

The Regular Meeting of the Troy City Planning Commission was called to order by Chairperson Schultz at 7:35 p.m. on February 13, 2007 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mary Kerwin
Robert Schultz
John J. Tagle
Mark J. Vleck

Absent:

Lawrence Littman
Thomas Strat
Kathleen Troshynski
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Cheryl Printz, Recording Secretary

Resolution # PC-2007-02-029

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That Members Littman, Strat, Troshynski and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (5)
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Chairperson Schultz informed all present that while there was a quorum, a unanimous vote would be needed to have approval on any agenda items. He stated that any petitioner who desired to do so could withdraw their item from this evening's agenda.

Commissioner Hutson noted that he would be asking to be excused from items #12 & 13 due to a conflict of interest, so those items would not be able to be considered tonight.

2. APPROVAL OF AGENDA

Resolution # PC-2007-02-030

Moved by: Kerwin

Seconded by: Hutson

RESOLVED, To approve the revised agenda as distributed.

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

3. PUBLIC COMMENTS – For Items Not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEMS

4. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Article 35.00.00 Planned Unit Developments

Planning Director Miller presented a summary on the Planning Department report on the Zoning Ordinance Text Amendment (ZOTA 225) – Article 35.00.00 Planned Unit Developments.

PUBLIC HEARING RE-OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-02-031

Moved by: Kerwin

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV DEFINITIONS and XXXV GENERAL PROVISIONS, pertaining to Planned Unit Developments (PUD), be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Draft dated February 7, 2007.

Yes: All present (5)
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

5. SITE PLAN REVIEW (SP-937) – Existing Industrial Building Parking and Drive Modifications, West side of Rochester Road, North of Maple, Section 27 – Zoned M-1 (Light Industrial) District

Theodore Wahl and Ken Dudry of PEA were present for the petitioner.

Planning Director Miller provided the Planning Commission with a review of the site plan and stated that this was presented to the Planning Commission on January 9, 2007 and was postponed due to a request for additional information regarding the storm water retention. The petitioner did submit additional information pertaining to this matter for the Planning Commission's review.

Chairperson Schultz stated that the site plan showed storm catches in the parking lot, but it did not show where they were draining to. He then asked if the storm catches been eliminated.

Mr. Dudry responded that they will be outleting to the existing drain on the west side of the property and then there is an existing catch basin on the east that they will tie into. The storm catches have been eliminated.

Commissioner Tagle asked City Attorney Lancaster if there was a liability to the City from a potential slip and fall as a result of water pooling and freezing in the parking lot.

Assistant City Attorney Lancaster responded that the City would not be liable because of the existence of governmental immunity and the site plan must meet all engineering standards prior to final approval.

Resolution # PC-2007-02-032

Moved by: Hutson
Seconded by: Kerwin

RESOLVED, That Preliminary Site Plan Approval, as requested for the existing Industrial Building Parking and Drive Modifications, located on the west side of Rochester and north of Maple, Section 27, within the M-1 Zoning District, be granted.

Yes: All present (5)
 No: None
 Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

PLANNED UNIT DEVELOPMENT

- 6. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. #7) – Proposed Village at Big Beaver, Southwest corner of Big Beaver and John R, Section 26, Zoned M-1 (Light Industrial) District

Robert Jacobs was present on behalf of the petitioner. In view of the five vote rule, he requested that this item be moved to one of the study sessions in February.

Planning Director Miller stated that due to notification requirements for a Public Hearing the March 6, 2007 meeting is the earliest date to postpone to.

Philip Fitzgerald, business manager for First Baptist Church of Troy, 2601 John R, Troy, stated he would like to have the opportunity to speak on this item when it is considered.

Resolution # PC-2007-02-033

Moved by: Vleck
 Seconded by: Kerwin

RESOLVED, That the Planning Commission recommends that The Village at Big Beaver Preliminary Planned Unit Development be postponed until March 6, 2007.

Yes: All present (5)
 No: None
 Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

REZONING REQUEST

7. PUBLIC HEARING - REZONING REQUEST (Z-725) – Proposed Office Bldg., East of Livernois, South side of Wattles, Section 22 – From R-1C (One Family Residential) to O-1 (Low Rise Office)

Planning Director Miller presented a summary on the Planning Department report for rezoning request Z-725. He noted that there was an error on the written correspondence regarding this location, and it should read that it is located on the south side of Wattles.

Bill Mosher, 47745 Van Dyke, Shelby Township, was present on behalf of the petitioner. He stated that this is a unique parcel. It has been for sale for three years with residential zoning, but the housing market is weak. There have, however, been a lot of inquiries for office use. This is a more compatible use in light of the surrounding parcel arrangements and their uses.

Tony Haddad, 6507 John R, the petitioner, stated he would like to proceed with the rezoning request.

PUBLIC HEARING OPENED

Lee Nardi, 6507 John R, stated he lives directly across the street from the proposed office. There is way too much noise from the church and mainly the school. There are floodlights on at the school that light up the neighborhood. The proposed office location will be directly in front of his front window and he does not wish to look at it. In addition, we have a lot of truck traffic creating a large amount of noise, and any office use would make the area less desirable.

PUBLIC HEARING CLOSED

Commissioner Vleck stated he agreed that if it were to be rezoned, it would be spot zoning; however, we have a piece of property where on the north it is residential, but on both the east and west side there are heavy use zoning. It would be difficult to justify a residential use going into this area and poses a difficult zoning question.

Commissioner Tagle asked if there are any wetlands.

Planning Director Miller replied that the natural features map does not indicate any wetlands.

Chairperson Schultz added that the east and south property of the border are active drains.

Mr. Haddad informed the Planning Commission that approximately a year ago the Brookfield academy wanted to buy the property. They were unable to put a daycare in the location due to ordinance restrictions. Despite the ordinance being changed, they pulled out of the purchase agreement. The point is, the ordinance already exists to permit daycare at a private academy and that is consistent with office zoning.

Chairperson Schultz asked if daycares, in schools, require O-1 zoning.

Planning Director Miller responded that the City amended the Zoning Ordinance to allow a daycare be in a single family zoning district in a private school. They are also permitted in other residential zoning when they are adjacent to an O-1 zoning or other commercial zoning.

Chairperson Schultz clarified that this property does not require O-1 zoning if Brookfield Academy wanted to put a daycare at that site.

Resolution # PC-2007-02- -

Moved by: Vleck

Seconded by:

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size, be granted.

MOTION DIED for lack of second.

Resolution # PC-2007-02-034

Moved by: Hutson

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Schultz, Tagle

No: Vleck, Kerwin

Absent: Littman, Strat, Troshynski, Wright

NO ACTION ON MOTION due to failure to obtain minimum of five (5) votes needed to pass or fail.

Resolution # PC-2007-02-035

Moved by: Schultz
 Seconded by: Tagle

RESOLVED, That the Planning Commission hereby reconsiders the vote on the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size.

Yes: All present (5)
 No: None
 Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Resolution # PC-2007-02-036

Moved by: Hutson
 Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Kerwin, Schultz, Tagle, Vleck
 No: None
 Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

SPECIAL USE REQUEST

8. PUBLIC HEARING – SPECIAL USE REQUEST (SU-348) – Existing Troy Church of the Nazarene Addition, West side of Crooks, South of South Blvd. (6840 Crooks), Section 4, Zoned R-1B (One Family Residential) District

Planning Director Miller provided the Planning Commission with a review of the Planning Department report on the request for SU-348.

Discussion followed on proposed conditions to the Special Land Use request.

Chairperson Schultz asked if the six-foot screen wall, which is proposed at the rear of the property, is required by the City even though it is screening the trees on their own property.

Planning Director Miller responded yes it is required because it is a parking lot. However, the petitioner could seek relief of the requirement from the Zoning Board of Appeals.

