CITY COUNCIL AGENDA ITEM

Date: April 13, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Zachary Branigan, Carlisle/Wortman Associates, Inc.
R. Brent Savidant, Acting Planning Director

Subject: Public Hearing – Zoning Ordinance Text Amendment (File Number ZOTA 236) – Comprehensive Zoning Ordinance Rewrite

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Background

The Planning Commission, in partnership with City Staff and Carlisle/Wortman Associates, Inc., prepared the Draft City of Troy Zoning Ordinance. The Planning Commission discussed the Draft Zoning Ordinance at approximately thirty public meetings, spread over approximately two years. A Zoning Ordinance Workshop held in Troy City Hall on March 2, 2011, solicited input and answered questions from residents, designers, developers and real estate brokers on the proposed Zoning Ordinance. The Planning Commission held a Public Hearing on the proposed Zoning Ordinance at their March 8, 2011 Regular meeting. The Planning Commission recommended adoption of the proposed Zoning Ordinance at their March 22, 2011 Special/Study meeting.

A hard copy of the Draft City of Troy Zoning Ordinance was provided to City Council at the April 4, 2011 Regular meeting. Copies are available for review at the Planning Department in Troy City Hall and the Troy Public Library. An electronic web-enabled version of the document is available for review online on the Planning Department page of the City of Troy website, www.troymi.gov/planning/.

City Council is authorized to adopt the proposed Zoning Ordinance.

Summary of Changes

To show the significant changes proposed to the current Zoning Ordinance in legislative format, using underline and/or ~~strikethrough~~, would have added hundreds of pages to the draft document, making for a difficult and cumbersome review. Therefore the document is not prepared in legislative format. To simplify, the proposed changes fall into the following six categories:

1. Changes required to make the document easier to read and use.
2. Changes required to expedite review and approval for development applications.
3. Changes required to comply with the City of Troy Master Plan.
4. Changes of salience advanced by the Planning Commission.
5. Changes of salience advanced by Staff or Carlisle/Wortman Associates, Inc.
6. Changes required to comply with the Michigan Zoning Enabling Act (P.A. 110 of 2006), other laws and applicable case law.

The following summarizes the proposed changes within the six categories.

1. Changes required to make the document easier to read and use

- Created a Table of Contents to make it easier to use the document.
- Reorganized the District Regulations section (see Summary of Zoning District Changes).
- Updated and improved existing definitions and added new definitions where necessary.
- Created new illustrations for some definitions.
- Inserted illustrations into the body of the articles, below the corresponding definition (in the existing document, illustrations are located at the end of the article).
- Eliminated the Schedule of Regulations and footnote section for area and bulk requirements.
- Provided area and bulk requirements for each zoning district, with illustrations for each district, to clarify height, lot coverage, lot area, width and setback requirements.
- Provided Schedule of Use Regulations table, which lists the zoning districts and the uses permitted within each district, as permitted by right, as a special use or as an accessory use.
- Removed specific use standards from individual zoning districts, and moved them to Article 6 Specific Use Provisions.
- Added specific use standards for a number of uses, including adult care facilities, bed and breakfast facilities, large scale retail establishments, live/work units, lodging facilities, and materials recovery facilities.

2. Changes required to expedite review and approval for development applications
The Zucker Study provides direction to encourage fast, fair and predictable development approval. Further, this fast, fair and predictable approval process will be an economic development tool by making Troy one of the fastest development approval municipalities in the State of Michigan. Changes made to bring the Zoning Ordinance into conformance with the Zucker Study include the following:

- Developed a process for administrative review and approval of site plan applications.
- Provided additional authority to the Zoning Administrator to waive required information if it is determined the information does not affect compliance with Zoning Ordinance.
- Streamlined the review and approval process for Planned Unit Developments by eliminating the Planning Commission and City Council public hearing required for Preliminary Development Plan (PDP) approval.

3. Changes required to comply with the City of Troy Master Plan

- Modified the Zoning District Map to reflect District Regulation reorganization, as adopted in the Master Plan (see attached, Summary of District Changes).
- Added PV Planned Vehicle Sales District for the Troy Motor Mall.
- Developed Sustainable Design Project (SDP) provisions.
- Added stormwater management provisions.
- Added wind energy conversion system provisions.
- Updated environmental performance standards.

4. Changes of salience advanced by the Planning Commission

- Eliminated specific standards for temporary approval of commercial vehicles in One-Family Residential Districts. This will make it more difficult for commercial vehicles to be parked in residential districts.
- Created three Form Based Code (FBC) Districts: Big Beaver District, Maple Road District, and Neighborhood Nodes District.
- Developed the following provisions for each FBC District: Regulating Plan, Authorized Use Groups, Building Form Standards and Design Standards.
- Updated landscaping provisions.
- Strengthened maintenance requirements for landscaping materials.
- Comprehensively revised landscaping and screenwall provisions to provide flexibility in the application of landscape buffer options.
- Required landscaping in and around the perimeter of parking lots.
- Strengthened lighting provisions.
- Eliminated Group Day Care Homes (residential day care for between 7 to 12 children) as permitted uses in all districts.

5. Changes of salience advanced by Staff or Carlisle/Wortman Associates, Inc.

- Clarified the role of the Zoning Administrator in administration of the Zoning Ordinance.
- Strengthened provisions related to home occupations and temporary buildings, structures and uses.
- Developed public hearing notice requirements, to be used for all applications where public notice is required.
- Developed provisions for performance guarantees.
- Clarified the procedure for rezoning of property.
- Expanded the general special use approval standards.
- Provided standards for the placing of conditions on special use approval by the Planning Commission.
- Simplified permitted uses by eliminating conditional uses, which are essentially permitted uses.
- Added equipment screening requirements.
- Updated parking space standards.

