

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on September 28, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lynn Drake-Batts  
Fazal Khan  
Lawrence Littman  
Robert Schultz  
Thomas Strat (arrived 7:35 p.m.)  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Also Present:

Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Howard Wu, Student Representative  
Kathy Czarnecki, Recording Secretary

2. MINUTES

**Resolution # PC-2004-09-106**

Moved by: Wright  
Seconded by: Schultz

**RESOLVED**, To approve the September 14, 2004 Regular Meeting minutes as published.

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

**MOTION CARRIED**

3. PUBLIC COMMENTS

Tom Krent of 3184 Alpine, Troy, was present to address the construction of an attached accessory garage at 3129 Alpine.

Ms. Lancaster reported the matter would be reviewed at the October 4, 2004 City Council meeting, and indicated the matter would eventually be referred to the Planning Commission.

Chair Waller acknowledged receipt of Mr. Krent's memorandum and photograph on behalf of the Planning Commission members. Chair Waller said there would be no merit to have a discussion on the matter at the Planning Commission level at this time. He advised Mr. Krent to keep in touch with the Planning Department on the status of the matter.

#### 4. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat reported on the September 21, 2004 Board of Zoning Appeals meeting.

##### Variance Request, Jonathan Sherer, 3015 Crooks – Proposed Starbucks Coffee

The BZA postponed the request to construct a new commercial building with a drive-up window accessory to a restaurant.

##### Variance Request, Majid Kesto, 1610 John R (existing address), 1634 John R (proposed address)

The BZA approved the request to construct a new gas station.

#### 5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Chair Waller reviewed the September 22, 2004 Joint Meeting of the City Council and Downtown Development Authority. The relationship between the City Council and the DDA was not discussed with precision. Candace Casey of Joseph Freed and Associates spoke with respect to the attraction of the site location for the proposed Planned Unit Development located on the north side of Big Beaver, east of Alpine, west of McClure, in Section 20. A local businessman spoke on behalf of the progress of the City, and interesting comments were made from other members of the audience. There was discussion relating to the Request for Qualifications (RFQ) for the Big Beaver Road Corridor Study.

Mr. Savidant reported that the respondent list to the Big Beaver Road Corridor Study RFQ has been narrowed to 5 out of 17. Mr. Savidant noted the City Manager would be addressing the need of corridor studies for Big Beaver Road, Maple Road and Stephenson Highway and the update of the City's Future Land Use Plan in a summary of the joint meeting.

#### 6. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its September 27, 2004 Regular Meeting.

Parking Variance, 1800 W. Big Beaver – Approved with reduction in handicapped parking.

Rezoning Request Z 479-B, Northeast Corner of Rochester Road and Charrington – Referred back to the Planning Commission.

ZOTA 182, R-1T One Family Attached Residential Districts – Approved with revision in wording to include non-motorized vehicles.

ZOTA 200, One Family Cluster Option – Postponed to November 22, 2004 City Council Meeting; discussion on definition of natural features and association fees.

ZOTA 199, Site Plan Review – Postponed to October 4, 2004 City Council Meeting; discussion on one-year expiration of Preliminary Site Plan Approvals.

ZOTA 203, Changes, Amendments and Approvals – Approved with revision that recommendations, as well as approvals, by the Planning Commission need an approval vote of 5 members.

Stonehaven Woods East Site Condominium – Approved with no connection to Wattles Road.

There was discussion with respect to the approval requirement of 5 members for both the approval and recommendation process.

Ms. Lancaster said further clarification is needed on the intent of the City Council. She said the Legal Department would look into the revisions that would be necessary in the Planning Commission Bylaws and approval requirements.

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**Resolution # PC-2004-09-107**

Moved by: Schultz

Seconded by: Littman

**RESOLVED**, To suspend rules and move Agenda Item #14 to the current item on the agenda in order to accommodate guests in the audience.

