

PLANNING COMMISSION MEETING AGENDA REGULAR 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

September 14, 2010

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES August 24, 2010 Special/Study Meeting
4. PUBLIC COMMENTS – For Items Not on the Agenda

PRELIMINARY SITE PLAN REVIEW

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 964) – Proposed Walmart Store Expansion, South of Maple and West of Crooks (2001 W. Maple Road), Section 32, Currently Zoned M-1 (Light Industrial) District (Consent Judgment)

STUDY ITEMS

6. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc.

OTHER BUSINESS

7. PUBLIC COMMENTS – Items on Current Agenda
8. 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 Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on August 24, 2010 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck (arrived 7:45 p.m.)

Also Present:

R. Brent Savidant, Acting Planning Director
Allan Motzny, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-08-058

Moved by: Schultz
Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck (arrived 7:45 p.m.)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2010-08-059

Moved by: Sanzica
Seconded by: Schultz

RESOLVED, To approve the minutes of the August 10, 2010 Regular meeting as prepared.

Yes: All present (8)
Absent: Vleck (arrived 7:45 p.m.)

MOTION CARRIED

4. PUBLIC COMMENTS

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Edmunds reported on the July 20, 2010 Board of Zoning Appeals (BZA) meeting.

Items addressed:

- Renewal, Boys & Girls Club, 3670 John R, granted.
- Variance, 2397 Vermont Drive, granted.
- Variance, 6163 Livernois, granted.
- Variance, 4938 Adams Pointe Court, granted.
- Variance, 2891 Iowa, granted.
- Variance, Detroit Meeting Rooms, 3586 Adams Road, denied.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported on the August 18, 2010 Downtown Development Authority (DDA) meeting.

Items discussed:

- Big Beaver Design Guidelines, presented by Planning Consultant.
- Role of DDA with respect to current economic climate.

7. PLANNING AND ZONING REPORT

Mr. Savidant made the following meeting announcements:

- September 8, 2010 Joint Meeting with Birmingham, 7:00 p.m., Birmingham Department of Public Services.
 - 'Revised' Transit Center Preliminary Site Plan Review / Approval.
 - Site Plan available for public view in Planning Department; hard copies to be distributed to Planning Commission members next week.
- October 4, 2010 Joint Meeting with Troy City Council, immediately following Regular City Council Meeting (7:30 p.m.), Troy City Hall, Lower Level Conference Room.
 - Economic development initiatives.
 - Current business climate, including how it relates to the re-write of the Zoning Ordinance.

PRELIMINARY SITE PLAN REVIEW

8. SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 382) – Proposed The Barkshire, North of Maple, West of Crooks (1501 Temple City Drive), Section 29, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the revised Planning Consultant report, dated August 18, 2010. He noted the key differences between the previous plan and the recently submitted revised plan are the elimination of the five (5) parking spaces along the east façade and the addition of four (4) parking spaces in the main parking lot. Mr. Branigan noted the petitioner is requesting a parking reduction of eleven (11) spaces.

Mr. Branigan further addressed the revisions proposed with respect to liquid waste management and voiced support of the changes. He said the petitioner addressed all deficiencies noted in the original Planning Consultant report.

[Mark Vleck arrived 7:45 p.m.]

Mark Farlow of Victor Saroki & Associates, 430 N. Old Woodward, Birmingham, was present. Mr. Farlow said they met with City staff members and they are confident the revised site plan demonstrates marked improvements as relates to the parking and liquid waste management.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Ullmann said the liquid waste management proposed does not adequately address the concerns expressed by the Planning Commission. He addressed the treatment of soil and the City's high water table and clay soil. Mr. Ullmann said the two issues are nutrients and the potential for pathogens. Mr. Ullmann also addressed a concern with the bacteria buildup on the proposed AstroTurf. He expressed support of the proposal but would like to see liquid waste management handled in a more appropriate manner.

Mr. Savidant briefly compared a recently approved site plan application for Pet Suite Retreat with respect to liquid waste management. He noted that a significant amount of the waste is contained and served by the sanitary sewer by providing a covered area for the dogs prior to their release to the outdoors.

Steven Sorensen of Professional Engineering Associates, 2430 Rochester Court, Troy, was present. Mr. Sorenson addressed in detail the proposed liquid waste management, and covered the following:

- Comparison to recently approved site application for Pet Suite Retreat.
- Creation of a large septic field.
- Sand and aggregate storage for infiltration.
- Sump pump to capture layers under Astroturf; alleviate water saturation.
- Soil borings to be determined in future.
- Control of potential contamination of ground water.
- Runoff water to gravel area.

Mr. Ullmann addressed concerns with the potential to contaminate ground or surface water. He requested that the Resolution take into consideration biological concerns to eliminate contamination of ground or surface water.

Mr. Savidant confirmed that the petitioner met with the City's engineering staff and arrived at the workable solution presented on the revised site plan. He assured Planning Commission members that the Engineering Department would have the opportunity to address and correct any potential concerns at the time of Final Site Plan approval.

Mr. Sanzica expressed concerns with the volume of water in the storage area. He stated that soils must be determined and studied further for appropriate action, which could be done by the City's Engineering Department at the time of Final Site Plan approval.

Mr. Savidant suggested that the Resolution can be inclusive of engineering design considerations or conditions on approval.

Mr. Sorensen said the petitioner is agreeable to providing a relief area for the dogs, similar to Pet Suite Retreat, if that is the desire of the Planning Commission.

Resolution # PC-2010-08-

Moved by: Tagle
Seconded by: Strat

WHEREAS, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed commercial kennel to 14 when a total of 25 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 11-space reduction is justified through a comparison of parking spaces provided for similar uses in the area, as outlined in the Parking Analysis prepared by PEA. Furthermore, this reduction will allow for additional pervious surface throughout the site.

THEREFORE BE IT RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed The Barkshire commercial kennel, located north of Maple, west of Crooks on 1501 Temple City Drive, Section 29, within the M-1 zoning district, be granted.

Discussion on the motion on the floor.

Mr. Vleck offered the following amendment to the motion on the floor.

Resolution # PC-2010-08-060

Moved by: Vleck

Seconded by: Strat

RESOLVED, To amend the motion on the floor to condition approval on the underground aggregate area (the drainage) will be connected to the sanitary sewer system.

Discussion on the amendment on the floor.

Mr. Sanzica said he would like to see no stormwater connected to the sanitary sewer and runoff directed away from the relief area. He suggested developing a separate stormwater system for the remainder of the site because it is illegal to drain stormwater into the sanitary storm system.

Mr. Vleck proposed to revise the amendment on the floor to include that no runoff will be directed into the aggregate infiltration area.

Mr. Strat did not support the revision to the amendment on the floor. He indicated it is the role of the City Engineering Department to address these concerns.

Vote on the amendment on the floor, as originally offered.

Yes: Strat, Ullmann, Vleck

No: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Tagle

MOTION (AMENDMENT) FAILED

Mr. Vleck offered the following amendment to the motion on the floor.

Resolution # PC-2010-08-061

Moved by: Vleck

Seconded by: Ullmann

RESOLVED, To amend the motion on the floor to condition approval on the underground aggregate areas (main areas that will be used for the evacuation centers) will be connected to the sanitary sewer system and with the design recommendation that no additional runoff will be directed to the aggregate infiltration areas.

Vote on the amendment on the floor.

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

MOTION (AMENDMENT) CARRIEDVote on the motion on the floor, as amended.**Resolution # PC-2010-08-062**

Moved by: Tagle
 Seconded by: Strat

WHEREAS, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed commercial kennel to 14 when a total of 25 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 11-space reduction is justified through a comparison of parking spaces provided for similar uses in the area, as outlined in the Parking Analysis prepared by PEA. Furthermore, this reduction will allow for additional pervious surface throughout the site.

THEREFORE BE IT RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed The Barkshire commercial kennel, located north of Maple, west of Crooks on 1501 Temple City Drive, Section 29, within the M-1 zoning district, be granted, subject to the following condition:

1. That the underground aggregate areas (main areas that will be used for the evacuation centers) will be connected to the sanitary sewer system; and
2. With the design recommendation that no additional runoff will be directed to the aggregate infiltration areas.

Yes: All present (9)

MOTION CARRIED**STUDY ITEM**

9. **COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236)** – Discussion with Representatives from Carlisle/Wortman Associates, Inc.

Mr. Branigan gave an overall review of the draft language for Article 20 - Form-Based Districts, addressing:

- Section 20.01 General Purpose and Intent
- Section 20.02 Applicability and Organization
- Section 20.03 Big Beaver District

Planning Commission members were encouraged to forward comments to the Planning Department for discussion at future meetings.

Topics discussed briefly were:

- User-friendly structure (categorized by use groups).
- Section 20.04 Maple Road District.
- Section 20.05 Neighborhood Nodes District.
- Use variances, in relation to Board of Zoning Appeals.
- Timetable of completion.