- Added general access management standards.
- Added general pedestrian access standards.
- Added MHP Manufactured Home Park District for Troy Mobile Home Villa.
- Moved Adult Use Business definitions from Definitions article to Adult Use provisions in Article 6 Specific Use Provisions.

6. Changes required to comply with the Michigan Zoning Enabling Act (P.A. 110 of 2006), other laws and applicable case law

- Changed the name from Board of Zoning Appeals (BZA) to Zoning Board of Appeals (ZBA) to be consistent with the Michigan Zoning Enabling Act.
- Modified the membership of the ZBA to include one Planning Commission representative only, with no Planning Commission alternate.
- Added two alternate members for the entire ZBA.
- Clarified the duties of the ZBA to include interpretations and appeals of administrative decisions.
- Strengthened the procedures for variance applications.
- Provided the ZBA the authority to review and approve use variance applications.
- Added use variance standards and procedures.
- Modified non-use variance standards so they are consistent with zoning case law.
- Broadened the standards for determining whether a nonconforming use has been abandoned.
- Updated site condominium provisions (referred to in existing document as unplatted one-family residential developments).
- Added definitions related to site condominiums.

The process for adopting the new Zoning Ordinance is similar to the adoption of a proposed Zoning Ordinance Text Amendment. That is, following the required Public Hearing by the Planning Commission, a Planning Commission recommendation is forwarded to City Council and a Public Hearing is scheduled.

Adoption of the Zoning Ordinance will necessitate revisions to other City ordinances, including Chapter 85 Signs and Chapter 60 Fees and Bonds Required. City Staff will initiate the applicable revisions upon adoption of the new Zoning Ordinance.

Recommendation

At the March 8, 2011 Regular meeting, the Planning Commission agreed to incorporate “Drive-throughs” into Use Group 6 (Miscellaneous Commercial Uses) in the Article 5 Form-Based Districts (see revised Table 5.03-A-1, attached). This change was inadvertently omitted from the March 31, 2011 Draft that is being considered this evening.

City Management recommends adoption of the Draft City of Troy Zoning Ordinance, with “Drive-throughs” added to Table 5.03-A-1, as recommended by the Planning Commission.

_____ _____

City Attorney's Review as to Form and Legality Date

Attachments:

1. Draft Zoning Ordinance Text
2. Draft Zoning Ordinance Map
3. How to Use and Navigate the Online Troy Zoning Ordinance.
4. Summary of District Changes
5. Minutes from March 8, 2011 Planning Commission Regular meeting (excerpt)
6. Minutes from March 22, 2011 Planning Commission Special/Study meeting (excerpt)
7. Table 5.03-A-1, with "Drive-throughs" added to Use Group 6, as proposed by Planning Commission
8. Public Comment

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

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
COMPREHENSIVE ZONING ORDINANCE REWRITE
ZOTA 236

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the Comprehensive Zoning Ordinance Rewrite of Chapter 39 of the Code of the City of Troy.

Section 2. Amendment of Chapter 39

Chapter 39 of the Code of the City of Troy is amended to read as written in the proposed Zoning Ordinance text (March 31, 2011 Draft), and map (Prepared by the City of Troy Planning Department, dated 2-22-2011), in addition to any revisions approved by City Council.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Repeal

The existing City of Troy Zoning Ordinance, and all amendments thereto, shall be repealed on the effective date of the proposed City of Troy Zoning Ordinance.

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2011.

_____
Louise E. Schilling, Mayor

_____

Tonni L. Bartholomew, MMC
City Clerk

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How to Use and Navigate the ONLINE Troy Zoning Ordinance

The Article number and name appear on every page, as does a page number, in the upper corner.

These two boxes allow you to navigate back to the previous view (if you used a link to "click" to a new location in the Ordinance) and to go forward, after having gone to a previous page.

Any language in the body of the document in BLUE ink is a "clickable" hyperlink. In most cases, the link goes to a Definition or a Section or Article within the Ordinance. In the Table of Contents, every listed Section is a clickable link that takes the reader directly to the related provisions.

SAMPLE TEXT: Sample, sample. See Section Sample.

Sample, sample sample sample sample sample sample sample sample sample sample

Sample, sample sample sample sample sample sample. Sample, sample sample sample sample sample sample sample sample sample sample sample sample sample sample sample sample Sample, sample sample sample sample sample sample sample sample.

These margin "boxes" are links that appear on every page. They can take you directly to the ***Summary*** *Table of Contents, which provides a "hub" for navigating the Articles and Sections of the Ordinance. The Articles were organized and grouped in this manner to separate primary content areas for ease of use and navigation.*

These footer "boxes" are links that appear on every page. They can take you directly to the primary Table of Contents, to the online draft Zoning Map, to the definitions Section, to the list of figures and maps, or to the list of tables.

