

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on January 11, 2005, 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
David T. Waller

Absent:

Wayne Wright

Also Present:

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

Resolution # PC-2005-01-001

Moved by: Schultz
Seconded by: Strat

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

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

MOTION CARRIED

2. MINUTES

Resolution # PC-2005-01-002

Moved by: Chamberlain
Seconded by: Drake-Batts

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

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

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

SITE CONDOMINIUM SITE PLANS

There was a brief discussion with respect to tabling agenda items #4, Oak Forest Site Condominium, and #5, Oak Forest South Site Condominium. Planning Commission members indicated that there were some issues with the applications that needed to be addressed prior to being approved. In addition, relative information relating to both proposed developments was not provided to Planning Commission members in a timely manner for appropriate consideration and review. Mr. Savidant explained that all relative information was available and considered at the time of the Planning Department's reviews and reports.

4. SITE PLAN REVIEW – Proposed Oak Forest Site Condominium, 76 units/lots proposed, South side of Square Lake Road, West side of John R, Section 11 – R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Oak Forest Site Condominium. It is the Planning Department's recommendation to postpone the application to the January 25, 2005 Special/Study Meeting to provide the Planning Commission with an opportunity to discuss the issue of interconnectivity with properties to the north and south.

The petitioner, Dale Garrett of Ladd's Inc., 5877 Livernois, Suite 103, Troy, was present.

Chair Waller opened the floor for public comment.

Lon Ullman of 5621 Willow Grove, Troy, was present and distributed a written communication that addresses his concerns of the proposed development. Mr. Ullman provided a brief history of properties located on Willow Grove with respect to the wetlands and water retention. Mr. Ullman shared his concerns with the displacement of water, the 40,000 yards of fill dirt, the 1 million cubic feet of water storage area that would be removed, and the proposed grading should the development go forward. Mr. Ullman said the developer must assure appropriate handling of the volume of displaced water. He compared the impact on Willow Grove properties from the construction of one new home located at the corner of Square Lake and Willow Grove to the 100 homes proposed for construction.

Patricia Ullman of 5621 Willow Grove, Troy, was present. Mrs. Ullman said she could no longer have a vegetable garden after the City allowed the construction of a house in 1987 to bring in fill dirt. Mrs. Ullman said she waits until July to plant her perennial garden and mow the lawn after construction of a house was allowed in 2001. Mrs. Ullman expressed concern with the fill dirt and water as a result of more development.

Mrs. Ullman addressed the potential paving of Willow Grove, and said the residents on Willow Grove residents do not want to pay to have a street paved that they do not want paved. Mrs. Ullman said residential construction creates a negative cash flow and is not a source of net revenue for the city. The Willow Grove residents feel that should the development go forward, the developer should pay for all the costs incurred on and off site. She asked that the Planning Commission take into consideration the concerns of the Willow Grove residents relative to flooding problems.

Ann Bonnelli of 5612 Willow Grove, Troy, was present. Ms. Bonnelli said her property is adjacent to the proposed Oak Forest South Site Condominium development. She asked if the Commission is responsible to deny designs that will raise the grade of the new property and flood out existing property, and addressed her concerns with potential flooding as a result of the proposed development. Ms. Bonnelli also addressed the abundance of green signs throughout the City relating to proposed rezonings and the Master Land Use Plan that prospective newcomers reference prior to moving into the City. She feels that prospective newcomers could be misled by the numerous rezonings that are taking place. Ms. Bonnelli said it appears the City thinks it is necessary to build on every square foot of land. She thinks that is not environmentally desirable for Troy.

Mr. Chamberlain explained that proposed rezonings are taking place to bring current zoning into compliance with the Future Land Use Plan.

Clarification was given that City are posted for all types of proposed developments, not only proposed rezonings, and further that there is no proposed rezoning for the proposed Oak Forest Site Condominium projects.

The Planning Department will confirm that the posted signs at the proposed Oak Forest Site Condominium locations specify they are proposed developments and not proposed rezonings.

Mike Brubaker of 5775 John R, Troy, was present. Mr. Brubaker said there was standing water for approximately 10 days after wetland delineation markers were placed in 2001. Mr. Brubaker said that should that changes in the wetlands delineations, if any, would most likely show that there are more wetlands. Mr. Brubaker said he would prefer that no hydrology changes were made in the area.

Phil Todor of 1453 Trevino, Troy, was present. Mr. Todor, a 12-year resident of Golf Trails subdivision, shared his concern on behalf of other Golf Trails residents with respect to potential increased traffic. He asked that sufficient traffic control be provided to ease the increase in traffic that will result from the proposed development.

Scott Oliver of 5680 Willow Grove, Troy, was present. Mr. Oliver addressed concerns with drainage. Mr. Oliver noted the impact on drainage with past construction of a few houses, and questioned the impact of the proposed 76 houses. He said the ground has been so saturated the last few years that water pools in the yard until mid-May.

Mr. Oliver addressed his concerns with flooding out the existing septic tanks, and said the density of the project would be detrimental to the area.

Tom Bommarito of 5696 Willow Grove, Troy, was present. Mr. Bommarito bought the property at 5736 Willow Grove approximately 20 years ago, and since built his current home on 5696 Willow Grove. Mr. Bommarito shared his experience with the flooding of the crawl space in the original house. Mr. Bommarito said his lawn is so wet that he is not able to mow with his John Deere riding mower until June. Mr. Bommarito voiced his concerns as to how the water would be handled, and to whom he would address any flooding problems should there be any in 3 or 4 years.

The floor was closed.

Resolution # PC-2005-01-003

Moved by: Chamberlain

Seconded by: Littman

RESOLVED, That the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Oak Forest Site Condominium, including 76 units, located on the south side of Square Lake Road and west of John R, Section 11, within the R-1C zoning district be tabled for study at the January 25, 2005 Special/Study Meeting and for action at the February 8, 2005 Regular Meeting.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

5. **SITE PLAN REVIEW** – Proposed Oak Forest South Site Condominium, 24 units/lots proposed, South of Square Lake Road, East side of Willow Grove, Section 11 – R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Oak Forest South Site Condominium. It is the recommendation of the Planning Department to approve the Alternate Layout design for the project, including 23 units and a future road connection to the north, located between unit 18 and the westernmost detention basin. Mr. Savidant addressed conditions to the approval relating to the Landscape Plan, MDEQ permits, permits from the County Drain Commission for improvements to the Fetterly Drain, and connecting walkways to Jaycee Park and Hopedale Road.

The petitioner, Dale Garrett of Ladd's Inc., 5877 Livernois, Suite 103, Troy, was present.

Chair Waller opened the floor for public comment.

Lon Ullman of 5621 Willow Grove, Troy, was present and briefly addressed the sewers located on Willow Grove.

The floor was closed.

Resolution # PC-2005-01-004

Moved by: Chamberlain

Seconded by: Littman

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Oak Forest South Site Condominium, including 24 units, located south of Square Lake Road and on the east side of Willow Grove, Section 11, within the R-1C zoning district, be tabled for study at the January 25, 2005 Special/Study Meeting and for action at the February 8, 2005 Regular Meeting.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

SITE PLAN REVIEWS

6. **SITE PLAN REVIEW (SP 912)** – Proposed Giggle Gang Preschool and Daycare, Northwest corner of Rochester Road and Hartland, Section 22, B-3 (General Business) and R-1E (One Family Residential) Districts

Mr. Savidant presented a summary of the Planning Department report for the proposed preschool and daycare facility. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the applicant receiving a variance from the Board of Building Appeals to construct a 4-foot high chain link fence in a non-residential front yard prior to constructing the outdoor play area fence.

There was a brief discussion relating to the type of fence material that could be used. Upon review of Section 20.25.02, Mr. Savidant stated the ordinance does not have a requirement for the type of fencing or screening material, and suggested that the members discuss the type of fencing material with the petitioner.

Mary Stork of 3193 Rochester Road, Troy, was present to represent the petitioner.

Jeff Tucker, project engineer, of JB Tucker and Associates, Utica, was also present.

Ms. Stork and Mr. Tucker said they were open to discuss options of fencing material.

A thorough discussion followed relating to fence material.

There was a brief discussion on the responsibilities of the Board of Building Appeals.

Resolution # PC-2005-01-005

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval as requested for the Giggle Gang Preschool and Daycare, located on the northwest corner of Rochester Road and Hartland, located in Section 22, within the B-3 zoning district, is hereby granted, subject to the following conditions:

1. The applicant must receive a variance from the Board of Building Appeals to construct a 4-foot high fence in a non-residential front yard, prior to constructing the outdoor play area fence.
2. That the fence to be constructed shall be constructed of materials on the Rochester Road side that will be similar in sight to the church itself, and shall be constructed of materials on the Hartland and west sides that will be an open-type fence but not chain link; further, that shrubs be planted on the Rochester Road and Hartland sides exterior to the fence.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

7. SITE PLAN REVIEW (SP 911) – Proposed Crooks Retail II, Southwest corner of Crooks and Wilshire, Section 20, O-1 (Low Rise Office) and B-3 (General Business) Districts

Mr. Savidant presented a summary of the Planning Department report for the proposed retail development. Mr. Savidant noted that the site plan would be corrected to show a sidewalk along the entire length of the north side of the building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to two conditions: (1) the completion of a shared parking agreement for the subject parcel and the abutting

parcel to the south prior to Final Site Plan Approval; and (2) provide a 5-foot wide strip of grass and a 5-foot wide concrete strip along the entire width of the north side of the building.

Mr. Chamberlain provided a brief history of the retention pond and traffic issues associated with the corner of Crooks and Big Beaver. Mr. Chamberlain said he is happy to see the site plan come forward so soon and that the retail development is replacing an eyesore and alleviating existing ingress and egress problems.

Ms. Drake-Batts suggested that there be no left hand turns allowed exiting from the retail development.

Chair Waller referenced the departmental review comments from the Engineering Department and the Department of Public Works. He asked at what point in the approval process would the issues be resolved.

Mr. Savidant said all departmental issues are resolved prior to Final Site Plan Approval. Mr. Savidant said the petitioner is aware that there is a 14,000 cubic foot shortage for detention and that all storm water must be adequately handled prior to Final Site Plan Approval.

Mike Boggio of Boggio Associates, 30100 Telegraph, Bingham Farms, was present. Mr. Boggio noted a discrepancy in the notations of cubic feet of detention on the site plan and the grading plan. He explained the 29,000 cubic feet of detention would be handled in underground storage on the east side of the building. Mr. Boggio said the additional 14,000 cubic feet would be handled partially underground and partially from parking lot retention. Mr. Boggio said extensive research proves the overall cubic foot requirement for detention could be met.

Mr. Chamberlain said the Commission prefers not to have any storm water retention on a parking lot. He said the Commission realizes the engineering development standards allow parking lot retention, but the Commission feels it is not in the best interest of the health, safety, and welfare of the residents.

Mr. Schultz concurred with Mr. Chamberlain and said he would prefer to see no surface retention.

Harvey Weiss, project developer, of Weiss Properties, 6960 Orchard Lake Road #234, West Bloomfield, was present. Mr. Weiss said it would be very difficult to accommodate all the storm water retention underground. He noted the limitation in size of the location and the cost factor involved in underground storage.

Mr. Strat commended the petitioner on his submission. Mr. Strat said the Commission is very sensitive to parking lot retention because of previous history with as much as 3 feet of storm water retained in a parking lot.

Mr. Khan said it appears there is enough area to provide all underground storm water retention. He noted the petitioner has not provided any calculations to indicate underground detention cannot be done.

Mr. Boggio said storm water detention in the parking lot would be at a maximum of 1 foot.

Mr. Weiss said he would retain as much storm water as possible underground, and assured the Commission they would not create parking lot retention at 3 feet. Mr. Weiss asked the Commission for the opportunity to do a combination of underground and surface retention.

Resolution # PC-2005-01-006

Moved by: Schultz

Seconded by: Strat

RESOLVED, That Preliminary Site Plan Approval as requested for the Crooks Retail II, located on the southwest corner of Crooks Road and Wilshire Road, located in Section 20, within the O-1 and B-3 zoning districts, is hereby granted, subject to the following conditions:

1. The completion of a shared parking agreement for the subject parcel and the abutting parcel to the south prior to Final Site Plan Approval, provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.
2. Provide a 5-foot wide strip of grass and a 5-foot wide concrete sidewalk along the entire width of the north side of the building.
3. Demonstrate that all required storm water detention for the site can be accommodated within the proposed underground detention system and any surface detention shall not exceed six (6) inches.
4. If there is any significant change to the site plan, that the site plan be returned to this body for review.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Vleck, Waller

No: Chamberlain

Absent: Wright

MOTION CARRIED

Mr. Chamberlain said he does not want to see any retention of water in a parking lot.

Mr. Littman asked what weight the 6-inch storm water detention requirement carries; i.e., is the condition a binding portion of the motion.

Mr. Motzny advised the Commission that a site plan must be approved should it meet all of the requirements of the Zoning Ordinance, State law, or other codes. It is his understanding that the additional condition placed on the subject site plan was made as part of the Commission's duty to preserve the health, safety and welfare of the residents.

Chair Waller asked where it is stated that surface storm water is acceptable.

Mr. Savidant replied that it is in the engineering development standards of the City.

Chair Waller said that surface storm water retention should be an item for future review.

8. REPORT – Chairman Waller, attendance at “Greenbuild” in Portland, Oregon and site visit to Bellevue, Washington

Chair Waller provided a brief report on his attendance at the Greenbuild Annual Conference in Portland, Oregon, from November 10-12, 2004, and his visit to Bellevue, Washington, from November 15-16, 2004. A written report, as requested by the Planning Commission, is attached and hereby made a part of the minutes.

There was a brief question and answer period.