Mark Hiller, Livingston Engineering, and Denise Wegner, Senior Pastor, were both present representing the petitioner.

PUBLIC HEARING OPEN

There was no one present to speak.

PUBLIC HEARING CLOSED

Commissioner Kerwin complimented the petitioner for putting the sidewalk going through to Sunrise. She asked if they are considering a school of any kind in the future, and what are the use plans for the facility.

Pastor Wegner responded that a school is not being considered. The proposed uses include: use for a teen group, 6 classrooms for Sunday school and Wednesday night education, youth groups, and community events such as blood drives.

Commissioner Hutson asked if they anticipate using the fellowship hall during worship services for Sunday school.

Pastor Wegner replied that typically they do not have Sunday school at the same time as services.

PUBLIC HEARING CLOSED

Resolution # PC-2007-02-037

Moved by: Kerwin

Seconded by: Hutson

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to eighty-three (83) when a total of

one hundred nine (109) spaces are required on the site based on the off-street parking space requirements for churches, as per Article XL. This reduction meets the standards of Article 40.20.12 given the nature of use at the Troy Church of the Nazarene.

BE IT FURTHER RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.04 of the Zoning Ordinance, as requested for the proposed Troy Church of the Nazarene Addition, located on the west side of Crooks, South of South Boulevard, in Section 4, within the R-1B zoning district, is hereby granted, subject to the following conditions:

1. The applicant shall provide a dumpster enclosure meeting the requirements of Section 39.70.09 of the City of Troy Zoning Ordinance.
2. All connecting sidewalks shall be at least 5 feet in width.

Yes: All present (5)
 No: None
 Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

At this point in the meeting, Assistant City Attorney Lancaster noted the applicant for Agenda Item #12 was present and suggested the Planning Commission consider Agenda Item #12 at this time since the Commissioner Hutson will be abstaining from this vote and no action will take place this evening.

Resolution # PC-2007-02-038

Moved by: Kerwin
 Seconded by: Vleck

RESOLVED, That the Planning Commission move Agenda Item #12, Site Plan Review (SP-909 C) proposed Starbucks Coffee Restaurant, Northwest corner of Big Beaver and Crooks, Section 29, H-S (Highway Service) and B-3 (General Business) District, to Agenda Item 8a.

Yes: All present (5)
 No: None
 Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

SITE PLAN REVIEWS

- 8a. SITE PLAN REVIEW (SP-909 C) – Proposed Starbucks Coffee Restaurant, Northwest corner of Big Beaver and Crooks, Section 29, H-S (Highway Service) and B-3 (General Business) District

Resolution # PC-2007-02-039

Moved by: Kerwin

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends that the proposed Amendment to Consent Judgment, as requested for the proposed Starbucks Restaurant, located on the northwest corner of Big Beaver and Crooks, located in Section 29, on approximately 0.53 acres, within the B-3 and H-S zoning districts, be postponed to the meeting of February 27, 2007 for the following reason:

1. The petitioner requested item is postponed until more planning commission members were in attendance.

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

9. SITE PLAN REVIEW – Timbercrest Farms Site Condominium, 32 units/lots proposed, South of Wattles Road, West of Fernleigh, Section 24, Zoned R-1C (One Family Residential) District

Principal Planner Savidant provided a summary of the Planning Department report for the Planning Commission.

Chairperson Schultz clarified the number of units on the site plan is 32.

Principal Planner Savidant verified that there were 32 units on the site plan.

There was no one member of the public present to speak.

Elaine Simpson, 50215 Schoenherr, was present representing the applicant. She stated there are 32 units and an outlet.

Commissioner Vleck stated that on the court where lots 51, 52, 53, and 54 are located, the sidewalk goes all the way to the property line. He asked if it would be possible to shorten that street to obtain additional landscaping between the sidewalk and the property line.

Nader Wehbe, 25775 W. 10 Mile Rd., Southfield, Engineer for the development, was present. He responded that they have just reduced it by five feet so the sidewalk is now 6 feet from the property line.

