

POSTPONED ITEMS

5. PUBLIC HEARING – PROPOSED REZONING (Z 714) – Proposed Senior Housing Development, North of Long Lake, East side of I-75, Section 9 – From R-1B (One Family Residential) to R-EC (Residential Elder Care) District

Mr. Miller announced a request from the petitioner to postpone the matter for 90 days was received by the Planning Department on September 7. Mr. Miller reported a valid protest petition relating to the rezoning request was submitted to the Planning Department, and that copies were distributed to the Planning Commission. He indicated it is at the discretion of the Planning Commission to postpone the matter, or act upon the rezoning request.

[A person from the audience handed what appeared to be a traditional petition to Mr. Miller. Vice Chair Schultz said the item would be noted and filed.]

PUBLIC HEARING OPENED

P. J. Cumming of 5375 Daniels, Troy, was present. Ms. Cumming spoke in opposition to the proposed rezoning request and the postponement of the item. Ms. Cumming also addressed the proposed site plan.

Charles Jackson of 405 W. Square Lake Road, Troy, was present. Mr. Jackson spoke in opposition to the proposed rezoning request, and provided an additional sheet of signatures to the protest petition. He addressed traffic concerns, safety of school children, and the number of senior developments in the City. Mr. Jackson thinks it might be intentional on the part of the petitioner to request postponements, so residents would eventually forget about the proposed development.

Vice Chair Schultz indicated a postponement allows a petitioner additional time to work on outstanding items related to the proposal, noting in this case the petitioner might be attempting to gain access to a major thoroughfare.

Mr. Littman asked if the petitioner met with the residents.

Mr. Jackson replied that, to his knowledge, there has been no meeting with residents.

Rob Shouhayib of Choice Development, 755 W. Big Beaver Road, Troy, was present. Mr. Shouhayib respectfully requested a postponement to allow additional time to address the concerns of the residents and details of the plan. He indicated a meeting with residents on Daniels was held, and they would be happy to meet with any other residents. Mr. Shouhayib said a status report could most likely be provided within the next couple of weeks.

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Mr. Vleck asked the petitioner if they are attempting to get direct access to a major thoroughfare.

Mr. Shouhayib replied that access to a major thoroughfare is an option under serious consideration.

Mr. Vleck said he would not be in favor of another postponement. Mr. Vleck said a status report on the proposed development prior to tonight's meeting would have been appreciated, and noted a lot of people are affected by the proposed development.

Mr. Khan said it would be appreciated if a request to postpone were received by the Planning Department to allow enough time to let residents know prior to the scheduled public hearing.

Mr. Waller indicated he would be in favor of honoring the petitioner's request to postpone. He has confidence in the petitioner's ability to produce good quality projects, based on their history of development in the City.

John Major of 5215 Daniels, Troy, was present. Mr. Major spoke in opposition of the proposed rezoning request and postponement. He confirmed the petitioner met with residents, but he did not believe all residents who would be affected were invited to the meeting. Mr. Major said the petitioner shows disregard for the residents as relates to the lack of information and notice of intention to postpone.

Vince Pangle of 5235 Wright, Troy, was present. Mr. Pangle spoke in opposition to the proposed rezoning request. He addressed the Zoning Ordinance standards for rezoning requests and the petitioner's presentation to request a postponement.

Millie Francuck of 5661 Wright, Troy, was present. Ms. Francuck spoke in opposition of the proposed rezoning request. She addressed the safety of school children and property contamination. Ms. Francuck suggested taking the matter to the residents as an advisory question.

Brooke Hertzberg of 233 McKinley Drive, Troy, was present. Ms. Hertzberg spoke in opposition of the proposed rezoning request. She addressed the negative impact the proposed use would have on the residential neighborhood.

Peter Horan of 5520 Wright, Troy, was present. Mr. Horan spoke in opposition of the proposed rezoning request. He suggested that a vote of the audience be taken to determine how many residents are for or against the rezoning request.

Ms. Vleck addressed the parliamentary procedure followed by the Planning Commission.

It was the recommendation of Ms. Lancaster that the Planning Commission not conduct a show of hands, for or against, the proposed rezoning request, and provided a brief explanation of the basis of her recommendation.

