The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:31 p.m. on April 10, 2007, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

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

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

2. APPROVAL OF AGENDA

Chair Schultz announced a request was received from the petitioner to withdraw Agenda item #8, Special Use Request (SU 346).

Mr. Tagle asked to recuse himself from voting on this item because his wife is employed by Kensington Church.

Ms. Lancaster indicated it would be appropriate for Mr. Tagle to vote on a motion to approve the agenda because it relates to all agenda items and not specifically to item #8.

Chair Schultz asked if anyone in the audience wished to speak on the item. There was no one present to address the item.

Resolution # PC-2007-04-075
Moved by: Kerwin
Seconded by: Wright

RESOLVED, To approve the agenda with the deletion of the 8th item.

Yes: All present (9)
No: None

MOTION CARRIED

3. MINUTES

Resolution # PC-2007-04-076
Moved by: Tagle
Seconded by: Kerwin

RESOLVED, To approve the March 27, 2007 Special/Study meeting minutes as submitted.

Yes: All present (9)
No: None

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

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

Mr. Miller 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 Preliminary Site Plan with six conditions, as indicated in the Planning Department report.

The petitioners, Carrie Heichel and Tony Youhana of 2133 Heide, Troy, were present. Ms. Heichel said the dumpster was relocated two parking spaces to the south and the fire lane was cleared.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Ms. Kerwin addressed the aerial view that shows cars randomly parked on the site and asked if the turnaround could accommodate a towing truck.

Mr. Youhana provided a brief explanation of the towing business and confirmed the maneuverability of a towing truck in the turnaround.

Chair Schultz asked the petitioner if it was understood that parking would be limited to the 21 designated parking spaces.

Mr. Youhana said he understood and would abide by all the conditions.

Mr. Strat asked the petitioner of it was understood the site could not be used as a storage area for vehicles.

Ms. Heichel replied in the affirmative.

It was determined by the members that it would not be necessary to screen the dumpster at this location.

Resolution # PC-2007-04-077
Moved by: Kerwin
Seconded by: Littman

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.07 of the Zoning Ordinance, as requested for the Global Towing & Auto Repair, located on the west side of Heide, north of Maple, in Section 28, within the M-1 zoning district, is hereby granted, subject to the following conditions:

1. Relocate the dumpster to the south, a distance of two parking spaces, or the applicant design a feasible alternative.
2. The fire lane on the west side of the building shall remain free of obstructions, including automobiles.
3. Parking of vehicles shall be limited to the off-street parking spaces delineated on the site plan.
4. All vehicles parked on the site shall be licensed.
5. Provide one (1) additional tree within the required greenbelt.
6. The Planning Commission hereby determines that the trash receptacles are obscured from view from the abutting public street, and no significant negative effects will result from the waiver of such screening, and waives the required dumpster screening, as per Section 39.70.09.

Yes: All present (9)
No: None

MOTION CARRIED

REZONING REQUESTS

6. PUBLIC HEARING – CONDITIONAL REZONING REQUEST (CR 002) – Proposed Grand Troy Villas (formerly Z 632-B), West side of Rochester Road, North of Wattles Road, Section 15 – From CR-1 (One Family Cluster Residential) to R-1T (One Family Attached Residential)

Mr. Miller presented a summary of the Planning Department report on the proposed conditional rezoning request, and reported it is the recommendation of City Management to approve the Conditional Rezoning Agreement and Preliminary Site Plan as submitted.

Mr. Littman asked how many units could be constructed if the site was developed to the maximum under the CR-1 zoning.

Mr. Miller replied 7 units could be constructed.

Eric Salswedel of SDA Architects, 42490 Garfield, Clinton Township, was present to represent the owner. Mr. Salswedel said the adjacent parcel was acquired at a premium cost which shows good faith on the part of the petitioner. He indicated that City Management recommended approval of the previously submitted conventional rezoning request. Mr. Salswedel said the majority of neighbor concerns have been addressed in the conditional rezoning request. He thanked the Planning Department for their assistance on the project.

Chair Schultz provided a brief explanation of a conditional rezoning. He indicated the proposed request would limit the development to 8 units and two-story buildings.

PUBLIC HEARING OPENED

Paul Woleben of 880 Barclay Court, Troy, was present. Mr. Woleben, who lives directly behind the proposed development, spoke in opposition of the request. He addressed the height of the units and the formula used to determine building height. Mr. Woleben voiced concern that the building height would be 30 feet. He also addressed a development located across the street [Lorenzo Court] with respect to the number of proposed units, and the number of units that actually were constructed.

Chair Schultz and Mr. Miller provided the formula used to determine building height and said it is both a standard architectural practice and zoning practice in Troy. They confirmed the proposed building height would be 25 feet.

Mr. Woleben asked if the Planning Commission received email messages today.

Chair Schultz replied in the affirmative.

Mr. Woleben addressed the existing fences, two portions of which encroach upon the petitioner's property. He asked for an agreement from the petitioner that the existing fences would be maintained, and not torn down. He referenced an informal agreement to that intent was made between the property owner and the neighbors at the January 10th meeting.

Janice Arnold of 912 Barclay Drive, Troy, was present. Ms. Arnold spoke in opposition of the request. She addressed the reasons she moved into her home, and the density and neighborhood privacy should the development be approved. Ms. Arnold expressed her disappointment that invitations to the meeting between the developer and neighbors were addressed to men only.

PUBLIC HEARING CLOSED

Mr. Vleck asked if the required building height differs between CR-1 and R-1T.

Mr. Miller replied in the negative.

Mr. Vleck asked if the building height requirement is the same for the R-1C zoned property to the west.

Mr. Miller replied in the affirmative; the maximum height is 25 feet. He noted a difference in that R1-T is limited to 2.5 stories, and R1-C is limited to 2.0 stories.

Chair Schultz asked if it would be correct to say that any property owner in the residentially-zoned property to the east could add a second story to a home or build a two-story home, and meet Zoning Ordinance requirements.

Mr. Miller said that would be correct, at a maximum of 25 feet in height.

Mr. Strat asked the petitioner what material is proposed for the retaining wall.

Mr. Salswedel said they are proposing stepped landscaping blocks that would rest on a bed of gravel.

Mr. Strat asked the petitioner to address the natural state of trees and underbrush, and questioned if a snow fence would be provided.

Mr. Salswedel said underbrush was not discussed. He indicated healthy plantings would remain as long as there is no interference with the proposed utilities. He said the tree preservation plan shows specifically which trees would remain or be removed. Mr. Salswedel said traditional tree protection methods would be utilized, such as a snow fence.

Mr. Littman asked the petitioner what his intent is with respect to the fences.

The owner, Sridhar Rajagopalan of 43360 Chester Drive, was present and addressed the existing fences. Mr. Rajagopalan said they have talked with neighbors, and it is their intent to leave the fences as long as they do not encroach on their property or interfere with property lines.

Chair Schultz asked if the petitioner intends to remove the fences that encroach on his property.

Mr. Rajagopalan said they would work with the neighbors to relocate any fence that encroaches his property. He said he would move any fence that encroaches his property back to the neighbor's side of the property.

Mr. Littman said the fence issue appears to be a misunderstanding between the owner and neighbors. He questioned if the Planning Commission could incorporate any control on the fences into the agreement to assure the neighbors are protected.

Chair Schultz asked legal counsel if the Planning Commission would have authority to dictate that fences that encroach on the petitioner's property would remain.

Ms. Lancaster replied the Planning Commission could not require the petitioner to stipulate the fences would remain. She said the petitioner could offer a resolution to the fence issue and include it in the conditional rezoning agreement.

Mr. Rajagopalan said he would not offer any additional conditions to the agreement at this time. He would like time to discuss the matter with co-owners of the property, and reiterated his intent to work with the neighbors to this regard.

Chair Schultz pointed out the determination of the Assistant City Attorney is that the Planning Commission has no purview to dictate that an encroaching fence be maintained.

Mr. Littman referred to the illustration of 2-story buildings, and asked if there was any intent to construct 2.5-story buildings.

Mr. Salswedel confirmed they would be 2-story buildings. He indicated there would be no way to fit another half-story within the 25-foot height.

Mr. Littman asked where snow would be plowed.

Mr. Salswedel indicated snow plowing was not discussed but the matter would certainly be looked into.

A thorough discussion continued on the fences, specifically with respect to the designations on the site plan as relates to existing fences, encroachments, and notations of the petitioner's intent.

Mr. Strat addressed the petitioner with the possibility that the request could be postponed because there is no resolution to the fence issue.

Mr. Rajagopalan said they would work with the neighbors, as they have in the past two years, toward a resolution. He addressed the money and effort put into the proposed development, and said it is not their intent to tear down the fences that encroach their property.

Mr. Hutson said he would oppose a motion to adjourn or postpone the matter.

Mr. Tagle addressed the designations on the site plan with reference to the fences, and the effect they might have on site plan approval.

Ms. Lancaster addressed property encroachment as relates to the law.

Mr. Miller clarified the location of fences is regulated by the fence ordinance that is administered by the Building Department. Mr. Miller said as an experienced planner, he would encourage the developer to agree to move the fences to the mutual property line.

Mr. Rajagopalan said they would work with the two property owners to move the fences for them.

Resolution # PC-2007-04- - - -
Moved by: Littman
Seconded by:

RESOLVED, That this item be tabled until the end of the meeting to give the petitioner, amongst themselves and with the neighbors if he so chooses, to look at the issue and decide if they want to add some words to this agreement.

MOTION FAILED, due to a lack of second.

Discussion continued.

Mr. Vleck asked if the verbal offer of the petitioner to work with the neighbors to move the fences if they need to be moved could be incorporated into a motion for approval of the conditional rezoning request.

Ms. Lancaster asked if the petitioner would agree to offer to submit a new first page of the site plan that would show the existing fences, show where the two fences encroach, and designate the intention to move those fences to the property line. She indicated that it would not have to be inclusive as a condition in the agreement, but it would be shown on the site plan that the petitioner intends to move the two encroachments to the neighbor's property line and the rest of the fence would stay as shown on the site plan.

Mr. Rajagopalan agreed.

Ms. Lancaster said that should the offer to redo the site plan is satisfactory to the Planning Commission, the members could make it a condition to site plan approval, carrying those two notations. She indicated the recommendation could go forward to City Council that the petitioner has agreed, on the record, to submit a new front page of the site plan.

Mr. Salswedel apologized to those who might have been offended by the way invitations were addressed for the neighborhood meeting. He said no ill will was intended, and assured the members that an equal amount of men and women were in attendance.

A brief discussion continued on the proposed drainage, retention wall, detention ponds and maintenance of the island

Resolution # PC-2007-04-078
Moved by: Vleck
Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that the CR-1 to R-1T conditional rezoning request, as per Section 03.24.00 of the City of Troy Zoning Ordinance, located on the west side of Rochester Road, north of Wattles, within Section 15, being approximately 2.27 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 reduce the impacts of the proposed building on the abutting residential property.

BE IT ALSO NOTED, That the petitioner will submit a revised site plan showing the correct location of the fence line.

Yes: All present (9)
No: None

MOTION CARRIED

Mr. Miller provided the administrative procedure in forwarding the item to City Council for consideration and legal notification of public hearing.

7. PUBLIC HEARING – REZONING REQUEST (Z 625-B) – Proposed Medical/Dental Office Building, Southwest corner of Niles and Square Lake Road, Section 9 – From R-2 (Two Family Residential) to O-1 (Low Rise Office)

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning request and addressed the transition area. He provided reasons why the subject parcel would be appropriate for O-1 zoning and potential negative impacts associated with the proposed rezoning. Mr. Savidant said the applicant might want to consider pursuing a conditional rezoning so site plan issues could be addressed concurrent with consideration of the rezoning request.

A discrepancy in the size of the subject parcel was brought to the attention of the Planning Department staff. It was confirmed that the parcel size is 0.648 acres.

The petitioner, Donald R. Kacy, DDS, of 77 W. Square Lake Road, Troy, was present. Dr. Kacy owns several parcels along Square Lake Road. He provided a history of the subject property as relates to the zoning and uses. Dr. Kacy said the area appears to attract the small medical uses. He said his office does not put out more dust, dirt, or noise than any other use in the area. He said he is trying to build what is needed in the area; a use similar in nature to his dental office.

PUBLIC HEARING OPENED

Jean Heiss of 5857 Niles Drive, Troy, was present. Ms. Heiss addressed comments from the association secretary who could not attend tonight's meeting, and provided a copy of the comments for the record. The comments are in opposition to the proposed request and relate to safety, traffic, parking, noise, property value and existing medical uses in the area. It was confirmed that the Planning Commission received an email message from Yin Chu, association secretary, relaying the same comments.

PUBLIC HEARING CLOSED

Mr. Hutson expressed concerns with building height restrictions and screening, as relates to the proposed O-1 zoning. He indicated a conditional rezoning might offer assurances in that respect.

Mr. Vleck concurred. He expressed concern with the screen wall that would be required under O-1, and indicated a conditional rezoning would set limitations.

Mr. Strat concurred. He said this is a problem site, and he would be in favor of a conditional rezoning.

Ms. Kerwin expressed health, safety and welfare concerns, as well as the potential to create a cut-through in the area. She agreed it is a difficult piece of property.

Chair Schultz stated the cut-through currently exists.

Mr. Strat said the cut-through potential would be another reason to consider a conditional rezoning on this property.

Ms. Troshynski asked the petitioner if there was consideration given to adding landscaping in the greenbelt near the building.

Dr. Kacy replied in the affirmative. He addressed the landscaping, the driveway onto Square Lake Road, the retaining wall and height of the building.

Chair Schultz stated the only item before the Commission tonight is the rezoning request, and no consideration should be given to the proposed site plan or sketch submitted with the application.

Resolution # PC-2007-04-079
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-2 to O-1 rezoning request, located at the southwest corner of Niles and Square Lake, within Section 9, being approximately 0.648 acres in size, be denied, for the following reasons:

1. Concern for the screen wall requirements and building height concerns.

Yes: All present (9)
No: None

MOTION CARRIED

Chair Schultz stated it appears the Planning Commission would be willing to entertain a conditional rezoning on this property, and informed the petitioner to contact the Planning Department for information.

SPECIAL USE REQUEST

8. PUBLIC HEARING – SPECIAL USE REQUEST (SU 346) – Proposed Kensington Church Storage Facility, South side of Square Lake, West of John R (1660 E. Square Lake), Section 11, Zoned R-1C (One Family Residential) District

Item withdrawn by the petitioner.

SITE PLAN REVIEW

9. SITE PLAN REVIEW (Z 629-B) – Proposed Pallet/Bale Storage Enclosure, Wal-Mart, South side of Maple, West of Maplelawn, Section 32, Consent Judgment – 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.

Todd Leslie, project Civil Engineer, of Atwell Hicks, 50182 Schoenherr, Shelby Township, was present.

Chair Schultz asked if the petitioner has any control over the hotel located directly to the west of the retail building.

Mr. Leslie replied in the negative.

Chair Schultz asked if the site plan was discussed with the owners of the hotel property.

Mr. Leslie said not directly. He said early on in the process, the hotel owner might have talked to someone in the City about trash and debris blowing toward the hotel, and the request before the Commission tonight is an effort to control it.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2007-04-080
Moved by: Troshynski
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends that the proposed Amendment to Consent Judgment, as requested for the proposed Wal-Mart Pallet / Bale Storage Enclosure, located on the south side of Maple, west of Maplelawn, located in Section 32, on approximately 23.89 acres, within the M-1 zoning district, be granted.

Yes: All present (9)
No: None

MOTION CARRIED

OTHER

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

Ms. Lancaster wished all those attending the national conference to have a safe trip to Philadelphia.

The Regular Meeting of the Planning Commission was adjourned at 9:13 p.m.

Respectfully submitted,

_____
Robert Schultz, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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