

The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chair Chamberlain at 7:31 p.m. on November 9, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
Wayne Wright

Absent:

David T. Waller

Also Present:

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

Resolution # PC-2004-11-124

Moved by: Wright
Seconded by: Schultz

RESOLVED, That Member Waller is excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

2. MINUTES

Vice Chair Chamberlain requested that the October 26, 2004 Special/Study Meeting minutes reflect the following change.

Page 8, the second bullet under "Revisions to the proposed amendments" at the bottom of the page, change the bullet to read "Height of garage (14 foot)"

Resolution # PC-2004-11-125

Moved by: Schultz
Seconded by: Littman

RESOLVED, To approve the October 26, 2004 Special/Study Meeting minutes as amended.

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

MOTION CARRIED3. **PUBLIC COMMENTS**

There was no one present who wished to speak.

TABLED ITEM4. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 326)** – Square Lake Marathon Station, Southwest corner of Livernois and Square Lake (5991 Livernois), Section 9 – H-S (Highway Service) District

Vice Chair Chamberlain announced the petitioner requested that this item be postponed to the Regular Meeting in December.

Resolution # PC-2004-11-126

Moved by: Littman
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, at the request of the petitioner, to the December 14, 2004 Regular Meeting.

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

MOTION CARRIED

SITE PLAN REVIEWS

5. SITE PLAN REVIEW (SP 843-A) – Marshall Music Company and Retail Building, East side of Rochester Road, South of Wattles, Section 23 – B-3 (General Business) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Marshall Music retail building. He announced that a revised site plan and an accompanying cover letter were distributed to the members prior to the meeting. Mr. Savidant explained that the original site plan showed a total building square footage of 11,475. Mr. Savidant said that an additional 4,400 square feet was factored in for the building's mezzanine/loft area, bringing the total square footage to 15,875. Therefore, the required number of off-street parking spaces was revised to 69, and the site plan exceeds the requirement by 16 parking spaces. Mr. Savidant reported that the petitioner and the property owner to the north have agreed to remove both existing entry drives to be replaced by a shared entry drive. This will eliminate the sub-standard drive to the north, reduce the number of curb cuts and reduce turning conflicts at this location. The entry drive improvements will be the responsibility of the petitioner, to be designed and completed at his expense. The property owner to the north will be granted an easement to use the shared entry drive. Mr. Savidant reported that the property owner has indicated his willingness to replace the entry drive with a 5-foot sidewalk as well as provide landscaping to improve the look to the property to the north. Mr. Savidant commended the petitioner and property owner to the north for getting together to make a nicer and safer entry area. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Schultz asked if there are three cross access easements: (1) at the rear of the building immediately to the north; (2) at the south edge of the property; and (3) at the far north edge of the property.

Mr. Savidant replied that is correct.

Mr. Schultz echoed the Planning Department's desire for additional landscaping on the property. He said the site plan is an excellent one, and that he would love to do business with other petitioners like this on a regular basis.

The petitioner, Dan Ludwig of Ludwig Architects, 127 S. Main, Plymouth, was present. Mr. Ludwig thanked Messrs. Savidant and Figlan for an excellent job in guiding them through the Site Plan Approval process; and thanked the City's Traffic Engineer for his assistance with respect to the shared cross access agreement with the property owner to the north. Mr. Ludwig provided a brief history of the Marshall Music Company business. He noted the focus of the new facility would be on sales and service, with an emphasis on service to local schools. Mr. Ludwig said the building would be replaced with a building of a much grander scale and more appropriate to Marshall Music. Mr. Ludwig addressed their plans for landscaping.

Mr. Vleck asked the petitioner if consideration was given to land banking the excess parking spaces.

Mr. Ludwig said consideration was given to land banking. He stated that Marshall Music is optimistic about the new facility's success, and it is estimated that the facility will be operational by the fall of 2005. Marshall Music would prefer to install the number of parking spaces per the site plan instead of making accommodations in the future should there be a shortage. Mr. Ludwig said Marshall Music believes the replacement of new trees and landscaped islands is a more appropriate scenario and a better fit for the parcel.

Mr. Strat said the site plan was one of the finest drawings and presentations before the Commission. He expressed appreciation on behalf of the administration and staff.

Resolution # PC-2004-11-127

Moved by: Schultz

Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval as requested for Marshall Music Company and Retail Building, located on the east side of Rochester Road and south of Wattles Road, located in Section 23, within the B-3 zoning district, is hereby granted.

Discussion on the motion.

Mr. Littman questioned what mechanism would be in place to insure that there is a cross access easement provided for the property to the north.

Mr. Miller replied that there is an existing cross access easement to and from the north, but not to the width that is needed to implement a joint access. Mr. Miller stated it is required that the appropriate documents are prepared and reviewed by the City prior to receiving Final Site Plan Approval. He said the Planning Department would insure that the proper steps are in place.

Vote on the motion on the floor.

Yes: All present (8)

No: None

Absent: Waller

MOTION CARRIED

6. SITE PLAN REVIEW (SP 910-A) – Dr. Sklar Medical Office Building, North side of Maple, between Kirkton and Eastport, Section 27 – O-1 (Office Low Rise) District

Mr. Savidant distributed the relevant building elevations, landscaping plans, and preliminary grading plans to the members. He apologized that the material was not inclusive with the meeting packets.

Mr. Savidant presented a summary of the Planning Department report for the proposed medical office building. He reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the following conditions:

1. Provide deceleration lane on Maple Road as per City of Troy Traffic Engineer.
2. Provide a landscape island abutting parking spaces 13 and 18 to the east to protect sidewalk users from vehicles using the Maple Road entry drive. Provide a 5-foot wide concrete sidewalk within this island.
3. Relocate fire hydrant from the west side of the building to the south side of the Eastport entry drive, as per Troy Fire Department.
4. Reduce the width of the cross access easement with the property to the east by adding a landscaped island on the south side of the shaded easement area. This will define the cross access easement, improve safety for easement users, and protect cars parked in parking space 24.

Mr. Savidant confirmed the Fire Department's review indicated there is appropriate coverage on the west side of the building, but it is recommended to place a fire hydrant at the southeast side of the building.

Messrs. Strat and Khan expressed their concerns on the recommendation that a deceleration lane be provided on Maple Road with respect to available access and driveway interference.

Mr. Savidant said a deceleration lane is the recommendation of the City Traffic Engineer. He indicated he would advise the City Traffic Engineer of the Commission's concerns with a deceleration lane.

It was noted and discussed that there were differences in the site plan submission as relates to the landscape plan and preliminary grading plans.

Mr. Miller said it appears that revisions were made only to the site plan drawings as the site plan evolved in the review process. He noted that all the plans should match. Mr. Miller cited the requirements of Site Plan Approval process as relates to the site plan and landscape plan.

Mr. Motzny stated the recent amendment to Site Plan Approval process says the Parks and Recreation Department shall review and approve the landscape plan prior to site plan approval.

There was discussion with respect to the storm water retention located on the parking lot surface. Concerns were expressed that visitors to the building would be wading through 6 inches of water to get into the building.

The petitioner, Tom Moss of 1893 Birchwood Drive, Troy, was present. Mr. Moss said it was understood that the project was on the right road to receiving preliminary site plan approval. He questioned the Planning Department's interpretation on the second condition to provide a landscape island and 5-foot sidewalk near parking spaces 13 and 18.

Mr. Savidant said the City requires a concrete sidewalk to delineate safe walking areas from the parking areas. He indicated that it is adequate to provide striping only for the traveled portion of the parking area. Mr. Savidant explained that the intent of the City is to provide a safe haven, or island, for pedestrian traffic. He said it would be more appropriate to create a larger island with a sidewalk going through the middle.

Mr. Moss said he understood that the sidewalk would be curbed along parking spaces 13 and 18, and the development would not lose those two spaces for parking. Mr. Moss said he would work with the appropriate City departments to comply with the conditions cited by the Planning Department.

Vice Chair Chamberlain asked the petitioner to address the proposed storm water retention.

John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present. Mr. DeBruyne said the storm water retention would occur only in a limited area around the catch basins, and that there would not be 6 inches of water across the whole parking lot.

Vice Chair Chamberlain said he would not vote for approval of the site plan should there be any storm water retention on the parking lot surface.

Mr. Strat commented that the catch basin in the center of the largest part of the parking area would be a bad location to collect storm water. He noted that 6 inches of water is very near the underside of a car door. Mr. Strat said that many municipalities do not allow this type of storm water retention. He recommended reconsideration of the matter by the Engineering Department.

Mr. Wright suggested moving the sidewalk from Maple Road to the west side of the parking lot so that pedestrian traffic would not have to cross any driveways.

Mr. Littman questioned the disposal of medical waste.

Mr. DeBruyne replied that it is an ophthalmologist office and there would be no medical waste.

