



CITY COUNCIL ACTION REPORT

DATE: September 3, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: 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:

- 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.

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

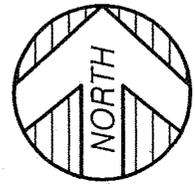
cc: Applicant
File /Z 731

G:\REZONING REQUESTS\Z-731 Gas Station Tim Hortons Sec 23\CC Public Hearing 09 08 08.doc

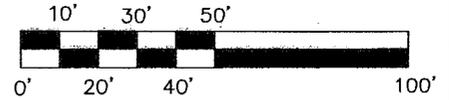
CERTIFIED SURVEY

PROPERTY DESCRIPTION:

PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, COUNTY OF OAKLAND AND STATE OF MICHIGAN, BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 23, THENCE SOUTH 89 DEGREES 15 MINUTES EAST 220.87 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF SECTION 23 A DISTANCE OF 233 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 23 A DISTANCE OF 220.87 FEET; THENCE NORTH ALONG WEST LINE OF SAID SECTION 23 A DISTANCE OF 233 FEET TO THE POINT OF BEGINNING, EXCEPT THE NORTH 60 FEET AND THE WEST 43 FEET THEREOF FOR HIGHWAY PURPOSES.



SCALE: 1"=50'



POINT OF BEGINNING

NORTHWEST CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST.
 FOUND 2" BRASS CAP STAMPED OAKLAND COUNTY REMONUMENTATION, PS #17623 IN MONUMENT BOX, AS RECORDED IN LIBER 17038, PAGE 728, OAKLAND COUNTY RECORDS

WATTLES ROAD

60' RIGHT OF WAY (1/2 WIDTH) ASPHALT

NORTH CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST.
 FOUND 2" BRASS CAP STAMPED OAKLAND COUNTY REMONUMENTATION, PS #17623 IN MONUMENT BOX, AS RECORDED IN LIBER 17038, PAGE 702, OAKLAND COUNTY RECORDS

BASIS OF BEARINGS

S89°15'00"E(R&M) 2653.91'(M)
 220.87'(R) 220.37'(M)

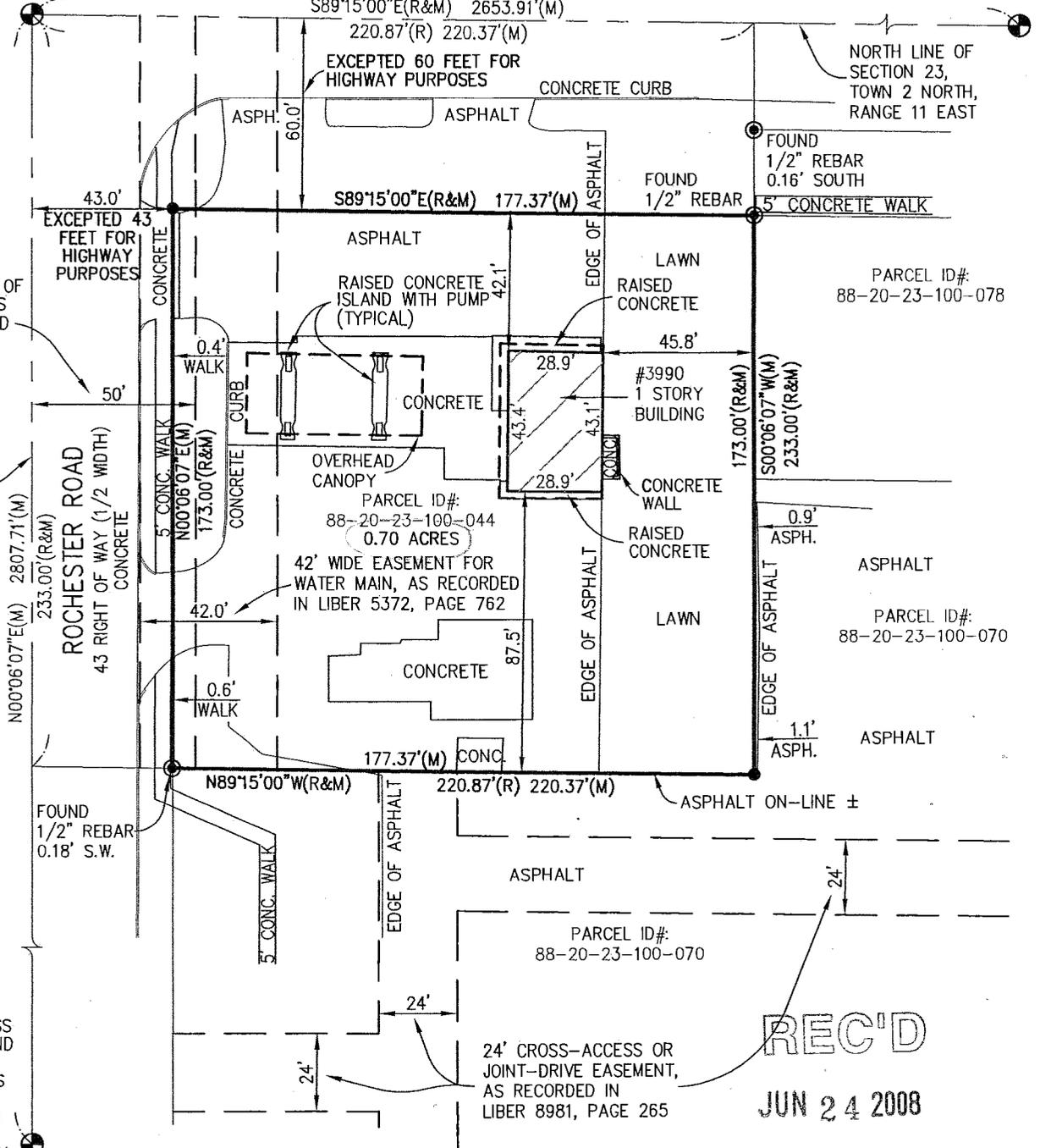
EXCEPTED 60 FEET FOR HIGHWAY PURPOSES

NORTH LINE OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST

50' WIDE GAS RIGHT OF WAY FOR CONSUMERS POWER, AS RECORDED IN LIBER 3851, PAGE 291

WEST LINE OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST

WEST 1/4 CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST. FOUND 2" BRASS CAP STAMPED OAKLAND COUNTY REMONUMENTATION, PS #17623 IN MONUMENT BOX, AS RECORDED IN LIBER 17156, PAGE 754, OAKLAND COUNTY RECORDS



I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE OF UNADJUSTED FIELD OBSERVATIONS IS NOT GREATER THAN 1 PART IN 5000 AND MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

Anthony T. Sycko, Jr.
 ANTHONY T. SYCKO, JR., P.S. NO. 47976

LEGEND

- SET 1/2" REBAR WITH CAP, #47976
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

REC'D

JUN 24 2008

PLANNING DEPT.



KEM-TEC & ASSOCIATES

22556 GRATIOT AVE. EASTPOINTE, MI 48021
 PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS
 (586)772-2222 * FAX (586)772-4048

| | |
|-----------------------------------|--------------------|
| CERTIFIED TO: SAFEWAY OIL COMPANY | |
| FIELD SURVEY: KB JO | DATE: MAY 21, 2008 |
| DRAWN BY: JRA | SHEET: 1 OF 1 |
| SCALE: 1" = 50' | JOB NO.: 07-12490 |

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the _____ amendment to the Zoning District Map of the Code of the City of Troy.

Section 2. Amendment

Section 05.20.00 of Chapter 39 is hereby amended to permit the zoning map of said code to be, and the same is hereby amended to delineate the subject parcel as H-S (Highway Service), the following described property, to wit:

T2N, R11E, NW ¼ of Section 23

Beginning at the northwest corner of said Section 23; thence S 89°15'00" E, 220.87 ft.; thence S 00°06'07" W, 233.00 ft. parallel to the West line of Section 23; thence N 89°15'00" W, 220.87 ft. parallel to the North line of said Section 23; thence N 00°06'07" E, 233.00 ft. along the West line of said Section 23 to the Point of Beginning, except the North 60 ft. and the West 43 ft. thereof for highway purposes. Containing 0.70 ac. more or less and being subject to all encumbrances of record.

