

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chairman Storrs at 7:30 p.m. on June 3, 2003, in Conference Room "F" of the Troy City Hall.

1. ROLL CALL

Present

Gary Chamberlain
 Dennis A. Kramer
 Robert Schultz
 Walter Storrs
 Thomas Strat
 Mark J. Vleck
 David T. Waller
 Wayne Wright

Absent

Lawrence Littman

Also Present

Brent Savidant, Principal Planner
 Susan Lancaster, Assistant City Attorney

Resolution

Moved by Wright

Seconded by Chamberlain

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

Yeas

All present (8)

Absent

Littman

MOTION CARRIED

2. MINUTES

May 6, 2003

Resolution

Moved by Chamberlain

Seconded by Schultz

RESOLVED to approve the May 6, 2003, Planning Commission Special/Study Meeting minutes as published.

<u>Yeas</u>	<u>Abstain</u>	<u>Absent</u>
Chamberlain	Strat	Littman
Kramer	Wright	
Schultz		
Storrs		
Vleck		
Waller		

MOTION CARRIED

May 13, 2003

Mr. Vleck requested that the May 13, 2003 minutes be revised as follows:

(Underline denotes text to be added, strikethrough denotes text to be deleted)

Page 11: Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project based on making lots of changes.

Page 20: Mr. Vleck indicated he is not in favor of the motion because the text contains references to the “largest working shift” which he ~~feels~~ thinks is too dynamic of a standard and makes the ordinance unenforceable. Since the largest working shift is based on a tenant that is unknown, the criteria would arrive at a fictitious number.

Page 30: Mr. Vleck stated he is not in favor of the motion because Section 03.43.01, (8) (q) references the “largest working shift” and he ~~feels~~ thinks the criteria would arrive at a fictitious number because tenancy is not known and therefore the largest working shift is unknown.

Resolution

Moved by Vleck

Seconded by Wright

RESOLVED to approve the May 13, 2003, Planning Commission Special/Study Meeting minutes as corrected.

<u>Yeas</u>	<u>Abstain</u>	<u>Absent</u>
Chamberlain	Strat	Littman
Kramer	Wright	
Schultz		
Storrs		
Vleck		
Waller		

MOTION CARRIED

3. PUBLIC COMMENT

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

Mr. Savidant presented a brief Planning and Zoning Report inclusive of the following items:

- Introduction of Mr. Thomas Strat, new Planning Commissioner who was appointed by the Mayor and approved by City Council at their June 2, 2003 Regular meeting to fill the vacancy created by the resignation of Ms. Cindy Pennington.
- Rochester Commons PUD (PUD-002) is slated for a City Council Public Hearing on June 16, 2003.
- Woodside Bible Church/Northwyck PUD (PUD-001) received Final Plan Approval from City Council on June 2, 2003. Site improvements are scheduled to commence.
- Krispy Kreme donut store was granted a parking variance by City Council on June 2, 2003, to reduce the required off-street parking spaces at Oakland Mall. A site plan for the new Krispy Kreme development at Oakland Mall is expected in the near future.
- The proposed ordinance text amendment to permit a landscape buffer or berm in lieu of a required parking area screening wall in Residential and C-F districts was tabled by City Council at their June 2, 2003 Regular meeting.
- Estates at Cambridge, a 10-unit subdivision on the east side of Beach Road in section 18, received Final Preliminary Plat approval by City Council on June 2, 2003. Construction can now commence.

5. SUB-COMMITTEE REPORTS

Amateur Radio Antenna – No report.

Gateway

Mr. Savidant reported that the committee is waiting for drawings from Professional Engineering Associates' Landscape Architect that will include gateway signage.

Special Use – Mr. Chamberlain reported this item would be discussed under agenda item #9.

Mr. Savidant suggested that the CR-1 Committee be added to the agenda Sub-Committee Report list for future meetings.

Mr. Waller further suggested that the Tree Preservation Committee be added to the agenda Sub-Committee Report list.

6. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Savidant presented a brief report on the May 21, 2003 Downtown Development Authority meeting.

7. BOARD OF ZONING APPEALS

Mr. Vleck presented a brief report on the May 20, 2003 Board of Zoning Appeals meeting.

8. 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. Savidant stated the petitioner met twice with Mr. Miller and the City's Planning Consultant since the May Regular Planning Commission meeting. The petitioner had suggested some revisions to the PUD and wished to discuss them with the Planning Commission.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio presented the revised site plan for the Sterling Corporate Center PUD. The site plan was revised to include a two-story restaurant with rooftop dining, attached to the west side of the parking structure. Mr. DiMaggio presented two alternatives. One alternative is for the parking structure to remain as previously submitted, and the other is to move the parking structure to the east to provide more room for outdoor seating and landscaping. He indicated that it was the preference of Mr. Miller and Mr. Carlisle at their last meeting to move the parking structure to the east to provide additional space for amenities along Wilshire Boulevard.

John Barker, architect from Hobbs & Black, was present. Mr. Barker stated that the materials proposed for the parking structure would be identical to the materials used for the office building.

Mr. Kramer asked if the new restaurant would be accessible from the office building through the parking structure. Mr. DiMaggio responded in the affirmative.

General discussion followed.

Mr. Savidant stated that although the Public Hearing for this item has been tabled to the June 10, 2003 Regular Meeting, the petitioner had not yet submitted updated plans for review. He suggested that the petitioner request to be tabled to a later meeting which would provide the Planning Department and Planning Consultant sufficient time to review the revisions.

9. ORDINANCE REVISION DISCUSSION – Special Use Approvals (ZOTA 197)

Mr. Chamberlain updated the Planning Commission on the efforts to date of the Special Use Approval Committee. He stated that he spent a considerable amount of time literally cutting and pasting the district regulations for the residential districts and that the more involved he became with the task, the more he found cross-referencing between articles. Mr. Chamberlain intends to eliminate the need to jump around the ordinance to determine what uses are permitted in a zoning district.

Further, Mr. Chamberlain stated he discovered an inconsistency within the Zoning Ordinance and asked the Planning Commission to recommend a solution. Accessory buildings are permitted by right in all districts, subject to the controls of Section 40.55.00. However, in Section 10.25.01, accessory buildings used for home occupations are prohibited. Mr. Chamberlain thinks these provisions appear to be contradictory.

Mr. Savidant suggested that a possible solution could be to add the statement “unless prohibited elsewhere in the Ordinance” to the provision in each district that permits accessory buildings by right.

Mr. Wright stated that in his opinion the provisions were not contradictory.

Ms. Lancaster said she would look into a possible solution with input from the Planning Department.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools (or Commercial Indoor Recreation) in Light Industrial Zoning Districts

Mr. Savidant explained that the Link School of the Arts is applying for a zoning ordinance text amendment because they established a dance school in an M-1 zoning district without permission from the City. Dance schools are not permitted within the M-1 district. The ZOTA request is to permit arts and dance schools within the M-1 District. City Management reviewed the request and determined that arts and dance schools would be included in what is known as indoor commercial recreation land use. In addition, City Management is open to careful consideration of allowing indoor commercial recreation in the M-1 Zoning District.

The Planning Department requested the Planning Commission to address three questions:

1. Should the M-1 Zoning District be amended to permit indoor commercial recreation uses?
2. If the M-1 Zoning District is to be amended to permit indoor commercial recreation uses, should the uses be allowed as a principal use permitted or a use permitted subject to special use approval?
3. Considering location standards, should indoor commercial recreation uses within M-1 Districts be restricted to major thoroughfare frontages or interior industrial sites? Or should there be no location standards?

Mr. Savidant reminded the Planning Commission that a text amendment would affect all M-1 property in the City, not just the use at 1077 Rankin.

Mr. Ken Posner, attorney for the applicant, was present. Mr. Posner stated that the applicant never intended to establish a non-conforming use in the M-1 district. He further stated that many communities in the area permit indoor recreational uses in industrial districts.

General discussion on this issue followed. A number of issues were raised included parking, structural issues such as restrooms and air conditioning, lack of sidewalks in M-1 areas, additional concessions, and the condition of the general area.

A general consensus was reached by the Commission that the request to permit indoor commercial recreational uses in the M-1 district is reasonable, and further to begin the process of preparing appropriate text language that would consider all the issues raised.

Mr. Savidant requested Mr. Posner to provide a letter to the Planning Department requesting that the ZOTA request be withdrawn from the June 10, 2003 Regular meeting agenda, which would allow time for the Planning Commission and Planning Department to prepare the amended text language.

11. ORDINANCE DISCUSSION – Discussion of Child Care Center Outdoor Play Area Requirements in R-1A-E (Article 10.30.03A), B-1, B-2 and B-3 (Article 20.25.02) and O-1 (Article 24.30.07)

Mr. Savidant referenced the fact that this was one of the items reviewed by Mr. Vleck in the BZA report. Grace Christian Learning Center requested a variance to reduce the size of their required outdoor play area. The BZA postponed the request until their June 17, 2003 meeting for two reasons: (1) to allow the Board to determine if conditions could be imposed on this variance request, and (2) to allow the petitioner the opportunity to seek a text amendment to address this condition.

A brief discussion followed.

Mr. Savidant stated that the applicant has not submitted a zoning ordinance text amendment (ZOTA) request. Ms. Lancaster stated that Alan Motzny, Assistant City Attorney, was researching the issue.

Mr. Chamberlain suggested that if a zoning ordinance text amendment was submitted, an expert in the childcare field could be brought in to advise the Planning Commission on the reasonableness of the standard.

Mr. Schultz suggested that verifiability could be an issue, since infants grow to become toddlers. This could impact the parking requirements if they were reduced in the past, based on the ratio of infants to non-infants, and this ratio changes over time.

There was general consensus that if the Planning Commission were to be given the task of amending the outdoor play area provisions, the issues discussed tonight should be considered.

12. BYLAWS

Ms. Lancaster presented the revised Planning Commission Bylaws.

The Planning Commission suggested additional revisions, including replacing designations of "Master Plan" with "Future Land Use Plan", adding definitions for various types of meetings and clarifying the process for selecting a BZA representative.

Ms. Lancaster noted the suggested changes and will provide the revisions in final format at a future meeting.

13. REVIEW OF JUNE 10, 2003 REGULAR MEETING

The Planning Commission reviewed the list of future items. General discussion followed.

14. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Storrs explained the history of the Charleston Club Condominium and the Harrington Park Condominium developments, located on the north side of Long Lake, west of Livernois. The developments abut each other and received approval from the Planning Commission in 2001. As a condition of approval, the Planning Commission required a pedestrian connection between the two developments. A sidewalk connects the

developments, however Charleston Club has erected a wall between the two developments in an attempt to create a "gated community".

Resolution

Moved by Waller

Seconded by Wright

RESOLVED, that since members of the Planning Commission have discovered that the Charleston Club Condominium development is not in compliance with the approved site plan of August 28, 2001, the Planning Commission hereby recommends to City Council that the City Attorney be given the authority by City Council to take whatever enforcement actions are necessary to bring the Charleston Club Condominium development into compliance with the approved site plan.

Yeas

Chamberlain
Kramer
Storrs
Strat
Vleck
Waller
Wright

Nays

Schultz

Absent

Littman

MOTION CARRIED

Mr. Schultz stated that sidewalks within condominiums are private and should not be required to connect to adjacent residential development. He said that requiring this connection is akin to requiring abutting single family residential developments to provide a hole in their fence to allow for pedestrian connection.

Mr. Vleck stated that he agrees with Mr. Schultz in principal, however he thinks that since the applicant agreed to provide this connection as a condition of site plan approval, it needs to be provided.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:45 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director