

AGENDA

Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

SEPTEMBER 27, 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.

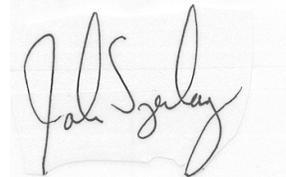
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration is on course with these goals.

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,

A handwritten signature in black ink, appearing to read "John Szerlag", is written over a light blue rectangular stamp or watermark.

John Szerlag, City Manager



CITY COUNCIL

AGENDA

September 27, 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: Pastor Jim Luller - First Baptist Church **1**

ROLL CALL: **1**

CERTIFICATES OF RECOGNITION: **1**

A-1 No presentations or certificates of recognition submitted 1

CARRYOVER ITEMS: **1**

B-1 No Carry Over Items brought forward. 1

PUBLIC HEARINGS: **1**

C-1 Parking Variance Request – 1800 W. Big Beaver 1

C-2 Proposed Zoning Ordinance Text Amendment (ZOTA 479-B) Northeast Corner of Rochester Road and Charrington Road – Section 23 – B-1 to H-S 3

C-3 Proposed Zoning Ordinance Text Amendment (ZOTA 182) for Section 12.50, R-1T – One Family Attached Residential Districts 3

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J-7 Memorandum, Re: I-75 Crooks / Long Lake Interchange Improvement – Revised CORSIM Analysis Report 8

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Jim Luller - First 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 No presentations or certificates of recognition submitted

CARRYOVER ITEMS:

B-1 No Carry Over Items brought forward.

PUBLIC HEARINGS:

C-1 Parking Variance Request – 1800 W. Big Beaver

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

Suggested Resolution

Resolution #2004-09-

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 MLS Equity L.L.C. for waiver of 32 parking spaces at the development at 1800 W. Big Beaver be **APPROVED**.

(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:

- 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.

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 MLS Equity L.L.C. for waiver of 32 parking spaces at the development at 1800 W. Big Beaver be **DENIED**.

Yes:

No:

C-2 Proposed Zoning Ordinance Text Amendment (ZOTA 479-B) Northeast Corner of Rochester Road and Charrington Road – Section 23 – B-1 to H-S

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

Suggested Resolution

Resolution #2004-09-

Moved by

Seconded by

RESOLVED, That the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Road, Section 23, being 21,000 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:

No:

C-3 Proposed Zoning Ordinance Text Amendment (ZOTA 182) for Section 12.50, R-1T – One Family Attached Residential Districts

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

Suggested Resolution

Resolution #2004-09-

Moved by

Seconded by

RESOLVED, That Article XII (R-1T One Family Attached Residential District) and Article XXX (Schedule of Regulations), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182), dated July 1, 2004, as recommended by the Planning Commission and City Management.

Yes:

No:

C-4 Proposed Zoning Ordinance Text Amendment (ZOTA 200) for Article 34.70.00 – One Family Cluster Option

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

Suggested Resolution

Resolution #2004-09-

Moved by

RESOLVED, That Article XII (R-1T One Family Attached Residential District) and Article XXXIV (Residential Development Options), Article IV (Definitions) and Article X (One Family

Residential Districts) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200), dated September 3, 2004, as recommended by the Planning Commission and City Management.

Yes:

No:

C-5 Proposed Zoning Ordinance Text Amendment (ZOTA 199) for Section 03.40 – Site Plan Review / Approval

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

Suggested Resolution

Resolution #2004-09-

Moved by

Seconded by

RESOLVED, That Article III (Site Plan Review/Approval), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199), dated August 4, 2004, as recommended by the Planning Commission and City Management.

Yes:

No:

C-6 Proposed Zoning Ordinance Text Amendment (ZOTA 203) Article II (Changes, Amendments and Approvals)

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

Suggested Resolution

Resolution #2004-09-

Moved by

Seconded by

RESOLVED, That Article II (Planning Commission, Changes and Amendments to the Zoning Ordinance, and Approvals), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 203), dated June 16, 2004, as recommended by the Planning Commission and City Management; and

BE IT FURTHER RESOLVED, That Chapter 40 - City Planning Commission, of the Code of the City of Troy, be repealed, as per the ORDINANCE TO REPEAL CHAPTER 40 OF THE CODE OF THE CITY OF TROY, dated June 16, 2004.

Yes:

No:

POSTPONED ITEMS:

D-1 Minutes: Regular Meeting of September 13, 2004Suggested Resolution

Resolution #2004-09-

Moved by

Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of September 13, 2004 be **APPROVED** as corrected.

Yes:

No:

D-2 Building Permit Moratorium - Resolution Proposed by Council Member Stine

City Council instructed City Management to advance the resolution below for consideration at the September 27, 2004 Council meeting.

Resolution

Moved by Stine

Seconded by Beltramini

BE IT RESOLVED, That a moratorium be placed upon the issuance of any building permit for detached or attached accessory buildings on residentially zoned property where the material is not similar to the main building. That this moratorium be for a period of 6 months or until the City Council approves revisions to our ordinances as they relate to neighborhood compatibility issues currently under consideration by the Planning Commission, whichever comes first.

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 DiscussionSuggested Resolution

Resolution #2004-09-

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**E-2 Minutes: Special Meeting of September 14, 2004, Regular Meeting of September 20, 2004, and Special Joint Meeting of September 22, 2004**Suggested Resolution

Resolution #2004-09-

RESOLVED, That the Minutes of the 7:30 PM Special Meeting of September 14, 2004, the Minutes of the 7:30 PM Regular Meeting of September 20, 2004, and the Minutes of the 7:30 AM Special Joint Meeting of September 22, 2004 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: No City of Troy Proclamations presented.**E-4 Request for Approval of Agreement to Purchase Right-of-Way to the 60 Foot Line for Water Main Replacement – 6316 Livernois Road – Section 3 Water Main Replacement – Project 01.509.5 – Owner: Maurice Genneri and Tarik Toma**Suggested Resolution

Resolution #2004-09-

RESOLVED, That the Agreement to Purchase between Maurice Genneri and Tarik Toma and the City of Troy to purchase right-of-way in fee to the 60 foot line at 6316 Livernois Road, Sidwell #88-20-03-301-018 is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$5,000.00, plus closing costs.

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: No Board and Committee appointments presented.

F-2 ICMA Citizen Survey

Suggested Resolution

Resolution #2004-09-

Moved by

Seconded by

RESOLVED, That City Staff is **AUTHORIZED** to enter into an agreement with the ICMA for a National Citizen Survey to be conducted during November-December, 2004 for an estimated total cost of \$10,700.00 including two open-ended questions.

Yes:

No:

F-3 Preliminary Site Condominium Review: Stone Haven Woods East No. 2 - South Side of Wattles Road – West of Crooks Road – Section 20 – R-1B-PP

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

Suggested Resolution

Resolution #2004-09-

Moved by

Seconded by

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 Site Condominium known as Stone Haven Woods East No. 2 Site

Condominium, and as recommended for approval by the petitioner, City Management and the Planning Commission, located on the south side of Wattles Road, west of Crooks Road, including 4 home sites, within the R-1B zoning district, being 2.02 acres in size, is hereby **APPROVED**.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None presented

G-2 Green Memorandums: None presented

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

H-1 No Council Referral items advanced

COUNCIL COMMENTS:

I-1 No Council Comments brought forward

REPORTS:

J-1 Minutes – Boards and Committees: None submitted

J-2 Department Reports: None submitted.

J-3 Letters of Appreciation: None submitted.

J-4 Proposed Proclamations/Resolutions from Other Organizations: None proposed.

J-5 Calendar

J-6 E-Mail from John Hammond, Re: Political Lawn Signs

J-7 Memorandum, Re: I-75 Crooks / Long Lake Interchange Improvement – Revised CORSIM Analysis Report

STUDY ITEMS:

K-1 No Study Items presented.

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 - No Closed Session requested

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

DATE: September 15, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Miller, Planning Director
Mark Stimac, Director of Building and Zoning

SUBJECT: Public Hearing
Parking Variance Request
1800 W. Big Beaver

We have received an application from MLS Equity L.L.C., owners of the existing office building at 1800 W. Big Beaver, to lease a portion of the office building for medical offices. The proposal would result in 9,599 net square feet being used for medical offices and 4,200 net square feet being used for general office of the existing 21,850 gross square foot building. Section 40.21.70 of the Zoning Ordinance requires that a minimum of 117 parking spaces be provided on a site with this arrangement. The plans submitted with the application indicate that there are only 85 parking spaces available on the site. In response to our denial of the building permit, the applicant has filed an appeal for the deficiency of the 32 spaces.

A Public Hearing has been scheduled for your meeting of September 27, 2004, in accordance with Section 44.01.00. As Mark Stimac will be out of town on this date, Mark Miller will be at this meeting to present the request and answer questions regarding this matter.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan 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
SEP 02 2004
BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 9-2-04

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: MLS Equity LLC - Michael A. Locricchio Phone: 248-822-9010

Address: 1800 W. Big Beaver Road, Suite 100, Troy, MI 48084

Address of Property: 1800 W. Big Beaver Rd., Troy, MI 48084

Lot # _____ Subdivision: _____

Zoning District: 0-1 Sidwell # 88-20-20-476-050

Owner of Property: MLS Equity LLC and Matt Locricchio & Sons, Inc. Phone: 248-822-9010

Address: Same as above

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 8/16/04

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: 117

Number of Stalls? _____ Parking Spaces Provided: 85

Other Dimensions? _____ Variance Requested: 32

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)

Article 40.00.00 of the Zoning Ordinance

The subject property has a 21,850 SF Office building between the 1st and 2nd floors. Currently, the first floor is being occupied by Metzler Locricchio Serra & Co with 5,250 SF of office space and Dynamic Back & Neck Pain Clinic with 4,118 SF of medical space which accounts for 9,368 SF of combined office and medical space after subtracting approximately 5,358 SF of "non-usable" space which consists of approximately 770 SF of an atrium, and bathrooms, common areas, hallways, etc. of approximately 4,588 SF. There is an additional empty (non-occupied) space on the 2nd floor of approximately 7,200 SF (before subtracting out bathrooms, common areas, hallways, etc.).

Using Zoning Ordinance 40.20.63 for Usable Space and 40.21.70 for Calculating Parking Spaces we arrived at the following numbers:

5,250 SF of existing occupied general office x 80% = 4,200 SF/ 200SF = 21 parking spaces required.

4,118 SF of 1st floor occupied medical office x 85% = 3,500 SF/ 100 = 35 parking spaces required.

7,175 SF of 2nd floor future medical office x 85% = 6,099 SF/ 100SF = 61 parking spaces required.

Total spaces required to build out future tenant space as Medical would be 117 spaces. Currently there are 85 spaces available. Owner would need a 32 space variance in order to accommodate a Medical Suite to be built in the empty space for lease on the 2nd floor.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF _____)

RECEIVED
SEP 02 2004
BUILDING DEPARTMENT

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: 9-2-04 Phil Luchio
(Signature of Applicant)

Signed and Sworn to before me this 2nd day of September 2004

Cynthia K. Zenas
Notary Public
My Commission Expires: 11-18-05

CYNTHIA K. ZENAS
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Nov 18, 2005

Filing Fee \$200.00 Date Paid

August 31, 2004

Troy City Council
500 West Big Beaver
Troy, MI 48084

RECEIVED
SEP 02 2004
BUILDING DEPARTMENT

Re: 1800 W. Big Beaver Road

Dear Council Members:

We are in receipt of a letter dated August 16, 2004 from Richard Kessler of the Building Dept. in response to our application for a building permit to alter the second floor of 1800 West Big Beaver for 2 medical tenants, which is currently vacant new construction. Our application has been denied based on our parking lot capacity.

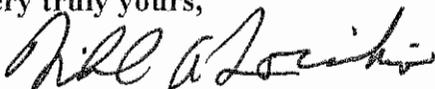
Pursuant to requirements by the City of Troy, Metzler Locricchio Serra & Co., a CPA firm, has been designated 21 parking spaces based on being an office, and Dynamic Neck & Back Pain Clinic, our tenant, has been designated 35 parking spaces based on being medical. These two (2) tenants occupy a complete first floor of 1800 W. Big Beaver.

Metzler Locricchio Serra & Co. uses 18 spaces maximum, of the designated 21 spaces and Dynamic Neck & Back Pain Clinic uses at any given time, maximum of between 25 – 28 spaces. The last 4 days, we have counted cars in our lot at mid-morning and mid-afternoon and have found that the 2 tenants on the first floor occupy a maximum of 35 car spaces. This is substantially less than the required 56 spaces as noted above.

Since we have 85 total spaces and actual use of 35 throughout the day, we have 50 spaces available for the 2nd floor tenants. We propose to obtain a letter from the new tenants a maximum, that they will not require or use more than 42 parking spaces, worst-case scenario.

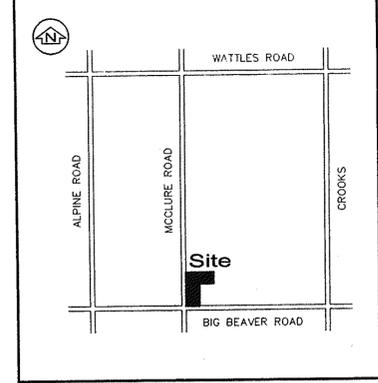
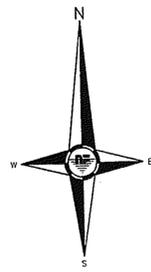
We are applying for a parking variance and respectfully request your consideration for relief from the City requirements. Thank you for your time.

Very truly yours,



Michael A. Locricchio, Member
MLS Equity, L.L.C.

1800 West Big Beaver Road
Suite 100
Troy, Michigan 48084-3531
248.822.9010 Office
248.822.9030 Fax
niscocpa.com



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

RECEIVED
SEP 02 2004
BUILDING DEPARTMENT

PROJECT
**Office Building
Addition**
CLIENT
**M. L. S. & Co.
1800 Big Beaver Rd.
Troy, MI 48084**

PROJECT LOCATION
Part of the S.E. 1/4 of
Section 20 T. 2 N., R. 11 E.
City of Troy, Oakland Co.,
Michigan

SHEET
**As-Built
Water Main &
Sanitary Sewer Plan**



DATE/REVISION

DRAWN BY:
A. Wiseman
DESIGNED BY:
A. Wiseman
APPROVED BY:
A. Orman

DATE:
02-07-03

SCALE:
1" = 20'

N/F JOB NO.
1-B631 SHEET NO.
1 of 1

LEGAL DESCRIPTION

Lot 87 except the South 42 feet, and all of Lot 85 of "Muer's Garden Farms" Subdivision as recorded in Liber 15 of plat, Page 45, Oakland County Records, of part of the S.E. 1/4 of Section 20, T.2N., R.11E., City of Troy, Michigan. Containing 68,163 square feet or 1.565 acres.

STORM SEWER CALCULATIONS

To Manhole Number	Drainage Area (Acres)	Runoff Coefficient (Cp)	Equivalent Area (Sq. Ft.)	Total Area (Sq. Ft.)	Time of Concentration (Minutes)	Revised Intensity (Inches/Hour)	Actual Discharge (CFS)	Pipe Size (Inches)	Pipe Slope (%)	Pipe Length (Feet)	Flow Full Velocity (Ft/Sec)	Time of Flow (Minutes)	Full Pipe Capacity (CFS)	H.G. Elev. Upper End (Feet)	H.G. Elev. Lower End (Feet)	H.G. Slope (1/2 Slope)	Theoretical Velocity (Ft/Sec)	Ground Elevation (Feet)	Change in Elevation (Feet)	Invert Elev. Upper End (Feet)	Invert Elev. Lower End (Feet)
1	0.000	0.01	0.000	0.000	20.61	3.937	3.250	18	0.80	129	2.785	3.7	3.7	722.43	722.10	0.266	2.086	722.60	0.30	721.46	721.10
2	0.000	0.01	0.000	0.000	20.61	3.937	3.250	18	0.80	129	2.785	3.7	3.7	722.43	722.10	0.266	2.086	722.60	0.30	721.46	721.10
2A	0.140	0.01	0.113	0.113	20.00	3.889	0.403	30	0.10	34	2.642	7.0	1.97	724.00	724.09	0.000	0.899	723.99	0.64	722.12	722.00
48" Pipe	0.090	0.01	0.073	0.073	20.00	3.889	0.262	6	1.80	28	2.858	17.6	0.95	724.76	724.76	0.000	0.000	728.00	0.00	721.82	721.56
2	0.000	0.01	0.000	0.000	20.61	3.937	3.250	18	0.80	129	2.785	3.7	3.7	722.43	722.10	0.266	2.086	722.60	0.30	721.46	721.10

DETENTION CALCULATIONS

CONTRIBUTING ACREAGE	1.97 ACRES
ALLOWABLE OUTFLOW	0.20 CFS/ACRE
STORAGE ELEVATION	728.56 FEET
REQUIRED RESTRICTOR AREA	0.027 SQUARE FEET
REQUIRED RESTRICTOR AREA	3.964 SQUARE INCHES

PARKING LOT/YARD DETENTION VOLUME CALCULATIONS

Low Point Structure	High Water Elev. Surface Area (Square Feet)	Depth of Storage (Feet)	Storage Volume (Cubic Feet)
Inlet #3	13,574	1.5	6787.0

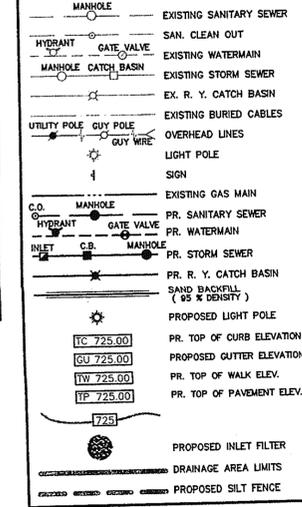
ESTIMATED QUANTITIES:

DESCRIPTION	QUANTITY	UNITS
48" C-76 CL.IV SEWER PIPE	110	L.F.
30" C-76 CL.IV SEWER PIPE	44	L.F.
12" C-76 CL.IV SEWER PIPE	129	L.F.
12" C-76 CL.IV SEWER PIPE	102	L.F.
12" C.M.P. SEWER	10	L.F.
6" PVC SHD.-40 SEWER PIPE	42	L.F.
7" DIA. MANHOLE W/2" SUMP	2	EA.
5" DIA. MANHOLE	1	EA.
2" DIA. LOW-HEAD INLET	1	EA.
4" DIA. LOW-HEAD CB	1	EA.
3" DIA. R.Y.C.B.	1	EA.
12" C.M.P. END SECTION	2	EA.
SANITARY SEWER		
6" SDR 23.5 SAN. LEAD	203	L.F.
WATER MAIN		
4" D.I. CL. 54 WATER MAIN	28	L.F.
4" T.S. W/4" G.V. & BOX	1	L.F.

STORM SEWER SCHEDULE

- 1 EX. CATCH BASIN RIM 728.70 PR. RIM 725.35 PR. 15" N INV 721.10 EX. 12" S INV 721.00 W/ 4" RESTRICTOR
- 2 7" DIA. MANHOLE W/2" SUMP RIM 727.60 15" S INV 721.46 48" N INV 721.56 12" HE INV 721.56 6" SW INV 724.33
- 2A 7" DIA. MANHOLE RIM 728.50 48" EXW INV 721.82 30" N INV 722.09
- 3 2" DIA. INLET RIM 724.85 12" SW INV 723.16
- 4 4" DIA. CATCH BASIN RIM 727.90 30" S INV 721.12 3" DIA. R.Y.C.B. RIM 727.00
- 5 5" DIA. MANHOLE RIM 727.00 48" S INV 723.14

LEGEND



MCCLURE ROAD
60 FT. WD. ROW

PR. SWALE @
1.00% MIN. (TYP)

NEW HYDRANT
AS FIELD OBSERVED BY
NOWAK & FRAUS
ON 06-06-01 EXACT
LOCATION TO BE V.I.F.
BY CONTRACTOR
RELOCATE
PR. RELOCATION
OF FIELD OBSERVED
"NEW HYDRANT"

10 LF-12" CMP
@ 1.00% W/END
SECTIONS

INSTALL
8" x 4" T.S. W/
4" G.V. & BOX
RIM 729.90

REMOVED HYDRANT
HAS BEEN REMOVED
PER NOWAK & FRAUS
FIELD OBSERVATION
ON 06-06-01
CONTRACTOR TO
ESTABLISH NEW
BENCHMARK PRIOR
TO CONSTRUCTION

RELOCATED 8" WATERMAIN (PER CITY REC.)

PR. FIRE DEPT.
CONNECTION
(FDC)

RECONSTRUCT
EX. CATCH BASIN
PR. RIM 725.35
PR. 15" N INV 721.10
PR. 4" S INV 721.00

NO. 1800
EX. 1 STORY BRICK
FRAME BUILDING

PR. SWALE @
1.00% MIN. (TYP)

INSTALL
6" WYE INV 717.00
(ADD RISER IF
REQUIRED) ON
EX. 6" SAN. LEAD.
EX. SAN. LEAD SHALL REMAIN

102' R.O.W. LINE

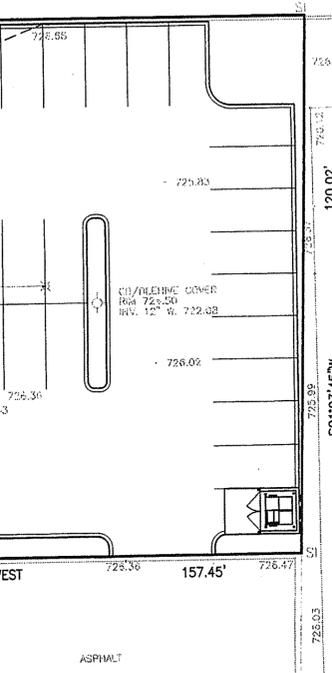
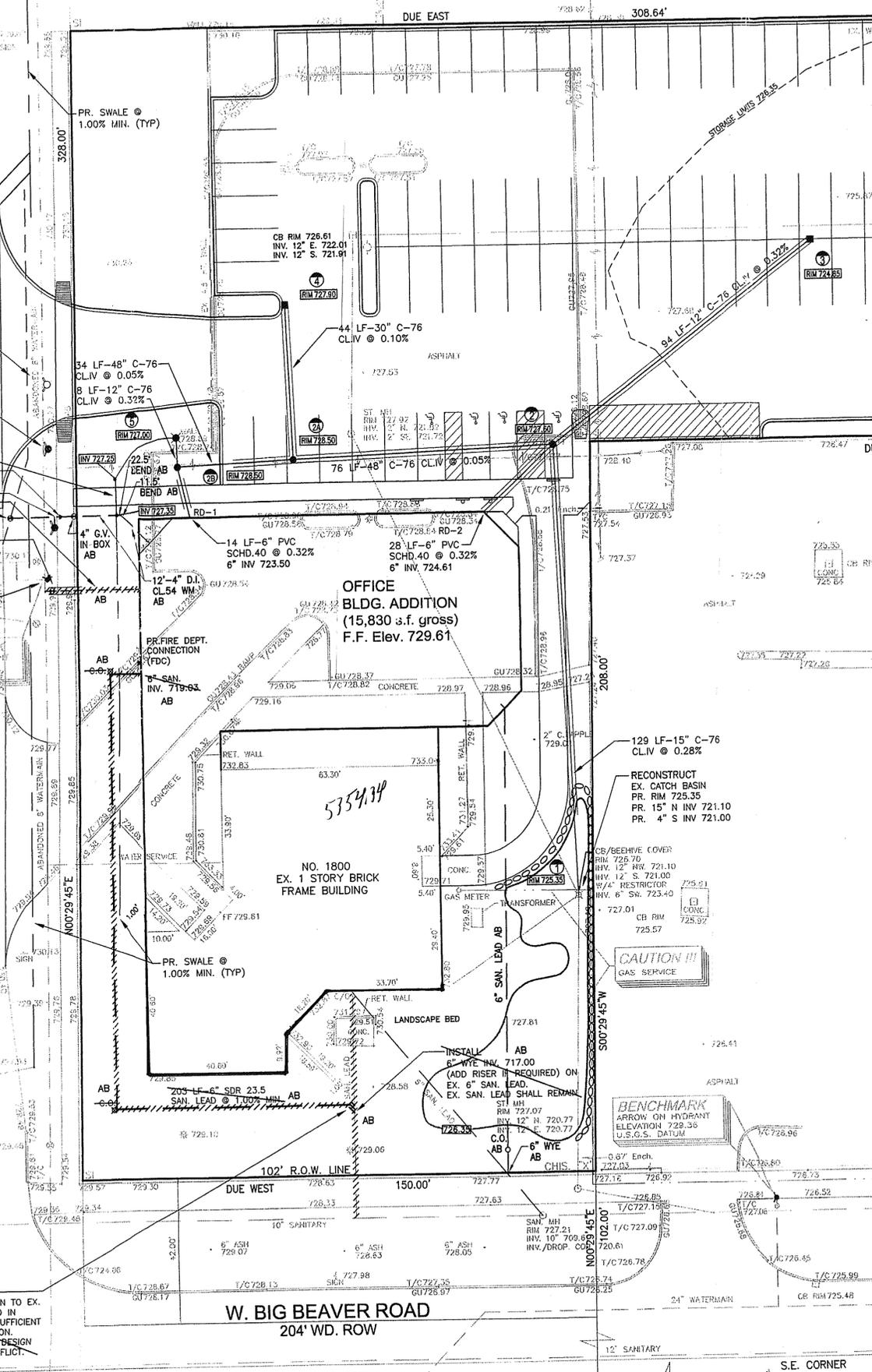
W. BIG BEAVER ROAD
204' WD. ROW

S. 1/4 COR.
SECTION 20
T.2N., R.10E.

DUE WEST 1169.97'

SOUTH LINE OF SECTION 20

DUE WEST 1478.95'



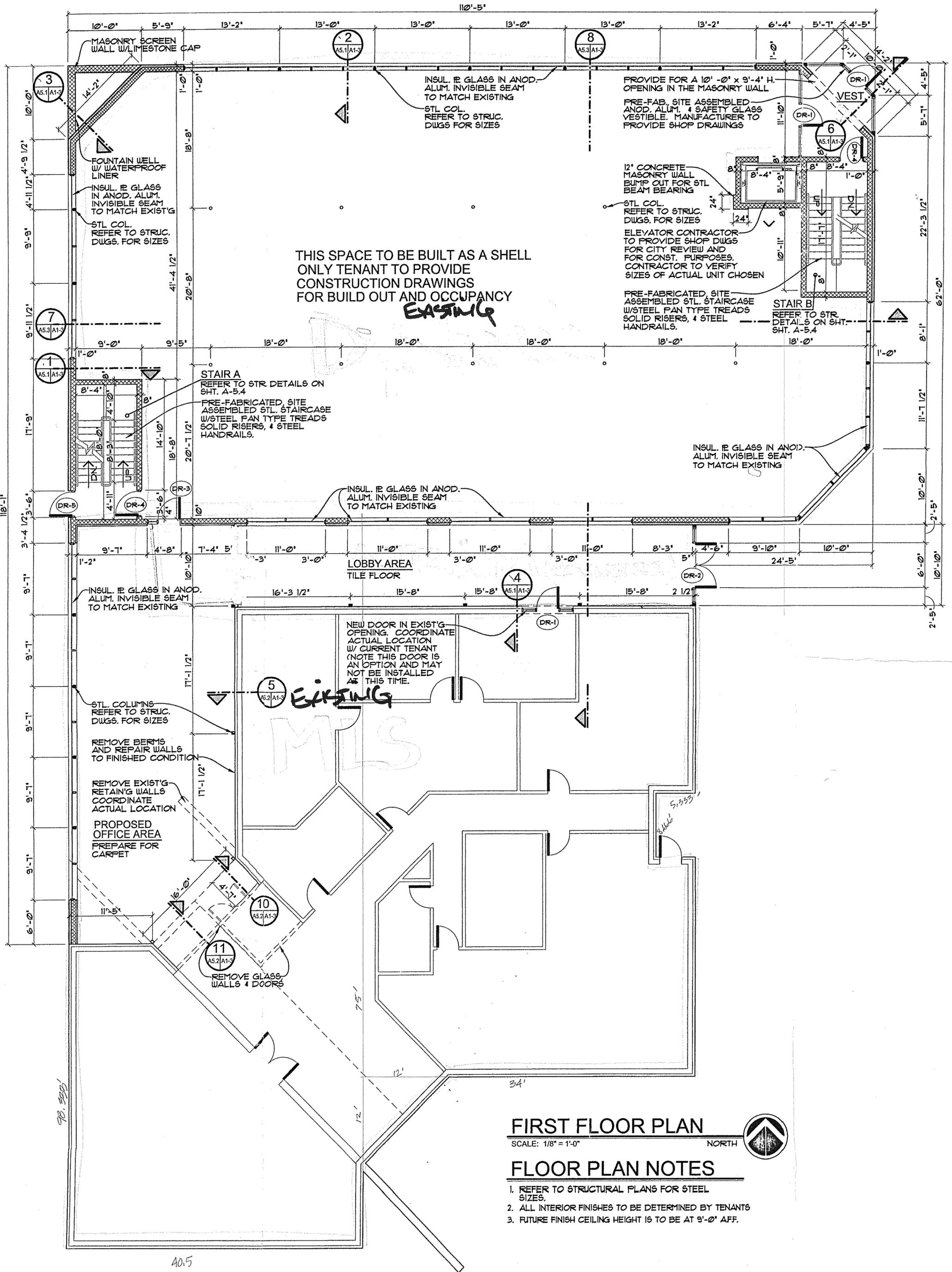
STORM SEWER CALCULATIONS table content.

DETENTION CALCULATIONS table content.

ESTIMATED QUANTITIES table content.



DATE/REVISION



THIS SPACE TO BE BUILT AS A SHELL
 ONLY TENANT TO PROVIDE
 CONSTRUCTION DRAWINGS
 FOR BUILD OUT AND OCCUPANCY

EXISTING

EXISTING

MILS

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

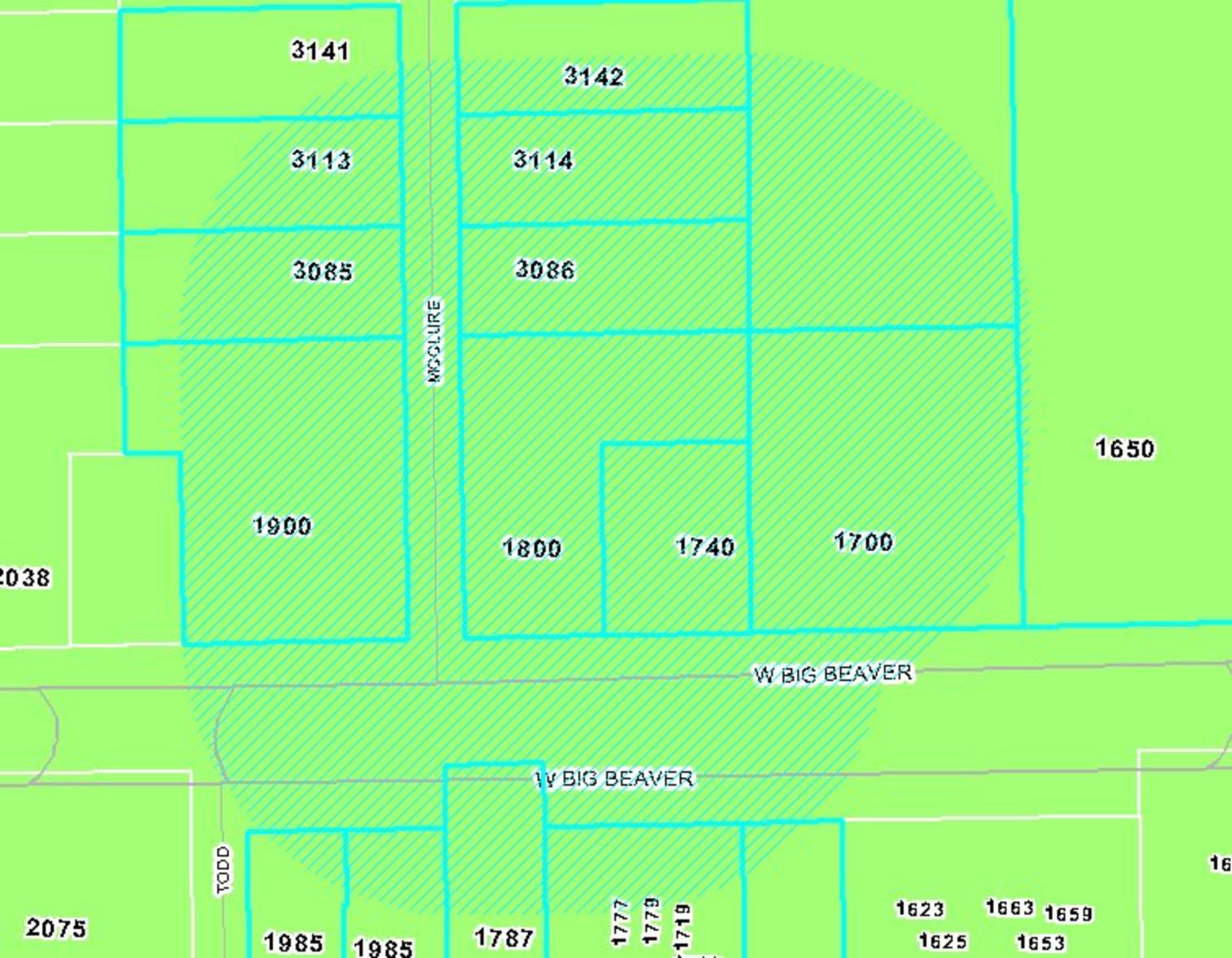
NORTH



FLOOR PLAN NOTES

1. REFER TO STRUCTURAL PLANS FOR STEEL SIZES.
2. ALL INTERIOR FINISHES TO BE DETERMINED BY TENANTS
3. FUTURE FINISH CEILING HEIGHT IS TO BE AT 9'-0" AFF.

USE	GROSS AREA	NET AREA	FACTOR	PARKING REQUIREMENT	PARKING REQUIRED
GENERAL OFFICE		4,297		1/200	21
MEDICAL OFFICE 1 ST FL		3,500		1/100	35
MEDCAL OFFICE 2 ND FL	7,185		85%	1/100	61
TOTAL					117
PARKING PROVIDED					85
DEFICIENCY					32



3141

3142

3113

3114

3085

3086

ENCLOSURE

1650

1900

1800

1740

1700

2038

W BIG BEAVER

W BIG BEAVER

TODD

2075

1985

1985

1787

1777

1779

1719

1623

1625

1663

1659

1653

16

Resolution #
Moved by
Seconded by

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 MLS Equity L.L.C. for waiver of 32 parking spaces at the development at 1800 W. Big Beaver be approved.

Or 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:

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 MLS Equity L.L.C. for waiver of 32 parking spaces at the development at 1800 W. Big Beaver be denied.

Yes:

No:

DATE: September 20, 2004

TO: John Szerlag, City Manager

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

SUBJECT: PUBLIC HEARING - REZONING REQUEST (Z 479-B) – Northeast corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S

RECOMMENDATION

Due to this rezoning case and two other H-S rezonings for existing gasoline service stations, City Management and the Planning Commission have initiated a ZOTA to review the 15,000 square foot minimum land area requirement. This ZOTA will address blight conditions that are occurring at the existing legal non-conforming use service stations throughout the City. A recommended amendment is expected to come before City Council in November or December of 2004.

This application is consistent with the Future Land Use Plan and compatible with the existing zoning districts and land uses. The subject property is 21,000 square feet in area and exceeds the 15,000 square foot minimum site area for service stations. The applicant proposes to redevelop and improve the existing service station. Based upon the existing Future Land Use Plan and Zoning Ordinance, the subject property is an appropriate location for a service station with its location on a major thoroughfare, and its proximity to other service stations and other automobile-oriented uses.

Prudent site planning suggests that consolidation of adjacent properties is desirable. A larger site would allow for the development of a service station that could meet the Zoning Ordinance requirements. However, the property to the east is a residential neighborhood and expansion of commercial zoning into this neighborhood is undesirable and unlikely.

It must be noted that the architectural site plan indicated that the proposed development requires a number of variances, including rear yard building setback and canopy setback. Other potential variances cannot be determined based on the submitted site plan. The applicant requires non-use variances from the Board of Zoning Appeals prior to preliminary site plan approval. However, the Board of Zoning Appeals did grant a canopy setback variance in 1981.

The Planning Commission held a Public Hearing on the proposed rezoning on August 10, 2004. Following the Public Hearing they recommended approval of the application. City Management concurs with the Planning Commission's recommendation.

Note that a resident abutting the subject parcel submitted a valid protest petition, including 65% of required landowners. Attached to the protest petition was a resident petition that was submitted to the Clerk's office on August 5, 2004. Copies of the resident petition were inadvertently excluded from the Planning Commission agenda packets. The Planning Commission was not aware of the resident petition at the Public Hearing.

The resident asked the Planning Commission to reconsider their recommendation based on new information. At the August 28, 2004 Special/Study meeting, the Planning Commission was provided the resident petition prior to deliberating reconsideration of their previous recommendation. It was the opinion of the City Attorney's Office that the Planning Commission can only reconsider its decision on a rezoning request during the same meeting that the decision was made. Planning Commission determined that the rezoning should not be reconsidered. Further, the Planning Commission recommended that City Council be advised pursuant to the City/Village Zoning Act that the rezoning can be approved, denied or remanded back to the Planning Commission for an additional Public Hearing.

GENERAL INFORMATION

Name of Owner / Applicant:

The application lists the owner of the property as Anddraos Kattouah. City records indicate that the owner of the property is Fast Track Acquisitions. The applicant is Anddraos Kattouah.

Location of Subject Property:

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

Size of Subject Parcel:

The parcel is approximately 21,000 square feet in area.

Current Use of Subject Property:

The property is currently used as a Clark gas station, which received site plan approval and was constructed in 1966 and is a legal non-conforming use. The abutting houses to the east were constructed in 1968.

Current Zoning Classification:

B-1 Local Business. In 1981, City Council denied a H-S rezoning request for the subject property.

Proposed Zoning of Subject Parcel:

H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to expand the convenience store. The gasoline pump islands and overhead canopy are to remain as is.

Current Use of Adjacent Parcels:

North: Tax accountant and single-family residence.

South: Restaurant.

East: Single-family residence.

West: Fast food restaurant and tire sales.

Zoning Classification of Adjacent Parcels:

North: B-1 Local Business and R-1C One Family Residential.

South: B-2 General Business.

East: R-1C One Family Residential.

West: B-3 General Business.

ANALYSIS

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

PRINCIPAL USES PERMITTED:

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

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

Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles. Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

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

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

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

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

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

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

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

Uses, other than those specified in 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 Rochester Road and Charrington 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.

cc: Applicant
File (Z-#479-B)

Attachments:

Maps

Letter from applicant, dated June 19, 2004

Rezoning Protest Petition, dated August 2004

Rezoning Resident Petition (no date provided)

Minutes from August 10, 2004 Planning Commission Regular Meeting

Minutes from August 24, 2004 Planning Commission Special/Study Meeting

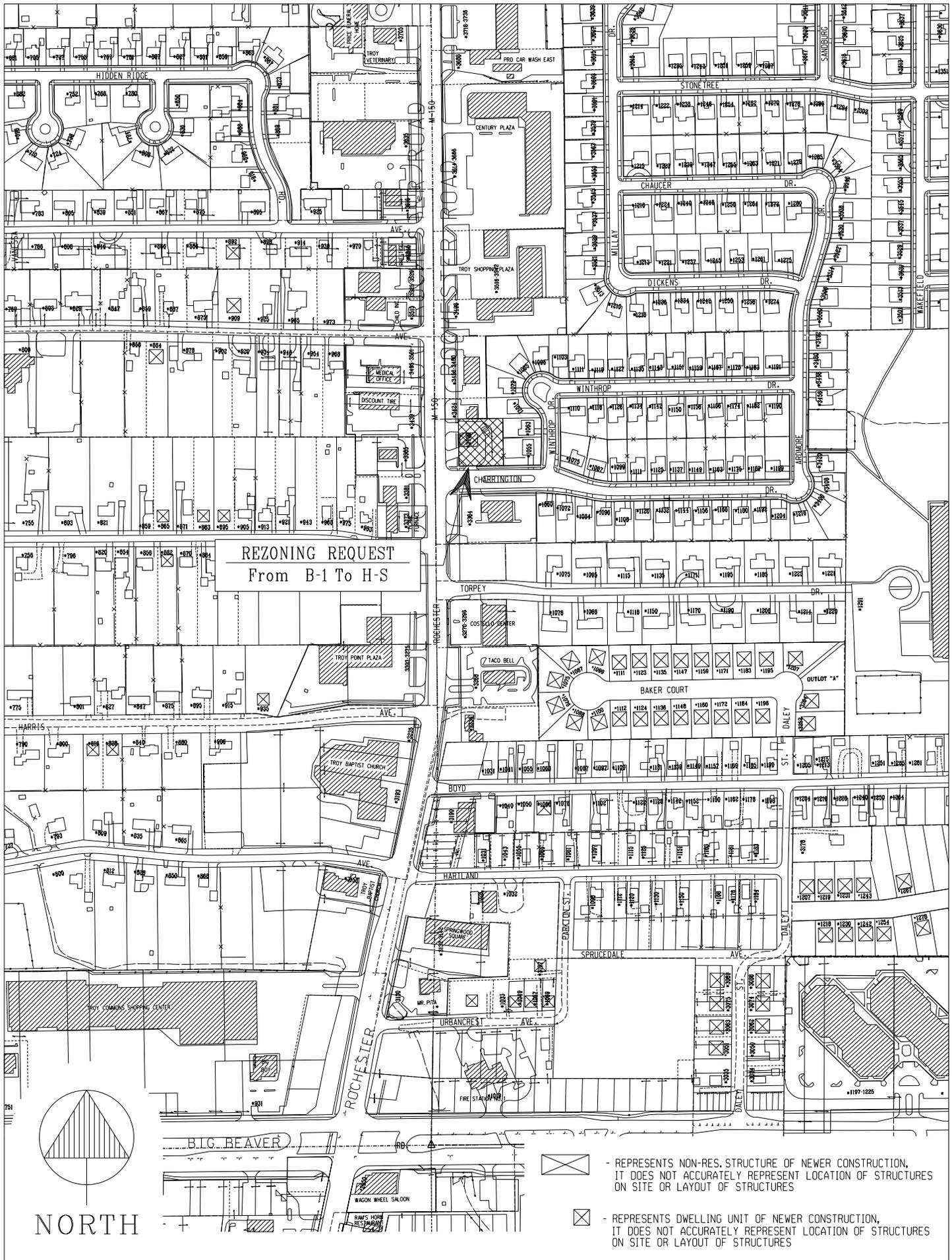
E-mail Letter in opposition of rezoning, dated August 9, 2004

E-mail Letter in opposition of rezoning, dated September 22, 2004

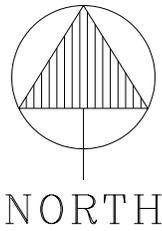
G:\REZONING REQUESTS\Z-479 B Charrington Clark Station Sec 23\CC Public Hearing Memo 09 20 04.doc

CITY OF TROY

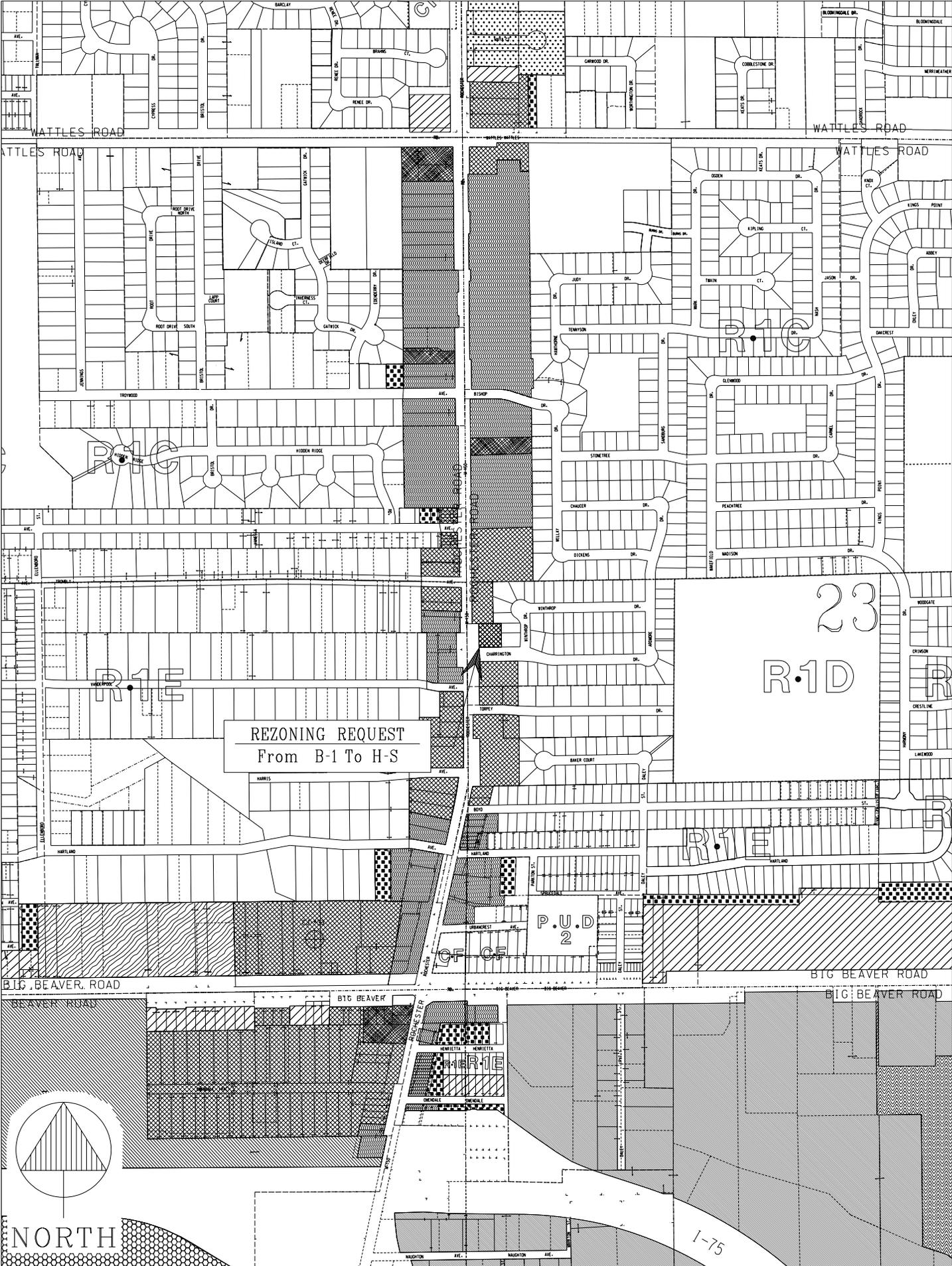




REZONING REQUEST
From B-1 To H-S



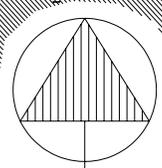
-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



REZONING REQUEST
From B-1 To H-S

23
R-1D

P.U.D.
2



NORTH

I-75

22

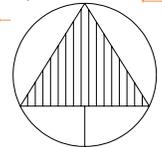
23

M

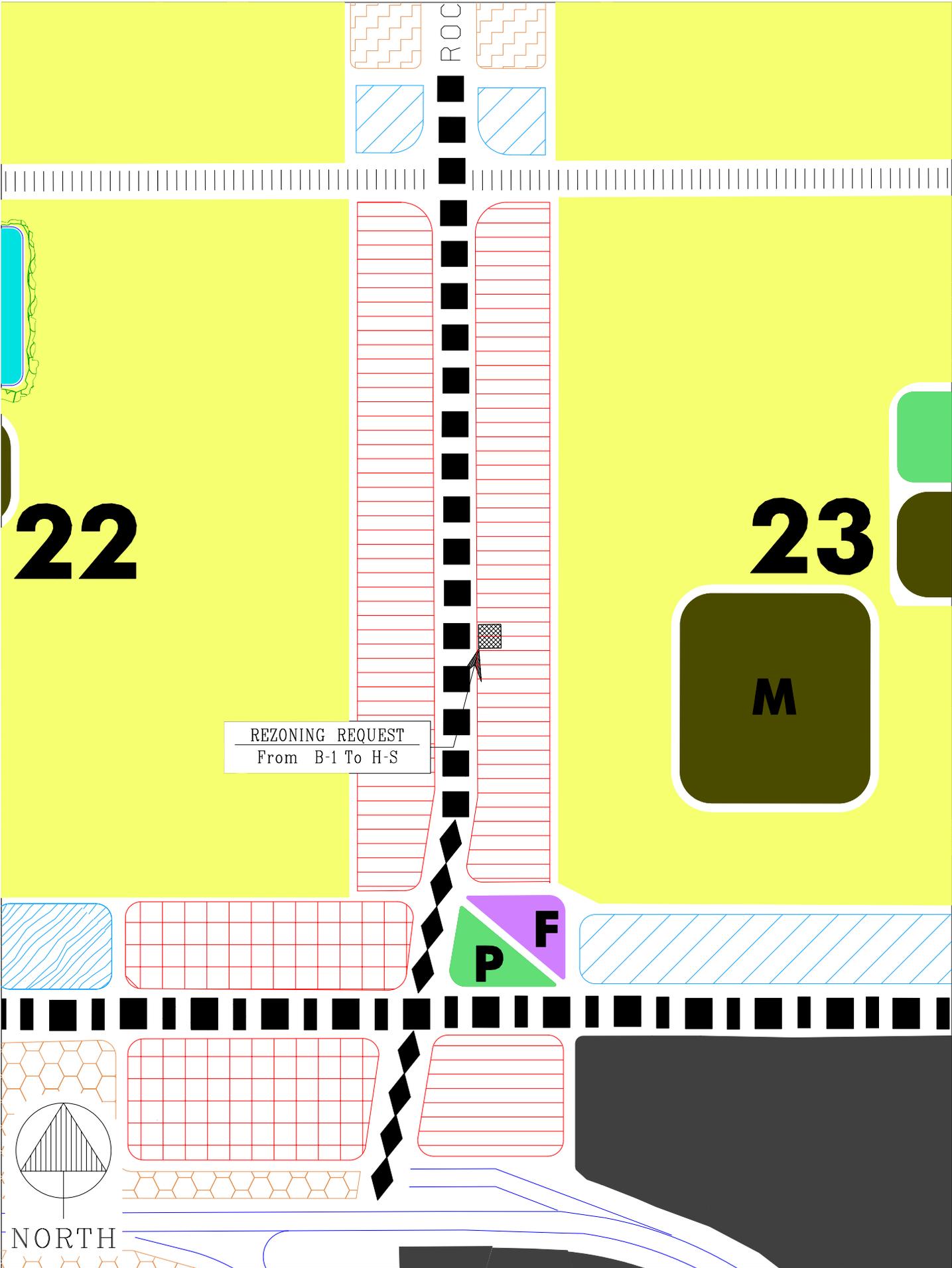
REZONING REQUEST
From B-1 To H-S

ROC

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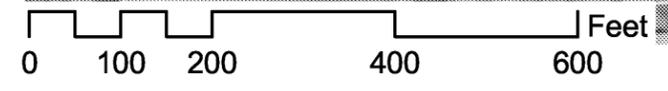


NORTH



REZONING REQUEST
EXISTING CLARK STATION
FROM B-1 TO H-S
E SIDE OF ROCHESTER RD., N SIDE OF CHARRINGTON
SEC. 23 (Z-479 B)

REZONING REQUEST
FROM B-1 TO H-S



SPACE STATION OF TROY

3400 Rochester Road

Troy, MI 48084

248-689-7806

June 19, 2004

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

RE: Proposed Rezoning of 3400 Rochester Road, Troy, Michigan

Dear Commissioners:

We are respectfully requesting that the subject property at 3400 Rochester Road be rezoned from B-1 to H-S. As you are aware, the current property use is an automotive service station with a small sales building. Because the current use is a non-conforming use in a B-1 zoning district, it cannot be expanded. The purpose of the rezoning request would change the property to H-S (which is the correct zoning for the current use) and allow the existing sales building to be expanded. The existing fuel pumps, islands and canopy would remain as-is.

Because of the very competitive nature of automotive fuel sales, the current trends are to provide generous amounts of merchandise and goods similar to a neighborhood style convenience store (7-11 style) which allows for the sales of these types of items to support the fuel sales portion of the business. The existing location is extremely small and only a very small inventory can be maintained. If the rezoning cannot be accomplished and the sales area not expanded, it is almost impossible to maintain the fuel-sales only business. It is very difficult and costly to redevelop old automotive service station properties into other uses and if the current business were to close, it would potentially create an eyesore in the neighborhood.

The proposed expansion would not be detrimental to the existing neighborhood because it will provide a convenience store in close proximity to residential subdivisions in the area. The closest convenience store is over one mile from the current location. The expansion of the existing location would allow the residents nearby to have a convenient place to obtain small items. The expanded building and upgraded landscaping would also provide a better buffer between the fuel pumps and the residences to the east. Because of this, the proposed expansion would be beneficial to the owner and the community.

We are requesting that you understand our position and consider the benefits to everyone involved. Thank you in advance for your consideration and time.

Sincerely,

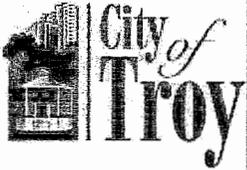


ANDDRAOS G. KATTOUAH
President

RE

JUN 28 2004

PLANNING



Rezoning Protest Petition

RECEIVED
CITY OF TROY

2004 AUG -5 PM 4:09

REC'D

AUG 11 2004

Submit this form to: City Clerk's Office
City of Troy
500 W. Big Beaver
Troy, MI 48084

Date: PLANNING DEPT.
August, 2004

Contact Person: MR. JOHN DUDER
Address: 1071 WINTHROP
City: TROY State: MI Zip: 48083
Telephone: 248-619-0362

Rezoning case being protested:

Case #: Z-479B Applicant Name: Andros G. Kattouah

What is a valid rezoning protest petition?

If a valid rezoning protest petition is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of two-thirds of all Council members. A simple majority can approve all other rezoning requests. To be considered valid, the protest petition must:

- (1) Be signed by the owner(s) of twenty percent (20%) or more of the area of land included in the proposed change **or** be signed by the owner(s) of twenty percent (20%) or more 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. **Publicly owned land shall be excluded in the calculating the twenty percent (20%) land area requirement.**
- (2) Be signed by all persons having an ownership interest in the property as represented on the property deed - i.e., both spouses, the managing partner of a partnership, etc.
- (3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.
- (4) Be submitted to the office of the City Clerk, 500 W. Big Beaver, at or before 12:00 p.m. on the date the Rezoning is scheduled for action by the City Council.

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.

Rezoning Protest Petition

100 FT BUFFER EXCL. PUBLIC PROP = 42272.50 S.F.
20% OF 100' BUFFER = 8454.50 S.F.
4 VALID SIGNERS = 27450.49 S.F. (65% OF BUFFER)



Statement of Opposition:

We, the undersigned property owners, hereby protest the proposed Rezoning from the B-1 zoning district(s) to the H-S zoning district(s) Rezoning case identified above, applicant name Andros G. Kattouah

The Rezoning is scheduled for action by the City Council on _____ (date)

The reason(s) for this protest is/are: increasing safety concerns, noise, traffic, congestion, and our neighborhood will become a short cut for through traffic.

Print Name (clearly): JOHN DUDEK Date: August 4, 2004

Description or Parcel # of Parcel(s) Owned: _____

Signature: John Dudek

Address: 1071 WINTROP

W/in 100 ft. ✓

Print Name (clearly): MARJAN JESIH Date: AUGUST 4, 2004

Description or Parcel # of Parcel(s) Owned: _____

Signature: Marjan Jesih

Address: 1079V WINTROP

W/in 100 ft. ✓

Print Name (clearly): EDITH P. CONNELLY Date: 8-4-04

Description or Parcel # of Parcel(s) Owned: _____

Signature: Edith P. Connelly

Address: 1087 WINTROP

Print Name (clearly): TROMBY INVESTMENT CO Date: 8-5-04

Description or Parcel # of Parcel(s) Owned: 3495-3503 ROCHESTER, TROY, MI

Signature: James Jablonski mgr

Address: 3503 Rochester Rd, Troy, MI 48083

Print Name (clearly): PELLUMB GEGA Date: 8/5/04

Description or Parcel # of Parcel(s) Owned: _____

Signature: Pellumb Gega

Address: 1063 WINTROP TROY MI 48083

W/in 100 ft. ✓

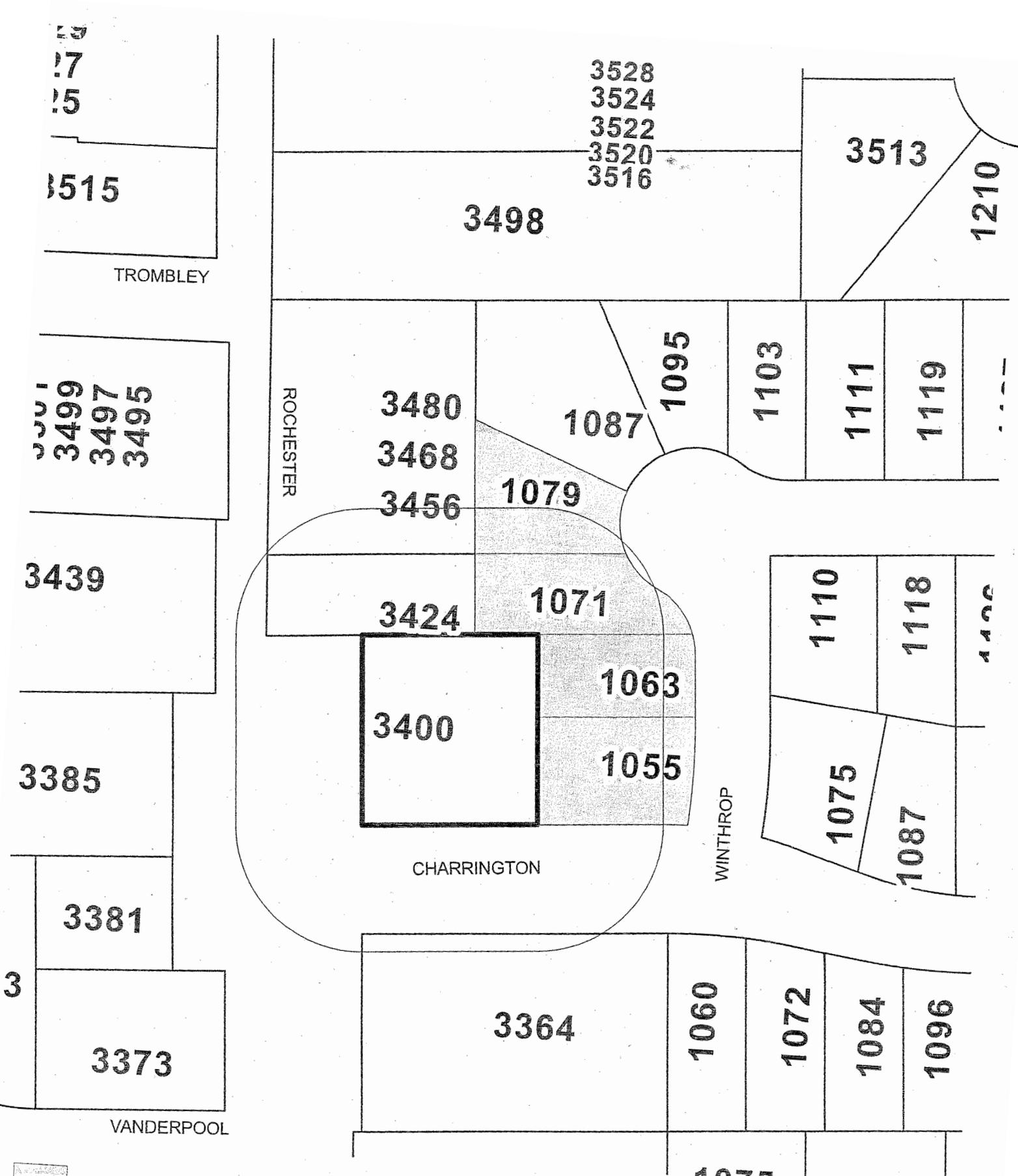
Print Name (clearly): ARBEN BEJLERI Date: 8.5.04

Description or Parcel # of Parcel(s) Owned: _____

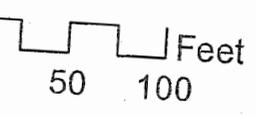
Signature: Arben Bejleri

Address: 1055 WINTROP TROY MI 48083

W/in 100 ft. ✓



 PROPERTIES WITHIN 100 FT BUFFER WHICH HAVE SIGNED PROTEST PETITION



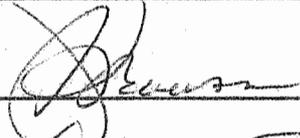
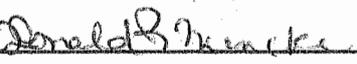
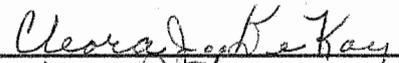
We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 JOHN DUDEK	1071 WINTHROP	248 619 0362	John Dudek
2 MARJAN JESIH	1079 WINTHROP	248-689-6653	Marjan Jesih
3 EDITH P. BONWELL	1087 WINTHROP	248 528-9107	Edith P. Bonwell
4 SHIRLEY Merby J. J. J. J.	1119 WINTHROP	248-689-4770	Shirley Frazier
5 WILLIAM DENNIS	1111 WINTHROP	248-528-1777	William Dennis
6 RICHARD W. PETRIE	1110 WINTHROP	248-689-3923	Richard W. Petrie
7 PATRICIA DUDEK	1071 WINTHROP	248-619-0362	Patricia Dudek
8 Carrie Keifer	1099 Charrington	248-689-6922	Carrie Keifer
9 MARIAN MULLIGAN	1087 CHARRINGTON	248-680-1844	Marian Mulligan
10 Donna Merby	1144 Charrington	(248) 524-3875	Donna Merby
11 JIM MERBY	1144 CHARRINGTON	248 524 3875	Jim Merby

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 Mrs R. McCullen	1156 Charrington	248 6894050	Mrs R. McCullen
2 ROBERT McCullen	1156 CHARRINGTON	248 689 4050	Robert McCullen
3 JEFF BONTASAS	1216 CHARRINGTON DR.	248-528-2342	Jeffrey N. Bontasas
4 Marie Weber	1191 Winthrop Dr.	248-680-0810	Marie J. Weber
5 John Morrison	1166 Winthrop Dr.		John Morrison
6 Mark Smith	1127 Winthrop Dr.	248-457-1968	Mark Smith
7 PELLEMB. GEGA	1063 Winthrop DR	248-680-0124	Pellemb Gega
8 ARBEN BEJLERI	1055 WINTHROP	248 457-0176	Arben Bejleri
9 RICHARD STACHO	1096 CHARRINGTON	248-528-2015	Richard Stacho
10 FRANK LUCKEN	3456 ARDMORE		Frank Lucken
11 CAROL LUCKEN	1453 BOYD		Carol Lucken

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 JEANIE KRAUSS	3468 ARDMORE DR.	248-689-9735	
2 DEBORAH SWAIN	1190 WINTHROP	248-689-3491	
3 Devon Mencke	1151 Winthrop Drive	248-619-0355	
4 Don Mencke	1151 Winthrop Drive	248-619-0355	
5 Cleora J. Dekay	1134 Winthrop	248-689-2728	
6 TIMOTHY J. GOHR	1126 WINTHROP	248-740-3250	
7			
8			
9			
10			
11			

7. PUBLIC HEARING – PROPOSED REZONING (Z 479-B) – Existing Clark Gas Station, Northeast corner of Rochester Road and Charrington Drive (3400 Rochester Road), Section 23 – From B-1 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning of the existing Clark Gas Station. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application. He noted the petitioner would be required to obtain a number of variances from the Board of Zoning Appeals prior to meeting zoning ordinance requirements for preliminary site plan approval. Mr. Savidant also noted that the Planning Department has one written objection to the proposed rezoning on file.

