

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on December 9, 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
Mark J. Vleck

Absent:

Thomas Strat
Lon M. Ullmann
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Bradley Raine, Student Representative
Kathy Czarnecki, Recording Secretary

Chair Schultz announced that five (5) affirmative votes are required for approval and recommending actions.

2. APPROVAL OF AGENDA

Resolution # PC-2008-12-143

Moved by: Tagle
Seconded by: Sanzica

RESOLVED, To approve the Agenda as prepared.

Yes: All present (6)
Absent: Strat, Ullmann, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-12-144

Moved by: Maxwell
Seconded by: Hutson

RESOLVED, To approve the minutes of the November 25, 2008 Special/Study Meeting as submitted.

Yes: All present (6)
Absent: Strat, Ullmann, Wright

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

REZONING REQUESTS

5. PUBLIC HEARING – REZONING APPLICATION (Z 734) – Proposed Veterinary Office, North side of Long Lake Road, East of Rochester Road (1047-1055 E. Long Lake Road), Section 11, From B-2 (Community Business) to B-3 (General Business) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning application, and reported it is the recommendation of City Management to approve the rezoning request.

John Hennessey of Hennessey Engineers, 13500 Mack Road, Southgate, was present to represent the petitioner. Mr. Hennessey said the use is harmonious with the neighborhood and would fill a need within the community.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2008-12-145

Moved by: Maxwell

Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to B-3 rezoning request, located on the north side of Long Lake Road, east of Rochester, within Section 11, being approximately 0.67 acres in size, be granted, because it is consistent with the intent of the Master Plan and is compatible with abutting zoning districts and uses.

Discussion on the motion on the floor.

There was a brief discussion on the principal uses permitted in the B-3 zoning district in relation to the size of the subject property.

Vote on the motion on the floor.

Yes: Hutson, Maxwell, Sanzica, Schultz, Tagle

No: Vleck

Absent: Strat, Ullmann, Wright

MOTION CARRIED

Mr. Vleck said he does not disagree with the proposed use, but he would prefer to see a conditional rezoning on the site so there would be more control with the integration of its use with surrounding properties.

6. PUBLIC HEARING – REZONING APPLICATION (Z 735) – Proposed Sonic Drive-In Restaurant, East side of John R Road, North of Fourteen Mile Road, Section 36, From B-2 (Community Business) to H-S (Highway Service) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning application, and reported it is the recommendation of City Management to approve the rezoning request.

There was a brief discussion on:

- The “finger” portion of the property.
- Landscape requirements/standards in relation to the bank to the north.
- Landbanked parking.

John Gaber, attorney for the owner, 380 N. Old Woodward, Birmingham, was present to represent the petitioner. Mr. Gaber introduced John Parapetti, Sr. Vice President of Development of Urban Retail Properties, and James Butler of Professional Engineers Associates. Mr. Gaber said the proposed use is a good fit for the property and is compatible with the retail center. He addressed the principal uses permitted in the H-S zoning district in relation to the size of the property. Mr. Gaber also addressed the “finger” portion of the site and its relation to the bank in terms of landscaping and site access.

Chair Schultz addressed the site layout; specifically, the “finger” portion. He said the 8,200 square feet would most likely not be utilized. Chair Schultz indicated the petitioner was avoiding seeking a variance from the Board of Zoning Appeals (BZA).

Mr. Gaber agreed they would prefer not to go before the BZA.

Mr. Hutson said it is unlikely anyone could do anything with that ‘finger’ portion of the property. He said the proposed use is an acceptable use and he sees no harm in going forward with the proposal.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2008-12-146

Moved by: Hutson
 Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to H-S rezoning request, located on the east side of John R, north of Fourteen Mile, within Section 36, being approximately 1.012 acres in size, be granted.

Yes: All present (6)
 Absent: Strat, Ullmann, Wright

MOTION CARRIED**STREET VACATION**

7. **PUBLIC HEARING – STREET VACATION REQUEST (SV 163-C)** – Myrtle Avenue (originally platted as Melita Avenue), East of Kilmer, North of Big Beaver, 50 feet wide and approximately 272.73 feet long, abutting Lots 19 through 22 of Burgess Bungalow Subdivision, Section 22 (located within proposed PUD #10 BBK)

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation, and reported it is the recommendation of City Management to approve the request.

Cary Gitre of Landus Development, 412 Willits, Birmingham, was present to represent the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2008-12-147**

Moved by: Sanzica
 Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Myrtle Avenue, located east of Kilmer and north of Big Beaver, approximately 50 feet wide and 272.73 feet long, abutting Lots 19 through 22 of Burgess Bungalow Subdivision, Section 22, be approved.

BE IT FURTHER RESOLVED, That the applicant shall cause to be completed a vacated, corrected or revised plat conforming to the requirements of the Land

Division Act, MCL 560.221, et. seq., for the areas affected by this vacation request, if required by the State of Michigan.

BE IT FINALLY RESOLVED, That the applicant shall deliver a recorded copy of the court judgment regarding the aforesaid vacated, corrected or revised plat, if required, to the City Attorney's Office prior to any construction commencing on the parcel.

Yes: All present (6)
Absent: Strat, Ullmann, Wright

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

8. SITE CONDOMINIUM SITE PLAN REVIEW – Proposed Oak Forest Site Condominium, 76 units/lots proposed, South side of Square Lake Road, West of John R and East of Willow Grove, Section 11, Zoned R-1C (One Family Residential) District

Mr. Hutson declared he has a business interest with the petitioner and asked to be recused from deliberations for both Agenda items #8 and #9.

Mr. Forsyth said it would be appropriate to recuse Mr. Hutson from both Agenda items to avoid any conflict of interest.

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium development, and reported it is the recommendation of City Management to approve the Oak Forest Site Condominium application with the condition that the mitigation areas are clearly indicated on all the plans prior to being reviewed by City Council.

Mr. Savidant addressed the proposed pedestrian pathway between units 31 and 32 to the unimproved Holm Street right of way to the south. He asked members to consider and make a determination whether the pedestrian pathway should remain, be eliminated, or replaced by a stub street designed to City standards.

There was a brief discussion on if and how the plan was revised since its prior approval and how the plan relates to the Master Plan.

The petitioner, Dale Garrett, 5877 Livernois, Troy, was present. Mr. Garrett said the lots were somewhat reshuffled as a result of the completion of the drain improvements. He indicated the number of lots remains the same and that basically there are no changes to the plan since its prior approval.

Discussion continued on:

- Mitigation areas.
- Pedestrian pathway.
- Housing market trends.

Chair Schultz opened the floor for public comment.

The following residents were present and spoke in opposition of the proposed development.

Dorene Randall, 5348 Abington, Troy.

Pam Brubaker, 5775 John R, Troy.

Patricia Ullmann, 5621 Willow Grove, Troy. Ms. Ullmann addressed both Agenda items #8 and #9.

Chair Schultz closed the floor for public comment.

Mr. Maxwell asked the petitioner to address his concern that the development might be overbuilt. He also asked if the petitioner would like to respond to any of the comments given tonight by the residents.

Mr. Garrett said the site, in his opinion, is not overbuilt. He said they are impacting 1.7 acres of wetlands and constructing 2.9 acres of the 39-acre site. Mr. Garrett said that averages out to a little over two units per acre, indicating the permitted density on the property is about four units per acre. Mr. Garrett addressed the rigorous process of the MDEQ and said he is satisfied with the determination. He is confident that all regulations and City ordinances relating to permits and the MDEQ have been followed. Mr. Garrett briefly addressed the trees cut on the Oak Forest South Site Condominium site and specifically noted that the cut trees were nursery stock size.

Mr. Savidant addressed the mitigation areas, to the best of his ability, on the overhead screen.

Resolution # PC-2008-12-148

Moved by: Sanzica

Seconded by: Vleck

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 Oak Forest Site Condominium, including 76 units, located on the south side of Square Lake Road and west side of John R, Section 11, within the R-1C zoning district be granted, subject to the following conditions:

1. All mitigation areas to be regulated by an MDEQ conservation easement need to be clearly indicated as such on all plans prior to being reviewed by City Council.

2. The proposed pedestrian pathway between units 31 and 32 to the Holm Street right of way to the south be eliminated.

Yes: All present (5)
 Abstain: Hutson
 Absent: Strat, Ullmann, Wright

MOTION CARRIED

9. SITE CONDOMINIUM SITE PLAN REVIEW – Proposed Oak Forest South Site Condominium, 24 units/lots proposed, South of Square Lake Road, East side of Willow Grove, Section 11, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed Oak Forest South Site Condominium, and reported it is the recommendation of City Management to approve the application with the condition to provide a public pathway connection to Jaycee Park.

The petitioner, Dale Garrett, 5877 Livernois, Troy, was present. Mr. Garrett addressed the pathway connection to Jaycee Park in relation to the conservation easement. He expressed concern in cutting trees to install the pathway.

Chair Schultz opened the floor for public comment.

Ann Bonnelli of 5612 Willow Grove, Troy, spoke in opposition.

Chair Schultz closed the floor for public comment.

A brief discussion followed on alternative options to construct a pathway that would not impose a threat to the conservation easement and wetlands.

Resolution # PC-2008-12-149

Moved by: Vleck
 Seconded by: Maxwell

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 Oak Forest South Site Condominium, including 25 units, located south of Square Lake Road on the east side of Willow Grove, Section 11, within the R-1C zoning district be granted.

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

MOTION FAILED

Mr. Tagle said the Planning Commission should take advantage of this opportunity to provide a public pathway.

Resolution # PC-2008-12-150

Moved by: Tagle
Seconded by: Schultz

RESOLVED, To reconsider the action just taken on this item.

Yes: All present (5)
Abstain: Hutson
Absent: Strat, Ullmann, Wright

MOTION CARRIED

Resolution # PC-2008-12-151

Moved by: Tagle
Seconded by: Sanzica

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 Oak Forest South Site Condominium, including 25 units, located south of Square Lake Road on the east side of Willow Grove, Section 11, within the R-1C zoning district be granted, subject to the following condition:

1. Provide a public pathway connection between the Brookwood Street sidewalk and Jaycee Park, through the conservation easement located between units 13 and 14.

Yes: All present (5)
Abstain: Hutson
Absent: Strat, Ullmann, Wright

MOTION CARRIED

OTHER ITEMS

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

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

Mr. Forsyth wished all a happy holiday.

Mr. Miller announced that Zak Branigan of Carlisle/Wortman Associates would be at the January 6, 2009 Special/Study meeting to discuss new zoning districts for the Zoning Ordinance. Mr. Miller briefly addressed the two rezoning requests on tonight's agenda with respect to permitted uses.

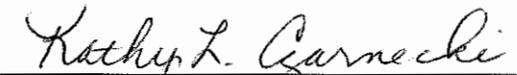
Chair Schultz addressed the formalization of an auto zone, the Commission's productive year of 2008, and the election of officers at the next meeting.

The Regular Meeting of the Planning Commission adjourned at 9:50 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



Kathy L. Czarnecki, Recording Secretary