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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:33 p.m. on April 11, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Fazal Khan

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

***Resolution # PC-2006-04-057***
Moved by: Schultz
Seconded by: Wright

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

Yes: All present (8)
No: None
Absent: Khan

**MOTION CARRIED**

2. APPROVAL OF AGENDA

***Resolution # PC-2006-04-058***
Moved by: Kerwin
Seconded by: Schultz

***RESOLVED***, To approve the Agenda as presented.

Yes: All present (8)
No: None
Absent: Khan

**MOTION CARRIED**

3. MINUTES

***Resolution # PC-2006-04-059***
Moved by: Schultz
Seconded by: Littman

***RESOLVED***, To approve the March 28, 2006 and April 4, 2006 Special/Study Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Khan

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

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Chair Strat announced five (5) affirmative votes are required for any approval process and petitioners have the option to postpone the item prior to their presentation to the Planning Commission.

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## REZONING REQUEST

5. PUBLIC HEARING – PROPOSED REZONING (Z 704-B) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester, Section 22 – From R-1E (One Family Residential) to B-2 (Community Business)

Mr. Miller 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. A letter of opposition was distributed to the members prior to the beginning of tonight's meeting.

Discussion followed on the May 16, 2005 rezoning request that was recommended for approval by the Planning Commission and denied by the City Council.

Mr. Miller reported the configuration of property has not changed from the previously submitted rezoning request. He said the proposed site plan submitted at the time of the rezoning request would not necessarily be the same site plan submitted for site plan approval, and should the rezoning request be approved, the proposed use could be any use permitted in the B-2 zoning district.

Burt Kassab of 7125 Orchard Lake Road, West Bloomfield, was present to represent the petitioner. Mr. Kassab said a neighborhood meeting was held to discuss the concerns of the neighbors in opposition of the previous rezoning request that was denied by the City Council. Mr. Kassab said the modified site plan incorporates the elimination of the driveway off of Vanderpool and ensures the safety of school children, which are major concerns of the neighbors. He indicated the petitioner's willingness to enter into a deed restriction for the property purchased from the City.

Mr. Motzny confirmed that entering a deed restriction with the petitioner would be an appropriate direction for the City to take.

Ms. Drake-Batts referenced communication from a resident with a concern that the rezoning would lower property values, and said she agrees. Ms. Drake-Batts asked if the houses next to and across the street from the proposed rezoning are in agreement to the zoning change.

Mr. Kassab said the resident directly across the street has no objection, and indicated no objections have been received from the house immediately to the west, which is a rental property. Mr. Kassab addressed the density of the proposed building and the large buffer that would be provided between the use and the residents.

PUBLIC HEARING OPENED

James Savage of 800 Harris, Troy, was present. Mr. Savage spoke in opposition of the proposed rezoning. He addressed the procedural policy of the City Council, the neighborhood meeting held by the developers, and the future widening of Rochester Road.

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat spoke in opposition of the proposed rezoning. Prepared comments were read and submitted to the Planning Department, and hereby are attached and made a part of the minutes.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger spoke in opposition of the proposed rezoning. He addressed photographs that were distributed to the members and submitted to the Planning Department, and hereby are attached and made a part of the minutes.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles spoke in support of the proposed rezoning. He stated the petitioner has addressed the concerns of the residents.

Kim Antoine of 968 Vanderpool, Troy, was present. Mr. Antoine rents the house next door to the proposed rezoning and spoke in support of the rezoning. Mr. Antoine, a prospective owner of the house, indicated his landlord has no objections to the proposed rezoning.

PUBLIC HEARING CLOSED

Mr. Vleck said he is not comfortable with the rezoning request because the petitioner cannot be tied to a specific site plan. Mr. Vleck said the proposed rezoning extends into and affects the residential area.

***Resolution # PC-2006-04-060***
Moved by: Vleck
Seconded by: Drake-Batts

***RESOLVED***, That the Planning Commission hereby does not recommend to the City Council approval of the rezoning for Dunkin Donuts property located on the south side of Vanderpool, west of Rochester Road, within Section 22, from R-1E to B-2.

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

**MOTION FAILED**

***Resolution # PC-2006-04-061***
Moved by: Schultz
Seconded by: Wright

***RESOLVED***, That the Planning Commission hereby recommends to the City Council that the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road, within Section 22, being approximately 0.5 acres in size, be granted, for the following reasons:

1. It is consistent with Future Land Use Plan.
2. The western boundary of this property will be consistent with the existing B-2 zoning of the parcel to the south.