Chairperson Schultz asked if the Planning Department has an alternative site plan that is different from the one which the Planning Commission has.

Principal Planner Savidant replied no.

Mr. Wehbe clarified that the change can be made and in fact, has been made at the site construction stage in their offices; he continued that this is a minor change.

Commissioner Vleck asked for clarification of where the outlot was located.

Mr. Wehbe stated that the outlot is east of the cul-de-sac, east of lot 53.

Principal Planner Savidant stated that the outlot is not marked on the site plan.

Planning Director Miller informed the Planning Commission that an outlot cannot be created as part of a site condominium and requested clarification by the petitioner.

Ms. Simpson responded that they originally submitted 33 lots. After it was reviewed by the Planning Department, we were informed that the 33rd lot could not be included in the application.

Planning Director Miller stated that it will just not be part of the site condominium and technically it is going to be split from the development and will not be part of the development.

Resolution # PC-2007-02-040

Moved by: Vleck
Seconded by: Kerwin

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 Timbercrest Farms Site Condominium, including 32 units, located south of Wattles and west of Fernleigh, Section 24, within the R-1C zoning district, be granted, subject to the following conditions:

1. The stub street between lots 51 be shortened to allow for a minimum of six feet between the edge of the sidewalk and the property line to the east.

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

10. SITE PLAN REVIEW – Villas of Somerset Site Condominium, 11 units/lots proposed, South side of Big Beaver Road, East of Adams, Section 30, Zoned R-1C (One Family Residential) District

Principal Planner Savidant provided the Planning Commission with a summary of the Planning Department report for the Villas of Somerset Site Condominiums.

Joseph Crucciolla, 2025 W. Long Lake Rd, developer for the site, was present.

Jeff Rizzo, 13399 West Star, surveyor and engineer for the site, was present.

Commissioner Vleck asked if any other locations for the retention areas were considered.

Mr. Rizzo stated they did consider underground retention, but the City prohibits this. They decided to expand the existing retention basin to the adjacent subdivision to the west.

Commissioner Tagle will this be a dry pond and what are landscaping plans.

Mr. Rizzo expects it to be a dry pond, and they will meet any landscaping plans that the City requires, but basically they will seed or sod the area.

Principal Planner Savidant noted that the pond will be turned over to the City and become public property.

Shelly Lauer, 3812 Village Ct, stated she lives just south of property. The residents of the Northpointe 1 subdivision currently maintain that particular retention area, how will the combination of the detention areas affect us?

Chairperson Schultz explained that when the retention ponds are built, they are deeded over to the city. They are mowed by the City on an annual basis.

Ms. Lauer stated their subdivision is not aware of this, and it is her understanding that this is not owned by the City.

Chairperson Schultz responded that the ownership will have to be determined by the City.

Karen Lueck, 3826 Village Ct., how do we determine who cares for the property once it is combined?

City Attorney Lancaster replied that City staff can research and get an answer for the residents.

Commissioner Tagle asked if there is a plan with the boundaries of the existing retention area.

Planning Director Miller responded that the existing retention area is off of the subject property at the southwest corner.

Tim Madigan, 3798 Village Ct., stated his lot is directly south of the proposed subdivision. Are there any plans for walls, landscaping or fences on the south border?

Chairperson Schultz replied that those plans would include whatever is required by a City for a residential property abutting another residential property; but there are no requirements for walls, landscaping or fences.

Chairperson Schultz observed that there is an existing berm, and asked what are the plans for this area?

Mr. Rizzo stated that as part of the design, the berm is right in the future retention area. In addition, with the berm, Units 7 & 8 will have no usable back yard so their thoughts were to remove the berm. He stated the developer may consider using the trees on other areas of the property.

Jim Lieck, 3826 Village Ct, stated that the residents have re-landscaped the berm, put in 15 large trees, and maintained it for the past 12 years with the cooperation of church. This berm is a major issue for the homeowners. They would like to see trees replanted, perhaps onto their properties.

