

Date: April 8, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services  
Douglas J. Smith, Director of Real Estate and Development  
Mark Stimac, Building & Zoning Director  
Mark F. Miller, Planning Director

Subject: AGENDA ITEM - MINUTES FROM THE SPECIAL/JOINT MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION, MARCH 28, 2005

A Special/Joint Meeting of the City Council and Planning Commission was held on March 28, 2005. At this meeting an interest based approach was used in an attempt to gain consensus on three issues related to accessory buildings and commercial vehicles in one-family residential districts: footprint ratios, garage door heights and commercial vehicles.

This memo was prepared in a further attempt to reach consensus on these issues. The following indicates recommendations of the Planning Commission and City Council for their consideration in developing the ZOTA's. Council should advise as a governing body if the comments below do not reflect their general direction.

### **Footprint Ratios**

- Maximum footprint ratio of 75% of the first floor area of the residence, and larger with a greater setback than otherwise required, based on a formula created by the Planning Commission.
- Attached accessory structures that are legally in existence at the time the ZOTA is adopted shall be considered conforming structures.

### **Garage Door Heights**

- No garage door height limitation.

### **Commercial Vehicles**

- The responsibility of reviewing commercial vehicle appeals shall be transferred to the Board of Zoning Appeals (BZA), with due consideration of the legal issues.
- After transfer of authority to Board of Zoning Appeals, including input from the BZA, the following issues should be addressed by City Management and the Planning Commission:
  - Definition of commercial vehicle.
  - Exceptions for major thoroughfare frontages.
  - Simplify renewals.
  - Modify four findings to grant appeal.
  - Creation of a special exception use.
  - Overall balance of individual property rights and neighborhood character.

Draft minutes from the joint meeting have been completed and are attached.

Attachments:

1. Richard Carlisle memorandum dated April 12, 2005.
2. Minutes of the Special/Joint Meeting of the City Council and Planning Commission, March 28, 2005.

cc: File/ ZOTA 215

Prepared by RBS/MFM

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## **MEMORANDUM**

**TO:** John Szerlag, City Manager

**FROM:** Richard K. Carlisle, AICP, PCP

**DATE:** April 12, 2005

**RE:** Comments on Joint City Council/Planning Commission meeting held on March 28, 2005

Pursuant to the joint meeting held by the City Council and Planning Commission, there were two contrasting concepts that were discussed. I have prepared sketches illustrating the contrasting concepts.

Illustration #1 is based upon the Planning Commission recommendation. Although I used the R-1C District as the example, I believe the sketch properly illustrates the relationship between the attached accessory structure and the residence. In consideration of the fact that garages are accessory or subordinate to the principle structure, the seventy five (75) percent standard results in a proper relationship between accessory and principle structures.

Illustration #2 is based upon some of the discussion by Council which would allow an accessory garage to be equal to one hundred (100) percent of the total living area. Illustration #2 uses the same parameter as Illustration #1 showing a two-story colonial residence. The result of such an approach, as shown in Illustration #2, could be accessory buildings with twice the ground floor footprint as the principle residence. Further, our illustration depicts an accessory building which is one story in height. We know that accessory buildings of greater height are possible.

Certainly, I could provide additional illustrations for other zoning districts. While the specific dimensions between districts will change, the significant disparity in proportion will be similar to Illustrations #1 and #2.

It is my opinion that basing regulations on seventy five (75) percent of the ground floor living areas is the preferred methodology. Such a requirement establishes the proper relationship between a principle and subordinate use, promotes an appropriate balance in physical scale, and respects the essential residential character of Troy neighborhoods. Finally, regulations can be developed which would protect existing accessory garages that may exceed the proposed restriction.

Please let me know if you need any additional information.

CARLISLE/WORTMAN ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Richard K. Carlisle".