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

**MOTION CARRIED**

Mr. Littman said he supported the previous rezoning request and cited the reasons for his change of support. Mr. Littman said there was little input from residents on the previous request and more residents voiced opposition to the rezoning at tonight's meeting. He believes the proposed rezoning would have a negative impact on the residents. Mr. Littman addressed the study undertaken by the City on Rochester Road, north of the subject rezoning request, with respect to mixed use, varying depths, and development that would encompass more areas and a mixed use zoning. He said the proposed commercial use could be developed in other areas of the City with no impact on its business. Mr. Littman said he sees no need to rezone the area.

Mr. Vleck said the proposed rezoning encroaches too far into the residential area, and the rezoning does not align with property to the north. Mr. Vleck said he would be supportive of a conditional rezoning or encompassing more properties. He said the proposed rezoning request is no different than the previous rezoning request that was denied by City Council.

Ms. Drake-Batts believes the proposed rezoning would reduce the property values of the three adjacent parcels.

## SPECIAL USE REQUESTS

6. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 334) – Proposed Walsh College Addition, East side of Livernois, South of Wattles, Section 22, Zoned C-F (Community Facility) District

Mr. Miller presented a summary of the Planning Department report for the proposed Walsh College Addition and reported it is the recommendation of City Management to approve the special use request and site plan as submitted with the condition that a landscaped earth berm is provided along the western and north property line in lieu of the required wall. Mr. Miller noted that a preliminary site plan review checklist and communication from an adjacent resident requesting a vegetative barrier in lieu of a wall or berm were distributed to the members prior to tonight's meeting. Mr. Miller confirmed that a wall or berm is required for site plan approval, and indicated the Board of Zoning Appeals (BZA) is the authoritative body to waive that requirement.

Mr. Waller disclosed that he is on the President's Advisory Council of Walsh College.

The petitioner, Keith Pretty, President of Walsh College, 3838 Livernois, Troy, was present. Mr. Pretty shared the college's history and changes it has experienced. He said they were looking forward to the additional building and parking area.

Dan Rappel, architect from Valerio Dewalt Train, 4637 N. Paulina #3N, Chicago, Illinois, was present. Mr. Rappel's architectural firm worked on the Kresge

Foundation project. Mr. Rappel addressed parking, LEED strategy [PowerPoint presentation] and storm water retention.

Mr. Wright asked if the petitioner would be willing to go before the BZA to get a waiver on the required berm.

Mr. Pretty said he would be happy to work with the neighbor on whatever is in the best interest.

Mr. Littman asked if the college was considering any green strategy with the existing facility.

Mr. Pretty indicated LEED standards would be utilized for the future renovation of the existing facility.

PUBLIC HEARING OPENED

Brian Wattles of 3864 Livernois, Troy, was present. Mr. Wattles thanked Mr. Pretty for working with him on the BZA variance to waive the required berm. He would prefer a vegetative barrier with a farm-type fence and addressed the reasoning behind his request. Mr. Wattles applauded Walsh College for their leadership in the LEED initiative.

PUBLIC HEARING CLOSED

Mr. Littman said the vegetative barrier would be more natural looking and more appropriate for the neighborhood.

***Resolution # PC-2006-04-062***
Moved by: Wright
Seconded by: Schultz

***RESOLVED***, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to nine hundred eighty five (985) when a total of one thousand one hundred fourteen (1,114) spaces are required on the site based on the off-street parking space requirements for colleges, as per Article XL. This reduction meets the standards of Article 40.20.12 and will assist Walsh College in minimizing the amount of storm water runoff on the site.

***BE IT FURTHER RESOLVED***, That the Special Use Approval and Site Plan Approval, pursuant to Section 18.30.06 of the Zoning Ordinance, as requested for the proposed Walsh College Addition, located on the east side of Livernois, south of Wattles, Section 22, within the C-F Zoning District, be granted, subject to the following conditions:

1. A landscaped earth berm shall be provided along the western and northern property line, between the parking lot and adjacent R-1C property, in lieu of the required wall, as per Section 39.10.05.
2. That the deceleration lane as designated per the City of Troy Traffic Engineer be dropped at this time because it is not on the property of Walsh College.

Yes: All present (8)
No: None
Absent: Khan

**MOTION CARRIED**

7. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 335) – Proposed Daycare Center, Southeast corner of New King and New King, Section 8, Zoned R-C (Research Center) District

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

Steven VandenBossche, 550 Hulet Drive, Bloomfield Hills, was present to represent Talon Development and the property owner, The Gale Group. Mr. VandenBossche provided information on the proposed daycare center, *The Learning Experience*. He addressed parking with respect to the number of spaces and the provision for landbanked spaces.

