



CITY COUNCIL ACTION REPORT

DATE: August 28, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Public Hearing – Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development (PUD 6), South side of Long Lake and West side of John R, Section 14 – Currently Zoned R-1C (One Family Residential) District

Background:

- The Planning Commission recommended Concept Development Plan Approval of PUD 6 at the June 12, 2007 Regular meeting.
- The project consists of a mixed-use project with a combination of a 20-bed senior housing facility and retail, restaurant, day care, and office uses.
- Richard Carlisle of Carlisle/Wortman Associates, Inc., the City's Planning Consultant, prepared a report summarizing the project and recommends Concept Development Plan Approval.
- The proposed PUD meets the Eligibility requirements of Section 35.30.00 of the City of Troy Zoning Ordinance.
- The proposed PUD meets the Standards for Approval of Section 35.70.03 of the City of Troy Zoning Ordinance.
- The Development Agreement will be provided for the Public Hearing.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The item is consistent with City Council Goal I (Enhance the livability and safety of the community), Goal III (Retain and attract investment while encouraging redevelopment), and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council can approve the application for Concept Development Plan Approval.
- City Council can approve the application for Concept Development Plan Approval with conditions.
- City Council can deny the application for Concept Development Plan Approval.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Maps.
2. Report prepared by Carlisle/Wortman Associates, Inc., dated June 6, 2007.
3. Planning Commission Minutes from the June 12, 2007 Regular meeting.
4. Public comments.
5. PUD Agreement.

Prepared by RBS/MFM

cc: Applicant
File /PUD 6
Richard Carlisle, Carlisle/Wortman Associates, inc.

G:\PUD's\PUD 006 Oasis at Centennial Park PUD\CC Public Hearing 09 11 07.doc

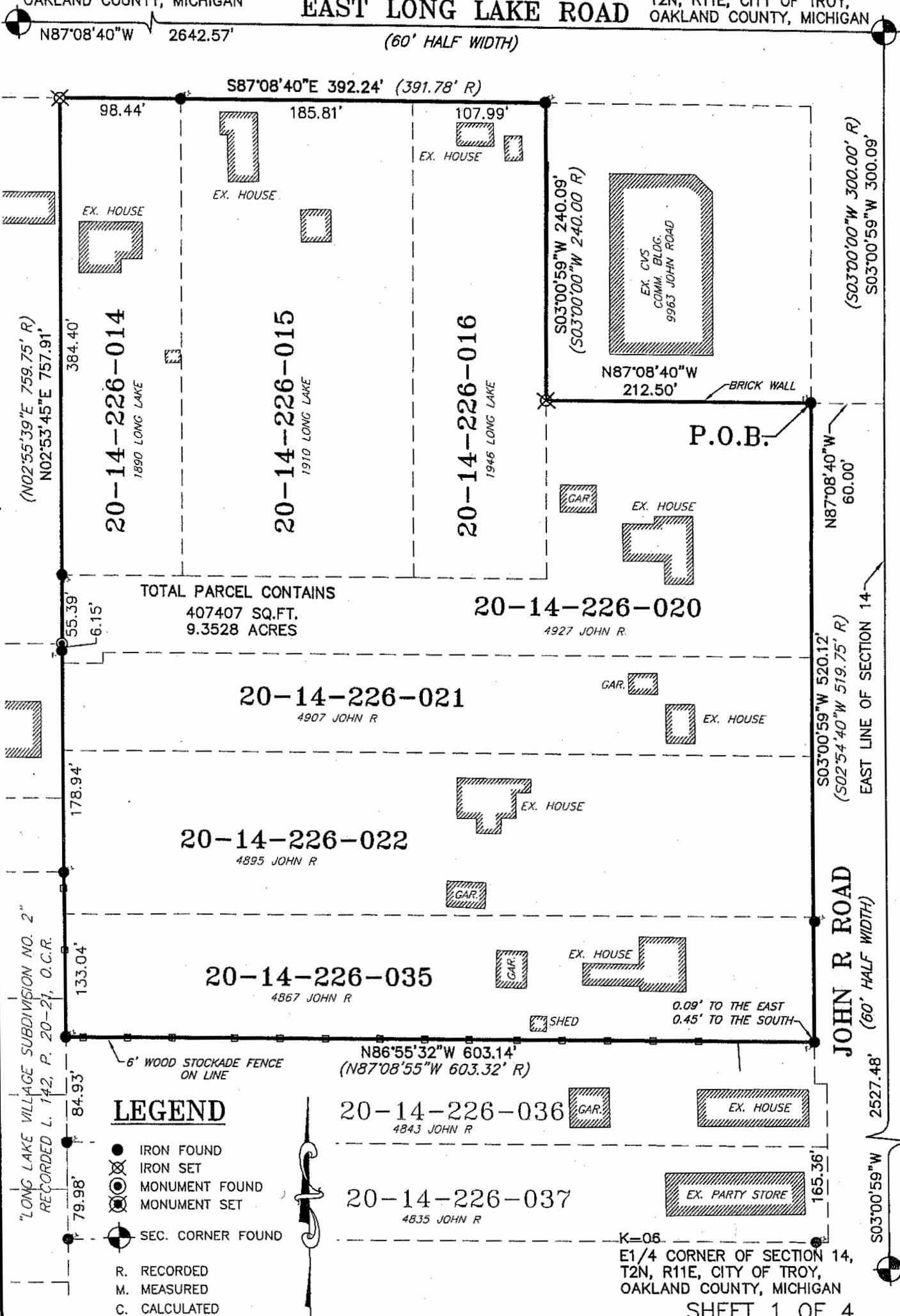
APR 10 2007

CERTIFICATE OF SURVEY

J-05
N1/4 CORNER OF SECTION 14,
T2N, R11E, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN

K-05
NE CORNER OF SECTION 14,
T2N, R11E, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN

EAST LONG LAKE ROAD



- LEGEND**
- IRON FOUND
 - ⊗ IRON SET
 - ⊙ MONUMENT FOUND
 - ⊗ MONUMENT SET
 - ⊙ SEC. CORNER FOUND
 - R. RECORDED
 - M. MEASURED
 - C. CALCULATED

K-06
E1/4 CORNER OF SECTION 14,
T2N, R11E, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN

CLIENT OASIS AT CENTENNIAL PARK, LLC	PROJECT NO. 06-634
SCALE 1" = 100'	DATE 04-10-07
DRAWN BY J.A.E.	CHECKED BY R.L.H.

FAZAL KHAN & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
 43279 SCHOENHERR STERLING HEIGHTS, MI 48313
 PHONE (586) 739-8007 FAX (586) 739-6994

04-10-07 RLH

06-634 THE OASIS AT CENTENNIAL PARK LLC BOUNDARY SURVEY

DESCRIPTION OF PROPERTY (FROM RECORD 20-14-226-035)

PART OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT S03°00'00"W 722.25 FEET AND N87°08'40"W 60.00 FEET FROM THE NE SECTION CORNER; THENCE N87°08'40"W 603.24 FEET; THENCE S02°56'40"W 97.50 FEET; THENCE S87°08'40"E 603.15 FEET TO THE WEST LINE OF JOHN R ROAD; THENCE N03°00'00"E 97.50 FEET TO THE POINT OF BEGINNING.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS 4867 JOHN R ROAD OR SIDWELL NO. 20-14-226-035.

DESCRIPTION OF PROPERTY (FROM RECORD 20-14-226-022)

THE SOUTH 131.25 FEET OF THE NORTH 722.25 FEET OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, EXCEPT THE EAST 60 FEET TAKEN FOR JOHN R ROAD RIGHT OF WAY.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS 4895 JOHN R ROAD OR SIDWELL NO. 20-14-226-022.

DESCRIPTION OF PROPERTY (FROM RECORD 20-14-226-021)

PART OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT S03°00'00"W 507 FEET FROM THE NE SECTION CORNER; THENCE N87°08'40"W 630.64 FEET; THENCE S02°55'00"W 9 FEET; THENCE N87°08'40"W 33 FEET; THENCE S03°00'00"W 75 FEET; THENCE S87°08'40"E 663.50 FEET; THENCE N03°00'00"E 84 FEET TO THE POINT OF BEGINNING, EXCEPT THE EAST 60 FEET TAKEN FOR JOHN R ROAD RIGHT OF WAY.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS 4907 JOHN R ROAD OR SIDWELL NO. 20-14-226-021.

DESCRIPTION OF PROPERTY (FROM RECORD 20-14-226-020)

PART OF THE NE1/4 OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT S03°00'00"W 300 FEET AND N87°08'40"W 60 FEET FROM THE NE SECTION CORNER; THENCE N87°08'40"W 212.50 FEET; THENCE S03°00'00"W 144.50 FEET; THENCE N87°08'40"W 391.25 FEET; THENCE S02°55'00"W 71.50 FEET; THENCE S87°08'40"E 33 FEET; THENCE N02°55'00"E 9 FEET; THENCE S87°08'40"E 570.64 FEET; THENCE N03°00'00"E 207 FEET TO THE POINT OF BEGINNING.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS 4927 JOHN R ROAD OR SIDWELL NO. 20-14-226-020.

CLIENT OASIS AT CENTENNIAL PARK, LLC	PROJECT NO.	06-634
	DATE	04-10-07
SCALE	DRAWN BY J.A.E.	CHECKED BY R.L.H.



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DESCRIPTION OF PROPERTY (FROM RECORD 20-14-226-016)

PART OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT N87°08'40"W 272.50 FEET FROM THE NE SECTION CORNER; THENCE S03°00'00"W 444.50 FEET; THENCE N87°08'40"W 108 FEET; THENCE N03°00'00"E 444.50 FEET; THENCE S87°08'40"E 108 FEET TO THE POINT OF BEGINNING, EXCEPT THE NORTH 60 FEET TAKEN FOR EAST LONG LAKE ROAD RIGHT OF WAY.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS 1946 EAST LONG LAKE ROAD OR SIDWELL NO. 20-14-226-016.

DESCRIPTION OF PROPERTY (FROM RECORD 20-14-226-015)

PART OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT N87°08'40"W 380.50 FEET FROM THE NE SECTION CORNER; THENCE S03°00'00"W 444.50 FEET; THENCE N87°08'40"W 185.25 FEET; THENCE N02°55'00"E 444.50 FEET; THENCE S87°08'40"E 186 FEET TO THE POINT OF BEGINNING, EXCEPT THE NORTH 60 FEET TAKEN FOR EAST LONG LAKE ROAD RIGHT OF WAY.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS 1910 EAST LONG LAKE ROAD OR SIDWELL NO. 20-14-226-015.

DESCRIPTION OF PROPERTY (FROM RECORD 20-14-226-014)

THE NORTH 444.5 FEET OF THE WEST 98 FEET OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, EXCEPT THE NORTH 60 FEET TAKEN FOR EAST LONG LAKE ROAD RIGHT OF WAY.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

ALSO KNOWN AS 1890 EAST LONG LAKE ROAD OR SIDWELL NO. 20-14-226-014.

DESCRIPTION OF PROPERTY (COMBINED)

PART OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NE CORNER OF SECTION 14; THENCE S03°00'59"W 300.09 FEET (S03°00'00"W 300.00 FEET RECORD) ALONG THE EAST LINE OF SECTION 14 AND CENTERLINE OF JOHN R ROAD (60 FEET HALF WIDTH); THENCE N87°08'40"W 60.00 FEET TO THE WEST RIGHT OF WAY OF JOHN R ROAD (60 FEET HALF WIDTH) FOR A POINT OF BEGINNING; THENCE S03°00'59"W 520.12 FEET (S03°00'00"W 519.75 FEET RECORD) ALONG THE WEST RIGHT OF WAY OF JOHN R ROAD (60 FEET HALF WIDTH); THENCE N86°55'32"W 603.14 FEET (N87°08'40"W 603.32 FEET RECORD) TO THE WEST LINE OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 14, ALSO BEING THE EAST LINE OF "LONG LAKE VILLAGE SUBDIVISION NO. 2", AS RECORDED IN LIBER 142 OF PLATS, PAGES 20-21, OAKLAND COUNTY RECORDS; THENCE N02°53'45"E 757.91 FEET (N02°55'39"E 759.75 FEET RECORD) ALONG THE WEST LINE OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 14, ALSO BEING THE EAST LINE OF "LONG LAKE VILLAGE SUBDIVISION NO. 2", IN PART, TO THE SOUTH RIGHT OF WAY OF EAST LONG LAKE ROAD (60 FEET HALF WIDTH); THENCE S87°08'40"E 392.24 FEET (391.78 FEET RECORD) ALONG THE SOUTH RIGHT OF WAY OF EAST LONG LAKE ROAD (60 FEET HALF WIDTH); THENCE S03°00'59"W 240.09 FEET (S03°00'00"W 240.00 FEET); THENCE S87°08'40"E 212.50 FEET TO THE WEST RIGHT OF WAY OF JOHN R ROAD (60 FEET HALF WIDTH) AND TO THE POINT OF BEGINNING. CONTAINING 407407 SQUARE FEET OR 9.3528 ACRES, MORE OR LESS.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

CLIENT OASIS AT CENTENNIAL PARK, LLC	PROJECT NO.	06-634
	DATE	04-10-07
SCALE	DRAWN BY JAE	CHECKED BY R.H.

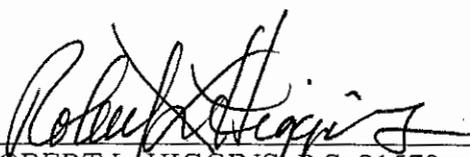


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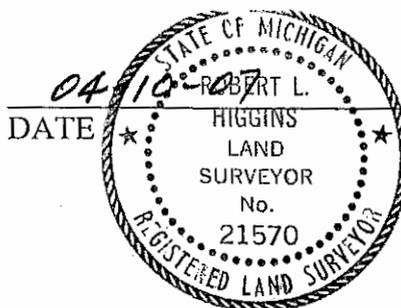
CERTIFIED TO

THE OASIS AT CENTENNIAL PARK, LLC
48593 HAYES ROAD
SHELBY TOWNSHIP, MICHIGAN 48316
1-586-247-2255

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; AND 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
FAZAL KHAN AND ASSOCIATES, INC.
43279 SCHOENHERR ROAD
STERLING HEIGHTS, MICHIGAN 48313
1-586-739-8007



BEARING DATA ORIGINATES FROM THE NORTH LINE OF A SURVEY BY LANDWEHR & ASSOCIATES, JOB NO. L517-05B, DATED 01-17-06 AND REVISED 06-01-06.

THIS PROPERTY LIES WITHIN AN AREA DESIGNATED AS ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2 % ANNUAL CHANCE FLOODPLAIN) AS DEPICTED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 260180 0553 F, DATED SEPTEMBER 29, 2006, PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SECTION CORNER WITNESSES

K-05 NE CORNER OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND REMON DISC IN MONUMENT BOX AT THE INTERSECTION OF LONG LAKE ROAD AND JOHN R ROAD.

- N70°E 122.26' PK NAIL & TAG IN SW SIDE OF UTILITY POLE
- S53°W 87.85' TOP CENTER OF NUT ON FIRE HYDRANT
- N45°E 92.37' PK NAIL & TAG IN SE SIDE OF UTILITY POLE
- S40°E 81.04' PK NAIL & TAG IN SW SIDE OF UTILITY POLE

K-06 E1/4 CORNER OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND REMON DISC IN MONUMENT BOX IN CENTERLINE OF JOHN R ROAD.

- N80°W 45.27' PK NAIL & TAG IN N SIDE OF GUY POLE
- S21°E 120.18' PK NAIL & TAG IN W SIDE OF POWER POLE
- EAST 52.03' PK NAIL & TAG IN S SIDE OF POWER POLE
- S21°W 100.70' TOP CENTER OF NUT ON FIRE HYDRANT

J-05 N1/4 CORNER OF SECTION 14, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND REMON DISK IN MONUMENT BOX IN CENTERLINE OF LONG LAKE ROAD.

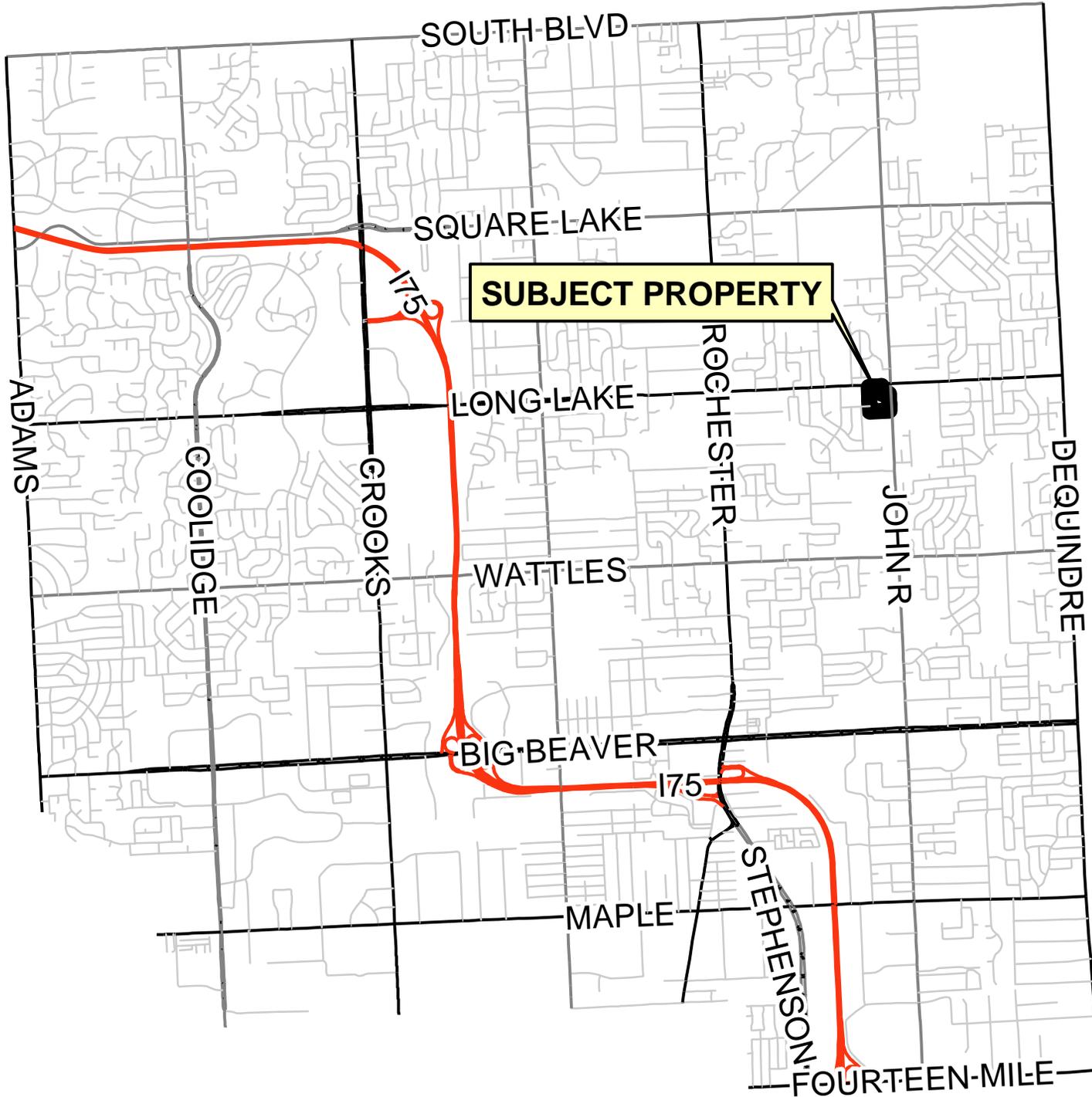
- N10°W 53.01' MAG NAIL IN W FACE OF UTILITY POLE
- N69°E 147.73' MAG NAIL & TAG IN W FACE OF UTILITY POLE
- S69°E 145.10' MAG NAIL & TAG IN N FACE OF UTILITY POLE
- S11°E 30.63' CHISELED "+" ON WATERMAIN GATE VALVE AND WELL

CLIENT OASIS AT CENTENNIAL PARK, LLC	PROJECT NO.	06-634
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SCALE	DRAWN BY LAF	CHECKED BY RKH



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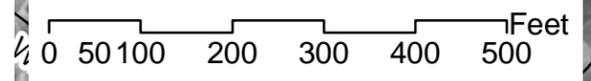
CITY OF TROY



PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED OASIS AT CENTENNIAL PARK
S SIDE OF LONG LAKE, W SIDE OF JOHN R
SEC. 14 (P.U.D. #6)

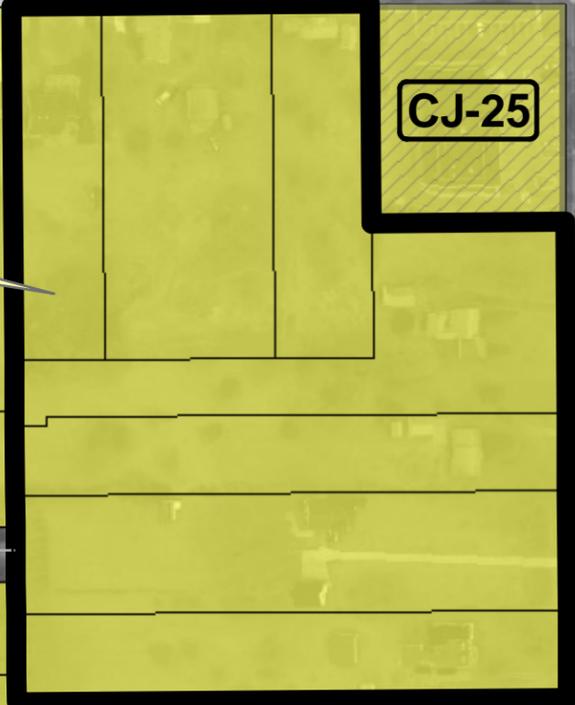
SUBJECT PROPERTY

PROPOSED HIDDEN PARC
SITE CONDOMINIUM

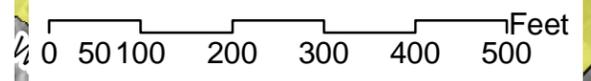


PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED OASIS AT CENTENNIAL PARK
S SIDE OF LONG LAKE, W SIDE OF JOHN R
SEC. 14 (P.U.D. #6)

SUBJECT PROPERTY



PROPOSED HIDDEN PARC
SITE CONDOMINIUM





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: March 28, 2007
Rev: April 18, 2007
Rev: June 6, 2007

Planned Unit Development/Site Plan Review For City of Troy, Michigan

GENERAL INFORMATION

Applicant: Stefano Mularoni
Oasis at Centennial Park, LLC
48593 Hayes
Shelby Township, MI 48315

Project Name: Oasis at Centennial Park Planned Unit Development

Plan Date: April 10, 2007

Latest Revision: May 23, 2007

Location: Southeast corner of Long Lake and John R roads

Zoning: R-1C, One Family Residential District

Action Requested: Planning Commission review and recommendation to the City Council for approval of a Concept Development Plan as established in Section 35.50.

Required Information: Deficiencies noted.

PROJECT AND SITE DESCRIPTION

We are in receipt of a revised application for the Oasis at Centennial Park Planned Unit Development. The site is located at the southwest corner of Long Lake Road and John R Road. The proposal consists of a mixed use project with a combination of a 20-bed senior housing facility and retail, restaurant, day care, and office uses. The senior housing is proposed in the form of "greenhouses", a concept which offers alternative care for the elderly. The site is currently occupied by seven (7) one-family residences on their own parcels, and is 9.34 acres in total. The site is currently zoned R-1C, One Family Residential District.



The applicant has made the following revisions to the plan which include, but are not necessarily limited to, the following:

1. Eliminated parallel parking spaces on either side of the proposed central driveway near the southeast access to John R Road. This resulted in more green space near the cafe;
2. Relocated the loading area on the proposed central driveway to the north side of the Retail/Retail C building.
3. Narrowed the boulevard entrance slightly off of John R Road.
4. Added banked parking in the northwest corner of the property. This change eliminates constructing fifty-two (52) parking spaces in this location.

5. Added nineteen (19) parking spaces in front of the restaurant/office building; two (2) spaces in front of Retail A, and two (2) spaces in front of Retail B-C.
6. Added pedestrian amenities to improve opportunities for crossing the main road through the development; added walks behind the retirement facility; and added walkways to allow a person to walk from John R Road to E. Long Lake Road.

NEIGHBORING ZONING AND LAND USE

- North:** The properties directly north across Long Lake Road are zoned R-1C, One Family Residential District; uses in this area include a church and one-family residences. To the north and east, at the northeast corner of the Long Lake Road and John R Road intersection, is a parcel zoned B-3, General Business District, which is used for retail.
- South:** Properties to the south of the site are zoned R-1C, One Family Residential District. Existing uses in this area include a party store and one-family residential.
- East:** The properties located on the southeast corner of Long Lake Road and John R Road are zoned B-3, General Business District and R-1C, One Family Residential District. The site surrounds an existing CVS on the southwest corner of Long Lake and John R Road. The remainder of the area is used for one-family residential (south of the subject site), with the exception of the fire training facility, which is located directly east of the project site.
- West:** The land to the west along Long Lake Road is zoned R-1C, One Family Residential District, and is used for one-family residential.

Items to be Addressed: None.

MASTER PLAN

The subject property is currently planned for low density residential use along both Long Lake Road and John R Road. The Master Land Use Plan classifications surrounding the site are:

- North:** Low density residential
- South:** Low density residential
- East:** Community facilities
- West:** Low density residential

While the commercial or senior housing proposed for this property are not consistent with the Master Plan designation of low density residential, we agree with the applicant's assertion that the proposed uses are compatible with the surrounding area.

As set forth in Sec. 35.40.00, the proposal must be consistent with the Master Plan, sub-area or corridor plans or recent development trends of the area. This Plan designates the northeast and southeast corners as local service area and community facilities respectively. However, commercial zoning exists on the northeast, and southwest corners. Therefore, the subject project is consistent with “recent development trends in the area.” The proposed project provides relatively low intensity mixed collection of smaller commercial and office uses, which are well located in close proximity to the CVS. The balance of the uses, senior citizen greenhouse and day care, are uses which are compatible with the adjacent residential.

Items to be Addressed: None.

NATURAL RESOURCES

Topography: The topography of the site is relatively flat, with drainage moving from west to east. The site was previously developed for one-family residential use, and varies in grade from 665 feet above sea level at the highest point on the west end of the site to 658 feet above sea level at its lowest point at the east end of the site.

Woodlands: There does not appear to be a significant number of large mature trees on site that could be maintained and/or transplanted, although the plan does indicate that there are several pockets with trees of some maturity. There are small collections of trees and brush near the existing residences and in a few small brushy areas throughout the site. The topographic survey provided does indicate that a small pocket of larger evergreens at the southwest corner of the site will remain.

Wetlands: The on-site evaluation conducted by King and MacGregor Environmental on behalf of the applicant indicates that no wetlands are present on the subject site.

Items to be Addressed: None.

TRAFFIC IMPACT

A traffic impact study was provided in a previous submittal, prepared by Traffic Engineering Associates, Inc. The analysis provides land use observations, traffic counts, a level of service analysis, a review of background conditions, projected site traffic generation, the estimated future traffic volumes, and a future level of service analysis. The study also includes a summary of findings which indicate that the following 5 items should be considered:

1. The Road Commission for Oakland County should evaluate the John R Road and East Long Lake Road intersection for the need for signalization and geometric alterations that may be necessary in the future, potentially including dedicated right-turn lanes.

2. The proposed drive on Long Lake Road should be constructed with two full width exiting lanes, and a full-width right-turn lane should be provided for traffic entering the site from eastbound Long Lake Road.
3. The north proposed drive on John R Road (which accesses the CVS site) should be provided at the southbound right turn lane shown on the site plan.
4. A right turn taper for southbound John R Road traffic should be provided at the south proposed drive on John R Road.
5. The proposed boulevard section at the south proposed drive on John R Road should be removed to reduce potential left turn conflicts.

We defer to the City Engineer with regard to the conclusions of the traffic analysis. The applicant has added the proposed changes suggested in #2, #3, and #4 to this set of plans. The only change suggested that was not made was removing the proposed boulevard off of John R Road.

Items to be Addressed: Address conclusions of traffic study.

ESSENTIAL FACILITIES AND SERVICES

Water and Sewer

The site will connect to existing water and sewer mains located within the right-of-way of Long Lake Road (water) and John R Road (sewer).

Stormwater Management

The site plan states that site is in the Nelson Drain District, and that stormwater will be detained on site, and then discharged to the existing storm sewer along Long Lake Road. The plan also makes use of bio-swales within parking lot landscaping areas. Additional information with regard to proposed stormwater management has been included in the submittal, in a new Sheet 3 containing proposed preliminary grading and stormwater management measures. We support the applicant's use of bio-swales throughout the property. We defer to the City Engineer with regard to proposed utilities.

Items to be Addressed: City Engineer review of utilities.

PUD STANDARDS

The Zoning Ordinance, as amended, sets forth criteria in Section 35.30.00 for consideration of a project as a PUD. The following are our comments:

Section 35.30.00, A. The proposal development shall be applied for by a person or entity who has the legal right to execute a binding agreement concerning all process on the development.

The applicant has demonstrated that this requirement has been met.

Section 35.30.00, B.: The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

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.

The proposal provides a mixture of land uses that would otherwise not be permitted in the underlying zoning category, or in any other single zoning category.

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.

The site plan includes an extensive pedestrian network, increased landscaping, and three large park-like settings. There are walkway connections to the public system along both roadways and the neighboring subdivision.

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.

The proposed project represents a coordinated plan which includes a mix of land uses working together to form an innovative and high-quality development. This walkable, integrated design would be difficult to arrange using conventional zoning techniques.

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.

We are aware of no such features on the subject site.

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

The applicant is required to provide substantially more open space and landscape area than the ten (10%) percent requirement of Section 39.70.04. This requirement is in addition to the greenbelt requirements. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments. The site plan now indicates that 2.91 acres of open space (which does not include the area occupied by the water feature) are proposed for this development, which is equivalent to over 31 percent of the site. Including the area occupied by the water feature, 3.73 acres, or 40 percent of the site, is proposed. We feel this meets with the requirements of Section 39.70.04 and are satisfied that the proposed open space is optimally located to provide the best possible transition to adjacent development.

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

The strategic location of the senior housing and proposed open space and landscaping materials provide the best possible transition to the adjacent land uses, given the nature of the proposed uses within the project. As mentioned in the previous review, we have a concern that the westerly parking is not an appropriate transition. However, the

applicant has now proposed to landback parking for this area and add parking elsewhere.

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

The applicant has incorporated bio-swales throughout the development to mitigate the effect the development will have on stormwater infiltration. We defer to the City Engineer in this regard. They have also reduced the number of parking spaces by a total of twenty-nine (29) spaces, and increased the green/open space by banking parking. We are not aware of any other measures being taken to ensure sustainable design.

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

The incorporation of a central water feature and the mix of proposed land uses represent an innovative and creative site plan which will provide an amenity to potential visitors to the area. The proposed buildings are shown in conceptual elevations and floor plans, and are of a typical mass and height for the area. The proposed buildings do provide architectural variation between the residential and non-residential portions of the site and are arranged to take advantage of future views over the central water feature.

9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.

This site plan was designed to offer a variety of uses in close proximity. The pattern is compact and demonstrates a multi-use site in which users can recreate and work, shop, dine, or seek child care.

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

The plan does include a comprehensive pedestrian pathway network throughout the site which provides excellent non-motorized access from one use to another. The previous submission includes a traffic study which makes a series of recommendations with regard to motorized transportation, many which have been incorporated into the site plan.

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

This proposal will redevelop properties that currently include one-family residences. The surrounding area is predominantly one-family residential and the site abuts the Long Lake Village Subdivision. While we do not know whether the specific single family residential is obsolete, it is unlikely this site would be viable for new single family development.

12. A complementary variety of housing types that are in harmony with adjacent uses;

The senior living portion of this project will provide an alternative type of housing within the City. The greenhouse concept is not currently offered. The proposed senior housing buildings are limited in height (one story) and are designed and located to most appropriately remain in harmony with the adjacent subdivision

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

As noted above, we do not know whether the specific single family residential is obsolete, but we believe it is unlikely that this site would be viable for new single family development; we are not aware of any non-conformities on the site.

14. A development consistent with and meeting the intent of this Article; and will promote the intent of the plan meeting the requirements of the Municipal Planning Act 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.

As noted earlier in this review, the proposal does not meet the goals of the Master Plan. However, it is our opinion that the Master Plan may not be realistic and the proposal is more consistent with development trends in the area.

15. 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.

Basic information with regard to building materials has been provided on the conceptual floor plan and elevation drawings.

- B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.

The vehicular parking and circulation areas and preliminary screening measures are adequately described on the site and landscape plans.

- C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

One proposed loading area is described on the site plan (which was relocated from the previous submission). Location and screening of any other outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment have not been provided.

- D. The hours of operation of the proposed uses.

The applicant has provided a list of potential tenants. We did not observe any information with regard to the proposed hours of operation of the potential uses proposed.

- E. The location, amount, type and intensity of landscaping, and other site amenities.

While specific material quantities have not been provided at this time, a conceptual landscaping plan showing initial landscaping designs has been provided.

16. 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 uses 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. We have suggestions regarding location.

A complete parking analysis is provided in later section of this review. Given that the proposed uses lend themselves to a shared parking agreement, especially the senior housing and day care facilities (which experience only intermittent or limited demand), we support the use of shared parking in the development. The applicant has further responded to this by land banking some parking, and reducing the total number of parking spaces by twenty-nine (29) spaces across the development.

