

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on November 29, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:

Fazal Khan
Lawrence Littman
Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2005-11-176

Moved by: Wright
Seconded by: Chamberlain

RESOLVED, That Members Khan, Littman and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (6)
No: None
Absent: Khan, Littman, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller announced that ZOTA 201 (Commercial Recreation in Light Industrial Zoning Districts) and ZOTA 215-A (Accessory Building Definitions and Provisions) were added as Agenda items #12 and #13, consecutively, and that the Planning Commission By-Laws Agenda item was moved to item #14. Mr. Miller stated the change was a result of actions taken by City Council at its November 28, 2005 meeting,

Resolution # PC-2005-11-177

Moved by: Schultz
Seconded by: Wright

RESOLVED, To approve the Agenda as amended.

Yes: All present (6)
No: None
Absent: Khan, Littman, Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2005-11-178

Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the October 25, 2005 Special (6:00 p.m.) Meeting minutes as published.

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

MOTION CARRIED

Mr. Miller requested that the October 25, 2005 Special/Study Meeting minutes be corrected to reflect that Mr. Khan, not Mr. Vleck, was absent for Resolution # PC-2005-10-166 and Resolution # PC-2005-10-167.

Resolution # PC-2005-11-179

Moved by: Wright
Seconded by: Schultz

RESOLVED, To approve the October 25, 2005 Special/Study Meeting minutes as revised.

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

MOTION CARRIED

Resolution # PC-2005-11-180

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, To approve the November 1, 2005 Special/Study Meeting minutes as published.

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

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 711) – Proposed Shopping Center, Northwest corner of Maple Road and Crooks Road, Section 29 – From H-S (Highway Service) and O-1 (Low Rise Office) to B-3 (General Business)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning and reported it is the recommendation of the City Management to approve the rezoning request. A communication received by the Planning Department from the owner of Shield's Restaurant was distributed to the members prior to tonight's meeting. The owner voiced concerns with the impact of a multiple story building and decreased visibility to westbound traffic.

Mr. Schultz asked that the small rectangular parcel of the subject rezoning request be addressed with respect to creating a non-conformity use for the existing building. Mr. Schultz noted that a multi story building could be constructed on the parcel to the east of Shield's Restaurant because it is zoned B-3.

Mr. Savidant confirmed that the parcel to the east of Shield's Restaurant is zoned B-3 and that the setback requirements are the same along Maple Road. Mr. Savidant briefly addressed the site plan submitted with the rezoning request. He noted it appears the parking space requirements might not be met.

Hathem Hannawa of H&H Design Consultants, 5600 E. Nine Mile Road, was present to represent the petitioner. Mr. Hannawa said the rectangular piece of property is being acquired from the office building to the north. Mr. Hannawa said a survey of the parking spaces was completed, and they are acquiring just enough property to accommodate their parking needs. He stated that the site plan would show that parking requirements are met by each property owner and would meet all site plan requirements.

Tom Hannawa of 4534 W. Quarton Road, Bloomfield, was also present. He addressed the existing O-1 parcel that is not maintained and currently a shrubbed area. It was noted that the shrubbed property does not comply with the approved site plan on file.

Mr. Miller said the usage of the property would not change the existing parking. He encouraged the petitioner to pursue a legal lot split with the City before executing a transfer of property. Mr. Miller briefly addressed the review process as relates to lot splits.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-11-181

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the H-S and O-1 to B-3 rezoning request, located on the northwest corner of Maple and Crooks, within Section 29, being approximately 13,356 square feet in size, be granted.

Yes: All present (6)

No: None

Absent: Khan, Littman, Vleck

MOTION CARRIED

6. PUBLIC HEARING – PROPOSED REZONING (Z 479-C) – Existing Gas Station, Northeast corner of Rochester Road and Charrington Drive, Section 23 – From B-1 (Local Business) to H-S (Highway Service)

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone his item prior to his presentation to the Planning Commission.

The petitioner indicated he would like to go forward.

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning and reported it is the recommendation of City Management to approve the rezoning request.

Dennis Szokolay of 26021 Southfield Road, Lathrup Village, was present to represent the petitioner. Mr. Szokolay said expansion and improvement to the service station would enable the owner to sell a larger inventory of convenience items and would provide for a more aesthetically pleasing landscaped area. He asked the members to look favorably on the rezoning request.

Mr. Waller said improvements to the building and landscaping would enhance the appearance at this location. He asked that consideration be given to the limited size of the property in terms of the site plan, noting property has been taken from the City for the expansion of Rochester Road.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-11-182

Moved by: Chamberlain

Seconded by: Wright

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 Rochester and Charrington, within Section 23, being approximately 21,000 square feet in size, be granted.