OTHER BUSINESS

10. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

11. **PLANNING COMMISSION COMMENTS**

Mr. Ullmann addressed stormwater management for proposed dog kennels.

Mr. Savidant read Section 501 (5) of the Zoning Enabling Act, to address an earlier discussion on site plan approval.

Mr. Motzny addressed authority guidelines given to various Planning Commissions with respect to site plan approval.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:20 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

DATE: September 10, 2010

TO: Planning Commission

FROM: R. Brent Savidant, Acting Planning Director

SUBJECT: PRELIMINARY SITE PLAN REVIEW (File Number SP 964) – Proposed Walmart Store Expansion, South of Maple and West of Crooks (2001 W. Maple Road), Section 32, Currently Zoned M-1 (Light Industrial) District (Consent Judgment)

The applicant, Kimco Realty Corp, submitted the above referenced Preliminary Site Plan Approval application. The applicant is proposing an expansion to the existing Walmart store.

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

City Management recommends approval of the Preliminary Site Plan application, including a 75-space parking reduction.

Please be prepared to discuss the application at the September 14, 2010 Planning Commission Regular meeting.

Attachments:

1. Maps
2. Report prepared by CWA
3. Parking Analysis prepared by CESO.
4. Parking review letter prepared by OHM.

cc: Applicant
File/ SP 964

G:\SITE PLANS\SP 964 Wal Mart Expansion Sec 32\SP-964 Wal Mart 09 14 10.docx

PRELIMINARY SITE PLAN REVIEW

- 5. PRELIMINARY SITE PLAN REVIEW (File Number SP 964) – Proposed Walmart Store Expansion, South of Maple and West of Crooks (2001 W. Maple Road), Section 32, Currently Zoned M-1 (Light Industrial) District (Consent Judgment)

Proposed Resolution # PC-2010-09-

Moved by:
Seconded by:

RESOLVED, The Planning Commission hereby recommends approval of a reduction in the number of required parking spaces for the proposed Walmart expansion to 1,128 when a total of 1,203 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 75-space reduction is justified through the application of ITE methodologies, as outlined in the Parking Analysis prepared by CESO, and further analyzed using ULI methodologies in the review letter prepared by OHM.

BE IT FURTHER RESOLVED, That the Planning Commission hereby recommends, that Preliminary Site Plan Approval, pursuant to Section 03.40.03 of the Zoning Ordinance, as requested for the proposed Wal Mart Expansion, located south of Maple and west of Crooks (2001 W. Maple Road), in Section 32, within the M-1 zoning district, be (granted, subject to the following conditions):

_____) or
(denied, for the following reasons: _____) or
(postponed, for the following reasons: _____)

Yes:
No:
Absent:

MOTION CARRIED / DENIED

WALMART/MARSHALL'S STORE EXPANSION

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

180 0 90 180Feet

Scale 1: 1,080



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: 8/24/2010



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

Printed: 8/24/2010

225 0 112 225Feet

Scale 1: 1,350





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

MEMORANDUM

TO: Brent Savidant
FROM: Zachary Branigan
DATE: September 10, 2010
RE: Wal-Mart Addition, Consent Judgment Amendment

We are in receipt of an application to add square footage as part of a renovation to the existing multiple-tenant retail building that contains Wal-Mart, The Dollar Tree, and Marshalls. This application includes a series of site and façade improvements and minor site changes as a result of the proposed additions to the main building. The application would result in a net increase in square footage, and an internal reconfiguration of the retail space. The primary proposed addition is on the rear of the building, which is the south side, facing the adjacent airport runway. There are also small additions planned on the north and east sides of the building.

Given that the proposed project is within an existing development approved via consent judgment, the Planning Commission is not reviewing this project for preliminary site plan approval but is rather considering the project in order to make a recommendation to City Council, who has the authority to amend the consent judgment. The approved site plan is part of the consent judgment, and this project would essentially amend that approved site plan.

This proposal has been reviewed by the various agencies within the City with few comments received. The area proposed for the expansion is currently impervious, and is used for deliveries and the unloading and loading of trucks. The addition would not impact on-site circulation or increase traffic entering the overall development. The additional square footage, however, will impact required parking.

The proposed improvements include, but may not be limited to, the following:

1. A series of building additions will add, conservatively, approximately 17,242 square feet of new retail floor area:
 - a. A new approximately 6,700 square foot building addition (west of the lease line) is proposed along the south façade of the current Dollar Tree and Marshalls spaces to allow for the westward expansion of the Wal-Mart space and southward expansion of the Marshalls space.

- b. A new approximately 2,500 square foot expansion is proposed (east of the lease line) along the current south façade of the Marshalls space.
 - c. A new approximately 1,800 square foot stockroom expansion is proposed at the southeast corner of the Wal-Mart portion of the building.
 - d. A new approximately 1,700 square foot addition is proposed at the southwest corner of the existing Wal-Mart space, extending south.
 - e. A series of new bump out additions will be made to the front of the building to allow for a façade renovation and new entrances.
2. An existing truck dock will be removed and replaced to allow for the building expansion.
 3. Significant internal floor plan changes will be made to allow for the expansion.
 4. A new bale and pallet recycling area will be established at the extreme southwest corner of the paved area near the new expansion (no information on screening has been provided).
 5. The parking lot will be partially replaced with new grading and new parking lot landscaping and amenities.
 6. New pedestrian crosswalk areas will be identified between the main building and the parking area.
 7. New signage is proposed.
 8. The full façade will undergo a significant renovation with new entrances, materials, etc.
 9. A new compactor pad is proposed, as identified in the notes on Sheet 3 of 5, but we were unable to locate it on the plans. The plans seem to suggest that final location and screening will be determined later on architectural plans, but this is insufficient.
 10. Parking lot islands will be revised, altering circulation in several areas, including the eastern-most parking area along the front façade of the existing Wal-Mart building.
 11. Existing parking spaces will be eliminated along the north façade to allow for an expanded barrier-free parking area.
 12. Existing parking spaces will be eliminated near the existing truck docks to allow for the building expansion and new truck dock areas, and to allow for new parking lot landscaping islands and revised traffic circulation.

The addition of square footage to this existing site is permitted by action of City Council, given the nature of this development as a project approved via consent judgment. The uses in this development are not typically permitted in the M-1 District, which is the underlying zoning for this project; however the status of the site as a project permitted under consent judgment permits the uses to exist at this location. The proposed alterations have no effect on use, and would not, to our knowledge, be in violation of any use conditions placed on the site as a result of the judgment.

The site is adjacent a variety of retail and office uses, and abuts the north side of the runway for the airport. The airport makes up the entire south boundary of the site. In the area between the existing building, where expansion is proposed, and the runway is a driveway named Equity Drive, some minimal landscaping, and large stone landscape beds. Equity Drive connects the rear of the site to adjacent parking areas to the east via a connection at the southeast corner of the site, and to the west. The site is also connected to adjacent retail to the north, and has direct access, via Maplelawn Drive, to Maple Road.

No additional parking is proposed with this addition, although overall parking will be reduced and the square footage of the building will be increased, changing the parking requirements. The site currently has 1,180 spaces available, which would be reduced to 1,128 after the proposed improvements are complete. The loss of 52 spaces is due to the elimination of the parking area at the southwest corner of the site, and a reduction in conventional spaces necessitated by the inclusion of an expanded barrier-free parking area with three new van “slips” along the front façade of the building. The rear yard spaces are not valuable to the overall project as they have no direct public access to the building, and would be used by employees if used at all. Our site inspection during regular business hours found no cars parking in this area, and our review of several aerial photos from the past several years also show no cars in this parking area. The elimination of 21 spaces to allow for an expanded barrier-free area is not a detriment to the overall site.

The applicant has provided a parking study, and the City Engineer has also received a review from the City’s consultants, OHM., Inc., with regard to the project. The applicant states that the entire site, which encompasses 24 acres and includes both the Wal-Mart/Dollar Tree/Marshalls building and the existing adjacent retail building, has 1,180 spaces, as noted above. Although each footprint expansion area is not individually labeled in terms of the additional area it will provide to the existing building, a conservative total is approximately 17,242 square feet of new, additional floor area.

The current overall site, with both buildings, includes 223,408 square feet of gross floor area. With the new additional square footage, the total will become 240,650 square feet. Given that the required parking for retail in Troy is one space for every 200 square feet of gross floor area, 1,117 parking spaces would be required, and 1,180 are provided, exceeding Ordinance requirements. The new total would require 1,203 spaces. The new site plan would provide only 1,128 spaces, or 75 spaces less than what is required by Ordinance.

Both the applicant’s parking study and the study provided by OHM use alternative methods for calculating actual parking demand. The applicant’s study uses ITE calculations, but only for the Wal-Mart tenant. The OHM study more fully describes potential parking demand by providing calculations for the entire site based on ULI standards. The ULI states that parking for this development should be 963 spaces, 165 spaces fewer than are provided in the proposed site plan. Consequently, we feel that the proposed number of spaces is adequate to meet parking demand after the renovations take place, and that the project should be allowed to move forward with 1,128 spaces.

The project will also include a series of façade renovations and improvements to the parking area that have no bearing on the site’s compliance with Ordinance requirements, but would constitute an overall benefit to the site in the form of enhanced appearance, increased and improved landscaping, enhanced access for customers requiring barrier-free access, improved pedestrian connectivity between the Wal-Mart building and the other large retail building on the site, and an improved facility allowing existing businesses to grow and remain viable.

The proposed compactor area and pallet recycling area should be shown on the plans with screening meeting minimum City requirements. Both the pallet recycling area and the

Wal-Mart Expansion
September 10, 2010

compactor should be surrounded by a masonry enclosure matching the building with closing opaque gates to fully obscure view of these site amenities.

We concur with the reviews of all other City departments and have no significant objections with regard to the proposed addition. The project would not increase impervious surface, would not significantly increase traffic, and would not significantly alter or impact the adjacent airport, or nearby office and retail uses. Therefore, we recommend the Planning Commission recommend to the City Council that the consent judgment be amended to permit the expansion and renovation of this facility, and that the parking requirement for the site be reduced to 1,128 spaces, conditioned on the provision of adequate screening for the proposed compactor and pallet recycling areas.



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



August 12, 2010

Mr. R. Brent Savidant, AICP/PCP
Planning Director
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

**RE: Wal-Mart Store #2873-01/Marshalls Expansion Development
City of Troy, MI, Oakland County, Michigan ~ Parking Analysis**

Dear Mr. Savidant:

As requested, CESO has completed a review of the existing and proposed parking for the Wal-Mart/Marshalls Expansion Development. The following is a summary of each parking scenario.

EXISTING PARKING PROVIDED

CESO conducted a parking inventory of the existing 24.00 acre site that currently includes a 135,518 s.f. Wal-Mart, 39,640 s.f. Dollar Tree/Marshalls, and 48,250 s.f. of strip retail. The following is a summary of the total number of parking spaces currently provided for the overall development:

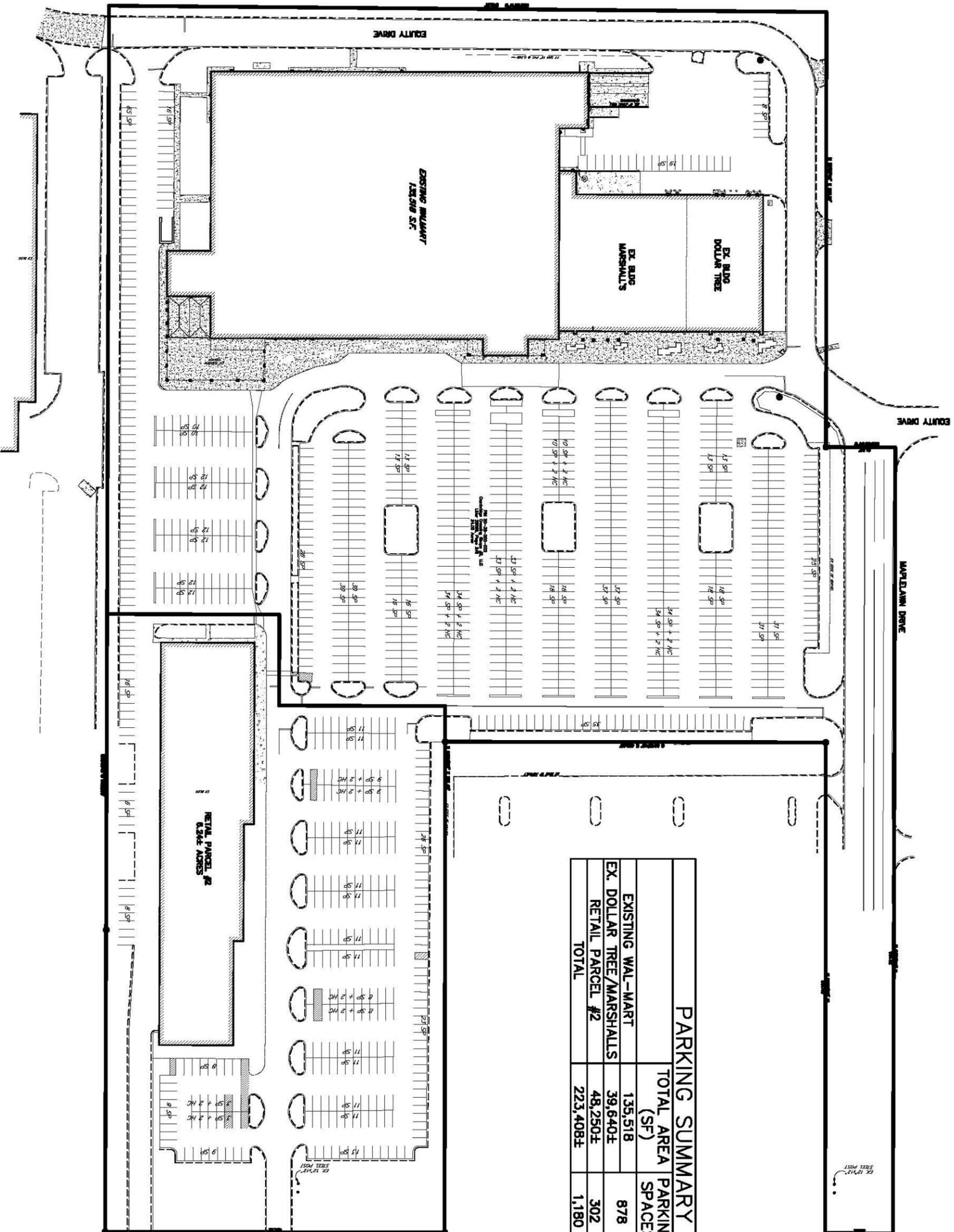
Existing Parking Summary			
	Total Area (s.f.)	Parking Spaces	Ratio/1,000 s.f.
Existing Wal-Mart	135,518	878	5.01
Ex. Dollar Tree/Marshalls	39,640		
Retail Parcel #2	48,250	302	6.26
Total	223,408	1,180	5.28

Based on the above table, 1,180 spaces currently exist for the 24.00 acre site with an overall parking ratio of 5.28 per 1,000 s.f. of total area.

The existing parking space layout is shown on Figure 1.

PROPOSED PARKING PROVIDED

The existing 135,518 s.f. Wal-Mart development will be expanding by 17,242 s.f. in order to accommodate a Supercenter (grocery component). In addition to the Wal-Mart expansion, the existing Marshalls building will be both reduced and expanded for a net gain of 0.0 s.f.



PARKING SUMMARY			
	TOTAL AREA (SF)	PARKING SPACES	RATIO/1000 TOTAL AREA
EXISTING WAL-MART	135,518	878	5.01
EX. DOLLAR TREE/MARSHALLS	39,640±		
RETAIL PARCEL #2	48,250±	302	6.26
TOTAL	223,408±	1,180	5.28



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 FAX (517) 622-3009
 email: cse@csenginc.com
 www.csenginc.com

EXISTING DEVELOPMENT
 (PARKING NUMBERS)

FIGURE
 1

SCALE: NTS
 DATE: 8-12-10
 PAGE: 2



Mr. R. Brent Savidant, AICP/PCP
Planning Director
Page 3

The following table summarizes the total number of parking spaces provided after the Wal-Mart/Marshalls Expansion Development.

Proposed Parking Summary			
	Total Area (SF)	Parking Spaces	Ratio/1,000 SF
Wal-Mart Supercenter	152,760	683	4.47
Retail Parcel #1	39,640	143	3.61
Retail Parcel #2	48,250	302	6.26
Total	240,650	1,128	4.69

Based on the above table, 1,128 spaces will be provided for the Wal-Mart/Marshalls Expansion Development (or 52 less parking spaces than current conditions).

Of the 52 parking spaces lost, 27 of those spaces currently exist behind the existing Marshalls/Dollar Tree building and are mostly unused at this time. The other 25 parking spaces that are lost is due to the addition of landscaped islands, improved and additional handicapped parking spaces. The actual building expansions will not extend beyond the concrete walkway around the existing buildings.

The proposed parking space layout is shown on Figure 2.

ITE PARKING GENERATION

In order to review the impact of removing 52 existing parking spaces, CESO reviewed parking data contained in the ITE Parking Generation Manual.

The ITE Parking Generation Manual indicates that the Wal-Mart site should include a minimum of 545 parking spaces (or a 3.57/1,000 ratio).

