AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JULY 19, 2004

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

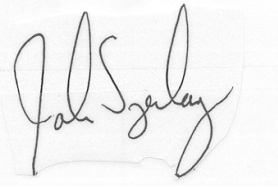
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration is on course with these goals.

Goals

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,



John Szerlag, City Manager

CITY COUNCIL

AGENDA

July 19, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Rev. Jerry V. Stender–Life Line Baptist Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentation: Parks and Recreation Month Essay Contest Winner 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items brought forward. 1

PUBLIC HEARINGS: 1

C-1 Parking Variance Request – 230 W. Maple 1

C-2 Parking Variance Request – 1915 E. Maple 3

POSTPONED ITEMS: 5

D-1 PUBLIC HEARING: Rezoning Application Z-582 – Section 25 – B-3 to H-S 5

D-2 Preliminary Site Condominium Review – Stone Haven Woods East No. 2 Site Condominium – South Side of Wattles Road – West of Crooks Road – Section 20 – R-1B 5

CONSENT AGENDA: 6

E-1a Approval of "E" Items NOT Removed for Discussion 6

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public 6

E-2 Minutes: Regular Meeting of July 12, 2004 6

E-3 Proposed City of Troy Proclamations: No City of Troy Proclamations proposed. 6

E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Accessibility Ramps at the Historic Village Green 7

E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Tents for Troy Daze Festival 7

E-6 Standard Purchasing Resolution 8: Best Value Process Award – Uniform Rental Services 7

PUBLIC COMMENT: Limited to Items Not on the Agenda 8

REGULAR BUSINESS: 8

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: Downtown Development Authority and Economic Development Corporation (b) City Council Appointments: Advisory Committee for Persons with Disabilities and Parks and Recreation Board 8

F-2 Request for Temporary Sales Trailer – Wyngate of Troy Subdivision 13

F-3 Petition Analysis – Paving of Somerton SAD #01.504.5 – Standard Resolutions #1, #2 and #3 13

F-4 Designation of Vote Delegates at the Annual MML Meeting – Mackinac Island, Michigan 14

F-5 Final Plan Review – Crestwood Site Condominium – North of Wattles, East of Livernois, Part of the Crestfield Subdivision in the SW ¼ of Section 15 – R-1C 15

F-6 Change Order for Section 19 Drain Improvements 15

F-7 Option to Renew and Amend Contract – Sidewalk Replacement Program 16

F-8 Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues 16

F-9 Final Site Condominium Approval – Wattles Ridge Site Condominium, South of Wattles – East of Rochester – Section 23 – R-1C 17

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS: 17

G-1 Announcement of Public Hearings: 17

(a) Rezoning Application – North Side of Big Beaver, West of John R Road, Section 23 – E-P to O-1 and R-1E to E-P (Z-402-C) – Scheduled for Monday, August 9, 2004 17
(b) Rezoning Application – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road – Section 27 – R-1E to P-1 (Z-#695) – Scheduled for Monday, August 9, 2004 17

G-2 Green Memorandums: 17

(a) Proposed Amendments to Taxicab and Limousine Ordinance 17
(b) Community Center Fitness Room Expansion to Enhance Customer Service 17
(c) International City/County Management Association (ICMA) Citizen Survey..... 17

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda 17

H-1 No Council Referrals advanced to the City Manager. 17

COUNCIL COMMENTS: 18

I-1 Approval of Privately Funded Displays on Public Property Near City Hall – Proposed by Council Member Lambert 18

REPORTS: 18

J-1 Minutes – Boards and Committees: 18

(a) Parks and Recreation Advisory Board/Final – May 6, 2004 18
(b) Planning Commission Special –Study/Draft – June 22, 2004 18
(c) Planning Commission Special –Study/Final – June 22, 2004 18

J-2 Department Reports: 18

(a) Update on Proposed Join Meeting Between City Council and the Downtown Development Authority (DDA) 18
(b) Receipt of Grant for Ash Tree Removal 18

J-3 Letters of Appreciation: 19

(a) Letter from Gail J. Yax – Troy High School to Chief Craft Expressing Appreciation to Officers Ed Klute, Mark Cole and Paul Bednard for Their K-9 Demonstration; Officers Wayne Lepola and Mark Owczarzak for Their Evidence Technician Demonstration, Officer Russell Weipert for His Assistance in Arranging Tours of the 52nd District Court and the Police Station, and Liaison Officer Sean Morse for His Helpfulness When Organizing Speakers 19
(b) Letter from Kim D. Ostin on Behalf of the Sterling Heights Emergency Dispatchers Expressing Their Appreciation for the Assistance Given to Them by the City of Troy Dispatchers Displayed Following the Death of Officer Mark Sawyers 19
(c) Letter from Peg and Tish O'Connor to Chief Craft Thanking Officers Pat Dyjewski and Todd Michael for Their Assistance With Their Disabled Vehicle .. 19
(d) Letter from Keith and Renita Lakey to the Troy Police Department Commending Officers Mike Trainer and Lieutenant Bob Rossman, and Other Police Staff for Their Assistance in Their Time of Need 19
(e) E-Mail from Carla Meier to Nino Licari Complimenting the Assessing Department Staff for Their Courteous Helpfulness 19
(f) E-Mail from Alex Proszkow to Timothy Richnak Complimenting Bob Robertson's Professional and Personal Service 19

J-4 Proposed Proclamations/Resolutions from Other Organizations: 19

(a) City of Ferndale, Re: MDOT M-1, M-102 Environmental Assessment Study and Supporting Documentation 19

J-5 Calendar 19

J-6 Letter from SMART, Re: Status of the Troy/Birmingham Dial-a-Ride Consolidation 19

J-7 MEMORANDUM, Re: Modification of Approved Tentative Preliminary Plat – Wyngate of Troy Subdivision, East Side of Coolidge Highway, North of Square Lake Road, Section 5 – R-1B 19

J-8 MEMORANDUM, Re: EMS Standby at Public Events 19

J-9 MEMORANDUM, Re: City of Clawson Billboard Case 19

STUDY ITEMS: 19

K-1 No Study Items submitted. 19

PUBLIC COMMENT: Address of "K" Items **19**

CLOSED SESSION: **20**

L-1 Closed Session 20

ADJOURNMENT **20**

CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Rev. Jerry V. Stender–Life Line Baptist Church

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentation: Parks and Recreation Month Essay Contest Winner

CARRYOVER ITEMS:

B-1 No Carryover Items brought forward.

PUBLIC HEARINGS:

C-1 Parking Variance Request – 230 W. Maple

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

(a) Proposed Resolution A for Approval

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

A. That absent a variance, no reasonable use can be made of the property; or

B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or

C. That absent a variance, public health, safety and welfare would be negatively affected; or

D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Imad Potres for waiver of 30 additional parking spaces at the development at 230 W. Maple be **APPROVED**.

OR

(b) <u>Proposed Resolution B for Denial</u>

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Imad Potres for waiver of 30 additional parking spaces at the development at 230 W. Maple be approved.

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that there are practical difficulties justifying the variances; and

WHEREAS, City Council has not found that the requirements of Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance have been met;

NOW, THEREFORE, BE IT RESOLVED, That the request from That the request from Imad Potres for waiver of 30 additional parking spaces at the development at 230 W. Maple be **DENIED.**

Yes:
No:

C-2 Parking Variance Request – 1915 E. Maple

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

(a) Proposed Resolution A for Approval

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

5. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

6. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

7. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

8. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

E. That absent a variance, no reasonable use can be made of the property; or

F. That absent a variance, a significant natural feature would be negatively affected or destroyed; or

G. That absent a variance, public health, safety and welfare would be negatively affected; or

H. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Pashk Oroshi Potres for waiver of 30 additional parking spaces at the development at 1915 E. Maple be **APPROVED**.

OR

(b) Proposed Resolution B for Denial

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Imad Potres for waiver of 30 additional parking spaces at the development at 230 W. Maple be approved.

5. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

6. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

7. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

8. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that there are practical difficulties justifying the variances; and

WHEREAS, City Council has not found that the requirements of Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance have been met;

NOW, THEREFORE, BE IT RESOLVED, That the request from That the request from Pashk Oroshi Potres for waiver of 30 additional parking spaces at the development at 1915 E. Maple be **DENIED.**

Yes:
No:

POSTPONED ITEMS:

D-1 PUBLIC HEARING: Rezoning Application Z-582 – Section 25 – B-3 to H-S

Reconsidered Resolution #2004-05-252:

Resolution #2004-07-
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED,** as recommended by City Management and the Planning Commission.

BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other.

Yes:
No:

D-2 Preliminary Site Condominium Review – Stone Haven Woods East No. 2 Site Condominium – South Side of Wattles Road – West of Crooks Road – Section 20 – R-1B

Notification for Postponed Items will be the same as for Public Hearings.

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

(a) Proposed Resolution A – Recommended by City Management and the Planning Commission:

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Development known as Stone Haven Woods East No. 2 Site Condominium, and as recommended for approval by City Management and the Planning Commission, located on the south side of Wattles Road, west of Crooks Road, with no direct connection to Wattles Road (drawing titled “Alternate Site Plan”), including 4 home sites, within the R-1B Zoning District, being 2.02 acres in size, is hereby **APPROVED**.

OR

(b) Proposed Resolution B – Recommended by Petitioner:

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-

Family Residential Development known as Stone Haven Woods East No. 2 Site Condominium, and as preferred by the petitioner and located on the south side of Wattles Road, west of Crooks Road, with a direct connection to Wattles Road (drawing titled "Site Plan"), including 4 home sites, within the R-1B Zoning District, being 2.02 acres in size, is hereby **APPROVED**.

Yes:
No:

CONSENT AGENDA:

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

E-1a Approval of "E" Items NOT Removed for Discussion

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:
No:

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

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E-2 Minutes: Regular Meeting of July 12, 2004

Suggested Resolution
Resolution #2004-07-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of July 12, 2004 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: No City of Troy Proclamations proposed.

E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Accessibility Ramps at the Historic Village Green

Suggested Resolution
Resolution #2004-07-

RESOLVED, That a contract to construct accessibility ramps with snow melting systems at the Caswell House and Poppleton School on the Historical Village Green is hereby **AWARDED** to low bidder, Commercial Contracting Corporation of Auburn Hills for an estimated total cost of $71,170.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon vendor submission of proper contract and bid documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or $7,117.00.

E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Tents for Troy Daze Festival

Suggested Resolution
Resolution #2004-07-

RESOLVED, That contracts to furnish and erect tents for the Troy Daze Festival are hereby **AWARDED** to the lowest bidders meeting specifications, S & R Event Rental of Fraser, MI and Ace Canvas and Tent, Inc. of Detroit, MI for an estimated total cost of $11,700.00 and $4,690.00 respectively, at unit prices contained in the bid tabulation opened May 28, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon vendors' submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

E-6 Standard Purchasing Resolution 8: Best Value Process Award – Uniform Rental Services

Suggested Resolution
Resolution #2004-07-

RESOLVED, That a contract to provide uniform rental services for two years with an option to renew for an additional two-year period is hereby **AWARDED** to Arrow Uniform, the bidder with the highest score and lowest prices, as a result of a Best Value process, which the Troy City Council determines to be in the public interest at unit price contained in the bid tabulation opened July 7, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of August 31, 2006; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of proper contract and proposal documents, including insurance certificates and all other specified requirements.

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair during the Public Comment section under item 12."F" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

F-1 Appointments to Boards and Committees: (a) <u>Mayoral Appointments</u>: Downtown Development Authority and Economic Development Corporation **(b) <u>City Council Appointments</u>:** Advisory Committee for Persons with Disabilities and Parks and Recreation Board

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

(a) <u>Mayoral Appointments</u>

<u>Suggested Resolution</u>
Resolution #2004-07-

Moved by
Seconded by

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

Downtown Development Authority

Mayor, Council Approval (13) – 4 years

Marc W Rosenow resigned due to employment — **Unexpired term expires 09-30-2007**

Term expires 07-01-2005 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Culpepper, Michael W	09/30/04
Frankel, Stuart	09/30/07
Hodges, Michele	09/30/05
Kennis, William	09/30/06
Kiriluk, Alan M	09/30/04
York, Thomas	09/30/04
MacLeish, Daniel	09/30/05
Price, Carol	09/30/07
Reschke, Ernest C	09/30/06
Rosenow, Marc W **(Resigned)**	09/30/07
Schroeder, Douglas J	09/30/06
Weiss, Harvey	09/30/05
Schilling, Louise E	09/30/04
Wong, Fred **(Student)**	07/01/04

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baughman, Deborah L	03/29/01-06/18/01-05/2003	04/09/01-07/09/01
Bloom, Jerry E	03/08/04-03/2006	04/12/04
Brodbine, Anju C	08/13/02-08/2004	08/19/02
Calice, Mark A	06/01/1997	
Elenbaum, Anita	04/17/02-04/2004	04/22/02
Howrylak, Frank J	04/05/01-06/11/03-05/2005	04/09/01-06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Huber, Laurie G	06/18/01-05/2003	07/09/01
Keisling, Laurence G	04/29/04-04/2006	05/03/04
O'Brien, Michael	07/28/03-07/2005	08/04/03
Petrulis, Al	02/11/03-02/2005	02/17/03
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Schultz, Robert M	06/19/01-06/2003	01/22/01-07/09/01

Shah, Jayshree	08/28/01-01/12/04-04/23/04-04/2006	09/17/01-02/02/04-05/03/04
Shier, Frank	02/18/03-02/2005	03/03/03
Shiner, Mary E	11/28/01-11/2003	12/09/01
Silver, Neil S	08/11/00-06/20/01-06/09/03-05/2005	08/21/00-07/09/01
Smits, Beatrice G	12/02/03-12/2005	12/15/03
Victor, Robert	06/03/03-05/2005	06/16/03
Wilberding, Bruce J	08/05/99-06/17/03-03/10/04-03/2006	04/12/04
Wright, Wayne C	01/07/99-06/18/03-06/2005	
Yousif, Gary	11/24/03-11/2005	01/05/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

CURRENT MEMBERS

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/10
Parker, Michael	04/30/07
Hoef, Paul V.	04/30/09
Rocchio, James A.	04/30/03
Salgat, Charles	04/30/10
Sharp, John	04/30/09
Smith, Douglas	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baptista, Michael	05/02/03-05/2005	06/02/03
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Courtney, Kenneth	03/12/04-03/2006	03/15/04
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Lang, Victoria	06/16/03-06/2005	07/07/03

Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01-04/16/04-04/2006	09/17/01-05/03/04
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Smits, Beatrice	12/02/03-12/2005	12/15/03
Victor, Robert	06/03/03-05/2005	06/16/03
Wilberding, Bruce	06/17/03-06/2005	07/07/03
Wright, Wayne	06/18/03-06/2005	07/07/03

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

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

Advisory Committee for Persons with Disabilities
Appointed by Council (9 Regular, 3 Alternates) – 3 years

Term expires 07-01-2005 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Robosan-Burt	11/01/06
Angela Done	11/01/05
Nancy Johnson	11/01/06
Leonard G. Bertin	11/01/05
Pauline Manetta	11/01/06
Dick Kuschinsky	11/01/04
Theodora House	11/01/06
Grace Yau **(Student)**	11/01/04
Dorothy Ann Pietron	11/01/04
Nada Raheb **(Student)**	07/01/03
Mark Pritzloff	11/01/06
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Adam Fuhrman	11/01/06

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on File		

Parks and Recreation Board

Appointed by Council (10) 3 years

School Representative **Term expires 07-31-2005**

NOTE: Troy School District has been contacted regarding their recommendation for the 2004-2005 school year

Term expires 07-01-2005 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Bordas, Douglas M	09/30/05
Dixon, Merrill W **(Sr Rep)**	09/30/06
Edmunds, Ida **(School Rep)**	07/31/04
Fejes, Kathleen M	09/30/04
Redpath, Stuart	09/30/06
Kaltsounis, Orestes (Rusty)	09/30/06
Kerns, Amy **(Student)**	07/01/04
Krent, Tom	09/30/04
Kovacs, Meaghan	09/30/05
Stewart, Jeffrey **(Troy Daze Rep)**	09/30/06
Zikakis, Janice C	09/30/05
Anderson, Carol	(Ex-officio)

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03-05/2005	05/05/03
Balasa, Violet-Viorica	06/27/03-06/2005	07/07/03
Bliss, Daniel H	03/17/03-03/2005	04/14/03
Dixon, Merrill W	03/17/03-03/2005	04/14/03
Gregory, Mr. Lynne	03/08/04-03/2006	04/12/04
Gazetti, Tod	09/10/02-09/2004	09/23/02
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Hrynik, Thomas F	10/16/00-06/14/01-06/09/03-05/2005	11/06/00-07/09/01-06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Keisling, Laurence	04/29/04-04/2006	05/03/04
Lenivov, Victor	04/08/04-04/2006	04/12/04

Navratil, Terry	06/10/03-05/2005	06/16/03
O'Brien, Michael	07/25/03-07/2005	08/04/03
Petrulis, Al	02/11/03-07/31/03-07/2005	02/17/03
Preston, Robert S	10/11/02	11/04/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Rounds, Muriel	07/25/03-07/2005	08/04/03
Shah, Jayshree	04/23/04-04/2006	05/03/04
Shah, Oniell	08/07/02	09/23/02
Smits, Beatrice G	12/2/03/12/2005	12/15/03
Victor, Robert	06/03/03-05/2005	06/16/03
Wattles, Brian J	07/10/01	07/23/01

Yes:
No:

F-2 Request for Temporary Sales Trailer – Wyngate of Troy Subdivision

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That the request from Adam Vanderpool representing Pulte Homes for the placement of a temporary office trailer on one of the lots of the Wyngate of Troy Subdivision, is hereby **APPROVED** for a ten month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

Yes:
No:

F-3 Petition Analysis – Paving of Somerton SAD #01.504.5 – Standard Resolutions #1, #2 and #3

(a) Standard Resolution #1

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That Standard Resolution #1 be hereby **ADOPTED** to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Somerton in Section 10, Project No. 01.504.5, all pursuant to Sections 1.1 and 1.23 of Chapter 5 of the Code of the City of Troy.

Yes:
No:

(b) Standard Resolution #2

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That Standard Resolution #2 be hereby **ADOPTED** to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of Somerton, in Section 10, Project No. 01.504.5, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy

Total Estimated Cost	$42,810.00
Assessment (17 units @ $721.72 ea.)	$12,269.24
City's Share	$30,540.76

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED AND DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes:
No:

(c) Standard Resolution #3

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That Standard Resolution #3 be hereby **ADOPTED** to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Somerton, in Section 10, Project No. 01.504.5, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be **ESTABLISHED** for the Regular meeting scheduled for Monday, August 9, 2004.

Yes:
No:

F-4 Designation of Vote Delegates at the Annual MML Meeting – Mackinac Island, Michigan

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That _____ is hereby **DESIGNATED** as Voting Delegate and _____ is hereby **DESIGNATED** as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held on September 30 through October 2, 2004 at Mackinac Island, Michigan.

Yes:
No:

F-5 Final Plan Review – Crestwood Site Condominium – North of Wattles, East of Livernois, Part of the Crestfield Subdivision in the SW ¼ of Section 15 – R-1C

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That the Final Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Crestwood Site Condominium, located on the north side of Wattles Road, east of Livernois Road, including 23 home sites, within the R-1C Zoning District, being 11.983 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes:
No:

F-6 Change Order for Section 19 Drain Improvements

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That a change order to Contract 03-6, Crooks Road Watermain Abandonment, for the installation of the Section 19 Drain Improvements Project to be **AWARDED** to the second lowest bidder, Troelsen Excavating, Co. for the estimated cost of $280,730.00 at unit prices contained in the tabulation of bids opened June 7, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That **AUTHORIZATION IS GRANTED** to add work due to unforeseen circumstances, which is not to exceed 10% of the original project cost. The project will be paid out of the Capital Drains Account.

Yes:
No:

F-7 Option to Renew and Amend Contract – Sidewalk Replacement Program

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

WHEREAS, On August 4, 2003 and corrected on August 18, 2003, a one-year contract to provide Sidewalk Replacement and Installation with an option to renew for two additional one-year periods was awarded to the low bidder, Hard Rock Concrete, Inc., at an estimated cost of $366,210.00. if changes in the work are required, either additive or deductive, such changes are authorized in an amount not to exceed 25% of the contract total per year (Resolution #2003-08-425-E9).

WHEREAS, Hard Rock Concrete, Inc. has agreed to exercise the first one-year option to renew under the same prices, terms, and conditions.

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, not to exceed $92,237.50.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED AND AMENDED** with Hard Rock Concrete, Inc. to provide Sidewalk Replacement and Installation within the City of Troy for the original contract amount plus $92,237.50, not to exceed a total project cost of$550,000.00, under the same contract prices, terms, and conditions for one-year expiring June 30, 2005.

Yes:
No:

F-8 Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues

Attached is a memorandum previously sent to City Council in the Monday, July 12, 2004 Agenda packet. Also enclosed is supplemental information received from City Assessor Nino Licari and Planning Consultant Richard Carlisle.

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

(a) Proposed Resolution A

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission for reason of developing ordinance language that would call for a more balanced relationship between living quarters and attached garages for all residential zoning classifications.

OR

(b) Proposed Resolution B

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission for reason of developing ordinance language setting standards for having exterior elevations of residential structures achieve neighborhood compatibility.

Yes:
No:

F-9 Final Site Condominium Approval – Wattles Ridge Site Condominium, South of Wattles – East of Rochester – Section 23 – R-1C

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That the Final Site Plan as submitted by the petitioner, under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Wattles Ridge Site Condominium and as recommended for approval by City Management and the Planning Commission, located south of Wattles Road, east of Rochester Road, including 14 home sites, within the R-1C Zoning District, being 4.92 acres in size, is hereby **APPROVED.**

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

(a) Rezoning Application – North Side of Big Beaver, West of John R Road, Section 23 – E-P to O-1 and R-1E to E-P (Z-402-C) – **Scheduled for Monday, August 9, 2004**

(b) Rezoning Application – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road – Section 27 – R-1E to P-1 (Z-#695) – **Scheduled for Monday, August 9, 2004**

G-2 Green Memorandums:

(a) Proposed Amendments to Taxicab and Limousine Ordinance
(b) Community Center Fitness Room Expansion to Enhance Customer Service
(c) International City/County Management Association (ICMA) Citizen Survey

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

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H-1 No Council Referrals advanced to the City Manager.

COUNCIL COMMENTS:

I-1 Approval of Privately Funded Displays on Public Property Near City Hall – Proposed by Council Member Lambert

Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

RESOLVED, That the City of Troy **SHALL ALLOW** privately funded displays on the public property near City Hall; and

BE IT FURTHER RESOLVED, That the City Council **SHALL** adopt a policy governing privately funded displays before they shall be installed; and

BE IT FINALLY RESOLVED, That the City Council **SHALL**, at its Regular meeting scheduled for Monday, August 23, 2004, designate a location near City Hall for privately funded displays based upon recommendations made by the City Manager.

Yes:
No:

REPORTS:

J-1 Minutes – Boards and Committees:
(a) Parks and Recreation Advisory Board/Final – May 6, 2004
(b) Planning Commission Special –Study/Draft – June 22, 2004
(c) Planning Commission Special –Study/Final – June 22, 2004

J-2 Department Reports:
(a) Update on Proposed Join Meeting Between City Council and the Downtown Development Authority (DDA)
(b) Receipt of Grant for Ash Tree Removal

J-3 Letters of Appreciation:

(a) Letter from Gail J. Yax – Troy High School to Chief Craft Expressing Appreciation to Officers Ed Klute, Mark Cole and Paul Bednard for Their K-9 Demonstration; Officers Wayne Lepola and Mark Owczarzak for Their Evidence Technician Demonstration, Officer Russell Weipert for His Assistance in Arranging Tours of the 52nd District Court and the Police Station, and Liaison Officer Sean Morse for His Helpfulness When Organizing Speakers

(b) Letter from Kim D. Ostin on Behalf of the Sterling Heights Emergency Dispatchers Expressing Their Appreciation for the Assistance Given to Them by the City of Troy Dispatchers Displayed Following the Death of Officer Mark Sawyers

(c) Letter from Peg and Tish O'Connor to Chief Craft Thanking Officers Pat Dyjewski and Todd Michael for Their Assistance With Their Disabled Vehicle

(d) Letter from Keith and Renita Lakey to the Troy Police Department Commending Officers Mike Trainer and Lieutenant Bob Rossman, and Other Police Staff for Their Assistance in Their Time of Need

(e) E-Mail from Carla Meier to Nino Licari Complimenting the Assessing Department Staff for Their Courteous Helpfulness

(f) E-Mail from Alex Proszkow to Timothy Richnak Complimenting Bob Robertson's Professional and Personal Service

J-4 Proposed Proclamations/Resolutions from Other Organizations:

(a) City of Ferndale, Re: MDOT M-1, M-102 Environmental Assessment Study and Supporting Documentation

J-5 Calendar

J-6 Letter from SMART, Re: Status of the Troy/Birmingham Dial-a-Ride Consolidation

J-7 MEMORANDUM, Re: Modification of Approved Tentative Preliminary Plat – Wyngate of Troy Subdivision, East Side of Coolidge Highway, North of Square Lake Road, Section 5 – R-1B

J-8 MEMORANDUM, Re: EMS Standby at Public Events

J-9 MEMORANDUM, Re: City of Clawson Billboard Case

Also enclosed is some historical background material from the City Manager relative to Troy's financial assistance to Clawson in this regard.

STUDY ITEMS:

K-1 No Study Items submitted.

PUBLIC COMMENT: Address of "K" Items

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s)

whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session

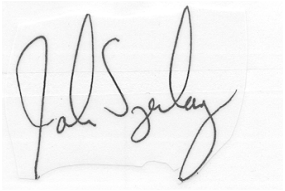
Suggested Resolution
Resolution #2004-07-
Moved by
Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), City of Troy v. Freed, et al .

Yes:
No:

ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

July 13, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Carol Anderson, Parks & Recreation Director

SUBJECT: Parks and Recreation Month Essay Contest Winner

Christie Murray, a graduating 8th grader from Boulan Middle School, will be attending the next City Council meeting on July 19 to read her first place essay celebrating Parks and Recreation Month.

The month of July is designated as Parks and Recreation Month by the National Recreation and Parks Association. The purpose of this designation is to bring awareness to the benefits of Parks and Recreation.

This essay contest was for middle school students only. The theme for the contest was "What is My Favorite Troy Parks and Recreation Activity and Why?" Prizes were awarded to the top three winners. Winning essays will be on public display at the Community Center.

FIRST PLACE WINNER

Christie Murray
Boulan Middle School

My favorite Troy Parks and Recreation activity is by far dance. When I was just a small girl, I took my dance classes through Premiere Plus at the Community Center. Although I've now moved on to a more challenging studio, I owe so much to Troy Parks and Recreation for teaching me all the fundamentals that I still use today – from the five positions to graceful grand jetés, I couldn't be where I am now without their services. I'll truly never forget my first pirouette, which I experienced in the Troy Parks and Recreation facilities, or my first teacher, from whom I've taken lessons for over seven years. We've become very close, and I've even attended parties with my friends at her house! Today, I still dance beside many of the faces I first began with when I was a little girl. The truest and most vivid memories from years past, however, are my costumes – I've saved every single one – along with every dance shoe I've worn in my life! From the first friend I made at dance class to the first time I broke a sweat on stage at recital, Troy Parks and Recreation was behind it all. Thanks, Troy Parks and Recreation.

DATE: July 1, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Parking Variance Request
230 W. Maple

We have received an application from Imad Potres to convert a portion of the former Maple Courts Racquetball Club to medical offices. The plans indicate that 15,500 usable square feet of the building will be converted to medical offices and the rest of the building will be used for storage. Section 40.21.73 of the Troy Zoning Ordinance requires at least 155 parking spaces for a medical facility of this size. The plans submitted with the application indicate that the only 125 parking spaces are available. The permit application for this alteration has been denied. In response, the petitioners have filed an appeal of the parking requirement for the 30 additional spaces.

A Public Hearing has been scheduled for your meeting of July 19, 2004, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the plans of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED
JUN 1 8 2004
BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 6-18-04

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Imad Potres Phone: (586) 707-0080 FAX 313-582-0028

Address: 37525 Hacker Sterling Heights, MI. 48310

Address of Property: 230 W. Maple Rd, Troy, MI.

Lot # _____ Subdivision: (see attached legal description)

Zoning District: B-2 Sidwell # 88-20-28-478-025

Owner of Property: Tinelle Properties L.L.C. Phone: (248) 557-5454

Address: 18700 W. Ten Mile Rd. Suite 200 Southfield, MI 48075

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: _____

Has there been a previous appeal involving this property? No If Yes, state date _____

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 155

Number of Stalls? _____ Parking Spaces Provided: ~~126~~ 125

Other Dimensions? _____ Variance Requested: ~~27~~ 30

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Imad Potres

Date: 06-16-04 Imad Potres
(Signature of Applicant)

Signed and Sworn to before me this 16TH day of JUNE 20 04

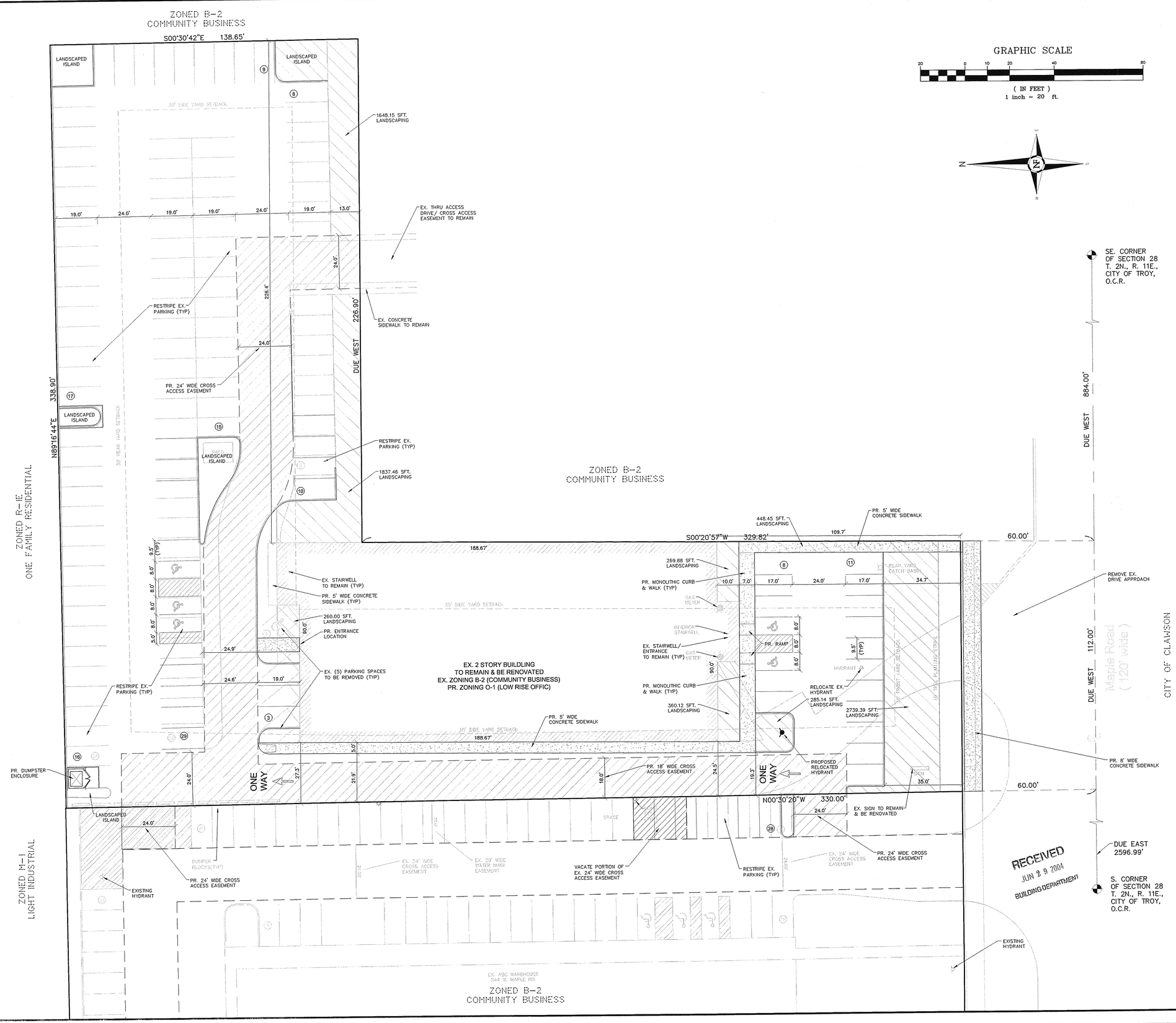
JEFFREY D PIOCH
Notary Public, Macomb County, MI
My Commission Expires Dec 27, 2004
ACTING IN OAKLAND COUNTY

Notary Public

My Commission Expires: 12/27/2004

Filing Fee $200.00	Date Paid 6-18-04

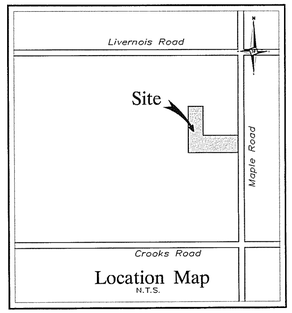
REV:2/2002



GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.



Location Map
N.T.S.

NOTE

A SESC PERMIT IS REQUIRED FOR THIS SITE. TO BE APPLIED FOR DURING ENGINEERING REVIEW PHASE.

DETENTION NOTE

DETENTION & DETENTION CALCULATIONS TO BE PROVIDED DURING ENGINEERING REVIEW PHASE & UPON COMPLETION OF A BOUNDARY/ TOPOGRAPHIC SURVEY.

LEGAL DESCRIPTION

A PARCEL OF LAND DESCRIBED AS BEING A PART OF THE SOUTHEAST ¼ OF SECTION 28, T. 2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEGINNING AT A POINT DISTANT WEST 884.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 28; THENCE DUE WEST 112.00 FEET; THENCE N.00°30'20"W., 330.00 FEET; THENCE N.01°35'00"E., 134.26 FEET; THENCE N.89°16'44"E., 338.90 FEET; THENCE S.00°30'42"E., 138.65 FEET; THENCE DUE WEST 226.90 FEET; THENCE S.00°20'57"W., 329.82 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE SOUTHERLY 60 FEET TAKEN FOR THE MAPLE ROAD RIGHT-OF-WAY. CONTAINING 84,346.35 GROSS SQUARE FEET OR 1.936 ACRES (NET: 77,599.50 SQUARE FEET OR 1.781 ACRES OF LAND).

PROPOSED USE NOTE

RENOVATE EXISTING BUILDING INTO MEDICAL OFFICE USE.

SITE DATA

SITE AREA
GROSS: 84,345.35 SFT. OR 1.936 ACRES
NET: 77,927.75 SFT. OR 1.789 ACRES

ZONING
EXISTING: B-2 (COMMUNITY BUSINESS)

BUILDING USE: OFFICE-MEDICAL USE

BUILDING DATA (GROSS AREA):
EXISTING BUILDING: 22,518 SFT.

SITE DATA:

SITE AREA	77,927.75 SFT.	100.0%
BUILDING FOOTPRINT	17,401.18 SFT.	22.3%
PARKING & DRIVES	50,120.70 SFT.	64.3%
OPEN SPACE/LANDSCAPE	10,405.87 SFT.	13.4%

SETBACK REQUIREMENTS	REQUIRED	PROVIDED
FRONT:	30.0'	108.0' (SOUTH)
LEAST SIDE:	30.0'	0.0' (EAST)
LEAST SIDE:	30.0'	18.5' (WEST)
TOTAL SIDE:	60.0'	18.5'
REAR:	30.0'	103.5'(WEST)

LOADING/UNLOADING AREA:
EXISTING 10'x30' = 500 SF PROVIDED MINIMUM

LANDSCAPE DATA:
REQUIRED: 10' x FRONTAGE (MAPLE RD.)
10' x112' (MAPLE ROAD FRONTAGE) = 1,120.00 SFT.
PROVIDED: 10' x112' (MAPLE ROAD FRONTAGE) = 1,120.00 SFT.
REQUIRED: 10% OF SITE AREA
10% x 77,599.50 = 7,759.95 SFT.
TOTAL REQUIRED: = 7,759.95 SFT.
TOTAL PROVIDED: = 7,848.59 SFT.

PARKING REQUIREMENTS:
REQUIRED: 1/100 SF USEABLE BUILDING SPACE
(MEDICAL) 15,500 = 15,500/100 155 SPACES
REQUIRED: NONE REQUIRED
(MEDICAL STORAGE) 7,000.00 SFT. PROPOSED 0 SPACES
TOTAL REQUIRED: 155 SPACES INCLUDING 6 BARRIER FREE SPACES
TOTAL PROVIDED: 125 SPACES INCLUDING 5 BARRIER FREE SPACES

EXISTING SPACES 109 SPACES INCLUDING 1 BARRIER FREE SPACES
EX. SPACES REMOVED 7 SPACES INCLUDING 1 BARRIER FREE SPACE
NEW SPACES 23 SPACES INCLUDING 5 BARRIER FREE SPACES
TOTAL SPACES 125 SPACES INCLUDING 5 BARRIER FREE SPACES

VARIANCE REQUIRED:

30 SPACE VARIANCE REQUIRED FROM REQUIRED 155 PARKING SPACES
1 BARRIER FREE SPACE VARIANCE REQUIRED FROM REQUIRED 6 SPACES

SHEET INDEX

SP1 SITE PLAN

PAVING LEGEND

- LANDSCAPE AREA PROVIDED
- PROPOSED CONCRETE PAVEMENT
- PROPOSED ASPHALT PAVEMENT

LEGEND

- MANHOLE — EXISTING SANITARY SEWER
- HYDRANT, GATE VALVE — SAN. CLEAN OUT
- MANHOLE, CATCH BASIN — EXISTING WATERMAIN
- EXISTING STORM SEWER
- EX. R. Y. CATCH BASIN
- EXISTING BURIED CABLES
- UTILITY POLE, GUY POLE, GUY WIRE — OVERHEAD LINES
- LIGHT POLE
- SIGN
- EXISTING GAS MAIN
- C.O., MANHOLE — PR. SANITARY SEWER
- HYDRANT, GATE VALVE — PR. WATERMAIN
- INLET, C.B., MANHOLE — PR. STORM SEWER
- PR. R. Y. CATCH BASIN
- SAND BACKFILL (95 % DENSITY)
- PROPOSED LIGHT POLE

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

SEAL

STATE OF MICHIGAN
TIMOTHY L. GERMAIN
ENGINEER NO. 42595
LICENSED PROFESSIONAL ENGINEER

PROJECT
Troy Medical Offices
230 Maple Road

CLIENT
Tinelle Properties, LLC
18700 W. Ten Mile Rd.
Suite 200
Southfield, MI 48075
Contact:
Mr. Ronnie T. Asmar
248-557.5454 Phone

PROJECT LOCATION
Part of the S.E. 1/4
of Section 28
T. 2 North, R. 11 East
City of Troy,
Oakland County, Michigan

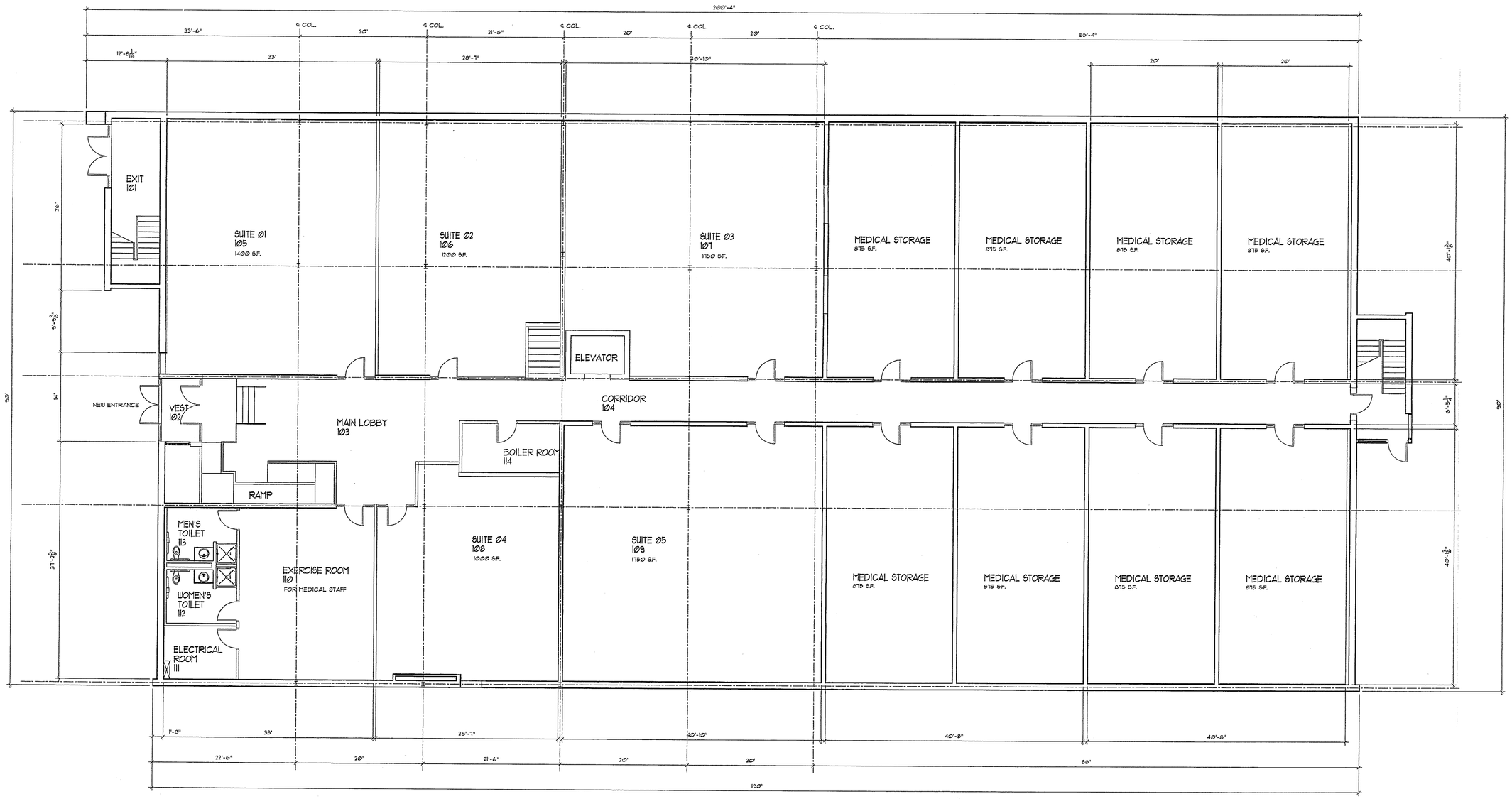
SHEET
Site Plan

72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (VOL PAGE)

DATE/ REVISION
03-11-04 ISSUED FOR CITY REVIEW
04-09-04 REVISED PER CLIENT
04-13-04 REVISED PER CLIENT
05-01-04 REVISED PER CITY REVIEW
05-17-04 ISSUED FOR PARKING VARIANCE
06-29-04 REV. LANDSCAPE CALCULATIONS

DRAWN BY: R. Johnson
DESIGNED BY: T. Germain
APPROVED BY: T. Germain
DATE: 04/04/02
SCALE: 1"=20'

N/F JOB NO. D266
SHEET NO. SP1



LOWER LEVEL PLAN
SCALE: 1/8" = 1'

MEDICAL OFFICE SPACE 7,100 S.F.

MEDICAL STORAGE SPACE 7,000 S.F.

RECEIVED
JUN 18 2004
BUILDING DEPARTMENT

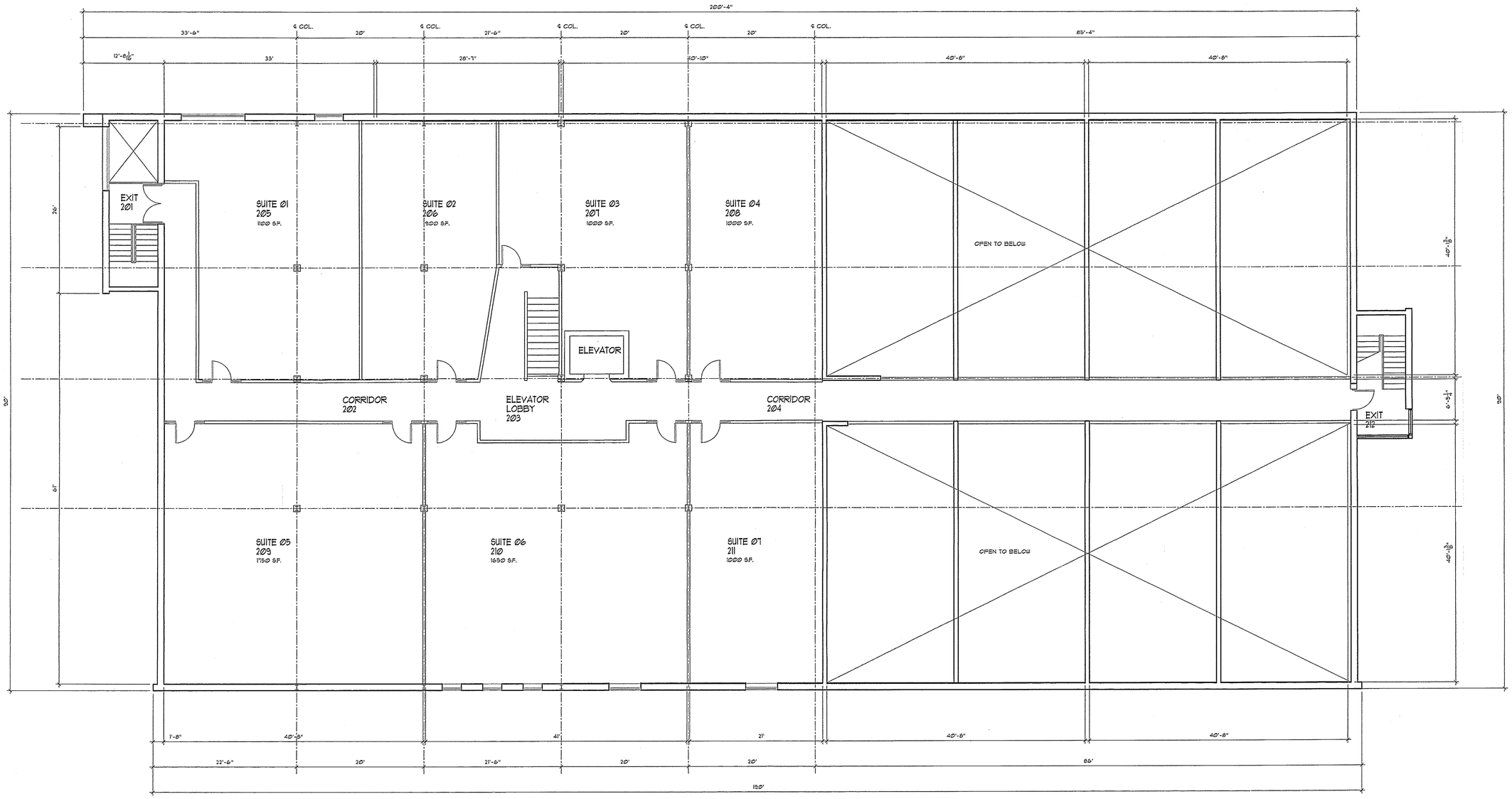
TROY MEDICAL OFFICES
230 MAPLE ROAD, TROY, MICHIGAN

BASIL JABERU ARCHITECT
28307 SHILOH COURT
FARMINGTON HILLS, MICHIGAN 48331
TEL.: (248) 848-9975

Ronnie T. Asmar

SHEET TITLE:
PROPOSED
LOWER LEVEL PLAN

SCALE: 1/8" = 1'-0"	DRAWN BY: I.P.
DATE: Jun 18, 2004	CHECKED BY: B.J.
PROJECT NO: 04050	DRAWING NO: A-1
COMPUTER FILE: A-1	



UPPER LEVEL PLAN
SCALE: 1/8" = 1'

MEDICAL OFFICE SPACE 8,400 S.F.

RECEIVED
JUN 18 2004
BUILDING DEPARTMENT

TROY MEDICAL OFFICES
230 MAPLE ROAD, TROY, MICHIGAN

BASIL JABERU ARCHITECT
28397 SHILOH COURT
FARMINGTON HILLS, MICHIGAN 48331
TEL.: (248) 848-9975

Ronnie T. Asmar

SHEET TITLE:
PROPOSED
UPPER LEVEL PLAN

SCALE: 1/8" = 1'-0"	DRAWN BY: I.P.
DATE: Jun 18, 2004	CHECKED BY: B.J.
PROJECT NO. 04050	DRAWING NO. A-2
COMPUTER FILE: A-2	

DATE: July 6, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Parking Variance Request
1915 E. Maple

We have received an application from Pashk Oroshi to construct an addition to the existing restaurant at 1915 E. Maple. The plans indicate that this addition will be two stories. Further, the plans indicate that the restaurant will have 117 seats. The site plans previously approved by the Planning Commission showed only a one story addition and seating for 80 persons. Sections 40.21.31 and 40.21.41 of the Troy Zoning Ordinance requires at least 80 parking spaces for a facility of this size. The plans submitted with the application indicate that only 50 parking spaces are available. The permit application for this alteration has been denied. In response, the petitioners have filed an appeal of the parking requirement for the 30 additional spaces.

A Public Hearing has been scheduled for your meeting of July 19, 2004, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the plans of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED
JUN 07 2004
BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 6/2/04

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: PASHK OROSHI Phone: 248-879-7787

Address: 6623 MOUNTAIN DR TROY, MI. 48098

Address of Property: 1915 E. MAPLE RD

Lot # 521-524, 540-546 Subdivision: JOHN R GARDEN

Zoning District: B-3. Sidwell # 20-26-483-052 & 054

Owner of Property: PASHK OROSHI Phone: 248-879-7787

Address: 6623 MOUNTAIN DR TROY, MI 48098

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 6/1/04

Has there been a previous appeal involving this property? No If Yes, state date _____

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: ~~56~~ 80 P.O.

Number of Stalls? _____ Parking Spaces Provided: 50

Other Dimensions? _____ Variance Requested: ~~26~~ 30 P.O.

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

ACCORDING TO ARTICLE 40.21.31. OF THE ZONING ORDINANCE THE RESTAURANT WOULD HAVE A PARKING DEFICIENCY OF 26 SPACES. THE HARDSHIP WOULD BE THAT 40 SEATS

OVER

WHICH HAVE LIMITED USE COULD NOT BE USED. THE EXPANDED DINING AREA IS USE ~~BY~~ SPECIAL GROUPS AS A MEETING ROOM OR BY FAMILIES WHO NEED SEATING FOR 8 OR MORE. WHEN THE EXPANDED DINING ROOM IS IN USE THE PARKING LOT HAS NEVER BEEN FULL, SINCE THE RESTAURANT HAS BEEN OPEN.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
)
COUNTY OF Oakland)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 6-7-04 Robert Onadi
(Signature of Applicant)

Signed and Sworn to before me this 7th day of June 2004

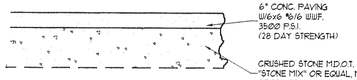
Pamela R Pasternak
Notary Public

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland

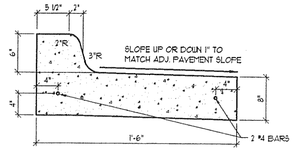
My Commission Expires: _____

Filing Fee $200.00	Date Paid _____

REV:2/2002



6" CONCRETE PAVEMENT
NO SCALE

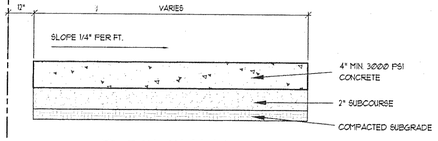


CURB & GUTTER DETAIL
NO SCALE

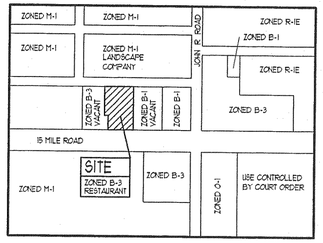
LEGEND

+ 600.00	EX. ELEVATION
T/C	TOP OF CURB
T/P	TOP OF PAVEMENT
T/W	TOP OF WALK
G	GUTTER
	EX. M.H. / C.B.
	EX. STM. INLET
	LIGHT POLE
	UTILITY POLE
	GATE, VALVE & WELL
	HYDRANT
F.I.	FOUND IRON
S.I.	SET IRON
(R)	RECORDED
(M)	MEASURED
	STORM SEWER
	SANITARY SEWER
	WATER MAIN
	UTILITY LINE
	UNDERGROUND UTILITY LINE
	NEW M.H. / C.B.
000.00	NEW ELEVATION
	NEW CURB AND GUTTER
	NEW CONCRETE PAVEMENT

NOTE
R.O.W. WALK TO BE 6" THICK
AT ALL DRIVEWAY LOCATIONS



R.O.W. WALK
NO SCALE



LOCATION MAP
SCALE: 1" = 400'

LEGAL DESCRIPTION

LAND IN PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS:

LOTS 521, 522, 523, 524 AND NORTH 1/2 OF VACATED ALLEY ADJACENT TO SAME, ALSO THE SOUTH 1/2 OF VACATED CHOPIN AVENUE, ALSO LOTS 540, TO 546 INCLUSIVE, EXCEPT THE SOUTH 23 OF SAID LOTS 540 TO 546 INCLUSIVE TAKEN FOR MAPLE ROAD, ALSO SOUTH 1/2 OF VACATED ALLEY ADJACENT TO SAID LOTS 540 TO 546 INCLUSIVE, ALL IN "JOHN R GARDEN SUBDIVISION" OF THE EAST 1/2 OF SOUTHEAST 1/4 SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN ACCORDING TO PLAT RECORDED IN LIBER 31, PAGE 8 OF PLATS, OAKLAND COUNTY RECORDS. Ø.84 ACRES

PARKING REQUIREMENT

RESTAURANT
1 SPACE PER EACH 2 PERSONS WITHIN THE SEATING CAPACITY OF THE ESTABLISHMENT
+ 1 EMPLOYEE SPACE PER EACH TEN SEATS WITHIN THE SEATING CAPACITY
OR 1 PER 35 SQ. FT. OF DINING AREA WHICHEVER IS GREATER

SEATING CAPACITY: 111 SEATS ÷ 1 SPACE / 2 PERSONS = 56 SPACES
SEATING CAPACITY: 111 SEATS ÷ 1 EMPLOYEE SPACE / 10 SEATS = 12 SPACES

RETAIL BUILDING
1 SPACE FOR EACH 200 SQ. FT. OF GROSS FLOOR AREA

FLOOR AREA: 1936 SQ. FT. ÷ 1 SPACE / 200 SQ. FT. = 9 SPACES

PARKING REQUIRED:
TOTAL PARKING REQUIRED = 80 SPACES

PARKING PROVIDED:
TOTAL PARKING PROVIDED = 50 SPACES
INCLUDES: (1) BARRIER FREE SPACE
(1) VAN ACCESSIBLE SPACE

LANDSCAPE AREA CALCULATIONS

AREA REQUIRED
10' GREENBELT ALONG MAPLE ROAD
+ 10% OF SITE AREA

36,440 SQ. FT. X 10% = 3,644 SQ. FT.

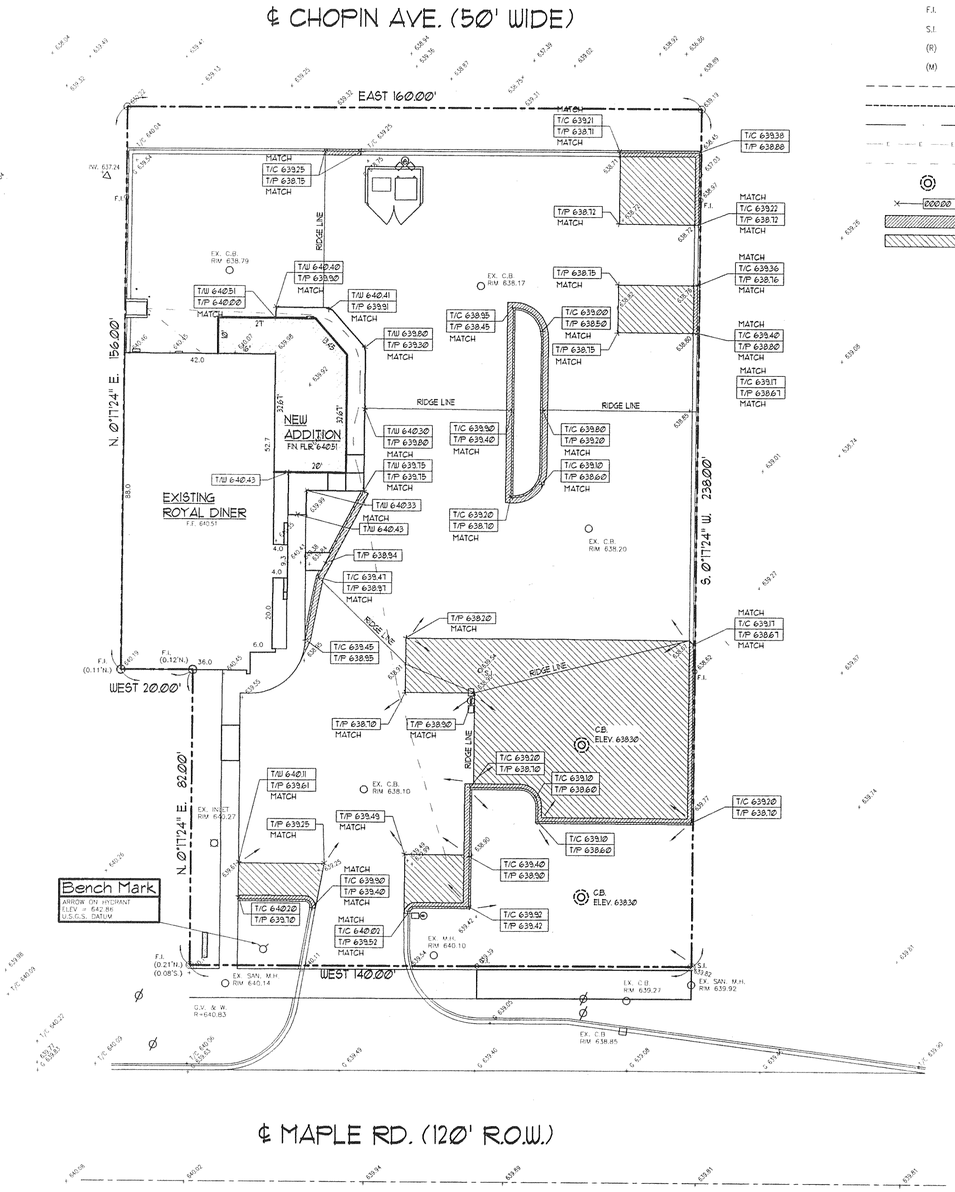
AREA PROVIDED
10' GREENBELT ALONG MAPLE ROAD

TOTAL AREA PROVIDED = 3,708 SQ. FT.

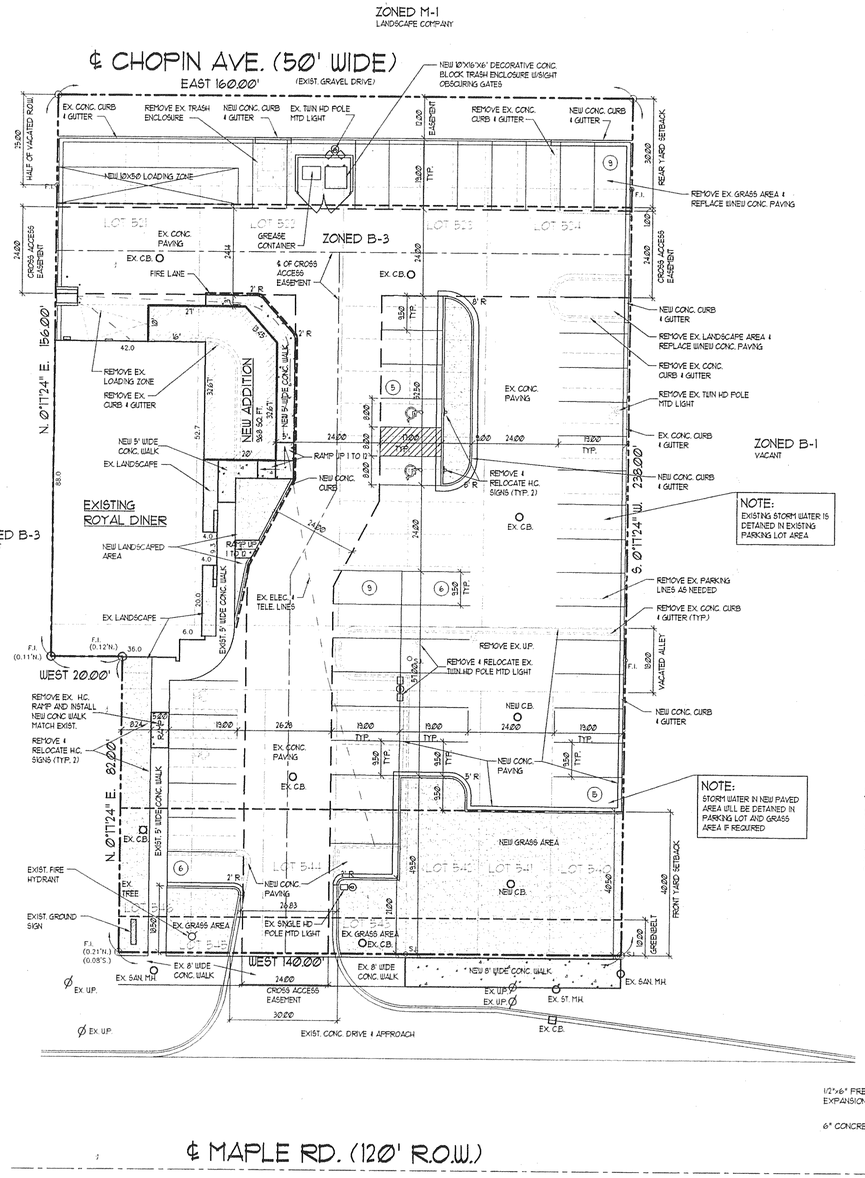
SITE DATA

SITE ZONING
B-3 GENERAL BUSINESS DISTRICT

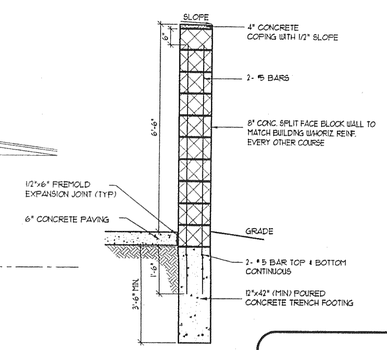
SITE AREA
36,440 SQ. FT.
Ø.84 ACRES



GRADING PLAN
SCALE 1" = 20.00'



SITE PLAN
SCALE 1" = 20.00'



WALL SECTION for DUMPSTER ENCLOSURE
NO SCALE

RECEIVED
JUN 29 2004
BUILDING DEPARTMENT

the building design group
incorporated
330 E Maple Rd
Suite B
Troy MI 48083
248/585-8926
Fax 248/585-8924

Date	Revision
06/25/04	SUBMIT FOR PERMIT TO EXPAND SEATING
06/21/04	SUBMIT FOR PERMIT TO EXPAND SEATING
04/21/03	REVISED PER CITY OF TROY
04/09/03	REVISED PER CITY OF TROY

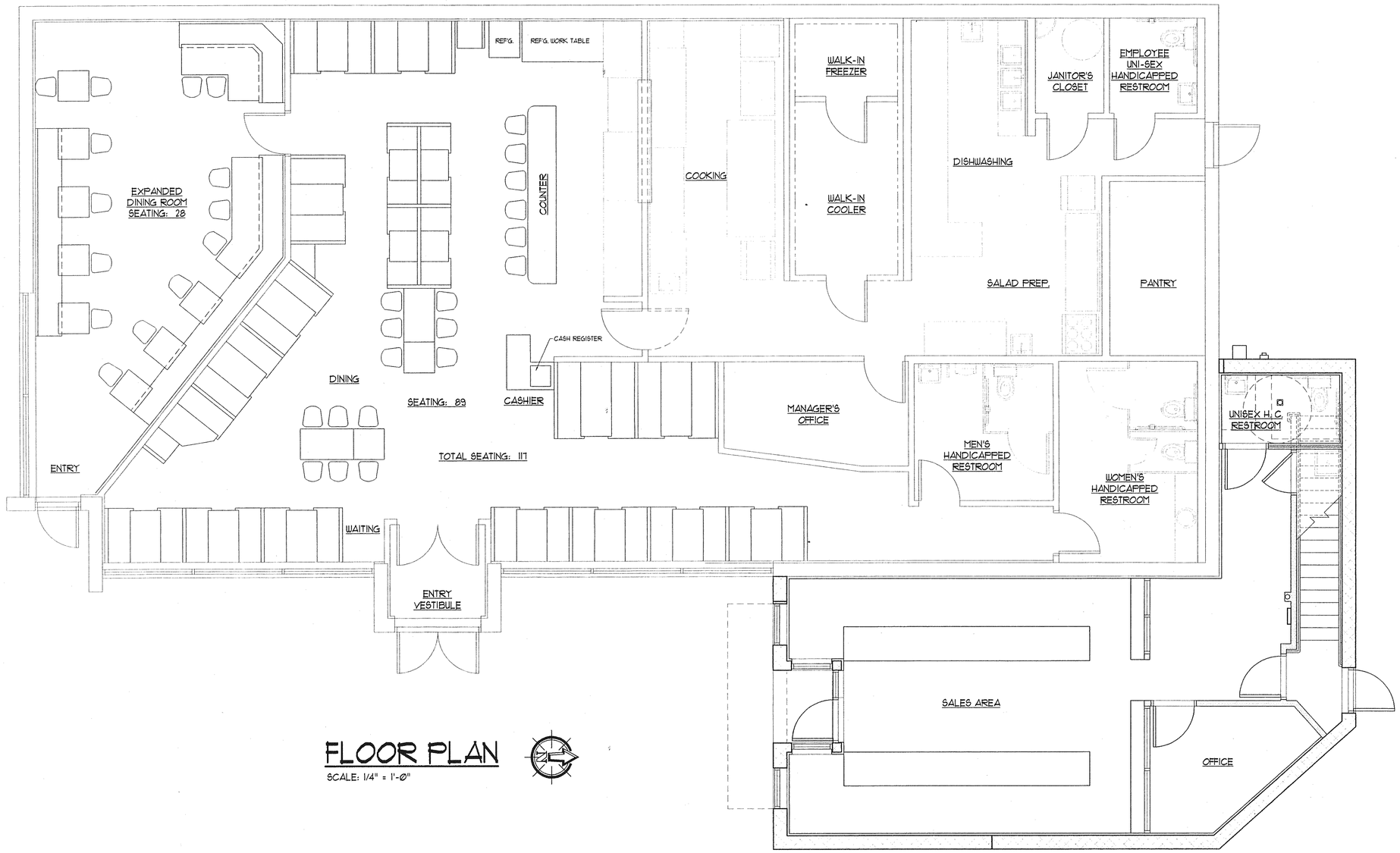
Sheet Title
SITE PLAN

Job Description
BUILDING ADDITION
for ROYAL DINER
1918 E. MAPLE RD.
TROY, MICHIGAN 48083

Job no
02-124

Sheet no
CE-1

C:\Program Files\AutoCAD R14\DATA04\NESCU\royal\Other\CE-1.dwg March 12 2003 12:07pm JybaGuerr



FLOOR PLAN

SCALE: 1/4" = 1'-0"

RECEIVED
JUN 07 2004
BUILDING DEPARTMENT

the building design group
incorporated
330 E Maple Rd
Suite B
Troy MI 48083
248/585-8926
Fax 248/585-8924

Date	Revision
6/15/04	SUBMIT FOR PERMIT TO EXPAND SEATING

Sheet Title
FLOOR PLAN

Job Description
EXPANDED DINING AREA
for ROYAL DINER
1915 E. MAPLE RD.
TROY, MI 48083

Job no
04-117

Sheet no
A-1

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

I don't think they have adequate parking.

