

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: May 14 , 2008
SUBJECT: Behr America, Inc. v. Damman L.C. and City of Troy, et. al.

Enclosed please find a copy of a re-plat lawsuit that was recently filed against the City of Troy and all other entities that are required parties under the Michigan Land Division Act, which is the state statute that governs re-plat actions. These other party defendants include other property owners within 300 feet, as well as the State of Michigan Treasurer, Road Commission for Oakland County, Oakland County Drain Commission, Michigan Department of Transportation, Michigan Department of Environmental Equality, and the utility companies.

In 2000, Plaintiff, Behr America, Inc. (BEHR) purchased property for its corporate headquarters on the south side of Big Beaver, near I-75 and Rochester Road. Since that time, BEHR has also acquired additional property for its corporate headquarters. This property is within Supervisor's Plat No. 11, which has a designated 50 foot wide public street easement (Daley Street). Prior to BEHR's construction of the headquarters, Behr requested that the southernmost 400 feet of Daley Street be vacated. At the June 19, 2000 City Council meeting, City Council, after receiving a favorable recommendation from the Planning Commission, conditionally granted the requested street vacation. After acquiring additional property, BEHR made a second request to increase the Daley Street property vacation, which was approved by the Troy City Council on November 13, 2006.

Although there are City Council resolutions approving the requested vacation of Daley Street, Supervisor's Plat No. 11 must also be amended before any permanent structures can be located on the vacated property. Since additional construction is proposed, BEHR was required to initiate this re-plat action to remove the designated 50 foot private road easement on the vacated Daley Street.

Absent objection from City Council, our office will represent the City's interests in this case. Any resulting consent judgment or court orders revising the plat must be reviewed for compliance with the law, and approved by the defendants, including the City, as well as the State of Michigan, and must also be recorded with the Oakland County Register of Deeds.

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

BEHR AMERICA, INC., a Delaware
corporation,

Plaintiff,

vs.

Case No.
Hon.

OAKLAND
COUNTY

08-091138-CH



JUDGE RAE LEE CHABOT

BEHR AMERICA v DAMMAN

DAMMAN L.C., a Michigan limited liability company;
LESLIE R. SCHMIER, an individual;
SIDNEY KATZMAN, an individual; **BARNEY
KATZMAN**, an individual; **TROY COMMERCE
CENTER, L.L.C.**, a Michigan limited liability company;
NOAH CO., LLC, a Michigan limited liability company;
PROTOFAB CORPORATION, a Michigan corporation;
DOUGLAS SAWICKI, an individual, **BOLD
ENTERPRISES LLC**, a Michigan limited liability
company; **ONAWAY INVESTMENTS LLC**,
a Michigan limited liability company; **THE CITY OF
TROY**, a municipal corporation; **ROBERT J. KLEINE**,
Treasurer of the State of Michigan; **LARRY P. CRAKE**,
Chairperson of the Oakland County Board of Road
Commissioners; **JOHN P. MCCULLOCH**, Oakland
County Drain Commissioner; **THE DETROIT EDISON
COMPANY**, a public utility company; **KIRK T. STEUDLE**,
Director of the Michigan Department of Transportation;
STEVEN E. CHESTER, Director of the Michigan
Department of Environmental Quality,

Defendants.

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PAUL P. ASKER (P45098)
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COMPLAINT

THERE IS NO OTHER PENDING OR RESOLVED ACTION WITHIN THE
JURISDICTION OF THIS COURT INVOLVING THE PARTIES, AS ALLEGED IN THIS
COMPLAINT, NOR HAS ANY SUCH ACTION BEEN PREVIOUSLY FILED AND
DISMISSED OR TRANSFERRED TO AFTER HAVING BEEN ASSIGNED TO A JUDGE.

CITY COUNTY CLERK

2008 09 29 10 28 52

FILED FOR FILING

NOW COMES, Plaintiff, **BEHR AMERICA, INC.** ("Plaintiff"), through its counsel, FOSTER, SWIFT, COLLINS & SMITH, P.C., and for its Complaint states as follows:

JURISDICTION AND VENUE

1. Plaintiff is a Delaware corporation doing business in the City of Troy, Oakland County, Michigan, with its principal place of business located at 2700 Daley Drive, Troy, Michigan 48083.
2. The real property that is the subject matter of this Complaint is located in the City of Troy, Oakland County, Michigan.
3. Upon information and belief, the Defendants, as more particularly identified below, are named as Defendants herein pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a.
4. Jurisdiction and venue are proper in this Court pursuant to the Michigan Land Division Act, including, without limitation, Section 221 of the Michigan Land Division Act, MCL 560.221.

COUNT I

VACATION OF PRIVATE ROAD EASEMENT AND REVISION OF SUBDIVISION PLAT

5. Plaintiff re-alleges and incorporates paragraphs 1 through 4 as if fully set forth herein.
6. In 2001, Plaintiff established its North American corporate headquarters in Troy, Michigan, after purchasing an 8.5 acre site near I-75 and Rochester Road and constructed its initial 80,000 square foot corporate headquarters.
7. In 2003, Plaintiff expanded its North American headquarters with the addition of a 10,000 square foot office building at its Troy corporate headquarters complex.
8. In April of 2006, Plaintiff acquired an additional 2.3 acre site adjoining its current headquarters complex, and thereafter broke ground on a new three-story, 69,000 square foot office building, increasing the overall size of its North American headquarters offices by more than seventy-five percent (75%).

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Troy City Council approving the Parcel 1 Road Vacation is attached hereto as **Exhibit F** and incorporated herein.

16. On or about October 10, 2006, the Troy Planning Commission approved, by Resolution of the Commission, Plaintiff's application to vacate a certain portion of a private road easement located within Parcel 2, which is more particularly identified and described on the survey document(s) attached hereto as **Exhibit G** and incorporated herein ("Parcel 2 Road Vacation").
17. A copy of the Minutes, with the Troy Planning Commission's aforementioned Resolution, approving the Parcel 2 Road Vacation is attached hereto as **Exhibit H** and incorporated herein.
18. On or about November 13, 2006, the Troy City Council accepted and approved, by Resolution of the City Council, the Parcel 2 Road Vacation. A copy of the official Minutes of the meeting of the Troy City Council approving the Parcel 2 Road Vacation is attached hereto as **Exhibit I** and incorporated herein.
19. Plaintiff seeks to revise Supervisor's Plat No. 11 to reflect the Parcel 1 Road Vacation and the Parcel 2 Road Vacation by deleting the private road easement depicted on said Plat within the area of real property legally described in the Parcel 1 Road Easement and the Parcel 2 Road Easement, pursuant to the Michigan Land Division Act, MCL 560.221 et seq.
20. Plaintiff seeks the foregoing relief for the reason that Plaintiff's beneficial development and use of Parcel 1 and Parcel 2, which contributes to the economic well being of the City of Troy and hundreds of Plaintiff's employees, necessitates the vacation of portions of the private road easement identified as Parcel 1 Road Vacation and Parcel 2 Road Vacation, and for the reason that they overlap with Plaintiff's building site and approved site plans, and for the reason that the Troy Planning Commission has approved same such that Supervisor's Plat No. 11 must be revised to reflect the vacations.

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9. As part of Plaintiff's development of its real property in Troy, Michigan, and as a condition of developing and using its real property in the beneficial and productive manner in which it is maintained to date, Plaintiff sought and obtained certain vacations of portions of a private road easement, as detailed more fully below.
10. Plaintiff is the record title owner to certain real property located in the City of Troy, Oakland County, Michigan, being a part of Tax Parcel Identification Number 88-20-26-104-020, and more particularly described in the deed attached hereto as **Exhibit A** and incorporated herein ("Parcel 1").
11. Plaintiff is also the record title owner to certain real property adjacent to Parcel 1 and located in the City of Troy, Oakland County, Michigan, also being a part of Tax Parcel Identification Number 88-20-26-104-020, and more particularly described in the deed attached hereto as **Exhibit B** and incorporated herein ("Parcel 2").
12. Parcel 1 and Parcel 2 consist of real property that is a part of Supervisor's Plat No. 11, a copy of which is attached hereto as **Exhibit C** and incorporated herein.
13. On or about May 9, 2000, the Troy Planning Commission approved, by Resolution of the Commission, Plaintiff's application to vacate a certain portion of a private road easement located within Parcel 1, which is more particularly identified and described on the survey document(s) attached hereto as **Exhibit D** and incorporated herein ("Parcel 1 Road Vacation").
14. A copy of the Minutes, with the Troy Planning Commission's aforementioned Resolution, approving the Parcel 1 Road Vacation is attached hereto as **Exhibit E** and incorporated herein.
15. On or about June 19, 2000, the Troy City Council accepted and approved, by Resolution of the City Council, the Parcel 1 Road Vacation. A copy of the official Minutes for the meeting of the

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21. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name and join as parties defendant to this proceeding the owners of record title of each lot or parcel of land included in or located within 300 feet of the Parcel 1 Road Vacation or the Parcel 2 Road Vacation.
22. Upon information and belief, the following persons and entities are the owners of record title of all lots and parcels of land included in or located within 300 feet of the subject parcels of land, being the Parcel 1 Road Vacation and the Parcel 2 Road Vacation:
 - a. Defendant DAMMAN L.C., whose real property is commonly know as 1180 E. Big Beaver, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-018.
 - b. Defendants LESLIE R. SCHMIER, SIDNEY KATZMAN and BARNEY KATZMAN, whose real property is commonly known as 1100 - 1174 E. Big Beaver, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-014.
 - c. Defendant TROY COMMERCE CENTER, L.L.C., is the successor in interest to property commonly known as 1100 - 1174 E. Big Beaver, Troy, Michigan 48084, Tax Parcel Identification Number 88-20-26-103-014.
 - d. Defendant NOAH CO., LLC, whose real property is commonly known as 1200 - 1230 E. Big Beaver, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-104-017.
 - e. Defendant PROTOFAB CORPORATION, whose real property is commonly known as 2835 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-007.
 - f. Defendant DOUGLAS SAWICKI, whose real property is commonly known as 2868 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-104-004.
 - g. Defendant BOLD ENTERPRISES LLC, whose real property is commonly known as 2873 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-021.

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- h. Defendant ONAWAY INVESTMENTS, LLC, whose real property is commonly known as 2877 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-020.
 - i. Defendants LESLIE R. SCHMIER, SIDNEY KATZMAN and BARNEY KATZMAN, whose real property is commonly known as 1100 Owendale, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-015.
 - j. Defendant TROY COMMERCE CENTER, L.L.C., is successor in interest to real property commonly known as 1100 Owendale, Troy, Michigan 48084, Tax Parcel Identification Number 88-20-26-103-015.
- 23. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as a party defendant to this proceeding the municipality in which the subdivision covered by Supervisor's Plat No. 11 is located.
 - 24. Upon information and belief, the CITY OF TROY is the municipality in which the subdivision covered by Supervisor's Plat No. 11 is located.
 - 25. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name the state treasurer as a party defendant to this proceeding.
 - 26. Upon information and belief, ROBERT J. KLEINE is the Treasurer of the State of Michigan.
 - 27. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as parties defendant to this proceeding the drain commissioner and the chairperson of the board of the county road commission having jurisdiction over any land included in Supervisor's Plat No. 11.
 - 28. Upon information and belief, LARRY P. CRAKE is the Chairperson of the Oakland County Board of Road Commissioners.

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29. Upon information and belief, JOHN P. MCCULLOCH is the Drain Commissioner for Oakland County.
 30. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as parties defendant to this proceeding each public utility known to Plaintiff to have installations or equipment in the subject subdivision or which has a recorded easement or franchise right which would be affected by this proceeding.
 31. Upon information and belief, THE DETROIT EDISON COMPANY is a public utility company known to Plaintiff to have installations or equipment in the subject subdivision or which has a recorded easement or franchise right which would be affected by this proceeding.
 32. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as parties defendant to this proceeding the director of the state transportation department and the director of the department of natural resources if any of the subject subdivision includes or borders a state highway or federal aid road.
 33. Upon information and belief, KIRK T. STEUDLE is the Director of the Michigan Department of Transportation and STEVEN E. CHESTER is the Director of the Michigan Department of Environmental Quality f/k/a Michigan Department of Natural Resources.
 34. Pursuant to the Michigan Land Division Act, this Court may enter a Judgment for vacation of those portions of the private road easement within Supervisor's Plat No. 11 more particularly identified as the Parcel 1 Road Vacation and the Parcel 2 Road Vacation, and order said Plat to be revised to delete said portions of the aforementioned private road easement.
- WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Judgment in favor of Plaintiff and ordering that the Parcel 1 Road Vacation land and the Parcel 2 Road Vacation land be vacated, and that Supervisor's Plat No. 11 be revised to delete portions of the private road easement

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more particularly described as the Parcel 1 Road Vacation land and the Parcel 2 Road Vacation land, and granting Plaintiff such further and/or different relief as the Court deems just and equitable under the circumstances.

Dated: April 25, 2008

Respectfully submitted,
FOSTER, SWIFT, COLLINS & SMITH, P.C.

