The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:34 p.m. on June 14, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Chair Strat said he would limit public comment and discussion due to the length of the agenda.

2. PUBLIC COMMENT

Ed Sarkis of 70 McKinley, Troy, was present. Mr. Sarkis spoke with reference to the Special Use Approval (SU 325) granted to St. Augustine Lutheran Preschool located on the southwest corner of Livernois and McKinley. He said the light projecting onto McKinley is not properly shielded and asked that the City take enforcement action.

Chair Strat thanked Mr. Sarkis for bringing the matter to the attention of the Planning Commission. He said the Planning Department would look into the matter and take appropriate action.

TABLED AND POSTPONED ITEMS

3. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church/Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Miller reviewed the two proposed amendments to the PUD requested by the petitioner. He reported that the petitioner has committed to the screening of the

rooftop mechanical equipment. Mr. Miller said the freestanding sign on Rochester Road has been discussed but there has been no resolution to the matter. Mr. Miller reported that the EVA (Emergency Vehicle Access) connection between Woodside Bible Church and Northwyck Condominiums has not been constructed and City Management is concerned that the contractually obligated improvement has been ignored. It is City Management's recommendation to table the item to the July 12, 2005 Regular Meeting, as requested by the petitioner.

Mr. Miller explained the petitioner does not want to remove or replace the freestanding sign on Rochester Road, but would prefer to amend the PUD agreement to allow the sign. A permit was not granted for the erection of the sign.

Mr. Schultz asked if the Planning Commission has the right to direct the City to cease the issuance of a certificate of occupancy should the petitioner be in non-compliance of the PUD agreement.

Ms. Lancaster said the development agreement signed by all parties after the PUD approval by the City Council stipulates a remedy for non-compliance of the agreement. Ms. Lancaster said she would check into the matter and report back to the Planning Commission.

Note: The petitioner was not present.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

Resolution # PC-2005-06-095
Moved by: Waller
Seconded by: Schultz

RESOLVED, That the Proposed Amendment to Woodside Bible Church / Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1, is postponed for 30 days to the July 12, 2005 Planning Commission Regular Meeting.

FURTHER RESOLVED, That the petitioner be made aware they have to answer questions about the continued construction of the sign and respond to the EVA (Emergency Vehicle Access) construction. It would be appropriate that the response be in writing.

Discussion on the motion on the floor.

Mr. Schultz said it might be in the best interest of the City that the Planning Department contact both parties involved in the PUD; i.e., Woodside Bible Church

and Northwyck Condominiums. He said he would not be in favor of any forthcoming PUD amendments until the EVA is installed.

Vote on the motion on the floor.

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Vleck, Waller, Wright
No: Littman

MOTION CARRIED

Mr. Littman said it appears the petitioner is putting off the matter and doing what they want to do as opposed to what the ordinance requires.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reviewed two versions of the proposed zoning ordinance text amendment relating to accessory building definitions and provisions. The version recommended by the Planning Commission (Version A) limits the size of an accessory building to not exceed 75% of the ground floor footprint of the living area of the dwelling, incorporates a grandfather clause for existing accessory buildings that have been granted valid building permits, and limits the height of a garage door to 8 feet. City Management supports the Planning Commission recommendation with the exception of the 8-foot maximum garage door height limit (Version B).

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-096
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be amended as printed on the proposed Zoning Ordinance Text Amendment, Version A, as recommended by the Planning Commission.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Schultz, Waller, Wright
No: Strat, Vleck

MOTION CARRIED

Mr. Vleck said the structure identified as the problem was a garage that was double the square footage of the living area. He believes an ordinance that would limit the size of the accessory structure to be not greater than the total living area would be sufficient. Mr. Vleck is also opposed to the 8-foot garage door height limit.

Chair Strat said his opinion is that neither the City Management recommendation nor the Planning Commission recommendation satisfies or addresses the massing of the actual garage, and a so-called monster garage still could be built under either scenario in terms of the massing and size of the door.

5. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller said appropriate planning and zoning uses in the location should be determined and an amendment to the Future Land Use Plan would be recommended, should the rezoning request go forward. Mr. Miller reported that it is the recommendation of City Management to deny the rezoning application because it does not comply with the Future Land Use Plan.

Mr. Vleck asked for information on nearby properties with respect to Consent Judgments.

Mr. Miller said a Consent Judgment on the property one block north (commonly known as the Rabbani property) allows office use on the subject property. He reported that, in general, the area has had a number of land uses, and noted more recently residential development; i.e., PUD 1 Northwyck Condominiums, Sandalwood North and South condominiums, and a proposed PUD for a mixed-use development on the northeast corner of Rochester Road and South Boulevard.

Ms. Lancaster said the Rabbani Consent Judgment is the only one in the area of which she is aware. She said both zoning plans and future land use plans are important factors in litigation cases. Ms. Lancaster said the Judge in the Rabbani case was concerned about the number of non-conforming uses in the area at that time.

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the petitioner. Mr. Gaber said the proposed use is consistent with the character of the neighborhood. He reviewed the site characteristics with respect to residential development. Mr. Gaber said the lease for the existing Binson's located on Rochester and Square Lake Roads expires in a few months and they would like to relocate in the near future. He asked that the rezoning request not be held up in the process should the Planning Commission opt to amend the Future Land Use Plan. Mr. Gaber said there was an opinion and a judgment by the Court, prior to the Rabbani Consent Judgment, finding that the uses and zoning in the area had

changed significantly, and that the site would not be compatible for what it was zoned and master planned. Mr. Gaber said the McKenna report provided to the members support the changing uses and zoning. Mr. Gaber requested a favorable recommendation to the City Council.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Vleck believes the requested B-1 zoning classification is appropriate for the location, and a revision in the zoning classification would be considered in the future when the City undertakes its study of the Future Land Use Plan.

Mr. Khan said a main road is not suitable for residential use. He agreed with Mr. Vleck's comments.

Resolution # PC-2005-06-097
Moved by: Khan
Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 0.89 acres in size, be granted, for the following reasons:

1. That the property is too narrow to put residential use.
2. B-1 is the best use for this property.

Yes: Drake-Batts, Khan, Vleck, Waller
No: Chamberlain, Littman, Schultz, Strat, Wright

MOTION DENIED

Resolution # PC-2005-06-098
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 0.89 acres in size, be denied, for the following reasons:

1. The application does not comply with the Future Land Use Plan.

2. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions.
3. Rezoning this parcel to B-1 would result in the enlargement of an undesirable commercial "spot zone" along an area along the Rochester Road corridor that is planned for medium density use.
4. Approval of the rezoning request could open the door for further commercial rezoning applications along the Rochester Road corridor.

Yes: Chamberlain, Littman, Schultz, Strat, Wright
No: Drake-Batts, Khan, Vleck, Waller

MOTION CARRIED

Ms. Drake-Batts believes the zoning should be commercial. She said denial of the request would result in a court matter.

Mr. Khan said residential zoning is improper on a main road. He agreed the matter would end up in court.

Messrs. Waller and Vleck agreed with the comments of Ms. Drake-Batts and Mr. Khan.

PLANNED UNIT DEVELOPMENT REQUEST

6. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) Districts

Mr. Miller reported that City Management recommends approval of the proposed PUD with four conditions.

(1) The public benefit be reviewed and increased to an appropriate level.
(2) The auto courts and circulation drive north of the auto courts in the Villas be designated as fire lanes and no parking permitted.
(3) A connecting sidewalk provided from McClure to the northern tower entrance.
(4) A screen wall provided along the northern property line.

Mr. Miller said he believes it is a superlative project that would provide impetus and direction for the Big Beaver Road corridor.

Richard Carlisle, Planning Consultant, highlighted key elements why the proposed development meets the PUD criteria and the intent of the Master Plan. He said the project would offer many benefits to the Big Beaver Road corridor and enhance the

overall economic sustainability of the corridor. Mr. Carlisle specifically addressed the public benefit. A contribution of $200,000 (roughly $1,000 per unit) has been offered by the petitioner to be appropriated to a Big Beaver Road improvement fund. Mr. Carlisle said the contribution would not be proportional to the benefit that is being received by the applicant. He recommended a more equitable contribution and suggested a graduated range from $1,000 to $2,000 per unit, based on the quality and selling price of the unit.

