CITY COUNCIL REPORT

DATE: June 2, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
R. Brent Savidant, Acting Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING – SPECIAL USE REQUEST (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

Background

The applicant Marico, Inc. proposes to add a 588 square foot outdoor seating area next to the existing Big Beaver Tavern restaurant on Big Beaver Road.

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

Section 25.30.03 requires that outdoor seating areas are approved by City Council. A public hearing is scheduled for this item on June 21, 2010. The Planning Commission held a public hearing on this item on May 11, 2010 and recommended approval of the outdoor seating area.

Recommendation

The outdoor seating area meets all Zoning Ordinance requirements. Furthermore, it is consistent with the Big Beaver Corridor Study which calls for outdoor seating along Big Beaver Road. City Management recommends approval of the Special Use application.

Attachments:

1. Maps
2. Report prepared by Carlisle/Wortman Associates, Inc.
3. Minutes from the May 11, 2010 Planning Commission Regular meeting (excerpt)
4. Public comment

cc: Applicant
File/ SU 379

G:\SPECIAL USE\SU 379 Big Beaver Tavern Sec 22\Announce CC Public Hearing 06 07 10.docx

BIG BEAVER TAVERN, 645 E. BIG BEAVER

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

116 0 58 116 Feet

Scale 1: 699

Printed: 4/8/2010

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.

BIG BEAVER TAVERN, 645 E. BIG BEAVER

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 Distric
  - (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 (Lo
  - (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

225 0 113 225 Feet

Scale 1: 1,351

Printed: 4/8/2010

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: May 6, 2010

Special Use Review
For
City of Troy, Michigan

Applicant:	Mark Larco, Marico, Inc.
Project Name:	Big Beaver Tavern Outdoor Seating
Plan Date:	April 6, 2010
Location:	645 East Big Beaver Road
Zoning:	O-M, Office Mid-Rise District
Action Requested:	Special Use Approval
Required Information:	Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a special use submittal for the creation of an outdoor café for Big Beaver Tavern. The area would be constructed in a currently open, grassy area between the main restaurant and the adjacent, attached, office building. It would be surrounded by landscaping and fencing, would have direct access to the main restaurant, and would seat 20 additional diners.

Location of Subject Property:
The property is located on the north side of Big Beaver, at 645 East Big Beaver Road.

Size of Subject Property:
The subject site is 61,223 square feet.

Proposed Uses of Subject Parcel:
The applicant proposes to use the area for outdoor seating.

Current Use of Subject Property:
The subject property is currently a restaurant with no outdoor seating.

Current Zoning:
The property is currently zoned O-M, Office Mid-Rise District. Restaurants are permitted in O-M as a use subject to special conditions, provided they are structurally attached to an office building. Outdoor dining is permitted as a special use, approved by City Council, in the O-M District, for an initial period not to exceed two years with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. The applicant proposes to construct a permanent fenced enclosure with landscaping, an awning, and a concrete pad; consequently, we believe the applicant is eligible to apply for a permit that could be granted for the total term of operation of the applicant. Outdoor seating areas are regulated in the O-M District in Section 25.30.03.

Zoning Classification of Adjacent Parcels and Current Land Use:
North: R-1-E, Single Family Residential, Residential
East: O-M, Office Mid-Rise District; Office
South: RM-1, Multi-Family Residential, and O-1, Office District; Residential and office
West: O-M, Office Mid-Rise District; Office

BUILDING LOCATION AND SITE ARRANGEMENT

The existing restaurant is situated on a separate parcel, but is part of a larger, attached four-building project. The Restaurant faces Big Beaver and provides parking on three sides. The proposed outdoor café is located in an existing courtyard area immediately adjacent the building, on its west side.

Items to be Addressed: *None*

AREA, WIDTH, HEIGHT, SETBACKS

This project is located behind the front yard setback and does not encroach into any required yard.

Items to be Addressed: *None.*

PARKING

Approved in 1984, the overall four-building project was required to provide parking for all of its separate facilities. The attached restaurant, calculated differently than the office component required parkimg for 165 diners and employees. This requirement equals 16.5 for the employees

and 82.5 for the diners. The total number of required spaces, 99, was well under the 113 spaces provided specifically for the restaurant. With the added 20 outdoor seats, the requirements change to 18.5 for employees and 92.5 for diners. The new required total number of spaces, therefore, is 111, 2 spaces under the 113 provided.