The subject property is located on the southwest corner of Rochester Road and Wattles, in Section 23, within the B-1 (Local Business) zoning district, being approximately 0.70 acres in size.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

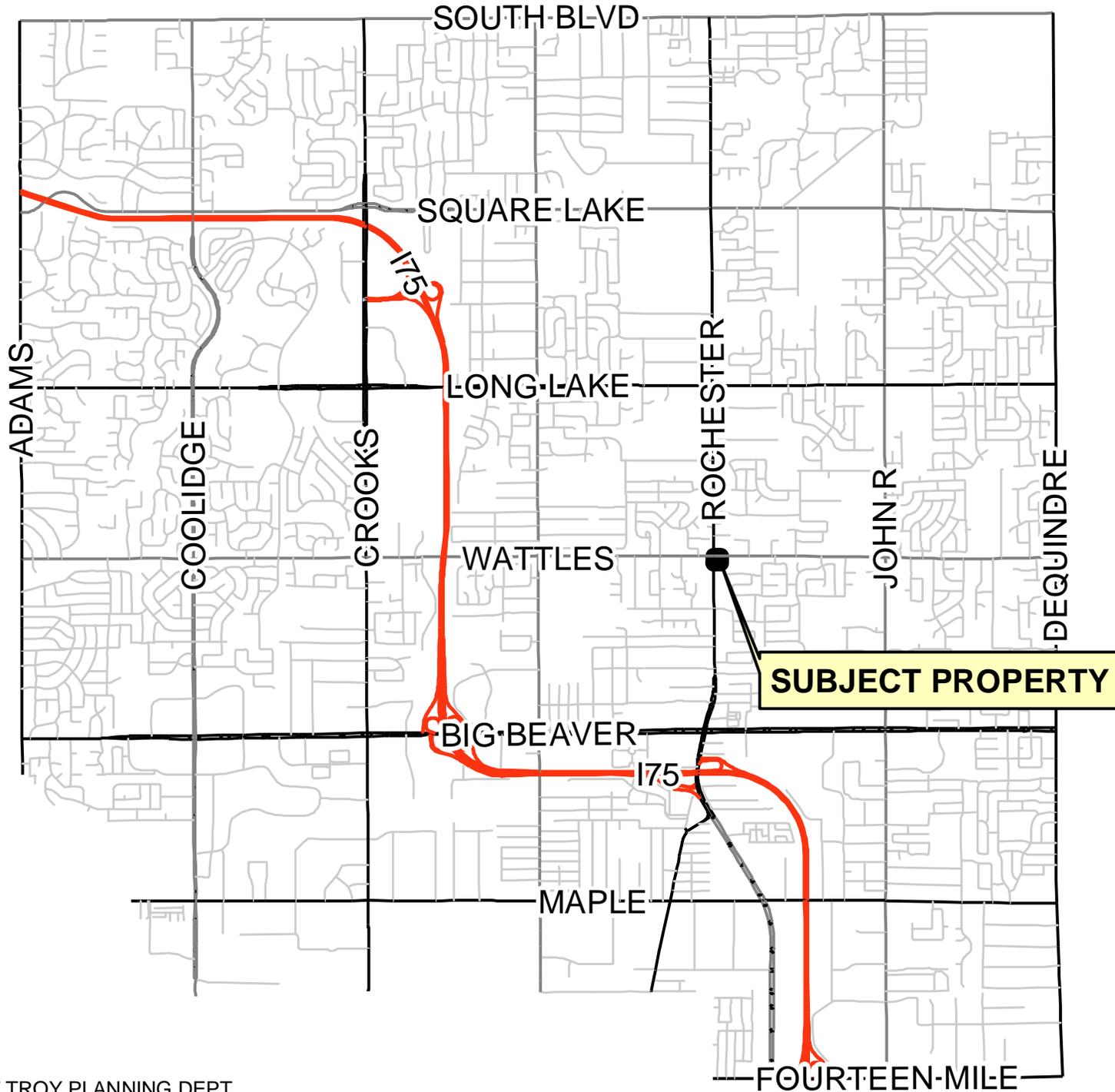
This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on _____, the _____ day of _____, _____.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

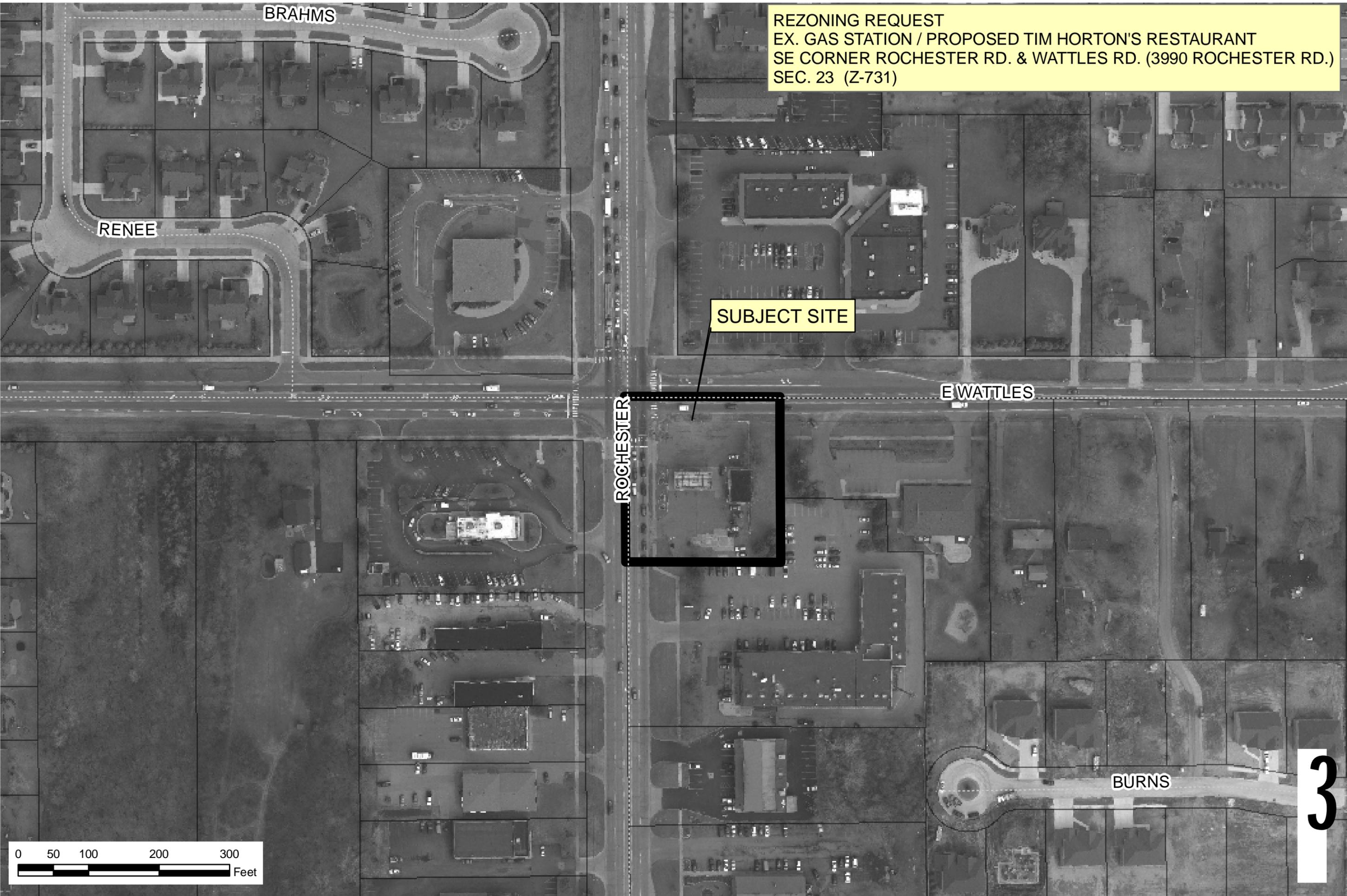
PUBLISHED: _____

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)

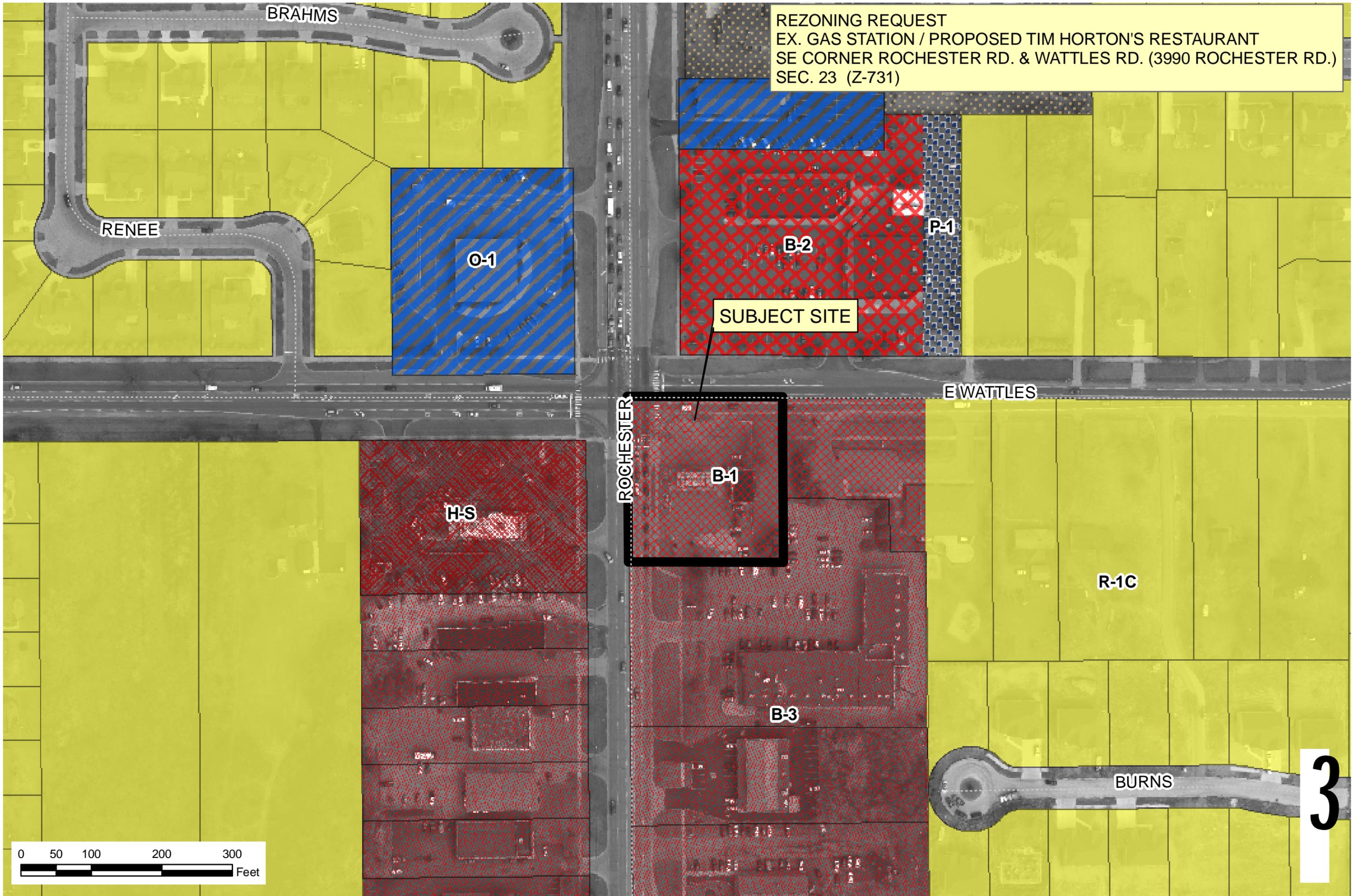
SUBJECT SITE



0 50 100 200 300 Feet

3

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

ROCHESTER

E WATTLES

R-1C

BURNES

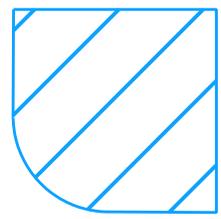
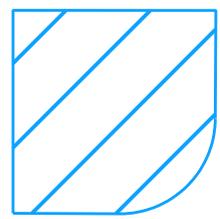
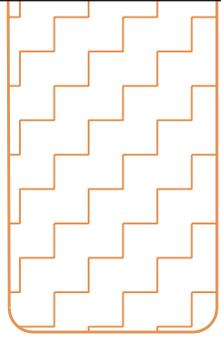
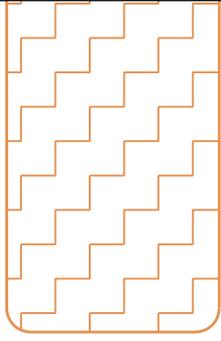


ROCHE

SUBJECT PROPERTY



NORTH



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

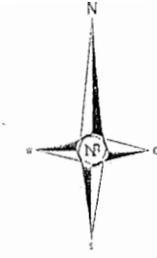
Location: 3400 Rochester, NE corner Rochester and Charrington
Station: Marathon
Section: 23
Parcel Size: 21,000 square feet / 0.48 acre
Building Size: 1,740 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 342
Preliminary Site Plan Approval: 01/09/07, attached

SECTION 27
T.2N., R.11E.

E. Chopin Ave. (50' Wd.)
ASPHALT

Livernois Rd. 106' Wd.

E. Maple Rd. (106' Wd.)



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Stephenson Highway
Royal Oak, MI 48067-1508
Tel: (248) 399-0886
Fax: (248) 399-0805



PROJECT
Clark Gas Station
Troy, Michigan

CLIENT
Bala / Ramana
1602 Livernois Road
Troy, Michigan 48063

Tel: (248) 874-8486
Fax: (248) 669-3313

PROJECT LOCATION
Part of the West 1/2 of
Section 27, Town 2
North, Range 11 East,
City of Troy, Oakland
County, Michigan