By: 

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:31 p.m. on October 10, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
 Mary Kerwin
 Fazal Khan
 Lawrence Littman
 Robert Schultz
 Thomas Strat
 Mark J. Vleck
 David T. Waller

Absent:

Wayne Wright

Also Present:

Mark F. Miller, Planning Director
 Brent Savidant, Principal Planner
 Susan Lancaster, Assistant City Attorney
 Kathy Czarnecki, Recording Secretary
 Jonathan Shin, Student Representative

Resolution # PC-2006-10-164

Moved by: Littman
 Seconded by: Schultz

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller requested an addition to the agenda relating to the reconsideration of the postponement of St. Mark's Coptic Orthodox Church from the December 2006 Regular meeting to the November 2006 Regular meeting. A copy of the written request from the petitioner was distributed to the members prior to the beginning of tonight's meeting.

Resolution # PC-2006-10-165

Moved by: Waller
 Seconded by: Khan

RESOLVED, To reconsider the postponement of St. Mark's Coptic Orthodox Church from the December 2006 Regular meeting to the November 2006 Regular meeting.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

Chair Strat requested to move Agenda item #12 in front of Agenda item #5, as a consideration to the audience present for the public hearing.

Resolution # PC-2006-10-166

Moved by: Kerwin
 Seconded by: Khan

RESOLVED, To approve the Agenda as amended.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

3. **MINUTES**

Resolution # PC-2006-10-167

Moved by: Kerwin
 Seconded by: Schultz

RESOLVED, To approve the September 26, 2006 Special/Study meeting minutes as published.

Yes: Drake-Batts, Kerwin, Khan, Littman, Schultz, Strat, Waller
 No: None
 Abstain: Vleck
 Absent: Wright

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

12. PUBLIC HEARING – SPECIAL USE REQUEST (SU 340) – Proposed T-Mobile Cellular Tower, West side of Coolidge, South of I-75 (on site of Troy Fire Station No. 6), Section 7, Zoned R-1B (One Family Residential) District

Chair Strat announced the petitioner requested a postponement of the item to the November Regular meeting. Chair Strat informed the public that the public hearing would remain open for those who wish to speak at the November public hearing.

PUBLIC HEARING OPENED

Dennis Malecki of 2438 Oak Ridge Drive, Troy, was present. Mr. Malecki spoke in opposition to the proposed request on behalf of the residents of Beach Forest subdivision. He addressed concerns with the tower's appearance, public health and property values.

Cheryl Korth of 2086 Haverford Drive, Troy, was present. Ms. Korth spoke in opposition to the proposed request. She addressed Beach Forest residents who were not notified of the proposed request because they fall outside of the required 300-foot distance to receive notification.

William Cole of 5837 Clearview Court, Troy, was present. Mr. Cole spoke in opposition to the proposed request. Mr. Cole addressed a *New York Times* article on T-Mobile, aesthetics and property values.

PUBLIC HEARING REMAINS OPEN FOR 11-14-06 REGULAR MEETING

Mr. Miller provided a brief review of the City's contractual status with T-Mobile. He provided an explanation of the Planning Department review process for site plan and special use submission. Mr. Miller said notification of the November public hearing would be given to residents living within 300 feet of the proposed use. He indicated any residents living beyond the required 300-foot distance who wish to receive notification of the hearing should contact the Planning Department.

Ms. Lancaster will do research on relevant cell phone tower proposals and FCC regulations.

Resolution # PC-2006-10-168

Moved by: Khan
 Seconded by: Schultz

RESOLVED, That the Planning Commission hereby postpones this item to the November 2006 Regular Planning Commission meeting.

Yes: All present (8)
 No: None

MOTION CARRIED

POSTPONED ITEMS

5. **STREET VACATION REQUEST (SV 134-B)** – Cherry Street, East of Livernois, approximately 173 feet abutting Lots 6 and 7, Greenough Heights Subdivision, East of Livernois, South of I-75, Section 27 – Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts (the abutting parcels)

Mr. Miller reviewed the number of times this item has been postponed at the request of the petitioners. He reported the petitioners are requesting another postponement to a future date due to a health condition of one of the petitioners. Mr. Miller recommended no action on the item.

There was a brief discussion on the application fee associated with a street vacation request.

Resolution # PC-2006-10-169

Moved by: Littman
 Seconded by: Waller

RESOLVED, To take no action on this item until the petitioners are ready to submit their request.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

6. **PUBLIC HEARING – STREET VACATION REQUEST (SV 148-C)** – Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26 – Zoned M-1 (Light Industrial) District (the abutting parcels)

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation, and reported it is the recommendation of City Management to approve the request with two conditions. The conditions are to retain all public and private utility easements and to retain a public access easement for turnaround purposes. Mr. Miller said a turnaround in this situation might be more accurately described as an area for maneuvering.

Ms. Lancaster addressed the pending lawsuit and indicated a court action would have no affect on the Planning Commission's determination. Ms. Lancaster also addressed the retention of a public access easement for turnaround purposes.

The petitioner, Phil Tocco of 5645 Winslow Court, Pittsfield Twp, was present. Mr. Tocco distributed color-coded diagrams to the members that clarified the street vacation request, and provided a brief history of the situation. Mr. Tocco said the easement would enable maneuverability in the right of way and provide additional parking for Behr employees. Mr. Tocco indicated the project engineers were available for questions.

PUBLIC HEARING OPENED

Robert Easterly of 189 E. Big Beaver, Troy, was present. Mr. Easterly, an attorney, represents Protofab located at 2835 Daley, Troy. He addressed the concerns of his client and the pending lawsuit. Mr. Easterly indicated the lawsuit should be resolved before the City makes a determination on the street vacation. He asked that property rights of the citizens be protected and that the members deny the request.

Bill Hart of 5685 Indian Trail, East China Township, was present. Mr. Hart, an officer of Protofab, addressed the property dimensions of 2835 Daley and the concern with essential truck deliveries to the business. He also addressed the existing problem with parking in the area.

Ms. Lancaster explained that nothing physically would change the City property, and the City would retain the right for maneuverability in the roadway.

A brief discussion continued with respect to the turnaround access and maneuverability.

Ken Demark of 2611 Colby, Bloomfield Hills, was present. Mr. Demark is the owner of 2873 Daley. He addressed specifications of the turnaround, green space, a parking variance, existing parking problems and undeveloped land to the west that could be used by Behr for additional parking. Mr. Demark said cars from Behr park in his lot and in the fire lanes. He indicated that cars from Behr would invariably use the turnaround for parking.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-170

Moved by: Khan

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26, be approved, subject to the following conditions:

1. Retention of all public and private utility easements.
2. Retention of a public turnaround easement.
3. Roadway will be kept clear of parked vehicles at all times.

Discussion on the motion on the floor.

Mr. Littman questioned the street vacation, should it be granted by City Council, with respect to the outcome of ownership determined by Court action.

Ms. Lancaster clarified the pending lawsuit is a claim of adverse possession on the property. She indicated the action taken by City Council would remain, Behr would retain the property and the conditions would remain on the property. Ms. Lancaster also stated the conditions would remain should the property be sold.

Ms. Kerwin indicated she would not support the motion. She foresees problems with the enforcement of keeping the roadway clear of parked cars, as stipulated in the third condition of the motion.

Vote on the motion on the floor.

Yes: Drake-Batts, Khan, Strat, Vleck, Waller

No: Kerwin, Littman, Schultz

Absent: Wright

MOTION CARRIED

Mr. Littman believes the request should be considered after Court action on the pending lawsuit. He sees no reason to rush through the approval process because it is going to work the same either way. Mr. Littman said he does not think there will be enough room for trucks to turn around.

Mr. Schultz said he would rather wait until the litigation is complete, so you know who owns property on both sides.

Ms. Kerwin did not support the motion based on the third condition.

Mr. Khan said decisions should not be based on future litigation.

Chair Strat said supported the motion because a landlocked situation would not be created with the vacation

Chair Strat requested a recess at 8:43 p.m.

[Student Representative Shin exited the meeting.]

The meeting reconvened at 8:53 p.m.

7. SPECIAL USE REQUEST (SU 338) – Proposed Auto Detailing and Repair Facility, East side of Souter, South of Maple Road (1402 Souter), Section 34, Zoned M-1 (Light Industrial) District

Mr. Miller reported the petitioner has requested to postpone the item to the November Regular meeting. Mr. Miller indicated a more suitable action would be to postpone the item to a Planning Commission meeting after appropriate plans are submitted to City Management and a public hearing is scheduled.

Resolution # PC-2006-10--

Moved by: Khan
 Seconded by: Littman

RESOLVED, That the Planning Commission hereby postpones this item to the November 2006 Regular Planning Commission meeting.

The following motion was made and substituted for the previous motion.

Resolution # PC-2006-10-171

Moved by: Khan
 Seconded by: Littman

RESOLVED, That the Planning Commission hereby postpones this item until the applicant provides the new plans and the Planning Department schedules a public hearing.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

8. SITE PLAN REVIEW (SP 909) – Landowner-Proposed Amendment to Consent Agreement – Starbucks Restaurant, northwest corner of Big Beaver Road and Crooks Road, Section 20 – H-S (Consent Judgment)

Mr. Miller provided a brief report on the item and an explanation of the related Consent Judgment. He reported City Management recommends postponing the item until a new site plan is submitted.

Resolution # PC-2006-10-172

Moved by: Schultz

Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits a complete site plan to the Planning Department for Planning Commission review.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

REZONING REQUESTS

9. PUBLIC HEARING – REZONING REQUEST (Z 720) – Proposed Rochester Road Cluster Homes, East side of Rochester Road, between Shallowdale Drive and Bradley Avenue, Section 14 – From R-1C (One Family Residential) to R-1T (One Family Attached Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning, and reported it is the recommendation of City Management to approve the rezoning application. Mr. Miller noted a small portion of property controlled by the petitioner is excluded from the rezoning request.

There was a brief discussion on the depth of the property and future right of way on Rochester Road.

The petitioner, Paul DePorre of 2556 Hounds Chase, Troy, was present. Mr. DePorre addressed the request in relation to the Future Land Use Plan and existing zoning districts and land uses. He said the higher density residential use would be a nice transition to the office and commercial uses to the north. Mr. DePorre indicated a single family home could be constructed on the small portion of property excluded from the rezoning request.

PUBLIC HEARING OPENED

Kevin Thompson of 1019 Shallowdale, Troy, was present. Mr. Thompson indicated he communicated to the petitioner his interest in selling property owned by him located on the east side of Rochester and north of Shallowdale. He also addressed the property to the east of him with respect to building a single family home on the site.

PUBLIC HEARING CLOSED**Resolution # PC-2006-10-173**

Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the east side of Rochester Road, between Shallowdale Drive and Bradley Avenue, within Section 14, being approximately 3.71 acres in size, be granted, for the following reasons:

1. The application meets the Location Standards of the R-1T District.
2. The application is consistent with the intent of the Future Land Use Plan
3. The application is compatible with the existing zoning districts and land uses.

Discussion on the motion on the floor.

Mr. Littman announced the Planning Department received a letter of objection to the proposed rezoning, a copy of which was distributed to the Planning Commission.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

10. PUBLIC HEARING – REZONING REQUEST (Z 721) – Proposed Multi-family Development, West of John R, North of Wattles, Section 14 – From B-2 (Community Business) and R-1C (One Family Residential) to RM-1 (Low Rise Multi-Family Residential) District

Mr. Savidant announced the petitioner submitted a written request to postpone the item at the beginning of tonight's meeting.

The petitioner was not present.

PUBLIC HEARING OPENED

Barbara Pikora of 11413 N. Pearson, Shelby Twp, was present to represent Infinity Management Corporation of 1977 East Wattles, Troy. Ms. Pikora asked if public hearing notices would be sent for the next scheduled public hearing.

Mr. Miller confirmed that public hearing notices would be sent.

There was a brief discussion on the petitioner's intent in requesting the postponement.

PUBLIC HEARING REMAINS OPEN**Resolution # PC-2006-10-174**

Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits revised information to the Planning Department for the Planning Commission to review.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

11. PUBLIC HEARING – REZONING REQUEST (Z 722) – Proposed Retail Development, Northwest corner of Maple Road and Thorncroft, Section 29 – From R-C (Research Center) to B-3 (General Business) District

Mr. Savidant reported the petitioner met with the Planning Department and discussed other development options on the subject property. Based on those conversations, the petitioner submitted a written request to take no further action on the proposed rezoning request.

Mr. Miller clarified the petitioner found a potential purchaser for the subject site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-175

Moved by: Schultz
 Seconded by: Littman

RESOLVED, That the Planning Commission shall take no action on this item at this time.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

SPECIAL USE REQUESTS

13. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 341)** – Somerset Plaza, Whole Foods Proposed Seasonal Outdoor Display, Northeast corner of Maple Road and Coolidge Hwy, Section 29, Zoned B-2 (Community Business) District

Mr. Savidant briefly reviewed the proposed special use request. Based on discussions with the Planning Department as relates to a zoning ordinance text amendment that would permit seasonal outdoor display areas in commercial districts, the petitioner submitted a written request to withdraw the special use request. Mr. Savidant reported the item requires no action.

