The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on November 13, 2007, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Michael W. Hutson
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Chair Schultz announced that eight members are serving the Commission until a replacement is appointed for the vacancy of Mary Kerwin, who was elected to City Council. Chair Schultz thanked Ms. Kerwin for her participation and wished her well.

2. APPROVAL OF AGENDA

Resolution # PC-2007-11-162
Moved by: Vleck
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: Hutson, Littman, Schultz, Tagle, Troshynski, Vleck, Wright
No: None
Abstain: Strat

MOTION CARRIED

3. MINUTES

Resolution # PC-2007-11-163

Moved by: Wright
Seconded by: Hutson

RESOLVED, To approve the minutes of the October 23, 2007 Special/Study meeting as printed.

Yes: Hutson, Littman, Schultz, Troshynski, Vleck, Wright
Abstain: Strat, Tagle

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

5. SITE PLAN REVIEW (SP 898-B) – Proposed Mausoleum, White Chapel Cemetery, South side of Long Lake Road, between Crooks and I-75 (621 W. Long Lake Road), Section 16, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a review of the postponed item. He addressed memoranda from the Building Department relating to code enforcement violations. The Building Department reported the violations are corrected. Further, the Building Department determined that the fence along Long Lake Road is not in violation of the Zoning Ordinance because it pre-dates the fence ordinance. Mr. Savidant reported it is the recommendation of City Management to approve the site plan as submitted with the condition that the petitioner receives variances from the Board of Zoning Appeals and the Board of Building Appeals, as relates to the required 50-foot setback and construction of walls higher than 30 inches within the required setback.

There was discussion on:
- Principal structure of the business.
- Existing fence and new vinyl fence as relates to the Zoning Ordinance.
- Tree preservation and tree inventory waivers.

Dennis Cowan of Plunkett & Cooney, 38505 Woodward Avenue, Bloomfield Hills, was present to represent the petitioner. Also present were David Krall, Vice President and corporate counsel for White Chapel; Don Root, architect, Integrated Design Solutions, 888 W. Big Beaver Road, Troy; and Marc Russell, landscape architect, Russell Design, 114 Rayson Street, Northville.

Mr. Cowan addressed the corrected code violations and the interior fences, which he indicated are not regulated within site plan approval. Mr. Cowan respectfully requested approval of the site plan with the condition to obtain variances from both the Board of Zoning Appeals and the Building Code Board of Appeals.

There was discussion on the following:

- Demolition of vehicle storage and maintenance building in a future phase.
- Design and material of sound wall; involvement of Michigan Department of Transportation (MDOT).
- Elevations of sound wall in relation to principal structure.
- Retention pond as relates to size, configuration and adequacy.
- Existing fence along Long Lake Road, its screening and compliance to Zoning Ordinance requirements.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

There was lengthy discussion on the preliminary site plan as relates to the designations of interior walls, fences, material, and key elements such as the water feature, and the purview of the Planning Commission for site plan approval.

Mr. Miller stated the Planning Commission has the discretion to determine whether the preliminary elevations are sufficient to determine site plan approval, and they could require the petitioner to submit additional information should they deem it necessary to reach a determination.

Several members shared difficulty in reading the landscape plan and correlating detail sheets and keynotes.

Mr. Root provided a detailed description of the site plan design.

Mr. Russell discussed the landscape plan in detail and offered clarifications to specific questions posed by the members. He apologized for the confusion and the lack of correlation between the plan's keynotes and detail sheets.

Mr. Krall provided an explanation of the demolition designations. Their intent is to show how the site plan would correlate to the City's future Master Plan. He indicated future phases would come before the Planning Commission for site plan approval.

Mr. Strat commended the petitioner on the excellent quality of design and quality of the site plan application. Mr. Strat expressed dissatisfaction with the plastic covering on the existing fence. He believes the fence is a code violation, stating additional materials were applied to an existing structure. Mr. Strat asked that staff

look into the matter and prepare a report on the compliance of a structure that is in violation of setback requirements, and to which modifications have been made.

