

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Beltramini at 7:30 P.M. on Tuesday May 9, 2000 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

**Present:**

**Absent:**

Beltramini

Wright

Chamberlain

Kramer

Littman

Reece

Starr

Storrs

Waller

**Also Present**

:

Laurence G. Keisling, Planning Director

Robert Davisson, Assistant City Attorney

Doug Smith, Real Estate & Development Director

Nicole Brown, Student Representative

Moved by Chamberlain; Seconded by Reece

RESOLVED, that Commissioner Wright be excused from attendance at this meeting.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

2. PUBLIC COMMENTS

**TABLED ITEMS**

3. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW – Proposed Church – North of Wattles and West of John R – Section 14 (SU-306)

Mr. Keisling explained that at the March 14 Regular Meeting a Public Hearing was opened in relation to a request for Special Use Approval and related Preliminary Site Plan Approval for the establishment of a church complex on an L-shaped R-1C zoned parcel extending north from Wattles Road in the area west of John R. The petitioners, St. Petka Vratnica Serbian Orthodox Church, controlled a 6.46 acre parcel with just 79 feet of frontage on Wattles Road. The major portion of the site lies approximately 550 feet north of Wattles Road and abuts the Athens High School site. The plan also included a 60 foot wide City-owned Wattles Road frontage parcel abutting to the west, which is proposed to be purchased by the petitioners and combined with their site in order to improve its access and presentation from the frontage street. Action was tabled on this matter at the request of the petitioners, and the Public Hearing was continued, in order to provide an opportunity for them to proceed in their efforts to acquire additional property and to revise the site plan accordingly.

Mr. Keisling stated that the petitioners have acquired just one additional parcel, the rear 350 foot portion of the residential lot immediately east of their Wattles frontage, and have now presented a revised site plan. A new Public Hearing advertisement has been distributed, due to the proposed additional site area. The total site area, including the City-owned parcel, is now approximately 7.8 acres. At the staff's request, the proposed entrance drive has been placed directly opposite Victoria Drive on the south side of Wattles. The plan indicates a multi-phase development, wherein the first phase would be the sanctuary building with a sanctuary seating capacity of 500. Later phases would include classrooms and a multi-purpose hall, also with a 500 person capacity. The site plan indicates 4' 6" decorative masonry parking area screenwalls along all boundaries abutting residentially-zoned property. The northerly

and westerly boundaries of this site abut land which is now, or will in the future become, part of the Troy Athens High School site. The petitioners may, therefore, in the future, request a waiver of a portion of the parking area screenwalls. The site plan also indicates a potential secondary connection to the Athens High School perimeter drive, a proposal which the petitioners are presently discussing with the Troy School District. The site plan also indicates an entrance canopy on the south side of the future hall element, which encroaches into the required 50 foot setback area. It will be necessary to secure a variance from the Board of Zoning Appeals if the church wishes to proceed with this architectural detail element in the future. As originally submitted, the site plan also indicated 25 foot high parking area light standards, shielded from the adjacent residential area. The staff asked that the standards be reduced to a maximum of 18 feet in height, particularly in those areas adjacent to potential future residential development. The unofficial performance standard " - - - parking area lighting luminaires shall not be visible from adjacent residential properties " would once again be an appropriate item to include in the action on this matter. With recognition of the potential need for a variance related to the hall entrance canopy, all applicable Ordinance requirements are complied with and action on this Special Use Request and Preliminary Site Plan would be in order.

Mr. Keisling noted that the proposed Zoning Ordinance language regarding the establishment of churches, which will be considered later in this agenda, includes a provision which would require 50 foot setbacks and landscaped berms in those areas where the proposed parking area lies adjacent to the southerly and easterly boundaries of the site. The proposed Ordinance language also includes a provision which would require such yards and berming for " - - - parking areas proposed for construction after July 1, 2000." This language should probably refer to parking areas for which site plans were approved after July 1, 2000, and similar language should be applied to the new proposed parking area setback requirement.

Mr. Storrs was concerned about the ultimate development potential in the area to the south and east adjacent to the commercial intersection at John R. Mr. Keisling noted that the Master Plan indicates medium-density residential use in that area.