Mr. Moss expressed willingness to work with the Planning and Engineering Departments to resolve the concerns of the members, and indicated that time is of the essence in receiving preliminary site plan approval on the project. He asked the members to consider granting site plan approval subject to the outstanding concerns.

It was the consensus of the members that it would be most appropriate to table the matter so the petitioner could address the (1) submission of corresponding plans; (2) approval of the landscape plan by the Parks and Recreation Department; (3) storm water retention; (4) deceleration lane; and (5) landscape island and sidewalk from Maple Road.

Resolution # PC-2004-11-128

Moved by: Vleck
Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval, as requested for the Dr. Sklar Medical Office Building, located on the north side of Maple Road, between Kirkton and Eastport, located in section 27, within the O-1 zoning district, be tabled to the December 7, 2004 Special/Study Meeting.

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

MOTION CARRIED

REZONING REQUESTS

7. **PUBLIC HEARING – PROPOSED REZONING (Z 479-B)** – Existing Clark Station, Northeast Corner of Rochester Road and Charrington, Section 23 – From B-1 (Local Business) to H-S (Highway Service)

Mr. Savidant provided a brief history of the rezoning request and reviewed the Planning Department's recommendation to approve the rezoning application as submitted.

Mr. Miller announced that one item of public input was distributed to the members prior to the meeting.

The petitioner, John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present.

The owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was also present. Mr. Kattouah said he would like to expand the size of the retail space that is presently only 200 square feet. Mr. Kattouah said the service station was built in

1966 and is like a “hole in the wall” in comparison to the surrounding development. He said the rezoning approval would allow him the opportunity to enhance the appearance and provide more services to the surrounding people.

Mr. Schultz asked the owner if he is aware of the 75-foot setback requirement to the abutting residential property, should the rezoning request be approved.

Mr. Kattouah said a variance must be granted to meet the 75-foot setback requirement. He said the property is 140 feet x 150 feet. Mr. Kattouah said the tanks and canopy would not be moved. Mr. Kattouah said he is trying to find a solution not only for his benefit but also for the benefit of serving the community. He said there are no nearby convenience stores for residents to buy milk, bread, etc.

PUBLIC HEARING OPENED

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek is an adjacent property owner to the Clark service station. He submitted the protest petition on August 10, 2004, and attended the September City Council meeting in which the matter was referred back to the Planning Commission. Mr. Dudek asked the status of the request by City Council to look into the environmental concerns associated with the gas station. He said there was a leak and contamination within the last year. Mr. Dudek said there are several permanent monitoring wells throughout the property, and a receiving well that is located 5 to 10 feet from his property. Mr. Dudek said the gas station has been going strong for 38 years and it will be there for the next 38 years, contrary to the owner’s claim that the business will falter should there be no expansion. Mr. Dudek cited several places in the area to shop for everyday groceries. Mr. Dudek said he has had numerous problems with the Clark gas station and believes the expansion would create more problems. Mr. Dudek said there is only one direction that the owner can go with the expansion, and that is closer to his property and the other two residential properties.

Vice Chair Chamberlain said the environmental concerns should be addressed with the Michigan Department of Environmental Quality (MDEQ). Vice Chair Chamberlain explained the rezoning procedure that the service station must follow in order to make improvements on the property. He further explained the Site Plan Approval process and the Board of Zoning Appeals process should variances be required. Vice Chair Chamberlain cited the criteria that the Commission considers in its approval of rezoning requests. He said the future improvement to the site could be a plus for the neighbors on the east side of Rochester Road.

Mr. Dudek said he is the neighbor on the east side of Rochester Road and he does not believe the proposed expansion would benefit him or his neighbors. Mr. Dudek further expressed concerns with potential cut-through traffic for drivers seeking to avoid the Big Beaver and Rochester Road intersection. Mr. Dudek personally thanked Members Wright and Chamberlain for their attention during his presentation.

Roy Gantt of Atlas Oil Company, 7731 Gary, Westland, was present. Mr. Gantt addressed the environmental issues associated with the service station recently purchased from Atlas Oil Company. Mr. Gantt reported that Phase 1 and Phase 2 tests were performed on the site. He said there is historical contamination but it has been remediated. Mr. Gantt said monitoring wells are on-site and no contamination is migrating off-site. Mr. Gantt said it is the owner's responsibility to meet the MDEQ requirements and forward reports to Atlas Oil Company. Mr. Gantt reported that the service station is in compliance and meets environmental objectives.

Vice Chair Chamberlain asked if the tanks and lines on the subject property meet Federal guidelines.

