PLANNING COMMISSION

MEETING AGENDA

SPECIAL/STUDY MEETING

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

Donald Edmunds, Chair, Philip Sanzica, Vice Chair
Steve Gottlieb, Michael W. Hutson, Tom Krent, Gordon Schepke
Thomas Strat and John J. Tagle

April 22, 2014 **7:00 P.M.** **Council Board Room**

1. ROLL CALL

2. APPROVAL OF AGENDA

3. MINUTES – April 8, 2014 Regular Meeting

4. PUBLIC COMMENT – For Items Not on the Agenda

5. ZONING BOARD OF APPEALS (ZBA) REPORT

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

7. PLANNING AND ZONING REPORT

PLANNED UNIT DEVELOPMENT

8. PLANNED UNIT DEVELOPMENT APPLICATION (File Number PUD 008-A) – Proposed Big Beaver Place, North side of Big Beaver, East of John R, Section 24, Currently Zoned PUD #8 (Planned Unit Development #8) District

STUDY ITEM

9. POTENTIAL CONDITIONAL REZONING APPLICATION – Proposed Ciena Regency at Troy, (part of) 3668 Livernois, (part of) PID 88-20-22-101-034, Section 22, Currently Zoned R-1C (One Family Residential) District

10. PUBLIC COMMENT – Items on Current Agenda

11. PLANNING COMMISSION COMMENT

ADJOURN

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on April 8, 2014 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Steve Gottlieb
Tom Krent
Philip Sanzica
Thomas Strat
John J. Tagle

Absent:
Michael W. Hutson
Gordon Schepke

Also Present:
R. Brent Savidant, Planning Director
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Susan Lancaster, Assistant City Attorney

2. APPROVAL OF AGENDA

Resolution # PC-2014-04-020
Moved by: Strat
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All present (6)
Absent: Hutson, Schepke

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2014-04-021
Moved by: Sanzica
Seconded by: Gottlieb

RESOLVED, To approve the minutes of the March 25, 2014 Special/Study meeting as prepared.

Yes: All present (6)
Absent: Hutson, Schepke

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

5. SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 412) – Proposed Advanced Landscape & Builders Supply Inc., North side of Birchwood, East of Bellingham (1871 Birchwood), Section 26, Currently Zoned IB (Integrated Industrial and Business) District

Mr. Carlisle summarized the application.

Russ Maloney, 1871 Birchwood, applicant, described his application.

Nathan Robinson, PO Box 182158, Shelby Township, Engineer for applicant, discussed the application.

Chair Edmunds opened the floor for public comment.

Jeffrey Pearson, 1893 Birchwood, spoke in opposition to the application. Mr. Pearson made a PowerPoint presentation.

Cara Maloney, 1871 Birchwood, suggested that there were other soil screening operations within the City.

The floor was closed for public comment.

Resolution # PC-2014-04-022
Moved by: Tagle
Seconded by: Sanzica

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Advanced Landscape & Builders Supply Inc., located on the North side of Birchwood, East of Bellingham, Section 26, Currently Zoned IB (Integrated Industrial and Business) District be granted, subject to the following conditions:

1. Provide an 8-foot high fence around property. On the east side of property, fence is to be located on top of a 3-foot high landscaped berm.
2. Maximum of one (1) soil screener on the property at any given time. Soil screener not to exceed size of soil screener listed in application.
3. Soils screened on the property to be used by Advanced Landscape only. No retail sales of soil on the property.
4. Hours of operation for the soil screener to be between 10:00 a.m. and 2:00 p.m. only. Soil screener not to operate on Sundays.

Yes: All present (6)
Absent: Hutson, Schepke

MOTION CARRIED

PRELIMINARY SITE PLAN REVIEW

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 990) – Proposed Belleclaire Condominiums, East side of Rochester, North of Wattles, South side of Lamb (part of 4210 Rochester Road), Section 14, Currently Zoned RT (One-Family Attached Residential) District

Mr. Carlisle summarized the application.

General discussion followed.

Resolution # PC-2014-04-023
Moved by: Sanzica
Seconded by: Strat

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Belleclaire Condominiums, including seven (7) attached units, located on the east side of Rochester and south side of Lamb, Section 14, within the RT (One-Family Attached Residential) district, be granted, with the following condition:

1. Modify the driveway radii at the Lamb Road right-of-way.

Yes: Edmunds, Krent, Sanzica, Strat, Tagle
No: Gottlieb
Absent: Hutson, Schepke

MOTION CARRIED

Mr. Gottlieb explained that his “no” vote was due to concerns over a lack of guest parking spaces for guests to the condominium.

OTHER BUSINESS

7. PLANNING COMMISSION BYLAWS

Mr. Savidant summarized the draft bylaws, which had been reviewed and approved by the City Attorney.

Resolution # PC-2014-04-024
Moved by: Sanzica
Seconded by: Gottlieb

RESOLVED, That the Planning Commission approve the revised Planning Commission Bylaws, as printed.

Yes: All present (6)
Absent: Hutson, Schepke

MOTION CARRIED

8. PUBLIC COMMENTS – For Items on Current Agenda

Anthony Leo spoke in opposition of a potential congregate care facility located on the east side of Livernois, just south of Zion Christian Church.

9. PLANNING COMMISSION COMMENTS

Mr. Savidant reminded Planning Commission members of the upcoming Real Estate Forum on April 29, 2014. He indicated that members would be receiving invitations in the near future.

The Regular meeting of the Planning Commission adjourned at 9:00 p.m.

Respectfully submitted,

_____
Donald Edmunds, Chair

_____
R. Brent Savidant, Planning Director

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DATE: April 16, 2014

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (File Number PUD 008-A) – Proposed Big Beaver Place, North side of Big Beaver, East of John R, Section 24, Currently Zoned PUD #8 (Planned Unit Development #8) District

The owner of the subject parcel is interested in developing a mixed use PUD on the site, featuring retail along the frontage and residential behind.

The 4.77-acre site received Concept Development Plan (CDP) approval for a similar project in 2007. They now seek Preliminary Development Plan (PDP) approval. Some revisions to the approved CDP are proposed. The Planning Commission is asked to determine if the proposed concept is consistent with the CDP.

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

The applicant seeks input from the Planning Commission on this matter. Please be prepared to discuss this item at the April 22, 2014 Special/Study meeting.

Attachments:

1. Maps
2. Report prepared by CWA
3. Approved PUD #8 CDP and PUD Agreement
4. Miscellaneous information provided by applicant

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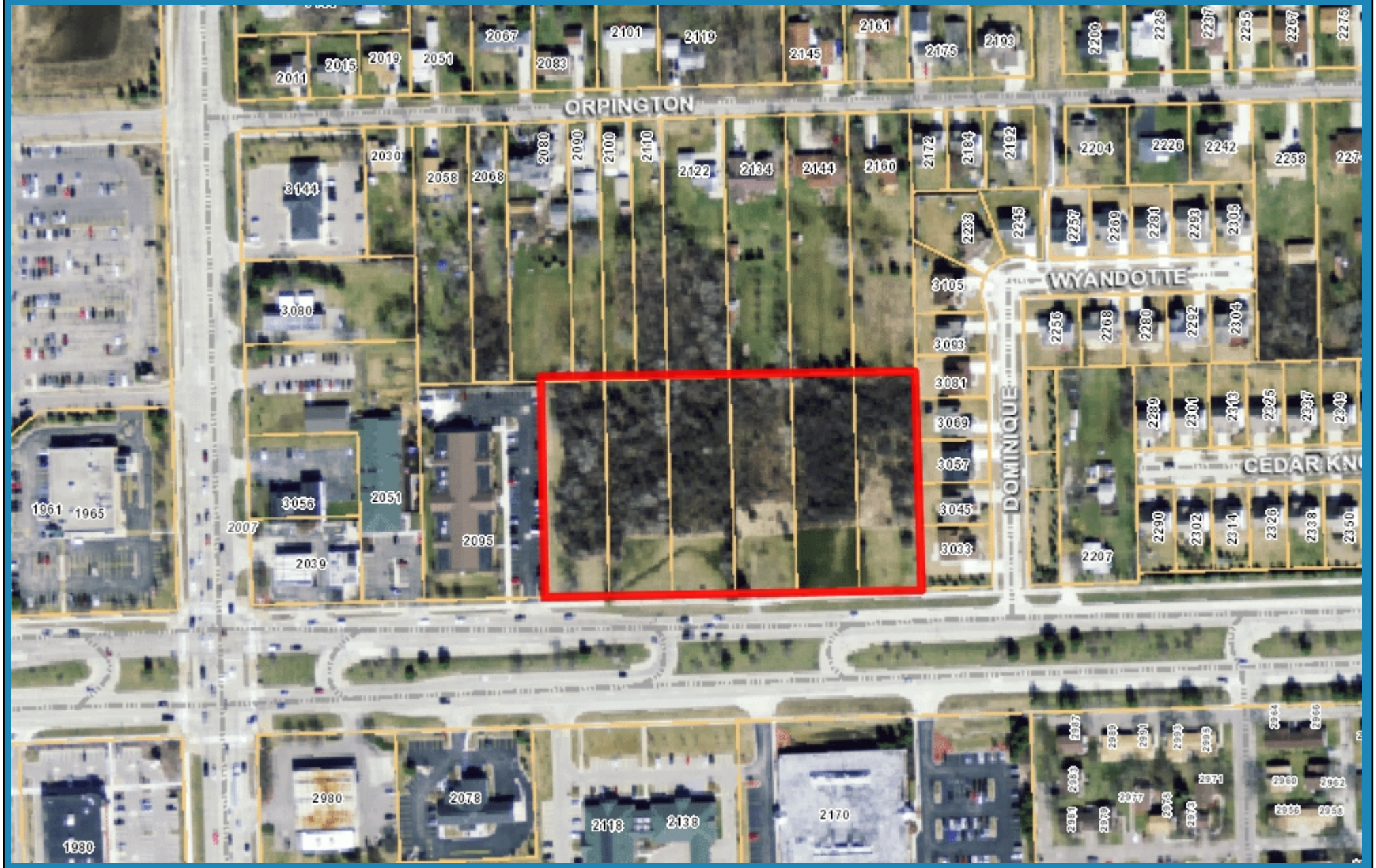
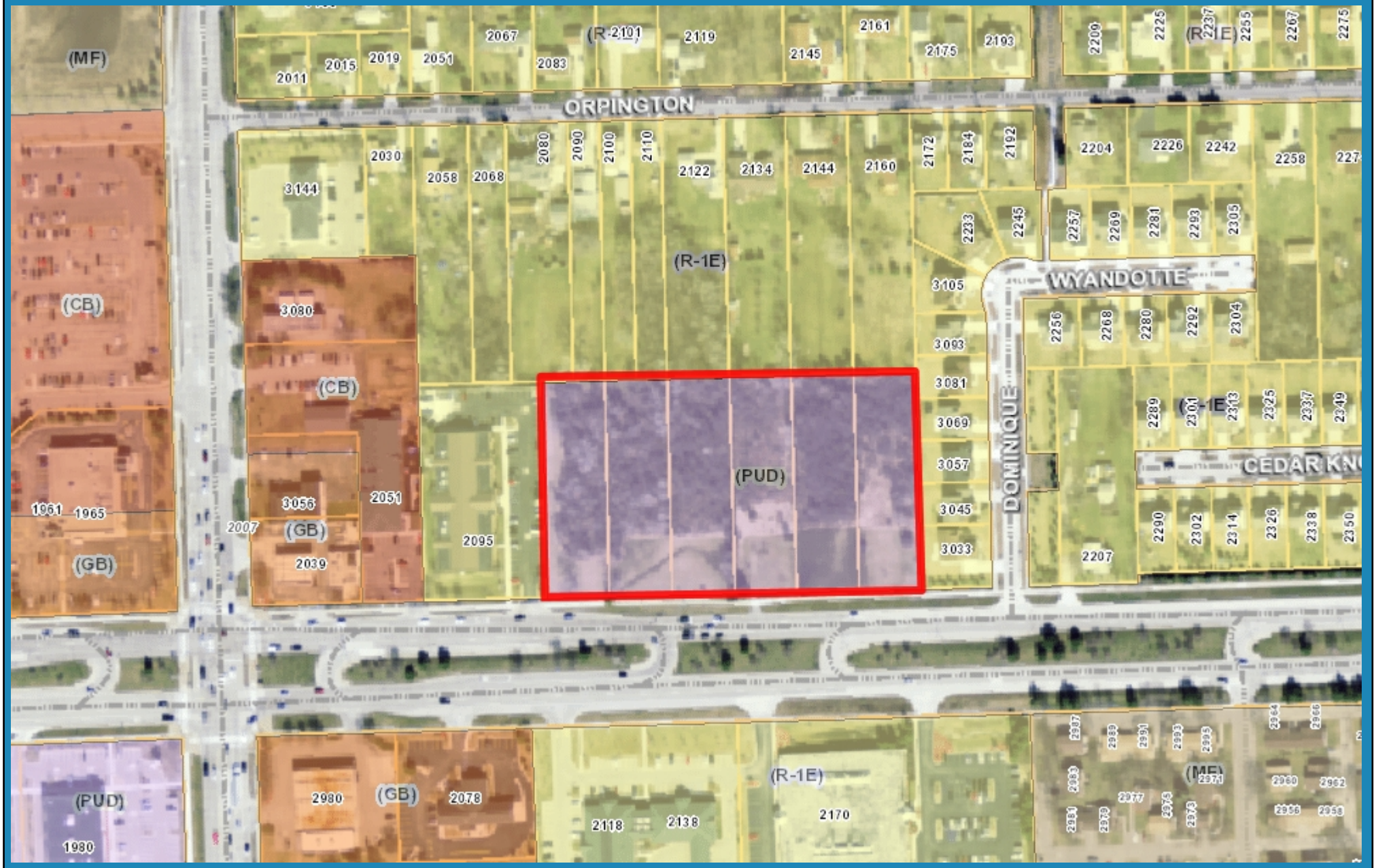
City of Troy GIS Online



569 0 285 569 Feet

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

City of Troy GIS Online



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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 Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: April 15, 2014

PUD Amendment
For
City of Troy, Michigan

GENERAL INFORMATION

Project Name: Big Beaver Place PUD

Location: East Side of John R. Road, north side of Big Beaver Road

Zoning: PUD

Action Requested: Confirmation of Consistency of Concept Development Plan

BACKGROUND

Big Beaver Place Planned Unit Development (PUD) received Concept Development Plan (CDP) approval in 2007 and the site was rezoned to PUD. Due to the economic downturn the applicant never submitted plans for a Preliminary Development Plan (PDP), which is essentially preliminary site plan approval. The site is located east of John R. Road, north side of Big Beaver. The site is vacant.

Surrounding Property Details:

Direction	Zoning	Use
North	R-1E, One-family Residential District	Single-family homes
South	R-1E, One-family Residential District	Office/Commercial
East	R-1E, One-family Residential District	Single-family homes
West	R-1E, One-family Residential District	Office/Commercial

PUD PROCESS

As set forth in Section 11.05, Planned Unit Developments include a three step process:

- Step One: Conceptual Development Plan (CDP) approval, which is a rezoning that amends the zoning district map to reclassify the property as a Planned Unit Development.

  The applicant received CDP approval in 2007. If the Planning Commission determines that the revised CDP is consistent with the 2007 approved CDP, the applicant may proceed to Step Two: Preliminary Development Plan approval. See CDP review section below for details.

- Step Two: The second step of the review and approval process shall be the application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.

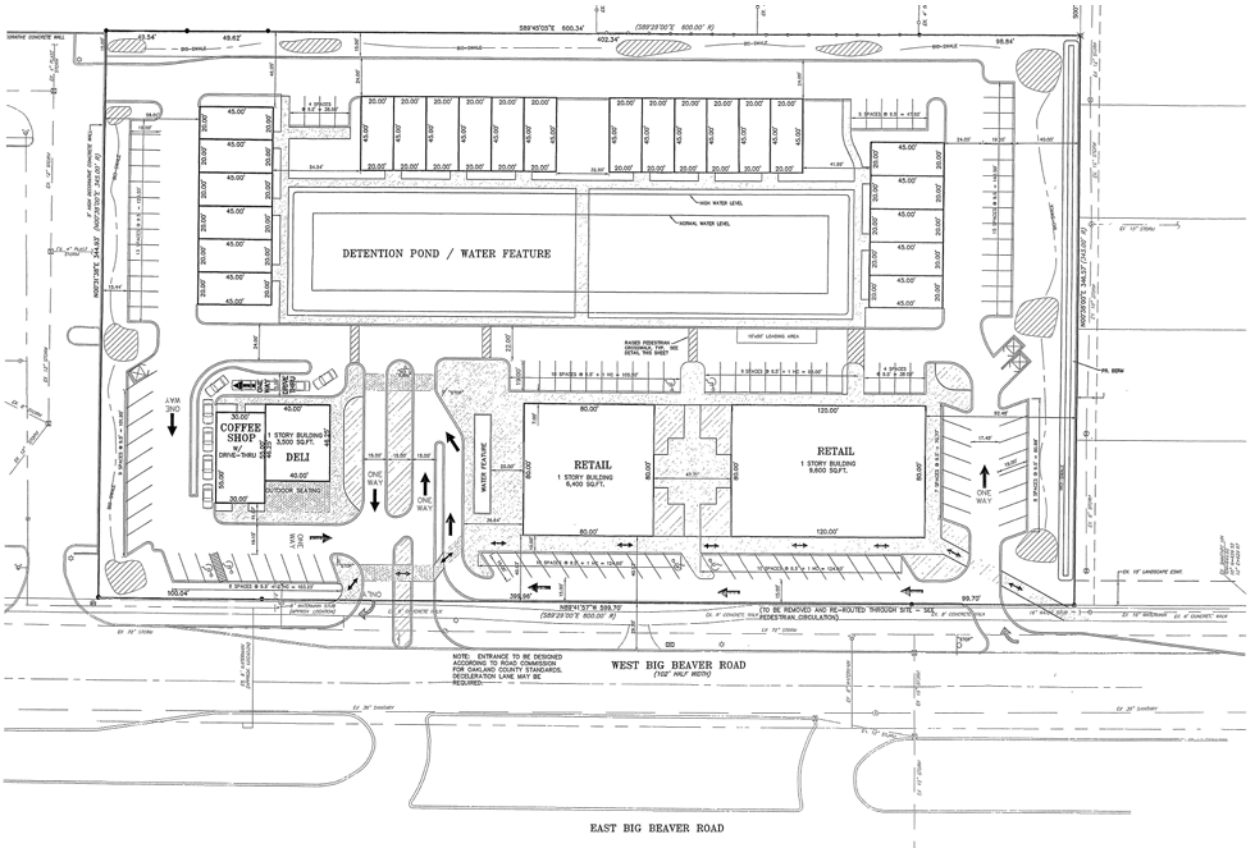
- Step Three: Final Development Plan Approval. The third step shall be the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments shall be submitted to the Zoning Administrator for administrative review, and the Zoning Administrator, with the recommendation of other appropriate City Departments, shall have final authority for approval of Final Development Plans.

Items to be addressed: *Planning Commission to determine if the revised CDP is consistent with the approved 2007 CDP.*

2007 APPROVED CDP PLAN

The approved CDP consisted of:

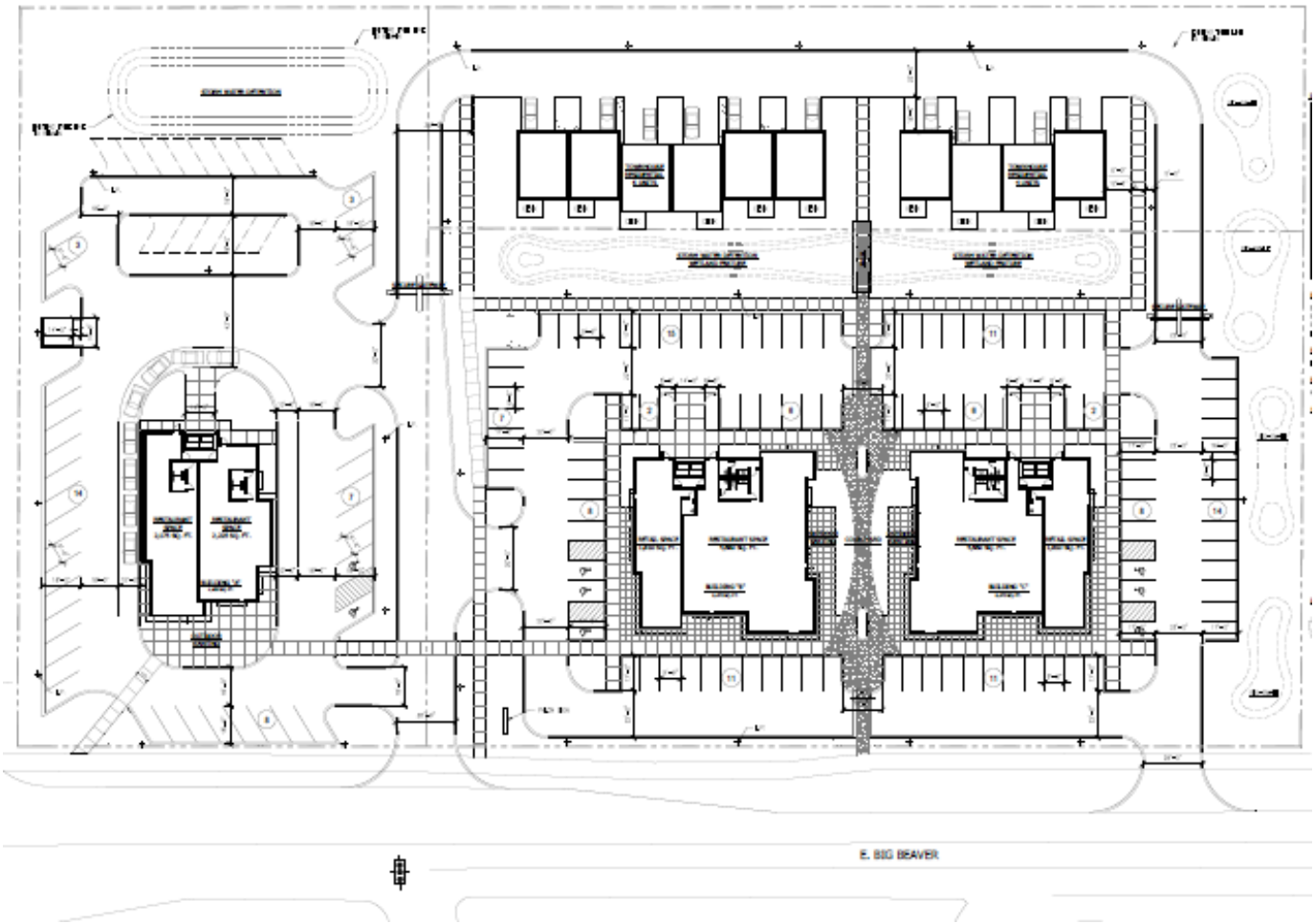
- Twenty-three (23) two-story townhomes in four (4) buildings, with each unit being approximately 1,800 square feet, including a two-car garage.
- Two clustered retail buildings (6,400 s.f. and 9,600 s.f.),
- One separate drive-through building for a coffee shop and deli (3,500 s.f.).



REVISED CDP PLAN

The revised CDP consists of:

- Ten (10) two-story townhomes in two clusters. The townhomes front on a wetland feature and include outdoor decks.
- Two (2) clustered retail buildings (6,700 s.f. and 6,700 s.f.),
- One separate drive-through building for two quick serve restaurant uses (4,400 s.f.).



CDP COMPARISON

In conversations with the applicant, they note that the current plan is difficult to build. The first concern is the layout, orientation, and the number of residential units. The second concern is that site circulation of the retail portion of the development is awkward and unsafe.

CDP Comparison Chart						
	Number of Retail Buildings	**Retail Building Square Footage**	**Drive-thrus**	**Number of Residential Units**	**Overall Site Parking**	**Design Features**
2007 CDP	3	19,500	1	23	168	• Pedestrian Plaza • Pedestrian access from Big Beaver • Stormwater/detention Feature • Bioswales • Retail water feature • Outdoor seating
Amended CDP	3	17,340	1	10	126	• Pedestrian Plaza • Pedestrian access from Big Beaver • Stormwater/detention feature • Bioswales • Outdoor seating

The most significant change to the 2007 approved CDP and the proposed revised CDP is intensity. The applicant is reducing the number of residential units by 13 and reducing the overall retail square footage by 2,160. While the applicant is reducing the overall intensity of the development, we find that the site development concept is consistent. The applicant is providing an integrated mixed-use development that includes both residential and retail uses. The site design features are similar with a pedestrian plaza, pedestrian access from Big Beaver, outdoor seating, stormwater/detention feature, and use of bioswales.

We find that the proposed Conditional Development Plan is considered consistent with the 2007 approved Conditional Development Plan; however, it's the authority of the Planning Commission to determine the consistency of the two plans. If the Planning Commission determines that the revised CDP is consistent with the 2007 approved CDP, the applicant may proceed to Step Two: Preliminary Development Plan approval.

Items to be addressed: *Planning Commission determination if the revised CDP is consistent with the approved 2007 CDP.*

SITE PLAN

Since this is a Planned Unit Development, the Planning Commission has greater control over site planning details and elements. We have not completed a full-site plan review, but offer the following bulleted comments/questions to assist the applicant in their submittal of a complete site plan application:

Circulation

Circulation comments including comments from the Engineering Department includes:

- The proposed west driveway needs to be moved to the east. Where it is currently proposed is at the crossover for John R indirect left turns from the intersection at Big Beaver/John R. This type of situation causes too many turning movement conflicts and delay. Moving this driveway to the east most likely will cause an issue with it being too close to the proposed easterly driveway. It may be best suited to have one proposed driveway to the site about mid-point of the site.
- 22-foot drive-aisle width is not permitted.
- The applicant is providing spaces that are 17 and 18-feet length. Length reduction is permitted provided that the space overhangs a sidewalk or greenbelt at least 7-feet in depth. Some overhangs appear less than 7-feet in depth.
- What triggers the installation of the landbanked parking?
- The paved area behind the drive-through building, especially the wide drive-aisle, creates traffic conflicts.
- Applicant needs to clarify site one and two-way traffic movement. Of particular concern is traffic circulation around and pedestrian access to the drive-through building.

Site Arrangement:

- Site arrangement may need to be altered based on a changed point of access.
- We note that the residential portion of the development lacks detailed information (elevations, floor plans, etc). The residential component must be integrated as part of the complete whole of the development.
- What is the proposed phasing of development?
- Applicant needs to provide additional information about the secured gateway for the residential portion of the development.

Outdoor Seating

- We encourage creativity within open and public space. The applicant may consider significant landscaping, public seating, or public art within the courtyard.

Elevations:

- Though not located within the Big Beaver Form-Based District, the applicant should review the design standards as set forth in 5.04.E. Specifically, ground story activation shall be maintained and the applicant should confirm that the proposed curtain wall provides the necessary fenestration. In addition, a condition of the development agreement should state that window signage or other non-transparent covering greater cannot exceed 25% of the window area. A color rendering will assist the Planning Commission in understanding the architectural details of the development.