Wal-Mart typically provides no more than a 5.00/1,000 parking ratio and no less than a 4.00/1,000 parking ratio.

CONCLUSION

Based on the proposed parking summary, the Wal-Mart/Marshalls Expansion Development will remove 52 parking spaces from the existing parking space total. 27 of the 52 parking spaces removed are located behind the existing Marshalls/Dollar Tree building. The remaining 25 parking spaces are removed to accommodate improved handicapped parking, additional landscaped islands, and wider stall widths. The 52



Mr. R. Brent Savidant, AICP/PCP
Planning Director
Page 5

removed parking spaces will not impact the existing shopping center since the parking lot rarely reaches 60 to 70% capacity. In addition, the Wal-Mart layout plan currently shows striping the far parking area of the Wal-Mart development for Associate (employee) parking.

Should you have any questions regarding the above, please do not hesitate to contact me directly.

Sincerely,
CESO, Inc.

Robert E. Matko

Robert E. Matko, P.E., P.S., PTOE
Project Manager
(517) 622-3000

September 7, 2010



Mr. William Huotari, PE
Deputy City Engineer
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Subject: Review of Wal-Mart Expansion Parking Analysis
OHM JN: 0128-10-0050

Dear Mr. Huotari:

We have reviewed the Wal-Mart Expansion Parking Analysis prepared by CESO Inc. and agree with the finding of the study that the reduction in parking spaces will not impact the existing shopping center. However, the study fails to properly support its findings, which required OHM to perform a parking analysis comparison of their own to arrive at the conclusion.

The analysis fails to mention:

- 1) That under the Troy Parking Ordinance, a shopping center requires 1 parking space per every 200 square feet of gross floor area, equaling 1204 spaces for this site.
- 2) When discussing ITE's Parking Generation, which land use code was used and how they arrived at the number of required spaces for Wal-Mart (545).
- 3) Retail Parcels #1 or #2 in the ITE Parking Generation section.

The study indicates that the proposed site will provided 1,128 spaces. OHM reviewed both the City's Ordinance and Urban Land Institute (ULI) Parking Rates for shopping centers and found the City's Ordinance to call for 1204 spaces, while ULI requires 963 spaces. While the proposed site does fall a bit short of the City's Ordinance, it does provide an excess of 165 spaces when compared to the ULI requirement.

Based on the fact that the proposed parking supply meets the national rates provided by ULI, we believe that a deviation should be granted for this site.

If you have any further concerns or questions, please let me know.

Sincerely,
Orchard Hiltz & McCliment, Inc.

A handwritten signature in black ink, appearing to read "S. Loveland", is written over the typed name.

Steven M. Loveland, PE, PTOE

Date: September 8, 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. (CWA) will attend the September 14, 2010 Regular meeting to discuss the following information related to the Comprehensive Zoning Ordinance rewrite:

1. Article 10 – Planned Unit Developments
2. Article 13 - Landscaping

Please be prepared to discuss these items at the September 14, 2010 Regular meeting.

Attachment:

1. Article 10 – Planned Unit Developments (draft).
2. Article 13 – Landscaping (draft).

cc: Richard Carlisle, Carlisle/Wortman Associates, Inc.

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ARTICLE 10

PLANNED UNIT DEVELOPMENT

5

SECTION 10.01 INTENT

- 10 A. The intent of the Planned Unit Development option is to permit flexibility in the design and use of residential and non-residential land which, through the implementation of an overall development plan, when applicable to the site, will:
- 15 1. Encourage developments that will result in a long term contribution to social, environmental and economic sustainability in the City of Troy;
 - 20 2. Permit development patterns that respond to changing public and private needs;
 - 25 3. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values;
 - 30 4. Provide for the long-term protection and/or preservation of natural resources, natural features, and/or historic and cultural resources;
 - 35 5. Promote the efficient use and conservation of energy;
 - 40 6. Encourage the use, redevelopment and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites;
 - 45 7. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;
 8. Ensure the compatibility of design and use between various components within the PUD and with neighboring properties and uses; and
 9. Ensure development that is consistent with the intent of the land use plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans.
- B. A Planned Unit Development project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and

mixture of uses, and to improve the design, character and quality of new development. The use of a Planned Unit Development to permit variations from other requirements of this Ordinance shall only be approved when such approval results in improvements to the public health, safety and welfare in the area affected, and in accordance with the intent of this Article.

SECTION 10.02 USES PERMITTED

The uses permitted within a Planned Unit Development shall be consistent with the intent of the plan meeting the requirements of the municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, were adopted, the uses shall be consistent with recent development trends in the area. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards relating to matters such as building height, bulk, density, parking and setbacks will be determined based upon the specific PUD plan presented, and its design quality and compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur. A Planned Unit Development plan, approved in accordance with the provisions of this Article, replaces the underlying zoning districts as the basis upon which the subject property is developed and its uses are controlled.

SECTION 10.03 STANDARDS FOR APPROVAL

A Planned Unit Development project may be applied for in any zoning district. In order to be considered for the Planned Unit Development option, it should be demonstrated that the following standards will be met, as reasonably applicable to the site:

- A. The proposed development shall be applied for by a person or entity who has the legal right to execute a binding agreement covering all parcels in the PUD.
- B. The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:
 - 1. A mixture of land uses that would otherwise not be permitted without the use of the PUD provided that other objectives of this Article are also met;
 - 2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare;
 - 3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations;

4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations;
5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities;
6. Appropriate land use transitions between the PUD and surrounding properties;
7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development;
8. Innovative and creative site and building designs, solutions and materials;
9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces;
10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities;
11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures;
12. A complementary variety of housing types that are in harmony with adjacent uses;
13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure;
14. A development consistent with and meeting the intent of this Article; and will promote the intent of the plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, were adopted, the uses shall be consistent with recent development trends in the area.
15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:

- 5 A. **Step One: Conceptual Development Plan Approval.** The procedure for review and approval of a PUD shall be a three-step process. The first step shall be application for and approval of a Concept Development Plan, which requires a legislative enactment amending the zoning district map so as to reclassify the property as a Planned Unit Development. A proposed Development Agreement shall be included and incorporated with the Concept Development Plan, to be agreed upon and approved coincident with said Plan. The Concept Development Plan and Development Agreement shall be approved by the City Council following the recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance with the terms and conditions of the Concept Development Plan approval.
- 10
- 15 B. **Step Two: Preliminary Development Plan Approval.** The second step of the review and approval process shall be the application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.
- 20 C. **Step Three: Final Development Plan Approval.** The third step of the review and approval process shall be the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments shall be submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, shall have final authority for approval of such Final Development Plans.
- 25

SECTION 10.06 STEP ONE: CONCEPT DEVELOPMENT PLAN APPROVAL

- 30 A. **Preapplication Meeting.** Prior to the submission of an application for approval of a Planned Unit Development, the applicant shall meet informally with the Planning Department of the City, together with such staff and outside consultants as deemed appropriate by the City. The applicant shall present at such conference, or conferences, a sketch plan of the proposed Planned Unit Development, as well as the following information:
- 35
1. A legal description of the property and the total number of acres in the project;
 2. A topographical map of the site;
 3. A statement as to all proposed uses;
 4. The known deviations sought from the ordinance regulations otherwise applicable;
- 40

5. The number of acres to be preserved as open or recreational space and the intended uses of such space;
6. All known natural resources, natural features, historic resources and historic features; which of these are to be preserved; and
7. A listing and specification of all site development constraints.

B. **Concept Development Plan.** Thereafter, a Concept Development Plan conforming to the application provisions set forth herein shall be submitted. A proposed Development Agreement shall be incorporated with the Concept Development Plan submittal and shall be reviewed and approved coincident with the Plan. Such submissions shall be made to the Planning Director, who shall present the same to the Planning Commission for consideration at a regular or special meeting. The Concept Development Plan shall constitute an application to amend the zoning district map. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Prior to the Planning Commission scheduling a Public Hearing, the applicant shall arrange for one or more informal meetings with representatives of the adjoining neighborhoods, soliciting their comments and providing same to the Planning Commission. The City shall be advised in advance as to the scheduling and location of all such meetings.

Thereafter, the Planning Commission shall make a recommendation to the City Council with regard to the Concept Development Plan. A Public Hearing shall be scheduled before the City Council, at which time they will consider the proposal along with the recommendations of the Planning Commission, the City staff, and comments of all interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Concept Development Plan. The City Council shall set forth in their resolution the reasons for such action, including any reasons for denial.

C. **Application.** The application for approval of a Concept Development Plan shall include the ~~following~~ information and materials set forth herein, which shall be in a plan format together with a narrative explanation. The Zoning Administrator shall have the authority to waive certain information and materials if it is determined that such information and materials do not affect compliance with this Ordinance.;

1. **Development Concept:** A summary explanation of the development concept of the proposed Planned Unit Development. The Concept Development Plan shall describe the project and explain how the project will meet the intent of the PUD option as set forth in Section ~~35.10.00~~10.01 and the criteria for consideration as a PUD as set forth in Section ~~35.30.00~~10.03 hereof, as those sections reasonably apply to the site.
2. **Density:** The maximum density of the overall project and the maximum density for each proposed use and phase.