Ms. Drake-Batts asked for an explanation on the access drives.

Mr. VandenBossche indicated there would be an access easement agreement with The Gale Company and the daycare center would have access from both points off of New King Road. Mr. VandenBossche confirmed that the existing turf area would remain between the play area and the drives.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said the architecture of the proposed building, in his opinion, does not fit into the neighborhood. He asked if the recent Zoning Ordinance change to allow the proposed use in this particular district contains language as relates to building compatibility with existing businesses and structures.

Mr. Miller replied the recent zoning ordinance text amendment does not specify standards or conditions relating to compatibility. He noted general standards for special uses are required to be compatible with adjacent land uses and cited the specific Zoning Ordinance language.

Chair Strat agreed with the comments of Mr. Schultz. He said the building as designed would have an adverse impact on the adjoining properties.

Mr. Littman agreed, and further asked for an explanation of the PVC fence that is designated on the site plan.

Mr. VandenBossche provided a description of a PVC fence.

Mr. Motzny stated that an advantage of a special land use approval is that it allows more discretion than a site plan approval. He said if a condition or item relating to the building or materials is such that the members find incompatible with adjacent land uses, that would be a basis for either imposing a different condition as part of the special use approval or would justify a denial.

***Resolution # PC-2006-04- -- (motion withdrawn)***
Moved by: Littman
Seconded by: Kerwin

***RESOLVED***, To table this Public Hearing for one month to allow the petitioner to meet with us at a Study Session so we can see what the facility would look like in greater detail.

Discussion on the motion on the floor.

Mr. Schultz pointed out it might not be possible to meet with the petitioner within the next 30 days because of the meeting schedule and prepared agendas.

Mr. Miller asked the members for clarification whether the motion is to table or postpone the item. He offered another direction that could be taken is to give authority to City Management to discuss and address the compatibility concerns with the petitioner prior to the next regular meeting.

Mr. Littman withdrew the motion on the floor. Ms. Kerwin agreed with the withdrawal.

***Resolution # PC-2006-04-063***
Moved by: Littman
Seconded by: Waller

***RESOLVED***, To postpone the Public Hearing on this item to the May 9, 2006 Regular meeting to allow the Planning Department to study with the petitioner the compatibility of this facility with surrounding buildings.

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

**MOTION CARRIED**

Mr. Vleck said this body has attempted in the past to architecturally influence a building with not always a positive impact, in his opinion.

Ms. Drake-Batts said she has no issue with the proposed building because the owner of the property approves the building.

Mr. VandenBossche said he would work with the City to address the Commission's concerns. He respectfully requested expediency in a resolution of the matter.

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Chair Strat requested a recess at 8:57 p.m.

The meeting reconvened at 9:06 p.m.

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8. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 336) – Proposed Restaurant, Southeast corner of Livernois and Big Beaver, Section 27, Zoned O-S-C (Office Service Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed restaurant site plan originally submitted. Mr. Savidant reported that City Management recommends approval of the Special Use Request and the Site Plan originally submitted with the condition that a front yard setback variance from the future right of way is received from the Board of Zoning Appeals (BZA).

Mr. Savidant announced the Planning Department received a revised Site Plan on April 6, 2006, and distributed copies to the members. He noted that time did not allow for an interdepartmental review. Mr. Savidant indicated the significant change on the revised plan is the location of the restaurant. The petitioner moved the restaurant to the southeast, providing two rows of parking spaces and a maneuvering lane on the west and north sides of the building. Mr. Savidant

provided a parking comparison between the original site plan and revised site plan. He noted the original plan has a strong relationship with Big Beaver and Livernois. The petitioner prefers the revised plan because it provides parking on all four sides of the building and better situates the outdoor seating. Mr. Savidant reported the revised plan, should it be considered for approval, requires a BZA variance to permit parking within the future 180 foot right of way and the applicant is required to add one tree per 30 linear feet of frontage.

Mr. Miller provided additional information relating to the required setback for the future right of way, and noted that the City Engineer indicated only 120 feet would be needed.

