

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on October 5, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Gary Chamberlain
Robert Schultz

Also Present:

Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-10-108

Moved by: Vleck
Seconded by: Strat

RESOLVED, That Members Chamberlain and Schultz be excused from attendance at this meeting for personal reasons.

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

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. BOARD OF ZONING APPEALS (BZA) REPORT

There was no Board of Zoning Appeals meeting since the last report.

4. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was no Downtown Development Authority meeting since the last report.

Mr. Savidant reported that at the October 4, 2004 City Council meeting, the Big Beaver Corridor Study was discussed and postponed to the October 25, 2004 meeting.

Chair Waller reported there was discussion at the meeting to create a committee, comprising of individual representatives from the City Council, Planning Commission, and Downtown Development Authority to work with City staff on the selection process, including interviews, for the Big Beaver Corridor Study.

5. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its October 4, 2004 Regular Meeting.

Building Permit Moratorium – **Denied** – Task of addressing neighborhood compatibility/accessory buildings as relates to size, use and compatibility was given to the Planning Commission. This matter will be given priority; tentative Public Hearing date is November 9, 2004.

ZOTA 199 – Site Plan Review – **Postponed to November 15, 2004 City Council Meeting** – City Council approved ZOTA 199 at its September 27, 2004 meeting. Subsequent to approval, a motion was carried for the reconsideration of the Resolution, and currently no action has been taken on the reconsideration of the Resolution. In the interim, the zoning ordinance text amendment has been published and becomes effective October 6, 2004.

Mr. Motzny reported that the Legal Department would provide an opinion on the matter.

Discussion followed on the related items addressed by City Council: wetlands determination, topographic survey, and validity timeframe of preliminary site plan approval.

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

Mr. Savidant reviewed the status of the Special Use Request relating to the Square Lake Marathon Station and the most recent two design alternatives submitted by the petitioner.

The petitioner, Mike Elias of 5991 Livernois, Troy, was present. Mr. Elias, who has been in business for 4 years at this site, provided a brief history of the growth of his business. He reviewed the two design alternatives with respect to location of curb cuts, building size and exterior appearance, cross access easement, location of canopies, parking spaces, etc. Mr. Elias said the new design provides better traffic circulation, more parking, and assures the safety of his customers.

Discussion followed with respect to parking spaces located in front of the dumpster, the handicapped parking spaces, the cross access easement, and the number of pumps.

Mr. Strat said he has made several site visits to the service station. It is his opinion that customers cannot use the 3 pumps at the same time. He said a dangerous situation exists, and the design alternatives provided by the petitioner are not acceptable plans as relate to pedestrian or traffic flow.

Mr. Khan was in agreement.

Chair Waller said that there are traffic and pedestrian safety factors at every gas station and if the Planning Commission tried to legislate that now, gas stations would be closing. Chair Waller said he has made site visits to the station also and observed 3 small cars using the pumps at one time. He said he also witnessed cut-through traffic via the existing cross access easement to the pizza store south of the service station.

Mr. Elias provided photographs of the site; i.e., traffic at intersection, pedestrian traffic flow, and gas pumps being utilized simultaneously. Mr. Elias said the existing situation is more dangerous than the proposed design alternatives. He noted the problematic lot with respect to size and asked the Commission's consideration in looking at the whole picture.

Mr. Motzny said the Planning Commission has more latitude with a Special Use Request in that it could place reasonable conditions on its approval.

Mr. Savidant said the Planning Department recognizes the fact that the site is small and it is difficult to create a design that would balance safety, aesthetics, and economic viability issues. Mr. Savidant said the recent design alternatives are an improvement from the original plan. He requested the petitioner to provide the Planning Department with the required 24" x 36" site plans by Wednesday noon for consideration at the October 12, 2004 Regular Meeting.

