The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on May 10, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Wayne Wright

Absent:
Gary Chamberlain
Mark J. Vleck
David T. Waller

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

Resolution # PC-2005-05-065
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Members Chamberlain, Vleck and Waller are excused from attendance at this meeting for personal reasons.

Yes: Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Drake-Batts
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

Chair Strat announced that five (5) affirmative votes are required for approval of agenda items, and the petitioner has the option to postpone his/her agenda item prior to the Planning Commission's proceedings on that particular item.

2. MINUTES

Resolution # PC-2005-05-066
Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the April 26, 2005 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat
No: None
Abstain: Wright
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

3. PUBLIC COMMENT

There was no one present who wished to speak.

TABLED AND POSTPONED ITEMS

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

Mr. Miller reported that the Planning Commission has not recommended that the draft ZOTA as written be considered at a Public Hearing. It is the recommendation of the Planning Department to postpone the item to a future meeting.

Resolution # PC-2005-05-067
Moved by: Khan
Seconded by: Wright

RESOLVED, That the Zoning Ordinance Text Amendment ZOTA-201 requested by The Link School for the Arts is hereby postponed to a future meeting to allow sufficient time to develop appropriate Zoning Ordinance Text Amendment provisions.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

5. 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 request and Resolution passed at the March 8, 2005 Regular Meeting. The petitioner indicated to the Planning Department that they are prepared to do the necessary improvements to screen the rooftop utility equipment and would

like to continue working on improvements to the sign. Mr. Miller reported that the petitioner requested to table the matter to a future meeting.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2005-05-068
Moved by: Wright
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 hereby tabled to the June 14, 2005 Planning Commission Regular Meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

6. 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 the proposed Zoning Ordinance Text Amendment relating to accessory buildings definitions and provisions.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2005-05-069
Moved by: Schultz
Seconded by: Khan

RESOLVED, That Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be postponed to a future meeting.

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

MOTION CARRIED

Ms. Drake-Batts said the members made their decisions in previous meetings.

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.00.00, Article 40.65,00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller reviewed the proposed Zoning Ordinance Text Amendment relating to commercial vehicle parking appeals.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2005-05-070
Moved by: Schultz
Seconded by: Khan

RESOLVED, That Article 43.00.00, Article 40.65.00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals, be postponed to a future meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

8. SITE PLAN REVIEW – Proposed Walnut Forest Site Condominium, 16 units/lots proposed, East of I-75, between Paragon and Hedgewood, Section 16, Zoned CR-1 (One Family Residential Cluster) District

Mr. Miller addressed the five reasons for which the Planning Commission tabled the Walnut Forest Site Condominium project at their April 12, 2005 Regular Meeting. The petitioner has satisfied the concerns with respect to the location of the public utility easement and provided drawings relating to the setback. Mr. Miller reported that the Director of Public Works sees no potential problem with snow removal on the public/private street. Further, the City Engineer recommends that Paragon be used as the construction entrance because the road is a straight shot into the subdivision and the condition and age of the road would require replacement in the near future.

Mr. Miller reported that it is the recommendation of the Planning Department to approve Walnut Forest Site Condominium subject to the conditions that a general common area is reserved for use by residents and the petitioner obtains a letter of no jurisdiction from the MDEQ prior to final site condominium approval.

The petitioner, Vincent DiLorenzo of D & T Construction Company, 46719 Hayes Road, Shelby Township, was present. Mr. DiLorenzo displayed and briefly reviewed two site plan layouts; public road layout and private road layout. Mr. DiLorenzo said the private road layout would save additional trees and in his opinion is a better layout. He referenced the concrete turnarounds that were added on the private road layout that would provide turnaround access for trucks.

Mr. Schultz questioned the placement of trees in relation to the utility easement.

Mr. DiLorenzo replied that utilities could be placed in the right-of-way should the plan go with the public road. If the plan goes with the private road, the utilities would have to be placed on the edge of the road.

Mr. Schultz commented on units 3, 4, 5 and 6 that were moved further west on the site plan. Mr. Schultz said the rear setback requirements were met and there was no reason to move the units further away.

Mr. DiLorenzo said the units were moved to keep continuity with the setback. He indicated the units could be moved back to their original locations, should that be the desire of the members.

A brief discussion followed with respect to the 40-foot turning radius for the trucks.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Mr. Wright expressed concern with the use of Paragon as a construction entrance. He said taxpayers' dollars would be used to rebuild a road that a developer destroyed during construction. Mr. Wright asked if the City could hold the developer responsible to pay for the rebuild of Paragon.

Chair Strat expressed similar concerns.

Mr. Miller said authority of regulating construction access falls within the purview of the City Engineer. The City Engineer indicated he would require construction access on Paragon, and gave no indication that the petitioner would have to repair road.

Resolution # PC-2005-05-
Moved by: Littman
Seconded by:

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 Walnut Forest Site Condominium, including 16 units,

located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That the street indicated as Hedgewood Drive be a private drive.

MOTION FAILED due to a lack of a second.

Resolution # PC-2005-05-
Moved by: Schultz
Seconded by: Khan

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 Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

Discussion on the motion on the floor.

Mr. Littman said his preference to make Hedgewood Drive a private drive is twofold: (1) the private road layout would provide more green space; and (2) concern for emergency vehicle access. Mr. Littman said he sees no benefit for Hedgewood to be a public street, but there are a number of advantages to it being private.

Mr. Schultz said there would be a potential for confusion for visitors and City departments should a public street connect with a private street with the same name.

Mr. Miller announced that the Planning Department has erred with respect to the proposed Resolution. The Planning Commission has approval authority over CR-1 developments, not recommending authority; therefore, the Resolution should recommend approval of the site plan.

Resolution # PC-2005-05-071
Moved by: Schultz
Seconded by: Khan

RESOLVED, That the Planning Commission recommends that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

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

MOTION DENIED

Resolution # PC-2005-05-072
Moved by: Littman
Seconded by: Khan

RESOLVED, That Resolution # PC-2005-05-071 be reconsidered.

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

MOTION CARRIED

Resolution # PC-2005-05-073
Moved by: Schultz
Seconded by: Khan

RESOLVED, That the Planning Commission recommends that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

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

MOTION CARRIED

Mr. Wright said it is incumbent upon the Planning Commission and City Council to not saddle the citizens of Troy with helping developers develop an area, and he thinks that is what is going to happen to Paragon.

A brief discussion followed with respect to the construction access, engineering design recommendations in the approval process, and area of responsibility for repair of a damaged road due to construction equipment and use.

Mr. Miller said he would investigate the matter and report back to the members at a future study session.

9. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1, and From E-P to P-1

Mr. Miller reported that the rezoning request has been modified based on Planning Commission comments made at their April 12, 2005 Regular Meeting. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Schultz asked if the Planning Department received the appropriate legal descriptions for the proposed rezoning.

Mr. Savidant replied that the Planning Department has received legal descriptions and confirmed their accuracy.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-05-
Moved by: Khan
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, being approximately 4.6 acres in size, be granted, for the following reason:

1. The proposed rezoning request complies with the Future Land Use Plan.

Discussion on the motion on the floor.

Mr. Schultz questioned if the proper zoning requests were incorporated in the Resolution. It was determined that the Resolution should incorporate three different rezoning requests.

Resolution # PC-2005-05-074
Moved by: Wright
Seconded by: Schultz

RESOLVED, To amend the Resolution to read that the rezoning request is from R-1E to E-P, R-1E to P-1 and E-P to P-1.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

Resolution # PC-2005-05-075
Moved by: Khan
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P, R-1E to P-1 and E-P to P-1 rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, being approximately 4.6 acres in size, be granted.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

10. SITE PLAN REVIEW – Longfellow Site Condominium, 5 units/lots proposed, West side of Rochester, North side of Longfellow, Section 15, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Longfellow Site Condominium. He noted the petitioner, at the request of the Planning Department to clarify the convertible condominium area, provided an 8.5" x 14" drawing that shows a potential layout of the property to the north. Copies of the drawing have been provided to the members prior to the beginning of tonight's meeting. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Longfellow Site Condominium as submitted.

The petitioner, Franco Mancini of 47858 Van Dyke, Shelby Township, was present. Mr. Mancini said the project engineer was present also should there be any questions.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Mr. Littman asked if there is a risk that the convertible condominium area would become landlocked.

Mr. Mancini replied that an agreement would be made between the condominium association and the City that the three parcels along Longfellow would convert back to the landowners should development of the property to the north not occur.

Mr. Miller noted that the existing detention basin in Shallowbrook Subdivision would be utilized for the development and that Unit #5 would have access off of Rochester Road.

There was discussion with respect to the Rochester Road driveway access of the existing home within the proposed development and its connection to a private road should the property to the north be developed.

Mr. Mancini agreed to connect the driveway to a private road should the property to the north be developed.

Jennifer Chehab, 53445 Grand River, New Hudson, project engineer for the proposed development, was present. Ms. Chehab suggested that a deed restriction to the Master Deed would accommodate the driveway connection to a private road and the driveway approach onto Rochester Road would be abandoned.

Mr. Savidant stated that the Master Deed should then be modified to reflect that.

Chair Strat said there would be no way to enforce the deed restriction.

It was determined that the petitioner should post a bond at an amount determined by the Engineering Department to cover the expense of providing a driveway connection of the existing home to a private road and eliminating the driveway approach onto Rochester Road.

Resolution # PC-2005-05-076
Moved by: Khan
Seconded by: Schultz

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 Longfellow Site Condominium, including 5 units, located on the west side of Rochester and north side of Longfellow, Section 15, within the R-1C zoning district be granted, subject to the following conditions:

1. That Unit #5 has an easement to the future private road.
2. That the Master Deed be amended to include the access easement.
3. That a bond be posted by the petitioner for future construction of a driveway to the private road.

Discussion on the motion on the floor.

Mr. Littman commented that Unit #5 would have access to a road that would be maintained by the private condominium association.

Mr. Miller said it would be a clear public good to eliminate the driveway on Rochester Road in this situation.

Chair Strat confirmed that the arrangement could be accomplished legally.

Vote on the motion on the floor.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:00 p.m.

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11. SITE PLAN REVIEW – Athens Parc Site Condominium, 12 units/lots proposed, North side of Rockfield, East of Eleanor, Section 14, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Athens Parc Site Condominium. He reviewed the differences between the two proposed alternate site plans (1A and 1B). Mr. Savidant reported that it is the recommendation of the Planning Department to approve the application as submitted. He indicated that the Planning Department prefers the proposed site plan 1A because it provides for future development of the property to the west.

The petitioner, Franco Mancini of 47858 Van Dyke, Shelby Township, was present. Mr. Mancini said the project engineer was present should there be any questions.

Chair Strat opened the floor for public comment.

Rachel Leo of 1611 Welling, Troy, was present. Ms. Leo indicated her comments are for both agenda items #11 and #12. Ms. Leo addressed the potential affect that the proposed developments might have on the traffic pattern, the number of entrances into the subdivision, and safety concerns. Ms. Leo cited two accidents near her home [Welling and Calvert] and a conversation she had with a friend regarding the subdivision trees. She said the residents are entitled to peace and safety.

James Berar of 1708 Hamman, Troy, was present. Mr. Berar's property would abut the proposed development. He questioned if the developer would be putting up a brick wall or shrubs. Mr. Berar commented on the trees tagged for removal and expressed concern with the elevation of the proposed development in relation to potential additional water in his backyard.

Nancy Garling of 4826 Hubbard, Troy, was present. Ms. Garling is the president of Long Lake Village Homeowners Association. She has concerns for both agenda items #11 and #12. Ms. Garling addressed the trees that would be cut down, and the loss of foliage and color during the seasons.

Neal Harris of 4762 Whitesell, Troy, was present. Mr. Harris said that should the proposed developments [agenda items #11, #12 and #13] be approved, the City would effectively destroy whatever is left of that square mile. Mr. Harris said he is sick about it.

Jean King of 1071 Shallowdale, Troy, was present. Ms. King addressed the potential flow of traffic and expressed concerns for safety.

Dave Purvis of 4461 Cynthia, Troy, was present. Mr. Purvis said he was attracted to the area because of the large lots and paid a premium for the lot. He addressed the density of the proposed development. Mr. Purvis said the proposed development is not desirable for the neighborhood, would lower the property values and negatively affect the quality of life of the neighboring residents. He asked the members to consider less density and less destruction of the natural resources and quality of life that the residents enjoy today. Mr. Purvis asked if the residents would have any say or input on re-platting the existing property.

Mr. Motzny replied that the interpretation based on the Attorney General opinion is that there is no requirement to re-plat; i.e., a site condominium can exist over the subdivision plat.

Michael Ames of 1661 Rockfield, Troy, was present. Mr. Ames addressed the removal of trees and expressed concern that the developer might take down trees located on his property. He asked that the developer put a stake at the southwest corner. Mr. Ames voiced concern with potential vandalism. He said it might be difficult to sell the new homes because of the pedestrian traffic and high school functions, which would leave the homes empty. Mr. Ames addressed the construction access and sidewalks.

Tina Rackley of 1704 Rockfield, Troy, was present. Ms. Rackley voiced opposition to the proposed 12 homes going in. She said every single home is on a big parcel of land, and they chose to live at the end of the subdivision because it was quiet and had no traffic. Ms. Rackley voiced concerned with traffic, access, and density of the project.

Marvie Nickole of 1724 Hamman, Troy, was present. Ms. Nickole asked if there is any way to restrict the amount of trees that would be cut down from the property. Ms. Nickole also addressed concerns relating to density, property values and increased traffic.