Yes: All present (9)

No: None

**MOTION CARRIED**

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14. POTENTIAL ORDINANCE REVISION DISCUSSION – Group Daycare Homes in the R-1 (One Family Residential) Districts

Mr. Savidant presented a summary of the Planning Department report on the potential ordinance revision relating to group daycare homes in the R-1 zoning district. Mr. Savidant cited four specific questions that would provide direction to the Planning Department in preparing text language relating to the potential ordinance revision.

1. Should Group Daycare Homes be permitted by right in single-family residential zoning districts or by Special Use Approval?
2. Should there be requirements related to parking and traffic control?
3. Should there be requirements related to outdoor play areas?
4. Should Group Daycare Homes be exempted from home occupation regulations?

Ms. Drake-Batts said group daycare homes should be by Special Use Approval, and that there should be no requirements for traffic or outdoor play areas. Ms. Drake-Batts said group daycare homes should be exempt from home occupation regulations.

Mr. Littman agreed that group daycare homes should be by Special Use Approval and should be exempt from home occupation regulations.

Mr. Wright said he was unsure whether daycare homes should be permitted. Mr. Wright expressed concerns on the negative impact of noise and traffic to neighboring residents.

Mr. Schultz said he is undecided on the matter. Mr. Schultz commented on the conflict between the State licensing procedure and the laws of individual municipalities, as well as concerns with the subdivision deed restrictions. Mr. Schultz said he would lean toward permitting group daycare homes by Special Use Approval, but his verdict is still out with respect to exempting them from home occupation regulations.

Mr. Vleck said group daycare homes should be by Special Use Approval. He noted parking, traffic, outdoor play areas and noise should be addressed at the time of approval. Mr. Vleck agreed that group daycare homes should be exempt from home occupation regulations.

Mr. Khan said group daycare homes should be by Special Use Approval. He noted outdoor play areas, fencing and safety of children should be addressed at the time of approval. Mr. Khan said there are very few negative impacts on the neighborhood with respect to traffic. He agreed that group daycare homes should be exempt from home occupation regulations.

Mr. Strat said he is sympathetic with the home daycare situation but he considers the care of 7 to 12 children in a residential home a business. In that respect, he questioned why he could not run his office, or any other business, out of his home. Mr. Strat said group daycare homes would have a negative impact on residents, and he would not want a group daycare home next to his home.

Mr. Chamberlain said group daycare homes are businesses, and he is not in favor of allowing them in residential districts. Mr. Chamberlain expressed concerns with traffic and parking, as well as subdivision deed restrictions.

Chair Waller asked the length of time that home daycare facilities have been in the City and if there is any specific intent to expand them. Chair Waller also questioned if an analysis has been conducted on resident complaints relating to daycare home facilities.

Ms. Lancaster suggested the Police Department and Building Department would be good resources for information relating to complaints on home daycare facilities.

Sharon and Dave Schafer of 5593 Mandale, Troy, were present. Ms. Schafer has provided home childcare for 20 years and has been licensed by the State for over 15 years. Ms. Schafer addressed the changing needs of childcare, childcare options, parking concerns, outdoor play areas, and the differences between family daycare and group daycare homes.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford has provided home childcare for 13 years. Ms. Duford addressed traffic concerns, State licensing, and the childcare business with respect to viability. Ms. Duford said providing childcare in homes serves a diverse need for the families who work and live in Troy.

Nichol and Curtis Childs of 1931 Atlas Court, Troy, were present. Ms. Childs has provided home childcare for 2 years. Ms. Childs said they researched home childcare regulations in Troy prior to making a decision to move to Troy. Troy staff informed them that the City follows State regulations only. Ms. Childs addressed traffic, parking, noise, and fenced outdoor play areas. She commented that both family daycare and group daycare are businesses in that money is exchanged for services.

Mr. Childs said "potential" traffic problems should not be an item of concern since it would be "current" traffic problems, because there are currently 20 group daycare homes operating in Troy. Mr. Childs said all home childcare facilities are businesses because they exchange money for services rendered. Mr. Childs said their neighbors have not expressed any concerns with noise or traffic generated by their home childcare services. Mr. Childs asked if group daycare homes are currently not allowed or just not addressed in the current ordinance.

