

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on April 1, 2003, in Conference Room "F" of the Troy City Hall.

1. ROLL CALL

Present

Gary Chamberlain  
 Lawrence Littman  
 Cindy Pennington  
 Robert Schultz  
 Walter Storrs  
 Mark J. Vleck

Absent

Dennis A. Kramer  
 David T. Waller  
 Wayne Wright

Also Present

Mark F. Miller, Planning Director  
 Susan Lancaster, Assistant City Attorney  
 William Nelson, Fire Chief  
 Doug Smith, Real Estate & Development Director  
 David Roberts, Assistant Fire Chief  
 Kathy L. Czarnecki, Recording Secretary

**Resolution**

Moved by Chamberlain

Seconded by Schultz

**RESOLVED**, that Messrs. Kramer, Waller, and Wright be excused from attendance at this meeting.

Yeas

All present (6)

Absent

Kramer  
 Waller  
 Wright

**MOTION CARRIED**

2. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode stated that Troy's emergency coordinator plans to use 64 ham radio operators per shift, which averages to 128 volunteer operators per day, and noted that the City's 911 service has gone down twice. Mr. Ode stated that arguments with respect to antennas falling onto neighboring properties are somewhat discriminatory in relation to light poles, flagpoles, trees and fences. Mr. Ode explained the FCC examination procedure for amateur radio operators. Mr. Ode referenced situations in which amateur radio operators have been of assistance to both the State of Michigan and the City of Troy. He relayed the

significance of vanity license plates carrying the call letters of amateur radio operators and the requirement to carry radios in their vehicles for emergency communications.

Mr. Ode believes the Mayor's definition of "effective communication" as "worldwide communication, 24 hours a day, 7 days a week" is more liberal than is realistic. He alluded to being more than happy if he has an antenna "to talk any place in the world some time and all places of the world part of the time."

Mr. Ode said it would be satisfactory and realistic from an operator's perspective to place a minimum of two antennas, and noted that a set height of 75 feet would result in multiple structures of the same height. Mr. Ode circulated material in relation to specific data, radio operation, frequencies, etc. Mr. Ode feels that his air space should not be restricted, just as another does not want his air space violated.

### 3. PRESENTATION BY / DISCUSSION WITH WILLIAM NELSON – Fire Chief – Emergency Access

Fire Chief Nelson introduced Dave Roberts, Assistant Fire Chief, who heads the Fire Prevention Division. Chief Nelson noted that Assistant Fire Chief Roberts reviews site plans as they relate to Fire Department concerns for the Planning Department.

Chief Nelson gave a PowerPoint presentation on emergency vehicle access. Chief Nelson stated that emergency accesses basically do not work. He noted that emergency accesses must be hard surfaced and visible and yet not look like cars should be using them. The presentation covered the Fire Department's goals and objectives, highlighted the concerns the Fire Department has with respect to emergency vehicle access as emergency responders and portrayed some of the potential risks involved with decisions made by the Planning Commission and other official bodies.

The floor was opened for questions and discussion.

The Commission thanked Fire Chief Nelson and Assistant Fire Chief Roberts for their exceptional presentation.

### 4. PLANNING AND ZONING REPORT

Mr. Miller reported that a revision to the Woodside Bible Church PUD site plan would be considered by City Council at their April 14, 2003 meeting. He noted that the Commission approved a 5-foot berm in front of Woodside Bible Church, parallel to Rochester Road, as part of the approved Preliminary Plan. Mr. Miller said the church's engineer proposes to lower the grade of the site, and the 5-foot high berm cannot be constructed without significant topography or elevation drops from Rochester Road. As an alternative, the petitioner is proposing to construct a berm in the area between the northern driveway and northern boundary with the Northwyck Condominiums, which

includes a height of 3.5 to 4 feet on the edges facing Rochester Road and 8 to 9 feet high facing the church. Mr. Miller reported that City Management recommended to City Council to approve the berm, as amended.

Mr. Chamberlain commented that requiring grade drawings at the time of site plan submission could possibly avoid matters of this type.

## 5. BOARD OF ZONING APPEALS REPORT

Mr. Vleck reported on the March 18, 2003 BZA meeting.

### K-Mart, 100 E. Maple

The BZA granted K-Mart a one-year renewal of relief to allow for an outdoor display of plant material.

### Bharatiya Temple, 6850 Adams

The BZA granted Bharatiya Temple a permanent variance for relief of the masonry screening wall with the condition that the buffer be maintained at the 150-foot setback to the east.

