

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, August 28, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

**Present:**

Chamberlain  
Kramer  
Littman  
Pennington  
Starr  
Storrs  
Waller  
Wright

**Absent**

Reece (excused)

**Also Present:**

Mark Miller, Interim Planning Director  
Lori Bluhm, Acting City Attorney  
Ron Figlan, Planner  
Jordan Keoleian, Student Representative

Resolution

Moved by: Wright

Seconded by: Storrs

RESOLVED, that Mr. James Reece be excused from attendance at this meeting.

MOTION CARRIED

Yeas: All Present (8)

Absent: Reece

2. MINUTES

None

## **STUDY ITEMS**

### **3. BOARD OF ZONING APPEALS REPORT**

Mr. Storrs noted there were two (2) denials at the last meeting of the Board of Zoning Appeals. He discussed a bigfoot case, where a one (1) acre property, requested a 1,000 square foot garage. The second case was in Elgin Corners Subdivision that included a proposed 4,000 square foot house. There was considerable 100 year flood plain on the lot.

### **4. CURRENT DEVELOPMENT REPORT**

Mr. Miller commented that at the August 20, 2001, City Council meeting, Pearl Estates Site Condominium was given preliminary approval. Next he stated that City Council held a Study Meeting August 27, 2001, to generate goals regarding the Civic Center. Also, at the Study Meeting, inter-connection of subdivisions and cross-access easements were discussed. No change of policy was identified; although the Traffic Engineer will provide a traffic impact analysis and explore traffic harmonization for development proposals.

City Staff is looking into an overlay zoning district instead of a transfer of development rights (TDR) ordinance for the DDA. City Council will continue discussions for the Civic Center on September 6, 2001.

### **5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT**

No report. Next meeting is October 8, 2001.

### **6. SPECIAL USE REQUEST (SU-310) – Tutor Time Day Care, North of Big Beaver Road, West of Crooks Road – Section 20**

Mr. Miller stated that this item was tabled at the August 14, 2001 meeting so the petitioner could meet with City staff to discuss the landscape buffer method. Plans were submitted including 37 scotch pines and 17 euonymus bushes, along with the existing trees on the west boundary.

Mr. Chamberlain asked if the willows will be removed.

Mr. Miller stated not necessarily. You can't plant willows, but there is no requirement that they be removed.

Mr. Miller continued, stating that a Special Use Request has been submitted for a Tutor Time Day Care facility, with an approximate 11,000 square foot building, on 1.53 acres

of land, at the southwest corner of Crooks Road and Banmoor Avenue. The subject property is within the R-1B Zoning District, which permits child care centers and nursery schools subject to Special Use Approval. There are three conditions required to authorize the granting of the Special Use Approval. First, 28,430 square feet of outdoor play area is required and that area shall be visually screened from the residential property to the west, in a manner acceptable to the Planning Commission. Second, location of the childcare center be at the exterior of a block and adjacent to an office zoning district (others specified). Third, the childcare center serve as a transitional use between non-residential and residential development, thus reflect the architectural character of the residential area.

Mr. Miller continued, to the north and east of the subject property is the Muer's Garden Farms Subdivision, is developed, and has zoning classification of one family residential. Abutting the subject property to the south is the Wilshire Plaza West office development. Across Crooks Road to the east, there is a one family residential subdivision and zoning classification. It appears the proposed development serves as a transitional land use between the existing office development and one family residential.

Mr. Miller stated that access to the facility is a driveway at the southern end of the subject property to Crooks Road.

Mr. Miller added that the request was tabled at the August 14, 2001 meeting, to allow the petitioner the opportunity to meet with City Staff regarding the design of an appropriated visual screen of the outdoor play area. Mr. Cavaliere (petitioner), Ron Hynd (City Landscape Analyst), Ron Figlan (City Planner) and Mark Miller met to discuss the visual screening. City staff had the opinion that an appropriate landscape buffer did not require a berm. The berm would reduce the usability of the outside play area. Revised site plans were submitted indicating 37 scotch pines, 17 euonymus bushes and the use of existing trees along the north and west boundaries of the subject property. Mr. Hynd is recommending use of the submitted landscape buffer. In addition the petitioner moved the building 22 feet to the north based upon Planning Commission input at the August 14, 2001 meeting.

Mr. Miller stated the Planning Department recommends approval of the Special Use Request and Preliminary Site Plan with the condition that the Planning Commission approves an acceptable visual screen of the outdoor play area. Building Code Board of Appeals action will be necessary to permit the chain link fence surrounding the outdoor play area and any visual screening fence that is located in the Banmoor Avenue setback.

Mr. Waller asked if the Parks and Recreation Department recommended tree planting that would fully screen the play area.

Mr. Miller stated it should be noted that this will not provide a screen immediately. The trees have to grow.

Mr. Chamberlain questioned the estimated time of growth.

Mr. Miller stated ten years.

Mr. Chamberlain stated that a buffer should be effective immediately.

Mr. Wright asked if a berm would be a much more viable sound barrier than the trees?

Mr. Miller stated a solid wall probably would achieve that better.

Mr. Storrs asked if there was any kind of requirement that the screening be maintained.

Ms. Bluhm stated that the screening would have to be maintained, but enforcement would rely on complaints from the neighbors.

Mr. Chamberlain commented on that this case is a Special Use Request. Can the City void the Special Use Approval?

Ms. Bluhm stated not generally; though if there were grievous violations perhaps we could, but it is not likely to happen.

Mr. Littman asked if there is a time limit for Special Use Approval, such as a three (3) year requirement.

Ms. Bluhm stated, it is possible if it is related to the screening.

Petitioner, Mr. Cavaliere, 20078 Schoenherr, Warren, Michigan stated he would like to comment on some of the points made and answer some of the questions that were brought forth. All of the evergreen plantings are 15 feet on center and staggered as recommended by Parks and Recreation; however, they could be planted closer together. This is a licensed day care facility by the State of Michigan and if the plantings die they are required to be replaced. In reference to the 188 children capacity, all of those children do not go out to the play area at one time. That is not realistic. Groups of 15 are taken out to the play area. Regarding moving the building to the north, the building can be moved to the 45 foot setback, if desired by the Planning Commission.

Mr. Littman asked if the play area needed to wrap around the building. Is that area required.

Mr. Cavaliere answered what is lost on the north is gained on the south.

Mr. Littman commented that any playground equipment should be placed towards the south end of the subject property.

Ms. Bluhm stated that we could require the playground equipment be submitted prior to Special Use Approval.

General Discussion occurred regarding the outdoor play area and play equipment.

Mr. Kramer questioned the petitioner regarding the outdoor lighting location.

Mr. Cavaliere stated that there are wall packs on the building.

Mr. Kramer stated that wall pack lighting would result in reflection and would affect the neighbors.

Mr. Cavaliere stated the facility is not open at night.

Mr. Chamberlain stated that is not the question.

Mr. Kramer stated that more detail is needed on the lighting. The proposed lighting is not acceptable.

Mr. Chamberlain stated that roof mounted lighting could be considered.

Mr. Kramer stated he would like more information.

Mr. Cavaliere stated the possible use of soffet lighting on the north and south sides of the building.

Mr. Wright stated concern with the possible noise level. It will take too many years for the trees to grow. He prefers a masonry wall along the north property line, stating this would function immediately.

Mr. Cavaliere commented additional screening can be provided. The gaps in the plantings on the west side could be filled in.

Mr. Wright asked what kind of trees are used.

Mr. Cavaliere stated 6 to 7 foot high Scotch Pines.

Ms. Pennington reiterated a statement previously made by the petitioner to clarify the age group of infant to five years old are permitted.

Mr. Robert Guldi, 1454 Banmoor, Troy, Michigan, stated he lives northwest from the site across the street. He understood from last meeting that a chain link fence and a berm with trees on the berm would be approved.

Mr. Chamberlain stated we did not mandate a berm; these were just ideas.

Mr. Guldi stated he would not like to look at a chain link fence.

Mr. Chamberlain stated that the trees would be outside the fence on the north. He also stated that we need to make sure that the neighbors are not damaged by this.

Ms. Linda Minster, 3365 Crooks, Troy, Michigan, stated she lives just north of the piece of the subject property. She further stated that her kitchen window is right in line with the trees and she does not want to look through the gaping holes for the next ten years.

Mr. Chamberlain stated that where you're looking, there is no fence.

Ms. Minster stated I am going to be able to see right through these trees.

Mr. Chamberlain stated the Planning Commission understood her point. There are at least three issues: lighting, landscape screening, and the chain link fence.

Mr. Kramer stated that it will take years for the proposed trees to completely block views. This landscape buffer will not stop the noise. Further, he recommends the use of a masonry wall.

Mr. Storrs stated long term concern for a masonry wall.

Mr. Wright recommended a masonry wall.

Mr. Littman stated the fence should be moved ten feet and reduce the size of the play area.

Mr. Waller asked who's going to maintain the trees.

Numerous discussions followed.

Mr. Cavaliere stated evergreens grow a foot per year on center spacing and perhaps, they should be every 10 feet instead of every 15 feet.

Mr. Storrs stated he did not like masonry screening walls and agrees with Mr. Littman's idea.

## RESOLUTION

Moved by: Chamberlain

Seconded by: Littman

RESOLVED, that Special Use Approval, as requested for the Tutor Time Day Care facility on a 1.53 acre R-1B zoned site; located on the southwest corner of Crooks Road and Banmoor Avenue is hereby granted in accordance with Section 10.30.03 of the Zoning Ordinance, subject to the following conditions:

1. Locate building at the north setback line.
2. All North and West exterior building lighting be put in soffets and directed towards the ground.
3. All play equipment will be located in the southern half of the play area.
4. Chain link fence on west property line be relocated 10 feet to the east, and to span 140 feet, to reduce the outdoor play area 1,400 square feet. The landscape buffer shall include trees and shrubbery to provide an opaque screen. Further, the landscape buffer shall be placed between the chain link fence and property line.

Mr. Kramer stated the resolution could be liberalized to have soffets on north and west sides of building and to allow parking lot lighting.

Mr. Chamberlain stated the resolution be modified.

Mr. Kramer asked about the elevation of the swale?

Mr. Chamberlain asked the petitioner about the swale.

Mr. Cavaliere answered the west property line has 280 feet of swale, running north to south. The depth will be 1.5 to 3 feet.

Mr. Chamberlain asked what is the width of swale.

Mr. Cavaliere answered the width of swale no larger than 10 feet.

Mr. Littman asked for suggestions regarding the chain link fence. Perhaps opaque strips would be an improvement.

Mr. Storrs stated he did not like plastic strips.

Mr. Chamberlain agreed.

Yeas:

Starr  
Chamberlain  
Wright  
Littman  
Pennington  
Storrs

Nays:

Kramer  
Waller

Absent:

Reece

MOTION CARRIED

Mr. Waller commented that we are asking too much from the petitioner. The Ordinance should be amended.

Mr. Kramer stated there was lack of a berm, also an open chain link fence. Overall, there is an insufficient noise barrier.

## RESOLUTION

Moved by: Chamberlain

Seconded by: Littman

RESOLVED, that Site Plan Approval, as requested for the Tutor Time Day Care facility on a 1.53 acre R-1B zoned site; located on the southwest corner of Crooks Road and Banmoor Avenue is hereby granted subject to the following conditions:

1. Locate building at the north setback line.
2. All North and West exterior building lighting be put in soffets and directed towards the ground.
3. All play equipment will be located in the southern half of the play area.
4. Chain link fence on west property line be relocated 10 feet to the east, and to span 140 feet, to reduce the outdoor play area 1,400 square feet. The landscape buffer shall include trees and shrubbery to provide an opaque screen. Further, the landscape buffer shall be placed between the chain link fence and property line.

Yeas:

Starr  
Chamberlain  
Wright  
Littman  
Pennington  
Storrs

Nays:

Kramer  
Waller

Absent:

Reece

## MOTION CARRIED

7. SITE PLAN APPROVAL/REVISED (SU-179) – Christian Leadership Academy, North of Big Beaver, East side of Livernois, Section 22

Mr. Miller stated the Christian Leadership Ministries, Inc., doing business as the Christian Leadership Academy is proposing a private school for approximately 150 students at the existing Zion Christian Church. The Academy will be utilizing a portion of the main worship building and all of the accessory school building for the private



school. Subject property is approximately a 34 acre R-1C zoned site located north of Big Beaver Road and on the east side of Livernois Road.

Further, Mr. Miller stated that in 1981, the Planning Commission granted a Special Use Approval for the Zion Evangelistic Temple's church and school complex and subsequently the Site Plan was revised in 1982. Then in 1999 the Planning Commission granted a Special Use Request for a daycare center within the existing church, including an outdoor play area.

Further, Mr. Miller stated that within the R-1C zoning classification private schools are permitted subject to Special Use Approval and specific conditions. On August 14, 2001 the Planning Commission granted approval to the Special Use Request for the school. The site plan issues were tabled for staff input and petitioner response. The sidewalk that connects the Livernois Road right-of-way sidewalk to the building perimeter sidewalk has been included. Two alternatives are shown on the site plan, however, the petitioner has found that alternative # 2 is more cost effective. The Planning Commission will need to determine the extent of the interior connection for Preliminary Site Plan Approval. City of Troy's Development Standards require deceleration lanes for the proposed development, however, there is an agreement between the Church and City that waives this requirement. The petitioner has provided an updated site plan that shows all of the existing elements of the subject property. Specific notes include providing 42 additional greenbelt trees, two dumpster locations and protected fire hydrants.

Mr. Miller stated that the Planning Department recommends approval of the Revised Preliminary Site Plan for the Christian Leadership Academy within the Zion Christian Church buildings subject to the Planning Commission determining the extent of interior connecting sidewalks necessary and the petitioner providing a cash bond or irrevocable letter of credit acceptable to the City Attorney and City Manager.

Mr. Storrs asked what is the requirement for the sidewalk.

Mr. Miller stated, the right-of-way sidewalk needs to be connected to the building perimeter sidewalk.

Mr. Chamberlain commented that he has noticed strip malls and grocery stores where they don't have connections. People are forced to walk along the side of driveway. This is very dangerous.

Mr. Waller commented about painting lines and handicap accessible areas. Is there an Ordinance for vehicles to stop at the painted lines.

Ms. Bluhm stated that we can provide signs but would have to research the Ordinance.

Mr. Chamberlain asked Ms. Bluhm to research City Ordinances.

Mr. Kramer commented about creating a parking lot island to protect the end of the parking aisle.

Mr. Pat Karbowski, Petitioner, commented regarding the sidewalk, which was required prior to the school. All of the items the school is required to do should have been done previously by the Church. The school will do the necessary improvements. The school prefers Alternative #2 because the City originally required access to the Church to the north. Since there is not any foot traffic to the school, no sidewalk is needed to the south.

Mr. Chamberlain commented, people walk. They have to walk through the parking lot. Sidewalks are needed to provide walkability.

Mr. Karbowski stated that the school is not like a strip mall, there is no pedestrian traffic to the school and there has been none to Zion. He asked the Planning Commission to consider Alternative #2.

Mr. Chamberlain stated people walk out of parking lots. The sidewalk to the south is needed.

Mr. Waller stated that the Christian Leadership Academy offered to provide a cash bond to the City; however, we need to be careful.

## RESOLUTION

Moved by: Waller

Seconded by: Storrs

RESOLVED, that Revised Preliminary Site Plan Approval, as requested for the Christian Leadership Academy private school, within the existing Zion Christian Church buildings, on a 33.73 acre R-1C zoned site, located north of Big Beaver Road and on the east side of Livernois Road, is hereby granted, subject to the following conditions:

1. Sidewalk to alternative #2 as shown of the site plan shall be provided.
2. A traffic island be created; eliminate two parking spaces to provide pedestrian protection in the parking lot.
3. Internal sidewalk shall connect down to the south end of the school building with a six (6) foot sidewalk.

Mr. Littman commented on petitioner's comment about people not walking to the school or the church is valid. However, people need a connection to get from the parking lot to the building.

Yeas:Nays:Absent:

All Present (8)

Reece

## MOTION CARRIED

Mr. Storrs commented that the Special Use Approval on a site already exists and wants the site plan to be correct.

8. SITE PLAN REVIEW (REVISED) (SP-861) – Harrington Park Condominium, North side of Long Lake, West of Livernois-Section 9.

Mr. Miller stated that a revised site plan has been submitted for the construction of a 34-unit Residential Condominium Development on a 5.9-acre R-1T zoned site on the north side of Long Lake Road, west of Livernois. The subject site extends east from Wright Street to the Charleston Club Condominium Development which is currently under construction, and includes a portion of the 50-foot wide platted but unopened Virgilia Street right-of-way. A request for the vacation of this right-of-way has been approved by City Council. The site also includes a small City-owned parcel at the northeast corner of Long Lake Road and Wright Street which is a remnant from the right-of-way acquisition for the recent Long Lake Road improvement. After considering several street pattern alternatives, including use of Wright Street and opening of Virgilia Street, the developer, Joseph Maniaci, is proposing a totally private street system with its sole public street access from Long Lake Road.

Further, Mr. Miller stated the proposed turn-around at the west and east end of the site are similar in dimension to the temporary turn-around design which is being used in recent subdivisions. Proposals for the development of private street systems require the review and approval of the City Council, after receiving a recommendation from the Planning Commission, in accordance with Section 12.50.04 of the Zoning Ordinance.

Further, Mr. Miller stated that the 150-foot wide planned right-of-way for Long Lake Road in this area requires the placement of a five foot high berm across the Long Lake frontage, with a specified evergreen tree planting standard as set forth in Section 12.60.03 of the Zoning Ordinance. The developer has proposed that this berm design be modified to include a screening/retaining wall at the interior edge of the berm, so that the full 50-foot width will not be necessary and the area immediately to the north, adjacent to the rear of the dwelling units, can be more effectively used by the residents. As indicated earlier, this berm modification concept must be accepted by the Planning Commission. This revised proposal includes underground stormwater detention.

Further, Mr. Miller stated this revised proposal is very similar to the condominium approved by the Planning Commission on April 10, 2001, minutes attached to agenda package. The petitioner discovered that underground stormwater detention was an engineering option and determined that four additional units could be included in the condominium. The petitioner includes two details for the eastern boundary at the private road. The site plan shows a turn around in this area, without a private road cross-access agreement. An alternative provided on the site plan shows the private road with a cross-access easement to the east. The petitioner will provide the cross-access easement if the Planning Commission requires it.

Further, Mr. Miller stated the Planning Commission reviewed the Preliminary Environmental Impact Statement submitted with the initial proposal. It should be noted that these proposed units will be almost identical to those which are now under construction on the site, abutting to the east, due in part to use of the same architect. All applicable Ordinance requirements are complied with and approval of this revised site plan is recommended, without a cross-access easement to the Charleston Club Condominium to the east.

Further, Mr. Miller stated that Frank Bronzetti and Mike Guerra, owners and developers of the Charleston Club Condominium site abutting to the east, have expressed objections to the requirement to inter-connect the street system of their complex with that of the proposed condominium development. They asked the Planning Commission to reconsider the cross-access easement requirement connecting Harrington Park and Charleston Club Condominiums. This request was denied. In addition Robert Schultz, a Troy resident has submitted correspondence to the City warning of the problems of connecting condominiums with private roads (letters attached). This issue was brought to City Council's attention and then referred to the Planning Commission for discussion of a reconsideration of the cross-access easements.

Further, Mr. Miller stated, in a correspondence provided in the agenda package, City Management indicated to City Council that there is no requirement within the Zoning Ordinance to require cross-access easements in the R-1T Zoning District. In addition it will be the policy of the Planning Department not request cross-access easements for abutting condominiums when there are private roads. Therefore, the Planning Department does not recommend cross-access easements connecting Harrington Park and Charleston Club Condominiums.

Mr. Chamberlain asked Ms. Bluhm if the cross-access is removed, can there be some kind of walkway requirement.

Mr. Bluhm answered it is preferable to have an easement to provide pedestrian cross-access.

Mr. Chamberlain stated a five (5) foot easement for a walkway inter-connection would be appropriate.

Mr. Wright asked why the change regarding the private road inter-connection. Possibly it is the liability issues.

Mr. Miller answered the major issue is there are no provisions within the Zoning Ordinance to require inter-connection within the R-1T Zoning District.

Ms. Bluhm stated the Planning Commission can require cross-access easements.

Mr. Wright stated the City needs inter-connection.

Mr. Kramer agreed with Mr. Wright.

Mr. Chamberlain stated we need to promote walkability.

Mr. Maniaci stated he has no problem with pedestrian inter-connection.

Mr. Littman stated because it's private property, the City should not force inter-connection between private property.

Mr. Storrs disagrees with the underground stormwater detention.

Mr. Maniaci, petitioner, stated underground detention is better than detention basins.

Mr. Chamberlain asked Mr. Maniaci the size of the pipes.

Mr. Maniaci stated 48 inch pipes with 6 inch outlets and 6 inch clean-outs.

Mr. Chamberlain asked that in lieu of a street inter-connection, would the petitioner consider a five foot sidewalk inter-connection.

Mr. Maniaci answered there is no problem providing pedestrian inter-connection.

Mr. Kramer asked why only one sidewalk; should there be one on each side of the road.

Mr. Chamberlain stated one sidewalk is needed.

Ms. Bluhm stated Mr. Bronzetti's attorney is present.

Tom Cavanaugh, attorney for the developer of Charleston Club and Frank Bronzetti, came forward.

Mr. Chamberlain asked Mr. Cavanaugh if his client would be willing to provide a pedestrian cross-access easement.

Mr. Cavanaugh answered no. There is a right-of-way sidewalk to the south on Long Lake. Also, they are proposing a wall. They are concerned about the liability. People are purchasing the units with a wall and they don't want inter-connection.

Mr. Chamberlain asked if there is a cross-access easement.

Mr. Cavanaugh answered yes, but it is not in effect because it is not reciprocal as of yet.

Mr. Chamberlain asked Mr. Bronzetti if he will maintain the sidewalks

Mr. Bronzetti answered yes.

Mr. Chamberlain stated walkability is important and inter-connection is needed.

Mr. Kramer asked Ms. Bluhm to comment on Mr. Cavanaugh's statements.

Ms. Bluhm stated cross-access is currently approved. If one of the abutting property owners doesn't execute an easement, then in effect, there is no cross-access.

Mr. Storrs stated private should be private. The City Administration and City Council say to leave it private.

#### RESOLUTION

Moved by: Waller

Seconded by: Littman

RESOLVED, that the Revised Preliminary Site Plan Approval, as requested for the construction of a 34-unit residential condominium development on a 5.9 acre R-1T zoned site having 760 feet of frontage on the north side of Long Lake, west of Livernois is hereby granted, subject to the following conditions:

1. Pedestrian cross-access easement of 5 feet wide provided to the east property line.
2. Necessary street vacations.

#### Yeas:

Littman  
Pennington  
Waller

#### Nays:

Chamberlain  
Kramer  
Wright  
Storrs  
Starr

#### Absent:

Reece

MOTION FAILED

Mr. Chamberlain stated we have two issues in relation to the Site Plan: stormwater detention and cross-access easements. Can we deal with only the stormwater detention.

Ms. Bluhm stated that if you approve a revised site plan, you should discuss the entire proposal.

Mr. Kramer considered a motion to table and bring the item back up after next issue.

Planning Commissioners stated their reasons for their no votes.

Mr. Wright stated concern for the road inter-connection. Mr. Kramer agreed with Mr. Wright. Mr. Storrs stated underground stormwater detention. Mr. Starr stated road inter-connection is needed. Mr. Chamberlain stated the issue of the cross-access easements for pedestrians.

Mr. Chamberlain asked the Planning Commission members how should they handle the site plan request.

**NOTE: This agenda item, number 8, was discussed later in the meeting, granting Preliminary Site Plan Approval.**

9. DISCUSSION OF RECONSIDERATION OF CROSS-ACCESS AGREEMENT –  
Charleston Club Condominiums (SP-844) – North of Long Lake Road, West of Livernois Road – Section 9.

Mr. Miller stated that the developer and their attorney requested that City Council reconsider the cross access agreement between Charleston Club and Harrington Park Condominiums. Because the Planning Commission has Site Plan Approval authority, this matter was referred to the Planning Commission. In an attached correspondence City Management indicated to City Council that there is no requirement within the Zoning Ordinance to require cross access easements in the R-1T Zoning District. In addition it will be the policy of the Planning Department not to request cross-access easements for abutting condominiums when there are private roads. Therefore, the Planning Department does not recommend cross-access easements connecting Harrington Park and Charleston Club Condominiums. It is within the Planning Commission's authority to reconsider the cross-access agreement between the two subject condominiums.

Mr. Waller asked if the cross-access agreement provision could be reconsidered.

Ms. Bluhm stated that the Planning Commission can reconsider the cross-access agreement.

Mr. Kramer stated Charleston Club Condominium is basically stub streets and there is not a good turn-around capacity, or will be the driveway be the turn-around?

Mr. Chamberlain asked Mr. Cavanaugh what he would like the Planning Commission to do.

Mr. Cavanaugh, attorney for Charleston Club Condominiums, stated that his client objects to the granting of a cross-access easement. They share concern over access because the roads are not public. The biggest problem is not the pedestrian access, but the private road cross-access easement.

Mr. Chamberlain stated if sidewalks match at the mutual property lines you can provide a pedestrian cross-access easement.

Mr. Littman stated that the petitioners can provide the legal right for the cross-access easements. Currently, there is cross-access for cars.

Mr. Cavanaugh stated that there is no pedestrian cross-access easement.

Ms. Bluhm stated that the private streets are approved by City Council. City Council may consider all public streets for all developments.

Mr. Chamberlain asked what is the Planning Commission going to do this evening.

Mr. Littman asked if the distance is too far for the fire truck to back up if there are stub streets in the Charleston Club Condominiums.

Mr. Miller answered that it is not too far.

Mr. Chamberlain stated the main issues are the Charleston Club vehicle cross-access easement and Harrington Club underground stormwater detention.

Mr. Storrs asked if the Planning Commission is considering these separate and private.

Mr. Kramer stated why consider them private when obviously they are public. Sidewalk is proper and correct. I don't see how sidewalks violate privacy aspect. Further, he stated he is in favor of a sidewalk connecting the two developments.

Mr. Wright stated the Planning Commission could approve the Charleston Site Plan and the Harrington Park Site Plan. Harrington Park could come back with just the issue of underground stormwater detention.

Mr. Cavanaugh stated that initially, they requested City Council to reconsider private roads and cross-access because City Council has the authority over private roads.



Ms. Bluhm stated that Site Plan Approval authority is the Planning Commission's realm, and cross-access easements are part of Site Plan Approval.

Mr. Cavanaugh stated the recommendation regarding cross-access easements, has changed. The Planning Commission is caught in the middle.

Mr. Chamberlain asked Ms. Bluhm if this is an approved Site Plan, can the cross-access be reconsidered.

Ms. Bluhm answered that the Planning Commission can reconsider the cross-access easement.

Mr. Littman stated if the motion is to reconsider cross-access, but we can approve the underground stormwater detention.

Mr. Chamberlain stated he is in favor of the underground stormwater detention for Harrington Park. He suggested dealing with Harrington Park and revising the approved Preliminary Site Plan to allow the underground stormwater detention.

Mr. Bronzetti stated that Mr. Maniaci gets penalized. If pedestrian cross-access is provided, then the Planning Commission will approve Harrington Park's revisions.

Mr. Chamberlain asked if the Planning Commission can actually reconsider the cross-access tonight.

Mr. Storrs stated they can make a decision and be finished with both cases.

**NOTE: This agenda item, number 9, was discussed later in the meeting granting reconsideration of the cross-access easement.**

8. SITE PLAN REVIEW (REVISED) (SP-861) – Harrington Park Condominium, North side of Long Lake, West of Livernois, Section 9.

#### RESOLUTION

Moved by: Littman

Seconded by: Wright

RESOLVED, that the Revised Preliminary Site Plan Approval, as requested for the construction of a 34-unit residential condominium development on a 5.9 acre R-1T zoned site having 760 feet of frontage on the north side of Long Lake, west of Livernois is hereby granted, subject to the following condition:

1. Provision of granting of vehicle cross-access easement as shown on alternative detail on the Site Plan

Yeas:

Pennington  
Wright  
Kramer  
Starr  
Chamberlain  
Littman

Nays:

Waller  
Storrs

Absent:

Reece

## MOTION CARRIED

The Planning Commission clarifies that this approval includes underground stormwater detention and vehicle cross-access to Charleston Club Condominium.

Mr. Maniaci stated that he understands the resolution.

## RESOLUTION

Moved by: Littman

Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the private street system proposed serving the Residential Condominium on the north side of Long Lake Road west of Livernois be approved in accordance with the site plan as presented and approved on this date, in accordance with Section 12.50.04 of the Zoning Ordinance, subject to the provision of sidewalk and utility easements as determined to be necessary by the City Staff.

Yeas:

All Present (8)

Nays:Absent:

Reece

Mr. Storrs stated he does not want underground stormwater detention.

Mr. Waller stated condominiums shouldn't be connected with private streets.

Mr. Cavanaugh stated that his client, Mr. Bronzetti, would be willing to provide a pedestrian cross-access easement five (5) feet wide. However, they still want a wall between the two condominiums.

9. DISCUSSION OF RECONSIDERATION OF CROSS ACCESS AGREEMENT –  
Charleston Club Condominiums (SP-844) – North of Long Lake Road, West of Livernois  
Road – Section 9.

RESOLUTION

Moved by: Waller

Seconded by: Littman

RESOLVED to reconsider the vehicle cross-access easement for Charleston Club  
Condominium.

Yeas:

Nays:

Absent:

Chamberlain  
Littman  
Storrs  
Waller  
Kramer  
Pennington

Starr  
Wright

Reece

RESOLUTION

Moved by: Waller

Seconded by: Littman

RESOLVED to eliminate the vehicle cross-access easement for Charleston Club  
Condominium. Further, that a five (5) feet wide pedestrian cross-access easement be  
provided to the Harrington Park Condominium.

Yeas:

Nays:

Absent:

Chamberlain  
Littman  
Storrs  
Waller  
Kramer  
Pennington

Starr  
Wright

Reece

MOTION CARRIED

Mr. Starr stated that vehicular cross-access should be provided between both  
developments.

Mr. Wright stated that he agrees with Mr. Starr.

8. SITE PLAN REVIEW (REVISED) (SP-861) – Harrington Park Condominium, North side of Long Lake, West of Livernois, Section 9.

Mr. Storrs stated that both developments, Harrington Park and Charleston Club, should provide five (5) feet wide pedestrian cross-access easements.

#### RESOLUTION

Moved by: Waller

Seconded by: Littman

RESOLVED to reconsider Harrington Park Condominiums vehicle cross-access agreement.

Yeas:

Storrs

Waller

Kramer

Chamberlain

Pennington

Littman

Nays:

Starr

Wright

Absent:

Reece

#### MOTION CARRIED

#### RESOLUTION

Moved by: Storrs

Seconded by: Littman

RESOLVED to eliminate the vehicle cross-access easement for the Harrington Park Condominium. Further, that a five (5) foot wide pedestrian cross-access easement be provided to the Charleston Club Condominium.

Yeas:

Waller

Kramer

Chamberlain

Starr

Pennington

Littman

Storrs

Nays:

Wright

Absent:

Reece

#### RESOLUTION APPROVED

Mr. Starr stated the belief that there should be private street inter-connection.

Mr. Wright stated agreement with Mr. Starr

10. PROPOSED FUTURE LAND USE PLAN

Mr. Chamberlain stated that the hour is late and there is a lot of staff revisions to the Future Land Use Map Plan.

Mr. Chamberlain doesn't agree with some of the revisions.

Mr. Chamberlain asked why are these revisions presented. He would like a narrative describing the recommended revisions to the map. Further, he stated that the Planning Commission needs six (6) items to continue discussion of the Future Land Use Plan Map.

1. Information regarding neighboring communities for Future Land Use designations.
2. Transportation Plan completed.
3. Bicycle and Pedestrian Plan completed.
4. Natural Features designation discussion.
5. Subdivision Map and whether it should be part of Future Land Use Plan.
6. Future Land Use Plan should assimilate all the various components into the document.

Mr. Chamberlain identified a target date of the November Regular Meeting for the Future Land Use Plan Public Hearing.

11. DRAFT – CHAPTER 37 – WETLANDS ORDINANCE &

12. DRAFT – CHAPTER 38 – NATURAL FEATURES PROTECTION ORDINANCE

Mr. Miller noted that the updated draft Natural Features Map is included with the agenda packet. City Council will decide at their September 10, 2001 meeting, whether to conduct public hearing(s) for the purpose of adopting the two proposed ordinances. Mr. Miller directed discussion at this Study Meeting towards the natural feature buffers. The Planning Commission discussed this in great detail previously and it is expected that Mr. Dennis Kramer will present some ideas to adjust the proposed buffer requirements. In addition continued discussions and potential recommendations could occur at this Study Meeting.

Mr. Kramer commented that the problem is how to protect wetlands/natural features, specifically woodlands, and what buffer is appropriate. He mentioned allowing a

reduction of the buffer, but hasn't really come up with a revised language for the ordinance. He noted that the ordinance should allow for a case by case provision.

Mr. Chamberlain noted that natural features are related to the Future Land Use Plan. Further, City Council is expected to hold the public hearing October 9, 2001, the Planning Commission's regular meeting date.

He also noted Mr. Waller's letter of March 26, 2001, regarding the proposed ordinance and conflict resolution.

Mr. Waller asked how does conflict resolution occur. This issue needs to be resolved. All the affected parties should have differences resolved prior to the Planning Commission hearing a petition.

Mr. Wright mentioned binding arbitration as an option.

Mr. Chamberlain said there are two major issues, setback and conflict resolution.

Ms. Bluhm stated that the Natural Features/Wetland Map is not definitive. It serves as a guide while experts make the determinations.

Mr. Waller asked if people understand that the Map is not concrete.

Mr. Storrs stated concern that the Ordinances are really workable.

Mr. Chamberlain asked when does the Planning Commission hand off recommendations to City Council.

Mr. Storrs stated that the Planning Commission will do the best review possible and submit recommendations in the very near future.

Mr. Chamberlain stated that they have the October regular and study meetings to review and formulate possible recommendations. At the November regular meeting, the final recommendations can be approved.

### 13. PUBLIC COMMENT

NO PUBLIC COMMENT

Mr. Waller stated that the Christian Leadership School and Zion Church require handicap ramps.

Mr. Chamberlain stated that Jordan Keoleian will require assistance regarding the Michigan Society of Planning Conference.

Mr. Chamberlain stated that Special Uses will be reviewed at the November study session.

14. ADJOURN – 11:10 p.m.

Respectfully submitted,

Mark F. Miller  
Interim Planning Director