The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on April 12, 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
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-2005-04-045***
Moved by: Chamberlain
Seconded by: Khan

***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. PUBLIC COMMENTS

There was no one present who wished to speak.

## TABLED AND POSTPONED ITEMS

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

Mr. Miller reported that it is the recommendation of the Planning Department to postpone this matter and Public Hearing to the May 10, 2005 Regular Meeting in

order to provide the Planning Department an opportunity to continue developing the draft ZOTA.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

***Resolution # PC-2005-04-046***
Moved by: Wright
Seconded by: Khan

***RESOLVED***, That the Zoning Ordinance Text Amendment ZOTA-201 requested by The Link School for the Arts and the Public Hearing are hereby postponed to the May 10, 2005 Regular Meeting.

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

**MOTION CARRIED**

4. PUBLIC HEARING – PROPOSED REZONING (Z 695) – Proposed Becker Overflow Parking Area, South side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller presented a summary of the Planning Department report and a brief history of the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application because it is consistent with the intent of the Future Land Use Plan and is compatible with surrounding land uses and zoning districts. He noted that the City Council asked the Planning Commission to consider zoning a strip of land along the eastern property line to E-P.

Chair Strat said the grade difference shown on the site plan effectuates a 6.5-foot masonry wall on the residential side of the development, but he clearly noted that the site plan should not be a consideration in the approval process of the rezoning request.

Mr. Schultz indicated that a potential water problem could result from the difference in grade.

Mr. Savidant noted that the Engineering Department, upon a cursory review of the site plan, indicated the water problem could be addressed.

Eileen Youngerman of 35 W. Huron, Pontiac, was present to represent the petitioner. Ms. Youngerman, a certified property manager for Arnold Becker for 17.5 years, said the primary purpose of the proposal is to create an overflow parking area and square off the property to make it more of a viable location for tenancy. She said the perceived lack of parking by potential tenants has resulted in a vacant building for a very long time. Ms. Youngerman said the project engineering team is also present this evening should the members wish to address any questions to them.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes, who lives east of the proposed parking lot, said she has talked extensively with Ms. Youngerman about the proposal. Ms. Haynes says she does not want to live next door to a parking lot or to two vacant lots, and said it is a “catch 22” situation. She voiced concerns with respect to potential flooding, potential users of the parking lot (i.e., restaurant customers), and noise. Ms. Haynes said the petitioner has tentatively agreed to put up signs that the parking lot is for office users only and to keep the dumpster in its current location closer to the office building.

Chair Strat informed Ms. Haynes that she would have an opportunity to voice her concerns again at the time of site plan approval.

Ms. Drake-Batts asked if Ms. Haynes would prefer the property remain as is or have it rezoned.

Ms. Haynes said she was not sure. She reflects on last summer when the weeds were growing and the mosquitoes were breeding. Ms. Haynes said she would prefer the masonry wall as opposed to the berm. Ms. Haynes confirmed she was opposed to the rezoning originally, but thinks she has just come to terms with the matter.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow said he would like to see a plan that takes care of the residences in the area as well as the office building property owner. He said the houses are surrounded by industry and are limited with respect to building out and market appeal for resale. Mr. Kozlow also noted industrial development is limited because of the size of the lots.

PUBLIC HEARING CLOSED

Mr. Vleck said he is not comfortable with rezoning the area from residential to a parking lot and that there is no control after the property is rezoned. Mr. Vleck said screen walls are not appropriate buffers because they are not decorative. He said the City is shortchanging residents by slowly letting commercial in the area and suggested that it might be appropriate to conduct a special study on the area.

Mr. Chamberlain said a study is not necessary on the area because there is a plan in place. The Future Land Use Plan designates the area as something other than residential. Mr. Chamberlain addressed the piecemeal development in the area.

Ms. Drake-Batts asked if there was a guarantee the screen wall would be erected should the property be rezoned.

Mr. Miller said there would be no guarantee because (1) the property might be rezoned but never built and (2) the petitioner might seek a variance or waiver from the Board of Zoning Appeals. Mr. Miller said the Planning Commission would review the proposed development at the time of site plan approval. He noted the minimum Zoning Ordinance requirements would have to be met, and the Planning Department would encourage the petitioner to provide additional landscaping for a better transition.

Ms. Drake-Batts said she does not think the property should be rezoned until there is a tenant in the building.

Mr. Schultz recapped that should the rezoning request be approved, there is no guarantee that the screen wall would be constructed, and the property owner has the right to leave the property as it currently is with no improvements; therefore the adjacent resident would still have a weed pile next to her and no screen wall for years to come in the future.