Tysen McCarthy of Redico, One Towne Square, Southfield, was present to represent the landlord and Kona Grill. Handouts on Kona Grill were distributed to the members. Mr. McCarthy introduced project team members who were present: Jim Jonas of Redico, Ron Farmer of Kona Grill, David Nash of Aria Group Architects and Chris Lavoie of C. M. Lavoie and Associates. Mr. McCarthy apologized for the last-minute changes to the site plan. He indicated the revised plan addresses safety concerns. Mr. McCarthy briefly reviewed the revisions: relocation of building to improve circulation around building for customers, tenants and emergency vehicles; increased and improved circulation on the north side to help mitigate traffic stacking onto Big Beaver Road; improved accessibility for disabled persons; improved atmosphere for outdoor patio and bar patrons; additional green space; and the impact of future right of way would be on parking only. Mr. McCarthy said the revised site plan would be appropriate and beneficial from a safety standpoint to patrons of the restaurant and residents of the City. He asked for the Commission's support in moving forward with the revised site plan.

There was a lengthy discussion on the existing driveways that would be shared access points for the restaurant and the U.S. Post Office, specifically as relates to the safety in making left turns going south on Livernois.

Mr. Lavoie, consulting engineer, 4941 Forest Avenue, Downers Grove, Illinois, addressed the access points with respect to restaurant traffic and said they do not see it as a great concern. He noted an existing traffic sign at the Livernois access drive stipulates no left-hand turns onto southbound Livernois and that a traffic signal would not be warranted at this location. Mr. Lavoie said they would be willing to work with the City's Traffic Engineer to address traffic concerns.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said his preference is the originally submitted site plan that has a greater presence toward Big Beaver and Livernois. He would prefer tabling the matter so members would have time to review the revised site plan that was distributed tonight.

Chair Strat concurred and said his preference is the originally submitted site plan. Chair Strat said the revised site plan might create a potential problem with traffic backup on Big Beaver Road. He also questioned the function of the designated pedestrian crossing parallel to Big Beaver.

***Resolution # PC-2006-04-064***
Moved by: Schultz
Seconded by: Littman

***RESOLVED,*** That the Special Use Approval and Site Plan Approval for the proposed restaurant, located on the southeast corner of Big Beaver and Livernois, Section 27, in the O-S-C Zoning District, be tabled until the Planning Commission Regular meeting of May 9, 2006. This tabling will afford the Planning Commission adequate opportunity to review the revised site plan presented to the Commission by the petitioner during the advertised Public Hearing being held this evening, April 12, 2006. The Public Hearing shall remain open until said date.

Ms. Kerwin asked for a point of order with respect to a motion to table versus a motion to postpone.

Chair Strat agreed to hear comments from the petitioner.

Mr. McCarthy said they are willing to work with the Commission on concerns expressed on the revised site plan. He asked if there was a way to move forward with the site plan review process during the tabling process; i.e., call a special meeting, review at study meeting, approve original plan and come back later with revised plan. Mr. McCarthy noted they would like to have the restaurant open by the end of the year.

Chair Strat asked the petitioner if he would be receptive to site plan approval of the originally submitted site plan. Chair Strat said he would be reluctant to call a special meeting at this point in time.

Mr. Waller said there are no provisions in the Zoning Ordinance to allow the Commission to demand or require standards of design. He said the members are asking for a lawsuit and the responsibility lies with the Commission to approve a site plan that meets all the requirements of the Zoning Ordinance. Mr. Waller recalled the client's experience with the City on a previous opening of a restaurant. He said consideration should be given to the professional opinions of the people in the business who put their money on the line.

Mr. Vleck said he would be hesitant to vote on the revised site plan because members and City Management have not had enough time to review it.

Mr. Schultz agreed with Mr. Vleck. He said the tabling motion would provide the opportunity to review the revised site plan. Mr. Schultz said he would withdraw the tabling motion if the Planning Commission would like to go forward with approval of the original site plan as distributed in the agenda meeting packet.

Mr. McCarthy, after caucusing with his client, asked the members to continue with a vote on the motion to table the matter.

Ms. Kerwin asked for a point of order again with respect to a motion to table versus a motion to postpone.

Mr. Motzny said the motion on the floor to table the matter to a specific date is appropriate. He pointed out that discussion on the floor after support of the tabling motion was not appropriate.

Vote on the motion on the floor.

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

**MOTION CARRIED**

[Comments on dissenting votes were not taken.]

## SITE CONDOMINIUM SITE PLANS

9. SITE PLAN REVIEW – Adams Road Site Condominium, 5 units/lots proposed, East side of Adams, South of South Blvd., Section 6, Zoned R-1A (One Family Residential) District

Mr. Littman informed the members that he lives in the subdivision immediately to the west of the subject development and that the proposed development could have a financial impact on his property value.