3. Road System: A general description of the road system and circulation pattern; the location of roads, entrances, exits and pedestrian walkways; a statement whether roads are intended to be public or private.
5
4. Utilities: A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems and utility lines; a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.
10
5. Open Space/Common Areas: A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; the proposed uses of open space and common areas.
15
6. Uses: A list of all proposed uses; the location, type and land area to be devoted to each use, both overall and in each phase; a demonstration that all of the proposed uses are permitted under this Article.
20
7. Development Guidelines: A plan of the site organization, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berming; and building materials.
25
8. Parking and Traffic: A study of the parking requirements and needs; a traffic impact study and analysis.
30
9. Landscaping: A general landscaping plan; a landscape plan for entrances; a landscape plan for overall property perimeters; any theme/streetscape design; any proposed irrigation.
35
10. Natural Resources and Features: Floodway/floodplain locations and elevations; wetlands and water courses; woodlands; location and description of other natural resources and natural features.
40
11. Phasing Information: The approximate location, area and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.
45
12. Public Services and Facilities: A description of the anticipated demand to be generated by the development for public sewer, water, off-site roads, schools, solid waste disposal, off-site drainage, police and fire; a description of the sufficiency of each service and facility to accommodate such demands; the anticipated means by which any insufficient services and facilities will be addressed and provided.

13. Historical Resources and Structures: Their location, description and proposed preservation plan.
- 5 14. Site Topography.
15. Signage: General character and location of entrance and internal road system signage; project identification signage; and temporary or permanent signage proposed for any other locations.
- 10 16. Amenities.
17. Zoning Classification: Existing zoning classifications on and surrounding the site.
- 15 18. Specification Of Deviations: A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Unit Development; the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by any regulation from which a deviation is being sought.
- 20 19. Community Impact Statement: A community impact statement, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environmental and physical improvements on and surrounding the development site. Information required for compliance with other ordinance provisions need not be duplicated in the community impact statement.
- 25 20. Environmental Impact Statement: An environmental impact statement in accordance with the provisions of Article VII of this Chapter shall be submitted.
- 30
- D. Standards for Approval. In making a determination as to whether to approve a proposed Planned Unit Development proposal, the Planning Commission and the City Council shall be guided by the intent and criteria as set forth in Sections ~~35.10.00 through 35.40~~10.01 through 10.04, as reasonably applicable to the site.
- 35
- E. Planned Unit Development Agreement. In conjunction with a request for Concept Development Plan approval, the applicant shall submit one or more proposed documents which, when agreed upon by all parties, shall serve as the PUD Agreement. As a part of the Concept Development Plan approval process, the applicant and the City Council shall each authorize execution of a PUD Development Agreement. The PUD Development Agreement shall include, but shall not be limited to, items such as the following:
- 40

1. A summary description of the nature and character of the proposed development, including uses, densities and site improvements as approved in the Concept Development Plan.

2. A statement of the conditions upon which Conceptual Development Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to this particular PUD Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.

3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PUD development, along with a summary of the financial guarantees which will be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the City.

4. A document specifying and ensuring the maintenance of any open space or common areas contained within the PUD development (e.g. through a property owners association, or through conveyance to the City with maintenance deposit, etc.)

Upon the granting of Concept Development Plan approval, the Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds by the City of Troy, referencing the legal description of the subject property.

5. A statement that if there is a conflict between the Zoning Ordinance, the Conceptual Development Plan and the Planned Unit Development Agreement, the Planned Unit Development Agreement shall control.

F. Effect of Concept Development Plan Approval. If the City Council approves the Concept Development Plan and the Development Agreement, the zoning map shall be amended to designate the property as a Planned Unit Development. Such action, if and when approved, shall confer Concept Development Plan approval for five (5) years (herein to be referred to as CDP Period). The five year CDP Period commences upon the effective date of adoption of the ordinance that rezones the parcel to PUD by City Council.

During the CDP Period, the applicant shall be permitted to submit at least one (or more, at the option of the applicant, if the project is proposed in phases) Preliminary Development Plan application(s), seeking Preliminary Development Plan approval in the manner hereinafter provided. Upon the submittal of the first Preliminary Development Plan for one or more phases of the PUD project, the five (5) year expiration period shall no longer apply to the CDP and the CDP shall remain in full force and effect for the development of the entire PUD project, including without limitation, the development of all future phases of the entire PUD Property. Any submittals of Preliminary Development Plans shall comply with

all the requirements of ~~Section 3.43.00 of the Troy Zoning Ordinance~~ Article 6.0 Site Plan Review for Preliminary Site Plan submittals and any additional requirements of the Planning Department reasonably needed to demonstrate consistency with the CDP and compliance with Section ~~35.50.0210.07.~~ 10.07. Any Preliminary Development Plans that do not
5 comply with these requirements shall not be considered submittals for purposes of this Paragraph. After submittal of the first Preliminary Development Plan, the timing for the issuance of permits and construction of the PUD project and/or all future phases, shall, be determined as set forth in Section ~~35.50.02.G10.07.F.~~

10 Upon the request of the applicant, prior to the expiration of the Concept Development Plan, the City Council may extend the expiration date of the Concept Development Plan. In determining whether to extend the expiration date of the Concept Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the project have not changed in a manner which would substantially affect the project as previously
15 approved.

In the event of the expiration of the Concept Development Plan, the applicant may either make application for a new Concept Development Plan or make application for some other zoning classification. Following Final Development Plan Approval for one or more phases
20 or for the entire PUD, no use or development of the subject property may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There shall be no use or development of the subject property until a new concept development plan or rezoning is approved.

25 **SECTION 10.07 STEP TWO: PRELIMINARY DEVELOPMENT PLAN APPROVAL**

A. Development of property classified as a PUD shall require Preliminary Development Plan approval, which shall be granted by City Council following a recommendation by the Planning Commission. Application(s) shall be submitted to the Planning Commission and
30 City Council for review and approval consistent with the approved Concept Development Plan.

B. Preliminary Development Plan approval may be applied for and granted with respect to the entire PUD development or as to one or more phases. However, if the project is
35 developed in phases, the design shall be such that upon completion, each phase or cumulative result of approved phases shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and properties in the surrounding area.

40 The Preliminary Development Plan shall specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.
45

Further, the Preliminary Development Plan may require the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the public improvements on the property as proposed and/or to promote and/or protect the public health, safety and welfare in a manner consistent with the intent and spirit of this Article.

~~C. Following receipt of an application for Preliminary Development Plan approval for either the entire PUD development, or for any one or more phases thereof, the Planning Commission shall conduct a public hearing to determine that:~~

~~1. The Preliminary Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the Planning Commission determines that the Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, The Planning Commission shall make this determination a part of their recommendation. If City Council determines the Preliminary Development Plan does not conform to the Concept Development Plan, the applicant shall either revise the Preliminary Development Plan to so conform, or, shall seek an amendment to the Concept Development Plan in accordance with Section 35.70.00 hereof; and~~

~~2. The Preliminary Development Plan meets the requirements, standards and procedures set forth Section 03.40.00 et seq. (Site Plan Review/Approval) of the Zoning Ordinance and any other applicable requirements as set forth in this Article.~~

~~D.C.~~ Except as herein otherwise modified, Preliminary Development Plan approval shall be based upon the requirements, standards and procedures set forth ~~Section 03.40.00 et seq. of the Zoning Ordinance (Site Plan Review/Approval)~~ in Article 6.0 Site Plan Review. In addition to the information required in ~~such Section~~ Article 6.0, the applicant shall also submit the following:

1. A demonstration, including map and text, that the requirements of Section ~~35.50.02.B~~ 10.07.B hereof have been met.

2. To the extent not provided by the information submitted in accordance with ~~Section 03.40.00 et seq. of the Zoning Ordinance~~ Article 6.0 Site Plan Review, the following additional information and documentation shall be submitted:

a. Sufficient information to demonstrate compliance with any applicable project design standards as approved during Concept Development Plan review.

b. A site plan showing the type, location and density of all structures and uses.

c. A plan showing all open spaces, including preserves, recreational areas, and historic resources, including but not limited to all similar such uses and spaces, and the purpose proposed for each area.

5 d. Expert opinion of an independent consultant with regard to a market need for the use or uses proposed and the economic feasibility of the project.

10 e. A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses.

This specification shall state the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations which would otherwise apply to a traditional development.

15 f. Additional landscaping details as required by the Planning Commission and/or the City Council in order to achieve a specific purpose consistent with the spirit of this Article.

