

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:34 p.m. on May 24, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Lawrence Littman

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Douglas J. Smith, Real Estate and Development Director
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-05-087

Moved by: Schultz
Seconded by: Wright

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

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

MOTION CARRIED

Chair Strat asked for consideration in the modification of the agenda to allow discussion on the length of Planning Commission meetings.

Resolution # PC-2005-05-088

Moved by: Waller
Seconded by: Wright

RESOLVED, That the agenda be modified.

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

MOTION CARRIED

2. LENGTH OF PLANNING COMMISSION MEETINGS

Mr. Schultz addressed concern with Planning Commission meetings running late into the evening or early in the morning. The matter could be addressed by changing the Bylaws to stipulate a time limit on meetings. Mr. Schultz presented the following Resolution to specifically address tonight's meeting.

Resolution # PC-2005-05-089

Moved by: Schultz
Seconded by: Chamberlain

RESOLVED, That the May 24, 2005 Special/Study Session of the Troy Planning Commission shall end at 11:00 p.m. or as soon thereafter as the agenda item being discussed at that hour is completed. No discussion of any new agenda item shall commence after that time. Any and all items from tonight's agenda that are not discussed due to the ending of this meeting at 11:00 p.m. shall be postponed to our Special Study Session on June 7, 2005.

Discussion on the motion on the floor.

Comments related to the following:

- Limit agenda items.
- Consider personal schedules, hourly fees, etc. of petitioners and related representatives (i.e., attorneys, architects, engineers).
- Limit discussion of Planning Commission members.
- Limit presentation of staff reports.
- Prioritize agenda items.
- End micromanaging; allow Planning Department to do detail work.

Mr. Schultz called the question.

Vote on the motion on the floor.

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

MOTION DENIED

3. MINUTES – May 3, 2005 Special/Study Meeting

Mr. Chamberlain asked that the minutes reflect a change on Page 2, Resolution # PC-2005-05-061, the word "Abstain" should read "Absent".

Mr. Wright asked that Page 5, Item 7, incorporate the comments of Mr. Motzny with respect to use variances being permitted by law only if the land cannot be used in the manner in which it is zoned.

Resolution # PC-2005-05-090

Moved by: Wright
Seconded by: Schultz

RESOLVED, To approve the May 3, 2005 Special/Study Meeting minutes as amended.

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

MOTION CARRIED**4. PUBLIC COMMENTS**

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items.

- Big Beaver Corridor Study – A steering group will be created. The contract is to go before DDA for approval.
- Hidden Forest Site Condominium, South side of Wattles, East of Livernois, Section 22 – Preliminary Approval by City Council at its May 16, 2005 meeting.
- Rezoning Request Z 695, South side of Henrietta Avenue, South of Big Beaver and East of Rochester Road, From R-1E to P-1 – Postponed by City Council at its May 16, 2005 meeting to June 6, 2005. City Council requested that the abutting neighbor be contacted to receive comments on the proposed rezoning.
- Budget – Approved by City Council at its May 16, 2005 meeting.
- Maplewood Site Condominium, South side of South Boulevard, West of Rochester Road, Section 3 – Final Site Plan Approval by City Council at its May 9, 2005 meeting.
- Michigan Association of Planning Conference in September – Will move forward for approval of conference. Advise Planning Department of attendance.
- Michigan Economic Growth Alliance (MEGA) expenditure match for Compact Power, Inc. – Approved by City Council at its May 16, 2005 meeting.
- PUD 4, The Monarch, North side of Big Beaver, East of Alpine and West of McClure – Complete package submission received and provided to members for review. Petitioner requested to attend next study session. Public Hearing is scheduled at June 14, 2005 Regular Meeting.

Mr. Smith reported on the following items.

- Compact Power, Inc. will operate its North American Headquarters and Engineering Center out of 1857 Technology Drive. Compact Power, Inc., a subsidiary of LG Chem, is diversifying to alternative fuels and battery systems.
- The K-Mart Headquarters building has been sold to Madison Marquette, a Washington, D.C. firm that is made up of two firms that recently combined into one firm. The two companies were formed in the 1990's. Madison is a retail company; Marquette is a managing partner for properties around the country.
- Creation of a zoning district that would conform to the needs of automobile dealerships; i.e., setbacks, green space, parking requirements. Dealerships are running into roadblocks when using the framework of the M-1 zoning.
- Pleased with the DDA selection of Birchler Arroyo for the Big Beaver Corridor Study. The plan and strategy of action was discussed at their first meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller reported on the May 18, 2005 Downtown Development Authority (DDA) meeting.

- Resolution passed in support of PUD 4, The Monarch.

7. BOARD OF ZONING APPEALS REPORT

Mr. Wright reported on the May 17, 2005 Board of Zoning Appeals (BZA) meeting.

Two Variance Requests – Attached Garages under Construction

The BZA granted both variances.

Variance Request – 6399 Norton [650 Quill Creek]

The BZA granted the variance. The variance was minimal (9") and public comment was unrelated to the request; i.e., potential flooding, noise, etc.

8. 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 that was tabled at the May 10, 2005 Regular Meeting for further study. Mr. Miller said the property is designated on the Future Land Use Plan as Medium Density Residential (corresponds with the R-1T, R-M and R-2 zoning districts). He briefly reviewed aerials and photographs of the subject location, the site plan

drawing submitted by the petitioner, and three drawings prepared by the Planning Department with respect to R-1T and B-1 zoning districts. Mr. Miller stated that there are a variety of uses along Rochester Road, as well as the occurrence of very strong trends. Mr. Miller reported that should the members determine that the B-1 zoning classification is appropriate for the subject property, the correct action would be consideration of an amendment to the Future Land Use Plan.

PUBLIC HEARING OPENED

John Gabor of 380 N. Old Woodward, Birmingham, attorney, was present to represent the petitioner. Mr. Gabor identified key issues for consideration of the proposed rezoning: (1) Proposed use is consistent with the character of the neighborhood; (2) Whether or not the current zoning of single family is appropriate or inappropriate due to the Rochester Road corridor, the depth of the property and the site characteristics; (3) The Consent Judgment on the Rabanni property located one block north wherein the judgment of the Court was that O-1 zoning is consistent with the commercial character of the area and single family residential zoning is inappropriate due to the traffic and proximity to Rochester Road.

Mr. Gabor said it is believed that residential is not feasible for the site. He indicated that the property owner has received no offers to purchase for residential use. Mr. Gabor noted that placing 4 or 5 residential units on the subject site would result in a bunker-type of layout for backyards that would face Rochester Road and home fronts that would face an alley. Mr. Gabor referenced the home of Eileen Carty, 990 DeEtta, who spoke at the May 10, 2005 Regular Meeting. He said the home would be kiddy-korner, not directly behind, from the proposed site. Mr. Gabor noted that Ms. Carty has a privacy fence along her back property line. Mr. Gabor said the petitioner would be required to put up a screening wall of some type at the time of site plan approval that would address any concerns of the neighbors. Mr. Gabor asked the members' consideration to forward a favorable recommendation to the City Council for the proposed rezoning.

Mr. Gabor confirmed the existing Binson's on Rochester and Square Lake Roads would move its operation to the proposed location. He indicated that the petitioner intends to use the entire building with consideration given to any site constraints. Mr. Gabor noted that the specifics of the site plan have not been determined at this time.

Chair Strat stated that the proposed site plan should not be a consideration in the approval process of the rezoning request.

There was a brief discussion on the residential home located at 990 DeEtta. It was determined that the home does abut the property of the proposed rezoning along the western edge, and one of the concerns of the homeowner was the location of the dumpster on the business site in relation to her home.

Jim Lawrence of 3553 Lakewood Shores, Howell, project architect, was present. Mr. Lawrence addressed the schematic drawing that was originally provided and distributed to the members a more detailed drawing. He indicated that they are comfortable with the open space requirements being met, and noted that the square footage of the building would most likely be reduced to accommodate Zoning Ordinance requirements.

Mr. Lawrence indicated a typical house at this location would sell for \$250,000, and the land itself would be worth \$150,000 (\$30,000 per unit) should a developer build it for residential use. Mr. Lawrence said the current sale price is almost 3 times that amount, and there is a concern about the cost of the property and the actual ability to use it. Mr. Lawrence addressed the design factors of the site should it be built for residential use and said a residential development would not be economically viable.

Mr. Wright said the building size would be reduced by over 15% to meet the requirements of the City's building department. He asked if the site would be big enough for the proposed Binson's facility, and if the petitioner would be requesting variances from the Board of Zoning Appeals.

Mr. Lawrence said the sketch is not drawn to scale and detail, and a more detailed analysis would determine the square footage of the building. He indicated that it is not the petitioner's intent to request variances.

The petitioner, James Gerback of 300 Park Street, Birmingham, CFO of Binson's, was present. Mr. Gerback said the building size of the existing location on Rochester and Square Lake Roads is approximately 4,800 square feet. He indicated a building size of 1,000 additional square feet would be sufficient for another 20 years.

PUBLIC HEARING CLOSED

There was discussion on the following:

- Vacation of the alley.
- Allowable uses in the B-1 zoning district.
- Desired and appropriate uses for the subject location.
- Conditional approval based upon specific use and design conditions, as provided by State law.

The item is scheduled for a Public Hearing at the Regular Meeting of June 14, 2005.

9. 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 pertaining to Accessory Buildings Definitions and Provisions, the convergence of opinion achieved at the March 28, 2005 Special/Joint Meeting, and the recommendation of City Management.

Chair Strat addressed a formula with respect to mass and provided a visual view of the concept that would keep with the residential character of a neighborhood.

After soliciting comments from around the table and an open discussion, it was agreed by a majority of the members to forward a recommendation to City Council that would:

- Limit the size of an accessory building to not exceed 75% of the ground floor footprint of the living area of the dwelling.
- Incorporate a Grandfather Clause for existing accessory buildings that have been granted valid building permits.
- Limit the size of a garage door to 8 feet.

Chair Strat requested a recess at 8:55 p.m.

The meeting reconvened at 9:05 p.m.

10. MASTER PLAN / FUTURE LAND USE PLAN – Compliance with Municipal Planning Act

Mr. Miller reviewed the requirements of the Municipal Planning Act with respect to the adoption and updating of the City of Troy's Future Land Use Plan. The Planning Director and Principal Planner reviewed the Future Land Use Plan and determined that the document is insufficient. The justifications for the determination were reviewed.

Resolution # PC-2005-05-091

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended.

WHEREAS, The Municipal Planning Act requires that at least 5 years after the adoption of a plan, a municipality shall review the plan and determine whether to commence the procedure or adopt a new plan.

WHEREAS, The Future Land Use Plan was last amended on January 8, 2002. The determination of whether to update the plan or adopt a new plan must be made prior to January 8, 2007.

WHEREAS, The Planning Department prepared a memo dated May 17, 2005, that outlines the deficiencies of the current Future Land Use Plan.

WHEREAS, The Planning Department recommends that the Future Land Use Plan be updated to address these deficiencies.

RESOLVED, the City of Troy Planning Commission hereby finds that the Future Land Use Plan is deficient and in need of a comprehensive update.

FURTHER RESOLVED, The Planning Commission recommends that the City begin the process of preparing the City of Troy Master Plan, including sub area plans for Big Beaver Road, Maple Road, Stephenson Highway and Rochester Road, and that the Big Beaver Road Corridor Study be incorporated as a part of this process.

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

MOTION CARRIED

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Freestanding Restaurants and Daycare Centers in the R-C (Research Center), O-M (Office Mid-Rise) and O-S-C (Office Service Commercial) Zoning Districts

Mr. Miller reviewed the revisions to the proposed zoning ordinance text amendment and the suggestions made at the May 3, 2005 Special/Study Meeting. Mr. Miller said it is the recommendation of City Management to include “nursery schools, day nurseries and child care centers” and “financial institutions” in the O-M, R-C and O-S-C district.

After soliciting comments from around the table and an open discussion, it was agreed by a majority of the members to:

- Set a Public Hearing at the June 14, 2005 Regular Meeting.
- Include stand-alone restaurants, banks, bank branches and financial institutions and nursery schools, day nurseries and child care centers as special uses.
- Incorporate a definition of financial institution.

12. 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.

Mr. Smith addressed the future need of the M-1 zoning district. He indicated his support in providing greater flexibility and allowing retail in the M-1 district along major thoroughfares. He recommended that the retail use be limited to only the major thoroughfares and at a maximum of 25% of the gross floor area of a building. Mr. Smith said the character and look of interior roads would change should retail be allowed and suggested the effect of retail along major thoroughfares should be reviewed before extending retail to interior areas.

After soliciting comments from around the table and an open discussion, it was agreed by a majority of the members to:

- Allow retail on major thoroughfares only.
- Limit retail use to a maximum of 25%.
- Require the same user and related retail use.
- Provide a definition of showroom vs. retail.
- Set a Public Hearing for the July 12, 2005 Regular Meeting.

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Commercial Recreation in the Light Industrial Zoning District

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment.

It was agreed to go forward with the proposed ZOTA and to set a Public Hearing for the July 12, 2005 Regular Meeting.

14. PUBLIC COMMENTS

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed ZOTA 215-A pertaining to Accessory Buildings Definitions and Provisions. His recommendation to the City as a resident is to use the total square footage of a house, allow a 9-foot garage door for a street-facing garage and a 12-foot garage door for a side garage.

GOOD OF THE ORDER

Mr. Schultz said his idea and motion didn't fly but it obviously expedited tonight's meeting and opened up some eyes.

Mr. Waller referenced an article in the April issue of the *Planning and Zoning News* [page 3] with respect to a municipality's Board of Appeals overturning a decision made by the Planning Commission. He asked if Troy's BZA has that power.

Mr. Miller said the State law authorizes a municipality to give authority within the Zoning Ordinance to appeal all administrative decisions.

Mr. Motzny said he would review the City of Troy's Zoning Ordinance language relating to the BZA's authority to review decisions of the Planning Commission and report back to the members.

Mr. Waller provided an update on Beaver Tales.

Mr. Vleck questioned the outcome of property owners who change a site's landscaping that no longer meets the requirements of the approved site plan.

Mr. Miller said if an owner makes changes such as landscaping after all approvals have been met, it might take some time before the City becomes aware of the situation. He said technically the owner would be in violation of site plan compliance.

Mr. Motzny said upon the issuance of two violation notices, the owner could be charged with a minor misdemeanor and fined. He noted it is proposed to revise the charge to a municipal civil infraction.

Mr. Khan addressed the matter of interconnectivity with respect to emergency vehicle access and diffusion of concentrated traffic. He said there are good reasons behind the City's recommendation to provide subdivision interconnectivity. Further, Mr. Khan suggested that agendas be limited to no more than 3 public hearings and 3 site plans.

Mr. Miller said he would provide copies to the members of a recent *Planning Advisory Service* report with respect to interconnectivity.

Mr. Savidant said members would see some significant changes to the PUD 4 when they review the newly distributed book. He also said the Planning Department would meet with the Chair to determine the amount of appropriate information that should be presented for reports at meetings.

Chair Strat commented on the following:

- Upcoming presentation by Paul Goldsmith on LEED certification, as well as participation by City representatives on related subjects.
- Key presentations on site plan approval and water management at the National AIA Conference.
- Library of CD's from the American Planning Association National Conference in San Francisco.
- Creation of Sub-Committees (1) PUD [comprised of Strat, Vleck, Schultz] (2) Bylaws [Waller, tbd] (3) Greenbelts [tbd].
- Future Land Use Plan.
- New Zoning Ordinance.
- Utilization of Lawrence Tech University's Masters Degree program in relation to the Maple Road Corridor Study.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Final\05-24-05 Special Study Meeting_Final.doc