Richard Hughes of 1321 Roger Court, Troy, was present. Mr. Hughes addressed the advisory vote option, and potential access to the subject property via a service drive along Interstate 75.

Mr. Wright briefly addressed a service drive along Interstate 75.

Gloria DePoorter of 100 Stalwart, Troy, was present. Ms. DePoorter spoke in opposition of the proposed rezoning request. She asked what evidence the City needs to prove the proposed use would not work in the neighborhood. Ms. DePoorter submitted two photographs of parked cars on a residential street within the proposed development.

Mr. Miller provided an explanation of the decision-making role of the Planning Commission.

Mr. Littman addressed the advisory role of the Planning Commission to City Council. Mr. Littman said he would be in favor of denying the rezoning request, and noted he voted against postponement of the item previously. He said there is nothing the petitioner can do to make the proposed development fit the Zoning Ordinance or Master Plan.

Ms. Kerwin said she would support denial of the rezoning request because it does not warrant rezoning.

Mr. Wright said he would support denial of the rezoning request also, indicating the proposed development did not make sense to him since the initial presentation.

PUBLIC HEARING CLOSED

Resolution # PC-2006-09-143

Moved by: Vleck

Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to R-EC rezoning request, located on the north side of Long Lake, east side of I-75, within Section 9, being approximately 8.6 acres in size, be denied, for the following reasons:

- The application does not comply with the Future Land Use Plan
- The application does not meet the Location Standards of Section 19.40.00.

Yes: Kerwin, Khan, Littman, Vleck, Wright
No: Drake-Batts, Schultz, Waller
Absent: Strat (arrived 8:30 p.m.)

MOTION CARRIED

Ms. Drake-Batts said the denial does not stop the petitioner from going forward with the proposed development; the petitioner will simply submit another application.

Mr. Waller agreed with Ms. Drake-Batts' comments. He thinks it is reasonable to give the petitioner another opportunity to resolve the major issues of the proposed development.

Vice Chair Schultz agreed with comments made by Ms. Drake-Batts and Mr. Waller.

Mr. Miller provided a brief explanation of the administrative procedure for Planning Commission recommendations to City Council, and informed residents to contact the Planning Department for further information.

RECEIVED

5681 Houghten St.
Troy, Michigan 480898
October 18, 2006

OCT 19 2006
CITY OF TROY
CITY MANAGER'S OFFICE

City of Troy
500 W. Big Beaver Rd.
Troy, Michigan 48084
Attn: City Council

I am a resident of Troy, living in the Houghten Acres Subdivision for the past 50 years. I am writing this letter to protest the building of a Senior Nursing Home which the builder would like to build on the 10 acres of land which is between the subdivision and the expressway. I oppose this structure for the following reasons:

- 1. First and foremost, no commercial business should be built where there is no access to a main road. Commercial vehicles should not be coming through a residential subdivision.***
- 2. We have far more young children living in the subdivisions now then we had a few years back. There is no sidewalks in the subdivisions and the road is the only means for people to walk, ride bikes, skate, or jog. Building this project in our subdivisions would be detrimental to the safety of our citizens because there would be fire trucks, ambulances, delivery trucks, etc. coming and going all day long.***
- 3. The builder proposes building on smaller lots than originally planned for. This is residential property, and this should***

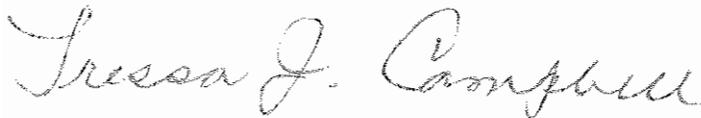
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not be granted, as it would change the face of the subdivisions.

The planning commission has turned down this builders request, and I as a homeowner and taxpayer in the City of Troy, request that you do the same for the welfare of the citizens of these subdivisions.

Thank you for your time, and I hope you will do the right thing and deny this request by the builder for the good of the people concerned on October 23, 2006.

Sincerely yours,

A handwritten signature in cursive script that reads "Tressa J. Campbell". The signature is written in black ink and is positioned above the printed name.