20 g. The general improvements which will constitute a part of each phase or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, utilities, and further including the aesthetic qualities of the general improvements.

25 ~~E.D.~~ The Planning Commission shall proceed with the review of a Preliminary Development Plan for either the entire PUD development or for any one or more phases thereof in the manner herein specified and in accordance with the provisions of ~~Section 03.40.00 et seq. of the Zoning Ordinance~~ Article 6.0 Site Plan Review. The Planning Commission shall ~~provide a recommendation to City Council who shall have the authority to approve or deny the Preliminary Development Plan~~ determine that:-

30 1. The Preliminary Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the Planning Commission determines that the Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, the Planning Commission shall make this determination a part of their recommendation.

35 2. The Preliminary Development Plan meets the requirements, standards and procedures set forth in Article 6.0 Site Plan Review of the Zoning Ordinance and any other applicable requirements as set forth in this Article.

40 F.E. At the conclusion of the Planning Commission's review, the Planning Commission shall either recommend approval of the Preliminary Development Plan, with or without

conditions, or recommend denial. If the Planning Commission recommends denial, the minutes of the meeting shall include the reasons for recommending denial. If approval is recommended with conditions, the minutes shall include a statement of the conditions.

5 ~~G.~~ Following receipt of the Planning Commission's recommendation of a Preliminary Development Plan, the City Council shall ~~conduct a public hearing to determine that either approve the Preliminary Development Plan, with or without conditions, or deny the Preliminary Development Plan.~~

10 ~~1. The preliminary development plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the City Council determines that the Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, the City Council shall deny the application.~~ If City Council determines the
15 Preliminary Development Plan does not conform to the Concept Development Plan, the applicant shall either revise the Preliminary Development Plan to so conform, or, shall seek an amendment to the Concept Development Plan in accordance with ~~Section 35.70.00 hereof; and~~ Section 10.09.

20 ~~2. The preliminary development plan meets the requirements, standards and procedures set forth in Section 03.40.00 et seq. (site plan review/approval) of the zoning ordinance and any other applicable requirements as set forth in this article.~~

H.F. City Council's approval of the Preliminary Development Plan shall be effective for a
25 period of three (3) years, during which period of time the applicant is authorized to submit a Final Development Plan (final site plan, engineering and construction plans) for site improvements, together with all other documents necessary for Final Development Plan approval and the issuance of Building Permits. The applicant may apply to the City for extension of the three (3) year period for approval of the Preliminary Development Plan.

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SECTION 10.08 STEP THREE: FINAL DEVELOPMENT PLAN APPROVAL

35 Upon receipt of Preliminary Development Plan approval, the applicant shall be entitled to submit a Final Development Plan for the entire development (or one or more phases) to the Planning Department for its review and approval, and the Planning Department shall have final authority for the review and approval of Final Development Plans. In conjunction with the application for approval of a Final Development Plan, the applicant shall submit evidence of completion of the Preliminary Development Plan Approval process in accordance with this Article. Following their
40 review of the Final Development Plan, the Planning Department shall approve, approve with conditions, or disapprove the Final Development Plan. In the event of denial, the Planning Department shall set forth in writing the reasons for such action. Construction shall commence in accordance with the Final Development Plan within two (2) years from the date of approval. The applicant may apply to the Planning Commission for an extension of the one (1) year period
45 within which to commence construction upon good cause shown.

SECTION 10.09 AMENDMENT OR ABANDONMENT

5

A. Any proposed amendment of the Planned Unit Development which seeks to alter the intent, the conditions or terms of the Concept Development Plan as approved and/or the terms or conditions of Final Development Plan approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Concept Development Plan approval.

10

B. Abandonment of Concept Development Plan: Following any action evidencing abandonment of the Concept Development Plan, whether through failure to proceed during the Concept Development Plan period as required under this Article, or through notice of abandonment given by the property owners, applicants or their successors, the City Council shall be entitled to take any necessary and appropriate action to rescind the Concept Development Plan approvals, to invalidate any related Development Agreements, and to rezone the subject property from PUD to an appropriate classification. Abandonment shall be deemed to rescind any and all rights and approvals granted under and as part of the Concept Development Plan, and the same shall be deemed null and void. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, and referenced to the subject property.

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SECTION 10.10 PUBLIC NOTICE FOR PLANNED UNIT DEVELOPMENT PUBLIC HEARINGS

25

~~A. For public hearings required with respect to a Planned Unit Development, notice shall be given not less than 15 days before each public hearing at which the Planned Unit Development will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:~~

30

~~1. The applicant.~~

35

~~2. The owner(s) of the property, if the applicant is not the owner.~~

~~3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.~~

40

~~4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Troy.~~

45 B. The notice shall include:

1. ~~The nature of the Planned Unit Development being proposed.~~
 2. ~~The property(ies) for which the request has been made.~~
 3. ~~A listing of all existing street addresses within the property(ies) which is(are) the subject of the proposed Planned Unit Development. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.~~
 4. ~~The location where the application documents can be viewed and copied prior to the date the application will be considered.~~
 5. ~~The date, time and location of when the hearing on the application will take place.~~
 6. ~~The address at which written comments should be directed prior to the consideration.~~
- A. All applications for a Planned Unit Development shall require public notice and a public hearing. Section 3.04 Public Hearing Requirements sets forth notification requirements for all public hearings.
- B. A sign shall be placed on the subject property to inform the public that an application for a Planned Unit Development has been filed, and to indicate the location of information regarding the request.

SECTION 10.11 ABANDONMENT OF PRELIMINARY DEVELOPMENT PLAN

Approved Preliminary Development Plans for which a Final Development Plan has not been submitted as required under Section ~~_____~~, 10.08 shall be considered abandoned for the purposes of this Article. The applicant may request a twelve (12) month extension of Preliminary Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the three (3) year Preliminary Plan Approval period.

SECTION 10.12 ABANDONMENT OF FINAL DEVELOPMENT PLAN

Approved Final Development Plans, upon which construction does not commence within a two (2) year period from the date of a Final Development Plan approval, shall be considered abandoned for the purposes of this Article. The applicant may request a twelve (12) month

extension of Final Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the two (2) year Final Plan Approval period.

5

SECTION 10.13 APPEALS

10 The Board of Zoning Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article shall be processed in accordance with the amendment procedures covered under Section ~~_____~~ 10.09 hereof.

SECTION 10.14 VIOLATIONS

15 Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 3.08 of the Zoning Ordinance.

ARTICLE 13
LANDSCAPING

SECTION 13.01 INTENT

- A. The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the City by requiring landscaping for each development for which site plan or subdivision plat review is required. It is further the intent of this section to achieve the following:
1. Minimize noise, air, and visual pollution.
 2. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
 3. Require buffering of residential areas from more intense land uses, buffering of public road rights-of-way and parking lots.
 4. Prevent soil erosion and promote subsurface water retention.
 5. Encourage an appropriate mixture of plant material and species, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
 6. Promote the integration of existing woodlands and landscape plans.
 7. Protect and preserve the appearance, character, and value of the community.

SECTION 13.02 APPLICATION OF REQUIREMENTS

These requirements shall apply to all uses for which site plan review is required, ~~including subdivisions and site condominiums. in Article 6, Site Plan Review, Procedures and Standards or subdivision plat review as required under the Subdivision Control Ordinance. No site plan or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.~~

SECTION 13.03 LANDSCAPE PLAN REQUIREMENTS AND ELEMENTS

- A. A separate, detailed landscape plan shall be submitted to the Planning Commission as part of the site plan review and tentative preliminary plat review. The landscape plan shall be drawn to the same scale as required in Article 6, Site Plan Review, shall and demonstrate that all requirements of this Section are met, and shall include, but not

necessarily be limited to, the following ~~information~~: set forth in this Section. The Zoning Administrator shall have the authority to waive certain information requirements if it is determined that such information does not affect compliance with this Ordinance.

1. The professional seal of the registered landscape architect who prepared the plan for sites of one (1) acre or greater;
2. Topographic and grading information, as required in Article 6, Site Plan Review;
3. The location, spacing, size, and root type (bare root (BR) burlapped (BB) or container (C)) and ~~descriptions~~ species and common name for each plant type proposed for use within the required landscape area;
4. Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall, including footings;
5. Construction and grading details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns;
6. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials;
7. Identify existing trees and vegetative cover to be preserved;
8. Identify a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

B. Landscape plans shall be subject to the following minimum standards:

1. **Composition.**

- a. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Oakland County, conform to the current minimum standards for nursery stock of the American Nursery and Landscape Association and shall have proof of any required governmental regulations and/or inspections.
- b. A mixture of live plant material, such as evergreen and deciduous trees and shrubs, is required as a protective measure against insect and disease infestation. Artificial plant materials are prohibited. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly arrangement. Additionally, native species of trees and shrubs shall constitute at least fifty percent (50%) of the total proposed plantings in accordance with the standards set forth in Section B.10.

2. **Berms.** Berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
3. **Coordination with Utilities.** Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
4. **Existing Trees.** The preservation and incorporation of existing trees in a landscape plan is encouraged. Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:
 - a. Paving, or other site improvements, shall not encroach upon the dripline of the existing tree(s) to be preserved.
 - b. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the City.
 - c. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the City, the applicant shall replace them with trees which are either equivalent in size or replace the total d.b.h. of the trees which have been removed.
5. **Stormwater Retention and Detention Ponds.** The integration of stormwater management systems, including swales, rain, gardens, retention and detention ponds in the overall landscape concept shall be required ~~is recommended. Ponds with Stormwater management systems that replicate a natural, rather than square or rectangular,~~ design and appearance shall be encouraged.
6. **Installation, Maintenance, and Completion.**
 - a. All landscaping required by this Ordinance shall be planted before obtaining a certificate of occupancy or the appropriate financial surety as required in Article 3, Administration and Enforcement.
 - b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

- c. Landscaping required by this Ordinance shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with irrigation or a readily available and acceptable water supply.
- d. Failure to install and maintain approved landscaping shall be considered a violation of this Ordinance.

SECTION 13.04 SCREENING BETWEEN LAND USES

A. **General Requirements.** The use of physical barriers or screens is considered a necessary requirement to allow for the transition from one zoning district or land use to another contrasting zoning district or land use. This promotes compatibility with existing uses and helps to protect the value of buildings and property. The purpose of this section is to create varying degrees of visual and physical separation between divergent land uses based upon the similarity and/or compatibility of the uses.

- ~~1. The width of the screen area and density of plantings shall be based upon the specific characteristic of the proposed use and adjacent land uses. Widths shall be measured from the respective common property line, unless the Planning Commission determines that the buffer screen would be more effective in another location. The planting screen shall be placed along the entire length of the adjoining property lines. Plants shall be arranged in a staggered pattern where possible and designed to create a continuous screen where gaps between plants are filled with plant material when viewed from the adjacent property (contiguous land use).~~
- ~~2. Existing vegetation located on the property to be developed within the area of the proposed screen which is in good condition and meets the size and type requirements in the various screening alternatives may be counted toward these requirements.~~
- ~~3. Screening shall be located along all adjoining boundaries. However, the location of the screening may be modified at the sole discretion of the Planning Commission, if such, location is necessary due to site conditions or if the effectiveness of the screen is improved.~~

B. **Landscape Screen.** A landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries when a proposed use is either more intense or incompatible with an adjoining property. A landscape buffer shall consist of berms and living materials so as to maintain a minimum opacity of at least eighty percent (80%). Opacity shall be measured by observation of any two (2) square

yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.

1. The width of the screen area, location and density of plantings shall be based upon the specific characteristic of the proposed use and adjacent land uses.
2. Plants shall be arranged in a staggered pattern where possible and designed to create a continuous screen where gaps between plants are filled with plant material when viewed from the adjacent property (contiguous land use).
3. Existing vegetation located on the property to be developed within the area of the proposed screen which is in good condition and meets the size and type requirements in the various screening alternatives may be counted toward these requirements.
4. Screening shall be located along all adjoining boundaries. However, the width and location of the screening may be modified at the sole discretion of the Planning Commission, if such, width location is necessary to be modified due to site conditions or if the effectiveness of the screen is improved.

C. **Solid Wall or Fence.** Where a land use activity creates noise, light, dust or other similar nuisance that cannot be effectively screened by a landscape buffer, the Planning Commission may require a solid wall or fence. Such wall or fence shall be a minimum of six (6) and a maximum of eight (8) feet in height as measured on the side of the proposed wall having the higher grade. A required wall shall be located on the lot line except where underground utilities interfere and in instances where this Article requires conformity with front yard setback requirements. Upon review of the landscape plan, the Planning Commission may approve an alternate location of a wall. The Planning Commission and Zoning Administrator shall approve the construction materials or the wall or fence which may include masonry, stone or wood.

D. **Combinations.** The Planning Commission may determine the landscape screen is best achieved through the use of a combination of landscaping and a solid wall or fence.

SECTION 13.05 PARKING LOT LANDSCAPING

A. **Required Landscaping Within Parking Lots.** Separate landscape areas shall be provided within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and moderate the changes to the micro climate which results from additional pavement. The following minimum requirements shall apply:

1. There shall be a minimum of one (1) tree for every eight (8) parking spaces.

2. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than two hundred (200) square feet in area. Modifications in curbing may be permitted when islands are used as part of the stormwater management system.
3. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
4. The Planning Commission may approve an equivalent amount of landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot, detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing, provided all other landscaping requirements are met.

B. Required Landscaping at the Perimeter of Parking Lots. Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:

1. Parking lots that are more intense or incompatible with an adjoining property shall meet the screening requirements set forth in Section 132.04, Screening Between Land uses; and
2. Parking lots shall be screened from view with a landscaped berm at least three (3) feet in height along the perimeter of those sides that are visible from all road rights-of-way. The Planning Commission or Zoning Administrator, where applicable, may approve alternative landscape plantings or a solid wall that does not exceed three (3) feet in height, where it is found that space limitations or visibility for vehicular circulation prevent construction of a landscape berm.

SECTION 13.06 GREENBELTS

Except as otherwise required by this Ordinance, a greenbelt shall be provided in accordance with the following requirements:

- A. The greenbelt shall be a minimum of ten (10) feet in width for all non-residential uses.
- B. The greenbelt shall be landscaped with a minimum of one (1) deciduous tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Deciduous trees within a greenbelt shall be a minimum caliper of two and a half (2 1/2) inches or greater and evergreen trees shall be a minimum of five (5) to six (6) feet in height.

- C. Creative placement of the trees, such as staggering, clustering and/or other methods, is encouraged in an effort to eventually achieve a canopy.
- D. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped with grasses, ground covers, shrubs and other natural landscape materials.
- E. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees.

SECTION 13.07 SITE LANDSCAPING

- A. In addition to any landscape, greenbelt and/or parking lot landscaping required by this Section, at least fifteen percent (15%) **[need to discuss amount]** of the site area, excluding existing public rights-of-way, shall be landscaped.
- B. Site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas, gardens and building foundation planting beds.
- C. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention units, loading areas, and trash areas.
- D. The landscaping design shall promote compatibility, and preserve the character of the site, in relation to the immediately surrounding area and in relation to the general area in which the property is situated.

SECTION 13.08 SCREENING OF TRASH CONTAINERS

- A. Containers used to dispose of ~~Outside trash, disposal and grease, containers recyclables, and similar materials~~ shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of durable material and construction which is compatible with the architectural materials used in the site development.
- B. Containers shall be consolidated to minimize the number of collection sites and located in close proximity to the building they serve.
- C. Containers and enclosures shall be located away from public view insofar as possible.
- D. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- E. Concrete pads and aprons of appropriate size and construction shall be provided.

~~F. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.~~

SECTION 13.09 SUBDIVISION AND SITE CONDOMINIUM LANDSCAPING

Landscaping for subdivisions and site condominiums shall be provided in accordance with the following standards:

- A. **Street Trees.** The frontage of all internal public or private streets shall be landscaped with the equivalent of one (1) tree for every fifty (50) lineal feet, or fraction thereof. Such street trees shall meet the minimum size, spacing and species requirements set forth in Sections 13.10, Minimum Size and Spacing Requirements and 13.11, Prohibited Species.
- B. **Screening Between Land Uses.** Where a subdivision or site condominium contains uses which are more intense or incompatible with an adjoining property, the screening requirements set forth in Section 13.04, Screening Between Land Uses shall be met. The preservation of existing trees along perimeter boundaries is encouraged regardless of whether screening is required.
- C. **Screening From Public Roads.** Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in Section ~~13~~.04, Screening Between Land Uses shall be met.

[Note: This may conflict with the Subdivision Ordinance]

- D. **Other Site Improvements.** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.

SECTION 13.10 USE OF NATIVE PLANTS IN LANDSCAPING

- A. Native plant species chosen for a development should be based on the native species currently growing on the site, if any.
- B. The arrangement of native plant species can be designed in both “natural” arrangements and more conventional arrangements, as described below:
 - 1. Natural arrangements emulate the arrangements found in nature, and have a less manicured appearance. Natural arrangements should incorporate a wide mix of

species. This landscape style should be used for landscaping open space, surface stormwater systems, street tree plantings, and/or parks. If natural arrangements are used, plant spacing requirements can be waived as long as the function the plants are to serve is accomplished.

