

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on May 3, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain
Lawrence Littman
Mark J. Vleck

Also Present:

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

Resolution # PC-2005-05-060

Moved by: Wright
Seconded by: Khan

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

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

MOTION CARRIED

2. MINUTES

Several members requested that the March 28, 2005 Joint City Council/Planning Commission Meeting minutes, page 3, under **2. Options for Regulating Commercial Vehicles, Planning Commission Interests, I. Commercial Vehicles - (No comments)**, be revised to reflect that the Planning Commission members did not have an opportunity to participate.

Resolution # PC-2005-05-061

Moved by: Wright

Seconded by: Khan

RESOLVED, To approve the March 28, 2005 Joint City Council/Planning Commission Meeting minutes as amended.

Yes: All present (6)

No: None

Absent: Chamberlain, Littman, Vleck

MOTION CARRIED**Resolution # PC-2005-05-062**

Moved by: Schultz

Seconded by: Waller

RESOLVED, To approve the April 5, 2005 Special Meeting minutes (Alpine/McClure Site Visit) as published.

Yes: Drake-Batts, Khan, Schultz, Strat, Waller

No: None

Abstain: Wright

Absent: Chamberlain, Littman, Vleck

MOTION CARRIED**Resolution # PC-2005-05-063**

Moved by: Schultz

Seconded by: Waller

RESOLVED, To approve the April 5, 2005 Special/Study Meeting minutes as published.

Yes: All present (6)

No: None

Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

Resolution # PC-2005-05-064

Moved by: Khan
Seconded by: Wright

RESOLVED, To approve the April 12, 2005 Regular Meeting minutes as published.

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

MOTION CARRIED**3. PUBLIC COMMENTS**

There was no one present who wished to speak.

4. 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 reviewed the proposed rezoning that was tabled at the April 12, 2005 Regular Meeting and displayed slides of the rezoning proposal.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah briefly presented the proposed revisions to the rezoning and displayed two sketches that represented the changes.

The members expressed favorable comments.

Mr. Miller requested the petitioner provide legal descriptions to the Planning Department as soon as possible in order for the Planning Department to complete its review for the May 10, 2005 Regular Meeting.

Mr. Schultz said the revised proposal shows great concern for both the existing neighbors and potential new neighbors to the north because the lots are the same depth and width and an environmentally protected area abuts the residential property.

Mr. Saymuah said the neighbors are happy, and he apologized for the misunderstanding at the last meeting.

5. 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.

Discussion followed on allowing limited retail use not only along major thoroughfares in the M-1 district but also on the interior streets.

Comments were taken from around the table.

Discussion points were:

- Code enforcement (existing businesses in non-business districts).
- Retail uses; related versus unrelated.
- Relationship between retail and industrial uses.
- Use variances (not permitted by the City's Zoning Ordinance).
- Special land use (appeal process).
- Current vacancy.

Mr. Miller reported that he had discussed retail on major thoroughfares only with City Management, and it is unknown if City Management would support retail on the interior streets. Mr. Miller said City Management has concerns that unfair advantages might be created for industrial building owners.

Chair Strat encouraged staff to contact developers and get their perspective on the proposed zoning ordinance text amendment.

The members requested that the Planning Department check on the position of City Management with respect to including limited retail use on interior streets in the M-1 district.

6. 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 reported that the minutes of the March 28, 2005 Special Joint Meeting reflect the convergence of opinion arrived at that meeting and were sent to the City Council as an informational item with a memorandum explaining how the convergence of opinion was developed. Mr. Miller said the minutes would go to the City Council at their May 9, 2005 Meeting for review and approval.

Mr. Miller reviewed the draft text amendment relating to accessory structures, the grandfather clause, and the decision of the Board of Zoning Appeals at their April 19, 2005 meeting. Mr. Miller indicated that City Management is in agreement with the accessory structure formula of 75% of the first floor living area and the grandfather clause. City Management is not in favor of placing a restriction on garage door height.

A lengthy discussion followed. The members agreed to go forward with its original proposal and to include the grandfather clause. The Planning Department will draft appropriate zoning ordinance text with respect to garage door height.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller reported that the draft zoning ordinance text relating to commercial vehicle parking appeals does not address the use variance issue.

Mr. Motzny said the Legal Department was given the direction to review the legality of channeling commercial vehicle appeals through the Board of Zoning Appeals (BZA). He said State law would allow the BZA to grant use variances, but the City's Zoning Ordinance does not allow for use variances at this time. Mr. Motzny said the Zoning Ordinance must be drafted to coordinate with State law. Mr. Motzny stated that the law permits use variances only if the land cannot be used in the manner in which it is zoned. Should a procedure be established, Mr. Motzny questioned if use variances should be created for other types of use variances. He stated another option would be to not allow commercial vehicle appeals.

It was agreed that the Legal Department and Planning Department would study this matter further and come back with a recommendation as to whether there should be an appeals process and, if so, with appropriate draft language to enable the process.

Mr. Wright asked that Page 5, Item 7, incorporate the comments of

8. 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 briefly reviewed the changes that were incorporated in the draft zoning ordinance text.

A discussion followed with respect to the proposed allowable uses and the limitation of them. Mr. Miller reported that City Management would not support additional uses in the R-C and O-S-C zoning districts.

The members agreed with the concept of the ordinance amendment. Their direction was to allow restaurants and banks only, and to eliminate financial institutions or include a definition of financial institutions within the text.

Chair Strat requested a recess at 9:07 p.m.

The meeting reconvened at 9:15 p.m.

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

Mr. Miller reviewed the proposed zoning ordinance text amendment.

The direction from the members was to include appropriate language relating to joint parking agreements in Section 04.20.07.

10. REVIEW OF MAY 10, 2005 REGULAR MEETING

Mr. Miller provided a review of the May 10, 2005 agenda items.

There was discussion on preparation and delivery of the Planning Commission meeting packets, and the Planning Department procedure in the submission and review of applications.

11. PUBLIC COMMENTS

Dick Minnick of 28 Millstone Drive, Troy, was present. Mr. Minnick spoke on the proposed ZOTA 215-A with respect to the BZA decision, a grandfather clause, garage door height restrictions and seller disclosure.

Chair Strat said Mr. Minnick's concerns would be taken under consideration.

Mr. Miller encouraged Mr. Minnick to contact the Planning Department to review the draft zoning ordinance text amendment upon its completion by staff.

GOOD OF THE ORDER

Several members commented on the Planning Commission's reception and responsiveness to petitioners.

Mr. Schultz asked if the members could receive the *Planning Journal* special compilation listed on page 7 that addresses basic tools of planning, comprehensive planning, zoning, capital improvement programs, subdivision regulations, etc.

Mr. Waller provided members with an update on the Big Beaver Tales. The website for the art project is www.beavertales.org.

Mr. Motzny reminded members of the "Law Day" celebration in the Legal Department on May 4, 2005.

Mr. Miller announced the Michigan Association of Planning (MAP) annual conference is at Mackinac Island on September 14-17, 2005. He asked that members inform the Planning Department if they are attending.

Chair Strat said a report of his San Francisco conference is coming.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:55 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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