The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on April 1, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Michael W. Hutson
Mark Maxwell
Robert M. Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Wayne Wright (arrived at 7:38 p.m.)

Absent:
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Zak Branigan, Carlisle/Wortman Associates, Inc.

Resolution # PC-2008-04-041
Moved by: Strat
Seconded by: Troshynski

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

Yes: All (6)
Absent: Vleck, Wright (arrived at 7:38 p.m.)

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Hutson suggested reversing Agenda items #5 and #6.

Resolution # PC-2008-04-042
Moved by: Hutson
Seconded by: Troshynski

RESOLVED, To approve the Agenda as revised.

Yes: All (6)
Absent: Vleck, Wright (arrived at 7:38 p.m.)

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-04-043
Moved by: Tagle
Seconded by: Maxwell

RESOLVED, To approve the minutes of the March 25, 2008 Special/Study meeting as printed.

Yes: All (6)
Absent: Vleck, Wright (arrived at 7:38 p.m.)

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

STUDY ITEMS

6. MOBILE WINDSHIELD REPAIR – Discussion on Potential Zoning Ordinance Text Amendment

Mr. Miller summarized the item.

Mr. Forsyth gave an explanation of memorandum prepared by the City Attorney's office that addresses the issue of the equal protection clause of the Michigan and U.S. Constitutions.

Mr. Strat said he likes the idea of possibly allowing urban, pedestrian-friendly uses such as hot dog vendors along the Big Beaver Corridor.

Mr. Forsyth stated it is impossible to allow only specific uses, that you must open it up to all uses.

Mr. Maxwell asked if mobile windshield repair businesses would pay property taxes in the City.

Mr. Miller replied they would not.

Chair Schultz stated users pay rent to the owner of the parking lot, subsidizing the property taxes paid by the owner.

Mr. Maxwell asked if a representative from K4 Enterprises could briefly describe the business.

Peter Kapas of K4 Enterprises LLC gave a description of the business.

Mr. Maxwell asked what value the K4 business model would add to the community.

Mr. Kapas said windshield repair is an important safety issue and the mobile service provides convenience to people and families who are constantly on the go nowadays.

Mr. Maxwell asked how the business handles complaints.

Mr. Kapas replied if a chip is not repaired, a representative is sent to the home or workplace of the complainant and the windshield is replaced.

Mr. Strat asked Mr. Kapas to identify areas in Troy that K4 Enterprises would want to operate.

Mr. Kapas replied they are considering Oakland Mall and the K-Mart property at the intersection of Maple and Livernois.

General discussion followed.

Chair Schultz stated the direction from City Council is for the Planning Commission to evaluate mobile windshield repair. He indicated it is appropriate for the Planning Commission to consider amendments to the Zoning Ordinance but not appropriate to develop other ordinances, such as licensing ordinances. He indicated that would be the responsibility of City Council and City Management. Chair Schultz said the members have two options: (1) provide the Planning Department direction for amending the Zoning Ordinance to permit mobile windshield repair, or (2) recommend that the City Council take no action on the item.

There was discussion on permitting mobile windshield repair using a licensing procedure or under the Zoning Ordinance.

Resolution # PC-2008-04---
Moved by: Troshynski

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair; and

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission has reviewed the potential for permitting mobile windshield repair in Troy.

THEREFORE BE IT RESOLVED, The Planning Commission recommends that City Council take no action on this item, and consider development licensing procedures to permit mobile windshield repair and similar businesses to promote sustainability and walkability.

Motion **FAILS** due to a lack of a second.

Mr. Hutson said he is opposed to creating provisions for reasons stated in the memorandum provided by the City Attorney's office.

Mr. Wright agreed with Mr. Hutson. He also suggested that permitting uses in parking lots encourages unfair competition.

Resolution # PC-2008-04-044
Moved by: Troshynski
Seconded by: Strat

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair; and

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission has reviewed the potential for permitting mobile windshield repair in Troy.

THEREFORE BE IT RESOLVED, The Planning Commission recommends that City Council take no action on this item, and recommends licensure review.

Yes: Strat, Troshynski
No: Hutson, Maxwell, Schultz, Tagle, Wright

MOTION DENIED

Chair Schultz reminded the members that City Council asked the Planning Commission to consider the appropriateness of operating businesses in parking lots.

Mr. Strat suggested these provisions could apply to similar businesses located next to sidewalks or bicycle paths, and could add to the City's walkability.

Resolution # PC-2008-04-045
Moved by: Hutson
Seconded by: Wright

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair; and

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission has reviewed the potential for permitting mobile windshield repair in Troy.

THEREFORE BE IT RESOLVED, The Planning Commission recommends that City Council take no action on this item.

Yes: Hutson, Maxwell, Schultz, Tagle, Wright
No: Strat, Troshynski
Absent: Vleck

MOTION CARRIED

Mr. Strat explained his vote on the motion. He stated there should be a recommendation to City Council that the Transient Merchant License is a possible mechanism to consider.

Ms. Troshynski explained her vote on the motion. She stated the Planning Commission owes the City Council another arena for permitting these types of uses.

Chair Schultz requested a recess at 8:27 p.m.

The meeting reconvened at 8:37 p.m.

5. PLANNED UNIT DEVELOPMENT (PUD 10) – BBK Mixed Use Project – Discussion with Applicant

Mr. Miller introduced the item.

Zak Branigan of Carlisle/Wortman Associates, Inc., summarized the report prepared by his office.

Ryan Marsh of Landus Development introduced the project team which comprise of Cary Gitre of Livonia, Ross Fisher of Birmingham, Andrew Danahar of Birmingham and David Hunter of Troy.

There was general discussion of the proposed project.

There was general consensus that the Planning Commission supports the concept and the applicant was encouraged to continue moving forward.

OTHER ITEMS

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:35 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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R. Brent Savidant, Principal Planner

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