



CITY COUNCIL REPORT

DATE: August 15, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Proposed Shell Gas Station/Tim Horton's, Southeast corner of Rochester Road and Wattles Road (3990 Rochester Road), Section 23 – B-1 to H-S (File Number Z-731)

Background:

- A public hearing is scheduled for the September 8, 2008 City Council meeting.
- The Planning Commission recommended approval of the request to rezone the parcel to H-S at the August 12, 2008 Regular meeting.
- The parcel is classified on the Future Land Use Plan as Non Center Commercial. This classification has a secondary correlation with the Highway Service Zoning District in the Future Land Use Plan. The application therefore is consistent with the Future Land Use Plan.
- The application is consistent with the general character of the area and compatible with adjacent zoning districts and land uses.
- The attached Planning Commission memo outlines the issues associated with this rezoning.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1 Special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve or deny the rezoning application.
- No City Council action until the September 8, 2008 public hearing.

Attachments:

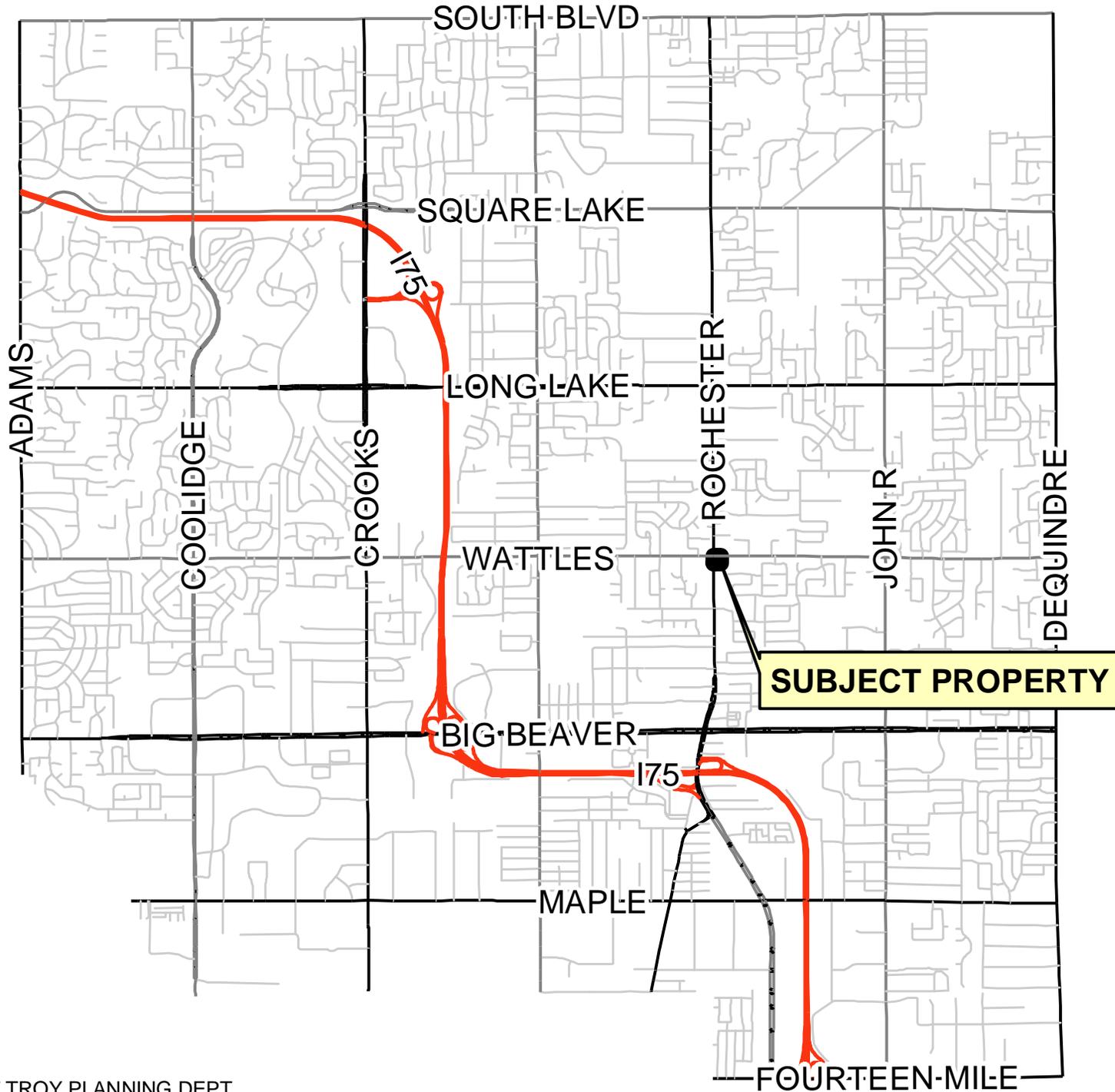
1. Maps.
2. Minutes (draft) from the August 12, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated August 7, 2008.
4. Letter of Opposition.

