

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Beltramini at 7:30 P.M. on Tuesday September 26, 2000, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Beltramini
Kramer
Littman
Reece
Starr
Waller
Wright

Absent:

Chamberlain
Storrs

Also Present:

Laurence G. Keisling, Planning Director
Lori Bluhm, Assistant City Attorney
Mark Miller, Principal Planner
Carol Anderson, Parks and Recreation Director
Doug Smith, Real Estate and Development Director
Paula Bratto, Planner
Jordan Keoleian, Student Representative

Moved by Starr
Seconded by Reece

RESOLVED, that Commissioners Chamberlain and Storrs be excused from attendance at this meeting.

Yeas: All Present (7)
Absent: Chamberlain, Storrs

MOTION CARRIED

2. MINUTES – Regular Meeting of September 12, 2000

Moved by Reece
Seconded by Wright

RESOLVED, that the minutes of the Regular Meeting of September 12, 2000, be approved as printed.

Yeas: All Present (7)
Absent: Chamberlain, Storrs

MOTION CARRIED

TABLED ITEMS

3. PROPOSED REZONING – Northwest Corner of Kirts and Troy Center – Section 28 – R-1C to O-1 (Z-668)

Mr. Keisling explained that action was tabled on this matter, following a Public Hearing at the September 12 Regular Meeting, in order to provide an opportunity for the petitioners to be present. Their request is for the rezoning of a 2.49-acre two-lot parcel at the northwest corner of Kirts Boulevard and Troy Center Drive, from R-1C to O-1. The construction of a 30,800 square foot single-story office building is proposed. The subject site has approximately 190 feet of frontage on Kirts Boulevard and 572 feet of frontage on Troy Center Drive. Developed O-1 zoned property abuts to the west and north and across Troy Center Drive to the east, while residential condominium developments lie across Kirts Boulevard to the south. The Master Land Use Plan in the northerly Kirts Boulevard frontage area indicates Low-Rise Office use. O-1 zoning is in place throughout this frontage, extending from Crooks Road to the O-M zoned site at Livernois. This parcel was proposed for rezoning on a City-initiated basis many years ago, in conjunction with the adjacent frontage, but was excepted from that action at the request of the property owners. Approval of this request for rezoning from R-1C to O-1 was recommended by staff.

Mr. Keisling noted that at the September 12 Public Hearing, concerns were expressed by representatives of the adjacent condominium associations as to the adequacy of notice to adjacent property owners and as to the height of the proposed development on this property. Review of the applicable State Law indicates that the Public Hearing notice given exceeded statutory requirements. The petitioners have stated that it is definitely their intention to construct a single-story building on this site.

Mr. Keisling further explained that the related staff has met in order to discuss and confirm the nature of the Public Hearing notice policy related to rezoning proposals. It was determined that, consistent with the intent in the past, properties within 300 feet of the subject site will be notified of Planning Commission and City Council public hearings. In the case of single family subdivisions, this would include homes on lots within that range. In the case of residential condominium developments, all residences within the 300-foot range will be notified. The City staff will also offer to notify homeowner's associations, subject to the provision of the name and address of a proper contact person. The Council of Troy Homeowners Associations will be asked to contact their member organizations in order to provide the names of these contact persons. Condominium associations will also be notified, subject to the provision of a contact person or entity address.

Mr. Mike Turri of Boulder Construction was present representing the petitioners in this rezoning matter. Robert Schultz, president of the Courtwood Villas Condominium Association, and Richard Tobiason, president of the Strathmoore Village Condominium Association, were also present. With the consent of the Chairman, Mr. Turri described the proposed single story building development to the condominium representatives and to the Commission. In response to Mr. Kramer's question, Mr. Turri stated that it was their intention to construct their proposed building in conformance with all applicable Ordinance requirements, and thus to seek no parking or other zoning variances.

Moved by Waller
Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 2.49 acre parcel at the northwest corner of Kirts Boulevard and Troy Center Drive, from R-1C to O-1 (Low-Rise Office), be granted, as such rezoning is consistent with the Master Land Use Plan and will enable development consistent and compatible with that in the adjacent area.

Yeas: All Present (7)
Absent: Chamberlain, Storrs

MOTION CARRIED

Mr. Schultz and Mr. Tobiason further discussed the notification matter with the Commission. It was their position that in the case of a condominium association, since all co-owners have an interest in all of the property they should all be notified. Mr. Littman, who had at one time been an officer in the Northfield Hills Condominium Association, felt that such an approach was not necessary and, in the case of Northfield Hills, would be impractical. Mr. Keisling noted that the purpose of a notification radius is to advise those people who are physically closest to the subject site of a particular zoning or development proposal, as they would be the persons with the greatest chance of being affected by same. Mr. Waller and Mrs. Beltramini advised Mr. Schultz and Mr. Tobiason that, if they did not agree with the City's policy, they could advise the City Manager and City Council of their position.