There was clarification that preliminary approval of a site plan is valid for a period of one year.

Resolution # PC-2007-11-164
Moved by: Troshynski
Seconded by: Tagle

RESOLVED, That the proposed White Chapel Cemetery Mausoleum, located on the south side of Long Lake Road, between Crooks Road and I-75 (621 W. Long Lake Road), located in Section 16, on approximately 205 acres in area, within the R-1B zoning district, be granted, subject to the following conditions:

1. Obtaining all required variances from the Building Code Board of Appeals and the Board of Zoning Appeals.

Yes: Hutson, Littman, Schultz, Tagle, Troshynski, Wright
No: Strat, Vleck

MOTION CARRIED

Mr. Vleck said the site plan drawings are incomplete, and it shows a lack of responsibility on the part of the Commission to approve it as submitted. He also stated that the violations on the site plan should be brought up to date.

Mr. Strat said the design is excellent but the plan has flaws as relates to the front screen wall and the modifications made within the last few months.

REZONING REQUEST

6. PUBLIC HEARING – REZONING APPLICATION (Z 729) – Proposed Rite Aid Pharmacy Development, North side of Long Lake, East side of Rochester Road, Section 11 – B-1 (Local Business) District to B-2 (Community Business) District

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning, and reported it is the recommendation of City Management to approve the rezoning request. Mr. Savidant announced that a letter of opposition was distributed to the members prior to the beginning of tonight's meeting.

Ms. Troshynski asked which direction the store would face.

Chair Schultz asked the Assistant City Attorney to address discussion of site plan issues at the time a rezoning request is considered.

Ms. Lancaster said members are not to consider site plan issues during the approval process of a rezoning request, but consideration should be given to all applicable uses in a specific zoning district. She indicated the developer would not be bound by any commitments made relating to the site plan.

The petitioner was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-11-165
Moved by: Hutson
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to B-2 rezoning request, located on the north side of Long Lake Road, east of Rochester Road, within Section 11, being approximately 1.35 acres in size, be granted.

Yes: All present (8)

MOTION CARRIED

SITE CONDOMINIUM SITE PLAN

7. SITE CONDOMINIUM SITE PLAN REVIEW – Brycewood Site Condominium, 9 units/lots proposed, East side of Evanswood, North of Square Lake, Section 1, Zoned R-1D (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium. He announced that a letter of opposition was distributed to the members prior to the beginning of tonight's meeting. Mr. Savidant reported City Management recommends approval of the alternative version of the preliminary site plan application that proposes 8 units and a 60-foot wide right of way terminating into a stub street at the southern property line.

There was discussion on:
- Setback requirements for side lots and streets in relation to neighboring properties.
- Plan and alternative plan meet all requirements of the Zoning Ordinance.
- Stub street with respect to traffic and turning radius.

- Neighborhood interconnectivity. The Planning Department prefers interconnectivity because it is better planning for future development.

Carol Thurber of Fazal Khan & Associates, 43279 Schoenherr, Sterling Heights, was present to represent the petitioner. Ms. Thurber said a cul de sac would provide a quiet community; a stub street provides interconnectivity but promotes more traffic. Ms. Thurber said they did not consider a layout where the street would be on the south side of the property, and confirmed that the lots to the south are not developed.

Mr. Vleck said he has a hard time approving a development that proposes to place a sidewalk and street directly abutting existing residential. He said it would be a detriment to the existing resident. Mr. Vleck addressed the water run-off and drainage for the proposed elevations.

Chair Schultz pointed out that the existing house to the north would become a double front (a corner lot) with the proposed street layout.

Chair Schultz opened the floor for public comment.