Chair Strat commented on the office vacancy in the City and said it would be easier to lease the building with an approval already from the City to build the parking lot. He also noted that there would be a continuous straight line of zoning along the southern and northern property lines, so the rezoning would not be considered “spot” zoning. Chair Strat indicated he would be voting in favor of the rezoning for those reasons.

Mr. Khan indicated support of the rezoning because it would be difficult to lease the building if parking is insufficient. Mr. Khan said to give the petitioner the benefit of the doubt that the property would be improved.

A brief discussion was held with respect to the current parking requirements on the site.

Mr. Miller said the general parking requirements for retail is 1:200, and that the site currently meets the minimum parking requirements. Mr. Miller confirmed that should the parking lot be built, it would allow expansion opportunities for the existing building.

Mr. Vleck cited previous developments that were rezoned to parking because the petitioners claimed there was not enough parking for the buildings; and upon approval of the rezoning requests, the property owners used the option to add to their existing buildings and ended up with the same amount of parking. Mr. Vleck

said that City Council requested the Planning Commission to look at the potential installation of an E-P zoning buffer. Mr. Vleck said he would be more comfortable utilizing the State law to allow the condition of rezoning approvals upon specific use and design conditions.

Ms. Drake-Batts said it appears the additional parking would be just a plus in leasing the property because the current parking is sufficient for the existing building. Ms. Drake-Batts said she would consider the rezoning request when there is a plan; and in her perspective, what was submitted is not a plan.

Mr. Miller said the petitioner has the right to request the rezoning and the request should be reviewed in relation to the City's Future Land Use Plan. Mr. Miller reviewed the Future Land Use Plan with respect to the residential use and the planned commercial-type uses. It is Mr. Miller's opinion that the rezoning request is appropriate as configured.

Chair Strat said he is hopeful that should the rezoning request be approved, it would act as a catalyst to expand the facility and improve the appearance of the existing building. He addressed the significance of the site because of its gateway location.

***Resolution # PC-2005-04-047***
Moved by: Khan
Seconded by: Chamberlain

***RESOLVED***, That the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be granted, for the following reason:

1. It is consistent with the intent of the Future Land Use Plan.

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

**MOTION CARRIED**

Mr. Vleck stated that the City Council sent the rezoning request back to the Planning Commission for consideration of an environmentally protected zone and that option was not discussed. Mr. Vleck said he believes expanding this particular area next to residential at this point in time is not the appropriate action.

Ms. Drake-Batts said her opinion has been made clear from her previous comments.

Mr. Wright agreed with the comments of Mr. Vleck. Mr. Wright said the request is premature at this time and he would like to see some consolidation of parcels in this area that would realize a better plan.

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church / Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Miller presented a summary of the Planning Department report for the proposed amendment to PUD 1. Mr. Miller reported that it is the recommendation of the Planning Department to postpone this matter to the May 10, 2005 Regular Meeting because the petitioner has not submitted revised plans to the Planning Department or made any contact to discuss the matter. Mr. Miller noted that the petitioner forwarded a written request to postpone the matter, of which a copy was distributed to the members prior to the beginning of the meeting.

Mr. Khan asked what action could be taken because the entry sign is currently up on Rochester Road and the mechanical equipment on the roof remains unscreened.

Mr. Miller said the City could order the petitioner to remove the sign or the matter could be handled administratively as a code enforcement violation should the PUD Agreement be breached. Mr. Miller confirmed that to date a final Certificate of Occupancy has not been issued.

Note: The Public Hearing was not opened, at the discretion of Chair Strat.

***Resolution # PC-2005-04-048***
Moved by: Schultz
Seconded by: Wright

***RESOLVED***, That the Proposed Amendment to Woodside Bible Church / Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1, is hereby postponed to the May 10, 2005 Planning Commission Regular Meeting.

***FURTHER RESOLVED***, Should the petitioner make no progress toward remedies or negotiations on this matter in the next thirty (30) days, a resolution to deny both proposed amendments would be considered.

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

**MOTION CARRIED**

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

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.00.00, Article 40.65,00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller presented a summary of ZOTA 215-A and 215-C. Mr. Miller reported that it is the recommendation of the Planning Department to postpone the items to the May 10, 2005 Regular Meeting because the minutes from the March 28, 2005 Joint Meeting and a final draft ZOTA are not complete at this time.

***Resolution # PC-2005-04-049***
Moved by: Vleck
Seconded by: Khan

***RESOLVED***, That ZOTA 215-A and ZOTA 215-C, pertaining to Accessory Buildings Definitions and Provisions and Commercial Vehicle Parking Appeals, respectively, be tabled to the May 10, 2005 Regular Meeting.

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

**MOTION CARRIED**

## SITE CONDOMINIUM SITE PLANS

8. SITE PLAN REVIEW – Proposed Walnut Forest Site Condominium, 16 units/lots proposed, East of I-75, between Paragon and Hedgewood, Section 16, Zoned CR-1 (One Family Residential Cluster) District

Mr. Khan informed the members that approximately 12 years ago he worked for a company of which the petitioner was a 50% partner, and asked if the members had any objection to his consideration and vote on the matter. He indicated he had no financial interest in the company or in the proposed development.

The members voiced no objections to Mr. Khan's consideration and vote on the matter.

Mr. Miller presented a summary of the Planning Department report for the proposed Walnut Forest Site Condominium project. He provided a history of the rezoning of the property to CR-1, in which a number of residents voiced opposition to the proposed rezoning at the Public Hearing. The rezoning approval was conditioned on the owner providing and recording a restrictive instrument that there would be no vehicular access onto Paragon, and that all vehicular access would be off of

Hedgewood. Mr. Miller noted that all departmental comments identified in the report have been addressed.

Mr. Miller reported that it is the recommendation of the Planning Department to approve Walnut Forest Site Condominium subject to two conditions: (1) That the area delineated on the site plan as “park” and “preserved woodland” shall be identified as general common area and (2) that the applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.

There was discussion on access to the site condominium from Hedgewood Drive and the cul-de-sac layout to the east.

The petitioner, Vincent DiLorenzo of D & T Construction Company, 46719 Hayes Road, Shelby Township, was present. Mr. DiLorenzo said the road configuration was determined to appease the homeowners to the south and to comply with the conditions placed by the City Council and the Planning Commission at the time of the rezoning approval. He indicated the original plan did have the road going through. Mr. DiLorenzo noted they chose to make the road private in order to maximize the green space and to distance the residential homes from the expressway. He said the proposed design is the least intrusive with respect to space and noise. Mr. DiLorenzo addressed the Planning Department’s concerns with respect to the wetlands. He said they were informed there are no wetlands on site, but he would work with the Planning Department and MDEQ to confirm that determination.

Chair Strat opened the floor for public comment.

Debbie Sosa of 4523 Hedgewood, Troy, was present. Ms. Sosa asked where the entrance for the construction vehicles and equipment would be located. Ms. Sosa addressed the road extension to accommodate the new residents. She is concerned with the increase in traffic and safety of the neighborhood children, as residents must drive more than one-half mile to get out of the subdivision. Ms. Sosa questioned why Paragon could not be another access point because it is the most direct access. She indicated the residents of Carlson Park are currently working with the City to control the existing problem of speeding traffic coming from Long Lake Road.

Gordon Schepke of 328 Paragon, Troy, was present. Mr. Schepke voiced strong opposition to the proposed development. Mr. Schepke said the concern he and his neighbors have is there is only one portion of sidewalk on one side only between Virgilia and I-75 out of the three streets in the subdivision. He said the covenant provided on the property at the end of Paragon at the time of the rezoning resulted from the homeowners collectively expressing their concerns to the developer. Mr. Schepke also expressed concern with additional traffic that might result from the proposed I-75 interchange at Long Lake Road. He referenced a conversation he had with a City planner regarding the preliminary plan with respect to the road

layout and building design. Mr. Schepke stated the neighborhood never experienced any problem with snow removal.

Mike Marrs of 144 Paragon, Troy, was present. He expressed appreciation in the recognition that the neighbors came out in force over 1.5 years ago to oppose the development. Mr. Marrs said the asphalt roads and lack of sidewalks in their subdivision would not properly handle the traffic He challenged the Planning Commission members to come up with a holistic approach to the dynamics of the neighborhood; i.e., the expansion of I-75 to 4 lanes, the proposed Long Lake Road exit, the 20-acre school district property adjacent to the proposed development, and the subdivision roads that are over 35 years old with no sidewalks. He challenged the City to take into consideration sound abatement as provided in other communities, to address the sidewalk matter, to work with the school district to protect property as park and wetlands, to determine how the proposed development would enhance the neighborhood they live in, and to look at the whole property, not just 6 acres.

Shannon Johnstone of 50 Paragon, Troy, was present. Ms. Johnstone expressed concern for the safety of the children with the additional traffic and no sidewalks in their subdivision. She said the road is at least one-half mile long and one straight shot. She noted the speed of drivers averages 35 to 40 mph to get to the end because it is such a long street. Ms. Johnstone said it doesn't take a scientist to determine that there are wetlands on site. She said, as children, they would ice skate on the water formed back there, and asked that the City take a second look at the proposed development.

Rick Bonin of 25518 Chernick, Taylor, was present. Mr. Bonin is an Environmental Consultant and President of Scientific Management, Inc., the firm contracted to complete the wetlands determination for the subject property. Charles Downing, B.S., Environmental Scientist and Army Corps of Engineers Trained Wetland Delineator, completed the wetlands delineation report. Mr. Bonin said the wetlands have diminished over the years, specifically on the subject site, as a result of a lower water table and the elimination of source waters from the developments to the north and south. He said there might be wetlands on the adjoining wooded parcel, but its proximity to the ditch located along I-75 has impacted the site to the point of losing the wetlands. Mr. Bonin indicated that the trees identified on site by the City's Environmental Specialist are wetland-type trees that are sustainable as the wetlands diminish. The ponding water identified by the City's Environmental Specialist was on site during the month of March, at which time the water would not have had time to go in the ground, as it normally would do. Mr. Bonin is confident Scientific Management is accurate in its opinion that there are no wetlands on the property. He stated the adjoining property would be an entirely different issue that would not impact this development.

Eileen Heasly of 190 Paragon, Troy, was present. Ms. Heasly spoke about how satisfied the residents were when their complaints voiced to the City Council previously were heard and a solution was reached with the developer. She has

lived in her house for 32 years, and would like to keep their street the way it has been for many years. Ms. Heasly asked the members to keep to the solution that was made years ago.

The floor was closed.

Mr. Schultz said it appears from the topographical survey and wetlands delineation report that there could be water problems on the property, and he personally would like to see them officially delineated before moving forward on the project.

Chair Strat said it would be preferable to have an as-built survey provided for review.

Mr. Littman asked if the Planning Department is aware of any regulated wetlands on the school district property.

Mr. Miller responded that he did not know. Mr. Miller confirmed that the Planning Department's recommendation is subject to receiving a letter of no jurisdiction from the MDEQ prior to final site condominium approval because the Planning Department is not sure if there are regulated wetlands on the subject site.

Mr. Vleck stated concern with respect to City maintenance of the private road at the end of the public road.

Ms. Drake-Batts said that not having heard the arguments in support for not opening both roads to the development at previous meetings, she would like to see both roads used as access to the development because it would more evenly distribute the traffic. Ms. Drake-Batts said the developer has a right to build on his property. She said the residents have an option to buy the property from the developer should they want to keep the property as a park.

Mr. Wright provided a brief history on the project. He said the primary reason to not open up the development to Paragon was because Paragon is a narrow asphalt street with a ditch and no sidewalks. It was thought that traffic would cut through Carlson Park subdivision to Paragon to Wattles.

It was agreed that discussion on Paragon's access to the development is a mute point because the rezoning was conditioned on it being closed. Comments continued on traffic control, maintenance issues, construction access, public utility easement, and setbacks with respect to public and private road.

Mr. DiLorenzo said it is proposed to provide a temporary construction access from Paragon. He indicated that a stub street was provided at the recommendation of the Planning Department at the time Carlson Park subdivision was developed. Mr. DiLorenzo said he would make the road public should that be the City's recommendation. He noted a private road would save trees and provide a better buffer.

***Resolution # PC-2005-04-050***
Moved by: Chamberlain
Seconded by: Vleck

***RESOLVED***, That the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75 between Paragon and Hedgewood, Section 16, within the CR-1 zoning district, be tabled to the May 10, 2005 Regular Meeting, so the petitioner can present to the Planning Department and subsequently to the Planning Commission at a Special/Study Meeting prior to the Regular Meeting how the following issues can be resolved:

1. Private versus public street, the Planning Commission would prefer a public street.
2. Location of public utility easement on the west side or south side of the street.
3. Provide drawings on the setback from the sidewalk on the east side to the buildings; i.e., public versus private street so a determination can be made whether there is enough space to park cars in driveways without intruding on sidewalks.
4. Maintenance and snow removal on a public street that ends into a private street.
5. Use of Paragon as a construction entrance; i.e., Paragon is an asphalt street that might disintegrate under heavy construction use and liability responsibility should damage occurs.

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

**MOTION CARRIED**

9. SITE PLAN REVIEW – Revision to Proposed Hidden Forest Site Condominium, 37 units/lots proposed, South side of Wattles, West of Jennings, Section 22, Zoned R-1C (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Forest Site Condominium. The petitioner is incorporating an additional 0.82-acre parcel on the east side of Wattles Road that allows him to add three units to the development. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Hidden Forest Site Condominium plan as revised.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present.

Chair Strat opened the floor for public comment.

M. J. Molnar of 462 E. Wattles, Troy, was present. Mr. Molnar lives next door to the parcel recently acquired by the petitioner. Mr. Molnar said the City told him at the time

he purchased his home that there would be no building on the subject 18-acre parcel because it is in a floodplain. He said after the property was purchased, all the trees were cut, the stumps were ground, all vegetation was stripped and the land was disked so that there was nothing but dirt. He said the property was then graded and canals were put in, all of them leading to his back yard. Mr. Molnar said his backyard floods whenever it rains. He said the massive amount of trees and vegetation that were destroyed and left in the working ditch along the property line eventually decayed and turned into compost. Mr. Molnar said he has two sump pumps running 24 hours a day; one sump pump burned out; and his utility bills have increased significantly. Mr. Molnar said the property owner has promised to redirect water and correct the flooding situation, but nothing has happened to date. Mr. Molnar referenced the discussion at a previous Planning Commission meeting on the site condominium project going in on the north side of Wattles, as relates to the concern of potential flooding from the difference of grading. He expressed similar concerns with this proposed development.

Mr. Khan strongly encouraged Mr. Molnar to discuss the flooding problem with the Engineering Department. He also informed Mr. Molnar that floodplain maps have been recently revised and suggested that he check the current status of his property.

Mr. Molnar said he has been working with the City Engineering Department for the last two years. He had asked the field engineer if it was legal for the property owner to cause a creek to run through his backyard every time it rains. The field engineer indicated it was not legal, and Mr. Molnar asked why the matter continues to exist for two years. Mr. Molnar said the response from the field engineer was “It’s in who you know.”

Mr. Miller asked Mr. Molnar to contact him directly and he would arrange a meeting in which he would act as mediator with the City Engineer to resolve the issue. Mr. Miller said if Mr. Molnar’s comments are true, the existing situation should not be occurring and the City should require the developer to fix it.

Mr. Chamberlain said it is obvious that Mr. Molnar’s property is the lowest property within the whole area, and the City owes it to him to resolve the matter.

Mr. Abitheira was agreeable in meeting with the City and Mr. Molnar to work on a solution to the problem.

Bruce Baker of 380 E. Wattles, Troy, was present. Mr. Baker lives adjacent to the subject property on the west side. Mr. Baker expressed similar concerns with the flooding problem. He asked how he could get a copy of the revised site plan.

Mr. Miller informed Mr. Baker that he could receive a copy of the revised site plan from the Planning Department during regular business hours. [A copy of the revised site plan was provided to Mr. Baker from a Planning Commission member.]

Dan McCatty of 3721 Jennings, Troy, was present. Mr. McCatty addressed the water problem. He asked if the storm drainage easement would be used for utilities or if the trees would remain. Mr. McCatty also asked if the petitioner could replace the trees should they be removed.

Mr. Miller indicated it might not be possible to save any trees or vegetation along the storm drainage easement.

Discussion followed on:

- Authority of the Planning Commission to request the petitioner to replace cut trees.
- The existence of trees near the drainage easement.
- Acceptable trees according to the City's tree ordinance.

Mark Harrison of 3621 Jennings, Troy, was present. Mr. Harrison referenced his previous comments with respect to access from Troywood. Mr. Harrison said, in retrospect, that access might not be a good idea.

Enrique Aguilar of 3741 Jennings, Troy, was present. Mr. Aguilar voiced concerns with potential water problems, the increase of traffic and the safety of neighborhood children.

The floor was closed.

Comments followed with respect to (1) tabling the matter until the existing water problem is resolved and (2) forwarding a design recommendation to the Engineering Department as relates to the asphalt pathway.

***Resolution # PC-2005-04-051***

Moved by: Chamberlain
Seconded by: Schultz

***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 Hidden Forest Site Condominium, including 37 units, located south of Wattles Road and east of Livernois Road, Section 22, within the R-1C zoning district be granted, subject to the following conditions:

1. That the petitioner prior to City Council approval meet with the neighbors on Wattles directly east and west, the City Engineer and the City Planner to resolve storm water problems and issues and the debris brought by the storm water issues.

2. That the petitioner prior to City Council approval meet with the Engineering and Planning Departments, the Fire Department and emergency vehicle people to determine rather than using asphalt pavement for the emergency access and pedestrian access to Troywood and the school, to be some kind of pervious pavers that would hold the largest emergency vehicles the City has.

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

**MOTION CARRIED**

---

Chair Strat requested a recess at 9:40 p.m.

The meeting reconvened at 9:52 p.m.

---

## REZONING REQUEST

10. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that the request is compatible with surrounding land uses and zoning districts and is consistent with the intent of the Future Land Use Plan. As a courtesy, a copy of a protest petition in opposition to the proposed rezoning was provided members prior to the beginning of tonight's meeting. Mr. Savidant indicated that the petition would be considered at the time of City Council review.

Mr. Chamberlain suggested that all of the R-1E area be rezoned to E-P, not just the 50 feet as proposed by the petitioner. He said that would line up all of the properties.

Mr. Schultz concurred. He would like to see the 33.75 feet included in the E-P zoning so all of the lots would be the same depth. Mr. Schultz said the high-pressure transmission line that runs under the piece of property would most likely inhibit building a parking lot.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah asked to see the protest petition. He explained the hardship as relates to the proposed rezoning. Mr. Saymuah, in reviewing the site

plan, acknowledged the existence of a gas line easement. He said the development does not encroach on the easement and indicated the easement stops the development from moving further north.