SUMMARY OF ZONING DISTRICT CHANGES

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
CR-1	One-Family Residential-Cluster District
MH	**Manufactured Housing District**
RT	**One Family Attached**
~~R-1T~~	~~One-Family Attached Residential District~~
~~R-EC~~	~~Residential Elder Care~~
~~R-2~~	~~Two-Family Residential District~~
~~R-M~~	~~Multiple-Family Residential Medium Density~~
~~RM-1~~	~~Multiple-Family Residential District (Low Rise)~~
~~RM-2~~	~~Multiple-Family Residential District (Mid Rise)~~
~~RM-3~~	~~Multiple-Family Residential District (High Rise)~~
RM	**Multi-Family Residential District**
UR	**Urban Residential District**
~~C-F~~ **CF**	Community Facilities District
~~E-P~~ **EP**	Environmental Protection District
~~B-1~~	~~Local Business District~~
~~B-2~~ **CB**	Community Business District
~~B-3~~ **GB**	General Business District
~~H-S~~	~~Highway Service District~~
PV	**Planned Vehicle Sales**
IB	**Integrated Industrial Business District**
~~O-1~~	~~Office Building District~~
~~O-M~~	~~Office Mid-Rise District~~
~~OSC~~	~~Office-Service-Commercial District~~
O	**Office**
OM	**Office Mixed Use**
~~P-1~~ **P**	Vehicular Parking District
~~R-C~~ **RC**	Research Center District
~~M-1~~	~~Light Industrial District~~
BB	**Big Beaver District**
MR	**Maple Road District**
NN	**Neighborhood Node District**

ZONING ORDINANCE TEXT AMENDMENT

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 236) – Proposed Draft Zoning Ordinance and Map Regulating the Development and Use of Land, which Ordinance, if Adopted, will Repeal and Replace the Existing Zoning Ordinance, Chapter 39 of the Code of the City of Troy

Mr. Savidant voiced his appreciation to all involved in the comprehensive rewrite of the Zoning Ordinance. He said attendance at the March 2nd Zoning Ordinance Workshop was an interesting cross section of guests whose comments and insight were welcomed.

Mr. Savidant's PowerPoint presentation highlighted the following features of the Zoning Ordinance rewrite:

- Changes to make document easier to use.
- Changes to expedite review and approval for development applications.
- Changes advanced by the Master Plan.
- Changes advanced by Planning Commission.
- Changes advanced by Staff or CWA.
- Changes required to comply with the Michigan Zoning Enabling Act and other laws.

Mr. Savidant noted that in summary, the proposed new Zoning Ordinance:

- Implements the Master Plan.
- Is easier to use.
- Protects single family residential.
- Offers a wider range of uses permitted in many districts.
- Increases potential and marketability.
- Creates three Form Based Districts.
- Initiates faster approvals for many applications.

Mr. Branigan gave a hands-on demonstration of the web-based Zoning Ordinance.

PUBLIC HEARING OPENED

Dennis Cowan of Plunkett Cooney, 38505 Woodward Avenue, Bloomfield Hills, was present as a representative for White Chapel Cemetery. He posed questions with reference to White Chapel Cemetery in relation to its zoning under the proposed Zoning Ordinance and potential future expansion in the newly proposed neighborhood node.

Mr. Carlisle indicated the proposed Zoning Ordinance provides a mechanism for interpretation of cemetery and similar uses, and stated a rezoning request would be the procedure to follow for potential expansion of the use.

Mr. Cowan asked the timetable of the approval process to adopt the Zoning Ordinance.

Chair Hutson replied the intent is to have a final draft and Public Hearing copy complete within the next two weeks, at which time a Public Hearing date would be scheduled for City Council action.

PUBLIC HEARING CLOSED

Messrs. Branigan and Savidant discussed the Zoning Ordinance "roll-out" upon its adoption by City Council. Mr. Savidant said tutorial sessions would be offered for various Boards and Committees.

There was discussion on creating a use group specifically for cemeteries and similar uses. It was determined to make no changes at this time to the draft Zoning Ordinance in this respect.

Mr. Savidant led discussion on the following:

- Modification of provisions related to solar and wind energy equipment.
  - It was determined to remove paragraph "C" Lot Coverage, under Section 12.05, Solar Structures and Easements.
- Parking of recreational vehicles in front yards.
  - There was a consensus not to revise the proposed language.
- Future zoning of a parcel north of Big Beaver, west side of John R, from MR Multi-Family Residential (proposed) to CB Community Business.
  - Property owner should apply for a rezoning request.
  - Planning Department to research correlation of R-EC zoning district to MR zoning district.
- Section 5.02.A.2 – Add "e", "An addition to or expansion of an existing building, that does not increase its non-conformity."
  - There was a consensus to add "e".
- Section 8.03.C, 9, – To eliminate the words "associated with a residential development".
  - It was a consensus to leave the wording as is: Construction of an entrance feature associated with a residential development.
- Section 8.03.C – Add "16", "Any building, structure or use permitted by right in a non Form-Based Code District that meets all requirements of the Zoning Ordinance."
  - It was determined not to add "16".
- Section 4.15.D.4 – Parking in front of buildings in IB.
  - It was determined to allow parking with a caveat (to be specified).

There was discussion on which applications would go through administrative approval or Planning Commission approval. Mr. Carlisle stated that any changes affecting the role of the Planning Commission at this juncture in the approval process of the proposed draft Zoning Ordinance would require another Public Hearing.

9. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 236) – Proposed Draft Zoning Ordinance and Map Regulating the Development and Use of Land, which Ordinance, if Adopted, will Repeal and Replace the Existing Zoning Ordinance, Chapter 39 of the Code of the City of Troy

Mr. Branigan summarized the draft document, dated March 18, 2011. This draft contained all the revised formatting and text edits from the workshop, the public hearing, the Planning Commission and DDA input, Staff and Consultant changes, etc. made since the February 4 draft. General discussion followed.