There were no objections from the members to the participation of Mr. Littman in the discussion and approval process of the matter.

Mr. Savidant presented a summary of the Planning Department report for the proposed site condominium development and reported it is the recommendation of City Management to approve the site condominium application as submitted with the condition to eliminate the portion of Unit #2 that falls within the required 45-foot rear yard setback.

Chair Strat informed the petitioner that five affirmative votes are required for approval. He brought to the petitioner's attention that a registered architect, as required, did not seal the site plans. It was the consensus of the members to accept the plans as submitted.

The petitioner, David Donnellon of Design Resources, 755 W. Big Beaver Road, Troy, was present to represent Choice Development Corporation. Mr. Donnellon assured the members he is aware that five affirmative votes are required for approval. Mr. Donnellon addressed the uniqueness of the property. He said he has 40 years of experience in planning and architecture, and has worked very hard with his client to create a plan that would meet the City's Zoning Ordinance and preserve the wetlands. He said he intimately knows the need to have a conservation easement on the property, and they are looking into deeding property to a land conservancy. Mr. Donnellon said all construction work would be maintained on the upland area. Mr. Donnellon addressed the sidewalk notation of the Engineering Department, protection of the wetlands during construction, and fertilization of the property.

At the request of the Planning Commission, Mr. Savidant briefly clarified the request and reviewed the obligation of the Planning Commission in the approval process and the procedure of the approval process.

Chair Strat opened the floor for public comment. He asked that comments be limited to three minutes per speaker.

Jim Stewart of 2583 Lake Charnwood, Troy, Vice President of Lake Charnwood Property Owners Association, was present. Mr. Stewart provided a history of Lake Charnwood and the homeowners' participation in the lake's revival and maintenance. He shared photographs of the lake in various stages. Mr. Stewart voiced opposition to the proposed development, on behalf of the homeowners, because the proposed development would negatively impact the lake's shallowness, the sediment run-off, the large watershed and phosphate loads. He requested the Commission's consideration in protecting the environment, wildlife, endangered species and property values of the 135 homeowners.

Mr. Motzny stated that a denial of the proposed development must be based on a ruling of State Law, Zoning Ordinance requirement, or some other regulation that would apply.

Stan Sanders of 6725 Limerick Lane, Troy, was present. Mr. Sanders voiced opposition to the proposed development. His concerns relate to storm water retention and phosphates.

Kaia Slater of 2914 Tewksbury, Troy, was present. Ms. Slater voiced opposition to the proposed development. She would like to see the area remain the same as when they bought their property; i.e., beautiful trees, pond, wetlands. She asked the City to protect the beauty in that corner of the City.

Sue McPhail of 2861 Lake Charnwood, Troy, was present. Ms. McPhail voiced opposition to the proposed development. She said their back and side yards are extremely wet, and she is concerned modifications to the land from construction would exacerbate the problem. Ms. McPhail asked if the City or the developer would be held responsible for the flooded properties. Ms. McPhail said the land is not solid to build upon. Ms. McPhail referenced the statement of the developer's representative with respect to donating property to a land conservancy. She asked to go on record that while she acknowledges the donation would be generous, anyone who donates property to a land conservancy receives a significant tax benefit. Ms. McPhail said the 20 people present at tonight's meeting are a small sampling of residents who would be affected by the proposed development.

Bob Larsen of 2920 Limerick Lane, Troy, was present. Mr. Larsen voiced opposition to the proposed development. He questioned the type of proposed development in terms of acreage and buildability. Mr. Larsen encouraged the City to walk the site to determine if the site is suitable to build.

Bob Larson of 2855 Donegal, Troy, was present. Mr. Larsen voiced opposition to the proposed development. He said it is a serious matter and encouraged the City to walk the site to determine its buildability. Mr. Larsen asked the Commission's consideration of the negative impacts that have been brought to its attention.

Jack Myers of 6651 Limerick Lane, Troy, was present. Mr. Myers voiced opposition to the proposed development. He said his property would be greatly impacted, as well as the property below him, with respect to the wetlands, run-off and watershed. Mr. Myers said the City's nature center would also be impacted.

Bob Nixon of 6905 Limerick Lane, Troy, was present. Mr. Nixon voiced opposition to the proposed development. He asked where the wildlife would move to should the development go forward.

Lionel Lessenthien of 6908 Limerick Lane, Troy, was present. Mr. Lessenthien voiced opposition to the proposed development. He addressed the wetlands, wildlife habitat and drainage.