PUD STANDARDS

The PUD provisions of the Zoning Ordinance are found in Article 11. The PUD Section provides standards under Section 11.03 for Planning Commission to review.

1. ***A mixture of land uses that would otherwise not be permitted without the use of the PUD provided that other objectives of this Article are also met.***

2. ***A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare.***

3. ***A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations.***

4. ***Long-term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.***

5. ***A compatible mixture of open space, landscaped areas, and/or pedestrian amenities.***

6. ***Appropriate land use transitions between the PUD and surrounding properties.***

7. ***Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development.***

8. ***Innovative and creative site and building designs, solutions and materials.***

9. ***The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities.***

10. ***For the appropriate assembly, use, redevelopment, replacement and/ or improvement of existing sites that are occupied by obsolete uses and/or structures.***

11. ***A complementary variety of housing types that is in harmony with adjacent uses.***

12. ***A reduction of the impact of a non-conformity or removal of an obsolete building or structure.***

13. ***A development consistent with and meeting the intent of this Article, which will promote the intent of the Master Plan or the intent of any applicable corridor or sub-area plans. If conditions have changed since the Plan, or any applicable corridor or sub-area plans were adopted, the uses shall be consistent with recent development trends in the area.***

14. ***Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements***

within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:

a. The bulk, placement, and materials of construction of the proposed structures and other site improvements.
b. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.
c. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.
d. The hours of operation of the proposed uses.
e. The location, amount, type and intensity of landscaping, and other site amenities.

15. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various muses within a Planned Unit Development may be permitted. The applicant shall provide justification to the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.

16. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.

17. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

SUMMARY OF FINDINGS

If the Planning Commission determines that the revised CDP is consistent with the 2007 approved CDP, the applicant may proceed to Step Two: Preliminary Development Plan approval. In the resubmittal, the applicant shall address the aforementioned site plan comments.

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

10-23-06 RLH
06-640 LOTS 15-16-17-18-19-20 BIG BEAVER POULTRY FARMS
BIG BEAVER PLACE BOUNDARY

DESCRIPTION OF PROPERTY (FROM RECORD)

LOTS 15-16-17-18-19-20, "BIG BEAVER POULTRY FARMS". PART OF THE SW1/4 OF SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, RECORDED IN LIBER 23 OF PLATS, PAGE 14, OAKLAND COUNTY RECORDS, EXCEPT THE SOUTH 69 FEET TAKEN FOR BIG BEAVER ROAD.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS SIDWELL NO. 20-24-352-041, 20-24-352-028, 20-24-352-027, 20-24-352-026, 20-24-352-025 AND 20-24-352-024.

BEARING DATA ORIGINATES FROM THE WEST LINE OF "RHODE ISLAND ESTATES SITE CONDOMINIUM SUBDIVISION PLAN NO. 1687", RECORDED IN LIBER 34506, PAGE 370, OAKLAND COUNTY RECORDS.

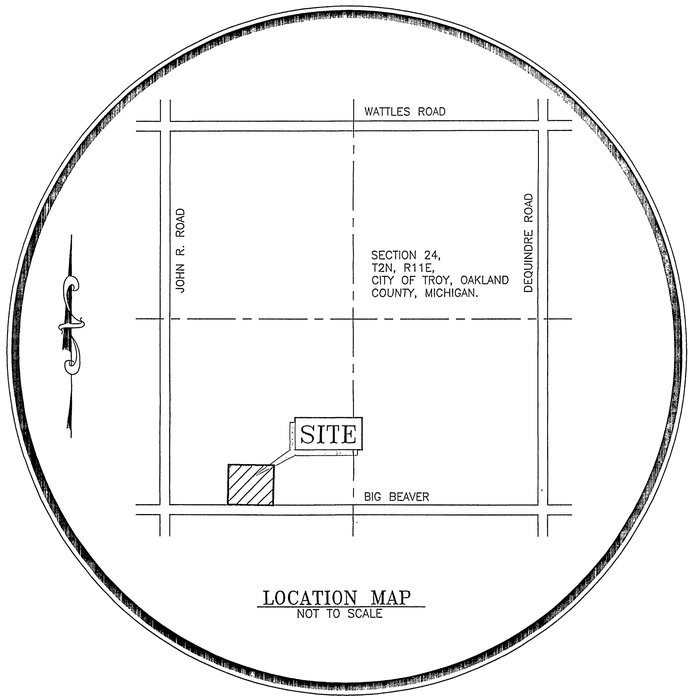
THIS PROPERTY LIES WITHIN AN AREA DESIGNATED AS ZONE C (AREA OF MINIMAL FLOODING) AS DEPICTED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 260180 0004 E, DATED SEPTEMBER 16, 1988, PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

PRELIMINARY P.U.D. PLAN FOR

Big Beaver Place

A Mies Van der Rohe Inspired Development

PART OF THE SOUTHWEST 1/4 OF SECTION 24
CITYOF TROY, OAKLAND COUNTY, MICHIGAN



LOCATION MAP
NOT TO SCALE

INDEX OF SHEETS

SHEET	1	BOUNDARY AND TOPOGRAPHIC SURVEY
SHEET	2	P.U.D. SITE PLAN
SHEET	3	GRADING AND STORM WATER MANAGEMENT PLAN
SHEET	P-1	LANDSCAPE & PLANTING PLAN
SHEET	P-2	PEDESTRIAN CIRCULATION PLAN
SHEET	P-3	LANDSCAPE DETAILS
SHEET	A101	CONCEPTUAL FLOOR PLANS AND ELEVATIONS
SHEET	A102	CONCEPTUAL FLOOR PLANS AND ELEVATIONS

OWNER / DEVELOPER

BIG BEAVER PLACE, LLC
48593 HAYES
SHELBY TWP., MI 48315
(586) 247-2255

SURVEYOR / ENGINEER

FAZAL KHAN AND ASSOCIATES, INC.
43279 SCHOENHERR ROAD
STERLING HEIGHTS, MI 48313
(586) 739-8007

ARCHITECT

LANDRY + NEWMAN ARCHITECTURE
211 NORTH OLD WOODWARD AVENUE
BIRMINGHAM, MI 48009
(248) 593-6577

WETLAND CONSULTANT / LANDSCAPE ARCHITECT

KING & MacGREGOR ENVIRONMENTAL, INC.
200 MAPLE PARK BLVD., SUITE 208
ST. CLAIR SHORES, MI 48081
(586) 498-9596

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THE CONTRACTOR SHALL CHECK AND VERIFY ALL PERTINENT DIMENSIONS AND REPORT ANY DISCREPANCIES TO FAZAL KHAN & ASSOCIATES INC. BEFORE PROCEEDING WITH THE WORK.

ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF ALL GOVERNING AGENCIES.
ALL WATERMAINS, SANITARY SEWERS (AND LEADS) AND STORM SEWERS UNDER PROPOSED OR EXISTING PAVEMENT OR WITHIN 3 FT. OF PAVEMENT TO BE SAND BACK FILLED AND COMPACTED TO 95% OPTIMUM DENSITY (PROCTOR). ALSO ALL UTILITY CROSSINGS TO BE SAND BACKFILLED. SAND BACK FILLING TO BE INCIDENTAL TO CONTRACT.

PLANS SUBMITTED TO:	DATE SUBMITTED:	COMMENTS RECEIVED:	RE-SUBMITTED:	COMMENTS RECEIVED:	RE-SUBMITTED:	DATE APPROVED:	ADDRESS AND PHONE #:
CITY OF TROY PLANNING COMMISSION	04-10-07	04-24-07 & 05-03-07	05-23-07				500 WEST BIG BEAVER, TROY, MI 48084 PHONE: (248) 524-3364

REC'D
AUG - 9 2007
PLANNING DEPT.

STATE OF MICHIGAN
CHRISTOPHER T. ALTUMER
ENGINEER
No. 37685
LICENSED PROFESSIONAL ENGINEER

72 HOURS
(Excluding Sat., Sun. & Holidays)
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE)

Big Beaver Place
PART OF THE SOUTHWEST 1/4 OF SECTION 24
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

FAZAL KHAN & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
43279 SCHOENHERR STERLING HEIGHTS, MI 48313
PHONE (586) 739-8007 FAX (586) 739-6934

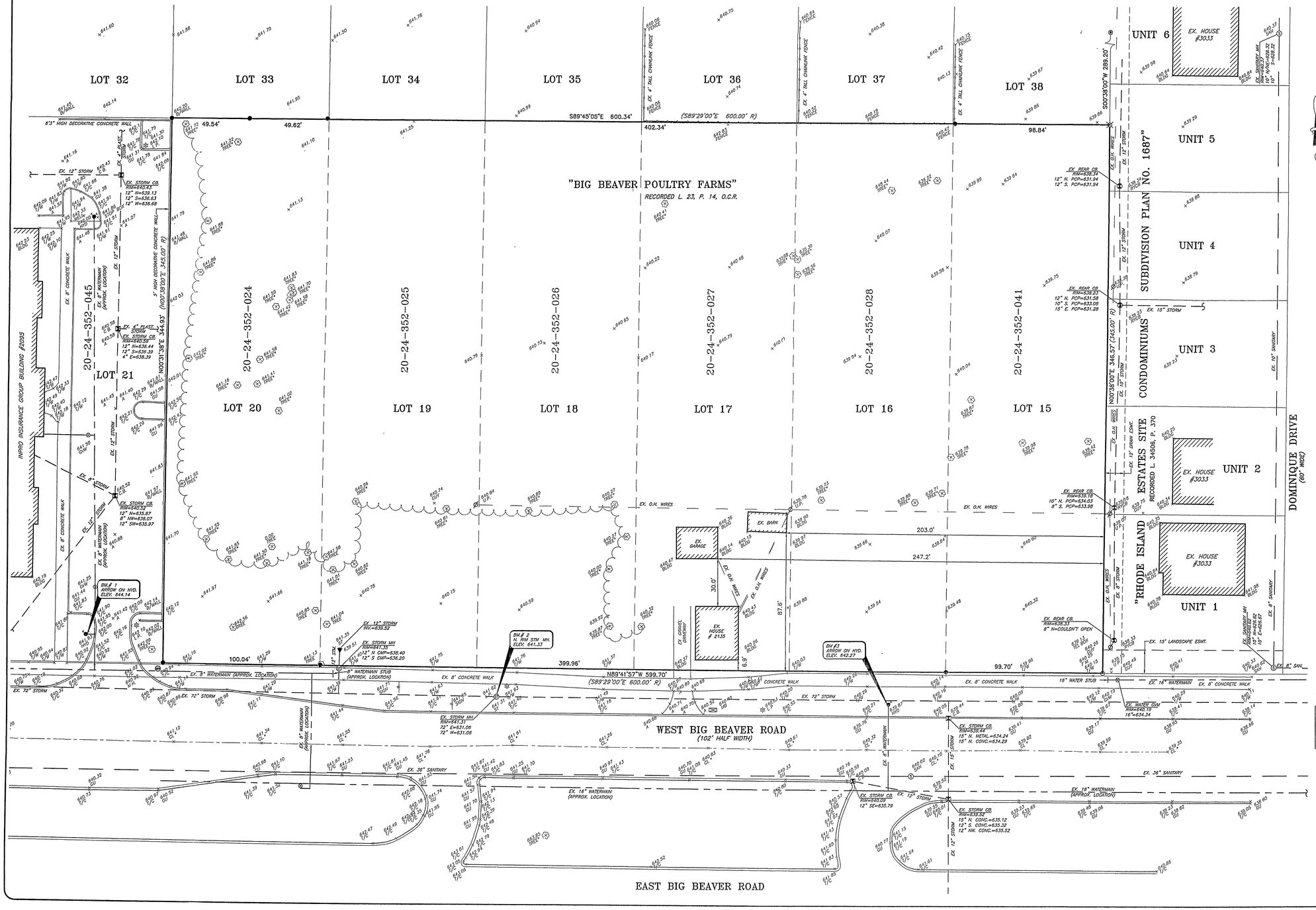
COVER SHEET

PROJECT NO.	06-640
DATE	04-10-07
DRAWN BY	C.P.T.
CHECKED BY	C.P.T.
CLIENT	BIG BEAVER PLACE, LLC
SCALE	NONE

PRELIMINARY ■ CONSTRUCTION ☐ AS-BUILT ☐

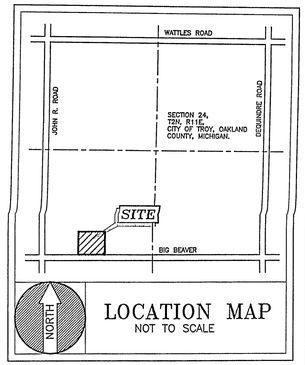
BOUNDARY AND TOPOGRAPHIC SURVEY BIG BEAVER PLACE

PART OF THE SW1/4, SECTION 24, T2N, R11E,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LEGEND

- IRON FOUND
- MONUMENT FOUND
- MONUMENT SET
- PROPERTY CORNER SET
- SEC. CORNER
- WATERMAIN
- SANITARY SEWER
- STORM SEWER
- FENCE-LINE
- OVERHEAD WIRES
- 680 CONTOUR
- ROAD INLET
- ROAD CATCH BASIN
- REAR-YARD INLET
- REAR-YARD C.B.
- END-SECTION
- UTILITY POLE
- SIGN
- MAILBOX
- TREES
- TREE / BRUSH LINE



LOCATION MAP

NOT TO SCALE

BENCHMARKS:

BM. #1) ARROW ON HYDRANT LOCATED ON THE N. SIDE OF BIG BEAVER IN ISLAND AT ENTRANCE TO PARKING LOT AT BUILDING #2095
ELEV.= 644.14 (SHOWN CITY BENCHMARK)

BM. #2) N. RIM STORM MH N. SIDE OF BIG BEAVER 75' W OF HOUSE #2135
ELEV.= 641.33 (SHOWN CITY BENCHMARK)

BM. #3) ARROW ON HYDRANT LOCATED ON THE N. SIDE OD BIG BEAVER 100' E. OF HOUSE #2135
ELEV.=642.27 (SHOWN CITY BENCHMARK)

GRAPHIC SCALE

30 0 15 30 60

1 inch = 30 ft.

10-23-06 RLH
06-640 LOTS 15-16-17-18-19-20 BIG BEAVER POULTRY FARMS
BIG BEAVER PLACE BOUNDARY

DESCRIPTION OF PROPERTY (FROM RECORD)

LOTS 15-16-17-18-19-20, "BIG BEAVER POULTRY FARMS", PART OF THE SW1/4 OF SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, RECORDED IN LIBER 23 OF PLATS, PAGE 14, OAKLAND COUNTY RECORDS, EXCEPT THE SOUTH 69 FEET TAKEN FOR BIG BEAVER ROAD.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS SIDWELL NO. 20-24-352-041, 20-24-352-028, 20-24-352-027, 20-24-352-026, 20-24-352-025 AND 20-24-352-024.

CERTIFIED TO:

BIG BEAVER PLACE, LLC
48593 HAYES ROAD
SHELBY TOWNSHIP, MICHIGAN 48315
1-313-585-1345

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE SURVEY; THAT THIS DRAWING IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED; THAT SAID SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE OF 1 IN 5000; THAT THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, ACT NO. 132, P.A. OF 1970, AS AMENDED.

ROBERT L. HIGGINS, P.S. 21570 — DATE
FAZAL KHAN AND ASSOCIATES, INC.
43345 SCHOENHERR ROAD
STERLING HEIGHTS, MICHIGAN 48313
1-586-739-8007

BEARING DATA ORIGINATES FROM THE WEST LINE OF "RHODE ISLAND ESTATES SITE CONDOMINIUM SUBDIVISION PLAN NO. 1687", RECORDED IN LIBER 34506, PAGE 370, OAKLAND COUNTY RECORDS.

THIS PROPERTY LIES WITHIN AN AREA DESIGNATED AS ZONE C (AREA OF MINIMAL FLOODING) AS DEPICTED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 260180 0004 E, DATED SEPTEMBER 16, 1988, PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

EASEMENT NOTE

A TEMPORARY CONSTRUCTION RIGHT OF WAY EASEMENT DESCRIBED AS "THE SOUTH 10 FEET OF LOT 20", "BIG BEAVER POULTRY FARMS" RECORDED IN LIBER 6190, PAGE 589, OAKLAND COUNTY RECORDS, HAS EXPIRED (DECEMBER 31, 1974)

72 HOURS
CALL MISS DIG
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
TOLL-FREE

REVISIONS	BY:
DATE:	
REMARKS:	

BIG BEAVER PLACE
PART OF THE SW1/4, SECTION 24, T2N, R11E,
CITY OF TROY OAKLAND COUNTY, MICHIGAN

FAZAL KHAN & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
43345 SCHOENHERR STERLING HEIGHTS, MI 48313
PHONE (586) 739-0007 FAX (586) 739-6994

BOUNDARY AND TOPOGRAPHIC SURVEY

PROJECT NO.	06-640
DATE	10-23-06
DRAWN BY	J.A.E.
CHECKED BY	R.L.H.
CLIENT	BIG BEAVER PLACE
SCALE	1" = 30'

☐ PRELIMINARY ☐ CONSTRUCTION ☐ AS-BUILT

SHEET NO. 1

G:\2006\06-640\Dwg\TOPO.dwg, 9/12/2007 11:29:22 AM, Corel

10-23-06 RLH
06-640 LOTS 15-16-17-18-19-20 BIG BEAVER POULTRY FARMS
BIG BEAVER PLACE BOUNDARY

DESCRIPTION OF PROPERTY (FROM RECORD)

LOTS 15-16-17-18-19-20, "BIG BEAVER POULTRY FARMS", PART OF THE SW1/4 OF SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, RECORDED IN LIBER 23 OF PLATS, PAGE 14, OAKLAND COUNTY RECORDS, EXCEPT THE SOUTH 69 FEET TAKEN FOR BIG BEAVER ROAD.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS SIDWELL NO. 20-24-352-041, 20-24-352-028, 20-24-352-027, 20-24-352-026, 20-24-352-025 AND 20-24-352-024.

BEARING DATA ORIGINATES FROM THE WEST LINE OF "RHODE ISLAND ESTATES SITE CONDOMINIUM SUBDIVISION PLAN NO. 1697", RECORDED IN LIBER 34506, PAGE 370, OAKLAND COUNTY RECORDS.

THIS PROPERTY LIES WITHIN AN AREA DESIGNATED AS ZONE C (AREA OF MINIMAL FLOODING) AS DEPICTED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 260180 0004 E, DATED SEPTEMBER 16, 1988, PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

BIG BEAVER PLACE PRELIMINARY P.U.D. PLAN

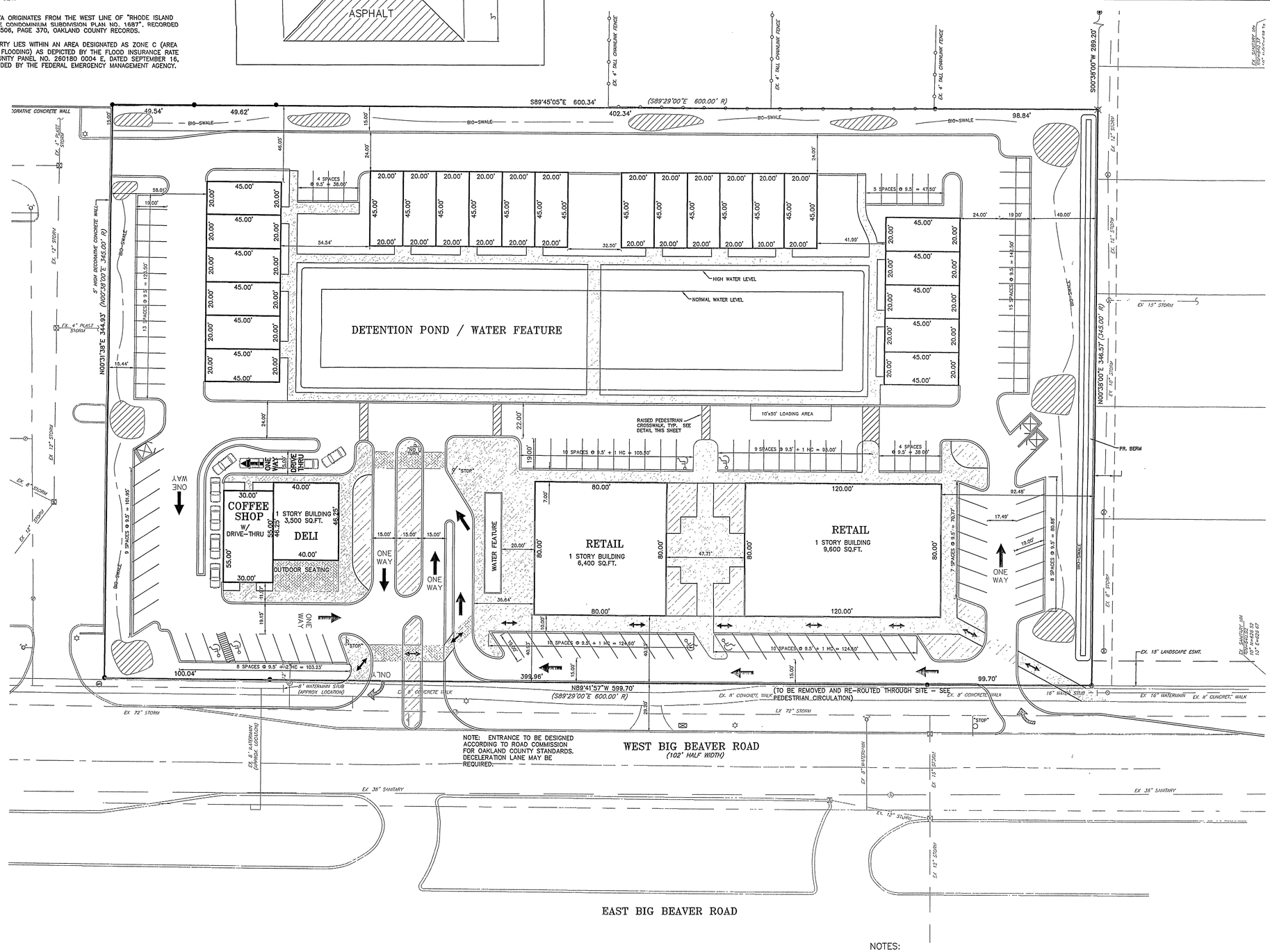
PART OF THE SOUTHWEST 1/4 OF SECTION 24, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

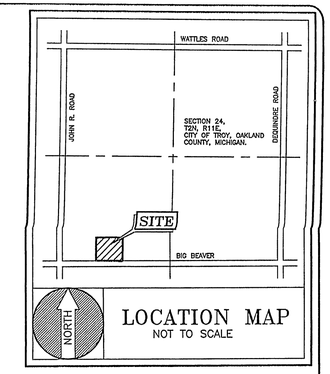
BENCHMARKS:

BM. #1) ARROW ON HYDRANT LOCATED ON THE N. SIDE OF BIG BEAVER IN ISLAND AT ENTRANCE TO PARKING LOT AT BUILDING #2095
ELEV.= 644.14 (SHOWN CITY BENCHMARK)

BM. #2) N. RIM STORM MH N. SIDE OF BIG BEAVER 75' W OF HOUSE #2135
ELEV.= 641.33 (SHOWN CITY BENCHMARK)

BM. #3) ARROW ON HYDRANT LOCATED ON THE N. SIDE OF BIG BEAVER 100' E. OF HOUSE #2135
ELEV.=642.27 (SHOWN CITY BENCHMARK)





LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE

30 0 15 30 60

1 inch = 30 ft.

SITE DATA:
EXISTING ZONING = R-1D (SINGLE FAMILY RESIDENTIAL)
PROPOSED USE = P.U.D. (PLANNED UNIT DEVELOPMENT)
EXISTING SITE AREA = 4.77 ACRES

PROJECT TO BE CONSTRUCTED IN ONE PHASE

RESIDENTIAL LAND USE:
PROPOSED 23 UNITS

COMMERCIAL LAND USE:
16,000 SQ.FT. RETAIL
3,500 SQ.FT. COFFEE SHOP / DELI
19,500 SQ.FT.