Resolution # PC-2011-03-016
Moved by: Sanzica
Seconded by: Strat

WHEREAS, The Planning Commission adopted the City of Troy Master Plan on October 14, 2008; and

WHEREAS, The Zoning Ordinance is the most important tool for implementing the Master Plan; and

WHEREAS, The existing City of Troy Zoning Ordinance is approaching fifty years old, and has been amended two hundred forty- two times; and

WHEREAS, The City undertook a collaborative effort between the Planning Department and Carlisle/Wortman Associates, Inc. to comprehensively rewrite the Zoning Ordinance; and

WHEREAS, The Planning Commission discussed the proposed Zoning Ordinance at over thirty public meetings, including a Zoning Ordinance Workshop held on March 2, 2011 and a Public Hearing held on March 8, 2011; and

WHEREAS, The proposed Zoning Ordinance creates an Environment of Investment in the City by expanding the development and use potential of many non-residential properties; and

WHEREAS, The proposed Zoning Ordinance preserves and protects single-family residential neighborhoods from incompatible uses.

NOW THEREFORE BE IT RESOLVED, The Planning Commission hereby supports the proposed City of Troy Zoning Ordinance and recommends adoption of the proposed Zoning Ordinance by City Council.

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

MOTION CARRIED

Mr. Vleck stated he is supportive of 98% of the document. His no vote was intended to put City Council on notice that there were some provisions in the proposed document that were more restrictive than the existing Zoning Ordinance; for example, parking of commercial vehicles in residential districts. Other than a few provisions, he supports the draft document.

Use Group 5 **Retail, Entertainment, and Service Uses:**
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Use Group 6 **Miscellaneous Commercial Uses:**
Building & lumber supply
Garden centers, nurseries
Outdoor commercial recreation
Indoor commercial recreation
Self-Storage
Commercial kennels / pet day care
Drive-through facilities
Use Group 7 **Industrial Uses:**
Contractor's equipment storage
Food products
Commercial outdoor storage
Manufacturing, processing, etc.
Metal plating
Plastics
Printing
Tool & die, gauge & machine shops
Truck/trailer rental
Warehousing/wholesale
Experimental research & testing labs

B. Building Form Standards.

1. The form-based districts permit a series of potential building forms, dependant on the site's location. The six building forms, set forth in Tables 5.03.B.1 through 6, are established in this section as follows:

   a. Building Form A. Small, generally single purpose buildings for retail, office, restaurant, or service uses. Typically situated in an out lot of a larger

RECD
DEC 14 2009
PLANNING DEPT

Robert & Lucille M. Arking
4705 Stoddard Drive
Troy, MI 48085
11 Dec. 2009

Mr. R. Brent Savident,
Acting Planning Director
Troy City Hall
Troy, MI 48084

Re: Review of Existing Zoning Regulations

Dear Mr. Savident:

We have been informed that you will soon start reviewing existing City zoning regulations to determine their applicability to present conditions. Given that the City's business and residential real estate values are falling and not expected to recover their past values for another five or more years, then it is essential to insure that current zoning regulations do not inadvertently hinder that hoped-for increase in residential real estate sale prices.

It is our experience that sections 40.65.00ff regarding outdoor storage in residential districts may be having such an unintended effect. Our neighbor stores his outboard boat and camping trailer in what is his side yard, and at about 3 ft. from the side property line. Under the regulations as written, this is legal. However, unlike the situation depicted in the lot diagrams contained on page 39-49 of the Troy Zoning Ordinance, his house as originally built has a minimum setback from the street while mine as originally built has a larger setback (I note that the subdivision plans with such varying setbacks were approved by the City many years ago). Consequently, his side yard abuts my front yard, and so his trailer extends beyond my front door. Not only does this recreational storage area provide an unsightly view for visitors walking up my entrance-way, but it also blocks the view out of my den window and otherwise spoils the enjoyment which home owners should be able to derive from their residence. I attach to this letter five photographs which illustrate the situation, with a description of each photo at the end of this letter.

This situation gives rise to the following observations:

- Nobody should be allowed to store large RVs or boats on their property such that they are visible to the neighbors or from the curb. Stored RVs visible from the curb present a poor curbside appeal to a prospective buyer, even if on a neighboring lot, and so will adversely affect the price of the affected home. A general rule that would work here would be that one person's convenience should not work to a neighbor's detriment. This is particularly important in small-lot (1D) subdivisions.
- The City of Troy should insure that their laws and zoning regulations are such as to maintain and enhance residential values. The failure to require homeowners not to have cluttered or unsightly properties acts so as to decrease residential values.
- The City's failure to do this at present likely stems from changes in the zoning regulations done about a decade or so ago. Those changes have affected the City's image as being a family friendly place of beauty. We know of neighbors who have already left the neighborhood or Troy itself because of the RV storage problem and its effect on esthetics and values.

RV owners will protest that they have a right to their vehicles. And so they do. They do not, however, have a right to impose the storage costs on their neighbors instead of paying to store them off-site. There is no free lunch. We store our own boat off-site, and so practice what we preach.

If the financial crisis has re-taught us anything, it must be that it is cheaper and more efficient to prevent a problem than it is to fix it after the full damage is done. It is for that reason that we call your attention to the problems described above.

Thank you very much for your consideration of this unintended consequence of the present Troy zoning code. I hope that you and your group will be able to devise some solution to this problem. Moving out of Troy is one solution but not one we are anxious to undertake. Please feel free to contact us if you need any further information.

