

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on December 8, 2009, in the Council Chamber 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 (arrived 7:34 p.m.)

Also Present:

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

2. APPROVAL OF AGENDA

Resolution # PC-2009-12-096

Moved by: Tagle
Seconded by: Sanzica

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck (arrived 7:34 p.m.)

MOTION CARRIED

3. MINUTES – December 1, 2009 Special/Study Meeting

Resolution # PC-2009-12-097

Moved by: Edmunds
Seconded by: Tagle

RESOLVED, To approve the minutes of the December 1, 2009 Special/Study meeting as prepared.

Yes: All present (8)
Absent: Vleck (arrived 7:34 p.m.)

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN REVIEWS

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 955) – Proposed Axle Tech, 1400 Rochester Road, East side of Rochester and South of Maple, Section 34, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the preliminary site plan review on the proposed Axle Tech project. He reported on the following site plan deficiencies:

- Clarify proposed tenants and uses.
- Correct notes on sheet SP 101 that refers to another community.
- Proposed front setback, lot coverage and landscape area do not meet Zoning Ordinance requirements and will require variances or site plan revisions.
- Provide revised parking calculations based on City requirements.
- Reduce the site access from Rochester Road to two drives.
- Provide an 8-foot wide sidewalk along Rochester Road.
- Provide additional greenbelt.

Mr. Branigan acknowledged support for redevelopment of the site and noted the minor comments and clarifications could be addressed prior to Final Site Plan approval. He noted, however, that the site plan exceeds the maximum ground floor coverage for all buildings, increases an existing encroachment into the front yard setback, and might not meet the minimum landscaping provisions of the Zoning Ordinance. Therefore, it is recommended that the Planning Commission postpone the request to permit the applicant to seek a variance or variances, and/or to revise the proposed site plan to meet minimum Zoning Ordinance requirements.

Kevin Biddison of Biddison Architecture and Design, 4327 Delemere Court, Royal Oak, was present.

The petitioner, Dennis Bostick of 1819 E. Big Beaver, Troy, was also present.

Mr. Biddison apologized for the site plan notations relating to another community. He said they would seek variances from the Board of Zoning Appeals (BZA) for the required setbacks and lot coverage requirements. Mr. Biddison talked about the modification and enhancement of the building façade. He said they would provide the 8-foot sidewalk as requested. Further, he stated they would study the suggestions relating to the site access from Rochester Road and the additional greenbelt. Mr. Biddison noted it would be their preference to keep the southern drive because it allows for a passenger drop-off area.

Mr. Bostick addressed the tenants. He explained there currently is a temporary tenant on site. The new tenant, a wholly owned division of General Dynamics, is relocating their Axle Tech headquarters to Troy. Mr. Bostick noted the development would be a five-star building, inside and out, and site improvements would be more than \$3 million.

Mr. Strat expressed support of the proposed development and encouraged the BZA to grant any necessary variances. He encouraged the petitioner to consider strongly the suggestions on the site access.

Mr. Ullmann questioned the detention on site. There was no detention shown.

A discussion followed relating to the existing underground detention.

Mr. Savidant stated the Engineering Department would address and determine the detention prior to Final Site Plan approval.

Resolution # PC-2009-12-098

Moved by: Strat

Seconded by: Maxwell

RESOLVED, That Preliminary Site Plan Approval, pursuant to Section 03.40.03 of the Zoning Ordinance, as requested for the proposed Axle Tech Addition, located on the east side of Rochester, south of Maple, in Section 34, within the M-1 zoning district, be postponed, subject to the following conditions:

1. Come before us with the recommendations for setback requirements, following Board of Zoning Appeals (BZA) action.
2. Clarify items raised in the Site Plan Review report.

Yes: All present (9)

MOTION CARRIED

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 956) – Proposed “Our” Credit Union, Northwest corner of Rochester and Lovell, Section 3, Currently Zoned O-1 (Office Building) District

Mr. Branigan presented a summary of the preliminary site plan review on the proposed credit union. He reported on the following site plan deficiencies:

- Provide dumpster location; reconsider treatment of trash removal.
- Review site arrangement to ensure optimal efficiency.
- Consider a reduction of the proposed parking to no more than the required number of spaces required by the Zoning Ordinance.
- Eliminate the divided commercial entrance off Rochester Road.
- Provide details for ADA ramps.
- Finalize landscape details for Final Site Plan approval and remove proposed prohibited species.
- Obtain variance for the required screen walls on the north and west sides of property.
- Consider masonry materials in lieu of proposed E.I.F.S. components.

Mr. Branigan acknowledged the proposed project is favorable. He stated the outstanding issues must be addressed prior to Preliminary Site Plan approval and a variance must be sought for the required screen walls. It is recommended that the Planning Commission postpone action on the preliminary site plan to allow the petitioner to seek the required variance from the BZA and make the noted site plan revisions.

Bill Mosher of Apex Engineering, 560 Whims Lane, Shelby Township, was present to represent the petitioner.

Jason Covalle of George Covalle Architect and Associates, 2266 Springport Road, Jackson, was also present.

Mr. Mosher addressed trash removal and parking. He indicated the petitioner does not want a dumpster on site, and would like the additional parking to accommodate employees and overflow at peak hours. Mr. Mosher indicated the petitioner would go forward with a BZA request for a variance on the required screen walls.

Mr. Covalle clarified the curbside trash pickup would be handled through a private company. He brought in samples of material and colors proposed for the building. Mr. Covalle addressed the building orientation in relation to visibility of the ATM. He further addressed the parking and divided driveway entrance off of Rochester Road.

Mr. Strat requested the petitioner to provide sealed drawings with their next submission and correction of directional notations on the site plan.

Discussion continued on the treatment of trash removal and a designated dumpster location.

Mr. Covalle indicated the petitioner has security and maintenance concerns with the use of a dumpster.

Mr. Branigan asked that the site plan show a designation for a dumpster, with a notation that the petitioner would be contracting with a private company for trash removal.

Mr. Hutson commended the petitioner on the building orientation.

Mr. Covalle replied that the building orientation provides a nice opportunity for enhanced landscaping and he believes the project will present itself well to the public.

Chair Schultz addressed the landscaping and asked if a 36"-42" hedgerow could be provided along Rochester Road to act as a shield for the fronts of vehicles.

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.

Discussion continued on the proposed divided driveway entrance off of Rochester Road. Messrs. Branigan and Savidant informed the petitioner that the City's Traffic Engineer comments are that the divided driveway is not favorable, does not meet traffic engineering standards and is potentially unsafe.

Resolution # PC-2009-12-099

Moved by: Maxwell
Seconded by: Edmunds

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 03.40.03 of the Zoning Ordinance, as requested for the proposed credit union, located on the northwest corner of Rochester and Lovell, in Section 3, within the O-1 zoning district, be postponed, subject to the following conditions:

1. Provide the applicant the opportunity to seek required wall waiver from the Board of Zoning Appeals.
2. Eliminate the divided entrance on Rochester Road because it does not meet traffic engineering standards.
3. Clarify items raised in the Site Plan Review report.

Yes: All present (9)

MOTION CARRIED

SPECIAL USE REQUEST

7. **PUBLIC HEARING – SPECIAL USE REQUEST (File Number SU 374)** – Proposed Stone Family Social Services Multi Use Facility, 1401 E. Fourteen Mile Road, North side of Fourteen Mile between Indusco Court and Dequindre, Section 36, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the preliminary site plan review on the proposed Stone Family Social Services facility. He reported on the following site plan deficiencies:

- Remove retail shop notation; retail shops not permitted in M-1.
- Provide information on persons served to calculate parking requirements prior to Final Site Plan approval. Noted parking lot is in need of repair or resurfacing and restriping.
- Provide dumpster location and screening.
- Provide required street trees; need additional three trees along 14 Mile.

Mr. Branigan acknowledged support of the special use request if there is no resale shop. It is recommended that the Planning Commission grant the special use approval, conditioned upon administrative resolution of the noted items.

Pastor Peter Carlson of Berkley Community Church, 895 Wiltshire, Berkley, and Director of South Oakland Citizens for the Homeless, 2200 E. 12 Mile Road, Royal Oak, was present. Also present were Roy Watson, 1900 Nakota, Clawson, current Executive Director of Welcome Inn, and David McCatty of McCatty Incorporated, 2355 Grayson Road, Ferndale.

Pastor Carlson gave a brief comparison of services offered by the South Oakland County Shelter, the Warming Center and the South Oakland Citizens for the Homeless, of which the Welcome Inn is a branch-off. Pastor Carlson stated the South Oakland Citizens for the Homeless has been in existence for 17 years and is open only during winter months. It accommodates 70 to 100 people per night. The intent is to relocate the Welcome Inn currently in Royal Oak to the Troy site.

Mr. Watson said guest hours would be from at 6:30 a.m. to 7:00 p.m., and staff would be gone by 7:30 p.m. A bus would transport guests to the Royal Oak Warming Center at 7:00 p.m.; there are no overnight stays. A security guard and case manager are always present on site. Mr. Watson shared the routine daily operation of the facility. He indicated the capacity averages 60 to 65 guests; a maximum of 85 to 100 guests. Mr. Watson stated that the guests mostly stay indoors, with the exception for the accommodation of smokers. He said they have never experienced any criminal activity on the part of the guests. Mr. Watson addressed the policy on contraband and the success rate of the facility.

Mr. Maxwell introduced correspondence received from George Perich, Human Resource Manager of Valiant International. The correspondence addresses several concerns with the proposed use.

Mr. McCatty said he talked with representatives of Valiant International to assure them their concerns were not valid. Mr. McCatty said there are numerous indoor activities for the guests and a full-time security guard on staff. He indicated that the resale shop is for guests only at no charge for the clothing. He addressed various services offered by the multi use facility.

PUBLIC HEARING OPENED

George Perich of Valiant International, Inc., 1511 E. Fourteen Mile Road, Troy, was present. Mr. Perich would like assurance that the proposed facility has adequate security, to mitigate the concern their company has for their employees and customers. He said their building is highly trafficked from the early hours of 6:30 a.m. until midnight.

There was discussion among the members and representatives of the petitioner with respect to the number of security guards on staff and the ratio of staff and volunteers to the number of guests.

Mr. McCatty addressed the current economic conditions with respect to the guests in need of a facility of this type. He indicated they would do whatever necessary to satisfy any concerns for security.

Edmond Spillers of 774 Coachman Drive, Troy, was present. Mr. Spillers, a business owner in the area, spoke favorably of the proposed facility.

PUBLIC HEARING CLOSED

Mr. Hutson shared his personal positive experiences with the South Oakland County Shelter.

Resolution # PC-2009-12-100

Moved by: Sanzica
Seconded by: Ullmann

RESOLVED, That Special Use Approval, pursuant to Section 28.30.13 of the Zoning Ordinance, as requested for the proposed Social Service Facility, located on the north side of Fourteen Mile, between Indusco Court and Dequindre, in Section 36, within the M-1 zoning district, be granted, subject to the following conditions:

1. Verify that the application meets off-street parking requirements prior to Final Site Plan approval.
2. Provide the required number of greenbelt trees along Maple and Indusco, as required by Section 39.70.02.
3. No public resale shop shall be operated in the facility.

Yes: All present (9)

MOTION CARRIED

SITE CONDOMINIUM SITE PLAN

8. SITE CONDOMINIUM PRELIMINARY SITE PLAN REVIEW – Proposed Hidden Parc Site Condominium, 30 units/lots proposed, West side of John R between Wattles and Long Lake, Section 14, Currently Zoned R-1C (One Family Residential) District

Mr. Branigan presented a summary of the preliminary site plan review on the proposed Hidden Parc Site Condominium. He reported on the following site plan deficiencies.

- Expand the width of unit 22 to meet minimum requirements.
- Rename the proposed Luisa Drive.
- Add a “T” turnaround or west “eyebrow” on the west side of the existing Luisa Drive “stub” street.
- Clarify trees to be removed and replace proposed trees to an appropriate species as noted by the City’s Landscape Analyst.
- Address specific site plan notations, as addressed under Submittal Requirements in the Planning Consultant report dated December 3, 2009.

Mr. Savidant reviewed the significant revisions from the previously approved site plan; i.e., number of units, emergency vehicle access and connections to John R.

Bill Mosher of Apex Engineering, 560 Whims Lane, Shelby Township, was present to represent the petitioner. Mr. Mosher gave a brief history of the property. He addressed the cul de sacs, phasing of the project as relates to infrastructure, stormwater management, lighting and landscaping.

It was brought to the attention of the Planning Consultant that the plans in front of the Planning Commission members were different than the plan being addressed by the Planning Consultant.

Mr. Mosher indicated the minor revisions made to the plans distributed to the members relate to street names and the phase line.

Messrs. Branigan and Savidant addressed recent departmental changes in the site plan review process. Mr. Savidant apologized for the confusion.

Discussion followed on:

- Stormwater management.
- Development design standards.
- Pre-application meetings with applicants.

Mr. Mosher said the intent of the petitioner is to move quickly on the project, to build two-story homes in the range of 3,000 square feet and to leave as many trees as possible for a natural buffer. He indicated every effort would be made to preserve trees.

Chair Schultz opened the floor for public comment.

Paul Fitzgerald of 4698 Whitesell Drive, Troy, was present. Mr. Fitzgerald said he was glad to hear comments this evening with respect to saving trees. He addressed preservation of the natural landscape, stormwater management, access drives, the depressed housing market and development phases of the project.

Neal Harris of 4762 Whitesell Drive, Troy, was present. Mr. Harris expressed appreciation for the cooperation and responses he received from Mr. Savidant through email and at the department counter. Mr. Harris addressed preservation of the natural landscape and the depressed housing market.

David Evans of 4782 John R, Troy, was present. Mr. Evans said he would welcome any improvement to the property because it has been abandoned and an eyesore for years. Mr. Evans addressed the infrastructure and development phases of the project and asked the distance from the first street south of the party store in relation to his home.

Mr. Branigan replied approximately 125 feet from property line to the drive.

Chair Schultz encouraged Mr. Evans to contact the Planning Department during regular business hours for further information.

Chair Schultz closed the floor for public comment.

There was discussion on stormwater management and development design standards.

Christopher Cousino of 12955 - 23 Mile Road, Shelby Township, was present. Mr. Cousino, the property owner, said he would consider alternatives on stormwater management. He stated it is not his intent to clear cut the property. Mr. Cousino said he would like to work cohesively with the Planning Commission and Engineering Department.

Resolution # PC-2009-12-101

Moved by: Tagle
Seconded by: Hutson

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 30 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, subject to the following conditions:

1. Clarification of items raised in the Site Condominium Report prior to consideration by City Council.

FURTHERMORE, That the following **design recommendations** are provided to City Management:

1. Require discussions with the petitioner, the Planning Department and the Engineering Department to explore innovative stormwater techniques and materials to preserve a greater number of trees, especially in the rear yard lots.
2. Clarification of items in the Site Condominium Report, inclusive of clarifying phasing of the project and treatment of the turnaround of Phase 1.
3. Potential for an eyebrow to assist in the turnaround on Welling and Luisa south of the property on the west side.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS

9. **PLANNED UNIT DEVELOPMENT (PUD 009)** – Proposed First Amendment to the Development Agreement, The Pavilions of Troy Planned Unit Development, Northwest corner of Big Beaver and Coolidge, Section 19, Currently Zoned PUD 9

Mr. Savidant gave a brief review and status of the proposed development. He noted the proposed draft Amendment to the Development Agreement on tonight's agenda is for informational purposes only. There is no action required by the Planning Commission. Mr. Savidant indicated that City Council could act upon the proposed Amendment to the Development Agreement without input from the Planning Commission.

Chair Schultz stated the Planning Commission received the proposed draft Amendment late in the day and acknowledged there has been very limited time for review by the members.

Mr. Forsyth reviewed three concerns with a previous draft of the Amendment to the Development Agreement.

- Potential for vacation of Cunningham Drive; partial, full, or modification.
- Omission of arbitration paragraph, at request of applicant.
- Revisions to Paragraph 30 that relates to construction of residential.

Mr. Forsyth summarized Paragraphs 3, 4 and 5 of the most recent proposed draft Amendment.

- Construction of 138 residential units in second phase of construction.
- Completion of underground utilities for residential phase no later than three years after Certificate of Occupancy received for first phase of retail construction.
- Owner may request one time extension up to three years.
- Owner agrees to convey free and clear title of seven acre +/- parcel should Owner not develop residential phase according to and within time specified in Amendment.

Mr. Forsyth indicated some details of the Amendment need to be ironed out before presenting the draft Amendment to City Council at their December 21, 2009 Regular meeting.

There was discussion on the following:

- Proposed retail improvements.
- Original Concept Development Plan (CDP) and approval process of PUD.
- Negotiations/discussions between City Management and applicant.
- Location, type and style of residential development.
- Compromise on mixed use concept of PUD development.
- Opposition to development as proposed.
- Lack of trust in applicant.
- Communication with City Council on status of project.

Resolution # PC-2009-12-102

Moved by: Vleck

Seconded by: Strat

RESOLVED, That the Planning Commission strongly opposes any amendments to the PUD 009 Development Agreement as it may allow the property to be developed in a way that is inconsistent with the original Concept Development Plan (CDP).

Yes: All present (9)

MOTION CARRIED

Mr. Hutson asked that both the previous Resolution [Resolution #PC-2009-10-086, October 13, 2009 Planning Commission Meeting] and this Resolution be forwarded to City Council.

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

Mr. Branigan complimented the members on the professional and efficient manner in which tonight's agenda was handled.

There were comments from around the table on the following:

- Pre-application meetings – mandatory and/or strongly encouraged.
- 'Paperless' Planning Commission meetings.
- Application review process.
- Format of presentations in Council Chamber.

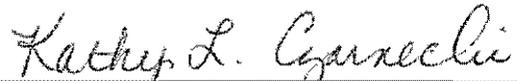
Mr. Maxwell addressed the status of non-smoking legislation. Attached to the minutes is a communication to the Troy Chamber of Commerce–Hospitality Committee, dated November 18, 2009.

The Regular Meeting of the Planning Commission adjourned at 10:46 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



Kathy L. Czarnecki, Recording Secretary

TROY CHAMBER OF COMMERCE - HOSPITALITY COMMITTEE -November 18, 2009

Many Troy citizens have been asking about smoke-free restaurants in the city and how to find them. I asked the Chamber to compile a list of smoke-free venues in the city and provide the information to the public. I am here to encourage voluntary smoke-free compliance in our city's restaurants. A growing number of us want to dine in smoke-free environments.

STATUS OF NON-SMOKING LEGISLATION

37 states have passed some type of smoking ban.

The Michigan House passed a measure that banned smoking in restaurants and bars that excluded casinos and cigar bars. It has been in the Senate for six months but deliberations will begin anytime. Most experts agree that a smoking ban will pass in Michigan in 2010.

A 2001 Michigan Court of Appeals ruling prevents local municipalities from enacting their own smoking bans.

WHY ARE THERE SMOKING BANS?

An extensive body of research exists that demonstrates the harmful effects of second-hand smoke. Studies have shown that second-hand smoke can be equivalent to 1 cigarette per half hour to the non-smoker. A non-smoker working in a smoking environment can inhale the equivalent of one-half pack of cigarettes per shift, according to another study.

Smoking is the leading cause of preventable death in the United States.

Smoking decreases a person's life expectancy by an average of 14 years.

MICHIGAN'S DEMOGRAPHICS ARE CHANGING

The % of smokers has dropped below 20% of the population for the first time. All states except Oklahoma are experiencing declines in the numbers of smokers. Michigan is a few % points higher than the national average, but is among the leaders in attempts to quit.

The only segment of Michigan's population that is growing is the 65 and over group, the one that has the fewest smokers.

PROMOTE VOLUNTARY NON-SMOKING PROGRAMS

I would encourage businesses to be proactive in instituting some form of voluntary compliance, as chances are excellent a state-wide ban will pass next year. Restaurants could run promotions involving New Year's resolutions to quit smoking, hold non-smoking wine tasting or chocolate tasting events, etc. to advertise their non-smoking status. Partial compliance would be great, too, if there were non-smoking days or non-smoking happy hours available. There are customers who would greatly appreciate these accommodations.

Respectfully submitted by:

Mark Maxwell
Troy Planning Commissioner
www.maxwellness.org
www.livelonglivewell.org