Yes: All present (6)

No: None

Absent: Khan, Littman, Vleck

MOTION CARRIED

SPECIAL USE REQUEST

7. **PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 331)** – Proposed Volvo Service Facility and Expansion of the Planned Auto Center, South side of Maplelawn, North of Maple, West of Crooks (1785 Maplelawn), Section 29, Zoned M-1 (Light Industrial)

Mr. Savidant presented a summary of the Planning Department report for the proposed special use and site plan and reported it is the recommendation of City Management to approve the Special Use Request and Site Plan as submitted with the condition that the screened dumpster is relocated to the southeast corner of the property.

Chuck Bennett of 25601 W. Eight Mile, Redford, was present to represent the petitioner. Mr. Bennett agreed to relocate the dumpster to the southeast corner of the property. He stated the service capabilities of the Volvo facility would be expanded.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was a brief discussion on the required number of parking spaces. Mr. Savidant provided an explanation of the parking layout and indicated there would be more than the required number of parking spaces provided. Mr. Savidant reported that a Building Department representative said the department is comfortable with the status of the building permits.

Resolution # PC-2005-11-183

Moved by: Chamberlain

Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.07 of the Zoning Ordinance, as requested for the proposed Volvo Service Facility, located on the south side of Maplelawn, north of Maple, west of Crooks, Section 29, within the M-1 Zoning District, be granted, subject to the following conditions:

1. That the screened dumpster will be relocated to the southeast corner of the property.

Yes: All present (6)

No: None

Absent: Khan, Littman, Vleck

MOTION CARRIED

SITE PLAN REVIEWS

8. **SITE PLAN REVIEW (SP 843-B)** – Proposed Dry Cleaning Store and Coffee Shop with Drive Up, East side of Rochester Road, South of Wattles, Section 23 – Zoned B-3 (General Business)

Mr. Savidant presented a summary of the Planning Department report for the proposed site plan and reported it is the recommendation of City Management to approve the site plan as submitted, subject to two conditions: (1) That the pear

trees in the greenbelt are replaced with an approved tree per the Parks and Recreation Analyst; and (2) that the sidewalk is striped on the asphalt walkway linking the concrete walks at the northeast corner of the building.

Mr. Chamberlain addressed the on-site storm water detention. He asked if the current usage, or past usage, had parking lot storage of storm water; and if not, why can't the petitioner do that. Mr. Chamberlain said this is a perfect example why storm water detention on a parking lot should not be allowed and the engineering development standards should be changed.

Mr. Miller said it would take further investigation to answer Mr. Chamberlain's question. Mr. Miller said there is a depression area on the northeast corner of the property and it does not appear to be an organized detention basin.

Mr. Schultz addressed the parking in front of the building on the Rochester Road side. He asked if a variance is in existence to allow the parking spaces that do not comply to the zoning standards for 19 feet in depth and 9.5 feet in width.

Mr. Savidant replied that it has been City policy for a number of years that the 19-foot depth requirement can be met with a 2-foot overhang, provided the overhang does not reduce the width of the required sidewalk less than 5 feet.

Mr. Schultz said they have two parking spaces that are only 9 feet wide.

Mr. Savidant said a variance is the only way to reduce the required width standard.

The petitioner, Richard Atto of Atto Construction, 2150-B Franklin Road, Bloomfield Hills, was present. Mr. Atto briefly provided an overview of the use (\$1.89 Dry Cleaning Depot national franchise). Mr. Atto addressed the parking spaces and storm water detention. He said the required 9.5 foot width for parking spaces could be met for all the spaces by utilizing space from extra parking spaces. Mr. Atto said he is probably more against parking lot detention than anyone on the Planning Commission, and he would accommodate as much retention underground as possible. Mr. Atto said he could not authenticate whether the retention shown on the survey currently exists because he did not prepare the survey.

Mr. Chamberlain suggested that, as part of the approval process, the green area be recessed and meet green standards to avoid any water problems that would result from a parking lot detention.

Mr. Atto said he would have no problem with a site plan approval condition that the storm water detention would be a combination of the oversized pipes and the greenbelt.

Ms. Drake-Batts asked the City Attorney if the design meets Zoning Ordinance requirements.

Mr. Motzny replied that is more an engineering question than a legal question. Mr. Motzny said the petitioner is required to meet the requirements of the Zoning Ordinance and that conditions could not be placed on site plan approval unless the petitioner is in agreement.

Mr. Schultz said the petitioner would be a better neighbor if vegetation or deciduous trees were provided along the east end of the parking lot that abuts residential property.

Mr. Atto said there is an existing 6-foot wall there. Mr. Atto said he had planned landscaping in the rear, but the City would not count it under the landscaping ordinance. The landscaping would have resulted in lost parking spaces and a reduction in the building size. Mr. Atto said property is too expensive not to be used to its highest and best use. Mr. Atto said he brought the matter to the Planning Department's attention.