Mr. Gantt responded that the tanks and lines are not the latest, but they have been upgraded to the current State of Michigan standards. He said they are inspected on a regular basis.

PUBLIC HEARING CLOSED

Mr. Miller said the City Manager committed to City Council that (1) research would be done on contamination at this site; (2) the resident petition would be provided to the Planning Commission; and (3) the notice of Public Hearing would be mailed to each resident who signed the petition. Mr. Miller confirmed that the Planning Department has met all three commitments. Mr. Miller reported the Planning Department's resources on contamination is limited to the MDEQ's website, and provided information obtained from the Leaking Underground Storage Tank (LUST) list.

Mr. Khan explained that there is no site plan to review because the matter being considered tonight is only the proposed rezoning. Mr. Khan further explained that the Commission has no authority on environmental contamination and it cannot regulate nor enforce any environmental issues.

Resolution # PC-2004-11-129

Moved by: Vleck
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: All present (8)
No: None
Absent: Waller

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 698) – Proposed Condominium Development, South side of South Blvd., West of Rochester Road, Section 3 – From R-1C (One Family Residential) to R-1T (One Family Attached)

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

The petitioner, Ted Berlinghof of Architects International, 40 Hague, Detroit, was present.

The property owner, Frank Ayar of 6924 Cottonwood Knoll, West Bloomfield, was also present.

Mr. Berlinghof provided a brief description of the proposed condominium project.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-11-130

Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the south side of South Boulevard, west of Rochester Road, within Section 3, being 2.31 acres in size, be granted.

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

MOTION CARRIED

SPECIAL USE REQUEST

9. PUBLIC HEARING – SPECIAL USE REQUEST (SU 323) – Existing Clark Station, Northeast corner of Maple and John R (1610 John R), Section 25 – H-S (Highway Service) District

Mr. Miller presented a summary of the Planning Department report for the proposed special use. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted subject to two conditions: (1) provide deceleration lanes for both entry drives; and (2) provide 30-inch screen wall along the west and south property lines. Mr. Miller

confirmed that the request was submitted prior to the requirement of an approved landscape plan at site plan approval.

Vice Chair Chamberlain expressed concerns with the condition to provide deceleration lanes on John R.

Mr. Vleck asked for clarification on site access by gasoline tankers.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, City, was present. Mr. Kozlowski stated that the 30-foot wide driveways provide plenty of access for gasoline tankers. Mr. Kozlowski briefly addressed the site plan improvements since the Commission last reviewed the site plan and after receiving variances from the BZA; i.e., reduction in the building size and the number of gasoline dispensers, green buffer between curb, sidewalk and property line. Mr. Kozlowski said the improvements were an effort to make the site safer, more maneuverable, and better in appearance. Mr. Kozlowski addressed the deceleration lanes on John R. He explained that the Planning Department wanted to make sure it was agreeable that deceleration lanes would be provided should the Engineering Department make that requirement. He said the Engineering Department has not made a specific request for the deceleration lanes. Mr. Kozlowski said he shares the concerns of Mr. Chamberlain that the deceleration lanes are not applicable in this case.

Mr. Strat questioned if there is a cross access easement to the property to the north.

Mr. Kozlowski replied that a cross access easement is proposed for the neighbor to the north, but it is not known whether the property owner to the north is willing to make it a reciprocal cross access easement.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller provided a brief explanation on the cross access easement agreement and said it would be recorded at the County level as a private easement.

Mr. Littman asked for clarification on the condition to provide deceleration lanes on John R.

Mr. Miller explained that the City Traffic Engineer reserves his determination whether deceleration lanes are required until final engineering review has taken place.

Vice Chair Chamberlain recommended that deceleration lanes not be required at the site.

Resolution # PC-2004-11-131

Moved by: Wright
 Seconded by: Khan

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 23.30.02 of the Zoning Ordinance, as requested for the Clark Station, located on the northeast corner of Maple and John R Roads, Section 25, within the H-S Zoning District, be granted, subject to the following conditions:

1. That a 30-inch screen wall be placed along the western and southern property boundaries, as shown on the site plan.
2. That it is recommended deceleration lanes for both Maple and John R as recommended by the City of Troy Traffic Engineer are not helpful or practical.