7. SPECIAL USE REQUEST (SU 325) – St. Augustine Lutheran Preschool, Southwest corner of Livernois and McKinley (5475 Livernois), Section 9 – R-1B (One Family Residential)

Mr. Savidant presented a summary of the Planning Department report and reviewed the status of the Special Use Request for St. Augustine Lutheran Preschool. He noted that the application has been amended to include the Special Use of the Montessori school that is currently operating from inside the church. Mr. Savidant read the comments of the City's Traffic Engineer cited on the site plan review and reviewed the traffic counts provided by the City Traffic Engineer. Mr. Savidant reported the drivers education training factor is not part of the Special Use Request and would be addressed administratively in the very near future.

Mr. Strat questioned if the traffic counts included traffic generated from the drivers education training.

Larry Boeberitz of 681 Lockmoore Court, Rochester Hills, was present. Mr. Boeberitz is head trustee for St. Augustine Church. Mr. Boeberitz reported that the traffic counts provided by the City's Traffic Engineer are not inclusive of traffic generated from the drivers education training. He explained that the traffic counts were produced from traffic generated on Saturday, Sunday and Monday, and noted that the drivers education training is held on Thursday. Mr. Boeberitz also noted that Monday is the busiest weekday for regular church activity. Mr. Boeberitz stated that there is a theoretical maximum of 200 cars daily for both the Montessori and Preschool classes.

Mr. Savidant gave an explanation of theoretical maximum traffic counts.

There was a brief discussion on how many churches in Troy provide preschool and daycare service to the community.

Charlene Goshgarian of 2159 Haverford, Troy, was present. Ms. Goshgarian is director of the St. Augustine Church preschool. Ms. Goshgarian said there are several preschools located within an 8-mile lateral radius of St. Augustine Church, and noted that St. Augustine Preschool is one of the smaller preschools in terms of class size.

PUBLIC HEARING OPEN

Ed Sarkis of 70 McKinley, Troy, was present. Mr. Sarkis, who lives across from the church, addressed the following concerns. (1) The illuminated sign at the corner of McKinley and Livernois – Mr. Sarkis said the sign is extremely bright and it would be perfect should the church put a tree or barrier to shield the light. (2) The light at the corner of the church driveway – Mr. Sarkis asked if the light could be turned off earlier or if a barrier could be placed on this light also. (3) Car headlights – Mr. Sarkis said it would be okay if landscaping could block the headlights. He said there is night traffic and the driveway is designed that headlights are directed into his bedroom. (4) Drivers education training – Mr. Sarkis asked for scrutiny on this matter. (5) Traffic counts – Mr. Sarkis said the City's Traffic Engineer traffic counts on Monday appear to be near the number of cars coming in and out daily. (6) Mr. Sarkis asked what judgments the Commission were taking into consideration on the Special Use Approval with respect to protecting the neighbors surrounding McKinley.

Chair Waller provided Mr. Sarkis with a site plan drawing. He pointed out to Mr. Sarkis that the plan shows a tree by the illuminated sign, and that the petitioner is willing to work with him to alleviate that particular problem. Chair Waller informed Mr. Sarkis that trees could not be placed at the end of the driveway because a potential traffic hazard would be created, but noted that landscaping of some type could be placed on Mr. Sarkis' side of the street if both the applicant and Mr. Sarkis agreed to it. Chair Waller said the church must comply with the City ordinance and properly shield any exterior lighting.

Mr. Boeberitz stated that the light near the driveway was a requirement of the City at the time of the church expansion. He said the timer goes off just before midnight. Mr. Boeberitz said he would look further into properly shielding the exterior lighting.