Prepared by RBS/MFM

cc: Applicant
File /Z 731

G:\REZONING REQUESTS\Z-731 Gas Station Tim Hortons Sec 23\Announce CC Public Hearing 08 25 08.doc

CITY OF TROY



REZONING REQUEST
EX. GAS STATION / PROPOSED TIM HORTON'S RESTAURANT
SE CORNER ROCHESTER RD. & WATTLES RD. (3990 ROCHESTER RD.)
SEC. 23 (Z-731)

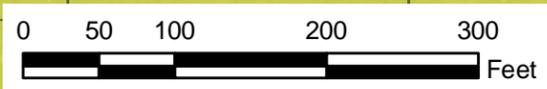
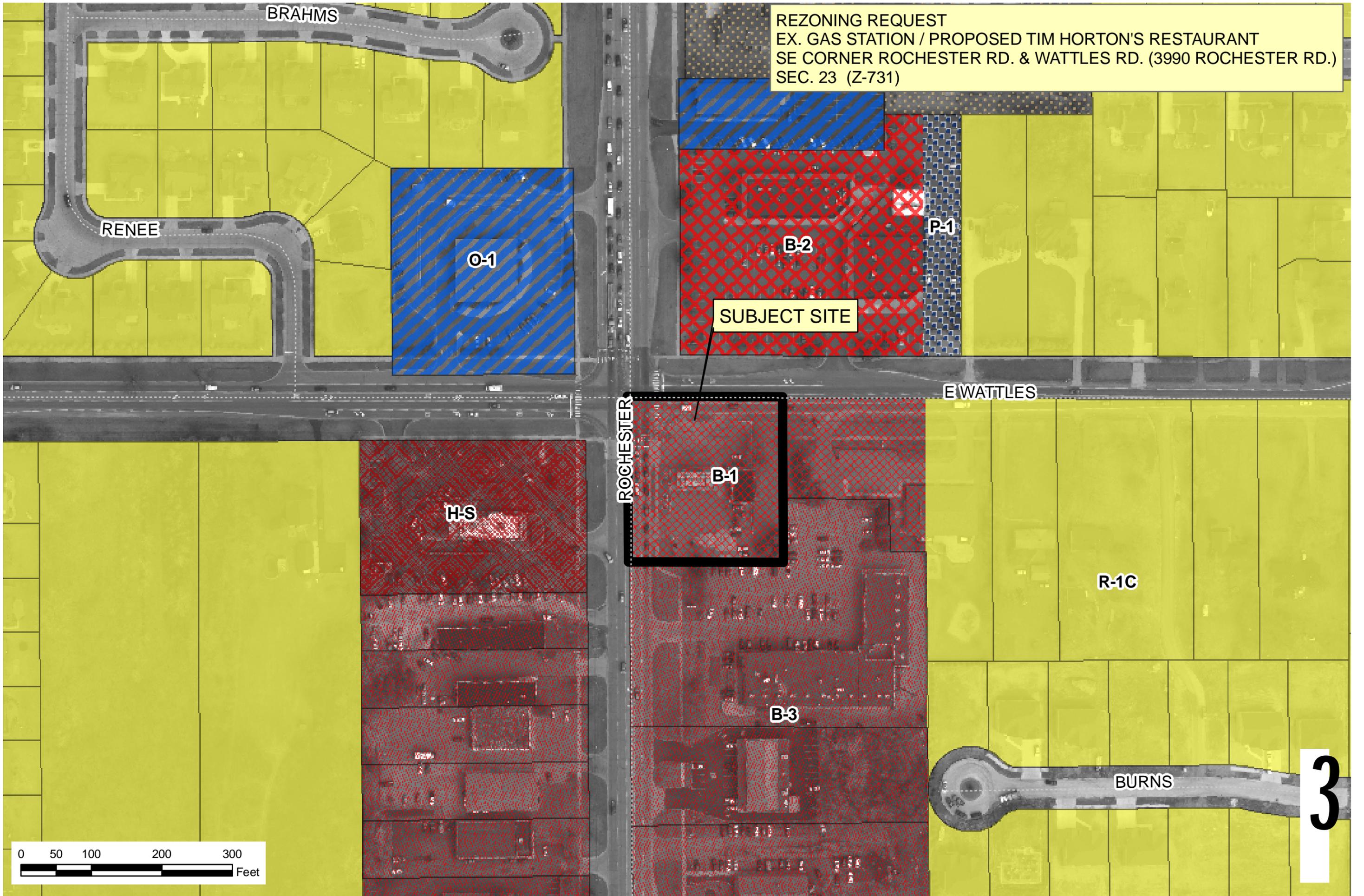
SUBJECT SITE



0 50 100 200 300 Feet

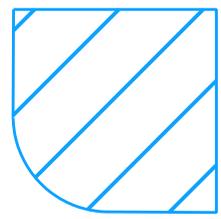
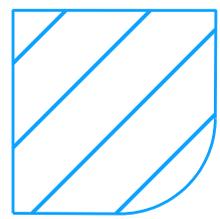
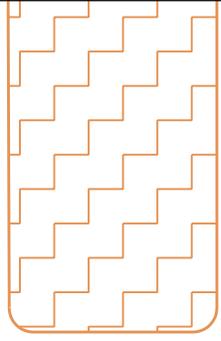
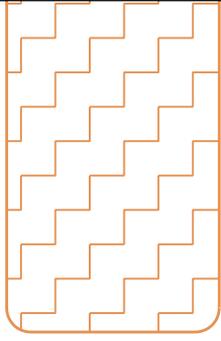
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REZONING REQUEST
EX. GAS STATION / PROPOSED TIM HORTON'S RESTAURANT
SE CORNER ROCHESTER RD. & WATTLES RD. (3990 ROCHESTER RD.)
SEC. 23 (Z-731)



ROCHE

SUBJECT PROPERTY



REZONING REQUEST

6. **PUBLIC HEARING – REZONING APPLICATION (Z 731)** – Shell Gas Station / Tim Horton's Restaurant, Southeast corner of Rochester Road and Wattles Road (3990 Rochester Road), Section 23, From B-1 (Local Business) to H-S (Highway Service) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request, and reported it is the recommendation of City Management to approve the request as submitted. He noted it is prudent professional community planning advice to consider acquisition and consolidation of abutting properties to create a larger redevelopment site. Mr. Miller also identified the trend for gasoline service stations to provide retail and food service. Mr. Miller addressed a detailed report submitted by the Planning Department relating to recently approved service stations that are less than one acre in size. It was noted those service stations listed on the report have no drive-through service.

Mr. Forsyth stated that a potential future right of way in the area is irrelevant to the Planning Commission deliberation of the proposed rezoning request.

Leo D. Gonzalez of CRS Commercial Real Estate Services, 550 Forest Avenue, Plymouth, was present to represent the petitioner. He announced that the owner, Sam Beydoun of Safeway Oil, was also present, and they would like to go forward with the request this evening.

Mr. Gonzalez gave a brief history of subject property and addressed changes in the operation of service stations from five to ten years ago. He addressed the investment by Safeway Oil to modify existing stations that would reflect current service station trends and would be beneficial to the community.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant announced that a letter of opposition was received in Planning Department today, copies of which were distributed to members prior to the beginning of tonight's meeting.

There was discussion on the proposed use with drive-through service as relates to lot size, lot layout, and traffic impact.

Chair Schultz reminded members that the proposed site plan should not be considered in the deliberation of the rezoning request.

Mr. Gonzalez said comments expressed this evening would be taken into consideration as well as the best interest of the petitioner and Safeway Oil in the redevelopment of the site.

Resolution # PC-2008-08-098

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located at the southeast corner of Rochester and Wattles, within Section 23, being approximately 0.7 acres in size, be granted.

Yes: Hutson, Sanzica, Schultz, Strat, Vleck
No: Ullmann
Absent: Maxwell, Tagle, Wright

MOTION CARRIED

Mr. Ullmann said he has difficulties with the request.

DATE: August 7, 2008

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING – REZONING APPLICATION (Z 731) – Proposed Gas Station / Tim Horton's, Southeast corner of Rochester Road and Wattles Road (3990 Rochester Road), Section 23 – B-1 to H-S

GENERAL INFORMATION

Name of Owner / Applicant:

The application states the applicant and owner is Sam Beydoun of Safeway Oil; however, the owner of record is Safeway Acquisition Company LLC.

Location of Subject Property:

The property is located on the southeast corner of Rochester Road and Wattles Road, in Section 23.

Size of Subject Parcel:

The parcel is approximately 30,492 square feet or 0.70 acre in gross area.

Current Use of Subject Property:

The property is currently used as a Shell gas station with automotive service and is a legal nonconforming use.

Current Zoning Classification:

B-1 Local Business.

Proposed Zoning of Subject Parcel:

H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:

The Rezoning Site Plan indicates the applicant is proposing to expand the convenience store, including adding a Tim Horton's restaurant with a drive-up window. The gasoline pump islands and overhead canopy are to be demolished and replaced.

Proposed City of Troy Right of Way Acquisition:

The City intends to acquire a portion of the subject property for a road widening project for both Rochester Road and Wattles Road. This potential right of way acquisition should not be considered in the Planning Commission's rezoning recommendation.

Current Use of Adjacent Parcels:

North: Shopping Center.

South: Shopping Center.

East: Daycare Center Parking Lot and Shopping Center.

West: Fast Food Restaurant.

Zoning Classification of Adjacent Parcels:

North: B-2 Community Business.

South: B-3 General Business.

East: B-1 Local Business and B-3 General Business.

West: H-S Highway Service.

ANALYSIS

Range of Uses Permitted in the Proposed H-S Highway Service Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities.

Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles.

Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within H-S districts, apart from restaurants.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning, undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

Auto washes where engine fuels are sold as a significant part of the operation.

Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.

Uses, other than those specified in Article 23.20.06 of the Zoning Ordinance, wherein drive-up service facilities are the sole use of the property.

Business in the character of a drive-in restaurant.

Motel or hotel.

Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.

Automobile repair garages, provided all activities are conducted within a completely enclosed building.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Vehicular and Non-motorized Access:

The parcel fronts both Rochester Road and Wattles Road.

Potential Storm Water and Utility Issues:

The applicant will have to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:

The parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The rezoning application is therefore consistent with the City of Troy Future Land Use Plan.

Compliance with Location Standards

The Location Standards for the H-S District in Article 23.40.01 of the Zoning Ordinance states the following:

The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:

- 23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.
- 23.40.03 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The application is consistent with the Location Standards for the H-S District.

Analysis of Existing Parcel Size

The parcel is approximately 30,492 square feet or 0.70 acre in gross area. Applicant indicates that the purpose of the rezoning is to allow for a gasoline service station without automotive repair and Tim Horton's restaurant with a drive-up window. Minimum parcel size for service stations in the H-S district is 15,000 square feet or 0.34 acre without automotive repair, per Article 23.30.02 of the Zoning Ordinance. Minimum parcel size for restaurants with a drive-up window in the H-S district is 43,560 square feet or 1.0 acre; in addition, 150 feet of frontage on a major thoroughfare, per Article 23.25.01 of the Zoning Ordinance.

The subject property is 30,492 square feet or 0.70 acre in size and therefore would meet the minimum parcel size for a gasoline service station, while the subject parcel would not meet the 1.0 acre minimum parcel size for a restaurant with a drive-up window.

City Management has a recent history of recommending approval of H-S rezoning requests when the application is consistent with Future Land Use Plan and compatible with existing land uses and zoning districts. Intent of these recommendations was to convert nonconforming uses to a Use Permitted Subject To Special Use Approval. These rezonings enabled service station owners the legal ability to make substantial improvements that were prohibited for nonconforming uses. Attachment 2 titled Service Stations Recently Approved and Less Than One Acre in Size, provides a list of the service stations for the Planning Commission's use.

CITY MANAGEMENT RECOMMENDATION

1. The rezoning application is consistent with the intent of the Future Land Use Plan and compatible with abutting zoning districts and land uses. City Management recommends approval of the rezoning request as submitted.
2. The subject property appears small considering the full range of automobile-oriented uses permitted in the H-S District. If the subject property is redeveloped, it will require variances and produce very compact development with potential traffic access and circulation problems. It is prudent professional community planning advice to consider acquisition and consolidation of abutting properties to create a larger redevelopment site.
3. There is a trend for gasoline service stations to provide considerable retail and food service activities above and beyond the fuel sales. Given this evolutionary role of becoming convenience retail centers, City Management recommends the Planning Commission explore revising the standards for gasoline service stations during the comprehensive re-write of the Zoning Ordinance.

Attachments:

1. Maps
2. Service Stations Recently Approved and Less Than One Acre in Size

cc: Applicant
File (Z-731)

SERVICE STATIONS
RECENTLY APPROVED
AND LESS THAN ONE ACRE IN SIZE

*Prepared by:
City of Troy
Planning Department
August 8, 2008*

Location: 1602 Livernois, NE corner Maple and Livernois
Station: Clark
Section: 27
Parcel Size: 15,475 square feet / 0.35 acre
Building Size: 1,600 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 328
Preliminary Site Plan Approval: 09/13/05, Attached

Location: 6951 Rochester, SW corner South Blvd and Rochester
Station: Clark
Section: 3
Parcel Size: 19,517 square feet / 0.44 acre
Building Size: 2,475 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 337
Preliminary Site Plan Approval: 12/12/06, attached

Location: 5991 Livernois, SW corner Square Lake and Livernois
Station: BP
Section: 9
Parcel Size: 20,370 square feet / 0.46 acre
Building Size: 1,885 square feet
Existing Zoning: H-S
Future Land Use Plan: Community Service Area
File Number: SU 326
Preliminary Site Plan Approval: 12/14/04, attached

Location: 1610 John R, NE corner Maple and John R
Station: Clark
Section: 25
Parcel Size: 20,804 square feet / 0.47 acre
Building Size: 1,840 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 323
Preliminary Site Plan Approval: 11/09/04, attached

Location: 3400 Rochester, NE corner Rochester and Charrington
Station: Marathon
Section: 23
Parcel Size: 21,000 square feet / 0.48 acre
Building Size: 1,740 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 342
Preliminary Site Plan Approval: 01/09/07, attached

LEGAL DESCRIPTION:

(PROPERTY DESCRIPTION PER TITLE COMMITMENT)

APPROX 200 FEET OF THE EAST 215 FEET OF THE LAST FRACTIONAL 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF ROCHESTER, ONONDAGA COUNTY, NEW YORK, EXCEPT THE NORTH 25 FEET OF THE ROAD, ALSO EXCEPT THAT PART RESERVED FOR HIGHWAY DESCRIBED AS THAT PART WHICH UNLAWFULLY OF LAW DESCRIBED AS BEING AT A POINT 62'00" FROM S 87°22'49" W 22.83 FEET AND S 83°24'47" W 125 FEET FROM THE NORTHEAST CORNER, THENCE NORTHEASTERS TO A POINT ON THE NORTH SECTION LINE USUALLY S 87°22'49" W 22.83 FEET AND S 86°18'77" W 125 FEET FROM THE NORTHEAST CORNER, ALSO EXCEPT THE EAST 50 FEET TAKEN FROM ROCHESTER ROAD.

DESCRIPTION OF PROPERTY AS SHOWN:

PART OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF ROCHESTER, ONONDAGA COUNTY, NEW YORK, DESCRIBED AS BEING AT A POINT ON THE WEST LINE OF ROCHESTER ROAD, SAID POINT LOCATED 3' SOUTH OF THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 78.0 FEET AND S 87°22'49" W 22.83 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 3, THENCE CONTINUING S 07°12'56" E ALONG SAID WEST LINE 127.17 FEET, THENCE S 82°07'56" W 140.00 FEET, THENCE S 07°12'56" W 140.00 FEET, THENCE N 18°21'51" E 18.21 FEET TO THE POINT OF BEGINNING.

