

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman James Starr at 7:30 P.M. on Wednesday January 16, 1991 in the Troy City Hall.

1. ROLL CALL

Present: Kramer	Melaragni	Absent: Storrs
Ethier	Reece	Chamberlain
Starr	Wright (7:34)	
Lepp		

2. MINUTES - Special Meeting of January 8, 1991

Moved by Lepp

Supported by Kramer

RESOLVED, that the Minutes of the Special Meeting of January 8, 1991 be approved as printed.

Yeas: All Present (6)

Absent: Chamberlain, Storrs
Wright

MOTION CARRIED

3. PUBLIC COMMENTS

No one wished to be heard.

SPECIAL USE REQUESTS

4. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW - Proposed Child Care Center - East Side of John R, South of South Boulevard - Section 1

Mr. Keisling explained that a request has been submitted for Special Use Approval and related Site Plan Approval for the establishment of a child care center on an R-1D zoned parcel at the northeast corner of John R Road and Harned Street, south of South Boulevard. The subject site has 189 feet of frontage on John R immediately south of the B-1 zoned South Boulevard corner parcel, and 200 feet of frontage on Harned Street. This proposal is submitted in accordance with the provisions of Section 10.30.03 of the Zoning Ordinance. This site, abutting commercial zoning, meets the locational criteria of the Ordinance. The proposed play area meets the requirements related to the indicated student capacity of 76, and the parking provided exceeds the Ordinance requirements based on student capacity and staff size. A 4'6" screenwall or opaque screen fencing is indicated along the north and east boundaries, in order to provide the required play area screening. The plans submitted indicate a residential-type structure with a gable roof, intended to blend with the residential character of the adjacent area in accordance with Ordinance requirements. Access to the site is provided by way of a single driveway from John R Road and a drive from Harned Street. A joint drive easement has been provided over the John R Road driveway, so that it might potentially be expanded and jointly serve the commercial site to the north, at such time as that site might be redeveloped. Accel/decel lanes and a John R improvement adequate to provide a left turn lane into this

site will be provided, along with the paving of that portion of Harned Street necessary to serve the proposed driveway. The petitioner will also execute an Agreement and Irrevocable Petition in relation to any future Special Assessment project for the paving of the remaining portion of Harned Street.

Mr. Wright arrived.

Mr. Keisling noted that this site is a part of a large residential block within which homes are presently being constructed by the property owners and petitioners in this matter. In order to provide adequate drainage in this area, the developers are constructing a small (1.72 acre) lake. The plan for this lake, as approved by the City Council, presently indicates that the lake would extend into the westerly portion of the proposed child care center site. If the child care center is to occur, it will be necessary that the proposed lake plan be modified to eliminate the westerly portion of the lake. Such a revised plan must be approved by the Engineering Department, by the consultant hydrologist involved in the previous plan review, by the property owners involved in the potential lake maintenance, and ultimately by the City Council. It was, therefore, recommended that Special Use Approval and related Site Plan Approval regarding the proposed child care center be granted, subject to the indicated conditions related to the development and approval of a revised lake construction plan.

Vincent DiLorenzo was present on behalf of the petitioners. He felt that this was a good location for a child care center, as the building would be facing John R next to a small grocery store. He said that they had a similar facility in Shelby Township and that the center would accept children from toddlers up through 5 years of age. In response to a question from the Commission, he indicated that he was aware of the requirement to prepare and obtain approval of a revised lake plan for the area.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Mr. Keisling noted the five letters of objection which had been received from residents in the area.

Moved by Ethier

Supported by Reece

RESOLVED, that Special Use Approval, as requested for the construction of a 76 student capacity child care center on a 0.86 acre R-1D zoned parcel at the northeast corner of John R Road and Harned Street is hereby granted, in accordance with Section 10.30.03 of the Zoning Ordinance, subject to the condition that a revised lake construction plan be prepared for this area and approved by the City's Engineering Department and their consultant hydrologist, by the property owners involved in the potential lake maintenance, and ultimately by the City Council.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

Moved by Ethier

Supported by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 76 student capacity child care center on a 0.86 acre R-1D zoned site at the northeast corner of John R Road and Harned Street is hereby granted, subject to the condition that a revised lake construction plan be prepared for this area and approved by the City's Engineering Department and their consultant hydrologist, by the property owners involved in the potential lake maintenance, and ultimately by the City Council.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

5. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW - Proposed Child Care Center - West Side of Alpine, North of Big Beaver - Section 20

Mr. Keisling explained that a request has been submitted for Special Use Approval and related Site Plan Approval for the establishment of a 30 student child care center on an R-1B lot having 120 feet of frontage on the west side of Alpine Street north of Big Beaver Road. The site extends 300 feet west from Alpine Street to the major detention basin which serves the Standard Federal site and the other major office, commercial and residential parcels in the west half of Section 20 and the east half of Section 19. This site lies immediately north of the O-1 zoned Atrium Office Building at the northwest corner of Big Beaver and Alpine.

Mr. Keisling noted that the Zoning Ordinance includes the discretionary standards applicable to Special Use Approval actions in R-1 Districts (Section 10.30.00) as well as the specific standards applicable to child care centers (Section 10.30.03). The locational criteria indicate that such uses shall not occur "in the interior of any residential block", and that they shall be located adjacent to a Multiple-family Residential, Office or Commercial District. Although the Planning Department did not encourage the petitioners in this matter in relation to the subject site, it was conceded that the locational criteria would not preclude the location of such a facility on an interior residential street. The site layout was then designed in an effort to minimize any impact on the adjacent residential area. In the course of consideration of this matter, the Commission must determine whether or not the subject use would be compatible with the adjacent area, and thus with the provisions of Section 10.30.00-A.

Mr. Keisling stated that the proposed play area meets the requirements related to the indicated maximum student capacity of 30, and the parking provided meets the Ordinance requirements based on student capacity and

staff size. In addition to the parking area screenwall along the easterly portion of the north property line, 4'6" opaque fencing is provided in order to meet the play area screening requirement. The plans submitted in conjunction with this request indicate a residential-type structure, intended to blend with the residential character of the adjacent area in accordance with Ordinance requirements. The parking area has been designed so as to locate the drive as far south on the site as possible. It would be desirable to move this drive and parking area somewhat north in order to improve the visibility of exiting drivers from those moving north on Alpine Street from Big Beaver Road, considering the existing screenwall along the south boundary of the site. If the Commission determines that this use can be established while being consistent with the compatibility provisions of Section 10.30.00-A, approval of this request would be in order.

Rick and Rita Howard of 3109 Alpine, the petitioners, were present along with Mark Erickson, attorney for the owner of the subject property. Mrs. Howard explained that they planned to build a three bedroom ranch-style house with a full walk-out basement. This house would then be modified to serve as a child care facility for a maximum of 25-30 children. They are presently renting the home on the lot immediately to the north of this site, and are carrying out a limited day care function at that location. Mrs. Howard said that they would be willing to place signs and to otherwise direct their customers so that traffic would travel only on that portion of Alpine Street lying between the site and Big Beaver Road.

The Public Hearing was declared open.

Tom Krent of 3184 Alpine expressed his objection to having a parking lot in the front yard of a site in this area. He noted that he had spent \$40,000.00 fixing up his home and that he did not want it devalued. He felt that traffic would be backed up on Alpine to make the turn at Big Beaver to an even greater extent than that which presently occurs. He was concerned that the effect of approving this request would be to change a residential lot to a commercial use.

Eugene West of 3205 Alpine stated that homes in this area have been improving over the past five years, and that this proposal to establish a commercial use would negatively affect the area. He was also concerned as to what uses could go into this location if the child care center moved out of the proposed building. Mr. Starr and Mr. Reece noted that this was not a rezoning request and that only day care and other uses permitted in R-1 Districts would be permitted on the subject site.

Paul Piscopo of 3129 Alpine indicated his opposition, noting that there is already a traffic problem in this area resulting from Boulan School. He also felt that problems could result from interaction between the children on the proposed child care center site and his two trained dogs.

Mary Haire, owner of the petitioners' present residence immediately north of the subject site, said that she objected to the proposed use and the parking lot which would be placed on the site. She noted that she had

received advice from two top real estate people in the area, both of whom indicated that her house would be devalued as a result of establishing the proposed child care center. She said that when she purchased her lot, she deliberately did not buy the lot next to the office site as she did not wish to be next to commercial property. She was further concerned as to the traffic problems resulting from adding 25-30 cars during the rush hours.

Mark Erickson, attorney for the current owner of the lot, explained the "Special Use" concept. He felt that it was the intent of child care operations to create an environment as close to a home environment as possible, and thus that this location would be a desirable one. He further felt that the traffic generation from this site would be spread over a substantial amount of time, and thus would be no problem.

Brian Fifelski, architect for the petitioners, stated that he was most concerned that the building be designed so as to be compatible with the neighboring homes in the area.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Keisling noted the two written objections which had been received regarding this proposal.

Moved by Wright

Supported by Ethier

RESOLVED, that Special Use Approval, as requested for the construction of a 30 student capacity child care center on a 36,000 square foot R-1B zoned lot having 120 feet of frontage on the west side of Alpine Street north of Big Beaver Road is hereby denied, as the proposed use would incompatible with the adjacent residential area, and would be detrimental to that area as the only vehicular access would be from an interior residential street.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

6. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW - Proposed Cellular Telephone Installation and Service Center - West Side of Maplawn, North of Maple - Section 29

Mr. Keisling explained that a request has been submitted for the establishment of a cellular telephone installation and service center and the related expansion of a former auto dealership building on a 1.1 acre M-1 zoned parcel having just 97 feet of frontage on the west side of Maplawn north of Maple Road. This request has been submitted in accordance with Section 28.30.08 of the Zoning Ordinance which provides for the establishment of a variety of Automobile Repair and Service Facilities in limited locations within M-1 Districts.

Mr. Keisling stated that the present buildings were originally used for the Auto Leasing Inc. operation, which was established on this site in 1969. In order to enable that use to occur, the subject site was removed from the limits of "Planned Automobile Center No. 1". In 1989, action was taken to once again include this site within Planned Auto Center No. 1, in order to permit the establishment of the Troy Suzuki dealership. That establishment is no longer in business. In conjunction with the present Special Use Request, it will, therefore, also be necessary to once again take action to remove this site from the limits of Planned Auto Center No. 1. The present westerly building on this site will provide for two installation areas or service bays. The proposed construction inter-connecting the two buildings, and bringing the total building area to 5,386 square feet, will provide two additional service bays.

Mr. Keisling noted the letter from Cellular One describing the various elements of the proposed use. The Staff was initially concerned as to the indicated "limited amount of direct sales". Further information as to the cellular phone industry in general has, however, indicated that the emphasis on the sale of cellular phones, themselves, is clearly decreasing, to the point where phones are often distributed free of charge. The major business emphasis is clearly the sale of "air-time". The Staff, therefore, felt that the potential sale of such units at this location could indeed be considered a minor ancillary activity. In order to further assure this direction, it was proposed that action on this matter include the condition that this site shall not be advertised as a location for retail sales of cellular phones or accessories. With this condition, approval of the Special Use Request, along with action to delete the subject site from Planned Auto Center No. 1, was recommended. In view of the proposed building expansion and the alteration of the former auto display area directly south of the main building, a Site Plan Approval resolution would also be in order.

Kevin Cousineau of Cellular One was present, along with Jonathon Crane, attorney, representing the petitioners. Mr. Crane stated that they had no problem with the restriction on advertising. They were primarily interested in a location for installation and service, and for their corporate sales representatives. Mr. Reece noted the City's negative experience in the past with retail sales from auto service establishments, and emphasized the importance of the no-advertising condition. Mr. Crane stated that Cellular One would be willing to enter a written agreement to confirm their concurrence with that condition.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Mr. Letzmann suggested that, if the Special Use was approved, the proposed Agreement should include the provision that violation of the advertising restriction would cause the Special Use Approval to automatically expire.