OPEN SPACE:
NET SITE AREA = 4.77 ACRES
TOTAL OPEN SPACE PROVIDED = 1.77 ACRES
= 37 % OF SITE AREA

OPEN SPACE NOT INCLUDING STORMWATER MANAGEMENT
= 1.20 ACRES
= 25 % OF SITE AREA

HOURS OF OPERATION:

COFFEE SHOP: 5 AM - 11 PM
DELI: 10 AM - 9 PM
RETAIL: 9 AM - 10 PM
RESIDENTIAL: 24 HOURS

SITE DATA:
EXISTING SITE AREA = 4.77 ACRES
PROPOSED DEVELOPMENT

PARKING CALCULATION:	SPACES REQUIRED
TOWNHOMES (23 UNITS)	
2 SPACES / UNIT	46
(+ GUEST PARKING)	12
RETAIL 16,000 S.F.	
1 SPACE / 200 S.F. GROSS	80
COFFEE SHOP / DELI 3,500 S.F.	
(20 SEATS) / (30 SEATS)	
1 SPACE / 2 PERSONS WITHIN SEATING CAPACITY	
(25 SPACES)+	
1/ EMPLOYEE FOR EACH 10 SEATS (5 SPACES)	30
	168

PARKING PROVIDED = 117 SPACES PLUS 46 SPACES WITHIN TOWNHOUSE UNITS = 163 SPACES
(INCLUDING 6 BARRIER-FREE SPACES)
(6 BARRIER-FREE SPACES REQUIRED)

TOTAL RETAIL AREA: 19,500 S.F.
LOADING SPACES REQUIRED: 1 (10X50)

LEGEND

IRON FOUND
MONUMENT FOUND
MONUMENT SET
IRON SET
SEC. CORNER
WATERMAIN
SANITARY SEWER
STORM SEWER
FENCE-LINE
OVERHEAD WIRES
680 CONTOUR
TREE / BRUSH LINE
-ROAD INLET
-ROAD CATCH BASIN
-REAR-YARD INLET
-REAR-YARD C.B.
-END-SECTION
-CABLE TV BOX
-UTILITY POLE
-SIGN
-MAILBOX
-TREES
-TRANSFORMER
-TELEPHONE MANHOLE

EXISTING		PROPOSED
	ASPHALT PAVEMENT	
	CONCRETE PAVEMENT	
	GRAVEL	

PR. LANDSCAPE / HARDSCAPE AREA - REFER TO LANDSCAPE PLANS

BIG BEAVER PEDESTRIAN CIRCULATION

NOTES:

1. PROJECT TO BE DEVELOPED IN ONE PHASE.

2. PROPOSED SIGNAGE TO BE CONSISTENT WITH THE ORDINANCE REQUIREMENTS FOR THE "B" (BUSINESS) DISTRICT.

72 HOURS
NOTIFICATION
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE)

DATE	REVISIONS	BY
4-10-07	REV. PER DEPT. REVIEW	CPT
05-23-07	REV. PER DEPT. REVIEW & PLANNING COMM.	CPT

FAZAL KHAN & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
43545 SCHOENHERR - STERLING HEIGHTS, MI 48313
PHONE (586) 739-8007 FAX (586) 739-6094

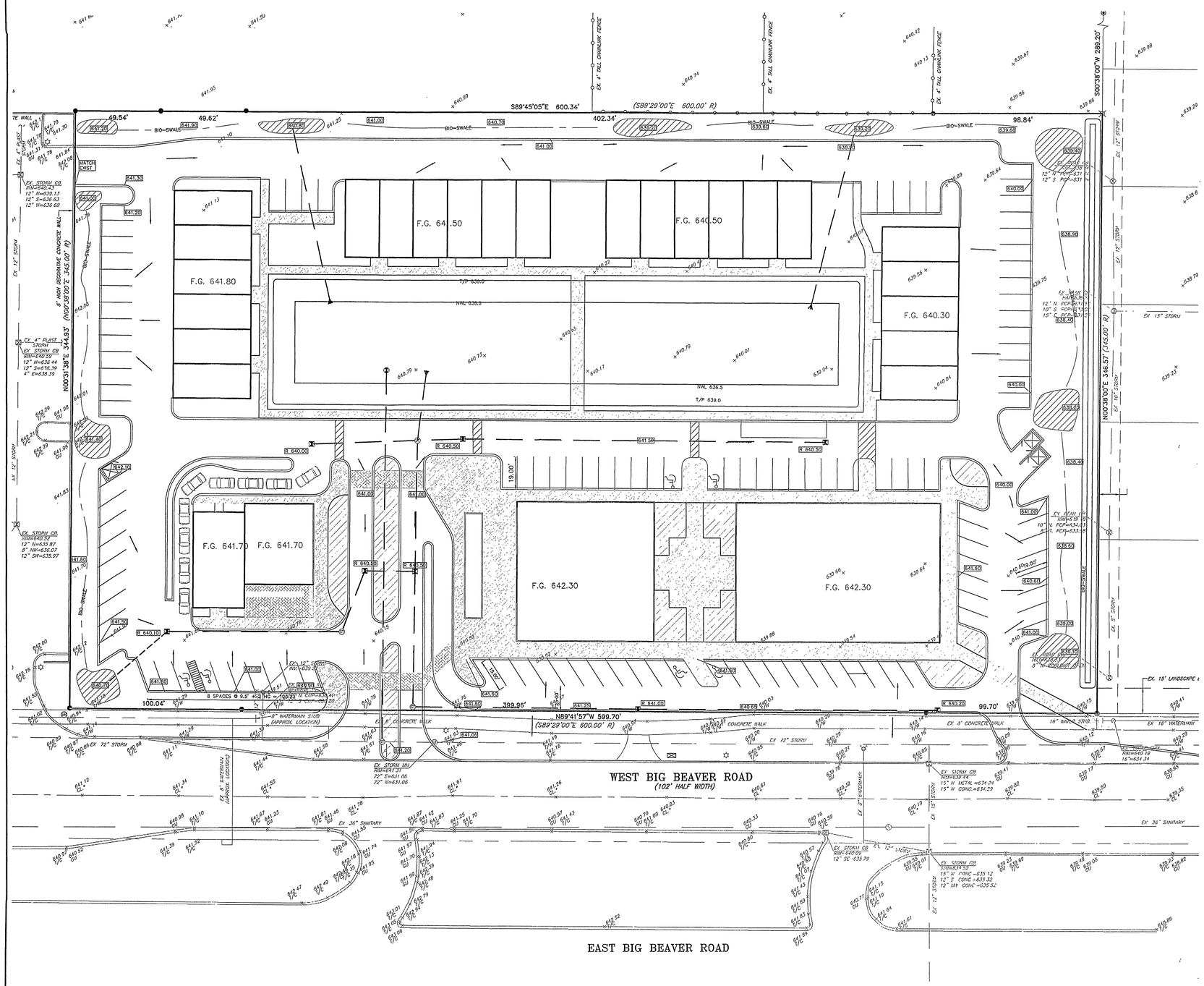
BIG BEAVER PLACE
PART OF THE SOUTHWEST 1/4 OF SECTION 24, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

PRELIMINARY P.U.D. SITE PLAN

PROJECT NO.	06-640
DATE	03-09-07
FIELD BOOK	
DRAWN BY	C.P.T.
CHECKED BY	S.K.C.
CLIENT	BIG BEAVER PLACE, LLC
SCALE	1" = 30'
PRELIMINARY	■
CONSTRUCTION	☐
AS-BUILT	☐
SHEET NO.	2

BIG BEAVER PLACE

PART OF THE SOUTHWEST 1/4 OF SECTION 24, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN



BENCHMARKS:

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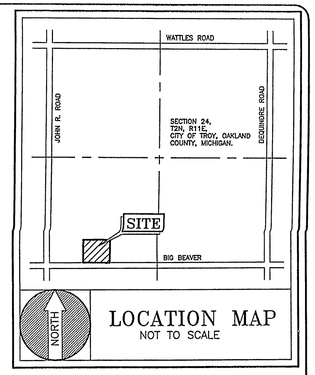


LOCATION MAP
NOT TO SCALE

LEGEND

- IRON FOUND
- IRON SET
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER
- WATERMAIN
- SANITARY SEWER
- STORM SEWER
- FENCE–LINE
- OVERHEAD WIRES
- CONTOUR
- TREE / BRUSH LINE
- –ROAD INLET
- –UTILITY POLE
- –ROAD CATCH BASIN
- –SIGN
- –REAR–YARD INLET
- –MAILBOX
- –REAR–YARD C.B.
- –TREES
- –END–SECTION
- –TRANSFORMER
- –CABLE TV BOX
- –TELEPHONE MANHOLE

EXISTING		PROPOSED
	ASPHALT PAVEMENT	
	CONCRETE PAVEMENT	
	GRAVEL	

DETENTION CALCULATIONS

Project	Big Beaver Place	
Location	City of Troy, Oakland County, Michigan	
Project No	06-640	

100 YEAR STORM DETENTION DESIGN (OAKLAND COUNTY DESIGN METHOD)

Contributing Area (A)	4.77	acres
Allowable Discharge (Qa)	0.95	cfs
Coefficient of Runoff (Cr)	0.70	

Calculation of Required Discharge/Acre

Qo = ((Qa)/(A)/(Cr)). 0.29 cfs/acre imperv

T = .25 + ((10312 S/Qo))0.5 164.98 min

Storage Volume Required:

Vs = (16500(T)/(T+25)) - 40Qo(T) 12443.23 cubic ft / acre imperv

Vt = (Vs)/(A)(Cr) 41549 cubic feet

Storage Volume Provided: 43504 cubic feet

Outflow Calculation for Orifice

h= Head, defined as the Distance from the Water Surfa to the Centerline of the Pipe 2.50 feet

a= (Qa)(144)/(0.62)((2gh))0.5 17.452 sq. in.

diameter= (4a/Pi)0.5 4.7 in

STORMWATER MANAGEMENT SUMMARY:

A PORTION OF THE ON–SITE STORM WATER WILL BE COLLECTED IN BIO–SWALES WHICH WILL PROVIDE INITIAL FILTRATION OF THE IMPURITIES PRIOR TO REACHING THE DETENTION POND. BIO–SWALES ARE SHALLOW DEPRESSIONS PLANTED WITH SPECIES TO SLOW VELOCITY OF STORM WATER ENOUGH TO ALLOW INFILTRATION TO GROUNDWATER, RATHER THAN TO THE STORM SEWER SYSTEM. (SEE LANDSCAPE PLANS FOR BIO–SWALE SECTION AND DETAIL)

WHERE IT IS INFEASIBLE TO PLACE BIO–SWALES ON SITE, AN UNDERGROUND STORM SEWER COLLECTION SYSTEM IS INTENDED TO TRANSPORT STORM WATER TO THE DETENTION / SEDIMENTATION POND, WHERE IT IS DETAINED FOR A 100–YEAR DESIGN STORM AND RELEASED AT A PRE–DEVELOPMENT RATE TO THE ENCLOSED PORTION OF THE HENRY GRAHAM DRAIN, LOCATED ON THE NORTH SIDE OF BIG BEAVER ROAD.

72 HOURS
PLEASE NOTIFY
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE)

DATE	REMARKS	BY
4-10-07	REV. PER DEPT. REVIEW	CPT
05-23-07	REV. PER DEPT. REVIEW & PLANNING COMM.	CPT

REVISIONS

BIG BEAVER PLACE
PART OF THE SOUTHWEST 1/4 OF SECTION 24, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

FAZAL KHAN & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
2775 COOLIDGE HWY. TROY, MICHIGAN 48083
PHONE (586) 793-0007 FAX (586) 793-6994

PRELIMINARY GRADING & STORMWATER MANAGEMENT PLAN

CLIENT	BIG BEAVER PLACE, LLC	PROJECT NO. 06-640	FIELD BOOK
		DATE 03-09-07	
SCALE 1" = 30'		DRAWN BY C.P.T.	CHECKED BY S.K.C.

PRELIMINARY ■ CONSTRUCTION ☐ AS-BUILT ☐

SHEET NO. 3

landscaping requirements

FRONTAGE LANDSCAPING REQUIRED: Big Beaver Road	1 TREE PER 30 LINEAR FEET OF ROAD FRONTAGE (Big Beaver Rd) ± 600 FEET / 30 = 20 TREES
LANDSCAPING PROVIDED:	23 TREES

landscaping notes

Final location of all plant material and plant beds shall be approved in the field by the Owner or Architect.

All plant material (unless otherwise described) shall be planted in four (4) parts topsoil to one (1) part peat moss planting mix.

All ground cover beds shall be excavated 6" below proposed grade and replaced with 6" layer of one (1) part topsoil in one (1) part peat moss planting mix.

All plant beds shall be mulched with 4" minimum layer of shredded bark mulch except ground cover areas which shall be mulched with 2" layer of shredded bark. All areas to receive shredded bark mulch shall be treated with an approved pro-emergent weed killer to be applied as per manufacturers specifications.

All edging shall be metal edging; install flush with top of mulch and/or lawn areas as specified.

All quantities listed on plans are figured as accurately as possible. It remains the Contractors responsibility to verify and provide quantities to complete the job as indicated on the drawings.

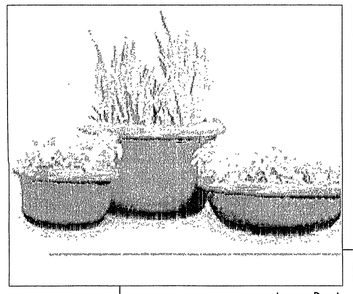
Irrigation System shall be installed in all areas noted as lawn, ground cover and planting bed areas.

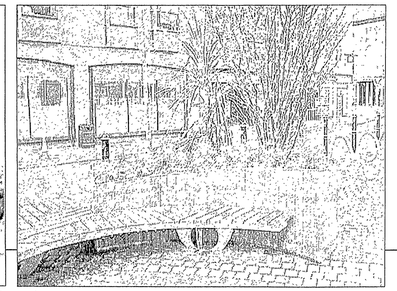
Tree Symbol Legend

	Qty:
TBD: Canopy, Deciduous *to be determined*	32
TBD: Canopy, Deciduous *to be determined*	18
TBD: Canopy, Deciduous *to be determined*	19
TBD: Ornamental/Flowering, Dec. *to be determined*	18
TBD: Columnar/Flowering, Deciduous *to be determined*	8
TBD: Evergreen, Tree *to be determined*	20
TBD: Evergreen, Tree *to be determined*	27
TBD: Columnar, Deciduous *to be determined*	48

Notes

1. Refer to engineering drawings for information on site signage, parking requirements and general site layout requirements.



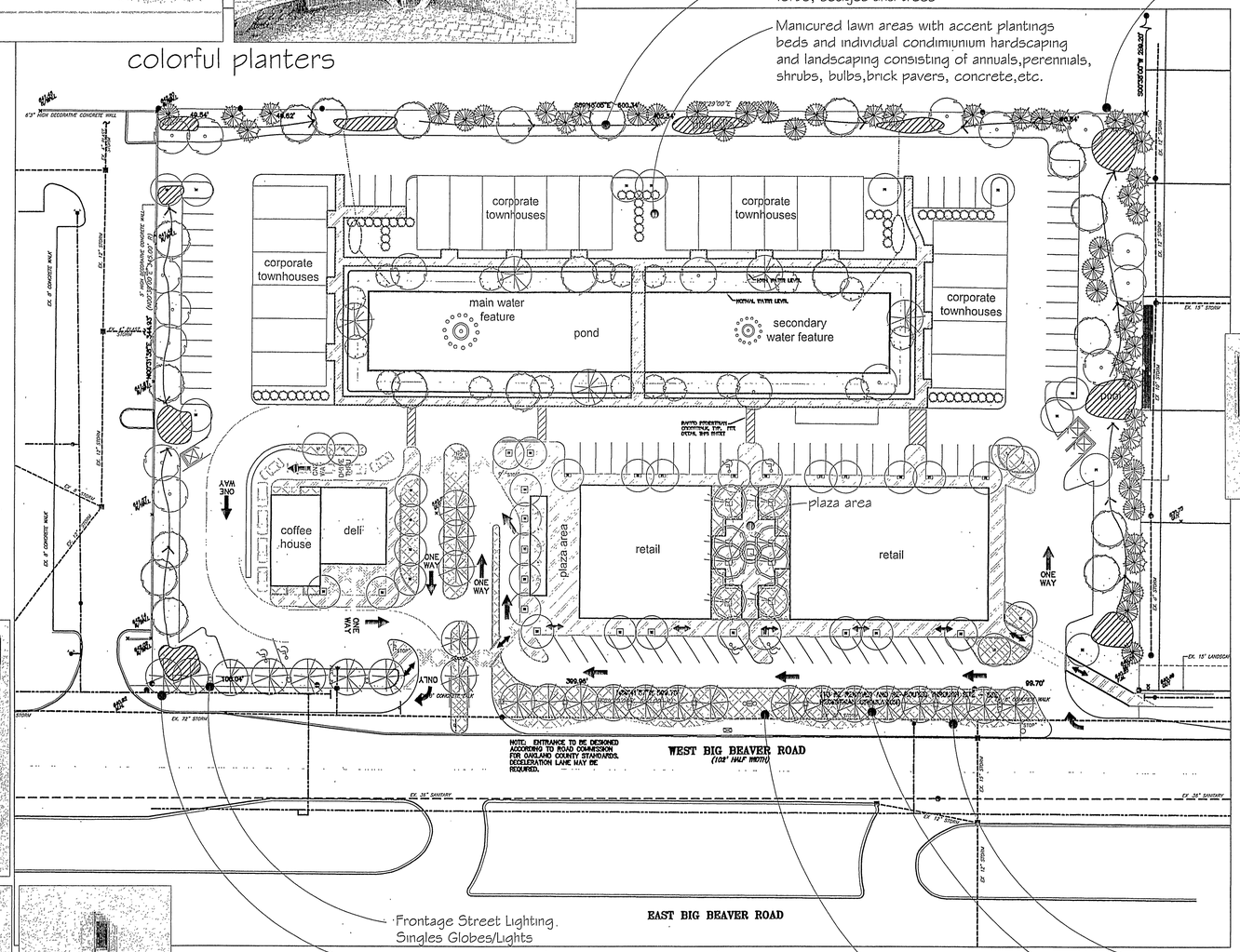


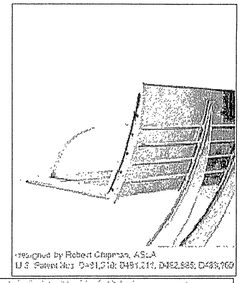
colorful planters

Bio-Swales with intermittent pools; planted with native shrubs, grasses, forbs, sedges and trees

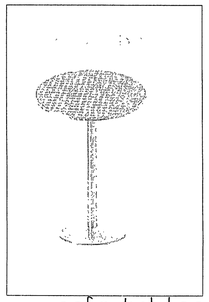
Manicured lawn areas with accent plantings beds and individual condimunium hardscaping and landscaping consisting of annuals, perennials, shrubs, bulbs, brick pavers, concrete, etc.

Buffer Area consisting of bio-swale shrubs, grasses, forbs, evergreen & decidious trees



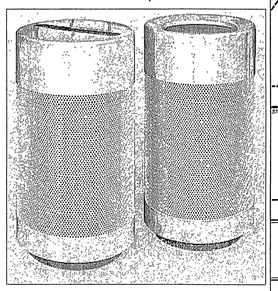


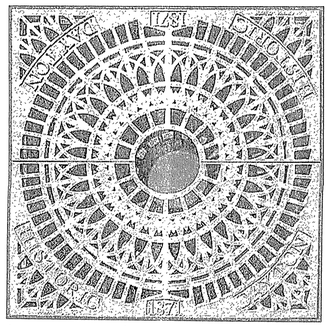
benches



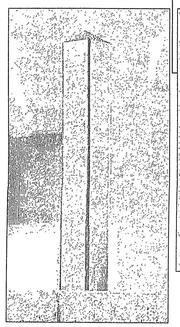
cafe tables

trash receptacles

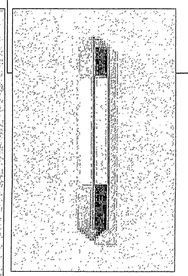




tree grates



bollard



wall lights

Frontage Street Lighting. Singles Globes/Lights

Frontage Street Trees 8 total

Frontage Street Trees 15 total

Frontage Street Lighting Single Globes & (1) Double Globe

Detailed landscape areas consisting of groundcovers, perennials & annuals

0 20' 40' 80'
Scale

Note: This Plan is soley for review of regulatory agencies, and as such, does not provide sufficient detail for construction.

King & MacGregor Environmental, Inc.
200 Maple Park Blvd, Suite 203
St. Clair Shores, Michigan 48081
Phone: (586) 498-9500
Fax: (586) 498-9502

N
NORTH

Preliminary PUD Plan for:

Big Beaver Place

City of Troy
Oakland County, Michigan

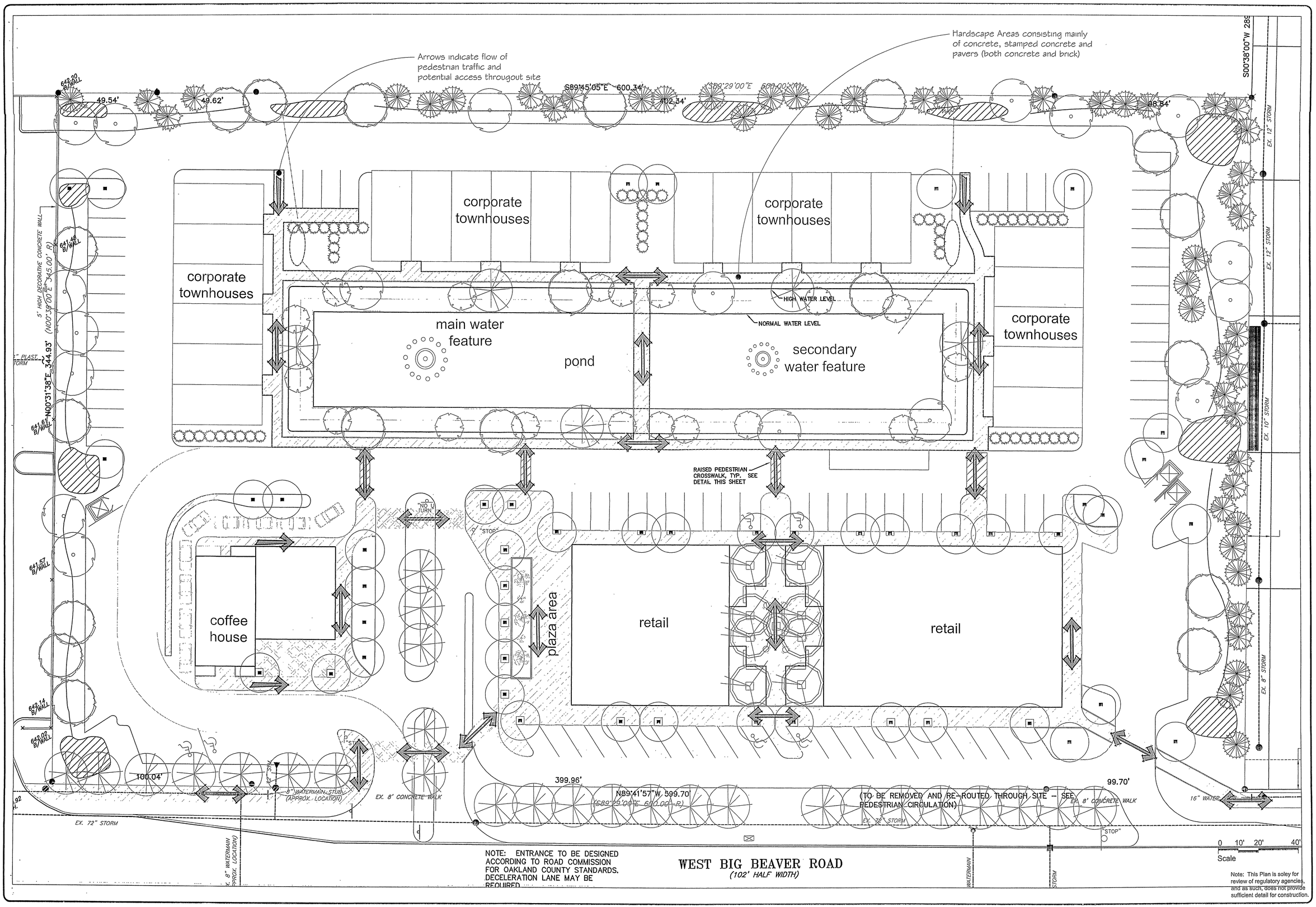
DATE:	ISSUED FOR:
2/23/07	Preliminary PUD
3/02/07	Preliminary PUD
4/10/07	Prelim PUD-REV
5/23/07	Prelim PUD-REV

P.I.C.	DJS
P.M.	TLP
DESIGN	TLP
TECH.	TLP
CHECKED	DJS

PROJECT NUMBER
07060

SHEET NAME
Landscape & Planting Plan

SHEET NUMBER
P-1
1 of 1



NOTE: ENTRANCE TO BE DESIGNED ACCORDING TO ROAD COMMISSION FOR OAKLAND COUNTY STANDARDS. DECELERATION LANE MAY BE REQUIRED

Note: This Plan is soley for review of regulatory agencies, and as such, does not provide sufficient detail for construction.

King & MacGregor Environmental, Inc.
200 Maple Park Blvd, Suite 208
St. Clair Shores, Michigan 48081
Phone: (586) 778-0030
Fax: (586) 778-0038

NORTH

Preliminary PUD Plan for:

Big Beaver Place

City of Troy

Oakland County, Michigan

DATE:	ISSUED FOR:
3/02/07	Preliminary PUD
4/10/07	Prelim PUD-REV
5/23/07	Prelim PUD-REV
P.I.C.	DJS
P.M.	TLP
DESIGN	TLP
TECH.	TLP
CHECKED	DJS

PROJECT NUMBER
07060

SHEET NAME
Pedestrian Circulation Plan

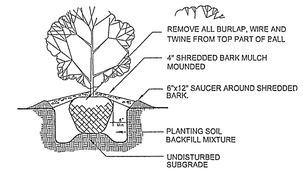
SHEET NUMBER
P-2
2 of 3

Plant List Selection - Preliminary

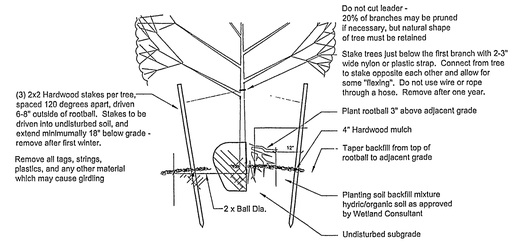
Qty	Botanical / Common Name	Size	Condition
Canopy Trees			
tbd	Acer platinoides 'Columnaris' Columnar Norway Maple	tbd	tbd
tbd	Acer saccharum 'Legacy' Legacy Sugar Maple	tbd	tbd
tbd	Gingko biloba Gingko	tbd	tbd
tbd	Gleditsia t. i. 'Sunburst' Sunburst Thornless Honey Locust	tbd	tbd
tbd	Tilia cordata 'Greenspire" Greenspire Linden	tbd	tbd
tbd	Liriodendron tulipifera Tulip Tree	tbd	tbd
tbd	Tilia Tomentosa 'Sterling' Sterling Silver Linden	tbd	tbd
tbd	Liquiddambar styraciflua 'Goduzam' Goduzam Sweet Gum	tbd	tbd
tbd	Zelkova serrata 'Green Vase' Zelkova	tbd	tbd
tbd	Betula nigra 'Little King' Little King River Birch	tbd	tbd
Ornamental/ Understory Tree ~ Approximately 00 Trees			
tbd	Cornus Florida Flowering Dogwood	tbd	tbd
tbd	Cornus mas Cornelian Cherry Dogwood	tbd	tbd
tbd	Malus spp. Crabapple	tbd	tbd
tbd	Cornus kousa Kousa Dogwood	tbd	tbd
Evergreens			
tbd	Abies concolor White Fir	tbd	tbd
tbd	Picea pungens Colorado Spruce	tbd	tbd
tbd	Pinus strobus White Pine	tbd	tbd
tbd	Thuja occidentalis 'Nigra' American Dark Green Arborvitae	tbd	tbd

SWALE SEED MIX: 0.00 Acres

Common Name	Species	oz./AC
Grasses/Sedges/Rushes		
Andropogon gerardii	Big Bluestem	6.00
Carex comosa	Bristly Sedge	2.00
Carex hystericinia	Porcupine Sedge	2.50
Carex vulpinoidea	Brown Fox Sedge	3.00
Elymus virginicus	Virginia Wild Rye	14.00
Glyceria striata	Fowl Manna Grass	1.00
Panicum virgatum	Prairie Switch Grass	2.00
Scirpus atrovirens	Dark Green Rush	1.00
Scirpus cyperinus	Woolgrass	0.50
Spartina pectinata	Prairie Cord Grass	6.00
	Total	38.00
Forbs		
Alisma plantago-aquatica	Water Plantain	0.50
Asclepias incarnata	Swamp Milkweed	2.00
Aster novae-angliae	New England Aster	0.50
Coreopsis tripteris	Tall Coreopsis	0.50
Eupatorium maculatum	Spotted Joe Pye Weed	0.25
Iris virginica	Blue Flag Iris	3.00
Liatris spicata	Marsh Blazing Star	2.00
Lobelia cardinalis	Cardinal Flower	0.25
Lobelia siphilitica	Great Blue Lobelia	0.50
Sagittaria latifolia	Common Arrowhead	1.50
Solidago rugosa	Rough Goldenrod	0.50
Verbena hastata	Blue Vervain	1.50
Zizia aurea	Golden Alexanders	1.25
	Total	14.25
Cover Crop		
Avena sativa	Seed Oats	360
Lolium multiflorum	Annual Rye	28
	Total	388



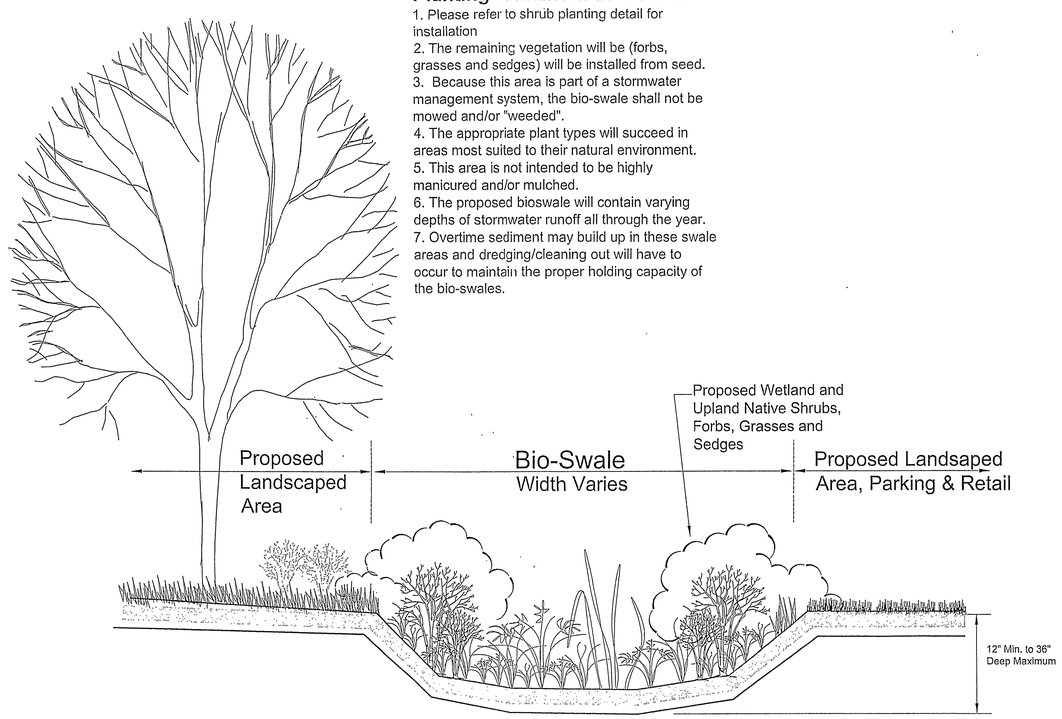
2 Shrub Planting - Cont. or B&B
SCALE : NOT TO SCALE



3 Tree Planting ~ Cont. or B&B
SCALE : NOT TO SCALE

Planting & Maintenance Note:

1. Please refer to shrub planting detail for installation
2. The remaining vegetation will be (forbs, grasses and sedges) will be installed from seed.
3. Because this area is part of a stormwater management system, the bio-swale shall not be mowed and/or "weeded".
4. The appropriate plant types will succeed in areas most suited to their natural environment.
5. This area is not intended to be highly manicured and/or mulched.
6. The proposed bioswale will contain varying depths of stormwater runoff all through the year.
7. Overtime sediment may build up in these swale areas and dredging/cleaning out will have to occur to maintain the proper holding capacity of the bio-swales.



