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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on August 8, 2006, in the Library Meeting Room at the Troy Public Library.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman (arrived 7:40 p.m.)
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:
Wayne Wright

Also Present:
Mark M. Miller, Planning Director
R. Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary
Jonathan Shin, Student Representative

2. APPROVAL OF AGENDA

Resolution # PC-2006-08-128
Moved by: Khan
Seconded by: Kerwin

RESOLVED, To approve the Agenda as published.

Yes: All present (7)
No: None
Absent: Littman (arrived 7:40 p.m.), Wright

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

4. SPECIAL USE REQUEST (SU 117-C) – Proposed Private School, St. Mark Christian Academy at St. Mark Coptic Orthodox Church, West side of Livernois, South of Kirk Lane (3603 Livernois), Section 21 – R-1B

Mr. Miller presented a summary of the Planning Department report on the proposed special use request. Mr. Miller specifically addressed the special use approval standards. He introduced correspondence from the Building Department that was distributed to members prior to the beginning of tonight's meeting. The correspondence relates to several code enforcement violations on the subject property. Mr. Miller noted that the petitioner submitted no additional documentation to the Planning Department since the July Regular meeting.

The petitioner, Constantine Pappas of 560 Kirts, Troy, was present. Mr. Pappas said site improvements that relate to the original special use approval are underway at the church entrance. He indicated that some of the code enforcement violations exist as a result of the construction. Mr. Pappas requested to postpone the item for 30 days. He said the postponement would allow the church to complete the site improvements, final grading, landscaping requirements and resolution of existing code enforcement violations.

Mr. Schultz addressed the notation on the site plan that indicates the access to the dumpster is a 5-foot concrete walk.

Mr. Pappas said he would make a correction to the site plan.

[Mr. Littman arrived at 7:40 p.m.]

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-08-129
Moved by: Waller
Seconded by: Vleck

RESOLVED, That this matter, at the request of the church representative, be postponed until the September 2006 Regular meeting.

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

MOTION CARRIED

Resolution # PC-2006-08-130
Moved by: Khan
Seconded by: Waller

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

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

MOTION CARRIED

REZONING REQUEST

5. PUBLIC HEARING – PROPOSED REZONING (Z 719) – Proposed Troy Medical Office, West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning. Mr. Miller specifically addressed a buffer zone for the residential property to the north of the subject site. Mr. Miller reported it is the recommendation of City Management to postpone the request to the September 2006 Regular meeting. He said a postponement would allow time to review public input and to determine a zoning pattern that would provide an appropriate relationship with the property to the north.

The petitioner, Jeff Pfeifer of Boulder Construction Company, 30078 Schoenherr, Warren, was present. Mr. Pfeifer indicated the O-1 zoning would provide an appropriate buffer to the north, in their opinion.

Mr. Khan asked if the same owner of the subject parcel owns the two parcels to the south.

Mr. Pfeifer replied that the two parcels to the south are owned by another entity.

Chair Strat encouraged the petitioner to contact the Planning Department for information on a recent amendment to the Zoning Ordinance for conditional rezoning.

PUBLIC HEARING OPENED

Tom Sawyer, an attorney in Troy, was present. [Mr. Sawyer did not sign in.] Mr. Sawyer provided a history of the subject property, and indicated he understands the

intent of City Management's recommendation to postpone the matter for further review.

Karen Crusse of 55 Timberview Drive, Troy, was present. Ms. Crusse is one of the three property owners whose home abuts the proposed development, as well as president of the Westwood Park Subdivision Homeowners' Association. Ms. Crusse addressed the buffer between commercial and residential and the existing vegetation. She said homeowners do not want the commercial property in their back yards and would prefer the P-1 buffer.

Mr. Waller asked if the subdivision homeowners made an offer to purchase the subject parcel.

Ms. Crusse replied that several homeowners discussed purchasing the parcel, and it was determined to be too much of a financial impact.

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick concurred with the concerns addressed by Ms. Crusse. He addressed the expansion of the Civic Center complex and potential traffic concerns should the three parcels on Livernois be developed individually as commercial.

John Crusse of 55 Timberview Drive, Troy, was present. Mr. Crusse expressed concerns with the existing mature trees and vegetation, and the view of parked cars from his window.

