Chair Tagle called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 14, 2014 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Steve Gottlieb
Michael W. Hutson
Tom Krent
Philip Sanzica
Gordon Schepke
Robert Schultz
John J. Tagle

Absent:
Thomas Strat

Also Present:
R. Brent Savidant, Planning Director
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Susan Lancaster, Assistant City Attorney
Frank Boudon, Student Representative
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2014-01-001
Moved by: Edmunds
Seconded by: Krent

RESOLVED, To approve the Agenda as revised.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

3. APPROVAL OF MINUTES

Mr. Schultz asked that his comments on page 5, with reference to Agenda item 6, be revised.

Resolution # PC-2014-01-002
Moved by: Schultz
Seconded by: Sanzica

RESOLVED, To approve the minutes of the December 10, 2013 Regular meeting as revised.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

REZONING REQUESTS

5. PUBLIC HEARING - REZONING APPLICATION (File Number Z 745) – Proposed Amber Town Center Townhomes and Lofts, West side of Livernois, North of Town Center (3409 Livernois), Section 21, From O (Office) District to BB (Big Beaver) District

Chair Tagle informed the Board he has a client who has a business relationship with the petitioner. Chair Tagle said he has no business involvement or financial interest in the proposed application.

It was the consensus of the Board there was no conflict of interest.

Mr. Carlisle explained that due to an administrative error in the rezoning notification requirement, the Rezoning Request application is before the Board again this evening for consideration and a Public Hearing. Mr. Carlisle said the Rezoning Request meets the objectives of the Master Plan. He advised the Board the petitioner has officially submitted a Preliminary Site Plan application for the proposed development, noting the site plan submittal addresses concerns brought to the petitioner's attention at the time a conceptual site plan was offered at the December 10, 2013 meeting. Mr. Carlisle reminded the Board the site plan is not a consideration of the Rezoning Request before the Board this evening and would be reviewed and acted upon at a later date. Mr. Carlisle recommended approval of the Rezoning Request for the reasons as specified in his report, dated December 5, 2013.

Present were the applicant, Jerome Amber of Amber Properties Company, and Dennis Cowan of Plunkett Cooney.

Mr. Cowan stated that contact was made with those residents who were not initially notified of the proposed Rezoning Request. He stated also that contact was made with Dr. Goldin of 3415 Livernois, who spoke in opposition at the December 10, 2013 meeting, and it appears the concerns of Dr. Goldin have been satisfied. Mr. Cowan said the Preliminary Site Plan application demonstrates the petitioner's intent to construct the building at the same height and dimensions as discussed at the December meeting. Mr. Cowan said the proposed building was moved as far south and east as possible. He briefly gave a history of the Amber Properties developments and tenant demographics.

Mr. Krent asked if the petitioner would consider a conditional rezoning.

Mr. Cowan asked for time to discuss that possibility with his client.

PUBLIC HEARING OPENED

Karen Crusse of 55 Timberview spoke in opposition on behalf of the Westwood Park Homeowners Association. Concerns expressed were the building would be an obstruction and not pleasing to the eye, the development is not a fit for the area, residential ownership preferred instead of tenants, no guarantee tenants would be professional and underwhelmed with Amber House developments in other communities.

Robert Warner of 3551 Cherished View spoke in opposition. Concerns expressed were the Big Beaver district encroachment on residential, potential future use of site and development inappropriate fit for the area.

Sanjay Shah of 123 Millstone spoke in opposition. Concerns expressed were the development does not fit in downtown feeling of city and vacant property does not mean the City should allow building.

PUBLIC HEARING CLOSED

Mr. Amber said the proposed development is one story less and 11 to 12 feet lower than is allowed by right.

Mr. Cowan said he discussed the possibility of a conditional rezoning with his client and his client has decided to go forward with the traditional Rezoning Request. Mr. Cowan said his client is under a time constraint with respect to the purchase agreement and a resubmittal process would place his client in a precarious position. Mr. Cowan shared that Amber House Properties is an owner-operated company. He said his client has given concessions on the Preliminary Site Plan application with respect to the building height and dimensions.

Mr. Schepke said he does not like the aesthetics of the development and would not support the request.

Mr. Savidant reminded the Board that the applicant is moving forward with the Preliminary Site Plan submittal, however the site plan is not being considered at this time. Furthermore, the Rezoning Request meets the Master Plan.

Mr. Sanzica, who voted no on the Rezoning Request at the December 10, 2013 meeting, said he would support the Rezoning Request this evening because the applicant has demonstrated his intent with the Preliminary Site Plan submission and has acted in good faith.

Mr. Schultz said he would not support the Rezoning Request because the proposed site plan drawings are not a condition to the rezoning. He expressed concerns with the potential future use of the site. Mr. Schultz said the proposed development will be an asset to the City and he has no doubt the applicant is honest and forthright in what he wants to build.

Chair Tagle addressed the positives of the proposed development with respect to aesthetics, location, height and buffer to residential.

Mr. Savidant addressed the audience with respect to the roles of the Planning Commission and City Council.

Resolution # PC-2014-01-003
Moved by: Sanzica
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O to BB rezoning request, located on the west side of Livernois, north of Town Center (3409 Livernois), in Section 21, being approximately 1.22 acres in size, be approved, for the following reasons:

1) The request complies with the Master Plan
2) The Form-Based District would permit greater flexibility in use and development of the property.
3) The abundance of Office District property in the City has been well documented.
4) The rezoning would be compatible with surrounding zoning and land use.
5) The site can be adequately served with municipal water and sewer.

Yes: Edmunds, Gottlieb, Hutson, Krent, Sanzica, Tagle
No: Schepke, Schultz
Absent: Strat

MOTION CARRIED

6. PUBLIC HEARING - REZONING APPLICATION (File Number Z 739) – Proposed Professional/Medical Building, West of Rochester, South side of Colebrook (3545 Rochester Road), Section 22, From R-1C (One Family Residential) District to CB (Community Business) District

Mr. Savidant reviewed the proposed Rezoning Request application, stating the applicant acquired the parcel to combine it with the abutting parcel to the east, a recommendation of the Planning Commission when it recommended denial of the initial rezoning request on February 14, 2012. Mr. Savidant said it is recommended to approve the Rezoning Request application for reasons as specified in the Planning Consultant report, dated January 7, 2014. He noted the conceptual site plan provided by the applicant is not binding and will be considered at a future date should the Rezoning Request go forward.

There was discussion on:
- Potential to split parcels in the future.
- Proposed curb cuts.

Artur Kokaj of 17106 Addington Drive, Commerce Township, was present to represent the applicant.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2014-01-004
Moved by: Schultz
Seconded by: Krent

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to CB rezoning request, located west of Rochester on the south side of Colebrook, within Section 22, being approximately 10,500 square feet in size, be approved for the following reasons:

1) The parcels were combined to create one developable parcel for the purpose of building a medical office. Combining the parcels creates a larger developable parcel that permits a property buffer and transition between the single-family neighborhood to the west and Rochester Road.
2) The request complies with the Master Plan
3) The CB, Commercial Business District, would permit greater flexibility in use and development of the property.
4) The site has been vacant for single-family residential use.
5) The rezoning would be compatible with surrounding zoning and land use.
6) The site is adequately served with municipal water and sewer.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

7. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 246) – Assisted Living Facilities

Mr. Carlisle reviewed the proposed Zoning Ordinance language.

There was discussion on:
- Intent of Zoning Ordinance relating to distinction between residential and multi family districts for Special Use Approval requirement.
- Mechanism in place to protect single family residential districts with Special Use Approval requirement.
- Map depicting potential assisted living facility sites.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2014-01-005
Moved by: Edmunds
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, and 6 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to assisted living facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

PRELIMINARY SITE PLAN REVIEW

8. PRELIMINARY SITE CONDOMINIUM PLAN REVIEW – Proposed Hunters Park, 21 units/lots, East side of John R between Tucker and Mayflower (5390 John R), Section 12, Currently Zoned R-1C (One Family Residential) District

Mr. Carlisle reviewed the Preliminary Site Condominium Plan. He addressed the natural resources on site with respect to the applicant's proposal to clear cut the site and wetlands/floodplain. Mr. Carlisle recommended approval of the Site Plan application conditioned on the applicant satisfying the requirements specified in the Planning Consultant report, dated January 3, 2014, as part of Final Site Plan submittal.

John Thompson of Professional Engineering Associates and the petitioner Joe Maniaci were present.

Mr. Thompson addressed the stormwater detention and floodplain.

Mr. Maniaci said there was no communication with surrounding residents on the proposed development. He addressed clear cutting the site with respect to parcel width and engineering requirements.

Chair Tagle opened the floor for public comment. There was no one present who wished to speak; therefore the floor was closed.

Discussion followed on:

- Applicant clear cutting site and lack of creativity in development.
- No mechanism in place by City to preserve natural resources.
- Cluster option; viable source for preservation and creativity.

Resolution # PC-2014-01-006

Moved by: Gottlieb
Seconded by: Edmunds

RESOLVED, That Preliminary Site Condominium Approval, pursuant to Article 8 and Section 10.02 of the Zoning Ordinance, as requested for Hunters Park Site Condominium, 21 units/lots, East side of John R, between Tucker and Mayflower, Section 12, Currently Zoned R-1C (One Family Residential) District, be granted, subject to the following:

1. Identify landscape treatment of the stub.
2. Update site data calculations.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

OTHER BUSINESS

9. ELECTION OF OFFICERS FOR 2014

Chair Tagle opened the floor for nominations.

Mr. Schultz nominated Donald Edmunds for Chair, Philip Sanzica for Vice Chair and Gordon Schepke for Zoning Board of Appeals representative.

Mr. Hutson supported the nomination.

Mr. Edmunds nominated Tom Krent for Zoning Board of Appeals representative.

Mr. Schultz revised his nomination on the floor to call for Donald Edmunds as Chair, Philip Sanzica as Vice Chair and Tom Krent as Zoning Board of Appeals representative.

Mr. Hutson supported the revised nomination.

Hearing no further nominations, Chair Tagle declared the nominations closed.

Roll Call vote on the nomination on the floor.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

10. PUBLIC COMMENTS – For Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

There were general comments relating to:

- Transparency.
- Zoning Ordinance 'holes'.
- Master Plan update.
- Sign Ordinance.
- Study session items; target dates.
- Joint City Council meeting; February 11, 2014, 6:00 p.m.
- Handicapped parking requirement; distance to building entrance.
- New Board member and officers.

The Regular meeting of the Planning Commission adjourned at 8:41 p.m.

Respectfully submitted,

John J. Tagle, Chair

Kathy L. Czarnecki, Recording Secretary

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