

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:35 p.m. on October 25, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain
Fazal Khan

Also Present:

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

Resolution # PC-2005-10-166

Moved by: Vleck
Seconded by: Wright

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

Yes: All present (7)
No: None
Absent: Chamberlain, Khan

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller requested that the Agenda be revised to include item 8(a), Report on the Site Visit of the proposed PUD 5, Caswell Town Center.

Resolution # PC-2005-10-167

Moved by: Schultz
Seconded by: Littman

RESOLVED, To approve the Agenda as revised.

Yes: All present (7)
No: None
Absent: Chamberlain, Khan

MOTION CARRIED

3. MINUTES

Resolution # PC-2005-10-168

Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the October 4, 2005 Special/Study Meeting minutes and the October 11, 2005 Regular Meeting minutes as published.

Yes: All present (7)
No: None
Absent: Chamberlain, Khan

MOTION CARRIED

4. PUBLIC COMMENTS (Items not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Wright reported on the October 18, 2005 Board of Zoning Appeals (BZA) meeting. One item of interest relates to the Arnold Becker property located on the southeast corner of Big Beaver and Rochester Road (2840-2880 Rochester Road). The BZA approved the request to waive the required screen wall on the north side of the parking area where the parking lot abuts Henrietta. The petitioner withdrew his request to modify the required setback of 25 feet from the north property line to 10 feet.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the October 17, 2005 Joint Meeting of the Downtown Development Authority (DDA) and City Council and the October 19, 2005 DDA Meeting. Discussions at both meetings related to amending the DDA boundaries.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on the following:

- ZOTA 216 Additional Retail along Major Thoroughfares in M-1 (Light Industrial) Zoning District – *Approved by City Council, 10/24/05; Planning Commission recommendation was modified by City Council.*

Mr. Miller provided a brief overview of the modifications and said he would forward the Resolution passed by City Council to the members. There was discussion on the presentation to the City Council with respect to the recommendation of the Planning Commission and the City Management version.

- Z 709 Rezoning Request, South side of Woodslee Street, East of Rochester Road, Section 27, M-1 to R-2 – *Approved by City Council, 10/17/05.*
- Z 708 Rezoning Request, North side of Maple, West of Blaney, Section 29, M-1 to B-3 – *Approved by City Council, 10/17/05.*
- ZOTA 201, Commercial Indoor Recreation in M-1 (Light Industrial) Zoning District – *Scheduled for City Council Public Hearing, 11/14/05.*
- PUD 4, The Monarch Private Residences – *Tentatively scheduled for City Council Final Approval in November 2005.*

8. (a) PUD 5, Caswell Town Center, Site Visit

Mr. Miller reported that a site visit was not conducted this evening because a quorum was not present.

Members and staff who walked the site identified the following site development concerns:

- Parking for banquet center.
- Stub streets that touch the property from the east and south
- Retention and swale areas.

TABLED ITEM

8. PUBLIC HEARING – PROPOSED REZONING (Z 710) – Existing Shopping Center (to include proposed Marshall's Music store), Northeast corner of Rochester Road and Wattles Road (4048-4060 Rochester Road), Section 14 – From B-1 (Local Business) to B-2 (Community Business)

Mr. Miller presented a summary of the rezoning request that was tabled at the October 11, 2005 Regular Meeting. The applicant's request for interpretation of the Zoning Ordinance is on the November 15, 2005 Board of Zoning Appeals (BZA) agenda. Mr. Miller reported that it is the recommendation of the City Management to approve the rezoning request.

The petitioner was not present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-10-169

Moved by: Wright

Seconded by: Littman

RESOLVED, To table the item to the November 29, 2005 Regular Meeting to allow the Board of Zoning Appeals to address the issue.

Discussion on the motion on the floor.

Mr. Wright said he sees no need to rezone the property, and said Marshal's Music store is no more out of place in the B-1 zoning district than Kinko's, Blockbuster, or some of the other businesses in the shopping center.

There was a lengthy discussion and comments from around the table with respect to going forward with the rezoning request to City Council, obtaining an interpretation from the BZA independently or simultaneously with the rezoning request, the intent of the petitioner to remain in the City, and the review of all B-1 zoning districts.

Vote on the motion on the floor.

Yes: Littman

No: Drake-Batts, Schultz, Strat, Vleck, Waller, Wright

Absent: Chamberlain, Khan

MOTION FAILED

Mr. Wright said he would support either action that would get Marshall's Music in the shopping center. He personally feels an interpretation from the BZA would be appropriate and the most expeditious action to take.

Members Schultz, Vleck and Drake-Batts agreed that going forward concurrently on both the BZA interpretation and the rezoning request is in the best interest of the City and most expeditious.

Resolution # PC-2005-10-170

Moved by: Schultz

Seconded by: Waller

WHEREAS, The Planning Commission feels that it is of the utmost importance to the economic viability of the City of Troy to encourage desirable businesses to remain and/or locate in the City. Furthermore, the City Management should do everything within its powers to simplify and expedite the processes businesses must follow to establish and/or relocate their operations in our City;

WHEREAS, The Planning Commission disagrees with the Building Department's decision that Marshall's Music does not meet the criteria for locating within the B-1 (Community Business) zoning district, while the same department has ruled that Blockbuster Video and FedEx/Kinko's meet those criteria. While the Planning Commission has recommended and requested that the Board of Zoning Appeals provide an interpretation of the B-1 zoning district as it applies to Marshall's Music, that interpretation will not take place until Tuesday, November 15, 2005;

WHEREAS, it is in the best interest of the citizens of Troy to expedite the ability of Marshall's Music to relocate their business to a new facility within the City. Furthermore, because the most expeditious means of accomplishing same is to recommend the rezoning of the parcel in question from B-1 to B-2 and rezoning that parcel does not create a non-conformity with relation to the new zoning district;

THEREFORE BE IT RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to B-2 rezoning request, located on the northeast corner of Rochester and Wattles, within Section 14, being approximately 2.7 acres in size, be granted.

Yes: All present (7)

No: None

Absent: Chamberlain, Khan

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT**

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214-B) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts on a Temporary Basis

Mr. Miller reviewed the Resolution adopted by City Council on October 3, 2005 that requested the Planning Commission to set a Public Hearing on a proposed zoning ordinance text amendment that would allow group day care homes in the R-1A through R-1E districts on a temporary basis. He said the amendment would

essentially legalize the approximate 20 group day care homes currently licensed and existing at the time the amendment is adopted by City Council.

Discussed at length were the following two conditions of the proposed amendment:

- The date of final action by City Council that would affect the existing group day care homes.
- The timeframe the temporary basis would be in affect after City Council takes final action.

Mr. Motzny said consideration and approval of the proposed amendment should be based on whether the members believe a public purpose would be served.

PUBLIC HEARING OPENED

John Bjelobrk of 5581 Mandale, Troy, was present. Mr. Bjelobrk asked how many members of the Planning Commission live next door to or within 300 feet of a family or group day care home. He also asked if any member of the Planning Commission has a friend or relative who operates a day care center. Mr. Bjelobrk said he would be willing to swap houses with Chair Strat so he would have the opportunity to experience living next to a group day care home. He voiced concern with the City procedure to notify only those residents living within 300 feet of existing group day care homes, and said the issue should be placed on a city-wide ballot. Mr. Bjelobrk voiced concern that a fire in a group day care home would jeopardize his family's safety and affect the cost of his insurance coverage. He asked that group day care homes not be grandfathered. Mr. Bjelobrk addressed traffic, noise, and parking concerns, and encouraged parents to raise their own children.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs said approximately 800 homes have been receiving the Public Hearing notices and very few negative responses have come forward.

PUBLIC HEARING CLOSED

Resolution # PC-2005-10-

Moved by: Drake-Batts

Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Zoning Districts on a Temporary Basis, be amended as follows:

1. To remove "[Date of Final Action by City Council]" and replace and substitute it with "[The Approval of ZOTA 214-B by City Council]".

Discussion on the motion on the floor.

Mr. Waller asked that the Resolution be amended to change all entries of 10 days to 100 days, with reference to the timeframe of the temporary basis after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action.

A brief discussion followed on the wording of the zoning ordinance text amendment.

Mr. Motzny suggested a recess to prepare the appropriate wording of the Resolution.

Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:02 p.m.

Ms. Drake-Batts withdrew the motion on the floor. Mr. Littman was in agreement with the withdrawal.

Resolution # PC-2005-10-171

Moved by: Drake-Batts

Seconded by: Littman

RESOLVED, That group day care homes as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of *the date of approval of ZOTA 214-B by City Council*, shall be permitted to continue on a temporary basis not to exceed thirty (30) days after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action on any proposed revisions to Charter 39, Article X, related to the regulation of group day care homes as set forth in ZOTA 214.

Yes: Drake-Batts, Littman, Schultz, Strat, Vleck, Waller

No: Wright

Absent: Chamberlain, Khan

MOTION CARRIED

Mr. Wright said the Planning Department has received several letters from neighbors who are opposed to group day care homes because of traffic, parking, and noise. Mr. Wright said he personally thinks a group day care home is a commercial enterprise that should not exist in a residential zone.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E District

Mr. Miller outlined the list of potential group day care home standards that were compiled at the October 4, 2005 Special/Study Meeting. He reviewed the draft amendment prepared by the Planning Department and summarized minor revisions that were incorporated into the draft.

Chair Strat solicited comments from around the table with respect to each standard listed in relation to group day care homes.

[Mr. Miller exited the meeting at 9:40 p.m.]

Thorough notes were taken by staff and the revised draft will be reviewed and discussed at the November 1, 2005 Special/Study Meeting.

Mr. Motzny will report back on the use of Special Conditions and Special Use Approvals on a renewal basis.

11. PLANNING COMMISSION BY-LAWS

Mr. Waller distributed copies of the original and revised By-laws.

Resolution # PC-2005-10-172

Moved by: Schultz

Seconded by: Littman

RESOLVED, That this item be tabled until the next meeting so that the members have an opportunity to review the revisions that were presented tonight by Mr. Waller.

Yes: All present (7)

No: None

Absent: Chamberlain, Khan

MOTION CARRIED

12. REVIEW OF NOVEMBER 29, 2005 REGULAR MEETING

Upcoming agenda items were briefly reviewed.

13. PUBLIC COMMENT – For Items on the Agenda

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the group day care home matter. He said he would appreciate getting a copy of the proposed

zoning ordinance text so group day care home providers would have an opportunity to provide informative input. Mr. Schafer also asked for copies of the negative letters and emails received by the Planning Department so providers can see the nature of the complaints and address them.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs addressed comments made at tonight's meeting relating to group day care homes. He said fires can happen anywhere, and traffic on public roads cannot be regulated. Mr. Childs said it would seem more practical that residents would be concerned if their neighbors did not clear snow. Mr. Childs requested consideration be given to grandfathering some of the existing day care homes and addressed a concern with the required 1,500-foot distance between day care homes. Mr. Childs noted that the City of Livonia ordinance makes no mention of building inspections or Michigan Building Codes, and has successfully worked since 1999. He encouraged members not to over-regulate the ordinance.

GOOD OF THE ORDER

Mr. Littman said he once had lunch as chair of the Planning Commission with the City Manager, who took offense at a comment he made. His comment was it seems that sometimes the City Manager considers the Planning Commission a necessary evil. Mr. Littman said he would revise that now. He thinks the City Manager thinks the Planning Commission is an unnecessary evil.

Ms. Drake-Batts said she would figure out something to do with her Tuesday evenings.

Chair Strat said he is sure he will hear something about the comments he made this evening, but he had to air his frustrations.

Mr. Littman said it's not based strictly on last week, it's been building. He said you have to have been chair, as many members have been, to really get frustrated with it.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:29 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary