

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 p.m. on January 14, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Dennis A. Kramer
Lawrence Littman
Cindy Pennington
Robert Schultz
Walter Storrs
David T. Waller
Wayne Wright

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
James P. Ong, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution

Moved by Wright

Seconded by Storrs

RESOLVED, that Mr. Vleck be excused from attendance at this meeting.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED

Chairman Chamberlain introduced Robert Schultz, new member of the Planning Commission, and James Ong, new student representative.

Mr. Miller announced that text explaining the differences between site condominiums and plats is available at the entrance to the Council Chambers.

2. MINUTES – December 10, 2002

Mr. Littman requested that the December 10, 2002 minutes reflect clearly under item 3 (page 5) and item 8 (page 14) the reasons the motions to table were not entertained.

Resolution

Moved by Waller

Seconded by Littman

RESOLVED to approve the December 10, 2002, Planning Commission Regular Meeting minutes as corrected.

Yeas
Kramer
Littman
Storrs
Waller

Abstain
Chamberlain
Pennington
Schultz
Wright

Absent
Vleck

MOTION CARRIED

3. **PUBLIC COMMENTS**

There were no public comments.

TABLED ITEM

4. **PUBLIC HEARING - PROPOSED REZONING (Z-686)** – Proposed Gas Station, Northwest Corner of Wattles and Dequindre, Section 13 – R-1C to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed gas station at the northwest corner of Wattles and Dequindre. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant noted that the Future Land Use Plan designates the subject property as Medium Density Residential and the area to the north and west is designated as Low Density Residential. Mr. Savidant reported that the dimensions of the parcel are 90 feet by 140 feet, approximately 12,635 square feet in area, and noted the minimum required area for automobile service stations is 15,000 square feet. He reported that the parcel could not be developed as proposed without a variance from the minimum lot size requirement.

In summary, Mr. Savidant reported that because the proposed request is not compatible with the surrounding single family zoning districts and land uses to the north and west, it is the Planning Department’s recommendation to deny the proposed rezoning request.

The petitioner, Jimmy Isso, 5332 Marlwood Court, West Bloomfield, was present. Mr. Isso requested the Commission to move this item to the end of the meeting because his attorney was not yet present. Mr. Isso said he was not aware that the proposed rezoning request would be so early on the agenda.

Mr. Miller confirmed the petitioner received notification that this item was on tonight's agenda but was not informed of the order that items would be discussed.

Resolution

Moved by Waller

Seconded by Storrs

RESOLVED, that item # 4, Proposed Rezoning Request (Z-686), be moved to the end of the agenda.

Discussion followed.

Chairman Chamberlain noted there were residents in the audience who wished to speak on this item, and the agenda was posted on the City's website for public information.

Roll call on the motion on the floor.

Yeas

Kramer
 Pennington
 Storrs
 Waller

Nays

Chamberlain
 Littman
 Schultz
 Wright

Absent

Vleck

MOTION FAILED

Mr. Isso stated that commercial property exists on both sides of Dequindre Road, beginning at Eight Mile going north. Mr. Isso said he assumed that sooner or later this particular property would be developed as commercial also. Mr. Isso feels that a house on a major street does not service any homeowner and commercial would best serve this site. Mr. Isso said the City is recommending denial of the proposed rezoning because of the setback requirements, noting that the setback requirements resulted from the City's right-of-way acquisition. Mr. Isso feels that the City's right-of-way acquisition and the Planning Department's recommendation to deny this request is "double jeopardy".

PUBLIC HEARING REOPENED

Richard Rauhut of 39155 Dequindre said he has owned this property for over 50 years. He noted that they have turned down offers from developers to purchase portions of their property so the required setbacks could be met to develop this piece of property. Mr. Rauhut commented that everyone in the area are owners of large homes and are not in favor of this rezoning.

Chairman Chamberlain asked for confirmation of his property in relation to the aerial map.

Mr. Rauhut confirmed that he is the owner of the abutting property to the north, as designated on the aerial map.

Ms. Pennington asked if the resident is in opposition to only the gas station, or if he would like to see the area remain residential.

Mr. Rauhut stated that he opposes the gas station and would like to keep the area residential and/or office so it is in agreement with development within the neighborhood.

Mr. Georgios Voulgaropoulos of 4173 Vassar Drive was present to voice his opposition to the rezoning for the gas station. In his opinion, it is not the best use of this property.

PUBLIC HEARING CLOSED

Mr. Waller questioned how much property was taken from the petitioner in the City's right-of-way acquisition.

Ms. Lancaster responded that 27 feet was acquired from both the Wattles side and Dequindre side.

Mr. Wright noted that the property still would not have been buildable for a gas station prior to the City's right-of-way acquisition.

Mr. Littman noted his sympathy to the petitioner in not having his attorney present for this discussion. He agreed that this is somewhat of a "double jeopardy" for the petitioner, but believes the only alternative is for the Commission to deny the request.

Resolution

Moved by Littman

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1C to H-S rezoning request located on the northwest corner of Wattles Road and Dequindre Road within Section 13, being 12,635 square feet/0.29 acres in size, be denied, for the following reasons:

1. Application does not meet the Location Standards as set forth in Section 23.40.00 of the Zoning Ordinance.
2. Rezoning request is not compatible with the surrounding single family zoning districts and land uses to the north and west of the subject property.
3. Rezoning request is not consistent with the Future Land Use Plan.
4. Subject parcel is unbuildable as is but could be part of a larger development.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED

Mr. Littman noted to the petitioner that the recommendation is going before Council, at which time the petitioner and his attorney can be present.

SITE CONDOMINIUM SITE PLANS

5. SITE PLAN REVIEW – Proposed Freund Site Condominium, 6 units proposed, North of Devonwood, East side of Adams, Section 7 – R-1A

Mr. Savidant presented a summary of the Planning Department report for the proposed Freund Site Condominium site plan review. Again, Mr. Savidant reminded the public that handouts are available that describe the differences between site condominiums and plats. Mr. Savidant stated that the applicant is proposing a total of 6 single family units with a density of approximately 1.48 units per acre. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant reported that the Future Land Use Plan shows the subject site as low density single family residential.

Mr. Savidant said the applicant is proposing to construct a detention basin on a separate parcel south of the development that will serve as a regional detention basin, and it is the applicant's intent to dedicate that portion of the detention basin that is presently on his property to the City. A portion of the required detention basin is located on the neighboring property to the south. The applicant is required to dedicate an easement to the City of Troy so that this portion of the detention basin can be accessed and maintained by the City.

Further, Mr. Savidant said the applicant is required to construct an 8-foot wide sidewalk on the east side of Adams Road and a 5-foot wide sidewalk along both sides of Jennie Court. The applicant is required to construct a 5-foot wide sidewalk along Devonwood Street, noting the applicant may apply for a waiver from this requirement because there are no existing or proposed sidewalks on Devonwood Street.

In summary, Mr. Savidant reported that the Planning Department recommends approval of the preliminary site plan as submitted, subject to the applicant providing an easement to the City for the portion of the detention basin located on the neighboring property to the south, to allow access and maintenance of the detention basin.

Chairman Chamberlain requested confirmation on his understanding that the City will secure an easement to the detention basin on the portion of the property that is not owned by the petitioner.

Mr. Miller explained that the City did acquire an easement for the hole that was dug on this property a long time ago to serve as a detention, and that easement was recorded. It is the Planning Department's intent to verify that the matter is correct and appropriate.

Mr. Savidant reminded the Commission that a copy of the Detention Area Easement Agreement was inclusive of the Planning Department report.

Mr. Waller asked what width of land is necessary for the City to have access to maintain a detention pond.

Mr. Miller responded the width is 12 feet and noted the detention pond drive is not drawn on the plan.

Mr. Miller confirmed that 8-foot sidewalks are required along major thoroughfares and that a 5-foot sidewalk is required along Devonwood. He noted that the Engineering Department would make a determination if the sidewalk would be placed along a gravel road.

Mr. Storrs asked the Planning Department to confirm that Lot #5 meets R-1A zoning district standards.

Mr. Miller responded in the affirmative that the Planning Department has reviewed and agree that Lot #5 meets the R-1A zoning requirements.

Pat Keast, engineer from Seiber Keast & Associates, 40399 Grand River, Suite 110, Novi, was present to speak on behalf of this project. Mr. Keast indicated that the petitioner, Ken Freund, is in the audience.

Mr. Keast presented displays of the proposed site, noting that the dark green area shows the property owned by the petitioner that would be given to the City and the light green area shows the existing recorded easement. Mr. Keast indicated that the petitioner intends to convey all rights for drainage and operational maintenance of the detention area to the City.

Mr. Waller questioned if the 5-foot sidewalk along Devonwood would be in the right of way.

Mr. Keast responded affirmatively.

Mr. Kramer asked if the 6 lots front the cul de sac.

Mr. Keast responded affirmatively.

Mr. Littman questioned where cleared snow would be piled.

Mr. Keast responded that cleared snow would be placed behind the curb on the residents' front yards, noting the curbs are the City standard flat curbs that create no problems for snowplows. Mr. Keast noted that Jennie Court is privately plowed and maintained.

Chairman Chamberlain stated that the cul-de-sac in his subdivision gets piled up with cleared snow and it has the 10 feet distance between curb and sidewalk. Chairman Chamberlain questioned if the plan meets the current standards for R-1T zoning with respect to parking and snow removal.

Mr. Miller responded that the road profile is 28-feet wide, the same as a public road. He noted the difference is the road is located within a 40-foot private easement, leaving a 5-foot easement on either side for sidewalks and utilities. Mr. Miller agreed that with a heavy snowfall, cleared snow might pile up on the sidewalks.

Mr. Waller referred to the cul-de-sac street and asked if the City property would go to the edge of the right-of-way or to the outer edge of the sidewalks, and further asked who will be clearing that sidewalk in the winter.

Mr. Miller responded that he did not have an answer to that question.

Mr. Littman asked the difference between walkways and sidewalks.

Mr. Savidant answered that walkways are functionally different than sidewalks, explaining that sidewalks are intended for foot traffic and walkways are typically wider and used for all non-motorized pedestrian traffic such as bikes, skaters, etc.

PUBLIC HEARING OPENED

John Mills of 5755 Sussex was present. Mr. Mills said he has lived at this address since 1981 and noted that this portion of the subdivision contains middle-sized country home sites. Mr. Mills stated they had objections to previously proposed developments on this property. Mr. Mills said this site is the lowest parcel in the entire subdivision and it drains into the pond that is now referred to as the "swamp". Mr. Mills said a drain was placed on the south side of Devonwood to drain water once it reaches a certain level, but its effectiveness is unknown since summers and springs have been fairly dry.

Mr. Mills believes the vacation of one of the platted lots in that area is necessary before site condominiums can be developed. He further stated that the area is very congested now because of the activities of the two nearby churches and believes the proposed development will generate more congestion. Mr. Mills would like to see the rural atmosphere of the area remain as is, specifically noting the dirt roads, no sidewalks and asphalt with no curbs lend to the country feel of the subdivision.

Linda Martinson of 5700 Adams was present to speak. Ms. Martinson said she lives directly north of the proposed development. Ms. Martinson stated that as a result of a lot split, the non-regulated wetlands and pond are jointly owned and the pond remains on the portion of the lot split from theirs. Ms. Martinson said the level of the pond has been affected since the drain was put in, and water now flows through her back yard. Ms. Martinson feels that a great asset has been taken away from her property without any compensation and said she wants no further development at her expense. Ms. Martinson commented that there was a natural flow of water until the drain was installed in 1998. Ms. Martinson further stated that the proposed development would result with one house being built near her front yard and two houses built very near her back yard, and believes this development is not congruent to her property. Ms. Martinson summarized that it is her belief that the developer should be required to take the sewer line to the property line to the north.

Robert Williams of 5717 Sussex was present to speak. Mr. Williams lives north and east of the proposed development. Mr. Williams stated his objection to the proposed development because the site is primarily under water now during most of the year and additional development would add to the water problem. He voiced his concern with a potential safety hazard if a retention area is placed near a main road. Mr. Williams said he agrees with Mr. Mills with respect to the requirement for vacation of platted lots for site condo development.

Tom Foot of 5684 Sussex Court was present to speak. Mr. Foot said he lives north and west of the proposed development. Mr. Foot said he has no issue with snow removal. Mr. Foot stated that he is not against development, but would like to see the subdivision stay the same as it has been since 1982, citing the country-type of environment with the pond and no sidewalks.

PUBLIC HEARING CLOSED

Chairman Chamberlain asked if the City put in a properly sized drain to handle the amount of water in this area.

Mr. Miller responded that this area is regarded as very important by the Engineering Department and the Engineering Department has reviewed the site. Mr. Miller noted that engineering drawings would be reviewed should the development be approved.

Chairman Chamberlain questioned if the detention pond meets the required slope.

Mr. Miller responded yes, noting the slope is 6:1.

Chairman Chamberlain questioned the Assistant City Attorney with respect to the requirement on the part of the City to vacate platted lots.

Ms. Lancaster cited the Attorney General's office that condominiums are not platted subdivisions and there is no State requirement to replat.

Mr. Storrs said the City has been somewhat unsuccessful with storm water detention and drainage matters, and cautioned the residents of this fact.

Mr. Littman stated he feels for the loss of nature but noted the proposed development does meet all City ordinances.

Mr. Waller said he personally feels there should be some form of strong legal commitment to protect this pond from any adverse effects of the proposed development.

Mr. Wright agreed that putting in the required sidewalks does not make much sense in this proposed development, but stated the Commission has no authority to waive sidewalk requirements.

Mr. Miller confirmed that the sidewalks are required to be shown on the plan.

Mr. Kramer agreed with Mr. Wright's comments on the sidewalks, noting that hopefully some day there will be continuum of sidewalks on Adams Road. Mr. Kramer said he is very sensitive to providing safe pedestrian access along major thoroughfares.

Ms. Pennington agreed with comments made by the Commission. She stated that it is her hope the Engineering Department reviews this site very carefully and takes into special consideration the resident who lives to the north.

Mr. Schultz agreed with all comments.

Resolution

Moved by Kramer

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 Freund Site Condominium, north of Devonwood Road and on the east side of Adams Road, Section 7 and the R-1A zoning district, be approved.

FURTHER RESOLVED, the following design recommendations are provided to City Management:

1. Assurance by the City that a 1:6 slope is provided on the detention area.

FURTHER RESOLVED, that the Planning Commission hereby recommends to City Council that the private street system proposed to serve the Freud Site Condominium, be approved in accordance with the Preliminary Site Plan presented on this date and in accordance with the provisions of Section 34.30.03 of the Zoning Ordinance, subject to the provision of street, sidewalk, and utility easements as determined to be necessary by City Management.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED

6. SITE PLAN REVIEW – Proposed Rockfield Site Condominium, 2 units proposed, Northeast Corner of Rockfield and Eleanor, Section 14 – R-1C

Mr. Savidant presented a summary of the Planning Department report for the proposed Rockfield Site Condominium. Mr. Savidant reported the parcel is approximately .90 acres in size and the applicant is proposing to essentially divide it in half to create an additional single family residential parcel. He noted that a single family residence presently sits on the property. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant said the property is designated as Low Density Residential on the Future Land Use Plan. He noted the applicant is proposing to provide on-site detention by utilizing the existing ditches along Eleanor and Rockfield to dispose of storm water. Mr. Savidant noted that when the subdivision was platted sixty years ago, the road was within a right-of-way easement, and the applicant is proposing to dedicate, to the City, 30 feet of this right-of-way along Eleanor.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Preliminary Site Plan as submitted.

The petitioner, Peter Laze of 4127 Orchard Hill Drive, Bloomfield, was present. Mr. Laze said he bought the property seven years ago and has been cooperative in completing all of the City requirements. Mr. Laze noted that both lots have water and sewer.

Chairman Chamberlain opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Chairman Chamberlain stated that this is his neighborhood and feels strongly that sidewalks should be provided both on Rockfield and Eleanor because they are access streets for school children going to and from Costello Elementary and Athens High.

Resolution

Moved by Storrs

Seconded by Litmann

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 Rockfield Site Condominium, 2 units proposed, located northeast corner of Rockfield Road and Eleanor Road, Section 14, within the R-1C zoning district, be approved.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED

7. **SITE PLAN REVISION** – Proposed Crestwood Site Condominium, 23 units proposed, North side of Wattles and East of Hanover, Section 15 – R-1C

Mr. Savidant presented a summary of the Planning Department report for the proposed Crestwood Site Condominium. Mr. Savidant reported that the applicant has designed the site condominium development to meet the conditions of both the Planning Commission's approval of July 9, 2002 and City Council's approval on August 19, 2002, with one exception. The applicant is now requesting to build one additional home on the site; therefore, the applicant is required to resubmit the application.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Storrs asked the location of the additional home.

Murray Deagle of RWT Building LLC, 2065 Livernois, was present to represent the petitioner. Mr. Deagle confirmed that there was no geographical change in area or size of the property. He stated that an additional site just appeared after going over the wetlands and engineering plans again. Mr. Deagle confirmed that the plan has been designed to meet all of Council's needs.

Chairman Chamberlain opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Mr. Waller questioned the discrepancy between the MDEQ wetlands map and the wetlands indicated on the site plan, as referenced in the Planning Department's report.

Mr. Savidant stated that MDEQ is involved in this project and all necessary permits would be provided.

Resolution

Moved by Kramer

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 Crestwood Site Condominium, 23 units proposed, located on the north side of Wattles Road and east of Hanover Road, section 15, located within the R-1C zoning district, be approved, subject to the following condition:

1. That the Site Plan come back before this Commission should there be any changes to the size or number of lots.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED

Chairman Chamberlain advised the student representative that he could leave the meeting at any time, considering his school hours. Chairman Chamberlain told Mr. Ong that his role as a student representative would be addressed at the next Special/Study meeting.

SITE PLANS

8. SITE PLAN REVISION (SP-536) – Proposed American Polish Cultural Center Expansion, Northwest Corner of Maple and Dequindre, Section 25 – B-2.

Mr. Savidant presented a summary of the Planning Department report for the proposed American Polish Cultural Center Expansion. Mr. Savidant stated that the parcel is 7.25 acres in area and the applicant is proposing a one-story addition of approximately 13,600 square feet in area. He reported that the property is designated on the Future Land Use Plan as Community Service.

In summary, Mr. Savidant reported that the proposed request meets all City ordinances and it is the recommendation of the Planning Department to approve the site plan as submitted.

John Vitale of Stucky and Vitale Architects, 27172 Woodward was present to represent the petitioner. Mr. Vitale stated that the plan was revised to make it a better fit for the petitioner's budget.

Mr. Storrs asked if most of the storm water is retained in the parking lot.

Mr. Vitale answered in the affirmative.

Mr. Kramer asked if the addition would increase the banquet facility or the restaurant, or both facilities.

Mr. Vitale said that the addition allows for a larger banquet facility and renovation to the toilet rooms, kitchen and lobby area.

Mr. Kramer requested that additional parking spaces be made available, if possible, even though the petitioner has easily met the parking space requirements.

Chairman Chamberlain opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Wright

Seconded by Waller

RESOLVED, that Preliminary Site Plan Approval, as requested for the proposed American Polish Cultural Center Expansion, located at the northwest corner of Maple Road and Dequindre Road, within section 25, located within the B-2 zoning district is hereby granted.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED

9. SITE PLAN REVIEW (SP-885) – Proposed Industrial Building Expansion, North side of Meijer Dr. and West of Crooks, Section 32 – M-1.

Mr. Savidant presented a summary of the Planning Department report for the proposed Industrial Building Expansion. Mr. Savidant stated that the applicant is proposing to add an approximate 28,000 square foot addition to the 34,335 square foot existing building, and that the property is presently being used for industrial purposes. Mr. Savidant said the applicant has exceeded the parking requirement by one parking space. Mr. Savidant noted that there are 3 angled parking spaces on the west side of the building that creates a dangerous situation when backing out of the spaces. The Planning Department recommends asphaltting the 3 feet of grass on the west side of the entry drive and restriping the parking spaces so that they are angled at 90 degrees. Mr. Savidant said this would eliminate the 3 angled

parking spaces and allow the applicant to construct 3 additional parking spaces. Mr. Savidant noted that there are two 2-way access drives on Meijer Drive.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with two conditions: (1) screen the existing dumpsters on the west side of the building and (2) asphalt the 3-foot wide grass strip to eliminate the existing angled parking spaces and replace them with six 90-degreed parking spaces.

Ms. Pennington questioned the detention pond with respect to its slope and fencing of the area.

Mr. Savidant responded that the slope of the detention pond would be 4:1 and that it would be fenced, noting that it should remain dry because it is a detention pond.

Mr. Storrs asked why it is necessary to asphalt the 3-foot wide grass strip.

Mr. Savidant responded that asphaltting this grass strip would provide the length needed to create the 90-degreed parking spaces.

Mr. Schultz asked if cross access easements are, or should be, in place.

Mr. Savidant said there are typically no cross access easements in M-1 zoning districts, since they are not as much an issue in M-1 zoning as they are in commercial zoning.

Mr. Miller stated that the dumpsters are not screened on the plan but strongly recommended that the existing dumpsters be screened; however, within the M-1 District, the Planning Commission can waive the required screening.

Chairman Chamberlain said he appreciated Mr. Miller's comments but feels it is not necessary to screen the dumpsters.

Chairman Chamberlain opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

The petitioner, Fred Liesveld of the Synergy Group, 5440 Corporate Drive, was present. Mr. Liesveld said there would be no problem in screening the dumpsters. Mr. Liesveld noted that Meijer Drive would be the third location for this industrial facility, noting the business has grown resulting in its demand for expansion. Mr. Liesveld said there is no problem in complying with the Planning Department's recommendation for parking. He also confirmed the detention slope is 4:1 and the area would be fenced. Mr. Liesveld noted the sidewalks from both the east and

west parking lots to the front door were installed previously without site plan approval and questioned if this was okay.

Chairman Chamberlain responded that the petitioner should take that as a bonus and move on.

Resolution

Moved by Waller

Seconded by Pennington

RESOLVED, that Preliminary Site Plan Approval, as requested for the proposed Industrial Building Expansion, located on the north side of Meijer Drive and west of Crooks Road, Section 32, within the M-1 zoning district is hereby granted, subject to the following condition:

1. Realign the existing three (3) angled parking spaces on the west side of the building so that they are perpendicular and at 90 degree angles as stipulated in the Planning Department’s recommendation.

Yeas

Chamberlain
 Kramer
 Littman
 Pennington
 Schultz
 Waller
 Wright

Nays

Storrs

Absent

Vleck

MOTION CARRIED

Mr. Storrs asked that the minutes reflect that he voted no on this motion because there is no stipulation to screening the dumpsters from Meijer Drive.

SPECIAL USE REQUEST

10. PUBLIC HEARING – SPECIAL USE REQUEST (SU-319) – Proposed Paint Booth Addition at Troy Concept Center, Northeast Corner of Fourteen Mile and Stephenson Highway, Section 35 – R-C

Mr. Savidant presented a summary of the Planning Department report for the proposed paint booth at Troy Concept Center. Mr. Savidant stated that the parcel is approximately 16.4 acres in size and is presently used for office/research. The applicant is proposing to add a paint booth on the eastern side of the northern building that is 13 feet by 24 feet in area. Mr. Savidant noted that the office/research center received preliminary site plan approval by City Council on May 4, 2000. The current use and current zoning classifications of the adjacent

parcels were reviewed. Mr. Savidant stated that the applicant meets all City ordinances and the existing use and proposed addition are compatible with adjacent land uses.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted.

Mr. Kramer questioned if the special use should be removed once the need for it disappears.

Mr. Miller stated that if the special use is removed, then it is no longer an approved special use, but in this instance, the paint booth will still be there.

Discussion followed. It was the consensus of the Commission to require the petitioner to restore the facility to its original status once the special use is no longer needed.

The petitioner, Kurt Jaeger of Clayco Construction, 19500 Victor Parkway, Suite 375, Livonia, was present. Mr. Jaeger stated that originally the paint booth was going to be placed outside. Because of harsh Michigan winters, it has been decided to attach a building to the existing facility. Mr. Jaeger said the building would match the existing construction, and noted that the attached building and paint booth could be dismantled at any time when the tenant leaves.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Pennington

Seconded by Wright

RESOLVED, that the Planning Commission recommends to the City Council that the Special Use Approval, pursuant to Section 27.30.02 of the Zoning Ordinance, as requested for the Proposed Paint Booth Addition at Troy Concept Center, located at the northeast corner of Fourteen Mile Road and Stephenson Hwy., Section 35, within the R-C Zoning District, be granted, subject to the following condition:

1. When the need for the special use no longer exists, the special use must be eliminated and/or removed (i.e., paint booth) and the facility restored to its original status.

Mr. Savidant questioned if a time identifier should be placed on abandonment.

Chairman Chamberlain asked the Assistant City Attorney if a special use could be transferred to another tenant.

Ms. Lancaster responded a special use could be transferred to another tenant that has the same special use. In this case, a business that specializes in paint uses could use the same special use for a paint booth. Another special use that does not include painting would be abandoned and the petitioner would have to reapply. Ms. Lancaster recommended that placing a time limit on eliminating the special use once it is no longer needed is not necessary, stating the circumstance could easily be handled with laws covering abandonment.

Yeas
All present (8)

Absent
Vleck

MOTION CARRIED

Resolution

Moved by Pennington

Seconded by Wright

RESOLVED, that the Planning Commission recommends to the City Council that the Preliminary Site Plan Approval, as requested for the Proposed Paint Booth Addition at Troy Concept Center, located at the northeast corner of Fourteen Mile Road and Stephenson Hwy., Section 35, within the R-C Zoning District be granted.

Yeas
All present (8)

Absent
Vleck

MOTION CARRIED

REZONING REQUEST

- 11. **PUBLIC HEARING - PROPOSED REZONING (Z-687)** – Existing Marathon Gas Station, Southwest Corner of Square Lake and Livernois, Section 9 – B-1 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant stated that the petitioner is proposing to tear down the existing Marathon gas station and convenience store and develop a new gas station and convenience store on the parcel. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant reported that the applicant would be permitted to develop any of the uses permitted within the H-S zoning district, if rezoned. He noted that the relatively small size of the parcel significantly reduces its build-out potential under this zoning district, and that it appears the site is too small to be redeveloped as a service station without

receiving some dimensional variances from the Board of Zoning Appeals. The other alternative, Mr. Savidant noted, is the potential of acquiring abutting property to expand the size of the site.

Mr. Savidant explained that this service station existed at the time when service stations were permitted by Special Use Approval in the B-1 zoning district, making it a legal nonconforming use. Mr. Savidant noted that there are only two options that would permit the applicant to make major improvements to the service station. One would be to rezone the property to H-S Highway Service, which permits service stations by Special Use Approval. The other option would be to seek permission by the Board of Zoning Appeals to expand and improve a legal nonconforming use. Mr. Savidant noted that even if the BZA did allow the applicant to expand, the use would continue to be a legal nonconforming use and would continue to be limited by this designation.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the proposed rezoning request.

Mr. Wright questioned the required setbacks in the H-S zoning district.

Mr. Miller stated that the required setbacks are less than 75 feet; 20 feet in the front, 20 feet in the rear, 0 feet along interior side and 20 feet at the corners.

Mr. Waller questioned if both this Board and City Council approve this rezoning to H-S, will a burden be imposed on the business owner if the proposed development is not achieved.

Mr. Miller stated it can be difficult to get financing for a non-conforming use.

Ms. Pennington asked if the home south of the pizza business is zoned B-1.

Mr. Savidant answered in the affirmative.

Mr. Storrs questioned if the H-S zoning complies with the Future Land Use Plan.

Mr. Savidant responded that the petitioner's request does not meet some specific location criteria, but does meet the general intent of the H-S district.

The petitioner, Majid Elias of 5991 Livernois Road, was present. Mr. Elias said he is not proposing to expand the business, but to improve it. He proposes to keep the building the same size and move its location back into the corner, away from the intersection to help alleviate the current traffic congestion.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED***Resolution***

Moved by Littman

Seconded by Pennington

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request for the existing Marathon Gas Station, located at the southwest corner of Square Lake Road and Livernois Road, Section 9, being 0.307 acres in size, be granted.

Yeas

Chamberlain
Kramer
Littman
Pennington
Schultz
Waller
Wright

Nays

Storrs

Absent

Vleck

MOTION CARRIED

Mr. Storrs asked that the minutes reflect that he voted no on this motion because the request is in conflict with the Future Land Use Plan.

12. ELECTION OF PLANNING COMMISSION OFFICERS – 2003

Article III, Section 1, of the Planning Commission By-laws provides that nomination and election of the Planning Commission officers shall occur at the "—Annual Organization Meeting, which shall be held on the second Tuesday of January of each year —". The By-laws state that the officers of the Commission shall consist of a Chairman and a Vice Chairman. It is customary for the Planning Commission to forward their recommendations to the City Council regarding a member and alternate to serve on the Board of Zoning Appeals for the coming year.

Resolution

Moved by Waller

Seconded by Wright

RESOLVED, that Lawrence Littman and Walter Storrs be nominated to serve as Chairman and Vice Chairman of the Planning Commission, respectively, for 2003, and that Mark Vleck and Dennis Kramer be recommended to the City Council as the Commission's Board of Zoning Appeals representative and alternate, respectively, for 2003, and

BE IT FURTHER RESOLVED, that nominations be closed and that these officers be elected and representatives recommended, as indicated.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED13. ESTABLISHMENT OF MEETING SCHEDULE – 2003**Resolution**

Moved by Wright

Seconded by Storrs

RESOLVED, that the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2003:

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of May 27th, September 2nd, November 25th and December 23rd.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Yeas

All present (8)

Absent

Vleck

MOTION CARRIED

GOOD OF THE ORDER

Mr. Miller announced that the Downtown Development Authority meeting scheduled tomorrow, January 15, has been cancelled.

Mr. Schultz commented he is glad to be on the Commission.

Mr. Kramer said he is glad to see Mr. Schultz on this side of the microphone.

Mr. Storrs said that it's great to have a student representative on board again, noting he told James to look at it this way – "You now have nine new aunts and uncles."

Mr. Littman welcomed both James Ong and Robert Schultz. He commented that Chairman Chamberlain's shoes will be tough shoes to fill as Chairman.

Mr. Littman questioned if tonight's meeting is live.

Mr. Miller responded that he does not think so.

Mr. Littman questioned Mr. Savidant again on the differences between a sidewalk and a walkway.

Mr. Savidant explained that a sidewalk is located next to a road as a form of pedestrian transportation; a walkway is removed from a road, is typically wider and provides for all types of non-motorized transportation. Mr. Savidant said walkways are referenced as such in a platted subdivision.

Chairman Chamberlain stated that walkways are used by school children to get to and from school.

Mr. Miller stated that the design standards have increased dramatically within the last 10 years and some ordinance language is dated back to the 60's and 70's when bike paths were not in existence. The term "walkway" is somewhat confusing.

Mr. Waller stated that he has great respect and admiration for the contributions made through the years by Jim Starr, noting the Commission should show its appreciation for all he did for the citizens of Troy.

Mr. Wright welcomed Mr. Schultz and agreed that Mr. Starr was much appreciated for his contributions. He thanked Chairman Chamberlain for chairing the Commission.

Chairman Chamberlain welcomed Mr. Schultz.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:47 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

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