The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on March 8, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Lynn Drake-Batts

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2005-03-026
Moved by: Wright
Seconded by: Khan

RESOLVED, That Member Drake-Batts is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Drake-Batts

MOTION CARRIED

2. MINUTES

Mr. Vleck requested that the February 22, 2005 Special/Study Meeting minutes reflect in more detail the discussion on agenda item #5, ZOTA 215-A, relating to Accessory Buildings.

There was discussion relating to the detail of minutes required for a study meeting, the archive system in place for meeting videotapes (CD/DVD), and whether meeting videotapes are or should be maintained as a permanent record.

Mr. Miller informed the members there is no requirement to maintain a recording of the meeting after the minutes are approved.

Resolution # PC-2005-03-027
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, To approve the February 22, 2005 Special/Study Meeting minutes as published.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Waller, Wright
No: Vleck
Absent: Drake-Batts

MOTION CARRIED

Mr. Vleck voted no because he would like to see a proposal go forward to the City Council with respect to maintaining a videotape archive as part of the permanent record.

Mr. Waller questioned why it should be an action by City Council as opposed to the Planning Commission.

Mr. Miller said the City Clerk is responsible for keeping the official records. He said the Planning Department maintains a library of Planning Commission meeting videotapes (CD/DVD) but the recordings are not considered official records.

Mr. Schultz said the issue of whether videotapes of all Board and Commission meetings are maintained as a permanent record should be addressed by the City Clerk's office, not by this body.

3. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEMS

4. PUBLIC HEARING – PROPOSED REZONING (Z 695) – Proposed Becker Overflow Parking Area, South side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller reported that a request was made by the petitioner to postpone the item to the April 12, 2005 Planning Commission Regular Meeting. He explained the petitioner is considering applying for a conditional rezoning of the property, and would like additional time to complete a corresponding site plan.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

Resolution # PC-2005-03-028
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Public Hearing for the rezoning request for the Proposed Becker Overflow Parking Area, located on the south side of Henrietta and east of Rochester Road, Section 27, from R-1E to P-1, be tabled to the April 12, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Drake-Batts

MOTION CARRIED

5. SITE CONDOMINIUM SITE PLAN REVIEW – Proposed Oak Forest Site Condominium, 76 units/lots proposed, South side of Square Lake Road, West side of John R, Section 11 – R-1C (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report for the proposed Oak Forest Condominium project. Mr. Miller reported that it is the recommendation of the Planning Department to approve the application with five conditions: (1) submission of required landscape information; (2) appropriate MDEQ permits; (3) appropriate permits to complete Fetterly Drain improvements; (4) clarification of ownership of proposed open space that includes the proposed wetlands mitigation areas; and (5) change the designation of the easement shown on the plan to a public walkway.

There was a brief discussion on the stub streets. Mr. Miller confirmed that there are 3 stub streets, as discussed at previous study meetings.

The petitioner, Dale Garrett of Ladd's Inc., 5877 Livernois, Troy, was present. Mr. Garrett confirmed that the revised plan shows the stub streets, as previously discussed, and the pathway. He said he would be happy to answer any questions on the revised plan.

Mr. Waller asked the petitioner if he received the interdepartmental review comments incorporated in the Planning Department report.

Mr. Garrett responded in the affirmative.

Mr. Miller reviewed the comments made by the City Engineer in his memorandum dated January 20, 2005. The memorandum outlined that, in his opinion, the preliminary plan is sufficient and feasible to be constructed and that the storm water detention basin is sufficient and would improve the drainage for the general area. The City Engineer's memorandum indicated that many details of the project would be determined during the engineering design phase.

Chair Strat opened the floor for public comment.

Lon Ullman of 5621 Willow Grove, Troy, was present. Mr. Ullman submitted a letter from the Oakland County Drain Commission that cites in regard to the Fetterly Drain that any kind of improvements would need adjacent property owners' permission to enclose the drain even if the drain is within the easement. Difficulty could arise since the easement is an open channel and the requirements were that if the drain would be improved, it would have to be widened outside of the easement. Mr. Ullman introduced documentation that relates to a floodplain application signed by the Engineering Department dated April 1998, and a letter from the MDEQ dated 2001. The documentation indicates that the floodplain map revisions by the Federal Emergency Management Agency may have bearing on the development of the area.

