

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on October 26, 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 7:48 p.m.)
David T. Waller
Wayne Wright

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
John Szerlag, City Manager
Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Mark Stimac, Building & Zoning Director
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-10-117

Moved by: Littman
Seconded by: Wright

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

Yes: All present (7)
No: None
Absent: Strat, Vleck

2. MINUTES

Resolution # PC-2004-10-118

Moved by: Wright
Seconded by: Khan

RESOLVED, To approve the October 5, 2004 Special/Study Meeting minutes as published.

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

MOTION CARRIED

Chair Waller requested that the October 12, 2004 Regular Meeting minutes reflect under the *Good of the Order* that he and Mr. Strat requested the Planning Department to provide the list of garages and their locations prior to delivery of the meeting packet.

Resolution # PC-2004-10-119

Moved by: Schultz
Seconded by: Wright

RESOLVED, To approve the October 12, 2004 Regular Meeting minutes as amended.

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

MOTION CARRIED

3. **PUBLIC COMMENTS**

There was no one present who wished to speak.

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

The Board of Zoning Appeals report will be placed on the November 2, 2004 Special/Study Meeting agenda.

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

The October 20, 2004 Downtown Development Authority meeting was cancelled.

6. PLANNING AND ZONING REPORT

Mr. Miller gave the following report.

October 25, 2004 City Council Action Items

- *Big Beaver Corridor Study* – City Management was authorized to proceed with the selection process and the City Planning Consultant to prepare the Request for Proposal (RFP). Interviews will be conducted around Thanksgiving 2004. The selection committee includes David Eisenbacher (City Council), Dave Waller (Planning Commission), Alan Kiriluk (Downtown Development Authority), John Szerlag (City Manager), Brian Murphy (Assistant City Manager/Services), Doug Smith (Real Estate and Development Director), Mark Miller (Planning Director), and Richard Carlisle (City Planning Consultant).
- *Final Plat for Wyngate of Troy Subdivision, East Side of Coolidge Highway, North of Square Lake Road, Section 5* – Approved
- *Multi-Use Facility on Civic Center Site* – City Management was authorized to further explore a multi-use facility on the Civic Center site; i.e., minor league baseball field.
- *Rezoning (Z 696), West Side of Rochester Road, North of Square Lake, Section 3* – Approved. Mr. Miller noted that the two lots north of the subject parcel were submitted for rezoning by the petitioner and will be incorporated in the future development.

Planning Department Items

- *PUD 5, Maple Forest Crossing, east side of Rochester Road, south of South Boulevard* – The proposal is in the very early conceptual phases. The proposal includes retail, medium density residential, single family residential, and combined parking with Pettruzello's banquet facility.
- *PUD 4, Platinum Parc, north side of Big Beaver, west of Crooks, between Alpine and McClure* – Petitioner is moving forward with a more complete package.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215) – Articles 04.20.00, 10.00.00, 30.00.00, 31.00.00, and 40.00.00 Accessory Structures and Neighborhood Compatibility

Mr. Miller introduced the City representatives who were present for discussion of the matter and informed those present of the presentation format that would be followed.

Mr. Szerlag announced that the situation on Alpine resulted from a resident finding a loophole in the Zoning Ordinance that would allow a monster garage to be built. City Council's concern resulted in a study session with City staff and the Planning

Consultant. The recommendation of City Council was to have the Planning Commission find a way to plug the loopholes that currently exist in the ordinance and amend the ordinance to allow for better compatibility on attached and detached accessory structures. Mr. Szerlag said regulation of size, use and compatibility was discussed at the study session, and that compatibility was defined as the conditional element of size, use, height, and setbacks, but not materials. On behalf of City Council, Mr. Szerlag stressed the urgency to find a solution that would plug the loopholes in the ordinance and stop future construction of monster garages or accessory structures. He explained that City staff is continuing its negotiations with the Alpine property owner to resolve the matter of that particular monster garage.

Mr. Miller provided a slide presentation. The presentation displayed 14 homes in the City that have existing garages with more square footage than the actual homes.

[Mr. Strat arrived at 7:48 p.m.]

