



## CITY COUNCIL ACTION REPORT

DATE: March 17, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 235) –  
Article 3 – Submittal Requirements for Site Plan Review/Approval and Special Use  
Approval Applications

### Background:

- The Planning Commission held a public hearing for this item at the February 10, 2009 Regular meeting and recommended approval of ZOTA 235.
- The requirement for a full set of plans (including preliminary grading plans, preliminary elevations and preliminary floor plans) is excessive in some cases when the applicant proposes the reuse of an existing building, with no exterior site work.
- The proposed amendment provides the Planning Director with the authority to waive required site plan information for site plans, including special use approval applications, when the proposal involves limited exterior site work.
- Applications will continue to be routed for inter-departmental review.

### Financial Considerations:

- There are no financial considerations associated with this item.

### Legal Considerations:

- City Council has the authority to amend the Zoning Ordinance.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 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, deny or modify the proposed text amendment.

Approved as to form and legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft ZOTA 235 City Council Public Hearing Draft.
2. Article 03.43.01, City of Troy Zoning Ordinance.
3. Minutes from February 10, 2009 Planning Commission Regular meeting.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 235 Application Requirement Revisions\CC Public Hearing 03 23 09.doc

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY  
CITY COUNCIL PUBLIC HEARING DRAFT  
ZOTA 235

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Article III of Chapter 39

Article III of Chapter 39 of the Code of the City of Troy is amended to provide the Planning Director with the authority to waive required information for Site Plan Review or Special Use Approval applications, to read as follows:

03.40.00     SITE PLAN REVIEW / APPROVAL

03.43.04     For a Preliminary Site Plan Application involving the reuse of an existing building without any significant exterior or interior modifications, including an application required for Special Use Approval, the Planning Director may waive any of the Submittal Requirements listed in Section 03.43.01. The Planning Commission may request any of the waived information if it makes a finding that the information is needed to determine compliance with Zoning Ordinance requirements.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This 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, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Louise Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

## Chapter 39 - Zoning Ordinance

---

03.41.12 Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00 APPLICATIONS

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00 SUBMITTAL REQUIREMENTS

03.43.01 A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

1. The name, address and telephone of the person applying for Preliminary Site Plan Approval.
2. The name, address and telephone of the owner of the property.
3. The relationship between the applicant and the property owner.
4. The present zoning classification of the subject property.
5. The proposed use of the property.
6. A Certified Topographic Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The Topographic Survey shall provide one-foot contour intervals and shall be printed on a 24 x 36 inch sheet. The legal description and boundary survey shall be provided on 8-1/2 x 14 inch pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:
  - a. No additional impervious surfaces will be constructed on the property.
  - b. The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.

(Rev. 09-27-04)

7. A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
8. Attached to this application shall be ten (10) prints of the proposed site plan drawn

to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:

(Rev. 09-27-04)

- a. All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.
- b. All drawings are to have a northpoint and the scale of the drawing is to be indicated.
- c. All lot and property lines.
- d. Location of all proposed structures.
- e. Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.
- f. Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.
- g. Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 05-17-93)

- h. Indication of the means by which storm water detention will be provided.
- i. Setbacks and required yards.
- j. Parking areas, access drives, loading and unloading areas, and trash receptacles.
- k. Greenbelts, landscape areas and other open space areas; and screening walls.
- l. The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.
- m. The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
- n. Calculations for the following shall be included on the site plan:
  1. Gross and net (after rights-of-way) site area.
  2. Gross and net ("usable") building area.
  3. Required parking and statement of parking provided.

4. Required landscape and open space area and statement of area provided.
- o. Site Plans for residential developments shall include the following additional information:
  1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.
  2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.  
  
(Rev. 09-27-04)
  3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.
- p. Number of employees on the largest working shift (if applicable).  
  
(Rev. 09-27-04)
9. A wetlands determination shall be required for all applications for subdivisions and site condominiums. A wetlands determination shall be required for all other applications for preliminary site plan approval, when the Natural Features Map indicates there may be wetlands on site. A wetlands determination waiver may be granted by the Planning Director based on the Natural Features Map and other applicable site information.  
  
(09-27-04)
10. An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.  
  
(Renumbering 09-27-04)
11. A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.  
  
(Rev. 09-27-04)
12. A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.  
  
(09-27-04)

13. Preliminary Floor Plans.  
(09-27-04)
14. Preliminary Building Elevations.  
(09-27-04)
15. Preliminary Grading Plans, in accordance with the City of Troy Engineering Design Standards.  
(09-27-04)
16. Preliminary tree Preservation Plan.  
(09-27-04)
17. All drawings shall be sealed and signed by a State of Michigan Professional Engineer, Registered Architect, Registered Landscape Architect, or Professional Community Planner.  
(09-27-04)

03.43.02 Included with the hard copy application shall be a CD containing an electronic version of the Preliminary Site Plan Application. Included on the CD shall be the complete application, all required drawings and any other information requested by the Planning Department. The format of the documents shall be Tagged Image Format (tif) files at a resolution of two hundred (200) dots per inch (dpi). The CD shall be clearly marked with the applicants name, contact information, project name, and date. Documents shall be in a multipage tif or individual tifs in the following order:

1. Application.
2. Topography.
3. Preliminary Site Plan.
4. Landscape Plan.
5. Preliminary Grading Plan.
6. Preliminary Building Elevations.
7. Preliminary Floor Plans.
8. Tree Preservation Plan.
9. Other information, as requested.

(05-12-08)

## **ZONING ORDINANCE TEXT AMENDMENTS**

9. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 235)**  
Article 03.00.00, Submittal Requirements for Site Plan Review/Approval and Special Use Approval Application Submissions

Mr. Miller briefly summarized the proposed zoning ordinance text amendment. He stated a revised draft version was distributed this evening that reflects a very minor revision in Section 03.43.04.

Mr. Vleck commented favorably on the proposed text amendment.

There was a brief discussion on the procedure of site plan review and approval with the implementation of the new text amendment.

### **PUBLIC HEARING OPENED**

No one was present to speak.

### **PUBLIC HEARING CLOSED**

#### **Resolution # PC-2009-02-018**

Moved by: Sanzica  
Seconded by: Hutson

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Article 3, APPLICATIONS AND PROCEDURES, pertaining to submittal requirements for Site Plan Review/Approval and Special Use Approval Application submissions, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

### **MOTION CARRIED**