Charlene Goshgarian, Director of the St. Augustine Church preschool, said she supports the right for every individual in Troy to make complaints. She cited several complaints made by Mr. Sarkis about St. Augustine Church, one of Troy's smallest churches; i.e., the church bell is too loud, the garbage is put out too early for pickup, and there are too many garbage cans. Ms. Goshgarian said Mr. Sarkis does not want to look at any parked cars. Mr. Sarkis complained about the church secretary who parked her car in the church driveway at 5:30 a.m. because she wanted to be close to the door for safety reasons. Ms. Goshgarian said that Mr. Sarkis does not want to hear the children that are on the playground; he doesn't want to look at the playground; he doesn't want to look at the sign that is too bright and hundreds of feet away from his home, and now Mr. Sarkis is saying the security light is too bright. Ms. Goshgarian said the complaints go on and on. Mr. Goshgarian said she thinks the Commission should be clearly aware that the complaints would not end here. Ms. Goshgarian said Mr. Sarkis should never have moved into the home across the street; and noted that Mr. Sarkis is not the owner of the home but that the home is owned by his mother. Ms. Goshgarian said the church was there in 1963, long before Mr. Sarkis moved in. Ms. Goshgarian said she is not a member of the church. She said Mr. Sarkis watches the children on the playground, and the teachers bring the children back inside the church. Ms. Goshgarian asked where the rights of the church come in. She said she has felt ashamed for the last week every time cars go in and out of the church. Ms. Goshgarian said the church has a right to exist and every American citizen has the right to worship.

Mr. Sarkis said Ms. Goshgarian's comments were unprovoked, unfair, and inappropriate and a personal attack on him. He said that nothing he has ever asked the church has been outside of the City ordinance enforcement. He said Ms. Goshgarian tried to defame his character in front of the Commission, and asked if he could respond to her inappropriate comments.

Chair Waller said he recognizes Mr. Sarkis' request and possible frustration, but he would not give Mr. Sarkis the time to respond.

Chair Waller closed the floor for public comment.

Mr. Strat suggested that making the two-way driveway into a one-way driveway might eliminate the headlight concern on lot # 10.

Mr. Savidant said the Planning Department would give consideration to that suggestion with further input from the Engineering Department. Mr. Savidant noted that the petitioner has offered to put plantings between the driveway and McKinley. He confirmed that the church is not required to have a dumpster.

Mr. Wright referenced a letter from a resident who spoke at the September 14, 2004 Public Hearing. Mr. Wright said he was a member of St. Augustine Church in 1993, and clarified that at that time he advised his fellow Commissioners of that fact. He said it was a unanimous decision to allow him to vote because he had no financial interest in the matter. Mr. Wright said he was not aware at that time that the church did not have Special Use Approval for the schools. Mr. Wright said he is not currently a member of the church, but he continues to know some of the church members, including Mr. Boeberitz. Mr. Wright said he voted objectively in 1993, and he thinks he could vote objectively again on the matter before the Commission at this time.

Chair Waller announced that the Public Hearing would remain open.

8. REVIEW OF OCTOBER 12, 2004 REGULAR MEETING

There was a brief discussion on the October 12, 2004 Regular Meeting items and the proposed Starbucks Restaurant on the northwest corner of Big Beaver and Crooks.

9. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Chair Waller announced a Sustainable Stormwater Management seminar is being held at the Troy Marriott Hotel on November 16, and noted any questions should be directed to the Engineering Department.

Chair Waller referenced the Green Build conference he is attending in Portland, Oregon, on November 10-12, 2004. He also plans to visit the town of Bellevue, Washington, whose demographics are similar to Troy. He said he would provide written reports on both the conference and the Bellevue visit to both the Planning Commission and the City Council. Chair Waller noted that expenses incurred for the Bellevue visit would be limited to car mileage and a one-night hotel stay.

Resolution # PC-2004-10-109

Moved by: Wright
Seconded by: Strat

RESOLVED, That Chair Waller be authorized to extend his trip and go to Bellevue, Washington, and that he provide the Commission with a written report.

Yes: All present (7)
No: None
Absent: Chamberlain, Schultz

Mr. Vleck requested that the Planning Commission be given the opportunity to discuss any matter related to the DDA and Big Beaver Corridor Study (i.e., representation by the Planning Commission, hiring process, design, etc.).

Chair Waller said there are a lot of rumors around town with respect to the K-Mart Headquarters property.

Chair Waller asked those members who attended the 2004 Michigan Society of Planning Annual Conference to prepare a compilation report for the November 23, 2004 Special/Study Meeting agenda.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:12 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

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