

The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on February 14, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Fazal Khan
Mary Kerwin
Lawrence Littman
Robert Schultz
David T. Waller

Absent:

Thomas Strat
Mark J. Vleck
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Lori Grigg Bluhm, City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-02-021

Moved by: Littman
Seconded by: Kerwin

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

Yes: All present (6)
No: None
Absent: Strat, Vleck, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-02-022

Moved by: Khan
Seconded by: Littman

RESOLVED, That the Agenda be approved as published.

Yes: All present (6)
No: None
Absent: Strat, Vleck, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-02-023

Moved by: Khan
Seconded by: Kerwin

RESOLVED, To approve the February 7, 2006 Special/Study Meeting minutes as published.

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

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

Vice Chair Schultz announced that five (5) affirmative votes are required for approval or recommendation of approval of Agenda items, and the petitioner has the option to postpone the item prior to its presentation and deliberation of the Planning Commission.

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 712) – Proposed Medical Office, West side of Dequindre, North of Big Beaver (37373 Dequindre), Section 24 – From CR-1 (One Family Residential Cluster) to B-1 (Local Business) District

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

Mr. Miller confirmed that drive-through windows are not permitted in the B-1 zoning district.

Stephen Sedgewick, project architect, 158 Tillson Street, Romeo, was present to represent the petitioner. Mr. Sedgewick indicated he would like to proceed with the approval process.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2006-02-024**

Moved by: Littman

Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the CR-1 to B-1 rezoning request, located on the west side of Dequindre, north of Big Beaver, within Section 24, being approximately 1.4 acres in size, be granted.

Yes: All present (6)

No: None

Absent: Strat, Vleck, Wright

MOTION CARRIED

6. PUBLIC HEARING – PROPOSED REZONING (Z 632-B) – Proposed Condominium Development, West side of Rochester Road, North of Wattles, Section 15 – From CR-1 (One Family Residential Cluster) to R-1T (One Family Attached Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request and reported it is the recommendation of City Management to approve the rezoning application. Mr. Savidant noted a letter of opposition from Angus Finney was distributed to the members prior to the beginning of the meeting. Mr. Savidant said it is the Planning Department policy to consider the rezoning request only at this time, and no consideration was given to the site plan provided by the petitioner.

There was discussion on the parcel located to the south of the subject parcel as relates to its size and potential future development, and the consolidation of both parcels for development.

Eric Salswedel of SDA Architects, 42490 Garfield Road, Clinton Township, was present to represent the petitioner. Mr. Salswedel said the petitioner and owners of the property are present and have indicated their desire to go forward with the approval process. He said the petitioner intends to construct 6 units on the parcel for their personal use and requests the zoning change to accommodate the number of units needed for their development group.

Mr. Salswedel said the petitioner made several unsuccessful attempts to acquire the parcel to the south, but was just recently approached by the owner indicating an interest to sell. Mr. Salswedel said there is no sale agreement on the table at this time.

Discussion followed on going forward with the rezoning request and development of the individual parcel, or postponing the request based on potential development of the combined parcels.

Ms. Bluhm provided a brief review of pending litigation on a rezoning request to the R-1T zoning district located on Rochester Road that was denied by City Council. Ms. Bluhm said it would be appropriate for the members to proceed in either direction: (1) act on the rezoning request tonight and should the parcel to the south be acquired, the petitioner could come back before the Commission; or (2) postpone the request for the potential development of the parcels combined.

Mr. Salswedel requested the members to act upon the rezoning request as submitted, in the event the sale of the property to the south does not take place.

Vice Chair Schultz announced the rezoning request and site plan are mutually exclusive, and the site plan should not be considered at the time of the rezoning request.

PUBLIC HEARING OPENED

Gary Jacobs of 872 Barclay Court, Troy, was present. Mr. Jacobs voiced objection to the proposed rezoning request. He addressed the proposed site plan and said the development and parking lot would be his view from his backyard. He also expressed concern with the resale value of his home. Mr. Jacobs asked if the fence along the property line would be torn down.

Mr. Jacobs submitted for the record a letter of opposition from James and Janice Arnold of 912 Barclay Drive.

Dawn Aronoff of 864 Barclay Court, Troy, was present. Ms. Aronoff expressed opposition to the proposed rezoning request. She said the view from her backyard would be a parking lot and 2nd and 3rd stories of the development. Ms. Aronoff said the adjacent property is a wooded area, and that is the view she and her neighbors currently have and would like to keep. Ms. Aronoff would like the area's natural features to remain.

Mr. Miller informed Mr. Jacobs that the exact location of the fence must be established in order to determine ownership. Further, Mr. Miller stated that condominium developments of this type usually do not have parking lots, but integrate garages into the development. Mr. Miller said there would be some type of buffer provided between the R-1T zoning and the single family residential.

Ms. Bluhm said she understood Mr. Jacobs' concern with the fence, but noted the fence has no bearing on the proposed rezoning request. She said City Management would follow up with Mr. Jacobs on the matter.

Mr. Khan asked if the neighbors would be notified at the time of site plan approval.

Mr. Miller replied the Planning Department is not legally required to notify the public of a site plan approval, but the Planning Department could do so if requested.

Mr. Khan encouraged residents to provide contact information to the Planning Department so they are notified of the site plan approval.

Barbara Finney of 978 Barclay Drive, Troy, was present. Ms. Finney voiced opposition to the proposed rezoning request. She addressed the view from her backyard, traffic, congestion, classroom size, and the type of development proposed. Ms. Finney said she would like to preserve the quality of life in Troy.

Edvin Hoti of 964 Barclay Drive, Troy, was present. Mr. Hoti voiced opposition to the proposed rezoning request. He said the proposed development would not fit well within the square mile of residential homes. Mr. Hoti addressed concerns relating to parked cars, traffic and the resale value of his home.

PUBLIC HEARING CLOSED

Mr. Littman said he could not support the proposed rezoning request because it would result in additional curb cuts on Rochester Road and is inconsistent with the surrounding neighborhood. Mr. Littman said he does not think the rezoning request for the individual parcel is a fit within the area. He said he would support tabling the matter for further study to see how the two parcels might be developed together.

Resolution # PC-2006-02-025

Moved by: Littman

Seconded by: Khan

RESOLVED, To table this rezoning application for sixty (60) days for the following reasons:

1. To allow the petitioner to see if he could propose a development that would include the parcel to the south; and
2. For the Planning Commission to study how these two parcels might develop in a safe manner separately.

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

MOTION CARRIED

See page 15, under Good of the Order, for reason Ms. Drake-Batts was not in favor of the motion.

7. PUBLIC HEARING – PROPOSED REZONING (Z 713) – Walsh College Proposed Parking Expansion, East side of Livernois, South of Wattles, Section 22 – From R-1C (One Family Residential) to C-F (Community Facility) District

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

Alan Greene, legal counsel for the petitioner, 39577 North Woodward Avenue, Bloomfield Hills, was present. Mr. Greene indicated the petitioner would like to proceed with the approval process, and that representatives from Walsh College are present should there be any questions. He asked for the Commission's support in the first stage of the Walsh College renovation expansion plan.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-02-026

Moved by: Khan
Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to C-F rezoning request, located on the east side of Livernois, south of Wattles, within Section 22, being approximately 2.84 acres in size, be granted, for the following reasons:

1. The rezoning is consistent with the intent of Future Land Use Plan and is compatible with the existing zoning districts and land uses.

Discussion on the motion on the floor.

Mr. Littman identified that he was at one time a member of the President's Advisory Council at Walsh College.

Mr. Waller disclosed that he is a current member of the President's Advisory Council at Walsh College.