***Items to be Addressed*:** *None.*

LANDSCAPING

The existing site, approved by the Planning Commission on December 11, 1984, is 168,323 square feet in area. The Big Beaver Tavern parcel is a separate parcel, but given that the building is structurally attached to the adjacent three buildings, and was approved as a single, multi-building development, we consider landscaping for the overall site as part of this analysis. Given the 168,323 square foot lot, 16,833 square feet of landscaped open space was required at the time of approval, and 17,576 were provided. The site's conditions have not changed since that time. The surplus, therefore, is 743 square feet of landscaped area. The proposed outdoor seating area would reduce this area, but only by 588 square feet. Therefore, the site remains compliant with the minimum open space requirement, and in fact retains a 155 square foot surplus.

Two large existing trees will be removed to make way for the proposed outdoor café, but will be replaced by a row of tall shrubs or small screening trees to assist the proposed wood fence in screening the outdoor café from adjacent buildings. The exact landscaping material is not identified on the plans, although the plan meets minimum submittal requirements for an outdoor café application in the O-M District. We suggest the applicant come prepared to the Planning Commission meeting to discuss the proposed materials.

Items to be Addressed*: None.*

RECOMMENDATIONS

This project enhances an existing successful business in the City. The development of an outdoor café increases the activity on Big Beaver and complements the vision established in the Big Beaver Corridor Study and Master Plan. The site contains sufficient parking and landscaped area. The project meets minimum ordinance requirements for screening and design. Therefore, we recommend the Planning Commission recommend to the City Council that the proposed outdoor café be approved for the total term of operation of the Big Beaver Tavern.

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

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

From: JKMBuild@aol.com
To: Planning
Subject: File SU-379 Big Beaver Tavern
Date: Monday, April 26, 2010 12:43:42 PM

We are in favor of allowing outdoor seating.

88-99-00-030-718
88-20-27-201-050

Regards,
Joyce MacLeish
(248) 524-3244 Office
(248) 524-2345 Fax
(248) 310-0908 Cell

MacLEISH BUILDING
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Quality Construction a Family Tradition Since 1890

www.macbuilding.com
650 E . Big Beaver
Cornerstone Village #F
Troy, MI 48083-1432

BIG BEAVER TAVERN

Troy — Michigan

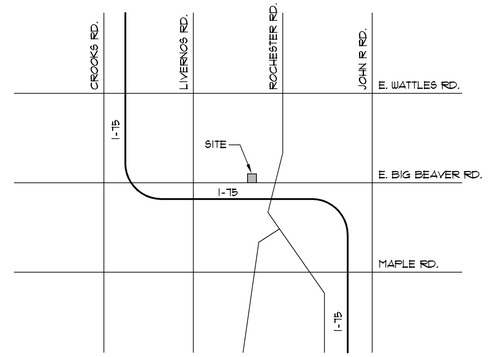
LEGAL DESCRIPTION:

UNIT 2, MS PLAZA CONDOMINIUM, ACCORDING TO THE MASTER DEED RECRDER IN LIBER 39939, PAGES 811ET SEQ., OAKLAND COUNTY RECORDS, AS AMENDED, AND DESIGNATED AS OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1367, TOGETHER WITH RIGHTS IN COMMON ELEMENTS AND LIMITED COMMON ELEMENTS, AS SET FORTH IN THE ABOVE MASTER DEED (AND AMENDMENTS THERETO) AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

INFORMATION SOURCE:

THIS SITE PLAN WAS PREPARED FROM SITE OBSERVATIONS AND FROM INFORMATION FROM THE FOLLOWING SOURCE:

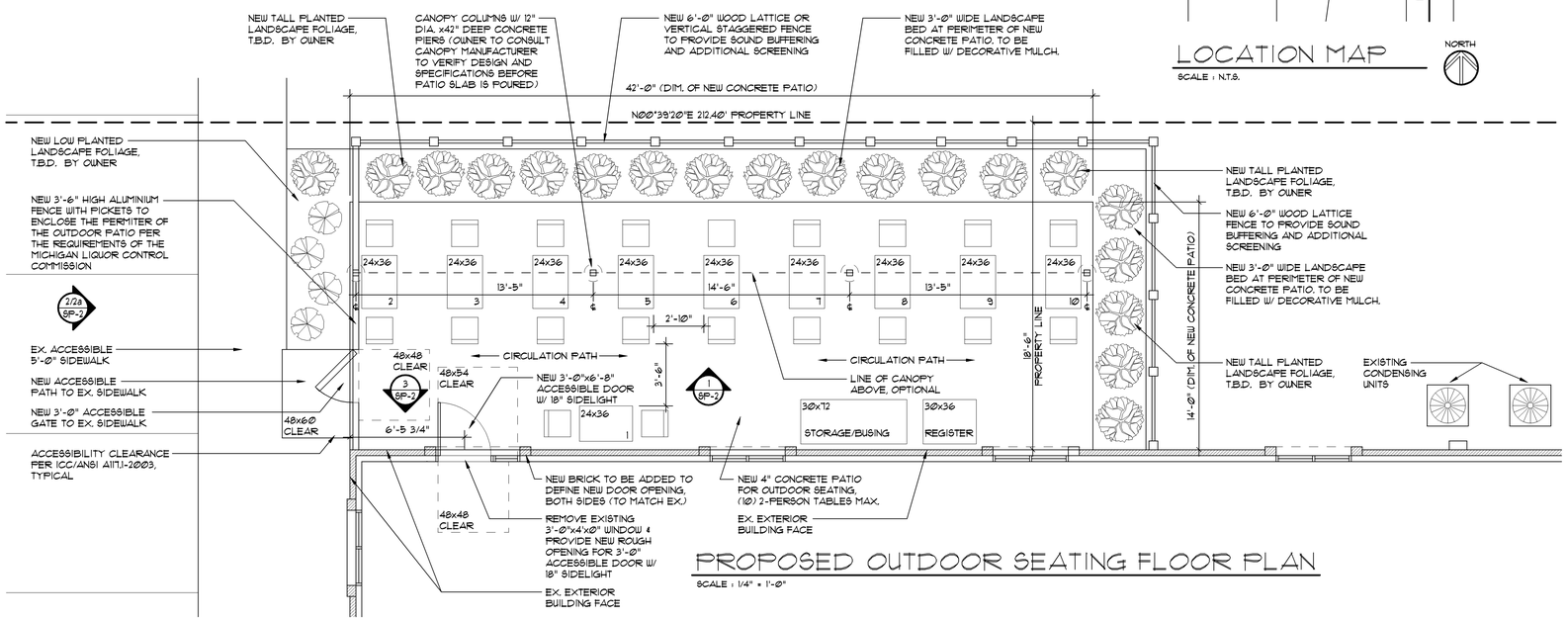
"ALTA/ACSM LAND TITLE SURVEY" : COMMUNITY ENGINEERING
44444 MOUND ROAD, SUITE 100
STERLING HEIGHTS, MICHIGAN 48314
248.726.0707 (PHONE)
248.726.0808 (FAX)
PREPARED BY: RICHARD S. HODSON, P.E.



LOCATION MAP

SCALE : N.T.S.