Mr. Savidant clarified that a site plan for the development has not been distributed to the Commission, and that the Commission's consideration at tonight's meeting is the proposed rezoning only.

Mr. Schultz asked what the rear yard setback requirement would be for the development, in relation to the residential property to the east.

Mr. Savidant replied the rear yard setback requirement in the H-S zoning district is 30 feet except when the development abuts a residential district, in which case the setback requirement is 75 feet.

Mr. Miller stated that recently the Planning Department has received rezoning applications from a number of service stations. The service stations are requesting the H-S zoning classification in order to eliminate their non-conforming use status. Mr. Miller said that many of the City's service stations are old developments, and noted that the subject service station for rezoning consideration tonight has been in existence prior to the residential neighborhood to the east. Mr. Miller related that in the early 1980's, the intent of the City was to discourage the development of service stations. Because the service stations are not going away and because they cannot redevelop as non-conforming uses, the current thinking of City Management is that it would be better to rezone the properties and work with the petitioners to create safe, efficient and modern facilities.

John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present. Mr. DeBruyne said the petitioner is going through the proper channels to eliminate the non-conforming use, and noted the ultimate goal is to expand the retail portion of the establishment. Mr. DeBruyne confirmed that the service station would continue to service its customers with gasoline.

PUBLIC HEARING OPENED

Nels Bejleri was present to speak on behalf of his father, Arben Bejleri of 1055 Winthrop Drive, Troy. Mr. Bejleri expressed objection to the proposed rezoning. He cited concerns with the proposed development should the proposed rezoning be approved. The major concerns are the elevation of the development in relation to the residential homes to the east and the increase in parking and traffic with the expansion of the service station.

Chair Waller stated that concerns related to elevation, water flow and traffic are very valid, and the Commission would take into consideration all those concerns at the time the preliminary site plan is before the Commission for review and approval. He encouraged residents who are in opposition to the proposed rezoning and potential expansion of the service station to voice their concerns with the Planning Department, the Board of Zoning Appeals and the City Council.

Don Mencke of 1151 Winthrop Drive, Troy, was present. Mr. Mencke said he and some neighbors are concerned about the potential increase in traffic, traffic safety when crossing Rochester Road, elevation, property devaluation and the facility operating 24 hours. Mr. Mencke said the facility has not been taken care of by the owner until recently, and suggested that the rezoning be tabled for a couple of years to see how the owner takes care of the property. Mr. Mencke asked why the property must be rezoned to the H-S district.

Mr. Chamberlain briefly explained that the service station is required to be zoned in the H-S zoning district before any improvements can be made to the property.

John Mulligan of 1087 Charrington, Troy, was present. Mr. Mulligan said he and the neighbors are concerned that should the rezoning be approved, it leaves the property wide open for development. He also expressed concerns with the larger building and the potential of increased traffic, especially for cross traffic at Rochester Road.

The petitioner and property owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was present. Mr. Kattouah said he understands the concerns expressed by the residents. He stated that it is not his desire to run a 24-hour operation, to sell alcohol, or to own a gas station. Mr. Kattouah said he purchased the gas station for his wife because everybody in her family has a gas station, and the business is not his main source of income. Mr. Kattouah said he has had the service station for the past nine months, and it has taken some time to become familiar with the property and business. He said he is requesting to have the property rezoned to eliminate the non-conforming use and to improve on the only eyesore in the entire block. He would like to add an additional 1,400 square feet to the facility and provide retail of essential items to the nearby residents. Mr. Kattouah said the closest convenience store is over one mile from the service station. Mr. Kattouah, a State-licensed residential appraiser, said the expansion

of the service station would have no negative effect on the value of the nearby residential homes.

PUBLIC HEARING CLOSED

Mr. Miller gave a brief explanation of the requirements placed on a non-conforming use in relation to site improvements. Mr. Miller noted that the subject parcel has a history of minor violations (i.e., litter, tall grass), which have all been resolved at this time. Mr. Miller stated that the charge of the Commission tonight is to look at the appropriateness of the proposed rezoning district at this location. He explained the procedure of a Special Use Approval that would be required for improvements to the service station, and the Planning Commission's discretionary control over the site as a Special Use.

Resolution # PC-2004-08-089

Moved by: Chamberlain
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Drive, within Section 23, being 21,000 square feet in size, be granted.

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Waller, Wright
No: Vleck
Absent: Littman

MOTION CARRIED

Mr. Vleck said he agrees that the site needs to be redeveloped and understands it cannot make major improvements because of its non-conformity. He said he wished there was a way to be more flexible with different options.

7. RECONSIDERATION OF REZONING REQUEST – Northeast corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B)

Mr. Miller reviewed the rezoning request that was considered and recommended for approval at the August 10, 2004 Planning Commission Regular Meeting. Mr. Miller reported that subsequent to the regular meeting, a resident brought to the City's attention that he had submitted an official protest petition and a resident petition in opposition to the proposed rezoning to the City Clerk's Office. The resident said the resident petition of opposition was specifically addressed to both the Planning Commission and City Clerk. Mr. Miller explained that the protest petition is a matter for City Council, but the intent of the resident was to get the resident petition of opposition in front of the Planning Commission at their August 10, 2004 meeting. He asked that the Planning Commission consider the reconsideration of the rezoning request based upon the information that was not presented to the Commissioners at the August 10 Regular Meeting.

Mr. Miller provided an explanation of the official protest petition. Mr. Miller said the Planning Department's recommendation for approval of the proposed rezoning as submitted would not change should there be a reconsideration of the matter.

Mr. Motzny reported there is no provision for reconsideration of matters in the Planning Commission Bylaws or Zoning Ordinance. Mr. Motzny said his previous opinion has not changed; that is that Robert's Rules of Order for reconsideration would have to take place at the very same meeting in which the initial vote was taken. Mr. Motzny does not believe a reconsideration of the matter is appropriate. He noted that the only time it may be appropriate is if the Commission thought the initial Public Hearing or procedure was defective and not a valid Public Hearing. Mr. Motzny said another way a matter could be reconsidered is that the Commission decides to suspend Robert's Rules of Orders to allow the reconsideration. Mr. Motzny said the residents who signed the petition have an opportunity to voice their objections to the City Council, and City Council has an option to remand the matter back to the Planning Commission.

It was noted that the petitioner of the rezoning request was not present at tonight's meeting.

Mr. Vleck said the Commission could be opening up a can of worms and cautioned that careful consideration is given to the reconsideration of the matter.

Mr. Khan believes the Commission should not reconsider the rezoning request. He said the residents had an opportunity to speak at the scheduled Public Hearing.

Mr. Schultz said the rezoning request should not be reconsidered based on the advice given by legal counsel. He said a precedent would be set.

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek's property is adjacent to the service station. Mr. Dudek stated the Planning Department was helpful in providing information on the rezoning request and the process to follow if residents are in opposition to a proposed rezoning. Mr. Dudek created his own petition of opposition and collected 28 signatures from residents on August 4, 2004. On August 5, Mr. Dudek submitted to the City Clerk the official protest petition obtained from the City's website and the petition of opposition he created signed by 28 residents. He said the City Clerk's office had no idea how to handle a protest petition, that it was the first time they had ever received one. Mr. Dudek said he gave the Clerk's Office both petitions, which were date stamped. The Clerk's Office inadvertently stapled his created resident petition under the official protest petition. He said the Clerk's Office informed him they would take care of it, but it was never presented to the Planning Commission at their August 10, 2004 Regular Meeting. Mr. Dudek said the 28 people who signed the petition would have been at the Public Hearing to voice their opposition, but they felt the signed petition was an adequate voice. Mr. Dudek said he understood the Commission's beliefs that a reconsideration of the rezoning would set a precedent and a can of worms might be opened, but he feels the circumstances in this matter are very unique. He said the matter was not handled appropriately; nor maliciously – it was an accident. Mr. Dudek said he believes that the rezoning should be reconsidered and he would like to voice his concerns relating to the rezoning. He was unable to attend the Public Hearing because he was out of town. Mr. Dudek said he did everything in his power to voice his concerns, and his voice was never heard because the Planning Commission never saw the petition he developed. Mr. Dudek referenced the proposed PUD previously discussed at tonight's meeting wherein it was stated that it is very important to get neighborhoods involved and voices heard on proposed developments. He said this situation is a clear example that the voices of citizens and neighborhood residents have not been heard.

Mr. Miller confirmed that the proposed rezoning has not gone before the City Council yet, and that there will be a Public Hearing at the September 27, 2004 City Council meeting.

Chair Waller said mix-ups similar to what happened in the City Clerk's office just happen. He cited the three options of City Council: approve the rezoning, deny the rezoning, or remand the matter back to the Planning Commission.

Mr. Miller confirmed that the City Council would be provided a report similar to the one provided to the Planning Commission, along with the recommendation of the Planning Commission and City Management.

Mr. Schultz said he would like to see a communication sent to the City Council advising them that the petitions were not a part of the Planning Commission package, so that City Council will give the matter more weight. Mr. Schultz does not support reconsideration of the entire item at this point. He thinks it would be

fair to the residents who signed the petition that a complete disclosure be provided to the City Council why the Planning Commission did not see the petitions relating to the proposed rezoning prior to its review and recommendation.

It was confirmed that notices would be sent to property owners adjacent to the proposed rezoning notifying them of the Public Hearing before the City Council.

Mr. Vleck said the City Council should also be advised of its option to remand the matter back to the Planning Commission.

Mr. Strat stated that the opinion of legal counsel should be incorporated in the City Council report and recommendation.

Mr. Motzny suggested the appropriate motion might be to insure that the correspondence from citizens and the action taken at tonight's meeting is delivered to the City Council.

Resolution # PC-2004-08-099

Moved by: Vleck

Seconded by: Strat

RESOLVED, That the City Council be informed that the petition originally sent to the Planning Commission was inadvertently misplaced and the Planning Commission never received it, and that information was not taken into consideration in the motion; and also that the City Council be informed that one of their options is to remand the item back to the Planning Commission.

Discussion on the motion on the floor.

Mr. Schultz requested that the motion be amended to include the recommendation of legal counsel and that the Planning Commission Bylaws do not afford the Commission the opportunity for a reconsideration other than on the exact night of the action, and based upon that, the Planning Commission asks that the City Council be thoroughly informed of the situation and the recommendation of legal counsel.

All members were in favor.

Vote on the motion as amended.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

Mr. Dudek asked that the 28 citizens who signed the petition be informed as to why the petition was not presented at the August 10, 2004 Regular Planning Commission Meeting.

Chair Waller replied to Mr. Dudek that he had no answer to his request tonight, but the request would be taken into consideration.

Mr. Dudek said he would stay in contact with Mr. Miller.

Paula P Bratto

From: jjboling [jjboling@wideopenwest.com]
Sent: Monday, August 09, 2004 10:09 PM
To: planning@ci.troy.mi.us
Subject: Opposition to request of rezoning of Clark Gas Station on Rochester Road

Dear Planning Commissioners:

We are writing to express our opposition to the proposed rezoning the Clark Gas Station at the corner of Rochester Road and Charrington Drive . We have lived on Charrington Drive for 36 years and know the area well.

We oppose the change in zoning for the following reasons:

1. There is enough traffic at that corner already and by allowing the station to expand will just create even more.
2. The gas station has been the site of robberies and crimes. By expanding the station, the potential of increase crimes exist.
3. Another food mart is not needed there. There is Buscemi's Party Store and Hungry Howies within one block of this gas station.
4. If the owners want to enlarge their business, they should sell and look for another site. They knew what the zoning was when they purchased the gas station.

As a resident, living just a few houses away from the gas station, we are opposed to any zoning changes at the Clark Gas Station.

and Jeanette Boling

Sincerely,
James

REC'D

AUG 10 2004

PLANNING DEPT

Kathy Czarnecki

From: Mark F Miller
Sent: Wednesday, September 22, 2004 3:08 PM
To: Kathy Czarnecki; Brent Savidant
Subject: FW:

September 22, 2004

Dear Mayor,

We are writing this letter to voice our opposition with Mr. Andros G. Kattouah's request, on behalf of Space Station of Troy, Inc, to rezone the property located at the northeast corner of Rochester Rd. and Charrington Dr. (3400 Rochester Rd.) from a B-1 (local business) to H-S (highway service). This rezoning file/case number Z-479B. We urge you not to grant this request.

We are one of three home owners whose property is adjacent to the Clark Gas Station. During the past twelve years we have experienced numerous problems with this Station. We attempted to resolve the problems with the station and the management directly. Unfortunately to get anything addressed we were often required to contact the city in-order to get a response. These issues include, but are not limited to the maintenance of the grounds; garbage and debris from their dumpster spilling onto our property; fumes and other environmental concerns; a sewer drain that was covered with a least a decade of garbage and dirt causing our yard to flood during the winter thaw and rainy weather; and the replacement of the four (4) foot chain link fence that currently separates our properties with a quality six (6) foot wooded fence.

This pass year the station was robbed, and the thief(s) cut through our property on their way to their vehicle. We have

two young daughters, and since this event we have been concerned for their safety. We feel the rezoning will only attract similar problems. Furthermore, we are concerned with the increased traffic which will be the likely result of this expansion. This traffic will cut through our subdivision to avoid Big Beaver and Rochester Rd. To those of us who live in Charrington Place this is already an on going problem. The rezoning will only make a bad situation worse.

We respect Mr. Andros G. Kattouah's right to apply and request that his property be rezoned, so he can maximize his investment, however, we think that this residential corner can not accommodate this expansion. We thank the city for this process which gives the citizens the opportunity to voice their concerns regarding these matters.

You may be aware that a petition, signed by twenty-six citizens opposing the rezoning, was submitted on Thursday, August 5th for the Planning Commission meeting that was held on August 10th. The commission never saw the petition at their August 10th meeting. We sincerely hope that you, the city council handle this matter with more consideration for the concerns of the community then the Planning Department, City Clerk's office, and the Planning Commission have thus far.

Sincerely,

Mr. & Mrs. John Dudek
1071 Winthrop
Troy, MI 48083

DATE: September 20, 2004

TO: John Szerlag, City Manager

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

SUBJECT: PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 12.50, R-1T ONE FAMILY ATTACHED RESIDENTIAL DISTRICTS (ZOTA #182)

RECOMMENDATION

The Planning Commission has developed amendments to Section 12.50, R-1T One Family Attached Residential District. The general intent of this text amendment is to update the R-1T provisions of the zoning ordinance, including an increase in the rear yard perimeter setback requirements and requiring the interconnection with abutting public stub streets if public streets are proposed for the R-1T development.

The Planning Commission held a Public Hearing on this item on December 10, 2002. Following the Public Hearing, the Planning Commission recommended approval of ZOTA 182. City Council held a Public Hearing on the item on November 3, 2003. Following the Public Hearing, City Council adopted a resolution that referred the item back to the Planning Commission for further review of sidewalks, safety walks and the snow removal plan.

The Planning Commission studied the item further as directed by City Council. A Public Hearing was held on August 10, 2004 to solicit public input on the text amendment. The Planning Commission recommended approval of the attached amendment. City Management agrees with the Planning Commission and recommends approval of the proposed text amendment.

Reviewed as to Form and Legality:

Lori Grigg Bluhm, City Attorney Date

cc: File/ZOTA #182
Planning Commission

Attachments:

1. ZOTA #182, dated July 1, 2004
2. Minutes from December 10, 2002 Planning Commission Public Hearing
3. Minutes from November 3, 2003 City Council Meeting.
4. Minutes from December 2, 2003 Planning Commission Special/Study Meeting.
5. Meeting from June 22, 2004 Planning Commission Special/Study Meeting.
6. Minutes from August 10, 2004 Planning Commission Regular Meeting.

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 182)**

**R-1T One Family Attached Residential District
Development Standards**

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment

Amend the indicated portions of the R-1T One Family Attached Residential District and the Schedule of Regulations – Residential text in the following manner:

(Underlining, except for major section titles, denotes changes.)

12.50.00 DEVELOPMENT STANDARDS:

12.50.01 All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway.

All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

(Rev. 4-10-00)

12.50.02 No more than three (3) contiguous one family attached dwelling units may occupy the same horizontal front line, without offset. Beyond this limit, the horizontal front line of the abutting units shall be offset a minimum of four (4) feet.

12.50.03 In the course of reviewing plans for development, the Planning Commission may require that the dwelling unit elevations and orientation be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units.

(4-12-99)

12.50.04 Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Attached Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and maintenance of the private street elements, and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 5-1-00)

- 12.50.05 All developments shall include a sidewalk system which will enable pedestrian movement to and throughout the site, including sidewalks along any abutting public street frontage. To ensure safety and convenience for pedestrians and other non-motorized users, sidewalk and safety path systems within the development shall be connected to existing and planned public sidewalk and safety path systems that are located outside of the development, whenever feasible. Planned safety paths are delineated on the City of Troy Transportation Plan.

(4-12-99)

- 12.50.06 See Section 39.95.00 of the General Provisions for the regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 4-12-99)

- 12.50.07 In developments that utilize public streets for providing access to units within the development, the Planning Commission may require that an internal street be connected with an existing abutting public stub street.

12.50.08 Developments shall maintain the following rear yard perimeter setbacks:

- A. Adjacent to R-1A or R-1B: 45 feet.
- B. Adjacent to R-1C or R-1D: 40 feet.
- C. Adjacent to R-1E and all other zoning districts: 35 feet.

30.00.00 ARTICLE XXX SCHEDULE OF REGULATIONS

30.10.00

SCHEDULE OF REGULATIONS - RESIDENTIAL

	Minimum Lot Size Per Dwelling Unit			Maximum Height of Structures (T)		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by All Buildings
	Use District	Area in Sq. Ft.	Width In Feet	In Stories	In Feet	Front	Sides		Rear		
							Least One	Total Two			
30.10.01	R-1A One Family Residential										
	Without Sewer	30,000(A)	150	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	21,780(A)	120	2 ½	25(U)	40	15(N)	30	45	1,400	30%
30.10.02	R-1B One Family Residential										
	Without Sewer	21,780(A)	110	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	15,000(A)	100	2 ½	25(U)	40	10(N)	25	45	1,400	30%
30.10.04	R-1C One Family Residential										
	Without Sewer	21,780(A)	110	2	25	30	15(N)	30	40	1,200	30%
	With Sewer	10,500(A)	85	2	25	30	10(N)	20	40	1,200	30%
30.10.05	R-1D One Family Residential										
	Without Sewer	21,780(A)	110	2	25	25	15(N)	30	40	1,000	30%
	With Sewer	8,500(A)	75	2	25	25	8(N)	20	40	1,000	30%
30.10.06	R-1E One Family Residential										
	Without Sewer	21,780	110	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	7,500	60	2	25	25	5(N)	15	35	1,000	30%
30.10.07	CR-1 One Family Residential Cluster	See Section 11.00.00		2	25	25	See Section 11.00.00		35	1,000	30%
30.10.08	R-1T One Family Attached Residential	7,000	20	2 ½	25(U)	25(O)	See Section 12.50.08 20(O) 40(O)		35(O)	1,000	30%
30.10.09	R-2 Two Family Residential										
	Without Sewer	15,000	75	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	5,000	40	2	25	25	10(N)	20	35	1,000	30%
30.10.10	R-M Multiple-Family Medium Density	See Section 14.00.00 (B) (B)		2	25	30(O)	See Section 14.00.00 30(O) 60(O)		40(O)	(B) 1-BR-600	30%
30.10.11	RM-1 Multiple-Family (Low-Rise)	See Section 15.00.00 (B) (B)		2	25	30(C)	See Section 15.00.00 30(C) 60(C)		30(C)	2-BR-800	30%
30.10.12	RM-2 Multiple-Family (Mid-Rise)	See Section 16.00.00 (B) (B)		See Section 16.00.00		(C)	See Section 16.00.00 (C) (C)		(C)	3-BR-1000	25%
30.10.13	RM-3 Multiple-Family (High-Rise)	See Section 17.00.00 (B) (B)		See Section 17.00.00 (no Max)		(C)	See Section 17.00.00 (C) (C)		(C)	4-BR-1200	25%

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

11. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) – Articles 12.00.00 & 30.10.08 R-1T One Family Cluster

Mr. Miller gave an overview of the proposed zoning ordinance text amendment, R-1T One Family Cluster. The amendments to R-1T zoning districts include Section 12.50.05 addressing pedestrian and non-motorized users; Section 12.50.07 addressing snow removal; Section 12.50.08 addressing guest parking; and Section 12.50.09 addressing traffic circulation.

Mr. Kramer asked if the proposed amendments apply to condo minimum and site condo minimum developments.

Mr. Miller stated that site condo minimum developments are normally submitted in one family districts that follow subdivision rules. Mr. Miller noted that problems could arise with the multi family districts (CR-1), citing River Bend as an example. Mr. Miller said that the Planning Department has been given direction from City Council to review CR-1 zoning districts.

Mr. Kramer asked what the requirement is for guest parking in R-1T.

Mr. Miller responded the requirement is two spaces per unit, noting there are no spaces for guests currently.

Mr. Starr questioned what form of snow removal would be used.

Mr. Miller replied there would be designated areas in which to pile the snow.

PUBLIC HEARING OPENED

There was no public comment.

PUBLIC HEARING CLOSED

Moved by Starr

Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Articles 12.00.00 & 30.10.08, of the Zoning Ordinance, be amended to read as follows:

*R-1T One Family Attached Residential District
Development Standards*

Amend the indicated portions of the R-1T One Family Attached Residential District and the Schedule of Regulations – Residential text in the following manner:

(Underlining, except for major section titles, denotes changes.)

12.50.00 DEVELOPMENT STANDARDS:

12.50.01 All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway.

All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

(Rev. 4-10-00)

12.50.02 No more than three (3) contiguous one family attached dwelling units may occupy the same horizontal front line, without offset. Beyond this limit, the horizontal front line of the abutting units shall be offset a minimum of four (4) feet.

12.50.03 In the course of reviewing plans for development, the Planning Commission may require that the dwelling unit elevations and orientation be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units.

(4-12-99)

12.50.04 Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Attached Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and maintenance of the private street elements, and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 5-1-00)

- 12.50.05 All developments shall include a sidewalk system which will enable pedestrian movement to and throughout the site, including sidewalks along any abutting public street frontage. **To ensure safety and convenience for pedestrians and other non-motorized users, sidewalk and trail systems within the development shall be connected to existing and planned sidewalk and trail systems that are located outside of the development.**

(4-12-99)

- 12.50.06 See Section 39.95.00 of the General Provisions for the regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 4-12-99)

12.50.07 **The Preliminary Site Plan shall include a Snow Removal Plan which demonstrates how snow will be removed from streets and sidewalks within the development, and disposed of. Such Snow Removal Plan shall include proposed winter parking patterns, the proposed method used to remove snow, and the location, size and design of snow storage areas.**

12.50.08 **Guest parking shall be accommodated within the development at a ratio of one (1) guest parking space for every five (5) required off-street parking spaces. Guest parking spaces shall be clearly marked on the site plan.**

12.50.09 **To improve traffic circulation within the development and surrounding area, the Planning Commission may require that an internal street be connected with an existing abutting stub street or cross access easement. The Planning Commission may require that a development provide one (1) or more cross access easements for the purpose of a potential future connection to an abutting property or street. The Planning Commission may require two (2) or more abutting developments to share one (1) common access drive.**

12.50.10 **Developments abutting residentially zoned property shall maintain the following perimeter setbacks:**

A. Adjacent to R-1A: 45 feet.

B. Adjacent to R-1B: 45 feet.

C. Adjacent to R-1C: 40 feet.

D. Adjacent to R-1D: 40 feet.

E. Adjacent to R-1E: 35 feet.

Yeas
All present (5)

Absent
Chamberlain
Pennington
Vleck
Wright

MOTION CARRIED

RESOLVED, That the City of Troy City Council **APPROVES** the Agreement Concerning Restoration of Conservation Easement Area between Kyung Youn Yun (2361 Cedar Knoll) and the City of Troy, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE THE AGREEMENT**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Stine

AND

(b) Resolution to Approve Agreement - Luis Bevilacqua – 2373 Cedar Knoll

Resolution #2003-11-556b
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the City of Troy City Council **APPROVES** the Agreement Concerning Restoration of Conservation Easement Area between Luis Bevilacqua (2373 Cedar Knoll) and the City of Troy, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE THE AGREEMENT**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Stine

D-2 Proposed Zoning Ordinance Text Amendment for Section 12.50 – R-1T – One Family Attached Residential Districts (ZOTA #182)

Vote on Resolution to Refer t0o Planning Commission

Resolution #2003-11-557
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That proposed Zoning Ordinance Text Amendment for Section 12.50 – R-1T – One Family Attached Residential Districts (ZOTA #182) be **REFERRED** to the Planning Commission for further review of sidewalks, safety walks and the snow removal plan.

Yes: All-6
No: None
Absent: Stine

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) – Article 12.00.00 and 30.10.08 R-1T One Family Cluster

Mr. Miller reported City Council adopted a resolution that referred the matter back to the Planning Commission for further review of sidewalks, safety walks and the snow removal plan.

Mr. Miller addressed three minor revisions recommended by City Management.

1. City Management recommends changing the verbiage of Section 12.50.05 to require sidewalk and safety path connections wherever feasible, and requested clarification that “planned safety paths” are delineated on the City of Troy Transportation Plan.

Mr. Miller said the City Council questioned the impact of safety paths and had a concern with the public utilizing private walks.

The Commission concurred that the verbiage should be revised to read: “pedestrian interconnectivity shall be provided.”

2. City Management recommends eliminating Section 12.50.07 that requires the preparation of a Snow Removal Plan.

The Commission agreed to eliminate Section 12.50.07, Snow Removal Plan.

3. City Management recommends eliminating Section 12.50.08 that lists guest parking requirements for R-1T developments.

The Commission concurred to eliminate Section 12.50.08.

4. City Management recommends amending Section 12.50.09 to eliminate the possibility of interconnectivity between an internal private street in an R-1T development with an internal public street in an adjacent neighborhood, and further eliminate the requirement of common access drive for abutting developments.

It was the consensus of the Commission that Section 12.50.09 should remain as originally proposed.

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. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) – Articles 12.00.00 and 30.10.08 R-1 T One Family Attached

Mr. Miller provided a summary of the proposed zoning ordinance text amendment that would update the R-1T provisions of the zoning ordinance.

Chair Waller suggested that the references to rear yard perimeter setbacks on the Schedule of Regulations reflect directly to Section 12.50.08.

The Planning Department will make the change.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-08-091

Moved by: Schultz
 Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that Articles 12.00.00 and 30.10.08 of the Zoning Ordinance, be amended as revised by Mr. Waller on the Proposed Zoning Ordinance Text Amendment, dated 07/01/04.

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

MOTION CARRIED

DATE: September 20, 2004

TO: John Szerlag, City Manager

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

SUBJECT: PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT FOR ARTICLE 34.70.00 ONE FAMILY CLUSTER OPTION (ZOTA #200)

RECOMMENDATION

The Planning Commission and City Management have developed new provisions for a One Family Cluster Option. Presently cluster developments are permitted through the application of the CR-1 One Family Residential Cluster District. This zoning district is generally difficult to apply since it involves rezoning of the property. In addition, the rezoning approval standards can be difficult to meet. The proposed One Family Cluster Option is intended to be easier to apply, thereby encouraging its application.

The general intent of this text amendment is to permit cluster development by right in the R-1A through R-1E districts. Densities will be identical as those permitted in the R-1A through R-1E districts, as determined by the required parallel plan. To qualify for this option, a minimum of 30% of the parcel must be dedicated open space. Applicants can qualify for up to a 20% density bonus if the development provides at least 50% of dedicated open space and demonstrates design excellence, as recommended by the Planning Commission and determined by City Council.

The Planning Commission held a Public Hearing on this item on July 13, 2004. Following the Public Hearing, the Planning Commission recommended approval of ZOTA #200. City Management agrees with the Planning Commission and recommends approval of the proposed text amendment.

Reviewed as to Form and Legality:

Lori Grigg Bluhm, City Attorney Date

cc: File/ZOTA #200
Planning Commission

Attachments:

1. ZOTA #200, dated 09/03/04.
2. Minutes from July 13, 2004 Planning Commission Public Hearing.
3. Minutes from June 22, 2004 Planning Commission Special/Study Meeting.

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 200)
09/03/04**

Text Amendment for One Family Cluster Option

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

The City of Troy ordains:

Section 1. Amendment to Chapter 39

Chapter 39 of the City of Troy Code is amended by the addition of a new section 34.70.00 to read as follows:

34.70.00 ONE FAMILY CLUSTER OPTION

34.70.01 The One Family Cluster Option is offered as an alternative to traditional residential development for the purpose of:

- A. Encouraging the use of property in accordance with its natural character.
- B. Assuring the permanent preservation of open space and other natural features.
- C. Providing recreational facilities and/or open space within a reasonable distance of all residents of the One Family Cluster development.
- D. Allowing innovation and greater flexibility in the design of residential developments.
- E. Facilitating the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
- F. Ensuring compatibility of design and use between neighboring property.
- G. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

34.70.02 Eligibility Criteria

To be eligible for One Family Cluster consideration, the applicant must present a proposal for residential development that meets each of the following subsections (A-G):

A. Recognizable Benefits.

One Family Cluster shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the City. The recognizable and substantial benefits can be provided through site design elements that are in excess of the requirements of this Ordinance, such as extensive landscaping, the inclusion of a transition area from adjacent residential land uses, and preservation of individual trees, wetlands (regulated and non-regulated), woodland areas and open space.

B. Open Space.

The proposed development shall provide at least one of the following open space benefits:

1. Significant Natural Assets. Preservation of significant natural assets contained on the site, such as significant individual trees (over 10 inch diameter), woodland areas, rolling topography with pre-development grades exceeding 15%, significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, as long as it is in the best interest of the City to preserve these natural features which might be negatively impacted by conventional residential development. The determination of whether the site has significant natural assets shall be made by the Planning Commission and City Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.
2. Recreation Facilities. If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development. Recreational facilities that are less pervious than natural landscape shall not comprise more than fifty (50) percent of the open space.
3. Creation of Natural Features. If the site lacks significant natural features, a proposed development may also qualify

if the development will create significant natural features such as wetlands.

C. Guarantee of Open Space.

The applicant shall provide documentation to guarantee to the satisfaction of the Planning Commission and City Council that all open space portions of the development will be maintained as approved and that all commitments for such maintenance are binding on successors and future owners of the subject property. All such documents shall be subject to approval by the City Attorney. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City, and that the continued maintenance guarantees remain satisfactory to the City, and the land uses continue as approved in the One Family Cluster development.

D. Cohesive Neighborhood.

The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be reasonably accessible to all residents of the development.

E. Unified Control.

The proposed development site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. All documents shall be subject to the review and approval by the City Attorney.

F. Density Impact.

The proposed type and density of use shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

G. Future Land Use Plan.

The proposed development shall be consistent with the Future Land Use Plan.

H. Zoning

The land is zoned for R-1A, R-1B, R-1C, R-1D or R-1E residential development.

34.70.03

Application Information Requirements: In addition to the information required by the City of Troy for all other site plans, any development proposing to utilize the One Family Cluster Plan shall contain the following:

A. A complete description of the land proposed to be dedicated for the common use of lot owners in the association or to the City, including the following:

1. A legal description of dedicated open space required by Section 34.70.03(B), including dedicated easements.
2. A topographical and boundary survey of dedicated open space.
3. An identification of the types of soil in dedicated open space.
4. A Natural Features Plan that inventories all significant natural features on the property and on abutting properties, if applicable.

B. Information regarding current and proposed ownership and use of the dedicated open space, including the following:

1. The proposed ownership and control of the open space.
2. The proposed methods of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and/or nuisances that require enforcement by the City of Troy.
3. The proposed and/or potential uses of dedicated open space and the proposed improvements to be constructed by the developer.
4. A timeline setting forth the anticipated dates of the dedication of the open space for the common use of unit owners in the association or to the City of Troy.

C. A detailed narrative and graphic plan that indicates a specific method(s) for protecting significant natural features including significant (over 10 inches in diameter) individual trees, woodlands, wetlands, and open space during construction. The plan shall be consistent with the City's tree preservation requirements, and shall be agreeable to the developer, who shall so indicate with his/her signature on the detailed narrative and graphic plan.

D. Other relevant information necessary to show that the proposed development qualifies for approval as a One Family Cluster development.

34.70.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the One Family Cluster development shall be determined by the applicant through the preparation of a parallel plan for the subject property that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/unit width and setbacks as normally required for the underlying one-family zoning district. The number of units identified in the parallel plan shall determine the number of units permitted in the development.

B. Density Bonus. A variable density bonus of up to twenty (20) percent may be allowed at the discretion of the City Council, after recommendation from the Planning Commission, based upon a demonstration by the applicant of design excellence in the One Family Cluster development. Projects qualifying for a density bonus shall include a minimum of fifty (50) percent of the property (One Family Cluster) to be dedicated open space held in common ownership. In addition, projects qualifying for a density bonus shall include at least one (1) of the following elements:

1. The inclusion of perimeter transition areas of at least one hundred fifty feet (150 feet) in width around all borders of the development.
2. Provisions and design that preserve natural features, including use of bio-retention techniques and sustainable building features.
3. Donation or contribution of land or amenities in order to provide a significant community benefit, such as for a school, park, fire hall, etc.
4. Other similar elements that the City Council, after recommendation from the Planning Commission, determined to be of exceptional quality.

34.70.05 Regulatory Flexibility: The City shall permit specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The applicant may cluster the dwellings on smaller lots, as long as the following requirements are satisfied:

A. Overall density shall not exceed the number of residential cluster units determined in 34.70.04 above.

B. Setback provisions shall be as follows:

1. Setback requirements for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required setback.

2. Setback requirements for principal structures on the interior of the development shall be as follows: If property lines do not exist between houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks. The minimum setbacks shall be as follows.

Front: 20'. There shall be at least 25' between the garage door and the closest edge of the sidewalk to allow for an automobile to be parked in the driveway without obstructing the sidewalk.

Rear: 25'.

Side: 7.5'. For detached units with "rear-to-side" relationships, the required setback shall be 15' for each unit, for a total of 30'.

C. All regulations applicable to parking, loading, general provisions, and other requirements shall be met.

D. The permitted uses shall be restricted to single family detached residential development, duplex residential development, residential accessory structures, non-commercial recreation uses and open space.

34.70.06 Open Space Requirements:

A. All land within a development that is not devoted to a residential unit, accessory structures, vehicle access, vehicle parking, a roadway, or an approved improvement, shall be set aside as common land for recreation, conservation, or preserved in an undeveloped state.

B. A One Family Cluster development shall maintain a minimum of thirty percent (30%) of the gross area of the site as dedicated open

space held in common ownership. A minimum of twenty-five percent (25%) of the open space shall be upland area, which does not include any MDEQ-regulated or non-regulated wetlands that are accessible to all residents of the development.

C. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of the One-Family Cluster development option:

1. The area of any street right-of-way or private drive.
2. The submerged area of any lakes, rivers, ponds or streams.
3. The required setbacks surrounding a residential structure, except as otherwise provided.
4. Storm water detention or retention facilities, with the exception of Bio-retention areas that provide an active or passive recreation function, which can be considered open space.

D. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. In its discretion, the City Council, after recommendation from the Planning Commission, may permit either minor reductions in width or variations in width of the open space along exterior roads to accommodate taking into consideration topographic and/or other natural resource conditions, as long as the density of existing vegetation to be preserved, and size and shape of the development area are taken into consideration. The open space along the exterior public roads shall be landscaped with a minimum of one (1) deciduous canopy tree (3 to 3 ½ inches in diameter) for each ten (10) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance, and shall be planted so as to have minimal impact on the future usability of sidewalks and trails. Preservation of existing trees shall be credited towards meeting the frontage landscaping requirement.

E. Principal access to the development shall be provided by 28 foot wide public streets constructed to City standards that are located within sixty (60) foot wide rights-of-way or by 28 foot wide streets constructed to City public street standards that are located, within 40 foot private easements for public access.

Sidewalks shall be constructed across the frontage of all dwelling unit parcels in accordance with City standards. Public utilities shall be placed within street rights-of-way, or within easements approved

as to size and location by the City Engineer.

F. Connections between the dedicated open space of the development and adjacent open space, public land or existing or planned safety paths is preferred and may be required by the City Council, after recommendation from the Planning Commission.

G. The dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions, restrictive covenants, conservation easements, plat dedication, or other legal documents that are subject to review and approval by the City Council, after review and recommendation by the City Attorney. These irrevocable conveyance documents shall be approved prior to final approval of the development (final site plan approval), and the developer shall record such documents with the Oakland County Register of Deeds. These irrevocable conveyance documents shall specifically identify the City of Troy or the common owners as beneficiary of its provisions.

H. The irrevocable conveyance referenced in subsection (G) shall assure that the open space will be protected from all forms of development, except as shown on the approved Final Site Plan. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The open space restrictions shall prohibit uses or activities that negatively affect the dedicated open space, including the following:

1. Dumping or storing of any material or refuse.
2. Activity that may cause risk of soil erosion or threaten any living plant material.
3. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
4. Use of motorized off-road vehicles.
5. Cutting, filling or removal of vegetation from wetland areas
6. Use of pesticides, herbicides or fertilizers within any wetlands area.

I. The irrevocable conveyance referenced in subsection (G) shall provide the following:

1. The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.
2. Standards for scheduled maintenance of the open space.

3. If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property.
- J. Continuing Obligation. The dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved Final Site Plan.
- K. Allowable structures. Any structures or buildings accessory to a recreation or conservation use may be erected within the dedicated open space. These accessory structures or buildings shall not exceed one percent (1%) of the required open space area.

Chapter 39 of the City of Troy Code is amended by the re-numbering of section 04.20.121 to 04.20.120, and by the addition of new sections 04.20.121 and 04.20.122 to read as follows:

- 04.20.120~~4~~ OPEN FRONT STORE: a business establishment so developed that service to the patron be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations, automobile service stations, or uses involving drive-up windows or service pedestals.
- 04.20.121 OPEN SPACE: A parcel or area of land that is intended to provide light and air, and is designed for either resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands and bio retention facilities. Open space shall not be deemed to include streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic
- 04.20.122 OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots, which is designed for and dedicated to the common use or enjoyment of the residents of the development or general public.

Chapter 39 of the City of Troy Code is amended by the addition of new section 10.20.09 to read as follows:

- 10.20.09 The One Family Cluster Option may be utilized in the R-1A through R-1E districts, subject to the requirements of Section 34.70.00.

Section 2. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the ____ day of _____, 2004.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 34.70.00 One Family Cluster Option

Mr. Miller presented a summary of ZOTA 200. Mr. Miller reviewed clarifications and/or corrections to the following sections of the proposed zoning ordinance text amendment: 34.70.02 (B)(1), 34.70.05 (A) and 34.70.06 (D).

A thorough discussion followed on the size of trees to be planted. After a straw vote, the tree size determined was 3 to 3.5 dbh.

A discussion followed on the wording of Section 34.70.02 (B)(1). It was determined that the paragraph should read: "...significant individual trees, significant individual trees ten inches in diameter or larger...".

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-07-077

Moved by: Chamberlain
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 34.70.00, Article 10.20.09 and Articles 04.20.120 through 04.20.122 of the Zoning Ordinance, be amended as printed on the Updated Version, dated 06/29/04, and the changes noted by the Planning Director on the paragraphs 34.70.02 (B)(1), 34.70.05 (A) and 34.70.06 (D).

Yes: All present (6)
No: None
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

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.]

DATE: September 20, 2004

TO: John Szerlag, City Manager

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

SUBJECT: PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 03.40, SITE PLAN REVIEW / APPROVAL (ZOTA #199)

RECOMMENDATION

The Planning Commission has developed amendments to Section 03.40.00, Site Plan Review/Approval. The general intent of this text amendment is to update the site plan review provisions of the zoning ordinance, including expanding the information required on site plans and defining those instances when site plan review is required.

The Planning Commission held a Public Hearing on this item on May 13, 2003. Following the Public Hearing, the Planning Commission recommended approval of ZOTA 199. City Council held a Public Hearing on the item on November 3, 2003. Following the Public Hearing, City Council adopted a resolution that referred the item back to the Planning Commission for further review.

The Planning Commission studied the item further as directed by City Council. A Public Hearing was held on August 10, 2004 to solicit public input on the text amendment. The Planning Commission recommended approval of the attached amendment. City Management agrees with the Planning Commission and recommends approval of the proposed text amendment.

Reviewed as to Form and Legality:

Lori Grigg Bluhm, City Attorney Date

cc: File/ZOTA #199
Planning Commission

Attachments:

1. ZOTA #199, dated August 4, 2004
2. Minutes from May 13, 2003 Planning Commission Public Hearing
3. Minutes from November 3, 2003 City Council Meeting.
4. Minutes from December 2, 2003 Planning Commission Special/Study Meeting.
5. Minutes from February 10, 2004 Planning Commission Public Hearing
6. Meeting from June 22, 2004 Planning Commission Special/Study Meeting.
7. Minutes from August 10, 2004 Planning Commission Regular Meeting.

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PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 199)
**Site Plan Review / Approval Standards
And Submittal Requirements**

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment

Amend the indicated portions of the Applications and Procedures Site Plan Review / Approval Standards and Submittal Requirements text in the following manner:

(Underlining, except for major section titles, denotes changes.)

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to encourage innovative design solutions, to protect natural resources, to ensure safety for both internal and external vehicular and pedestrian users, to achieve innovative storm water management solutions, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.03 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

- (1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.
- (2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.
- (3) Any change in use that could affect compliance with the standards set forth in this Ordinance.
- (4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.
- (5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.
- (6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.
- (7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.
- (8) Changes to pedestrian access or site and building interconnectivity.
- (9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

03.41.00 PROCEDURE

03.41.01 A petitioner seeking Site Plan Approval ~~for proposed development and/or use of property within the City of Troy~~ as required under Section ~~03.41.01~~ 03.40.03 shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.

- 03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.
- 03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one-year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 03.41.07. If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.
- (11-19-90)
- 03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to~~ The Department of Parks and Recreation shall ~~for~~ review and approve ~~approval~~, the Landscape Plan prior to the application for Preliminary Final Site Plan Approval.
- 03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.
- 03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation~~, and before granting of any building permits, submit the site plan to the Planning Department for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.03 of this Article. Applications for Final Condominium Approval shall also include four (4) copies of the recorded Condominium Master Deed and Condominium Bylaws. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.
- (11-19-90)
- 03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the

modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.

03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:

- (1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or
- (2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or
- (3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.

03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

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

(11-19-90)

03.42.00 APPLICATIONS

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

03.43.00 SUBMITTAL REQUIREMENTS

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

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

- (7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
- (8) Attached to this application shall be ten (10) ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:
- (a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.
 - (b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.
 - (c) All lot and property lines.
 - (d) Location of all proposed structures.
 - (e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.
 - (f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.
 - (g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)
 - (h) Indication of the means by which storm water detention will be provided.
 - (i) Setbacks and required yards.
 - (j) Parking areas, access drives, loading and unloading areas, and trash receptacles.
 - (k) Greenbelts, landscape areas and other open space areas; and screening walls.
 - (l) The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.
 - (m) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.

- (n) Calculations for the following shall be included on the site plan:
1. Gross and net (after rights-of-way) site area.
 2. Gross and net ("usable") building area.
 3. Required parking and statement of parking provided.
 4. Required landscape and open space area and statement of area provided.
- (o) Site Plans for residential developments shall include the following additional information:
1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.
 2. Topography on site and one-hundred (100) ~~50~~ feet beyond, drawn at one (1) ~~two (2)~~ foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.
 3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.
- (p) Number of employees on the largest working shift (if applicable).
- (9) A wetlands determination shall be required for all applications for subdivisions and site condominiums. A wetlands determination shall be required for all other applications for preliminary site plan approval, when the Natural Features Map indicates there may be wetlands on site. A wetlands determination waiver may be granted by the Planning Director based on the Natural Features Map and other applicable site information.
- (10) An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.

- (11) A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic Architectural Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.
- (12) A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.
- (13) Preliminary Floor Plans.
- (14) Preliminary Building Elevations.
- (15) Proposed Preliminary Grading Plans, in accordance with the City of Troy Engineering Design Standards.
- (16) Preliminary Tree Preservation Plan.
- (17) All drawings shall be sealed and signed by a State of Michigan Professional Engineer, Registered Architect, Registered Landscape Architect, or Professional Community Planner.

03.43.023

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

- (1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;
- (2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:
 - (a) The dedication of rights-of-way,
 - (b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,
 - (c) "Private Agreements" for the installation of Public Improvements, by the petitioner.
 - (d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.
- (3) A current Title Commitment, indicating all parties in interest in the subject property.

- (4) A statement from the Landscape Analyst Superintendent of Public Grounds indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.
- (5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
 - (a) The water distribution system,
 - (b) The sanitary sewer system,
 - (c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.
- (6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
- (7) The location of Fire Lanes as recommended by the Fire Department.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

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14. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-199) – Article 03.40.00 Site Plan Approval

Mr. Savidant summarized the intent of the proposed revisions to the site plan zoning ordinance text.

A brief discussion was held with respect to specific criteria required for site plan approval; i.e., city projects, car dealerships.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Schultz

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE III (APPLICATIONS AND PROCEDURES), Section 03.40.00 (SITE PLAN REVIEW / APPROVAL) of the Zoning Ordinance, be amended to read as follows:

(Underlining, except for major section titles, denotes changes.)

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.02 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site

plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

- (1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.
- (2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.
- (3) Any change in use that could affect compliance with the standards set forth in this Ordinance.
- (4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.
- (5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.
- (6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.
- (7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.
- (8) Changes to pedestrian access or site and building interconnectivity.
- (9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

03.41.00 PROCEDURE

03.41.01 A petitioner seeking Site Plan Approval for ~~proposed development and/or use of property within the City of Troy~~ as required under Section ~~03.41.04~~ 03.40.02 shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate

fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

- 03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.
- 03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.
- 03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 03.41.07. If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.
- (11-19-90)
- 03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to~~ The Department of Parks and Recreation ~~shall for~~ review and approve approval, the Landscape Plan prior to the application for Preliminary ~~Final~~ Site Plan Approval.
- 03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.

03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation~~, and before granting of any building permits, submit the site plan to the Planning Department for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.03 of this Article. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.

(11-19-90)

03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.

03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:

- (1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or
- (2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or
- (3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.

03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of

complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

- 03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

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

(11-19-90)

03.42.00 APPLICATIONS

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

03.43.00 SUBMITTAL REQUIREMENTS

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

- (1) The name, address and telephone of the person applying for Preliminary Site Plan Approval.
- (2) The name, address and telephone of the owner of the property.
- (3) The relationship between the applicant and the property owner.
- (4) The present zoning classification of the subject property.

- (5) The proposed use of the property.
- (6) A Certified Topographic Architectural Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey shall be provided on 8-1/2 x 14 pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:
- (a) No additional impervious surfaces will be constructed on the property.
- (b) The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.
- (7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
- (8) Attached to this application shall be ten (10) ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:
- (a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.
- (b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.
- (c) All lot and property lines.

- (d) Location of all proposed structures.
- (e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.
- (f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.
- (g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)

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

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

- (14) Building Elevations.
- (15) Grading Plans.
- (16) Preliminary Tree Preservation Plan.
- (17) Indicate the method used to remove snow and the location of on-site snow storage areas.

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

- (1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;
- (2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:
 - (a) The dedication of rights-of-way,
 - (b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,
 - (c) "Private Agreements" for the installation of Public Improvements, by the petitioner.
 - (d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.
- (3) A current Title Commitment, indicating all parties in interest in the subject property.
- (4) A statement from the Landscape Analyst Superintendent of Public Grounds indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.

- (5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
 - (a) The water distribution system,
 - (b) The sanitary sewer system,
 - (c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.
- (6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
- (7) The location of Fire Lanes as recommended by the Fire Department.

Yeas
 Kramer
 Littman
 Pennington
 Schultz
 Waller
 Wright

Nays
 Vleck

Absent
 Chamberlain
 Storrs

MOTION CARRIED

Mr. Vleck stated he is not in favor of the motion because Section 03.43.01, (8) (q) references the "largest working shift" and he thinks the criteria would arrive at a fictitious number because tenancy is not known and therefore the largest working shift is unknown.

D-3 Proposed Zoning Ordinance Text Amendment for Section 03.40 – Site Plan Review/Approval (ZOTA #199)

Vote on Resolution to Refer to Planning Commission

Resolution #2003-11-558
Moved by Lambert
Seconded by Beltramini

RESOLVED, That proposed Zoning Ordinance Text Amendment for Section 03.40 – Site Plan Review/Approval (ZOTA #199) be **REFERRED** to the Planning Commission for further review.

Yes: All-6
No: None
Absent: Stine

RECESS: 9:20 P.M. – 9:41 P.M.

PUBLIC COMMENT:

A. Items on the Current Agenda

E-21 Standard Purchasing Resolution 1: Award to Low Bidder – Tri-County Purchasing Cooperative Pager Rental Contract

Resolution #2003-11-559
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That a contract to provide three-year requirements of pager rentals for the City of Troy and various members of the Tri-County Purchasing Cooperative with an option to renew for up to three years is hereby **AWARDED** to the low bidder, Verizon Wireless Messaging Services, for an estimated annual cost of \$29,103.00, at unit prices contained in the tabulation dated October 28, 2003, 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 proposal and agreement documents acceptable to the City of Troy **AUTHORIZED AND EXECUTED** by the Mayor and City Clerk.

Yes: All-6
No: None
Absent: Stine

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval

Mr. Miller reported City Council adopted a resolution that referred the matter back to the Planning Commission for further review. He indicated that City Council gave no specific direction, but noted that a lot of discussion was on snow removal.

Mr. Miller addressed three minor revisions recommended by City Management.

1. City Management recommends that a wetlands determination be submitted only when the Natural Features Map indicates the possibility of wetlands, and further that the authority be given to the Planning Director to waive the wetlands determination requirement.
The Commission was in concurrence with the recommendation.

2. City Management recommends eliminating the requirements of submitting floor plans, building elevations and grading plans with the Preliminary Site Plan application.

It was the consensus of the Commission that preliminary floor plans, preliminary building elevations and proposed grading plans should be a requirement for Preliminary Site Plan application.

3. City Management recommends that the methods used to remove snow and the location of on-site snow storage areas should not be required to be shown on the site plan.

The Commission agreed to eliminate snow removal from site plan approval requirements because snow removal is now incorporated in off-street parking requirements.

Mr. Motzny confirmed that a public hearing would not be necessary for the language revisions agreed to this evening because the revisions were not substantial.

Chairman Littman requested the Planning Department to prepare the revised language for the January meeting.

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval

Mr. Savidant presented a summary of the Planning Department report for the proposed Zoning Ordinance Text Amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-02-019

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE III (APPLICATIONS AND PROCEDURES) of the Zoning Ordinance, be amended as printed on the updated version, dated 12/09/03.

Yes: All present (8)

No: None

Absent: Vleck

MOTION CARRIED

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. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval

Mr. Miller reported that two minor changes were incorporated in the proposed zoning ordinance text amendment relating to Site Plan Approval. A provision was added that requires site plans to be sealed by a State of Michigan Professional Engineer, Registered Architect, Registered Landscape Architect or Professional Community Planner. In addition, the intent statement was strengthened.

Mr. Wright reported a typographical error in Section 03.43.01 (17); the words “State of Michigan Profession Engineer” should read “State of Michigan Professional Engineer.”

The Planning Department noted the error and the correction will be made.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-08-090

Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 03.40.00 Site Plan Approval of the Zoning Ordinance, be amended as printed, with the change as suggested by Mr. Wright, on the Proposed Zoning Ordinance Text Amendment, dated 08/04/04.

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

MOTION CARRIED

DATE: September 20, 2004

TO: John Szerlag, City Manager

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

SUBJECT: PUBLIC HEARING - ARTICLE II (CHANGES, AMENDMENTS AND APPROVALS) ZONING ORDINANCE AMENDMENTS (ZOTA #203)

RECOMMENDATION

The Planning Commission has developed amendments to Section 02.00.00, Changes, Amendments and Approvals. The general intent of this text amendment is to clarify the powers and duties of the Planning Commission and add voting requirements. Presently these provisions are in Chapter 40 of the City Code, and Planning Commission By-Laws, not in the Zoning Ordinance, which is the more appropriate location. Therefore, Chapter 40 should be rescinded upon the effective date of the 207th amendment to Chapter 39, Zoning Ordinance, of the Code of Ordinances.

The Planning Commission held a Public Hearing on this item on August 10, 2004. Following the Public Hearing, the Planning Commission recommended approval of ZOTA #203. City Management agrees with the Planning Commission and recommends approval of the proposed text amendment.

Reviewed as to Form and Legality:

Lori Grigg Bluhm, City Attorney Date

cc: File/ZOTA #203

Attachments:

1. ZOTA #203, dated June 16, 2004
2. Minutes from August 10, 2004 Planning Commission Regular Meeting
3. Meeting from June 22, 2004 Planning Commission Special/Study Meeting

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 203)**

Article II - Planning Commission, Changes and Amendments to the Zoning Ordinance, and Approvals

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment

Article II of Chapter 39 of the Code of the City of Troy is amended with the Changes, Amendments and Approvals text in the following manner to replace Chapter 40 of the City Code (to be repealed) including language regarding Voting Requirements:

(Underlining, except for major section titles, denotes changes.)

02.00.00 ARTICLE II PLANNING COMMISSION, CHANGES, AND AMENDMENTS TO THE ZONING ORDINANCE, AND APPROVALS

02.10.00 PLANNING COMMISSION
The City Planning Commission heretofore created pursuant to Public Act 285 of 1931, MCL 125.31, et seq., as amended, and the City Charter, is hereby continued. The City Planning Commission is hereby designated as the Commission specified in Section 4, of Act 207 of the Public Acts of 1921, MCL 125.584, as amended, and shall perform the duties of said Commission as provided in the Statute and this Chapter.

02.10.01 MEMBERS, TERMS
The City Planning Commission shall consist of nine (9) members who shall represent insofar as possible different professions or occupations and who shall be appointed by the Mayor subject to the approval by a majority vote of the City Council. No member shall hold any other municipal office except that one of such members may be a member of the Board of Zoning Appeals. Each member shall receive as compensation for his services a sum to be determined by City Council ~~the sum of Twenty Five (\$25.00) Dollars for each Regular or Special Meeting of the Commission which is attended by each member but not to exceed Nine Hundred Dollars (\$900.00) per annum.~~ The term of each member shall be three (3) years, except that three (3) members of the first commission so appointed shall serve for the term of one (1) year, three (3) for a term of two (2) years and three for a term of three (3) years. All members shall hold office until their successors are appointed. Members may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor, subject to the approval by a majority vote of City Council.

02.10.02

POWERS AND DUTIES

The City Planning Commission shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties including:

- (1) The making and adopting of a master plan for the physical development of the municipality. Such plan shall show among other things, the Commission's recommendations for the general location, character and extent of streets, boulevards, parkways, playgrounds, parks, location of public buildings, and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating or abandoning of any of the foregoing.
- (2) A zoning plan for the control of the height, area, bulk, location and use of buildings and premises, and all changes and amendments thereof.
- (3) The recommendation of approval to City Council of all preliminary plats subdividing land, site condominium plans, planned unit developments, some special use approval applications and any amendments or alterations thereof.
- (4) The recommendation to City Council on ordinance text amendments, street and alley vacations or extensions, and historic district designations.
- (5) Acting as the approval authority on site plans and most special use approval applications.

02.10.03

VOTING REQUIREMENTS

The concurring vote of 5 members of the Planning Commission is necessary to decide in favor of the applicant on site plan review and special use requests unless the Planning Commission does not have final jurisdiction on the matter. The concurring vote of 6 members of the Planning Commission is necessary for approval of master plan or future land use plan amendments. All other issues before the Planning Commission, including, but not limited to, rezoning proposals, site condominium plans, planned unit developments, ordinance text amendments, subdivision plats, street and alley vacations or extensions, and historic district designations are recommendations to City Council and the concurrence of a majority of those Commission members present at the meeting is necessary to recommend an action to the City Council.

02.10.04

FINANCES

The City Planning Commission may be allowed such funds for expenses as deemed advisable by the City Council and all debts and expenses incurred by the City Planning Commission shall be limited by such amount.

02.20.00

CHANGES AND AMENDMENTS

The Troy City Council may from time to time, on recommendation from the City Planning Commission, or on petition amend, supplement or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 207 of the Public Acts of 1921 as amended.

02.30.00

VESTED RIGHT

Nothing in this Chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

02.40.00 COMMISSION APPROVAL

In cases where the City Planning Commission is empowered to approve certain use of premises under the provisions of this Chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Chapter. Any approval given by the Commission, under which premises are not used or work is not started within twelve (12) months or when use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.

02.50.00 ENFORCEMENT, PENALTIES AND OTHER REMEDIES

02.50.01 VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the costs of such prosecution.

02.50.02 PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order to any court of competent jurisdiction.

02.50.03 FINES, IMPRISONMENT:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

02.50.04 EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when violation occurs or continues.

02.50.05 RIGHTS AND REMEDIES ARE CUMULATIVE:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 3. Savings

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

offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO REPEAL
CHAPTER 40 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment

Repeal of Chapter 40.

CHAPTER 40

CITY PLANNING COMMISSION

~~5.231 Commission Continued. The City Planning Commission heretofore created pursuant to Public Act 285 of 1931, as amended, and the City Charter, is hereby continued.~~

~~5.232 Members, Terms. The City Planning Commission shall consist of nine (9) members who shall have the qualifications of electors and shall represent insofar as possible different professions or occupations and who shall be appointed by the Mayor subject to the approval by a majority vote of the City Council. No member shall hold any other municipal office except that one of such members may be a member of the Board of Zoning Appeals. Each member shall receive as compensation for his services the sum of Twenty Five (\$25.00) Dollars for each Regular or Special Meeting of the Commission which is attended by each member but not to exceed Nine Hundred Dollars (\$900.00) per annum. The term of each member shall be three (3) years, except that three (3) members of the first commission so appointed shall serve for the term of one (1) year, three (3) for a term of two (2) years and three for a term of three (3) years. All members shall hold office until their successors are appointed. Members may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor.~~

~~5.233 Powers and Duties. The City Planning Commission shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties, including:~~

~~————— (1) The making and adopting of a master plan for the physical development of the municipality. Such plan shall show among other things, the Commission's recommendations for the general location, character and extent of streets, boulevards, parkways, playgrounds, parks, location of public buildings, and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating or abandoning of any of the foregoing.~~

~~————— (2) A zoning plan for the control of the height, area, bulk, location and use of buildings and premises, and all changes and amendments thereof;~~

~~_____ (3) The approval of all plats subdividing land in the City of Troy and of any amendments or alterations thereof.~~

~~5.234 Finances. The City Planning Commission may be allowed such funds for expenses as deemed advisable by the City Council and all debts and expenses incurred by the City Planning Commission shall be limited by such amount.~~

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

10. PUBLIC HEARING – 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 provided a summary of the proposed zoning ordinance text amendment that would clarify the powers and duties and voting requirements of the Planning Commission.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-08-092

Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 02.00.00 - Changes, Amendments and Approvals of the Zoning Ordinance, be amended as printed on the Proposed Zoning Ordinance Text Amendment, dated 06/16/04.

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

MOTION CARRIED

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.

A Regular Meeting of the Troy City Council was held Monday, September 13, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 P.M.

The Invocation was given by Pastor John R. Monson – St. Augustine Lutheran 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 (Absent/Excused)

Resolution to Excuse Council Member Stine

Resolution #2004-09-453
Moved by Lambert
Seconded by Beltramini

RESOLVED, That Council Member Stine’s absence at the Regular City Council and Closed Session meetings of Monday, September 13, 2004 **BE EXCUSED** due to illness.

Yes: All-6
No: None
Absent: Stine

CERTIFICATES OF RECOGNITION:

A-1 No Certificates of Recognition presented.

CARRYOVER ITEMS:

B-1 No Agenda Items Carried Over

PUBLIC HEARINGS:

C-1 No Public Hearings Scheduled

POSTPONED ITEMS:

CONSENT AGENDA:

E-1a Approval of “E” Items NOT Removed for Discussion

Resolution #2004-09-454
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-6
No: None
Absent: Stine

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

E-2 Minutes: Regular Meeting of August 23, 2004 and August 30, 2004

Resolution #2004-09-454-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of August 23, 2004 as amended and the Minutes of the 7:30 PM Special Meeting of August 30, 2004 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition

Resolution #2004-09-454-E-4

RESOLVED, That approval to expend funds budgeted in the 2004/2005 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of \$100,000.00 is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** on behalf of the City of Troy to sign the Agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Acceptance of a Permanent Easement for Public Utilities and a Warranty Deed for Street Right-of-Way – Cedar Pines Estates Site Condos – Project No. 03.926.3 – Sidwell #88-20-04-100-016 and Sidwell #88-20-04-100-048

Resolution #2004-09-454-E-5

RESOLVED, That the Permanent Easement for public utilities and the Warranty Deed for street right-of-way from Pratt Building Company, owner of property in the northwest $\frac{1}{4}$ of Section 4, having Sidwell #88-20-04-100-016 and Sidwell #88-20-04-100-048 are hereby **ACCEPTED**; and

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

E-6 Waiver of Parking Restrictions – Congregation Shir Tikvah

Resolution #2004-09-454-E-6

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the “NO PARKING” restrictions on the east side of Northfield Parkway from the entrance to Boulan Park to the entrance to Congregation Shir Tikvah, on Wednesday; September 15, 2004 from 7:00 pm - 11:00 pm; Thursday, September 16, 2004 from 9:00 am -5:00 pm; Friday, September 24, 2004 from 7:00 pm - 11:00 pm; and Saturday, September 25, 2004 from 9:00 am - 9:00 pm.

E-7 Fireworks Permit for the 2004 Troy Daze Festival

Resolution #2004-09-454-E-7

RESOLVED, That a fireworks permit be **ISSUED** to Melrose Pyrotechnics, Inc. of Kingsbury, Indiana for the display of fireworks at the conclusion of the 2004 Troy Daze Festival.

E-8 Acceptance of Warranty Deed for Detention Basin from Heatherwood Homes, Inc. – Sidwell #88-20-24-226-043 and -044

Resolution #2004-09-454-E-8

RESOLVED, That the Warranty Deed from Heatherwood Homes, Inc. for a detention basin, being part of Sidwell #88-20-24-226-043 and -044, is hereby **APPROVED**; 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 Approval of Purchase Agreement for John Cionca, Sr., John Cionca, Jr., and George Daniel Cionca – 2931 Thames – Sidwell #88-20-25-229-003, Big Beaver, Rochester to Dequindre Road – Project #01.105.5

Resolution #2004-09-454-E-9

RESOLVED, That the Agreement to Purchase with conditions between John Cionca, Sr., John Cionca, Jr., and George Daniel Cionca, and the City of Troy, having Sidwell #88-20-25-229-003, for the acquisition of property at 2931 Thames is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$170,000.00, plus closing costs.

