

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:31 p.m. on October 10, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:

Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary
Jonathan Shin, Student Representative

Resolution # PC-2006-10-164

Moved by: Littman
Seconded by: Schultz

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

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

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller requested an addition to the agenda relating to the reconsideration of the postponement of St. Mark’s Coptic Orthodox Church from the December 2006 Regular meeting to the November 2006 Regular meeting. A copy of the written request from the petitioner was distributed to the members prior to the beginning of tonight’s meeting.

Resolution # PC-2006-10-165

Moved by: Waller
Seconded by: Khan

RESOLVED, To reconsider the postponement of St. Mark's Coptic Orthodox Church from the December 2006 Regular meeting to the November 2006 Regular meeting.

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

MOTION CARRIED

Chair Strat requested to move Agenda item #12 in front of Agenda item #5, as a consideration to the audience present for the public hearing.

Resolution # PC-2006-10-166

Moved by: Kerwin
Seconded by: Khan

RESOLVED, To approve the Agenda as amended.

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

MOTION CARRIED3. **MINUTES****Resolution # PC-2006-10-167**

Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the September 26, 2006 Special/Study meeting minutes as published.

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

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

12. PUBLIC HEARING – SPECIAL USE REQUEST (SU 340) – Proposed T-Mobile Cellular Tower, West side of Coolidge, South of I-75 (on site of Troy Fire Station No. 6), Section 7, Zoned R-1B (One Family Residential) District

Chair Strat announced the petitioner requested a postponement of the item to the November Regular meeting. Chair Strat informed the public that the public hearing would remain open for those who wish to speak at the November public hearing.

PUBLIC HEARING OPENED

Dennis Malecki of 2438 Oak Ridge Drive, Troy, was present. Mr. Malecki spoke in opposition to the proposed request on behalf of the residents of Beach Forest subdivision. He addressed concerns with the tower's appearance, public health and property values.

Cheryl Korth of 2086 Haverford Drive, Troy, was present. Ms. Korth spoke in opposition to the proposed request. She addressed Beach Forest residents who were not notified of the proposed request because they fall outside of the required 300-foot distance to receive notification.

William Cole of 5837 Clearview Court, Troy, was present. Mr. Cole spoke in opposition to the proposed request. Mr. Cole addressed a *New York Times* article on T-Mobile, aesthetics and property values.

PUBLIC HEARING REMAINS OPEN FOR 11-14-06 REGULAR MEETING

Mr. Miller provided a brief review of the City's contractual status with T-Mobile. He provided an explanation of the Planning Department review process for site plan and special use submission. Mr. Miller said notification of the November public hearing would be given to residents living within 300 feet of the proposed use. He indicated any residents living beyond the required 300-foot distance who wish to receive notification of the hearing should contact the Planning Department.

Ms. Lancaster will do research on relevant cell phone tower proposals and FCC regulations.

Resolution # PC-2006-10-168

Moved by: Khan
 Seconded by: Schultz

RESOLVED, That the Planning Commission hereby postpones this item to the November 2006 Regular Planning Commission meeting.

Yes: All present (8)
 No: None

MOTION CARRIED

POSTPONED ITEMS

5. **STREET VACATION REQUEST (SV 134-B)** – Cherry Street, East of Livernois, approximately 173 feet abutting Lots 6 and 7, Greenough Heights Subdivision, East of Livernois, South of I-75, Section 27 – Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts (the abutting parcels)

Mr. Miller reviewed the number of times this item has been postponed at the request of the petitioners. He reported the petitioners are requesting another postponement to a future date due to a health condition of one of the petitioners. Mr. Miller recommended no action on the item.

There was a brief discussion on the application fee associated with a street vacation request.

Resolution # PC-2006-10-169

Moved by: Littman
 Seconded by: Waller

RESOLVED, To take no action on this item until the petitioners are ready to submit their request.

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

MOTION CARRIED

6. **PUBLIC HEARING – STREET VACATION REQUEST (SV 148-C)** – Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor’s Plat No. 11 Subdivision, Section 26 – Zoned M-1 (Light Industrial) District (the abutting parcels)

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation, and reported it is the recommendation of City Management to approve the request with two conditions. The conditions are to retain all public and private utility easements and to retain a public access easement for turnaround purposes. Mr. Miller said a turnaround in this situation might be more accurately described as an area for maneuvering.

