#### AGENDA

#### REGULAR MEETING

7:30 P.M.

## TROY CITY PLANNING COMMISSION

June 8, 1993

- 1. ROLL CALL
- 2. MINUTES Regular Meeting of May 11, 1993
  Joint Meeting of May 19, 1993
  Special/Study Meeting of May 25, 1993
- 3. PUBLIC COMMENTS

## **SPECIAL USE REQUESTS**

4. <u>PUBLIC HEARING - SPECIAL USE REQUEST (Renewal)</u> - Proposed Outside Dining and Entertainment Area - East Side of Crooks at I-75 Interchange - Section 9

# STREET VACATIONS AND OPENINGS

- 5. <u>PROPOSED STREET VACATION</u> Somerton, between Trinway and Sylvanwood Southeast 1/4 of Section 10
- 6. PROPOSED STREET VACATION Mastin Street, between Larchwood and Woodslee Southwest 1/4 of Section 27

#### **SUBDIVISIONS**

7. <u>PRELIMINARY PLAT - TENTATIVE APPROVAL</u> - Heritage Place Subdivision - Surrounding Northwest Corner of Rochester and Wattles - Section 15

# **REZONING PROPOSALS AND TEXT AMENDMENTS**

8. <u>PUBLIC HEARING - PROPOSED REZONING</u> - Northeast Corner John R and Elliott - Section 36 - R-C to B-2

### **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 established 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 - June 8, 1993

#### 1. **ROLL CALL**

(Resolution to excuse absent members, if necessary).

- 2. MINUTES - Regular Meeting of May 11, 1993 Joint Meeting of May 19, 1993 Special/Study Meeting of May 25, 1993
- 3. **PUBLIC COMMENTS**

#### SPECIAL USE REQUESTS

PUBLIC HEARING - SPECIAL USE REQUEST (Renewal) - Proposed Outside Dining and 4. Entertainment Area - East Side of Crooks at I-75 Interchange - Section 9

Jeffrey Sherbow, Attorney (SP-114)

In March of 1992 the City Council adopted an amendment to the text of the Zoning Ordinance which enables the establishment of outside dining and activity areas as uses permitted subject to Special Use Approval in O-S-C and O-M Districts (Section 26.30.03). The owners of the Northfield Hilton Hotel, who had originally requested the Ordinance amendment, subsequently requested Special Use Approval in order to enable them to use a portion of their parking area between the hotel building and the I-75 Interchange for outside entertainment activities through Because of the additional patrons which could potentially be the summer months. accommodated on the site, and the loss of a portion of the existing parking area, they first secured a parking variance from the City Council. This variance was, however, granted only for the period from June 1 through Oct 31, 1992. The Planning Commission's subsequent Special Use Approval thus also applied only to this same period, and expired at the end of October of 1992. Due to the limited length of this request and approval, the Commission also accepted the use of wood opaque fencing around the entertainment area, rather than requiring

The Northfield Hilton Hotel has once again requested the necessary approvals in order to enable them to carry out a summer outdoor entertainment program. The City Council has an a Public Hearing for their June 7 Regular Meeting in order to a Public Hearing for the enable provided to enable provide required. It is my understanding that this variance has been requested on a permanent basis, so that it would not be necessary for the Northfield Hilton representatives to file new requests each year. If this parking variance is granted on such a basis, we should then consider the direction of conditioning the Special Use Approval on the provision of a more permanent and more attractive perimeter enclosure. The Fire Department has advised that, due to the nature and location of the proposed outdoor activity area, gates should continue to be provided which

would enable emergency access to and through the area when entertainment activities are not in progress.

Proposed resolution

Moved by

Supported by 3, 1993

RESOLVED, that Special Use Approval, as requested for the establishment of an outside activity area on the site of the Northfield Hilton Hotel on the east side of Crooks Road at the I-75 Interchange, to be used during the summer months (June-October), be (granted, in accordance with Section 26.30.03 of the Zoning Ordinance, and in accordance with the plan as presented (and as modified) on this date, subject to the following conditions:

Yeas:

Nays:

Absent:

### STREET VACATIONS AND OPENINGS

5. <u>PROPOSED STREET VACATION</u> - Somerton, between Trinway and Sylvanwood - Southeast 1/4 of Section 10

Daniel & Linda Fritsch, 615 Trinway; Danny & Jan Craig, 575 Trinway (#161)

A request has been submitted for the vacation of that portion of the 60 foot wide platted but unopened Somerton Street right-of-way extending north from Trinway Street, in the area west of Rochester Road and north of Long Lake. The petitioners, who are the resident-owners of parcels on both sides of Somerton immediately north of Trinway (615 and 575 Trinway) have requested this vacation in order to enable the consolidation of the subject street right-of-way with their properties, which extend 412.5 feet north from Trinway Street. Simultaneous with this request, the Planning Commission and the City Council should consider the vacation of the remainder of the Somerton Street block, extending north to Sylvanwood Street, and abutting properties addressed at 604 and 624 Sylvanwood (Lots 58 and 59 of Sylvanwood Gardens No. 1 Subdivision). It should be noted, however, that the indicated parcels on Sylvanwood have their driveway access by way of a stub extension of Somerton Street south from Sylvanwood. If Somerton Street was vacated in this area, the present pavement would presumably continue to serve as a driveway approach for these two residences. The provision of easements for access over this portion of the Somerton Street area would most likely be necessary.

It has typically been the approach of the Planning Department and the Planning Commission to recommend vacation of street rights-of-way only when we were certain that the subject street area would not be necessary as a part of the ultimate street pattern in a given area. Reference to the enclosed maps indicates that the subject street right-of-way could provide a connection between Trinway and Sylvanwood Streets, at a location significantly closer to Rochester Road than the present Falmouth Drive connection, which is over 1/2 mile west of Rochester. As an alternative, this street right-of-way could be used to provide access for potential new

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development or re-development in the area between Sylvanwood and Trinway, extending east and west from Somerton. As a minimum, property owners on "corner lots" such as this often split-off the rear portions of their properties and establish new home sites with frontage on the side streets. In any event, it is the opinion of the Planning Department that the request for the vacation of the Somerton Street right-of-way in the area between Trinway and Sylvanwood is premature at this time, and should not be granted.

Proposed resolution

Moved by

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the vacation of that portion of the Somerton Street right-of-way extending north from Trinway Street and abutting Lots 106 and 107 of Crystal Springs Subdivision No. 1 be (granted, as the subject street right-of-way will not be necessary as a part of the ultimate street pattern in this area) or (denied, as the subject street right-of-way could reasonably serve as a part of the ultimate street pattern in this area).

(If the Planning Commission chooses to recommend approval of this vacation request, a recommendation should also be developed in relation to that portion of the Somerton Street right-of-way extending south from Sylvanwood, and abutting Lots 58 and 59 of Sylvanwood Gardens Subdivision No. 1.)

Yeas:

Navs:

Absent:

Supported by

PROPOSED STREET VACATION - Mastin Street, between Larchwood and Woodslee -6. Southwest 1/4 of Section 27 (#33)

Joseph Pongrac (93 Arthur); Gary Abithiera (101); Doris Gaddis (96); Eric Siegel (108)

Following a Public Hearing at their Regular Meeting of April 19, 1993, the City Council took action to authorize the vacation of two portions of the 50 foot wide platted but unopened Mastin Street right-of-way within the Addison Heights Subdivision, extending north from Larchwood Street to Algansee, and from Algansee to Cherry Street. The petitioners involved in that request had originally also asked for the vacation of the Mastin Street right-of-way between Cherry and Hickory. At the time of the City Council's Public Hearing, Mr. Lamb, the principal petitioner, asked that the Cherry-Hickory segment be removed from the vacation request, although one of the abutting resident-owners, Mr. Follis, did not ask for this removal. In any event, the City Council has authorized the vacation of those portions of the Mastin Street right-of-way lying between Larchwood and Cherry, subject to a series of conditions involving the conveyance of easements, and potentially the conveyance of lots which would serve as rightof-way for the re-alignment of Larchwood Street east of Hartshorn, as indicated on the enclosed proposed plan for the Addison Heights area. This latter requirement for the conveyance of potential Larchwood Street right-of-way would, however, not take effect until the City Council is assured that the Hartshorn right-of-way will be vacated between Larchwood and Arthur, also

in accordance with the enclosed plan.

At the time of the above noted Public Hearing, the enclosed additional request for vacation of portions of Mastin Street was submitted. As indicated, this request involves those segments lying between Larchwood and Arthur Streets, and between Arthur and Woodslee Streets. The applicants are the owners of houses addressed at 93/96/101) and (108) Arthur Street. Since the time we received this request, we have had a further conversation with Mrs. Pongrac, residentowner of 93 Arthur Street. We were advised that the Pongrac's purchased this new home, constructed on a 40 foot lot, earlier this year, and they were advised by the builder that the abutting area was an "easement" and would not be opened or used as a street.

As indicated in the previous item, it is typically our practice not to recommend vacation of street rights-of-way until we are certain that the subject area will not be necessary as a part of the ultimate street pattern in a given area. In this case, we have had considerable discussion about the potential street pattern in the Addison Heights area, resulting most recently in the enclosed proposed plan. As indicated on that plan (if) Hartshorn Street in the area between Larchwood and Arthur is vacated, the portion of Mastin Street between Larchwood and Arthur would have to remain open in order to maintain interior street continuity in this area. As we are not as yet certain whether Hartshorn will be vacated in the area between Larchwood and Arthur, it is the opinion of the Planning Department that action should not be taken at this time to vacate the Mastin Street right-of-way, particularly in the area between Larchwood and Arthur. As the ultimate street pattern in the area between Arthur and Woodslee has not as yet been established, it would also be somewhat premature to vacate that portion of the Mastin right-of-way between Arthur and Woodslee. Note: Bin kowsky, Proposal, and " Alternate Vacation Plan"

Proposed resolution

Moved by

Supported by

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the vacation of portions of the 50 foot wide platted but unopened Mastin Street right-of-way lying between Larchwood and Arthur Streets, and between Arthur and Woodslee Streets within the Addison Heights Subdivision (abutting Lots 305, 306, 325, 326, 353, 354, 373 and 374) be (granted, as the subject street rights-of-way will not be necessary as a part of the ultimate street pattern in this area. This vacation action should be subject to the retention of any necessary utility easements, and subject to the conveyance of 5 foot easements for street, sidewalk and public utility purposes over the Larchwood, Arthur, and Woodslee Street frontages of the benefiting properties.) or (denied, as the subject street rights-of-way could reasonably serve as portions of the ultimate street pattern in this area).

Yeas:

Nays:

Absent:

#### **SUBDIVISIONS**

7. PRELIMINARY PLAT - TENTATIVE APPROVAL - Heritage Place Subdivision -Surrounding Northwest Corner of Rochester and Wattles - Section 15

Pat Raye, Triangle Development

This proposed subdivision, as originally submitted, involved a 16.9 acre assembly of parcels surrounding the Comerica Bank site at the northwest corner of Rochester and Wattles Roads. The indicated original subdivision layout involved 47 lots and a detention basin outlot, and provided for the approximate 69 foot northerly expansion of the Comerica Bank site, as discussed in conjunction with their request for R-1C to O-1 or P-1 rezoning of that parcel. (At the time of this writing, the City Council has not as yet set a Public Hearing to consider the Comerica rezoning request.) The original subdivision layout involved a single street access to each of the frontage roads, and an inter-connection to the Cypress Gardens Subdivision to the north by way of Renee Drive. The proposed subdivision extends west to the parcels which lie immediately east of and are owned in conjunction with two of the home sites fronting on Bristol Drive to the west. A consultant's report submitted with this plat indicates that wetland areas exist within this subdivision, but none are 5 acres or more in area, and are thus not regulated by the Department of Natural Resources. This information will be confirmed, and either a "letter of no authority" or a DNR Permit will be necessary prior to submittal of the Final Preliminary Plat for this subdivision.

Staff review of this proposal brought about recommendations for some significant revisions. It was concluded that the proposed Rochester Road access street should be eliminated, and converted to a "blind cul-de-sac" in order to eliminate future cut-throughs, and to avoid problems with left turns into the site from Rochester Road. In order to create a less direct street pattern, it was further recommended that the Wattles Road access street be relocated somewhat to the east, nearer to the center of the Wattles Road frontage of the proposed subdivision. Further investigation of potential major road improvements in this area indicated that the plan for the reconstruction of Rochester Road in this area will include a median which would eliminate direct left turns into the site. This same plan further indicates the need for 90 feet of right-of-way west of the Section Line (165 feet total) in order to accommodate three through lanes and a dedicated right-turn lane to Wattles Road. The provision of 15 feet of additional right-of-way from this proposed subdivision would, therefore, be necessary. The proposed cul-de-sac adjacent to Rochester Road would also require a 20 foot increase in the north-south dimension of the Rochester Road frontage of the proposed subdivision, thus resulting in a decrease of the area potentially available for expansion of the abutting bank site. We are trying to work with all of the parties involved in this area, in order to bring these land area and subdivision layout modifications about.

The north-south dimension of this subdivision parcel is relatively limited, resulting in just 135 feet of depth for the lots proposed to back to Wattles Road under the layout as presented, as compared to the typical 150 foot depth standard. The developer, Mr. Pat Raye, and the prospective lot purchaser and builder (Gary Tadian) have proposed to delete the typical 15 foot non-access greenbelt easement along Wattles Road. In place of this easement, they would construct a brick wall or other decorative fencing (wrought iron, etc.) in order to provide a uniform attractive boundary for the proposed subdivision, while at the same time enabling lot owners to have full use of their yard areas. (As an example of the type of wall which they would propose to construct, they have noted the River Place Subdivision, lying just north of Wattles Road on the east side of Coolidge.) It is further their proposal to include, in the Private Restrictions, the requirement that the subdivision association be responsible for maintenance of the Wattles Road right-of-way area along the total length of the subdivision,

Wattles "Edge at Treatment 好

in order to eliminate the City's concern relative to separating the abutting residents from their maintenance responsibility. In response to this proposal, the City staff has recommended a somewhat modified treatment, in line with that which was used along the Livernois Road frontage of the Sylvan Glen Subdivision north of Long Lake Road. This concept would involve the use of a uniform wall or fence, offset somewhat from the property line in order to provide for a uniform hedge or planting treatment. Gates would also be placed at intervals along this screen, in order to provide access by abutting owners for maintenance. In any event, this treatment will ultimately be worked-out between the developer, the builder, and the City staff. The plat itself would simply reflect the 135 foot lot depth, and the absence of or reduction in width of the non-access greenbelt easement along Wattles Road.

At the time of this writing, we have been advised that it will be most difficult for the developer's engineer to present a fully-revised plat layout in time for distribution with your agenda. He will, however, attempt to provide a drawing or sketch will adequately represent the proposed revised plan. The more complete plat drawing should then be available by the time of the Regular Meeting.

Proposed resolution

Moved by

Supported by

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of the Heritage Place Subdivision, in accordance with the plan as presented on this date, subject to the following conditions:

Yeas:

Nays:

Absent:

# REZONING PROPOSALS AND TEXT AMENDMENTS

8. PUBLIC HEARING - PROPOSED REZONING - Northeast Corner John R and Elliott - Section 36 - R-C to B-2

Douglas Mossman, Oakland Square Limited Partnership (Z-569) 926' Deep

A request has been submitted for the rezoning of a 3.94 acre parcel extending east from John R along the north side of Elliott Street, from R-C (Research Center) to B-2 (Community Business). This request is submitted in order to provide for the construction of a 31,000 square foot commercial building for the "Best Buy" electronics and appliance organization. This is the last major parcel proposed for development by the owners of the Oakland Plaza and Oakland Square developments to the south, who are also the owners of the Oakland Mall. It is their position that, although they concurred in the rezoning of this property to the R-C classification in 1985, the parcel location and configuration make its' development for research-office use unlikely. It is further their proposal to develop the site in a manner which will be compatible with the multiple-family residential development to the north, although they recognize that the exact nature of the potential development cannot be assured in conjunction with rezoning

action. We have, however, enclosed copies of the preliminary site plan which has been submitted in conjunction with this request. In this regard, it should be noted that the requested B-2 classification would require 75 foot setbacks from the residentially-zoned site to the north, as well as from the public street rights-of-way to the south and west. Setback variances would, therefore, be necessary in order to achieve the building configuration indicated. (For the purpose of comparison, development under the present R-C classification would require 50 foot setbacks from all property lines, and no parking within the 50 foot setbacks from any public streets.)

PLAN

The Master Land Use Plan indicates "Regional Center Commercial" use in the easterly John R Road frontage extending north from 14 Mile Road, and Research use within the John R Road frontage extending north from the east-west secondary thoroughfare which has been constructed as Elliott Street. The most recent rezoning actions affecting this property occurred in 1985, when the Oakland Square site and the subject property were rezoned from M-1 to B-2 and R-C, respectively in response to a request from the same property owners. Elliott Street was constructed in conjunction with the development activities which occurred at that time, in the area between John R and the industrial subdivisions to the east. (Although the City staff did not originally contemplate or support the construction of Elliott Street in the irregular alignment which now exists, this alignment was accepted at the request of the property owners in order to enable them to construct what they felt would be the most feasible and reasonable shopping center configuration at the time. The Elliott Street extension was then constructed by the shopping center developers, in conjunction with their development. We also expressed concern, at the time, in relation to the irregular configuration of the parcel now under consideration. It was felt, however, that a reasonable building complex could be constructed within this site under R-C zoning, and that the R-C classification would represent a reasonable land use transition between the large commercial site and the apartment development to the north.

P. D.

As the Commission is aware, we have typically not supported any significant expansion of commercial zoning over the past 10 years, since the updating of our Commercial Areas Plan. The petitioners' position that the subject property could comprise a logical ending point for the Regional Center Commercial use in this area is however reasonable, particularly in view of its' size in relation to the total commercial area, and its' shared access in conjunction with the adjacent commercial development. As indicated above, the subject request is not literally consistent with the intent of the Master Land Use Plan. If the Commission wishes to consider this matter further, you could either table action in order to consider an appropriate amendment to the Master Land Use Plan, or you could forward a recommendation on the rezoning to the City Council, indicating your preliminary proposals regarding the Master Land Use Plan, and seeking their input on same.

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Before the Regular Meeting, we will discuss with the Legal Department whether the Board of Zoning Appeals could condition a setback variance, such as that contemplated on the north side of the subject site, on the full landscaping and berming of the setback area.

Proposed resolution

Moved by

Supported by

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 3.94 acre parcel at the northeast corner of John R Road and Elliott Street, from R-C (Research Center) to B-2 (Community Business) be (granted, as such rezoning will enable a reasonable expansion and completion of the Regional Center Commercial complex in this area, while not having a significant negative impact on the adjacent area) or (denied, as the requested rezoning and development are in conflict with the intent of the Master Land Use Plan, and would negatively impact the adjacent area.)

Yeas:

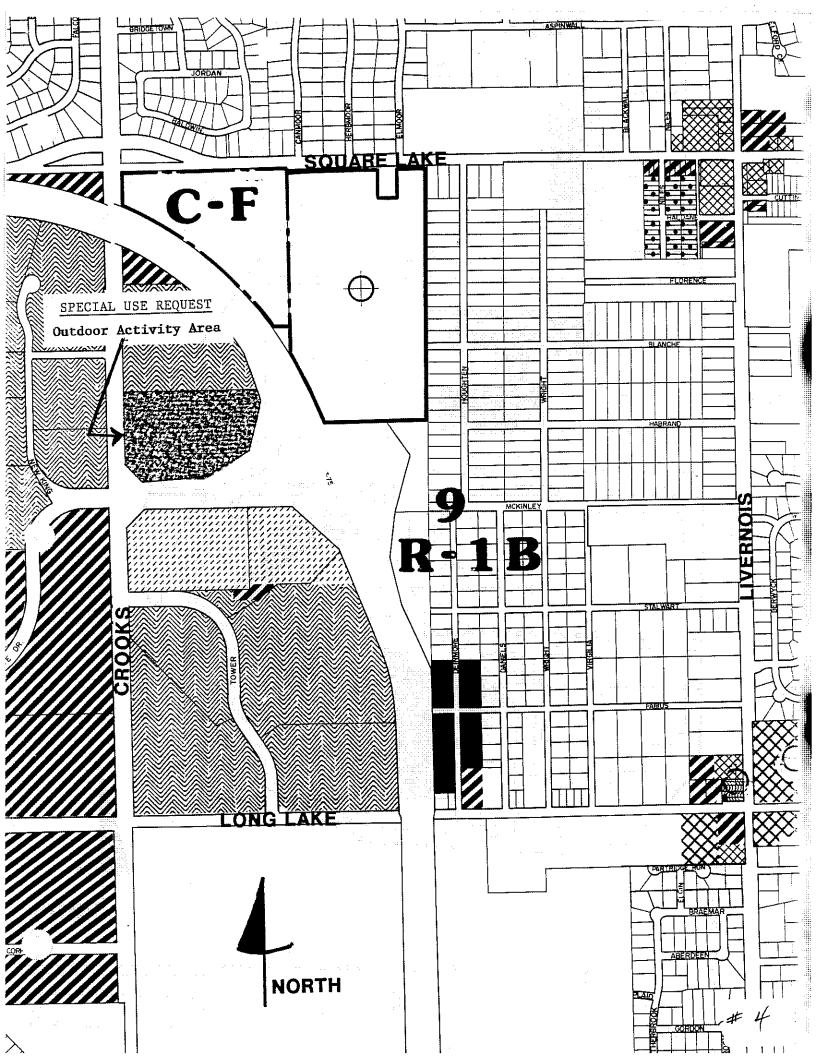
Nays:

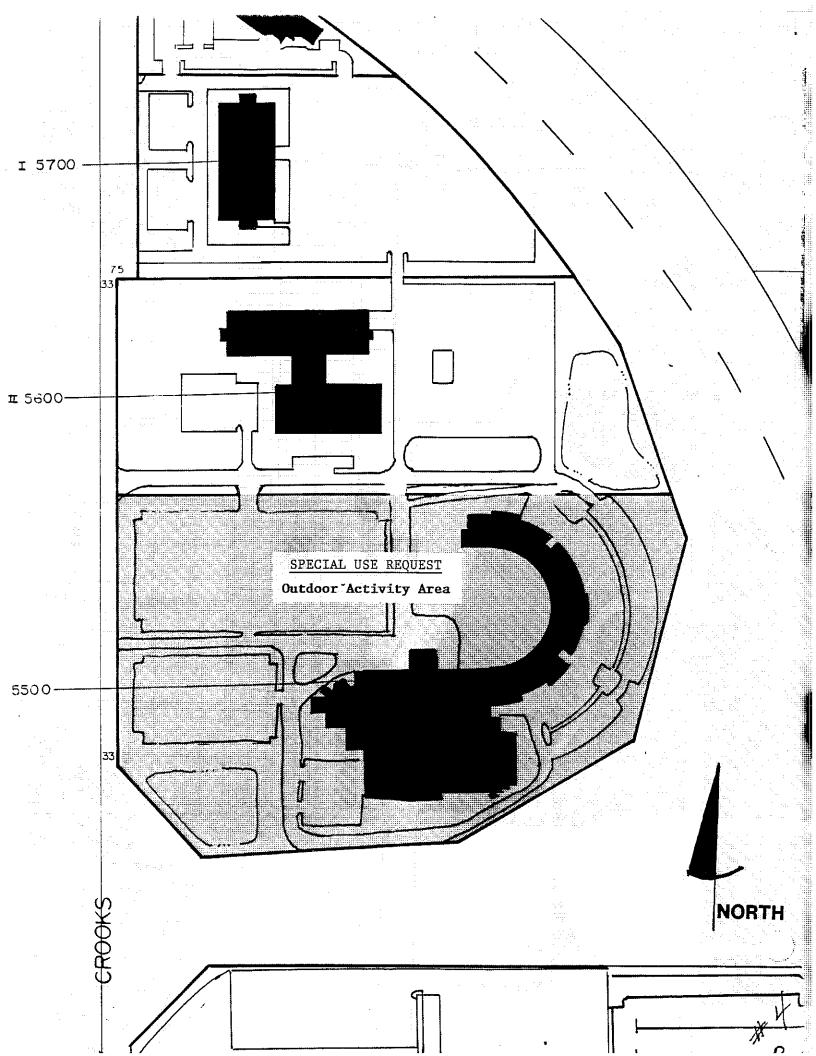
Absent:

Respectfully submitted,

Laurence G. Keisling Planning Director

LGK/eh





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5-12-93

TROY CITY MANAGER.

THE FRITSCH FAMILY, LOTS 105 & 106 AND THE CRAIG FAMILY, LOT 107 HAVE MAINTAINED THE RIGHT-OF-WAY PROPERTY BETWEEN OUR HOUSES SINCE MOVING TO TROY. THE MAINTENANCE INVOLVES LAWN CUTTING, DITCH CLEANING AND DRAINAGE, WHICH THE CITY HAS NEVER TAKEN CARE OF.

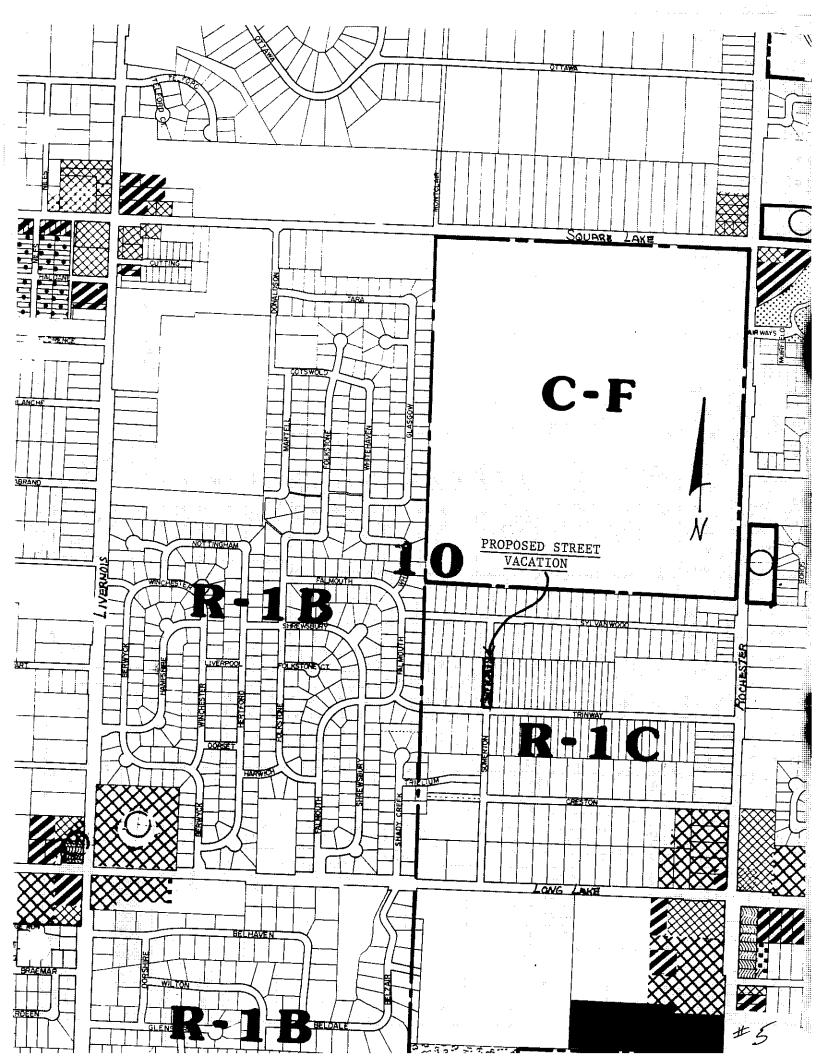
WE WISH TO HAVE THE CITY VACATE THE RIGHT-OF-WAY PROPERTY BETWEEN LOTS 106 AND 107 OF THE CRYSTAL SPRINGS SUB #1 ON TRINWAY ROAD. THE PROPERTY WOULD BE DIVIDED EQUALLY BETWEEN THE FRITSCH'S AND CRAIG'S.

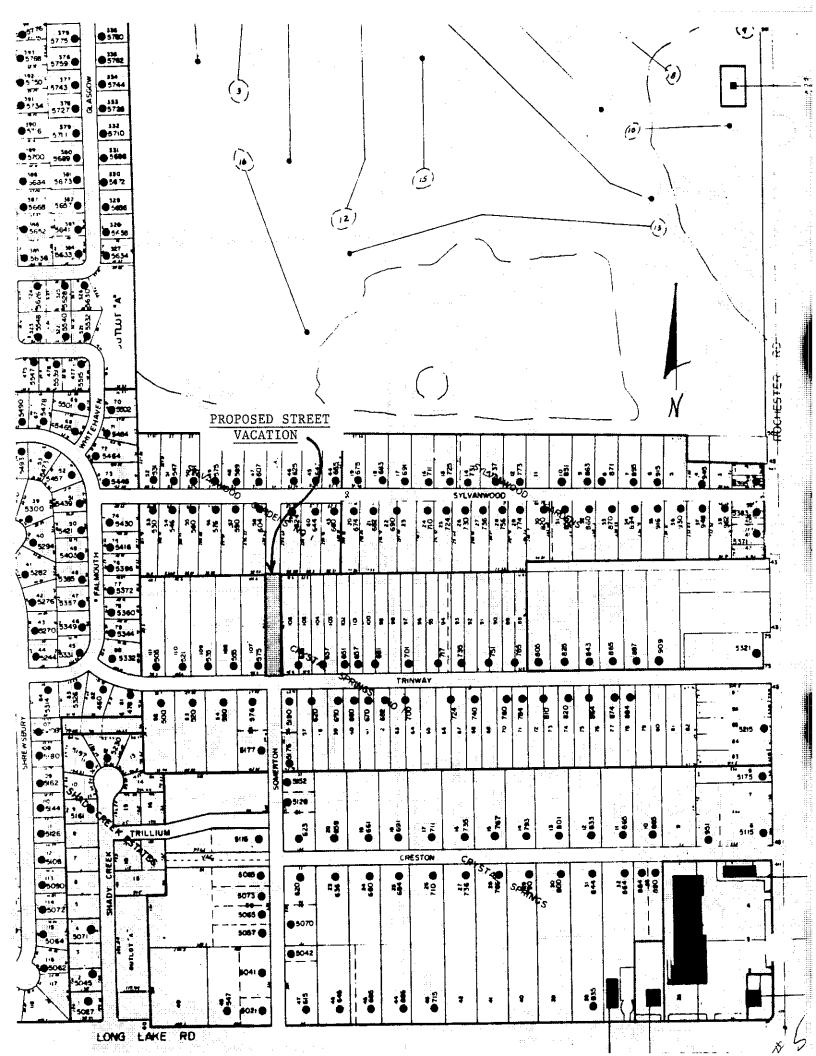
THE CITY HAS NO PLANS TO EXTEND SOMERTON ROAD THROUGH TO SYLVANWOOD ROAD WHICH IS WHAT THE RIGHT-OF-WAY PROPERTY IS FOR. SINCE THE CITY HAS NO DESIRE TO MAINTAIN THE PROPERTY, WE WISH TO AQUIRE IT.

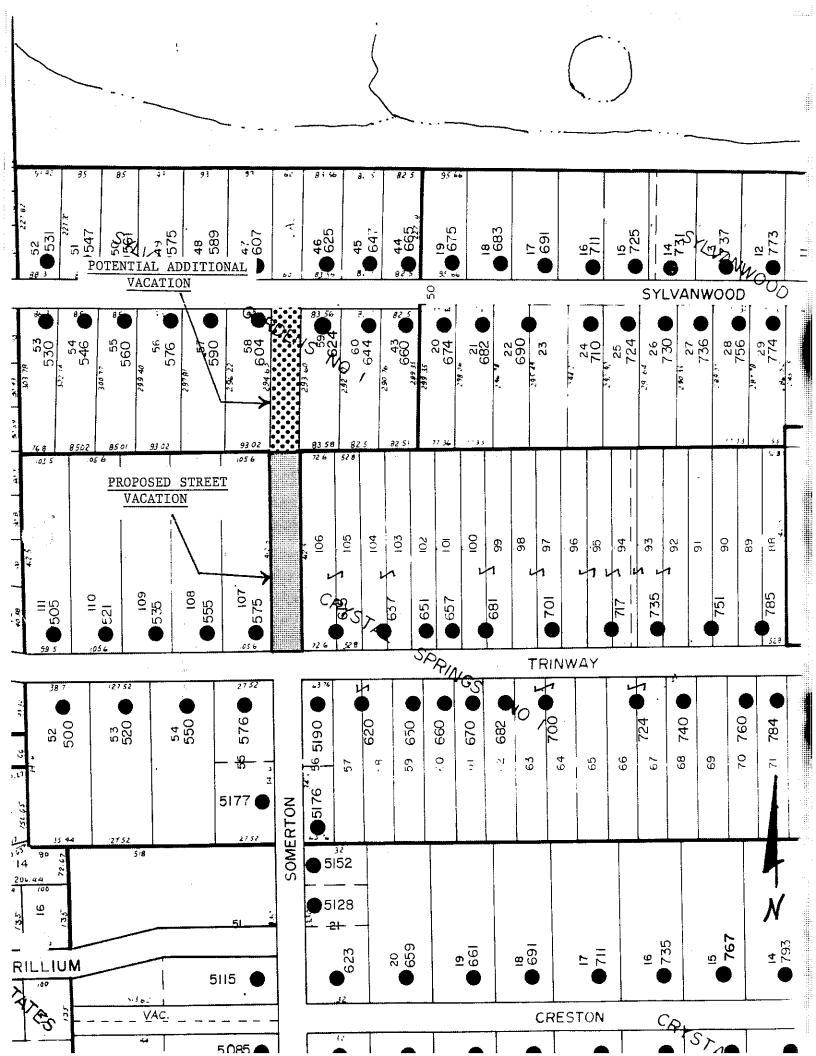
THANK YOU.

DANIEL & LINDA FRITSCH 615 TRINWAY 879-8138

DANNY & JAN CRAIG 575 TRINWAY 879-1813 In Change







Troy City Council City of Troy 500 W. Big Beaver Troy, MI 48084

**RE: Mastin Street Vacation** 

Having received notice that a Public Hearing will be held on April 19, 1993 at 7:30 p.m., in regard to vacating Mastin Street from Larchwood to Cherry and from Cherry to Hickory in Section 27, we request that the following petition be added to this issue or that this issue be tabled until a ruling is made on behalf of our following request.

The above mentioned (Larchwood to Cherry and Cherry to Hickory) is an <u>undeveloped</u> area. We, the owners of 93 Arthur, Lot 325: 96 Arthur, Lot 354 & 355; 101 Arthur, Lot 326 and 108 Arthur, Lot 353, <u>all existing homes</u>, hereby request that <u>Mastin Street</u> be vacated from <u>Larchwood to Arthur and Arthur to Woodslee</u>. If not in addition too, then instead of the request to vacate from <u>Larchwood</u> to Cherry and from Cherry to Hickory. We then request that the land be divided between the adjacent lots and be added to our respective legal lot lines.

We make this request in order to be able to maintain this property (which some of us have already been doing for several years) and use it for our own personal enjoyment, thereby improving the image of our neighborhood. In addition, if you agree to grant our petition, this will enable us to put a stop to the use of off road vehicles and motorcycles on the current easement, thereby ensuring the safety of our children. As it is now, we have no way to stop the reckless use of these vehicles.

We would be more than happy to elaborate on why we have made this request at your earliest convenience. Please notify us with the next available date to hear and rule on our request.

Sincerely,

CC:

Joseph M. & Julie A. Pongrac 93 Arthur, Troy, MI 48083

Home: (313) 689-5781

Office: (313) 637-3743 - Julie

Gary & Brenda Abithiera

Owners of: 101 Arthur, Troy, MI 48083

Also Owners of: Lots 306 & 374

Mailing Address: 119 Regents, Troy, MI 48084

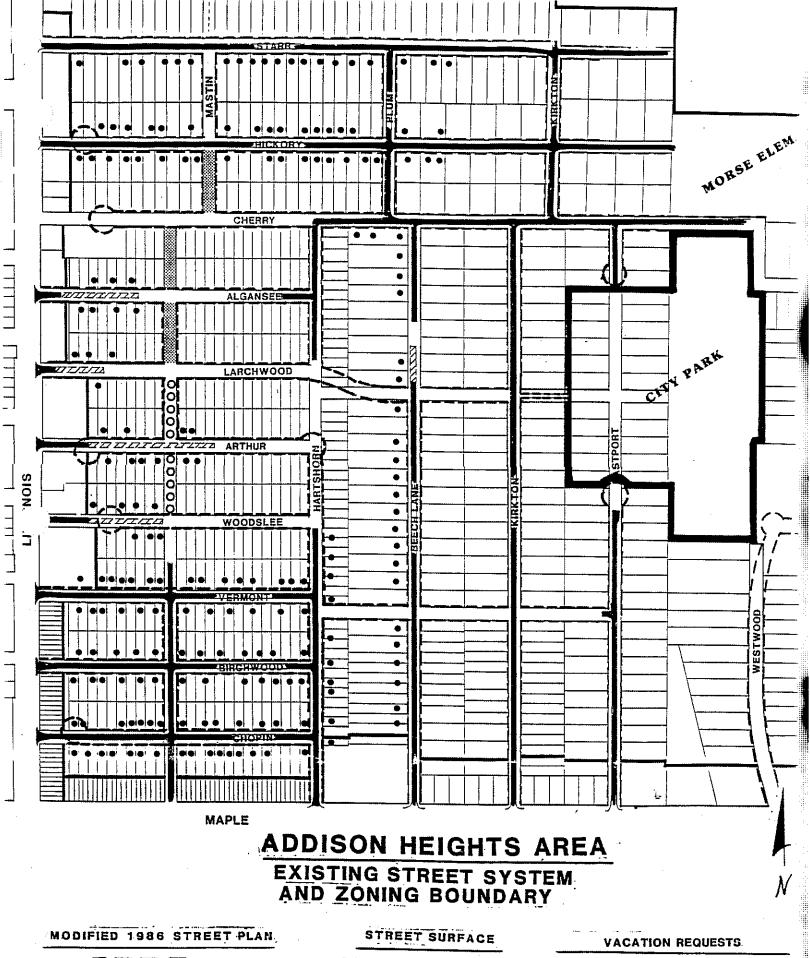
Home: (313) 362-3984

Eric J. & Vicky Siegel

108 Arthur, Troy, MI 48083

Home: (313) 740-8611

96 Arthur, Troy, MI 48083 Home: (313) 680-1376



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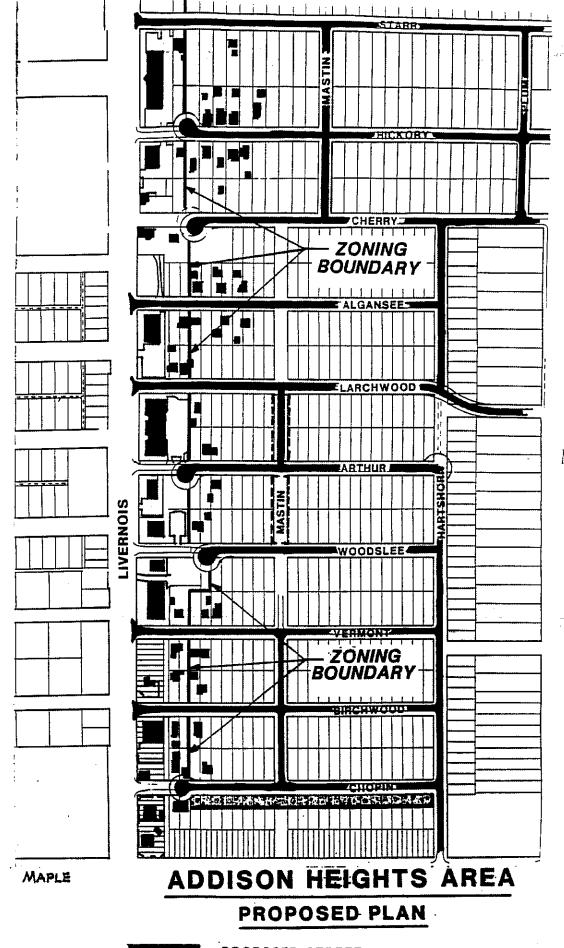
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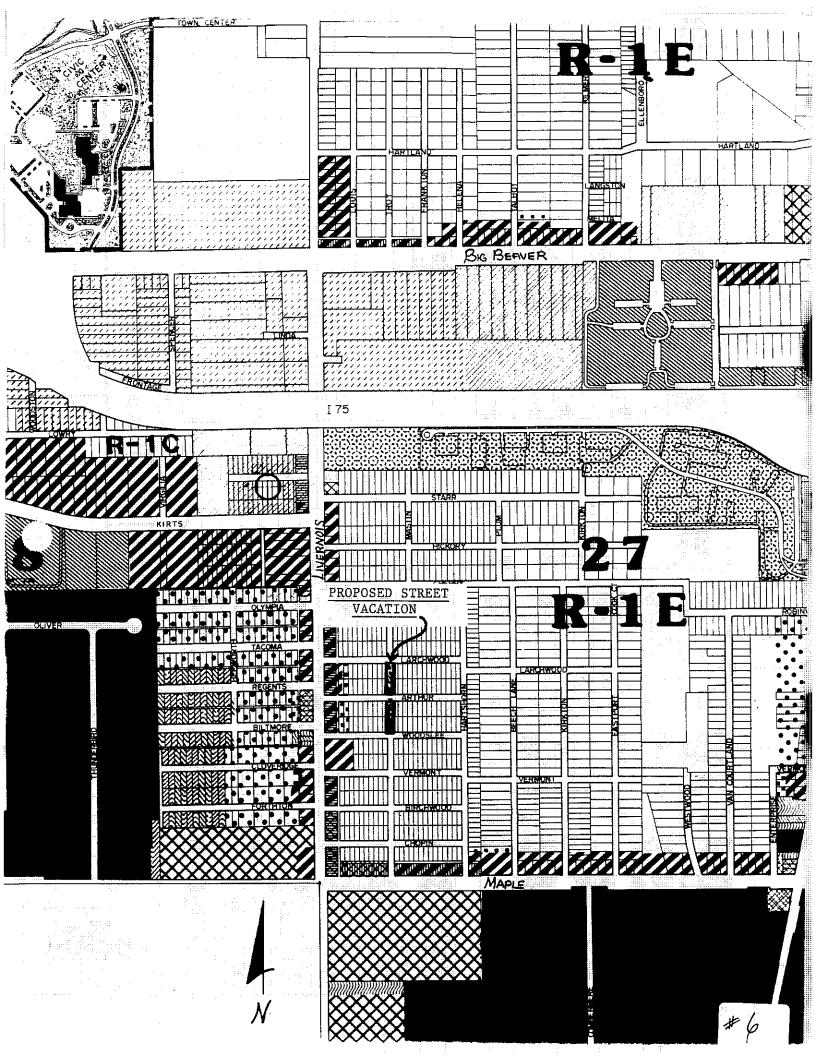
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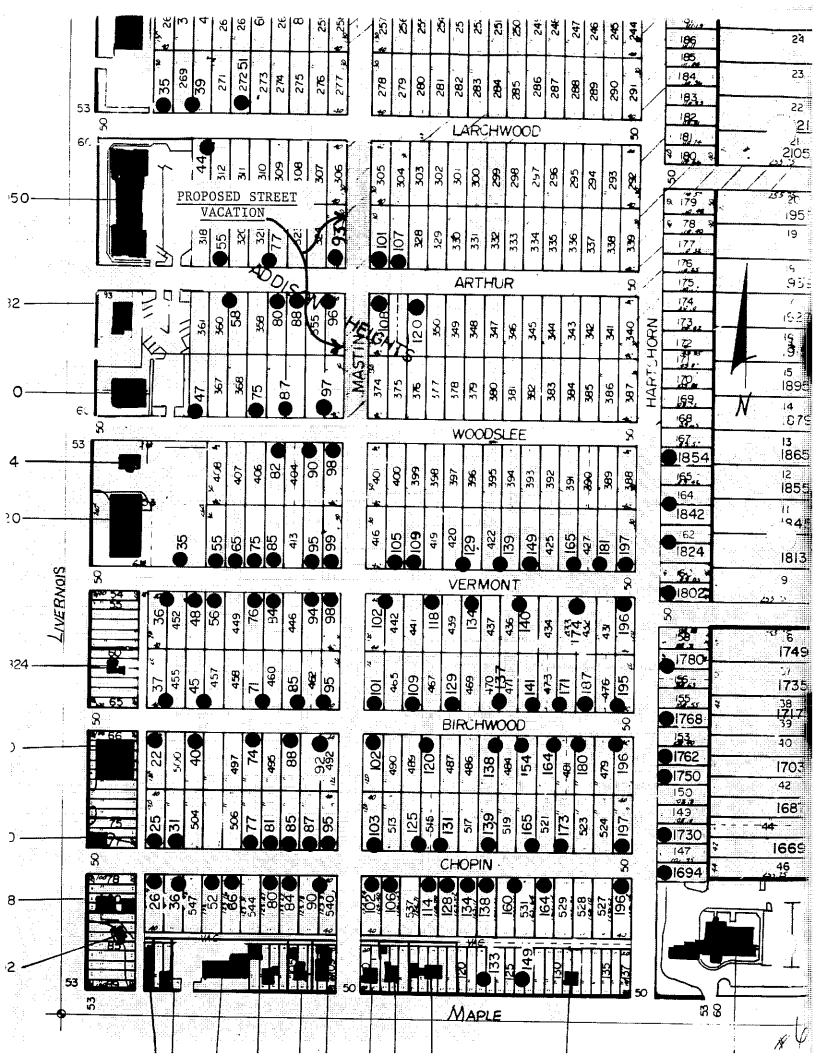


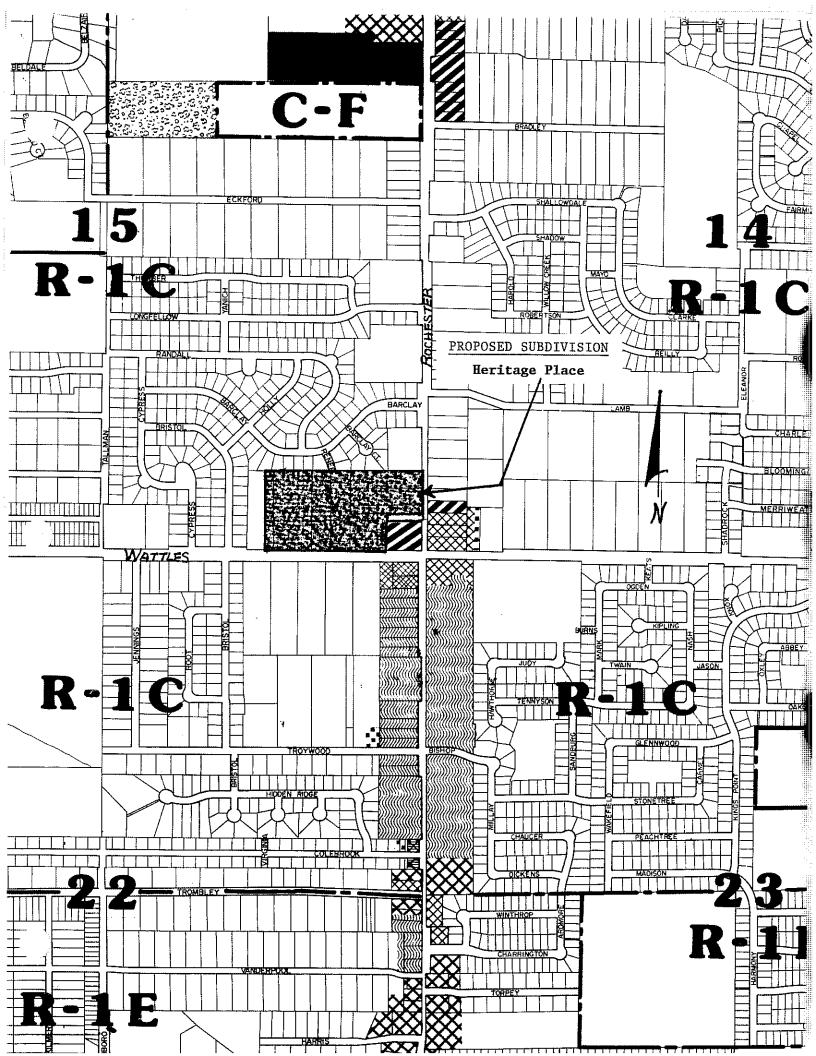
PROPOSED STREET

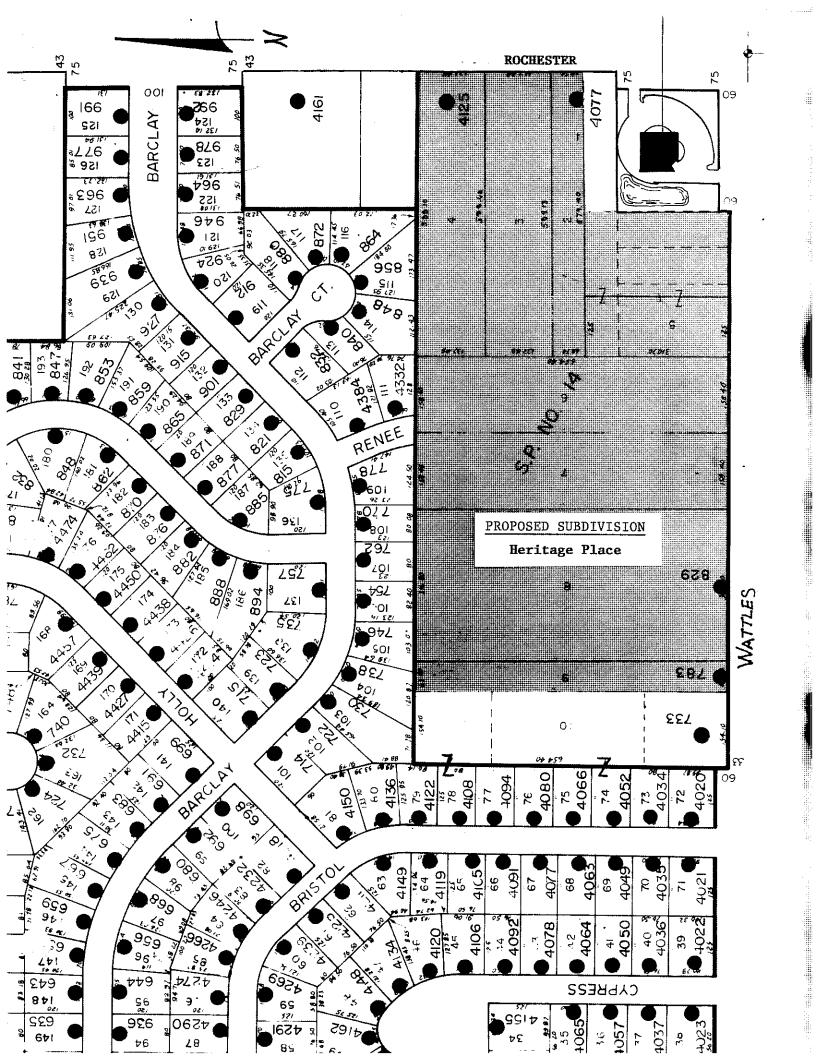
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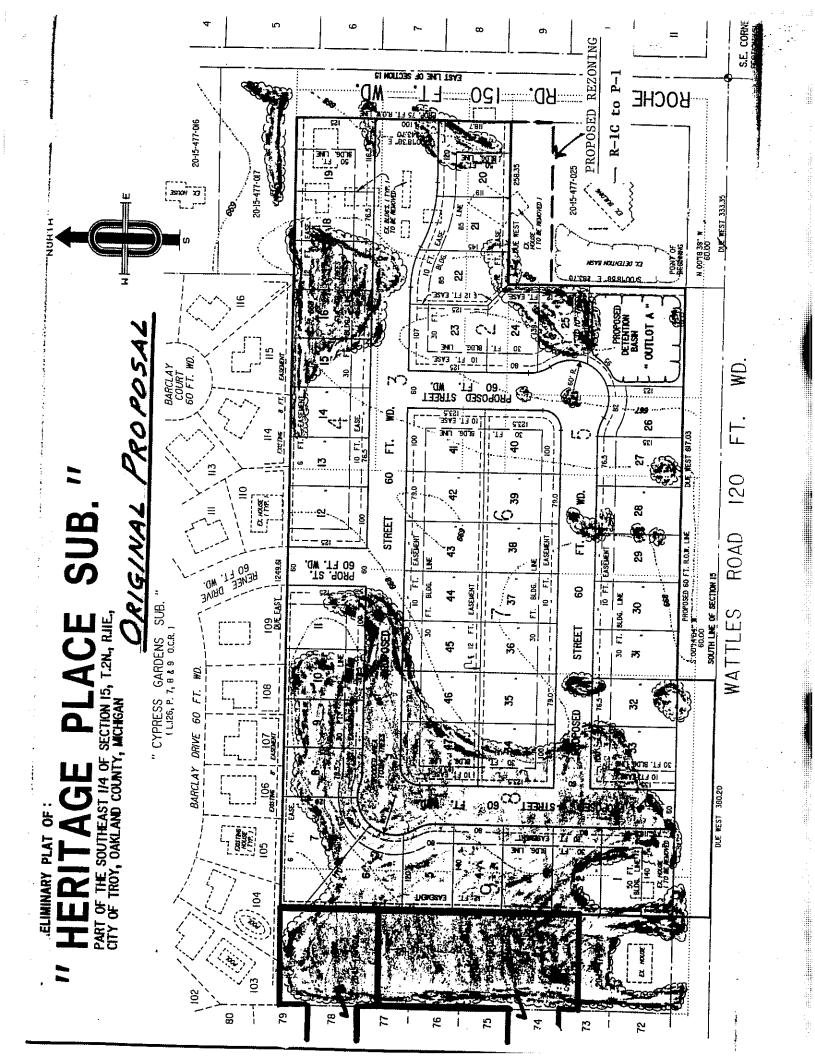
RESIDENTIAL/NON-RESIDENTIAL BOUNDARY 1993

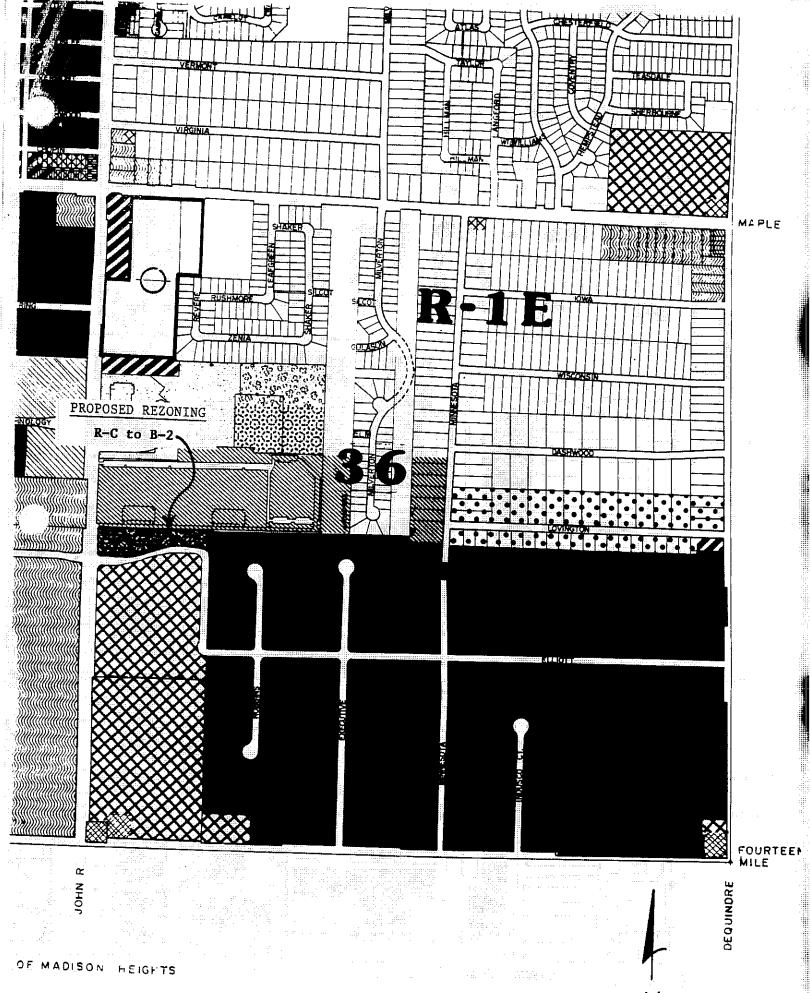












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