Chairperson Schultz stated the Commission certainly understands your concerns, however, that is a risk when making improvements on land not owned.

David Plunkett, representing the church. While the church understand the residents concerns, this is the churches property.

Commissioner Tagle asked for clarification on whether the berm was going away.

Mr. Rizzo replied that their intent is to remove the berm to provide suitable area for detention and to provide unit 7 and 8 a usable backyard. To leave it would

leave only the building set back, limiting what a homeowner could do in their backyard.

Commissioner Kerwin clarified that the developer was volunteering to replanting the trees on the berm.

Mr. Crucciolla replied, absolutely, they are looking to remove the trees, the berm and then replant the trees in the area.

Chairperson Schultz stated there is confusion due to the grading plan shows the elevation for the berm as it exists, it does not show the berm would be removed.

Mr. Rizzo clarified that the intent was to remove the existing 8-inch storm sewer and the berm. The proposed grades and the existing contour of the berm, it indicates that it will be removed.

Discussion followed on the drawings submitted and the lack of accuracy to the preliminary grading plan.

Mr. Rizzo noted that this is a preliminary grading plan that will be worked out in engineering. He added that they are showing a proposed storm line, if we are putting in a storm line, we are not going to maintain the berm.

Chairperson Schultz stated it is reasonable to assume that you were going to dig into the berm, and replace it since you show the elevations restored. The Commission was surprised tonight to see that the berm was going away.

Mr. Rizzo requested that this site plan be approved subject to the removal of the berm. He added if the site plan is approved, subject to the removal of the berm, the developer is willing to work with residents to replant the existing trees at the property line. They will work to accommodate the size of the trees and use what means are necessary to preserve them.

Chairperson Shultz confirmed that according to the site plan there are approximately 28 trees on the berm. He asked if the developer's offer of replacing the 28 trees was acceptable to the homeowners association.

Homeowner representative, Karen Lueck, stated that the developer has spoken with the residents regarding the trees, and he has been very responsive. She noted that they have to work with the developer pertaining to the re-grading of the area and how it affects their yards.

Commissioner Vleck asked Ms. Lueck, on behalf of the homeowners, if it is acceptable to the homeowners if the berm is being removed if the trees are replanted.

Ms. Lueck answered yes.

Commissioner Kerwin commented that the Commission encourages developers to work with neighbors and she is satisfied that this is occurring here. In addition she stated she appreciated the developer volunteering to save trees because they are valuable to the community.

Resolution # PC-2007-02-041

Moved by: Vleck
Seconded by: Hutson

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 Villas of Somerset Site Condominium, including 11 units, located south of Big Beaver and east of Adams, Section 30, within the R-1C zoning district, be granted, subject to the following conditions:

1. It is understood that the existing berm on the south side of that property will be removed.
2. All trees existing within that berm will be transplanted and replanted after the installation of the drainage.
3. Due to the removal of the existing berm, which extends into the neighboring properties to the south, the developer will work with those neighbors to ensure the proper drainage from the property owners from the south to the new development.

Yes: All present (5)
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

STREET VACATION

11. **PUBLIC HEARING - STREET VACATION REQUEST (SV-189)** – Alley, west of Rochester Road between Marengo and DeEtta, approximately 489.50 feet abutting Lots 5 through 13 of Troy Little Farms Subdivision, Section 3 – Zoned B-1 (Local Business) and R-1B (One Family Residential) Districts (the abutting parcels)

Principal Planner Savidant reviewed the Planning Department report pertaining to the Street Vacation Request, SV-189.

David Plunkett, 300 N. Old Woodward, was present on behalf of the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Commissioner Vleck asked if the alley is 100% located on the applicant's property?

Principal Planner Savidant responded that because it is an alley, it currently is City property. It abuts the entire plat of the applicant's property.

Chairperson Schultz clarified that the entire 20 feet will go to the petitioner.

Principal Planner Savidant responded yes.

Assistant City Attorney Lancaster noted that the City will look at the plat, and if it is on the plat, it will revert back to the property of the plat. This issue will still need to be researched and verified.

Resolution # PC-2007-02-042

Moved by: Tagle

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located west of Rochester Road between Marengo and DeEtta, approximately 489.50 feet abutting Lots 5 through 13 of Troy Little Farms Subdivision, Section 3, be approved.

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED**SITE PLAN REVIEWS**

12. SITE PLAN REVIEW (SP-909 C) – Proposed Starbucks Coffee Restaurant, Northwest corner of Big Beaver and Crooks, Section 29, H-S (Highway Service) and B-3 (General Business) District

This item was considered as item 8a.

POSTPONED ITEM

13. **PUBLIC HEARING - CONDITIONAL REZONING REQUEST (CR-001)** – Proposed Troy Medical Office (formerly Z-719), West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Assistant City Attorney Lancaster stated that if so desired, the Planning Commission can open the Public Hearing and keep it open until a later date.

Brandon Kaufman, 4657 Woodrich, West Bloomfield, the developer and petitioner, was present. He noted his difficulty in attending this evening's meeting and stated he was hoping for site plan approval tonight. He asked that the Public Hearing and discussion take place this evening, while he was present, and the Planning Commission action be taken at a later date to be determined by the Commission.

Chairperson Schultz asked Mr. Kaufman if he would prefer the item to be postponed until the study session February 27th or the Regular Meeting of March 6th.

Mr. Kaufman stated that he would prefer February 27th.

Principal Planner Savidant summarized the Planning Department report regarding Conditional Zoning Request, CR-001.

Commissioner Hutson excused himself from the meeting at 9:30 p.m.

Mr. Kaufman stated that they have taken a significant amount of time to meet with the homeowners on several occasions. We have taken into account the screening, building elevations, mechanical system locations, parking lot, as well as the layout and design. We have also worked with the property owner to the south. They recognize this development is adjacent to them and they are trying to be receptive to their concerns.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING REMAINS OPEN

Chairperson Schultz asked for clarification on the window on the north elevation.

Mr. Kaufman replied that the floor plan, with no window, would supersede the elevation plan.

Commissioner Hutson re-entered at 9:33 p.m.

Resolution # PC-2007-02-043

Moved by: Kerwin

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to O-1 conditional rezoning request, as per Section 03.24.00 of the City of Troy Zoning Ordinance, located on the west side of Livernois, north of Big Beaver, within Section 21, being approximately 1.26 acres in size, be postponed until the Study Session on February 27, 2007, until more Planning Commission members will be in attendance.

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

OTHER

14. **PUBLIC COMMENTS** – Items on Current Agenda

No one was present to speak.

15. **PLANNING COMMISSION COMMENTS**

Planning Director Miller thanked the Planning Commissioners that are in attendance due to the inclement weather.

Commissioner Kerwin asked if the Parks and Recreation Department would be consulted in the Agenda Item pertaining to the replacement of trees.

Chairperson Schultz commented that if there are any prohibited species, they would not be allowed to transplant the trees and that will be handled administratively.

Commissioner Vleck added that the trees in question are newer and should not have prohibited species among them. He stated that he noticed around the City the blue containers seeking clothes donations. He asked if there are any ordinances that regulate this? In his opinion, they are littering the City and perhaps this should be looked at further.

Principal Planner Savidant asked the Commission members to retain their packets for the items that have been postponed in an effort to conserve on paper usage.

Chairperson Schultz thanked everyone for attending. While it was an unusual meeting, what was accomplished was done efficiently.

ADJOURN

Chairperson Schultz adjourned the meeting at 9:39 p.m.

Robert Schultz, Chair

Cheryl Printz, Recording Secretary

G:\Planning Commission Minutes\2007 PC Minutes\Final\02-13-07 Regular Meeting_Final.doc