Sincerely yours

Robert Arking Lucille M. Arking
248-689-5286 (home) → brkzc@aol.com

PS. I enclose five photographs so as to better illustrate the situation caused by the zoning regs.
Photo 1: View from my entrance walk, with a prominent view of the stored RV on neighbor's lot to north of our house..
Photo 2. Street view of stored RV and boat on neighbor's lot to north
Photo 3. View out of my den window to neighbor's lot to north
Photo 4. View of stored boat and clutter behind RV on lot to north
Photo 5. View from our breakfast room window to stored RV on neighbor's lot to south

From: Brent Savidant
To: Kathy Czarnecki
Subject: FW: Draft Form Based Zoning Ordinance in respect to neighborhood nodes.
Date: Monday, January 24, 2011 3:08:11 PM

For distribution to PC at tomorrow's meeting.

From: Kathy Czarnecki **On Behalf Of** Planning
Sent: Monday, January 24, 2011 3:06 PM
To: Brent Savidant; 'Zak Branigan (zbranigan@cwaplan.com)'
Subject: FW: Draft Form Based Zoning Ordinance in respect to neighborhood nodes.

From: Pepblk2@aol.com [mailto:Pepblk2@aol.com]
Sent: Monday, January 24, 2011 3:03 PM
To: Planning
Cc: rbeltram@wideopenwest.com; mfhowryl@umich.edu; 000schilling@ameritech.net; wade.fleming@proforma.com; marykerwin5@hotmail.com; djlkslater@aol.com; mmcginnis@dmcginnis.com; rbjelica@comcast.net; Sheas6@wowway.com; shope@teomasystems.com; smith9724@att.net; cwhallick@hotmail.com; pepblk2@aol.com; troymeadowsassoc@yahoo.com; brhoupt@yahoo.com; abutcher01@yahoo.com; miciuda@wideopenwest.com
Subject: Draft Form Based Zoning Ordinance in respect to neighborhood nodes.

Planning Commission:

The following is my public comment regarding the proposed zoning ordinance changes posed on the city web site.

I attended the Master Plan review opened to the public several years ago and visited all of the stations. That was my first introduction to the concept of the *neighborhood nodes*. At that open house, the nodes were explained as areas that could be developed with such businesses as coffee shops, bakeries, outside eating areas etc. With the proposed form-base zoning for these areas, what would prevent commercial development such as gas stations, plants or other noxious commercial enterprises from coming to the nodes? Will these types of businesses be permitted to develop in the nodes? If not, is the prohibition clearly spelled out in the proposed ordinance? If they would be permitted in the nodes, I would strongly object to form base zoning for those areas as I believe that they would be a negative force on the property values of surrounding residential areas.

I think that there should be a formal provision for a resident representative for each neighborhood node to be present in the development of any zoning proposal for neighborhood nodes due to their proximity to residential neighborhoods.

One of the neighborhood nodes abuts my subdivision at Livernois and Wattles. Therefore, I will copy this email to my Home Owners Board and to the Mayor and city council for their consideration as well.

Thank you for your consideration,

Mary Ann Bernardi

From:	Brent Savidant
To:	Kathy Czarnecki
Subject:	FW: Zoning Plan
Date:	Wednesday, March 02, 2011 5:45:14 PM

From: Dennis Bostick [mailto:dbostick@troysports.com]
Sent: Wednesday, March 02, 2011 4:04 PM
To: Brent Savidant
Subject: FW: Zoning Plan

From: Dennis Bostick
Sent: Wednesday, March 02, 2011 4:03 PM
To: 'savidant@troymi.gov'
Subject: Zoning Plan

Brent,
Thank you for hosting the meeting today introducing the new proposed zoning plan for Troy. The new plan is very exciting and I believe will be a great help in revitalizing the City of Troy. Troy is one of the greatest cities in the State of Michigan and this type of proactive change and flexibility in redeveloping the older sections of Troy will keep Troy at the top. As we discussed today, I would like you to consider changing the parcel on the north side of the Troy Sports Center from the current REC zoning to the new CB Community Business zoning. We have been contemplating building an additional ice rink there. We have very strong interest from our current and potential new customers for additional ice availability. I believe it would be the best use for that parcel and the new rink would help to bring more business to the area. If you would like to discuss this further, please contact me anytime at 248-709-4001. Thanks again to you and all those involved in taking the initiative to move Troy forward.
Best Regards,
Dennis Bostick

From: Brent Savidant
To: Kathy Czarnecki
Cc: Paul M Evans
Subject: FW: Proposed Zoning Change
Date: Thursday, March 24, 2011 8:06:28 AM

From: Cynthia A Stewart
Sent: Thursday, March 24, 2011 7:58 AM
To: John Szerlag; John M Lamerato; Mark F Miller; Brent Savidant
Subject: FW: Proposed Zoning Change

From: Kathy Christy [mailto:ktchristy@hotmail.com]
Sent: Thursday, March 24, 2011 7:03 AM
To: Louise Schilling; rbeltram@wideopenwest.com; mmcginnis@dmcginnis.com; djlkslater@aol.com; Wade Fleming; mfhowryl@umich.edu; marykerwin5@hotmail.com
Cc: Cynthia A Stewart
Subject: Proposed Zoning Change

I apologize if you're getting this twice - I hadn't filled in the subject field in the previous email.

Dear Troy City Council Members,

I grew up in Troy, graduating from Troy High School in 1984. After graduating from the Michigan State University College of Veterinary Medicine in 1991 I lived and practiced in suburban Chicago for 7 years prior to returning to Michigan. My husband and I moved to Troy with our 3 children in 2005 feeling that Troy offered just what we were looking for in a community.

