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## **PLANNING COMMISSION MEETING AGENDA REGULAR MEETING**

Tom Krent, Chairman, David Lambert, Vice Chairman  
Carlton Faison, Michael W. Hutson, Lakshmi Malalahalli,  
Marianna Perakis, Sadek Rahman, Jerry Rauch and John J. Tagle

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**January 26, 2021**

**7:00 P.M.**

**Remote Meeting**

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***Public Comment may be communicated to the Planning Commission via telephone voice mail by calling 248.524.1305 or by sending an email to [planning@troymi.gov](mailto:planning@troymi.gov). All comments will be provided to the Planning Commission.***

1. ROLL CALL
2. SUSPENSION OF PLANNING COMMISSION BYLAWS
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES – January 12, 2021
5. PUBLIC COMMENT – For Items Submitted via Email or Telephone Message

### **PRELIMINARY SITE PLAN REVIEW**

6. PRELIMINARY SITE PLAN APPROVAL (File Number SP2020-0017) – Proposed Janineh Medical Building, East side of Rochester Road, south of Square Lake Road (5600 Rochester Road; PIN 88-20-11-154-021), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment.

### **OTHER ITEMS**

7. PLANNING COMMISSION COMMENT
8. 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](mailto: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.

## **PROPOSED RESOLUTION**

### **PROPOSED RESOLUTION TO TEMPORARILY SUSPEND THE PLANNING COMMISSION RULES OF PROCEDURE**

#### **Resolution # PC-2021-01-**

Moved by:

Seconded by:

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon issued an Order on October 5, 2020 under MCL 333.2253 restricting indoor gathering sizes to protect public health and safety, and

WHEREAS Public Act 254 of 2020 permits public meetings to be held by electronic means where an in person meeting could detrimentally increase exposure of board members and the general public to COVID-19,

THEREFORE BE IT RESOLVED, That as allowed by Planning Commission Rules of Procedure Article IV, Section 6, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS** the requirement of holding a meeting at the Troy City Hall and **ALLOWS** all Troy Planning Commission Members to electronically participate in any Planning Commission meeting through March 31, 2021.

Members participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present. However, members must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision.

RESOLVED, As allowed by Planning Commission By-laws and Rules of Procedure Article X, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS AND MODIFIES** the By-laws and Rules of Procedure concerning the Order of the Agenda, as set forth in Article V, Section 3, to consolidate the Public Comment sections of the meeting for any meeting held through March 31, 2021.

RESOLVED, As allowed by Planning Commission By-laws and Rules of Procedure Article X, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS AND ALLOWS** two methods of receiving Public Comment for virtual meetings. Public comments can be submitted for the Planning Commission meeting by sending an email to: [planning@troymi.gov](mailto:planning@troymi.gov). Emails received prior to 4:00 pm on the day of the Planning Commission meeting, will be read at the meeting and made part of the public record. Public comments can also be submitted by calling the following phone number and leaving a voicemail message: (248) 524-1305. Recorded voicemail messages received prior to 4:00 pm on the day of the Planning Commission meeting will be played at the meeting. For emails and recorded messages received after the deadline, reasonable efforts will be made to read emails and play recorded messages received during the meeting. Email and voicemail public comments will be limited to three minutes each.

Chair Krent called the virtual Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 12, 2021. Chair Krent introduced the procedure to be followed for a remote meeting.

1. ROLL CALL

Present:

Carlton M. Faison  
Michael W. Hutson  
Tom Krent  
David Lambert  
Lakshmi Malalahalli  
Marianna Perakis  
Sadek Rahman  
Jerry Rauch  
John J. Tagle

Also Present:

R. Brent Savidant, Community Development Director  
Ben Carlisle, Carlisle Wortman Associates  
Julie Quinlan Dufrane, Assistant City Attorney  
Jackie Ferencz, Planning Department Administrative Assistant  
Kathy L. Czarnecki, Recording Secretary

2. SUSPENSION OF PLANNING COMMISSION BYLAWS

**Resolution # PC-2021-01-001**

Moved by: Faison

Support by: Tagle

**WHEREAS**, the Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon issued an Order on October 5, 2020 under MCL 333.2253 restricting indoor gathering sizes to protect public health and safety, and

**WHEREAS**, Public Act 254 of 2020 permits public meetings to be held by electronic means where an in-person meeting could detrimentally increase exposure of board members and the general public to COVID-19,

**THEREFORE BE IT RESOLVED**, That as allowed by Planning Commission Rules of Procedure Article IV, Section 6, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS** the requirement of holding a meeting at the Troy City Hall and **ALLOWS** all Troy Planning Commission Members to electronically participate in any Planning Commission meeting through March 31, 2021.

Members participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present. However, members must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision.

**RESOLVED**, As allowed by Planning Commission By-laws and Rules of Procedure Article X, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS AND MODIFIES** the Bylaws and Rules of Procedure concerning the Order of the Agenda, as set forth in Article V, Section 3, to consolidate the Public Comment sections of the meeting for any meeting held through March 31, 2021.

**RESOLVED**, As allowed by Planning Commission By-laws and Rules of Procedure Article X, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS AND ALLOWS** two methods of receiving Public Comment for virtual meetings. Public comments can be submitted for the Planning Commission meeting by sending an email to: [planning@troymi.gov](mailto:planning@troymi.gov). Emails received prior to 4:00 pm on the day of the Planning Commission meeting, will be read at the meeting and made part of the public record. Public comments can also be submitted by calling the following phone number and leaving a voicemail message: (248) 524-1305. Recorded voicemail messages received prior to 4:00 pm on the day of the Planning Commission meeting will be played at the meeting. For emails and recorded messages received after the deadline, reasonable efforts will be made to read emails and play recorded messages received during the meeting. Email and voicemail public comments will be limited to three minutes each.

Yes: All present (9)

**MOTION CARRIED**

3. APPROVAL OF AGENDA

**Resolution # PC-2021-01-002**

Moved by: Hutson

Support by: Lambert

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (9)

**MOTION CARRIED**

4. APPROVAL OF MINUTES

**Resolution # PC-2021-01-003**

Moved by: Tagle

Support by: Faison

**RESOLVED**, To approve the minutes of the December 8, 2020 Regular meeting as submitted.

Yes: Faison, Hutson, Krent, Lambert, Malalahalli, Rahman, Rauch, Tagle

Abstain Perakis

**MOTION CARRIED**

5. PUBLIC COMMENT – For Items Submitted via Email or Telephone Message

Ms. Ferencz reported there was no public comment.

**PRELIMINARY SITE PLAN AND SPECIAL USE APPROVAL**

6. SPECIAL USE APPROVAL LONG LAKE AND DEQUINDRE SHELL ADDITION (File Number SP2020-0001) – Proposed Long Lake Shell Addition, Southwest corner of Long Lake and Dequindre, Section 13, Currently Zoned NN (Neighborhood Node “J”) District

Mr. Savidant announced property owner Sam Askar and project architect Arthur Kalajian were present.

Mr. Carlisle presented a PowerPoint explanation on the difference between a Special Use development and a by-right development.

Mr. Carlisle reviewed the Preliminary Site Plan and Special Use application. The application was presented, and a Public Hearing conducted, at the Planning Commission February 11, 2020 meeting. Mr. Carlisle said the item was postponed because the applicant was required to go before the Zoning Board of Appeals (ZBA) for three variance requests. Mr. Carlisle reported the applicant was granted the three variances at the November 17, 2020 Zoning Board of Appeals meeting.

Mr. Carlisle addressed site plan concerns as identified in his report dated January 7, 2021, relating to deficiency in parking spaces, screening and vehicular storage. Mr. Carlisle noted additional details such as calculations and species are required on the landscape plan and the applicant is required to submit a photometrics plan.

Mr. Carlisle said he supports the reinvestment in the site. He said the application meets the Special Use standards and he recommends allowing the applicant to amend the site plan to address the concerns as noted in his report, either formally through the Planning Commission or administratively, subsequent discussion by the Planning Commission.

Mr. Savidant clarified for the record that one person in support of the application spoke at the Public Hearing on February 11, 2020 and a Public Hearing was conducted at the Zoning Board of Appeals meeting.

Mr. Kalajian addressed the modified floor plan, parking, internal storage of vehicles, dumpster location and landscaping. He emphasized the waiting room would improve overall parking concerns and the property owner would control and manage parking as well.

Mr. Askar reminded the Board that signatures from the neighborhood in support of the site plan improvements are on record from the February 11, 2020 meeting. He addressed both employee and clientele parking on site and assured the Board he personally would manage and control parking. Mr. Askar said he believes the existing landscaping along the west side is more aesthetically pleasing than a wall but he would

accommodate the wishes of the Planning Commission. Mr. Askar stated the elevation provided in the application is true to the proposed building design.

There was discussion on:

- Parking; employee and clientele, management of and control.
- Relocation of dumpster and “free” air pump.
- Type of repair work; oil changes, brakes, tires.
- Interior storage of vehicles and service products.
- Elevation; true to pictures, color, design.
- Number of employees; owner, one cashier, two mechanics.
- Landscape screening.
- Hours of operation: pump service and convenience store hours 6 am to 12 midnight daily; mechanic on duty 9 am to 6pm Monday-Friday, 9am to 3pm Saturday and no service on Sunday.
- Parking deficiency; options of consideration to meet requirements.
- Parking requirements and calculations per Zoning Ordinance.

Mr. Rahman, representative on the Zoning Board of Appeals (ZBA), reported landscape screening on the west side of the service station was discussed at the meeting and it was determined that the natural beauty of the existing trees is preferred in lieu of a wall.

**Resolution # PC-2021-01-**

Moved by: Rahman

Support by: Faison

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed Long Lake Shell Addition, Southwest corner of Long Lake and Dequindre, Section 13, Currently Zoned NN (Neighborhood Node “J”) District, be granted.

**Discussion on the motion on the floor.**

Mr. Savidant asked that approval be conditioned on the applicant providing sufficient landscape details and lighting details prior to Final Site Plan approval, noting both can be reviewed and approved administratively.

Mr. Rahman and Mr. Faison agreed to add the conditions to the approval.

**Resolution # PC-2021-01-004**

Moved by: Rahman

Support by: Faison

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed Long Lake Shell Addition, Southwest corner of Long Lake and Dequindre, Section 13, Currently Zoned NN (Neighborhood Node “J”) District, be granted, subject to the following conditions:

1. Prior to Final Site Plan approval, the applicant provides the lighting details and landscaping details.

Yes: All present (9)

### **MOTION CARRIED**

7. PLANNED UNIT DEVELOPMENT (File Number PUD2020-0018) – Proposed Concept Development Plan (CDP) for Long Lake and Crooks Masterplan Development, Southwest corner of Long Lake and Crooks, Section 8, Currently Zoned O (Office) District

Mr. Savidant announced project architect Chris Beck of Gensler, Anthony Antone of Kojaian Properties and traffic consultant Julie Kroll of Fleis & Vandenbrink were present.

Mr. Antone gave a brief introduction of Kojaian Properties. He said the proposed development would serve as a gateway to North Troy.

Mr. Savidant presented a PowerPoint explanation of a Planned Unit Development (PUD) application.

Mr. Carlisle gave a brief introduction of the Conceptual Development Plan and how the application relates to the Master Plan for North Troy. He addressed additional elements for the applicant to consider and questions for the Planning Commission to consider, as identified in his report dated December 29, 2020. Mr. Carlisle reported the applicant is seeking flexibility in phases, uses and design features.

There was discussion on:

- Water feature; location, focal point, community attraction.
- Residential key component; multi-family, live/work.
- Density and massing of project; building height.
- Preservation of existing green space.
- Applicant request for flexibility as relates to market demand and City vision.
- Viability of office space and hotel in relation to existing office vacancy and number of hotels currently in City.
- Outdoor activities and attractions to engage residents and community; walkability, vehicular-free plaza area.
- Destination point for family and community gatherings.
- Parking; expand parking structure, reduce surface parking, charging stations for electric vehicles.
- Limited available land in City for development of this size.
- Potential to attract large office headquarters.
- Affirmation of worldwide renown architectural firm Gensler.

Mr. Beck addressed greenspace as relates to existing tree quality and species, parking options, water feature, stormwater detention and intent to be flexible based on potential future uses and evolution of project.

Mr. Antone addressed a residential component, density, potential to attract large office headquarters and flexibility in development long-term.

### **OTHER ITEMS**

#### **8. MISCELLANEOUS BUSINESS – Correspondence from Zoning Board of Appeals**

Ms. Dufrane said Mr. Rahman could introduce the item but requested no discussion or action by the Board because of a pending lawsuit on the matter recently received by the City.

Mr. Rahman introduced an agenda item that was considered by the Zoning Board of Appeals at their November 17, 2020 meeting requesting a variance for relief of the required setbacks to construct a deck on a home constructed within a Cluster development.

#### **9. ELECTION OF OFFICERS**

There was a brief discussion on keeping the current Chair and Vice Chair in their respective roles because of the limited meetings held in 2020 due to the pandemic.

Chair Krent opened the floor for nominations.

Mr. Faison nominated ***Tom Krent as Chair*** and ***David Lambert as Vice Chair***.

There were no further nominations placed on the floor. Chair Krent closed the floor to nominations.

Roll Call vote on the nominations on the floor for Chair and Vice Chair.

All present (9)

Mr. ***Sadek Rahman*** assented to continue his role as ***ZBA Representative***.

There were no further nominations placed on the floor. Chair Krent closed the floor to nominations.

Roll Call vote on the recommendation of appointment for ZBA Representative.

All present (9)



10. PLANNING COMMISSION COMMENT

Newly appointed members Lakshmi Malalahalli and Jerry Rauch gave a brief introductory of themselves.

Mr. Lambert thanked Mr. Rahman for his continued role as ZBA Representative.

The virtual Regular meeting of the Planning Commission adjourned at 9:14 p.m.

Respectfully submitted,

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Tom Krent, Chair

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Kathy L. Czarnecki, Recording Secretary

C:\Users\bob\Documents\Kathy\COT Planning Commission Minutes\2021\2021 01 12 Regular Meeting\_Draft.doc

DATE: January 20, 2021

TO: Planning Commission

FROM: R. Brent Savidant, Community Development Director

SUBJECT: PRELIMINARY SITE PLAN APPROVAL (File Number SP2020-0017) – Proposed Janineh Medical Building, East side of Rochester Road, south of Square Lake Road (5600 Rochester Road; PIN 88-20-11-154-021), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment.

The petitioner Mocerri Companies submitted the above referenced Preliminary Site Plan application for a 7,616 square foot medical office building on a 1.488 acre site. The property is controlled by a Consent Judgment which must be amended and approved by City Council. Therefore, the Planning Commission is a recommending body for this Preliminary Site Plan application.

The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City's Planning Consultant, summarizes the project. CWA prepared the report with input from various City departments including Planning, Engineering, Public Works and Fire. City Management supports the findings of fact contained in the report and the recommendations included therein.

Attachments:

1. Maps
2. Report prepared by Carlisle/Wortman Associates, Inc.
3. Preliminary site plan application
4. Consent Judgment (Case no. 88-360890 CZ)
5. First Amended and Restated Consent Judgment.

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## **PROPOSED RESOLUTION**

PRELIMINARY SITE PLAN APPROVAL (File Number SP2020-0017) – Proposed Janineh Medical Building, East side of Rochester Road, south of Square Lake Road (5600 Rochester Road; PIN 88-20-11-154-021), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment.

### **Resolution # PC-2021-01-**

Moved by:

Seconded by:

**RESOLVED**, The Planning Commission recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Janineh Medical Building, located on the east side of Rochester (5600 Rochester Road), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment, be granted, subject to applicant the following:

\_\_\_\_\_ ) or

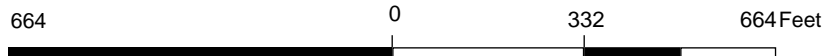
(denied, for the following reasons: \_\_\_\_\_) or

(postponed, for the following reasons: \_\_\_\_\_)

Yes:

No:

**MOTION CARRIED/FAILED**



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.





664 0 332 664 Feet



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



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: January 18, 2021

## **Amendment to Consent Judgment and Preliminary Site Plan Review For Troy, Michigan**

<b>Applicant:</b>	<b>Dominick Tringali</b>
<b>Project Name:</b>	<b>Janineh Medical Building</b>
<b>Plan Date:</b>	<b>October 15, 2020</b>
<b>Location:</b>	<b>5600 Rochester Road</b>
<b>Parcel ID:</b>	<b>80-20-11-154-021</b>
<b>Zoning:</b>	<b>R1-C</b>
<b>Action Requested:</b>	<b>Amendment to Consent Judgment, Preliminary Site Plan Review, Special Use Approval</b>

### **PROJECT AND SITE DESCRIPTION**

The applicant is requesting preliminary site plan to construct a 7,616 square-foot medical office building. The medical office building will include three (3) offices, six (6) exam rooms, four (4) bathrooms, a laser room, vestibule and reception area, waiting areas, a sales room, operation room, fitness room, and two (2) massage rooms. The site is located at 5600 Rochester Road, north of Long Lake Road. The 1.488-acre site is located in the R1-C, One-Family Residential District where medical offices are not permitted. However, this parcel in the R1-C District is controlled by consent judgment that was approved on June 23, 1992.



**Figure 1. Location of the Subject Site**



**Table 1. Zoning of Adjacent Properties**

	<b>Zoning</b>	<b>Uses</b>
<b>North</b>	R-1 C, One-Family Residential	Institutional (Church)
<b>South</b>	R-1 C, One-Family Residential	Institutional (Daycare)
<b>East</b>	R-1 C, One-Family Residential	Single Family Residential
<b>West</b>	CF, Community Facilities	Golf Course, Park

**Items to be Addressed:** None.

## CONSENT JUDGMENT

The 1992 consent judgment applied to two parcels, 5600 Rochester (parcel a) and the parcel directly south (parcel b). The conditions of the consent judgment for 5600 Rochester Road (parcel a) included:

1. *The special use permitted is by Recording for the Blind, a nonprofit, charitable organization. Any building on Parcel "A" may be used for the recording of educational materials by "volunteers and general office space for Recording for the Blind. No sales of goods or services or subleasing of space shall be permitted.*
2. *The special use approved for Recording for the Blind is for educational purposes, and the schedule of regulations attached as Exhibit B now applicable to schools, being Section 10.30.02 of Article X of the Troy Zoning Ordinance (Chapter 39), shall apply and control the use, development, and occupancy of the property depicted as Parcel "A". The requirement for a minimum site area of five acres is waived.*
3. *Upon cessation of the special use approved for Recording for the Blind, Parcel "A" shall be developed, used and occupied for the purposes set forth in Article X (R-1c, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.*

Ultimately the City Council is the approving body to amend the consent judgment. However, the Planning Commission is asked to consider the proposed amendment and make a recommendation upon amending the consent judgment. The proposed amendment to the consent judgment includes changing of use from non-profit office to medical office, and continuation of the use of the site after the closure of the use as a non-profit office.

Please note we have completed a detailed site plan review. Any approval of the preliminary site plan would be contingent upon the City Council agreeing to amend the consent judgment.

The second parcel subject to the consent judgment was permitted to build a childcare center. The center exists to the day. The parcel to the south does not seek any amendment to the agreed upon consent judgment.

**Items to be Addressed:** *Planning Commission to consider amending the Consent Judgment.*

## AREA, WIDTH, HEIGHT, SETBACKS

	R-1 C	Provided	Compliance
<b>Max. Building Height</b>			
Stories	2 ½	1	YES
Feet	30 Feet		Unknown
<b>Minimum Setbacks</b>			
Front	30 Feet	61.37 Feet	YES
Side	10 Feet,	108.29 Feet	YES



	20 Feet combined	Combined	
Rear	40 Feet	59.91 Feet	YES
Max. Lot Coverage	30%	11.7%	YES

The applicant shall indicate building height.

**Items to be Addressed:** Indicate building height.

## NATURAL RESOURCES

**Topography:** Subject site's elevation increases by a foot to the east of Rochester Road.

**Wetlands:** The Gibson-Renshaw Drain is located on the parcel to the south of the proposed medical office.

**Woodlands:** The site has woodlands around the Gibson-Renshaw Drain to the south. There are woodlands to the east along the single-family residential property lines. Applicant provides a Tree Preservation Plan on Sheet L1. None of the trees are protected and require mitigation because either they are invasive species, in poor condition, or not large enough to qualify.

**Items to be Addressed:** None.

## BUILDING LOCATION AND SITE ARRANGEMENT

The subject site is currently home to a 3,223 square-foot, one (1) story brick building. The applicant will demolish the building to construct the medical office building in its place. The building will be centered in the site, with full automobile access around the building. There is a porte-cochere and patient drop-off in front of the building. Parking will be on the north and east side of the building. One point of access will be off Rochester Road.

**Items to be Addressed:** None.

## PARKING

Section 13.06.G of the Zoning Ordinance requires:

	Required	Provided
Medical clinics is two (2) spaces per exam or outpatient procedure / operating room, plus one (1) space per laboratory or	Ten (10) exam/procedure rooms, eight (8) labs/other rooms, as well as having a maximum total of ten (10) employees.  = 38 spaces	39 spaces

recovery room, plus one (1) space per employee.		
Barrier Free	2	2
Bicycle Parking	2	0
Loading	1	0
<b>Total</b>	<b>38</b>	<b>39</b>

Because of the use as a medical facility we recommend additional barrier-free spaces. See engineering comments below for more details.