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

Stormwater generated by this development will be captured by an above-ground detention basin. After stormwater is detained on site, it will then be discharged to the existing storm sewer along Long Lake Road. The plan also makes limited use of a series of bio-swales throughout the property to lessen the impact on stormwater infiltration caused by the proposed project. We would encourage the applicant to explore additional methodologies to enhance stormwater quality.

18. 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.

The applicant has demonstrated throughout the process that the proposal meets with all applicable Federal, State and local laws and ordinances. We defer to the City Engineer with regard to the site's coordination with existing public facilities.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

The underlying zoning for the entire site is R-1C, One Family Residential District. While setbacks are not delineated on the site plan, our measurements indicate that the provided setbacks exceed the requirements for projects within the R-1C District, and also exceed the requirements for the B-2, Community Business District, and B-3, General Business District, districts under which the proposed nonresidential uses could conventionally be located.

Items to be Addressed: None.

PARKING, LOADING

The proposal includes 265 parking spaces, which would serve approximately 31,000 square feet of retail, 6,900 square feet of office, a 30-child daycare, 4,000 square foot restaurant, and 20 units of senior housing. The site plan also shows 52 land banked spaces. Required parking for these uses under conventional development approaches would be as follows.

<i>Proposed Use</i>	<i>Calculation</i>	<i>Required number of spaces</i>
Senior Living	0.65 spaces per unit plus one space per employee	21 spaces (20 units and 8 employees)
Restaurant	1 space for every 35 square feet of gross floor area	114 spaces (4,000 square feet)
Retail	1 space for every 200 square feet of gross floor area	155 spaces (31,000 square feet)
Office	1 space for every 200 square feet of gross floor area	35 spaces (6,900 square feet)
Daycare	1 space for every 10 children plus 1 space for every employee	11 spaces (30 children and 8 employees)
<i>TOTAL</i>		<i>336 spaces required under conventional zoning</i>

The Ordinance allows for the sharing of parking among mixed uses in a PUD. The proposed reduction in overall required parking is 71 spaces, or approximately 21%. We consider this desirable since the proposed uses lend themselves to a shared parking agreement, especially the senior housing and day care facilities, which experience only intermittent or limited demand.

The single proposed loading zone for the development was relocated from its previous location to the north of the Retail/Retail C building. This is a more desirable location for loading for the central retail area. Regarding Retail A building, loading/unloading space for each commercial/retail building will be accommodated directly behind the building. Since loading will be sharing vehicular access space, there may be times where there are conflicts with patron use. However, this is a small center and we expect the conflicts to be minimal.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

The plan shows three primary access points, one from Long Lake Road and two from John R Road. These access points are appropriately situated opposite existing drives on both John R Road and Long Lake Road. The site is arranged around a central drive that connects the single access drive on Long Lake Road with the south access drive on John R Road.

We support the arrangement of the site around this primary drive, and recognize the applicant's concept of locating the buildings around a central water feature. Traffic calming features, such as relatively narrow roadways (20'), and raised pedestrian crossings have been added to help minimize cut-through traffic. In addition, the applicant has banked parking spaces in the northwest corner, reducing pavement and minimizing the dominant appearance of parking.

We consider the modifications to the design have been done in an acceptable manner.

Items to be Addressed: None.

SAFETY PATHS/SIDEWALKS

A sidewalk and pathway plan has been provided. A connected pathway and sidewalk system is proposed throughout the development which allows for full use of the proposed uses on foot. Furthermore, the proposed pathways connect the development to the adjacent Long Lake Village Subdivision by way of the existing sidewalks along Carr Drive.

The overall compact layout of the site offers good walkability and pedestrian access, although the largest parking areas are located in remote locations relative to the main retail buildings along John R Road, consequently the walkways must cover significant distances to provide access. The pedestrian pathway fully surrounds the proposed senior living facility and offers access to the planned open space in this area.

As suggested in the previous review, the applicant has modified the pathway plan in several ways:

- 1) Separate walkways from the bioswales,
- 2) Move the loading zone near the café to provide direct access to the rear outside dining area, and
- 3) Add additional crosswalks to offer access between parking areas and the proposed retail uses.

Items to be Addressed: None.

LANDSCAPING

Composition: The applicant is proposing a landscaping program which includes deciduous and evergreen plant material, a variety of shrubs, ornamentals, and perennials; however, specific quantities and sizes have not been identified at this time.

Existing Vegetation: While little landscaping exists on the subject site, there are a number of smaller trees that are now proposed to remain. The specific locations of these trees have identified on this set of plans. A description of the trees also needs to be provided at the time of final site plan approval.

Greenbelt: A minimum 10' greenbelt is required along Long Lake Road and John R Road, and is provided in both locations.

For *non-residential development*, the Ordinance requires one tree per every thirty (30) linear feet of roadway frontage. Long Lake Road will require 18 trees (519.75/30), and 19 are proposed. John R Road will require 9 trees (269.59/30), and 11 are proposed.

Residential

Screening: This plan does not indicate a wall between the commercial portions of the property and the residential portions. Given the integrated, mixed use design of this project, and its nature as a PUD, we do not feel that a screen wall is necessary and use of landscaping is more appropriate.

Site

Landscaping: Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district. As noted above, the site provides 40 percent open space including the water feature, and more than 31 percent open space not including the water feature.

Details: Planting details have been provided.

Refuse

Container: Details of pedestrian trash receptacles are shown on the landscape plans, and locations and details of dumpsters throughout the development are also shown. Five dumpsters appear to be proposed for the entire development, two of which are located near the existing dumpster for the CVS store, and three of which are located along the south boundary of the site, between the day care facility and retail building "A." The design of the proposed dumpster enclosures is not provided.

Items to be Addressed: Describe nature of existing trees proposed to remain upon final approval.

LIGHTING

A lighting plan has not been provided as part of this submission, and the applicant has indicated by way of a note on the site plan drawing that the proposed decorative street lighting near the CVS site is still under discussion with the developers.

Items to be Addressed: Lighting information must be provided at the time of final site plan consideration.

SIGNS

Information about proposed signs has not been provided as part of this submission.

Items to be Addressed: Signage information must be provided at the time of final site plan consideration.

FLOOR PLANS AND ELEVATIONS

Conceptual floor plans and elevations have been provided for the proposed buildings. The building style of the senior living facility is residential, and incorporates gable-end roofs, masonry construction, and dormers. The proposed building style of the nonresidential portion is

far more contemporary, and incorporates limited masonry elements detailing predominantly glass and aluminum facades. Proposed building heights are within the anticipated range for the area, and do not extend beyond a single story.

Items to be Addressed: None.

RECOMMENDATIONS

The proposed uses would provide benefit to the adjacent residences, provide an excellent transition of use, and would introduce an alternative housing style in the senior living component that would help diversify the City's housing stock. While the proposed uses within the PUD are not supported by the Master Plan, continuation of one-family, low density residential development for this site is unrealistic.

Since the last submittal, the applicant has made significant revisions which address our outstanding comments. Therefore, we recommend approval on the basis that the proposed uses are in keeping with the overall direction of development trends in the area and that the proposal provides positive elements that could not be achieved without application of the PUD option.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

225-02-2702

RKC: zb

cc: Oasis at Centennial Park LLC, 48593 Hayes Road, Shelby Township, MI 48315
Fazal Khan & Associates, Inc., 43279 Schoenherr Road, Sterling Heights, MI 48313

PLANNED UNIT DEVELOPMENTS

5. **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. #6)** – Proposed Oasis at Centennial Park, South side of Long Lake, West side of John R, Section 14, Currently Zoned R-1C (One Family Residential) District

Mr. Miller indicated City Management concurs with the recommendation of Carlisle/Wortman Associates, Inc. He briefly reviewed the new approval procedure for planned unit development projects.

Richard Carlisle of Carlisle/Wortman Associates, Inc., provided an updated report on the proposed development and addressed the revisions to the plan since the members last reviewed it. Mr. Carlisle recommends approval of the Concept Development Plan.

Discussed briefly were the dumpster location in relation to the café and the need for grease containers.

Norman Hyman of 38500 Woodward Avenue, Bloomfield Hills, was present to represent the petitioner. He introduced project team members Carol Thurber of Fazal Khan & Associates, Paul Landry of Landry + Newman Architects, and Stefano Mularoni, developer. Mr. Hyman noted the location of dumpsters and grease containers would be addressed further during preliminary site plan preparation. He said they tried to balance the uses and create a site plan with the least impact on the neighbors.

Mr. Strat commended the petitioner on the proposed development. He asked for clarification of the “pool” designations on the site plan.

Ms. Thurber replied the “pool” designations refer to sedimentation forebays.

Mr. Landry presented a rendering of the proposed development and reviewed the building materials.

PUBLIC HEARING OPENED

Nancy-Street Merriweather of 1834 Wilmet Drive, Troy, was present. Ms. Merriweather spoke in opposition of the proposed development. She addressed concerns with lighting, traffic and safety of school children, and indicated she would like to see the area stay residential.

Peter Milosavlevski of 4843 John R, Troy, was present. Mr. Milosavlevski spoke in opposition of the proposed development. He explained that he and his sister were present tonight to speak on behalf of their mother who lives in the house adjacent to the proposed development. They are owners of the Beer Barrel

store. Mr. Milosavlevski addressed concerns relating to noise, privacy and property values.

Saša Doll of 4843 John R, Troy, was present. Ms. Doll spoke in opposition of the proposed development. She spoke of the investment in rebuilding the home and her mother's love of the back yard, pool and garden. Ms. Doll addressed concerns with property values, noise and traffic.

Chair Schultz clarified that the development proposes to build one-story buildings only, and explained that the development cannot vary from the approved site plan.

Mr. Strat emphasized the developer is proposing to provide landscaping far above what is required.

Ms. Troshynski said the petitioner would most likely address any lighting concerns since it has been brought to their attention.

Roberta Burgin of 1872 E. Long Lake Road, Troy, was present. Ms. Burgin spoke in opposition of the proposed development. She addressed concerns with the location of the proposed restaurant in relation to their home, traffic, and existing retail vacancies and child care facilities in the neighborhood.

Mark Weir of 4867 John R, Troy, was present. Mr. Weir is the owner of one of the properties to be developed. He indicated his home and the three properties to the north are in disrepair. Mr. Weir believes the proposed development is good and would benefit the City.

Mike Burgin of 1872 E. Long Lake Road, Troy, was present. Mr. Burgin spoke in opposition of the proposed development. He spoke of the potential to rebuild the homes in the area and maintain the area as residential. Mr. Burgin addressed concerns relating to traffic and the proposed restaurant location in relation to his home.

Mr. Strat asked the orientation of the Burgin garage.

Mr. Burgin replied their garage is attached to the house and would face the project.

Scott Berry of 1881 Carr, Troy, was present. Mr. Berry spoke in opposition of the proposed development. His property is directly adjacent to the proposed development. Mr. Berry addressed concerns relating to the investment in their home, the natural park-like setting, existing retail vacancies, traffic and property values.

There were brief comments on the relationship of the property owned by Mark Weir to 4843 John R.

PUBLIC HEARING CLOSED

Mr. Hyman said they met with the neighbors and two concerns were expressed: 1) they did not want multi-story buildings; and 2) they did not want a through street to the residential. Mr. Hyman said the proposed development has one-story buildings only, and there is no street connection to any residential. He said property values would most likely increase should the development go forward. He also indicated the subject area would not be conducive to single family residential development.

Ms. Kerwin asked the petitioner to address public comments expressed tonight on the 1872 Long Lake residence in relation to the proposal, the park-like setting on Carr Drive, and the number of stories proposed for the senior housing.

Mr. Hyman said the garage of the 1872 Long Lake residence would face landbanked parking. The landbanked parking would be maintained with grass, shrubs and trees for potential parking should it be needed in the future. Mr. Hyman said they tried their best to minimize the visual impact of the proposed development to the surrounding residential by providing a water feature and landscaping that far exceeds the open space requirements of the ordinance. Mr. Hyman addressed the greenhouse elderly housing that is a one-story building, and submitted a *New York Times* article titled "Rethinking Old Age", dated May 24, 2007, that talks about the revolutionary concept.

Ms. Kerwin said it appears the residents do not have the same perception of the proposed development as the members do, and encouraged the petitioner to provide the neighbors with the same information and renderings that have been provided to the members.

Mr. Hyman said they would be happy to meet with the neighbors at any time.

Mr. Strat said the concerns expressed tonight by the neighbors are valid, and it is the responsibility of the members to protect their properties. He indicated he would scrutinize the landscape plan to assure surrounding properties are protected.

Mr. Littman questioned the continuation of the stockade fence north of Carr.

Ms. Thurber explained the fence is an existing fence and is part of the topographical survey.

Mr. Vleck addressed the impact to the neighbors should single family residential go in the area versus the proposed planned unit development project. He

brought to the public's attention the developer is not developing to the maximum and the proposed 31% open space is unprecedented in the City of Troy. Mr. Vleck said the walkability resulting from the proposed development would be an asset to the surrounding residential. Mr. Vleck said he speaks from personal experience, noting that he lives near two planned unit development projects.

Mr. Strat agreed with Mr. Vleck's comments and noted further that should the area be developed as residential, Carr Drive would open up and the residents would be dealing with drive-through traffic.

Chair Schultz said the density of development would be appreciably higher with residential and agreed the 30+% of open space would be an asset to the surrounding neighbors.

Resolution # PC-2007-06-101

Moved by: Littman

Seconded by: Vleck

WHEREAS, the Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Oasis at Centennial Park, LLC for the Oasis at Centennial Park Planned Unit Development (PUD 6), located on the south side of Long Lake Road and west side of John R Road, Section 14, within the R-1C zoning district, being approximately 9.34 acres in size; and

WHEREAS, the City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated June 6, 2007 that recommends Concept Development Plan approval of Oasis at Centennial Park Planned Unit Development; and

WHEREAS, the proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

BE IT FINALLY RESOLVED, that the Planning Commission recommends that Concept Development Plan Approval for Oasis at Centennial Park Planned Unit Development be granted.

Yes: All present (9)

MOTION CARRIED

Chair Schultz briefly addressed the procedure for the City Council public hearing.

Paula P Bratto

From: Folz, Beth [Beth_Folz@adp.com]
Sent: Monday, August 06, 2007 10:40 AM
To: Paula P Bratto

Too bad that the City of Troy feels the need for more strip malls, this development is going to replace another historic building (the last development near by demolished a fabulous 1910 historic school, which could have been worked into the new development but sadly was not) The city is of Troy is quickly turning into a suburban subdivision with strip malls!

More planning needs to be done by the city council with regards to historic preservation.

NOTICE OF PUBLIC HEARING

The City Council of the City of Troy will hold a Public Hearing at 7:30 p.m. on Monday, September 10, 2007 at City Hall, 500 W. Big Beaver, Troy, MI.

At this meeting the following item will be considered:

A request to establish a Planned Unit Development consisting of a proposed mixed-use project which may include a ± 20-bed elderly housing facility, a ±4,000 sq. ft. restaurant, approx. 31,000 sq. ft. of retail space, approx. 6,900 sq. ft. of office

space and a ± 4,000 sq. ft. daycare facility on property currently zoned R-1C (One Family Residential).

Planning File No.: PUD 006 The Oasis at Centennial Park

Parcel No.: 88-20-14-226-014, -015, -016, -020, -021, -022, and -035

Location: South side of Long Lake, west side of John R

Property Addresses: 1890, 1910, & 1946 E. Long Lake and 4867, 4895, 4907 & 4927 John R.

You may express your comments regarding this matter in writing by contacting the Planning Department, 500 W. Big Beaver, Troy, MI, 48084, or by e-mail to planning@troymi.gov, or by attending the Public Hearing. If you have questions you may contact the Planning Department by e-mail or by phone at (248) 524-3364.

Copies of this request can be inspected or purchased in the Planning Department at City Hall. Notices and information for public hearings will also be posted on the City website at <http://www.troymi.gov/PublicHearings/>.

NOTICE OF PUBLIC HEARING

Beth Folz
ARG - Salesline Forms Programming Group
5607 New King Street
Troy, MI 48098

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the message and any attachments from your system.

OASIS AT CENTENNIAL PARK

STATE OF MICHIGAN / COUNTY OF OAKLAND

CITY OF TROY

DEVELOPMENT AGREEMENT

FOR

“OASIS AT CENTENNIAL PARK”

PLANNED UNIT DEVELOPMENT

This Development Agreement (“Agreement”), dated _____, 2007, is entered into by and between **OASIS AT CENTENNIAL PARK, 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 7 parcels and containing approximately 9.34 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 Unit Development ("PUD"), the Development to be known as "The Oasis at Centennial Park", sometimes also referred to herein as the "Development" or the "Planned Unit Development". Developer has received Conceptual Development Plan 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 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 35.80.00 of the City's Zoning Ordinance requires the submission of a Planned Unit Development Agreement executed by the Developer which incorporates conceptual site plans, conceptual landscaping plans and other documents enumerated as PUD Documents, as defined below and which requires approval by City Council of those documents 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 and 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 "Oasis at Centennial Park" 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 Conceptual P.U.D. Application, date stamped "Received" by the City of Troy Planning Department on August 9, 2007).
- D. The following full-sized plans, date stamped "Received" by the City of Troy Planning Department on August 1, 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 4	Parking Analysis Plan
Sheet P-1	Landscape and Planting Plan
Sheet P-2	Pedestrian Circulation Plan
Sheet P-3	Details
Sheet A-101	Conceptual Floor Plans and Elevations
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 United 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.

1.3 The Conceptual P.U.D. Site Plan shows two hundred sixty-five (265) parking spaces, which is seventy-one (71) spaces less than would be required under the Zoning Ordinance by adding the total number of spaces required for each use. The Zoning Ordinance, however, allows a reduction in required spaces among mixed uses in a P.U.D. The reduction of seventy-one (71) spaces, or approximately 21%, is hereby determined to be a proper reduction for shared parking, and is approved. In addition, fifty-two (52) parking spaces have been land-banked.

1.4 The Ordinance amendment granting Oasis at Centennial Park 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 "Oasis at Centennial Park" is being proposed to be developed utilizing the City of Troy's Planned Unit Development (PUD) Ordinance for a mixed-use senior housing, daycare, office, commercial, retail, and restaurant development. The Development will enable the redevelopment of the under-utilized seven (7) parcels of land located on the at the southwest corner of Long Lake and of John R. Roads. The Development 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 Oasis at Centennial Park are depicted on the Conceptual P.U.D. Site Plan recommended for approval by Planning Commission on June 12, 2007, and City Council on _____, 2007, prepared by Fazal Khan & Associates, Inc. date stamped "Received" by the City of Troy Planning Department on August 1, 2007. The senior housing component is proposed to be in the form known as "greenhouses," with ten (10) units in each of two buildings, and is proposed for the southwest corner of the Property, as shown on the Conceptual P.U.D. Site Plan. The retail, restaurant, office, and day care areas are proposed in the locations shown on the Conceptual P.U.D. Site Plan. No building in the Development shall exceed two (2) stories in height. While the area devoted to each of the retail, restaurant and office components may be altered, the total combined area of those components shall not, without approval by the Planning Commission and City Council, exceed 42,630 square feet, nor shall any change in the areas of the several uses be allowed which would result in an increase in the required number of parking spaces, calculated based on the sum of the parking requirements of each use less a reduction of 21% for shared parking. 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 an extensive pedestrian network, three (3) large park-like settings, walking connections to the public system along both roadways and the neighboring subdivision, extensive open spaces and buffering, an innovative and high quality development with an integrated and walkable design, and mixed uses, which could not be achieved with conventional zoning. Bio-swales are incorporated throughout the Development to mitigate impact on stormwater infiltration. The Development also contains an attractive pond/water feature, 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, in which event the Association or Associations shall succeed to the Developer's obligations, as set out in the Planned Unit Development Agreement and otherwise, 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 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 seven (7) 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, and City Development Standard 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 Development Standards not inconsistent with this Agreements, 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 at 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, indemnify 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 ~~in each Phase~~ 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 ~~that Phase of~~ 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.

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 Oasis at Centennial Park Planned Unit Development.

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

DEVELOPER:

OASIS AT CENTENNIAL PARK, LLC,
a Michigan limited liability company

By: _____
Its: _____

Dated: _____

CITY:

CITY OF TROY, a Michigan municipal corporation

By: Louise Schilling
Its: Mayor

Dated: _____

By: Tonni Bartholomew
Its: City Clerk

Dated: _____

[Notary follows on next page]