I am a veterinarian in the process of locating a space to open a new veterinary practice. I met with Mr. Brent Savidant, Planning Director for the city, and Zak Branigan, the Planning Consultant from Carlisle/Wortman Associates, Incorporated on Tuesday, March 15th and expressed my concern regarding the lack of space zoned properly for a veterinary practice in Troy. At this point there is one practice west of Rochester Road and the other four are all on or east of Rochester Road. I have secured a loan for my practice start-up through Bank of America and am just waiting to find a space to be able to open my doors for business. I am considering opening my practice in the vacant storefront located on the southwest corner of Crooks and South Boulevard. I live in the Forest Creek neighborhood behind this location and feel that I could contribute to the economy of the area in two major ways. First, my practice would attract clients from Birmingham, Bloomfield Hills, Bloomfield Township and West Bloomfield Township whose pets are my current patients. Also, my practice would contribute to the community by offering not only jobs, but also offering exceptional client and patient care for dogs and cats to my neighbors in Troy,

Rochester Hills and Auburn Hills.

I would urge you to consider the proposal for rezoning Troy as it would open up our vacant storefronts and offer opportunities that currently don't exist to bring desperately needed dollars into our city.

Thank you very much for your time and consideration.

Sincerely,

Kathryn Christy DVM

248-835-1256
ktchristy@hotmail.com

From: Jim Forrer
To: Kathy Czarnecki
Subject: RE: Zoning Ordinance Workshop
Date: Thursday, February 24, 2011 3:38:15 PM

Thank you Kathy.
This will help all our citizens.
We, The City of Troy, are the best....you help make this,
thank you Kathy.

Jim

James C. Forrer
President/CEO
"Helping Angels"-Charity &
Media Marketing, Inc. /"Crisis Management"

The Area Agency on Aging--AAA 1-B
Meals-on-Wheels/"Helping Angels"/Red Cross/Salvation Army/AA

" Helping to make a Difference in Life "

Subject: Zoning Ordinance Workshop
Date: Thu, 24 Feb 2011 11:40:40 -0500
From: CzarneckiK@troymi.gov
To: ammkem@hotmail.com; alexdebbie99@aol.com; squasha4u@aol.com; a.breidenich@troymi.gov; abrodbine@aol.com; acomiskey2@troy.k12.mi.us; shiningstar441@yahoo.com; morossreo@aol.com; babs8455@aol.com; bartbaron2000@yahoo.com; wecowger@acaciaphoto.com; jakpre24@msn.com; arbuckle@millercanfield.com; bjwattles@comcast.net; crk99@hotmail.com; ddarchmi@aol.com; chrly91cat@aol.com; tiger2000yuan@yahoo.com; celahiri@lahristudios.com; chriss@oelearning.com; C.Forsyth@troymi.gov; cjc123@gmail.com; Cindy.Stewart@troymi.gov; robin486@msu.edu; daveonlotus@aol.com; dlove15098@aol.com; dthanley@hotmail.com; nedludd@comcast.net; drkrall1776@yahoo.com; dlakin1954@wowway.com; djh611@aol.com; david@eisenbacher.org; accessanswers@aol.com; dianne.biernat@alcoa.com; dbeaubien@comcast.net; kondrat@wowway.com; dgguthrie@wideopenwest.com; donlg@netcsd.com; etokarski@waw.misd.net; eguzelay@hotmail.com; frstabler@cs.com; fredphillips@ameritech.net; mfr59troy@aol.com; gacastile@yahoo.com; ahmedhanna@msn.com; kberes3855@wowway.com; hadams1@wowway.com; ivanzoe@aol.com; gmpatsch@aol.com; jstarr@wideopenwest.com; Bigstew00@yahoo.com; jenerous5x@yahoo.com; jerryliberty@hotmail.com; miss_pulu@hotmail.com; glossnalceeyes@hotmail.com; jillstew65@aol.com; douglas2j@comcast.net; jwerpetinski@netzero.com; jslop9@aol.com; jimforrer@msn.com;

FRANKEL
ASSOCIATES

RECEIVED

JAN 24 2011

CITY OF TROY
CITY MANAGER'S OFFICE

January 21, 2011

Mr. John Szerlag, City Manager
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

RE: Zoning Ordinance

Dear Mr. Szerlag:

Thank you very much for providing me with a Draft of the proposed revised Zoning Ordinance for the City.

Upon review, I am very impressed and supportive of the new approach to stimulate quality development and investment in the City. As a long time Troy landlord and developer, I can appreciate what this new ordinance should be able to achieve.

If there is anything I can do to further this endeavor, please let me know.

Sincerely,

Stanley Frankel

srp

Somerset Place □ 2301 West Big Beaver Rd. □ Suite 900 □ Troy, MI 48084 □ (248) 649-2600 □ Fax (248) 649-1647

From: ggeisler272@aol.com
To: Planning
Subject: Comments on Proposed Zoning Ordinancs
Date: Tuesday, February 08, 2011 3:21:34 PM

Dear Sirs

I am writing to provide some feedback for the proposed zoning revisions.

First of all, I think is worth mentioning, I had some initial trepidation over a "comprehensive re-write," however, in general, the proposed changes/up-grades are much better then the current ones.

The follow are some concerns and suggestions I noticed in the solar energy systems. I also have some comments on the 'mixed-use' and neighborhood nodes, but those will have to wait.

1 Clarification
I believe the usage of active and passive solar energy systems conflicts with industry and common usage.

The Passive definition is OK (pg 2-17) however, in the solar Structure Section (pg 12-12), contextually "Passive" usage conflicts with the definition.