Richard K. Carlisle, PCP, AICP

Project # 225-25-2401

RKC: lh

Illustration #1  
Planning Commission Recommendation

- R-1C Zoning
- 10,500 s.f. parcel
- 2,000 s.f., two-story colonial (1,000 s.f. footprint)
- The area of attached accessory building shall not exceed 75% of the ground floor footprint of the living area.

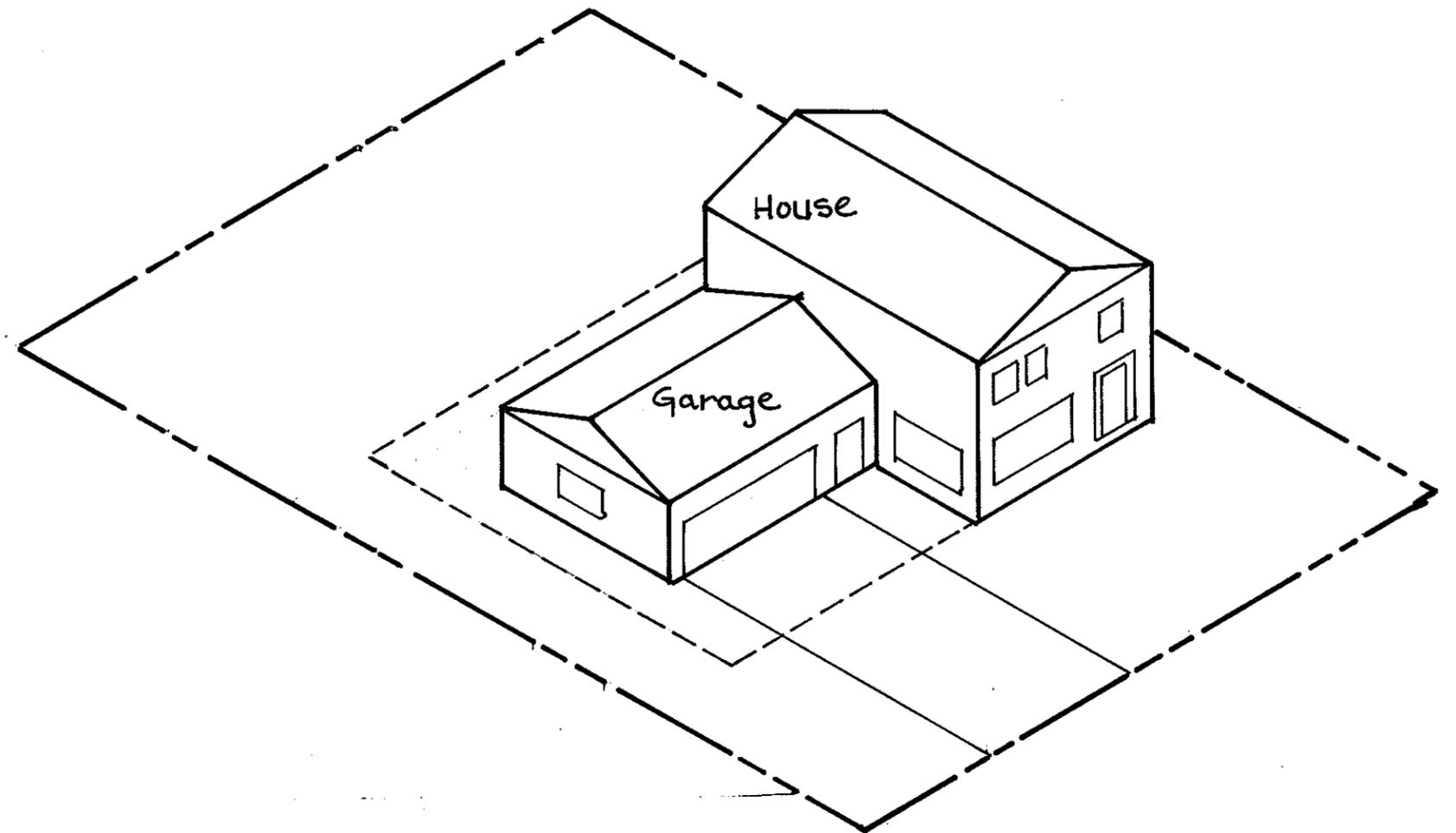