Ms. Lancaster addressed the pending lawsuit and indicated a court action would have no affect on the Planning Commission's determination. Ms. Lancaster also addressed the retention of a public access easement for turnaround purposes.

The petitioner, Phil Tocco of 5645 Winslow Court, Pittsfield Twp, was present. Mr. Tocco distributed color-coded diagrams to the members that clarified the street vacation request, and provided a brief history of the situation. Mr. Tocco said the easement would enable maneuverability in the right of way and provide additional parking for Behr employees. Mr. Tocco indicated the project engineers were available for questions.

PUBLIC HEARING OPENED

Robert Easterly of 189 E. Big Beaver, Troy, was present. Mr. Easterly, an attorney, represents Protofab located at 2835 Daley, Troy. He addressed the concerns of his client and the pending lawsuit. Mr. Easterly indicated the lawsuit should be resolved before the City makes a determination on the street vacation. He asked that property rights of the citizens be protected and that the members deny the request.

Bill Hart of 5685 Indian Trail, East China Township, was present. Mr. Hart, an officer of Protofab, addressed the property dimensions of 2835 Daley and the concern with essential truck deliveries to the business. He also addressed the existing problem with parking in the area.

Ms. Lancaster explained that nothing physically would change the City property, and the City would retain the right for maneuverability in the roadway.

A brief discussion continued with respect to the turnaround access and maneuverability.

Ken Demark of 2611 Colby, Bloomfield Hills, was present. Mr. Demark is the owner of 2873 Daley. He addressed specifications of the turnaround, green space, a parking variance, existing parking problems and undeveloped land to the west that could be used by Behr for additional parking. Mr. Demark said cars from Behr park in his lot and in the fire lanes. He indicated that cars from Behr would invariably use the turnaround for parking.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-170

Moved by: Khan
 Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26, be approved, subject to the following conditions:

1. Retention of all public and private utility easements.
2. Retention of a public turnaround easement.
3. Roadway will be kept clear of parked vehicles at all times.

Discussion on the motion on the floor.

Mr. Littman questioned the street vacation, should it be granted by City Council, with respect to the outcome of ownership determined by Court action.

Ms. Lancaster clarified the pending lawsuit is a claim of adverse possession on the property. She indicated the action taken by City Council would remain, Behr would retain the property and the conditions would remain on the property. Ms. Lancaster also stated the conditions would remain should the property be sold.

Ms. Kerwin indicated she would not support the motion. She foresees problems with the enforcement of keeping the roadway clear of parked cars, as stipulated in the third condition of the motion.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Littman believes the request should be considered after Court action on the pending lawsuit. He sees no reason to rush through the approval process because it is going to work the same either way. Mr. Littman said he does not think there will be enough room for trucks to turn around.

Mr. Schultz said he would rather wait until the litigation is complete, so you know who owns property on both sides.

Ms. Kerwin did not support the motion based on the third condition.

Mr. Khan said decisions should not be based on future litigation.

Chair Strat said supported the motion because a landlocked situation would not be created with the vacation

Chair Strat requested a recess at 8:43 p.m.

[Student Representative Shin exited the meeting.]

The meeting reconvened at 8:53 p.m.

7. SPECIAL USE REQUEST (SU 338) – Proposed Auto Detailing and Repair Facility, East side of Souter, South of Maple Road (1402 Souter), Section 34, Zoned M-1 (Light Industrial) District

Mr. Miller reported the petitioner has requested to postpone the item to the November Regular meeting. Mr. Miller indicated a more suitable action would be to postpone the item to a Planning Commission meeting after appropriate plans are submitted to City Management and a public hearing is scheduled.

Resolution # PC-2006-10--

Moved by: Khan
Seconded by: Littman

RESOLVED, That the Planning Commission hereby postpones this item to the November 2006 Regular Planning Commission meeting.

The following motion was made and substituted for the previous motion.

Resolution # PC-2006-10-171

Moved by: Khan
Seconded by: Littman

RESOLVED, That the Planning Commission hereby postpones this item until the applicant provides the new plans and the Planning Department schedules a public hearing.

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

MOTION CARRIED

8. SITE PLAN REVIEW (SP 909) – Landowner-Proposed Amendment to Consent Agreement – Starbucks Restaurant, northwest corner of Big Beaver Road and Crooks Road, Section 20 – H-S (Consent Judgment)

Mr. Miller provided a brief report on the item and an explanation of the related Consent Judgment. He reported City Management recommends postponing the item until a new site plan is submitted.

