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

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck (arrived 8:05 p.m.)
David T. Waller (arrived 7:32 p.m.)
Wayne Wright

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

Resolution # PC-2005-02-015
Moved by: Wright
Seconded by: Khan

RESOLVED, That Member Vleck is excused from attendance at this meeting for personal reasons.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Waller, Wright
No: Drake-Batts
Absent: Vleck (arrived 8:05 p.m.)

MOTION CARRIED

Chair Strat said Mr. Vleck indicated he would be late for the meeting.

Ms. Drake-Batts said there have been a lot of absences lately and Mr. Vleck is president of another organization that holds meetings on Tuesday nights.

2. MINUTES

Resolution # PC-2005-02-016
Moved by: Khan
Seconded by: Waller

RESOLVED, To approve the January 25, 2005 Special/Study Meeting minutes as published.

Yes: Khan, Schultz, Strat, Waller, Wright
No: None
Abstain: Chamberlain, Drake-Batts, Littman
Absent: Vleck (arrived 8:05 p.m.)

MOTION CARRIED

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 presented a summary of the Planning Department report for the proposed rezoning. He reported the petitioner submitted the plans at a late date and the Planning Department did not have sufficient time to review the plans. It is the recommendation of the Planning Department to postpone the item to the March 8, 2005 Regular Meeting.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-02-017
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That 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 continued at the March 8, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Vleck (arrived 8:05 p.m.)

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

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 addressed agenda items #5 and #6 at the same time. He reported the petitioner delivered plans late last Friday, after the Planning Commission meeting packets were prepared. The Planning Department did not have the opportunity to review the plans. Mr. Miller reported the petitioner noted some misrepresentations on the plans and would like to correct them. It is the recommendation of the Planning Department to further review the proposed developments at the February 22, 2005 Special/Study Meeting and to postpone both proposed developments to the March 8, 2005 Regular Meeting.

Chair Strat opened the floor for public comment.

Don Edmunds of 1304 Player Drive, Troy, was present. Mr. Edmunds, president of the Golf Trails Homeowners Association, read a communication on behalf of the residents addressing their concerns as relates to the proposed Oak Forest South Site Condominiums. The communication was forwarded to the Planning Department and Planning Commission prior to tonight's meeting and a copy is attached and made a part of the minutes.

Mr. Motzny addressed the one concern relating to the paving of Willow Grove. He advised Mr. Edmunds that the Planning Commission does not have the authority to require a developer to pave a road if the road is outside of the proposed development.

Mr. Edmunds said it is understood that the developer cannot be forced to pave Willow Grove, but the residents are putting the request in front of him.

Chair Strat noted that the petitioner is not present to address the concerns and, as a courtesy, it would be appropriate to provide him that opportunity.

Mr. Chamberlain referenced a legal matter that took place in another city. A developer was forced by the city to pave a road that was not contiguous to the development, and court action was taken and won by the developer. Mr. Chamberlain said the court case established a standard in the State of Michigan that a city could not ask a developer to pave property that is not contiguous to the proposed development.

The floor was closed.

Resolution # PC-2005-02-018
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Preliminary Site Plans (Section 34.30.00 Unplatted One-Family Residential Development) as requested for Oak Forest Site Condominium and Oak Forest South Site Condominium, be tabled to the March 8, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Vleck (arrived 8:05 p.m.)

MOTION CARRIED

SITE PLAN REVIEW

7. SITE PLAN REVIEW (SP 913) – Proposed National Electrical Contractors Association Corporate Office Bldg., South of Big Beaver, West side of Bellingham, Section 26, R-C (Research Center) District

Mr. Miller presented a summary of the Planning Department report for the proposed site plan. Mr. Miller noted that a cross access easement is provided to the south. He suggested that consideration be given to the provision of a cross access easement to the north also, noting that the property to the north is currently vacant and in the same zoning district.

Mr. Miller reported that it is the recommendation of the Planning Department to approve the site plan as submitted with three conditions: (1) that the site plan clarify there are 11 greenbelt trees; (2) that a 24-foot wide cross access easement is provided to the south; and (3) that the petitioner address the changes as suggested by the Landscape Analyst.

