

Acting Chair Tom Krent called the Special/Study meeting of the Troy City Planning Commission to order at 7:05 p.m. on March 26, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Edward Kempen
Tom Krent
Gordon Schepke
Robert Schultz

Absent:

Donald Edmunds
Philip Sanzica
Thomas Strat
John J. Tagle

Also Present:

R. Brent Savidant, Planning Director
Susan Lancaster, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Eric Huang, Student Representative
Kathy L. Czarnecki, Recording Secretary

Mr. Savidant advised petitioners they could request postponement of an item until a full Board is present.

2. APPROVAL OF AGENDA

Resolution # PC-2013-03-022

Moved by: Schultz
Seconded by: Hutson

RESOLVED, To approve the Agenda as prepared.

Yes: All present (5)
Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2013-03-023

Moved by: Hutson
Seconded by: Kempen

RESOLVED, To approve the minutes of the March 12, 2013 Regular meeting as published.

Yes: All present (5)
Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

No report; there was no Zoning Board of Appeals meeting this month.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

No report; there was no Downtown Development Authority meeting this month.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following:

- Potential residential developments in pipeline.
- 2008 Master Plan study item beginning in April.

PRELIMINARY SITE PLAN REVIEW

8. PRELIMINARY SITE PLAN REVIEW (File Number SP 981) – Proposed Troy Shoppes, South side of Big Beaver, West of Crooks (1475 W Big Beaver), Section 29, Currently Zoned BB (Big Beaver) District

Mr. Carlisle gave a report on the Preliminary Site Plan application. He addressed the petitioner’s request to set back the building further to accommodate the patio and retaining wall, and addressed additional site plan requirements. He confirmed support of the proposed conceptual development, but stated the outstanding Zoning Ordinance requirements as outlined in his report, dated March 21, 2013, should be addressed prior to Preliminary Site Plan approval.

Jordan Jonna of A. F. Jonna Development said the existing 3-story office building needs work to come up to code and back on the market. He addressed the photometric plan, retaining wall, slope, outdoor patio, pedestrian sidewalks, materials and tenancy. Mr. Jonna said he could get a revised site plan submission to staff in time for the April Regular meeting.

Resolution # PC-2013-03-024

Moved by: Schultz
 Seconded by: Schepke

RESOLVED, To postpone the item to the Regular meeting in April or until such time that the petitioner is prepared to submit a complete package for review.

Yes: All present (5)
 Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED

The petitioner for Agenda item #9 was not present yet. It was the consensus of the Board to move to Agenda item #10.

SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW

- 10. PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 403) – Proposed Fifth Third Bank ATM, Northeast Corner of John R and 14 Mile Road, Oakland Plaza, Section 36, Currently Zoned CB (Community Business) District

Mr. Carlisle recommended that the applicant address the outstanding issues as outlined in his report, dated March 18, 2013, prior to granting Preliminary Site Plan and Special Use approval. He asked the Assistant City Attorney for advice on the scheduled Public Hearing.

Ms. Lancaster suggested postponing the Public Hearing to a date certain so that no re-notification is required.

Gerald Weber, project architect, 13711 Madison Avenue, Lakewood, Ohio, was present to represent the petitioner.

In order to allow staff time for review, it was determined to postpone the item to the April Planning Commission study meeting.

Mr. Weber said the bank is concerned from a safety and security standpoint about dimming the lights at 11 pm to sunrise, per the Zoning Ordinance requirement. He said the bank is a 24-hour operation. Mr. Weber also addressed the foliage/vegetation on site near the ATM operation.

Mr. Savidant said the Zoning Ordinance allows the Planning Commission to grant relief of the requirement to dim lights on a case-by-case basis.

Resolution # PC-2013-03-025

Moved by: Schultz
 Seconded by: Hutson

RESOLVED, To postpone the item to the April 23, 2013 Special/Study meeting, or until such time as the applicant has submitted the appropriate information to staff in time for review.

Yes: All present (5)
 Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED

The Public Hearing is postponed to April 23, 2013.

PRELIMINARY SITE PLAN REVIEW

- 9. PRELIMINARY SITE PLAN REVIEW (File Number SP 982) – Proposed MNAD Property LLC, East side of Rochester Road, North of Big Beaver (3424 Rochester), Section 23, Currently Zoned CB (Community Business) District

Mr. Carlisle gave a brief report on the Preliminary Site Plan application. He addressed the variance received last year from the Zoning Board of Appeals and the pre-qualified Sustainable Design Project (SDP) status. He recommended Preliminary Site Plan approval with the re-submission of a photometrics plan as part of Final Site Plan approval.

Mr. Savidant addressed the makeup of the Sustainable Design Review Committee and their finding that the application meets all prerequisite and qualifying standards. He reported the Committee granted Prequalified SDP status subject to annual inspections by the City to ensure that the green roof system continues to function as open space.

The project architect, Magdi Samwel, briefly addressed the green roof.

Mr. Schultz asked what action would be taken if the green roof becomes non-functional in the future.

Mr. Savidant said it would be treated as a violation of the Zoning Ordinance, similar to a violation relating to landscaping or a dumpster.

Resolution # PC-2013-03-026

Moved by: Schultz
 Seconded by: Schepke

WHEREAS, The application received Prequalified Sustainable Development Project status from the Sustainable Development Review Committee on March 22, 2013.

THEREFORE BE IT RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed MNAD Property office building additions, located on the east side of Rochester Road, north of Big Beaver (3424 Rochester), Section 23, within the CB (Community Business) district, be granted, subject to the following:

- 1. The applicant shall permit City staff to inspect the green roof on an annual basis during summer months to ensure it remains functional as a green roof.

2. The applicant shall submit revised photometrics that comply with Zoning Ordinance standards, prior to Final Site Plan Approval.

Yes: All present (5)

Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED

SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW

11. PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 404) – Proposed United Ventures II LLC, West of John R, North of Maple (1861 Birchwood), Section 26, Currently Zoned IB (Integrated Industrial and Business) District

Mr. Carlisle informed the Board the applicant seeks to store vehicles on the property without constructing a building. The applicant is going before the Zoning Board of Appeals on April 16, 2013 to seek a variance from the Zoning Ordinance requirement that a building must be constructed on the site. Mr. Carlisle recommended that action on the Special Use and Site Plan application be postponed pending a determination on the variance request. He asked the Assistant City Attorney how the Public Hearing should be handled.

Ms. Lancaster suggested postponing the Public Hearing.

Mr. Carlisle addressed the following outstanding site plan issues:

- Employee and street parking.
- Circulation with respect to trailers on site.
- Requirement for 8 foot fence; plan shows 6 feet.
- Construction of permanent building to facilitate office and employee facilities.

Mr. Savidant said the issue in this matter is whether the variance being sought is a use or non-use variance.

Nathan Robinson of Horizon Engineering was present to represent the petitioner. Mr. Robinson said the applicant is amicable to working with the City on all outstanding site plan concerns. He said there would be ample parking because out-of-state employees, housed in Troy, would be transported to/from the site in a van. Mr. Robinson said the 30-35 foot trailers would not be disconnected, nor create a circulation problem because the site is 65 feet wide. Mr. Robinson said company headquarters based in Washington Township would utilize cellular communications with its employees, thereby eliminating a need for a physical building on site. He said the required 8 foot fence would screen portable restroom(s), should such be permitted by the City.

Mr. Robinson said the proposed plan would be an overall improvement to the existing site. He said with Special Use approval granted back in 1982, the site currently houses approximately 20 vehicles with no appropriate screening.

There was no action taken.

The Public Hearing is postponed.

ZONING ORDINANCE TEXT AMENDMENT

12. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 245)**
 – Sober Living Facilities

Mr. Carlisle gave an update on the proposed Zoning Ordinance Text Amendment, confirming recent revisions made at the suggestions of Board members and sober living facilities in the area.

Mr. Savidant informed the Board that the proposed text was revised to correct any reference to “recovery center” to “sober living facility”.

Mr. Carlisle said with approval tonight, the process going forward would be:

- Announcement of Public Hearing at City Council, April 8.
- City Council Public Hearing, April 15.
- With City Council approval, text language would be in effect 10 days after adoption.
- Applicant would proceed with Rezoning Request and Special Use Approval on potential site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-03-027

Moved by: Kempen

Seconded by: Schepke

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, 6, and 13 of Chapter 39 of the Code of the City of Troy, which includes provisions related to sober living facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (5)

Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED

Mr. Schultz said he believes the City is “putting the cart before the horse” because sober living facilities are not recognized by the State of Michigan. He indicated his affirmative vote is to allow the item to go forward due to the absence of four Board members this evening.

OTHER BUSINESS

13. **PUBLIC COMMENTS** – For Items on Current Agenda

Tom Tezotte of 3651 S. Livernois, Rochester Hills, asked if he could be advised, or given a copy, of the proposed Zoning Ordinance language for the sober living facilities, as presented and approved this evening.

Mr. Savidant said he would address his request at the close of the meeting.

14. **PLANNING COMMISSION COMMENTS**

There were general Planning Commission comments.

The Special/Study meeting of the Planning Commission adjourned at 8:15 p.m.

Respectfully submitted,

Tom Krent, Acting Chair

Kathy L. Czarnecki, Recording Secretary