

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on October 4, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain
Mark J. Vleck

Also Present:

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

Resolution # PC-2005-10-154

Moved by: Wright
Seconded by: Littman

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

Yes: All present (7)
No: None
Absent: Chamberlain, Vleck

MOTION CARRIED

APPROVAL OF AGENDA

Resolution # PC-2005-10-155

Moved by: Littman
Seconded by: Khan

RESOLVED, To approve the Agenda as revised and e-mailed on October 3, 2005 from the Planning Department.

Yes: All present (7)
No: None
Absent: Chamberlain, Vleck

MOTION CARRIED

2. PUBLIC COMMENTS (Items not on the Agenda)

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- Proposed PUD 5, Caswell Town Center
- Rezoning Application Z 706 – South side of Long Lake Road, west of Calvert Drive, Section 14, from R-1C to CR-1 – Approved by City Council on 9/12/05
- Joint DDA and City Council Meeting – October 17, 2005

Mr. Waller mentioned the Crain's article on Sterling Corporate Center (PUD 3). The article states the development continues to seek tenants while it is on the market for sale.

Mr. Schultz provided construction updates on Morton's Restaurant and National City Bank (formerly Top of Troy) and reported the Maple Road improvements are completed.

It was noted that the Ford & Earl Building, owned by the City's Pension Board, is for sale.

Chair Strat brought to the attention of the members that amendment of the Future Land Use Plan for the project area which includes the Rochester Road corridor, between South Boulevard and Square Lake Road, per City Council's direction, is pending.

Mr. Motzny reported that a lawsuit has been filed against the City on the Binson's rezoning matter.

4. REQUEST TO REVISE HISTORIC DISTRICT BOUNDARIES – 3864 LIVERNOIS – Preliminary Report by Historic District Study Committee concerning the Brian and Mary Jean Wattles Property

Mr. Miller reviewed the information provided by the Historic Resources Study Committee on the request to revise the historic district boundaries for 3864 Livernois.

Mr. Motzny reported that the Commission is not required to make a recommendation and noted the recommendation is advisory only. Mr. Motzny stated that should the Commission wish to make a recommendation, State law does not mandate when that recommendation would have to come forward. He said the Commission could make its recommendation prior to the Public Hearing and Final Report of the Historic District Study Committee.

There was general consensus by the Planning Commission that this item did not need to come back for consideration following preparation of the Final Report.

Resolution # PC-2005-10-156

Moved by: Schultz

Seconded by: Khan

RESOLVED, That the Planning Commission has no objection to removing the Parcel B of the Wattles property from the Historic District boundaries.

Yes: All present (7)

No: None

Absent: Chamberlain, Vleck

MOTION CARRIED

5. **PROPOSED ZONING ORDINANCE TEXT AMENDMENT** – Articles 02.50.01, 02.50.02, 02.50.03 and 02.50.04 Municipal Civil Infractions

Mr. Motzny reviewed the advantages in designating a violation of the Zoning Ordinance as a municipal civil infraction as opposed to a misdemeanor. He said the penalties imposed on a municipal civil infraction might sound less stringent than those posed on a misdemeanor, but a municipal civil infraction would be a good enforcement tool. Mr. Motzny said it is the recommendation of the Legal Department to set a Public Hearing for the proposed zoning ordinance text amendment.

A brief question and answer period followed.

Resolution # PC-2005-10-157

Moved by: Wright

Seconded by: Schultz

RESOLVED, That the Planning Commission set a Public Hearing at the November 29, 2005 Regular Meeting for proposed ordinance text to amend Chapter 39 of the Code of the City of Troy, Sections 02.50.01, 02.50.02, 02.50.03, and 02.50.04, to be amended as put forward to the Planning Commission on this date.

Yes: All present (7)

No: None

Absent: Chamberlain, Vleck

MOTION CARRIED

6. PLANNING COMMISSION BY-LAWS

Mr. Waller reviewed proposed revisions to the By-laws, as discussed at a previous meeting. Mr. Waller suggested that the Planning Commission create a mission statement and vision statement.

Items discussed were:

- Creation of mission and vision statements; separate from By-laws.
- Meeting schedule; reflect on City of Troy calendar.
- Add to the Agenda format: *Approval of the Agenda*.
- Minimum number of votes [5] on City Council item.
- Allocation of specific time limit [3 minutes] for speakers.
- Interpretation and definitive clarification of "behavior".
- Description and responsibilities of new position titled "Controller".
- Provision for removal and re-election of officer position.
- Farmington Hills Planning Commission handouts.

