



PLANNING COMMISSION

MEETING AGENDA

REGULAR MEETING

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

Donald Edmunds, Chair, Philip Sanzica, Vice Chair
Ollie Apahidean, Karen Crusse, Michael W. Hutson, Tom Krent
Padma Kuppa, Thomas Strat and John J. Tagle

May 26, 2015

7:00 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF AGENDA
3. MINUTES – May 12, 2015
4. PUBLIC COMMENT – For Items Not on the Agenda
5. ZONING BOARD OF APPEALS (ZBA) REPORT
6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT
7. PLANNING AND ZONING REPORT

PRELIMINARY SITE PLAN REVIEW

8. PRELIMINARY SITE PLAN REVIEW (File Number SP 1006) – Proposed Maple Veterinary Hospital Addition, South of Maple, West of Dequindre (2981 Iowa), Section 36, Currently Zoned NN (Neighborhood Node) “B”

ZONING ORDINANCE TEXT AMENDMENTS

9. PROPOSED ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 248) – Woodland Protection
10. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda
12. PLANNING COMMISSION COMMENT

ADJOURN

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

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on May 12, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean
Donald Edmunds
Michael W. Hutson
Tom Krent
Thomas Strat
John J. Tagle

Absent:

Karen Crusse
Padma Kuppa
Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2015-05-025

Moved by: Tagle
Seconded by: Apahidean

RESOLVED, To approve the Agenda as prepared.

Yes: All present (6)
Absent: Crusse, Kuppa, Sanzica

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2015-05-026

Moved by: Hutson
Seconded by: Strat

RESOLVED, To approve the minutes of the April 28 2015 Regular meeting as published.

Yes: All present (6)
Absent: Crusse, Kuppa, Sanzica

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN REVIEW

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 853-A) – Proposed Sandalwood South, West side of Rochester, North of Long Lake (5215 Rochester), Section 10, Currently Zoned R-1C (One Family Residential) Consent Judgment

Mr. Savidant detailed the history of the Consent Judgment and how it relates to the application.

Mr. Carlisle gave a report on the proposed development. He recommended approval of the site condominium application with one condition as noted in his written reported dated April 30, 2015.

Project Manager Tony Cappussi of CMA Design Services was present.

There was a brief discussion on the proposed landscaping.

Resolution # PC-2015-05-027

Moved by: Hutson

Seconded by: Strat

WHEREAS, The subject property is controlled by Consent Judgment that permits a 12-unit attached condominium project, subject to Preliminary Site Plan Approval by the Planning Commission, and

WHEREAS, Dimensional variances from setback requirements allowing the existing house and relocated garage to be located as shown on the site plan are deemed granted in accordance with the Consent Judgment.

THEREFORE BE IT RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Sandalwood South Condominiums, located on the west side of Rochester Road, north of Long Lake Road (5215 Rochester), Section 10, within the R-1C (One Family Residential) District, be granted, subject to the following:

1. Eliminate the sidewalk extending north from Unit 12 and provide an ADA compliant ramp and pedestrian crossing between Units 11 and 12 to Unit 8.

Yes: All present (6)

Absent: Crusse, Kuppa, Sanzica

MOTION CARRIED

OTHER BUSINESS

6. **PUBLIC COMMENT** – Items on Current Agenda

There was no one present who wished to speak.

7. **PLANNING COMMISSION COMMENT**

There were general Planning Commission comments.

The Regular meeting of the Planning Commission adjourned at 7:30 p.m.

Respectfully submitted,

Donald Edmunds, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2015 PC Minutes\Draft\2015 05 12 Regular Meeting_Draft.doc

DATE: May 21, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PRELIMINARY SITE PLAN REVIEW (File Number SP 1006) – Proposed Maple Veterinary Hospital Addition, South of Maple, West of Dequindre (2981 Iowa), Section 36, Currently Zoned NN (Neighborhood Node) “B”

The petitioner Terwisscha Construction, Inc. submitted the above referenced Preliminary Site Plan application for a proposed addition to the existing Maple Veterinary Hospital at 2981 Iowa.

The property is currently zoned NN (Neighborhood Node) “B”. The Planning Commission is responsible for granting Preliminary Site Plan approval for this item.

Note, the plans in the agenda packet are not sealed by a registered professional. A set of sealed plans has been requested.

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

Attachments:

1. Maps
2. Report prepared by Carlisle/Wortman Associates, Inc.

G:\SITE PLANS\SP 1006 Maple Veterinary Hospital Addition Sec 36\SP-1006 PC Memo 2015 05 26.docx

PROPOSED RESOLUTION

PRELIMINARY SITE PLAN REVIEW (File Number SP 1006) – Proposed Maple Veterinary Hospital Addition, South of Maple, West of Dequindre (2981 Iowa), Section 36, Currently Zoned NN (Neighborhood Node) “B”

Resolution # PC-2015-05-

Moved by:

Seconded by:

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed the Maple Veterinary Hospital Addition and parking deviation, located south of Maple and west of Dequindre (2981 Iowa), Section 36, within the NN (Neighborhood Node) District (Node “B”), be granted, subject to the following:

1. Provide open space requirement information.
2. Provide species and size of proposed trees.
3. Revise fence along Iowa Street.
4. Provide lighting fixture cut sheets.
5. If parking lot lighting is requested, provide a lighting (photometric) plan.
6. Architectural changes as directed by the Planning Commission

_____) or

(denied, for the following reasons: _____) or

(postponed, for the following reasons: _____)

Yes:

No:

MOTION CARRIED/FAILED



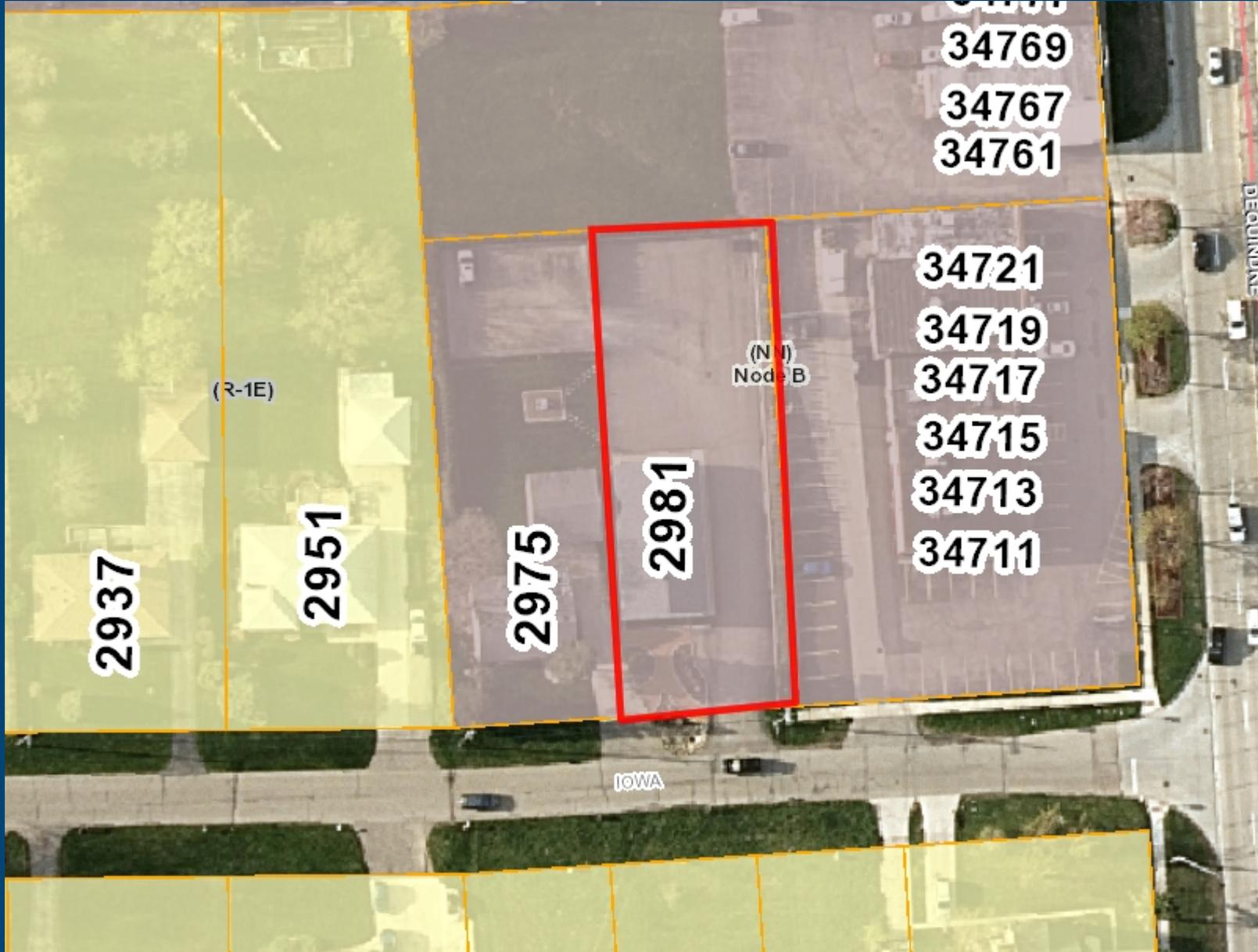
Legend:

Aerial

- Red: Band_1
- Green: Band_2
- Blue: Band_3

133 0 67 133Feet

Scale 1: 800



Legend:

Form Based Zoning 2

- (PUD) Planned Unit Development
- (CF) Community Facilities District
- (EP) Environmental Protection District
- (BB) Big Beaver Road
- (MR) Maple Road
- (NN) Neighborhood Nodes (A-U)
- (CB) Community Business
- (GB) General Business
- (IB) Integrated Industrial Business District
- (O) Office Building District
- (OM) Office Mixed Use
- (P) Vehicular Parking District
- (R-1A) One Family Residential District
- (R-1B) One Family Residential District
- (R-1C) One Family Residential District
- (R-1D) One Family Residential District
- (R-1E) One Family Residential District
- (RT) One Family Attached Residential District
- (MF) Multi-Family Residential
- (MHP) Manufactured Housing
- (UR) Urban Residential
- (RC) Research Center District
- (PV) Planned Vehicle Sales

Aerial

- Red: Band_1
- Green: Band_2
- Blue: Band_3

167 0 83 167 Feet

Scale 1: 1,000



CARLISLE

WORTMAN
associates, inc.

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

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

Date: May 14, 2015

Preliminary Site Plan Review For City of Troy, Michigan

Project Name:	Maple Veterinary Hospital Addition
Plan Date:	May 5, 2015
Location:	2981 Iowa. South of Maple Road, east of Dequindre
Zoning:	Neighborhood Node B, Site Type B
Action Requested:	Site Plan Approval

PROJECT AND SITE DESCRIPTION

The applicant proposes to add an 800 square foot addition to an existing 2,050 square foot veterinary hospital facility. The site is located on Iowa Drive and zoned Neighborhood Node B. Neighborhood nodes are located at major intersections adjacent to residential neighborhoods. These nodes are intended to serve as commercial and mixed use centers serving as places to meet the basic needs of the neighborhoods, as well as the community as a whole.

The existing building is non-conforming in regards to the 10-foot build-to-line. The addition will place the building 15-feet from Iowa Drive, which is compliant with neighborhood node building placement requirements with Planning Commission approval. The existing point of access of Iowa Drive will remain.

Location of Subject Property:

2981 Iowa. South of Maple Road, east of Dequindre



Size of Subject Property:

0.32 acres in area.

Proposed Uses of Subject Parcel:

The existing veterinary hospital will remain

Current Zoning:

The property is currently zoned Neighborhood Node B, site type B.

Surrounding Property Details

Direction	Zoning	Use
North	Neighborhood Node I, site type B	Vacant
South	R1-E, Single Family Residential	Vacant
East	Neighborhood Node I, site type B	Commercial
West	Neighborhood Node I, site type B	Single-family residential

AREA, WIDTH, HEIGHT, SETBACKS

Required and Provided Dimensions:

The site is being developed as Building Form A, which is a permitted building form for Site Type B. Table 5.03.B1 establishes the dimensional requirements for the building form A:

	Required	Provided	Compliance
Front (Iowa)	10 foot build-to-line	15 feet; however applicant is proposing a 15-foot wide landscaped area.	Complies with Planning Commission approval.
Side	0	3'-6"	Complies
Open Space	30 percent	It appears that the applicant does not exceed the 30 percent requirement, but calculation is not provided.	Applicant should provide open space calculation
Building Height	Minimum 14 feet Maximum 45 feet	Exceeds 14 feet	Complies
Parking	Not located in front yard + screening	Not located in front yard and screened	Complies

The existing building is setback 40 feet from Iowa Drive. The addition brings the building 15-feet from Iowa Drive. Though the applicant is making the building less non-conforming, the Planning Commission has to approve the proposed build-to-line to fifteen feet. The applicant has added an extensive landscape area between the building and front property line. The landscape area will be used by dogs and owners, and provided direct access to the building. The applicant has made a good faith effort to meet the neighborhood node building requirements.

Items to be Addressed: Provide open space requirement information

SITE ACCESS AND CIRCULATION

Vehicular access and Circulation:

The site will be accessed of an existing curb cut off Iowa Drive. The applicant is providing a drive-aisle width of 24-feet. Access and circulation is sufficient.

Pedestrian access:

There is no existing sidewalk on the property. The applicant is seeking a sidewalk waiver to exempt them from installing a sidewalk on Iowa Drive.

Items to be Addressed: Obtain sidewalk waiver or install sidewalk as required.

PARKING

The applicant does not propose to add any additional parking spaces. They note that though they are increasing the floor area, they are not increasing the number of scheduled appointments or adding additional services that would increase parking demand.

Section 13.06.G of the Zoning Ordinance requires:

	Required	Provided
Office (1 space per 200 square feet of gross feet area)	2,848 sq.ft / 200 = 14	9 spaces on site
Barrier Free	1	1
Bicycle Parking	2	2
Total	14 automobile + 2 bicycle	9 automobile + 2 bicycle

Though the applicant is deficient in parking as required by code, the Planning Commission may grant a parking deviation, provided that the applicant prove to the satisfaction of the Planning Commission that existing parking is sufficient.

Items to be Addressed: Applicant shall justify to the satisfaction of the Planning Commission that additional parking is not necessary.

LANDSCAPING

The applicant has provided a conceptual landscape plan. It appears that they meet the landscape requirements, but does not include all necessary calculations or specie details. The applicant should submit a more detailed landscape plan.

	Required:	Provided:	Compliance:
<u>Fence</u>	Fences are not permitted as proposed in form-based districts	Not permitted as proposed	Not permitted as proposed
<u>Greenbelt:</u> 10 feet in width along Iowa Drive	10 feet	15 feet	Compliant
<u>Street Trees:</u> The Ordinance requires that the greenbelt shall be landscaped with a minimum of one (1) deciduous tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way.	Iowa: 2 trees	Four (4) but size and species not indicated.	Provide size and species
<u>Site landscaping:</u> A minimum of twenty percent (20%) of the site area shall be comprised of landscape material.	15%	Exceeds 20% requirement	Compliant
<u>Parking Lot Landscaping:</u> 1 tree for every 8 parking spaces. Trees may be located adjacent to parking lot with planning commission approval.	1 trees	2 trees in front of building	Compliant with Planning Commission approval.

Screening Between Land Uses: 80% opacity	80% opacity with one of three options	Alternative 3: mix of large and narrow evergreen trees	Compliant
--	---------------------------------------	--	-----------

Landscape Area/Plaza:

The applicant is providing a decorative landscape/plaza area. The area will greatly enhance the street frontage along Iowa Drive.