Chair Strat requested a recess at 8:15 p.m.

The meeting reconvened at 8:20 p.m.

Thomas Kafkes of Joseph Freed and Associates, 220 North Smith Street, Palatine, Illinois, provided a visual and descriptive narrative presentation of the proposed project. He introduced members of the development, design and marketing teams and reviewed design highlights and benefits to the City of Troy that would support the project. Mr. Kafkes respectfully requested that the Planning Commission forward a favorable recommendation to the City Council.

Mr. Kafkes specifically addressed the following issues.

- The relocation of air-conditioning units in the Villas to screen potential noise.
- The traffic impact – comparison of office development -vs- PUD.
- The pavement widening along Alpine and McClure to accommodate parallel parking.
- The containment of trash within a private courtyard accessible off of Alpine. Trash from residents in The Villas would be contained in respective garages and placed on curbside for pickup.
- The vegetation screen wall to the north at 100% opacity, and the flexibility of the petitioner to construct a brick wall as well as limited vegetation should the City desire.
- The use of cutting-edge technology to become LEED certified.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed concern for the increase of traffic that would result from the proposed development. Mr. Krent distributed information to the members addressing specific concerns on traffic and CD's depicting the length of time cars would have to wait to exit Alpine onto Big Beaver Road during peak rush hours. He said the quality of life for existing residents would be affected by the proposed development.

Mike Baxter of 3141 McClure, Troy, was present. Mr. Baxter is one of the property owners immediately to the north of the proposed development. Mr. Baxter said

there are outstanding concerns that have not been addressed; i.e., setbacks, layout of the auto courts. He stated a preference for a stone wall at the northern edge of the development. Mr. Baxter urged the members to give attention to comments in the Planning Department and Planning Consultant reports relating to stronger policy guidance for the Master Plan, outdated requirements for existing multiple family developments, and the compatibility of the proposed development with the Future Land Use Plan. Mr. Baxter expressed concern with the future use of the land. He said developers who are interested in developing the area for future town homes have already approached neighbors. Mr. Baxter said the contribution of $200,000 to the City for public benefit would set precedence and appears to be a kickback.

Debbie Liposky of 3492 Balfour, Troy, was present. She is a resident of the Somerset North subdivision. Ms. Liposky is opposed to the proposed development. She said in their search of a perfect home, they checked on the surroundings. They were told that the City would not build any more tower buildings similar to the Top of Troy; the airport at Maple and Coolidge would restrict building heights; in essence, the surroundings would remain the same. Ms. Liposky asked how many stories would be considered high-rise if a mid-rise building is 23 stories. She referenced that the word on the streets is too many hands have been greased on this project and it is a done deal. It is her understanding that the taxes generated from the proposed development would go to the Downtown Development Authority, and she questioned the validity of that as opposed to using the tax dollars to repair Coolidge Road or any other side streets that would incur higher traffic volumes from the proposed development. Ms. Liposky addressed the affect the proposed development would have on future development in the area. She cited cities such as Birmingham, Bloomfield Hills and Rochester Hills do not have high-rise residential developments. Ms. Liposky encouraged the members to look at its vision of the city of tomorrow and determine if they would like to build a Birmingham or a Southfield.

Ms. Drake-Batts and Mr. Wright asked the audience to refrain from comments that suggest members have been paid off, or hands have been greased.

Zakariya Abuzaid of 3128 Alpine, Troy, was present. Mr. Abuzaid is one of the property owners directly to the north of the proposed development. Mr. Abuzaid said his previous concerns with respect to the floodplain and snow removal have not been addressed. He would like to have a 30-foot fence that would obscure the proposed development.

Wade Fleming of 3820 Victoria Court, Troy, was present. Mr. Fleming spoke in support of the proposed development. He said the project would benefit the Big Beaver Road corridor and the City's tax base. He asked that the City seriously address and remedy the traffic concerns voiced by the residents.