Mr. Savidant responded that it is both. He said that group daycare homes are not specifically listed in the ordinance and are not specifically permitted; therefore, group daycare homes are an implied prohibited use.

Ms. Drake-Batts made the following comments. (1) Let parents use their own discretion in childcare decisions. (2) It is difficult to find childcare for children over the age of 10. (3) There is a big difference between public and private childcare. (4) There would be an economic impact should the operation of the existing home childcare facilities be ceased.

Discussion continued with respect to the need of childcare, public childcare versus private childcare, and the business operation of childcare facilities.

Mr. Schultz said an opinion, with the concurrence of the City Council, should be forwarded to the State licensing board stating that it is incumbent upon the State to prove beyond a shadow of a doubt that petitioners who request State licenses for home daycare facilities are within compliance of municipality laws.

Mr. Schafer thanked the Planning Commission for its courtesy in moving the agenda item up on the agenda. Ms. Schafer requested that information be forwarded to her by fax or e-mail.

Ms. Childs asked if other group daycare providers should be contacted and advised of the matter that is before the City.

Chair Waller responded that it might be in their best interest.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 209) – Article XXVIII, Veterinary Hospitals in the M-1 Light Industrial District

Mr. Savidant presented a summary of the proposed Zoning Ordinance Text Amendment relating to veterinary hospitals in the M-1 Light Industrial district.

Discussion followed.

It was the consensus of the members that the proposed requirements for veterinary hospitals in the M-1 Light Industrial district are more restrictive than the veterinary hospital and clinic requirements in the B-3 zoning district, and that the requirements should be consistent within the two zoning districts.

It was further agreed that definitions of a veterinary hospital and veterinary clinic should be provided and referenced in the ordinance text.

There were 6 members in agreement that veterinary hospitals should not be by Special Use Approval, but permitted by right within the M-1 Light Industrial zoning district.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 205) – Articles 39.70.02 and 39.80.02 Landscape Requirements within the 10 Foot Wide Greenbelts

Mr. Savidant presented a summary of the proposed Zoning Ordinance Text Amendment relating to landscape requirements within 10-foot wide greenbelts. Mr. Savidant said it would be appropriate to include text that would not permit coniferous trees near sidewalks. Mr. Savidant noted that the greenbelt could run from the right of way to the front of the building; i.e., landscaping is not limited to the 10 feet.

There was a brief discussion with respect to the caliber and height references of plantings.

Mr. Strat encouraged creativity in landscaping and clustering of trees, and will provide the Planning Department with relevant draft language to incorporate in the amendment.

The proposed zoning ordinance text amendment will be revised to incorporate language with reference to coniferous trees, planting height and landscaping creativity.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 210) – Article 03.21.07 Protest Petitions for Zoning Ordinance Amendments

Mr. Savidant presented a summary of the proposed Zoning Ordinance Text Amendment relating to protest petitions for zoning ordinance amendments.

There was a brief discussion with respect to State statute and the City and Village Zoning Act as they relate to the proposed amendment.

Chair Waller requested that the text indicate that the amendment complies with the original City and Village Zoning Act.

Ms. Lancaster said it is preferable to put the amendment on the books because it is provided by the State statute.

Chair Waller requested that a drawing be created to demonstrate the 20% signature requirement.

It was the consensus of the Commission that the Planning Department incorporate the minor revisions to the proposed zoning ordinance text amendment and go forward with scheduling the Public Hearing.

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

Mr. Savidant presented a summary of the proposed Zoning Ordinance Text Amendment relating to arts and dance schools in the Light Industrial zoning district and noted the standards to be considered are:

- Should these uses be permitted by right or by Special Use Approval?
- Should they require frontage on major thoroughfares or should they be permitted on interior streets?
- Should there be a required minimum lot area to ensure that requirements such as parking and dumpsters are met?

