

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on March 9, 2010, 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

Absent:

Mark J. Vleck

Also Present:

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

2. APPROVAL OF AGENDA

Resolution # PC-2010-03-015

Moved by: Schultz
Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-03-016

Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the minutes of the February 23, 2010 Special/Study meeting as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PUBLIC HEARING

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts

Mr. Savidant briefly reviewed the intent of the proposed Zoning Ordinance Text Amendment relating to agricultural uses in residential districts.

Mr. Ullmann asked how the proposed restrictions would affect a person who owns an existing farm. He expressed concern that the proposed regulations would hinder and potentially eliminate farming business.

Mr. Forsyth addressed the following:

- Michigan Right to Farm Act.
- Michigan Generally Accepted Agricultural & Management Practices (GAAMPs).
- Papadelis (Telly's Nursery) vs City of Troy lawsuit.
- Intent of proposed ZOTA.
 - Provide regulations, not prohibit farms.
 - Farmers could seek relief through Board of Zoning Appeals (BZA) process.
- Telly's Nursery.
 - Continue as legal, non-conforming use.
 - Existing structures remain in place.
 - Business to continue as usual.
 - Future expansion(s) would require compliance with new regulations.

Mr. Strat said adoption of the proposed ZOTA is not reasonable, and making a farmer expend money and time to go before the BZA for relief does not make sense.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Ullmann voiced concern that the proposed language might result in potential lawsuits against the City in the future. He asked which governmental entities would be under the proposed restrictions.

Mr. Savidant said the proposed amendment would affect only new construction of agriculture structures in the City within the R-1A through R-1E zoning districts. He indicated the applicability of the proposed ZOTA is limited; noting the number of farm sites within the City is few. Mr. Savidant addressed accessory structures with respect to the proposed ZOTA, and noted there would be no negative effects on existing structures until such time that damage might occur beyond a certain percentage and reconstruction of the buildings is considered.

Mr. Ullmann said the proposed ZOTA is unduly restrictive, and broadly restricts buildings on acreage property.

Mr. Savidant addressed the legal requirements for publication of Public Hearing notices.

Resolution # PC-2010-03-017

Moved by: Sanzica

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 4, 10, and 40 of Chapter 39 of the Code of the City of Troy, pertaining to the regulation of agricultural uses in One Family Residential Zoning Districts, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Tagle

No: Strat, Ullmann

Absent: Vleck

MOTION CARRIED

Mr. Ullmann said the proposed ZOTA is unduly restrictive. Mr. Ullmann said small buildings on large pieces of property would be unduly restrictive and the few residents in the agricultural business could lose structural buildings, potentially putting them out of business.

Mr. Strat agreed the proposed ZOTA is overly restrictive and unreasonable.

PRELIMINARY SITE PLAN

6. **PRELIMINARY SITE PLAN REVIEW (File Number SP 958)** – Proposed Service Station/Convenience Store, Southeast corner of Rochester and Wattles, Section 23, Currently Zoned H-S (Highway Service) District

Mr. Savidant said the application was inadvertently accepted as a preliminary site plan application when it requires Special Use Approval. At the time of the discovery, Mr. Savidant reported it was too late to meet the deadlines to publish a

Public Hearing notice for the meeting this evening. He announced a Public Hearing is scheduled for the April 13, 2010 Regular meeting.

Mr. Savidant noted the intent in keeping the item on tonight's agenda is to address the preliminary site plan as submitted. Mr. Savidant addressed the property as relates to the condemnation proceeding and Rochester Road widening.

Mr. Branigan reviewed the Preliminary Site Plan application and cited the following site plan deficiencies:

- Obtain Planning Commission modification for the proposed two (2) parking space deficiency. Mr. Branigan noted support for the deviation in parking.
- Provide locations and details for ADA ramps along perimeter sidewalks and barrier-free parking spaces. This can be done prior to Final Site Plan approval.
- Obtain a determination from the Planning Commission that a 30-inch wall is suitable in lieu of a greenbelt; also to extend the wall to the southwest at the corner and remove the 2-foot section of wall at the southwest corner of the property.

Mr. Branigan said it is recommended to approve the Preliminary Site Plan conditioned upon the outstanding items as noted in the Consultant report, indicating the petitioner cannot go forward until Special Use Approval is granted.

Mr. Schultz asked if there were any comments or recommendations from the City Traffic Engineer or Oakland County Road Commission (OCRC) relating to the two curb cuts on Rochester Road.

Mr. Savidant replied that the City Traffic Engineer approved the site plan as proposed.

Mr. Edmunds brought attention to the fact that the plant materials list does not correlate with the tree and plant designations on the landscape plan.

Tom August, attorney, 121 W. Long Lake Road, Bloomfield Hills, was present to represent the petitioner. Mr. August introduced Leo Gonzales, project manager, and Sam Beydoun, principal property owner. Mr. August addressed specifics relating to the Special Use Approval.

Leo D. Gonzales, CRS Commercial Real Estate Services, 10741 Fellow Hills, Plymouth, briefly addressed rooftop mechanical screening and construction materials.

Discussion followed on:

- Traffic circulation.
- Landscaping; i.e., additional plantings, irrigation, correlation of plant materials list to designations on landscape plan.
- Screen wall; i.e., materials, location, length.
- Uniformity/continuity in construction material.
- External lighting (photo metrics submission).
- Sealed drawings, as required.
- Rooftop mechanical screening.
- Signage.

Planning Commission members agreed to defer action on the item this evening.

The petitioner will address items as discussed and present the preliminary site plan at the April 13, 2010 Regular meeting, at which time the petitioner will also be seeking Special Use Approval.

Mr. Savidant sought a straw vote from members on acceptance of the proposed two-space parking space reduction.

OTHER BUSINESS

7. CITY OF TROY CODE ENFORCEMENT PRESENTATION

Paul Evans, Inspection Supervisor, gave a presentation on the role and function of the Code Enforcement department.

He addressed:

- Various violations handled.
- Staff.
- Technological improvements.
- Tracking system.
- Field efficiency.
- Image, goals and objectives.

Mr. Evans opened the floor for questions.

Mr. Maxwell asked if the department has seen an increase in commercial vehicles within the past year.

Mr. Evans said there appears to be no increase in the number of commercial vehicles, but a report could be run for actual counts.

Mr. Sanzica asked what data management system the City uses to track code enforcement matters.

Mr. Evans replied the system is “Equalizer”, noting different modules are used for various departments.

Mr. Strat asked if the Planning Commission members could do anything to assist the Code Enforcement department.

Mr. Evans said the department would welcome notification of any violations members might see as they drive around the City.

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Savidant thanked Mr. Evans for a great presentation.

Mr. Maxwell addressed the special millage election.

The Regular Meeting of the Planning Commission adjourned at 8:46 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

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