Conceptual Bio-Swale and Berm Section
NOT TO SCALE

0 50' 100' 200'
Scale

Note: This Plan is soley for review of regulatory agencies, and as such, does not provide sufficient detail for construction.

King & MacGregor Environmental, Inc.
200 Maple Park Blvd, Suite 203
St. Clair Shores, Michigan 48081
Phone: (586) 498-9900
Fax: (586) 498-9902

N
NORTH

Preliminary PUD Plan for:
Big Beaver Place
Oakland County, Michigan
City of Troy

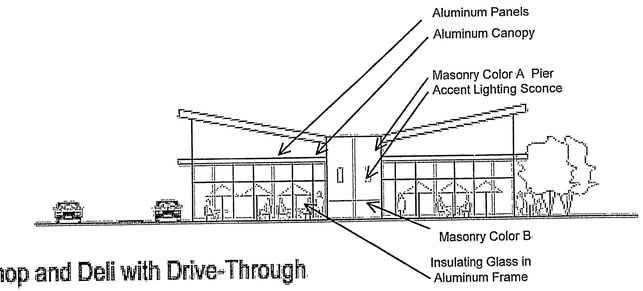
DATE:	ISSUED FOR:
2/23/07	Preliminary PUD
3/2/07	Preliminary PUD
4/10/07	Prelim PUD-REV
5/23/07	Prelim PUD-REV

P.I.C.	DJS
P.M.	TLP
DESIGN	TLP
TECH.	TLP
CHECKED	DJS

PROJECT NUMBER
07060

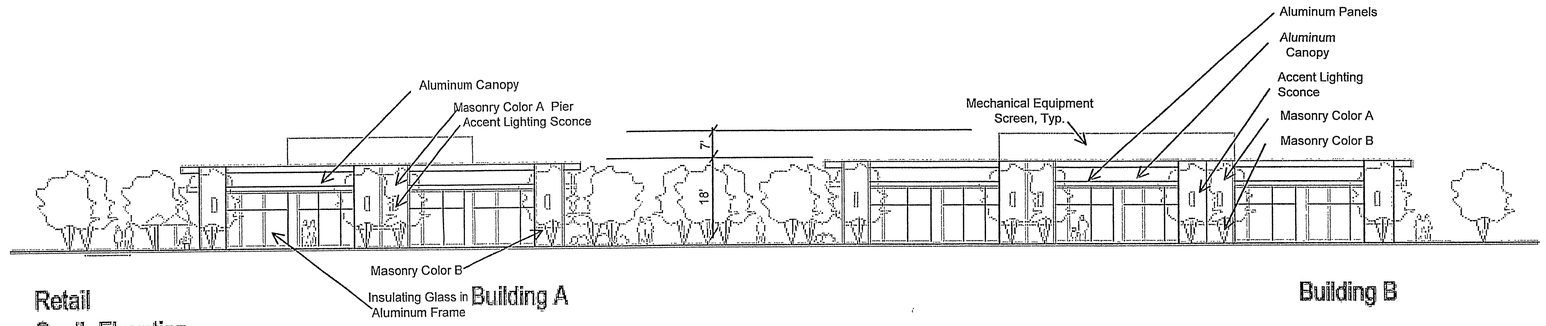
SHEET NAME
Details

SHEET NUMBER
P-3
3 of 3



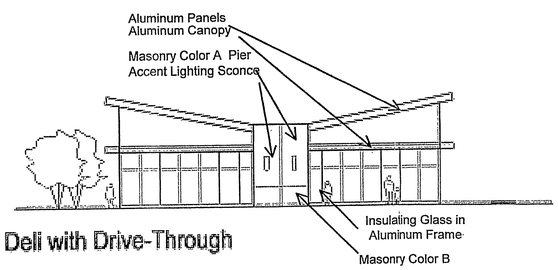
Coffee Shop and Deli with Drive-Through South Elevation

SCALE: 1/16" = 1'-0"



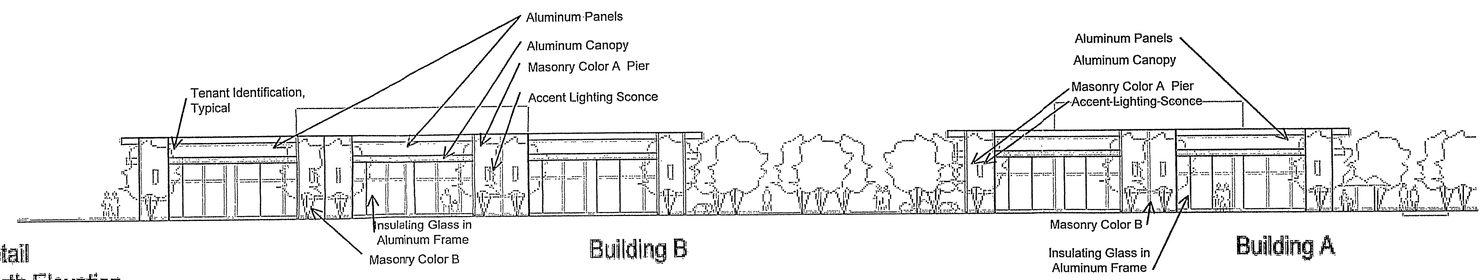
Retail South Elevation

SCALE: 1/16" = 1'-0"



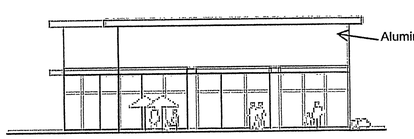
Coffee Shop and Deli with Drive-Through North Elevation

SCALE: 1/16" = 1'-0"



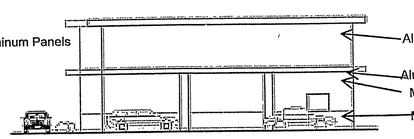
Retail North Elevation

SCALE: 1/16" = 1'-0"



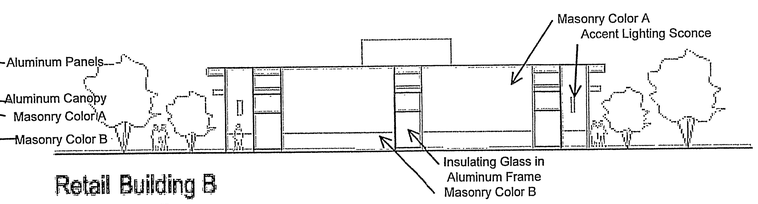
Coffee Shop and Deli with Drive-Through East Elevation

SCALE: 1/16" = 1'-0"



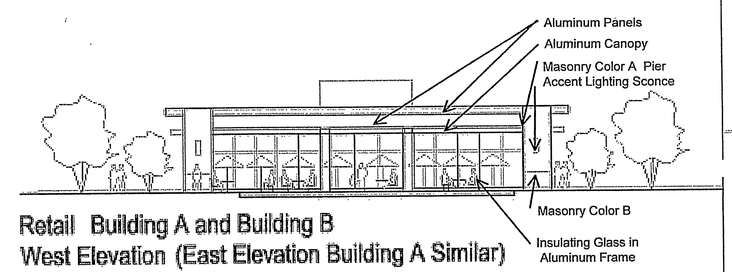
Coffee Shop and Deli with Drive-Through West Elevation

SCALE: 1/16" = 1'-0"



Retail Building B East Elevation

SCALE: 1/16" = 1'-0"



Retail Building A and Building B West Elevation (East Elevation Building A Similar)

SCALE: 1/16" = 1'-0"

Landry + Newman ARCHITECTURE
collaboration in design
211 North Old Woodward
Birmingham, Mich. 48009
telephone 248.593.5377
facsimile 248.593.5379

Big Beaver Place

Troy, Michigan

CONCEPTUAL FLOOR PLANS

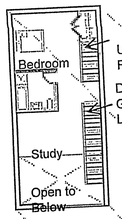
ISSUED FOR:	DATE:
Progress	2.23.07
PUD	3.02.07
	5-23-07

Project No.

0608

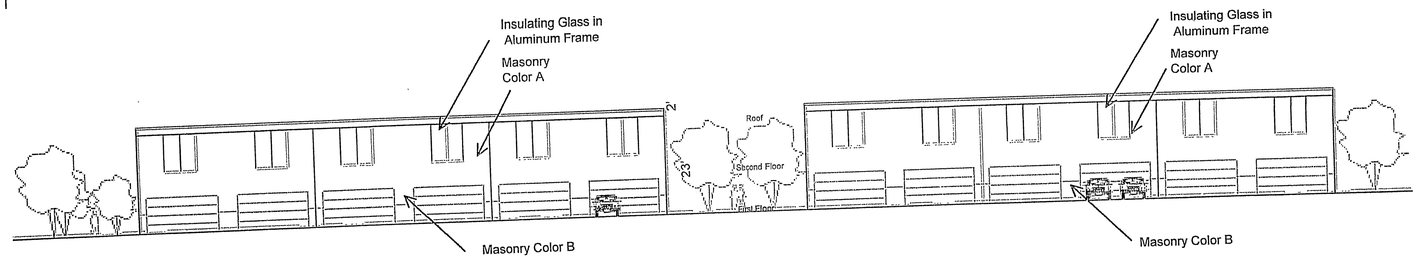
Sheet No.

A-101



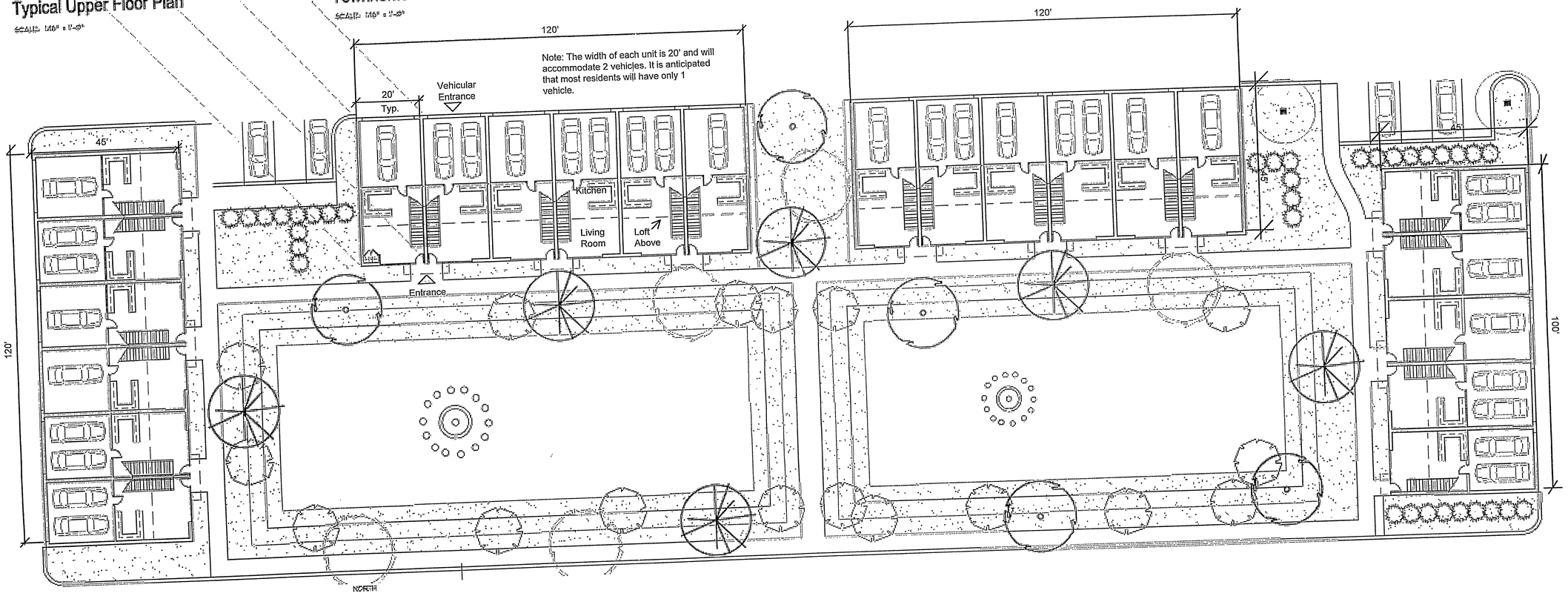
Typical Upper Floor Plan

SCALE: 1/16" = 1'-0"



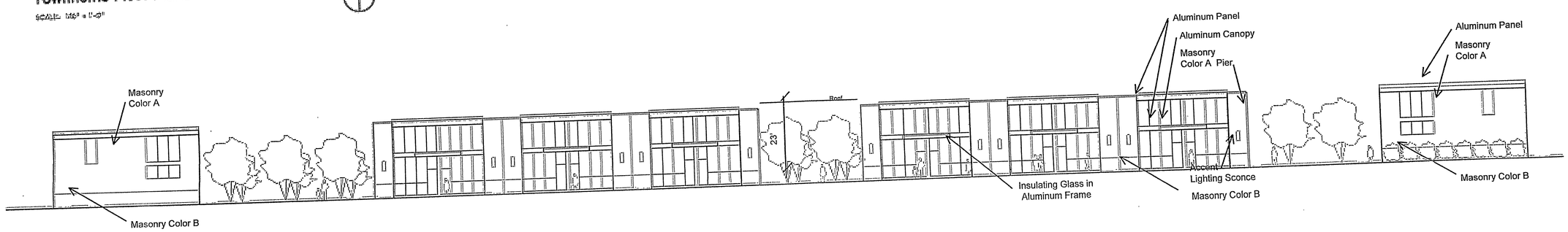
Townhome - Rear View

SCALE: 1/16" = 1'-0"



Townhome Floor Plans - Ground Level

SCALE: 1/16" = 1'-0"



South Elevation - Townhomes

SCALE: 1/16" = 1'-0"

Landry + Newman ARCHITECTURE
collaboration in design

201 North Old Woodward
Birmingham, MI 48009
248.593.5577
248.593.5579

Big Beaver Place

Troy, Michigan

CONCEPTUAL FLOOR PLANS AND ELEVATIONS

Progress	2.23.07
RUP	3.02.07
	4.23.07
	5.23.07

Project No.

0608

Sheet No.

A-102

RECEIVED
NOV 01 2007
Ruth Johnson, Register of Deeds
Oakland County, MI
COPY

245521
LIBER 39785 PAGE 864
$82.00 MISC RECORDING
$4.00 REMONUMENTATION
11/27/2007 10:12:00 A.M. RECEIPT# 119396
PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

RECEIVED
NOV 28 2007
Ruth Johnson, Register of Deeds
Oakland County, MI

BIG BEAVER PLACE

STATE OF MICHIGAN / COUNTY OF OAKLAND

CITY OF TROY

DEVELOPMENT AGREEMENT

FOR

"BIG BEAVER PLACE"

PLANNED UNIT DEVELOPMENT

This Development Agreement ("Agreement"), dated September 10, 2007, is entered into by and between **BIG BEAVER PLACE, LLC**, a Michigan limited liability company, the address of which is 48593 Hayes Road, Shelby Township, Michigan 48315, referred to herein as the "Developer", and the **CITY OF TROY**, a Michigan municipal corporation, having its principal offices at 500 West Big Beaver Road, Troy, Michigan 48084 ("City").

RECITALS:

A. Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, consisting of 6 parcels and containing approximately 4.77 acres, as more particularly described on **Exhibit "A"** attached hereto (the "Property").

B. Developer shall follow all required steps, per City Ordinance, Article VI, to effect a description change combining all parcels into one (1) parcel. The City agrees to process the description change, and request a new Parcel identification Number from Oakland County when all Ordinance requirements are met.

C. Developer has petitioned for an amendment to the City's Zoning Ordinance granting a rezoning of the Property to Planned United Development ("PUD"), the Development to be known as "Big Beaver Place", sometimes also referred to herein as the "Development" or the "Planned Unit Development". Developer has received Conceptual Development Plan Agreement approval from City Council for the rezoning of the Property to PUD as required by Article XXXV of the City's Zoning Ordinance, and approval of a Conceptual P.U.D. Site Plan, a copy of which is hereto attached as Exhibit B.

D. In connection with the grant of rezoning of the Property to PUD, Section 35.50.00 of the City's Zoning Ordinance requires the submissions of a Planned Unit Development Agreement which incorporates conceptual site plans, conceptual landscaping plans and other documents enumerated as PUD Documents, as defined below and which requires the approval of those documents by City Council as part of the grant of rezoning of the Property to PUD. As part of Conceptual Development Plan approval, Developer has offered and agreed to proceed with the undertakings described in the PUD Documents which Developer and the City agree were necessary and roughly proportional to the burden imposed in order to (i) ensure that the public services and facilities affected by the Development will be capable of accommodating increased services and facility loads caused by the Development, (ii) protect the natural environment and conserve natural resources, (iii) ensure compatibility with adjacent uses of land, (iv) promote use of the Property in a socially and economically desirable manner and (v) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101, *et. seq.* and Chapter 39, Article XXXV of the City of Troy Zoning Ordinance.

E. For the purpose of confirming the rights, obligations and restrictions in connection with the development to be undertaken on the Property, once City Council has enacted an Amendment to the Zoning Ordinance rezoning the Property to the Planned Unit Development and approved this Agreement, conceptual site plans, conceptual landscaping plans and the other PUD Documents, the effective date of the rezoning and this Agreement shall be the date on which City Council approves this Agreement. After the agreement granting rezoning is effective, the Planning Director shall take what actions are necessary to correct the Zoning Map to show the rezoning of the property this Agreement shall be binding upon the City, the Developer, the owners of any portion of the Property including condominium units, if applicable; and tenants within the Development; and all the association(s) established, and all successors and assigns and shall run with the land.

F. The Developer reserves the right to convert all or portions of the Property as a condominium development at any time in its discretion.

NOW, THEREFORE, as an integral part of the grant of the rezoning of the Property to "Big Beaver Place" Planned Unit Development, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I

GENERAL TERMS

1.1 This Agreement including all PUD Documents, whether conceptual, preliminary or final, shall run with the land. Reference in this Agreement or any PUD Documents to "Developer" shall include Developer's successors and assigns. Any reference to owners, property owners, or Associations or Condominiums shall include their successors and assigns. It is the intent of the City and Developer to put all future owners of the Property or parties in interest on notice of the rights, obligations and restrictions contained herein by recording this Agreement with the Oakland County Register of Deeds. Any termination of an ownership interest shall not nullify or void this Agreement. The terms and conditions of this Agreement shall be considered "Deed Restrictions" binding upon all Developers and any successors or assigns of the Property.

1.2 The Project shall be developed and improved in accordance with the following, which shall be referred to herein as the "PUD Documents":

A. Chapter 39, ARTICLE XXXV of the City's Zoning Ordinance, and amendments, if any.

B. This PUD Agreement.

C. The revised Conceptual P.U.D. Application date stamped "Received" by the City of Troy Planning Department on December 21, 2006.

D. The following full-sized plans, date stamped "Received" by the City of Troy Planning Department on August 9, 2007:

	Cover Sheet
Sheet 1	Boundary and Topographic Survey
Sheet 2	Conceptual P.U.D. Site Plan (referred to as Preliminary P.U.D. site Plan)
Sheet 3	Conceptual Grading and Stormwater Management Plan (Referred to as Preliminary Grading and Stormwater Management Plan)
Sheet P-1	Landscape and Planting Plan
Sheet P-2	Pedestrian Circulation Plan
Sheet P-3	Details
Sheet A-101	Conceptual Floor Plans
Sheet A-102	Conceptual Floor Plans and Elevations

E. The resolution in the official minutes of the meeting at which the City Council approved the Planned Unit Development, including any and all conditions of the approval contained therein.

F. An Affidavit of Property Ownership to be recorded with the Oakland County Register of Deeds prior to commencement of construction and prior to the sale of any portion of the Project, containing the legal description of the entire Property; specifying the date of approval of the Planned Unit Development rezoning, and declaring that all future development of the Property has been authorized, restricted and required to be carried out in accordance with this Agreement and the Ordinance amendment granting rezoning to Planned United Development.

G. The Preliminary Development Plan, when it is approved by City Council.

Engineering Plans have not been submitted with this Agreement. It is understood by all parties and it is part of this Agreement that Engineering Plans, acceptable to the City Engineer, must be compliant with this Agreement, the City of Troy ordinances and development standards, and state and federal law and shall be submitted at the time of the request for Final Site Plan approval for such Phase.

1.3 The Ordinance amendment granting Big Beaver Place Planned Unit Development reclassifies the zoning of the Property to PUD and constitutes the land use authorization for the Property, and all use and improvement of the Property shall be in substantial conformity with such Ordinance and the PUD Documents referenced herein.

ARTICLE II

DEVELOPER'S RIGHTS, OBLIGATIONS AND PROPERTY RESTRICTIONS

2.1 Developer shall have the right to develop and use the Property in accordance with the PUD Documents and the Zoning Ordinance in effect at the time of the Conceptual PUD Approval. Any changes to the Conceptual P.U.D. Site Plan or the Final Site Plan shall be approved in accordance with the City's Zoning Ordinance. Provided, however, that minor modifications resulting from engineering considerations or site conditions may be approved by the Director of Building and Zoning.

2.2 "Big Beaver Place" is being proposed to be developed utilizing the City of Troy's Planned Unit Development (PUD) Ordinance for a mixed-use commercial, retail, and residential development. The Development will enable the redevelopment of the obsolete six (6) parcels of land located on the north side of Big Beaver Road, east of John R. Road. Big Beaver Place will provide attractive and viable uses. The Development will provide the residents of the City of Troy with a mixed-use development with new commercial, retail, and residential opportunities.

2.3 Developer shall develop the Property substantially in accordance with the PUD Documents. Failure to develop the Property substantially in accordance with the PUD Documents shall constitute a deficiency under this Agreement.

2.4 The uses permitted at Big Beaver Place are depicted on the Conceptual P.U.D. Site Plan recommended for approval by Planning Commission on June 12, 2007, and City Council on September 10, 2007, prepared by Fazal Khan & Associates, Inc. date stamped "Received" by City of Troy Planning Department on August 1, 2007. The two retail buildings shall not exceed a combined area of 16,000 square feet; the separate commercial building shall not exceed 3,500 square feet in area, and may be used for a deli and coffee shop or similar commercial uses. The residential component shall consist of no more than 23 townhouses, not exceeding two stories in height, with each unit having an area of approximately 1,800 square feet and a two-car garage. The uses permitted under this PUD are also uses permitted in the B-2, RM-1 Commercial, and RM-3 Zoning Districts of the City of Troy Zoning Ordinance. To the extent otherwise provided in the PUD documents, all uses in the regulations for the B-2, RM-2 and RM-3 Zoning Districts are allowed. In the event that there is any conflict between the City's Ordinances and this PUD Agreement, the terms and conditions of this PUD Agreement shall prevail.

2.5 List of Conditions Offered in Exchange for PUD Consideration. Developer or its successors or its assigns shall cause to be installed landscaping and an irrigation system on the Property in accordance with the Landscaping Plans. The Conceptual P.U.D. Site Plan includes landscape features above the requirements as outlined in the City Ordinance, and including bio-swales with under drains, planted with wetland and upland native shrubs and herbaceous species, and an attractive detention pond/water feature. The pond and open area is centrally located so that it can be enjoyed by all the users on the Property. The public benefit provided by Developer includes the elimination of existing under-development as well as the assemblage of properties to create a consistent development that provides a logical transition with the surrounding properties. The Development promotes and is consistent with the redevelopment goals of the Big Beaver Corridor Study and incorporates and implements numerous goals and strategies of the Big Beaver Corridor Study. The objectives of the PUD provide a higher quality of development than could be achieved under conventional zoning. The façade quality and pedestrian amenities exceed Ordinance requirements and accomplish safe and efficient site circulation connectivity. The development plan provides a large open space and landscaped area which exceeds the requirements of the City, and a workable integrated design.