Constantine Pappas, architect for St. Petka, was present. He stated that the church presently has 300 families, 90 of which live in Troy. In response to Mr. Chamberlain's question about the proposed access to the Athens driveway, Mr. Pappas noted that they were working with the School District on this matter, along with proposals for connecting to water and storm drain facilities on the school site. Under the proposed approach, the church site could be used for additional parking for the school during low use hours. Mr. Chamberlain noted that Athens High School already has a Wattles Road driveway. If the Athens drive was connected to the proposed church development, traffic problems could result. Mr. Pappas commented that the proposed inter-connection with the school site could be eliminated.

The Public Hearing was declared open.

David R. Fuchs of 1661 E. Wattles was present and stated that he abuts the Wattles Drive from Athens High School. He was concerned that the church would create more traffic and noise and felt that such a "commercial use" should not be permitted in this area.

No one else wished to be heard.

Mr. Littman noted items in this proposal which were indefinite, such as the sharing of stormwater detention facilities, and the use of the City's property. Mr. Storrs was concerned that the proposed church would limit the potential for residential development in the adjacent area. Mr. Pappas noted that the church already owns its originally-proposed site, and is buying the parcel to the east. He was aware that, if the plan changes in the future, the church would have to return to the Planning Commission. Mr. Storrs stated the church was not in character or compatible with the adjacent area, and Mr. Reece concurred.

Moved by Waller Seconded by Chamberlain

RESOLVED, that Special Use Approval, as requested for the establishment of the St. Petka Vratnica Serbian Orthodox Church on a 7.77 acre parcel (including a present City-owned parcel) lying north of Wattles Road and west of John R be granted, in accordance with Section 10.30.04 of the Zoning Ordinance, subject to the following conditions:

1. The maximum height of light standards in the area adjacent to potential residential development will be 18 feet as indicated on the plan as presented on this date.
2. No driveway access will be provided between this site and the adjacent Athens High School perimeter drive.
3. Further Planning Commission review and action will be necessary if the abutting City-owned parcel is not included in the proposed development.

Yeas: Waller, Chamberlain, Starr Nays: Reece, Storrs

Beltramini, Littman, Kramer Absent: Wright

MOTION CARRIED

Moved by Waller Seconded by Chamberlain

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of the St. Petka Vratnica Serbian Orthodox Church complex on a 7.77 acre parcel (including a present City-owned parcel) in the area north of Wattles Road and west of John R is hereby granted, subject to the following conditions:

1. The maximum height of light standards in the area adjacent to potential residential development will be 18 feet as indicated on the plan as presented on this date.
2. No driveway access will be provided between this site and the adjacent Athens High School perimeter drive.
3. Further Planning Commission review and action will be necessary if the abutting City-owned parcel is not included in the proposed development.

Yeas: Waller, Chamberlain, Starr, Beltramini, Littman, Kramer

Nays: Reece, Storrs

Absent: Wright

## MOTION CARRIED

Mr. Storrs indicated that his nay vote was due to his opinion that this proposal did not meet the requirements of Section 10.30.00-A, as it would not be compatible with the orderly development of the adjacent residential area. He did feel that sharing a detention basin with the high school would be a good idea. Mr. Reece indicated that his nay vote was due to his opinion that the church would be in conflict with the orderly residential development of the area.

## SITE PLANS

### 4. SITE PLAN REVIEW – Proposed Industrial Buildings – South End of Daley, East of Rochester – Section 26 (SP-689)

Mr. Keisling explained that a site plan has been submitted for the construction of a two-building industrial complex totaling 79,523 square feet in area, on an 8.4 acre parcel at the south end of Daley Street east of Rochester Road, involving 751 feet of frontage on I-75. The subject site lies on both sides of the Sturgis County Drain, with the majority of the site lying between the drain and I-75. The site is also divided, in a north-south direction, by the platted and partially-improved Daley Street easement, within Supervisors Plat No. 11. Later in this agenda, the Commission will consider a request for vacation of this street easement in order to enable this proposed development to proceed. The proposed development will include an office/lab building in the easterly portion of the I-75 frontage, with a second building including a wind tunnel in the westerly portion of the site. The wind tunnel portion of the building will be 66 feet in height. The petitioners, Behr America, have requested and received a variance from the Board of Zoning Appeals in order to permit this additional structure height, as compared to the 40 foot typical M-1 District maximum height. Access to the site will be provided by a driveway extension of Daley Street, which will include a vehicular bridge crossing the Sturgis Drain. The petitioners have gone to a great deal of trouble in development of their plan to preserve the wooded areas and other natural features, while at the same time enabling productive use of the site. One of the major parking areas will, for example, be located in the north central portion of the site north of the drain, with a pedestrian bridge crossing the drain and extending from the easterly building to that parking area. This approach was used as an alternative to eliminating the substantial wooded area lying east and north of the proposed easterly building. The primary development frontage will be I-75, where the total yard area at or exceeding the 50 foot minimum will be kept open and involve either preservation of natural features or landscaping. The Zoning Ordinance also requires a minimum 50 foot landscaped setback from the ultimate south end of the public street portion of Daley Street. All applicable Ordinance requirements were complied with, and approval of this unique site plan was recommended by the Planning Department, subject to the completion of the indicated street vacation process.

Philip Tocco was present representing Behr America, along with Paul Landry, their architect. Mr. Tocco stated that they manufacture items such as heat exchangers, thermostats, and fan clutches for the automotive industry. This facility would be used primarily for development and testing of their products, and vehicles involving their products. The impact of the building height would be reduced due to the fact that the site is approximately 12-13 feet below the grade of I-75. In response to questions from the Commission, Mr. Landry noted the building and elevations which had been provided, and stated that they were attempting to use as much masonry and glass as possible, even on the wind tunnel portion of the building. In response to Mr. Starr's question, Mr. Tocco stated that the wind tunnel was designed to test the tractor portion of large trucks, and automobiles. The primary reason for purchasing this particular piece of property was its visibility from I-75. Behr America was quite interested in having a positive image for their building complex and thus for their corporation.

Moved by Chamberlain Seconded by Kramer

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a two-building 79,523 square foot complex for Behr America, Inc., on an 8.4 acre M-1 zoned site at the south end of Daley Street abutting I-75 is hereby granted, subject to completion of the vacation process involving that part of the Daley Street right-of-way lying within this site.

Yeas: All Present (8); Absent: Wright

## MOTION CARRIED

### 5. SITE PLAN REVIEW – Proposed Office Building (Consent Judgment) – North Side of Big Beaver, East of John R – Section 24 (SP-719)

Mr. Keisling explained that, in November of 1987, the City Council entered a Consent Judgment to settle zoning litigation in the case of Harvey S. Fink v City of Troy, involving a parcel having 200 feet of frontage on the north side of Big Beaver east of John R. The Commission received a copy of the Consent Judgment prior to the meeting. The Judgment basically limits the use of the property to those uses permitted under O-1 zoning, with a P-1 (Vehicular Parking) restriction applied to the east 43 feet of the site. The Judgment also limits building height to two stories, and has other restrictions as to setbacks, screening walls, etc. Finally, the Judgment requires that site plans for the development of this land shall ultimately be subject to the approval of the City Council.

Mr. Keisling explained that a site plan for the development of this property was approved by the City Council in 1988, in accordance with the recommendation of the Planning Commission, but the plan was never implemented. A new site plan has now been submitted, by prospective new owners, for the construction of a 20,722 square foot single-story office building. The building will be set back approximately 53 feet from Big Beaver Road, and the landscaped front yard will include a shallow-sloped stormwater detention area. The site is to be served by a single driveway entering the easterly portion of the frontage within the area limited to P-1 use. The staff requested that a cross-access easement be provided over this driveway, extending north and west to the west property line, abutting the B-1 zoned site of the childcare center for which a site plan was approved by the Commission at the May 2 Study Meeting. If the childcare center is implemented at that location, he would not expect the cross-access easement to be used. The site plan indicates a 6 foot screenwall along the north property line and a 4' 6" screenwall along the east property line. In accordance with the Consent Judgment, these walls should be "brick-faced" and the 4' 6" wall should extend west to the driveway in the area adjacent to the southeast corner of the site. Finally, Mr. Keisling proposed that the trash receptacle enclosure be relocated to a point further distant from residentially-zoned land, probably on the south side of the driveway adjacent to the northwest corner of the building. With this modification, approval of this site plan should be recommended to the City Council.

Todd Bell was present on behalf of the petitioners, Expert Underwriters. He stated that they would be moving their business from Maple Road to this site, and that they would be willing to relocate the trash receptacle enclosure. In response to Mr. Storrs' question, he stated that the screenwall would be brick-faced, at least on the residential side.

Moved by Chamberlain; Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends to the City Council that Site Plan Approval, as requested for the construction of a 20,722 square foot single-story office building on a parcel having 200 feet of frontage on the north side of Big Beaver east of John R be granted, in

accordance with the provisions of the Consent Judgment entered in the zoning litigation Harvey S. Fink v City of Troy, subject to the following conditions:

1. Relocation of trash receptacle enclosure away from residentially-zoned land.
2. Provision of a cross-access easement extending to the west property line.
3. Brick-faced screenwalls, at least on the residential side.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

6. SITE PLAN REVIEW – Proposed Hotel (Consent Judgment) – South of Maple, at Maplelawn and Equity Drives – Section 32 (SP-852)

Mr. Keisling briefly reviewed the background of this proposal for the construction of a *Homewood Suites by Hilton* hotel on a 4.2 acre portion of the Parcel controlled by a Consent Judgment which settled the zoning litigation entitled Meritor Automotive, Inc., and the Nelson Companies v the City of Troy. As a result of a meeting held on the day before this meeting, hotel representatives agreed to revise their plan in order to resolve the various concerns expressed by staff. Due to this situation, a site plan for this proposed development was not available for consideration by the Planning Commission. Staff, therefore, recommended that action be tabled on this matter to the next available meeting, in order to provide an opportunity for the petitioners to submit a revised plan, and for the Commission to fully consider that plan.

Moved by Storrs; Seconded by Littman

RESOLVED, that action on Preliminary Site Plan Approval, as requested for the construction of a 150 unit Homewood Suites by Hilton complex on a 4.2 acre net area site on the proposed extension of Equity Drive south of Maple at Maplelawn be tabled to the May 23, 2000 Study Meeting, to provide an opportunity for the petitioners to prepare and submit a revised site plan.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

**SPECIAL USE REQUESTS**

7. PUBLIC HEARING - SPECIAL USE REQUEST – Proposed Temporary Outdoor In-line Hockey Rinks – North of Big Beaver, West of John R – Section 23 (SP-802)

Mr. Keisling explained that a request has been submitted for Special Use Approval in order to permit the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center site on the north side of Big Beaver west of John R. This request is submitted in accordance with Section 21.30.04-B of the Zoning Ordinance, which provides for the establishment of such outdoor recreational activities on B-2 sites, subject to conditions related to matters such as location, setback, and fencing. This activity is proposed to occur in the parking area between the westerly portion of the sports arena building and the existing office building fronting on Big Beaver Road. In order to avoid a conflict relative to the provision of adequate parking for the building complex, the Building Department has indicated that a portion of the indoor sports arena area would be closed or made inaccessible during the time that the in-line rinks are in place. The Zoning Ordinance requirements related to the location of the use adjacent to the building complex, away from any major thoroughfare intersection, and at least 150 feet from any Residential District are met. The Ordinance also requires enclosure of the outdoor activity area with a fence having a minimum height of 4 feet. The petitioners have indicated that the rink enclosure structure and netting will have a total height of approximately 10 feet.

Mr. Keisling noted that the Commission had briefly discussed this proposal at last week's Study Meeting, and had raised questions regarding matters such as additional lighting, potential banking of the surface, the adequacy of spectator area, and the time period during which this proposed use would be in place. These questions were passed on to Mr. Bostick, the petitioner, so that he would be prepared to address same at this meeting. At this point, it was Mr. Keisling's understanding that the petitioners propose to keep the rinks in place into the month of September. Mr. Keisling felt that it would be reasonable to approve this proposed temporary use, subject to the provision of an additional defined spectator or visitor area outside the limits of the rinks. The petitioners have suggested that such an area could be provided, and could be defined through the use of a series of stanchions and chains, or by some other manner.

Dennis Bostick, the petitioner, was present along with Randy Ballard and Brian Barker, who will be involved in the operation of the proposed in-line hockey rink area. In response to Mr. Starr's question, Mr. Bostick stated that they would be willing to establish an additional perimeter area with some type of stanchion and chain or fencing system. He felt there was not typically a high volume of traffic in that portion of the site. In response to Mr. Waller's question, Mr. Bostick passed around the ball used in outdoor in-line hockey.

The Public Hearing was declared open.

Yvonne Solis of 1866 Crimson commented that "as a mom" she loves the idea. She noted that, although the neighbors in her area were concerned when the Sports Center was first proposed, they have found it to be "a neighborhood joy."

Dan Jaroszewich of 2109 Wattles stated that, in relation to any safety concerns, he would much rather have his kids playing at a facility such as this, rather than on the streets.

Randy Husk of 2256 Niagara stated that, although he was originally opposed to the rezoning request for the Sports Center, he later supported that proposal. He has never regretted his action. He has found Mr. Bostick to be a man of his word.

No one else wished to be heard.

The Public Hearing was declared closed.

Chairman Beltramini was concerned about the adequacy of parking, and suggested that even more seating should be closed off inside the arena. Mr. Keisling noted that the parking spaces on the site currently exceed the Ordinance requirements, and that use of the arena is lighter in the summer. Mr.

Kramer confirmed that the petitioners would have to return to the Commission next year for approval, if they wished to do the same thing again. In response to Mr. Kramer's question, Mr. Davisson stated that, since this use is on private property, the City would have no liability.

Moved by Waller; Seconded by Kramer

RESOLVED, that Special Use Approval, as requested for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center site on the north side of Big Beaver west of John R is hereby granted, for a period extending from May 10, 2000 through September 30, 2000, subject to the following conditions:

1. Seating inside the Sports Arena building will be blocked off in order to offset parking spaces made unavailable by this use.
2. Additional spectator area will be provided outside the limits of the rinks, delineated or barricaded in a manner acceptable to the City staff.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

## **STREET VACATIONS AND OPENINGS**

### **8. PROPOSED STREET VACATION** – South Portion of Daley Street, North of I-75 – Section 26 (#148)

Mr. Keisling explained that a request has been submitted, by Behr America, Inc., for the vacation of the southernmost approximate 400 foot portion of the 50 foot wide Daley Street easement, within Supervisors Plat No. 11 (Liber 46, Page 46 of Oakland County Plats). This street easement area lies south of Big Beaver and north of I-75, within the 8.4 acre parcel proposed for development by Behr America. Only the northerly approximate 70 foot portion of the street easement area is paved. The easement then extends south across the Sturgis County Drain. As indicated in the discussion regarding the Behr America site plan earlier in this agenda, it is their proposal to extend their primary access drive south, partially within the present street easement area, across the drain to their building complex.

Mr. Keisling stated that it was the recommendation of the Planning Department that this request for street easement vacation be granted, subject to the retention of those utility easements determined to be necessary by the City Engineer and any related utility companies. As this street lies with an Easement rather than within a dedicated right-of-way, the completion of the vacation process may require Circuit Court action. In any event, the City should take action to either vacate or give up any rights which they have in this easement area for street purposes, while retaining any necessary utility easements. This vacation action should also be conditioned upon implementation of the Behr America development proposal.

Philip Tocco was present representing Behr America, Inc., and confirmed the nature of their request.

Moved by Waller; Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request by Behr America, Inc., for the vacation of the southernmost approximate 400 foot portion of the 50 foot wide Daley Street easement lying within Supervisors Plat No. 11 (Liber 46, Page 46 of Oakland County Plats) and including portions of Lots 27, 28, and 34 of that Plat be granted, subject to the retention of any utility easements as determined to be necessary by the City Engineer or by related utility companies, and subject further to the implementation of the development plan proposed for the surrounding 8.4 acre site by Behr America, Inc.

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Yeas: All Present (8); Absent: Wright

MOTION CARRIED

## **SUBDIVISIONS**

### **9. PRELIMINARY PLAT – TENTATIVE APPROVAL** – Meadow Creek Subdivision – West Side of Evanswood, North of Square Lake – Section 1

Mr. Keisling explained that this proposed subdivision, consisting of 8 lots and a detention basin parcel, lies within a 3.88 acre portion of a larger homesite on the west side of Evanswood Drive north of Square Lake Road. The property extends west from Evanswood to the large Troy School District property which they have indicated they wish to preserve as open space/natural area. The westerly major portion of the south boundary of the subdivision site abuts the north edge of the Evanswood Church of God site, while the remaining boundaries abut acreage homesites. While wetland area exists on the School District property and on the church site, staff investigation has confirmed the fact that the proposed subdivision site has basically been maintained as a lawn by the abutting homeowner, and thus contains no wetland areas or significant natural features. The proprietor's engineer has provided a hypothetical street pattern layout for the adjacent properties. This proposed subdivision is to be developed in accordance with the standard lot size provisions of the subject R-1D Zoning District. All of the lots are substantially larger than the 8,500 square foot minimum lot size in that District, and much wider than the 75 foot minimum frontage width. The proposed shallow-sloped unfenced stormwater detention basin is of the type which is typically ultimately conveyed to the City for maintenance, with a maintenance deposit. Approval of this Tentative Preliminary Plat was recommended by the Planning Department.

Mark Lederman, the proprietor, was present. He stated that this subdivision would be small but upscale. The homes would be 3400-3800 square feet in size with three car side entrance garages.

Gary Elsner of 6193 Evanswood stated that he owned the three plus acre parcel directly to the north, and was concerned about potential utility location and the trees along the edge of his property. Mr. Keisling explained that all new subdivisions are required to have rear yard drains, and that an easement for same would most likely be along the north edge of the subdivision site.

Philip Hepp of 6136 Evanswood was concerned about more congestion in the area. He noted that Evanswood currently does not have sidewalks.

Chairman Beltramini commented that the proposed lots were larger than normal for R-1D zoning, and thus that this subdivision could involve more lots.

Mr. Littman noted that sidewalks will be constructed within the proposed subdivision, including the Evanswood frontage.

Moved by Kramer; Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Meadow Creek Subdivision, on the west side of Evanswood north of Square Lake Road.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

## **REZONING PROPOSALS AND TEXT AMENDMENTS**

### **10. PUBLIC HEARING - PROPOSED REZONING** – West Side of Rochester, North of Trinway – Section 10 – R-1C to R-M (Z-667)

Mr. Keisling explained that a request has been submitted for the rezoning of a 1.36 net acre parcel having 170 feet of frontage on the west side of Rochester Road north of Long Lake Road (between Trinway and Sylvanwood) from R-1C to R-M (Multiple Family Residential-Medium Density). The site plan submitted with this request indicates the construction of a three-unit townhouse building. R-M zoning could, however, provide for dwelling unit density ranging from 6-10 units per acre, dependent upon unit size or room count. On this basis, this parcel could theoretically support 8-13 dwelling units. As an additional piece of information, if this property was zoned in the R-1T classification, with a maximum dwelling unit density of 6.2 dwelling units per acre, the maximum number of units permitted would be 8.

Mr. Keisling stated that the Master Land Use Plan, as amended in July of 1999, indicates Medium-Density Residential Use in the westerly Rochester Road frontage north of the Community Service Area at the Long Lake intersection. The requested R-M District is one of the three Zoning Districts which would enable development within the Medium-Density range. In the course of discussing the four rezoning requests which have been considered in those areas which are now shown for Medium-Density Residential use, staff has advised that, even though an area is shown for that use on the Master Plan, the Planning Commission and the City Council must still decide whether the parcel assembly or configuration involved in a particular rezoning request would result in a reasonable ultimate development configuration, and one which would relate properly to the surrounding area. Although the Planning Department continues to feel that the Master Plan designation in this area of the Rochester Road frontage is proper, it was their opinion that independent rezoning of a small parcel such as that now requested was premature. Development in accordance with such a rezoning request could in fact inhibit the potential for reasonable ultimate Medium Density Residential development in adjacent portions of the Rochester Road frontage. It was, therefore, the staff's recommendation that this request for rezoning be denied.

In response to Mr. Storrs' question regarding proper parcel depth from Rochester Road, Mr. Keisling stated that the depth of the subject property was not excessive, but the limited north-south dimension would not enable reasonable independent development.

Gary Currier, architect, was present on behalf of the petitioners. He stated that assembly of more property would be cost prohibitive, as they only planned to build three units. In response to Mr. Waller's question, he stated that no attempt had been made to acquire the property to the south. Mr. Storrs asked if they had considered R-1T zoning, as that classification would enable the type of development which was proposed by the petitioners.

The Public Hearing was declared open.

Leonard Bertin of 5352 Rochester Road stated that he owned the new log home on the property abutting to the north. He did not want multi-family or apartment development adjacent to his home. He noted that the zoning allows up to eight units per acre, and that the proposed three unit building could not be guaranteed.

Ehsan Jaghory of 884 Trinway stated that he was also opposed to multi-family residential development. He liked the residential character of the Trinway area in its present form.

Cindy Adams of 5352 Rochester Road stated that her residence is directly across from the property. She was concerned about additional traffic and a potential decrease of her property value. She did not think that the proposed development would blend in with the area, as most homes in the area are on parcels of one acre or more.

Rex Brown of 717 Trinway stated that the requested zoning would not bring about proper use for the property. He noted that three expensive homes are on the adjacent Trinway frontage. He had checked on the zoning and Master Plan status of this area twenty years ago when he purchased his property, and had been told that the area would remain single-family residential.

Vicky Brown of 5240 Rochester Road stated that she lived directly across from Trinway, and she felt that there was nothing quiet and peaceful about that area. She further noted that the property on the northwest corner of Rochester and Trinway is an eyesore.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Chamberlain noted the one written objection that had been received. He noted that the petitioner could put in the maximum density permitted once the property was rezoned. He was definitely opposed to the rezoning. Chairman Beltramini noted that, when the Commission had amended the Master Plan, they had not intended that rezoning and development would occur one acre at a time. Mr. Storrs asked the other Commission members if they would support rezoning at such time as more property was assembled. He was concerned about a potential extension of commercial strip zoning and development in this area. Chairman Beltramini commented that she would be more inclined to consider CR-1 zoning in this area.

Moved by Chamberlain; Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 1.36 acre parcel having 170 feet of frontage on the west side of Rochester Road north of Trinway, from R-1C to R-M (Multiple Family Residential-Medium Density) be denied, as such rezoning is premature at this time, and could impede the potential for reasonable and desirable Medium-Density Residential Use in this area in accordance with the intent of the Master Land Use Plan.

Yeas: All Present (8); Absent: Wright

## MOTION CARRIED

### 11. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT – Church Provisions in R-1 and C-F Districts (#15)

Mr. Keisling explained that

on December 20, 1999, the City Council held a Public Hearing on the request of the St. Nicholas Greek Orthodox Church for rezoning, from R-1B to C-F, of their 10.2 acre site on Wattles, west of I-75. The Planning Commission recommended denial of this request, while the staff recommended approval. The City Council tabled action on this matter, following their Public Hearing, in order to provide an opportunity to further consider the Ordinance provisions related to churches in R-1 and C-F Districts, particularly in relation to the ancillary activities which may occur. It was the staff's impression that the Council is inclined to support community-related activities, and in particular, youth-related activities such as those which would occur in the proposed gymnasium. It was further their impression, however, that the Council is concerned about potential unlimited use of elements such as hall facilities, which could presumably occur under the present C-F provisions.

Mr. Keisling noted that, at recent Study Meetings, the Commission has discussed and developed proposed amendments to the Zoning Ordinance language dealing with the establishment of churches in R-1 and C-F Districts. The advertisement for this Public Hearing was based on a text now dated April 4, 2000. A City Council Public Hearing has been set on this same matter for their Regular Meeting of May 15, 2000. The proposed R-1 District provisions include only those involved in the Commission's recent discussions. In the case of the C-F District provisions, staff has also taken this opportunity to once again propose the reorganization of the C-F District text in order to make its structure more consistent with other Zoning Districts. In this regard, the principal direction or effect of the changes is to distribute the uses involved into three conventional use categories: (1) Principal Use Permitted; (2) Uses Permitted Subject to Special Conditions, and (3) Uses Permitted Subject to Special Use Approval. A substantial portion of the C-F District Text Amendments thus consist of relocation of the current Principal Uses and Conditional Uses into these three use categories.

Mr. Keisling stated that, in conjunction with the proposed amendments to the C-F District, the staff also proposed to add provisions, under the Special Use Approval category, for the establishment of childcare centers in those Districts. This direction has been discussed on a few occasions in the past, both in relation to the potential establishment of free-standing childcare center sites and the establishment of childcare facilities as accessory or secondary uses on sites involving other C-F District uses such as hospitals and churches.

Mr. Keisling advised the Commission that, following discussion at the May 2 Study Meeting, he was contacted by George Malis, Attorney and President of the Parish Council at St. Nicholas Church. Mr. Malis had a couple of suggestions relative to the proposed C-F District church provisions, and specifically in relation to Section 18.30.02-H-3. He suggested that this Section read as follows:

*"3. Such incidental facilities must be used for church, worship, religious education, indoor recreation, or for community service purposes. The facilities may be made available for use by private non-profit, public, or community organizations. They shall not, however, be used, leased or rented for other commercial purposes."*

The Commission also noted that, in the course of the discussion earlier in this meeting of the St. Petka Church proposal, it was recognized that language should be added to the proposed provisions, both in the R-1 and C-F Districts, which would apply the expanded parking area setback and berming requirements on church sites only to facilities for which site plans will be approved after July 1, 2000.

Mr. Keisling stated that the Planning Department recommended that the text be adopted, with the inclusion of the modified version of Section 18.30.02-H-3 as discussed earlier, and the other noted detail modifications.

In response to Mr. Waller's question relative to the proposed 80 foot setback for active indoor recreation uses, Mr. Keisling stated that this setback would be the same as that applied to recreation uses in other residential situations.

The Public Hearing was declared open.

George Malis, attorney, and Constantine Pappas, architect, were present representing St. Nicholas Greek Orthodox Church. Mr. Malis noted that St. Nicholas' proposed gymnasium building would also house administrative offices. Mr. Pappas stated that the church had drawn up a master plan in 1992, and that they would not be able to construct the building housing their proposed gymnasium based upon the proposed 80 foot setback requirement. In response to his question, Mr. Keisling summarized the parking requirement which would apply to the gymnasium. Mr. Pappas noted that the various uses in the church complex would not be happening at the same time. He was concerned that the parking requirements would result in too much paved area on the site. Chairman Beltramini noted that the Zoning Ordinance provisions apply to uses throughout the City, not just to the St. Nicholas site. She suggested that, if St. Nicholas felt that a parking variance was warranted, the City Council could consider such a request. Mr. Pappas noted that the proposed expansion would include classroom, library, and storage areas as well as the gymnasium.

No one else wished to speak.

The Public Hearing was declared closed.

Mr. Chamberlain agreed with the present parking requirements and the proposed 80 foot setback requirement for active recreation uses. Chairman Beltramini and Mr. Littman had concerns regarding potential commercial operations, such as the hall activities. Chairman Beltramini saw no problem with providing for community service activities involving organizations from other communities. Mr. Littman suggested that the questions regarding the 80 foot setback and the parking requirements may warrant further study. He presented a resolution tabling action for this purpose, but the resolution died due to lack of support.

Mr. Chamberlain felt that, due to the amount of discussion which has already occurred on this item, action should proceed. He further noted that the word "other" should be removed from Section 18.30.02-H-3.

Moved by Chamberlain; Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the R-1 and C-F Districts be amended, in accordance with the text as presented and modified on this date, (delete the word "other" from Section 18.20.02-H-3), in order to improve the development standards and controls for the establishment of churches in R-1 and C-F Districts, to reorganize the structure of the C-F District to make it more consistent with other Zoning Districts, and to provide for the establishment of childcare centers as Special Approval Uses in C-F Districts.

Yeas: All Present (8); Absent: Wright

## MOTION CARRIED

### 12. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT – Restaurant/Support Use Access in R-C Districts (#186)

Mr. Keisling noted the present Conditional Use provisions within the R-C District text, which do not permit accessory uses in those Districts to have their own separate outside entrances. This text, which is similar to that in the O-1 District, is intended to require that such accessory uses would be accessible from a lobby entrance or an entrance in common with the office portion of the building complex. A formal request has now been received from attorneys representing the Hayman Company, owners of the Northfield Plaza office complex on the east side of Crooks Road south of I-75, to amend the text of the Zoning Ordinance in order to permit restaurants which are a part of larger building complexes in the R-C District to have their own separate outside entrances. The particular interest of the Hayman Company in this regard is in conjunction with their proposal to establish a restaurant as a part of the proposed expansion of their Northfield Plaza building complex. The restaurant operators wish to have their own outside entrance.

Mr. Keisling stated that, after considering this request, it was the opinion of staff that, if this Section of the Zoning Ordinance is to be amended, the amendment

should not be limited only to restaurants. As an alternative, the staff proposed that the subject Zoning Ordinance Section be replaced with language which is basically the same as that which occurs within the O-M (Office Mid-Rise) and O-S-C (Office-Service-Commercial) Districts. The advertisement for this Public Hearing, therefore, included such language. Adoption of a proposed Zoning Ordinance Text Amendment of this type was recommended by staff.

The Public Hearing was declared open.

Norman Hyman, attorney for the petitioners, was present and concurred in the recommended language. He stated that, in order to attract a good upscale restaurant, it was important for the restaurant to have its own identity, and also its own separate entrance. In response to Mr. Littman's question, Mr. Hyman stated that the restaurant proposed at the Northfield Plaza complex was "The Palm", which is a premium restaurant in New York City.

No one else wished to be heard.

The Public Hearing was declared closed.

Moved by Storrs; Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the R-C (Research Center) Zoning District be amended, in accordance with the text as presented on this date, in order to enable separate outside entrances for support uses in R-C building complexes, and thus to improve the functionality and desirability of such building complexes.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Laurence G. Keisling

Planning Director

/eh