

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on September 13, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lynn Drake-Batts  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Absent:

Fazal Khan

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

APPROVAL OF AGENDA

**Resolution # PC-2005-09-135**

Moved by: Littman  
Seconded by: Schultz

**RESOLVED**, To approve the Agenda as distributed.

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

**MOTION CARRIED**

*Excuse absent member(s) - See Resolution # PC-2005-09-146, page 12.*

2. MINUTES

**Resolution # PC-2005-09-136**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, To approve the August 9, 2005 Regular Meeting minutes as published.

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

**MOTION CARRIED**

**Resolution # PC-2005-09-137**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, To approve the August 23, 2005 Special/Study Meeting minutes as published.

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

**MOTION CARRIED**

3. **PUBLIC COMMENT** – Items not on the Agenda

Ted Wilson of 5038 Kellen Lane, Bloomfield Township, was present. Mr. Wilson, chairman of the Economic Development Committee for the Troy Chamber of Commerce, announced a focus group meeting to discuss the Maple Road Corridor is scheduled on September 28, 2005 at the SMART Bus Depot Facility in Troy. The focus group comprise of representatives from the Chamber, the City, Lawrence Tech University and the private sector. Mr. Wilson briefly outlined the plan of action and upcoming meetings. Mr. Wilson said the Chamber is supportive of two proposed developments located on the north side of Maple Road that are being considered by the Commission tonight.

**TABLED ITEMS**

4. **SITE PLAN REVIEW (SP 920)** – Proposed Troy Retail Center (formerly Cranbrook Plaza), North side of Maple, West side of Dequindre, Section 25 – B-2

Mr. Miller reported the Planning Department has not received any additional information on the proposed development since it was tabled at the August 9, 2005 Regular Meeting. It is the recommendation of the Planning Department to table the item to the October Regular Meeting.

The petitioner was not present.

Mr. Savidant reported that the petitioner is pursuing options with respect to the sidewalks. He indicated the Planning Department has not been provided a timetable for the project by the applicant but assumes postponement to the October Regular Meeting would be appropriate.

**Resolution # PC-2005-09-138**

Moved by: Wright  
Seconded by: Schultz

**RESOLVED**, That Preliminary Site Plan Approval, as requested for the Proposed Troy Retail Center, located on the north side of Maple and west of Dequindre, located in Section 25, on approximately 7.25 acres, within the B-2 zoning district, is hereby tabled to the October 11, 2005 Regular Planning Commission Meeting.

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

**MOTION CARRIED**

5. **SPECIAL USE REQUEST (SU 328)** – Existing Clark Station, Northeast corner of Maple and Livernois, Section 27, Zoned H-S (Highway Service)

Mr. Miller presented a summary of the Planning Department report for the proposed special use. He indicated the petitioner has addressed the environmental issues related to a previous gasoline tank leak. Mr. Miller reviewed the itemized facts provided by the City's Environmental Specialist with respect to the cleanup of the site. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted.

The petitioner and project architect, Mike Kozlowski of CED, 5603 S. Telegraph Road, Dearborn Heights, was present. Mr. Kozlowski provided a brief description of the development plan and proposed site improvements.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED**

**Resolution # PC-2005-09-139**

Moved by: Schultz  
Seconded by: Wright

**RESOLVED**, That the Special Use Approval and Site Plan Approval, pursuant to Section 22.30.02 of the Zoning Ordinance, as requested for the proposed Clark Station improvements, located on the northeast corner of Maple and Livernois, Section 27, within the H-S Zoning District, be granted.

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

**MOTION CARRIED**

**REZONING REQUESTS**

6. PUBLIC HEARING – PROPOSED REZONING (Z 708) – Proposed Gymnastics Center and Car Rental Agency, North side of Maple, West of Blaney (1600 W. Maple), Section 29 – From M-1 (Light Industrial) to B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

The petitioner was not present.

The Planning Department reported that the petitioner indicated he would be present.

**Resolution # PC-2005-09-140**

Moved by: Chamberlain  
 Seconded by: Wright

**RESOLVED**, That the item be moved to the end of the agenda to give the petitioner a chance to be here and address the item.

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

**MOTION CARRIED**

*See page 11.*

7. PUBLIC HEARING – PROPOSED REZONING (Z 709) – Proposed Single Family Home, North of Maple, East of Rochester (at east end of Woodslee), Section 27 – From M-1 (Light Industrial) to R-2 (Two Family Residential)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

Mr. Schultz asked if the 5-foot bump would cause a jog in the zoning district line.

Mr. Miller said there would be a 5-foot jog in the zoning district line because it appears to run almost due north/south. Mr. Miller said the petitioner controls property on both the east and west sides of the subject property and is acquiring property to develop a wider residential site. He said the little bump-out would project into the M-1 zoning area. Mr. Miller reported the large single family site directly to the east of the subject rezoning is within the M-1 zoning district.

The petitioner, Mike Agnetti of Thornhill Construction Company, 2977 Lovington, Troy, was present. Mr. Agnetti said the property he owns to the east is currently being used as a residential use.

#### PUBLIC HEARING OPENED

Jack Bertoia of 5075 Bayside, Troy, was present. Mr. Bertoia, a property owner in the neighborhood, supports the proposed rezoning request. He said the request would be beneficial to the neighborhood and a more consistent use of the land. Mr. Bertoia said the properties on all sides of the 5-foot bump-out are currently used as residential and the request would not impede any current or future zoning.

#### PUBLIC HEARING CLOSED

#### **Resolution # PC-2005-09-141**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the M-1 to R-2 rezoning request, located north of Maple, east of Rochester, south of Woodslee, within Section 27, being approximately 600 square feet in size, be granted.

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

#### **MOTION CARRIED**

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## **SITE PLAN REVIEWS**

8. **SITE PLAN REVIEW (SP 923)** – Proposed Peoples State Bank, Southeast corner of Livernois and Long Lake Road, Section 15 – B-2 (Community Business) District (Controlled by Consent Judgment)

Mr. Savidant presented a summary of the Planning Department report for the proposed development. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan contingent on the vacation of the Consent Judgment by City Council.

Mr. Chamberlain stated that the property is going back to what it was developed approximately 30 or 40 years ago. He said the site was a bank approximately 3 businesses ago, prior to T-Bird Restaurant and Dairy Queen.

Mr. Miller provided an explanation for the Consent Judgment on the site. Mr. Miller reported the Consent Judgment relates to property acquisition, improvements and payments related to the property, and does not restrict the uses on the site. He said discussion with the City Attorney's Office determined there is no need for the Consent Judgment.

The petitioner, Phil Ruggeri of Troy Long Lake LLC, 38700 Van Dyke, Sterling Heights, was present. He introduced David Wilson, Chief Financial Officer of Peoples State Bank, and Mark Drane, project architect of Rogvov Architects, 32500 Telegraph, Bingham Farms.

Chair Strat disclosed that he has had business dealings with Mr. Ruggeri in the past but that he has no financial interest in the proposed development, nor is he associated with Peoples State Bank.

The members agreed there was no reason to exclude Chair Strat from discussion and vote on the item.

Mr. Littman commented that the proposed development appears to have fewer drive-through lanes than most banks.

Mr. Drane replied the two drive-up lanes and one drive-up ATM lane are sufficient for the bank.

Chair Strat complimented the petitioner on the thoroughness of the site plan submission.

Mr. Schultz said he would personally be more comfortable if additional landscaping was provided along the south edge to shelter the residential property from the commercial property.

Mr. Drane noted that the south end is paved and a greenbelt would be provided. He said he would be happy to add more canopy trees.

**Resolution # PC-2005-09-142**

Moved by: Schultz

Seconded by: Vleck

**WHEREAS**, The State of Michigan by way of Public Act 207 of 1921, the City and Municipal Zoning Act, and Public Act 285 of 1931, the Municipal Planning Act, and subsequent amendments thereto provides for city planning and authorizes Planning Commissions and their powers; and

**WHEREAS**, the City of Troy Planning Commission is empowered by the Charter of City of Troy and the City Code to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

**THEREFORE BE IT RESOLVED**, That Preliminary Site Plan Approval, as requested for the proposed Peoples State Bank, located on the southeast corner of Livernois and Long Lake, located in Section 15, on approximately 1.1 acres, within the B-2 zoning district, is hereby granted, subject to the following conditions:

1. Contingent on the vacation of the current Consent Judgment by City Council.
2. Add a minimum of three (3) additional canopy trees to the south edge of the property between their property and residential.

Yes: All present (8)

No: None

Absent: Khan

**MOTION CARRIED**

9. SITE PLAN REVIEW (SP 924) – Proposed National City Bank Branch, Southeast corner of Big Beaver and Town Center Drive, Section 28 – O-S-C (Office-Service-Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed development. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan and parking space reduction as submitted with the condition to construct a sidewalk along the south side of the building, as required by the Zoning Ordinance.

Chair Strat said he would rather see a green area along the south side of the building instead of the sidewalk that is required by the Zoning Ordinance. He asked which section of the ordinance stipulates this requirement.

Mr. Savidant cited Section 39.80.04. He informed the members that there is a building entrance along the south side that he believes is an employee entrance.

The petitioner, Jill Stewart of Yamasaki Associates, Inc., 900 Tower Drive, Troy, was present. Ms. Stewart introduced National City Bank representatives, Joe Kuiper of Kalamazoo and Dan McCarthy of Royal Oak, and Tony Antone of Kojaian Company. Ms. Stewart said it would be their preference to landscape the south side of the building instead of providing a sidewalk. She explained that the sidewalk would extend from the employee entrance/exit door to the asphalt pavement of the drive-through lane and to the retention bin. Ms. Stewart said the retention bin would be used for daily trash, of which the bank shreds on a daily basis.

Discussion continued briefly relating to the sidewalk requirement.

Mr. Schultz brought to the petitioner's attention that the proposed elevations have been reversed on some of the site plan sheets.

Mr. Schultz said he personally would like to see additional landscaping and/or architectural elements provided on the south end of the building. He said the south end of the building is extremely ugly and very visible from Troy Center Drive.

Chair Strat asked the petitioner if she had any building renderings available to view.

Ms. Stewart apologized that she did not have any renderings with her. Ms. Stewart reported that Mr. Kuiper has clarified that the door on the south side of the building would be used primarily for servicing equipment and trash.

Mr. Waller asked if any considerations were given to providing green components.

Ms. Stewart replied that National City Bank follows a prototype system and design to their buildings. She said the project does not meet certain site plan requirements or allowances under the U.S. Green Building Council LEEDS certification program. Ms. Stewart said there are elements of the project that on further inspection would contribute to that but at this point, the building would not be able to achieve a minimum certification.

Chair Strat encouraged that the development incorporate storm water management.

Mr. Schultz questioned the building's cohesiveness to the adjacent building.

Ms. Stewart replied the brick color is tan and would be compatible to the surrounding buildings. She provided information on the panel material.

Mr. Motzny clarified that the Zoning Ordinance section previously cited by Mr. Savidant was not referenced correctly. Section 39.70.03 relates to sidewalks in commercial areas. Mr. Motzny said the Planning Commission could modify the requirement and request landscaping in lieu of a sidewalk.

**Resolution # PC-2005-09-143**

Moved by: Drake-Batts  
 Seconded by: Waller

**WHEREAS**, Article 40.20.12 permits the Planning Commission to deviate the parking requirements based upon the specific standards set forth in the Article. The applicant has provided a letter providing justification for the reduced number of parking spaces.

**RESOLVED**, The Planning Commission hereby approves the reduction of 156 parking spaces to 1,928 spaces, when 2,084 spaces are required, as per Article 40.20.12.

**BE IT FURTHER RESOLVED**, That Preliminary Site Plan Approval, as requested for the Proposed National City Bank, located on the southeast corner of Big Beaver and Town Center Drive, located in Section 28, on approximately 1.16 acres, within the O-S-C zoning district, is hereby granted, subject to the following condition:

1. That there is no sidewalk along the south side of the building, which will be landscaped.

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

**MOTION CARRIED****ZONING ORDINANCE TEXT AMENDMENT**

10. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 218) – Article 10.30.03 Daycares in Schools within the R-1 Districts

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reported that the City's Planning Consultant and Assistant City Attorney agree with the proposed text amendment in concept. The Assistant City Attorney suggested and City Management agrees with revising the text to clarify what constitutes a school complex.

Mr. Miller noted that (1) public schools are exempt from municipal zoning; and (2) schools are permitted in the R-1A through R-1E zoning districts with the requirement that they located on major thoroughfares.

There was a brief discussion on the placement of definitions within the Zoning Ordinance.

Mr. Motzny confirmed that the definition of school is not currently inclusive of definitions listed in the Zoning Ordinance.

#### PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas, Troy, was present. Ms. Childs addressed the affect of potential traffic generated by child care centers in residential areas in relation to traffic generated by group day care centers in residential areas.

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer said she assumes, based upon the numbering system, that the proposed zoning ordinance text amendment relating to group day care homes in residential districts (ZOTA 218) has been under consideration longer than the ZOTA 214. Ms. Schafer said she supports the proposed zoning ordinance text amendment under consideration this evening because working families in Troy need every option available to them for child care. She stated child care centers in residential areas would not cause any less noise or traffic than group day care homes in residential areas, and she hopes the members remember that she brought that to their attention when ZOTA 218 is considered in a couple of weeks.

#### PUBLIC HEARING CLOSED

#### **Resolution # PC-2005-09-144**

Moved by: Wright

Seconded by: Schultz

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Article X, pertaining to Daycares in the R-1A through R-1E Zoning Districts, be amended as printed on the Proposed Zoning Ordinance Text Amendment received tonight, as follows:

Section 10.30.03 (B) – Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial district, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

#### Discussion on the motion.

Mr. Vleck asked if charter schools are exempt from municipal zoning.

Mr. Motzny replied that charter schools are considered public schools and the exemption would apply to them as well as public schools.

Mr. Miller confirmed that it was a Montessori school that prompted the proposed zoning ordinance text amendment.

Chair Strat suggested that the description of private schools should be included as part of a definition in Article IV.

Vote on the motion on the floor.

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

**MOTION CARRIED**

### **REZONING REQUEST**

6. PUBLIC HEARING – PROPOSED REZONING (Z 708) – Proposed Gymnastics Center and Car Rental Agency, North side of Maple, West of Blaney (1600 W. Maple), Section 29 – From M-1 (Light Industrial) to B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

The petitioner, Toby Buechner of 2411 Hampton, Troy, was present. Mr. Buechner apologized for his lateness.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

#### **Resolution # PC-2005-09-145**

Moved by: Chamberlain  
Seconded by: Wright

**WHEREAS**, The State of Michigan by way of Public Act 207 of 1921, the City and Municipal Zoning Act, and Public Act 285 of 1931, the Municipal Planning Act, and subsequent amendments thereto providing for city planning and authorizing Planning Commissions and their powers; and

**WHEREAS**, the City of Troy Planning Commission is empowered by the Charter of City of Troy, Section 1.19 and the City Code, Section 39, to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

***THEREFORE, BE IT RESOLVED,*** That the Planning Commission hereby recommends to the City Council that the M-1 to B-3 rezoning request, located on the north side of Maple, west of Blaney, within Section 29, being approximately 1.7 acres in size, be granted.

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

**MOTION CARRIED**

Mr. Miller confirmed that the proposed project would have to come back before the members for site plan approval.

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**Resolution # PC-2005-09-146**

Moved by: Wright  
 Seconded by: Schultz

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

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

**MOTION CARRIED**

11. **PUBLIC COMMENT** – Items on the Agenda.

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Schultz thanked the Planning Department for providing the new masthead for the Agenda, and noted it was very nice and professional. He asked the department to be consistent in labeling the Public Comment sections and identify which section is to discuss items on the Agenda and items not on the Agenda.

Mr. Littman agreed the new format looks better.

Mr. Waller said the new masthead looks good. He asked that the Agendas be identified to what type of meeting is being held; i.e., Regular, Study, etc. Further, Mr. Waller addressed potential revisions to the Bylaws. He distributed a copy of the Bylaws incorporating recent revisions and asked that any comments or suggestions be sent to him via email.

Chair Strat said he would hope to have the Bylaws on the next study session Agenda.

Mr. Miller said the Planning Department is working on additional language to add to the Agenda in relation to responsibilities of the Planning Commission. Further, Mr. Miller addressed City Council action items, as follows:

- (1) Rezoning Application (Z 706), South side of Long Lake Road, West of Calvert Drive, Section 14, from R-1C to CR-1 – Approved by City Council;
- (2) City Council adopted a Resolution requesting the Planning Commission make a recommendation on September 27 regarding group day care homes;
- (3) City Council adopted a Resolution scheduling a Public Hearing on October 24, 2005 to discuss and determine the appropriateness of amending the Downtown Development District (DDA) boundaries to exempt the Monarch PUD project. He announced a DDA meeting is scheduled on September 21, 2005.

Mr. Miller said he looks forward to seeing those members who are attending the Michigan Association of Planning conference in Mackinac Island.

Mr. Waller asked about the request of Councilman Lambert relating to the Future Land Use Plan.

Mr. Miller said he would look into Mr. Lambert's request. Mr. Miller reviewed the memorandum provided to City Council that addressed the authority for adoption of the Future Land Use Plan.

Chair Strat commended the Planning Department on the new masthead. He suggested that the Commission's objectives and goals be incorporated on the Agenda's second page where the approval requirements are printed; i.e., achieve innovative storm water management, protection of natural resources; and insure safety for vehicular and pedestrian usage.

Mr. Miller confirmed that the September 27, 2005 Planning Commission Public Hearing on proposed ZOTA 218 relating to group day care homes in residential districts would be held in the Council Chambers to accommodate the projected number of attendees.

The Regular Meeting of the Planning Commission was adjourned at 8:55 p.m.

Respectfully submitted,

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Thomas Strat, Chair

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Kathy L. Czarnecki, Recording Secretary