Ted Wilson of 5038 Kellen, Bloomfield Township, was present. Mr. Wilson spoke on behalf of the Troy Chamber of Commerce Board of Directors and the Economic Development Committee in support of the proposed development. He addressed

the original proposal that offered alternative traffic flow patterns (i.e., cul de sacs) for the neighborhood to the north and a corporate America view for residents near the Big Beaver Road corridor.

Barbara Dawson of 1834 Boulan, Troy, was present. Ms. Dawson is opposed to the potential increase in traffic and expressed concern with the safety of school children and pedestrians. She said their subdivision roads have no curbs or stop signs, and the long straight roads encourage speeders. She noted that Boulan is used as a cut-through to avoid the light at Big Beaver and Crooks. Ms. Dawson suggested barriers be placed on Alpine/Muer and McClure/Banmoor in an effort to prevent cut-through traffic. She distributed written comments to the members.

Keith Howard of 3229 McClure, Troy, was present. Mr. Howard said he bought his property after checking the City's Zoning Ordinance with respect to what he wanted to do with his property. He said the Zoning Ordinance permits only 3-story buildings in the area. Mr. Howard expressed concern with the future of the neighborhood. He said prior to his move to McClure, he was compelled to relocate due to an improvement generated by the City.

Michael Otti of 3225 McClure, Troy, was present. Mr. Otti is a 30-year resident and likes the area. He asked what the future plan is for the subdivision. Mr. Otti said he had seen advertisements for the proposed development several weeks ago, and questioned how they could advertise the sale of units before the project gets City approval.

Kim Duford of 3141 Alpine, Troy, was present. Ms. Duford noted that she has spoken before the Commission several times with respect to her concerns. Ms. Duford addressed the comments of Mr. Wilson, and noted residents were not given an opportunity to vote on the cul de sac layout proposed originally for the development. Ms. Duford said it would have been beneficial to circulate a survey to get suggestions from the residents. She noted that there are elderly neighbors who are unable to attend public meetings. Ms. Duford addressed public benefit (suggested sidewalks throughout the subdivision), setbacks, parallel parking, transitional screening, and noise. She expressed concern for the safety of the young children for whom she cares. Ms. Duford asked the petitioner to offer a public benefit to the neighborhood because they have supported the City prior to the proposed development.

Paul Piscopo of 3129 Alpine, Troy, was present. Mr. Piscopo spoke in support of the proposed development. He said the development would be a benefit to the City and its tax base. Mr. Piscopo feels there have been misrepresentations on behalf of the petitioner, and referenced the petitioner's contribution toward the monster garage lawsuit. Mr. Piscopo voiced a concern with the potential increase in traffic as a result from the proposed development.

Shirley Jordan of 3268 Alpine, Troy, was present. Ms. Jordan addressed the tax base, increase in traffic and traffic flow, turnaround for trash pickup, access to

schools, additional residential expenses and the Master Land Use Plan. She suggested looking into rezoning the whole area of land, and addressed the attractiveness of the City for commercial use.

PUBLIC HEARING CLOSED

Mr. Miller confirmed that all City departments reviewed the proposed development. He said the Fire Department reported no concerns with the layout.

Chair Strat said the Road Commission of Oakland County reported that a traffic signal is not warranted on Big Beaver Road, based on its traffic study. He said the Road Commission should listen to the comments of the residents in how difficult it is to exit onto Big Beaver. Chair Strat said cul de sacs create dead-end situations and can cause problems with emergency access.

Chair Strat asked the petitioner if he was involved with developments in other areas where the values of the homes adjacent to the development were either greater or had diminished in value.

Mr. Kafkes, in the development business over 25 years, said the impact to property values has been positive for residential developments similar to The Monarch that were situated immediately adjacent to another residential neighborhood. He said the only time in his career there was a negative affect on adjacent property values was when an industrial development was constructed adjacent to a residential area.

A brief discussion took place with respect to an appropriate public benefit contribution.

Mr. Kafkes said he could not make a commitment at tonight's meeting but would be willing to agree to a recommendation of approval conditioned upon final resolution of public benefit, to be discussed and determined at the City Council level.

Mr. Carlisle said the members would be assured that the public benefit contribution would be no less than what was initially offered.