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

MOTION CARRIED**STREET VACATION REQUEST**

10. **PUBLIC HEARING – STREET VACATION REQUEST (SV-179)** – Alger Street between Birchwood and Vermont, approximately 260 feet, abutting Lots 409, 410, 433 and 434, John R Garden Subdivision, North of Birchwood, West of John R, Section 26 – M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report for the proposed Alger Street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the request with the conditions that (1) the house at 1767 Alger Street be demolished prior to final vacation; and (2) that the City retain the southern 5 feet of the Alger street right-of-way for the purpose of establishing a 60-foot right of way on Birchwood.

The petitioners, Tom Moss of 1893 Birchwood, Troy, and Shirley Coleman of 2089 Burdic, Troy, were present.

Mr. Moss said he is the owner of the property located immediately to the east of the subject vacation and the Coleman's are owners of the property immediately to the west. Mr. Moss said the house at 1767 Alger Street is scheduled to be demolished next Monday. He explained the home was recently used by the Troy Police Department for SWAT team drills.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2004-11-132**

Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 409, 410, 433 and 434, being approximately 260 feet in length and 50 feet in width, in Section 26, be approved subject to the following conditions:

1. That the structure at 1767 Alger shall be demolished prior to final vacation.
2. That the City shall retain the southern 5 feet of Alger Street right-of-way for purposes of establishing a 60 foot right-of-way on Birchwood.

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

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENTS**

Mr. Miller announced that the members received correspondence from the Assistant City Attorney with respect to the legality of dividing this particular proposed zoning ordinance text amendment into three text amendments, and further that the legal requirements of the Public Hearing notices were met.

Mr. Miller reported City Management in recent meetings made a determination to recommend to City Council that commercial vehicles be dealt with independent of large accessory structures. He noted that the Planning Commission members have the ability and authority this evening to make recommendations on any one of the proposed zoning ordinance text amendments.

11. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller presented a summary of the proposed zoning ordinance text amendment that relates specifically to accessory building definitions and provisions. He reviewed the revisions that were made after the November 2, 2004 Planning Commission Special/Study Meeting. Mr. Miller recommended an additional change to Section 40.56.03(C). He said the intent and clarity of the section would be better

if it read: "An accessory supplemental building shall not be allowed in a front yard." Mr. Miller also noted that the number of accessory supplemental buildings was changed from 2 to 3.

Vice Chair Chamberlain said he would like to see all three proposed zoning ordinance text amendments considered tonight and recommendations forwarded to City Council.

Mr. Vleck disagreed and said he would like more time to consider the proposed amendments. Mr. Vleck said the members had a very short timeframe to consider the matter, and that more time and consideration was put into other proposed zoning ordinance text amendments that had much less of an affect on residents. Mr. Vleck voiced dissatisfaction with the Public Hearing notice. He said anyone reading the Public Hearing notice would not have a clue that the City has taken under consideration restricting the size of accessory buildings and changing commercial vehicle provisions. Mr. Vleck said he would like more time to discuss the 8-foot height restriction of garage doors. He said the height of mini conversion vans range from 8 feet 2 inches to 9 feet 10 inches. He suggested restricting the size of an attached or detached accessory building to the square footage of the house. Mr. Vleck said that the proposed amendments are overall too restrictive.

Mr. Schultz questioned if the revision to Section 40.56.03 adequately handles a corner lot that is considered a double front.

Mr. Miller said they are both considered front yards.

Mr. Schultz said he is comfortable moving forward with the accessory building proposed amendments, but not comfortable going forward with the proposed amendments relating to commercial vehicles and the appeal process.

Mr. Wright said he agrees with Mr. Chamberlain. He would like to see all three items off the Planning Commission table and onto the City Council table. Mr. Wright said the commercial vehicle section is simple and has been banded around for 15 years.

Mr. Littman said he is comfortable with the 8-foot restriction on the garage door height. Mr. Littman agreed to move forward with the amendments relating to accessory buildings, but would like more time to review and get further input from the Planning Consultant on commercial vehicles and the appeal process.

Ms. Drake-Batts said she would like to see a higher height restriction on the garage door. She would also like to see language added so that materials used on an accessory building are consistent with materials of the residence. Ms. Drake-Batts said she would like to see all three text amendments considered and forwarded to City Council tonight.

Mr. Strat said he is comfortable with the 8-foot restriction on the garage door height. Mr. Strat said the members and staff worked very hard on the proposed zoning ordinance text amendments relating to accessory buildings and would like to see that go forward to City Council. He would prefer more time to review the text amendments relating to commercial vehicle definitions.

Mr. Khan said he is comfortable with the 8-foot restriction on the garage door height and going forward on all three proposed text amendments.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent said the proposed amendments relating to the size of accessory structures are too restrictive. Mr. Krent brought to the attention of the Commission that the 2% growth factor formula was added to the proposed amendment on detached accessory structures but not attached accessory structures. Mr. Krent distributed a photograph that depicts a neighbor's view of a large "warehouse garage". Mr. Krent said such a building would be horrible to the character and continuity of the neighborhood. Mr. Krent also addressed materials. He said ribbed steel panel material that is used on industrial storage facilities does not belong in a residential neighborhood. He noted that the Zoning Ordinance as currently written allows the material. Mr. Krent said he has spoken to neighboring community officials who agree that ribbed steel panel material should not be used in residential areas.

PUBLIC HEARING CLOSED

Mr. Vleck agrees with the comments of Mr. Krent with respect to the size restrictions of accessory structures and doors. Mr. Vleck would like to see materials addressed and language added to the Zoning Ordinance that materials must be consistent with the residence.

It was noted by the Planning Department and confirmed that the language to incorporate the 2% growth factor formula for attached accessory structures could be accomplished prior to the City Council Public Hearing.

Vice Chair Chamberlain asked for comments from around the table.

Mr. Vleck recommended that all accessory structures be equal to the ground floor space, and the construction of attached or detached structures is at the homeowner's discretion.

Vice Chair Chamberlain said that would not work with some of the large existing parcels in the City. He recommended the separation of detached and attached structures.

Mr. Khan said the proposed amendments are good to go before City Council and, if necessary, revisions to the text could be made in the future.

Mr. Strat concurred with the comments of Mr. Khan. He said the ordinance should be designed for the norm and not the exception, and that the exceptions can go before the BZA.

Ms. Drake-Batts said the proposed text is good to go.

Mr. Littman said he is fine with the proposed text. He questioned the rationale for attached buildings being 600 square feet and detached buildings being 450 square feet plus the 2% growth factor.

Vice Chair Chamberlain said it works out to be the same number.

Mr. Miller explained the general direction is to provide more of a limit on the attached structures in an effort to model traditional home development.

Mr. Wright said he is okay with the proposed text as printed. He would like to see compatible materials addressed in the near future.

Mr. Schultz said he is fine with the proposed text as printed. He would not like to see the 2% growth factor on attached accessory structures. Mr. Schultz said that under no circumstances should an attached accessory structure be greater than the size of the home. Mr. Schultz said he would like to see an additional paragraph under 40.56.01 Attached Accessory Buildings that would state exterior finishes of attached accessory buildings shall be similar or compatible with the exterior of the principal structure. Mr. Schultz said he would not support similar language for detached accessory structures.

Mr. Vleck questioned if the latest text revisions have been reviewed by the City's Planning Consultant and the City Attorney's office.

Mr. Miller confirmed that the City's Planning Consultant, Richard Carlisle, reviewed the revisions as of Monday, November 8. Mr. Carlisle is in concurrence with the revisions and stated it is the discretion of individual communities to determine the size of accessory structures as a part of the community character.

Resolution # PC-2004-11-133

Moved by: Khan
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be amended as printed on the Proposed Zoning Ordinance Text Amendment, dated 11/09/04, subject to the following condition.

1. Revise Section 40.56.03 C to read: "An accessory supplemental building shall not be allowed in a front yard."

Discussion on the motion.

Resolution # PC-2004-11-134

Moved by: Schultz
Seconded by: Wright

RESOLVED, To amend the motion on the floor that if there are changes to the proposed text by either City Council or City staff, that said recommendations or requests be returned to the Planning Commission for its consideration for inclusion and resubmission of the ZOTA to City Council.

Vote on the amendment to the motion on the floor.

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

MOTION FAILED

Resolution # PC-2004-11-135

Moved by: Wright
Seconded by: Schultz

RESOLVED, To amend the motion on the floor to add under Section 40.56.01 Attached Accessory Buildings, paragraph D, to read: "The exterior materials on any attached accessory buildings shall be compatible with the exterior materials of the main dwelling structure."

Discussion on the amendment to the motion on the floor.

Mr. Khan said it is normal to have the same material for an attached garage.

Mr. Wright and other members referenced the photograph submitted by Mr. Krent and confirmed that the 3129 Alpine structure is attached and is constructed of different material than the house.

Mr. Littman asked the definition of "compatible" and who would be the determining party.

A brief discussion followed on the definition of "compatible".

Ms. Drake-Batts suggested using the word "consistent" instead of "compatible".

