

Chairman Chamberlain called the Special/Study Meeting of the Troy City Planning Commission to order at 7:30 P.M. on Tuesday, May 22, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Chamberlain
Kramer
Littman (7:35)
Pennington
Reece
Storrs
Waller
Wright

Absent

James Starr

Also Present:

Mark Miller, Principal Planner
Lori Bluhm, Acting City Attorney
Jordan Keoleian, Student Representative
Steve Vandette, City Engineer
Tracy Slintak, Environmental Specialist
Doug Smith, Real Estate and Development Director

RESOLUTION:

Moved by: Wright

Seconded by: Storrs

RESOLVED, to excuse Mr. Starr.

Yeas: All Present (8)

Absent: None

MOTION CARRIED

2. MINUTES – Regular Meeting of June 12, 2001

It was noted that on page 13, R-1D be corrected to R-1B and on page 4, delete “apparently”.

RESOLUTION:

Moved by: Wright

Seconded by: Storrs

RESOLVED, that the minutes of the Regular Meeting of June 12, 2001 be approved as corrected.

Yeas: All Present (8)

Absent: None

MOTION CARRIED

TABLED BUSINESS ITEM

3. **SITE PLAN REVIEW** – Proposed Troy Pines II Site Condominium – East side of John R Road, South of Long Lake Road – Section 13

Mr. Miller explained that this site condominium was presented at the June 12, 2001 Planning Commission Meeting, where a motion to recommend approval to City Council was superceded by a motion to table the item to June 26, 2001. The purpose of the tabling was to allow staff and the petitioner to consider the future development potential for the area surrounding the proposed site condominium.

Mr. Miller further explained that the proposed Single-Family Residential Site Condominium known as Troy Pines II, involves a 6.6-acre R-1C zoned assembly of properties on the east side of John R, south of Long Lake Road. The subject site abuts the north edge of the original Troy Pines Site Condominium, within which homes are presently under construction. The Larson Middle School Site abuts to the east. A portion of the flood plain for the Gibson County Drain crosses the northeast corner of the site.

Mr. Miller noted that the petitioners in this matter, Premium Construction, have submitted several different plans since their original submittal. This evolution resulted from a combination of staff direction to conform with Ordinance requirements, and the petitioners desire to maximize the lot count. The layout preferred by staff involved the northerly extension of Douglas Fir Drive from the Troy Pines Site Condominium to the south, along with a street extending into the John R Road frontage and ending in a "blind cul-de-sac." Staff requested for revisions of that plan in order to conform with Ordinance requirements resulted in the submittal of an additional alternative plan. The final alternative, including the revision to demonstrate future development potential of the general area was provided. Coincident with submittal of the latest plan, the petitioners indicated that the economics of land acquisition and the limited number of lots would not enable them to include the John R Road frontage portion of the site in their present development. Staff's direction was that, if the John R frontage is not included, the plan as ultimately presented should provide for future development within that frontage consistent with the previously proposed blind cul-de-sac layout. Also, in order to enable the most reasonable development within the excepted John R frontage, the westerly extent of the present development site should be reduced in order to assure the potential availability of four home sites within the John R frontage exception. The petitioner has indicated they cannot alter the property dimensions to accomplish the "blind cul-de-sac" on the John R Road frontage, therefore staff's

preferred layout cannot be accomplished. Staff has requested the plan include a 25-ft. wide construction access easement to John R Road and a temporary turn around at the westerly stub street, which has not been included on the plan.

Mr. Miller added that the Environmental Reports submitted by the petitioner's wetland consultant and Dr. Jaworski, the City's consultant are generally consistent and do not impact the proposed development. In response to the Planning Commission's tabling action the petitioner has indicated the development potential of a the general area surrounding the subject property. At your June 12, 2001 meeting, a resolution to recommend approval was moved and seconded.

Mr. Storrs wanted clarification of the proposed development. Mr. Waller indicated concern over the construction access. Mr. Reece would like an overlay of the lots on John R Road. Mr. Chamberlain stated that the site condominium and exception meet the Zoning Ordinance requirements and why should there be concern with the John R frontage. Mr. Reece asked where is the plat of exception. Mr. Chamberlain responded that it is indicated on the plans for two lots or units on a cul-de-sac with rear yard frontage on John R. or two lots fronting John R. Mr. Reece stated then the two lots would be over sized. Mr. Chamberlain agreed and said the ordinance requirements will be met. Mr. Kramer noted that alternative lay-outs should be considered and asked if the temporary turn-around is permanent. Mr. Miller stated that the turn-around is within the 60 feet wide right-of-way and is concrete or deep strength asphalt. Mr. Littman asked if the City could stop the properties on John R from being split and homes built with access to the major thoroughfare. Ms. Bluhm commented that the City has some discretion, although not a lot of authority to prohibit the individual home construction on John R. Mr. Kramer commented that the houses fronting on John R is not reasonable. Mr. Reece noted that there are health, safety and welfare reasons for not allowing four homes with frontages on John R.

John Pavone, of Premium Construction stated that they could not modify the site condominium boundaries. There are two quality homes currently fronting John R and are not part of the site condominium. Their purchase agreement does not permit the inclusion of those two homes within the proposal. He indicated that they submitted all the information requested by the Planning Commission. This included the construction access from John R Road.

Mr. Waller confirmed with the petitioner that they owned the westerly portion but are obligated to sell them separately. Ms. Pennington asked if the site plan should indicate the construction easement. Mr. Pavone stated that they have the secured the right for construction access but it is not indicated on the site plan.

Resolution

Moved by Waller

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Troy Pines Number II, on the east side of John R Road, south of Long Lake Road, be approved.

Yeas:

Nays:

Chamberlain
Storrs
Littman
Starr
Waller
Wright
Pennington

Kramer
Reece

MOTION CARRIED

Moved by: Storrs

Seconded by: Littman

RESOLVED, that that the Planning Commission hereby amends their recommendation to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Troy Pines Number II, on the east side of John R Road, south of Long Lake Road, be approved, subject to the following conditions:

- (1) The westerly exception of the site condominium provide for two units or lots on a cul-de-sac with access from the stub street.
- (2) The Preliminary Plan indicate a construction access easement for Troy Pines II, from John R Road, between the existing homes, 4706 and 4754 John R Road.

Yeas: All Present (9)

Absent: None

MOTION CARRIED

Mr. Kramer stated the site condominium presented with the excepted westerly parcel that could be developed into two house sites is not reasonable or likely to occur.

Mr. Reece agreed with Mr. Kramer and the potential could harm the cul-de-sac and there could be a better lay-out for the John R Road frontage.

STUDY ITEMS

4. BOARD OF ZONING APPEALS REPORT

It was noted that there were no denials and nothing controversial.

5. CURRENT DEVELOPMENT REPORT

Mr. Doug Smith, Real Estate and Development Director noted that at Midtown Square the Home Depot opens June 27, 2001. The Farmer Jack will open in September of 2001, with the out buildings being leased to Sprint and Panera Bread. One additional commercial unit is yet to be completed. The residential condominium utilities are currently being installed. Maple Road improvements are yet to be completed.

Mr. Smith continued his report stating that Altair is breaking ground. IKEA is still exploring designs. Mr. Reece questioned whether there is sufficient acreage at the proposed location. Mr. Smith added that the Troy-Oakland Airport will host the WWJ and all other traffic helicopters. Behr's facility at Daley and I-75 is continuing construction. Mr. Kramer noted that the intersection at Coolidge southbound at Maple is confusing when making a Michigan left turn. Mr. Smith added that the City is receiving addition complaints about the intersection

6. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Smith summarized the C. H. Johnson conference center report.

Mr. Smith noted the next DDA meet July 28, 2001 will be held to approve the bonds for Big Beaver improvements.

Mr. Chamberlain stated that the C.H. Johnson report indicates that conference centers do not need performing arts facilities, although it can be a good amenity. Further, he commented that theaters over 3000 seats are not designed specifically for performing arts, but geared towards commercial entertainment venues. Mr. Smith noted that C. H. Johnson are conference center consultants, not performing arts center consultants.

7. PROPOSED FUTURE LAND USE PLAN

Mr. Miller noted that in recent Study Meetings, the Commission has been discussing various potential Amendments to the Master Land Use Plan, that could become a part of the updated plan document that is proposed to be called the Future Land Use Plan (consistent with the title contained in recent proposed legislation). Staff had also

previously presented a proposed Transportation Plan element of the overall Future Land Use Plan, which would depict the Master Thoroughfare Plan, the proposed city-wide walkway/bikeway plan, and other transportation related elements. At the May 22, 2001 Special/Study Meeting staff presented the updated Transportation Plan map, Future Land Use Plan map and portions of the Future Land Use Plan text. Staff and the Commission reviewed the Future Land Use Plan map and it was determined that the current land use configuration indicated in the northwest quadrant of the Big Beaver/John R intersection should remain as presently depicted. In conjunction with discussions regarding the present and potential Preservation Areas, staff noted the map Dr. Jaworski is preparing would provide another resource for additional Preservation Areas. It was also suggested that the proposed Planned Auto Center designation be extended further west across the Maple Road Frontage. Staff was requested to research legislation regarding "Neighborhood Electric Vehicles", however did not find any such legislation. The Commission also decided that the Transportation Plan should include a "Transit Corridor" on Livernois extending south from Big Beaver to the City's boundary.

The Future Land Use Plan map and Transportation Plan map are revised and he expected continued discussion to occur at the June 26, 2001 Special/Study Meeting. More importantly, Laurence Keisling, Planning Director has completed the Draft Future Land Use Plan text. The document is comprised of five major sections and include the following: I) Evolution of the Master Plan; II) Goals and Objectives of the Future Land Use Plan; III) Background Information; IV) Elements of Current Development; and V) The Future Land Use Plan. Planning Commission and staff should carefully review this document and consider revisions or additions to the text. Finally he stated that the text was provided for the Planning Commission's consideration.

Mr. Storrs commented that the text includes a historical perspective.

Mr. Waller stated that the historical perspective needs to be consolidated into information that is shown graphically in maps. Eventually the process should include public input.

Mr. Miller requested suggestions for the desired public input.

Mr. Waller answered that public input is important, perhaps a charrette.

Mr. Chamberlain stated he would like to set a time-line for the Future Land Use Plan process and identify when the Plan could be approved. He asked the Planning Commission to give this some thought. Further, the Map is basically complete and the text needs work. He asked Mr. Keoleian to submit his thoughts to the Planning Commission.

Ms. Bluhm stated there were good ideas for public input. She asked that the process and product create a succinct document.

Mr. Waller stated that the general public should be notified of this process and seek their input.

Mr. Chamberlain stated that the Planning Commission cannot force the Transit Corridors.

Ms. Bluhm agreed with Mr. Chamberlain.

Mr. Chamberlain stated that a Transit Corridor should connect to Walsh College.

Mr. Storrs stated the Planning Commission should take a close look at relationship of the goals in Chapter II to the policies in Chapter V.

Mr. Kramer asked what is the purpose of the Transit Corridors. Possible transit connections could include the Midtown Square and The Village at Midtown Square both regional centers. Input from SMART is necessary. The number of persons and the trips to and from this center should be determined and reviewed.

- 8. DRAFT – CHAPTER 37 – WETLANDS ORDINANCE
- 9. DRAFT – CHAPTER 38 – NATURAL FEATURES PROTECTION ORDINANCE

Mr. Miller stated that in January of 2000 City Council directed the City Manager to develop draft ordinances pertaining to protection of natural features and wetlands. To get more than a perspective from City Management, the City Manager recruited the help of Mrs. Robin Beltramini, Mr. Lon Ullman, Dr. Carl Freeman, and Mrs. Libby Harris. Their collective experience in the areas of planning and zoning, biology, environmental concerns and knowledge of similar ordinances was utilized in the development of the two ordinances. City Management and the volunteers met once a month for over a year.

Further, he stated that once this committee developed the two draft ordinances, representatives from the development community were invited to attend the committee meetings and comment on the proposed ordinances. Specifically the City Manager invited Mr. Don Pratt of Wake-Pratt Construction Co., Mr. Brent Anderson of Father and Son Construction Company, and Mr. Bradley D. Klintworth of Liberty Property Trust. The Ordinances were revised to incorporate some of their concerns. This committee strived to strike a balance between environmental protection and economic development. The proposed ordinances create a wetlands and natural features map, that is still in the process of being developed. We expect to have the wetlands and natural features map in draft form in the near future and will be sent to the Planning Commission when received by staff. The lack of a map makes it difficult to determine what natural features could be regulated, except for the commonly known ones such as wetlands and the blue heron rookery. These ordinances create a Wetlands Use Permit and Natural Features Use Approval, that are granted by the Planning Commission after a public hearing.

Mr. Miller noted that on June 4, 2001, City Council referred the proposed ordinances to the Planning Commission for review and a public hearing. After the public hearing, the Planning Commission should submit their recommendations to the City Council, who then would conduct an additional public hearing and make the final determination regarding the two proposed ordinances. A flow chart, summary and full text of the ordinances are enclosed for your use. City staff representing legal, engineering and environmental expertise are available at the meeting to answer any questions.

Ms. Bluhm stated she is working on a memorandum concerning the legal justification and enforcement of wetland and natural features ordinances.

Mr. Storrs stated concern regarding what the proposed ordinances will regulate. The City should purchase the properties or use a TDR program to preserve the natural features. Further, he stated concern over the standard permitted agricultural run-off rate.

Mr. Reece stated it is reasonable for City Council to serve as mediator in these issues. He added that the storm water and flooding problems related to development demonstrates the importance of wetlands. We are on a threshold of change in storm water management.

Mr. Wright stated that these issues are challenging, because preservation could prevent development or enforce a takings. How does the City balance protection of wetlands or other natural features and not affect the developers legal rights.

Mr. Littman stated the ordinances will be takings. He had conflicting thoughts because in his opinion the protection of wetlands and natural features is way over due.

Mr. Keoleian stated that the ordinances are good because they will clear up confusion.

Ms. Pennington stated she is pulled in both directions, as a developer. The preservation of wetlands and effective storm water drainage are her main concerns.

Mr. Waller note that some Planning Commissioners and City Staff attended a wetland conference sponsored by the Oakland County Conservation District. Many other communities in Michigan have wetland ordinances. The City is not breaking new ground with the introduction of reasonable and fair ordinances.

Mr. Kramer stated that natural features should address woodlands.

Mr. Chamberlain stated that the use of sub-soils to determine a wetland could be a problem. Further, he stated that the Map should include all drains and an overlay of the Future Land Use Plan Preservation Areas should be created. He also asked why the City's Landscape Design and Tree Preservation Standards require a tree inventory

when the trees will be cut down. He also noted the 50 feet natural features setback from woodlands. Flooding throughout the City was also a concern.

Mr. Steve Vandette, City Engineer, stated that wetlands are important for flood control and storm water management, but wetlands cannot provide complete storm water detention. The City's Development Standards provide the necessary storm water detention.

Mr. Chamberlain stated the Planning Commission understands the Development Standards, but people are always coming to the meetings and presenting flood situations.

Mr. Storrs commented that the Planning Commission hears stories that the maintained drains cause flooding, yet the City does not own them. He opined that the City shouldn't put surface water into pipes. In addition the agricultural rate of run-off does not seem to happen in real life and worse problems occur.

Mr. Vandette commented that maintenance of the existing drains is a problem. Communities can purchase floodplain properties to reduce actual flooding. Further, he stated that the standards for stormwater detention facilities are designed to handle 10 year storms. February of this year was an example of an event that exceeded a 10 year storm, and surface water flooding occurred.

Mr. Chamberlain commented that perhaps designing for a 10 year storm is incorrect.

Mr. Vandette stated a 10 year storm is defined as 1.8 inches of rain per hour.

Ms. Bluhm said there could be a need to study the Development Standards.

Mr. Reece noted that there have been win/win situations where developers have provided improved environmental conditions with developments.

Mr. Waller would like the Map to indicate ownership of the storm water drains.

Ms. Tracy Slintak, Environmental Specialist, informed that the drain information is being updated.

Mr. Kramer identified flooding close to newer developments and asked what relief is there when the land is so flat and there are existing properties with lower elevations.

Mr. Vandette answered that the issue of lower elevations is true. However, the new storm water systems suffer from the lack of maintenance caused by silted in drainage swales and catch basins.

Mr. Kramer said it appears there is not much people can do about this problem.

Mr. Vandette added that promoting the use of swales and berms to block and direct existing drainage patterns to swales is helpful. Erosion and the subsequent silt blockages is major problem. When subdivisions are completed it is hard to get corrections to the maintenance issues because the developers moved on to other projects. The final solution is to require escrow funds from the developers to ensure the corrections will be completed.

Mr. Littman asked that the agricultural drains be shown on the Map.

Ms. Slintak answered that all drains will be indicated if there is a record of their existence.

Mr. Littman offered to loan out his wetland conference notebook to the Planning Commission members who did not attend.

Mr. Miller said he would provide copies to the Planning Commission and Ms. Bluhm.

Mr. Reece commented that Abbotsford Parc provided cross-sections with swales that appears to be a good example.

Mr. Vandette agreed with Mr. Reece, noting that swales work.

Mr. Kramer stated that the 50 feet natural features setback buffer seems arbitrary.

Ms. Bluhm said the buffer could be reduced.

Ms. Slintak commented that the buffer provides protection for the wetlands and natural features.

Mr. Storrs stated if farming is exempt then there is a loop hole.

Ms. Bluhm noted that State law provides the legal authority for wetland regulation and much of the proposed ordinance is language directly from the State law.

10. PUBLIC COMMENTS

Mr. Lon Ullman, commented that other communities are successful at regulating wetlands and natural features. He noted silting in the Fetterly and Gibson Drains, and that wetlands reduce flooding. All development should follow best management practices (BMP).

Mr. Waller commented regarding the San Marino rezoning, that the E-P District should be reconsidered or the general practice be revised to notify property owners when the Planning Department changes their request.

Mr. Keoleian stated the City is 86% developed, much of it hard surfaced, there is not a lot of wetlands remaining.

Mr. Chamberlain noted that a natural feature buffer is proposed to be 50 feet wide but the wetland or natural feature may not be valuable.

Mr. Storrs add that he sat down and talked with Alan Kiriluk regarding the Civic Center.

The Meeting was adjourned at 10:07 p.m.

Respectfully Submitted,

Mark F. Miller
Interim Planning Director

MFM