Tressa J. Campbell

REZONING REQUESTS

8. PUBLIC HEARING – PROPOSED REZONING (Z 714) – Proposed Senior Housing Development, North of Long Lake, East side of I-75, Section 9 – From R-1B (One Family Residential) to R-EC (Residential Elder Care) District

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request and reported it is the recommendation of City Management to deny the request. There were five letters of opposition distributed to the members prior to the beginning of tonight's meeting.

David Donnellon of Design Resources, 755 W. Big Beaver Road, Troy, was present to represent the petitioner (purchaser of subject property) and Kamax (seller of subject property). Mr. Donnellon said both purchaser and seller understand the needs of the neighborhood. He addressed (1) transitional zoning/use; (2) traffic; i.e., construction and delivery service through Kamax off of Long Lake Road; (3) density; (4) wetlands; and (5) development phases of the project.

Ms. Drake-Batts asked if Kamax is the owner or tenant of the building, if the right of first refusal to Choice Development Corporation is in writing and if the petitioner met with the neighbors to discuss the proposed development.

Mr. Donnellon replied that Kamax owns the building and the right of first refusal is in writing. Mr. Donnellon said there have been conversations with the neighbors, but no meetings have been held.

Mr. Waller asked when the agreement with Kamax on the through-traffic was achieved.

Mr. Donnellon said the agreement was recently reached and had not been shared with the Planning Department prior to tonight's meeting.

Mr. Motzny confirmed the Commission's responsibility this evening is to act upon the rezoning request, and no consideration should be given to the proposed site plan. He noted the Commission has no authority to impose any conditions on the rezoning request.

Prior to opening the Public Hearing, Chair Strat asked that comments be limited to three minutes per speaker and not be repetitive in content.

PUBLIC HEARING OPENED

Jennifer Gasiiecki of 196 Stalwart, Troy, was present. Ms. Gasiiecki spoke in opposition of the proposed rezoning. She expressed concerns with traffic, preservation of trees, safety and noise.

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J. Mark Brown of 467 McKinley, Troy, was present. Mr. Brown distributed copies of a letter in opposition of the proposed rezoning. He said the proposed development does not comply with the City's future land use plan and would have a negative impact on the neighborhood.

Charles Jackson of 405 West Square Lake Road, Troy, was present. Mr. Jackson spoke in opposition of the proposed rezoning. He addressed safety of children, cut-through traffic and density.

P. J. Cumming of 5375 Daniels Drive, Troy, was present. Ms. Cumming spoke in opposition of the proposed rezoning. Ms. Cumming is a commercial interior designer who specializes in senior and elderly care. She expressed a strong concern with ambulance traffic on a round-the-clock basis. Ms. Cumming also addressed the wildlife in the area.

Vince Pangle of 5235 Wright Street, Troy, was present. Mr. Pangle spoke in opposition of the proposed rezoning. He addressed land use, transitional zoning, density, traffic, and future development should the senior facility close. Mr. Pangle questioned the petitioner's qualifications to run a senior facility and suggested the land be bought and developed as a platted subdivision.

Blaine Dixon of 80 Stalwart, Troy, was present. Ms. Dixon spoke in opposition of the proposed rezoning. She expressed concerns with neighborhood compatibility and characteristics, safety, traffic and wildlife.

Roy Bray of 5580 Houghten, Troy, was present. Mr. Bray spoke in opposition of the proposed rezoning. He addressed city services and the potential disruption of those services to the existing neighborhood.

Ron Marceau of 5600 Houghten, Troy, was present. Mr. Marceau spoke in opposition of the proposed rezoning. He expressed concerns with construction noise, parking and density.

PUBLIC HEARING CLOSED

Mr. Donnellon requested that the item be tabled to the next meeting to provide an opportunity to address concerns expressed tonight by the neighbors.

Resolution # PC-2006-05-078

Moved by: Drake-Batts

Seconded by: Waller

RESOLVED, To postpone the rezoning request to the June 2006 Regular meeting so the petitioner can meet with residents and figure out if there is a good solution for everybody.

Yes: Drake-Batts, Khan, Schultz, Strat, Vleck, Waller

No: Kerwin, Littman

Absent: Wright

MOTION CARRIED

Ms. Kerwin said her concern is the disturbance and noise from emergency vehicular traffic (ambulance, fire and EMS).

Mr. Littman said discussions with the neighbors would be on issues that are not related to the consideration of the rezoning request.