Fence:

The applicant is proposing a fence along the Iowa Street. The purpose of the form-based district is to provide an attractive streetscape and inviting pedestrian experience. Fences are only permitted in front yards of form-based districts as a decorative accent (around an outdoor seating area, etc). Fences that serve as a strong physical barrier are contrary to the spirit and intent of the form-based district.

The applicant should revise the plans to be consistent with the spirit and intent of the form-based district. If a fence is desired or needed, the fence should be revised to serve more as an accent.

Trash Enclosure:

The applicant shows one (1) new trash enclosure with screening.

Items to be Addressed: 1). Provide species and size of proposed trees; and 2). Revise fence along Iowa Street.

PHOTOMETRICS

The applicant indicates new exterior building lights. The fixtures should be provided to confirm that lights are full cut-off or fully-shielded. The applicant has not indicated if they will add parking lot lighting. If the applicant wishes to add lighting they need to provide a (photometric) plan in compliance with Article 13.

Items to be Addressed: 1). Provide fixture cut sheets; and 2) If parking lot lighting is requested, provide a lighting (photometric) plan.

ELEVATIONS AND FLOOR PLANS

The applicant has submitted elevations and floor plans. The existing building is a white brick façade. The addition is wood siding, with a higher roof line. Color is not indicated. The applicant has been asked to provide material samples at the meeting. In addition, the applicant should provide a color rendering. Though difficult to confirm based on the submitted plans, the addition does not appear to be consistent or harmonious with the existing building.

Items to be Addressed: 1). Provide color rendering; and 2). Confirm to the satisfaction of the Planning Commission that the addition will be consistent or harmonious with the existing building.

DESIGN STANDARDS

Developments within neighborhood nodes must comply with Design Standards outlined in section 5.06.E.

Building Orientation and Entrance

- a. *Primary Entrance: The primary building entrance shall be clearly identifiable and useable and located in the front façade parallel to the street. **Complies with revision to the proposed fence. The applicant is providing a functioning entrance off Iowa Drive.***
- b. *Recessed Doorways. Where the building entrance is located on or within five (5) feet of a lot line, doorways shall be recessed into the face of the building. **Not applicable***
- c. *Residential Dwellings. Entrances for all residential dwellings shall be clearly defined by at least one (1) of the following:*
 - I. *Projecting or recessed entrance. A recessed entrance is required if the building entrance is located on or within five (5) feet of the lot line.*
 - II. *Stoop or enclosed or covered porch.*
 - III. *Transom and/or side light window panels framing the door opening.*
 - IV. *Architectural trim or unique color treatments framing the door opening*

Not Applicable

Ground Story Activation

- a. *The first floor of any front façade facing a right-of-way shall be no less than fifty (50) percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than 30 percent of the façade. Transparency alternatives are permitted up to 80% of the 50% total along the front of buildings, and up to 100% of the sides of buildings. The minimum transparency requirement shall apply to all sides of a building that abut an open space, including a side yard, or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.*

The applicant does not appear to meet the transparency requirement. The applicant shall confirm that through the use of doors and windows as well as changes in horizontal and vertical scaling, variations in material, pattern, and color, the applicant complies with this standard.

Transitional Features

- a. *Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.*

Through the use of setbacks, and landscaping, the applicant has met this requirement.

Site Access and Parking

- a. *Required Parking. Off-street parking shall be provided in accordance with the standards set forth in Article 13, Site Design Standards.*

The applicant has exceeded the required parking. See parking section.

- b. *Location.*

- I. *When parking is located in a side yard (behind the front building line) but fronts on the required building line, no more than fifty (50) percent of the total site's linear feet along the required building line or one hundred (100) feet, whichever is less, shall be occupied by parking.*

Not Applicable

- II. *For a corner lot, shall be no more than fifty (50) percent of the site's cumulative linear feet along the required building lines or one hundred (100) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.*

Complies

- III. *For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty-five (65) percent of the total site's linear feet along a required building line or one hundred and twenty-five (125) feet, whichever is less.*

Not Applicable

- IV. *Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in Section 13.02.C.*

The applicant has screened their parking lot in compliance with section 13.0.2.C.

Items to be Addressed: None

RECOMMENDATION

We support the applicant making a reinvestment in their property. The applicant is providing a decorative landscape/plaza area, which will greatly enhance the street frontage along Iowa Drive. However, the following items should be addressed by the applicant prior to site plan approval:

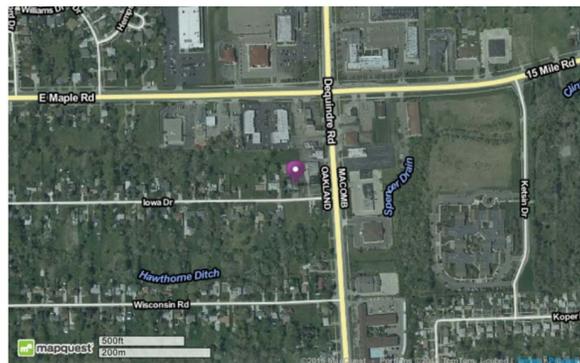
1. *Provide open space requirement information.*
2. *Justify to the satisfaction of the Planning Commission that additional parking is not necessary.*
3. *Provide species and size of proposed trees.*
4. *Revise fence along Iowa Street.*
5. *Provide lighting fixture cut sheets.*
6. *If parking lot lighting is requested, provide a lighting (photometric) plan.*

Maple Veterinary Hospital
May 14, 2015

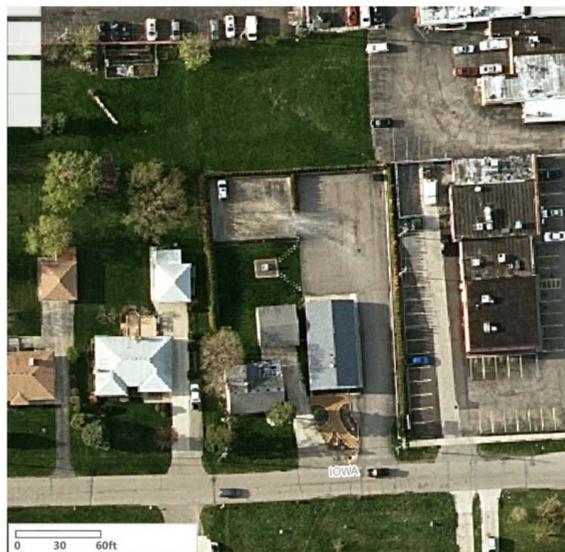
7. *Provide color rendering.*
8. *Confirm to the satisfaction of the Planning Commission that the addition will be consistent or harmonious with the existing building.*
9. *Confirm that through the use of doors and windows as well as changes in horizontal and vertical scaling, variations in material, pattern, and color, the applicant complies with this standard.*



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



Location Map

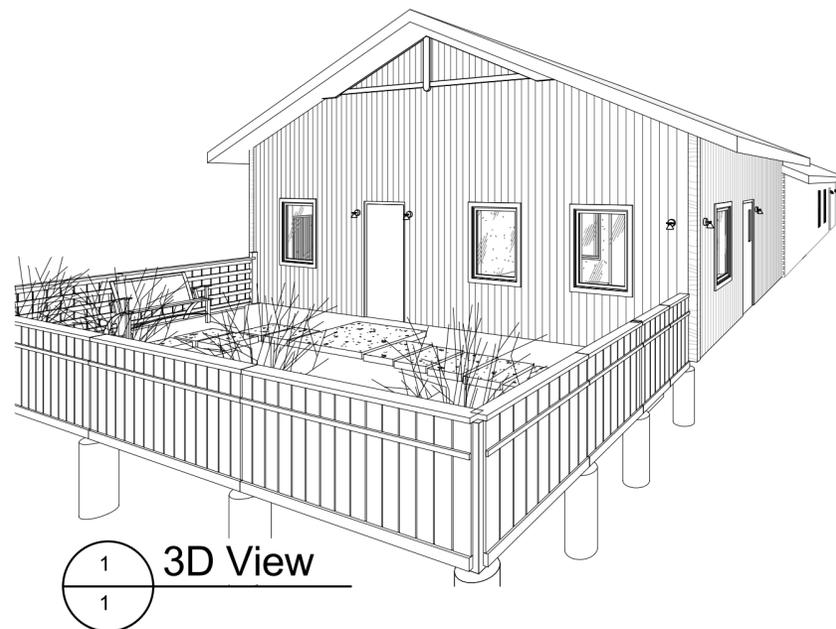


Site Aerial

Legal Description:

Tax Item # 20-36-226-069

The East 71.50 feet of the West 140 feet of Lot 41, the West 71.50 feet of the West 140 feet of Lot 40, and the East 71.50 feet of the West 140 feet of the South 50 feet of Lot 39 of "SUPERVISOR'S PLAT OF PLAINVIEW FARMS", being a subdivision of part of the Northeast 1/4 of Section 36, Town 2 North, Range 11 East, City of Troy (formerly Troy Township), Oakland County, Michigan. As recorded in Liber 5 of Plats, on Page 58 of Oakland County Records.



3D View

Site Information:

LOT SIZE: 14,289 Sq.Ft.

Current Zoning: NN - B
 Street Type: NN - B
 Use Group: Office / Institutional
 Veterinary Facility

Building Form: 'A'

Required Landscape Area = 15% of Total Site Area
 2,143 Sq.Ft. Required
 2,608 Sq. Ft. Provided

Zoning Summary:

Current Zoning: NN - B
 Street Type: NN - B
 Use Group: Office / Institutional
 Veterinary Facility
 Building Form: 'A'

Adjacent Property Zoning Information:

North: NN-B
 East: NN-B
 South: R-1E
 West: R-1E

Applicant / Project Contact:

TerWisscha Construction, Inc.
 1550 Willmar Avenue S.E.
 Willmar, MN 56201
 Ph: (320) 235-1664
 Fx: (320) 235-3137
 Andrew T. Lemmer
 Email: alemmer@twcinc.com
 Cell: (720) 612-2096

Property Owner:

Michael Derkevorkian
 Maple Veterinary Hospital
 2981 Iowa Drive
 Troy, MI 48083
 Ph: (248) 585-2622
 E-mail: drmike@mvhvet.com

Project Discription:

The project is a 800 square foot addition to an existing 2,048 square foot veterinary hospital facility. The new construction will be adjacent to the South elevation of the existing building.

Sheet Index:

- 1 Cover Sheet
- 2 Site Plan (Preliminary)
- 3 Landscape & (E) Drainage Plan
- 4 Floor Plan (Preliminary)
- 5 Elevations (Preliminary)

C:\ATL WORK\14326 - Maple Veterinary Hospital, MI\DDA\Maple Vet_2015-05-01.rvt

5/4/2015 4:44:07 PM

All design, documents and data prepared shall remain the property of TerWisscha Construction Inc and shall not be copied, changed, or disclosed in any form without written consent. TerWisscha Construction Inc shall not be responsible for any alterations or revisions made by anyone other than employees of TerWisscha Construction Inc.
 © TerWisscha Construction Inc



Preliminary Site Plan Submittal

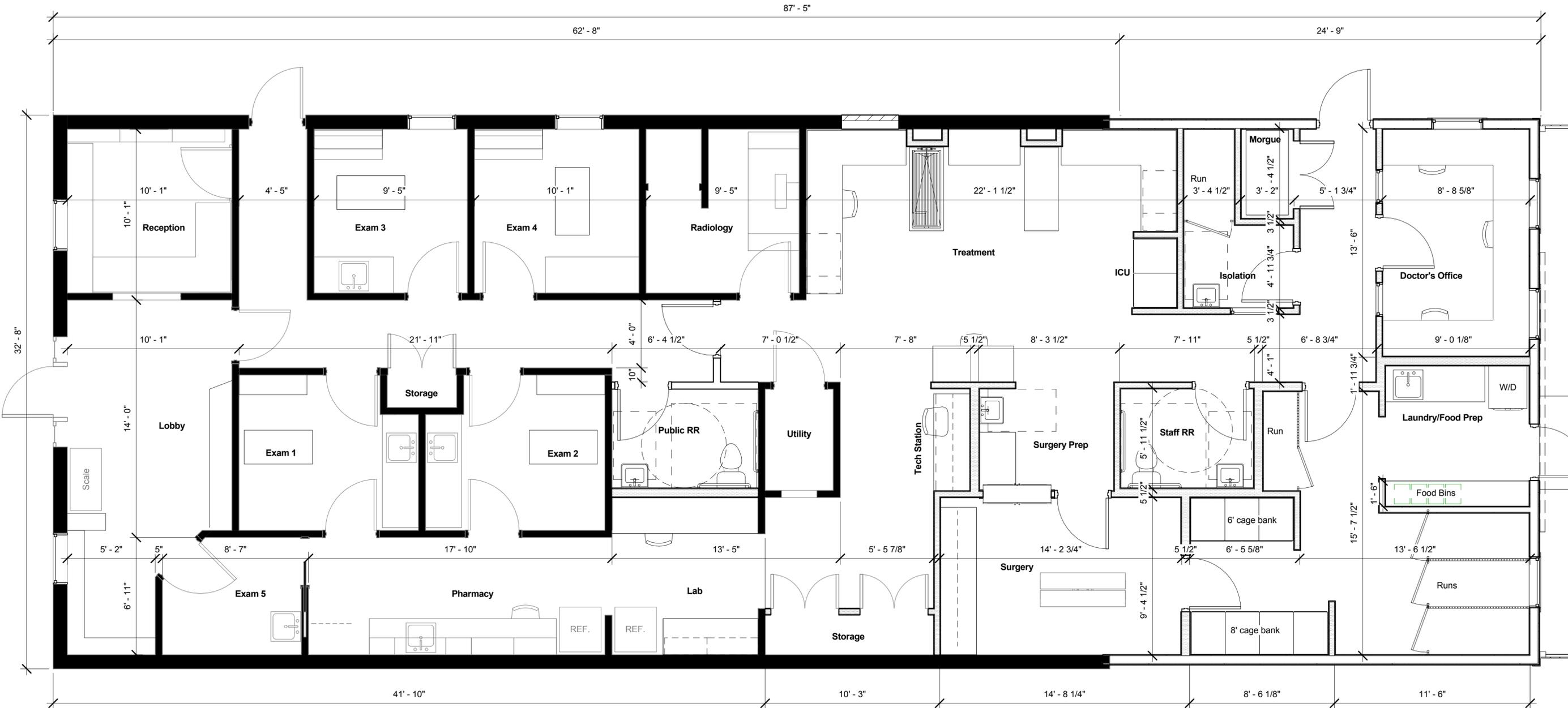
Maple Veterinary Hospital

2981 Iowa Drive,
Troy, MI

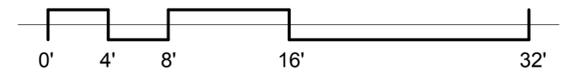
Project Number: **14326**
 Sheet Number: 1 of 5
 Sheet Name: **Cover Sheet**
 Date Issued: **05/04/15**

C:\ATL WORK\14326 - Maple Veterinary Hospital, MI\DDA\Maple Vet_2015-05-01.rvt

5/4/2015 4:44:22 PM



1 Preliminary Floor Plan
 4 1/4" = 1'-0"



EXISTING FLOOR PLAN AREA: 2048 SQ FT
 PROPOSED ADDITION: 800 SQ FT
 TOTAL BUILDING AREA: 2848 SQ FT

All design, documents and data prepared shall remain the property of TerWisscha Construction Inc and shall not be copied, changed, or disclosed in any form without written consent. TerWisscha Construction Inc shall not be responsible for any alterations or revisions made by anyone other than employees of TerWisscha Construction Inc.
 © TerWisscha Construction Inc

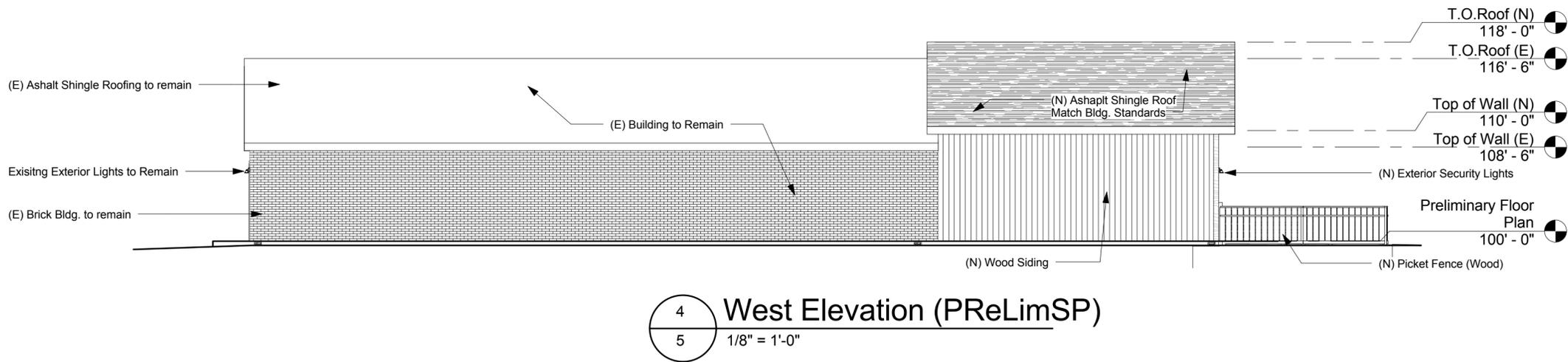
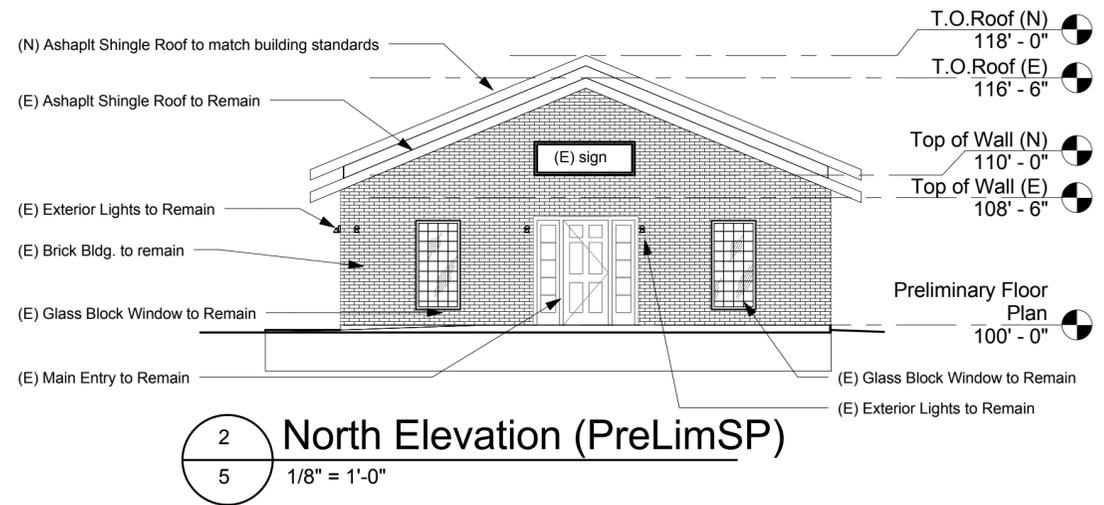
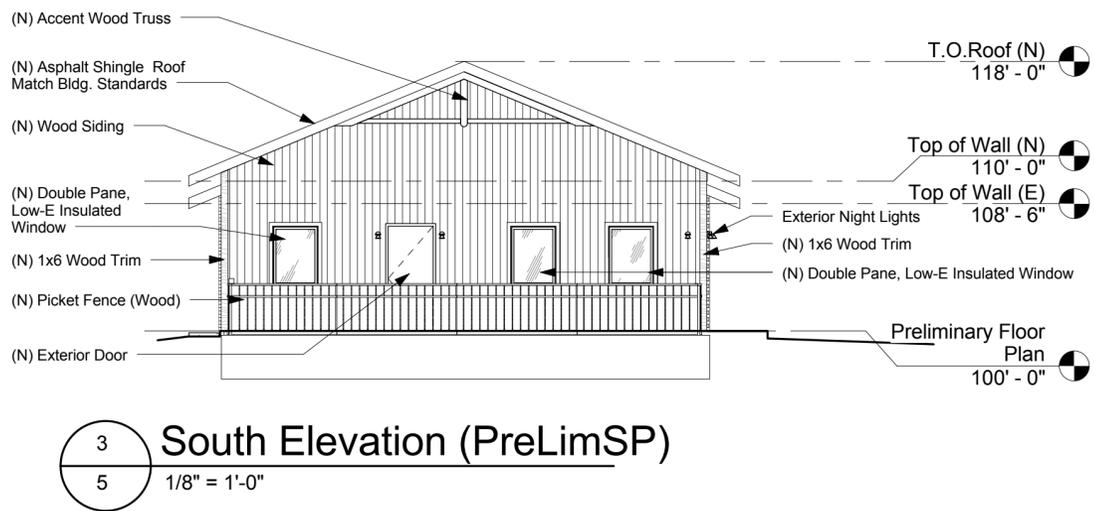
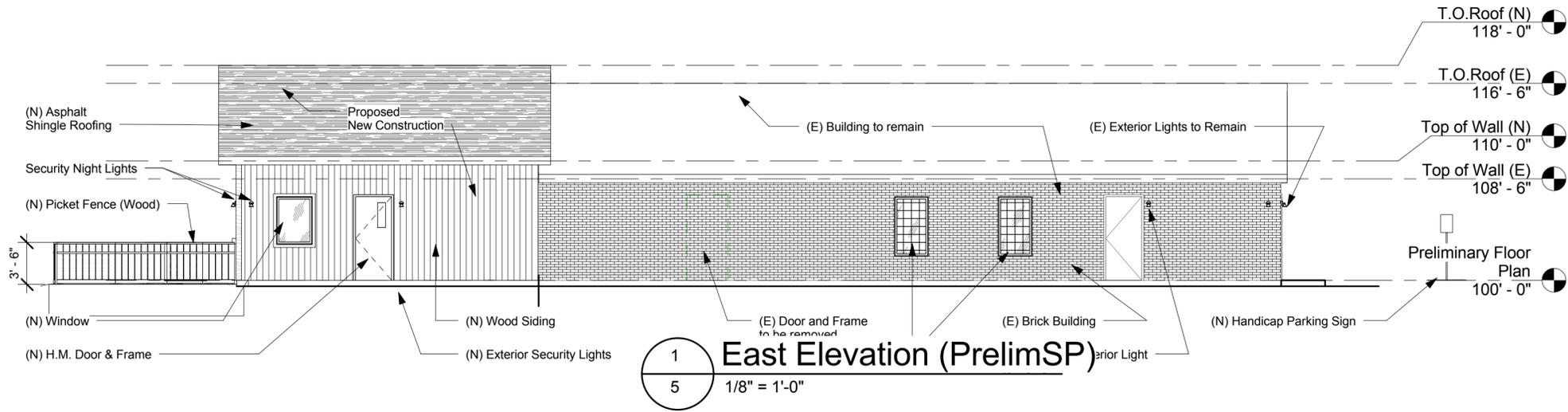


Preliminary Site Plan Submittal

Maple Veterinary Hospital

2981 Iowa Drive,
Troy, MI

Project Number: **14326**
 Sheet Number: **4 of 5**
 Sheet Name: **Floor Plan**
 Date Issued: **05/04/2015**



C:\ATL WORK\14326 - Maple Veterinary Hospital, MI\DDA\Maple Vet_2015-05-01.rvt

5/4/2015 4:44:27 PM

All design, documents and data prepared shall remain the property of TerWisscha Construction Inc and shall not be copied, changed, or disclosed in any form without written consent. TerWisscha Construction Inc shall not be responsible for any alterations or revisions made by anyone other than employees of TerWisscha Construction Inc.
© TerWisscha Construction Inc



Preliminary Site Plan Submittal

Maple Veterinary Hospital

**2981 Iowa Drive,
Troy, MI**

Project Number: **14326**
 Sheet Number: **5 of 5**
 Sheet Name: **Elevations**
 Date Issued: **05/04/2015**

DATE: May 21, 2015
TO: Planning Commission
FROM: R. Brent Savidant, Planning Director
SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 248) – Woodland Protection

On April 28, 2015 the Planning Commission discussed woodland protection as a first step in developing Zoning Ordinance provisions.

The attached memo prepared by Carlisle/Wortman Associates, Inc. includes a general outline of woodland protection provisions. This will serve as a base for creating actual woodland ordinance provisions for the Zoning Ordinance, following Planning Commission review and discussion.

Please be ready to discuss this topic at the May 26, 2015 Planning Commission Regular meeting.

Attachments:

1. Memo prepared by Carlisle/Wortman Associates, Inc.

G:\ZOTAs\ZOTA 248 Tree Preservation\PC Memo 05 26 2015.doc



CARLISLE

WORTMAN
associates, inc.

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

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

MEMORANDUM

TO: Planning Commission, City of Troy

FROM: Richard K. Carlisle, AICP, PCP
Benjamin R. Carlisle, AICP

DATE: May 21, 2015

RE: Woodland Protection

At the April 28, 2015 Planning Commission last discussed a Woodland Protection Ordinance. Based upon that discussion, we have drafted a general outline of a Woodland Protection Ordinance.

Previous Planning Commission Discussion and Direction

General direction from the Planning Commission from the April 28, 2015 meeting included:

- Require tree mitigation and encourage/incentivize, but don't require, tree preservation.
- Tree mitigation should include consideration of Tree Fund if required trees cannot "fit" on site. Tree Fund used to plant trees on public property elsewhere in City.
- Woodland and Landmark Trees to be defined based on best practices.
- Replacement requirement for mitigation to be determined based on best practices
- Tree mitigation shall apply to any property (residential, commercial, office, institutional) that require site plan approval.
- Tree mitigation shall not apply to single-family developments that do not require site plan approval.
- Allow exceptions for dead/dying/diseased and non-desirable/invasive species.
- Incorporate tree protection best practices.
- Amend zoning ordinance as necessary to address references to outside standards (landscape design standards, etc)
- Review Cluster Ordinance. There is a direct correlation between cluster development and tree/environmental protection.
- Recognition that all applications and site conditions are different so allow for creative approaches for tree management.

These comments are not binding to what the adopted regulations may become but they were used to set the parameter of discussion in regards to possible tree and woodland protection and mitigation regulations.

General Outline of Woodland Protection Ordinance

Based on our understanding of the Planning Commission's desires, we have drafted proposed regulations. Listed below is a general outline of a Woodland Protection Ordinance. Sections include:

1. Intent and Purpose
2. Applicability
3. Protected Trees
4. Tree Replacement
5. Tree Replacement Alternatives
6. Exceptions
7. Tree Protection
8. Tree Removal as Result of Construction Activity
9. Site Plan Approval and Enforcement

1. Intent and Purpose:

It is the intent of these regulations to help prevent unregulated and, in many cases, unnecessary removal of trees and related natural resources. The protection of trees, woodlands and woodland resources will promote the preservation of important physical, aesthetic, recreational and economic assets for both present and future generations. Specifically, it is found that:

1. Trees and woodlands provide for public welfare and safety through the reduction of erosion, siltation, and flooding;
2. Trees and woodlands help protect water quality by protecting groundwater recharge areas, reducing risk of groundwater contamination and maintaining base flows in streams and rivers, thus reducing the risk of degrading vegetation, wildlife, wetlands and surface water systems throughout the city;
3. Trees and woodlands increase the economic value of land for most uses;
4. Tree and woodland growth protects public health through the absorption of air pollutants and contamination and reduces carbon dioxide content of the ambient air.
5. Tree and woodland growth serve as an essential component of the general welfare of the city by maintaining natural beauty, recreation, and natural heritage.

The purpose of this section is as follows:

1. To encourage the preservation of trees and related natural resources of the woodland ecosystem on undeveloped and underdeveloped land and in connection with the development of land;
2. To provide for the protection, preservation, proper maintenance and use of trees and woodlands in order to minimize damage from erosion and siltation, loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
3. To protect trees and woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and ecological or historical significance;
4. To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of the city, consistent with Article II, Section 201 of the Michigan Zoning Enabling Act of 2006, and in keeping with

Article IV, Section 52 of the Michigan Constitution of 1963 and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

2. Applicability:

- The provisions of tree protection shall apply to all parcels in the City that require site plan review as set forth in Section 8.02, and any Subdivision as set forth Chapter 41 of the City Code.
- If it is determined that based on associated historical aerial photographs, a property owner who has submitted a site plan that requires a site plan review as set forth in Section 8.02, has removed or cleared protected trees within five (5) years of the time of submittal, the Planning Commission may require additional landscaping to offset the impact of the new development upon adjacent properties.

3. Protected Trees:

The following tree removal will require replacement:

- Landmark Tree: A woody plant, in a healthy, live condition (has a health and condition standard factor of over 50% based on standards established by the International Society of Arboriculture). Please note that a table will be included which will dictate the size and species to be considered a landmark tree.
- Woodlands: One-quarter ($\frac{1}{4}$) acre or more of contiguously wooded land where the largest trees measure at least six (6) inches in diameter at breast height (DBH). The acreage is to be measured from the dripline to dripline of trees on the perimeter. Contiguous shall be defined as the majority of the one-quarter ($\frac{1}{4}$) acre being under the vegetation dripline.

4. Tree Replacement:

- Any protected trees removed as part of a site development requires replacement.
- The tree replacement requirements herein are separate from and in addition to the landscape requirements set forth in article 13.02
- When Landmark Trees and trees within a Woodland are to be removed, as approved by the Planning Commission, the removal shall be mitigated as follows:
 1. Woodland trees six (6) inches or larger DBH shall be mitigated by installation of replacement trees equal to a minimum of fifty percent (50%) of the original DBH removed.
 2. Landmark trees (including those located within woodlands to be removed) shall be mitigated by installation of replacement trees equal to a minimum of one hundred percent (100%) of the original DBH removed.
 3. Replacement trees shall be non-sterile varieties of species native to southeast Michigan. The minimum size of a deciduous replacement tree shall be two and one-half (2.5) inch caliper. The minimum size of a coniferous replacement tree shall be six (6) feet in height. Deciduous replacement of one-half (.5) caliper inch is equal to one foot in height for coniferous replacement.
- The Planning Commission shall approve a tree replacement plan.

Replacement Example		
Protected Tree	Inches Removed	Replacement Required
Woodland	100 inches	50 inches
Landmark	100 inches	100 inches
Total	200 Inches	150 inches
Replacement	Number of inches/ Feet	
Deciduous	20 trees equaling 50 inches in caliper	
Coniferous	8 trees equaling 40 feet in height	
Protection of Existing Landmark/Woodland Trees	Protecting two (2) Landmark Trees that that total 30 inches in DBH = 60 inches of replacement.	
Total	50 inches of deciduous + 40 feet of coniferous + 60 inches of protection of landmark trees = 150 inches/feet replacement requirement	

5. Tree Replacement Alternatives:

- Any identified woodland and Landmark tree protected as part of the development may count towards two (2) times the inch for inch replacement requirement.
- The Planning Commission may allow for tree replacement off-site at the request of the applicant when site factors including the size of the parcel (no available area for planting), tree condition or development requirements may make conformity to this section difficult or undesirable. If the Planning Commission permits the applicant plant to off-site the applicant shall be required to pay the equivalent fee of the cost of the tree replacement, including the cost of installation to the City Tree Fund. The City Tree Fund shall be used to plant trees on public property.
- When reviewing site plans, the Planning Commission prioritizes Landmark and Woodland Tree protection and mitigation in order as follows:
 1. Protecting and preserving existing onsite Landmark and Woodland Trees.
 2. Providing all required mitigation on the site of development.
 3. Paying into tree fund, only if protecting and preserving on site, or mitigation on site has been explored by applicant and due to unique circumstance as outlined above, is not possible.