STUDY ITEMS

4. BOARD OF ZONING APPEALS REPORT

Mr. Littman commented on some of the matters recently considered by the Board of Zoning Appeals including the following:

1. The request for a variance to permit an improperly constructed residential pool deck to remain at a zero setback has been withdrawn. The petitioner proposes to remove the deck.
2. The request by Troy Honda for a landscape area variance in conjunction with their proposed building construction, and the expansion of their site, was granted after being modified by the Board. The resultant action increased the amount of landscape area to be provided on this site, as compared to that requested by Troy Honda. As a result of the Board's action, a ten foot green belt will be required in the Mapelawn frontage north of the building, while a minimum green belt or landscaped yard area of 25 feet will be required in front of the building and to the south of the building. This action took into consideration the total expanded Troy Honda site.

5. CURRENT DEVELOPMENT REPORT

Mr. Keisling advised the Commission that, at their September 25 meeting, the City Council took action to deny the R1-D to O-1 and E-P rezoning request on the east side of Rochester south of South Boulevard, and the R1-C to B-2 (Home Depot) rezoning request on the south side of Long Lake west of Rochester Road. At a previous meeting, the council referred to the Planning Commission a proposed Zoning Ordinance Text Amendment wherein staff rather than the City Council would consider and approve requests for temporary retail sales in M-1 Districts. The current provisions were initially established at the request of the Michigan Design Center, but have been used by a couple of other establishments in M-1 Districts for once or twice yearly sales for periods of three days or less.

Mr. Keisling and Mr. Smith noted the policy that was adopted by the City Council on September 11, 2000, relative to use of the Plant Rehabilitation portion of Public Act 198 of 1974. This Act and the resultant policy would enable the granting of tax abatements for the rehabilitation of industrial buildings that have lost at least 50% of their value. By the City Council's policy, the amount of improvement value which can be abated cannot exceed the Taxable Value of the building at the time the program is initiated. Doug Smith noted that the staff will be meeting with MDOT representatives next week in order to be advised of what will hopefully be the final geometrics of the I-75 / Crooks / Long Lake interchange improvements. In relation to the Civic Center, he noted that the staff will propose that the City Council hold a study session involving discussion which would focus on the establishment of a Conference Center as a part of the Civic Center development.

Mr. Keisling noted an article from Crain's Detroit Business relative to the potential introduction of legislation in Lansing which would establish the "Coordinated Planning Act". This legislation, which has been evolving over the past two years, was introduced to MSPO members at last fall's conference.

In the area of legislation, later in the meeting, Lori Bluhm advised the Commission that both houses of Congress have now passed the "Religious Land Use and Institutionalized Persons Act", and it is expected that the President will soon sign this bill. On a more positive note, however, Lori Bluhm also advised the Commission that the "Property Rights Implementation Act of 2000" which would circumvent current land use law and procedures, has died in the Senate Judiciary Committee.

Mr. Keisling advised the Commission that the current Coolidge Road reconstruction project, extending one half mile south from Maple Road, will include the installation of a five foot sidewalk along the total easterly Coolidge Road frontage. An eight-foot sidewalk will be constructed along the west side of this same Coolidge Road segment.

6. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Doug Smith advised the Commission that the next DDA meeting will be held on Wednesday October 18, 2000. He had no further report.

7. PROPOSED PATHWAY PLAN

Mr. Keisling noted that at the August 29, 2000 Study Meeting, presentations were made and discussion occurred relative to various existing and potential pathway, walkway, or sidewalk plans and programs within and adjacent to the City of Troy. The first discussion occurred in relation to the proposed Pathway Plan, which was developed in late 1998 and early 1999 by James C. Scott and Associates, landscape architects. The concept upon which the plan was based was the creation of a walkway/bikeway system, which would interconnect the Civic Center area with the four corners of the City. Along the way the system would interconnect parks and other significant community facilities. The consultants worked with the City staff to develop an overall location plan, along with standards as to the types of construction, landscaping, and "street furniture" which could be included. At the close of the discussion at the August 29 meeting, it was decided that this proposed plan should be further discussed, before making any recommendations to the City Council. As suggested by Carol Anderson, Parks and Recreation Director, the discussion could perhaps begin by determining or confirming the overall objectives of the plan. The Commission could then also review the various elements or legs of the proposed pathway system, in order to determine conformance to the objectives, and relevance in relation to current and potential future development. In order to assist in the discussion, the Commission had received copies of the current Master Land Use Plan, on which the proposed pathway system was overlaid. They also received a map depicting the City's major road frontage sidewalk program.