POSTPONED ITEM

5. PUBLIC HEARING – PROPOSED REZONING (Z 714) – Proposed Senior Housing Development, North of Long Lake, East side of I-75, Section 9 – From R-1B (One Family Residential) to R-EC (Residential Elder Care) District

Mr. Savidant announced the Planning Department received a written request from the petitioner to postpone the item for 90 days. Mr. Savidant read the petitioner's request.

Resolution # PC-2006-06-098

Moved by: Kerwin

Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item to the September Regular meeting.

Discussion.

Mr. Vleck said he would vote in favor of the postponement one more time only. He said the requested postponement date should be sufficient time for the petitioner to complete the required information.

Vote on the motion on the floor.

Yes: All present (6)

No: None

Absent: Littman (arrived 7:43 p.m.), Strat (arrived 8:55 p.m.), Wright

MOTION CARRIED

Z 714

Paula P Bratto

From: HARRINGTON, LINDA (SBCSI) [lh3241@att.com]
Sent: Monday, October 23, 2006 1:13 PM
To: Paula P Bratto
Subject: REZONING REQUEST

To: City Council
10-23-06
C-3

Members of the Troy Planning Commission and City Council:

I'm a 13-year resident at 190 McKinley Road, and I am extremely concerned regarding the proposed rezoning from R-1B to R-EC of parcels 88-20-09-451-018, 88-20-09-401-007 & 88-20-09-402-013, bordered by Long Lake Rd., I-75, Daniels and McKinley. [Planning File No. Z-714]

I have nothing against elder care facilities; my father is a resident of one in Ohio.

HOWEVER, the proposed location of such a facility literally in the middle of an established neighborhood, without access from a main street, seems absurd to me.

Because there is no traffic access directly from/to Long Lake or Square Lake Roads, all visitor, ambulance and delivery vehicle traffic must travel via one or more of our neighborhood streets. These streets are narrow and not constructed with this type of traffic in mind. These are quiet streets. There are no sidewalks. Children walk these streets to school and/or to bus stops. Children ride their bicycles on these streets. Adults frequently walk these streets for exercise and to exercise their dogs.

In addition to being dangerous, the elder care facility traffic -- especially emergency vehicle traffic -- will increase noise and pollution levels and generally be a nuisance throughout the neighborhood.

I believe that presence of the facility will negatively impact residential property values in the entire area bordered by Long Lake, Square Lake, I-75 and Livernois, due to the above effects.

And all of the above are magnified exponentially for the unfortunate residents whose property directly borders the parcels where the facility would be constructed.

I implore you to deny this request.

I will be in attendance at tonight's meeting at City Hall as will many of my neighbors of like mind. I'm dismayed that this is our only protest forum / vehicle.

Linda Harrington
190 McKinley Road
Troy MI 48098
Home: 248-879-8307
Work: 248-524-7859

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Paula P Bratto

From: Kathy Wolak [kejda@wowway.com]
Sent: Sunday, October 22, 2006 8:34 PM
To: Paula P Bratto
Subject: opposed to file# Z-714

*To City Council
10-23-06
C-3*

Dear Sir/Madam

I live at 116 Stalwart Dr and am opposed to the R-EC zoning change and development of parcels 88-20-09-451-018, 88-20-09-401-007, and 88-20-09-402-013 (north of Long Lake, east of I-75, section 9). Although my father signed the neighborhood petition against the zoning change, I was not home that day and missed the opportunity.

My understanding of the developer's plans is that there will be no direct access to a major road, necessitating use of Stalwart, Daniels and other neighborhood streets to handle the traffic for the eldercare development. This is unacceptable to me.

I've lived in Troy for my entire childhood (since birth) and most of my adulthood. I always loved it here, but since moving back here three years ago I have observed that it seems you are trying to jam-pack every available space with more and more houses and condos. (Despite all of the previously-owned homes for sale). I do not see this as "growth" but overgrowth. Troy is losing it's green, natural beauty and is becoming a crowded, unpleasant place. This is the second reason that I am not in favor of the zoning change and development of the property in question. I would rather have it stay as-is or be developed in a less population-dense manner.

Thank you for your consideration.

Kathy Wolak
116 Stalwart Dr.
Troy MI 48098

cell (616) 446-5976

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