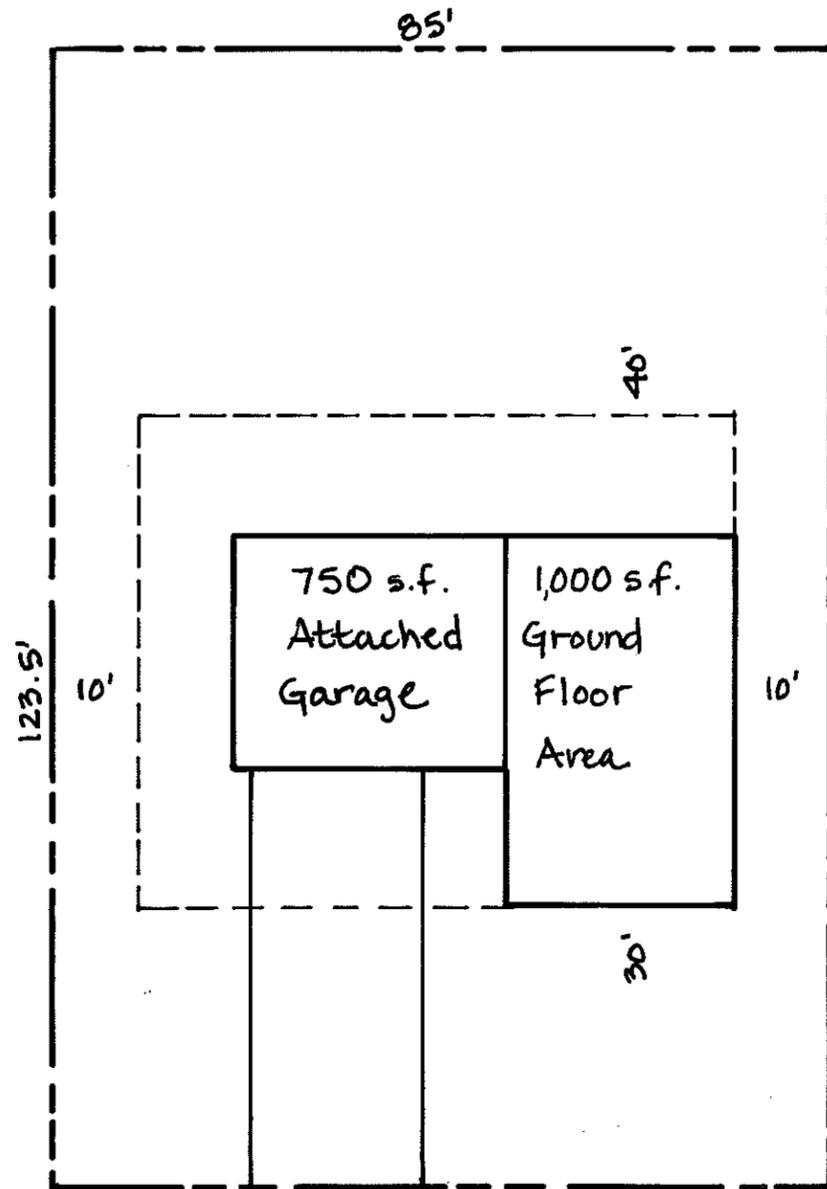
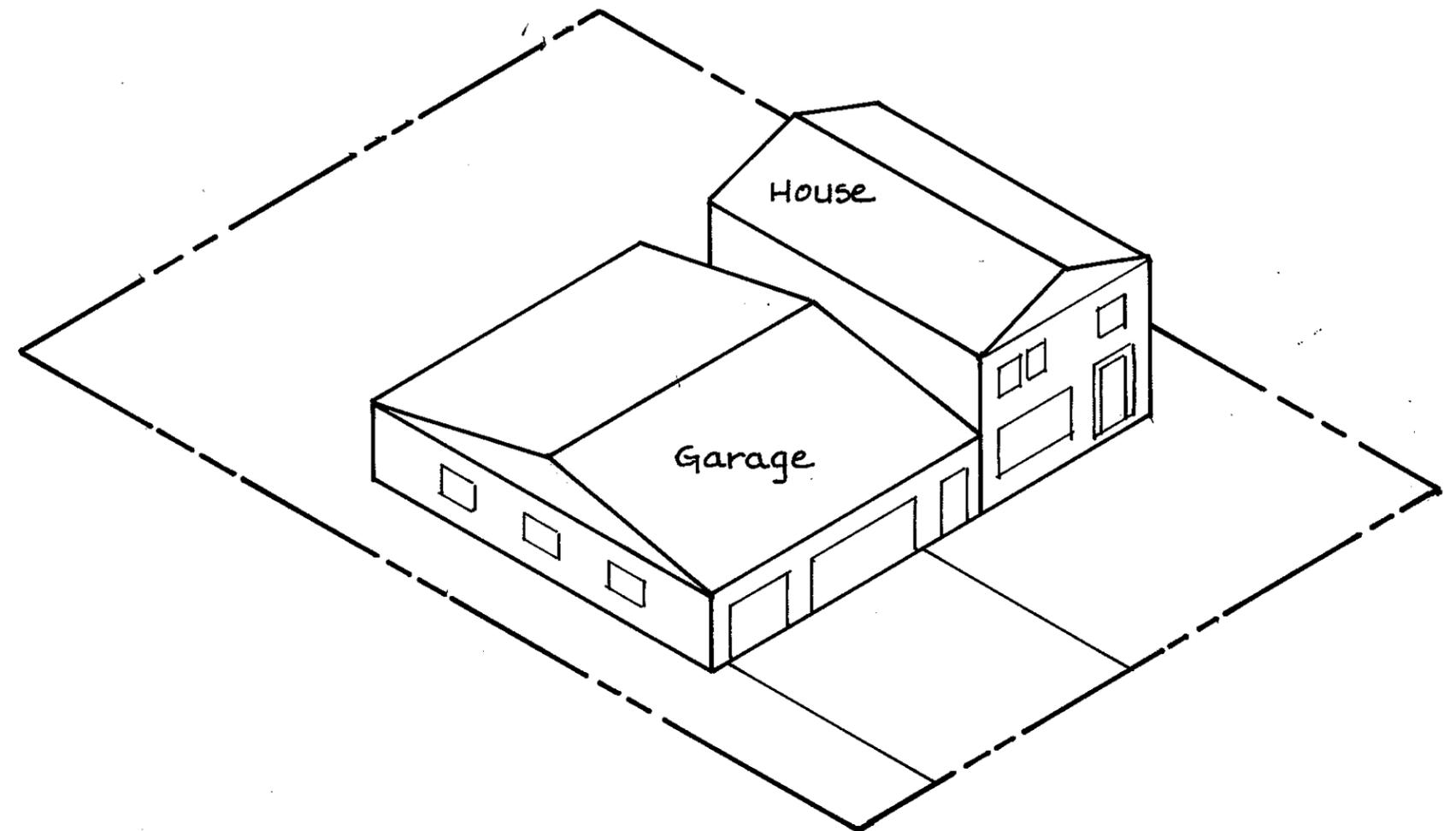
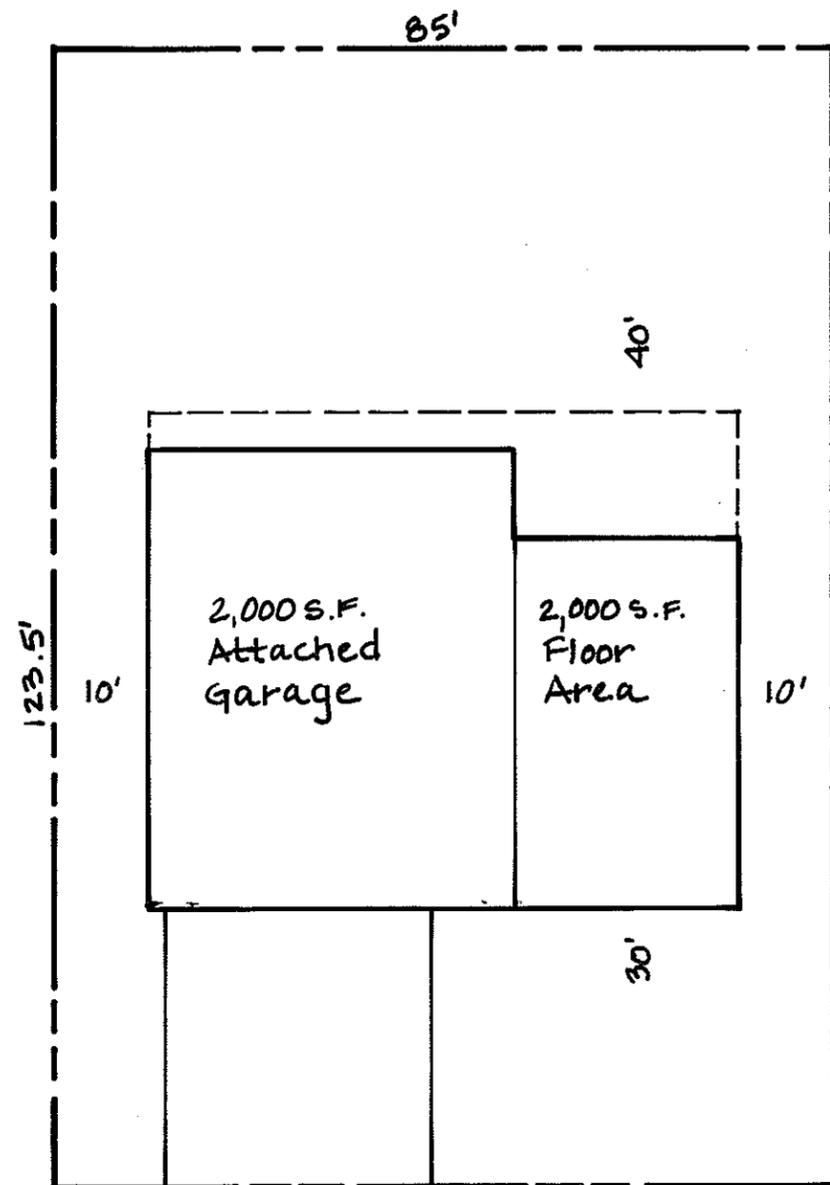


Illustration #2  
City Council Discussion

- R-1C Zoning
- 10,500 s.f. parcel
- 2,000 s.f., two-story colonial (1,000 s.f. footprint)
- The area of attached accessory building shall not exceed 100% of the total living area.



A Special-Joint Meeting of the Troy City Council was held Monday, March 28, 2005, at the Fire and Police Training Facility, 4850 John R – Troy, Michigan 48085. Mayor Pro Tem Beltramini called the Meeting to order at 7:48 PM.

**ROLL CALL:**

**CITY COUNCIL PRESENT:**

Mayor Louise E. Schilling  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

**PLANNING COMMISSION:**

Gary Chamberlain  
Lynn Drake-Batts  
Larry Littman  
Robert Schultz  
Fazlullah M. Khan  
Thomas Strat  
Mark Vleck  
David Waller  
Wayne C. Wright  
Howard Wu

Mayor Schilling introduced John Szerlag as the moderator of the interest-based approach to bargaining. Mr. Szerlag described the interest-based approach and the meeting format.

Consensus was reached by a vote by voice to follow simple ground rules as described by John Szerlag.

John Szerlag moderated an interest-based discussion with the City Council and Planning Commission on accessory building footprint ratios, garage door height and commercial vehicle regulations.

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**1. Options for Regulating Attached Garages and Accessory Structures**

Mark Miller, Planning Director, provided an update on ZOTA 215 and the process to date.

Mark Stimac, Director of Building and Zoning, presented a brief history of commercial vehicle restrictions in Troy.

Planning Consultant Richard Carlisle provided a regional perspective on commercial vehicles.

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Attached Garages and Accessory Structures* were recorded based on individual input:

**PLANNING COMMISSION INTERESTS:**

I. Footprint Ratios

1. Enforcement not to be retroactive for legally constructed structures. (Do not create non-conforming structures.)
2. Replacement structures must conform.
3. Maintain residential character.

II. Garage Door Heights

1. Maintain residential flavor/appearance.
2. Do not store recreational vehicles in residential areas.

**CITY COUNCIL INTERESTS:**

I. Footprint Ratios

1. Footprint ratio that does not create non-conformance.
2. Footprint of living area, not just first floor.
3. Solution should address Alpine Street.
4. Allow building size to be dictated by size of property.
5. Be careful not to permit too big of structure based on lot size.

II. Garage Door Heights

1. Maintain residential character.

**CITY MANAGEMENT INTERESTS:**

I. Footprint Ratios

1. Consistency
2. Practicality of application of ordinance

II. Garage Door Heights

1. No height limit.

**OPTIONS:**

I. Footprint Ratios

1. 100% of livable area calibrated with setbacks.
2. 75% of the first floor living area.
3. 125% of living area.
4. Establish a ceiling.
5. Calibration of larger attached buildings based on height.

II. Garage Door Height

1. 8' for front entrances; larger in rear.
2. No height restriction.

## GENERAL DIRECTION FROM CITY COUNCIL:

- The option selected was 75% of first floor living area and larger with a greater setback than otherwise required, based on a formula created by the Planning Commission.
- Do not limit garage door height

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**2. Options for Regulating Commercial Vehicles**

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Commercial Vehicles* were recorded based on individual input:

**PLANNING COMMISSION INTERESTS:**

- I. Commercial Vehicles - (No comments)

**CITY COUNCIL INTERESTS:**

- I. Commercial Vehicles
  1. Fix definition of commercial vehicle (weight, size, type).
  2. Make variance renewals automatic (if no changes).
  3. Exceptions considered for (1) Mile Road frontage; (2) Hardships (short-term); (3) Duration.
  4. Residentially zoned/utilized areas only.

**CITY MANAGEMENT INTERESTS:**

- I. Commercial Vehicles
  1. Appropriate criteria be developed for variance to be granted.

**OPTIONS:**

- I. Commercial Vehicles
  1. No change.
  2. Transfer authority to grant variances to BZA.
  3. Administrative approval of variance renewals.
  4. Change definition of commercial vehicles.
  5. Restrict indoor storage.
  6. Modify criteria – all 4 conditions must be met.
  7. Separate police power ordinance.
  8. Eliminate ability to appeal commercial vehicle storage provisions.

GENERAL DIRECTION FROM CITY COUNCIL:

- Transfer authority to grant variances to BZA.
- Develop appropriate criteria for granting variances.

Following the interest-based discussion, moderator John Szerlag handed control of the meeting back to Mayor Schilling.

**PUBLIC COMMENT**

**Vote on Resolution to Suspend Council Rules #16 – Members of the Public & Visitors**

Resolution #2005-03-148a  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five minutes to two minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: All-7

The meeting **ADJOURNED** at 10:36 PM.

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Louise E. Schilling, Mayor

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Laura A. Fitzpatrick  
Assistant to the City Manager