Chair Strat asked Mr. Ullman to submit the documentation to the Planning Department, who in turn would provide it to the Engineering Department for review. Chair Strat indicated that tonight's recommendation to City Council would be based on the information provided to the Commission to date.

Mr. Ullman outlined a letter he prepared and submitted to the members. The letter relates to the concern of water and its displacement onto neighboring properties and to the grading plan; specifically the amount of fill dirt, floodplain level, west side detention pond, culvert restrictions of the Fetterly Drain and sewers. Mr. Ullman realizes the Engineering Department would review these items and asked that the review be conducted prior to the proposed plan going for final review.

Pam Brubaker of 5775 John R, Troy, was present. Ms. Brubaker said her property shares 500 feet of property line with the proposed development, and noted her driveway runs along the property line. She said the former owner filled in a small portion of the lot behind the pole barn adjacent to her driveway. Ms. Brubaker said that flooding has occurred ever since. She cited flooding problems from the last snowmelt to June or July and said their driveway is almost completely under water in the spring and fall. Ms. Brubaker expressed her concerns with the inability to use her driveway and the flooding as a result of a small fill-in. She questioned the potential problems that could occur after development of a big project. Ms. Brubaker referenced a recently constructed home on 4.5 acres on the other side of her property that apparently has water problems because they have pumped water out of their basement onto her property. Again, she questioned what impact a larger development might have on the neighboring properties. Ms. Brubaker asked the Planning Commission who is liable for the increased water run-off on adjacent properties.

Chair Strat replied that the members could not answer the question of liability. He said staff or the Legal Department could answer the question.

Mr. Chamberlain said the ordinances are written as such that there is to be no excess water coming off of this property. If the development is done right, there should not be any water coming off of this property onto her property.

Mr. Miller indicated that the Engineering Department would handle any water concerns.

Don Edmunds, President of Golf Trail Homeowners Association, of 1304 Player Drive, Troy, was present. Mr. Edmunds specifically addressed agenda item #6 relating to the proposed Oak Forest South Site Condominium, and read a communication prepared on behalf of the residents of Golf Trail subdivision. A copy of the communication is attached and made a part of the minutes.

Mr. Waller asked Mr. Edmunds if the Golf Trail Homeowners Association would be willing to share the expense of paving Willow Grove.

Mr. Edmunds responded in the negative.

Mr. Waller asked Mr. Edmunds if he felt it would be appropriate to restrict access to a public street, a street that is paid for by the citizens of the City for the benefit of the City.

Mr. Edmunds responded that the residents are not objecting to interconnectivity. He said the homeowners association has a long history of promoting interconnectivity, but there is an essential difference with this development. Should Willow Grove not be paved, Golf Trail subdivision residents would bear the additional traffic. Mr. Edmunds said it is understood that the City pays an additional 40% premium for maintaining gravel streets and all taxpayers pay for those additional costs. Mr. Edmunds said the sooner Willow Grove is paved, the better for everyone.

Mr. Waller asked Mr. Edmunds if there was any particular traffic improvement created to allow new residents of Golf Trail subdivision access into the subdivision when it was under development.

Mr. Edmunds answered in the negative. He noted that Hilmore has since been paved.

Dorene Randall of 5348 Abington, Troy, was present. Ms. Randall, a thirty-year resident of Troy, wanted to let the members know how much the subject property is used to educate the kids of Troy. The property encompasses endangered plants, turtles and a herd of deer. The kids go to the area to learn, do school reports, and write books. Ms. Randall said the property is such a valuable piece of property for educational purposes. She asked if there was any possibility of entering into a partnership with a land conservatory, or to buy out the developer. Ms. Randall offered to collect money for the City of Troy. She would like to see the property remain

undeveloped as a legacy to the City. Ms. Randall said to call her if the members would like a citywide collection.

The floor was closed.

Chair Strat announced tonight's recommendation would be based on the information provided to the members in their meeting packet. He said any additional documentation submitted tonight would be collected by the Planning Department and reviewed by appropriate departments.

Mr. Schultz reviewed some of the issues brought to their attention (i.e., final grade, elevation, floodplains, capacity of sewers, prior filling causing flooding, liability of run-off water) that would be appropriately handled by the Engineering Department. He asked for confirmation from a legal standpoint that the job of the Planning Commission is to review the site plan and move it forward to the MDEQ and final engineering should the plan meet all ordinance requirements.