9. ELECTION OF PLANNING COMMISSION OFFICERS - 2005

Resolution # PC-2005-01-007

Moved by: Vleck

Seconded by: Khan

RESOLVED, That Thomas Strat and Robert Schultz be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2005, and that Wayne Wright and Lynn Drake-Batts be recommended to the City Council as the Commission's Board of Zoning Appeals representative and alternate, respectively, for 2005, and

BE IT FURTHER RESOLVED, that nominations be closed and that these officers be elected and representatives recommended, as indicated.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

10. APPROVAL OF PLANNING COMMISSION MEETING SCHEDULE – 2005

Resolution # PC-2005-01-008

Moved by: Chamberlain

Seconded by: Khan

RESOLVED, The Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2005.

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of July 5th, September 6th, November 22nd and December 27th.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Discussion on the motion.

Mr. Schultz suggested that November 22nd and December 27th be added to the 2005 calendar list of meeting dates.

A brief discussion followed with respect to scheduling meetings around holidays, discretion of Commission to call additional meetings, and placing study items on regular business meeting agendas.

Vote on the motion on the floor.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

11. HOUSE BILL NO. 6164

Mr. Savidant addressed House Bill No. 6164 that became effective December 30, 2004. The Bill provides a rezoning applicant the opportunity to voluntarily submit a site plan for review at the same time as the rezoning application. Mr. Savidant said it appears the House Bill language is vague and open to interpretation in the future, but said it is the intent of the Bill to address complex or complicated rezoning applications.

A brief discussion followed with respect to the flexibility of rezoning applications and the authority of Planning Commission to request site plan revisions.

12. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Chair Waller expressed his appreciation for everyone's support during the year, a year that he believes was successful in getting a lot of things done. Chair Waller announced the American Planning Association Annual Conference is being held in San Francisco on March 19-23, 2005. He encouraged those interested in attending to begin making arrangements.

Mr. Littman questioned the role of the Planning Commission with respect to the proposed Sterling Heights Master Land Use Plan that was provided in CD format.

Mr. Savidant said the item would be placed on a future agenda wherein the Planning Commission could provide a resolution of support to the City of Sterling Heights should it so desire.

Mr. Vleck thanked Chair Waller for the research and valuable information he brought to the table. Mr. Vleck addressed the proposed minor league baseball park and the joint meeting of the Planning Commission, Downtown Development Authority, Parks and Recreation Board and the Civic Center Priority Task Force wherein the City Council requested input on the proposed baseball park. Mr. Vleck shared his frustration that the City Council received overwhelming support from each body and chose to ignore that input at the time of its final decision. Mr. Vleck said it appears that the City Council does not give any credibility to any input from the Planning Commission, and that the Commission members just spins their wheels.

Ms. Drake-Batts wished everyone a happy new year. She questioned the status of the proposed zoning ordinance text amendment relating to childcare and the proposed PUD application located on Big Beaver between Alpine and McClure.

Mr. Savidant reported that the proposed childcare zoning ordinance text amendment would be placed on a future study meeting agenda soon. Mr. Savidant reported that negotiations are continuing with the petitioner of the proposed PUD #4. He projected that a Public Hearing would be scheduled within the next two to three months.

Mr. Schultz asked that the report he provided to Chair Waller on his attendance at the recent Michigan Society of Planning conference be forwarded to the Planning Department after his perusal. Mr. Schultz thanked the outgoing officers for their outstanding dedication and contribution to the Planning Commission in 2004, and said he looks forward to the continued productivity, involvement and cooperation of everyone in 2005.

Chair Waller said he personally finds it distressing that the City Council is presented with two versions of a matter -- the Planning Commission version and the City management version -- and that it appears the practice is to present the City management version first to the City Council. Chair Waller said he would like to see a unison version only presented to the City Council.

Mr. Strat thanked the members for the confidence placed in him to chair the Commission in 2005. Mr. Strat thanked the outgoing officers for their efforts and accomplishments. Mr. Strat reported that he would not be in attendance and not be present to chair the January 25, 2005 Special/Study Meeting.

Mr. Khan thanked Chair Waller for his leadership. He said he, as a new member, received a lot of support and guidance from Mr. Waller. Mr. Khan hopes to receive similar support and maintain a good working relationship with the future chairman. Mr. Khan thanked all the other officers for their contributions, and said he is always there should anyone need his assistance.

Mr. Chamberlain referenced the recent culmination of the proposed minor league baseball park. He said what went down for that time period was a black eye for the City of Troy. Mr. Chamberlain referenced the way the citizens treated the petitioner and the wrong comments made about the petitioner. Mr. Chamberlain said one is looking at a downward spiral of the City of Troy, a great place to live.

Mr. Savidant thanked the outgoing officers for a job well done. Mr. Savidant thanked Chair Waller for the passion and energy he brought to the position, and welcomed aboard the new officers for 2005.

Mr. Motzny agreed with Mr. Savidant's comments.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:30 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary