The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on March 13, 2007, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Absent:
Michael W. Hutson

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

Resolution # PC-2007-03-054
Moved by: Littman
Seconded by: Tagle

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

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

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2007-03-055
Moved by: Kerwin
Seconded by: Vleck

RESOLVED, To approve the agenda as presented.

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

MOTION CARRIED

3. MINUTES

Mr. Wright noted a typographical error on page 7, item 14; the word "Discussion" should read "Commission".

Resolution # PC-2007-03-056
Moved by: Wright
Seconded by: Kerwin

RESOLVED, To approve the February 27, 2007 Special/Study meeting minutes as corrected.

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

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

5. PUBLIC HEARING – CONDITIONAL REZONING REQUEST (CR-001) – Proposed Troy Medical Office (formerly Z 719), West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Miller summarized the revisions and additions to the proposed conditional rezoning request, and reported it is the recommendation of City Management to approve the Conditional Rezoning Agreement and preliminary site plan.

Mr. Wright requested clarification on the width of the cross access easement driveway.

The petitioner, Brandon Kaufman of Vision Quest Consulting, 4657 Wendrick Drive, West Bloomfield, was present.

There was discussion on the proposed landscaping, specifically the caliber of the spruce trees, and the possibility of locating the sidewalk along the southern property line down the center between the one-way and two-way parking.

Mr. Kaufman indicated his intent to continue to work with and communicate with the residents.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-057
Moved by: Wright
Seconded by: Troshynski

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to O-1 conditional rezoning request, as per Section 03.24.00 of the City of Troy Zoning Ordinance, located on the west side of Livernois, north of Big Beaver, within Section 21, being approximately 1.26 acres in size, be granted, for the following reasons:

1. The application is consistent with the intent of the Future Land Use Plan.
2. The application is compatible with the existing zoning districts and land uses.
3. The applicant has worked with the neighbors to the north to reduce the impacts of the proposed office on the abutting residential property.

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

MOTION CARRIED

REZONING REQUESTS

6. PUBLIC HEARING – REZONING REQUEST (Z 726) – Warehouse portion of Existing Michigan Chandelier Building, South side of Maple Road, East of Livernois (190 E. Maple), Section 34 – From B-2 (Community Business) to M-1 (Light Industrial)

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. Tagle questioned the ownership of the building, noting the aerial photograph portrays the building extending beyond the west property line.

A brief discussion followed. It was determined the aerial photography is distorted and that the building sits on the west property line.

Mr. Littman asked if both uses could operate under the M-1 zoning.

Mr. Miller replied in the negative because the two uses are not associated.

The petitioner, Terence Bilovus of Mandell Bilovus Lenderman + Associates, 4082 John R, Troy, was present.

Mr. Strat brought to the members' attention that he has known the petitioner for several years but that he has no financial interest in the project.

The members agreed no impropriety exists, and welcomed Mr. Strat's participation in the matter.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-058
Moved by: Wright
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to M-1 rezoning request, for the warehouse portion of the existing Michigan Chandelier building, located on the south side of Maple, east of Livernois, within Section 34, being approximately 1.57 acres in size, be granted, for the following reasons:

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

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

MOTION CARRIED

7. PUBLIC HEARING – REZONING REQUEST (Z 727) – Proposed Office Use, West side of Rochester Road, South of DeEtta (6493 Rochester Road), Section 3 – 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 request, and reported it is the recommendation of City Management to approve the rezoning application.

Chair Schultz asked if there was any investigation into what size building could be placed on this site.

Mr. Miller replied no.

The petitioner, Lawrence Hromek of 23711 Sandpiper, Clinton Township, was present to represent the owner, Robin Siegel. Mr. Hromek said the building size could not be much larger than the existing building. He indicated the proposed vacation of the 20-foot easement for the alley would create an additional 20 feet for parking.

Ms. Troshynski questioned if any consideration was given to accessing the property from the north.

Mr. Hromek said they have no desire to access the property from the north and the existing drive on Rochester Road would be used.

Chair Schultz asked if the petitioner has an interest in consolidating with the property to the north.

Mr. Hromek stated the property to the north, which is currently vacant, is a rental property that has been rented by different tenants.

PUBLIC HEARING OPENED

Eileen Carty of 990 DeEtta, Troy, was present. Ms. Carty spoke in opposition to the proposed rezoning request. She said Troy is taking on a Lincoln Park persona with strip malls and small storefronts. Ms. Carty addressed recent commercial developments on Rochester Road, specifically Rochester Office Parc Building and Binson's Home Health Care Center, and how they have negatively impacted her residential home. She also addressed the proposed alley vacation, which she discovered is no benefit to her because her home does not fall within the appropriate subdivision boundaries. Ms. Carty asked to go on record stating that her property and quality of life have deteriorated vastly since she moved into her home.

PUBLIC HEARING CLOSED

Mr. Vleck expressed concern with the small corner lot to the north that would remain as residential should the rezoning request go forward. He would like consideration to be given to consolidation of the properties.

Mr. Strat noted that he voted against the previous rezoning request at this location based on the concerns of Ms. Carty. He asked for clarification on the alley vacation.

Ms. Lancaster clarified the "drawn" alley proposed to be vacated is platted as an alley on a subdivision plat, and only the subdivision owners within that plat have an interest in the alley. She indicated the developer must start a re-plat action, which is a complicated matter.

Mr. Miller stated a Public Hearing on the proposed vacation is scheduled on the next City Council agenda. He indicated the request is to vacate the entire alley between DeEtta and Marengo.

The members encouraged Ms. Carty to advise the City in writing of her concerns and any associated costs for damage incurred from the recently constructed developments; i.e., mailbox replacement, lawn ruts, unshielded vehicular lights, dead landscaping, unkempt dumpster, etc.

Resolution # PC-2007-03-059
Moved by: Vleck
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends denial to the City Council that the R-1B to O-1 rezoning request, located on the west side of Rochester, south of DeEtta, within Section 3, being approximately 15,600 square feet in size, be denied, for the following reason:

1. By rezoning this property, a financially un-redevelopable residential property to the north would remain.

Yes: Strat, Troshynski, Vleck, Wright
No: Kerwin, Littman, Schultz, Tagle
Absent: Hutson

MOTION FAILED

Ms. Kerwin expressed her reasoning to grant the rezoning request. She said it appears that Rochester Road is not going to be a place for residences, as is the case for this remnant parcel. Ms. Kerwin said she does not see it as an issue for redevelopment in the future, and the overlay accommodates for parcels such as this.

Resolution # PC-2007-03-060
Moved by: Kerwin
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to O-1 rezoning request, located on the west side of Rochester, south of DeEtta, within Section 3, being approximately 15,600 square feet in size, be granted, for the following reason:

1. The application is compatible to adjacent zoning districts and land uses.

Discussion on the motion on the floor.

Mr. Littman asked how site plan compliance would be insured, assuming a site plan would not come before the Planning Commission.

Mr. Miller said site plan approval would be required for the site. He noted the parcel would become a legal non-conformity should the parcel be rezoned and setback requirements do not meet the ordinance.

Vote on the motion on the floor.

Yes: Kerwin, Littman, Schultz, Tagle
No: Strat, Troshynski, Vleck, Wright
Absent: Hutson

MOTION FAILED

Mr. Wright said he would be more inclined to approve the rezoning request if there was an attempt to consolidate the two parcels, and noted the problem is the remaining residential parcel that would never be redeveloped as R-1.

Resolution # PC-2007-03-061
Moved by: Wright
Seconded by: Troshynski

RESOLVED, To postpone this item until there is some attempt to consolidate with the property to the north.

Discussion on the motion on the floor.

Ms. Troshynski said the rezoning request goes against the intent of the Planning Commission to decrease the driveways along Rochester Road, from Square Lake to South Boulevard.

Mr. Miller said the Planning Commission has postponed items and requested petitioners to look into consolidation of properties in the past.

Vote on the motion on the floor.

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

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

8. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 228) – Articles 20.00.00, 21.00.00 and 22.00.00 Seasonal Outdoor Displays in the B Districts

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to seasonal outdoor displays in business zoning districts.

Ms. Troshynski addressed a previous discussion relating to the combination of limiting the Zoning Ordinance and licensing with respect to types of businesses.

Ms. Lancaster encouraged the members to forward the item to City Council so the licensing procedure could be initiated. She indicated members could keep an open mind in terms of seeing if there is something that could be developed as relates to the Zoning Ordinance.

Mr. Vleck suggested zoning ordinance text that would give authority to City Council to grant licensing for a time period of one to three years.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-062
Moved by: Kerwin
Seconded by: Vleck

WHEREAS, The Planning Commission considered a text amendment to the Zoning Ordinance that would permit seasonal outdoor display in the B-1, B-2 and B-3 Districts; and

WHEREAS, Regulating seasonal outdoor display through the Zoning Ordinance creates enforcement issues; and

WHEREAS, The Planning Commission has determined that seasonal outdoor display is more appropriately permitted via a licensing procedure through the City Clerk's Office.

RESOLVED, The Planning Commission hereby tables ZOTA 228.

BE IT FURTHER RESOLVED, The Planning Commission recommends that City Council consider creating a licensing procedure that would permit seasonal outdoor display in the B-1, B-2 and B-3 Districts for periods of one to three years in duration.

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

MOTION CARRIED

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 229) – Article 28.00.00 Automobile Rental Establishments in the M-1 (Light Industrial) District

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to automobile rental establishments, and reported City Management recommends approval of the ZOTA.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-063
Moved by: Wright
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles XXVIII M-1 LIGHT INDUSTRIAL DISTRICT, pertaining to permitting Automobile Rental Establishments subject to Special Conditions in the M-1 District, be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Draft dated February 9, 2007.

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

MOTION CARRIED

SPECIAL USE REQUESTS

10. PUBLIC HEARING – SPECIAL USE REQUEST (SU 349) – Existing Global Towing & Auto Repair, West side of Heide, North of Maple Road (2133 Heide), Section 28 – Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use and preliminary site plan, and reported City Management recommends approval of the special use request and site plan with the following conditions:

1. The Planning Commission shall determine whether it is appropriate to waive the required dumpster screening. To do so, they shall determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and no other significant negative effects will result from the waiver of such screening (Section 39.70.09).
2. Parking of vehicles shall be limited to the off-street parking spaces delineated on the site plan.
3. All vehicles parked on the site shall be licensed.
4. Provide one (1) additional tree within the required greenbelt.

Mr. Savidant noted the Planning Department received correspondence from Hoekstra Transportation of 2133 Heide Street in support of the rezoning request, a copy of which was distributed to the members prior to the beginning of tonight's meeting.

There was discussion on the following:
- Parking calculations and requirements.
- Maneuverability of trailer as relates to delineated parking spaces and dumpster.
- Dumpster location, access and screening.
- Condition #3, relating to licensing of parked vehicles.
- Enforcement of no parking regulation in fire lanes.

The petitioner was not present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-064
Moved by: Littman
Seconded by: Troshynski

RESOLVED, To postpone the item until the Regular meeting of April to allow the petitioner to be present to discuss the matter with the Planning Commission and to continue the Public Hearing.

Discussion on the motion on the floor.

There was general discussion with respect to the petitioner's absence and the site plan issues brought to the floor tonight.

Mr. Strat indicated he would not support a motion to postpone based on the petitioner's absence.