2.6 Developer shall maintain all common areas, storm water drainage and retention facilities, landscaped areas, parking areas and sidewalks in good working order and appearance. Developer may establish an Association or Associations to assume the maintenance obligations set forth in this Article II, this Planned Unit Development Agreement and otherwise, in which event the Association or Associations shall succeed to the Developer's obligations for those portions of the Property defined in the instrument establishing each Association, and Developer shall be relieved of all obligations and liability with respect thereto.

2.7 Developer or an Association or Associations shall perform its landscaping maintenance obligations under Article II, this Planned Unit Development Agreement and

otherwise, such that the landscaping and related improvements are maintained in a neat and orderly appearance, substantially free from refuse and debris and, weather permitting, Developer or the Association or Associations shall promptly replace any dead or dying plants and shrubs, but in no event later than the end of the then-current planting season.

2.8 In the event Developer conveys all or any portion of the Property, it shall establish restrictions on the Property providing that all portions of the Property shall have full egress and ingress for both vehicular and pedestrian use and for egress and ingress to Big Beaver, and full access of the common areas for utility installation, construction, repair, and maintenance affecting and placed upon the Property, which may provide for shared participation in the cost of maintenance and repair. Developer may, however, designate specific parking areas for use by specific components of the Development.

2.9 The Property contains three structures which Developer intends to demolish. The City will grant any permits required for such purpose, which shall be subject to the requirements set forth below in this section. Developer shall comply with all State statutes and City Ordinances regarding demolition. In connection with the demolition of such structures, Developer shall engage a demolition contractor to remove any asbestos and/or asbestos contaminated materials contained within such structures(s) prior to performing its demolition activities. Any asbestos shall be removed in accordance with an action plan prepared by Developer's contractor, which action plan shall include the following: prior to the removal of any asbestos and/or asbestos contaminated materials, such contractor shall notify the Michigan Department of Environmental Quality that the contractor intends to commence demolition activities involving a structure(s) which contains asbestos; Developer's contractor shall use trained asbestos abatement/removal technicians. All asbestos materials, if any, which are removed from the site shall be sent to a Type II landfill and, in connection with the transportation of such materials to the landfill, appropriate shipping manifests shall be obtained and a third-party monitoring company shall be engaged to monitor the transportation of asbestos contaminated materials to such landfill. Demolition of structures will commence/resume following completion of asbestos removal activities. During the demolition process, the site will be sprayed with water to minimize airborne particles. Following completion of the demolition activities, the City shall inspect the site prior to the performance of backfilling and grading activities. When the City has approved the site, which approval shall not be unreasonably withheld, the site will then be graded and seeded to prevent soil erosion.

2.10 Developer shall comply with the City Code and Ordinances and Engineering Standards not inconsistent with this Agreement, make any necessary application for permits, and obtain any necessary permits for the use of construction trailers and for lease and advertising signs.

ARTICLE III

PUBLIC IMPROVEMENTS

3.1 Water and Sanitary Sewer Systems. Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and

sewage systems, including any required water hydrants. Such improvements shall be designed and constructed in accordance with the Final Site Plan, the PUD Documents, approved engineering construction plans, applicable City, County and State standards, codes, regulations, ordinances and laws. Such water and sanitary sewer service facilities, including any on-site and off-site facilities, extensions and easements to reach the area to be served, shall be provided by and at the sole expense of the Developer, and shall be completed, approved and dedicated to the City, as requested by the City in its discretion, to the extent necessary to fully service all proposed and existing facilities, structures and uses within the Development to be served thereby. No building shall be issued a Certificate of Occupancy until that building is served by water and sanitary sewer improvements according to applicable laws, ordinances, codes, regulations and standards in effect at the time the Certificate of Occupancy for the building is applied for. The City may require that the Developer post security in the form of cash or check or certificate of deposit or irrevocable letter of credit issued by an institution doing business in Oakland County, under a separate agreement in an amount equal to the cost of construction, or a performance bond in an amount equal to the cost of construction plus ten (10%) percent, as specified in a bona fide contract for construction of such water and sanitary sewer system improvements, which estimate shall be approved by the City Engineer, together with an agreement with the City, approved by the City Attorney, authorizing the City, at its option, to install the water system and/or sanitary sewer system if Developer has failed to do so within the time specified in this Agreement. If such deposit is approved and made, all building permits shall be issued for construction of buildings and improvements. If Developer fails to fulfill its obligation, then the City shall provide thirty (30) days prior written notice to cure. If a Developer has commenced performance to cure, it shall be given such further reasonable time to complete such cure. All performance bonds, if elected in lieu of letter of credit, shall be issued by institutions licensed and admitted to do business in the State of Michigan. Building permits for any building to be served by the water and sanitary system facilities improvements shall be issued upon the posting of the above security and execution of such agreement prior to installation or construction of such sewer and water installations. Developer shall assume all risks associated with any non-availability of water and/or sanitary sewers to serve the structures within the Development, including without limitation, uninhabitable buildings and fire protection risks, and shall release, indemnity and hold harmless the City from and against any claims arising by reason of any such non-availability except for damages that are directly proximately caused by the City's acts or omissions or the gross negligence of the City. Developer shall, upon completion of installation and testing of the public water and sanitary sewer improvements for each building, convey and dedicate all interest in such facilities to the City by providing and executing documents and title work in accordance with all applicable City ordinances and requirements. Thereafter, the City shall assume all liability and obligation for such utilities dedicated.

3.2 Storm Water Drainage. The Developer, at its sole expense, shall construct and maintain a storm water and retention and/or detention system for the Development, which system shall include the improvements provided in this Agreement, and shall be installed in accordance with the PUD Documents, the approved engineering construction plans, and all applicable ordinances, laws, codes, standards and regulations. All drainage improvements necessary to serve the Development shall be completed and approved prior to issuance of any Certificate of Occupancy. The City may require the Developer to post security in the form of cash or check or

certificate of deposit or irrevocable letter of credit issued by an institution doing business in Oakland County, in a separate agreement approved by the City in an amount equal to the estimated cost of installation, or a performance bond in an amount equal to the cost of construction plus ten (10%) percent, as specified in a bona fide contract for installation of such drainage improvements approved by the City Engineer, together with an agreement with the City, approved by the City Attorney, authorizing the City to, at its option, install the drainage improvements in question if the Developer has failed to do so at the expiration or revocation of building permit(s) after construction has commenced. All performance bonds, if any, shall be issued by institutions licensed and admitted to do business in the State of Michigan. Building permits shall be issued upon the posting of such security and execution of such agreement.

All construction, repair, maintenance and replacement of the storm drainage and retention/detention system which are Developer's responsibility, as described in this Section, shall be the sole obligation of the Developer and its successors and assigns. During the development of the Property, the Developer or its successors or assigns shall be obligated to maintain the storm drainage and retention and/or detention system and facilities in a fully operational condition.

3.3 Streets, Boulevards, Sidewalks, Drives, Entryways and Parking Lots. All drives, entryways, sidewalks, non-motorized paths and parking areas within the Development shall be designed, situated and constructed in accordance with the PUD Documents and all requirements and applicable ordinances of the City not inconsistent with this Agreement, and the approved engineering construction plans. All internal drives, entryways, sidewalks, and parking areas will be private except as otherwise setout herein. The construction drawings for drives shall be approved prior to issuance of building permits for the construction of any building or structure to be served thereby or to benefit therefrom. The City may require the Developer to post security in the form of cash or check or certificates of deposit or irrevocable letter of credit issued by an institution doing business in Oakland County, in a separate agreement approved by the City in an amount equal to the estimated cost of the construction, or a performance bond in an amount equal to the cost of construction plus ten (10%) percent, as specified in a bona fide contract for construction of all such improvements, approved by the City Engineer, together with an agreement approved by the City Attorney authorizing the City to, at its option, install the improvements in question if the Developer has failed to do so after thirty (30) days prior notice. Developer shall be given such additional time as is reasonable to effectuate a cure if it has timely commenced a cure. All performance bonds shall be issued by institutions licensed and admitted to do business in the State of Michigan. Building permits shall be issued for any building in the Development upon posting the security for the amounts as set forth above. Developer shall install and maintain an adequate gravel surface base as determined by the City Engineer for all entranceways and internal drive areas to provide for access for construction traffic, City personnel, emergency and fire fighting equipment for such specific site and prior to construction of a final base course. The aforementioned agreement for completion shall provide that the paving of all areas referenced in this paragraph shall be completed and approved (including topcoat and parking lot striping) prior to the issuance of more than ninety-five (95%) percent of any Certificates of Occupancy for buildings within the Development, but in any event such paving shall be completed within two (2) years of issuance of the first building permit for a building.

The internal drives, entranceways, sidewalks and parking areas shall be designed and constructed to the standards of the City, except for deviations approved by the City Engineer.

Developer, its successors and assigns, shall be responsible for maintenance and repair of the drives, entranceways, sidewalks, and parking areas for each building site during the period of construction, and shall also keep streets abutting the Development free from debris and repair any damage to the streets abutting the Development (subject to City of Troy requirements) caused by construction activities on or for the Property or the Development and use of abutting streets for construction purposes. If the Developer fails, after thirty (30) days prior written notice and failure to cure, to maintain and repair the drives, entranceways, parking areas and abutting streets as required by this Paragraph, the City may issue stop work orders and/or withhold issuance of further approvals, permits and occupancy certificates for the Development until such failure is cured. At all times, during and after completion of construction, Developer, its successor and assigns, shall cause all internal drives, entranceways and parking areas to be maintained, repaired and kept in an unimpeded, unobstructed, safe and passable condition at all times to allow for the free flow and circulation of traffic throughout the Development, except for temporary closures or obstruction due to repairs or snow. Subject to Paragraph 3.4 below, the responsibility and obligation for such ongoing maintenance and repair shall be that of the Developer, its successors and assigns.

3.4 Developer shall have the right to assign its maintenance obligations under this Agreement to an Association or Associations and to any successors and assigns including any successor developer or owner of a portion of the Development. Upon the assignment to and assumption by an Association or any successor developer or owner of any of Developer's maintenance obligations, as set out in this Agreement and otherwise, Developer shall have no further obligations or liability with respect thereto. All successors and assigns of Developer shall agree to be bound by the obligations for common area maintenance under the PUD Agreement.

3.5 For purposes of maintenance obligations set forth in this Paragraph, the term "maintenance," "maintain" and "maintained" shall mean and include regular inspections.

ARTICLE IV

THE CITY'S RIGHTS AND OBLIGATIONS

4.1 The City, in each instance, shall provide by written thirty (30) day notice to Developer with a time period in which to cure any deficiencies under this Agreement, which shall be no less than or no longer than such longer reasonable period of time as may be required if Developer, its successors, assigns, Association and/or owner(s) have commenced to cure and are expeditiously proceeding to satisfy such condition.

If, following the expiration of the period set forth to cure any deficiencies above, such deficiencies have not been cured, the City shall thereupon have the power and authority, but not the obligation, to take any of the following actions, in addition to any actions authorized under City ordinance and/or State law:

A. Demand that the non-performance, deficiency or obligation be fulfilled, performed or completed, before Developer assigns its obligations to an Association and set a specific date to complete the performance which may not be less than thirty (30) days prior written notice, and the City may then proceed under Paragraph 4.1(B) to fulfill the obligation or correct the deficiency.

B. Enter upon the Property, or cause its agents or contractors to enter upon the Property and perform such obligation or take such corrective measures as reasonably found by the City Council to be appropriate. In addition to any financial assurance given to ensure completion of the improvements, the additional costs and expense of making and financing such action by the City, including without limitation notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of twenty-five (25%) percent of the total of all such costs and expenses incurred shall be paid by Developer within thirty (30) days of a billing to Developer.

C. The City may initiate legal action for the enforcement of any of the provisions, requirements, and obligations set forth in the PUD Documents.

D. The City may issue a stop work order as to any building or improvement affected and may deny the issuance of any requested building permit or Certificate of Occupancy for such building or improvement regardless of whether the Developer is the named applicant for such permit or certificate of occupancy, and may suspend further inspections of any or all aspects of the defaulting building improvement until cured.

E. The City may assess a lien against an individual property owner on a pro-rata basis.

4.2 In the event that the City utilizes the proceeds of a financial assurance given to ensure completion or maintenance of improvements, at any time throughout the period of development and construction of any part of the Development, the City, its contractors, representatives, consultants and agents, shall be permitted, and are hereby granted authority, to enter upon all or any portion of the Property for the purpose of inspecting and/or completing the respective improvements, and for the purposes of inspecting for compliance with and enforcement of the PUD Documents.

4.3 To the extent the PUD Documents deviate from the City of Troy Development Standards, Zoning Ordinances, or other City ordinances, or any amendments thereto, the PUD Documents shall control in all respects, including all land uses and approvals set forth and/or allowed pursuant to the PUD. All improvements constructed in accordance with the PUD Documents shall be deemed to be conforming under the Zoning Ordinance and in compliance with all ordinances of the City for all times and purposes and shall run with the land.

4.4 A portion of the property that is included in this Proposed Planned Unit Development is restricted by an Amended and Restated Consent Judgment dated July 29, 2003, which amends the original consent judgment dated January 7, 1992. According to paragraph 9 of this Amended and Restated Consent Judgment, the zoning for Lot 20 of the Big Beaver

Poultry Farms Subdivision "shall be either: (i) the zoning of and uses of Lot 15 (owned by the City of Troy as of the time of the original judgment), as elected by Troy; or (ii) R-1E, single-family residential". The approval of the Proposed Big Beaver Place PUD Agreement and Conceptual Site Plan by the Troy City Council would satisfy this provision, to the extent that both Lots 15 and 20 would be rezoned to the same PUD zoning classification.

ARTICLE V

MISCELLANEOUS PROVISIONS

5.1 This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement. Developer and any successor developers and property owners shall have the right to delegate its (their) rights and obligations under this Agreement to an Association as set out in this Agreement. Until rights and responsibilities under this Agreement are transferred to such Association, Developer and the City shall be entitled to modify, replace, amend or terminate this Agreement, without requiring the consent of any other person or entity whatsoever, regardless of whether such person has any interest in the Property, including owners, mortgages of co-owners, and others. After the rights and obligations under this Agreement are transferred to an Association or any successor developer, only the Association or Associations, the successor developers and property owners, and the City shall be entitled to modify, replace, amend or terminate this Agreement.

5.2 This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

5.3 Where there is a question with regard to applicable regulations for a particular aspect of the Development, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the PUD Documents which apply, the City in the reasonable exercise of its discretion, shall determine the regulations of the City's Ordinances that are applicable, provided such determination is not inconsistent with the nature and intent of the PUD Documents nor increase such obligations.

5.4 The terms of the PUD Documents, including this Agreement, have been negotiated by the undersigned parties and such documentation represents the product of the joint efforts and agreement of the Developer and the City. Developer and the City fully accept and agree to the final terms, conditions, requirements and obligations of the PUD Documents, and shall not be permitted in the future to claim that the effect of these PUD Documents results in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of any of the PUD Documents causes an inverse condemnation or taking of all or a portion of the Property. Furthermore, it is agreed that the improvements and undertakings set forth in the PUD Documents are necessary and roughly proportional to the burden imposed in order to ensure that services and facilities affected by the Planned Unit Development will be capable of accommodating increased services and facility loads, traffic and storm water drainage caused by the development thereof, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent uses of land, to promote use of the Property in a socially and economically desirable manner, and to achieve other legitimate objectives authorized under the

Michigan Zoning Enabling Act, MCL 125.3101, *et seq.* It is further agreed and acknowledged hereby that all of such improvements are substantially related to the burdens to be created by the development contemplated hereby, and all such improvements and the requirements and regulations of the Property under the PUD Documents and Zoning Ordinance, without exception, are clearly and substantially related to the City's legitimate interests in protecting the public health, safety and general welfare.

5.5 Developer, its successors and assigns, shall comply as is applicable with the following:

A. Signage for the commercial and retail components shall comply with the Sign Ordinance requirements for B districts. Signage for the residential facility shall comply with Sign Ordinance requirements for the R-M district.

B. Elevations for the commercial retail buildings shall be consistent with the elevations which have heretofore been submitted to the Planning Commission and City Council. Furthermore, the elevations shall be brought back to the Planning Commission and City Council for review prior to granting of building permits.

C. Rooftop mechanical equipment shall be fully screened with materials that are architecturally consistent with the building elevations.

5.6 Any notice provided for in this Agreement shall be in writing, addressed to the party to whom notice is given at the address set out at the beginning of this Agreement, or to such other address as one party gives to the other by notice, and deposited in the United States Mails, postage prepaid.

5.7 This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

5.8 This Agreement shall be binding on, and shall inure to the benefit of the parties and their respective successors and assigns.

THIS AGREEMENT was executed by the respective parties on the date specified with the notarization with their name, and shall take effect on the date of adoption by the Troy City Council of the Zoning Ordinance amendment granting rezoning of the Property to Big Beaver Place Planned Unit Development.

IN WITNESS WHEREOF, Developer has caused this Development Agreement to be executed the day and year first above written.

DEVELOPER:

BIG BEAVER PLACE, LLC,
a Michigan limited liability company

Dated: 9-6-07

By: STEFANO MULARONI
Its: MEMBER

CITY:

CITY OF TROY, a Michigan municipal corporation

Dated: September 10, 2007

By: Louise Schilling
Its: Mayor

Dated: September 10, 2007

By: Tonni Bartholomew
Its: City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF ~~OAKLAND~~ MACOMB)

The foregoing instrument was acknowledged before me this 6th day of September, 2007, by STEFANO MULARONI, the MEMBER of BIG BEAVER PLACE, LLC, a Michigan limited liability company, on behalf of the company.

COLLEEN J. CRAWFORD
Notary Public, State of Michigan
County of Macomb
My Commission Expires Sep. 17, 2013
Acting in the County of MACOMB

Print Name:
Notary Public, _____ County, Michigan
My Commission Expires:
Acting in the County of

{Notary continues on next page}

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 10th day of September, 2007, by Louise Schilling, Mayor, and Tonni Bartholomew, City Clerk, of the City of Troy, a Michigan municipal corporation, on behalf of the Corporation.

LAURA CAMPBELL
Notary Public, Oakland County, MI
My Commission Expires 9/25/2011
Acting in Oakland County

Laura Campbell
Print Name: Laura Campbell
Notary Public, Oakland County, Michigan
My Commission Expires: 09/25/2011
Acting in the County of Oakland

DRAFTED BY:
Norman Hyman, Esq. (P15319)
Honigman Miller Schwartz & Cohn LLP
38500 Woodward Suite 100
Bloomfield Hills, MI 48304
(248) 566-8460

WHEN RECORDED RETURN TO:
Tonni Bartholomew,
City Clerk
500 West Big Beaver Road
Troy, MI 48084

OAKLAND.1319692.1

BIG BEAVER PLACE

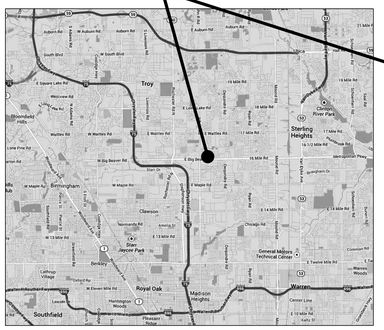
NEW MIXED USE DEVELOPMENT

TROY, MICHIGAN

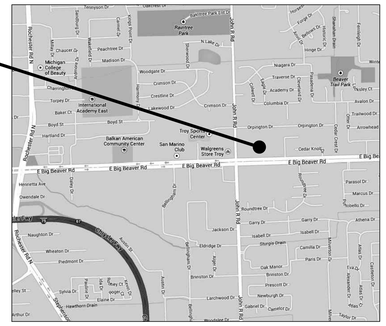
DRAWING INDEX

T.1	TITLE SHEET
A0.0	PROPERTY SURVEY
A1.0	SITE PLAN
A1.1	LANDSCAPE PLAN
A1.2	STORMWATER MANAGEMENT PLAN
A1.3	VIHICULAR AND PEDESTRIAN CIRCULATION
A2.0	BUILDING FLOOR PLANS
A3.0	BUILDING ELEVATIONS

PROJECT LOCATION
TROY, MI



VACINITY MAP



SITE MAP

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United States
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SHEET REVISIONS

MARK	DATE	DESCRIPTIO

TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

PROJECT ISSUE DATES

01	04/02/14	PUD Revisions
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URS PROJECT NO.

TITLE SHEET

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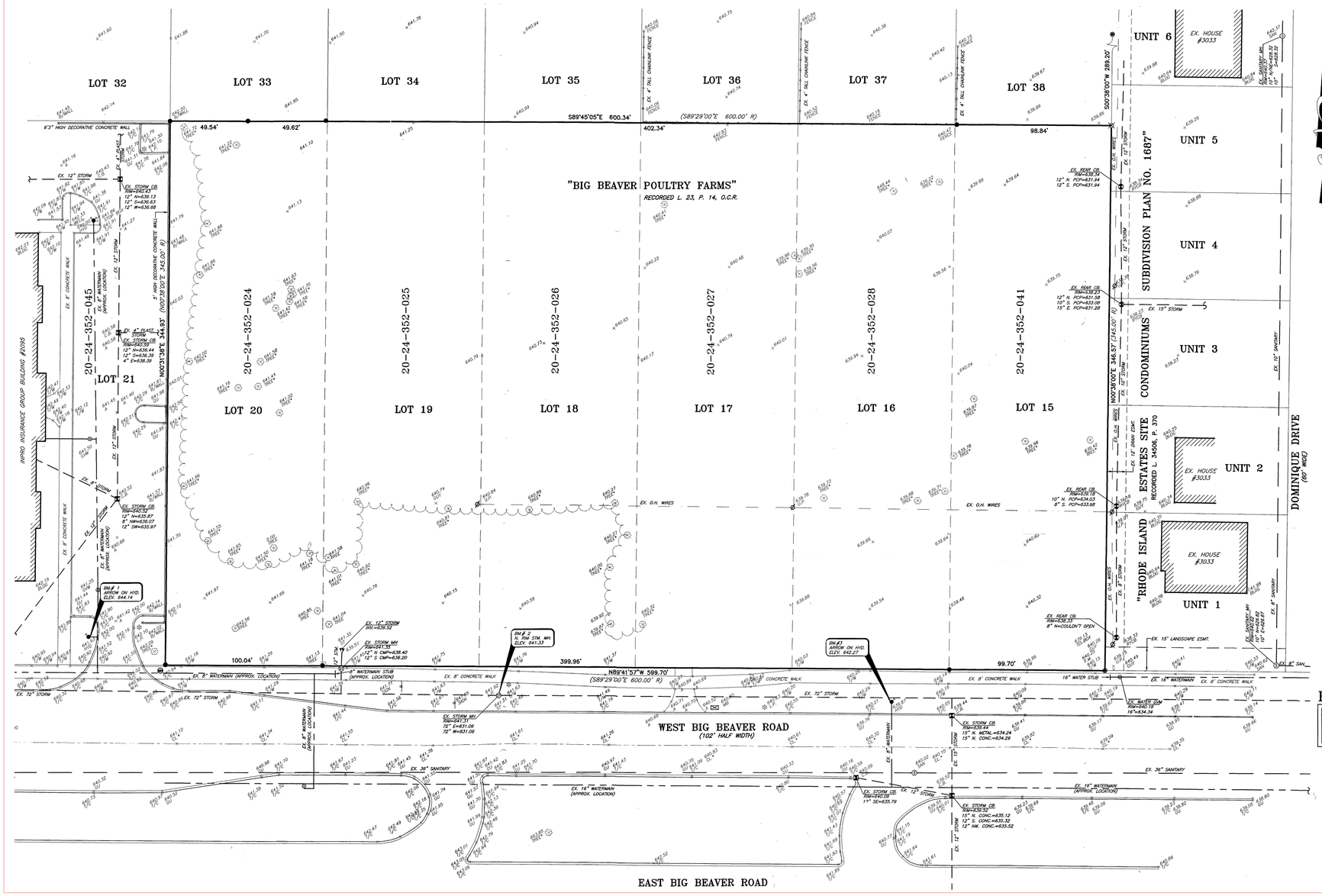
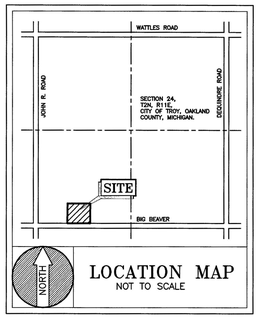
BOUNDARY AND TOPOGRAPHIC SURVEY BIG BEAVER PLACE

PART OF THE SW1/4, SECTION 24, T2N, R11E,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LEGEND

- IRON FOUND
- MONUMENT FOUND
- MONUMENT SET
- PROPERTY CORNER SET
- SEC. CORNER
- WATERMAIN
- SANITARY SEWER
- STORM SEWER
- FENCE-LINE
- OVERHEAD WIRES
- 680 CONTOUR
- ROAD INLET
- ROAD CATCH BASIN
- REAR-YARD INLET
- REAR-YARD C.B.
- END-SECTION
- UTILITY POLE
- SIGN
- MAILBOX
- TREES
- TREE / BRUSH LINE



LOCATION MAP
NOT TO SCALE

BENCHMARKS:

BM. #1) ARROW ON HYDRANT LOCATED ON THE N. SIDE OF BIG BEAVER IN ISLAND AT ENTRANCE TO PARKING LOT AT BUILDING #2095
ELEV.= 644.14 (SHOWN CITY BENCHMARK)

BM. #2) N. RIM STORM MH N. SIDE OF BIG BEAVER 75' W OF HOUSE #2135
ELEV.= 641.33 (SHOWN CITY BENCHMARK)

BM. #3) ARROW ON HYDRANT LOCATED ON THE N. SIDE OD BIG BEAVER 100' E. OF HOUSE #2135
ELEV.=642.27 (SHOWN CITY BENCHMARK)

GRAPHIC SCALE

30 0 15 30 60

1 inch = 30 ft.

10-23-06 RLH
06-640 LOTS 15-16-17-18-19-20 BIG BEAVER POULTRY FARMS
BIG BEAVER PLACE BOUNDARY

DESCRIPTION OF PROPERTY (FROM RECORD)

LOTS 15-16-17-18-19-20, "BIG BEAVER POULTRY FARMS", PART OF THE SW1/4 OF SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, RECORDED IN LIBER 23 OF PLATS, PAGE 14, OAKLAND COUNTY RECORDS, EXCEPT THE SOUTH 69 FEET TAKEN FOR BIG BEAVER ROAD.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS SIDWELL NO. 20-24-352-041, 20-24-352-028, 20-24-352-027, 20-24-352-026, 20-24-352-025 AND 20-24-352-024.

CERTIFIED TO:

BIG BEAVER PLACE, LLC
48593 HAYES ROAD
SHELBY TOWNSHIP, MICHIGAN 48315
1-313-585-1345

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE SURVEY; THAT THIS DRAWING IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED; THAT SAID SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE OF 1 IN 5000; THAT THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, ACT NO. 132, P.A. OF 1970, AS AMENDED.