Resolution # PC-2006-10-172

Moved by: Schultz

Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits a complete site plan to the Planning Department for Planning Commission review.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

REZONING REQUESTS

9. PUBLIC HEARING – REZONING REQUEST (Z 720) – Proposed Rochester Road Cluster Homes, East side of Rochester Road, between Shallowdale Drive and Bradley Avenue, Section 14 – From R-1C (One Family Residential) to R-1T (One Family Attached Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning, and reported it is the recommendation of City Management to approve the rezoning application. Mr. Miller noted a small portion of property controlled by the petitioner is excluded from the rezoning request.

There was a brief discussion on the depth of the property and future right of way on Rochester Road.

The petitioner, Paul DePorre of 2556 Hounds Chase, Troy, was present. Mr. DePorre addressed the request in relation to the Future Land Use Plan and existing zoning districts and land uses. He said the higher density residential use would be a nice transition to the office and commercial uses to the north. Mr. DePorre indicated a single family home could be constructed on the small portion of property excluded from the rezoning request.

PUBLIC HEARING OPENED

Kevin Thompson of 1019 Shallowdale, Troy, was present. Mr. Thompson indicated he communicated to the petitioner his interest in selling property owned by him located on the east side of Rochester and north of Shallowdale. He also addressed the property to the east of him with respect to building a single family home on the site.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-173

Moved by: Vleck
 Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the east side of Rochester Road, between Shallowdale Drive and Bradley Avenue, within Section 14, being approximately 3.71 acres in size, be granted, for the following reasons:

1. The application meets the Location Standards of the R-1T District.
2. The application is consistent with the intent of the Future Land Use Plan
3. The application is compatible with the existing zoning districts and land uses.

Discussion on the motion on the floor.

Mr. Littman announced the Planning Department received a letter of objection to the proposed rezoning, a copy of which was distributed to the Planning Commission.

Vote on the motion on the floor.

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

MOTION CARRIED

10. PUBLIC HEARING – REZONING REQUEST (Z 721) – Proposed Multi-family Development, West of John R, North of Wattles, Section 14 – From B-2 (Community Business) and R-1C (One Family Residential) to RM-1 (Low Rise Multi-Family Residential) District

Mr. Savidant announced the petitioner submitted a written request to postpone the item at the beginning of tonight’s meeting.

The petitioner was not present.

PUBLIC HEARING OPENED

Barbara Pikora of 11413 N. Pearson, Shelby Twp, was present to represent Infinity Management Corporation of 1977 East Wattles, Troy. Ms. Pikora asked if public hearing notices would be sent for the next scheduled public hearing.

Mr. Miller confirmed that public hearing notices would be sent.

There was a brief discussion on the petitioner's intent in requesting the postponement.

PUBLIC HEARING REMAINS OPEN**Resolution # PC-2006-10-174**

Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits revised information to the Planning Department for the Planning Commission to review.

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

MOTION CARRIED

11. PUBLIC HEARING – REZONING REQUEST (Z 722) – Proposed Retail Development, Northwest corner of Maple Road and Thorncroft, Section 29 – From R-C (Research Center) to B-3 (General Business) District

Mr. Savidant reported the petitioner met with the Planning Department and discussed other development options on the subject property. Based on those conversations, the petitioner submitted a written request to take no further action on the proposed rezoning request.

Mr. Miller clarified the petitioner found a potential purchaser for the subject site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-175

Moved by: Schultz

Seconded by: Littman

RESOLVED, That the Planning Commission shall take no action on this item at this time.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED**SPECIAL USE REQUESTS**

13. PUBLIC HEARING – SPECIAL USE REQUEST (SU 341) – Somerset Plaza, Whole Foods Proposed Seasonal Outdoor Display, Northeast corner of Maple Road and Coolidge Hwy, Section 29, Zoned B-2 (Community Business) District

Mr. Savidant briefly reviewed the proposed special use request. Based on discussions with the Planning Department as relates to a zoning ordinance text amendment that would permit seasonal outdoor display areas in commercial districts, the petitioner submitted a written request to withdraw the special use request. Mr. Savidant reported the item requires no action.

Mr. Schultz expressed concern that the petitioner is not aware of the length of time associated with a zoning ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

No action was taken on this request.

14. PUBLIC HEARING – SPECIAL USE REQUEST (SU 342) – Existing Marathon Station, Northeast corner of Rochester Road and Charrington (3400 Rochester Road), Section 23, Zoned H-S (Highway Service) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the special use request and site plan with conditions relating to the sidewalk perimeter and the entry drive on the Rochester Road.

Mr. Savidant said the Planning Department received a written request from the applicant to postpone to a future meeting. It is understood that the applicant intends to submit revised plans with an additional vehicular drive on Rochester Road.

There was a brief discussion on rear and side yard setback regulations.

John Debruyne of SDA Architects, 42490 Garfield, Clinton Twp, was present to represent the petitioner. Mr. Debruyne said the petitioner would like to explore the opportunity of maintaining the two existing driveways on Rochester Road.

There was discussion on the two existing driveways on Rochester Road and the recommendation of the City's Transportation Engineer to close the southern driveway on Rochester Road. Members Strat and Khan indicated they would not support the request with two driveways on Rochester Road.

Mr. Debruyne briefly discussed the matter with the petitioner. He indicated the petitioner is concerned with maneuverability of the site should the southern driveway be removed.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10

Moved by: Schultz

Seconded by:

RESOLVED, To move this item to the Regular meeting of February 2007.

Motion **failed** due to lack of a second.

Mrs. Kattouah, wife of the petitioner, was present. Mrs. Kattouah said the two entrances on Rochester Road are very essential for their business. She addressed the neighbors' concerns on traffic, ingress and egress, and maneuverability within the site. Ms. Kattouah requested a postponement for one month.

Resolution # PC-2006-10-176

Moved by: Vleck
 Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such a time that the applicant submits a revised site plan to the Planning Department at which time the Planning Department will set a date for the next meeting.

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

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT**

15. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 227) – Articles 28.00.00, 22.00.00, 23.00.00 and 24.00.00 – Ambulance Facilities in the M-1 (Light Industrial) District and Reconsider Permitted Locations in the B-3 (General Business), H-S (Highway Service) and O-1 (Low Rise Office) Districts**

Mr. Savidant briefly reviewed the proposed zoning ordinance text amendment. He indicated the verbiage was given a thumbs-up by an appropriate outside source on ambulance facilities.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2006-10-177**

Moved by: Kerwin
 Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles XXII B-3 GENERAL BUSINESS DISTRICT, XXIII H-S HIGHWAY SERVICE DISTRICT, XXIV LOW RISE OFFICE DISTRICT and XXVIII LIGHT INDUSTRIAL DISTRICT, pertaining to permitting Ambulance Facilities by Conditional Use Approval in the M-1 District and eliminating Ambulance Facilities in the O-1, B-3 and H-S Districts, be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Public Hearing draft.

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

MOTION CARRIED

SITE PLAN REVIEW

16. SITE PLAN REVIEW (SU 330) – Proposed Addition to Infiniti-Hyundai Automotive Dealership, West side of Maplelawn between Maple and Crooks, Section 29, Zoned M-1 (Light Industrial) 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.

There was discussion on the site plan submission as relates to the unsealed plans and confusion in the distinction of the existing building and proposed addition.

The petitioner, Stanley Tkacz of Studio Design-ST, 1529 S. Wayne Road, Westland, was present. Mr. Tkacz reviewed the process of the site plan as originally submitted and how it ended back in front of the Planning Commission. He apologized for submitting unsealed plans and the confusion in not clearly designating the proposed addition on the site plan. Mr. Tkacz indicated he followed the Planning Department's direction in the site plan submission.

Resolution # PC-2006-10-178

Moved by: Waller
 Seconded by: Schultz

RESOLVED, To postpone the proposed addition to the Infiniti-Hyundai Dealership located on the west side of Maplelawn between Maple and Crooks, Section 29, M-1, until the October 24, 2006 Special/Study Meeting.

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

MOTION CARRIED

A brief discussion followed on the submission of new plans for this item.

OTHER ITEMS

17. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

18. **PLANNING COMMISSION COMMENTS**

There was a brief discussion on the Michigan Association of Planners (MAP) conference this week in Detroit.

Mr. Miller addressed the number of recent postponements on agenda items, and indicated the matter is being address internally.

The Regular Meeting of the Planning Commission was adjourned at 10:00 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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