RECEIVED
JUL 14 2004
BUILDING DEPARTMENT

NAME: Stojan Stojanovski

ADDRESS OR PROPERTY DESCRIPTION 1950 Birchwood

DATE: July 14, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

SUBJECT: REZONING PUBLIC HEARING – Northeast Corner of Maple Road and John R Road, Section 25 – B-3 to H-S (Z-582)

On June 7, 2004 City Council postponed a public hearing for the rezoning request to the July 19, 2004 meeting. Further, City Council adopted a resolution (copy attached) to reconsider the item and declare that the letter of objection meets the requirements of a valid protest petition. Therefore, any rezoning action must be approved by a 2/3 vote.

Letters of support for the rezoning, City Council minutes and previous submittals to City Council are attached. City Management continues to recommend approval of the subject rezoning request.

Attachments:

1. City Council Resolution, June 7, 2004
2. Recently received letters of support for rezoning: 118 count.
3. City Attorney memo, June 3, 2004
4. City Attorney memo, May 19, 2004
5. City Management memo, May 3, 2004

cc: Applicant
File (Z-#582)

G:\REZONING REQUESTS\Z-582 Clark Station H-S Sec 25\CC Public Hearing 07 19 04.doc

J-7 Memorandum, Re: Protest Petition Procedures

Vote on Resolution to Reconsider

Resolution #2004-06-306
Moved by Lambert
Seconded by Stine

RESOLVED, That Resolution #2004-05-252, Moved by Eisenbacher and Seconded by Broomfield, as it appears below be **RECONSIDERED** by City Council:

> *RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED,** as recommended by City Management and the Planning Commission.*
>
> *BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other.*
>
> *Yes: Broomfield, Eisenbacher, Howrylak, Beltramini*
> *No: Lambert, Stine, Schilling*
>
> ***MOTION CARRIED***

Yes: Lambert, Stine, Schilling, Beltramini
No: Howrylak, Broomfield, Eisenbacher

MOTION CARRIED

Proposed Substitute Amendment Resolution

Resolution
Moved by Schilling
Seconded by Stine

RESOLVED, That the proposed Main Resolution for Rezoning Application Z-582, on the northeast corner of Maple Road and John R Road, Section 25 from B-3 to H-S, be **STRICKEN** and **SUBSTITUTED** with:

> WHEREAS, A letter of objection to the proposed rezoning application at the northeast corner of Maple and John R Roads was received from Mr. Talia, who owns property to the north and east of the property subject to the rezoning petition.
>
> WHEREAS, The Troy City Council desires to qualify this letter of objection as a protest petition within the meaning of MCL 125.584.

WHEREAS, The Troy City Council declares that the letter of objection received from Mr. Talia meets the requirements and determines it to be a valid protest petition under MCL 125.584.

WHEREAS, Resolution #2004-05-252 did not receive a two-thirds (2/3) affirmative vote.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council wishes to reconsider Resolution #2004-05-252 under the guidelines of MCL 125.584, valid protest petition procedures.

Vote on Resolution to Postpone Substitute Amendment Resolution

Resolution #2004-06-307
Moved by Schilling
Seconded by Stine

RESOLVED, That the Substitute Amendment Resolution be **POSTPONED** until consideration of suspension of the rules has been determined.

Yes: All-7

Vote Resolution to Suspend Rules of Procedure for the City Council, Rule #5 and Insert New Rule

Resolution #2004-06-308
Moved by Schilling
Seconded by Stine

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #5 – Order of Business and **INSERT** a new Rule #10 – Reconsideration of Questions, authorizing City Council to reconsider an agenda item because new information was brought forward.

Yes: All-7

Vote on Substitute Amendment Resolution

Resolution #2004-06-309
Moved by Schilling
Seconded by Stine

RESOLVED, That the proposed Main Resolution for Rezoning Application Z-582, on the northeast corner of Maple Road and John R Road in Section 25 from B-3 to H-S, be **STRICKEN** and **SUBSTITUTED** with:

WHEREAS, A letter of objection to the proposed rezoning application at the northeast corner of Maple and John R Roads was received from Mr. Talia, who owns property to the north and east of the property subject to the rezoning petition.

WHEREAS, The Troy City Council desires to qualify this letter of objection as a protest petition within the meaning of MCL 125.584.

WHEREAS, The Troy City Council declares that the letter of objection received from Mr. Talia meets the requirements and determines it to be a valid protest petition under MCL 125.584.

WHEREAS, Resolution #2004-05-252 did not receive a two-thirds (2/3) affirmative vote.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council wishes to reconsider Resolution #2004-05-252 under the guidelines of MCL 125.584, valid protest petition procedures.

Yes: Schilling, Beltramini, Lambert, Stine
No: Broomfield, Eisenbacher, Howrylak

MOTION CARRIED

Vote on Main Resolution as Substituted

Resolution #2004-06-310
Moved by Eisenbacher
Seconded by Broomfield

WHEREAS, A letter of objection to the proposed rezoning application at the northeast corner of Maple and John R Roads was received from Mr. Talia, who owns property to the north and east of the property subject to the rezoning petition.

WHEREAS, The Troy City Council desires to qualify this letter of objection as a protest petition within the meaning of MCL 125.584.

WHEREAS, The Troy City Council declares that the letter of objection received from Mr. Talia meets the requirements and determines it to be a valid protest petition under MCL 125.584.

WHEREAS, Resolution #2004-05-252 did not receive a two-thirds (2/3) affirmative vote.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council wishes to reconsider Resolution #2004-05-252 under the guidelines of MCL 125.584, valid protest petition procedures.

Yes: Beltramini, Lambert, Stine, Schilling
No: Broomfield. Eisenbacher, Howrylak

MOTION CARRIED

Vote on Resolution to Postpone

Resolution #2004-06-311
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That the Public Hearing for Rezoning Application Z-582, northeast corner of Maple Road and John R Road in Section 25 from B-3 to H-S, be **POSTPONED** until Regular City Council Meeting scheduled for Monday, July 19, 2004; and

BE IT FURTHER RESOLVED, That the Notice of the Public Hearing for Rezoning Application Z-582, northeast corner of Maple Road and John R Road in Section 25 from B-3 to H-S, be published in the newspaper of record.

Yes: All-7

F-2 Unconditioned Offers – Purchase of Right-of-Way to the 60 Foot Line for Water Main Replacement – Livernois Section 3 Water Main Replacement – Project #01.509.5

1 (a). Authorization to Make Unconditioned Offer – Deeded Fee Right-of-Way – Livernois Road Section 3 Water Main Replacement – Project #01.509.5 – Sidwell #20-03-301-018: Owners – Tarik Toma and Maurice Gennari

Resolution #2004-06-312
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, In order to proceed with the proposed Water Main Replacement on Livernois Road, north of Square Lake in Section 3 on schedule, it is necessary for the City to obtain the needed right-of-way from the property owners, Tarik Toma and Maurice Gennari, having Sidwell #20-03-301-018.

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an Unconditioned Offer to purchase the right-of-way from Parcel #20-03-301-018 in the amount of $4,400.00, plus closing costs.

Yes: All-7

1 (b). Authorization to Institute Court Action for Necessary Deeded Fee Right-of-Way – Livernois Road Section 3 Water Main Replacement - Project #01.509.5 – Sidwell #20-03-301-018: Owners – Tarik Toma and Maurice Gennari

Resolution #2004-06-313
Moved by Beltramini
Seconded by Stine

WHEREAS, In order to proceed with the proposed Water Main Replacement on Livernois Road, north of Square Lake in Section 3 on schedule, it is necessary for the City to obtain the

CAERULEUM
ENVIRONMENTAL DESIGN

5603 S. Telegraph, Suite 103, Dearborn Heights, Michigan, 48125
313-299-4499 tel. 313-299-4433 fax

REC'D
JUL 14 2004
PLANNING DEPT.

June 02, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear Sir or Madam,

Please find attached a brief statement addressed to the city of Troy City Council. On behalf of the owner of the Clark gas station I am seeking to rezone the parcel from B-3 to HS. The HS designation is the correct and appropriate zoning for a gas station and we are seeking the rezoning as first step toward a complete reconstruction of the station. If you wish you may use the attached letter of support or draft one in your own words. Thank you for considering this request and we hope you can assist us with your support.

Please if you have any questions or would like to discuss our plans further contact me at the numbers listed above. Thank you.

Very Truly Yours,

Michael Kozlowski, AIA
President

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

St. George Orthodox Church
2160 EAST MAPLE
TROY, MICHIGAN 48083

St. George ORthodox Church — July 13, 04
Name — date

+ V. Rev. Joseph Antypas
signature

We support the request for the rezoning of the Clark Gas Station. The improvement will affect the whole section of the Maple / John R intersection.

+ V. Rev. Joseph Antypas

RECEIVED
JUL 14 2004
BY: PLANNING DEPT

F:\c2003\03-083 Troy Clark\support request.doc

June 03, 2004

REC'D
JUL 14 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2398 Camilla Dr, Troy, Mi, 48083

Clint Pupa — 7/3/04

Name — date

signature

REC'D
JUL 14 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2077 Milverton Troy, Mi 48083

Jennifer Stigleman 7/10/04

Name date

J.J. Stigleman

signature

June 03, 2004

REC'D
JUL 14 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1185 Mark Clawson-Mich

Howard Robinson - 7-09-04

Name date

Howard Robinson

signature

June 03, 2004

REC'D
JUL 14 2004
PLANNING DEPT

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2073 GARRY TROY MICH 48083

LARRY RUTHER 7/11/04

Name date

signature

June 03, 2004

REC'D
JUL 14 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2412 Virginia, Troy. MI 48083

SHARYN L BRENT 7/8/04

Name date

Sharyn L Brent

signature

RECD
JUL 1 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1385 Minnesota Troy MI 48083

Nick Connor 07/09/04

Name date

signature

REC'D
JUL 1 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

777 John R Troy 48083

MARK BAUOR 7-7-04

Name date

signature

REC'D
JUL 1 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1975 E. MAPLE Troy Mi 48082

Royce N Travis 6-30-04

Name date

signature

June 03, 2004

RECD
JUL 14 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

Raj Nayamkandy 2149 Vermont drive, Troy, MI 48083

Name

7/10/04
date

signature

June 03, 2004

REC'D
JUL 1 6 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2325 ATLAS DRIVE TROY MI 48083

DEEPAK KAPOOR — 07/11/2004

Name — date

signature

June 03, 2004

REC'D
JUL - 8 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1405 Shaker Troy, M, 48083

Dean Wan — 7/7/04

Name — date

Dean Wan

signature

REC'D
JUL – 8 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2360 VERMONT TROY, MI 48082

RONALD J. MAGGA — 7-7-04

Name — date

signature

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2265 ZENIA DR., TROY, MI 48083

ISSAM MURAD — 7/8/04

Name — date

Issam Murad

signature

REC'D
JUL - 9 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2154 Virginia Troy, MI 48083

Jennifer Wilson 7/7/04

Name date

signature

REC'D
JUL – 9 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1781 Hillman - Troy, MI 48083

Andrea Gistinger — 7-8-04

Name — date

signature

REC'D
JUL - 9 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2105 CASTLETON TROY MI 48083

Name

7-8-04

date

signature

RECEIVED
JUL - 9 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2899 Roundtree Troy Mi 48083

Frances Lambertz 7-8-04

Name date

Frances Lambertz

signature

REC'D

JUL – 9 2004

PLANNING DEPT

June 03, 2004

JUN - 7 2004

PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1419 JOHN R TROY

THOMAS L. MEDICI 6-4-04

Name date

signature

June 4, 2004

C'D
JUN - 7 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1477 JOHN R TROY MARIO'S CAFE REST.

Name Vincia Passalacqua

date 6/04/04

signature

REC'D
JUN - 7 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1494 John R. COMERICA BANK

Donald A. Fowler 6-4-04

Name date

Donald A. Fowler

signature Vice President

June 03, 2004

REC'D
JUN - 7 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1980 E Maple Rd. Troy Mich. 48083

Mike Ankami
Name

6-4-04
date

signature

June 03, 2004

REC'D
JUN - 7 2004
PLANNING DEPT.

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2070 Vermont Troy Mo

Chris Pearsall 6-9-04

Name date

signature

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1775 BELLINGHAM - TROY, MI 48083

GEOFF VERCNOCKE — 6-29-04

Name — date

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

ENTERPRISE AUTOMOTIVE
1850 BRINSTON TROY MI 48083

SCOTT A. KORZEN — 6-23-04

Name — date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2139 Brinston Troy mi 48083

Hiba Katto — 6-24-04

Name — date

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1755 CASTLETON DR

ZAKO JAKOVLEVSKI — 6-6-2004

Name — date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1755 CASTLETON DR TROY. MI 48083

Zarko Jakovlevski — 7-01-04

Name — date

signature

REC'D

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2931 CHESTERFIELD D.R. TROY MICH 48083

DJELUSA NIKPRELEVIC 6-26-04

Name date

signature

RECD

JUL – 6 2004

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1229 CHICAGO RD TROY MI 48083

CLOSET INTERIORS — 6-25-04

Name — date

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1239 Chicago Rd. Troy, MI 48083

Deanna Zwiesele — 6/24/04

Name — date

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1532 CRIMSON DRIVE TROY

RONALD C. HAUG — 2 JULY 2004

Name — date

signature

RECD

JUL - 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2923 DASHWOOD TROY MI 48083

FRANK A VIEL — 6-27-04

Name — date

signature

REC'D
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2120 Barry Troy MI 48083

Name

June 28, 2004

date

signature

REC'D
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2402 Bulason Troy MI 48083

Chantelle DiNoble — 6-6-04

Name — date

Chantelle DiNoble

signature

REC'D
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2414 Gulason CT Troy, Mi 48083

K Donegan 6/26/04

Name date

K Donegan

signature

RECD

JUL – 6 2004

CDEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

Andrew Tomaull 2029 Hampstead Dr

Andrew Tomaull 6-21-04

Name date

signature

RECD

JUL – 6 2004

PLANNING

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1682 - HILLMAN. RD TROY MI 48083

LOUIS S. HERMIZ — 06-24-04

Name — date

signature Louis

RECD

JUL - 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1773 HILLMAN, TROY MI 48083

JOE RUSINOWSKI — 6/23/04

Name — date

Joseph Rusinowski

signature

RECD

JUL - - 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1776, Hillman Dr., Troy, MI – 48083

Venkatesh Natarajan — 06/26/04

Name — date

K. N. Venkatesh

signature

REC'D

JUL – 6 2004

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2167 Isabell Troy M. 48083

R Bordolo 6/26/04

Name date

R Bordolo

signature

RECEIVED
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

920 John R. Rd Troy MI 48083

Marcus Baker 6/22/04

Name date

Marcus Baker

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

920 John R Rd Apt 603 Troy 48083

Darion D Appling — 6-28-04

Name — date

Darion D Appling

signature

REC'D

JUL – 6 2004

PLANNING

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1419 JOHN R TROY 48083

M. W. TAYLOR — 6-21-04

Name — date

signature

RECD
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1742 John R. Rd Troy MI 48083

Deanna L. Dragon 6/22/04

Name date

signature

RECEIVED
JUL - 2004

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1848 JOHN R. RD TROY MI. 48083

TIM OLIGER 6-25-04

Name date

signature

RECEIVED

JUL - 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2187 Lakeside Dr - Troy, Mi 48085

C. Lawson — 6-28-04

Name — date

C. Lawson

signature

RECD
JUL - 5 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1826 Leafgreen Troy

Mike Ittola 6-26-2004

Name date

Mike Ittola

signature

RECD

JUL – 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1405 CLEAFGREEN DR TROY MI 48083

Charlie Saad — 06-24-04

Name — date

signature

RECD
JUL – 8 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1423 Leafgreen

Valerie Williams — June 23, 2004

Name — date

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1429 Leafgreen Troy MI 48083

Dobri Terziev — 6-22-04

Name — date

Dobri Terziev

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1432 LEAFGREEN DR. TROY, MI 48083

Kendall E. Scheer — 6/24/04

Name — date

KENDALL E. SCHEER

signature

RECEIVED

JUL – 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1435 leafgreen

Anna Uspercep — 6/26/04

Name — date

signature

RECD
JUL – 8 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1438 Leafgreen, Troy, MI, 48083

Duraid Kilano — 6/22/04

Name — date

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1438 Leafgreen Troy TOR YMY 8083

Badra Habu 6-25-2004

Name date

Badra Habu

signature

RECEIVED

JUL – – 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1441 Leafgreen Dr. Troy MI 48083

muna Yowif — 6-22-04

Name — date

muna Yowif

signature

REC'D
JUL - 6 2004
PLANN...

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1444 Leafgreen

Name: Debby Gordon date: 6-26-2004

signature: Debby Gordon

RECEIVED

JUL - 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1450 LEAFGREEN DR.

THOMAS H. BLISS — 7-1-4

Name — date

Thomas H. Bliss

signature

RECEIVED

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2015 Lavington Apt 207
Troy MI 48083

Meryam Coja — 6-24-04

Name — date

signature

RECD
JUL - 6 2004
PL

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2099 N LOVINGTON TROY MI 48083

KAMIL TYALDA — 06-24-04

Name — date

signature

RECD
JUL – 6 2004
PLAN... ...PT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2111 LOVINGTON DR APT # 106 TROY MI 48083

ANOOP PILLAI V T — 07/01/04

Name — date

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2261 N. Livingston Ave. Troy, MI 48083

Lorene Kraft 6-22-04

Name date

Lorene Kraft

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1807 E. Maple RD 48083

Ralph Miller 3-28-04

Name date

signature

REC'D
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1915 E. MAPLE

ROYAL DINER — 6-6-004

Name — date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1155 Mabel RD Troy Mi 48083

Name: Lorin John

date: 6-23-04

signature: Lorin John

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

7353 C. maple Troy Mi 48083

Richard Young — 6/22/04

Name — date

Richard Young

signature

RECD

JUL – 7 2004

PLA...

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2666 E. Maple Rd. Troy Mi 48083

Jim Marcos — 6-27-04

Name — date

signature

RECD

JUL - 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2720 E. Maple Rd Troy MI 48083

Anna Stroz — 6-26-04

Name — date

signature

RECD
JUL - 8 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2754 E. MAPLE TROY MI 48083

EDWARD DAVIS
Name

6-22-04
date

signature

RECEIVED
JUL - 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1029 Milverton TROY MI 48083

DIANE CLARK

Diane Clark 6/24/04

Name date

Diane Clark

signature

REC'D

JUL – 8 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1716 Milverton, Troy

John R. Poniewierski 6-05-04

Name date

signature

REC'D
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1716 MILVERTON, TROY, MI 48083

John R. Poniewierski 6-22-04

Name date

signature

RECD

JUL - 6 2004

PL... PT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1785 milverton Troy mi 48083

Joyce Standish — 6.24.04

Name — date

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1790 Milverton Troy Mi. 48083

Pam Edwards 6-22-04

Name date

Pam Edwards.

signature

RECD

JUL - 8 2004

PL... ...EPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1860 Milverton Troy MI 48083

Keith Clark 6-23-04

Name date

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2052 Newbarch Troy

Romio Sumovski — 6-7-04

Name — date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2052 NEWBURGH TROY

Peter Simonski — 6-7-04

Name — date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2017 PRESCOTT DR TROY 48083

BARRY ADAMS 6-14-04

Name date

signature

REC'D
JUL – 6 2004
PLANNING

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2166 Prescott TROY MI 48083

Matilda Soto — 06-24-04

Name — date

Matilda Soto

signature

RECEIVED
JUL - 2 2004
PLANNING

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2177 Prescott Dr Troy Mich. 48083

G & R Maine Zier 7-3-04

Name date

JouJou Zier

signature

RECD

JUL - 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1291 Revere Dr. TRY. MI 48083

MARY ANN MACHOTH — 6/23/04

Name — date

Mary Ann Machoth

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1305 Revere Drive, TROY, MICH 48083.

AMRAT S. BHAGWAN — 6/26/2004

Name — date

signature

RECD
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1316 Revere Troy MI 48083

RAJEEV + MEENU 6/23/04

Name date

signature

RECEIVED
JUL - 5 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1319 Rewe Drive - Troy 48083

Elizabeth Sutela — June 28/04

Name — date

Elizabeth Sutela

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1333 Revere TROY MI 48083

Nicole Horn — 6-23-04

Name — date

Nicole Horn

signature

RECEIVED
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2542 RHODES DR. TROY, MI 48083

SAM PINTO — 6/25/04

Name — date

signature

RECD
JUL - 8 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2659 Arrow Dr.

Laura Tam
Name

6/28/04
date

Laura M. Tam
signature

REC'D
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2918 ROUNDTREE DR TROY, MI 48083

CHRISTIAN A. JOHNSON 6/23/04

Name date

signature

RECD

JUL – 6 2004

PL... DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2179 Roskmore

Michael T Johnson 6/27/04

Name date

signature

RECEIVED
JUL - 1 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2216 Rushmore TROY MI 48083

Nadia Dawood — June 03 2004

Name — date

signature

REC'D
JUL - 0 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

Shaekr Troy MI 48083

Shabha Jahad 6.23.2004

Name date

Shabha Jahad

signature

RECD

JUL - 2004

PLANNING DEP

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1304 Shaker Troy, Mi 48083

KAREN ZINSER 6/29/04

Name date

signature

RECD

JUL – 8 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1357 Shaker Dr. Troy, MI, 48083

Ali Syed
Name

6/5/04
date

Ali Syed
signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1432 Shaker St.

Marie Del Grosso — June 27, 2004

Name — date

Marie Del Grosso

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1426 Shaker DR. Troy MI 48083

Renie Jihad 6-23-04

Name date

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1442 Shaker, TROY, MI 48083

AIMEE ASKER — 6/23/04

Name — date

Aimée A. Asker

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

1446 Shakes Dr - Troy, MI 48083

SUDHIR JOSHI — 6/21/04

Name — date

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2819 TEASDALE DR TROY MICH, 48083

Robert E SMITH 6/23/04

Name date

Robert E Smith

signature

RECD

JUL – 2004

PLANNING

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2014 Vermont Dr Troy Mi 48083

ABD-ALsalam Alshuaiki 7-5-04

Name date

SALAM

signature

RECD

JUL – 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2317 Vermont Ave

MERI BORIN — 5 June 04

Name — date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2390 Vermont Troy MI 48088

Sheri Pyc — 6-22-2004

Name — date

signature

RECEIVED
JUL - 2 2004
PLANNING

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

Samir Asker 2017 virginia

SAMIR ASKER 6-28-04

Name date

Samir Asker

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2027 Virgina Dr.

John P. HANKI — 6-28-04

Name — date

signature

RECD
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2035 Virginia Ave Troy MI 48083

Dan + Tia Murray 6-21-04

Name date

Tia M Murray

signature

RECEIVED

JUL - 6 2004

CITY DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2065 VIRGINIA TROY Mich

Jack Robbins 6-4-04

Name date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

20165 VIRGINIA TROY 48083

Jack Rubbin 6-23-04

Name date

signature

RECD
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2066 VIRGINIA TROY, MI. 48083

CHRIS ZAPINSKI — 6-21-04

Name — date

signature

RECD

JUL – 6 2004

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2091 Virginia, Troy, MI 48083

Lisa Zapinski — 6/25/04

Name — date

signature

RECD
JUL – 8 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2091 Virginia

Tom Tompkins — 6-04-04

Name — date

signature

REC'D
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2106 Virginia Troy MI 48083

Kathleen Whisnant — June 28, 2004

Name — date

signature

RECD

JUL – 9 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2163 Virginia Ave

Glenda Bell 6/28/04

Name date

Glenda Bell

signature

RECD
JUL – 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2243 Virginia Troy Mi

Michael Yondrick 6/25/04

Name date

Michael Yondrick

signature

RECD

JUL - 6 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

VERGINA DR 2352 TROY MI

Name

date 6/25/04

signature

RECD

JUL - 3 2004

PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2558 VIRGINIA DR

Chris Kaminski — Name

6/5/04 — date

Chris Kaminski — signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2811 WISCONSIN RD TROY, MI 48083

ANNE + TOM SHARPE — 6-26-04

Name — date

Anne P. Sharpe

signature

RECEIVED
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2193 Zenia Troy, MI 48083

Joseph Delmaro — 6/24/2004

Name — date

Joseph Delmaro

signature

RECD

JUL – 6 2004

PLANNING

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2210 Zena Troy 48083

Name

6 27 004

date

signature

RECD
JUL - 6 2004
PLANNING DEPT.

June 03, 2004

Re: Rezoning of property at 1610 John R. Clark Gas station

Dear City Council members,

Please accept this letter of support for the rezoning of the Clark Gas station located at 1610 John R. Road. We feel that this zoning change will allow for a significant improvement to the gas station.

We are a neighbor to the site and located at:

2233 Zenia Troy MI 48083

George Kizy 6-4-04

Name date

signature

REC'D

JUL - 6 2004

PLANNING DEPT.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: June 3, 2004
SUBJECT: Protest Petition Procedures

Enclosed please find my May 19, 2004 memo regarding re-zoning protest petitions. As indicated in the memorandum, the State Statute is pretty vague on the requirements for a valid protest petition. Unfortunately, there are no cases that discuss the provision of the law. The two Attorney General Opinions that have been previously discussed provide the only guidance in interpreting this State Statute. The City of Troy has not yet implemented a procedure or an ordinance codifying the State Statute. It is for this reason that we recommend an amendment to the zoning ordinance that explicitly sets forth the procedure for filing a valid protest petition. The Planning Department has already developed a form that can be used to alert City Administration when the provisions of MCL 125.584 may be applied to a re-zoning application.

It was stated at the May 24, 2004 City Council meeting that there were two attorneys and one judge who gave a verbal opinion to Mr. Husk that a letter of objection is the same as a protest petition. It is unknown whether these attorneys were provided with all of the specific factual developments in this particular case, such as the manner of presentation to the City, the lack of any identification or any notice that the document was intended as a protest petition, etc. However, it is not surprising that attorneys can disagree on a legal issue. I unsuccessfully attempted to obtain opinions from other municipal attorneys by posting an inquiry on the list serve of the Michigan Association of Municipal Attorneys and the Public Corporations list serve. I also discussed this case with Assistant Attorney General George Elworth, who is the Assistant in charge of Freedom of Information and Municipal Affairs. Mr. Elworth indicated that this is a provision that is rarely used, and therefore the legal references are sparse. He declined to speculate as to what a judge would do in this case, and stated that the Attorney General's office would not likely issue an opinion that would address the specific factual pattern of this case. Initially, he stated that he would give the benefit of the doubt to property owners, but his position changed upon the presentation of the specific facts of this particular case.

Prior to any redevelopment, the petitioners are required to obtain variances from the Board of Zoning Appeals (BZA). Since the reconsideration motions will occur prior to the BZA action, Council has a very unique opportunity where they can reconsider the rezoning prior to a vested interest in the redevelopment. If Council is inclined to accept Mr. Talia's faxed letter of objection as an official "protest petition," the City Clerk offers the following procedural guidance. First, the minutes of the May 10, 2004 City Council meeting should not be altered. Based on the information known at that time, the rezoning was approved at the May 10, 2004 City Council meeting.

It would be procedurally proper to reconsider the entire rezoning application by the passage of a substitute motion, such as the following:

> **WHEREAS, a letter of objection to the proposed rezoning application at the Northeast Corner of Maple and John R. Road, was received from Mr. Talia, who owns property to the north and east of the property subject to the rezoning petition; and**
>
> **WHEREAS, the Troy City Council desires to qualify this letter of objection as a protest petition within the meaning of MCL 125.584; and**
>
> **WHEREAS, MCL 125.584 requires a 2/3 affirmative vote to approve a rezoning application when a valid protest petition has been received; and**
>
> **WHEREAS, the Troy City Council declares that the letter of objection received from Mr. Talia meets the requirements and determines it to be a valid protest petition under MCL 125.584; and**
>
> **WHEREAS, Resolution #2004-05-291 did not receive a 2/3 affirmative vote;**
>
> **NOW THEREFORE, BE IT RESOLVED that the Troy City Council wishes to reconsider Resolution #2004-05-291 under the guidelines of MCL 125.584, valid protest petition procedures.**

For your convenience, Resolution #2004-05-291 is as follows:

> Moved by Beltramini
>
> Seconded by Stine
>
> *RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED,** as recommended by City Management and the Planning Commission.*
>
> *BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other.*
>
> *Yes :Broomfield, Eisenbacher, Howrylak, Beltramini*
>
> *No: Lambert, Stine, Schilling*
>
> ***MOTION CARRIED***

The Planning Department has already notified the petitioner of the requested reconsideration, and upon information and belief, the petitioner will be present at the June 7, 2004 meeting. If you have any questions concerning the above, please let me know.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 19, 2004
SUBJECT: Re-zoning protest petition

A public hearing for a requested rezoning was held at the May 10, 2004 City Council meeting. Property owner Majid Kesto requested re-zoning for the northeast corner of Maple Road and John R. Road, from a B-3 (general business) designation to a H-S (highway service) designation. The property is currently used as a gas station and is a legal non-conforming use.

Upon information and belief, the property owner of the adjacent properties, Victor Talia, received "legal" advice from a citizen, which was unfortunately incorrect. The citizen erroneously assumed that a "formal letter of objection" from Mr. Talia that was faxed to the Planning Department qualified as a "protest petition."

According to state statute, MCL 125.584, a protest petition can be filed with the City on a re-zoning matter. The statute states: "Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance, which is the object of the petition, shall be passed only by a 2/3 vote of the legislative body… The protest petition shall be presented to the legislative body before final legislative action on the amendment and shall be signed by one of the following: (b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. "

The citizen apparently communicated with a member of City Council on the Monday of the public hearing, and indicated that the rezoning would require a 2/3 vote for approval. The Council member then telephoned me, and I quickly researched the law and found the above referenced statute. I then inquired of the Planning Department whether a protest petition had been received, and was told that there was a letter of objection that was faxed to the Planning Department and was included in the City Council packet.

City Administration was never asked about the law or the proper procedures for filing a re-zoning "protest petition." Similarly, the protest petition process was not discussed at the Planning Commission hearing on the proposed re-zoning. Unfortunately, instead of consulting with an attorney or with City Administration, Mr. Talia relied on a citizen's interpretation of the law, which could be construed as the unauthorized practice of law, no matter how well intentioned. (MCL 600.916) It is Mr. Talia's good faith belief that his letter of objection qualified as a protest petition that has likely caused this matter to be on the May 24, 2004 City Council agenda for a possible reconsideration of the 4-3 vote in favor of re-zoning.

Re-zoning protest petitions are received fairly infrequently, and there is no specific City of Troy ordinance provision directly on point. Under the state statute, the protest petition must be presented to the legislative body before final action, and it must be signed by at least 20%

of the neighboring private property owners within 100 feet from all boundaries of the property that is subject to the rezoning petition. There have been two Attorney General opinions concerning protest petitions, and in absence of other case law provide the best guidance on the process. In the one opinion, OAG 1987, No. 6437, the Attorney General acknowledges: "there is no decision of a Michigan appellate court construing this statute." In that opinion, the Attorney General relied on a case from Oklahoma to render an opinion on the Berkley local ordinance that required an even larger percentage of approval when a protest petition was received. A more relevant opinion is from 1979, OAG 1979, No. 5535. In that opinion, the Attorney General stated that in absence of a contrary local ordinance, protest petitions under state statute should be filed with the City Clerk, especially since "protest petitions must be examined and certified in advance of final legislative action on zoning ordinance amendments…"

In order to prevent this situation from occurring in the future, it is recommended that a formal process be drafted, including the creation of a specific form explicitly identifying a document as a protest petition and outlining filing procedures and deadlines. This information could then be placed on the City's web site and made available in the Planning Department. Labeling of the document will alert the Planning Department of the requirement to verify the document as compliant with the statutory requirements, and will distinguish the official protest petitions from mere letters of objection, which are routinely received by the Planning Department.

If you have any questions concerning the above, please let me know.

DATE: May 3, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: REZONING PUBLIC HEARING – Northeast Corner of Maple Road and John R Road, Section 25 – B-3 to H-S (Z-582)

RECOMMENDATION

The application is consistent with the Future Land Use Plan, which classifies the corner as Non-Center Commercial. It must be noted that the architectural site plan indicated that the proposed development requires a number of variances, including rear yard building setback, canopy setback, island setback and canopy support setback. The applicant will require non-use variances from the Board of Zoning Appeals prior to site plan approval.

The size of the property limits its potential for redevelopment. Of all of the uses permitted in the H-S district, service stations are one of the least demanding in terms of land area. The site meets the minimum site area standard for service stations (15,000 square feet). The site is an appropriate location for a service station given its location on the intersection of two major thoroughfares. The applicant is proposing to redevelop the existing service station and improve the site. However, prudent site planning suggests that consolidation of adjacent properties, in particular vacant property to the east, is very desirable. A larger site would allow for the development of a service station that can meet the Zoning Ordinance requirements.

The application is compatible with surrounding land uses and zoning districts.

The Planning Commission conducted a public hearing regarding this item at their April 13, 2004 Regular Meeting. Following the public hearing, the Planning Commission recommended approval of the rezoning request. City Management concurs with this recommendation.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner of the property is Majid Kesto. The applicant is Michael Kozlowski of Caeruleum Environmental Design.

Location of Subject Property:
The property is located on the northeast corner of Maple Road and John R Road in Section 25.

Size of Subject Parcel:
The parcel is approximately 20,804 square feet in area.

Current Use of Subject Property:
The property is currently used as a Clark gas station and is a legal non-conforming use.

Current Zoning Classification:
B-3 General Business.

Proposed Zoning of Subject Parcel:
H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to redevelop the property and construct a service station with a convenience store and including a canopy over the gasoline pumps.

Current Use of Adjacent Parcels:
North: Commercial retail and service.

South: Bank.

East: Commercial retail and service.

West: Office.

Zoning Classification of Adjacent Parcels:
North: B-3 General Business.

South: O-1 Office Building.

East: B-3 General Business.

West: B-2 Community Business.

ANALYSIS

Range of Uses Permitted in Proposed 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 Section 23.20.06, 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 Maple Road and John R 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 provides 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.

Attachments:

1. Maps.
2. Minutes of April 13, 2004 Planning Commission Regular Meeting.
3. Letter from applicant dated March 5, 2004.

cc: Applicant
File (Z-#582)

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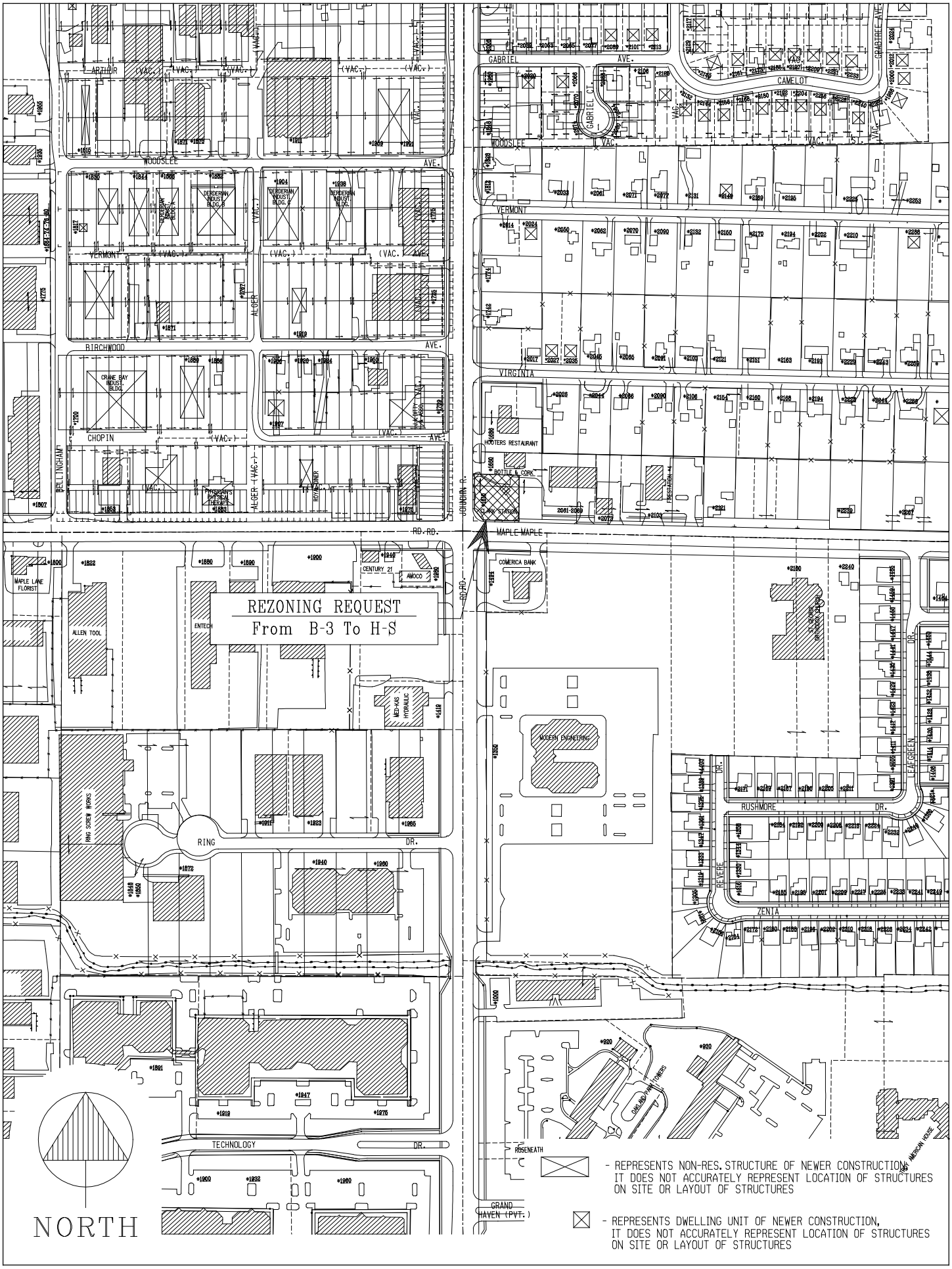
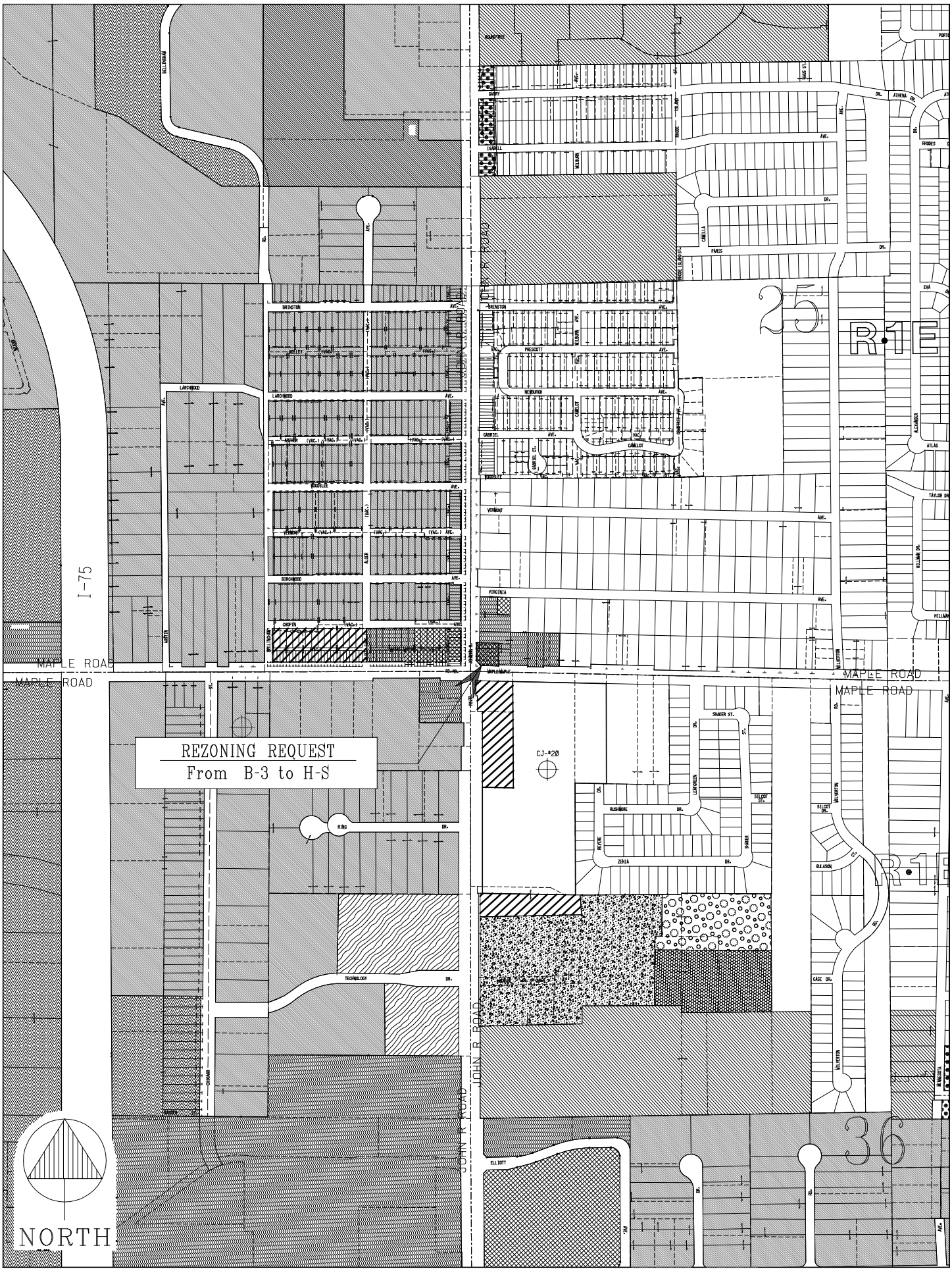
CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.



Z-582 / SEC. 25 / 03-09-04



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REZONING REQUEST
FROM B-3 TO H-S
EXISTING CLARK STATION
NE CORNER MAPLE & JOHN R (1610 JOHN R)
SEC. 25 (Z-582)
VERMONT
ALGER
VERMONT
ALGER
BIRCHWOOD
JOHN R
VIRGINIA
BELLINGHAM
REZONING REQUEST
FROM B-3 TO H-S
CHOPIN
E MAPLE
SHAKER
LEAFGREEN
REVERE
RUSHMORE
N
Feet
0 100 200 400

REZONING REQUESTS

6. PUBLIC HEARING – PROPOSED REZONING (Z-582) – Existing Clark Station, Northeast corner of John R and Maple, Section 25 – From B-3 to H-S

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning of the existing Clark Station. Mr. Miller stated that non-use variances from the Board of Zoning Appeals would be required prior to site plan approval. He noted that prudent site planning suggests that consolidation of adjacent properties, particularly the vacant property to the east, is very desirable and would allow for the development of a service station that would meet the Zoning Ordinance requirements. Mr. Miller confirmed that the Planning Department took into consideration the proposed right of way in its computation of the minimum site area standard for service stations (15,000 square feet). Mr. Miller reported that the Planning Department recommends approval of the rezoning application.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the owner would like to rebuild the Clark gas station. He said the Planning Department has made the future right of way requirements clear. Mr. Kozlowski said he is prepared to pursue the required setback variances from the Board of Zoning Appeals. He stated the future road reconstruction is providing an opportunity to consolidate driveways at the location, replace ancient fuel equipment, rebuild the building, and provide landscaping and sidewalks.

A brief discussion followed with respect to the variances on the required setbacks and the on-site retention.

Mr. Kozlowski said a series of variances for setback requirements would result in approximately a 10-foot setback variance from John R and a 3-foot setback variance from Maple Road. He said the building area on site, taking into consideration the building setbacks, would result in approximately less than 3,000 square feet at the dead center of the site. Mr. Kozlowski said it is his intention to ask that the building be placed to the far eastern side of the site, resulting in a 0-foot setback. Mr. Kozlowski noted that should the City not approve their variance requests, the project would most likely not proceed. Mr. Kozlowski confirmed that the property owner to the east has no interest in selling his property. Mr. Kozlowski confirmed that the retention would be on-site and would be accommodated by oversized drain pipes.

PUBLIC HEARING OPENED

Victor Talia of 1636 Milverton, Troy, was present to represent Sam Talia. Mr. Sam Talia is the owner of the Bottle & Cork store located at 1660 John R, Premier Plaza located at 2059-2071 E. Maple, and the property directly east of the proposed rezoning. Mr. Talia said that Sam Talia wishes to extend and renovate the Premier Plaza property. Mr. Talia addressed his concerns with inconsistencies on the site plan that relate to the future right of way.

The Commission informed Mr. Talia that a recommendation would be made to the City Council on the rezoning proposal, and that site plan approval would be considered at a future meeting. The Commission also informed Mr. Talia that they were not in possession of a site plan.

Mr. Vleck said he had no objection to the proposed rezoning but noted he is not in favor of 0-foot setbacks for any projects.

Mr. Kozlowski discussed the proposed relocation of the gas pumps in the right of way and the 0-foot setbacks for the building location.

Mr. Vleck questioned what the side yard setback requirement would be for the building should the proposed rezoning be approved.

Mr. Miller cited the ordinance reads that no side yard setback would be required along the interior side lot lines of the district or along side lot lines common with other B zoning districts, with no windows or doors along the wall in question.

PUBLIC HEARING CLOSED

Resolution # PC-2004-04-044
Moved by: Littman
Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-3 to H-S (Z-582) rezoning request located on the northeast corner of John R and Maple, within Section 25, being 0.48 acres in size, be granted.

Yes: All present (9)
No: None

MOTION CARRIED

Dear City Council,

Please accept this formal letter of objection in regards to the rezoning, B-3 to H-S, of the Clark Gas Station at the corner of John R and Maple Road. I am the owner of the adjacent property directly north and east of the Clark Gas Station. Thank you.

Sincerely,

Saib P. Talia 5-4-04

Saib P. Talia

CAERULEUM
ENVIRONMENTAL DESIGN

5603 S. Telegraph Rd, Dearborn Heights, Michigan 48125
313-299-4499 tel. 313-299-4433 fax

March 5, 2004

Planning Department
City of Troy, Michigan
500 West Big Beaver
Troy, Michigan 48084
248-524-3344, fax 248-524-0851

RE: Clark Gas Station, 1610 John R. Road

Sirs,

This letter is sent with an accompanying application and request for re-zoning. We feel that the rezoning of the parcel will allow for substantial property development rights. The parcel in question has been and will remain used as a gas station. We owner has proposed a significant re-development of the parcel that will allow the business to better represent the architectural goals of the City of Troy and also allow him to remain a viable business for the residents of Troy.

The rezoning is required by ordinance if any modifications are made to the site. We respectfully request that the re-zoning of this parcel to HS be considered and granted. Thank you for your prompt attention to this matter and your careful review of our request.

Sincerely,

Michael D. Kozlowski, AIA
President

Cc: Mike Kesto

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PLANNING DEPT.

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June 14, 2004

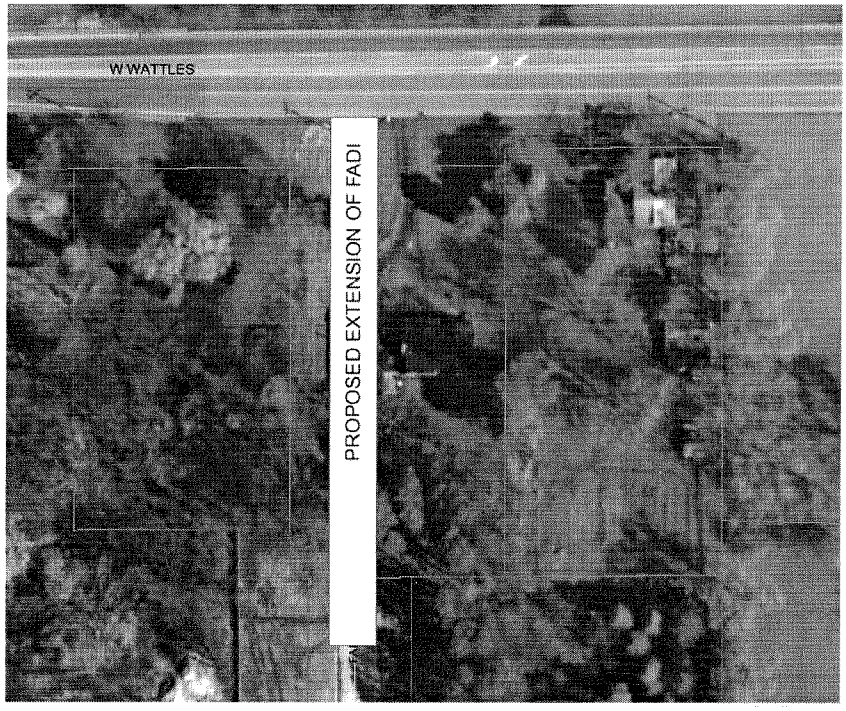
TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Asst. City Manager/Services
William J. Huotari, Acting City Engineer
John Abraham, Traffic Engineer

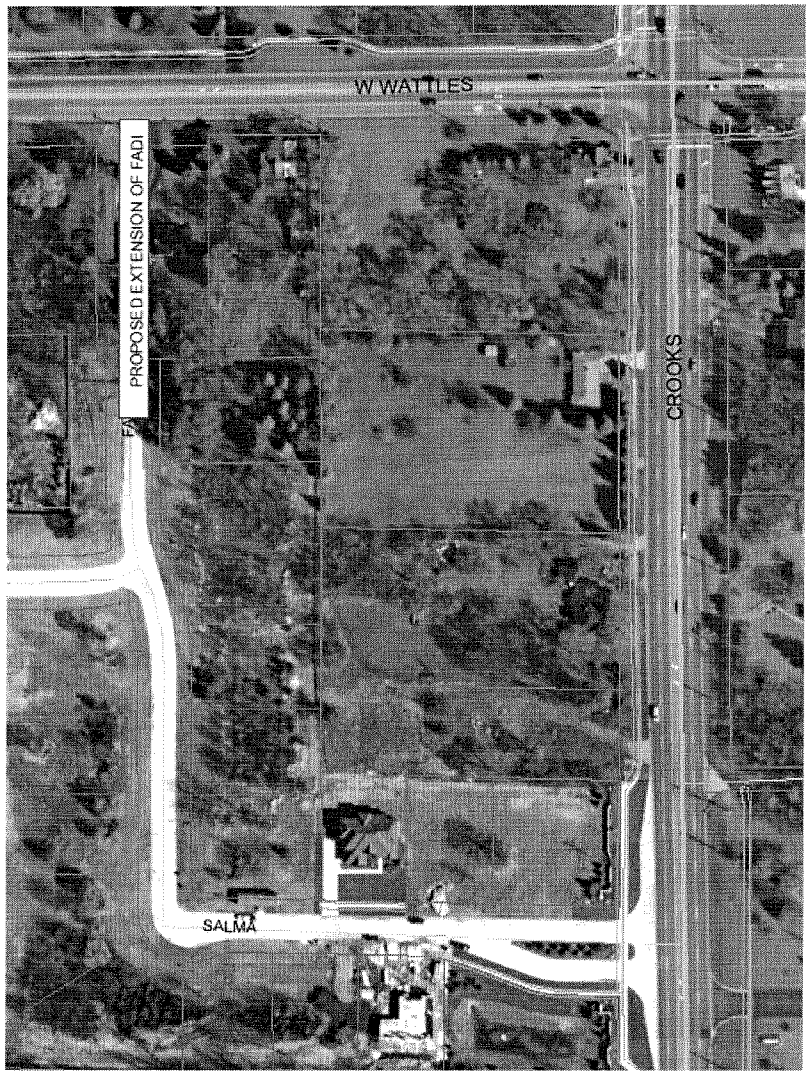
SUBJECT: Agenda Item – Stone Haven Woods East #2 Site Condominium
Response to Concerns from the July 12 City Council Meeting

At the City Council meeting of July 12, 2004, a number of concerns were expressed regarding the preliminary site plan approval of the above site condominium development. Following are the concerns and the responses:

1. Need for a Deceleration / Passing lane: The requirement of a deceleration lane and a passing lane is a part of Troy Development Standards to separate right turn and left turn traffic from through traffic with the objective of improving safety and traffic operations at curbcuts. As per these standards, a new connection from the development to Wattles Road would require the deceleration and the passing lane. However, as seen in the illustration below, the extension of Fadi street to Wattles road will end on an existing right turn lane and there is also a two-way left turn lane that will help separate the potential left turn traffic to Fadi street. Therefore, the developer may not have to install a deceleration lane or a passing lane on Wattles since they already exist.



2. Cut-through Traffic Concerns: The proposed extension of Fadi Street will create a roadway pattern that provides a reasonably easy route for traffic trying to avoid the traffic signal at Crooks and Wattles. It has been observed that similar road configurations in other subdivisions have always generated a high number of concerns from residents regarding excessive traffic. Observations show that traffic backups at the intersection do exist during the peak hours on both roadways from the signal. Wattles road carries around 18,000 vehicles in a day while Crooks road carries around 36,000 vehicles in a day. During parts of the morning and afternoon peak hours the intersection operates over capacity. As discussed at the meeting, eastbound Wattles to southbound Crooks may be of more concern, however northbound Crooks to westbound Wattles could also be of concern.



The idea of speed humps on Fadi and Selma was also discussed at the meeting. It should be noted that speed humps do work to reduce vehicular speeds; however, studies around the country show that speed humps do not have much effect on cut-through traffic. Motorists will use the path of least resistance and speed humps just restrict motorists to 25 miles per hour. For motorists to

perceive that this route is not as attractive, other measures such a partial closures (close off one half of the street etc.) or roadway narrowing (choker) are recommended. As with all traffic calming measures, as the measure gets more restrictive, it affects emergency response times for EMS / Fire /Police.

Driveways close to major intersections: Research shows that driveways / roadways onto major roads cause more traffic crashes, and also that if they are closer to intersections, the potential for crashes is higher. The proposed layout that has Fadi opening up at Wattles creates an intersection within 500 feet of the major intersection of Crooks and Wattles. Also, the future development of the property southeast of the proposed development will necessitate another curb-cut on Crooks, close to the major intersection. The Planning Commission and staff recommended configuration eliminates the need for these two curbcuts (one onto Wattles and one onto Crooks) making the area safer in the long run.

3. Map with property ownership indicated: Please find attaches the requested map.

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W WATTLES
VALKO, JAMES R
LUND, BARRY A & NYDIA
BUECHE, LAWRENCE M
CHOICE DEVELOPMENT CORP
CHOICE DEVELOPMENT CORP
SHOUHAYIB, KAMAL
STEZAR, ADELLA
CHANDRUANG, ADIREK & LUWAN
WERKER, GERTRUDE J
HEARD, ERIC & CINDY
KAWA, MICHAEL W & DAWN
STONEHAVEN WOODS EAST LLC
CHOICE DEVELOPMENT CORP
STONEHAVEN WOODS EAST LLC
O SULLIVAN TRUST, DAN
STONEHAVEN WOODS EAST LLC
LYONS,MICHELLE
STONEHAVEN WOODS EAST LLC
PARKINSON, RICHARD
ROTHWELL
SORTOR, CLIFFORD
BAJWA, MUHAMMAD A
WASSEL, LOUIS G
STONEHAVEN WOODS EAST LLC
PATIL, SAMPAT & SAPNA
STONEHAVEN WOODS EAST LLC
CHOICE DEVELOPMENT CORP
STONEHAVEN WOODS EAST LLC
STONEHAVEN WOODS EAST LLC
LOUKOPOULOS, PANAGIOTIS
BARILAINE STREET
FADI
SIEPKER, DANIEL & KRISTEN
ALATI, MELONY S
KLEIMAN, SCOTT & MICHELLE
STONEHAVEN WOODS EAST LLC
STONEHAVEN WOODS EAST LLC
NGUYEN, GEORGE A
STONEHAVEN WOODS EAST LLC
STONEHAVEN WOODS EAST LLC
PROVINCIAL
SALMA
CROOKS
NAYAK, DEBJANI
CHOICE DEVELOPMENT CORP
STONEHAVEN WOODS EAST LLC
CHOICE DEVELOPMENT CORP
YU, FU ZHONG
STONEHAVEN WOODS EAST LLC
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CITY OF TROY CEMETERY
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A Regular Meeting of the Troy City Council was held Monday, July 12, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:36 P.M.

The Invocation was given by Rev. John Shearer – Central Woodward Christian Church and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 Introduction: Howard Wu – Student Representative Applicant for the Planning Commission

CARRYOVER ITEMS:

B-1 No Carryover Items brought forward.

PUBLIC HEARINGS:

C-1 No Public Hearings scheduled.

POSTPONED ITEMS:

D-1 Appointment to Boards and Committees: (b) City Council Appointments: Advisory Committee for Senior Citizens

Resolution #2004-07-352
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the following person is hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Advisory Committee for Senior Citizens as indicated:

Advisory Committee for Senior Citizens
Appointed by Council (9) – 3 years

Nominations: James Berar **OR** Burdette L. Black Jr. **Term expires 04-30-2007**

James Berar: Broomfield, Eisenbacher, Howrylak
Burdette L. Black, Jr.: Schilling, Beltramini, Lambert, Stine

Vote on Confirmation of Appointment to Advisory Committee for Senior Citizens

Resolution #2004-07-353
Moved by Stine
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **CONFIRMS** the appointment of the following person to serve on the Advisory Committee for Senior Citizens as indicated:

Advisory Committee for Senior Citizens
Appointed by Council (9) – 3 years

Burdette L. Black Jr. **Term expires 04-30-2007**

Yes: All-7

CONSENT AGENDA:

E-1a Approval of "E" Items NOT Removed for Discussion

Resolution #2004-07-354
Moved by Beltramini
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-02, E-04, and E-05 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

E-3 Proposed City of Troy Proclamation(s): No City of Troy Proclamations proposed.

E-6 Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – One (1) 35,000 GVW Chipper Truck

Resolution #2004-07-354-E-6

RESOLVED, That a contract to purchase one (1) 35,000 GVW Chipper Truck is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Red Holman Pontiac GMC of Westland, Michigan for an estimated total cost of $69,400.00, at prices contained in the bid

tabulation opened May 4, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Medi-Go Service Agreement

Resolution #2004-07-354-E-7

RESOLVED, That the request for funding in the amount of $170,000.00 for Troy Medi-Go Plus for fiscal year 2004/2005, and the Funding Agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2004 through June 30, 2005, are hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Private Agreement for Wattles Ridge Site Condominiums – Project No. 03.944.3

Resolution #2004-07-354-E-8

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Brentwood Land Development, L.L.C. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, water main, sidewalk, soil erosion and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Standard Purchasing Resolution 10 – Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities 81st Congress of Cities and Exposition

Resolution #2004-07-354-E-9

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the National League of Cities 81st Congress of Cities and Exposition scheduled for November 30 – December 4, 2004 in Indianapolis, Indiana in accordance with accounting procedures of the City of Troy.

E-10 Standard Purchasing Resolution 5 – Approval to Expend Budgeted Funds – Avondale Youth Assistance

Resolution #2004-07-354-E-10

RESOLVED, That approval to expend funds budgeted in the 2004/2005 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of $2,210.00, paid in one installment is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreements to fund these services.

E-11 Standard Purchasing Resolution 5 – Approval to Expend Budgeted Funds – Troy Youth Assistance

Resolution #2004-07-354-E-11

RESOLVED, That approval to expend funds budgeted in the 2004/2005 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of $35,000.00, paid in quarterly installments is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreements to fund these services.

E-12 Acceptance of Permanent Easement for Watermain – Project No 04.907.3 – Kresge Foundation – Sidwell #88-20-30-226-001

Resolution #2004-07-354-E-12

RESOLVED, That the permanent easement from Kresge Foundation, owners of property having Sidwell #88-20-30-226-001 is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of water main; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said document with the Oakland County Register of Deeds Office; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

ITEMS TAKEN OUT OF ORDER:

E-2 Minutes: Regular Meeting of June 21, 2004

Resolution #2004-07-355
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of June 21, 2004 be **APPROVED** as corrected.

Yes: All-7

E-4 Recognition as a Nonprofit Organization Status from the Automotive Women's Alliance Foundation (AWAF), for the Purpose of Obtaining a Charitable Gaming License

Resolution #2004-07-356
Moved by Eisenbacher

Seconded by Stine

RESOLVED, That the request from the Automotive Women's Alliance Foundation (AWAF), Troy, Michigan - County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

Yes: All-7

E-5 Application for New Class C (Quota) License by The Melting Pot

(a) Approval of New Quota License

Resolution #2004-07-357a
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the request from Babylon Restaurant Group, Inc., for a new Quota Class C licensed business with Sunday Sales and Official Permit (food), located at 888 W. Big Beaver Rd., Troy, MI 48084, Oakland County, be considered for **APPROVAL**; and it is the consensus of this legislative body that the application be **RECOMMENDED** "above all others" for issuance.

Yes: Lambert, Stine, Schilling, Beltramini, Broomfield, Eisenbacher
No: Howrylak

MOTION CARRIED

AND

(b) Approval of Agreement

Resolution #2004-07-357b
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Babylon Restaurant Group, Inc., which shall become effective upon approval of the request for a new Quota Class C licensed business with Sunday Sales and Official Permit (food), "above all others", located at 888 W. Big Beaver Rd., Troy, MI; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Lambert, Stine, Schilling, Beltramini, Broomfield, and Eisenbacher
No: Howrylak

MOTION CARRIED

F-7 Approval of the Civic Center Priority Task Force (CCPTF) Report dated February 16, 2004 and Amended June 21, 2004

Resolution #2004-07-358
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That the Report to City Council from the Civic Center Priority Task Force (CCPTF) dated February 16, 2004 and amended June 21, 2004 is hereby **APPROVED**; and a copy of the CCPTF Report will be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: Brownfield Redevelopment Authority, Economic Development Corporation, Local Development Finance Authority, and Planning Commission**;** and **(b) City Council Appointments:** Historical Commission and Municipal Building Authority

(a) Mayoral Appointments

Resolution #2004
Moved by Schilling
Seconded by Beltramini

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

Brownfield Redevelopment Authority
Mayor, Council Approval (7) – 3 years

Victor Lenivov **Term expires 04-30-2007**

Economic Development Corporation
Mayor, Council Approval (9) – 6 years

Paul V. Hoef **Term expires 04-30-2009**

Local Development Finance Authority
Mayor, Council Approval (5)

John Szerlag **Term expires 06-30-05**

Douglas Smith **Term expires 06-30-05**

Planning Commission
Mayor, Council Approval (9) – 3 years

Howard Wu **Term expires 07-01-2005 (Student)**

Vote on Amendment to Separate Resolution

Resolution #2004-07-359
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **SEPARATING** the vote for the appointments to the Local Development Finance Authority.

Yes: All-7

Vote on Separated Main Resolution

Resolution #2004-07-360
Moved by Schilling
Seconded by Beltramini

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

Brownfield Redevelopment Authority
Mayor, Council Approval (7) – 3 years

Victor Lenivov **Term expires 04-30-2007**

Economic Development Corporation
Mayor, Council Approval (9) – 6 years

Paul V. Hoef **Term expires 04-30-2009**

Planning Commission
Mayor, Council Approval (9) – 3 years

Howard Wu **Term expires 07-01-2005 (Student)**

Yes: All-7

Vote on Separated Resolution

Resolution #2004-07-361
Moved by Schilling
Seconded by Beltramini

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Local Development Finance Authority as indicated:

Local Development Finance Authority
Mayor, Council Approval (5)

John Szerlag **Term expires 06-30-05**

Douglas Smith **Term expires 06-30-05**

Yes: Beltramini, Eisenbacher, Lambert, Stine, Schilling, Beltramini
No: Howrylak

MOTION CARRIED

(b) City Council Appointments

Resolution #2004-07-362
Moved by Beltramini
Seconded by Howrylak

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

Historical Commission
Appointed by Council (7) – 3 years

Brian J. Wattles **Term expires 07-31-2007**

Vera E. Milz **Term expires 07-31-2007**

Municipal Building Authority
Appointed by Council (5) – 3 years

Victor P. Freliga **Unexpired Term expires 01-31-2005**

Yes: All-7

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for July 19, 2004:

(a) Mayoral Appointments

Downtown Development Authority
Mayor, Council Approval (13) – 4 years

Marc W. Rosenow resigned due to employment **Unexpired term expires 09-30-2007**

Term expires 07-01-2005 (Student)

Economic Development Corporation
Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

(b) City Council Appointments

Advisory Committee for Persons with Disabilities
Appointed by Council (9 Regular, 3 Alternates) – 3 years

Term expires 07-01-2005 (Student)

Parks and Recreation Board
Appointed by Council (10) 3 years

School Representative **Term expires 07-31-2005**

NOTE: Notification has been forwarded to the Troy School District for a recommendation for the 04-05 school year.

Term expires 07-01-2005 (Student)

F-2 Final Street Vacation Application (SV-184) – Crestfield Avenue and Tallman (FKA Taylor) Street, Within Proposed Crestwood Site Condominium, North Side of Wattles, East of Livernois - Section 15

Resolution #2004-07-363
Moved by Beltramini
Seconded by Stine

WHEREAS, A request has been received for the vacation of the Crestfield Avenue right-of-way, which is 50 feet wide and approximately 1374 feet in length, and the Tallman Street right-of-way, which is 33 feet wide and approximately 353 feet in length, located within the proposed Crestwood Site Condominium in Section 15.

WHEREAS, The City Council approved an authorizing resolution for the vacation of these streets on November 24, 2003 subject to the following conditions:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.

3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

WHEREAS, The petitioner has met all of the conditions of the authorizing resolution.

NOW, THEREFORE, BE IT RESOLVED, That the Crestfield Avenue right-of-way, which is 50 feet wide and approximately 1374 feet in length, and the Tallman Street right-of-way, which is 33 feet wide and approximately 353 feet in length, located within the proposed Crestwood Site Condominium in Section 15, are hereby **VACATED.**

Yes: All-7

F-3 Troy Soccer City Classic Ordinance Waiver

Resolution #2004-07-364
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the request from Troy Youth Soccer League for the installation of special event signs per Section 14.00 of Chapter 78 of the Troy City Code to permit placement of tournament-related banners at Firefighters Park, Boulan Park, Jaycee Park and Raintree Park in conjunction with the 18th Annual Troy Soccer City Classic, from September 4-6, 2004, is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That temporary suspension of Chapter 28-3.4, Parks-General Regulations, is hereby **APPROVED** to permit the sale of merchandise and concessions during the event.

Yes: All-7

F-4 Ordinance Revision – Chapter 7 – Purchases, Contracts and Sales

Resolution #2004-07-365
Moved by Lambert
Seconded by Stine

RESOLVED, That an ordinance amendment to Section 3.2 of Chapter 7 – Purchases, Contracts is hereby **ADOPTED** as recommended by the City Attorney; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-5 Community Affairs Department Furniture

Resolution #2004-07-366
Moved by Stine
Seconded by Beltramini

RESOLVED, That City Staff is **AUTHORIZED** to purchase furniture for the newly renovated office space for the Community Affairs Department outlined in Appendix B at Detailed Cost Estimates as listed in Appendix C, for an estimated total cost of $15,225.00, utilizing in-house personnel, approved contracts, and standard purchasing procedures.

Yes: All-7

F-6 Preliminary Site Condominium Review – Stone Haven Woods East No. 2 Site Condominium – South Side of Wattles Road – West of Crooks Road – Section 20 – R-1B

Vote on Resolution to Postpone

Resolution #2004-07-367
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the Preliminary Site Condominium Review for Stone Haven Woods East No. 2 Site Condominium, south side of Wattles Road, west of Crooks Road in Section 20 and zoned R-1B be **POSTPONED** to the Regular City Council meeting scheduled for Monday, July 19, 2004 so that City Staff can provide traffic information for Wattles Road and Crooks Road, provide a map depicting parcel ownership, and advise as to the type of traffic calming devices proposed by the petitioner.

Yes: All-7

Meeting **RECESSED** at 9:21 PM.

Meeting **RECONVENED** at 9:33 PM.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:
(a) Parking Variance Request – 230 W. Maple – **Scheduled for July 19, 2004**
(b) Parking Variance Request – 1915 E. Maple – **Scheduled for July 19, 2004**

Noted and Filed

G-2 Green Memorandums:
(a) Memorandum from City Manager, Re: Property Maintenance and Neighboring Compatibility Issues – **Scheduled for July 19, 2004**

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

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H-1 Research Regarding Advisory Ballot Question – Council Member Lambert

Resolution #2004-07-368

Moved by Lambert
Seconded by Howrylak

RESOLVED, That Troy City Council **DIRECTS** the City Attorney to research and draft ballot language for the Long Lake/Crooks Road/I-75 Interchange project that will allow voters to provide input on this project.

Yes: Eisenbacher, Howrylak, Lambert
No: Broomfield, Stine, Schilling, Beltramini

MOTION FAILED

COUNCIL COMMENTS:

I-1 No Council Comment Items advanced.

REPORTS:

J-1 Minutes – Boards and Committees:
(a) Personnel Board/Final – December 9, 2003
(b) Election Commission/Final - March 1, 2004
(c) Library Board/Final – May 6, 2004
(d) Liquor Advisory Committee/Final – May 10, 2004
(e) Local Development Finance Authority/Draft – June 1, 2004
(f) Personnel Board/Draft - June 8, 2004
(g) Planning Commission/Draft – June 8, 2004
(h) Planning Commission/Final – June 8, 2004
(i) Library Board/Draft – June 10, 2004
(j) Liquor Advisory Committee/Draft – June 14, 2004
(k) Board of Zoning Appeals/Draft – June 15, 2004
(l) Election Commission/Draft – June 22, 2004

Noted and Filed

J-2 Department Reports:
(a) Monthly Financial Report – May 31, 2004
(b) Permits Issued During the Month of June 2004
(c) Permits Issued July 2003 through June 2004
(d) Permits Issued January through June 2004
(e) City Council Expense Report – Month of April 2004 (Lambert, Howrylak)
(f) City Council Expense Report – Month of May 2004 (Howrylak)

Noted and Filed

J-3 Letters of Appreciation:

(a) Letter from Kathryn M. Wilson, Royal Oak Neighborhood Schools, to Charles R. Barnes Thanking Him and the Nature Center Staff for the Emergency Assistance They Provided for One of Their Third Grade Students During a Field Trip

(b) Letter from Christy Lupu, R.S. – Senior Public Health Sanitarian – Environmental Health Services at the Oakland County Health Department, to Sgt. Donald Ostrowski Thanking Him for His Informative Presentation on Weapons of Mass Destruction

(c) Letter from Mark Davis, President of the Association of Bloomfield Township Police Officers to City of Troy Police Department Expressing Their Gratitude for the Generous Help and Support Given to Their Department During the Loss of Officer Gary Davis

(d) Thank You Card from Ken and Sarah Linton to the Troy Police Department Thanking Them for the Open House Tour for City of Troy Senior Citizens

(e) E-mail from Cindy Kollsar to the Library Thanking the Museum Staff for the Outstanding Presentation of "Cheddar's Trunk"

(f) Letter from Peter Letzmann, Chair, MAMA Professionalism and Education Committee to Lori Bluhm Thanking Her for Her Participation in the 6th Annual MAMA/PCLS Summer Educational Conference

(g) E-Mail from Susan Faubert and Family to Ann Blizzard Thanking the Aquatic Center Lifeguard Staff for Their Quick and Calm Response During an Emergency Situation

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

(a) City of Birmingham – Urging Regulation of Cable Television Rates

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Memorandum, Re: NLC Committee and Panel Meetings – Chicago, Illinois – June 10-12, 2004 – Submitted by Council Member Robin Beltramini

Noted and Filed

J-7 Memorandum, Re: Roy Rathka, Jr. v. City of Troy

Noted and Filed

J-8 Travel Expense Report, Re: NLC Municipalities in Transition – Panel Meeting – Submitted by Council Member Robin Beltramini

Noted and Filed

J-9 Memorandum, Re: Report on TASER Usage

Noted and Filed

J-10 Article, *CAM Magazine July 2004,* Re: Construction Highlight – Call to Duty

Noted and Filed

J-11 Memorandum, Re: Methodology to Advance Local Street Reconstruction Projects and Timeline for Section 23 Street Replacement Project

Noted and Filed

J-12 Memorandum, Re: Auction – Vehicle Sale on June 12, 2004 in St. Clair Michigan
Noted and Filed

STUDY ITEMS:

K-1 No Study Items submitted.

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2004-07-369
Moved by Stine
Seconded by Broomfield

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) Mancini V. City of Troy.

Yes: All-7

ADJOURNMENT

The meeting **RECESSED** at 11:10 PM.

The meeting **ADJOURNED** at 11:28 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC - City Clerk

July 9, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager – Services
Jeanette Bennett, Purchasing Director
Brian Stoutenburg, Library Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder – Accessibility Ramps at the Historic Village Green

RECOMMENDATION

On Wednesday, June 30, 2004, bid proposals were opened to construct accessibility ramps with snow melting systems at the Historic Village Green. After reviewing these proposals, City management recommends awarding the contract to the low bidder, Commercial Contracting Corporation of Auburn Hills, for an estimated total cost of $71,170.00. This is contingent upon vendor submission of proper contract and bid documents, including insurance certificates, and all specified requirements.

In addition, we are requesting authorization to add work due to unforeseen circumstances, not to exceed 10% of the original project cost.

BACKGROUND

The project includes the construction of accessibility ramps with snow melting systems at the Caswell House and Poppleton School. The ramps will provide safe, barrier free access to these two historic structures year around, regardless of weather.

The original bid for this project was rejected as the single bid received was well over budget. (Resolution#2004-05-268-E11) Four bids were received on the re-bid, which resulted in an estimated savings of $30,000.00.

BUDGET

Funds are available to complete this project in the Museum General Repairs Capital Account #401804.7975.900.

154 Vendors Notified on the MITN System
4 Bids Received

Opening Date -- 6-30-04
Date Prepared -- 7/13/04

CITY OF TROY
BID TABULATION
HANDICAP RAMPS - MUSEUM & VILLAGE

VENDOR NAME:	*	**COMMERCIAL CONTRACTING CORP**	ROLAR PROPERTY SERVICES INC	F LAX CONSTRUCTION CO
Amount (10%)		$ 7,117.00	$ 7,620.00	$ 9,300.00
Check #		874852171-2	086798862	649121587
PROPOSAL DESCRIPTION		PRICE	PRICE	PRICE
Furnish and Install Handicap Ramps at Caswell House & Poppleton School in accordance with the specifications:				
COMPLETE FOR THE SUM OF:	*	**$ 71,170**	$ 76,200	$ 92,794
SCHEDULE OF VALUES:		BREAKDOWN	N/A	SCHEDULE A
COMPLETION DATE:				
Commence		14 WORKING DAYS	30 WORKING DAYS	30 WORKING DAYS
INSURANCE: Can Meet		XX	XX	XX
Cannot Meet				
SITE INSPECTION: Y or N		YES	YES	YES
Date		6/21/04	6/17/04	4/29/04
PROGRESS PAYMENTS:		NET 30 PROX	MONTHLY FOR WORK COMPLETED	50% UPON COMPLETION OF MASONRY REAMING UPON COMPLETION OF JOB
TERMS:		NET 30 PROX	NET 30	BLANK
WARRANTY:		ONE YEAR	PER SPECIFICATIONS	18 MONTHS MINIMUM
COMPLETION DATE:		60 DAYS	9/25/04	BLANK
EXCEPTIONS:		BLANK	N/A	BLANK
ACKNOWLEDGEMENT: Yes or No		YES	YES	YES
ADDENDUM 1 - Attached		YES	NO	NO

ATTEST:
Lorraine Campbell
Brian Stoutenburg
Charlene McComb
Linda Bockstanz

*** DENOTES LOW BIDDER**

Jeanette Bennett
Purchasing Director

G:\ITB-COT 04-31 Handicap Ramps

CITY OF TROY
BID TABULATION
HANDICAP RAMPS - MUSEUM & VILLAGE

Opening Date -- 6-30-04
Date Prepared -- 7/13/04

VENDOR NAME:		DEGENHARDT		
		& SONS, INC		
	Amount (10%)	$ 8,000.00	(PICKED UP 6/30/04)	
	Check #	086823044		
PROPOSAL DESCRIPTION		PRICE		
Furnish and Install Handicap Ramps at Caswell House & Poppleton School in accordance with the specifications: **COMPLETE FOR THE SUM OF:**		$ 86,775		
SCHEDULE OF VALUES:		BLANK		
COMPLETION DATE:				
	Commence	7 WORKING DAYS		
INSURANCE:	Can Meet	XX		
	Cannot Meet			
SITE INSPECTION:	Y or N	YES		
	Date	6/26 & 6/28/04		
PROGRESS PAYMENTS:		AIA PROCEDURE, W/RET W/MONTHLY PAYMENTS		
TERMS:		BLANK		
WARRANTY:		ONE YEAR		
COMPLETION DATE:		3 MONTHS		
EXCEPTIONS:		BLANK		
ACKNOWLEDGEMENT: Yes or No		YES		
ADDENDUM 1 - Attached		NO		

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-31AccessRamps

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **7/13/2004.**

Document Title:	Furnish and Install Handicap Ramps
Date Issued:	6/7/2004
Close Date:	6/30/2004
Date Amendment #1 was Issued:	6/22/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
14928	1-800-GOT-JUNK?	E-mail		
16124	A Land Construction Inc.	Fax	6/10/2004	#1 6/22/2004
15184	A to Z Total Electrical Contractors Inc.	E-mail		
14942	A.F.Bellisario.,Inc.	E-mail		
13870	A.G. Housey Company, Inc.	E-mail		
14155	Acquest Realty Advisors, Inc.	E-mail		
11428	Adj Excavating, Inc	E-mail		
16669	Advanced Home Investments	Fax		#1 6/22/2004
17061	Akins Construction, Inc.	Fax		#1 6/22/2004
17370	ALA CONSTRUCTION/MANAGEMENT	E-mail		
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
13572	American International Inc	Fax		#1 6/22/2004
14279	Amerinational Community Services	E-mail		
13539	Anderson's Construction Inc	E-mail		
12788	AndrewLawrence Construction	E-mail		
14471	Angelo Iafrate Construction Company	E-mail		
14534	Associated Applications, Inc.	Fax		#1 6/22/2004
15248	Associated Design & Services, Inc.	E-mail		
16334	Audia Concrete Construction, Inc.	Free	6/10/2004	#1 6/23/2004
16224				

	Bair Electrical Contractors, Inc	Fax		#1 6/22/2004
10851	BEI Associates Inc.	E-mail		
12903	Bennett Design and Fabrication LLC	E-mail		
10231	Bernco, Inc.	E-mail		
17349	Boulder Construction	E-mail		
11631	Bowman Construction LLC	Free	6/9/2004	#1 6/22/2004
17556	C.A. Hull Co., Inc.	E-mail		
10099	CAASTI Contracting	E-mail		
12584	Camps Services	E-mail		
14990	Carrigan Development Inc.	Fax		#1 6/22/2004
12856	CCH Incorporated	Free	6/11/2004	
15112	Center Line Electric, Inc.	E-mail		
16371	Century Cement Co Inc	Fax		#1 6/22/2004
15864	Choice Windows & Siding INC	Fax		#1 6/22/2004
11088	Co-Pipe Products Inc.	E-mail		
17514	Colasanti Construction Servi ces Inc.	E-mail		
17267	Commercial Contracting Corporation	E-mail	7/7/2004	#1 6/22/2004
16169	Commercial Resource Group	E-mail		
12020	Computer & Electronics Enterprises, Inc.	E-mail		
14019	Cornerstone Landscape Design, Inc.	E-mail		
10603	CTI and Associates, Inc.	E-mail		
17560	D1 Services	Free	6/15/2004	
17769	Darby Ready Mix	Fax		#1 6/22/2004
17876	Degenhardt & Sons, Inc.	Free	6/22/2004	#1 6/22/2004
14343	DeMattia Group	E-mail		
14117	Doring, Incorporated	E-mail	6/7/2004	
14206	Dumas Concepts In Building	E-mail		
10349	Edward R. White Contractor, Inc.	Fax		#1 6/22/2004
15168	Edwards Glass Company	E-mail		
14121	Executive Construction Management Company	E-mail		
17168	EZ Roll Lakeshore Equipment Inc.	Free	6/17/2004	
17755	F.H. Martin Construction Co.	E-mail		
16719	Ferguson Enterprise	E-mail		
14211	Fire, Emergency And Safety Technology, Inc.	E-mail	6/25/2004	#1 6/25/2004
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
13500	Flora Construction Inc	E-mail		
11211	Florence Cement Company	E-mail		
13350	Fred Lax Construction	E-mail	6/22/2004	#1 6/22/2004
16547	Gaglio Bros. Corporation	E-mail		
15775	gaglio p&r cement	E-mail		
11871	Gav-Al Electric	E-mail		
17654	GM & Sons, Inc. Concrete Construction	Fax		#1 6/22/2004

16228	Goers Landscaping, Inc.	E-mail		
13448	Great Lakes Executive Services, LLC	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		#1 6/22/2004
10833	Hartwell Cement Company	E-mail	6/8/2004	
15913	HAYES EXCAVATING CO INC.	Fax		#1 6/22/2004
13128	Henderson Electric, Inc.	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	6/21/2004	
13185	Hittle Construction Co.	E-mail		
16982	Home Restoration & Building Co LLC	Free	6/15/2004	
16825	Honeywell International	E-mail		
12686	Ideal Building Supplies, LLC.	E-mail		
13659	In-Line Construction Corp.	E-mail		
17231	Irish Construction Company, Inc.	E-mail		
17880	J. C. Walker & Sons Corp.	E-mail	6/17/2004	
17898	J.P. Asphalt	Free	6/22/2004	
17522	Jack B. Anglin Company, Inc	E-mail		
11279	Joe Pizik Electric, Inc.	E-mail		
11880	John E. Green Company	E-mail		
15760	K & K Construction and Landscapin g LLC	E-mail		
17240	Koala-T Construction, Inc.	Fax		#1 6/22/2004
16426	Lacaria Concrete Construction Inc.	Fax		#1 6/22/2004
13902	Lakeshore Engineering Services, Inc.	E-mail		
10030	Latcha Design Group, LLC	E-mail		
13577	Living Concepts Building LLC	E-mail		
14592	M S Consulting Engineers, P.C.	E-mail		
15828	M.J. White & Son, Inc.	E-mail	6/22/2004	
13303	Maryland Electric Company	E-mail		
15597	McSweeney Electric	E-mail		
16288	Miller Company LTD	E-mail	6/19/2004	
15726	Monal, Incorporated	E-mail		
16746	National Airport Concessions, LLC	E-mail		
10604	nationwide fence & Supply	E-mail		
13420	Nedrow Refractories Co.	E-mail		
14041	New Technology Construction, LLC	E-mail		
13310	North Star Refrigeration, Heating and Cooling	E-mail		
14089	Northview Custom Homes, LLC	E-mail		
12761	Northwest Consultants, Inc.	E-mail		
17310	O'Laughlin Construction Company	E-mail		
13151	Oakland CommercialInteriors	E-mail		
11293	Ohio Building Restoration, Inc.	E-mail		
14166	P&S INC	Fax		#1 6/22/2004
16549	PatterSons, Inc.	Free	6/18/2004	
15677	Paulson's Construction, Inc.	E-mail		

15672	Perfect Irrigation & Landscape	E-mail		
11148	Phare Truth Electrical Services Inc	E-mail		
10723	Plante & Moran CRESA, LLC	E-mail		
14270	Premiere Mechanical, LC	E-mail		
17146	Pro-Tech Cabling Systems, Inc.	E-mail		
14832	Progressive Timberlands Inc	Free	6/22/2004	#1 6/22/2004
15064	Protech Diamond Tools	E-mail		
11361	Quickie Carpet Cleaning	Free	6/14/2004	
13691	R & E Trucking Inc.	Fax		#1 6/22/2004
17314	R. L. Corriveau Construction, Inc.	E-mail		
14803	Redline Concrete Inc.	E-mail		
16831	RICHCO Construction, Inc	Fax		#1 6/22/2004
13447	RICO Construction	E-mail		
12531	Rohr gasoline equipment inc.	E-mail		
11720	Rolar Property Services Inc.	E-mail	6/9/2004	
11907	Roncelli, Inc.	E-mail		
17948	Rutzen-Cardon Industrial LLC	Free	6/24/2004	#1 6/24/2004
17696	Service Electric Co of Adrian	E-mail		
10655	Skanska USA Building Inc.	E-mail		
13730	SMART Management Group, LLC	E-mail		
13684	soil and materials engineers, inc	E-mail		
10526	Spors Co., Inc.	E-mail		
16027	STAY GREEN SPRINKLERS	E-mail		
16218	Summit Electric, Inc.	E-mail	6/25/2004	#1 6/22/2004
10984	Sunset Excavating, Inc.	E-mail		
16869	Super Mart Inc. dba Mooney Oil Company	E-mail		
10327	T & M ASPHALT PAVING, INC.	E-mail		
15043	The Dailey Company	E-mail		
15937	The Recchia Corporation	E-mail		
11576	The Sports Flooring Company	Fax		#1 6/22/2004
12535	The Stansley Group	E-mail		
11814	Tony Anthony Inc	E-mail		
14900	Trapani Tile Company	E-mail		
14900	Trapani Tile Company	E-mail		
12891	Triple Platinum Builders, Inc.	E-mail		
14136	True Ride Inc.	E-mail		
11904	TTL Associates	E-mail		#1 6/22/2004
15301	Tyger Excavating Inc.	E-mail		
17029	Uniflex, Inc.	E-mail	6/22/2004	#1 6/22/2004
13767	Uniglobe Construction Company	E-mail		
11410	Unistrut Detroit Service Co.	E-mail	6/7/2004	
13562	V&J Cement Construction Inc.	E-mail		
17905	Vlazanko Construction Services L.L.C	E-mail	6/24/2004	#1 6/24/2004

12554	W. K. Krill & Associates, Inc.	E-mail		
13207	Walbridge Aldinger Company	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	6/7/2004	
13416	WeatherTech Consulting Group, Inc.	E-mail		
11965	Western Waterproofing Company	E-mail		
11610	Westside Reprographics	E-mail		
13711	Williams Construction	E-mail		

Return to Main Menu

Return to Report Menu

July 6, 2004

To: John Szerlag, City Manager

From: Steven Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

Subject: **Agenda Item** – Standard Purchasing Resolution 2 – Bid Award: Lowest Bidders Meeting Specifications – Tents for Troy Daze Festival

RECOMMENDATION

On May 28, 2004, sealed bid proposals were opened to furnish and erect Tents for the Troy Daze Festival, scheduled for September 16-19, 2004 at Boulan Park. City management recommends awarding contracts to the lowest acceptable bidders - ***S & R Event Rental, 17540 Helro, Frasier, MI 48026, 586-771-6088***, for an estimated cost of $11,700.00, and ***Ace Canvas and Tent, Inc., 5644 W. Fort, Detroit, MI 48209, 313-842-3011***, for an estimated cost of $4,690.00, at unit prices contained in the attached bid tabulation.

In addition, identical bids were received for a 20'x40' tent, and erecting (2) 20'x20' tents. Splitting the items between the two successful vendors broke the tie. The awards are contingent upon vendors' submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

Three companies submitted bid proposals. Colonial Party and Event Rental did provide a lower unit price on two items. However, they are unable to meet the critical set-up schedule as requested in the specifications and therefore, cannot be considered for an award.

SUMMARY

The Troy Daze Festival is held at Boulan Park every year in September. Tents are required as part of the set-up of the festival to house the various community, cultural, and entertainment activities associated with the festival.

BUDGET

Funds for these contracts are available in the Community Fair Operating Account #784.7942.

24 Vendors Notified on the MITN System
3 Bid Responses Rec'd
1 Bid did not meet specifications
1 No Bid: Prior contracts prohibit company from having any 80' tents available.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

CITY OF TROY ITB-COT 04-27

Opening Date -- 5-28-04
Date Prepared -- 6/23/04

BID TABULATION
TENTS - Troy Daze Festival

QTY	VENDOR NAME: / DESCRIPTION	ACE CANVAS & TENT INC UNIT PRICE	S&R EVENT RENTAL (AMENDED) UNIT PRICE	COLONIAL PARTY & EVENT RENTAL UNIT PRICE
1	TENT, 80' X 120' (Entertainment)	N/A	**$ 4,000.00**	$ 4,560.00
1	TENT, 80' X 220' (Booths)	N/A	**$ 7,000.00**	$ 7,800.00
4	TENTS, 10' X 10' (Auto Show)	**$ 130.00**	$ 145.00	$ 150.00
2	TENTS, 10' X 10' (Outdoor Stage)	$ 130.00	**$ 100.00**	$ 150.00
2	TENTS, 20' X 20' (Info Booth)	**$ 160.00**	$ 185.00	$ 210.00
1	TENT, 20' X 40' (Pancake Breakfast)	**$ 250.00**	$ 250.00	$ 300.00
2	TENTS, 40' X 100' (Photo/Student Art)	**$ 900.00**	$ 1,050.00	$ 1,300.00
1	TENT, 60' X 80' (Ethnicity)	- 60X90 - **$ 1,200.00**	$ 1,450.00	$ 2,682.00
1	TENT, 40' X 40' w/14' side poles& 20' Ctr Pole	**$ 600.00**	$ 625.00	$ 1,040.00
3	Erect 20' X 40' Tents (Children's Palace) provided by the City	$ 140.00	**$ 100.00**	DMS - CANNOT MEET SET-UP TIME ($85.00)
2	Erect 20' X 20' Tents (HQ, Cable) provided by the City	$ 100.00	**$ 100.00**	DMS - CANNOT MEET SET-UP TIME ($42.50)
	Tent Stakes w/Plastic Covers	NO Charge	NO Charge	NO Charge
	GRAND TOTAL AWARDED ITEMS:	**$ 4,690.00**	**$ 11,700.00**	N/A
	INSURANCE: Can meet	XX	XX	XX
	Cannot meet			
	SET UP & TEAR DOWN: Can meet	XX	XX	XX, but offers-- 9/14 after 8AM to 9/15 at Noon
	Cannot meet			
	TERMS:	NET 30 DAYS	N/A	NET 30
	WARRANTY:	BLANK	N/A	LISTED IN BID
	EXCEPTIONS:	ATTACHED TO BID	LISTED IN BID	LISTED IN BID
		NO LARGE TENTS	40X40 TENT	
	ACKNOWLEDGEMENT:	YES	YES	YES

NO BIDS:
American Rentals Inc

BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDERS

ATTEST:
Cheryl Morrell
Jeffrey Biegler
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:ITB-COT 04-27 Tents - Troy Daze Festival

Downloading History for ITB-COT 04-27 Tents

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **6/30/2004.**

Document Title:	Tents & Sidewalls for the 2004 Troy Daze Festival
Date Issued:	5/10/2004
Close Date:	5/28/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
13553	Ace Cancas & Tect Inc	Free	5/20/2004	
16603	Ad-Tech Agency Inc.	E-mail		
12118	Aggreko	E-mail		
16708	American Rentals, Inc.	E-mail	5/10/2004	
10497	ATD-AMERICAN CO	E-mail	5/28/2004	
13080	Canton Canopies Inc.	Free	5/18/2004	
17199	Chris Nordman Associates, Inc.	E-mail	5/10/2004	
15173	Colonail Party Rental	Free	5/12/2004	
14860	Creative Audio LLC	E-mail		
14091	Erdodi Maintenance & Event Decor	E-mail		
15152	EVERLASTING SHINE, INC.	E-mail	5/16/2004	
12496	Fortbrand Services, Inc.	E-mail		
11630	Mercer Equipment Rentals	E-mail		
10388	Mersino Pump & Power, Inc.	E-mail	6/2/2004	
17493	Mid States Exposition Services, Inc. / Big Top	Free	5/13/2004	
11010	Pegasus Theatrical Inc.	E-mail		
15619	PERRY'S PARTY RENTALS	E-mail	5/12/2004	
11361	Quickie Carpet Cleaning	Free	5/11/2004	
13691	R & E Trucking Inc.	Fax		
13371	Rochester Rental L.L.C.	E-mail		
13355				

	S & R Event Rental	E-mail	5/10/2004	
13730	SMART Management Group, LLC	E-mail		
10720	UNITED RENT-ALL INC.	Fax		
14936	UTICA RENT-ALL, INC	Fax		

Return to Main Menu

Return to Report Menu

July 12, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 8: Best Value Process Award – Uniform Rental Services

RECOMMENDATION

On July 7, 2004, three (3) proposals were received to provide uniform rental services for two (2) years, with an option to renew for an additional two (2) year period. City management recommends that a contract be awarded to Arrow Uniform of Taylor, MI, the highest scoring respondent as a result of a best value process for an estimated annual cost of $23,037.00, at unit prices contained in the attached bid tabulation. The award is contingent upon vendor submission of proper contract and proposal documents, including insurance certificates and all other specified requirements.

SELECTION PROCESS

Although Arrow Uniform, had the highest total score and was the low bidder, the award recommendation is based upon the vendor offering the best combination of a variety of factors, which included weighted evaluation criteria and pricing.

To be considered, the bidders were required to meet the following minimum requirements:

- Uniform Compatibility
- Mandatory Site Inspection of City Facilities
- Minimum of five (5) years in business
- Locker Floor Plan
- Delivery Service
- Repair Procedure
- Positive references
- Vendor Site Visit
- Employee Training Program

Three staff members independently evaluated proposals of the bidders meeting these minimum requirements; and references were contacted and asked scripted questions. A site visit was conducted to examine the Taylor facility. If Arrow Uniform had failed their site visit, additional visits would have been scheduled with the other vendors. Since Arrow received the maximum number of points available for the pricing phase, the other vendors could not recover even if they had received the maximum number of points for their site visit and employee training programs.

July 12, 2004

To: John Szerlag, City Manager
Re: Award Recommendation – Uniform Rental Services

SUMMARY

Arrow Uniform will provide Red Cap uniforms for the majority of the items required. They use a barcode system to eliminate loss, and have a detailed repair system to eliminate garments in need of repair before they are processed through the system. We believe that Arrow Uniform will be able to provide the level of service required for union personnel and other employee requirements to achieve an acceptable appearance suitable for the City of Troy.

BUDGET

Funds for this program are available in the various departmental budgets for Uniforms.

20 Vendors Notified by Mailed Notice
25 Vendors Notified on MITN System
3 Proposal Responses Rec'd
2 No Bids: (1) Company could not properly service the City within their financial requirements
(1) Company indicated they were not interested at this time.

Prepared by: Susan Leirstein, Purchasing System Administrator

EXECUTIVE SUMMARY
UNIFORM RENTAL SERVICES

STATISTICS:

- Twenty (20) notices of the availability of the Request for Proposal document were mailed.
- Twenty-five (25) Vendors were notified on the MITN system by fax or email.
- Two (2) "No Bid" responses were received: 1) Unifirst Corporation indicated that the current requirements do not allow for them to properly service the City within their financial requirements; 2) Coyne Textile Services indicated that they were not interested in bidding at this time.
- Arrow Uniform is the highest rated and lowest priced recommended company.

The following bidders submitted a proposal and received the indicated final scores:

COMPANY	SCORE
1. Arrow Uniform	83
2. Cintas	62.50
3. VanDyne Crotty, Inc.	62.50

Selection Process:

1. Bidders were evaluated on pass / fail criteria with all (3) bidders passing this phase of the process.

2. A bid tabulation and the standard deviation was prepared for the three (3) bidders. The final weighted price score was calculated with the results as follows: 1) Arrow Uniform – 50 points; 2) Cintas – 12.5 points; 3) VanDyne Crotty, Inc. – 12.5 points.

3. Three staff members from the Motor Pool, Streets Division, and Parks and Recreation comprised the Committee or evaluation team. On Thursday, July 8, 2004, the Committee conducted a site visit of Arrow Uniform, and completed a weighted criteria evaluation.

   VanDyne Crotty, Inc. and Cintas could not surpass Arrow Uniform's final score because Arrow's pricing was significantly less than either vendor and they passed the site visit phase of the process. Therefore, the final score for both VanDyne Crotty and Cintas gives them credit for all possible points under the rating for site visits and employee training programs. This was done to show their inability to overcome the exceptional pricing received from Arrow Uniform coupled with a favorable site visit. Arrow would have had to fail their site visit in order for either company to compete.

4. The final scoring was prepared.

EXECUTIVE SUMMARY
UNIFORM RENTAL SERVICES

PASS / FAIL CRITERIA

Attachment A

COMPANIES	PASS / FAIL
1. Arrow Uniform	Pass
2. Cintas	Pass
3. VanDyne Crotty, Inc.	Pass

PRICE SCORE

Weighted

COMPANIES	Standard Deviation Points x .50 =	PRICE SCORE
1. Arrow Uniform	100 x .50 =	50
2. Cintas	25 x .50 =	12.5
3. VanDyne Crotty, Inc.	25 x .50 =	12.5

RATINGS– Site Visit and Employee Training

Attachment B - Weighted

COMPANIES	Rater 1	Rater 2	Rater 3	Average Score
1. Arrow Uniform	80x .40 =32	85.5x .40=34.2	84.5x.40=33.8	33
2. Cintas	100x .40 =40	100x.40 =40	100x.40 =40	40
3. VanDyne Crotty, Inc.	100x .40 =40	100x.40 =40	100x.40 =40	40

OTHER: Committee could assess an additional 10 points for outstanding element

COMPANIES	Rater 1	Rater 2	Rater 3	Average Score
1. Arrow Uniform	0 x .10 = 0	0 x .10 = 0	0 x .10 = 0	0
2. Cintas	100x .10 = 10	100x .10 = 10	100x.10 = 10	10
3. VanDyne Crotty, Inc.	100x .10 = 10	100x .10 = 10	100x.10 = 10	10

FINAL SCORING: Price + Average Weighted + Average Other = Final Score

COMPANIES	Price Score +	Avg. Weighted Score +	Avg. Other Score =	Final Score
1. Arrow Uniform	50	33	0	83
2. Cintas	12.5	40	10	62.50
3. VanDyne Crotty, Inc.	12.5	40	10	62.50

EVALUATION CRITERIA – UNIFORM RENTAL SERVICES
PASS/FAIL

Attachment A

VENDORS

NAME:
ADDRESS:
CITY/ STATE/ ZIP:
PHONE / FAX NUMBER:

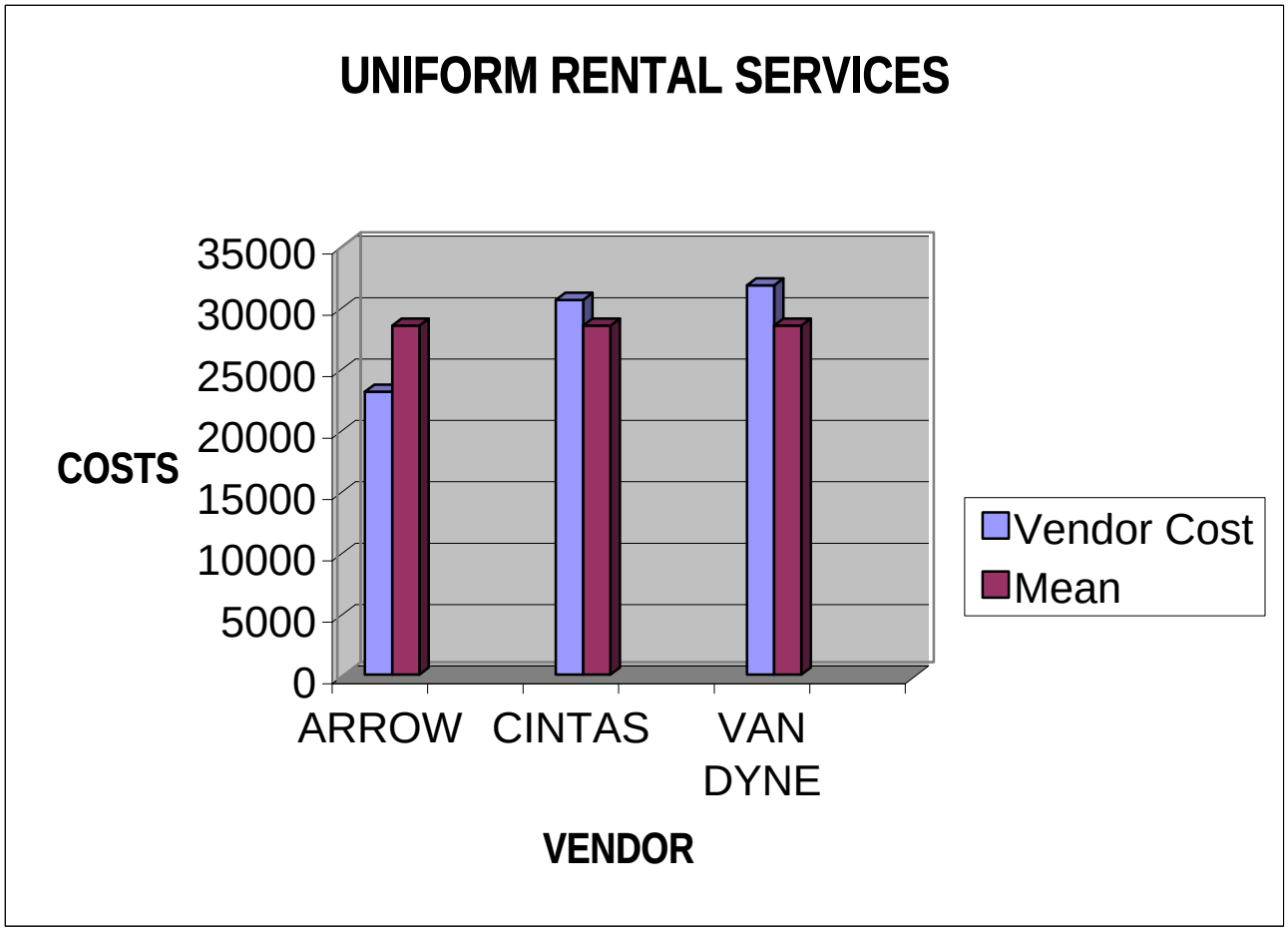
OBJECTIVES: A) B) C)

MANDATORY	INFORMATION		Pass/Fail	INFORMATION		Pass/Fail	INFORMATION	Pass/Fail
1. Uniform Compatibility								
2. Mandatory Site Inspection								
3. Years in Business (min 5)								
4. Locker Floor Plan Accommodates All Personnel Effective/Efficient Operations Dirty Uniform Receptacles								
5. Delivery Service: a) Uniform Shortages i.e. Check Inventory System								
b) Repair/Replacement Procedure i.e. Two-part Repair Tag System								
6. References								

UNIFORM RENTAL
ITB-COT 04-29
Reference Questions

RATER ____

Vendor: Reference Name:	
QUESTIONS:	**RESPONSES:**
1) What is the size of your contract – how many employees are uniformed and how often are deliveries made?	
2) Did the Uniforms meet the requirements established for the job? If not, in what areas was the Uniforms deficient?	
3) Does this company have problems meeting the delivery schedule established? If yes, how?	
4) Have you ever had to request a call back to get uniform problems corrected? If yes, what were the problem(s) and how often does this occur?	
5) Have you ever had a complaint with the driver or the company? If yes, how was the situation rectified?	
6) Were there any costs that were charged that were unexpected? If yes, what were they?	


UNIFORM RENTAL SERVICES
COSTS
35000
30000
25000
20000
15000
10000
5000
0
ARROW
CINTAS
VAN DYNE
VENDOR
Vendor Cost
Mean

UNIFORM RENTAL SERVICES
ANALYSIS

VENDOR	COST	MEAN	DIFFERENCE	D2	VARIANCE	STANDARD DEVIATION	POINTS
ARROW	23037	28,418	5,381	28955161		-2	100
						0 (Mean)	50
CINTAS	30519	28,418	(2,101)	4414201		+1	25
VAN DYNE	31699	28,418	(3,281)	10764961		+1	25
	$ 85,255			44,134,323	14711441	3835.549635	

G:\EXCEL LIST: StandardDeviationUniformRentalSvc07-04.xls

UNIFORM RENTAL SERVICES
WEIGHTED RATING

Attachment B

G:\RatingSheetWeightedSampleUniformSvc5-04

VENDORS

NAME:
ADDRESS:
CITY/ STATE/ ZIP:

PHONE NUMBER:
FAX NUMBER:

		A)			B)			C)		
OBJECTIVES:	**Weight**	**INFORMATION**	**Score 10-1**	**Weighted Score**	**INFORMATION**	**Score 10-1**	**Weighted Score**	**INFORMATION**	**Score 10-1**	**Weighted Score**
1. Vendor Site Visit	75%									
a) Overall Site Appearance										
b) Garment Handling										
c) Environmental Concerns										
Waste Water Disposal										
Products Used										
d) Customer Service										
Delivery Trucks										
On-Site Processes in Place										
e) Adequate Inventory										
2. Employee Training-- Addresses Opposite Gender Entry to Locker Room Areas	25%									

10 = Highest Rating 100%
1 = Lowest Rating

MAXIMUM SCORE: 100

Opening Date -- 7-7-04
Date Prepared -- 7/7/2004

VENDOR NAME:	* ARROW UNIFORM	CINTAS

ITEM	DESCRIPTION	EST # OF EMPLOYEES	WASHING COST/MAN/WEEK	REPLACEMENT COST	WASHING COST/MAN/WEEK	REPLACEMENT COST
1	Shirts- Long & Short Sleeve with Pants (Standard)	10	$ 4.15	$ 18.50	$ 5.10	$ 18.99
	65/35 Poly/Cotton Blend –**Exchanged Every 24 Months**–			$ 23.50		$ 23.99
	5 Changes/Week					
	Mix and Match					
	Style #		SP14/PT20		905	
	Manufacturer:		RED KAP		CINTAS	
2	Shirts-Long Sleeve with Pants (Standard)	55	$ 4.98	$ 18.50	$ 6.75	$ 22.99
	100% Premium Quality Cotton –**Exchanged Every 12**			$ 23.50		$ 25.99
	5 Changes/Week					
	Style #		SC30/PC20		300	
	Manufacturer:		RED KAP		CINTAS	
3	50/50 Knit Short Sleeve Shirts and Pants (Standard)	7	$ 5.25	$ 18.50	$ 5.10	$ 18.99
	Long Sleeve Shirts and Pants (Standard)			$ 18.50		$ 18.99
	65/35 Poly/Cotton Blend –**Exchanged Every 24 Months**–			$ 23.50		$ 23.99
	5 Changes/Week					
	Mix and Match					
	Style #		SK28/PT20		1252 / 905	
	Manufacturer:		RED KAP		CINTAS	
4	Coveralls and Shop Coats	13	$ 1.25	$ 23.50	1/10.75	$ 28.49
	100% Premium Quality Cotton			$ 23.50		$ 25.49
	Mix and Match				912 / 929	
	Laundered As Needed					
5	White Long Sleeve Shirts with Pants	2	$ 4.15	$ 18.50	$ 5.10	$ 18.99
	65/35 Poly/Cotton Blend – **Exchanged Every 12 Months-**			$ 23.50		$ 25.99
	5 Changes/Week					
	Style #		SP14WH/PT20		905	
	Manufacturer:		RED KAP		CINTAS	
6	Two (2) Shop Coats	3	**No Charge**	**No Charge**	No Charge	No Charge
	Laundered 4 Times/Year					
	ADDITIONAL PURCHASE:					
ITEM	**DESCRIPTION**	**EST # OF EMPLOYEE**	**UNIT PRICE**		**UNIT PRICE**	
1	Coveralls 100% Premium Quality Cotton	19	$ 33.60		$ 34.49	
	Manufacturer: Style #:		RED KAP CC14NV		CINTAS 910	
2	Shop Coats 100% Premium Quality Cotton	15	$ 32.00		$ 25.49	
	Manufacturer: Style #:		UNIVERSAL KC30NV		CINTAS 929	
3	Sew-On Additional City owned emblems – patches	COST FOR EACH	$ 1.50		$ 2.50	
	SUB- TOTAL -		$ 19,926.80		$ 25,433.46	

PROPOSAL - Two Year Requirements of Uniform Rental Services with an Option to Renew for Two Additional Years

*** DENOTES BEST VALUE PROPOSAL (as a Result of a RFP Process)**

VENDOR NAME:	* ARROW UNIFORM	CINTAS

ITEM	OPTIONAL SERVICES: DESCRIPTION	EST # OF EMPLOYEES	WASHING COST/MAN/WEEK	REPLACEMENT COST	WASHING COST/MAN/WEEK	REPLACEMENT COST
A.	Shirts-Long Sleeve with Pants (Standard)	6	$ 2.99	$ 18.50	$ 4.05	$ 22.99
	100% Premium Quality Cotton			$ 23.50		$ 25.99
	3 Changes/Week					
	Style #		SC30/PC20			
	Manufacturer:		RED KAP			
B.	Shirts-Short Sleeve with Pants (Standard)	6	$ 2.00	$ 18.50	$ 3.75	$ 22.99
	100% Premium Quality Cotton			$ 23.50		$ 25.99
	2 Changes/Week					
	Style #		SC40/PC20			
	Manufacturer:		RED KAP			
C.	Shirts-Short Sleeve with Pants (Standard)	6	$ 4.98	$ 18.50	$ 8.50	$ 22.99
	100% Premium Quality Cotton			$ 23.50		$ 25.99
	5 Changes/Week					
	Style #		SC40/PC20			
	Manufacturer:		RED KAP			
	ESTIMATED ANNUAL GRAND TOTAL:	*	$ 23,037.44		$ 30,519.06	

MANDATORY SITE INSPECTION		
Visited the sites:		
Date:	6/30/04	6/25/04
FLOOR PLAN		
Marked as:	1B - WRITTEN	EXHIBIT 2
SITE VISIT:		
Contact Name:	JERRY WREN	DOUG KLEMZ
Phone #	(313)299-5651	(586)677-9900
BIDDER QUESTIONNAIRE: Yes or No	YES	YES
CONTACT INFORMATION:	5:30am - 10pm M-Fri	
Hours of Operation	SATURDAY UNTIL NOON	M-F
Emergency Phone #	(313)299-5609	(586)677-9900
INSURANCE:		
Can meet	XX	XX
Cannot meet		
TERMS:	NET 10 EOM	NET 30 EOM
WARRANTY:	SERVICE	BLANK
DATE & TIME - DELIVERY:	FRIDAY- AM	WEDNESDAY - PM
EXCEPTIONS:	BLANK	BLANK
ACKNOWLEDGEMENT: Yes or No	YES	YES

NO BIDS:

Unifirst Corporation
Coyne Textile Services

ATTEST:

Cheryl Morrell
Jeffrey Biegler
Emily Frontera
Jeanette Bennett

Jeanette Bennett
Purchasing Director

Opening Date -- 7-7-04
Date Prepared -- 7/7/2004

VENDOR NAME: VAN DYNE CROTTY INC

ITEM	DESCRIPTION	EST # OF EMPLOYEES	WASHING COST/MAN/WEEK	REPLACEMENT COST	WASHING COST/MAN/WEEK	REPLACEMENT COST
1	Shirts- Long & Short Sleeve with Pants (Standard)	10	$ 4.39	$ 15.00		
	65/35 Poly/Cotton Blend –**Exchanged Every 24**			$ 17.00		
	5 Changes/Week					
	Mix and Match					
	Style #		SP24 SP14 3680			
	Manufacturer:		RED CAP - GCA			
2	Shirts-Long Sleeve with Pants (Standard)	55	$ 7.28	$ 17.00		
	100% Premium Quality Cotton –**Exchanged Every 12**			$ 18.50		
	5 Changes/Week					
	Style #		1564W 1664W			
	Manufacturer:		GCA			
3	50/50 Knit Short Sleeve Shirts and Pants (Standard)	7	$ 6.30	$ 20.00		
	Long Sleeve Shirts and Pants (Standard)			$ 17.00		
	65/35 Poly/Cotton Blend –**Exchanged Every 24**					
	5 Changes/Week					
	Mix and Match					
	Style #		1451-10 C2300 3680			
	Manufacturer:		EDWARDS CENTURY PLACE GCA			
4	Coveralls and Shop Coats	13	$ 0.55	$ 25.00		
	100% Premium Quality Cotton			$ 22.00		
	Mix and Match					
	Laundered As Needed					
5	White Long Sleeve Shirts with Pants	2	$ 6.85	$ 17.00		
	65/35 Poly/Cotton Blend – **Exchanged Every 12**			$ 20.00		
	5 Changes/Week					
	Style #		SP5DWHB 347-18			
	Manufacturer:		RED CAP UNIVERSAL			
6	Two (2) Shop Coats	3	No Charge	No Charge		
	Laundered 4 Times/Year					
	ADDITIONAL PURCHASE:					
ITEM	**DESCRIPTION**	**EST # OF EMPLOYEE**	**UNIT PRICE**		**UNIT PRICE**	
1	Coveralls 100% Premium Quality Cotton	19	$ 25.00			
	Manufacturer: Style #:		WILLIAMSON DICKIES 4870			
2	Shop Coats 100% Premium Quality Cotton	15	$ 22.50			
	Manufacturer: Style #:		UNIVERSAL 751			
3	Sew-On Additional City owned emblems – patches	COST FOR EACH	N/C			
	SUB-TOTAL -		$ 26,950.30			

VENDOR NAME: VAN DYNE CROTTY INC

ITEM	OPTIONAL SERVICES: DESCRIPTION	EST # OF EMPLOYEES	WASHING COST/MAN/WEEK	REPLACEMENT COST	WASHING COST/MAN/WEEK	REPLACEMENT COST
A.	Shirts-Long Sleeve with Pants (Standard)	6	$ 4.63	$ 17.00		
	100% Premium Quality Cotton			$ 20.00		
	3 Changes/Week					
	Style #		1564W 1664W			
	Manufacturer:		GCA			
B.	Shirts-Short Sleeve with Pants (Standard)	6	$ 3.31	$ 17.00		
	100% Premium Quality Cotton			$ 20.00		
	2 Changes/Week					
	Style #		1564W 1664W			
	Manufacturer:		GCA			
C.	Shirts-Short Sleeve with Pants (Standard)	6	$ 7.28	$ 17.00		
	100% Premium Quality Cotton			$ 20.00		
	5 Changes/Week					
	Style #		1564W 1664W			
	Manufacturer:		GCA			
	ESTIMATED ANNUAL GRAND TOTAL:		$ 31,698.94			

MANDATORY SITE INSPECTION
Visited the sites:
Date: 6/25/04

FLOOR PLAN
Marked as: EXHIBIT D

SITE VISIT:
Contact Name: BRIAN DORRIS
Phone # (734)207-0200

BIDDER QUESTIONNAIRE: Yes or No YES

CONTACT INFORMATION:
Hours of Operation M-F 7am-5:30pm
Emergency Phone # (734)968-2038

INSURANCE:
Can meet XX
Cannot meet

TERMS: AS STATED IN BID

WARRANTY: AS STATED IN BID

DATE & TIME - DELIVERY: WED 9:30-11am

EXCEPTIONS: 100% Cotton Shopcoat-nonstock
Sample not provided
No other exceptions

ACKNOWLEDGEMENT: Yes or No YES

Downloading History for RFP-COT 04-29Uniform Rnt

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **7/12/2004.**

Document Title:	Uniform Rental Services
Date Issued:	6/9/2004
Close Date:	7/7/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
13620	Aramark Uniform Services	E-mail	6/9/2004	
14084	Aramark Uniform Services	E-mail		
14068	Arrow Uniform	Free	7/6/2004	
14039	Broner Glove & Safety	E-mail	6/23/2004	
11702	Cadillac Overall Supply	E-mail	6/18/2004	
16456	Century Carpet & Upholstery Cleaners, Inc.	Free	6/27/2004	
12288	Cintas Corporate	E-mail		
13474	Cintas Corporation	E-mail	6/30/2004	
13224	Continental Linen Services	E-mail	6/11/2004	
14123	Coyne Textile Services	E-mail	6/14/2004	
16369	General Linen and Uniform Service	E-mail	6/10/2004	
14126	Hardeman and Associates	Fax	6/26/2004	
10721	KIRK'S AUTOMOTIVE INC	E-mail		
12974	LARRY JONES CPA	E-mail	7/6/2004	
13143	maurer's	E-mail	6/11/2004	
11630	Mercer Equipment Rentals	E-mail		
17889	MK & Company	E-mail	6/18/2004	
17802	PBS SERVICES	E-mail	6/14/2004	
12447	Person's Tidy Service	Free	7/1/2004	
11852	Professional Garment Service	Free	6/10/2004	
13730				

	SMART Management Group, LLC	E-mail		
10515	Suds-N-Sons	Free	6/23/2004	
12489	Unifirst Corporation	E-mail	6/16/2004	
16492	Uniforms ETC	E-mail		
14074	VAN DYNE CROTTY INC.	Free	6/23/2004	

Return to Main Menu Return to Report Menu

DATE: July 9, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Request for Temporary Sales Trailer,
Wyngate of Troy Subdivision

I have received a request from Adam Vanderpool of Pulte Homes for the placement of a temporary office trailer on one of the lots of the Wyngate of Troy Subdivision located on the east side of Coolidge, north of Square Lake Road. The trailer is intended to be used for a temporary sales office. Their request anticipates the need for the trailer for eight to ten months.

Section 6.41 (3) of Chapter 47 of the Troy City Code allows the City Council to approve the placement of mobile offices, for use as a sales office, in residential developments for an initial period not to exceed 12 months. Based upon this provision, the petitioner is requesting this item be placed on Council's agenda for consideration.

I have attached a copy of his letter and information showing the proposed location of the trailer for your information.

To:
Mark Stimac
Director of Building and Zoning
City of Troy

From:
Adam Vanderpool
General Superintendent
Phone: 248-650 8080
Pulte Homes
5671 Stonehaven Blvd
Rochester, MI 48306

Subject: Temporary mobile office for use as a sales center at the Wyngate of Troy Development.

The following site plan is submitted for your review per the Troy City Code chapter 47 section 6.41. The site plan notes the trailer is to be dug into the ground to provide handicap accessibility as we discussed. Also noted is the asphalt drive and lot with appropriate parking markers. It is our intention to have the structure professionally landscaped and maintained during the course of its use. The needed time period of use for the temporary sales center will be approximately 8-10 months. If there are any further needs or questions please contact me at the office (248-650-8080). Thank you for your valuable time and consideration on this item.

Sincerely,

Adam Vanderpool
General Superintendent
Pulte Homes

Pulte Homes of Michigan
26622 Woodward, Suite 110
Royal Oak, Michigan 48067

SITE DATA

GROSS SITE AREA:	39.96 ACRES
LESS COOLIDGE ROAD R.O.W.:	1.39 ACRES
NET SITE AREA:	38.57 ACRES
EXISTING ZONING:	R-1B SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING:	R-1B SINGLE FAMILY RESIDENTIAL
TOTAL LOTS SHOWN:	71
GROSS SITE DENSITY:	1.85 UNITS/ACRE
DENSITY PERMITTED:	2.20 UNITS/ACRE
LOT SIZES	
LOT WIDTH:	100' (REDUCED TO 90' MIN.)
LOT AREA:	15,000 SF (REDUCED TO 13,500 SF MIN.)
LOT AREA PERMITTED:	1,125,000 SF MIN. UNDER STRAIGHT R1-B
LOT AREA PROPOSED:	1,309,244 SF. USING LOT AVERAGING

SETBACKS:

- FRONT YARD 40 FEET
- SIDE YARD 10 MIN., 25 TOTAL
- REAR YARD 45 FEET

MINIMUM DISTANCE OF DRIVEWAY TO PROPERTY LINE SHALL BE THREE (3) FEET (PER CITY OF TROY BUILDING DEPARTMENT).
MAXIMUM AREA COVERED BY ALL BUILDINGS-30 %
MINIMUM LOT AREA-13,500 SF
MINIMUM LOT WIDTH-90'
MAXIMUM BUILDING HEIGHT-2 ½ STORIES OR 25'
MINIMUM FLOOR AREA-1,400 SF
(ASSUMPTIONS - ZONING: R1-B SINGLE FAMILY RESIDENTIAL, LOT AVERAGING OPTION PER THE CITY OF TROY ZONING ORDINANCE SECTION 34.10)

NOTES:

PER CITY OF TROY ZONING ORDINANCE
THE SIDE YARD ABUTTING UPON A STREET SHALL NOT BE LESS THAN THE GREATER OF THE SIDE YARDS REQUIRED FOR THE DISTRICT IN WHICH LOCATED WHEN THERE IS A COMMON REAR YARD RELATIONSHIP IN THE BLOCK AND A COMMON SIDE YARD RELATIONSHIP WITH THE BLOCK DIRECTLY ACROSS THE COMMON SEPARATING STREET. IN THE CASE OF A REAR YARD ABUTTING A SIDE YARD OR WHEN A SIDE YARD IS ADJACENT TO A FRONT YARD ACROSS A COMMON SEPARATING STREET, THE SIDE YARD ABUTTING A STREET SHALL NOT BE LESS THAN THE MINIMUM FRONT YARD OF THE DISTRICT IN WHICH LOCATED, AND SHALL BE CONSIDERED AS A FRONT YARD.

DEFINITIONS:

PER CITY OF TROY ZONING ORDINANCE
SECTION 41.85.00 PORCHES AND PATIO STRUCTURES.
AN OPEN, UNENCLOSED, AND UNCOVERED PORCH, RAISED DECK OR PATIO STRUCTURE, OR PAVED TERRACE MAY PROJECT INTO A REQUIRED FRONT YARD FOR A DISTANCE NOT TO EXCEED TEN (10) FEET. SUCH FACILITIES MAY PROJECT INTO A REQUIRED REAR YARD FOR A DISTANCE NOT TO EXCEED FIFTEEN (15) FEET, SUBJECT FURTHER TO THE REQUIREMENT THAT THE DISTANCE REMAINING BETWEEN THE ENCROACHING FACILITY AND THE REAR LOT LINE SHALL IN NO INSTANCE BE LESS THAN TWENTY-FIVE (25) FEET. PORCH, DECK, PATIO OR TERRACE FACILITIES ENCROACHING INTO REQUIRED FRONT OR REAR YARDS SHALL NOT INCLUDE FIXED CANOPIES, GAZEBOS OR PERMANENT ENCLOSURES, AND SHALL BE AT A GRADE NO HIGHER THAN THAT OF THE FIRST OR MAIN FLOOR OF THE BUILDING TO WHICH THEY ARE ATTACHED.

SECTION 41.30.00 PROJECTIONS INTO YARDS:
ARCHITECTURAL FEATURES, NOT INCLUDING VERTICAL PROJECTIONS, MAY EXTEND OR PROJECT INTO A REQUIRED SIDE YARD NOT MORE THAN TWO (2) INCHES FOR EACH ONE (1) FOOT OF WIDTH OF SUCH SIDE YARD; AND MAY EXTEND OR PROJECT INTO A REQUIRED FRONT YARD OR REAR YARD NOT MORE THAN THREE (3) FEET.

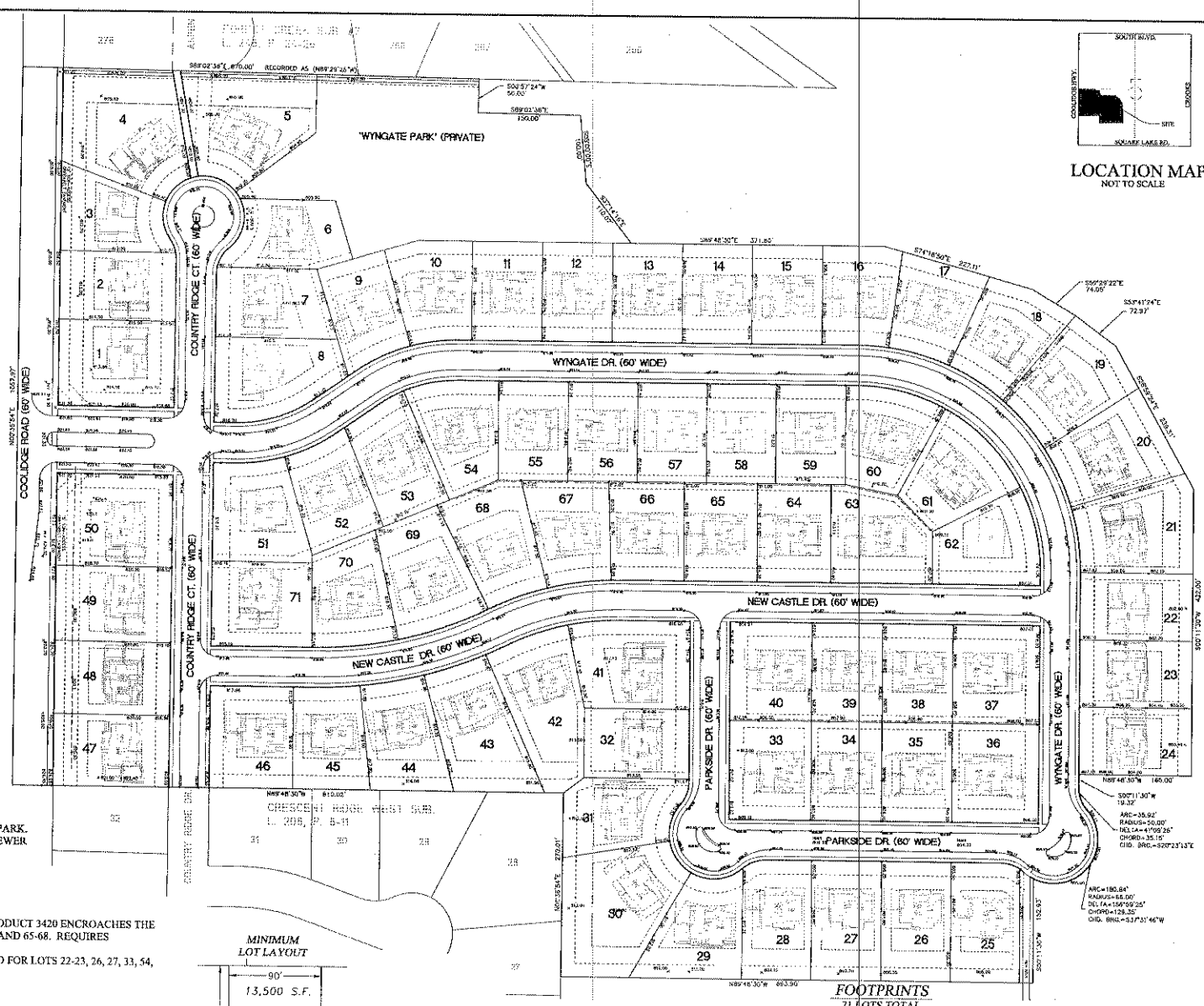
LOT 1 AND 50 ARE HANDED ON LOW SIDE TO KEEP SIDE ENTRY OFF BOULEVARD.
LOTS 11, 52, ANS 53 ARE HANDED ON LOW SIDE TO MAXIMIZE VARIETY.
LOT 22 IS HANDED ON LOW SIDE TO AVOID CONFLICTS WITH SEDIMENTATION VAULT AND OTHER UTILITY STRUCTURES.
LOT 25 IS HANDED ON LOW SIDE TO KEEP SIDE ENTRY AWAY FROM PATHWAY LEADING INTO FIRE FIGHTER'S PARK.
LOT 28 IS HANDED ON LOW SIDE TO AVOID SANITARY SEWER MANHOLE.

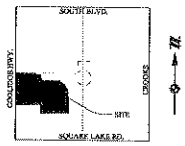
SANITARY LEADS WILL BE ADJUSTED ACCORDINGLY.

NOTE:
THE COVERED PORCH FOR FRONT ELEVATION "1" OF PRODUCT 3420 ENCROACHES THE FRONT SETBACK LINE BY 6" FOR LOTS 10-15, 35-42, 57-61, AND 65-68. REQUIRES MODIFICATION TO PORCH FOR ELEV. 1 TO BE BUILT.
WING WALLS FOR PRODUCT 3420 WILL NOT BE ALLOWED FOR LOTS 22-23, 26, 27, 33, 54, 55, 59-61, AND 72.

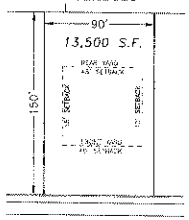
NOTE:
RETAINING WALLS AROUND THE DRIVEWAYS MAY BE REQUIRED FOR HOUSES 3226 AND 3420 IF ADJACENT TO A VIEWOUT TO THE REAR DRIVEWAYS.

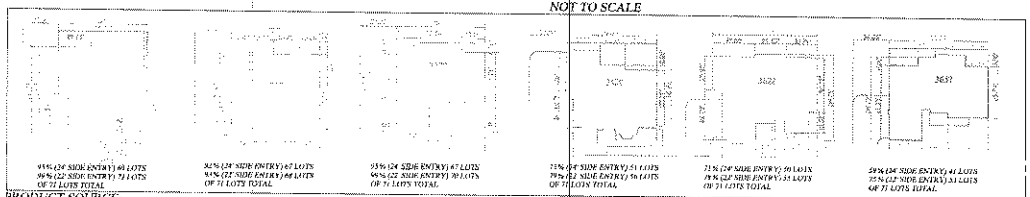
* SEE SEPARATELY ATTACHED SPREADSHEET FOR LOT FIT STUDY CHART





LOCATION MAP
NOT TO SCALE





FOOTPRINTS
71 LOTS TOTAL
NOT TO SCALE

95% (24' SIDE ENTRY) 68 LOTS
96% (22' SIDE ENTRY) 73 LOTS
OF 71 LOTS TOTAL

92% (24' SIDE ENTRY) 67 LOTS
94% (22' SIDE ENTRY) 66 LOTS
OF 71 LOTS TOTAL

93% (24' SIDE ENTRY) 67 LOTS
96% (22' SIDE ENTRY) 70 LOTS
OF 71 LOTS TOTAL

72% (24' SIDE ENTRY) 51 LOTS
79% (22' SIDE ENTRY) 56 LOTS
OF 71 LOTS TOTAL

71% (24' SIDE ENTRY) 50 LOTS
78% (22' SIDE ENTRY) 55 LOTS
OF 71 LOTS TOTAL

59% (24' SIDE ENTRY) 41 LOTS
75% (22' SIDE ENTRY) 53 LOTS
OF 71 LOTS TOTAL

PRODUCT SOURCE:
PER PULTE ARCHITECTURAL DRAWINGS, AH RECEIVED DATE 09-19-03

ATWELL-HICKS, INC.
Civil Engineering • Surveying
Planning • Environmental Services
Ann Arbor, MI 734 994 4000
Brighton, MI 810 225 5000
Washington Twp., MI 586 786 9800
Naperville, IL 630 577 0800

SECTION 5
TOWN 2 NORTH, RANGE 11 EAST
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

PULTE LAND DEVELOPMENT
WYNGATE OF TROY

PRELIMINARY LOT FIT

CAD FILE 300609LF-6-15-04

6-15-04 FINALIZED LOT FIT
REVISIONS

DATE 4-23-04

SCALE 1" = 60 FEET
DR. CL/BB/DH JF
CK. J. SUMPTON
BOOK
JOB 300609
FILE NO. 1102-264-1

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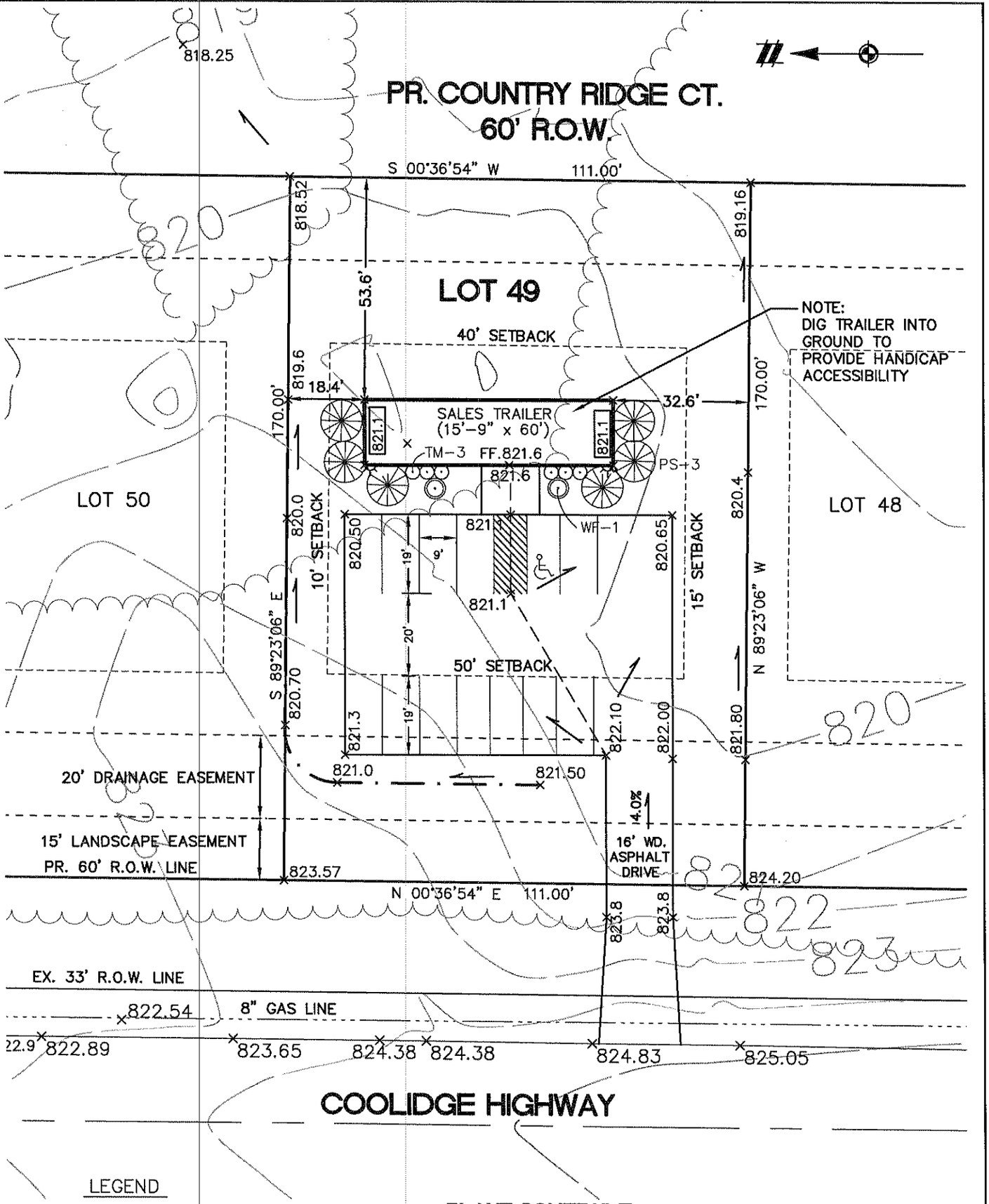

LEGEND

x 700.00 PROP. SPOT ELEV.

EXIST. WATER

EXIST. SANITARY

EXIST. STORM

DRAINAGE ARROW

NOTE:
ATWELL-HICKS, INC. ASSUMES NO RESPONSIBILITY FOR GIVEN HOUSE DIMENSIONS AND DRIVEWAY PLACEMENT. CLIENT MUST VERIFY ALL DIMENSIONS AND DRIVEWAY PLACEMENT PRIOR TO CONSTRUCTION. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES. BEFORE BEGINNING CONSTRUCTION, VERIFY AS-BUILT HOME LEAD LOCATION WITH THE TOWNSHIP. NO FIELD WORK HAS BEEN DONE AT THIS TIME.

