

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on October 13, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Mark Maxwell  
Philip Sanzica  
Robert Schultz  
Thomas Strat  
John J. Tagle  
Lon M. Ullmann  
Mark J. Vleck

Also Present:

R. Brent Savidant, Acting Planning Director  
Christopher Forsyth, Assistant City Attorney  
Zachary Branigan, Carlisle/Wortman Associates, Inc.  
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2009-10-083**

Moved by: Maxwell  
Seconded by: Tagle

**RESOLVED**, To approve the revised Agenda as prepared.

Yes: All present (9)

**MOTION CARRIED**

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

## **PLANNED UNIT DEVELOPMENT**

4. **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 9)** – Proposed The Pavilions of Troy Planned Unit Development, Northwest Corner of Big Beaver and Coolidge, Section 19, Currently Zoned PUD 9

Mr. Savidant stated the Public Hearing for this item was scheduled in an attempt to be responsive to the petitioner's request to an aggressive review and approval process for a potential Amendment to the Concept Development Plan (CDP). The PUD project was discussed at the October 6, 2009 Special/Study meeting. At that meeting, the petitioner proposed to increase the retail component by 150,000 square feet. At an internal meeting on October 7, 2009, the petitioner verbally indicated to City Management that they do not desire additional retail square footage and their intent is to submit a Preliminary Development Plan (PDP) that would be consistent with the CDP. Therefore, a Public Hearing is not necessary but there was not sufficient time to publish a notice of cancellation. Mr. Savidant stated no action is necessary on the item.

The petitioner was not present.

### **PUBLIC HEARING OPENED**

Ted Wilson of 5038 Kellen, Bloomfield Hills, was present. Mr. Wilson is on the Troy Chamber of Commerce Board of Directors. He asked members to address the proposed residential development and Cunningham Road.

Chair Schultz replied the petitioner has submitted no plans.

Mr. Savidant said it is understood the intent of the petitioner is to submit a Preliminary Development Plan that is consistent with the Concept Development Plan, which controls the site.

### **PUBLIC HEARING CLOSED**

Chair Schultz duly noted and acknowledged receipt of written correspondence from representatives of the Somerset Collection and a Troy resident.

5. **THE PAVILIONS OF TROY PLANNED UNIT DEVELOPMENT (P.U.D. 9)** – Proposed Amendment to Development Agreement – Northwest Corner of Big Beaver and Coolidge, Section 19, Currently Zoned PUD 9

Mr. Savidant introduced a memorandum prepared by the City Attorney's office with respect to a proposed Amendment to the PUD Development Agreement.

Mr. Forsyth gave a brief history of discussions with the petitioner and representatives. He addressed the proposed Amendment of the PUD Development

Agreement as submitted by the petitioner's attorney as well as a request to submit the proposed Amendment to City Council at their October 19, 2009 Regular meeting.

Mr. Forsyth detailed the proposed Amendment which primarily seeks to change Paragraph 30 of the PUD Development Agreement. He indicated the City Administration is concerned that the proposed Amendment would preclude The Pavilions of Troy PUD from being a vertical and horizontal mixed use development. He indicated the proposed Amendment does not guarantee that the residential component, or any other mixed use component, would be constructed after the retail component, and therefore, is inconsistent with the Big Beaver Corridor Study and Master Plan. Mr. Forsyth indicated the City may wish to allow a plan that calls only for retail uses for the property in light of the current economy. He said should that be the case, the City Administration would work with the petitioner in applying for an Amendment to the Concept Development Plan.

Mr. Forsyth said he wanted to inform the Commission of the proposed Amendment and concerns of the City Administration prior to consideration and action on the item at the October 19<sup>th</sup> City Council meeting. Mr. Forsyth noted there is no action necessary on the part of the Planning Commission.

Discussion followed on the PUD approval process. The following concerns were expressed with respect to the proposed Amendment to the PUD Development Agreement:

- Planning Commission would be forced to make a positive recommendation on a Preliminary Development Plan, should the proposed Amendment be approved by City Council.
- Fundamental and character changes to PUD as originally submitted by previous petitioner.
- Intent of petitioner and position of petitioner that original PUD is a "cartoon" that cannot feasibly be developed.
- Timing of project and mixed use development, as relates to proposed residential units along the northern boundary of the property.
- Disguise for what might be considered a rezoning request to retail.
- Lack of support in the elimination of the last sentence of Paragraph 30.
- Suspect misrepresentation on the part of the petitioner that there was discussion with Somerset Collection, in light of correspondence received from Somerset Collection representatives.

There was discussion on drafting a Resolution to City Council.

Mr. Branigan explained that an Amendment to the PUD Agreement does not require a formal recommendation from Planning Commission.

It was the general consensus to table the item so that the Planning Commission could draft a Resolution during a recess.

**Resolution # PC-2009-10-084**

Moved by: Vleck

Seconded by: Maxwell

**RESOLVED**, To table the item until after Agenda item #6.

Yes: All present (9)

**MOTION CARRIED**

**SITE CONDOMINIUM SITE PLAN**

6. **SITE CONDOMINIUM SITE PLAN REVIEW** – Adams Road Site Condominium (Renewal), 5 units/logs proposed, East side of Adams, South of South Blvd., Section 6, Zoned R-1A (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the renewal of the proposed site condominium site plan review, and reported it is the recommendation of City Management to approve the application as submitted.

Dave Donnellon of Design Resources, 755 W. Big Beaver Road, Troy, was present to represent the petitioner. Mr. Donnellon briefly addressed the current market for residential, and acknowledged the engineering design items that need to be addressed when the project goes forward.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

**Resolution # PC-2009-10-085**

Moved by: Vleck

Seconded by: Strat

**RESOLVED**, That the Planning Commission recommends to City Council that the Renewal of the Preliminary Site Condominium Plan (Section 34.70.00 One Family Cluster Option), as requested for Adams Road Site Condominium, including 5 units, located on the east side of Adams, south of South Boulevard, Section 6, within the R-1A zoning district, be granted.

Yes: All present (9)

**MOTION CARRIED**

Chair Schultz requested a recess at 8:10 p.m.

The meeting reconvened at 8:20 p.m.

5. THE PAVILIONS OF TROY PLANNED UNIT DEVELOPMENT (P.U.D. 9) – Proposed Amendment to Development Agreement – Northwest Corner of Big Beaver and Coolidge, Section 19, Currently Zoned PUD 9

*(Continued – item previously tabled)*

**Resolution # PC-2009-10-086**

Moved by: Hutson

Seconded by: Strat

**WHEREAS**, The Planning Commission has reviewed and considered the proposed Amendment to the PUD 9 Development Agreement; and

**WHEREAS**, The Planning Commission believes the proposed Amendment completely eviscerates and destroys the Concept Development Plan of a mixed use; and

**WHEREAS**, the proposed Amendment is contrary to the Master Plan and the Big Beaver Corridor Study; and

**WHEREAS**, We believe that if the PUD is to be amended, it should begin with a new Concept Development Plan, and any action at this point is premature.

**THEREFORE BE IT RESOLVED**, The Planning Commission vigorously recommends to the Troy City Council that it decline to amend the Development Agreement as proposed by Grand Sakwa.

Yes: All present (9)

**MOTION CARRIED**

**OTHER BUSINESS**

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

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## 8. PLANNING COMMISSION COMMENTS

Mr. Strat asked if some type of legislation could be enacted on parked vehicles along major roads that exhibit signage with the intent to advertise. He specifically noticed parked trucks on the northeast corner of Long Lake and Rochester Roads. Mr. Strat also asked for an update on the transit center and the Zoning Ordinance Text Amendment relating to the sale of used cars in the M-1 zoning district.

Mr. Savidant briefly reviewed the status and funding of the transit center. He said he would forward to members the minutes from the last team meeting.

Mr. Savidant said that currently sign provisions are not part of the Zoning Ordinance, and noted that signage is not required in the site plan approval process. Mr. Savidant indicated that signage would likely be addressed in the rewrite of the Zoning Ordinance. He further said that comments from tonight's meeting would be forwarded to the Building Department.

Mr. Savidant said the proposed Zoning Ordinance Text Amendment relating to the sale of used cars in the M-1 zoning district would be on the October 27, 2009 Special/Study meeting agenda.

Maryann Bernardi of 384 Lawson, Troy, was present and spoke with respect to the parked vehicles that contain signage for advertising. She reported similar incidences to the Building Department, specifically at Coolidge and 15 Mile. Ms. Bernardi further expressed appreciation to the members on the action taken on the proposed PUD 9 The Pavilions of Troy.

The Regular Meeting of the Planning Commission adjourned at 8:30 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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Kathy L. Czarnecki, Recording Secretary