Chair Strat stated that the site plan provided serves as clarification in the rezoning request but should not be considered in the review process of the rezoning request.

Dr. Kheir Al-Zouhayli, owner of the property, was also present.

Mr. Saymuah and Dr. Al-Zouhayli did not fully understand the concept proposed by the members.

A lengthy and detailed discussion and review of the site plan followed in an attempt to clarify the members' position on the proposed rezoning.

Mr. Saymuah indicated they would have no opposition to rezone the 33.75-foot property to E-P.

It was the consensus of the members to table the rezoning request so that the boundaries could be better clarified.

PUBLIC HEARING OPENED

Shih Hwang Wu ("John") of 1577 Boyd, Troy, was present. Mr. Wu said the protest petition submitted was signed by approximately 66% of residents who would be affected and are opposed to the proposed rezoning. He shared the major concerns of the residents: (1) Safety of the young children of the 70 families in the West Oaks Subdivision. (2) Encroachment of commercial and industrial development into residential areas, as relates to property values of their homes. (3) Flood lights from the commercial buildings. (4) Preservation of the existing natural barrier, beauty and balance to the neighborhood. (5) Increase of noise. Mr. Wu asked why commercial development could go on the gas line easement, but not residential.

Sanjay Dixit of 1590 Hartland, Troy, was present. Mr. Dixit expressed concern with the parking lot being extended further into single family residential. He said the proposed rezoning request would spoil a well-planned subdivision. He questioned when commercial development from the Big Beaver Road corridor would stop extending into the residential area. Mr. Dixit said the residents cannot fight business owners and developers and rely on the Planning Commission and City Council members to protect their interests.

Ashtiaq Khokhar of 1566 Hartland, Troy, was present. Mr. Khokhar has a wooded lot behind his home and he said the proposed development would destroy the beauty of the subdivision. Mr. Khokhar's request to build a gazebo was denied because of the gas line easement, and he questioned why a parking lot could be built on top of it.

Chair Strat informed the audience that there would be no parking lot on the gas line easement.

PUBLIC HEARING CLOSED

Mr. Saymuah asked that he be provided the names and addresses of the residents who spoke this evening.

***Resolution # PC-2005-04-052***
Moved by: Littman
Seconded by: Khan

***RESOLVED***, That the Planning Commission hereby recommends that the R-1E to E-P, R-1E to P-1 and E-P to P-1 rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, be tabled to the May 10, 2005 Regular Meeting, for the following reason:

1. Review the request for further definition where the boundaries are and how they might line up with surrounding areas.

***FURTHER RESOLVED***, that the request be reviewed at a Study Session Meeting prior to the May 10, 2005 Regular Meeting.

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

**MOTION CARRIED**

## SITE PLAN REVIEWS

11. SITE PLAN REVIEW (SP 323-B) – Proposed Restaurant Addition, Northeast corner of Big Beaver and Crooks (888 W. Big Beaver), Section 21, Zoned O-S-C (Office Service Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Morton's Restaurant. The petitioner was asked to bring in sample building materials for the Planning Commission review. Mr. Savidant provided a detailed explanation between the parking space layout preferred by the petitioner (dated April 6, 2005) and the layout preferred by the Planning Department (dated March 31, 2005). He noted that the petitioner submitted an alternate parking space layout today, and the Planning Department has not had the opportunity to review it.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the conditions to add a 5-foot wide sidewalk on the west side of Wilshire and provide an off-street parking space layout on the

south side of the restaurant building as preferred by the Planning Department and dated March 31, 2005.

Mr. Miller stated that the petitioner has committed to 145 air banked parking spaces should they be needed in the future for construction of a deck.

David Richards, Architect, Rossetti and Associates, Two Towne Square, Southfield, was present to represent the petitioner. Mr. Richards said the parking space layout is proposed on the south side of the drive because (1) to date, after 25 years, it has not been necessary to implement the landbanked parking spaces; and (2) the proposed tenant desires to have a clean building front. Mr. Richards displayed the alternate parking space layout that combines the landbanked parking with the proposed aisle on the south side, increases the size of the green space, and provides a convenient approach.

Members were provided drawings of the alternate parking space layout.

Mr. Richards displayed several renderings and detailed the approach to the design and how the restaurant addition is a natural extension of the existing facility. Mr. Richards circulated samples of the precast and granite chip for review by the members. He noted the windows in the restaurant addition are near the entry of the existing building and clarified the proposed and existing landbanked parking.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Discussed at great length were:

- Handicapped parking; i.e., number of spaces, location.
- Appearance of building front.
- Landscaping; i.e., adequacy and beautification of City, perimeter landscaping, hedgerow similar to Kelly Services building.
- Landbanked parking.
- Appearance of parking structure.