The floor was closed.

A brief discussion followed with respect to the type of fertilizer used and the use of the pond for sprinkler systems by the existing homeowners.

Ms. Drake-Batts said she generally sides with the developer because they have interest in the property. She indicated she could not make a decision either way because there is not enough information on the lake issue.

Mr. Miller addressed the wetlands map displayed on the City's website. He explained that the Michigan Department of Environmental Quality (MDEQ) regulates wetlands. Mr. Miller said a wetlands determination required by the petitioner

identifies the wetlands regulated by MDEQ and the buildable areas for the parallel plan. Mr. Miller noted the City's Environmental Specialist does review wetlands and provides the Planning Department with a report.

Chair Strat said he discussed storm water retention and costs associated with dredging Quarton Lake with the City's Environmental Specialist.

Mr. Vleck reviewed the responsibility of the Planning Commission with respect to site plan approval, and noted that the proposed site plan meets all of the requirements of the Zoning Ordinance with the exception of one setback requirement.

***Resolution # PC-2006-04-065***
Moved by: Vleck
Seconded by: Schultz

***RESOLVED,*** That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.70.00 One-Family Cluster Option), as requested for Adams Road Site Condominium, including 5 units, located on the east side of Adams, south of South Boulevard, Section 6, within the R-1A zoning district be granted, subject to the following condition:

1. Eliminate the portion of Unit #2 that falls within the required 45-foot rear yard setback.

Discussion on the motion on the floor.

Chair Strat sympathized with the residents and their concerns expressed tonight. He encouraged them to voice their concerns at the City Council level.

Vote on the motion on the floor.

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

**MOTION CARRIED**

10. SITE PLAN REVIEW – Village of Tuscany Site Condominium, 10 units/lots proposed, South side of Long Lake, West of John R, Section 14, Zoned CR-1 (One Family Residential Cluster) District

Mr. Savidant reported the petitioner requested to postpone the item to a future meeting to provide them an opportunity to investigate the possibility of developing 10 units on the parcel.

***Resolution # PC-2006-04-066***
Moved by: Schultz
Seconded by: Waller

***RESOLVED***, That the Planning Commission moves that the Preliminary Site Plan (Section 11.00.00 One Family Residential Cluster), as requested for Village of Tuscany Site Condominium, located on the south side of Long Lake, west of John R, Section 14, within the CR-1 zoning district, be postponed to a future meeting, at the request of the applicant.

Yes: All present (8)
No: None
Absent: Khan

**MOTION CARRIED**

## OTHER ITEMS

11. PUBLIC COMMENTS – Items on Current Agenda

John Makris of 4919 Calvert Drive, Troy, was present. Mr. Makris addressed Agenda item #10, Village of Tuscany Site Condominium. He asked if notification would be sent to the public when the item comes back to the Planning Commission.

Mr. Miller said notification would be sent to the public.

## GOOD OF THE ORDER

Mr. Motzny said he would provide a report to the members on the new Michigan Zoning Enabling Act recently passed by both houses of legislature.

Mr. Vleck questioned the recycling procedure to follow within the Planning Department.

Mr. Littman addressed Agenda item #9, Adams Road Site Condominium. Mr. Littman said he could not, in all fairness, vote on the item because he knows the area well and finds it hard to believe anyone would build on property that is all peat.

Mr. Schultz gave a brief report on a seminar he attended sponsored by the International Council of Shopping Centers.

Ms. Kerwin thanked Mr. Schultz for organizing the retirement party for Gary Chamberlain. She said Mr. Chamberlain would be missed.

Mr. Waller addressed the recurring flooding problems experienced by residents.

Mr. Savidant said any recyclable items could be left at the table after meetings, or dropped off at the Planning Department any time.

Chair Strat said the tape on form base codes is available again.

Ms. Kerwin said she found the tape to be easy to understand.

Mr. Littman requested the tape.

The Regular Meeting of the Planning Commission was adjourned at 10:43 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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Z-704-B
HANDOUT 4/11/06 P.C.
LAURA BALYEAT
965 VANDERPOOL

Planning:

A) You have heard from Jennifer Burke, I am in agreement with everything she stated in her letter to you. Including available space, traffic, etc.

B) While the residents, if forced to have this building built prefer the new design, those opposed are still opposed to having it built at all.

C) Should the residential property be rezoned, there is no turning back. Nothing prevents a 7-11 or anything else less desirable being built there. So any previous arguments that we should be pleased it is a Dunkin' Donuts rather than a 7-11 is really not a viable argument.