E-10 Approval of Purchase Agreement – William Franklin Asbury – 2956 Sparta – Sidwell #88-20-25-203-001, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Resolution #2004-09-454-E-10

RESOLVED, That the Agreement to Purchase between William Franklin Asbury, and the City of Troy, having Sidwell #88-20-25-203-001, for the acquisition of property at 2956 Sparta is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$175,000.00, plus closing costs.

E-11 Approval of Purchase Agreement – Virginia H. Newman and Jeanette R. Lepinski – 2815 Thames – Sidwell #88-20-25-226-003, Big Beaver, Rochester to Dequindre Road – Project #01.105.5

Resolution #2004-09-454-E-11

RESOLVED, That the Agreement to Purchase between Virginia H. Newman and Jeanette R. Lepinski, and the City of Troy, having Sidwell #88-20-25-226-003, for the acquisition of property at 2815 Thames is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$175,000.00, plus closing costs.

E-12 Standard Purchasing Resolution 4: State of Michigan MiDEAL Program – Four Wheel Drive Pick-up Truck

Resolution #2004-09-454-E-12

RESOLVED, That a contract to purchase one (1) Dodge, Model DR6L61, four-wheel drive pick-up truck from Bill Snethkamp Lansing Dodge, Inc. is hereby **APPROVED** through the State of Michigan MiDEAL Program (formerly the Extended Purchasing Program) at an estimated cost of \$19,481.78.

E-13 Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Rental Equipment Including Operators

Resolution #2004-09-454-E-13

WHEREAS, On October 6, 2003, seasonal contracts with an option to renew for one additional season to provide snow removal rental equipment including operators was awarded to low bidders, Sterling Topsoil & Grading, Inc. and Brooks Landscaping, Inc. (Resolution #2003-10-496-E-4).

WHEREAS, Both awarded bidders have agreed to exercise the option to renew under the same unit prices, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contract are hereby **EXERCISED** with Sterling Topsoil & Grading, Inc. and Brooks Landscaping, Inc. to provide seasonal snow removal rental equipment including operators under the same contract prices, terms and conditions expiring April 15, 2005; and

BE IT FURTHER RESOLVED, That City Staff is **AUTHORIZED** to extend the hourly contract prices to other contractors, after the successful bidders have been employed, to speed the snow removal process during times of snow emergencies.

E-14 Private Agreement for Troy Commons Retail Center – Project No. 03.930.3

Resolution #2004-09-454-E-14

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Stuart Frankel Development Company, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, water main and soil erosion 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-15 Approval of Purchase Agreement, Tarek Nagia and Lina M. Magia – 2943 Thames, Sidwell #88-20-25-229-004 – Big Beaver, Rochester to Dequindre Road Project – No. 01.105.5

Resolution #2004-09-454-E-15

RESOLVED, That the Agreement to Purchase with conditions between Tarek Nagia and Lina M. Nagia, and the City of Troy, having Sidwell #88-20-25-229-004, for the acquisition of property at 2943 Thames is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$183,000.00, plus closing costs.

E-16 Municipal Credit and Community Credit Agreement

Resolution #2004-09-454-E-16

RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$76,084.00 and Community Credit funds in the amount of \$94,827.00 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; copies of which shall be **ATTACHED** to the original Minutes of this meeting.

E-17 Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Service / Home Chore Program

Resolution #2004-09-454-E-17

WHEREAS, On November 3, 2003, a contract for seasonal requirements of snow removal services for the home chore program with an option to renew for one additional season was awarded to the low bidder, Advanced Services 1, Inc. as the primary contractor, for Proposal A and Proposal B (Resolution #2003-11-560-E-20).

WHEREAS, Advanced Services 1, Inc. has agreed to exercise the option to renew the contract under the same pricing, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Advanced Services 1, Inc. to provide seasonal requirements of Snow Removal Services for the Home Chore Program at an estimated cost of \$11,150.00, under the same prices, terms and conditions expiring April 1, 2005.

E-18 Authorization of the Mayor and City Clerk to Sign an Easement to Detroit Edison on City Owned Parcel – Sidwell #88-20-03-401-050 – Vacant Storm Detention Area

Resolution #2004-09-454-E-18

RESOLVED, That the Permanent Easement for overhead and underground utility facilities from the City of Troy to Detroit Edison Company, being part of property having Sidwell #88-20-03-401-050, is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document; copies of which shall be **ATTACHED** to the original Minutes of this meeting.

E-19 Standard Resolution 9: Membership Renewal – Macomb County Criminal Justice Training Consortium and Approval to Use Training Services and the Macomb Police Academy

Resolution #2004-09-454-E-19

WHEREAS, Macomb Community College has provided the City of Troy Police Department with training at their Criminal Justice Training Facility.

WHEREAS, It is desirable to continue all standardized reduced cost training services that result from this membership for the Macomb Police Academy, and in-service and specialized training programs such as re-certification of police officers in Emergency Vehicle Operations and utilize the state of the art Computerized Simulated Shooting Scenario System and Crime Lab.

NOW, THEREFORE, BE IT RESOLVED, That a one-year membership renewal is hereby **APPROVED** with the Macomb Community College to become a member of the Macomb County Criminal Justice Training Consortium at an annual fee of \$21,400.00 and approval is hereby **GRANTED** to use the Macomb Police Academy and all other training services provided through consortium membership on a reduced cost or no cost basis.

E-20 Temporary Sales Trailer – Stonehaven Woods East Subdivision

Resolution #2004-09-454-E-20

RESOLVED, That the request from Joseph Maniaci representing Mondrian Properties for the placement of a temporary office trailer on one of the lots of the Stonehaven Woods East Subdivision, is hereby **APPROVED** for a twelve-month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

E-21 Standard Resolution 4: MICTA Cooperative Purchasing Program

Resolution #2004-09-454-E-21

RESOLVED, That the City Council of the City of Troy **AUTHORIZES** participation in MICTA contracts and **AUTHORIZES** the City Manager of the City of Troy to **ADMINISTRATIVELY AUTHORIZE** the use of this program above the \$10,000.00 limit when deemed to be in the City of Troy’s best interest, except for those “Capital” (401 account) purchases which shall be presented for Troy City Council review and pending approval.

E-22 Waiver of Parking Restrictions – 1921 Northwood

Resolution #2004-09-454-E-22

Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the “NO PARKING” restrictions on Northwood Street directly in front of 1921 Northwood on September 14 and September 16, 2004.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-3 Final Plan Review – Cedar Pines Site Condominium, South of South Boulevard, East of Crooks Road – Section 4 – R-1B

Resolution #2004-09-455
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the Final 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 Cedar Pines Site Condominium, located on the east of Crooks Road, south of South Boulevard, including 17 home sites, within the R-1B Zoning District, being 10.99 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-6
No: None
Absent: Stine

F-6 2005 City Calendar

Resolution #2004-09-456
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the City of Troy **PRINT** a quantity of 40,000 2005 City Calendars including postage and an 8-page spread for the Popular Annual Financial Report (PAFR) and an 8-page spread for advertising at an estimated net cost of \$23,695.000

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

MOTION CARRIED

F-10 Display Policy for Troy City Plaza

Resolution
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED** by **INSERTING:**

*RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display a Menorah, Nativity Scene, and other secular and religious symbols of the Season; and*

*BE IT RESOLVED, That City Management **ENSURE** that the Winter Holiday Display is in full compliance with the law and relevant court decisions; and*

*BE IT FURTHER RESOLVED, That City Management **ADOPT** policies and procedures to accept monetary and other donations for these added elements from individuals and organizations; and*

*BE IT FINALLY RESOLVED, That City Management **LOCATE** these added elements on the front lawn of City Hall to coincide with the 2004 Holiday Tree Lighting Ceremony.*

Vote on Resolution to Reconsider

Resolution #2004-09-457
Moved by Lambert

Seconded by Broomfield

RESOLVED, That Resolution #2004-08-407, Moved by Schilling and Seconded by Howrylak, as it appears below be **RECONSIDERED** by City Council:

*BE IT RESOLVED, That the Troy City Council **DIRECTS** City Management and the City Attorney to formulate a policy statement for Cultural, Religious and Historical Displays based upon discussion at the Council Table on Monday, August 9, 2004 and submit the policy statement to City Council at the Regular City Council meeting scheduled on Monday, September 13, 2004; and*

*BE IT FURTHER RESOLVED, That Troy City Council **DESIGNATES** the southeastern quadrant of Town Center and Civic Center Drive as the Cultural, Religious and Historical Displays site.*

Yes: All-7

MOTION CARRIED

Yes: All-5 Lambert, Schilling, Beltramini, Broomfield, Eisenbacher

No: Howrylak

Absent: Stine

MOTION CARRIED

Proposed Resolution to Amend Reconsidered Resolution #2004-08-407 by Substitution

Resolution

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Reconsidered Resolution #2004-08-407 be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTE** with the following:

*RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display a Menorah, Nativity Scene, and other secular and religious symbols of the Season; and*

*BE IT RESOLVED, That City Management **ENSURE** that the Winter Holiday Display is in full compliance with the law and relevant court decisions; and*

*BE IT FURTHER RESOLVED, That City Management **ADOPT** policies and procedures to accept monetary and other donations for these added elements from individuals and organizations; and*

*BE IT FINALLY RESOLVED, That City Management **LOCATE** these added elements at the southeastern quadrant of Town Center and Civic Center Drive to coincide with the 2004 Holiday Tree Lighting Ceremony.*

Proposed Resolution to Amend Substituted Resolution

Resolution
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **STRIKING**, “That City Management **LOCATE** these added elements at the southeastern quadrant of Town Center and Civic Center Drive” and **INSERT**, “at a place to be determined at a later date.”

There was a consensus of Council not to move forward with the above proposed amendment.

Proposed Resolution to Amend Substituted Resolution

Resolution
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **INSERTING**,

*“BE IT FURTHER RESOLVED, That the attached Display Policy for Troy City Plaza is **ADOPTED** as recommended by the City’s Administration.”*

Proposed Resolution to Amend Substituted Resolution

Resolution
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **INSERTING**,

*BE IT FURTHER RESOLVED, That **NO** City of Troy funding be used to purchase the displays.”*

The meeting **RECESSED** at 9:12 PM.

The meeting **RECONVENED** at 9:25 PM.

Vote on Resolution to Amend Substituted Resolution

Resolution #2004-09-458
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **INSERTING**,

*BE IT FURTHER RESOLVED, That **NO** City of Troy funding be used to purchase the displays.”*

Yes: All-6
No: None
Absent: Stine

Vote on Resolution to Amend Substituted Resolution

Resolution #2004-09-459
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **INSERTING**,

*“BE IT FURTHER RESOLVED, That the attached Display Policy for Troy City Plaza is **ADOPTED** as recommended by the City’s Administration.”*

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

MOTION FAILED

Vote on Resolution to Amend Substituted Resolution

Resolution #2004-09-460
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **STRIKING**, “and” and **INSERTING**, “or” **BEFORE** “other secular” in the first paragraph.

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

MOTION FAILED

Vote on Resolution to Amend Substituted Resolution

Resolution #2004-09-461
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **STRIKING**, “2004” and **INSERTING**, “Annual”.

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

MOTION CARRIED

Vote on Resolution to Amend Substituted Resolution

Resolution #2004-09-462
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Resolution to Substitute Reconsidered Resolution be **AMENDED** by **STRIKING**,

*“RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display a Menorah, Nativity Scene, and other secular and religious symbols of the Season;”*

and **INSERTING**,

*“RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display other secular and religious symbols of the Season which may include a Menorah and Nativity Scene;”*

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

MOTION CARRIED

Vote on Proposed Substitute Resolution

Resolution #2004-09-463
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Reconsidered Resolution #2004-08-407 be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** with the following:

*RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display a Menorah, Nativity Scene, and other secular and religious symbols of the Season; and*

*BE IT RESOLVED, That City Management **ENSURE** that the Winter Holiday Display is in full compliance with the law and relevant court decisions; and*

*BE IT FURTHER RESOLVED, That City Management **ADOPT** policies and procedures to accept monetary and other donations for these added elements from individuals and organizations; and*

*BE IT FINALLY RESOLVED, That City Management **LOCATE** these added elements at the southeastern quadrant of Town Center and Civic Center Drive to coincide with the 2004 Holiday Tree Lighting Ceremony.*

Yes: None
No: All-6
Absent: Stine

MOTION FAILED

Vote on Proposed Amended Substitute Resolution

Resolution #2004-09-464
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the proposed **AMENDED** Substitute Resolution be **APPROVED** as amended:

*RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display other secular and religious symbols of the Season which may include a Menorah and Nativity Scene; and*

*BE IT FURTHER RESOLVED, That City Management **ENSURE** that the Winter Holiday Display is in full compliance with the law and relevant court decisions; and*

*BE IT FURTHER RESOLVED, That City Management **ADOPT** policies and procedures to accept monetary and other donations for these added elements from individuals and organizations; and*

*BE IT FURTHER RESOLVED, That City Management **LOCATE** these added elements on the front lawn of City Hall to coincide with the Annual Holiday Tree Lighting Ceremony; and*

BE IT FINALLY RESOLVED, That no City funds shall be expended for the holiday displays.

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

MOTION CARRIED

Vote on Resolution to Lay Improper Resolution on the Table

Resolution #2004-09-465
Moved by Eisenbacher
Seconded by: None

RESOLVED, That the proposed substitute resolution, Moved by Lambert and Seconded by Broomfield, be **LAI**D ON THE TABLE INDEFINITELY.

Yes: All-6
No: None
Absent: Stine

Vote on Resolution to Postpone Vote on the Proposed Substituted Resolution for Original Resolution #2004-08-407

Resolution #2004-09-466
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That the proposed substituted resolution for original resolution #2004-08-407 be **POSTPONED** until the next Regular City Council Meeting scheduled for Monday, September 20, 2004.

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

MOTION FAILED

Vote on Proposed Substituted Resolution for Original Resolution #2004-08-407

Resolution #2004-09-467
Moved by Schilling
Seconded by Howrylak

RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display other secular and religious symbols of the Season which may include a Menorah and Nativity Scene; and

BE IT FURTHER RESOLVED, That City Management **ENSURE** that the Winter Holiday Display is in full compliance with the law and relevant court decisions; and

BE IT FURTHER RESOLVED, That City Management **ADOPT** policies and procedures to accept monetary and other donations for these added elements from individuals and organizations; and

BE IT FURTHER RESOLVED, That City Management **LOCATE** these added elements on the front lawn of City Hall to coincide with the Annual Holiday Tree Lighting Ceremony; and

BE IT FINALLY RESOLVED, That no City funds shall be expended for the holiday displays.

Yes: Broomfield, Eisenbacher, Lambert, Beltramini

No: Howrylak, Schilling

Absent: Stine

MOTION CARRIED

F-4 Extension of Preliminary Plat – Tentative Approval – Beachview Estates – West Side of Beach, South of Long Lake – Section 18

Resolution

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Beachview Estates Subdivision, on the west side of Beach, south of Long Lake in Section 18, **CONDITIONAL** on the petitioner completing a wetlands report or providing a letter of “no permit required” from the MDEQ, prior to receiving Final Preliminary Approval.

Vote on Amendment

Resolution #2004-09-468

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That the Resolution for a one-year extension of the Tentative Approval for the Preliminary Plat of Beachview Estates Subdivision be **AMENDED** by **STRIKING** “receiving” and **INSERTING** “requesting”.

Yes: All-6

No: None

Absent: Stine

Vote on Amended Resolution

Resolution #2004-09-469
 Moved by Eisenbacher
 Seconded by Broomfield

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Beachview Estates Subdivision, on the west side of Beach, south of Long Lake in Section 18, **CONDITIONAL** on the petitioner completing a wetlands report or providing a letter of “no permit required” from the MDEQ, prior to requesting Final Preliminary Approval.

Yes: All-6
 No: None
 Absent: Stine

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #5

Resolution #2004-470
 Moved by Lambert
 Seconded by Eisenbacher

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #5 – Order of Business and move forward agenda items H-1, Reconsideration of Long Lake/Crooks Road/I-75 Interchange Project and H-2, 3129 Alpine on the current agenda.

Yes: All-6
 No: None
 Absent: Stine

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**H-1 Reconsideration of Long Lake/Crooks Road/I-75 Interchange Project (Resolution #2004-07-368 – Advanced by Council Members Howrylak and Lambert**

Resolution #2004-09-471
 Moved by Lambert
 Seconded by Howrylak

RESOLVED, That Resolution #2004-07-368, Moved by Lambert and Seconded by Howrylak, as it appears below be **RECONSIDERED** by City Council:

*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

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

MOTION CARRIED**Proposed Resolution to Amend Reconsidered Resolution #2004-07-368 by Substitution**

Resolution
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Reconsidered Resolution #2004-07-368 be **AMENDED** by **SUBSTITUTING** it with the following language:

*“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;*

*RESOLVED, That the City Attorney shall **RESEARCH** ballot language to amend the City Charter to read as follows: “In January of each year, the Mayor of the City shall issue a written proclamation requesting the Governor and the members of the Michigan legislature to use their best efforts to prevent the building of exit and entrance ramps on I-75 where it intersects Long Lake Road.*

*BE IT FURTHER RESOLVED, That the proclamation shall be **DELIVERED** to the Governor, and each State Senator and State Representative whose district includes any part of the city.”*

Vote on Proposed Resolution to Amend Reconsidered Resolution Substitution

Resolution #2004-09-472
Moved by Howrylak
Seconded by Lambert

That the proposed Resolution to **AMEND** Substituted Reconsidered Resolution #2004-07-368 be **AMENDED** by **INSERTING**:

*“RESOLVED, That the proposed ballot language to amend the City Charter drafted by the City Attorney’s office **GOES TO** the Charter Revision Committee prior to submission to City Council.”*

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

MOTION CARRIED

Vote on Resolution to Separate Proposed Amendments for Voting Purposes

Resolution #2004-09-473

Moved by Broomfield

Seconded by Schilling

RESOLVED, That the following language:

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

from the proposed amendment, Moved by Lambert and Seconded by Howrylak, to Amend Reconsidered Resolution be **SEPARATED** from:

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

*“RESOLVED, That the City Attorney shall **RESEARCH** ballot language to amend the City Charter to read as follows: “In January of each year, the Mayor of the City shall issue a written proclamation requesting the Governor and the members of the Michigan legislature to use their best efforts to prevent the building of exit and entrance ramps on I-75 where it intersects Long Lake Road; and*

*BE IT FURTHER RESOLVED, That the proclamation shall be **DELIVERED** to the Governor, and each State Senator and State Representative whose district includes any part of the city; and*

*RESOLVED, That the proposed ballot language to amend the City Charter drafted by the City Attorney’s office **GOES TO** the Charter Revision Committee prior to submission to City Council.”*

proposed resolution to amend Reconsidered Resolution, Moved by Lambert and Seconded by Howrylak be separated for voting purposes.

Yes: All-6
No: None
Absent: Stine

Vote on Proposed Separated Resolution to Substitute Reconsidered Resolution #2004-07-368 as Amended

Resolution #2004-09-474
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Separated Substituted Reconsidered Resolution #2004-07-368 be **AMENDED** by **SUBSTITUTING** it with the following language:

*“RESOLVED, That the City Attorney shall **RESEARCH** ballot language to amend the City Charter to read as follows: “In January of each year, the Mayor of the City shall issue a written proclamation requesting the Governor and the members of the Michigan legislature to use their best efforts to prevent the building of exit and entrance ramps on I-75 where it intersects Long Lake Road; and*

BE IT FURTHER RESOLVED, That the proclamation shall be delivered to the Governor, and each State Senator and State Representative whose district includes any part of the city; and

RESOLVED, That the proposed ballot language to amend the City Charter drafted by the City Attorney’s office goes to the Charter Revision Committee prior to submission to City Council.”

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

MOTION FAILED

Proposed Resolution to Amend Separated Reconsidered Resolution #2004-07-368

Resolution
Moved by Broomfield
Seconded by Eisenbacher

RESOLVED, That the Resolution to Amend Reconsidered Resolution #2004-07-368 be **AMENDED** by **INSERTING**, “for the election scheduled for November 2005”.

Vote on Resolution to Amend Amendment to Separated Reconsidered Resolution #2004-07-368

Resolution #2004-09-475
Moved by Broomfield
Seconded by Eisenbacher

RESOLVED, That the Resolution to amend Reconsidered Resolution #2004-07-368 be **AMENDED** by **STRIKING**, “for the election scheduled for November 2005” and **INSERTING**, “for the next scheduled city regular election”.

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

MOTION CARRIED

Vote on Proposed Resolution to Amend Separated Reconsidered Resolution #2004-07-368 as Amended

Resolution #2004-09-476
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Reconsidered Resolution #2004-07-368 be **AMENDED** by **SUBSTITUTING** it with the following language:

*“RESOLVED, That Troy City Council **DIRECTS** the City Attorney to **RESEARCH** and draft ballot language for the Long Lake/Crooks Road/I-75 Interchange Improvement project that will allow voters to provide input on this project for the next scheduled city regular election.”*

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

MOTION CARRIED

Vote on Separated Reconsidered Resolution #2004-07-368 as it was Amended

Resolution #2004-09-477
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 Improvement project that will allow voters to provide input on this project for the next scheduled city regular election.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

No: Schilling
Absent: Stine

MOTION CARRIED

H-2 3129 Alpine – Advanced by Council Member Stine

Resolution #2004-09-478
Moved by Beltramini
Seconded by Lambert

RESOLVED, That City Management continue negotiating with the residents at 3129 Alpine to reduce the footprint and change the exterior of the 6,000 square foot attached accessory garage which is under construction so that the dual purpose of achieving neighborhood compatibility and a functioning attached garage for the residents can be accomplished.

Yes: All-6
No: None
Absent: Stine

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1. No appointments made. (b) City Council Appointments: No appointments submitted.

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for Monday, September 20, 2004:

(a) Mayoral Appointments

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

Term expires 07-01-2005 (Student)

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

Term expires 04-30-2009

F-2 Designation of Congress of Cities Voting and Alternate Voting Delegates

Resolution #2004-09-479
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Council Member Beltramini is hereby **DESIGNATED** as Voting Delegate and Mayor Schilling is hereby **DESIGNATED** as the Alternate Voting Delegate to cast the vote for the City of Troy at the Annual Meeting of the National League of Cities to be held on December 4, 2004 at Indianapolis, Indiana.

Yes: All-6
No: None
Absent: Stine

F-5 Sole Source – X26 Advanced Taser – Less than Lethal Electrical Impulse Devices

Vote on Resolution to Postpone

Resolution #2004-09-480
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Item F-5, Sole Source – X26 Advanced Taser be **POSTPONED** until the Regular Meeting Scheduled for Monday, September 20, 2004.

Yes: All-6
No: None
Absent: Stine

F-7 Scheduling of Annual Goals and Objectives Workshop

Resolution #2004-09-481
Moved by Lambert
Seconded by Beltramini

RESOLVED, That City Council **SCHEDULE** their annual Goals and Objectives Workshop with Dr. Lew Bender of the Southern Illinois University on December 10, 2004 from 6:00 PM to 10:00 PM, and on December 11, 2004, from 8:00 AM to 1:00 PM at the Police/Fire Training Center located at 4850 John R – Troy, Michigan.

Yes: All-6
No: None
Absent: Stine

F-8 Scheduling of a Joint Meeting with the Downtown Development Authority (DDA)

Resolution
Resolution Moved by Beltramini
Seconded by Broomfield

RESOLVED, That a joint meeting with the Downtown Development Authority (DDA) is **SCHEDULED** for Wednesday, September 22, 2004 at 7:30 AM at the offices of Doeren

Mayhew on the 22nd floor of the Top of Troy building located at 755 W. Big Beaver – Troy, Michigan.

Vote on Resolution to Amend

Resolution #2004-09-482
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the proposed Resolution for Scheduling of a Joint Meeting with the Downtown Development Authority (DDA) be **AMENDED** by **STRIKING**, “the offices of Doeren Mayhew on the 22nd floor of”.

Yes: All-6
No: None
Absent: Stine

Vote on Amended Resolution

Resolution #2004-09-483
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That a joint meeting with the Downtown Development Authority (DDA) is **SCHEDULED** for Wednesday, September 22, 2004 at 7:30 AM at the Top of Troy building located at 755 W. Big Beaver – Troy, Michigan.

Yes: All-6
No: None
Absent: Stine

F-9 Municipal Civil Infractions Ordinance – Chapter 100

Resolution #2004-09-484
Moved by Lambert
Seconded by Beltramini

RESOLVED, That an ordinance to be known and cited as Chapter 100, Municipal Civil Infractions, of the Code of the City of Troy 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-6
No: None
Absent: Stine

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- (a) Proposed Zoning Ordinance Text Amendment (ZOTA 479-B) Northeast Corner of Rochester Road and Charrington Road – Section 23 – B-1 to H-S – Scheduled for September 27, 2004
 - (b) Proposed Zoning Ordinance Text Amendment (ZOTA 182) for Section 12.50, R-1T – One Family Attached Residential Districts – Scheduled for September 27, 2004
 - (c) Parking Variance Request – 1800 W. Big Beaver – Scheduled for September 27, 2004
 - (d) Proposed Zoning Ordinance Text Amendment (ZOTA 200) for Article 34.70.00 – One Family Cluster Option – Scheduled for September 27, 2004
 - (e) Proposed Zoning Ordinance Text Amendment (ZOTA 199) for Section 03.40 – Site Plan Review / Approval – Scheduled for September 27, 2004
 - (f) Proposed Zoning Ordinance Text Amendment (ZOTA 203) Article II (Changes, Amendments and Approvals) – Scheduled for September 27, 2004
Noted and Filed
-

G-2 Green Memorandums:

- (a) State of Michigan Election Consolidation - Elimination of City of Troy, April General / Regular Election Date and the Establishment of New City General / Regular Election Date
Noted and Filed

COUNCIL COMMENTS:

- I-1 No Council Comments were brought forward.

REPORTS:

J-1 Minutes – Boards and Committees:

- (a) Youth Council/Final – May 26, 2004
 - (b) Historic Commission/Draft – July 27, 2004
 - (c) Planning Commission Special-Study/Draft – August 3, 2004
 - (d) Planning Commission Special-Study/Draft – August 3, 2004
 - (e) Building Code Board of Appeals/Final – August 4, 2004
 - (f) Planning Commission/Draft – August 10, 2004
 - (g) Planning Commission/Final – August 10, 2004
 - (h) Board of Zoning Appeals/Draft – August 17, 2004
 - (i) Youth Council/Draft – August 25, 2004
Noted and Filed
-

J-2 Department Reports:

- (a) Permits Issued During the Month of August 2004
 - (b) Medi-Go Plus Report
 - (c) Preliminary Report from the Historic District Study Committee Concerning the Robert and Marilyn Miller Property
Noted and Filed
-

J-3 Letters of Appreciation:

- (a) Letter from Lori Hebert - Program Coordinator-Academy of Counter-Terrorist Education for Louisiana State University to Sgt. Donald Ostrowski Thanking Him for Hosting the Law Enforcement Response to Weapons of Mass Destruction Courses Held in Pontiac, Michigan
- (b) Letter from Richard R. Weiler - Director of the Police Officers Labor Council to Chief Craft Thanking Captain Dane Slater, Lt. Thomas Houghton and Sgt. Robert Redmond for Their Assistance in Filming a Promotion for their Law Enforcement Education Program Targeted for High School Students
- (c) Letter from Jim Townsend - Executive Director, Tourism Economic Development Council (TEDC) to City Council Congratulating the City of Troy on the Enactment of an Ordinance Allowing Reciprocal Licensing of Taxicabs in the City of Troy
- (d) Letter from Joseph S. Novitsky - AIA, Joseph S. Novitsky Architecture to John Szerlag Thanking Him and All the City Staff Responsible for Giving JSN the Opportunity to Perform as the City's Architect for Fire Station #3
- (e) Letter from Jeffrey T. Newton, Sgt Miarnng – Rear Detachment NCOIC – Michigan Army National Guard Recognizing Detective Mike Meinzinger for His Assistance in Facilitating the Donation and Transportation of Donated Equipment to Soldiers Stationed Overseas for Operation Iraqi Freedom II
- (f) Letter from Lori Podsiadlik, Program Director for Troy Community Coalition to Sgt. R. Kowalski for His Help and Support of the Rochester Villas Summer Program
Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- (a) City of Hamtramck – Objection to the SEMCOG 2030 Regional Transportation Plan
- (b) Village of Beverly Hills – Opposition to the Elimination of 20J Funding for the Birmingham School District
Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Letter from Dan G. Dirks-General Manager of SMART, Re: SMART Update

Noted and Filed

J-7 Letter from *Crain's Detroit Business*, Re: Recognizing Lori Bluhm as one of *Crain's Detroit Business's* 40 Under 40 Honorees for 2004

Noted and Filed

J-8 Letter from International Municipal Lawyers Association, Informing Lori Bluhm That She Has Met the Criteria to be Awarded the Designation of IMLA Local Government Fellow

Noted and Filed

J-9 Memorandum, Re: City of Troy v. White Chapel Memorial Association

Noted and Filed

J-10 Letter from Stop Interchange Now! Citizens' Coalition (SIN), Re: I-75/Long Lake Road Interchange Issue

Noted and Filed

J-11 Letter from Tom Krent, Re: Industrial Style Garage at 3129 Alpine

Noted and Filed

STUDY ITEMS:

K-1 International City/County Management Association (ICMA) Citizen Survey - Removed at the request of City Management.

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2004-09-485

Moved by Beltramini

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), Troy v. Premium Construction (John Pavone and Mukesh Mangela).

Yes: All-6

No: None

Absent: Stine

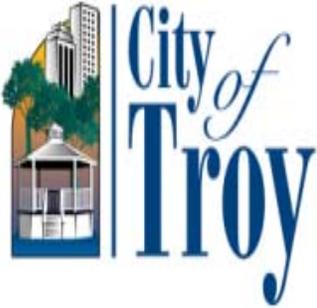
The meeting **RECESSED** at 12:53 AM on Tuesday, September 14, 2004.

The meeting **RECONVENED** at 1:07 AM on Tuesday, September 14, 2004.

The meeting **ADJOURNED** at 1:08 AM on Tuesday, September 14, 2004.

Louise E. Schilling, Mayor

Barbara A. Holmes, CMC
Deputy City Clerk



TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
 Brian P. Murphy, Assistant City Manager/ Services
 Mark Stimac, Director of Building and Zoning
 Lori Grigg Bluhm, City Attorney
DATE: September 22, 2004
SUBJECT: Concerns Regarding A Temporary Moratorium

Councilwoman Jeanne Stine has proposed the following resolution, which appears as an agenda item on the September 27, 2004 City Council agenda:

Be it resolved that a moratorium be placed upon the issuance of any building permit for detached or attached accessory buildings on residentially zoned property where the material is not similar to the main building. That this moratorium be for a period of 6 months or until the City Council approves revisions to our ordinances as they relate to neighborhood compatibility issues currently under consideration by the Plan Commission, whichever comes first.

For the reasons set forth below, City Administration recommends an alternative resolution that formalizes and expedites the referral of proposed ordinance amendments for height, size, and set backs to the Planning Commission.

Moratorium

There is no explicit statutory authority for moratoria under Michigan law. However, there are communities that have passed ordinances that impose a temporary moratorium. These communities base these ordinances on the implied police powers (ie. the authority to regulate for health, safety, and welfare reasons). Most of the time, these moratoria remain unchallenged since the litigation is likely to last longer than the temporary moratorium. However, since the imposition of a moratorium is a potential 5th Amendment Constitutional violation, the Courts employ rigorous scrutiny on a case-by-case basis. In conducting this analysis, the Courts balance the moratorium's negative economic effects on the landowner, the extent to which the moratorium interferes with reasonable investment backed expectations, and the character of the governmental action. The character of the governmental action refers to the motives of the legislative body in imposing a temporary moratorium.

This delicate balancing was done *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Authority*.¹ In that case, the U.S. Supreme Court determined that a temporary moratorium MAY be justified when there is a compelling need to impose a regulation. Unfortunately, the Court did not actually reach a decision on whether the temporary moratorium was an unconstitutional 5th Amendment takings in *Tahoe-Sierra*, so we are left with little guidance. In *Tahoe-Sierra*, there was

¹ 535 US 302, 122 S.Ct. 1465, 152 L.Ed. 2d 517 (2002)

significant public debate concerning the need for planning revisions to preserve the pristine natural features that were being irreparably destroyed by development. However, before making these revisions, they solicited an environmental study to assist in their deliberations. In the interim, they were experiencing a rush of applicants seeking to build under the existing regulations, rather than the more stringent proposed regulations. The Regional Authority imposed a moratorium, in order to avoid a rushed planning process that would deprive them of necessary time for studies and deliberation prior to irreparable damage to pristine natural features.

Unlike *Tahoe-Sierra*, Troy's record to support a moratorium on accessory buildings is minimal, and in fact contrary to the proposed action. Although accessory buildings were discussed at the Study Meeting of September 14, 2004, the consensus of Council was to focus on use, size, and setbacks, rather than materials. This is due, in part, to the recommendations of our Planning Consultant, Dick Carlisle, which were supported by City Administration. Regulation of materials is extremely complex, susceptible to varying interpretations, and there is limited legal authority to impose these types of regulations.

There are other concerns about imposing a temporary moratorium on the construction of accessory buildings. It is problematic to suspend a planning ordinance, which can only be amended after public hearing and planning commission recommendation, with a simple resolution. In other communities, moratoriums were imposed with the adoption of an ordinance. It is our recommendation that if Council chooses to pursue a temporary moratorium, that it be effectuated through the adoption of an ordinance. At a minimum, this process ensures minimal due process. It is also our recommendation that notification be sent to all known applicants who would be affected by the temporary moratorium. Even after notification, these affected property owners will likely argue that they have vested rights to complete their development as proposed prior to the imposition of the moratorium.

Although not recommended, there is a public record concerning the interest of City Council to regulate accessory structures based on size, set backs, and use. As such, if Council insists on a moratorium, it should be limited to these issues. For example, the adoption of an ordinance that uses current criteria found in the zoning ordinance that would establish a temporary moratorium prohibiting construction of accessory buildings (attached or detached) exceeding 600 square feet might be more tenable than the currently proposed resolution. However, this type of a moratorium would still impact approximately 80 homeowners, based on the applications from the last fiscal year.

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

A Special Meeting of the Troy City Council was held Tuesday, September 14, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Louise Schilling called the Meeting to order at 7:31 P.M.

ROLL CALL

PRESENT: Mayor Louise Schilling
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak (Arrived 7:44 AM)
David A. Lambert (Absent)
Jeanne M. Stine

Resolution to Excuse Councilmember Lambert

Resolution #2004 -09-485a
Moved by Stine
Seconded by Beltramini

RESOLVED, That Councilmember Lambert’s absence at the Study Session meeting of September 14, 2004 **BE EXCUSED** due to being unable to attend.

Yes: All-5
No: 0
Absent: 2

MOTION CARRIED

Study Topic: Neighborhood Compatibility Issues

Planning Consultant, Richard Carlisle (Carlisle and Wortman) led a discussion.

Consensus was reached on the points below. Summary from Carlisle shall be attached to these minutes.

- 1) Size
- 2) Use
- 3) Compatibility

The City Manager indicated that the Planning Commission will review the direction from City Council, take public input, and return with a recommendation to City Council.

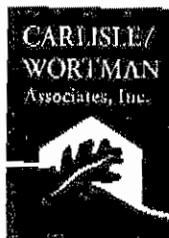
PUBLIC COMMENT:

1 resident spoke on the issue.

The meeting adjourned at 9:18 P.M.

Louise Schilling, Mayor

John M. Lamerato
Assistant City Manager/Finance & Administration



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

September 17, 2004

John Szerlag, City Manager
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: Neighborhood Compatibility/Accessory Buildings

Dear Mr. Szerlag:

Pursuant to our workshop with City Council, the following represents my notations regarding the direction given by Council to the staff and Planning Commission. Given the diversity of opinion on the subject, there seems to be consensus that many areas of the Ordinance need to be reviewed. However, specific details will require further study by staff and the Commission.

1. Size – There was recognition that the current method had some inherent inequities and problems. Items to be addressed include:
 - a. Size of attached structures should be based upon a relationship to the size (i.e. floor area) of the principal residence. However, to avoid penalizing small residences, a minimum allowable size of garages could be established.
 - b. Size of detached structures should be based upon a relationship to the size of the property. The current “one size fits all” (600 square feet) does not recognize larger pieces of property.
 - c. There should be a threshold on the combined total of all accessory buildings reflected by maximum lot coverage.
 - d. The provisions for neighbor notification for sheds (Sec. 40.57.11) are overly burdensome for property owners and should be eliminated.
2. Use – There was considerable discussion about the relationship of commercial vehicles parking and the size of attached accessory structures due to the limitation on such vehicles to be parked outdoors. Also, the current appellate procedure may inadvertently be encouraging large attached accessory structures to house larger commercial vehicles.

Mr. John Szerlag
September 17, 2004
Page 2

While there was not unanimity on the nature and/or scope of the problem, there was agreement that the issue should be studied and recommendations made.

Another item raised was the need to make a distinction in both the definitions and regulations between the various types of accessory structures: garages, storage and recreational (i.e. pools, gyms, etc). Items to be addressed include:

- a. Current definition of commercial vehicles may be vague. A number of criteria, such as weight, licensing, and identification may be included in the definition to provide greater clarity.
 - b. Regulations regarding commercial vehicle parking in residential areas should be evaluated. Consideration should be given to refining locational criteria so that accommodation can be made for specific circumstances (i.e. residence located a major thoroughfare), while protecting the integrity of established neighborhoods.
 - c. When evaluating commercial vehicle parking other items of consideration should include extending time limits, allowing for replacement vehicles once permission is granted, and establishing screening criteria for outdoor parking.
 - d. Evaluate current City Council appellate procedures for commercial vehicle parking and determine whether the Zoning Board of Appeals is the more appropriate body for such appeals.
 - e. Provide definitions and regulations for accessory building which are recreational in nature.
3. Compatibility – There was general consensus that compatibility of accessory structures should be treated in the traditional way through height, size and setbacks. Attempting to regulate the use of various materials is complex and likely to raise serious objections.

I hope this reflects the result of the meeting. Please let me know if you need additional information.

Yours truly,

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP, AICP

RKC: lh

225-05-2401

A Regular Meeting of the Troy City Council was held Monday, September 20, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

The Invocation was given by Pastor Richard A. Peacock – First United Methodist 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 (Arrived 7:35 PM)
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 No Presentations or Certificates of Recognition presented.

CARRYOVER ITEMS:

B-1 No Agenda Items Carried Over.

PUBLIC HEARINGS:

C-1 No Public Hearings presented.

POSTPONED ITEMS:

D-1 Sole Source – X26 Advanced Taser – Less than Lethal Electrical Impulse Devices

Resolution #2004-09-486
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, Michigan Taser Distributing is the sole source provider in Michigan of the X26 Advanced Taser and Accessories.

WHEREAS, This electrical impulse tool has now become legal for Michigan law enforcement to use to reduce injury and potential liability for the City.

NOW, THEREFORE, BE IT RESOLVED, That a contract is hereby **AWARDED** to Michigan Taser Distributing, the sole source provider for the X26 Advanced Tasers and accessories at an estimated total cost of \$23,950.00 which includes freight.

Yes: All-7

CONSENT AGENDA:

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

Resolution #2004-09-487
Moved by Beltrami
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-2, 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 City of Troy Proclamations:

Resolution #2004-09-487-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- (a) National Alcohol and Drug Addiction Recover Month – September 27, 2004
- (b) Family Day – A Day to Eat Dinner With Your Children – September 27, 2004

E-4 Acceptance of a Permanent Easement for Roadway, Sanitary Sewer, Water Main, Public Utilities, Sidewalk, Storm Sewer and Surface Drainage, and Warranty Deeds for Street Right-of-Way and Detention Pond Site Booth Parcel Splits – Project No. 03.949.3 – Sidwell #88-20-03-401-003

Resolution #2004-09-487-E-4

RESOLVED, That the Permanent Easement for Roadway, Sanitary Sewer, Water Main, Public Utilities, Sidewalk, Storm Sewer and Surface Drainage, and the Warranty Deeds for Street Right-of-Way and Detention Pond Site from Milano Building Company, owner of property in the southeast ¼ of Section 3, having Sidwell #88-20-03-401-003 are hereby **ACCEPTED**; and

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

E-5 Acceptance of Purchase Agreement: Saoud Jamo and Nidhal Jamo, 2907 Thames, Sidwell #88-20-25-229-001, Big Beaver, Rochester to Dequindre Road Project #01-105.5

Resolution #2004-09-487-E-5

RESOLVED, That the Agreement to Purchase with conditions between Saoud Jamo and Nidhal Jamo and the City of Troy, having Sidwell #88-20-25-229-001, for the acquisition of property at 2907 Thames is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$180,000.00, plus closing costs.

E-6 Acceptance of Purchase Agreement and Price Differential Payment for Mahmoud and Nahla Abdallah, 2851 Thames – Sidwell #88-20-25-226-006 – Project No. 01.105.5 – Big Beaver Road Improvements – Rochester to Dequindre

Resolution #2004-09-487-E-6

RESOLVED, That the Agreement to Purchase between Mahmoud and Nahla Abdallah, and the City of Troy, having Sidwell #88-20-25-226-006, for the acquisition of property at 2851 Thames is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$185,000.00, plus closing costs; and

BE IT FINALLY RESOLVED, That as required by Michigan Laws and Federal Regulations, a Price Differential Payment, not to exceed \$22,000.00 is hereby **APPROVED**.

E-7 Acceptance of Purchase Agreement and Price Differential Payment for Emad and Niran Youno, 2955 Thames – Sidwell #88-20-25-229-005 – Project No. 01.105.5 – Big Beaver Road Improvements – Rochester to Dequindre

Resolution #2004-09-487-E-7

RESOLVED, That the Agreement to Purchase between Emad and Niran Youno, and the City of Troy, having Sidwell #88-20-25-229-005, for the acquisition of property at 2955 Thames is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$190,000.00, plus closing costs; and

BE IT FINALLY RESOLVED, That as required by Michigan Laws and Federal Regulations, a Price Differential Payment, not to exceed \$17,900.00 is hereby **APPROVED**.

E-8 Approval of Private Agreement for Pro Car Wash – Project No 02.914.3

Resolution #2004-09-487-E-8

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Pro Car Wash is hereby **APPROVED** for the installation of paving and storm sewer 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 Application for New Specially Designated Merchant (SDM) License by ALDI, Inc. (Michigan)**(a) Issuance of New SDM Licensed Business**

Resolution #2004-09-487-E-9 (a)

RESOLVED, That the request from ALDI, Inc. (Michigan) for a Specially Designated Merchant (SDM) licensed business, located at 2967 E. Big Beaver Rd. - Troy, MI 48084, Oakland County [MLCC REQ ID #268630], be considered for **APPROVAL**; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application be **RECOMMENDED** “above all others” for issuance.

(b) Approval of Agreement

Resolution #2004-09-487-E-9 (b)

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 ALDI, Inc. (Michigan) which shall become effective upon approval of the request for a new Specially Designated Merchant (SDM) licensed business located at 2967 E. Big Beaver Rd. – Troy, MI 48084, Oakland County, 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.

E-10 Announcement of Public Hearing – Community Development Block Grant (CDBG) Re-Programming of Year 2002 Funds

Resolution #2004-09-487-E-10

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on October 4, 2004 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the re-programming of year 2002 funds.

ITEM TAKEN OUT OF ORDER

E-2 Minutes: Regular Meeting of September 13, 2004

Resolution #2004-09-488
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of September 13, 2004 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 27, 2004.

Yes: All-7

F-3 Tentative Preliminary Subdivision Approval – Wyngate of Troy Subdivision, East Side of Coolidge Highway, North of Square Lake Road – Section 5 – R-1B

Resolution #2004-09-489
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Final Approval of the Preliminary Plat for Wyngate of Troy Subdivision located on the east side of Coolidge Highway, north of Square Lake Road, within Section 5, is hereby **GRANTED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Subdivision Agreement; a copy of which shall 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: No appointments made, and **(b) City Council Appointments:** No appointments submitted.

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for Monday, October 4, 2004:

(a) Mayoral Appointments

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

Term expires 07-01-2005 (Student)

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

Term expires 04-30-2009

F-2 Petition Analysis – Paving of Big Oak Trail – SAD #04.201.1 – Standard Resolutions #1, #2 and #3

(a) Standard Resolution #1

Resolution #2004-09-490(a)
 Moved by Stine
 Seconded by Lambert

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 Big Oak Trail in Section 18, Project No. 04.201.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes: All-7

(b) Standard Resolution #2

Resolution #2004-09-490(b)
 Moved by Stine
 Seconded by Lambert

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 Big Oak Trail, in Section 18, Project No. 04.201.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy:

Total Estimated Cost	\$163,000.00
Assessment (5 units @ \$5,170.00 ea)	25,850.00
City's Share	137,150.00

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: All-7

(c) **Standard Resolution #3**

Resolution #2004-09-490(c)
Moved by Stine
Seconded by Lambert

RESOLVED, That Standard Resolution #3 be hereby **ADOPTED** to set a Public Hearing date on the Special Assessment Roll for Asphalt Paving of Big Oak Trail in Section 18, Project No. 04. 201.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said **Public Hearing** to be **ESTABLISHED** for October 4, 2004.

Yes: All-7

F-4 Section 2 Ferry Drain Restoration Project

Resolution #2004-09-491
Moved by Beltramini
Seconded by Stine

WHEREAS, Hubbell, Roth & Clark in accordance with the General Engineering Contract, was authorized by City Council Resolution No. 2002-06-379 to provide engineering services to the City of Troy.

WHEREAS, There is a problem with stream bank erosion on the Ferry Drain.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy is providing **AUTHORIZATION** to proceed with the design services for the Section 2 Ferry Drain Restoration Project at a cost of \$32,088.00 plus an additional 10% for contingencies which must first be approved by City Management.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: No Public Hearings announced.

G-2 Green Memorandums: No Green Memorandums submitted.

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

The meeting **RECESSED** at 9:35 PM.

The meeting **RECONVENED** at 9:45 PM.

H-1 Holiday/Religious Displays on City Hall Lawn – Advanced by Council Member Beltramini

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That Resolution #2004-09-467, Moved by Schilling and Seconded by Howrylak, as it appears below be **RESCINDED** by City Council:

*RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display other secular and religious symbols of the Season which may include a Menorah and Nativity Scene; and*

*BE IT FURTHER RESOLVED, That City Management **ENSURE** that the Winter Holiday Display is in full compliance with the law and relevant court decisions; and*

*BE IT FURTHER RESOLVED, That City Management **ADOPT** policies and procedures to accept monetary and other donations for these added elements from individuals and organizations; and*

*BE IT FURTHER RESOLVED, That City Management **LOCATE** these added elements on the front lawn of City Hall to coincide with the Annual Holiday Tree Lighting Ceremony; and*

BE IT FINALLY RESOLVED, That no City funds shall be expended for the holiday displays.

Yes: Broomfield, Eisenbacher, Lambert, Beltramini

No: Howrylak, Schilling

Absent: Stine

MOTION CARRIED

#1 Vote on Resolution to Amend

Resolution #2004-09-492

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That the Resolution #2004-09-467, that was previously adopted, be **AMENDED** by **SUBSTITUTING** the city display policy as drafted by City Administration.

Yes: Stine, Schilling, Broomfield, Eisenbacher, Howrylak, Lambert

No: Beltramini

MOTION CARRIED

#2 Vote on Resolution to Amend

Resolution #2004-09-493
Moved by Stine
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by changing the City display location to the Peace Garden.

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

MOTION CARRIED

#3 Vote on Resolution to Amend

Resolution #2004-09-494
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by changing references to “days” to “calendar days”, and that Section 5.4 be **AMENDED** by **STRIKING** “corporations” and **INSERTING** “businesses”.

Yes: All-7

#4 Vote on Resolution as Amended

Resolution #2004-09-495
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** “charitable organizations” and **INSERTING** “nonprofit organizations” in Section 5.4.

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

MOTION CARRIED

#5 Vote on Resolution as Amended

Resolution #2004-09-496
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “two displays will be erected in a selected area of the Peace Garden for the purpose of displays”.

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2004-09-497
Moved by Beltramini
Seconded by Stine

RESOLVED, That the City Administration recommended display policy as attached to the City Council Packet of September 13, 2004 for two display locations in a selected area of the Peace Garden for purpose of displays is **ADOPTED** as recommended by the City's Administration with the policy **AMENDED** by changing references of days to "calendar" days, and in Section 5.4, change "corporations" to "businesses" and "charitable" to "nonprofit".

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

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #5

Resolution #2004-09-498
Moved by Stine
Seconded by Beltramini

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #5 – Order of Business and move forward the resolution as proposed by Council Member Stine under Council Comments on the current agenda.

Yes: All-7

COUNCIL COMMENTS:

I-1 Building Permit Moratorium - Resolution Proposed by Council Member Stine

Resolution
Moved by Stine
Seconded by Beltramini

BE IT RESOLVED, That a moratorium be placed upon the issuance of any building permit for detached or attached accessory buildings on residentially zoned property where the material is not similar to the main building. That this moratorium be for a period of 6 months or until the City Council approves revisions to our ordinances as they relate to neighborhood compatibility issues currently under consideration by the Planning Commission, whichever comes first.

Vote on Resolution to Postpone

Resolution #2004-09-499
 Moved by Beltramini
 Seconded by Stine

RESOLVED, That the Resolution proposed by Council Member Stine to institute a Building Permit Moratorium be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 27, 2004.

Yes: All-7

REPORTS:**J-1 Minutes – Boards and Committees:**

- (a) Advisory Committee for Senior Citizens/Final – June 3, 2004
 - (b) Advisory Committee for Persons with Disabilities/Draft – August 4, 2004
 - (c) Advisory Committee for Persons with Disabilities /Final – August 4, 2004
 - (d) Liquor Advisory Committee/Final – August 9, 2004
 - (e) Employees' Retirement System Board of Trustees/Final – August 11, 2004
 - (f) Planning Commission Special-Study/Draft – August 24, 2004
 - (g) Board of Zoning Appeals/Draft – August 31, 2004
 - (h) Animal Control Appeal Board/Draft – September 1, 2004
 - (i) Building Code Board of Appeals/Draft – September 1, 2004
 - (j) Advisory Committee for Senior Citizens/Draft – September 2, 2004
 - (k) Library Board/Draft – September 9, 2004
 - (l) Liquor Advisory Committee/Draft – September 13, 2004
- Noted and Filed

J-2 Department Reports:

- (a) Monthly Financial Report – August 31, 2004
- Noted and Filed

J-3 Letters of Appreciation:

- (a) E-mail from Audre Zembrzuski to John Szerlag and City Council in Appreciation of Vicki Richardson in DPW for Her Assistance With Her Recyclables
 - (b) Letter from Zoe Alpern to Tim Richnak – DPW Thanking Dana Calhoun for Her Assistance in Explaining the Installation of Storm Drains on the Kingsley Drive Cul-De-Sac
 - (c) Letter from Mr. and Mrs. Thomas J. Burke to Assistant Fire Chief David Roberts Thanking Lt. Rodney Bovensiep for Personally Investigating a Noise They Believed to Be Coming from Their Smoke Alarm
- Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:**J-5 Calendar**

Noted and Filed

J-6 Troy Parks and Recreation – Annual Report 2003
Noted and Filed

J-7 Memorandum, Re: Methodology to Solicit Advertising for the 2005 Calendar
Noted and Filed

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #5

Resolution #2004-09-500
Moved by Howrylak
Seconded by Lambert

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #5 – Order of Business and move forward the Agenda Item, L-1 – Closed Session.

Yes: All-7

CLOSED SESSION:

L-1 Closed Session

Resolution #2004-09-501
Moved by Lambert
Seconded by Beltramini

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

Yes: All-7

STUDY ITEMS:

K-1 Discussion of the Proposed I-75/Crooks/Long Lake Interchange Improvement Project as a Possible Open-Ended Question in the ICMA Survey

PUBLIC COMMENT: Address of “K” Items

The meeting **RECESSED** at 11:14 PM.

The meeting **RECONVENED** at 12:02 AM on Tuesday, September 21, 2004.

The meeting **ADJOURNED** at 12:03 AM on Tuesday, September 21, 2004.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Joint Meeting of the Troy City Council and the Downtown Development Authority (DDA) was held Wednesday, September 22, 2004 at the Top of Troy Building – 755 W. Big Beaver – 13th Floor – Room #1305 – Troy, Michigan. Mayor Pro Tem Beltramini called the Meeting to order at 7:35 AM.

ROLL CALL

City Council Members:

PRESENT:

Mayor Louise Schilling (Arrived at 7:37 AM)
 Robin Beltramini
 Cristina Broomfield
 David Eisenbacher
 Martin F. Howrylak (Arrived at 7:40 AM)
 David A. Lambert
 Jeanne M. Stine

Downtown Development Authority:

PRESENT:

Michael Culpepper
 David Hay
 Michelle Hodges
 William Kennis
 Alan Kiriluk
 Daniel MacLeish
 Carol Price
 Louise Schilling
 G. Thomas York
 Harvey Weiss

ABSENT:

Stuart Frankel
 Ernest Reschke
 Douglas Schroeder

Staff:

John Szerlag, City Manager
 Lori Grigg Bluhm, City Attorney
 John M. Lamerato, Assistant City Manager/Finance & Administration
 Brian P. Murphy, Assistant City Manager/Services
 Mark Miller, Planning Director
 Doug Smith, Real Estate and Development Director
 Mark Stimac, Building and Zoning Director
 Laura Fitzpatrick, Assistant to the City Manager

NEW BUSINESS

Goals and Mission of the DDA

John Szerlag, City Manager and Executive Director, gave an overview of the City/DDA current status, accomplishments through partnerships and redevelopment opportunities. Alan Kiriluk presented the TDDA's thoughts on the preferred future of the Big Beaver corridor and the DDA's role. A representative of Joseph Freed and Associates made a brief presentation on a proposed planned unit development project for the Big Beaver corridor. Doug Smith gave an update on the corridor study RFQ. Mayor Louise Schilling led the discussion on the direction the TDDA should take.

It was the general consensus of the City Council to proceed with the corridor study.

PUBLIC COMMENT

The meeting adjourned at 9:35 AM.

Louise E. Schilling, Mayor

John M. Lamerato,
Assistant City Manager/Finance and Administration

September 21, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Dennis C. Stephens, Right of Way Representative

SUBJECT: AGENDA ITEM - Request for approval of Agreement To Purchase
Right of Way to the 60 foot line for Water Main replacement – 6316
Livernois Road - Section 3 Water Main replacement – Project
#01.509.5
Owner: Maurice Genneri and Tarik Toma

On June 7, 2004 City Council authorized an unconditioned offer to purchase right-of-way on the east side of Livernois Road, between Square Lake Road and South Boulevard, in Resolution #2004-06-312, for water main replacement. The value authorized and the appraised value was \$4,400.00.

The appraised value for this parcel was prepared by Andrew Reed, a state Certified General Appraiser and reviewed by Kimberly A. Harper, Deputy Assessor.

Maurice Genneri and Tarik Toma have signed and returned the Agreement to Purchase with an increase in the amount, to \$5000.00, which is \$600.00 more than the approved amount.

The Right-of-Way Department has conferred with the Department of Law and the Engineering Department.

City staff believes it would be in the City's best interest to approve this Agreement to Purchase.

CC: Lori Bluhm, City Attorney
Steve Vandette, City Engineer

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Tarik Toma (11% interest) and Maurice Genneri, a married man (89 % interest), (the "Sellers"), the following described premises (the "Property"):

See Exhibit "A" attached hereto and by Reference made a part hereof

for a public project within the City of Troy and to pay the sum of ~~Four Thousand Four Hundred~~ ^{FIVE THOUSAND} and 00/100 Dollars (~~\$4,400.00~~) under the following terms and conditions:

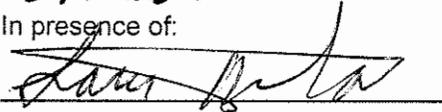
- ~~\$4,400.00~~
\$5,000 SK
1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
 2. Seller shall pay all taxes, prorated to the date of closing; including all special assessments, now due or which may become a lien on the property prior to the conveyance.
 3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
 4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.
 5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
 6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
 7. The Purchaser will assume all responsibility and liability for environmental concerns and cleanup, if necessary, on this property.
 8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
 9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

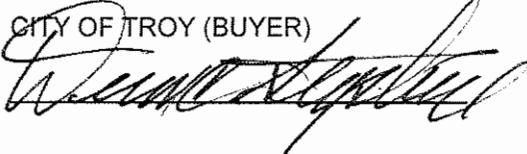
10. Additional conditions, if any: _____

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

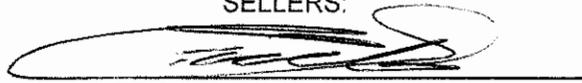
IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 15th day of ~~AUGUST~~ September, A.D. 2004.

In presence of:



CITY OF TROY (BUYER)


SELLERS:



Tarik Toma



Maurice Gennan

EXHIBIT "A"

Section 3, Part of the SW ¼
Parcel: 88-20-03-301-018
Address: 6316 Livernois Rd.

Description of Parent Parcel:

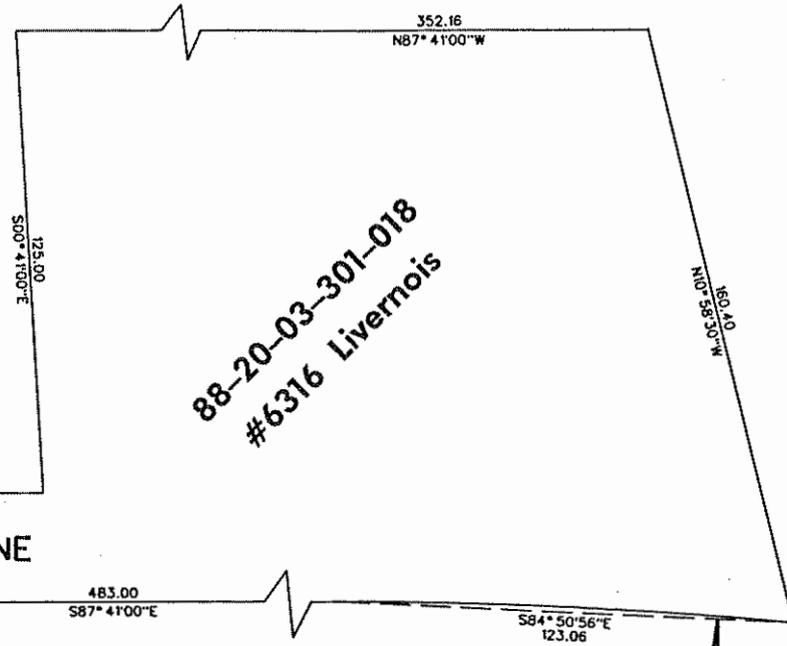
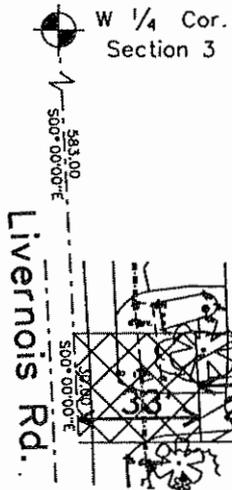
Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant South 583 feet from the West ¼ Corner; thence South 87 degrees 41 minutes 00 seconds East 483 feet; thence along a curve to the right, having a radius of 1244.33 feet, chord bears South 84 degrees 50 minutes 56 seconds East 123.06 feet, and a distance of 123.12 feet; North 10 degrees 58 minutes 30 seconds West 160.40 feet thence North 87 degrees 41 minutes 00 seconds West 352.16 feet; thence South 00 degrees 41 minutes 00 seconds East 125 feet; thence North 87 degrees 41 minutes 00 seconds West 222 feet; thence South 30 feet to the Point of Beginning. Containing 1.47 acres. The west 33 feet of which is currently being used for roadway purposes.

Description R/W Acquisition:

Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The West 60.00 feet of the following described parcel being 60.00 feet east of and perpendicular to the west line of said section 3. The west 33 feet of which is currently being used for roadway purposes:

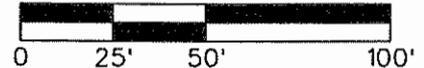
Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant South 583 feet from the West ¼ Corner; thence South 87 degrees 41 minutes 00 seconds East 483 feet; thence along a curve to the right, having a radius of 1244.33 feet, chord bears South 84 degrees 50 minutes 56 seconds East 123.06 feet, and a distance of 123.12 feet; North 10 degrees 58 minutes 30 seconds West 160.40 feet thence North 87 degrees 41 minutes 00 seconds West 352.16 feet; thence South 00 degrees 41 minutes 00 seconds East 125 feet; thence North 87 degrees 41 minutes 00 seconds West 222 feet; thence South 30 feet to the Point of Beginning. Containing 810 Square Feet or 0.019 acres.

File: H:\Descriptions\Property Descriptions\88-20-03-301-018



PROPOSED 60' R/W LINE

Graphic Scale: 1"=50'



EXISTING STATUTORY
33' RIGHT OF WAY
A=990 SQ. FT.



PROPOSED 27'
RIGHT OF WAY
ACQUISITION
A=810 SQ. FT.



CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Right of Way
Acquisition Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 11/24/03	DATE	VIEW *1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	SHEET No. JOB No.
		STEVEN J. VANDETTE CITY ENGINEER	

September 23, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Brian Murphy, Assistant City Manager/Services
Cindy Stewart, Community Affairs Director
Laura Fitzpatrick, Assistant to the City Manager

SUBJECT: ICMA Citizen Survey

We have revised the ICMA (International City/County Management Association) survey to reflect Council's edits to the 3 additional yes/no questions as well as the addition of two open-ended questions. Question 16 contains our yes/no and open-ended questions.

Question 16 (a) was amended at the study session, to read: "Would you support maintaining the current tax rate even if it means a reduction in the level of essential city services (Police, Fire, Public Works)." The idea behind changing the question from the previous edition was to turn the question from a negative reference frame to a positive reference frame.

After reading the question as though we were respondents to the survey, we noticed an unintended consequence to the change. As worded, there are two reasons to answer "no" to the question: "no" taxes are too high; "no" I don't want to reduce services.

Instead Council may wish to consider amending the question to: "Would you support maintaining the current level of essential city services (Police, Fire, Public Works) even if it means an increase in the current tax rate."

The question maintains a positive reference frame, and reduces the interpretation to what a response means. "Yes" means residents want to maintain service delivery even if we have to raise taxes to do so. "No" means that we can modify our service levels to work within the confines of the current millage structure.

Funds for this expenditure are available through Community Affairs – Consultant Fees, Account #748.7816.010.

Attached is the revised sample survey.

The City of Troy 2004 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:

	<u>excellent</u>	<u>good</u>	<u>fair</u>	<u>poor</u>	<u>don't know</u>
How do you rate Troy 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 Troy as a place to raise children?	1	2	3	4	5
How do you rate Troy as a place to retire?	1	2	3	4	5
How do you rate the overall quality of life in Troy?.....	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to Troy as a whole:

	<u>excellent</u>	<u>good</u>	<u>fair</u>	<u>poor</u>	<u>don't know</u>
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 Troy.....	1	2	3	4	5
Opportunities to attend cultural activities	1	2	3	4	5
Shopping opportunities	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
Ease of car travel in Troy.....	1	2	3	4	5
Ease of bus travel in Troy	1	2	3	4	5
Ease of bicycle travel in Troy	1	2	3	4	5
Ease of walking in Troy.....	1	2	3	4	5

3. Please rate the speed of growth in the following categories in Troy over the past 2 years:

	<u>much too slow</u>	<u>somewhat too slow</u>	<u>right amount</u>	<u>somewhat too fast</u>	<u>much too fast</u>	<u>don't know</u>
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 Troy:

	<u>not a problem</u>	<u>minor problem</u>	<u>moderate problem</u>	<u>major problem</u>	<u>don't know</u>
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

5. Please rate how safe you feel from the following occurring to you in Troy:

	very <u>safe</u>	somewhat <u>safe</u>	neither safe <u>nor unsafe</u>	somewhat <u>unsafe</u>	very <u>unsafe</u>	don't <u>know</u>
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 <u>safe</u>	somewhat <u>safe</u>	neither safe <u>nor unsafe</u>	somewhat <u>unsafe</u>	very <u>unsafe</u>	don't <u>know</u>
In your neighborhood during the day.....	1	2	3	4	5	6
In your neighborhood after dark	1	2	3	4	5	6
In Troy's shopping/commercial area during the day..	1	2	3	4	5	6
In Troy's shopping/commercial area after dark.....	1	2	3	4	5	6
In Troy's parks during the day.....	1	2	3	4	5	6
In Troy'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 Troy?

	never	once or <u>twice</u>	3 to 12 <u>times</u>	13 to 26 <u>times</u>	more than <u>26 times</u>
Used Troy public libraries or their services	1	2	3	4	5
Used Troy recreation centers	1	2	3	4	5
Visited the Troy Historical Museum.....	1	2	3	4	5
Visited one of Troy's golf courses	1	2	3	4	5
Participated in a recreation program or activity	1	2	3	4	5
Visited a neighborhood or City park.....	1	2	3	4	5
Ridden a local bus within Troy	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 Troy	1	2	3	4	5
Read Troy Today Newsletter	1	2	3	4	5
Used the Internet for anything	1	2	3	4	5
Used the Internet to conduct business with the City of Troy	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 Troy?

	<u>excellent</u>	<u>good</u>	<u>fair</u>	<u>poor</u>	<u>don't know</u>
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
Nature Center.....	1	2	3	4	5
Sewer services.....	1	2	3	4	5
City 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
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
Public schools.....	1	2	3	4	5
Cable television.....	1	2	3	4	5
Troy Museum.....	1	2	3	4	5

11. Overall, how would you rate the quality of the services provided by...

	<u>excellent</u>	<u>good</u>	<u>fair</u>	<u>poor</u>	<u>don't know</u>
The City of Troy?.....	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 City of Troy 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 City of Troy in your most recent contact? (Rate each characteristic below.)

	<u>excellent</u>	<u>good</u>	<u>fair</u>	<u>poor</u>	<u>don't know</u>
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:

	<u>strongly agree</u>	<u>somewhat agree</u>	<u>neither agree nor disagree</u>	<u>somewhat disagree</u>	<u>strongly disagree</u>	<u>don't know</u>
I receive good value for the City of Troy taxes I pay	1	2	3	4	5	6
I am pleased with the overall direction that the City of Troy is taking.....	1	2	3	4	5	6
The City of Troy government welcomes citizen involvement.....	1	2	3	4	5	6
The City of Troy 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. Would you support maintaining the current level of essential City services (Police, Fire, Public Works, etc.) even if it means an increase in the current tax rate?

- yes no don't know

b. Would you be in favor of implementing new user fees (Library, Parks & Recreation uses/programs) where none currently exist?

- yes no don't know

c. For Quality of Life Services (Parks & Recreation/Library/Museum/Nature Center) should there be an increase in user fees before an increase in taxes?

- yes no don't know

d. Our last survey conducted in 1999 indicated that traffic congestion was Troy's #1 concern. How do you feel about this and how would you like the City of Troy to address traffic congestion?

e. What do you think about the City of Troy proceeding with the final phase of the proposed I-75/Crooks/Long Lake Interchange Improvement Project which would be contingent upon receiving an estimated \$40 million from the Federal Highway Administration, and why?

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 City limits of the City of Troy?

- 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 Troy?

- less than 2 years 11-20 years
 2-5 years more than 20 years
 6-10 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 town home)
 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 55-64 years
 25-34 years 65-74 years
 35-44 years 75 years or older
 45-54 years

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

DATE: September 21, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: 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

RECOMMENDATION

At the June 8, 2004 Planning Commission Regular Meeting, the Planning Commission recommended approval of the alternate layout of the Stone Haven Woods East No. 2 Site Condominium, with the extension of Fadi Drive to the north and east, without a direct connection to Wattles Road. City Management concurs with this recommendation.

City Council tabled the item at the July 12 and July 19 City Council meetings to provide time to study alternate designs related to access to Wattles Road. The petitioner has agreed to support a layout with no direct connection to Wattles Road, as recommended by the Planning Commission and City Management.

GENERAL INFORMATION

Name of Owner / Applicant:
Kamal Shouhayib.

Location of subject property:
The property is located on the south side of Wattles Road, west of Crooks Road, in section 20.

Size of subject parcel:
The parcel is approximately 2.02 acres in area.

Description of proposed development:
The applicant is proposing to develop a 4-unit site condominium, with Fadi Drive extending to the north and then turning to the east, ending in a stub street. This stub street could potentially be extended to the east and south and provide access to future residential units. This option does not provide a convenient cut-through opportunity from eastbound Wattles to southbound Crooks.

Stone Haven Woods is located to the west of the parcel and Stone Haven Woods East is located to the south and east of the parcel. A narrow undeveloped parcel breaks Rothwell Street and Provincial Street to the west of the proposed development. Both sets of stub streets line up with each other. Clearly, these developments were designed to connect to one another in the future. When this parcel is developed as intended in the future, there will be two points of access into the proposed residential development, one from Wattles Road via Stone Haven and one from Crooks Road via Rothwell. This will be consistent with City Management's policy of street interconnection, without creating a layout that is convenient to cut-through traffic.

Current use of subject property:

A single family residence presently sits on the property.

Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Current zoning classification:

The property is currently zoned R-1B One Family Residential.

Zoning classification of adjacent parcels:

North: R-1B One Family Residential.

South: R-1B One Family Residential.

East: R-1B One Family Residential.

West: R-1B One Family Residential.

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: 15,000 square feet average, no less than 13,500 square feet with lot averaging.

Lot Width: 100 feet, no less than 90 feet with lot averaging.

Height: 2 stories or 25 feet.

Setbacks: Front: 40 feet.
Side (least one): 10 feet.
Side (total two): 25 feet.
Rear: 45 feet.

Minimum Floor Area: 1,400 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1B One Family Residential 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 was submitted as part of the application.

Stormwater detention:

The applicant is proposing to utilize the existing detention basin located at the southeast corner of Stone Haven Woods East Subdivision.

Natural features and floodplains:

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

Subdivision Control Ordinance, Article IV Design Standards

Blocks: The applicant is proposing to extend Fadi Drive to Wattles Road.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Topographic Conditions: The parcel is relatively flat and contains some trees.

Streets: The applicant is proposing extend Fadi Drive, a 60-foot wide public right-of-way, with Wattles Road, a major thoroughfare.

Sidewalks: The applicant is proposing to construct 5-foot wide sidewalks along both sides of Fadi and an 8-foot wide sidewalk on the south side of Wattles.

Utilities: The parcel is served by public water and sewer.

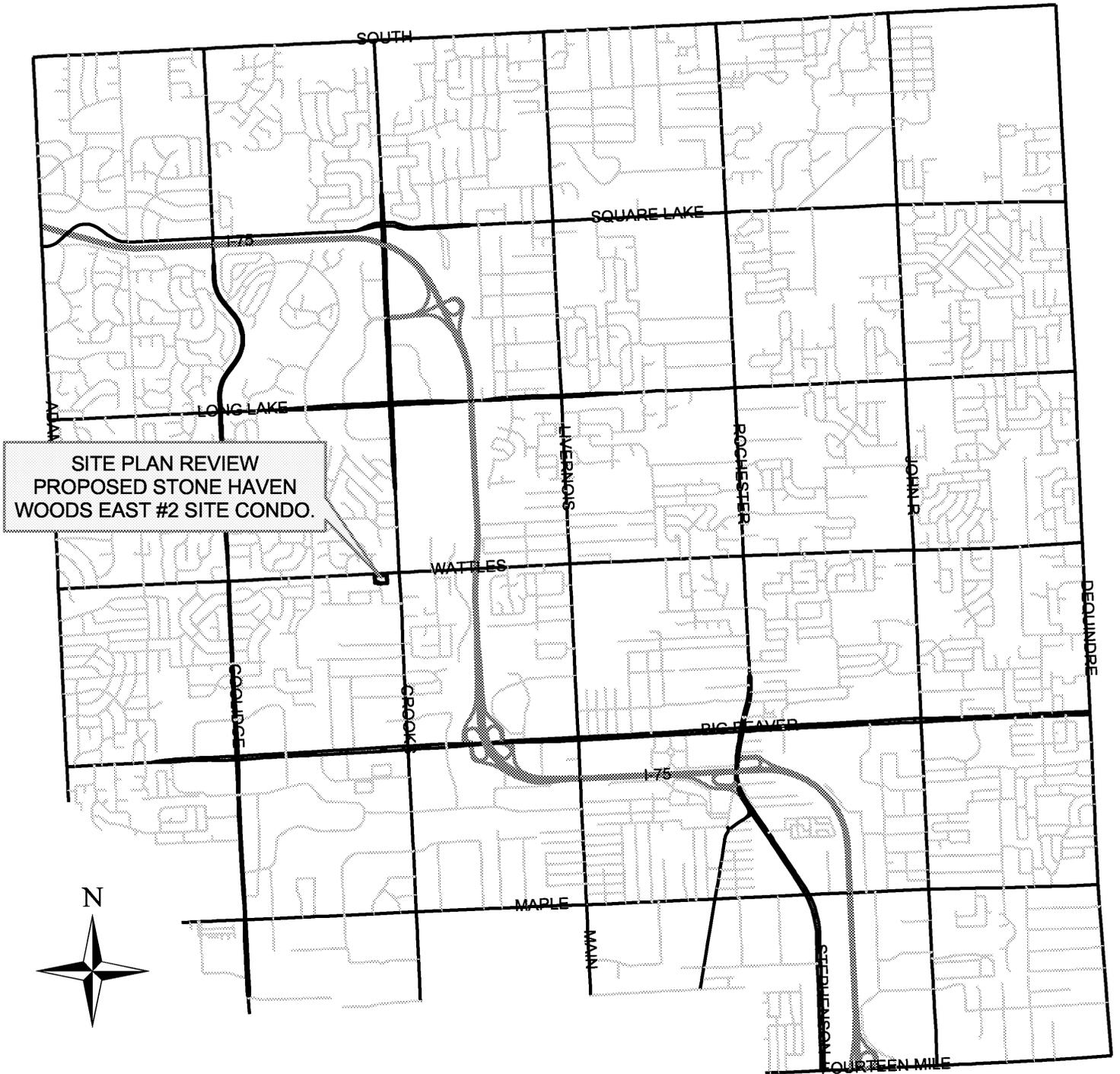
cc: File/Stone Haven Woods East No. 2 Site Condominium
Applicant

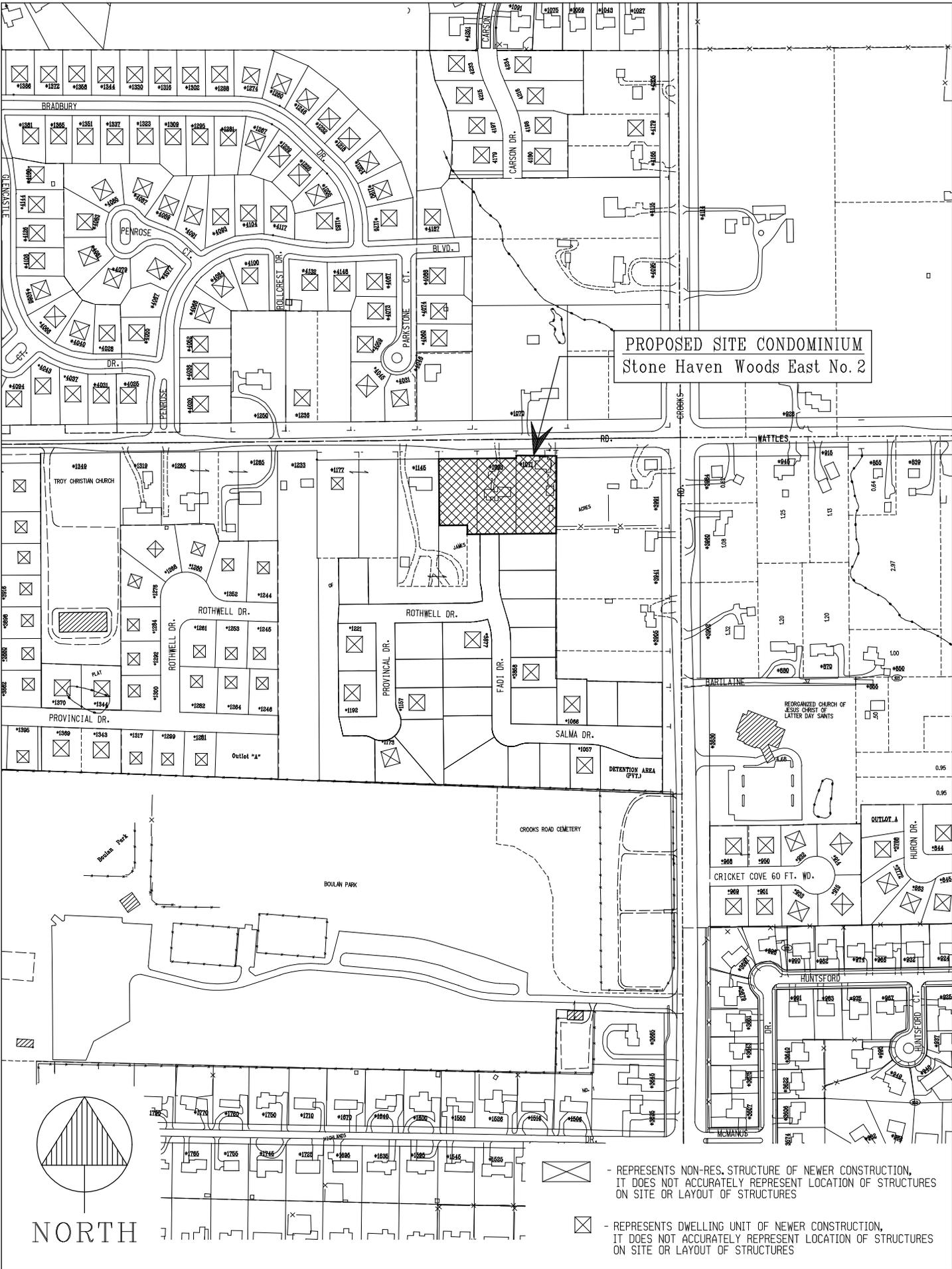
Attachments:

1. Maps
2. Minutes from the June 8, 2004 Planning Commission Regular Meeting
3. Minutes from July 12, 2004 City Council Meeting
4. Minutes from July 19, 2004 City Council Meeting
5. Wetland Preliminary Determination Report, dated April 13, 2004
6. Unplatted Residential Development Levels Of Approval
7. Comparison Between Site Condominiums and Plats

G:\SUBDIVISIONS & SITE CONDOS\Stone Haven Woods East 2 Site Condo Sec 20\Stone Haven Woods East No 2 Site
Condo_CC Prelim Approval 06 24 04.doc

CITY OF TROY

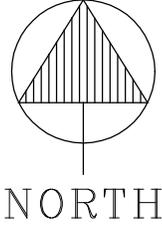




PROPOSED SITE CONDOMINIUM
Stone Haven Woods East No. 2

⊠ - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES

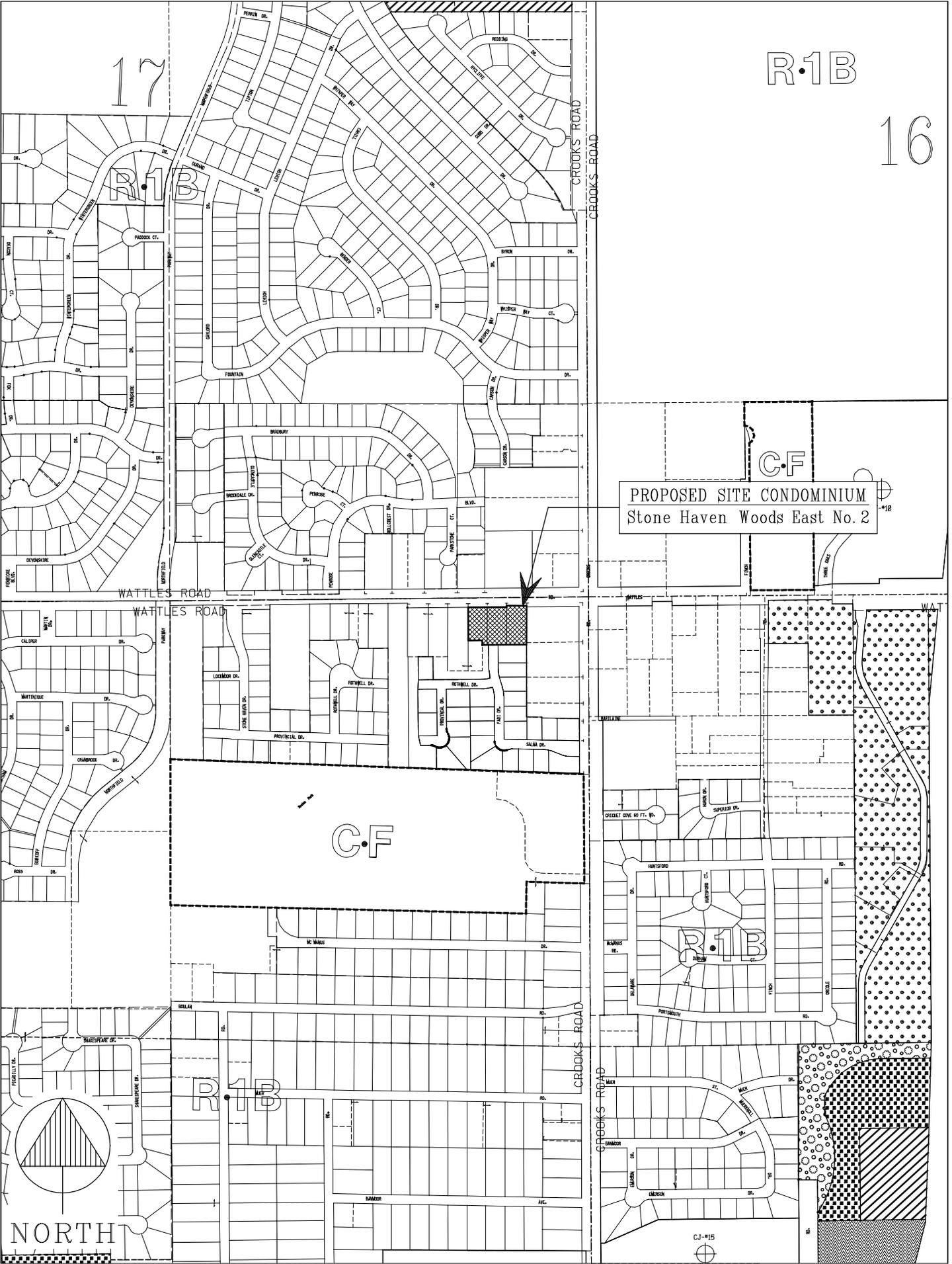
⊠ - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES



17

R-1B

16



PROPOSED SITE CONDOMINIUM
 Stone Haven Woods East No. 2

C.F.

C.F.

R-1B

R-1B

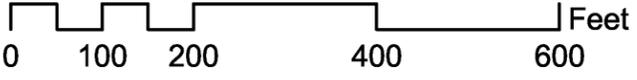
NORTH

CJ-115

PROPOSED SITE CONDOMINIUM
STONE HAVEN WOODS EAST NO. 2
S SIDE OF WATTLES, W OF CROOKS
SEC. 20 (4 UNITS/LOTS)



PROPOSED SITE CONDOMINIUM
STONE HAVEN WOODS EAST NO. 2



CHOOKS

L



W WATTLES

SALMA

FADI

PENROSE

ROTHWELL

PROVINCIAL

GLENCASTLE

STONE HAVEN

LOCKMOOR



TABLED ITEMS

4. SITE PLAN REVIEW – Proposed Stone Haven Woods East No. 2 Site Condominium, 4 units/lots proposed, South side of Wattles, West of Crooks, Section 20 – R-1B

Mr. Savidant presented a summary of the Planning Department report for the proposed site condominium. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the alternate layout provided by the petitioner at the request of the Planning Department. The alternate layout provides an extension of Fadi Drive to the north and east, without a direct connection to Wattles Road.

Mr. Savidant noted that Stone Haven Woods is located on the west of the parcel. A narrow undeveloped parcel breaks Rothwell Street and Provincial Street to the west of the proposed development. Both sets of stub streets line up with each other. Clearly, these developments were designed to connect to one another in the future. When this parcel is developed as intended in the future, there will be two points of access into the proposed residential development, one from Wattles Road (Stone Haven) and one from Crooks Road (Rothwell). This will be consistent with City Management's policy of street interconnection, without creating a layout that is convenient to cut-through traffic.

The petitioner, Kamal Shouhayib of Choice Development, 755 W. Big Beaver Road, Suite 1275, Troy, was present. Mr. Shouhayib distributed letters to the Commissioners and addressed the importance of an access from Wattles Road to the proposed development. Mr. Shouhayib said the sale of homes has been slow because some prospective homebuyers are uncomfortable living in the proximity of a cemetery. He stressed that residents would not have to drive by the cemetery if a direct connection was provided to Wattles Road. Mr. Shouhayib demonstrated how the cemetery comes into play with the entrance off of Crooks Road only. Mr. Shouhayib acknowledged ownership of parcels to the east and south of the proposed development.

Resolution # PC-2004-06-065

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development) as requested for Stone Haven Woods East No. 2 Site Condominium, including 4 units, located south of Wattles Road and west of Crooks Road, Section 20, within the R-1B zoning district, Alternate 2 Layout, be granted; and

FURTHER RESOLVED, That should the City Council choose the Alternate 1 Layout, the City recommendation of a deceleration lane on Wattles Road shall not be implemented.

Yes: Chamberlain, Littman, Schultz, Waller
No: Drake-Batts, Khan, Vleck
Absent: Strat, Wright

MOTION CARRIED

Mr. Vleck said he is not in favor of the motion because he would like to see the connection go directly to Wattles Road.

Ms. Drake-Batts agreed. She also stated the Alternate 2 Layout would reduce the value of the properties and make it more difficult for the developer to sell those homes that back up to Wattles Road, versus the original layout that provides two internal home sites.

Mr. Khan said he would like to see the connection go directly to Wattles Road to promote development of the parcels.

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

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

Resolution #2004-07-368
Moved by Lambert
Seconded by Howrylak

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

Vote on Resolution to Postpone

Resolution #2004-07-374
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Preliminary Site Condominium Review for Stone Haven Woods East No. 2 Site Condominium, south side of Wattles Road and west of Crooks Road in Section 20 and zoned as R-1B, be **POSTPONED** until a date uncertain until the following events take place:

1. The petitioner, Mr. Shouhayib, must meet with the City Staff to further study alternate street patterns and other elements germane to Stone Haven Woods East No. 2.
2. That notification of the site condominium is sent to abutting property owners.
3. The petitioner, Mr. Shouhayib, is available to attend the City Council meeting so as to discuss this matter.

Yes: All-6
No: None
Absent: Stine

CONSENT AGENDA:

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

Resolution #2004-07-375
Moved by Beltramini
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-2, which is **APPROVED** as presented with the correction as it was laid on the table.

Yes: All-6
No: None
Absent: Stine

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

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

Resolution #2004-07-375-E-2

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

**HOLLOWAY
ENVIRONMENTAL
PLANNING, Inc.**



Wetland Determinations
Mitigation Design and
Construction
Permit Services

Site Master Planning
Landscape Architecture
Ecological Design

Job #04-004
April 13, 2004

Professional Engineering Associates, Inc.
2430 Rochester Court
Suite 100
Troy, Michigan 48083

Attn: Jeremy Carnahan, PE.

Re: **Preliminary Wetland Determination**
"Stonehaven Woods Estates Sub #2 Site"
City of Troy, Oakland Co., Michigan

REC'D

APR 16 2004

PLANNING DEPT.

PRELIMINARY DETERMINATION REPORT
via telefax @ 248.689.1044 and mail

Dear Mr. Carnahan:

The following items summarize our findings and recommendations concerning wetlands on the above listed property:

The property was inspected on April 12, 2004. Upon examination of on-site conditions and the surrounding area, we identified one small unregulated wetland zone that exist within or adjacent to this property. We utilized a copy of the Base Topographical Map for the site provided to us by you to record our findings.

Our determination was conducted in early spring, so we were unable to sample all of the present day wetland/non-wetland conditions on this site. The current site conditions include common soil, plant and hydrologic traits indicative of both wetland and upland conditions within the study area. Jurisdictional Wetlands do not appear to be present within the site.

Methodology

The criteria we used to make our determination are based on current Michigan Department of Environmental Quality practices and evaluation methodology. This involves developing a correlation between vegetation, hydric soils and hydrology to determine at what point a given area contains a predominance of wetland characteristics. This system is the generally accepted approach within the wetland determination industry.

23 Devonshire Road
Pleasant Ridge, MI. 48069
Phone: (248) 544-9480
Fax: (248) 544-9449
hollowayenv@sboglobal.net

Preliminary Wetland Inspection Report via fax and mail

Job #04-004

PEA/"Stonehaven Woods Estates Sub. #2 Site"-Troy

April 13, 2004

p.2

Soil Conditions

The Oakland County SCS (NRCS) soil survey indicates that #11-Capac soils exist on or near the site. The Capac soil type is not listed as a hydric wetland soil on state soils lists. Our general observation of site soil conditions in the area of wetlands (conducted by surface examination without using a hand soil probe) revealed surface soils that were silty-sands with dark surface topsoil. The NRCS mapping of soils had only a general correlation with the location of some drainage and vegetation patterns on the site.

Wetland Inventory Maps

Review of the State of Michigan MDEQ Wetland Inventory Map (MIRIS) for the area shows no mapping of wetland immediately within the area of the subject parcel, identified in this report. These maps are a general guide for areas that may contain wetland and are used by various agencies in project reviews. Wetland is not shown on this property in this map.

Description of Site Conditions

The site includes three (3) existing residential lots that front on Wattles Road, identified as parcels 20-28-226-100, 101 and 104. The southern limit of the study area are comprised of one existing private lot and the northern segment of the existing Stonehaven Woods #1 subdivision. A small segment of wetland conditions (approximately 7,000 square feet or about 0.16 acre) were identified in the southern third of parcel #104. Here, saturated soils and wetland species such as boxelder, American ash and red maple are present in locations possessing dark silty-sand soils. Drainage from this area runs south and west into existing underground storm pipes as part of the Stonehaven Woods #1 development. From this point, this drainage remains in underground systems leading to the east and south. The remainder of the subject study area did not contain wetland conditions.

Jurisdiction and Regulation

The subject site would likely not be regulated by the Michigan Department of Environmental Quality (MDEQ) under Michigan's Natural Resources Protection Act, PA. 451, (1994), Part 303, under the definitions of jurisdictional wetland. Contiguous wetland resources of 5.0 acre in size are not present, and no regulated inland lakes or streams exist within 500 feet of the subject 7,000 square foot wetland.

The MDEQ has final jurisdiction over the determination of all wetland areas regulated under their authority.

Due to trespass restrictions, we did not physically sample wetland conditions on properties other than the subject parcel.

Preliminary Wetland Inspection Report via fax and mail

Job #04-004

PEA/"Stonehaven Woods Estates Sub. #2 Site"-Troy

April 13, 2004

p.2

Summary

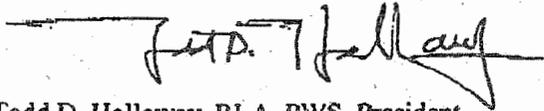
Based on our opinion, we believe a wetland use permit should not need to be obtained from MDEQ for construction of the site related to wetlands.

If you have any questions concerning this information, please contact me by phone at (248) 546-9480, or by electronic mail at holwetp@aol.com.

Thank you for the opportunity to assist you in this project.

Sincerely,

Holloway Environmental Planning, Inc.



Todd D. Holloway, RLA, PWS, President

Wetland Consultant

TDI/tt

attn: Site Base Map, NRCS Soils Map, USFWS NWI Wetland Map

cc: file

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.

September 2004

September 2004							October 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		September 1			
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		
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)		
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) 7:30pm CC-Study Session (Council Boardroom)	7:30am DDA Meeting (Conference Room Lower Level)			
20	21	22	23	24	25
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)	7:30am Council/DDA (Top of Troy-13th Floor) 7:00pm Troy Youth (Conference Room Lower Level)			
27	28	29	30		
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum)				

Oct. 4, PH SAD #04.201.1 Paving of Big Oak Trail
Oct 4, PH CDBG Year 2002 Funds

October 2004

October 2004							November 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				October 1	2
					3
4	5	6	7	8	9
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		10
11	12	13	14	15	16
	7:30pm Planning Commission - Reg (Council Chambers)	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)		17
18	19	20	21	22	23
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)	7:30am DDA Meeting (Conference Room Lower Level) 7:00pm Cable Adv (Conference Room C)			24
25	26	27	28	29	30
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum)	7:00pm Troy Youth (Conference Room Lower Level)			31

November 2004

November 2004							December 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
November 1	2	3	4	5	6
	Election - State General 7:30pm Planning - Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		
8	9	10	11	12	13
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	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)		
15	16	17	18	19	20
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)	7:30am DDA Meeting (Conference Room Lower Level) 7:00pm Troy Youth (Community Center)			
22	23	24	25	26	27
	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum)				
29	30				
7:30pm City Council-Regular (City Council Chambers)					

Barbara A Holmes

From: Mary F Redden
Sent: Thursday, September 23, 2004 12:49 PM
To: agenda
Subject: FW: Item for the City Council meeting of Monday September 27, 2004

Mary Redden
Admin. Assistant to the City Manager
City of Troy
(248) 524-3329

-----Original Message-----

From: Beth L Tashnick
Sent: Wednesday, September 22, 2004 12:01 PM
To: Mary F Redden
Subject: FW: Item for the City Council meeting of Monday September 27, 2004

-----Original Message-----

From: John Hammond [mailto:jham2939@hotmail.com]
Sent: Monday, September 20, 2004 5:38 PM
To: tashnickbl@ci.troy.mi.us
Cc: Patrick Bruetsch
Subject: Item for the City Council meeting of Monday September 27, 2004

Please consider this a formal request to have placed on the agenda for the next City Council meeting, Monday September 27th, 2004, the fololwing:

John Hammond or 2939 Lanergan - re: City Ordiance CH85-A, sec. 3 (2) **Political Lawn signs**

and please advise as to how much time I will have to make my presentation and what - if any - audio/visual capabilities there are in council chambers.

Thank you

John Hammond
2939 Lanergan
Troy, MI 48084
248-646-4095

September 23, 2004

TO: John Szerlag, City Manager

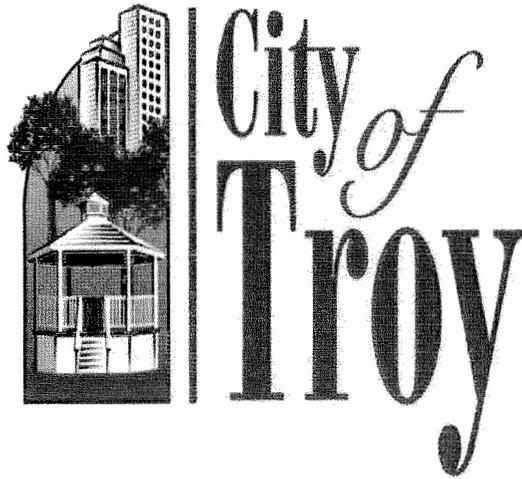
FROM: Brian Murphy, Assistant City Manager / Services
Steve Vandette, City Engineer
John Abraham, Deputy City Engineer/Traffic Engineer

SUBJECT: I-75 Crooks / Long Lake Interchange Improvement -
Revised CORSIM Analysis Report

Attached, please find the revised report summarizing the results of the CORSIM (Corridor Simulation) Analysis performed by our Traffic Consultant, Hubbell Roth and Clark (HRC).

We had earlier requested HRC to respond to some of the concerns some residents had regarding the traffic volumes used for their April 2004 traffic simulation for the above project. HRC worked with the Michigan Department of Transportation (MDOT) and performed simulation studies of the area with the revised traffic numbers that MDOT provided.

The revised simulation shows that the comparison of measures of effectiveness is very similar to what was reported in their April 2004 report. The report concludes that the improved interchange configuration allows forecasted 2025 traffic that was concentrated at the I-75/Crooks Road intersection to be distributed to alternate access points. This redistribution of the traffic load reduces delay, traffic congestion, and air pollution in the study area. Furthermore, having less congestion and delay will reduce the number of traffic crashes in the area. Therefore, the interchange improvement is expected to result in improvements to both capacity and safety of the roadway network.



I-75-CROOKS/LONG LAKE
TRAFFIC SIMULATION ANALYSES FOR 2025

September 2004



HUBBELL, ROTH & CLARK, INC.

Consulting Engineers

555 Hulet Drive • P.O. Box 824

Bloomfield Hills, MI 48303-0824

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Joel E. Bowdan
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli

September 21, 2004

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Attention: Dr. John Abraham, Deputy City Engineer/Traffic Engineer

Re: Traffic Model of Proposed I-75/Crooks/Long Lake Interchange Improvement
TSIS Simulation Results

Dear Dr. Abraham:

At your request, we prepared a revised traffic simulation of traffic conditions for the roadway network in the area bounded by Square Lake Road, Livernois Road, Long Lake Road, and Crooks Road. This area includes the proposed I-75/Crooks/Long Lake Road interchange improvement to provide safer and more efficient traffic movement. The new simulation incorporated revised travel demand estimates provided by the Michigan Department of Transportation (MDOT). Generally speaking, the revised traffic volume estimates for the year 2025 distributed more traffic to Long Lake Road and less traffic to Crooks Road than the previous forecast. The results of the new traffic simulation show that peak hour average speeds on the network are significantly improved with the interchange improvement in place. The improvement in average speed in the network is comparable to the average speed improvement documented with the traffic simulation completed in April 2004. The reduction in congestion is expected to reduce traffic crashes in the area. See Figure 1 for an overview of the study area and the Build scenario.

Background

The forecasts of future travel in the Metropolitan Detroit region come from a regional model developed and maintained by the Southeast Michigan Council of Governments (SEMCOG). MDOT uses travel forecasts developed by SEMCOG as the basis for their regional transportation plans in southeast Michigan. The SEMCOG travel forecasts take into account the demographic and economic characteristics of the whole region, therefore their forecasts are at the corridor level rather than the level of an individual arterial street. Finally, MDOT forecasts traffic volumes for individual arterial streets.

In the April 2004 report prepared by HRC for the City, a combination of travel forecasts from MDOT and our own work were used to develop future traffic volumes for all the intersections in the study area. Based on comments made at the May 10, 2004 City Council meeting, MDOT re-examined all of the travel forecasts used in the study area so that they are consistent throughout. As you are aware, HRC assisted MDOT with the development of the 2025 traffic volumes for the intersections in the study area and we provided the City of Troy with information about which future traffic volumes changed as a result of the re-examination. Once the 2025 traffic volumes for the Build and No-Build scenarios were finalized by MDOT, the data was entered into the CORSIM model of the road network.

Summary of Revised 2025 Traffic Volumes

Changes in traffic volumes shown in the April 2004 and the current version are described in the following paragraphs. Figures 2 to 5 provide the final traffic volumes used at each intersection for both scenarios during the AM and PM peak hours.

No-Build AM Peak

- *Crooks Road:* Southbound through and northbound right-turning traffic at Square Lake Road are higher. Northbound through at Square Lake Road, southbound through at Tower Drive, and southbound through and right-turning traffic at Long Lake Road are lower.
- *Long Lake Road:* Eastbound through and right-turning traffic at Livernois Road, westbound through at Tower Drive, and westbound through at Crooks Road are higher.
- *Livernois Road:* Northbound left-turning and through traffic, and southbound right-turning traffic at Square Lake Road are higher.
- *Square Lake Road:* Westbound through traffic at Livernois Road, at Delphi, and at Crooks Road are higher. Eastbound through at Delphi, eastbound through and left-turning traffic at Livernois Road are higher. Westbound left-turning traffic at Delphi is lower.

No-Build PM Peak

- *Crooks Road:* Southbound through and left-turning traffic at Tower Drive are higher. Southbound through traffic at Long Lake Road and northbound through traffic at Square Lake Road are lower.
- *Corporate Drive:* Westbound left turning traffic at Crooks Road is lower.
- *Long Lake Road:* Traffic is higher for eastbound through and right turning movements and westbound through movement at Livernois Road.
- *Livernois Road:* Southbound right-turning traffic at Square Lake Road and at Long Lake Road is higher. Southbound through traffic at Square Lake Road is lower.
- *Square Lake Road:* Eastbound right turning traffic at Crooks Road is higher. Westbound through traffic at Delphi and at Crooks Road is higher.

Build AM Peak

- *Crooks Road:* Northbound and southbound through traffic at Long Lake Road, at Tower Drive, at I-75 on-ramp and at Square Lake Road are higher. Northbound right-turning traffic at Long Lake Road and Tower Road is higher. Northbound right-turning traffic at Square Lake Road is lower. Southbound right-turning traffic at Long Lake Road, at Corporate Road and at Square Lake Road is higher.
- *Long Lake Road:* Traffic volume is higher for all east-west through movements. Westbound left-turning traffic at Livernois Road, at Tower Drive and at Crooks Road are higher. Eastbound right-turning traffic at Crooks Road and at the NB on-ramp is higher. Eastbound right-turning traffic at Livernois Road is lower.
- *Livernois Road:* Traffic volume is higher in both directions for all movements.

- *Square Lake Road:* Traffic volumes are higher for all movements at Livernois Road and northbound right-turning movement at Delphi. At Delphi and Crooks Road, the traffic volume for all movements is lower.
- *Corporate Drive/I-75:* Eastbound left-turning traffic at Crooks Road is higher. Westbound right-turning traffic at Crooks Road is lower while the through and left-turning traffic are higher.
- *Delphi:* Northbound right-turning traffic at Square Lake Road is higher.
- *Tower Drive:* Southbound right-turning traffic onto Long Lake Road is higher.
- *CD Roads:* Traffic volume is higher on the northbound CD road both north and south of Long Lake Road.
- *New I-75 Long Lake Ramps:* On the northbound I-75 off-ramp at Long Lake, traffic volume is lower. On the northbound I-75 on-ramp at Long Lake, traffic volume is higher.

Build PM Peak

- *Crooks Road:* Southbound through traffic at Square Lake Road, at Corporate Drive, at Tower Drive and at Long Lake Road is higher. Northbound through traffic is higher at Long Lake Road and at Square Lake Road, and is lower at Tower Drive and at I-75. Southbound right-turning traffic is higher at all intersections. Northbound right-turning traffic is higher at Long Lake Road and the I-75 ramp and is lower at Tower Drive and Square Lake Road. Southbound traffic turning left at the I-75 ramp is lower.
- *Long Lake Road:* Traffic volume is higher for all east-west through movements. Eastbound right-turning traffic is higher at Crooks Road and at Livernois Road and is lower at SB I-75 on ramp and at NB I-75 on-ramp. Westbound right-turning traffic is higher at Livernois Road and is lower at Tower Drive and at Crooks Road. The westbound left-turning traffic at NB I-75 on-ramp is higher.
- *Livernois Road:* Traffic volume is higher in both directions for all movements.
- *Square Lake Road:* Through traffic is higher at all intersections except for eastbound through traffic at Livernois Road, which is lower. Westbound right-turning traffic is higher at Livernois Road and is lower at Crooks Road. Eastbound right-turning traffic is higher at Crooks Road and lower at Livernois Road. Westbound left-turning traffic is higher at Livernois Road and Delphi but the eastbound left-turning traffic at Livernois Road is lower.
- *Corporate Drive/I-75:* Traffic volume is higher for eastbound left-turners onto Crooks. Westbound through and left-turning traffic at Crooks is higher.
- *Delphi:* Northbound right-turning traffic onto Square Lake Road is higher.
- *Tower Drive:* Southbound right-turning traffic onto Long Lake Road is higher, while westbound traffic turning right onto Crooks Road is lower.

- *CD Roads:* Traffic volume is higher on the northbound CD road north of Long Lake Road but is lower on the southbound CD road.
- *New I-75 Long Lake Ramps:* On the northbound I-75 on-ramp at Long Lake, traffic volume is higher. On the southbound I-75 off-ramp at Long Lake, traffic volume is lower.

Geometric Improvements

The City of Troy has indicated that Livernois Road between Long Lake and Square Lake will be widened to five lanes by 2025. This improvement was assumed in the simulation for both scenarios. The Build scenario simulation also assumed that improvements on the surface roads recommended in our April 2000 and April 2004 reports were in place. The specific intersection improvements recommended for the Build scenario include:

I-75 Ramps/Corporate Drive & Crooks (existing and future geometry shown in Figures 6 and 7)

- Additional northbound right-turn lane
- Additional westbound right-turn lane
- Additional westbound left-turn lane
- Additional eastbound left-turn lane

Crooks & Square Lake

- Additional southbound right-turn lane

CORSIM Analyses

The CORSIM models were revised with new 2025 traffic volumes and the assumed geometric improvements to the local roadways. The following table shows the results of the new simulations.

CORSIM Results for 2025 Simulations

Measures of Effectiveness	No-Build Scenario		Build Scenario	
	AM Peak	PM Peak	AM Peak	PM Peak
Average Speed (MPH)	14	10	25	22
Vehicle Hours of Travel (VHT)	2304	3114	1746	1892

It can be seen from the above table that there is significant difference between building and not building the I-75/Crooks/Long Lake interchange improvement. With the new interchange in place, average speed on the system increases and the vehicle-hours of travel are reduced. Specifically, the average speed of the Build scenario increases by 77% in the AM peak and by 127% in the PM peak. The vehicle hours of travel decreases by 24% in the AM peak and 39% in the PM peak.

Level of Service (LOS) Analysis

The procedures for analysis and criteria were those outlined in 2000 Highway Capacity Manual. This manual defines level of service for signalized intersections in terms of control delay. Delay may be measured in the field, or it may be estimated. Delay is a complex measure, and is dependent on a number of variables, including the quality of progression, the cycle length, the green ratio, and the volume to capacity ratio for the lane group or approach in question.

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay Per Vehicle (Seconds/vehicle)
A	<10
B	$10 \leq 20$
C	$20 \leq 35$
D	$35 \leq 55$
E	$55 \leq 80$
F	>80

Level of Service A describes operations with very low control delay up to 10.0 sec per vehicle. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.

Level of Service B describes operations with control delay in the range of 10.1 to 20.0 sec per vehicle. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for Level of Service A, causing higher levels of average delay.

Level of Service C describes operations with control delay in the range of 20.1 to 35.0 sec per vehicle. These higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear in this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.

Level of Service D describes operations with control delay in the range of 35.1 to 55.0 sec per vehicle. At level D, the influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume to capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.

Level of Service E describes operations with control delay in the range of 55.1 to 80.0 sec per vehicle. This is considered to be the limit of acceptable delay. These high delay values generally indicate poor progression, long cycle lengths, and high volume to capacity ratios. Individual cycle failures are frequent occurrences.

Level of Service F describes operations with control delay in excess of 80.1 sec per vehicle. This is considered to be unacceptable to most drivers. This condition often occurs with over saturation, i.e., when arrival flow rates exceed the capacity of the intersection. It may also occur at high volume to capacity ratios below 1.00 with many individual cycle failures. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.

ACCUSIM Analyses

ACCUSIM is the post-processor and model validation software for CORSIM. This software can provide the level of service (LOS) at intersections and on segments. The following table presents the level of service information for key intersections within the study area:

Peak Hour Intersection Level of Service Comparison

Intersection	2000 Volumes on Existing Geometry		2025 Volumes on No-Build Network		2025 Volumes on Build Network	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Crooks & Square Lake	B	B	B	B	B	B
Crooks & I-75 Ramps	E	D	F	F	D	C
Crooks & Long Lake	B	B	B	C	B	B
Long Lake & SB I-75 On & Off Ramps	-	-	-	-	C	B
Long Lake & NB I-75 On & Off Ramps	-	-	-	-	C	C
Livernois & Long Lake	D	B	D	E	D	D
Livernois & Square Lake	B	F	F	F	E	F

As shown in the table above, the intersection level of service is improved under the Build scenario because of the redistribution of traffic.

The ACCUSIM also shows the level of service, during the peak hours, on road segments. The ACCUSIM results indicate operations on Crooks Road and Long Lake Road are significantly improved with the interchange in place. This improvement in operations is a result of additional access to I-75, the provision of collector distributor (CD) roads along I-75 and the road improvements to the surface streets. The level of service results for intersections and segments in the study area are shown in Figures 8 to 11.

Comparison of CORSIM Results

The CORSIM simulation run with refined 2025 traffic volumes for the local road network yielded results very similar to the results shown in our April 2004 report. Our recent and past simulations found that:

- There will be significant increase in traffic volume within the study area by 2025.
- The existing roadway network cannot handle the 2025 traffic.
- The proposed interchange will significantly improve the operating conditions of intersections in the study area.

To highlight one key measure of effectiveness, the average speed on the local roadway network in the 2025 Build scenario for the AM peak hour is 25 mph. This compares with 14 mph without the proposed interchange. The difference is a 11 mph improvement in travel speed and an associated reduction of travel time delay and pollution. Before the future travel forecasts were refined, the 2025 morning peak average speed was 11 mph better with the improvements than without the improvements.

Summary

The new interchange configuration allows forecasted 2025 traffic that was concentrated at the I-75/Crooks Road intersection in the No-Build scenario to be distributed to alternate access points. This redistribution of the traffic load reduces delay, traffic congestion, and air pollution in the study area. Furthermore, having less congestion and delay will reduce the number of traffic crashes in the area. Therefore, we expect the interchange improvement to result in improvements to both capacity and safety of the roadway network.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

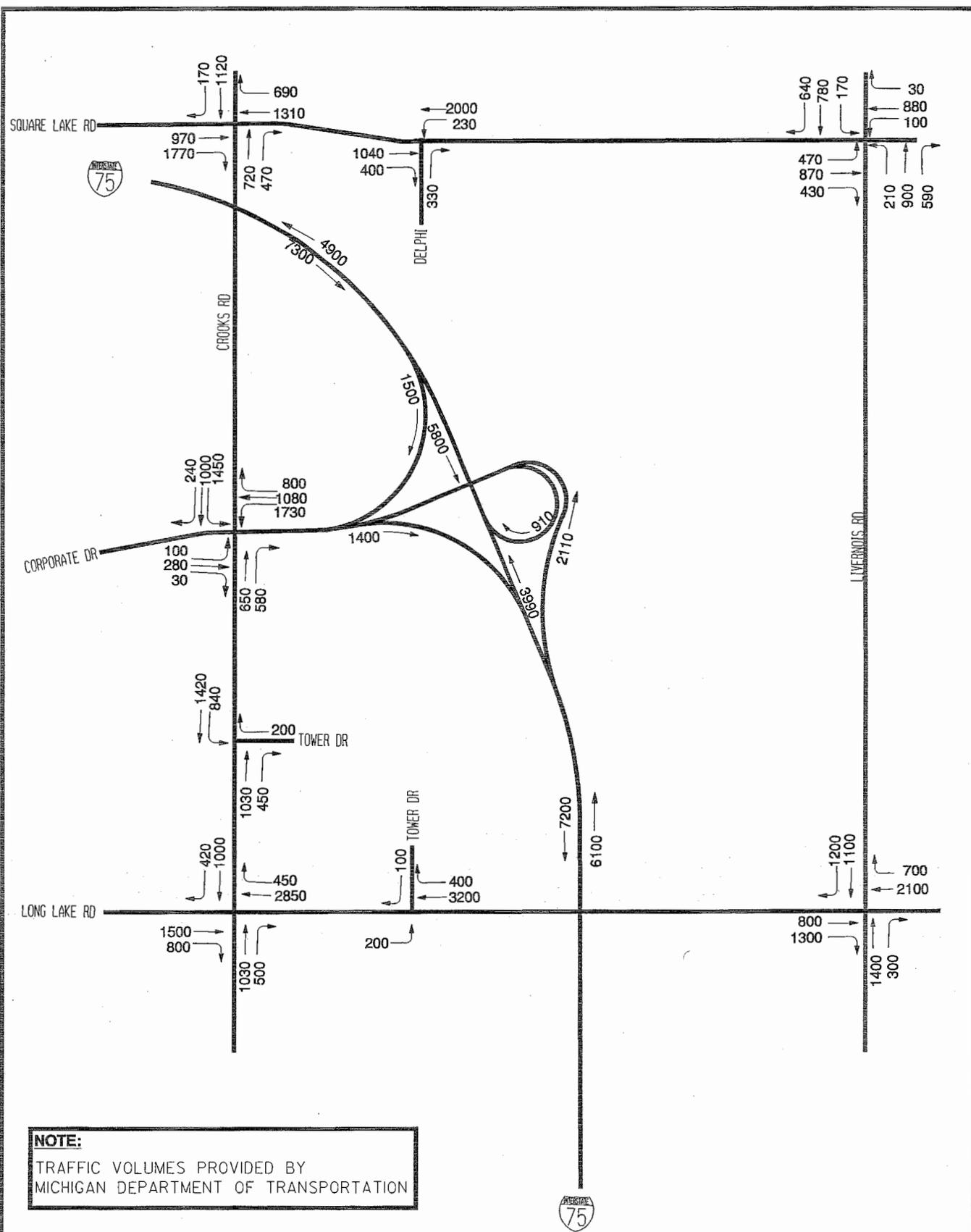


Richard F. Beaubien, P.E., P.T.O.E.
Associate/Transportation Director

PN/jjb/scb
Attachments

pc: City of Troy; Steve Vandette
MDOT; Hugh McNichol
HRC; G. Knapp, W. Alix, File

USER NAME • pnoonpment
 DESIGN FILE • V:\200402\20040293\VV\Bndol_AMPEAK.dgn
 OUEIE • \pldev\Traffic\11 CUR, TBL • I:\standards\msv\delv\color2\JAFEN TBL • I:\standards\msv\delv\plhry\black.pb
 TIME • 22-SEP-2004 11:01



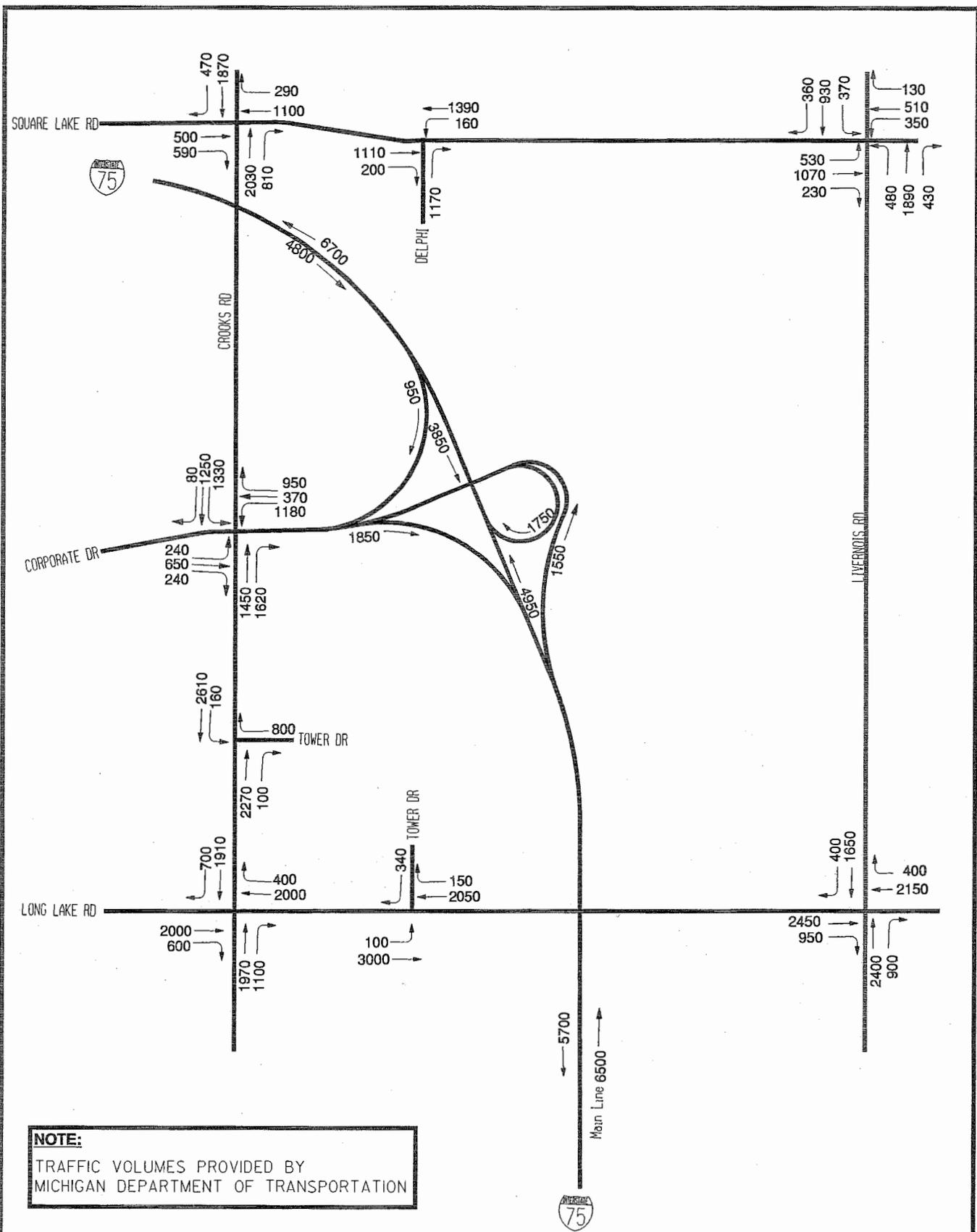
NOTE:
 TRAFFIC VOLUMES PROVIDED BY
 MICHIGAN DEPARTMENT OF TRANSPORTATION



**NO BUILD - AM PEAK
 YEAR 2025 TRAFFIC**

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC.	
DATE AUGUST 9, 2004	CONSULTING ENGINEERS	P.O. BOX 824 48303-0824
555 HULET DRIVE BLOOMFIELD HILLS, MICH.		Figure 2

QUEUE - \peters\Traffic\11 CL.R.TBL - I:\standards\ms\8\data\color2\JPEN.TBL - I:\standards\ms\8\planning\black.plb TIME - 22-SEP-2004 11:04
 DESIGN FILE - V:\2004\02\2004023\WB\mod_P\PE-AK.dgn
 USER NAME - pcanon@hrc.com



NOTE:
 TRAFFIC VOLUMES PROVIDED BY
 MICHIGAN DEPARTMENT OF TRANSPORTATION



NOT TO SCALE

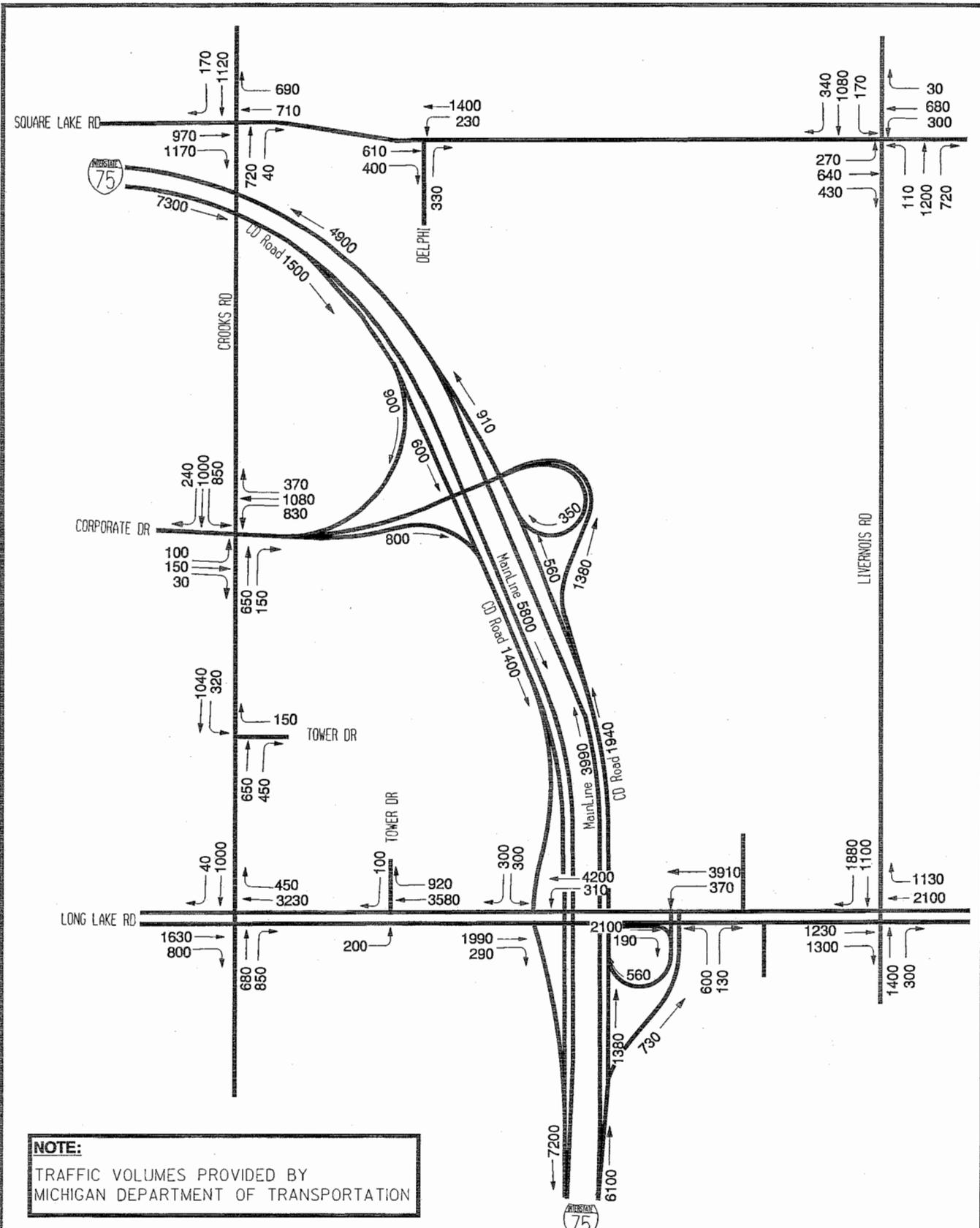
**NO BUILD - PM PEAK
 YEAR 2025 TRAFFIC**

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS	Figure 3
DATE AUGUST 9, 2004	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	
	P.O. BOX 824 48303-0824	

ONEUE - \Volumes\Traffic\11 CUR. TBL - \Standards\Map\color\2\hpEN TBL - \Standards\Map\planning\p\beck\ab TTME - 22-SEP-2004 11:06

DESIGN FILE - \A\200402\20040293\B\mod_AMPEAK.dgn

USER NAME - pnampanenl



**BUILD - AM PEAK
YEAR 2025 TRAFFIC**

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC.		Figure 4
DATE AUGUST 9, 2004	CONSULTING ENGINEERS		
	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303-0824	

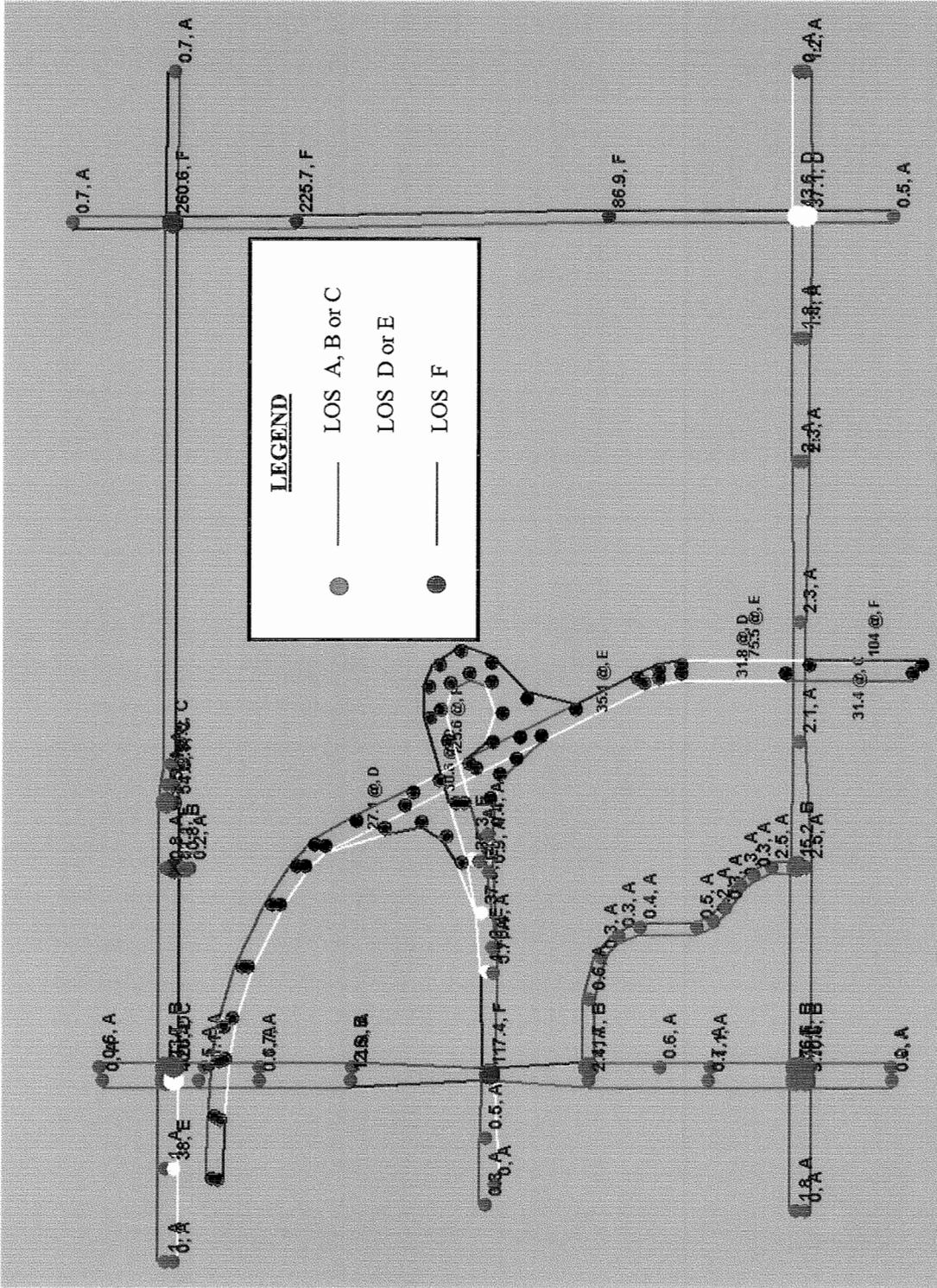


FIGURE 8: Level of Service (LOS) for 2025 AM Peak No-Build (ACCUSIM OUTPUT)

