

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on June 7, 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 (arrived 7:35 p.m.)  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Also Present:

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

2. MINUTES

**Resolution # PC-2005-06-092**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, To approve the May 10, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Khan, Littman, Schultz, Wright  
No: None  
Abstain: Chamberlain, Vleck, Waller  
Absent: Strat (arrived 7:35 p.m.)

**MOTION CARRIED**

**Resolution # PC-2005-06-093**

Moved by: Wright  
Seconded by: Khan

**RESOLVED**, To approve the May 24, 2005 Special/Study Meeting minutes as published.

Yes: All present (8)  
No: None  
Absent: Strat (arrived 7:35 p.m.)

### **MOTION CARRIED**

#### 3. PUBLIC COMMENTS

There was no one present who wished to speak.

#### 4. 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 the PUD application is in the process of departmental review and is scheduled for a Public Hearing at the June 14, 2005 Regular Meeting.

(Chair Strat arrived at 7:35 p.m.)

Jennifer Mooney, Bob Dudick, Tom Kafkes and John Bender of Joseph Freed and Associates, Gary Jonna of Whitehall Real Estate, and Ron Phillips of Tadian Homes were present.

Ms. Mooney reviewed specific revisions to the site plan with the use of visual boards and renderings and addressed signage and public benefit.

Landscape Architect Randy Metz of Grissim Metz Andriese Associates and Architects David Donnellon and Paul Burton of Design Resources addressed questions from the members.

A virtual reality presentation of the project was given by Donald Fullenwider of CitySimulation, LLC.

Comments from around the table revealed a general consensus that the petitioner has addressed most issues and concerns, and the project would be positive for the City. It was agreed that it would be in the best interest of all to streamline the PUD application process.

Chair Strat opened the floor for public comment.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford's home is one of the homes to the north of the proposed development. She said she did not accept the petitioner's offer to purchase her home at market price. Ms. Duford expressed opposition to the proposed development and addressed concerns related to density, traffic, noise (i.e., air conditioning units, garage doors, dogs, traffic), parallel parking,

and safety of children in the area. Ms. Duford said their neighborhood is being taken away for the benefit of the City of Troy.

Zakariya Abuzaid of 3128 Alpine, Troy, was present. Mr. Abuzaid, whose home is also to the north of the proposed development, supported all the comments made by Ms. Duford. He addressed concerns related to potential flooding, noise, density, traffic, emergency access, and snow removal.

Mike Baxter of 3141 McClure, Troy, was present. Mr. Baxter said the proposed auto courts line up with their home and expressed concern with headlights and noise. He addressed the parallel parking in relation to the width of road. Mr. Baxter questioned the allowable setbacks for the proposed development with respect to setbacks for residential homes. He expressed concern with noise from the air-conditioning units should they be placed at the end of the units and the placement of dumpsters. Mr. Baxter said he would like a wall to be erected for screening purposes.

Donna Eichner of 3086 McClure, Troy, was present. Ms. Eichner said she is not happy with the proposed development. She asked where the parallel parking would begin and indicated "no parking" signs are currently on the street. Ms. Eichner expressed concerns with the affect on the neighborhood from lighting, noise and traffic.

Jeni Baker of 6396 Emerald Lake Drive, Troy, was present. Ms. Baker said she could not understand why the City would go forward with a project of such density next to a neighborhood that has expressed concerns with its potential negative affects. She addressed the current vacancy rate of existing condominiums located in the City.

The floor was closed.

Ms. Mooney announced that she would not be present at the June 14, 2005 Public Hearing but all other project team members would be present.

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Chair Strat requested a recess at 8:45 p.m.

The meeting reconvened at 8:57 p.m.

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

Mr. Miller provided a review of the proposed zoning ordinance text amendment relating to group daycare homes. He noted that City Management continues to not recommend revising the ordinance because of the negative impacts that group daycare homes might have on neighborhoods. City Management feels that family

daycare homes, currently allowed within the City, can sufficiently accommodate childcare needs. Mr. Miller asked for direction from the members on how to proceed with the matter.