Carol Anderson, Parks and Recreation Director, noticed that there was not a specific implementation program tied to the proposed 1999 Pathway Plan. The Commission then discussed various elements of the previously proposed plan. In response to Chairman Beltramini's question as to who would use the Pathway System, Carol Anderson commented that there would be many types of users, from those using various segments for exercise or leisure activity to those using the system for access to parks or other facilities. Mr. Kramer felt that the initial need is for the basic infrastructure, in the form of the completion of the major road sidewalk system. Once that system is complete, other more creative locations such as the "Civic Center Centric Pattern" could be considered and implemented. The Commission members generally felt that a definite overall plan should be established or adopted. The plan would then serve as a guide to determine, for example, when segments of the system might be constructed in conjunction with a new development in a particular area. The Commission also noted the importance of implementing the "Big Beaver Corridor Urban Design Plan", which included walkway connections between various buildings along the Corridor. That plan was not reflected in the Pathway Plan. It was generally felt that priorities should be established for implementation of various elements of a potential pathway plan. The first priority, for example, could be the completion of major thoroughfare links in areas that are a part of the Pathway Plan. The second priority could then be other portions of the major thoroughfare frontage system.

In response to a request from the Commission, Carol Anderson indicated that she would inquire with the Parks and Recreation Board as to their position on a potential Pathway Plan. Their next meeting, however, will not be until November. It was decided that a proposed resolution to the City Council relative to a Pathway Plan should be developed for consideration at the October 24, 2000 Study Meeting.

8. PROPOSED ZONING ORDINANCE TEXT AMENDMENT – Commercial Kennel Provisions

Mr. Keisling explained that at the August 1 Study Meeting, initially at the request of Mr. Chamberlain, the Commission discussed approaches to specifically providing for commercial kennels within the Zoning Ordinance, rather than limiting the opportunity for same to only those which exist as legal non-conforming uses. Mr. Chamberlain originally proposed to include commercial kennels as a Conditional Use or a Use Permitted Subject to Special Use Approval within the Commercial Zoning Districts. He also proposed a parking requirement for kennels, related to the number of employees and the number of animals housed. In the course of the Commission's discussion, it was noted that veterinary clinics are presently provided for in the Zoning Ordinance as *Uses Permitted Subject to Special Use Approval*.

Within B-3 Districts. The conditions include the requirement that all abutting or adjacent properties are non-residentially zoned. Some Commission members supported a similar requirement for potential kennel locations. It was noted that some discussion had occurred regarding amending the Zoning Ordinance provisions related to kennels, in conjunction with the proposal to rezone the rear portion of the Rexpointe Kennel site on the west side of Rochester, south of South Boulevard. The approach discussed at that time would "legalize" kennels in their current Residential District locations so that they could be improved. At that time, the staff had also discussed providing for kennels in the same manner in a District such as the O-1 District, in the event that such a District might be applied to a location such as the Rochester Road frontage portion of the Rexpointe site.

Mr. Keisling noted that, at the August Study Meeting, two proposed Zoning Ordinance Text Amendment alternatives were presented and were once again enclosed with this agenda (dated 7/26/00). The first would enable new kennels to be established as Uses Permitted Subject to Special Use Approval Within B-3 Districts. The second proposal would legalize those four presently existing kennels and enable them to be improved or expanded. The latter provision is presented in text involving both the R-1 and the O-1 Districts. In the course of the discussion at that time, Mr. Chamberlain commented that the proposed standards related to B-3 Districts, which include a requirement for a two acre site, may not be capable of implementation in Troy due to the high cost and/or the lack of availability of such sites. He felt that provisions should be included in other Zoning Districts. Mrs. Beltramini then suggested that light industrial zoning might be appropriate. The staff was then asked to further investigate how kennels are handled in other communities and to further study and develop additional alternative text directions.

Mr. Keisling stated that, in response to the Commission's request, Paula Bratto surveyed several area communities in order to determine not only what their Ordinance provisions are, but also the situations under which kennel-type facilities actually exist in those communities. A table indicating the results of that survey was then distributed to the Commission. As indicated in the survey, several communities provide for kennels within various industrial districts. Consistent with this direction, and with Chairman Beltramini's suggestion, staff prepared still another Zoning Ordinance Text Amendment alternative wherein kennels would occur as a Use Permitted Subject to Special Use Approval within the M-1 (Light Industrial) District. It was staff's hope that the potential discussion would help to set a specific direction for proceeding on this matter.

In response to questions from the Commission, Paula Bratto commented that the communities surveyed typically had kennels established in conjunction with veterinary clinics, or in non-conforming residential locations. In those communities surveyed which have specific provisions for kennels in other Districts, none were able to indicate that any such kennels exist. In the course of the Commission's discussion, Commission members commented on their perceptions as to typical kennel locations, and characteristics, and problems that might result from same. Chairman Beltramini commented that, since there are thousands of animals in the area and relatively few kennel locations, it appears that the need is not being served. It was felt that this matter should be discussed once again next month, with action on same by the end of the year. The following guidelines were proposed in relation to any future Ordinance development:

1. No new kennels permitted in residentially zoned areas.
2. Provide for limited improvement of existing kennels.
3. Provide for new kennel locations in Industrial Districts.

The meeting was adjourned at 10:20 P.M.

Respectfully submitted,

Laurence G. Keisling
Planning Director

/eh