Yes: Kerwin, Littman, Schultz, Tagle, Troshynski, Vleck, Wright
No: Strat
Absent: Hutson

MOTION CARRIED

11. PUBLIC HEARING – SPECIAL USE REQUEST (SU 350) – Proposed Dequindre Road Taco Bell Restaurant, West side of Dequindre, North of Long Lake Road, Section 12 – Zoned B-2 (Community Business) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use request and preliminary site plan, and reported City Management recommends approval of the special use request and site plan with the following conditions.

1. To enhance the natural character of the E-P property, plant additional shrubs on the berm. The shrubs shall be planted in massings (or groups) to create a more natural appearance on the berm and to strengthen the visual screening of the development from the north.
2. All plant species to be approved by the Landscape Analyst.

Mr. Savidant noted the Planning Department received correspondence from Pamela Prewitt in opposition to the proposed site plan, a copy of which was distributed to the members prior to the beginning of tonight's meeting. Mr. Savidant also noted that the original site plan proposed a shared drive to the north and to the south. He reported the petitioner has been very cooperative in that respect and eliminated one of those drives.

James Barnwell of Desine, Inc., 2183 Pless Drive, Brighton, was present to represent the petitioner. Mr. Barnwell indicated cooperation in providing additional plantings on the berm as suggested by the City, and working with the City to bring the project to fruition. He said a Taco Bell restaurant located to the south of the proposed location is currently in operation, and they have been looking for a new site within the neighborhood for the past four years. Mr. Barnwell confirmed the dumpster has provisions for a grease container.

Mr. Vleck questioned the rationale for additional plantings on the berm since a screen wall is required.

Mr. Savidant said the additional plantings on the berm would enhance the buffer to residential and the E-P zone.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller addressed the landscape plan as relates to the storm water detention. He said the petitioner is gaining developable land by placing the detention in the E-P zone, and that places a limitation on the landscaping.

The following items were discussed with the petitioner.

- Consult landscape architect.
- Protection of existing deciduous tree during construction of screen wall.
- Variations to screen wall design; dimensional, character.
- Creativity in berm design.
- Landscape both sides of the driveway
- Alternate underground storm water detention as relates to limitation of landscaping.
- Quality and quantity of plantings.
- Contact resident to the north.
- Zoning Ordinance interpretation of screen wall.

Mr. Barnwell indicated he could have a revised site plan before the Planning Commission within the next two weeks.

Resolution # PC-2007-03-065
Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 21.30.02 of the Zoning Ordinance, as requested for the proposed restaurant with drive-through, located on the west side of Dequindre,

north of Long Lake Road, in Section 12, within the B-2 zoning district, is hereby postponed until such a time that the petitioner has had a chance to work with City staff, talk to the property owner to the north and submit a revised site plan.

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

MOTION CARRIED

OTHER

12. CITY OF MADISON HEIGHTS FUTURE LAND USE PLAN AMENDMENTS

Mr. Savidant reported the proposed amendments to the City of Madison Heights Future Land Use Plan would have no impact on the City of Troy.

Resolution # PC-2007-03-066
Moved by: Wright
Seconded by: Strat

WHEREAS, The City of Madison Heights is preparing two amendments to their Future Land Use Plan and has submitted the proposed amendments to the Troy Planning Commission for review; and

WHEREAS, The proposed amendments involve changing the land use classification of two small parcels, and will have no impact on the City of Troy.

RESOLVED, The Planning Commission supports the proposed amendments to the City of Madison Heights Future Land Use Plan.

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

MOTION CARRIED

13. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

14. PLANNING COMMISSION COMMENTS

Ms. Troshynski said the Planning Commission meeting is a public presentation and people ought to know the Commissioners care when they come.

Mr. Strat agreed. He indicated some communities have a no tolerance policy for petitioners who are a no-show.

The Regular Meeting of the Planning Commission was adjourned at 9:31 p.m.

Respectfully submitted,

_____
Robert Schultz, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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