Cathy Carolan of 6322 Evanswood, Troy, was present. Ms. Carolan spoke in opposition of the proposed development. She indicated their property would be the one that would turn into a corner lot. Ms. Carolan voiced concerns with the close proximity of the street and sidewalk, density, neighborhood compatibility and drainage.

Chair Schultz explained the subject property is zoned R-1D, and though the existing development of the neighborhood might be at a lower density than what is allowed in the R-1D zoning district, the property owner is allowed to develop to the density of the underlying zoning. As an example, he cited if a house sits on one acre but they are allowed to put four houses on the one acre, that is the prerogative of the property owner.

Ms. Lancaster confirmed that is a correct statement.

Mike Carolan of 6322 Evanswood, Troy, was present. Mr. Carolan spoke in opposition of both layouts for the proposed development. Mr. Carolan said they do not want a corner lot. He addressed potential hardships relating to property values, meeting required setbacks on both sides, and the sidewalk directly on the property line. Mr. Carolan indicated he had conversations with the subject developer to buy his property and another developer who would build with lesser density. Mr. Carolan voiced concerns with water run-off and flooding, capacity and maintenance of the retention pond, and compatibility and aesthetics of existing neighborhood. He asked the Commission to consider tabling the item and to meet with the petitioner to arrive at a better layout. He indicated putting the street to the south where there is no development might be a better plan.

Ada Griffith of 2666 Ronald Drive, Troy, was present. Ms. Griffith spoke in opposition of the proposed development. Ms. Griffith addressed concerns relating to compatibility with the existing neighborhood, traffic, and safety of pedestrians and children. She would like to see the existing natural environment maintained. Ms. Griffith submitted a written email from her husband, in opposition of the proposed development that was not forwarded to the Planning Department in time to be distributed to the members.

Jean Dylong of 2638 Ronald Drive, Troy, was present. Ms. Dylong spoke in opposition of the proposed development. She submitted a petition in opposition of the proposed development, signed by 90 residents. Ms. Dylong addressed density, water overflow and drainage, and neighborhood compatibility.

Tim Ritchey of 2678 Ronald Drive, Troy, was present. Mr. Ritchey spoke in opposition of the development. He addressed concerns relating to neighborhood compatibility, density and property values. Mr. Ritchey said he personally had a major water problem in his basement when the Carolan house was being built.

Chair Schultz provided an explanation of a site condominium development. He noted that the proposed lots would be the same sized lots that are currently on Ronald Drive. Chair Schultz said the water problem should be reported to the Engineering Department.

Mr. Miller indicated on the map where the R-1D zoning district exists in that area, and said the same Zoning Ordinance requirements apply to all those properties, including minimum lot size. He said the proposed development meets those standards, and that the property owner is exercising his property rights just as anyone else in that zoning district could. Mr. Miller said the only way to preserve the area from being developed as R-1D would be to rezone it to a larger lot size, which would potentially reduce property values.

Jane Erickson of 6205 Seminole, Troy, was present. Ms. Erickson spoke in opposition of the proposed development. She addressed the choppiness and inharmonious manner in which infill development has happened in Macomb County, and did not expect this of Troy.

Jackie Hepp of 6136 Evanswood, Troy, was present. Ms. Hepp spoke in opposition of the proposed development. She addressed the existing water problem and maintenance of retention ponds. Ms. Hepp said they have replaced their sump pump five times.

Chair Schultz closed the floor for public comment.

Comments from the members related to:

- Hardship to resident whose property would turn into a double front lot.
- Potential to develop site with the road to the south.
- Density.

- Drainage and existing water problems.
- Neighborhood compatibility.
- Existing natural environment.
- Potential to waive the required sidewalk to the north in lieu of a landscape buffer.
- Cul de sac versus stub street.

Resolution # PC-2007-11-166
Moved by: Troshynski
Seconded by: Littman

RESOLVED, That this item be postponed until the petitioner submits a plan that incorporates some of the comments made at tonight's meeting.

Discussion on motion on the floor.

Mr. Vleck suggested that the petitioner meet with property owners to the north and south to discuss alternative layouts.

Mr. Miller said he has no objection to postponing the item to pursue other layout options. He made it clear to the members that the Planning Commission is obligated by State law to recommend approval to a project that meets the City's Zoning Ordinance requirements.

Yes: Littman, Strat, Tagle, Troshynski, Vleck, Wright
No: Hutson, Schultz

MOTION CARRIED

Mr. Hutson said the developer is entitled to build a site condominium development pursuant to the plan, or alternative plan, because both submissions meet all the requirements of the Zoning Ordinance.

Chair Schultz said the developer has the right to build the development as proposed because the application meets all requirements of the Zoning Ordinance. He indicated he has no objection to the postponement and would discuss the item at a future meeting.

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Chair Schultz requested a recess at 9:25 p.m.

The meeting reconvened at 9:35 p.m.

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SITE PLAN REVIEWS

8. SITE PLAN REVIEW (SP 849-C) – Grace Christian Learning Center Proposed Addition, North side of Big Beaver, East side of John R Road (2051 E. Big Beaver), Section 24 – B-1 (Local Business) and P-1 (Vehicular Parking) Districts

Mr. Tagle asked to be excused from discussion and vote on this item because his company has a financial interest in the matter.

[Mr. Tagle exited the meeting.]

Chair Schultz advised the petitioner that approval of the item would require five affirmative votes, and noted there are only seven members who would be voting.

The petitioner, Rick Howard, indicated he would like to go forward with the approval process.

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan application. He brought attention to the proposed exterior treatment as relates to Article 39.70.10 of the Zoning Ordinance. He reported it is the recommendation of City Management to approve the site plan as submitted, subject to a maximum of 145 children to be cared for and detention to be provided on site in a manner approved by the Engineering Department.

The petitioner, Rick Howard of 507 Misty Brook Lane, Rochester Hills, was present. Mr. Howard said he was not aware of the Zoning Ordinance requirement relating to matching the building façade. He stated the building material has been purchased.

Mr. Strat assured the petitioner he could preserve the building material purchased and add on to match the existing building material. He addressed the proximity of the shopping center and major intersection in terms of improvements. Mr. Strat suggested that (1) the front segment of the closed structure match the existing building; and (2) trees and vegetation be provided in front of the cyclone fence to buffer the fence and playground area.

Mr. Howard agreed with the suggestions.

Mr. Vleck agreed with Mr. Strat's suggestions, and asked for a description of the screen wall on the north property line.

Mr. Howard provided a history of the parcel in terms of zoning. He said a screen wall would not be required if the area zoned P-1 was rezoned to B-1.

Mr. Miller explained that the City intends to initiate a rezoning request to the B-1 zoning designation for the P-1 parcel and the DTE parcel. Mr. Miller said he was not sure if a screen wall would be required on the DTE parcel but if it is,

construction of a screen wall would take place if and when future improvements were done to the property.

Mr. Savidant stated the 4'6" high screen wall indicated on the site plan would comply with all Zoning Ordinance requirements. He asked that the record reflect that the site plan submitted meets all requirements of the Zoning Ordinance. Mr. Savidant said it was not City Management's intent to mislead the Planning Commission, but to simplify site plan approval. Mr. Savidant indicated the rezoning request would be considered at a future date when it is not tied together with the site plan approval process.

Chair Schultz said he could not support the site plan unless the façade is compatible with the existing building.

Resolution # PC-2007-11-
Moved by: Vleck
Seconded by: Strat

RESOLVED, To postpone the Grace Christian Center Proposed Addition until such time that the petitioner has the opportunity to design the façade of the proposed addition in accordance with our existing Zoning Ordinance requirements that require it to match the existing façade with the existing building, and further to provide vegetation to screen the cyclone fence.

Discussion on the motion on the floor.

Mr. Howard requested the Commission's assistance to approve the preliminary site plan application at tonight's meeting so he could go forward with the project. He indicated his willingness to agree to any conditions that the Commission would deem applicable.

There was discussion to approve the site plan at a future meeting, or administratively.

Mr. Littman addressed the matching building façade as relates to residential purposes, and noted the subject site is quite a distance from residential. He said the trees that the petitioner is willing to provide would solve the screening problem.

Mr. Strat asked if the petitioner would be receptive to providing a stockade fence in lieu of a cyclone fence.

Mr. Howard answered in the affirmative.

Mr. Strat withdrew his support on the motion on the floor, subject to withdrawal from the maker of the motion.

Mr. Vleck withdrew the motion on the floor.

MOTION WITHDRAWN

Resolution # PC-2007-11-167
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the proposed Grace Christian Center Proposed Addition, located on the north side of Big Beaver, east side of John R Road, located in Section 24, on approximately 1.51 acres in area, within the B-1 and P-1 zoning districts, be granted, subject to the following conditions:

1. No increase in the number of children to be cared for, 145 maximum as per variance issued on June 17, 2003 by the Board of Zoning Appeals.
2. Detention to be provided on site in a manner approved by Engineering Department.
3. Building façade facing John R must match the existing façade of the existing building subject to approval of the Planning Department.
4. Stockade fence will replace the cyclone fence surrounding the play area that faces John R on all sides.

Yes: Hutson, Schultz, Strat, Troshynski, Vleck, Wright
No: Littman

MOTION CARRIED

Mr. Littman said he does not see the need for the petitioner to match the façade all the way around because the provision is intended to protect residential properties and the site is a long distance from residential.

[Mr. Tagle returned to the meeting.]

9. SITE PLAN REVIEW (SP 944) – Existing 466 Stephenson Hwy, Proposed Parking Lot Expansion, East side of Stephenson Hwy, North of 14 Mile Road, Section 35 – R-C (Research Center) and O-M (Office Mid-Rise) Districts

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan application as submitted.

Chair Schultz asked if the property acquisition and expansion of parking would cause a non-conformity for the parcel that is giving up the property for the parking.

Mr. Savidant replied the parcel would not become a non-conformity.

James West of 7115 Orchard Lake Road, West Bloomfield, was present to represent the petitioner. Mr. West indicated the proposed parking expansion and interior renovation is simply to create a better marketing appeal for potential tenants.

Al Bayer, project engineer, of Nowak & Fraus, was present. There was a brief discussion on the landscape plan and tree inventory.

Resolution # PC-2007-11-168
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the proposed Parking Lot Expansion at 466 Stephenson Highway, located on the east side of Stephenson Highway, north of 14 Mile Road, located in Section 35, on approximately 3.38 acres in area, within the R-C and O-M zoning districts, be granted.

Yes: All present (8)

MOTION CARRIED

OTHER ITEMS

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

Ms. Troshynski congratulated Mary Kerwin on her election to City Council, and said she will be missed.

Mr. Strat expressed his congratulations to Ms. Kerwin also. He suggested a discussion on the City's fence ordinance at a future study meeting. Mr. Strat addressed a checklist of requirements for site plan approval and the submission of proposed site plans for rezoning requests.

Mr. Wright congratulated Ms. Kerwin on winning her City Council seat, and said he will miss her.

Ms. Lancaster wished everyone a very safe and happy Thanksgiving.

Mr. Miller challenged the members to take a critical look at the proposed combined chapters of the Master Plan, the Future Land Use Plan and Urban Design Plan that will be discussed at the November 27 Special/Study meeting. He wished a good Thanksgiving to everyone.

Chair Schultz said he hopes to find a way to address the inordinate number of problems that appeared on paperwork submitted on some agenda items this evening. He said he will miss his former Vice Chair, Ms. Kerwin, and wished her well on City Council.

The Regular Meeting of the Planning Commission adjourned at 10:20 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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