Mr. Motzny said the Planning Commission's job is to grant or make a recommendation for preliminary approval, at which time the plan would be forwarded to City Council for its review and approval. Mr. Motzny said the engineering aspects are matters that would be addressed in the future and are not matters directly before the Planning Commission at this time.

Chair Strat asked what recourse residents would have should their concerns not get addressed or satisfied.

Mr. Miller explained a preliminary site plan sets the parameters of a development. After preliminary approval, the specific design work and permit process begins. Mr. Miller said any concerns of residents, such as drainage, would be handled by the Engineering Department during the engineering phase of a development.

Mr. Littman addressed the comments of Ms. Randall. He said there is an Oakland County conservancy and he could provide her with contact information. Mr. Littman said a sale/purchase of the property would be a private transaction. Mr. Littman said the residents have valid concerns, but the Planning Commission is limited in what it can do and bound by law to look at specific things. Mr. Littman said some of the concerns brought forward, such as paving Willow Grove, are more politically inclined issues and maybe City Council would address them.

Mr. Khan responded to the comments of Ms. Brubaker. Mr. Khan told her the Engineering Department is the appropriate channel for any water problems. He assured her the Engineering Department would respond quickly and get the developer or builder to take care of the problem.

Mr. Waller asked if it would be valid to see this plan again before final site plan approval.

Mr. Chamberlain said as a recommending body to City Council for preliminary and final approval, it would not be valid to request that the final site plan be brought back to this body.

Mr. Schultz said the parcel is a difficult parcel to develop and it would be within the Planning Commission's right to request the site plan to come back for review should there be significant changes to the plan as approved.

Mr. Miller agreed that the parcel is difficult to develop. He understands why the members would want the plan to come back for review should significant changes take place, such as removing lots, adding lots, moving retention basins, etc.

Chair Strat stated that should the layout of the site plan change and there are problems, he thinks the plan should come back before the Planning Commission.

Resolution # PC-2005-03-029
Moved by: Chamberlain
Seconded by: Khan

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Oak Forest Site Condominium, including 76 units, located on the south side of Square Lake Road and west side of John R, Section 11, within the R-1C zoning district be granted, subject to the following conditions:

1. Submission of the landscaping information required by the Landscape Analyst in the Planning Department report dated March 3, 2005.

2. The applicant must receive appropriate permits from the MDEQ prior to dredging, filling, or completing any other improvements within a State-regulated wetland.

3. The applicant must receive appropriate permits from the Oakland County Drain Commissioner and the City of Troy prior to completing any improvements to the Fetterly Drain.

4. Clarification of ownership of proposed open space that includes the proposed wetlands mitigation areas.

5. Changing what is marked as the walking easement to a dedicated walkway.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Vleck, Waller
No: Wright
Absent: Drake-Batts

MOTION CARRIED

Mr. Wright said that as a former resident of the area, he has been familiar with the subject property for almost 30 years. He thinks the City should have purchased the property a long time ago. Mr. Wright said it would be a major mistake on the part of the City to allow it to be developed. He said the property has always been a swamp and he believes that the addition of the significant amount of impervious surfaces that would be part of the development would exacerbate the existing flooding situation in the area. Mr. Wright said the development would be detrimental to the health, safety and welfare of the existing neighbors as well as new residents.

6. SITE CONDOMINIUM SITE PLAN REVIEW – Proposed Oak Forest South Site Condominium, 24 units/lots proposed, South of Square Lake Road, East side of Willow Grove, Section 11 – R-1C (One Family Residential) District

Mr. Miller reported that it is the recommendation of the Planning Department to approve the application with three conditions: (1) submission of required landscape information; (2) appropriate MDEQ permits; (3) appropriate permits to complete Fetterly Drain improvements.

Chair Strat confirmed that there was no one in the audience who wished to speak on this matter.

Resolution # PC-2005-03-030
Moved by: Chamberlain
Seconded by: Khan

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Oak Forest South Site Condominium, including 24 units, located on the south side of Square Lake Road and east of Willow Grove, Section 11, within the R-1C zoning district be granted, subject to the following conditions:

1. Submission of the landscaping information required by the Landscape Analyst in the Planning Department report dated March 3, 2005.

2. The applicant must receive appropriate permits from the MDEQ prior to dredging, filling, or completing any other improvements within a State-regulated wetland.

3. The applicant must receive appropriate permits from the Oakland County Drain Commissioner and the City of Troy prior to completing any improvements to the Fetterly Drain.

Mr. Schultz requested that the motion be conditioned also upon the site plan being brought back to the Planning Commission for review should there be significant changes because of permitting or wetland or any other water problem.

Mr. Chamberlain said he would not know how to put that condition in the motion to make it work because it is a recommendation to the City Council.

Mr. Khan said the plan would automatically come back before the Planning Commission should there be any significant layout changes, and as a recommending body to the City Council, the members do not have a right to stipulate that condition.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Vleck, Waller
No: Wright
Absent: Drake-Batts

MOTION CARRIED

Mr. Wright said the comments expressed on the previous resolution apply to this resolution. *(Refer to Resolution #PC 2005-03-029)*

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reported that the Planning Department recommends postponement of this item to a future date. City Council has scheduled a joint Planning Commission/City Council Special Meeting on March 28, 2005 to further discuss ZOTA 215-A and other related issues.

PUBLIC HEARING OPENED

Lon Ullman of 5621 Willow Grove, Troy, was present. Mr. Ullman encouraged the City to not place a handicap on builders by limiting the construction of garages to a specific size as a result of one person's poor judgment. He asked that an appeal process be in place should the City place a size limitation on garages. Mr. Ullman said an appeal process would provide a means to regulate construction and design of accessory structures should they be in poor taste or an imposition to the neighbors.

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick said he is very concerned with the roof height limit as discussed at the last Planning Commission meeting. He said that all 51 homes in his subdivision (Westwood Park) would exceed the 14-foot average. Mr. Minnick indicated that he provided Chair Strat with information and photographs for his review and distribution to the members. Mr. Minnick said the builder of his subdivision has built homes throughout the City with similar blueprints, and the problem could very well be widespread. Mr. Minnick reviewed a discussion he had with a subdivision attorney with respect to the matter; i.e., concerns with insurability, disclosure, rebuilding limitations, etc. The attorney indicated that it is a general practice of municipalities to write ordinances wherein

new restrictions would apply only to new construction. Mr. Minnick said Mr. Miller was quoted in one of the newspapers as saying that such a grandfather clause would be counter-productive because it essentially would allow the Alpine garage to remain. Mr. Minnick said the City Council asked the Planning Commission to write a Zoning Ordinance that would prohibit the building of another monster garage, not to remedy the problem that exists on Alpine. Mr. Minnick asked that other residents not be penalized because of one resident's action. He encouraged that existing buildings be grandfathered in and exempt from impending limitations. Mr. Minnick suggested that a table be created to compare existing regulations and proposed regulations of both attached and detached structures with Sterling Heights and Rochester Hills, cities that are similar in age and style of subdivisions.

Mr. Waller asked Mr. Minnick to provide the comments made by the subdivision attorney in writing for distribution to the members. He also suggested that information be provided to the members of any specific cases wherein the sales of homes were affected by insurability or disclosures related to City ordinances similar to those revisions being discussed.

Linda Thielfoldt of 646 E. Long Lake, Troy, was present. Ms. Thielfoldt lives in the Covington Ridge subdivision located on the south side of Long Lake between Livernois and Rochester Road. She shared her concerns and voiced her objection to the proposed 14-foot height limitation. Ms. Thielfoldt said residents should not suffer for the sins of one resident, and asked that the members reconsider the height restriction. Ms. Thielfoldt said that many of the 43 homes in her subdivision would become non-compliant should the proposed 14-foot height limitation be adopted, and noted that a good percentage of the homes have bedrooms over the garage. She expressed concerns with respect to disclosure of non-compliance and insurance coverage. Ms. Thielfoldt said her State Farm insurance agent confirmed that an increased premium could result should her garage become a non-conforming structure. She claimed it would be a discriminatory factor in the potential sale of her home. Ms. Thielfoldt asked what the procedure would be should she decide in the future to finish the attic space of her home, as relates to non-conformance. Ms. Thielfoldt also asked that consideration be given to market demands and the construction of current subdivisions with respect to garage height and maximizing square footage. Ms. Thielfoldt said any gray areas as to what is being proposed should be clarified in the Zoning Ordinance.

Chair Strat confirmed that Ms. Thielfoldt understood the proposed 14-foot garage door height formula.

Mr. Wright clarified that the 14-foot height restriction would be for homes that do not have habitable areas above the garage. If there is habitable space or bedrooms above the garage, the garage height could parallel the height of the house. Mr. Wright also said that Ms. Thielfoldt would most likely be able to build out her attic space with no negative impact.

Richard Hughes of 1321 Roger Court, Troy, was present. Mr. Hughes said the City has a good building code and the Mayor has said the City has good planning. He questioned why the City would want to fix something if it is good. Mr. Hughes addressed the "terms" currently used; i.e., an addition to a house is now termed garage, or family room, or accessory building, etc. Mr. Hughes said there is no difference in building materials used for commercial or residential uses.

Chair Strat announced the Public Hearing would remain open.

Resolution # PC-2005-03-031
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be postponed to a future meeting after meeting with City Council later this month.

Yes: All present (8)
No: None
Absent: Drake-Batts

MOTION CARRIED

8. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.00.00, Article 40.65,00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller reported that the Planning Department recommends postponement of this item to a future date. City Council has scheduled a joint Planning Commission/City Council Special Meeting on March 28, 2005 to further discuss ZOTA 215-C and other related issues.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the impact of commercial vehicles on a residential neighborhood. He questioned if the City and residents would like to keep residential areas residential or would they rather have residential/business zones. Mr. Krent said if one truly wants a residential district, keep it residential and not turn it into a quasi-commercial or business district. He said the current Zoning Ordinance requirement that states nothing larger than a full-size pickup truck or van can be stored outside should apply for inside storage also.

Chair Strat announced the Public Hearing would remain open.

Resolution # PC-2005-03-032
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That Article 43.00.00, Article 40.65.00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals, be postponed to a future meeting after meeting with City Council later this month.

Yes: All present (8)
No: None
Absent: Drake-Batts

MOTION CARRIED

PLANNED UNIT DEVELOPMENT

9. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church / Northwyck Condominium PUD, East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Savidant presented a summary of the Planning Department report for the proposed amendment to PUD 1. Mr. Savidant explained that the proposed Second Amendment relates to the size and location of the entry sign on Rochester Road. The proposed Third Amendment relates to the placement of unscreened mechanical equipment on the west side of the roof. Mr. Savidant reported that the Planning Department has received two letters of opposition to the proposed amendments. Slides of the entry sign and mechanical equipment on the roof were presented.

Mr. Miller provided clarification on First Amendment to the PUD 1 with respect to the height of the berm along Rochester Road. He addressed the landscaping in terms of the approved landscaping plan. Mr. Miller reported that there was no sign package included in the City's first PUD project, but noted it would be a requirement for all future PUD projects.

Mr. Chamberlain said a PUD is a contract and should the petitioner want to change the contract, the City should request something in return. Mr. Chamberlain said a PUD project is held to a higher standard of development, and the petitioner is denigrating that standard to something less.

Kevan Johnston, chairman of the building program for Woodside Bible Church, 6600 Rochester Road, Troy, was present. Mr. Johnston said the initial PUD package was inclusive of signage to be determined at a later date. Mr. Johnston addressed the berm with respect to safety concerns, elevation of the church and the visibility of the sign.

Mr. Littman questioned the wording on the sign.

Mr. Johnston said the wording is what is shown on the drawing. It was noted that it is not an LED sign.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Discussion on the proposed Second Amendment relating to the sign

Mr. Khan asked if there were any other signs along Rochester Road as big as this sign or placed as close to the sidewalk as this sign. Mr. Khan said the sign is 176% larger than any sign that would be allowed on any property, and he sees no reason to allow such a big sign that close to the sidewalk. He said an electronic sign with a changeable message would be a big distraction to the traffic.

Mr. Miller said he could not provide information this evening on signs throughout the City because the Planning Department is not involved in the sign process; it is a function of the Building Department. Mr. Miller stated the members have the ability to require a higher standard in terms of signage because it is a PUD.

Mr. Vleck said the sign and unscreened roof are two mistakes that should have been accounted for initially. He said the petitioner is not offering any additional benefit to the City in return for deviating from the standard. Mr. Vleck said a comparison study of other signs throughout the City might be helpful in making a determination on the sign.

Mr. Schultz said it appears the petitioner went forward with the construction of the sign without the approval and appropriate permitting from the City. He said he is very concerned about the “marquee” sign that would be a distraction to traffic and placed too close to the road.

Mr. Wright agreed with the members’ comments. He sees no valid reason to allow the proposed amendments.

Mr. Littman said it would be hard to miss the big church and questioned the need for a sign. He addressed the wording on the sign and the potential danger in having the sign so close to the major road.

Mr. Waller suggested placement of physical barriers to protect the sign. Mr. Waller thinks the sign is okay, but the mechanical equipment should be screened.

Mr. Chamberlain said he does not think anything should be changed. He said the PUD is a contract; the petitioner screwed up, they want us to bail them out and they have offered no consideration for their mistakes.

Wayne Chubb of Hobbs & Black Architects was present. Mr. Chubb provided a clarification of the size of the sign and the changeable message board. He said the sign is not LED, but it is a changeable letter sign similar to signs currently situated throughout the City. Mr. Chubb said the size and type of sign were thoroughly

discussed with the Building Department representative. He said the letters on the sign are 10 inches high by 10 feet long, and combined with the 4 by 10-foot board below, the sign totals 100 square feet. Mr. Chubb said the additional square footage referenced by the members is the aesthetic brick added to complement the sign and locational area. Mr. Chubb said signs along Rochester Road vary in size and type. He indicated that the contractor was present and could address the permit issue.

Discussion on the proposed Third Amendment relating to screening of mechanical equipment.

Mr. Johnston said the drawings for the mechanical equipment screening were submitted and went through the entire approval process of the City. Mr. Johnston said the first indication they had that the screening had to be on all four sides occurred in the 17th month of the 18th month of the construction process. One week prior to getting their certificate of occupancy, a building inspector informed them that the equipment must be screened on all four sides.

Chair Strat said building inspectors have the prerogative to enforce the Zoning Ordinance at any time during the construction process. He said we are not here to argue the accuracy of the drawings or the review process, but to address the sign and screen issues.

Mr. Johnston said it is his understanding that additional metal boxes would be the means of screening material, at an expense of approximately $55,000.

Mr. Miller again reminded the members that they have more discretion with a PUD project than a site plan.

Mr. Vleck said he sees no reason to deviate from the requirements of the Zoning Ordinance. He thinks the mechanical equipment on the roof should be screened.

Mr. Khan asked if it is possible to screen the roof in terms of the additional weight placed on the roof. Mr. Khan agreed the roof should be screened. He said if the petitioner could build that big of a building, they could afford to screen the equipment.

Mr. Chubb said the roof could support the additional weight, but noted that portions of the church could not be utilized during the construction phase.

Mr. Schultz said it is unacceptable to build such an attractive building and then allow mechanical equipment to be visible on the roof. He said there is no doubt that nearby residents can also view the equipment and it is not fair to them.

Mr. Wright said he totally agrees with all the comments made. He said he is concerned about the sign's placement at only 3 feet from the right of way. Mr. Wright said he might consider a slightly larger sign than the 100 square feet, but the current sign is much larger.

Mr. Waller said there is a definite problem with the sign as relates to the wording, style, trim, stone, etc. He said that if the sign had been negotiated with the Building Department as attested to tonight, then the documentation provided to the members is severely short. Mr. Waller said he has no problem with the sign, but the mechanical equipment on the roof should be screened.

Mr. Chamberlain said the Planning Commission should impress upon the City Council members that the petitioner should be held to a higher standard should City Council choose to approve the proposed amendments.

Chair Strat said the PUD is not a project of which he would be proud. Chair Strat said one sees nothing but a big sea of asphalt, lots of cars, and a big monster church with no landscaping or appeal when driving by. Chair Strat said he is not in favor of approving either one of the proposed amendments. He suggested additional landscaping as an improvement and benefit to the area.

Mr. Miller said an alternative solution to the approval process would be to postpone the item to allow time for the petitioner to address the concerns expressed by the members.

Mr. Johnston said he would prefer to postpone the matter and work with the Planning Department on the two issues. Mr. Johnston responded to the Chair's comments on landscaping. Mr. Johnston said the approved landscape plan for the development had been met, and there is landscaping on both sides of the berms and throughout the boulevards.

Resolution # PC-2005-03-033
Moved by: Waller
Seconded by: Schultz

RESOLVED, That the Second Amendment and Third Amendment to the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, for the Woodside Bible Church/Northwyck Planned Unit Development, known as PUD 1, be tabled to the April 12, 2005 Regular Meeting to allow the petitioner and the Planning Department time to work out further possibilities and details

FURTHER RESOLVED, That when the matter comes back to the Planning Commission in April, any correspondence between the petitioner (Woodside Bible Church) and the Building Department representative relating to the sign, its size, its placement or any other aspect of the sign, be included.

Yes: All present (8)
No: None
Absent: Drake-Batts

MOTION CARRIED

Chair Strat requested a recess at 9:45 p.m.

The meeting reconvened at 9:55 p.m.

REZONING REQUEST

10. PUBLIC HEARING – PROPOSED REZONING (Z 700) – Existing Clark Gas Station, Northeast corner of Livernois and Maple Road (1602 Livernois), Section 27 – From B-1 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant noted that the site plan indicated that the proposed development would require a number of non-use variances from the Board of Zoning Appeals prior to receiving Preliminary Site Plan Approval. He said prudent site planning suggests that consolidation of adjacent properties would be desirable, but the Planning Department cannot require the applicant to do so. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Schultz asked how the City could vacate the alleyway to the east if the vacation places the building to the east in non-compliance because of the loss of parking.

Mr. Savidant said the vacation would dedicate access to insure that the property to the east would have access to the parking area to the north of the building. He noted there is no indication on the site plan that the petitioner intends to utilize any of the alleyway for the gas station operation.

Mr. Miller stated that one of the conditions when City Council adopted an authorizing resolution to vacate the alleyway was that there would be an easement of access retained.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 Telegraph Road, Dearborn Heights, was present. Mr. Kozlowski said the site is just above the minimum size for a service station, and it is recognized that a number of variances would be required as well as utility and cross access easement challenges. Mr. Kozlowski said he is prepared to address those items with site plan approval.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-03-034

Moved by: Littman
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of

Maple Road and Livernois Avenue, within Section 27, being approximately 15,800 square feet in size, be granted.

Yes: All present (8)
No: None
Absent: Drake-Batts

MOTION CARRIED

SITE PLAN REVIEW

11. SITE PLAN REVIEW (SP 672-B) – Proposed Industrial Building Addition, West side of John R, North of Birchwood, Section 26, M-1 (Light Industrial) District

Mr. Schultz disclosed a business relationship with the owner of the subject property, Tepel Brothers Printing Company. He said he would abstain consideration of this item should the members or the City Attorney believe there would be a conflict of interest on his part.

There were no objections to allowing the consideration of Mr. Schultz on this matter.

Mr. Savidant presented a summary of the Planning Department report for the proposed industrial building addition. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the conditions of (1) approval by the Landscape Analyst of the Preliminary Landscape Plan and (2) the applicant providing a deceleration lane as required by the City of Troy Development Standards.

Mr. Chamberlain said it appears the required deceleration lane might not be necessary because of an existing deceleration lane.

Mr. Littman questioned the location of the trash enclosure.

Mr. Savidant replied that it would be best for the petitioner to respond to the deceleration lane and trash enclosure concerns.

Steve Lenderman, project architect from Mandell, Bilovus, Lenderman & Associates, 4085 John R, Troy, was present. Mr. Lenderman introduced the property owner, Jim Tepel. Mr. Tepel indicated that the deceleration lane required as a condition to site plan approval would be a deceleration lane off of an existing deceleration lane. Mr. Lenderman explained that the existing deceleration lane is not shown on the survey because it is located far north of Wattles Road. Mr. Lenderman addressed the 5-foot sidewalk that is shown on the plan on the north side of Birchwood. He requested that they not be required to install the sidewalk because there are no existing sidewalks in that area, and there would be a sidewalk starting from nowhere and going to nowhere. Mr. Lenderman said a building built to

the west approximately 6 months ago was not required to put in a sidewalk on Birchwood. Mr. Lenderman clarified that the survey does not show an existing 5-foot concrete sidewalk connecting with the 8-foot sidewalk on John R.

A brief discussion followed on the installation of the sidewalk. Mr. Miller confirmed there is no requirement to install a sidewalk because it is within the M-1 zoning district. He explained that this area is currently mixed with some residential but the area is future planned as M-1.

Mr. Schultz referenced a building on Woodslee that was required to install a 5-foot sidewalk from property line to property line when it was built. He questioned why one property would be required and another property not required to install a sidewalk.

Mr. Littman questioned the trash enclosure location in terms of access for trash removal.

Mr. Lenderman said the existing truck well would be enclosed with a trash compactor. He said it would be more beneficial to the owner to use the trash compactor, and noted that the owner would prefer to keep the trash enclosure at its current location for future use should it become necessary. Mr. Lenderman suggested that the location of the trash enclosure could be turned 90 degrees for easy access for trash removal, should the trash enclosure be used in the future.

Chair Strat disclosed that he is familiar with Tepel Brothers Printing Company but that he has had no monetary relationship with them.

Resolution # PC-2005-03-035
Moved by: Schultz
Seconded by: Khan

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Industrial Building Addition, located on the west side of John R and North of Birchwood, located in Section 26, within the M-1 zoning district, is hereby granted, subject to the following conditions:

1. Approval by Landscape Analyst of the Preliminary Landscape Plan

2. It is the Planning Commission's recommendation that because there is already a right turn/deceleration lane in front of this property, that there should not be an additional deceleration lane required.

3. That the sidewalk shown on the south edge of the property along Birchwood not be required because it is in the M-1 zoning district.

Yes: All present
No: None
Absent: Drake-Batts

MOTION CARRIED

12. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Schultz favorably commented on the City's fast-track lighting system and personally thanked the Road Commission of Oakland County for utilizing the early morning hours to patch potholes on Maple Road.

Mr. Miller reported that the interview process begins tomorrow for the Big Beaver Corridor Study. Mr. Miller announced that City Management has worked out a system where the Planning Department reports on all Public Hearings at the City Council level would be available to the public on-line. He indicated also that in the near future Planning Department reports for the regular meeting agendas would be available to the public on-line.

Chair Strat announced he would not be at the Joint City Council/Planning Commission Special Meeting because he would be in San Francisco attending the American Planning Association National Conference. Mr. Schultz will be chairing the joint meeting.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 10:20 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

Kathy Czarnecki

From: Don Edmunds [don@edmundsfamily.com]
Sent: Tuesday, March 08, 2005 6:47 PM
To: Mark F Miller; Paula P Bratto
Subject: Golf Trail Resident Concerns - Oak Forest South Site Condominiums

March 8, 2005

Mr. Mark Miller, Planning Director
Members of Troy Planning Commission

RE: Golf Trail Homeowners Association Objections - Oak Forest South Site Condominiums

Dear Mr. Miller and Members of the Planning Commission,

Golf Trail homeowners object to the the proposed 23-unit Oak Forest South Preliminary Site Condominium Plan Review for the following reasons:

- We share the concerns expressed by Mr. Ullmann and the residents of Willow Grove. Some of the same concerns have been made by members of the Planning Commission. We believe the development of this property is inappropriate due to the significant portion of wetlands and natural features. Even though engineering and permits are addressed during the next phase, there are serious concerns as to whether even sanitary sewer hookup can be achieved since Golf Trail sanitary sewers are not large enough to accommodate Oak Forest South.
- We understand that the City or the Planning Commission cannot ask or require the developer to pave Willow Grove. However, we did request that the developer, Mr. Dale Garrett pay to pave Willow Grove at a February 24 meeting at Troy Union Elementary. Approximately 60 Golf Trail homeowners attended the meeting and nearly 15 additional homeowners sent emails in support of our request to the developer. Even though Mr. Garrett said he would get back to us regarding our request, he has not yet done so.
- At the meeting we asked the developer why he had not chose to use the cluster option to develop the property. His response was that it would not save more than ten percent (10%) of the wetlands. Is this really the case? We would appreciate an answer from the City to this question.
- Mr. Dale Garrett did say at the meeting that construction traffic would be contained to Willow Grove and we request that any approval granted include this specific restriction.
- Golf Trail residents are very concerned about the 184 additional vehicle trips per day that will be essentially borne by Golf Trail streets from Oak Forest South if Willow Grove is not paved. We also believe that the Planning Commission has an obligation to protect the health safety and welfare of all the residents including Golf Trail. The 23 new homes of Oak Forest South would directly benefit by the paving of Willow Grove.
- If Oak Forest South is approved by the Planning Commission, Golf Trail residents will submit petitions to the City Council for a temporary diagonal (NW to SE) street barricade at Trevino and Willow Grove. Most of our homeowners have already signed the petitions. The barricade would be removed whenever Willow Grove was paved and the two Oak Forest subs were connected. We understand that only the City Council can approve the temporary barricade.

Thank you for considering our comments and objections.

Respectfully submitted,
Don Edmunds, President
Golf Trail Homeowners Association
1304 Player Drive
Troy, MI 48085

Tel 248-879-8287
Email don@edmundsfamily.com