



CITY COUNCIL ACTION REPORT

DATE: July 21, 2010

TO: John Szerlag, City Manager

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

SUBJECT: PRELIMINARY SITE PLAN REVIEW (File Number SP 962) – Proposed InPro Insurance Group Office Building addition, North side of Big Beaver Road, East of John R (2095 E. Big Beaver), Section 24, Currently Zoned O-1 (Office Building) – Controlled by Consent Judgment

Background

The applicant Rand Construction Engineering, Inc. submitted the above referenced Preliminary Site Plan Approval application. They propose to eliminate the cross-access easement that was required by the Planning Commission as a condition of site plan approval on July 12, 1988. This cross access easement terminates at the western property line in the northwest corner of the property. Eliminating the cross access easement will allow the applicant to construct a brick enclosure for an oxygen tank next to the building. A daycare facility and outdoor play area sits on the property to the west. The oxygen tank will be enclosed by a brick wall and will be required to meet all building and fire codes. The property is zoned O-1 but is controlled by Consent Judgment, which gives City Council the authority to approve the site plan.

The Planning Commission considered this item at the June 22, 2010 Special/Study meeting. The Planning Commission recommended approval of the site plan, conditioned upon a cross access easement connection being provided to the property to the east, near the northeast corner of the property. This easement would connect to a proposed cross access easement on the abutting property to the east, Big Beaver Place PUD, which received Concept Development Plan (CDP) approval on September 10, 2007. To date, a Preliminary Development Plan (PDP) has not been submitted for Big Beaver Place PUD.

The Planning Commission typically requires cross-access easements to provide vehicular connections between abutting commercial and office districts. The proposed connection would potentially eliminate vehicular trips onto Big Beaver Road. For this reason the City's Traffic Engineer supports the proposed cross-access easement.

The cross-access easement will require up to four (4) parking spaces along the eastern property line on the subject property to be eliminated. The Planning Commission recommended that a parking reduction of four (4) spaces be granted, as per Section 40.20.12.

Recommendation

City Management recommends approval of the Preliminary Site Plan application, with a cross-access easement connection to the east in the northeast corner of the property.

Attachments:

1. Maps.
2. Report prepared by CWA.
3. Preliminary Site Plan.
4. Minutes from the June 22, 2010 Planning Commission meeting (final).
5. Letter from David W. Goodman.
6. Letter from Rick and Rita Howard.

cc: Applicant
File/ SP 962

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Legend

- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road

- Hydrography Poly
- Hydrography Arc
- Parcels

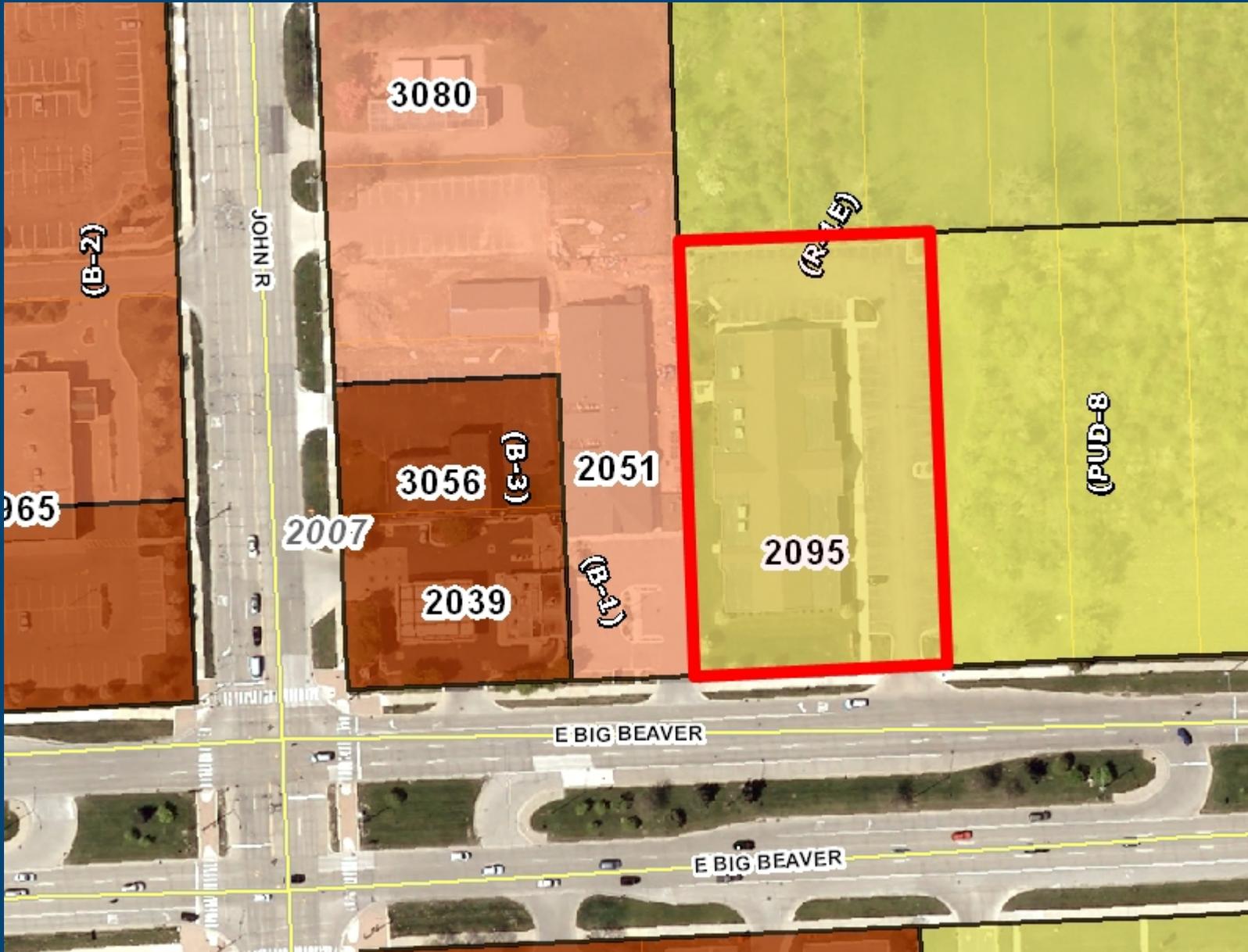
Aerial Photos - 2008

- Red: Band_1
- Green: Band_2
- Blue: Band_3

238 0 119 238Feet

Scale 1: 1,430





Legend

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 District
- (R-2) Two Family Residential District
- (R-M) Multiple Family Residential Medium Density District
- (RM-1) Multiple Family Residential District (Low Density)
- (RM-2) Multiple Family Residential District (Medium Density)
- (RM-3) Multiple Family Residential District (High Density)

Hydrography Poly

Hydrography Arc

Parcels

Aerial Photos - 2008

- Red: Band_1
- Green: Band_2
- Blue: Band_3

238 0 119 238Feet

Scale 1: 1,430





CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

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734-662-2200
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Clarkston, MI 48346
248-625-8480
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MEMORANDUM

TO: Brent Savidant
FROM: Zachary Branigan
DATE: June 8, 2010
RE: InPro Insurance Group

We are in receipt of a request from Goodman Investments to vacate an existing cross access easement on the InPro Insurance Group site located at 2095 East Big Beaver Road, just east of John R Road, on the north side of Big Beaver.

The site is controlled by a consent judgment and currently has a cross access easement at its northwest corner, which was intended to permit the connection of the site to the property to the west, which has access to both John R. Road and Big Beaver Road. This property to the west, which is now occupied by the Grace Christian Learning Center, is also home to a cross access easement to the InPro property, but that easement is not opposite the InPro easement. Rather, it is located at the south drive to Big Beaver and was originally intended to allow for a shared driveway. Since these easements were approved, however, the uses and build out of both sites has made the existing cross access easements obsolete.

The InPro easement extending to the west now abuts the outdoor secure play area for children under the care of the Grace Christian Learning Center. The easement at the south end of the Grace Christian Learning Center property is now opposite a detention basin that is located in the front yard of the InPro building. Neither of these obstacles is likely to be removed or relocated, and no other common area exists between the two sites to replace these mismatched cross access easements.

Goodman Investments hopes to secure a vacation from the easement on their property to allow for the installation of a new walled enclosure to surround an oxygen tank. The oxygen tank is required by a potential tenant for the InPro facility, and no other practical location would serve to provide adequate and safe access to the tank. Further, we see no practical reason to maintain the access easement, given that it abuts a dedicated outdoor play area. Even if the play area were removed, and the use discontinued, the building Grace Christian Learning Center building itself would obscure a direct route west to John R. Road, as it has been added onto in recent years.

InPro Easement Vacation Request
June 8, 2010

The original purpose for these easements was to allow for a connection of like uses for access management purposes. Both sites have evolved, and have become home to established uses with permanent improvements that complicate and make obsolete the existing easements. We support the vacation of both easements, in accordance with the written request of the applicant and consent of the Grace Christian Learning Center owners submitted to the Planning Department. Therefore, we recommend the Planning Commission recommend to the City Council that the consent judgment for the property be amended to permit these two easements to be vacated.

Sincerely,



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

8. PRELIMINARY SITE PLAN REVIEW (File Number SP 962) – Proposed InPro Insurance Group Office Building Addition, North side of Big Beaver Road, East of John R (2095 E. Big Beaver), Section 24, Currently Zoned O-1 (Office Building) District (Consent Judgment)

Mr. Branigan gave a report on the proposed Preliminary Site Plan and request to install a compressed oxygen tank for a new tenant. The applicant proposes to vacate existing cross access easements to accommodate the oxygen tank. Mr. Branigan addressed the two existing cross access easements at 2051 and 2095 E. Big Beaver that are now obsolete as a result of established uses and build out of both sites. He indicated support to vacate both easements.

Mr. Branigan said the Board might want to consider asking the applicant to provide a cross access easement to the east, for which a Planned Unit Development (PUD) is approved. He addressed two potential issues in requesting a cross access easement to the east:

- No major regional benefit (no cross access to the west).
- The site would lose four (4) parking spaces.

Mr. Branigan confirmed departmental reviews indicated no special comments or special requirements for housing an oxygen tank on site.

Discussion followed on a cross access easement to the east:

- Intent of PUD site plan approval to provide cross access easement.
- Standard City procedure for cross access easements.
- Physical improvements relating to cross access easements.
- Loss of parking spaces; no parking study completed.
- Condition(s) to site plan approval; retain existing parking until such time that PUD is constructed.
- Cut-through traffic.
- Site maneuverability.
- Future redevelopment.

Chair Hutson expressed concern with the applicant's parking lot turning into a thoroughfare for the PUD.

Mr. Branigan said the Planning Department discussed that point. He said basically if the site were to re-develop as another use other than office, the cross access easement might make more sense. With the existing use, the cross access easement might be used only for short distance driving/parking and cut-through traffic to avoid potential traffic queuing on the PUD site.

David Goodman, owner of Goodman Investments and InPro Insurance Group, of 2840 Ashbury Drive, Troy, was present. Mr. Goodman addressed a cross access easement to the east. He asked the Board to take into consideration the existing masonry wall in the parking lot and the loss of parking spaces. He

addressed the building tenancy as relates to the number of employees and parking needs. He also addressed the maneuverability of delivery trucks on site.

Resolution # PC-2010-06-041

Moved by: Schultz
Seconded by: Strat

WHEREAS, The Planning Commission recommends to City Council that Preliminary Site Plan Approval, as requested for the proposed InPro Insurance Group Office Building Addition, located on the north side of Big Beaver, east of John R, in Section 24, within the O-1 zoning district, be granted, subject to the following conditions:

1. A cross access easement is granted to the property to the east in the northeast corner of the InPro Insurance Group property. InPro Insurance Group shall execute an agreement to construct same at the City's request.
2. That a parking adjustment of four (4) spaces is granted per Section 40.20.12.

Yes: Edmunds, Maxwell, Sanzica, Schultz, Strat, Ullmann
No: Hutson
Absent: Tagle, Vleck

MOTION CARRIED

Chair Hutson said his no vote is based on his concern expressed during discussion.

Goodman Investments, LLC
2095 E. Big Beaver Rd #100
Troy, MI 48083

RE: Cross Access – Joint Drive Easement

To whom it may concern:

On September 22, 2000, JKMW Investments, LLC (The property at 2095 E. Big Beaver is now owned by Goodman Investments, LLC) granted and conveyed a perpetual non-exclusive easement and right-of-way to and from Big Beaver Rd and the right of construction, operation, maintenance and/or use of a driveway for ingress and egress to our neighbors, Grace Christian Learning Center.

We now wish to have this easement vacated for the following reasons:

1. Given the current use of both parcels, and the recent building expansion of Grace Christian Learning Center, the easement offers no foreseeable practical use.
2. The easement was granted for access to Big Beaver Road by Grace Christian Learning center, yet their parking and driveway are located in front (to the south) of their building, and the easement is behind (to the north) of our building.
3. We have obtained a signed lease for a new tenant in our building (A new business for the City of Troy), that requires us to install an Oxygen tank. The most practical location of the tank is in the current easement.
4. Richard and Rita Howard, owners of Grace Christian Learning Center have agreed to terminate the easement and forfeit their rights that were granted by it.
5. From a longer term point of view, the structure that will be placed there will be an oxygen tank screened by a wall. Should the use of either building change, it is something that could be eliminated and the cross easement reinstated.

Please accept this letter, the attached letter from Richard and Rita Howard, and our revised site plan as our formal request to have the easement vacated. We are hoping for a quick resolution of this matter so that we are able to bring this tenant to our wonderful city.

Sincerely,



David W. Goodman
Managing Member

April 26, 2010

To: Dave Goodman

From: Rick & Rita Howard

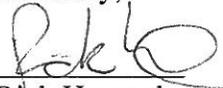
Hi Dave,

We do not a problem with removing the easement between our properties, which refers to the northern end of our lots.

Please consider this letter as our approval and authorization to have the easement removed.

If any other legal documents are required for signature, we will be happy to comply.

Sincerely,

 4/26/10
Rick Howard


Rita Howard