Ms. Bluhm said it is the discretion of the Commission to exclude Messrs. Littman and Waller from voting on the matter should they feel there is some prejudice or inability to act impartially.

It was the consensus of the members that there were no conflicts of interest.

Vote on the motion on the floor.

Yes: All present (6)
No: None
Absent: Strat, Vleck, Wright

MOTION CARRIED

SPECIAL USE REQUESTS

8. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 333) – Proposed Franklin Bank, Northeast Corner of Tower and Long Lake Road, Section 9, Zoned R-C (Research Center) District

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

The petitioner, Marcos Makohon of K4 Architecture LLC, 26899 Northwestern Highway, Southfield, was present. Mr. Makohon reviewed the proposed site plan through the use of visual boards as relates to traffic circulation, existing thoroughfares and landscaping. He addressed the matter of pervious asphalt areas in relation to the existing parking lot.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-02-027

Moved by: Waller

Seconded by: Kerwin

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 27.30.04 of the Zoning Ordinance, as requested for the proposed Franklin Bank, located on the northeast corner of Tower and Long Lake Road, Section 9, within the R-C Zoning District, be granted.

Yes: All present (6)

No: None

Absent: Strat, Vleck, Wright

MOTION CARRIED

9. **PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 318-B) – Proposed Boys and Girls Club of Troy, East side of John R, South of Wattles, (3670 John R), Section 24, Zoned R-1C (One Family Residential) District**

Mr. Miller presented a summary of the Planning Department report for the proposed special use request and site plan approval. He reported it is the recommendation of City Management to approve the special use request and site plan as submitted with the condition that the petitioner receives three variances from the Board of Zoning Appeals.

Steve Toth, Executive Director of the Boys and Girls Club, 2312 Niagara, Troy, was present.

Jim Butler of Professional Engineering Associates, 2430 Rochester Court, Troy, civil engineering consultant for the project, was present. Mr. Butler outlined the site plan and displayed elevations and renderings of the proposed development.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller provided an explanation of site plan approval with respect to the petitioner receiving the variances from the Board of Zoning Appeals.

Ms. Bluhm confirmed that it is the Commission's discretion to give preliminary site plan approval with the conditions as discussed. She said the proposed resolution clearly states the conditions, and special use and site plan approvals would be granted upon satisfaction of those conditions.

Mr. Waller disclosed that he was formerly on the Girls and Boys Club board.

Resolution # PC-2006-02-028

Moved by: Kerwin

Seconded by: Khan

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.07 of the Zoning Ordinance, as requested for the proposed Boys and Girls Club of Troy, located on the east side of John R, south of Wattles, Section 24, within the R-1C Zoning District, be granted, subject to the following conditions:

1. The applicant must receive a variance from the Board of Zoning Appeals for a variance from the 25-foot maximum height requirement to construct a building that is 30 feet in height.
2. The applicant must receive a variance from the Board of Zoning Appeals to waive the required 50-foot wide landscape area adjacent to residential districts for the rear yard adjacent to the residentially-zoned Barnard Elementary School.
3. The applicant must receive a variance from the Board of Zoning Appeals to waive the required 4 foot 6 inch high masonry screen wall along parking areas adjacent to residentially-zoned property.

Yes: All present (6)

No: None

Absent: Strat, Vleck, Wright

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

10. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Articles 40.55.00-40.59.00, pertaining to Accessory Buildings, Accessory Supplemental Buildings and Accessory Structures**

Mr. Miller reviewed the text amendment that was adopted by City Council on July 11, 2005, and the text amendment versions recommended by the Planning Commission and City Management. Mr. Miller detailed the difference between the recommended versions of the Planning Commission and City Management.

Vice Chair Schultz thanked the City Council for accommodating the Planning Commission meeting schedule in forwarding their recommendation to City Council.

PUBLIC HEARING OPENED

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick expressed concern that the City might become anti-garage and cited reasons why garages are good for

a neighborhood. He addressed issues relating to the distinction between an attached garage and an accessory building and how they relate to the residential living area; non-garage uses such as swimming pools, basketball courts and large workshops; definitions of a garage and computations of related living space; and door height limitations.

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the City Council action on July 11, 2005 and the importance of the zoning ordinance text amendment. Mr. Krent encouraged the Planning Commission to forward to the City Council the same recommendation previously submitted. He voiced appreciation to the members for their hard work and dedication to the zoning ordinance text amendment.

PUBLIC HEARING CLOSED

There was a brief discussion on the door height limitation.

Resolution # PC-2006-02-029

Moved by: Khan
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV DEFINITIONS and XL GENERAL PROVISIONS, pertaining to Accessory Buildings, Accessory Supplemental Buildings, and Accessory Structures, be amended as printed on the Proposed Zoning Ordinance Text Amendment, Version A Planning Commission Version.

Yes: All present (6)
No: None
Absent: Strat, Vleck, Wright

MOTION CARRIED

Vice Chair Schultz requested that a new number is assigned to the proposed text amendment.

Vice Chair Schultz requested a recess at 8:59 p.m.

The meeting reconvened at 9:08 p.m.

SITE PLAN REVIEWS

11. SITE PLAN REVIEW (SP 926) – Proposed Crooks and Maple Retail Center, Northwest corner of Crooks and Maple, Section 29 – Zoned B-3 (General Business) District

Mr. Miller presented a summary of the Planning Department report for the proposed retail center. Mr. Miller pointed out a small portion of property that is being purchased by the petitioner as relates to parking. He also addressed an awkward area of access on Crooks Road as relates to the circulation pattern and the existing property to the north. Mr. Miller reported it is the recommendation of City Management to approve the site plan as submitted because the plan meets all numerical requirements of the zoning ordinance, but he strongly encouraged that a joint driveway exist to the property to the north.

Mr. Waller questioned the Traffic Engineer's comments that a deceleration lane would be required on Crooks Road.

Mr. Miller replied that he would seek further guidance from the Traffic Engineer on the requirement.

There was discussion on the procedure of obtaining a cross access easement with the property to the north.

The petitioners, Hathem Hannawa and Tom Hannawa of H & H Design Consultants, 5600 E. Nine Mile, Warren, were present.

Mr. Hathem Hannawa addressed the small portion of property that is being purchased in relation to the parking spaces shown on the plan. Mr. Hannawa also addressed potential of a shared driveway with the property to the north. He indicated that he has been unsuccessful in reaching an agreement with the property owner for a shared driveway.

Mr. Tom Hannawa addressed potential users for the retail center. He stated that at this time there are no users for the center, but a mixture of uses would be desirable; i.e., a high-end coffee user, one restaurant and general retail for the remainder.

Mr. Littman asked how parking requirements could be configured if the retail use is not known at this time.

Mr. Miller explained that a general retail parking calculation is used and the Building Department would apply exact parking standards that relate to the specific users as the building is occupied.

Resolution # PC-2006-02-030

Moved by: Khan
 Seconded by: Waller

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Crooks and Maple Retail Center, located on the northwest corner of Crooks and Maple, located in Section 29, on approximately 1.24 acres, within the B-3 zoning district, is hereby granted.

Yes: All present (6)
 No: None
 Absent: Strat, Vleck, Wright

MOTION CARRIED

12. **SITE PLAN REVIEW (SP 929)** – Proposed Medical Office Building, North side of Big Beaver, West of John R, Section 23 – Zoned O-1 (Low Rise Office), E-P (Environmental Protection) and R-1E (One Family Residential) District

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

The petitioner, Lisa High of CDPA Architects, 26600 Telegraph Road, Southfield, was present. Ms. High displayed a rendering of the proposed development.

Resolution # PC-2006-02-031

Moved by: Littman
 Seconded by: Khan

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Medical Office Building, located on the north side of Big Beaver, west of John R, located in Section 23, on approximately 4.61 acres, within the O-1, E-P and R-1E zoning districts, is hereby granted.

Yes: All present (6)
 No: None
 Absent: Strat, Vleck, Wright

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

13. **ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201)** – Article 28.30.00 Commercial Indoor Recreation in the M-1 (Light Industrial) Zoning District

Mr. Miller reviewed Resolutions # PC-2005-12-192 and # PC-2005-12-193 passed at the December 13, 2005 Planning Commission Regular Meeting. He reported City Management recommends that the Planning Commission rescind Resolution # PC-2005-12-193. City Management further recommends that the commercial indoor recreation facilities not include performance theaters, and that consideration be given to developing separate special use standards for performance theaters in the M-1 Light Industrial district.

Resolution # PC-2006-02-032

Moved by: Khan
Seconded by: Littman

RESOLVED, That the Planning Commission hereby rescinds Resolution # PC-2005-12-193, which was approved by the Planning Commission at the Regular Meeting on December 13, 2005.

Discussion on the motion on the floor.

Mr. Littman asked if the proposed zoning ordinance text amendment was forwarded to City Council.

Mr. Miller stated that the proposed ZOTA has not been forwarded to the City Council as of yet. Mr. Miller said a thorough explanation would accompany the report to City Council. He indicated that recreational uses in the M-1 zoning district would go forward to City Council. Mr. Miller clarified that dance studios and performance studios would be included in the recommendation as uses permitted in indoor recreation, but performance theaters would be excluded.

Vote on the motion on the floor.

Yes: All present (6)
No: None
Absent: Strat, Vleck, Wright

MOTION CARRIED

Resolution # PC-2006-02-033

Moved by: Kerwin

Seconded by: Khan

RESOLVED, That the Planning Commission and City Management shall study the potential for developing standards for permitting Performance Theaters by Special Use Permit in the M-1 Light Industrial District.

Yes: All present (6)

No: None

Absent: Strat, Vleck, Wright

MOTION CARRIED**OTHER ITEMS**14. **PUBLIC COMMENTS** – Items on the Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Savidant complimented Vice Chair Schultz on chairing tonight's meeting.

Mr. Waller asked if the developer who initiated the zoning ordinance text amendment for freestanding restaurants in the RC, O-M and O-S-C districts [ZOTA 212] has given up on the concept.

Mr. Miller said The Gale Company, who initiated ZOTA 212, is the developer of the Franklin Bank at Tower and Long Lake Road that received approval tonight. Mr. Miller indicated he is not aware of any future plans.

Ms. Kerwin announced that she would not be attending the February 28, 2006 Special/Study Meeting. Ms. Kerwin commented on the Boards and Commissions recognition dinner, and the recognition given to former member Gary Chamberlain at the function. She provided a brief update on the By-Laws sub-committee.

Mr. Khan commended Vice Chair Schultz on chairing tonight's meeting.

Mr. Miller provided an update on the Maple Road Corridor Study.

Ms. Bluhm said it was a pleasure to be with the members tonight and commented that the meeting was conducted very well.

Ms. Drake-Batts addressed the reason she was not in favor of the tabling motion on Agenda item #6, Z 632-B. Ms. Drake-Batts indicated she has no issue with the proposed change in zoning classification. She felt the residents would be better served with the petitioner's proposed development versus other types of development that could go in. She believes that at some point Rochester Road will be developed more as office.

Vice Chair Schultz thanked Ms. Bluhm for her appearance. He shared that the City of Birmingham has received a lot of column space in the *Detroit Free Press* regarding large garages. Vice Chair Schultz said it was a pleasure to chair tonight's meeting.

The Regular Meeting of the Planning Commission was adjourned at 9:47 p.m.

Respectfully submitted,

Robert Schultz, Vice Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2006 PC Minutes\Draft\02-14-06 Regular Meeting_Draft.doc