BEARING DATA ORIGINATES FROM THE WEST LINE OF "RHODE ISLAND ESTATES SITE CONDOMINIUM SUBDIVISION PLAN NO. 1687", RECORDED IN LIBER 34506, PAGE 370, OAKLAND COUNTY RECORDS.

THIS PROPERTY LIES WITHIN AN AREA DESIGNATED AS ZONE C (AREA OF MINIMAL FLOODING) AS DEPICTED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 260180 0004 E, DATED SEPTEMBER 16, 1988, PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

EASEMENT NOTE

A TEMPORARY CONSTRUCTION RIGHT OF WAY EASEMENT DESCRIBED AS "THE SOUTH 10 FEET OF LOT 20", "BIG BEAVER POULTRY FARMS" RECORDED IN LIBER 6190, PAGE 589, OAKLAND COUNTY RECORDS, HAS EXPIRED (DECEMBER 31, 1974)

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SHEET REVISIONS

MARK	DATE	DESCRIPTIO

TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

PROJECT ISSUE DATES

01	04/02/14	PUD Revisions
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PROPERTY SURVEY

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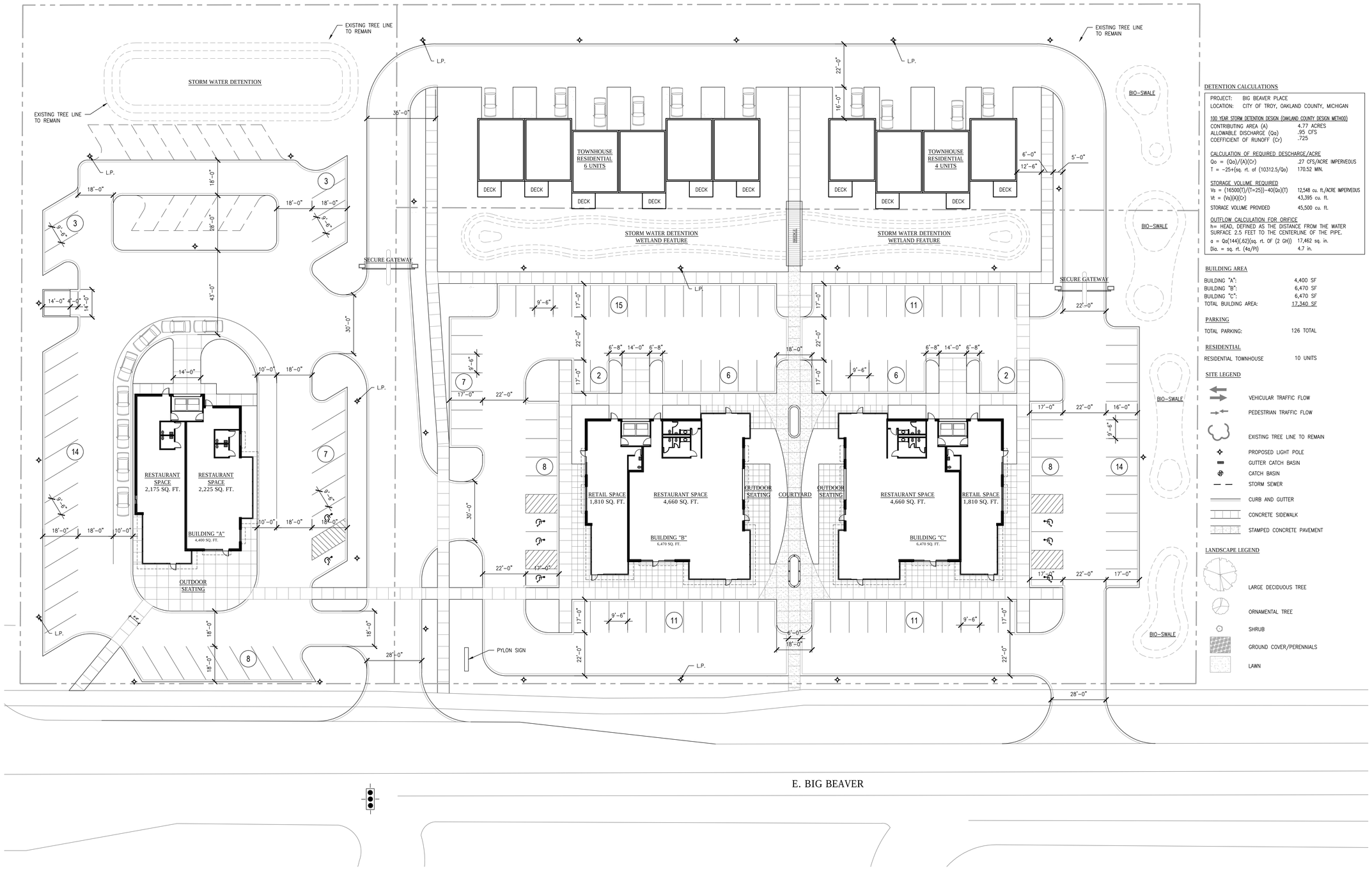

DETENTION CALCULATIONS

PROJECT: BIG BEAVER PLACE
LOCATION: CITY OF TROY, OAKLAND COUNTY, MICHIGAN

100 YEAR STORM DETENTION DESIGN (OAKLAND COUNTY DESIGN METHOD)

CONTRIBUTING AREA (A)	4.77 ACRES
ALLOWABLE DISCHARGE (Qa)	.95 CFS
COEFFICIENT OF RUNOFF (Cr)	.725

CALCULATION OF REQUIRED DESCHARGE/ACRE

Qo = (Qa)/(A)(Cr)	.27 CFS/ACRE IMPERVEOUS
T = -25+(sq. rt. of (10312.5/Qa)	170.52 MIN.

STORAGE VOLUME REQUIRED

Vs = (16500(T)/(T+25))-40(Qa)(T)	12,548 cu. ft./ACRE IMPERVEOUS
Vt = (Vs)(A)(Cr)	43,395 cu. ft.
STORAGE VOLUME PROVIDED	45,500 cu. ft.

OUTFLOW CALCULATION FOR ORIFICE
h= HEAD, DEFINED AS THE DISTANCE FROM THE WATER SURFACE 2.5 FEET TO THE CENTERLINE OF THE PIPE.

a = Qa(144)(.62)(sq. rt. OF (2 GH))	17.462 sq. in.
Dia. = sq. rt. (4a/Pi)	4.7 in.

BUILDING AREA

BUILDING "A":	4,400 SF
BUILDING "B":	6,470 SF
BUILDING "C":	6,470 SF
TOTAL BUILDING AREA:	17,340 SF

PARKING

TOTAL PARKING: 126 TOTAL

RESIDENTIAL

RESIDENTIAL TOWNHOUSE 10 UNITS

SITE LEGEND

- VEHICULAR TRAFFIC FLOW
- PEDESTRIAN TRAFFIC FLOW
- EXISTING TREE LINE TO REMAIN
- PROPOSED LIGHT POLE
- GUTTER CATCH BASIN
- CATCH BASIN
- STORM SEWER
- CURB AND GUTTER
- CONCRETE SIDEWALK
- STAMPED CONCRETE PAVEMENT

LANDSCAPE LEGEND

- LARGE DECIDUOUS TREE
- ORNAMENTAL TREE
- SHRUB
- GROUND COVER/PERENNIALS
- LAWN

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MARK	DATE	DESCRIPTION

TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

PROJECT ISSUE DATES

01	04/02/14	PUD Revisions

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SITE PLAN

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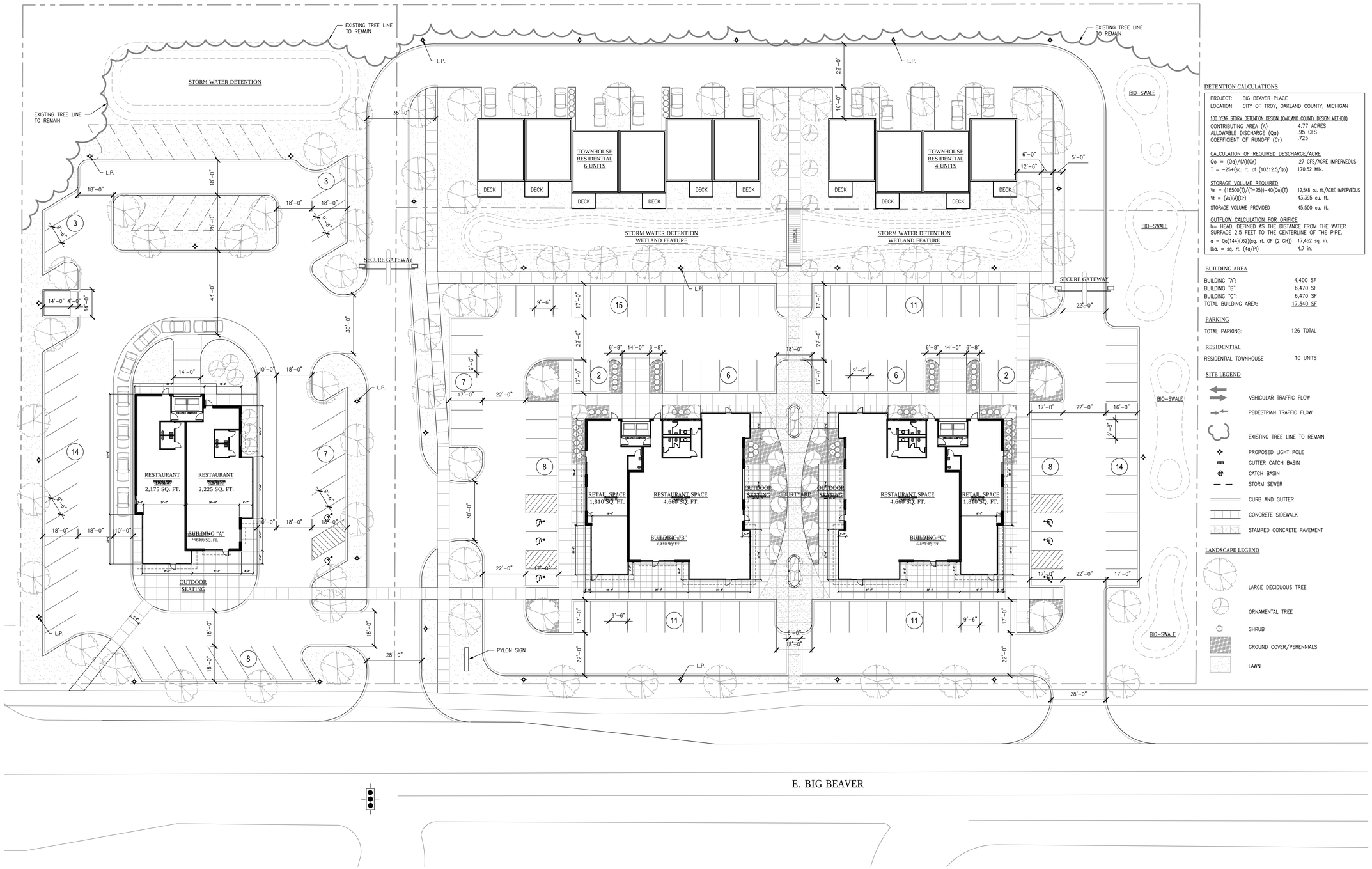

DETENTION CALCULATIONS

PROJECT: BIG BEAVER PLACE
LOCATION: CITY OF TROY, OAKLAND COUNTY, MICHIGAN

100 YEAR STORM DETENTION DESIGN (OAKLAND COUNTY DESIGN METHOD)

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STORAGE VOLUME PROVIDED	45,500 cu. ft.

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TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

PROJECT ISSUE DATES

01	04/02/14	PUD Revisions

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LANDSCAPE PLAN

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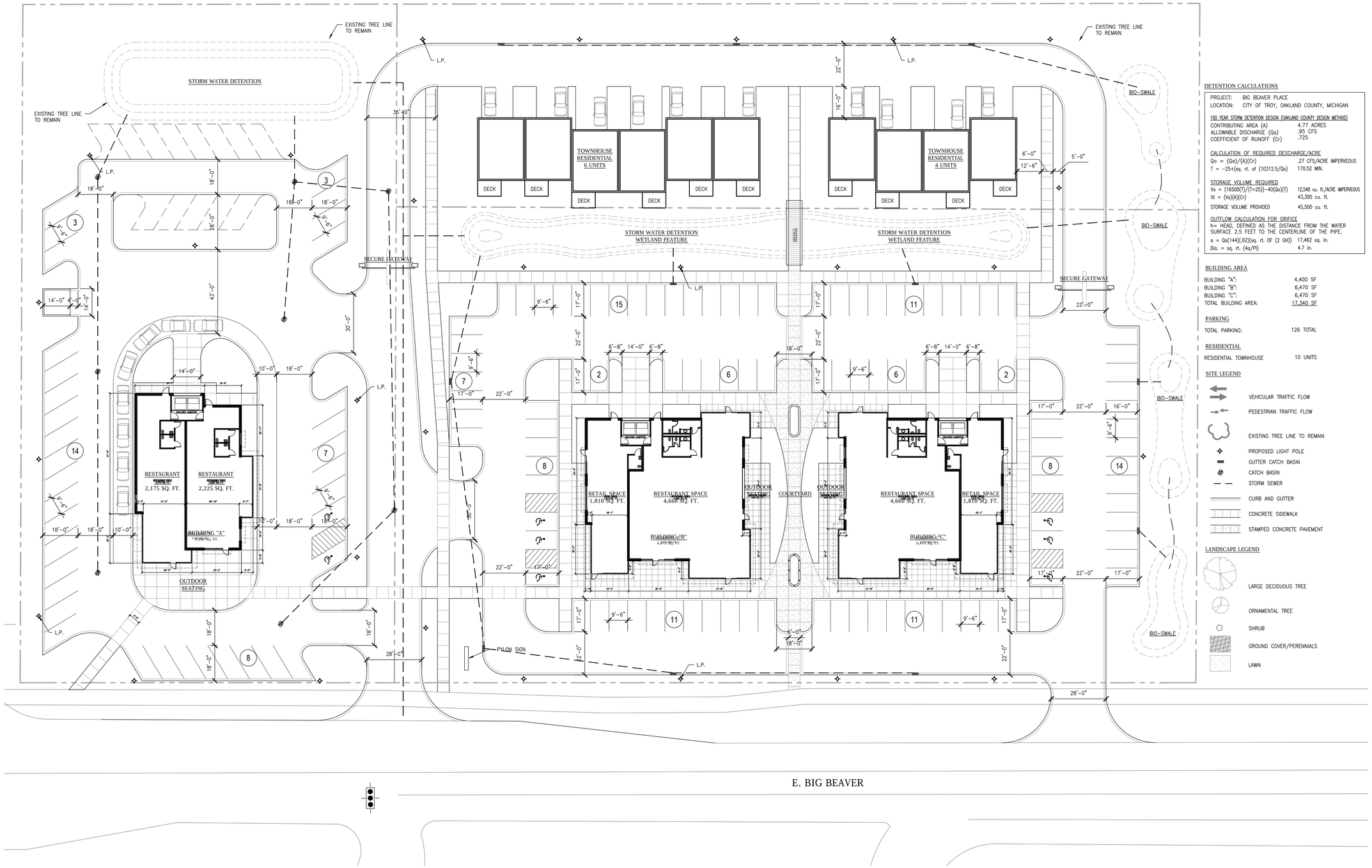

DETENTION CALCULATIONS

PROJECT: BIG BEAVER PLACE
LOCATION: CITY OF TROY, OAKLAND COUNTY, MICHIGAN

100 YEAR STORM DETENTION DESIGN (OAKLAND COUNTY DESIGN METHOD)

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Vs = (16500(T)/(T=25))-40(Qo)(T)	12,548 cu. ft./ACRE IMPERVEOUS
Vt = (Vs)(A)(Cr)	43,395 cu. ft.
STORAGE VOLUME PROVIDED	45,500 cu. ft.

OUTFLOW CALCULATION FOR ORIFICE
h= HEAD, DEFINED AS THE DISTANCE FROM THE WATER SURFACE 2.5 FEET TO THE CENTERLINE OF THE PIPE.

a = Qa(144)(.62)(sq. rt. OF (2 GH))	17.462 sq. in.
Dia. = sq. rt. (4a/Pi)	4.7 in.

BUILDING AREA

BUILDING "A":	4,400 SF
BUILDING "B":	6,470 SF
BUILDING "C":	6,470 SF
TOTAL BUILDING AREA:	17,340 SF

PARKING

TOTAL PARKING: 126 TOTAL

RESIDENTIAL

RESIDENTIAL TOWNHOUSE 10 UNITS

SITE LEGEND

- VEHICULAR TRAFFIC FLOW
- PEDESTRIAN TRAFFIC FLOW
- EXISTING TREE LINE TO REMAIN
- PROPOSED LIGHT POLE
- GUTTER CATCH BASIN
- CATCH BASIN
- STORM SEWER
- CURB AND GUTTER
- CONCRETE SIDEWALK
- STAMPED CONCRETE PAVEMENT

LANDSCAPE LEGEND

- LARGE DECIDUOUS TREE
- ORNAMENTAL TREE
- SHRUB
- GROUND COVER/PERENNIALS
- LAWN

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SHEET REVISIONS

MARK	DATE	DESCRIPTION

TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

PROJECT ISSUE DATES

01	04/02/14	PUD Revisions

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STORMWATER MANAGEMENT PLAN

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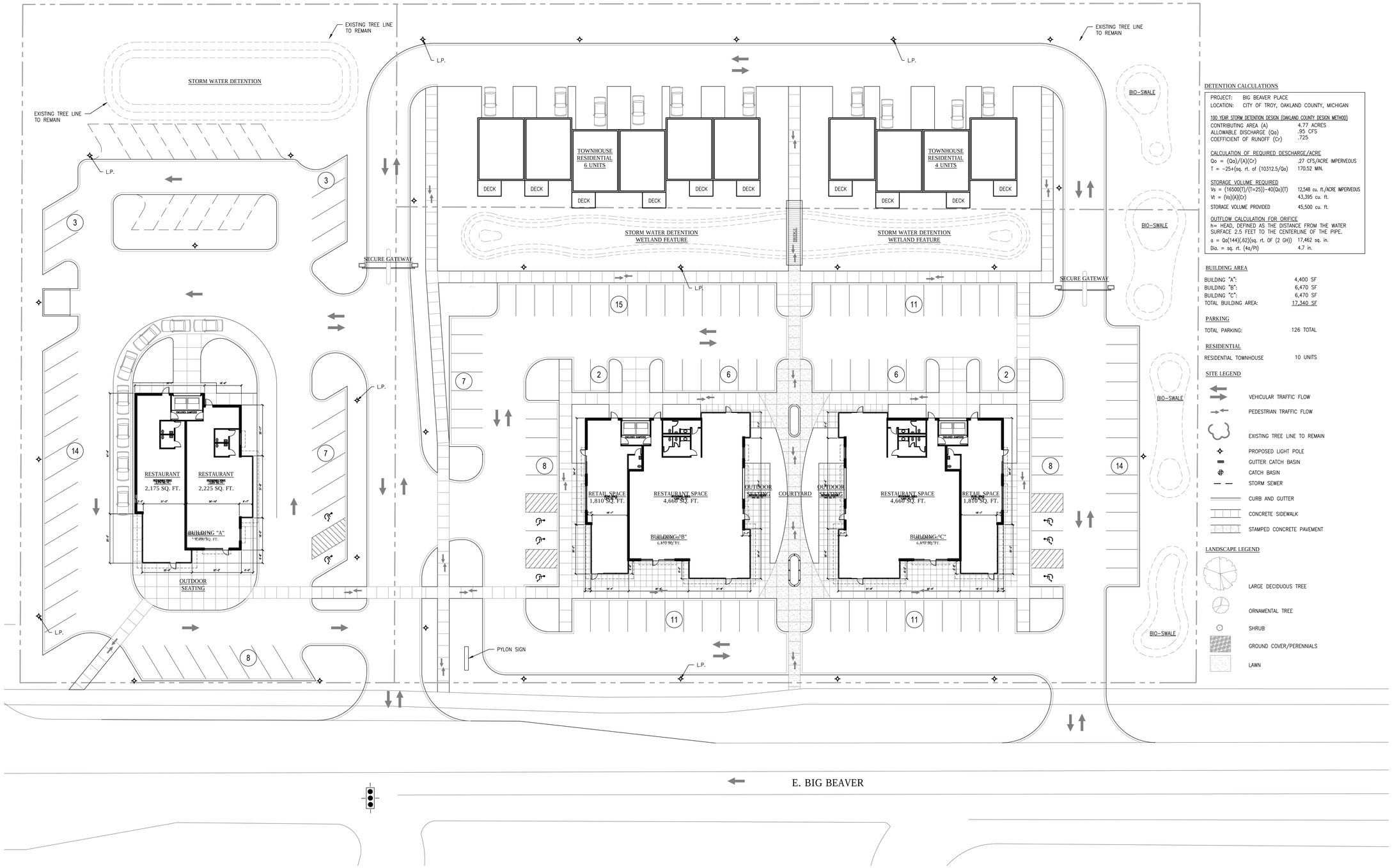

DETENTION CALCULATIONS

PROJECT: BIG BEAVER PLACE
LOCATION: CITY OF TROY, OAKLAND COUNTY, MICHIGAN

100 YEAR STORM DETENTION DESIGN (OAKLAND COUNTY DESIGN METHOD)

CONTRIBUTING AREA (A)	4.77 ACRES
ALLOWABLE DISCHARGE (Qo)	.95 CFS
COEFFICIENT OF RUNOFF (Cr)	.725

CALCULATION OF REQUIRED DESCHARGE/ACRE

Qo = (Qo)/(A)(Cr)	.27 CFS/ACRE IMPERVEOUS
T = -25+(sq. rt. of (10312.5/Qo)	170.52 MIN.

STORAGE VOLUME REQUIRED

Vs = (16500(T)/(T=25))-40(Qo)(T)	12,548 cu. ft./ACRE IMPERVEOUS
Vt = (Vs)(A)(Cr)	43,395 cu. ft.
STORAGE VOLUME PROVIDED	45,500 cu. ft.

OUTFLOW CALCULATION FOR ORIFICE

h= HEAD, DEFINED AS THE DISTANCE FROM THE WATER SURFACE 2.5 FEET TO THE CENTERLINE OF THE PIPE.

a = Qo(144)(.62)(sq. rt. OF (2 GH))	17,462 sq. in.
Dia. = sq. rt. (4a/Pi)	4.7 in.

BUILDING AREA

BUILDING "A":	4,400 SF
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BUILDING "C":	6,470 SF
TOTAL BUILDING AREA:	17,340 SF

PARKING

TOTAL PARKING: 126 TOTAL

RESIDENTIAL

RESIDENTIAL TOWNHOUSE 10 UNITS

SITE LEGEND

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LANDSCAPE LEGEND

- LARGE DECIDUOUS TREE
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SHEET REVISIONS

MARK	DATE	DESCRIPTION

TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

PROJECT ISSUE DATES

01	04/02/14	PUD Revisions
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CHECKED BY:
MANAGER:

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VEHICULAR & PEDESTRIAN CIRCULATION

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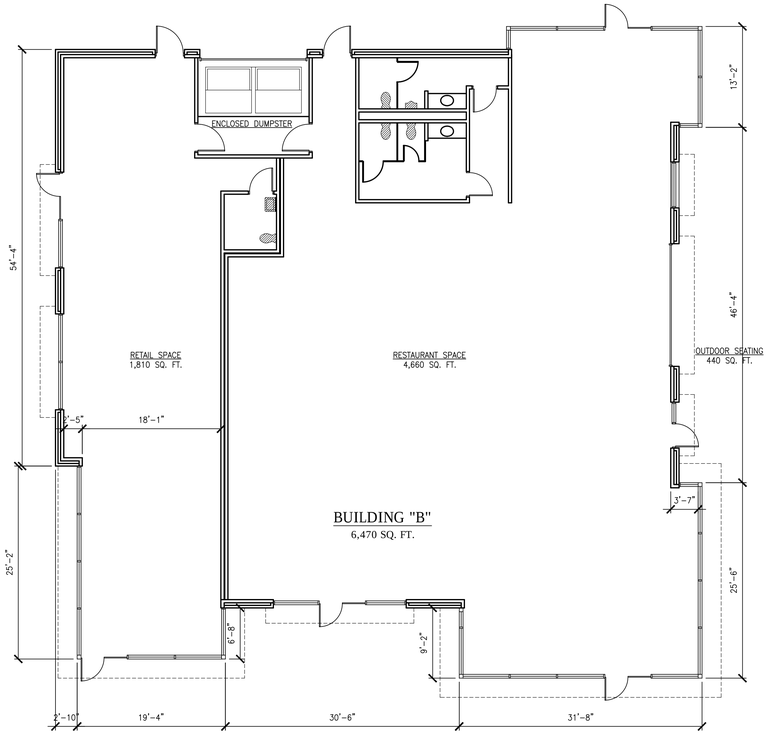
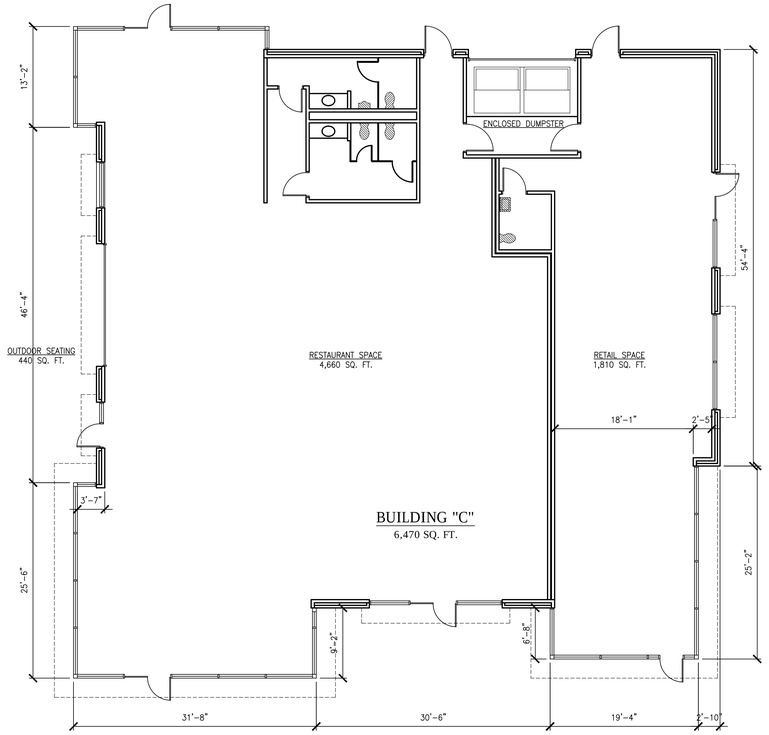


