

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 p.m. on Tuesday, October 2, 2001, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present

Waller
Kramer
Storrs
Starr
Chamberlain
Littman (7:36)
Pennington
Wright
Reece

Absent

Also Present

Mark Miller, Interim Planning Director
Lori Bluhm, City Attorney
Jordan Keoleian, Student Representative

2. PUBLIC COMMENT

NO PUBLIC COMMENT

3. SITE PLAN REVIEW (SP-685) – Acura of Troy Renovation and Addition, West side of Maplelawn Rd. and North of Maple Rd., Section 29

Mr. Miller stated that Acura of Troy submitted a revised site plan for the renovation of the existing sales area, with an expansion under the existing canopy. In addition, a new service area is proposed that will permit an indoor service write-up facility. The proposed additions are 6,272 square feet in size. The dealership is located on west side of Maplelawn Road and north of Maple Road, including 2.53 acres of M-1 Light Industrial zoned land. Approval of the original Site Plan occurred on June 9, 1987. Although Mike Savoie Chevrolet dealership's parking lot abuts the Acura dealership's parking lot and full physical inter-connection appears to exist, there are no cross-access easements provided. The same owner controls both dealerships and the architect indicated agreement to providing an easement. Location of the easement will provide access from the ingress/egress driveway to the most easterly 24 feet wide

parking lot drive. The Planning Department recommends approval of the Revised Preliminary Site Plan.

Mr. Waller asked if the cross-access was going to be clear on both sides.

Mr. Miller answered yes.

Mr. Chamberlain asked the petitioner if there was anything he would like to add to Mr. Miller's statement.

Architect for the Petitioner, John Marusch, 1150 Griswold, Detroit, stated that Mr. Miller's presentation was quite thorough, and that he had no other comments to make.

RESOLUTION

Moved by: Starr

Seconded by: Storrs

RESOLVED, that Revised Preliminary Site Plan Approval, as requested for the Acura of Troy, on a 2.53 acre M-1 zoned site, located on the west side of Maplawn Road and north of Maple Road, is hereby granted, subject to the following condition:

1. The vehicular cross-access easement shall be provided as indicated on the Planning Department's markup copy of the Site Plan.

Yeas: All Present (8)

Absent: Littman

RESOLUTION APPROVED

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU-311) – Rexpointe Kennels, West side of Rochester Road, and South of South Boulevard – Section 3

Mr. Miller stated that a Special Use Request has been submitted for the reconstruction of Rexpointe Kennels, with approximately 17,000 square feet of building and 3,832 square feet of outdoor dog run, located on 5.87 acres of land, on the west side of Rochester Road and south of South Boulevard. Three of the existing residential structures including the house, garage and shed will remain. The subject property is within the R-1C Zoning District, which permits expansion of the buildings or facilities related to commercial kennels established prior to January 1, 2000, subject to Special Use Approval. An amendment to the Zoning Ordinance occurred in February of 2001 to permit expansion of pre-existing commercial kennels in the One Family Zoning Districts.

Mr. Miller further stated that Section 10.30.00 A & B and Section 10.30.09 of the Zoning Ordinance states, that expansion of commercial kennels may be

permitted within the One Family Zoning Districts subject to the specific conditions for the proposed land use. No increase of facilities devoted to the outdoor keeping or containment of animals is permitted; the proposed Site Plan adheres to this requirement. All structures and fenced areas related to the keeping of animals shall be setback at least 50 feet from residentially zoned property; the proposed Site Plan adheres to this requirement. However, before approving a commercial kennel, the Planning Commission shall find that:

- A. The commercial kennel being proposed shall be of such location, size, and character as to be compatible with the orderly development of the R-1C Zoning District and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Zoning Districts.
- B. The commercial kennel is within capacity limitations of the existing or proposed public services and facilities that serve its location.

Mr. Miller noted that the Building Department staff has conducted an analysis of the proposed structure based upon the submitted east building elevation and floor plans. This analysis produced an elevation sketch to demonstrate the building construction method. It appears the construction method utilizes a full roof and half-walls to create an unenclosed building. This type of construction could have a negative impact on the surrounding land uses and in particular the proposed condominiums to south and north of the subject property. It is recognized that the proposed building shall be at least 50 feet from the residential property lines. However, this construction method could permit excessive noise and odors to negatively affect the future adjacent residential land uses and Zoning Districts.

Mr. Miller commented that the proposed Sandalwood South Condominium abuts the subject property to the south. This development proposed a six-foot high wall, however, the subject site will then have to match this wall to completely screen the parking area. All of the kennel facilities are 50 feet from this property line. Minimum parking requirements are met. A 180 feet right-of-way is planned for Rochester Road, the site plan shall be required to provide a 90 feet distance from the centerline. All other Zoning Ordinance requirements are met.

Mr. Miller further stated that the petitioner was coordinating revised site plans and supplemental information with the Planning Department right up to the deadline for preparing the agenda packet. The Planning Department will review this most current information and report to the Planning Commission any pertinent revisions.

Mr. Miller further stated that the draft Natural Features Map indicates wetlands and woodlands on the subject property. In addition, there appears to be 100-year flood plain located on the site. Both the wetlands and flood plain are located

in the westerly area of the property. A map showing the natural features and flood plain was provided for the Planning Commission's information. The City does not require documentation of natural features for this type of development proposal. Before Final Site Plan Approval City Staff must verify that, the appropriate permits are issued.

Mr. Miller concluded stating all Zoning Ordinance requirements are met and the Planning Commission finds that the commercial kennel is not detrimental to the orderly development, property values, environment or use of adjacent properties, then the proposed Special Use Request should be approved.

Mr. Chamberlain recognized the petitioner and asked him if he had any comments.

Gerald Yurk, architect for the petitioner, stated that City Staff did a good job and that he had no comments to add.

Mr. Chamberlain opened the public hearing. There were no comments and the public hearing was closed.

Mr. Chamberlain stated that he went to visit Rexpointe Kennels on October 2, 2001, along with Mr. Storrs to see what the operation was. He stated that Rexpointe Kennel's staff gave them a tour of the entire facility explaining to them what was there today and what was planned for the future. There are a couple of issues that come to mind that indicates the request should be approved.

1. All kennels all have outdoor runs. The subject request includes outdoor runs that are 50 feet from the property line.
2. There is proposed a six (6) foot wall where none exist today and this will provide noise reduction.
3. The existing runs are old and have gravel floors, which are very difficult to clean. The proposed runs will be concrete floors and will be hosed down for clean-up.
4. The dogs will be housed indoors at 8:30 p.m. for the whole night. This is the way the kennel operates today and will continue to operate in the future. The City has everything to gain by approving this.

Mr. Storrs stated that Sandalwood's plans are good. He further stated that the only impact is on Unit 236.

Mr. Littman asked what time will the dogs be let out in the morning.

Mr. Yurk stated that the earliest would be 8:00 a.m., seven days a week.

Mr. Reece asked that with this expansion, the number of dogs will be approximately 140, this is actually a reduction.

Mr. Yurk stated 140 animals is the proposed capacity and the existing facility has a capacity of 200 animals.

Mr. Storrs stated that the kennels are currently housing approximately 160 animals.

Mike Smiler, Petitioner, stated that the existing kennel is licensed to house 200 dogs. The exact amount of runs we have is 140. The most dogs that will be housed with this expansion is 160. The number of 160 animals is because there are some families who have more than one dog and they are housed together in the same run.

Mr. Littman asked if the hours the dogs are permitted to use the outdoor run could be included in the resolution for Special Use Approval.

Ms. Bluhm stated it is appropriate that times can be included in the resolution.

Mr. Reece asked how does the petitioner address the noise level of barking dogs.

Mr. Miller stated that he has discussed this existing kennel on several occasions with Mark Stimac, the Building and Zoning Director for the City of Troy, and there have been no violation problems or complaints of noise recently.

Ms. Bluhm stated that the noise level allowance is 65 decibels at the property line.

Mr. Kramer asked if the condominiums were two (2) or three (3) stories.

Mr. Miller stated they were 2 ½ stories.

Mr. Kramer stated that with all the improvements, it appears to be a definite improvement. Could definitely support with the hours of service.

Mr. Chamberlain stated that there are Site Plan Approval issues. When he visited the site, there was a lot of brush on the south property line. When the Planning Commission approves this Site Plan, a condition should state that the brush remain undisturbed to reduce any noise levels.

Mr. Storrs stated trees can be planted without removing the natural screening of the shrubs and brush that already exists.

Mr. Waller asked if the southern screen is needed.

Mr. Yurk stated Sandalwood South Condominium has provided a wall; however, Rexpointe is going to extend this wall.

Mr. Starr asked the petitioner if they planned to have any overhead outdoor lighting.

Mr. Yurk stated typical lighting is proposed for the parking lot and entrance areas.

Mr. Reece questioned the noise levels. When the dogs are inside from 8:30 P.M. till 8:00 A.M., are the windows open or is the facility enclosed and is there much ventilation.

Mr. Yurk stated that the dogs are enclosed from 8:30 P.M. to 8:00 A.M. and the area does not have windows.

Mr. Reece asked what type of ventilation was being proposed.

Mr. Yurk stated a full heat, ventilation and air conditioning system.

Ms. Pennington asked about the trees on the west boundary of the subject property.

Mr. Chamberlain stated there is an existing woods.

Mr. Waller stated that the development to the south removed Rexpointe trees, but some were preserved.

RESOLUTION

Moved by: Waller

Seconded by: Wright

RESOLVED, that Special Use Approval, as requested for the Rexpointe Kennels on a 5.87 acre R-1C zoned site, located on the west side of Rochester Road and south of South Boulevard is hereby granted, in accordance with section 10.30.09 of the Zoning Ordinance, subject to the following conditions:

1. The existing brush along the south property line be preserved for a noise barrier.
2. All animals will be kept inside and enclosed from 8:30 P.M. to 8:00 A.M., seven (7) days a week.
3. Exterior lighting will be provided in such a manner that it will be directed downward for site entrance and parking lot and will not impact adjacent properties.

4. The facility will not have any windows where the animals are boarded.
5. The facility will house approximately 140 to 160 animals, rather than the current facility's 160 to 200 animals, and is more enclosed than the existing facility and has greater setbacks than the existing facility.
6. The commercial kennel is of such location, size, and character as to be compatible with the orderly development of the R-1C Zoning District and is not detrimental to the orderly development, property value, environment, or use of adjacent land and Zoning Districts.
7. The commercial kennel is within capacity limitations of the existing or proposed public services and facilities that serve its location.

Yeas: All Present (9)

Absent:

RESOLUTION APPROVED

RESOLUTION

Moved by: Waller

Seconded by: Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the Rexpointe Kennels on a 5.87 acre R-1C zoned site, located on the west side of Rochester Road and south of South Boulevard is hereby granted, subject to the following conditions:

1. The existing brush along south property line be preserved for a noise barrier.
2. That all animals will be kept inside and enclosed from 8:30 P.M. to 8:00 A.M., seven (7) days a week.
3. Exterior lighting will be provided in such a manner that it will be directed downward for site entrance and parking lot and will not impact adjacent properties.
4. The facility will not have any windows where the animals are boarded.
5. The facility will house approximately 140 to 160 animals, rather than the current facility's 160 to 200 animals, and is more enclosed than

the existing facility and has greater setbacks than the existing facility.

6. The commercial kennel is of such location, size, and character as to be compatible with the orderly development of the R-1C Zoning District and is not detrimental to the orderly development, property value, environment, or use of adjacent land and Zoning Districts.
7. The commercial kennel is within capacity limitations of the existing or proposed public services and facilities that serve its location.
8. Any changes to the Site Plan shall only be approved by the Planning Commission.

Yeas: All present (9)

Absent:

RESOLUTION APPROVED

5. SITE PLAN REVIEW (SP-723) – Proposed Century Park Place Office Bldg., South side of Big Beaver and West of Rochester, Section 27

Mr. Miller stated that on five previous occasions, the most recent being January of 2000, the Planning Commission has granted or renewed Site Plan Approval for the construction of a three-story office building with two-stories over parking on a 0.65 acre net area O-M zoned parcel having 95 feet of frontage on the south side of Big Beaver east of Livernois. The new site plan as submitted, involves a similar building and site configuration. The building proposed is 8,700 square feet in size.

Mr. Miller further stated that the Planning and Building Departments made a determination based upon Section 30.30.00 Note (S) of the Zoning Ordinance, that a setback of at least 38.25 feet be provided on the east side of the property where it abuts residentially zoned property and 35.5 feet be provided on the west side of the property where it abuts O-M zoned property. The site plan indicates a 30 feet setback on the east and west boundaries of the property. In addition, the plans submitted indicate walls enclosing stairways that slope outward three (3) feet from the face on the north side of the building. Section 41.50.00 of the Zoning Ordinance does not permit projections to encroach into the required setback.

Mr. Miller further stated that the setback issues were presented to the Board of Zoning Appeals (BZA) on September 18, 2001. An interpretation issued by the BZA concluded that the subject site plan adheres to the setback requirements and the architectural feature is not a vertical projection. Therefore, the subject site plan meets the applicable Zoning Ordinance requirements and no natural features are located on the subject property. Approval of the site plan is recommended.

Mr. Chamberlain asked the petitioner if he had any further comments.

Frank D'Anna, Petitioner, 42500 Hayes, Clinton Twp., MI, 48038, stated he had no additional comments but is willing to answer any questions.

RESOLUTION

Moved by: Pennington

Seconded by: Littman

RESOLVED, that Preliminary Site Plan Approval, as requested for the Century Park Place Office building on a 0.65 acre O-M zoned site, located on the south side of Big Beaver Road and west of Rochester Road is hereby granted.

Yeas: All Present (9)

Absent:

RESOLUTION APPROVED

6. SITE PLAN RENEWAL (SP-673) – Proposed Office Properties, L.L.C. Office Building, North side of Big Beaver and West of John R, Section 23

Mr. Miller stated a Site Plan Renewal has been submitted for the construction of a 49,724 square foot, two story office building on a 3.37 acre O-1 and P-1 site having approximately 268 feet of frontage on the north side of Big Beaver Road west of John R. This site is between the Elks Club and the EMRC office building. The Planning Commission granted Site Plan Approval on April 11, 2000. The Buckeye pipeline runs diagonally through the northerly portion of the subject property. A single drive is proposed to service the proposed office development. Cross-access easements are indicated to provide inter-connection with the Elks Club and EMRC site. A small portion of woodlands appears to be located in the northwest portion of the subject property, as identified on the Natural Features Map. All applicable Zoning Ordinance requirements have been met and approval of the site plan is recommended.

Mr. Chamberlain asked the petitioner, Mr. Dale Garret, 5877 Livernois Road., Suite 103, Troy, MI, 48098, if he had any further comments in addition to Mr. Millers.

Mr. Garrett stated he had no additional comments.

RESOLUTION

Moved by: Storrs

Seconded by: Waller

RESOLVED, that Preliminary Site Plan Approval, as requested for the 49,724 square feet two story, Office Properties, L.L.C. Office Building, on a 3.37 acre O-

1 and P-1 zoned site, located on the north side of Big Beaver Road and west of John R Road is hereby granted, subject to the following conditions:

1. The basement is limited to storage only.

Yeas: All Present (9)

Absent:

RESOLUTION APPROVED

7. SITE PLAN REVIEW (SP-864) – Pipefitting Industry Training Center Addition, 636 Executive Dr., East side of Executive and North of Elliot, Section 36

Mr. Miller stated that a request has been submitted for an addition to the Pipefitting Industry Training Center. The existing facility was not required to obtain Planning Commission Preliminary Site Plan Approval. It is located at 636 Executive Drive, east of Executive and north of Elliot, within the M-1 Light Industrial Zoning District having 3.21 acres of land. This existing facility is 25,136 square feet and the proposed addition is 11,814 square feet for a total of 36,950 square feet of building area. The proposed high bay addition is to provide hands on training to supplement the classroom training area that is provided at the center. City of Troy Natural Features Map does not indicate natural features on the subject property. All applicable ordinance requirements are met and the Planning Department recommends approval of the Preliminary Site Plan.

Mr. Chamberlain asked the petitioner, Mr. Ken Czarnomski, 422 W. Congress, Detroit, MI, 48226, if he had any further comments.

Mr. Czarnomski, Petitioner, stated he had no additional comments.

Mr. Storrs asked if the building square footage was correct.

Mr. Miller answered that there is a mezzanine.

RESOLUTION

Moved by: Wright

Seconded by: Littman

RESOLVED, that Revised Preliminary Site Plan Approval, as requested for the Pipefitting Industry Training Center Addition, on a 3.21 acre M-1 zoned site, located on the East side of Executive and North of Elliot, is hereby granted.

Yeas: All Present (9)

Absent:

RESOLUTION APPROVED

REZONING PROPOSAL

8. **PUBLIC HEARING-PROPOSED REZONING (Z-672)** – Proposed Fountain Park Condominiums, East side of Rochester and North of Wattles, Section 14, R-1C to R-1T

Mr. Miller stated that the Schout Development Company have submitted a rezoning request for their property, 2.74 acres, comprised of lots 2, 3 and 4 in Supervisor's Plat # 22, located on the east side of Rochester Road and north of Wattles Road. Current zoning classification is R-1C One Family Residential and the proposed zoning classification is R-1T One Family Attached. Petitioner has submitted a schematic site plan that includes an attached condominium development with 14 units. The site plan appears to not have the required landscaped open space.

Mr. Miller further stated that the current use of the subject properties is one family residential. The adjacent land uses include: Tom's Landscape to the north; Maya's Meadows Condominium to the south; Tom's Landscape to the east; and one family residential and vacant to the west.

Mr. Miller further stated that the current Master Land Use Plan designation for the subject property is Medium Density Residential. The adjacent land use designations include: Medium Density Residential to the north; Medium Density Residential to the south; Medium Density Residential and/or Low Density Residential to the east; and Medium Density Residential to the west.

Mr. Miller further stated that the current zoning district classification of the subject property is R-1C One Family Residential. The adjacent zoning district classifications include: R-1C One Family Residential to the north; R-1T Medium Density Residential to the south; R-1C One Family Residential to the east; and R-1C One Family Residential and CR-1 One Family Residential (cluster) to the west.

Mr. Miller further stated that the proposed rezoning is consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon the findings the Planning Department recommends that the Planning Commission recommend to City Council approval of the subject rezoning request.

Mr. Chamberlain asked the Petitioner, Mr. John Janviriya, 2815 Oak Brooke Lane., West Bloomfield, MI, 48323, if he had any further comments.

Mr. Janviriya, Petitioner, stated he had no additional comments.

Mr. Chamberlain opened the public hearing. There were no comments and the public hearing was closed.

RESOLUTION

Moved by: Littman

Seconded by: Pennington

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request of 2.74 acres, comprised of lots 2, 3 and 4 of Supervisor's Plat #22, located on the east side of Rochester Road and north of Wattles Road, be granted, to enable the development of an attached residential condominium.

Yeas: All Present (9)

RESOLUTION APPROVED

CHAIRMAN'S REPORT

Mr. Chamberlain stated that he sent a letter to City Council and the Mayor with the motion regarding Wetlands and Natural Features for the public hearing which is being held at Athens High School on Tuesday, October 9, at 7:30 p.m.

Further he stated that it appears that Sandalwood trespassed on Rexpointe's property. The woods on Rexpointe's property was cut down. Rexpointe did not want to make an issue of it.

Further he stated that the Planning Commission has to figure out a way to limit screening walls and their impact on these trees and woodlands.

Also, there are fire hydrants right on the lot line. If a screening wall is constructed, the fire hydrant isn't going to be much use to Rexpointe or Sandalwood.

The Planning Commission requests that the Planning Department agenda item numbers be placed on the Site Plans.

Mr. Waller requested that the Planning Department develop language regarding walls and their impact on existing vegetation.

ADJOURN: 8:45 p.m.

Respectfully submitted,

Mark F. Miller
Interim Planning Director

MFM/dav