Resolution # PC-2005-11-184

Moved by: Waller

Seconded by: Chamberlain

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Dry Cleaning Store and Coffee Shop with Drive Up, located on the east side of Rochester and south of Wattles, located in Section 23, on approximately 1.51 acres, within the B-3 zoning district, is hereby granted, subject to the following conditions:

1. Replace the 6 proposed Bradford Pear trees in the greenbelt with an approved tree, as per the Parks and Recreation Analyst.
2. Provide sidewalk striping on the asphalt walkway linking the concrete walks at the northeast corner of the building.
3. Have all of the grassy area lowered below the top height of the paving with access for water to run into that area to improve the permeability of the property.
4. All parking spaces shall meet the 9.5-foot width zoning ordinance requirement.

Yes: All present (6)

No: None

Absent: Khan, Littman, Vleck

MOTION CARRIED

Mr. Waller asked the Planning Department to advise the Planning Commission members should it appear that the Engineering Department would override any condition placed on a site plan approval.

Mr. Miller said he would. He said technically the petitioner must adhere to the conditions placed on a site plan approval.

9. SITE PLAN REVIEW (SP 903-B) – Proposed TCF Bank, East side of Coolidge, South of Maple, Section 32 – Zoned B-3 (General Business) and M-1 (Light Industrial)

Mr. Miller presented a summary of the Planning Department report for the proposed site plan and reported it is the recommendation of City Management to recommend approval of the site plan as submitted.

Michael Rein of Bowers & Rein Associates, 2400 S. Huron Parkway, Ann Arbor, was present to represent the petitioner. Mr. Rein provided site elevations, building materials and a color site plan of the proposed project. He addressed the two cross access easements to the north and the one cross access easement to the south. He said it is understood that all three easements come right to the property line.

A brief discussion followed on the cross access easements.

Mr. Schultz addressed a small piece of M-1 property at the south edge of the property.

Mr. Rein said the bank would maintain the property and if desirable, deciduous trees could be planted in the area.

Resolution # PC-2005-11-185

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed TCF Bank, located on the east side of Coolidge, south of Maple, located in Section 32, on approximately 2.02 acres, within the B-3 and M-1 zoning districts, is hereby granted, subject to the following condition:

1. That all three cross access easements to the north and one to the south be registered.

Yes: All present (6)
No: None
Absent: Khan, Littman, Vleck

MOTION CARRIED

10. SITE PLAN REVIEW (SP 766-B) – Proposed Addition to Banks Vacuum and Sewing, Southeast corner of Rochester Road and Glaser, Section 14 – Zoned B-1 (Local Business)

Mr. Miller presented a summary of the Planning Department report for the proposed site plan and reported it is the recommendation of City Management to approve the site plan as submitted.

The petitioner, Ken Bank of 16152 Maplewood Court, Northville Township, was present. Mr. Bank asked for clarification on the submittal process of a sidewalk waiver.

Mr. Miller advised the petitioner that sidewalk waivers are processed through the City’s Traffic Committee and that he could contact the Planning Department for assistance.

There was a brief discussion on exterior lighting and the location and use of an existing light pole on the site.

Resolution # PC-2005-11-186

Moved by: Waller
 Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Addition to Banks Vacuum and Sewing, located on the southeast corner of Rochester and Glaser, located in Section 14, on approximately 18,750 square feet acres, within the B-1 zoning district, is hereby granted, subject to the following condition:

1. That the light pole that was required by somebody previously is non-intrusive to the neighbor to the east. If new lighting is installed at the rear of the building for security purposes, it shall also be non-intrusive to the neighbor to the east.

Yes: All present (6)
 No: None
 Absent: Khan, Littman, Vleck

MOTION CARRIED

Chair Strat requested a recess at 9:00 p.m.

The meeting reconvened at 9:09 p.m.

ZONING ORDINANCE TEXT AMENDMENT11. **ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214)** – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts

Mr. Miller provided a brief review of the proposed ZOTA and cited four issues raised by City Management.

1. Eliminate the requirement that Family and Group Day Care Homes require fenced or screened play areas.
2. Eliminate the requirement that Group Day Care Homes must register with the City Clerk and re-register annually.
3. Eliminate all inspection and code requirements.
4. Eliminate the requirement that a Group Day Care Home shall not be located within 1,500 feet of another State licensed residential facility.

A thorough discussion followed on City Management's concerns.

Chair Strat opened the floor for public comment.

Chan Chung of 1189 Garwood Drive, Troy, was present. Mr. Chung lives next to a day care home provider and shared his concerns relating to traffic, parking, noise, usage of City services and privacy. Mr. Chung distributed written text and photographs that relate to his concerns.