Ms. Lancaster said the proposal could go forward to the City Council with a condition related to the public benefit contribution because City Council is the authoritative body for final approval.

Resolution # PC-2005-06-099
Moved by: Chamberlain
Seconded by: Waller

WHEREAS, the Planning Commission has reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Big Beaver Alpine LLC for the Monarch Planned Unit Development (PUD 4), located on

the north side of Big Beaver Road east of Alpine and west of McClure, located in Section 20, within the O-1, P-1 and R-1B zoning districts, being 5.85 acres in size.

RESOLVED**,** the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C*,* the applicant demonstrated quality objectives such as those referred to in Section 35.30.00.B-2. This includes a high quality of architectural design and materials, the provision of a higher quality of landscape materials, the provision of extensive pedestrian facilities and amenities.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.2, the applicant being a mixture of land uses that would otherwise not be permitted, including retail, high rise residential, town home residential and live-work units.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The applicant will be making a number of improvements within the Big Beaver, Alpine, and McClure rights-of-way. Furthermore, the applicant is in the process of determining the feasibility of which of the following three contributions will be made to the City: the donation of the two parcels north of the project; the donation of one residential parcel plus a cash contribution; or, a cash contribution only.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.6, the applicant provides a complementary variety of housing types that is in harmony with the adjacent uses. This variety includes three housing types: high-rise residential, including luxury condominiums (some penthouses), town homes and live-work units.

BE IT FURTHER RESOLVED**,** pursuant to Article 35.30.00.C. 7, the PUD promotes the intent of the Future Land Use Plan, which generally calls for more intense uses on major thoroughfares with less intense uses serving as transition areas between the more intense uses and single-family residential development.

BE IT FURTHER RESOLVED, that the Preliminary Planned Unit Development consist of a project manual, dated May 23, 2005, and a supplemental letter dated June 10, 2005, which contain narratives, reduced plans, and full size plans, including the following:

<u>Reduced plans and illustrations:</u>

Sheet L-1.1	Conceptual Landscape Plan (color)
Sheet L-1.3	The Villas Landscape Elevations (color)
Sheet C1.1	Topographic Survey
Sheet C2.1	Tree Survey

Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A2.0	Ground Level Floor Plan
Sheet A-2.1	Building Plans Level 2
Sheet A-2.2	Building Plans Level 3
Sheet A-2.3	Building Plans Level 4
Sheet A-2.4	Building Plans Level 5
Sheet A-2.5	Building Plans Level 5.5
Sheet A-2.6	Building Plans Level 6
Sheet A-2.7	Building Plans Level 8
Sheet A-2.8	Building Plans Level 19
Sheet A-2.9	Building Plans Level 20
Sheet A-3.0	Exterior Elevations
Sheet A-3.1	Elevations
Sheet A4.0	Unit Plans Levels 3-5, Levels 8-18
Sheet A10.1	Somerset Bridge Conceptual 3D Study
Sheet A10.1a	Big Beaver Road Conceptual 3D Study
Sheet A10.1b	Alpine Street Conceptual 3D Study
Sheet A10.2	Height Studies
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations
Sheet A10.4	Sales Center & Signage Plan
Sheet A10.5	Signage Site Plan
Sheet A10.6	Signage Elevation
(No number)	Exterior Materials (Tower Building) (color)
(No number)	(No title - Villa Unit Exterior Materials) (color)
Sheet L-1.2	Conceptual Lighting Plan
(No number)	View From Somerset Bridge (color)
(No number)	View From Big Beaver (color)
(No number)	View From Alpine Street (color)
(No number)	Big Beaver (South) Elevation (color)
(No number)	North Elevation (color)
(No number)	Alpine Street (West) Elevation (color)
(No number)	Photo Montage Views from McClure Street (color)
(No number)	Photo Montage Views from Alpine Street (color)
(No number)	Shadow Studies June 21st (color)
(No number)	Shadow Studies December 21st (color)

Full Size Plans:

Sheet C1.1	Topographic and Boundary Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan

Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations

BE IT FINALLY RESOLVED**,** That the Planning Commission recommends that The Monarch Preliminary Planned Unit Development be approved subject to the following conditions:

1. Troy Planning Consultant recommendation for the public benefit contribution formula is appropriate.
2. The auto courts and the circulation drive north of the auto courts shall be designated as fire lanes. No parking shall be permitted within the fire lanes at any time.
3. Provide a connecting sidewalk from McClure to the northern tower entrance, on the south side of the drive that is north of the DADA parcel.
4. There will not be a screen wall along the northern property line; it will be vegetation.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Schultz, Strat, Waller, Wright
No: Vleck

MOTION CARRIED

Mr. Vleck said he is supportive of the overall development. He noted the areas of concern relate directly to the town house portion of the development. Mr. Vleck's concerns are: (1) density is too great of an impact on the property to the north; (2) parallel parking abuts the existing property on McClure and Alpine; and (3) setbacks are not in line with the existing residential homes in the area.

Chair Strat requested a recess at 9:40 p.m.

The meeting reconvened at 9:50 p.m.

REZONING REQUESTS

7. PUBLIC HEARING – PROPOSED REZONING (Z 703) – 600 Stephenson Hwy, North of Fourteen Mile Road, East side of Stephenson Hwy, Section 35 – From R-C to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that it is the recommendation of City Management to approve the rezoning application.

There was a brief discussion with respect to parking requirements. Mr. Savidant said there appears to be enough parking available for the medical use. He explained that a submission of a site plan through the Planning Commission would not be required because it is simply an office use replacing another office use. Mr. Savidant said that at the time of application to the Building Department, the Building Department, with input from the Planning Department, would make a determination on the required amount of parking spaces. Mr. Savidant said the Planning Commission would be the authoritative body should there be a request to reduce the number of parking spaces.

The petitioner, J. B. Davies of Allison Associates of 180 High Oak Road, Bloomfield Hills, was present. Mr. Davies said the family business of 30 years would make an application to Special Tree, a company who provides rehabilitation for those with closed head injuries. He said the majority of space would be for its headquarters and administration office; a minority of the space would be for medical. Mr. Davies believes the use would conform to the parking requirements.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-100
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-C to O-1 rezoning request, located on the east side of Stephenson Highway, north of Fourteen Mile Road, within Section 35, being approximately 1.74 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 704) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester, Section 22 – From R-1E to B-2

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that it is the recommendation of the City Management to approve the rezoning application.

Mr. Miller explained that both actions, the Offer to Purchase the remnant parcel and the rezoning request, would be considered at the same City Council meeting. Should one action not be approved, the other action would not take place.

Ms. Lancaster confirmed that the Planning Commission could make their recommendation approval contingent upon the applicant's acquisition of the remnant parcel from the City.

Burt Kassab of 7125 Orchard Lake, West Bloomfield, was present to represent the petitioner.

PUBLIC HEARING OPENED

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat said the proposed rezoning is an intrusion and an encroachment of commercial use into the residential area. She said the property values of the residential homes would decrease. Ms. Balyeat questioned the need for another breakfast/coffee use at this location when there are vacant buildings throughout the City. Ms. Balyeat said that should the City go forward with the proposed rezoning, she would like the City's consideration to provide a tasteful brick wall as a transitional buffer and appropriate shielding of the parking lot lights.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger voiced opposition to the proposed rezoning. He said the City is literally taking down a house and moving commercial further into the subdivision. Mr. Billinger expressed concern with respect to noise, trash and dumpster locations. Mr. Billinger said his front yard view would be a brick wall should the proposed rezoning go forward. Mr. Billinger addressed current vacancies along Rochester Road that could accommodate the commercial use.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles said he is not opposed to the proposed rezoning. His concerns are the uneven property lines for commercial use in the area, and the potential of being enclosed by walls should the future commercial use construct a brick wall.

PUBLIC HEARING CLOSED

Chair Strat encouraged the residents to address their concerns at the time of City Council review of the proposed rezoning, and again at the time of site plan review by the Planning Commission should the rezoning go forward.

Ms. Lancaster clarified her earlier statement that the Planning Commission's recommendation could be contingent upon the remnant parcel sale. She pointed out that a rezoning request does not require conditions and putting a condition on the approval would put a condition on the City to sell the property. Ms. Lancaster suggested consideration of a recommendation that the property not be rezoned without the City remnant parcel sale, should the members make a recommendation of approval.

