The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 8, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:
Thomas Strat
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Zak Branigan, Carlisle/Wortman Associates, Inc.
Bradley Raine, Student Representative
Kathy Czarnecki, Recording Secretary

Note: *See page 9 for Resolution to Excuse Absent Members.*

2. APPROVAL OF AGENDA

Resolution # PC-2008-07-082
Moved by: Vleck
Seconded by: Sanzica

RESOLVED, To approve the Agenda as submitted.

Yes: All present (7)
Absent: Strat, Wright

MOTION CARRIED

3. MINUTES – June 24, 2008 Special/Study Meeting

Resolution # PC-2008-07-083
Moved by: Tagle
Seconded by: Maxwell

RESOLVED, To approve the minutes of the June 24, 2008 Special/Study meeting as submitted.

Yes: All present (7)
Absent: Strat, Wright

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

Ted Wilson, representative of the Troy Chamber of Commerce, addressed sustainability as relates to the adoption of a revised Master Plan and Zoning Ordinance.

PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT APPLICATION (P.U.D. 13) – Proposed Troy Plaza New King Planned Unit Development, West side of Crooks, North side of New King (5500 New King), Section 8, Currently Zoned O-M (Office Mid Rise) District

Mr. Miller gave a short summary of the proposed project.

Zak Branigan of Carlisle/Wortman Associates, Inc. reported on the revised submittal. He addressed the revisions relating to parking, site access and internal circulation. He said it is their recommendation that the Planning Commission recommend to the City Council approval of the Concept Development Plan for Troy Plaza New King PUD.

Michael J. Gordon of Moiseev/Gordon Associates (MGA Architects), 818 W. Eleven Mile Road, Royal Oak, was present to represent the petitioner. He introduced those present: the petitioner, Frank Asmar of Tinelle Properties; project architect, Robert Cliffe of MGA Architects; legal counsel, Alan Greene of Dykema Gossett; civil engineer, Scott Chabot of Giffels Webster Engineering; and transportation engineer, Dylan Foukes of Metro Transportation Group. Mr. Gordon gave a PowerPoint presentation and displayed different views of the project. He specifically addressed the water feature, banquet facility and extended stay hotel features.

PUBLIC HEARING OPENED

Robert Wineman of Etkin Equities, 29100 Northwestern Highway, Southfield, was present. Mr. Wineman said they are significant property owners of office space in the area of the proposed project. He gave a history of their interest in the surrounding property and discussions they had with City staff approximately twelve years ago. Mr. Wineman voiced opposition to the proposed PUD as relates to the proposed retail. He said their opposition is based upon former conversations and agreements, verbal and otherwise, they had with City representatives relative to what they collectively envisioned for this portion of the City. Mr. Wineman addressed a potential for an oversaturated market and a potential competitive market as relates to existing tenants in the area.

Mr. Maxwell addressed the potential retail competition as relates to the size of the proposed establishments and the possibility that new retail could be complimentary to the existing retail. He asked if Mr. Wineman could substantiate that the proposed PUD would have a direct adverse affect on existing retail in the area.

Mr. Wineman said retail establishments in intense office areas focus on service-oriented types of establishments such as coffee purveyors and food users. He contended those uses are currently captured in that marketplace. Mr. Wineman considers the square footage of the proposed retail relatively large in comparison to the existing retail.

Bill Wylonis, General Manager of Emmes Realty Services, was present. He represented five buildings in the area (5600 New King, 5750 New King, 5505 Corporate, 5555 New King, and 5607 New King). Mr. Wylonis specifically addressed concerns with daytime parking in the area. To his knowledge, he said there has been no approval given for additional parking at those office buildings.

Mr. Tagle said the Planning Commission is in receipt of a letter from Emmes Asset Management out of New York under the signature of Audris Shau. The letter states that Tinelle Properties can use parking spaces on three of those office locations (5600 New King, 5555 New King and 5505 Corporate) on certain days and at certain times.

PUBLIC HEARING CLOSED

Mr. Tagle asked the petitioner to address the project's construction phases.

Mr. Gordon replied construction would not be in phases. It is their intent to construct under a single building permit. He said that because the retail portion would be completed and occupied prior to the completion of the hotel construction, a temporary front desk check-in area would be provided for extended stay hotel guests.

Mr. Tagle asked the petitioner to address parking on the site and adjacent properties.

Mr. Gordon said retail, hotel and extended stay guests would park on the property. Staff, banquet users and the valet service would use parking on adjacent properties.

Mr. Vleck addressed parking agreements in relation to preliminary and final PUD approval. He also suggested that gateway signage would be a positive addition in the approval process of the project.

Chair Schultz agreed. He said the project's location at an expressway entrance/exit is more or less a major gateway to the City.

Mr. Tagle asked for clarification on a comment in the Carlisle/Wortman report stating that retail hours of operation could run until mid to late evening. He asked if there were any concerns or issues should there be a 24-hour retail operation.

Mr. Branigan said there are no concerns with a 24-hour retail operation as relates to residential or parking.

Resolution # PC-2008-07-084
Moved by: Vleck
Seconded by: Tagle

RESOLVED, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Tinelle Properties LLC for the Troy Plaza Planned Unit Development (PUD 13), located on the west side of Crooks and the north side of New King, Section 8, within the O-M zoning district, being approximately 6.16 acres in size; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated July 1, 2008 that recommends Concept Development Plan approval of Troy Plaza Planned Unit Development; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Concept Development Plan Approval for Troy Plaza Planned Unit Development be granted.

Yes: All present (7)
Absent: Strat, Wright

MOTION CARRIED

SITE PLAN REVIEWS

6. SITE PLAN REVIEW (SP 883-C) – Proposed Addition and Parking Lot Modifications, Heartland Health Care Skilled Nursing Facility (925 South Boulevard), South side of South Boulevard, East of Livernois, Section 3, Zoned R-1B (One Family Residential) and O-1 (Low Rise Office) Districts (controlled by Consent Judgment)

Mr. Miller announced the petitioner would be asking for a postponement of this item.

Peter DeLoof of Seeligson, DeLoof, Hopper & Dever PLLC, 401 E. Liberty, Ann Arbor, was present to represent Heartland Health Care Facility. Mr. DeLoof said parking issues have arisen during the course of the operation of the facility and the

City administration has called attention to those same issues. Mr. DeLoof said the petitioner, in addressing those concerns, is pleased to inform the Commission they have been successful in obtaining an option to purchase the 1.7-acre parcel to the west. He said it is their intent to come back to the Commission with an amended application inclusive of the additional parcel and an improved parking arrangement. Mr. DeLoof respectfully requested the members to table the item until such time that an amended application is ready for submission.

Mr. Vleck addressed his concerns with (1) parking on residential streets and (2) transplanting existing trees.

Mr. DeLoof expressed appreciation for Mr. Vleck's comments. He addressed their direct relationship with the neighbors as relates to parking and assured Mr. Vleck they are working with landscape contractors on all landscaping matters.

Chair Schultz said the facility has a serious parking problem. He addressed the nature of the business and its parking needs.

Mr. DeLoof said it is recognized that additional parking is needed, and it is believed that the additional parcel will solve all parking issues.

Resolution # PC-2008-07-085
Moved by: Vleck
Seconded by: Maxwell

RESOLVED, To postpone this item until such a time that the petitioner has the opportunity to submit revised plans that includes the addition of the property to the west.

Yes: All present (7)
Absent: Strat, Wright

MOTION CARRIED

7. PRELIMINARY SITE PLAN REVIEW (SP 345-B) – Proposed Parking Lot Expansion, Existing Office Building, Northeast corner of Big Beaver and McClure, (1800 W. Big Beaver), Section 20, Zoned O-1 (Low Rise Office) and P-1 (Vehicular Parking) Districts

Mr. Savidant presented a summary of the Planning Department report on the proposed parking lot expansion. He reported it is the recommendation of City Management to approve the site plan as submitted, with two conditions: (1) The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant proposes to occupy the building and potentially increase parking demand; and (2) If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Mr. Hutson addressed the two conditions recommended for site plan approval. He asked what mechanism is in place to inform the City of a new tenant and advise the tenant to come back to the City for site plan approval. He addressed future parking demands, the potential to increase parking, and a potential scenario should parking become a concern in the future as relates to tenancy.

Mr. Savidant said Section 40.20.12 of the Zoning Ordinance provides the Commission with flexibility for the unique characteristics of this use, and noted the Planning Commission has discretion in the matter. He indicated any future parking issue would trigger complaints to the Building Department, at which time the matter would become a code enforcement issue.

Mr. Miller said another effective stopgap measure would be the Building Department's analysis of parking whenever there is a changeover of tenants. A building permit would not be issued until all parking requirements are met.

Mr. Tagle addressed the second condition of the draft Resolution and asked if City Management feels there are practical ways to alleviate any parking problem if and when it might occur.

Mr. Savidant replied in the affirmative. He said there is potential for the acquisition of property to the north, shared parking and a change in tenant mix.

David Hunter of Professional Engineering Associates (PEA), 24300 Rochester Court, Troy, was present to represent the petitioner.

Michael Locricchio of MLS Equity LLC, 1800 W. Big Beaver Road, was present also. Mr. Locricchio is one of the owners of the CPA firm located on the first floor.

Mr. Hunter said they are exploring a cross access easement agreement with the owners to the east and have had conversations with the property owner to the north. He addressed the parking needs of the existing tenants and written documentation of their parking needs. Mr. Hunter said the property owner thinks there is enough parking on site. He also addressed the formula used to calculate the requirement of 141 parking spaces. Mr. Hunter briefly discussed the proposed storm water detention.

Mr. Locricchio addressed alternative solutions to a potential parking issue and ongoing negotiations with adjacent property owners.

Discussion continued on parking concerns:

- Rescission of parking space reduction, if needed.
- Proposed draft Resolution; is it failsafe or valid should conditions change?
- Civil infraction(s) of code enforcement violations.
- Setting a precedent for future matters.

Discussion to postpone the item followed.

Chair Schultz advised the petitioner that five (5) affirmative votes would be required for approval.

Mr. Hutson voiced his opposition to the proposed draft Resolution. He said the petitioner has not provided documentation that additional parking is imminent.

Mr. Sanzica voiced his support of the proposed draft Resolution. He said the applicant is diligently working toward obtaining additional parking, and is in good standing as a resident and businessperson.

Dr. Lee Weinstein of Child Health Associates, 36700 Woodward Avenue, Bloomfield Hills, was present. Child Health Associates is the prospective new tenant who would occupy the building's second floor. Dr. Weinstein gave a short history of the business and indicated a strong desire to occupy the space. Dr. Weinstein said they are comfortable with the available parking that exists today. He pleaded with the members to go forward with site plan approval this evening, sharing their financial commitments to the site.

Mr. Locricchio addressed a parking variance granted by City Council in 2004 and a calculation of 117 parking spaces required at that time.

Discussion followed on the following:

- Variation of parking calculations in 2004 and 2008.
- Determination by Building Department that parking variance has expired.
- Length of vacancy of building's second floor space.
- Time limitations placed on site plan approval (i.e., Beaumont Hospital site plan approval for temporary structure).
- Scenario that potential future parking issue cannot be alleviated and existing tenant refuses to move out.
- Prospective new tenant's financial ties to occupancy of space, and the flexibility of the Commission to welcome a new tenant to the City.
- Formula used to calculate parking space requirements.
- Existing parking does not currently pose problem.
- Large percentage in reduction of parking spaces.
- Parking variance granted in 2004.

(Student Representative Raine exited the meeting at 9:25 pm)

Resolution # PC-2008-07-086
Moved by: Sanzica
Seconded by: Maxwell

RESOLVED, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the office building to 98, when a total of 141 spaces are required on the site based on the off-street parking space requirements for general office and medical office uses, as per Article XL. This 43-space reduction meets the standards of Article 40.20.12.

THEREFORE BE IT RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed parking lot expansion, located on the northeast corner of Big Beaver and McClure, in Section 20, within the O-1 and P-1 zoning districts, is hereby granted, subject to the following conditions:

1. The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant is proposed to occupy the building and potentially increase parking demand.
2. If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

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

MOTION DENIED

Resolution # PC-2008-07-087
Moved by: Vleck
Seconded by: Hutson

RESOLVED, To reconsider this item.

Yes: All present (7)
Absent: Strat, Wright

MOTION CARRIED

Resolution # PC-2008-07-088
Moved by: Vleck
Seconded by: Ullmann (after discussion on the motion)

RESOLVED, To postpone this item to the July 22, 2008 Special/ Study Meeting.

FURTHER, That the petitioner provide (1) recalculations of the required parking spaces using the formula for usable square footage and (2) copies of the City Council Resolution approved in 2004 for a parking variance.

Discussion on the motion on the floor.

Mr. Ullmann requested to include in the Resolution that the petitioner provide documentation from adjoining property owners of their intent to participate in cross access easement agreements.

[Motion seconded by Ullmann.]

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Hutson voted against the motion because he would like the Resolution to request the petitioner to provide documentation on the negotiations with adjoining property owners for cross access easement agreements.

OTHER ITEMS

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

MOTION TO EXCUSE ABSENT MEMBERS

Resolution # PC-2008-07-089
Moved by: Vleck
Seconded by: Hutson

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

Yes: All present (7)
Absent: Strat, Wright

MOTION CARRIED

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9. PLANNING COMMISSION COMMENTS

Mr. Sanzica asked the status of the former K-Mart Headquarters building.

Mr. Miller reported the proposed development, The Pavilions, is on hold because the petitioner is pursuing further tax credits for the demolition portion of project.

Mr. Tagle asked the process of site plan approval for historical properties.

Mr. Miller briefly addressed the site plan approval process for historical properties.

Mr. Vleck addressed parking at Kona Grill restaurant.

Mr. Miller announced the joint Planning Commission and Downtown Development Authority (DDA) meeting to discuss development guidelines is scheduled on Wednesday, July 23, at 7:30 a.m. Mr. Miller also announced that the City Council approved at their last meeting the distribution of the Draft Master Plan. He said the Planning Department would move forward on its distribution.

The Regular Meeting of the Planning Commission adjourned at 9:41 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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