

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on April 5, 2005 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  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Also Present:

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

2. MINUTES

**Resolution # PC-2005-04-041**

Moved by: Khan  
Seconded by: Schultz

**RESOLVED**, To approve the March 22, 2005 Special/Study Meeting minutes as published.

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

**MOTION CARRIED**

3. PUBLIC COMMENTS

There was no one present who wished to speak.

#### 4. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its April 4, 2005 Regular Meeting.

- Rezoning Application Z-700, Northeast corner of Livernois and Maple Road, Section 27, From B-1 to H-S – *Approved*.
- Final Street Vacation SV 173, portion of Hanover Street, north of Wattles Road and east of Livernois, Section 15 – *Approved*.
- Street Vacation Application SV 182, section of alley located south of Chopin and north of Maple, Section 27 – *Approved*.

#### 5. PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) District

Comments were gathered from around the table on the site visit conducted at 6:00 p.m. this evening. It was the consensus of the members to request the presence of the petitioner and the project architect for the proposed Villa townhouse units at the April 26, 2005 Special/Study Meeting to discuss three major concerns: (1) public benefit to the City, (2) design and density of the townhouses, and (3) the transition and landscape buffer on the north boundary.

#### 6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Freestanding Restaurants in the R-C (Research Center) and O-S-C (Office Service Commercial) Zoning Districts

Mr. Miller reviewed the changes that were incorporated in the proposed zoning ordinance text amendment, as suggested by the members at a previous study meeting. He asked if the members would like to consider adding architectural standards in relation to the existing office buildings. Mr. Miller also addressed the proposed text that relates to outdoor dining and seating area with respect to current ordinance text in the O-M (Office Mid-Rise) and B (Business) districts.

The members briefly discussed architectural standards, outdoor dining and seating area, childcare facilities and fast food restaurants.

It was the consensus of the members to include zoning ordinance text relating to:

- Architectural standards.
- State childcare regulations.

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Chair Strat requested a recess at 8:48 p.m.

The meeting reconvened at 8:55 p.m.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Commercial Indoor Recreation in the Light Industrial Zoning District

Mr. Savidant reviewed the revisions that were incorporated in the proposed zoning ordinance text amendment, as suggested by the members at a previous study meeting. The revisions relate to permitting commercial indoor recreation by Special Use Approval in the M-1 District and the determination of off-street parking requirements based on the specific use proposed for the facility.

The members briefly discussed parking accommodations, simplicity and readability of the zoning ordinance text amendment with respect to parking requirements, violation of Special Use Approval and shared parking.

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

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

Mr. Miller reported that the draft minutes of the Special Joint City Council/Planning Commission Meeting held on March 28, 2005 should be available for review by the members at their next meeting.

Mr. Wright requested information from the Assessing Department that determines the number of non-conforming structures that would result from using the formulas of 75% of ground floor area, or 50% of total square footage of living area, whichever is greater.

Discussion points were:

- Grandfathering non-conforming accessory structures.
- Creation of different classes of grandfathering.
- Board of Zoning Appeals (BZA) consideration with respect to hardship.
- Written opinion from Legal Department on grandfathering and BZA consideration.
- Timetable of the administration.

**Resolution # PC-2005-04---(amended - refer to #PC-2005-04-043)**

Moved by: Schultz  
Seconded by: Vleck

**RESOLVED**, To postpone any action on this matter until review of the draft minutes of the Special Joint City Council/Planning Commission Meeting of March 28, 2005 at the next Special/Study Meeting of the Planning Commission, at which time the Planning Commission would make its determination on what would be forwarded to City Council.

**Resolution # PC-2005-04-042**

Moved by: Chamberlain  
Seconded by: Drake-Batts

**RESOLVED**, To amend the motion on the floor to include in its review at the next Special/Study Meeting a package from the Legal Department with respect to (1) grandfathering non-conforming accessory structures and (2) consideration of hardship matters by Board of Zoning Appeals.

Vote on the amendment of the motion.

Yes: All present (9)  
No: None

**MOTION CARRIED**

Vote on the motion as amended and to read as follows.

**Resolution # PC-2005-04-043**

Moved by: Schultz  
Seconded by: Vleck

**RESOLVED**, To postpone any action on this matter until review of the draft minutes of the Special Joint City Council/Planning Commission Meeting of March 28, 2005 at the next Special/Study Meeting of the Planning Commission, at which time the Planning Commission would make its determination on what would be forwarded to City Council; and

**FURTHER RESOLVED**, That the Planning Commission review at its next Special/Study Meeting a package from the Legal Department with respect to (1) grandfathering non-conforming accessory structures and (2) consideration of hardship matters by Board of Zoning Appeals.