Mr. Strat questioned the enforceability of the Zoning Ordinance with respect to "compatible" or "consistent" materials. He said it is an interpretation, and he would assume the determining party would be the Building Department's plan reviewer.

Mr. Motzny said whenever the words "compatible, consistent, typical" or similar terms are used, a problem is created. The ordinance is vague because it leaves too much discretion to the person who has to make a decision. Mr. Motzny said the cure to the problem is to provide standards as to what "compatible" or similar terms mean. Mr. Motzny said whether the ordinance is enforceable or not is whether or not some judge says there are sufficient standards to define what "compatible" or similar terms mean.

Vice Chair Chamberlain reminded the members that a Public Hearing in front of City Council has been scheduled at the end of the month.

Vote on the amendment to the motion on the floor.

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

MOTION FAILED

Vote on the original motion.

Resolution # PC-2004-11-133

Moved by: Khan
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be amended as printed on the Proposed Zoning Ordinance Text Amendment, dated 11/09/04, subject to the following condition.

1. Revise Section 40.56.03 C to read: "An accessory supplemental building shall not be allowed in a front yard."

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

MOTION CARRIED

Mr. Vleck made the following comments on his no vote.

- (1) Section 40.57.02 B – The area of the attached accessory building should be equal to the square footage of the house and not half the ground floor print; and the 600 square feet should be 800 square feet.
 - (2) Section 40.57.02 C – Should be stricken, or the 8 feet should be increased to either 10 or 12 feet because it does not include standard conversion vans that are used by the physically disabled.
 - (3) Section 40.57.04 D – The 450 square feet should be 600 square feet plus 2% of the total lot area.
 - (4) Section 40.57.06 G – Should be stricken and any other references to garage door height should be deleted or increased to 10 or 12 feet.
12. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215B) – Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions

Mr. Miller presented a summary of the proposed zoning ordinance text amendment that relates to commercial vehicle definitions. He reviewed the revisions that were made after the November 2, 2004 Planning Commission Special/Study Meeting.

Vice Chair Chamberlain asked for comments from around the table.

Mr. Schultz brought to the attention of the Planning Department two typographical errors in Section 40.66.00 Parking of Commercial Vehicles in Residential Districts. Two words were inadvertently omitted from the first paragraph.

Mr. Vleck suggested that the gross vehicle weight rating (GVWR) be increased to 26,000 pounds, and said the limit of 10,000 pounds is too restrictive. Mr. Vleck explained that the gross vehicle weight is the weight of the truck plus what it can haul. Mr. Vleck would like to see the Commission study the matter further.

Mr. Wright said he is happy with the language as printed.

Messrs. Littman and Khan had no comments.

Mr. Strat said 26,000 pounds might be too high. Mr. Strat said he is not familiar with gross weight vehicle ratings.

Ms. Drake-Batts said she is fine with the language as printed.

Vice Chair Chamberlain said residential neighborhoods should be preserved as residential and commercial equipment should be stored in another location. He referenced the recent study done by the Planning Commission with respect to the storage of commercial vehicles at public facilities. Mr. Chamberlain said the monster garage situation on Alpine was created because commercial vehicles in residential areas are required to be stored. He said it is important to get a handle on the definition of commercial vehicles so the vehicles look more like transportation vehicles than businesses out for hire.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Strat said he agrees with the comments of Mr. Chamberlain.

Mr. Khan expressed surprise and bewilderment that no one came to speak at the Public Hearing.

Mr. Schultz said he would like to have more time to study the matter. He stated, in his opinion, that there are vehicles less than 10,000 pounds that qualify as commercial vehicles. Mr. Schultz said it is interesting that no one was present to speak at the Public Hearing tonight, in light of the fact that City Council considers a lot of commercial vehicle appeals.

Mr. Vleck said he is definitely in favor of tabling the matter. He referenced a portion of the definition of commercial vehicle "...or for other purposes to generate income", and said any vehicle used to get to work could be considered a commercial vehicle. Mr. Vleck said the restriction of one commercial vehicle per household should be increased to the number of licensed residents per household. He addressed the format of the Public Hearing notice and recommended that it be re-publicized to specifically state the matter under consideration and the proposed modifications.

Mr. Wright said that defining a car that is used to get to work as a commercial vehicle is a real stretch. Mr. Wright is satisfied with the proposed language as printed.

Mr. Littman said he would prefer to review the matter further and would like to have input from the public who would be affected by the ordinance.

Vice Chair Chamberlain said the definition of commercial vehicles was discussed extensively at previous study meetings. He said the Commission could study the matter ad nauseam and it wouldn't change that much.

