



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** May 8, 2007  
**SUBJECT:** Proposed Consent Judgment Amendment for Property at NW Corner of Crooks and Big Beaver Rd.

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In 1977, the expansion of Big Beaver Road was planned, which required the City to file some condemnation lawsuits to obtain the necessary property. One such condemnation lawsuit was for the parcel at the northwest corner of Big Beaver and Crooks Road, which was being operated as a gas station. Although the City was prepared to condemn the entire parcel at that time, the property owners wanted to continue and/or improve the gas station at that location. As a result, the City and the property owners entered into a Consent Judgment in Case 77-151482 CC. According to the Consent Judgment, "Petitioner (Troy) will permit the construction and operation of a gasoline only facility on the remainder of the subject premises." Thereafter, the Shell gas station, which has not been operational for some time, was constructed on the property.

The property is still owned by the original defendants or their successors, but a prospective developer, Saif Jameel, has acquired an interest in the property. In addition, Mr. Jameel has also obtained an interest in the adjoining property to the west (Sandy Corporation property), and he is seeking to combine these two properties in order to replace the gas station with the Starbucks. The only way to accomplish this complicated and involved development proposal is to amend the Consent Judgment.

As you may know, this proposed development has undergone several revisions. For example, a drive thru was initially proposed, and was submitted to the Troy Planning Commission. The developer has made several amendments to the original proposal to address some of the City's safety and traffic concerns, and he has agreed to forego the requested drive thru in favor of this new proposal. Perhaps most substantively, the developer has agreed to make the development consistent with the Big Beaver Corridor Study, which can be accomplished with a Consent Judgment Amendment, even though the City's ordinances have not yet been amended. A development, at this key corner of the Big Beaver Corridor, will set the tone for the future development of the Corridor.

The proposed Amended Consent Judgment has been approved by the property owners, especially since it allows for them to reconstruct a gas station on their property if for any reason a coffee shop is no longer located on the property. The developer, Saif Jameel, is not a party to the Consent Judgment, but he has reviewed it and given his approval. The site plan is attached and incorporated by reference, and will be approved by Council if the proposed Amended Consent Judgment is approved. The Planning Commission reviewed the site plan at its May 1, 2007 meeting, and recommended approval. The minutes of that meeting are attached.

City Administration recommends approval of the proposed Amended Consent Judgment. If you have any questions concerning the above, please let us know.

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

IN RE: THE PETITION OF THE CITY OF TROY,  
A Michigan Municipal Corporation,

Petitioner,

v.

Case No. 77-151482 CC

LAUREN FORD, ELIZABETH G. FORD,  
WINNIFRED BROCKWAY, ALFRED  
M. DAVOCK, SHELL OIL COMPANY, a  
Delaware Corporation,

Respondents.

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CITY OF TROY  
CITY ATTORNEY'S OFFICE  
Lori Grigg Bluhm (P46908)  
Susan M. Lancaster (P33168)  
500 W. Big Beaver Rd.  
Troy, MI 48084  
(248) 524-3320  
Attorneys for CITY OF TROY

COOPER, SHIFMAN, GABE, QUINN &  
SEYMOUR  
Charles Y. Cooper (P12199)  
1026 W. Eleven Mile Road  
Royal Oak, MI 48067  
(248) 399-9703  
Attorney for BARBARA SACKNER,  
SUCCESSOR RESPONDENT

HUTSON, SAWYER, REILLY,  
RUPP & SCHROEDER  
Douglas J. Schroeder (P25640)  
292 Town Center Drive  
Troy, MI 48084  
(248) 689-5700  
Attorney for MICHAEL BJORK  
and RICHARD FORD,  
SUCCESSOR RESPONDENT

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STIPULATED AMENDMENT TO CONSENT JUDGMENT

At a session of said Court, held in the  
Courthouse Tower in the City of Pontiac,  
County of Oakland, State of Michigan,  
on: \_\_\_\_\_

Present: Honorable \_\_\_\_\_  
Circuit Court Judge

The Court enters this Stipulated Amendment to Consent Judgment, after being fully advised on this matter, and based on the stipulation of the parties:

NOW THEREFORE,

IT IS HEREBY ORDERED:

1. The following Property is the subject of a Consent Judgment, entered on February 24, 1982, to resolve a condemnation lawsuit brought by the City of Troy to widen Big Beaver Road:

3015 Crooks Road, Troy, MI, Parcel #20-20-476-047, and more particularly described as follows:

Part of the Southeast  $\frac{1}{4}$  of Section 20, T.2N., R.11.E., City of Troy, Oakland County, Michigan, being more particularly described as beginning at a point distant, due west, 231.20 feet along the south line of said Section 20, said line also being the centerline of Big Beaver (204 feet wide) ; thence N.01°06'46"E., 102.02 feet from the S.E. corner of said Section 20; Thence N. 01°06'46"E., 97.98 feet; Thence N. 89°59'41"E., 169.88 feet to a point on the west right of way line Crooks Road (120 feet wide); Thence along said right of way line, S. 00°44'25"W., 97.99 feet to a point on the north right of way line of said Big Beaver Road; Thence due west, 170.52 feet along said north right of way line of said Big Beaver Road to the point of beginning. Containing 16,674 square feet or 0.38 acres and subject to any easements or restrictions of record (hereinafter "Property").

2. The initial Defendants in this case were Lauren Ford, Elizabeth G. Ford, Winnifred Brockway, Alfred M. Davock, and Shell Oil Corporation. All of the initial Defendants had an interest in the Property as of February 24, 1982. Since that time, the interests in the Property have changed, and only Barbara Sackner, Michael Bjork, and Richard Ford possess ownership interests in the Property. All other previous interests in the Property have been properly and legally extinguished.

3. The City of Troy possesses a permanent easement on the Property, which is recorded as Liber 17060, Page 656 and Liber 17060, Page 657 of Oakland County Records (1996). This permanent easement has not been modified, altered, or amended by this Stipulated Amended Consent Judgment, and provides the City of Troy with the right to construct, operate, maintain, repair, and/or replace sidewalk, public utilities, and a retaining wall over 312.5 square feet of the Property, which is located at the corner of Crooks Road and Big Beaver Road.
4. Paragraph 5 of the February 24, 1982 Consent Judgment limited the development of the Property to “the construction and operation of a gasoline only facility on the remainder of the subject premises, such improvements to consist of a kiosk-type building, pump islands, canopy, and other necessary related site improvements.”
5. The parties now wish to amend these restrictions and limitations to allow for one additional type of limited development and use of the Property, subject to the conditions set forth in this Stipulated Amendment to Consent Judgment. This additional development is the construction and operation of a gourmet coffee establishment, such as a Starbucks Coffee, that does not have fryers or grills or other equipment for preparing hot food, other than what is required to prepare beverages. Fast food restaurants or any similar uses or uses that use fryers or grills for preparing hot food shall not be allowed under this limited use on the Property.

6. The development and operation of the gourmet coffee establishment, as defined in paragraph 5, shall be in compliance with the site plan that is attached as Exhibit A, and is incorporated by reference. The development and operation of the gourmet coffee establishment and the site plan shall include both of the parcels described on Exhibit B and Exhibit C, which are incorporated by reference. The approval of this Stipulated Amendment to Consent Judgment by the Troy City Council shall also be considered an approval of the attached and incorporated site plan to be developed on the described parcels, which has been recommended for approval by the Troy Planning Commission (Exhibits A, B and C).
7. The development of a gourmet coffee establishment is contingent upon the proprietor and/or operator of the proposed gourmet coffee establishment having ownership and/or control of both parcels described on Exhibits B and C. The acquisition or control of both parcels by ownership or lease shall occur prior to any development of the Property, and evidence of such acquisition of ownership or control shall be furnished to the City immediately upon the closing for the Property or the signing of a lease.
8. If acquisition of ownership or control of either of the parcels included on the site plan (Exhibit A) and described in Exhibits B and C is not achieved by a single individual or entity by ownership or lease within one (1) year from the date of entry of this Stipulated Amended Consent Judgment by the Court, or if any portion of the Property that is described in Exhibits B

and/or C is subsequently sold, leased or transferred in any way, by the proprietor, lessee, operator or owner of the gourmet coffee establishment to more than one individual or entity, or otherwise restricted so that it cannot be used in combination with the other Property for the development and operation of a gourmet coffee establishment that is consistent with the approved site plan for the described parcels (Exhibits A, B and C), this Stipulated Amended Consent Judgment shall become null and void. If this Stipulated Amended Consent Judgment becomes null and void, as specified in this paragraph, then the above referenced gourmet coffee shop shall be permanently closed and removed from the Property at the expense of the owner(s) of the Property. Troy may obtain injunctive relief to either force the Property owner(s) to demolish and remove the building or to allow Troy to demolish and remove the building, at the owner's cost. Troy may recover its actual cost incurred to demolish and remove the building by collection or placement of a lien on one or both of the parcels, or any other method allowed under the law.

9. The property that is described in Exhibit C is the subject of a Warranty Deed from the City of Troy to Sandy Corporation, the owner of the adjacent parcel. This deed was executed on or about May 2, 1983, and contains a restriction that provides that "no access to Big Beaver Road nor any building shall be constructed on the premises and should either of these events occur, then this deed shall become void and the title to the premises shall revert to the City of Troy". However, the site plan, which is

attached and incorporated by reference, specifies that Big Beaver access for the proposed gourmet coffee establishment will occur on the Property that is described in Exhibit C. The site plan also calls for a trash enclosure to be located on the property that is described in Exhibit C. As such, after the Court's execution of this Amendment to the Consent Judgment, and after the City is presented with a recorded warranty deed from Sandy Corporation to the proposed owner or operator of the gourmet coffee shop, as required in paragraph 7 of this Amendment to the Consent Judgment, the City of Troy will issue a subsequent termination of deed restrictions for the property that revokes the access limitation as set forth above.

10. The Property described in Exhibit B has an underlying zoning of H-S (highway service). The Property described in Exhibit C has an underlying zoning of B-3 (business). Under Troy's zoning regulations, a gas station would only be able to locate on properties that are zoned H-S. If the gas station currently on the Property is torn down or if the above referenced gourmet coffee shop is torn down, pursuant to the conditions of this Amended Consent Judgment, the City will allow the owners of the property that is described in Exhibit B of this Amended Consent Judgment or their assigns to construct a new gas station that does not exceed the footprint or the height of the gas station that is currently located on the property. The dimensions of this currently existing gas station are found on the attached Exhibit D. Any new gas station shall be a gasoline only

facility, limited to improvements that include a kiosk-type building, pump islands, a canopy, and other necessary related site improvements. The building, pump islands, and canopy supports shall be set back a minimum of twenty (20') feet from the north and south property lines of the site, and sixty (60') feet from the east property line, and the canopy overhang may extend to a point no closer than ten (10') feet from the south property line. If the driveways entering Big Beaver Road and Crooks Road are reconstructed to service a new gas station, pursuant to this paragraph, those driveways shall be constructed in the exact same location as the driveways are located today, and such relocation and/or reconstruction shall be solely at the owners' expense.

11. If the building is torn down pursuant to paragraph 10, and the owners of Parcel B rebuild the gas station as set out in paragraph 10, the owners shall submit a site plan in compliance with the terms and conditions of the Amended Consent Judgment and any other documents required by the Troy Zoning Code. The site plan shall be reviewed in accordance with the procedures for site plan review as set out in the Troy Zoning Code.

12. If the gourmet coffee shop is torn down, any building or portion of a building on the property described in Exhibit C shall also be torn down at the expense of the owner of the property described in Exhibit C. Thereafter, the property shall remain vacant, there shall be no access to Big Beaver Road and the construction of a building shall be prohibited on the property.

13. Except as set forth above, all provisions of the original Consent Judgment remain in full force and effect.
14. The Court shall retain jurisdiction to enforce the terms of this Stipulated Amended Consent Judgment and to reconcile any differences of the parties that may occur.
15. These provisions shall be covenants running with the land, and shall be binding upon and inure to the benefit of the parties, their officers, partners, employees, representatives, heirs, successors, lessees, and all others acting under their direction and control.
16. A certified copy of this Stipulated Amendment to the Consent Judgment shall be recorded with the Oakland County Register of Deeds in regards to all property described on Exhibits B and C. The Oakland County Register of Deeds is hereby directed to accept the same for recording.

\_\_\_\_\_  
Circuit Court Judge

The undersigned hereby stipulate to and agree to entry of the above order:

CITY OF TROY  
CITY ATTORNEY'S OFFICE

By: \_\_\_\_\_  
Lori Grigg Bluhm (P46908)  
Susan M. Lancaster (P33168)  
500 W. Big Beaver Rd.  
Troy, MI 48084  
(248) 524-3320  
Attorney for Petitioner

\_\_\_\_\_  
Barbara Sackner, Successor Respondent

COOPER, SHIFMAN, GABE, QUINN & SEYMOUR

By: \_\_\_\_\_  
Charles Y. Cooper (P12199)  
1026 W. Eleven Mile Road  
Royal Oak, MI 48067  
(248) 399-9703  
Attorney for Barbara Sackner

\_\_\_\_\_  
Michael Bjork, Successor Respondent

\_\_\_\_\_  
Richard Ford, Successor Respondent

\_\_\_\_\_  
HUSTON, SAWYER, REILLY, RUPP & SCHROEDER

By: \_\_\_\_\_  
Douglas J. Schroeder (P25640)  
292 Town Center Drive  
Troy, MI 48084  
(248) 689- 5700  
Attorney for Michael Bjork and Richard Ford

# EXHIBIT A

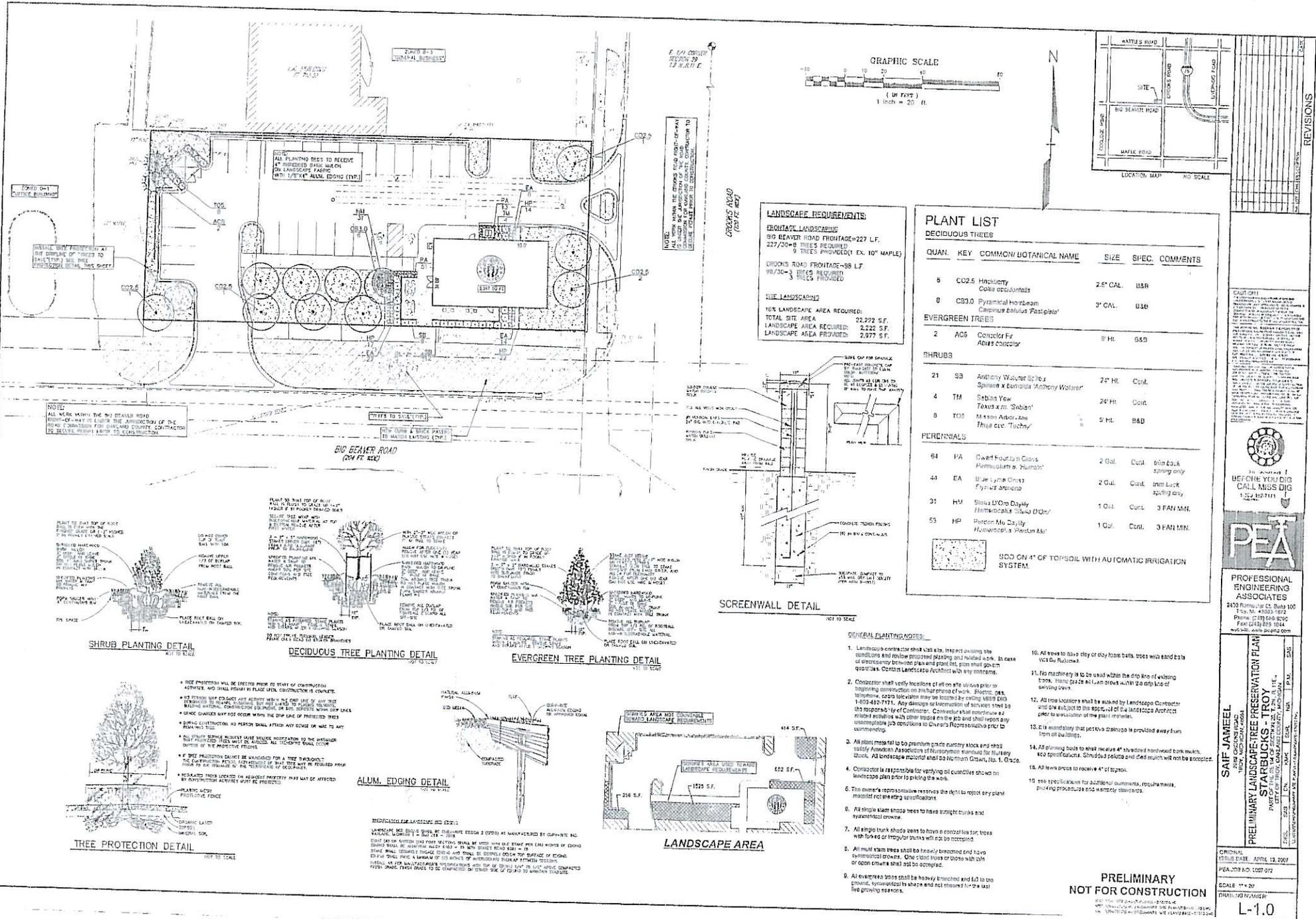
**Professional Engineering Associates Plans dated 4-13-07**

**A-1 Preliminary Site Plan (P-2.0)**

**A-2 Landscaping Plan & Tree Preservation Plan (L-1.0)**

**A-3 Preliminary Floor Plan & Elevation (A-1.0)**





**LANDSCAPE REQUIREMENTS**

**FRONTAGE LANDSCAPING**  
 80 BEAVER ROAD FRONTAGE=227 LF.  
 227/20=9 TREES REQUIRED  
 9 TREES PROVIDED (EX. 10" MAPLE)

**DROOKS ROAD FRONTAGE=98 LF.**  
 98/20=5 TREES REQUIRED  
 5 TREES PROVIDED

**SITE LANDSCAPING**  
 10% LANDSCAPE AREA REQUIRED: 22,272 S.F.  
 TOTAL SITE AREA REQUIRED: 2,222 S.F.  
 LANDSCAPE AREA PROVIDED: 2,977 S.F.

**PLANT LIST**

**DECIDUOUS TREES**

QUAN.	KEY	COMMON BOTANICAL NAME	SIZE	SPEC.	COMMENTS
5	CO2.6	Hackberry <i>Celtis occidentalis</i>	2 1/2" CAL.	BAR	
8	CB3.0	Pyramidal hornbeam <i>Carpinus betulus 'Fastigata'</i>	3" CAL.	GBB	

**EVERGREEN TREES**

2	AO6	Concolor Fir <i>Abies concolor</i>	8' HI.	GBD	
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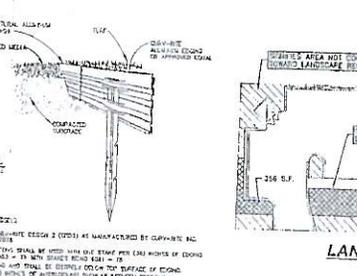
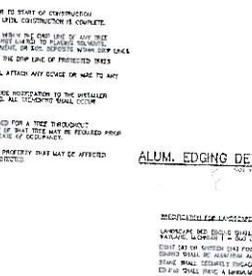
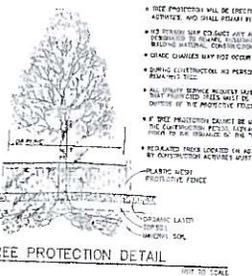
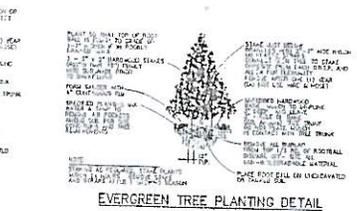
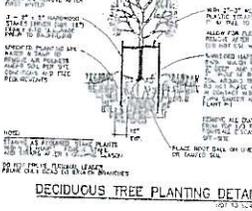
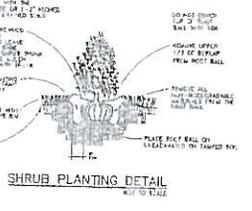
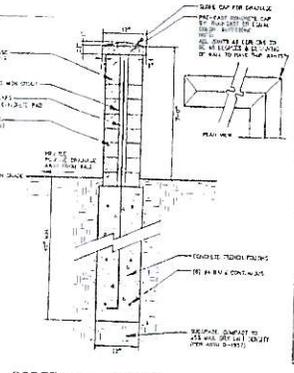
**SHRUBS**

21	SB	Anthony Waterer Spirea <i>Spiraea x Bonanza 'Anthony Waterer'</i>	2 1/2' HI.	COA	
4	TM	Seban Yew <i>Taxus x m. 'Seban'</i>	2 1/2' HI.	COA	
8	TO8	Masson Amber-lime <i>Thuja x m. 'Toby's'</i>	3' HI.	GBD	

**PERENNIALS**

64	FA	Dwarf Fountain Grass <i>Festuca sibirica 'Munro'</i>	2 Gal.	COA	6 in. dia. A spring only
44	EA	Blue Lyme Grass <i>Festuca sibirica</i>	2 Gal.	COA	6 in. dia. A spring only
31	HM	Shiva D'Orto Daylily <i>Helianthus 'Shiva D'Or'</i>	1 Gal.	COA	3 FAN MIN.
53	HP	Shiva M. Daylily <i>Helianthus 'Shiva M.'</i>	1 Gal.	COA	3 FAN MIN.

SOD ON 4" OF TOPSOIL WITH AUTOMATIC IRRIGATION SYSTEM.



- GENERAL PLANTING NOTES:**
1. Landscape contractor shall visit site, inspect existing site conditions and follow proposed planting and related work. In case of discrepancy between plan and plant list, plan shall govern quantities. Contact Landscape Architect with any concerns.
  2. Contractor shall verify locations of all on site utilities prior to beginning construction on final plant placement. Electric, gas, telephone, cable television may be located by using MISS DIAL 1-800-482-7171. Any damage or relocation of services shall be the responsibility of Contractor. Contractor shall coordinate all related activities with other trades on the job and shall report any underground job conditions to Diversified Properties prior to construction.
  3. All plant material to be provided through block and shop satisfy American Association of Nursery Standards for Nursery Stock. All landscape material shall be Northern Growth, No. 1, Grade.
  4. Contractor is responsible for verifying all quantities shown on landscape plan prior to planting the work.
  5. The owner's representative reserves the right to reject any plant material not meeting specifications.
  6. All single stem shade trees to have straight trunks and symmetrical crowns.
  7. All single trunk shade trees to have a central leader, trees with forked or irregular shapes will not be accepted.
  8. All multi stem trees shall be heavily branched and have symmetrical crowns. One stem trees or trees with one or open crown shall not be accepted.
  9. All evergreen trees shall be heavily branched and full to the ground, symmetrical in shape and not stressed for the last five growing seasons.
  10. All trees to have city or clay loam soils. Trees with sand and loam soils will be rejected.
  11. No machinery is to be used within the drip line of existing trees. Heavy loads shall not be placed within 20' drip line of existing trees.
  12. All tree locations shall be marked by Landscape Contractor and per submittal to the approval of the Landscape Architect prior to excavation of the plant material.
  13. It is mandatory that protective drainage is provided away from form of buildings.
  14. All planting beds to extend 4" of shaded hardwood mulch, 4" topsoil, 4" subsoil. Shredded mulch and dead mulch will not be accepted.
  15. All tree species to receive 4" of topsoil.
  16. See specifications for additional comments, requirements, planting procedures and warranty standards.

**PRELIMINARY NOT FOR CONSTRUCTION**

DATE: APRIL 13, 2007  
 SCALE: 1" = 20'  
 DRAWN: JAM/MSR

**REVISIONS**

NO.	DATE	DESCRIPTION
1	04/13/07	ISSUE FOR PERMIT
2	04/13/07	ISSUE FOR PERMIT
3	04/13/07	ISSUE FOR PERMIT
4	04/13/07	ISSUE FOR PERMIT
5	04/13/07	ISSUE FOR PERMIT
6	04/13/07	ISSUE FOR PERMIT
7	04/13/07	ISSUE FOR PERMIT
8	04/13/07	ISSUE FOR PERMIT
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16	04/13/07	ISSUE FOR PERMIT
17	04/13/07	ISSUE FOR PERMIT
18	04/13/07	ISSUE FOR PERMIT
19	04/13/07	ISSUE FOR PERMIT
20	04/13/07	ISSUE FOR PERMIT

**CAUTION**  
 THIS PLAN IS THE PROPERTY OF STARBUCKS-TROY AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF STARBUCKS-TROY.

**PEA**  
 PROFESSIONAL ENGINEERING ASSOCIATES  
 8300 Remond St., Suite 100  
 St. Louis, MO 63123  
 Phone: (314) 646-8300  
 Fax: (314) 646-1034  
 www.pea.com

**SAIF JAMEEL**  
 P.E., M.A.S.C.E., M.A.S.T.  
 PROJECT MANAGER

**STARBUCKS - TROY**  
 10000 W. BROADWAY  
 SUITE 100  
 ST. LOUIS, MO 63123  
 (314) 646-8300

**ORIGINAL**  
 ISSUE DATE: APRIL 13, 2007  
 PEA JOB NO.: 0007-072

**SCALE: 1" = 20'**  
 DRAWN: JAM/MSR

**L-1.0**



## EXHIBIT B

Part of the Southeast  $\frac{1}{4}$  of Section 20, T.2N., R.11.E., City of Troy, Oakland County, Michigan, being more particularly described as beginning at a point distant, due west, 231.20 feet along the south line of said Section 20, said line also being the centerline of Big Beaver (204 feet wide) ; thence N.01°06'46"E., 102.02 feet from the S.E. corner of said Section 20; Thence N. 01°06'46"E., 97.98 feet; Thence N. 89°59'41"E., 169.88 feet to a point on the west right of way line Crooks Road (120 feet wide); Thence along said right of way line, S. 00°44'25"W., 97.99 feet to a point on the north right of way line of said Big Beaver Road; Thence due west, 170.52 feet along said north right of way line to the point of beginning. Containing 16,674 square feet or 0.38 acres and subject to any easements or restrictions of record.

Parcel # 20-20-476-047

Commonly known as: 3015 Crooks Road, Troy, Michigan

## EXHIBIT C

Part of the Southeast  $\frac{1}{4}$  of Section 20, T.2N., R.11.E., City of Troy, Oakland County, Michigan, being more particularly described as beginning at a point distant, due west, 231.20 feet along the south line of said Section 20, said line also being the centerline of Big Beaver (204 feet wide) ; thence N.01°06'46"E., 102.02 feet from the S.E. corner of said Section 20; Thence due west, 56.52 feet along the north right of way line of said Big Beaver; Thence N.00°59'06"E., 97.97 feet; Thence N.89°59'41"E., 56.74 feet; Thence S.01°06'46"W., 97.98 feet to the point of beginning. Containing 5,547 square feet or 0.13 acres and subject to any easements or restrictions of record.

Parcel # 20-20-476-046



**SITE PLAN REVIEW**

8. SITE PLAN REVIEW (SP 909) – Proposed Amendment to Consent Agreement – Starbucks Restaurant, Northwest corner of Big Beaver Road and Crooks Road, Section 20, Zoned B-3 (General Business) and H-S (Highway Service) – Controlled by Consent Judgment

Mr. Hutson asked to be excused because of a tangential interest in the item.

By a voice vote, members agreed to excuse Mr. Hutson from discussion and vote on the item.

[Mr. Hutson exited the meeting.]

Mr. Savidant presented a history of the site plan application and a summary of the revised site plan. He reported City Management recommends approval of the site plan with two conditions: (1) rooftop screening and (2) a sidewalk along Crooks Road.

Chair Schultz asked if it is within the purview of the Planning Commission to request full perimeter screening of rooftop mechanical equipment.

Mr. Miller replied in the affirmative.