2. Conventional, more formal arrangements are generally used close to buildings or heavily used areas of a site. Native species can be used in these areas just as any other commercially-available landscape material. As with any landscape design, the plant's ultimate size, soil and site requirements, and other characteristics must be considered to ensure they do not overwhelm a space, encroach into walkways, or impede sight distance or visibility of motorists. In entryways, where aesthetics is of primary importance, cultivars of native plant species may be considered to ensure the plant's appearance.
- C. Natural arrangements of native species shall not be located within five (5) feet of any property line unless:
1. Abutting similarly landscaped or vegetated areas on adjacent parcels;
 2. Separated from the adjacent parcel by a fence; or
 3. Made up of trees and shrubs that create a required buffer between land uses.
- D. Plantings installed in areas of stormwater conveyance, infiltration, or retention/detention should be planted with native species that specifically perform the necessary runoff attenuation, filtration, water uptake, and purification functions needed in such areas. Both herbaceous and woody species should be incorporated into the mix where the desired function dictates.

SECTION 13.11 MINIMUM SIZE AND SPACING REQUIREMENTS

Where landscaping is required, the following minimum size and spacing requirements set forth in Table 13.1 for representative landscape materials shall be applicable, unless otherwise specified in this Section:

**TABLE 13.1
Minimum Size and Space of Landscape Planting**

	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**											
	Height			Caliper Spread				Feet											
	5'-6'	3'-4'	2'-3'	2"	2.5"	18"-2'	2 gal.	30	25	15	10	6	5-6	5	4	3	2	1	
Large Evergreen Trees:																			
Fir (Abies)																			
Spruce (Picea)																			
Pine (Pinus)																			
Hemlock (Tsuga)																			
Douglas Fir (Pseudotsuga)																			
Tamarack; Larch (Larix)																			
Narrow Evergreen Trees:																			
Red Cedar (Juniperus)																			
Arborvitae (Thuja)																			
Juniper (Juniperus)																			
Large Evergreen Shrubs:																			
Hicks Yew (Taxus)																			
Upright Yew (Taxus)																			
Spreading Yew (Taxus)																			
Upright Juniper (Juniperus)																			
Spreading Juniper (Juniperus)																			
Mugho Pine (Pinus)																			
Small Evergreen Shrubs:																			
Spreading Yew																			
Dwarf Spreading Juniper																			
Dwarf Mugho Pine																			
Euonymous varieties*																			
Vines:																			
Euonymous varieties*																			
Virginia Creeper																			
Wisteria																			
Riverbank Grape																			
American Bittersweet																			
Large Deciduous Trees:																			
Oak (Quercus)																			
Maple* (Acer)																			
Beech (Fagus)																			
Linden or Basswood (Tilia)																			
Sweetgum (Liquidambar)																			
Ginkgo (Male Only) (Ginkgo)																			
Honeylocust (Gleditsia)																			
Birch (Betula)																			
Sycamore (Plantanus)																			
Hickory (Carya)																			
Black Cherry (Prunus)																			
Tulip Tree (Liriodendron)																			
Blackgum (Nyssa)																			
* Refer to prohibited exotic invasive species list.																			

	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**											
	Height			Caliper Spread				2 gal.	(Feet)										
	5'-6'	3'-4'	2'-3'	2"	2.5"	18"-2'	30		25	15	10	6	5-6	5	4	3	2	1	
Small Deciduous Trees (Ornamental):																			
Dogwood																			
Flowering Cherry, Plum, Pear																			
Hawthorn																			
Redbud																			
Magnolia																			
Flowering Crabapple																			
Mountain Ash																			
Hornbeam																			
Sassafras																			
Ironwood																			
Serviceberry; Juneberry																			
Ground Cover:																			
Euonymus varieties*																			
Wild Strawberry																			
Wild Ginger																			
Large Deciduous Shrubs:																			
Lilac																			
Sumac																			
Pyracantha																			
Weigela																			
Flowering Quince																			
Cotoneaster*																			
Sargent Crabapple																			
Dogwood (Red Osier, Grey, Silky)																			
Euonymus varieties*																			
Viburnum varieties																			
Witch-hazel																			
Ninebark																			
Vaccinium (Blueberry)																			
Holly																			
Spicebush																			
Hazelnut																			
Chokeberry																			
Large Deciduous Shrubs (cont.):																			
Chokeberry																			
Buttonbush																			
American Elder																			
Small Deciduous Shrubs:																			
Fragrant Sumac																			
Cotoneaster*																			
Potentilla																			
Meadowsweet																			
Leatherleaf																			
Rubus/Rubus varieties																			
* Refer to prohibited exotic invasive species list.																			
** "Maximum on-center" spacing refers to the largest space allowed between <i>the centers</i> of plants of the same species/variety.																			

SECTION 13.12 PROHIBITED SPECIES

A. As of the effective date of this ordinance, the following species shall not be newly planted in landscaping. These plants are not native to the area, reproduce profusely and have potentially harmful effects on natural ecosystems.

Trees

<u>Common Name</u>	<u>Scientific Name</u>
White Ash *	<i>Fraxinus americana</i>
Green Ash *	<i>Fraxinus pennsylvanica</i>
American Elm	<i>Ulmus Americana</i>
Norway Maple	<i>Acer platanoides</i>
Amur Maple	<i>Acer ginnala</i>
Tree of Heaven	<i>Ailanthus altissima</i>
European Alder	<i>Alnus glutinosa</i>
Goldenraintree	<i>Koelreuteria paniculata</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
White Poplar	<i>Populus alba</i>
Black Locust **	<i>Robinia pseudocacia</i>
Siberian Elm	<i>Ulmus pumila</i>

* A native species, but prohibited due to Emerald Ash Borer.

**A native species, but tends to be invasive.

Shrubs and Vines

<u>Common Name</u>	<u>Scientific Name</u>
Porcelainberry	<i>Ampelopsis brevipedunculata</i>
Japanese barberry	<i>Berberis thunbergii</i>
Common barberry	<i>Berberis vulgaris</i>
Oriental Bittersweet	<i>Celastrus orbiculatus</i>
Autumn Olive	<i>Eleagnus umbellata</i>
Russian Olive	<i>Eleagnus angustifolia</i>
Burningbush	<i>Euonymus alatus</i>
Wintercreeper	<i>Euonymus fortunei</i>
English Ivy	<i>Hedra helix</i>
Privet	<i>Ligustrum vulgare</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow Honeysuckle	<i>Lonicera morrowi</i>
Tartarian Honeysuckle	<i>Lonicera tatarica</i>

Common Buckthorn *Rhamnus cathartica*

Shrubs and Vines (cont')

<u>Common Name</u>	<u>Scientific Name</u>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Multiflora Rose	<i>Rosa multiflora</i>
Guelder Rose	<i>Viburnum opulus var. opulus</i>

Grasses and Grass-Like Plants

<u>Common Name</u>	<u>Scientific Name</u>
Chinese Silver Grass	<i>Miscanthus sinensis</i>
Giant Reed	<i>Phragmites communis</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>

Flowers and Groundcovers

<u>Common Name</u>	<u>Scientific Name</u>
Garlic Mustard	<i>Alliaria officinalis</i>
Spotted Knapweed	<i>Centaurea maculosa</i>
Crown Vetch	<i>Coronilla varia</i>
Queen Ann's Lace	<i>Daucus carota</i>
Foxglove	<i>Digitalis purpurea</i>
Japanese Knotweed	<i>Fallopia japonica</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Purple Loosestrife	<i>Lythrum salicaria</i>

SECTION 13.13 PRIVATE NATURALLY LANDSCAPED LOTS

If a landowner decides to use a landscape style that emulates nature, where such style is not prohibited by deed restriction, Master Deed and Bylaws, or other restrictive covenant, then it is the intent of these provisions to ensure that this landscape style does not intrude on the adjoining properties or impair site distances for pedestrians and motorists. Someone using a natural landscape style must follow these standards:

- A. A private "naturally landscaped" lot is a privately-owned lot which is naturally landscaped so as to exhibit the deliberate and conscious decision to plant, cultivate, and maintain native plant species. A naturally landscaped lot often has a significantly different character than a traditionally landscaped lot, as it generally does not include much mown lawn, but is made up of relatively tall plants, often in an arrangement that emulates nature. This landscape style does not allow for the simple neglect of

maintaining plantings on a property.

- B. Naturally landscaped lots must be maintained so that herbaceous plants are mown or cut to eighteen (18) inches or less at least once prior to June 1st of each calendar year.
- C. Natural landscaping on private lots shall not be located within two (2) feet of the front property line or at corner side property lines of lots having a public sidewalk, or within four (4) feet of any other property line. The two (2) foot or four (4) foot buffer shall be made up of short vegetation such as mown turf grass or other non-vegetative materials such as stones. No rear or side yard setback shall be required where the natural landscaping material is separated from adjacent lots by fencing or shrubs, or where the natural landscaping material abuts permitted natural landscaping material on an adjacent lot. An intervening path or sidewalk shall not be deemed to prevent natural landscape materials from “abutting” for purposes of this section.