SHEET
Final Site Plan

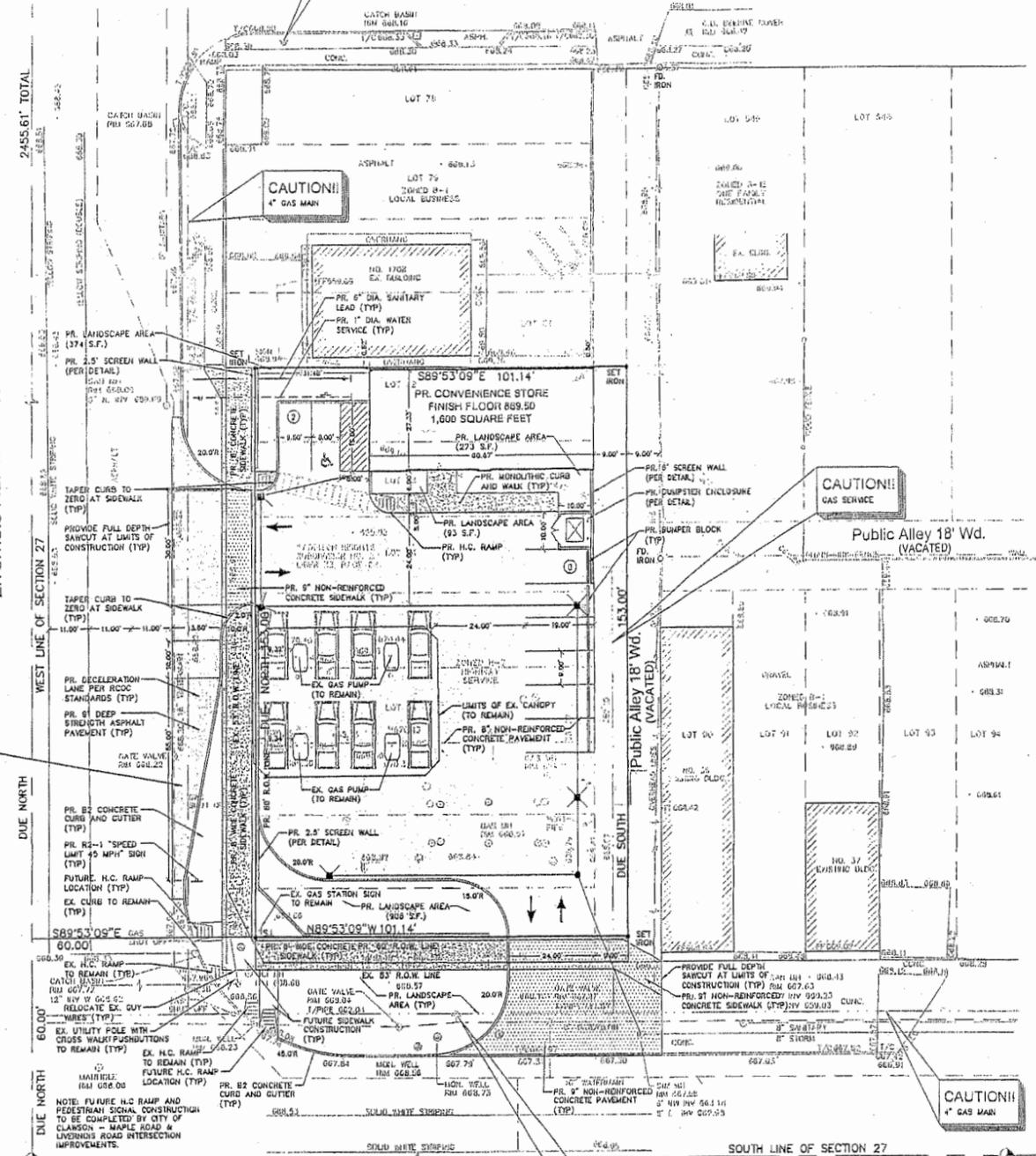


DATE: 05-20-07
REVISION: 07-10-07

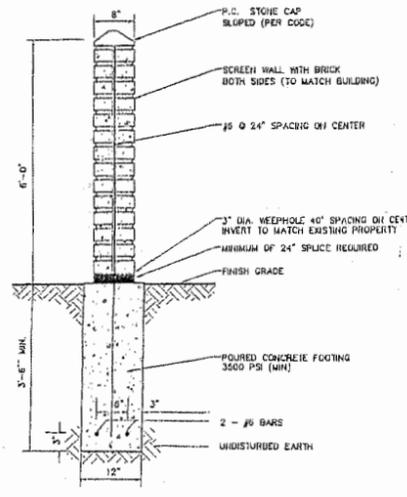
FINAL SITE PLAN APPROVED
ON: 05-20-07
PLANNING DEPARTMENT

PLANNING DEPT. COPY

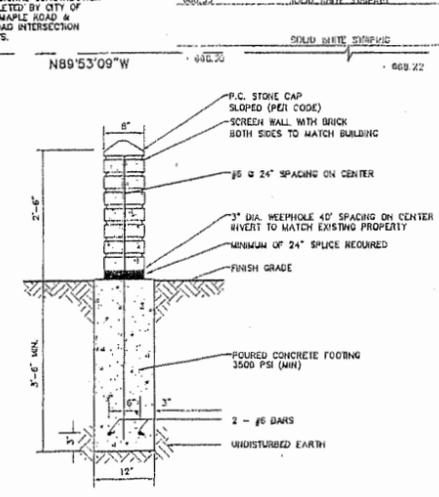
DRAWN BY: J. Longhurst
DESIGNED BY: J. Longhurst
APPROVED BY: M. Peterson
DATE: 05-30-07
SCALE: 1" = 20'
SHEET NO. C2 SHEET TOTAL: E744



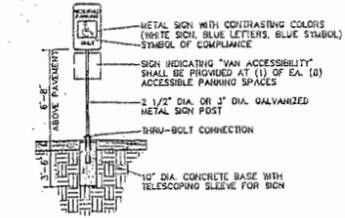
NOTE: 9" DEEP STRENGTH ASPHALT SHALL CONSIST OF 2" MDOT 4C, OVER 2" MDOT 3C, OVER 5" MDOT 11A, OVER A SUITABLE BASE. ASPHALT SHALL BE PLACED IN 4' LIFTS, 2.5", 2.5", 2" AND 2".



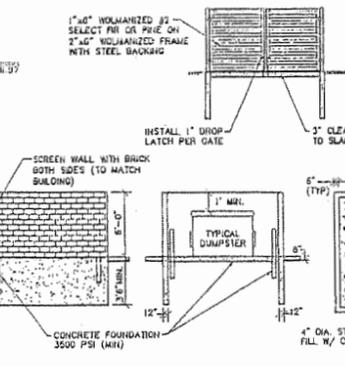
6' SCREEN WALL DETAIL
NTS



2.5' SCREEN WALL DETAIL
NTS



BARRIER FREE PARKING SIGN DETAIL
N.T.S.



DUMPSTER ENCLOSURE DETAIL
N.T.S.

SITE DATA

| | |
|--|--|
| SITE AREA | 15,475 SQUARE FEET OR 0.355 ACRES |
| GROSS | |
| BUILDING AREA | |
| GROSS | 1,600 SQUARE FEET |
| BUILDING HEIGHT | |
| MAXIMUM PERMITTED | 40' HEIGHT |
| PROPOSED | 17.00' HEIGHT |
| ZONING | |
| EXISTING | H-5 (HIGHWAY SERVICE DISTRICT) |
| REQUIREMENTS | |
| FRONT (WEST) | 40' |
| FRONT (SOUTH) | 40' |
| FRONT (EAST) | 20' (2' IF LOTS IN CONJUNCTION WITH OTHER 'D' DISTRICTS) |
| FRONT (NORTH) | 30' (75' WHERE ADJUTS RESIDUAL) |
| REAR | 900' |
| LANDSCAPE | |
| REQUIRED | 1 SPACE PER 200 SQUARE FEET OF BUILDING AREA |
| PROVIDED | 7 SPACES FOR 7 AT EACH PUMP |
| TOTAL PARKING SPACES REQUIRED | 16 |
| PROVIDED: | |
| 7' X 15' PARKING SPACES | 7 |
| 8' X 15' BARRIER FREE SPACES | 1 |
| 9' X 15' SPACES AT PUMPS | 8 |
| TOTAL PARKING SPACES PROVIDED | 16 |
| LANDSCAPE | |
| REQUIRED: 10% OF SITE AREA (1547.5 X 0.10 =) | 154.75 |
| PROVIDED: (906 + 273 + 374 + 93 =) | 1646.5 |
| VARIANCES GRANTED 02-20-07 | |
| 31' 4\"/> | |

PAVING LEGEND

| | |
|--|----------------|
| | PROPOSED 4\"/> |
| | PROPOSED 9\"/> |
| | PROPOSED 6\"/> |
| | PROPOSED 9\"/> |

LEGEND

| | |
|--|-----------------------------|
| | EXISTING SANITARY SEWER |
| | SAN. CLEAN OUT |
| | EXISTING WATERWAY |
| | EXISTING STORM SEWER |
| | EX. R. T. CATCH BASIN |
| | EXISTING BURIED CABLES |
| | OVERHEAD LINES |
| | LIGHT POLE |
| | SIGN |
| | EXISTING GAS MAIN |
| | PR. SANITARY SEWER |
| | PR. WATER MAIN |
| | PR. STORM SEWER |
| | PR. R. T. CATCH BASIN |
| | PROPOSED LIGHT POLE |
| | PR. TOP OF CURB ELEVATION |
| | PR. GUTTER ELEVATION |
| | PR. TOP OF WALK ELEVATION |
| | PR. TOP OF P.M.H. ELEVATION |
| | FINISH GRADE ELEVATION |

SU 328

LEGAL DESCRIPTION:

(PROPERTY DESCRIPTION PER TITLE COMMITMENT)

NORTH 200 FEET OF THE EAST 215 FEET OF THE EAST FRAC. 1/2 OF THE NORTHEAST FRAC. 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, EXCEPT THE NORTH 35 FEET IN THE ROAD, ALSO EXCEPT THAT PART CELEST FOR HIGHWAY DESCRIBED AS THAT PART LYING NORTHEASTERLY OF LINE DESCRIBED AS BEGINNING AT A POINT DISTANT S 87°32'40"W 22.83 FEET AND S 05°34'41"E 125 FEET FROM THE NORTHEAST SECTION CORNER; THENCE NORTHEASTERLY TO A POINT ON THE NORTH SECTION LINE DISTANT S 87°32'49"W 22.83 FEET AND S 88°18'17"W 125 FEET FROM THE NORTHEAST SECTION LINE, ALSO EXCEPT THE EAST 50 FEET TAKEN FROM ROCHESTER ROAD.

DESCRIPTION OF PROPERTY AS SURVEYED:

PART OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF ROCHESTER ROAD, SAID POINT LOCATED S 88°08'50"W ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 75.0 FEET AND S 02°16'35"E 72.83 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 3, THENCE CONTINUING S 02°16'35"E ALONG SAID WEST LINE 127.17 FEET, THENCE S 88°08'50"W 140.00 FEET, THENCE N 02°16'35"W 140.00 FEET, THENCE N 88°08'50"E ALONG THE SOUTH LINE OF SOUTH BLVD. 127.17 FEET; THENCE S 47°03'51"E 10.21 FEET TO THE POINT OF BEGINNING.

SANITARY SEWER EASM'L, L. 5676, P. 548 IN SOUTH BLVD.

MICHIGAN BELL CASM'L, L. 4809, P. 809 IN SOUTH BLVD.

DETROIT EDISON & MICHIGAN BELL EASM'L, L. 0623, P. 656 IN ROCHESTER RD. R.O.W.

WATERMAIN EASM'L, L. 6253, P. 787 & L. 6254, P. 616 IN ROCHESTER RD.

DRIVEWAY CASM'L JUNE 15, 1987 EXPIRES AFTER 20 YRS. SUBJECT TO A 10 YEAR RENEWAL.

BENCH MARKS

BM#1
ARROW ON HYDRANT
ELEV=718.19

BM#2
ARROW ON HYDRANT
ELEV=716.73

LEGEND

- SET IRON
- FOUND IRON
- BOUNDARY LINE
- - - EASEMENT LINE
- - - LOT LINE
- ▨ BUILDING LINE
- CURB LINE
- CURB CUT
- FENCE
- DE — DE UNDERGROUND ELECTRIC LINE
- GAS — GAS GAS LINE
- UP — UP UNDERGROUND PHONE LINE
- OHP — OHP OVERHEAD PHONE LINE
- OHP&E — OHP&E OVERHEAD PHONE & ELECTRIC LINE
- CS&S — CS&S COMBINED SEWER
- W — W WATER LINE
- ⊠ ELECTRIC METER
- ⊠ FIRE HYDRANT
- ⊠ GAS METER
- ⊠ GATE VALVE & WELL
- DUY WIRE
- ⊠ AIR CONDITIONER
- ⊠ COMBINED MANHOLE
- ⊠ CATCH BASIN
- ⊠ SANITARY MANHOLE
- ⊠ STORM MANHOLE
- ⊠ UTILITY POLE
- ⊠ METAL LIGHT POLE
- ⊠ TELEPHONE RISER
- ⊠ MONITORING WELL
- ⊠ ELECTRIC TRANSFORMER PAD
- ⊠ CLEAN OUT
- ⊠ BEEHIVE CATCH BASIN
- ⊠ TELEPHONE MANHOLE
- ⊠ GUARD POST
- ⊠ TRAFFIC SIGNAL POLE
- ⊠ ELECTRIC SIGNAL POLE
- ⊠ GAS VENT
- ⊠ LIGHT POLE BASE
- ⊠ VENTILATION PIPE
- ⊠ WATER VALVE
- ⊠ TREE - STEM-DIAMETER-DIAPHRAGM
- ⊠ OPEN PORCH
- ASPH. ASPHALT
- CONC. CONCRETE
- F.F. FINISHED FLOOR
- 99.98T TOP OF CURB ELEVATION
- 99.99G GUTTER ELEVATION
- 99.99 SPOT ELEVATION

VARIANCES GRANTED:

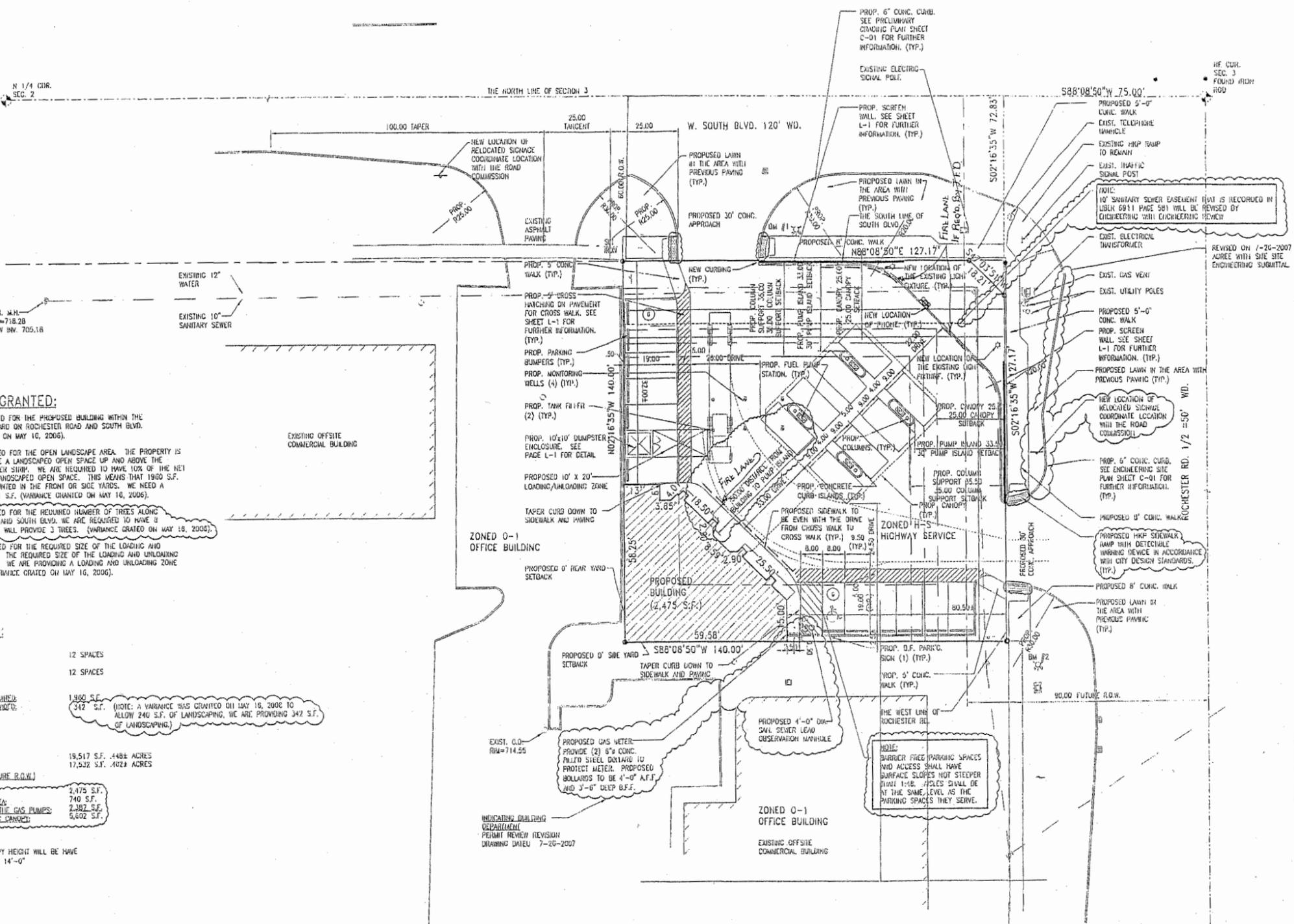
1. VARIANCE REQUESTED FOR THE PROPOSED BUILDING WITHIN THE REQUIRED REAR YARD ON ROCHESTER ROAD AND SOUTH BLVD. (VARIANCE GRANTED ON MAY 10, 2006).
2. VARIANCE REQUESTED FOR THE OPEN LANDSCAPE AREA. THE PROPERTY IS REQUIRED TO HAVE A LANDSCAPED OPEN SPACE UP AND ABOVE THE LANDSCAPED BUFFER STRIP. WE ARE REQUIRED TO HAVE 10% OF THE NET SITE AREA AS A LANDSCAPED OPEN SPACE. THIS MEANS THAT 1900 S.F. NEEDS TO BE COUNTED IN THE FRONT OR SIDE YARDS. WE NEED A VARIANCE OF 1751 S.F. (VARIANCE GRANTED ON MAY 16, 2006).
3. VARIANCE REQUESTED FOR THE REQUIRED NUMBER OF TREES ALONG ROCHESTER ROAD AND SOUTH BLVD. WE ARE REQUIRED TO HAVE 3 TREES TOTAL. WE WILL PROVIDE 3 TREES. (VARIANCE GRANTED ON MAY 18, 2006).
4. VARIANCE REQUESTED FOR THE REQUIRED SIZE OF THE LOADING AND UNLOADING ZONE. THE REQUIRED SIZE OF THE LOADING AND UNLOADING ZONE IS 500 S.F. WE ARE PROVIDING A LOADING AND UNLOADING ZONE OF 200 S.F. (VARIANCE GRANTED ON MAY 16, 2006).