D) If you look at other available spaces up and down Rochester road, easy access from those homes across Rochester have streets exiting the subs with lights (Bishop, etc.) The street across from the proposed location ...the only access road to the middle school does not have a light. A couple years ago a neighbor on our street was hit and killed by a car while trying to cross Rochester road at 5 am. While the gentleman was mentally disabled, I would suggest that the judgement of middle schoolers might not be much better when it comes to crossing Rochester road for an icecream after school and that Rochester road at those times of the day would be far less safe than at 5:30 AM.

E) I realize that competition can be a good thing but in a stressed economy, small places such as Elaines Bagels and Troy Deli could, if Dunkin Donuts succeeds, take a fatal hit and we will have yet more empty building space on the street.

F) One of the main reasons Dunkin Donuts would like this residential piece of property rezoned commercial is that construction of their business on that property would cost considerably less to construct than it would if they were to build at a location that is already commercially zone and has a building on it. Frankly, there is no "greater community good"

associated with building a Dunkin Donuts on that corner. Our property values go down so they can save money. That hardly seems fair and in effect, we are being stolen from so they can save money. Homes are not selling, even if I wanted to move I could expect my house to remain on the market for at least a year. With the construction of the dunkin donuts it would not only mean I would get less for my home, but that it would be more difficult to sell at that decreased price. Greater community good may be an excuse the city could use in some instances to justify rezoning and hurting residential property values, but here, greater community good would apply only to encouraging them to build on other available, already commercially zone property on Rochester road. If they truly want to be on Rochester road, let it cost them, not the residents on the street

G) AND finally. If that property is rezoned commercial, I feel that it will very quickly encourage the rezoning of the Wiles property directly across the street from the Carters. ....along the same property line on the otherside of Vanderpool..... Which would further decrease our property values and would force me in the future to live directly next door to some commercial structure such as a drug store or 7 -11.

Keeping the property in this neighborhood residentially zoned is important not only for me and the other residents but for future city planning as well. I have tried to be an empty nester... it didn't work so well, but I have hopes it will happen again. When I move next... I would like to stay in Troy, but the condo type housing being built here is almost discriminatory...not by plan but by result. The reasonably affordable condos have stairs... and lots of them....those at 16 and Rochester, 15 and coolige, etc. They are great as long as we can manage the stairs....My knees are good, but I know a lot of guys who played football whose knees aren't and by 60?. they really need to have a place with as few stairs as possible. Also, as the local paper noted.. we don't have any affordable workforce housing. My son and his fiancé make nice money between them, but they are 25 and 27 year old college grads and they couldn't afford to buy their first home here. They and their friend have decided to plant their roots EOD...East of

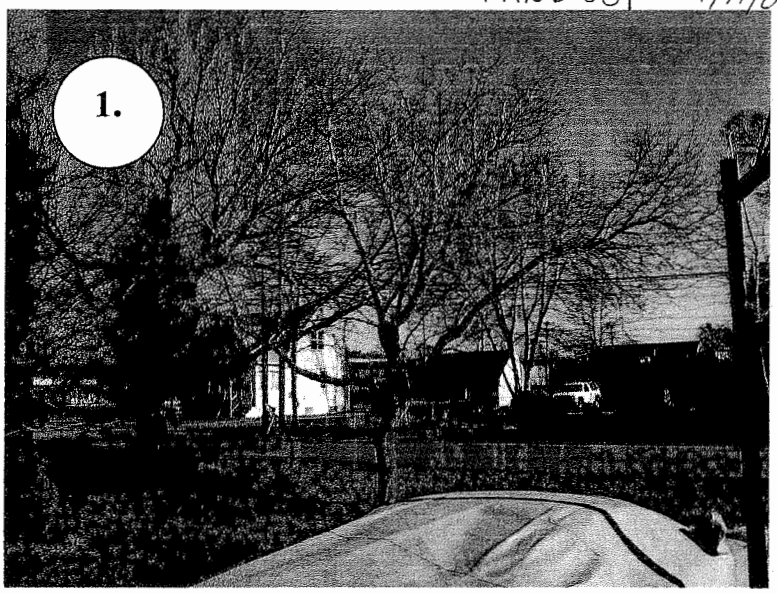
Dequindre. We need reasonably priced, starter priced housing in this community and this area is really very suited to that... and we need our young people to feel they have the opportunity to remain in Troy.... We educated them here, they like it here, but they can't afford to stay and we do not reap the benefits of our investment in them. Please... Both specifically and in general... please stop rezoning any more of this area of Troy out of residential zoning.

