

PLANNING COMMISSION MEETING AGENDA SPECIAL/STUDY MEETING

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

Michael W. Hutson, Chair, and Mark Maxwell, Vice Chair
Donald Edmunds, Philip Sanzica, Robert Schultz, Thomas Strat
John J. Tagle, Lon M. Ullmann and Mark J. Vleck

May 25, 2010

7:30 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – May 11, 2010 Regular Meeting
4. PUBLIC COMMENTS – For Items Not on the Agenda
5. BOARD OF ZONING APPEALS (BZA) REPORT
6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT
7. PLANNING AND ZONING REPORT

SPECIAL USE REQUEST

8. SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 375) – Proposed Pro Car Wash East, East side of Rochester, South of Wattles, Section 23, Currently Zoned H-S (Highway Service) District

OTHER BUSINESS

9. 54 SQUARE LAKE ROAD – Potential Café in Historic Structure, South Side of Square Lake, East of Livernois, Section 10, Currently Zoned B-1 (Local Business) District
10. POTENTIAL REZONING – East side of Rochester Road, South of Shallowdale (4398 and 4518 Rochester Road), Section 14, Approximately 4 acres in size, Presently zoned R-1C (One Family Residential), R-1T (One Family Attached Residential) and E-P (Environmental Protection)
11. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc.

12. PUBLIC COMMENTS – Items on Current Agenda

13. PLANNING COMMISSION COMMENTS

ADJOURN

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on May 11, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
 Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert Schultz
 Thomas Strat
 John J. Tagle
 Lon M. Ullmann
 Mark J. Vleck

Also Present:

R. Brent Savidant, Acting Planning Director
 Christopher Forsyth, Assistant City Attorney
 Zachary Branigan, Carlisle/Wortman Associates, Inc.
 Wanda Norman, Planning Department Intern
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-05-028

Moved by: Schultz
 Seconded by: Sanzica

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-05-029

Moved by: Schultz
 Seconded by: Sanzica

RESOLVED, To approve the minutes of the April 22, 2010 Special meeting and April 27, 2010 Special/Study meeting as prepared.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 379) – Proposed Big Beaver Tavern Outdoor Seating, North side of Big Beaver, West of Rochester (645 E. Big Beaver), Section 22, Currently Zoned O-M (Office Mid-rise) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed application. He addressed the accessory use, building location and site arrangement. He also addressed the O-M zoning district with respect to the Special Use request, noting that the Planning Commission is a recommending body to the City Council. Mr. Branigan further addressed the parking and landscaping, specifically with respect to the plans originally submitted in 1984.

Mr. Branigan recommended that the Planning Commission forward a favorable recommendation to the City Council for the proposed outdoor café for the total term of the Big Beaver Tavern operation. He said the project complements the vision of the City's Big Beaver Corridor Study and Master Plan.

Discussion followed on:

- Landscape plans from original 1984 application.
- Side yard setback requirements.
- Resolution format; relate special use to existing operation.

Chris Ciceri of Dorchen/Martin Associates, 29895 Greenfield Road, Southfield, was present to represent the petitioner and property owner, Mark Larco. Mr. Ciceri displayed photographs of the proposed landscaping. He indicated the two large trees designated for removal are 20-foot high evergreen trees.

PUBLIC HEARING OPENED

Greg Carnago of 667 E. Big Beaver, Troy, was present. Mr. Carnago asked to go on record in opposition of the proposed Special Use application. Mr. Carnago expressed concerns with the existing parking and litter at the location. He also addressed the operation of a “casino” at the Big Beaver Tavern.

PUBLIC HEARING CLOSED

Mark Larco of 645 E. Big Beaver Road, Troy, petitioner and property owner, was present. Mr. Larco addressed parking on site.

Mr. Branigan addressed the computation of parking spaces with respect to legal property boundaries. He said the existing parking meets the minimum requirements of the Zoning Ordinance. He indicated there is no control on how parking spaces are used and parking calculations cannot be based on parking habits of people.

When asked by Chair Hutson if there has been discussion with the petitioner on concerns he expressed, Mr. Carnago indicated in the affirmative, to no avail.

Mr. Strat addressed potential future outdoor expansion in relation to the Big Beaver Corridor Study.

Mr. Branigan expounded on side yard setback requirements with respect to the definition of “lot” in the Zoning Ordinance.

Mr. Vleck asked the petitioner to address the “casino” function at the Big Beaver Tavern.

Mr. Larco explained that the tavern offers “charity poker” seven days a week, from 7 p.m. to 2 a.m. He addressed the licensing of this type of function through the State of Michigan. Mr. Larco said the lower level (former banquet room facility) is used for the “charity poker”. He noted that the proposed patio would not be used to hold “charity poker” functions.

Discussion followed on the following in relation to “charity poker” use:

- Computation of parking in relation to lower level use.
- Cross access easement.
- Shared parking agreement.

Mr. Savidant said staff would look into the “charity poker” use at the facility. He noted that the Special Use application in front of the Planning Commission this evening is a separate issue, and the “charity poker” use has no relevance on the Special Use approval process.

Mr. Vleck briefly addressed the existing parking arrangement and suggested the placement of signs by individual office building tenants.

Resolution # PC-2010-05-030

Moved by: Sanzica

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that Special Use Approval and Preliminary Site Plan Approval for the proposed Big Beaver Tavern Outdoor Seating, located on the north side of Big

Beaver, west of Rochester (645 E. Big Beaver), Section 22, within the O-M zoning district, be granted, subject to the following condition:

1. Approval shall be granted for the total term of operation of the applicant's restaurant, as per Section 25.30.03 A

Yes: All present (9)

MOTION CARRIED

REZONING REQUEST

6. PUBLIC HEARING – REZONING APPLICATION (File Number Z 737) – Proposed Sports Center Properties, Northwest corner of John R and Big Beaver, 1735 E. Big Beaver (approx 1.227 acres) and that portion of the abutting property to the east that is presently zoned O-1 (approx 1.1 acres), Section 23, From O-1 (Office Building) to B-2 (Community Business) Zoning District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed rezoning. He addressed the requested B-2 zoning district with respect to the Master Plan and Big Beaver Corridor Study. Mr. Branigan expressed support of the applicant's request and recommends that the Planning Commission forward a favorable recommendation to the City Council to approve the proposed rezoning application.

Mr. Savidant stated that the proposed B-2 zoning district could potentially create a legal non-conforming building as a result of the Zoning Ordinance requirement for front and rear yard setbacks. He noted the City Council has the authority to approve a legal non-conforming building, should that be the case in this instance.

Mr. Savidant informed the petitioner that the short-term result of a rezoning approval could be the creation of a non-conforming building. He noted the long-term result is the potential reduction of the 75-foot front yard setback requirement in the re-write of the Zoning Ordinance.

The petitioner, Dennis Bostick of 1819 E. Big Beaver, Troy, was present. Mr. Bostick indicated he would like to go forward with the rezoning request.

Mr. Strat addressed the site location in relation to the Big Beaver Corridor Study.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2010-05-031

Moved by: Edmunds

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the northwest corner of John R and Big Beaver Road, within Section 23, being approximately 2.327 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED**OTHER BUSINESS**7. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

8. **PLANNING COMMISSION COMMENTS**

Mr. Vleck asked the development status of PUD #7 (Village @ Big Beaver) located on the southwest corner of Big Beaver and John R. He indicated the property is in poor condition, noting specifically the weather/wind damage to the existing tarp fencing.

Mr. Forsyth said the Legal Department has an agreement of understanding with the developer to maintain the site. Mr. Forsyth informed the members that Sunrise Senior Living has filed for bankruptcy. He said the site would continue to be monitored and hopefully developed when the economy picks up.

Mr. Vleck addressed another PUD development (Caswell Town Center PUD #5), and suggested that a safeguard is included in the approval process for future PUD developments to address potential maintenance issues should development not take place or be delayed because of economic reasons.

Mr. Savidant addressed the digital agenda process and asked members to email him with any suggested improvements to the process.

Mr. Edmunds asked for an update on the transit center; specifically, the enterprise fund, the Birmingham agreement to purchase school property, the encroachment on Grand/Sakwa property and cost estimation.

Mr. Savidant said he would forward the requested information in a follow-up email to members.

Mr. Strat addressed vehicles parked in commercial parking lots displayed with signage and advertising. He asked if the new Zoning Ordinance would address the issue.

Mr. Savidant replied that the Sign Ordinance would be incorporated into the re-write of the Zoning Ordinance, and that vehicles displayed with signage and advertising on commercial property would be addressed.

Mr. Strat complimented Paul Evans, the City's Inspector Supervisor, on resolving a code enforcement matter he reported.

Mr. Savidant encouraged members to contact Mr. Evans with any code enforcement issues.

There were brief comments on the "charity poker" function at the Big Beaver Tavern.

The Regular Meeting of the Planning Commission adjourned at 8:19 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2010 PC Minutes\Draft\05-11-10 Regular Meeting_Draft.doc

DATE: May 19, 2010

TO: Planning Commission

FROM: R. Brent Savidant, Acting Planning Director

SUBJECT: SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 375) – Proposed Pro Car Wash East, East side of Rochester, South of Wattles, Section 23, Currently Zoned H-S (Highway Service) District

The applicant proposes to redevelop the site by demolishing the existing automatic car wash building and cashier building and replacing them with new buildings. Other site elements will be modified, although the existing pump islands and canopy will remain. The City recently acquired right-of-way from the owner for the ongoing Rochester Road construction project.

The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes the project.

The Planning Commission held a public hearing on this item at the April 13, 2010 Regular meeting. The board did not take action on the item, as the application was deficient of required landscaping and needed a variance from the Board of Zoning Appeals. At the May 18, 2010 Board of Zoning Appeals meeting, the variance was granted to the applicant. The item is now before the Planning Commission for consideration of the special use application.

Please be prepared to discuss the application at the May 25, 2010 Planning Commission Special/Study meeting.

Attachments:

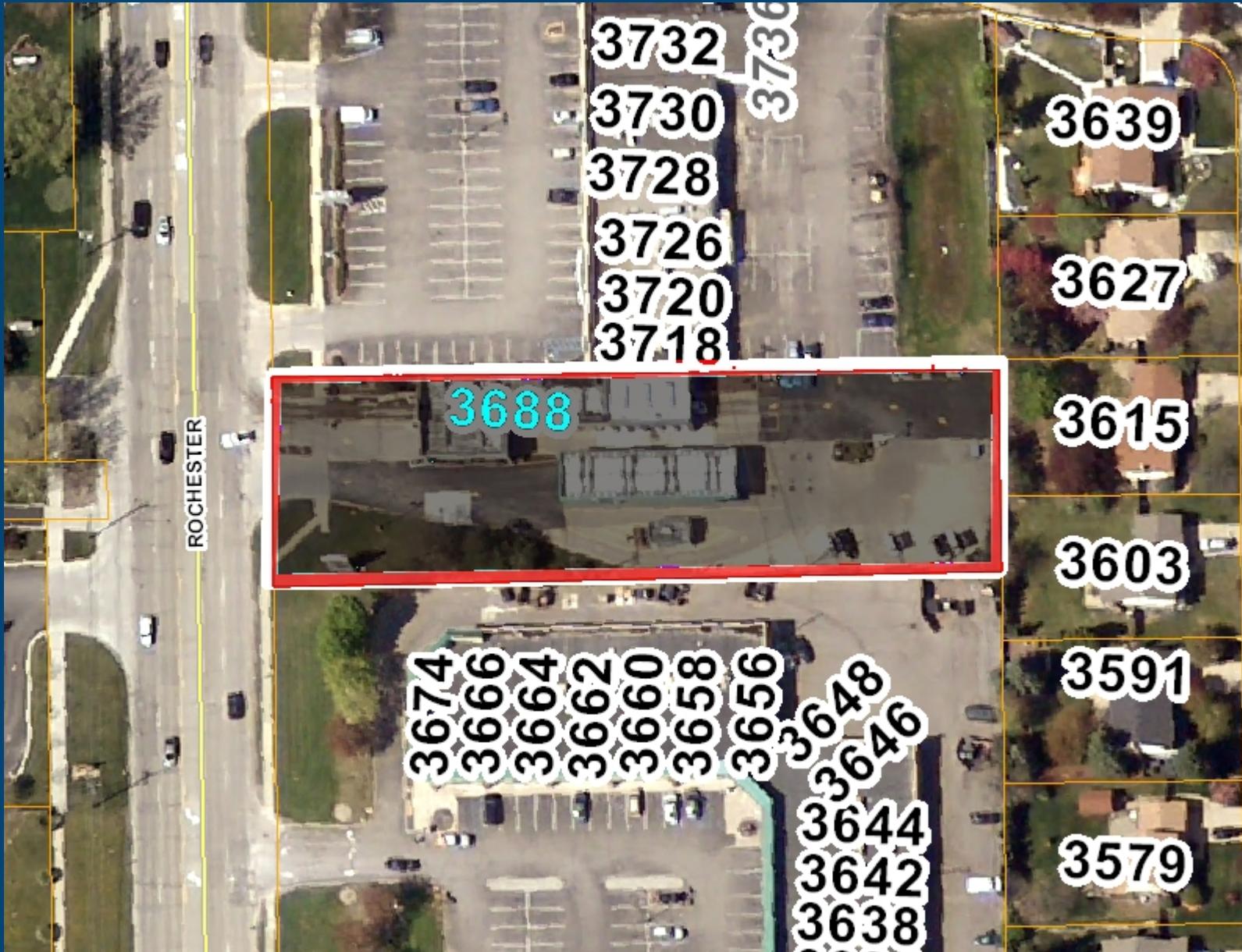
1. Maps
2. Report prepared by CWA
3. BZA minutes excerpt (draft)

cc: Applicant
File/ SU 375

G:\SPECIAL USE\SU 375 Pro Car Wash East Sec 23\SU-375 PC Report 05 25 2010.docx

PRO CAR WASH EAST

City of Troy Planning Department



Legend

-  I-75
-  Road Centerline
-  Major Road
-  Industrial Road
-  Local Road
-  Hydrography Poly
-  Hydrography Arc
-  Parcels
- Aerial Photos - 2008**
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

156 0 78 156Feet

Scale 1: 936

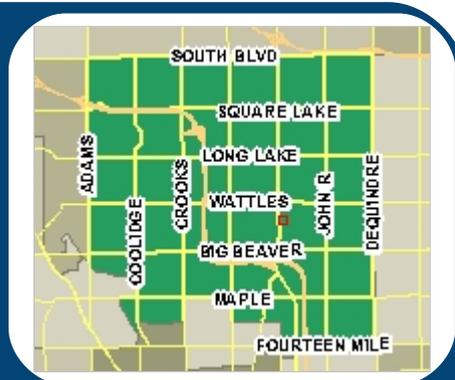
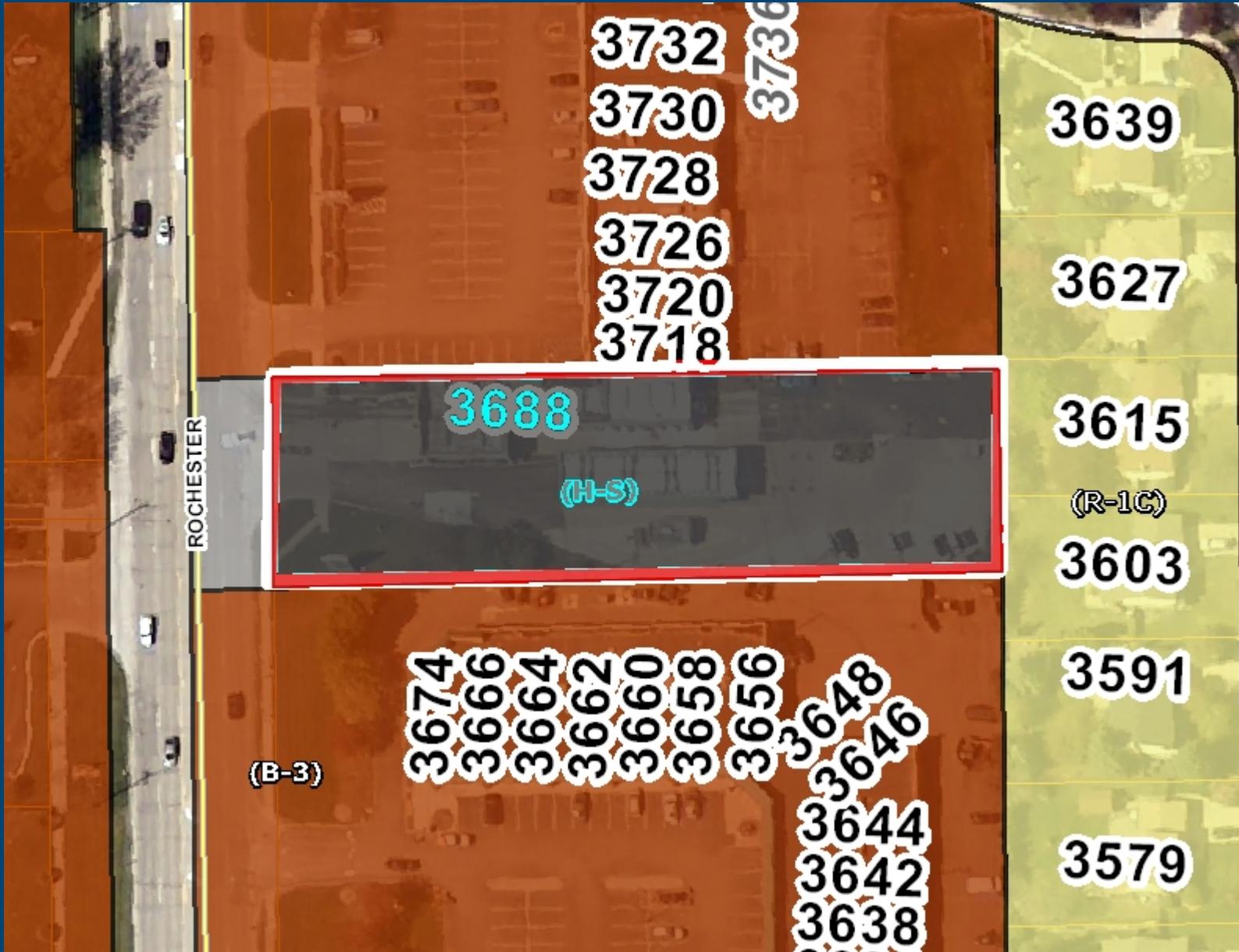


Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 2/26/2010

PRO CAR WASH EAST

City of Troy Planning Department



Legend

- I-75
- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road
- Zoning**
 - (PUD) Planned Unit Development
 - (B-1) Local Business District
 - (B-2) Community Business District
 - (B-3) General Business District
 - (R-C) Research Center District
 - (C-F) Community Facilities District
 - (C-J) Consent Judgment
 - (E-P) Environmental Protection District
 - (R-EC) Residential Elder Care
 - (P-1) Vehicular Parking District
 - (H-S) Highway Service District
 - (M-1) Light Industrial District
 - (O-1) Office Building District
 - (O-M) Office Mid-Rise District
 - (OSC) Office Service Commercial District
 - (CR-1) One Family Residential Cluster District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (R-1T) One Family Attached Residential Distr
 - (R-2) Two Family Residential District
 - (R-M) Multiple Family Residential Medium De
 - (RM-1) Multiple Family Residential District Lc
 - (RM-2) Multiple Family Residential District (M
 - (RM-3) Multiple Family Residential District (Hi
- Hydrography Poly
- Hydrography Arc
- Parcels

Aerial Photos - 2008

- Red: Band_1
- Green: Band 2

Printed: 2/26/2010

156 0 78 156Feet

Scale 1: 936



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



CARLISLE/WORTMAN ASSOCIATES, INC.

Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: March 17, 2010
Rev.: April 7, 2010
Rev. May 19, 2010

Special Land Use Review For City of Troy, Michigan

Applicant: Ron Jona & Associates, on behalf of Robert Waldron of Pro Car Wash East

Project Name: Pro Car Wash East

Plan Date: February 24, 2010

Location: 3688 Rochester Road

Zoning: H-S, Highway Service

Action Requested: Preliminary Site Plan Approval

Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

The Planning Commission recently reviewed a proposal for a new Pro Car Wash East at its existing location. The site plan would significantly change the current layout, and was initiated by the applicant due to the Rochester Road widening project. The site plan did not provide sufficient landscaped area to meet Ordinance requirements, so the issue was postponed to allow the applicant to see a variance. The variance was approved on May 18, 2010.

Location of Subject Property:

The property is located near the corner of Bishop Drive and Rochester Road (3688 Rochester Road) in section 23.

Size of Subject Property:

The parcel is 0.857 acres in size.

Proposed Uses of Subject Parcel:

The applicant proposes to replace an existing automatic car wash with a larger automobile wash. The applicant also proposes to replace an existing cashier building with a new space incorporated into the new car wash building. This space would have square footage dedicated to merchandise sales. The applicant also proposes relocating existing vacuum stations to the west part of the site in what is currently an existing lawn area. A new series of refueling pumps and a new canopy would be added to the site, slightly further south than they currently are.

Current Use of Subject Property:

The property is currently used as an automatic car wash where engine fuels are sold as a significant part of the operation and features a cashier building, three vacuum stations, and four multiple product dispensing gasoline pump units.

Current Zoning:

The property is currently zoned H-S, Highway Service. Section 23.30.03 permits auto washes where engine fuels are sold as a significant part of the operation in the H-S District as a use permitted subject to special land use approval and to the provisions of Chapter 71 of the City Code.

Zoning Classification of Adjacent Parcels:

North: B-3 General Business District.
South: B-3 General Business District.
East: R-1E One Family Residential District.
West: B-3 General Business District.

Future Land Use Plan Designation:

The property is located in the Rochester Road Future Land Use Plan designation.

AREA, WIDTH, HEIGHT, SETBACKS

No elevations or details with regard to canopy have been presented. The applicant should provide elevation information in a revised site plan.

Required and Provided Dimensions:

Section 30.20.07 requires the following setbacks and height limits:

	<u>Required:</u>	<u>Provided:</u>
Setbacks		
Front (west)	40 feet (car wash) 25 feet (canopy edge) 35 feet (canopy support) 30 feet (pump island)	44.53 feet (car wash) 115 feet (canopy edge) 122.38 feet (canopy support) 122.38 feet (pump island)
Side (north)	0 feet (car wash) 10 feet (canopy edge) 20 feet (canopy support) 20 feet (pump island)	0 feet (car wash) 72.37 feet (canopy edge) 82 feet (canopy support) 82 feet (pump island)
Side (south)	10 feet (car wash) 10 feet (canopy edge) 20 feet (canopy support) 20 feet (pump island)	59.41 feet (car wash) 11.5 feet (canopy edge) 21.5 feet (canopy support) 21.5 feet (pump island)
Rear (east)	75 feet (car wash) 75 feet (canopy edge) 75 feet (canopy support) 75 feet (pump island)	102.5 feet (car wash) 139.61 feet (canopy edge) 146.72 feet (canopy support) 146.72 feet (pump island)
Building Height	40 feet (car wash) 40 feet (canopy)	26 feet (car wash) Unknown (canopy)

* On a corner lot which borders on a non-residential District having frontage on the side or intersecting street the setback on that street shall be at least equal to the front yard setback required on the subject corner lot.

Items to be Addressed: Provide elevation information for canopy.

PARKING, LOADING

Proposed Parking:

The site plan indicates that 55 spaces are proposed, including one handicapped space, the 8 pump island spaces, 38 stacking spaces for the car wash, employee spaces and spaces for the cashier building.

Parking Calculations:

The parking calculations are as follows.

<u>Required</u>	
Pump Islands	1 per pump station = 8 spaces
Automobile Wash	5 Stacked cars/20 feet of wash line = $150/20 * 5 =$ 38 stacking spaces
Employees	1/employee = 4 spaces
Retail	1/200 sf. Of gross floor area = $1060 / 200 =$ 5 spaces
Total Required	17 spaces + 38 stacking spaces = 55 spaces
Total Provided	9 parking spaces + 8 gasoline spaces. The applicant also claims that 38 stacking spaces are required; however we believe that several of these spaces are ineligible to be considered stacking spaces.

Parking Deficiency:

The increased automatic car wash square footage results in an increase in required stacking spaces. The site plan proposes some stacking spaces which clearly conflict with the loading zone, however. We calculate that the site plan only provides 30 spaces that can truly be considered stacking spaces for the car wash. The Zoning Ordinance requires stacking parking calculations to be based feet of wash line. Automobile wash stacking spaces must be provided at a rate of five spaces per 20 feet of wash line, or in this case, 38 spaces. Therefore, the site is deficient 8 automobile wash stacking spaces. However, these spaces are shown on the site plan, and were there to be no vehicle in the loading area; it is conceivable that all 38 spaces shown could be occupied. Of course, access to the refueling stations, vacuum areas, and access and exit lanes would also be restricted if all 38 spaces were occupied.

We believe it is highly unlikely that almost 40 vehicles would occupy the site for refueling simultaneously, and if they did, no customers would enter the site for refueling only. It is likely that customers who are entering the site would refuel and attain a car wash, which would also ease the burden on the stacking spaces by bringing the refueling spaces into play. That said, we do believe that the stacking spaces shown meet minimum requirements, especially given that the loading zone will likely be used at off hours.

Also, the parking spots and all vacuum stations are blocked by the car wash queue. This may not be a problem which can be solved on this restricted site. Also, this condition currently exists in many car wash facilities.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Proposed Circulation:

The site will be accessed from three existing curb cuts; two on Rochester Road and one from the adjacent parking lot to the north. The access site from the parking lot to the north will be installed. This will increase overall access to the site, but this will create conflict with the car wash queue. In future submittals, the applicant should detail how this issue will be resolved.

Additional problems exist with the site access and circulation. They are as follows:

- The merging of the three lanes of car wash queued cars near the island on the east side of the property creates a conflict.
- There are three lanes of queues at the east end of the site, rounding the corner for the car wash. Only two are served by automated customer service payment systems for the car wash. How will the southernmost queue lane pay for car wash service?
- When in use, the loading zone will block cars that are attempting to queue.
- The only route identified for vehicles fueling to exit the property requires them to temporarily enter the car wash queue. At busy times, customers are unlikely to permit refueling customers to “cut” in line, and as such, could create conflicts.
- The proposed access to the north cannot be included until such time as the existing parking spaces blocking the access are reconfigured on the site to the north.

Items to be Addressed: 1.) Consider improving access from adjacent parking lot to the north. 2.) Address issues identified in bulleted list above.

NATURAL RESOURCES

The site is existing and devoid of natural features, with the exception of some existing landscaping and a few trees. Please refer to our analysis of site landscaping later in this review.

Items to be Addressed: None.

LANDSCAPING

A landscape plan has been provided identifying how Ordinance requirements are being met. The applicant has provided sufficient frontage trees and is relocated several existing plants, thus reducing waste and the need for new plants. The applicant has not provided sufficient open space. The landscape design and tree preservation standards specify that 10% of the site area be landscaped. For this site, that would equate to 3,720 square feet, but the plan only allocates 1,644

square feet. Thus, the site plan is deficient by 2,076 square feet of landscaped area. On May 17, 2010, the applicant received a variance from the Board of Zoning Appeals to allow this deficiency to remain.

Items to be addressed: None.

SPECIAL USE REVIEW

For any special land use, according to Section 03.31.04, the Planning Commission shall review the request, supplementary materials either in support or opposition thereto, as well as the Planning Department's report, at a Public Hearing established for that purpose, and shall either grant or deny the request, table action on the request, or grant the request subject to specific conditions.

Required Information

In the H-S District, an auto wash where engine fuels are sold as a significant part of the operation is a special land use, with the conditions that waiting and stacking spaces shall be provided in accordance with Section 40.21.44 and drives providing waiting or stacking spaces shall be set back at least twenty-five feet from any residential district as section 23.30.03 specifies. As such, a special land use permit must be issued to allow the project to move forward, in accordance with Section 03.31.00. Section 03.33.00 establishes the information required for a special land use application. All required information has been provided.

Standards of Approval

Section 03.31.05 states that before approving any requests for Special Use Approval, the Planning Commission, or the City Council, where indicated, shall find that:

- 1. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development or use of adjacent land and/or Districts.*
- 2. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.*

We believe the intensification of this land use as proposed by the site plan is of such location and character as to be compatible with the orderly development or use of adjacent land and/or Districts. While this site plan represents a significant improvement over previous plans, especially the removal of the cashier building, we are concerned that the intensity may cause circulation and parking issues on the lot, as discussed in the parking, loading and site access and circulation sections above.

The applicant has received a variance for landscaping. The site plan as designed largely mimics the existing uses that are present on the subject site, albeit in a different configuration. The site's intensity is atypical for a property of this size, but the changes made in the site plan do improve the condition over the existing facility. Therefore, we support special use approval.

Items to be addressed: Address site design issues.

RECOMMENDATIONS

With additional commercial square footage and a larger car wash building, there is a slight intensification of use and therefore parking and stacking requirements. The site plan does call for the elimination of a self-service car wash, however. Overall, the intensity of the site will be similar to what exists now, but may cause a few more vehicles moving throughout the site.

We are confident that the proposed alterations to the existing business will be an improvement to the site, and the applicant has received a variance for the landscape deficiency. We recommend that Planning Commission approve the proposed project, conditioned on the applicant addressing the items noted herein.



CARLSLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

A. VARIANCE REQUEST, MARTHA WALDRON, 3688 ROCHESTER ROAD –

In order to construct a new car wash/retail store and relocate gasoline pumps, vacuums, etc., a variance from the requirement that 10 percent of the net site area be landscaped. Applicant proposes to provide 4 percent net site area landscaping.

Mr. Evans provided a brief report on the variance request. Mr. Evans noted the Zoning Ordinance requires the landscaping to be in the front and side yards. He reported the Planning Commission considered the Special Use and Preliminary Site Plan application at their April 13, 2010 Regular meeting, at which time no action was taken so the petitioner could come before the BZA for relief of the required landscaping.

Discussion followed on the following:

- Percentage of existing landscaping.
- Property condemnation by the City of Troy.
- Practical difficulty of site as relates to ingress/egress, stacking, maneuverability.

Robert Waldron of 3688 Rochester Road, Troy, was present to represent Martha Waldron and the business, Pro Car Wash. Mr. Waldron said the site has been through two condemnations for road widening. He indicated the recent taking constituted over 6,000 square feet from the property frontage. Mr. Waldron addressed the viability of a car wash/service station with respect to providing enough property for stacking of cars, gasoline pumps, driveway ingress and egress and maneuverability of gasoline tank trucks. He said the site layout has been arranged to accommodate as much landscaping as possible. He shared the good news that the center of Rochester Road would be landscaped, which might offset their facility's lack of landscaping. Mr. Waldron said they propose to add a fountain area with shrubs and a flagpole in the front.

Mr. Edmunds reported that the Planning Commission favorably reviewed the preliminary site plan application. Mr. Edmunds commended Mr. Waldron for the business sense he exemplified with the recent renovation of the Pro Car Wash located on the west side of Rochester Road, and for his spearheading a campaign to keep business flowing during the City's condemnation process.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Clark reported there were no communications on file for this item.

Resolution # BZA 2010-05-021

Motion by Kovacs

Support by Edmunds

MOVED, To grant the variance request.

The variance is:

- Not contrary to public interest.
- Does not permit the establishment of a prohibited use within a zoning district.
- Does not cause an adverse effect to properties in the immediate vicinity or zoning district.

Special Findings:

The service station/car wash facility is an allowable use on the site, and the site is extremely long and extremely thin which makes it unnecessarily burdensome for the petitioner to meet the required landscaping requirement.

Yes: All present (7)

MOTION CARRIED

DATE: March 21, 2010

TO: Planning Commission

FROM: R. Brent Savidant, Acting Planning Director

SUBJECT: 54 SQUARE LAKE ROAD – Potential Café in Historic Structure, South side of Square Lake, East of Livernois, Section 10, Currently Zoned B-1 (Local Business) District

An applicant is interested in reusing the residential structure at 54 Square Lake Road as a café. They intend to remove many of the coniferous trees that are close to the building, offer outdoor seating in the area behind the house and develop parking in the area east of the building. The property is designated as historic in Chapter 13 – Historic Preservation.

Zoning Ordinance Section 41.55.00 Historic Districts gives City Council the authority (following a public hearing) to permit the establishment of uses within historic structures that are not otherwise permitted in the underlying zoning district. For non-residential districts, all of the uses permitted in B-1, B-2, B-3 and O-1 are permitted. The subject property is zoned B-1. Since outside seating is permitted in B-2, it is therefore permitted on this historic property.

Additionally, Section 41.55.00 gives City Council the authority to modify the development requirements of the Zoning Ordinance for historic district applications. The applicant wishes to continue to utilize the existing gravel parking lot.

The Historic District Commission supports this application (see attached resolution).

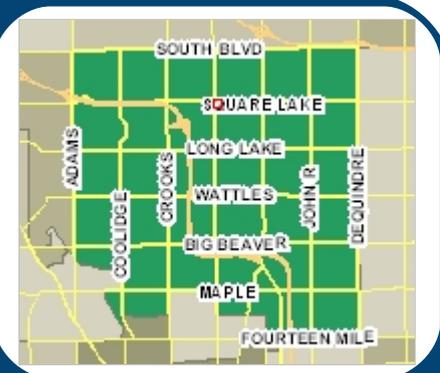
The intersection at Square Lake/Livernois is designated as Neighborhood Node Q. The plan encourages the adaptive reuse of historic properties in this area.

Please be prepared to discuss this item at the May 25, 2010 Planning Commission Special/Study meeting.

Attachments:

1. Maps
2. Zoning Ordinance Section 41.55.00 Historic Districts
3. Chapter 13 - Historic Preservation
4. Troy Historic District Commission Minutes (Draft)
5. Neighborhood Node section of Troy Master Plan
6. Photos

G:\Historic Preservation\54 Square Lake\PC Memo 05 25 10.docx



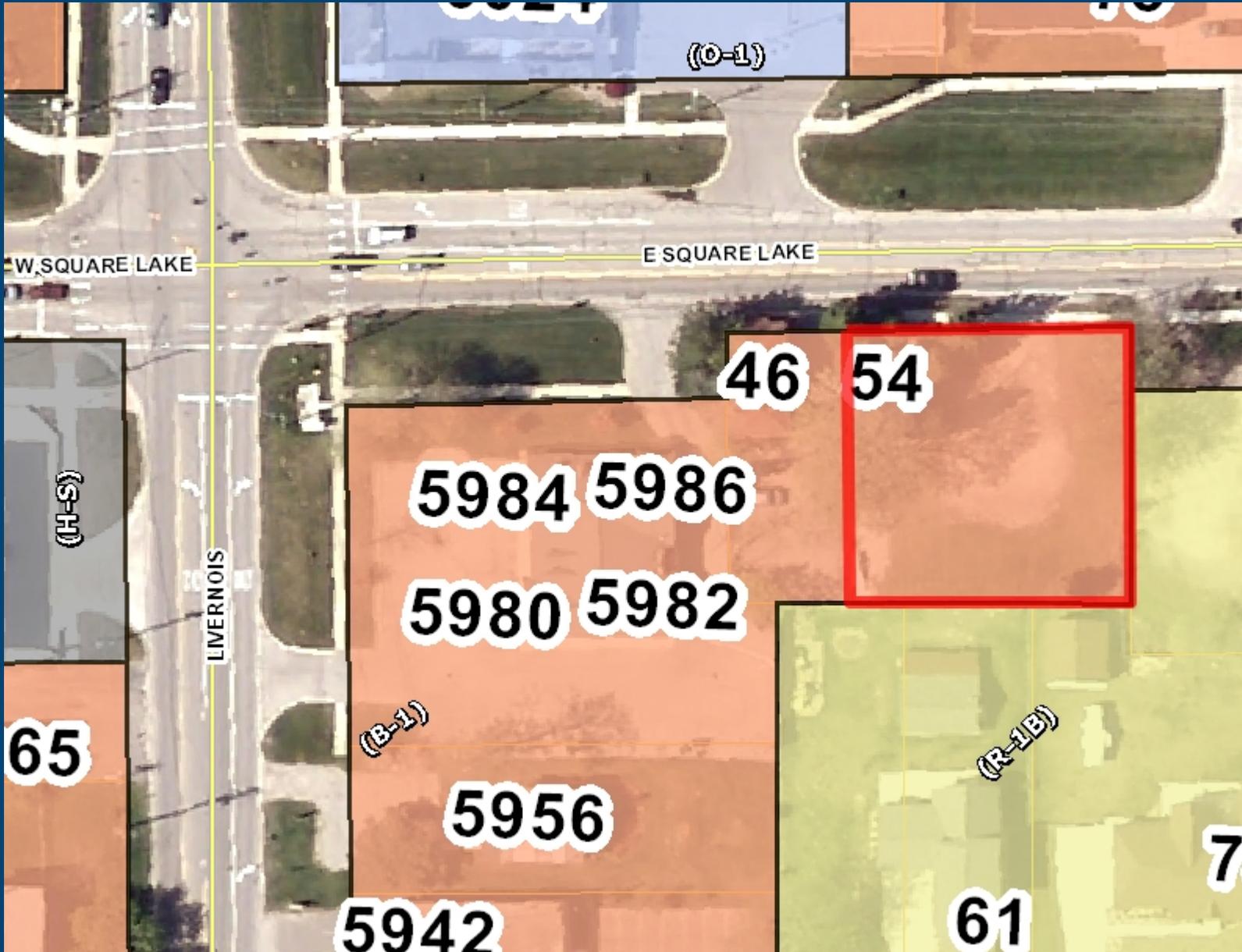
Legend

-  I-75
- Road Centerline**
 -  Major Road
 -  Industrial Road
 -  Local Road
-  Hydrography Poly
-  Hydrography Arc
-  Parcels
- Aerial Photos - 2008**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

126 0 63 126Feet

Scale 1: 756





Legend

-  I-75
- Road Centerline**
 -  Major Road
 -  Industrial Road
 -  Local Road
- Zoning**
 -  (PUD) Planned Unit Development
 -  (B-1) Local Business District
 -  (B-2) Community Business District
 -  (B-3) General Business District
 -  (R-C) Research Center District
 -  (C-F) Community Facilities District
 -  (C-J) Consent Judgment
 -  (E-P) Environmental Protection District
 -  (R-EC) Residential Elder Care
 -  (P-1) Vehicular Parking District
 -  (H-S) Highway Service District
 -  (M-1) Light Industrial District
 -  (O-1) Office Building District
 -  (O-M) Office Mid-Rise District
 -  (OSC) Office Service Commercial District
 -  (CR-1) One Family Residential Cluster District
 -  (R-1A) One Family Residential District
 -  (R-1B) One Family Residential District
 -  (R-1C) One Family Residential District
 -  (R-1D) One Family Residential District
 -  (R-1E) One Family Residential District
 -  (R-1T) One Family Attached Residential Distr
 -  (R-2) Two Family Residential District
 -  (R-M) Multiple Family Residential Medium De
 -  (RM-1) Multiple Family Residential District Lc
 -  (RM-2) Multiple Family Residential District (M
 -  (RM-3) Multiple Family Residential District (Hi
-  Hydrography Poly
-  Hydrography Arc
-  Parcels

Aerial Photos - 2008

-  Red: Band_1
-  Green: Band 2

Printed: 5/21/2010

126 0 63 126Feet

Scale 1: 756



41.55.00

HISTORIC DISTRICTS:

Within those properties designated as "Historic Districts" in accordance with Chapter 13 of the City Code, the City Council may after Public Hearing permit the establishment of a specific use/uses in addition to those permitted by the Zoning District applied to the land. In Residential Districts, such additional uses may be permitted only on parcels

having frontage on Major Thoroughfares as designated in the City of Troy Master Thoroughfare Plan. In properly located Residential Districts, such additional uses shall

be limited to those permitted by Article XX of this Chapter, the B-1 Local Business District. In Non-Residential Districts, such additional uses shall be limited to those permitted in the B-1 Local Business, B-2 Community Business, B-3 General Business and O-1 Office Building Districts.

Prior to acting on requests for the establishment of such uses, the City Council shall receive reports and recommendations from the City Manager, the Planning Commission and the Historic District Commission as to the nature, effects, and acceptability of the building and/or site alterations proposed in conjunction with the establishment of the proposed uses, and the conformance of same with the intent of this Chapter and Chapter 13 of the City Code. These reports shall contain factual evidence directly, related to the findings indicated below which must be made by the City Council.

In considering and acting upon requests for the establishment of such additional uses within Historic Districts, the City Council shall make the following findings:

1. That the establishment of the proposed use is necessary in order to preserve the subject structures in accordance with the intent and purpose of Chapter 13 of the City Code.
2. That the proposed building and site alterations will be in accordance with the provisions of this Chapter and Chapter 13 of the City Code, unless modified as otherwise provided in this Section.
3. That the proposed building and site alterations will be designed so as to minimize adverse effects of such uses on the character of the surrounding area.
4. That financial guarantees have been provided so as to insure the removal of the building and site improvements necessary to return the subject property to its original use, should the "Historic District" designation be removed from the property.

Absent any of these findings, the proposed use shall not be permitted.

Site improvements such as off-street parking and landscaping shall be in accordance with those provisions of this Chapter applicable to the use or uses proposed, and applicable to the Zoning District within which such uses would otherwise occur. In lieu of required parking area screen walls the Planning Commission may permit the installation of landscaped berms and/or dense planting screens of at least 4'6" in height.

The City Council shall impose such additional conditions and safeguards as it deems necessary to protect the public health, safety and general welfare, and to minimize adverse effects of such uses on adjacent properties, and may modify

the development requirements of this Chapter only to the extent necessary to assure preservation of the subject structures in a manner in keeping with the intent of Chapter 13 of the City Code.

City Council action in accordance with these provisions shall be necessary for any succeeding change in use or occupancy involving building alterations requiring building permits.

Nothing in this Section shall be construed to alter, amend, or set aside other provisions of this Chapter or other chapters of the Troy City Code.

1. **PURPOSE**

The purpose of this Chapter is to 1) safeguard the heritage of the City of Troy by preserving historic resources in the City which reflect elements of its cultural, social, economic, political and architectural history; (2) stabilize and improve property values; 3) foster civic beauty; 4) strengthen the local economy; 5) promote the use of historic resources for the education, pleasure and welfare of the citizens of the City.

(Rev. 11/17/2003)

2. **DEFINITIONS**

For the purpose of this Chapter, the following definitions shall apply:

- A. **ALTERATION**: Work that changes the detail of a resource but does not change its basic size or shape.
- B. **CERTIFICATE OF APPROPRIATENESS (COA)**: Written approval of a permit application to apply for a building permit if required, for work that is determined to be appropriate and that does not adversely affect a resource.
- C. **COMMISSION**: The historic district commission which is responsible for implementing Public Act 169 of 1970 as amended and the city's historic preservation ordinance for the City of Troy.
- D. **COMMITTEE**: A historic district study committee appointed by the city council.
- E. **DEMOLITION**: razing a resource, whether entirely or in part, which may include, but is not limited to demolition by neglect.
- F. **DEMOLITION BY NEGLECT**: Neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- G. **FIRE ALARM SYSTEM**: A system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.

(12/22/2005)
- H. **HISTORIC DISTRICT**: In accordance with Act 169, Public Acts of 1970, the term "Historic District" shall mean an area or group of areas not necessarily having contiguous boundaries, created by the City for the purposes of this Chapter. This shall include any historical or cultural site or structure (including significant trees or other plant life located thereon) of particular historic or cultural significance to the City of Troy, the State of Michigan, or the U.S.A., where cultural, political, spiritual, economic or social history of the community, state or nation is reflected or exemplified with historic personages or with important events in local, state, or

national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, or style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.

- I. **HISTORIC LANDMARK**: Any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.
- J. **HISTORIC RESOURCE**: A structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.
- K. **NOTICE TO PROCEED**: Authorization to perform work that does not qualify for a COA but may legally be accomplished following criteria set forth in this ordinance.
- L. **OPEN SPACE**: Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- M. **ORDINARY MAINTENANCE**: Keeping a resource unimpaired and in good condition through ongoing minor intervention to the exterior of a resource. Ordinary maintenance does not change the exterior appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- N. **PROPOSED HISTORIC DISTRICT**: An area or group of areas, not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- O. **REPAIR**: To restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes an alteration for purposes of this act.
- P. **RESOURCE**: A building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.
- Q. **SMOKE ALARM**: A single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this ordinance “single-station alarm” means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. “Multiple-station alarm” means two

Chapter 13 - Historic Preservation

or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.

(12/22/2005)

- R. **WORK**: Construction, addition, alteration, repair, moving, excavation or demolition.

(Renumbered 12/22/2005)

3. **REGULATION OF RESOURCES AND ESTABLISHED HISTORIC DISTRICTS**

- A. There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter. The following Historic Districts are hereby established.

Troy Union Cemetery, 1199 E. Square Lake (Tax ID: 88-20-02-301-009) T2N, R11E, SEC 2, PART OF SW ¼ OF SW ¼ BEG AT PT DIST S 89-44-00 E 750 FT FROM SW COR SEC 2, TH S 89-44-00 E 573.57 FT, TH N 00-24-30 W 446.10 FT, TH N 88-46-00 W 365.25 FT, TH S 40-53-00 W 133.60 FT, TH S 89-27-30 W 29.8 FT, TH S 14-06-00 W 360.89 FT TO BEG 4.66 A

6890 Norton (Tax ID: 88-20-03-226-033) T2N, R11E, SEC 3 PART OF NE ¼ BEG AT PT DIST S 01-15-30 E 809.30 FT & S 88-59-30 W 276.15 FT FROM N 1/8 COR, TH S 88-59-30 W 250 FT, TH N 01-35-15 W 136.63 FT, TH N 88-59-30 E 250 FT, TH S 01-35-15 E 136.63 FT TO BEG 0.78 A

770 W. Square Lake (Tax ID: 88-20-04-354-011) T2N, R11E, SEC 4 PART OF SW ¼ BEG AT PT DIST N 00-17-56 E 259.88 FT & S 89-45-00 E 160 FT & S 79-23-48 E 273.17 FT & S 69-02-36 E 300 FT & S 79-29-59 E 232.30 FT & S 89-57-22 E 136.66 FT FROM SW SEC COR, T N 00-12-04 E 226.40 FT, TH N 73-29-54 E 14.90 FT TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS N 86-20-14 E 26.67 FT, DIST OF 26.89 FT, TH ALG CURVE TO LEFT, RAD 60 FT, CHORD BEARS N 74-27-32 E 50.18 FT, DIST OF 51.77 FT, TH S 40-15-30 E 40.45 FT, TH S 89-57-22 E 9.96 FT, TH S 00-06-01 W 215 FT, TH N 89-59-22 W 125.75 FT, TO BEG 0.67 A5-3-90 FR 008

330 W. Square Lake (Tax ID: 88-20-04-451-029) T2N, R11E, SEC 4 E 169.92 FT of W 856.08 FT OF S 300 FT OF SE ¼, EXC S 60 FT TAKEN FOR RD 0.941A 2-6-93 FR 025

6091 Livernois (Tax ID: 88-20-04-478-013) T2N, R11E, SEC 4 TROY ACRES S 70 FT OF LOT 1

6071 Livernois (Tax ID: 88-20-04-478-017) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 1 EXC E 27 FT TAKEN FOR RD 6-11-96

CORR

6059 Livernois (Tax ID: 88-20-04-478-018) T2N, R11E, SEC 3, 4, 9 & 10, SUPERVISOR'S PLAT NO. 7 LOT 2

90 West Square Lake (Tax ID: 88-20-04-478-022) T2N, R11E, SEC 4, TROY ACRES NO. 1 SLY 150 FT OF LOT 20 EXC BEG AT SW LOT COR, TH N 89-30-00 E 93 FT, TH N 41 FT, TH S 88-15-21 W 93.04 FT, TH S 38.98 FT TO BEG 6-13-96 CORR

Former Stone School, 3995 South Boulevard (Tax ID: 88-20-06-101-001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC $\frac{1}{4}$ EXC PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY 91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91 FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A

Beach Road Cemetery (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7 N 147 FT OF 167 FT OF SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ 0.57A

46 East Square Lake Road (Tax ID: 88-20-10-101-002) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7, PART OF LOT 26 BEG AT NW COR, T S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT TO BEG, ALSO ALL OF LOT 27

54 East Square Lake Road (Tax ID: 88-20-10-101-003) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7 LOT 26 EXC BEG AT NW LOT COR, TH S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO BEG

90 East Square Lake Road and 110 East Square Lake Road (Tax ID 88-20-10-101-004) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 25

126 East Square Lake Road (Tax ID: 88-20-10-101-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISOR'S PLAT NO. 7 LOT 24

138 East Square Lake Road (Tax ID: 88-20-10-101-006) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 23

160 East Square Lake Road (Tax ID: 88-20-10-101-043) T2N, R11E, SEC 10 PART OF NW $\frac{1}{4}$ BEG AT PT DIST N 00-14-00 W 33 FT FROM NE COR OF LOT 23 OF 'SUPERVISOR'S PLAT NO 7', TH S 89-43-00 E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N 00-14-00 W 300 FT TO BEG 1 A

101 East Square Lake Road (Tax ID: 88-20-03-301-077) T2N, R11E, SEC 3, SUPERVISOR'S PLAT NO. 7 E 30 FT OF LOT 20 EXC S 41 FT TAKEN FOR RD, ALSO LOT 21 EXC S 41 FT TAKEN FOR RD, ALSO N 73.43 FT OF LOT 22

Sylvan Glen Clubhouse, 5725 Rochester Road (Tax ID: 88-20-10-200-001) T2N, R11E, SEC 10 NE /4 160 A

5871 Hilmore (Tax ID: 88-20-11-103-014) T2N, R11E, SEC 11 PART OF NW ¼ BEG AT PT DIST S 01-33-00 E 833 FT FROM NE COR OF W ½ OF NW ¼, TH S 88-55-00 W 330 FT, TH S 01-33-00 E 200 FT, TH N 88-55-00 E 330 FT, TH N 01-33-00 W 200 FT TO BEG 1.55 A

Hill House, 4320 John R (Tax ID: 88-20-13-303-014) T2N, R11E, SEC 13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A

4820 Livernois (Tax ID: 88-20-15-102-010) T2N, R11E, SEC 15 BELZAIR SUB NO 1 OUTLOT C EXC THAT PART DESC AS BEG AT NE COR OF OUTLOT C, TH S 00-06-40 W 164.45 FT ALG E LINE OF OUTLOT C, TH S 89-46-10 W 24.14 FT, TH N 00-00-16 W 97.30 FT, TH N 89-59-44 E 3.00 FT, TH N 00-00-16 W 36.52 FT, TH S 80-03-40 W 3.04 FT, TH N 00-00-16 W 27.00 FT TO N LINE OF OUTLOT C, TH N 80-03-40 E 24.54 FT TO BEG

Emerson Church – Unitarian Universalist, 4320 Livernois (Tax ID: 88-20-15-351-002) T2N, R11E, SEC 15 & 16 MC CORMICK & LAWRENCE LITTLE FARMS SUB LOTS 46 & 47 EXC W 27 FT TAKEN FOR RD, ALSO ALL OF LOT 48, ALSO W 85.58 FT OF LOT 49

Troy Museum & Historic Village - Caswell House, Poppleton School, Old City Hall, Old Troy Church and Parsonage, Log Cabin and Wagon Shop 60 W. Wattles (Tax ID: 88-20-16-478-033) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 89 TO 92 INCL, ALSO LOTS 131 TO 134 INCL EXC S 27 FT TAKEN FOR RD, ALSO N 30.75 FT OF LOT 138, ALSO LOTS 139 TO 142 INCL, EXC E 27 FT TAKEN FOR LIVERNOIS RD, and 100 W WATTLES (Tax ID 88-20-16-478-027) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 130 EXC S 20 FT TAKEN FOR WATTLES RD., and 109 LANGE (Tax ID: 88-20-16-478-026) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 93.

(Corrected: 12/07/2009)

4800 Beach (Tax ID: 88-20-18-203-011) T2N, R11E, SEC 18 PART OF NW ¼ OF NE ¼ BEG AT PT DIST S 02-48-55 E 945.50 FT & N 89-05-05 E 43 FT FROM N ¼ COR, TH N 89-05-05 E 152.73 FT, TH ALG CURVE CONCAVE SLY, RAD 250 FT, CHORD BEARS S 85-09-38 E 50.14 FT, DIST OF 50.22

Chapter 13 - Historic Preservation

FT, TH S 79-24-20 E 13.04 FT, TH S 02-48-55 E 203.88, TH S 87-11-05 W 215 FT, TH N 02-48-55 W 218.65 FT TO BEG 1.06 A

Crooks Road Cemetery (Tax ID: 88-20-20-226-022) T2N, R11E, SEC 20 PART OF NE ¼ BEG AT PT DIST N 00-43-30 E 1101.84 FT FROM E ¼ COR, TH N 88-08-30 W 310.03 FT, TH ALG CURVE TO RIGHT, RAD 100 FT, CHORD BEARS N 43-08-30 W 141.42 FT, DIST OF 157.08 FT, TH N 01-51-30 E 180 FT, TH ALONG CURVE TO LEFT, RAD 180 FT, CHORD BEARS N 43-08-30 W 254.56 FT, DIST OF 282.74 FT, TH N 01-51-30 E 179.31 FT, TH S 87-06-30 E 577.09 FT, TH S 00-43-30 E 629.54 FT TO BEG 6.71 A

3645 Crooks (Tax ID: 88-20-20-226-038) T2N, R11E, SEC 20 TROY HIGHLANDS NO. 1 LOT 70

839 W. Wattles (Tax ID: 88-20-21-101-024) T2N, R11E, SEC 21 PART OF NW ¼ BEG AT PT DIST S 89-58-00 E 535.00 FT FROM NW SEC COR, TH S 89-58-00 E 287.00 FT, TH S 00-13-00 W 607.22 FT, TH N 89-58-00 W 287.00 FT, TH N 00-13-00 E 607.22 FT TO BEG EXC N 245 FT OF W 150 FT THEREOF, ALSO EXC N 60 FT TAKEN FOR RD 2.97 A

3864 Livernois (Part of Tax ID: 88-20-22-101-005) Part of the NW ¼ of Sec. 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. Along the West line of Sec. 22 from the West ¼ corner of Sec. 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

(Rev. 12/22/05)

36551 Dequindre (Tax ID: 88-20-25-230-032) T2N, R11E, SEC 25 PART OF NW ¼ BEG AT PT DIST S 00-00-08 E 1028.22 FT & S 89-23-59 W 60 FT FROM NE SEC COR, TH S 00-00-08 E 300 FT, TH S 89-23-59 W 245 FT, TH N 00-00-08 W 300 FT, TH N 89-23-59 E 245 FT TO BEG 1.69 A

1934 Livernois (Tax ID: 88-20-27-351-016) T2N, R11E, SEC 27 ADDISON HEIGHTS SUB N 81 FT OF W 108 FT OF LOT 53

Perrin Cemetery (Coolidge) (Tax ID: 88-20-32-152-002) T2N, R11E, SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT, TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S 01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT TO BEG 0.78

(Rev. 12/07/2009)

Chapter 13 - Historic Preservation

- B. Except as provided in subsection C, all of the Historic Districts established as of July 21, 2003 shall be exempt from the requirements and provisions of Section 4 of this Chapter entitled "Establishment, Modification or Elimination of a Historic District". Such exempt Historic Districts shall not be within the purview of any Historic District Study Committee and shall remain under the sole jurisdiction of the Historic District Commission, except to the extent otherwise provided in Section 5 of this Chapter for the Historic Districts included in the Troy Museum and Historic Village.
- C. A person or entity that owns a resource within a Historic District established as of July 21, 2003, may submit a request to the Commission to modify or eliminate such Historic District. In such cases, the Historic District may only be eliminated or modified in accordance with Section 14.

(Rev. 11/17/2003)

4. **HISTORIC DISTRICT COMMISSION**

- A. **Creation of Commission:** In order to execute the purposes of this section, there is hereby created a Commission to be called the Historic District Commission.
- B. **Membership of Commission:** The Historic District Commission shall consist of seven (7) members whose residence is located in the City of Troy. The majority of the members will have a clearly demonstrated interest in or knowledge of historic preservation. The Commission shall include at least two (2) people chosen from a list submitted by a duly organized history group or groups, and, if available, one (1) architect duly registered in the State of Michigan. They shall be appointed by the City Council for terms of office of three (3) years. All members shall hold office until their successors are appointed. Members of the Commission may be reappointed after their terms expire. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

(Rev. 12/22/2005)

5. **DUTIES AND POWERS OF THE COMMISSION**

The Commission shall have all powers and duties authorized by Public Act 169 of 1970, as amended, MCL 399.201, et seq. including but not limited to the following:

- A. The Commission shall have authority to conduct an ongoing survey to identify historically and architecturally significant, properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accept the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission,

at a place designated by the Commission.

- B. It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. Plans for any work in the historic resources comprising the Troy Museum and Historic Village may be submitted based on a three-year plan based on Department of Interior Preservation briefs but without detailed specifications. For purposes of this Chapter, the historic resources of the Troy Museum and Historic Village shall include, but are not limited to, those Historic Districts established in Section 3 of this Chapter and listed as Old City Hall, Caswell House, Poppleton School, Old Troy Church, and Parsonage. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of historic resources of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the resource and the surrounding resources and area. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed.

In reviewing the plans, the Commission shall follow the United States Secretary of the Interior's standards for rehabilitating historic buildings as set forth in 36 CFR part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's standards and guidelines and are established or approved by the Michigan Department of History, Arts, and Libraries. The Commission shall also consider the following:

1. The historical or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;
2. The relationship of the exterior architectural features of the resource to the rest of the resource and to the surrounding area;
3. The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
4. Any other factor, including aesthetic, which it deems to be pertinent.

The Commission shall review and act upon exterior features of a historic resource and shall not consider interior arrangement, unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not set forth above.

- C. In those situations where the Commission finds the proposed work adversely affects the exterior of a resource the Commission considers valuable to the city,

state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

- D. Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:
1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
 3. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
 4. Retaining the resource is not in the interest of the majority of the community.
- E. The Commission may recommend to the City Council certain incentive programs to encourage preservation of landmark buildings in the City.
- F. The Commission may accept, in the name of the City of Troy, any grant, loan or aid of any character from Federal, State or private sources, to be expended for the purposes contemplated by this chapter, including, but not limited to the making of surveys of historical structures and/or sites, and the acquisition, restoration and possible resale of properties of historical or architectural significance. Such funds shall be administered in accordance with the Charter of the City of Troy, but a separate accounting shall be made of them and a copy of such accounting given to the Commission at least quarterly.
- G. Budget: There may be appropriated in the annual budget of the City of Troy a sum of money which may be expended and accounted for in accordance with the Troy City Charter and the Uniform Budgeting and Accounting Act of the State of Michigan.

(Rev. 11/17/2003)

6. **RULES OF THE COMMISSION**

- A. The Commission shall elect from its membership a Chair, Vice- Chair and Secretary at the first meeting each year. The Chair shall preside over the Commission and have the right to vote. The Vice-Chair shall perform the duties of the Chair in his or her absence. The Secretary shall keep an accurate record of the proceedings of the Commission.

