The Regular Meeting of the Troy City Planning Commission was called to order by Vice-Chairman Littman at 7:30 P.M. on Tuesday, February 12, 2002, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:	**Absent**
Littman	Chamberlain
Wright	Storrs
Waller	
Kramer	
Starr	
Reece	
Pennington (8:20)	

Also Present:

Mark Miller, Planning Director
Susan Lancaster, Assistant City Attorney
Jordan Keoleian, Student Representative

2. PUBLIC COMMENTS

There were no public comments

SITE PLANS

3. SITE PLAN REVIEW – Proposed Rhode Island Estates Site Condominium, North of Big Beaver, East and West sides of Rhode Island, Section 24

Mr. Miller stated that D & G Development & Construction Co. LLC submitted a revised Site Plan for the Rhode Island Estates Site Condominium. The subject property consists of parts of lots 39, 40, 41, 42 and 43 of Big Beaver Poultry Farms Subdivision comprising 3.65 acres in size and within the R-1E Zoning District, located north of Big Beaver and on the east and west sides of Rhode Island, south of Orpington. Access is proposed from the unimproved Rhode Island Drive and a new east/west public road. A total of 12 units are proposed

including a stormwater detention basin located in the southwest corner of the site condominium and a park area. The petitioner is proposing to dedicate the park to the City of Troy.

Mr. Miller further stated that this proposal was originally presented at the November 13, 2002 Planning Commission meeting and tabled to February 12, 2002 meeting. However, the Commission discussed the proposal at the January 22, 2002 special/study meeting. At this study meeting the petitioner presented a site plan with additional land area east of Rhode Island and a park area. All parties agreed at the meeting that the revised site plan greatly improved the site condominium development and the potential future development of the adjacent properties. The Planning Department prepared a conceptual development plan for the adjacent properties that will help guide the future development of these areas.

Mr. Miller further stated that the City of Troy Natural Features Map indicates woodlands on the subject property while no wetlands are indicated on the map. A Preliminary Tree Preservation Plan (tree inventory) and boundary survey were submitted for the initial development proposal. With the expansion of the project area to the east, the necessary tree inventory and boundary survey was not updated. The City's Environmental Specialist recommended the petitioner submit a wetlands determination.

Mr. Miller concluded stating that the subject site plan includes a park area to be dedicated to the City of Troy. City of Troy Parks and Recreation Department is recommending that the proposed park area not be accepted by the City. Ultimately, City Council has the authority to accept donations of land. All applicable ordinance requirements are met, with the exception of the tree inventory and boundary surveys for the additional properties added to the proposed site condominium.

The petitioner, Victor DeFlorio, stated the original plan that was submitted did not include the very last two pieces of property. Lots 5 and 12 were turned sideways and faced Rhode Island. D & G Development was asked by the Planning Commission to talk to neighbors regarding adjacent property. A couple of neighbors were willing to sell property that will enable this development to be more viable. We'd like to join this piece of property near the detention pond which could be used by Association.

Mr. DeFlorio further stated that by lots 7 and 8 there is a paved path for the city to obtain access to the proposed stormwater detention basin. The subdivision includes sidewalks and paved streets and a temporary turnaround at the end of Wyandotte. In terms of future plans should this be approved, to best utilize the land to the south, would be to continue Rhode Island south so it merges with Cedar Knoll drive and proceed eastward.

Mr. Littman asked the petitioner about the missing tree survey, boundary survey, and wetland determination.

Mr. DeFlorio stated that they could have these items completed and submitted to the City within fifteen (15) days. That these items were put on hold because they had not really received any confirmation of obtaining the initial seven (7) lots.

Mr. Littman questioned the wetlands determination.

Mr. DeFlorio stated that the total property area is less than five (5) acres.

Mr. Littman stated that this was pertinent information as there is no legal requirement for control of this property.

RESOLUTION

Moved by Waller Seconded by Wright

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 Rhode Island Estates Site Condominium, located north of Big Beaver, East and West sides of Rhode Island, Section 24, be approved subject to the following conditions:

Petitioner will provide the necessary tree inventory and boundary survey for the two (2) parcels to the east within fifteen (15) days. It is the opinion of the Planning Commission that the area to the eastern end of the project could be either a public park or private park and we hereby endorse.

Yeas:	Nays:	Absent:
All present (6)		Chamberlain
		Storrs
		Pennington (8:20)

4. SITE PLAN REVIEW (SU-311) – Rexpointe Kennels, West side of Rochester Rd. and South of South Blvd., Section 3

Mr. Miller stated that Rexpointe Kennels submitted a revised Site Plan for the reconstruction of the kennel with approximately 15,010 square feet of building and 3,877 square feet of outdoor dog run, located on 5.87 acres of land, on the west side of Rochester Road and south of South Boulevard. Four of the existing residential structures including the house, garage and shed will remain. The subject property is within the R-1C Zoning District, which permits expansion of the

buildings or facilities related to commercial kennels established prior to January 1, 2000, subject to Special Use Approval. The Planning Commission granted Special Use Approval and Site Plan Approval on October 2, 2001 for the kennel.

Mr. Miller further stated that the proposed revision will reduce the proposed building by 2,190 square feet and preserve an additional existing structure.

Mr. Miller further stated that the Natural Features Map indicates wetlands and woodlands on the subject property. In addition, there appears to be 100-year flood plain located on the site. Both the wetlands and flood plain are located in the westerly area of the property. The City does not require documentation of natural features for this type of development proposal.

Mr. Miller concluded stating that the proposed revised Site Plan meets all Zoning Ordinance requirements.

Bill Thomas, Architect for Rexpointe, came forward.

Mr. Littman asked if the number of animals to be housed were less due to the reduction of the size of the structure.

Mr. Thomas stated that the number of animals to be housed will remain the same, the reductions will affect the amenities for the staff.

Mr. Littman asked if there were any state regulations on how large the kennels need to be.

Mr. Thomas stated he was not aware of any.

Mr. Kramer asked if anything had changed in the elevation or the design.

Mr. Thomas stated there were no changes.

Mr. Waller asked about a new screen wall.

Mr. Thomas stated that the existing brush would remain and would be in front of the screen wall.

Mr. Waller stated you mean there will be two screen walls.

Mr. Thomas stated no, we plan on extending the screen wall to the condos to the south (120 feet further).

RESOLUTION

Moved by Wright Seconded by Starr

RESOLVED, that Preliminary Site Plan Approval, as requested for the Rexpointe Kennel on a 5.87 acre R-1C zoned site, located on the west side of Rochester Road and south of South Boulevard is hereby granted subject to the following conditions:

1. The existing brush along south property line be preserved for a noise barrier.

2. That all animals will be kept inside and enclosed from 8:30 P.M. to 8:00 A.M., seven (7) days a week.

3. Exterior lighting will be provided in such a manner that it will be directed downward for site entrance and parking lot and will not impact adjacent properties.

4. The facility will not have any windows where the animals are boarded.

5. The facility will house approximately 140 to 160 animals, rather than the current facility's 160 to 200 animals, and is more enclosed than the existing facility and has greater setbacks than the existing facility.

6. The commercial kennel is of such location, size, and character as to be compatible with the orderly development of the R-1C Zoning District and is not detrimental to the orderly development, property value, environment, or use of adjacent land and Zoning Districts.

7. The commercial kennel is within capacity limitations of the existing or proposed public services and facilities that serve its location.

8. Any changes to the Site Plan shall only be approved by the Planning Commission.

Yeas:	Nays:	Absent:
All Present (6)		Chamberlain Storrs Pennington (8:20)

MOTION APPROVED

5. SITE PLAN REVIEW (SP-865) – East Long Lake Properties Office Bldg. Re-Build, South side of Long Lake, West of Rochester, Section 15

Mr. Miller stated that Dan DeMartinis, petitioner for East Long Lake Properties, LLC submitted a site plan for an office building that includes the demolition of the existing building located on the site. Subject property is 0.54 acres in size with 94 feet of frontage on the south side of Long Lake Road and located within the B-1 Zoning District. Access to the proposed office building is via an existing joint driveway and cross access easement in conjunction with the property to the west, and continues to the southern property line. Proposed building size is 7,400 square feet and 17 feet in height. Stormwater detention proposed is within the parking lot and oversized underground stormwater sewer pipes, that will be reviewed by the Engineering Department after Preliminary Site Plan Approval is granted.

Mr. Miller concluded stating that no natural features are located on the subject property as indicated on the City's Natural Features Map and all Zoning Ordinance requirements have been met by the proposed Site Plan. The Planning Department recommended approval of the proposed Site Plan.

Mr. Allen Decker, representative for East Long Lake Properties, stated that the building is presently non-conforming and we are turning it into a better project in the City of Troy.

RESOLUTION

Moved by Starr Seconded by Wright

RESOLVED, that Preliminary Site Plan Approval request for the East Long Lake Properties, LLC office building, located on the south side of Long Lake Road and west of Rochester Road, Section 15, being 0.54 acres, within the B-1 Zoning District, is hereby granted.

Yeas:	Nays:	Absent:
All Present (6)		Chamberlain Storrs Pennington (8:20)

MOTION APPROVED

6. PRELIMINARY PLAT – TENTATIVE APPROVAL – Oak Forest South Subdivision, East side of Willow Grove, South of Square Lake, 10.03 acres, – Section 11

Mr. Miller stated that the Wattles Square, Inc. submitted a revised Tentative Preliminary Plat known as Oak Forest South Subdivision. The subject property is 10.03 acres, with 330 feet of frontage on the east side of Willow Grove Road and located within the R-1C Zoning District. Access to the proposed 25 lots is a single road with a cul-de-sac with a length of over 1,000 feet and a single stub street to the north property line. This road is aligned with the existing Trevino Drive that is an entrance to the Golf Trail Subdivision. Willow Grove Road paving will be completed along the frontage of the subject property. Two shallow sloped unfenced storm-water detention basins are located adjacent to the Fetterly Drain. A 20 feet wide walkway easement is included along the east side of the Fetterly Drain easement. This easement will allow for a walkway to connect to Jaycee Park, which is directly south of the subject property and eventually continues north along the Fetterly Drain to City owned properties fronting Square Lake Road.

Mr. Miller further stated that Oak Forest South Subdivision was tabled a total of three times by the Planning Commission for the purpose of the petitioner to provide environmental information and a staff review of this environmental information. The wetlands information has been provided by the petitioner while sufficient tree survey information has not been provided.

Mr. Miller further stated that substantially, the subdivision meets Zoning Ordinance and Subdivision Control Ordinance requirements. However, there are six subdivision design issues and are as follows:

1. Walkway Location

City Staff are of the opinion that the walkway should not be located within a the stormwater detention basin. The grade of the basin and potential of water covering the walkway is a safety concern. In addition the walkway easement is proposed to be located on Lot 19. A subdivision association park or similar open space should be created for the walkway.

2. Conservation Easement

A conservation easement is proposed on Lots 12 and 13 to protect a MDEQ regulated wetlands. The creation of a subdivision association park or similar open space should be created for proper protection of the regulated wetlands. At minimum, if the conservation easements are to be located on these lots, then a split rail fence should be provided to identify and separate the regulated wetlands.

3. Preliminary Tree Preservation Plan

The Parks and Recreation Department reviewed the Tree Preservation plans and did not approve them. Staff will conduct a site inspection when the site is safe to enter and verify the accuracy of the tree inventory.

4. Wetlands Assessment

Petitioner secured a MDEQ Level 3 Wetland Assessment to delineate the regulated wetlands. The City's wetland consultant, J & L Consulting Services, has been unable to conduct a field study to verify the MDEQ's assessment. When the weather permits the consultant will verify the wetlands boundary. Preliminary comments from the City's staff Environmental Specialist are provided for the Planning Commission's information.

5. Fetterly Drain Improvements

The Fetterly Drain stormwater capacity is not sufficient for the development Oak Forest South, Oak Forest and Oak Forest North Subdivisions. The petitioner is working with the City and the Oakland County Drain Commissioner to implement a drain improvement project. A lengthy summary of the process is provided for the Planning Commission information (enclosed).

6. Public Comment

Craig Poulson sent to a letter to the City that posed a number of questions (enclosed).

Mr. Miller further stated that the Oak Forest Subdivision, the proposed subdivision in front of the Planning Commission tonight (Oak Forest South), and the Oak Forest West stormwater would all empty into the Fetterly Drain. The drain, at this time, does not have the capacity to handle this. This drain will need reconstruction before this property is ultimately approved.

Mr. Littman asked if any of these wetlands were going to be filled.

Mr. Miller stated not on this site but on some of the other properties.

Mr. Waller asked if these have received some type of wetland determination and if the City is going to be doing theirs, what is your plan if they don't agree.

Mr. Miller stated that the MDEQ has the ultimate authority in delineating wetlands and granting wetlands permits.

Mr. Starr commented on the wetland issue and that by putting it on the lots, that the wetlands could disappear in that area. What are the restrictions on that based on those easements.

Mr. Miller stated it would come up in the next phase of approval.

Mr. Starr stated that the easement doesn't exist yet.

Mr. Miller replied correct.

Mr. Littman stated that some of these issues can be hammered out later. Any of these pieces that are missing, might be a factor in our decision.

Mr. Miller stated that conservation easement needs to be identified. Some other design alternative should be considered. Conservation easement is an acceptable tool, however, the wetland will be better preserved if it's within an open space.

Mr. Miller further stated that a wetlands consultant should take a look at the site to verify wetlands; however, MDEQ, is the final authority.

Mr. Littman commented on the drain approval process.

Mr. Miller stated that the Planning Commission doesn't have control of the drain approval process. It gives the developer some comfort to do their design and engineering work.

Mr. Kramer asked if it was possible, to place the drain underground and what will affect the outcome.

Mr. Miller stated it is uncertain as to what will happen with the Fetterly Drain. If the Fetterly Drain is not approved for reconstruction, this project should not go forward.

At this phase of the approval process, engineering is not completed.

Mr. Kramer stated that if any changes occur, the plat should come back to the Planning Commission for Tentative Preliminary Plat Approval.

Mr. Dale Garrett, Petitioner for Oak Forest South, stated that PEA designed the plans for the drain and he does have some insight regarding the drain. It was decided that the City did not want to front any funds approximately three (3) years ago. When the City backed out, the whole project fell through. At this time we are paying the whole share for the Fetterly Drain improvements.

Mr. Garret further stated that regarding the walkway easement they are providing, it is to be accommodating the City's request. We are more than happy to provide some kind of walkway to and from the City's park. This site, in contrast to the current approved Oak Forest site, is currently self contained. This is much simpler than the existing Oak Forest Subdivision.

Mr. Wright asked how they would plan to get construction equipment to this site.

Mr. Garret stated down Willow Grove street.

Mr. Wright commented that it would not be very good for the residents living on Willow Grove, couldn't you bring it in through the other subdivisions.

Mr. Garret stated that he does not know if there is a good answer to that at this time.

Mr. Starr asked if there were any alternatives for the walkway easement.

Mr. Garret stated that the lot on the west side of the drain be contained at 20 feet. It is rather large. We have had other easements like this in the past. Perhaps something like that would be more viable.

Mr. Starr asked Mr. Miller why on the east side.

Mr. Miller stated that when the process occurred, the City wanted to try to keep all the properties east of the Fetterly Drain so there would be a true connection to the Jaycee Park, this isn't part of that plat process and he didn't know where they are going at this time.

Mr. Garret stated that the process was brought up about three years ago. We are willing to talk about that and make changes at a later time. We are more than willing to reconfigure the plat.

Mr. Kramer stated that preserving that walkway is very important. We need some direction from the petitioner as to what he is willing to do to get it out of the detention area.

Mr. Garrett stated that the west side of the drain is for crossing and believes that would work.

Mr. Kramer asked if a twelve (12) feet walkway encroaches into lot 8.

Mr. Garrett stated that wouldn't be a problem.

Mr. Craig Poulson, 1466 Trevino, stated he does not understand much about this whole process. He stated he would like to see a cost benefit analysis so that we

can justify what this is going to do for our schools. What are we going to do with the water. What is the cost to the City for all of the drainage. Why does this make sense to the City.

Mr. Littman stated that someone owns this property. There is no way we can turn them down because of the school district. It would be very difficult to deny for that reason.

Mr. Kramer stated that this is residential land and which generally meets the requirements of the Future Land Use Plan. This is core for the use he is presenting it for.

Mr. Poulson stated that maybe the Planning Department should be a different name. Maybe I am in the wrong place. Maybe I should talk to somebody about zoning.

Ms. Lancaster stated that this is a request for a subdivision and the state has statutes for same. That the Planning Commission is mandated by the state to do this and they have to give a recommendation to City Council. It is a state law.

Mike Brubaker, 5775 John R. stated that this has been going on for a long time. They have not even given permission to access the site. An Environmental Impact Study is required.

Mr. Miller stated that the Environmental Impact Study has been completed.

Mr. Brubaker stated that the Environmental Impact Study should take into account the total combination of the developments. We are looking at approximately 75 houses.

Mr. Brubaker also stated that the City requested a Hydrology Study and it is not back yet.

Mr. Miller stated that the request was only for the Oak Forest subdivision, which was previously recommended for approval.

Mr. Brubaker stated it shows enclosure of the Fetterly Drain. City Council hasn't had a chance to discuss that. We still haven't had a chance to look at that. Will taxpayers have to pay for part of that. He doesn't know where we stand. City is talking about a linear park. I hope you can consider all of these things when you make your decision tonight.

Michael Bradley, 1211 Player Drive, President of Golfview Subdivision Association, stated he is nearest to the Oak Forest South Subdivision. He stated his concerns are regarding traffic flow. Has there been a traffic study. His concern as well as the

neighbors is regarding fifty (50) plus cars coming out of one exit of Oak Forest South and traveling through Trevino to Rochester Road.

Mr. Miller stated that Traffic Engineering did discuss this with Mr. Bradley. A full blown study was not done by Traffic Engineering; however, Traffic Engineering does not believe there would be a dramatic increase in traffic.

Mr. Joe Bonnelli, 5612 Willow Grove stated he has lived in Troy for thirty (30) years and is the owner of the property just north of the development. What is going to happen to him. This is making him sick. Will he have to get rid of his animals. There is water problems and vandalism problems. There are a lot of deer in the area. What's going to happen to them.

Mr. Wright asked if the hydrology report was in.

Mr. Miller stated he was not aware if the report was in or not and that it was to be delivered to Engineering for Oak Forest.

Mr. Wright commented on safety concerns and stated that the developer should run a sidewalk all the way up to Willow Grove. There will be 25 houses dumping out and some of those people are going to be going up Willow Grove. He is concerned about safety, especially of the children.

Mr. Keoleian stated his concern for the grades at the property lines.

Mr. Miller stated that issue will be reviewed during the engineering phase.

RESOLUTION

Moved by Waller Seconded by Starr

RESOLVED, that Tentative Approval for the Preliminary Plat of the Oak Forest South Subdivision, including 25 lots, located on the east side of Willow Grove Road and south of Square Lake Road, Section 11, being 10.03 acres, within the R-1C Zoning District, is hereby granted:

Yeas:	Nays:	Absent:	Abstain
Starr	Reece	Chamberlain	Pennington (8:20)
Waller	Littman	Storrs	
	Wright		
	Kramer		

MOTION DEFEATED

Mr. Wright stated approving the plat as is, is detrimental to health, safety and welfare of the residents and the children of Willow Grove Road. There are too many unanswered questions.

Mr. Kramer stated that the plan before the Commission tonight has conflicts between the walkway path and the stormwater detention area and that is only the tip of the iceberg.

Mr. Reece agrees with above statements and stated it all seems premature to me to go ahead. Mr. Wright stated approving it as is, is detrimental to health, safety and welfare of the residents and the children. There are too many unanswered questions.

Mr. Littman stated he really doesn't think this is ready for action at this time and that we will send our recommendation to City Council.

REZONING PROPOSALS

7. PUBLIC HEARING - PROPOSED REZONING (Z-677) – Grace Christian Learning Center, East side of John R and North of Big Beaver, 0.42 acres, Section 24, R-1E to P-1

Mr. Miller stated that Rick Howard, on behalf of the Grace Christian Learning Center, requests a rezoning of a portion of Lot 67 of Big Beaver Poultry Farms Subdivision, from R-1E One Family Residential to P-1 Vehicular Parking. The subject property is 0.42 acres in size, with 70 feet of frontage on the east side of John R Road and north of Big Beaver Road. The purpose of the rezoning request is to construct none required parking for the recently constructed Grace Christian Learning Center. This day care center has frontage and access on the Big Beaver Road. The subject property abuts the north property line of this existing day care center.

Mr. Miller further stated that the subject property is currently vacant. The adjacent land uses include: a Detroit Edison sub-station to the north; vacant property owned by the petitioner to the south and the Grace Christian Learning Center; to the west, across John R Road, the Troy Sports Center and Retail Center; and One-Family Residential on Orpington Road to the east and the new Expert Underwriters office building to the southeast.

Mr. Miller further stated that the current Future Land Use Plan designation for the subject property is Local Service Area and/or Medium Density Residential. The adjacent land use designations include: Medium Density Residential to the north

and east, a Major Thoroughfare and Local Service Area to the west and Local Service Area to the south.

Mr. Miller further stated that the current zoning district classification of the subject property is R-1E One Family Residential. The adjacent zoning district classifications include: R-1E One Family Residential, and a consent judgment to allow O-1 Low Rise Office at John R Road and Orpington Road to the north and east, B-1 Local Business to the south, B-2 Community Business to the west, and a Consent Judgment allowing O-1 Low Rise Office to the southeast.

Mr. Miller concluded stating that with consideration of the extent of commercial development at the Troy Sports Center on the west side of John R Road and the non-residential zoning on the east side of John R Road, the rezoning request is compatible with the existing zoning districts and land uses. It is noted that the Future Land Use Plan considers Medium Density Residential in the general area of subject property. Local Service Area is also considered by the Future Land Use Plan extending from the intersection of John R Road and Big Beaver Road. The existing characteristics of the area dictate the subject property would not be likely to be developed as medium density residential. The proposed rezoning is consistent with the Future Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon these findings the Planning Department recommends approval of the subject rezoning request.

Rick Howard, Petitioner, came forward and did not have any comments.

Public hearing opened.

Michael McLaughlin, 2058 Orpington, stated his property was directly adjacent to where the parking lot sits and that he requests a 6 ft. wall be installed.

Mr. Howard stated there would be no problem with that request.

Mr. Miller stated that a 4' 6" wall is required and however, Site Plan Approval was not being considered, only a P-1 rezoning request.

Mr. Littman stated this is just a rezoning request. Walls come with Site Plan approval.

RESOLUTION

Moved by Wright Seconded by Kramer

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 rezoning request of 0.42 acres, part of Lot 67 Big

Beaver Poultry Farms Subdivision, located on the east side of John R Road and north of Big Beaver Road, Section 24, be granted.

Yeas:	Nays:	Absent:
All Present (7)		Chamberlain Storrs

MOTION APPROVED

8. PUBLIC HEARING-PROPOSED REZONING (Z-676) – West side of Dequindre and South of Wattles, 1.07 acres, Section 24, R-1C to O-1

Mr. Miller stated that Albert IaFrate submitted a R-1C to O-1 rezoning request for Lot 25 of Eyster's Dequindre Farms Subdivision No. 5, Section 24, 1.07 acres in size, located on the west side of Dequindre Road and south of Wattles Road for the purpose of constructing a medical office building.

Mr. Miller further stated that the current use of the subject property is single family residential. The adjacent land uses include: vacant land to the north on which the recently approved Troy Professional Office Building is proposed, vacant land to the west on which Birchwood Estates Site Condominium is proposed, single family residential to the south and to the west Dequindre Road and a retail center in the City of Sterling Heights.

Mr. Miller further stated that the Current Future Land Use Plan designation for the subject property appears to be Low Rise Office. The adjacent land use designations include: Low Rise Office to the north and Low Density Residential to the south and west.

Mr. Miller further stated that the current zoning district classification of the subject property is R-1C One Family Residential. The adjacent zoning district classifications include: O-1 Low Rise Office to the north, R-1C One Family Residential to the south and west and C-1 in the City of Sterling Heights to the east.

Mr. Miller concluded stating that the proposed rezoning is consistent with the Future Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. In the Planning Department's opinion the subject property should be the southerly limit of the low rise office uses. Based upon these findings, the Planning Department recommends approval of the subject rezoning request.

Mr. Kramer to Mr. Miller asking if he recalled that the parcels rezoned to the north were rezoned to the same depth.

Mr. Miller answered yes.

Mr. Albert IaFrate, 978 Wester, petitioner, came forward and had no additional comments.

Mr. Kramer echoed Mr. Miller's recommendation that the subject property be the southern limit of any non-residential Zoning Districts.

RESOLUTION

Moved by Starr Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request of for Lot 25 of Eyster's Dequindre Farms Subdivision No. 5, Section 24, 1.07 acres in size, located on the west side of Dequindre Road and south of Wattles Road be granted.

Yeas:	Nays:	Absent:
All Present (7)		Chamberlain Storrs

PLANNED UNIT DEVELOPMENT PROPOSAL

9. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester Road and South of South Boulevard, 89.63 acres (gross) Section 2, R-1D

Mr. Miller stated that the Troy Baptist Church, Robertson Brothers Company and Franklin Property Corporation submitted a Planned Unit Development (PUD) for Preliminary Plan Approval for the development of the 89.63 acre (gross), Troy Baptist property on the east side of Rochester Road south of South Boulevard, within the R-1D Zoning District. This site has approximately a quarter mile of frontage on Rochester Road and extends east from Rochester Road approximately one half mile.

Mr. Miller further stated that the City of Troy utilized the consulting services of Carlisle/Wortman Associates, Inc., a community planning and landscape architect firm to prepare an analysis and recommendation for the PUD request. Richard K. Carlisle, PCP is the professional community planner who worked with the City and will present his report and recommendation to the Planning Commission

meeting. A copy of the report and recommendation is provided in the agenda package.

Mr. Miller further stated that the Planning Commission discussed the PUD proposal at the March 27, 2001, October 23, 2001 and November 27, 2001, Special/Study Meetings (minutes enclosed). There is also a review checklist provided in the agenda package to allow each Planning Commissioner the opportunity to address each PUD requirement in relation to the Troy Baptist proposal.

Mr. Miller further stated that located on the subject property are MDEQ regulated wetlands as determined by the MDEQ Wetlands Assessment Report. In addition there is a regulated 100 year flood plain associated with the Ferry Drain located on the subject property. This MDEQ report does not include the northerly portion of the subject property within the Eyster's Suburban Home Subdivision. These natural features are indicated on the PUD plans. In addition J & L Consulting Services, City of Troy's wetlands consultant, conducted a wetlands review of the subject property.

Mr. Miller further stated that there is one correspondence from Mr. and Mrs. Douglas Wesley regarding the proposal. A Mr. Bengt Jonsson, 1250 Hartwig, Troy, Michigan contacted the Planning Department and indicated that part of his property, Lot 20 Eyster's Suburban Home Subdivision, is included within the proposal, although he has not agreed to sell that portion of his property.

Mr. Miller concluded stating that the Planning Department and City Management coordinated with Richard Carlisle, Carlisle/Wortman Associates, Inc., and concurred with their report and recommendation for the subject PUD request. Based upon these findings and recommendations, the Planning Department recommends the subject PUD Preliminary Plan be denied approval.

Richard Carlisle, Carlisle/Wortman Associates Inc., summarized his PUD report for the Planning Commission. Mr. Carlisle's recommended denial of the PUD. He stated that, ultimately, the proposed project does not have merit as a PUD and cannot be corrected with tweaking of the plan. In addition, the PUD standards call for projects that are exemplary or higher quality development, and this proposal does not achieve this standard.

Petitioner, Andrew Milia, stated that on March 27, 2001, Troy Baptist came forward to the City for their consideration on which way to achieve their objective. He stated that it was the City's recommendation to go for the PUD. April through September of 2001 we have addressed a number of issues with the Planning Department and attended a Study Session with the Planning Commission in October to discuss this site. After the Study Session we resubmitted the plans; however, we were stalled through December, January, into early February. The whole process took too long.

Petitioner, Jim Clark, came forward and stated that he has been in front of the Planning Commission twice and asked how much of the previous presentations did the Planning Commission wish him to present this time.

Mr. Littman stated that the petitioner should address Mr. Carlisle's presentation.

Mr. Clark stated that Troy Baptist submitted applications to MDEQ and have agreed to the wetlands report and have conceptually accepted it 90 days from the beginning of January. He stated that Larry Keisling and Eugene Jawoski did a review. He stated that Troy Baptist got the MDEQ documentation and provided additional details in relation to plans as Mr. Miller had requested.

Mr. Clark further stated that a PUD does provide for innovation and different types of land uses. That the PUD ensures preservation of Natural Features; provides 35% of natural space and that they are making a contribution for preservation. That instead of providing a 10 year stormwater detention system that they came up with a 25 year stormwater detention system and believe it to be exemplary. That the wetlands will be used for what they are suppose to be used for. It will be a visual amenity for the development.

Mr. Clark further stated that 11 out of 13 sites will be accessed over a road through Emerald Lakes. Hopefully, we will be able to come to some kind of terms. They will be putting all our traffic out to the boulevard. Employment will also be provided with our project.

Mr. Clark further stated that they have met with neighbors and that some are in support of this project and some things need to worked out with others. They feel confident that they can meet with these people and come up some kind of resolution provided we understand what direction we should go. They believe the project will be successful.

Mr. Clark further stated that they have had some good initial feedback from the Planning Commission to go forward with a PUD. He asked how can we get this to work.

Doug Schmidt, 5184 Hertford, stated he is the Sr. Pastor of Troy Baptist and that one of their difficulties is the congregation is growing and they have a small piece of property. Attendance is somewhere between 2,300 - 2,500 on Sundays. Total membership is in excess of 5,000. They have done everything to accommodate growth and keep people safe. One of the things they are excited about is seniors. Discussions have occurred with many regarding them living in these proposed condominiums. They want to work with this Commission to work out all of the details possible. The greatest expenditure has been time and a year of work spent in good faith.

Kevin Johnston, Building Committee for Troy Baptist stated that the situation in the current facility is growth, in excess of 5,000 members who call Troy Baptist their Church. Part of the community is the schools, homes, and the Church. They looked in Auburn Hills, Rochester Hills, and wanted to go with what would work best for the church. When this property became available, the members of City Council and the Planning Commission stated they thought this would be an ideal location for the Troy Baptist Church. We have worked step by step with the City Staff. The church looks with extreme disfavor at Richard Carlisle's consideration of the woodlands did not occur. The Church was placed on the property to preserve major woodlands. There is 26 acres of wetlands throughout the site. The church wants to work in the City of Troy. The church has done everything the City has asked. This eleventh hour report comes as a surprise. The church really wants to do everything possible to make this work. It is their belief that the development and the Church will be able to interact.

Mr. Littman stated that the Commission agrees that it is a great location for the Church. To be built under the current zoning, you wouldn't have to be here for this process. The remainder of the area is already zoned residential, R-1T, which certainly could be done on portion of the property. It would still work under the current zoning without any special process. Why does this have to be done under a PUD? The project can be done under our current zoning.

Mr. Clark replied that stormwater agreements and the PUD is the way it has been addressed in other communities. Mr. Clark also stated that part of the answer to Mr. Littman's question is the encouragement we received from the City and didn't perceive it as a problem until just recently.

Mr. Littman asked about the office component.

Mr. Clark stated it would be a buffer from the Alibi Inn.

Public Hearing Opened

Tim Fausch, 1186 Doral, stated he has worked in Troy for 20 years and has been a resident for 10 years. He stated that he disagrees with the consultant's report. We talked about the opportunities that would be available to us for housing. There will be interaction within this project. This is a sorely lacking opportunity in the City of Troy. To see it as not a unified plan is really missing an opportunity. He attended the study session meeting with the Planning Commission and Troy Baptist and walked out of that meeting with a pretty strong endorsement from the Planning Commission. Looking back at the meeting, it was favorable for the PUD.

Mr. Waller asked for clarification of the meeting.

Mr. Miller clarified.

Mr. Waller asked if the feeling of the City and the outside consultant was that the PUD may not be what we want now. The Planning Commission has not been a part of that. He did not have a clear recommendation that we stop the PUD unless you go somewhere else. That doesn't reflect well on how we run our business. We all need to be singing out of the same hymn book.

Scott Wetzel, 1401 Hartwig, stated his biggest concerns, as well as many of my neighbors, is when we depart for work and return, traffic is horrendous and to exit Hartwig onto Rochester Road you need a gift from God to get on the roadway. Another concern is traffic going in and out of Alibi Inn, everyone cuts through to Lovell. Another concern is the office building. He understood the explanation why they don't want to put condos next to the Alibi. Locating an office building there to cushion the smell will not work. He doesn't want an office building near him. He does applaud the church in saving as much wetland as proposed.

Richard Harding, 56 Whitney Ct., stated he has been a resident of Troy for 54 years and worked in the Fire Department as a volunteer for 25 years. He stated he is the vice-chairman of the building committee for Troy Baptist and that he has attended all meetings except with the engineering staff. He states that he is floored that the PUD is recommended for denial when the Church is trying to stretch to help other people. He wants to know if the City of Troy is willing to do something different. Seven other communities have PUDs. They must work. All they have done is try to please the City. What more does the City want us to do? The church will do whatever we need to do to make the PUD work. He stated the project will be an asset.

Yvonne Stark, 1120 Hartwig, stated she agreed with Scott Wetzel. She also stated that she just purchased her first house on Hartwig and picked this particular house because of the environment. She stated she was of the understanding that nothing was going to be built on that property. She understands the growth within the Church. However, the condo complex is a problem. There will be an excess of another 300 vehicles on Rochester Road. It is nice to be able to walk to Church, but no one buys a condo to walk to Church. If they are able to build these condos, they have committed to the line of trees being left to the residents on the east, but have not committed to the trees to the North. Is it necessary to build 142 condos.

Mr. Littman stated the Church's issue regarding changing things at the eleventh hour and other problems related to traffic and nature. These have already been addressed. Ask public comments address different issues.

Ali Rabbani, 18 Ford Court, Grosse Point Shores, stated that he owns approximately 400 feet (5 lots) on the west side of Rochester Road. He doesn't have any concerns at all, it is very good for the City of Troy.

Ron Wilson, 4457 Holly, stated he has a 15 year old daughter, a 12 year old dog, and owns a business in Troy. When he saw the Troy Baptist Church site, not only did he want to live in the condos, he would like to locate his company into this office building.

Charles Joseph, 2408 Highbury, member of Troy Baptist Church, strongly encourages the Planning Commission to work for all residents in Troy. They are Troy residents and whether real or imagined, they have a carefully planned development that demands all Troy residents be considered. It is an opportunity to do something great in the City of Troy. He encourages better coordination of all parties concerned.

Ralph Wafford, 1330 22 Mile Road, Shelby Twp., stated he lived on Lot #29 on Hartwig for 22 years. He stated he trapped 13 skunks, a number of possums, and couldn't hardly get out of the house due to the mosquitoes. There were a lot of things he doesn't like in that area so he moved. This isn't anything the City can't handle. The Church would be nice. Why did the City hire someone to tell you not to do it?

Dick Harding, 1814 Buckmorr Ct., stated he has lived in Troy for 44 years, worked in the Troy Fire Department as a volunteer for 17 years, and would like to stay in Troy. Troy has offered his family what we perceived other communities have not offered them. He doesn't think we should go backwards. We should look at doing things differently. Troy is a desirable community for people to come to. He would like to see the City take a chance on this PUD.

Bob Boehle, 4313 Reilly, stated he is a member of Troy Baptist Church and that he endorses the PUD. He encourages the City to look very seriously at this PUD.

Public hearing closed.

Mr. Reece stated that the PUD requires more mixed use and interconnectivity. The density is also an issue.

Mr. Kramer commented there are a number of things the PUD needs: More integration and more amenities. When he looks at the site plan, the same issues we talked about last March and last October are still unresolved. Connectivity of vehicles and pedestrians are necessary. Sidewalks are as far away from the residents as you can imagine. It's those types of details which were discussed in the previous meetings. The wetlands area designed should be an amenity and integrated in an overall development. He supported the Church at this location and the Church has been working very hard in reaching their goal. But Robertson Brothers is optimizing their return at the expense of the neighbors. The proposal is not an improvement that we would expect from a PUD.

Mr. Waller stated he totally agreed with Mr. Kramer. There is no justification for an office building. The objective of a PUD is to improve development and this doesn't look like any improvement.

Mr. Littman stated that the taxpayers pay the Planning Commission to attend conferences once a year so we that we can look at innovative ideas from other communities. We all hoped that this PUD could bring what we saw in other communities. We also talked about our fears. One of our biggest fears is that it would be used by someone to just get around the Zoning Ordinance. What the Planning Commission had in mind, is a community that fits together. This request did not require a consultant to tell the City it is overbuilt on this site. He didn't think it's a benefit for the citizens of this City with the concentration of houses. The Church is a magnificent facility that should be put on this location. He sees this PUD is an attempt to overbuild. The project doesn't begin to satisfy the quality the Planning Commission had hoped for when the PUD ordinance was created. Someone owns that property and is allowed to develop it, however, the proposed PUD is a total misapplication of the PUD provisions.

Mr. Waller stated that there is a history of not wanting additional retail. He doesn't agree that there should be a 7-Eleven on the property. Everybody needs to calmly decide if our current Zoning Ordinance is valid. If the PUD is not the way to do this, then we should have another meeting to get this done.

Mr. Littman stated that there are mechanisms for variances.

RESOLUTION

Moved by Waller Seconded by None

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan Approval for the development of PUD-1, located on 89.63 acres (gross) of land, located on the east side of Rochester Road south of South Boulevard, within the R-1D Zoning District, is hereby granted.

No second on the resolution and motion fails.

RESOLUTION

Moved by Kramer Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan Approval for the development of PUD-1, located on 89.63 acres

(gross) of land, located on the east side of Rochester Road south of South Boulevard, within the R-1D Zoning District, be denied for the following reasons:

1. That the application of the PUD and mix use requirement has not been fully.

2. That the density of the PUD is incompatible with the Future Land Use Plan.

3. One-family houses that are applicable to this area can be established under the existing Zoning Ordinance.

Mr. Starr stated a denial does not seem to be in order and that additional discussions are needed.

Mr. Littman commented that we have already discussed this.

Mr. Kramer stated that the proposal hasn't changed at all throughout the whole process. Density hasn't changed.

Mr. Starr stated that pathways were provided. That they have tried to accommodate.

Mr. Reece asked if the petitioner would like a tabling or continuance.

Mr. Clark asked for a brief moment.

Mr. Robertson of Robertson Brothers, stated his company has been in the building industry in Troy for 50 years. He has been challenged to accomplish this and would like to take another shot at another meeting. He has spent a lot of time at Planning Commission meetings because he has felt this to be very important project.

Mr. Littman stated he does not wish to delay the process but is willing to table.

Mr. Robertson stated that they want to be cooperative to meet the demand for empty nester homes and requested a tabling.

MOTION TO TABLE

Moved by Waller Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan Approval for the development of PUD-1, located on 89.63 acres (gross) of land, located on the east side of Rochester Road south of South

Boulevard, within the R-1D Zoning District, is hereby tabled to the next regular Planning Commission meeting.

Yeas:	Nays:	Absent:
All Present (7)		Chamberlain Storrs

MOTION CARRIED

RESOLUTION

Moved by: Wright Seconded by: Littman

RESOLVED, that Mr. Chamberlain and Mr. Storrs be excused from attendance at this meeting.

MOTION CARRIED

Yeas:	Absent:
All Present (7)	Chamberlain Storrs

10. MEETING ADJOURNED 11:00 P.M.

Respectfully submitted,

Mark F. Miller
Planning Director