Dennis DeWulf of DeWulf Associates, LLC, 27206 Harper Avenue, St. Clair Shores, was present to represent the National Electrical Contractors Association. Mr. DeWulf said he is in agreement with the comments of the Landscape Analyst and the appropriate revisions would be made.

Mr. Khan brought attention to the fact that the civil engineering drawings submitted were not sealed by the surveyor or engineer, but by the architect.

Mr. DeWulf replied that he sealed the plans in order to meet the Planning Department submission deadline. He indicated that the engineer had no concerns with his sealing the plans.

Chair Strat addressed the infringement and liability issues related to improperly sealing documents. The members agreed to accept the plans as sealed because

the requirement is fairly new to the Site Plan submittal process. Chair Strat asked the Planning Department to administratively verify that plans are properly sealed.

Mr. DeWulf thanked the Commission and said the point is well taken.

Mr. Wright asked the petitioner if he would be willing to provide a cross access easement to the property to the north.

Mr. DeWulf said he has no problem providing a cross access connection to the north as long as the site plan approval process would not be stalled. He asked if the easement could be provided without modifying the site plan.

Mr. Miller responded in the affirmative. He suggested that a good location for the access to the north would be next to the dumpster on the northwest corner.

Resolution # PC-2005-02-019
Moved by: Littman
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed National Electrical Contractors Association Corporate Office Building, located south of Big Beaver and west of Bellingham, located in Section 26, within the R-C zoning district is hereby granted, subject to the following conditions:

1. Eleven (11) greenbelt trees to be indicated on the site plan.
2. Provide a 24-foot wide cross access easement connection with the property to the south.
3. Provide a 24-foot wide cross access easement connection with the property to the north.
4. Revise the Preliminary Landscape Plan by changing selected species and or size of plant material as indicated in Landscape Analyst's comments.

Yes: All present (8)
No: None
Absent: Vleck (arrived 8:05 p.m.)

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

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

Mr. Miller reviewed the four issues related to the proposed zoning ordinance text amendment: (1) garage door height, (2) foot print ratios, (3) number of detached

buildings, and (4) greenhouses. Mr. Miller reported that City Management is in agreement with the recommendations of the Planning Commission with the exception of the 8-foot limitation placed on the height of a garage door.

Garage Door Height

The recommendation of the Planning Commission is to limit the height of a garage door to 8 feet. Mr. Miller reported on the research conducted by the Planning Department on recreational vehicles with respect to types and heights. City Management recommends that there be no height limit on a garage door because a practical difficulty would be placed on residents who own recreational vehicles.

Foot Print Ratio

Mr. Miller said the direction from the Planning Commission at their last meeting was to consider a ratio of 70% of the first floor residential floor area of the principal structure. City Management recommends 75%, for the ease of computation. Mr. Miller reported that 99.27% of existing homes would meet the standard should the 75% ratio be used, and 150 structures would become non-conforming. Mr. Miller said City Management views the foot print ratio as a community value.

(Mr. Vleck arrived at 8:05 p.m.)

Number of Detached Buildings

Mr. Miller illustrated various examples of different types of houses with the proposed allowable number of accessory buildings; i.e., 2 detached accessory structures and 3 accessory supplemental structures. He noted that all the buildings would be used in computing the maximum size. City Management agrees that the recommended limitation for detached buildings is reasonable.

Discussion points regarding limitation of garage door height:

- Consideration to linear dimensions of recreational vehicles as well as height dimensions.
- Limitation on square footage *only* could result in monster garage identical to Alpine garage.
- Preservation of residential environment.
- Original intent of City Council and City Management.
- Discrimination or devaluation of adjacent property.
- Door height limitation on side entrance garages in relation to interior and corner lots.
- Designation of date to exempt existing structures that meet all building specifications and built prior to (designated date).
- Provide to members the complete text proposed in City Management and Planning Commission versions.

PUBLIC HEARING OPENED

Victor Lenivov of 1929 Hopedale, Troy, was present. Mr. Lenivov addressed his concerns should he, or other residents who own older homes on larger lots, wish to split the property. The Assessing Department told Mr. Lenivov that a lot split request could be denied should any accessory structure remain in a setback or exceed the lot coverage. He asked the Planning Commission to consider text language that would not negatively impact owners of large lots with respect to lot splits. Mr. Lenivov addressed community values. He said the 75% rule would impact only 8%, but noted those 150 homes that are currently in conformity would be impacted. Mr. Lenivov questioned the necessity of the zoning ordinance revision as a result of one monster garage.

A brief discussion followed on lot splits. It was agreed to review potential lot splits as relates to the proposed zoning ordinance text amendment at a later date.

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick is President of Westwood Park Homeowners Association. Mr. Minnick noted that his comments are based on the last published version of the proposed change. Mr. Minnick said he bought a builders spec house in 1999 that has an attached garage of approximately 950 square feet. The garage would be a non-conforming structure should the proposed ordinance limit attached garages to 50% of the ground floor living area. Mr. Minnick said 4 of the 51 Westwood Park homes would become non-conforming, along with a total of 803 homes in Troy. Mr. Minnick expressed the following concerns: (1) Mr. Minnick said at the last Planning Commission study meeting, the City Attorney alluded that the objective of the zoning ordinance revision is to eliminate non-conforming structures, and Mr. Miller explained a number of restrictions placed on non-conforming structures. Mr. Minnick said his house is not a problem, and asked why the City would want to tear it down. (2) Mr. Minnick said insurance is a significant issue. He said a house cannot be insured separately from an attached garage. He cited many references on the Internet where insurance companies have denied claims for destroyed buildings when it was determined that they were non-conforming structures and could not be legally rebuilt. Mr. Minnick said his insurance policy states that all claims could be rejected should any immaterial information about his house be withheld. Mr. Minnick's attorney said it would be in his best interest to notify the insurance company should the garage become non-comforming. (3) Mr. Minnick said the resale factor of his home would be negatively affected. He would be legally required to disclose the non-conformance to all prospective buyers. Mr. Minnick said he fully supports an 8-foot garage door height limit as relates to establishing new community values and the preservation of the residential character for subdivisions. He mentioned that his neighbor is totally within his legal rights to park his 8 cars in his driveway every night, but he would like to see him have a larger garage to house the number of vehicles and keep them under cover. Mr. Minnick thinks the proposed ordinance is overly restrictive and would place an unwarranted financial burden on too many Troy homeowners.

Mr. Miller explained that the house portion would remain conforming should the maximum size be exceeded, and only the attached garage would become legally non-conforming. Mr. Miller explained that the Zoning Ordinance does not contribute to its survival; it does not eliminate it; it just does not allow non-conformities to have long-term survival. Mr. Miller stated that a homeowner could improve the house, but the non-conformity of an attached garage would have limits on what a homeowner could repair within one year.

Ms. Drake-Batts offered an alternate option to using the residential floor area formula. She suggested that every house be entitled to one 1.5-car garage and be allowed to add an additional bay for each bedroom.

Jerry Bloom of 3320 Essex, Troy, was present. Mr. Bloom addressed the alternate option proposed by Ms. Drake-Batts and said a definition of "bay" might preclude what the Commission is trying to accomplish.

PUBLIC HEARING CLOSED

Chair Strat said he thinks the direction from City Council is to put a Band-Aid on the current Zoning Ordinance to eliminate monster structures similar to Alpine. He said it is impossible to solve all conditions and the City must generalize.

Mr. Vleck thinks the Zoning Ordinance is too restrictive. He said the structures that would become non-conforming should be identified and researched to determine if they are actually problems in the residential neighborhoods, and size and height restrictions determined accordingly. Mr. Vleck indicated he is not in favor of the 8-foot garage door height limit.

Mr. Chamberlain suggested that a date be appointed that would exempt structures built prior to that date.

Resolution # PC-2005-02-020
Moved by: Khan
Seconded by: Waller

RESOLVED, That the Planning Commission hereby postpone Agenda Items # 8, 9 and 10 to the February 22, 2005 Special/Study Session for the following reasons:

1. To allow time for further review and incorporation of additional information.
2. To incorporate data received from the Public Hearing.
3. To provide complete text proposed in City Management and Planning Commission versions.

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Vleck, Waller, Wright
No: Littman
Absent: None

MOTION CARRIED

Mr. Littman stated that the matter was studied previously and the proposed revisions and recommendations reached by the Planning Commission were forwarded to City Council. He addressed the issue of revisiting the matter over and over.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions

Refer to item # 8, Resolution # PC-2005-02-020.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Refer to Item # 8, Resolution # PC-2005-02-020.

REZONING REQUEST

11. REZONING APPLICATION (Z 699) – West side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T

Mr. Miller presented a summary of the rezoning application and recommendation made by the Planning Commission at their December 14, 2004 Regular Meeting. Mr. Miller addressed the concerns expressed by some members of City Council at its January 24, 2005 Public Hearing. He further reviewed the determinations made by the Planning Commission when they revisited the proposed rezoning at their February 1, 2005 Special/Study Meeting.

The petitioner, Fred Binder of 5215 Rochester Road, Troy, was present. Mr. Binder said he is in agreement with the proposed resolution drafted by the Planning Department.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2005-02-021
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the west side of Rochester Road and south of Trinway, within Section 10, being approximately 2.74 acres in size, be granted, for the following reasons:

1. The rezoning application is consistent with the Future Land Use Plan.
2. The rezoning application is compatible with adjacent land uses and zoning districts.
3. The depth of the parcel (570 feet) is less than the depth of other parcels fronting on Rochester Road that were recently rezoned to R-1T. Specifically, these parcels include Maya's Meadows in Section 14 (617-foot depth). The Fairways in Section 11 (1221-foot depth) and the undeveloped parcel on the north side of Lamb Road in Section 14 (670-foot depth).
4. Retaining a portion of the property as R-1C would result in a small parcel that would be difficult to develop under R-1T provisions. Furthermore, it is not desirable for a site condominium development and a traditional condominium development to share a street.

Yes: All present (9)
No: None

MOTION CARRIED

12. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Vleck questioned the status of the proposed zoning ordinance text amendment relating to trade, industrial arts or dance schools in the M-1 zoning district (ZOTA 201). Mr. Vleck asked that the Building Department advise the public that a potential text amendment is under review. He is concerned that the City is turning away prospective businesses.

Mr. Miller said he understands the Building Department is not pursuing the violation given to the dance school in the M-1 zoning district. Mr. Miller said he does not know if or how the Building Department informs the public about the potential text amendment.

Chair Strat asked that the Planning Department advise City staff of the intentions of the Planning Commission. He indicated he would not want the City to be turning away prospective businesses either.

There was a brief discussion on the proposed Planned Unit Development (PUD 4), The Monarch, located on the north side of Big Beaver Road between Alpine and McClure Roads. Mr. Miller said the Public Input Meeting being held tonight might still be session. Mr. Savidant is at the Public Input Meeting to take notes and to answer any technical questions relating to the Zoning Ordinance. He explained that the purpose of the meeting is to provide an opportunity for the developer, neighboring residents and property owners to exchange ideas and concerns related to the proposed development. Mr. Miller said the complete PUD application was received by the Planning Department just prior to the beginning of the New Year. He said the Planning Department, appropriate City departments and the Planning Consultant are in the process of a first-cut review of the proposal. It is projected that the proposal will be an agenda item on the next study session.

There was a discussion on the procedure followed in forwarding Planning Commission recommendations to City Council for action. Discussion points were:

- Cooperation between City Management and Planning Commission to eliminate two versions of a recommendation.
- Solving any disagreement relating to agenda items prior to Public Hearing.
- Appropriate staff person to meet with Planning Commission, discuss pros and cons and reach a consensus.
- Improve communication with City Management.
- Provide fair and accurate information to City Management.
- Importance of Planning Commission recommendation to City Council.
- Recognition of public reaction to two versions of a recommendation.
- State law empowerment to Planning Commission to advise City Council.
- Presentation order of recommendations to City Council; i.e., City Management version before Planning Commission version.

Mr. Chamberlain said recently he received an e-mail message from a citizen of Troy relating to the monster garage matter. Mr. Chamberlain is unsure how the citizen received his home e-mail address. He addressed the fact that e-mail addresses are provided to the Planning Department with the understanding that the information is confidential, and he would hope that it is not a practice of City Management to release confidential information to the public. Mr. Chamberlain said the City should provide computers and home e-mail accounts to Planning Commission members should they want City business conducted via e-mail.

Several members disclosed that they have received City-related messages on their home e-mail accounts.

Mr. Wright said he has never had a problem with the City giving away private information. He said he gets an occasional phone call, but he attributes that to the fact that his name is listed in the phone directory. Mr. Wright said he thinks the administration has always kept their word that any information provided them is confidential and for private use.

Ms. Drake-Batts disagreed. She said she received a telephone call at work, and she had changed jobs three months before and nobody knew where she was working. Ms. Drake-Batts said that someone is giving out the information. She said she does not want to be called at work.

Mr. Schultz said he has no reason to assume, or does he have no doubt that the City has not given out confidential information. Mr. Schultz said if he receives City-related messages from someone who has no right to his e-mail account, he would simply report

them as a spam generator. Mr. Schultz said he would not accept messages on his home account regarding City business other than from officials of the City. Mr. Schultz referenced the e-mail account set up through the City's website as the appropriate means to contact the Planning Commission.

Mr. Miller clarified that the City's website provides two general accounts for the public to access should they wish to reach any member of the Planning Commission. He said the messages are received at the desk of one of the department's planners. Any message received is copied and forwarded to the members.

Mr. Miller made a note that Mr. Schultz did not receive copies of the drain map and subdivision maps, as he requested.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:05 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Final\02-08-05 Regular Meeting_Final.doc

Paula P Bratto

From: Don Edmunds [don@edmundsfamily.com]
Sent: Tuesday, February 08, 2005 4:21 PM
To: Mark F Miller; Paula P Bratto
Subject: Golf Trail Resident Concerns - Oak Forest South Site Condominiums

February 8, 2005

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

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

Dear Mr. Miller and Planning Commission Members,

Golf Trail Homeowners Association began in 1978 and continues to be an active association of 196 homes with a 5.26 acre private park.

Golf Trail resident concerns with the proposed Oak Forest South Site Plan Condominium Review for 24 units include:

- We share the concerns voiced by some of the Planning Commission as well as other Troy citizens regarding development of this property due to the significant portion of wetlands and natural features contained thereon. Many of these concerns were communicated by the City Engineer, Mr. Steve Vandette in his letter of December 23, 2004.
- We believe that the developer has not fully considered the 'cluster option' available for development of the property, which would allow the same density, but would also retain more of the wetlands and natural features. Several Planning Commission members as well as the City staff have said that the site plan does not include innovative or creative solutions for the development of the property.
- We believe the Planning Commission and the Planning Department have an obligation to promote health, safety and welfare for the 196 residents of Golf Trail as well as the 14 residents on Willow Grove and 24 residents planned for Brookland Drive in Oak Forest South. These 24 new homes will generate from 7-10 vehicle trips per day that will be essentially be borne by Golf Trail streets. For this reason, Golf Trail residents believe that the Planning Commission and the City should request that the developer pay for black top paving of Willow Grove to meet the intent of dispersing increased traffic loads generated by Oak Forest South. The 24 homes of Oak Forest South would benefit by the paving of Willow Grove to provide improved access to Square Lake Rd.
- We also request that if and when Oak Forest South should be approved, that construction deliveries be prohibited from Golf Trail streets.

Thank you for considering our comments.

Respectfully submitted,
Don Edmunds, President
Golf Trail Homeowners Association
1304 Player Drive
Troy, MI 48085
Tel 248-879-8287
Email don@edmundsfamily.com

Read by Don Edmunds