Linda Schulz of 87 Timberview Drive, Troy, was present. Ms. Schulz asked that the privacy of abutting residents be taken into consideration with respect to the buffer. She shared her research in the purchase of the subject parcel.

PUBLIC HEARING CLOSED

Mr. Vleck said he is in favor of tabling the matter for further review and consideration of the public input, conditional rezoning and an environmental buffer.

Mr. Khan agreed consideration should be given to providing an environmental buffer and consolidation of the parcels for development.

Chair Strat said P-1 zoning would have a negative affect on the existing vegetation.

Resolution # PC-2006-08-131
Moved by: Vleck
Seconded by: Littman

RESOLVED, That the proposed rezoning request (Z 719) be postponed to the September 2006 Regular meeting.

Discussion on the motion on the floor.

Mr. Vleck said consideration should be given to the type of screening for the protection of existing vegetation.

Chair Strat encouraged the petitioner to work with the homeowners to the north.

Vote on the motion on the floor.

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

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 224) MICHIGAN ZONING ENABLING ACT – Articles 02.00.00, 03.00.00, 10.00.00, 34.00.00, 35.00.00 and 43.00.00 – Revisions to bring the Zoning Ordinance into compliance with the Michigan Zoning Enabling Act, PA 110 of 2006

Mr. Miller reviewed the proposed zoning ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-08-132
Moved by: Schultz
Seconded by: Kerwin

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles II, III, X, XXXIV, XXV and XLIII, pertaining to revisions to bring the Zoning Ordinance into compliance with the Michigan Zoning Enabling Act, PA 110 of 2006, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Discussion on the motion on the floor.

Mr. Khan noted a discrepancy in the numbering of Section 35.

Vote on the motion on the floor.

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

MOTION CARRIED

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212-B) – Articles 25.00.00, 26.00.00, 27.00.00 – Improving design and strengthening the relationship of freestanding restaurants, day care centers and banks with the abutting streets in the R-C, O-M and O-S-C zoning districts

Mr. Savidant reviewed the proposed zoning ordinance text amendment.

A brief discussion followed. The following determinations were made:

- Section 25.30.05 (H), paragraphs 4, 6, and 7, and similar provisions throughout the document – Delete wording "as determined by the Planning Commission", since the wording is in the beginning paragraph.
- Incorporate additional text that would relate to "green" concepts – Mr. Waller will assist the Planning Department with this task.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-08-133
Moved by: Khan
Seconded by: Vleck

RESOLVED, That this item be postponed to the Study Session scheduled on the 4th week of September 2006.

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

MOTION CARRIED

Chair Strat requested a recess at 8:25 p.m.

The meeting reconvened at 8:33 p.m.

SITE PLAN REVIEWS

8. SITE PLAN REVIEW (SP 925-B) – Proposed Becker Parking Lot Expansion, South side of Henrietta, East of Rochester Road, Section 27, P-1 (Vehicular Parking) District

Mr. Savidant presented a summary of the Planning Department report on the proposed Becker parking lot expansion, and reported it is the recommendation of City Management to approve the site plan as submitted with the condition that three greenbelt trees along Rochester Road be added.

The petitioner, Eileen Youngerman, certified property manager for A. D. Becker Properties, 35 West Huron, Pontiac, was present. She indicated the architect/engineer for the project was present should there be any questions on the proposal.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2006-08-134
Moved by: Vleck
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Parking Lot Expansion, located on the south side of Henrietta, east of Rochester Road, located in Section 27, on approximately 0.25 acres, within the P-1 zoning district, is hereby granted, subject to the following condition:

1. The addition of three (3) greenbelt trees along Rochester Road, as per Section 39.70.02.

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

MOTION CARRIED

9. SITE PLAN REVIEW (SP 932) – Proposed Stonewood Pangborn Industrial Building Addition, Southeast Corner of Coolidge and Industrial Row (2963 Industrial Row), Section 32, M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed industrial building addition, and reported it is the recommendation of City Management to approve the site plan as submitted.