Moved by Ethier

Supported by Wright

RESOLVED, that Special Use Approval, as requested for the establishment of a cellular telephone installation and service center within a building proposed to be expanded to 5,386 square feet in area, on an M-1 zoned site having 97.3 feet of frontage on the west side of Maplelawn north of Maple Road, is hereby granted, in accordance with Section 28.30.08 of the Zoning Ordinance, subject to the condition that this site shall not be advertised as a location for retail sales of cellular phones or accessories. This condition shall be confirmed by the execution of an Agreement between the petitioners and the City, acceptable to the City Attorney, which would include automatic suspension of this Special Use Approval if the advertising condition is violated at any time.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

Moved by Ethier

Supported by Reece

RESOLVED, that action is hereby taken to reduce the extent of Planned Automobile Center No. 1, by the deletion of the south 97.3 foot portion of Lot 17 of Maplelawn Industrial Park No. 2, in accordance with Section 28.30.06 of the Zoning Ordinance.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

Moved by Ethier

Supported by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the building expansion and site alterations necessary to provide for the establishment of a cellular telephone installation and service center on an M-1 zoned site having 97.3 feet of frontage on the west side of Maplelawn north of Maple Road, is hereby granted.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

SUBDIVISIONS

7. PRELIMINARY PLAT - TENTATIVE APPROVAL - Whispering Meadows Subdivision - East Side of Livernois, South of South Boulevard - Section 3

Mr. Keisling explained that this proposed subdivision consisting of 32 lots and a detention basin outlot, comprising an area of 15.8 acres, lies adjacent to the southeast corner of Livernois Road and South Boulevard in Section 3. Access will be provided by way of a single street entering from Livernois Road, and the construction of a street entering from South Boulevard over right-of-way which was provided to the City in conjunction

with the Consent Judgment resolving zoning litigation on the approximate 6 acre parcel at the Livernois-South Boulevard corner. Development in accordance with O-1 standards is permitted on that site. The proprietor also controls a 60 foot wide parcel extending east to Donaldson Street, within which an 84" water main presently exists, and other utility extensions are proposed. This parcel is not proposed to be improved as a part of this subdivision. The plat does, however, indicate existing and potential residential parcel layouts in the adjacent area.

Mr. Keisling stated that this proposed subdivision is to be developed in accordance with the lot-averaging provisions applicable to the subject R-1B Zoning District. A small area is proposed to be added to the northerly portion of the proposed cul-de-sac right-of-way in order to provide an interior frontage for one of the two existing home sites within the abutting Livernois frontage. The proprietor's engineer has done detailed calculations of the lot areas and dimensions available within the proposed subdivision, a step which is not usually taken at this stage of the platting process. As a result of his calculations, he has indicated that the depth of proposed Lot 13 at the minimum point between the proposed cul-de-sac and Livernois Road can only be 147 feet, where the Subdivision Control Ordinance provides for a minimum of 150 feet. The Engineer has indicated that adjustments to meet the 150 foot minimum in all portions of this lot would cause proposed Lot 21 to have a sub-standard area, and thus to be eliminated from the plat. The City Council could approve a plat with the indicated backing lot depth modification, if the Planning Commission and they felt that such was a reasonable modification as a part of the total development. With this modification, all applicable Ordinance requirements are complied with and Tentative Approval of this Preliminary Plat would be in order.

Mr. Wright and Mr. Reece expressed concern as the potential for cars using the street pattern in this proposed subdivision as a by-pass for the Livernois-South Boulevard intersection. Mr. Keisling noted that the Livernois access street is over 1100 feet from the intersection. He also commented on the importance of using the street right-of-way entering South Boulevard in conjunction with this residential development, in order to assure that non-residential zoning and development would extend no further to the east. The developers have indicated their willingness to pay the additional cost of extending utilities across the major water main area, and constructing a single-loaded street to serve the three proposed lots in that area. It would be much more difficult to implement a three-lot project in this area at a future date. In answer to Mr. Reece's question, Mr. Keisling indicated that there would not be adequate room for the placement of a cul-de-sac in the area immediately south of South Boulevard, while at the same time maintaining adequate or desirable buildable areas on the lots.

Jerry Kisil was present on behalf of the developers. He indicated that he would be most happy not to develop the three-lot area south of South Boulevard, but was proposing to do so at the request of City. He further commented on the difficulty of developing a layout for this irregularly-shaped parcel, and noted that the final layout was developed with the help of the Planning Department staff.