Yes: All present (9)  
No: None

**MOTION CARRIED**

(Mr. Waller exited the meeting at 9:15 p.m. for personal reasons.)

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 213) – Article 23.30.02, Service Stations in the H-S Highway Service District

Mr. Miller reported that at an earlier Special/Study Meeting a general consensus was reached by the members that expanding the minimum lot size requirement for service stations would not solve the current problem of existing service stations. Mr. Miller requested confirmation of this consensus in the form of a resolution.

A brief discussion was held with respect to a summary of service stations and site plan illustration provided by the Planning Department.

**Resolution # PC-2005-04-044**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, That there be no change to the minimum lot size requirement of 15,000 square feet for H-S (Highway Service) district for the following reasons:

1. Expansion of lot size requirement would create all existing service stations to non-conforming sizes.
2. There is little demand, if any, foreseen for new service stations.

Yes: All present (8)  
No: None  
Absent: Waller (9:15 p.m.)

**MOTION CARRIED**

11. POTENTIAL ZONING ORDINANCE TEXT AMENDMENT – Medical offices in the R-C Research Center District

Mr. Miller asked for input from the members in consideration of allowing medical offices in the R-C (Research Center) district.

Discussion points were:

- Affect on commercial development and tax base.
- Current vacancy rate in R-C district.
- Objective in creating R-C zoning.
- Rezoning property versus a zoning ordinance amendment.
- Growth potential of medical field and functionality of existing buildings for medical use.
- Mixed-use development.
- Proposed amendment in relation to completion of Big Beaver Road Corridor Study and review of Master Land Use Plan and Zoning Ordinance.
- Priority of the ZOTA.

It was determined that related requests in the future would be handled administratively through rezoning alternatives.

12. REVIEW OF APRIL 12, 2005 REGULAR MEETING

Agenda items for the April 12, 2005 Regular Meeting were briefly reviewed.

13. PUBLIC COMMENTS

Dick Minnick of 28 Millstone, Troy, was present to address ZOTA 215. Mr. Minnick said the homeowners in his subdivision are not creating a problem today and should not be made a part of the problem going forward. Mr. Minnick addressed issues relating to footprint ratio, height, non-conformance disclosure, grandfathering, and recordkeeping by the City. He suggested it would be best to use the footprint ratio method with no height restrictions in its determination of non-conforming accessory structures, should the City decide not to grandfather existing non-conforming accessory structures.

Mr. Wright asked Mr. Minnick how many of his neighbors would be affected should accessory structures be evaluated on the 75% footprint ratio or 50% of the total square living area.

Mr. Minnick replied that no one in his subdivision would be affected.

Chris Komasara of 5287 Windmill, Troy, was present to address ZOTA 215. Mr. Komasara expressed his concern with respect to the rebuild of an accessory structure should it be damaged or destroyed. With the proposed change in the ordinance, the rebuild of an accessory structure would be up to 60% of its value. Mr. Komasara said the structure should be replaced at full value because insurance premiums for full coverage would have been paid up until the time it was damaged or destroyed. Mr. Komasara spoke in favor of grandfathering existing non-conforming accessory structures. He said he heard a lot of personal opinions voiced at the joint meeting of City Council and the Planning Commission, and it is not fair to punish residents for one family's decision to build a monster garage. Mr. Komasara said he receives compliments on his house, and his garage has always been one of his dreams.

Mr. Miller said there is consideration to passing an ordinance that would give the Board of Zoning Appeals the authority to allow an accessory building to be restored or expanded should it be destroyed more than 60% of its value.

**GOOD OF THE ORDER**

Mr. Schultz referenced a recent news article on mixed-use residential development in downtown Rochester.

Mr. Vleck commented on accessory structures. He thinks it is very important for the City to identify the problem and to specifically address those homes that would become non-conforming.

Mr. Chamberlain complimented members on a productive meeting with respect to addressing several ZOTA's.

Chair Strat briefly commented on his recent attendance at the annual conference of the American Planners Association. He said a full report would follow. Chair Strat addressed his goal with respect to the revision of the Master Land Use Plan and the review of the Zoning Ordinance, to which he committed to discuss at the next study session.

**ADJOURN**

The Special/Study Meeting of the Planning Commission adjourned at 10:00 p.m.

Respectfully submitted,

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Thomas Strat, Chair

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Kathy L. Czarnecki, Recording Secretary

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