

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on October 12, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain
Fazal Khan
Mark J. Vleck

Also Present:

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

Resolution # PC-2004-10-110

Moved by: Littman
Seconded by: Wright

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

Yes: All present (6)
No: None
Absent: Chamberlain, Khan, Vleck

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-10-111

Moved by: Schultz
Seconded by: Strat

RESOLVED, To approve the September 28, 2004 Special/Study Meeting minutes as published.

Yes: All present (6)
No: None
Absent: Chamberlain, Khan, Vleck

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

Mr. Miller announced that the approval requirements of the Planning Commission have been amended and are printed on the reverse side of the agenda.

TABLED ITEMS

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

Mr. Miller reviewed the status of the proposed Zoning Ordinance text amendment. It is recommended to address specifically the individual use of arts and dance schools and the use of commercial indoor recreation in light industrial zoning districts at future study meetings. Therefore, it is the recommendation of the Planning Department to table the matter for six (6) months.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Waller announced that the Public Hearing would remain open.

Resolution # PC-2004-10-112

Moved by: Schultz

Seconded by: Strat

RESOLVED, That the Zoning Ordinance Text Amendment ZOTA 201 requested by The Link School for the Arts is hereby tabled for six (6) months to allow sufficient time to consider the issue and develop appropriate Zoning Ordinance Text Amendment provisions.

Yes: All present (6)

No: None

Absent: Chamberlain, Khan, Vleck

MOTION CARRIED

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. Miller reported the petitioner submitted a handwritten request to postpone the matter to the November 9, 2004 Regular Meeting. Mr. Miller said the petitioner submitted a new site plan to the Planning Department at 3:54 p.m. last Friday. He stated that the Planning Department report reflects the previously submitted site plan. It is the recommendation of the Planning Department to table the matter to the next Regular Meeting and to discuss it at a future study meeting.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Waller announced that the Public Hearing would remain open.

Resolution # PC-2004-10-113

Moved by: Littman

Seconded by: Schultz

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 November 9, 2004 Regular Meeting.

Yes: All present (6)

No: None

Absent: Chamberlain, Khan, Vleck

MOTION CARRIED

6. PUBLIC HEARING – 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 for the proposed Special Use Request. He noted the Special Use Request would bring the existing church, preschool and Montessori facility into compliance with the Zoning Ordinance. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted.

Larry Boeberitz of 681 Lockmoore Court, Rochester Hills, was present to represent St. Augustine Lutheran Church. Mr. Boeberitz is head trustee for the church. Mr. Boeberitz said he is in agreement with the recommendation of the Planning Department. He asked for clarification of the approval requirement.

Mr. Boeberitz was advised that approval of the Special Use Request and Site Plan would require five (5) affirmative votes and that a postponement to the next Regular Meeting could be requested, at which time a full board might be present for the approval process.

Mr. Motzny further explained that should the matter be voted on tonight and be denied, the only other consideration the Commission would have at that time is to move for a reconsideration of the motion prior to the closing of tonight's meeting.

Mr. Boeberitz chose not to request a postponement, but to proceed with the approval process.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-10- (refer to motion as amended)

Moved by: Wright

Seconded by: Littman

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.03 and 10.30.04 of the Zoning Ordinance, as requested for the proposed St. Augustine Church, Preschool and Montessori School, located on the southwest corner of McKinley and Livernois, Section 9, within the R-1B Zoning District, be granted.

Discussion on the motion.

Mr. Schultz said he would personally like to see the site plan changed. He suggested that the 28-foot wide driveway on the westernmost driveway be changed to a one-way inbound and the eastern driveway be changed to a one-way outbound, in an attempt to alleviate headlights into the front of the house directly across the street from the western driveway. Mr. Schultz said this could be accomplished by signage or narrowing the drive.

Mr. Miller said that because it is a Special Use Request, the Planning Commission has the discretion and it is within its purview to apply conditions that are related to the Special Use. He further noted that there are arrows on the pavement in that area. Mr. Miller said that although the Planning Department has not made a

recommendation to this regard, the Planning Commission could apply those conditions in this matter.

Mr. Wright said he personally did not think it was a big deal.

Mr. Strat said he thinks it would be helpful.

Chair Waller referenced discussion that took place at a previous Study Meeting with respect to the petitioner working with the affected neighbor and possibly providing shrubbery to shield headlights. He asked the petitioner if there was any resolution to that concern since the Commission last met.

Mr. Boeberitz said nothing has changed since the October 5, 2004 Study/Special Meeting. He indicated that St. Augustine Church would work with the affected neighbor in providing additional landscaping to screen headlights.

Mr. Littman is of the opinion that the existing landscaping is sufficient screening. He further stated that it appears the driveway lights are properly shielded. Mr. Littman said additional shrubbery would be nice but it is in good shape right now.

Mr. Wright was agreeable to amending the motion of the floor that the Special Use Approval and Site Plan Approval be subject to adding a one-way entrance sign on the westerly driveway and a one-way exit sign on the easterly driveway.

Mr. Littman was in support of the amended motion.

Resolution # PC-2004-10-114 (as amended)

Moved by: Wright

Seconded by: Littman

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.03 and 10.30.04 of the Zoning Ordinance, as requested for the proposed St. Augustine Church, Preschool and Montessori School, located on the southwest corner of McKinley and Livernois, Section 9, within the R-1B Zoning District, be granted, subject to:

1. Adding a one-way entrance sign on the westerly driveway and a one-way exit sign on the easterly driveway.

Yes: All present (6)

No: None

Absent: Chamberlain, Khan, Vleck

MOTION CARRIED

REZONING REQUEST

7. **PUBLIC HEARING – PROPOSED REZONING (Z 697)** – Proposed Crooks Office and Retail Development, West side of Crooks, North of Big Beaver, Section 20 – From P-1 (Vehicular Parking) to O-1 (Low Rise Office) and B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning request.

Michael Boggio of 30100 Telegraph Road, Bingham Farms, was present to represent the petitioner. Mr. Boggio demonstrated, with the use of display boards, the extension of the B-3 and O-1 zoning northward to Wilshire Boulevard that is in conformance with the Future Land Use Plan. Mr. Boggio indicated that, with site plan approval, the proposed development would provide future access from Wilshire Boulevard to the properties to the south. He said the access would be a welcome addition to area.

Mr. Strat asked if the proposed O-1 zoning would be landlocked.

Mr. Boggio replied that there is an easement currently to the west that would allow traffic from the O-1 zoned property to enter and exit out to Big Beaver. He noted the petitioner has control over the entire piece of property, and would be proposing easements between the B-3 and O-1 zoned properties. Mr. Boggio further addressed site plan issues with respect to cross access easements to the west and south and a new curb cut approach to the new development.

Chair Waller asked why the proposed B-3 zoning is further to the west than the existing B-3 zoning property line.

Mr. Boggio replied that the B-3 zoning is extended further to the west to alleviate parking difficulties during lunch hours in the development.

Mr. Littman asked if the property to the west would have cross access easement to the new development.

The petitioner, Harvey Weiss of 6960 Orchard Lake Road, West Bloomfield, was present. Mr. Weiss said there is an agreement with First American Title to give the proposed development access to Big Beaver Road and, in turn, they would be given access to Crooks Road.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-10-115

Moved by: Schultz
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the P-1 to O-1 and B-3 rezoning request, located on the west side of Crooks Road and north of Big Beaver Road, within Section 20, being 3.11 acres in size, be granted.

Yes: All present (6)
No: None
Absent: Chamberlain, Khan, Vleck

MOTION CARRIED**SITE PLAN REVIEW**

8. **SITE PLAN RENEWAL (SP 673)** – Office Properties LLC, Proposed Office Building, North side of Big Beaver, West of John R, Section 23 – O-1 and P-1

Mr. Miller presented a summary of the Planning Department report for the proposed site plan renewal. Mr. Miller noted the petitioner has requested and received site plan approval each subsequent year since its initial submission in April 2000. The petitioner has not initiated any other action, such as engineering, dedication, easement, or anything of that nature to indicate future development. Mr. Miller said the owner continues to have an interest in the property, and the site plan is in compliance with the Zoning Ordinance. Mr. Miller reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Strat asked if the petitioner is required to submit sealed site plan drawings in accordance with the newly adopted amendment to the Zoning Ordinance.

Mr. Miller replied that the application was submitted prior to the adoption of the ordinance amendment that requires sealed drawings. The Planning Department will insure that all plans submitted after the effective date of the Zoning Ordinance amendment are signed and sealed.

The petitioner, Dale Garrett of 5877 Livernois, Suite 103, Troy, was present on behalf of Office Properties LLC. He confirmed that the site plan has not been changed in the past three years.

Ms. Drake-Batts asked how many times the Planning Commission would be seeing this site plan.

Mr. Garrett said that quite a bit of money has been spent to just hang onto the property and referenced the office market downturn.

Mr. Strat questioned the renewal request as well. He asked the petitioner's intent in hanging onto the property and not developing it for the past four years.

Mr. Garrett said there have been several unsuccessful deals with prospective interested parties. It is their intent to hold onto the property so they can move quickly once the market turns around and a deal is made.

Mr. Strat said 4.5 years is quite a lengthy time, and the Commission would encourage that the development go forward. Mr. Strat expressed his reservations in granting another renewal.

Ms. Drake-Batts asked if the property has been marketed with a commercial realtor.

Mr. Garrett replied that the property has not been actively on the market.

Resolution # PC-2004-10-116

Moved by: Littman
Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval, as requested for Office Properties LLC, proposed office building, located on the north side of Big Beaver Road and west of John R Road, located in section 23, within the O-1 zoning district is hereby granted.

Discussion on the motion.

Mr. Littman asked if there is a limit on how many times a petitioner can ask for a renewal.

Mr. Motzny said there is no limit on the number of times a petitioner can request a site plan renewal. He said the recently revised Zoning Ordinance does not apply in this case, and clarified that the renewal timeframe is one year. Mr. Motzny stated the Zoning Ordinance allows the Planning Department to make a call as to whether substantial conditions have changed to require a new site plan.

Mr. Schultz asked if the applicant would be required to adhere to the new Zoning Ordinance should he come before the Commission for another renewal one year from now.

Mr. Motzny said no. He said the application would remain under the guise of the original Zoning Ordinance. He noted that should the Planning Department believe substantial conditions have changed to the site plan, it could require the petitioner to submit a new plan.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Strat said 4.5 years is ample time for a developer to develop a property if he intends to do so, and the City has been very generous in giving the petitioner renewals.

Ms. Drake-Batts said she would not vote in favor of another renewal should the petitioner apply for one next year. She said the economy is picking up, space is getting rented, and it is time for the developer to move forward.

9. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Miller said updated copies of the Zoning Ordinance would be distributed to the members in the very near future. Should members want the Zoning Ordinance in CD format, please advise the Planning Department.

Mr. Miller announced that proposed ZOTA 215, Accessory Structures in R-1 Districts/Neighborhood Compatibility, is on the fast track and is scheduled for discussion at the next two study meetings. The matter is tentatively scheduled for a Public Hearing at the November 9, 2004 Regular Meeting. Mr. Miller said there are a number of locations in the City that have large accessory structures. Mr. Miller said he would provide the members with the appropriate material as well as a list of locations and photographs for review in advance of the study meetings.

Chair Waller and Mr. Strat requested that the Planning Department provide the list of garages and their locations prior to the delivery of the meeting packet.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:30 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

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