Mr. Schultz expressed concern that the petitioner is not aware of the length of time associated with a zoning ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

No action was taken on this request.

14. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 342)** – Existing Marathon Station, Northeast corner of Rochester Road and Charrington (3400 Rochester Road), Section 23, Zoned H-S (Highway Service) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the special use request and site plan with conditions relating to the sidewalk perimeter and the entry drive on the Rochester Road.

Mr. Savidant said the Planning Department received a written request from the applicant to postpone to a future meeting. It is understood that the applicant intends to submit revised plans with an additional vehicular drive on Rochester Road.

There was a brief discussion on rear and side yard setback regulations.

John Debruyne of SDA Architects, 42490 Garfield, Clinton Twp, was present to represent the petitioner. Mr. Debruyne said the petitioner would like to explore the opportunity of maintaining the two existing driveways on Rochester Road.

There was discussion on the two existing driveways on Rochester Road and the recommendation of the City's Transportation Engineer to close the southern driveway on Rochester Road. Members Strat and Khan indicated they would not support the request with two driveways on Rochester Road.

Mr. Debruyne briefly discussed the matter with the petitioner. He indicated the petitioner is concerned with maneuverability of the site should the southern driveway be removed.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10

Moved by: Schultz

Seconded by:

RESOLVED, To move this item to the Regular meeting of February 2007.

Motion **failed** due to lack of a second.

Mrs. Kattouah, wife of the petitioner, was present. Mrs. Kattouah said the two entrances on Rochester Road are very essential for their business. She addressed the neighbors' concerns on traffic, ingress and egress, and maneuverability within the site. Ms. Kattouah requested a postponement for one month.

Resolution # PC-2006-10-176

Moved by: Vleck
Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such a time that the applicant submits a revised site plan to the Planning Department at which time the Planning Department will set a date for the next meeting.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT**

15. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 227) – Articles 28.00.00, 22.00.00, 23.00.00 and 24.00.00 – Ambulance Facilities in the M-1 (Light Industrial) District and Reconsider Permitted Locations in the B-3 (General Business), H-S (Highway Service) and O-1 (Low Rise Office) Districts**

Mr. Savidant briefly reviewed the proposed zoning ordinance text amendment. He indicated the verbiage was given a thumbs-up by an appropriate outside source on ambulance facilities.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2006-10-177**

Moved by: Kerwin
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles XXII B-3 GENERAL BUSINESS DISTRICT, XXIII H-S HIGHWAY SERVICE DISTRICT, XXIV LOW RISE OFFICE DISTRICT and XXVIII LIGHT INDUSTRIAL DISTRICT, pertaining to permitting Ambulance Facilities by Conditional Use Approval in the M-1 District and eliminating Ambulance Facilities in the O-1, B-3 and H-S Districts, be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Public Hearing draft.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

SITE PLAN REVIEW

16. SITE PLAN REVIEW (SU 330) – Proposed Addition to Infiniti-Hyundai Automotive Dealership, West side of Mapelawn between Maple and Crooks, Section 29, Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted.

There was discussion on the site plan submission as relates to the unsealed plans and confusion in the distinction of the existing building and proposed addition.

The petitioner, Stanley Tkacz of Studio Design-ST, 1529 S. Wayne Road, Westland, was present. Mr. Tkacz reviewed the process of the site plan as originally submitted and how it ended back in front of the Planning Commission. He apologized for submitting unsealed plans and the confusion in not clearly designating the proposed addition on the site plan. Mr. Tkacz indicated he followed the Planning Department's direction in the site plan submission.

Resolution # PC-2006-10-178

Moved by: Waller
Seconded by: Schultz

RESOLVED, To postpone the proposed addition to the Infiniti-Hyundai Dealership located on the west side of Mapelawn between Maple and Crooks, Section 29, M-1, until the October 24, 2006 Special/Study Meeting.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

A brief discussion followed on the submission of new plans for this item.

OTHER ITEMS

17. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

18. **PLANNING COMMISSION COMMENTS**

There was a brief discussion on the Michigan Association of Planners (MAP) conference this week in Detroit.

Mr. Miller addressed the number of recent postponements on agenda items, and indicated the matter is being address internally.

The Regular Meeting of the Planning Commission was adjourned at 10:00 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2006 PC Minutes\Final\10-10-06 Regular Meeting_Final.doc

A Regular Meeting of the Troy City Council was held Monday, November 13, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Broomfield called the Meeting to order at 7:31 P.M.

Pastor Thomas Barbret – Lutheran Church of the Master gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling (Absent)
Robin Beltramini
Mayor Pro Tem Cristina Broomfield
Wade Fleming
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

Vote on Resolution to Excuse Mayor Schilling

Resolution #2006-11-326
Moved by Lambert
Seconded by Stine

RESOLVED, That Mayor Schilling's absence at the Regular City Council meeting of November 13, 2006 is **EXCUSED** due to illness.

Yes: All-6
No: None
Absent: Schilling

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Pro Tem Broomfield accepted signed pledges from students of Troy elementary and middle schools, and Mary Lou Cole, President of *Troy Families for Safe Homes* in recognition of the *National Red Ribbon Campaign*.

CARRYOVER ITEMS:

-
- B-1 No Carryover Items**

Exhibit I

EXHIBIT I

PUBLIC HEARINGS:

C-1 Community Development Block Grant (CDBG) 2007 Application

The Mayor Pro Tem opened the Public Hearing for public comment.

The Mayor Pro Tem closed the Public Hearing after receiving no comment from the public.

Resolution #2006-11-327

Moved by Beltramini

Seconded by Stine

WHEREAS, The City of Troy will receive approximately \$166,316.00 for Community Development Block Grant funds for the year 2007;

WHEREAS, On November 13th, 2006 at which Public Hearing, persons were given an opportunity to provide written and oral views to the Troy City Council, the authority responsible for enacting the budget, and to ask questions about the entire budget and the relationship of the Flood Drain Improvements, Home Chore Program, and Administration; and

WHEREAS, The City Council of the City of Troy, after conclusion of the Public Hearing on this date has determined that funding should be provided through the 2007 Community Development Block Grant (CDBG) Program for Flood Drain Improvements, the Home Chore Program, and Administration;

THEREFORE, BE IT RESOLVED, That Flood Drain Improvements, the Home Chore Program and Administration are hereby **DESIGNATED** as Community Development Block Grant (CDBG) Projects for 2007; and

BE IT FINALLY RESOLVED, That the Mayor of the City of Troy is **AUTHORIZED** to sign the Application and Subrecipient Agreement and **SUBMIT** them to Oakland County.

Yes: All-6

No: None

Absent: Schilling

C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 227) – Articles XXII, XXIII, XXIV and XXVIII – Ambulance Facilities in the B-3, H-S, O-1 and M-1 Districts

The Mayor Pro Tem opened the Public Hearing for public comment.

The Mayor Pro Tem closed the Public Hearing after receiving comment from the public.

Resolution #2006-11-328

Moved by Stine

Seconded by Fleming

RESOLVED, That Articles XXII (B-3 General Business District), XXIII (H-S Highway Service District), XXIV (O-1 Low Rise Office District) and XXVIII (M-1 Light Industrial District) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 227), as recommended by the Planning Commission and City Management.

Yes: All-6
No: None
Absent: Schilling

C-3 Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26

The Mayor Pro Tem opened the Public Hearing for public comment.
The Mayor Pro Tem closed the Public Hearing after receiving comment from the petitioner and the public.

Resolution
Moved by Fleming
Seconded by Beltramini

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted Daley Street right-of-way, located south of Big Beaver Road, and abutting lots 28 and 33 of Supervisors Plat No. 11;

WHEREAS, The property which shall benefit from this requested vacation is Lot 28 and 33 of Supervisors Plat No. 11, Section 26 (City of Troy Tax Parcels 20-26-103-024 and 20-26-104-019); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted with the retention of public and private utility easements and public turnaround easement;

THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and the Planning Commission, and **VACATES** the portion of the Daley Street right-of-way; and

BE IT FURTHER RESOLVED, That the City Council **RETAINS** easements for public and private easements and public turnaround within the vacated Daley Street right-of-way.

Vote on Resolution to Postpone

Resolution #2006-11-329
Moved by Howrylak
Seconded by Stine

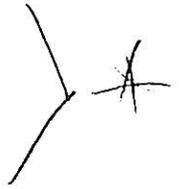
RESOLVED, That Troy City Council hereby **POSTPONES** *Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26* until the Regular City Council Meeting scheduled for Monday, December 4, 2006.

Yes: Howrylak, Lambert, Stine
No: Fleming, Beltramini, Broomfield
Absent: Schilling

MOTION FAILED

Vote on Resolution as Presented

Resolution #2006-11-330
Moved by Fleming
Seconded by Beltramini



WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted Daley Street right-of-way, located south of Big Beaver Road, and abutting lots 28 and 33 of Supervisors Plat No. 11;

WHEREAS, The property which shall benefit from this requested vacation is Lot 28 and 33 of Supervisors Plat No. 11, Section 26 (City of Troy Tax Parcels 20-26-103-024 and 20-26-104-019); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted with the retention of public and private utility easements and public turnaround easement;

THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and the Planning Commission, and **VACATES** the portion of the Daley Street right-of-way; and

BE IT FURTHER RESOLVED, That the City Council **RETAINS** easements for public and private easements and public turnaround within the vacated Daley Street right-of-way.

Yes: Stine, Beltramini, Broomfield, Fleming, Howrylak
No: Lambert
Absent: Schilling

MOTION CARRIED

POSTPONED ITEMS:

D-1 City Council Appointments: Troy Daze Committee

Pending Resolution
Resolution
Moved by Stine
Seconded by Lambert

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

75650

OAKLAND COUNTY REGISTER OF DEEDS
I HEREBY CERTIFY THAT THE INSTRUMENTS FILED
hold by the state of Michigan, subject to the within description
and all TAXES on same amount of five years previous to the
date of this instrument as appears by the records in the office
except as stated.

LIBER 21202 PAGE 485
99.00 DEED - COMBINED
92.00 REINUMENTATION
03/17/2000 10:01:17 A.M. RECEIPT# 21019
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

MAR 10 2000

013445

C. HUGH DOHANY, County Treasurer
1.00 DR Sec. 135, Act 208, 1893 as amended

WARRANTY DEED
STATUTORY FORM FOR INDIVIDUALS Form No. M-960

KNOW ALL MEN BY THESE PRESENTS: That William Chiao whose address is:
No. 15, Chu Lun Street, Taipei, Taiwan, R.O.C.

Conveys and Warrants to Behr America, Inc., a Delaware corporation whose address is:
4500 Leeds Avenue, Charleston, South Carolina 29405

the following described premises situated in the City of Troy, County of Oakland, and State of Michigan,
to wit:

See Exhibit A attached hereto and made a part hereof for Legal Description

More commonly known as: Vacant Land, Troy, Michigan

This property may be located with the vicinity of farm land or a farm operation. Generally accepted
agricultural and management practices which may generate noise, dust, odors, and other associated
conditions may be used and are protected by the Michigan Right to Farm Act. Grantor grants to Grantee
the right to make the maximum divisions under Section 108 of the Land Division Act, Act No. 288 of the
Public Acts of 1967.

SP/

for the sum of (Real Estate Transfer Tax Valuation Affidavit filed)
\$1.00 AND OTHER VALUABLE CONSIDERATION.

Dated this 1st day of March, 2000

Witnessed:

Stan Chang
Print Name: STAN CHANG.

DS Doctor
Print Name: DS Doctor

State of _____)
County of _____) ss

William Chiao
William Chiao
I, David T. Liou, a licensed attorney of Taiwan,
Republic of China (License No. 75-Tai-Jean-Jang 0696)
hereby certify that William Chiao
with identification has
duly signed on this document on
this 1st day of March, 2000

The foregoing instrument was acknowledged before me this _____ day of _____, 2000
by William Chiao.