The applicant is not providing a bicycle rack. The applicant is not providing any loading; however, the Planning Commission may waive the loading space requirement.

**Items to be Addressed:** 1). Provide bicycle rack for two bicycles; and 2). Ask for waiver from loading space requirement.

#### SITE ACCESS AND CIRCULATION

The applicant is proposing to remove the existing access to the site on the northwest to create a new 25-foot-wide access to the southwest. The plan shows one (1) driveway access point from Rochester Road. There is a two (2) way asphalt drive proposed around the medical office building.

**Items to be Addressed:** None.

#### SAFETY PATHS

The applicant proposes a five (5) foot-wide concrete safety path around the building where a parking space is present. There is a proposed concrete walk along Rochester Road. The applicant provides three (3) ADA ramps in the parking lot.

**Items to be Addressed:** None

#### LANDSCAPING

The application includes a landscape plan and calculations.

	<u>Required:</u>	<u>Provided:</u>	<u>Compliance:</u>
<u>Street Trees:</u> The Ordinance requires that 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.	Rochester = 268 feet = 9 trees	9 trees	Compliant
<u>Site landscaping:</u> A minimum of twenty percent (20%) of the site area shall be comprised of hardscape and landscape material.	20%	34% landscaping.	Compliant
<u>Parking Lot Landscaping:</u> 1 tree for every 8 parking spaces. Trees may be located adjacent to parking lot with Planning Commission approval.	39 surface spaces = 5 trees	3 trees	Deficient by 2 trees
<u>Screening between land uses:</u> Large evergreen every 10 feet or smaller every 3 feet.	Unknown	22 6-foot-tall cedar	Plantings shown on plan but calculations not provided.

The applicant is showing an at-grade generator and transformer at the rear of the site adjacent to the single-family residential homes. We recommend that the transformer and generator be moved adjacent to the building and screened accordingly. The peninsula bump-out that currently houses the transformer and generator can be used for an additional parking lot tree.

Trash enclosure screening details are not provided on the plans.

**Items to be Addressed:** 1. Add two parking lot trees; 2). Provide screening calculation on plans; 3. Relocate transformer and generator to building; and 4). Provide trash enclosure screening details.

## LIGHTING

The applicant has provided a lighting (photometric) plan and lighting fixture details. The applicant is proposing nine (9) pole lights, two (2) building sconces, and two (2) under canopy lights. There are two (2) twenty-foot tall poles that are at the rear of the site adjacent to the single-family residential homes. It will take time for the screening vegetation to reach a mature height to screen those poles. Is the applicant willing to a). reduce the height of those poles to 10 feet; or 2). Tilt them inward to ensure no light spillage and so screen the visible light source from the residential properties; or 3). Put lights on timers to dim or turn off between 11:00PM and sunrise?

**Items to be Addressed:** *For the two pole lights that are in the rear of the property, is the applicant willing to a). reduce the height of those poles to 10 feet; or 2). Tilt them inward to ensure no light spillage and so screen the visible light source from the residential properties; or 3). Put lights on timers to dim or turn off between 11:00PM and sunrise?*

## FLOOR PLAN AND ELEVATIONS

Floor plans and elevations have been provided on Sheets 1 through 6. A roof plan is included on Sheet 2 of 6. Cross sections of the proposed building are provided on Sheet 6 of 6. Materials appear to be brick and stone but are not clearly indicated on elevations. In addition, the applicant didn't provide a 3-D model to view the site in context especially adjacent to the adjacent residential properties.

As set forth in Section 8.06.B. Development shall incorporate the following recognized best architectural building design practices:

- 1) Foster a lasting impact on the community through the provision of high-quality design, construction, and detailing.
- 2) Provide high quality, durable materials, such as but not limited to stone, brick, glass, and metal. E.I.F.S. or material equivalent shall only be used as an accent material.
- 3) Develop buildings with creativity that includes balanced compositions and forms.
- 4) Design roofs that are appropriate to the architectural style of the building and create an appropriate visual exterior mass of the building given the context of the site.
- 5) For commercial buildings, incorporate clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, and/or landscape planters.
- 6) Include community amenities that add value to the development such as patio/ seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public.

Applicant has not provided a design narrative outlining how they incorporate "best architectural building design practices."

**Items to be Addressed:** *1). Indicate materials; 2). Provide design narrative; and 3). Provide 3-D model.*

## FIRE and ENGINEERING REVIEWS

The plans have been reviewed by the Fire and Engineering Departments.

Fire:

1. *Existing hydrants along Rochester Road exceed maximum allowable distance (225') from most remote building areas. An additional hydrant is required whether fire suppression is installed or not.*
2. *Install fire lanes.*

Engineering:

1. *Along the east side of the building, there is a deflection in the curbline that creates the appearance of a passenger loading zone. It is unclear what the intent of this area is. If it will be used as a patient pickup/dropoff area, or other curbside service, it should be sufficiently wide to accommodate a vehicle without obstructing the parking drive aisle. As configured, vehicles temporarily parked in this curbside area have the potential to inhibit other parked vehicles from being able to exit along the east side of the building should be reconfigured.*
2. *On the east side of the building, it appears the exterior door swing would obstruct the usable sidewalk width. The sidewalk at this doorway as to maintain a clear width of at least five (5) feet with the door open.*
3. *The plans currently show two (2) accessible parking spaces. We strongly suggest that additional accessible parking spaces be provided. As a medical facility, a higher level of accessible parking may be required in accordance with ADA Standards (§208.2.2). If the proposed medical building will be utilized for outpatient physical therapy or rehabilitation services, at least 20% of the spaces must be accessible. The floor plan indicates a portion of the building is designated for fitness and massage. If these are intended for patient use, the 20% accessible parking requirement must be applied to the portion of the building that will be used for rehabilitation or outpatient physical therapy.*
4. *At the site driveway, the concrete sidewalk (including jointing patterns) should extend through the driveway approach, instead of using sidewalk ramps. This provides a visual cue that pedestrians have the right-of-way.*
5. *The proposed site driveway should be 30 feet wide with 30 feet radii. It appears that the drive is 25 feet. The plans should clearly dimension the driveway throat width.*
6. *We recommend a right turn deceleration lane on Rochester Road at the site driveway be provided.*

**Items to be Addressed:** Address fire and engineering reviews

## RECOMMENDATIONS

Planning Commission is asked to consider the proposed amendment to the Consent Judgment to change the use from non-profit office to medical office, and to allow for the continuation of the use for a non-residential use after the closure of the use as a non-profit office.

If the Planning Commission recommends the proposed amendment to the Consent Judgment, we are recommending that the Planning Commission consider the proposed site plan but postpone action to allow the applicant to address the following:

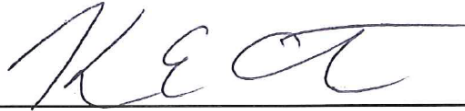
1. Indicate building height.
2. Provide bicycle rack for two bicycles.
3. Ask for waiver from loading space requirement.
4. Add two parking lot trees.

5. Provide screening calculation on plans.
6. Relocate transformer and generator to building.
7. Provide trash enclosure screening details.
8. Reduce the height of those poles to 10 feet or tilt them inward to ensure no light spillage and so screen the visible light source from the residential properties.
9. Put lights on timers to either turn off or reduce intensity between 11:00PM and sunrise.
10. Indicate materials.
11. Provide design narrative.
12. Provide 3-D model.
13. Address fire and engineering review.

---



**CARLISLE/WORTMAN ASSOC., INC.**  
**Benjamin R. Carlisle, AICP, LEED AP**  
**Principal**



**CARLISLE/WORTMAN ASSOC., INC.**  
**Kristoffer Canty**  
**Planner**

**OWNER / DEVELOPER**

INAD JANINEH  
732 South Rochester Rd.  
Oakland Twp., MI 48363  
Tel. (810) 627-9606

**ARCHITECT / BUILDER**

MOCERI COMPANIES  
3005 University Drive  
Auburn Hills, MI 48326  
Tel. (248) 340-9400

CONTACT: DOMINIC MOCERI  
Email: dmoceri@moceri.com

**CIVIL ENGINEER**

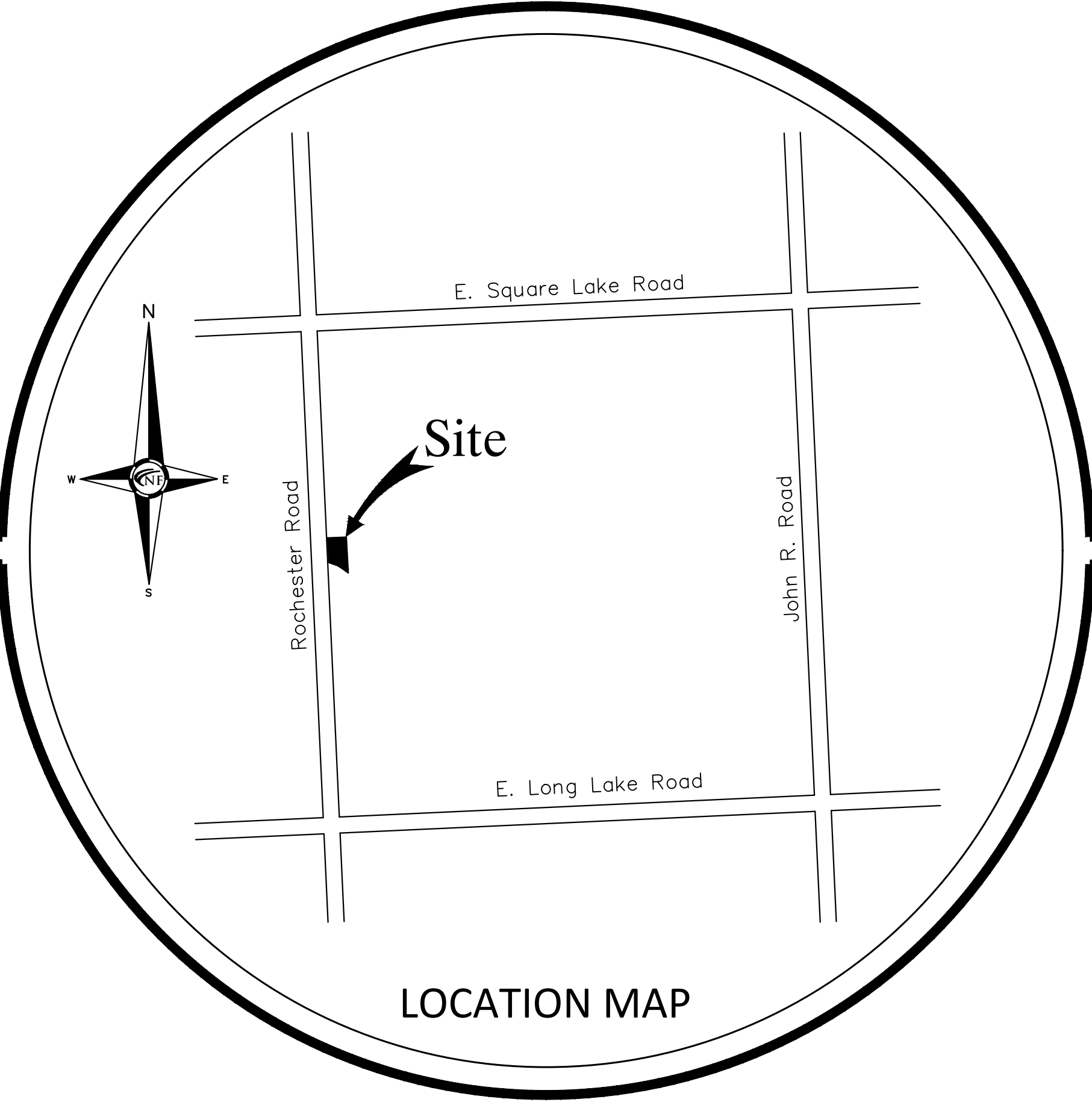
NOWAK & FRAUS ENGINEERS  
46777 Woodward Ave.  
Pontiac, MI 48342-5032  
Tel. (248) 332-7931  
Fax. (248) 332-8257

CONTACT: BRETT BUCHHOLZ, PE

Tel. (248) 332-7931  
Fax. (248) 332-8257

City of Troy,  
Oakland County, Michigan  
**SITE PLAN DOCUMENTS**  
Prepared For  
Inad Janineh

PART OF THE NW 1/4 OF SECTION 11,  
CITY OF TROY,  
OAKLAND COUNTY, MICHIGAN



**LEGAL DESCRIPTION - PER TAX DESCRIPTION**

A PARCEL OF LAND LOCATED IN AND BEING PART OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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ADDRESS: 5600 ROCHESTER ROAD, TROY, MICHIGAN 48085  
PARCEL ID: 20-11-154-021

**SHEET INDEX**

C0	Cover Sheet
T1	Boundary / Topographic / Tree Survey
C1	Overall Site & Dimension Plan
C2	Demolition Plan
C3	Paving & Grading Plan

L1	Tree Preservation Plan
L2	Landscape Plan
1 of 1	Photometric Plan

Architectural Plans By Moceri (5 sheets total, 11/05/2020):

1	Foundation Plan
2	Floor Plan
3	Front & North Elevations
4	Rear & South Elevations
5	Sections

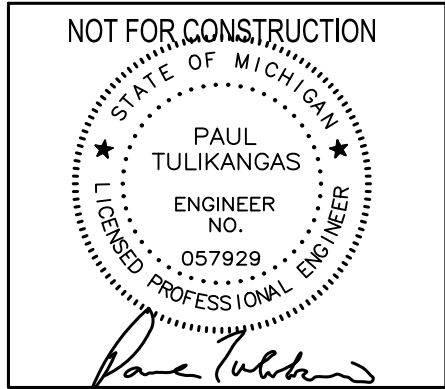
ISSUANCE/REVISIONS:  
10-15-20 PRELIMINARY SITE PLAN

Project Name

**JANINEH MEDICAL BUILDING**  
**5600 ROCHESTER ROAD**



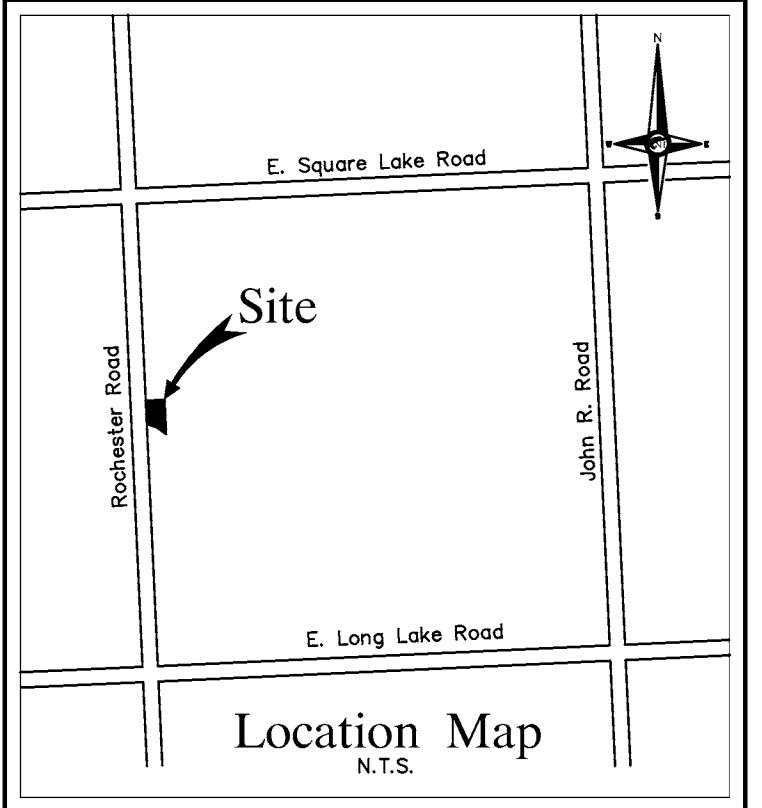
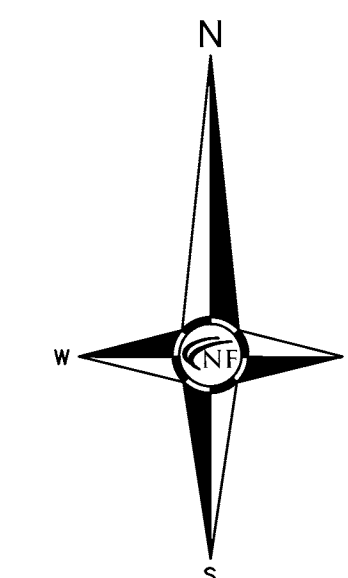
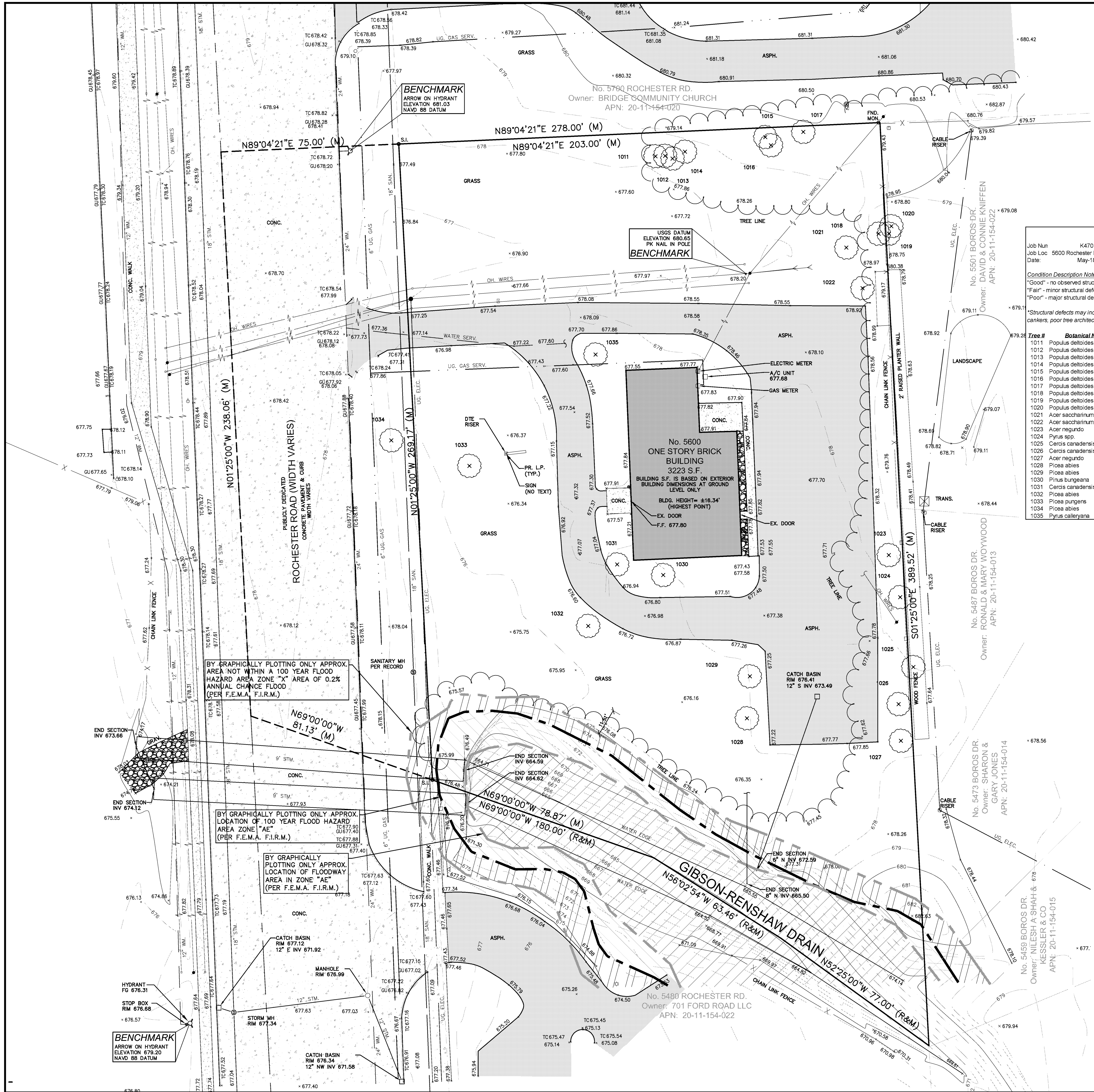
N & F JOB #K470-01



**CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS**

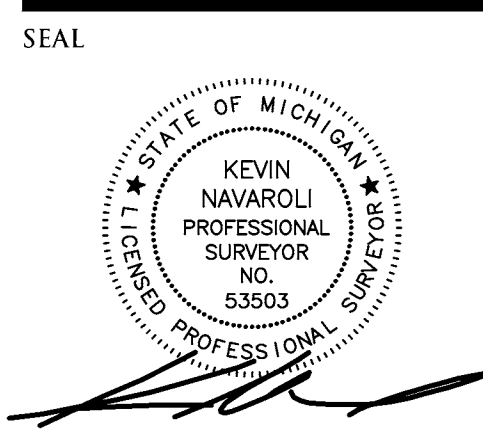
NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
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**NF ENGINEERS**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
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PROJECT  
Janineh Medical Building  
5600 Rochester Road