SAHITARY SEWER EXIST' L. 5676, P. 348 IN SOUTH BLDG.

MIDDLEMAN BELL EXIST' L. 4029, P. 809 IN SOUTH BLDG.

DETROIT EXIST' W. HIGGINS BELL EXIST' L. 5423, P. 156 IN ROCHESTER RD. R.O.W.

WATERMAIN EXIST' L. 6253, P. 787 & L. 6254, P. 810 IN ROCHESTER RD.

DRIVEWAY EXIST' L. 15, 1987 EXPIRES AFTER 30 YRS. SUBJECT TO A 10 YEAR RENEWAL.

BENCH MARKS

- BM#1 ALDWIN CH. HYDRANT ELEV 7218.19
- BM#2 ALDWIN CH. HYDRANT ELEV 7181.3

LEGEND

- SET FROM FOUND IRON
- BOUNDARY LINE
- EASEMENT LINE
- LOT LINE
- BUILDING LINE
- CURB LINE
- CURB CUT
- FENCE
- UNDERGROUND ELECTRIC LINE
- GAS LINE
- UNDERGROUND PHONE LINE
- OVERHEAD PHONE LINE
- OVERHEAD PHONE & ELECTRIC LINE
- COMBINED SEWER
- WATCH LINE
- ELECTRIC WATER
- FIRE HYDRANT
- GAS METER
- DATE VALVE & WELL
- GUY WIRE
- AIR CONDITIONER
- COMBINED MANHOLE
- CATCH BASIN
- SANITARY MANHOLE
- STORM MANHOLE
- UTILITY POLE
- METAL LIGHT POLE
- TELEPHONE BLIND
- MONITORING WELL
- ELECTRIC TRANSFORMER PAD
- CLEAN OUT
- RECREATE CATCH BASIN
- ELECTRIC
- MANHOLE
- GUARD POST
- TRAFFIC SIGNAL POLE
- ELECTRIC SIGNAL POLE
- GAS VALVE
- LIGHT POLE BASE
- VENTILATION PIPE
- WATER VALVE
- TREE - STEEL-DIAMETER-DUPLINE
- OPEN PORCH
- ASPH. ASPHALT
- CONC. CONCRETE
- F.F. FINISHED FLOOR
- 94.90' TOP OF CURB ELEVATION
- 93.90' OUTER ELEVATION
- 93.88' SPOT ELEVATION

VARIANCES GRANTED:

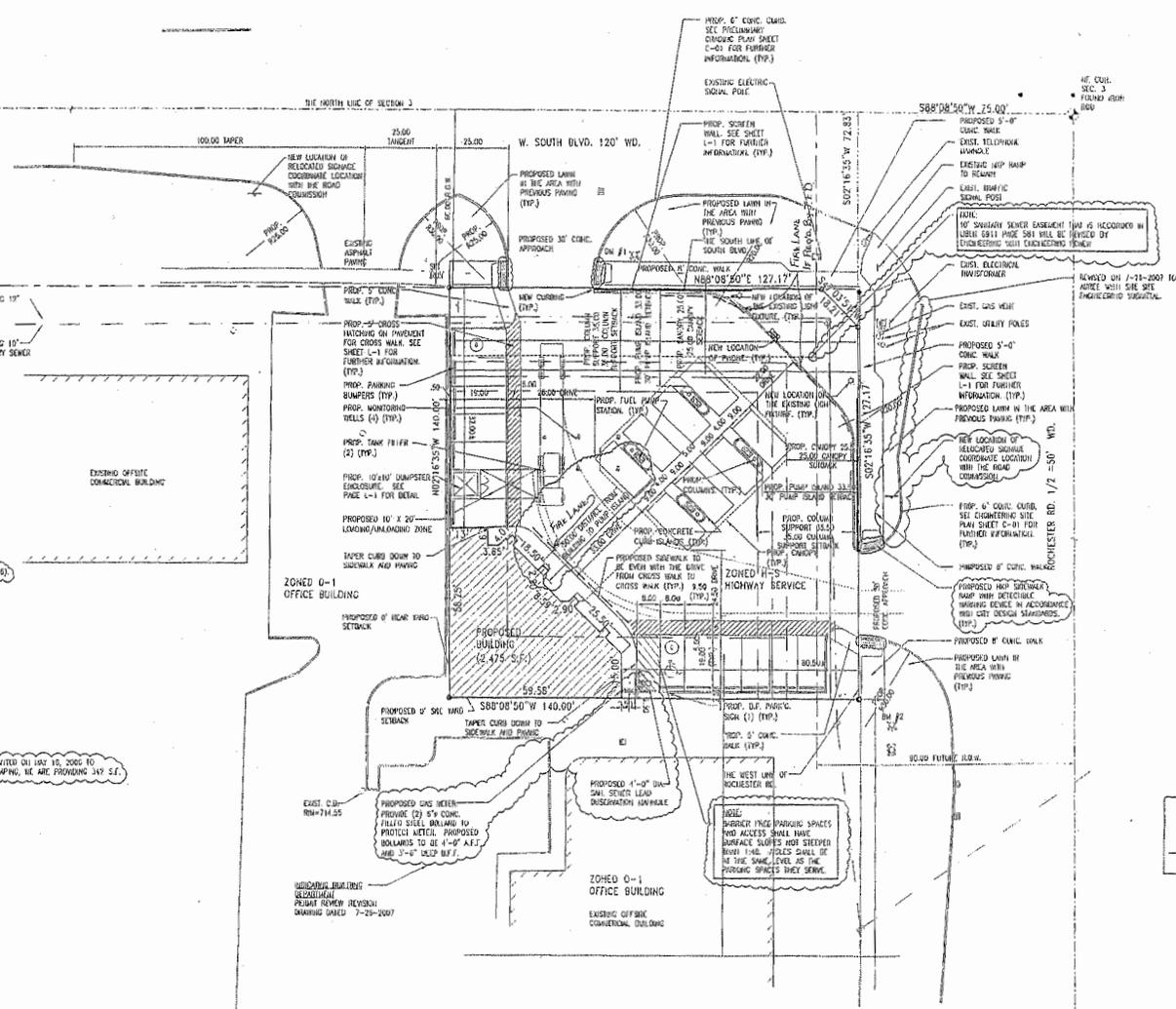
- VARIANCE REQUESTED FOR THE PROPOSED BUILDING WITHIN THE REQUIRED REAR YARD OR ADJACENT ROAD AND SOUTH BLDG. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE OPEN LANDSCAPE AREA. THE PROPERTY IS REQUIRED TO HAVE A LANDSCAPED OPEN SPACE UP AND ABOVE THE LANDSCAPED BUFFER STRIP. WE ARE REQUESTED TO HAVE ONE OF THE NEI AREAS AS A LANDSCAPED OPEN SPACE. THIS MEANS THAT 1000 S.F. NEEDS TO BE LOCATED IN THE FRONT OR SIDE YARDS. WE NEED A MINIMUM OF 1000 S.F. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE REMOVED NUMBER OF TREES ALONG ROCHESTER ROAD AND SOUTH BLVD. WE ARE REQUESTED TO HAVE 6 TREES TOTAL. WE WILL PROVIDE 3 TREES. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE REQUIRED SIZE OF THE LANDSCAPED AND OPENING ZONE IS 500 S.F. WE ARE PROVIDING A LANDING AND UNLOADING ZONE OF 200 S.F. (VARIANCE GRANTED ON MAY 16, 2006).

TABULATION:

SITE DATA	12 SPACES
CONCRETE DRIVEWAY	12 SPACES
LANDSCAPED AREA	1,000 S.F.
LANDSCAPED AREA (MINIMUM)	1,000 S.F.
LANDSCAPED AREA (REQUIRED)	1,000 S.F.
LANDSCAPED AREA (PROVIDED)	342 S.F.
NOTE: A VARIANCE WAS GRANTED ON MAY 16, 2006 TO ALLOW 240 S.F. OF LANDSCAPING, WE ARE PROVIDING 342 S.F. OF LANDSCAPING.	
SHY AREA	19,517 S.F. 4.84 ACRES
CROSS AREA	17,024 S.F. 4.022 ACRES
MILLAGE (METER) (URBAN BLDG.)	
BLDG. AREA	2,470 S.F.
RETIRED CONCRETE	700 S.F.
CROSS AREA ABOVE THE GAS MAINS	2,487 S.F.
PAV. AREA (PARKING SPACES)	2,622 S.F.

NOTE: THE PROPOSED CANOPY HEIGHT WILL BE HAVE A MINIMUM HEIGHT OF 11'-0"

NOTE: ROCHESTER HILLS LOCATED TO THE NORTH OF THE PROPERTY



PROPOSED SITE PLAN
SCALE: 1" = 20'

