

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:32 p.m. on August 10, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Lawrence Littman

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner

Allan Motzny, Assistant City Attorney  
Howard Wu, Student Representative  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2004-08-085**

Moved by: Wright  
Seconded by: Strat

**RESOLVED**, That Member Littman be excused from attendance at this meeting for personal reasons.

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

**MOTION CARRIED**

2. MINUTES

Mr. Chamberlain requested that the July 27, 2004 Special/Study Meeting minutes reflect the following revision.

Page 2, Agenda Item 5, second paragraph, add sentence to the end of the paragraph: "When City Management opposes something the Planning Commission is working on, they should come forward with constructive ideas and suggested solutions."

**Resolution # PC-2004-08-086**

Moved by: Chamberlain  
Seconded by: Schultz

**RESOLVED**, To approve the July 27, 2004 Special/Study Meeting minutes as amended.

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Waller  
No: None  
Abstain: Vleck, Wright  
Absent: Littman

**MOTION CARRIED****3. PUBLIC COMMENTS**

There was no one present who wished to speak.

**TABLED ITEM****4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 324) – Proposed Dog Day Care/Commercial Kennel, BARK! LLC, North side of Industrial Row, East of Coolidge, Section 32 – M-1 (Note: Application has been withdrawn by the Applicant)**

Mr. Miller confirmed the petitioner withdrew the Special Use application.

**SPECIAL USE APPROVAL****5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 326) – Square Lake Marathon Station, Southwest corner of Livernois and Square Lake (5991 Livernois), Section 9 – H-S**

Mr. Savidant presented a summary of the Planning Department report for the proposed Special Use at the Square Lake Marathon Station. Mr. Savidant reported the petitioner is working with the Planning Department on improving the design of the site and addressing safety concerns. The Planning Department has prepared design alternatives to improve the layout of the site. It is the recommendation of the Planning Department to table the item to the August 24, 2004 Special/Study Meeting to discuss site design issues. Mr. Savidant said the petitioner is taking into consideration the design alternatives prepared by the Planning Department and is in agreement with the recommendation to table the item.

Mr. Savidant reported that the Planning Department is in receipt of a letter from the abutting property owner to the south, who shared his concerns and his interest in

attending the August 24, 2004 Special/Study Meeting. Mr. Savidant noted that a copy of the letter has been distributed to the Planning Commission prior to the beginning of tonight's meeting. Mr. Savidant confirmed that a copy of the letter would be provided to the petitioner.

Mr. Savidant confirmed that the current ordinance does not require site plans to be signed and sealed. He noted that requirement is incorporated in the proposed zoning ordinance text amendment relating to site plan approval, which is currently in the approval process.

The petitioner, Mike Elias of 5991 Livernois, Troy, was present. Mr. Elias said he would like to improve the small site to make it more efficient. He stated that he and the Planning Department are working on design issues, and he is in agreement with tabling the item.

#### PUBLIC HEARING OPENED

No one was present to speak.

Chair Waller announced the Public Hearing would remain open until the August 24, 2004 Special/Study Meeting.

#### **Resolution # PC-2004-08-087**

Moved by: Vleck  
Seconded by: Wright

**RESOLVED**, That the Special Use Approval request for the Square Lake Marathon Station, located on the southwest corner of Square Lake Road and Livernois Road, Section 9, within the H-S Zoning District be tabled to the August 24, 2004 Special/Study Meeting.

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

#### **MOTION CARRIED**

#### **SITE PLAN**

6. **SITE PLAN REVIEW (SP 907)** – Proposed Medical Offices, Conversion of Existing Maple Athletic Club Building, North side of Maple, West of Livernois (230 W. Maple), Section 28 – B-2

Mr. Savidant presented a summary of the Planning Department report for the proposed site plan. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the condition that

the site plan indicates four trees within the greenbelt along Maple Road per the ordinance requirements of Article 39.70.02.

Mr. Khan suggested consideration be given to relocating the dumpster. He expressed concerns with aesthetics and odors for the nearby residential homes.

There was discussion with respect to the relocation of the dumpster.