PLANT SCHEDULE

KEY.	QTY.	SPECIES	SIZE	SPEC.
PS	6	Pinus strobus White Pine	5'-7' Ht.	B&B
TM	6	Taxus x media Common Yew	24"-36" Ht.	B&B
WF	2	Weigela florida 'Alexandra' Wine & Roses Weigela	36"-42" Ht.	B&B

CLIENT
PULTE HOMES

TEMPORARY SALES TRAILER
LOT 49
WYNGATE OF TROY

SECTION 5, TOWN 2 NORTH, RANGE 11 EAST
CITY OF TROY
OAKLAND COUNTY

SCALE:
1 INCH = 30 FEET
0 15 30

ATWELL-HICKS, INC.
Civil Engineering • Surveying
Planning • Environmental Services

Ann Arbor, MI	Brighton, MI	Washington Twp., MI	Naperville, IL
734 994 4000	810 225 6000	586 786 9800	630 577 0800

JOB: MA02246	CAD 300609PP-49
DR. DSK	CH.
BOOK	PG.
SHEET 01 OF 01	DATE: 06-17-04
FILE NO.	

STATE OF MICHIGAN
JOHN BRUCE THOMPSON
ENGINEER
No. 43000
LICENSED PROFESSIONAL ENGINEER

July 1, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Steve Vandette, Acting Assistant City Manager – Services
William Huotari, Acting City Engineer
Nino Licari, City Assessor

Re: Petition Analysis, Paving of Somerton SAD# 01.504.5

Attached is a petition from residents and property owners on Somerton, in Section 10, requesting asphalt paving of the streets, and the creation of a Special Assessment District to finance the project.

There are seventeen (17) assessable units in the project area. Eleven (11) of the affected unit owners have signed the petition in favor of the project. This equates to 64.7% of the owners being in favor of the paving.

It is recommended that you request City Council approve Standard Resolution #1 (preparation of plans and cost estimates for the project), Standard resolution #2 (approval of the cost estimates, and directing the Assessor to create the roll), and Standard Resolution #3 (setting a Public Hearing for the project) as submitted.

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable,
The Mayor and City Council
Troy, Michigan

We, the undersigned, owners of property in the city of Troy to be benefited by the proposed improvements, description of which property and addresses are set forth opposite our respective names hereto, do hereby request the following public improvements to wit:

Bituminous Paving on Somerton, contingent on Community Development Block Grant funds being available for qualified households.

The estimated cost for bituminous paving is $721.72 per unit.

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed if the City Council, in the exercise of its discretion, orders such improvement to be made.

NAME	ADDRESS	DATE	SUBDIVISION / SIGNATURE	LOT #	TELEPHONE #
✓ JOHANTA PERKOHSKI	5073 SOMERTON	6/29	[signature]	452-003	2/740-8455
✓ LUCIAN PERKOHSKI	5073 SOMERTON	6/29	[signature]	452-003	2/740-8455
✓ Barbara Knight	5065 Somerton	6/29	[signature]	452-015	2/521-4214
✓ Terry Knight	5065 Somerton	6/29	[signature]	452-015	2/521-4213
✓ LINDA DUGENOR	5070 SOMERTON	6/29	[signature]	477-039	524-2583
✓ [illegible]	5057 Somerton	6/29	[signature]	452-016	248 521-160
of 2					

In case of joint ownership, husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

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(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

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NAME	ADDRESS	DATE	SUBDIVISION	LOT #	TELEPHONE #
✓ Irene Claire Davis	5105 SOMERTON	6/29/04	CHERRY CREEK	4	248 528-1169
✓ Irene Claire Davis	" "	"	" " "	"	" "
✓ Theresa Dahmer	5105 Somerton	6/29/04	Cherrycreek	4	248 528-1169
✓ Theresa Dahmer	" "	"	" "	"	" "
✓ MATTHEW B. DAHMER	5105 SOMERTON	6/29/04	CHERRY CREEK	4	248 528-1169
✓ Matthew B. Dahmer	" "	"	" "	"	" "
			443.004		

In case of joint ownership, husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

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10

NAME	ADDRESS	DATE	SUBDIVISION	LOT #	TELEPHONE #
Alan Werner	5152 SOMERTON	6·30·04		476·053	689·4171
William J. McCarty / Roberta McCarty	5190 SOMERTON	6-30-04		476·001	248 879 0480
[illegible]	5189 Somerton	6/30/04		471·010	248 644-6105
Angelo Rossi / Stephanie Rossi	5141 SOMERTON	6/30/04		453·002	248 4579475
J. Liu / Li Zhang	~~5123 Somerton~~ 5123 Somerton	~~6/30/04~~ 6/30/04		453·003	~~248-528-176~~ 248-528-176
Phil T. Kowal	5128 Somerton	6/30/04		476·054	248-524-1955
Judy Kowal	5128 Somerton	6/30/04		476·054	2485241955
REN YANG	5159 Somerton	6/30/04		453·001	248-4579677

In case of joint ownership, husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

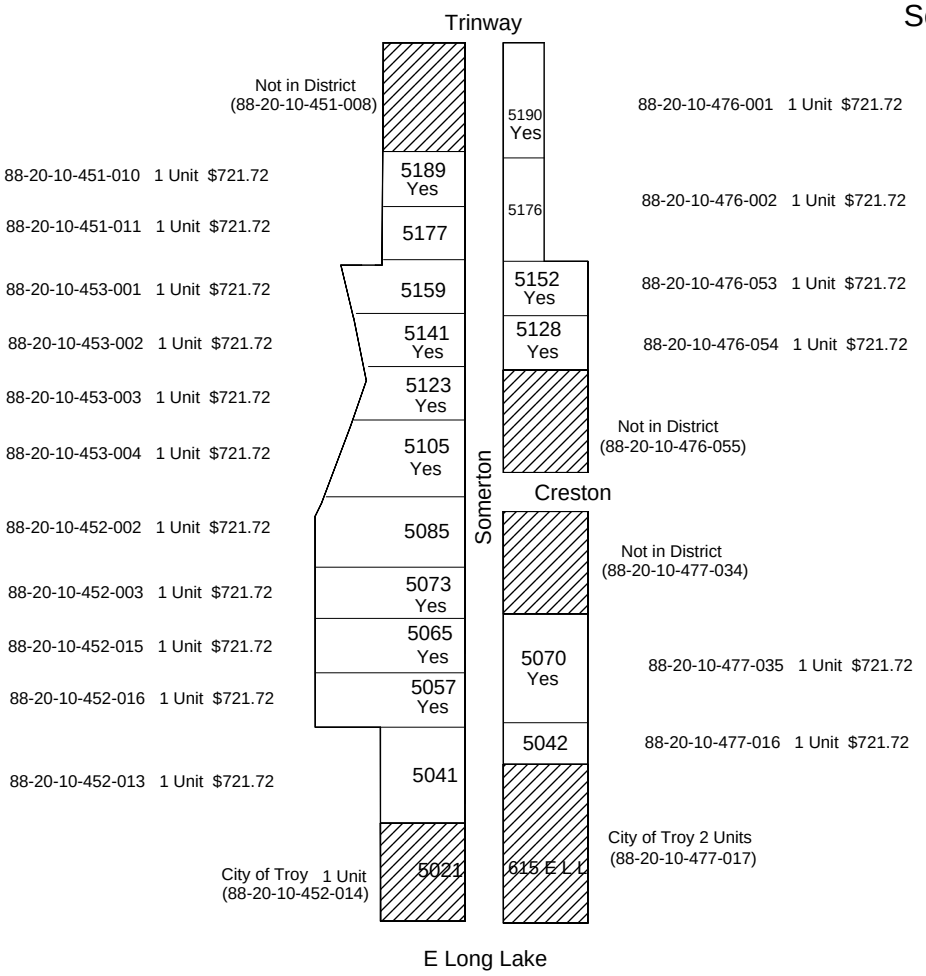
Somerton Paving Petition Analysis

Parcel ID	Address		Owner	Units	Owners	Paving Owners Signed	Paving Valid Vote
88-20-10-451-010	5189	Somerton	Jessica & Kien Tran	1	2	2	**1**
88-20-10-451-011	5177	Somerton	Lee Yuan Sun	1	1	0	**0**
88-20-10-452-002	5085	Somerton	Ernest A Watson	1	1	0	**0**
88-20-10-452-003	5073	Somerton	Lucjan & Jola Perlowski	1	2	2	**1**
88-20-10-452-013	5041	Somerton	John R Dillon	1	1	0	**0**
88-20-10-452-015	5065	Somerton	Philip & Barbara Knight	1	2	2	**1**
88-20-10-452-016	5057	Somerton	Ricky Wells	1	1	1	**1**
88-20-10-453-001	5159	Somerton	Ren Yang	1	1	0	**0**
88-20-10-453-002	5141	Somerton	Asif & Shaple(sp?) Hussain	1	2	2	**1**
88-20-10-453-003	5123	Somerton	Junhua Liu	1	1	2	**1**
88-20-10-453-004	5105	Somerton	Matthew & Theresa Dahmer	1	2	2	**1**
88-20-10-476-001	5190	Somerton	William & Roberta McCatty	1	2	2	**1**
88-20-10-476-002	5176	Somerton	Mark & Tina Ode	1	2	0	**0**
88-20-10-476-053	5152	Somerton	Alan T Werner	1	1	1	**1**
88-20-10-476-054	5128	Somerton	Daniel & Shelly Koweck	1	2	2	**1**
88-20-10-477-016	5042	Somerton	James Pouget	1	1	0	**0**
88-20-10-477-035	5070	Somerton	Linda Dugener	1	1	1	**1**
				17			**11**

11 of 17 units in favor of the paving project = 64.7%

*** 3 units (on 2 parcels) are owned by the City of Troy, and are NOT included in the calculations.**

Somerton Paving
SAD #1.504.5
17 Units
11 In Favor
64.7% Approval



City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Preliminary Engineer's Estimate

Somerton Road
Proj. No. 01.504.5

Prepared by: G. Scott Finlay, P.E.
Date: 28-Jun-04

	Description	Unit	Est. Qty	Unit price	Total
1	Remove Chip Seal	S.Y.	1200.00	2.50	$3,000.00
2	Machine Grading	STA.	13.40	500.00	$6,700.00
3	Bituminous Mix - 500-20C, 3 Inches	TONS	602.00	35.00	$21,070.00
4	Bituminous Mix - 1100T - 20AA, Wearing	TONS	301.00	40.00	$12,040.00
	Total Construction Costs				$42,810.00

SAD Assessment Share	$33,110.00
Less Chip Seal Costs	$ 17,912.50
Less Maintenance Savings	$ 3,650.00
SAD Assessment Share	$11,547.50
Admin. & Conting. (25%)	$2,886.88
Total SAD Assessment Share	$14,434.38

Bituminous Paving

FEASIBILITY REPORT
Proposed Special Assessment

CITY ENGINEER'S REPORT TO CITY MANAGER AND CITY ASSESSOR

Project Number		**01.504.5**
Project Title	**Somerton Paving**	
Project Location	**Section 10**	
Description of Poposed Improvements:	**24' wide, bituminous surfacing**	
Preliminary Cost Estimate:		**$42,810.00**
Proposed Portion of Cost to be Special Assessed:		**$12,269.24**
Proposed Scheduling of Project:		**Fall 2004**
Plan and Cost Estimate could be completed in:		**120 days**
Is this project feasible?		**Yes**

07/01/04

Steven Vandette, City Engineer — Date

CITY ASSESSOR'S REPORT TO THE CITY MANAGER

Amount to be Special Assessed:	**$12,269.24**
Amount to be General Assessed:	**$30,540.76**
Total Cost:	**$42,810.00**

		BENEFIT METHOD	BENEFIT RATE
Frontage		**N/A**	**N/A**
Area		**N/A**	**N/A**
Unit	17	**17.00**	**$721.72**

Owners Signed	**N/A**	Percent of Total	**N/A**
Frontage Signed	**N/A**	Percent of Total	**N/A**
Occupied Units Signed	**11**	Percent of Total	**64.70%**

Is this Project feasible? **Yes**

07/01/04

Nino Licari, City Assessor — Date

88-20-10-451-010 $721.72
TRAN, JESSICA & KIEN
5189 SOMERTON
TROY MI 48085

88-20-10-451-011 $721.72
SUN, LEE YUAN
5177 SOMERTON
TROY MI 48085-3252

88-20-10-452-002 $721.72
WATSON, ERNEST A
5085 SOMERTON
TROY MI 48085-3243

88-20-10-452-003 $721.72
PERKOWSKI, LUCJAN & JOLA
5073 SOMERTON
TROY MI 48085-3243

88-20-10-452-013 $721.72
DILLON, JOHN R
5041 SOMERTON
TROY MI 48085-3243

88-20-10-452-014 $721.72
CITY OF TROY 1 Unit
5021 SOMERTON
TROY MI 48085-3243

88-20-10-452-015 $721.72
KNIGHT, PHILIP & BARBARA
5065 SOMERTON
TROY MI 48085-3243

88-20-10-452-016 $721.72
WELLS, RICKY & ROBERTA
5057 SOMERTON
TROY MI 48085-3243

88-20-10-453-001 $721.72
YANG, REN
5159 SOMERTON
TROY MI 48085

88-20-10-453-002 $721.72
HUSSAIN, ASIF & SHAPLE
5141 SOMERTON
TROY MI 48085

88-20-10-453-003 $721.72
LIU, JUNHUA
5123 SOMERTON
TROY MI 48085

88-20-10-453-004 $721.72
DAHMER, MATTHEW & THERESA
5105 SOMERTON
TROY MI 48085-3252

88-20-10-476-001 $721.72
MC CATTY, WILLIAM G
5190 SOMERTON
TROY MI 48085-3255

88-20-10-476-002 $721.72
ODE, MARK & TINA
5176 SOMERTON
TROY MI 48085-3255

88-20-10-476-053 $721.72
WERNER, ALAN T
5152 SOMERTON
TROY MI 48085-3255

88-20-10-476-054 $721.72
KOWECK, DANIEL T & SHELLY
5128 SOMERTON
TROY MI 48085-3255

88-20-10-477-016 $721.72
POUGET, JAMES
5042 SOMERTON
TROY MI 48085-3244

88-20-10-477-017 $1,443.42
CITY OF TROY 2 Units
615 E LONG LAKE
TROY MI 48085-4838

88-20-10-477-035 $721.72
DUGENER, LINDA
5070 SOMERTON
TROY MI 48085-3244

City of Troy
Assessing Department

Project Name Somerton Bituminous Paving

Project # 01.504.05

Amortization Table
10 Year

int. @.06

Assessment
$721.720

Year	Principal	Interest	Payment	Balance
1	$ 72.17		$ 72.17	$ 649.55
2	$ 72.17	$ 38.97	$ 111.14	$ 577.38
3	$ 72.17	$ 34.64	$ 106.81	$ 505.20
4	$ 72.17	$ 30.31	$ 102.48	$ 433.03
5	$ 72.17	$ 25.98	$ 98.15	$ 360.86
6	$ 72.17	$ 21.65	$ 93.82	$ 288.69
7	$ 72.17	$ 17.32	$ 89.49	$ 216.52
8	$ 72.17	$ 12.99	$ 85.16	$ 144.34
9	$ 72.17	$ 8.66	$ 80.83	$ 72.17
10	$ 72.17		$ 72.17	$ (0.00)
TOTAL	$ 721.72	$ 190.53	$ 912.25	

06/29/04

MICHIGAN MUNICIPAL LEAGUE

July 6, 2004

OFFICIAL NOTICE TO MEMBER CITIES AND VILLAGES
OF THE MICHIGAN MUNICIPAL LEAGUE

(Please present at the next Council or Commission Meeting)

Dear Official:

The annual meeting of the members of the Michigan Municipal League will be held on Mackinac Island, September 30 through October 2, 2004. The business session is scheduled for 10:45 a.m. on Thursday, September 30, at the Grand Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each.

2. Policy. To vote on statements of policy and resolutions properly brought before the annual meeting.

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than September 9, 2004.

In connection with the designation of an official representative of the member to the annual meeting, your attention is invited to the following provisions of the Bylaws of the Michigan Municipal League:

> "Section 4.4 - Votes of Members. Each member city and village shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.

President
JAMES SINCLAIR
Mayor Pro Tem, Rogers City

Vice President
GRETCHEN DRISKELL
Mayor, Saline

Trustees
ALEX ALLIE
City Manager, Huntington Woods

KATHLEEN BUCKNER
Councilmember, Center Line

SHEILA COCKREL
Councilmember, Detroit

MICHAEL CZYMBOR
City Administrator, Milan

BARBARA HOLT
Mayor Pro Tem, Walker

JERRY IRBY
Mayor, Marquette

ROBERT JONES
Mayor, Kalamazoo

KAREN LAWRENCE-WEBSTER
Finance Director/Treasurer, Saginaw

THOMAS MARKUS
City Manager, Birmingham

MICHAEL MATHENY
Mayor, Grand Blanc

SPENCER NEBEL
City Manager, Sault Ste. Marie

FLORENCE SCHRADER
Treasurer, Ubly

MARGENE ANN SCOTT
Councilmember, Madison Heights

CLARA SHEPHERD
Commissioner, Muskegon

WILLIAM STEWART
City Manager, Coldwater

JOSEPH YUCHASZ
Village President, Elk Rapids

Executive Director
GEORGE D. GOODMAN

A member of the National League of Cities

Web Address
www.mml.org

Headquarters Office
1675 Green Road, P.O. Box 1487
Ann Arbor, MI 48106-1487
Phone: 734-662-3246
Fax: 734-662-8083

Lansing Office
320 N. Washington Square, Suite 110
Lansing, MI 48933-1288
Phone: 517-485-1314
Fax: 517-372-7476

Northern Field Office
200 Minneapolis Avenue
Gladstone, MI 49837-1931
Phone: 906-428-0100
Fax: 906-428-0101

Election of Trustees

In connection with election of officers, under Section 5.3 of the Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

Resolution

In connection with consideration of resolutions and statements of policy, under Section 4.5 of the Bylaws of the League, the Board of Trustees acts as the Resolutions Committee, and no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is submitted to the meeting by the Board of Trustees. The proposed Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be printed and distributed prior to the Convention, to permit governing bodies of member cities and villages to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Wednesday, September 29, at the Grand Hotel on Mackinac Island for the purpose of considering such other matters as may be requested by the membership.

Sincerely,

James L. Sinclair

James L. Sinclair
President

George D. Goodman

George D. Goodman,
Executive Director

GDG/dl
Enc.

DATE: July 12, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
William Huotari, Acting City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM - FINAL PLAN REVIEW – Crestwood Site Condominium, North of Wattles, East of Livernois, part of the Crestfield Subdivision in the SW ¼ of Section 15 - R-1C

RECOMMENDATION

On January 26, 2004, City Council granted preliminary approval of the proposed site condominium with the condition that the developer provide an agreement restricting future road access to Wattles Road. The petitioner provided the executed agreement and the City will record the document. A wetlands permit is required because the project impacts regulated wetlands. The petitioner acquired a MDEQ permit related to work involving an inland stream and floodplain/water resources protection, and this permit expires on December 31, 2004 (DEQ File Number 03-63-0103-P).

The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development**.** In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Crestwood Site Condominium.

The Final Street Vacation of portions of Crestfield Avenue and Tallman Drive is an agenda item for the July 12, 2004 City Council meeting. The Final Street Vacation must occur prior to granting Final Site Condominium Approval.

GENERAL INFORMATION

Name of Owner / Petitioner:
RWT Building LLC owns the property. They are represented by Michael Lamb.

Location of subject property:
The property is located on the north side of Wattles Road, east of Livernois and west of Rochester.

Size of subject parcel:
11.983 acres.

Parcel History:
The applicant received Preliminary Site Plan Approval from Troy City Council on February 3, 2003. The approved 23-unit site condominium featured 4 units on Hanover Street and 19 units fronting a cul-de-sac with access on Wattles Road.

Description of proposed development, including number and density of units:
The petitioner is proposing to develop a site condominium with a total of 23 single-family residential units. This represents a density of approximately 1.92 units per acre.

Current use of subject property:
The parcel is presently vacant.

Current use of adjacent parcels:
North: Single family residential.

South: (Across Wattles) Single family residential.

East: Single family residential.

West: Single family residential.

Current zoning classification:
R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

Future Land Use Designation:
The parcel is designated as Low Density Residential on the Future Land Use Plan.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum lot area in the R-1C district is 10,500 square feet. The applicant has utilized the lot averaging option, with minimum 9,450 square feet lots. The applicant meets this standard.

Lot Width: The lot averaging option allows lots to be reduced to 76.5 feet width on interior lots and 100 feet on corner lots.

Height: The maximum height in the R-1C district is 25 feet. The applicant is not required to include building elevations for preliminary site plan approval.

Setbacks: The front yard setback is 30 feet, the rear yard setback is 40 feet and the side yard setbacks are 10 feet each, totaling 20 feet. Section 10.60.03 requires a yard setback of 50 feet for parcels abutting a major thoroughfare.

Minimum Floor Area: The minimum floor area per unit is 1,200 square feet. The applicant is not required to include building dimensions for preliminary site plan approval.

Off-street parking and loading requirements:
The development will be required to provide two (2) off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
The applicant submitted a Preliminary Tree Preservation Plan, which was approved by the Parks and Recreation Department.

Stormwater detention:
The applicant is proposing to provide stormwater detention east of the Sturgis Drain. A 12-foot wide driveway was provided from Wattles Road to service the detention area.

Natural features and floodplains:
There are significant natural features located on the site. The lot is heavily wooded. The Sturgis Drain flows northerly through the eastern half of the parcel.

A letter from the MDEQ dated October 24, 2000, indicates that there are state regulated wetlands on the parcel.

The applicant has provided a drawing indicating that the entire site is located within the 100-year floodplain as indicated on the FIRM map. The firm of Hubbell, Roth and Clark has developed a report on the 100-year floodplain boundary, which has slightly reduced the 100-year floodplain boundary. There are State regulated wetlands located on the parcel.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: The proposed cul-de-sac that essentially extends Tallman Drive to the southwest is approximately 780 feet in length. Cul-de-sacs may exceed 500 feet in length upon the approval of the Planning Commission.

Lots: Proposed lots conform to the minimum requirements of the Zoning Ordinance.

Easements: There are a number of easements within the proposed development, including a 30-foot wide non-access greenbelt easement, 12 or 15-foot wide storm sewer easements, a 20-foot wide water main easement and 10 or 12-foot wide public utility easements.

Topographic Conditions: Essentially the entire site lies within the 100-year FIRM map floodplain boundary, including the proposed detention area. The applicant must receive MDEQ approval prior to beginning any construction within a floodplain or altering a floodplain.

There are regulated wetlands on the parcel. The applicant has provided a Wetland Assessment Report dated October 24, 2000, which indicates this.

Streets: The applicant is proposing to extend Tallman drive to the southwest. There will be no direct access onto Wattles Road.

Sidewalks: The applicant is proposing a 5-foot wide sidewalk along both sides of the cul-de-sac.

Walkways: There is a 5-foot wide walkway proposed to connect Wattles Road and the proposed 5-foot wide interior sidewalk.

Utilities: The parcel is served by public water and sewer.

Attachments:

1. Maps
2. Unplatted Residential Development Levels of Approval
3. Comparison Between Site Condominiums and Plats
4. City Council Minutes from January 26, 2004.
5. Contract for Installation of Municipal Services.

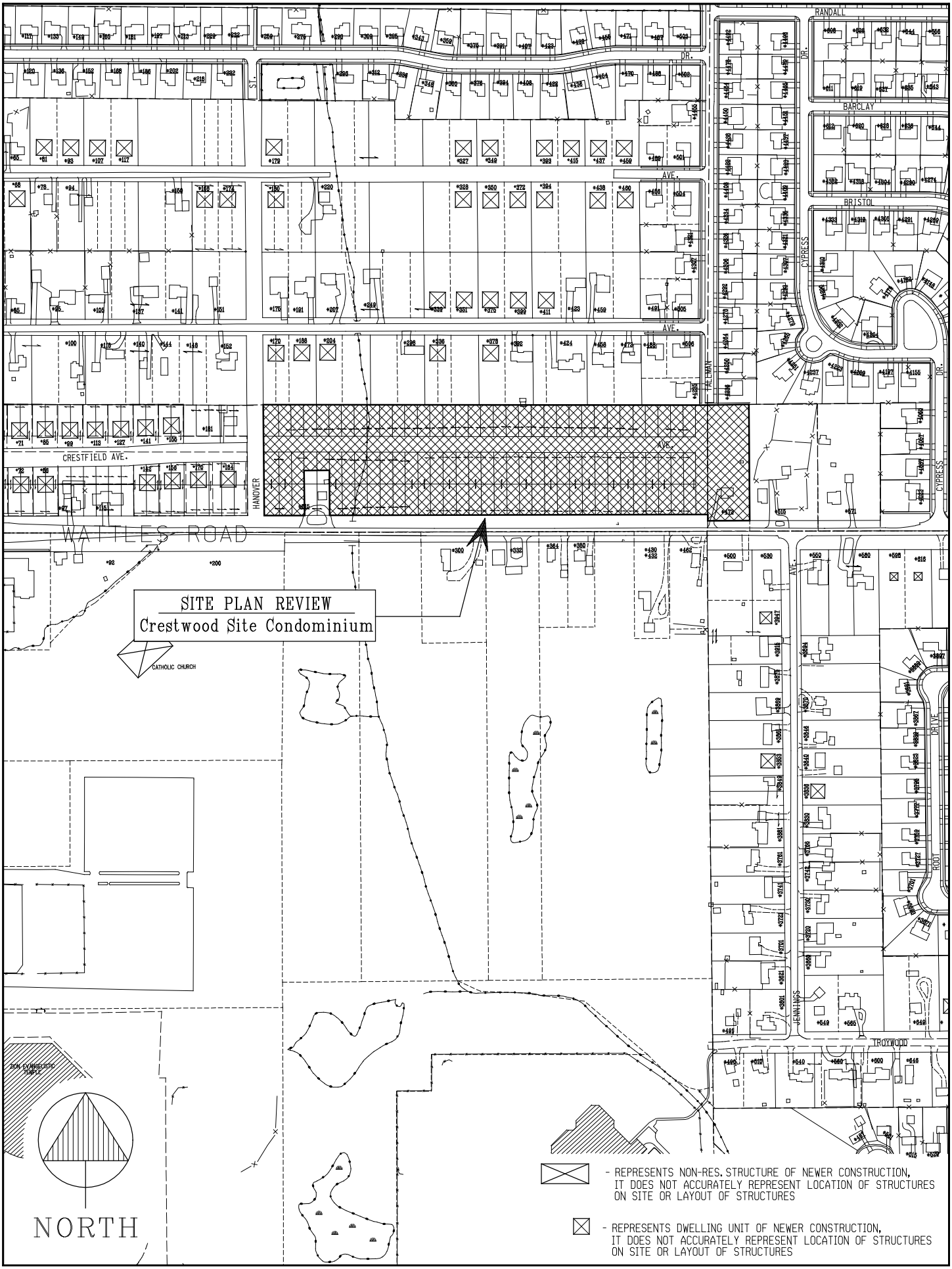
cc: RWT Building, LLC
File

G:\SUBDIVISIONS & SITE CONDOS\Crestwood Site Condo Sec. 15\CC Final Approval Crestwood Site Condominium 07 19 04.doc

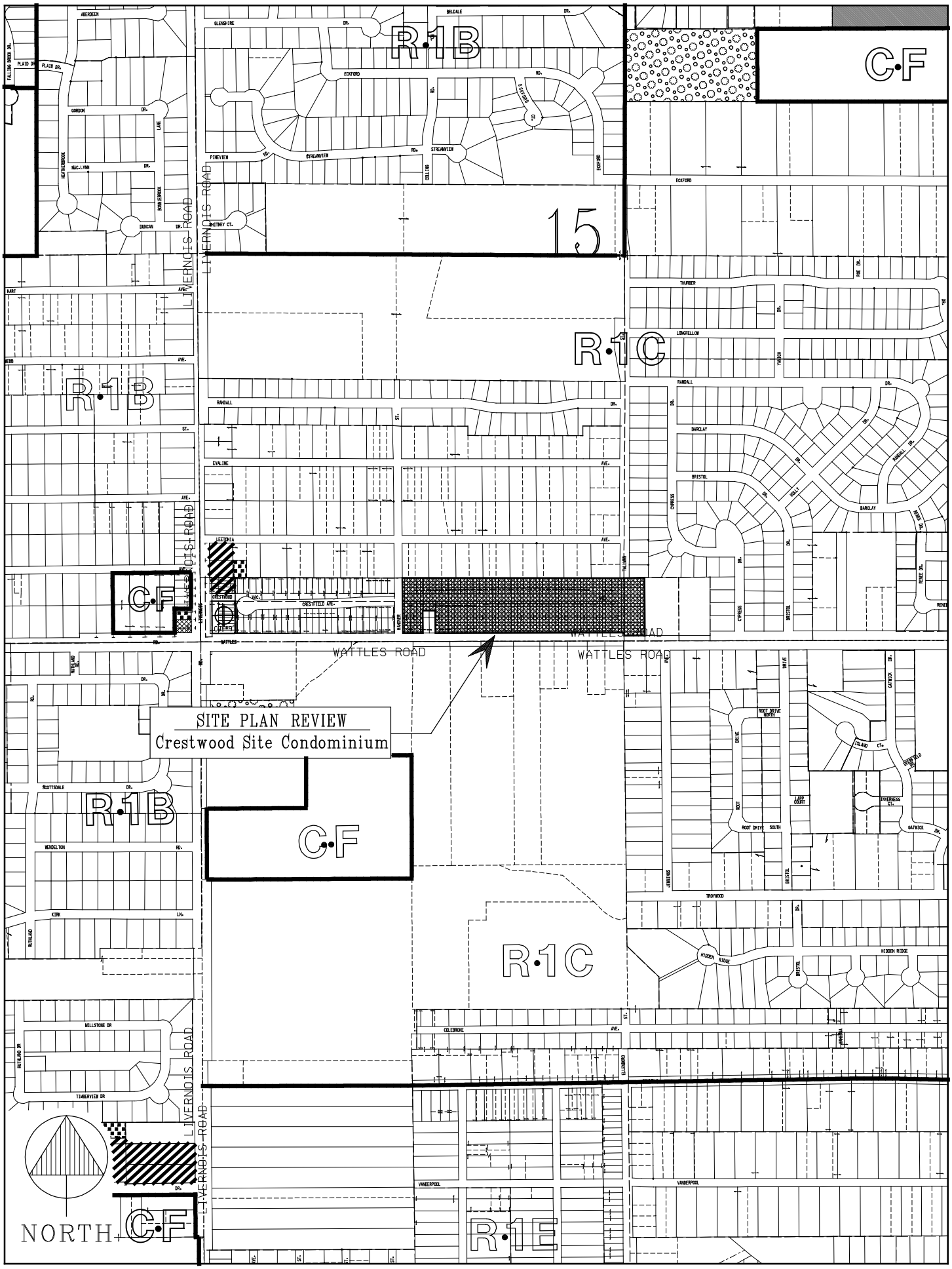
CITY OF TROY

N

PREPARED BY CITY OF TROY PLANNING DEPT.



CRESTWOOD S.C. / Sec. 15 / 05-16-02


SITE PLAN REVIEW
Crestwood Site Condominium
R-1B
C-F
R-1C
R-1E
15
LIVERNOIS ROAD
WATTLES ROAD
CRESTFIELD AVE.
NORTH

SITE PLAN REVIEW
CRESTWOOD SITE CONDOMINIUM
S SIDE WATTLES, E OF LIVERNOIS
SEC. 15 (R-1C, 23 LOTS)
EVALINE
EVALINE
CYPRESS
TALLMAN
LEETONIA
CRESTFIELD
HANOVER
E WATTLES
SITE PLAN REVIEW
CRESTWOOD SITE CONDOMINIUM
JENNINGS
ROOT
N
0 50 100 200 300 400 Feet

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
    - Number of lots
    - Building setbacks
    - Lot dimensions
    - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
    - Sanitary and Storm sewer
    - Water mains
    - Detention / Retention basins
    - Grading and rear yard drainage
    - Paving and widening lanes
    - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

F-3 Preliminary Plan Review – Crestwood Site Condominium – North of Wattles – East of Livernois – Part of the Crestfield Subdivision in the SW ¼ of Section 15 – R-1C

Resolution #2004-01-023
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Preliminary Site Plan as submitted by the petitioner, under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Crestwood Site Condominium, which includes the extension of Tallman to the southwest but no vehicular connection to Wattles, as recommended for approval by the Planning Commission, located on the north side of Wattles Road, east of Livernois Road, including 23 home sites, within the R-1C Zoning District, being 11.983 acres in size, is hereby **APPROVED CONTINGENT** upon the developer providing an agreement filed with the Register of Deeds that there shall not be a future connection to Wattles and further **CONTINGENT** upon the developer providing a "T" , a small cul-de-sac or another means to allow for turn around traffic.

Yes: All-7

02.922.3

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 02.922.3 | PROJECT LOCATION: SW 1/4 Sec. 15

RESOLUTION NO. 2004-06-300-E-9 | DATE OF COUNCIL APPROVAL: June 7, 2004

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **R W T Building L.L.C.** whose address is **2065 Livernois, Troy, MI 48083** and whose telephone number is **248-273-6000** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Sanitary Sewer, Water Main, Storm Sewer, Detention, Road Paving, Sidewalks, Landscaping and Soil Erosion Controls** in accordance with plans prepared by **Nowak & Fraus** whose address is **46777 Woodward Ave., Pontiac, MI 48099** and whose telephone number is **248-332-7931**, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$438,619.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☒
Check	☐
Performance Bond & 10% Cash	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$84,829.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO.	02.922.3	PROJECT LOCATION:	SW ¼ Sec. 15
RESOLUTION NO.		DATE OF COUNCIL APPROVAL:	

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of $ 523,448.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO.	02.922.3	PROJECT LOCATION:	SW 1/4 Sec. 15
RESOLUTION NO.		DATE OF COUNCIL APPROVAL:	

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 12 day of MAY, 20 04.

OWNERS

By:

Terry M Ross, member
RWT Building LLC

Please Print or Type

RWT Building LLC

Terry M Ross, member

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling

Louise E. Schilling, Mayor

Tonni L. Bartholomew

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 12th day of MAY, A.D.20 04, before me personally appeared TERRY M. ROSS known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Barbara Mickel

NOTARY PUBLIC, Oakland County, Michigan

BARBARA MICKEL
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES May 1, 2005

My commission expires: May 1, 2005

Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits
Crestwood Site Condominiums - Project No. 02.922.3
23 Units - Section 15

ESCROW DEPOSITS

Sanitary Sewers	$50,894
Water Mains	$47,176
Storm Sewers	$100,000
Rear Yard Drains	$29,000
Pavement - CONCRETE	$113,252
Grading	$30,000
Detention Basin	$11,500
Soil Erosion Control Measures	$1,131
Monuments and Lot Corner Irons	$880
Temporary Access Road	$2,500
Sidewalks - ON SITE	$4,710
Sidewalks - OFF SITE	$28,776
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$13,800
Wetland/Floodplain/Sturgis Drain - Protection & Clean-Up	$5,000
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$438,619**

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$650
Street Name and Traffic Signs	$493
Maintenance of Detention Basin	$3,652
Testing Services	$6,579
Engineering Review and Inspection	$31,230
TOTAL CASH FEES (NON-REFUNDABLE):	**$42,604**

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	$810
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$4,600
Landscape Deposit	$26,936
Punchlist & Restoration Deposit	$9,879
TOTAL CASH DEPOSITS (REFUNDABLE):	**$42,225**

Stormwater detention will be provided by a new detention basin on site.
Engineer: Nowak & Fraus
Developer: RWT Building, L.L.C.

DATE: June 30, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
William Huotari, Acting City Engineer
Timothy Richnak, Director of Public Works

SUBJECT: **Agenda Item**---Change Order for Section 19 Drain Improvements

RECOMMENDATION

The Department of Public Works and the Engineering Department recommend that City Council approve a Change Order with Troelsen Excavating Co., 1395 Rochester Road, Troy, MI 48083 for the Section 19 Drain Improvements at an estimated total cost of $280,730.00. In addition, we are requesting authorization to add work due to unforeseen circumstances, not to exceed 10% of the original project cost.

SUMMARY

Troelsen Excavating Co. is currently finishing work on the Crooks Road Watermain Abandonment project. This work for the Section 19 Drain Improvements would be a change order to the existing Crooks Road Watermain project. The Section 19 Drain Improvement project includes approximately 5,000 lineal feet of 8" and 12" edge drain and associated storm sewer structures. The project is scheduled to begin in July with restoration to be completed by October 2004.

Bids were received and read on June 7, 2004 with three contractors responding. The low bidder was A.D.J. Excavating Inc. for a total of $262,917.70. The second lowest bid was from Troelsen Excavating Co. for a total of $280,730.00, and Gianetti Contracting Corp. was the highest bidder with a total of $288,565.20. The bid tabulation is attached. Due to one dollar unit pricing submitted by both A.D.J. Excavating Inc. and Giannetti Contracting Corp. for items 10, 20, 23-26, 28 & 29, which do not reasonably reflect the value of the work, city management recommends that the project be awarded to Troelsen Excavating Co. With those items removed to establish a basis for comparing the bids, the low bid is Troelsen Excavating Co. with $244,610, the second lowest bid is A.D.J. Excating Inc. with $260,652.70 and Giannetti Contracting Corp. with third bid of $277,766.20.

FUNDING

Funds are available to complete this project in the 2004/05 Capital Drains Fund, account number 401516.7989.1000. The budgeted amount includes funds for construction, inspection and contingencies.

3 Bids Sent
3 Bids Rec'd

G:\Storm Water Division\Drawings\Projects\Section9\Bid Award.doc

COST ESTIMATE
SECTION 19 DRAINAGE IMPROVEMENTS
CITY OF TROY
OAKLAND COUNTY, MICHIGAN
Bids Due: June 7, 2004

	Item	Quantity		Troelsen Excavating Co. Unit Price	Troelsen Excavating Co. Total Cost	Giannetti Contracting Corp. Unit Price	Giannetti Contracting Corp. Total Price	A.D.J. Excavating Inc. Unit Price	A.D.J. Excavating Inc. Total Price
	Base Bid								
1.	8" Dia. Edge Drain	2915	l.ft.	$25.00	$72,875.00	$35.43	$103,278.45	$27.50	$80,162.50
2.	12" Dia. Edge Drain	1420	l.ft.	$26.00	$36,920.00	$37.55	$53,321.00	$30.51	$43,324.20
3.	12" Dia. C-76 CL-IV Storm Sewer Trench Det. B	325	l.ft.	$35.00	$11,375.00	$43.39	$14,101.75	$35.00	$11,375.00
4.	2' Dia. Plastic Maintenance Basin	47	ea.	$900.00	$42,300.00	$700.00	$32,900.00	$800.00	$37,600.00
5.	3' Dia. Plastic Catch Basin	10	ea.	$970.00	$9,700.00	$750.00	$7,500.00	$1,100.00	$11,000.00
6.	Reconstruct Ex. Structure	4	ea.	$300.00	$1,200.00	$500.00	$2,000.00	$550.00	$2,200.00
7.	Construct Catch Basin over ex. Storm Sewer	1	ea	$1,800.00	$1,800.00	$2,000.00	$2,000.00	$1,500.00	$1,500.00
8.	8" Tap into existing storm sewer	1	ea.	$400.00	$400.00	$200.00	$200.00	$750.00	$750.00
9.	12" Tap into existing storm sewer	1	ea	$400.00	$400.00	$300.00	$300.00	$1,000.00	$1,000.00
10.	Exploratory Trenching as needed	200	l.ft.	$10.00	$2,000.00	$1.00	$200.00	$5.00	$1,000.00
11.	Install Geotextile Fabric under Catch Basin Cover	68	ea.	$45.00	$3,060.00	$20.00	$1,360.00	$20.00	$1,360.00
12.	Silt Fence	100	l.ft.	$3.00	$300.00	$1.00	$100.00	$2.00	$200.00
13.	Remove Driveway approach	1340	syd.	$6.00	$8,040.00	$9.00	$12,060.00	$5.50	$7,370.00
14.	Remove roadway pavement	190	syd.	$7.00	$1,330.00	$9.00	$1,710.00	$6.50	$1,235.00
15.	6" Thick 21 AA Gravel to restore Driveways	500	tons	$16.00	$8,000.00	$12.00	$6,000.00	$15.00	$7,500.00
16.	6" Thick Concrete to restore driveways	320	syd.	$33.00	$10,560.00	$33.00	$10,560.00	$36.00	$11,520.00
17.	MDOT Bituminous Mix 1100 T, 36B to restore driveways	230	tons	$90.00	$20,700.00	$75.00	$17,250.00	$87.20	$20,056.00
18.	MDOT Bituminous Mix 500 C to restore roadway crossing	35	tons	$90.00	$3,150.00	$75.00	$2,625.00	$100.00	$3,500.00
19.	MDOT Bituminous Mix 1100T to restore roadways	20	tons	$90.00	$1,800.00	$75.00	$1,500.00	$100.00	$2,000.00
20.	Sylvax Cold Patch Material for Temp. Restoration of Pvmt and Driveways if needed	45	ton	$90.00	$4,050.00	$1.00	$45.00	$1.00	$45.00
21.	Remove Ex. CMP Storm Sewer	46	each	$100.00	$4,600.00	$100.00	$4,600.00	$125.00	$5,750.00
22.	Remove Ex. Timber Headwall	1	each	$200.00	$200.00	$100.00	$100.00	$250.00	$250.00
23.	6" Dia. Sanitary Sewer Lead, PVC, ASTM D-3034, SDR 23.5, if required	200	l.ft.	$30.00	$6,000.00	$15.00	$3,000.00	$1.00	$200.00
24.	1" Dia. Water Service Lead, Type "K" Copper if required	200	l.ft.	$10.00	$2,000.00	$15.00	$3,000.00	$1.00	$200.00
25.	1-1/2" Dia. Water Service Lead, Type "K" Copper if required	10	l.ft.	$12.00	$120.00	$25.00	$250.00	$1.00	$10.00
26.	2" Dia. Water Service Leak, Type "K" Copper if required	10	l.ft.	$15.00	$150.00	$30.00	$300.00	$1.00	$10.00
27.	Turf Restoration w/4" Topsoil & Class A Sod			Included	Included	Included	Included	Included	Included
28.	Watering Sod Areas (1000 gal/unit)	400	unit	$50.00	$20,000.00	$10.00	$4,000.00	$1.00	$400.00
29.	Mowing Sod Areas	4	time	$450.00	$1,800.00	$1.00	$4.00	$100.00	$400.00
30.	Pre-construction/Post-construction video	1	ea.	$1,500.00	$1,500.00	$1,000.00	$1,000.00	$2,500.00	$2,500.00
31.	Traffic Maintenance & Control	1	ea.	$2,000.00	$2,000.00	$1,500.00	$1,500.00	$5,000.00	$5,000.00
32.	Temporary Gang Mail Boxes	6	ea.	$200.00	$1,200.00	$50.00	$300.00	$250.00	$1,500.00
33.	Mail Box Posts if required	10	ea.	$20.00	$200.00	$50.00	$500.00	$100.00	$1,000.00

Item	Quantity	Excavating Co. Unit Price	Excavating Co. Total Cost	Contracting Corp. Unit Price	Contracting Corp. Total Price	Excavating Inc. Unit Price	Excavating Inc. Total Price
Base Bid							
34. RCOC permit	1 lsum	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$1,000.00
TOTAL AMOUNT OF BASE BID			**$280,730.00**		**$288,565.20**		**$262,917.70**

July 6, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item:** Option To Renew and Amend Contract – Sidewalk Replacement Program

RECOMMENDATION

On August 18, 2003, the Troy City Council approved a contract to provide a sidewalk replacement and installation program through June 30, 2004. The contract includes an option to renew for two (2) additional one-year periods to the low bidder, Hard Rock Concrete, Inc. at the same estimated amounts of $366,210.00, plus $91,552.50 (25%) {Resolution #2003-08-425-E9}.

City management recommends exercising the option to renew for one-year, which will expire June 30, 2005, and approving an amendment to the contract for additional work not to exceed $92,237.50. Sidewalks scheduled for replacement are located in sections 1,2,3,10,11, and 12.

Hard Rock Concrete, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions.

Proposed 2004 Contract Amount	$366,210.00
Additional 25%	$ 91,552.50
Proposed Amendment	$ 92,237.50
Total 2004/2005 Budget Amount	$550,000.00

MARKET SURVEY

A favorable market survey was conducted by the Purchasing Department. Economic conditions indicate prices are expected to rise on concrete, labor, and fuel.

BACKGROUND

- Hard Rock Concrete, Inc. has been able to work at a faster than expected pace while producing a quality product for the City.
- It is to our benefit to take advantage of 2003 pricing for the 2004 construction season by amending the construction quantities.
- Moving this work forward would improve the safety for all pedestrians and also reduce the liability for the City.

BUDGET

Funding for this project will come from 2004/2005 budgeted funds available in the Capital Accounts for Sidewalks.

Prepared by: Marina Basta Farouk, Project Construction Manager

March 17, 2004

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – Sidewalk Replacement and Installation

MAJOR CEMENT – Frank Jacoboni (313) 215-0972
Frank has indicated that with Union wages going up $1.25 to $1.50 per year, (almost 5%) and Concrete going up $2.00 per yard, (3 –4% increase) along with fuel price continuing to rise, that he would increase his prices on any project the City of Troy has to offer. It is also based on "Who's got the work and who doesn't".

LACARIA CONCRETE – CONSTRUCTION – Salvatorie Lacaria (313) 843-3865
According to Salvatorie – their cost would increase because of the following three things: 1.) Union Wages that go up about 4 to 5% per year, 2.) Dumping charges, (for dumping the replaced concrete waste) and 3.) Fuel prices that keep increasing at the pumps.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Sidewalk Replacement & Installation to the current vendor based on the increase cost of concrete, wages, and fuel for the next couple years.

CC: Susan Leirstien

ATTN: Racco Grimaldi
Hard Rock Concrete Inc
38146 Abruzzi
Westland, MI 48185

Dear Mr. Schmitt:

On August 4,2003, the City of Troy entered into contract 20300123 -OB with Hard Rock Concrete Inc to provide one (1) year requirements of the sidewalk replacement and installation program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 90 days of contract termination.

Please fax this letter back indicating if Hard Rock Concrete Inc, Inc. wishes to renew this contract until June 30,2005. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3585.

CHECK ONE:

Hard Rock Concrete Inc. is interested in renewing the contract under the same prices, terms, and conditions: (✓)

Hard Rock Concrete Inc. is not interested in renewing the contract: ( )

X Racco Grimaldi
Signed: Authorized Company Representative

Date: 1/26/04

Thank you,
Marina Basta Farouk
Project Construction Manager

E-8 Acceptance of Permanent Easement for Drainage and Approval to Pay Consideration – Section 1 Golf Course Passing Lane – Project No. 98.910.5 – Patricia H. Schaefer Runquist – Sidwell #88-15-36-376-013

Resolution #2003-08-425-E-8

RESOLVED, That the Permanent Easement for Drainage from Patricia H. Schaefer Runquist, owner of property having Sidwell #88-15-36-376-013 is hereby **ACCEPTED**, and that payment is **AUTHORIZED** in the amount of $2,725.00 plus recording costs; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said document with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Corrected Resolution: Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program From Regular City Council Meeting Held on Monday, August 4, 2003

NOTE: The below corrected Resolution #2003-08-400 from the Regular City Council Meeting held on Monday, August 4, 2003 has been resubmitted for Council approval noting that June 30, 2003 should read August 4, 2004.

Resolution #2003-08-425-E-9

RESOLVED, That a contract to provide a Sidewalk Replacement and Installation Program through June 30, 2003 2004, with an option to renew for two (2) additional one-year periods is hereby **AWARDED** to the low bidder, Hard Rock Concrete, Inc. for an estimated total cost of $366,210.00, at unit prices contained in the bid tabulation opened 7/22/03, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes to the quantity of work is needed, the total arithmetic dollar value of all such changes does not exceed +/- 25% of the contract total per year and falls within budgetary limits.

BE IT FINALLY RESOLVED, That City Council **DIRECT** City Administration to provide a report to City Council at the end of this contract listing all cases where development standards were waived and the amount of savings that resulted.

E-11 Private Agreement for Light Industrial Bldg. – 1893 Birchwood – Project No. 03.912.3

Resolution #2003-08-425-E-11

July 22, 2003

E-06

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program

RECOMMENDATION

On July 22, 2003, bids were received for the Sidewalk Replacement and Installation Program. City management recommends awarding the contract to the low total bidder, Hard Rock Concrete Inc. for an estimated total cost of $366,210.00, at unit prices contained in the attached bid tabulation opened 7/22/03.

In addition, staff requests authorization to change the quantity of work either additive or deductive at unit prices quoted, provided the total arithmetic dollar value of all such changes does not exceed 25% of the contract total per year and falls within budgetary limits.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements. Due to bonding requirements, the program was bid on a low total award basis.

BUDGET

Funds are available from the 2003/04 budget in the Capital Accounts for Public Works Construction Sidewalk Replacement and Installation Programs.

A comparison of the budgeted amount to the low bid follows:

Account Number	Project Description	As- Bid Amount	Budget Amount
401513.7989.700	Sidewalk Replacement	$334,915.00	$385,000.00
401513.7989.610	Sidewalk Installation	$31,295.00	$110,000.00

Locations for sidewalk installations have not been specified, and will only be used if areas occur with sidewalk gaps.

44 MITN Vendors Notified
2 Vendor Walk-Ins
3 Bid Responses Rec'd

Prepared by: Marina Basta/Farouk, Project Construction Manager

Opening Date -- 7-22-03
Date Prepared -- 7/24/03

CITY OF TROY
BID TABULATION
SIDEWALK REPLACEMENT & INSTALLATION

ITB-COT 03-12

VENDOR NAME:	* HARDROCK CONCRETE INC	LACARIA CONCRETE CONSTRUCTION	MAJOR CEMENT
CHECK #:	473451098	650329643	214824
CHECK AMOUNT:	$ 2,500.00	$ 2,500.00	$ 2,500.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	EST. QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	79,100 S.F.	$ 3.15	$ 249,165	$ 3.05	$ 241,255	$ 4.15	$ 328,265
2	Remove and Replace 6" Concrete	8,500 S.F.	$ 3.50	$ 29,750	$ 4.00	$ 34,000	$ 5.00	$ 42,500
3	Remove and Replace 8" Concrete	500 S.F.	$ 4.50	$ 2,250	$ 4.50	$ 2,250	$ 5.50	$ 2,750
4	Adjusting Drainage Structure	30 EACH	$ 175.00	$ 5,250	$ 125.00	$ 3,750	$ 350.00	$ 10,500
5	Reconstruct Drainage Structure	20 EACH	$ 175.00	$ 3,500	$ 300.00	$ 6,000	$ 550.00	$ 11,000
6	Reconstruct Sanitary Manhole	10 EACH	$ 275.00	$ 2,750	$ 350.00	$ 3,500	$ 550.00	$ 5,500
7	Handicap Ramps	50 EACH	$ 300.00	$ 15,000	$ 240.00	$ 12,000	$ 350.00	$ 17,500
8	Tree Root Grind	545 EACH	$ 50.00	$ 27,250	$ 59.00	$ 32,155	$ 115.00	$ 62,675
9	Traffic Maintenance	Included	Included		Included		Included	
10	Soil Erosion Control	Included	Included		Included		Included	
11	Restoration	Included	Included		Included		Included	
	Est. Total Cost - Proposal A			$ 334,915		$ 334,910		$ 480,690

PROPOSAL B: Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Tress 3" - 7"	Ea	2.0	$ 200.00	$ 400	$ 200.00	$ 400	$ 300.00	$ 600
2	Removing Trees 8" - 18"	Ea	2.0	$ 500.00	$ 1,000	$ 500.00	$ 1,000	$ 750.00	$ 1,500
3	Removing Sidewalk & Driveway App.	S.Y.	10.0	$ 4.50	$ 45	$ 10.00	$ 100	$ 16.00	$ 160
4	Relocate Hydrant, If needed	Ea	1.0	$ 2,000.00	$ 2,000	$ 2,500.00	$ 2,500	$ 2,500.00	$ 2,500
5	Relocate Flag Pole, If needed	Ea	1.0	$ 150.00	$ 150	$ 200.00	$ 200	$ 250.00	$ 250
6	Relocate Sign & Posts, If needed	Ea	1.0	$ 60.00	$ 60	$ 100.00	$ 100	$ 150.00	$ 150
7	Remove/Replace Concrete Curb/Gut	L.F.	20	$ 22.00	$ 440	$ 20.00	$ 400	$ 38.00	$ 760
8	Class A Culvert, 12", If needed	L.F.	10	$ 35.00	$ 350	$ 20.00	$ 200	$ 65.00	$ 650
9	Adjust Drainage Structures	Ea	3.0	$ 200.00	$ 600	$ 200.00	$ 600	$ 350.00	$ 1,050
10	Drainage Structure Covers	LBS	2000	$ 1.90	$ 3,800	$ 0.90	$ 1,800	$ 1.00	$ 2,000
11	Install Concrete Sidewalk 4"	S.F.	2000	$ 3.00	$ 6,000	$ 3.30	$ 6,600	$ 4.65	$ 9,300
12	Install Concrete Sidewalk 6"	S.F.	3600	$ 3.15	$ 11,340	$ 3.90	$ 14,040	$ 5.25	$ 18,900
14	Traffic Maintenance	LSUM	1.0	$ 1,500.00	$ 1,500	$ 1,000.00	$ 1,000	$ 2,000.00	$ 2,000
15	Soil Erosion Control	LSUM	1.0	$ 1,000.00	$ 1,000	$ 1,000.00	$ 1,000	$ 200.00	$ 200
16	Class A Sod	S.Y.	335	$ 6.00	$ 2,010	$ 12.00	$ 4,020	$ 4.00	$ 1,340
17	Watering Lawn Areas (1,000 Gal)	UNITS	1.0	$ 300.00	$ 300	$ 500.00	$ 500	$ 200.00	$ 200
18	Mowing Grass Areas	TIMES	4.0	$ 75.00	$ 300	$ 100.00	$ 400	$ 250.00	$ 1,000
19	Restoration	Included		Included		Included		Included	
	Est. Total Cost - Proposal B				$ 31,295		$ 34,860		$ 42,560
	ESTIMATED GRAND TOTAL - PROPOSALS A & B			*	$ 366,210		$ 369,770		$ 523,250

INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
PROGRESS PAYMENTS:	Identified as	N/A	BLANK	SAME AS PRIOR YEARS
TERMS		AS IN THE CONTRACT	BLANK	BLANK
WARRANTY		AS IN THE CONTRACT	PER CONTRACT	BLANK
EXCEPTIONS		NONE	BLANK	NONE

ATTEST:
Marina Basta-Farouk
MaryAnn Hays
Linda Bockstanz

*** DENOTES LOW TOTAL BIDDER**

Jeanette Bennett
Purchasing Director

G:Sidewalk Replacement & Installation ITB-COT 03-12

Downloading History for ITB-COT 03-12Sidewalk

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **7/24/2003.**

Document Title:	Sidewalk Replacement And Installation Program
Date Issued:	7/1/2003
Close Date:	7/22/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
11428	Adj Excavating, Inc	E-mail		
12306	Advanced Services Lawn and Landscape	E-mail	7/9/2003	
12964	Ajax Materials Corporation	E-mail	7/3/2003	
12466	Al's Asphalt Paving Co., Inc.	E-mail		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
12250	Barrett Paving Materials Inc.	E-mail		
10142	Benchmark Financial Ltd	E-mail		
11742	Bowen Paving, Inc.	Fax		
11631	Bowman Construction LLC	Free	7/7/2003	
10928	Commercial Contracting Corporation	E-mail		
12323	D.L.F. Trucking, Inc.	Fax		
12287	Demko Inc.	Free	7/3/2003	
10850	DiLisioContracting Inc.	E-mail		
12624	DLZ Michigan, Inc.	Free	7/16/2003	
12402	Dusing Security & Surveillance, Inc.	E-mail	7/12/2003	
13228	E.A. Graphics	Free	7/7/2003	
12164	Edw. C. Levy Co.	E-mail		
12938	Farrow Group, Inc.	Fax	7/2/2003	
11657	Giffels-Webster Engineers, Inc.	Free	7/2/2003	
10938	Great Lakes Landscaping & Construction Inc.	Fax		

13332	HARDROCK CONCRETE, INC.	Free	7/12/2003	
10833	Hartwell Cement Company	E-mail	7/2/2003	
11514	Highway Maintenance & Construction Co.	E-mail		
12021	JOHN CARLO, INC.	E-mail		
13259	L Squared Construction, L.L.C	Fax	7/8/2003	
12254	L-D-J CONSTRUCTION, INC.	E-mail		
13213	Major Cement Co.	Free	7/3/2003	
11884	Mathisen Company	Fax		
10429	Metropolitan Asphalt Paving, Inc.	Fax		
12149	National Alliance of Cabling & Technology	E-mail	7/10/2003	
12761	Northwest Consultants, Inc.	E-mail		
11059	Pamar Enterprises, Inc.	E-mail	7/2/2003	
12670	Professioanl Engineering Associates	Free	7/2/2003	
12265	scodeller construction, inc.	E-mail		
12005	Speedy Excavating, Inc	Fax		
10113	Sullivan Corporation	Free	7/2/2003	
10327	T & M ASPHALT PAVING, INC.	E-mail		
12181	T-III, LTd.	Free	7/8/2003	
12577	terrasini cement	E-mail		
10974	The Avrie Group, Inc.	E-mail		
12535	The Stansley Group	E-mail		
11814	Tony Anthony Inc	E-mail		
10101	Vac-All Service, Inc.	E-mail		
10604	white excavating company inc.	Fax		

Return to Main Menu Return to Report Menu

July 7, 2004

TO: John Szerlag, City Manager

FROM: The Honorable Mayor and City Council Members

SUBJECT: Property Maintenance, and Neighborhood Compatibility Issues

On July 6, 2004 I was invited to visit the home sit of Mr. and Mrs. Rivard who live next door to the house and garage under construction owned by Mr. Paul Piscopo of 3129 Alpine. What I viewed from Mr. and Mrs. Rivard's property is more aptly described in the attached photographs. As a result of the conditions at this site, I asked Director Building/Zoning Mark Stimac to compile a list of compliance/enforcement activity for this property. In addition, Mr. Stimac is going to ascertain whether the on-site equipment is functional and germane to the construction activity or if it's junk. Mr. Stimac's report will be forthcoming.

There are two other issues which come into play that require direction from City Council:

1) Size of attached garage relative to square footage of living quarters:

   Staying with 3129 Alpine as our example, the house is roughly 3,300 square feet with a first floor footprint of 1,721 square feet, and the attached garage is going to be 6,000 square feet. If City Council agrees that there should be a more balanced relationship between living quarters and attached garage size, then I'll have staff work with the Planning Commission to come back with a recommendation.

2) It's my understanding that the attached garage at 3129 Alpine is going to have a corrugated sheet metal exterior (the kind one usually associates with industrial storage facilities). At this time there is nothing in our ordinances or building code precluding this type of exterior. My question to you is, "Should there be?" Again, should your response be in the affirmative, staff will work with the Planning Commission and come back with a recommendation.

Please know that any changes which may be made relative to garage size and exterior elevations would not be applicable to Mr. Piscopo's property, as he already has permits and is under construction. And in closing, in making your decision, you may wish to consider community values, rights of property owners, and reasonable expectations of adjacent property owners.

I can take direction at the Council meeting or we can schedule this to a study meeting. Please advise. And as always, feel free to contact me should you have any comments.

AGENDA ITEMS\2004\07.12.04 – Property Maint Issues

c: Lori Grigg Bluhm, City Attorney
Mark F. Miller, Planning Director
Douglas J. Smith, Real Estate & Development Director
Mark S. Stimac, Director of Building/Zoning
Steven J. Vandette, Acting Assistant City Manager/Services

July 13, 2004

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Cc: John Lamerato, Assistant City Manager – Finance/Administration

Re: Attached Garages equal to or greater than home size

Per your request at today's staff meeting, attached is a listing of residential garages that are equal, or larger, in size than the home they are attached to.

Please note that there are 14 such instances in the City (exclusive of the home on Alpine). I had noted that we had 10 such structures at the meeting.

Mitch Grusnick was able to alert me to a new home under construction on Windmill (5287).

Additionally, the Building Department considers a garage, with a breezeway between it and the home, to be attached. Our software considers this to be separate. As the ordinance addresses attached garages, I searched for any additional garages that might fit this criteria.

One additional home was discovered, along with two other homes that had garages just slightly less than equal in size to the main residence. This brought the total to 14.

It should be noted that all of these garages have conventional residential construction materials, none are metal, pole barn type structures.

I am available if you have any questions.

City of Troy - Assessing Department
Listing of Garages with Square Footage Larger Than Home

Parcel ID	#	Dir	Street	Sq Ft Home	Sq Ft Garage	% of Home Sq Ft	% Land Coverage	Land Area	House Built	Garage Built
88-20-01-451-022	6113		Evanswood	776	1,060	1.3660	0.04	50,207	1947	1968
88-20-02-128-015	1457		Cambria	1,000	1,042	1.0420	0.12	17,000	1972	1972
88-20-03-226-035	6764		Norton	1,666	1,672	1.0036	0.07	47,246	1940	1994
88-20-03-451-016	675	E	Square Lake	1,350	2,137	1.5830	0.07	50,965	1955	1970
88-20-04-100-054	1715	W	South Boulevard	1,331	1,800	1.3524	0.02	148,975	1929	2002
88-20-06-476-013	2180		Charnwood	2,124	2,008	0.9454	0.09	46,400	1955	1983
88-20-09-407-001	5290		Daniels	1,320	1,512	1.1455	0.14	20,150	1965	1965
88-20-10-427-033	717		Trinway	1,140	2,800	2.4561	0.11	37,373	1963	1963
88-20-10-476-051	810		Trinway	934	1,200	1.2848	0.05	43,502	1924	2002
88-20-11-277-017	5570		Holm	1,443	1,557	1.0790	0.08	39,600	1968	1968
88-20-12-476-068	5287		* Windmill	2,085	2,706	1.2978	0.20	23,679	2004	2004
88-20-19-157-015	2754		** Palmerston	3,293	3,146	0.9554	0.31	16,261	1963	1963
88-20-25-428-021	35841		Dequindre	1,025	1,316	1.2839	0.10	23,332	1966	1966
88-20-36-277-003	906		Minnesota	836	1,160	1.3876	0.06	31,440	1940	2000

* = New construction
** = This is a two story home. For lot coverage calculations, used 1,838 sq ft (1st floor home) & Garage Area.

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 fax 248-625-8455

July 14, 2004

Mark Miller, Planning Director
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Mark,

I understand that the City may be considering amending zoning regulations pertaining to attached accessory garages. Accessory garages are currently regulated in Sec. 40.55.00. Regulations pertaining to attached accessory garages in the City of Troy are fairly minimal which, as a traditional practice, is not unusual.

Currently, the communities we represent regulate attached garages in a wide ranging manner. Some communities have regulations that are quite permissive. However, many communities are finding that residential dwellings along with attached garages are becoming quite large in relationship to the lot size and character of the neighborhood.

The issue of attached accessory garages is particularly problematic in neighborhoods that are experiencing additions and expansions. Garages are either being expanded to accommodate more "toys" or are being converted to living space, thereby requiring construction of a new garage.

In my experience, communities that have upgraded their accessory garage regulations typically do so in response to issues associated with neighborhood compatibility, protection of property values, and promotion of community aesthetics. Under the Zoning enabling statues, the City is authorized to address these issues when revising your regulations pertaining to attached accessory garages.

I will provide you with examples of ordinances from other communities. Please let me know if you need additional information.

Yours truly,

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP, AICP

RKC: lh

225-01-2401

DATE: July 12, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
William Huotari, Acting City Engineer
Mark F. Miller, Planning Director

SUBJECT: FINAL SITE CONDOMINIUM APPROVAL – Wattles Ridge Site Condominium, South of Wattles, East of Rochester, Section 23 – R-1C

RECOMMENDATION

City Council granted Preliminary Plan Approval on January 26, 2004. The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Wattles Ridge Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Brentwood Land Development, L.L.C.

Location of subject property:
The property is located south of Wattles, east of Rochester, in section 23.

Size of subject parcel:
The parcel is approximately 4.92 acres in area.

Description of proposed development, including number and density of units:
The applicant is proposing a 14-unit site condominium on 4.92 acres, which represents a density of 2.85 units per acre.

Current use of subject property:
The property is currently vacant.

Current use of adjacent parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Commercial.

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: B-3 General Business.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:
Lot Area: 10,500 square feet.

Lot Width: 85 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan is approved by the Parks and Recreation Department.

Stormwater detention:
On-site detention is not required since the petitioner is able to utilize a regional detention basin in Lakeside Park.

Natural features and floodplains:
The Natural Features Map indicates that there are woodlands located on the property. A Wetland Evaluation was conducted by King & MacGregor Environmental Inc. The report indicates there is a 1-acre non-regulated wetland on the parcel.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: Access to the site condominium will be provided by Burns Street, a paved public street.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Easements: The applicant will be required to provide utility easements. A 20-foot wide construction access easement will provide a direct connection to the property from Wattles Road.

Topographic Conditions: The applicant provided a Topographic Survey of the property.

Streets: The cul-de-sac is extended by approximately 590 feet.

Sidewalks: The applicant is proposing to install 5-foot wide sidewalks along both sides of Burns Street.

Utilities: The parcel is served by public water and sewer.