There was discussion on a memorandum prepared by the Director of Building and Zoning with respect to the State classification of a group daycare home and the requirement to comply with the Michigan Building Code.

Discussion followed on:

- Coordination of State law and City requirements.
- Compliance to Michigan Building Code.
- City inspection and enforcement of Michigan Building Code regulations.
- Financial burden on residential providers to comply with Michigan Building Code regulations.
- Limit on number of children and age restrictions in relation to State and City requirement differences.
- Special Use Approval.
- Exemption of group daycare homes from Home Occupation provisions.
- Family daycare vs group daycare in residential districts.
- Need for childcare providers.
- Safety of homeowner and child.
- Childcare practices of surrounding communities.
- Commercialization of residential neighborhoods.

Mr. Motzny said there is a conflict in State laws as relates to compliance to the Michigan Building Code with respect to family daycare homes (up to 6 children). He said a Court decision would have to be made should it become necessary. With respect to group daycare homes (up to 12 children), Mr. Motzny said it might be a good idea to impose the Michigan Building Code requirements. Mr. Motzny noted that townships are required to allow group daycare homes as a special use.

Mr. Motzny said the Planning Commission has authority to allow group daycare homes as a special use and conditions on that use could be imposed, such as compliance with the State building code. Mr. Motzny said it is his opinion that if there is a State building code, it should be complied with regardless. He said lowering the count to 5 children for family daycare homes to comply with the State limit would conflict with City zoning statutes that states 6 children are allowed.

After soliciting comments from around the table, a straw vote was taken to determine if there was an interest to go forward with a zoning ordinance text amendment to allow group daycare homes.

<u>Straw vote:</u>	<u>Yes</u>	<u>No</u>
	Drake-Batts	Chamberlain
	Littman	Khan
	Vleck	Schultz
	Waller	Strat
		Wright

There was a brief discussion on a resolution to recommend no further consideration of ZOTA 214.

Chair Strat opened the floor for public comment.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer said the Commission's consideration in allowing group daycare homes is very important to her. She asked the Commission to not put up a stop sign on the proposed zoning ordinance text amendment. Ms. Schafer encouraged further research on the Michigan Building Code and the operation of residential childcare homes in other cities with respect to State laws and regulations. She said there has to be some explanation how other cities can allow residential childcare providers. Ms. Schafer distributed copies of an article from the 2004 summer edition of the *Planning Commission Journal* on daycare providers. She said childcare providers would be forced to go underground; therefore, providers would not be licensed and the safety of children could be jeopardized. Ms. Schafer referenced potential changes in the State of Michigan rules and regulations. She provided the information to the Assistant City Attorney for his review. Ms. Schafer cited minor complaints that were made to the Police Department with respect to traffic. She said residential childcare providers are in demand, and she would like to continue to provide childcare out of her home.

Sandra Ginal of 3824 Brimfield, Auburn Hills, was present. Ms. Ginal uses a residential childcare provider in the City of Troy where she has worked for two years. She said some children are better suited for a small environment as opposed to commercial childcare. Ms. Ginal said it is very important to a working mother to place a child in the right environment, and encouraged the City to keep options available for working parents.

Kerri Gentry of Sandstone Drive, Rochester Hills, was present. Ms. Gentry, a resident of Troy for five years, recently moved to Rochester Hills. Ms. Gentry said there were childcare options available to her in Rochester Hills, but she chose to keep her daughter in the residential childcare home in Troy. She asked the members to provide childcare options that would attract young professional people.

Jeni Baker of 6396 Emerald Lake Drive, Troy, was present. Ms. Baker addressed childcare options from the perspective of a parent and the reasons why she chose group daycare.

George Renaud of 170 Hampshire, Troy, was present. Mr. Renaud asked the members to give as much attention to the care of children as given to proposed multi-million dollar projects.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford is a group daycare provider. She cited statistics provided on the Family Independence website show the average income of a fulltime daycare home provider is \$18,000 annually. Ms. Duford said there are 65 daycare homes in the City that would be affected should the City impose the State building code regulations. She noted childcare for newborns to 2.5 years is limited. Ms. Duford is President of the Oakland County Daycare Home Association and said she would make sure that everyone knows that Troy is going to shut down family childcare providers.

Mr. Motzny confirmed that the State building code is the law and the City enforces it.

Mr. Littman asked Ms. Duford how other cities operate childcare facilities as relates to the State regulations.

Ms. Duford replied that cities do not enforce the State law. She said building and planning departments become involved only in proposed new developments. She said the City never got involved in all her years and her mentors' years of providing childcare. Ms. Duford said her home is an accredited childcare provider both on the State and national level. She that churches that have daycare operations do not have sprinkler systems and are not barrier-free. She asked how the City could enforce the regulations on residential homes and not on churches. Ms. Duford suggested that the members contact the 4C (Community Coordinated Child Care Agency) at 248.681.5633 and to call the State license department. Ms. Duford said she follows State regulations; her home has a fire extinguisher, three smoke detectors, two fire exits, monthly fire drills and tornado drills, posted emergency numbers and she and her employees have the required medical tests. Ms. Duford said she is covered for liability through homeowners insurance.

The floor was closed.

Discussion followed.

Several members thought it would be best to do further research on the Michigan Building Code.

Mr. Chamberlain said State applications stipulate that a provider check with their municipalities to confirm that family or group daycare is allowed, and group daycare homes are not allowed in the City of Troy.

**Resolution # PC-2005-06-094**

Moved by: Chamberlain

Seconded by: Wright

**RESOLVED**, That the guidance given tonight from this board is that the Planning Department no longer extend any more effort on ZOTA 214, group daycare in the R-1A through R-1E districts, but they should look into that applicability of the State building code for family daycare homes to see if anything should be done in the City ordinances to clear up potential legalities.

**Discussion on the motion on the floor.**

Mr. Schultz said he would like to see how other communities address the State laws.

Mr. Waller said the City does not need another potential hot issue, and he would like a better understanding of the building code and how other communities address residential childcare providers.

Chair Strat agreed that other communities, including Birmingham, Bloomfield, Auburn Hills, and Sterling Heights, should be investigated to see how they address the State law as relates to residential childcare providers.

**Vote on the motion on the floor.**

Yes: Chamberlain, Khan, Wright

No: Drake-Batts, Littman, Schultz, Strat, Vleck, Waller

**MOTION DENIED****6. REVIEW OF JUNE 14, 2005 REGULAR MEETING**

Agenda items for the June 14, 2005 Regular Meeting were briefly reviewed.

**7. PUBLIC COMMENTS**

Sharon Schafer of 5593 Mandale, Troy, thanked the members in their decision to look further into the proposed zoning ordinance text amendment relating to group daycare homes.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed the need for interconnectivity between subdivisions.

Ted Wilson, chairperson of the Chamber of Commerce Economic Development Committee, was present. Mr. Wilson addressed the proposed Monarch PUD, the

City's PUD process, and the Chamber's support in the City's review of the Master Plan as well as the Big Beaver Road, Maple Road and Stephenson Highway studies.

### **GOOD OF THE ORDER**

Ms. Drake-Batts apologized for comments that might have offended other members in her dialogue relating to group daycare homes. She said the issue is very important to her and her family.

Mr. Littman referenced the interest in The Monarch's proposed dog walk/park and suggested a dog park might be an item to consider for the City.

Mr. Schultz said there was reference made in discussion tonight that the Planning Commission would profit from The Monarch development. He said nothing could be further from the truth. Mr. Schultz said the members are here to listen to public comments and not to be threatened.

Chair Strat apologized for his reaction to the public comments on group daycare homes.

There was a brief discussion on the length of the June 14, 2005 Regular Meeting agenda.

Mr. Motzny said the information provided him by Ms. Schafer is proposed changes to administrative rules, and he would look into the matter and report back to the members.

Chair Strat reported he is continuing to work on the assignment of sub-committees (Bylaws and PUD process), as well as going forward with the review of the Master Plan and Zoning Ordinance.

### **ADJOURN**

The Special/Study Meeting of the Planning Commission adjourned at 10:22 p.m.

Respectfully submitted,

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Thomas Strat, Chair

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Kathy L. Czarnecki, Recording Secretary