Kathleen Peterson of 1175 Garwood Drive, Troy, was present. Ms. Peterson, a State-licensed group day care provider, is Mr. Chung's neighbor. Ms. Peterson cares for 8 children. On a daily basis, 6 cars come to her home between the hours of 7 a.m. and 9 a.m. and 5:00 p.m. and 5:30 p.m. Ms. Peterson said that after 6 years, she just recently became aware of Mr. Chung's concerns. Ms. Peterson attempted to address Mr. Chung's concerns; i.e., front door entrance only by clients, clients' consideration with respect to noise, and screening with trees and flowering trellis. Ms. Peterson said Mr. Chung did not have her permission to photograph her home or her clients, and she is offended by his actions.

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer addressed the recommendation of City Management to restrict State licensed residential facilities to a 1,500-foot distance of each other. She stressed the thoroughness of a State inspection. She questioned the necessity of a City inspection and the differences between a State and City inspection.

The floor was closed.

Mr. Miller said a municipality is the body that enforces the Michigan building code with respect to building methods, construction safety, classifications and codes. He said that is basically the difference between a State and City inspection.

Chair Strat emphasized the qualifications of the City inspectors.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.30.00 Arts and Dance Schools (Commercial Recreation) in Light Industrial Zoning Districts

Mr. Wright stated that the members just received tonight the documentation pertaining to Agenda items #12 and #13 and the members have not had a chance to read it.

Resolution # PC-2005-11-187

Moved by: Wright
Seconded by: Chamberlain

RESOLVED, To table both Agenda items #12 and #13 until next week to give the members a chance to read it.

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

MOTION FAILED

Mr. Schultz felt the tabling motion was premature, and it would be appropriate to have an overview of the Agenda items.

Chair Strat and Ms. Drake-Batts agreed with the comments of Mr. Schultz.

Mr. Miller made a brief presentation on Agenda item #12 with respect to the definitions of “performance studio” and “performance theater”. City Council postponed ZOTA 201 to allow an opportunity to develop proper definitions of “performance studio” and “performance theater” and further review of the proposed zoning ordinance text amendment by the Planning Commission.

A brief discussion followed.

Mr. Wright said he is not prepared to vote on the item because he has not read the documentation provided by the Planning Department.

Mr. Chamberlain agreed that the members have not discussed performance theaters. He said the City has a major problem with over 1,500 acres of industrial property that is vacant and not drawing any tax revenue. Mr. Chamberlain said a large performing arts theater that might be proposed in the industrial district should be discussed thoroughly by the Planning Commission.

Resolution # PC-2005-11-188

Moved by: Wright
Seconded by: Chamberlain

RESOLVED, To table this item until next week to provide the members an opportunity to read the documentation.

Vote on the motion on the floor.

Yes: All present (6)
 No: None
 Absent: Khan, Littman, Vleck

MOTION CARRIED

Chair Strat concurred with Mr. Chamberlain's comments.

13. UPDATE ON 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 City Council passed a Resolution last night that directs City Management to refer ZOTA 215-A to the Planning Commission for further consideration and recommendations by no later than the scheduled meeting of February 6, 2006.

Mr. Miller provided a brief history of the zoning ordinance text amendment.

A short discussion followed relating to the Planning Commission's recommendation on ZOTA 215-A and the prioritization of tasks charged to the Planning Commission.

14. PLANNING COMMISSION BY-LAWS

Mr. Waller reported he would have the material available for review at the next meeting.

Resolution # PC-2005-11-189

Moved by: Schultz
 Seconded by: Wright

RESOLVED, To table this item until the next meeting.

Yes: All present (6)
 No: None
 Absent: Khan, Littman, Vleck

MOTION CARRIED

15. PUBLIC COMMENT – For Items on the Agenda

David Schafer of 5593 Mandale Drive, Troy, was present. Mr. Schafer addressed ZOTA 215-A relating to monster garages. He shared his viewpoint of what happened at the City Council meeting where City Council changed the recommendations sent forward by the Planning Commission. Mr. Schafer said he is well aware how the Planning Commission struggled with the math to come up with a valid recommendation for City Council. He said City Council unwittingly undid everything the Planning Commission sent forward and were not made aware of the struggle, the refinement and the homework that was done by the Planning Commission. Mr. Schafer noted that no one from the Planning Commission was at that meeting to defend the recommendations sent forward, and he thought that was a shame.

GOOD OF THE ORDER

Mr. Waller wished safe and good hunting to Members Chamberlain and Khan.

Mr. Miller hoped everyone had a good Thanksgiving.

Chair Strat echoed Mr. Miller's comments.

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

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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