Mr. Richards asked the members to consider the retail and restaurant use in relation to the visibility of the building. He said it was their intent to create a minimal design so the addition would have a low impact on the site. Mr. Richards briefly addressed the landscaping and landbanked parking modifications.

***Resolution # PC-2005-04-053***
Moved by: Chamberlain
Seconded by: Littman

***RESOLVED,*** That Preliminary Site Plan Approval, as requested for the Proposed Restaurant Addition, located on the northeast corner of Big Beaver and Crooks, located in Section 21, within the O-S-C zoning district, be tabled to the May 10, 2005 Regular Meeting, for the following reasons, and that the Planning Department provide an updated report at a Special/Study Meeting in May:

1. That the petitioner submits one set of plans for the parking.
2. That the petitioner work with the Planning Department and the Parks and Recreation Department on the landscaping plan.

Scott Wortman of Redico Management, One Towne Square, Southfield, was present. Mr. Wortman said he is just as confused as the members. He originally thought the proposed restaurant addition would be approved administratively, and it would not be necessary to go through the formal site plan review process. Mr. Wortman said the different parking space layouts were submitted because the petitioner, architect and tenant did not agree with the Planning Department's recommendation. Mr. Wortman said their intent was to make a modest addition to the building that would comply with all the City's Zoning Ordinances and Codes. Mr. Wortman addressed the proposed design layout as relates to handicapped parking, and said security of the building was a consideration in the location of handicapped parking spaces. He said they are very familiar with the parking space counts and worked with Mr. Miller to come up with alternate plans on landbanking options. Mr. Wortman said they are willing to work with the appropriate City departments on a landscape plan that would satisfy the needs of the City. Mr. Wortman stressed the desire of Morton's Restaurant to have an opening date no later than Thanksgiving Day and asked the members' consideration in expediting the procedure.

Vote on the motion on the floor.

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

**MOTION CARRIED**

Ms. Drake-Batts said the landscaping issue could be handled administratively. She said the City is not addressing the needs of a tenant that she thinks the community would like to have in the City.

Mr. Schultz said he thinks what he heard from the petitioner is that they want to build it as their plans show and not give any consideration to the proposed alternatives. Mr. Schultz agreed that the landscaping issue could be handled

administratively. He said it appears the petitioner plans to provide the minimum required landscaping, and he does not see where 30 days would buy the City anything on the proposed development.

Discussion followed with respect to expediting the approval process.

***Resolution # PC-2005-04-054***
Moved by: Drake-Batts
Seconded by: Schultz

***RESOLVED,*** That Resolution # PC-2005-04-053 be reconsidered.

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

**MOTION CARRIED**

***Resolution # PC-2005-04-055***
Moved by: Drake-Batts
Seconded by: Schultz

***RESOLVED,*** To review the matter [SP 323-B] at the April 26, 2005 Special/Study Meeting.

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

**MOTION CARRIED**

Messrs. Vleck, Chamberlain and Khan said the site plan is being rushed through the planning review and approval process, and that the City would not get a quality product in that short of a time frame.

12. SITE PLAN REVIEW (SP 914) – Proposed Amberwood Condominium, South side of South Blvd., West of Rochester Road, Section 3, Zoned R-1T (One Family Attached) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Amberwood Condominium. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to five conditions as identified in the Planning Department report.

The petitioner, Ted Berlinghof of Architects International, Inc., Detroit, was present. Mr. Berlinghof provided renderings of the proposed development. He said they

would be more than happy to continue to work with the City of Troy to get the development approved. Mr. Berlinghof confirmed that there are no windows on the ends of the units and that landscaping would be provided. Mr. Berlinghof briefly addressed the design of the buildings.

Mr. Schultz indicated the landscape plan does not show landscaping at the ends of the buildings.

Mr. Berlinghof said he would be more than happy to work with the landscape analyst on the matter.

Chair Strat asked why a turnaround was provided in lieu of a "T".

Mr. Berlinghof replied that the turnaround allows for a larger retention area and more green space. He indicated the turnaround meets all the requirements of the Fire Department.

Mr. Schultz said the proposed development is a classic example why the Planning Commission should not give consideration to proposed site plans provided at the time of rezoning requests. He said the site plan provided for this development at the rezoning level bears no resemblance to the site plan submitted for approval.