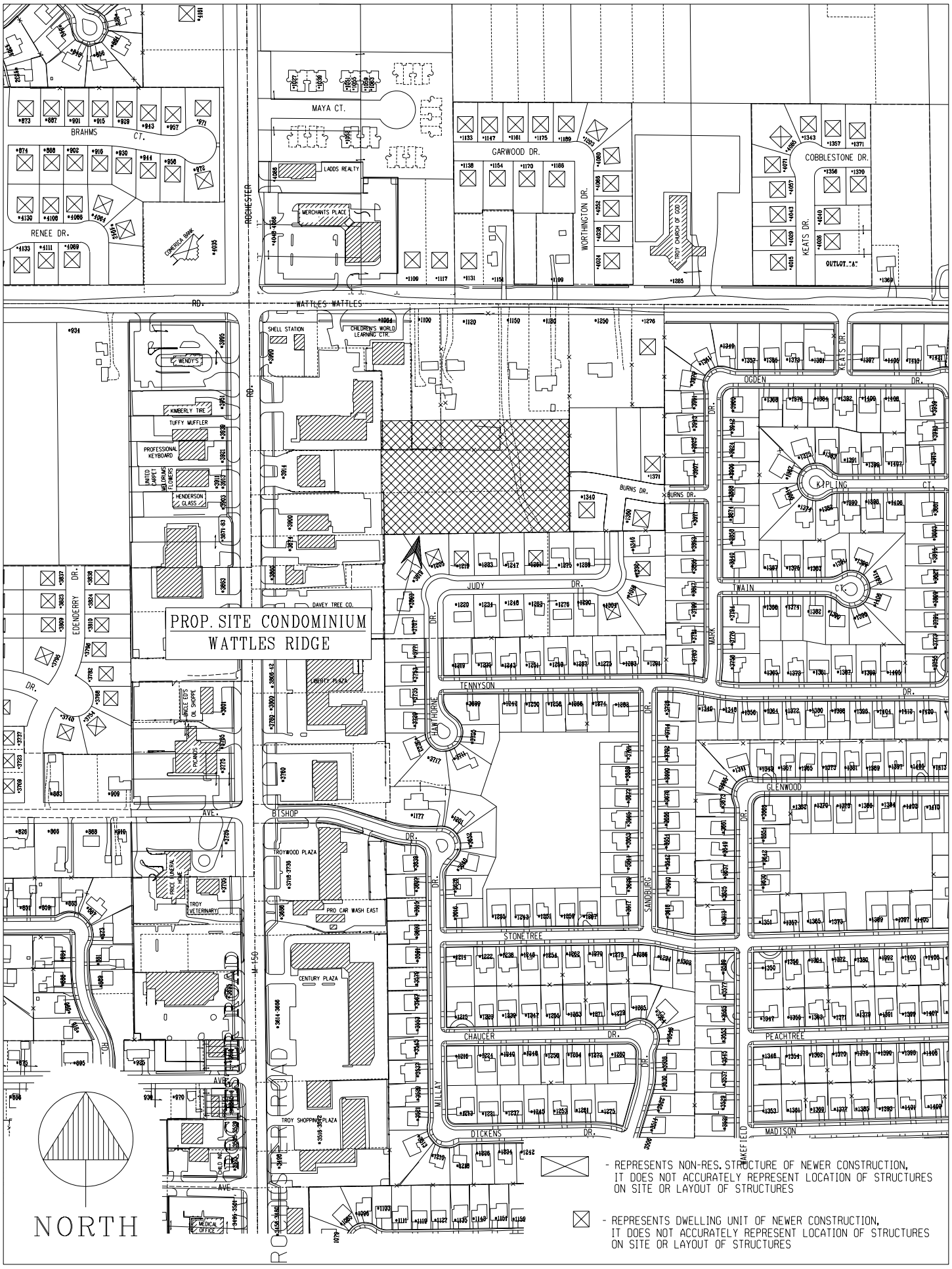
cc: Applicant
File/ Wattles Ridge Site Condominium

Attachments:
1. Maps
2. Unplatted Residential Development Levels of Approval
3. Comparison between Site Condominiums and Plats
4. City Council Minutes from January 26, 2004
5. Contract for Installation of Municipal Improvements

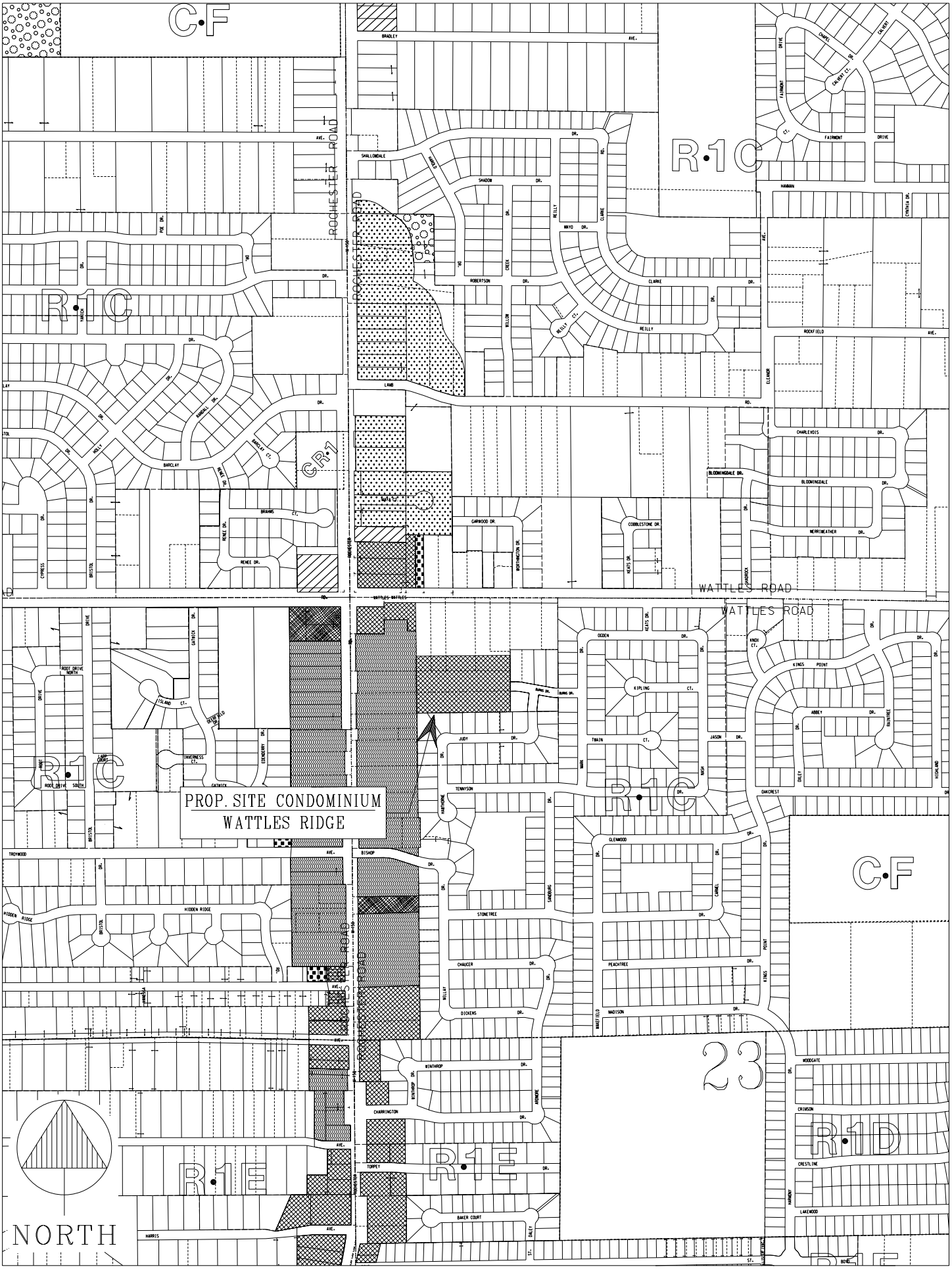
G:\SUBDIVISIONS & SITE CONDOS\WATTLES RIDGE SITE CONDO\CC Final Approval Wattles Ridge Site Condo 07 19 04.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.



WATTLES RIDGE S.C. Revised / SEC. 23 / 01-07-04


PROP. SITE CONDOMINIUM
WATTLES RIDGE
C•F
R•1C
R•1E
R•1D
GP•7
23
NORTH
ROCHESTER ROAD
WATTLES ROAD
BRADLEY AVE.
SHALLOMDALE
SHADOW DR.
ROBERTSON DR.
REILLY
CLARKE DR.
MAYO DR.
LAMB RD.
ROCKFIELD AVE.
CHARLEVOIS DR.
BLOOMINGDALE DR.
MERRIWEATHER DR.
GARWOOD DR.
COBBLESTONE DR.
KEATS DR.
BARCLAY
RENEE DR.
BRAHMS CT.
CYPRESS
BRISTOL
ROOT DRIVE NORTH
ROOT DRIVE SOUTH
ISLAND CT.
GATWICK
INVERNESS CT.
EDINBURY DR.
TROYWOOD
HIDDEN RIDGE
BISHOP
TENNYSON
JUDY DR.
TWAIN CT.
KIPLING CT.
OGDEN DR.
KNOX CT.
KINGS POINT
ABBEY DR.
BLANTREE
OAKCREST
GLENWOOD
STONETREE
CHAUCER DR.
DICKENS DR.
PEACHTREE
MADISON DR.
WOODGATE
CRIMSON
CRESTLINE
LAKEWOOD
WINTHROP DR.
CHARRINGTON DR.
TORREY DR.
BAKER COURT
HARRIS AVE.
FAIRMONT DRIVE
CALHOUN CT.
HAMAN
CINDY DR.
ELLMOR
CHARLES DR.
CLARK DR.

SITE PLAN REVIEW
PROP. WATTLES RIDGE SITE CONDOMINIUM
S OF WATTLES, E OF ROCHESTER
SEC. 23 (14 UNITS)

0 50 100 200 300 400 Feet

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
    - Number of lots
    - Building setbacks
    - Lot dimensions
    - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
    - Sanitary and Storm sewer
    - Water mains
    - Detention / Retention basins
    - Grading and rear yard drainage
    - Paving and widening lanes
    - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

F-5 Wattles Ridge Site Condominium – South of Wattles – East of Rochester – Section 23 – R-1C

Resolution #2004-01-028
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Preliminary Site Plan as submitted by the petitioner, under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential development) for the development of a One-Family Residential Site Condominium known as Wattles Ridge Site Condominium and as recommended for approval by City Management and the Planning Commission, located south of Wattles Road, east of Rochester Road, including 14 home sites, within the R-1C Zoning District, being 4.92 acres in size is hereby **APPROVED.**

Yes: All-7

DATE: July 12, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

SUBJECT: REZONING APPLICATION (ANNOUNCEMENT OF PUBLIC HEARING AUGUST 9, 2004) – North side of Big Beaver, west of John R Road, Section 23 – E-P to O-1 and R-1E to E-P (Z 402-C).

RECOMMENDATION

The 50-foot wide E-P strip along the north property line will serve as a buffer between the development and the subdivision to the north. There is also approximately 400 feet of property south of the E-P strip that will remain as R-1E zoning. Included in this area is a 50-foot wide gas line easement. Recreational facilities such as soccer fields may be constructed within the easement; however, buildings and structures cannot.

The O-1 zoning classification is compatible with adjacent land uses and zoning districts and consistent with the Future Land Use Plan. On June 8, 2004 the Planning Commission recommended approval of the rezoning request. City Management concurs with the recommendation of approval.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner of the property is San Marino Hall, Inc. The applicant is Bob Casadei.

Location of Subject Property:
The property is located on the north side of Big Beaver, west of John R Road, in Section 23.

Size of Subject Parcel:
The parcel is approximately 11.08 acres in area.

Current Use of Subject Property:
The property is used by the San Marino Club, as a fraternal organization that provides banquet services.

Current Zoning Classification:
The parcel has three different zoning classifications. The front approximately 2/3 of the parcel is zoned O-1 Office Low Rise. The rear approximately 1/3 of the parcel is zoned

R-1E One Family Residential. A 50-foot wide area E-P Environmental Protection zoning district separates the O-1 and R-1E zoning districts.

Proposed Zoning of Subject Parcel:
The applicant is proposing to rezone the 50-foot wide E-P district to O-1 district. This proposed rezoning will extend the O-1 district 50 feet to the north. In addition, the applicant is proposing to rezone the northern 50 feet of property from R-1E to E-P.

Proposed Uses and Buildings on Subject Parcel:
A 2,700 square foot addition to the clubhouse is proposed, along with additional off-street parking spaces.

Current Use of Adjacent Parcels:
North: Single family residential (Raintree Village Subdivision No. 1).

South: U.S. Post Office warehouse and INA USA Corporation office.

East: Troy Sports Center and National City Bank.

West: Vacant.

Zoning Classification of Adjacent Parcels:
North: R-1D One Family Residential.

South: M-1 Light Industrial.

East: R-EC Residential-Elder Care and B-2 Community Business.

West: O-1 Office Building and R-1E One Family Residential.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

For the O-1 Office Building District:

Principal uses permitted include office buildings for executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales, medical offices (including clinics), banks, credit unions, savings and loan associations, and similar uses. publicly owned buildings, exchanges, and public utility offices, and other uses similar to the above uses.

Uses permitted subject to special conditions include accessory uses customarily supporting or serving the Principal Uses permitted in the O-1 District (such as pharmacies or drug stores, optical services, copy services, office supplies, book stores,

art galleries, or restaurants), data processing and computer centers, technical training uses.

Uses permitted subject to special use approval include mortuary establishments, private service clubs fraternal organizations and lodge halls, private ambulance facilities, utility sub-stations, transformer stations or gas regulator stations (without storage yards), mechanical or laboratory research involving testing and evaluation of products, or prototype or experimental product or process development, child care centers, nursery schools, or day nurseries (not including dormitories.

For the E-P Environmental Protection District:
Landscaped land use buffer areas are permitted by right in the E-P district. These E-P buffers are generally 50 feet in width.

Vehicular and Non-motorized Access:
Vehicular access to the San Marino Club is provided by a two-way access drive on Big Beaver Road. There is also an exit-only drive west of the two-way drive. There is an existing 8-foot wide sidewalk on the north side of Big Beaver.

Potential Storm Water and Utility Issues:
The applicant will utilize the existing storm water detention system.

Natural Features and Floodplains:
The Natural Features Map indicates that 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 Low Rise Office. Low Rise Office has a primary correlation with the O-1 Office Building district. The application is therefore in compliance with the Future Land Use Plan.

Compliance with Location Standards:
Article 24.40.00 Location Standards states that the O-1 Office Building District may be applied for areas indicated on the Future Land Use Plan as low-rise office. The application is therefore consistent with this standard.

cc: Applicant
File (Z 402-C)

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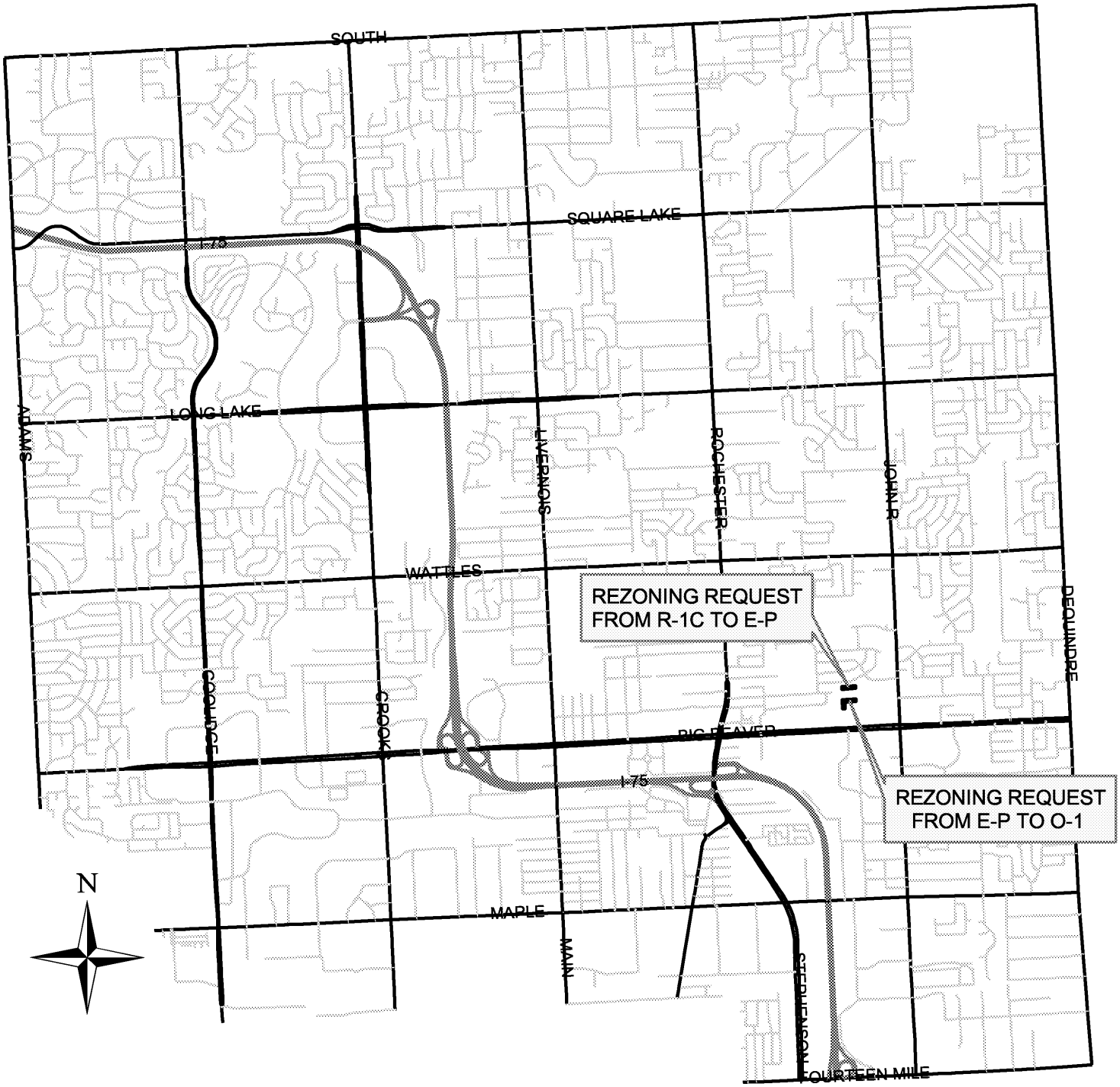
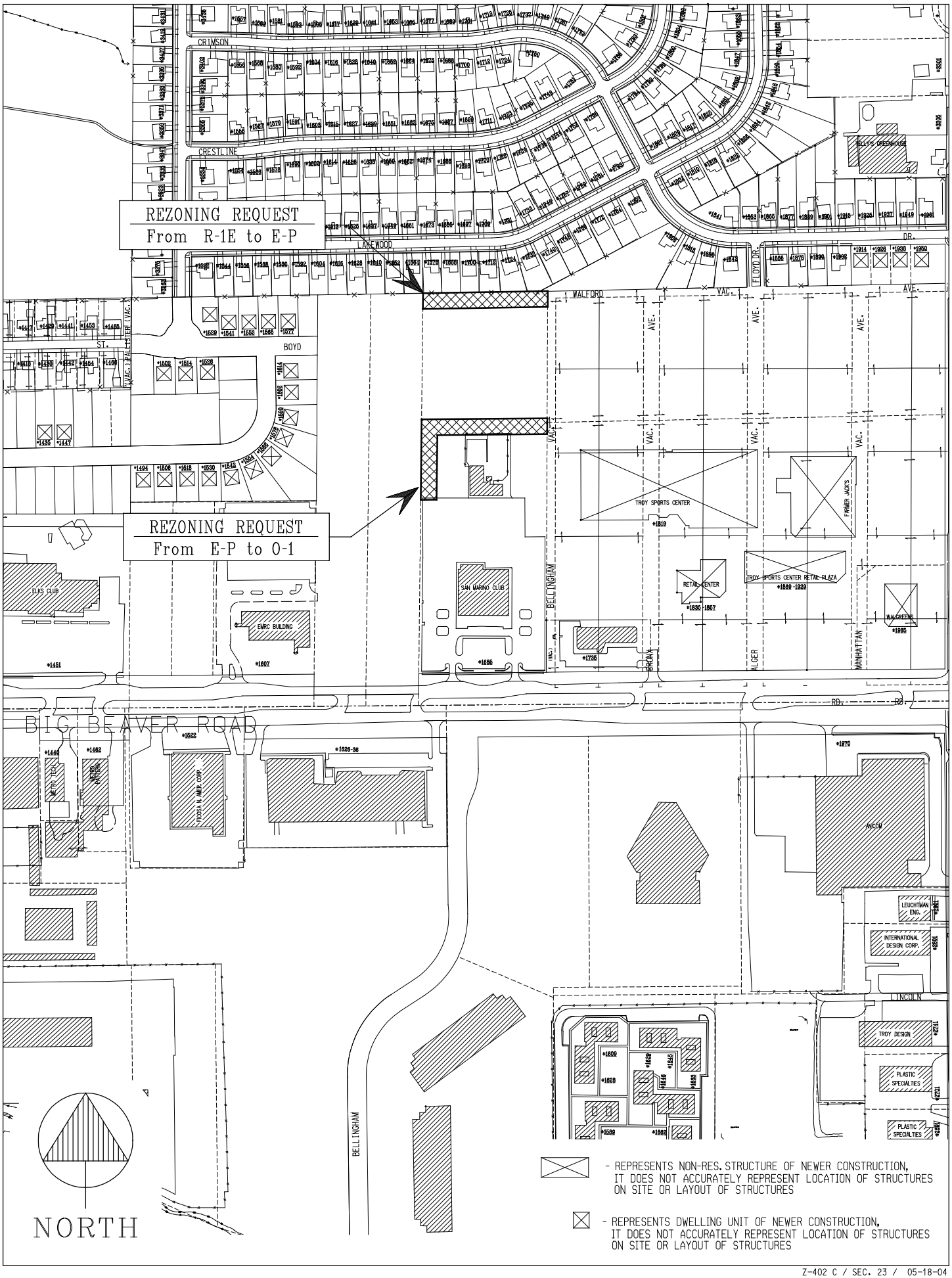
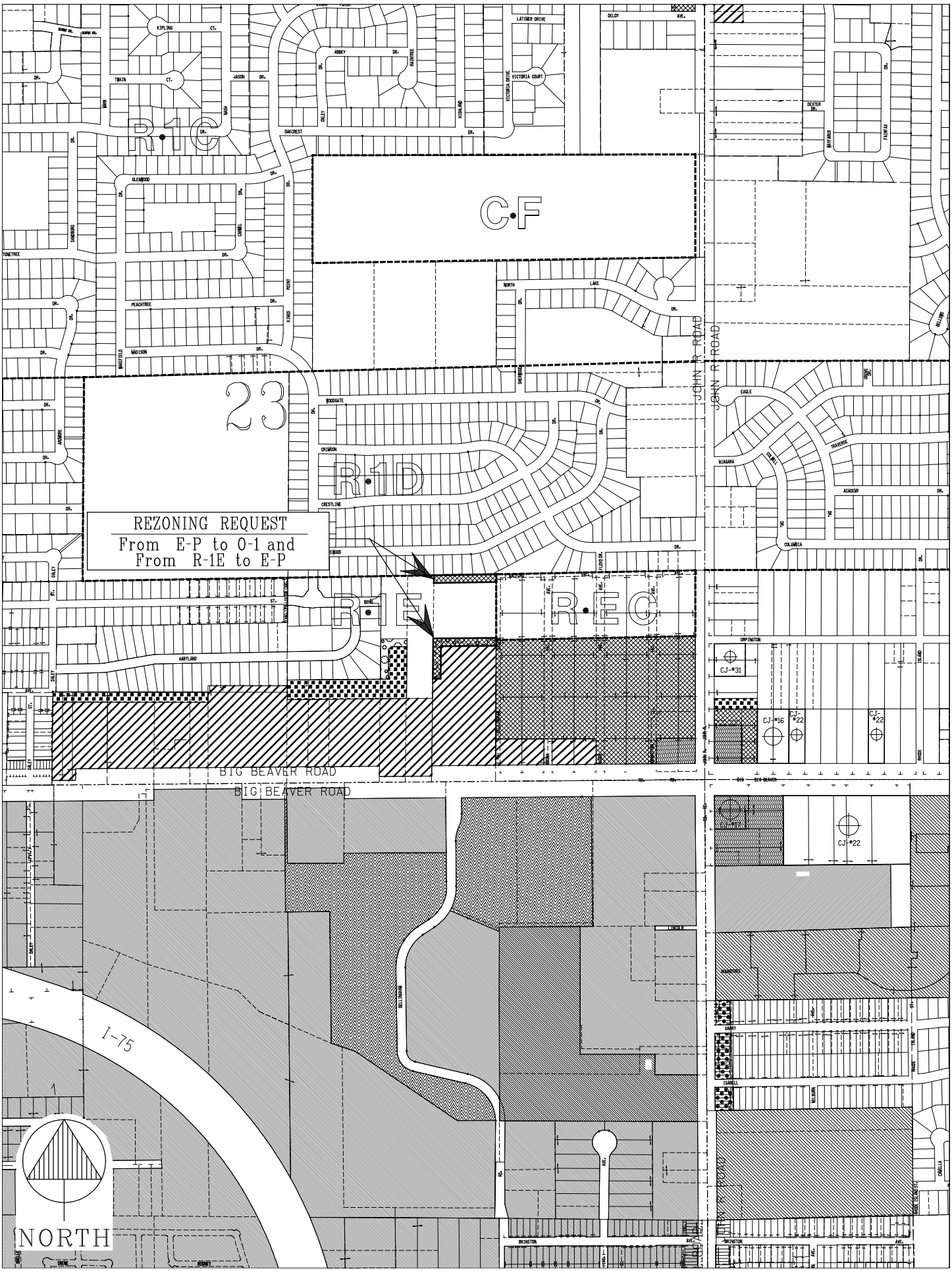
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



Z-402 C / SEC. 23 / 05-18-04


REZONING REQUEST
From E-P to O-1 and
From R-1E to E-P
R1C
C-F
R1D
R1E
23
JOHN R ROAD
BIG BEAVER ROAD
I-75
NORTH

REZONING REQUEST
FROM E-P TO O-1 AND R-1E TO E-P
EXPANSION OF SAN MARINO CLUB
N SIDE OF BIG BEAVER, W OF JOHN R (1685 E BIG BEAVER)
SEC. 23 (Z-402 C)
CRESTLINE
HARMONY
LAKEWOOD
CRIMSON
JOHN R
REZONING REQUEST
FROM R-1E TO E-P
BOYD
HARTLAND
REZONING REQUEST
FROM E-P TO O-1
E BIG BEAVER
E BIG BEAVER
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0 100 200 400 Feet

6. PUBLIC HEARING – PROPOSED REZONING (Z 402-C) – San Marino Club, North side of Big Beaver, West of John R, Section 23 – From R-1E to E-P and From E-P to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant noted that in addition to the 50-foot buffer along the northern property line, there is an existing gas line easement in which no structural development can take place, creating a greater distance between the residential development and the O-1 zoning. Clarification was provided with respect to a previous rezoning request for a similar "L" shaped parcel to the west of the proposed rezoning. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted.

Mr. Vleck asked if the Planning Department is aware of future residential or commercial development on the R-1E zoned property to the west abutting the E-P zoned property.

Mr. Savidant replied in the negative. He also confirmed that the property owners to the west were notified of the proposed rezoning request.

Mr. Schultz questioned the location of the proposed 2,700 square foot recreational shelter.

Mr. Savidant replied the Planning Department reviewed the proposal with respect to the rezoning only. He said it is the intent of the petitioner to submit a Special Use Request for future recreational development, which is a permitted use in the R-1E zoning district.

David Endreszl of Endreszl & Associates Engineering, 8700 Pine Knob Road, Clarkston, and Bob Casadei, Trustee for the San Marino Club, Chairman of the Renovation and Improvement Committee and member of the Future Committee, were present on behalf of the San Marino Club.

Mr. Khan asked if there is existing landscaping on the E-P zoning parcel.

Mr. Casadei replied in the negative.

Mr. Endreszl said the substantial landscaping of 10" to 16" pine trees to the north, located on the parcel that is proposed for E-P rezoning, would remain as is.

Mr. Littman questioned the facility's intent to put a soccer field.

Mr. Casadei said the northern third portion of the property (approximately 4 acres) would continue its existing use. Mr. Casadei said the existing soccer field would continue as a recreational area. He said it is planned to reorient the field so that it runs east to west, rather than north to south.

Mr. Endreszl stated the proposed O-1 zoning would be consistent with and align with the B-2 zoning on the adjacent property to the east, the Troy Sports Center property.

Mr. Schultz asked if the petitioner would entertain making the existing E-P zoned property to the north 75' wide instead of 50' wide.

Mr. Casadei said they would prefer not to make the E-P zoned parcel larger than what is required.

Chair Waller asked the reasoning behind the north/south E-P zoning on the property.

Mr. Casadei said at that time, the San Marino Club had no expansion plans and it was the recommendation of the City to relocate the E-P zoning to the north property lot line.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant reported that non-commercial outdoor recreational facilities are permitted by Special Use in the E-P zoning district.

Resolution # PC-2004-06-067

Moved by: Vleck
Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P and E-P to O-1 rezoning request, located on the north side of Big Beaver and west of John R, within Section 23, being 11.08 acres in size, be granted.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Vleck, Waller
No: Schultz
Absent: Strat, Wright

MOTION CARRIED

Mr. Schultz was not in favor of the motion because he thinks environmentally protected property should be replaced in kind and size, and the E-P zoned property should be 75 feet instead of 50 feet.

DATE: July 13, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

SUBJECT: REZONING APPLICATION – ANNOUNCEMENT OF PUBLIC HEARING AUGUST 9, 2004 – South side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27 – R-1E to P-1 (Z-#695)

RECOMMENDATION

On May 11, 2004, the Planning Commission recommended denial of the rezoning request, with the stated reason that the request is premature at this time. City Management does not concur with the Planning Commission recommendation and therefore recommends approval of the rezoning request.

The P-1 Vehicular Parking Zoning District will allow the applicant to expand his off-street parking facilities and add viability to his property in an area of the City designated for commercial development. In fact, the subject area has been designated for commercial development for over 30 years. In addition, the rezoning will offer protection to the abutting residential properties to the east, because off-street parking is the only permitted use in the P-1 district. A screen wall will be required to buffer the future parking area from the residential properties. The proposed P-1 district is compatible with surrounding land uses and zoning districts. Furthermore, the request is consistent with the Future Land Use Plan.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Arnold D. Becker.

Location of Subject Property:
The property is located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, in Section 27.

Size of Subject Parcel:
The parcel is approximately 10,880 square feet in area, or 0.25 acres.

Current Use of Subject Property:
The property is currently vacant.

Current Zoning Classification:
R-1E One Family Residential District.

Proposed Zoning of Subject Parcel:
P-1 Vehicular Parking District.

Proposed Uses and Buildings on Subject Parcel:
According to the application the applicant is proposing to redevelop the property as overflow parking for an existing building on the adjacent property.

Current Use of Adjacent Parcels:
North: Off-street parking area.

South: Off-street parking area.

East: Single family residential.

West: Kaufman's Auto Body and a vacant commercial building.

Zoning Classification of Adjacent Parcels:
North: P-1 Vehicular Parking.

South: O-1 Office Building.

East: R-1E One Family Residential.

West: P-1 Vehicular Parking.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

> PRINCIPAL USES PERMITTED:
> Premises in such Districts shall be used only as off-street vehicular parking areas, and shall be developed and maintained subject to such regulations hereinafter provided.

Vehicular and Non-motorized Access:
The parcel fronts on Henrietta Street.

Potential Storm Water and Utility Issues:
The applicant will have to provide on-site storm water detention.

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. There is no specific Plan Designation for P-1 Vehicular Parking in the Future Land Use Plan. The only use permitted within the P-1 zone is off-street parking. The off-street parking area will provide additional parking for uses that are zoned B-3. The B-3 Zoning District has a primary correlation with the Non-Center Commercial classification. Based on this reasoning, the application complies with the Future Land Use Plan.

Compliance with Location Standards
There are no location standards for the P-1 Vehicular Parking Zoning District.

cc: Planning Commission
Applicant
File (Z-695)

Attachments
1. Maps
2. Planning Commission Meeting Minutes (May 11, 2004 and May 25, 2004)
3. City Attorney Memo dated July 13, 2004

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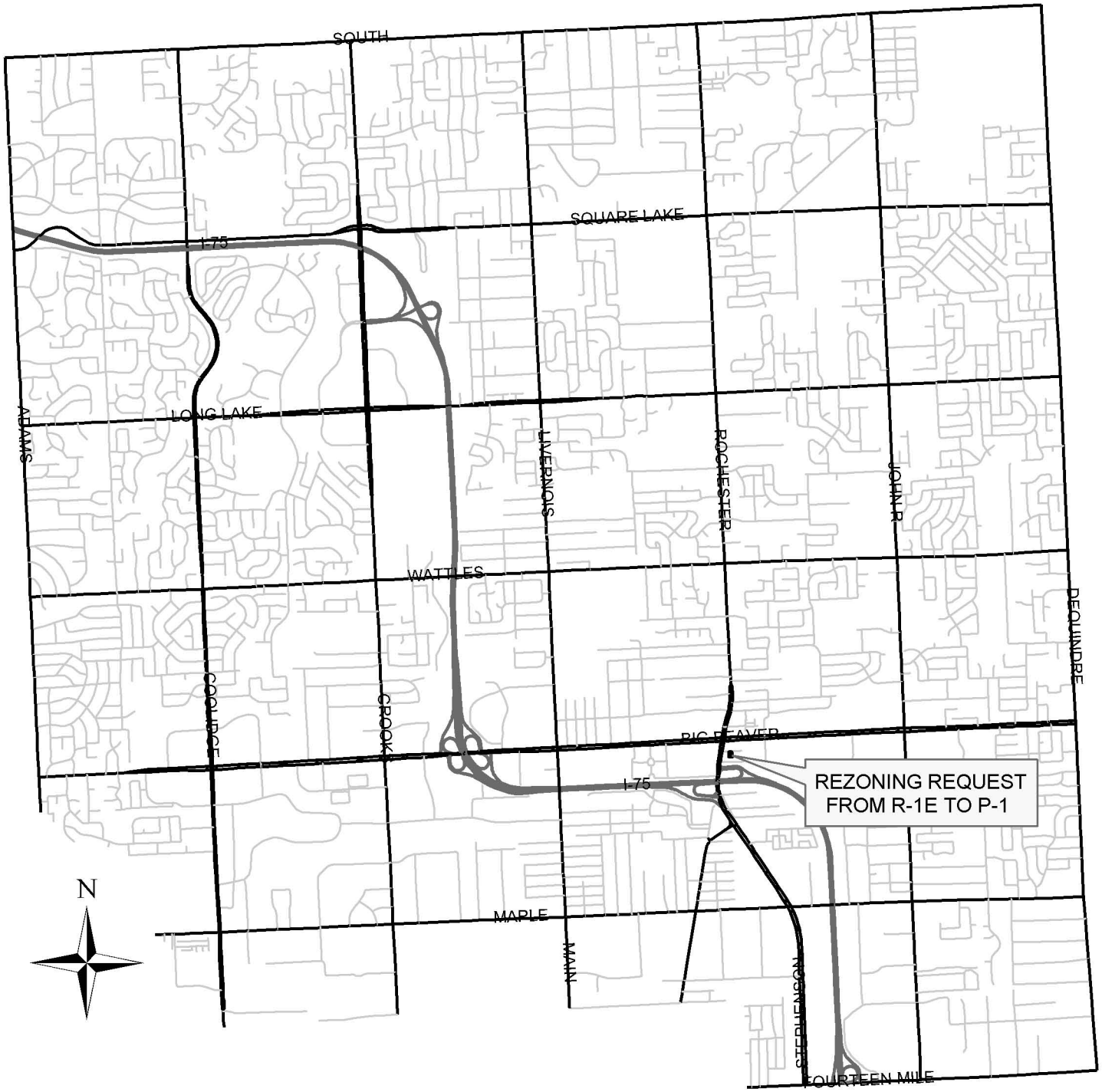
CITY OF TROY



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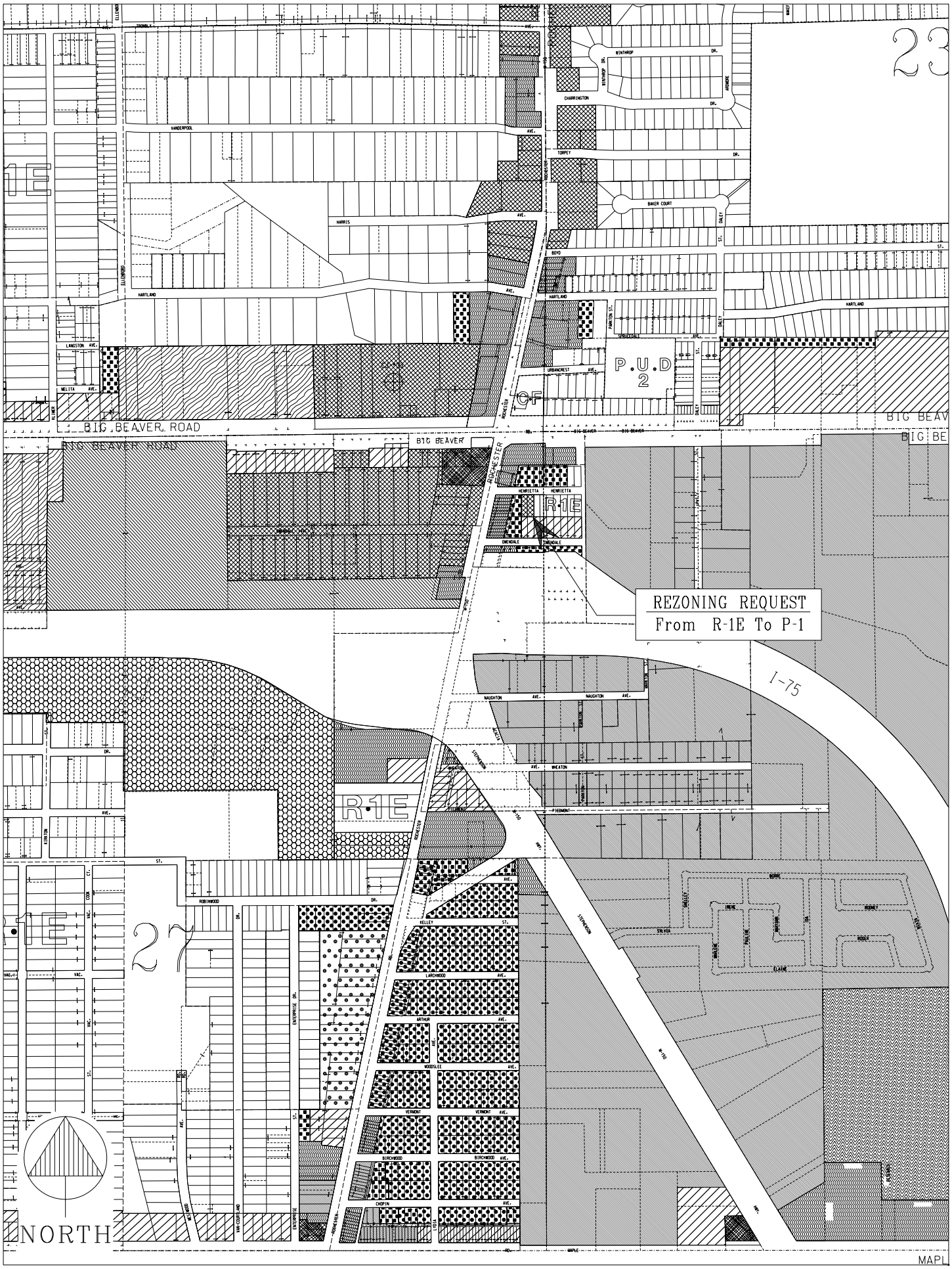
REZONING REQUEST
From R-1E To P-1
P.U.D
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R-1E
R1E
I-75
BIG BEAVER ROAD
BIG BEAVER
ROCHESTER
ELLENBOY
VANDERPOOL
HARTLAND
LANGSTON
NELITA
WINTHROP
CHARRINGTON
TOPPET
BAKER COURT
DALEY
HEMLETTA
OWENDALE
URBANCREST
NAUGHTON
WHEATON
PIEDMONT
ROBINWOOD
KELLEY
LARCHWOOD
ARTHUR
WOODSLEE
VERMONT
BIRCHWOOD
CHOPIN
ENTERPRISE
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ELAINE
MAPLE
NORTH
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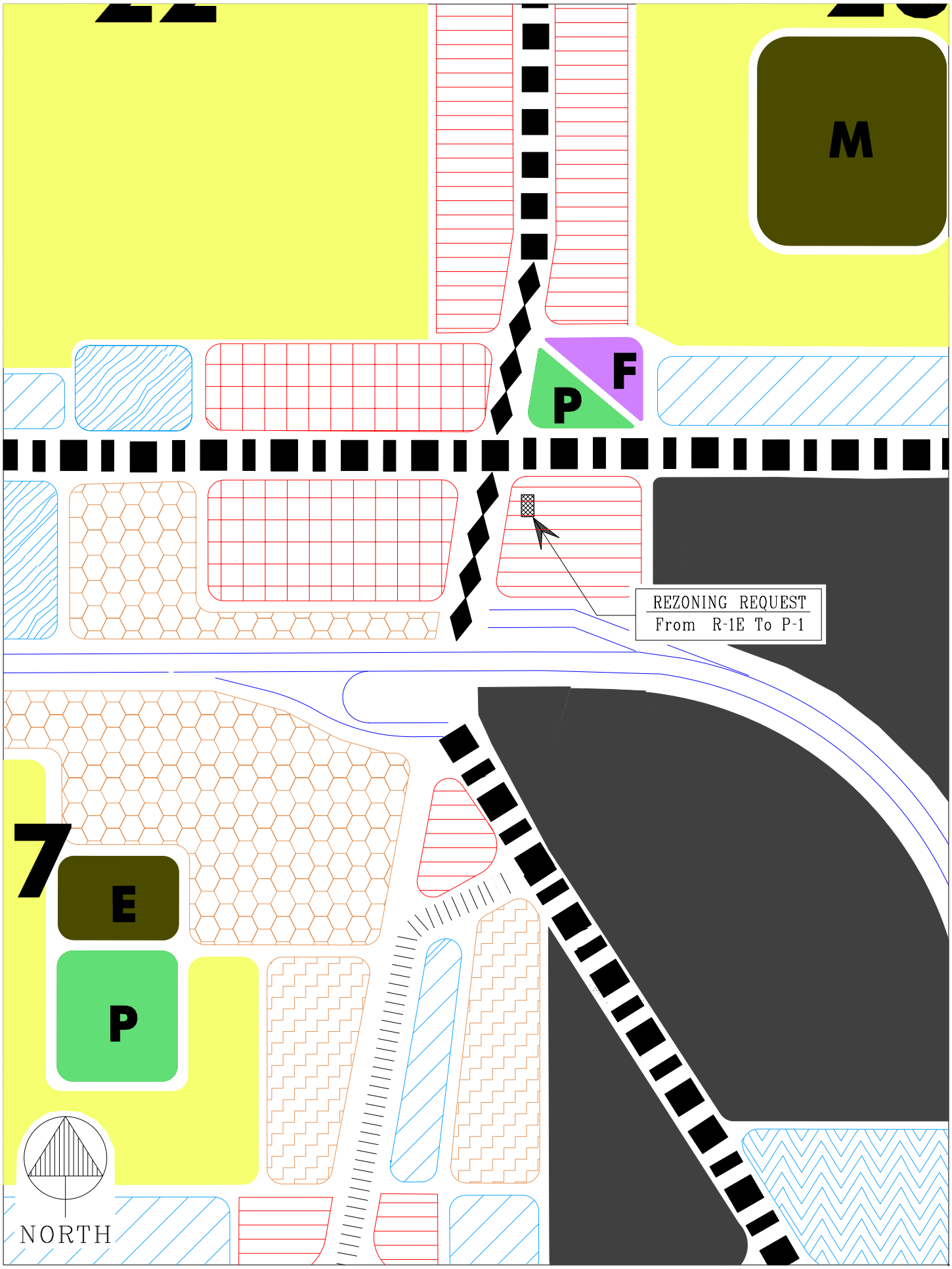
Z-695 / SEC. 27 / 04-15-04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REZONING REQUEST
From R-1E To P-1
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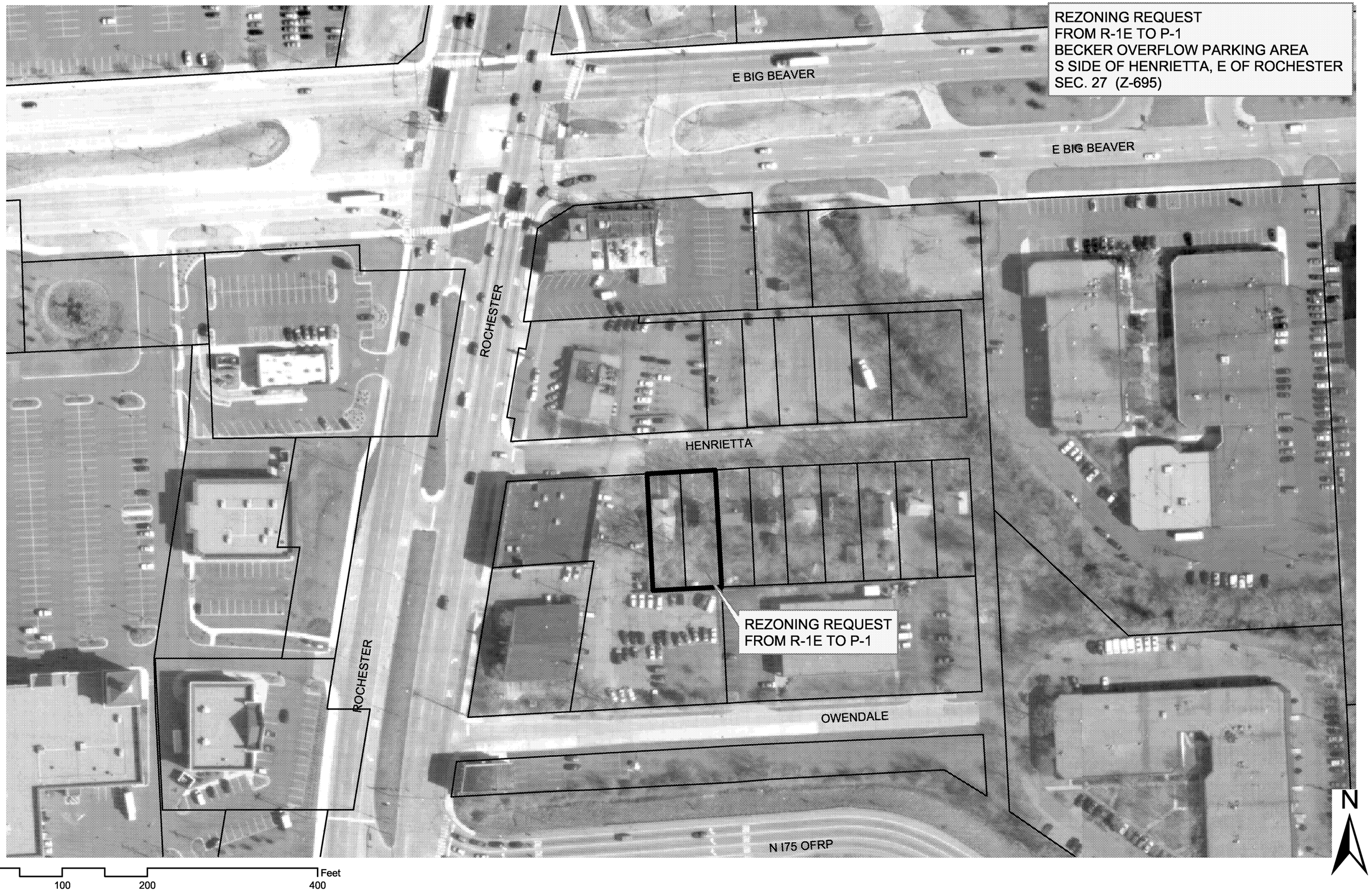
NORTH


REZONING REQUEST
FROM R-1E TO P-1
BECKER OVERFLOW PARKING AREA
S SIDE OF HENRIETTA, E OF ROCHESTER
SEC. 27 (Z-695)
E BIG BEAVER
E BIG BEAVER
ROCHESTER
HENRIETTA
REZONING REQUEST
FROM R-1E TO P-1
ROCHESTER
OWENDALE
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400
Feet

8. PUBLIC HEARING – PROPOSED REZONING (Z-695) – Proposed Becker Overflow Parking Area, South Side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Strat asked why consideration is not being given to rezoning the parcel to O-1. He said there is potential to having a parking area surrounded by light industrial or office buildings. Mr. Strat said it seems more appropriate to use the entire site.

Mr. Miller replied that the City is responding to the petitioner's request for a rezoning to the P-1 classification, and the Planning Department would review other alternative zoning classifications should they be submitted.

Mr. Vleck questioned the parking calculations in relation to the building size.

Discussion followed with respect to the parking calculations in relation to the existing building and the potential expansion of the existing building. Mr. Miller did not know if the existing building could be expanded, given the size of the lot.

Mr. Wright said the petitioner might be requesting a parking zoning classification instead of office because the property as a parking lot would most likely be assessed at a lower value.

Mr. Vleck said that residents are generally not in favor of office or parking developments adjacent to their residences. Mr. Vleck asked for details on the required screening to the residents.

Mr. Miller said the subject parcel is designated as non-center commercial on the Future Land Use Plan. He said the designation has a primary correlation with the B-3 zoning classification and a secondary correlation with the H-S zoning classification. Mr. Miller said there is no correlation to office zoning, but noted there is some office zoning in the area. Mr. Miller confirmed the west side of Rochester Road is zoned B-2.

Mr. Wright said if memory serves him correctly, the intent of the Master Plan for that area is to consolidate the individual pieces of property to one large piece that would accommodate a large commercial center, the same intent for the parcels on the west side of Rochester Road.

The petitioner, Eileen Youngerman of 35 W. Huron, Pontiac, was present. Ms. Youngerman, property manager for Arnold Becker, has worked for Mr. Becker for almost 17 years. She said that Mr. Becker is requesting the rezoning to provide off-street parking as an attraction to prospective tenants. Ms. Youngerman stated the screening wall to the adjacent residential homes would be consistent

with the previous wall and would provide the residents with more of a buffer from the office use.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes voiced objection to the rezoning because the parking lot would be right up against her living room and bedroom. She said the existing office building has been empty for almost two years, with the exception of the sale of Persian rugs for a short period of time. Ms. Haynes referenced the parking lot that connects with the American Transmission parking lot. She said today she counted 25 cars in various stages of decay that she is afraid will overflow into the proposed parking lot. Ms. Haynes objected to the lights, noise and overall nuisances from the existing restaurant and bar. She said the proposed parking lot is not necessary because the office building is not currently occupied.

Mr. Miller said the screening wall would be poured concrete at a height of 4.5 feet.

Chair Waller stated the zoning ordinance contains specific language relating to the shielding of lights from residential property, and informed Ms. Haynes to notify the Building Department with lighting concerns.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow voiced objection to the proposed rezoning because he would like to see a plan to cover the whole area, and he would like to maintain the fair market value of his home. Mr. Kozlow noted that the existing building has been vacant for approximately two years, and it appears that the petitioner has no plans for the use of the property. Mr. Kozlow said the previous business at this location did not require additional parking.

Jena Carrington of 1062 Henrietta, Troy, was present. Ms. Carrington, the only homeowner on Henrietta with children, moved specifically to the area so her children could attend Troy schools. Ms. Carrington emphasized that this is their home. Ms. Carrington voiced objection to the proposed rezoning. She said there is no reason to put in a parking lot for a building that has been sitting empty for two years. She said there is plenty of space for a business to come in and there is no need to add parking until there is a plan.

PUBLIC HEARING CLOSED

Discussion continued on the lot configuration, setback requirements for the building and screening wall, and parking requirements for the existing building and potential buildout of the existing building.

Mr. Vleck said he does not see P-1 zoning as a transition zone to residential. Mr. Vleck said that should the property be rezoned to P-1, there is a potential for building expansion and a more intense use.

Mr. Strat said he is not in favor of the proposed rezoning because the petitioner has not demonstrated a need or a plan for the rezoning.

Ms. Drake-Batts asked the petitioner why she is requesting the rezoning now. She asked if there is a prospective tenant or if there are plans for redevelopment.

Ms. Youngerman responded that one of the reasons the building is vacant is because they got caught up in the "S" curve of Rochester Road. She said Mr. Becker, who owned Corey Dinette, put the store in that location so the building would not remain vacant. Ms. Youngerman indicated the real estate agent is having difficulty getting a prospective commercial tenant (preferably office) because of the lack of parking adjoining the building. She pointed out that a prospective tenant goes elsewhere when he/she sees inadequate parking for a potential of 25 to 30 employees. Ms. Youngerman said it is proposed to provide a 20-foot greenbelt between the screening wall and the parking lot.

Mr. Khan said he does not think the proposed rezoning would be suitable with respect to the small lot size of the adjacent residential homes and the required screening wall. He said doing piecemeal rezoning of the parcels would not solve the matter.

Mr. Vleck said he is vehemently against rezoning both parcels because there would be no control of the parcels.

Mr. Wright agreed that the proposed rezoning is premature and he would like to see the parcels developed as one big area. Mr. Wright said that should the parcel be rezoned to P-1, the result would be a parking classification in the middle of other zoning classifications.

Mr. Miller reported the schematic site plan shows a 20-foot setback from the proposed parking area. Mr. Miller reminded the Commission that the Planning Department does not review schematic site plans at the time of rezoning submissions, and noted the City cannot require any conditions on schematic site plans. Mr. Miller stated that the schematic site plan was not included in the Commission's meeting packet.

Resolution # PC-2004-05---
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reason:

1. Such rezoning is premature at this time.

Discussion on the motion.

Mr. Vleck asked that the motion be revised to read that the P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Mr. Wright and Ms. Drake-Batts had no objection to the revision.

Resolution # PC-2004-05-059 (as amended)

Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reasons:

1. Such rezoning is premature at this time.

2. The P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

7. DISCUSSION OF RECONSIDERATION OF PROPOSED REZONING (Z-695) – Proposed Becker Overflow Parking Area, South side of Henrietta, East of Rochester Rd., Section 27 – From R-1E to P-1

Chair Waller explained that this item was placed on the agenda at his request. He referenced a memo from the Assistant City Attorney that stated items could only be reconsidered during the same meeting. Given this information, the Planning Commission is unable to discuss reconsideration of this item.

TO: MARK MILLER, PLANNING DIRECTOR
BRENT SAVIDANT, PRINCIPAL PLANNER
FROM: ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: July 13, 2004
SUBJECT: RECONSIDERATION OF AN APPLICATION TO REZONE

You have requested an opinion concerning the authority of the Planning Commission to reconsider its vote on an application to rezone prior to submitting its recommendation to City Council. For reasons set forth below, it is my opinion once the Planning Commission has voted to recommend approval or denial of an application to rezone, it may not reconsider the motion unless reconsideration takes place at the same meeting. However, the Planning Commission may reconsider its recommendation with respect to a request to rezone if the matter is referred back to the Planning Commission from City Council.

Under section 4, of the City and Village Zoning Act, MCL 125.584, an amendment to the zoning ordinance (both text amendments and rezoning) may not be adopted by City Council until the proposed amendment is submitted to the Planning Commission and it has held at least one public hearing and made a report thereon. After receiving the Planning Commission's report, City Council may adopt the amendment as recommended, adopt the amendment with additional amendments, or refer the proposed amendment again to the Planning Commission for further report. The City and Village Zoning Act does not specify any particular procedure that must be followed by the Planning Commission in making its report to City Council. The City of Troy Zoning Ordinance does not specify a procedure for amending the zoning ordinance but states in section 2.20.00 the zoning ordinance may be amended pursuant to the authority and procedure established in Act 207 of the Public Acts of 1921 as amended (City and Village Zoning Act, MCL 125.581 *et seq.*). The Municipal Planning Act, MCL 125.31 *et seq.* does not address the procedure to rezone but it does authorize the Planning Commission to adopt its own rules for transaction of business. MCL 125.34. Article IV of the Bylaws and Rules of Procedure for the City of Troy Planning Commission indicates all meetings shall be conducted in accordance with generally accepted parliamentary procedures, within the guidelines of Robert's Rules of Order. Section 37 of Robert's Rules of Order provides a motion to reconsider can be made only on the same day the vote to be reconsidered was taken. Therefore, based on the existing provisions of the City of Troy zoning ordinance and the bylaws and rules of procedure of the Planning Commission, it is my opinion that once the Planning Commission has voted upon a motion with respect to rezoning, it may not reconsider that vote at a subsequent meeting.

However, once the Planning Commission's recommendation is submitted to City Council, the Planning Commission may reconsider its vote with respect to a rezoning application "if" the City Council refers the matter back to the Planning Commission for further report. In *Temple v Twp. of Portage*, 365 Mich 474; 113 NW2d 789 (1962), the Michigan Supreme Court determined that when a township board referred a proposed amendment back to its zoning board after the zoning board recommended rejection of a proposed amendment, the zoning board was free to reconsider its own previous rejection of the proposed amendment and vote upon reconsideration to recommend adoption of the amendment even without holding a

second public hearing. *Temple*, 479. Although the *Temple* case involved a township and the provisions of the Township Zoning and Enabling Act in effect in 1962, MCL 125.271, *et seq.*, the statutory provisions construed by the court in that case are substantially similar to the current provisions of the City and Village Zoning Act. Thus, the decision of the court in the *Temple* would apply to rezoning matters involving cities. Accordingly, the Planning Commission may vote and reconsider a previous rejection of a proposed zoning amendment if it is referred back to the Planning Commission for further report. Such reconsideration may take place without a second public hearing.

Please let me know if you should have any questions.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: July 15, 2004
SUBJECT: Proposed Amendments to Taxicab and Limousine Ordinance

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Our office has received requests to amend our taxicab and limousine ordinance, in anticipation of the Ryder Cup Match in September 2004. In addition to the Ryder Cup, there are other special events planned for the immediate future, including the All-Star Baseball game at Comerica Park for 2005 and the Super Bowl at Ford Field in 2006. The International Automobile Show at Cobo Hall also draws many visitors to Detroit who choose to stay at Troy hotels and frequent Troy restaurants. Many of the visitors to these events will require transportation, and especially the Ryder Cup, where Maple Road will be closed off to accommodate the event. The currently available taxicab and limousine transportation is inadequate for the anticipated needs.

A number of surrounding communities have ordinances similar to Troy, which require the licensing of taxicabs and limousines, mechanical inspections of those vehicles and specific qualifications for drivers. Each of these communities charge a separate licensing fee. Due to the cost involved, most taxicab companies apply for a license in only one community. Under Troy's current ordinance, a taxicab that is not licensed in Troy cannot respond to a call for a pick up in the City, although they can drop off a passenger in the City.

There are two methods of addressing the need to have more public transportation. First, the special events version to Chapter 65 allows City Council to pass a resolution to grant a special events exemption to the licensing provision of Chapter 65. A second method is to adopt a reciprocal licensing ordinance. Proposed revisions for both of these alternatives are attached for your review. Under the proposed ordinance revisions, the taxicabs or limousines must be licensed by another community having an ordinance similar to Troy's ordinance. Additionally, as part of the licensing requirement of that city, the vehicle must have passed a mechanical inspection within the last 9 months. All other provisions of Troy's ordinance relating to the licensing of the driver, rate of fare, and the conditions of the vehicle will still be applicable.

An amendment to Chapter 65 is proposed to be an action item for the next agenda. At that time, it is hoped that the Troy City Council will adopt one of the proposals to increase public transportation for the Ryder Cup event and other subsequent events. If you have any questions or comments, please feel free to contact us.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 65 OF THE CODE
OF THE CITY OF TROY

(~~Special Events~~ Version Allowing Reciprocal Licensing)

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cite as the 8th amendment to Chapter 65 of the Code of the City of Troy.

Section 2. Amendment

Section 7.102 of Chapter 65 is hereby amended to read as follows:

CHAPTER 65 TAXICABS, LIMOUSINES AND DRIVERS

7.102 License Required. Special Events Exemption.

A. No person shall operate or permit a taxicab or limousine owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Troy without having first obtained a license pursuant to the provision of this Chapter. Any operator of a taxicab or limousine that picks up passengers in the City of Troy for a destination, either within or without the City of Troy, shall comply with the provisions in this Chapter.~~be deemed in the business of operating a taxicab or limousine within the meaning of this Chapter.~~ Taxicabs or limousines not licensed to operate in the City of Troy may deliver their fares or passengers to destinations with the City. Taxicabs or limousines licensed to operate in the City of Troy may deliver their fares or passengers to destinations throughout the City or may call for and pick up passengers within the City in response to a direct request. Any police officer of the City shall have the power to stop any taxicab or limousine operating within the City to determine whether the vehicle is being operated in compliance with this Chapter.

B. Taxicab or limousine licenses may be obtained in one of the following ways: ~~City Council may declare a Special Events Exemption for the enforcement of the license requirements under this Chapter as follows:~~

1. ~~City Council shall pass a resolution granting the exemption that shall state the reason for the special event exemption and shall specify the date(s) during which the special events exemption shall be in effect.~~

2. ~~The exemption shall only be effective~~ ~~F~~for those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that ha~~s~~ve completed the required mechanical inspection within the previous 9 months of the licensing request, a reciprocal license shall be granted by the City of Troy. ~~from the special events exemption resolution of the Troy City Council.~~ The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

3. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

   B. The presentation of another form of photo identification for the driver, and a photocopy of the original.

   C. The experience of the applicant in the transportation of passengers;

   D. A concise history of the applicant's employment;

   E. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.

   F. The applicant shall pay the registration fee as set out by resolution of City Council.

4. ~~4.~~ The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of

registration, based on departmental criteria. If a certificate of registration is approved, the driver shall display that certificate in a location that is visible to the public.

5. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

6. ~~All certificates of registration shall be valid for the period of the exemption resolution of City Council only. A new certificate of registration must be obtained for each exemption resolution of City Council.~~

8. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief of ~~P~~Police within ~~filed within~~ 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. ~~with evidence as to why the Chief of Police should approve a certificate of registration or reinstate the certificate of registration after revocation~~. Within 48 hours of receiving such a letter, the ~~The~~ Chief of Police will either confirm or reverse the challenged action ~~decision~~ concerning the~~to deny or revoke a~~ certificate of registration. ~~within 48 hours.~~

5. In addition to complying with the rules and regulations of a similar licensing jurisdiction, there shall also be compliance with ~~The exemption shall not apply to~~ sections 7.117,(~~.~~ Condition of Vehicles); 7.118~~.~~(-Taximeter Required); 7.120. (Rate of Fare); 7.121~~.~~ (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Crusing); and 7.123~~.~~(Taxicab or Limousine Stands) of ~~T~~this Chapter. ~~.~~ These ordinance provisions shall be enforced for all taxicabs and limousines and drivers ~~thereof~~ carrying passengers in the City of Troy. ~~even though those vehicles and drivers are exempt from the specific licensing requirements set out in this ordinance.~~

6. ~~At midnight of the last date of the Special Events exemption, all taxicabs and limousines and drivers of taxicabs and limousines must be in compliance with all provisions of Chapter 65 to operate in the City of Troy.~~

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 word, phrase, sentence, paragraph or section of this ordinance be held invalid or unconstitutional, the remaining provisions 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 _____, 2004.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 65 OF THE CODE
OF THE CITY OF TROY

CLEAN COPY

(Version Allowing Reciprocal Licensing)

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cite as the 8th amendment to Chapter 65 of the Code of the City of Troy.

Section 2. Amendment

Section 7.102 of Chapter 65 is hereby amended to read as follows:

CHAPTER 65 TAXICABS, LIMOUSINES AND DRIVERS

7.102 License Required. Special Events Exemption.

A. No person shall operate or permit a taxicab or limousine owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Troy without having first obtained a license pursuant to the provision of this Chapter. Any operator of a taxicab or limousine that picks up passengers in the City of Troy for a destination, either within or without the City of Troy, shall comply with the provisions in this Chapter. Taxicabs or limousines not licensed to operate in the City of Troy may deliver their fares or passengers to destinations with the City. Taxicabs or limousines licensed to operate in the City of Troy may deliver their fares or passengers to destinations throughout the City or may call for and pick up passengers within the City in response to a direct request. Any police officer of the City shall have the power to stop any taxicab or limousine operating within the City to determine whether the vehicle is being operated in compliance with this Chapter.

B. Taxicab or limousine licenses may be obtained in one of the following ways:

1.

2. For those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that have completed the required mechanical inspection within the previous 9 months of the licensing request, a reciprocal license shall be granted by the City of Troy. The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

3. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

   B. The presentation of another form of photo identification for the driver, and a photocopy of the original.

   C. The experience of the applicant in the transportation of passengers;

   D. A concise history of the applicant's employment;

   E. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.

   F. The applicant shall pay the registration fee as set out by resolution of City Council.

4. The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of registration, based on departmental criteria. If a certificate of registration is approved, the driver shall display that certificate in a location that is visible to the public.

5. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

6. .

8. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief of Police within 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. . Within 48 hours of receiving such a letter, the Chief of Police will either confirm or reverse the challenged action concerning thecertificate of registration.

5. In addition to complying with the rules and regulations of a similar licensing jurisdiction, there shall also be compliance with sections 7.117,(Condition of Vehicles); 7.118(Taximeter Required); 7.120. (Rate of Fare); 7.121 (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Crusing); and 7.123(Taxicab or Limousine Stands) of this Chapter. These ordinance provisions shall be enforced for all taxicabs and limousines and drivers carrying passengers in the City of Troy.

6.

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 word, phrase, sentence, paragraph or section of this ordinance be held invalid or unconstitutional, the remaining provisions 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 _____, 2004.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 65 OF THE CODE
OF THE CITY OF TROY

(Special Events Version)

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cite as the 8th amendment to Chapter 65 of the Code of the City of Troy.

Section 2. Amendment

Section 7.102 of Chapter 65 is hereby amended to read as follows:

CHAPTER 65 TAXICABS, LIMOUSINES AND DRIVERS

7.102 License Required. Special Events Exemption.

A. No person shall operate or permit a taxicab or limousine owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Troy without having first obtained a license pursuant to the provision of this Chapter. Any operator of a taxicab or limousine that picks up passengers in the City of Troy for a destination, either within or without the City of Troy, shall comply with the provisions in this Chapter.~~be deemed in the business of operating a taxicab or limousine within the meaning of this Chapter.~~ Taxicabs or limousines not licensed to operate in the City of Troy may deliver their fares or passengers to destinations with the City. Taxicabs or limousines licensed to operate in the City of Troy may deliver their fares or passengers to destinations throughout the City or may call for and pick up passengers within the City in response to a direct request. Any police officer of the City shall have the power to stop any taxicab or limousine operating within the City to determine whether the vehicle is being operated in compliance with this Chapter.

B. City Council may declare a Special Events Exemption for the enforcement of the license requirements under this Chapter as follows:

1. City Council shall pass a resolution granting the exemption that shall state the reason for the special event exemption and shall specify the date(s) during which the special events exemption shall be in effect.

2. The exemption shall only be effective for those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that has completed the required mechanical inspection within the previous 9 months from the special events exemption resolution of the Troy City Council. The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

3. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

   B. The presentation of another form of photo identification for the driver, and a photocopy of the original.

   C. The experience of the applicant in the transportation of passengers;

   D. A concise history of the applicant's employment;

   E. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.

   F. The applicant shall pay the registration fee as set out by resolution of City Council.

4. ~~4.~~ The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of registration, based on departmental criteria. If a certificate of

registration is approved, the driver shall display that certificate in a location that is visible to the public.

5. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

6. All certificates of registration shall be valid for the dates ~~period~~ during which Council has authorized a special event exemption. ~~of the exemption resolution of City Council only~~.

7. A~~A~~ new certificate of registration must be obtained for each authorized special event exemption granted by City Council. ~~exemption resolution of City Council~~.

8. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief of ~~P~~Police within ~~filed within~~ 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. ~~with evidence as to why the Chief of Police should approve a certificate of registration or reinstate the certificate of registration after revocation~~. Within 48 hours of receiving such a letter, the ~~The~~ Chief of Police will either confirm or reverse the challenged action ~~decision~~ concerning the~~to deny or revoke a~~ certificate of registration. ~~within 48 hours.~~

5. The grant of a special events exemption shall not have any effect on ~~apply to~~ sections 7.117,(~~.~~ Condition of Vehicles); 7.118~~.~~(-Taximeter Required); 7.120. (Rate of Fare); 7.121~~.~~ (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Crusing); and 7.123~~.~~(Taxicab or Limousine Stands) of ~~T~~this Chapter. ~~.~~ These ordinance provisions shall be enforced for all taxicabs and limousines and drivers ~~thereof~~ carrying passengers in the City of Troy. ~~even though those vehicles and drivers are exempt from the specific licensing requirements set out in this ordinance.~~

6. At midnight on the date of the expiration of the Council declared special events exemption period, ~~At midnight of the last date of the Special Events exemption,~~ a taxicab and/or limousine shall not be operated without license in the City of Troy, as set forth in Section 7.102 (b)(1). ~~all taxicabs and limousines and drivers~~

~~of taxicabs and limousines must be in compliance with all provisions of Chapter 65 to operate in the City of Troy.~~

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

Section 6. Effective Date

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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 _____, 2004.

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Louise E. Schilling, Mayor

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Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
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B. City Council may declare a Special Events Exemption for the enforcement of the license requirements under this Chapter as follows:

1. City Council shall pass a resolution granting the exemption that shall state the reason for the special event exemption and shall specify the date(s) during which the special events exemption shall be in effect.

2. The exemption shall only be effective for those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that has completed the required mechanical inspection within the previous 9 months from the special events exemption resolution of the Troy City Council. The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

3. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

   B. The presentation of another form of photo identification for the driver, and a photocopy of the original.

   C. The experience of the applicant in the transportation of passengers;

   D. A concise history of the applicant's employment;

   E. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.

   F. The applicant shall pay the registration fee as set out by resolution of City Council.

4. The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of registration, based on departmental criteria. If a certificate of registration is

approved, the driver shall display that certificate in a location that is visible to the public.

5. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

6. All certificates of registration shall be valid for the dates during which Council has authorized a special event exemption. .