CLIENT  
Inad Janineh  
732 South Rochester Rd.  
Oakland Twp, MI 48363

Phone: 810.627.9606  
Email:  
ijanineh@hotmail.com

Tree Inventory List									
Tree #	Botanical Name	Common Name	Dia.	Type	Other Dia.	Condition	Comments		
1011	Populus deltoides	Eastern Cottonwood	14			Fair	competition		
1012	Populus deltoides	Eastern Cottonwood	16			Fair	competition		
1013	Populus deltoides	Eastern Cottonwood	16	twin		10 Good			
1014	Populus deltoides	Eastern Cottonwood	17		10	Good			
1015	Populus deltoides	Eastern Cottonwood	18			Good			
1016	Populus deltoides	Eastern Cottonwood	16			Good			
1017	Populus deltoides	Eastern Cottonwood	14			Fair	rot		
1018	Populus deltoides	Eastern Cottonwood	17			Fair	competition		
1019	Populus deltoides	Eastern Cottonwood	14			Fair	competition		
1020	Populus deltoides	Eastern Cottonwood	19	multi	16, 10	Fair	competition		
1021	Acer saccharinum	Silver maple	16			Fair	vines, dieback		
1022	Acer saccharinum	Silver maple	12			Fair	dieback		
1023	Acer negundo	Boxelder	8	multi		Good			
1024	Pyrus spp.	Pear	8			Poor	lean, vines, dieback		
1025	Cercis canadensis	Redbud	8			Poor	rot, split, dieback, insect, lean		
1026	Cercis canadensis	Redbud	8	multi	8, 7	Poor	hollow, rot, vines		
1027	Acer negundo	Boxelder	7	twin	6	Fair	lean, dieback		
1028	Picea abies	Norway Spruce	11			Fair	insect		
1029	Picea abies	Norway Spruce	6			Fair	lean, dieback		
1030	Pinus bungeana	Little leaf linden	8	multi	8, 6	Fair	mechanical damage, rot		
1031	Cercis canadensis	Redbud	6	twin		Poor	hollow, rot		
1032	Picea abies	Norway Spruce	9	twin		Poor	insect, fungus, dieback		
1033	Picea purgens	Colorado Blue Spruce	11			Good			
1034	Picea abies	Norway Spruce	9			Good			
1035	Pyrus calleryana	Bradford Pear	8	multi	8	Good			

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ADDRESS: 5600 ROCHESTER ROAD, TROY, MICHIGAN 48085  
PARCEL ID: 20-11-154-021

### FLOOD HAZARD NOTE

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA INDICATED BY FLOOD INSURANCE RATE MAP (FIRM) NO. 26125C0532F EFFECTIVE DATE: SEPTEMBER 29, 2006 (ZONE X)

### MISS DIG / UTILITY DISCLAIMER NOTE

A MISS DIG TICKET NUMBER #A081510642, PURSUANT TO MICHIGAN PUBLIC ACT 174, WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON JUNE 27, 2018. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISH PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE FACILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

### TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

LEGEND	
	EXISTING SANITARY SEWER
	EXISTING SAN. CLEAN OUT
	EXISTING WATER MAIN
	EXISTING STORM SEWER
	EX. R.Y. CATCH BASIN
	EXISTING BURIED CABLES
	OVERHEAD LINES
	LIGHT POLE
	SIGN
	EXISTING GAS MAIN

DRAWN BY:  
C. Ellison

DESIGNED BY:

APPROVED BY:  
K. Navaroli

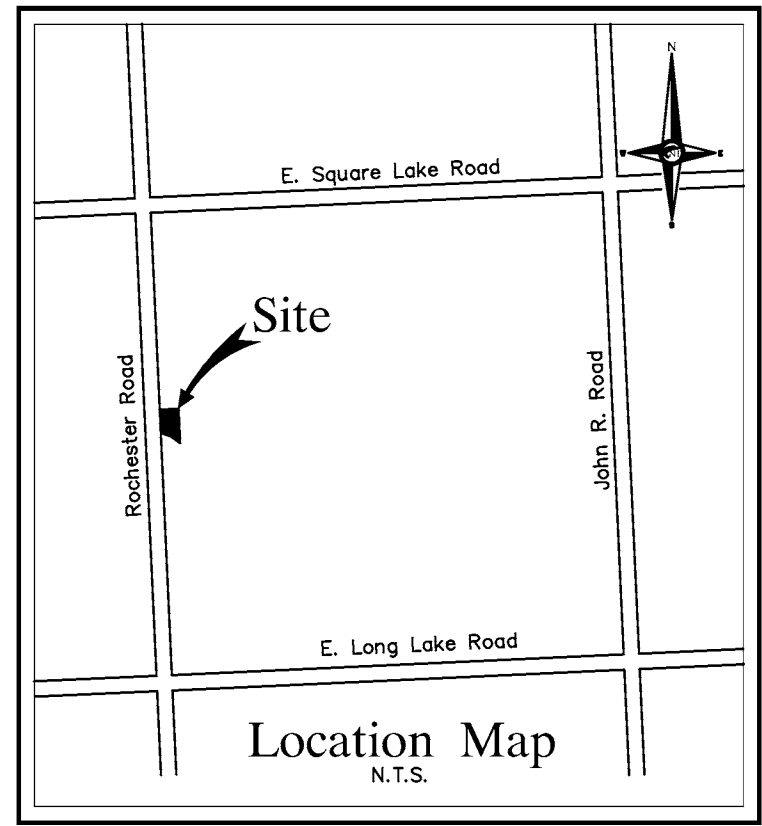
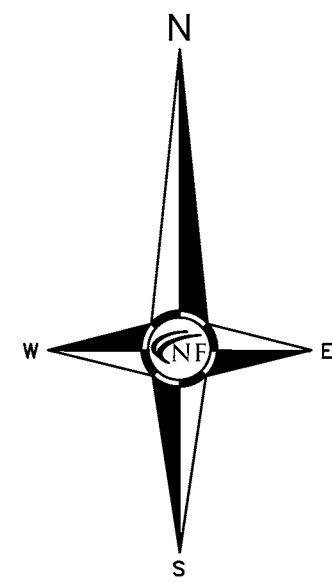
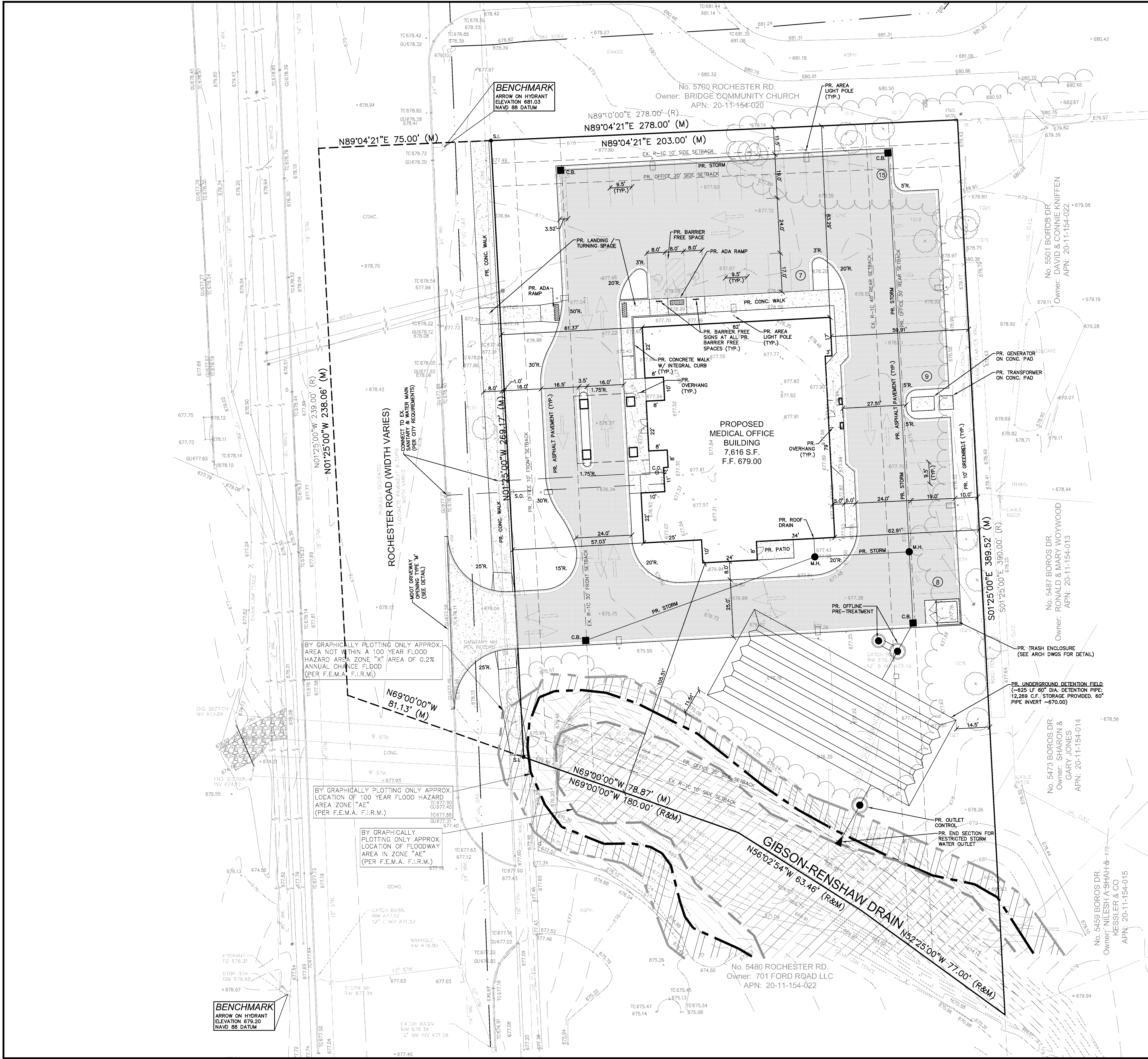
DATE:  
June 22, 2018

SCALE: 1" = 20'

NFE JOB NO. SHEET NO.

K470 T1





LEGAL DESCRIPTION  
- PER TAX DESCRIPTION

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ADDRESS: 5600 ROCHESTER ROAD, TROY, MICHIGAN 48065  
PARCEL ID: 20-11-154-021

SITE DATA

SITE AREA: 64,826.03 SFT. OR 1.488 ACRES

ZONING: R-1C (ONE-FAMILY RESIDENTIAL DISTRICT)  
EXISTING: CONTROLLED BY CONSENT JUDGEMENT

PROPOSED BUILDING: 7,616 S.F. (GROSS)  
PROPOSED BLDG HT: ONE STORY

REQUIRED YARDS: FRONT: 30'  
SIDE: 10', 20' TOTAL  
REAR: 40'

PARKING SETBACKS: R.O.W.: 10'  
SIDE: 10'  
REAR: 10'

PARKING REQUIRED: 2 SPACES/ EXAM/PROCEDURE ROOM  
1 SPACE/ RECOVERY ROOM/LAB  
1 SPACE/ EMPLOYEE

PROVIDED: 10 EXAM/PROCEDURE ROOMS X 2 = 20 SPACES  
9 LAB/OTHER ROOMS X 1 = 9 SPACES  
10 EMPLOYEES X 1 = 10 SPACES

TOTAL REQUIRED SPACES = 39  
TOTAL PROPOSED SPACES = 39

SITE AREA: 64,826.03 SFT. 100.0%  
PR. BUILDING: 7,616.00 SFT. 11.7%  
PARKING & DRIVES: 29,819.74 SFT. 46.0%  
OPEN SPACE: 31,590.29 SFT. 48.7%

DETENTION VOLUME CALCULATIONS

Based on OCWRC Equations for 100 Year Storm

Name of Project:	5600 Rochester Road
Location of Project:	Troy, MI
NFE Project No.:	K470-01
Total Site Acreage:	1.49 acres
Contributing Acreage ("A"):	1.49 acres
Calculate Weighted "C":	
Weighted Runoff Coefficient ("C"):	0.65
Allowable Discharge Rate:	0.20 cfs/acre
OCWRC Detention Volume Equations for 100 Year Storm	
Qa = A*(Allowable Discharge Rate) =	0.30 cfs
Qo = Qa / (A*C) =	0.31 cfs (acre*runoff coefficient)
T = 25 + (10,312.5/Qo)*0.5 =	158.07 minutes
Vs = [(16,500*T)/(T+25)]*40*Qo*T =	12,301.29 cubic feet
Vt = Vs*A*C =	11,913.80 cubic feet
TOTAL DETENTION VOLUME (REQUIRED)	11,913.80 CUBIC FEET

PAVING LEGEND

	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

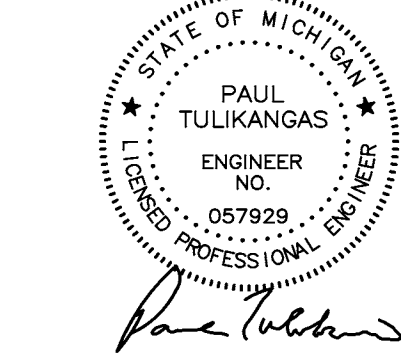
LEGEND

	MANHOLE		EXISTING SANITARY SEWER
	HYDRANT		SAN. CLEAN OUT
	MANHOLE GATE VALVE		EXISTING WATERMAIN
	MANHOLE CATCH BASIN		EXISTING STORM SEWER
	UTILITY POLE		EX. R. Y. CATCH BASIN
	GUY POLE		EXISTING BURIED CABLES
	GUY WIRE		OVERHEAD LINES
	LIGHT POLE		SIGN
	EXISTING GAS MAIN		C.O. MANHOLE
	HYDRANT		GATE VALVE
	INLET		MANHOLE
	MANHOLE		PR. SANITARY SEWER
	MANHOLE		PR. WATER MAIN
	MANHOLE		PR. STORM SEWER
	MANHOLE		PR. R. Y. CATCH BASIN
	MANHOLE		PROPOSED LIGHT POLE



NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

SEAL NOT FOR CONSTRUCTION



PROJECT  
Janineh Medical Building  
5600 Rochester Road

CLIENT  
Inad Janineh  
732 South Rochester Rd.  
Oakland Twp, MI 48363

Phone: 810.627.9606  
Email:  
ijanineh@hotmail.com

PROJECT LOCATION  
Tax I.D. No. 20-11-154-021  
Part of the NW 1/4  
of Section 11  
T. 2N., R. 11E.  
City of Troy,  
Oakland County, Michigan

SHEET  
Overall Site &  
Dimension Plan



DATE ISSUED/REVISED  
06-27-18 ISSUED TO CLIENT  
09-10-18 ISSUED TO CLIENT  
09-28-20 REVISED CONCEPT  
10-15-20 PRELIMINARY SITE PLAN

DRAWN BY:  
C. Ellison

DESIGNED BY:  
B. Buchholz

APPROVED BY:  
B. Buchholz

DATE:  
June 22, 2018

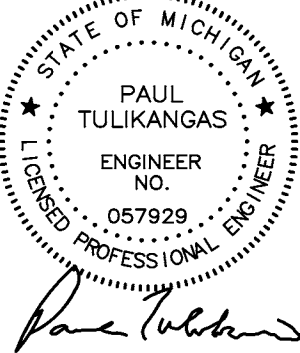
SCALE: 1" = 20'

NFE JOB NO.  
K470

SHEET NO.  
C1



SEAL NOT FOR CONSTRUCTION



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Janineh Medical Building  
5600 Rochester Road

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Part of the NW 1/4  
of Section 11  
T. 2N., R. 11E.  
City of Troy,  
Oakland County, Michigan

SHEET  
Demolition Plan



Know what's below  
Call before you dig.

DATE ISSUED/REVISED  
06-27-18 ISSUED TO CLIENT  
09-10-18 ISSUED TO CLIENT  
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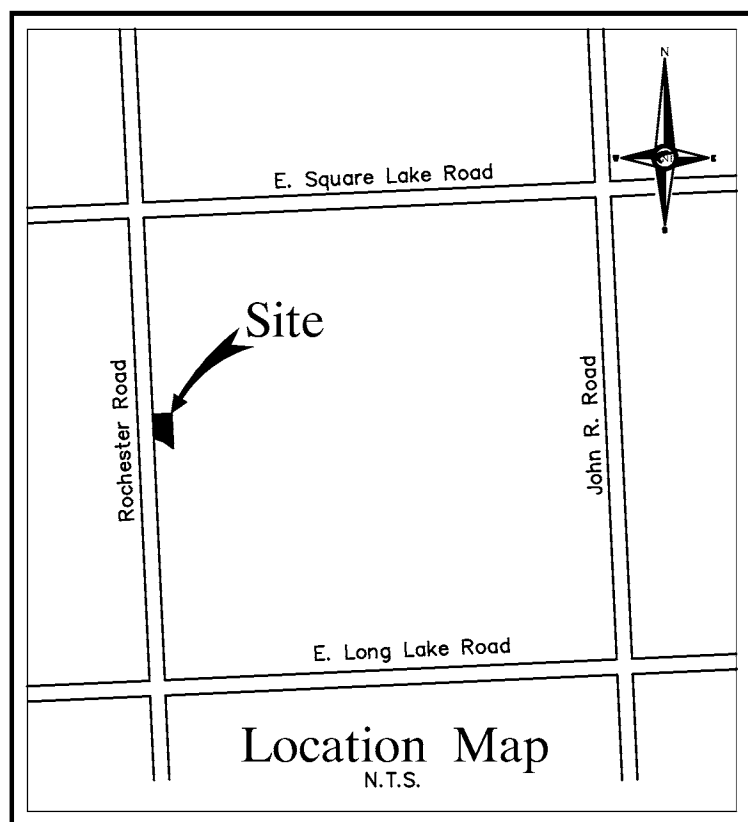
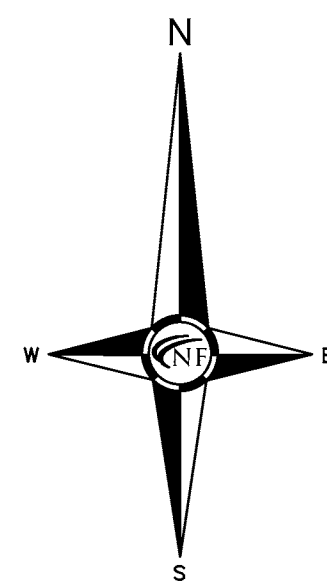
APPROVED BY:  
B. Buchholz

DATE  
June 22, 2018

SCALE: 1" = 30'

NFE JOB NO.  
**K470**

SHEET NO.  
**C2**



#### DEMOLITION NOTES

DEMOLITION OF SITE IMPROVEMENTS SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE PUBLIC AGENCY HAVING JURISDICTION OVER SAID DEMOLITION. FOR ANY DEMOLITION WITHIN PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR, AND SECURE, ALL NECESSARY PERMITS AND LIKEWISE SHALL ARRANGE FOR ALL SITE INSPECTIONS.

SITE DEMOLITION INCLUDES THE COMPLETE REMOVAL OF SITE IMPROVEMENTS AND OFF-SITE DISPOSAL. DEBRIS SHALL BE TRANSPORTED TO AN APPROPRIATE DISPOSAL FACILITY THAT IS LICENSED FOR THAT TYPE OF DEBRIS.

THE CONTRACTOR SHALL COORDINATE TRUCK ROUTES WITH THE MUNICIPALITY PRIOR TO COMMENCEMENT OF SITE DEMOLITION. ALL TRUCKS SHALL BE TARPED OR PROPERLY SECURED TO CONTAIN DEMOLITION DEBRIS PRIOR TO LEAVING SITE.

EXISTING ON-SITE UNDERGROUND UTILITIES AND BUILDING SERVICES HAVE BEEN INDICATED BASED UPON THE BEST AVAILABLE UTILITY RECORDS AND/OR ON-SITE INSPECTION. NO GUARANTEE IS MADE BY THE DESIGN ENGINEER, AS TO THE COMPLETENESS OR ACCURACY OF UTILITY DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF UTILITY INFORMATION (THE DESIGN ENGINEER MAKES NO GUARANTEE NOR ASSUMES ANY LIABILITY AS TO THE COMPLETENESS AND/OR ACCURACY OF UTILITY DATA).

PRIOR TO THE REMOVAL OR ABANDONMENT OF ANY EXISTING UNDERGROUND UTILITY OR BUILDING SERVICE LINES CALLED FOR OR DISCOVERED DURING EXCAVATION, THE CONTRACTOR MUST DETERMINE IF THE UTILITY LINE OR BUILDING SERVICE IS STILL IN USE. IF THE UTILITY LINE OR BUILDING SERVICE IS STILL IN USE/ACTIVE THE CONTRACTOR MUST TAKE ALL THE NECESSARY STEPS TO GUARANTEE THAT THE UTILITY LINE OR BUILDING SERVICE IS RECONNECTED WITHOUT AN INTERRUPTION IN SERVICE. THE RECONNECTION OF THE UTILITY LINE OR BUILDING SERVICE MUST BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE APPROPRIATE GOVERNMENTAL AGENCY OR PRIVATE UTILITY COMPANY.

SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED BY THE CONTRACTOR PRIOR TO SITE DEMOLITION.

\* THE CONTRACTOR SHALL NOTIFY MISS DIG (1-800-482-7171) A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO THE START OF THE SITE DEMOLITION.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH THE DETROIT EDISON COMPANY. REMOVAL OF DETROIT EDISON ELECTRICAL SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF DETROIT EDISON.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH CONSUMERS ENERGY/MICHIGAN. REMOVAL OF CONSUMERS ENERGY/ MICHIGAN GAS SERVICES SHALL BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF CONSUMERS ENERGY/MICHIGAN.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH AMERITECH. REMOVAL OF AMERITECH COMMUNICATION SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF AMERITECH.

THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH THE APPROPRIATE CABLE MEDIA COMPANY. REMOVAL OF CABLE SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF THE CABLE COMPANY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION OF PRIVATE UTILITY COMPANIES AND COORDINATE UTILITY SERVICE SHUT OFF/DISCONNECT, PRIOR TO DEMOLITION OF EXISTING STRUCTURES OR PROPERTIES.

ALL UTILITY METERS SHALL BE REMOVED BY THE APPROPRIATE UTILITY COMPANY.

ANY ON-SITE STORM SEWER FACILITIES LOCATED DURING DEMOLITION SHALL BE REMOVED AND BULK HEADED AT THE PROPERTY LINE IF INDICATED FOR REMOVAL ON THE PLANS.

PRIOR TO BUILDING DEMOLITION, ALL HAZARDOUS MATERIAL SHALL BE REMOVED BY OTHERS. THE DEMOLITION CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER SHOULD ANY SUSPICIOUS MATERIAL BE FOUND.

WATER SERVICES AND/OR STOP-BOX SHALL BE PRESERVED AND BULK HEADED AT THE PROPERTY LINE OR AS DIRECTED BY THE OWNER'S REPRESENTATION.

WHERE EXISTING BUILDINGS PLANNED FOR DEMOLITION FALL WITHIN PROPOSED BUILDING FOOT PRINTS, BASEMENT FLOOR SLABS, FOUNDATION WALLS AND FOOTINGS SHALL BE COMPLETELY REMOVED AND BACK FILLED WITH MDOT CLASS II GRANULAR MATERIAL AND BE MACHINE COMPACTED TO A MINIMUM OF 98% OF MATERIALS MAXIMUM DENSITY.

#### TOPOGRAPHIC SURVEY NOTES

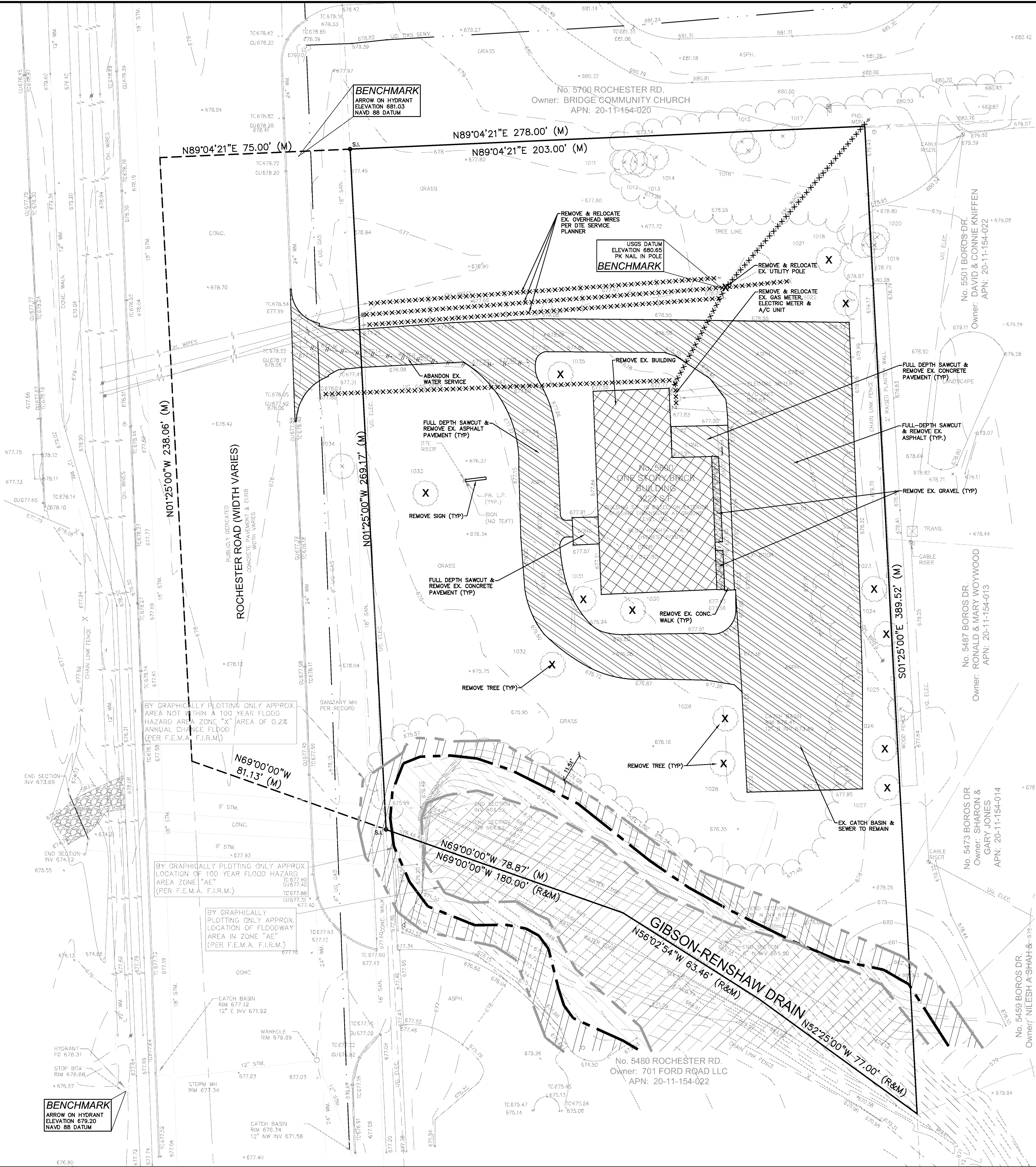
ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

#### LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	EXISTING SAN. CLEAN OUT
MANHOLE CATCH BASIN	EXISTING WATER MAIN
UTILITY POLE	EXISTING STORM SEWER
GLY POLE	EX. R. Y. CATCH BASIN
GLY WIRE	EXISTING BURIED CABLES
OVERHEAD LINES	OVERHEAD LINES
LIGHT POLE	LIGHT POLE
SIGN	SIGN
EXISTING GAS MAIN	EXISTING GAS MAIN
XXXXXXXXXXXX	EXISTING UTILITY TO BE REMOVED
	EXISTING UTILITY TO BE ABANDONED
12" MAPLE	INDICATES EXISTING TREE TO BE REMOVED
X	INDICATES AREAS OF CONC. PAVT. / WALK TO BE REMOVED
	INDICATES AREAS OF ASPHALT PAVT. TO BE REMOVED



BENCHMARK  
ARROW ON HYDRANT  
ELEVATION 679.20  
NAVD 88 DATUM







SEAL



PROJECT  
Janineh Medical Building  
5600 Rochester Road  
Troy, Michigan

CLIENT

Dr. Inad Janineh  
732 S. Rochester Road  
Oakland, MI 48363

Contact:  
Dr. Inad Janineh  
(810) 627-9606

PROJECT LOCATION

Part of NW 1/4 of Section 11,  
T.2N., R.11E., City of  
Troy, Oakland County,  
Michigan

SHEET

Tree Preservation Plan



REVISIONS

10/15/20 PRELIMINARY SITE PLAN

DRAWN BY:

G. Ostrowski

DESIGNED BY:

G. Ostrowski

APPROVED BY:

G. Ostrowski

DATE:

09-25-2020

SCALE: 1" = 20'

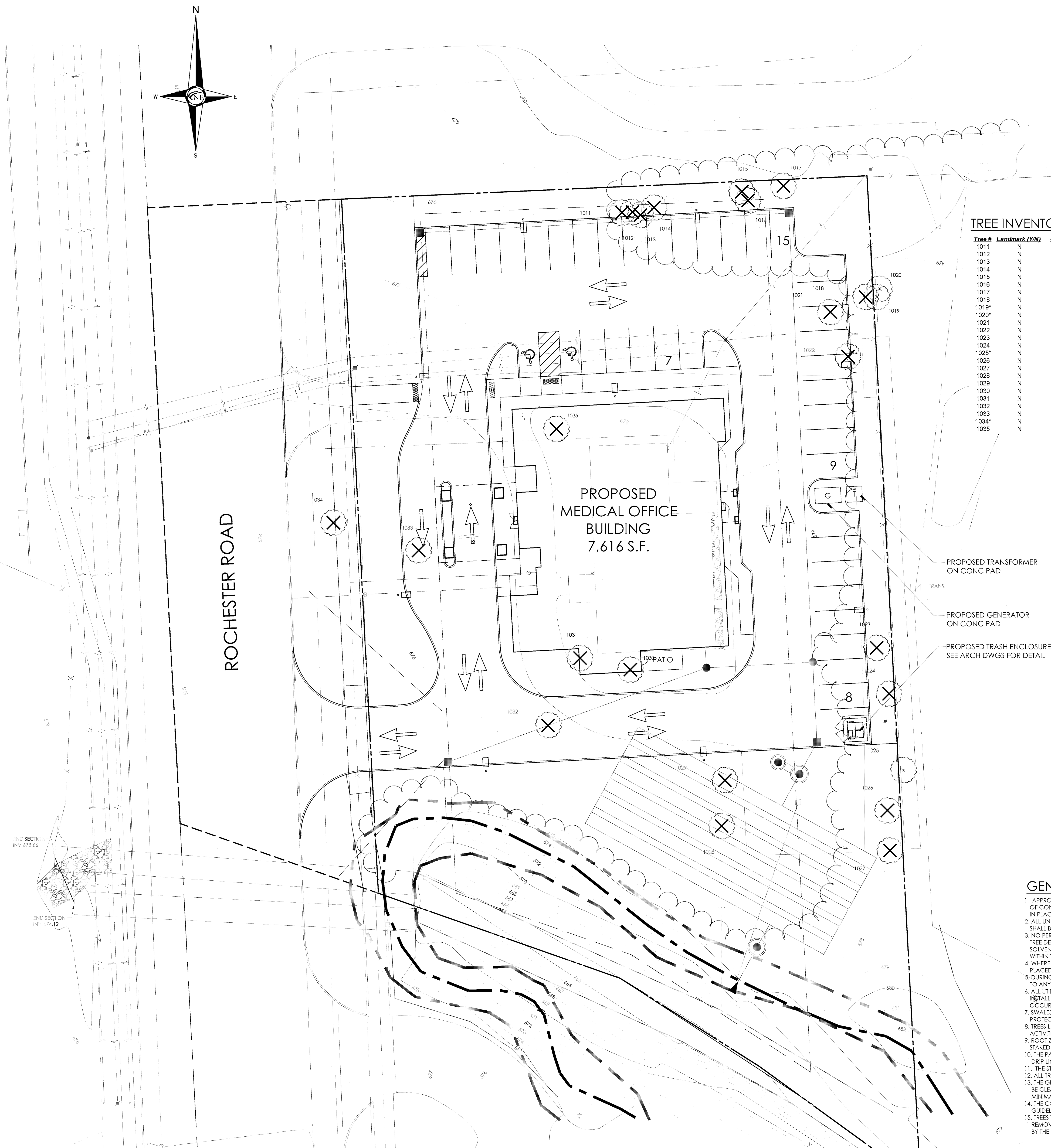
20 10 0 10 20 30

NFE JOB NO.

K470-01

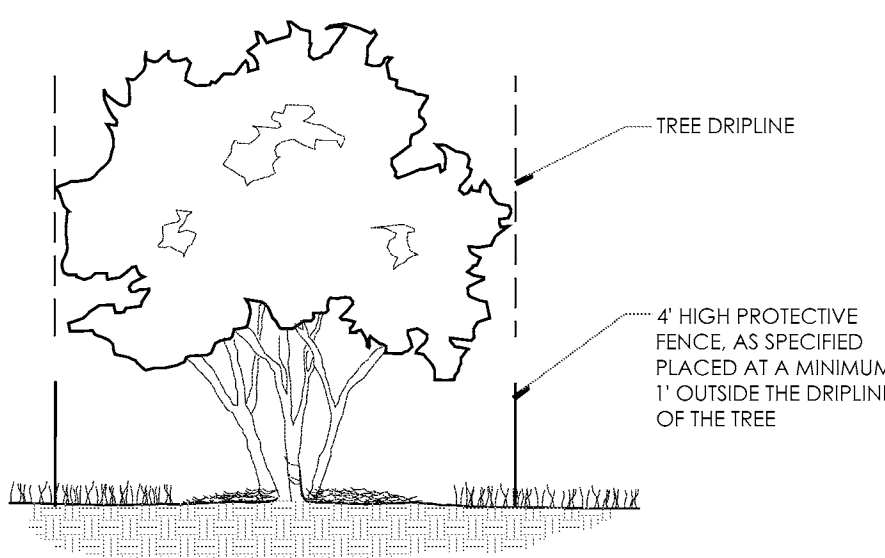
SHEET NO.

L1



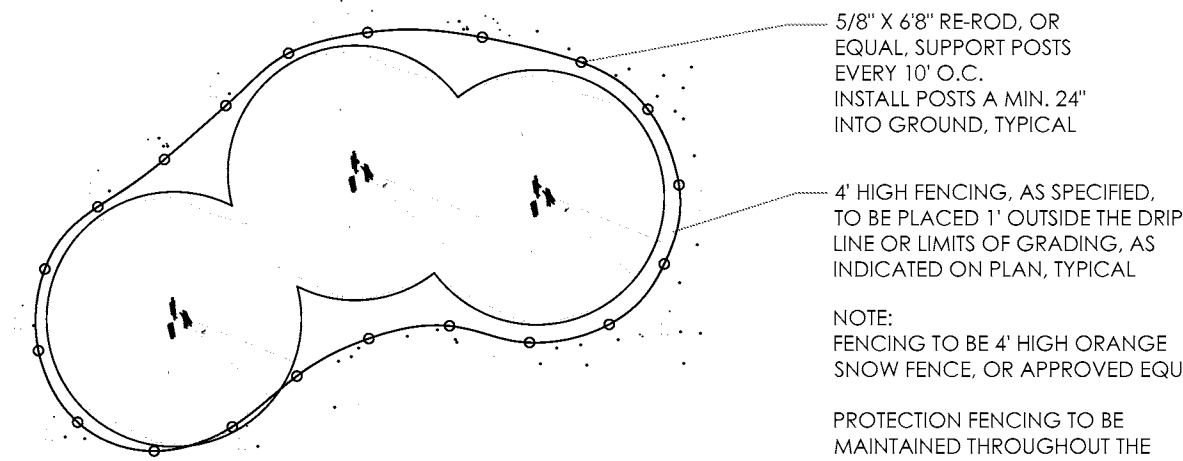
# TREE INVENTORY

Tree #	Landmark (Y/N)	Off-Site (Y/N)	Remove/Save	Botanical Name	Common Name	Dia.	Type	Other Dia.	Condition	Comments
1011	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	14			Fair	competition
1012	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	16			Fair	competition
1013	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	16	twin		Good	
1014	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	17	twin	10	Good	
1015	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	18			Good	
1016	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	16			Good	
1017	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	14			Fair	rot
1018	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	17			Fair	competition
1019*	N	Y	SAVE	Populus deltoides	Eastern Cottonwood	14			Fair	competition
1020*	N	Y	SAVE	Populus deltoides	Eastern Cottonwood	19	multi	16, 10	Fair	competition
1021	N	N	REMOVE	Acer saccharinum	Silver maple	16			Fair	vines, dieback
1022	N	N	REMOVE	Acer saccharinum	Silver maple	12			Fair	dieback
1023	N	N	REMOVE	Acer negundo	Boxelder	8	multi		Good	
1024	N	N	REMOVE	Pyrus spp.	Pear	8			Poor	lean, vines, dieback
1025*	N	Y	SAVE	Cercis canadensis	Redbud	8			Poor	rot, split, dieback, insect, lean
1026	N	N	REMOVE	Cercis canadensis	Redbud	8	multi	8, 7	Poor	hollow, rot, vines
1027	N	N	REMOVE	Acer negundo	Boxelder	7	twin	6	Fair	lean, dieback
1028	N	N	REMOVE	Picea abies	Norway Spruce	11			Fair	insect
1029	N	N	REMOVE	Picea abies	Norway Spruce	6			Fair	lean, dieback
1030	N	N	REMOVE	Pinus burgeana	Little leaf linden	8	multi	8, 6	Fair	mechanical damage, rot
1031	N	N	REMOVE	Cercis canadensis	Redbud	6	twin		Poor	hollow, rot
1032	N	N	REMOVE	Picea abies	Norway Spruce	9	twin		Poor	insect, fungus, dieback
1033	N	N	REMOVE	Picea pungens	Colorado Bluespruce	11			Good	
1034*	N	Y	REMOVE	Picea abies	Norway Spruce	9			Good	
1035	N	N	REMOVE	Pyrus calleryana	Bradford Pear	8	multi	8	Good	



## TREE PROTECTION DETAIL-SECTION

NTS



## TREE PROTECTION DETAIL-PLAN

NTS

## GENERAL TREE PROTECTION NOTES

- APPROVED TREE PROTECTION SHALL BE ERECTED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES, AND SHALL REMAIN IN PLACE UNTIL THE IN PLACE UNTIL CONSTRUCTION IS COMPLETE.
- ALL UNDERSTORY VEGETATION WITHIN THE LIMITS OF PROTECTIVE FENCING SHALL BE PRESERVED.
- NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE DRIP LINE OF ANY TREE DESIGNATED TO REMAIN, INCLUDING BUT NOT LIMITED TO, PLACING SOLVENTS, BUILDING MATERIALS, CONSTRUCTION EQUIPMENT, OR SOIL DEPOSITS WITHIN THE DRIP LINE.
- WHERE GROUPINGS OF TREES ARE TO REMAIN, TREE FENCING SHALL BE PLACED AT THE LIMITS OF GRADING LINE.
- DURING CONSTRUCTION, NO PERSON SHALL ATTACH ANY DEVICE OR WIRE TO ANY TREE SCHEDULED TO REMAIN.
- ALL UTILITY SERVICE REQUESTS MUST INCLUDE NOTIFICATION TO THE INSTALLER THAT PROTECTED TREES MUST BE AVOIDED. ALL TRENCHING SHALL OCCUR OUTSIDE OF THE PROTECTIVE FENCING.
- SWALES SHALL BE ROUTED TO AVOID THE AREA WITHIN THE DRIP LINES OF PROTECTED TREES.
- TREES LOCATED ON ADJACENT PROPERTIES THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITIES MUST BE PROTECTED.
- ROOT ZONES OF PROTECTED TREES SHOULD BE SURROUNDED BY RIGIDLY STAKED FENCING.
- THE PARKING OF IDLE AND RUNNING EQUIPMENT SHALL BE PROHIBITED UNDER THE DRIP LINE OF PROTECTED TREES.
- THE STRIPPING OF TOPSOIL FROM AROUND PROTECTED TREES SHALL BE PROHIBITED.
- ALL TREES TO BE REMOVED SHALL BE CUT AWAY FROM TREES TO REMAIN.
- THE GRUBBING OF UNDERSTORY VEGETATION WITHIN CONSTRUCTION AREAS SHOULD BE CLEARED BY CUTTING VEGETATION AT THE GROUND WITH A CHAIN SAW OR MINIMALLY WITH A HYDRO-AXE.
- THE CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT PER ORDINANCE GUIDELINES, FOR THE DAMAGE OR REMOVAL OF ANY TREE DESIGNATED TO REMAIN.
- TREES TO BE REMOVED SHALL BE FIELD VERIFIED, EVALUATED AND FLAGGED FOR REMOVAL BY THE LANDSCAPE ARCHITECT OR FORESTER, ONLY AS DIRECTED BY THE OWNER OR OWNERS REPRESENTATIVE.

## TREE PRESERVATION SUMMARY:

TOTAL NUMBER OF TREES SURVEYED:	25
TOTAL NUMBER OF DEAD TREES:	0
TOTAL OFF-SITE TREES:	4
NET TREES ON-SITE:	21
TOTAL NUMBER OF TREES TO BE REMOVED:	21
TOTAL LANDMARK TREES TO BE REMOVED:	0
TOTAL TREES TO BE TRANSPLANTED:	0
TOTAL NUMBER OF TREES TO REMAIN:	0
TOTAL LANDMARK REPLACEMENT TREES:	0 TREES

## LEGEND:

- X TREES TO BE REMOVED
- 500 X TREES TO REMAIN
- TREE PROTECTION FENCING





Janineh Medical Building  
5600 Rochester Road  
Troy, Michigan

Dr. Inad Janineh  
732 S. Rochester Road  
Oakland, MI 48363

Contact:  
Dr. Inad Janineh  
(810) 627-9606

Part of NW  $\frac{1}{4}$  of Section 11,  
T.2N., R.11E., City of  
Troy, Oakland County,  
Michigan

Landscape Plan



10/15/20 PRELIMINARY SITE PLAN

09-25-2020

20      10      0

**K470-01**

## I.2

KEY	QTY	BOTANICAL/COMMON NAME	SIZE	SPACING	ROOT	COMMENT
TREES						
GT	5	<i>Gleditsia triacanthos</i> 'Sunburst' Sunburst Honey Locust	2.5' CAL	SEE PLAN	8&8	FULLY BRANCHED
JV	22	<i>Juniperus virginiana</i> eastern Red Cedar	6' HT	SEE PLAN	8&8	FULLY BRANCHED
NS	8	<i>Nyssa sylvatica</i> Witchlow' Lignea	2.5' CAL	SEE PLAN	8&8	FULLY BRANCHED
TA	3	<i>Tilia americana</i> 'Boulevar' Boulevard Linden	2.5' CAL	SEE PLAN	8&8	FULLY BRANCHED
SHRUBS						
IX	58	<i>Ilex glabra</i> 'Gem Box' Gem Box Holly	30" HT	30" OC	8&8	MAINTAIN AS HEDGE
JS	12	<i>Juniperus scopulorum</i> 'Grey Green' Grey Gleem Juniper	30" HT	5' OC	8&8	
RK	19	<i>Rosa</i> 'Double Knockout' Double Knockout Rose	5 GAL	30" OC	CONT	
GROUNDCOVERS/PERENNIALS						
CA	18	<i>Campanastris a.</i> 'Karl Foerster' Karl Foerster Heather Reed Grass	3 GAL	30" OC	CONT	
HS	23	<i>Hemerocallis</i> 'Stella D' Oro' Stella D'Oro Daylily	2 GAL	18" OC	CONT	
LS	945	<i>Urtica spicata</i> Creeping Winter	1 GAL	12" OC	CONT	

ALL LAWN AREAS DESIGNATED TO BE SODDED, SHALL BE SODDED WITH A BLENDED DURABLE BLUEGRASS SOD, TYPICALLY GROWN IN THE REGION. ALL TURF SHALL BE PLACED ON A MINIMUM 3" PREPARED TOPSOIL, AND WATERED DAILY UNTIL ESTABLISHMENT, IN AREAS SUBJECT TO EROSION, SODDED LAWN SHALL BE STABILIZED WHERE NECESSARY, AND LAID PERPENDICULAR TO SLOPES  
SOD INSTALLATION SHALL OCCUR ONLY:  
SPRING: APRIL TO JUNE!  
FALL: AUGUST 15 TO OCTOBER 15

ALL LAWN AREAS DESIGNATED TO BE SEEDED, SHALL BE HYDRO-SEEDING WITH SPECIFIED BLENDS, AND STABILIZED WITH WOOD CELLULOSE FIBER MULCH (2,000 LBS PER ACRE), IN AREAS SUBJECT TO EROSION. SEEDING LAWN SHALL BE FURTHER STABILIZED WHERE NECESSARY WITH BIODEGRADABLE EROSION BLANKET AND STAKED UNTIL ESTABLISHED. ALL SEED SHALL BE APPLIED OVER A MINIMUM 3" PREPARED TOPSOIL AND SHALL BE KEPT MOIST AND WATERED DAILY UNTIL ESTABLISHED.

SEEDING INSTALLATION SHALL OCCUR ONLY:  
SPRING: APRIL TO JUNE  
FALL: AUGUST 15 TO OCTOBER 15

- 1 TYPICAL SOD LAWN AREAS, SOWN ON 3" TOPSOIL
- 2 RESTORE EXISTING LAWN AREAS W/ HYDROSEED AND MULCH
- 3 4' DIA SPADE CUT EDGE W/ 3" SHREDDED BARK MULCH
- 4 3" DEPTH DOUBLE SHREDDED HARDWOOD BARK MULCH
- 5 3/4" - 1 1/2" STONE MULCH, 3-4" DEPTH ON WEED BARRIER

EXISTING SITE ZONING: R1C, SINGLE FAMILY RESIDENTIAL DISTRICT  
EXISTING SITE AREA: 64,828.30 S.F. OR 1.49 ACRES

R.O.W. GREENBELT  
1 TREE PER 30 L.F. OF FRONTAGE, MIN 10' WIDE  
REQUIRED: 268.36 L.F. OF FRONTAGE / 30 L.F. = 8.9 OR 9 TREES REQUIRED  
PROVIDED: 9 TREES

1 TREE PER 8 PARKING SPACES  
REQUIRED: 39 SPACES / 8 = 4.87 OR 5 TREES REQUIRED  
PROVIDED: 5 TREES

**SITE LANDSCAPE AREA**  
20% OF SITE AREA SHALL BE LANDSCAPED  
REQUIRED:  
64,828.30 S.F. X 20% = 12,965.66 S.F.  
PROVIDED:  
22,393.69 S.F. (34.5%), EXCLUDING FLOODPLAIN

[illegible]

**NOTE:**  
 1. PLANT EVERGREEN TREES ABOVE 2' IN HEIGHT: STAKE TREES BELOW 2' IN HEIGHT.

**NOTE:**  
 2. STAKE TREES APPROXIMATELY 2' IN HEIGHT.  
 3. USE 1/2" BELT-NECK NYLON OR PLASTIC STRAP TO HOLD TRUNK FROM SLIP.  
 4. STAKE COPOLYESTER ALLOW FOR SWAYING, REMOVE AFTER ONE (1) YEAR.

**NOTE:**  
 5. TREE MUST BEAR SAME RELATION TO FINSI GRADE AS IT BORE ORIGINAL 1" OR SLIGHTLY HIGHER THAN FINISH GRADE UP TO 1" ABOVE GRADE, IF DIRECTED BY LANDSCAPE ARCHITECT FOR HEAVY CLAY SOILS.

**NOTE:**  
 6. DO NOT PRUNE TERMINAL LEAVES. PRUNE ONLY DEAD OR BROKEN BRANCHES.

**NOTE:**  
 7. SHOW ALL TAGS, STRINGS, PLASTIC AND OTHER MATERIALS.

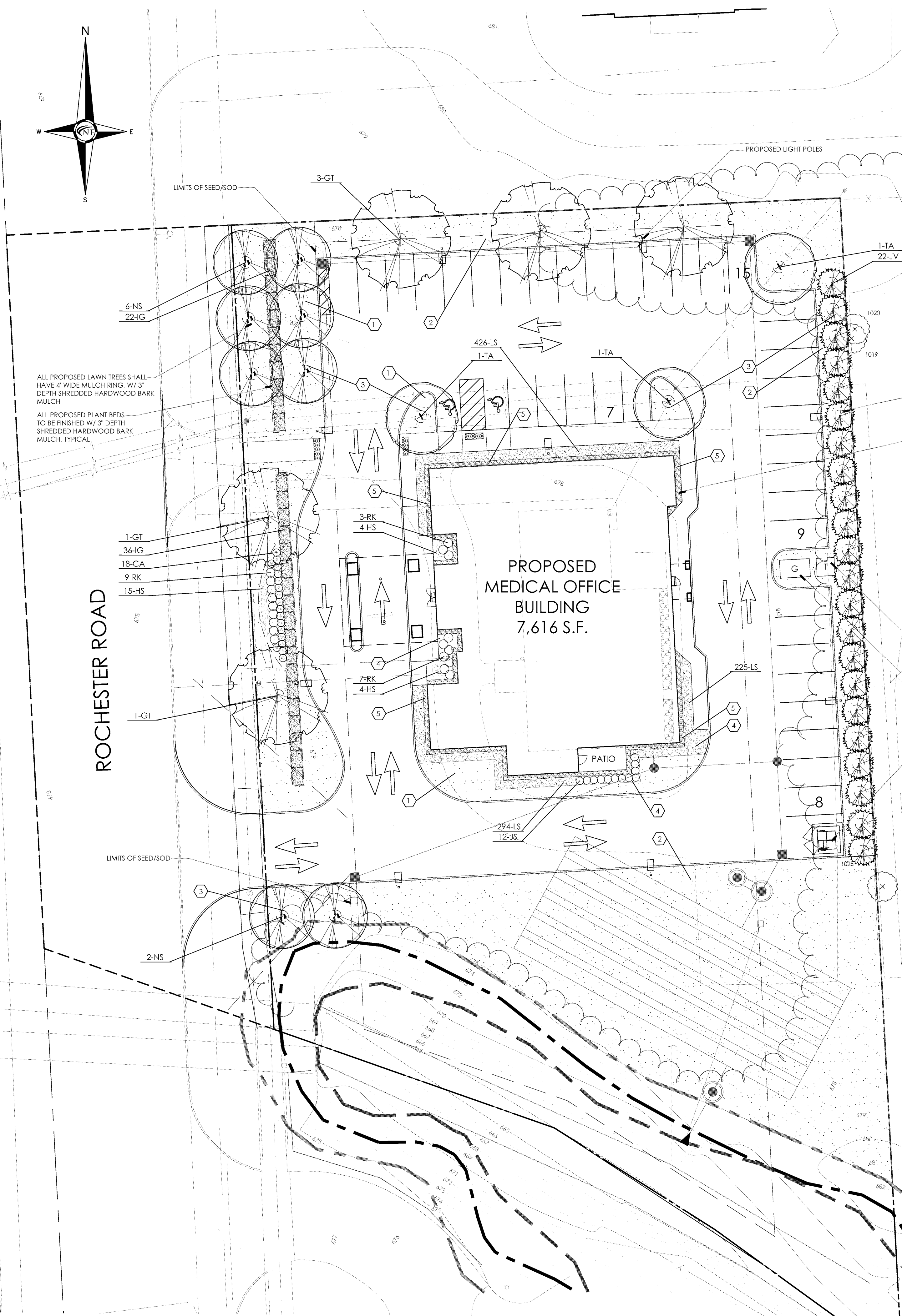
**Labels on the right side of the diagram:**  
 LIFE 3"  
 1" PER  
 DRIVE  
 SOIL C  
 TO A  
 TREES  
 (1) FE  
 A NOT  
 MECH  
 HAVING  
 HAD  
 REMOV  
 MASTER  
 CUT THE  
 DOWN  
 PLANT  
 BE CLO  
 3" DEEP  
 4" SCAR  
 PER 5"

**Label at the bottom:**  
 TREE TRIP = 3" X  
 ROOTBALL WIDTH

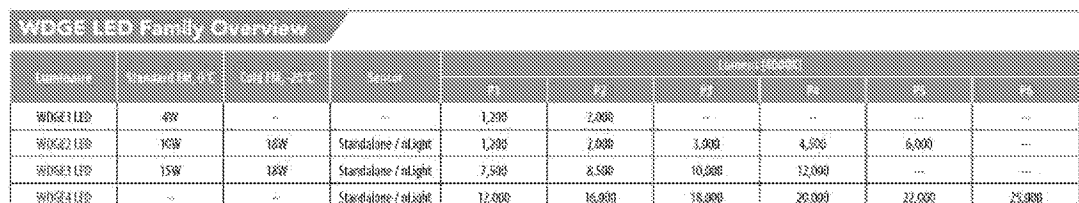
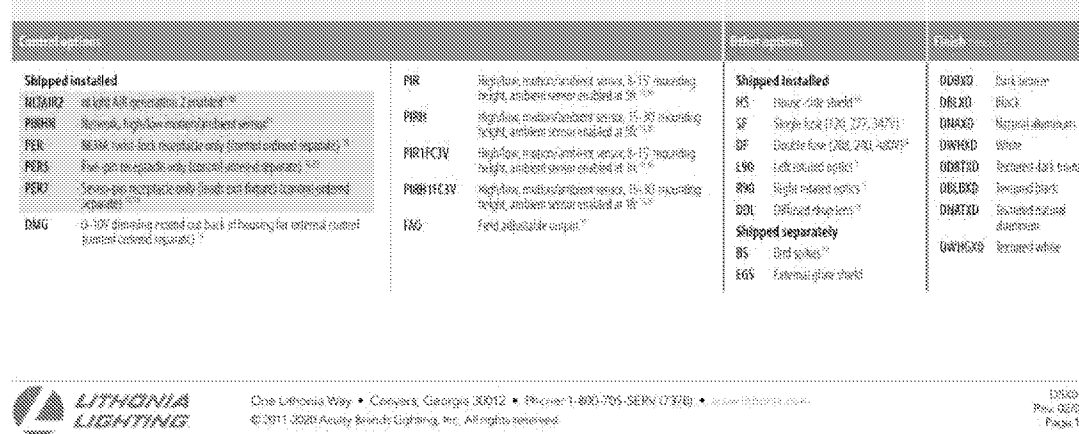
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Options	Price
6666 <sup>1</sup> PC <sup>2</sup>	66666
PC <sup>2</sup>	66666
66	66666
666	66666
6666	66666

Accessories		NOTES
Options listed in descending order of compatibility.		
W50005-0000-0	W504 3.5mm Audio and Data Adapter (cable fitted)	1. SD card available in 8GB.
W502-0000-0000-0	W5001 Penetration Tester - Immersion Kit (cable fitted)	2. 32GB not available with BPAW, DS or PE.
W5004-0000-0	Software - Immersion Tool (cable fitted)	3. BPAW not available with PE or DS.
		4. PE not available with DS.

**General Note**

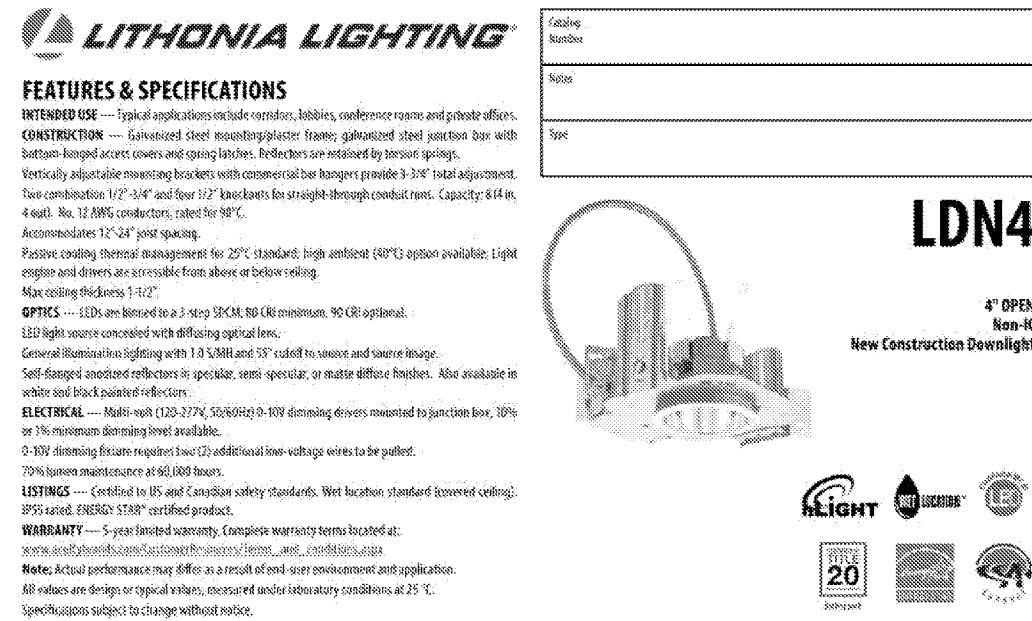
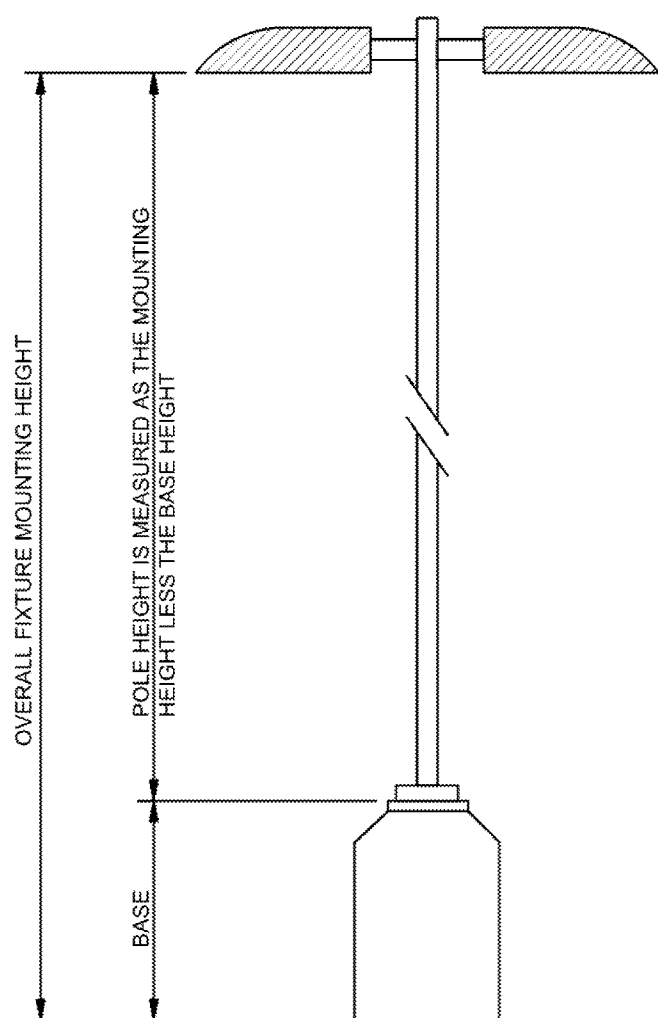
1. SEE SCHEDULE FOR LUMINAIRE MOUNTING HEIGHT.
2. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT: 0' - 0"
3. LIGHTING ALTERNATES REQUIRE NEW PHOTOMETRIC CALCULATION AND RESUBMISSION TO CITY FOR APPROVAL.




THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

UNLESS EXEMPT, PROJECT MUST COMPLY WITH LIGHTING CONTROLS REQUIREMENTS DEFINED IN ASHRAE 90.1 2013. FOR SPECIFIC INFORMATION CONTACT GBA CONTROLS GROUP AT [ASG@GASSERBUSH.COM](mailto:ASG@GASSERBUSH.COM) OR 734-266-6705.

**Mounting Height Note**  
MOUNTING HEIGHT IS MEASURED FROM GRADE TO FACE OF FIXTURE. POLE HEIGHT SHOULD BE CALCULATED AS THE MOUNTING HEIGHT LESS BASE HEIGHT.

[illegible]

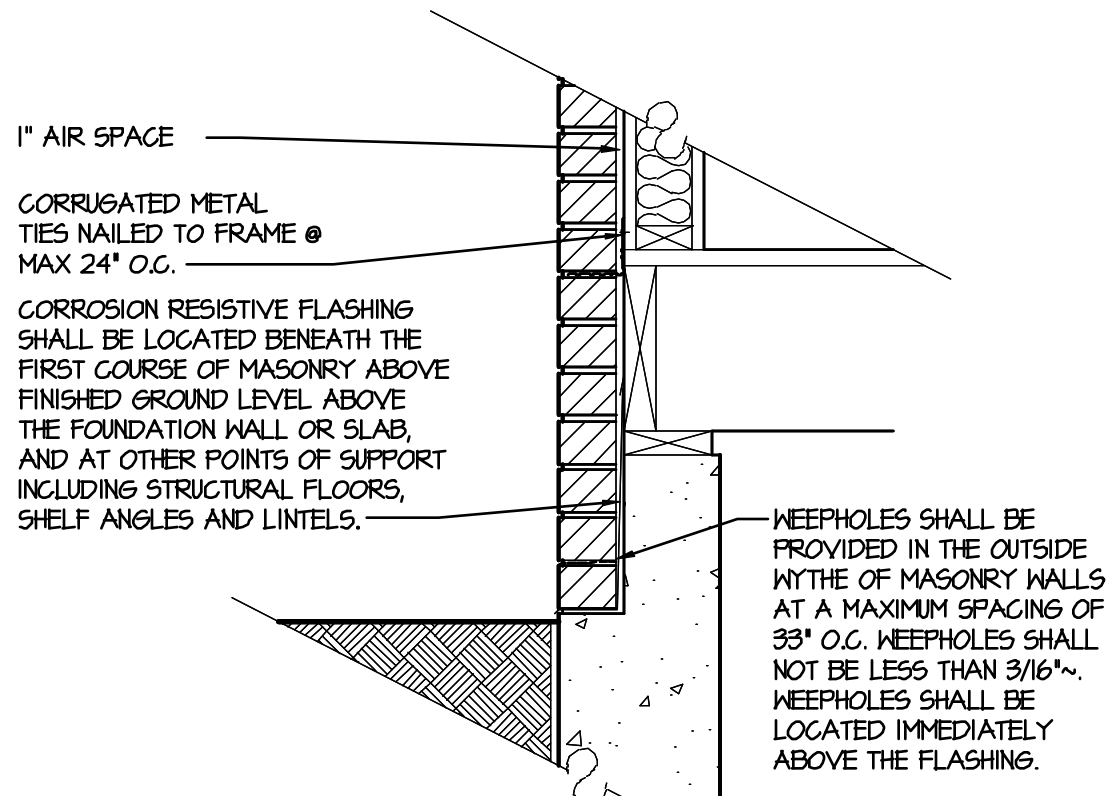
Schedule						
Symbol	Label	QTY	Manufacturer	Description	Lamp	Mounting Height
	A	2	Lithonia Lighting	LED WALL MOUNTED LUMINAIRE	LED	8'-0"
	B	9	Lithonia Lighting	LED AREA LUMINAIRE	LED	20'-0"
	C	2	Lithonia Lighting	LED DOWNLIGHT	LED	12'-0"

**Plan View**  
Scale - 1" = 20ft

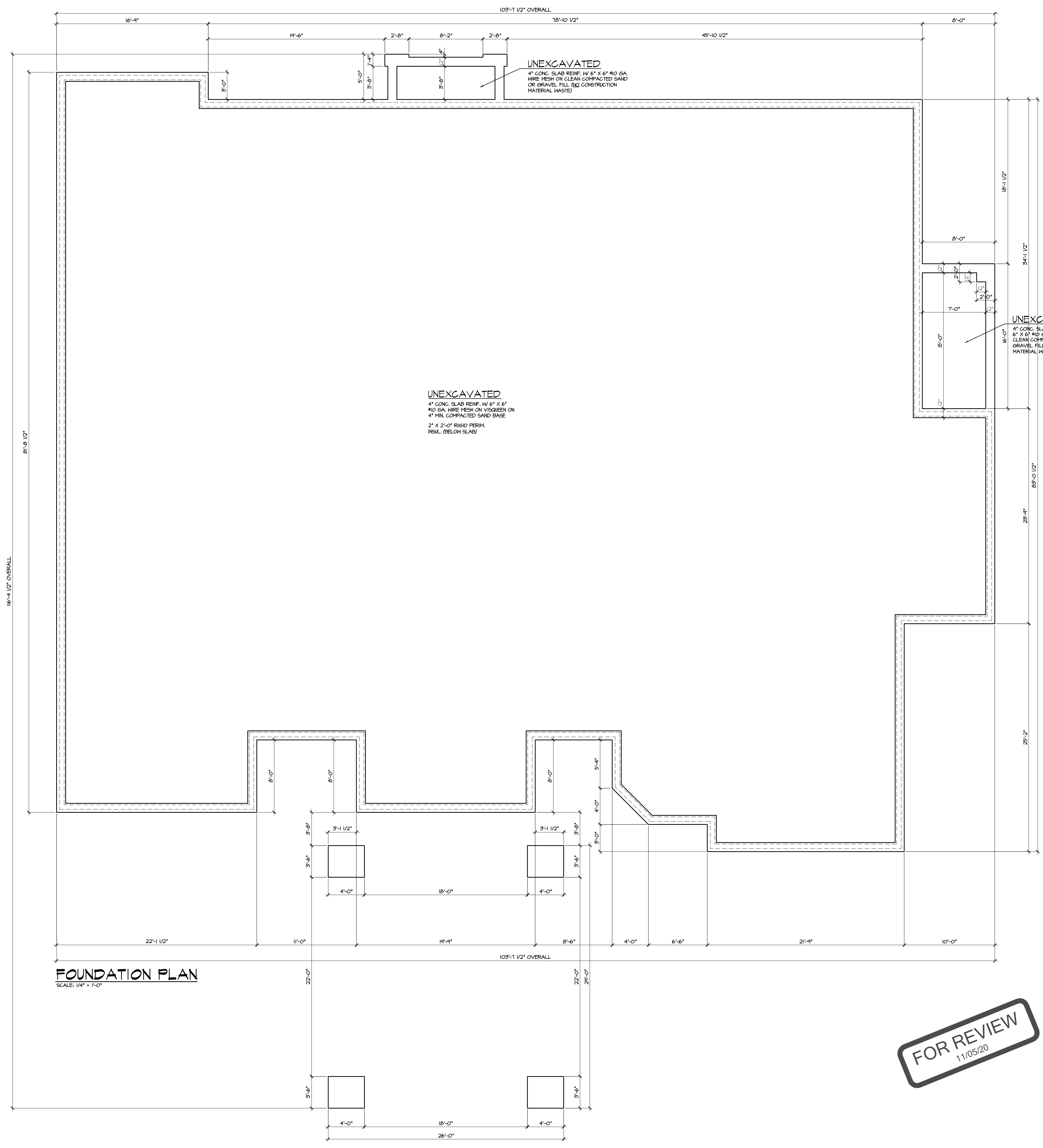
Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
DRIVE-THRU CANOPY	⌘	2.7 fc	4.5 fc	0.9 fc	5.0:1	3.0:1	0.6:1
PARKING LOT	⌘	1.3 fc	2.5 fc	0.2 fc	12.5:1	6.5:1	0.5:1
RESIDENTIAL PROPERTY LINE	+	0.0 fc	0.1 fc	0.0 fc	N/A	N/A	0.0:1
ROCHESTER ROAD PROPERTY LINE	+	0.2 fc	0.6 fc	0.0 fc	N/A	N/A	0.3:1

MEDICAL BUILDING - DR. INAD JANINEH  
PHOTOMETRIC SITE PLAN  
PREPARED FOR: NOWAK & FRAUS ENGINEERS  
GASSER BUSH ASSOCIATES  
WWW.GASSERBUSH.COM

**Designer**  
TV/KB  
**Date**  
10/13/2020  
**Scale**  
Not to Scale  
**Drawing No.**  
#20-54838-V1  
**1 of 1**



WEEP HOLE DETAIL  
SCALE: 1" = 1'-0"



ALL WINDOW NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)  
EXAMPLE:  
2040-2 = 2'-0\"/>

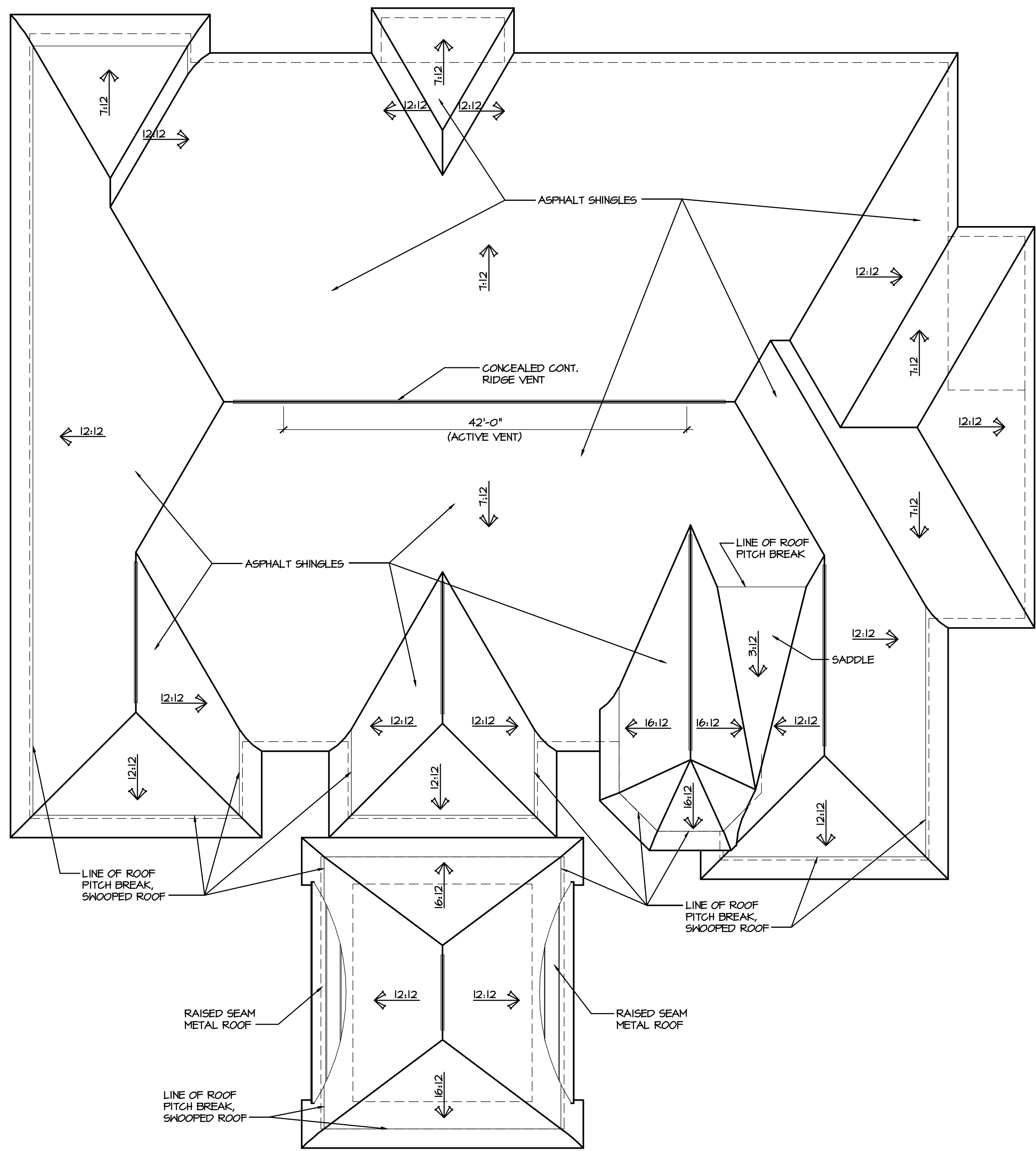
ALL DOOR NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)  
EXAMPLE:  
3000 = 3'-0\"/>

NOTE:  
SEE STRUCTURAL SHEETS FOR ADDITIONAL NOTES AND DETAILS.

LEGEND:	
■	= POINT LOAD
▤	= LOAD BEARING WALLS
▥	= POINT LOAD FROM ABOVE
▧	= LOAD BEARING WALLS FROM ABOVE
▨	= INDICATES AREA OF RASSED CURB IN THIS PROFILE

FOR REVIEW  
11/05/20

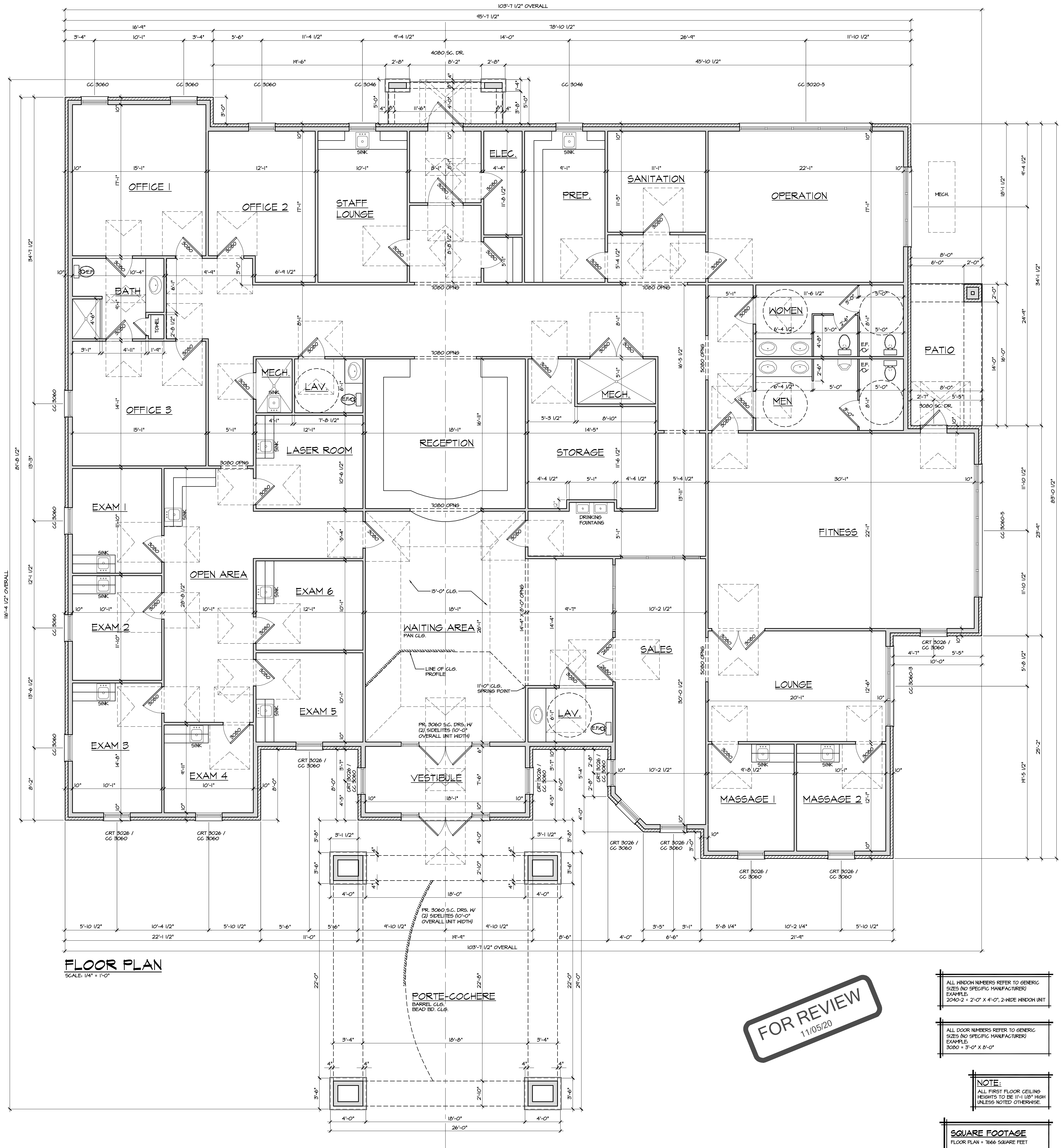




ROOF PLAN  
SCALE: 1/8" = 1'-0"

#### ATTIC VENTILATION CALCULATION

BUILDING ATTIC SPACE = 1655 SQ. FT. / 300 = 5.52 SQ. FT. REQ'D.  
25.32 SQ. FT. / 144 SQ. IN. = 174.44 SQ. IN. REQ'D.  
3674.58 SQ. IN. X 50% = 1837.29 SQ. IN. REQ'D.  
RIDGE VENT CALC = 344.88 SQ. IN. / 18 SQ. IN. = 19.16 LIN. FT. OF RIDGE REQ'D.  
14 = TOTAL LIN. FT. RIDGE VENT REQ'D.  
42 LIN. FT. RIDGE VENT PROVIDED (93% OVER)  
SOFFIT VENT CALC = 344.88 / 4 SQ. IN. = 86.22 LIN. FT. OF SOFFIT REQ'D.  
36 = TOTAL LIN. FT. SOFFIT VENT REQ'D.  
88 LIN. FT. SOFFIT VENT PROVIDED (93% OVER)  
RIDGE VENT = 18 SQ. IN. / LIN. FT.  
SOFFIT VENT = 4 SQ. IN. / LIN. FT.



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

FOR REVIEW  
11/05/20

ALL WINDOW NUMBERS REFER TO GENERIC  
SIZES (NO SPECIFIC MANUFACTURER)  
EXAMPLE:  
2040-2 = 2'-0" X 4'-0", 2-WIDE WINDOW UNIT

ALL DOOR NUMBERS REFER TO GENERIC  
SIZES (NO SPECIFIC MANUFACTURER)  
EXAMPLE:  
3080 = 3'-0" X 8'-0"

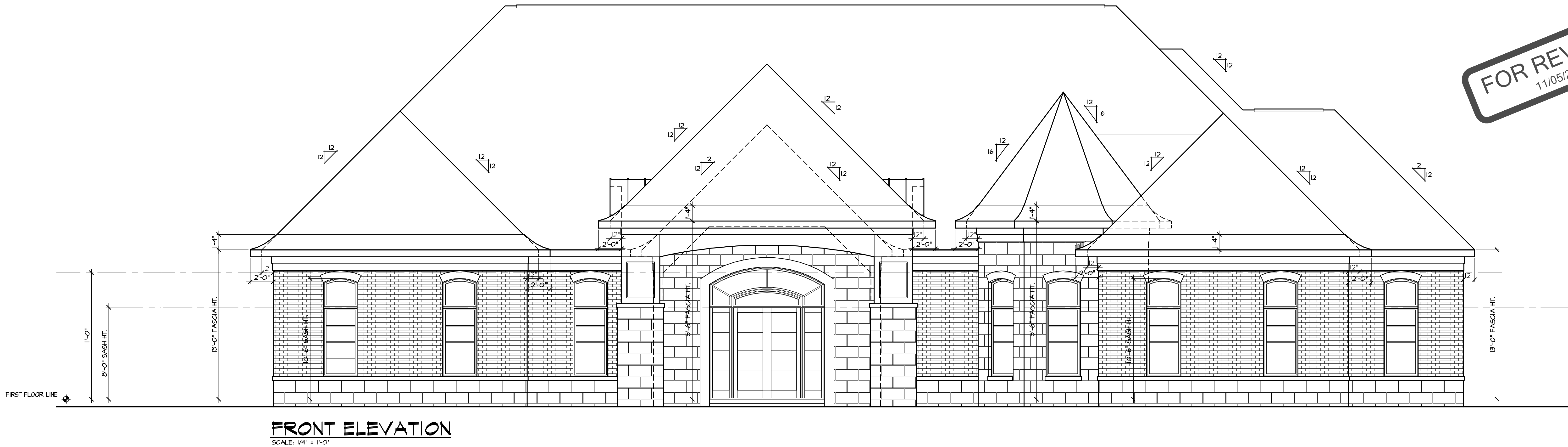
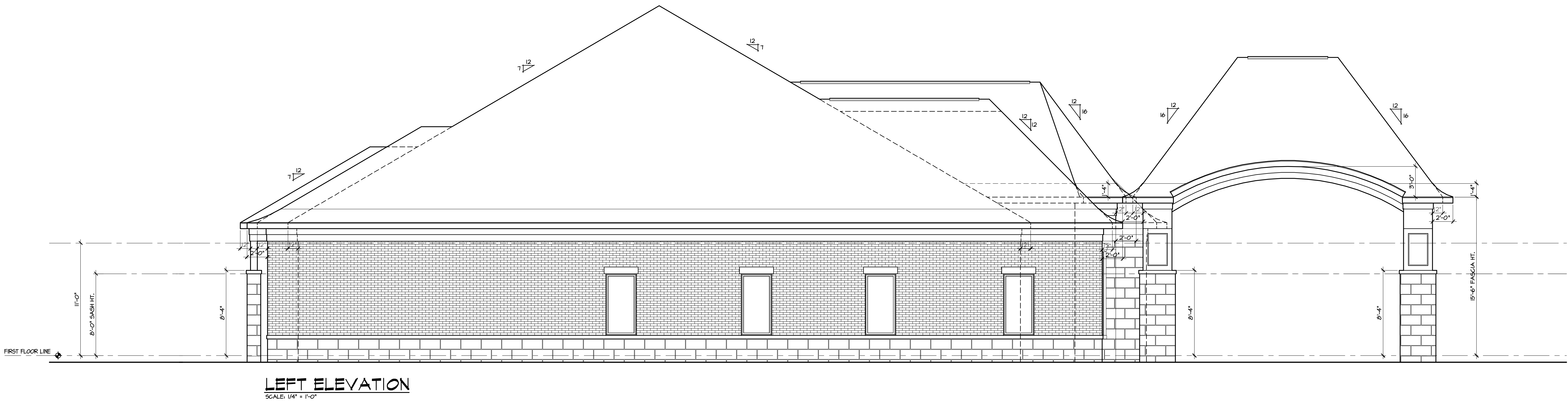
NOTE:  
ALL FIRST FLOOR CEILING  
HEIGHTS TO BE 11'-10" HIGH  
UNLESS NOTED OTHERWISE

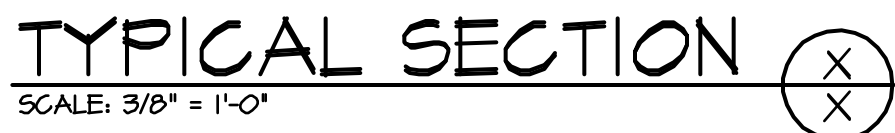
SQUARE FOOTAGE  
FLOOR PLAN = 7666 SQUARE FEET





**FOR REVIEW**  
11/05/20

A rectangular stamp with rounded corners, tilted at an angle. It contains the text "FOR REVIEW" in a large, bold, sans-serif font, and the date "11/05/20" in a smaller, regular sans-serif font below it.

A rectangular stamp with rounded corners, tilted at an angle. It contains the text "FOR REVIEW" in a large, bold, sans-serif font, and the date "11/05/20" in a smaller, regular sans-serif font below it.

MOERI DEVELOPMENT  
MEDICAL BUILDING  
5600 ROCHESTER ROAD  
TROY, MICHIGAN

Drwrc	B.H.
Chlod:	XX.

Sheet No. **6 OF 6**

**LIFESTYLE BY DESIGN**

9-17-90

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

E.D.B., INC., a  
Michigan corporation

Plaintiff,

v

CITY OF TROY, a  
Michigan corporation,

Defendant.

RECEIVED FOR FILING  
OAKLAND COUNTY CLERK  
'90 DEC 13 P4:16

Case No. 88-360890 CZ ✓

Hon. Alice Gilbert

Michael J. Sugameli (P29287)  
Attorney for Plaintiff  
2833 Crooks Road - P.O. Box 2501  
Troy, MI 48007-2501  
(313) 649-2585

Jeannette A. Paskin (P18681)  
Patricia J. Battersby (P37780)  
Attorneys for Defendant  
155 W. Congress, Ste. 600  
Detroit, MI 48226  
(313) 964-2040

John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320

CONSENT JUDGMENT

At a session of said Court held in  
the Courthouse in the City of  
Pontiac, Oakland County, Michigan,  
on: \_\_\_\_\_

DEC 13 1990

PRESENT: HONORABLE ALICE GILBERT, CIRCUIT JUDGE

Plaintiff, E.D.B., Inc., and Defendant, City of Troy ("Troy"),  
have entered into negotiations to compromise and settle this

A TRUE COPY  
LYNN D. ALLEN  
Oakland County Clerk - Register of Deeds  
*[Signature]*  
Deputy

litigation and have stipulated and agreed upon the form and substance of this consent judgment to reflect their agreed upon settlement. This Court approves this judgment:

IT IS ORDERED:

1. After the date of this judgment, plaintiff's property depicted and legally described as Parcel "A" in the survey attached as Exhibit A may be developed, used, and occupied as an approved special use under the existing R-1C zoning classification as set forth in Article X, of Chapter 39, of the Troy City Code.

A. The special use permitted is by Recording for the Blind, a nonprofit, charitable organization. Any building on Parcel "A" may be used for the recording of educational materials by volunteers and general office space for Recording for the Blind. No sales of goods or services or subleasing of space shall be permitted.

B. The special use approved for Recording for the Blind is for educational purposes, and the schedule of regulations now applicable to schools, being Section 10.30.01 of Article X of the Troy Zoning Ordinance (Chapter 39), shall apply and control the use, development, and occupancy of the property depicted as Parcel "A". The requirement for a minimum site area of five acres is waived.

C. Upon cessation of the special use approved for Recording for the Blind, Parcel "A" shall be developed, used and occupied for the purposes set forth in Article

X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.

2. After the date of this judgment, the land depicted and legally described in Exhibit A as Parcel "B" and which has been added to this case by agreement of the parties shall be developed, used and occupied for the purposes now set forth in Article X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.

3. The use, development, and occupancy of Parcels "A" and "B" shall also be governed by Article X of Troy's Zoning Ordinance (Chapter 39); Article VI, Section 6.00 A-F (Parcel Splitting) of Troy's Subdivision Control Ordinance (Chapter 41); and Troy's Sign Ordinance (Chapter 78), without variance, as modified only by the provisions of this consent judgment.

4. Prior to or contemporaneous with entry of this consent judgment, plaintiff shall dedicate and convey by warranty deed to Troy, fee simple, lien-free title to the west 75 feet of Parcels "A" and "B" (legally described in Exhibit D) which runs along Rochester Road so that the Rochester Road public right-of-way will extend 75 feet east from the west line of Section 11.

5. Prior to or contemporaneous with entry of this consent judgment, plaintiff shall grant a permanent easement for a sidewalk and public utilities to Troy over Parcels "A" and "B" (legally described in Exhibit E) limited to the following area: 20 feet east of the Rochester Road right-of-way line after the conveyances

described in paragraph 4. The required setbacks for any buildings on Parcel "A" and "B" shall not be affected due to the proximity of the easement.

6. Troy's zoning classification of Parcels "A" and "B" described in this consent judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq. of the Troy City Code is constitutional and reasonable.

7. The provisions of this consent judgment shall be binding upon and inure to the benefit of the parties, those acting under their discretion and control, and their respective heirs, successors, assigns and transferees.

8. Any person bringing such action, shall reimburse the City of Troy for all costs incurred by Troy in defending any such action which may be brought hereafter by plaintiff, its successors, assigns, or third parties, seeking to set aside or vacate any portion of this consent judgment.

9. This Court shall retain jurisdiction of this case in order to effectuate the intent of this consent judgment, and to enforce compliance with the terms of this consent judgment, and to reconcile any differences of the parties that may arise in connection with the performance of this consent judgment.

10. Plaintiff, its partners, agents, heirs, successors, assigns and transferees, waives and discharges any and all claims that it or any of them have against Troy, its officials and employees, by reason of Troy's zoning classification of Parcels "A"

and "B" described in this judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq., of the Troy City Code.

11. A certified copy of this consent judgment shall be recorded in the Oakland County Register of Deeds with regard to the real property described in this consent judgment, and the Register of Deeds will accept same for recordation.

**ALICE L. GILBERT,**

Circuit Court

Approved as to form and  
content:

E.D.B. INC.

By: [Signature]  
Don Binkowski, its President

By: [Signature]  
Michael J. Sugameli (P29287)  
Attorney for Plaintiff  
2833 Crooks Rd. P.O. Box 2501  
Troy, MI 48007-2501  
(313) 649-2585

CITY OF TROY

By: [Signature]  
Richard E. Doyle, Mayor

By: [Signature]  
Kenneth Courtney, City Clerk

By: [Signature]  
John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320



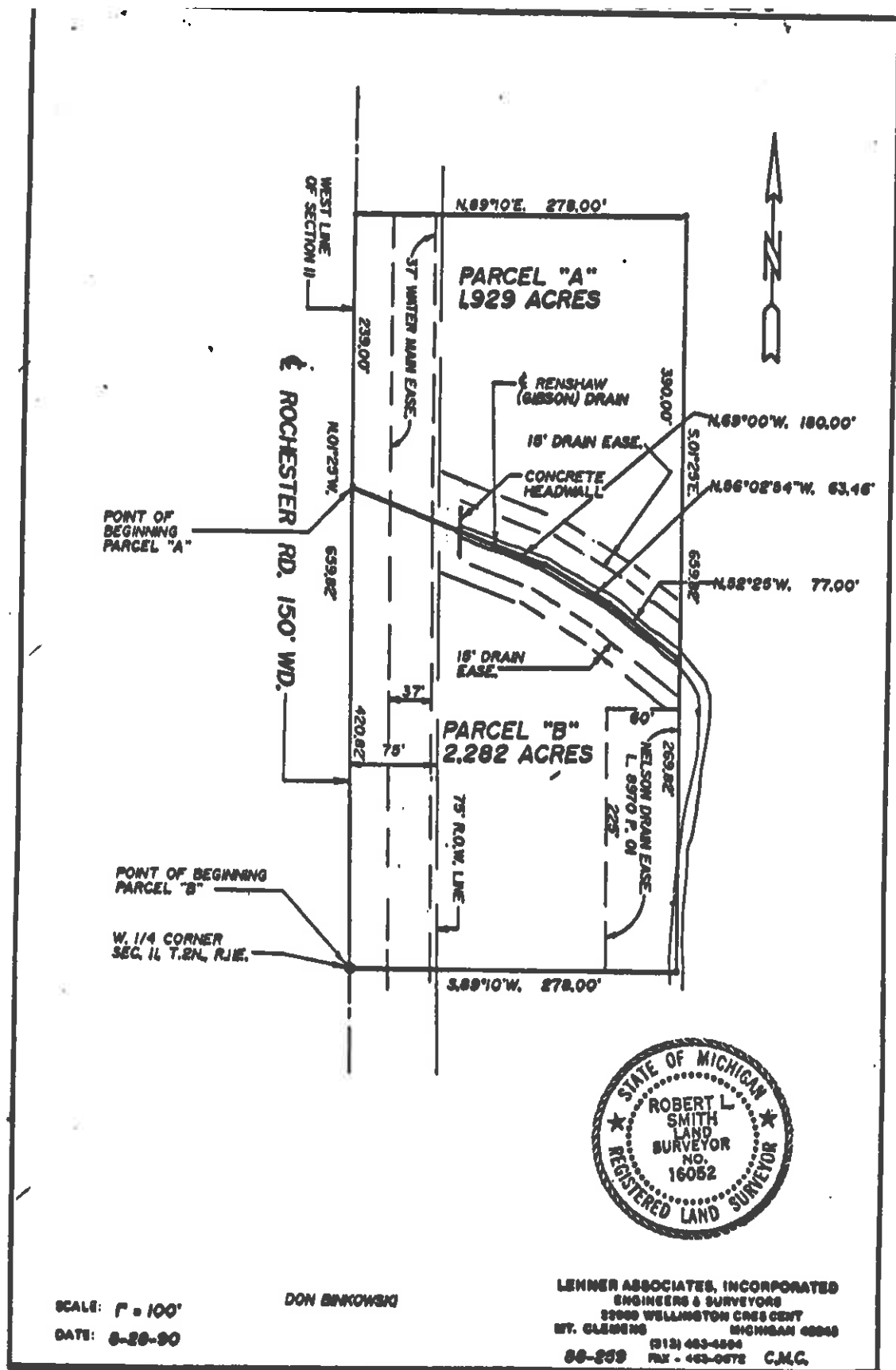


Exhibit A

DESCRIPTION OF PARCEL "A"  
(1.929 ACRES)

A parcel of land located in and being a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at a point 420.82 ft. N.01°-25'W. from the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 239.00 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence N.89°-10'E. 278.00 ft., thence S.01°-25'E. 390.00 ft., thence along the centerline of the Renshaw (Gibson) Drain N.52°-25'W. 77.00 ft., N.56°-02'-54"W. 63.46 ft. and N.69°-00'W. 180.00 ft. to the point of beginning and containing 1.929 acres of land.

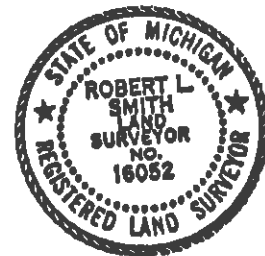
Reserving easements of record.

DESCRIPTION OF PARCEL "B"  
(2.282 ACRES)

A parcel of land located in and beng a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 420.82 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence along the centerline of the Renshaw (Gibson) Drain S.69°-00'E. 180.00 ft., S.56°-02'-54"E. 63.46 ft. and S.52°-25'E. 77.00 ft., thence leaving said drain centerline S.01°-25'E. 269.82 ft. thence S.89°-10'W. 278.00 ft. along the East/West 1/4 line of Section 11 to the point of beginning and containing 2.282 acres of land.

Reserving easements of record.



SCALE:  
DATE:

LEHNER ASSOCIATES, INCORPORATED  
ENGINEERS & SURVEYORS  
8700 WELLINGTON CRESCENT  
MT. CLEMENS MICHIGAN 48008  
(313) 463-4004  
FAX - 463-0572

Sheet 2 of 2

Exhibit B

## Chapter 39 - Zoning Ordinance

### 10.00.00 **ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS** **R-1A THROUGH R-1E**

#### 10.10.00 **INTENT:**

The R-1A through R-1E One Family Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population.

10.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

#### 10.20.00 **PRINCIPAL USES PERMITTED:**

In a One Family Residential District (R-1A through R-1E) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

10.20.01 One Family detached dwellings.

10.20.02 Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres; all subject to the health and sanitation provisions of the Code of the City of Troy.

10.20.03 Publicly owned and operated libraries, parks, parkways and recreational facilities.

10.20.04 Cemeteries which lawfully occupied land at the time of adoption of Ordinance 23.

10.20.05 Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

10.20.06 Accessory buildings, subject to the controls of Section 40.55.00.

#### 10.25.00 **USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted in all R-1A through R-1E One-Family Detached Residential Districts, subject to the conditions hereinafter imposed for each use.

10.25.01 Home Occupations, as defined in Section 04.20.71, subject to the following conditions:

A) In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:

1. Signs relating to any occupation or business.

## Chapter 39 - Zoning Ordinance

2. Accessory buildings devoted primarily to the subject Home Occupation or Business.
3. Off-street parking area greater than that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.
4. Outside storage or display of any items related to the subject Home Occupation or Business, and thus not normally incident to a one-family dwelling.
5. Vehicular Traffic characterized by pick-up or delivery of materials, supplies or products, in excess of that normally incident to a one-family dwelling.

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
- B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
- C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.
- D) The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.

10.25.03 Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).

10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

The following uses may be permitted in R-1A through R-1E, One Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Plan Commission. Before approving any such uses, the Plan Commission shall find that:

- A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.

## Chapter 39 - Zoning Ordinance

- B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Plan Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such uses, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Plan Commission.

10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02 Schools:

- (A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non-profit corporations in accordance with State Law, subject to the following conditions:

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (4) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (5) Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such building elements are increased one (1) foot for each foot of building height which exceeds maximum height allowed. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures existing prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".

5/14/90



## Chapter 39 - Zoning Ordinance

5/14/90

- (6) All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially-zoned property line.

10.30.03

Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories, subject to the following conditions:

- 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. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Plan Commission.
- B) Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex.
- C) Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

10.30.04

Churches and other facilities normally incidental thereto, subject to the following conditions:

- (A) Building of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- (B) Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (C) The site shall be so located as to have at least one (1) property line abutting a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof, with the following exceptions:
  - (1) The Plan Commission may permit access drives to streets or thoroughfares other than Major Thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties.
- (D) One or more of the following locational criteria may be considered by the Plan Commission as a basis for approval or denial of proposals for church development:

## Chapter 39 - Zoning Ordinance

- (1) Location at the intersection of two (2) Major Thoroughfares, each of which has a right-of-way width of at least one hundred twenty (120) feet (existing or proposed).
- (2) Location abutting a Freeway right-of-way.
- (3) Location involving a total Major Thoroughfare frontage block (extending between two intersecting local streets).
- (4) Location where the site has at least one (1) property line, apart from its Major Thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of One-Family Residential dwellings.

These criteria are intended, in part, to assure that the location of a church will not negatively impact the potential for the logical extension of single-family residential development in the adjacent area.

- (E) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (F) Whenever the off-street parking is adjacent to land zoned for residential purposes, a continuous obscuring wall, four (4) feet six (6) inches in height, shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be subject to the provisions of Article XXXIX, Environmental Provisions.
- (G) Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.
  - 1) The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.
  - 2) Parking shall be provided for such incidental use areas at 1/2 the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.
  - 3) Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.

10.30.05 Golf courses, which may or may not be operated for profit, subject to the following conditions:

## **Chapter 39 - Zoning Ordinance**

- (A) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, either existing or proposed.
- (B) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- (C) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Plan Commission may modify this requirement.
- (D) The minimum number of off-street parking spaces to be provided shall be six (6) spaces per hole plus one space per employee plus spaces as required under Article XL, General Provisions, for each accessory use, such as a restaurant or bar.
- (E) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

10.30.06

Swimming pool clubs when incorporated as a non-profit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision or other specified areas within the City of Troy, for the exclusive use of the members and their guests, all subject to the following conditions:

- (A) As a condition to the original granting of such a permit and the operation of such a non-profit swimming pool club, as a part of said application, the applicant shall obtain written approval from eighty five (85) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of seventy five (75) percent of the property owners within 500 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on current recorded subdivision plats of which the subject property is a part, or specifically provided for in legal agreements or documents recorded in relation to such subdivisions.
- (B) Such a private non-profit swimming pool club shall be limited in its service area and membership location to a single square mile Section of the City of Troy, except where the Plan Commission shall find that the logical boundaries of the neighborhood to be served extend beyond a specified Section.

## Chapter 39 - Zoning Ordinance

- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. Such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and shall contain berms in order to screen the use from the abutting residential Districts. Such yards may further contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall (4'-6"), shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject to the requirements of Section 39.10.00 Article XXXIX, Environmental Provisions. Such walls may be placed at locations other than on the property lines of the site.
- (F) Whenever a swimming pool is constructed under this Section, said pool area and pool deck shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
- (G) Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than automobile travel. In no instance, however, shall the off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject further to the provisions of Article XL, General Provisions.

10.30.07

Private non-commercial recreational areas; institutional or community recreation centers, subject to the following conditions:

- (A) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein the applicant shall obtain written approval from seventy five (75) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of fifty one (51) percent of the property owners within 300 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on the current recorded subdivision plat of which the subject property is a

## Chapter 39 - Zoning Ordinance

part, or specifically provided for in the legal agreements or documents recorded in relation to such subdivisions.

- (B) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the Section within which the site is located shall have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, existing or proposed, and the site shall be so planned as to provide all egress and ingress directly onto or from said major thoroughfare.
- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. The first fifty (50) feet of such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and may contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall four feet six inches (4'-6") in height shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject further to the requirements of Section 39.10.00 Article XXXIX, "Environmental Provisions". Such walls may be placed at locations other than on the property lines of the site.
- (F) Off-street parking shall be provided so as to accommodate not less than one half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than the automobile. In no instance, however, shall off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Plan Commission on the basis of usage. Off-street parking areas shall be subject further to the requirements of Article XL, "General Provisions".

10.30.08

Utility and public service buildings and uses (without storage yards) when, in the opinion of the Plan Commission, said buildings and uses:

## Chapter 39 - Zoning Ordinance

- (A) Maintain the residential character of the area, and,
- (B) Are located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development; and,
- (C) Do not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding residential area either due to appearance or operations; and,
- (D) Operating requirements necessitate the location of such uses and buildings within the District to serve the immediate vicinity.

Such buildings and uses shall be developed according to the following standards:

- (1) The site shall have one property line abutting a thoroughfare of at least eighty-six (86) feet of right-of-way width, existing or proposed, and all ingress and egress shall be from said thoroughfare.
- (2) All proposed uses and facilities shall be contained within masonry buildings and structures similar to or compatible with buildings in the adjacent residential areas.
- (3) Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or other residentially zoned land.
- (4) A landscaped berm at least five (5) feet in height shall be required in all yards abutting residential Districts and/or public rights-of-way. Said berms shall be landscaped with a minimum of a double row, six (6) feet apart, of evergreens, typically four (4) feet on center, staggered two feet apart on center. All required yards shall be further landscaped in grass as a minimum. The nature of other screening, fencing, etc., in addition to the aforementioned berms, shall be subject to the approval of the Plan Commission.
- (5) Overhead transmission lines and tower structures are expressly prohibited from such sites. All lines serving such sites shall be underground.

Nothing in these regulations shall be construed to prevent the construction, installation and operation of necessary utility and public service buildings and uses within the residential Districts. These provisions are not, however, intended to include power generating facilities, bulk power and fuel stations, or other large scale facilities which, by their nature and service area, could reasonably be located in non-residential Districts.

10.50.00 DEVELOPMENT STANDARDS

## **Chapter 39 - Zoning Ordinance**

- 50.01 See Article XXX, Schedule of Regulations, for limitations as to height and bulk of buildings, yard setbacks, and lot sizes per District.
- 10.50.02 See Article XXXIV, Residential Development Options, for development approaches involving varying lot size standards.
- 10.50.03 See Chapter 41 (Subdivision Control Ordinance) of the Troy Ordinance Code for requirements as to the platting of subdivisions.
- 10.50.04 See Section 40.20.00 for parking requirements.
- 10.50.05 See Section 39.95.00 for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.
- 10.60.00 **ENVIRONMENTAL STANDARDS:**
- 10.60.01 A Preliminary Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for Tentative Approval of Preliminary Plats for Subdivisions involving twenty five (25) lots or more. This requirement shall also apply to subdivisions which are processed in successive parts which will total twenty five (25) lots or more.
- 10.60.02 **STANDARDS:**  
In order to maintain the physical and economic stability of one family residential areas, the following standards shall apply:
- 10.60.03 **SETBACKS FROM MAJOR THOROUGHFARES:**  
Whenever a lot or acreage parcel abuts a major thoroughfare of at least 120 feet of right-of-way width, existing or proposed, the yard setback abutting said major thoroughfare shall be a minimum of fifty feet. This requirement shall not apply to subdivisions for which Tentative Approval was granted prior to January 1, 1976.
- 10.60.04 **VARIATION IN APPEARANCE:**  
In any one family residential District, there shall be variation in the appearance of the one family detached residential dwellings, according to the following standard:  
  
A dwelling's front elevation shall not re-occur in the same or a substantially similar structural form on another dwelling, within the same street frontage, without there being at least one other dwelling with a different elevation between the dwellings that repeat the frontage elevation.  
  
Different colors alone will not constitute different front elevations.  
  
The Section shall not apply to any dwelling for which a building permit was issued before June 2, 1983.
- 70.00 **AREA AND BULK REQUIREMENTS:**  
See Article XXX, Schedule of Regulations.



STATE OF MICHIGAN }  
COUNTY OF OAKLAND } SS.

STATE OF MICHIGAN County Clerk for the County of Oakland,  
Clerk of the Circuit Court thereof, the same being a  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND  
the attached is a true copy.

E.D.B., INC., a Michigan corporation, and BLACK FOREST BUILDING COMPANY, a Michigan corporation, In Testimony whereof, I have hereunto set my hand and placed the Seal of said Court this \_\_\_\_\_  
LYNN D. ALLEN, Clerk - Register of Deeds

JUL 17 1997

Plaintiffs, By: C. M. Allen Deputy Clerk

v

Case No. 88-360890 CZ

CITY OF TROY, a  
Michigan corporation,

Hon. Alice Gilbert

Defendant.

George M. Malis (P32418)  
Attorney for Plaintiff, E.D.B., Inc.  
2833 Crooks Road - P.O. Box 2501  
Troy, MI 48007-2501  
(313) 649-2585

John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320

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01/18/2000 08:55:12 A.M.  
MACOMB COUNTY, MI  
CARNELLA SABRAUGH, REG/DEEDS

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RECEIVED  
JUN 18 1997  
LIBER 21745 PAGE 341  
\$53.00 MISC RECORDING  
\$2.00 REMUNERATION  
08/25/2000 11:30:50 A.M. RECEIPT# 61489  
PAID RECORDED - OAKLAND COUNTY  
B. WILLIAM CADWELL, CLERK/REGISTER OF DEEDS

FIRST AMENDED AND RESTATED CONSENT JUDGMENT

At a session of said Court held in  
the Courthouse in the City of  
Pontiac, Oakland County, Michigan,  
on: JUN 23 1992

PRESENT: HONORABLE: RICHARD D. KUHN, CIRCUIT JUDGE

The parties have agreed to amend and restate the Consent Judgment entered by this Court on December 13, 1990. This First Amended and Restated Consent Judgment (the "Judgment") shall replace the Consent Judgment.

OK-G.K.

LAWYERS TITLE INS. CORP.

LIBER 21745 PC342

Plaintiff, E.D.B., Inc., and Defendant, City of Troy ("Troy"), have entered into negotiations to compromise and settle this litigation and have stipulated and agreed upon the form and substance of the Judgment to reflect their agreed upon settlement. This Court approves the Judgment:

IT IS ORDERED:

1. After the date of the Judgment, plaintiff's property depicted and legally described as Parcel "A" in the survey attached as Exhibit A may be developed, used, and occupied as an approved special use under the existing R-1C zoning classification as set forth in Article X, of Chapter 39, of the Troy City Code.

A. The special use permitted is by Recording for the Blind, a nonprofit, charitable organization. Any building on Parcel "A" may be used for the recording of educational materials by volunteers and general office space for Recording for the Blind. No sales of goods or services or subleasing of space shall be permitted.

B. The special use approved for Recording for the Blind is for educational purposes, and the schedule of regulations attached as Exhibit B now applicable to schools, being Section 10.30.02 of Article X of the Troy Zoning Ordinance (Chapter 39), shall apply and control the use, development, and occupancy of the property depicted as Parcel "A". The requirement for a minimum site area of five acres is waived.

C. Upon cessation of the special use approved for Recording for the Blind, Parcel "A" shall be developed, used and occupied for the purposes set forth in Article X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.

2. After the date of the Judgment, the land depicted and legally described in Exhibit A as Parcel "B" and which has been added to this case by agreement of the parties may be developed, used and occupied as an approved special use under the existing R-1C zoning classification as set forth in Article X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39). (Exhibit C). The following modifications and land use regulations apply.

A. The special use permitted is by Black Forest Building Company (which has been added as a party plaintiff by agreement of the parties), and its assignees, for a child care center as regulated by Article X, Section 10.30.03 of Chapter 39, of the Troy City Code. No sales of goods or services or subleasing of space shall be permitted.

B. The building to be constructed on Parcel B shall conform to the Site Plan, attached as Exhibit D, and which has been approved by Troy City Council. No variances from the Site Plan shall be sought by plaintiffs, their successors and assigns.

C. No fill shall be placed upon the site east or north of the building depicted in the Site Plan unless plaintiffs or their assignees have obtained permits from the Michigan Department of Natural Resources granted under the provisions of the State of Michigan Flood Plain Act (PA 245 of 1929, as amended), and the City of Troy.

3. The use, development, and occupancy of Parcels "A" and "B" shall also be governed by Article X of Troy's Zoning Ordinance (Chapter 39); Article VI, Section 6.00 A-F (Parcel Splitting) of Troy's Subdivision Control Ordinance (Chapter 41); and Troy's Sign Ordinance (Chapter 78), without variance, as modified only by the provisions of the Judgment.

4. Prior to or contemporaneous with entry of the Judgment, plaintiff, E.D.B., Inc., shall dedicate and convey by warranty deed to Troy, fee simple, lien-free title to the west 75 feet of Parcels "A" and "B" which runs along Rochester Road so that the Rochester Road public right-of-way will extend 75 feet east from the west line of Section 11.

5. Prior to or contemporaneous with entry of the Judgment, plaintiff, E.D.B., Inc., shall grant a permanent easement for a sidewalk and public utilities to Troy over Parcels "A" and "B" limited to the following area: 20 feet east of the Rochester Road right-of-way line after the conveyances described in paragraph 4. The required setbacks for any buildings on Parcel "A" and "B" shall not be affected due to the proximity of the easement.

6. Troy's zoning classification of Parcels "A" and "B" described in the Judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq. of the Troy City Code is constitutional and reasonable.

7. The provisions of the Judgment shall be binding upon and inure to the benefit of the parties, those acting under their discretion and control, and their respective heirs, successors, assigns and transferees.

8. Plaintiffs, their successors and assigns, shall reimburse Troy for all costs incurred by Troy in defending any action which may be brought hereafter by plaintiffs, their successors, assigns, or third parties, seeking to set aside or vacate any portion of the Judgment.

9. This Court shall retain jurisdiction of this case in order to effectuate the intent of the Judgment, and to enforce compliance with the terms of the Judgment, and to reconcile any differences of the parties that may arise in connection with the performance of the Judgment.

10. Plaintiffs, their partners, agents, heirs, successors, assigns and transferees, waive and discharge any and all claims that they or any of them have against Troy, its officials and employees, by reason of Troy's zoning classification of Parcels "A" and "B" described in this judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq., of the Troy City Code.

11. A certified copy of the Judgment shall be recorded in the Oakland County Register of Deeds with regard to the real property

described in the Judgment, and the Register of Deeds will accept same for recordation. Plaintiffs shall pay the cost of recording the Judgment.

*Richard E. Doyle*  
Circuit Court

Approved as to form and content:

Plaintiff:

E.D.B., INC.

By: *Don Binkowski*  
Don Binkowski, its President

By: *George M. Malis*  
George M. Malis (P32418)  
Attorney for Plaintiff

Plaintiff:

BLACK FOREST BUILDING COMPANY,  
a Michigan corporation

By: *Anthony J. Bellomo*  
Anthony Bellomo  
Its President

CITY OF TROY

By: *Richard E. Doyle*  
Richard E. Doyle, Mayor

By: *Kenneth Courtney*  
Kenneth Courtney, City Clerk

By: *John J. Martin, III*  
John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320

Defendant:

CITY OF TROY, a Michigan corporation

By: *Richard E. Doyle*  
Richard E. Doyle, Mayor

By: *Kenneth L. Courtney*  
Kenneth L. Courtney  
City Clerk

By: *John J. Martin, III*  
John J. Martin, III (P25888)

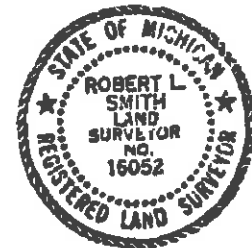
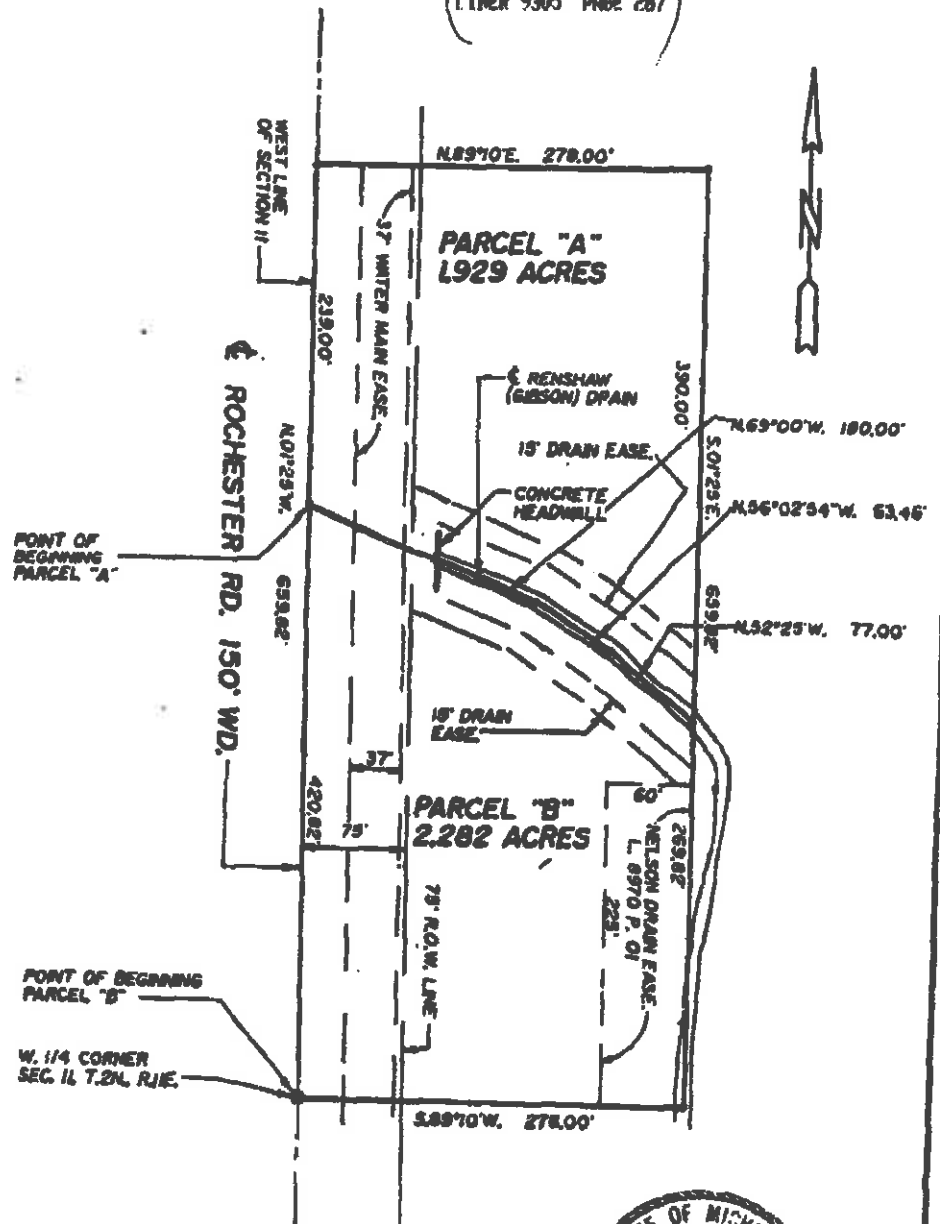
RETURN TO  
DAVE NOWLIN  
LONG AMERICA  
3636 NORTH CENTRAL AVE  
SUITE 350  
PHOENIX, AZ, 85018



# CERTIFICATE OF SURVEY

LIBER 21745 PG 347

(LINER 9305 PAGE 287)



SCALE: 1" = 100'

DATE: 8-28-80

DON BRONKHORST

LENNER ASSOCIATES, INCORPORATED  
ENGINEERS & SURVEYORS  
2200 WELLINGTON CIRCUMFERENCE  
ST. CLEMENS MICHIGAN 48860  
(313) 463-4004  
88-278 FAX - (313) 463-4075 C.M.C.

DESCRIPTION OF PARCEL "A"  
(1.929 ACRES)

A parcel of land located in and being a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at a point 420.82 ft. N.01°-25'W. from the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 239.00 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence N.89°-10'E. 278.00 ft., thence S.01°-25'E. 390.00 ft., thence along the centerline of the Renshaw (Gibson) Drain N.52°-25'W. 77.00 ft., N.56°-02'-54"W. 63.46 ft. and N.69°-00'W. 180.00 ft. to the point of beginning and containing 1.929 acres of land.

Reserving easements of record.

20-11-154 (022)  
-021

DESCRIPTION OF PARCEL "B"  
(2.282 ACRES)

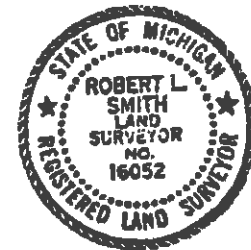
A parcel of land located in and being a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 420.82 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence along the centerline of the Renshaw (Gibson) Drain S.69°-00'E. 180.00 ft., S.56°-02'-54"E. 63.46 ft. and S.52°-25'E. 77.00 ft., thence leaving said drain centerline S.01°-25'E. 269.82 ft. thence S.89°-10'W. 278.00 ft. along the East/West 1/4 line of Section 11 to the point of beginning and containing 2.282 acres of land, \*

Reserving easements of record.

20-11-154-022

\* except the West 75 feet.



SCALE  
DATE:

LENNER ASSOCIATES, INCORPORATED  
ENGINEERS & SURVEYORS  
23000 WELLINGTON CRESCENT  
MT. CLARENCE, MICHIGAN 48060  
(517) 453-0500  
FAX - 453-0572

10.25.03

Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).

10.30.00

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

The following uses may be permitted in R-1A through R-1E, One Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Plan Commission. Before approving any such uses, the Plan Commission shall find that:

- A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Plan Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such uses, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Plan Commission.

10.30.01

Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 10.30.00.

10.30.02

Schools:

- (A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non-profit corporations in accordance with State Law, subject to the following conditions:

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (4) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (5) Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such a building element shall be at least four (4) times the height of the building element. In no instance shall such a building element exceed eighty (80) feet in height. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures existing prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".
- (6) All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially-zoned property line.

~~10-30-03~~

~~Child Care Centers, Nursery Schools or Day Nurseries  
(not including dormitories, subject to the following  
conditions.)~~

10.00.00

LIBER 21745 PC 351  
**ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS**  
**R-1A THROUGH R-1E**

10.10.00

**INTENT:**

The R-1A through R-1E One Family Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population.

10.10.01

Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

10.20.00

**PRINCIPAL USES PERMITTED:**

In a One Family Residential District (R-1A through R-1E) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

10.20.01

One Family detached dwellings.

10.20.02

Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres; all subject to the health and sanitation provisions of the Code of the City of Troy.

10.20.03

Publicly owned and operated libraries, parks, parkways and recreational facilities.

10.20.04

Cemeteries which lawfully occupied land at the time of adoption of Ordinance 23.

10.20.05

Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

10.20.06

Accessory buildings, subject to the controls of Section 40.55.00.

10.25.00

**USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted in all R-1A through R-1E One-Family Detached Residential Districts, subject to the conditions hereinafter imposed for each use.

10.25.01

Home Occupations, as defined in Section 04.20.71,  
subject to the following conditions:

21745PG352

A) In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:

1. Signs relating to any occupation or business.
2. Accessory buildings devoted primarily to the subject Home Occupation or Business.
3. Off-street parking area greater than that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.
4. Outside storage or display of any items related to the subject Home Occupation or Business, and thus not normally incident to a one-family dwelling.
5. Vehicular Traffic characterized by pick-up or delivery of materials, supplies or products, in excess of that normally incident to a one-family dwelling.

10.25.02

Family Day Care Homes, as defined in Section 04.20.60,  
subject to the following conditions:

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
- B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
- C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.
- D) The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.



10.25.03 Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).

10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL  
The following uses may be permitted in R-1A through R-1E, One Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Plan Commission. Before approving any such uses, the Plan Commission shall find that:

- A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Plan Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such uses, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Plan Commission.

10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02 Schools:

- (A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non-profit corporations in accordance with State Law, subject to the following conditions:

LINER 21745 PC354

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (4) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (5) Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such a building element shall be at least four (4) times the height of the building element. In no instance shall such a building element exceed eighty (80) feet in height. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures existing prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".
- (6) All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially-zoned property line.

10.30.03

Child Care Centers, Nursery Schools or Day Nurseries  
(not including dormitories, subject to the following  
conditions:

- 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. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Plan Commission.
- B) Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex.
- C) Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

10.30.04

Churches and other facilities normally incidental thereto, subject to the following conditions:

- (A) Building of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- (B) Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (C) The site shall be so located as to have at least one (1) property line abutting a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof, with the following exceptions:
  - (1) The Plan Commission may permit access drives to streets or thoroughfares other than Major Thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties.

21745PG356

- (D) One or more of the following locational criteria may be considered by the Plan Commission as a basis for approval or denial of proposals for church development:
- (1) Location at the intersection of two (2) Major Thoroughfares, each of which has a right-of-way width of at least one hundred twenty (120) feet (existing or proposed).
  - (2) Location abutting a Freeway right-of-way.
  - (3) Location involving a total Major Thoroughfare frontage block (extending between two intersecting local streets).
  - (4) Location where the site has at least one (1) property line, apart from its Major Thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of One-Family Residential dwellings.

These criteria are intended, in part, to assure that the location of a church will not negatively impact the potential for the logical extension of single-family residential development in the adjacent area.

- (E) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (F) Whenever the off-street parking is adjacent to land zoned for residential purposes, a continuous obscuring wall, four (4) feet six (6) inches in height, shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be subject to the provisions of Article XXXIX, Environmental Provisions.
- (G) Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.

- 1) The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.
- 2) Parking shall be provided for such incidental use areas at 1/2 the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.
- 3) Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.

10.30.05

Golf courses, which may or may not be operated for profit, subject to the following conditions:

- (A) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, either existing or proposed.
- (B) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- (C) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Plan Commission may modify this requirement.

21745 PG 358

- (D) The minimum number of off-street parking spaces to be provided shall be six (6) spaces per hole plus one space per employee plus spaces as required under Article XL, General Provisions, for each accessory use, such as a restaurant or bar.
- (E) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

10.30.06

Swimming pool clubs when incorporated as a non-profit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision or other specified areas within the City of Troy, for the exclusive use of the members and their guests, all subject to the following conditions:

- (A) As a condition to the original granting of such a permit and the operation of such a non-profit swimming pool club, as a part of said application, the applicant shall obtain written approval from eighty five (85) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of seventy five (75) percent of the property owners within 500 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on current recorded subdivision plats of which the subject property is a part, or specifically provided for in legal agreements or documents recorded in relation to such subdivisions.
- (B) Such a private non-profit swimming pool club shall be limited in its service area and membership location to a single square mile Section of the City of Troy, except where the Plan Commission shall find that the logical boundaries of the neighborhood to be served extend beyond a specified Section.

- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. Such yards adjacent to residential Districts shall be kept free of off- street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and shall contain berms in order to screen the use from the abutting residential Districts. Such yards may further contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall (4'-6"), shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject to the requirements of Section 39.10.00 Article XXXIX, Environmental Provisions. Such walls may be placed at locations other than on the property lines of the site.
- (F) Whenever a swimming pool is constructed under this Section, said pool area and pool deck shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
- (G) Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than automobile travel. In no instance, however, shall the off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject further to the provisions of Article XL, General Provisions.



10.30.07     Private non-commercial recreational areas;  
institutional or community recreation centers, subject  
to the following conditions:

LIDER 21745PC360

- (A) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein the applicant shall obtain written approval from seventy five (75) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of fifty one (51) percent of the property owners within 300 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on the current recorded subdivision plat of which the subject property is a part, or specifically provided for in the legal agreements or documents recorded in relation to such subdivisions.
- (B) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the Section within which the site is located shall have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, existing or proposed, and the site shall be so planned as to provide all egress and ingress directly onto or from said major thoroughfare.
- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. The first fifty (50) feet of such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and may contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall four feet six inches (4'-6") in height shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject further to the requirements of Section 39.10.00 Article XXXIX, "Environmental Provisions". Such walls may be placed at locations other than on the property lines of the site.
- (F) Off-street parking shall be provided so as to accommodate not less than one half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than the automobile. In no instance, however, shall be off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Plan Commission on the basis of usage. Off-street parking areas shall be subject further to the requirements of Article XL, "General Provisions".

10.30.08

Utility and public service buildings and uses (without storage yards) when, in the opinion of the Plan Commission, said buildings and uses:

- (A) Maintain the residential character of the area, and,
- (B) Are located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development; and,
- (C) Do not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding residential area either due to appearance or operations; and,

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Operating requirements necessitate the location of such uses and buildings within the District to serve the immediate vicinity.

Such buildings and uses shall be developed according to the following standards:

- (1) The site shall have one property line abutting a thoroughfare of at least eighty-six (86) feet of right-of-way width, existing or proposed, and all ingress and egress shall be from said thoroughfare.
- (2) All proposed uses and facilities shall be contained within masonry buildings and structures similar to or compatible with buildings in the adjacent residential areas.
- (3) Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or other residentially zoned land.
- (4) A landscaped berm at least five (5) feet in height shall be required in all yards abutting residential Districts and/or public rights-of-way. Said berms shall be landscaped with a minimum of a double row, six (6) feet apart, of evergreens, typically four (4) feet on center, staggered two feet apart on center. All required yards shall be further landscaped in grass as a minimum. The nature of other screening, fencing, etc., in addition to the aforementioned berms, shall be subject to the approval of the Plan Commission.
- (5) Overhead transmission lines and tower structures are expressly prohibited from such sites. All lines serving such sites shall be underground.

Nothing in these regulations shall be construed to prevent the construction, installation and operation of necessary utility and public service buildings and uses within the residential Districts. These provisions are not, however, intended to include power generating facilities, bulk power and fuel stations, or other large scale facilities which, by their nature and service area, could reasonably be located in non-residential Districts.

10.50.00 DEVELOPMENT STANDARDS

- 10.50.01 See Article XXX, Schedule of Regulations, for limitations as to height and bulk of buildings, yard setbacks, and lot sizes per District.
- 10.50.02 See Article XXXIV, Residential Development Options, for development approaches involving varying lot size standards.
- 10.50.03 See Chapter 41 (Subdivision Control Ordinance) of the Troy Ordinance Code for requirements as to the platting of subdivisions.
- 10.50.04 See Section 40.20.00 for parking requirements.
- 10.50.05 See Section 39.95.00 for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

10.60.00 ENVIRONMENTAL STANDARDS:

- 10.60.01 A Preliminary Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for Tentative Approval of Preliminary Plats for Subdivisions involving twenty five (25) lots or more. This requirement shall also apply to subdivisions which are processed in successive parts which will total twenty five (25) lots or more.
- 10.60.02 STANDARDS:  
In order to maintain the physical and economic stability of one family residential areas, the following standards shall apply:

10.60.03

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**SETBACKS FROM MAJOR THOROUGHFARE:**

Whenever a lot or acreage parcel abuts a major thoroughfare as established by the Master Thoroughfare Plan adopted in accordance with Act 285, Public Act's of 1931, as amended, the yard setback abutting said major thoroughfare shall be at least fifty (50) feet from the existing or Master Thoroughfare Plan right-of-way line, whichever is greater. This ordinance does not prohibit expansion behind the fifty (50) foot setback. This requirement shall not apply to subdivisions for which Tentative Approval was granted prior to January 1, 1976.

(Rev. 6-3-91)

10.60.04

**VARIATION IN APPEARANCE:**

In any one family residential District, there shall be variation in the appearance of the one family detached residential dwellings, according to the following standard:

A dwelling's front elevation shall not re-occur in the same or a substantially similar structural form on another dwelling, within the same street frontage, without there being at least one other dwelling with a different elevation between the dwellings that repeat the frontage elevation.

Different colors alone will not constitute different front elevations.

The Section shall not apply to any dwelling for which a building permit was issued before June 2, 1983.

10.90.00

**AREA AND BULK REQUIREMENTS:**

See Article XXX, Schedule of Regulations.