Mr. Miller clarified that property owners would not be notified at the time of the site plan review process should the rezoning go forward. He said interested residents could contact the Planning Department for status of the site plan application.

Resolution # PC-2005-06-101
Moved by: Waller
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road, within Section 22, being approximately 0.5 acres in size, be granted, with the condition that this recommendation will cease if the City is not able to work out a purchase agreement between the applicant for the Dunkin Donut property and the City and that the only way to move forward is if the applicant owns both parcels.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Waller, Wright
No: Drake-Batts, Vleck

MOTION CARRIED

Ms. Drake-Batts is not in favor of commercial use going into a residential neighborhood because of the affect it would have on the value of the residential homes. Ms. Drake-Batts encouraged the residents to send their concerns in writing to the City Council members.

Mr. Vleck agreed with the comments of Ms. Drake-Batts.

9. PUBLIC HEARING – PROPOSED REZONING (Z 705) – Proposed Robin's Nest Condominium, North side of Creston, West side of Rochester, Section 10 – From R-1C to R-1T

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that it is the recommendation of City Management to approve the rezoning application.

The petitioner, Fadi Nassar of 930 Smith Avenue, Birmingham, was present. Mr. Nassar said the proposed high-end development would complement the area and act as a nice buffer.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-102
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the north side of Creston and west side of Rochester, within Section 10, being approximately 0.67 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED

SITE PLAN REVIEW

10. SITE PLAN REVIEW (SP 915) – Proposed Carlton Villas Condominium, South side of Ottawa, West side of Rochester Road, Section 3, Zoned R-1T (One Family Attached) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Carlton Villas Condominium. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Bill Mosher of Apex Engineering, 47745 Van Dyke, Shelby Township, was present to represent the petitioner.

Mr. Vleck asked why the existing resident on the corner is staying.

Mr. Mosher said they would like to keep the residential compatibility with the existing neighborhood.

Mr. Savidant confirmed that the residence on the corner is a legal non-conforming structure.

Resolution # PC-2005-06-103
Moved by: Chamberlain
Seconded by: Littman

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Carlton Villas Condominium, located on the south side of Ottawa and west side of Rochester Road, located in Section 3, containing 15 units on approximately 3 acres, within the R-1T zoning district, is hereby granted.

Yes: All present (9)

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

11. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Articles XXV, XXVI, and XXVII – Freestanding Restaurants, Banks and Daycare Facilities in the O-M (Mid-Rise Office), O-S-C (Office-Service-Commercial) and R-C (Research Center) Districts

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reviewed the latest three revisions that were incorporated in the proposed text. Mr. Savidant reported that City Management concurs with the proposed text amendment.

Items briefly discussed were the size of the play area with respect to State and City requirements, and the minimum height of a fence for outdoor dining with respect to requirements of the Michigan Liquor Control Commission.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-104
Moved by: Waller
Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV, XXV, XXVI and XXVII, pertaining to Freestanding Restaurants, Banks and Daycare Facilities in the O-M, O-S-C and R-C Zoning Districts, and related additional definitions, be amended as printed on the Proposed Zoning Ordinance Text Amendment, and

BE IT FURTHER RESOLVED, That any reference to the requirement of the City ordinance for square footage of a play area be altered to match the requirements by State law.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Vleck, Waller, Wright
No: Drake-Batts

MOTION CARRIED

Ms. Drake-Batts said daycare facilities do not belong in parking lots and she expressed concern for the safety of children. She said the accessory uses would reduce the value of the buildings, affect leasing opportunities and generate litter.

12. PUBLIC COMMENT

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed the proposed The Monarch project. He confirmed that the project comprises of 207 units. Further, he asked the City's consideration in the construction of roads with respect to new developments and suggested the petitioner consider a daycare facility within the development.

GOOD OF THE ORDER

Ms. Lancaster said it was good to see everyone.

Mr. Miller announced that the June 15, 2005 Downtown Development Authority meeting was cancelled.

The Regular Meeting of the Planning Commission was adjourned at 10:38 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

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