7. A new certificate of registration must be obtained for each authorized special event exemption granted by City Council. .

8. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief of Police within 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. . Within 48 hours of receiving such a letter, the Chief of Police will either confirm or reverse the challenged action concerning thecertificate of registration.

5. The grant of a special events exemption shall not have any effect on sections 7.117,(Condition of Vehicles); 7.118(Taximeter Required); 7.120. (Rate of Fare); 7.121 (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Crusing); and 7.123(Taxicab or Limousine Stands) of this Chapter. These ordinance provisions shall be enforced for all taxicabs and limousines and drivers carrying passengers in the City of Troy.

6. At midnight on the date of the expiration of the Council declared special events exemption period, a taxicab and/or limousine shall not be operated without license in the City of Troy, as set forth in Section 7.102 (b)(1).

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

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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 _____, 2004.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

July 15, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: International City/County Management Association (ICMA) Citizen Survey

The International City/County Management Association (ICMA) has partnered with National Research Center, Inc., a professional survey organization, to develop and test a survey template that combines standard and customized questions. As a result, ICMA members can take advantage of a national citizen survey at a fraction of the cost of most consultant surveys. Over 350 other governmental agencies have availed themselves of the service for ICMA members.

For the fee of $8,200 the National Citizen Survey basic service offers us:

1) Customized survey form with three optional questions
2) Three mailings with 1,200 randomly selected households
3) A margin of error (95% confidence interval) of no more than plus or minus five percentage points
4) Three reports: Executive Summary, Statistical Analysis of Survey Results, and Optional Comparison with National Norms
5) Technical assistance by phone and email

As stated above, we're allowed to include three optional questions. And I'd like your advice on which questions we should ask. So too, for inclusion of an open-ended question we would pay an additional $1,250. The open-ended question would enable the resident surveyed to write a response.

Please review the template survey and determine if additional questions should be included. We'll then discuss this matter as a study item for either the August 9 or 23 Council meeting, depending upon Agenda length.

In closing, please know that funds are budgeted for this project in the Community Affairs Department's consultant services account; number 748.7816.010. Once we're set on the questions, I'll have staff register the City of Troy to have the ICMA survey mailed October 25, 2004.

c: John M. Lamerato, Assistant City Manager/Finance & Administration
Cynthia Stewart, Community Affairs Director
Steven J. Vandette, Acting Assistant City Manager/Services

JS/mr\AGENDA ITEMS\2004.07.19.04 – ICMA Citizen Survey

Timeline for The National Citizen Survey™ September 2004 Class

Legend: ◄ Indicates when items **from NRC are due to you** ► Indicates when items **from you are due to NRC** ♦ Indicates information items

Item	Week	Actual Dates
Preparing for the survey		
♦ The NCS survey process is initiated upon receipt of your enrollment form and first payment	week 1	Sept 6
◄ NRC mails you The NCS worksheet packet	week 2	Sept 13
► Due to NRC: Worksheets and additional payment for add-on options	week 4	Sept 27
♦ NRC uses the information you provided to generate the sample and customize the survey instrument for your jurisdiction	weeks 5-6	Oct 4-Oct 11
◄ NRC provides confirmation documents about options selected by your jurisdiction and a sample of the postcard and mailing envelope for your records	week 5	Oct 4
► Due to NRC: Confirmation of options selected.	week 6	Oct 11
◄ NRC provides samples of survey materials (cover letters and survey instrument) for your records	week 6	Oct 11
♦ NRC prints materials and prepares mailings	weeks 5-6	Oct 4- Oct 11
◄ NRC mails evaluation questionnaire and timesheet about the data collection process to you	week 7	Oct 18
Conducting the survey		
♦ Survey materials are mailed		
♦ Prenotification postcards delivered to post office	week 7	Oct 18
♦ 1st wave of surveys delivered to post office	week 8	Oct 25
♦ 2nd wave of surveys delivered to post office	week 9	Nov 1
♦ Data collection: surveys received for your jurisdiction	weeks 8-12	Oct 25-Nov 22
♦ *Note 1*: During this time, you will receive postcards that were undeliverable due to bad addresses, or vacant housing units. This is normal. Please count all the postcards, as we will subtract the number of returned postcards from the total number mailed to estimate the number of "eligible" households in calculating the final response rate.		
♦ *Note 2*: You may receive phone calls from citizens during this time period who call to inform you they are outside of your jurisdiction's boundaries, or that they do not wish to receive additional mailings, etc. Please reassure them that their household was randomly selected, and while they may receive a total of three mailings from you, they will not receive any additional mailings after that time.		
► Due to NRC: evaluation questionnaire and timesheet about the data collection process	week 12	Nov 22
► Due to NRC: Final count of returned postcards	week 12	Nov 22
♦ Survey processing and report writing	week 12-14	Nov 22-Dec 6
♦ During this time, NRC will process the surveys, perform the data analysis, and produce a two-part draft report for your jurisdiction. The report of results will contain a description of the methodology, information on understanding the results, and graphs and tables of your results. The second report will include a description of NRC's database of normative data from across the U.S. and actual comparisons to your results, where appropriate.		
◄ NRC emails draft report (in PDF format) to you	week 15	Dec 13
► Due to NRC: jurisdiction feedback on the draft report	week 16	Dec 20
◄ NRC mails final report and data file to you (unless otherwise specified)	week 17	Dec 27
◄ NRC mails final invoice to you	week 17	Dec 27
◄ NRC mails final evaluation questionnaire and timesheet to you	week 17	Dec 27
► Due to NRC: Final half of costs of The NCS	week 18	Jan 3
► Due to NRC: completed final evaluation questionnaire and timesheet	week 18	Jan 3

THE NATIONAL CITIZEN SURVEY™

Why Survey? Some Talking Points

You as a manager know that citizen surveying is a "power tool" for performance evaluation and improvement, but you also know that power tools carry risks and many elected officials are cautious about using them.

A few talking points may help you explain why citizen surveying is not only a good idea but also a necessity for today's responsive local government.

1. Citizen surveying bridges the gap between the government and citizens who don't come to meetings, but do vote, pay taxes, and make decisions about where to live and build their businesses.

2. The best way to encourage good performance is to measure it, and the best indicator of government performance is citizen satisfaction. Two out of three local governments that monitor their contracts use citizen satisfaction as a guide.

3. Surveying is how you measure progress. Surveying is not a one-time event. You start a trend line with your first survey. In following years, declining scores tell you where to focus improvements; rising scores reward departments that are improving.

4. Surveys done by professionals come with analysis and explanation that put local scores in perspective. Surveys done by outside consultants are free of bias and establish a neutral benchmark that all parties can accept.

5. Surveying is always done in the context of planning for the future—balancing priorities, setting new objectives, preparing the next budget, improving services. You create, you measure; you refine, you reassess. Strong management demands a credible feedback system.

6. The cost of surveying is repaid with interest in terms of citizen satisfaction with government, staff commitment to change, and conservation of resources.

ICMA makes available several resources for you to use in working with your elected officials to decide whether to survey citizens and whether to use The National Citizen Survey™. See The NCS™ webpage at icma.org/ncs for

- Articles on surveying and The NCS™
- Answers to frequently asked questions about The NCS™
- A PowerPoint presentation on The NCS™
- And many more materials.

The XYZ of ABC 2003 Citizen Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please circle the response that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please circle the number that comes closest to your opinion for each of the following questions:

	excellent	good	fair	poor	don't know
How do you rate ABC as a place to live?	1	2	3	4	5
How do you rate your neighborhood as a place to live?	1	2	3	4	5
How do you rate ABC as a place to raise children?	1	2	3	4	5
How do you rate ABC as a place to retire?	1	2	3	4	5
How do you rate the overall quality of life in ABC?	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to ABC as a whole:

	excellent	good	fair	poor	don't know
Sense of community	1	2	3	4	5
Openness and acceptance of the community towards people of diverse backgrounds	1	2	3	4	5
Overall appearance of ABC	1	2	3	4	5
Opportunities to attend cultural activities	1	2	3	4	5
Shopping opportunities	1	2	3	4	5
Air quality	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Job opportunities	1	2	3	4	5
Access to affordable quality housing	1	2	3	4	5
Access to affordable quality child care	1	2	3	4	5
Access to affordable quality health care	1	2	3	4	5
Ease of car travel in ABC	1	2	3	4	5
Ease of bus travel in ABC	1	2	3	4	5
Ease of rail/subway travel in ABC	1	2	3	4	5
Ease of bicycle travel in ABC	1	2	3	4	5
Ease of walking in ABC	1	2	3	4	5

3. Please rate the speed of growth in the following categories in ABC over the past 2 years:

	much too slow	somewhat too slow	right amount	somewhat too fast	much too fast	don't know
Population growth	1	2	3	4	5	6
Retail growth (stores, restaurants etc.)	1	2	3	4	5	6
Jobs growth	1	2	3	4	5	6

4. To what degree, if at all, are the following problems in ABC:

	not a problem	minor problem	moderate problem	major problem	don't know
Crime	1	2	3	4	5
Drugs	1	2	3	4	5
Too much growth	1	2	3	4	5
Lack of growth	1	2	3	4	5
Graffiti	1	2	3	4	5
Noise	1	2	3	4	5
Run down buildings, weed lots, or junk vehicles	1	2	3	4	5
Taxes	1	2	3	4	5
Traffic congestion	1	2	3	4	5
Unsupervised youth	1	2	3	4	5
Homelessness	1	2	3	4	5
Weeds	1	2	3	4	5

5. Please rate how safe you feel from the following occurring to you in ABC:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
Violent crime (e.g., rape, assault, robbery)	1	2	3	4	5	6
Property crimes (e.g., burglary, theft)	1	2	3	4	5	6
Fire	1	2	3	4	5	6

6. Please rate how safe you feel:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
In your neighborhood during the day	1	2	3	4	5	6
In your neighborhood after dark	1	2	3	4	5	6
In ABC's downtown area during the day	1	2	3	4	5	6
In ABC's downtown area after dark	1	2	3	4	5	6
In ABC's parks during the day	1	2	3	4	5	6
In ABC's parks after dark	1	2	3	4	5	6

7. During the past twelve months, were you or anyone in your household the victim of any crime?

❑ no *[go to question #9]* ❑ yes *[go to question #8]* ❑ don't know

8. If yes, was this crime (these crimes) reported to the police?

❑ no ❑ yes ❑ don't know

9. In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in ABC?

	never	once or twice	3 to 12 times	13 to 26 times	more than 26 times
Used ABC public libraries or their services	1	2	3	4	5
Used ABC recreation centers	1	2	3	4	5
Participated in a recreation program or activity	1	2	3	4	5
Visited a neighborhood or XYZ park	1	2	3	4	5
Ridden a local bus within ABC	1	2	3	4	5
Attended a meeting of local elected officials or other local public meeting	1	2	3	4	5
Watched a meeting of local elected officials or other local public meeting on cable television	1	2	3	4	5
Recycled used paper, cans or bottles from your home	1	2	3	4	5
Volunteered your time to some group/activity in ABC	1	2	3	4	5
Read ABC Newsletter	1	2	3	4	5
Used the Internet for anything	1	2	3	4	5
Used the Internet to conduct business with ABC	1	2	3	4	5
Purchased an item over the Internet	1	2	3	4	5

10. How do you rate the quality of each of the following services in ABC?

	excellent	good	fair	poor	don't know
Police services	1	2	3	4	5
Fire services	1	2	3	4	5
Ambulance/emergency medical services	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Garbage collection	1	2	3	4	5
Recycling	1	2	3	4	5
Yard waste pick-up	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
Street lighting	1	2	3	4	5
Snow removal	1	2	3	4	5
Sidewalk maintenance	1	2	3	4	5
Traffic signal timing	1	2	3	4	5
Amount of public parking	1	2	3	4	5
Bus/transit services	1	2	3	4	5
Storm drainage	1	2	3	4	5
Drinking water	1	2	3	4	5
Sewer services	1	2	3	4	5
XYZ parks	1	2	3	4	5
Recreation programs or classes	1	2	3	4	5
Range/variety of recreation programs and classes	1	2	3	4	5
Recreation centers/facilities	1	2	3	4	5
Accessibility of parks	1	2	3	4	5
Accessibility of recreation centers/facilities	1	2	3	4	5
Appearance/maintenance of parks	1	2	3	4	5
Appearance of recreation centers/facilities	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
Health services	1	2	3	4	5
Services to seniors	1	2	3	4	5
Services to youth	1	2	3	4	5
Services to low-income people	1	2	3	4	5
Public library services	1	2	3	4	5
Variety of library materials	1	2	3	4	5
Public information services	1	2	3	4	5
Municipal courts	1	2	3	4	5
Public schools	1	2	3	4	5
Cable television	1	2	3	4	5

11. Overall, how would you rate the quality of the services provided by...

	excellent	good	fair	poor	don't know
The XYZ of ABC?	1	2	3	4	5
The Federal Government?	1	2	3	4	5
The State Government?	1	2	3	4	5

12. Have you had any in-person or phone contact with an employee of the XYZ of ABC within the last 12 months (including police, receptionists, planners or any others)?

❑ no *[go to question #14]* ❑ yes *[go to question #13]*

13. What was your impression of employees of the XYZ of ABC in your most recent contact? (Rate each characteristic below.)

	excellent	good	fair	poor	don't know
Knowledge	1	2	3	4	5
Responsiveness	1	2	3	4	5
Courtesy	1	2	3	4	5
Overall impression	1	2	3	4	5

14. Please rate the following statements by circling the number that most clearly represents your opinion:

	strongly agree	somewhat agree	neither agree nor disagree	somewhat disagree	strongly disagree	don't know
I receive good value for the XYZ of ABC taxes I pay	1	2	3	4	5	6
I am pleased with the overall direction that the XYZ of ABC is taking	1	2	3	4	5	6
The XYZ of ABC government welcomes citizen involvement	1	2	3	4	5	6
The XYZ of ABC government listens to citizens	1	2	3	4	5	6

15. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:

❑ very positive ❑ somewhat positive ❑ neutral ❑ somewhat negative ❑ very negative

16. Please check the response that comes closest to your opinion for each of the following questions:

a. Policy Question #1

❑ scale point 1 ❑ scale point 4
❑ scale point 2 ❑ scale point 5
❑ scale point 3 ❑ scale point 6

b. Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2

❑ scale point 1 ❑ scale point 4
❑ scale point 2 ❑ scale point 5
❑ scale point 3 ❑ scale point 6

c. Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3

❑ scale point 1 ❑ scale point 4
❑ scale point 2 ❑ scale point 5
❑ scale point 3 ❑ scale point 6

d. OPTIONAL [See Worksheets for details and price of this option] Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question

_____

_____

_____

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

17. Do you live within the XYZ limits of the XYZ of ABC?

❑ no ❑ yes

18. Are you currently employed?

❑ no *[go to question #19]* ❑ yes *[go to question #18a]*

18a. What one method of transportation do you *usually* use (for the longest distance of your commute) to travel to work?

❑ Motorized vehicle (e.g. car, truck, van, motorcycle etc…)
❑ Bus, Rail, Subway, or other public transportation
❑ Walk
❑ Work at home
❑ Other

18b. If you checked the motorized vehicle (e.g. car, truck, van, motorcycle, etc.) box in 18a, do other people (adults or children) *usually* ride with you to or from work?

❑ no ❑ yes

19. How many years have you lived in ABC?

❑ less than 2 years
❑ 2-5 years
❑ 6-10 years
❑ 11-20 years
❑ more than 20 years

20. Which best describes the building you live in?

❑ one family house detached from any other houses
❑ house attached to one or more houses (e.g. a duplex or townhome)
❑ building with two or more apartments or condominiums
❑ mobile home
❑ other

21. Is this house, apartment, or mobile home...

❑ rented for cash or occupied without cash payment?
❑ owned by you or someone in this house with a mortgage or free and clear?

22. Do any children 12 or under live in your household?

❑ no ❑ yes

23. Do any teenagers aged between 13 and 17 live in your household?

❑ no ❑ yes

24. Are you or any other members of your household aged 65 or older?

❑ no ❑ yes

25. Does any member of your household have a physical handicap or is anyone disabled?

❑ no ❑ yes

26. What is the highest degree or level of school you have completed? (mark one box)

❑ 12th Grade or less, no diploma
❑ high school diploma
❑ some college, no degree
❑ associate's degree (e.g. AA, AS)
❑ bachelor's degree (e.g. BA, AB, BS)
❑ graduate degree or professional degree

27. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)

❑ less than $24,999
❑ $25,000 to $49,999
❑ $50,000 to $99,999
❑ $100,000 or more

28. Are you Spanish/Hispanic/Latino?

❑ no ❑ yes

29. What is your race? (Mark one or more races to indicate what race you consider yourself to be)

❑ American Indian or Alaskan native
❑ Asian or Pacific Islander
❑ Black, African American
❑ White/Caucasian
❑ Other

30. In which category is your age?

❑ 18-24 years
❑ 25-34 years
❑ 35-44 years
❑ 45-54 years
❑ 55-64 years
❑ 65-74 years
❑ 75 years or older

31. What is your sex?

❑ female ❑ male

32. Are you registered to vote in your jurisdiction?

❑ no ❑ yes ❑ don't know

33. Did you vote in the last election?

❑ no ❑ yes ❑ don't know

34. Are you likely to vote in the next election?

❑ no ❑ yes ❑ don't know

Thank you for completing this survey. Please return the completed survey in the postage paid envelope to: National Research Center, Inc., 3005 30th St., Boulder, CO 80301

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Barbara A Holmes

From: Mary F Redden
Sent: Wednesday, July 14, 2004 11:02 AM
To: agenda
Subject: 07.19.04 - Council Member Lambert's Resolution Re: Privately Funded Displays on the Public Property

Please list under Council Comments/Referrals.

Mary Redden
Administrative Assistant to the City Manager
City of Troy
(248) 524-3329

-----Original Message-----
From: Dave Lambert [mailto:dave@lambert.net]
Sent: Wednesday, July 14, 2004 12:35 AM
To: City of Troy: Szerlag (2)
Subject: Council Comments

John:

I would like to have the resolution below placed on the agenda under Council Comments at the July 19th meeting. Thank you!

Dave Lambert
Web address: www.dave.lambert.net

BE IT RESOLVED that the City of Troy shall allow privately funded displays on the public property near City Hall;

BE IT FURTHER RESOLVED that the City Council shall adopt a policy governing privately funded displays before they shall be installed;

BE IT FINALLY RESOLVED that the City Council shall, at its August 23, 2004 meeting, designate a location near City Hall for privately funded displays based upon recommendations made by the City Manager.

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, May 6, 2004 at the Troy Community Center, room 503. Chairwoman, Kathleen Fejes called the meeting to order at 7:30 p.m.

Present:	Merrill Dixon, member	Ida Edmunds, member
	Kathleen Fejes, member	Orestes Kaltsounis, member
	Jeff Stewart, member	Janice Zikakis, member
	Jeff Biegler, staff	Carol K. Anderson, staff

Absent: Doug Bordas, Tom Krent, Meaghan Kovacs, Stu Redpath, Amy Kerns

Visitors: Chuck Barnes

Resolution # PR - 2004 - 05 - 009
Moved by Edmunds
Seconded by Stewart

RESOLVED, that the minutes from April 8, 2004 be approved as submitted.

Yeas: All
Nays: None
MOTION CARRIED

NEW BUSINESS

A. Budget - City Council approved $500,000 budget for park development. Staff will do some analysis of how development should proceed. A reserve fund will be set aside and carried from year to year until projects are developed.

B. Nature Center - Chuck Barnes spoke to the Park Board regarding exhibits for the Nature Center. He discussed the designs of various exhibits to be displayed in the lobby of the Nature Center.

OLD BUSINESS

A. Golf Course Rates - After further discussion with City management, the rate proposal for Sanctuary Lake golf course has been modified.

Resolution # PR - 2004 - 05 - 010
Moved by Kaltsounis
Seconded by Zikakis

RESOLVED, that the resolution (Resolution # 2004 - 04 - 007) to recommend approval of the Sanctuary Lake Golf Course rates to City Council be rescinded.

Yes: All
No: None
MOTION CARRIED

Resolution # PR - 2004 - 05 - 011
Moved by Zikakis
Seconded by Kaltsounis

RESOLVED, that the rates for Sanctuary Lake Golf Course be recommended for approval to City Council as proposed.

Yes: All
No: None
MOTION CARRIED

B. Disabled Golf Course rates - Discussion followed regarding allowing a discounted rate to disabled golfers. Disabled players with a physicians verification would be charged the senior rate.

Resolution # PR - 2004 - 05 - 012
Moved by Kaltsounis
Seconded by Edmunds

RESOLVED, to recommend approval that disabled golfers be charged the senior rate for the 2004 season. Be it further resolved that this program be reviewed and evaluated before the 2005 season.

Yes All
No None
MOTION CARRIED

MEMBER COMMENTS

Mr. Kaltsounis commented on how the City workers took down four trees, had it cleaned up and were gone in a short period of time. He was happy with the efficiency with which they worked.

Ms. Zikakis commented on how well the City removes snow from the streets.

Staff Reports

A. Directors Report - The opening date for Sanctuary Lake Golf Course is targeted for July.

Volunteers for the removal of Mustard garlic at the Nature Center are needed. There is plenty of it and will need lots of volunteers.

B. Recreation Report - Hiring for spring/summer season is nearly complete.

C. Parks Report - Arbor Day celebration is scheduled for May 7 at Firefighters Park. A tree will be planted and kites will be given away.

River Day is scheduled for June 5 at Firefighters Park. We will be planting wildflowers and trees.

Cricket participants are practicing at the Garry St. practice site.

Resolution # PR - 2004 - 05 - 013
Moved by Stewart
Seconded by Dixon

RESOLVED, that absent members are excused.

Yes All
No None
MOTION CARRIED

The meeting adjourned at 8:30 p.m.

_____
Kathleen Fejes, Chairwoman

_____
Mary Williams, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on June 22, 2004, in the Council Board Room of the Troy City Hall.

Chair Waller asked for a moment of silence in memory of Ken Strobel, long time civic leader and former Planning Commissioner, who passed away last Friday.

Chair Waller introduced Howard Wu, senior at Troy Athens High School. Mr. Wu has expressed an interest in becoming the student representative for the Commission.

Chair Waller also acknowledged guests John Szerlag, City Manager; Doug Smith, Real Estate & Development Director; and Richard Carlisle, Planning Consultant.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Lawrence Littman
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
John Szerlag, City Manager
Douglas J. Smith, Real Estate & Development Director
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-06-069
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That Members Littman and Vleck be excused from attendance at this meeting.

Yes: All present (7)
No: None
Absent: Littman, Vleck

2. MINUTES

Chair Waller requested that the June 8, 2004 Regular Meeting minutes, Agenda Item #4, Stone Haven Woods No. 2 Site Condominium, reflect there was discussion on the future possibility of an alternate point of access further to the west in Stone Haven Woods. This would provide a second point of access into Stone Haven Woods East No. 2 Site Condominium when the two existing stub streets (Provincial and Rothwell) were connected in the future.

Resolution # PC-2004-06-070
Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the June 8, 2004 Regular Meeting minutes as amended.

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

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PLANNING AND DEVELOPMENT REPORT

Mr. Miller reported on the following:

- *Sanctuary Lake Golf Course Tour* – Tentative tour dates, July 16 and July 20, were discussed. It was noted that the official opening of the golf course is scheduled on July 15. The Planning Department will advise the Commission.

- *Saleen Assembly Facility Tour* – Scheduled on July 27 at 5:30 p.m., prior to the 7:30 p.m. Special/Study Meeting.

- *Rezoning Request Z 694, Knights of Columbus, west side of Dequindre, south of Big Beaver, Section 25, B-1 to B-2 or B-3* – Denied by City Council at its June 21, 2004 meeting.

- *Rezoning Request Z 687, Marathon Station, west side of Livernois, south of Square Lake Road, Section 9, B-1 to H-S* – Postponed by City Council and referred back to the Planning Commission to await further action by the petitioner.

- *Street Vacation SV 185, Beach Road, south of Hampton Lane, Section 19* – Approved by City Council at its June 21, 2004 meeting.

- *Final Site Plan, PUD 002 Rochester Commons, north side of Big Beaver Road, east of Rochester Road and west of Daley Street, Section 23* – Approved by City Council.

- *I-75/Crooks/Long Lake Interchange Improvement Project* – Approved by City Council; also approved City to enter into a Development Agreement with MDOT.

- *Development/Permit Report initiated by Planning Department* – Mr. Schultz informed Planning Department that the report is sufficient.

- *Rezoning Request Z 582, northeast corner of Maple and John R, Section 25, B-3 to H-S* – Approved by City Council; protest petition addressed.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat reported on the June 15, 2004 Board of Zoning Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

The June 16, 2004 Downtown Development Authority meeting was cancelled. The next DDA meeting is scheduled for July 14, 2004.

Mr. Miller announced that Messrs. Szerlag, Smith and Carlisle are present tonight to participate in the discussion of Agenda Items #7, #8 and #9, ZOTA's 199, 182 and 203. Mr. Miller said City Management and the City Attorney's office have taken considerable measures to comprehensively review proposed zoning ordinance text amendments prior to the Planning Commission forwarding its recommendation to the City Council.

Mr. Szerlag addressed the Commission. Mr. Szerlag advised City staff that it would be in the best interest of the City that a unified recommendation by the Planning Commission and City Management on proposed zoning ordinance text amendments be given to City Council. He said he would work with the Planning Commission and City staff on a unified approach, should there be any divergence on behalf of the City Management of a Planning Commission recommendation. Mr. Szerlag said if a unified approach is not possible, it would then be best to develop and provide objective criteria to City Council that would crystallize the reasons that City Management and the Planning Commission have differences on the matter.

Chair Waller emphasized team effort and said he would like as much as possible that it appear to the outside world that the Planning Commission and City Management are together.

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7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval

Mr. Miller presented a summary on ZOTA 199, Site Plan Approval. He reported City Management recommends a minor change; that is, change the reference of "proposed" grading plans to "preliminary" grading plans.

There was a brief discussion on the one-year timeframe given to a petitioner to either receive final site plan approval or renew the preliminary site plan approval.

Chair Waller asked that the Planning Commission be provided an explanation should the Planning Director grant a wetlands determination waiver [reference Section 03.43.01 (9)].

Additional minor changes were discussed and agreed to.

Ms. Lancaster reported that the Legal Department would keep a copy of the Condominium Master Deed and Condominium Bylaws for filing purposes only.

There was a brief discussion on the timeframe within the approval process to submit the required legal condominium documents.

It was the consensus of the Commission to schedule ZOTA 199, Site Plan Approval, for a Public Hearing at the August 10, 2004 Regular Meeting.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) – Articles 12.00.00 and 30.10.08 R-1T One Family Attached

Mr. Miller presented a summary on ZOTA 182, R-1T One Family Attached. He reported that City Management recommends two revisions to the proposed text amendment. They are: (1) eliminate the possibility of interconnectivity between internal private streets in an R-1T development with internal public streets in adjacent neighborhoods; and (2) eliminate the requirement of common access drives for abutting developments.

Mr. Carlisle stated he is in agreement with the two revisions suggested by City Management. He further said that providing cross access between private and public roads within a condominium development could discourage the building of private roads, and he thinks that would not be in the best interest of the City.

Mr. Schultz said he does not support interconnection of roadways from condominium sites to public roads, nor does he support the interconnection of roadways between neighboring condominium sites. He said each site is an individual not-for-profit Michigan corporation responsible for liability and the maintenance of the property, and enforcing those developments to interconnect is not in the best interest of the people buying those homes.

Mr. Khan agreed with Mr. Schultz's comments.

It was the consensus of the Commission that the recommendation to City Council would incorporate the City Management revisions. It was further determined to schedule ZOTA 182, R-1T One Family Attached Residential District, for a Public Hearing at the August 10, 2004 Regular Meeting.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 203) – Article 02.00.00 – Changes, Amendments and Approvals, edit text to replace Chapter 40 of the City Code (to be repealed) and include language regarding Voting Requirements

Mr. Miller presented a summary on ZOTA 203, Changes, Amendments and Approvals to Article II, Chapter 40. He reported that City Management recommends the proposed text be changed to reflect that the compensation of the Planning Commission would be determined by the City Council. This text change would eliminate the requirement to amend the Zoning Ordinance should there be a change in the Planning Commission compensation.

A short discussion followed.

It was the consensus of the Commission that the recommendation to City Council would incorporate the City Management revision. It was further determined to schedule ZOTA 203, Changes, Amendments and Approvals to Article II, for a Public Hearing at the August 10, 2004 Regular Meeting.

Mr. Szerlag thanked the Commission in addressing ZOTA's 199, 182, 203 in an expedient fashion. Mr. Szerlag said that he would place the items on the September 27, 2004 Regular City Council Meeting, should the Commission act favorably on the proposed amendments.

Further, Mr. Szerlag said City Council has asked if the Planning Commission could expedite scheduling the Public Hearing on ZOTA 202, relative to the outdoor storage of commercial and recreational vehicles in the M-1 light industrial district.

Mr. Miller replied that the Public Hearing for ZOTA 202 has been scheduled for the July 13, 2004 Regular Meeting.

[Messrs. Szerlag and Smith exited the meeting.]

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 34.70.00 One Family Cluster Option

Mr. Savidant presented a summary on ZOTA 200, One Family Cluster Option. He presented four drawings to demonstrate alternative versions of the cluster development option; i.e., parallel plan, cluster development based on proposed language, cluster development based on proposed language with 20% density bonus and formula plan (3.8 units per acre).

There was a lengthy discussion on the parallel plan versus the formula plan.

Mr. Khan expressed his thoughts and experience on cluster development using both the parallel and formula plans. Mr. Khan prefers the formula plan and believes that most developers prefer the formula plan because it invariably allows for a larger lot size development. He cited several examples of his experience with cluster developments in community cities. Mr. Khan said the proposed 20% bonus would create a problem, and noted that the proposed amendment does not address preservation issues.

Mr. Carlisle does not recommend the formula method. He said that because characteristics are so different for every property, the parallel plan is the only reasonable plan to utilize. Mr. Carlisle acknowledged the fact that the City's non-regulated wetlands and non-restrictive tree ordinance may be factors in cluster development in Troy. Mr. Carlisle said a density bonus might be necessary in Troy because cluster development has not been a practice. He cited benefits of offering a density bonus would be reduced infrastructure costs and increased values. Mr. Carlisle said the quality of the development would bring higher values because people are looking for an open space environment. Mr. Carlisle encouraged that criteria be set in the ordinance as a basis for the bonus determination.

Chair Waller said that saving open space, roads, trees, and wetlands should be kept in mind as the City's goal.

Mr. Miller stated that the CR-1 zoning district is not very good as it currently stands, and an alternative option should be provided. Mr. Miller said the CR-1 zoning district should not be removed because non-conforming uses would be created for the five developments currently in the CR-1 zoning district. He said the Planning Commission has indicated a desire to preserve natural features without creating an ordinance, and to use creativity in the development of small infill properties.

Ms. Lancaster suggested consideration be given to the development of mini residential PUD's.

Chair Waller confirmed the Public Hearing is scheduled for the July 13, 2004 Regular Meeting.

[Mr. Carlisle exited the meeting.]

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 197) – Special Use Approvals in All Zoning Districts

Mr. Miller presented a summary on ZOTA 197, Special Use Approvals. Mr. Miller asked for direction on the matter, as it has been in the planning stage for over two years.

Mr. Chamberlain briefly explained the process he used in formatting the ordinance and proposed text revisions.

A brief discussion followed with respect to family day care homes and private/public schools.

It was the consensus of the Commission to move forward with the matter. A draft document for further review will be prepared by the Planning Department. An estimated timeline for completion of a draft document is early September.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

Mr. Miller reported that a Public Hearing for ZOTA 202 has been scheduled for the July 13, 2004 Regular Meeting. Mr. Miller confirmed that letters were addressed to the owners of the outdoor storage facilities, to which there have been no formal responses.

13. REVIEW OF JULY 13, 2004 REGULAR MEETING

A cursory review of the regular meeting items was conducted.

Mr. Miller informed the Commission that the proposed development at the former Maple Athletic Club site is seeking variances from the Board of Zoning Appeals.

Ms. Drake-Batts and Mr. Wright announced they would not be in attendance at the July 13, 2004 Regular Meeting.

14. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Chair Waller told Mr. Wu that he would be a welcomed member should he choose to become the Commission's student representative.

Mr. Savidant reported that he, Ms. Lancaster, Mr. Motzny and Mr. Miller viewed the Northwyck Condominiums (PUD 1) models and were very impressed. He encouraged everyone to look at them.

Mr. Schultz also visited the Northwyck Condominium models last Sunday. He said he was very impressed with the finish of the units, daylight basements, etc., and noted the development is a very nice addition to the City.

Mr. Strat said he would like to share tapes of three seminars he attended at the APA Annual Conference in Washington, D.C.; (1) Homeland Security; 2) How to Write Ordinances and 3) Hybrid Zoning. Mr. Strat will provide tapes of each seminar to the Planning Department so members can sign out a copy for viewing.

Mr. Chamberlain addressed current and future planning projects and the time involved in the review and approval process. Mr. Chamberlain asked the status of the proposed zoning ordinance text with respect to the number of trees on small frontages.

Mr. Miller replied that the Commission postponed the matter in consideration of Mr. Chamberlain's absence from several meetings. Mr. Miller said the matter would be placed on the next Special/Study Meeting agenda.

Ms. Lancaster welcomed Mr. Wu and told him that he would find the Regular Meeting of the Commission to be more exciting and fun. Ms. Lancaster said it was good to be here tonight!

Chair Waller reminded everyone that *A Green Day In Troy* is being held Thursday, June 24, at Walsh College. He encouraged everyone to attend.

Mr. Miller asked Mr. Wu to give serious consideration to coming on board. He told Mr. Wu that a student representative is considered an equal, non-voting member and his opinions would be valued.

Chair Waller encouraged Mr. Wu to contact Jordan Keoleian, a former student representative, who would be delighted to share his Commission experience. Chair Waller said Cindy Stewart, Community Affairs Director, would be able to provide the contact information.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:55 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on June 22, 2004, in the Council Board Room of the Troy City Hall.

Chair Waller asked for a moment of silence in memory of Ken Strobel, long time civic leader and former Planning Commissioner, who passed away last Friday.

Chair Waller introduced Howard Wu, senior at Troy Athens High School. Mr. Wu has expressed an interest in becoming the student representative for the Commission.

Chair Waller also acknowledged guests John Szerlag, City Manager; Doug Smith, Real Estate & Development Director; and Richard Carlisle, Planning Consultant.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
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Wayne Wright

Absent:
Lawrence Littman
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
John Szerlag, City Manager
Douglas J. Smith, Real Estate & Development Director
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-06-069
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That Members Littman and Vleck be excused from attendance at this meeting.

Yes: All present (7)
No: None
Absent: Littman, Vleck

2. MINUTES

Chair Waller requested that the June 8, 2004 Regular Meeting minutes, Agenda Item #4, Stone Haven Woods No. 2 Site Condominium, reflect there was discussion on the future possibility of an alternate point of access further to the west in Stone Haven Woods. This would provide a second point of access into Stone Haven Woods East No. 2 Site Condominium when the two existing stub streets (Provincial and Rothwell) were connected in the future.

Resolution # PC-2004-06-070
Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the June 8, 2004 Regular Meeting minutes as amended.

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

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PLANNING AND DEVELOPMENT REPORT

Mr. Miller reported on the following:

- *Sanctuary Lake Golf Course Tour* – Tentative tour dates, July 16 and July 20, were discussed. It was noted that the official opening of the golf course is scheduled on July 15. The Planning Department will advise the Commission.

- *Saleen Assembly Facility Tour* – Scheduled on July 27 at 5:30 p.m., prior to the 7:30 p.m. Special/Study Meeting.

- *Rezoning Request Z 694, Knights of Columbus, west side of Dequindre, south of Big Beaver, Section 25, B-1 to B-2 or B-3* – Denied by City Council at its June 21, 2004 meeting.

- *Rezoning Request Z 687, Marathon Station, west side of Livernois, south of Square Lake Road, Section 9, B-1 to H-S* – Postponed by City Council and referred back to the Planning Commission to await further action by the petitioner.

- *Street Vacation SV 185, Beach Road, south of Hampton Lane, Section 19* – Approved by City Council at its June 21, 2004 meeting.

- *Final Site Plan, PUD 002 Rochester Commons, north side of Big Beaver Road, east of Rochester Road and west of Daley Street, Section 23* – Approved by City Council.

- *I-75/Crooks/Long Lake Interchange Improvement Project* – Approved by City Council; also approved City to enter into a Development Agreement with MDOT.

- *Development/Permit Report initiated by Planning Department* – Mr. Schultz informed Planning Department that the report is sufficient.

- *Rezoning Request Z 582, northeast corner of Maple and John R, Section 25, B-3 to H-S* – Approved by City Council; protest petition addressed.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat reported on the June 15, 2004 Board of Zoning Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

The June 16, 2004 Downtown Development Authority meeting was cancelled. The next DDA meeting is scheduled for July 14, 2004.

Mr. Miller announced that Messrs. Szerlag, Smith and Carlisle are present tonight to participate in the discussion of Agenda Items #7, #8 and #9, ZOTA's 199, 182 and 203. Mr. Miller said City Management and the City Attorney's office have taken considerable measures to comprehensively review proposed zoning ordinance text amendments prior to the Planning Commission forwarding its recommendation to the City Council.

Mr. Szerlag addressed the Commission. Mr. Szerlag advised City staff that it would be in the best interest of the City that a unified recommendation by the Planning Commission and City Management on proposed zoning ordinance text amendments be given to City Council. He said he would work with the Planning Commission and City staff on a unified approach, should there be any divergence on behalf of the City Management of a Planning Commission recommendation. Mr. Szerlag said if a unified approach is not possible, it would then be best to develop and provide objective criteria to City Council that would crystallize the reasons that City Management and the Planning Commission have differences on the matter.

Chair Waller emphasized team effort and said he would like as much as possible that it appear to the outside world that the Planning Commission and City Management are together.

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7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval

Mr. Miller presented a summary on ZOTA 199, Site Plan Approval. He reported City Management recommends a minor change; that is, change the reference of "proposed" grading plans to "preliminary" grading plans.

There was a brief discussion on the one-year timeframe given to a petitioner to either receive final site plan approval or renew the preliminary site plan approval.

Chair Waller asked that the Planning Commission be provided an explanation should the Planning Director grant a wetlands determination waiver [reference Section 03.43.01 (9)].

Additional minor changes were discussed and agreed to.

Ms. Lancaster reported that the Legal Department would keep a copy of the Condominium Master Deed and Condominium Bylaws for filing purposes only.

There was a brief discussion on the timeframe within the approval process to submit the required legal condominium documents.

It was the consensus of the Commission to schedule ZOTA 199, Site Plan Approval, for a Public Hearing at the August 10, 2004 Regular Meeting.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) – Articles 12.00.00 and 30.10.08 R-1T One Family Attached

Mr. Miller presented a summary on ZOTA 182, R-1T One Family Attached. He reported that City Management recommends two revisions to the proposed text amendment. They are: (1) eliminate the possibility of interconnectivity between internal private streets in an R-1T development with internal public streets in adjacent neighborhoods; and (2) eliminate the requirement of common access drives for abutting developments.

Mr. Carlisle stated he is in agreement with the two revisions suggested by City Management. He further said that providing cross access between private and public roads within a condominium development could discourage the building of private roads, and he thinks that would not be in the best interest of the City.

Mr. Schultz said he does not support interconnection of roadways from condominium sites to public roads, nor does he support the interconnection of roadways between neighboring condominium sites. He said each site is an individual not-for-profit Michigan corporation responsible for liability and the maintenance of the property, and enforcing those developments to interconnect is not in the best interest of the people buying those homes.

Mr. Khan agreed with Mr. Schultz's comments.

It was the consensus of the Commission that the recommendation to City Council would incorporate the City Management revisions. It was further determined to schedule ZOTA 182, R-1T One Family Attached Residential District, for a Public Hearing at the August 10, 2004 Regular Meeting.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 203) – Article 02.00.00 – Changes, Amendments and Approvals, edit text to replace Chapter 40 of the City Code (to be repealed) and include language regarding Voting Requirements

Mr. Miller presented a summary on ZOTA 203, Changes, Amendments and Approvals to Article II, Chapter 40. He reported that City Management recommends the proposed text be changed to reflect that the compensation of the Planning Commission would be determined by the City Council. This text change would eliminate the requirement to amend the Zoning Ordinance should there be a change in the Planning Commission compensation.

A short discussion followed.

It was the consensus of the Commission that the recommendation to City Council would incorporate the City Management revision. It was further determined to schedule ZOTA 203, Changes, Amendments and Approvals to Article II, for a Public Hearing at the August 10, 2004 Regular Meeting.

Mr. Szerlag thanked the Commission in addressing ZOTA's 199, 182, 203 in an expedient fashion. Mr. Szerlag said that he would place the items on the September 27, 2004 Regular City Council Meeting, should the Commission act favorably on the proposed amendments.

Further, Mr. Szerlag said City Council has asked if the Planning Commission could expedite scheduling the Public Hearing on ZOTA 202, relative to the outdoor storage of commercial and recreational vehicles in the M-1 light industrial district.

Mr. Miller replied that the Public Hearing for ZOTA 202 has been scheduled for the July 13, 2004 Regular Meeting.

[Messrs. Szerlag and Smith exited the meeting.]

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 34.70.00 One Family Cluster Option

Mr. Savidant presented a summary on ZOTA 200, One Family Cluster Option. He presented four drawings to demonstrate alternative versions of the cluster development option; i.e., parallel plan, cluster development based on proposed language, cluster development based on proposed language with 20% density bonus and formula plan (3.8 units per acre).

There was a lengthy discussion on the parallel plan versus the formula plan.

Mr. Khan expressed his thoughts and experience on cluster development using both the parallel and formula plans. Mr. Khan prefers the formula plan and believes that most developers prefer the formula plan because it invariably allows for a larger lot size development. He cited several examples of his experience with cluster developments in community cities. Mr. Khan said the proposed 20% bonus would create a problem, and noted that the proposed amendment does not address preservation issues.

Mr. Carlisle does not recommend the formula method. He said that because characteristics are so different for every property, the parallel plan is the only reasonable plan to utilize. Mr. Carlisle acknowledged the fact that the City's non-regulated wetlands and non-restrictive tree ordinance may be factors in cluster development in Troy. Mr. Carlisle said a density bonus might be necessary in Troy because cluster development has not been a practice. He cited benefits of offering a density bonus would be reduced infrastructure costs and increased values. Mr. Carlisle said the quality of the development would bring higher values because people are looking for an open space environment. Mr. Carlisle encouraged that criteria be set in the ordinance as a basis for the bonus determination.

Chair Waller said that saving open space, roads, trees, and wetlands should be kept in mind as the City's goal.

Mr. Miller stated that the CR-1 zoning district is not very good as it currently stands, and an alternative option should be provided. Mr. Miller said the CR-1 zoning district should not be removed because non-conforming uses would be created for the five developments currently in the CR-1 zoning district. He said the Planning Commission has indicated a desire to preserve natural features without creating an ordinance, and to use creativity in the development of small infill properties.

Ms. Lancaster suggested consideration be given to the development of mini residential PUD's.

Chair Waller confirmed the Public Hearing is scheduled for the July 13, 2004 Regular Meeting.

[Mr. Carlisle exited the meeting.]

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 197) – Special Use Approvals in All Zoning Districts

Mr. Miller presented a summary on ZOTA 197, Special Use Approvals. Mr. Miller asked for direction on the matter, as it has been in the planning stage for over two years.

Mr. Chamberlain briefly explained the process he used in formatting the ordinance and proposed text revisions.

A brief discussion followed with respect to family day care homes and private/public schools.

It was the consensus of the Commission to move forward with the matter. A draft document for further review will be prepared by the Planning Department. An estimated timeline for completion of a draft document is early September.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

Mr. Miller reported that a Public Hearing for ZOTA 202 has been scheduled for the July 13, 2004 Regular Meeting. Mr. Miller confirmed that letters were addressed to the owners of the outdoor storage facilities, to which there have been no formal responses.

13. REVIEW OF JULY 13, 2004 REGULAR MEETING

A cursory review of the regular meeting items was conducted.

Mr. Miller informed the Commission that the proposed development at the former Maple Athletic Club site is seeking variances from the Board of Zoning Appeals.

Ms. Drake-Batts and Mr. Wright announced they would not be in attendance at the July 13, 2004 Regular Meeting.

14. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Chair Waller told Mr. Wu that he would be a welcomed member should he choose to become the Commission's student representative.

Mr. Savidant reported that he, Ms. Lancaster, Mr. Motzny and Mr. Miller viewed the Northwyck Condominiums (PUD 1) models and were very impressed. He encouraged everyone to look at them.

Mr. Schultz also visited the Northwyck Condominium models last Sunday. He said he was very impressed with the finish of the units, daylight basements, etc., and noted the development is a very nice addition to the City.

Mr. Strat said he would like to share tapes of three seminars he attended at the APA Annual Conference in Washington, D.C.; (1) Homeland Security; 2) How to Write Ordinances and 3) Hybrid Zoning. Mr. Strat will provide tapes of each seminar to the Planning Department so members can sign out a copy for viewing.

Mr. Chamberlain addressed current and future planning projects and the time involved in the review and approval process. Mr. Chamberlain asked the status of the proposed zoning ordinance text with respect to the number of trees on small frontages.

Mr. Miller replied that the Commission postponed the matter in consideration of Mr. Chamberlain's absence from several meetings. Mr. Miller said the matter would be placed on the next Special/Study Meeting agenda.

Ms. Lancaster welcomed Mr. Wu and told him that he would find the Regular Meeting of the Commission to be more exciting and fun. Ms. Lancaster said it was good to be here tonight!

Chair Waller reminded everyone that *A Green Day In Troy* is being held Thursday, June 24, at Walsh College. He encouraged everyone to attend.

Mr. Miller asked Mr. Wu to give serious consideration to coming on board. He told Mr. Wu that a student representative is considered an equal, non-voting member and his opinions would be valued.

Chair Waller encouraged Mr. Wu to contact Jordan Keoleian, a former student representative, who would be delighted to share his Commission experience. Chair Waller said Cindy Stewart, Community Affairs Director, would be able to provide the contact information.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:55 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2004 PC Minutes\Final\06-22-04 Special Study Meeting_Final.doc

July 15, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Update on Proposed Joint Meeting Between City Council and Downtown Development Authority (DDA)

Attached is a copy of the presentation I gave to the Troy Downtown Development Authority (DDA) at their July 14, 2004 meeting. My preamble to this presentation was that Council wanted to meet with the DDA for reason of developing objectives for the Authority. These objectives would then frame a "preferred future vision" for the Big Beaver corridor, which in turn has an impact on many facets of our community.

The DDA has targeted their August meeting to come up with their preferred future for this corridor, and they will incorporate the typical problem-solving methodology which contains the following:

1) Define the problem, interests
2) Analyze the problem, interests
3) Develop general solutions/options which are based on objective criteria
4) Select preferred options
5) Develop timetable to implement

In addition, the DDA will articulate their role in partnering with City Council, the Planning Commission, businesses, residents, and other segments that make up our community.

As always, please feel free to contact me should you have any questions.

JS/mr\AGENDA ITEMS\07.19.04 – Joint Meeting with DDA

HARD COPIES OF THE POWER POINT PRESESENTATION
ATTACHED WITH AGENDA MATERIALS

July 15, 2004

TO: John Szerlag, City Manager

FROM: Steven Vandette, Acting Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Receipt of Grant for Ash Tree Removal

The City of Troy has received notice from the State Department of Agriculture of an award of a grant up to $136,512.60 for the removal of municipal ash trees affected by the destructive Emerald Ash Borer. The award is part of a $1.2 million federal grant made available to the State from the U.S. Department of Agriculture.

The one-time grant offers $68.26 in reimbursement per eligible ash tree based upon the number of ash trees a municipality has removed, or plans to remove between March 1, 2004 and November 30, 2004. We have estimated this number at 2000 trees, roughly 10% of the 20,000+ ash trees that will ultimately be removed. These grant funds are available for municipal tree removal, only. Funds cannot be used for removals of ash on private property, or for replacement plantings.

City tree crews have been removing ash trees since the first of the year. Formal bids will be opened on July 30, 2004 for contracted assistance in the removal of all ash trees in City rights-of-way, and other municipal properties. Upon contract award, three removal crews plus the City tree crew will combine efforts to reduce the threat to public safety these dead and dying trees may pose.

All of the communities in the six-county core Emerald Ash Borer infested area – Livingston, Macomb, Monroe, Oakland, Washtenaw and Wayne – were eligible for the special funding. The relatively high percentage of the total grant awarded to Troy can be attributed to the aggressive approach to affected ash removal that has been proposed by City staff and supported by City Council.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

Attachment: Emerald Ash Borer Tree Removal Grant Recipients List

Michigan
Emerald Ash Borer Response Project

Michigan Department of Agriculture
Michigan Department of Natural Resources
Michigan State University
U.S. Department of Agriculture

Emerald Ash Borer Tree Removal Grants

City of Allen Park	320	21,842.02
City of Ann Arbor	975	66,549.89
City of Berkley	50	3,412.82
City of Birmingham	250	17,064.08
City of Bloomfield Hills	100	6,825.63
City of Dearborn	184	12,559.16
City of Dearborn Heights	700	47,779.41
City of Detroit	1574	107,435.42
City of Farmington	65	4,436.66
City of Flat Rock	162	11,057.52
City of Garden City	53	3,617.58
City of Hamtramck	121	8,259.01
City of Harper Woods	25	1,706.41
City of Lathrup Village	41	2,798.51
City of Livonia	1202	82,044.07
City of Madison Heights	400	27,302.52
City of Melvindale	101	6,893.89
City of Orchard Lake Village	270	18,429.20
City of Plymouth	80	5,460.50
City of River Rouge	200	13,651.26
City of Rochester Hills	1000	68,256.30
City of Rockwood	81	5,528.76
City of Romulus	500	34,128.15
City of Roseville	42	2,866.76
City of Royal Oak	250	17,064.08
City of Southfield	449	30,647.08
City of Southgate	250	17,064.08
City of Taylor	529	36,107.58
City of Trenton	201	13,719.52
City of Troy	2000	136,512.60
City of Walled Lake	31	2,115.95
City of Westland	1982	135,283.99
City of Wixom	225	15,357.67
City of Wyandotte	336	22,934.12
City of Woodhaven	620	42,318.91
City of Ypsilanti	57	3,890.61
Township of Bloomfield	167	11,398.80
Township of Grosse Ile	83	5,665.27
Township of Macomb	1000	68,256.30
Township of Orion	28	1,911.18
Township of Pittsfield	126	8,600.29
Township of Superior	293	19,999.10
Township of Ypsilanti	382	26,073.91
Village of Dexter	5	341.28
Village of Milford	90	6,143.07
Village of South Rockwood	86	5,870.04
Village of Wolverine Lake	12	819.08
Total	**17698**	**$1,208,000.00**

July 14, 2004

To: John Szerlag, City Manager

From: Steve Vandette, Acting Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Community Center Fitness Room Expansion
to Enhance Customer Service

RECOMMENDATION

To better serve our customers in keeping with the city's philosophy of providing affordable, convenient, community recreation, staff recommends the expansion of the fitness room into existing unused space, adding 1,200 square feet. This expansion would increase the fitness room to 6,700 square feet and could accommodate an additional 10 treadmills and eight elliptical trainers.

BACKGROUND

The popularity of the fitness room in the Community Center continues to grow since opening March 25, 2002. The fitness room was originally 4,600 square feet that included 34 pieces of cardiovascular and 15 pieces of strength training equipment. In September 2003, the area was expanded into an adjacent room and added another line of strength training equipment (10 pieces). This expansion increased the size to 5,500 square feet. As the usage during the winter months increased, four more elliptical trainers were added to bring the total to 38 pieces of cardiovascular equipment. While these acquisitions alleviated the wait to use machines to some degree, it continued to be a problem with the cardiovascular machines throughout the winter months. Due to a limited amount of available floor space in the fitness room, the ability to add additional equipment to accommodate members is not available.

The room being recommended for conversion to a fitness room was originally scheduled to be a Wellness Room but it currently sits vacant as efforts to lease the space to a Wellness Provider have failed. It is projected that the new expansion may generate an estimated $52,500 in additional annual revenue by attracting and accommodating new members. Furthermore, another room could be leased to a Wellness Provider without adversely impacting existing members. The extra machines would meet the demands of the existing membership and approximately 300 more users per day or 5% increase in memberships.

The cost to renovate this room is estimated at $4,500 which includes the installation of a new doorway and half-wall for electrical hookups performed by the city's Building Operations staff. This cost is minor compared to adding on to the current fitness room with new construction. The equipment could be leased for approximately $24,000 per year, which is already included in the 2004-05 budget. Not only could this expansion reduce the annual attrition rate of current pass holders upset over the availability of machines, but also make it easier to attract new members.

If expansion efforts are not pursued, staff may have to place a cap on memberships at 6,000 in order to improve customer service. However, this would be very difficult to manage internally and justify to residents who pay for the operation of this facility. It would also eliminate the ability to sell day passes.

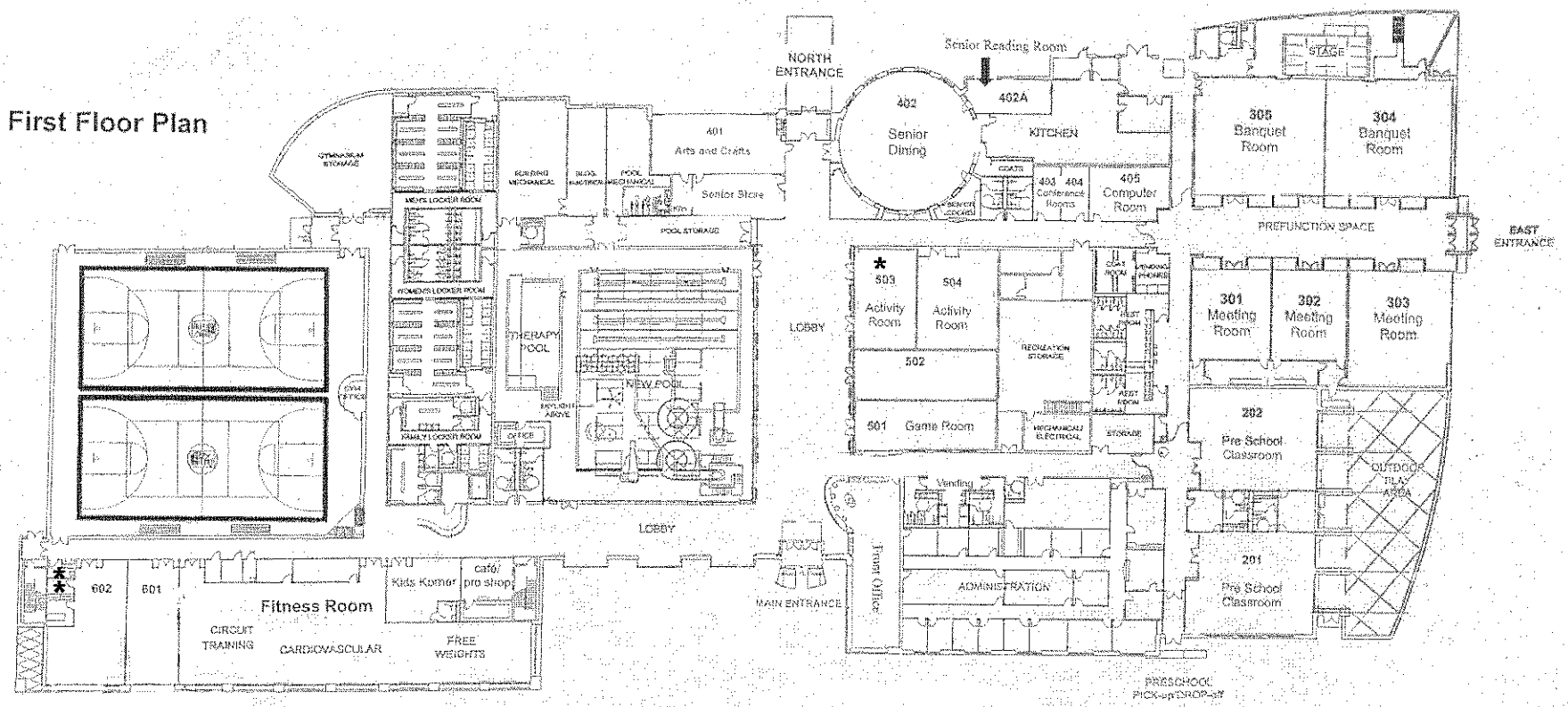
If a cap is not established and membership levels are maintained without expansion, staff feels that approximately 5% of pass holders will cancel their membership due to dissatisfaction with the facility. This would amount to approximately $45,000 per year in lost revenue. This does not include any potential new pass holders that may want to join, but feel the facility cannot accommodate their needs. With a lower membership base, the Community Center could not obtain the revenue it needs to meets its operating costs without raising prices.

BUDGET

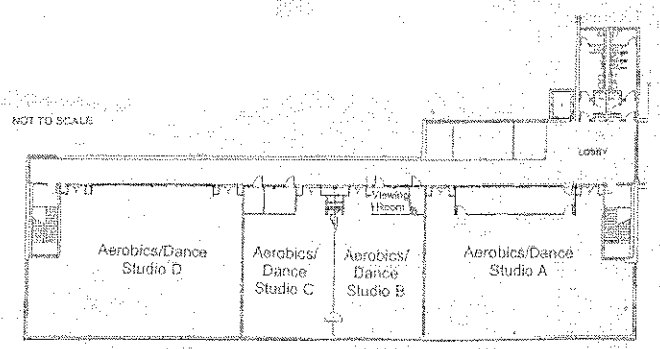
Funds are available for the cardiovascular equipment and fitness room expansion costs in the Troy Parks and Recreation Capital Budget, Account #401755.7978.045.

Prepared by: Kraig Schmottlach, Community Center Facility Manager

First Floor Plan



* Potential Wellness space



Second Floor Plan

JM OLSON CORPORATION

Troy COMMUNITY CENTER

Troy Community Center

TOSSETTI ARCHITECTS

J-03a

June 16, 2004

Chief Charles Craft
Troy Police Department
500 West Big Beaver
Troy, MI 48084

Dear Chief Craft:

This year I have had the distinct pleasure of having many of you police officers visit my classroom and speak with my students on topics of great interest. Your officers are amazing men that bring much to the classroom; they are professional, educated and their enthusiasm certainly shows that they truly enjoy their jobs. Officers Ed Klute, Mark Cole, and Paul Bednard were kind enough to bring in their K-9 dogs and that is always the favorite of the students and, believe it or not, staff many times stop in just to watch the dogs in action. Also, Officers Wayne Lepola and Mark Owczarzak do an evidence technician demonstration and involve the students by letting them lift prints and fingerprint themselves. The students enjoy being involved and this continues to be a very interesting, hands on presentation. As always, your officers visibly enjoy what they do and are very personable with the students. This is such a plus to have the students ask questions and speak one on one with the officers. Having the opportunity to speak with officers helps the students to develop respect for them—all too often, officers are viewed as only disciplinarians, and this classroom contact gives the students positive contact with them and given the chance to ask questions makes the student understand how important an officers role is in society.

Russell Weipert, has also been very gracious and informative by setting up tours with the students and guiding us with our visit to the 52nd District Court and Police Station. I know, at times, to bring a group of students is can be rather disruptive, but the benefits that these young adults receive from this tour is one they remember forever. I have had many graduates come back and refer back to their visits to the courts and jail many times, and Mr. Weipert is very informative and professional with his tour. He is always very accommodating and flexible when it comes time to setting up a date and organizing the tour—schools calendars and rules change frequently and he is always very cordial when things change.

Sean Morse, liaison officer, has been a joy to work with this year. He is very helpful when organizing speakers with the Police Department and offers beneficial advice. The students seem to genuinely like him and do not hesitate to go to him with legal questions. He is very hands on and also does a wonderful presentation in the classroom. Officer Morse has developed handouts that are very educational and if a student asks a question he is unsure of, he researches it and gets back to them as soon as he can. He has fit in and adjusted quite well to our building and is another exemplary officer.

Chief Craft, I cannot thank you enough for sharing such quality officers with Troy High School. The students have learned so much from them and they have enriched my classroom greatly! Thank you again and have a wonderful summer!

Sincerely,

Gail J. Yax

Gail J. Yax, teacher
Troy High School

RECEIVED
Chief of Police
6/22/04 CC

CC: City Mgr
Affected Personnel
Division Commanders
Files

J-03b

June 27, 2004

Chief Charles Craft,

The Sterling Heights Dispatchers would like to express our appreciation for the care your dispatchers showed to us recently following the death of Officer Mark Sawyers. There are no words to express how deeply the loss affected us all, just as there are no adequate words to thank you for the unselfish acts of kindness that were shown to us by your employees.

While it is true that we do become a "family" when adversity strikes, it was amazing to us how quickly the offers of assistance came pouring in. The expertise that was shown as they worked in a different environment only proved what professionals they truly are. They were able to keep our communications center working so efficiently that few outside of the room could have known that we were not there. They completely supported the officers who worked for us, and the ones who remained behind to try to find the suspect.

They are to be commended for their efforts. Ours is a profession to be proud of and they are examples of why this is true. Once again, we thank you from the bottom of our hearts for your concern, thoughtfulness and professionalism.

Kim D. Ostin – On behalf of the Sterling Heights Emergency Dispatchers

ORIGINAL TO City Mgr.
CC: CAPT. MAYER
C.M. NEURAUER
Bulletin Boards

RECEIVED
Chief of Police
7/4/04 CC

J-03c

[redacted]
Troy, MI 48084

July 1, 2004

Chief of Police-City of Troy
500 W. Big Beaver
Troy, MI 48084

RECEIVED
Chief of Police
7/6/04 CTC

Dear Chief:

We have known for some time that we have an exceptionally good police force in Troy. Yesterday was yet another example of it.

My sister and I (two "seasoned" citizens) were driving south on Livernois when our car simply quit! Nothing worked: no hazard lights, air conditioning, or windows——nothing! While I was calling AAA, a young man (off duty Officer Pat Dyjewski) stopped and said he was calling someone to help us. Then he somehow got behind us and put on **his** hazard lights, no doubt preventing an accident and possible injuries.

Pretty soon another officer, whose name we did not get, appeared and said a police car would come and push us out off this busy street. This was accomplished by **Officer Todd Michael and Officer Pat Dyjewski** who, not only got our car out of the way, but pushed it to a shady spot for us to wait for AAA. They were SO helpful!

We are very grateful for the kind of policemen we have in Troy.

Sincerely,

Peg & Rich
O'Connor

cc: City Mgr.
Off's Michael/Dyjewski
Capt. Murphy
Officers Dept. File
B.B.'s/Correspondence File

J-03d

June 30, 2004

Troy Police Department
500 W. Big Beaver Road
Troy, MI 48084

RE: Services Rendered
Case# 04.12694

To Whom It May Concern:

We are writing this letter to highly commend the officers that assisted us in our time of need of your services.

The transition went very smoothly with the officer's accompanying us in dropping off a payment to Attorney [redacted] located in the City of Troy.

Officer's Mike Trainer #82 and Lt. Bob Rossman and other staff at the information desk that we were in contact with, were very professional and they took the time to listen to our concerns.

We thank you for your time and assistance.

Sincerely,

Keith Lakey Renita Lakey

Keith Lakey and Renita Lakey

RECEIVED
Chief of Police
7/9/2004 CTC

CC: CITY MGR
OFF. TRAINER
LT. ROSSMAN
CAPT. MURPHY
DEPT. FILES

-----Original Message-----
From: Nino A Licari
Sent: Tuesday, July 13, 2004 12:08 PM
To: John M Lamerato
Subject: FW: Assessing Department Employees

Nino Licari
Assessor, City of Troy

-----Original Message-----
From: Carla Meier [mailto:cmeier@campbell-ewald.com]
Sent: Tuesday, July 13, 2004 10:58 AM
To: licarila@ci.troy.mi.us
Subject: Assessing Department Employees

Hi Nino - Just a quick word-you know, credit where credit is due. I've had a couple occasions within the last six months to phone your department with various questions about forms, quit claims, waivers of homestead rights, etc. Every time I call, your staff is so nice, so courteous and always willing to take the time to explain how to get things done. I just got off the phone with a woman from your department -- I wish I would have asked her name-who couldn't have been more pleasant.
Verizon Wireless, my plumber, Hamilton Chevrolet and the Target Photo Developing Department should take customer service training from your staff. Thanks!
Carla Meier-Inabnitt

J-03f

Steven J Vandette

From: Timothy L Richnak
Sent: Wednesday, July 14, 2004 10:58 AM
To: Steven J Vandette; Thomas E Rosewarne; Robert L Robertson
Subject: FW: Great response

FYI
-----Original Message-----
From: Alex.Proszkow@ngc.com [mailto:Alex.Proszkow@ngc.com]
Sent: Wednesday, July 14, 2004 9:32 AM
To: richnaktl@ci.troy.mi.us
Cc: szerlagaj@ci.troy.mi.us
Subject: Great response

Tim, I received a letter in the mail regarding some sidewalk/driveway approach work that was needed on the side of my house.

I had a few questions so I called Bob Robertson who works the sidewalk program.

Bob responded to my call within the hour and was very helpful. He even visited my house within a half an hour to get an up to date assessment. He called me right back with an update.

He provided me with an explanation to all my questions.

I just wanted to let you know that the service I got from Bob was not only very professional but also personal.

Please pass on the kudos'.

PS. A great way to run a city service. I hope all your departments run that well.

Thanks, Alex

J-04a

CITY OF FERNDALE
RESOLUTION

Moved by Councilman Galloway, seconded by Councilman Covey, to adopt the following Resolution:

Having reviewed the June 2004, MDOT M-1, M-102 Environmental Assessment Study and supporting documentation, the City of Ferndale research related to the study, the reports of various planning firms, economic development information, traffic studies, and the results of Ferndale-sponsored neighborhood meetings and design charettes, the City of Ferndale hereby requests the M-1 Bridge over Eight Mile be removed and replaced by a boulevard surface street for the following reasons:

a) Current and future traffic projections, as well as MDOT's own documentation, indicate a surface street will adequately handle current and all projected traffic at a B or C level of service;

b) Bridge removal will allow for the creation of a well lit, well landscaped, fresh, new and attractive intersection which will help minimize blight in the area and can reasonably be expected to improve property values in the area;

c) Bridge removal will create an intersection configuration which will be an open vista with a 360 degree view for law enforcement from any perspective, thereby creating an environment that is safer, and perceived to be safer, from crime, due to the elimination of walls that inhibit open views to law enforcement and the general public;

d) Estimated Bridge removal and construction of a boulevard street is $5.9 million, a relatively minor difference from the $5.7 million to be rebuild the bridge for 50 years, noting that retaining the Bridge will be more expensive over time as bridges and snow removal from bridges are much more costly than retaining and servicing surface streets ; and

e) Bridge removal now minimizes the potential for wasteful spending and the cost effective future retrofitting of the intersection to accommodating efficient, clean, and effective mass transit as called for in the City of Detroit Master Plan, SEMCOG Transit Vision and Woodward Heritage Plan.

In addition, Ferndale's review of the study found that Ferndale's concerns were not reviewed and/or addressed, that meaningful problem solving and information sharing forums did not occur as a vital portion of the study, and that the recommendation of the study itself appears to have been a pre-determined outcome, the study process itself being biased and heavily weighted by MDOT's institutional bias against transit, for even larger roads, and hindered by a lack of understanding of the principles of urban revitalization and the future of Eight Mile and Woodward.

We further ask that the City Clerk forward a copy of this Resolution to Ferndale's legislative delegation, Governor Jennifer Granholm, and neighboring communities and interested organizations.

We further ask that the City Clerk forward to those same individuals the packet of information that was provided with the Council Agenda item, so that they can be fully informed on this issue.

AYES: Council Members Galloway, Weber, Covey; Mayor Porter
NAYS: None
ABSTAIN: Councilman Lennon
MOTION CARRIED

I, Karen Pedro, City Clerk of the City of Ferndale, certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Ferndale City Council at a meeting held on June 28, 2004.