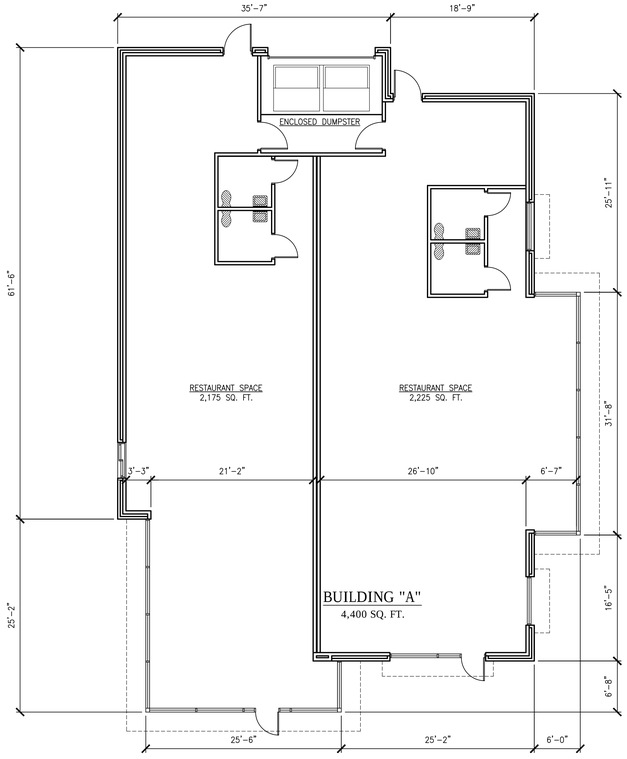
B BUILDING "C" FLOOR PLAN

Scale: 1/8" = 1'-0"



C BUILDING "C" FLOOR PLAN

Scale: 1/8" = 1'-0"



A BUILDING "C" FLOOR PLAN

Scale: 1/8" = 1'-0"

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SHEET REVISIONS

MARK	DATE	DESCRIPTIO

TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

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BUILDING FLOOR PLAN

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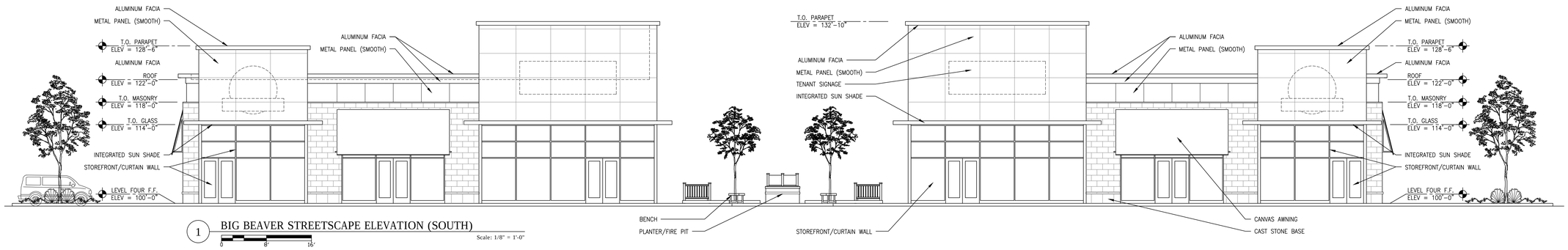
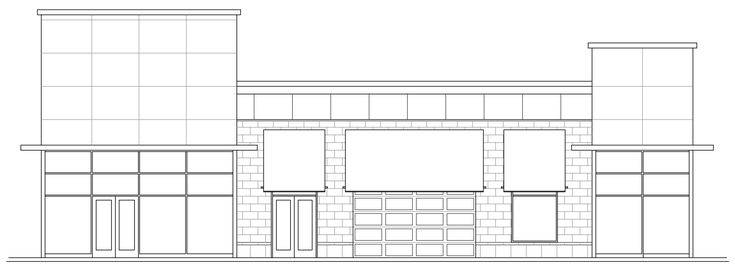


1 BIG BEAVER STREETSCAPE ELEVATION (SOUTH)

Scale: 1/8" = 1'-0"



2 COURTYARD ELEVATION

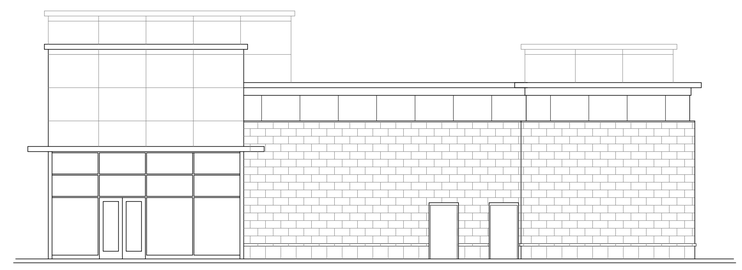
Scale: 1/8" = 1'-0"

3 PARKING LOT ELEVATION

Scale: 1/8" = 1'-0"

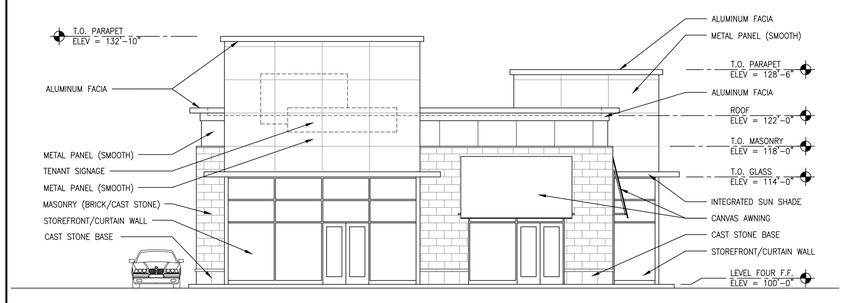
4 BUILDING "A" EAST ELEVATION

Scale: 1/8" = 1'-0"



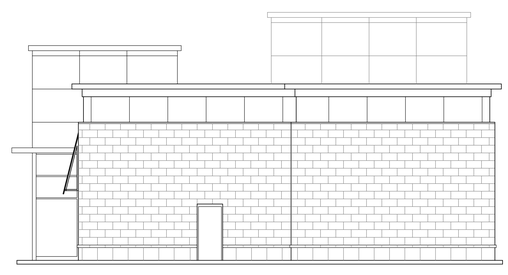
5 REAR ELEVATION

Scale: 1/8" = 1'-0"



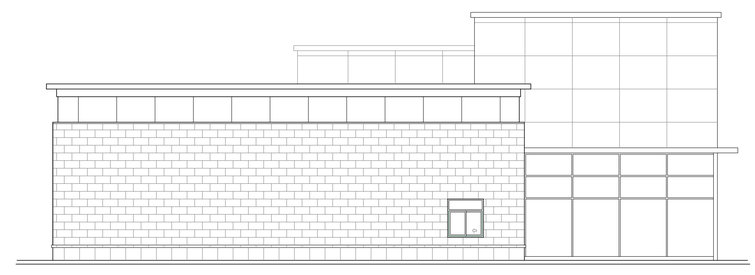
6 BUILDING "A" BIG BEAVER ELEVATION (SOUTH)

Scale: 1/8" = 1'-0"



2 BUILDING "A" REAR ELEVATION (NORTH)

Scale: 1/8" = 1'-0"



2 BUILDING "A" DRIVE-THRU ELEVATION (WEST)

Scale: 1/8" = 1'-0"

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TROY BIG BEAVER PLACE

NEW MIXED USE DEVELOPMENT

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BUILDING ELEVATIONS

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DATE: April 16, 2014

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: POTENTIAL CONDITIONAL REZONING APPLICATION – Proposed Ciena Regency at Troy, (part of) 3668 Livernois, (part of) PID 88-20-22-101-034, Section 22, Currently Zoned R-1C (One Family Residential) District

Ciena Healthcare Management seeks direction from the Planning Commission on a potential development project. The proposed one-story convalescent center would feature 112 beds plus support space.

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

The owner seeks input from the Planning Commission on this matter. Please be prepared to discuss this item at the April 22, 2014 Special/Study meeting.

Attachments:

1. Maps
2. City of Troy Master Plan (excerpt)
3. Report prepared by CWA
4. Letter from Ciena Healthcare Management, with attachments
5. Public comment.

G:\Conditional Rezoning\Potential Conditional Rezonings\Ciena Regency at Troy\PC Memo 04 22 2014.docx

City of Troy GIS Online

702 0 351 702 Feet

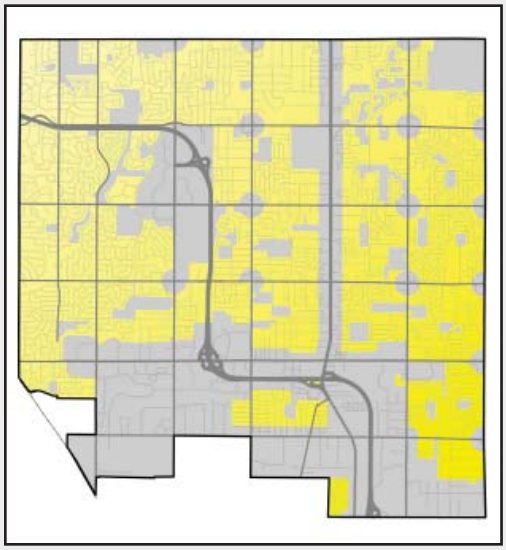
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

City of Troy GIS Online

702 0 351 702 Feet

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

Single-Family Residential: The Social Neighborhood



- *Social units of the City.*
- *Walkable, safe places to live.*
- *Centered on schools or other community facilities.*
- *Linked with nearby services.*

The predominant land use in the City of Troy is single family residential. **This category is intended to preserve the existing quality residential neighborhoods of the City while recognizing the need for other uses that support the main function of residential areas.** The single family areas of the City are arranged around Social Neighborhoods. Social Neighborhoods are unique, self-contained areas bounded by Troy's main thoroughfares. They are mostly single-family areas centered on community elements like schools or parks. Social Neighborhoods are described in more depth at the end of this Chapter, and are illustrated by the solid circles shown on the Neighborhoods Map.

In the Single Family Residential areas of the City, non-residential uses will be considered only when the use is clearly incidental to and ancillary to single-family residential, or when the use is a park, school, or other community-oriented public or quasi-public use.

The Social Neighborhoods of the City are bounded by the mile square grid pattern of Troy's thoroughfares. These defined areas can provide the sense of place that Vision 2020 and this Master Plan are striving for. **In most cases, they have a school as central focus.** Schools continue to be a means of stimulating social interaction on many fronts; children establish their first friendships, parents meet other local parents, schools often host public events. Furthermore, the play areas at school provide readily accessible recreation opportunities. Many Social Neighborhoods in Troy have sidewalks promoting accessibility and exercise, and Troy schools have walking paths that are open to the public.

The ideal Social Neighborhood will exemplify the safer, more enjoyable walking environments envisioned by the "Safe Routes to School" program.

DESIGN CONCEPT

- Neighborhoods are approximately 15 minutes walking from end-to-end.
- A wide variety of residential architecture characterizes the various neighborhoods of the City. Non-residential architecture for schools and places of worship complement the residential setting.

BUILDING LOCATION

- Homes must be located in relation to the street in a manner that complements surrounding, established homes.

SITE DESIGN ATTRIBUTES

- Walks which link residences to destinations such as schools, libraries, abutting neighborhood commercial service areas, coffee shops, and other neighborhoods are critical.
- The neighborhoods must include improved perimeter walks that are functional and aesthetically pleasing. These exterior walks will directly connect to the activity nodes at major intersections and adjacent neighborhoods. Wide walks will be constructed which will incorporate landscaping and innovative stormwater detention areas. These areas will be artistically developed, but functional landforms that carry visual interest. The perimeter walks have the ability to bring residents of adjacent neighborhoods together.
- Neighborhoods should be connected to one another to increase the area where residents can readily navigate on foot and expand the boundaries of social interaction. Crosswalks near the mid-mile areas of each grid will improve outside linkages.
- Lighting will not encroach on adjacent properties, and will be used carefully to provide safety and security, and for accent illumination.

CARLISLE | WORTMAN associates, inc.

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

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

MEMORANDUM

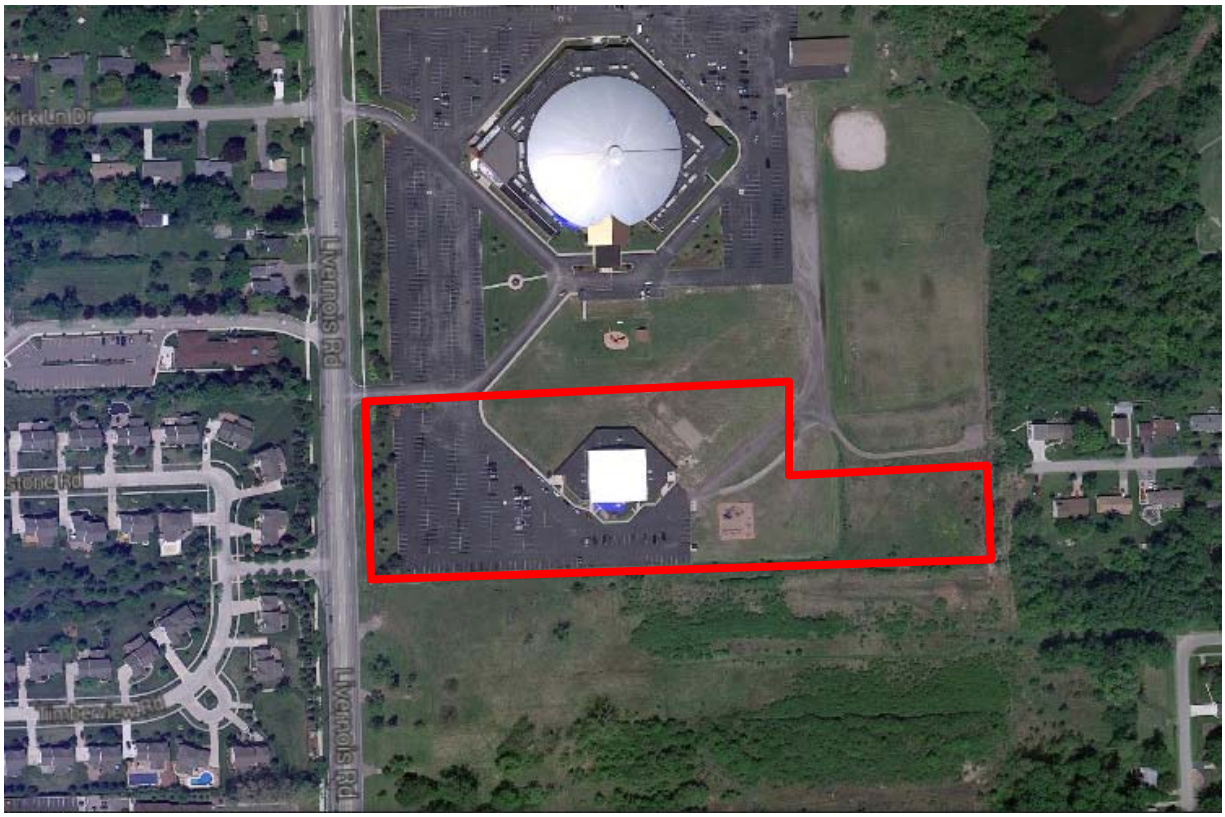
TO: Brent Savidant, AICP Planning Director

FROM: Richard Carlisle, AICP
Benjamin Carlisle, AICP

DATE: April 15, 2014

RE: Ciena Healthcare Management

We received a concept site plan and accompanying documents for a proposed skilled nursing and rehabilitation care center, located west of Livernois Road between Wattles and Big Beaver. The 9.3 acre development site will be split from the Zion Christian Church. The site is currently zoned R1-C.



Use and Rezoning:

The proposed skilled nursing and rehabilitation care center development consists of 122 beds. The center offers post-hospital services from a short-term rehabilitation stay to long term nursing care. The applicant notes that the building will not be used for outpatient rehabilitation. A skilled nursing and rehabilitation care center is not a listed use in the Ordinance; however it is classified by the State as a "Convalescent Center" and requires a certificate of need. Thus for zoning purposes we are determining that the use shall be considered a Convalescent Center. Convalescent Centers are not a permitted use in the R1-C zoning district and require a rezoning. The applicant notes that they desire to submit a complete application as a Conditional Rezoning. The conditions of the Conditional Rezoning were not indicated. The desired rezoning designation has not been determined by the applicant.

	R-1A - R-1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Convalescent centers	NP	NP	S	S	NP	P	NP	P	P	P	P	P	NP	NP	NP

Master Plan:

The predominant land use in the City of Troy is single family residential. The site is future master planned for single-family residential. The Single Family future land use category is intended to preserve the existing quality residential neighborhoods of the City while recognizing the need for other uses that support the main function of residential areas. In the single-family areas, non-residential uses shall only be considered when the use is clearly incidental and ancillary to the single-family residential, or when the use is a park, school, or other community-oriented use. The use of this facility as a Convalescent Center is non-residential in nature, however the location of the site on a major mile road may provide for additional uses that are not specifically noted in the Master Plan. Whatever the future use of this site, a careful examination of the rezoning standards, as well as a detailed site plan review will be required to ensure the protection of adjacent and nearby residents.

Site Planning:

Please note that we have not conducted a full-site plan review, and will not be able to until the applicant determines the requested rezoning designation. These comments are preliminary based on the submitted plans. We do note that the applicant is required to follow the specific use standards of Convalescent Centers set forth in Section 6.25.

Setbacks, height, bulk

The height, lot coverage and setback requirements of the Multiple Family Residential, MF District, shall apply. A 50-foot greenbelt buffer shall be provided adjacent to any land zoned or used for residential purposes. Such greenbelt shall be maintained as landscaped open space and shall not include any buildings, parking, or drive-aisles. The property to north (Zion Church) is zoned residential. The applicant proposes parking within the 50-foot buffer. The applicant must either provide a 50-foot greenbelt buffer or obtain a variance from the Zoning Board of Appeals. The applicant shows "future addition" on their site plan. This area should be removed this unless the future addition is part of the site plan application. In addition, the useable site open space and site amenities appear limited.

Traffic:

The applicant will be required to submit a traffic study

Pedestrian Access:

The applicant is not providing any pedestrian access to the site from the Zion property or the Livernois sidewalk. A pedestrian connection to Livernois will need to be provided.

Elevations:

The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. The applicant will be required to confirm to the satisfaction of the Planning Commission that this requirement has been met.

Parking:

Convalescent Centers require 1 space per each 3 beds or 2 rooms, whichever is less, plus 1 space for each employee on the largest typical shift. The applicant has provided the required 149 spaces. The applicant should also work out an agreement with the Church to permit overflow parking in the southern end of their lot.

Summary:

The applicant is looking for direction from the Planning Commission in regards to their site plan and conditional rezoning application.

Please contact us if you have any questions,

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

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

Architects
Engineers
Planners

50 YEARS
Anniversary

City of Troy
500 West Big Beaver
Troy, MI 48084

April 8, 2014

Attention: Planning Department

Reference: **Ciena Healthcare Management -**
Regency At Troy
Troy, Michigan
Introductory Submission
NSA Project # 214210.00

NSA Architects Engineers Planners is pleased to submit the Regency At Troy, located at the south end of the Zion Christian Church parcel on Livernois, to the City of Troy for an introductory submission. Based on our recent meeting with Planning and other departments an introductory submission packet was requested for April 8th in order to review for an April 22nd meeting. It is our desire to submit for "conditional rezoning" in May after obtaining Planning and neighbor feedback. It is also our desire to break ground later this year to support an opening in 2015. This project has received a CON (certificate of need) from the State of Michigan.

SCOPE OF THE PROJECT

Ciena Healthcare, www.cienahealthcare.com, is a leading innovator and provider of skilled nursing and rehabilitation care services. Their Centers offer a full spectrum of post-hospital stay services that you may need following a hospital discharge, from short-term to long term nursing care. Ciena is headquartered in Southfield, Michigan

The proposed one story facility will consist of 112 Beds (56 Private, 16 Bariatric, and 40 Semi- Private) and all rooms will include a Resident Bathroom with toilet, sink, and shower. Additionally, the facility will also include support spaces (i.e., physical and occupational therapy, dining, etc.), and will be fully equipped with sprinklers and air conditioning.

ATTACHMENTS

Based on our prior meeting we are supplying the following attachments:

1. A letter of support from Zion Christian Church.
2. A Regency of Troy fact sheet that includes the economic impact.
3. A Vicinity Map.
4. A Preliminary Site Plan.
5. A Preliminary Floor Plan
6. Preliminary Elevations
7. A Site Section
8. Representative Photos

Frank A. Ray, AIA
Abdul H. Brinjikji, PE
Christopher C. Arnold, AIA
Roy G. Baker, AIA
James R. Hutchens, PE
Michael Serdiuk, AIA

23761 Research Drive
Farmington Hills, MI 48335
248.477.2444
248.477.2445 fax

www.nsa-ae.com

Founded 1960

MISCELLANEOUS NOTES

1. The building will not be used for outpatient rehab.
2. Ciena Healthcare is a "for profit business" and they will be paying taxes.
3. Anticipated site operations are a once or twice a week garbage pickup from the far east end of the site. Food and supplies are delivered a few times a week by city delivery sized trucks. No semi trucks are anticipated.
4. Parking is adequately sized for visitors, medical visiting staff, the day shift and the overlapping afternoon staff.
5. Tours of nearby facilities can be arranged in West Bloomfield and other communities.

We look forward to meeting and discussing this exciting new project for Troy. Please contact me if there is additional information required prior to the meeting.

NSA Architects Engineers & Planners

Roy G. Baker AIA

Roy G. Baker AIA, NCARB, LEED AP
Vice President

Project Name:

Ciena – Regency of Troy
West of Livernois between E. Wattles Rd. and E. Big Beaver Rd.
Troy, MI 48302
(Oakland County)

Site Area:

9 to 10 Acres

Building Area:

Approx. 73,000 SF
Approx. 20 Semi-Private Rooms (40 Beds)
Approx. 64 Private Rooms (64 Beds)
Approx. 8 Private Bariatric Rooms (8 Beds)
Approx. Total: 122 beds

Project Description:

The facility will be a new one story building consisting of a brick, stone, and siding exterior. Attractive sloped shingled roofs in gable and hip styles create a pleasing non-institutional appearance. Arriving patients, residents, and guests will be covered by a Porte Cochere at the main entrance

The proposed facility will contain approx. 20 Semi-Private Rooms (40 Beds), 64 Private rooms (64 beds) & 8 Private bariatric rooms (8 beds) for an approx. total of 122 beds, with Short Term Rehab & Skilled Nursing.

There will be a total of four courtyards, two of which are completely interior to the building and will be a safe environment to experience the outdoors.

The building amenities include physical & occupational therapy areas, multi-purpose room w/fireplace, activity areas, dining room, kitchen facilities, laundry services, employee lounge, storage, and administration area. The activity rooms feature special lighting, fireplaces, extensive exterior views while the therapy and dining rooms feature coffered ceilings and views of landscaped accent areas.

It will be fully equipped with sprinklers and air conditioning.

The project is expected to generate approx. $8,500,000.00 in construction investment and create approx. 60 full-time construction jobs over the anticipated one year construction duration.

There is expected to be approx. 130 full and part-time permanent positions created once the project is open. Ciena at Regency of Troy can be expected to generate as much as $9,000,000.00 per year in economic activity when fully operational.

The project will benefit the larger community by not only providing construction and permanent jobs and ongoing economic activity, but will also provide rehabilitative and skilled nursing services to Oakland County that will be easily accessible from I-75 and the surrounding residential community.

Zion Christian Church

Troy Planning Commission
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Re: Troy Senior Leasing, LLC

Commissioners:

Zion Christian Church Foundation has entered into a purchase and sale agreement with Troy Senior Leasing, LLC, to sell a 9.3 acre portion of Tax Parcel Number 20-22-10-10-34, commonly known as 3668 Livernois. The 9.3 acres is located in the southern most end of the Foundation's land. The Purchaser intends to develop a 112-bed skilled nursing facility on the parcel. Ciena Health Care Management, Inc. is the developer.

Representatives from the Foundation and Zion Christian Church have met with representatives of Ciena, as well as Ciena's architects and engineers, to discuss the type of services that would be provided at the facility, the site plan for the project, the dimensions of the parcel, and the integration of the project to the future needs and plans of the Church. We have been impressed by the professionalism and courtesy consistently displayed by all Ciena representatives. Foundation and Church representatives have also personally visited similar Ciena projects currently operating in Michigan.

The Foundation and the Church are supportive of this project. Based upon our review of the proposed development plans and our discussions with Ciena, we believe the skilled nursing facility will be a good neighbor, and an asset to our community.

Representatives of the Foundation and the Church will attend the April 22, 2014, Planning Commission meeting to answer questions that the Commission may have regarding our position on the proposed project.