Mr. Waller disclosed his association to Mr. Pangborn through volunteer work on the City's community arts project known as Beaver Tales. Mr. Waller also disclosed that he has asked for a quotation of services from Stonewood Pangborn for work in his home. Mr. Waller indicated he has no financial interest in the proposed development.

Chair Strat said Mr. Waller would be entitled to comment and vote on the matter.

The petitioner, Benny Spielmann of 13211 Northend Avenue, Oak Park, was present. Mr. Spielmann, owner of Stonewood Pangborn, displayed a rendering of proposed building. He indicated the proposed development would complement the surrounding neighborhood, and that he is looking forward to doing business in Troy. Mr. Spielmann worked closely with the Planning Department to meet all requirements of the Zoning Ordinance.

Mr. Vleck asked the petitioner to provide an explanation on the operation of the business.

Mr. Spielmann explained the business would serve architectural and building designers, and not individuals off the street. Mr. Spielmann currently has four employees and would seek an additional two employees at the new location.

Mr. Khan expressed concern with the limited amount of parking on site, and asked the petitioner to address parking.

Mr. Spielmann said a reduction of parking spaces was at the suggestion of the Planning Department in order to provide more landscaping on site. Mr. Spielmann said an additional 7 parking spaces could be placed; 4 on the south side and 3 on the east side of the building.

Mr. Littman, BZA representative, reviewed the discussion at the Board of Zoning Appeals meeting wherein the BZA granted variances as relates to the building addition and new parking lot, greenbelt and landscaping. Mr. Littman indicated his dissenting vote to grant the variances was based on his desire to see more green space on the Coolidge side. He said the petitioner indicated to BZA members that he needed only 15 parking spaces.

Mr. Spielmann responded that they could live with 15 parking spaces, but 23 would be better. Mr. Spielmann indicated he would like flexibility in the future to expand the building.

Discussion continued on the following:

- Petitioner was commended on purchase of the building and site improvements.
- Concern for safety; i.e., loading/unloading, dumpster removal.
- Planning Department confirmed site plan complies with requirements of the Zoning Ordinance.
- Relationship of site plan and landscape plan with respect to parking.
- Parking prospect for future tenants.
- Desire to see more green space.

Resolution # PC-2006-08-135
Moved by: Khan
Seconded by: Drake-Batts

RESOLVED, To postpone this item to the Regular meeting of September 2006, or a future meeting should the petitioner desire, to allow further discussion with the Planning Department to come up with a better plan.

Discussion on the motion on the floor.

Mr. Schultz asked legal counsel if the Planning Commission had any grounds on which to deny a site plan that fits within the constraints of the Zoning Ordinance and existing variances that have been approved.

Mr. Motzny said denial of a site plan must be based on meeting the requirements of the Zoning Ordinance. He indicated, in this case, the site plan could be denied should the Planning Commission not grant a reduction in parking spaces because the site plan then would not meet the parking requirements of the Zoning Ordinance.

Mr. Khan stated the members would like to work with the petitioner and assure that their concerns are addressed.

Chair Strat expressed that consideration must be given to the parking issue with respect to future tenants.

Mr. Spielmann questioned the reason for postponement. He indicated the parking issue could be easily resolved, and all Zoning Ordinance requirements have been met.

Mr. Waller said the proposed development offers a significant improvement as relates to safety because the visitor entrance is located away from the loading area.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Waller said the Planning Commission is not being fair or reasonable. He indicated the petitioner worked with the Planning Department on an equitable solution to meet all requirements of the Zoning Ordinance and was granted variances from the BZA, and then the members pull new ones out of the hat.

Mr. Schultz agreed with comments made by members on the parking and landscaping for the proposed development. He indicated the petitioner followed the direction of City Management and was granted variances by the BZA, and demonstrated to his satisfaction that the reduction in parking is viable. Mr. Schultz said postponement of the item does not accomplish anything.

10. SITE PLAN REVIEW (SP 933) – Proposed Medical Office Building, North side of Maple, East of Livernois, Section 27, O-1 (Low Rise Office) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted, subject to consideration being given to a cross access easement to the east.

Adrianna Melchior of AZD Associates Architects, 35980 Woodward, Bloomfield Hills, was present to represent the petitioner. Ms. Melchior said Dr. Joseph would like to continue practicing in Troy, and is committed to working on the resolution of vehicular cross access easements for the proposed development.