The Active definition is vague (Pg 2-2.) It is unclear whether Active refers to Articulated (sun-tracking systems) or "Forced circulation" systems where pumps/fans are used to motivate a transfer fluid through the system.

May I suggest, words like stationary, fixed and/or articulated be included in the text. Examples of each could be included in the definitions.

2 Concern
The Maximum Height of Structures in the Solar Section (pg 12-12) is inconsistent with the limitations placed on buildings and wind energy systems.

In the residential R-1A-E zoning, height is limited to 30 feet / 2.5 stories. In the same areas, wind turbines are limited to 25 or 35 feet. The 40 foot maximum height for freestanding active solar systems is out of line.

I have safety concerns (especially if 'active' refers to articulated systems) as a 40' tall pole mounted articulated PV Panel could have the similar 'downwind debris' issue wind system have (thrown blades, ice, loose bolts, etc.) A large flat plate is subject to lift, drag and pitch moments.

A 40 foot tall panel would also intrude on neighboring 'Solar Access.'

Perhaps, language such as "reasonably fits within the building envelope" for

architecturally integrated systems could be added, and free standing units be subjected to the same height limitations as buildings.

3 Concern

Same Solar Section. As written, Solar Systems are not subject to the maximum lot coverage as building are. There are limits placed on attached and detached accessory buildings (ie: garages.)

There should also be limits placed Solar systems. I am especially concerned about free standing units. As proposed, some real eyesores could be constructed (ie: the whole rear yard covered with collectors.)

At low sun angles (early morning/evening), such “over coverage” can place an unreasonable burden on neighboring properties (glare.)

Lastly, I just wanted to note I am pro-alternate energy, but don’t feel they should receive overly favorably consideration and preference.

Thank You for your time

-Gregory H. Geisler
mere citizen

June 3, 2010

To: Zoning Review Group

From: Rick Howard
Grace Christian Learning Center
2051 East Big Beaver Rd.
Troy, MI 48083

Re: Feedback on zoning ordinance in 10.30.03 paragraph A

To whom it may concern,

Thank you for reading and considering my comments, which pertain to Section 10.30.03 paragraph A of the zoning ordinance. The code requires 150 square feet of outside play area for every child under care at a daycare center. Here are reasons why I feel the code is inadequate and needs to be altered.

1) **Large Variance between State DHS and Troy Regulations:** The State of Michigan DHS department is the regulator and performs annual inspections for daycare centers. Their requirements call for 150 sq feet of outside play area for each child under our care, but only up to a maximum of 2500 square feet. The city code does not specify a maximum, yet it has a minimum that is <u>double the state maximum</u>. It raises the question as to why there a huge difference between the State and the City. Being daycare owners for almost 20 years our experience has led us to the conclusion that there is not a sufficient reason. We are confident that the intent was not to discourage the development of daycare centers in Troy, but perhaps on overlook in detail.

2) **Vague wording creating undue hardship:** In 1999, we purchased the property at 2051 E. Big Beaver with the intent to build a daycare center. We scrapped together every last dime we had to buy the lot. Then we spent thousands of dollars to prepare surveys and architectural drawings to submit to the city planning department. It was <u>then</u> brought to our attention by Troy Planning that we did not have enough outside play area per the city zoning ordinance. We did not have the option to back out of the purchase. We had to spend another $300,000 to acquire two lots that were adjacent to our property. In our situation we consider ourselves fortunate that the lots were for sale. For others, it could mean the end of their business. I know that the relationship between a business and the city is collaborative. The city wants new businesses to provide valuable services to the community and to increase the tax base. I believe the hardship created by the code is unintentional, and that the city may want to correct this piece of code and provide incentive for new businesses to come to Troy.

3) **Code failure to account for common sense exceptions:**

a) The code as it is written, fails to account for common sense exceptions. For example, 25 % of the children at our center are not walking yet. Therefore there is no need to set aside play area for them. We can easily assume the same percentage applies to most other daycares.
b) As a daycare, we ask ourselves how many children will actually be using the outside play area simultaneously? Our first priority is safety, so we have made the decision to never have all of our classrooms outside all at once. The most important thing about outside play is that we safely account for the children as they exit and re-enter the building. Each age group has a slotted time to use the playground. I think of the bus seating for our city schools. They use the same buses to cycle around to pick up the children in shifts, as opposed to having a seat for every child that attends the city schools. Mandating them to have a seat for every child would cause incredible hardship, and they would have to double if not triple the amount of buses they currently use. We strongly feel that the same logic applies to us.
c) What about inside play area as an alternate to outside play? Neither the state or city recognize a need or requirement for inside play area. We have a 2000 sq ft gym that the children enjoy with greater frequency than the outside play area. It has been a great feature for the kids and has set us apart from most other daycares. But this is not taken into account by the code.

These are the points I wanted to make. I feel they are convincing reasons to take action.

If this helps here is my suggested wording to replace section A.

That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. The maximum required play area will be limited to five thousand (5,000) square feet. Such play area shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Planning Commission.

The new code would still be <u>double</u> the state maximum. And it is no more difficult to enforce than the current code. Thank you for your consideration.

Sincerely

Rick Howard

From:	Brent Savidant
To:	"Zak Branigan"; "Richard Carlisle"
Cc:	Kathy Czarnecki
Subject:	FW: New Ordinance Suggestion
Date:	Thursday, March 03, 2011 8:11:30 AM

-----Original Message-----
From: Tom Krent [mailto:tomkrent@wideopenwest.com]
Sent: Wednesday, March 02, 2011 8:17 PM
To: Brent Savidant
Subject: New Ordinance Suggestion

Brent,
I watched the February Planning Commission meeting on WTRY last week and I have a suggestion.