### Bruce Burlager, 1749 Beech Lane Drive

The BZA granted a variance to the petitioner to maintain a covered deck structure. Of interest, Mr. Vleck said that if the deck had been constructed in the traditional shape of a gazebo and classified as a gazebo, a variance would not have been required.

### Christopher May, 1145 W. South Boulevard

The BZA granted a variance to the petitioner for relief to construct an addition to his house that did not comply with the required setbacks.

## 6. SUB-COMMITTEE REPORTS

### Amateur Radio Antenna

No report was given. (*Refer to agenda item # 11.*)

### Gateway

Mr. Chamberlain said the sub-committee has nothing new to report.

### Special Use

Mr. Chamberlain reported the sub-committee's target date for presenting its findings to the Commission is the 1<sup>st</sup> of May.

## 7. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Smith reported on the following DDA items.

### Civic Center

The last direction given by City Council was for staff and the DDA chairman to meet with a group of developers to determine if Council's latest actions to slightly modify the DDA recommended model for the Civic Center site was still economically viable. Changes that City Council made to the model were the elimination of office and limiting the theater seating from 5,000 to 2,500. The remainder of the model stayed the same: 200,000 square foot conference center, up to a 500-room hotel, amenity retail, and up to three full service restaurants. Mr. Szerlag, Mr. Smith and the DDA chairman met with five developers and the results of those discussions will be reported to City Council at their April 28 meeting.

### Development of Investment Standards

The DDA is working on a set of investment standards with relation to proactive and aggressive development in the downtown district as well as developing criterion and priorities for investments along the corridor. Mr. Smith confirmed that the DDA is open to a partnership with the Commission for the downtown/corridor development.

Mr. Chamberlain suggested that the Commission provide its plan and goal for the downtown/corridor area to the DDA as soon as possible.

Mr. Miller announced that Lorenzo Cavalier contacted him with respect to a preliminary planning opportunity for improving the area near the former Denny's restaurant site.

## 8. PRESENTATION BY / DISCUSSION WITH DOUG SMITH – Director of Real Estate & Development – Development Report

### Economy

Mr. Smith reported a 20% vacancy rate for class A office, 25 to 26% overall vacancy rate, very little capital expenditure, and a very noticeable decline in travel as evidenced in restaurants and hotels. On an up beat, Mr. Smith said that he has had discussions with three major parties for office space.

### Smartzone

Mr. Smith stated that Smartzone is a partnership between the Michigan Economic Development Corporation and Automation Alley for the establishment of a certified technology park in a 75-acre area encompassed by the Liberty Business Technology Park (fka the Big Beaver Airport) and the Preston Trucking Facility. Mr. Smith circulated a location map encompassing the Smartzone area. Institutions taking leadership roles in the project are Oakland University and Lawrence Tech. Mr. Smith said the key nature to the creation of Smartzone is not only the creation of a tax increment area but also a business incubation program to help with the commercialization of product. He noted the overall goal is to create clusters of technology where companies can work together to foster new companies and new product lines. Mr. Smith reported that City Council adopted a resolution of intent on March 3, and explained the procedure that City Council would follow in the project's execution.

A brief discussion and question and answer period followed.

The Commission thanked Mr. Smith for his up-to-date development report.

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Chairman Littman requested a 5-minute recess at 9:00 p.m.

The meeting reconvened at 9:05 p.m.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller confirmed that the Commission is in receipt of the latest rendition of the proposed PUD 3 project, dated March 21. He stated that the plan has not yet been reviewed by the Planning Department or the Planning Consultant, but noted that reports will be completed and ready for the April 8<sup>th</sup> Public Hearing. Mr. Miller reported that the petitioner has submitted written narrative with respect to the value analysis of the proposal, the recent revisions made, and a trip generation report.

Mr. Chamberlain requested that the Planning Director prepare a comparison report with respect to the building materials used in the Columbia Center and the building materials proposed for the PUD project with relation to quality and durability, and that the comparison report be provided to the Commission for the April 8<sup>th</sup> Public Hearing.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present and gave a five-minute presentation. Mr. DiMaggio highlighted the revisions incorporated in the March 21<sup>st</sup> rendition, and specifically noted the changes made to the parking deck. He confirmed that narrative has been submitted with respect to PUD compliance to both the Zoning Ordinances and City management. Mr.

DiMaggio provided several design boards that showed work products proposed to be incorporated in the development.

Mr. Vleck asked what the petitioner's expectation is with respect to the approval process and the ensuing time frame involved.

Mr. DiMaggio responded that he expects a recommendation once the Commission is comfortable with the criteria being met and comfortable with the plan itself.

Mr. Miller confirmed that a public informational meeting was held prior to last week's meeting, and noted that only two people from the public sector were present.

Chairman Littman stated that it would be helpful if the petitioner brought in building materials for the Public Hearing.

Mr. Vleck commented that information be provided with respect to the wearability and life expectancy of the proposed building materials.

Ms. Lancaster said it would be helpful if the petitioner provided more detail on the proposed water feature.

Mr. Chamberlain reminded the petitioner that the unique aspect of a PUD project is knowing exactly what is being proposed, and noted that the petitioner cannot make a proposal that a particular feature may or may not be incorporated in the development.

Mr. DiMaggio explained that there are some features and designs of which prospective tenants have not yet made a definitive decision, and asked how this should be handled.

Ms. Lancaster confirmed that a PUD project is presented as a final plan and anything proposed on the plan must be constructed. Ms. Lancaster suggested that items that remain uncertain at the time of presentation be omitted from the plan, and noted that the petitioner can always come back at a later date with revisions.

Mr. Vleck questioned the deed restrictions on the proposed site.

Mr. DiMaggio explained that deed restrictions were on the total 32 acres owned by Magna Corporation, and noted the restrictions were removed from the 3.5 acres purchased from Magna for the proposed project.

Mr. Vleck questioned participation of MDOT with respect to the maintenance of the proposed landscaping throughout the gateway area.

Ms. Lancaster said that the petitioner would be required to submit a letter from MDOT specifying its agreement and the maintenance issue would be negotiated.

Mr. Smith stated that MDOT would most certainly form a partnership with the City with respect to landscaping the gateway area. He noted that management is working on a

common theme for landscaping and signage and would like to see some flexibility within the PUD approval process to accommodate this.

A short discussion followed on this topic.

Mr. Storrs questioned the deed restrictions with respect to the overall density on the abutting parcels and the City's legal responsibility.

Mr. Smith explained that the City encouraged Magna Corporation to create the conservation easement, and suggested that the entire site be viewed as if it were an overlay district and the density be viewed in perspective to the overall 32 acres.

The Planning Department was directed to prepare a report on the relationship between the potential build-out of Magna Corporation and the deed restrictions placed on the site.

The Commission also asked the petitioner to provide a detailed listing of documents and dates, and a table of contents.

Mr. Vleck commented favorably on the significant amount of open space that became available by reducing the parking garage.

10. ORDINANCE REVISION DISCUSSION – Environmental Provisions – Walls – Article 39.10.01 (ZOTA # 193)

Mr. Miller reported that City Management is aware that one of the Commission's future tasks is the review of wall and landscaping standards, but that a practical problem in completing construction of the Section 1 Golf Course has occurred. Mr. Miller recollected that the Planning Commission made a recommendation to City Council to construct a berm in lieu of the required wall adjacent to the maintenance area parking lot, and that City Council overrode that recommendation because they prefer not to seek variances as a general rule. Mr. Miller cited that City Council had no concerns with the berm, but concerns with the City itself seeking a variance. In addition, the City purchased the Mead property that abutted the maintenance building and parking lot to the west. The property purchase resulted in the maintenance area parking lot being over 200 feet from the new Golf Course property line.

Mr. Miller reported that City Management developed the opinion that when a parking lot is at least 200 feet from a property line, a landscape buffer would be sufficient to screen headlights and automobiles. Mr. Miller provided a draft ordinance amendment that gives authority to the Planning Commission to permit the distance and landscaping in lieu of the required wall, and noted that the proposed ordinance text amendment has been published as a Public Hearing item for the April 8, 2003 Planning Commission Regular Meeting.

Mr. Vleck questioned the timing of the proposed ordinance change and City Council's reasoning for not seeking a variance.

Mr. Schultz wondered what City Council and staff's reception would be if a developer insisted on changing an ordinance to get what he/she desires on a site plan. Additionally, Mr. Schultz recalled that at the time the Mead property was acquired, it was City Council's intent to sell the property after the necessary easements had been obtained. He believes that if the change is wanted specifically at this point in time for the Golf Course, there should be something in writing stipulating that the Mead property has permanently become part of the Golf Course and that it would not be sold without a vote of the people.

Ms. Pennington questioned what plan is in place for the Mead property.

Mr. Storrs commented that the Commission reviewed of the Golf Course site plan and made its recommendation on that defined site plan which was not inclusive of the Mead property, and noted agreement with Mr. Schultz.

Ms. Lancaster confirmed that a City vote would be required to sell land acquired for parks and recreational purposes, and agreed that a setback on the Mead property would have to be determined and a revised site plan would have to come back before the Commission.

Mr. Miller said that he would confirm if the Mead property was or was not incorporated in the Golf Course site plan at the time of City Council review and consideration.

Chairman Littman referenced the City Manager's memorandum dated April 1, 2003, that was sent to the Commission late this afternoon with respect to "Methodology to Propose Ordinance Changes; in this Case, Off-Street Parking." Chairman Littman questioned if the Golf Course matter has gone through the empirical analysis that the City Manager is proposing for all ordinance changes.

Mr. Schultz referenced the partnership between the Commission and City Management that the City Manager spoke of at an earlier Planning Commission meeting, and stated that the proposed ordinance change specifically addressing the Golf Course matter should be held to the same standards.

Mr. Vleck questioned the specifications quoted in the proposed ordinance change.

Mr. Miller stated that the language used in the proposed ordinance amendment references standard language used in the Zoning Ordinance that relates to other berm situations and the landscape design tree preservation ordinance.

Chairman Littman directed the Planning Department to place the City Manager's memorandum "*Methodology to Propose Ordinance Changes; in this Case, Off-street Parking*" on a future agenda for discussion.

Mr. Chamberlain requested that the Planning Department prepare a report on the City's position on the Mead property; i.e., what is the City's plan for the property, how does the property tie into the Golf Course, and if the property was inclusive of City Council's site plan approval.

Mr. Schultz requested a descriptive site plan showing the relationship of the wall, the Mead property and the maintenance area parking lot.

11. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

A discussion was held with respect to the status of the sub-committee's findings and the definition of "effective communication".

Mr. Vleck requested that the sub-committee hold one more meeting, prior to coming before the Commission with its report. Mr. Vleck stated an invitation to the meeting would be extended to Fire Chief Nelson and Police Chief Craft.

Chairman Littman stated that the item would be placed on the April 22<sup>nd</sup> agenda for further discussion.

12. BY LAWS

Mr. Schultz noted a grammatical error in Article IV, Section 2.

Chairman Littman questioned if each meeting's Public Comment session should be inclusive of Article VII, Section 5.

Mr. Chamberlain voiced objection to limiting comments of any kind at any meeting.

Ms. Pennington referenced Article IV, Section 5, and questioned why minutes could not be approved at Study Meetings.

Ms. Lancaster confirmed that minutes cannot be voted on at Study Meetings, and noted that the Planning Director opts to title a study meeting as "Special/Study Meeting" so various items can be voted on.

Mr. Storrs questioned the validity of retaining all three definitions of meetings: Regular, Special and Study meetings.

It was the consensus of the Commission to correct all grammatical errors, retain the three definitions of meetings, and to go forward with the final draft of the Bylaws for approval.

**13. WORK PROGRAM FOR PLANNING COMMISSION PROJECTS**

Chairman Littman postponed this item to the April 22, 2003 Special/Study Meeting.

**14. REVIEW OF APRIL 8, 2003 REGULAR MEETING**

There was no discussion.

**15. PUBLIC COMMENT**

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Storrs referenced the photographs attached to the Planning Department's report on amateur radio antennas and remarked that some of the antennas are just plain ugly. He questioned if the Building Department is aware of their locations and if they have received any complaints. Again, Mr. Storrs stated that consideration must be demonstrated to the abutting neighbors.

Ms. Pennington commented that a recent road report stated there are future plans to widen Rochester Road into a boulevard from Torpey to Barclay.

Mr. Chamberlain requested a head count from members who are attending the farewell party for Jim Starr.

Mr. Vleck commented that antenna height is not the problem and noted that placing a restriction on an antenna height would not have an affect on the structure on top of the antenna, which is the problem.

Mr. Miller announced that he would be out of the office from April 2 through April 8 and would not be attending the April 8<sup>th</sup> meeting. Mr. Savidant will conduct the April 8<sup>th</sup> Regular Meeting.

Mr. Miller addressed an idea that he and Mr. Savidant have been discussing, and asked for direction from the Commission. Mr. Miller would like to know if the Commission would have an interest in touring different communities, citing as an example, Canton Township's Cherry Hill development.

A brief discussion was held with respect to conducting off-site meetings and the requirement to have all meetings taped and televised.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:35 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP  
Planning Director

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