A thorough explanation of cross access easements, the procedure to follow for implementation, and interim utilization of the parking lot was provided to the petitioner.

John Joseph, M.D., of 1777 Axtell Road, Troy, was present. Dr. Joseph addressed the need for a dumpster. Dr. Joseph indicated his desire to have 15 parking spaces. He has three employees and sees a maximum of four patients per hour.

A thorough discussion followed on the location of the cross access easement.

A brief recess was taken for technical reasons.

Resolution # PC-2006-08-136
Moved by: Khan
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Medical Office Building, located on the north side of Maple, east of Livernois, located in Section 27, on approximately 0.3 acres, within the O-1 zoning district, is hereby granted, subject to the following condition:

1. That the applicant provides a cross-access easement to the property to the east.

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

MOTION CARRIED

11. SITE PLAN REVIEW (SP 305-D) – Revised South Parking Lot Beaumont Hospital, South of South Blvd., West side of Dequindre Road, Section 1, C-F (Community Facility) and E-P (Environmental Protection) Districts

Mr. Savidant presented a summary of the Planning Department report on the revised south parking lot plan for Beaumont Hospital, and reported it is the recommendation of City Management to approve the revised parking lot plan as submitted.

Craig McEwen, project architect, Harley Ellis Devereaux, 26913 Northwestern Highway, Southfield, was present.

Chair Strat asked if the cross roads designated for parking in the center of the plan could be eliminated and maintained as green area.

Mr. McEwen said he would address that revision with the hospital administration at a meeting scheduled on Thursday. He asked members to consider the site plan as submitted, with the condition that the center cross roads are eliminated.

Mr. Waller addressed green concepts in that area.

Mr. Schultz said he would prefer that the petitioner come back with a final site plan for review and consideration, and suggested to postpone the item.

John Rogers of Beaumont Services Company, 11 South Boulevard, Rochester Hills, was present. Mr. Rogers indicated the parking lot is key to the entire expansion project, and it is hoped that construction could begin at the end of the month. He asked that the matter not be postponed. Mr. Rogers indicated it would be acceptable to approve the site plan this evening with the condition to eliminate the center cross roads.

Resolution # PC-2006-08-137
Moved by: Littman
Seconded by: Khan

RESOLVED, That Preliminary Site Plan Approval, as requested for the Revised Beaumont Hospital South Parking Lot, with 9-foot wide parking spaces, as approved by the Board of Zoning Appeals on July 18, 2006, located south of South Boulevard on the west side of Dequindre, in Section 1, within the C-F and E-P zoning districts is hereby granted as shown today with the exception that the two cross roads in the center of the parking lot be eliminated in both directions and replaced with landscaping.

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

MOTION CARRIED

Mr. Schultz said it is not the Planning Commission's job to re-engineer a petitioner's site plan, and it is incumbent on the petitioner to come before this body with a final site plan for review and consideration.

OTHER ITEMS

12. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Savidant commended the Community Affairs department for filming tonight's meeting under difficult circumstances.

Mr. Miller reviewed agenda items for the August 22, 2006 Special/Study meeting.

Mr. Schultz addressed a letter from the Planning Commission to the new City Manager, and asked if the letter was sent.

Chair Strat replied the letter was delivered. A copy of the letter will be distributed to the members.

Ms. Kerwin commended the City Clerk's office -- Tonni Bartholomew, Barb Holmes and the entire staff -- on a wonderful job on today's election.

Mr. Motzny reminded the members that beginning with the next meeting, Sue Lancaster would serve as the Planning Commission legal representative.

Mr. Littman encouraged all to get involved and participate in City elections. Mr. Littman addressed the Maple Road area, specifically west of Livernois.

Ms. Drake-Batts shared that two weeks ago she completed a triathlon in under 3 hours. She is participating in a one-half marathon for the Leukemia Association in January. Donations are appreciated!

Mr. Vleck thanked Mr. Motzny for his services.

Chair Strat commended Mr. Motzny for work well done. He suggested that the requirement for 8-foot sidewalks on commercial developments be revisited.

The Regular Meeting of the Planning Commission was adjourned at 9:58 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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