Mr. Stimac said the garages displayed in the slide presentation are all attached garages, but acknowledged there are homes in the City with detached garages that exceed the ground floor area of the living space of the home. Mr. Stimac reviewed various changes that were made in the Zoning Ordinance, and cited examples of related accessory structures. He reported that cases before the Board of Zoning Appeals requesting to construct detached garages of significant size have been based on the City requirement to store commercial vehicles. Mr. Stimac said that, in part, the construction of large garages is the result of residents complying with the ordinance that requires residents to store their commercial vehicles indoors.

Mr. Chamberlain asked the number of parcels with attached and detached large garages that were constructed in compliance with the Zoning Ordinance requirement to store commercial vehicles.

Mr. Stimac estimated 30 parcels, but noted that a study has not been done. Mr. Stimac said the parameter of the 14 garages displayed in the slide presentation was that the square footage of the garage exceeds the square footage of the house, and that detached garages were not covered in the slide presentation. Mr. Stimac said it is his opinion that many of the large garages in the City, both attached and detached, have been generated in part by the desire to house commercial vehicles.

Mr. Strat asked how many of the garages have been built in the last 5 to 10 years.

Mr. Stimac responded that approximately 20 out of the estimated 30 garages were built within the last 8 to 10 years.

Mr. Carlisle distributed two informational items: (1) proposed definitions and ordinance language changes relating to outdoor parking and commercial vehicles in residential districts and a revised definition of a commercial vehicle; and (2) Truck Driver's Guidebook. Mr. Carlisle provided the material as a preface to his opinion that the

current regulations relating to parking of commercial vehicles have in part led to the concern of monster accessory structures. He said, to some degree, the construction of extremely large buildings has resulted from the regulations placed on parking of commercial vehicles in residential areas. Mr. Carlisle would ultimately like to see parking of commercial vehicles restricted in residential districts. Mr. Carlisle said that if commercial parking is not addressed, the City is in essence doing only half the job as it addresses monster accessory structures.

Mr. Carlisle highlighted his observations of the current Zoning Ordinance and reviewed his recommended revisions to the ordinance that were provided in his October 21, 2004 memorandum. Mr. Carlisle suggested that material compatibility be addressed in the future.

Specific items discussed were:

- Definition of “incidental”
- Material compatibility
- Garage door height and size / definition of measurement
- Size limitation on greenhouse
- “Barn” designation in the ordinance
- Ground floor living area
- Definition of play structures; recreational structures
- User-friendly Zoning Ordinance (readability, indexing, etc.)
- Appeal process
- City Council’s aspect

Mr. Strat referenced his “revised” e-mail that was inadvertently not distributed to the Commission members prior to tonight’s meeting. Mr. Strat said he is not in favor of a percentage of lot size as a consideration in the size of an accessory building; i.e., narrow lots. He said the size of a garage door should be limited. Mr. Strat suggested that an appeal process be in place to grant exceptions, and that consideration be given to Special Land Use approval that would require a Public Hearing. He suggested that building elevations and identification of materials be requirements of the review process. Mr. Strat said it is very difficult to legislate and enforce material compatibility.

Mr. Schultz said enforcement of the current Zoning Ordinance with respect to commercial vehicles is most important. He agrees that the garage door height should be limited. Mr. Schultz said the material used for an accessory structure is a matter of preference and should not be dictated by the City. Mr. Schultz said he would be in favor of limiting an attached accessory structure to 750 square feet, or $\frac{3}{4}$ of the ground floor living area of the house.

Ms. Drake-Batts would like the ordinance to address material compatibility. She questioned if the suggested limitations on the garage door would be enough.

Mr. Littman questioned (1) the clarity of the phrase "clearly incidental" in Section 04.20.01, (2) no size limitation on greenhouses, and (3) the meaning of ground floor living area.

There was a brief discussion whether the ordinance should provide definitions of specific structures that are related to recreational hobbies; i.e., playhouses.

Mr. Stimac stated that play structures need to be specifically defined in the ordinance.

Mr. Carlisle said there was discussion at the City Council level that residents should not be penalized from being able to have recreational types of structures. Those types of structures are not used for storage, are not typically large in size and have a specific purpose as well as design.

Chair Waller suggested the ordinance reflect some sort of indexing and referencing for a user-friendly ordinance.

Mr. Chamberlain said the text in the Special Use ordinance has been reorganized and has not moved forward.

Mr. Chamberlain said the main issue to solve is the problem of monster commercial garages. He said the slide presentation tonight showed some garages that were compatible with the home and the land. He said the heart of the whole issue and where the process should begin is with the definition of commercial vehicles. Mr. Chamberlain said staff is asking for direction in the next two weeks, prior to the Public Hearing. Mr. Chamberlain said the door height is important and it is necessary to make sure that the garage door disappears into the ceiling. Mr. Chamberlain said that Special Land Use approval would not work. He said it would become a crapshoot for anyone who wants to construct an accessory building because they would not know whether the City would approve it. Mr. Chamberlain said the ordinance must be written with the appropriate text and size limitations, and appeals to any restrictions would go before the BZA for review and approval. Mr. Chamberlain said the City should not get involved in building material compatibility because the building appearance is in the eyes of the beholder and this is not a Communist country. Mr. Chamberlain said the concern with narrow lot size is not an issue, and noted that setbacks within the ordinance would resolve that concern. Mr. Chamberlain said he agrees with the recommendations of Mr. Carlisle except that the garage door height should be addressed, and his preference would be that it be over 8 feet.

Mr. Wright said he likes the commercial vehicle definition created by Mr. Carlisle. He noted the definition was an item with which the Commission struggled in the late 1980's and early 1990's.

Mr. Strat commended Mr. Carlisle's recommendations. He stated the garage door would not dictate the height of the door as far as internal clearance. Mr. Strat again stressed that the matter should be considered by Special Land Use approval and that the BZA is not the appropriate appeal process.

Mr. Stimac asked that there be a height limitation indicated for supplemental buildings. Mr. Stimac noted that it would not be difficult for a resident to prove a hardship to the Board of Zoning Appeals with respect to the garage door height limitation.

Mr. Stimac acknowledged that stacked condominiums should be addressed, where the first floor of the building is primarily a garage. He said consideration should be given to the definition of building versus multiple buildings and how the formula would apply to non single-family residential detached structures, such as carports.

Mr. Szerlag suggested a tiered approach in addressing (1) monster accessory buildings, (2) commercial vehicles, and (3) material compatibility. He stressed the immediate need to address the size of accessory structures and to enable the Building Department to not issue building permits for monster garages.

Mr. Miller confirmed that the exact proposed ordinance text amendment does not have to be published prior to the Public Hearing. It is required to publish only a summary of the ordinance sections in which proposed revisions are being considered. Mr. Miller reminded the Commission that the matter could be discussed further at the next study session.

Council Member Robin Beltramini was present. Ms. Beltramini commended Mr. Carlisle for a good job in summarizing the will of the City Council. She said she appreciates the tiered approach suggested by Mr. Szerlag. Ms. Beltramini said she surmised by tonight's comments and her good notes that at least half of the members believe the concern of monster accessory structures is driven by the commercial vehicle issue, and that she agrees. She said she heard a fair amount of consensus from the members with respect to the ordinance provisions. Ms. Beltramini said she would prefer that the members brainstorm on the heart of the matter, and address the material compatibility at a later date.

Council Member Jeanne Stine was present. Ms. Stine said the crux of the matter is dependent on the need to hide commercial vehicles, and she was very pleased that Mr. Carlisle addressed that aspect with the City Council. She asked for clarification on the definition of "incidental", as cited in Section 40.55.01.

Mr. Carlisle said "incidental" is defined as secondary; not primary.

Ms. Stine asked if that would deal with size also.

Mr. Carlisle said that is a very important point. He said it is highly suspect when an "accessory structure" exceeds the principle structure by three or four times.

Ms. Stine referenced the accessory structure located on Windmill [from the slide presentation]. Ms. Stine said it is the size of the garage that is so disconcerting, not so much the materials. She said the neighbors are not happy, and the purpose of that particular garage is to house commercial vehicles. Ms. Stine said one of the initial purposes of the Alpine monster garage was to house recreational vehicles. She suggested that a definition be created for "recreational vehicle".

Mr. Smith commented that there has been a lot of discussion on the three uses of accessory buildings, storage, recreation and vehicles. He suggested that the uses be incorporated into the ordinance.

Mr. Strat briefly addressed outdoor storage facilities with respect to housing commercial and recreational vehicles.

Discussion followed with the approach to take on the matter.

Ms. Beltramini said she believes City Council wants some definable effort on this issue on the part of the Planning Commission members prior to the City Council Public Hearing in November. She said they would take "half a loaf" should that be all that is available.

Ms. Stine said she is familiar with City Council objectives, attitude and concerns, and is appreciative of the City Manager's suggested tiered approach. Ms. Stine said the "whole loaf" might be more acceptable to City Council. She said that commercial vehicles is a difficult matter to address at the table.

Mr. Szerlag said he also sensed that from City Council, and thinks it would be reasonable to address commercial vehicles and material compatibility in 30 to 45 days after addressing the immediate concern of monster accessory structures.

Mr. Chamberlain said the definition of commercial vehicle is adequate and City Council should be given the "whole loaf".

Mr. Szerlag said City Management and the Legal Department would work together to move the matter forward.

Revisions to the proposed amendments:

- Height of garage door (consensus 8 feet, arrived from straw vote)
- Height of garage (14 foot)
- Limitation of 200 square feet on all supplemental accessory buildings
- Add height limit to supplemental buildings
- Address condominiums with respect to ground floor living area
- Definition list to have specificity

It was determined that separate reports and separate proposed amendments would be prepared for accessory structures and commercial vehicles, and material compatibility would be addressed in the very near future.

Chair Waller asked Mr. Carlisle if a chart could be created showing parameters of accessory buildings.

8. PUBLIC COMMENTS

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the definitions of "incidental" and "secondary". He suggested that the proposed ordinance language is clear and in simple terms. Mr. Krent also addressed material compatibility and emphasized the importance of placing restrictions on construction materials with respect to property values of neighboring homes.

GOOD OF THE ORDER

Ms. Drake-Batts addressed concern with personal information (i.e., office phone number) being given to the public.

Mr. Miller assured Ms. Drake-Batts that personal information of any Commission member is not given out from the Planning Department. He noted information kept in the Clerk's office is considered public information.

Ms. Drake-Batts said she hopes to see the proposed ballpark facility on the Civic Center site move forward.

Mr. Schultz said tonight's session was a good one. He said fewer items on a study session agenda provide more time to review that particular item, and he would hope to see future study session agenda items be limited.

Mr. Schultz addressed the 2005 Planning Commission calendar.

Resolution # PC-2004-10-120

Moved by: Schultz

Seconded by: Wright

RESOLVED, That the meeting schedule of the Troy Planning Commission for the 2005 calendar year is established as follows: Regular Meetings will be held on the second Tuesday of each month, Special/Study Meetings will be held on the first and fourth Tuesday of each month, with the exceptions of July 5, September 6, November 22, and December 27. All meetings are scheduled to begin at 7:30 p.m. local time. This is a tentative schedule for the purpose of providing information for the City calendar and shall be officially adopted by this body in January 2005.

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

MOTION CARRIED

Resolution # PC-2004-10-121

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, To cancel the November 23, 2004 Special/Study Meeting.

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

MOTION CARRIED

Mr. Wright said tonight's meeting was a very good session.

Mr. Chamberlain said he viewed the DVD's of the two meetings he was not in attendance. Mr. Chamberlain referenced the October 12, 2004 Regular Meeting agenda item in which the petitioner requested site plan renewal for a proposed office development located on the north side of Big Beaver and west of John R in Section 23. Mr. Chamberlain said he was glad that the Legal Department addressed the matter. He said that a petitioner has the right to approach this body and request a renewal.

Mr. Chamberlain suggested regular circulation of pertinent Legal Department informational memoranda as a refresher for current members and information for new members.

Chair Waller announced that the reports of the 2004 Michigan Society of Planning Annual Conference from staff and members would be moved to next week's agenda.

Mr. Miller addressed three items: (1) Next week's meeting is on Election Day. He said there would be a lot of activity in City Hall that evening. Off-site meeting locations were considered but complications exist. (2) The November 9, 2004 Regular Meeting agenda is quite entailed and could make it for a late evening. (3) Expense reports for Members Khan and Wright for the annual conference are outstanding.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:58 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

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