***Resolution # PC-2005-04-056***
Moved by: Littman
Seconded by: Wright

***RESOLVED***, That Preliminary Site Plan Approval, as requested for the Proposed Amberwood Condominium, located on the south side of South Boulevard and west of Rochester Road, located in Section 3, containing 12 units on approximately 2.31 acres, within the R-1T zoning district, is hereby granted, subject to the following conditions:

1. Provide deceleration lane as per Traffic Engineer.
2. Indicate the 40-foot wide easement for private road on site plan.
3. Indicate 5-foot easement for sidewalk and public utility purposes adjacent to the 40-foot wide private road easement on site plan.
4. The berm shall be at least 50 feet in width and with slopes no greater than 1:4, and landscaped as per Section 12.60.03 of the Zoning Ordinance.
5. Label detention basin correctly.
6. Work with the landscape analyst to include landscaping on the ends of the units.

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

**MOTION CARRIED**

Mr. Khan said the project is not befitting to the City of Troy.

Chair Strat said the project lacks creativity and will not be an asset to the community.

Mr. Schultz said the development meets the requirements, but he personally thinks it is going to be atrocious looking. He said if he could have voted against it, he would have.

13. SITE PLAN REVIEW (SP 388-B) – Proposed Restaurant Re-Build, Southeast corner of Big Beaver and I-75 (585 W. Big Beaver), Section 28, Zoned O-S-C (Office Service Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed T.G.I. Fridays Restaurant. The petitioner was asked to bring in samples of building materials for the Planning Commission review. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the condition that a shared sidewalk easement over the sidewalk on the property to the east is executed prior to Final Site Plan approval.

Tim Germain, project engineer, Nowak & Fraus, Royal Oak, was present. Mr. Germain introduced the petitioner Tim Poole of Carrell Poole & Yost Architecture, Dallas, Texas. He explained the existing O'Grady's restaurant would be taken down and replaced with a T.G.I. Fridays Restaurant. Mr. Germain said they would bring the remainder of the site into compliance.

Mr. Savidant asked the petitioner to briefly explain the reason for the reduction in parking spaces.

Mr. Germain said the new restaurant would have more seats than the previous one. He said, based on the documentation provided to the Planning Department, the shortage of 14 spaces is minor with regard to the consideration that many of the hotel users would remain at the hotel to dine and would already be parked. He said a parking space would be freed up should a hotel visitor choose to dine elsewhere. Mr. Germain said the petitioner and the owner of Drury Inn do not view the shortage of parking spaces as a problem. Mr. Germain said records indicate an average of 87 rooms an evening remain vacant, and it is assumed that those 87 parking spaces would far outweigh the shortage of 14 parking spaces required by the Zoning Ordinance for both the hotel use and restaurant use.

Mr. Schultz asked if the brick on the front of the restaurant is the same brick or a compatible brick with the hotel.

Mr. Poole responded that the restaurant brick is the same brick as the hotel brick. He noted that the color of the EFIS would also match the hotel.

***Resolution # PC-2005-04-057***
Moved by: Schultz
Seconded by: Wright

***RESOLVED,*** That the Planning Commission hereby approves a reduction in the total number of required parking spaces to three hundred eighty seven (387) when a total of four-hundred one (401) spaces are required on the site based on the off-street parking space requirements for restaurants and office uses, as per Article XL. This reduction meets the standards of Article 40.20.12 and will assist the Drury Inn and T.G.I. Fridays in minimizing the amount of storm water runoff on the site.

***RESOLVED***, That the Planning Commission has made a determination that the applicant has met the standard of Section 26.25.01 of the Zoning Ordinance, which requires that restaurants in the O-S-C be permitted "provided they are included in the office use structure or other principal structures…or are attached to such structures by means of a fully enclosed structural attachment, and therefore shall not be permitted as freestanding structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal structures, and shall utilize exterior materials similar to or harmonious with such principal structures".

***BE IT FURTHER RESOLVED,*** That Preliminary Site Plan Approval, as requested for the Proposed Restaurant Re-Build, located on the southeast corner of Big Beaver and I-75, located in Section 28, within the O-S-C zoning district, is hereby granted, subject to the following condition:

1. A shared sidewalk easement over the sidewalk on the property to the east shall be executed prior to Final Site Plan Approval.

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

**MOTION CARRIED**

14. PUBLIC COMMENT

There was no one present who wished to speak.

## GOOD OF THE ORDER

Mr. Chamberlain suggested to members to walk the Somerset Collection skywalk across Big Beaver Road between the hours of 5 p.m. and 6 p.m. to experience the view as it relates to building heights, green space and traffic. He said the proposed Monarch Residences will be a very good attraction in that area with respect to building height and the need for traffic control will be evident.

Mr. Miller announced that he and Chair Strat would be meeting with the Big Beaver Corridor Study selection committee to make a final recommendation to the DDA.

The Regular Meeting of the Planning Commission was adjourned at 12:00 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Final\04-12-05 Regular Meeting_Final.doc