

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on June 28, 2005 in the Council Board Room 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

Absent:

Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-06-105

Moved by: Schultz
Seconded by: Chamberlain

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

2. MINUTES

Resolution # PC-2005-06-106

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, To approve the June 7, 2005 Special/Study Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. BOARD OF ZONING APPEALS (BZA) REPORT

There was no report available.

5. PLANNING AND DEVELOPMENT REPORT

Mr. Miller reported on the following items.

- PUD 4 The Monarch, north side of Big Beaver Road, east of Alpine and west of McClure, Section 20 – Public Hearing is scheduled for July 18, 2005 City Council Meeting.
- Hidden Parc Site Condominium, north of Welling, west of John R, Section 14 – Preliminary approval by City Council at its June 20, 2005 meeting, with two cul de sacs as recommended by Planning Commission.
- Rezoning Request (Z 701) Buscemi's Party Shoppe, northeast corner of Hartland and Rochester Road, Section 23, R-1E and B-3 to B-1 – Approved by City Council at its June 20, 2005 meeting.
- Rezoning Request (Z 683-B), Al-Zouhayli Office Building, north side of Big Beaver between Rochester Road and John R, Section 23, R-1E and E-P to P-1 and E-P – Approved by City Council at its June 20, 2005 meeting.
- Requests for Final Site Plan Approval, Hidden Forest Site Condominium and Stone Haven Woods East 2 Site Condominium – To be considered at the July 11, 2005 City Council meeting.
- ZOTA 215-A, Accessory Buildings Definitions and Provisions – To be considered at the July 11, 2005 City Council meeting.
- July 12, 2005 Planning Commission Regular Meeting Agenda.
- First Tuesday of the month study meeting not scheduled due to the July 4 holiday – Next Planning Commission Meeting is the Regular Meeting on July 12, 2005.

Resolution # PC-2005-06-107

Moved by: Waller

Seconded by: Littman

RESOLVED, That Agenda Items #6 and #7 be reversed.

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

MOTION CARRIED

Messrs. Khan and Vleck thought it would be beneficial and informative to the public to observe the U. S. Green Building Council presentation, Agenda Item #7.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Group Daycare Homes in the R-1 (One Family Residential) Districts

[Note: There was a large number of people in attendance to address this item; 47 people signed in.]

Mr. Miller reviewed the proposed zoning ordinance text amendment relating to group daycare homes. He provided definitions of group daycare and family daycare. Mr. Miller reported that there are 19 group daycare homes, 45 family daycare homes and 48 child daycare homes in the City. He said municipalities have the legal right to regulate land use, and the City is not required to permit group daycare homes. Mr. Miller reported that City Management does not recommend adoption of the proposed zoning ordinance text amendment. Mr. Miller reviewed information relating to regulations of group daycare homes in nearby communities and the State of Michigan licensing process. Mr. Miller reported the Planning Department received a substantial amount of public comment that is unanimously in favor of group daycare. He noted that copies of the public comment were distributed to the members prior to the beginning of tonight's meeting.

Mr. Motzny reviewed a memorandum he prepared on the applicability of the State Construction Code Act with respect to family and group daycare homes. The memorandum was distributed to members prior to the beginning of tonight's meeting. Mr. Motzny opined that both family and group daycare homes would be subject to the provisions of the Michigan Building Code, based on the provisions of Michigan law currently in effect. He said the City is required to allow family daycare facilities with up to six children as a permitted use in all residential districts.

Ms. Drake-Batts read prepared comments. She said the needs of children, elderly, and working parents should be addressed and support should be given to both group daycare and home care providers because the City's Zoning Ordinance is out-of-date. Ms. Drake-Batts said group daycare homes should be permitted by Special Use, and the required Public Hearing would provide opportunity for public input from neighbors. She addressed concerns relating to traffic, parking, and in-home employees; the definition of "home occupation" in relation to home care providers for the elderly and disabled; and the value of the Troy school system.

[Audience applauded.]

Mr. Schultz said a study session is not a public forum or theatre performance, and asked the audience to withhold any applause.

Chair Strat concurred. Chair Strat said a resident seeking home care is not doing it for a profit, and that is a distinct difference between home care providers and childcare providers.

Discussion points were:

- Michigan Building Code in relation to departmental jurisdiction.
- Make-up of “City Management” and concerns of City Management (i.e., traffic, in-home employees).
- Review of public comment received and distributed by Planning Department.
- Definition of “home occupation”.
- House Bill 4398 – Passage of Bill would require cities to allow group daycare homes by special land use subject to conditions.
- Special Use Approval and proposed conditions recommended by Planning Department.
- Conditions placed on daycare facilities by other communities. [Conditions of the City of Livonia were read.]
- Concerns relating to business operation, noise, traffic, parking, drop-off areas, outdoor play area.
- Time limitations on Special Use Approval; Mr. Motzny reported time limitation would be an inappropriate condition to impose on Special Use Approval under current laws.
- Public Hearing input from neighbors in relation to future changes in neighborhood residency.
- State of Michigan application that specifies applicant should check with City ordinances.
- Options: (1) Set Public Hearing; (2) Table item for further review; (3) Take action to abandon proposed amendment.

Comments were solicited from around the table.

Chair Strat announced that public comment on this item would be more appropriate at a Public Hearing forum. Chair Strat noted that a Public Hearing held in the Council Chambers would more appropriately accommodate the number of people who wish to address the members and would provide proper notification for public comment.

Resolution # PC-2005-06-108

Moved by: Khan
Seconded by: Schultz

RESOLVED, That a Public Hearing on proposed Zoning Ordinance Text Amendment (ZOTA 214) relating to group daycare homes in the R-1 District be scheduled at the August 9, 2005 Regular Meeting, that notification of the Public Hearing be mailed to residents within a 300 foot radius of the 19 existing group daycare homes, that City Management provide a memorandum outlining its pros and cons on the matter, and that additional Special Use criteria be developed.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

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

The meeting reconvened at 8:25 p.m.

6. **PRESENTATION BY U.S. GREEN BUILDING COUNCIL, DETROIT REGIONAL CHAPTER, ADVOCACY COMMITTEE**

Paul H. Goldsmith of Harley Ellis and Detroit Regional Chapter of U. S. Green Building Council (USGBC) provided an introduction to sustainable design. An outline of his presentation follows:

- A. Building History leading up to “sustainable design”.
- B. Characteristics of “unsustainable building design standards” that have been in conflict with the growing “sustainable design” transformation.
- C. 1990’s – the transformation toward a “green building design” industry, the common sense alternative to current design practices.
- D. The emergence of the USGBC and LEED as the standard of measure.
- E. The future of green design.
- F. Q. and A.

Presentations on “Sustainable Planning for the Future” and “Bringing It All Together” are scheduled at the July 26, 2005 and August 2, 2005 Special/Study Meetings, respectively.

The members thanked Mr. Goldsmith for his time and excellent presentation.

8. PUBLIC COMMENTS

There was no one present who wished to speak.

GOOD OF THE ORDER

There was a review and discussion on the July 12, 2005 Regular Meeting agenda items.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:10 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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