(Rev. 11/17/2003)

- B. The Commission should meet at least quarterly, and at the call of the Chair, Secretary, or two (2) members of the Commission, if matters are referred to it by the Director of Building and Zoning.

(Rev. 11/17/2003)

- C. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding meetings. All meetings of the Commission shall be open to the public, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.

(Rev. 11/17/2003)

- D. The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four (4) members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the City Council.

(Rev. 09/25/1978)

7. **PROCEDURES FOR REVIEW OF PLANS**

- A. Application for a building permit to construct, alter, move or demolish any resource in a Historic District shall be made to the Director of Building and Zoning. Plans shall be submitted showing the resource in question and also showing its relation to adjacent resources.

- B. Upon the filing of such application, the Director of Building and Zoning or his or her representative shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.

- C. The Commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the

applicant for the building permit, and with the Director of Building and Zoning, and with the City Planning Director.

- D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of appropriateness or a notice to proceed, which is to be signed by the Chair or Vice- Chair, attached to the application for a building permit and immediately transmitted to the Director of Building and Zoning. The Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.
- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Director of Building and Zoning and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to the plans and shall have the right to resubmit the application at any time after so doing.

If the requested permit is denied by the Commission, the Director of Building and Zoning shall disapprove the application.

- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the Director of Building and Zoning shall proceed to process the application without regard to a certificate of appropriateness or notice to proceed from the Commission.
- G. After a building permit is granted, the Director of Building and Zoning or his or her representative shall inspect the construction or alteration in accordance with the procedures established by the Building Department of the City of Troy.
- H. In cases where approval of demolition is granted for reasons other than public health or safety, the certificate of appropriateness or notice to proceed shall not become effective until sixty (60) days after the date of issuance, in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the resource. At the discretion of the Commission, this waiting period may be waived.
- I. If the Commission grants a permit for demolition, it may notify the Troy Historical Commission so that that body may consult with the owner about obtaining anything of historical significance from the property.
- J. If an applicant seeks immediate approval to alter, repair, move or demolish a resource to prevent an imminent hazard to the safety of the public or a structure's occupants, the Chair of the Commission shall call a special meeting as early as possible, in compliance with the Open Meetings Act, to make a decision on the applicant's request.

- K. Upon a finding by the commission that a historic resource within an historic district, subject to its review and approval, is threatened by demolition by neglect, the commission may do either of the following:
1. The commission may require the owner of the resource to repair all conditions contributing to the demolition by neglect.
 2. If the owner does not make repairs within a reasonable time, the commission or agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.
- L. The Historic District Commission shall not issue a certificate of appropriateness or notice to proceed unless an applicant certifies in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the State Construction Code Act, MCL 125.1501 *et seq.* as amended.

(Rev. & Renumbered: 12/22/2005)

8. **DEMOLITION OR MOVING HISTORIC RESOURCES**

The demolition or moving of resources located in Historic Districts shall be discouraged. The Commission shall not approve demolition except when deemed a hazard to public health or safety by a responsible public agency, but may issue a certificate of appropriateness for moving said resource.

The Commission may issue a certificate of appropriateness or notice to proceed for the moving or demolition of any resource. An application for the moving or demolition of a resource shall be approved by the Commission if any of the following conditions prevail, and if in the opinion of the Commission the proposed work will materially improve or correct these conditions:

1. The resource is a deterrent to a major improvement program which will be of substantial benefit to the community;
2. Retention of the resource would cause undue financial hardship to the owner; or
3. Retention of the resource would not be in the interest of the majority of the community.

(Rev. 11/17/2003)

9. **PROPOSED HISTORIC DISTRICT**

Upon receipt of substantial evidence showing the presence of historic architectural, archeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission for review as provided in this ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district were an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(Rev. 11/17/2003)

10. **EMERGENCY MORATORIUM**

If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district, City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permanent application concerning a resource subject to an emergency moratorium may be summarily denied.

(Rev. 11/17/2003)

11. **YARD VARIANCES**

Due to peculiar conditions of design and construction in Historic Districts, where structures were often built close to the lot lines, it is in the public interest to retain the District's appearance by making variances to normal yard requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be granted.

(Rev. 11/17/2003)

12. **EXCEPTIONS**

Nothing in this chapter shall be construed to prevent ordinary maintenance, repair or sale of any resource within an historic district. Nor shall anything in this chapter be construed to alter, amend or delete provisions of other Troy City ordinances, or the Troy City Charter pertaining to the administration, control, or ownership of property owned by the City of Troy.

(Rev. 11/17/2003)

13. **APPEALS**

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the state historic preservation review board of the Michigan Historical Commission. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the historic preservation review board may appeal the decision to the circuit court. Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission concerning a matter other than a permit application, may appeal the decision to the circuit court.

(Rev. 11/17/2003)

14. **ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT**

A. **Establishment of Historic District Study Committee**

Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall consist of at least one (1) member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee shall be an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved.

B. **Duties of the Historic District Study Committee**

1. The Historic District Study Committee shall do all of the following:
 - a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
 - b. Conduct basic research of each proposed historic district and the historic resources located within that District;
 - c. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.

Chapter 13 - Historic Preservation

- d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 - i. The charge of the Committee;
 - ii. The composition of the Committee membership;
 - iii. The historic district or districts studied;
 - iv. The boundaries for each proposed historic district in writing and on maps;
 - v. The history of each proposed historic district;
 - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
 - e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.
 - f. Make copies of the preliminary report available to the public.
2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.
 3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, et seq. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.
 4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

C. **Actions to be Taken by the Historic District Study Committee and City Council**

After the date of the public hearing, the Historic District Study Committee and City Council shall take the following actions:

1. The Committee shall prepare and submit a final report with its recommendation and the recommendation, if any, of the Planning Commission to the City Council. If the recommendation is to establish, modify or eliminate a historic district or districts, the final report shall include

a draft of a proposed ordinance or ordinances.

2. After receiving a final report that recommends the establishment, modification or elimination of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances establishing, modifying or eliminating one or more historic districts. If the City Council passes an ordinance or ordinances establishing, modifying or eliminating one or more historic districts, City Council shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. City Council shall not pass an ordinance establishing a contiguous historic district less than sixty days after a majority of the property owners within the proposed historic district, as listed on the City tax rolls, have approved the establishment of the historic district pursuant to a written petition.
3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph 2.

D. Elimination of Districts

If considering elimination of a historic district, the Committee shall follow the procedures set forth for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

1. The historic district has lost those physical characteristics that enabled establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

E. Availability

All writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function shall be made available to the public.

(Rev. 11/17/2003)

15. ENFORCEMENT; VIOLATIONS

- A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.
- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A

Chapter 13 - Historic Preservation

person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day a violation continues is a separate Municipal Civil Infraction Violation. Sanctions for violation shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(Rev. 03/01/2006)

- C. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

(Rev. 11/17/2003)

TROY HISTORIC DISTRICT COMMISSION MINUTES – DRAFT

May 18, 2010

A regular meeting of the Troy Historic District Commission was held Tuesday, May 18, 2010 at the Troy Museum. Barbara Chambers called the meeting to order at 7:04 p.m.

ROLL CALL	PRESENT	Barbara Chambers Anne Partlan Kent Voigt Doris Schuchter Muriel Rounds Loraine Campbell, Museum Manager
	ABSENT	Sabah Jihad
	GUESTS	Connie and Michael Kelemen 1767 Three Lakes Troy, MI 48085

Resolution #HDC-2010-05-001
Moved by Partlan
Seconded by Voigt

RESOLVED, That the minutes of the March 16, 2010 meeting be approved.

Yes: 5— Chambers, Partlan, Voigt, Schuchter and Rounds
No: 0

MOTION CARRIED

OLD BUSINESS

A. Recommendation of the Final Report to delist 4800 Beach

The commission reviewed the final revised report provided by the Historic District Study Committee.

Resolution #HDC-2010-05-002
Moved by Partlan
Seconded by Voigt

RESOLVED, That the Historic District Commission supports the findings provided in the final report by the Historic District Study Committee regarding the resource identified as 4800 Beach Road (88-20-18-203-011) and further supports the recommendation to City Council to eliminate the local historic designation of this resource.

Yes: 5— Chambers, Partlan, Voigt, Schuchter and Rounds
No: 0

MOTION CARRIED

NEW BUSINESS

B. 54 E. Square Lake Road

Connie and Michael Kelemen propose to acquire the historic resource at 54 E. Square Lake Road (88-20-10-101-003) through a lease agreement for use as an old world style café. They will retain the exterior appearance of the building but seek to remove large coniferous trees that are extremely close to the building. They also plan to offer outdoor seating in the area behind the house and to develop parking in the area east of the building.

Resolution #HDC-2010-05-003

Moved by Schuchter

Seconded by Rounds

RESOLVED, That the Historic District Commission supports concepts presented by Connie and Michael Kelemen regarding the use of the historic resource at 54 E Square Lake Road (88-20-10-101-003) that will:

- **Preserve and retain the historic integrity of the structure and the site,**
- **Remove trees encroaching on the building foundation,**
- **Provide an outdoor café at the rear (south side) of the property, and**
- **Provide an appropriate parking area with a surface that retains the historic integrity of the site, is ADA compliant, and that provides appropriate stormwater management.**

The Historic District Commission would support use of an appropriate material such as:

- **Crushed limestone (slag)**
- **Parking pavers**
- **A porous surface including but not limited to Permeable Interlocking Concrete Pavers or Permeable Pavers**

As a “last resort” the commission would support the use of dyed, stamped concrete.

Yes: 5— Chambers, Partlan, Voigt, Schuchter and Rounds

No: 0

MOTION CARRIED

C. Historic District Study Committee

The commission discussed the charge of the Historic District Study Committee as an ad hoc committee appointed by City Council in accordance with Chapter 13, Sec. 14(A).

Resolution #HDC-2010-05-004

Moved by Partlan

Seconded by Schuchter

RESOLVED, as the Historic District Study Committee has completed their work in the modification and elimination of historic resources, that the Historic District Commission recommends that City Council dissolve the Historic District Study Committee in accordance with Chapter 13, Sec 14(A).

Yes: 5— Chambers, Partlan, Voigt, Schuchter and Rounds

No: 0

MOTION CARRIED

D. Commission Comments

Muriel Rounds suggested that the commission revisit the following items of unfinished business:

- The placement of an historic marker adjacent to the parking lot of John's party Store on the northwest corner of Square lake Road at Livernois. This marker, identifying the site of the Krell Farm was to be placed following completion of the expanded parking facility following the recommendations of the ad hoc Heritage Committee, 2003.
- Fabrication and placement of markers at the local historic resources.

The regular Troy Historic District Commission meeting was adjourned at 8:20 p.m. The next regular meeting will be held Tues, June 15, 2010 at 7:00 p.m. at the Troy Museum.

Barbara Chambers
Chairperson

Loraine Campbell
Recording Secretary

Neighborhood Nodes: The Economic Neighborhood



- *Located at intersections of the City's main roads.*
- *Work together with Social Neighborhoods to create a more livable community.*
- *Mixed use.*
- *Provide neighborhood gathering places.*
- *Accommodate the daily needs of residents.*

Neighborhood Nodes are the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods. The nodes are specifically identified on pages 95 and 96. Economic Neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers. The attributes of Economic Neighborhoods are described in more detail in the final section of this Chapter, and the urban design characteristics of Neighborhood Nodes will be described in depth in Chapter 10. The nodes will typically permit a mix of commercial, office, and high-density residential, although the predominant uses in any Neighborhood Node development must be in keeping with the node characteristics described on pages 95 and

96. Industrial uses will not be permitted in the Neighborhood Nodes.

The Economic Neighborhoods of Troy also center on the square mile grid system. Unlike the social neighborhood, the **Economic Neighborhoods are centered on major road intersections where commercial and office development occurs.** When destinations are created, these nodes become a "go to" place and take on a social role. Each of these nodes serves four quadrants of the overlapping social neighborhoods and has the ability to bring residents of four neighborhoods together.

These Economic Neighborhood nodes are destinations that draw people, visually distinguished from the balance of corridor strips through greater density and scale. Variation in building height will often be used to separate the node from the surrounding area, but will not be so extreme as to visually overpower abutting neighborhoods. The separation of building heights at intersections with the "between" segments of corridors stimulates the visual concept of "pulsing" development and sets up a system of visual anchors.

Moderately dense residential environments may be encouraged within some nodes to provide steady activity for longer periods of the day. In these cases, residences may be mixed with offices on upper floors or be developed immediately adjacent to the commercial areas. Connections between the commercial activity and residences must be directly and seamlessly integrated.

During the course of the planning process, the Planning Commission closely analyzed the need for additional neighborhood nodes throughout the City. The City will continue to consider the demand for additional nodes as part of subsequent plan revisions.

DESIGN CONCEPT

- These nodes are within a fifteen minute walking distance of residential neighborhoods to permit alternative modes of transportation.
- Development will be denser and taller than the surrounding area, encouraging visual prominence to signal a gathering space.
- Nodes should be generally confined to a 1,000 foot radius from a major intersection.
- The nodes provide uses and spaces that attract and welcome neighborhood residents.

SITE DESIGN ATTRIBUTES

- Buildings should be separated from the right-of-way line by a landscaped greenbelt, one lane of off-street parking or a pedestrian walk, or a combination of these.
- Primary parking areas will be located within rear or interior side yards.
- Off-street parking should be screened from the public right-of-way by a knee wall or low decorative fence with a hedge of plantings.
- Walks will connect adjacent developments and the public sidewalks.
- Well-defined crosswalks with timed signalization will permit safe crossings.
- Flexible use of space allowing modest outdoor gathering spaces, such as plazas, will be encouraged.

BUILDING DESIGN ATTRIBUTES

- Buildings should be between two and three stories, although one-story structures accommodating gas stations or other special situations may be permitted.
- One-story buildings should have a minimum exterior height of sixteen feet.
- A ground level story should have a

minimum height of twelve feet from finished floor to finished ceiling.

- Facades facing major thoroughfares will be treated as fronts and should have a minimum of half transparent glass and special architectural design treatments.
- Fenestration (the arrangement of windows and doors) should be highlighted through the use of awnings, overhangs or trim detailing.
- Lighting will be carefully managed so as not to encroach on adjacent residential areas.

The following pages contain a table describing the primary intended uses and character of the Neighborhood Nodes designated on the Future Land Use Map. Individual Nodes are numbered and identified on the Economic Nodes Map following the table.

	Node/Intersection	Primary Uses and Character
A	14 Mile and Dequindre Road	Non-residential uses catering to the day-to-day needs of the workforce in the surrounding industrial area. Restaurants and convenience needs integrated with banks and other service uses in compact developments would suit the needs of this area.
B	Maple Road and Dequindre Road	The unique neighborhood node is home to a collection of uses serving the local Polish population. Uses complementary to the cultural center and bank which help this area serve as a gathering place and focus area for the neighborhood could include limited housing, service uses, or specialty retail and dining.
C	John R. Road and Maple Road	The node would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.
D	Big Beaver Road and Dequindre Road	This area should be a high-intensity, high-density, compact area that serves as a notable entry point to the community. Development may include residential, retail, office, and service-oriented uses, but should be designed to create a very noticeable "gateway" into Troy with its complex, high-density, mixed-use character.
E	Wattles Road and Dequindre Road	The predominant use in this node should be offices, both medical and professional. Limited commercial service uses designed to complement the main focus of the area as an office node serving this area of the City may also be permissible, if clearly secondary to the primary office character of the area.
F	John R Road and Wattles Road	This node may include all uses from high-density residential in combination with restaurants, limited office, and retail. Development at this intersection should include at least two of these uses in any one development, in order to better complement and strengthen the already mixed-use character of the node.
G	Rochester Road and Wattles Road	A careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods, should be the main uses at this intersection. Recent residential development in the area has taken pedestrian access to the intersection into consideration with effective pathways and sidewalks, and any new development at the intersection must continue this positive trend.
H	Livernois Road and Wattles Road	This lower-intensity area is characterized by single-family residential directly abutting the southwest corner of the intersection, and uses which generate only sporadic activity, such as churches and day care. This node contains the Troy Museum and Historic Village. New development or redevelopment at this node must be especially considerate of the adjoining residential and low-intensity uses and should not include any retail or restaurant uses. Office and other uses similar to the existing uses would likely provide the best combination here.
I	Crooks Road and Wattles Road	Development at this location should be low-impact and provide a high benefit to the neighborhood using the least amount of land. Compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node. The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate.
J	Dequindre Road and Long Lake Road	Predominantly commercial, catering to both local needs and regional traffic, new development and redevelopment should be mostly commercial, identifying opportunities for small office mixed-use and variations in floor area to allow for a wide range of commercial types. Pedestrian access to the adjoining area and effective screening should be primary areas of focus during the site design process.

	Node/Intersection	Primary Uses and Character
K	John R Road and Long Lake Road	Like Crooks Road and Wattles Road, compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node.
L	Rochester Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
M	Livernois Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
N	Dequindre Road and Square Lake Road	Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here.
O	John R Road and Square Lake Road	Near a known heron rookery, this node must be careful to respect this important natural resource. New development or redevelopment should complement the churches and limited commercial uses in the area, and should incorporate above-average landscaping, natural buffers, and conscientious site design to enhance the known natural features in the area.
P	Rochester Road and Square Lake Road	Major commercial uses dominate and should continue to provide a foundation for this neighborhood node. While uses in the area may cater to regional traffic, service uses, retail, and limited office uses designed to provide service to the immediate residential neighborhood should be incorporated into any new development or redevelopment plans.
Q	Livernois Road and Square Lake Road	Development in this area should be especially considerate of the remaining historic asset of the neighborhood. Adaptive use of existing historic structures must be considered before demolition or relocation of these resources. Low-intensity uses working in conjunction with one another to form a central neighborhood village, walkable and accessible, would create an ideal complement to the predominantly residential surroundings.
R	John R Road and South Boulevard	Small local commercial uses and office uses should be the focus of this node, to complement the large scale office development across the City's boundary to the north, within the City of Rochester Hills.
S	Rochester Road and South Boulevard	This neighborhood node provides a suitable mix of uses to cater to the daily needs of the immediate residential area, while also providing a unique opportunity for specialty retailers, compact walkable residential development, and small-scale office development in an integrated, mixed-use setting.
T	Livernois Road and South Boulevard	Limited local commercial and housing for seniors in a dense development pattern should remain the primary focus of this neighborhood node.
U	Crooks Road and South Boulevard	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.





DATE: May 19, 2010

TO: Planning Commission

FROM: R. Brent Savidant, Acting Planning Director

SUBJECT: POTENTIAL REZONING – East side of Rochester Road, South of Shallowdale (4398 and 4518 Rochester Road), Section 14, Approximately 4 acres in size, Presently zoned R-1C (One Family Residential), R-1T (One Family Attached Residential) and E-P (Environmental Protection)

A developer requested an opportunity to discuss a potential rezoning application with the Planning Commission. He is considering rezoning the property to O-1 Low Rise Office, to develop a credit union on the site.

The parcel is located on the east side of Rochester Road, south of Shallowdale, in Section 14. The parcel is approximately 4 acres in area and is zoned R-1C (One Family Residential), R-1T (One Family Attached Residential) and E-P (Environmental Protection). The property to the south is zoned R-1T and E-P, to the north and east is zoned R-1C. Briggs Park Condominium abuts the parcel to the south, while single family residential abuts the property to the north and east.

The Future Land Use Plan classifies the parcel as Rochester Road.

The applicant seeks direction from the Planning Commission on this matter. Please be prepared to discuss the item at the May 25, 2010 Planning Commission Special/Study meeting.

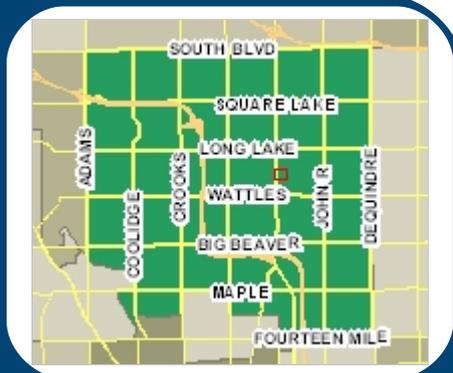
Attachments:

1. Maps
2. Rochester Road classification (from City of Troy Master Plan)

cc: Applicant

G:\REZONING REQUESTS\Potential Rezoning\Potential Rezoning PC Memo 05 25 2010.docx

**PC 2010.05.25
Agenda Item # 10**



Legend

-  I-75
-  Road Centerline
-  Major Road
-  Industrial Road
-  Local Road
-  Hydrography Poly
-  Hydrography Arc
-  Parcels
- Aerial Photos - 2008**
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

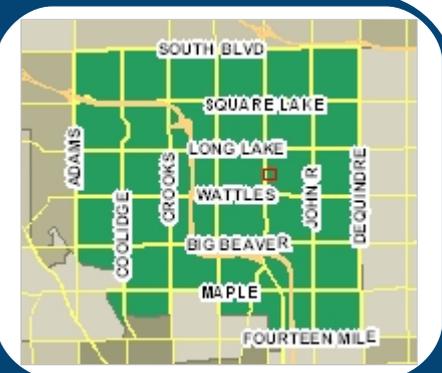
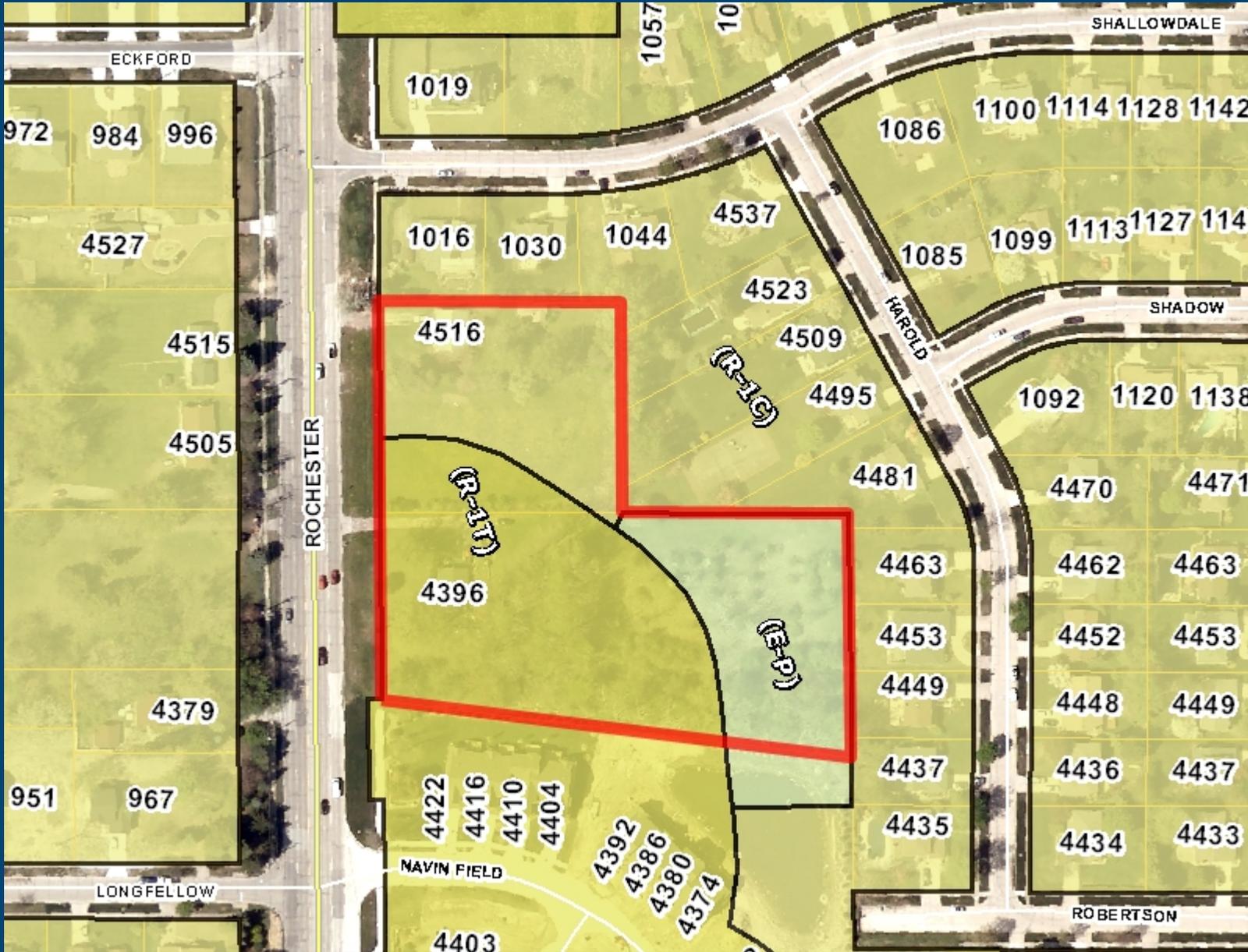
311 0 156 311 Feet

Scale 1: 1,866



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 5/13/2010



Legend

- I-75
- Road Centerline
- Major Road
- Industrial Road
- Local Road
- Zoning**
- (PUD) Planned Unit Development
- (B-1) Local Business District
- (B-2) Community Business District
- (B-3) General Business District
- (R-C) Research Center District
- (C-F) Community Facilities District
- (C-J) Consent Judgment
- (E-P) Environmental Protection District
- (R-EC) Residential Elder Care
- (P-1) Vehicular Parking District
- (H-S) Highway Service District
- (M-1) Light Industrial District
- (O-1) Office Building District
- (O-M) Office Mid-Rise District
- (OSC) Office Service Commercial District
- (CR-1) One Family Residential Cluster District
- (R-1A) One Family Residential District
- (R-1B) One Family Residential District
- (R-1C) One Family Residential District
- (R-1D) One Family Residential District
- (R-1E) One Family Residential District
- (R-1T) One Family Attached Residential Distr
- (R-2) Two Family Residential District
- (R-M) Multiple Family Residential Medium De
- (RM-1) Multiple Family Residential District Lc
- (RM-2) Multiple Family Residential District (M
- (RM-3) Multiple Family Residential District (Hi
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008**
- Red: Band_1
- Green: Band 2

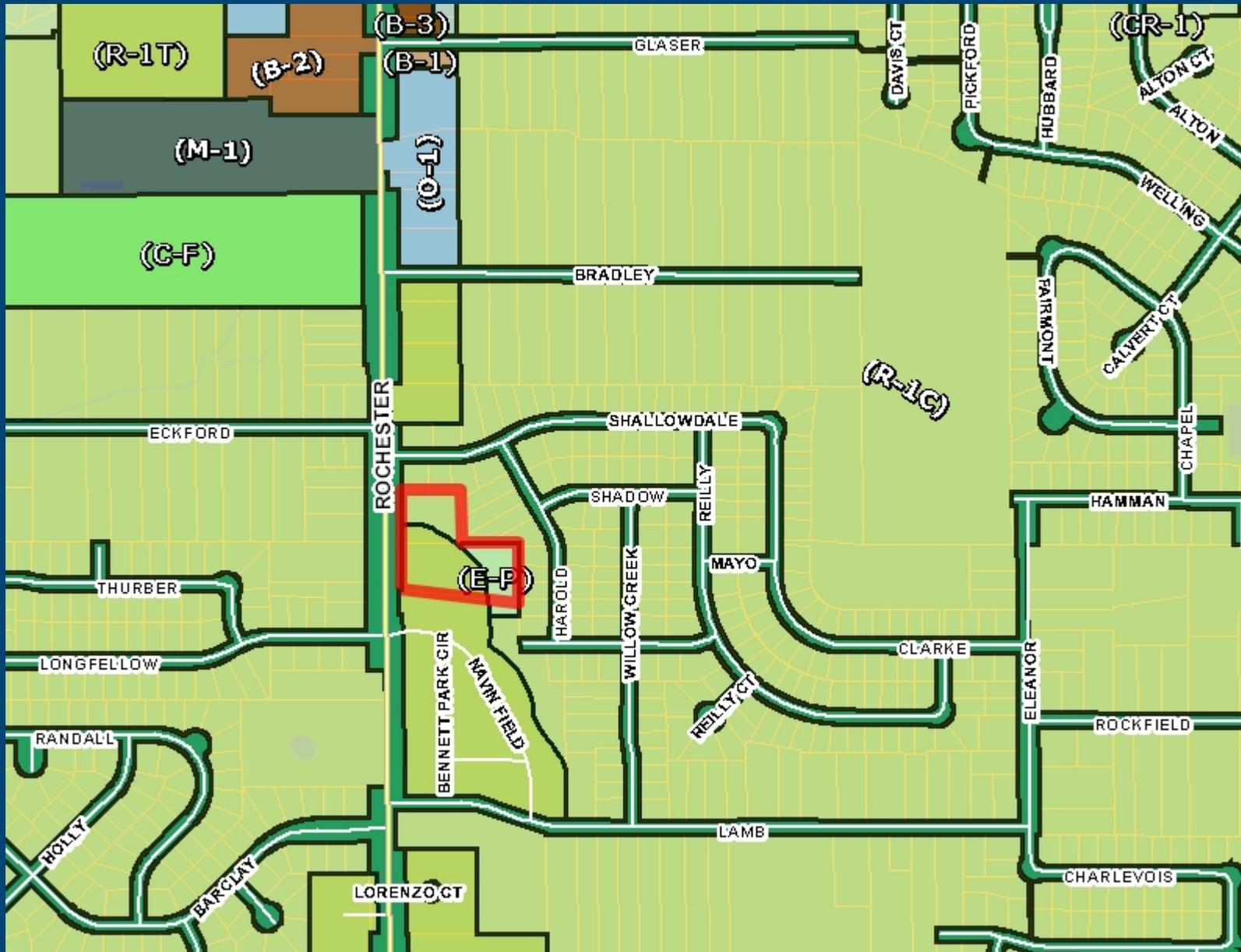
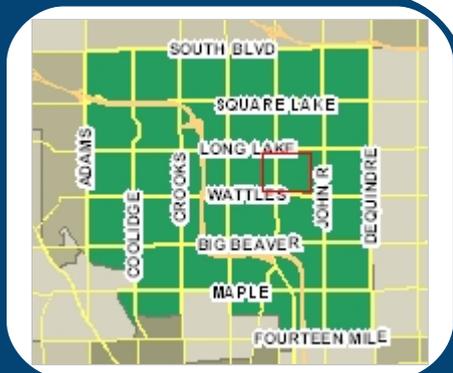
311 0 156 311 Feet

Scale 1: 1,866



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 5/13/2010



Legend

-  I-75
-  Road Centerline
 -  Major Road
 -  Industrial Road
 -  Local Road
- Zoning**
 -  (PUD) Planned Unit Development
 -  (B-1) Local Business District
 -  (B-2) Community Business District
 -  (B-3) General Business District
 -  (R-C) Research Center District
 -  (C-F) Community Facilities District
 -  (C-J) Consent Judgment
 -  (E-P) Environmental Protection District
 -  (R-EC) Residential Elder Care
 -  (P-1) Vehicular Parking District
 -  (H-S) Highway Service District
 -  (M-1) Light Industrial District
 -  (O-1) Office Building District
 -  (O-M) Office Mid-Rise District
 -  (OSC) Office Service Commercial District
 -  (CR-1) One Family Residential Cluster District
 -  (R-1A) One Family Residential District
 -  (R-1B) One Family Residential District
 -  (R-1C) One Family Residential District
 -  (R-1D) One Family Residential District
 -  (R-1E) One Family Residential District
 -  (R-1T) One Family Attached Residential Distr
 -  (R-2) Two Family Residential District
 -  (R-M) Multiple Family Residential Medium De
 -  (RM-1) Multiple Family Residential District (Lc
 -  (RM-2) Multiple Family Residential District (M
 -  (RM-3) Multiple Family Residential District (Hi
-  Hydrography Poly
-  Hydrography Arc
-  Parcels

1,244 0 622 1,244 Feet

Scale 1: 7,465



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 5/13/2010

Rochester Road: Green Corridor



- *Regional model for a green corridor*
- *A strong focus on access management*
- *Heightened emphasis on strong stormwater management techniques*
- *Retail catering to regional traffic*
- *Innovative site design techniques applied through PUD use to allow for redevelopment for shallow lots*

Rochester Road carries high volumes of traffic causing backups at intersections. The abutting development pattern from Big Beaver Road north to Long Lake Road is a continuous row of highway-oriented commercial uses. North of Long Lake Road, the land use pattern evolves, becoming a mix of commercial and office near the intersections and older single-family homes and multiple-family complexes in between.

If Rochester Road is to have a defined role and pleasing character in the City, it must undergo a significant transformation over time. Ultimately, the Rochester Road Corridor will become a regional showcase for effective stormwater management and enhancement of the natural environment, while encouraging a combination of high-quality land uses. Effective landscaping focused on

native plantings, and improved land use and access management along Rochester will create a green corridor that provides a high level of service for motorists, and which provides an effective natural buffer between high traffic volumes and people visiting adjacent properties. The creation of this green corridor would occur primarily in the right-of-way along road frontages and in the median of a future boulevard.

While the emphasis on innovative stormwater management is specifically called on for the Rochester Road Corridor, new low-impact techniques are to be encouraged elsewhere throughout the City of Troy. As noted in Chapter 7, innovative stormwater management is a priority for the community. Rochester Road will play an important role in this City-wide initiative by proving a regional showcase for such techniques.

New construction along the corridor may include detention and retention basins that work together from site-to-site with other features to create a continuous, linear landscape feature. By connecting properties, the basins create visual relief from traffic. **Low impact development methods will be used throughout the corridor to filter stormwater runoff.** Rochester Road will also be characterized by effective new signage, high-quality lighting, and effective, complementary site and architectural design.

Uses along Rochester Road will include a variety of mixed uses, established in a “pulsing” pattern where the most intense mixed-use or exclusively non-residential development will occur near the Neighborhood Nodes situated along its main intersections. Lower-impact uses, such as small scale retail or condominiums should be encouraged along the corridor frontage between these nodes.

DATE: May 21, 2010
TO: Planning Commission
FROM: R. Brent Savidant, Acting Planning Director
SUBJECT: COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) –
Discussion with Representatives from Carlisle/Wortman Associates, Inc.

Representatives of Carlisle/Wortman Associates, Inc. will be at the May 25, 2010 Special/Study meeting to discuss Chapter 11 – Environmental Standards: Natural Features Preservation and Renewal Energy Facilities. The findings presented during the previous item (Rapid Energy Assessment Process) will be considered in this discussion.

Attachments:

Chapter 11 - Environmental Standards: Natural Features Preservation and Renewable Energy Facilities

G:\ZOTAs\ZOTA 236 Zoning Ordinance Rewrite\Chapter 11 - Environmental\PC Memo 03 23 10.docx

ARTICLE 11

ENVIRONMENTAL STANDARDS: NATURAL FEATURES PRESERVATION AND
RENEWABLE ENERGY FACILITIES

5

**SECTION 11.01 REGULATORY FLEXIBILITY FOR NATURAL FEATURES
PRESERVATION**

10 **1. INTENT**

15 These natural features preservation regulations are intended to provide for a balance between reasonable and responsible use of the land and protection of City natural resources and features. These regulations are further intended to advance environmental stewardship goals identified in the City of Troy Master Plan.

20 This ordinance provides flexibility in design of all site developments that encourages and promotes the conservation and preservation of significant and sensitive natural features on properties within the City of Troy. Significant and sensitive natural features shall include but not be limited to; bodies of water, streams, wetlands, flood plains, natural drainage courses, significant woodlands and lands containing significant trees and vegetation, lands with steep slopes and significantly varying topography habitat of rare or endangered animal or plant species and other significant existing natural land features.

25 This ordinance is further intended to promote low impact development design principles that encourage responsible stewardship of natural resources and which result in facilities that are visually complementary to a natural setting. This ordinance provides the flexibility to allow functionally equivalent alternatives for street design, stormwater management, and similar site elements, provided that the resultant design minimizes the detrimental impacts associated with development and mitigates those impacts where feasible, thus securing the benefits of natural areas for the community. The Low Impact Development Manual for Michigan published by the Southeast Michigan Council of Governments (SEMCOG) provides guidelines and examples of best management practices for consideration of designers and developers.

30 The process through which the Planning Commission can invoke regulatory flexibility in order to meet the objectives described above includes:

- 35 A. *identification* of natural features and *documentation* through the Natural Resources Inventory and Stewardship Plan
- 40 B. *evaluation* of impacts on natural systems through review of the Natural Resources Inventory and Stewardship Plan
- 45 C. *consideration* of alternative design approaches to reduce or mitigate detrimental impacts

2. NATURAL RESOURCES INVENTORY AND STEWARDSHIP PLAN

5 A. **Where Required and Applicability.** This ordinance applies and is required for all site plan submittals for all parcels of land and developments is subject to site plan review where a petitioner requests flexibility in design pursuant to the intent and purpose of this ordinance.

10 B. **Submission Requirements.** The petitioner shall provide a natural features inventory and stewardship plan which identifies, locates and inventories all significant natural features. The scope and content of the plan shall be appropriate for the scale and complexity of the proposal and its potential impact on natural features (e.g. the overall tree canopy outline is sufficient where development is limited to non-wooded areas of the site, whereas individual specimen trees shall be identified where development encroaches on a mature woodlot). The Planning Commission shall have the authority to waive or modify specific inventory requirements, provided the site plan, plat or plot plan shall include, at minimum, indications of the various natural areas on the site, including overall tree canopy, wetlands limits, steep slopes and floodplain areas, as well as a written statement explaining how each natural area functions in relation to other natural features on or near the site.

20 C. **Plan Content.** The Natural Resources Inventory and Stewardship Plan shall include the following information:

25 a. The inventory/plan shall be presented on a base map drawn to the same scale as other pages of the site plan submittal. An aerial photograph should be utilized as the base map.

30 b. The plan shall include a delineation of wetlands, ponds, streams, lakes or other water bodies and an indication of which areas are protected under Part 303 of Public Act 451 of 1994, the Natural Resources and Environmental Protection Act, as well as an estimate of the area (in square feet), and a description of the wetlands quality and function.

35 c. The plan shall indicate boundaries of floodplain areas as identified in the Flood Insurance Study, City of Troy, prepared by the Federal Emergency Management Agency (FEMA).

40 d. The plan shall indicate general soils classifications across the site from the soil survey of Oakland County, Michigan, published by the United States Department of Agriculture (USDA), or onsite soils tests. The plan shall indicate areas of poor permeability, high erosion potential or other characteristics relevant to an understanding of the function of natural systems across the site.

45 e. The inventory shall provide location of all trees affected by the proposed

development which are six (6) inches or greater diameter at breast height (DBH), including off-site trees within twenty-five (25) feet of the property lines, and trees located within adjacent rights-of-way or in off-site utility easements. The inventory shall list the common and botanical names of each tree, with their size in inches at DBH and general condition. For areas of the site that will not be disturbed by construction activity, an overall tree canopy outline shall suffice.

- f. Any tree exceeding eighteen (18) inches DBH shall be numbered with non-corrosive tags bearing that number attached to each respective tree.
- g. Clearing limits for tree masses must be shown on the plan, as well as the proposed treatment of isolated trees six (6) inches or greater (remove, relocate or remain) located outside a tree mass.
- h. Grading limits must be shown on the plan, including cross-sections across any areas to be retained by walls. The stewardship plan should also identify areas where topsoil will be stored during construction, or any areas to be cleared and used for stockpile of materials during construction.
- i. If existing trees are to be relocated, the proposed location for such trees shall be shown, with a statement as to how such trees are to be protected and/or stored during land clearance and construction and how they are to be maintained after construction.
- j. The plan shall disclose the presence of any threatened or endangered species observed on site.

3. REGULATORY FLEXIBILITY

A. **Planning Commission authority.** The Planning Commission may approve flexible design approaches in order to preserve high priority natural resources and further the intent of this Ordinance as follows:

- 1) Yard, lot width, and bulk standards may be modified, provided that such modification results in preservation of natural features.
- 2) Street width and parking requirements may be modified to reduce the amount of impervious pavement and to avoid disturbance of high quality natural features.
- 3) Alternative pavement materials such as porous pavements and reinforced turf may be considered where traffic volumes and soil conditions warrant with approval of the City engineer.

- 4) Alternates and modifications from other sections of this ordinance for other similar site design and development elements and as may be particular to each development or parcel of land.

5 **B. Approval Process and Review Criteria.** In granting site design flexibility and
alternates or variances to site design, the Planning Commission shall take into
consideration the extent of said flexibility, alternates or modifications and their
impact and value on conserving and preserving existing significant natural
10 features or sensitive features as per the intent and purpose of this ordinance.
These considerations shall include;

- 1) Woodlands and significance of trees and vegetation by reason of quantity,
location, size and species.
- 15 2) Water bodies, streams, wetlands, flood plains and natural drainage
courses.
- 3) Habitat of animals and plants and impacts upon wildlife and plant habitat.
- 20 4) Topography, existing slopes, hills, prairies, etc.
- 5) Visual impact of existing natural features.
- 25 6) Other existing natural features that are significant and unique to a
particular parcel of land.

SECTION 11.02 STORMWATER MANAGEMENT

30 **A. Purpose.** The purpose of this Ordinance is to encourage the use of structural, vegetative
or managerial practices, commonly referred to as best management practices (BMP's),
designed to treat, prevent, or reduce degradation of water quality due to storm water
runoff. All development projects subject to site plan review shall be designed,
35 constructed, and maintained using best management practices (BMP's) to prevent
flooding, protect water quality, reduce soil erosion, maintain and improve wildlife
habitat, and contribute to the aesthetic values of the project. The particular facilities and
measures required onsite shall reflect and incorporate existing grade, natural features,
wetlands and watercourses on the site to the maximum extent feasible.

40 **B. Stormwater Management.** All stormwater management plans shall meet the
Engineering Design Standards adopted by the City, and shall utilize nonstructural control
techniques to the maximum extent feasible, including, but not limited to:

- 45 1. limitation of land disturbance and grading;
2. maintenance of vegetated buffers and natural vegetation;

3. minimization of impervious surfaces;
4. use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales
5. use of infiltration devices.

C. General Standards.

1. Sites shall be designed and managed utilizing Low Impact Development techniques to emulate the natural water cycle, and maintain local and regional hydrologic patterns. The Low Impact Development Manual for Michigan, published by the Southeast Michigan Council of Governments (SEMCOG) provides guidance for the designer and developer.
2. Stormwater management systems shall be designed to prevent flooding and the degradation of water quality related to stormwater runoff and soil erosion from proposed development.
3. All new development and redevelopment of properties shall include on-site storage of stormwater. Facilities shall be designed to provide a volume of storage and discharge rate which meets the standards of the City. **(can we do the following? A project may be exempted from the onsite storage requirement upon finding that an acceptable natural drainage outlet is available or storage capacity has been provided offsite and that all necessary drainage easements have been acquired.)**
4. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alternations to natural drainage patterns shall not create flooding or degradation of water quality for adjacent or downstream property owners.
5. The use of swales and buffer strips vegetated with desirable native materials is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for bio-filtration, allow suspended sediment particles to settle and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals, and salts shall be required in determining appropriate plantings in these areas.
6. Where large amounts of grease and oil may accumulate, as in the case of commercial/industrial developments and large areas of impervious surfaces for parking, oil separators shall be required.
7. For sites that store or use chemicals, a spill response plan shall be submitted and approved by the City.

D. Use of Wetlands. Wetlands may be used for stormwater management if all the following

conditions are met:

1. Wetlands shall be protected from impairment due to the discharges of stormwater. Measures shall be taken to reduce erosive velocities of stormwater and to remove sediment and other pollutants prior to discharge to a wetland.
2. Wildlife, fish or other beneficial aquatic organisms and their habitat within the wetland will not be impaired.
3. The wetland has sufficient holding capacity for stormwater, based upon calculations prepared by the proprietor and reviewed and approved by the City.
4. On-site erosion control shall be provided to protect the natural functioning of the wetland.
5. Provisions approved by the City shall be established so as to insure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
6. Applicable permits shall be obtained from the Michigan Department of Environmental Quality or appropriate federal agency.

E. Maintenance. For stormwater management systems serving more than one office, commercial or industrial structure and for systems serving more than one residential unit, a maintenance agreement shall bind the owners of all lots, parcels and condominium units with access to the stormwater management system, including their successors and assigns. The maintenance agreement must include the following minimum information.

