



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

June 23, 2015

7:00 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF AGENDA
3. MINUTES – June 9, 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 998) – Proposed Murray Plaza, West side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, Currently Zoned GB (General Business) District

ZONING ORDINANCE TEXT AMENDMENT

9. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247)
– Oil and Gas Extraction

REZONING REQUEST

10. PUBLIC HEARING – REZONING APPLICATION (File Number Z 746) – Proposed Troy Fire Station No. 4, North side of Maple, East of John R (2103 and 2121 E Maple), Section 25, From R-1E (One Family Residential) District to NN 'C' (Neighborhood Node 'C')

OTHER BUSINESS

11. CONDITIONAL REZONING APPLICATION (File Number CR 013) – Proposed Amber Studios and Lofts, East side of Livernois between Vermont and Birchwood, Section 21, From O (Office) District to MR (Maple Road) District
12. PUBLIC COMMENT – Items on Current Agenda
13. 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 June 9, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean
Karen Crusse
Donald Edmunds
Michael W. Hutson
Tom Krent
Philip Sanzica
Thomas Strat

Absent:

Padma Kuppa
John J. Tagle

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-2015-06-031

Moved by: Sanzica
Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (7)
Absent: Kuppa, Tagle

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2015-06-032

Moved by: Apahidean
Seconded by: Krent

RESOLVED, To approve the minutes of the May 26, 2015 Regular meeting as published.

Yes: All present (7)
Absent: Kuppa, Tagle

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN REVIEWS

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 1001) – Proposed Revisions to Building Elevations, Northeast corner of Big Beaver and Talbot (335 E Big Beaver), Section 22, Currently Zoned BB (Big Beaver) District

Mr. Savidant presented proposed elevation revisions for the Qdoba tenant at 335 E. Big Beaver, noting the changes are significant and must go before the Planning Commission for consideration and approval.

Present were Bill Chalmers, Project Manager with DA Contracting LLC, and Anne Knuth, Senior Real Estate Manager with Qdoba. There was discussion on the new Qdoba building prototype and proposed elevations. Samples of building material and store interior were circulated.

Resolution # PC-2015-06-033

Moved by: Sanzica
 Seconded by: Hutson

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the revisions to the Qdoba building elevations, located on the northeast corner of Big Beaver and Talbot (335 E. Big Beaver), Section 22, within the BB (Big Beaver) District, be granted.

Yes: All present (7)
 Absent: Kuppa, Tagle

MOTION CARRIED

6. 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”

Mr. Carlisle reviewed the revisions to the site plan as relates to building material selection and consistency of the new addition to the existing building. Mr. Carlisle recommended Preliminary Site Plan Approval with the conditions as noted in his report dated June 4, 2015, should the Planning Commission find the architectural improvements sufficient and concur with the requested parking deviation.

Dr. Michael Derkevorkian addressed the different roof lines. He advised the Board it is his intent to seek a sidewalk waiver.

Resolution # PC-2015-06-034

Moved by: Krent
 Seconded by: Sanzica

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed 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 sidewalk along Iowa Drive or seek waiver.
2. Provide detailed landscape plan for final site plan approval.

Yes: Apahidean, Crusse, Edmonds, Krent, Sanzica, Strat
 No: Hutson
 Absent: Kuppa, Tagle

MOTION CARRIED

Mr. Hutson said he is disappointed with the proposed architecture.

7. **PRELIMINARY SITE PLAN REVIEW (File Number SP 1007)** – Proposed Evangel Baptist Church of Troy Auditorium, South of Maple, West of Dequindre (2900 Lovington), Section 36, Currently Zoned RT (One Family Attached Residential) and IB (Integrated Industrial and Business) Districts

Mr. Carlisle reviewed the Preliminary Site Plan application. He addressed the parking lot layout, stormwater management, lighting and elevations. Mr. Carlisle said there are 14 outstanding items noted in his report. He suggested the Planning Commission in its consideration of the application give direction to the applicant and request the applicant to come back with revisions to the site plan.

Saber Kassab of SK Properties and an Evangel Baptist Church member addressed the temporary parking lot. Mr. Kassab indicated the architect for the project is working on the issues cited by the Planning Consultant and assured compliance with all the outstanding items.

There was discussion on:

- Frontage of church property; reflection of church.
- Stormwater management features.
- Staff cooperation to work with applicant.

Resolution # PC-2015-06-035

Moved by: Sanzica

Seconded by: Krent

RESOLVED, To postpone the Preliminary Site Plan application for the proposed Evangel Baptist Church of Troy Auditorium located south of Maple, west of Dequindre (2900 Lovington), Section 36, within the RT (One Family Attached Residential) and IB (Integrated Industrial and Business) Districts, to allow the applicant the opportunity to address items identified in the Planning Consultant report dated June 3, 2015 and submit revised plans.

Yes: All present (7)

Absent: Kuppa, Tagle

MOTION CARRIED

8. **PRELIMINARY SITE PLAN REVIEW (File Number SP 998)** – Proposed Murray Plaza, West side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, Currently Zoned GB (General Business) District

Mr. Carlisle reviewed the Preliminary Site Plan application and commended the applicant for his good faith effort to work with the department. Mr. Carlisle addressed the limitation of retail use on the site, noting a more intense use such as a restaurant would require additional parking. He recommended Preliminary Site Plan approval with conditions as noted in his report, dated June 3, 2015.

Hassane Oseili and Adnan Al-Saati of A&M Consultants were present. A revised site plan was presented for the Board's consideration this evening. The following revisions were addressed:

- Greenbelt increased by 12 feet.
- Parking lot drive aisle reduced to 24 feet.
- Loading area increased to 40 feet in length.

There was discussion on:

- Functionality of concrete slab.
- Confirmation of front and rear entrances for each retail use.
- Additional landscaping encouraged in greenbelt.
- Parking deviation required with a more intense use tenant.
- Justification to postpone item.

The applicant circulated building material samples.

Resolution # PC-2015-06-036

Moved by: Apahidean
Seconded by: Strat

RESOLVED, To postpone Preliminary Site Plan Approval for the proposed Murray Plaza, located on the west side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, within the GB (General Business) District, to allow the applicant the opportunity to submit revised plans.

Yes: All present (7)
Absent: Kuppa, Tagle

MOTION CARRIED**OTHER BUSINESS**9. **PUBLIC COMMENT** – Items on Current Agenda

There was no one present who wished to speak.

10. **PLANNING COMMISSION COMMENT**

Mr. Savidant announced tonight's meeting is being broadcast live and all future meetings will be broadcast live on cable.

There were general Planning Commission comments.

The Regular meeting of the Planning Commission adjourned at 8:15 p.m.

Respectfully submitted,

Donald Edmunds, Chair

Kathy L. Czarnecki, Recording Secretary

DATE: June 19, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PRELIMINARY SITE PLAN REVIEW (File Number SP 998) – Proposed Murray Plaza, West side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, Currently Zoned GB (General Business) District

The petitioner Hassane Oseili submitted the above referenced Preliminary Site Plan application for the proposed retail development. The proposed retail store is to be located on the west side of Rochester Road on a former restaurant site. The Planning Commission considered this item on September 23, 2014 but did not take action, as there were design deficiencies. The item was also considered by the Planning Commission on June 9, 2015 but the applicant submitted a revised site plan at the meeting.

The property is currently zoned GB (General Business) District. The Planning Commission is responsible for granting Preliminary Site Plan approval for this item.

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 998 Murray Plaza Sec 22\SP-998 PC Memo 06 23 2015.docx

PROPOSED RESOLUTION

PRELIMINARY SITE PLAN REVIEW (File Number SP 998) – Proposed Murray Plaza, West side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, Currently Zoned GB (General Business) District

Resolution # PC-2015-06-

Moved by:

Seconded by:

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Murray Plaza, located west side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, within the GB (General Business) District, be (granted, subject to the following):

(denied, for the following reasons: _____) or

(postponed, for the following reasons:

Yes:

No:

MOTION CARRIED/FAILED



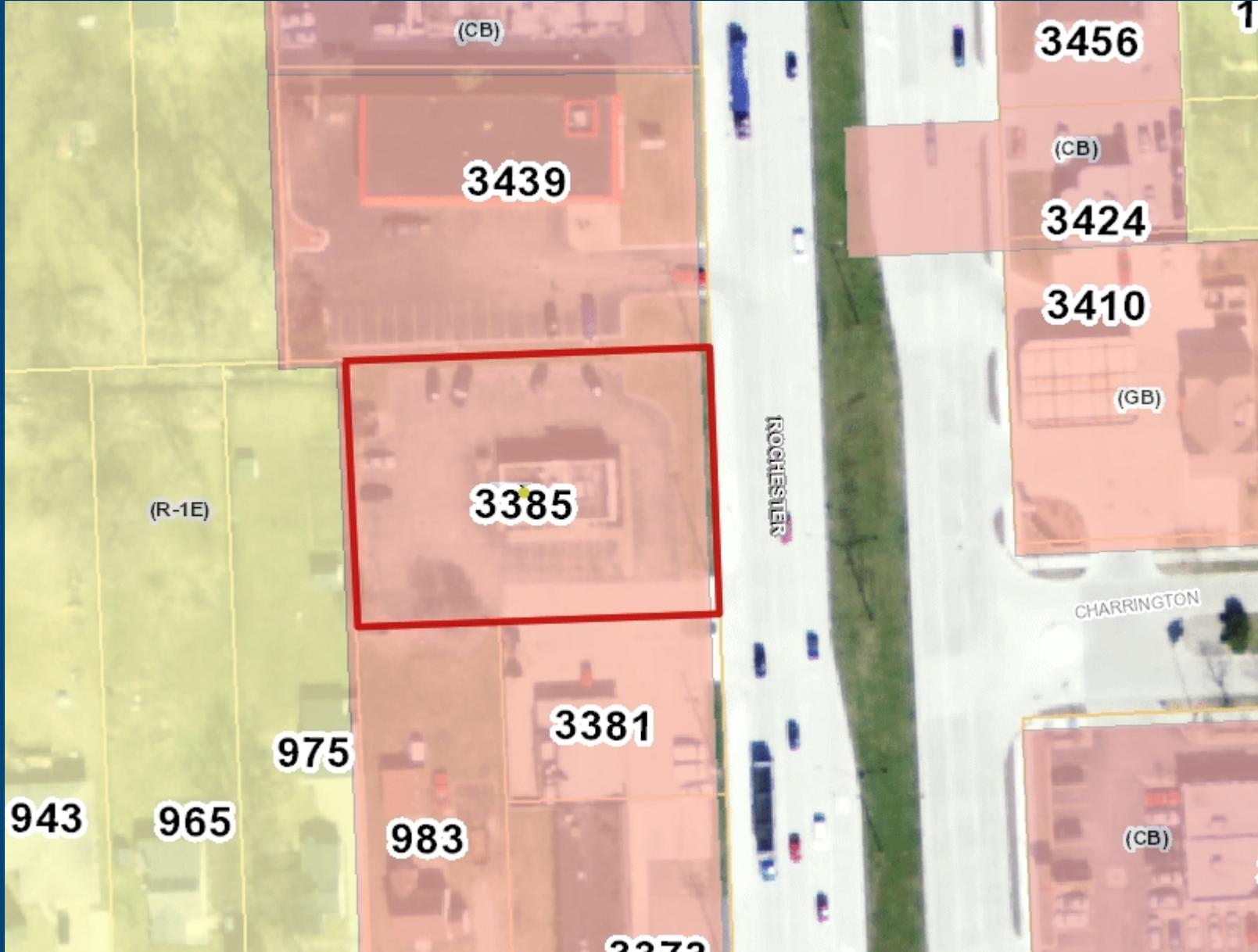
Legend:

Tax Parcel

Road Centerline Text

104 0 52 104Feet

Scale 1: 625



Legend:

- Tax Parcel
- Road Centerline Text
- 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

200 0 100 200 Feet

Scale 1: 1,200



CARLISLE

WORTMAN
associates, inc.

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

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

Date: June 3, 2015
June 18, 2015

Preliminary Site Plan Review For City of Troy, Michigan

Applicant:	Hussein Abdu Murray 330 Newcastle Dr. Rochester Hills, MI 48306
Project Name:	Murray Plaza
Plan Date:	Revised June 9, 2015
Location:	3385 Rochester Road – between E. Wattles and E. Big Beaver
Zoning:	GB, General Business
Action Requested:	Preliminary Site Plan
Required Information:	As noted in review.

PROJECT SITE AND DESCRIPTION

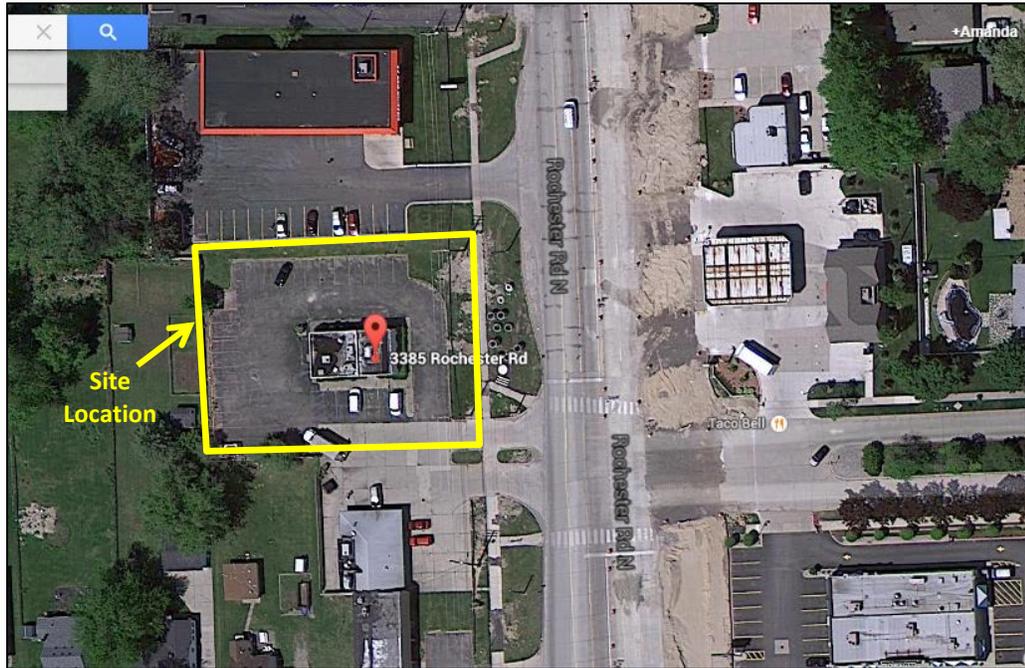
The applicant is requesting preliminary site plan approval to demolish an existing building and construct a new 4,750 sq. ft., 20-foot tall retail building. The floor plans indicate that the space will be divided into four (4) separate tenant spaces.

The parcel, located on the west side of Rochester Road between Big Beaver and Wattles, is approximately 0.53 acres in size and is zoned GB, General Business District. Per Section 4.21 of the Zoning Ordinance, general retail is a permitted use within the GB District. The parcel is currently improved with a 1,450 sq. ft. building and asphalt parking area, which will be demolished to accommodate the new development.

Location of Subject Property

The subject property is located at 3385 Rochester Road (west side of Rochester between E. Wattles and E. Big Beaver Roads. An aerial image of the subject property is depicted in **Figure 1**, below.

Figure 1. – Subject Site



Size of Subject Property

The overall size of the subject property is 23,140 sq. ft. (0.53 acres).

Proposed Use(s) of Subject Parcel

General retail (4 tenant spaces).

Current Use of Subject Property

Vacant commercial building (approx.1,450 sq. ft.).

Current Zoning

The property is currently zoned GB, General Business. Adjacent parcels are zoned as follows:

Table 1. – Adjacent Zoning

Direction	Zoning	Use
North	GB, General Business	Commercial
South	GB, General Business	Commercial / Single-family residential
East	GB, General Business	Commercial
West	R-1E, Single-Family Residential	Single-family residential

PREVIOUS PLANNING COMMISSION REVIEW

The item was last reviewed by the Planning Commission at their June 9th meeting. The item was tabled to allow the applicant to address the following:

1. *Reduce parking lot drive aisle to 24-feet.*

The applicant has reduced the drive aisle width to 24-feet.

2. *Reduce concrete slab in front of building to a maximum ten feet (10') in width.*

The applicant has reduced the concrete slab in front of the building to 10-feet in width.

3. *Clarify number and location of building-mounted lighting.*

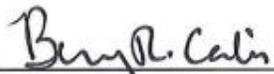
The applicant has corrected the building mounted lighting. The applicant is proposing three (3) building-mounted lights.

Items to be Addressed: None

RECOMMENDATION

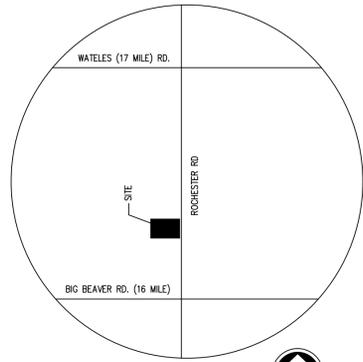
We recommend preliminary site plan approval.

Sincerely,



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

**MURRAY PLAZA
3385 ROCHESTER RD.
TROY, MICHIGAN**



LOCATION MAP
SCALE: NOT TO SCALE

PROJECT:
MURRAY PLAZA

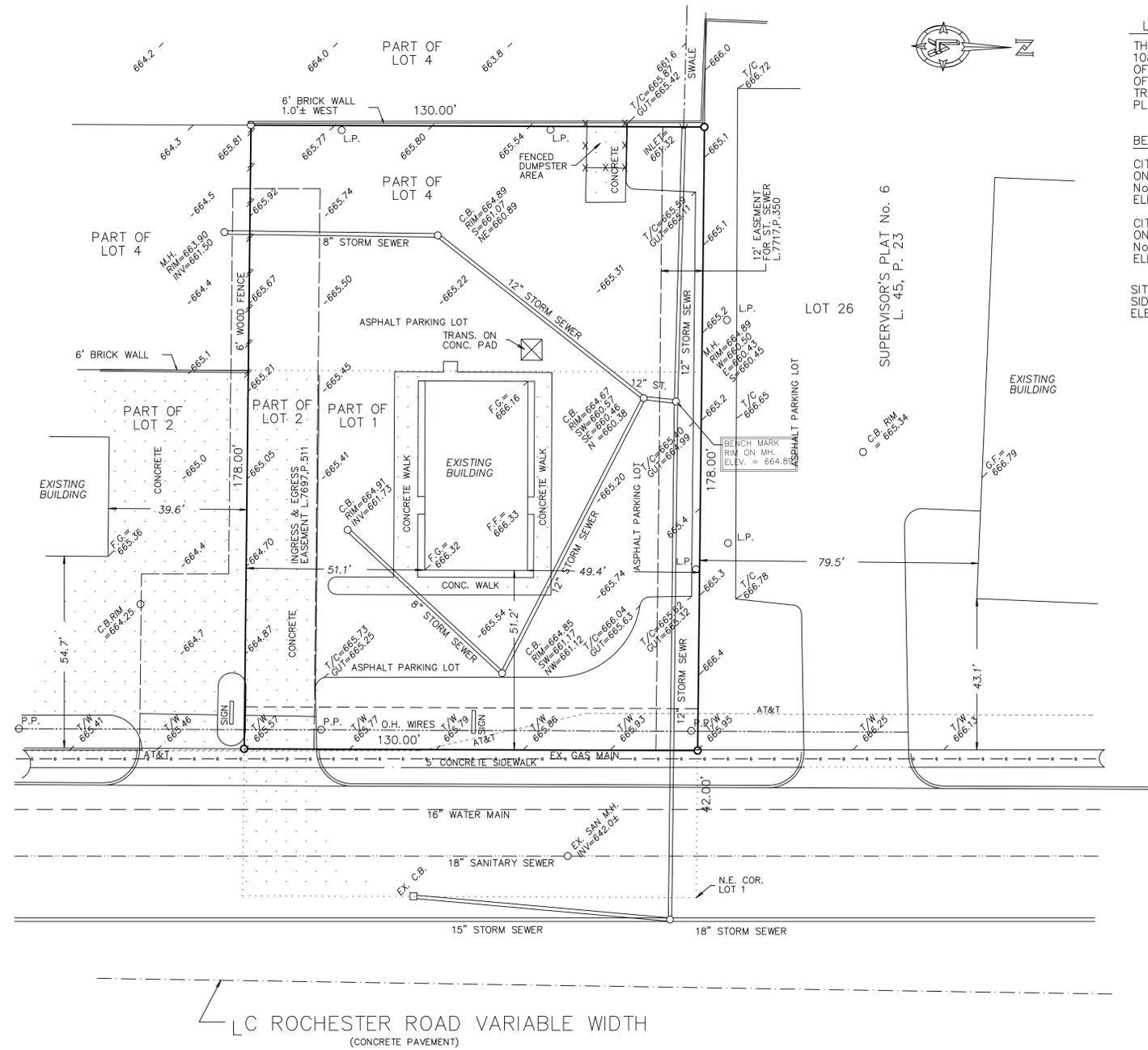
OWNER'S NAME:
HUSSEIN ABU MURRAY
3730 NEWCASTLE DR.
ROCHESTER HILLS, MI 48306

LOCATION:
3385 ROCHESTER RD.
TROY, MICHIGAN

LEGAL DESCRIPTION:

THE WEST 108 FEET OF LOT 1 & THE NORTH 20 FEET OF THE WEST 108 FEET OF LOT 2 & THE NORTH 130 FEET OF THE EAST 70 FEET OF LOT 4 "SUPERVISOR'S PLAT No. 17" OF PART OF THE S.E. 1/4 OF SECTION 22, T. 2 N., R.11 E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 28 OF PLATS, ON PAGE 36 OF THE OAKLAND COUNTY RECORDS.

OWNER/APPLICANT	ARCHTTECT/CIVIL ENGINEER	Drawing Index																																
<p>HUSSEIN ABU MURRAY 3730 NEWCASTLE DR. ROCHESTER HILLS, MI 48306</p>	 <p>13746 MICHIGAN AVE. DEARBORN, MI 48126 PH:(313)582-0022 FAX:(313)582-0028</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">SHEET</th> <th>TITLE</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">-</td> <td>COVER SHEET</td> </tr> <tr> <td style="text-align: center;">-</td> <td>BOUNDARY / TOPOGRAPHIC SURVEY PLAN</td> </tr> <tr> <td style="text-align: center;">SP-1</td> <td>PRELIMINARY SITE PLAN</td> </tr> <tr> <td style="text-align: center;">SP-2</td> <td>PRELIMINARY GRADING PLAN</td> </tr> <tr> <td style="text-align: center;">SP-3</td> <td>PRELIMINARY LANDSCAPING PLAN</td> </tr> <tr> <td style="text-align: center;">SP-4</td> <td>PRELIMINARY PHOTOMETRIC / LIGHTING PLAN</td> </tr> <tr> <td style="text-align: center;">A-1</td> <td>PRELIMINARY FLOOR PLAN & ELEVATIONS</td> </tr> </tbody> </table>	SHEET	TITLE	-	COVER SHEET	-	BOUNDARY / TOPOGRAPHIC SURVEY PLAN	SP-1	PRELIMINARY SITE PLAN	SP-2	PRELIMINARY GRADING PLAN	SP-3	PRELIMINARY LANDSCAPING PLAN	SP-4	PRELIMINARY PHOTOMETRIC / LIGHTING PLAN	A-1	PRELIMINARY FLOOR PLAN & ELEVATIONS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">DATE: 06/10/2014</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">COVER SHEET</td> </tr> <tr> <th style="width: 20%;">REVISIONS</th> <th>SHEET NOS.</th> </tr> <tr> <td>09-02-2014</td> <td>SP-1, SP-2, SP-3, SP-4, A-1</td> </tr> <tr> <td>10-30-2014</td> <td>SP-1, SP-2, SP-3, SP-4, A-1</td> </tr> <tr> <td>06-03-2015</td> <td>SP-1, SP-2, SP-3, SP-4, A-1</td> <td></td> </tr> <tr> <td>06-09-2015</td> <td>SP-1, SP-2, SP-3, SP-4, A-1</td> <td></td> </tr> </table>	DATE: 06/10/2014		COVER SHEET	REVISIONS	SHEET NOS.	09-02-2014	SP-1, SP-2, SP-3, SP-4, A-1	10-30-2014	SP-1, SP-2, SP-3, SP-4, A-1	06-03-2015	SP-1, SP-2, SP-3, SP-4, A-1		06-09-2015	SP-1, SP-2, SP-3, SP-4, A-1	
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BENCHMARKS:
 CITY BENCHMARK #1237 - ARROW ON TOP OF HYDRANT ON THE WEST SIDE OF ROCHESTER ROAD AT BUILDING No. 3373 ELEVATION = 667.223 N.G.V.D.
 CITY BENCHMARK #1239 - ARROW ON TOP OF HYDRANT ON THE WEST SIDE OF ROCHESTER ROAD AT BUILDING No. 3499 ELEVATION = 667.616 N.G.V.D.
 SITE BENCHMARK - RIM ON STORM M.H. NORTH SIDE OF THE PROPERTY ELEVATION = 664.89 N.G.V.D.

LC ROCHESTER ROAD VARIABLE WIDTH
 (CONCRETE PAVEMENT)

BOUNDARY SURVEY / TOPOGRAPHIC PLAN
 SCALE 1"=20'



PROJECT:

MURRAY PLAZA

OWNER'S NAME

HUSSEIN ABU MURRAY
 3730 NEWCASTLE DR.
 ROCHESTER HILLS, MI 48306

LOCATION:

3385 ROCHESTER RD.
 TROY, MICHIGAN

A & M CONSULTANTS INC.

13746 MICHIGAN AVE
 DEARBORN, MI 48126

PH:(313) 582-0022
 FAX:(313) 582-0028

DRAWN BY:

A.A

APPROVED BY:

ADNAN AL-SAATI, P.E.

SUBMITTALS

REVISIONS:

09/02/2014
 10/30/2014

PROJECT NO

DATE

07/07/2014

SCALE

NOTED

SHEET TITLE

BOUNDARY / TOPOGRAPHIC SURVEY PLAN

SEAL

PROJECT:
MURRAY PLAZA

OWNER'S NAME:
HUSSEIN ABU MURRAY
3730 NEWCASTLE DR.
ROCHESTER HILLS, MI 48306

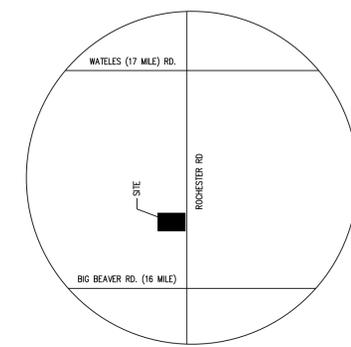
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DRAWN BY:
A.A

APPROVED BY:
ADNAN AL-SAATI, P.E



LOCATION MAP
N.T.S.



PROPERTY DESCRIPTION:
THE WEST 108 FEET OF LOT 1 & THE NORTH 20 FEET OF THE WEST 108 FEET OF LOT 2 & THE NORTH 130 FEET OF THE EAST 70 FEET OF LOT 4 SUPERVISOR'S PLAT No. 17" OF PART OF THE S.E. 1/4 OF SECTION 22, T. 2 N., R.11 E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 28 OF PLATS, ON PAGE 36 OF THE OAKLAND COUNTY RECORDS.

SITE DATA:

GOVERNING CODE:	MICHIGAN BUILDING CODE 2009 AND CITY OF TROY ZONING ORDINANCE
BUILDING USE:	RETAIL PLAZA
USE GROUP:	MIXED USE M/ MERCANTILE & S STORAGE
AREA OF THE PROPERTY =	23,140 SQ.FT. = 0.53 ACRES
PROPOSED BUILDING AREA =	4,750 SQ.FT.
EXISTING BUILDING AREA TO BE REMOVED =	1,590 SQ.FT.
1- ZONING:	GB GENERAL BUSINESS DISTRICT
2- BUILDING HEIGHT:	PROPOSED BUILDING = 20'
3- LOT COVERAGE:	PROPOSED BUILDING = 20.5%
4- SETBACK REQUIREMENTS:	FRONT: MIN. REQ. = 10' PROPOSED = 40.16' SIDES: TOTAL REQ. = 0' PROPOSED = NORTH 0.55'-SOUTH 28.72' REAR REQ. = 75' PROPOSED = 89.95'
5- PARKING REQUIREMENTS	1 SPACE PER EACH 250 SQ. FT. OF GROSS FLOOR AREA = 4750/250 = 19.0 SPACES TOTAL NUMBER OF PARKING SPACES REQUIRED = 19 SPACES TOTAL NUMBER OF PARKING SPACES PROVIDED = 0.94+17.9=18.8= 19 SPACES (INCLUDING 2 H.C SPACES) & (2 BICYCLES SPACES) OFF STREET LOADING REQUIREMENT TOTAL NUMBER OF OFF-STREET PARKING SPACES PROVIDED = 1 SPACES PLUS 1 SPACE PER EACH ADDITIONAL 20,000 SQ. FT. GFA

NOTE A:
PARKING LOTS TO BE USED FOR DETENTION

SUBMITTALS

REVISIONS:

- 09/02/2014
- 10/30/2014
- 06/03/2015
- 06/09/2015

PROJECT NO

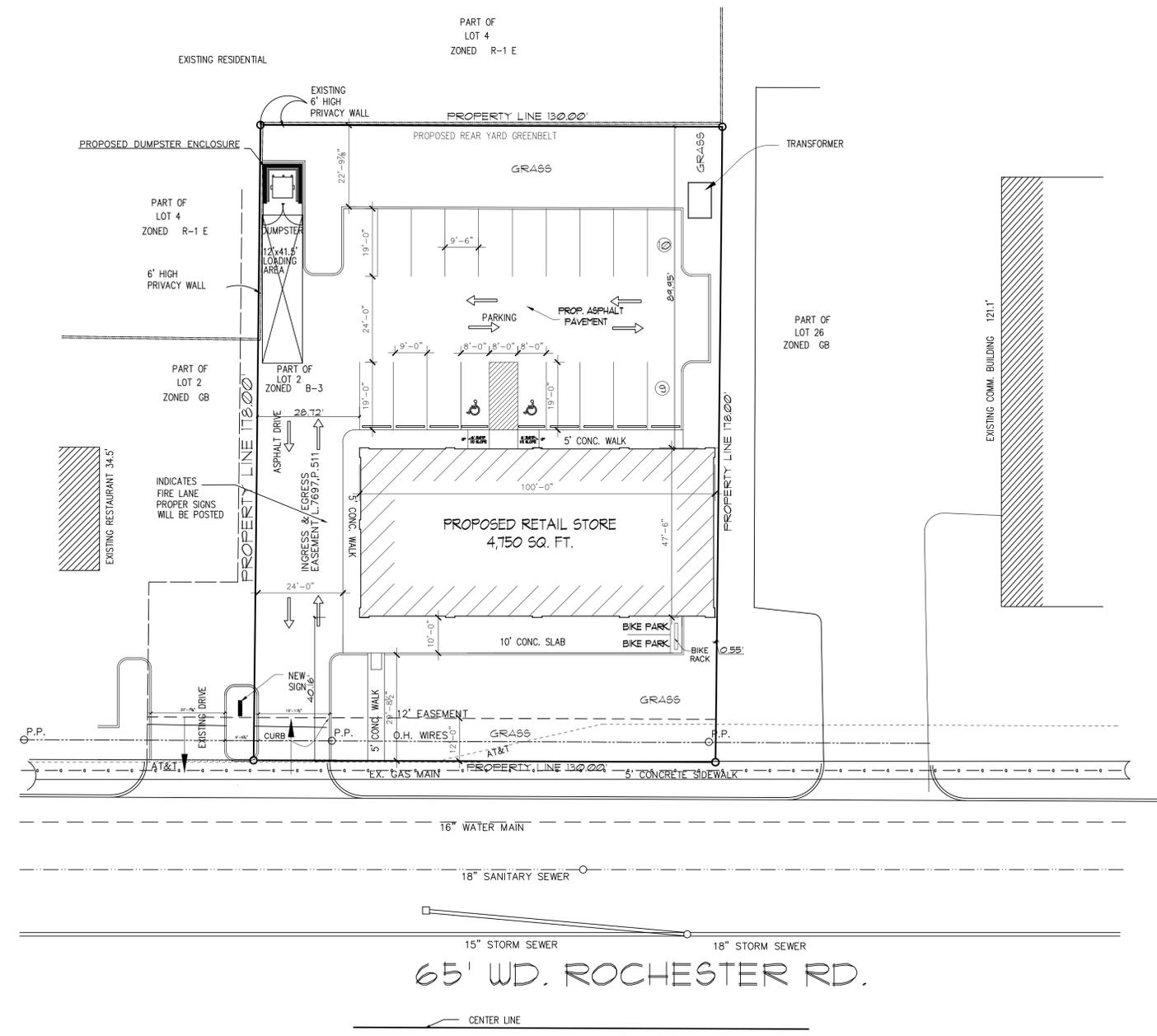
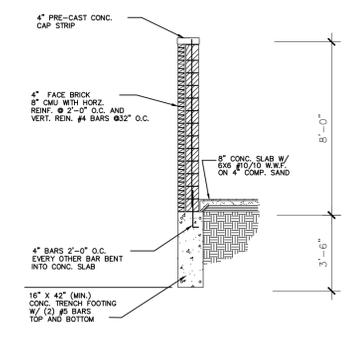
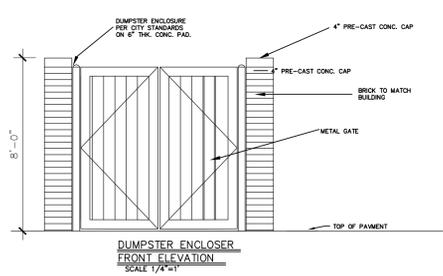
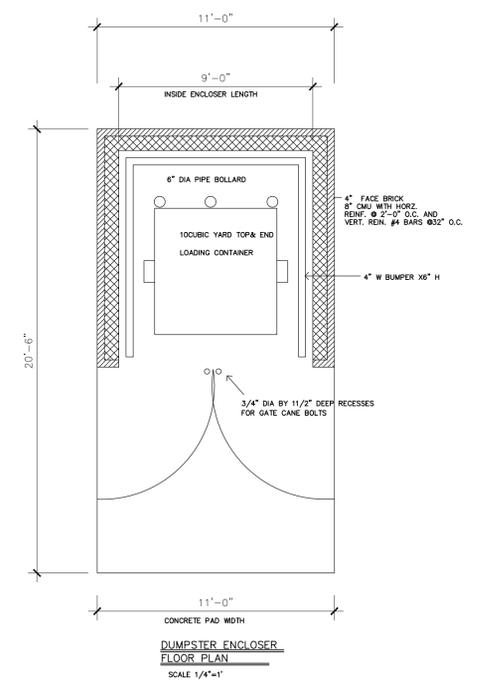
DATE
07/07/2014

SCALE
NOTED

SHEET TITLE
PRELIMINARY SITE PLAN

SP-1

SEAL



PROPOSED SITE PLAN
SCALE 1"=20'



LANDSCAPE DATA :

GREENBELT REQUIREMENTS:

- GREENBELT SHALL BE A MINIMUM OF TEN (10) FEET IN WIDTH.
- THE GREENBELT SHALL BE LANDSCAPED WITH A MINIMUM OF ONE (1) DECIDUOUS TREE FOR EVERY THIRTY (30) LINEAL FEET OF FRONTAGE ABUTTING A PUBLIC ROAD RIGHT-OF-WAY = $130 / 30 = 4.4 = 5$ DECIDUOUS TREE
- TOTAL NUMBER OF DECIDUOUS TREE REQUIRED = 5
- TOTAL NUMBER OF DECIDUOUS TREE PROVIDED = 5

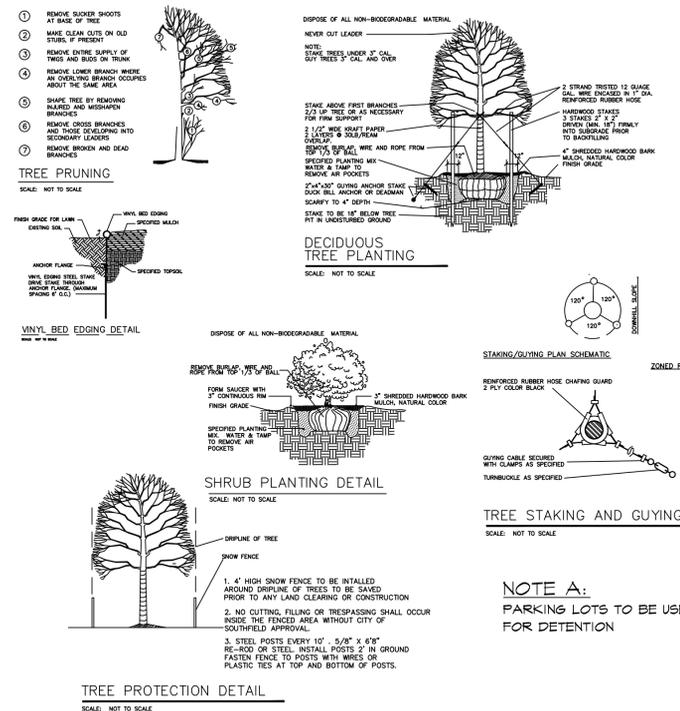
LANDSCAPING CALCULATIONS:

MINIMUM OF TWENTY PERCENT (20%) OF THE SITE AREA SHALL BE COMPRISED OF LANDSCAPE MATERIAL.
 LANDSCAPE MATERIAL AREA REQUIRED = $23140 \times 20\% = 4628$ SQ. FT.
 LANDSCAPE MATERIAL AREA PROVIDED = 6679 SQ. FT.

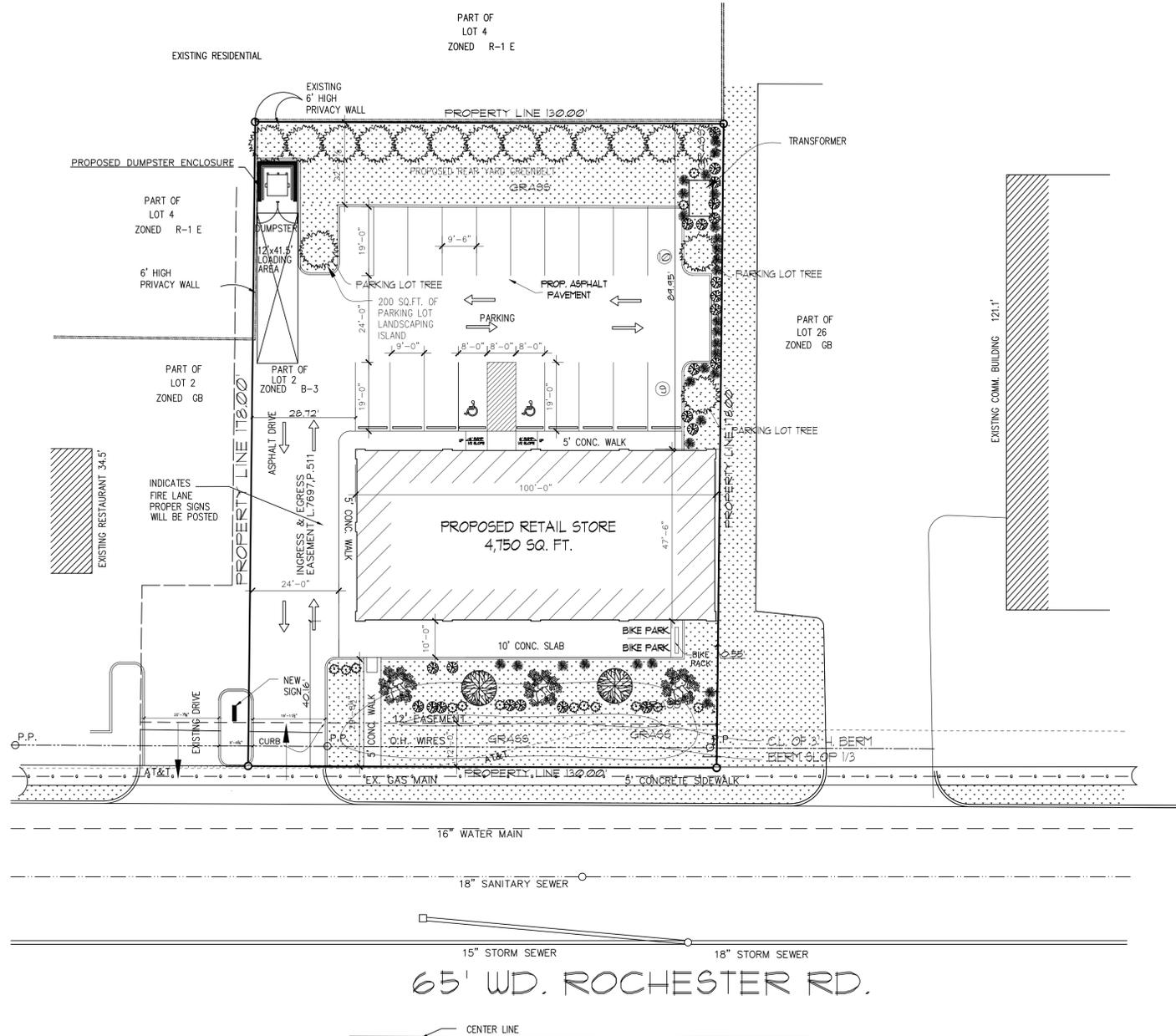
PARKING LOT LANDSCAPING :

A MINIMUM OF ONE (1) TREE FOR EVERY EIGHT (8) PARKING SPACES.
 LANDSCAPE MATERIAL AREA REQUIRED = $19 / 8 = 2.3 = 3$ TREES
 LANDSCAPE MATERIAL AREA PROVIDED = 3 TREES

	PLANT LIST	QUAN	SIZE	BOTANICAL NAME	COMMON NAME	SYMBOL
SHRUBS & BUSHES	14	36 IN HIGH		Euonymus alatus "Compactus"	Dwarf Burning Bush	
	23	36 IN HIGH		Euonymus Fortunei "Emerald N' Gold"	Emerald N' Gold	
	29	36 IN HIGH		Pinus Strobus "Blue Shag"	Dwarf Eastern White Pine	
DECIDUOUS TREES	3	2 1/2"-3" CALIPER		ACRE PLATANODES 'CRIMSON KING'	CRIMSON KING MAPLE TREE	
	2	2 1/2"-3" CALIPER		GLEDITSIA TRIACANTHOS	TRUE SHADE HONEYLOCUST	
EVERGREEN TREES	16	8-10 FEET TALL		PICEA PUNGENA 'HOOPSII'	HOOPSI SPRUCE	



NOTE A:
 PARKING LOTS TO BE USED FOR DETENTION



PROPOSED LANDSCAPE PLAN
 SCALE 1" = 20'



PROJECT:

MURRAY PLAZA

OWNER'S NAME:

HUSSEIN ABU MURRAY
 3730 NEWCASTLE DR.
 ROCHESTER HILLS, MI 48306

LOCATION:

3385 ROCHESTER RD.
 TROY, MICHIGAN

A & M

CONSULTANTS INC.

13746 MICHIGAN AVE
 DEARBORN, MI 48126

PH:(313) 582-0022
 FAX:(313) 582-0028

DRAWN BY:

A.A

APPROVED BY:

ADNAN AL-SAAFI, P.E

SUBMITTALS

REVISIONS:

09/02/2014
 10/30/2014
 06/03/2015
 06/09/2015

PROJECT NO

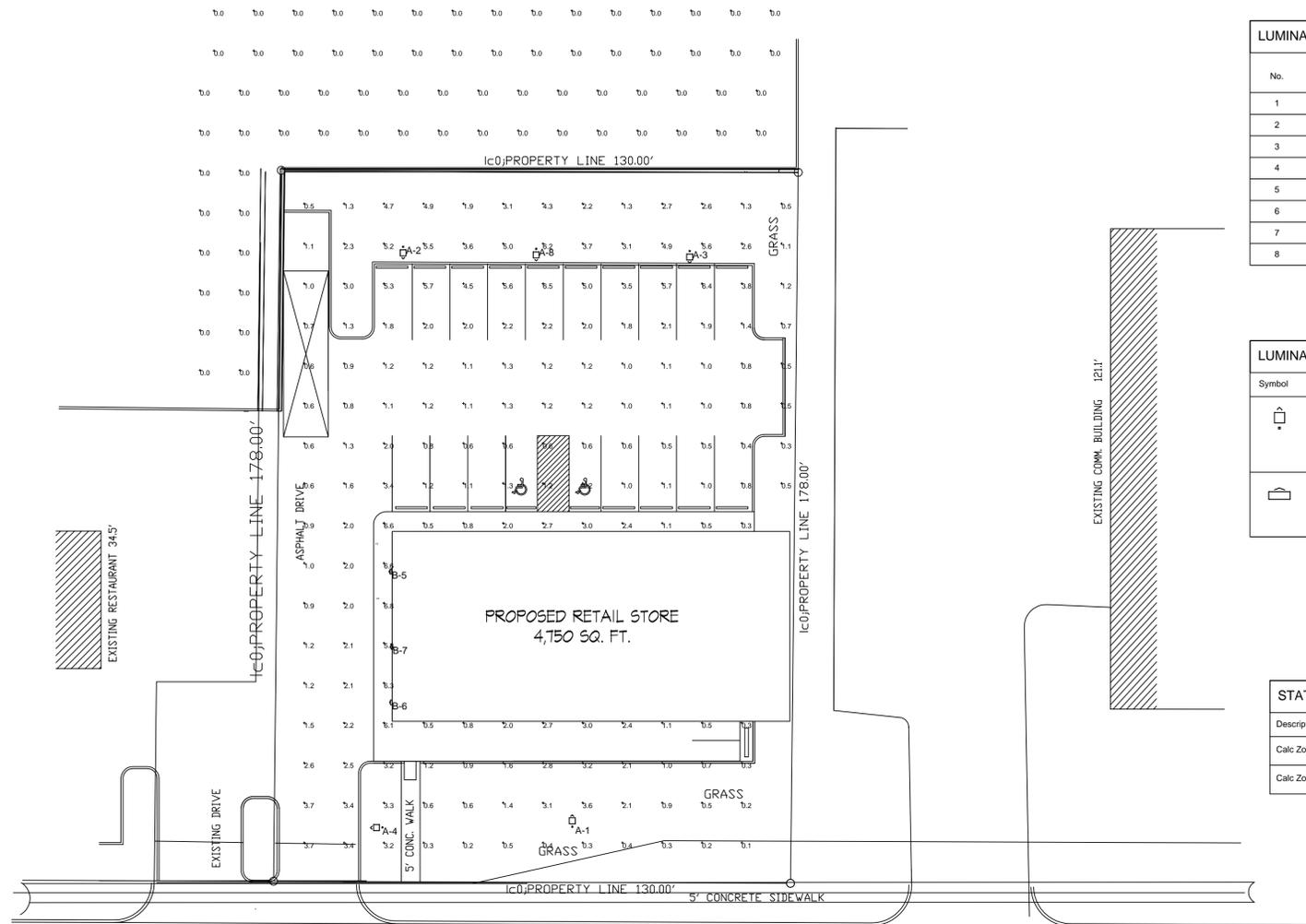
DATE
 07/07/2014

SCALE
 NOTED

SHEET TITLE
 PRELIMINARY
 LANDSCAPE PLAN

SP-3

SEAL



Plan View
Scale: 1"=20'

PHOTOMETRIC / LIGHTING PLAN
SCALE 1"=20'



LUMINAIRE LOCATIONS										
No.	Label	X	Y	Z	MH	Orientation	Tilt	X	Aim Y	Z
1	A	808.6	115.9	20.0	20.0	-0.4	0.0	808.6	117.4	0.0
2	A	766.0	271.8	15.0	15.0	180.0	0.0	766.0	270.3	0.0
3	A	838.1	270.8	15.0	15.0	180.0	0.0	838.1	269.3	0.0
4	A	760.8	115.8	20.0	20.0	269.4	0.0	759.3	115.7	0.0
5	B	768.3	199.3	14.0	14.0	-90.0	0.0	768.3	199.3	0.0
6	B	768.5	147.7	14.0	14.0	-90.0	0.0	768.5	147.7	0.0
7	B	768.6	174.3	14.0	14.0	-90.0	0.0	768.6	174.3	0.0
8	A	799.5	271.3	15.0	15.0	180.0	0.0	799.5	269.8	0.0

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	A	5	KSF2 250M R4SC (PROBE)	Specification Area Luminaire, 250W Metal Halide, R4SC Sharp Cutoff Reflector, Full Cutoff MEETS THE NIGHTTIME FRIENDLY CRITERIA	ONE 250-WATT CLEAR BT-28 METAL HALIDE, HORIZONTAL POSITION.	KSF2_250M_R4SC_(PROBE) (1).ies	20000	0.81	297
	B	3	TWH 150M FS (PROBE)	DIE-CAST GENERAL PURPOSE WALLPACK WITH GLASS REFRACTOR AND FULL SHIELD	ONE 150-WATT CLEAR ED-28 METAL HALIDE, HORIZONTAL POSITION.	TWH_150M_FS_(PROBE).ies	12000	0.81	185

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	2.1 fc	6.8 fc	0.1 fc	68.0:1	21.0:1
Calc Zone #2	+	0.0 fc	0.0 fc	0.0 fc	N / A	N / A



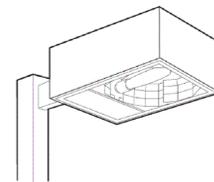
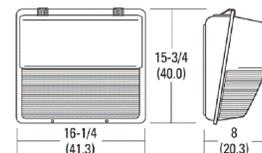
Wall Packs

TWH

METAL HALIDE: 70W - 400W

8' to 25' Mounting

Specifications
 Height: 15-3/4 (40.0)
 Width: 16-1/4 (41.3)
 Depth: 8 (20.3)
 *Weight: 29.95 (13.59kg)
 All dimensions are inches (centimeters) unless otherwise indicated.
 *Weight as configured in example below.



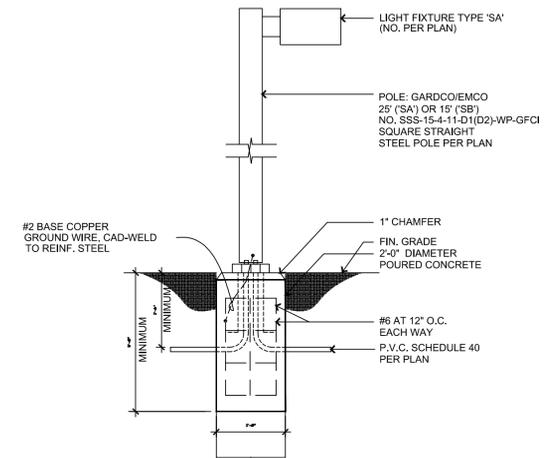
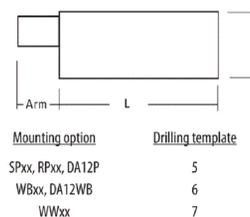
Area Lighting

KSF2

METAL HALIDE: 250-400W

15' to 25' Mounting

Specifications
 EPA: 2.0 ft² (.28 m²) (includes arm)
 Length: 24-19/32 (62.5)
 Width: 17-25/32 (62.5)
 Depth: 8-5/16 (21.1)
 Arm: 4 (10.2)
 *Weight: 52 lbs (23.6 kg)
 *Weight as configured in example below.
 All dimensions are inches (centimeters) unless otherwise specified.



LIGHT POLE BASE DETAIL
SCALE: NONE

- NOTES:**
- ALL CONDUITS SHOWN SHALL BE RUN MINIMUM 3'-0" BELOW FINISHED PAVEMENT ELEVATION.
 - COORDINATE EXACT ROUTING OF PRIMARY CONDUITS WITH LOCAL UTILITY COMPANIES
 - LIGHT POLE BASES SHALL BE SET BACK 4'-0" FROM EDGE OF PAVEMENT TO CENTERLINE.

PROJECT:

MURRAY PLAZA

OWNER'S NAME:

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LOCATION:

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INC.

13746 MICHIGAN AVE
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PH:(313) 582-0022
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DRAWN BY:

A.A

APPROVED BY:

ADNAN AL-SAATI, P.E

SUBMITTALS

REVISIONS:

- 09/02/2014
- 10/30/2014
- 06/03/2015
- 06/09/2015

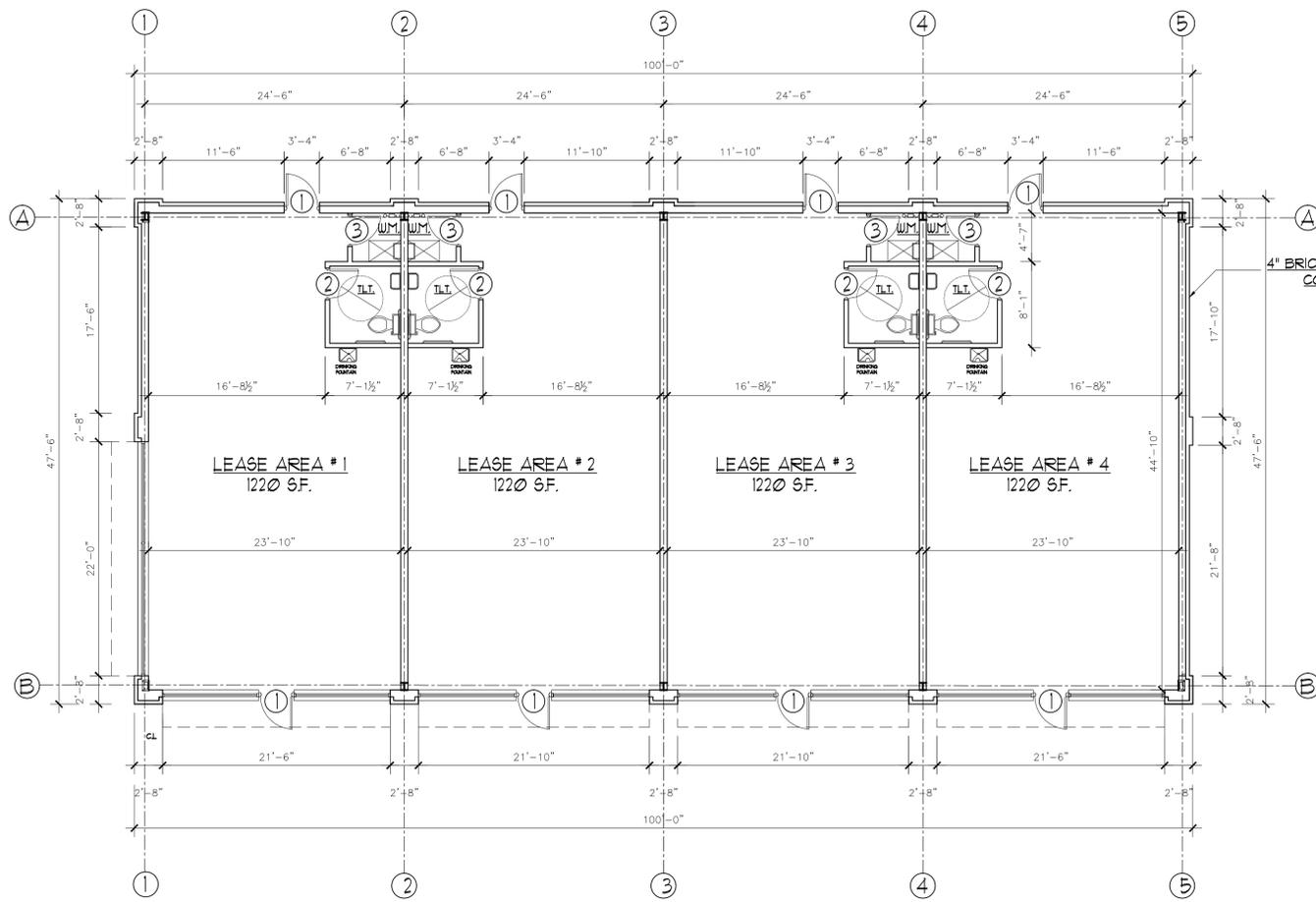
PROJECT NO

DATE
07/07/2014
SCALE
NOTED

SHEET TITLE
PRELIMINARY
PHOTOMETRIC/
LIGHTING PLAN

SP-4

SEAL



FLOOR PLAN
SCALE 1/8"=1'

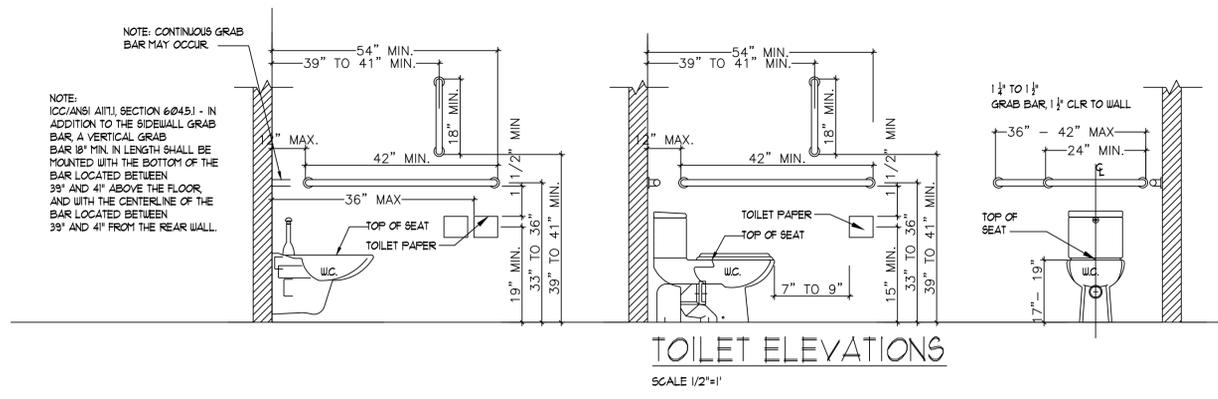
WALL LEGEND:

- NEW MASONRY WALL 8" MAS UNIT 4" BRICK
- NEW PARTITION DEMISING WALL (1.0 HR FIRE RATED WALL)
- NEW PARTITION WALL .5/8" GYPSUM BOARD EACH SIDE OF 3 5/8" METAL STUD @ 16 O.C.

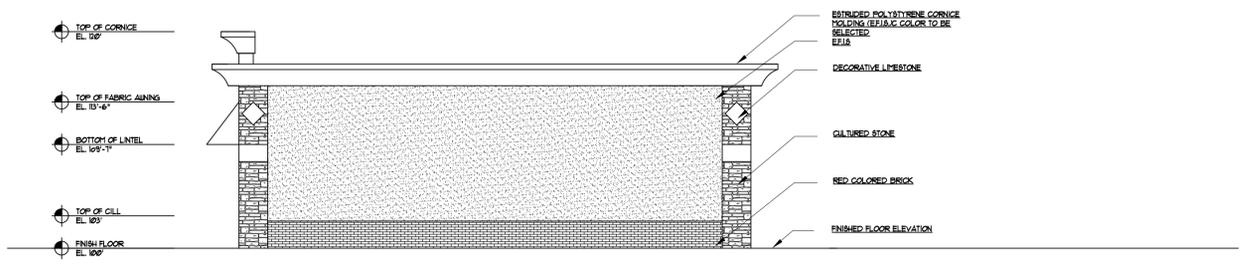
NOTE: PROVIDED 3" BATT INSULATION IN WALLS

DOOR LEGEND:

- 1 3'-0"X1'-0" EXTERIOR ALUM. DOOR
- 2 2'-1"X1'-0" INTERIOR ALUM. DOOR
- 3 2'-1"X1'-0" INTERIOR ALUM. DOOR



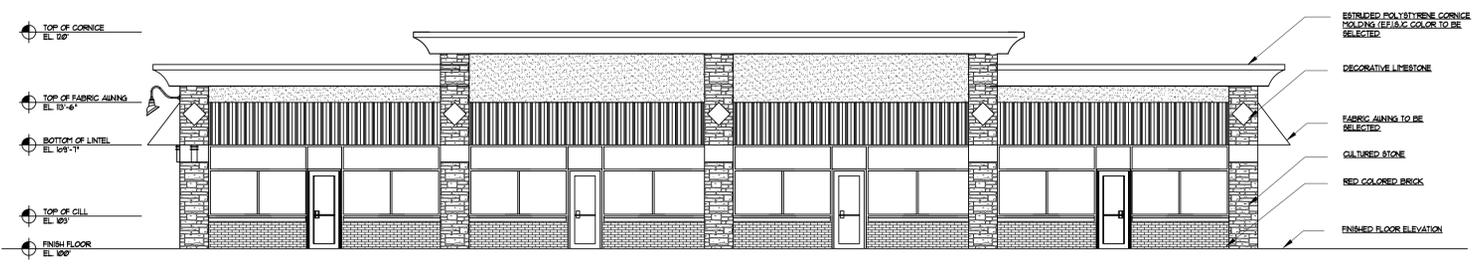
TOILET ELEVATIONS
SCALE 1/2"=1'



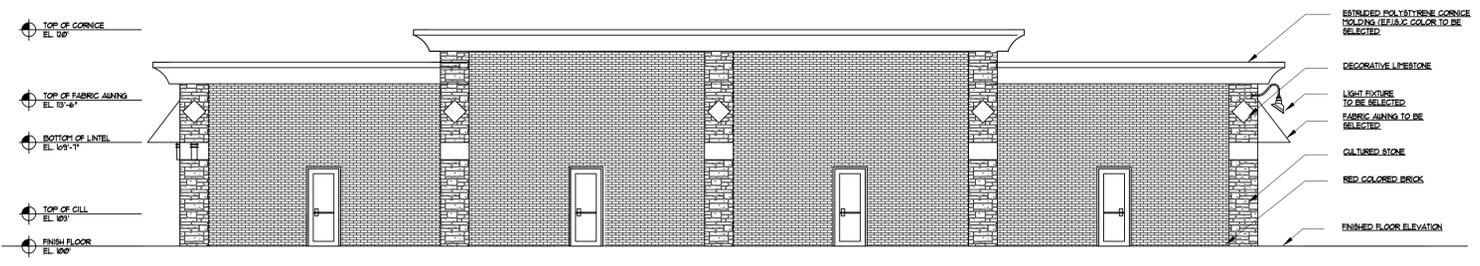
NORTH ELEVATION
SCALE 1/8"=1'



SOUTH ELEVATION
SCALE 1/8"=1'



EAST ELEVATION
SCALE 1/8"=1'



WEST ELEVATION
SCALE 1/8"=1'

PROJECT:
MURRAY PLAZA

OWNER'S NAME:
HUSSEIN ABU MURRAY
3730 NEWCASTLE DR.
ROCHESTER HILLS, MI 48306

LOCATION:
3385 ROCHESTER RD.
TROY, MICHIGAN

A & M CONSULTANTS

13746 MICHIGAN AVE
DEARBORN, MI 48126

PH:(313) 582-0022
FAX:(313) 582-0028

DRAWN BY:
A.A

APPROVED BY:
ADNAN AL-SAATI, P.E

SUBMITTALS

REVISIONS:

- 09/02/2014
- 10/30/2014
- 06/03/2015
- 06/09/2015

PROJECT NO

DATE
07/07/2014

SCALE
NOTED

SHEET TITLE
PRELIMINARY FLOOR PLAN ELEVATIONS

A-1

SEAL

DATE: June 19, 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.

The Planning Commission discussed this item at the May 26, 2015 Regular meeting and requested that a public hearing be scheduled. 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 June 19, 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 06 23 2015.doc

PROPOSED RESOLUTION

ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

Resolution # PC-2015-06-

Moved by:

Seconded by:

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, and 6 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to oil and gas extraction, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes:

No:

Absent:

MOTION CARRIED / DENIED

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.

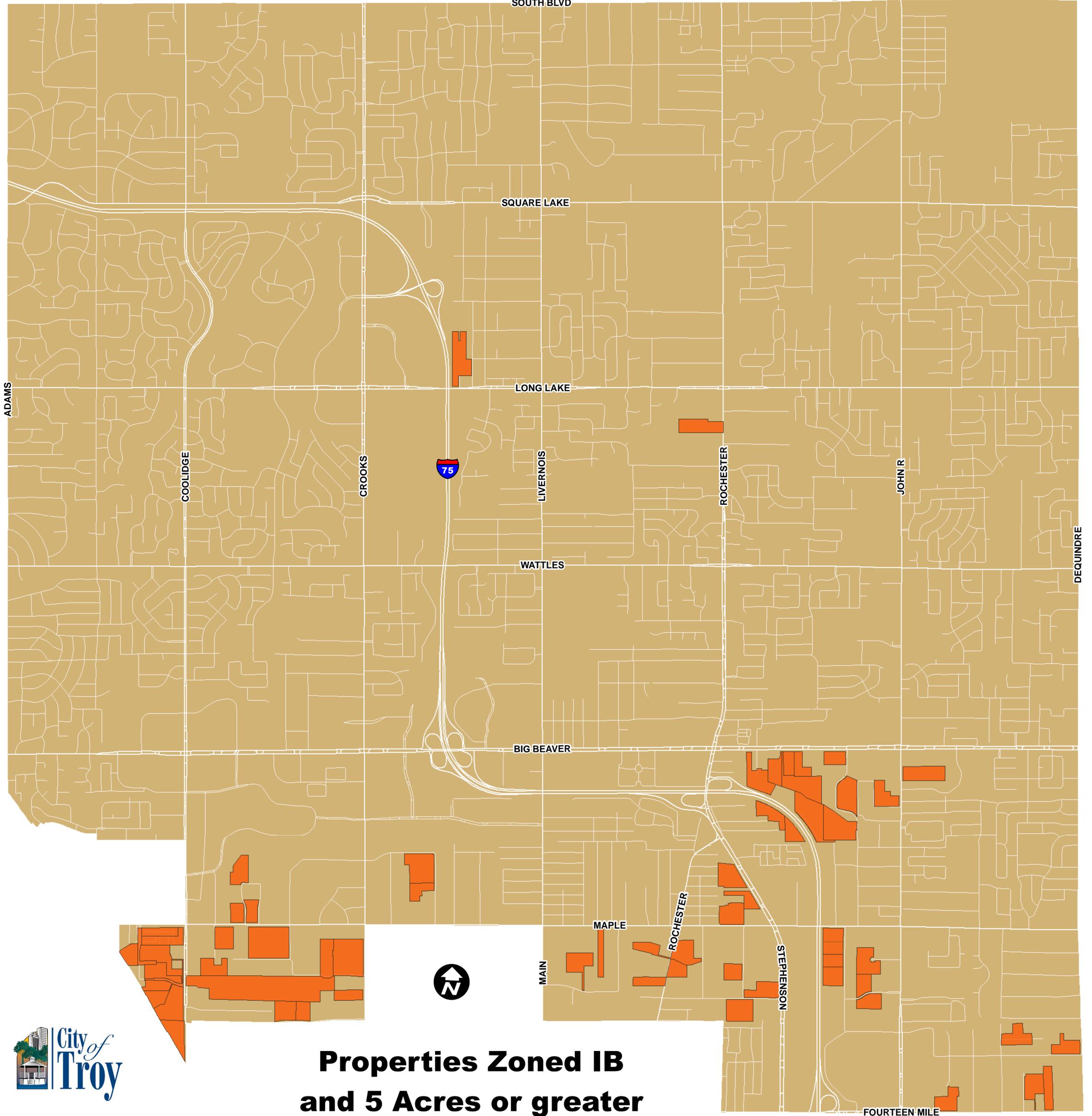
Section 5. Effective Date

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



Properties Zoned IB and 5 Acres or greater

DATE: June 18, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING – REZONING APPLICATION (File Number Z 746) – Proposed Troy Fire Station No. 4, North side of Maple, East of John R (2103 and 2121 E Maple), Section 25, From R-1E (One Family Residential) District to NN ‘C’ (Neighborhood Node ‘C’)

The City of Troy seeks rezoning of the subject parcel from R-1E One Family Residential District to NN Neighborhood Node (Node “C”) District. The parcel is presently comprised of a parking area and a single family home. The City intends to construct a new Fire Station N. 4 on the site. Fire stations are permitted by right in the NN district.

The Master Plan classifies this area as Neighborhood Node. A description of this classification is attached.

The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City’s Planning Consultant, summarizes the rezoning request. 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 agrees with the recommendation.

Please be prepared to discuss this item at the June 18, 2015 Planning Commission Regular meeting.

Attachments:

1. Maps
2. City of Troy Master Plan (excerpt)
3. Report prepared by Carlisle/Wortman Associates, Inc.
4. Concept drawing

G:\REZONING REQUESTS\Z 746 Troy Fire Station Four Sec 25\PC Memo 06 23 2015.doc

PROPOSED RESOLUTION

PUBLIC HEARING – REZONING APPLICATION (File Number Z 746) – Proposed Troy Fire Station No. 4, North side of Maple, East of John R (2103 and 2121 E Maple), Section 25, From R-1E (One Family Residential) District to NN 'C' (Neighborhood Node 'C')

Resolution # PC-2015-06-

Moved by:

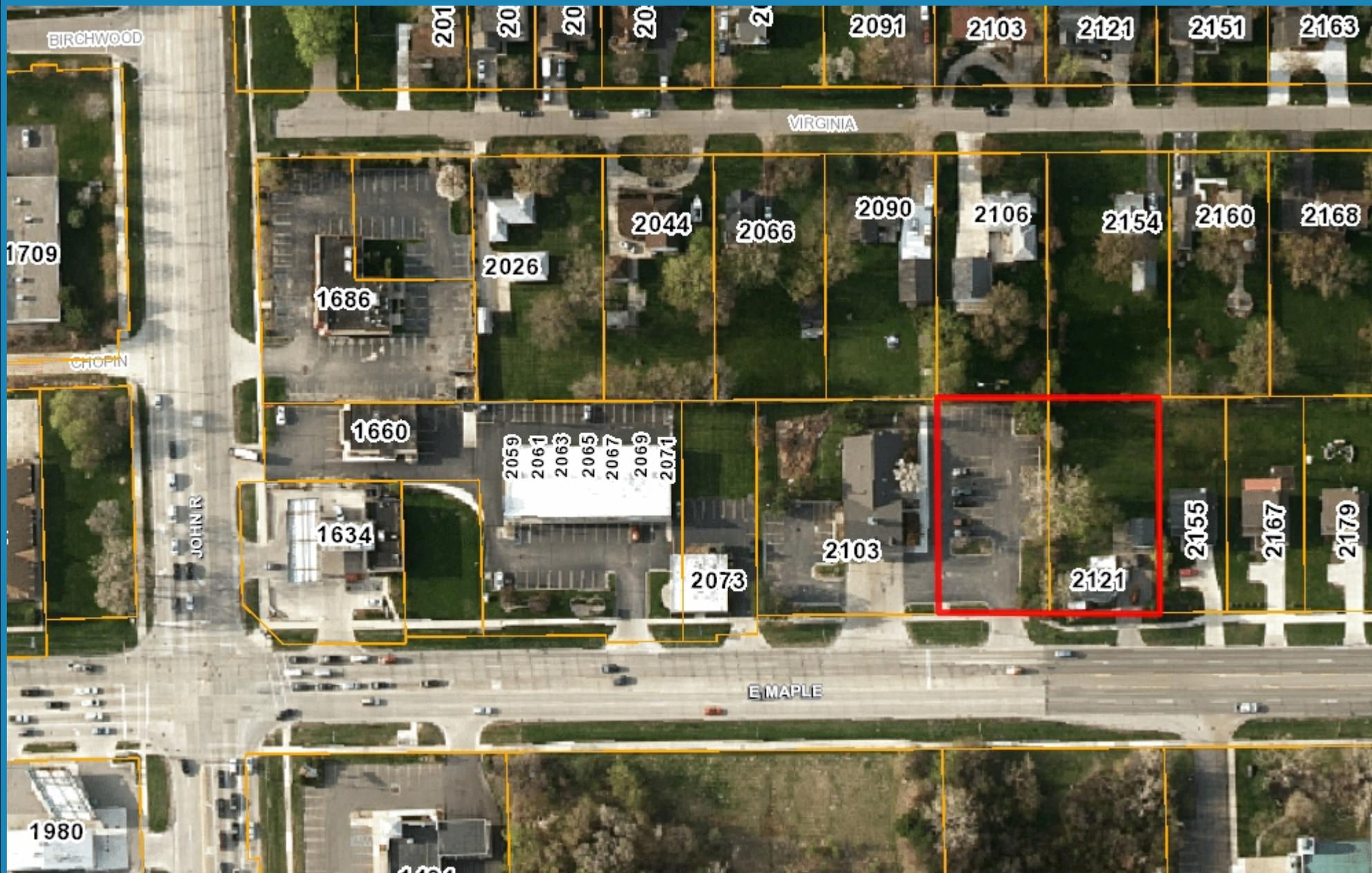
Seconded by:

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to NN 'C' rezoning request, located on the north side of Maple Road, east of John R (2103 and 2121 E. Maple Road), in Section 25, being approximately 0.885 acres in size, be approved.

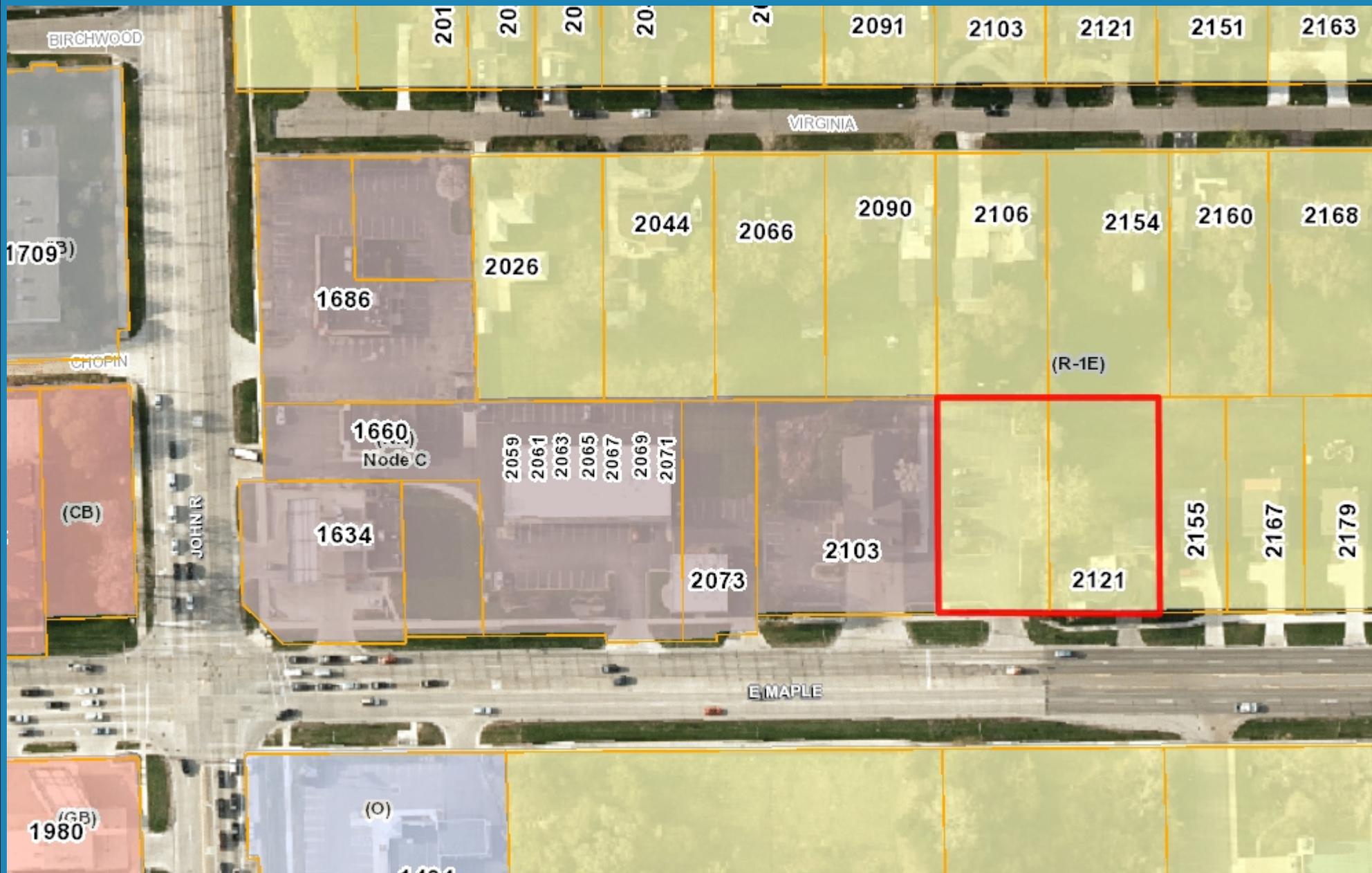
Yes:

Absent:

MOTION CARRIED / FAILED

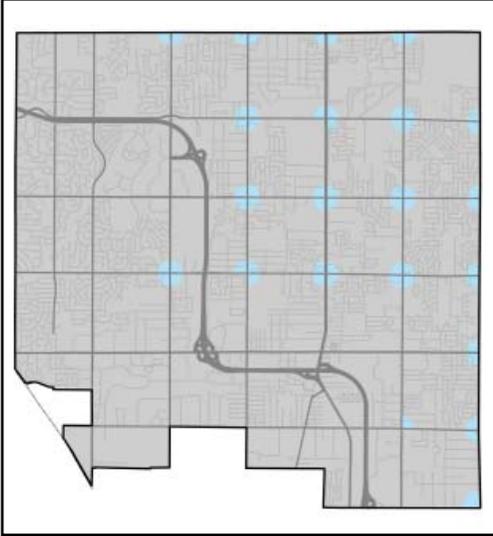


Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



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Neighborhood Nodes: The Economic Neighborhood



- *Located at intersections of the City's main roads.*
- *Work together with Social Neighborhoods to create a more livable community.*
- *Mixed use.*
- *Provide neighborhood gathering places.*
- *Accommodate the daily needs of residents.*

Neighborhood Nodes are the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods. The nodes are specifically identified on pages 95 and 96. Economic Neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers. The attributes of Economic Neighborhoods are described in more detail in the final section of this Chapter, and the urban design characteristics of Neighborhood Nodes will be described in depth in Chapter 10. The nodes will typically permit a mix of commercial, office, and high-density residential, although the predominant uses in any Neighborhood Node development must be in keeping with the node characteristics described on pages 95 and

96. Industrial uses will not be permitted in the Neighborhood Nodes.

The Economic Neighborhoods of Troy also center on the square mile grid system. Unlike the social neighborhood, the **Economic Neighborhoods are centered on major road intersections where commercial and office development occurs.** When destinations are created, these nodes become a "go to" place and take on a social role. Each of these nodes serves four quadrants of the overlapping social neighborhoods and has the ability to bring residents of four neighborhoods together.

These Economic Neighborhood nodes are destinations that draw people, visually distinguished from the balance of corridor strips through greater density and scale. Variation in building height will often be used to separate the node from the surrounding area, but will not be so extreme as to visually overpower abutting neighborhoods. The separation of building heights at intersections with the "between" segments of corridors stimulates the visual concept of "pulsing" development and sets up a system of visual anchors.

Moderately dense residential environments may be encouraged within some nodes to provide steady activity for longer periods of the day. In these cases, residences may be mixed with offices on upper floors or be developed immediately adjacent to the commercial areas. Connections between the commercial activity and residences must be directly and seamlessly integrated.

During the course of the planning process, the Planning Commission closely analyzed the need for additional neighborhood nodes throughout the City. The City will continue to consider the demand for additional nodes as part of subsequent plan revisions.

DESIGN CONCEPT

- These nodes are within a fifteen minute walking distance of residential neighborhoods to permit alternative modes of transportation.
- Development will be denser and taller than the surrounding area, encouraging visual prominence to signal a gathering space.
- Nodes should be generally confined to a 1,000 foot radius from a major intersection.
- The nodes provide uses and spaces that attract and welcome neighborhood residents.

SITE DESIGN ATTRIBUTES

- Buildings should be separated from the right-of-way line by a landscaped greenbelt, one lane of off-street parking or a pedestrian walk, or a combination of these.
- Primary parking areas will be located within rear or interior side yards.
- Off-street parking should be screened from the public right-of-way by a knee wall or low decorative fence with a hedge of plantings.
- Walks will connect adjacent developments and the public sidewalks.
- Well-defined crosswalks with timed signalization will permit safe crossings.
- Flexible use of space allowing modest outdoor gathering spaces, such as plazas, will be encouraged.

BUILDING DESIGN ATTRIBUTES

- Buildings should be between two and three stories, although one-story structures accommodating gas stations or other special situations may be permitted.
- One-story buildings should have a minimum exterior height of sixteen feet.
- A ground level story should have a

minimum height of twelve feet from finished floor to finished ceiling.

- Facades facing major thoroughfares will be treated as fronts and should have a minimum of half transparent glass and special architectural design treatments.
- Fenestration (the arrangement of windows and doors) should be highlighted through the use of awnings, overhangs or trim detailing.
- Lighting will be carefully managed so as not to encroach on adjacent residential areas.

The following pages contain a table describing the primary intended uses and character of the Neighborhood Nodes designated on the Future Land Use Map. Individual Nodes are numbered and identified on the Economic Nodes Map following the table.

	Node/Intersection	Primary Uses and Character
A	14 Mile and Dequindre Road	Non-residential uses catering to the day-to-day needs of the workforce in the surrounding industrial area. Restaurants and convenience needs integrated with banks and other service uses in compact developments would suit the needs of this area.
B	Maple Road and Dequindre Road	The unique neighborhood node is home to a collection of uses serving the local Polish population. Uses complementary to the cultural center and bank which help this area serve as a gathering place and focus area for the neighborhood could include limited housing, service uses, or specialty retail and dining.
C	John R. Road and Maple Road	The node would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.
D	Big Beaver Road and Dequindre Road	This area should be a high-intensity, high-density, compact area that serves as a notable entry point to the community. Development may include residential, retail, office, and service-oriented uses, but should be designed to create a very noticeable "gateway" into Troy with its complex, high-density, mixed-use character.
E	Wattles Road and Dequindre Road	The predominant use in this node should be offices, both medical and professional. Limited commercial service uses designed to complement the main focus of the area as an office node serving this area of the City may also be permissible, if clearly secondary to the primary office character of the area.
F	John R Road and Wattles Road	This node may include all uses from high-density residential in combination with restaurants, limited office, and retail. Development at this intersection should include at least two of these uses in any one development, in order to better complement and strengthen the already mixed-use character of the node.
G	Rochester Road and Wattles Road	A careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods, should be the main uses at this intersection. Recent residential development in the area has taken pedestrian access to the intersection into consideration with effective pathways and sidewalks, and any new development at the intersection must continue this positive trend.
H	Livernois Road and Wattles Road	This lower-intensity area is characterized by single-family residential directly abutting the southwest corner of the intersection, and uses which generate only sporadic activity, such as churches and day care. This node contains the Troy Museum and Historic Village. New development or redevelopment at this node must be especially considerate of the adjoining residential and low-intensity uses and should not include any retail or restaurant uses. Office and other uses similar to the existing uses would likely provide the best combination here.
I	Crooks Road and Wattles Road	Development at this location should be low-impact and provide a high benefit to the neighborhood using the least amount of land. Compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node. The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate.
J	Dequindre Road and Long Lake Road	Predominantly commercial, catering to both local needs and regional traffic, new development and redevelopment should be mostly commercial, identifying opportunities for small office mixed-use and variations in floor area to allow for a wide range of commercial types. Pedestrian access to the adjoining area and effective screening should be primary areas of focus during the site design process.

	Node/Intersection	Primary Uses and Character
K	John R Road and Long Lake Road	Like Crooks Road and Wattles Road, compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node.
L	Rochester Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
M	Livernois Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
N	Dequindre Road and Square Lake Road	Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here.
O	John R Road and Square Lake Road	Near a known heron rookery, this node must be careful to respect this important natural resource. New development or redevelopment should complement the churches and limited commercial uses in the area, and should incorporate above-average landscaping, natural buffers, and conscientious site design to enhance the known natural features in the area.
P	Rochester Road and Square Lake Road	Major commercial uses dominate and should continue to provide a foundation for this neighborhood node. While uses in the area may cater to regional traffic, service uses, retail, and limited office uses designed to provide service to the immediate residential neighborhood should be incorporated into any new development or redevelopment plans.
Q	Livernois Road and Square Lake Road	Development in this area should be especially considerate of the remaining historic asset of the neighborhood. Adaptive use of existing historic structures must be considered before demolition or relocation of these resources. Low-intensity uses working in conjunction with one another to form a central neighborhood village, walkable and accessible, would create an ideal complement to the predominantly residential surroundings.
R	John R Road and South Boulevard	Small local commercial uses and office uses should be the focus of this node, to complement the large scale office development across the City's boundary to the north, within the City of Rochester Hills.
S	Rochester Road and South Boulevard	This neighborhood node provides a suitable mix of uses to cater to the daily needs of the immediate residential area, while also providing a unique opportunity for specialty retailers, compact walkable residential development, and small-scale office development in an integrated, mixed-use setting.
T	Livernois Road and South Boulevard	Limited local commercial and housing for seniors in a dense development pattern should remain the primary focus of this neighborhood node.
U	Crooks Road and South Boulevard	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.



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associates, inc.

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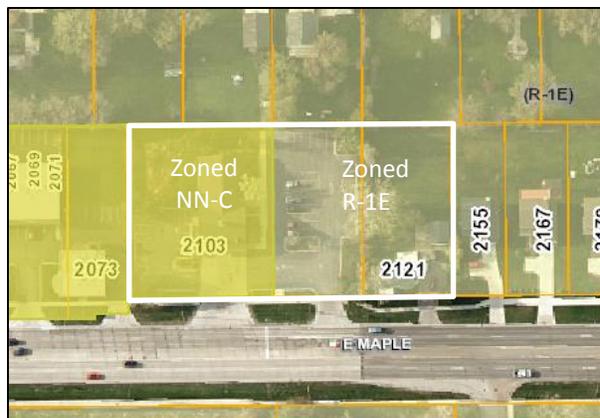
Date: June 12, 2015

Rezoning Analysis For City of Troy, Michigan

Applicant:	William Nelson, Fire Chief c/o City of Troy, Michigan 500 W. Big Beaver Rd. Troy, MI 48084
Project Name:	Troy Fire Station #4 Rezoning
Location:	2103 and 2121 E. Maple Rd. (north side of Maple, east of John R.)
Current Zoning:	R-1E, One-Family Residential
Proposed Rezoning:	NN-C, Neighborhood Node
Action Requested:	Rezoning to NN-C, Neighborhood Node
Required Information:	As provided within this review

PROJECT AND SITE DESCRIPTION

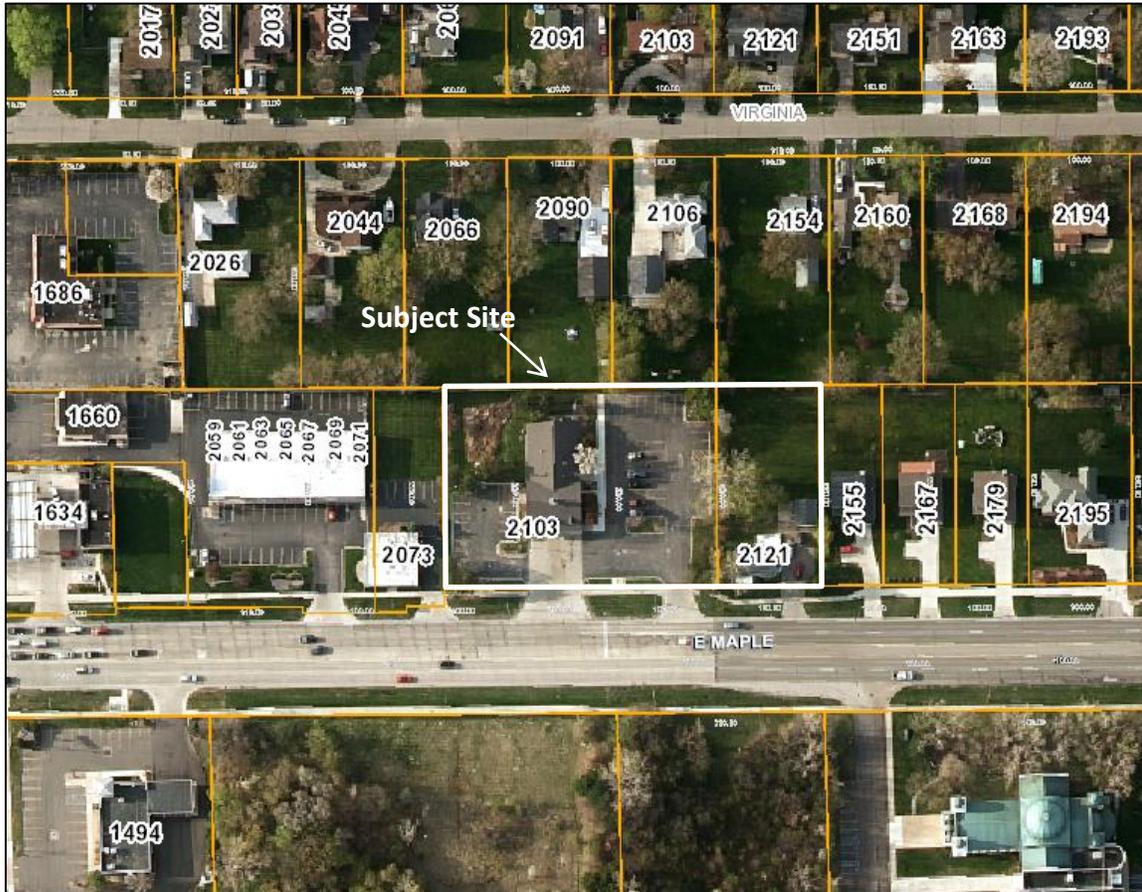
The applicant, the City of Troy, is proposing to rezone two (2) parcels from R-1E, One Family Residential, to NN-C, Neighborhood Node. 2103 E. Maple is approximately 1.10 acres in area and has split zoning of R-1E on the eastern portion and NN-C on the western portion. The western portion (zoned NN-C) is currently improved with Troy Fire Station #4 while the eastern portion (zoned R-1E) is improved with a parking lot associated with the fire station. 2121 E. Maple is approximately 0.5 acres in size and is currently improved with a single-family detached home.



The City of Troy purchased 2021 E. Maple with the intent of demolishing the existing fire station and home and constructing a larger station. Publicly-owned and operated office and service facilities (including fire stations) are permitted by-right within the NN-C District.

The applicant is requesting that the eastern portion of 2103 E. Maple and all of 2121 E. Maple be rezoned to NN-C. If rezoned, the applicant will submit a site plan for approval. An aerial image of the subject site is depicted in **Figure 1**.

Figure 1: Subject Site



MASTER PLAN

The adopted 2008 Troy Master Plan designates the subject site as, “John R. Road and Maple Road” Neighborhood Node. The Master Plan states that this node, “[...] would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.” The Future Land Use of the subject site and surrounding parcels is illustrated in **Figure 2** and **Table 1** below:

Figure 2. – Future Land Use



Table 1. – Future Land Use

Direction	Future Land Use
Subject Site	Neighborhood Node
North	Neighborhood Node/Single Family Residential
South	South John R. Road
East	Single Family Residential
West	Neighborhood Node

The Master Plan envisions a mix of commercial, office and high-density residential for the Neighborhood Nodes. The proposed rezoning to Neighborhood Node corresponds to and is consistent with the Troy Master Plan.

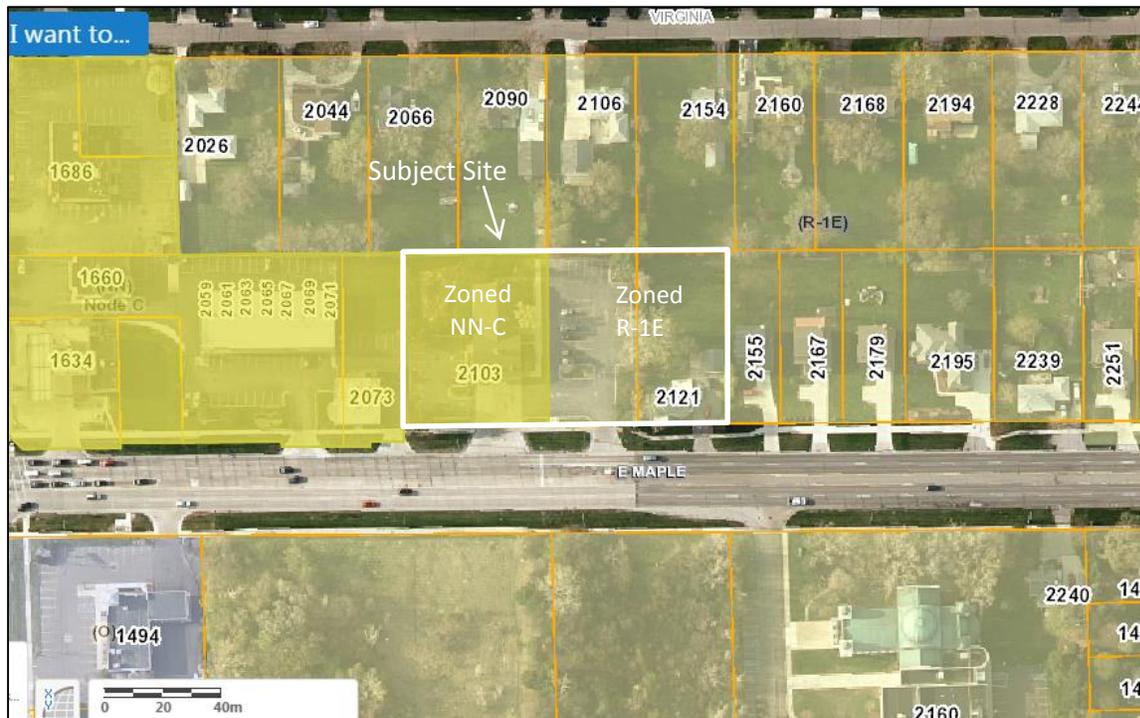
ZONING AND LAND USE

The Zoning and existing land uses for the subject site and surrounding parcels is listed in **Table 2** and in **Figure 3**:

Table 2. – Zoning/Existing Land Use

Direction	Zoning	Existing Use
Subject Site		
2103 – East	R-1E	Parking Lot for Fire Station
2103 – West	NN-C	Fire Station #4
2121	R-1E	Single-Family Home
North	R-1E	Single-Family Home
South	R-1E	Vacant
East	R-1E	Single-Family Home
West	NN-C	General Retail/Service

Figure 3. – Zoning of Subject Site and Surrounding Parcels



The two (2) subject parcels are zoned NN-C, Neighborhood Node and R-1E, One Family Residential. 2103 E. Maple features split zoning, with NN-C on its western portion and R-1E on its western portion; only the eastern portion is proposed to be rezoned. The subject site is bordered on its north, east and south by R-1E, One Family Residential District and is bordered on its west by NN-C, Neighborhood Node.

The intent of the Neighborhood Nodes District is to serve as the core of the “economic neighborhoods” of Troy as identified in the Master Plan. Economic destinations are intended to serve as “go to” places that serve as village centers, which can include integrated residential development. Neighborhood Nodes should draw people and should be visually distinguished from the surrounding area. However, development within Neighborhood Nodes must respect adjacent neighborhoods and should provide appropriate transition to adjacent residential areas.

The applicant offers the following reasons for the proposed rezoning and new fire station:

- The NN District is consistent with the zoning of the abutting property to the west.
- The NN District is consistent with the Master Plan which calls for a neighborhood node at this location.
- Fire stations must be strategically-located in the community based on travel distance from the station to the protected properties in the response district.
- Fire Station #4 is in need of replacement due to obsolescence; the most practical alternative to replace the existing station is to build a new building on the existing site (which has been expanded through the purchase of the property immediately east of the existing site. This alternative maintains fire protection from the site during construction.

Overall, the proposed rezoning is consistent with the existing NN-C zoning of the abutting property to the west. Any future site plans must meet the standards of the NN-C District and mitigate any impacts upon adjacent one-family-zoned or used parcels. A future site plan will be reviewed by the Planning Commission.

FUTURE DEVELOPMENT

If the proposed rezoning is approved, any future development shall be required to meet the standards of the Neighborhood Node regulating plan contained within the Zoning Ordinance. The applicant has submitted a conceptual site plan for the future fire station which illustrates a 10,500 sq. ft. building, thirty-six (36) parking spaces and a stormwater detention pond. Per Table 5.06.C.2 of the Zoning Ordinance, Building Types A, B and C are permitted by-right on sites zoned NN-C, while Building Type D is permitted with special approval. Though we have not completed a full site plan review, it appears that the conceptual plan meets the zoning requirements for NN-Neighborhood Node. Issues such as buffering, building placement, lighting, and landscaping will be reviewed as part of a detailed site plan review.

REZONING STANDARDS

As set forth in Section 16.03.C, the following standards shall be applied to a rezoning:

1. *The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:*

- a. *A change in City policy since the Master Plan was adopted.*
- b. *A change in conditions since the Master Plan was adopted.*
- c. *An error in the Master Plan.*

CWA Comment: The adopted 2008 Troy Master Plan designates the subject site as, "John R. Road and Maple Road" Neighborhood Node. The Master Plan envisions a mix of commercial, office and high-density residential for the Neighborhood Nodes. The proposed rezoning to Neighborhood Node corresponds to and is consistent with the Troy Master Plan.

2. *The proposed rezoning will not cause nor increase any non-conformity.*

CWA Comment: The rezoning will not cause any non-conformity. Any future development requires a site plan review by the Planning Commission.

