

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on January 13, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
 Lynn Drake-Batts
 Lawrence Littman
 Robert Schultz
 Thomas Strat
 Mark J. Vleck
 David T. Waller
 Wayne Wright

Absent:

Walter Storrs

Also Present:

Mark F. Miller, Planning Director
 Brent Savidant, Principal Planner
 Allan Motzny, Assistant City Attorney
 Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-01-004

Moved by: Chamberlain
 Seconded by: Schultz

RESOLVED, That Mr. Storrs be excused from attendance at this meeting.

Yes: All present (8)
 No: None
 Absent: Storrs

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

SPECIAL USE REQUEST

3. PUBLIC HEARING – SPECIAL USE REQUEST (SU 322) – Camp Bow Wow, Proposed Commercial Kennel, East side of Souter (1300 Souter), South of Maple, Section 34 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Camp Bow Wow Commercial Kennel. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the special use and site plan applications as submitted.

The petitioners, Robert and Ann Roth of 1305 Kenilworth Place, Clawson, were present.

Heidi Flammang, Camp Bow Wow franchise representative, 11070 Lincoln Avenue #153, Parker, Colorado, was also present.

Discussion was held with regard to the type of fencing that was proposed. It was the recommendation of Mr. Chamberlain that the petitioner provide separate posts for the chain link and cedar fencing so that the fences would be able to withstand wind load.

Mr. Roth agreed. He noted the perimeter of the site would be fenced for the purposes of screening the dogs' visibility and providing a sound barrier.

Chairman Littman informed the petitioners that because they did not specify grooming or obedience as special uses for the facility at this time, they would be required to come before the Commission should they desire to incorporate those special uses in the future.

Ms. Flammang provided a brief background of the Camp Bow Wow franchise and highlighted features of the dog care and kennel facility.

Mr. Chamberlain asked if the building is one or two stories.

Mr. Roth replied that one section of the building is two-story but that section is not associated with the use of the kennel facility. Mr. Roth indicated they would be using that section as a break room for employees.

PUBLIC HEARING OPENED

Scott Evans, co-owner of F.A.T.S., Inc., 1330 Souter, was present. Mr. Evans said F.A.T.S., Inc. owns the building adjacent to the proposed Special Use and the vacant lot to the rear. Mr. Evans spoke on behalf of himself and a business partner who was in the audience but unable to speak because of an illness. Mr. Evans said their concern is the safety of the dogs and owners during drop-off and pick-up times, noting the easement provides limited space for the dogs and their owners. He also indicated that heavy truck traffic is present in the area. They believe the proposed Special Use puts a burden on the easement and creates a safety factor.

Mr. Miller reported that City ordinance specifically exempts M-1 districts from the requirement of a 5-foot walkway.

Ms. Flammang commented that three out of four of their franchise facilities are located on busy, major streets, and noted their clientele are very focused on the safety of their dogs. Ms. Flammang said that she was confident the petitioners would responsibly communicate any safety concerns to their potential clients.

Discussion followed with respect to providing a concrete or asphalt sidewalk along the ingress/egress easement to the front entrance. It was determined that should the petitioners provide the sidewalk, the landscaping requirements would still be met.

PUBLIC HEARING CLOSED

Mr. Roth displayed several photographs of the proposed building and plan layout. He indicated that it is their intention to remove the vestibule area that would allow some space for a walkway on the north side of the building.

Mr. Schultz asked for clarification on the number of canines that can be accommodated for boarding and day care.

Ms. Roth replied that the facility could accommodate the boarding of 60 canines. She does not anticipate having more than 60 canines at one time, but the facility could accommodate up to 100 canines for day care. Ms. Roth confirmed that there is a back door from the building for the dogs to exit to the outdoor play area and outdoor run.

Resolution # PC-2004-01-005

Moved by: Chamberlain

Seconded by: Strat

RESOLVED, That the Special Use Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the proposed Camp Bow Wow Commercial Kennel, located on the east side of Souter, south of Maple Road, Section 34, within the M-1 Zoning District, be granted, subject to the following condition:

1. That a sidewalk or paved area from the parking on the north side of the building to the front entrance be provided between the building and the cross access easement for the ingress/egress of the neighbors.

Discussion on the motion.

Chairman Littman asked Mr. Evans if the provision of a paved area eases his concerns.

Mr. Evans said the paved area as proposed still does not provide a safe area for the clientele and their dogs during drop-off and pick-up times.

Chairman Littman responded that the petitioners and clientele are very concerned with the safety of the dogs, and he encouraged Mr. Evans to continue to work with the petitioners for a good solution to the safety concern.

Vote on the motion.

Yes: All present (8)
 No: None
 Absent: Storrs

MOTION CARRIED

Resolution # PC-2004-01-006

Moved by: Chamberlain
 Seconded by: Schultz

RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Camp Bow Wow Commercial Kennel, located on the east side of Souter, south of Maple Road, Section 34, within the M-1 Zoning District, be granted, subject to the following condition:

1. That a sidewalk or hard-surfaced area from the parking on the north side of the building to the front entrance be provided between the building and the 30-foot wide easement for access to the rear of the building.

Yes: All present (8)
 No: None
 Absent: Storrs

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

4. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District.**

Mr. Miller presented a summary of the two draft versions of the proposed zoning ordinance text amendments relating to the outdoor storage of commercial and recreational vehicles in the M-1 light industrial district. Mr. Miller reported that the updated version dated 01-08-04 incorporates proposed language with respect to screening that is the standard ordinance screening text for all outdoor storage facilities. He noted the proposed text provides flexibility to the Planning Commission to base its screening determination on usage.

Chairman Littman noted the lettering and numbering of the proposed text in the Updated Version dated 01-08-04 is incorrect. Appropriate corrections will be made by the Planning Department.

Mr. Strat questioned if the intent of the proposed ordinance text is to provide flexibility for parking in the M-1 district in general or only in mini-warehouse or self-storage developments. He also voiced concern about the mechanism for a screening system; i.e., screening for various heights of vehicles. He suggested that the proposed verbiage provide the petitioner with the discretion of providing appropriate screening.

Mr. Miller explained that the proposed text under discussion tonight addresses flexibility in parking for mini-warehouse and self-storage developments only. An effort is coming forward that relates to City Council's direction to review existing parking lots in the M-1 zoning district for the purpose of providing storage for commercial vehicles.

A lengthy discussion was held with respect to the type of screening; i.e., natural barrier, wall, or berm.

Mr. Miller stated that because the proposed text relating to screening is the standard ordinance text for all outdoor storage facilities, he recommended that all zoning ordinance text relating to screening for all zoning districts be revisited should the Commission choose to revise the text for mini-warehouse and self-storage developments.

Resolution # PC-2004-01-007

Moved by: Waller

Seconded by: Schultz

RESOLVED, That Article 28.30.02, Article 40.21.83 and Article 04.20.128 of the Zoning Ordinance be tabled for thirty (30) days to allow the Planning Department to research and bring back to the Commission all the relevant Zoning Ordinance text that should be revisited with respect to berm, wall and/or evergreen screening; and

BE IT FURTHER RESOLVED, That the Public Hearing remains open until that time.

PUBLIC HEARING OPENED

No one was present to speak.

Chairman Littman announced that the Public Hearing would remain open for the thirty (30) day postponement should the motion on the floor be approved.

Vote on the motion.

Yes: All present (8)
No: None
Absent: Storrs

MOTION CARRIED

Mr. Miller suggested that screening requirements for the M-1 district, as discussed, be reviewed by the Tree Preservation/Landscaping/Walls sub-committee.

5. ELECTION OF PLANNING COMMISSION OFFICERS - 2004**Resolution # PC-2004-01-008**

Moved by: Vleck
Seconded by: Wright

RESOLVED, That David Waller and Gary Chamberlain be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2004, and that Thomas Strat and Robert Schultz be recommended to the City Council as the Commission's Board of Zoning Appeals representative and alternate, respectively, for 2004; and

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

Yes: All present (8)
No: None
Absent: Storrs

MOTION CARRIED6. ESTABLISHMENT OF MEETING SCHEDULE – 2004

Mr. Miller noted that the Planning Department's written explanation for the establishment of the Planning Commission meeting schedule incorrectly states that it is in accordance with the Planning Commission By-Laws. It should read in accordance with the Open Meetings Act.

Mr. Waller requested that the Public Notice of Planning Commission meeting dates specify the third column as "Special/Study" meeting dates rather than simply "Study" meeting dates.

Resolution # PC-2004-01-009

Moved by: Wright

Seconded by: Schultz

RESOLVED, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2004:

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 June 1st, July 6th, September 7th, and December 28th.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Yes: All present (8)

No: None

Absent: Storrs

MOTION CARRIED**GOOD OF THE ORDER**

Mr. Miller reported on the following items:

- City Council made no reappointment to the Planning Commission at their January 12, 2004 Meeting; one Planning Commission term remains open for reappointment.
- The legal opinion on the establishment of a Joint Committee was an informational item to City Council at their January 12, 2004 Meeting. The item received no response from City Council. It is Mr. Szerlag's intention to go forward with the process. Mr. Szerlag would like the Planning Commission to appoint three or four members to the Joint Committee, the number to be determined by the Planning Commission. City staff assigned to the Joint Committee are: Assistant City Manager-Services, Planning Director, Real Estate & Development Director and Building & Zoning Director.
- A tour of the Saleen Facility is scheduled at 6:00 p.m. on Tuesday, January 27. The Special/Study Meeting will begin at 7:30 p.m.

Mr. Chamberlain addressed the adjacent property to the Camp Bow Wow Commercial Kennel that was approved tonight. He reported that the adjacent property contains junk and tires that could contribute to the West Nile Virus by providing a breeding place for mosquitoes. He said he hopes the City has the leverage to inspect the property and issue violation notices to the property owner that would effectuate a general cleanup of the property and a clearing of all devices that could potentially breed mosquitoes.

Mr. Waller said he received an e-mail message relative to the Governor signing a bill that provides increased power to municipalities and units of government to clean up blighted areas. Mr. Waller said he would provide the information at the next meeting.

Mr. Strat suggested that the Fire Marshall inspect the property for potential fire hazards.

Mr. Strat spoke with respect to the legal opinion on the Joint Committee. He said it was his intent, as well as he thought was the Planning Commission's intent, to create a special, small and temporary committee, not a standing committee. He asked if the Legal Department would consider revising its legal opinion, as it appears the legal opinion relates only to a standing committee.

Mr. Motzny said that research for the legal opinion was initiated by determining the purpose of the Joint Committee. He noted a standing committee was not defined in the Charter. The Legal Department utilized and based its legal opinion on information received from the City Manager. It was understood that the Joint Committee would continue to meet on a regular basis to discuss various issues, more in line with the definition of a standing committee. Mr. Motzny indicated that a more definite opinion might be provided should the purpose of the Joint Committee be clearly defined.

Discussion followed. It was the consensus of the Commission that the purpose of the Joint Committee is to create a temporary committee wherein communication on current specific issues and procedural concerns would be discussed, wherein the bodies would work together as a means of "meeting the minds" and a "think tank". It was also the consensus of the Commission to postpone the appointment of any Commission members until the guidelines of the Joint Committee are established.

Mr. Wright suggested that a rotation of City Council members attending the Joint Committee would eliminate the Joint Committee as being defined as a standing committee.

Mr. Motzny said he would review the legal opinion regarding the Joint Committee and provide further information at the January 27, 2004 Special/Study Meeting.

Mr. Schultz announced that in light of the Planning Commission's intent to review and have input in the Planning Commission budget process, he would like to bring forward a proposal that would change the title and responsibilities of "Vice Chair" to "Vice Chair/Treasurer".

It was determined that this revision would require a change in the By-Laws. City Management will review the Planning Commission By-Laws and prepare appropriate language to incorporate the proposed revision in the By-Laws.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:35 p.m.

Respectfully submitted,

David T. Waller, Chair-Elect

Kathy L. Czarnecki, Recording Secretary

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