SU 337

PLANNING DEPT Copy
FINAL SITE PLAN APPROVED
ON Nov 19, 2007
BY [Signature]
PLANNING DEPARTMENT

REC'D
NOV 2 - 2007
PLANNING DEPT

REGISTERED ARCHITECT
WILLIAM S. QUINLAN
NO. 11459
STATE OF MICHIGAN

SU-337

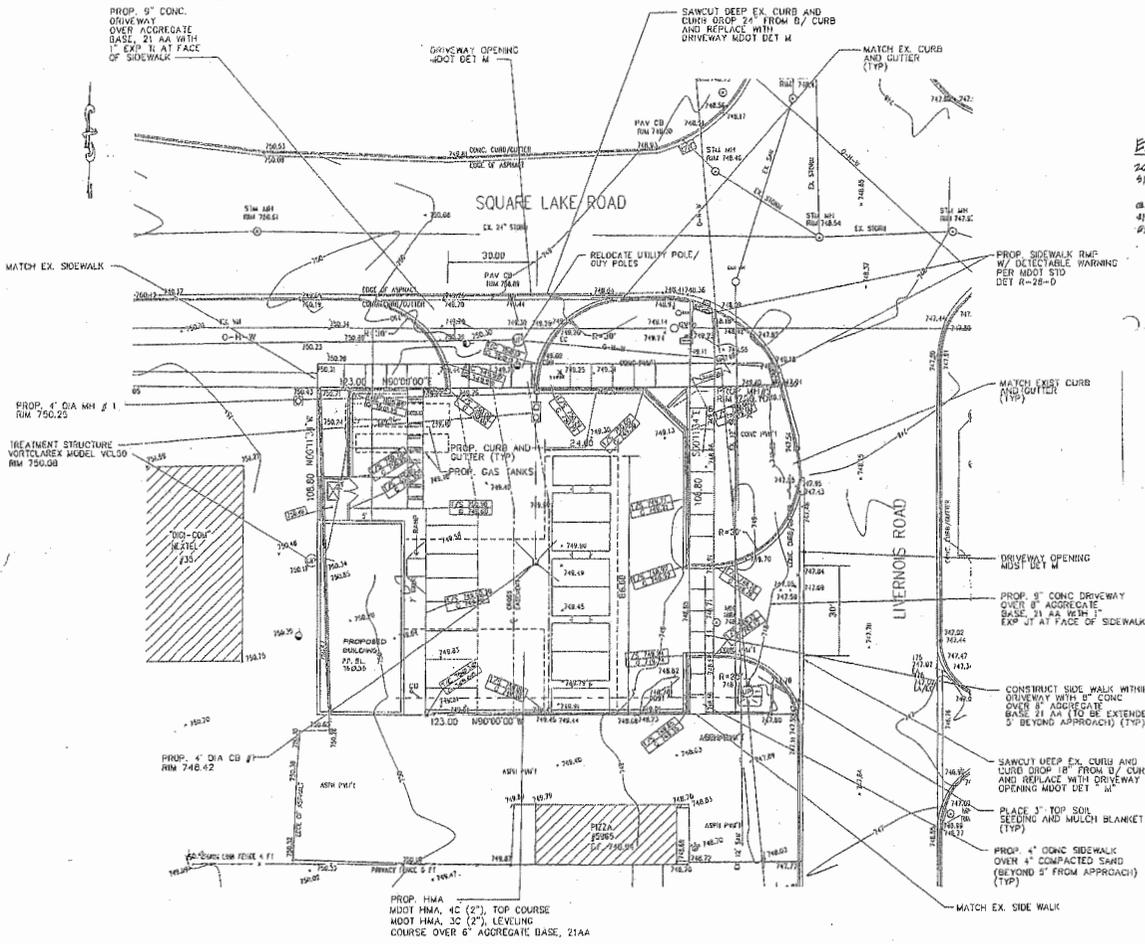
William S. Quinlan

FILED
NOV 19 2007
PLANNING DEPT
CITY OF ROCHESTER
ONONDAGA COUNTY
NEW YORK

PROPOSED GAS STATION AND C-STORY
FOR BRIAN SHARRAK

REC'D
NOV 19 2007
PLANNING DEPT

FILED
NOV 19 2007
PLANNING DEPT
CITY OF ROCHESTER
ONONDAGA COUNTY
NEW YORK



EXISTING

ZONING = H-5 HIGHWAY SERVICE
 SITE AREA GROSS = 150' X 180' = 27,000 SQ FT = 4,670 A.
 NET = 123' X 100' = 12,300 SQ FT = 2,127 A.
 BUILDING = 24' X 61' = 1,464 SQ FT. APPROX
 SITE COVERAGE = 12.5% / 15.28% = 15.11%
 PARKING SPOTS = 1255 / 200 = 6.28 = 6 CARS
 PROVIDED = 10
 10 CARS TOTAL

PROPOSED

ZONING = H-5 HIGHWAY SERVICE
 SITE AREA GROSS = 20,370 SQ FT = 4,070 A.
 NET = 12,200 SQ FT = 2,178 A.
 BUILDING = 24' X 61' = 1,464 SQ FT. APPROX
 SITE COVERAGE = 12.5% / 15.28% = 15.11%
 PARKING SPOTS = 1255 / 200 = 6.28 = 6 CARS
 PROVIDED = 10
 10 CARS TOTAL

1. DETENTION BASIN AND IN-PAGE AREA FOR PERMANENT UPGRADE
 2. TO APPLY FOR SIGN BRACKET PERMIT FROM CITY OF ILL. BUILDING DEPT.
 3. SIGNAGE APPROVAL FROM PLD., DEPT. FOR HIGHWAY SERVICE
 4. SIGN BRACKET FOR CANOPY SUPPORT, PLUMBING AND CANOPY BASE
 5. SIGN BRACKET FOR SIGN BRACKET
 6. SIGN BRACKET FOR SIGN BRACKET
 7. SIGN BRACKET FOR SIGN BRACKET

GENERAL NOTES:

ALL MATERIAL AND CONSTRUCTION FOR CONCRETE DRIVEWAY, CONC. SIDEWALK, DRAINAGE STRUCTURES, STORM SEWER, AND TRUNCATING UTILITY SHALL BE IN ACCORDANCE WITH CITY OF ILL. STANDARDS AND SPECIFICATIONS AND ILLINOIS DEPARTMENT OF TRANSPORTATION 2003 STANDARD SPECIFICATIONS FOR CONSTRUCTION.

THE CONTRACTOR SHALL NOTIFY CITY OF ILL. A MINIMUM OF 3 WORKING DAYS PRIOR TO START OF CONSTRUCTION.

THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM CITY OF ILL., OKLAHOMA COUNTY ROAD COMMISSION, OKLAHOMA COUNTY DRAIN COMMISSION PRIOR TO ANY WORK BEING DONE ON STREET SEWER OR ALONG MAPLE ROAD.

SEE ATTACHED ILLINOIS DEPARTMENT OF TRANSPORTATION STANDARD PLANS.

ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES MUST BE IN PLACE PRIOR TO STARTING CONSTRUCTION.

FOR TEMPORARY AND PERMANENT SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SEE SOIL EROSION AND SEDIMENTATION CONTROL SHEET.

PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BE REQUIRED TO EXPOSE ALL EXISTING UTILITIES THAT CROSS THE PROPOSED CONSTRUCTION AND THE DESIGN ENGINEER SHALL DETERMINE IF A VERTICAL CONFLICT EXISTS BETWEEN THE EXISTING UTILITY AND THE PROPOSED CONSTRUCTION. ALL LABOR REQUIRED TO UNCOVER THE EXISTING UTILITY SHALL BE INCLUSIVE TO THIS PROJECT. THE CONTRACTOR SHALL VERIFY THE DEPTH AND HORIZONTAL LOCATIONS OF ALL UTILITIES IN SUFFICIENT TIME SUCH THAT ANY CONFLICTS CAN BE RESOLVED BEFORE WORK IS STARTED IN THAT PORTION OF THE PROJECT. THE CONTRACTOR SHALL ARRANGE FOR THE VARIOUS UTILITY OWNERS TO LOCATE, REMOVE AND REPAIR OR RELOCATE THEIR FACILITIES. ALL COST FOR THIS SHALL BE INCLUSIVE TO THE PROJECT.

THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES CAUSED BY THE OPERATIONS AND SHALL BE REQUIRED TO MAKE TO THE SATISFACTION OF THE AUTHORITY HAVING JURISDICTION OF THE UTILITY, AT THE OWNERS RISK.

THE CONTRACTOR SHALL MAINTAIN TWO-WAY TRAFFIC AT ADJACENT ROADS AT ALL TIME.

ALL ELEVATIONS ARE BASED ON NGVD DATUM.

TRAFFIC CONTROL FOR GRADING DRIVEWAY WORK SHALL BE IN ACCORDANCE WITH THE ILLINOIS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

CALL PERMITS (CONRAD) WITH A MINIMUM OF 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

LEGEND

□	PROF. CATCH BASIN
○	PROF. STRETSIDE
○	PROF. BANK TRAVEL
○	EXISTING MANHOLE
○	PROPOSED 50% DEEP
○	PROPOSED SPOT ELEVATION
○	PROPOSED CURB AND GUTTER ELEVATION
○	PROPOSED TOP OF SIDEWALK AND PAVEMENT ELEVATION
○	PURP. 1" CONC TILE AND PAVT ELEVATION
○	EXISTING ELEVATION
○	REMOVE

SITE PLAN
 SCALE: 1" = 20'

PLANNING DEPT. COPY

FINAL SITE PLAN APPROVED
 ON OCT 5, 2005
 PLANNING DEPARTMENT

REC'D
 OCT - 4 2005
 PLANNING DEPT.

SU 326

REVISIONS:

1	Final Site Plan
2	Plan
3	
4	
5	
6	
7	

DATE: _____

DRAWING TITLE: **SQUARE LAKE - LIVERNOIS MARATHON GAS STATION**

FINAL SITE PLAN

PROJECT NO.: _____

DATE: _____

SCALE: _____

PROJECT: _____

DATE: _____

SCALE: _____

August 12, 2008

Troy Planning Department
500 W. Big Beaver
Troy, MI 48084

VIA ELECTRONIC MAIL

Re: Planning File No. Z-731 Gas Station/Tim Horton's

To the Powers that Be on the Troy Planning Department:

On behalf of the owners of the property located at the northeast corner of Rochester Road and Wattles Road, I am writing to you to express their partial opposition to the proposed Rezoning Request, for the property at 3990 Rochester Road, Troy, MI, which is scheduled for a public hearing before the Planning Department this evening. Due to extenuating circumstances, the owners cannot attend the public hearing and ask that this letter be read into the minutes at the public hearing.

For the last twenty-five years, my clients have owned and operated the strip center north of the subject property. During that time period, my clients have invested tens of thousands of dollars into improvements at the center. Those improvements have made the center a destination location for many Troy residents and attracted quality tenants to the area. One of those tenants, Ridley's Bakery, has invested an extraordinary sum of money into the area, including a remodel and expansion of its existing space in excess of \$100,000.00. In addition, Ridley's Bakery has brought jobs and services to the residents of the surrounding community. We believe that Ridley's Bakery, a Michigan-owned and operated company, will be directly and negatively impacted by the addition of a Tim Horton's store across the street. While my clients understand that their position may not have any legal basis, they implore you to find in their favor so that Tim Horton's, a national tenant, does not jeopardize the livelihood of another Michigan-owned company.

Given the investment that Ridley's Bakery has made and continues to make in the City of Troy, and the investment that Ridley's Bakery has made to my client's center, we firmly believe that the rezoning request should be denied with respect to the Tim Horton's operations. Moreover, my clients oppose any request to install a drive-thru at the property, since such a use would create safety and nuisance concerns. With regard to the Highway Services rezoning request, my clients do not oppose that request.

Sincerely,

John Spain, Esq.
Corporate Counsel