The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 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

Absent:
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Kathy Czarnecki, Recording Secretary

Resolution # PC-2007-07-113
Moved by: Vleck
Seconded by: Tagle

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

It was requested by Chair Schultz and the Planning Department staff to add the Troy Master Plan Progress Report to the Agenda, as item 4.b.

Resolution # PC-2007-07-114
Moved by: Kerwin
Seconded by: Troshynski

RESOLVED, To add Agenda item 4.b., Troy Master Plan Progress Report.

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

MOTION CARRIED

3. MINUTES

Resolution # PC-2007-07-115
Moved by: Kerwin
Seconded by: Hutson

RESOLVED, To approve the June 26, 2007 Special/Study meeting minutes as presented.

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

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

4.b. TROY MASTER PLAN PROGRESS REPORT

Richard Carlisle of Carlisle/Wortman Associates reviewed the Smart Growth Readiness Assessment Tool (SGRAT) and Master Plan update.

POSTPONED ITEM

5. PUBLIC HEARING – REZONING REQUEST (Z 727) – Proposed Office Use, West side of Rochester Road, South of DeEtta (6493 Rochester Road), Section 3 – From R-1 B (One Family Residential) to O-1 (Low Rise Office)

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request. Mr. Miller reported that although the application is not consistent with the intent of the Future Land Use Plan, it is the recommendation of City Management to approve the rezoning application. He reported that the request is consistent with the general character of the area and compatible with adjacent zoning districts and land uses. Mr. Miller indicated it is bad planning to leave the single family residential parcel to the north, but noted the Planning Commission

conducted themselves reasonably by requesting the petitioner to assemble that piece of property.

Mr. Vleck asked what would be required of the petitioner to bring the property in compliance with the O-1 office zoning district.

Mr. Miller said the petitioner would be required to go through site plan approval because the office use has not been approved for that site.

Mr. Vleck addressed site improvements that would be required in relation to quality and long-term development. Mr. Vleck asked if the City could initiate a rezoning on the property to the north.

Ms. Lancaster confirmed the City could initiate a rezoning for any property. She indicated City Council could rezone the parcel by going through the appropriate approval process.

Mr. Vleck asked if the existing property owner would be allowed to continue as residential.

Mr. Miller said the use would be allowed to continue and the property would be considered a true nonconforming use. He noted the site would lose its nonconforming status should it be abandoned as a single family use. Mr. Miller said the greater issue for the property to the north is that it would be very unlikely that it could be developed as office.

Mr. Vleck asked if the subject property could continue its operation as it exists, without site improvements, should it be rezoned to O-1.

Mr. Miller replied that technically the use has not been approved for the subject property and is not permitted in that zoning district. He said the owner would have to show good faith in moving forward with site plan approval to have an office at that location.

The owner, Robin Siegel of 283 W. Square Lake Road, Troy, was present. Ms. Siegel addressed the existing screening to the west along the residential area.

Chair Schultz explained different screening requirements would have to be met should the site be zoned office. He informed the petitioner that should the rezoning go forward, the site would have to be redeveloped as an office and go through the site plan approval process.

Ms. Siegel said they would be more than happy to do that and would make every effort to fully comply with all zoning ordinance requirements. She confirmed that the site is currently being used as office only.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was discussion on the screen wall requirements for O-1 zoning.

Mr. Vleck said he is not 100% comfortable with the proposed rezoning. He addressed the petitioner's attempt to consolidate the property to the north, the cost involved for site improvements that would be required for office, its relation to the Rochester Road corridor, and the developable status of the residential property to the north. Mr. Vleck said a conditional rezoning might be a favorable option.

Mr. Littman addressed the small size of the subject parcel should it be developed as office. He said it might very well be a problem for both the petitioner and the City.

Mr. Vleck said the property to the north would be less developable and less desirable should the subject property be rezoned and the required screen wall is in place.

Mr. Tagle asked if a screen wall is required between the property to the south [Binson's] and the subject property.

Mr. Miller replied a screen wall is required unless the property to the south [Binson's] receives a waiver from the Board of Zoning Appeals.

Chair Schultz said he would like to see a potential conditional rezoning application submitted on the subject property to see how it might be developed as office.

Mr. Vleck said he would consider the rezoning request further if there was some collaboration between Binson's and the subject property for a cross access easement.

Messrs. Hutson and Littman addressed the option of a conditional rezoning application.

Mr. Strat said he would not support the rezoning request because there is potential the existing house could become a legal nonconforming use automatically. He said the property to the north would remain an orphan parcel until the owner decides to sell or consolidate. Mr. Strat said he would be supportive of a conditional rezoning should the petitioner be willing.

Mr. Vleck said his preference would be for the City to initiate a rezoning request for the property to the north. He questioned the time frame for the City to initiate such a request.

Mr. Miller said public hearings could be scheduled next month for both the Planning Commission and City Council, should the Planning Commission make a resolution tonight to initiate a rezoning.

Ms. Troshynski indicated she would not be in favor of the general rezoning request because of its affect on the neighborhood.

Mr. Littman said, as a policy, he is not in favor of City initiated rezoning requests especially in cases where the owner is not in support.

Resolution # PC-2007-07-116
Moved by: Littman
Seconded by: Strat

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 denied, due to problems in how the site might develop.

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

MOTION CARRIED

Mr. Vleck said he is not necessarily in favor of the rezoning request, but he would like to see the petitioner pursue other options to develop the property. He said there could be potential for a desirable development if the petitioner collaborates with the Binson's development. Mr. Vleck addressed his position for a City-initiated rezoning on the property to the north.

Ms. Kerwin said she would have preferred a motion to postpone. She indicated she might have voted in favor of denial if the motion had stipulated denial was based on non-compliance with the Future Land Use Plan.

Chair Schultz advised the public of the approval process for rezoning requests at the City Council level. He indicated to the petitioner that the Planning Department would be the resource on conditional rezoning applications.

A brief discussion followed on the procedure for City-initiated rezoning requests.

REZONING REQUEST

6. PUBLIC HEARING – REZONING REQUEST (Z 199-B) – Proposed Retail Development, West side of Dequindre, North of Square Lake (43109 Dequindre Road), Section 1 – From R-1D (One Family Residential) to B-1 (Local Business)

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 deny the rezoning application. Mr. Miller said the request is inconsistent with the Future Land Use Plan. He noted the application states they want to combine with the subject piece of property, but there is no legal documentation indicating that would occur, or no ability to insure that would happen with submission of a general rezoning request.

The petitioner, Steve Haisha of LBC Property Investments, 154 S. Old Woodward, Birmingham, was present. Mr. Haisha agrees that it would be optimal to collaborate the development of both the corner parcel and the subject property. He said both parcels of property are under contract to purchase and offered to provide documentation to such, as he did also at the time of the application submission. Mr. Haisha offered to submit site plans for the subject parcel alone and the two parcels combined.

There was a brief discussion on the City's policy whether consideration can be given to a site plan that is submitted concurrently with a rezoning request.

Ms. Lancaster confirmed it is City policy to not give consideration to site plans at the time a rezoning request is considered. She indicated the Future Land Use Plan as well as the uses of surrounding areas should be considered for a rezoning request because a rezoning runs with the land and anything that is eligible to be placed on that once it is rezoned can be placed on it no matter what the petitioner says.

Mr. Strat said the petitioner should have considered the parcel combination simultaneously or at least provided proof of ownership of both properties.

Mr. Vleck addressed the required screening between the B-1 zoning and the residential, of which five houses directly abut the subject property. He said regardless if one property or both properties are developed, he would not support the rezoning request because of its affects on the surrounding residential properties.

Ms. Kerwin said she would not support the rezoning request as presented tonight, but would welcome a conditional rezoning on the subject parcel.

Mr. Tagle asked the petitioner for clarification on the options to purchase, or ownership, of the parcels.

Mr. Haisha replied that he has under contract an option to purchase both properties. He indicated the owners of both properties are present at tonight's meeting. Mr. Haisha said he was informed by the Planning Department that signatures of the property owners on the rezoning application were sufficient, and that documentation relating to purchase options was not required at the time of submission. He indicated he would be happy to receive a conditional approval tonight, or postpone the item until appropriate documentation is submitted. Mr. Haisha has not met with the neighbors, to date, but indicated he would work with the neighbors and provide additional screening above and beyond zoning ordinance requirements.

PUBLIC HEARING OPENED

Thomas Dombrowski of 2900 Briarwood Court, Troy, was present. Mr. Dombrowski spoke in opposition of the proposed rezoning request. He addressed concerns relating to health, safety, home values and aesthetics. Mr. Dombrowski offered to submit copies of a protest petition in opposition of the rezoning request. He said the original protest petition would be submitted to City Council prior to their meeting and public hearing on the request. Mr. Dombrowski clarified that he is not an official representative of the homeowners association, but is the contact person on the protest petition.

Prabhakar Vallury of 2878 Briarwood, Troy, was present. Mr. Vallury spoke in opposition of the proposed rezoning request, and indicated agreement with comments given by Mr. Dombrowski.

Ritika Undemane of 2892 Briarwood Drive, Troy, was present. Ms. Undemane spoke in opposition of the proposed rezoning request. She addressed concern for the small children in the neighborhood, and indicated agreement with comments given by Mr. Dombrowski.

Ramesh Subramoniam of 2916 Briarwood Court, Troy, was present. Mr. Subramoniam spoke in opposition of the proposed rezoning request. He addressed the potential negative impacts a business would have on the subdivision, and indicated agreement with comments given by Mr. Dombrowski.

Branka Lei of 2936 Briarwood Drive, Troy, was present. Ms. Lei spoke in opposition of the proposed rezoning request. She addressed the history of the subdivision and layout of the homes as relates to the proposed request.

Robert Cantlon of 2864 Briarwood Drive, Troy, was present. Mr. Cantlon spoke in opposition of the proposed rezoning request. He addressed the six homes that would be directly affected by the proposed rezoning. He said it was understood by the homeowners at the time they purchased their homes that the subject parcel would be residential.

Lisa Havlish of 2875 Briarwood Drive, Troy, was present. Ms. Havlish, secretary to the homeowners association, supports the comments given by Mr. Dombrowski.

Nihaia Savaya of 2924 Briarwood Court, Troy, was present. Ms. Savaya, whose property directly abuts the subject property, spoke in opposition of the proposed rezoning. She supports the comments given by Mr. Dombrowski and indicated she signed the protest petition.

Paula Mather of 2908 Briarwood Court, Troy, was present. Ms. Mather spoke in opposition of the proposed rezoning. She addressed concerns relating to traffic, safety and home values. Ms. Mather said it was understood at the time they purchased their home that the subject property would be residential.

PUBLIC HEARING CLOSED

Chair Schultz stated that property owners have the legal right to request a rezoning at any time, and the City must go through the mechanism to review the request.

Resolution # PC-2007-07-117
Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That the Planning Commission hereby recommends to the City Council denial of the rezoning request from R-1D to B-1, located on the west side of Dequindre, north of Square Lake, within Section 1, being approximately 0.810 acres in size, because it does not comply with the Future Land use Plan and would have negative affects on the neighboring properties.

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

MOTION CARRIED

Mr. Strat said he would like to see the petitioner have an opportunity to consolidate the properties.

Mr. Hutson said he would like to see a conditional rezoning and consolidation of the properties. He thinks the fears expressed by the neighbors tonight might be allayed with a conditional rezoning.

Chair Schultz echoed the comments of Messrs. Strat and Hutson.

There was a brief discussion on conditional rezoning applications.

Chair Schultz advised the public of the approval process for rezoning requests at the City Council level.

SPECIAL USE REQUESTS

7. PUBLIC HEARING – SPECIAL USE REQUEST (SU 352) – Proposed Self Storage Facility, South side of Maple, East of Axtell Road (2545 W. Maple), Section 32, Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use and site plan, and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

The petitioner, Joseph Guido of Guido Architects, 23419 Ford Road, Dearborn, was present. Mr. Guido said the request is a good reuse of the property and would make a good impact on the City.

Mr. Tagle asked what hours the facility would be open.

Mr. Guido based the hours of operation on the existing Oak Park facility, and surmised the facility would be open from 9 a.m. to 6 p.m.

Ms. Troshynski commended the petitioner on an excellent presentation. She addressed the building materials and landscaping techniques.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Schultz said he understands that the petitioner is in compliance of the City's sign ordinance, but he feels the five to six foot tall letters across the top of a building detracts from the building's appearance.

Ms. Troshynski asked if there were future plans for the undeveloped area on the site plan, and for clarification on the fencing.

Mr. Guido said there are no plans to develop that area, but assured members that the area would be well maintained. He explained the parcel was larger than what was required for the operation. Mr. Guido said the decorative rod iron fence would be visible to the street, and a black vinyl coated chain link fence would be used along the rest of the building.

Mr. Vleck brought to the attention of the petitioner that the site would be a good potential to store outdoor commercial vehicles.

Mr. Guido said that option has been considered.

Ms. Kerwin said the City is appreciative of the amount of trees saved on this development, and to bear that in mind before providing storage for commercial vehicles.

Resolution # PC-2007-07-118
Moved by: Littman
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.02 of the Zoning Ordinance, as requested for the proposed Self Storage Facility, located on the south side of Maple, east of Axtell Road, in Section 32, within the M-1 zoning district, is hereby granted.

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

MOTION CARRIED

8. PUBLIC HEARING – SPECIAL USE REQUEST (SU 264-B) – Outdoor Storage at Existing Industrial Building, West side of Barrett, North of Maple (1945 Barrett), Section 28, Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use and site plan, and reported it is the recommendation of City Management to approve the special use and site plan as submitted.

Scott Ringler of Giffels Webster Engineers, 2871 Bond Street, Rochester Hills, was present to represent the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-07-119
Moved by: Kerwin
Seconded by: Vleck

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.04 of the Zoning Ordinance, as requested for the Outdoor Storage at an Existing Industrial Building, located on the west side of Barrett, north of Maple, in Section 28, within the M-1 zoning district, is hereby granted.

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

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 230) – Freestanding Tower Structures and Antennas in Parks and on School Property

Mr. Miller reviewed the revisions made to the proposed zoning ordinance text amendment relating to wireless communication towers on school property and City park sites.

A brief discussion followed.

Ms. Lancaster cited unpublished case law that prompted the proposed ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-07-120
Moved by: Kerwin
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article X (R-IA THROUGH R-1E ONE-FAMILY RESIDENTIAL DISTRICTS) pertaining to permitting freestanding tower structures and antennas in parks and on school property subject to Special Use Approval, and Article XVIII (C-F COMMUNITY FACILITIES), pertaining to permitting freestanding tower structures and antennas in parks and on school property subject to Special Conditions, be amended as printed on the proposed Zoning Ordinance Text Amendment.

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

MOTION CARRIED

Mr. Vleck supports the ordinance amendment but would prefer the fall zone to be five times the height of the structure. He believes a bigger fall zone would give the City a stronger public stance should there be objections to a proposed structure.

Ms. Kerwin said the text amendment would be helpful and is responsive to many objections voiced by the residents.

Ms. Lancaster confirmed that requests for freestanding tower structures in parks or on school property would be required to go through the special use approval process.

Chair Schultz stated that City Council would have final action on the proposed zoning ordinance text amendment.

OTHER ITEMS

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

Ms. Lancaster announced a recent court decision relating to Telly's Greenhouse.

Mr. Miller said time limits would be set for several lofty agenda items in the future.

Ms. Kerwin asked the Chair to share closing comments he made at the special/study meeting held prior to tonight's meeting. She addressed the method in which the special/study meeting was conducted, and would prefer that the Planning Consultant launch into discussion of agenda items with less lead-in time.

Mr. Vleck addressed the enforcement of dumpsters placed throughout the City for the collection of clothing.

Ms. Lancaster confirmed that clothing collection dumpsters are violations of the zoning ordinance. She said priority of enforcement on zoning code violations have been addressed by the Building Department and City Council. Ms. Lancaster said she would address the item further with the Director of Building and Zoning and forward information to the members.

Mr. Vleck said it takes little effort for the City to initiate a letter to inform a specific organization that it is in violation of a City ordinance.

Mr. Littman complimented a student in the audience for her dedication in staying until the end of tonight's meeting.

Chair Schultz addressed: 1) City Council's position on enforcement of zoning code violations; 2) new projection screens in Council Chambers; 3) room temperature of Council Chambers; and 4) time limits on agenda items.

Further, Chair Schultz said in discussions with City staff, the Planning Consultant, Assistant City Manager Brian Murphy and City Manager Phil Nelson, he has addressed the intent of the Planning Commission and City staff to do everything in their power to move development and redevelopment processes forward. Chair Schultz said the City is at a crucial point in its life cycle, and realize that redevelopment must happen. The Planning Commission does not want to stand as a hindrance or impediment to developers who come forward and are willing to spend money on redevelopment and improvements to the City. Chair Schultz said the Planning Commission and staff would work with everyone and every petitioner to address items in the most expeditious fashion as possible.

Mr. Miller announced that the City has contracted with Zucker Systems to conduct an analysis of the City's development approval process. He addressed the members' involvement in the process, and encouraged them to check out the firm's website.

Chair Schultz applauded the City Manager for his commitment in the development approval process analysis.

Mr. Miller announced that, effective September 12, City Hall will have extended hours of operation on Wednesday from 7 a.m. to 6 p.m.

The Regular Meeting of the Planning Commission was adjourned at 9:37 p.m.

Respectfully submitted,

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Robert Schultz, Chair

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Kathy L. Czarnecki, Recording Secretary

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