Shirley Harris of 4762 Whitesell, Troy, was present. Ms. Harris voiced concerns with the density and traffic. She said she did not understand the new development now called site condominiums. Ms. Harris addressed the wetlands. She said she was for the proposed wetlands ordinance and should have spoken at the public meetings that were held a few years ago. Ms. Harris said her property is under water all the time.

Mr. Wright related that the City did attempt to draft a wetlands and natural features ordinance.

Doug Palmer of 1896 Welling, Troy, was present. Mr. Palmer voiced concern with the safety of school children and the construction traffic.

Richard Hughes of 1321 Roger Court, Troy, was present. Mr. Hughes said that if it were the same mindset back years ago that there should not be any trees cut down, no one would be living in Troy. He said trees do replenish themselves, and site condominiums are actually single family homes.

Ken Crum of 1643 Rockfield, Troy, was present. Mr. Crum, owner of 4 acres of land in the subdivision, plans to construct one home on each acre and not destroy the neighborhood by increasing the density. He is opposed to the density of the proposed development and encouraged the developer to connect the street to Cynthia. Mr. Crum expressed concern with the potential increase in traffic and cut-through traffic. He said he is very sensitive to traffic because of his two small children. Mr. Crum would favor the plan that shows the cul-de-sac.

Dominic Leo of 1611 Welling, Troy, was present. Mr. Leo questioned why the City would want to saturate the east side of Troy with condominiums.

The floor was closed.

Chair Strat informed the residents that the City Council would make the final decision based on the recommendation of the Planning Commission. He encouraged the residents to express their concerns to the City Council. Chair Strat provided information with respect to the City's tree preservation ordinance. He encouraged the residents to review the tree layout and plans at the Planning Department. He also encouraged the residents to read the *Comparison of Site Condominiums and Plats*, a handout provided by the Planning Department.

Mr. Littman said site condominiums are single family homes and it appears from the plan that the developer is saving a significant number of trees with the proposed development. Mr. Littman said he would support the cul-de-sac so the development would not connect to the north and additional trees could be saved.

Mr. Schultz addressed the preservation of trees as relates to the engineering, drainage and utilities. He emphasized that the proposed development would be comprised of single family homes. Mr. Schultz said he might be in favor of the plan that shows the cul-de-sac.

Mr. Khan said the cul-de-sac would create more problems for emergency access. He would be in favor of the site plan preferred by the Planning Department. Mr. Khan addressed comments related to property values and said that Mr. Mancini builds very expensive homes that would not lower property values for the residents.

Chair Strat agreed that the site directly to the west would be almost landlocked with the cul-de-sac, and he would also support the recommendation of the Planning Department.

Resolution # PC-2005-05-
Moved by: Khan
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan as presented (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Athens Parc Site Condominium, including 12 units, located on the north side of Rockfield, east of Eleanor, Section 14, within the R-1C zoning district, be granted.

Discussion on the motion on the floor.

Mr. Littman asked when the proposed development might go before City Council for review and approval.

Mr. Miller replied that it would most likely be the second meeting in June. He said that residents would be able to get updated information from the Planning Department.

Chair Strat addressed the construction access and traffic.

Resolution # PC-2005-05-077
Moved by: Khan
Seconded by: Drake-Batts

RESOLVED, That the motion on the floor be amended to read that the City Engineer look into the construction access to the site and provide consideration to the safety of pedestrians and residents and to insure the developer is responsible for any damage to the road.

Vote on the amendment to the motion on the floor.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

Resolution # PC-2005-05-078
Moved by: Khan
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan as presented (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Athens Parc Site Condominium, including 12 units, located on the north side of Rockfield, east of Eleanor, Section 14, within the R-1C zoning district, be granted, subject to:

1. The City Engineer look into the construction access to the site and provide consideration to the safety of pedestrians and residents and to insure the developer is responsible for any damage to the road.

Discussion on the amended motion on the floor.

Mr. Schultz said he concurs that the stub street to the west would be a better alternative than the cul-de-sac.

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

MOTION CARRIED

Mr. Littman would prefer no road connection from the site condominium development to the adjacent subdivision. He said the City has found good ways to have emergency access without having to put a road through to an adjacent neighborhood.

12. SITE PLAN REVIEW – Hidden Parc Site Condominium, 35 units/lots proposed, North of Welling, West of John R, Section 14, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Hidden Parc Site Condominium. Mr. Savidant reviewed the site plan as submitted and two alternate site plans that were provided by the petitioner. Mr. Savidant addressed the outlot that would be used as part of the development proposal with respect to the Open Space Agreement that was reviewed by the City Attorney's office. Mr. Savidant reported that City Management prefers the site plan layout with a connection on John R to the east, Welling to the south and a stub road to the north. It is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Motzny said he reviewed the Open Space Agreement and the plat at the request of the Planning Department. He said the plat that was recorded and

approved designates the outlot for future development. There is no indication on the recorded plat that it is part of the open space that is covered by the restrictions mentioned in the Open Space Agreement. Mr. Motzny said based on that review, it appears that the outlot could be used as part of the site condominium development.

The petitioner, Franco Mancini of 47858 Van Dyke, Shelby Township, was present. Mr. Mancini said the project engineer was present should there be any questions. Mr. Mancini clarified the driveway access for the existing house.

Chair Strat opened the floor for public comment.

Barbara Upmeyer of 1928 Welling, Troy, was present. Ms. Upmeyer said the proposed development would eliminate the 13.3 acres of woods directly across the street from her house. Ms. Upmeyer is concerned about the increase in traffic and the cut-through traffic to John R. She said she would favor the plan that provides for a cul-de-sac and would eliminate the potential cut-through traffic to John R.

Bill Konitsney of 4773 Whitesell, Troy, was present. Mr. Konitsney said he bought his home because of the beautiful view out of his front window. Mr. Konitsney said the proposed development would kill trees and destroy the homes of wildlife. He said the loss of trees would devalue the neighboring residents. He addressed the construction noise and questioned the need for additional condominiums in the City when newly constructed condominiums remain on the market.

Nancy Lakin of 4610 Luisa, Troy, was present. Ms. Lakin lives in the Hidden Oaks subdivision that is south of the proposed development. Ms. Lakin is not opposed to the proposed development. She is opposed to the plan that would provide for access to John R. Ms. Lakin expressed concerns with respect to the increase in traffic and its impact on the residents' quality of life. She said the subdivision residents support the alternate plan that provides for no connection to John R. Ms. Lakin cited several subdivisions where access to major roadways were eliminated; i.e., Woodside Manor, Rhode Island Estates, Cedar Crest (long extended cul-de-sac), and Oak Forest South (blocked access to adjacent subdivision).

Neal Harris of 4762 Whitesell, Troy, was present. Mr. Harris addressed the wetlands. His daughter who has a master degree in engineering says the area is definitely wetlands. Mr. Harris questioned what would happen to the fragile plants in the area. He said the loss of the woods would be equivalent to environmental rape. Mr. Harris said the area is boggy, muddy, low, and wet all the time. Solicited feedback from homeowners Mr. Harris contacted is that no one wants the proposed development to go in.

Dave Lakin of 4610 Luisa, Troy, was present. Mr. Lakin lives two houses away from the proposed project. Mr. Lakin is a civil engineer with an approximate 30 years of experience in the representation of municipalities in many areas of southeastern Michigan. He expressed appreciation for the work done by City staff and Planning Commission members. Mr. Lakin shared copies of a schematic plan that shows future

development to the north of Hidden Oaks subdivision with no connection to John R. Mr. Lakin said he met with City staff and the petitioner with respect to an alternative plan that would maintain the overall scope of the project and eliminate the John R access. The result was the alternative site plan provided by the petitioner. Mr. Lakin cited advantages to the alternative site plan: (1) eliminates John R access; (2) results in no loss of number of lots; (3) creates premium lots on cul-de-sac; (4) provides access to Luisa that adds to continuity of residential area; (5) provides high profile access entrance to John R for marketing purposes; and (6) provides emergency vehicle access to Luisa from John R. Mr. Lakin complimented the petitioner's skills as a builder. On behalf of the residents of Hidden Oaks subdivision, Mr. Lakin expressed support for the alternative site plan with no connection to John R and urged members to approve the alternative plan.

Paul Fitzgerald of 4698 Whitesell, Troy, was present. Mr. Fitzgerald expressed concern with the increase in traffic and cut-through traffic. He said he has not seen a plan that would allow access only from John R. Mr. Fitzgerald questioned if his two lots would be landlocked should the development be approved.

Chair Strat said the Planning Department would be able to answer that question.

Curtis Eves of 4736 Whitesell, Troy, was present. Mr. Eves spoke with reference to the density of the project, the lack of continuity in the neighborhood and the trees that would be eliminated from the wooded area.

Shirley Harris of 4762 Whitesell, Troy, was present. Ms. Harris said putting 35 large homes on small lots is not what one would call controlled growth. She asked if the developer would agree to have the plantings rescued by Cranbrook or a greenhouse owner. Ms. Harris also questioned the location of the open space.

Chair Strat encouraged Ms. Harris to contact the Planning Department during regular business hours for information relating to her questions.

Rachel Leo of 1611 Welling, Troy, was present. Ms. Leo asked the members to give consideration to not providing access to John R for the safety of the residents. She asked why the City would let a developer trump the desires, feelings and lifestyles of the residents.

Donna Brokenshire of 1596 Welling, Troy, was present. Ms. Brokenshire addressed concerns relating to density, traffic, congestion and safety for the square mile area in which the three proposed developments are under consideration.

Doug Palmer of 1896 Welling, Troy, was present. Mr. Palmer addressed concerns relating to traffic and safety of pedestrians. He would support having no access to John R.

The floor was closed.

Resolution # PC-2005-05-079
Moved by: Khan
Seconded by: Schultz

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 Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, as recommended by the Planning Department.

Discussion on the motion on the floor.

Chair Strat asked for clarification on the Planning Department's recommendation.

Mr. Savidant said the Planning Department encourages interconnectivity. He indicated it was the recommended layout of the Engineering and Traffic Engineering Departments after their review. The plan provides better interconnectivity than the plan that utilizes the cul-de-sac.

Ms. Drake-Batts said she would not support the plan for interconnectivity. She said the members should listen to the residents.

Mr. Khan said there should be more than one exit from the subdivision to avoid potential problems with emergency vehicle access.

Mr. Littman said the City's Environmental Specialist, whose comments are incorporated in the Planning Department's report, reviews wetlands. Mr. Littman said Planning Commission members share the residents' concern about wetlands.

Mr. Schultz said he has a concern with the length of the cul-de-sac and agrees it could cause problems for emergency vehicle access. Mr. Schultz said he empathizes with the residents on the loss of trees, but the only way to keep the trees is to own them.

Vote on the motion on the floor.

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

MOTION DENIED

Resolution # PC-2005-05-080
Moved by: Drake-Batts
Seconded by: Wright

RESOLVED, That Resolution # PC-2005-05-079 be reconsidered.

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

MOTION CARRIED

Resolution # PC-2005-05-081
Moved by: Drake-Batts
Seconded by: Littman

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 Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, for the alternate plan which shows the cul-de-sac at Rosewood Court and a cul-de-sac at Honey Locust Drive.

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

MOTION CARRIED

Chair Strat requested a recess at 11:00 p.m.

The meeting reconvened at 11:08 p.m.

REZONING REQUESTS

13. PUBLIC HEARING – PROPOSED REZONING (Z 702) – Proposed Briggs Park Condominium, North of Lamb, East of Rochester, Section 14 – From R-1C to R-1T

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted. He noted

that consideration of rezoning the E-P zoned portion should occur at some time in the future.

Mr. Miller provided a history of a previous rezoning request in relation to the E-P zoned portion of the rezoning request located to the north of the subject property.

Mr. Miller further explained that because of neighborhood concerns, the previous petitioner revised the rezoning request to not rezone the whole property to R-1T but to leave a portion of the property as R-1C. It was the intent of the petitioner at that time to build single family homes next to the existing neighborhood. Mr. Miller said the deal fell through. Mr. Miller reported that the current petitioner controls only a portion of the overall property that was previously proposed for single family homes, and it is the petitioner's intent to rezone the buffer zone that is currently zoned R-1C.

Mr. Savidant provided clarification of the related parcels that have frontage on Rochester Road.

Mr. Miller confirmed that the Planning Department received a site plan relating to the rezoning request. The proposed site plan and aerial photography were projected on the overhead screen. Mr. Miller confirmed the locations of the E-P, R-1C and R-1T zoned properties.

Mr. Savidant explained that the zoning on the property was done according to the particular design of the previous petitioner and resulted in unique property outlines.

The petitioner, Gary Abithiera of 178 Larchwood, Troy, was present.

Mr. Schultz asked what the depth of the property would be at its deepest point east from Rochester Road.

Mr. Abithiera replied approximately 660 to 675 feet. Mr. Abithiera reviewed the areas of property ownership and the zoning of the various portions of the property.

Mr. Miller reviewed the minimum setback requirements for the related zoning districts.

PUBLIC HEARING OPENED

Jim McCawley of 4435 Harold, Troy, was present. Mr. McCawley is the president of the Shallowbrook Homeowners Association. He reviewed the history of the previous rezoning request and the direction of the City Council to provide a buffer zone for the R-1C zoning. Mr. McCawley addressed the transition between Shallowbrook subdivision and the proposed development. He asked that the members give consideration to rezoning the whole parcel back to R-1C because the parcel is large enough to develop as single family homes.

Chair Strat stated that the proposed site plan should not be considered at the time of the rezoning request.

John Moran of 1110 Robertson, Troy, was present. Mr. Moran cited several new condominium complexes on Rochester Road that continue to have condominium units for sale. He said the petitioner would be better off if he constructed single family homes on the property. Mr. Moran addressed concerns related to traffic congestion and transition buffer.

James King of 1071 Shallowdale, Troy, was present. Mr. King said he investigated the zoning of nearby properties to insure the City's Zoning Ordinance would protect his home investment. Mr. King said the proposed rezoning would negatively impact enjoyment of his property and the property value. He said it is his understanding that the purpose of zoning regulations is to prevent the unanticipated use of land in the manner that would diminish the value of nearby properties or decrease the owners' enjoyment of that property. Mr. King said it is incumbent upon the members to reject the proposed rezoning because it appears that the owners of nearby properties object to the proposal. He said the proposal would increase residential density, add additional automobiles to an already congested traffic situation, inconvenience existing residents, hinder emergency responses and increase air pollution in the City.

Gerald Longe of 1161 Lamb Road, Troy, was present. Mr. Longe distributed site plans of the previous rezoning to the members. Mr. Longe said his property is directly east of proposed condominium project. He is against the project as proposed. He said it is not fair for the residential landowners of Shallowdale subdivision or Lamb Drive to abut directly to multi-family condominiums. Mr. Longe said a buffer zone to the residential homes would be needed because the new condominiums would be just 50 feet from the existing residential neighbors. Mr. Longe said he would prefer the property to remain R-1C zoning for single family homes.

PUBLIC HEARING CLOSED

Mr. Schultz asked the Assistant City Attorney if the Planning Commission could initiate rezoning requests. Mr. Schultz said he believes the rationale for an R-1C buffer is still valid, and he would not support the rezoning request.

Mr. Motzny replied that typically a Planning Commission does not initiate rezoning requests.

Ms. Drake-Batts said she would not support the rezoning request.

Mr. Littman said the City initiated some rezoning requests as a result of a previous study done relating to commercial property within the City. Mr. Littman said he would not support the proposed rezoning request. He thinks the City is getting too many condominiums and he is in support of a buffer for the residential.

Mr. Abithiera requested consideration to postpone the item until there is a full body present.

Chair Strat said the request to postpone could only be considered prior to the petitioner's presentation.

Mr. Miller confirmed that should the rezoning request be denied, the petitioner could submit another rezoning request.

Resolution # PC-2005-05-082
Moved by: Wright
Seconded by: Littman

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 Lamb Road, east of Rochester, within Section 14, being approximately 1.7 acres in size, be denied, for the following reasons:

1. The current zoning of R-1C is consistent with future land use plan
2. Rezoning of this portion is not necessary to allow development of the property.

Discussion on the motion on the floor.

Mr. Schultz said a previous R-1T rezoning request was denied by the City Council for the reason that the zoning penetrated too deep into the neighborhood. Mr. Schultz said that the subject property is equally as deep or deeper than that the previous rezoning request.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Khan said he would prefer that the whole parcel be zoned either R-1C or R-1T.

14. PUBLIC HEARING – PROPOSED REZONING (Z 701) – Proposed Buscemi Party Shoppe, North of Hartland, East of Rochester, Section 23 – From R-1E and B-3 to B-1

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

The petitioner, Paul Buscemi of 3296 Rochester Road, Troy, was present. Mr. Buscemi said they would like to stay in the same vicinity of Troy so they could keep their clientele of 15 years. He distributed a sketch of the proposed building.

Mr. Littman referenced a letter received by the Planning Department from neighboring residents Steve and Heather Clement of 1040 Boyd. The Clement's state their concern of the negative affects the proposed development would have on their home; i.e., decrease in property value, lack of privacy, noise.

Mr. Buscemi said he was not aware of the neighbor's concern. He suggested that a wall could be provided for privacy, and noted that the new building might buffer noise from Rochester Road. Mr. Buscemi said he would contact the neighbor to discuss their concerns.

Ms. Drake-Batts asked about the surrounding neighbors.

Mr. Buscemi noted the locations of the Masonic Temple and the home of the Butcher's. Mr. Buscemi said the Butcher's are in support of the rezoning.

Ms. Drake-Batts said she would like to hear from the surrounding neighbors.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-05-083
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E and B-3 to B-1 rezoning request, located on the north side of Hartland, east of Rochester, within Section 23, being approximately 16,505 square feet size, be granted.

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

MOTION CARRIED

Ms. Drake-Batts said she understands that commercial is across the street but she believes the commercial will devalue the residential home.

Mr. Savidant confirmed that property owners within 300 feet of the proposed rezoning were notified by mail.

15. 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. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to deny the rezoning application.

A brief discussion followed with respect to the spot zoning of the property located south of the subject rezoning. It was understood that it was a commercial site that was approved for rezoning by City Council approximately 25 years ago.

Chair Strat asked what would be the highest and best use of the property.

Mr. Miller said an appraiser or assessor might appropriately determine the highest and best use of the property. Planners provide information with respect to what is consistent or conforming with the Future Land Use Plan and compatible land uses.

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the applicant and owner. Mr. Gaber provided a brief review of the proposed use and site dimensions. He said Binson's has been in Troy since 1992 and would like to stay in Troy. Mr. Gaber clarified that the use immediately to the north is a residence that is currently being used as a law office. He said the property on the corner immediately to the north of the residence/law office is currently being used as a rental house. Mr. Gaber said the owner made several unsuccessful attempts to rezone the property to commercial. He noted the owner receives interest calls on the property only for commercial and office uses, not residential. Mr. Gaber cited reasons that merit the proposed rezoning to commercial: (1) The heavy traffic volume on Rochester Road is not conducive to residential; (2) The shallow lot does not allow much for buffering; (3) It appears residential is not feasible given the history of the site and the owner's experience in marketing the site. Mr. Gaber noted that the Rochester Road corridor has experienced many zoning and land use changes. He referenced and read the Judge's opinion given on a court action for the rezoning of property on Rochester Road, north of DeEtta, from residential to medical/office use. Mr. Gaber indicated that it has been some time since the City revisited its Master Land Use Plan. Mr. Gaber asked the members for their support of the rezoning request and a recommendation of approval to the City Council.

Amy Neary of McKenna Associates, Inc., Land Use Consultant for the project, was present and distributed material related to the presentation. Ms. Neary pointed out the existing land use in the area, indicated that the subject location is not desirable for residential use, and noted that the B-1 zoning is a reasonable use for the area.

Mr. Schultz said it is interesting that two condominium projects (Sandalwood and Northwyck) located within the subject area were not included in the report of McKenna Associates. He said it appears that both condominium projects have been successful.

PUBLIC HEARING OPENED

Eileen Carty of 990 DeEtta, Troy, was present. Ms. Carty said she would welcome condominiums, site or otherwise, near her home; she would welcome anything but business. Ms. Carty said there are residential homes all around her and never thought commercial would come to the area. She referenced the site directly north of her home that was rezoned commercial as a result of a consent judgment. Ms. Carty understood that the use was to be medical/office, and questioned the existing use of the building. Ms. Carty addressed her concern that should the subject property be rezoned to commercial, there would be no guarantee in the future as to what might go in. Ms. Carty said her front picture window view is of a waste receptacle. She said that should the proposed rezoning be approved, she would have a view of another waste receptacle. Ms. Carty said it would be economically disastrous for her should any commercial go in that location.

PUBLIC HEARING CLOSED

A brief discussion followed with respect to potential residential development on the site.

Resolution # PC-2005-05-084
Moved by: Khan
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 39,000 square feet in size, be tabled to a future study session meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

SPECIAL USE REQUEST

16. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 327) – Existing North Hills Christian Reformed Church and proposed Daycare, East side of Adams, North of Big Beaver, Section 19, Zoned R-1B (One Famiily Residential)

Mr. Miller presented a summary of the Planning Department report for the proposed special use request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the special use request and site plan as submitted.

Ms. Drake-Batts asked if there is an existing fenced outdoor play area.

Mr. Savidant answered in the affirmative and noted the proposed addition to the church would affect the location of the existing play area.

Joseph Valeri of Sauriol Bohde Wagner Architects, 46869 Garfield, Macomb, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said a list of all churches that operate childcare facilities should be compiled and assessed for appropriate special use approvals.

Resolution # PC-2005-05-085
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.03 and 10.30.04 of the Zoning Ordinance, as requested for the proposed North Hills Christian Reformed Church and Daycare, located on the east side of Adams Road, north of Big Beaver Road, Section 19, within the R-1B Zoning District, be granted.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

17. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 216) – Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment and reported it is the recommendation of the Planning Department to postpone the item to a future meeting to provide more time to work on the proposed amendment. He indicated that he has no input on the opinion of City Management with respect to expanding the retail use to interior roads.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

Resolution # PC-2005-05-086
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Article 28.30.09, pertaining to additional retail along major thoroughfares, be postponed to a future meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

18. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Littman suggested a study on whether M-1 zoning is needed within the City.

Mr. Miller said that Doug Smith, Real Estate and Development Director, could best address that matter. Mr. Miller said he would schedule Mr. Smith to attend a future study meeting.

Mr. Miller referenced a Chamber of Commerce communication in which the Chairman of the Economic Development Committee stated the necessity for the City to start the Big Beaver Corridor Study, to review the Maple Road and Stephenson Highway corridors, and to complete an overall Master Plan.

The Regular Meeting of the Planning Commission was adjourned at 12:45 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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