At that meeting commissioners discussed a possible new ordinance regarding the parking of recreational vehicles on residential properties. The existing ordinance allows recreational vehicles to be parked behind the front wall of a home so that it lessens the visual impact on the neighborhood. That works fine in most cases because all of the houses on the street generally have the same setback from the street. In some neighborhoods, especially where the road may curve, the front of one house may be 20 or 30 feet in front of its neighbor's house. In those cases a neighbor's recreational vehicle may protrude 20 or 30 feet in front of the neighboring house. To remedy this situation, the proposed new ordinance would use the next door neighbor's house front as the governing line to allow parking of a recreational vehicle in a side yard. That way, the open spaces of the neighborhood's front yards are visually preserved. That desired objective preserves the natural features of front yards by eliminating large mechanical objects in front yard areas.

The matter was not acted on at that February meeting. It seemed that some members felt that the ordinance change would have no effect on the problem because all of the existing situations would be "grandfathered". Even though that is what would happen in the short term, I feel that we should plan for the future. As families move over the next 30 or 40 years, the new ordinance would improve the situation, and slowly weed out those situations that cause neighbors to quarrel.

I know of one case where a resident moved because of this situation. After living in a Troy house for many years a new family moved in next door and parked their RV behind the front of their house. That legally parked RV protruded 20 feet in front of the house next door. The point of friction between the two neighbors resulted in the long-time Troy homeowner moving.

My suggestion is that the Planning Commission should adopt the new ordinance revision that uses a next-door neighbor's house front as the governing factor to determine the front setback for parking recreational vehicles in residential neighborhoods. Our ordinances should provide rules that reduce neighbor to neighbor quarrels.

Tom Krent
3184 Alpine
Troy, MI 48084

248-649-4948

From:	Brent Savidant
To:	"Zak Branigan"; "Richard Carlisle"; Mark F Miller
Cc:	Kathy Czarnecki
Subject:	FW: Zoning Ordinance Workshop
Date:	Wednesday, March 02, 2011 11:00:52 AM

From: Jason Longhurst [mailto:jlonghurst@nowakfraus.com]
Sent: Wednesday, March 02, 2011 10:55 AM
To: Brent Savidant
Subject: Zoning Ordinance Workshop

Brent,

We appreciate the opportunity to review the proposed improvements to the City of Troy Zoning Ordinance. We have briefly reviewed the draft documents posted to the City's website and find them to be very thorough and user friendly. The following is a summary of our questions / comments at this time:

- **The deletion of the Schedule of Regulations was concerning as this is where we receive a majority of the information displayed on our Site Plans. However, having this information broke down and displayed in each zoning classification is very user friendly and appears to be an improvement over the typical Schedule of Regulations chart.**
- **Are the restrictions noted for some uses in Specific Use Standards more restrictive than what is listed in the zoning classifications where those uses are permitted? If so, it may be beneficial to provide notation under each zoning classification directing readers to the Specific Use Standards for additional requirements. This may have already been provided and we just missed it in our brief review.**
- **We see that the use of bio-swales, rain gardens, etc. is being promoted under the new Stormwater Management section. Will the use of these BMP's help to offset the overall stormwater detention requirement for a site (i.e. - have their volume count towards the total required volume for a development)?**

I'll forward the draft ordinance around our office and send you any additional comments that we may have.

Please feel free to contact me should you wish to discuss our comments further. I can be available this afternoon if you would like us to stop by for a meeting.

Jason R. Longhurst, P.E.
Project Engineer
jlonghurst@nowakfraus.com

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVENUE
PONTIAC, MI 48342
248.332.7931 VOICE
248.332.8257 FAX

W W W . N O W A K F R A U S . C O M

UNIVERSAL CONSOLIDATED ENTERPRISES, INC.

A DIVERSIFIED COMPANY WITH MULTIPLE INTERESTS

March 14, 2011

City of Troy, Planning Department
ATT: R. BRENT SAVIDANT, AICP/PCP
500 West Big Beaver Road
Troy, MI 48084

RE: RESPONSE/REACTION TO THE MARCH 8, 2011 CITY OF TROY MEETING AND DISCUSSION RELATED TO THE PROPOSED ORDINANCE CHANGES.

Dear Mr. Savidant,

I am corresponding to comment in regards to your proposed zoning ordinance changes. From my point of view it appears that your efforts have been focused on creating a more user friendly ordinance and allowing for a considerably more amicable process for potential development in your community. For these efforts I must commend all of those who have been involved.

You and your contemporaries obviously have the foresight to make these important and necessary changes. The phrase coined by Mr. Miller of "FAST, FAIR, & PREDICTABLE" as applied to these processes is well over due. I completely concur with the direction that you are taking the City of Troy.

In this competitive real estate market and in the state of the current economy no city can afford to alienate the current residents, whether they be individuals, corporations, industrial or commercial tenants. Keeping those who are currently in the City and attracting new ones is extremely important to the vitality of your community. Your newly proposed ordinance changes, in my belief, will facilitate just that!

Many of my customers will welcome the change. We will also be much more inclined to steer new development and bolster expansion of existing facilities within your community as opposed to relocation to another. I need not mention more in this regard.

We are looking forward to working with you in your city under these new guidelines. Keep up the good work!

Sincerely,

Bradley A. Wolfbauer

17625 E. TEN MILE ROAD – ROSEVILLE, MICHIGAN, USA 48066-3870 – PH: 586-772-4854 – FAX: 586-772-5436