Karen Pedro

Karen Pedro, City Clerk

CITY OF FERNDALE

INTERDEPARTMENTAL COMMUNICATION

DATE: June 28, 2004

TO: Mayor and Council

FROM: Thomas W. Barwin, City Manager

RE: M1-M-102 Environmental Assessment

Having reviewed the M-1, M-102 MDOT Study, Mayor Porter and Councilman Galloway asked that a Resolution be prepared regarding the future of the Eight Mile and Woodward Intersection for Council consideration, consistent with the long-range economic and quality-of-life interests of the City of Ferndale as ascertained through the information gathering process the City has undertaken over the past two plus years and consistent with citizen input garnered through the Ferndale organized neighborhood meeting and design charettes.

RECOMMENDATION:

Moved by _____, seconded by _____, that having reviewed the June 2004, MDOT M-1, M-102 Environmental Assessment Study and supporting documentation, the City of Ferndale research related to the study, the reports of various planning firms, economic development information, traffic studies, and the results of Ferndale-sponsored neighborhood meetings and design charettes, the City of Ferndale hereby requests the M-1 Bridge over Eight Mile be removed and replaced by a boulevard surface street for the following reasons:

a) Current and future traffic projections, as well as MDOT's own documentation, indicate a surface street will adequately handle current and all projected traffic at a B or C level of service,

b) Bridge removal will allow for the creation of a well lit, well landscaped, fresh, new and attractive intersection which will help minimize blight in the area and can reasonably be expected to improve property values in the area,

c) Bridge removal will create an intersection configuration which will be an open vista with a 360 degree view for law enforcement from any perspective thereby creating an environment that is safer, and perceived to be safer, from crime due to the elimination of walls that inhibit open views to law enforcement and the general public,

d) Estimated Bridge removal and construction of a boulevard street is $5.9 million, a relatively minor difference from the $5.7 million to rebuild the bridge for 50 years, noting that retaining the Bridge will be more expensive over time as bridges and snow removal from bridges are much more costly than retaining and servicing surface streets and,

e) Bridge removal now minimizes the potential for wasteful spending and the cost effective future retrofitting of the intersection to accommodating efficient, clean, and effective mass transit as called for in the City of Detroit Master Plan, SEMCOG Transit Vision and Woodward Heritage Plan.

In addition, Ferndale's review of the study found that Ferndale's concerns were not reviewed and/or addressed, that meaningful problem solving and information sharing forums did not occur as a vital portion of the study, and that the recommendation of the study itself appears to have been a pre-determined outcome, the study process itself being biased and heavily weighted by MDOT's institutional bias against transit, for even larger roads, and hindered by a lack of understanding of the principles or urban revitalization and the future of Eight Mile and Woodward.

We further ask the City Clerk to forward a copy of this Resolution to Ferndale's legislative delegation, Governor Jennifer Granholm, and neighboring communities and interested organizations.

The Resolution being put to vote on roll call, the Council voted as follows:

AYES:
NAYS:
Motion Carried.

I, Karen Pedro, Clerk of the City of Ferndale, do hereby certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Ferndale City Council at a meeting held on June 28, 2004.

_____
Karen Pedro, City Clerk

Ad: June 23, 2004
To: Interested Persons
Fr: Tom Barwin, Ferndale City Manager
Re: M-1 (WOODWARD) M-102 (EIGHT MILE) STUDY
PUBLIC INPUT CONTACT INFO REGARDING E.A.
RECOMMENDATION TO REBUILD BRIDGE

The following information is provided in the event you or someone you know would like to comment on MDOT's M-1/M-102 study, regarding the future of the Woodward and 8 mile intersection, specifically whether the Woodward flyover bridge over 8 mile should be rebuilt for 50 years at a cost of $5.7 million, or be removed in favor of a landscaped, boulevarded Woodward, in place of the bridge at a cost of $5.9 million. (The 8 Mile Underpass will remain under any scenario). While I did hope all comments received by MDOT throughout the study would undergo some scrutiny as to their merits, accuracy and relationship to the redevelopment potential of the Woodward Corridor, MDOT has used citizen contact volume, as the major rationale for and defense of their recommendation to rebuild the bridge. Throughout this study MDOT has encouraged repeat contacts from concerned individuals.

Comments can be mailed, faxed, or e-mailed to:

Robert H. Parsons
Public Hearing Officer
Bureau of Transportation Planning
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

FAX- 517-373-9255

EMAIL: parsonsb@michigan.gov.
NOTE: Comments must be postmarked by July 29th to be included in the transcript of the hearing.

HEARING ON RECOMMENDATION:
DATE: TUESDAY, JUNE 29TH, 2004,
TIME: 4:00 pm TO 8:00 P.M.,
PLACE: Michigan State Fairgrounds, Community Arts Center Building

RULE #1 – On the farm

"It is a maxim universally agreed upon in agriculture, nothing must be done too late: and again, that everything must be done at its proper season; while there is a third perception which reminds us that opportunities lost can never be regained." -Pliny the Elder

Rule # 1- In the City

"Re-building our urban communities will require vision, tenacity, and endurance. Our struggle is such that we must work tirelessly to create opportunities and never, never, squander a single opportunity that comes our way, for opportunities lost can never be regained."

Anonymous – Woodward Heritage Team Member

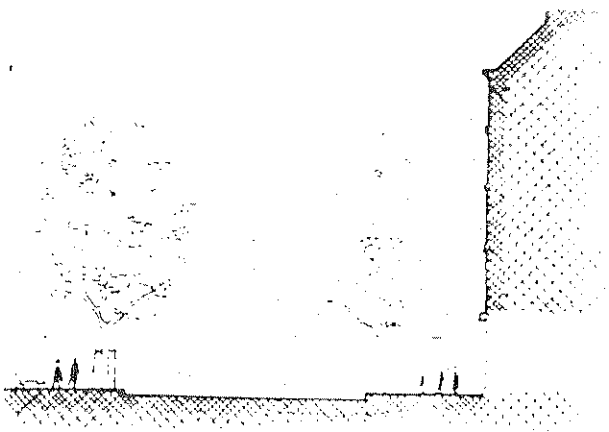
THE WOODWARD HERITAGE ROUTE VISION

"Woodward Avenue will be a premier business, recreational and educational location in the metro area. **The 27 mile corridor will be easily traversed via dependable, state-of-the-art public transportation...."**

THE QUESTION WE MUST ANSWER TODAY

The upcoming decision regarding the $6 million rebuilding of the Woodward and 8 mile intersection brings us to not only the intersection of two of Michigan's, if not America's most famous streets, but to the intersection of how we see our future, to the intersection of hope and despair. Will we accept the same old top down dictates of the past 50 years, or we rebuild in alignment with what our vision, our hearts and the economic and quality of life best interests of those most in need demand?

Saint-Michel



Great Streets

Allan B. Jacobs

Great Streets compares hundreds of streets around the world to determine the design and other elements that make some of them great. It contains plans, cross sections, and maps of individual streets and a set of one-square-mile maps of the street plans of 50 cities around the world.

"Jacobs has been working on this classic—there's no other word for it—for a decade. Jacobs rightly believes that good cities are made of good streets and that we're rapidly losing our talent for creating them. He measures and draws many of the world's great streets, from Pittsburgh to Beijing. He describes changes in the street pattern of cities like Boston, where a square mile of downtown contains 100 fewer blocks than it did a century ago. . . . A thoughtful, sane, informed and very personal book, aimed primarily at professionals but readable enough for anyone interested in the subject."
—Robert Campbell, *Boston Globe*

"The reader is treated to great sketches and plans and excellent text on the importance of streets in the life of cities. The cumulative effect is to make one want to rush to the airport and head for Bath, Barcelona, or Bologna to experience the best streets firsthand."
—Herb McLaughlin, *Architectural Record*

Allan B. Jacobs is Professor, Department of City and Regional Planning, University of California, Berkeley.

The MIT Press
Massachusetts Institute of Technology
Cambridge, Massachusetts 02142 www-mitpress.mit.edu
0-262-60023-4

The deck is **STACKED** against you...

November 26, 2001

Mr. Gregory Rosine, Director
Michigan Department of Transportation
425 W Ottawa
Lansing, MI 48933

Dear Mr. Rosine,

I am writing to you to urge that the proposed replacement of the Woodward overpass over Eight Mile Road not take place.

The traffic problems that the present overpass causes for the State Fair, the public and the police are both numerous and serious in nature.

Sincerely,

John C. Hertel

JOHN C. HERTEL
General Manager

Cc: Ted Wahby

Michigan State Fairgrounds · 1120 W. State Fair Ave · Detroit, MI 48203 · Phone (313) 369-8250 Fax (313) 369-8310
Governor John Engler · General Manager John C. Hertel

"I"

RECOMMENDATIONS FROM PLANNING ORGANIZATIONS

McKenna
ASSOCIATES, INC.
COMMUNITY PLANNING ■ URBAN DESIGN

235 East Main Street, Sui
Northville, MI
Tel: (248) 596-0920 ■ Fax: (248) 596
E-mail: info@mcka.com ■ Web site: www.mck

October 23, 2001

Tom Barwin, City Manager
City of Ferndale
300 East Nine Mile Rd.
Ferndale, MI 48220-1797

Re: Woodward/Eight Mile Bridge

Dear Mr. Barwin:

At your request we have evaluated the circumstances surrounding the planned renovation of Woodward Avenue (M-1) bridge crossing Eight Mile Road (M-102) located on the border of Ferndale with the City of Detroit. We have visited the site and observed land uses in the immediate vicinity. We have also reviewed the consultant's report prepared for MDOT by URS. Based on that review, we conclude that the advisability of continuing to maintain an upper level grade separated crossing at this location is far from clear. It is our opinion that this project is worthy of additional study beyond the scope of that undertaken by URS before any substantial expenditure of public funds is made.

It is clear from the consultant's report that continuing to maintain a bridge at this location is not necessary from a traffic operational standpoint. URS conducted a future level of service analysis assuming that the bridge had been removed and replaced by a ground level signalized intersection. This analysis found that such an intersection would function at a level of service "C" or better (in some cases "B") with projected future traffic volumes. This was true in spite of the fact the future volumes used assumed increases in volume resulting from the use of .5% growth factor. In fact, the history of traffic volumes in this area suggests stable or falling traffic volumes. The SEMCOG travel demand model suggests a continuation of this trend, however this data was "deemed unreliable" and discarded in favor of the growth factor. It is hard not to conclude that this occurred because use of the travel demand model data produced results that were considered undesirable.

The geometrics and cross-section of both state routes that meet at this intersection are clearly excessive for the traffic volumes now using these routes. This is also true for any traffic volume projected in the future. While the scale of these routes may have been appropriate at the time they were built, they no longer are today. The URS study fails to analyze the diminishment of land values and economic productivity that results from over-sizing of the intersection. It appears that the current configuration of this interchange has had and will continue to have a negative effect of the land uses in the immediate vicinity. Parcels in all four quadrants of the interchange currently [illegible] because the current configuration reduces the

From a planning and urban design standpoint, the presence of large roadway facilities such as these contributes to the creation of environment that is decidedly unfriendly to pedestrians or bicycle users and works against the regeneration of the urban fabric. If in fact Woodward Avenue becomes a mass transit route at some point in the future, the functionality of such a system would most likely be reduced by the presence of the grade-separated interchange in its current configuration.

The URS analysis concludes that MDOT should move ahead with the planned renovation of the bridge. This conclusion is based on two factors, those being cost and the need to maintain an alternative route for those occasions when I-75 is not available due to accidents or construction. In our opinion, both of these rationales appear flawed. While it may be true that purely from the standpoint of construction costs, removal of the bridge may be more expensive, the URS analysis fails to take into account long term maintenance costs and the impact of surrounding property values and tax revenues that may be generated.

In terms of the necessity of maintaining an alternative route, URS made no attempt to demonstrate that the presence of the bridge was required to accommodate conditions that would occur when I-75 is not available. Thus, the recommendation to proceed seems questionable. We suggest a more detailed study that looks beyond the simple traffic engineering issues and is focused on the desired character of this area of the City. This study should also look at any negative land use costs and factors those values into the overall cost-benefit analysis of renovating the existing structure. The economic development potential of this major crossroad in the metropolitan area should not be ignored.

Please let us know if we can be of any further assistance in this matter.

Sincerely,

MCKENNA ASSOCIATES, INCORPORATED

Caleb A. Faux, AICP
Senior Principal Planner

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RECEIVED
CITY MANAGER - FERNDALE
OCT 24 2001

Hamilton Anderson*Associates*

Architecture
Landscape Architecture
Urban Design
Planning

1435 Randolph, Suite 200
Detroit, MI 48226

313.964.0170 FAX
313.964.0270

October 31, 2001

Mr. Thomas W. Barwin, City Manager
The City of Ferndale
300 East Nine Mile Road
Ferndale, Michigan 48220

Via facsimile & regular mail

Re: Woodward Overpass at Eight Mile Road

Dear Mr. Barwin:

Hamilton Anderson Associates, Inc. (HAA) would like to express our support of the concept to remove the Woodward overpass at Eight Mile Road. We understand that the traffic volumes that prompted the construction of the overpass have significantly declined to a fraction of the original counts.

Replacing the overpass with a grade crossing will, from an urban design perspective, "knit" Ferndale and Detroit together as well as improve the east/west linkages. The at-grade crossing will provide a more urban, pedestrian and vehicle friendly approach to the intersection, which will improve conditions for commercial/retail establishments.

As urban designers, we support the national and local initiatives for creating livable communities and "greening" efforts for our street and waterways. The removal of the Woodward overpass will achieve both of these goals and will further improve the quality of life found in Ferndale.

As a native Detroiter who lives in the University District, just a mile away, I frequent Ferndale for shopping and entertainment. I use the Woodward corridor regularly and have often thought that removal of the overpass would be an improvement.

I am pleased to know that consideration will be given to the concept of an at-grade crossing. I look forward to the removal of the overpass and creation of landscaped boulevards, pedestrian crosswalks and entry image signage for the cities of Ferndale and Detroit.

Sincerely,
Hamilton Anderson Associates, Inc.

Rainy Hamilton, Jr., AIA, NOMA
President

c K. Anderson

10

RECEIVED
CITY MANAGER - FERNDALE
NOV 02 2001

ASLA

November 14, 2001

Mr. Robert E. Prud'home
C/O Tom Barwin, City Manager
The City of Ferndale
300 East Nine Mile Road
Ferndale, MI 48220

MICHIGAN
CHAPTER

AMERICAN
SOCIETY OF
LANDSCAPE
ARCHITECTS
700 NORTH
WASHINGTON
LANSING
MICHIGAN
48906-5135
PHONE 517-485-4114
FAX 517-485-4123
www.michigan[illegible]

Subject: Removal of the Woodward Bridge over Eight Mile Road

Dear Mr. Prud'home:

It was a pleasure meeting you and learning of the efforts to encourage MDOT to remove the Woodward Bridge over Eight Mile Road. As landscape architects, we are tremendously pleased to witness the economic recovery of the City of Ferndale in recent years–much of which can be attributed to overall improvements to the visual quality in this community. Renovation of the local infrastructure plays a tremendous role is such an effort–one of which your community is to be commended for achieving. Part-in-parcel with this recovery is the ability to encourage and promote livable and walkable communities. As such, elimination of the Woodward Bridge where it crosses Eight Mile Road would be viewed an a positive move to ensure continued economic stability and quality growth and development.

Whereas I recognize that MDOT may be apprehensive to remove a bridge structure rather than performing maintenance and repairs to that facility, it is important for them to conclude that recent shifts in the volume of traffic in this area does not require a bridge. Much of this shift has been in response to expansion of the interstate highway network and other major arterial streets in the region. This leads one to conclude that such a structure is no longer necessary and could readily be replaced with a surface level connector street–which would in turn encourage alternative modes of transportation which include pedestrian circulation, bicycle traffic, in addition to opportunities for pubic transportation. All of these uses have been long standing objectives of SEMCOG and are part of the Michigan Chapter of the American Society of Landscape Architects goal of promoting sustainable community planning and design.

Planning for transportation networks should respond to the needs of the community for which they are designed to serve. It is clearly apparent that City Council of Ferndale are strongly in favor of removing the Woodward Bridge over Eight Mile Road and we very much hope that MDOT heads this desire.

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CITY MANAGER - FERNDALE
NOV 15 2001
AM PM
7 8 9 10 11 12 1 2 3 4 5 6

Sincerely,

Peter A. Kumble, ASLA
President Elect
Michigan Chapter, American Society of Landscape Architects, MASLA

AIA Detroit

A Chapter of The American Institute of Architects

October 30, 2001

Mr. Robert E. Prud'homme
300 East Nine Mile Road
Ferndale, MI 48220

RE: Woodward Bridge over Eight Mile Road Issue

Dear Bob:

At the request of the City of Ferndale, the Detroit Chapter of the American Institute of Architects (AIA Detroit) took a cursory look at the City of Ferndale's initiative to remove the elevated bridge structure at Woodward and Eight Mile Road and replace it with a new surface road. We understand this is based on the premise that traffic volumes have declined substantially from the time the original structure was constructed. The decision to remove the existing bridge vs. repairing it goes far beyond the issues of low cost and traffic volume alone. This decision can have a positive, connecting impact between the cities of Ferndale and Detroit.

As architects and city planners, we have certainly learned a lot from the planning concepts that were incorporated into our cities' designs over the past 50 years, all with good intentions and supposedly in the name of progress. The City of Boston, for example, is currently undoing one of its major mistakes in the "Big Dig" project, in which a major inner city elevated expressway is being relocated underground at substantial cost to reconnect the urban fabric of that city. The Woodward overpass represents the same problem, albeit at a much smaller scale: a physical barrier that will continue to prohibit this area of Ferndale from realizing its full potential as a vibrant urban area.

AIA Detroit is an advocate of a "Livable Communities" agenda, a concept that is conducive to both the pedestrian and mass transportation, encourages vibrant commercial and recreational activities at street level and promotes an aesthetically pleasing urban environment. The existing Woodward overpass contributes to none of these objectives.

Although traffic issues are a major concern that must be dealt with successfully, traffic should not be the primary focus that, in effect, dictates the outcome of these other equally important quality of life components of the city. Pedestrian walks and bicycle paths to provide connectivity to other parts of the city, landscaping to enhance the physical beauty of our cities, safety issues, development of vacant properties to increase the city's tax base

AIA Detroit feels strongly that the Woodward overpass is a physical barrier between two important communities. Cosmetic improvements to the existing bridge will not disguise the fact that this physical mass should not be there in the first place. The time is now for the decision makers of this project to positively impact our communities by removing this unsightly and alienating feature from the landscape. We owe it to our future to create an inviting gateway to Ferndale and Detroit that will be symbolic of new thinking and planning for our citizens and not merely a response to traffic counts.

Sincerely,

Herbert P. Jensen, AIA
Chair, Urban Policy Advisory Team
AIA Detroit

HPJ:lmr

13

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The Detroit News
EDITORIALS & OPINIONS

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News Talk
Autos Talk
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Lions Talk
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Tech Talk
Tiger Talk
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▸Insider
▸Consumer
▸Joyrides
Business
▸Careers
▸Money & Life
Census
Columnists
Commuting
Detroit History
Editorials
Metro / State
▸Livingston
▸Macomb
▸Oakland
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▸On Detroit
Nation / World
Obituaries
▸Death Notices
Politics / Govt
Real Estate
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SPORTS
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Saturday, December 14, 2002

Woodward Doesn't Need Bridge at 8 Mile Road

By The Detroit News

The Woodward Avenue bridge over Eight Mile Road is one of the ugliest intersections in Metro Detroit. The concrete hulk dominates the area and harbors prostitution and other crime.

Merchants and others want it torn down and replaced with a people-friendly intersection conducive to commerce. They have the right idea.

The Issue
Should the intersection at Woodward and Eight Mile be redesigned?

▶ Comment on this story
▶ Send this story to a friend
▶ Get Home Delivery

The bridge was built in 1954 when Woodward was more important to commuters than now. Much of its traffic was siphoned off by I-75, built in the 1960s.

The Woodward overpass is slated for renovation next year, creating an opportunity for a little creative thinking at the spot, which sits astride the Detroit-Ferndale border.

"It's a dark, scary, foreboding structure," notes Ferndale City Manager Tom Barwin.

The original idea was to speed traffic through the intersection. But modern technology can now time traffic lights to reach much the same goal. Savvy commuters on Telegraph Road, for example, modulate speed to hit all green lights in the the many intersections between Dearborn and Bloomfield Hills.

The state's reason to keep the Woodward bridge is thin, if not silly. It's needed, officials say, in case a serious accident on I-75 forces traffic onto the avenue. If that's a valid reason, Woodward needs a bridge over every mile road, making it an elevated highway.

On the other hand, a well designed level intersection can be neighborhood-friendly. At Woodward and Square Lake in Oakland County, for example, business is booming with recently added restaurants. Bavarian Village is bullish on the area and greatly expanded its ski store there.

Just to the south, Birmingham also depends on Woodward to bring people to Maple Road shopping -- not over it.

By comparison, the Detroit-Ferndale border is sadly shortchanged. The intersection is like a freeway ramp, only with less charm. It connects a financially troubled city and an inner-ring suburb. If either is to have a fair chance at reviving the area, the bridge must go.

Editorials
• Editorial Saturday, D 2001
• Woodw Bridge at 8
• Fight de fugitives of
• Editorial
• Should I interstate li
• At Last, for Detroit's
• Nuisanc State's Affa
• Bid Ford sad goodby
• Six step school bud
• Friday L
• Don't Le Become M
• Put Eco Misery
• Granhol inclusion
• 's U-M's process leg
• Thursda
• Don't Bil McNamara
• Free Oal Trash Pact
• GOP lea should reti
• Beware alphabet sc
• Health c and now
• Racism problems o
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• Airlines Taxpayer B
• Hospital Flexibility c
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14

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Action: TOM BARWA

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DATE: Saturday, December 21, 2002
SECTION: EDP; EDITORIAL
PAGE: 14A
MEMO: IN OUR OPINION

TAG: 0212210114
EDITION: METRO FINAL
LENGTH: 51 lines

8 MILE BRIDGE
GETTING THE PROJECT RIGHT WOULD BE WORTH A DELAY

On taking office, Gov.-elect Jennifer Granholm should halt plans to rebuild the Woodward Avenue bridge over 8 Mile Road.

Directing the Department of Transportation to work out another plan that Ferndale and Detroit can live with will cost some time and money. Scheduling public hearings, redesigning the project, and getting federal approval could easily cause a two-year delay. But given what's at stake, it's more important to do it right, though Granholm should put the new plan on a fast track.

As it stands, bids are scheduled to go out next month on rebuilding the bridge and repaving Woodward in Ferndale. Design work is already done. The Federal Highway Administration has approved the project, which could cost more than $5 million. MDOT, which initially received no objections from Ferndale or Detroit, wants to rebuild the bridge to keep traffic flowing smoothly on Woodward and 8 Mile. Now drivers can go through the intersection, or from one road to the other, without stopping.

Ferndale wants this 50-year-old eyesore torn down and replaced with an attractive, six- or eight-lane boulevard that would accommodate drivers, pedestrians and users of mass transit. A boulevard over 8 Mile could attract businesses and become an inviting focal point and gateway, instead of a foreboding barrier, at the city-suburban border.

On the surface, MDOT seems to have logic on its side. Tearing down the bridge could add $3 million to the project. Why spend more and get more congestion and less safety?

But MDOT's traffic concerns are exaggerated and ignore the social and economic benefits of Ferndale's alternative plan. Even with a boulevard, Woodward traffic would continue to travel over 8 Mile, and 8 Mile traffic under Woodward. True, access between 8 Mile and Woodward probably wouldn't be as smooth, but a well-designed intersection would not slow traffic significantly.

To its credit, MDOT has listened to Ferndale and pledged to improve the appearance of the bridge and guard rails, as well as the lighting around it. But this eyesore needs more than a face-lift.

Either way, delaying the project to make sure it's done right beats sticking the region with an ugly mistake for another 50 years.

==========

15

Our opinion 8/23/2001

Woodward/8 Mile overpass has outlived its usefulness

The Woodward Avenue overpass at Eight Mile Road is an ugly structure. It exists for a single purpose: to carry tens of thousands of Woodward motorists above and beyond tens of thousands of motorists using Eight Mile.

It does the job, although there are fewer tens of thousands of motorists on Eight Mile now than there were when the overpass was built.

Ferndale Mayor Charles Goedert and a number of other elected and appointed officials have been lobbying the Michigan Department of Transportation for months to tear down the bridge.

MDOT is planning to spend $5 million to renovate the structure. But Ferndale wants the agency to spend an additional $1 million to tear it down, saying removal of the structure would improve the appearance of the city's southern gateway.

Ferndale officials also argue the grade separation isn't needed. The overpass was built when Woodward carried some of the heaviest traffic in the nation for an unlimited access roadway, when Detroit and Highland Park housed many more major employment centers than those cities do now. At that time, Woodward carried much of the suburban traffic downtown.

But with the addition of the Lodge Freeway in the 1950s and I-75 in the 1960s, Woodward Avenue now handles half the 60,000 vehicles per day the road accommodated at its peak.

The Ferndale people also contend the intersection would be cheaper to maintain, and that a grade-level intersection would make neighborhoods on all sides healthier. They contend eliminating the overpass would be helpful to future mass transit plans calling for stations for high-speed buses.

All of those points may be correct, including making the neighborhoods on all sides healthier. Eight Mile at Woodward resembles a freeway, and while freeways connect points along their length, they also divide neighborhoods on either side.

Some of MDOT's reasons for retaining the overpass seem questionable, including the need to maintain a high-speed path over Eight Mile as a detour for times when I-75 has reduced capacity.

We believe day-in, day-out traffic considerations should be paramount.

What will happen at the intersection of Woodward and Eight Mile if traffic comes to a standstill at a signal? That doesn't seem too difficult to imagine. There are already traffic lights on the ground level of the intersection.

It seems doubtful that frustrated drivers would cut through local neighborhoods, rather than simply waiting for the light to change. That doesn't happen with any regularity at other busy intersections, such as at Woodward and 12 Mile.

The corner is a dismal one, and certainly could be improved significantly without the hulking overpass. A busy grade-level intersection also would be an attractive site for potential businesses.

The overpass has served its purpose in the past, but after careful consideration of the factors involved, we believe now it's time for the overpass to go.

Daily Tribune

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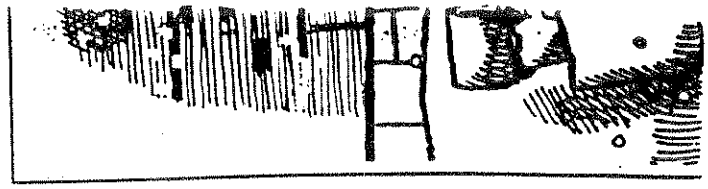

Opinion

Halting overpass work allows time to chart future

We've wondered about Ferndale's call to tear down the Woodward overpass at Eight Mile. For that matter, we've wondered about the Michigan Department of Transportation's contention that it should remain.

At this point, Ferndale appears to have the more convincing argument. The grade-level area at the intersection, under Woodward and above Eight Mile, is an unhappy area. It's also a gateway to the city, though not as obvious as the gateway just above it where Woodward lanes vault over.

MDOT wants to spend $5 million to renovate the structure. Ferndale wants the state to eliminate it at a cost of that much and another $1 million besides.

Woodward now operates at about half the level it did when downtown Detroit was a more common destination for suburban employees and before I-75 was built to accommodate most of them.

Woodward was wide in the suburbs and in Detroit north of McNichols, but choked through Highland Park; traffic took one-way streets through Highland Park all the way downtown — Second and Third.

MDOT considers Woodward and the capacity on the Woodward overpass a safety valve for a time when I-75 must be closed for repair or resurfacing. It doesn't tell us how traffic would reach Woodward: Across McNichols, Nevada, Seven Mile and State Fair? Up Second and Third, which, last we looked were local streets with stop signs every few blocks?

Ferndale has picked up powerful allies over the months, including Detroit Mayor Kwame Kilpatrick, Gov. Jennifer Granholm and several nearby communities. Granholm a few days ago put the MDOT project on hold while alternatives are studied.

We still want to know what the intersection would look like if the grade separation is eliminated. How many cars? How would traffic flow? Point to a comparison: Gratiot and Eight Mile? Mack and Eight Mile? Ford Road and Telegraph? Let all who care about the matter see the alternatives, and turn them around in their mind.

Some folks have said the grade separation should be eliminated as an unfortunate symbol of the divisions between Detroit and its suburbs.

We don't think it's much of a symbol. Eight Mile, perhaps, but not a bridge which hastened millions of vehicles upon millions of vehicles across the mile road between the central city and its suburbs.

— The Daily Tribune

Superintendent needs to face

Letters

This is not intended to be a scholarly paper. It is intended to respond to the sad events that have occurred at the Oakland Intermediate School District.

First, I want to make it abundantly clear that I am writing as an individual. My comments are my own opinions and are not in any way a reflection of the views of my employer.

When you read comments from other administrators throughout Oakland County who are in support of (Oakland Schools Superintendent James) Redmond, it makes you wonder. Where were their voices when the new building was in the discussion stages and the wonderful people of the county were voting for the millage to assist special education students? If the building was the right thing to do, why wasn't this shared with the public? If this was in the best interest of at-risk students, why wasn't it shared with special education parents and advocacy groups?

As an advocate and concerned voter, I encouraged my friends and associates to vote for the millage because I believed that the funds would go to direct services. To hear Redmond say that he had put aside special education money for the last several years is very troublesome and appalling. Who gave him the authority to hold back funds that were to go to special education programs and students? How could Redmond receive approval for diverting special education funds from students to a building?

Since the funds were approved to help special education students, you need to ask the parents of special education students, the staff and the students in special education classes if they support his actions. Ask them if they have the necessary equipment, supplies and staff to provide quality programs. Ask them how many times have they heard the administration state at meetings regarding a special education student's program that "we would love to provide this but we can't provide the service or a piece of equipment because of financial limitations"? Ask them if they believe special education services have improved under Redmond.

Redmond should meet immediately with the public to present his side of the events. He has chosen to meet with the members of the board in closed sessions. This is his right, but if he has acted in the best interests of special education staff, the parents of special education and, most importantly, the students, then he should make himself available to discuss the recent findings. If he chooses not to come forward then he should resign immediately. Board members need to share everything related to the new building and the other points raised in the report. The public has a right to know why the money was diverted from direct services to special education students. The public needs to know the number of years Redmond has put aside special education funds to pay for this building. If there were other professionals from the ISD and from local districts who were involved with the decision and the process to find a new building they need to come forward to address th issues.

BARRY R. BERLIN, Ed
Oak P

No double-taxing

A couple of meetings Hazel Park City Manager Klobucher put forward a sug tion for council members con eration, that the library pay to the city government becau owned the building. He have proposal on the library becom a separate entity from the ci 1997 when it took over the b and equipment.

There are a couple of ar ments against his proposal. library building was paid fo the people of Hazel Park in mid-1960s as a means of spr ing knowledge and inspir their way of life; it was not sioned as a source of revenue nance shortfalls in the city be caused by ill-advised adven in ice hockey and real estate.

In 1997, a heavy millage placed on residents which t brary administration has us purchase books, computers CDs. They have fixed the roo carpeted the floor. They some interesting books in and the Hazel Park libra probably the city's proudes set.

When the library became arate entity in 1997, they sh have taken title to the build be truly independent. Klob is not a trained city manage background is as a psychol he had accounting experie would know that to return th to solvency he should turn taps out of which the mo gushing, not double-taxin dents by sleight of hand.

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Soundoff

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Falling grade

Our country has not used the nuclear bomb in more than 57 years when we could have used it to rule the world. We have put our military in harm's way to defend South Korea, Vietnam, Kuwait and to keep peace in Somalia and Yugoslavia. Give the anti-American joker from Berkley who calls us aggressive an F in history.

Troy

Trickle down

Most state and city governments are b least Berkley sure says it is. And George W. B great compassionate conservative, has tu back on them. Worse yet, his proposal to exe dends from taxation will cost states and loca

selves. Must be a good lawsuit somewhere th
Madison H

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1/16/2003

17

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HOW TO LOSE A GUY IN 10 DAYS

Sunday, January 12, 2003

It's time to raze Detroit's version of Berlin Wall

By Pete Waldmeir / The Detroit News

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The city that put the world on wheels is facing yet another dilemma over social engineering, only this one also involves traffic flow.

I'm not talking about the jam-ups around Cobo Center as folks try to cram thousands of cars into hundreds of parking spaces during the North American International Auto Show that opened to the public Saturday.

And this has nothing to do with the harebrained scheme to spend millions to merge the unworkable Detroit bus line and the unreliable suburban bus system into one huge, expensive, unworkable and unreliable transit menage that was vetoed by John Engler on his way out of the governor's mansion.

In the name of progress, alas, the city that constantly complains about its suburbs' reluctance to "build bridges" wants to have the state transportation department tear one down. And frankly, I've got to agree with Mayor Kwame Kilpatrick and the group of near-north suburban politicians who would like it to disappear.

The span that elevates Woodward Avenue traffic over Eight Mile actually is more than a bridge over troubled asphalt. It is a social symbol, much like the notorious "berm" that Henry Ford II ordered constructed along East Jefferson a quarter century ago when he built his Renaissance Center fortress on Detroit's riverfront.

All that was missing from the intimidating RenCen berm was a sign reading, "Keep Out!" Likewise, all that's missing from the Eight Mile-Woodward intersection is a sign reading: "No Visitors!"

That was not the original intention, of course. When the trilevel Woodward-Eight Mile intersection complex was constructed nearly 50 years ago, it was considered to be state of the art for maintaining free traffic flow. One main drag (Eight Mile) tunneled under the surface street and the other (Woodward) ran high above it.

Turning cars were consigned to the surface level.

Those were the days, you understand, when Detroit was the hub of commerce and industry and the suburbs were cities and towns where few people lived, but hardly anyone shopped -- except to buy some groceries or other staples.

Traffic was heavy, east and west, north and south. Those of us who

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18

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used Woodward or Eight Mile as main thoroughfares in those days frequently sat frustrated in rush hour tie-ups, just waiting for a light to change or a stalled vehicle to be pushed aside.

It's been nearly two decades, however, since either street has seen that kind of use. And now the bridge and underpass have deteriorated to the point where the state highway folks want to spend megamillions to rebuild the entire cloverleaf to last another 40 years.

It may be a cliche, but it sure fits here: Times have changed. The bridge no longer is needed. What is needed is a workable one-level intersection, where drivers in all directions don't necessarily have to hustle and hurry past without even seeing what's available on the sidelines.

Bids on the bridge replacement last week were postponed for at least a month, giving the state and local officials time to weigh the pros and cons of rebuilding or tearing it down. I vote for demolition.

Pete Waldmeir's column runs Sunday, Monday, Wednesday and Friday in The Detroit News. Call him at (313) 222-2345 or send e-mail to PWaldmeir@aol.com.

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Monday, January 27, 2003

8 Mile bridge divides communities, opinions

By Luther Keith / The Detroit News

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Like thousands of other Metro Detroiters each day, I regularly gun my car over the giant overpass at Eight Mile and Woodward that hitches Detroit to Ferndale and points north in Oakland County.

It's convenient, easy and keeps me flowing with traffic without having to stop for a traffic light.

I like that.

I'm definitely not thinking about urban sprawl issues or the area's economic development.

But that's exactly what's on the minds of Ferndale officials who have branded the 50-year-old bridge a monstrosity that should be torn down and replaced with traffic lights. They contend that this would promote business growth in the area and encourage people to patronize local businesses instead of zooming over them.

Ferndale, joined by other suburban communities, including Livonia, Birmingham, Farmington, Warren and Eastpointe, see the bridge as outmoded and representative of a 20th Century development mindset that no longer works in a 21st Century southeastern Michigan.

"Basically, it's a dinosaur that was built to handle huge volumes of traffic before the I-75 freeway was built," Ferndale Councilman Craig Covey said. "I-75 has made it obsolete. Not only is it not needed, it's a blockade to development. No one wants to develop something in the shadow of a giant monolith."

State transportation officials disagree. They want to spend $4 million to renovate the bridge, which accommodates an average of 44,500 northbound vehicles and 23,700 southbound drivers daily. Despite intense local opposition from Ferndale, the state plan was grinding forward under Gov. John Engler, including the solicitation of construction bids.

That was put on hold with the election of Democrat Gov. Jennifer Granholm, who took office earlier this month. Ferndale complained it had little or no input into the state's decision-making process.

"The new administration will review Ferndale's stance on the project, and from there they'll make the call to either go forward with the project or cancel," Michigan Department of Transportation spokesman Rob Morosi told The Detroit News earlier this month.

Citizens will have an opportunity to air their views on what should be done to the intersection in public hearings, Feb. 3-4. The first day's

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sessions, beginning at 6 p.m., will focus on public input and the second, from 10 a.m. to 4 p.m., will be used to unveil professional design ideas. The hearings will be held at the Jerry Kulic community center in Ferndale.

Currently, the intersection includes a cemetery, a church, a few restaurants, two car dealerships, a lawn mower shop, two motels and some vacant land attached to the Michigan State Fairgrounds. The graffiti-laced bridge also is the site of periodic police trouble calls, said Ferndale City Manager Thomas Barwin.

With traffic volumes in decline on the 10-lane road, Barwin said it doesn't make sense to retain so many lanes. Drivers still have the option to take the traffic-lighted surface street that runs alongside the overpass. Ferndale doesn't want to change the underpass on Eight Mile Road.

City officials argue a new surface street design will make it easier to establish a light rail or some other mass transit system along the route in addition upgrading the quality of the local businesses.

It would also show, Barwin said, that "Michigan is ready to move into a new era of development involving the quality of life instead of just moving cars. It symbolizes smart economic growth and city and suburban communities working together."

Symbolically, the case can be made that by tearing down the bridge -- in effect knitting Detroit and Oakland County closer together -- suburban officials are attacking the black-white racial and city-suburban divides that have long been the source of controversy.

Detroit Mayor Kwame Kilpatrick is fully supportive of the effort to take down the bridge to "foster success in the suburbs and success in the city," said press secretary Jamaine Dickens. Others aren't convinced.

The board of the Green Acres Woodward Civic Association, -- a Detroit neighborhood that abuts Eight Mile Road -- has voted to retain the bridge. Recalling the ill-fated effort to put an auto racetrack on the Michigan State Fairgrounds, some fear tearing down the overpass might attract the wrong kind of development.

"All we're really talking about is stopping 30 seconds for a traffic light," Barwin said. "What's 30 seconds?"

It could be the difference between two centuries.

Luther Keith is senior editor of The Detroit News.

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21

Proposed Rehabilitation of M-1 (Woodward Avenue) & M-102 (Eight Mile Road) Intersection

Environmental Assessment & Programmatic Section 4(f) Evaluation

City of Ferndale, Oakland County
and
City of Detroit, Wayne County
Michigan

June 2004

MDOT
Michigan Department of Transportation

U.S. Department of Transportation
Federal Highway Administration

22

JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

June 7, 2004

Mayor Porter
City of Ferndale
300 E. Nine Mile
Ferndale, Michigan 48220

Dear Mayor Porter:

Enclosed for your information and review is a copy of the Environmental Assessment for the proposed M-1 (Woodward Avenue) and M-102 (Eight Mile Road) Rehabilitation Project, located on the border of Oakland and Wayne Counties in southeastern Michigan. A legal notice announcing the date, time, and location of the public hearing will be published in local newspapers.

Subject to the receipt of any information indicating that the proposed project will result in significant impacts on the environment, it is our intention to submit this document to the Federal Highway Administration (FHWA) with a recommendation that the FHWA prepare a Finding of No Significant Impact (FONSI). For a project of this type, a FONSI is the final step in the environmental clearance process. After the FONSI has been approved by the FHWA, the project can proceed to the final design, right-of-way, and construction phase[s].

Comments should be submitted in writing no later than July 29, 2004.

Sincerely,

Michael O'Malley

For Margaret M. Barondess, Manager
Environmental Section
Project Planning Division

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23

EXECUTIVE SUMMARY

This EA describes the proposed rehabilitation of the M-1 (Woodward Avenue) / M-102 (Eight Mile Road) intersection at the Oakland County/Wayne County border in the cities of Ferndale and Detroit, Michigan (Figure 1-1). MDOT is proposing to improve the existing intersection in order to provide a safe, efficient transportation system with adequate capacity to serve future vehicular traffic. Bridge repair work is required on the M-1 bridge over M-102, the northbound M-1 service drive over M-102 and the southbound M-1 service drive over M-102 (Figure 1-2).

A wide variety of alternatives were considered during this study. These alternatives included reconfiguring the intersection to two levels (remove third-level bridge), rehabilitating the intersection in its current three-level configuration, and the No Build Alternative. Several different intersection types were examined including direct left turns, indirect left turns and a modern roundabout. After careful consideration of public input as well as the benefits, negative impacts, and costs, a "Preferred" Alternative was selected.

The Preferred Alternative would retain the existing intersection configuration (Figure 1-5). The M-102 (east/west) through lanes would remain depressed beneath the intersection of the M-1 and M-102 service drives, while the M-1 (north/south) through lanes would remain elevated over the intersection of the M-1 and M-102 service drives. Turning movements for all directions would remain at the street level. This alternative would include repairs to the existing bridge structures, including aesthetic improvements, consistent with the project's purpose and need. The majority of the repair work would be done on the bridge decks and piers. No access changes would be required. The Preferred Alternative would cost approximately $5.7 million (in year 2004 dollars).

The Preferred Alternative would not result in significant negative impacts. Temporary construction-related impacts would occur while the bridges and roadways are being rehabilitated. These would include temporary lane closures, traffic congestion, and increased noise and air impacts.

Throughout the course of the study, substantial public involvement and agency coordination has taken place. Input received from public and government agencies have been carefully considered and integrated into the study process.

It should be noted that the Governor's Fix it First/Preserve First Program protects Michigan's most vital transportation investments. The number one priority of the Fix it First/Preserve First Program is to be fiscally responsible and make sure existing roads and bridges are in the best possible condition. It requires a goal of having 90 percent of the existing roads and bridges in good condition that can be sustained. The identified Preferred Alternative is considered a part of this program.

It is anticipated that the Preferred Alternative would be constructed in 2005.

of the Third Level Bridge – Direct Left Turn Alternative was dismissed because it is anticipated to result in an increase in vehicle conflicts and potential crashes due to more exposure, negative impacts to historic structures of the intersection, and because the impacts are not justified by the expected benefits. The SPUI Alternative was dismissed because it is anticipated to result in safety concerns for pedestrians and bicyclists; negative impacts to ROW and historic structures; and that the impacts are not justified by the improvements.

Details regarding the conceptual and Illustrative Alternatives and their elimination from consideration are included in the *M-1 at M-102 Environmental Assessment Traffic Analysis Report* (The Corradino Group of Michigan, Inc., 2004).

1.5 Practical Alternatives

The three remaining Illustrative Alternatives were advanced for detailed study as Practical Alternatives. All of the improvements were designed in accordance with the *American Association of State Highway and Transportation Officials* (AASHTO) *Guidelines on Geometric Design of Highways and Streets* (2001) and the Michigan Department of Transportation's (MDOT) *Highway Design Standards.*

The Practical Alternatives included the No Build Alternative, the Rehabilitation of the Existing Bridges Alternative, and the Removal of the Third Level Bridge – Indirect Left Turn Alternative.

1.5.1 No Build Alternative

The No Build Alternative has been included as a Practical Alternative as required by NEPA. The No Build Alternative consists of continued regular maintenance. It includes the necessary repairs and required maintenance to make the intersection safe for use. The No Build Alternative does not include any significant aesthetic improvements at the intersection.

1.5.2 Rehabilitation of the Existing Bridges Alternative

This alternative would retain the existing intersection configuration. The M-102 (east/west) through lanes would remain depressed beneath the intersection of the M-1 and M-102 service drives, while the M-1 (north/south) through lanes would remain elevated over the intersection of the M-1 and M-102 service drives. Slip ramps to and from each route would create service drives intersecting at street (at-grade) level, creating a system of four closely-spaced signalized intersections. Turning movements for all directions would be made at the street level.

A figure showing the typical cross section of M-1 on the overpass bridge structure is included as Figure 1-4 and a figure showing the intersection layout is included as Figure 1-5.

This alternative would include repairs to the existing bridge structures with some patch and repair to the piers. Beam end replacements may also be needed. Seven beam ends will need to be repaired. However, the majority of the repair work would be done on the bridge decks and piers. A "partial width" construction process would likely be used for the service drives which are at-grade. This construction technique involves maintaining traffic

on one half of the roadway while the other half is being reconstructed. However, the M-1 overpass (third level) would require complete closure with traffic re-routed onto the service drive level during the closure. Alternative routes will be clearly marked and coordinated with the locals. It is anticipated that the detour would be in operation for less then six months. The maintenance of traffic plan will be finalized during the design phase of the project. No access changes would be included under the Rehabilitation Alternative. The estimated cost of this alternative is approximately $5.7 million.

The Rehabilitation Alternative includes the addition of aesthetic improvements at the intersection. Improvements will include upgrades to railings, lighting elements (poles), and landscaping on the approaches. These elements would be an improvement over the existing condition and could provide additional opportunities for aesthetic treatments within the intersection area.

The Rehabilitation Alternative provides safety benefits by separating the major traffic movements from each other. Specifically, this alternative would keep the major through traffic movements (M-1 on the third level and M-102 using the underpass) separated from traffic making turns at grade on the service drives. This minimizes potential conflicts, especially considering the high volumes of traffic making the through movements. Another safety benefit of this alternative is that it controls the movement of pedestrian and bicycle traffic at the intersections through the use of traffic signals. This allows pedestrian and bicycle traffic to have a protected crossing, relatively short distances where they are exposed to traffic, and traffic volumes that are low for an urban intersection (lower volumes mean less conflicts and less crashes). These signals coordinate the safe and efficient movement of traffic, pedestrians and bicyclists at the intersection. Additionally, larger signs, new pavement markings, and push button activation could be added to the intersection to further improve pedestrian movements. The improvements will be finalized during the design phase of the project.

A conflict point is the location at which the paths of two vehicles meet. Reducing the number of conflict points at an intersection is considered a safety benefit assuming traffic volumes remain constant. The existing intersection has 40 conflict points associated with the four traffic signals at grade level. The number of conflict points would not be reduced by this alternative. However, only turning traffic would use these intersections. The safety characteristics of the intersection would remain constant. Because this alternative is the same configuration as the existing condition, it would not require drivers to adapt to a new intersection design or make other behavior modifications related to driving.

The Rehabilitation Alternative's traffic operations are shown in Tables 1-1 and 1-2. Both the existing and future predicted traffic conditions have a LOS of A or B. These levels of service mean that motorists experience minimal delays, backups are short, and traffic flows smoothly. As shown in Table 1-1, average delays at the service drive intersections in the year 2025 will range from 9.5 to 17.9 seconds. Additionally, through traffic on M-1 and M-102 would not experience any intersection delays. Considering this, the alternative results in little or no delays to motorists passing through the intersection. —*

* until motorists hit the traffic control device at base of bridge

2b

Due to its close proximity to I-75 and the fact that M-1 is often used as an alternative route during construction or incidents (e.g., crashes, spills, etc.), the study evaluated each alternative's ability to accommodate traffic diverted from I-75. Table 1-2 shows that, on average, the Rehabilitation Alternative would have LOS B, even with I-75 traffic present. The intersection is also able to accommodate additional traffic as evidenced by an average V/C ratio of 0.52 with diverted I-75 traffic present. The V/C ratio is an indication of how much of the intersection capacity is being used by the traffic volumes that are present. As the V/C ratio increases to one, the roadway becomes highly congested with heavy delay.

Table 1-1. Rehabilitation Alternative - Existing and Future Traffic Operations

PROJECT INTERSECTION	AM PEAK HOUR		PM PEAK HOUR	
	EXISTING (2003) DELAY*/LOS	FUTURE (2025) DELAY/LOS	EXISTING (2003) DELAY/LOS	FUTURE (2025) DELAY/LOS
WESTBOUND M-102 & SOUTHBOUND M-1	4.7 / A	12.8 / B	5.2 / A	9.5 / A
EASTBOUND M-102 & SOUTHBOUND M-1	13.8 / B	15.6 / B	8.5 / A	15.0 / B
EASTBOUND M-102 & NORTHBOUND M-1	6.4 / A	13.2 / B	6.6 / A	11.2 / B
WESTBOUND M-102 & NORTHBOUND M-1	8.8 / A	10.0 / B	5.9 / A	17.9 / B

Source: M-1 at M-102 Environmental Assessment Traffic Analysis Report, The Corradino Group of Michigan, Inc., 2004
* Delay is in seconds.

Table 1-2. Evaluation of Future (Year 2025) Traffic Operations, Volume to Capacity Ratio, and Conflict Points and Estimated Cost

CRITERION	REHABILITATION OF EXISTING BRIDGES	REMOVAL OF THE THIRD LEVEL BRIDGE - INDIRECT LEFT TURN
AVERAGE FUTURE TRAFFIC (2025) OPERATIONS	Avg. LOS B, Delay 13.2 sec. Avg. V/C 0.46	* Avg. LOS B, Delay 15.9 sec. Avg. V/C 0.80
FUTURE TRAFFIC (2025) OPERATIONS WITH I-75 LANE CLOSURES *	Avg. LOS B, Delay 16.3 sec. Avg. V/C 0.52	~~Avg. LOS C, Delay 35.0 sec. Avg. V/C 0.96~~
NUMBER OF VEHICLE CONFLICT POINTS	40	~~18~~
ESTIMATED COST	$5.7 Million	$5.9 Million

Source: M-1 at M-102 Environmental Assessment Traffic Analysis Report, The Corradino Group of Michigan, Inc., 2004

This alternative would retain the existing configuration and character of the original historic intersection. This is an important benefit because the historic intersection is eligible for the National Register of Historic Places (NRHP), largely due to its unique three-level design. Retaining this three-level design preserves this important cultural resource in the history of transportation development in Metropolitan Detroit. Additional information about this aspect of the existing intersection is found in Section 2 of this EA.

The Rehabilitation Alternative would not result in any increases in noise levels or air emissions relative to the existing configuration.

*- NORMAL TIMES -

This alternative would retain the M-1 overpass (third level) which could obstruct some viewpoints and is considered a visual impact by some area residents. This alternative would not provide improved access to the parcels at the intersection corners. * could keep same turning patterns per Ferndale design

1.5.3 Removal of the Third-Level Bridge – Indirect Left Turn Alternative

This alternative would remove the M-1 bridge over M-102 and provide indirect left turn movements which would allow for left turning. The roadway and intersections would be reconfigured so that M-1 traffic would be at-grade and would intersect the existing M-102 service drives (Figure 1-6). M-1 would be an eight lane boulevard over M-102 which would remain below grade. The existing M-1 service drive bridges (which are currently three lanes wide) would be widened to accommodate the additional fourth lane. The locations of the existing and proposed bridges are shown in Figure 1-6. In each direction of travel on M-1, a fourth lane would be added to the inside of the existing service drive bridges. A typical cross section for this alternative is shown in Figure 1-7. The estimated cost of this alternative is approximately $5.9 million. only $200K more – savings within 10 years

Traffic signals would be located at the indirect left turn median crossovers to accommodate turning movements. This alternative would include removal of the third level bridge, rehabilitation of the M-1 service drive bridges, and aesthetic improvements. The alternative is consistent with the project's purpose and need outlined in Section 1.2.

Removing the existing overpass would improve the aesthetic appearance of the intersection. The wide median would provide additional opportunities for aesthetic improvements. This would be an improvement over the existing condition. Because the alternative would remove the third level bridge, this overpass would no longer obstruct some viewpoints, and those who view the overpass as a negative visual element would perceive an improved situation.

* This alternative would reduce the number of conflict points between vehicles from 40 (currently) to 18 (Table 1-2). This reduction is accomplished through the addition of indirect left (or "Michigan left") turns which require turning traffic to use median turnarounds away from the intersection. Even though this alternative would result in a reduction of conflict points, the diversion of the M-1 through traffic which used to pass unrestricted, now has to cross through a signalized intersection. This would likely result in a net increase in crashes due to the additional exposure of this demand through the intersection even if the crash rate remained the same. This alternative would also require changes to driver expectations and behavior as the intersection design would change. * if true, less severe – 2 fatalities here, 1 car jacking, 1 homicide in last 2 to 3 years

✓ * Additionally, pedestrian and bicycle traffic would experience more difficulties with this alternative. A special pedestrian actuated crossing would be required to assure that all movements are protected at traffic signals, the number of crossings would be similar to the existing condition, and pedestrians would be exposed to higher traffic volumes and more total conflicts. ✓ Not according to bicyclists testimony –

As shown in Table 1-3, the longest delay (25 sec. / LOS C) would occur at the newly created intersection where southbound M-1 traffic would be making indirect left turns (LOS C is considered acceptable in urban situations such as this with motorists experiencing tolerable

delays, backups, and traffic flow). All other intersections are predicted to operate at LOS A or B under existing traffic conditions (2003), and LOS A, B and C under the future traffic conditions (2025). This alternative would require through traffic on M-1 to travel through a new intersection.

In the event of a closure on I-75 (e.g., maintenance, emergency closure, etc.), this alternative would be able to accommodate the additional rerouted traffic. As shown on Table 1-2, Rerouted traffic would result in acceptable (LOS C) traffic operations at the intersection under the future predicted traffic conditions.

This alternative would not retain the existing configuration or character of the original historic intersection. This is an adverse impact because the historic intersection is eligible for the NRHP, largely due to its unique three-level design and its history in the development of transportation in Metropolitan Detroit. Additional information about this aspect of the intersection is found in Section 2 of this EA. * TRUE Heritage is to inter-urban & mass TRANSIT

Table 1-3. Removal of the Third Level Bridge – Indirect Left Turn Alternative Traffic Operations

PROJECT INTERSECTION	AM PEAK HOUR		PM PEAK HOUR	
	EXISTING (2003) DELAY/LOS	FUTURE (2025) DELAY/LOS	EXISTING (2003) DELAY/LOS	FUTURE (2025) DELAY/LOS
EASTBOUND M-102 & SOUTHBOUND M-1	9.6 / A	20.3 / C	11.5 / B	15.6 / B
WESTBOUND M-102 & NORTHBOUND M-1	11.2 / B	15.9 / B	12.9 / B	9.4 / A
SOUTHBOUND M-1 & NEW CROSSOVER	7.5 / A	25.0 / C	9.6 / A	23.9 / C
NORTHBOUND M-1 & NEW CROSSOVER	3.6 / A	9.2 / A	4.5 / A	7.7 / A

Source: M-1 at M-102 Environmental Assessment Traffic Analysis Report, The Corradino Group of Michigan, Inc., 2004
* Delay is in seconds.

This alternative would result in increased noise levels relative to the existing condition.* The increased noise levels would cause noise "impacts" (as defined in MDOT and FHWA policies) at twelve receivers. It is not expected that this alternative would notably alter air emissions relative to the existing configuration. Additional information regarding the air and noise analysis can be found in the *Air Technical Report* (The Corradino Group of Michigan, Inc. 2004) and *Noise Technical Report* (DLZ 2004) prepared for this project.

Businesses located near the intersection maybe afforded improved visibility. In addition, this alternative would provide improved access to parcels near the intersection corners. *

1.6 Selection of the Preferred Alternative

The study team evaluated the benefits and impacts of the Rehabilitation of Existing Bridges and Indirect Left Turn Alternatives considering environmental, engineering and planning criteria. The following bullets provide more information to support the selection of a Preferred Alternative.

- The existing intersection is eligible for inclusion on the NRHP and is protected by Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act. The Removal of the Third Level Bridge - Indirect Left Turn Alternative would result in an adverse effect under Section 106 and would constitute a "use" under Section 4(f). Section 4(f) only allows use of such protected properties if there are no feasible or prudent alternatives to the use. For this project, the Rehabilitation Alternative is a feasible and prudent alternative. Therefore, Section 4(f) would preclude the selection of the Removal of the Third Level Bridge - Indirect Left Turn Alternative. For additional information on this determination please refer to Sections 2.15 and 2.16 of this EA. Correspondence from the Michigan State Historic Preservation Office (SHPO) is included in Appendix B of this EA.

- The Rehabilitation Alternative is safer than the Removal of the Third Level Bridge - Indirect Left Turn Alternative. The Indirect Left Turn Alternative would result in an increase in crash rates (relative to the existing condition and the Rehabilitation Alternative) because all M-1 through traffic would traverse the newly created signalized intersection and mix with turning traffic. Since traffic volumes influence crash rates to a greater extent than the number of conflict points, the reduced number of conflict points for the Indirect Left Turn Alternative would be more than offset by the increased traffic volumes experiencing conflicts. The Rehabilitation Alternative is also safer for pedestrians and bicyclists because it controls the movements of both motorized and pedestrian and bicycle traffic at the intersection through the use of traffic signals. In addition, pedestrians and bicyclists would be exposed to lower volumes of traffic.

- The Rehabilitation Alternative provides better traffic operations than the Indirect Left Turn Alternative. Both M-1 and M-102 are heavily utilized regional state trunk line roads. Due to their close proximity to I-75 and I-696, they serve as alternate routes during construction or incidents (e.g., crashes, chemical spills, etc.). The Rehabilitation Alternative has more capacity than the Indirect Left Turn Alternative as evidenced by the V/C ratios shown in Table 1-2.

Based on the evaluation of both Practical Alternatives, the Rehabilitation Alternative was selected as the Preferred Alternative. This selection was based on safety, historic impacts, traffic operations, incident management and impacts to the environment. The next section will present the expected impacts of the Preferred Alternative.

✓ NO separating fact FROM FICTION, DEBATE, problem solving or compromising

✓ NO ECONOMIC ANALYSIS

✓ NO property values ANALYSIS

✓ NO image/crime safety ANALYSIS

✓ NO investigation of traffic calming for safety

did not identify any major new developments proposed in the project area with the exception of the rezoning request discussed earlier.

The 165-acre Michigan State Fairgrounds is located one block south of M-102 on the east side of M-1 (Figure 1-2). The land use plan for the City of Detroit does not indicate a land use change for the fairgrounds (City of Detroit 2003). However, developers have proposed a wide variety of ideas for the site including: an auto racetrack, a convention center, a concert hall, and a horse track. These ideas are speculative at this time and have not been adopted or approved as part of any land use plans. — TALK ABOUT OSTRICH STYLE PLANNING

The City of Ferndale land use plan has identified the M-1 (Woodward Avenue) corridor as an important resource for their community and the intersection of M-1 and M-102 as a gateway to their city (City of Ferndale 1998). Their plan recommends improvements at the intersection of M-1 and M-102 to emphasize the entrance to Oakland County and the City of Ferndale.

The northwest quadrant of the intersection is zoned for general business along M-1 and M-102, with residential zoning behind the front row of commercial properties. The zoning for the northeast quadrant of the intersection is also commercial along the main roads with residential zoning being located behind the front row of commercial properties. Coordination with the City of Ferndale did not identify any major new developments proposed in the project area. (TRANSIT)

RETAINS BILLBOARDS

The Preferred Alternative would not result in negative changes to existing or proposed land uses in the project area since it retains the existing condition. The Preferred Alternative was reviewed for consistency with adopted land use plans and is consistent with the land use plans of both Ferndale and Detroit, as it would not preclude the existing or future land uses identified in the plans.

NOT ALLOWING TO FERNDALE PLANNED

2.3 Considerations Relating to Public Transportation

The frontage of the State Fairgrounds on M-1 also contains a bus shelter/transfer station for the Detroit Department of Transportation (DDOT) and the Suburban Mobility Authority for Regional Transportation (SMART). These two separate transit providers service the project area. DDOT provides public transportation service in the City of Detroit, while the SMART provides public transportation throughout southeastern Michigan. Both transit providers have bus stops near the project area (either on M-1 or M-102).

Future transit service for the M-1 corridor has been evaluated during the past several years, but there is still uncertainty regarding what will be implemented. According to a feasibility study by the Detroit Transportation Corporation completed in 2000, the most viable types of transit for the M-1 corridor are either bus rapid transit or light rail transit. Based on this feasibility study, funding is being pursued for more detailed analyses. Please note that there is no decision about the type of transit that could be used, or approval of funding for implementation. No transit projects are listed on the RTP or Transportation Improvement Program (TIP) for the M-1 corridor. There is no formal approved regional plan or strategy for transit in the corridor at this time. The Preferred Alternative can accommodate either bus rapid transit or light rail transit on the M-1 overpass in the future.

The Preferred Alternative would not result in negative impacts to public transportation in the area and would retain the existing intersection configuration. The Preferred Alternative is consistent with regional transit plans. It can accommodate both bus rapid transit and light rail transit (Detroit Transportation Corporation 2000). A concern was raised that the existing overpass could not accommodate light rail transit. A variety of information including design manuals and existing bridge plans were reviewed to determine if the M-1 overpass could accommodate light rail transit. The existing overpass has a maximum grade of four percent on either side of the overpass structure. Design manuals for light rail trains indicate they can travel on grades up to six percent. The existing bridge on the M-1 overpass was not designed for light rail transit. However, it was designed to be in accordance with AASHTO standards for vehicular traffic. Information indicates that the structures for light rail should be designed in accordance with the requirements of AASHTO Standard Specifications for Highway Bridges (Transportation Research Board 2000). A review of the loading capacity of the existing overpass indicates that it can accommodate light rail transit. Therefore, the Preferred Alternative would not preclude the development of future light rail transit facilities on the M-1 corridor.

* see sketch – they must be joking – how to transfer?

* 2.4 Social Impacts

The proposed project will not cause any negative impacts on any minority, ethnic, low-income, elderly or handicapped groups. There will be no long-term negative impacts on area schools, churches, community facilities, recreational areas, or police and fire protection services. The Preferred Alternative is not anticipated to increase "cut-through" traffic using local streets to avoid the project area. Traffic will be maintained on local streets during construction. Although there may be some temporary disruptions during construction, MDOT will coordinate with the cities of Detroit and Ferndale in providing updated information on the maintenance of traffic plan as more details are identified during the design phase of the project.

2.5 ROW Impacts

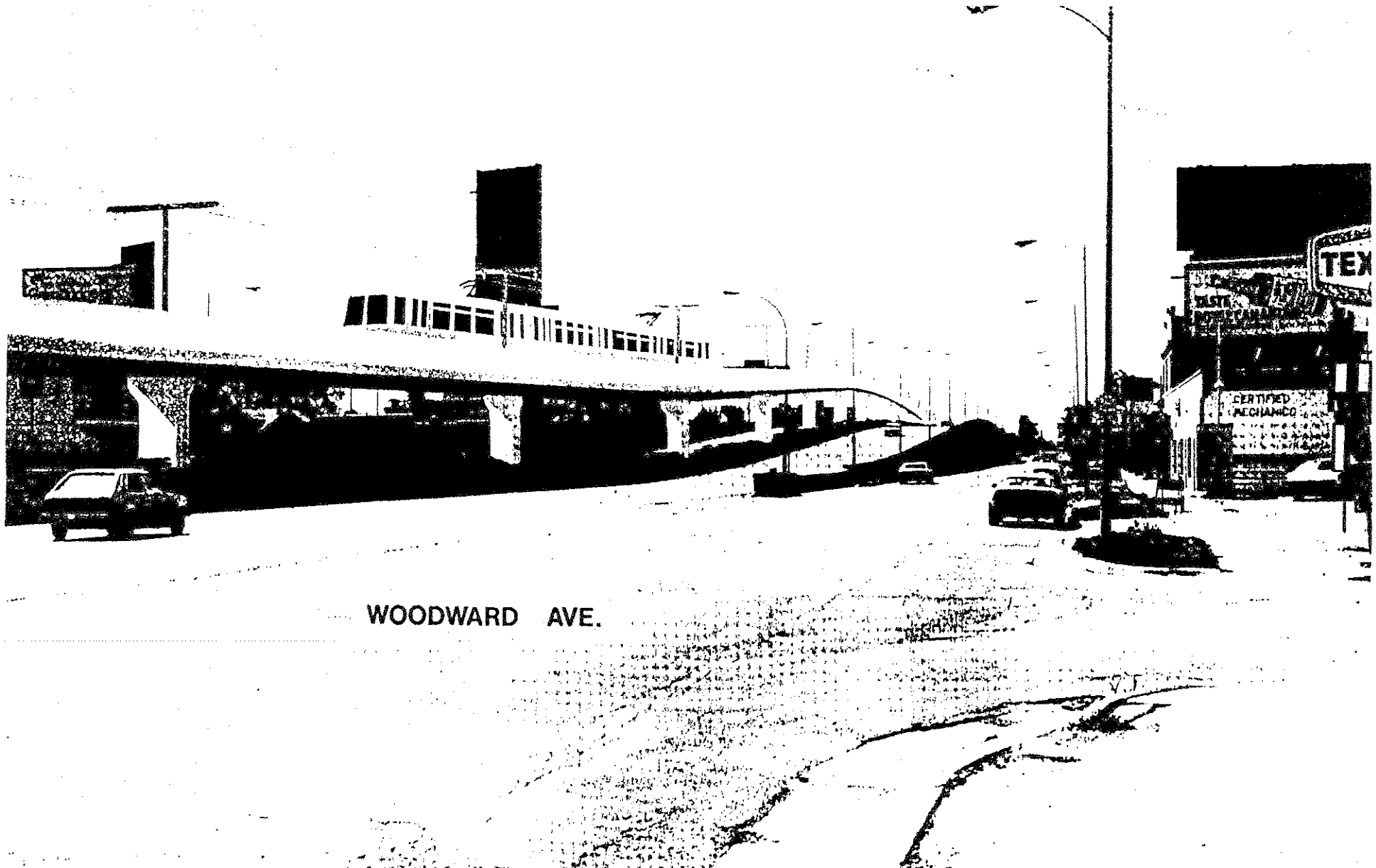
The Preferred Alternative would not require grading or fee right-of way permits for construction. No residents or businesses would be displaced as a result of this project.

2.6 Environmental Justice

Executive Order 12898 on Environmental Justice directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects to minority and low-income populations caused by their programs, policies, and activities. To address this topic, the study team reviewed census data; conducted visual inspections of the project area; searched through numerous types of government records; and undertook public outreach activities. Additional outreach activities were conducted including the placement of project and meeting information on SMART bus shelters, and presentations to DDOT and the Detroit City Council, which were broadcast on local cable channels.

Portions of four different census tracts are located within the project area (Figure 2-3). According to information obtained from the US Census Bureau, minority populations range between ten and 86 percent in project area census tracts. Census tracts 5080 and 5381, in the

SOURCE: The Corradino Group Inc. & Rochon Associates, Inc., 1980



SOURCE: The Corradino Group Inc. & Rochon Associates, Inc., 1980

Thomas Barwin

From: Anderson, Scott [Scott.Anderson@ps.net]
Sent: Thursday, June 17, 2004 2:26 PM
To: 'Thomas Barwin'
Subject: A little info for you to share

Tom,

I have done a little statistics crunching. One of my jobs is I am an adjunct professor of mathematics at UD Mercy so I am qualified to crunch stats. I looked at the amount of rapid transit miles per million population in the six US metro areas with population between 4.0 and 5.0 million; these are the regions that are, population wise, most similar to metro Detroit. The quick rundown is this (if the table doesn't show correctly in your e-mail let me know and I'll send the spreadsheet):

Metro Area	Total Rapid Transit Miles	Population (Millions)	RT Miles per Million People	% of avg.
Washington, DC	313	4.8	65.2	97.4%
Houston, TX	210	4.7	44.7	66.7%
Detroit, MI	3	4.5	0.7	1.0%
Boston, MA	773	4.4	175.7	262.4%
Atlanta, GA	117	4.2	27.9	41.6%
San Francisco, CA	359	4.1	87.6	130.8%
AVERAGE	296		66.9	

I included in "RT Miles" the following modes: buses in exclusive right of way, commuter rail, heavy rail (e.g. subway), light rail, cable car, and people mover. Only Houston relies heavily on RT bus.

If we were to implement a three-line light-rail system as I briefly outlined to you, that would put us just slightly ahead of Atlanta, the second lowest region on this list. The system I describe would have about 125 miles of light rail.