3. *Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.*

CWA Comment: The rezoning will improve public service to the area, while not increasing public utilities.

4. *The rezoning will not impact public health, safety, or welfare.*

CWA Comment: The rezoning will improve public health, safety, and welfare by providing a modern fire station to serve the surrounding area.

5. *The rezoning will ensure compatibility with adjacent uses of land.*

CWA Comment: A portion of the site is currently used as a parking lot for the fire station. The other portion is a single-family home, which the applicant proposes to remove. Issues such as buffering, building placement, lighting, and landscaping will be reviewed as part of a detailed site plan review. Through proper site design, the rezoning will not impact adjacent uses of land.

We find that the proposed rezoning is consistent with the required standards.

RECOMMENDATIONS

The proposed rezoning from R-1E to NN-C is in substantial compliance with the City of Troy Master Plan, is consistent with abutting commercial uses to the west, and meets the rezoning standards set forth in Section 16.03.C of the Zoning Ordinance. We recommend approval of the proposed rezoning.


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

Supporting Statement for Rezoning 2103 and 2121 E. Maple from R-1E to NN-CC

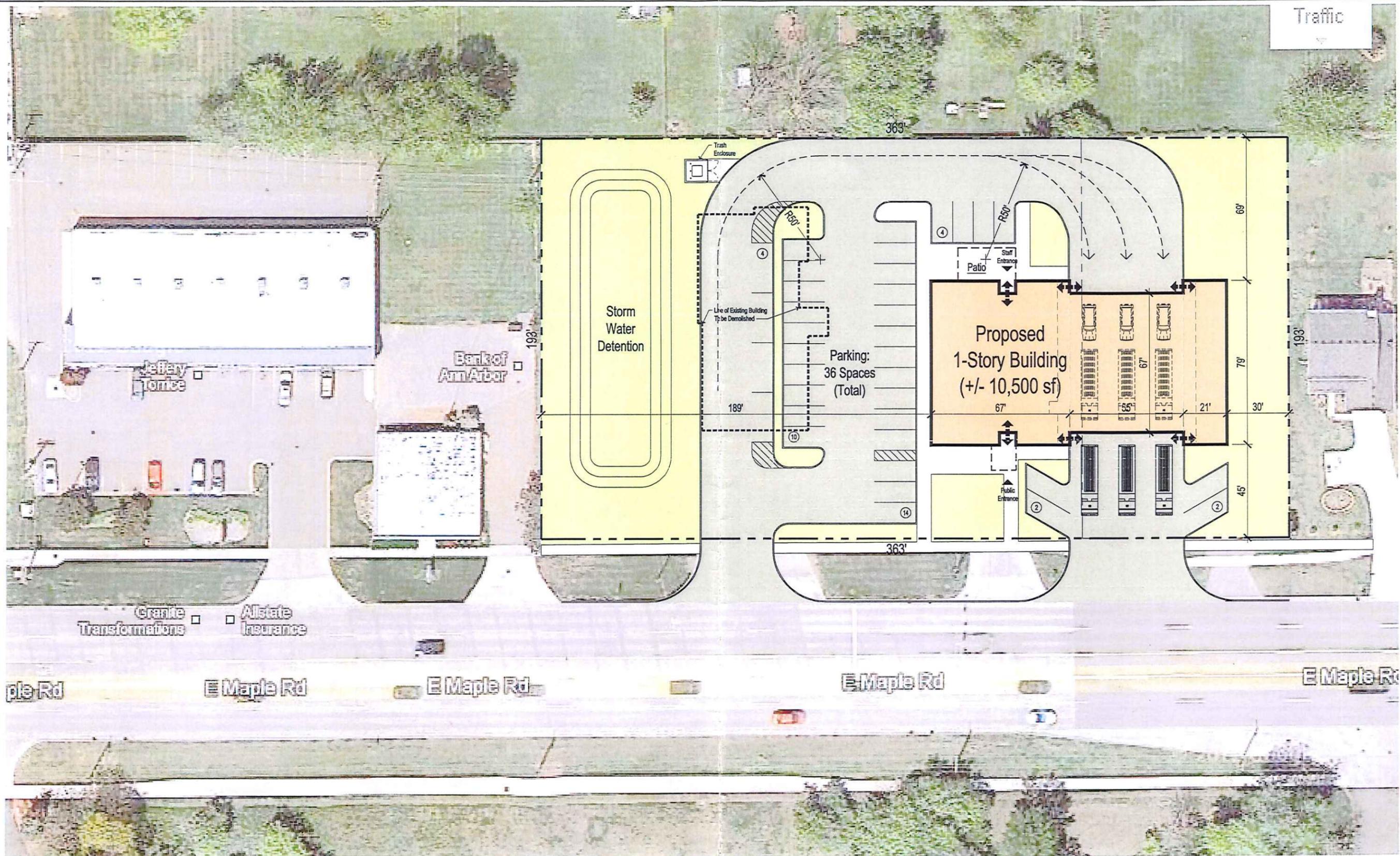
The following are the reasons that the fire department believes that these properties shall be rezoned from R-1E to NN-CC:

- The current site of Fire Station 4 has been a fire station since 1968.
- NN district is consistent with the zoning of the abutting property to the west, upon which the current fire station sits.
- NN district is consistent with Master Plan which calls for a neighborhood node at this location.
- Fire stations must be strategically located in the community based on travel distance from the station to the protected properties in the response district.
- Fire Station 4 is in need of replacement due to obsolescence and the most practical alternative to replace it is to build the new building on the existing site which has been expanded through the purchase of the property immediately east of the existing site. This alternative maintains fire protection from the site during construction.

Submitted by:



William Nelson
Fire Chief
City of Troy



LOGOS



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 Bloomfield Hills, MI 48302-1008
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 Fax: 248-418-0969
 www.redstonearchitects.com

PROJECT TITLE AND ADDRESS

**CITY OF TROY
 FIRE DEPARTMENT
 STATION No. 4**
 TROY, MICHIGAN

SHEET TITLE

**Conceptual
 Site Plan**

0 10' 20' 40' SCALE: 1" = 20'



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DATE 02/25/13

PROJECT NO. 3557.00

SHEET NO.

A-1

DATE: June 19, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: CONDITIONAL REZONING APPLICATION (File Number CR 013) – Proposed Amber Studios and Lofts, East side of Livernois between Vermont and Birchwood, Section 21, From O (Office) District to MR (Maple Road) District

The applicant, Amber Properties Company, seeks a conditional rezoning of the subject parcel from O (Office) District to MR (Maple Road) District. As part of the application, the applicant submitted a Preliminary Site Plan for a three-story building with a mezzanine. The proposed 35-unit building is 36 feet in height, measured at the midpoint of the roof.

The site is within the Maple Road classification in the City of Troy Master Plan. This classification supports a wide range of uses including multiple-family residential development.

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

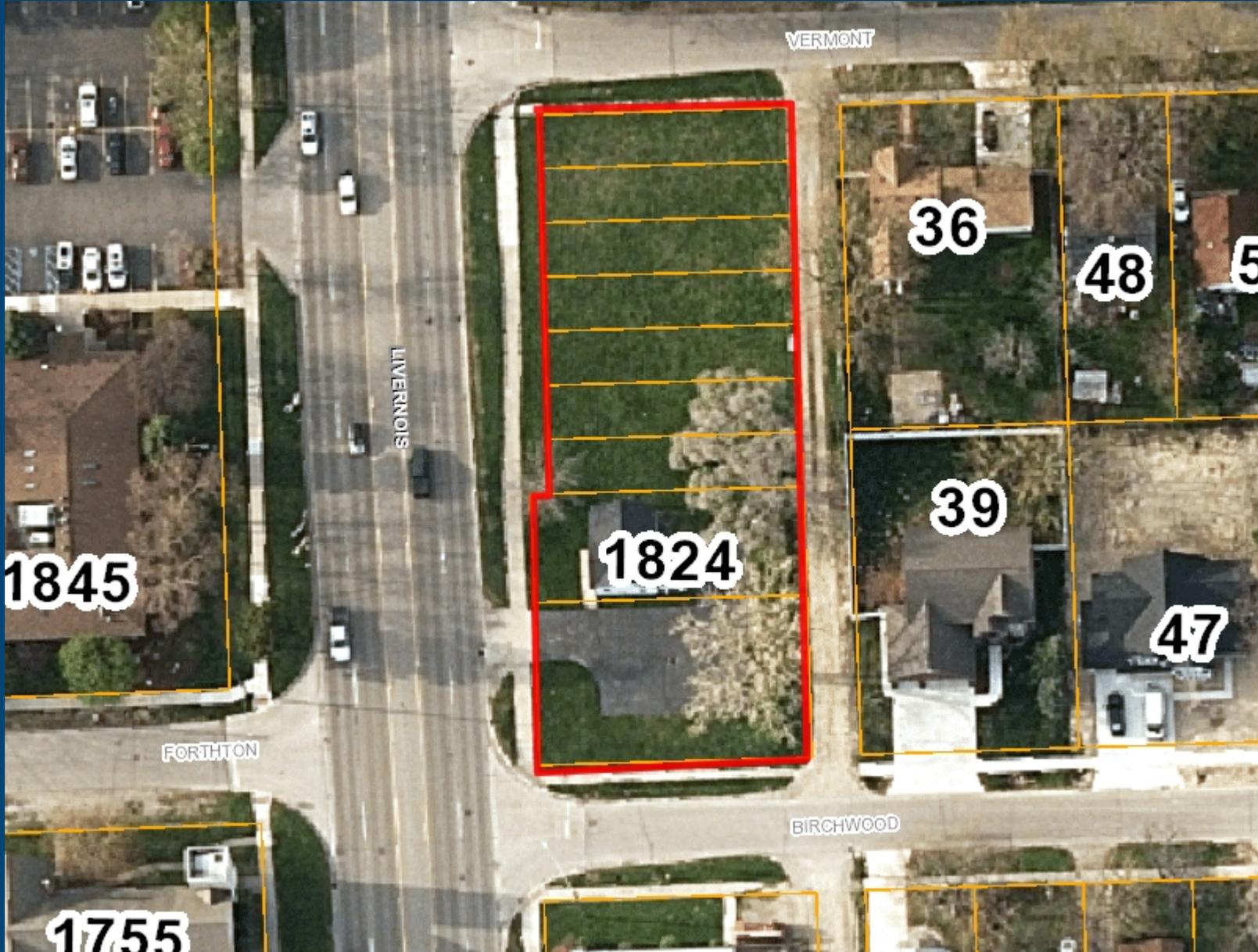
The applicant seeks input from the Planning Commission on this application. The next step in the process is scheduling a Planning Commission public hearing.

Please be prepared to discuss this item at the June 23, 2015 Planning Commission Regular meeting.

Attachments:

1. Maps
2. City of Troy Master Plan (excerpt)
3. Report prepared by Carlisle/Wortman Associates, Inc. (for original Rezoning application)

G:\Conditional Rezoning\CR-013 Amber Studios and Lofts Sec 27\PC Memo 06 23 2015.doc



Legend:

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

150 0 75 150 Feet

Scale 1: 900



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

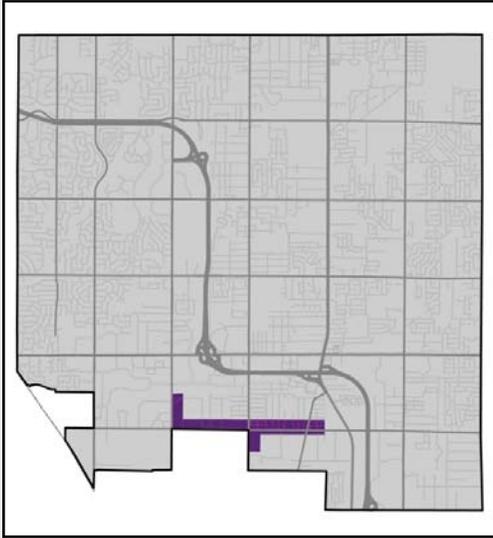
Aerial

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

183 0 92 183Feet

Scale 1: 1,100

**Maple Road:
Mixed-Use**



- *Predominantly industrial area, but with limited opportunities for transitional or service-oriented uses that complement the primary adjacent industrial areas*
- *Potential for urban-style open floorplan housing in redeveloping areas*
- *Focus on the quality of access management throughout Maple Road*

The Maple Road Corridor provides an opportunity for new, emerging land use types in the City of Troy. Limited development of industrial-style 3 to 4 story buildings with open-floorplan housing, developed in a transit-oriented setting, for instance, may be appropriate in some places. This type of development would help diversify the City’s housing stock and provide a more effective buffer between the Corridor and the industrial uses located in the immediate area.

Uses designed to support the workforce in the area may also be appropriate. Local commercial or small, mixed-use developments having a combination of such uses could greatly improve the character and image of this area. Such amenities would also help smaller, local industrial uses to recruit the best workforce.



New loft style, open floorplan residential development in Nashville

DESIGN CONCEPT

- This area will be a high-quality, eclectic mix of land uses and architectural types.
- Emphasis should be placed less on land use and more on building and site design. Design should not reflect traditional forms of “colonial” architecture.
- Development should be linked together visually and functionally throughout the corridor.

SITE DESIGN ATTRIBUTES

- Uniform “build-to” lines guiding a uniform containment of open space within the right-of-way should be established.
- Primary parking areas should be within rear or interior side yards.
- Landscape design creativity will be encouraged by setting general parameters relating to environmental sustainability such as limiting storm water runoff.
- Larger sites with deep set buildings should redevelop with buildings near the Maple Road right-of-way line.
- Mass transit stops should be accommodated (see page 115)

BUILDING DESIGN ATTRIBUTES

- Maximum height should not exceed four stories and limited to two stories for properties abutting single-family residential neighborhoods.
- Design creativity with regard to materials will be encouraged, although low quality materials or building designs that inhibit activity on the corridor will not be permitted.

- Primary parking areas within rear or interior side yards.
- Landscape design creativity should be encouraged by setting broad general parameters relating to environmental sustainability such as limiting storm water runoff or reusing gray water for irrigation.



Maple Road may provide a unique venue to expand opportunities for public art placement and for area artists to work and live.



CARLISLE

WORTMAN
associates, inc.

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(734) 662-1935 Fax

MEMORANDUM

TO: Planning Commission, City of Troy

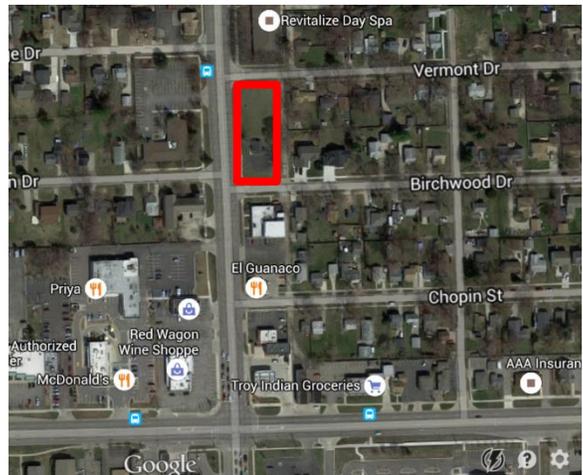
FROM: Benjamin R. Carlisle, AICP

DATE: June 17, 2015

RE: Amber Studios and Lofts

The applicant has submitted a conditional rezoning application and site plan for a property located on the east side of Livernois between Birchwood and Vermont, just north of Maple Road. The 0.5 acre site is currently improved with a small office building on the south end. The site is currently zoned O, Office.

The applicant proposes a 35-unit, three-story plus mezzanine, 36-foot tall apartment building. The applicant is proposing studios and studio/lofts that range from size from 355 to 485 sq/ft. The applicant notes that this apartment type is unique to Troy and is an underserved market aimed at young professionals.



The applicant proposes to vacate and obtain 1/2 of the alley that abuts the property to the east. The other 1/2 of the alley will be offered to the adjacent single-family property owners. The applicant seeks a rezoning from O, Office to Maple Road Form-Base District. O, Office District does not permit multiple-family residential. Maple Road Form-Base District does permit multiple-family residential.

Adjacent Zoning and Land Uses		
<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	O, Office	Office
South	CB, Community Business	Office
East	R1-E, One Family Residential	Single Family Residential
West	O, Office	Office

We have not completed a full site plan review but offer the following comments for Planning Commission consideration:

Master Plan

The site is located in the *Maple Road Corridor* classification in the 2008 Master Plan and the 2015 Master Plan update. The plans calls for segments without a strong existing market consider alternative uses including residential and useable open space as a market driven solution. Troy has started to experience a demand for alternative housing options. Segments along Maple Road supply vast areas of underused land that is available to meet the demand for alternative housing types. Because many sections of Maple Road are bordered by residential neighborhoods, it is much easier for these segments to attract reinvestment by integrating with the surrounding neighborhoods rather than compete with larger, developable parcels at major mile intersections. Furthermore, since many established residential neighborhoods are only one parcel off Maple Road, converting some segments to residential replaces the conflicting land use with a compatible land use that completes the neighborhood along the Maple Road boundary. Re-making sections of the corridor by putting some residential on the frontage is an opportunity to complete the residential neighborhood and provide an appropriate transition.

While the use is desired, a key feature of the *Maple Road Corridor* is an emphasis on quality building and site design. Specifically, proper building siting and design creativity with regard to materials and architectural style is encouraged. The desire for design and architectural quality is reflected in the building placement and design requirements for Maple Road. Provided that the applicant is able to address site plan issues noted below, we find that a rezoning to Maple Road Form-Base District would be consistent with Master Plan.

Conditional Rezoning:

The applicant notes that currently there is little market for office use, highlighted by the high office vacancy rate. Furthermore, the applicant notes that the O, Office District zoning is limited in terms of uses.

The conditions offered by the applicant include:

- Buildings will be developed under Building Form C
- Density shall not exceed 35 multi-family dwelling units
- Building height is limited to no more than three stories and mezzanine, with a maximum roof height of 36 feet.
- Use is limited to multiple family residential
- Site Plan

Conditional rezoning standards are set forth in Section 16.04.C.3. The Planning Commission should consider and the applicant should address the following rezoning standards:

- a. *The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.*
- b. *The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:*
 1. *A change in City policy since the Master Plan was adopted.*
 2. *A change in conditions since the Master Plan was adopted.*
 3. *An error in the Master Plan.*

- c. *The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.*
- d. *Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.*
- e. *The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.*

Maple Road Form-Based District Zoning and Site Plan

The Maple Road Corridor is intended to allow for creative redevelopment and a home for emerging land use types in the City. Uses designed to support the residents and local workers are also encouraged, such as mixed-use developments with small scale retail or restaurant uses incorporated with housing units. The redeveloped Corridor will help diversify the City's housing and commercial stock.

The applicant has chosen to develop the site Building Form C. Building C is primarily designed for attached residential or live/work residential units, with townhouses and urban-style residential developments that are compatible with the higher-density and more urban character of an area. Building Form C is the appropriate building type based on the use. The following items should be considered:

Height:

The proposed building is three stories plus a mezzanine. The height measures 36-feet to the midpoint of the roof. Building Form C permits a height of up to 4 stories or 55 feet. The properties to the east are zoned R-1E, One Family residential, with a maximum building height of 30-feet. The proposed 36-foot height is consistent with the current O, Office District zoning which allows permits three (3) stories, 36 feet in height.

The mezzanine story, which starts approximately 30-feet in height, includes a balcony. The balconies are fronting on both the front (facing Livernois) and the rear (facing single-family neighborhood). We have asked the applicant to remove the mezzanine/balcony on the rear of the building and only maintain the mezzanine/balcony on the front (facing Livernois). If the balconies that face the residential neighborhood remain, the applicant will need to explain how they can mitigate impact upon the adjacent single-family residential neighborhood.

Relationship of Building to Birchwood:

The site has three (3) fronts: Livernois, Vermont, and Birchwood. The Birchwood frontage includes a thirty-five (35) foot setback with three (3) parking spaces between the street and the building. The maximum building setback is 30 feet and requires Planning Commission approval. At a minimum the applicant will need to move the building at least five (5) feet closer to Birchwood.

Parking:

For studio/efficiency units, the Zoning Ordinance requires one (1) space per unit. The applicant has provided the required one (1) space per unit. In addition, the applicant has provided five (5) guest parking spaces. If guest parking demand exceeds five (5) spaces, the only area for additional parking would be located along Vermont and Birchwood, as on-street parking is not permitted on Livernois.

Density:

The applicant is proposing 35 units on 0.5 acres, which equates to 70 units per acre. For comparison, the recently approved Maple Road apartments had an approved density of 31 units per acre. Based on our information, the density requested is higher than anywhere else in the city.

If contextual with surrounding areas, density is appropriate, especially for alternative housing options and in close proximity to commercial areas such as Maple Road. When considering density for this project the Planning Commission should consider the number of units with the type of units. Studio units are designed for one-person occupancy, as compared to the two and three bedroom units the Planning Commission has recently approved. In essence, 35 studio units equates to 35 people living on site, which would be the comparable number of people if there were ten (10) three-bedroom units.

There is no maximum density in the Maple Road Form-Based District; however, the Planning Commission should consider potential impacts upon surrounding properties because of the number of units on the small site.

North and South Elevations:

As noted, the site has three (3) fronts. A requirement of the Form-based district is 50% transparency along public ROWs. It appears that the north and south elevation do not meet the 50% transparency requirement.

Summary of items for Planning Commission to discuss:

- Does the Planning Commission concur that the use is consistent with the Master Plan?
- Has the applicant meet the Conditional Rezoning standards?
- How does the applicant propose to mitigate impact upon adjacent properties, particularly the adjacent single-family residential neighborhood?
 - Height
 - Guest Parking
 - Density
- How does the applicant plan to address design issues?
 - Building relationship to Birchwood
 - North and south building elevations

The Planning Commission is asked to consider the Conditional Rezoning and provide feedback to the applicant.

Yours Truly,



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

AMBER STUDIOS AND LOFTS

AMBER PROPERTIES COMPANY

1800 - 1870 LIVERNOIS ROAD, TROY, MI 48083

KEM-TEC & ASSOCIATES

22556 GRATIOT AVENUE
EASTPOINTE, MI 48021
T: 586.772.2222
F: 586.772.4048

GENERAL	
G001	PROJECT COVER SHEET
CIVIL	
C-1	SITE PLAN
C-2	GRADING PLAN
LANDSCAPING	
L-1	LANDSCAPE PLAN
L-2	LANDSCAPE DETAILS
ARCHITECTURAL	
AS001	ARCHITECTURAL SITE PLAN
A111	FIRST & SECOND FLOOR PLANS
A121	THIRD FLOOR & MEZZANINE PLANS
A131	ROOF PLAN
A201	EXTERIOR ELEVATIONS
A202	GROUND STORY ACTIVATION
ELECTRICAL	
ESC01	EXTERIOR SITE LIGHTING PLAN

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CONSTRUCTION

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COMPANY
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CLAWSON, MI 48017

AMBER STUDIOS AND
LOFTS
TROY, MI 48083

CHECKED:
SCALE:
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ISSUE:

2015 05 22	SITE PLAN REVIEW

SHEET TITLE:
PROJECT COVER SHEET



5/21/2015 2:05:44 PM
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ELECTRICAL ENGINEER
KEVIN RETTICH
STATE OF MICHIGAN

CIVIL ENGINEER
JEFFERY A MARTELL
STATE OF MICHIGAN

ARCHITECT
JUSTIN F WIEBER
STATE OF MICHIGAN 58488

G001
214100111

Project:

Landscape Notes:

Pre-installation

- 1) Qualifications of the Landscape Contractor
 - a) The landscape contractor shall be licensed by the State of Michigan, Department of Agriculture Plant Industries Division to handle plant materials.
 - b) The landscape contractor will be covered by a public liability and property damage insurance policy.
 - c) The landscape contractor shall conform to all Federal and State Labor Laws.
- 2) Landscape Contractor to verify all measurements in the field.
- 3) Landscape Contractor to report all discrepancies to the Landscape Architect.
- 4) Verify substitutions with the Landscape Architect prior to purchase of plant materials. Substitution of materials included in an approved plan shall be made with the consent of the City. The developer shall provide an as-built drawing indicating the changes prior to the release of the landscape deposit.
- 5) Landscape Contractor to contact MISS DIG (800-482-7171) at least 5 working days prior to digging on site.