AFTER MAY 9TH FOR DATES ON COUNCIL CITY AGENDA

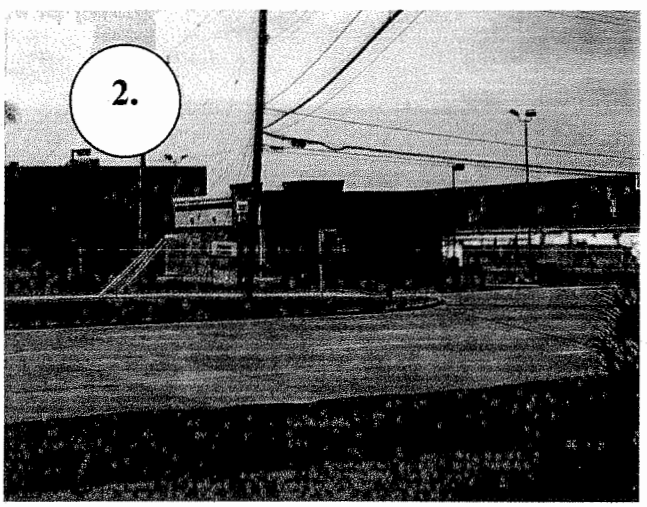
Please

943 Vanderpool HAND-OUT 4/11/06 P.C.

- Proposed re-zoning is encroaching on a residential area, and it is not necessary (figure 1).
- Re-zoning proposed to make room for drive-thru which is not required (per franchise policy, example in figure 2).
- Alternate site plan possible (figure 3).
- Alternate location possible (figures 4 and 5) among others.
- Less expensive to buy residential and re-zone than buy commercial property at the expense of residents.
- New establishment will benefits one person, but a financial setback and inconvenience to many.
- Proprietor has finances to seek more expensive alternative.

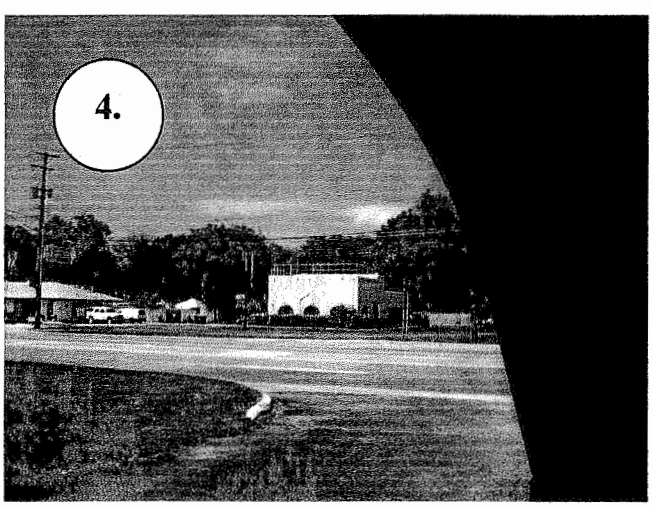



Re-zoning would extend commercial boundary to this fence.

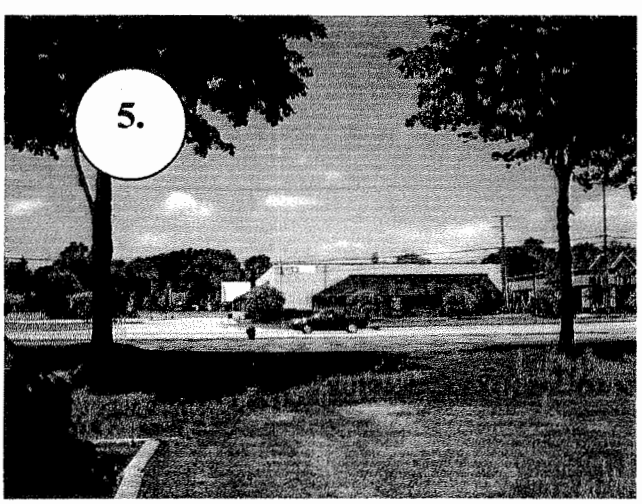



This Dunkin' Donuts/Baskin Robbins located on Rochester Road, north of M-59 doesn't have a drive-thru.

Taco Bell in Warren oriented 90-degrees to accommodate a drive-thru without re-zoning residential.




Old Taco Bell N. of Big Beaver. This is a suitable location for a donut shop.




DSW Shoe Warehouse would provide ample acreage for a donut shop with a drive-thru.