Mr. Savidant stated that the dumpster would be well screened in its proposed location, and suggested that the petitioner address the matter.

Ryan Johnson of Nowak & Fraus, 1310 N. Stephenson, Royal Oak, was present. Mr. Johnson said the dumpster location on the northwest corner is ideal because it is easily accessible for trash pickup and it is well screened by the existing 7 foot wall. He noted the dumpster would be gated and closed, and odors would be limited since it is a medical office use. Mr. Johnson said relocating the dumpster to the southeast corner would cause traffic concerns with trash pickup.

Mr. Chamberlain pointed out that the Commission can mandate all the dumpster enclosures it wants but the gates are never shut by the trash haulers or the dumpster users. He said the proposed location of the dumpster is in the direct site line of Maple Road, and it should be relocated to the southeast corner so it is completely screened from the road and away from the residential neighbors.

Mr. Vleck said the dumpster would be less attractive to the neighboring residents if it is relocated to the southeast corner because they will be staring straight at the front of the dumpster.

Mr. Johnson said his client would locate the dumpster wherever the Commission desires.

Chair Waller opened the floor for public comment.

Jim Meinershagen of 4657 Heatherbrook, Troy, was present. Mr. Meinershagen represented ABC Warehouse as the owner/user of the adjacent parcel to the west. He said the proposed development is a result of the prospective purchaser, current owner and himself working closely together, and he is in full support of the development.

Chair Waller acknowledged receipt of Mr. Meinershagen's letter of support and thanked him.

The floor was closed.

**Resolution # PC-2004-08-088**

Moved by: Chamberlain  
Seconded by: Strat

**RESOLVED**, That the Preliminary Site Plan Approval, as requested for the proposed medical offices, located on the north side of Maple, west of Livernois, Section 28, within the B-2 Zoning District be granted, subject to the following condition:

1. That the dumpster currently shown on the northwest corner of the parcel be moved to the extreme east and as far south as it can get on the eastern boundary.

**Discussion on the motion.**

Mr. Vleck said he is not in agreement with relocating the dumpster, and referenced his personal experience with a dumpster on a restaurant site near his home.

Ms. Drake-Batts provided a brief review of the subject site and the proposed location of the dumpster.

There was a brief discussion on the Planning Department's recommendation that the petitioner provide four trees within the greenbelt along Maple Road.

Mr. Miller explained that all of the site plan drawings, inclusive of the landscape plan, are considered in the site plan approval. It was understood that the four trees would be provided in the final landscape plan.

**Vote on the motion on the floor.**

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Waller, Wright  
No: Vleck  
Absent: Littman

**MOTION CARRIED**

Mr. Vleck said the dumpster would be better served in the location originally proposed. He stated he is in favor of the site plan, but would prefer the original location of the dumpster.

**REZONING REQUEST**

7. **PUBLIC HEARING – PROPOSED REZONING (Z 479-B)** – Existing Clark Gas Station, Northeast corner of Rochester Road and Charrington Drive (3400 Rochester Road), Section 23 – From B-1 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning of the existing Clark Gas Station. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application. He noted the petitioner would be required to obtain a number of variances from the Board of Zoning Appeals prior to meeting zoning ordinance requirements for preliminary site plan approval. Mr. Savidant also noted that the Planning Department has one written objection to the proposed rezoning on file.

Mr. Savidant clarified that a site plan for the development has not been distributed to the Commission, and that the Commission's consideration at tonight's meeting is the proposed rezoning only.

Mr. Schultz asked what the rear yard setback requirement would be for the development, in relation to the residential property to the east.

Mr. Savidant replied the rear yard setback requirement in the H-S zoning district is 30 feet except when the development abuts a residential district, in which case the setback requirement is 75 feet.

Mr. Miller stated that recently the Planning Department has received rezoning applications from a number of service stations. The service stations are requesting the H-S zoning classification in order to eliminate their non-conforming use status. Mr. Miller said that many of the City's service stations are old developments, and noted that the subject service station for rezoning consideration tonight has been in existence prior to the residential neighborhood to the east. Mr. Miller related that in the early 1980's, the intent of the City was to discourage the development of service stations. Because the service stations are not going away and because they cannot redevelop as non-conforming uses, the current thinking of City Management is that it would be better to rezone the properties and work with the petitioners to create safe, efficient and modern facilities.

John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present. Mr. DeBruyne said the petitioner is going through the proper channels to eliminate the non-conforming use, and noted the ultimate goal is to expand the retail portion of the establishment. Mr. DeBruyne confirmed that the service station would continue to service its customers with gasoline.

## PUBLIC HEARING OPENED

Nels Bejleri was present to speak on behalf of his father, Arben Bejleri of 1055 Winthrop Drive, Troy. Mr. Bejleri expressed objection to the proposed rezoning. He cited concerns with the proposed development should the proposed rezoning be approved. The major concerns are the elevation of the development in relation to the residential homes to the east and the increase in parking and traffic with the expansion of the service station.

Chair Waller stated that concerns related to elevation, water flow and traffic are very valid, and the Commission would take into consideration all those concerns at the time the preliminary site plan is before the Commission for review and approval. He encouraged residents who are in opposition to the proposed rezoning and potential expansion of the service station to voice their concerns with the Planning Department, the Board of Zoning Appeals and the City Council.

Don Mencke of 1151 Winthrop Drive, Troy, was present. Mr. Mencke said he and some neighbors are concerned about the potential increase in traffic, traffic safety when crossing Rochester Road, elevation, property devaluation and the facility operating 24 hours. Mr. Mencke said the facility has not been taken care of by the owner until recently, and suggested that the rezoning be tabled for a couple of years to see how the owner takes care of the property. Mr. Mencke asked why the property must be rezoned to the H-S district.

Mr. Chamberlain briefly explained that the service station is required to be zoned in the H-S zoning district before any improvements can be made to the property.

John Mulligan of 1087 Charrington, Troy, was present. Mr. Mulligan said he and the neighbors are concerned that should the rezoning be approved, it leaves the property wide open for development. He also expressed concerns with the larger building and the potential of increased traffic, especially for cross traffic at Rochester Road.

The petitioner and property owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was present. Mr. Kattouah said he understands the concerns expressed by the residents. He stated that it is not his desire to run a 24-hour operation, to sell alcohol, or to own a gas station. Mr. Kattouah said he purchased the gas station for his wife because everybody in her family has a gas station, and the business is not his main source of income. Mr. Kattouah said he has had the service station for the past nine months, and it has taken some time to become familiar with the property and business. He said he is requesting to have the property rezoned to eliminate the non-conforming use and to improve on the only eyesore in the entire block. He would like to add an additional 1,400 square feet to the facility and provide retail of essential items to the nearby residents. Mr. Kattouah said the closest convenience store is over one mile from the service station. Mr. Kattouah, a State-licensed residential appraiser, said the expansion of the service station would have no negative effect on the value of the nearby residential homes.

**PUBLIC HEARING CLOSED**

Mr. Miller gave a brief explanation of the requirements placed on a non-conforming use in relation to site improvements. Mr. Miller noted that the subject parcel has a history of minor violations (i.e., litter, tall grass), which have all been resolved at this time. Mr. Miller stated that the charge of the Commission tonight is to look at the appropriateness of the proposed rezoning district at this location. He explained the procedure of a Special Use Approval that would be required for improvements to the service station, and the Planning Commission's discretionary control over the site as a Special Use.

**Resolution # PC-2004-08-089**

Moved by: Chamberlain  
Seconded by: Strat

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Drive, within Section 23, being 21,000 square feet in size, be granted.

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Waller, Wright  
No: Vleck  
Absent: Littman

**MOTION CARRIED**

Mr. Vleck said he agrees that the site needs to be redeveloped and understands it cannot make major improvements because of its non-conformity. He said he wished there was a way to be more flexible with different options.

8. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval**

Mr. Miller reported that two minor changes were incorporated in the proposed zoning ordinance text amendment relating to Site Plan Approval. A provision was added that requires site plans to be sealed by a State of Michigan Professional Engineer, Registered Architect, Registered Landscape Architect or Professional Community Planner. In addition, the intent statement was strengthened.

Mr. Wright reported a typographical error in Section 03.43.01 (17); the words "State of Michigan Profession Engineer" should read "State of Michigan Professional Engineer."

The Planning Department noted the error and the correction will be made.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2004-08-090**

Moved by: Chamberlain  
Seconded by: Wright

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Article 03.40.00 Site Plan Approval of the Zoning Ordinance, be amended as printed, with the change as suggested by Mr. Wright, on the Proposed Zoning Ordinance Text Amendment, dated 08/04/04.

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

**MOTION CARRIED**

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) – Articles 12.00.00 and 30.10.08 R-1 T One Family Attached

Mr. Miller provided a summary of the proposed zoning ordinance text amendment that would update the R-1T provisions of the zoning ordinance.

Chair Waller suggested that the references to rear yard perimeter setbacks on the Schedule of Regulations reflect directly to Section 12.50.08.

The Planning Department will make the change.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2004-08-091**

Moved by: Schultz  
 Seconded by: Wright

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that Articles 12.00.00 and 30.10.08 of the Zoning Ordinance, be amended as revised by Mr. Waller on the Proposed Zoning Ordinance Text Amendment, dated 07/01/04.

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

**MOTION CARRIED**

10. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 203) – Article 02.00.00 – Changes, Amendments and Approvals, edit text to replace Chapter 40 of the City Code (to be repealed) and include language regarding Voting Requirements**

Mr. Miller provided a summary of the proposed zoning ordinance text amendment that would clarify the powers and duties and voting requirements of the Planning Commission.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED****Resolution # PC-2004-08-092**

Moved by: Wright  
 Seconded by: Schultz

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Article 02.00.00 - Changes, Amendments and Approvals of the Zoning Ordinance, be amended as printed on the Proposed Zoning Ordinance Text Amendment, dated 06/16/04.

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

**MOTION CARRIED**

### **GOOD OF THE ORDER**

Mr. Chamberlain suggested that a policy be set with respect to the drawings and whatever else a petitioner for a particular project submits is considered the complete package for approval by the Commission.

Chair Waller directed the Planning Department to standardize the prepared Resolutions to include that all documentation as submitted to the City shall be a part of this approval.

Chair Waller announced he would like to attend the Greenbuild International Conference in Portland, Oregon from November 10-12, 2004, as representative of the City of Troy and the Planning Commission. He said he would entertain a motion requesting City Council's consideration of his attendance.

#### **Resolution # PC-2004-08-093**

Moved by: Khan  
Seconded by: Vleck

**RESOLVED**, That the City Council consider the attendance of David Waller at the Greenbuild International Conference in Portland, Oregon, and that a written report be provided by Mr. Waller at the conclusion of the conference.

Yes: Chamberlain, Khan, Schultz, Strat, Vleck, Waller, Wright  
No: Drake-Batts  
Absent: Littman

#### **MOTION CARRIED**

Ms. Drake-Batts said there are a lot of areas the City needs to spend money on, and she is one for educating herself and paying her own way. Ms. Drake-Batts said her vote would be consistent on similar items, now and in the future.

Chair Waller announced that the American Planning Association Conference is being held in San Francisco on March 19, 2005.

Mr. Miller took note of those Commissioners who plan to attend the Michigan Society of Planning Annual Conference in Grand Rapids from September 29 to October 2. He requested applications to be turned into the Planning Department as soon as possible, noting the early bird deadline is August 30. Mr. Miller said he would contact the Michigan Society of Planning office to check into the additional classes that might be offered.

Mr. Miller highlighted the items to be discussed at the August 24, 2004 Special/Study Meeting.

- (1) Downtown Clawson Framework Urban Design Plan
- (2) Special Use Request (SU 326) – Square Lake Marathon Station
- (3) Proposed PUD located on the north side of Big Beaver between Alpine and McClure

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:55 p.m.

Respectfully submitted,

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David T. Waller, Chair

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Kathy L. Czarnecki, Recording Secretary

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