Dave Berry of 40682 Lenox Park Drive, Novi, was present to represent the petitioner. Mr. Berry gave a brief history of the project. He indicated Starbucks agreed to move the building closer to the corner so the development would comport to the Big Beaver corridor plan.

Mr. Tagle asked the petitioner to address building design and materials.

Steve Sorensen of Professional Engineering Associates, 2430 Rochester Court, Troy, was present. Mr. Sorensen, who is not the architect on record, said he worked directly with Starbucks' project and design manager on making the facades along Crooks and Big Beaver Roads presentable and as nice as possible. He said the rendering from Starbucks is similar in representation to the building design, indicating materials and floor plans might be available in two to three weeks, prior to going to City Council.

Mr. Strat said it is standard procedure to have sealed architectural drawings, and the item should be tabled because it is not really a submission for site plan approval.

Ms. Lancaster reminded members that the item is a Consent Judgment and falls outside of standard procedure. She said City Council has the ultimate decision on the matter, but it is City Council's preference to seek Planning Commission

comments and recommendation. Ms. Lancaster briefly reviewed the procedure of a Consent Judgment item, and noted the item would most likely not come back before the Planning Commission.

Mr. Miller stated a significant change in the site plan is the reason members are reviewing the plan tonight. He said the petitioner has made an effort to accommodate the City's preference in design, and the City is trying to move the project forward as quickly as possible. Mr. Miller indicated any suggestions relating to materials and design could be incorporated in a recommendation to City Council.

Mr. Tagle asked for an explanation in terms of providing a recommendation when project information is incomplete. He commended the petitioner in moving the building closer to Big Beaver.

Ms. Lancaster responded a Consent Judgment in most cities is acted upon by City Council, with no recommendation from the Planning Commission. She indicated Troy is different and City Council values the input from its Planning Commission members as relates to the project design, materials, likes, dislikes, etc. She said City Council would consider Planning Commission comments with respect to the terms of the Consent Judgment.

Ms. Kerwin applauded the petitioner in coming back with a revised design in response to voices of the Planning Commission members, and said she would approve the revised plan.

Mr. Vleck said he is in full support of the revised plan because of its relation to the Big Beaver corridor, and indicated he would like to move forward with the project.

Mr. Strat concurred with the favorable comments, but voiced concern with the significant trees in the lot behind the service station to the west. He asked that as many trees as possible be saved and relocated to the boulevard area, and brick pavers removed. Mr. Strat said he would prefer to see building material samples and building elevations.

Chair Schultz said he would like to see less brick pavers, and more grass and trees, between the City sidewalk and the street along Big Beaver. He also suggested permeable surface along Big Beaver Road between the sidewalk and the street. Chair Schultz asked if the petitioner could go forward with the previously approved site plan, should the revised site plan be postponed.

Ms. Lancaster answered in the affirmative.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Mr. Strat asked if the petitioner is receptive to the comments made by the members.

Mr. Berry assured members that the petitioner and Starbucks would accommodate their suggestions and comments to the best of their ability.

Mr. Sorensen said trees in the right of way are subject to approval by Oakland County.

Ms. Troshynski said she also would like to see more trees and less brick pavers, but noted traffic visibility would be a critical consideration.

Mr. Tagle requested the petitioner to also consider a pedestrian entrance off the east side of the building that would provide immediate access to the building off of Crooks.

**Resolution # PC-2007-05-088**

Moved by: Kerwin

Seconded by: Wright

**RESOLVED**, That the Planning Commission hereby recommends that the proposed Amendment to Consent Judgment, as requested for the proposed Starbucks Restaurant, located on the northwest corner of Big Beaver and Crooks, located in Section 20, on approximately 0.53 acres, within the B-3 and H-S zoning districts, be granted, subject to the following:

1. Add a note on the site plan stating that a full perimeter screen of rooftop mechanicals will be provided.
2. Provide an 8-foot wide concrete sidewalk on Crooks Road, per City of Troy Engineering standards.

Yes: Kerwin, Tagle, Troshynski, Schultz, Strat, Vleck, Wright

No: None

Abstain: Hutson

Absent: Littman

**MOTION CARRIED**

[Mr. Hutson returned to the meeting.]