David T. Liou
David T. Liou
Taipei, Taiwan, R.O.C.
Notary Public, _____ County, Michigan

My Commission expires: _____

County Treasurer's Certificate	City Treasurer's Certificate
REVENUE TO BE AFFIXED AFTER RECORDING	

After recording return to:
Michael B. Peterman
Miller Canfield Paddock & Stone
150 W. Jefferson, Ste 2500
Detroit, Michigan 48228

Drafted by:
Michael S. Dudash
CB Richard Ellis, Inc.
1000 Town Center, #2300
Southfield, Michigan 48075-1239

O.K. - ML

11.00rc

331902

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION

Part of Lots 12, 13 and 14 of Supervisor's Plat No. 10 according to the plat thereof as recorded in Liber 46 of Plats, Page 42, Oakland County Records and part of vacated Jasper Avenue, and part of the Northwest one-quarter of Section 26, Town 2 North, Range 11 East all being more particularly described as: Beginning at a point distant West 899.31 feet and South 00 degrees 10 minutes 00 seconds East 1127.61 feet and North 67 degrees 10 minutes 00 seconds West 184.93 feet from the North one-quarter corner of said Section 26; thence South 28 degrees 36 minutes 11 seconds West 344.46 feet to the Northerly right-of-way line of I-75 Highway; thence along a curve concave Northeasterly, having a radius of 2655.48 feet, chord bears North 67 degrees 32 minutes 16 seconds West 218.15 feet a distance of 218.21 feet; thence North 73 degrees 28 minutes 58 seconds West 380.66 feet; thence North 68 degrees 03 minutes 41 seconds West 108.87 feet; thence South 87 degrees 54 minutes 23 seconds East 591.87 feet; thence North 00 degrees 22 minutes 00 seconds East 170.00 feet; thence South 73 degrees 50 minutes 20 seconds East 180.59 feet; thence South 67 degrees 10 minutes 00 seconds East 70.07 feet to the point of beginning. ALSO the East 150 feet of Lot 25 except the North 678.00 feet and except that part taken for I-75 Highway. ALSO Lot 27 and Lot 28, except the North 130 feet and Lot 34 except the North 150 feet of Supervisor's Plat No. 11, according to the plat thereof as recorded in Liber 46 of Plats, Page 46, Oakland County Records.

Tax Parcel Numbers:

20-28-104-015 - LOTS 12, 13, 14 SIP # 10, & LOT 34 SIP # 11
 20-28-103-017 - LOT 28 SIP # 11
 20-28-103-011 - LOT 25 SIP # 11
 20-28-103-009 - LOT 27 SIP # 11

LIBER 37475 PG 372

OAKLAND COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that the above described instrument is a valid instrument held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appear by the records in the office except as stated

APR 27 2006

kw kd
PATRICK M. DEHANY, County Treasurer
Nos. 106, Act 208, 1999 as amended
AMT INT R.O.D. *so*

111860
LIBER 37475 PAGE 372
\$16.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$16,770.00 TRANSFER TX COMBINED
04/27/2006 09:54:37 A.M. RECEIPT# 48285

PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

2005 NOT EXAMINED



Metropolitan Title Company
America's Premier Title Agency

WARRANTY DEED

(Platted/Condominium)

Drafted By:

Marjorie A. Smith, Trustee of the
Marjorie A. Smith Trust UAD 1/15/97
Pasco Properties, LLC
360 Southfield
Birmingham, MI 48009

Return To:

Behr America, Inc., A Delaware
Corporation
2700 Daley Drive
Troy, MI 48083

Send Tax Bills To:

Behr America, Inc., A Delaware
Corporation
2700 Daley Drive
Troy, MI 48083

Recording Fee: \$21.00
File Number: 151531 *T*

State Transfer Tax: \$14,625.00
County Transfer Tax: \$2,145.00

Tax Parcel No.: 20-26-103-024 *@*

Know All Persons by These Presents: That Pasco Properties, L.L.C. by Marjorie A. Smith, Trustee of the Marjorie A. Smith Trust UAD 1/15/97 whose address is 360 Southfield, Birmingham, MI 48009

Convey(s) and Warrant(s) to Behr America, Inc., a Delaware Corporation by Katja Knupfer, Corporate Legal Counsel whose address is 2700 Daley Drive, Troy, MI 48083

the following described premises situated in the City of Troy, County of Oakland, State of Michigan, to wit:
(SEE ATTACHED EXHIBIT A)

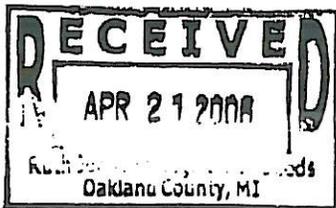
More commonly known as: 1176-1178 E Big Beaver, Troy, MI 48083
For the full consideration of: one million nine hundred fifty thousand Dollars (\$1,950,000.00)

Subject To:

Existing building and use restrictions, easements of record, and zoning ordinances, if any.

Dated this April 13, 2006.

O.K. - A.N.



STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
OAKLAND 4/27/2006 48205
\$2,145.00 CO
\$14,625.00 ST
419061



EXHIBIT B

METROPOLITAN

(Attached to and becoming a part of Warranty Deed dated: April 13, 2006 between Pasco Properties, L.L.C. by Marjorie A. Smith, Trustee of the Marjorie A. Smith Trust UAD 1/15/97, as Seller(s) and Behr America, Inc., a Delaware Corporation by Katja Knupfer, Corporate Legal Counsel, as Purchaser(s).)

Seller(s):

Pasco Properties, L.L.C.

Marjorie A. Smith

By: Marjorie A. Smith, Trustee of the
Marjorie A. Smith Trust UAD 1/15/97

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me
this April 13, 2006 by Pasco Properties, L.L.C. by Marjorie
A. Smith, Trustee of the Marjorie A. Smith Trust UAD
1/15/97.

Christia McGhee

Christia McGhee
Notary Public Oakland Co., MI
My Commission Expires May 19, 2006
Acting In Oakland Co.

Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:



Metropolitan Title Company
America's Premier Title Agency

(Attached to and becoming a part of Warranty Deed dated: April 13, 2006 between Pasco Properties, L.L.C. by Marjorie A. Smith, Trustee of the Marjorie A. Smith Trust UAD 1/15/97, as Seller(s) and Behr America, Inc., a Delaware Corporation by Katja Knupfer, Corporate Legal Counsel, as Purchaser(s).)

EXHIBIT A

Land situated in the City of Troy, County of Oakland, State of Michigan, described as follows:

The South 609 feet of the North 678 feet of the East 150 feet of Lot 25 and the South 65 feet of the North 130 feet of Lot 28 of SUPERVISOR'S PLAT NO. 11, according to the plat thereof recorded in Liber 46 of plats, page 46, Oakland County Records. @

Tax Item No. 20-26-103-024

Tax Parcel Number: 20-26-103-024

2/16/07



Metropolitan Title Company
America's Premier Title Agency

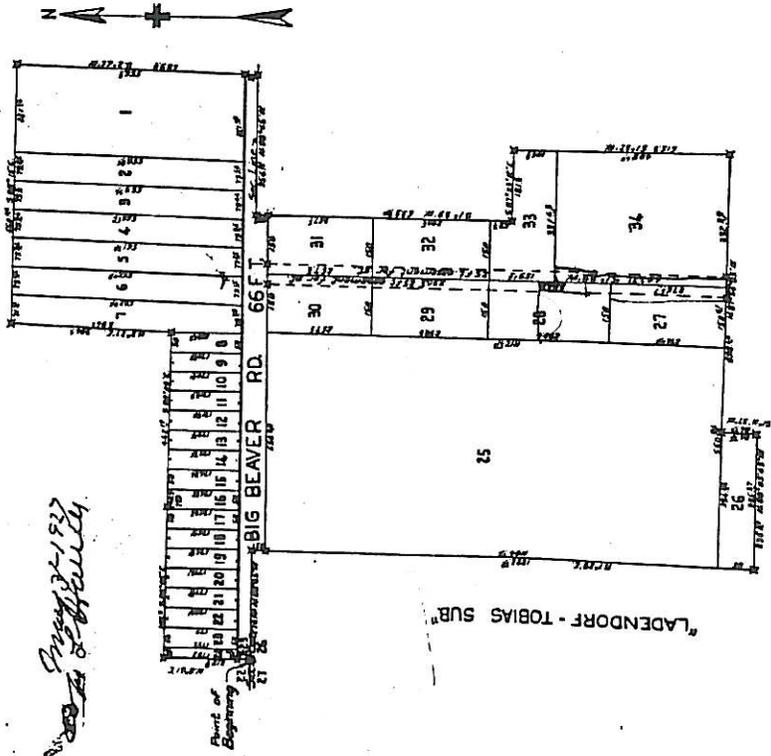
23390

May 11-1927
J. L. Haulley
Superior Plat No. 11
Plat No. 9
H. M. L. Haulley

1st SUPERVISORS PLAT NO. 11

A SUBDIVISION OF PART OF SW 1/4 OF SW 1/4 SEC. 23
AND PART OF NW 1/4 OF NW 1/4 SEC. 26 T2NR1E
TROY TWP OAKLAND CO. MICH.

SCALE: 1 IN. = 200 FT.
All dimensions are shown in feet and decimals thereof.



KNOW ALL MEN BY THESE PRESENTS
That I, Morris Wattle, Supervisor of the Township
of Troy, Oakland Co. Mich., by virtue of authority in me
vested by Section 3350, Compiled Laws of 1915, as
amended, having been duly authorized by the Township
Board have caused the land embraced in the annexed
plat to be surveyed laid out and platted to be known
as "Supervisors Plat No. 11" a subdivision of part of SW
1/4 of SW 1/4 Sec. 23, and part of NW 1/4 of NW 1/4 Sec. 26
T2NR1E Troy Twp, Oakland Co. Mich. and that the
traces as shown on said plat are hereby dedicated to
the use of the public
Signed and Sealed in Presence of
Morris Wattle,
Supervisor of Troy Twp.

STATE OF MICHIGAN } ss.
COUNTY OF OAKLAND }
On this 11 day of May, A.D. 1927, before me a Notary
Public in and for said County personally came the above
named Morris Wattle, Supervisor of the Township of Troy
known to me to be the person who executed the above
dedication and acknowledged the same to be his free
act and deed as such supervisor.
Notary Public for Oakland Co. Mich.
My commission expires 10/1/27

SURVEYORS CERTIFICATE.
I hereby certify that the plat hereon delineated is a correct
one and that permanent metal monuments of not less
than one inch in diameter and fifteen inches in length set
in a concrete base at least four inches in diameter and
fourty-eight inches in depth have been placed at points marked
thereon as hereon shown at all angles in the boundaries of
the lots platted, at all intersections of streets, and at the
intersections of streets with the boundaries of the plat as
shown on said plat.
G. J. McAlister
Registered Surveyor

I, Morris Wattle, Township Supervisor of Troy Township
Oakland Co. Mich. hereby certify that because of ownership
in small parcels of property shown on this plat, and for
other reasons it appears necessary and advisable to make a
supervisor's plat of same.
Morris Wattle,
Township Supervisor

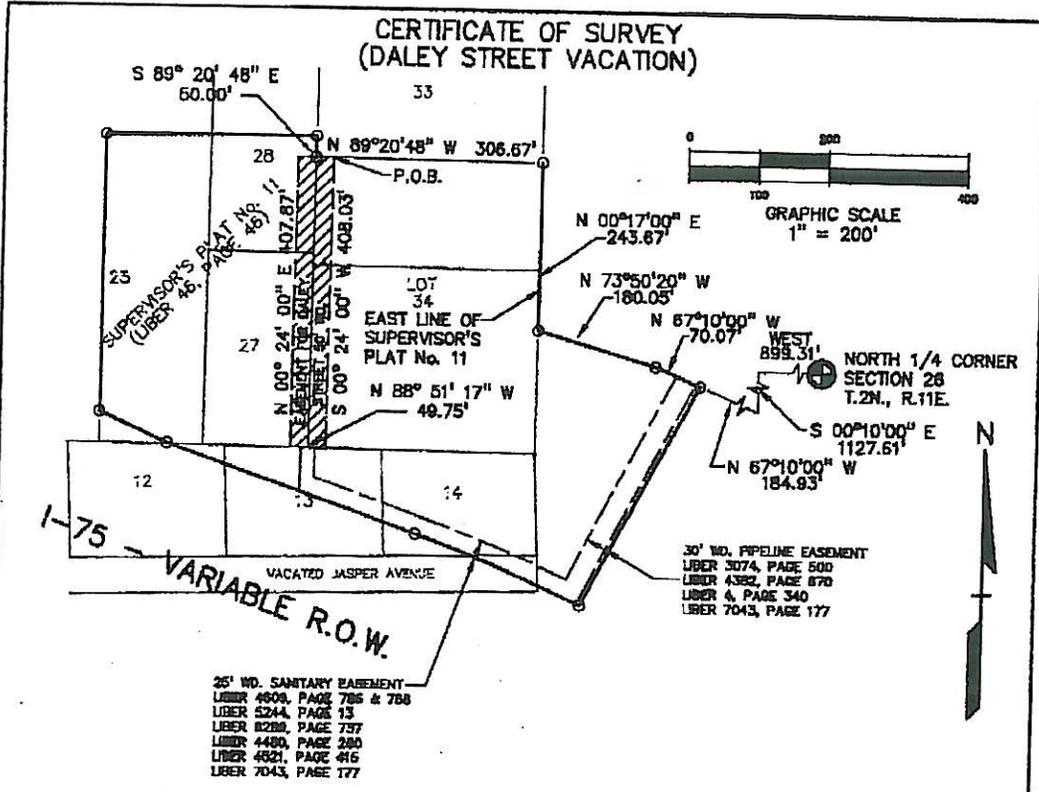
CERTIFICATE OF MUNICIPAL APPROVAL.
This plat was approved by the Township Board of Troy
Township Oakland Co. Mich. at a meeting held on the
13 day of April, A.D. 1927.
Morris Wattle
Township Clerk

DESCRIPTION:
Beginning at the S.W. cor. Sec. 23 T2NR1E Troy Twp
Oakland Co. Mich. thence N0°41' E. along the west line of
Sec. 23 57.00 ft. thence S 88° 05' E. 386.8 ft. thence
S 88° 05' E. 442.17 ft. thence N 3° 27' E. 394.3 ft. thence
S 88° 15' E. 602.89 ft. thence S 2° 45' N 5 898 ft. to the
center line of Big Beaver Road and the north line of
Sec. 26 thence N 88° 45' W along said north line of Sec. 26
354.31 ft. thence S 7° 33' N 633.30 ft. thence S 87° 03' E
181.3 ft. thence S 1° 32' N 515.5 ft. thence N 87° 54' 23' N
698.49 ft. thence S 1° 11' 37' N 86.75 ft. thence N 88° 03' 39' W
935.31 ft. thence N 1° 28' E 1222.75 ft. to said north line of
Sec. 26 thence N 88° 45' N along said line 276.49 ft. to
point of beginning.

Approved by the Board of Supervisors of
the Township of Troy, Michigan, this 13 day of April, 1927.
Morris Wattle
Township Supervisor

EXHIBIT C

Copy



LEGAL DESCRIPTION

Part of Lot 27, 28, 33 and 34 of Supervisor's Plat No. 11 according to the plat recorded as in Liber 48, Page 48, Oakland County Records. Beginning at the North 1/4 Corner of Section 28, T. 2N., R. 11E., West 899.31 feet; thence S 00° 10' 00" E, 1127.81 feet; thence N 67° 10' 00" W, 184.93 feet; thence N 67° 10' 00" W, 70.07 feet; thence N 73° 50' 20" W, 180.05 feet; thence N 00° 17' 00" E, 243.67 feet; thence N 89° 20' 48" W, 306.67 feet to the Point of Beginning; thence S 00° 24' 00" W, 408.03 feet; thence N 88° 51' 17" W, 49.75 feet; thence N 00° 24' 00" E, 407.87 feet; thence S 89° 20' 48" E, 50.00 feet to the Point of Beginning.

CLIENT:
BEHR AMERICA
850 LADD ROAD, "A"
WALLED LAKE, MICHIGAN 48380

SCALE: 1" = 200'
DATE: 4-25-00

JOB No: 200010
DWG. No: 1

2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
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EXHIBIT D

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Beltramini at 7:30 P.M. on Tuesday May 9, 2000 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

- Beltramini
- Chamberlain
- Kramer
- Littman
- Reece
- Starr
- Storrs
- Waller

Absent:

- Wright

Also Present:

- Laurence G. Keisling, Planning Director
- Robert Davisson, Assistant City Attorney
- Doug Smith, Real Estate & Development Director
- Nicole Brown, Student Representative

Moved by Chamberlain; Seconded by Reece

RESOLVED, that Commissioner Wright be excused from attendance at this meeting.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

2. PUBLIC COMMENTS

TABLED ITEMS

3. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW – Proposed Church – North of Wattles and West of John R – Section 14 (SU-306)

Mr. Keisling explained that at the March 14 Regular Meeting a Public Hearing was opened in relation

EXHIBIT E

to a request for Special Use Approval and related Preliminary Site Plan Approval for the establishment of a church complex on an L-shaped R-1C zoned parcel extending north from Wattles Road in the area west of John R. The petitioners, St. Petka Vratnica Serbian Orthodox Church, controlled a 6.46 acre parcel with just 79 feet of frontage on Wattles Road. The major portion of the site lies approximately 550 feet north of Wattles Road and abuts the Athens High School site. The plan also included a 60 foot wide City-owned Wattles Road frontage parcel abutting to the west, which is proposed to be purchased by the petitioners and combined with their site in order to improve its access and presentation from the frontage street. Action was tabled on this matter at the request of the petitioners, and the Public Hearing was continued, in order to provide an opportunity for them to proceed in their efforts to acquire additional property and to revise the site plan accordingly.

Mr. Keisling stated that the petitioners have acquired just one additional parcel, the rear 350 foot portion of the residential lot immediately east of their Wattles frontage, and have now presented a revised site plan. A new Public Hearing advertisement has been distributed, due to the proposed additional site area. The total site area, including the City-owned parcel, is now approximately 7.8 acres. At the staff's request, the proposed entrance drive has been placed directly opposite Victoria Drive on the south side of Wattles. The plan indicates a multi-phase development, wherein the first phase would be the sanctuary building with a sanctuary seating capacity of 500. Later phases would include classrooms and a multi-purpose hall, also with a 500 person capacity. The site plan indicates 4' 6" decorative masonry parking area screenwalls along all boundaries abutting residentially-zoned property. The northerly and westerly boundaries of this site abut land which is now, or will in the future become, part of the Troy Athens High School site. The petitioners may, therefore, in the future, request a waiver of a portion of the parking area screenwalls. The site plan also indicates a potential secondary connection to the Athens High School perimeter drive, a proposal which the petitioners are presently discussing with the Troy School District. The site plan also indicates an entrance canopy on the south side of the future hall element, which encroaches into the required 50 foot setback area. It will be necessary to secure a variance from the Board of Zoning Appeals if the church wishes to proceed with this architectural detail element in the future. As originally submitted, the site plan also indicated 25 foot high parking area light standards, shielded from the adjacent residential area. The staff asked that the standards be reduced to a maximum of 18 feet in height, particularly in those areas adjacent to potential future residential development. The unofficial performance standard " - - - parking area lighting luminaires shall not be visible from adjacent residential properties " would once again be an appropriate item to include in the action on this matter. With recognition of the potential need for a variance related to the hall entrance canopy, all applicable Ordinance requirements are complied with and action on this Special Use Request and Preliminary Site Plan would be in order.

Mr. Keisling noted that the proposed Zoning Ordinance language regarding the establishment of churches, which will be considered later in this agenda, includes a provision which would require 50 foot setbacks and landscaped berms in those areas where the proposed parking area lies adjacent to the southerly and easterly boundaries of the site. The proposed Ordinance language also includes a provision which would require such yards and berming for " - - - parking areas proposed for construction after July 1, 2000." This language should probably refer to parking areas for which site plans were approved after July 1, 2000, and similar language should be applied to the new proposed parking area setback requirement.

Mr. Storrs was concerned about the ultimate development potential in the area to the south and east adjacent to the commercial intersection at John R. Mr. Keisling noted that the Master Plan indicates medium-density residential use in that area.

Constantine Pappas, architect for St. Petka, was present. He stated that the church presently has 300 families, 90 of which live in Troy. In response to Mr. Chamberlain's question about the proposed access to the Athens driveway, Mr. Pappas noted that they were working with the School District on this matter, along with proposals for connecting to water and storm drain facilities on the school site. Under the proposed approach, the church site could be used for additional parking for the school during low use hours. Mr. Chamberlain noted that Athens High School already has a Wattles Road driveway. If the Athens drive was connected to the proposed church development, traffic problems could result. Mr. Pappas commented that the proposed inter-connection with the school site could be eliminated.

The Public Hearing was declared open.

David R. Fuchs of 1661 E. Wattles was present and stated that he abuts the Wattles Drive from Athens High School. He was concerned that the church would create more traffic and noise and felt that such a "commercial use" should not be permitted in this area.

No one else wished to be heard.

Mr. Littman noted items in this proposal which were indefinite, such as the sharing of stormwater detention facilities, and the use of the City's property. Mr. Storrs was concerned that the proposed church would limit the potential for residential development in the adjacent area. Mr. Pappas noted that the church already owns its originally-proposed site, and is buying the parcel to the east. He was aware that, if the plan changes in the future, the church would have to return to the Planning Commission. Mr. Storrs stated the church was not in character or compatible with the adjacent area, and Mr. Reece concurred.

Moved by Waller Seconded by Chamberlain

RESOLVED, that Special Use Approval, as requested for the establishment of the St. Petka Vratnica Serbian Orthodox Church on a 7.77 acre parcel (including a present City-owned parcel) lying north of Wattles Road and west of John R be granted, in accordance with Section 10.30.04 of the Zoning Ordinance, subject to the following conditions:

1. The maximum height of light standards in the area adjacent to potential residential development will be 18 feet as indicated on the plan as presented on this date.
2. No driveway access will be provided between this site and the adjacent Athens High School perimeter drive.
3. Further Planning Commission review and action will be necessary if the abutting City-owned parcel is not included in the proposed development.

Yeas: Waller, Chamberlain, Starr Nays: Reece, Storrs

Beltramini, Littman, Kramer Absent: Wright

MOTION CARRIED

Moved by Waller Seconded by Chamberlain

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of the St. Petka Vratnica Serbian Orthodox Church complex on a 7.77 acre parcel (including a present City-owned parcel) in the area north of Wattles Road and west of John R is hereby granted, subject to the following conditions:

1. The maximum height of light standards in the area adjacent to potential residential development will be 18 feet as indicated on the plan as presented on this date.
2. No driveway access will be provided between this site and the adjacent Athens High School perimeter drive.
3. Further Planning Commission review and action will be necessary if the abutting City-owned parcel is not included in the proposed development.

Yeas: Waller, Chamberlain, Starr, Beltramini, Littman, Kramer

Nays: Reece, Storrs

Absent: Wright

MOTION CARRIED

Mr. Storrs indicated that his nay vote was due to his opinion that this proposal did not meet the requirements of Section 10.30.00-A, as it would not be compatible with the orderly development of the adjacent residential area. He did feel that sharing a detention basin with the high school would be a good idea. Mr. Reece indicated that his nay vote was due to his opinion that the church would be in conflict with the orderly residential development of the area.

SITE PLANS

4. SITE PLAN REVIEW – Proposed Industrial Buildings – South End of Daley, East of Rochester – Section 26 (SP-689)

Mr. Keisling explained that a site plan has been submitted for the construction of a two-building industrial complex totaling 79,523 square feet in area, on an 8.4 acre parcel at the south end of Daley Street east of Rochester Road, involving 751 feet of frontage on I-75. The subject site lies on both sides of the Sturgis County Drain, with the majority of the site lying between the drain and I-75. The site is also divided, in a north-south direction, by the platted and partially-improved Daley Street easement, within Supervisors Plat No. 11. Later in this agenda, the Commission will consider a request for vacation of this street easement in order to enable this proposed development to proceed. The proposed development will include an office/lab building in the easterly portion of the I-75 frontage, with a second building including a wind tunnel in the westerly portion of the site. The wind tunnel portion of the building will be 66 feet in height. The petitioners, Behr America, have requested and received a variance from the Board of Zoning Appeals in order to permit this additional structure height, as compared to the 40 foot typical M-1 District maximum height. Access to the site will be provided by a driveway extension of Daley Street, which will include a vehicular bridge crossing the Sturgis Drain. The petitioners have gone to a great deal of trouble in development of their plan to preserve the wooded areas and other natural features, while at the same time enabling productive use of the site. One of the major parking areas will, for example, be located in the north central portion of the site north of the drain, with a pedestrian bridge crossing the drain and extending from the easterly building to that parking area. This approach was used as an alternative to eliminating the substantial wooded area lying east and north of the proposed easterly building. The primary development frontage will be I-75, where the total yard area at or exceeding the 50 foot minimum will be kept open and involve either preservation of natural features or landscaping. The Zoning Ordinance also requires a minimum 50 foot landscaped setback from the ultimate south end of the public street portion of Daley Street. All applicable Ordinance requirements were complied with, and approval of this unique site plan was recommended by the Planning Department, subject to the completion of the indicated street vacation process.

Philip Tocco was present representing Behr America, along with Paul Landry, their architect. Mr. Tocco stated that they manufacture items such as heat exchangers, thermostats, and fan clutches for the automotive industry. This facility would be used primarily for development and testing of their products, and vehicles involving their products. The impact of the building height would be reduced due to the fact that the site is approximately 12-13 feet below the grade of I-75. In response to questions from the Commission, Mr. Landry noted the building and elevations which had been provided, and stated that they were attempting to use as much masonry and glass as possible, even on the wind tunnel portion of the building. In response to Mr. Starr's question, Mr. Tocco stated that the wind tunnel was designed to test the tractor portion of large trucks, and automobiles. The primary reason for purchasing this particular piece of property was its visibility from I-75. Behr America was quite interested in having a positive image for their building complex and thus for their corporation.

Moved by Chamberlain Seconded by Kramer

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a two-building 79,523 square foot complex for Behr America, Inc., on an 8.4 acre M-1 zoned site at the south end of Daley Street abutting I-75 is hereby granted, subject to completion of the vacation process involving that part of the Daley Street right-of-way lying within this site.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

5. SITE PLAN REVIEW – Proposed Office Building (Consent Judgment) – North Side of Big Beaver, East of John R – Section 24 (SP-719)

Mr. Keisling explained that, in November of 1987, the City Council entered a Consent Judgment to settle zoning litigation in the case of Harvey S. Fink v City of Troy, involving a parcel having 200 feet of frontage on the north side of Big Beaver east of John R. The Commission received a copy of the Consent Judgment prior to the meeting. The Judgment basically limits the use of the property to those uses permitted under O-1 zoning, with a P-1 (Vehicular Parking) restriction applied to the east 43 feet of the site. The Judgment also limits building height to two stories, and has other restrictions as to setbacks, screening walls, etc. Finally, the Judgment requires that site plans for the development of this land shall ultimately be subject to the approval of the City Council.

Mr. Keisling explained that a site plan for the development of this property was approved by the City Council in 1988, in accordance with the recommendation of the Planning Commission, but the plan was never implemented. A new site plan has now been submitted, by prospective new owners, for the construction of a 20,722 square foot single-story office building. The building will be set back approximately 53 feet from Big Beaver Road, and the landscaped front yard will include a shallow-sloped stormwater detention area. The site is to be served by a single driveway entering the easterly portion of the frontage within the area limited to P-1 use. The staff requested that a cross-access easement be provided over this driveway, extending north and west to the west property line, abutting the B-1 zoned site of the childcare center for which a site plan was approved by the Commission at the May 2 Study Meeting. If the childcare center is implemented at that location, he would not expect the cross-access easement to be used. The site plan indicates a 6 foot screenwall along the north property line and a 4' 6" screenwall along the east property line. In accordance with the Consent Judgment, these walls should be "brick-faced" and the 4' 6" wall should extend west to the driveway in the area adjacent to the southeast corner of the site. Finally, Mr. Keisling proposed that the trash receptacle enclosure be relocated to a point further distant from residentially-zoned land, probably on the south side of the driveway adjacent to the northwest corner of the building. With this modification, approval of this site plan should be recommended to the City Council.

Todd Bell was present on behalf of the petitioners, Expert Underwriters. He stated that they would be moving their business from Maple Road to this site, and that they would be willing to relocate the trash receptacle enclosure. In response to Mr. Storrs' question, he stated that the screenwall would be brick-faced, at least on the residential side.

Moved by Chamberlain; Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends to the City Council that Site Plan Approval, as requested for the construction of a 20,722 square foot single-story office building on a parcel having 200 feet of frontage on the north side of Big Beaver east of John R be granted, in accordance with the provisions of the Consent Judgment entered in the zoning litigation Harvey S. Fink v City of Troy, subject to the following conditions:

1. Relocation of trash receptacle enclosure away from residentially-zoned land.
2. Provision of a cross-access easement extending to the west property line.
3. Brick-faced screenwalls, at least on the residential side.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

6. SITE PLAN REVIEW – Proposed Hotel (Consent Judgment) – South of Maple, at Mapelawn and

Equity Drives – Section 32 (SP-852)

Mr. Keisling briefly reviewed the background of this proposal for the construction of a *Homewood Suites by Hilton* hotel on a 4.2 acre portion of the Parcel controlled by a Consent Judgment which settled the zoning litigation entitled *Meritor Automotive, Inc., and the Nelson Companies v the City of Troy*. As a result of a meeting held on the day before this meeting, hotel representatives agreed to revise their plan in order to resolve the various concerns expressed by staff. Due to this situation, a site plan for this proposed development was not available for consideration by the Planning Commission. Staff, therefore, recommended that action be tabled on this matter to the next available meeting, in order to provide an opportunity for the petitioners to submit a revised plan, and for the Commission to fully consider that plan.

Moved by Storrs; Seconded by Littman

RESOLVED, that action on Preliminary Site Plan Approval, as requested for the construction of a 150 unit Homewood Suites by Hilton complex on a 4.2 acre net area site on the proposed extension of Equity Drive south of Maple at Mapelawn be tabled to the May 23, 2000 Study Meeting, to provide an opportunity for the petitioners to prepare and submit a revised site plan.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

SPECIAL USE REQUESTS

7. PUBLIC HEARING - SPECIAL USE REQUEST – Proposed Temporary Outdoor In-line Hockey Rinks – North of Big Beaver, West of John R – Section 23 (SP-802)

Mr. Keisling explained that a request has been submitted for Special Use Approval in order to permit the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center site on the north side of Big Beaver west of John R. This request is submitted in accordance with Section 21.30.04-B of the Zoning Ordinance, which provides for the establishment of such outdoor recreational activities on B-2 sites, subject to conditions related to matters such as location, setback, and fencing. This activity is proposed to occur in the parking area between the westerly portion of the sports arena building and the existing office building fronting on Big Beaver Road. In order to avoid a conflict relative to the provision of adequate parking for the building complex, the Building Department has indicated that a portion of the indoor sports arena area would be closed or made inaccessible during the time that the in-line rinks are in place. The Zoning Ordinance requirements related to the location of the use adjacent to the building complex, away from any major thoroughfare intersection, and at least 150 feet from any Residential District are met. The Ordinance also requires enclosure of the outdoor activity area with a fence having a minimum height of 4 feet. The petitioners have indicated that the rink enclosure structure and netting will have a total height of approximately 10 feet.

Mr. Keisling noted that the Commission had briefly discussed this proposal at last week's Study Meeting, and had raised questions regarding matters such as additional lighting, potential banking of the surface, the adequacy of spectator area, and the time period during which this proposed use would be in place. These questions were passed on to Mr. Bostick, the petitioner, so that he would be prepared to address same at this meeting. At this point, it was Mr. Keisling's understanding that the petitioners propose to keep the rinks in place into the month of September. Mr. Keisling felt that it would be reasonable to approve this proposed temporary use, subject to the provision of an additional defined spectator or visitor area outside the limits of the rinks. The petitioners have suggested that such an area could be provided, and could be defined through the use of a series of stanchions and chains, or by some other manner.

Dennis Bostick, the petitioner, was present along with Randy Ballard and Brian Barker, who will be involved in the operation of the proposed in-line hockey rink area. In response to Mr. Starr's question, Mr. Bostick stated that they would be willing to establish an additional perimeter area with some type of stanchion and chain or fencing system. He felt there was not typically a high volume of traffic in

that portion of the site. In response to Mr. Waller's question, Mr. Bostick passed around the ball used in outdoor in-line hockey.

The Public Hearing was declared open.

Yvonne Solis of 1866 Crimson commented that "as a mom" she loves the idea. She noted that, although the neighbors in her area were concerned when the Sports Center was first proposed, they have found it to be "a neighborhood joy."

Dan Jaroshewich of 2109 Wattles stated that, in relation to any safety concerns, he would much rather have his kids playing at a facility such as this, rather than on the streets.

Randy Husk of 2256 Niagara stated that, although he was originally opposed to the rezoning request for the Sports Center, he later supported that proposal. He has never regretted his action. He has found Mr. Bostick to be a man of his word.

No one else wished to be heard.

The Public Hearing was declared closed.

Chairman Beltramini was concerned about the adequacy of parking, and suggested that even more seating should be closed off inside the arena. Mr. Keisling noted that the parking spaces on the site currently exceed the Ordinance requirements, and that use of the arena is lighter in the summer. Mr. Kramer confirmed that the petitioners would have to return to the Commission next year for approval, if they wished to do the same thing again. In response to Mr. Kramer's question, Mr. Davisson stated that, since this use is on private property, the City would have no liability.

Moved by Waller; Seconded by Kramer

RESOLVED, that Special Use Approval, as requested for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center site on the north side of Big Beaver west of John R is hereby granted, for a period extending from May 10, 2000 through September 30, 2000, subject to the following conditions:

1. Seating inside the Sports Arena building will be blocked off in order to offset parking spaces made unavailable by this use.
2. Additional spectator area will be provided outside the limits of the rinks, delineated or barricaded in a manner acceptable to the City staff.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

STREET VACATIONS AND OPENINGS

8. PROPOSED STREET VACATION – South Portion of Daley Street, North of I-75 – Section 26 (#148)

Mr. Keisling explained that a request has been submitted, by Behr America, Inc., for the vacation of the southernmost approximate 400 foot portion of the 50 foot wide Daley Street easement, within Supervisors Plat No. 11 (Liber 46, Page 46 of Oakland County Plats). This street easement area lies south of Big Beaver and north of I-75, within the 8.4 acre parcel proposed for development by Behr America. Only the northerly approximate 70 foot portion of the street easement area is paved. The easement then extends south across the Sturgis County Drain. As indicated in the discussion

regarding the Behr America site plan earlier in this agenda, it is their proposal to extend their primary access drive south, partially within the present street easement area, across the drain to their building complex.

Mr. Keisling stated that it was the recommendation of the Planning Department that this request for street easement vacation be granted, subject to the retention of those utility easements determined to be necessary by the City Engineer and any related utility companies. As this street lies within an Easement rather than within a dedicated right-of-way, the completion of the vacation process may require Circuit Court action. In any event, the City should take action to either vacate or give up any rights which they have in this easement area for street purposes, while retaining any necessary utility easements. This vacation action should also be conditioned upon implementation of the Behr America development proposal.

Philip Tocco was present representing Behr America, Inc., and confirmed the nature of their request.

Moved by Waller; Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request by Behr America, Inc., for the vacation of the southernmost approximate 400 foot portion of the 50 foot wide Daley Street easement lying within Supervisors Plat No. 11 (Liber 46, Page 46 of Oakland County Plats) and including portions of Lots 27, 28, and 34 of that Plat be granted, subject to the retention of any utility easements as determined to be necessary by the City Engineer or by related utility companies, and subject further to the implementation of the development plan proposed for the surrounding 8.4 acre site by Behr America, Inc.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

SUBDIVISIONS

9. PRELIMINARY PLAT – TENTATIVE APPROVAL – Meadow Creek Subdivision – West Side of Evanswood, North of Square Lake – Section 1

Mr. Keisling explained that this proposed subdivision, consisting of 8 lots and a detention basin parcel, lies within a 3.88 acre portion of a larger homesite on the west side of Evanswood Drive north of Square Lake Road. The property extends west from Evanswood to the large Troy School District property which they have indicated they wish to preserve as open space/natural area. The westerly major portion of the south boundary of the subdivision site abuts the north edge of the Evanswood Church of God site, while the remaining boundaries abut acreage homesites. While wetland area exists on the School District property and on the church site, staff investigation has confirmed the fact that the proposed subdivision site has basically been maintained as a lawn by the abutting homeowner, and thus contains no wetland areas or significant natural features. The proprietor's engineer has provided a hypothetical street pattern layout for the adjacent properties. This proposed subdivision is to be developed in accordance with the standard lot size provisions of the subject R-1D Zoning District. All of the lots are substantially larger than the 8,500 square foot minimum lot size in that District, and much wider than the 75 foot minimum frontage width. The proposed shallow-sloped unfenced stormwater detention basin is of the type which is typically ultimately conveyed to the City for maintenance, with a maintenance deposit. Approval of this Tentative Preliminary Plat was recommended by the Planning Department.

Mark Lederman, the proprietor, was present. He stated that this subdivision would be small but upscale. The homes would be 3400-3800 square feet in size with three car side entrance garages.

Gary Elsner of 6193 Evanswood stated that he owned the three plus acre parcel directly to the north, and was concerned about potential utility location and the trees along the edge of his property. Mr.

Keisling explained that all new subdivisions are required to have rear yard drains, and that an easement for same would most likely be along the north edge of the subdivision site.

Philip Hepp of 6136 Evanswood was concerned about more congestion in the area. He noted that Evanswood currently does not have sidewalks.

Chairman Beltramini commented that the proposed lots were larger than normal for R-1D zoning, and thus that this subdivision could involve more lots. Mr. Littman noted that sidewalks will be constructed within the proposed subdivision, including the Evanswood frontage.

Moved by Kramer; Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Meadow Creek Subdivision, on the west side of Evanswood north of Square Lake Road.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

REZONING PROPOSALS AND TEXT AMENDMENTS

10. PUBLIC HEARING - PROPOSED REZONING – West Side of Rochester, North of Trinway – Section 10 – R-1C to R-M (Z-667)

Mr. Keisling explained that a request has been submitted for the rezoning of a 1.36 net acre parcel having 170 feet of frontage on the west side of Rochester Road north of Long Lake Road (between Trinway and Sylvanwood) from R-1C to R-M (Multiple Family Residential-Medium Density). The site plan submitted with this request indicates the construction of a three-unit townhouse building. R-M zoning could, however, provide for dwelling unit density ranging from 6-10 units per acre, dependent upon unit size or room count. On this basis, this parcel could theoretically support 8-13 dwelling units. As an additional piece of information, if this property was zoned in the R-1T classification, with a maximum dwelling unit density of 6.2 dwelling units per acre, the maximum number of units permitted would be 8.

Mr. Keisling stated that the Master Land Use Plan, as amended in July of 1999, indicates Medium-Density Residential Use in the westerly Rochester Road frontage north of the Community Service Area at the Long Lake intersection. The requested R-M District is one of the three Zoning Districts which would enable development within the Medium-Density range. In the course of discussing the four rezoning requests which have been considered in those areas which are now shown for Medium-Density Residential use, staff has advised that, even though an area is shown for that use on the Master Plan, the Planning Commission and the City Council must still decide whether the parcel assembly or configuration involved in a particular rezoning request would result in a reasonable ultimate development configuration, and one which would relate properly to the surrounding area. Although the Planning Department continues to feel that the Master Plan designation in this area of the Rochester Road frontage is proper, it was their opinion that independent rezoning of a small parcel such as that now requested was premature. Development in accordance with such a rezoning request could in fact inhibit the potential for reasonable ultimate Medium Density Residential development in adjacent portions of the Rochester Road frontage. It was, therefore, the staff's recommendation that this request for rezoning be denied.

In response to Mr. Storrs' question regarding proper parcel depth from Rochester Road, Mr. Keisling stated that the depth of the subject property was not excessive, but the limited north-south dimension would not enable reasonable independent development.

Gary Currier, architect, was present on behalf of the petitioners. He stated that assembly of more property would be cost prohibitive, as they only planned to build three units. In response to Mr. Waller's question, he stated that no attempt had been made to acquire the property to the south. Mr.

Storrs asked if they had considered R-1T zoning, as that classification would enable the type of development which was proposed by the petitioners.

The Public Hearing was declared open.

Leonard Bertin of 5352 Rochester Road stated that he owned the new log home on the property abutting to the north. He did not want multi-family or apartment development adjacent to his home. He noted that the zoning allows up to eight units per acre, and that the proposed three unit building could not be guaranteed.

Ehsan Jaghory of 884 Trinway stated that he was also opposed to multi-family residential development. He liked the residential character of the Trinway area in its present form.

Cindy Adams of 5352 Rochester Road stated that her residence is directly across from the property. She was concerned about additional traffic and a potential decrease of her property value. She did not think that the proposed development would blend in with the area, as most homes in the area are on parcels of one acre or more.

Rex Brown of 717 Trinway stated that the requested zoning would not bring about proper use for the property. He noted that three expensive homes are on the adjacent Trinway frontage. He had checked on the zoning and Master Plan status of this area twenty years ago when he purchased his property, and had been told that the area would remain single-family residential.

Vicky Brown of 5240 Rochester Road stated that she lived directly across from Trinway, and she felt that there was nothing quiet and peaceful about that area. She further noted that the property on the northwest corner of Rochester and Trinway is an eyesore.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Chamberlain noted the one written objection that had been received. He noted that the petitioner could put in the maximum density permitted once the property was rezoned. He was definitely opposed to the rezoning. Chairman Beltramini noted that, when the Commission had amended the Master Plan, they had not intended that rezoning and development would occur one acre at a time. Mr. Storrs asked the other Commission members if they would support rezoning at such time as more property was assembled. He was concerned about a potential extension of commercial strip zoning and development in this area. Chairman Beltramini commented that she would be more inclined to consider CR-1 zoning in this area.

Moved by Chamberlain; Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 1.36 acre parcel having 170 feet of frontage on the west side of Rochester Road north of Trinway, from R-1C to R-M (Multiple Family Residential-Medium Density) be denied, as such rezoning is premature at this time, and could impede the potential for reasonable and desirable Medium-Density Residential Use in this area in accordance with the intent of the Master Land Use Plan.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

11. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT – Church Provisions in R-1 and C-F Districts (#15)

Mr. Keisling explained that on December 20, 1999, the City Council held a Public Hearing on the

request of the St. Nicholas Greek Orthodox Church for rezoning, from R-1B to C-F, of their 10.2 acre site on Wattles, west of I-75. The Planning Commission recommended denial of this request, while the staff recommended approval. The City Council tabled action on this matter, following their Public Hearing, in order to provide an opportunity to further consider the Ordinance provisions related to churches in R-1 and C-F Districts, particularly in relation to the ancillary activities which may occur. It was the staff's impression that the Council is inclined to support community-related activities, and in particular, youth-related activities such as those which would occur in the proposed gymnasium. It was further their impression, however, that the Council is concerned about potential unlimited use of elements such as hall facilities, which could presumably occur under the present C-F provisions.

Mr. Keisling noted that, at recent Study Meetings, the Commission has discussed and developed proposed amendments to the Zoning Ordinance language dealing with the establishment of churches in R-1 and C-F Districts. The advertisement for this Public Hearing was based on a text now dated April 4, 2000. A City Council Public Hearing has been set on this same matter for their Regular Meeting of May 15, 2000. The proposed R-1 District provisions include only those involved in the Commission's recent discussions. In the case of the C-F District provisions, staff has also taken this opportunity to once again propose the reorganization of the C-F District text in order to make its structure more consistent with other Zoning Districts. In this regard, the principal direction or effect of the changes is to distribute the uses involved into three conventional use categories: (1) Principal Use Permitted; (2) Uses Permitted Subject to Special Conditions, and (3) Uses Permitted Subject to Special Use Approval. A substantial portion of the C-F District Text Amendments thus consist of relocation of the current Principal Uses and Conditional Uses into these three use categories.

Mr. Keisling stated that, in conjunction with the proposed amendments to the C-F District, the staff also proposed to add provisions, under the Special Use Approval category, for the establishment of childcare centers in those Districts. This direction has been discussed on a few occasions in the past, both in relation to the potential establishment of free-standing childcare center sites and the establishment of childcare facilities as accessory or secondary uses on sites involving other C-F District uses such as hospitals and churches.

Mr. Keisling advised the Commission that, following discussion at the May 2 Study Meeting, he was contacted by George Malis, Attorney and President of the Parish Council at St. Nicholas Church. Mr. Malis had a couple of suggestions relative to the proposed C-F District church provisions, and specifically in relation to Section 18.30.02-H-3. He suggested that this Section read as follows:

"3. Such incidental facilities must be used for church, worship, religious education, indoor recreation, or for community service purposes. The facilities may be made available for use by private non-profit, public, or community organizations. They shall not, however, be used, leased or rented for other commercial purposes."

The Commission also noted that, in the course of the discussion earlier in this meeting of the St. Petka Church proposal, it was recognized that language should be added to the proposed provisions, both in the R-1 and C-F Districts, which would apply the expanded parking area setback and berming requirements on church sites only to facilities for which site plans will be approved after July 1, 2000.

Mr. Keisling stated that the Planning Department recommended that the text be adopted, with the inclusion of the modified version of Section 18.30.02-H-3 as discussed earlier, and the other noted detail modifications.

In response to Mr. Waller's question relative to the proposed 80 foot setback for active indoor recreation uses, Mr. Keisling stated that this setback would be the same as that applied to recreation uses in other residential situations.

The Public Hearing was declared open.

George Malis, attorney, and Constantine Pappas, architect, were present representing St. Nicholas Greek Orthodox Church. Mr. Malis noted that St. Nicholas' proposed gymnasium building would also house administrative offices. Mr. Pappas stated that the church had drawn up a master plan in 1992, and that they would not be able to construct the building housing their proposed gymnasium based

upon the proposed 80 foot setback requirement. In response to his question, Mr. Keisling summarized the parking requirement which would apply to the gymnasium. Mr. Pappas noted that the various uses in the church complex would not be happening at the same time. He was concerned that the parking requirements would result in too much paved area on the site. Chairman Beltramini noted that the Zoning Ordinance provisions apply to uses throughout the City, not just to the St. Nicholas site. She suggested that, if St. Nicholas felt that a parking variance was warranted, the City Council could consider such a request. Mr. Pappas noted that the proposed expansion would include classroom, library, and storage areas as well as the gymnasium.

No one else wished to speak.

The Public Hearing was declared closed.

Mr. Chamberlain agreed with the present parking requirements and the proposed 80 foot setback requirement for active recreation uses. Chairman Beltramini and Mr. Littman had concerns regarding potential commercial operations, such as the hall activities. Chairman Beltramini saw no problem with providing for community service activities involving organizations from other communities. Mr. Littman suggested that the questions regarding the 80 foot setback and the parking requirements may warrant further study. He presented a resolution tabling action for this purpose, but the resolution died due to lack of support.

Mr. Chamberlain felt that, due to the amount of discussion which has already occurred on this item, action should proceed. He further noted that the word "other" should be removed from Section 18.30.02-H-3.

Moved by Chamberlain; Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the R-1 and C-F Districts be amended, in accordance with the text as presented and modified on this date, (delete the word "other" from Section 18.20.02-H--3), in order to improve the development standards and controls for the establishment of churches in R-1 and C-F Districts, to reorganize the structure of the C-F District to make it more consistent with other Zoning Districts, and to provide for the establishment of childcare centers as Special Approval Uses in C-F Districts.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

12. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT -
Restaurant/Support Use Access in R-C Districts (#186)

Mr. Keisling noted the present Conditional Use provisions within the R-C District text, which do not permit accessory uses in those Districts to have their own separate outside entrances. This text, which is similar to that in the O-1 District, is intended to require that such accessory uses would be accessible from a lobby entrance or an entrance in common with the office portion of the building complex. A formal request has now been received from attorneys representing the Hayman Company, owners of the Northfield Plaza office complex on the east side of Crooks Road south of I-75, to amend the text of the Zoning Ordinance in order to permit restaurants which are a part of larger building complexes in the R-C District to have their own separate outside entrances. The particular interest of the Hayman Company in this regard is in conjunction with their proposal to establish a restaurant as a part of the proposed expansion of their Northfield Plaza building complex. The restaurant operators wish to have their own outside entrance.

Mr. Keisling stated that, after considering this request, it was the opinion of staff that, if this Section of the Zoning Ordinance is to be amended, the amendment should not be limited only to restaurants. As an alternative, the staff proposed that the subject Zoning Ordinance Section be replaced with language which is basically the same as that which occurs within the O-M (Office Mid-Rise) and O-S-C (Office-Service-Commercial) Districts. The advertisement for this Public Hearing, therefore,

included such language. Adoption of a proposed Zoning Ordinance Text Amendment of this type was recommended by staff.

The Public Hearing was declared open.

Norman Hyman, attorney for the petitioners, was present and concurred in the recommended language. He stated that, in order to attract a good upscale restaurant, it was important for the restaurant to have its own identity, and also its own separate entrance. In response to Mr. Littman's question, Mr. Hyman stated that the restaurant proposed at the Northfield Plaza complex was "The Palm", which is a premium restaurant in New York City.

No one else wished to be heard.

The Public Hearing was declared closed.

Moved by Storrs; Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the R-C (Research Center) Zoning District be amended, in accordance with the text as presented on this date, in order to enable separate outside entrances for support uses in R-C building complexes, and thus to improve the functionality and desirability of such building complexes.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Laurence G. Keisling

Planning Director

/eh

A Regular Meeting of the Troy City Council was held Monday, June 19, 2000, at City Hall, 500 W. Big Beaver. The meeting was called to order by Mayor Jeanne M. Stine at 7:30 p.m.

The Invocation was given by Scott Rutterbush, Youth Pastor, First Baptist Church and the Pledge of Allegiance to the Flag was given.

PRESENT: Mayor Jeanne M. Stine

COUNCIL MEMBERS

Henry W. Allemon
Martin F. Howrylak
Thomas S. Kaszubski
Anthony N. Pallotta
Louise E. Schilling
John R. Stevens

Minutes: Regular Meeting – June 5, 2000

A-1

Resolution #2000-275
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, that the minutes of the Regular Meeting of June 5, 2000, be approved.

Yes: All-7

Presentations:

A-2

- (a) Introduction of Shreyas Patel - Student Applicant for Advisory Commission for Persons with Disabilities
- (b) Introduction of Rebecca Mill - Student Applicant for Troy Daze
- (c) Introduction of Jennifer Gilbert - Student Applicant for Liquor Committee

EXHIBIT E

PUBLIC HEARINGSCommercial Vehicle Appeal - 3750 Finch

C-1

Resolution #2000-276
Moved by Pallotta
Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A) The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g., employer).
- B) Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C) A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D) The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and
- E) WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance, petitioner is committed to park vehicle behind the fence;
- F) NOW, THEREFORE, BE IT RESOLVED, That the request from Alan Crawford, 3750 Finch, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of one Ford Cube van in a residential district is hereby approved for one year.

Yes: Stine, Allemon, Howrylak, Kaszubski, Pallotta, Schilling
No: Stevens

PUBLIC HEARINGS - CONTINUEDStreet Easement Vacation - South End of Daley, South of Big Beaver, Sec. 26 C-2

Resolution #2000-277
Moved by Pallotta
Seconded by Allemon

WHEREAS, A request has been received from Behr America, Inc., for the vacation of the following described portion of the 50 foot wide Daley Street Easement lying within Supervisor's Plat No. 11 (Liber 46, Page 46 of Oakland County Plats) in order to enable development of the subject street area in conjunction with the abutting portions of Lots 27, 28, 33, and 34 of Supervisor's Plat No. 11:

(Description of Street Easement Area)

Beginning at the North $\frac{1}{4}$ Corner of Section 26, T. 2N., R. 11E., West 899.31 feet; thence S 00D 10M 00S E, 1127.61 feet; thence N 67D 10M 00S W, 184.93 feet; thence N 67D 10M 00S W, 70.07 feet; thence N 73D 50M 20S W, 180.05 feet; thence N 00D 17M 00S E, 243.67 feet; thence N 89D 20M 48S W, 306.67 feet to the Point of Beginning; thence S 00D 24M 00S W, 408.03 feet; thence N 88D 51M 17S W, 49.75 feet; thence N 00D 24M 00S E, 407.87 feet, thence S 89D 20M 48S E, 50.00 feet to the Point of Beginning;

and

WHEREAS, The properties which shall benefit from the vacation include portions of Lots 27, 28, 33, and 34 of Supervisor's Plat No. 11 (City of Troy Tax Parcels 20-26-103-009 and 017, and Parcel 20-26-104-013);

NOW THEREFORE, BE IT RESOLVED, That this request for vacation of a portion of the Daley Street Easement be granted, subject to the following conditions:

- A. Verification by the City Engineer of the accuracy of the description of the area to be vacated;
- B. Determination by the City Engineer of the nature and extent of easements to be retained and/or conveyed in conjunction with this vacation action;
- C. Response from the Oakland County Drain Commissioners Office as to the nature of easements to be retained and/or conveyed in conjunction with this vacation action;
- D. Action by Behr America to assure that they will dedicate a street right-of-way to the City, within the same described area as the area now proposed for vacation, in the event that their proposed building project does not proceed; and

PUBLIC HEARINGS - CONTINUED**Street Easement Vacation - South End of Daley, South of Big Beaver, Sec. 26 - Continued** C-2

BE IT FURTHER RESOLVED, That final action shall be taken by the City Council to vacate said portion of the platted Daley Street easement, after receipt of the above described information from the City Engineer and the Oakland County Drain Commissioners Office, along with the required action by Behr America through a document acceptable to the City Attorney.

Yes: All-7

Proposed Rezoning - West Side of Rochester, North of Trinway, Sec. 10, from R-1C to R-M C-3

Resolution #2000-278
Moved by Allemon
Seconded by Kaszubski

RESOLVED, That the request to rezone a 1.36 acre parcel on the west side of Rochester Road north, of Trinway, from R-1C to R-M (Multiple-Family Residential - Medium Density) be denied, as recommended by the City Management and the Planning Commission.

Yes: All-7

Zoning Ordinance Text Amendment - Restaurant / Support Use Access in RC Districts (#186) C-4

Resolution #2000-279
Moved by Allemon
Seconded by Kaszubski

RESOLVED, That an Ordinance to amend Section 27.25.01 of Chapter 39, Zoning, of the Code of the City of Troy, be hereby adopted, in order to enable separate outside entrances for support uses in R-C building complexes, as recommended by the Planning Commission and City Management, a copy of which shall be attached to the original minutes of this meeting.

Yes: Stine, Allemon, Howrylak, Kaszubski, Pallotta
No: Schilling, Stevens

TABLED ITEMS

Consideration of Industrial Development District and Industrial Facilities Exemption Certificate Policy for Public Act 198, Plant Rehabilitation and Industrial Facilities Tax Abatement

D-1

Resolution #2000-280
Moved by Stevens
Seconded by Schilling

WHEREAS, The City Council of the City of Troy desires to return to the pre-January 17, 2000 policy resolution for the establishment of Industrial Development Districts; and

WHEREAS, The City Council of the City of Troy desires to return to the pre February 7, 2000 policy resolution for the approval of the application of Industrial Facilities Exemption Certificates;

BE IT THEREFORE RESOLVED, That the City Council of the City of Troy, hereby RESCINDS AND REVOKES amendments to policy Resolution #79-128, adopted on January 17, 2000, by Resolution #2000-26;

BE IT ALSO RESOLVED, That the City Council of the City of Troy, hereby RESCINDS AND REVOKES amendments to policy Resolution #83-555 (further amended by Resolution #84-840) adopted on February 7, 2000 by Resolution #2000-50.

Yes: Stine, Schilling, Stevens
No: Allemon, Howrylak, Kaszubski, Pallotta

MOTION FAILED

Resolution as proposed by Councilman Howrylak

Resolution #2000-281
Moved by Howrylak
Seconded by Stine

WHEREAS, The economic growth and health of the City of Troy is of utmost importance to the City Council; and

WHEREAS, The City of Troy has the second highest property value of all cities in the State of Michigan; and

WHEREAS, The City of Troy is well known for providing high quality goods and services to its residential and commercial property owners; and

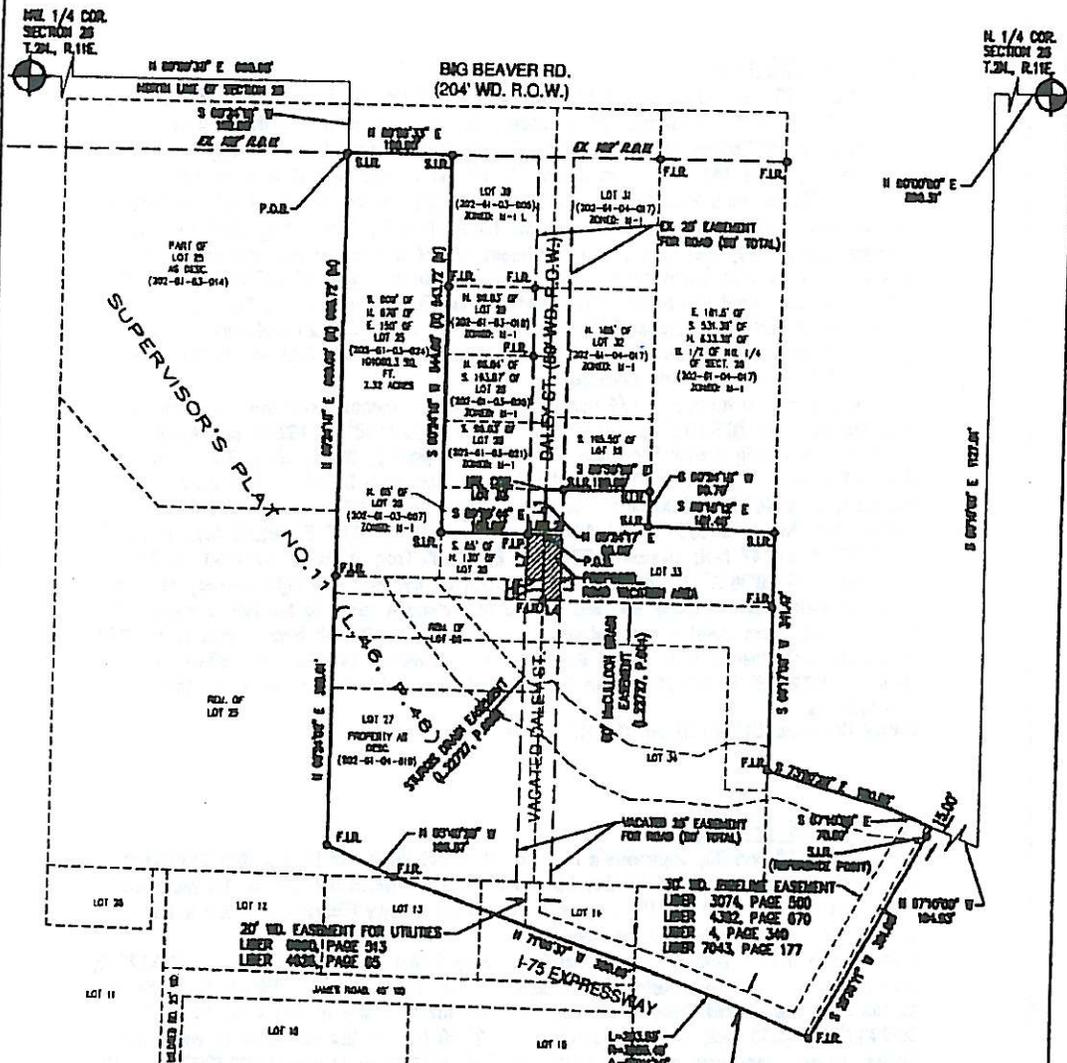
WHEREAS, The City of Troy has one of the lowest property tax rates in Oakland County; and

TABLED ITEMS

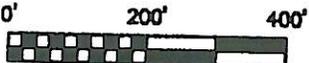
Consideration of Industrial Development District and Industrial Facilities Exemption Certificate Policy for Public Act 198, Plant Rehabilitation and

D-1

ROAD VACATION



BASE OF BEARING IS THE NORTH SECTION LINE OF SECTION 28, T.24N., R.11E.



SCALE: 1" = 200'



LINE	BEARING	DISTANCE
L1	S 00°24'17" W	65.00'
L2	S 89°59'44" E	25.00'
L3	S 00°24'17" W	94.38'
L4	N 89°19'34" W	25.00'
L5	N 00°25'07" E	29.02'
L6	N 89°59'11" W	25.00'
L7	N 00°24'17" E	65.07'
L8	S 89°59'44" E	25.00'

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
<p>MICKALICH and ASSOCIATES, INC. CIVIL ENGINEERING SURVEYING PLANNING 2850 AVON INDUSTRIAL DR., ROCHESTER HILLS, MI 48060 INTERNET: WWW.MICKALICH.COM PHONE (248) 868-1800 FAX: (248) 868-1070</p>		DRIVEN BY <u>MLB</u> JOB No. <u>08023</u>	
		DATE <u>5-17-05</u> SHEET No. <u>1 of 2</u> SCALE <u>1"=200'</u>	
SURVEYOR'S SEAL		DESCRIPTION BEHR BUILDING & PARKING ROAD VACATION	

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Part of Lots 25, 28 and all of Lot 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 28, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46). Also part of Lot 12, 13 and 14 and part of vacated Jasper Avenue of "Supervisor's Plat No. 10" a subdivision of part of the Northeast 1/4 of Section 27 and part of Northwest 1/4 of Section 28, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.42) also part of the Northwest 1/4 of Section 28 also the east 150.00 feet of Lot 25 except the North 678.00 feet and except that part of 1-75 Highway, also Lot 27 and 28 except the North 130.00 feet and Lot 34 of "Supervisor's Plat No. 11" a subdivision of part of Southwest 1/4 of Southwest 1/4 of Section 23 and part of Northwest 1/4 of Northwest 1/4 of Section 28, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.46), more particularly described as:

Commencing at the Northwest 1/4 corner of Section 26; thence along the North line of said Section 26 N 89°59'33" E, 680.98 feet; thence S 00°24'18" W, 102.00 feet to the Southerly line of Big Beaver Road and the point of beginning; thence along the Southerly line of Big Beaver Road N 89°59'33" E, 150.00 feet; thence S 00°24'18" W, 543.72 feet; thence S 89°38'44" E, 150.00 feet; thence N 00°24'17" E, 85.00 feet; thence S 89°59'59" E, 150.00 feet; thence S 00°24'18" W, 50.70 feet; thence S 88°18'12" E, 181.48 feet; thence S 00°17'00" W, 341.47 feet; thence S 73°50'20" E, 180.05 feet; thence S 67°10'00" E, 70.07 feet; thence S 28°36'11" W, 351.65 feet to a point on the Northerly right-of-way of 1-75 (variable width); thence along said line 263.53 feet along a curve to the left, a radius of 2635.48 feet, chord bearing and distance of N 68°15'02" W, 263.42 feet; thence N 71°05'37" W, 380.66 feet; thence N 65°40'20" W, 106.87 feet; thence N 00°24'00" E, 368.61 feet; thence N 00°24'18" E, 608.72 feet to the Southerly line of Big Beaver Road and the point of beginning.

Parcel Contains: 511,581.37 sq. ft., 11.7 acres.

DESCRIPTION OF VACATION:

Part of Lots 28 and 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 28, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46), more particularly described as:

Commencing from a point in the centerline of Daley Street (50' wide) distant S 00°24'17" W, 65.00 feet from the Northwest corner of Lot 33; thence S 89°59'44" E, 25.00 feet to the East line of said Daley street; thence along the East line of said Daley Street S 00°24'17" W, 94.38 feet; thence N 89°19'34" W, 25.00 feet to the centerline of said Daley Street; thence along said centerline N 00°25'07" E, 29.02 feet; thence N 89°59'11" W, 25.00 feet to the West line of said Daley Street; thence along said West line N 00°24'17" E, 85.07 feet; thence S 89°59'44" E, 25.00 feet to the centerline of said Daley Street and the point of beginning.

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
		MICKALICH and ASSOCIATES, INC. CIVIL ENGINEERING SURVEYING PLANNING	
		2888 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI 48068 INTERNET: WWW.MICKALICH.COM PHONE (248) 868-1800 FAX (248) 868-1870	
DRAWN BY <u>MLB</u> JOB No. <u>06023</u>		DESCRIPTION BEHR BUILDING & PARKING ROAD VACATION	
SURVEYOR'S SEAL		DATE <u>5-17-03</u> SHEET No. <u>2 of 2</u> SCALE 1"=200'	