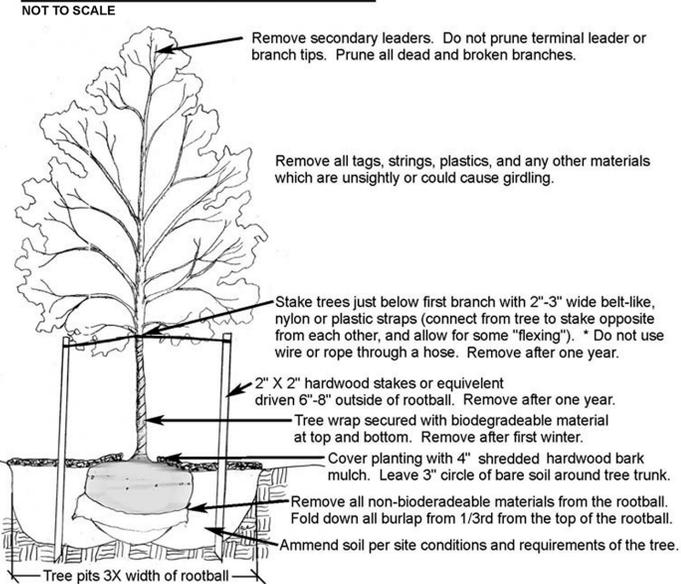
Landscape installation

- 6) Soils in planting beds to be loosened and amended where necessary for good drainage and appropriateness for the individual plant needs. Organic matter should be worked into the soils.
- 7) Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Oakland County, conform to the current minimum standards for nursery stock of the American Nursery and Landscape Association and shall have proof of any required governmental regulations and/or inspections.
- 8) The landscape contractor shall guarantee that all plants are true to botanical name, and that the quality and size meet the approved specifications.
- 9) All plant material shall conform in botanical name, dimensions, and quality of the "Horticultural Standards" adopted by the American Association of Nurserymen.
- 10) Balled and Burlapped plant material shall be balled with original clay soil, intact with the fibrous roots to insure maximum recovery after transplanting.
- 11) Potted plants shall have sufficient root structures to insure full recovery and development.
- 12) Nursery stock shall be vigorous, free from disease, insects, insect eggs, or larvae.
- 13) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
- 14) Artificial plant materials are prohibited.
- 15) Native species of trees and shrubs shall constitute at least fifty percent (50%) of the total proposed plantings in accordance with the standards set forth in Section 13.02.A.7.
- 16) Water all plant materials thoroughly during planting.
- 17) Beds to be edged with a trench. Top of mulch to be level with the lawn.
- 18) Mulch shall be applied at a minimum depth of four inches, composed of shredded materials (not recycled construction materials or pallets), and installed in a manner as to present a finished appearance.
- 19) The landscape contractor shall fully guarantee that all plants are in a vigorous growing condition during and at the end of the guarantee period. This guarantee period shall be minimum of one (1) year from the completion date of the project.
- 20) Replacement plants and/or landscape materials other than plants shall be in accordance with the approved original specifications.
- 21) All trees between the sidewalk and curb should be a minimum of 15 feet away from a driveway that opens onto a public street.
- 22) Trees planted within 25 feet of the inside corner shall have no limbs lower than 8 feet above the lowest established street grade.
- 23) If required, berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- 24) Landscape Contractor to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
- 25) Areas adjacent to parking lots, a minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
- 26) The contractor shall at all times keep the premises and public streets free from any excessive accumulation of soil and waste material or rubbish caused by his employees or work, and at the completion of the work, he shall remove all his waste, excessive material, rubbish and equipment so as to leave the premises neat and clean and ready for the purpose for which it was intended.
- 27) The contractor shall properly protect all existing structures and property. This is to include, but not to be limited to: sidewalks, curbs, fences, buildings, lawns, trees and shrubbery. Repair of all parts shall be done in strict accordance with the requirements of the proper City authorities.

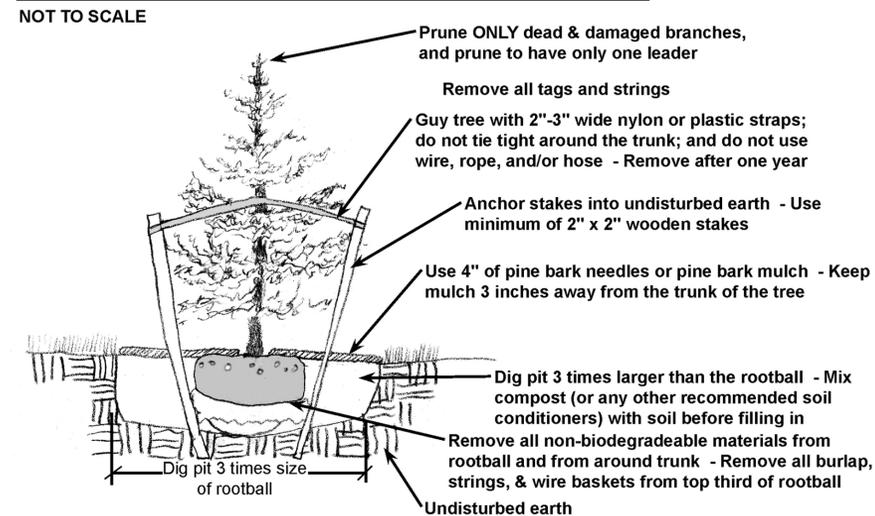
Post installation

- 28) All diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.
- 29) Landscaping required by this Ordinance shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.
- 30) All landscaped areas shall be provided with irrigation or a readily available and acceptable water supply.

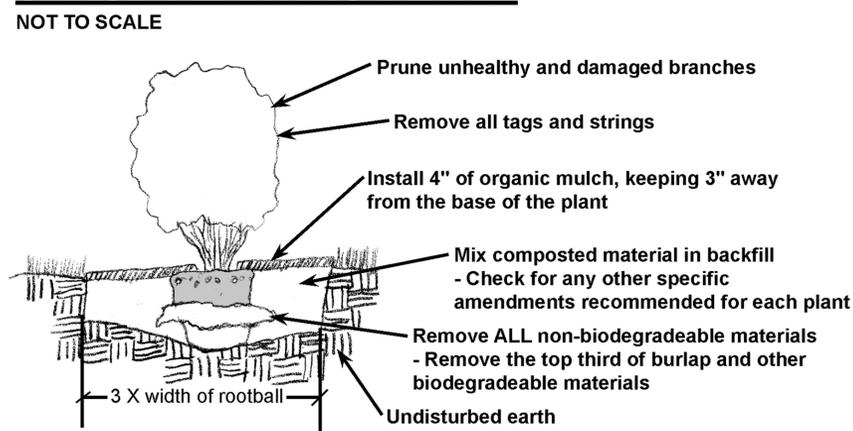
TREE PLANTING DETAIL



EVERGREEN TREE PLANTING DETAIL



SHRUB PLANTING DETAIL



Requirements:

- Screening Between Land Uses [§13.02.B.]**
- Requirement: Screen Alternative #1 or #2 along East property line
 - + Provided: Evergreen Screening along East property line
 - + Provided: 6' 4" wide greenbelt, and if the entire alley is considered, then a 15' 4" wide greenbelt
- Greenbelt Along Right-Of-Way [§13.02.D.]**
- Requirement: 16 Trees [110.22' + 239.98' + 117.56 = 467.76 ÷ 30 = 16]
 - + Provided: 16 Trees
 - Requirement: 10' wide greenbelt
 - + Provided: 10'+ greenbelt
- Site Landscaping**
- Requirement: 15% of site as greenspace
 - + Provided: 18.75% of site as greenspace
- Off-street Parking Visibility [§5.05.E.5.b.iv & §13.02.C.3.b]**
- Requirement: Berm or wall 3' high
 - + Provided: Berm with evergreen shrubs
- Tree Preservation Plan [§8.05.A.9.]**
- Requirement: Tree Preservation Plan
 - + Provided: Not Required - No regulated trees on site.

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Date: May 22, 2015
For: Site Plan Approval
Revisions:

Design by:
Eric A. Olson, PLLC
115 1/2 South Saginaw Street
Holly, Michigan 48442
(248) 634-4320
fax (248) 634-4409
EOlsonRLA@esglobal.net

CONDITIONAL REZONING
Landscape Details for.
AMBER STUDIOS and LOFTS
1800 - 1870 Livernois Road, City of Troy, Michigan 48083

811 Know what's below.
Call before you dig.

GROSS BUILDING SQUARE FOOTAGE:
NET SQUARE FOOTAGE SUMMARY:

FIRST FLOOR:	2,889 SQ FT NET UNITS 404 SQ FT MECH + WALLS + STAIRS (4,397 GROSS SQ FT)
SECOND FLOOR:	4,856 SQ FT NET UNITS + WALLS + STAIRS (6,998 GROSS SQ FT)
THIRD FLOOR & MEZZANINE:	6,720 SQ FT NET UNITS + WALLS + STAIRS (7,400 GROSS SQ FT)
BUILDING GROSS SQ FT:	18,795 SQ FT*

*MEZZANINES DO NOT CONTRIBUTE TO EITHER BUILDING AREA OR NUMBER OF STORIES AS REGULATED BY SECTION 503.1.

SITE INFORMATION:
EXISTING SITE: LAND SITUATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN IS DESCRIBED AS FOLLOWS:

20-27-353-029
LOTS 63, 64 AND 65, ADDISON HEIGHTS SUBDIVISION No. 1, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-008
LOTS 61 AND 62, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-007
THE EAST 93 FEET OF LOT 60, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-006
THE EAST 93 FEET OF LOT 59, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-005
THE EAST 93 FEET OF LOT 58, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-004
THE EAST 93 FEET OF LOT 57, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-003
THE EAST 93 FEET OF LOT 56, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-002
THE EAST 93 FEET OF LOT 55, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-001
THE EAST 93 FEET OF LOT 54, ADDISON HEIGHTS SUBDIVISION No. 2, AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

SETBACK INFORMATION:
PROPERTY SETBACKS SUBJECT TO SETBACK REQUIREMENTS AS FOLLOWS PER TABLE 5.03.B.3 BUILDING FORM C, UNLESS OTHERWISE ALLOWED BY THE PLANNING COMMISSION:

FRONT:	REAR:	SIDE:
MINIMUM: 10'-0"	MINIMUM: 30'-0"	MINIMUM: N/A
MAXIMUM: 30'-0"	MAXIMUM: NONE	MAXIMUM: NONE

THE PROPOSED BUILDING SETBACKS ARE:
FRONT (WEST, NORTH) BUILD TO LINE: 10'-0" TO FACE OF BUILDING
FRONT (SOUTH) BUILD TO LINE: 35'-8" TO FACE OF BUILDING
REAR (EAST): 50'-4" TO FACE OF BUILDING

BUILDING HEIGHT INFORMATION:
THE PROPOSED BUILDING HEIGHT IS 36' - 0" TO THE MID POINT OF THE ROOF.

BARRIER FREE REQUIREMENTS:
BARRIER FREE PARKING:
2% OF THE TOTAL NUMBER OF SPACES REQUIRED. (MIN OF 1)
(2 BARRIER FREE SPACES ARE REQUIRED FOR THE 94 SPACES PROVIDED.)

BARRIER FREE DWELLING UNITS:
2% OF TOTAL UNITS ARE REQUIRED TO BE "TYPE A" (MIN OF 1) PER NBC 1107.6.2.1.1.
THE 1 "TYPE A" UNIT IS LOCATED ON THE FIRST FLOOR.

BUILDING INFORMATION:

OCCUPANCY USE:	R-2
CONSTRUCTION TYPE:	5B
FIRST FLOOR AREA:	4,397 GROSS SQ FT
SECOND FLOOR AREA:	6,998 GROSS SQ FT
THIRD FLOOR AREA:	7,400 GROSS SQ FT
MEZZANINE FLOOR AREA:	1,134 GROSS SQ FT
TOTAL:	21,396 GROSS SQ FT*

*MEZZANINES DO NOT CONTRIBUTE TO EITHER THE BUILDING AREA OR THE NUMBER OF STORIES AS REGULATED BY MBC SECTION 503.1

SITE AREA: 25,032 SQ FT (+/- 0.575 ACRES)
*INCLUDES WEST 9' - 0" OF THE VACATED ALLEY

CURRENT ZONING: OFFICE DISTRICT
PROPOSED ZONING: MAPLE ROAD DISTRICT
PROPOSED USE: EFFICIENCY APARTMENTS

PROPOSED MULTIPLE FAMILY RESIDENTIAL USE:
STUDIO APARTMENTS (RENTAL).

35 UNITS PROPOSED - 1 PARKING SPACES / EACH DWELLING UNIT (REQUIRED)

PARKING REQUIRED: 35 SPACES
PARKING PROVIDED: 39 SPACES + 1 SPACES BARRIER FREE = 40 TOTAL SPACES

PROPOSED OPEN SPACE: 4,694 SQ FT (OPEN) / 25,032 SQ FT (SITE) = 18.75%*

* 15% REQUIRED OPEN SPACE BASED ON TABLE 5.03.B.3 BUILDING FORM C

BUILDING SITE COVERAGE: 7,400 SQ FT (BUILDING FOOTPRINT) / 25,032 SQ FT (SITE) = 30.00%

APARTMENTS TYPES	UNIT TYPE	QUANTITY	NET SQ FT
TYPE "01" STUDIO	(0)	7	425
TYPE "02" STUDIO	(0)	14	355
TYPE "03" STUDIO LOFT	(0)	14	486 (399+93)
		35 UNITS	

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CLAWSON, MI 48017

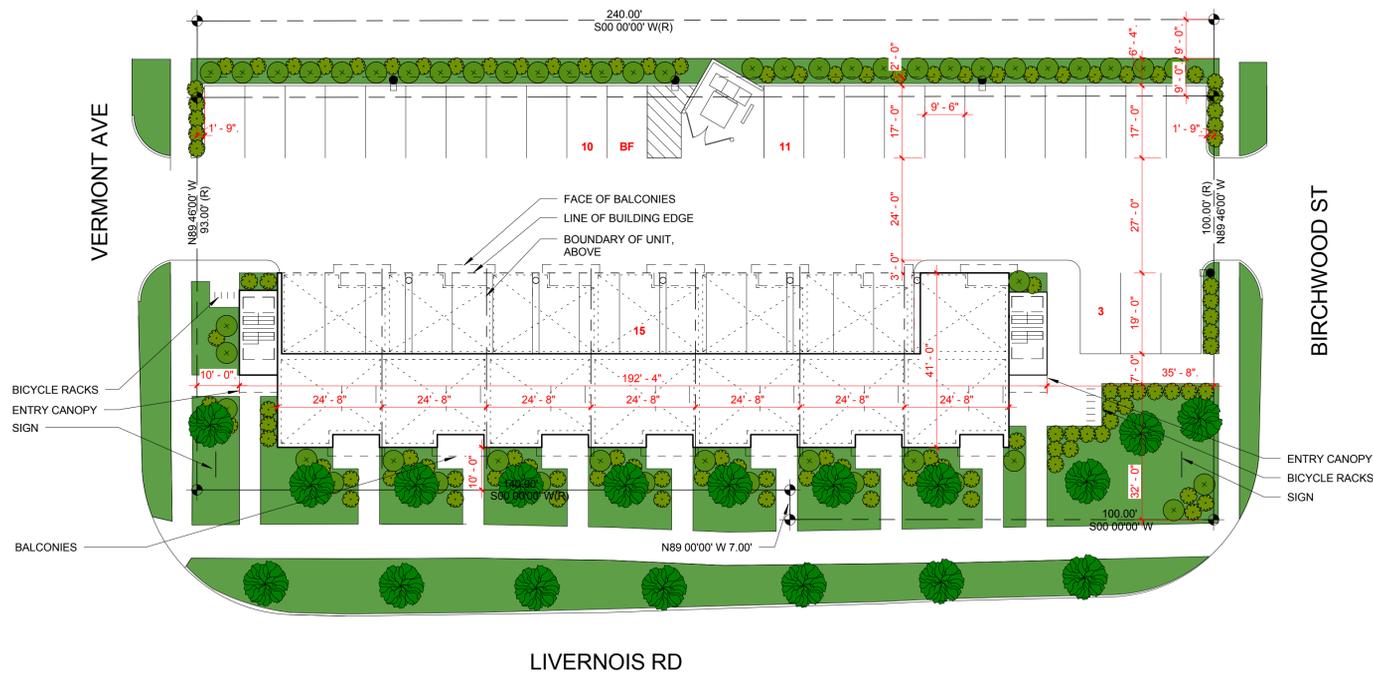
AMBER STUDIOS AND
LOFTS
TROY, MI 48083

CHECKED:
SCALE: As indicated
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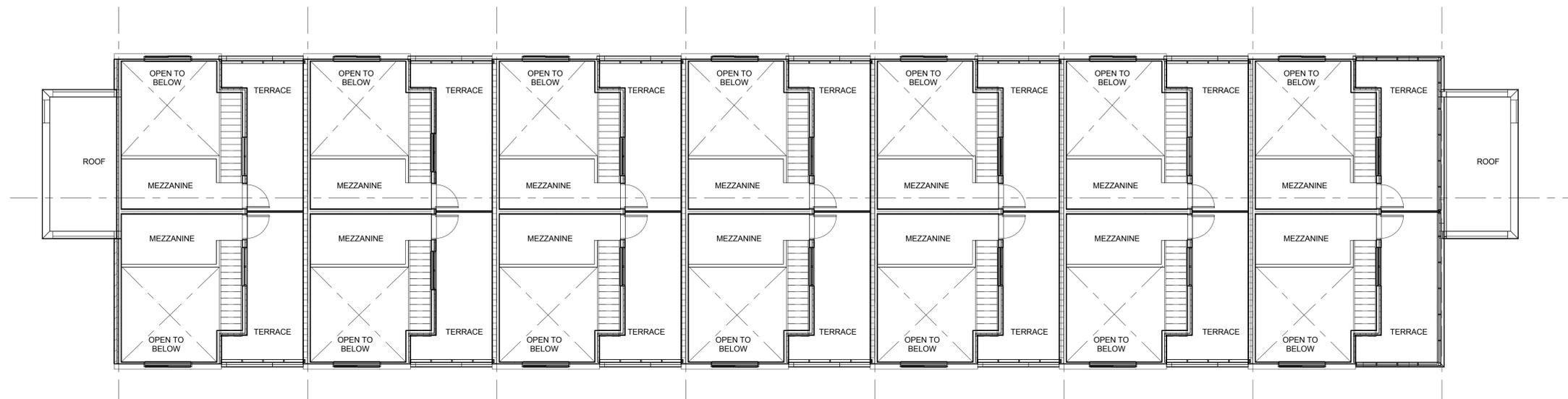
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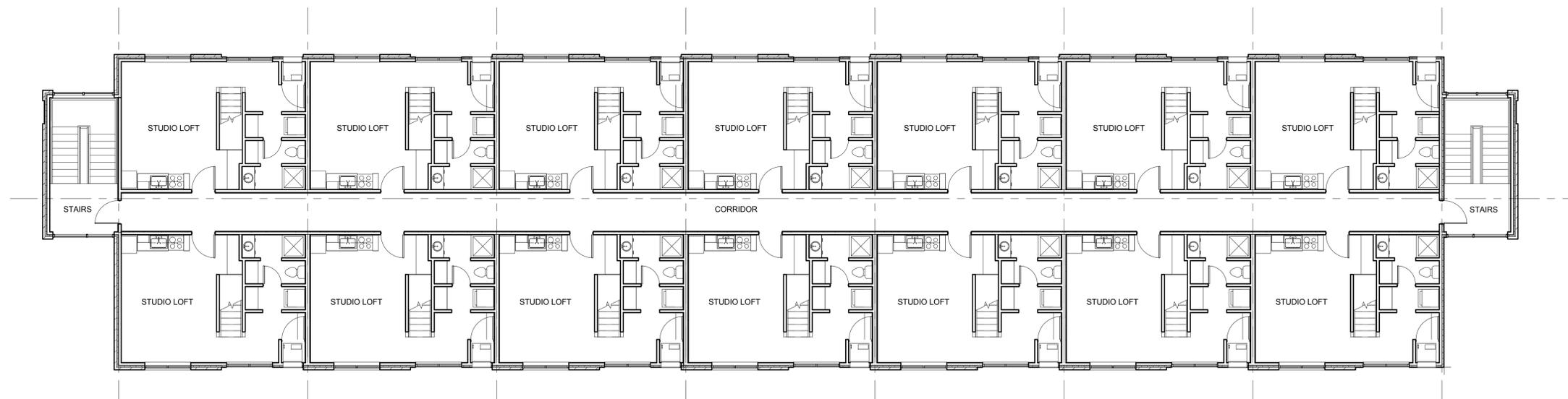
SHEET TITLE:
ARCHITECTURAL SITE PLAN



A1 ARCHITECTURAL SITE PLAN
1" = 20'-0"



MEZZANINE FLOOR PLAN
 1/8" = 1'-0" REFERENCED ON A7 / A201



THIRD FLOOR PLAN
 1/8" = 1'-0" REFERENCED ON A7 / A201

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CHECKED:
 SCALE: 1/8" = 1'-0"
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SHEET TITLE:
 THIRD FLOOR &
 MEZZANINE PLANS

A121
 214100111

F
E
D
C
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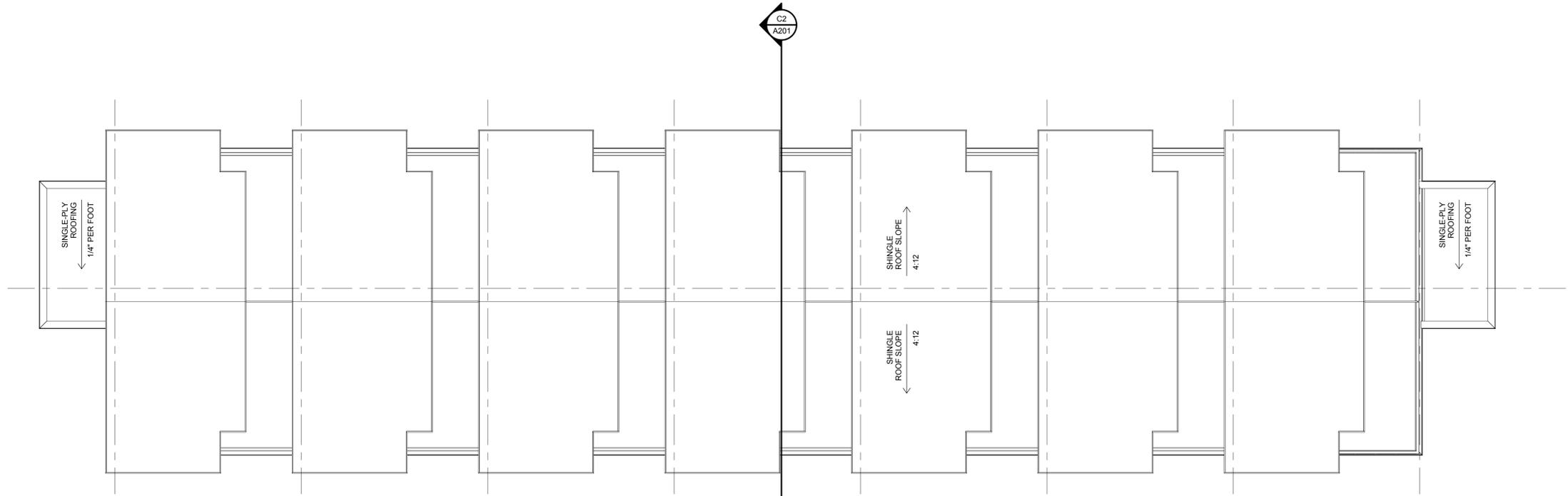
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SCALE: 1/8" = 1'-0"
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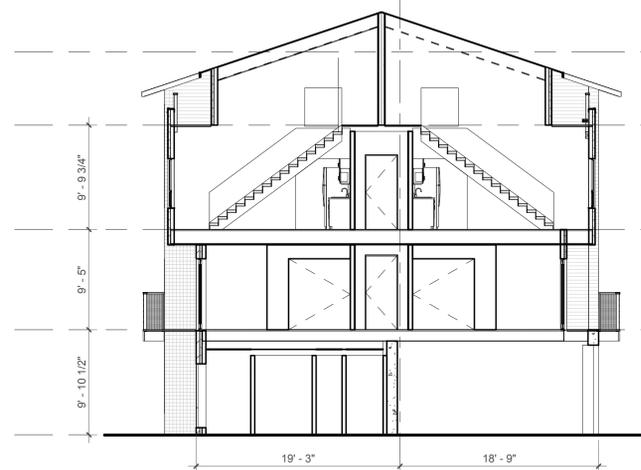
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ROOF PLAN



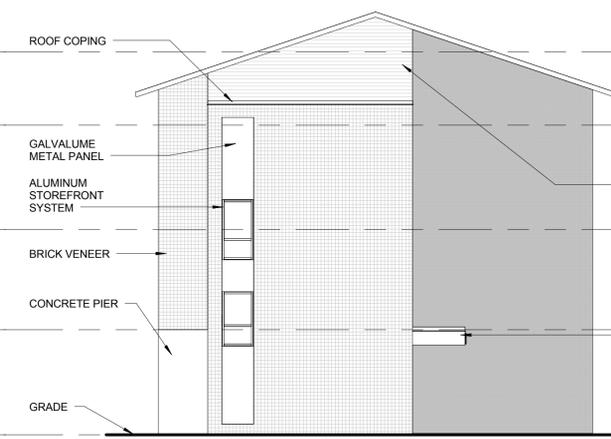
A1 ROOF LEVEL PLAN
1/8" = 1'-0" REFERENCED ON A7 / A201



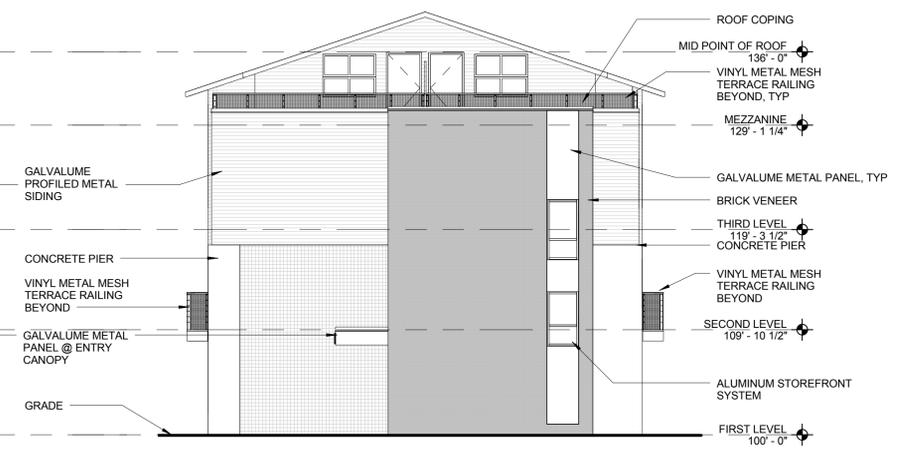
E7 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



C2 BUILDING SECTION
1/8" = 1'-0"



C5 EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"



C7 EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"



A7 EXTERIOR ELEVATION - WEST
1/8" = 1'-0"

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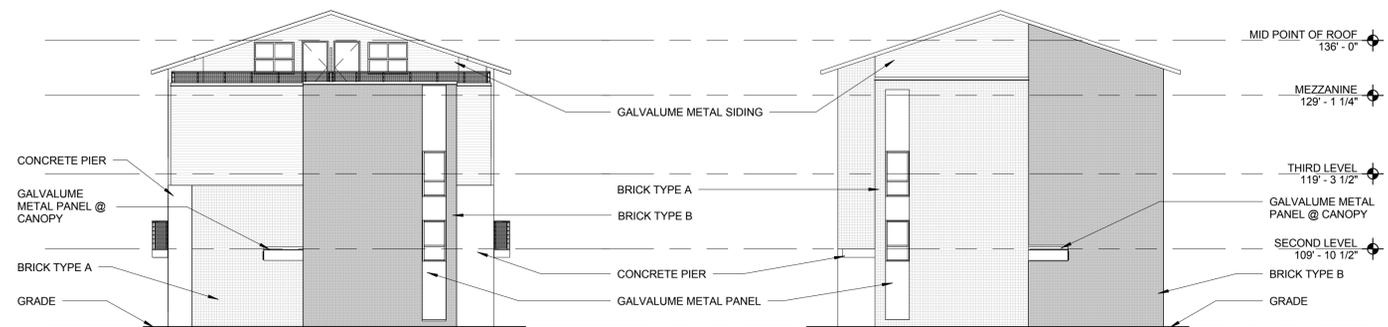
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LOFTS
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SCALE: 1/8" = 1'-0"
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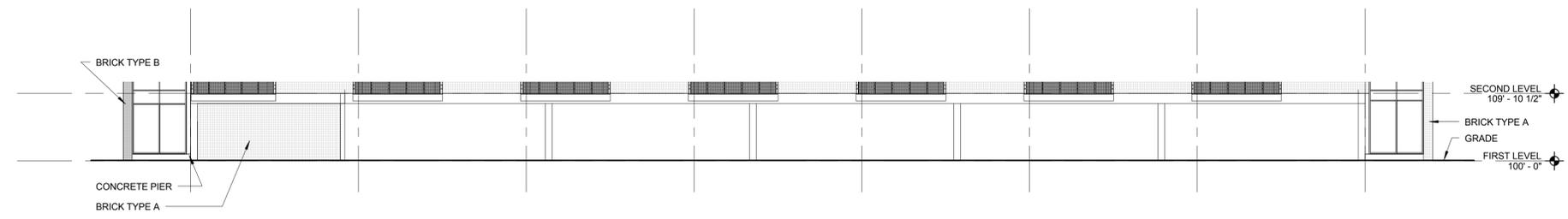
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SHEET TITLE:
EXTERIOR ELEVATIONS

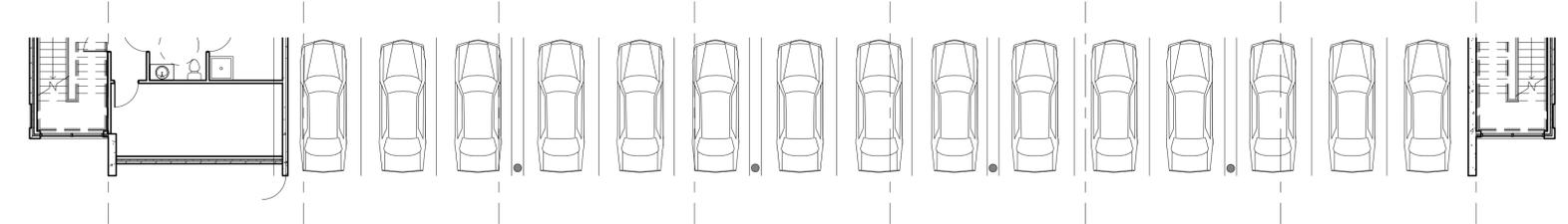


E4 EXTERIOR ELEVATION - SOUTH
3/32" = 1'-0"

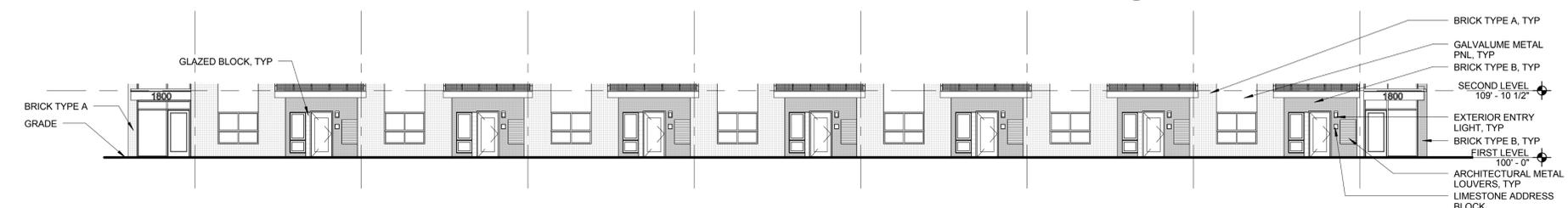
E6 EXTERIOR ELEVATION - NORTH
3/32" = 1'-0"



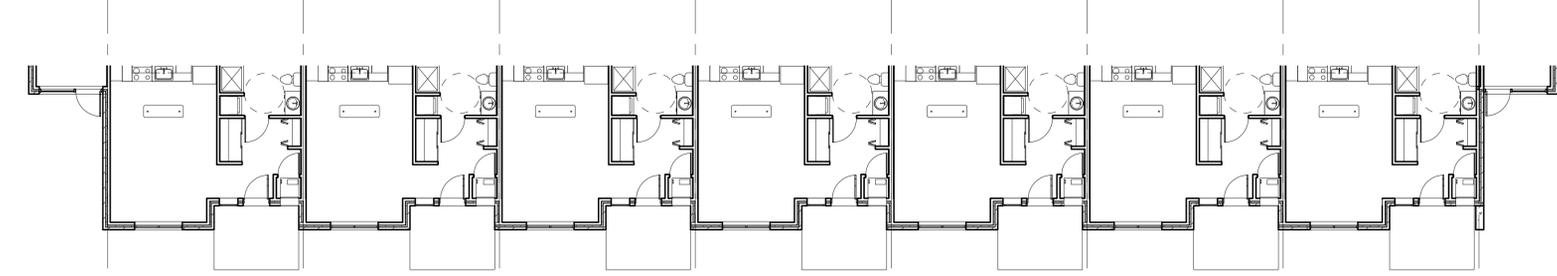
D6 EXTERIOR ELEVATION - EAST
3/32" = 1'-0"



C6 FIRST LEVEL FLOOR PLAN
3/32" = 1'-0"



B6 EXTERIOR ELEVATION - WEST
3/32" = 1'-0"



A6 FIRST LEVEL FLOOR PLAN
3/32" = 1'-0"

GROUND STORY ACTIVATION
FACADE VARIATION - 5.05 E.1

UNINTERRUPTED PUBLIC STREET FACADE LENGTH

MAX ALLOWED :	30'-0"
PROPOSED :	SOUTH ELEVATION 19'-4" NORTH ELEVATION 19'-4" WEST ELEVATION 14'-0"

TRANSPARENCY ALTERNATIVES - 5.05E3b

(A) EXPRESSION OF STRUCTURAL SYSTEM
- EXPRESSION OF CONCRETE WALLS, BEAMS, AND BALCONIES
- INDENTED/OUTDENTED UNIT PLACEMENT

(D) MATERIAL VARIATION
- ALTERNATING BRICK COLOR
- FLAT METAL PANELS

(E) INTEGRATED ARCHITECTURAL ORNAMENTATION
- GLAZED BLOCK TO SIGNIFY ENTRANCES
- LIMESTONE ADDRESS BLOCKS

(F) OUTDOOR SEATING (5.05E3bii)

GROUND STORY ACTIVATION CALCULATIONS

SOUTH ELEVATION

REQUIREMENT	% PROPOSED	% REQUIRED
TRANSPARENCY TOTAL	66.8%	50% MIN*
GLAZING/DOORS	2.2%	

THE BASE MATERIAL FOR THIS ELEVATION IS : **METAL SIDING**
THE FOLLOWING CHART LISTS THE ALTERNATIVE MATERIALS USED

TRANSPARENCY ALTERNATIVES	%	MAX
MATERIAL VARIATION	64.6%	50% MAX
BRICK TYPE A	17.4%	
BRICK TYPE B	32.8%	
FLAT METAL PNL	4.5%	
CONCRETE	9.9%	

NORTH ELEVATION

REQUIREMENT	% PROPOSED	% REQ
TRANSPARENCY TOTAL	66.7%	50% MIN*
GLAZING/DOORS	2.2%	

THE BASE MATERIAL FOR THIS ELEVATION IS : **BRICK TYPE B**
THE FOLLOWING CHART LISTS THE ALTERNATIVE MATERIALS USED

TRANSPARENCY ALTERNATIVES	%	MAX
MATERIAL VARIATION	64.5%	50% MAX
BRICK TYPE A	21.2%	
METAL SIDING	32.8%	
FLAT METAL PNL	4.4%	
CONCRETE	6.0%	

EAST ELEVATION

REQUIREMENT	% PROPOSED	% REQ
TRANSPARENCY TOTAL	37.6%	30% MIN*
GLAZING/DOORS	33.8%	

THE BASE MATERIAL FOR THIS ELEVATION IS : **BRICK TYPE A**
THE FOLLOWING CHART LISTS THE ALTERNATIVE MATERIALS USED

TRANSPARENCY ALTERNATIVES	%	MAX
MATERIAL VARIATION	3.8%	50% MAX
BRICK TYPE B	3.8%	

WEST ELEVATION

REQUIREMENT	% PROPOSED	% REQ
TRANSPARENCY TOTAL	91.4%	50% MIN*
GLAZING/DOORS	29.7%	

THE BASE MATERIAL FOR THIS ELEVATION IS : **BRICK TYPE A**
THE FOLLOWING CHART LISTS THE ALTERNATIVE MATERIALS USED

TRANSPARENCY ALTERNATIVES	%	MAX
MATERIAL VARIATION	61.7%	80% MAX
GLAZED BLOCK	1.4%	
BRICK TYPE B	20.9%	
FLAT METAL PNL	8.5%	
ARCHITECTURAL METAL LOUVERS	2.9%	
OUTDOOR DINING/SEATING	27.9%	60% MAX

*TRANSPARENCY REQUIREMENT EQUALS TRANSPARENCY ALTERNATIVES IN ADDITION TO GLAZING AND DOORS.

FOR REVIEW
NOT FOR
PERMITTING, OR
CONSTRUCTION

AMBER PROPERTIES
COMPANY
380 N. CROOKS RD
CLAWSON, MI 48017

AMBER STUDIOS AND
LOFTS
TROY, MI 48083

CHECKED:
SCALE: **As indicated**
© 2015 Stantec

ISSUE:

2015 05 22	SITE PLAN REVIEW

SHEET TITLE:
**GROUND STORY
ACTIVATION**

CITY OF TROY
CONDITIONAL REZONING APPLICATION

RECEIVED

MAY 22 2015

PLANNING

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER
TROY, MICHIGAN 48084
PHONE: 248-524-3364
FAX: 248-524-3382
E-MAIL: planning@troymi.gov



CONDITIONAL REZONING
REVIEW FEE
\$1,500.00
ESCROW FEE
\$1,500.00

CR013

REGULAR MEETINGS OF THE CITY PLANNING COMMISSION ARE HELD ON THE SECOND AND FOURTH TUESDAYS OF EACH MONTH AT 7:00 P.M. AT CITY HALL.

PLEASE FILE A COMPLETE CONDITIONAL REZONING APPLICATION, TOGETHER WITH THE APPROPRIATE FEE, NOT LESS THAN THIRTY (30) DAYS PRIOR TO THE DATE OF THAT MEETING.

A PLANNING COMMISSION PUBLIC HEARING SHALL BE SCHEDULED FOLLOWING A DETERMINATION BY THE PLANNING DEPARTMENT THAT THE CONDITIONAL REZONING APPLICATION IS COMPLETE AND MEETS THE REQUIREMENTS OF THE TROY ZONING ORDINANCE.

1. NAME OF THE PROPOSED DEVELOPMENT: Amber Studios and Lofts
2. ADDRESS OF THE SUBJECT PROPERTY: 1800-1870 Livernois Rd.
3. CURRENT ZONING CLASSIFICATION OF SUBJECT PROPERTY: O Office District
4. PROPOSED ZONING CLASSIFICATION OF SUBJECT PROPERTY: Maple Road District
5. TAX IDENTIFICATION NUMBER(S) OF SUBJECT PROPERTY: 20-27-353-001 thru 008 & 20-27-353-029
6. APPLICANT: Jerome S. Amber PROPERTY OWNER: Michael J. Farrug & James D. Sheppard Jr.
 NAME Jerome S. Amber NAME Michael J. Farrug & James D. Sheppard Jr.
 COMPANY Amber Properties Company COMPANY _____
 ADDRESS 380 N. Crooks Rd. ADDRESS 1824 Livernois Rd. & 269 Reddingwood Dr.
 CITY Clawson STATE MI ZIP 48017 CITY Troy & Rochester STATE MI ZIP 48083 & 48306
 TELEPHONE 248/280-1700 TELEPHONE 248/689-3430 & 248/651-5193
 E-MAIL jamber@comcast.net E-MAIL _____

7. THE APPLICANT BEARS THE FOLLOWING RELATIONSHIP TO THE OWNER OF THE SUBJECT PROPERTY:
This site is now under contract to purchase.

8. SIGNATURE OF THE APPLICANT Jerome S. Amber DATE May 22, 2015
9. SIGNATURE OF THE PROPERTY OWNER James D. Sheppard Jr. DATE 5/13/2015

BY THIS SIGNATURE, THE PROPERTY OWNER AUTHORIZES PLACEMENT OF A SIGN ON THE PROPERTY TO INFORM THE PUBLIC OF THE REQUEST FOR CONDITIONAL REZONING.

Michael J. Farrug 5/14/15



May 22, 2015

Mayor Dane Slater
and Troy City Council
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Re: Amber Properties Company
1800-1870 Livernois, Troy, Michigan
Request for Conditional Rezoning Agreement

Dear Mayor Slater and City Council Members:

On behalf of Amber Properties Company ("Amber"), we are making a conditional zoning offer pursuant to MCLA § 125.3405 ("Offer"). The property that would be subject to the Conditional Rezoning Agreement is commonly known as 1800-1870 Livernois Road ("Property").

The Offer and its conditions regarding the Property are as follows:

1. The Property would be restricted to a zoning designation of Maple Road District only and whose Building Form C requirements would apply;
2. The use of the Property within the Maple Road District zoning designation would be restricted to multi-family use only;
3. The multi-family building to be constructed on the property would be three stories, with mezzanine, and approximately 36' in height;
4. The building to be constructed on the Property would have 35 multi-family dwelling units;
5. The Site Plan for the building to be constructed on the Property would be attached to the Conditional Zoning Agreement to be approved by you;
6. The Conditional Zoning Agreement will include a provision that once the Agreement is approved and signed, Amber will not need to return to the City Council for approval of minor variations in the approved Site Plan and building plans required in order to comply with Building Department or

ATTORNEYS & COUNSELORS AT LAW

Mayor Dane Slater
and City Council
City of Troy
May 22, 2015
Page 2

Planning Department requirements and such requests will be handled administratively;

7. Only substantial variations, as determined by the Planning Department and/or Building Department necessitate return to the City Council for review and approval; and
8. The Offer is contingent on there being a definitive Conditional Rezoning Agreement mutually agreed upon by the City and Amber.

The Conditional Rezoning Offer is proposed by Amber and is entered into voluntarily.

Amber confirms that the Property shall not be used or developed in a manner that is inconsistent with the conditions contained within the Conditional Rezoning Agreement.

If you require any additional information, please feel free to contact me at your earliest convenience.

Sincerely,

PLUNKETT COONEY



Dennis G. Cowan
Direct Dial: (248) 901-4029
Email: dcowan@plunkettcooney.com

DGC/cmw

cc: Jerry Amber
Brent Savidant

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AMBER PROPERTY COMPANY'S ZONING STATEMENT

Location: 1800-1870 Livernois

Rezoning is Consistent with Troy's Master Plan

The Troy Master Plan (2008) supports housing options for Troy residents in the Maple Road Corridor, as stated:

Only recently has the City begun to fully embrace more “urban” housing styles, by encouraging their development as part of a mixed use, planned unit development projects. The City of Troy must recognize the importance of having a variety of housing styles represented within the community, and describes how having these units will help Troy become a more vibrant place. While not all knowledge–economy workers and their families are seeking urban lifestyles, this is an area where Troy has room to grow. (p. 83)

Amber Apartments are an upscale, urban housing style which fits into the niche which the City recognizes. The proposed project will contain studio apartments, including units with lofts. Recent Amber developments in Oakland County are well known for their “urban” interior design, including wood floors, open ceilings, metal stairways and other design elements that attract a variety of workers including those in health-care and knowledge-based industries.

Specifically, the Special Area Plan for Maple Road (Draft 2014) seeks to continue momentum created by the MJR Theater opening:

[...] New MJR Theater can serve as anchor(s) for Corridor and should be reinforced by complementary uses including retail, dining and **multi-family residential**. (p. 8).

The Special Area Plan for Maple Road also makes several key recommendations. In each of these instances, the proposed Amber Apartment project will contribute to meeting these important goals:

- Encourage and incentivize lot consolidation.
- Insure every hard corner has a building rather than parking.
- Insure a balance and compatible mix of uses to create more reasons for people to frequent the District over the course of the day.
- Require good design, including consistent signage, pedestrian lighting and increase landscaping along roadways and in parking lots. (p. 14.)

The Amber Apartments project will be a tremendous upgrade from the current usage as a former residence, which turned into a law office. Several lots will be consolidated for this project consisting of an entire city block. The apartment building itself will contribute to creating a mix of uses on Livernois, as there is no multi-family between Maple and Big Beaver.

In summary, given the goals of both Troy’s Master Plan and the Special Area Plan for Maple Road, the requested rezoning is totally consistent with the community goals and objectives.

Rezoning will not be Detrimental to the Property of Other Persons Located in the Vicinity

The Amber Apartments project will be part of an existing mixed-use area, blending in and not creating any conflict with surrounding office, residential and commercial uses.

The immediate vicinity already encompasses:

- A) Office uses to the north;
- B) Single family homes to the east;
- C) Commercial buildings (former church and medical office) to the west; and
- D) Aging commercial building to the south (currently being marketed for sale as “office/retail/warehouse”)

Clearly, there already exists a variety of uses in the immediate vicinity, and the proposed multi-family use will enhance the mixed-use nature of the area. Adequate on-site parking is provided for the Amber Apartments project. Amber has submitted a site plan for the project that does not require any variances for parking, set-backs, lot coverage, height or otherwise.

Amber Apartments owns and operates numerous facilities that are directly adjacent to residential neighborhoods, without incident or problems. Amber Apartments will provide landscape screening along the east property line to “soften” the visual impact for its immediate neighbors.

Rezoning Will Meet Goals of Maple Road District

The proposed Amber Apartments project will meet the goals of Maple Road District in the Troy Master Plan (2008):

1. This area will be a high quality eclectic mix of land uses and architectural types.

2. Emphasis should be placed less on land use and more on building and site design. Design should not reflect traditional forms of “colonial” architecture.
3. Uniform “build to” lines guiding a uniform containment of open space within the right-of-way should be established.
4. Primary parking areas should be within rear or interior side yards.
5. Design creativity with regard to materials will be encouraged, while low quality materials or building designs and inhibit activity on the Corridor will not be permitted. (p. 106.)

All of the above criteria are met by the proposed rezoning and project. In particular, the residential presence will increase walkability and bicycle usage to both Maple Road and Big Beaver Road.

Such Rezoning is Consistent with Adjacent Zoning Districts

The rezoning of the subject property is a natural extension of the Maple Road District, which calls for a wide mix of uses. The rezoning will be consistent with adjacent residential areas, but provide a different and desirable housing option.

Helping Meet Troy’s Ten Strategies for 2015-16

Recently, the City Council established its top ten strategies for its upcoming year. Amber Apartments believes its proposed project will assist in helping meet the following strategies:

- Improve and invest in our assets, both people and infrastructure.
- Create a sense of place.
- Supports implementing a trails and pathway plan and increased walkability.

The City has done an excellent job in planting the seeds for development in the Maple Road/Livernois area by adopting a Master Plan and allowing the flexibility for an extensive “anchor” development, such as MJR Theater. Today, Amber Apartments has become interested in the current site and multi-family redevelopment directly due to the MJR Theater. This new entertainment facility creates a “magnet” and shows new vitality in the area. As a result, Amber Apartments will be able to redevelop a tired, underutilized property into upscale multi-family residential designed to attract working professionals to a redeveloping area.

Amber's Proposed Project

The requested zoning designation will allow Amber to apply for approval to construct an upscale, multi-family building at this location. The project will include studios and studio lofts. They will have wood or polished concrete floors, exposed ceilings, in-unit washer/dryer and other amenities. Amber intends to provide necessary off-street parking and does not anticipate having to request variances.

Amber has completed seven new projects in the last seven years in Royal Oak and Clawson. In Troy, a 46-unit project is currently under construction. The three newest buildings, Amber Corners, Amber Landing and Amber Crossing, have very positive tenant demographics. At these locations, about 80% of residents hold a Bachelors, Masters or Ph.D./J.D./M.D. degree. Average yearly income is in excess of \$60,000. Monthly rentals for these properties are between \$825 and \$2,195 depending on the unit. We believe Amber's tenants are the future residents Troy wishes to attract to the community.

Amber has been a family operated business since 1960. It now owns and manages 1,280 apartment units in Royal Oak, Clawson, Berkley and Troy. Amber properties are well kept and its apartments have a very positive reputation in the community.

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(Above space for recording purposes.)

CONDITIONAL REZONING AGREEMENT

THIS CONDITIONAL REZONING AGREEMENT ("Agreement") is hereby entered into by and between AMBER PROPERTIES COMPANY, a Michigan corporation, 380 N. Crooks Road, Clawson, Michigan 48017 ("Amber"), MICHAEL FARRUG, 1824 Livernois, Troy, Michigan 48083, JAMES D. SHEPPARD, 269 Reddingwood Drive, Rochester, Michigan 48306 ("Farrug/Sheppard") and the CITY OF TROY, MICHIGAN, a Michigan municipal corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 ("City") on June ____, 2015.