If you draw my proposed study corridors on a map – which I can show you when we meet – the area within 3 miles either side of the center of the three corridors covers about 80% of the land area of the City of Detroit, nearly all of the "first ring" suburbs and about 50% of the "second ring" suburbs. So if the three lines were built directly down the center of each corridor, that gives you an idea how many people would live within 3 miles of an RT line.

Have a great day! I'm looking forward to lunch and to showing you and Vickie my completely presumptuous mark-up of a Metro Parks map. (They make the best regional map.)

Scott

MAYOR
ROBERT G. PORTER

CITY COUNCIL
CRAIG COVEY
T. SCOTT GALLOWAY
DAVID A. LENNON
HELEN MARIE WEBER

CITY MANAGER
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CITY OF FERNDALE

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"GOOD NEIGHBORS"

March 12, 2003

TO: M1 Bridge Decision Makers

FROM: Thomas W. Barwin, City Manager

SUBJECT: ECONOMIC DEVELOPMENT BENEFITS OF REMOVING THE M1 BRIDGE OVER 8 MILE

The Woodward Heritage Corridor effort was launched primarily to improve the economy of the Woodward Corridor while enhancing the quality of life for its residents. The Bridge removal has the potential to be the catalyst to bring thousands of new jobs to the Metro-Detroit area. Removing the bridge will provide substantial economic development benefits for the short, mid and long term. Enhancements to both the tax and job base of the area will far exceed any additional costs which might be involved with removing the bridge and creating a noteworthy gateway intersection.

Having specialized in economic development throughout my career, and as a former employee of the Michigan Department of Commerce, I am confident that the following economic development benefits will occur in the M1 Corridor upon word that the M1 Bridge will be removed in favor of implementing the Woodward Vision:

SHORT TERM – One to Two years

- A commitment to support bridge removal will result in new private investment on the privately held north 35 acres of the State Fairgrounds of $30 million in new development.

- The new development will result in an annual property tax revenue increase of approximately $1.2 million per year to the City of Detroit, Detroit Public Schools and State of Michigan.

- Approximately 200 building trade construction jobs will be utilized over the course of a two-year period to construct the new facilities.

- One hundred permanent jobs will be created to manage and operate the new businesses that will be established. Ferndale and Detroit have higher than average unemployment levels with many residents in need of good jobs.

MID TERM – Two to Eight years

- Bridge removal will cause other investor developers to consider other investment opportunities in the vicinity as quality new public investment and new private investment dramatically improve the area. Estimated value $5 to $10 million.

  State and City of Detroit will add greater value to the area should a decision be made to either upgrade State Fair facilities or relocate the Michigan State Fair and redevelop State Fairground property to mixed use, housing, office, retail or some other use. Developers who have raised this potential to Detroit and Ferndale officials have expressed a desire and ability to invest $200 to $300 million in high quality mixed use development with potential for significant increases to Detroit and Michigan tax and job base.

LONG RANGE – Eight to 25 years

- Bridge removal will be the first tangible commitment the state has made to mass transit in the metro area in the last 50 years. Bridge removal and retrofitting this key intersection for adaptability to planned mass transit will save dollars by doing this now, versus in the future, and signal Michigan, Ferndale and Detroit's commitment to moving into a new era of community revitalization efforts featuring multi-modes of transit.

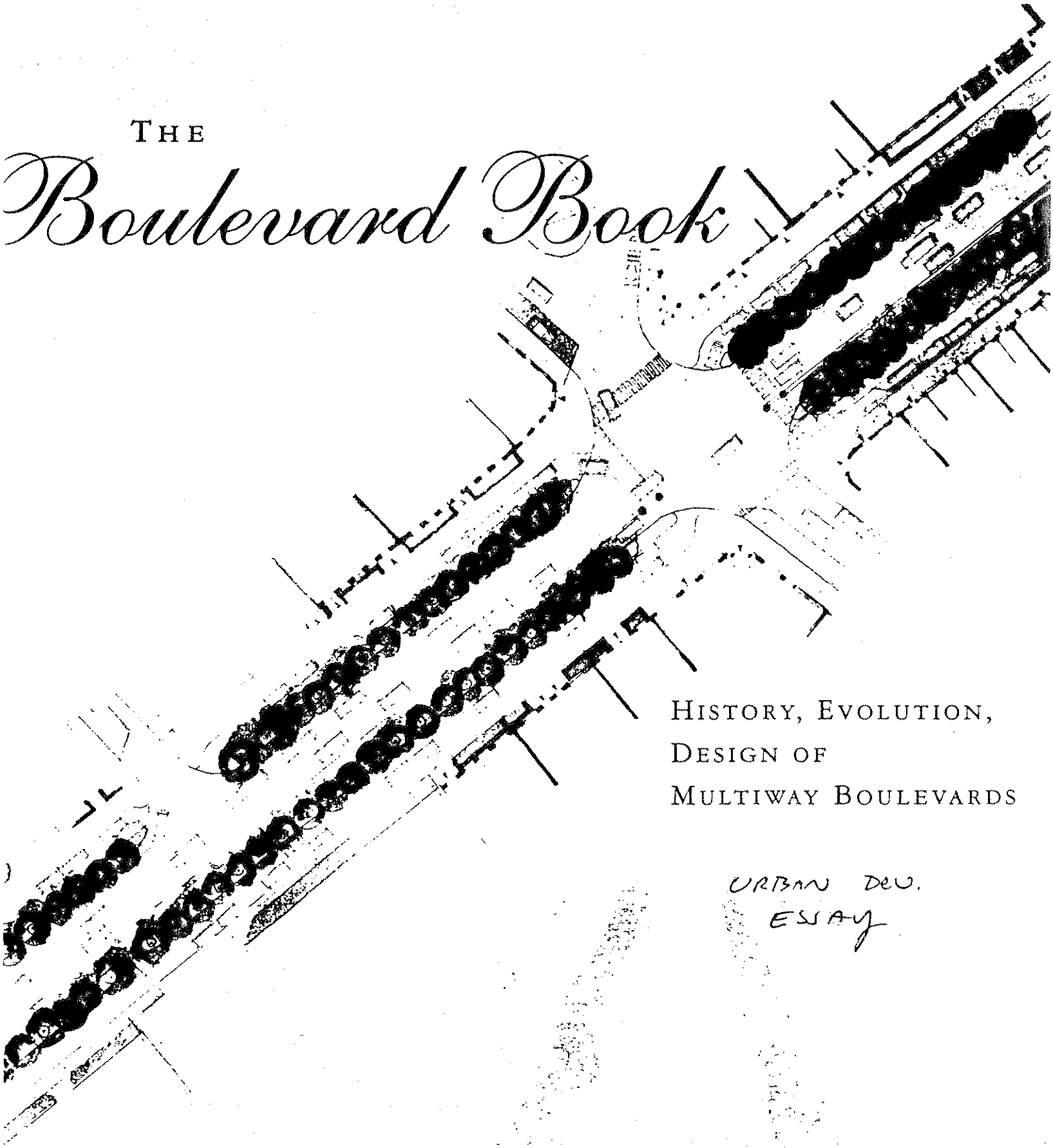
- Over $1 billion in new federal investment. Bridge removal will open the door toward moving earnestly to implement the regional transit vision which promises to return a far greater share of our federal transit tax dollars to metro-Detroit, increasing federal transit investment in the region by $50 million per year and over a billion dollars over the next 20 years, a strategy which will create jobs, stimulate transit oriented development and improve the quality of life for southeast Michigan. Initial funding will be on Woodward as it remains the State's number one Public Transit Corridor leading to Michigan's major cultural, medical and sports and entertainment attractions.

- Based on local experience and similar experiences in other parts of the country, $1 billion in new public investment will stimulate a minimum of $1 billion in private, transit oriented development, in metro core. Such new investment will create jobs, tax base and reduce pressure to sprawl, while also providing important environmental benefits in air quality in the region.

- Implementing the Woodward Vision, will create entire new industries in Detroit and metro region by creating the infrastructure to successfully compete for tourism, convention and conference hosting. As the Motor City, our region has one of the most important, interesting and fun stories to tell, rich with historic sites, characters and new innovations. Bridge removal further positions the state, city and region to go for this business as removal of the bridge is a public statement that Michigan will defer this effort no longer and move forward with confidence, pride and a commitment to success. This effort promises to create thousands of new jobs and advance Woodward as a demonstration project to create "Great Lifestyle Corridors" providing lifestyle choices for people throughout their life by providing reliable and affordable transit choices.

TWB/saa

THE *Boulevard Book*



HISTORY, EVOLUTION, DESIGN OF MULTIWAY BOULEVARDS

URBAN DEV.
ESSAY

ALLAN B. JACOBS, ELIZABETH MACDONALD, AND YODAN ROFÉ

38

Esplanade, Chico, Cal.

There is a wonderful street in Chico, California, called The Esplanade, reason enough to visit this unassuming northern California city. Leaving downtown Chico by car, you can travel smoothly at 35 or 40 miles an hour on a roadway lined with very large, regularly spaced trees and low plantings. It is like being on a parkway. Driving along, you may notice, beyond the lines of trees, side roads running parallel to the central lanes. You might decide to detour onto one of these one-way access roads for a block or two, just to see what it is like. Life in the one-way side roads is very different than it is in the center: parked cars, sidewalks, and another line of large trees; small apartment houses and single-family residences set back on lawns; a school; some people walking; one block of stores with a restaurant facing the street. Occasional cars move slowly, and every now and then a cyclist pedals by, sometimes moving in the opposite direction to what the law intends. Dappled sun finds its way through the overhead foliage. One can imagine taking a walk here on a summer evening, with or without an ice cream cone. The relaxed, deliberate pace of life along the distinctive edges of The Esplanade and the faster pace of the central movement lanes work together. They are one. The street is a whole.

If you care about streets at all, and most people do—they tend to prefer one street to another, they go out of their way to be on certain streets and to avoid others, they find that travel, shopping, or visiting friends is simply more pleasant on some than on others—you are likely to feel good on The Esplanade. The people of Chico agree: they regularly vote The Esplanade the best street in town.[1]

This book is about streets like The Esplanade, boulevard streets of a particular type; we call them *multiway boulevards*. In many ways, the book is a celebration of these streets, of

their grandness and of the many positive roles they have played, and still play, in creating delightful urban environments. But the book is more than a simple voyage of discovery—for who besides the people of Chico knows about The Esplanade?—or a rediscovery of a street type. It is more, too, than a catalogue of such streets and their dimensions. Streets like The Esplanade—or like Eastern Parkway or Ocean Parkway in Brooklyn, the Passeig de Gracia in Barcelona, the Avenue Franklin Roosevelt in Paris, or tiny San Francisco Boulevard in Sacramento—have crucially important, creative roles to play in today's and tomorrow's urban environments. These roles can span a variety of scales, from giving form to an entire metropolitan area and determining the basic physical structure of a city to providing local streets for access to stores, homes, and recreation. This book is about such boulevards, how they came to be and how they work. It is about the reasons that they are currently in disfavor with many professionals responsible for the design of urban streets. Most important, it is about what makes the best of these streets both wonderful and beautiful. In the end, it is about what it takes to design multiway boulevards that can help people live better, more fulfilling, more joyful lives in their communities.

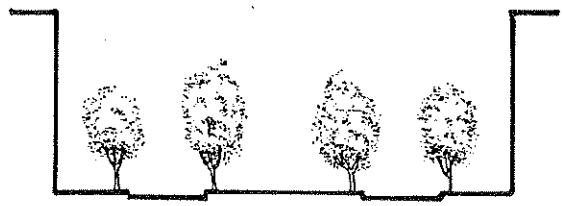
The Esplanade, unlike most other multiway boulevards, is relatively new. It dates from the 1950s. That it exists at all seems a stroke of luck. Perhaps its designers weren't as current as they might have been, not knowing that their peers in the world of traffic engineering generally considered the type of street they were designing to be dangerous and nonfunctional. Or, maybe the opposite was true. Perhaps they were more sophisticated than others of their time.

By the 1950s, multiway boulevards had long been on a downhill slide as an understood and favored street type. They had fallen prey to a narrowly focused way of designing streets, an approach that viewed unencumbered vehicular movement as the overarching concern. Multiway boulevards like Eastern Parkway or Ocean Parkway in Brooklyn were no longer being built; were likely to be reconfigured or otherwise "improved" out of existence; or were simply neglected. To be sure, they continued to exist in Europe, where they were among the most unforgettable of urban places. But not in America!

Boulevards, though rooted in the axial planning of sixteenth-century Italian cities, particularly Rome, follow models refined in Paris during the latter half of the nineteenth century, a part of Louis Napoleon's and Baron Haussmann's modernization and expansion project. In addition to the objectives of beautifying the city and of asserting the public role of city building, they were designed to move people and goods through an essentially medieval city fabric that had become impossibly congested; to improve communications; to add sanitation lines and other infrastructure systems; and to allow police and the militia easy access to crowded neighborhoods where social unrest was fermenting.

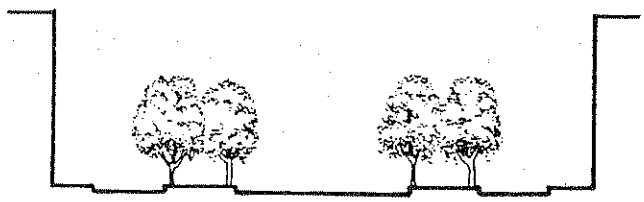
Boulevards also provided building sites for new development, accommodating the desires of a growing middle class for new urban residences, cafes, and restaurants. Among their most important functions was that of giving structure and comprehension to the whole city as it grew and diversified under the impetus of industrialization. They were monumental links between important destinations.[2]

Boulevards were imported into the United States as a part of the park movement of the late nineteenth century and were a major part of the formal vocabulary of the city beautiful movement of the early twentieth century. Coinciding with the rapid expansion of cities, they were associated more with new suburban development than with streets cut through old urban quarters. They were often part and parcel of land development promotions. Generally wide and invariably tree-lined, these boulevards were long, quiet, and faced with large homes set apart on deep lawns—quite a different image than the hustle and bustle associated with the European boulevards. Usually built well in advance of the residences that were to line them, they were intended to give a sense of good things to come to the prospective well-to-do homeowner.



Center median boulevard

Boulevard street



Multiway boulevard

Diagram of 3 types of boulevards

Different kinds of streets with different designs are called *boulevards*. Basically, though, there are three boulevard types. One type has a wide central landscaped median flanked on either side by roadways and sidewalks. The central median may be a pedestrian promenade; or it may simply be planted with grass, trees, and shrubbery. Streetcar lines or horse trails were often located in the central median. Monument Avenue in Richmond, Fairmount Boulevard in Cleveland Heights, and Dolores Street in San Francisco are but three of many examples of this boulevard type.

A second type of boulevard is really nothing more than a street with a wide central roadway and broad, tree-lined sidewalks along each side. It is characterized by gracious tree-plantings, wide walkways, the anticipation of well-designed buildings and, in some cases, a desired high-status address, rather than a distinctive design. Boulevards Saint-Michel or Haussmann in Paris come to mind.

The third type of boulevard, the one we are concerned with here, is distinctly different from the other two. The multiway boulevard is designed to separate through traffic from local traffic and, often, to provide special pedestrian ways on tree-lined malls. Like other streets, it provides access to abutting uses, but often—unlike others—it is also designed for recreation. It is characterized by a central roadway of at least four lanes for generally fast and nonlocal traffic; on either side of this roadway are tree-lined medians that separate it from parallel, one-way side access roads for slow-moving traffic. The medians can be of various widths: some are nothing more than planting strips, while others, in addition to rows of trees, contain walks, benches, transit stops, and even horse trails or bike paths. The sidewalks may or may not have their own lines of trees. The access roads generally allow for one or two lanes of parking and one moving lane.

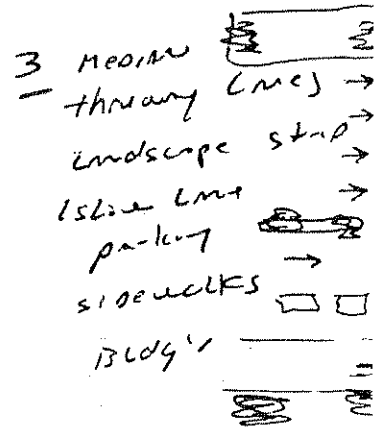
The multiway boulevard is unique because its parallel roadways serve distinctly different traffic functions. It directly addresses the functional problems posed by the coexistence of through movement and access to abutting land uses on major urban streets. It allows these seemingly contradictory but often complementary forms of movement—both essential to the life of the city—to coexist in the same street space.

However, increasingly in the twentieth century, boulevards of this type have been maligned. They are held by important professionals to create complicated, difficult, and often dangerous intersections.

As much as any reason, it was a new way of thinking and of classifying streets that resulted in the decline of boulevards in the United States.

Beginning in the 1930s and intensifying after World War II, the emerging field of traffic engineering, in order to resolve the conflict between fast movement and access to abutting properties on streets, embraced the notion of "the *functional classification* of streets." In essence, this approach to transportation planning concentrated on auto traffic and strove to achieve a specialization of urban streets according to the movement functions they were primarily intended to serve. It paid much less attention to other appropriate uses of streets.[3]

In the context of functional classification, multiway boulevards present a problem because they do not fit into any of its categories. They usually serve arterial street functions in terms of vehicular movement, but they also allow continuous access to abutting properties. Analogous to mixed land uses—another victim of city planning and development prefer-



ences since World War II—the boulevard is a mixed-use public way that is by its very nature complex.

Multiway boulevards have also fallen prey to changing standards of road building. Over the years, there has been a tendency to widen lane widths, for example, from eight or nine feet to twelve or thirteen feet. Acceptable distances between parallel roadways have also increased, left and right turning lanes have become standard, and turning radii at intersections have grown. Parking lanes have become wider, and acceptable tree-spacing standards and norms have become greater, especially the required distances from intersections. In combination, the impact of such guidelines has meant that the essential form of the multiway boulevard has been eroded, particularly the local, protected character of the side lanes.

The reasoning for these changing standards always includes a major safety component. But safety considerations are often based on geometric and physical assumptions and applied logic and not necessarily on observation of the actual behavior of drivers and pedestrians. For multiway boulevards, these considerations are especially focused on intersections. The sheer number of possible conflicting movements—weaves from side access roads to the central lanes or from the central lanes to the access roads, possible right turns from central lanes across straight-moving traffic on the access roads, to name only a few of many examples—suggests logically that boulevards must not be as safe as other streets. Our research shows otherwise.

Indeed, this book stems from what are largely safety and function concerns thought to be associated with multiway boulevards. It is also born of our experience. During the 1980s in Los Angeles, while participating in the design of a major new development through which a high-volume arterial road passed, we proposed building one-way access streets to serve the adjoining commercial and residential properties that were to be developed on each side of the artery. That seemed like a simple and straightforward way of dealing with both the fast through traffic and the more deliberate circulation and access needs of the envisioned development. But we learned very quickly that lane-width standards for the access streets were so great that the local character we desired would be lost. More important, we were advised, intersections along such streets would be exceedingly dangerous. Satisfying the engineers' requirements would have taken so much space under operative standards and norms that the idea died. Years later, proposals to modify an existing arterial street in San Francisco into a multiway boulevard met with similar objections.

In contrast, while doing research for an earlier book, we had occasion to spend considerable time on a variety of boulevards, mostly in Paris and Barcelona.[4] Recalling our unfortunate experiences in Los Angeles and San Francisco, we decided to take a closer look at the European examples. Spending hours observing intersections and the behaviors of motorists and pedestrians, we did not get the impression that they were particularly dangerous. Rather, the overwhelming characteristic of the traffic at the intersections was adaptation. People simply adapted to what was there, and they did so safely. Most important, these streets were delightful places to be as a pedestrian. They were, and are, peopled, full of activity and life. Pedestrians, local motorists, and those passing through seem to get along well together.

M.1 Heritage plan concept

43

Looking at them, observing them over extended periods, it was hard to believe that these multiway boulevards were more dangerous than other major traffic carriers. That became a major question: in reality, are these boulevards unduly dangerous? At the same time, another question emerged: even if it turned out that these boulevards were not particularly dangerous, could one be built today, especially in the United States? Would today's standards and guidelines permit them? The Los Angeles and San Francisco experiences suggested not. It would be depressing to learn that we could not emulate something of value, something desirable, something perceived to be pleasurable and useful for the community. Of course, this would not be the first time that an eminently livable environment could not be reproduced, at times for good reasons. The low wood-frame structures of many a downtown in the United States were at a human scale, easy to build, and they helped provide pleasant places to live and do business. But they were often prone to fires, and concerns for safety have made them impossible, and maybe inappropriate, today. But what if those buildings weren't unsafe? More to our point here, what if existing multiway boulevards proved safe, or at least not less safe than other major urban roadways? Shouldn't we be able to build them?

M-1
M-102

These questions of safety and reproducibility were the initial concerns that invited an exploration of multiway boulevards. During the research, however, we became aware of the role of the functional classification of streets as a major obstacle to the creation of new boulevards and the improvement of old ones. We became aware that the boulevard epitomizes a completely different paradigm for urban street design—one that embraces complexity and coexistence of movement over simplicity and separation, and one that insists that access to abutting uses is as central to the functionality of city streets as swift through movement. Pedestrian movement, too, is as important to the life of the city as vehicular movement, and as such should have space devoted to it and protected for it on all city streets.

URBAN RE-DEVELOPMENT

There was a period after World War II when a strong case for single-purpose roadways could be made—though probably never as forcefully and comprehensively as was visited upon U.S. cities. At the time, the country was behind in road building; the number of automobiles and trucks had vastly increased. Vehicular travel needs between distant locations required legitimate routes that could be traversed speedily; some existing roadways were simply too narrow to accommodate both slow and rapidly moving traffic. At the turn of the twenty-first century, there exist occasional justifications for limited-access roadways or other streets serving single or limited functions. The arguments for these roads are generally more convincing in nonurban environments than in complex urban settings: the long-distance freeway in large single-use areas, industrial enclaves, large and low-density single-family housing areas.

It is clear in hindsight that the freeway, expressway, and arterial improvements of the 1950s, 1960s, and 1970s were not always changes for the better. One need only look at the countless urban environments through which widened, limited-purpose arterials configured for fast traffic were pushed, or visit the areas through which the new expressways or freeways were built to wonder seriously if there were not better solutions.[3] There are good reasons why the people of San Francisco had a freeway revolt in 1966 and why some freeways in that city and in Boston have been removed. City people at the turn of the century

44

are less likely to stand by and permit significant changes to streets that pass through their neighborhoods than they were earlier, particularly if the purpose is only to speed auto traffic. People understand that single-purpose roads attract traffic and that width tends to induce speed. The lower-income areas through which arterials were pushed, with attendant dislocation of neighborhoods and loss of property, may still have the same people in them; but they are more sophisticated now, more politically capable of defending their turf. Moreover, there are no longer funds available to clear long swaths of right-of-way for new or widened roadways in urban areas.

As we come to understand and appreciate that complexity is a positive and necessary attribute of urban areas, it will become more natural to use creatively the resources that we have, adapting and changing physical environments, including streets, to accommodate many uses and varieties of activities. Multiway boulevards can accommodate both slow and rapid traffic and can solve the problems occasioned by the conflict between movement and local access.

Before considering the major issues of safety and reproducibility, however, it is important to get a more intimate picture of the kinds of boulevards that are our concern. Like streets of other types, all multiway boulevards are not alike. Their dimensions, the uses along them, the amounts and speed of vehicular traffic they carry, the pedestrians that use them, their settings, and a host of design details differ from one boulevard to another. To give a feeling for their variety, purposes, original and current contexts, and how they have been treated over time, we start in Part One by visiting multiway boulevards in Paris, Barcelona, and across the United States. To permit comparisons among boulevards, the various graphics are drawn to the same scale.

Once we know some boulevards more intimately, we look back at their history—from their beginning as tree-lined avenues atop late-Renaissance fortifications, to their nineteenth-century use as major urban form-givers, and to their decline in the twentieth century. This history is the subject of Part Two.

Part Three describes the results of empirical research showing multiway boulevards to be as safe as comparable major urban streets. The empirical results are explained theoretically by the concept of "the pedestrian realm." This zone lies between the buildings facing the street and the center roadway and includes sidewalks, access streets, and tree-lined medians; it mediates between fast vehicular movement and slow pedestrian movement.

The research also found a conspicuous lack of empirical data to back up professional assumptions that boulevards are unsafe. Part Three concludes with a discussion of the present-day bureaucratic constraints on building boulevards.

Part Four is a celebration of multiway boulevards. They exist all over the world—grand ones, modest ones, even tiny ones (a seeming contradiction in terms). Although they have certain common features, there is great variety as well, and they all have something to teach us. Even so, our compendium of plans, sections, details, and contexts is not all-embracing; we could not include all important boulevards. But within the limitations of time and money a representative variety is presented, including an old and very narrow one in Ferrara and an incredibly complex, chaotic intersection of two multiway boulevards in Rome. There are examples of boulevards that work poorly, but more of those that work well. Included as

well is a new boulevard in Ahmedabad, India, whose design is derived in large measure from the research carried out in preparing this book. Finally, there are two design case studies, one a possible reconfiguration of a presently unsafe boulevard and the other of a possible conversion of an arterial street so that it can incorporate light rail mass transit within a multiway boulevard arrangement.

At this point in the investigation and narrative a new promise emerges about boulevards and their prospects. If, indeed, they are not inherently unsafe, and if they are or can be what they were always intended to be—eminently livable, enjoyable, multipurpose urban streets—then those that remain can and should have a future. Even more challenging and exciting are the prospects for creating new and extended boulevards in the making of urban environments. Where and how might we build them? Part Five, Building Boulevards, includes, in Chapter 1, design and policy guidelines for creating such new multiway boulevards. The guidelines are aimed at helping people identify potentials for them in their own communities and providing solutions for the recurrent problems that arise in designing them.

Multiway boulevards have had a bad press and have long needed a new look. They remain a workable street form that can resolve many of the problems related to movement and access in urban areas, especially the need for balance between the needs of the city as a whole and those of local people. Moreover, the concept of the pedestrian realm applies to more than multiway boulevards. For a city to regain its urbanity and civic life the pedestrian realm has to be introduced and protected on all its streets. Boulevards are but one, unique example of how to integrate this principle into the design of city streets.

Cities are wonderful inventions of diversity—people, things, activities, ideas, and ideologies. Multiway boulevards are an urban form that responds to many issues that are central to urban life: livability, mobility, safety, interest, economic opportunity, ecology, mass transit, and the need for open space. Multiway boulevards can help to achieve the best that urban life has to offer. Let us see how.

Em

OAKLAND COUNTY TRAFFIC COMPARISONS *

INTERSECTION	TRAFFIC VOLUME PER DAY	# LANES	OP/UP
13 Mile/Woodward	157,900		no/no
12 Mile/Woodward	156,300		no/no
14 Mile/Woodward	151,000		no/no
11 Mile/Woodward	145,800		no/no
12 Mile/Telegraph	135,572		no/no
Big Beaver/Rochester	118,870		no/no
* 8 Mile/Woodward	110,946	24	yes/yes
9 Mile/Telegraph	109,542		no/no
Square Lake/Woodward	105,590		no/no
Orchard Lake/12 Mile	105,245		no/no
Dixie/Telegraph	102,700		no/no
Big Beaver/Livernois	102,461		no/no

- Source – Road Commission of Oakland County/Traffic Improvement Association/Ferndale Police Traffic Division

OP/UP = Overpass Bridge/Underpass

* includes 60,000 cars using underpass, no conflicts at intersection

Top Ten Intersections
Traffic Volumes

Rank	Intersection	Volume
1	12 Mile at Orchard Lake, Farmington Hills	85,861
2	Big Beaver at Rochester Road, Troy	82413
3	10 Mile at Greenfield, Southfield	79616
4	Dix Avenue at S M-39, Lincoln Park	76635
5	Adelaide St. at Gratiot at Vernor Hwy, Detorit	75432
6	Huron St. at Telegraph, Pontiac	75219
7	Mall Driveway at Novi Rd., Novi	75059
8	Ford Road at Haggerty, Canton Township	74,674
9	Allen Rd. at S M-39, Allen Park	73,981
10	Huron St. at Wide Track Drive, Pontiac	73,190

Note: These are all surface intersections. Does not include freeways.

Source: SEMCOG TransCAD Model, 2005 base.

J-05

July 2004

July 2004

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August 2004

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			July 1	2	3
					4
5	6	7	8	9	10
	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm Persons w/Dis (Conference Room Lower Level)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	7:30am Updated: DDA Meeting (Conference Room Lower Level) 12:00pm Retirement System Board of Trustees (Conference Room C)	7:00pm Cable Adv (Conference Room C)		18
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	2:00pm Board of Review (Conference Room D) 7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING				25
26	27	28	29	30	31
	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)				

7/19 Park Var. Req 230 W. Maple
7/19 Park Var. Req 1915 E Maple
7/19 PH Rezoning App. Z-582 Sec. 25-B-3 to H-S
8/9 PH Rezoning App. Sec 23 E-P to O-1 & R-1 to E-P
8/9 PH Rezoning App. Sec 27 R-1E to P-1 (Z#695)

J-5

August 2004

August 2004

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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2	3 Election - State Primary 7:30pm Planning - Study (Council Boardroom)	4 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm Persons w/Dis (Conference Room	5	6	7 8
9 7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	10 7:30pm Planning Commission - Reg (Council Chambers)	11 12:00pm Retirement System Board of Trustees (Conference Room C)	12 7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)	13	14 15
16	17 8:00am Historic District (Conference Room C) 7:30pm BZA (Chambers) 7:30pm BOARD OF ZONING APPEALS (Council C	18 7:30am DDA Meeting (Conference Room Lower Level)	19	20	21 22
23 7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	24 7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze	25 7:00pm Troy Youth (Conference Room Lower Level)	26	27	28 29
30	31				

September 2004

September 2004

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October 2004

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		September 1	2	3	4
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		5
6	7	8	9	10	11
	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	12:00pm Retirement System Board of Trustees (Conference Room C)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		12
13	14	15	16	17	18
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			19
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7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING APPEALS (Council Chambers)	7:00pm Troy Youth (Conference Room Lower Level)			26
27	28	29	30		
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum)				

J-06

RIDE SMART
First National Building
660 Woodward Avenue
Detroit, Michigan 48226
(313) 223-2100

June 28, 2004

RECEIVED
JUL 08 2004
CITY OF TROY
CITY MANAGER'S OFFICE

Mr. John Szerlag, City Manager
City of Troy
500 W. Big Beaver Road
Troy, MI 48084-5285

Dear Mr. Szerlag:

This letter serves to update you on the status of the Troy / Birmingham Dial-a-Ride consolidation. As you know in December, 2003, SMART combined the individual dial-a-ride services for Troy and Birmingham. Our goal was to enhance the service by offering an expanded service area and longer hours of operation, benefiting both Troy and Birmingham. After seven (7) months in operation we believe we have met our goal.

Today, Troy residents can travel within the new expanded areas of Birmingham and Beverly Hills as well as Troy. This includes all the major shopping centers like, Somerset Mall, Oakland Mall, and Downtown Birmingham to name a few, hotels, office centers and two locations outside the boundary, Beaumont Hospital and Meijers in Royal Oak. Since December, 2003 through June, 2004 ridership has increased by 18% from last year's levels, carrying 65 daily passengers in 2004. While seniors and disabled trips comprise the majority of SMART's Connector (dial-a-ride) ridership, employment and other essential trips have increased as well.

Note that in addition to the expanded dial-a-ride service, Troy continues to benefit from other SMART Connector services such as the Big Beaver Job Express and Oakland Mall Job Shuttle. Combined there are eight SMART Connector buses providing curb to curb services for Troy residents.

Another significant benefit of the dial-a-ride consolidation is economic. When Troy restricted its dial-a-ride to the city borders, SMART policy required the capturing of all municipal and community credit dollars to support the service. Since the consolidation provided service across city boundaries, Troy can now retain all its municipal and community credit dollars. Accordingly, Troy now uses their municipal credit and community credit dollars of $76,084 and $94,827, respectively, to support Troy Medigo. These funds are distributed annually and can be used as a dedicated funding source for Troy's community based program, Troy Medigo. This allows dollars previously allocated to Medigo from Troy's general fund to be used for other community purposes.

My update is therefore a positive one. I believe the dial-a-ride consolidation has truly been a win-win situation in Troy. Residents have improved transit access, while funding is available for the community based program, Troy Medigo without competing with other important community projects.

If you have any questions or need more information, please don't hesitate to call me at (248) 362-3024. I will periodically update you with new ridership information.

Sincerely,

Donna S. Sykes, Ombudsperson

MACOMB COUNTY MICHIGAN

OAKLAND COUNTY MICHIGAN

Also serving Monroe County

WAYNE COUNTY

39

printed on recycled paper

July 14, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate & Development Director
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner

SUBJECT: MODIFICATION OF APPROVED TENTATIVE PRELIMINARY PLAT – Wyngate of Troy Subdivision, East side of Coolidge Highway, North of Square Lake Road, section 5 - R-1B.

Wyngate of Troy received a recommendation for Tentative Preliminary Approval from the Planning Commission on October 14, 2003, and received Tentative Preliminary Approval from City Council on November 24, 2003. A Tentative Preliminary Plat defines the conceptual layout of a proposed subdivision. Approval of the Tentative Preliminary Plat serves as a notice to the petitioner to begin engineering design of the Final Preliminary Plat, which is ultimately reviewed and approved by City Council.

The petitioner has made two minor modifications to the conceptual design of the subdivision that received Tentative Preliminary Approval.

The first modification decreases the number of lots within the development. On the Tentative Preliminary Plat, the petitioner proposed filling in a poorer-quality state-regulated wetland in the southeast corner of the parcel and mitigating the wetland area on site, in the northwest area of the parcel. The mitigation area abutted a higher-quality state-regulated wetland located on-site and a wetland mitigation area in Forest Creek Subdivision to the north. The filled wetland in the southeast corner was proposed to be the site of three lots. Like all developments that involve filling a state-regulated wetland, Tentative Preliminary Approval was conditional on the petitioner being granted a permit from the Michigan Department of Environmental Quality (MDEQ) to fill the wetland. The MDEQ denied the petitioner's application to fill the wetland in the southeast corner of the property, because the wetland is woodland.

Due to the permit denial the petitioner redesigned the development. First, the three lots were eliminated in the southeast corner. Second, one lot is added in the northwest corner, where a wetlands mitigation area was originally to be constructed. This is considered a minor modification since the net effect of the redesigned layout is a reduction of two lots, seventy-three lots to seventy-one lots.

In addition the petitioner eliminated a lengthy cul-de-sac (Parkside Drive) by extending it to the north and connecting it to Newcastle Drive. This is considered a minor modification since it improves access within the subdivision and does not affect off-site

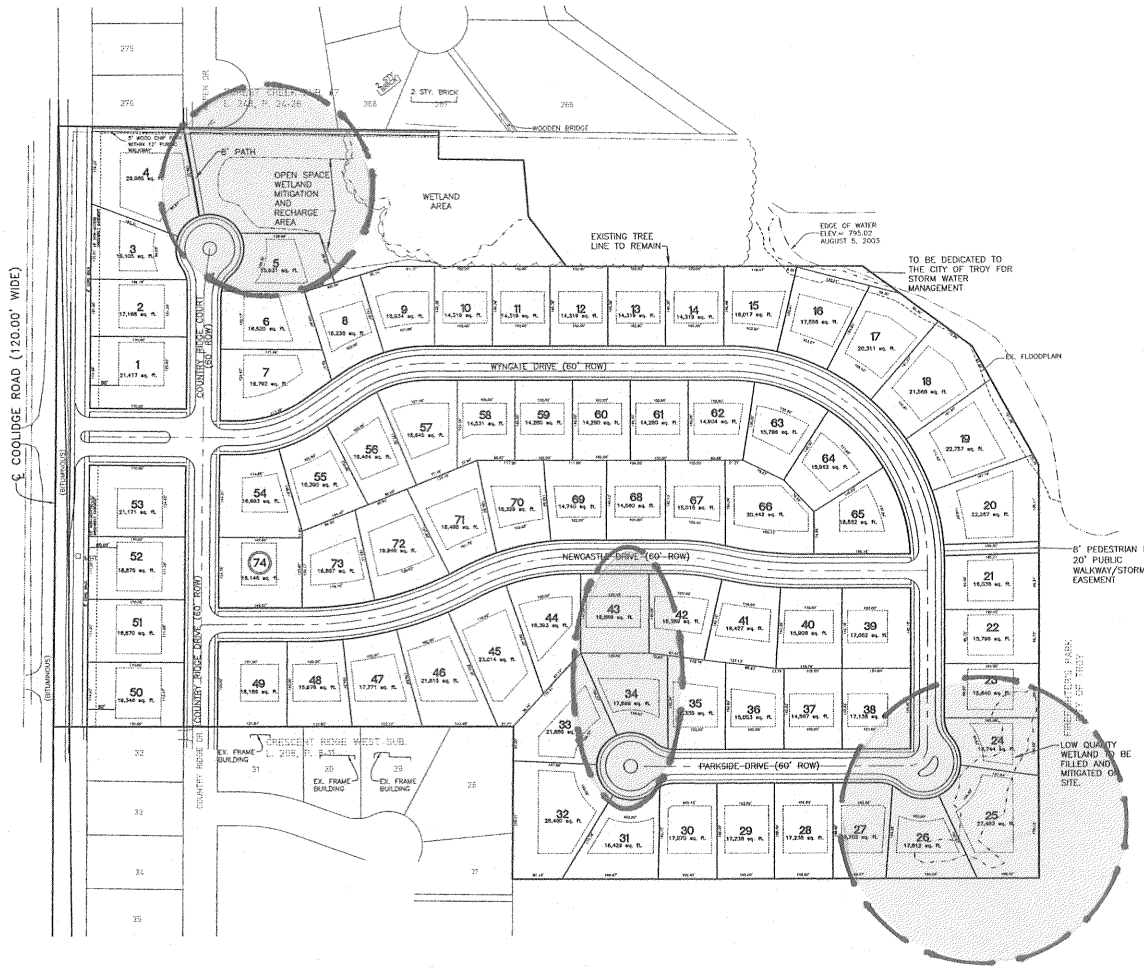
traffic patterns. The design modifications have the net effect of improving traffic circulation within the development and reducing the number of vehicular trips per day entering and leaving the development.

It should be noted that City Council has the authority to review and approve the Final Preliminary Plan.

cc: Planning Commission
Kevin Christiansen, Pulte Homes
File/ Wyngate of Troy

Attachments:
1. Wyngate of Troy – Tentative Preliminary Approval by City Council on November 24, 2003.
2. Wyngate of Troy – Modified layout.

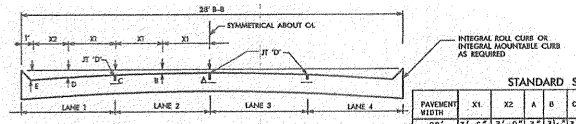
G:\SUBDIVISIONS & SITE CONDOS\Wyngate of Troy\Wyngate of Troy Memo 07 19 04.doc



LOT SIZE DATA

LOT#	AREA
1	21,417 sq. ft.
2	17,168 sq. ft.
3	16,105 sq. ft.
4	29,146 sq. ft.
5	15,931 sq. ft.
6	16,520 sq. ft.
7	19,792 sq. ft.
8	15,238 sq. ft.
9	15,934 sq. ft.
10	14,319 sq. ft.
11	14,319 sq. ft.
12	14,319 sq. ft.
13	14,319 sq. ft.
14	14,319 sq. ft.
15	16,017 sq. ft.
16	17,556 sq. ft.
17	20,311 sq. ft.
18	21,588 sq. ft.
19	22,757 sq. ft.
20	22,267 sq. ft.
21	16,038 sq. ft.
22	15,796 sq. ft.
23	15,840 sq. ft.
24	14,158 sq. ft.
25	26,988 sq. ft.
26	17,812 sq. ft.
27	16,702 sq. ft.
28	17,238 sq. ft.
29	17,238 sq. ft.
30	17,070 sq. ft.
31	18,429 sq. ft.
32	28,480 sq. ft.
33	21,886 sq. ft.
34	17,899 sq. ft.
35	16,335 sq. ft.
36	15,053 sq. ft.
37	14,567 sq. ft.
38	17,138 sq. ft.
39	17,062 sq. ft.
40	15,906 sq. ft.
41	16,427 sq. ft.
42	16,389 sq. ft.
43	16,869 sq. ft.
44	18,393 sq. ft.
45	23,014 sq. ft.
46	21,815 sq. ft.
47	17,771 sq. ft.
48	15,978 sq. ft.
49	18,189 sq. ft.
50	19,346 sq. ft.
51	18,870 sq. ft.
52	18,870 sq. ft.
53	21,171 sq. ft.
54	18,693 sq. ft.
55	16,390 sq. ft.
56	16,484 sq. ft.
57	18,645 sq. ft.
58	14,531 sq. ft.
59	14,280 sq. ft.
60	14,280 sq. ft.
61	14,280 sq. ft.
62	14,904 sq. ft.
63	15,786 sq. ft.
64	15,962 sq. ft.
65	18,552 sq. ft.
66	20,442 sq. ft.
67	15,015 sq. ft.
68	14,560 sq. ft.
69	14,740 sq. ft.
70	16,329 sq. ft.
71	18,488 sq. ft.
72	19,946 sq. ft.
73	16,887 sq. ft.
74	18,148 sq. ft.

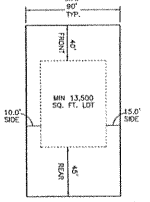
LOT AREA PERMITTED: 1,125,000 S.F. MIN.
LOT AREA PROPOSED: 1,307,172 S.F.



LOCAL STREET

STANDARD STREET

PAVEMENT WIDTH	X1	X2	A	B	C	D	E	LANE WIDTH 1	2	3	4
28'	3'-6"	3'-0"	3"	3 1/8"	3 1/8"	8"	6"	7'	7'	7'	7'
28'	3'-6"	2'-6"	1"	1 1/4"	1 1/4"	3"	4"	7'	7'	7'	7'
36'	4'-6"	4'-0"	2"	2 1/4"	3 1/4"	4 1/4"	6"	9'	9'	9'	9'
36'	4'-6"	3'-6"	0	1/2"	1 1/2"	2 1/2"	4"	9'	9'	9'	9'



TYPICAL LOT LAYOUT
NO SCALE

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
FOR THE LOCATION OF UNDERGROUND FACILITIES

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
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SECTION 5
TOWN 2 NORTH, RANGE 11 EAST
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

CLIENT
PULTE LAND DEVELOPMENT CORP.

WYNGATE OF TROY
TENTAIVE PRELIMINARY PLAT
LAYOUT PLAN

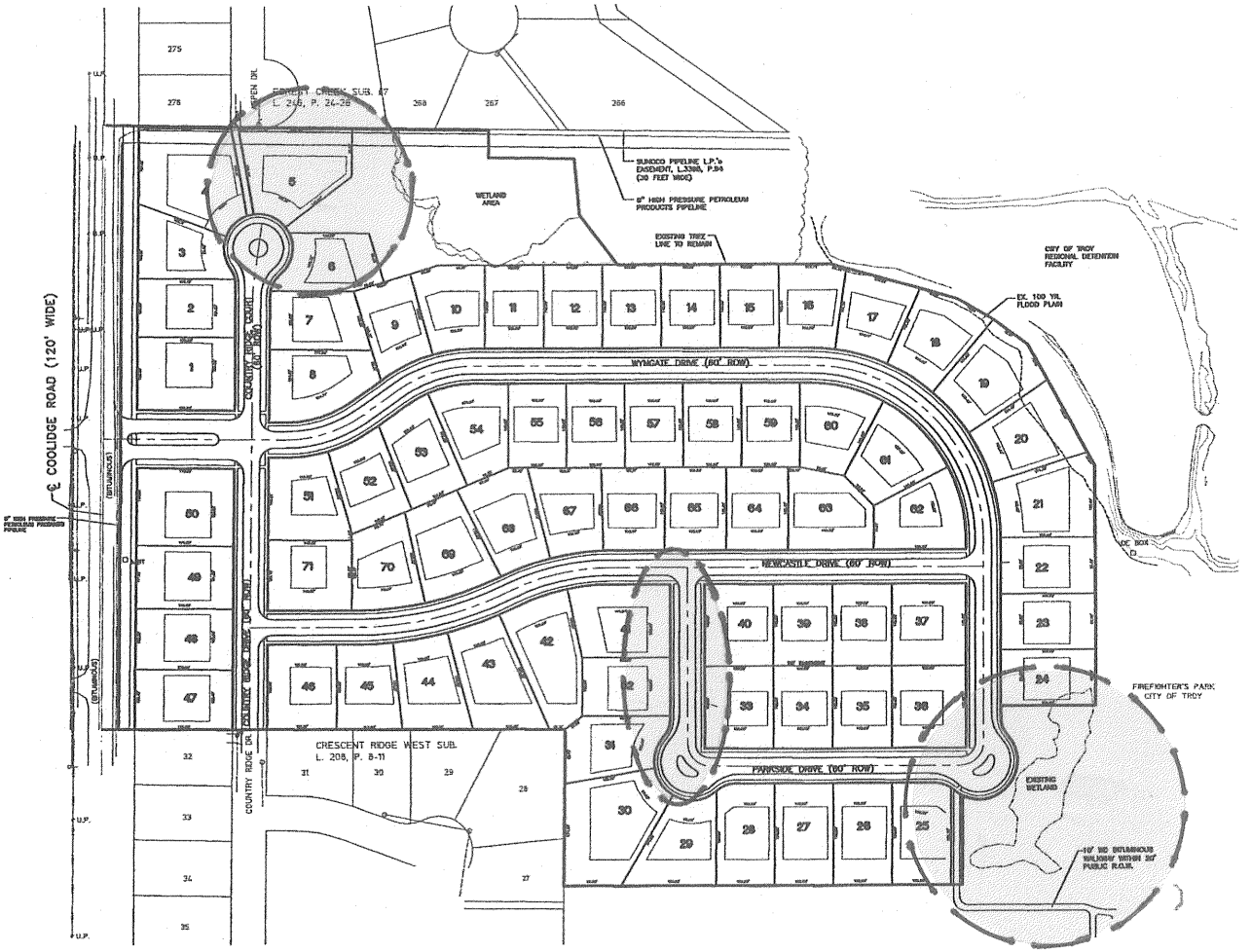
CAD FILE
300609TPP-03-L

11-06-03 UPDATED LOT AREAS
10-07-03 PER CITY
09-12-03 PER CITY AND CLIENT
REVISIONS

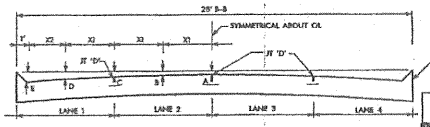
DATE
08-12-03

SCALE 0 50 100
1"=100'

DR. | CH. BJS
P.M. B. BEAUGRAND
BOOK 229
JOB 300609
FILE NO.
LV-1225-29-03



LOT SIZE DATA	
LOT#	AREA (sq. ft.)
LOT 1	21,417
LOT 2	17,169
LOT 3	16,106
LOT 4	28,149
LOT 5	26,021
LOT 6	16,931
LOT 7	16,517
LOT 8	18,782
LOT 9	15,280
LOT 10	16,327
LOT 11	14,935
LOT 12	14,935
LOT 13	14,935
LOT 14	14,935
LOT 15	14,935
LOT 16	15,574
LOT 17	15,689
LOT 18	17,929
LOT 19	19,869
LOT 20	19,939
LOT 21	21,209
LOT 22	16,335
LOT 23	16,335
LOT 24	16,335
LOT 25	17,770
LOT 26	17,689
LOT 27	17,689
LOT 28	17,711
LOT 29	16,398
LOT 30	28,082
LOT 31	17,184
LOT 32	15,734
LOT 33	17,409
LOT 34	14,935
LOT 35	14,935
LOT 36	15,560
LOT 37	15,560
LOT 38	14,935
LOT 39	14,935
LOT 40	17,409
LOT 41	21,888
LOT 42	22,816
LOT 43	21,816
LOT 44	17,771
LOT 45	15,978
LOT 46	18,169
LOT 47	17,988
LOT 48	19,380
LOT 49	18,870
LOT 50	23,041
LOT 51	19,708
LOT 52	15,729
LOT 53	17,037
LOT 54	17,631
LOT 55	14,780
LOT 56	14,780
LOT 57	14,780
LOT 58	14,780
LOT 59	14,780
LOT 60	16,942
LOT 61	17,371
LOT 62	17,463
LOT 63	18,848
LOT 64	15,660
LOT 65	15,660
LOT 66	15,612
LOT 67	18,841
LOT 68	18,834
LOT 69	20,151
LOT 70	15,957
LOT 71	15,149

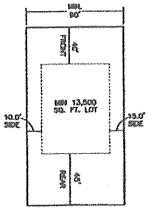


LOCAL STREET

STANDARD STREET

PAVEMENT WIDTH	X1	X2	A	B	C	D	E	LANE WIDTH 1	2	3	4
28'	3'-6"	2'-6"	1"	1½"	1½"	3"	4"	7'	7'	7'	7'
36'	4'-6"	4'-0"	2"	2½"	3½"	4½"	6"	9'	9'	9'	9'
36'	4'-6"	3'-6"	0	½"	1½"	2½"	4"	9'	9'	9'	9'

NOTE: USE 28' ROAD CROSS-SECTION WITH INTEGRAL MOUNTABLE CURB AND GUTTER



TYPICAL LOT LAYOUT
NO SCALE

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SECTION 5 TOWN 2 NORTH, RANGE 11 EAST
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

CLIENT
PULTE LAND DEVELOPMENT CORP.
WYNGATE OF TROY
CONSTRUCTION PLANS
LAYOUT PLAN

CAD FILE 300609CP-05-L

REVISIONS
8/16/04 PER REVIEW MTG. 8/9/04
8/26/04 PER CITY REVIEW 8/19/04
9/28/04 PER CITY REVIEW 9/16/04
3/29/04 PER CITY REVIEW 3/17/04

DATE JANUARY 23, 2004

SCALE 0 50 100
1"=100'

DR. MN/DK | CH. JBT
P.M. J. THOMPSON
BOOK 229
JOB 300609
FILE NO. 4225-19-03

July 13, 2004

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief WSN

SUBJECT: EMS Standby at Public Events

Emergency medical service standby at public events is addressed in the EMS RFP specifications. Alliance Mobile Health agreed to provide standby service to public events with the stipulation that the unit(s) performing the standby be available for emergency calls. EMS units have provided standby for Troy Daze and other events involving large numbers of people.

Typically, event organizers will contact the police or fire department and request EMS standby for specific events. These requests are then relayed to Alliance Mobile Health to determine if the requested standby may impact overall system performance due to day of week, time of day, location or other standby requests. If the request can be accommodated the event organizers are advised and reminded that the EMS unit may be called to service if needed.

If you have any questions, please contact me.

RECEIVED J-09
JUL 13 2004
CITY OF TROY
CITY MANAGER'S OFFICE

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney LGB
DATE: July 12, 2004
SUBJECT: City of Clawson Billboard case

Enclosed please find a copy of the opinion issued by the Michigan Court of Appeals in *ViaCom Outdoor v. City of Clawson*. The City of Clawson's denial of the permit to construct the two proposed signs was upheld on the basis of the size and height restrictions. One of the proposed signs was 12 x 24 feet, and was proposed to be 35 feet tall. The proposed second sign was 14 x 48 feet, and 70 feet high. The Court of Appeals upheld the trial court judge, who opined that the placement of these huge billboards in the residential community of Clawson was akin to "stocking whales in a trout pond." The trial court determined that the size and height limitations of the ordinance were properly and narrowly tailored to address traffic safety and aesthetic concerns, and were compliant with the First Amendment.

Plaintiff ViaCom unsuccessfully argued that the City of Clawson engaged in unlawful exclusionary zoning by prohibiting all billboards in the City. However, the Court of Appeals determined that Plaintiffs had failed to prove that "there is a demonstrated need for the land use within the city or village or the surrounding area," as required by the *Adams Outdoor Advertising, Inc. v. Holland*[1] case. As in *Adams*, the Court was not satisfied with the self-serving affidavit declaring that the demand for billboards exceeds the supply. According to the opinion, Plaintiffs are required to demonstrate a public NEED for additional billboards, rather than just a desire.

The Court of Appeals also reaffirmed the ability of the municipalities to distinguish between accessory (on-site) and non-accessory signs (off-site), without running afoul of the First Amendment. The Court of Appeals relied on the *Gannett Outdoor Co of Michigan v. Troy* case[2] to refute Plaintiff's argument that the Clawson ordinance was not content neutral, since it allowed signs relating to a business on the site, but prohibited off site advertisements. The government's purpose in the regulation is the dispositive element in the content neutral analysis. A content neutral ordinance "reflects no bias, censorship or preference for a particular viewpoint over another."[3]

Although this opinion is considered a victory for Michigan municipalities, the City of Clawson must still modify its sign ordinance to allow readily changeable messages on its permitted signs. The Court of Appeals held that the prohibition of readily changeable messages was not narrowly tailored to achieve a significant government interest. The inclusion of this language effectively precluded sign companies from having any sign, no matter what the size, in the City.

If you have any questions or comments, please feel free to contact me.

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[1] *Adams Outdoor Advertising, Inc. v. Holland*, 463 Mich. 675, 684; 625 NW2d 377 (2001)
[2] *Gannett Outdoor Co. of Michigan v. City of Troy*, 156 Mich. App. 126; 409 NW2d 719 (1986)
[3] *Ward v. Rock Against Racism*, 491 US 781, 791-792; 109 S. Ct. 2746; 105 L.Ed. 2d 661 (1989)

STATE OF MICHIGAN

COURT OF APPEALS

OUTDOOR SYSTEMS, INC, d/b/a INFINITY OUTDOOR,

Plaintiff-Appellant,

v

CITY OF CLAWSON,

Defendant-Appellee.

FOR PUBLICATION
July 6, 2004
9:25 a.m.

No. 245069
Oakland Circuit Court
LC No. 2000-022427-CZ

Before: Schuette, P.J., and Jansen and Bandstra, JJ.

BANDSTRA, J.

Plaintiff challenges the legality of defendant's ordinance that prohibits "billboards," meaning readily changeable signs unrelated to the principal use of the premises upon which they are located. We conclude that, because it advances no government interest, the ordinance's prohibition of readily changeable signs violates plaintiff's First Amendment right of free speech. We reverse and remand.

BACKGROUND FACTS

Plaintiff, now known as ViaCom Outdoor, Inc., engages in outdoor advertising. Specifically, it erects and maintains signs, commonly known as billboards, on property that it owns or leases, and then sells advertising space on those signs. It leased the right to erect and maintain billboards at a number of locations in Clawson. However, Clawson has a zoning ordinance that regulates signs and specifically prohibits billboards. Accordingly, when plaintiff applied for building permits to erect billboards on the leased locations, defendant denied the requests largely on the basis of the billboard prohibition. In addition, the signs that plaintiff sought to erect[1] exceeded the size and height restrictions of the ordinance.

Plaintiff filed this action and moved for a preliminary injunction, alleging that defendant's total prohibition of the billboards violated the city or village zoning act (CVZA),

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[1] The signs plaintiff sought to erect were either 12 by 24 feet (288 square feet), with an overall height of 35 feet, or 14 by 48 feet (672 square feet), with an overall height of 70 feet.

MCL 125.592, and the free speech protection of the First Amendment. The trial court granted defendant's motion for summary disposition and denied plaintiff's motion for summary disposition. Plaintiff appeals as of right.

STANDARD OF REVIEW

This appeal presents questions of statutory construction and constitutional interpretation, both of which we review de novo. *Harvey v Michigan*, 469 Mich 1, 6; 664 NW2d 767 (2003); *Roberts v Mecosta Co Gen Hosp*, 466 Mich 57, 62; 642 NW2d 663 (2002). We also review de novo a trial court's ruling on a motion for summary disposition. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999).

ANALYSIS

Defendant's sign ordinance, Clawson Code § 34-1111, allows large outdoor signage within various zoning districts. In B-1 and B-2 districts, it allows wall-mounted signs up to 150 square feet and freestanding signs, not more than 20 feet tall, up to 80 square feet. In O-2, B-3, I-1 and I-2 districts, it allows wall-mounted signs up to 300 square feet and freestanding signs, not more than 30 feet tall, up to 150 square feet. This section of the ordinance does not specify that any sign permitted by the section must be an accessory sign, i.e., a sign "which pertains to the principal use of the premises upon which such sign is located." Clawson Code, § 34-1102. Instead, there is no limitation whatsoever on the messages that can be placed on the allowed signs.

The main issue presented here is not, therefore, that Clawson does not allow large outdoor advertising signs. Instead, plaintiff challenges the provision of the Clawson ordinance that prohibits "billboards" throughout the city.[2] Clawson Code, § 34-1110(13). A billboard is defined, in pertinent part, as a "nonaccessory sign . . . on which a display can be posted, painted or otherwise affixed in a manner which is readily changed." *Id.*, § 34-1102. A nonaccessory sign is defined as "a sign which does not pertain to the principal use of the premises on which such sign is located." *Id.* Because of the prohibition of billboards, so defined, plaintiff is prevented from doing business within the city of Clawson.

Plaintiff argues that the trial court erred in granting summary disposition to defendant because there is a genuine issue of material fact concerning plaintiff's claim that, by prohibiting billboards, defendant violated § 12 of the City or Village Zoning Act, (CVZA), MCL 125.592, which provides:

---

[2] We recognize that plaintiff also tangentially challenges the size and height limitations of the ordinance. We conclude below that the CVZA does not apply without regard to the size or height limitations of the ordinance. We also conclude below that the trial court did not err in its determination that the size and height restrictions of the ordinance were properly tailored to the governmental interests in traffic safety and aesthetics in satisfaction of First Amendment concerns.

> A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a city or village in the presence of a demonstrated need for that land use within either the city or village or the surrounding area within the state, unless a location within the city or village does not exist where the use may be appropriately located or use is unlawful.

To establish a claim[3] that defendant engaged in unlawful exclusionary zoning under this section, plaintiff had to show, among other things, that "there is a demonstrated need for the land use within the city or village or the surrounding area." *Adams Outdoor Advertising, Inc v Holland*, 463 Mich 675, 684; 625 NW2d 377 (2001). Under the terms of the statute, this showing is a threshold for application of the statute in the sense that a total prohibition of a land use is only proscribed "in the presence of a demonstrated need for that land use." MCL 125.592.

Although the trial court did not reach this question, we conclude that plaintiff failed to meet this burden.[4] Plaintiff supported its assertion of need by presenting the affidavit of a sales manager, Robert Brown, which indicated that demand for billboards in southeast Oakland County exceeds supply. However, we are bound under MCR 7.215(J)(1) by the holding in *Adams Outdoor Advertising, Inc v Holland*, 234 Mich App 681, 698; 600 NW2d 339 (1999) (*Adams I*), aff'd on other grounds in *Adams Outdoor Advertising, supra*, 463 Mich 675 (*Adams II*), that, "while the desire by national, state, and local advertisers for billboards may well demonstrate a *demand* for the billboards, such proofs are not sufficient to demonstrate the requisite public *need* for new billboards." Further, we agree with this reasoning. It extended the analysis of prior precedents extending back to *Fremont Twp v Greenfield*, 132 Mich App 199, 204-205; 347 NW2d 204 (1984) (holding that the CVZA was not violated in the absence of evidence that there was need for additional junkyards within a township). See *Adams I, supra* at 694. Further, presumably any entrepreneur seeking to use land for a particular purpose does so because of its perception that a demand exists for that use. To equate such a self-serving demand analysis with the "demonstrated need" required by the statute would render that language mere surplusage or nugatory, in contradiction of usual principles of construction. *Wickens v Oakwood Healthcare Sys*, 465 Mich 53, 60; 631 NW2d 686 (2001). We conclude that the *Adams* court correctly determined that the statute requires a showing of public need for new billboards rather than a demand for those billboards by advertisers. Plaintiff failed to make that showing and its exclusionary zoning claim under § 12 of the CVZA was correctly rejected by the trial court.[5]

---

[3] For purposes of this discussion, we assume without deciding that billboards are a "land use" within the meaning of this statute.

[4] Defendant did argue below that this was a reason it was entitled to summary disposition and continues to advance that argument in support of the trial court's decision on appeal. As the issue was presented below and the record is sufficient for us to decide it, we can consider it. *D'Avanzo v Wise & Marsac, PC*, 223 Mich App 314, 326; 565 NW2d 915 (1997). Further, we affirm decisions by a trial court if it reached the right result, albeit for the wrong reasons. *Wickings v Arctic Enterprises, Inc*, 244 Mich App 125, 150; 624 NW2d 197 (2000).

[5] Although we need not reach the question, we do not disagree with the trial court's determination that there were no Clawson locations where the signs plaintiff proposed might be

(continued...)

Plaintiff also argues that the trial court erred in summarily dismissing its claim that defendant's prohibition of billboards is an unconstitutional violation of plaintiff's freedom of speech as guaranteed by the First Amendment. US Const, Am I.[6] We agree, in part, with this argument.

Plaintiff first contends that, in its differing treatment of accessory and nonaccessory signs, the ordinance is not content neutral. However, plaintiff's argument reflects a misunderstanding of the proper analysis for determining content neutrality.

> The principal inquiry in determining content neutrality, in speech cases generally and in time, place, or manner cases in particular, is whether the government has adopted a regulation of speech because of disagreement with the message it conveys. The government's purpose is the controlling consideration. A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others. Government regulation of expressive activity is content neutral so long as it is "justified without reference to the content of the regulated speech." [*Ward v Rock Against Racism,* 491 US 781, 791-792; 109 S Ct 2746; 105 L Ed 2d 661 (1989) (citations omitted).]

Accordingly, plaintiff's view that regulations that distinguish between signs concerning accessory (or on-site) and nonaccessory (off-site) matters are content based has been rejected. See *Wheeler v Comm'r of Highways*, 822 F2d 586, 589-590 (CA 6, 1987). In *Gannett Outdoor Co of Michigan v Troy*, 156 Mich App 126, 133-136; 409 NW2d 719 (1986), this Court reviewed the constitutionality of an ordinance that defined accessory signs and nonaccessory signs in a manner similar to defendant's ordinance and placed different restrictions on the two types of signs. This Court held that the ordinance was content neutral, explaining that the ordinance "reflects no bias, censorship or preference for a particular viewpoint over another. Sign regulation in Troy is not based on the city's assessment of the desirability of the ideas expressed on proposed signs." *Id.* at 136. For similar reasons, we reject plaintiff's argument that defendant's ordinance is content based merely because it draws a distinction between accessory and nonaccessory signs.

Nonetheless, even a content neutral restriction on speech must be "narrowly tailored to achieve a significant government interest," *Ward, supra* at 798-799, meaning that it "directly advances" the government interest and "reaches no further than necessary to accomplish the given objective." *Metromedia, Inc v San Diego*, 453 US 490, 507; 101 S Ct 2882; 69 L Ed 2d 800 (1981).[7]

(...continued)

"appropriately located" under the CVZA.

[6] First Amendment limitations on governmental authority are applicable to city ordinances through the Fourteenth Amendment. *Members of the City Council of the City of Los Angeles v Taxpayers for Vincent,* 466 US 789, 792 n 2; 104 S Ct 2118; 80 L Ed 2d 772 (1984).

[7] The "narrowly tailored" requirement applies to both noncommercial speech, see *Ward, supra* and commercial speech, see *Metromedia, supra*, both of which are at issue in the instant case.

Defendant argues that its sign ordinance serves legitimate government interests by promoting traffic safety and aesthetics. These concerns have been recognized in other cases as being sufficient to justify size and height limitations such as those at issue here. See, e.g., *Adams I*, *supra* at 693; and *Gannett*, *supra* at 136. Considering the largely residential nature of Clawson, the lack of any major highway within it and other factors, the trial court determined that the height and size restrictions on signage within the ordinance were appropriately tailored to meet legitimate government interests, likening the placement of huge billboards within Clawson to "stocking whales in a trout pond." We do not conclude that the trial court erred in making this determination.[8]

However, the trial court did not consider the additional burden placed by the ordinance on readily changeable signage. As noted above, a nonaccessory sign is only prohibited as a "billboard" if it displays a message "affixed in a manner which is readily changed." That restriction applies to signs of any size or height. This is a significant feature of the sign ordinance under the facts presented here. Plaintiff's business is to procure and lease large signage space to advertisers and others whose messages are ordinarily carried for relatively short periods of time. Accordingly, those messages must be readily changeable. Thus, this aspect of the ordinance prevents plaintiff from doing business in Clawson, even on signs that satisfy the size and height restrictions of the ordinance.

Defendant offers no justification for this restriction and we can discern none. The traffic safety and aesthetic concerns that justify limitations on size and height for signage certainly cannot apply. Whether a sign is readily changeable or not, it presents the same sort of traffic distraction or aesthetic problem. To the extent that the Clawson ordinance restricts the use of readily changeable signs, it is not "narrowly tailored" to advance a legitimate government interest.

Thus, we conclude that the billboard prohibition within the Clawson ordinance violates the First Amendment. To the extent that the ordinance otherwise allows large outdoor signs, within the size and height limitations discussed above, billboard advertisers like plaintiff must be allowed to procure, build, and lease locations even though their signage is readily changeable.

We reverse and remand for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Richard A. Bandstra
/s/ Bill Schuette

I concur in result only.

/s/ Kathleen Jansen

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[8] For similar reasons, we reject plaintiff's contention that the billboard prohibition constitutes a "complete ban of a medium of expression" contrary to precedents like *City of Ladue v Gilleo*, 512 US 43, 55; 114 S Ct 2038; 129 L Ed 2d 36 (1994). The "medium of expression" at issue here is large outdoor advertising signs. As noted above, the Clawson ordinance allows that medium of expression. We can discern no reason to consider outdoor signage even larger (or taller) than that permitted by the ordinance to be a separate "medium of expression" that deserves separate protection.

April 12, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Proposed 55' Billboard at the Southeast Corner of Crooks and Maple Roads

Earlier this year I sent a letter to Clawson City Manager Joe Merucci indicating that Troy City Management is opposed to the 55' billboard being placed contiguous to our municipal boundary line (see attached). I also advised Mr. Merucci to let us know if Clawson wished to request any legal and/or financial assistance in their court battle with the billboard sign company. Please know that the City of Clawson has already spent close to $200,000 in legal fees relative to this issue.

Mr. Merucci informed me that the Clawson City Council is going to request $50,000 from the City of Troy to continue the lawsuit with the billboard sign company. As such, I'll be forwarding their request to you as a regular business item for the April 22, 2002 City Council meeting.

Please give me a call should you have any questions or concerns.

JS/mr\2002\To M&CC\Proposed Billboard in Clawson

c: Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance & Administration
Gary A. Shripka, Assistant City Manager/Services
Joseph Merucci, [Clawson] City Manager

F-8 Request by Clawson City Council for Financial Assistance

Suggested Resolution
Resolution #2002-04-
Moved by
Seconded by

WHEREAS, The City of Clawson is in litigation with Outdoor Systems, a sign company that wants to construct a 55' high billboard which is in violation of the City of Clawson's sign ordinance; and

WHEREAS, The targeted area for erecting said billboard is contiguous to the City of Troy's municipal boundary line; and

WHEREAS, The City of Troy is opposed to a sign of this magnitude being erected on Troy's boundary line; specifically, at the southeast corner of Crooks and Maple Roads;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy allocates $50,000.00 to the City of Clawson for reason of assisting Clawson in their litigation with Outdoor Systems regarding that company's challenge to Clawson's sign ordinance.

Yes:
No:

F-9 Summer Maintenance Contract – R.C.O.C.

Suggested Resolution
Resolution #2002-04-
Moved by
Seconded by

RESOLVED, That the Summer Maintenance Agreement between the Board of County Road Commissioners of the County of Oakland and the City of Troy, which becomes effective on April 1, 2002, with payment by the Road Commission for Oakland County to the City of Troy in the amount of $30,454.12, is hereby approved, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

Yes:
No: