

LOG

AGENDA

REGULAR MEETING

Council Chambers

7:30 P.M.

TROY CITY PLANNING COMMISSION

September 10, 1996

1. ROLL CALL
2. MINUTES - Regular Meeting of August 13, 1996
Special/Study Meeting of August 27, 1996
3. PUBLIC COMMENTS

SITE PLANS

4. SITE PLAN REVIEW (Renewal) - Proposed Office-Restaurant Complex - South Side of Big Beaver, East of I-75 - Section 28
5. SITE PLAN REVIEW - Proposed Church Expansion - South Side of Wattles, West of Crooks - Section 20
6. SITE PLAN REVIEW - Proposed Industrial Building Addition - East of Stephenson, Between Wheaton and Piedmont - Section 26

OTHER BUSINESS

7. POTENTIAL JOINT MEETING AGENDA ITEMS

APPROVAL REQUIREMENTS

- A) The Planning Commission has final authority on the following types of matters. A minimum of *five (5) affirmative votes are required* for approval.
- 1) Site Plan Review
 - 2) Special Use Requests
 - 3) Master Plan Amendments (*six (6) votes required*)
- B) The Planning Commission acts in an advisory capacity on the following types of matters. Their action constitutes a recommendation to the City Council. Such recommending actions require a *majority vote* of those Commission members present.
- 1) Rezoning Proposals and Ordinance Text Amendments
 - 2) Subdivision Plats
 - 3) Street and Alley Vacations or Extensions
 - 4) Historic District Designations

Reports covering the Planning Commission's recommendations on these matters are directed to the City Manager's Office. The City Manager's Office is responsible for preparation of City Council Agendas. Inquiries as to when a matter will appear on a City Council Agenda should be directed to the City Manager's Office (524-3330).

When the City Council receives reports regarding Rezoning, Ordinance Text Amendments, and Street and Alley Vacations, they have the option of denying the proposals without a Public Hearing, or establishing a Public Hearing for a future date. The City Council will typically establish a Public Hearing, when requested by the petitioner, although they are not compelled to do so.

TO: Troy City Planning Commission

FROM: Laurence G. Keisling, Planning Director

SUBJECT: Regular Meeting Agenda - September 10, 1996

1. ROLL CALL
(Resolution to excuse absent members if necessary)
2. MINUTES - Regular Meeting of August 13, 1996
Special/Study Meeting of August 27, 1996
3. PUBLIC COMMENTS

SITE PLANS

4. SITE PLAN REVIEW (Renewal) - Proposed Office-Restaurant Complex - South Side of Big Beaver, East of I-75 - Section 28 (SP-744)

In July of 1994 the Planning Commission approved a plan for the construction of a four-story office and restaurant complex on the 6.14 acre O-S-C zoned site which extends south from Big Beaver Road to I-75 along the west side of Spencer Road (east of I-75). This proposed development was to include a 263 seat "Cantina Del Rio" restaurant, attached to a four-story 79,750 square foot office building, which would be developed by Kirco Development, following the character of the adjacent Columbia Center development. The enclosed excerpt from the minutes of the July 12, 1994 Regular Meeting covers the various items discussed in conjunction with that proposal. The 1994 development proposal also involved execution of a "Construction Phasing Agreement", which permitted the developers to proceed with construction of the restaurant element of the proposed development in advance of construction of the major office element. Also enclosed is a copy of my memorandum of July 28, 1994, conveying the proposed Agreement to the City Manager for consideration and execution by the City Council. This Agreement was approved by the City Council on August 8, 1994. As indicated in the enclosed materials, through this "Agreement approach," the City was able to invoke significant aesthetic and other controls well beyond those available through conventional zoning processes. *

The property owners and petitioners did not proceed with the development as proposed in 1994. Kirco Development, on behalf of the property owners, is now proposing to proceed with a project basically the same as that previously proposed, with the exception that a different restaurant organization will be involved. The restaurant now proposed is known as "Rio Bravo Cantina", which we understand is related to the company owning "Applebee's". As this development has not proceeded within the one year Preliminary Site Plan Approval period, the petitioners have requested renewal of their previous Site Plan Approval, with the inclusion of the revised restaurant element.

The site plan as now submitted is basically identical to that presented in 1994. The office element continues at 79,750 square feet. The proposed restaurant element will involve slightly fewer seats. The plan as originally submitted indicated 214 seats within the interior of the restaurant, along with an outside seating or patio area. At the time of this writing we are seeking an answer as to the seating capacity of the patio area. As in the case of the previous plan, this plan is to include placement of a walkway which will serve as a portion of the

143 Seats? Based on Parking Dining Area

"pedestrian concourse" which is intended to connect the various buildings along the Big Beaver Corridor. Subject to confirmation of the capacity of the outside seating area, all applicable Zoning Ordinance requirements are complied with and approval of this site plan is recommended by the Planning Department.

Proposed resolution

Moved by

Seconded by

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of an office/restaurant complex involving a four-story 79,750 square foot office building element and a ~~7,300~~ seat inter-connected restaurant on the 6.14 acre O-S-C zoned site extending south from Big Beaver Road to I-75 along the west side of Spencer Road is hereby, (granted, subject to the following conditions: _____) or (denied, for the following reasons: _____).

Yeas:

Nays:

Absent:

5. SITE PLAN REVIEW - Proposed Church Expansion - South Side of Wattles, West of Crooks - Section 20 (SU-153)

2-Phase

A site plan has been submitted for the expansion of building and parking facilities serving the church organization known as Stone Haven Ministries, on their 3.5 acre net area R-1B zoned site on the south side of Wattles Road between Crooks Road and Northfield Parkway. This church was originally constructed as the "Troy Christian Church", following Special Use Approval by the Planning Commission in 1979. The church later became known as the North Metro Free Methodist Church, and now most recently as Stone Haven Ministries. This latter name in part relates to the Stone Haven Subdivision, which has been developed on land surrounding the church site, including the southerly portion of the church property.

The floor plan submitted with the site plan indicates that the sanctuary area is to be expanded to a seating capacity of 350. The 2,940 square foot multi-purpose room or fellowship hall has a capacity, per Ordinance, of 196 people for parking determination purposes. The spaces provided within the expanded parking area will exceed the cumulative requirement for the expanded church complex. In conjunction with this proposal, the single entrance drive from Wattles Road is to be moved further to the east, and thus away from the homes to the west within the Stone Haven Woods Subdivision. The site plan indicates the existing and proposed parking area screenwalls along the west and east boundaries of the site, respectively. All applicable Ordinance requirements are complied with, and approval of this site plan is recommended by the Planning Department.

1) *

2)

Proposed Resolution

Moved by

Seconded by

RESOLVED, that Preliminary Site Plan Approval, as requested for the expansion of building and parking facilities for Stone Haven Ministries (a Free Methodist Church), on their 3.5 acre net area site on the south side of Wattles Road between Crooks Road and Northfield Parkway is hereby, (granted, subject to the following conditions: _____) or (denied, for the following reasons: _____).

Yeas:

Nays:

Absent:

6. SITE PLAN REVIEW - Proposed Industrial Building Addition - East of Stephenson, Between Wheaton and Piedmont - Section 26 (SP-787)

A site plan has been submitted for the expansion of building and parking facilities on a 0.55 acre M-1 zoned site extending from Wheaton Avenue through to Piedmont Avenue in the area east of Stephenson Highway, south of I-75. A 4,000 square foot building presently exists at this location, addressed at 1090 Wheaton. A 4,261 square foot addition is proposed, bringing the total building complex to 8,261 square feet. A site plan for a similar expansion was approved by the Planning Commission in June of 1994, but was not implemented.

The subject site has 105 feet of frontage on both Wheaton and Piedmont Avenues. The Board of Zoning Appeals has taken action to permit the placement of parking and drive areas within the required 50 foot setback from Piedmont Avenue, and to permit the expansion of the legal non-conforming building, which has a setback of approximately 23 feet from Wheaton Avenue. The proposed building expansion will eliminate the present situation wherein vehicles can move through the site from one of the street frontages to the other. With the Board of Zoning Appeals actions, applicable Ordinance requirements are complied with, and approval of this site plan is recommended by the Planning Department.

Proposed Resolution

Moved by

Seconded by

RESOLVED, that Preliminary Site Plan Approval, as requested for the 4,262 square foot building expansion, and related parking area expansion, on an M-1 zoned site having 105 feet of frontage on Wheaton and Piedmont Avenues east of Stephenson Highway, is hereby, (granted, subject to the following conditions: _____) or (denied, for the following reasons: _____).

Yeas:

Nays:

Absent:

OTHER BUSINESS

7. POTENTIAL JOINT MEETING AGENDA ITEMS

As indicated in the enclosed minutes from your August 27 Special/Study Meeting, Chairman Thompson and other Commission members have proposed a series of items which could potentially become a part of the Joint Meeting with the City Council, which is scheduled for

*B.Z.A.
(Minutes Attached)*

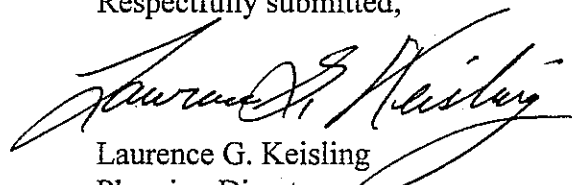
Tuesday September 24, 1996. The items proposed at your Study Meeting are listed as follows:

- ① Proposed Policy and Process - Communications Antenna Facility Locations
2. Proposed Zoning Ordinance Text Amendment - Land Use Buffers in E-P Districts
3. "Residential Compatibility" (Relative Parcel Sizes, etc.)
- (Fire & Police) ④ Inter-connection of Street Systems
- ⑤ Extent of Commercial/Retail Zoning and Development
- A. Rochester/South Boulevard Area and Other Major Road Frontages
6. Communications Accessibility of Planning Commission Members

It was suggested that, at this meeting, the Commission take the opportunity to prioritize these potential meeting agenda items and/or to add to them, so that a final proposed list can be conveyed to the Council for their consideration and potential inclusion in the final agenda.

In a related matter, the writer is attempting to develop a draft "Mission Statement" for the Planning Commission, for your initial receipt and consideration at the Regular Meeting. As a part of the background for that item, we are enclosing a copy of Chapter 40 of the City Code, the Chapter which establishes and sets a direction for the Planning Commission.

Respectfully submitted,


Laurence G. Keisling
Planning Director

LGK/eh

July 28, 1994

REC'D

AUG 0 1

CITY MANAGER'S
OFFICE

TO: Frank Gerstenecker, City Manager

FROM: Laurence G. Keisling, Planning Director

SUBJECT: Construction Phasing Agreement - Proposed Office-Restaurant Complex -
South Side of Big Beaver, East of I-75

A development proposal has been submitted for the construction of a 4-story office and restaurant complex on the 6.14 acre O-S-C zoned site which extends south from Big Beaver Road to I-75 along the west side of Spencer Road. The proposed development is to include a 263 seat "Cantina del Rio" restaurant, attached to a 4-story 79,750 square foot office building, which would be developed by Kirco Development, following the character of the adjacent Columbia Center development, for which Kirco is the developer partner. The restaurant includes an indoor-outdoor patio area. Cantina del Rio, which is a mexican restaurant subsidiary of the Bob Evans organization, has been seeking a site in Troy for over a year. They have recently secured the subject O-S-C zoned parcel, recognizing that the O-S-C District requires that restaurants be within or attached to the principal office or hotel building or use, rather than free-standing. Because of this restriction, they sought an office development partner, and are now proceeding with their plans in conjunction with Kirco.

Because of the office development climate, the Bob Evans organization and Kirco have proposed the execution of a "Development Agreement" under which they would initially be permitted to proceed with the construction of the restaurant element of this development. This Agreement, which is now termed a "Construction Phasing Agreement", would assure that the remaining portion of the site is committed to a development in the manner indicated on the overall plans as submitted at this time. Such an Agreement must of course be entered between the property owners, and the City Council, on behalf of the City of Troy. This is a new approach for the City of Troy, but it is felt that such a procedure would be reasonable, considering the current office development climate, the nature and location of the site, and the restrictions which can be included in the Construction Phasing Agreement. As an example, both the City staff and the Columbia Center owners and developers are concerned about the character and appearance of the proposed building complex. The Development Agreement approach provides an opportunity to assure that the exterior appearance of the restaurant element of this development will be fully compatible with existing and potential future development in this area, a level of control which is not typically available through zoning.

The Planning Commission considered the site plan for the overall office-restaurant complex at their Regular Meeting of July 12, 1994. An excerpt from the minutes of that meeting related to this matter is enclosed. After discussion the Planning Commission

Aug. 8, 1994 - Approved by City Council.

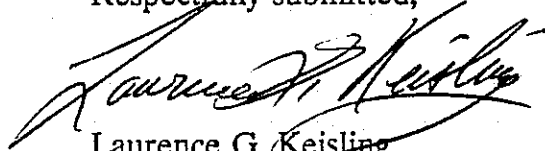
C-26

Construction Phasing Agreement
Proposed Office-Restaurant Complex
South Side of Big Beaver, East of I-75

adopted a resolution approving the overall site plan including the expansion of the greenbelt area along the Big Beaver Road frontage. Implementation of this site plan will also include construction of the first portion of the "pedestrian concourse", which is intended to inter-connect building entrances throughout the Big Beaver corridor. Easements for this concourse have previously been provided in many locations throughout the corridor, including the area extending east from Spencer Street across the front of the Columbia Center development, and ultimately to Livernois Road. In the course of taking action on this development proposal it was stated that the Planning Commission fully expects that the office phase of this development will occur, and that no significant change in the land use direction for this site is expected. The enclosed proposed Construction Phasing Agreement is now presented for consideration and execution by the City Council. This Agreement represents a modification, by City staff, of the draft originally presented by Bob Evans' attorneys. Approval and execution of this Construction Phasing Agreement is recommended.

Please advise as to any further information or assistance which I might provide in relation to this matter.

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eh

copies: John Szerlag, Assistant City Manager
Peter Letzmann, City Attorney
John Martin, Assistant City Attorney
Gary Shripka, Chief Building Inspector

5. SITE PLAN REVIEW - Proposed Office-Restaurant Complex - South Side of Big Beaver, West of Spencer - Section 28 (SP-744)

Mr. Keisling explained that a site plan has been submitted for the construction of a 4-story office and restaurant complex on the 6.14 acre O-S-C zoned site which extends south from Big Beaver Road to I-75 along the west side of Spencer Road. The proposed development is to include a 263 seat "Cantina del Rio" restaurant, attached to a 4-story 79,750 square foot office building, which would be developed by Kirco Development, following the character of the adjacent Columbia Center development, for which Kirco is the developer partner. The restaurant includes an indoor-outdoor patio area and the ultimate development will include an enclosed pedestrian connection. Cantina del Rio, which is a Mexican restaurant subsidiary of the Bob Evans organization, has been seeking a site in Troy for over a year. They have recently secured the subject O-S-C zoned parcel, recognizing that the O-S-C District requires that restaurants be within or attached to the principal office or hotel building or use, rather than free-standing. Because of this restriction, they sought an office development partner, and now are proceeding with their plans in conjunction with Kirco.

Mr. Keisling stated that, because of the office development climate, the petitioners are working with the City staff in order to evolve a Development Agreement under which they would initially be permitted to proceed with the construction of the restaurant element of this development. The Development Agreement, which must ultimately be considered and approved by the City Council, would assure that the remaining portion of the site is committed to a development in the manner indicated on the overall plans as submitted at this time. This is a new approach for the City of Troy, but it was felt that it would be reasonable, considering the current office development climate, the nature and location of the site, and the restrictions which can be included in the Development Agreement. As an example, both the City staff and the Columbia Center owners and developers are concerned about the character and appearance of the proposed building. The Development Agreement approach provides an opportunity to assure that the exterior appearance of the restaurant element of this development will be fully compatible with existing and potential future development in this area, a level of control which is not typically available through zoning.

Mr. Keisling noted that the subject site has 265 feet of frontage on Big Beaver Road, and extends 916 feet to the I-75 service road. The construction of Spencer Road and other street and access improvements in this area were carried out by the developers in conjunction with the Columbia Center development. The development now proposed may involve the construction of a decel lane on Big Beaver at Spencer Road. This improvement may, however, be postponed and included with the proposed overall improvement of Big Beaver Road in this area. Previous development plans in this area have involved the provision of easements to accommodate the placement of a potential "pedestrian concourse" extending through developments along the Big Beaver Corridor and inter-connecting entrances, etc. Such an easement was provided in the general area of the sidewalk across the front of the Columbia Center development. With the recently increased level of interest in pedestrian facilities in this area due to the initial efforts of the DDA, etc., it was felt that it would be reasonable to require placement of a walkway which could serve as the pedestrian concourse across this site in conjunction with its initial development. The site plan, therefore, indicates such a walkway facility extending from the east property line opposite the sidewalk and easement in the Columbia Center site, across the proposed restaurant entrance, to the west property line, to a point opposite the south side of the adjacent office building where the primary pedestrian access to that building occurs. All applicable Ordinance provisions are complied with. Mr. Keisling suggested that the appearance of the site and development from Big Beaver could be even further enhanced by the removal of a series of 8 parking spaces in the northerly portion of the parking area, thus increasing the Big Beaver greenbelt area by almost 10 feet in width. The restaurant owners desire to have a generous amount of parking would still be met, in conjunction with the provision of this additional landscaped area. The petitioners have agreed to this modification. Mr. Keisling noted the proposed building elevations, which are intended to assure compatibility of this development with the adjacent Columbia Center development. These elevations will accompany the proposed Development Agreement, which would also enable phasing of this development. Following action on the overall site plan by the Planning Commission, the City Council will consider and act upon the proposed Development Agreement.

In response to Mr. Starr's question, Mr. Keisling explained that, in multi-phase developments, the City's approach has been that the Site Plan Approval would be in effect as long as the first phase of the development was initiated within one year. In answer to Mr. Kramer's inquiry, Mr. Keisling noted the hotel and office developments which have been previously been proposed at this location. He also indicated that the size of the proposed restaurant, as a percentage of the total development, will be well below the 20% support use factor permitted in O-S-C zoning.

July 12, 1994 Minutes

Robert Szantner, architect with Yamasaki Associates, was present along with Tyler Abram and Steve Warehime of the Bob Evans organization, and Al Kiriluk of Kirco Development. In response to questions from the Commission, Mr. Kiriluk stated that, immediately after receiving approval of the Development Agreement from the City Council, they would begin marketing the proposed office development. The Columbia Center is over 98% leased, and Kirco looked forward to the opportunity of having an office facility of the size of the proposed development available.

Mr. Starr asked that the minutes include the statement that the Planning Commission fully expects that the office phase of this development will occur, and that no significant change in the land use direction for this site is expected.

Moved by Palazzolo

Seconded by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of an office-restaurant complex involving a 4-story 79,750 square foot office building element and a 263 seat inter-connected restaurant on the 6.14 acre O-S-C zoned site extending south from Big Beaver Road to I-75 along the west side of Spencer Road is hereby granted, subject to the expansion of the greenbelt along the north edge of the property along Big Beaver Road.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

P/C
7-12-94

CONSTRUCTION PHASING AGREEMENT

THIS CONSTRUCTION PHASING AGREEMENT ("Agreement") is made and entered into on September ____, 1994, by and between BOB EVANS FARMS, INC., an Ohio corporation ("Bob Evans"), whose address is 3776 South High Street, Columbus, Ohio 43207 and the CITY OF TROY, a Michigan Municipal Corporation ("Troy"), whose address is 500 West Big Beaver, Troy, Michigan 48084.

The circumstances underlying the execution of this Agreement are as follows:

1. Bob Evans has recently acquired a certain parcel of real estate containing approximately 6.141 acres of land within the City of Troy, Michigan and being more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Bob Evans Property").

2. Bob Evans intends that the Bob Evans Property will be developed with an office and restaurant building complex as depicted on the site plan (dated July 29, 1994), elevations and rendering (dated August 4, 1994) prepared by Minoru Yamasaki Associates, Inc., copies of which are attached hereto as Exhibit "B" and made a part hereof (the "Plan").

3. The Plan is in accordance with the terms and provisions of the Zoning Ordinances of Troy including, without limitation, Section 26.25.00 et seq. The Planning Commission of Troy has approved the Plan pursuant to a resolution adopted at their meeting of July 12, 1994.

4. It is anticipated that Bob Evans will develop the restaurant portion of the building and that a third party will develop the office portion. Bob Evans and Troy wish to enter into this Agreement for the purpose of evidencing their agreement regarding the manner of development of the Bob Evans Property.

NOW THEREFORE, for one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Acknowledgment of Recitals. Bob Evans and Troy hereby acknowledge that the foregoing recitals are true and correct and the same are incorporated herein by reference as an integral part of this Agreement.

2. Development of Bob Evans Property. The Bob Evans Property may be developed only in accordance with the Plan or another plan approved by the Planning Commission of Troy in accordance with its usual procedure.

3. Construction Phasing. Bob Evans and Troy acknowledge that simultaneous development of the office building and restaurant portions of the building complex upon the Bob Evans property may not be commercially practical due to the present temporarily depressed economic conditions within the Troy area office market. Therefore, the development of the Bob Evans Property may be completed in phases such that either the office element or the restaurant element may be individually completed and operated prior to the completion of the other element.

4. No Lot Split. Bob Evans agrees that it will not make application for any subdivision or split of the Bob Evans Property prior to the completion of the entire development as depicted on the Plan.

5. Building Element Interconnection. Bob Evans agrees that the completed office and restaurant complex shall include a fully enclosed and weatherized pedestrian connection between the office and restaurant elements.

6. Miscellaneous.

(a) Any notices required or permitted hereunder may be delivered personally or may be sent by certified or registered mail, return receipt requested, or prepaid courier service, to the addressee at the address, as set forth above, or at such other address as a party may hereafter furnish in writing to the other parties to this Agreement. If notices are sent by mail, the date such notices are postmarked shall be deemed the date upon which such notice was given. If a matter is sent by prepaid courier service, the delivery date thereof shall be deemed the date upon which such notice was given.

(b) The covenants and restrictions herein contained shall be perpetual and shall run with the land and shall inure to the benefit of and be binding upon the parties hereto and their heirs, successors or assigns.

(c) This Agreement contains the entire agreement of the parties with respect to the subject matter hereof and may be changed only by a written agreement signed by all parties hereto.

(d) This Agreement shall be recorded with the Oakland County Register of Deeds.

Signed and acknowledged in the presence of:

BOB EVANS FARMS, INC., an Ohio corporation

Teresa A. Ehmman
Witness

By: Daphne A. [Signature]

TERESA A. EHMANN
Printed Name of Witness

Its: Sec. Vice Pres.

J. M. Kanter
Witness

John M. Kanter
Printed Name of Witness

THE CITY OF TROY

Witness AS TO BOTH

By: Jeanne Stine, Mayor

Printed Name of Witness

By: Tamara Renshaw, City Clerk

APPROVED AS TO FORM:

Witness AS TO BOTH

By: Peter A. Letzmann (P16587)
City Attorney

Printed Name of Witness

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

On this 19th day of September, 1994, ^{Senior} personally appeared Stephen A. Warehime, who, being by me duly sworn, did say that he is the Vice President of Bob Evans Farms, Inc.; and that he has been duly authorized to sign the foregoing agreement on behalf of Bob Evans Farms, Inc.; and that the execution of such agreement is the free act and deed of such corporation.

Teresa A. Ehmman
Notary Public

STATE OF MICHIGAN
COUNTY OF OAKLAND, SS:



TERESA A. EHMANN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 11/1/97

On this _____ day of _____, 1994, ^{personally} appeared Jeanne Stine, who being by me duly sworn, did say that she is the Mayor, and Tamara Renshaw, the City Clerk of the City of Troy, a Michigan municipal Corporation; that they have been duly authorized by the Council of the City of Troy to sign the foregoing agreement on behalf of the City of Troy; and that the execution of such agreement is the free act and deed of said City.

Notary Public

THIS INSTRUMENT PREPARED BY:
John M. Kantner, Esq.
Bob Evans Farms, Inc.
3776 South High Street
Columbus, Ohio 43207

LIDER 7947 PAGE 417
N.E. 1/4 COR. OF SEC. 28
T.1N., R.11E.

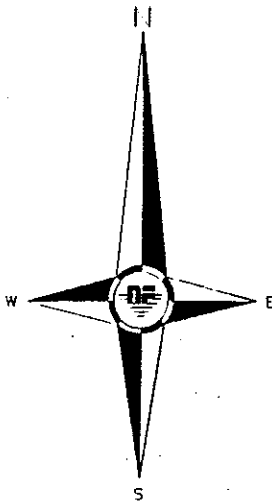
Certificate of Survey

N.E. COR.
SEC. 28
T.1N., R.11E.

EAST 1428'

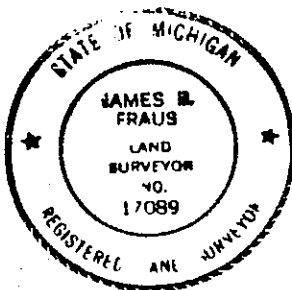


EXHIBIT "A"



CERTIFIED TO:

Lawyers Title Insurance Corporation
Fidelity Title Company
Bob Evans Farms, Inc., an Ohio Corporation



EAST 205.00'

N. 73° 40' 22" W.

266.76'

N. 73° 18' 27" W.

271.37'

WE HEREBY CERTIFY that we have surveyed the property herein described and that we have placed marker irons at the corners of the parcel or as indicated in the above sketch and the error of closure is no greater than 1 in 5,000, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967 and that we have complied with the survey requirements of Section 3, Public Act 132 of 1970 as amended.

REGISTERED LAND SURVEYOR

NOWAK & FRAUS CORP.

CIVIL ENGINEERS

1310 N. STEPHENSON HWY.

PHONE 399-0888

LAND SURVEYORS

ROYAL OAK, MI

DATED 6-15-94 JOB NO. 6468 SCALE 1" = 100'

1 OF 2

EAST 1108.00'

103

104

105

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107

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EAST 50.00'

110

111

112

113

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N. 00° 46' 00" W. 336.00'

REC'D

JUN 15 94

PLANNING DEPT.

N. 00° 46' 00" W. 336.00'

P.O.B.

EXHIBIT "A"

LEGAL DESCRIPTION

Part of Lots 103 to 106 and all of Lots 107 to 116 inclusive and the Easterly 50.00 feet of Lots 95 to 100 inclusive and part of Lot 117 and part of Lot 94 of "Beaver Park Subdivision", of the West part of the N.E. 1/4 of Section 28, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in, Liber 28, Page 29, Oakland County Records, being more particularly described as beginning at a point on the South line of Big Beaver Road (204.00 feet wide) and the West line of Spencer Road (50.00 feet wide), said point being S. 00° 46' 00" E., 69.00 feet from the N.E. corner of said Lot 106; thence from this point of beginning, S. 00° 46' 00" E., along said West line of Spencer Road, 916.00 feet to the Northerly line of Michigan Department of Transportation right-of-way for frontage road (service drive); thence along said Northerly line, N. 78° 18' 27" W., 271.37 feet and N. 73° 40' 22" W., 266.76 feet; thence due East along the North line of said Lot 94, 205.00 feet; thence N. 00° 46' 00" W., 450.00 feet; thence due East along the North line of said Lot 100, 50.00 feet; thence N. 00° 46' 00" W., to the South line of Big Beaver Road, 336.00 feet; thence due East along the said South line of Big Beaver Road, 265.00 feet to the point of beginning. Contains 267,492 square feet or 6.141 acres.

REC'D

JUN 15 94

PLANNING DEPT.

NOWAK & FRAUS CORP.

CIVIL ENGINEERING

1310 N. STEPHENSON HWY.

PHONE 399-0886

LAND SURVEYING

ROYAL OAK, MI

DATED 6-15-94 JOB NO. 6467 SCALE 1" =

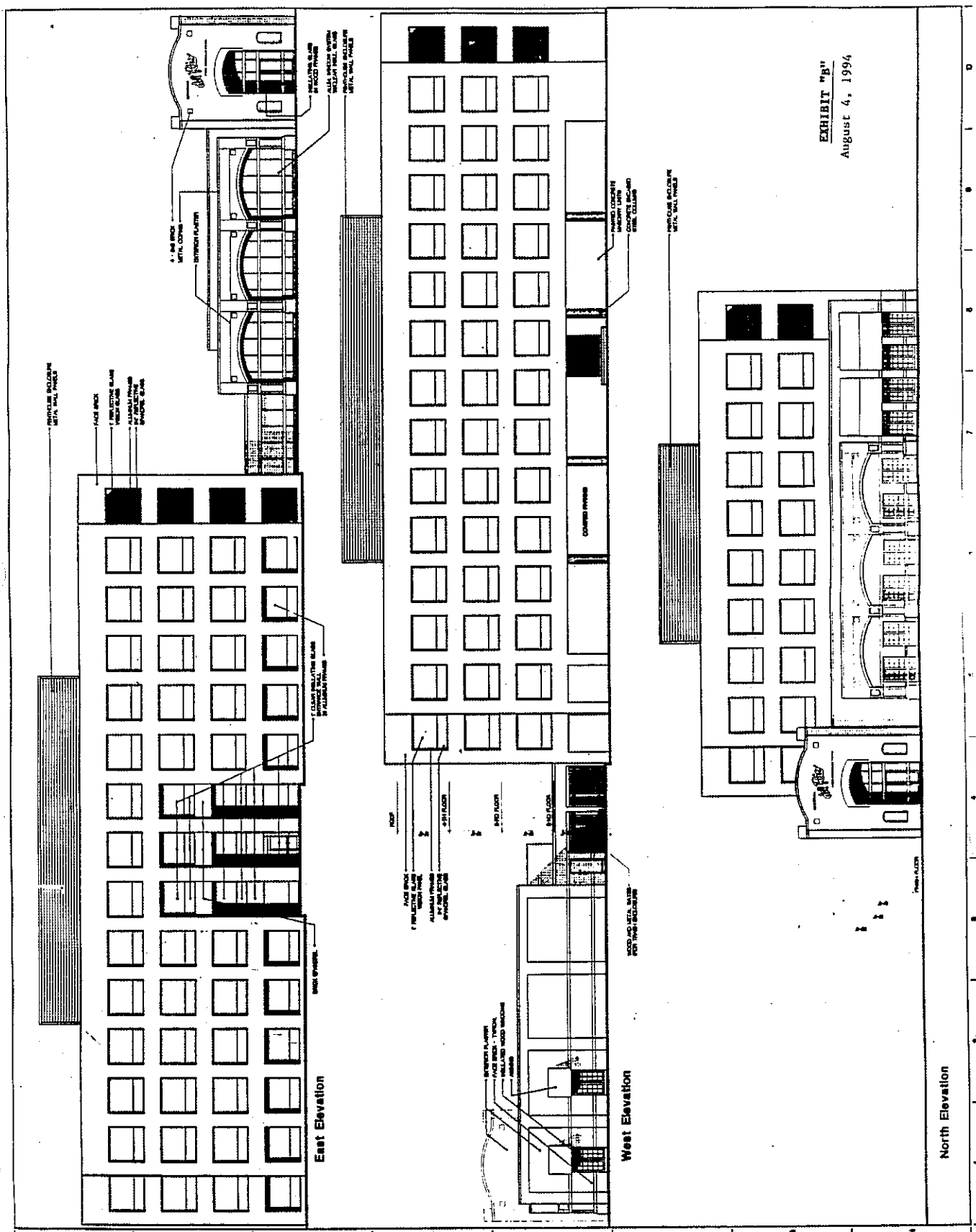
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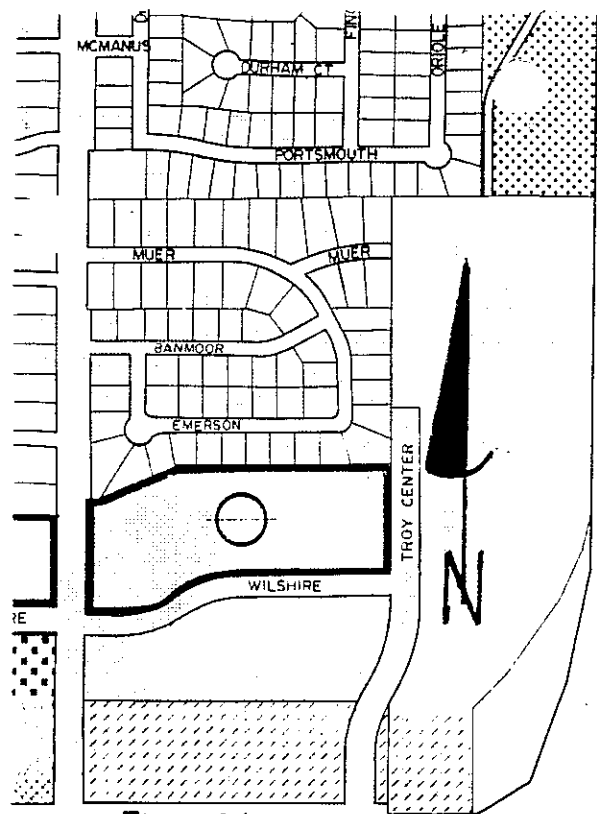
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Advertisement

Building
Elevations

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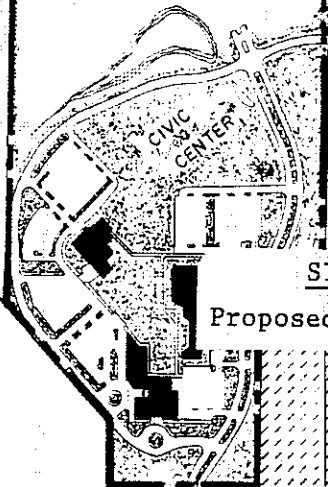




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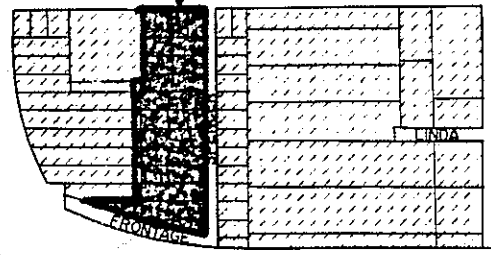
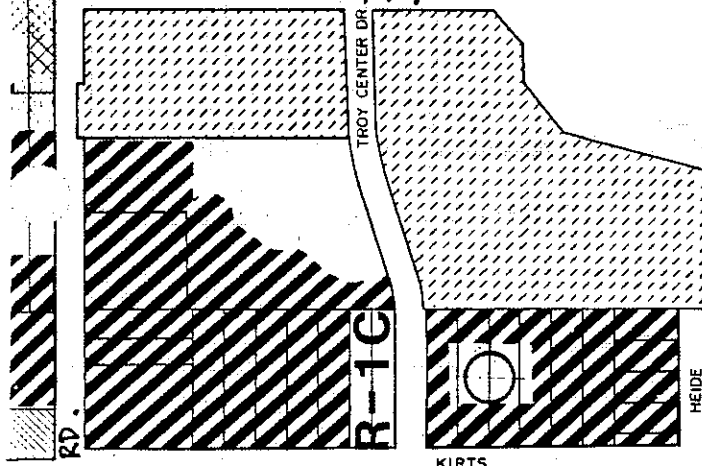
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SITE PLAN REVIEW

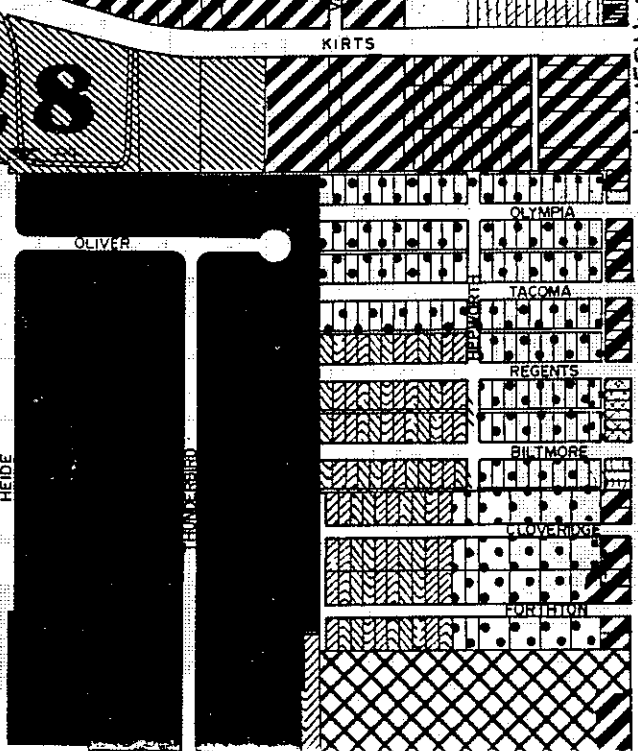
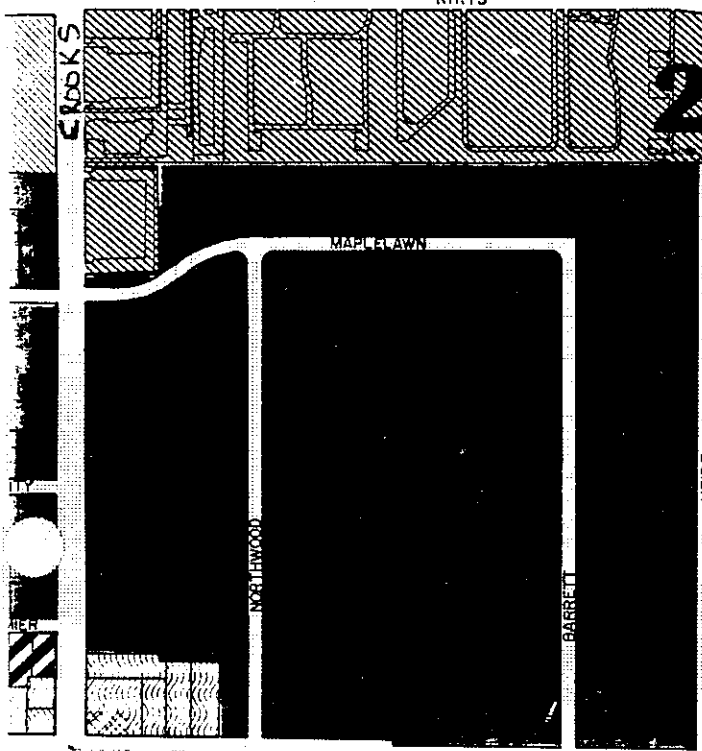
Proposed Restaurant/Office

BIG BEAVER RD.

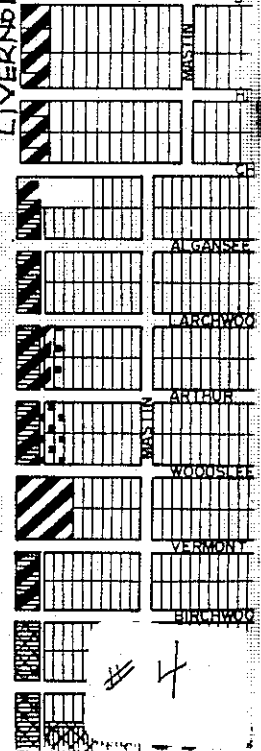


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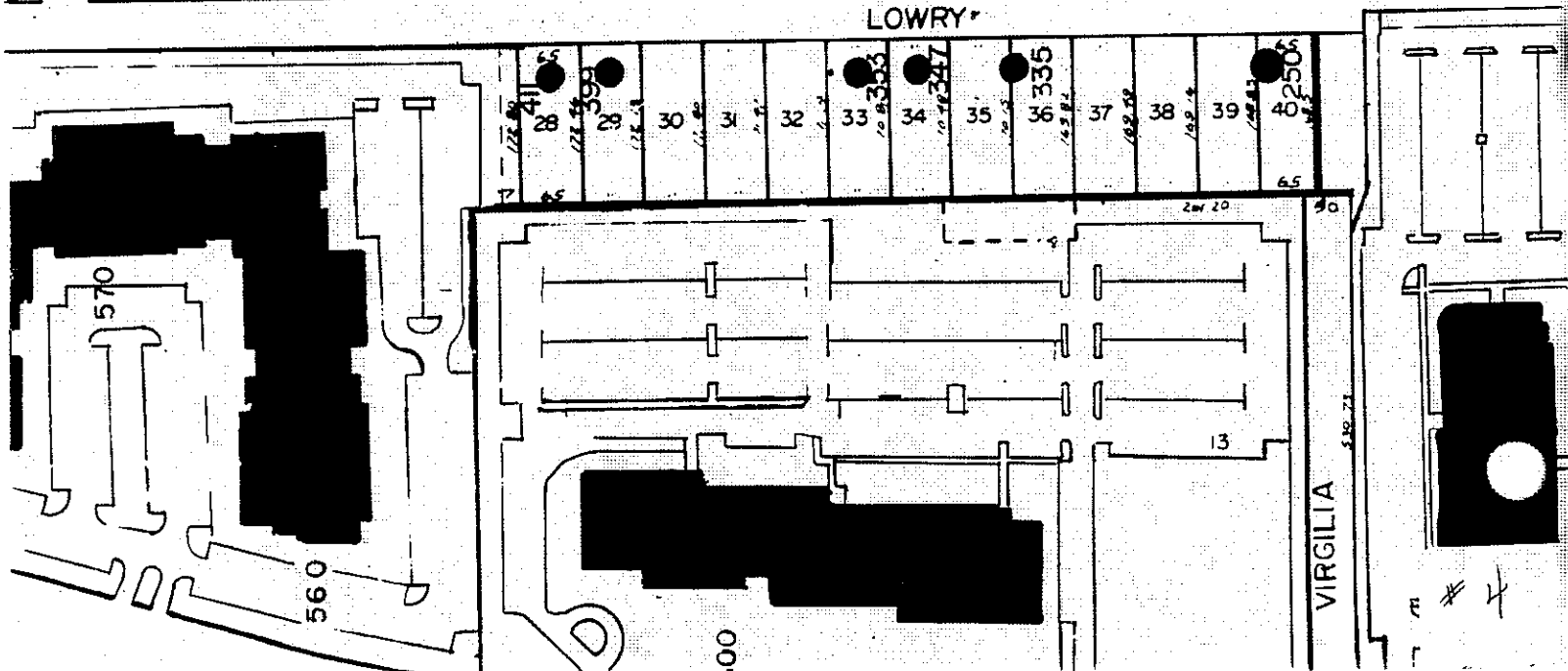
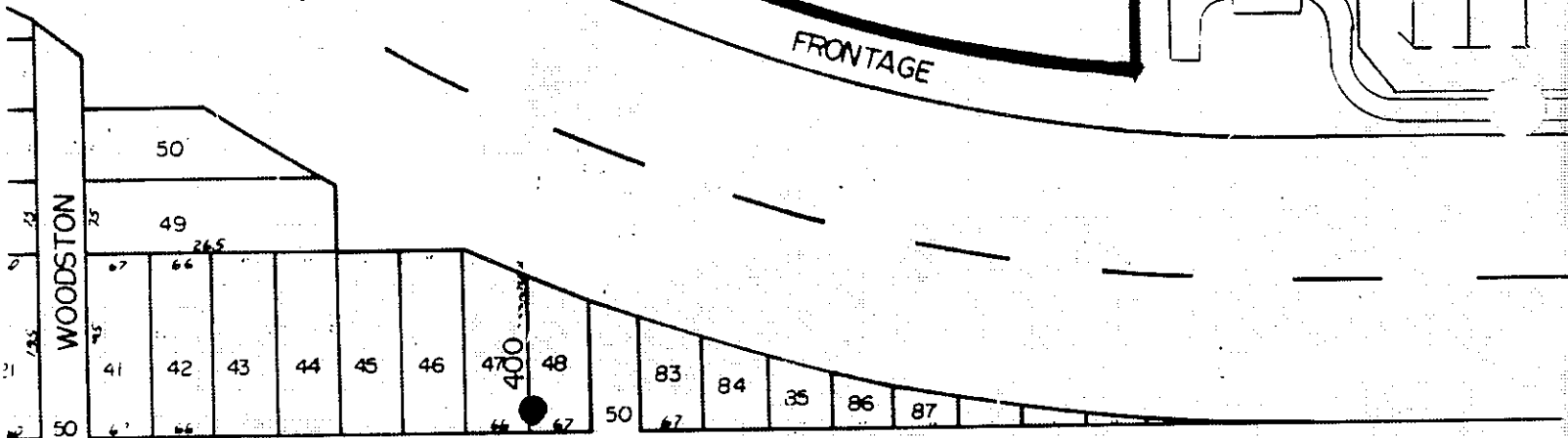
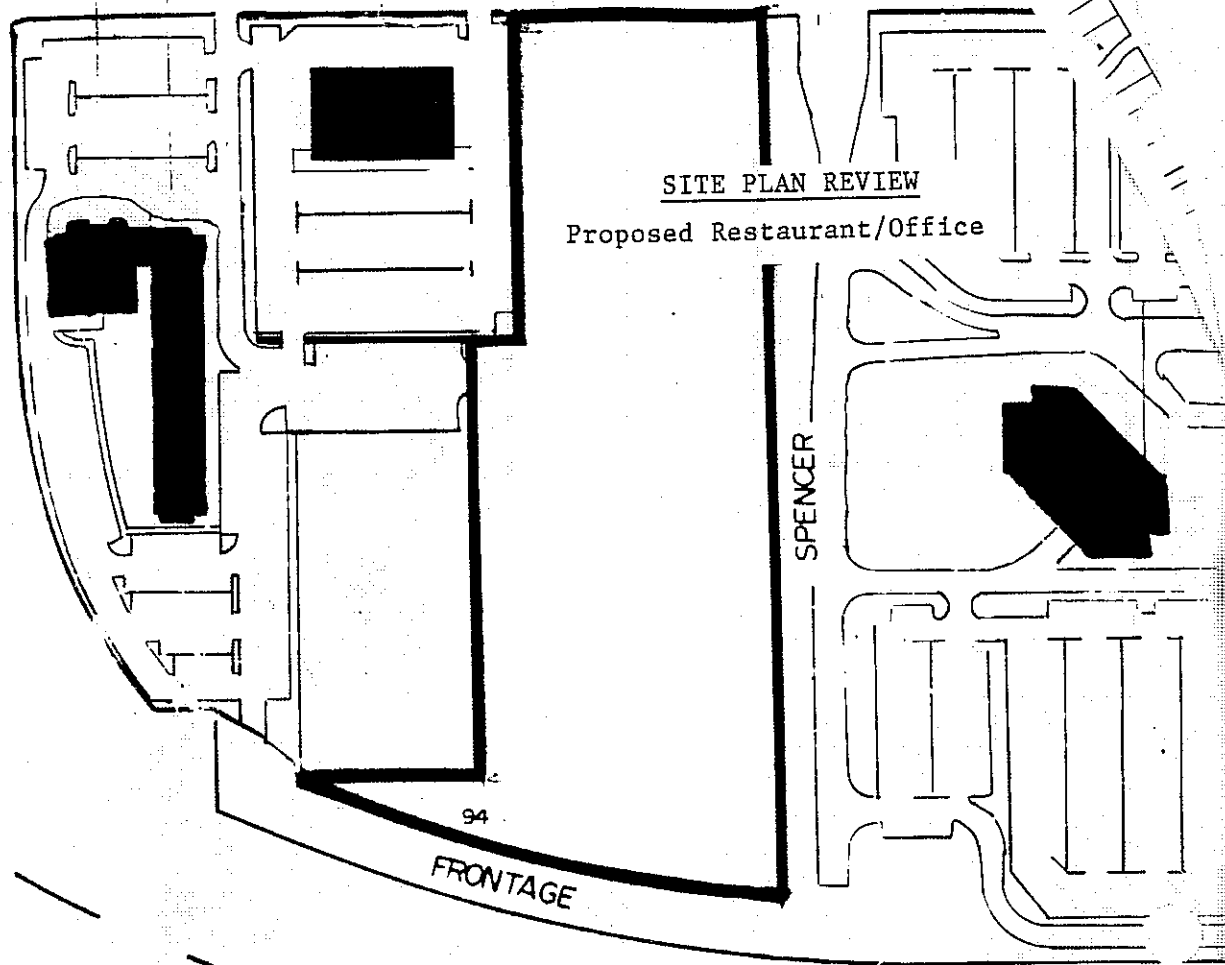


LIVERNOIS RD.



#4

BIG BEAVER RD.



R-1B

17

SITE PLAN REVIEW

Proposed Church
Expansion & Parking



WATTLES

C·F

20

R-1B

#5

FLES

WATTLES

NORTHFIELD PARKWAY

17

SITE PLAN REVIEW

Proposed Church
Expansion & Parking

1349 NORTH METRO
FREE METHODIST CHURCH

LOCKMOOR

STONEHAVEN

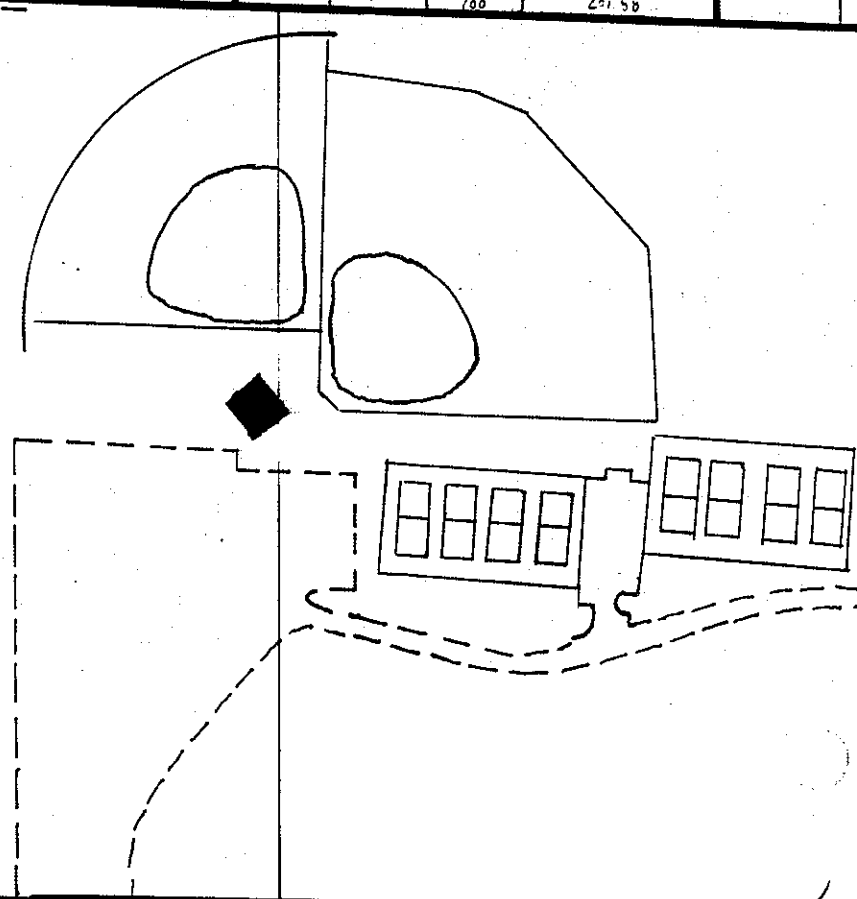
ROTHWELL

STONE HAVEN

WOOD

PROVINCIAL

OUTLOT
A



#5

ITEM #10 VARIANCE REQUESTED: Leonard Framalin, 1090 Wheaton, for relief to add to a non-conforming building, relief to provide parking and maneuvering lanes in the required front setback from Wheaton and Piedmont.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 45.33'x94' addition to the east side of an existing building. The plot plan shows parking and maneuvering lanes within 23 feet of the property line along Wheaton and within 21-1/2 feet of the property line adjacent to Piedmont. The Zoning Ordinance requires a 50 foot setback and does not permit parking or maneuvering lanes within the required setback. The plan also indicates the existing building has a 9'6" setback from the west lot line and a 25 foot front yard setback. Therefore, this is an existing legal non-conforming building. The Zoning Ordinance does not permit additions to nor expansions of non-conformities. A similar request was made before this Board in May of 1994 for relief of the Ordinance construct a 4,389 square foot addition to the east side of the existing industrial building. The variance was approved at that time, but the petitioner never started the project.

Michael Miller, the architect, was present and explained the conditions of the site, noting that it has two front setbacks and that buildings in the area are all constructed with 25 foot front yard setbacks. The streets on two sides limits the buildable area on the property. The side yard setback is a pre-existing condition. Their proposal for a 4,200 square foot addition is to provide them with the room needed for their business. They need space to warehouse their materials and park more trucks used in their business. They need the 12 foot overhead access service trucks, etc. The addition has been setback from the rear of the building to provide for the service door to the rear. They will be able to provide the required 10 foot greenbelt and provide additional landscaping. There will be no structures within the 50 foot setback from Piedmont. As far as the front setback from Wheaton, they propose to provide 2 parking spaces, 1 of which will be handicapped for the convenience of anyone who is handicapped coming to their building. Their dumpster will be out of the front setback of the property and it will be screened.

The Chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

Motion by Milia
Supported by Courtney

MOVED, to grant Leonard Framalin, 1090 Wheaton, a variance, as requested for relief to construct a 4,200 square foot addition to an existing legal non-conforming building and provide parking and maneuvering lanes within the required front setbacks:

BOARD OF ZONING APPEALS

JUNE 18, 199

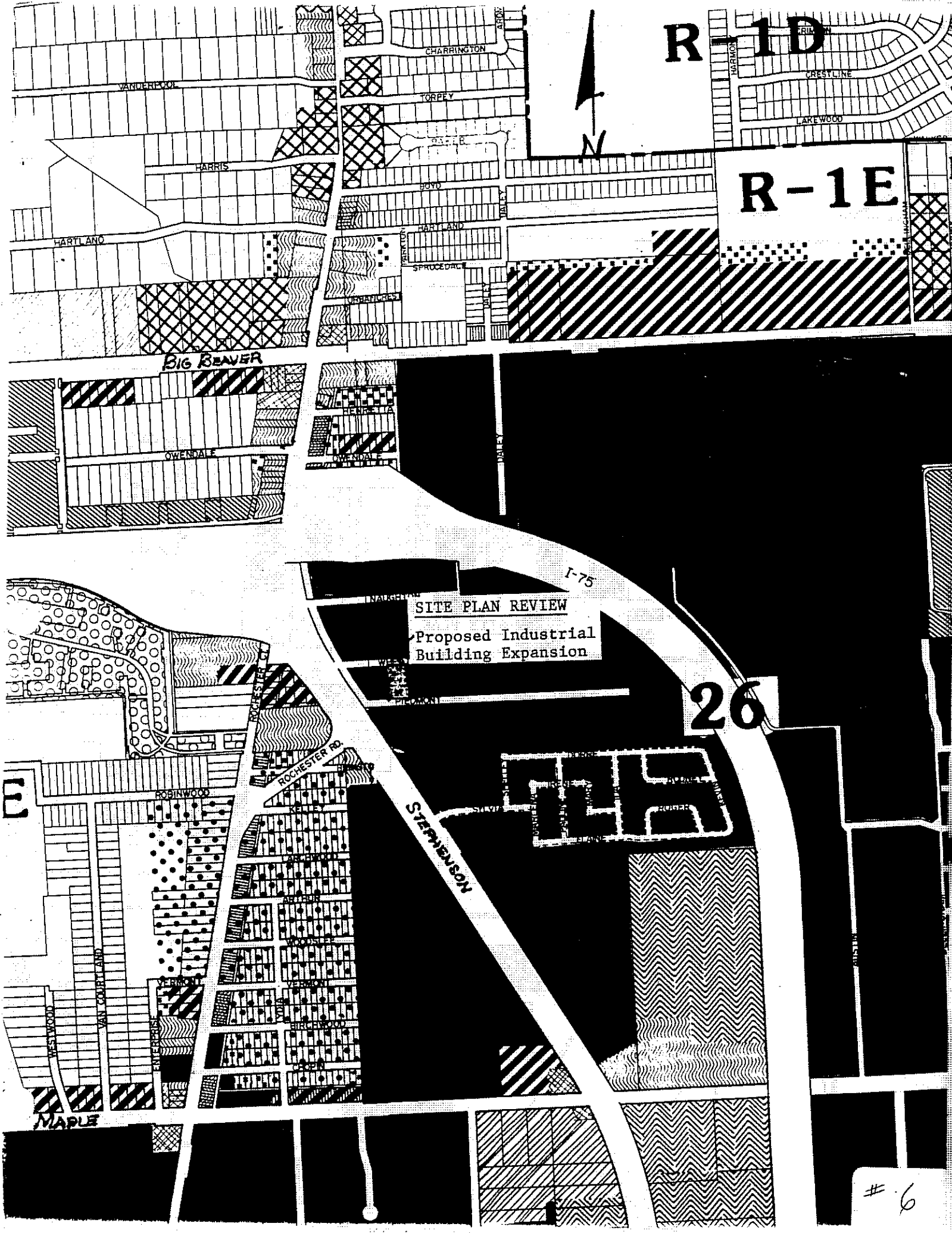
ITEM #10

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to properties in the immediate vicinity.
4. There is a practical difficulty with the narrow streets in the area and the property is unique in that it has two front yards, which was created by the City some time ago
5. A similar variance had already been granted on the site.
6. Conforming will serve no useful purpose.
7. This is a useful piece of property and is in the character with others in the area.

Yeas: 5

Absent: 2- Fejes, Waller

MOTION TO APPROVE REQUEST CARRIED.



R-1D

R-1E

SITE PLAN REVIEW

Proposed Industrial Building Expansion

26

6

CHESTER ROAD RAMP

I-75

NAUGHTON

SITE PLAN REVIEW

PARK

Proposed Industrial Building Expansion

WATSON

PIEDMONT



2245

102

2222

2200

2135
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2123
2119

EX # 6

CHAPTER 40

CITY PLANNING COMMISSION

5.231. Commission Continued. The City Planning Commission heretofore created pursuant to Public Act 285 of 1931, as amended, and the City Charter, is hereby continued.

5.232. Members, Terms. The City Planning Commission shall consist of nine (9) members who shall have the qualifications of electors and shall represent insofar as possible different professions or occupations and who shall be appointed by the Mayor subject to the approval by a majority vote of the City Council. No members shall hold any other municipal office except that one of such members may be a member of the Board of Zoning Appeals. Each member shall receive as compensation for his services the sum of Twenty Five (\$25.00) Dollars for each Regular or Special Meeting of the Commission which is attended by each member but not to exceed Nine Hundred Dollars (\$900.00) per annum. The term of each member shall be three (3) years, except that three (3) members of the first commission so appointed shall serve for the term of one (1) year, three (3) for a term of two (2) years and three for a term of three (3) years. All members shall hold office until their successors are appointed. Members may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor.

5.233. Powers and Duties. The City Planning Commission shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties, including:

- (1) The making and adopting of a master plan for the physical development of the municipality. Such plan shall show among other things, the Commission's recommendations for the general location, character and extent of streets, boulevards, parkways, playgrounds, parks, location of public buildings, and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating or abandoning of any of the foregoing.
- (2) A zoning plan for the control of the height, area, bulk, location and use of buildings and premises, and all changes and amendments thereof;
- (3) The approval of all plats subdividing land in the City of Troy and of any amendments or alterations thereof.

5.234. Finances. The City Planning Commission may be allowed such funds for expenses as deemed advisable by the City Council and all debts and expenses incurred by the City Planning Commission shall be limited by such amount.