Resolution # PC-2004-11-136

Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions, be amended as printed on the Proposed Zoning Ordinance Text Amendment, dated 11/09/04, subject to the following typographical corrections:

1. Under Section 40.66.00 Parking of Commercial Vehicles in Residential Districts, first paragraph, first sentence, add the word "vehicle" after the word "commercial" and add the word "pounds" after the words "ten thousand (10,000)".

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

MOTION FAILED

Mr. Motzny stated that the City and Village Zoning Act states the Planning Commission's responsibility is to forward a report to City Council on proposed zoning ordinance text amendments. He suggested the failed motion and an amended motion stipulating what occurred would satisfy the requirement to report to City Council. Mr. Motzny confirmed that the members could move to reconsider the item and further move to have the item studied at a future study session.

Resolution # PC-2004-11-137

Moved by: Schultz
Seconded by: Strat

RESOLVED, That the Planning Commission reconsider ZOTA 215B for future action.

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

MOTION CARRIED**Resolution # PC-2004-11-138**

Moved by: Schultz
Seconded by: Strat

RESOLVED, That the Commission reschedule additional conversations and consideration of this item at the December 7, 2004 Special/Study Meeting and decide at that time when it would attempt to put forward a recommendation to City Council.

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

MOTION CARRIED

Discussion followed on steps to follow in the review process.

- Research/obtain information on gross vehicle weight ratings.
- Provide pictures of trucks in relation to height and weight.
- Get input from residents impacted by commercial vehicles in residential districts; i.e., business owners and neighbors.
- Involve residents through Public Hearings and televised City Council meetings.
- Clarify language in Public Hearing notices and re-advertise Public Hearings.
- Advise organizations (i.e., COTHA) of study and Public Hearings.
- Advise commercial businesses (i.e., contact names from Member Vleck) of study and Public Hearings.
- Obtain definition of commercial vehicles from surrounding communities; i.e., Bloomfield, Farmington Hills, Sterling Heights.
- Obtain definition of commercial vehicles and relevant ordinances from suburban and urban communities located throughout the United States.
- Review restrictions as relates to blue-collar workers.

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller presented a summary of the proposed zoning ordinance text amendment that relates to commercial vehicle parking appeals. He reviewed the revisions that were made after the November 2, 2004 Planning Commission Special/Study Meeting.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-11-139

Moved by: Wright
 Seconded by: Khan

RESOLVED, That ZOTA 215C be tabled to the December 7, 2004 Special/Study Meeting for more discussion.

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

MOTION CARRIED

Vice Chair Chamberlain stated that all the comments made in the previous tabling action of ZOTA 215B would also apply to ZOTA 215C.

Mr. Miller confirmed that appropriate Public Hearing notices would be sent.

Mr. Vleck suggested that paragraphs C and D of Section 43.74.01 reflect both outdoor and indoor parking.

Mr. Miller stated that to his knowledge commercial vehicle appeals are not permitted.

14. PUBLIC COMMENT

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek addressed the proposed rezoning of the existing Clark Station located on the northeast corner of Rochester Road and Charrington (agenda item #7).

Mr. Dudek was advised of City procedures relating to rezoning requests, site plan approval, special use requests, engineering and Board of Zoning Appeals. Further, Mr. Dudek was advised that the Michigan Department of Environmental Quality (MDEQ) is the appropriate channel to address any environmental concerns.

It was the recommendation of Vice Chair Chamberlain that Mr. Dudek meet with the Planning Director and other appropriate City staff members for further assistance and clarification on the proposed matter.

Mr. Dudek questioned if the 28 residents who signed the resident petition were provided an explanation as to why the resident petition was not distributed to the Planning Commission members prior to the August 10, 2004 Public Hearing. Mr. Dudek said that, to date, he has not received any communication from the City to this regard.

Vice Chair Chamberlain said that question should be directed to City staff.

Mr. Strat encouraged Mr. Dudek to continue his endeavor through the various City channels of review and approval.

Mr. Vleck commented that the 28 residents have been heard because that was the basis that City Council referred the matter back to the Planning Commission.

GOOD OF THE ORDER

Mr. Miller advised the members that City Council authorized City Management to go forward with the Big Beaver Corridor Study. Interviews with potential consulting teams are expected to take place in late January 2005.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 11:05 p.m.

Respectfully submitted,

Gary Chamberlain, Vice Chair

Kathy L. Czarnecki, Recording Secretary

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