TABULATION:

| | |
|---------------------------------|---|
| SITE DATA | 12 SPACES |
| LANDSCAPING DATA | 1,480 S.F. |
| LANDSCAPING AREA REQUIRED | 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.) |
| SITE AREA | 19,517 S.F. 448 ACRES |
| GROSS AREA | 17,532 S.F. 402 ACRES |
| NET AREA (AFTER FUTURE R.O.W.) | |
| BUILDING AREA | 2,475 S.F. |
| ATTACHED CANOPY AREA | 740 S.F. |
| CANOPY AREA ABOVE THE GAS PUMPS | 2,382 S.F. |
| TOTAL AREA INCLUDING CANOPY | 5,602 S.F. |

NOTE: THE PROPOSED CANOPY HEIGHT WILL BE HAVE A MINIMUM HEIGHT OF 14'-0"

NOTE: ROCHESTER HILLS LOCATED TO THE NORTH OF THE PROPERTY



PLANNING DEPT Copy
FINAL SITE PLAN APPROVED
ON Nov 14, 2007
PLANNING DEPARTMENT

REC'D
NOV 2 - 2007
PLANNING DEPT



PROPOSED SITE PLAN
SCALE: 1" = 20'

SU 337

SU-337

THE ABOVE EXISTING INFORMATION WAS TAKEN FROM THE TOPOGRAPHICAL SURVEY FROM METCO LAND S.E.A. CORPORATION 401 S. MAIN ST. CLAWSON, MI. 48017 TELEPHONE # (248) 588-2600, FAX # (248) 588-3117, E-MAIL: METCOLAND@AOL.COM THE SURVEY JOB # IS L5-04032

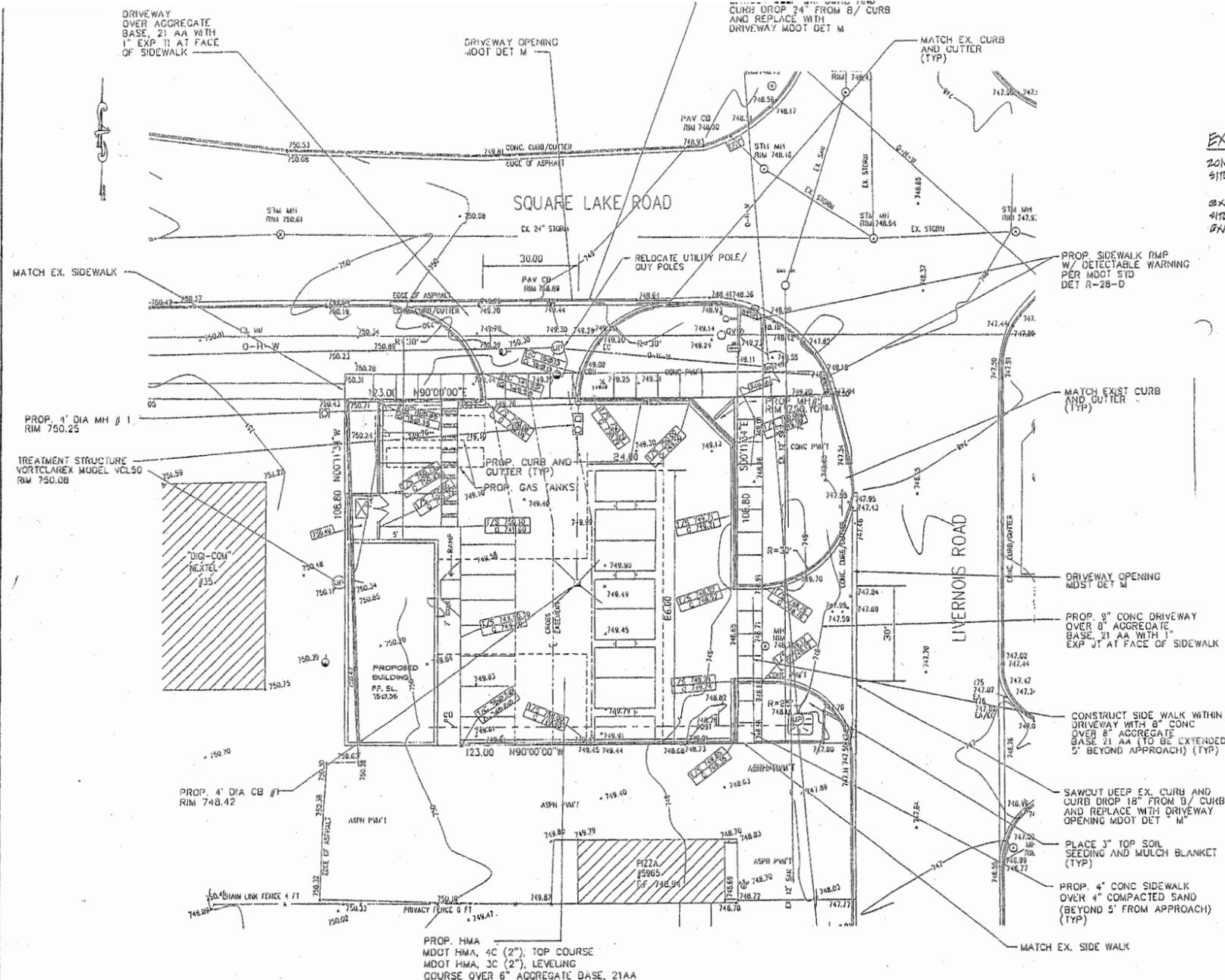
REVISIONS:

| | |
|-------------------|--------------------------|
| FEBRUARY 14, 2007 | OWNERS REVIEW |
| FEBRUARY 21, 2007 | OWNERS REVIEW |
| MARCH 15, 2006 | OWNERS REVIEW |
| MARCH 23, 2006 | PRELIMINARY CITY REVIEW |
| JAN 19, 2006 | USE SUBMITTAL |
| JULY 19, 2006 | SITE PLAN SUBMITTAL |
| JULY 25, 2006 | BRIEF PRESENTATION MEET. |
| AUGUST 23, 2006 | OWNERS REVIEW |
| AUG. 28, 2006 | SPECIAL USE RESUBMITTAL |
| NOV 10, 2006 | PERMITS APPROVAL |
| SEP. 20, 2006 | |
| OCTOBER 20, 2006 | OWNERS REVIEW |
| OCTOBER 31, 2006 | OWNERS REVIEW |
| NOVEMBER 1, 2006 | OWNERS REVIEW |
| NOV. 02, 2006 | SPECIAL USE RESUBMITTAL |
| NOV. 02, 2006 | SPECIAL USE RESUBMITTAL |
| DEC. 05, 2006 | SPECIAL USE RESUBMITTAL |
| FEB. 14, 2007 | BLDG. PERMIT RESUBMITTAL |
| FEBRUARY 14, 2007 | BLDG. PERMIT RESUBMITTAL |
| APRIL 30, 2007 | BLDG. PERMIT RESUBMITTAL |
| JULY 26, 2007 | BLDG. PERMIT RESUBMITTAL |
| AUGUST 21, 2007 | BLDG. PERMIT RESUBMITTAL |

5010
CORPORATE ASSOCIATES
3125 HURON
ST. CLAIR SHORES, MI 48062
(800) 354-6500
FAX: (588) 241-9776
ARCHITECTS AND ENGINEERS

PROPOSED GAS STATION AND C-STORE
FOR BRIAN SHARRAK
6969 ROCHESTER ROAD
TROY, MI.

DRAWN BY:
CHECKED BY:
W.D.
DATE:
FEBRUARY 9, 2008
SCALE:
AS NOTED
JOB NO.
0605
SHEET NO.
C-3
OF SHEETS



SITE PLAN
 SCALE: 1" = 20'

EXISTING

ZONING: H-5 HIGHWAY SERVICE
 SITE AREA: 150' x 125' 80" = 20,370 SQ FT = 4676 A
 NET: 123' x 106' 80" = 13,282.4 SQ FT = 2972 A
 EXIST. BLDG: 28' x 59' = 1652 SQ FT APPROX
 SITE COVERAGE: 145' x 133' 2.4" = 12,344 SQ FT
 EXIST. PARKING: PUMP 6
 STORAGE 10
 14 CARS TOTAL

PROPOSED

ZONING: H-5 HIGHWAY SERVICE
 SITE AREA: 150' x 125' 80" = 20,370 SQ FT = 4676 A
 NET: 123' x 106' 80" = 13,282.4 SQ FT = 2972 A
 BUILDING: 24' x 44' = 1056 SQ FT APPROX
 SITE COVERAGE: 122' x 106' 80" = 12,928.24 SQ FT = 2811 A
 PARKING: PROVIDED 7
 0 CARS SHORT

TREES: 123' x 106' 80" = 2131.8 / 80 = 7.72 = 8 TREES
 MIN LOT AREA = 15,000 SQ FT = 13,282.4 SQ FT = 1,617.6 SQ FT SHORT
 GREEN BELT = 123' x 106' 80" = 13,282.4 SQ FT = 13,282.4 SQ FT
 (NOT TO INCLUDE GREENBELT)
 11 x 28.5 = 313.5 WEST 12
 1388.4
 313.5
 1024.75 SQ FT SHORT

- POTENTIAL UNDERMINING IN ROAD AREA FROM UNDERMINING CONDITIONS
 - TO APPLY FOR SOIL EROSION PERMIT FROM CITY OF TROY BUILDING DEPT.
 - SEPARATE APPROVAL FROM PUD, DEPT. FOR SIGN & LOCATION
- PERMITS GRANTED FROM E.Z.A.
- SIDE SETBACK FOR CANOPY SUPPORT, PUMP ISLAND & CANOPY BASE
 - ROAD SETBACK FOR BLOCK SETBACK
 - LANDSCAPING
 - POSSIBILITY FOR WHEEL WIDTH

GENERAL NOTES:

ALL MATERIAL AND CONSTRUCTION FOR CONCRETE DRIVEWAY, CONCRETE SIDEWALK, DRAINAGE STRUCTURES, STORM SEWER, AND TRENCHING DETAILS SHALL BE IN ACCORDANCE WITH CITY OF TROY STANDARDS AND SPECIFICATIONS AND MICHIGAN DEPARTMENT OF TRANSPORTATION 2003 STANDARD SPECIFICATIONS FOR CONSTRUCTION.

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

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

SEE ATTACHED MICHIGAN 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 SO THE DESIGN ENGINEER MAY 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 REPLACE, OR RELOCATE THEIR FACILITIES. ALL COST FOR THIS SHALL BE INCLUSIVE TO THIS 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 REPAIRED SAME TO THE SATISFACTION OF THE AUTHORITY HAVING JURISDICTION OF THE UTILITY, AT HIS OWN EXPENSE.

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 MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. CALL MISS DIG (800) 487-1111 A MINIMUM OF 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

LEGEND

- PROP. CATCHBASIN
- PROP. 51TH MANHOLE
- PROP. 51TH MANHOLE
- EXISTING MANHOLE
- PROPOSED 51TH SEWER
- PROPOSED SPOT ELEVATION
- PROPOSED CURB AND GUTTER ELEVATION
- PROPOSED TOP OF SIDEWALK AND PAVEMENT ELEVATION
- PROP. 1/2 CONC ISLE AND PAVT ELEVATION
- EXISTING ELEVATION
- REMOVE

PLANNING DEPT COPY
 FINAL SITE PLAN APPROVED
 ON OCT 5 2005
 PLANNING DEPARTMENT

REVISIONS:

| | | |
|----|------------|----------|
| 1- | Final Site | 09/22/05 |
| 2- | Plan | |
| 3- | | |
| 4- | | |
| 5- | | |
| 6- | | |
| 7- | | |

SQUARE LAKE - LIVERNOIS
 MARATHON GAS STATION
 5981 LIVERNOIS
 TROY, MI 48066

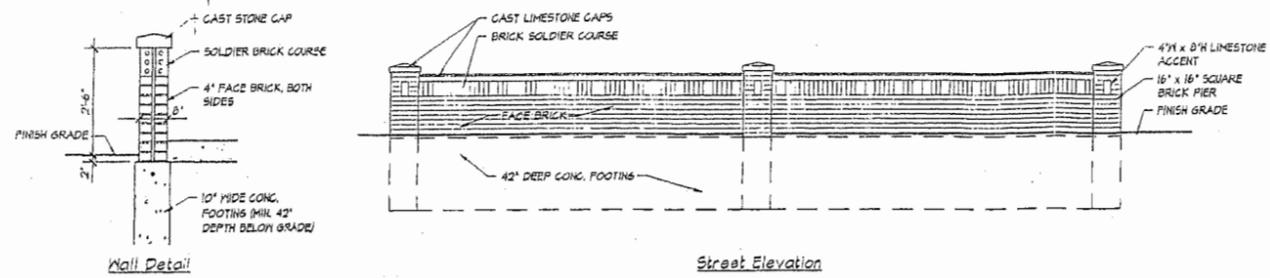
DATE: *[Signature]*

DEVELOPING TITLE:
FINAL SITE PLAN
 PROJECT NO.: 0608TroyMarathon FILE NAME: C01

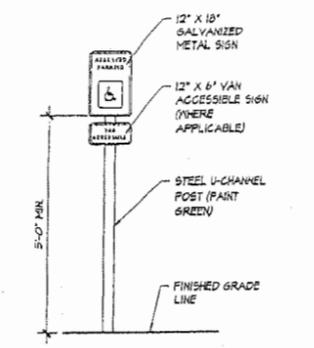
DATE: 09/21/05
 SHEET NO.:
C01

SU 326

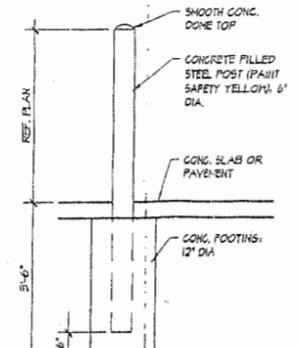
REC'D
 OCT -4 2005
 PLANNING DEPT.



Brick Screenwall Details
 Elevation: 1/4"=1'-0" / Wall Detail: 1/2"=1'-0"



H/cap Parking Sign
 Scale: 1/2"=1'-0"



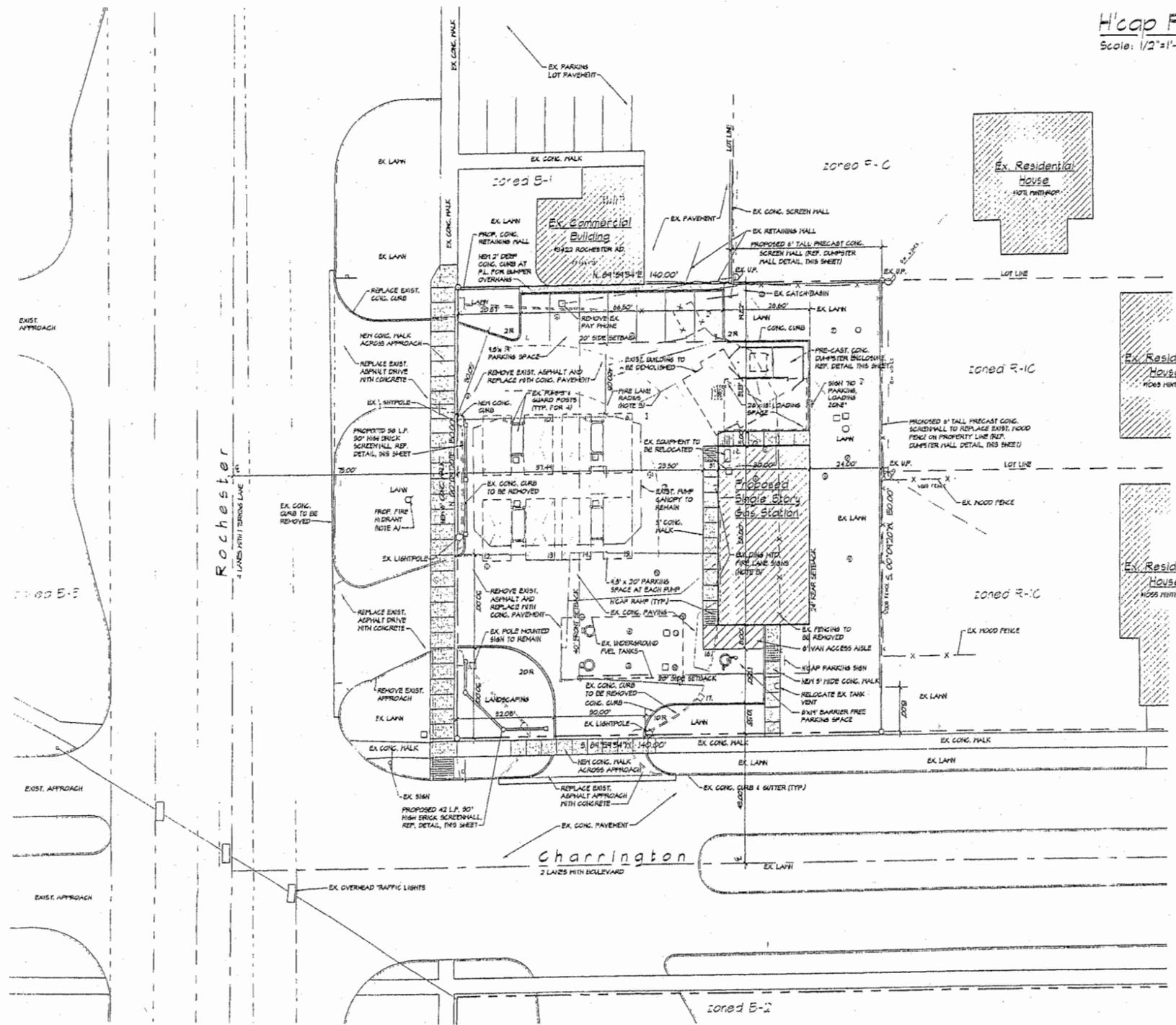
Guardpost Detail
 Scale: 1/2"=1'-0"



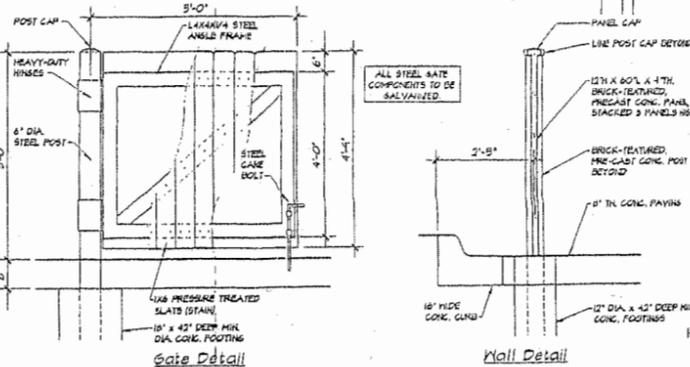
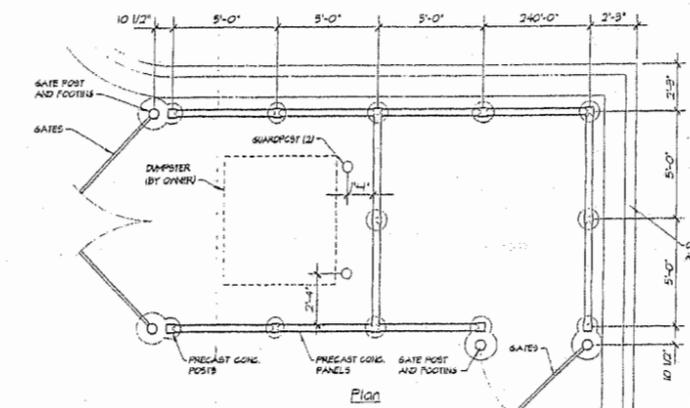
Location Map
 No Scale

- Site Planning Data:**
- LEGAL DESCRIPTION:** OUTLOT 'A' OF DEAN ESTATES SUBDIVISION PART OF THE S/4 OF SECTION 25 T24 R1E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, RECORDED IN LIBER 171-18 OF PLATS, OAKLAND COUNTY RECORDS.
 - APPLICANT/SUBMITTER:** ARCHITECT: SDA ARCHITECTS, INC. 42490 GARFIELD • SUITE 204 CLINTON TWP., MI 48038 PHONE: 248-266-1000 FAX: 248-266-1000
 - PROJECT DESCRIPTION:** A NEW 1140 SF BUILDING TO REPLACE AN EXISTING BUILDING (BEING DEMOLISHED), EXISTING FUEL PUMPS, CANOPY, SIGN, SITE LIGHTING, AND UNDERGROUND FUEL TANKS TO REPLACE, PROPOSED SITE WORK TO INCLUDE LANDSCAPING, NEW CONC. PAVING AND APPROACHES, AND DUMPSTER ENCLOSURE.
 - SUBMIT NO.:** 06-20-29-90-009
 - PROPERTY:** 16 (HIGHWAY SERVICE) ADJACENT: S11 NORTH/41C (EAST 11 NORTH/EAST)
 - SETBACKS:** FRONT: 40 FEET SIDE: 20 FEET REAR: 15 FEET (24 FEET NEARBY) (VARIANCE GRANTED TO REDUCE THE 15 FEET REQUIRED SETBACK FROM RESIDENTIAL PROPERTY TO 24 FEET)
 - SITE AREA:** NET: 140 S.F. ± 180 S.F. ± 21000 S.F.
 - DEVELOPMENT AREA:** GROSS BUILDING AREA: 1740 S.F.
 - PARKING REQUIREMENTS:** ONE SPACE FOR EACH 200 S.F. OF GROSS RETAIL FLOOR AREA AND ONE SPACE FOR EACH 200 S.F. OF GROSS METAL FLOOR AREA (10 PUMPS) (1740 S.F. / 200) = 9 SPACES REQUIRED AND PROVIDED.
 - UTILITIES:** FOR CITY ENGINEERING: EXISTING CATCH BASIN AT NORTH PROPERTY LINE DISCHARGE INTO THE DEAN ESTATES SUBDIVISION RETENTION POND. THIS POND IS SIZED TO ACCOMMODATE THIS SITE.
 - ENVIRONMENTAL STANDARDS:** AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED.
 - LANDSCAPING REQUIREMENTS:** REFERENCE SHEET D

- Fire Dept. Notes:**
- FIRE LINES SHALL BE ESTABLISHED AND POSTED AS SHOWN OR AS DIRECTED BY FIRE DEPT.
 - FIRE HYDRANTS SHALL BE PROVIDED AS DIRECTED BY FIRE DEPT.
 - APPROVED TEMPORARY ACCESS HOADS/REINING FIRE LANE REQUIREMENTS, AREA REQUIRED DURING CONSTRUCTION AND SHALL BE MAINTAINED YEAR ROUND.
 - AN ADDRESS, CLEARLY VISIBLE FROM THE PUBLIC STREET IS REQUIRED DURING CONSTRUCTION AND SHALL BE DISPLAYED PRIOR TO OCCUPANCY.



Preliminary Site Plan
 Scale: 1"=20'-0"



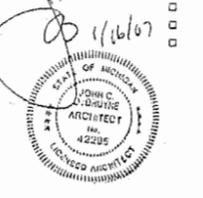
Dumpster Enclosure Details
 Plan Scale: 1/4"=1'-0" / Detail Scale: 1/2"=1'-0"

42490 Garfield - Suite 204
 Clinton Twp., MI 48038
 (506) 206-9100
 Fax (506) 206-9130

Project
Proposed Building for:
Rochester & Charrington
Marathon Gas Station
 3400 Rochester Rd.
 Troy, Michigan

| Date | Issued For |
|----------|----------------------------------|
| 04/09/06 | SITE PLAN APPROVAL |
| 10/02/06 | S.P.A. RESUBMISSION |
| 11/28/06 | S.P.A. RESUBMISSION |
| 01/22/07 | PLANNING COMMISSION REQUIREMENTS |

FINAL SITE PLAN APPROVED
 ON May 10, 2007
 Planning Department



REC'D
 MAY 13 2007
 PLANNING DEPT
 Preliminary Site Plan
 Project Number
 06-130

SU 342

September 3, 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