7. 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 reviewed a draft resolution to amend Resolution #PC-2005-09-152 that would resolve that a Public Hearing on ZOTA 214 relating to group day care homes could be held at either the November or December Regular Meeting.

After a brief discussion, it was the consensus of the members to not amend Resolution #PC-2005-09-152.

Mr. Miller reviewed City Council Resolution #2005-10-466 that requests the Planning Commission set a Public Hearing to consider a proposed amendment to Chapter 39, Article 10.00, that would temporarily allow for child group day care homes in residential districts until 15 days after the Troy City Council has had the opportunity to conduct a Public Hearing on any proposed revisions to Chapter 39, Article 10.00.

Mr. Motzny explained that the City Council is suggesting a moratorium, or a non-enforcement of violation, for existing group day care homes by amending the Zoning Ordinance. He indicated an amendment to the Zoning Ordinance would be the most appropriate procedure to follow.

There was discussion on zoning ordinance language prepared by the Planning Department relating to the City Council's request. Discussion points were indicating a specific time after City Council action to allow the temporary enforcement moratorium and placing restrictions on the existing group day care homes.

Resolution # PC-2005-10-158

Moved by: Schultz
Seconded by: Waller

RESOLVED, That the Planning Commission establish a Public Hearing on the October 25, 2005 Special/Study Meeting to discuss the temporary change to the ordinance regarding group day homes making them legal through a date specific after City Council action.

Yes: All present (7)
No: None
Absent: Chamberlain, Vleck

MOTION CARRIED

[Mr. Kulesza exited the meeting at 9:00 p.m.]

Discussion followed on items to address within the proposed draft zoning ordinance text amendment relating to group day care homes. Comments solicited from around the table were:

- Outdoor play area.
- Parking for employees.
- Traffic control.
- Fencing.
- Special Land Use permit.
- Building Code compliance (State and Federal).
- Noise control.
- Safety of citizens.
- Federal, State and ADA checklists.
- Hours of operation.
- Signage.
- Distance requirement between day care providers and other State-regulated residential facilities.
- Set parameter of State regulations within ordinance.
- Less restrictive language for day care providers located on major thoroughfares.
- Registration of day care provider with appropriate City department.
- Annual inspection fee.
- Ownership of property in which facility is operated (no rental property).
- Operation of facility by property owner.
- Approval process of existing group day care homes; i.e., grandfather clause, administrative approval, new approval.
- Special Use Request fees and requirements – modify to specifically address day care providers.

8. PUBLIC COMMENT (Items on the Agenda)

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer said she is appreciative of the time everyone is giving to group day care homes. She addressed State licensing regulations, parking and safety concerns, the thoroughness and timing of State inspections, the intent of City inspections, State regulations on fencing and outdoor play areas, applying regulations to both family and group home day care providers, and compliance to the Michigan Building Codes.

David Schafer of 5593 Mandale Drive, Troy, was present. Mr. Schafer asked that consideration be given to creating an ordinance and zoning regulations that are general in nature and apply to all home child day care providers. He encouraged the members to refer heavily to the State regulations in drafting ordinance language. Mr. Schafer said it would be almost impossible for home day care providers to adhere to the regulations set by the Michigan Building Codes. He said Troy has the opportunity to be the leader in providing ordinance language that protects the children, considers the neighbors and benefits the City.

Chair Strat asked assistance from the home day care providers with issues such as noise abatement, parking safety, employee parking, etc.

Mr. Schafer replied that they have shared and will continue to share their thoughts and suggestions to the City.

Nichol Childs of 1931 Atlas Court, Troy, was present. Ms. Childs addressed the outdoor play areas, compliance to the Michigan Building Codes as relates to the residential character of neighborhoods and across-the-board enforcement, State licensing regulations and inspections, neighbor concerns, signage, and the death that occurred in the Ann Arbor home day care facility. Ms. Childs reminded the members that she has submitted statements from her neighbors who have no objections to the operation of her group day care home.

GOOD OF THE ORDER

Comments were shared on the form based codes seminar held at the Michigan Association of Planning Conference. Mr. Miller said he would provide copies of handouts that were distributed at the conference.

Mr. Littman addressed the zoning ordinance in relation to a development project in Dearborn – a car wash with a Starbucks drive-through.

Mr. Miller provided a brief review on the progress of the Troy Futures project.

Chair Strat said he asked the Legal Department for clarification on the Municipal Planning Act, the City and Village Zoning Act, and the City Charter that will be discussed at a future meeting.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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