Respectfully,

Richard L. Ramsdell
Business Administration Executive
Zion Christian Church

3668 LIVERNOIS TROY MI 48083 PHONE 248.524.2400 FAX 248.524.1408 WEBSITE www.zionchristian.org

KEY

- PROPOSED CIENA SKILLED NURSING FACILITY
- EDUCATION
- CHURCH
- RESIDENTIAL
- GREEN SPACE
- BUSINESS/ OFFICE
- COMMUNITY BUILDINGS

Regency at Troy

Oakland County, MI

VICINITY MAP

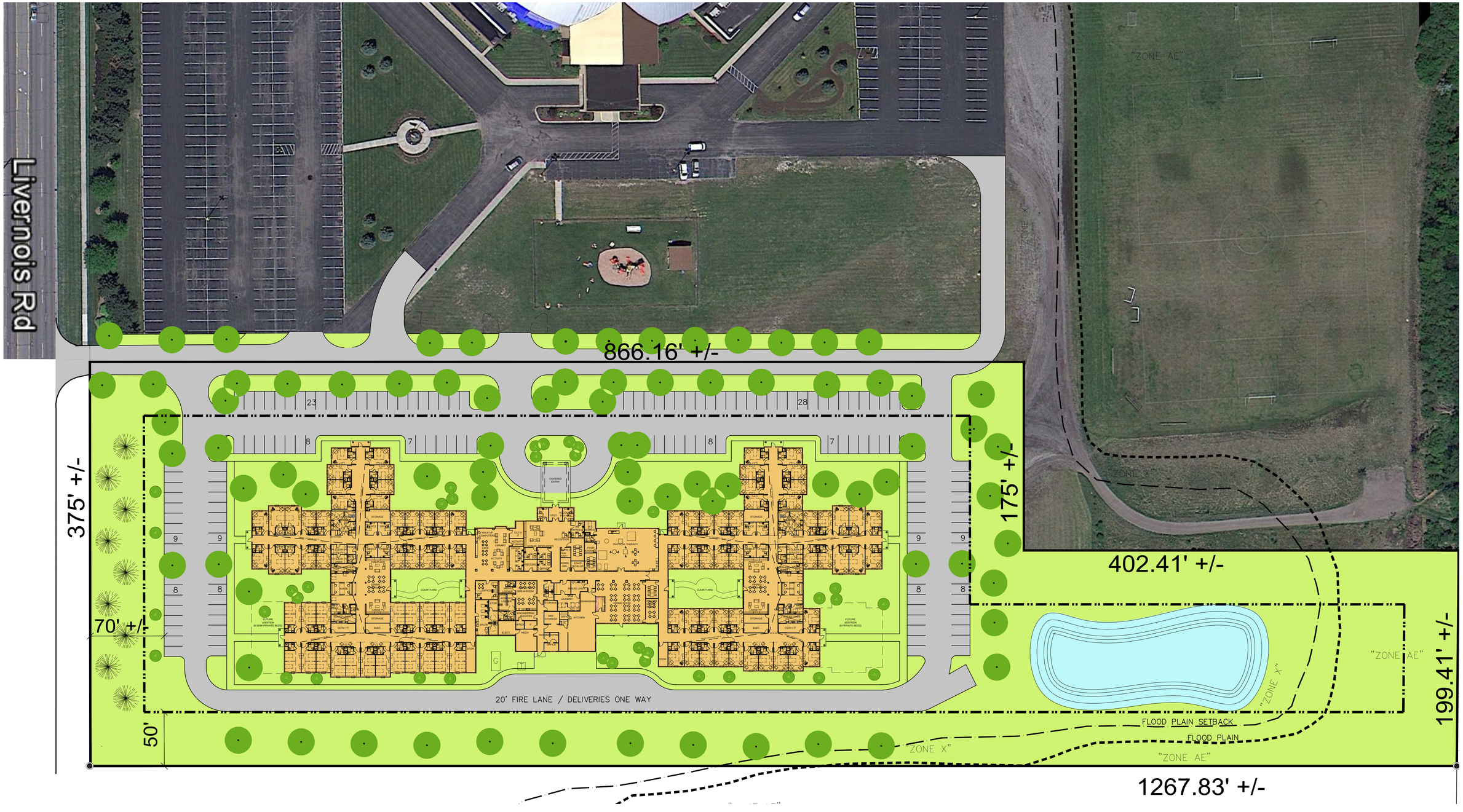
NSA Project No. 213007.18, April 8, 2014

0 25' 50' 100'

N

CIENA HEALTHCARE

NSA Architects Engineers Planners



Regency at Troy

Oakland County, MI

Site Plan

NSA Project No. 213007.18, April 8, 2014

0 25' 50' 100'

N

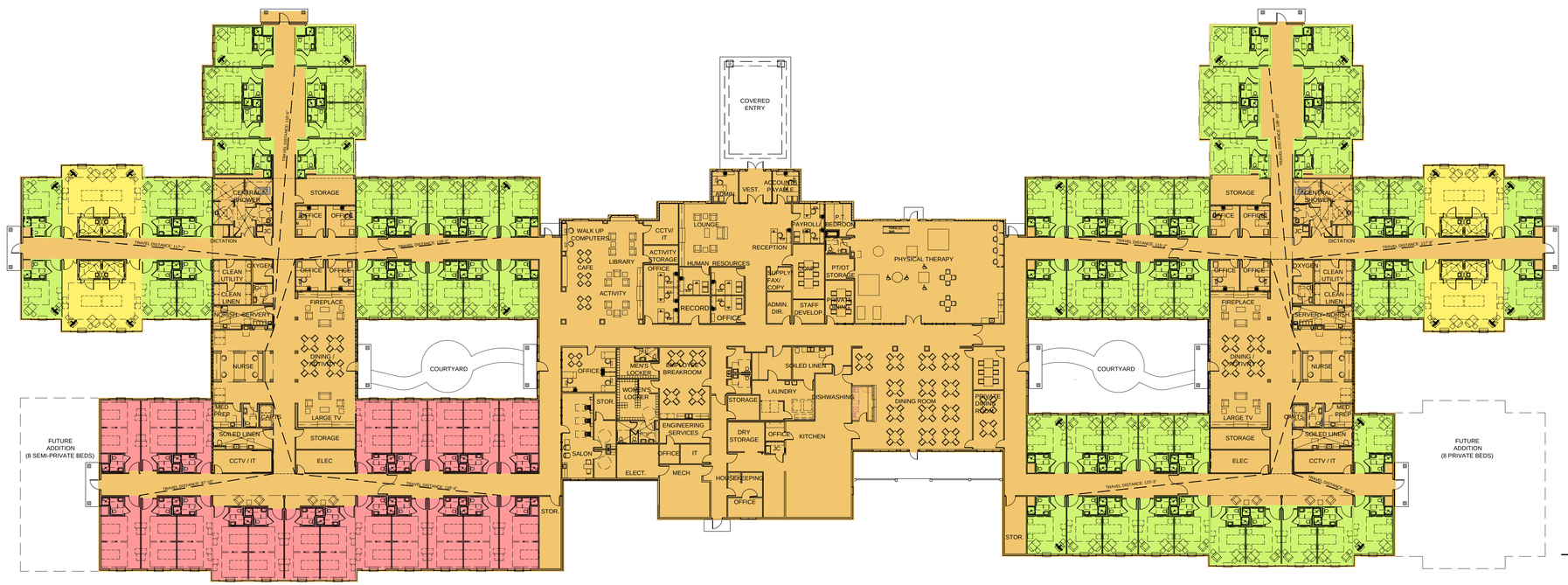
BED CALCULATION	
64 PRIVATE ROOMS:	64 BEDS
8 BARIATRIC ROOMS:	8 BEDS
20 SEMI-PRIVATE ROOMS:	40 BEDS
TOTAL:	112 BEDS
FUTURE ROOMS:	16 BEDS
FUTURE TOTAL:	128 BEDS

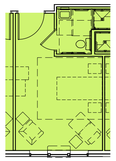
PARKING SPACES	
1 SPACE/ 3 BEDS	43 SPACES
LARGEST SHIFT - DAY	75 SPACES
AFTERNOON SHIFT 1 HR OVERLAP	31 SPACES
TOTAL:	149 SPACES

AREA CALCULATION	
BUILDING FLOOR AREA	73,686 SF

CIENA HEALTHCARE

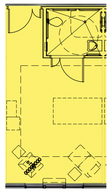
NSA Architects Engineers Planners





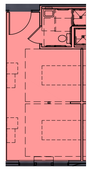
TYP. PRIVATE ROOM

PRIVATE ROOM: GROSS: 322 SQ.FT. (293 NET SQ.FT.)



TYP. BARIATRIC ROOM

BARIATRIC ROOM: GROSS: 423 SQ.FT. (392 NET SQ.FT.)



TYP. SEMI-PRIVATE ROOM

SEMI-PRIVATE ROOM: GROSS: 400 SQ.FT. (369 NET SQ.FT.)

BED CALCULATION

64	PRIVATE ROOMS:	64 BEDS
8	BARIATRIC ROOMS:	8 BEDS
20	SEMI-PRIVATE ROOMS:	40 BEDS
	TOTAL:	112 BEDS
	FUTURE ROOMS:	16 BEDS
	TOTAL:	128 BEDS

AREA CALCULATION

BUILDING FLOOR AREA	73,686 SF

Regency at Troy

Oakland County, MI

0 10' 20' 40'

PHYSICAL THERAPY/OCCUPATIONAL THERAPY

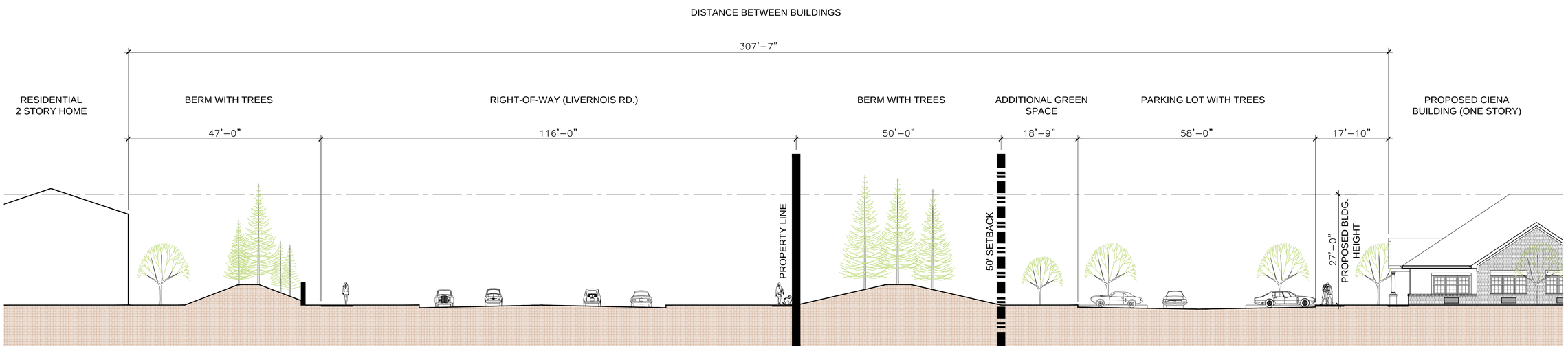
REGENCY AT TROY	= 2,559 S.F.
MANOR OF FARMINGTON HILLS	= 2,035 S.F.
SHELBY / LANSING W. CARE CENTERS	= 3,118 S.F.
REGENCY AT CANTON	= 2,152 S.F.
NOTTING HILL OF WEST BLOOMFIELD	= 2,120 S.F.
COURTNEY MANOR	= 2,053 S.F.
REGENCY AT BLUFFS PARK	= 1,421 S.F.

Floor Plan

NSA Project No. 213007.18, April 8, 2014

CIENA HEALTHCARE

NSA Architects Engineers Planners



Regency at Troy

Oakland County, MI

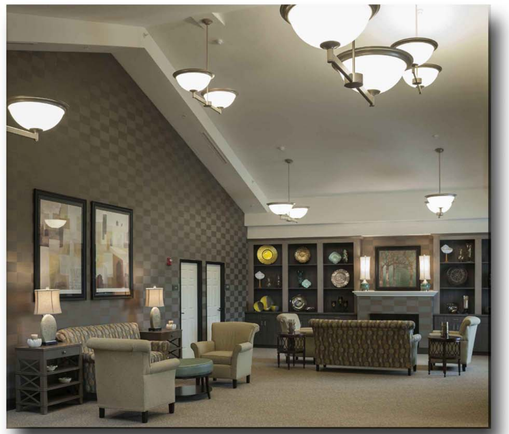
Site Section

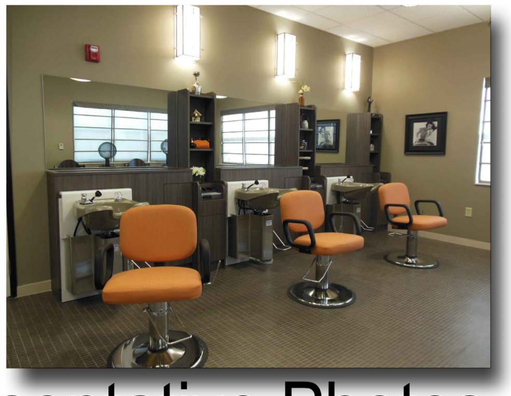
NSA Project No. 213007.18, April 8, 2014

0 25' 50'

CIENA HEALTHCARE

NSA Architects Engineers Planners

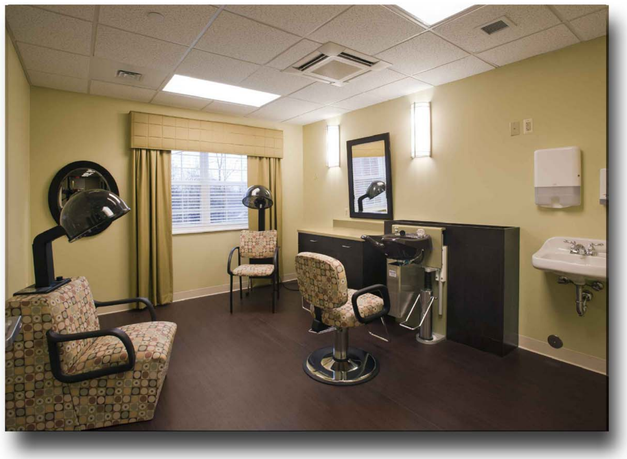


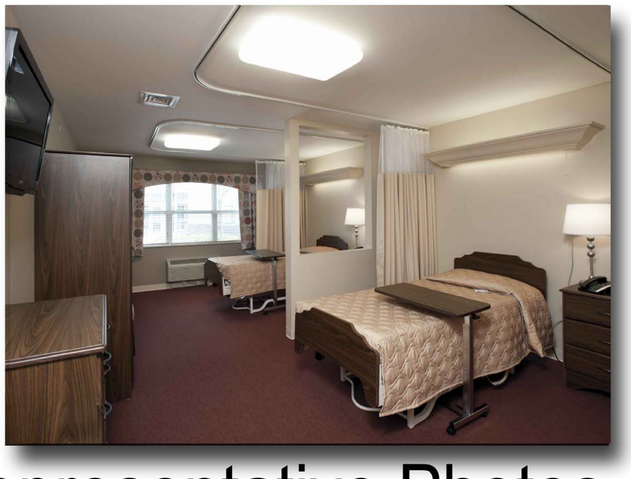


Representative Photos

CIENA HEALTHCARE

NSA Architects Engineers Planners

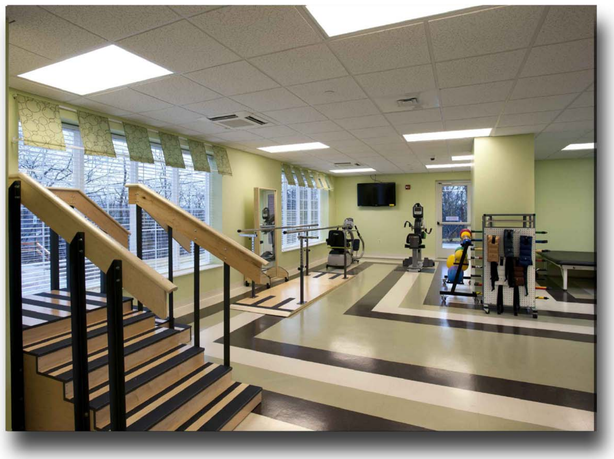


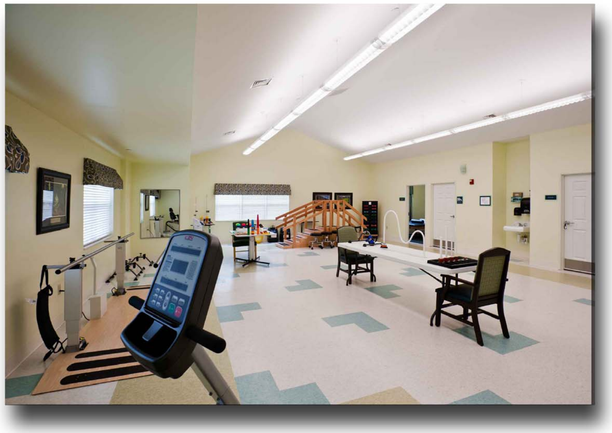


Representative Photos

CIENA HEALTHCARE

NSA Architects Engineers Planners





Representative Photos

-

-

CIENA HEALTHCARE

NSA Architects Engineers Planners

WEST ELEVATION

EAST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION

Troy Zion

Oakland County, MI

3D Views

NSA Project No. 213007.18, January 21, 2014

CIENA HEALTHCARE

NSA Architects Engineers Planners

Troy Zion

Oakland County, MI

3D Views

NSA Project No. 213007.18, January 21, 2014

CIENA HEALTHCARE

NSA Architects Engineers Planners

From:	Brent Savidant
To:	Kathy Czarnecki
Subject:	FW:
Date:	Friday, April 11, 2014 2:46:53 PM
Attachments:	image001.png image002.png sex offenders registration act - MI.PDF

Please file

From: Kassabri, Michelle [mailto:MKassabri@meaa.mea.com]
Sent: Friday, April 11, 2014 2:44 PM
To: Brent Savidant
Subject:

Hello,

I have heard recently that the Troy planning commission was reviewing a proposal to re-zone a portion of land currently belonging to Zion Christian Church. I am writing to let you know that this concerns me and do not want this approved.

See below for a list of the major concerns:

1. **The building plans currently show that the Ciena building comes very close to Zion's child care facility playground**.
    a. This greatly disturbs us for the safety of the children. How can the city guarantee that there will not be any child predators/molesters/perverts working on the construction of the Ciena building, being an employee, or being a patient at the Cinea building? Who will be liable? Besides the fear of a child being taken or molested, a predator could simply take pictures of children from Ciena's property, or from windows of the building for their own personal enjoyment since it is so close to a day care playground.
    b. There should be a wall built that is extremely high as so the child care playground cannot be seen from anywhere on the proposed Ciena property, or from their building.
    c. What protection would be in place for the children during construction?
    d. Please let me remind you about the Sex Offenders Registration Act, especially the updates found in Public Act 127 of 2005:
        i. "Prohibits convicted sex offenders from working or loitering within a student safety zone which is defined as the area that lies 1,000 feet or less from school property." A summary of this information is shown at the following address on the MI.gov website: http://www.michigan.gov/documents/SOR_Legislation_Summary_122883_7.pdf.
        ii. How can the city guarantee that there will be no sex offenders within 1000 feet of Zion's property at Ciena?
        iii. See attached copy of the Sex Offenders Registration Act, Public Act 127 of 2005
    e. If your child was going to this daycare, how would you feel? Would you share the same concerns for the safety of your child?

2. **Currently the plans show that they can use Zion's entrance. This will increase traffic around both entrances and create a lot of problems/liabilities.**
    a. They should have to build their own separate entrance and be completely separated from Zion's property.
    b. Ciena employees, patients, and family members could drive right by the child care playground

which is a major liability for a child being killed or seriously injured, or taken and molested.

3. **Previously this property was zoned as residential.** We do not want another commercial business in that location. There is already enough traffic around that area and in order to add the Ciena building, we feel it would be necessary to widen Livernois Rd. around that location, and also consider adding a traffic light as well. If that property would be developed, it should maintain its original purpose of residential.
    a. **Has the Zoning Board of Appeals reviewed and approved this proposal?**
    b. Is it even legal to re-zone a piece of land commercial when it is surrounded by residential? My understanding is there might be an issue in this situation.
    c. We don't want the increased noise from ambulances around the neighborhoods
    d. How will dust and noise ordinances be enforced during construction and if the building was completed?
    e. There will be no more green space in that area. This will visibly reduce the beauty of the area and de-value surrounding home property values.

We appreciate the City of Troy's government, and its individual employees, and the efforts they give to keep Troy a family friendly/safe city.

Thanks,

Michelle Kassabri
BUSINESS COORDINATOR

734-455-3653 Office
248-767-8387 Mobile
mkassabri@meaa.mea.com

MITSUBISHI ELECTRIC
AUTOMOTIVE AMERICA

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From:	Leo, Anthony
To:	Planning
Subject:	CONCERNED CITIZENS - Sale of Zion"s property to Ciena
Date:	Tuesday, April 08, 2014 9:59:13 AM
Attachments:	sex offenders registration act - MI.pdf
Importance:	High

Hello Troy planning,

My name is Anthony Leo, and some fellow Troy City Residents, Zion members, as well as myself, have some concerns regarding the plans for Zion Christian Church to sell a portion of their property to Ciena. I am also writing on behalf of others that wish to remain anonymous.

See below for a list of the major concerns:

1. The building plans currently show that the Ciena building comes very close to Zion's child care facility playground. This greatly disturbs us for the safety of the children. How can the city guarantee that there will not be any child predators/molesters/perverts working on the construction of the Ciena building, being an employee, or being a patient at the Cinea building? Who will be liable? Besides the fear of a child being taken or molested, a predator could simply take pictures of children from Ciena's property, or from windows of the building for their own personal enjoyment since it is so close to a day care playground.
    a. There should be a wall built that is extremely high as so the child care playground cannot be seen from anywhere on the proposed Ciena property, or from their building.
    b. Please let me remind you about the Sex Offenders Registration Act, especially the updates found in Public Act 127 of 2005:
        i. "Prohibits convicted sex offenders from working or loitering within a student safety zone which is defined as the area that lies 1,000 feet or less from school property." A summary of this information is shown at the following address on the MI.gov website: http://www.michigan.gov/documents/SOR_Legislation_Summary_122883_7.pdf .
        ii. How can the city guarantee that there will be no sex offenders within 1000 feet of Zion's property at Ciena?
        iii. See attached copy of the Sex Offenders Registration Act, Public Act 127 of 2005

2. Currently the plans show that they can use Zion's entrance. This will increase traffic around both entrances and create a lot of problems.
    a. They should have to build their own separate entrance and be completely separated from Zion's property.
3. Previously this property was zoned as residential. We do not want another commercial business in that location. There is already enough traffic around that area and in order to add the Ciena building, we feel it would be necessary to widen Livernois Rd. around that location, and also consider adding a traffic light as well. If that property would be developed, it should maintain its original purpose of residential.

The concern in #1 should not be overlooked lightly, and I greatly appreciate your serious consideration to the concerns above. We appreciate the City of Troy's government, and it's individual employees, and the efforts they give to keep Troy a family friendly/safe city.

If you could send me an email reply back to ensure you have reviewed this email, that would be much appreciated as well.

Yours Sincerely,

Anthony Leo

Please consider your environmental responsibility before printing this e-mail. This e-mail, including any attachments, may contain privileged, confidential and/or trade secret information and is intended only for the use of the individual or entity to which it is addressed. No confidentiality or privilege is waived or lost by any error in transmission. If you have received this message in error, please notify the sender immediately by reply e-mail and destroy this message and all copies of it. If you are not the intended recipient, any use, disclosure, printing, dissemination, distribution, or copying of this information is strictly prohibited. This e-mail message is not intended to create a contract, a modification to a contract or any legal obligation. A contract, modification or other legal obligation may only be created in a writing signed by an authorized representative of the company from which the e-mail is received.

SEX OFFENDERS REGISTRATION ACT (EXCERPT)
Act 295 of 1994

  III
STUDENT SAFETY ZONES

28.733 Definitions.

Sec. 33. As used in this article:

(a) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(b) "Loiter" means to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors.

(c) "Minor" means an individual less than 18 years of age.

(d) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. School does not include a home school.

(e) "School property" means a building, facility, structure, or real property owned, leased, or otherwise controlled by a school, other than a building, facility, structure, or real property that is no longer in use on a permanent or continuous basis, to which either of the following applies:

(*i*) It is used to impart educational instruction.

(*ii*) It is for use by students not more than 19 years of age for sports or other recreational activities.

(f) "Student safety zone" means the area that lies 1,000 feet or less from school property.

History: Add. 2005, Act 121, Eff. Jan. 1, 2006;—Add. 2005, Act 127, Eff. Jan. 1, 2006.

Compiler's note: MCL 28.733 was added by 2005 PA 121 and 2005 PA 127. 2005 PA 127, being substantively the same as the 2005 PA 121, supersedes and becomes the only version on its effective date.

28.734 Prohibited conduct; violation; penalty; exceptions; other violations; right to vote.

Sec. 34. (1) Except as provided in this section and section 36, an individual required to be registered under article II shall not do 1 or more of the following:

(a) Work within a student safety zone.

(b) Loiter within a student safety zone.

(2) An individual who violates this section is guilty of a crime as follows:

(a) For the first violation, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(b) An individual who violates this section and has 1 or more prior convictions under this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both.

(3) Subsection (1)(a) does not apply to any of the following:

(a) An individual who was working within a student safety zone on January 1, 2006. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(b) An individual whose place of employment is within a student safety zone solely because a school is relocated or is initially established 1,000 feet or less from the individual's place of employment. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(c) An individual who only intermittently or sporadically enters a student safety zone for the purpose of work. However, this exception does not apply to an individual who initiates or maintains contact with a minor within a student safety zone.

(4) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(5) Nothing in this section shall be construed to prohibit an individual from exercising his or her right to vote.

History: Add. 2005, Act 127, Eff. Jan. 1, 2006;—Am. 2005, Act 322, Eff. Jan. 1, 2006.

28.735 Registered individual residing in student safety zone; prohibited conduct; violation; penalties; exceptions.

Sec. 35. (1) Except as otherwise provided in this section and section 36, an individual required to be registered under article II shall not reside within a student safety zone.

(2) An individual who violates subsection (1) is guilty of a crime as follows:

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(a) For the first violation, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(b) An individual who violates this section and has 1 or more prior convictions under this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both.

(3) This section does not apply to any of the following:

(a) An individual who is not more than 19 years of age and attends secondary school or postsecondary school, and resides with his or her parent or guardian. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone. However, the individual may initiate or maintain contact with a minor with whom he or she attends secondary school or postsecondary school in conjunction with that school attendance.

(b) An individual who is not more than 26 years of age and attends a special education program, and resides with his or her parent or guardian or resides in a group home or assisted living facility. However, an individual described in this subdivision shall not initiate or maintain contact with a minor within that student safety zone. The individual shall be permitted to initiate or maintain contact with a minor with whom he or she attends a special education program in conjunction with that attendance.

(c) An individual who was residing within that student safety zone on January 1, 2006. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(d) An individual who is a patient in a hospital or hospice that is located within a student safety zone. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(e) An individual who resides within a student safety zone because the individual is an inmate or resident of a prison, jail, juvenile facility, or other correctional facility or is a patient of a mental health facility under an order of commitment. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(4) An individual who resides within a student safety zone and who is subsequently required to register under article II shall change his or her residence to a location outside the student safety zone not more than 90 days after he or she is sentenced for the conviction that gives rise to the obligation to register under article II. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone during the 90-day period described in this subsection.

(5) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

History: Add. 2005, Act 121, Eff. Jan. 1, 2006;—Am. 2005, Act 322, Eff. Jan. 1, 2006.

28.736 Exemptions.

Sec. 36. (1) Subject to subsection (2), sections 34 and 35 do not apply to any of the following:

(a) An individual who is convicted as a juvenile under section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, of committing, attempting to commit, or conspiring to commit a violation solely described in section 520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, if either of the following applies:

(*i*) The individual was under 13 years of age when he or she committed the offense and is not more than 5 years older than the victim.

(*ii*) The individual was 13 years of age or older but less than 17 years of age when he or she committed the offense and is not more than 3 years older than the victim.

(b) An individual who was charged under section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, with committing, attempting to commit, or conspiring to commit a violation solely described in section 520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, and is convicted as a juvenile of violating, attempting to violate, or conspiring to violate section 520e or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520e and 750.520g, if either of the following applies:

(*i*) The individual was under 13 years of age when he or she committed the offense and is not more than 5 years older than the victim.

(*ii*) The individual was 13 years of age or older but less than 17 years of age when he or she committed the offense and is not more than 3 years older than the victim.

(c) An individual who has successfully completed his or her probationary period under sections 11 to 15 of chapter II for committing a listed offense and has been discharged from youthful trainee status.

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(d) An individual convicted of committing or attempting to commit a violation solely described in section 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520e, who at the time of the violation was 17 years of age or older but less than 21 years of age and who is not more than 5 years older than the victim.

(2) An individual who is convicted of more than 1 offense described in subsection (1) is ineligible for exemption under this section.

History: Add. 2005, Act 121, Eff. Jan. 1, 2006.

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