Mr. Chamberlain said the first consideration should be if the use is compatible with the industrial zoning. Mr. Chamberlain thinks the use is compatible with industrial zoning and should be permitted by right. He said the use could be located on either a thoroughfare or interior street, and that proper parking should be provided.

Ms. Drake-Batts was in agreement.

A brief discussion followed with respect to the compatibility of mixed uses to potential future residential development and the definition of “arts”.

It was the consensus to open up the M-1 Light Industrial zoning district to various uses and identify the word “arts” to cover all possible uses of that nature.

Mr. Schultz cautioned that bars and dance halls might be considered recreational uses.

Messrs. Schultz and Khan expressed concern for appropriate parking. It was briefly discussed that the use should be by Special Use Approval so the Planning Commission would have control on parking requirements.

The Planning Department will incorporate minor revisions to the proposed zoning ordinance text amendment relating to the definition of “arts” and parking requirements.

11. POTENTIAL ORDINANCE REVISION DISCUSSION – Freestanding Restaurants in the R-C (Research Center) Zoning District

Mr. Savidant reviewed the request of The Gale Company with respect to freestanding restaurants in the RC Research Center zoning district. The Gale Company would like to allow property owners in the RC zoning district to have stand-alone restaurants. This would improve the marketability of office buildings in the RC zoning district, as well as provide convenient and attractive restaurants in the area. Mr. Savidant noted that The Gale Company drafted the proposed zoning ordinance text.

Discussion followed. It was the consensus of the Commission that consideration also be given to allow freestanding restaurants in the O-S-C zoning district.

Discussion followed on the types of restaurants, parking, design standards, and landscaping.

The Planning Department was directed to go forward with the proposed zoning ordinance text amendment and to conduct a study on freestanding restaurants in the O-S-C zoning district.

12. POTENTIAL ORDINANCE REVISION DISCUSSION – “Green” / Sustainable Development

Chair Waller addressed the “green” movement and the importance in acknowledging the movement in future development. Chair Waller said he would bring back additional information and thoughts after his attendance at the Green Build Conference in Portland, Oregon, in November.

Discussion followed with respect to offering incentives to developers who incorporate green or sustainable building in future developments and the adoption of standards in the Zoning Ordinance relating to green or sustainable development.

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 213) – Service Stations in the H-S Highway Service District

Mr. Savidant addressed the redevelopment of service stations in the H-S zoning district with respect to balancing the economic viability of the service station owners, aesthetics of the development and safety of patrons and residents.

Discussion followed on service stations with respect to existing lot sizes, minimum requirement of square footage, history of development, zoning, and viability.

It was the consensus of the Commission that expanding the minimum lot size requirement for service stations would not solve the current problem of existing service stations.

14. POTENTIAL ORDINANCE REVISION DISCUSSION – Group Daycare Homes in the R-1 (One Family Residential) Districts

(Refer to pgs 3-6.)

**15. PUBLIC COMMENTS**

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Littman said thanks for the sign that allows the door to be closed, if necessary.

Mr. Schultz said he is excited about attending the Michigan Society of Planning Conference in Grand Rapids on Thursday. He applauded the City and/or County for the asphalt overlay on northbound Stephenson Highway at 14 Mile Road. Mr. Schultz brought to the attention of the Commission that the City's Fire Department and Station No. 3 were displayed in the coupon section of Sunday's paper and throughout local grocery stores in an antacid advertisement.

Mr. Khan was provided an explanation on the accessory garage information provided in the meeting packet material.

Mr. Strat referenced an article on page 10 of a recent American Planning Association magazine relating to compatible street frontage.

Ms. Lancaster said it was good to see everyone again. She announced that the City Attorney, Lori Bluhm, was recognized in the Crain's special "*40 Under 40*" issue.

**ADJOURN**

The Special/Study Meeting of the Planning Commission was adjourned at 10:00 p.m.

Respectfully submitted,

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David T. Waller, Chair

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Kathy L. Czarnecki, Recording Secretary