6. Exemptions:

The following shall be exempt from the requirements of these regulations:

- Parcels of land that are not subject to site plan review.
- Tree trimming and removal necessary to the operation of essential service facilities of a municipal or other governmental department or agency or public utility franchised to operate in the City.
- Tree clearing within an existing public road right-of-way or an existing private road easement.
- The removal of any tree which is demonstrated by the property owner to the Zoning Administrator or designee's satisfaction to have a health and condition standard factor of less than 50 percent based upon the standards established by the International Society of Arboriculture.
- Trees that are considered invasive by the International Society of Arboriculture
- Removal of trees that have become a potential danger to human life or property.

7. Tree Protection:

- Applicant must provide a tree protection plan that is compliant with requirements as set forth Chapter 28, Tree Regulations.
- The City reserves the right to periodically inspect the site during site plan review, land clearing, and/or construction to ensure compliance.

8. Tree Removal as a Result of Construction Activity:

Any protected tree identified for preservation on an approved site plan that has died within three years (3) of the start of construction shall be replaced under the appropriate Landmark and woodland replacement requirement.

9. Site Plan Approval and Enforcement:

Tree protection and mitigation as approved by the Planning Commission is a condition of Site Plan approval and enforced as such.

Test Cases:

In order to test the stated provisions, we have applied them to the recently approved Pinery Woods site condominium, the 2013 approved Belleclaire Estates site condominium, and the 2014 approved Childrens Hospital of Michigan site plan.

Pinery Woods:

The applicant is removing 366 trees that are part of a woodland, which total 2,305 inches in DBH. The 2,305 inches of woodland trees removes requires 1,153 inches in replacement. The applicant is preserving six (6) trees that are part of a woodland, which total 45 inches in DBH. 45 inches of protect trees counts for 90 inches in replacement. Based on 1,063 inches of replacement required, the applicant would be required to plant approximately 425 trees at 2.5 caliper inches.

	Number of Protected Trees Removed	Total Inches Removed	Mitigation Required
Woodland Trees to be Removed	366	2,305	1,153 inches
Landmark Trees to be Removed	0	0	0 inches
Total	366	2,305	1,153 inches
Replacement			
425 trees, at 2.5 inch caliper, equals 1,063 inches			
Applicant is protecting six Woodland Trees that total 45 inches DBH = 90 inches of replacement.			
Total	Applicant is required to replace with 1,063 total inches. 1,063 inches equals 425 trees at 2.5 inch caliper.		

Belleclaire Estates:

The applicant is removing two (2) Landmark trees, which total 50 inches in DBH. The applicant is not preserving any protected trees. Based on 50 inches of replacement required, the applicant would be required to plant approximately 25 trees at 2.5 caliper inches.

	Number of Protected Trees Removed	Total Inches Removed	Mitigation Required
Woodland Trees to be Removed	0	0	0
Landmark Trees to be Removed	2	50	50 inches
Total	2	50	50 inches
Replacement			
20 trees, at 2.5 inch caliper, equals 50 inches			
Applicant is not saving any protected tree.			
Total	Applicant is required to replace 50 inches. 50 inches would be equal to 20 trees at least 2.5 inches DBH.		

Children’s Hospital of Michigan:

The applicant is removing eight (8) Landmark trees, which total 191 inches in DBH. The applicant is preserving three (3) Landmark trees, which total 86 inches. The 86 inches of protected landmark trees counts 172 inches towards replacement. Based on the remaining 19 inches of replacement required, the applicant would be required to plant approximately eight (8) trees at 2.5 caliper inches.

	Number of Protected Trees Removed	Total Inches Removed	Mitigation Required
Woodland Trees to be Removed	0	0	0
Landmark Trees to be Removed	8	191	191
Total	8	191	191 inches
Replacement			
8 trees, at 2.5 inch caliper, equals 19 inches			
Applicant is protecting eight (8) Landmark Trees that total 86 inches DBH = 172 inches of replacement.			
Total	Applicant is required to replace with 19 total inches. 19 inches equals eight (8) trees at least 2.5 inches DBH		

Summary:

Once Planning Commission provides detailed direction regarding the regulations, staff will write a draft ordinance for Planning Commission review.

We look forward to discussing this further at the next Planning Commission meeting.

Yours Truly,



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



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

DATE: May 21, 2015
TO: Planning Commission
FROM: R. Brent Savidant, Planning Director
SUBJECT: ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

This item was initiated by the Planning Commission, based on a recognition that the Zoning Ordinance is presently silent on the issue of oil and gas extraction.

The provisions were discussed by the Planning Commission at previous meetings. The proposed provisions would regulate oil and gas extraction in Troy, including fracking. These operations would be permitted subject to special use approval in the IB (Integrated Industrial and Business) zoning district only, on parcels that are at least 5 acres in size or greater.

This draft was reviewed by the City Attorney. The next step in moving this item forward is scheduling a Planning Commission public hearing. Following the public hearing, the item can be forwarded to City Council for consideration and action.

Please be prepared to discuss this item at the May 26, 2015 Planning Commission meeting.

Attachments:

1. Public Hearing Draft ZOTA
2. Map of potential oil and gas sites.

G:\ZOTAs\ZOTA 247 Oil and Gas Extraction\PC Memo 05 26 2015.doc

CITY OF TROY

AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows:

Add the following definitions in Section 2.02 to read as follows:

DERRICK – Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

DRILLING PAD-- The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

HYDRAULIC FRACTURING OR FRACKING– The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

HORIZONTAL DRILLING- The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

OIL AND GAS -- Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT -- The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL OR GAS WELL--A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE -- The location of facilities, structures, materials and equipment (whether temporary or permanent), that are necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

NATURAL GAS COMPRESSOR STATION -- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

STORAGE WELL-- A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Revise the following table in Section 4.21 to read as follows:

	R1A-R1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
<u>Oil and Gas Well or Development</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>								

Add Section 6.33 to read as follows:

Section 6.33: Oil and Gas Well/Development Standards for Special Use Approval:

The purpose of this section is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the residents of Troy. It is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that protects the environment, protects residential properties and residential property values, and mitigates negative impacts.

The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas or other hydrocarbons in the City:

- A. Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells or well site shall not be located within 300 feet from any road right-of-way, 500 feet of a residentially zoned or used property or any property used for a religious facility, public or private school, or hospital, and 100 feet from any other property line. The setbacks in this section also apply to the area underground, and

preclude any horizontal drilling within the setback unless the applicant demonstrates to the City's satisfaction a legal entitlement to drill on adjacent properties through mineral rights acquisition or other means.

The measurement of the setback shall be made from the edge of the well site (in a straight line, without regard to intervening structures or objects), to the closest exterior point of the adjacent parcel.

- B. Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.
- C. Minimum Lot Size. The minimum lot size shall be 5 acres.
- D. Fencing, Landscaping, and Lighting.
 - 1. An oil or gas well site shall be completely enclosed within a 6-foot high fence.
 - 2. Staggered ten (10) foot tall evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of twenty-five (25) feet in depth. This landscaping buffer shall be in place within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be regularly irrigated and maintained.
 - 3. Exterior lighting shall comply with Section 13.05 of the Zoning Ordinance.
- E. Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 12.06, Environmental Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation, additional information and standards may be required.
- F. Dust, Noise, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the site or structures on the property shall not be permitted to become dilapidated, unsightly, or unsafe. The City may impose additional reasonable restrictions upon such operations to reduce adverse impacts upon adjacent properties.
- G. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing are not permitted.
- H. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells,

which permit shall be provided to the City before the City can grant special use approval under this section. This requirement also applies to, but is not limited to the plugging of wells, the exploring for, producing, marketing, and transporting of petroleum products, and the disposition and removal of any byproducts utilized and associated with said activities.

- I. Associated Permits and Approvals. Special use approval for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other provision of the City of Troy Zoning Ordinance, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.
- J. Operations
 1. Permitted Construction Activity Hours. Site preparation and construction of well sites are limited to the hours of 7 am to 8 pm. Construction activities associated with establishing of the well sites may be eligible for an exception by the Building Department in accordance with the City's Special Hours Work Permit if such activities are in compliance with applicable laws and permits.
 2. The movement of drilling rigs, tanker trucks or heavy equipment used in connection with the drilling or operation of oil or gas wells over public roads and streets, shall be consistent with the City's Traffic Engineer's approval, which shall be obtained in advance. The City's Traffic Engineer shall identify the streets which may be used and any conditions that may apply.
 3. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.
 4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut. Machinery and equipment not being used in the operation of the well shall not be stored or kept at the well site.
 5. An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off or discharge of any hazardous materials, including but not limited to any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Troy sanitary sewer system, stormwater system or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements.
- K. Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time during the construction phase and any drilling operation to enter upon the premises covered by the special use approval for the purpose of making inspections to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.
- L. Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.

- M. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.
- N. Submittal Requirements. In addition to submittal requirements for a Site Plan as set forth in Article 8 and Special Use as set forth in Article 9, the following information shall be submitted as part of the application:
1. Environmental Impact Statement. Applicant shall submit an Environmental Impact Statement filed with the Michigan Department of Environmental Quality in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501, et seq, and the administrative rules promulgated under Part 615, as amended.
 2. Hydrogeological analysis.
 3. Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. The Emergency Response Plan should include emergency contact information.
 4. Reclamation Plan. A written statement that describes how the land will be returned to a stable and productive condition post drilling operations.
 5. Operations Plan to include:
 - i. Site ingress/egress
 - ii. Haul Route Map. Vehicle Routes for Truck Traffic. Construction vehicles and commercial trucks, associated with drilling and/or production operations shall be restricted to roads designated by the City Engineer.
 - iii. Hours of Operation. State listed hours of operation.
 - iv. Soil Erosion, Mud and Dust Control Plan.
 - v. Noise Control Plan. Prior to the granting of special use approval and the commencement of operations, the petitioner shall submit a noise management plan, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. If Special Use Approval is granted, the Petitioner shall be responsible for verifying compliance with this section and the noise management plan after the installation of the equipment. The noise management plan shall:
 - i. Identify operational noise impacts
 - ii. Provide documentation establishing the ambient noise level prior to construction.
 - iii. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
 1. Nature and proximity of adjacent development, location, and type
 2. Seasonal and prevailing weather patterns, including wind directions
 3. Vegetative cover on or adjacent to the site

4. Topography
- vi. Odor and Fume Control Plan
 - vii. Pollution Prevention Plan
 - viii. Impact Mitigation Plan
 - ix. Monitoring controls.

Section 3. Savings

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

Section 4. Severability Clause

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

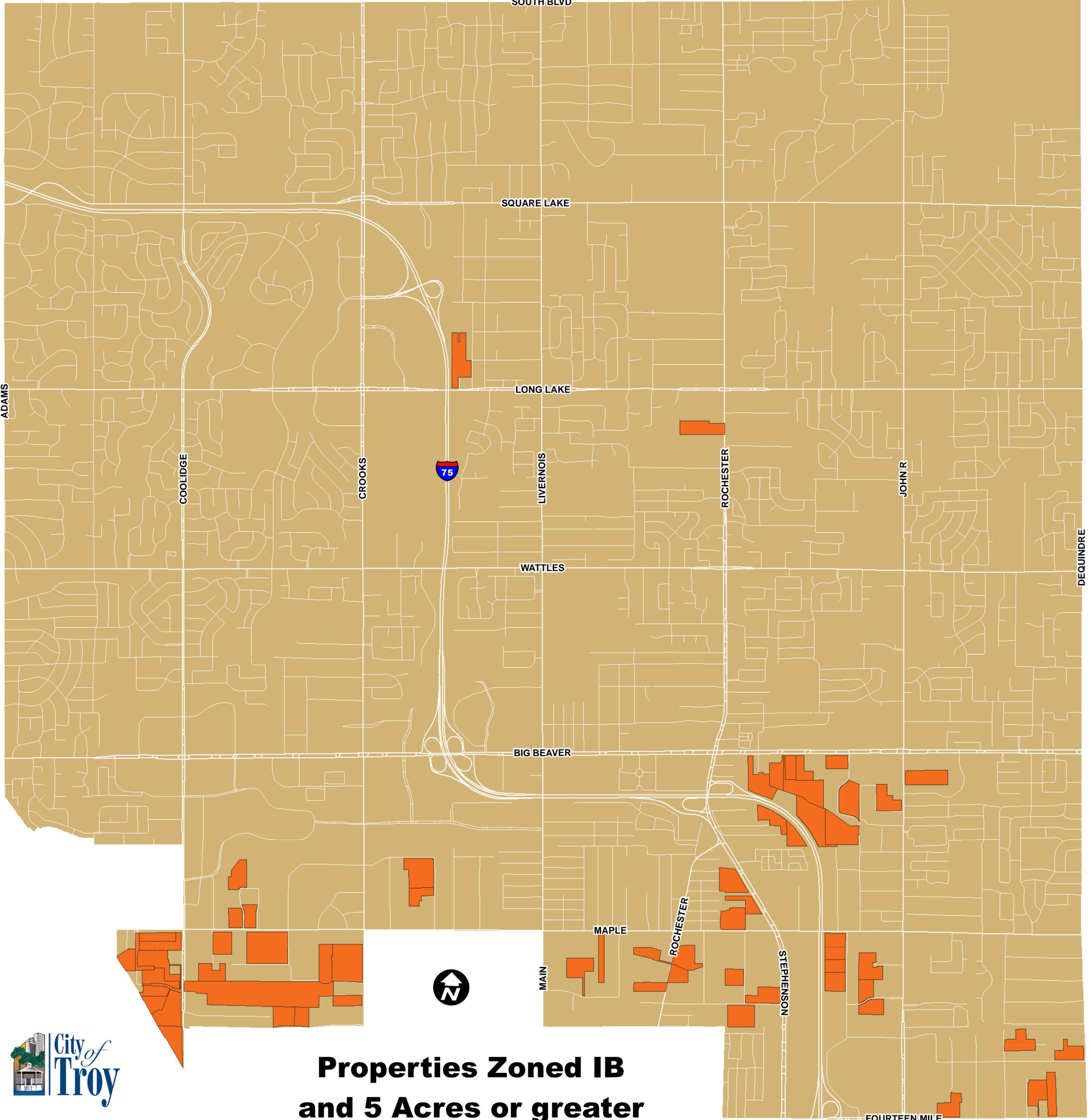
Section 5. Effective Date

This amendment to the Zoning Ordinance shall take effect seven (7) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2015.

Dane Slater, Mayor

Aileen Bittner, City Clerk



SOUTH BLVD

SQUARE LAKE

LONG LAKE



LIVERNOS

ROCHESTER

JOHN R

DEQUINDRE

WATTLES

BIG BEAVER

MAPLE

MAIN

ROCHESTER

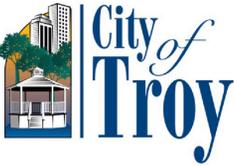
STEPHENSON

FOURTEEN MILE

ADAMS

COOLIDGE

CROOKS



Properties Zoned IB and 5 Acres or greater

