



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: December 17, 2007
SUBJECT: Goodman Investments, LLC

Grace Christian Learning Center, located at 2051 E. Big Beaver Road, is looking to expand as of January 7, 2008. Since the approval process for the planned expansion could take some time, the owners have pursued an interim solution with the owners of the property to the east, InPro, located at 2095 E. Big Beaver Rd., which is owned by Goodman Investments, LLC.. Grace Christian Learning Center proposes to create a temporary space in the InPro building for up to 60 children. There are no proposed exterior changes for the building, and no modification to the site plan that was previously approved. However, there is a 1988 Consent Order and Judgment that limits the uses of the property at 2095 E. Big Beaver Road, Troy, MI to those uses that were permitted in the O-1 (business office) zoning district provisions of 1988. Childcare and daycare was not a permitted use in the O-1 zoning district as of 1988, the date of the Consent Order and Judgment, and therefore an amendment would be required to facilitate the interim expansion of Grace Christian Learning Center.

A proposed amendment to the Consent Judgment is attached for your review and consideration. This amendment is limited to adding childcare and daycare as a permitted use for the Property. If Council approves the language, then Grace Christian Learning Center would still need to comply with all other provisions in the Consent Order and Judgment, as well as all local, state, and federal laws. They would also need to obtain approval from the State of Michigan for the proposed temporary expansion.

Please let me know if you have any questions or concerns about the proposed First Amendment to the Consent Order and Judgment.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GOODMAN INVESTMENTS, LLC,
Successor to HARVEY S. FINK,

Plaintiff,

vs.

Case No. 84-275186 CH

CITY OF TROY,

Defendant.

_____/

Goodman Investments, LLC
David W. Goodman, In Pro Per
2095 E. Big Beaver Rd.
Troy, MI 48083
(248) 526-3270

Lori Grigg Bluhm (P46908)
Attorney for Defendant City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084
(248) 524-3320

_____ /

FIRST AMENDMENT TO CONSENT ORDER AND JUDGMENT

At a session of said Court held at the
Courthouse, in the City of Pontiac, Oakland
County Michigan, on: _____

PRESENT: HONORABLE _____
Circuit Court Judge

WHEREAS, a Consent Order and Judgment was entered with this Court on January 6, 1988, governing the property located at 2095 E. Big Beaver Road in the City of Troy, Parcel Number 88-20-24-352-045 (Property); and

WHEREAS, Goodman Investments LLC acquired the property subsequent to the entry of the Consent Judgment, and now is the Successor in Interest/ Successor Plaintiff; and

WHEREAS, Paragraph 1 of the Consent Order and Judgment allows the Property to be used for all purposes permitted under the City of Troy's O-1 (office) zoning classification as of the date the Consent Order and Judgment was entered; and

WHEREAS, Daycare was not a use that was permitted under the City of Troy's O-1 zoning classification in 1988; and

WHEREAS, the successor Plaintiffs have been approached with a proposed Daycare use for a portion of the Property, and have therefore requested an Amendment to the Consent Order and Judgment to list Daycare as a permitted use for the Property; and

WHEREAS, the proposed Daycare use does would not require a site plan amendment, or modification to the exterior of the building, since any such modification would be required to be reviewed by the City of Troy Planning Commission, as well as approved by the Troy City Council; and

WHEREAS, the City Council of the City of Troy does not object to amending the Consent Order and Judgment to enumerate Daycare as a permitted use for the Property, as long as there is compliance with all remaining terms and conditions of the

Consent Order and Judgment, as well as compliance with other applicable City, State, and/or Federal laws or appropriate variances have been granted;

NOW THEREFORE, pursuant to stipulations of the parties, who have had the opportunity to discuss this matter with legal counsel, and this Court being advised of the foregoing,

IT IS HEREBY ORDERED that all terms and conditions set out in the January 6, 1988 Consent Order and Judgment, which is incorporated herein by reference, shall remain in effect, unless expressly modified by this First Amendment to the Consent Order and Judgment (Amendment).

IT IS FURTHER ORDERED that Paragraph One of the January 6, 1988 Consent Order and Judgment shall be amended to read as follows, with the amended language indicated in italics:

1. The Land may be used for all purposes now permitted under the O-1 (Office Building) zoning classification under Chapter 39, Article XXV, Section 25.00.00, et. seq., of the Troy City Code of 1988, as well as *Childcare centers, nursery schools, or day nurseries (not including dormitories), as set forth in Chapter 39, Article XXIV, Section 24.30.07 of the current City of Troy ordinances*, in accordance with the terms and conditions of this consent order and judgment and the sketch of the Land attached as Exhibit "B." *Special use approval shall not be required for Childcare centers, nursery schools or day nurseries, as long as the site plan is not modified and the building is consistent with the approved site plan.*

IT IS FURTHER ORDERED that a certified copy of this Amendment to the Consent Order and Judgment shall be recorded in the Oakland County Register of Deeds against the Property, and the terms and conditions of this consent order and judgment shall be covenants running with the land and shall be binding upon and inure to the benefit of the successors and assigns of the parties.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this action.

CIRCUIT COURT JUDGE

Dated: _____

Approved as to form and content:

GOODMAN INVESTMENTS, LLC

David Goodman, Manager
Goodman Investments, LLC
In Pro Per

Dated: _____

CITY OF TROY

By: _____
LOUISE SCHILLING, Mayor

By: _____
TONNI BARTHOLOMEW, City Clerk

By: _____
LORI GRIGG BLUHM, (P46908)
City Attorney

Dated: _____