1. A restrictive covenant shall be included in the maintenance agreement establishing the responsibility for operating and maintaining the stormwater management system on all lots and parcels to be serviced by the system. Such restrictive covenant shall further grant to the City an easement for the purpose of providing for the installation, operation, inspection, and maintenance or stormwater management systems. The agreement shall grant to the City the right, but not the obligation, to inspect and repair said stormwater management system at the expense of the owners of property served by the system. The City shall have the sole discretion whether to create a special assessment district under the agreement. If the City elects to repair a private stormwater management system, the agreement shall provide for the establishment of a special assessment district to defray all costs incurred in repairing the system. The agreement shall provide that all current and future owners agree that they are waiving all rights to challenge all aspects of the special assessment district. In addition, the owners and all future owners agree that the maintenance agreement shall be deemed a petition or an adjunct to a petition by the property owners for a special assessment district, if such a petition is legally required.

2. A provision for an incorporated association of co-owners served by the stormwater management system, which shall be responsible to collect fees and to maintain the sanitary sewer system.

3. A feasible and practical method for financing the repair, improvement, and maintenance of the stormwater management system in compliance with this ordinance. The maintenance agreement shall include an explicit clause advising all current and future parties to said agreement that neither the City nor any other public agency is obligated to perform regular inspections of the easement area or provide repairs, improvements or maintenance to the private system.

SECTION 11.04 WIND ENERGY CONVERSION SYSTEMS

A. Intent. It is the intent of the City to permit the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS. This Ordinance does not establish or guarantee air or light or wind rights or establish access to the air, light, or wind.

B. Applicability. It shall be unlawful to construct, erect, install, alter, or locate any WECS or TMT within the City except in compliance with the section. A building permit is required for any WECS or TMT pursuant to this Section.

C. On-Site WECS Permitted. On-site WECS or Temporary Meteorological Towers shall be considered a permitted use in all zoning districts, subject to the provisions of this Section. Applications for an on-site WECS shall include the following:

1. Applicant Information. Name, address and contact information.

2. Project Description. A general description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.

3. Plot Plan and Documentation. The Plot Plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The plot plan shall include:

a) The project area boundaries.

b) The location, height and dimensions of all existing and proposed structures and fencing.

c) Distance of proposed structure from all property lines and permanent structures.

d) The location, grades and dimensions of all temporary and permanent On-

site access roads.

e) Existing topography.

5 f) Water bodies, waterways, wetlands, and drainage ditches (county drains).

g) All new above ground infrastructure related to the project.

h) The location of all overhead utility wires.

10

4. Additional Documentation.

a) Insurance: Proof of the applicant's appropriate liability insurance.

15 b) Sound Pressure Level: Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.

c) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.

20

d) Grant of Authority: The applicant shall provide evidence of ownership of the land which the WECS or Temporary Meteorological Tower is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.

25

e) Compliance with Laws and Regulations. The Applicant, operator of the WECS or TMT, and owner of the land on which the WECS or TMT is located are each responsible for ensuring that the installation, operation, use and removal of the WECS or TMT complies with all applicable state, federal and local laws, ordinances and regulations, and shall submit proof of such compliance to the City upon request. Further, such Applicant, operator and owner shall each defend, indemnify and hold harmless the City from and against any and all loss, liability, cost or expense incurred by the City as a result of any failure of the WECS or TMT to comply with applicable laws, ordinances or regulations.

30

35

40 **D. Commercial WECS permitted.** Commercial WECS and TMT shall be considered a special land use in all zoning districts and shall subject to the provisions of this Section and Article VI. Applications for a commercial WECS or TMT shall require a complete special land use permit application in accordance with Article VI, including a complete site plan in accordance with Article V.

45 **E. Planned Unit Development.** A proposed WECS or TMT as part of an initial application for a Planned Unit Development shall be subject to approval as part of the PUD petition,

and the standards and requirements of Section XXX and this Section, except that no special land use permit application shall be required for any commercial WECS or TMT. For a proposed WECS or TMT in an existing PUD, compliance with this Section including submitting a special land use application shall be required in lieu of a petition for amendment to the approved PUD.

F. Standards and Requirements. All On-site WECS, Commercial WECS and Temporary Meteorological Towers shall meet the following additional standards and requirements:

1. Setbacks

- a) The distance between a WECS or TMT and the nearest property line shall be at least the 1.5 times the height of the WECS or TMT.
- b) No part of the WECS or TMT structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.
- c) The distance between a WECS or Temporary Meteorological Tower and a road or a public right-of-way shall be at least 1.5 times the height of the WECS or TMT.
- d) The distance between a WECS and any other On-site or Commercial WECS shall be at least 3 times the height of the taller of the two WECS.

2. Height

- a) On-site WECS and TMT shall be less than 65 feet in height. Commercial WECS and TMT shall be less than 200 feet in height. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point for a horizontal axis turbine, and to the highest point of a vertical axis turbine. Height for on-site WECS mounted to a structure shall also be measured from grade to the tip of the turbine blade at its highest point for a horizontal axis turbine, and to the highest point of a vertical axis turbine. The applicant shall demonstrate compliance with all FAA regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.

3. Noise; Sound Pressure Level

- a) Audible noise or the sound pressure level of an On-site WECS or Commercial WECS shall not exceed 50 dB(A) (A-weighted Decibels) at the property line closest to the WECS. For Commercial WECS, modeling and analysis of sound pressure shall be required in accordance with Section 11.04.H.8 below.
- b) This sound pressure level shall not be exceeded by more than 5 dB(A) for

more than three minutes in any hour of the day.

4. Lighting

a) No WECS or TMT shall be artificially lighted.

5. Construction codes, towers, and interconnection standards

a) Every WECS and TMT shall comply with all applicable State construction codes and local building permit requirements.

b) Every WECS and TMT shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), The Michigan Tall Structures Act (PA 259 of 1959), and any other applicable State or Federal laws or regulations.

c) An On-site WECS or Commercial WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.

6. Safety

a) Design Safety Certification. The safety of the design of every WECS or TMT shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the City. The standard for certification shall be included with the permit application. If WECS or TMT construction is approved, the professional engineer shall certify that the construction and installation of the WECS or TMT meets or exceeds the manufacturer's construction and installation standards, and any applicable State and Federal laws and regulations prior to operation.

b) Controls and Brakes. Every WECS or TMT shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the designed limits of the WECS or TMT. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the City.

c) Lightning. Every WECS or TMT shall have lightning protection.

d) Guy Wires. If an On-site WECS or TMT is supported by guy wires, the wires shall be clearly visible to a height of a least six (6) feet above the guy wire anchors. Every Commercial WECS must be of a freestanding

monopole design and guy wires shall not be used.

- e) Grade Clearance. The minimum vertical blade tip clearance from grade shall be 25 feet for any horizontal-axis WECS or from any moving component of a vertical-axis wind energy conversion system.
- f) Electromagnetic Interference. No WECS or TMT shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems or emergency broadcast systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No WECS or TMT shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- g) Color. Towers and blades shall be painted a non-reflective neutral color designated on the application and approved by the City or as otherwise required by law.
- h) Climb Prevention. Every WECS or TMT must be protected by anti-climbing devices twelve (12) feet from base of pole.

G. Removal of Abandoned On-Site WECS or Temporary Meteorological Towers. In the event an On-Site WECS or Temporary Meteorological Tower is abandoned or unused for a period of one hundred and eighty (180) days, or if a WECS or Temporary Meteorological Tower is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the tower owner and land owner to fines established by the City Council. In addition, by accepting a permit for the On-Site WECS or TMT, the applicant and land owner agree that in the event the tower and equipment is not removed as required, after thirty (30) days notice from the City, the City may undertake such removal and bill the costs to the applicant and land owner plus an administrative fee of 15% which if not paid within thirty (30) days shall be assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.

H. Additional Requirements for Commercial WECS. The following standards and requirement shall apply to every Commercial WECS:

- 1. Warnings. A visible warning sign of High Voltage shall be placed at the base of every Commercial WECS. The sign must have at least six (6") inch letters with 3/4-inch stroke. Such signs shall be located a maximum of three hundred (300)

feet apart and at all points of site ingress and egress.

2. Signage. In addition to warning signs and signs required by law, every Commercial WECS shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.
3. Liability Insurance. The owner or operator of a Commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the City pertaining to installation and operation of the Commercial WECS. The amount and terms of the policy shall be established as a condition of conditional use permit approval. The City and land owner shall be named as additional insured. Certificates of insurance shall be provided to the City annually.
4. Security. The application shall include a description of security to be posted at the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection 10 below. The security shall be the form of: (i) cash; (ii) letter of credit; or, (iii) an escrow agreement, in an amount approved by the City engineer and in a form approved by the City Attorney providing for timely removal of the Commercial WECS as required under this Section, and payment of any costs and attorney fees incurred by the City in connection with such removal.
5. Visual Appearance; Powerlines. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.
6. Threatened and Endangered Species. The applicant shall submit an endangered and threatened species survey conducted by a qualified professional, such as an ecologist or zoologist, describing the potential impact of the WECS on any species listed as threatened or endangered by the federal government or the state of Michigan, including but not limited to migratory birds or bats. Permits shall not be issued unless the study determines that there shall be no negative effect on such species. Alternatively, the applicant may submit an endangered species permit from the State of Michigan to fulfill this requirement.
7. Annual Inspection; Maintenance. The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every Commercial WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property.

Certification records shall be submitted annually to the City.

- 5 8. Sound Pressure Level. As part of the application and prior to installation of any Commercial WECS, the applicant shall provide modeling and analysis to the City that will confirm that the Commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC (International Electrotechnical Commission) 61400, which establishes structural and performance safety provisions for wind energy conversion systems, and ISO (International Organization for Standardization) 9613, which describes a method for calculating the attenuation of sound during propagation outdoors in order to predict the levels of environmental noise at a distance from a variety of sources. After installation of the Commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18, which provides an alternative method of measurement of sound pressure levels in the outdoor environment, considering the effects of the ground, the effects of refraction due to wind and temperature gradients, and the effects due to turbulence. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the operation of the project.
- 25 9. Shadow Flicker. The applicant shall conduct a four-season analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.
- 35 10. Removal. A Commercial WECS shall be removed by the owner of the WECS or land when the Commercial WECS has been abandoned or unused for one hundred and eighty (180) days (“Non-Use Period”). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a Non-Use Period. The WECS owner or applicant shall notify the City of the beginning of any Non-Use Period or any removal of equipment. The end of the Non-Use Period may be sooner than one hundred eighty (180) days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.
 - 45 a) At the end of the Non-Use Period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.

b) If the required demolition, removal and restoration of the WECS has not been lawfully completed within sixty (60) days after the end of the Non-Use Period, then after fifteen (15) days prior written notice to the land owner and the WECS owner, the City may remove or secure the removal of the WECS and related equipment and the City's costs, expenses, attorneys fees and consultants fees, plus a 15% administrative charge may be drawn and collected from the security described in (4) above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WECS is located and may be collected in the same manner as delinquent taxes.

SECTION 11.05 SOLAR STRUCTURES

A. Permitted. Active and passive solar energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to administrative approval, except when such solar devices or architectural features project into required front or side yards, or are free-standing elements in a required front or side yard. When a proposed solar energy device is located within a required yard it shall be subject to the review and approval of the Planning Commission in accordance with the preliminary and final site plan review requirements of Article XI.

B. Maximum Height of Structures. Passive solar energy structures, such as flat plate collectors, photovoltaic cells, etc., which are roof-mounted or integrated otherwise into the roof structure shall not be included in the calculation of maximum height. Active solar energy structures, when mounted on either freestanding structural elements or integrated architecturally with a principal or accessory building shall not exceed a height of forty (40) feet.

C. Lot Coverage. Solar energy structures, regardless of type, when abutting the principal or any accessory structure, or freestanding, shall not be counted in the determination of maximum allowable lot coverage.

D. Greenhouses: Solar greenhouses and similar heat traps, when designed to be habitable spaces integrated into the primary structure, shall be included in the calculation of lot coverage at one-third (1/3) of their actual square foot area provided that not more than twenty (20) percent of their thermal mass, or transferring medium, is obscured from the radiant energy of the sun by other architectural elements. Such obscuration being calculated at a solar declination of 22 degrees, due south.

SECTION 11.06 SOLAR EASEMENTS

A. Permitted. A landowner may enter into an easement, covenant, condition or other property interest in any deed or other instrument, to protect the solar skyspace of an actual, proposed or designated solar energy structure at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with

access to solar energy. The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Troy Building Department.

5

B. Process. A typical form of Solar Access Easement Agreement will be available in the Troy Planning Department, although alternate forms accomplishing the same purpose may be acceptable. These Agreements shall be entered into by and between private parties. All Solar Access Easement Agreements are to be accompanied by a Plot Plan, prepared by a registered Civil Engineer or Land Surveyor, indicating all structures, trees or other vertical elements by type and height elevation.

10

(To be located within Article 2)

15 Definitions:

Ambient noise

Regularly occurring background noise not produced by the object or device in question.

20 Active Solar Energy Structure:

A structure which utilizes mechanically-operated solar collectors to collect, transfer or store solar energy.

25 dB(A) - shall mean A-weighted decibels. This is the standard used to measure environmental noise.

Passive Solar Energy Structure:

A structure which uses natural and architectural components to collect and store solar energy without using external mechanical energy.

30

Solar Access Easement:

A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy.

35

The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Troy Building Department.

40

Solar Collector:

A device or combination of devices, structures, or parts thereof, that collects, transfers or transforms direct solar, radiant energy into thermal, chemical, or electrical energy, and that contributes significantly to a structure's energy supply. In addition to such functions, solar collectors may also serve as a part of a structure's roof, wall, window or other structural member.

45

Solar Energy:

Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Skyspace:

5 The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

Temporary Meteorological Towers (TMT)

10 A tower of monopole design which is designed and built to hold wind resource testing devices such as anemometers, wind vanes and accessory equipment and which is to remain in place for no more than 18 months.

Wind Energy Conversion System (WECS):

15 Any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy. WECS shall fall within two classifications: on-site or commercial, and shall typically be defined as horizontal axis or vertical axis.

On-site Wind Energy Conversion

20 A WECS, the energy from which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit. This does not exclude the sale of excess energy sold to a utility through net metering for on-site WECS when the WECS produces more energy than can be stored or used on-site.

Commercial Wind Energy Conversion System

25 Any WECS that is exclusively designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.

Horizontal-axis wind energy conversion systems.

30 Conventionally designed systems that have a main rotor shaft that is parallel to the ground and a series of "blades" that are perpendicular to the ground, as in a traditional agricultural windmill. Horizontal-axis wind energy conversion systems are traditionally mounted on a tower or pole and must be pointed into the wind.

Vertical-axis wind energy conversion systems

35 Systems that have a main rotor shaft that is perpendicular to the ground and the system does not need to be pointed into the wind. These systems are more common in areas where wind direction is variable. These systems often resemble a drum, cylinder, or helix.