD approval process. For comparison purposes, standards for signs in the C-F district include a minimum setback of 10 feet from the right-of-way and a maximum of one sign not to exceed 100 square feet in area.

Sheet A-065 includes landscape materials for the front and rear of the sign, including the area inside the V-shape of the sign. This assists in softening the relatively large space. In addition, the proposed block retaining wall and other plantings around the sign softens the mass of the sign. The applicant intends to plant 70 additional trees throughout the site as a public benefit, in addition to the trees required for Final PUD Approval. Representatives of the Planning Department walked a portion of the site and confirmed that at least 40 5-foot high to 6-foot high coniferous trees were planted south of the church. The applicant is required to plant the additional trees no later than October 1, 2006. Finally, the applicant is required to provide a Landscaping Plan indicating location, size and species of trees no later than October 21, 2006. The Landscape Analyst shall verify the plantings.

It should be noted that the petitioner originally applied to amend the PUD Agreement to eliminate the required screening of rooftop mechanical equipment (Section 39.80.09). This was removed from the application. The petitioner has installed the required rooftop equipment screens and the City inspected and approved the equipment on July 18, 2006.

Reviewed as to Form and Legality: _____ _____

Lori Grigg Bluhm Date
City Attorney

Attachments
1. First Amendment to Development Agreement.
2. Letters of opposition (4).

Prepared by RBS, MFM

cc: File/PUD 1
Applicant

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STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF TROY

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE WOODSIDE BIBLE CHURCH/NORTHWYCK PLANNED UNIT DEVELOPMENT

This First Amendment to Development Agreement dates as of_____, 2006, is by and between **Robertson Northwyck, L.L.C**., a Michigan Limited Liability Company, having its principal office at 6905 Telegraph Road, Bloomfield Hills, Michigan 48031 ("Robertson"), **Woodside Bible Church**, a Michigan Ecclesiastical Corporation, having its principal office at 6600 Rochester Road, Troy, Michigan 48085 ("Woodside") and the **City of Troy**, a Michigan Municipal Corporation, having its principal office at 500 W. Big Beaver Road, Troy, Michigan 48084 ("City").

RECITALS:

On or about May 28, 2003, Woodside and Robertson, as developers entered into a Development Agreement for the Woodside Bible Church/Northwyck Planned Unit Development ("Development Agreement") with the City, which Development Agreement is recorded at Liber 30358, Pages 562 through 582, Oakland County Records.

The Development Agreement was silent as to the precise location and size of an identification sign to be erected by Woodside along Rochester Road.

Woodside is in the process of constructing such an identification sign, which is located just south of the south entrance to the church property.

The parties now desire to amend the Development Agreement to allow and ratify the location and size of the Woodside Bible Church sign.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. **Installation of Identification Sign**. Woodside has permission to have a "V" shaped sign as depicted in the Site Sign Plan and Detail Sheet, Number A-065, which bears the date stamp "November 16, 2005" of the Troy Planning Department which are attached hereto as Exhibit A, which is incorporated by reference as part of this Agreement.

2. **Sign Specifications**. The identification sign shall have the following dimensions. Each side of the identification sign, including the face of the sign and all surrounding brick and masonry materials measures 138 square feet. Accordingly, the two (2) sides of the sign collectively measure 276 square feet, which exceeds by 176 square feet the 100 square feet limit for church signs in residential areas. The point of the "V" shaped sign is located approximately 3 feet from the right-of-way, which is 7 feet less than the required 10 feet set back from the right of way required for signs. These specifications are set out in Exhibit A.

3. **Public Benefit.** All proposed landscaping shown on Site Sign Plan and Detail Sheet Number A-065**,** attached as Exhibit A, shall be installed. In addition, Woodside has planted or shall plant seventy (70) trees, in addition to the trees approved in the original Development Agreement, throughout the Woodside Bible Church portion of the Planned Unit Development, in areas selected by Woodside. The type of trees planted shall be listed on the City's approved planting list. Plantings shall meet the requirements of the City's Landscape Design and Tree Preservation Standards. All trees must be planted no later than October 1, 2006. A Landscaping Plan showing "as planted" location, size and species of tree shall be presented to the City Planning Department no later than October 21, 2006. The City's Landscape Analyst will verify the planting provided for in Exhibit A and the landscaping plan and notify the City Planning Department as to whether or not Woodside has complied with the terms and conditions of this First Amendment to Development Agreement.

4. **Failure to Comply**: If the City's Landscape Analyst reports that in his/her opinion Woodside has not complied with the terms and

conditions of this First Amendment to Development Agreement to the City's satisfaction, the Planning Director shall notify Woodside of the details of the noncompliance. Woodside shall have thirty (30) days to correct the noncompliance to the City's satisfaction. If Woodside fails to correct the noncompliance, the City shall be allowed to go onto the Woodside property, correct the noncompliance and bill Woodside for the actual costs. If actual costs are not paid within thirty (30) days of the date of the billing for actual costs, the City shall be allowed to assess a lien against the property. The City make also take any action as provided for under the original Agreement for the Woodside Bible Church/Northwyck Planned Unit Development or to institute any legal proceedings as allowed under law.

5. The Site Sign Plan and Detail Sheet, Number A-065, which bears the date stamp "November 16, 2005" of the Troy Planning Department and the Landscaping Plan required under Paragraph 3, shall be incorporated into the Development Agreement for the Woodside Bible Church/Northwyck Planned Unit Development as part of the final planned unit development documents.

6. In all other respects, the parties reaffirm the provisions of the Development Agreement for Woodside Bible Church/Northwyck Planned Unit Development signed on May 28, 2003. The City shall not be precluded from using any enforcement provisions in the May 28, 2003 agreement which may be in addition to those set out herein.

WOODSIDE BIBLE CHURCH (f/k/a Troy Baptist Church), a Michigan Ecclesiastical Corporation

BY: _____

ITS:

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledge before me this_____day of_____, 2006 by_____, the_____ _____, Woodside Bible Church, a Michigan Ecclesiastical Corporation, on behalf of the Corporation

_____
, Notary Public
Oakland County, Michigan
My commission expires:

ROBERTSON NORTHWYCK, L.L.C.,
a Michigan Limited Liability Company

BY: Robertson Brothers Company,
a Michigan Corporation
ITS: Managing Member

BY:_____
_____
ITS:_____

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledge before me this_____day of_____, 2006 by_____, the_____ _____, Robertson Brothers Company, a Michigan Corporation, Manager of Robertson Northwyck, L.L.C., a Michigan Limited Liability Company, on behalf of the Company

_____
, Notary Public
Oakland County, Michigan
My commission expires:

CITY OF TROY, a Michigan
Municipal Corporation

BY:_____
Louise Schilling, Mayor

BY;_____
Tonni Bartholomew, Clerk

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledge before me this_____day of_____, 2006 by Louise Schilling and Tonni Bartholomew, the Mayor and Clerk respectively of the City of Troy, a Michigan Municipal Corporation, on behalf of the Corporation.

_____
, Notary Public
Oakland County, Michigan
My commission expires:

Drafted by and when recorded return to:
Susan M. Lancaster
Assistant City Attorney
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084
(248) 524-3320

Paula P Bratto

From: Bejeir D. Brooks [bejeir@yahoo.com]
Sent: Tuesday, February 15, 2005 8:32 AM
To: Paula P Bratto
Subject: RE: T2N, R11E, E ½ of the NW ¼ of Section 2

Tonni Bartholomew, MMC (City of Troy Planning Department), per a letter you sent out regarding a request by the Woodside Bible Church for a variance to the zoning ordinance to waive a "screening of equipment" as well as a variance "in size and location of a sign" placed upon the roof of a non-residential building in accordance with the provisions of Article XXXV of the Zoning Ordinance for the following described property: T2N, R11E, E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 2.

Anyway I'm against this proposal. I don't want a bigger sign, or a brighter sign or a sign in an unapproved location because it will further reduce the tranquility of my home, which is surprisingly high considering how close I am to M59. But I don't want bright lights or big signs for when I come home, 'zotting' me in the eye while I'm trying to sleep or glaring off my TV as I watch Artsy-Fartsy movies. I especially don't want to see there sign when I'm BBQ in the back yard. Now on the other hand if the church were to make it's sign into a giant bug zapper, I might be inclined. But until I see those plans in writing I'm firmly against this proposal.

B. Brooks
1422 Hartwig Drive
Troy, Mi 48085

It is not enough to always be prepared, one must be prepared for anything.

-Paranoia

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February 13, 2004

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

Re: Woodside Bible Church
Variance from Sign Ordinance (**size and location**)
Variance from Zoning Ordinance (**waive equipment placed on rooftop**)

Dear Members of the Planning Commission and City Council

We see **NO** logical reason why this already huge house of worship needs variances on the size and location of a sign, nor a variance on equipment to placed on the rooftop! A place of worship does not need to stand out like the local 24 hours Meijers Thrifty Acres from 3 miles off. Using of portion of the wasted dollars on the less fortunate would be far more beneficial then the gaudy materialistic show of money. Troy is not only become the city with the most churches, but quickly becoming the war of the churches-who can build bigger and use more land for tax free endeavors!!

If you allow these business variances then the Alibi, Peacocks, Nino's, Petruzzello's will be next in line. Where will it stop???? If you are going to allow this train of thought to continue, does that mean our billboard free expressway will soon have signs to?? There is the old song from the '70's "Signs, signs everywhere's a sign". Maybe you and the Woodside Bible Church ought to listen the words carefully, it is quite apropos.

PLEASE DENY THESE REQUESTS.

Sincerely,

Anthony, Lena, Paul Benedict
1490 Hartwig Drive
Troy, MI 48085

Paula P Bratto

From: Pepblk2@aol.com

Sent: Tuesday, March 22, 2005 2:12 PM

To: Paula P Bratto

Subject: Letters re sign at Woodside Bible Church.

Dear Planning Commission Members:

Maybe I am old-fashioned, but I feel that a letter delivered by the post office is the most dependable and least intrusive manner in which to communicate. However, as I sense some discomfort as evidenced by a comment made at the city council meeting of 3/21/05, I will utilized this method of contact, and I apologize if anyone felt uncomfortable in receiving a postal letter.

I would like to tone down my sense of urgency regarding public safety in regard to the sign at Woodside Bible Church. It was stated, several times, in the planning commission meeting, that the sign was, "Three feet from Rochester Road." I am positive that this is exactly how it was stated, word for word.

I visited the site on the weekend because I was so concerned about the safety hazard this would cause. To my surprise, the sign was more like ten to twelve feet from Rochester Road. It may be three feet from the sidewalk, and perhaps this is why its position to the road was stated this way.

I continue to think that it poses a safety hazard, but not close in severity to one that would have been created if the sign were, indeed, three feet from the road. I also noticed the Troy School District also has a solid brick structure, which is much smaller than the Woodside Bible sign, but appears closer to the road than the church's sign.

The mechanicals on the roof are really very unsightly, and I would agree with the chairman, that the entire site falls far below the customary standard of aesthetics which we see elsewhere in Troy.

Again, I apologize for any inconvenience in regard to my previous letter, but I do hope that you will address the issues of public safety and aesthetics at the site of the PUD.

Mary Ann Bernardi

REC'D

MAR 22 2005

PLANNING DEPT.

Paula P Bratto

From: Lena Benedict [Benedict@doeren.com]
Sent: Tuesday, November 08, 2005 11:20 AM
To: Paula P Bratto
Subject: Woodside Bible Church** AGAINST VARIANCES**
Importance: High

The request for ANY sign variance should be denied AGAIN!! We do not need more or bigger signs up and down our streets. How many times are these people allowed to keep pursuing a variance??? They knew when they bought the property, when they started construction, and as they progressed with the increase of traffic(and sure to be accidents from same) of the rules and regulations of our City. PLEASE PIT A STOP TO THE CONSTANT REQUEST FOR VARIANCES!!

Thank you!

Anthony,Lena, Paul Benedict
1490,1421,1250 Hartwig
Troy, MI

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