RECITALS

A. Farrug/Sheppard is currently the fee owner of certain vacant real property located at 1801-1870 Livernois Road, Troy, Oakland County, Michigan, more particularly described on Exhibit A, attached hereto ("Property").

B. Amber and Farrug/Sheppard have entered into an Agreement of Purchase and Sale (the "Purchase Agreement") for the purchase of the Property and Amber intends to improve and develop the Property as a multi-family residential development.

C. In order to facilitate the sale and development, Amber and Farrug/Sheppard desire to have the Property be rezoned from O (Office) District to Maple Road District under the Troy Zoning Code.

D. As part of approval of this Agreement, which will result in a rezoning of the Property from O (Office) District to Maple Road District, Amber has offered and agrees to make the improvements, proceed with the project and comply with document submission dates and/or project completion dates, as described in this Agreement and any incorporated documents. Any conditions, representations or promises included in the Agreement have been voluntarily offered by Amber to induce the City to rezone the land to the proposed classification. Amber and the City agree that the rezoning and the terms of this Agreement provides for: (i) the promotion of the public health, safety and welfare; (ii) compatibility with the Master Plan; (iii) compliance with all terms and conditions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Agreement; (iv) the accommodation of service and facility loads for public

services and facilities affected by the proposed development; (v) compatibility with adjacent uses of land; and (vi) other legitimate objectives authorized under the Michigan Planning Enabling Act, MCL 125.3801, et. seq., the Michigan Zoning Enabling Act, MCL 125.3101, et. seq. and Chapter 39, Section 16.04 of the City of Troy Zoning Ordinance. The burden of the conditions on Amber is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to Property as a result of the requirements represented in the project and/or development.

E. For the purpose of confirming the rights, obligations and restrictions in connection with the improvements and development to be undertaken on the Property, the parties have entered into this Agreement. The rezoning of the Property to Maple Road District shall become effective as set out in Section 4.1 of this Agreement. Once this Agreement is approved by the Troy City Council, it shall be binding upon the City, Amber, Farrug/Sheppard, and their agents, successors and assigns. The City's Zoning District Map shall be updated to reflect the amendment to the Zoning Ordinance and the District Map shall be updated to reflect the amendment to the Zoning Ordinance and the District Map within a reasonable period of time after the effective date of the rezoning. This Conditional Rezoning Agreement is being proposed by Amber and entered into voluntarily by Amber and the City.

F. Amber has voluntarily offered to enter into this Conditional Rezoning Agreement consistent with the Zoning Enabling Act, as defined in Article 1 of this Agreement and the City of Troy Zoning Ordinance, Chapter 39, Section 16.04 (Conditional Rezoning Procedures).

G. This Conditional Rezoning Agreement is made by the City pursuant to authority granted to the City under MCLA §125.3405, as amended.

H. The City's Planning Commission, at its _____, 2015 meeting, passed its resolution recommending to the City Council that Amber's O (Office) District to Maple Road District rezoning request, which incorporates Site Plan approval, be granted.

I. The City, by action of its City Council at its meeting of _____, 2015, passed its resolution and has accepted the offer of Amber to enter into this Conditional Rezoning Agreement, which incorporates Site Plan approval.

NOW, THEREFORE, Amber and the City for the good and valuable consideration outlined in this Agreement, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

ARTICLE 1

DEFINITIONS AND COVENANTS

1.1 "Commencement Date" means the date of _____, 2015, which is ten (10) days after the acceptance of the conditional zoning offer by the City.

1.2 “Conditional Rezoning Agreement Documents” shall mean Chapter 39, Section 16.04 of the City’s Zoning Ordinance, as amended, this Agreement and the Site Plan (see Section 2.4).

1.2 “Improvements” means (a) acquisition of building permits; (b) submission of required site bonds to City; and (c) on-site improvements on the exterior Property such as landscaping.

1.3 “Troy Zoning Code” means Chapter 39 of the Code of Ordinances of the City of Troy.

1.4 “Zoning Enabling Act” means State of Michigan’s Act 110 of the Public Acts of 2006, as amended (MCLA §125.3101, et. seq., as amended).

ARTICLE 2
DESCRIPTION OF DEVELOPMENT

2.1 **Development Description.** The development involves the construction of a multi-family building on the Property, as described as Exhibit A attached.

2.2 **Development Parcel.** The Property is described on Exhibit A, attached hereto and also constitutes the entire property to be rezoned.

2.3 **Current Ownership of Property.** The Property is currently owned by Farrug/Sheppard. At such time as Amber acquires fee title to the Property, Farrug/Sheppard shall be released from all obligations hereunder, without the requirement of further act or deed.

2.4 **Site Plan.** The drawings and submittals for the Property which constitute the Site Plan and related plans are identified and attached hereto as Exhibit B (“Site Plan”).

2.5 **Development Documents.** The Property shall be developed and improved only in accordance with the Conditional Rezoning Agreement Documents.

ARTICLE 3
CONDITIONS FOR REZONING

3.1 **Rezoning.** In consideration for the City’s rezoning of the Property from its current classification of O (Office) District to Maple Road District, Amber agrees to be bound by the following conditions:

- a. The Building Form C requirements of Maple Road District are applicable.

- b. Density on the Property shall not exceed 35 multi-family dwelling units.
- c. Building(s) on the Property shall be limited to no more than three stories and mezzanine, with a maximum roof height of 36 feet.
- d. Unless approved by the City of Troy, the use of the Property shall be limited to the construction, maintenance and operation of a multi-family building(s) and any uses ancillary thereto.
- e. Amber shall develop and improve the Property in accordance with the Site Plan documents that were recommended for approval by the Troy Planning Commission at its _____, 2015 meeting, as adopted by the City Council on _____, 2015.

3.2 **Representation.** Amber represents and confirms that the Property shall not be used or developed in a manner inconsistent with the conditions placed on rezoning as set out in this Agreement.

3.3 **Expiration.** Amber shall be subject to the expiration of the provisions of Section 16.04.E. of the Troy Zoning Ordinance and Section 6.2 of this Agreement.

ARTICLE 4 REZONING

4.1 **Resolution and Zoning Map Amendment.** Directly after City Council's approval of this Conditional Rezoning Agreement, City Council shall pass a Resolution rezoning the Property from an O (Office) District zoning classification to a Maple Road District classification. That Resolution shall also state that the Zoning Map shall be amended to reflect a new zoning classification. The Planning Director shall take necessary action to amend the Zoning Map to the new classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement. The Conditional Rezoning Approval and the amendment to the Zoning Map shall not become effective until the Conditional Rezoning Agreement is recorded with the Oakland County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.

ARTICLE 5 DEVELOPER'S RIGHTS, OBLIGATIONS AND PROPERTY RESTRICTIONS

5.1 **Right to Develop.** Amber shall have the right to develop the Property in accordance with the Conditional Rezoning Agreement Documents. The Site Plan included in the Conditional Rezoning Agreement Documents is deemed approved and in compliance with the conditions as stated in Section 3.1. If development and/or actions are undertaken on or with respect to the Property in violation of the Conditional

Rezoning Agreement, such development and/or actions shall constitute a violation of the City of Troy Code of Ordinances and deemed a nuisance per se. In such cases, the City may issue a stop work order relative to the Property and seek any other lawful remedies. Until curative action is taken to bring the Property into compliance with the Conditional Rezoning Agreement, the City may withhold or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance.

5.2 **Compliance with Agreement.** All development, use, and improvement of the Property shall be subject to and in accordance with this Agreement, the Conditional Rezoning Agreement Documents, all applicable City Ordinances, and shall also be subject to and in accordance with all other approvals and permits required under applicable City Ordinances and State law.

5.3 **Compliance with City Ordinances.** Amber shall comply with the City Code of Ordinances, make any necessary application for permits and obtain any necessary permits for the development of the Property, including signage.

5.4 **Amendment to Plans.** In the event that during the course of final site plan review, building permits review or construction and development of the Property, the City's Planning Department or Building Department determine that the engineering or building plans, as submitted by Amber, shall need to vary from the approved Site Plan, then the Building Department and/or Planning Department shall be empowered to administratively approve such change or variance, consistent with City Ordinances, without amending this Agreement, provided that such changes or variances are consistent with the Conditional Rezoning Agreement Documents. Notwithstanding the foregoing, any change that affects Section 3.1(a), (b), (c) or (d) of this Agreement shall require an amendment of the Agreement.

ARTICLE 6 THE CITY'S RIGHTS AND OBLIGATIONS

6.1 **Police Powers.** The action of the City in entering into this Conditional Rezoning Agreement is based upon the understanding that the intent and spirit of the police power objectives of the City relative to the Property are embodied in the Conditional Rezoning Agreement Documents and those powers are assured based upon the development and/or undertakings on the Property. The City is thus achieving its police power objective and has not, by this Agreement, bargained away or otherwise compromised any of its police power objectives.

6.2 **Expiration.** Conditional Rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning as set out above unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the City. The City shall have the sole discretion to determine if progress has been diligently pursued by Amber. The City, through its employees and

agents, shall at all times be allowed to enter onto the Property to determine the progress of the development.

6.3 **Enforcement.** The City may initiate legal action for the enforcement of any of the provisions, requirements, and obligations set forth in the Conditional Rezoning Agreement. In the event the City obtains any relief as a result of such litigation, Amber shall pay all court costs and attorney fees incurred by the City in connection with such suit.

6.4 **Non-Compliance.** If Amber is developing the Property in non-compliance with the Conditional Rezoning Agreement, the City may issue a stop work order as to any or all aspects of the Development, may deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Development 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 Development.

6.5 **Compliance.** To the extent the Conditional Rezoning Agreement Documents deviate from the City of Troy Development Standards, Zoning Ordinance or other City ordinances, or any amendments thereto, the Conditional Rezoning Agreement Documents shall control. All improvements constructed in accordance with the Conditional Rezoning Agreement Documents shall be deemed to be conforming under the Zoning Ordinance and in compliance with all ordinances of the City.

ARTICLE 7 GENERAL PROVISIONS

7.1 **The City's Representations and Warranties.** The City represents and warrants to Amber as follows:

- a. **Authority.** The City has the authority to enter into this Conditional Rezoning Agreement and to perform and carry out all obligations, covenants and provisions hereof. The City's authority shall be evidenced by appropriate resolutions.
- b. **Transfer of Ownership.** The transfer of title of the Property from Farrug/Sheppard to Amber or an entity in which the principals of Amber do have an ownership interest, if such transfer is made prior to substantial completion of the Improvements, shall not constitute an event of default under this Conditional Rezoning Agreement;
- c. **Compliance.** The Conditional Rezoning Agreement complies with the requirements of City Ordinances, including the Troy Zoning Code.

- d. **Sole Authority.** The City Council is the sole and appropriate municipal body to enter into the Conditional Rezoning Agreement with Amber and Farrug/Sheppard.
- e. **Plan Review.** The City will timely review the plans and documents submitted for building permits, public utilities and signage, and any amendments thereto submitted by Amber to achieve the purposes of this Conditional Rezoning Agreement.
- f. **Use.** The intended land use for the Property is a permissible use under the Troy Zoning Code and Troy Master Plan.
- g. **Validity of Use.** In the event that the Troy Zoning Code is amended such that the use provided for in this Conditional Zoning Agreement for the Property are no longer permitted uses of right in the Big Beaver District, the use provided for in this Conditional Rezoning Agreement and continuation of those uses shall be governed by the provisions of Troy's Zoning Ordinance governing non-conforming lots, uses and structures currently set forth in Article 14 of the Zoning Ordinances.
- h. **Restraints.** Neither the execution nor delivery of this Conditional Rezoning Agreement nor the consummation of the transaction contemplated hereby is in violation of any provision of any existing law or regulation, order or decree of any court or governmental entity, the City's Charter, or any agreement to which the City is a party or by which it is bound.
- i. **Disclosure.** No representation or warranty by the City, or any statement or certificate furnished to Amber pursuant hereto or in connection with the transactions contemplated hereby, contains or will contain any untrue statement of a material fact or will omit to state any fact necessary to make the statements contained herein or therein not misleading.
- j. **Litigation.** The City has no notice of and there is no pending or threatened litigation, administrative action or examination, claim or demand before any court or any federal, state or municipal governmental department, commission, board, bureau, agency or instrumentality thereof which would affect the City or its principals from carrying out the covenants and promises made herein.

7.2 **Amber's Representations and Warranties.** Amber represents and warrants to the City as follows:

- a. **Organization.** Amber has all requisite power and authority to own and operate its assets and properties, to carry on business as now being conducted, and to enter into and perform the terms of the Conditional Rezoning Agreement.
- b. **Authorization.** The execution and delivery of this Conditional Rezoning Agreement and consummation of the transactions contemplated hereby have been duly authorized by Amber.
- c. **Restraints.** Neither the execution nor delivery of this Conditional Rezoning Agreement nor the consummation of the transaction contemplated hereby is in violation of any provision of any existing law or regulation, order or decree of any court or governmental entity, Amber's organizational documents, or any agreement to which the Amber is a party or by which it is bound.
- d. **Disclosure.** No representation or warranty by Amber, or any statement or certificate furnished to the City pursuant hereto or in connection with the transactions contemplated hereby, contains or will contain any untrue statement of a material fact or will omit to state any fact necessary to make the statements contained herein or therein not misleading.
- e. **Litigation.** Amber has no notice of and there is no pending or threatened litigation, administrative action or examination, claim or demand before any court or any federal, state or municipal governmental department, commission, board, bureau, agency or instrumentality thereof which would affect Amber or its principals from carrying out the covenants and promises made herein.
- f. **Financial.** Amber is financially able to develop the Property.
- g. **Compliance with Laws.** Amber shall comply with all Laws and all City ordinances applicable to the construction, ownership, maintenance, operation and use of the Property.

7.3 **Effective Date.** The effective date of this Conditional Rezoning Agreement is _____, 2015, ten (10) days after the date the Troy City Council approved the rezoning or on the date the Agreement is recorded with the Oakland County Register of Deeds, whichever date is later.

ARTICLE 8 **NOTICES**

All notices, consents, approvals, requests and other communications, herein collectively called "Notices," required or permitted under this Conditional Rezoning

Agreement shall be given in writing, signed by an authorized representative of the City, Amber or Farrug/Sheppard and mailed by certified or registered mail, return receipt requested, personally delivered, sent by overnight courier or sent by e-mail to a party as follows:

To City: Planning Director
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084
Tel: (248) 524-3364
Email: SavidantB@troymi.gov

With a Copy to: City Attorney
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084
Tel: (248) 524-3320
Email: bluhmlg@troymi.gov

To Farrug/Sheppard: Michael Farrug
1824 Livernois
Troy, Michigan 48083
Email:

James D. Sheppard
269 Reddingwood Drive
Rochester, Michigan 48306
Email:

To Amber: Jerome Amber
Amber Properties Company
380 N. Crooks Road
Clawson, MI 48017
Tel: (248) 280-1700
Email: jamber@comcast.net

With a copy to: Dennis G. Cowan
Plunkett Cooney
38505 Woodward, Suite 2000
Bloomfield Hills, MI 48304
Tel: (248) 901-4029
Email: dcowan@plunkettcooney.com

All such notices, certificates or other communications shall be deemed served upon the date of personal delivery, the day after delivery to a recognized overnight courier, the date of the transmission by facsimile or other electronic means is verified or two days

after mailing by registered or certified mail. Any party may by notice given under this Conditional Zoning Agreement designate any further or different addresses or recipients to which subsequent notices, certificates or communications hereunder shall be sent.

ARTICLE 9 **MISCELLANEOUS**

9.1 **Non-Liability of City, Officials and Employees.** No City official, officer, employee, board member, city council member, elected or appointed official, attorneys, consultants, advisors, agents and representatives, shall be personally liable to Amber for any default or breach by the City of any obligation under this Conditional Rezoning Agreement or in any manner arising out of the performance of this Conditional Rezoning Agreement by any party.

9.2 **Successors/Provisions Running With the Land.** This Conditional Rezoning Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The provisions of Sections 3.1 and 5.1 of this Conditional Zoning Agreement shall be deemed benefits and burdens which shall run with the Property.

9.3 **Recording.** This Conditional Rezoning Agreement shall be recorded with the Oakland County Register of Deeds at the expense of Amber. The Site Plan documents, drawings and submittals referenced in Section 2.4 are not required to be recorded and the City shall maintain such documents in its books and records. Amber shall provide the City Clerk with a certified copy of the Agreement as recorded, showing the date of recording, liber and page numbers.

9.4 **Complete Agreement.** This Conditional Rezoning Agreement constitutes the entire agreement between the parties with respect to the subject of this Conditional Zoning Agreement and it may not be amended or its terms varied except in writing and signed by the required parties, except for matters pursuant to Section 5.4 above.

9.5 **Conflicts.** In the event of conflict between the provisions of this Conditional Rezoning Agreement and the provision of the Troy Zoning Code, the provisions of this Conditional Rezoning Agreement shall prevail.

9.6 **Default Remedies of Amber.** The City shall not be in default in any term or condition of this Agreement unless and until Amber has provided the City with written notice that the City has failed to comply with an obligation under this Agreement, and the City has failed to cure such failure within thirty (30) days of the written notice, unless the nature of the noncompliance is such that it cannot be cured with due diligence within such period, in which case the City has failed to commence the cure within such period and thereafter diligently pursued the cure. In the event of a default, Amber's sole remedy at law or in equity shall be the right to seek specific performance as to the issuance of approvals, consents, or the issuance of building permits required by the City pursuant to this Conditional Zoning Agreement.

9.7 **Default Remedies of City.** Amber shall not be in default in any term or condition of this Agreement unless and until the City has provided Amber with written notice that Amber has failed to comply with an obligation under this Agreement, and Amber has failed to cure such failure within thirty (30) days of the written notice, unless the nature of the noncompliance is such that it cannot be cured with due diligence within such period, in which case Amber has failed to commence the cure within such period and thereafter diligently pursued the cure. In the event of a default, the City's sole remedy at law or in equity shall be the right to seek specific performance of the obligations of Amber pursuant to this Conditional Rezoning Agreement.

9.8 **Third-Party Beneficiaries.** No term or provision of this Conditional Rezoning Agreement is intended to be, or shall be, for the benefit of any person not a party to the Agreement, and no such person shall have any right or cause of action hereunder.

9.9 **Severability.** The invalidity or any article, section, subsection, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, subsections, clauses, or provisions hereof, which shall remain valid and enforceable to the fullest extent permitted by law.

9.10 **Waiver of Breach.** A party to this Agreement does not waive any default, condition, promise, obligation, or requirement applicable to any other party hereunder, unless such waiver is in writing, signed by an authorized representative of that party, and expressly stated to constitute such waiver. Such waiver shall only apply to the extent given and shall not be deemed or construed to waive any such or other default, condition, promise, obligation, or requirement in any past or future instance. No failure of a party to insist upon strict performance of any covenant, agreement, term or condition of this Conditional Zoning Agreement or to the exercise of any right or remedy in the event of a default shall constitute a waiver of any such default in such covenant, agreement, term, or condition.

9.11 **Governing Law.** This Conditional Rezoning Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Michigan. Amber agrees, consents and submits to the personal jurisdiction of any competent court of jurisdiction in Oakland County, Michigan, for any action brought against it arising out of this Conditional Rezoning Agreement. Amber also agrees that it will not commence any action against the City because of any matter whatsoever arising out of, or relating to, the validity, construction, interpretation and enforcement of this Agreement in any courts other than those within Oakland County, Michigan. Nothing hereunder shall be construed to limit or prohibit Amber to petition or submit land use or zoning requests to the City after the Effective Date.

9.12 **Joint Drafting.** This Conditional Rezoning Agreement has been negotiated by the parties and each party has joined in and contributed to its drafting.

Accordingly, there shall be no presumption favoring or burdening any of the parties based upon draftsmanship.

9.13 **Reasonableness.** After consulting with their respective attorneys, Developer and City confirm that this Agreement is authorized by and consistent with all applicable state and federal law and the United States and Michigan Constitutions, that the terms of this Agreement are reasonable, that they shall be estopped from taking a contrary position in the future, and that each shall be entitled to injunctive relief to prohibit any actions by the other inconsistent with the terms of this Agreement. Developer and the City fully accept and agree to the final terms, conditions, requirements and obligations of the Agreement and all Conditional Rezoning Agreement Documents, and shall not be permitted in the future to claim that the effect of the Agreement and the Conditional Rezoning Agreement Documents result in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of any of the Agreement and the Conditional Rezoning Agreement 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 Agreement and the Conditional Rezoning Agreement Documents are roughly proportional to the burden being created by the development, and to the benefit which will accrue to the Property as a result of the requirements represented by the development.

9.14 **Counterparts.** 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.

MICHAEL FARRUG

Witness

By: _____
Michael Farrug

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing Conditional Rezoning Agreement was acknowledged before me this ____ day of _____, 2015, by Michael Farrug.

_____, Notary Public
_____ County, Michigan
Acting in Oakland County
My Commission Expires: _____

Signatures continued on Page 13.
Signatures continued from Page 12.

JAMES D. SHEPPARD

Witness

By: _____
James D. Sheppard

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing Conditional Rezoning Agreement was acknowledged before me
this ____ day of _____, 2015, by James D. Sheppard.

_____, Notary Public
_____ County, Michigan
Acting in Oakland County
My Commission Expires: _____

AMBER PROPERTIES COMPANY

Witness

By: _____
Jerome S. Amber
Its: Vice-President

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing Conditional Rezoning Agreement was acknowledged before me
this ____ day of _____, 2015, by Jerome S. Amber, as Vice-President of
Amber Properties Company.

_____, Notary Public
_____ County, Michigan
Acting in Oakland County
My Commission Expires: _____

Signatures continued on Page 14.
Signatures continued from Page 13.

CITY OF TROY, MICHIGAN,
a Michigan municipality

Witness

By: _____

Dane Slater

Its: Mayor

Witness

By: _____

Aileen Bittner

Its: Clerk

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing Conditional Rezoning Agreement was acknowledged before me this ____ day of _____, 2015, by Dane Slater on behalf of the City of Troy, a Michigan municipality.

_____, Notary Public
_____ County, Michigan
Acting in Oakland County
My Commission Expires: _____

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing Conditional Rezoning Agreement was acknowledged before me this ____ day of _____, 2015, by Aileen Bittner on behalf of the City of Troy, a Michigan municipality.

_____, Notary Public
_____ County, Michigan
Acting in Oakland County
My Commission Expires: _____

Prepared by and recorded return to:

Dennis G. Cowan
Plunkett Cooney
38505 Woodward, Suite 2000
Bloomfield Hills, MI 48304

Open.19331.70425.15474325-1

Exhibit A

SITE INFORMATION:

EXISTING SITE: LAND SITUATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN IS DESCRIBED AS FOLLOWS:

20-27-353-029

LOTS 63, 64 AND 65, ADDISON HEIGHTS SUBDIVISION No. , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-008

LOTS 61 AND 62, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS , OAKLAND COUNTY RECORDS.

20-27-353-007

THE EAST 93 FEET OF LOT 60, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS , OAKLAND COUNTY RECORDS.

20-27-353-006

THE EAST 93 FEET OF LOT 59, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS , OAKLAND COUNTY RECORDS.

20-27-353-005

THE EAST 93 FEET OF LOT 58, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-004

THE EAST 93 FEET OF LOT 57, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-003

THE EAST 93 FEET OF LOT 56, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-002

THE EAST 93 FEET OF LOT 55, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

20-27-353-001

THE EAST 93 FEET OF LOT 54, ADDISON HEIGHTS SUBDIVISION No. 2 , AS RECORDED IN LIBER 33, PAGE 28 OF PLATS, OAKLAND COUNTY RECORDS.

Exhibit B

The Site Plan and related plans referenced in Section 2.4 of the Conditional Rezoning Agreement are maintained in the records of the City of Troy, Michigan and are identified as follows:

- 1) AS01 Architectural Site Plan prepared by SHW Group
dated _____ (Conditional Rezoning Rev)
- 2) C-1 Topographic Survey and Site Plan prepared by
KEM-TEC & Associates
dated _____ (Conditional Rezoning Rev)
- 3) C-2 Grading & Utility Plan prepared by KEM-TEC & Associates
dated _____ (Conditional Rezoning Rev)
- 4) L-1 Landscape Plan prepared by Erica A. Olson, PLLC
dated _____ (Conditional Rezoning Rev)