NORTH

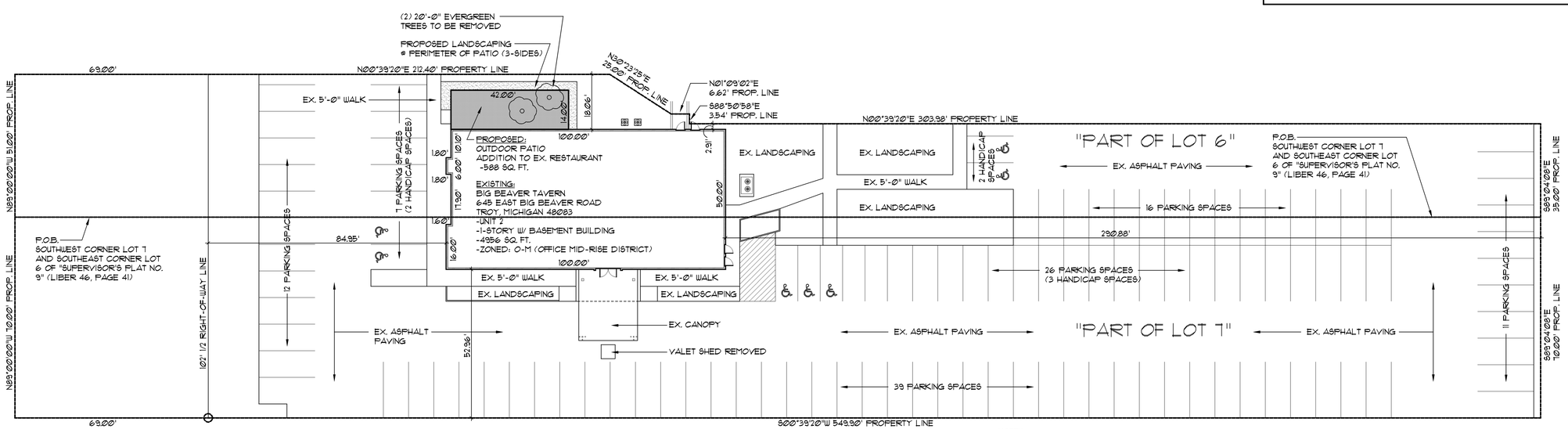


PROPOSED OUTDOOR SEATING FLOOR PLAN

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

SITE DATA:

ZONING ORDINANCE:	CITY OF TROY - CHAPTER 39	
SITE ADDRESS:	645 EAST BIG BEAVER ROAD TROY, MICHIGAN 48083	
STATEMENT OF COMPATABILITY/ PROJECT DESCRIPTION:	PROPOSED OUTDOOR SEATING AREA FOR DINING TO BE COMPATIBLE WITH EXISTING RESTAURANT. WITH THE ADDITION OF OUTDOOR SEATING, THIS ESTABLISHMENT STILL MEETS THE PARKING REQUIREMENTS WITHOUT ANY MODIFICATIONS. SEE PARKING DATA BELOW.	
ZONING CLASSIFICATION:	O-M (OFFICE MID-RISE DISTRICT)	
LAND USE DESCRIPTION:	PROPOSED OUTDOOR SEATING AREA	
LAND AREA:	TOTAL SQUARE FEET	61,223 S.F.
	TOTAL ACREAGE	1.40 ACRES
YARD SETBACKS:	THE EXISTING ESTABLISHMENT WITH PROPOSED OUTDOOR SEATING AREA IS IN CONFORMANCE TO THE CITY'S CONDOMINIUM SETBACK REQUIREMENTS.	
PARKING REQUIREMENT:	FACILITY	PARKING REQUIREMENTS
	EX. BIG BEAVER TAVERN	1 SPACE FOR EACH 2 PERSON WITHIN THE SEATING CAPACITY OF THE ESTABLISHMENT, PLUS 1 EMPLOYEE PARKING SPACE FOR EACH 10 SEATS WITHIN THE SEATING CAPACITY OR 1 SPACE FOR EACH 35 SQ. FT. OF DINING AREA, WHICHEVER IS GREATER.
PARKING REQUIRED:	FACILITY	PARKING REQUIRED
	EX. BIG BEAVER TAVERN	EX. SEATING CAPACITY = 165 PEOPLE
	PROPOSED OUTDOOR SEATING	PROPOSED SEATING CAPACITY = 20 PEOPLE
	TOTAL PEOPLE	185 PEOPLE
	PARKING PER SEATING CAPACITY	185 PEOPLE / 2 PEOPLE = 92.5 PARKING SPACES
	EMPLOYEE PARKING	185 PEOPLE / 10 PEOPLE = 18.5 PARKING SPACES
	TOTAL PARKING	92.5 + 18.5 = 111 PARKING SPACES
PARKING PROVIDED:	106 + 7 (HANDICAP) = 113 PARKING SPACES	
LANDSCAPING:	IN ADDITION TO THE PROPOSED OUTDOOR SEATING AREA, IT IS THE OWNERS INTENTION TO PROVIDE A 3'-0" LANDSCAPE BED AT THE PERIMETER OF THE SEATING AREA, TO PLANT A VARIETY OF PLANTS AND SHRUBS TO PROVIDE SCREENING OF AN AESTHETIC NATURE. OUTSIDE OF THIS LANDSCAPED AREA, THE OWNER WILL ALSO CONSTRUCT A 6'-0" HIGH FENCE FOR SOUND DAMPERING AND ADDITIONAL SCREENING.	



SITE PLAN

SCALE : 1" = 20'-0"

NORTH

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Use figured dimensions only

date:	issued for:
04-06-10	Planning Dept.
revisions:	issued for:
drawn by: C.M.C.	checked by: S.A.D.
project: BIG BEAVER TAVERN 645 East Big Beaver Road Troy, Michigan 48083	sheet title: Site Plan, Proposed Floor Plan & Site Data

Dorchen/Martin Associates, Inc.
Architects/Planners
29895 Greenfield Rd., Suite 107
Southfield, Michigan 48076
(248) 557-1062
Fax: (248) 557-1231

job no.	sheet no.
10019	SPA-1

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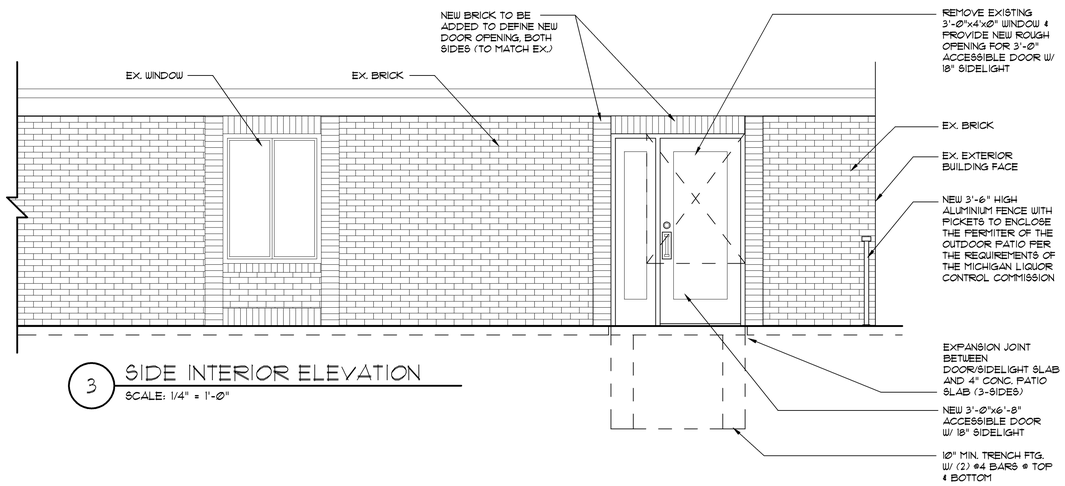
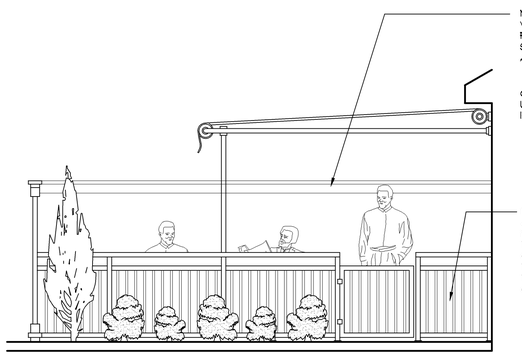
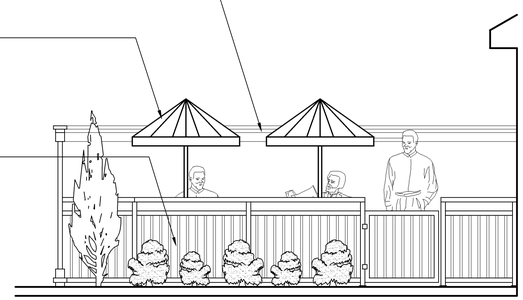


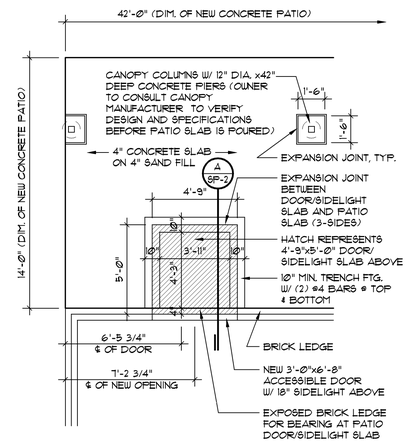
3 SIDE INTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



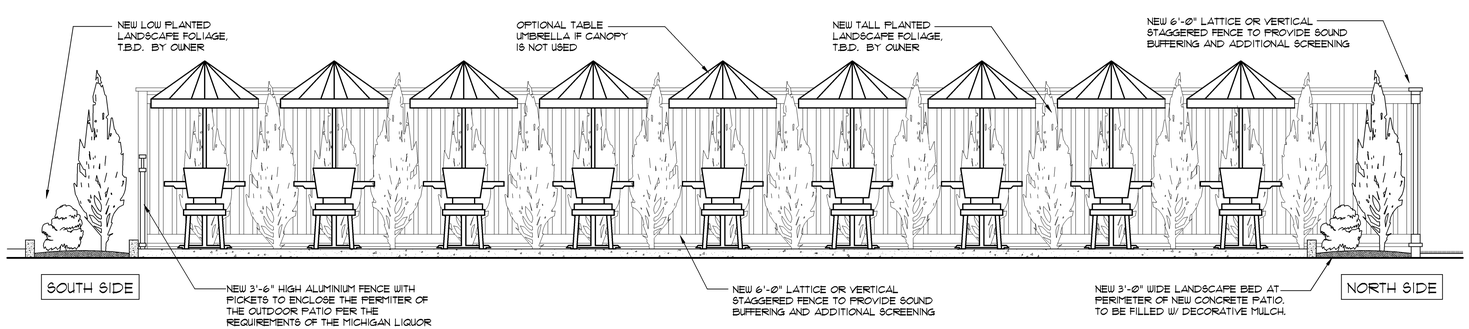
2 FRONT EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0" PATIO WITH REMOVABLE AWNING



2a FRONT EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0" PATIO W/O REMOVABLE AWNING

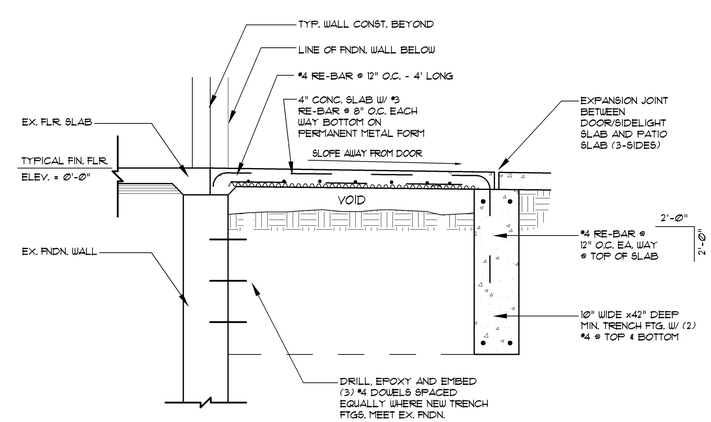


SLAB FNDN. PLAN
SCALE : 1/4" = 1'-0"



1 SIDE INTERIOR ELEVATION
SCALE: 1/4" = 1'-0" PATIO W/O RETRACTABLE AWNING

EXTERIOR AND INTERIOR ELEVATIONS
SCALE : 3/8" = 1'-0"



A TYP. ACCESSIBLE DOOR SLAB
SCALE : 3/4" = 1'-0"

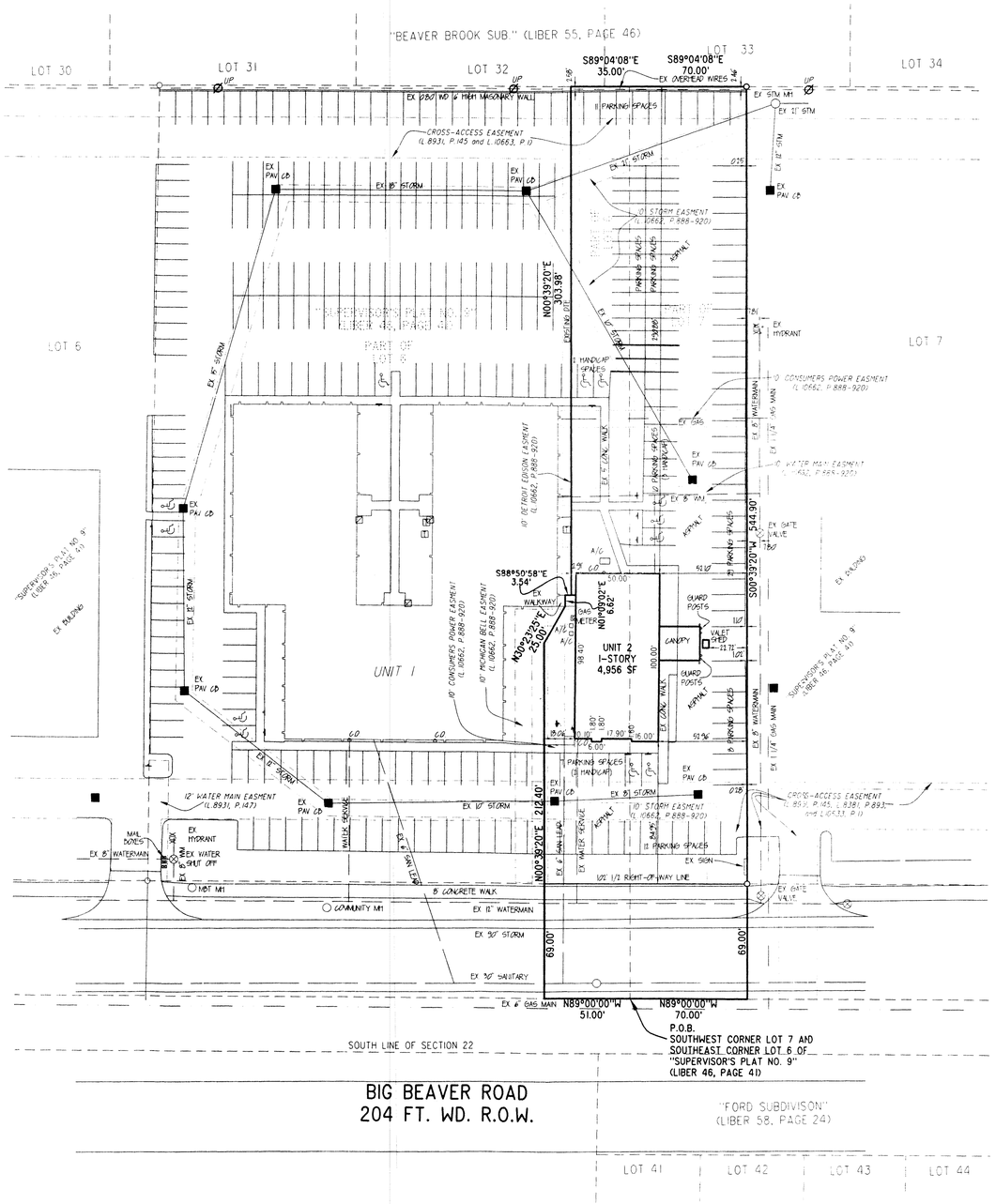
date: 04-06-10	issued for: Planning Dept.
revisions:	issued for:
drawn by: C.M.C.	checked by: S.A.D.
project: BIG BEAVER TAVERN 645 East Big Beaver Road Troy, Michigan 48083	sheet title: Site Plan, Proposed Floor Plan & Site Data

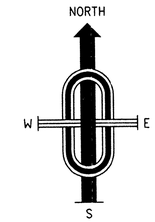
Dorchen/Martin Associates, Inc.
Architects/Planners
29895 Greenfield Rd., Suite 107
Southfield, Michigan 48076
(248) 557-1062
Fax: (248) 557-1231

job no.	sheet no.
10019	SPA-2

"ALTA/ACSM LAND TITLE SURVEY"

PART OF THE SOUTH 1/2 OF SECTION 22, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN.





LOCATION MAP
NOT TO SCALE

LEGEND

- FIRE HYDRANT
- GATE VALVE
- MANHOLE -STM OR SAN AS INDICATED
- PAVEMENT CATCH BASIN
- TELEPHONE BOX
- GAS MARKER
- CABLE BOX
- UTILITY POLE
- GUY POLE
- LIGHT POLE
- SIGN
- MAIL BOX
- SP SET PIPE
- L LIBER
- P PAGE

LEGAL DESCRIPTION:

Unit 2, MS Plaza Condominium, according to the Master Deed recorded in Liber 39939, Pages 811et seq., Oakland County Records, as amended, and designated as Ockland County Condominium Subdivision Plan No. 1967, together with rights in common elements and limited common elements, as set forth in the above Master Deed (and amendments thereto) and as described in Act 59 of the Public Acts of 1978, as amended.

SUBJECTS PERTAINING TO SURVEY AS STATED ON THE PHILIP R. SEAVER TITLE COMPANY POLICY. OFFICE FILE NUMBER: FM-369040-125 FA

8. Cross-Access or Joint-Drive Easement recorded in Liber 8931, Page 145, Liber 8381, Page 893 and in Liber 10663, Page 1, Oakland County Records.

9. Terms, conditions and provisions of Reciprocal Easement Agreement recorded in Liber 10662, Page 888, Oakland County Records.

10. Building and Use Restrictions recorded in Liber 2647 on Page 599, Oakland County Records, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

NOTES:

1. ALL BEARINGS ON THIS PLAN ARE IN RELATION TO THE SOUTH LINE OF SECTION 22, T.2N., R.11E., AS DEPICTED ON THE PLAT OF "SUPERVISOR'S PLAT NO. 9" RECORDED IN LIBER 46, PAGE 41, OAKLAND COUNTY RECORDS
2. FLOOD ZONE X - FIRM 26125C0534F EFFECTIVE DATE 9-29-06
3. BUILDING IS ONE (1) STORY, WITH A BASEMENT
4. ZONED O-M, OFFICE MID-RISE DISTRICT
5. REGULAR PARKING SPACE = SPACES
   HANDICAP PARKING SPACE = 7 SPACES
   TOTAL PARKING SPACES = SPACES
6. THE STRIPING FOR THE PARKING STALLS IN THE NORTHERLY END OF THE PARKING LOT IS SOMEWHAT WORN INDISCERNIBLE IN SOME AREAS. THE PARKING STALLS SHOWN ARE A DEPICTION OF THE PARKING AVAILABLE.

SURVEYOR CERTIFICATION:

To 645 Investment Co. LLC, Sumar, LLC, Fifth Third Bank, it's successors and/or assigns as their respective interests may appear, Philip R. Seaver Title Company, Inc. and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 2, 3, 4, 7a, 7b1, 8, 9, 10, and 11a of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Michigan, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 2-13-08

William J. Coulter
Registered Professional Survey No. 14760

STATE OF MICHIGAN
WILLIAM J. COULTER
LICENSED LAND SURVEYOR
NO. 14760
REGISTERED LAND SURVEYOR

CLIENT:
SUMAR, LLC
32300 NORTHWESTERN HWY., SUITE 200
FARMINGTON HILLS, MI 48334
REPRESENTATIVE: RICHARD M. SELIK, ESQ.

PREPARED BY:
RICHARD S. HODSDON, P.E.
44444 MOUND ROAD - SUITE 100
STERLING HEIGHTS, MICHIGAN 48314
586.726.0707 p
586.726.0808 f
rich@communityeng.com

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

REV.: 2/11/08 PARKING

Community Engineering

FORMERLY MCS ASSOCIATES, INC.

Civil Engineering and Surveying
44444 Mound Road, Suite 100
Sterling Heights, Michigan 48314
Telephone (586) 726-0707

"UNIT #2"
MS PLAZA
PART OF THE SOUTH 1/2 OF SECTION 22, T.2N., R.11E
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

DATE 01-29-08	SCALE 1"=40'
DRAWN BY SCM	SHEET 1 OF 1
CHECKED BY RSH	DRAWING E-08-098

ALTA/ASCM LAND TITLE SURVEY