

L G K

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman James Reece at 7:30 P.M. on Tuesday July 14, 1992 in the Troy City Hall.

1. ROLL CALL

Present: Reece
Storrs
Lepp
Ethier

Wright
Chamberlain
Starr

Absent: Kramer
Melaragni

Moved by Chamberlain

Supported by Lepp

RESOLVED, that Planning Commissioners Kramer and Melaragni be excused as they are out of the City.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

2. MINUTES - Special/Study Meeting of June 23, 1992

Moved by Lepp

Supported by Starr

RESOLVED, that the Minutes of the Special/Study Meeting of June 23, 1992 be approved as printed.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

3. PUBLIC COMMENTS

No one wished to be heard.

TABLED ITEMS

4. PRELIMINARY PLAT - TENTATIVE APPROVAL - Nadine Subdivision - Adjacent to Southwest Corner of Square Lake and Dequindre - Section 12

Mr. Keisling explained that action was tabled on this matter, following discussion at the June 23 Special Meeting, in order to provide an opportunity for the proprietor to prepare a revised plat layout indicating a potential temporary street access from Dequindre Road. The proposed subdivision involves a 3.6 acre R-1C zoned parcel extending west from Dequindre Road in the area immediately south of Square Lake Road. The layout as now presented indicates seven residential lots with a "temporary access street" from Dequindre. The storm water detention basin is to be constructed within the Dequindre Road frontage parcel. The concept is that, at such time as access to this subdivision is available either from the north or west, the Dequindre Road access facility would be eliminated. The developers would then secure an additional lot within the subdivision, and would propose the construction of a child care center on the Dequindre frontage parcel. All of the lots within the plat as now presented exceed standard R-1C lot areas. The lot-averaging approach is, however, necessary in relation to the frontage widths. Approval of this Tentative Preliminary Plat was recommended by the Planning Department.

Clovis Nader, consulting engineer for the proprietor, was present. He confirmed the understanding that the proposed Dequindre Road access street would be constructed to conventional City Street Standards. In answer to Mr. Storrs' question, Mr. Keisling stated that proposed Lot 1 was buildable. In the course of the Commission's discussion, it was noted that availability of alternate street access to this area may not occur for

many years, if at all. The City would own and control the proposed street, and would consider abandoning same only in conjunction with an acceptable plan for the redevelopment of the area involved.

Moved by Ethier

Supported by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Nadine Subdivision, in the area adjacent to the southwest corner of Square Lake and Dequindre, on the basis of the plat as presented on this date, including a proposed temporary access street (built to City Street Standards) extending from Dequindre Road.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

SITE PLANS

5. SITE PLAN REVIEW - Proposed Restaurant Reconstruction - North Side of Fourteen Mile, West of John R - Section 35

Mr. Keisling explained that a plan has been submitted for the construction of a new restaurant on the site of the A & W (former Farrell's) restaurant within the B-3 zoned Oakland Mall site on the north side of Fourteen Mile, west of John R. When the building and site improvements resulting in the A & W establishment were carried out in 1986, a site area was defined within the overall mall area, involving 232 feet of frontage on Fourteen Mile Road, with a depth of 276 feet extending to the major east-west drive to the north. The petitioners propose to demolish the present building, and to construct a new 5,693 square foot building to be used as a Chili's Restaurant. A seating capacity of 196 seats is proposed, as compared to the 170 seat capacity of the present facility. The site will continue to be served by the major drives serving the overall Oakland Mall site. No additional drives from Fourteen Mile Road are proposed. The site plan as now presented meets all applicable Zoning Ordinance requirements, and approval was recommended by the Planning Department.

John Carlin, attorney, and Mark Drane, architect, were present representing the petitioners. In response to Mr. Reece's question, Mr. Carlin indicated that the main entrance to the building would be from the Fourteen Mile Road side, even though the majority of their parking will be on other sides of the building. In answer to Mr. Lepp's question, he stated that they had applied for a liquor license, and that they would not build the restaurant without such a license. He noted that there are six other Chili's facilities in the Detroit area, and 225 throughout the country and that they all have liquor licenses. In answer to Mr. Storrs' questions, he confirmed that the rooftop units would be screened from all sides.

Moved by Chamberlain

Supported by Storrs

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 5,693 square foot 196 seat Chili's Restaurant, on a B-3 zoned site having 232 feet of frontage on the north side of Fourteen Mile Road, west of John R is hereby, granted.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

6. SITE PLAN REVIEW - Proposed Office Buildings - West Side of Kirkton, North of Maple and North Side of Maple, West of Kirkton - Section 27

Mr. Keisling explained that Site Plans have been submitted for two office developments in the Maple Road-Kirkton Street area. The first proposal involves the relocation and conversion of a residential building to office use, on an O-1 zoned lot having 62.5 feet of frontage on the north side of Maple west of Kirkton. Many residential to office conversions have occurred over the years in this area. The petitioner in this matter

attempted to convert the residential structure on this site for office use, but was unable to secure the variances necessary in order to provide adequate driveway and parking areas, etc. He is now, therefore, proposing to relocate the major portion of the present residential building to a new foundation further north on the site, and to construct a parking area adjacent to Maple Road. The resultant office building will be 900 square feet in area. All related Ordinance requirements are met or exceeded.

Mr. Keisling then explained that the second project proposed by the petitioner is the construction of a new 2,430 square foot office building on an O-1 zoned parcel immediately north of the Maple Road site. This site has 71 feet of frontage on Kirkton Street. Once again, the applicable Ordinance requirements are met, and landscaping and parking requirements are significantly exceeded. The petitioner has indicated that he has tenants or purchasers for both of the proposed office buildings. Approval of the site plans for these two small office developments was recommended.

Tom Christenson was present on behalf of the petitioners. Mr. Storrs asked that cross-access agreements or easements be established, extending to the east and west across the Maple Road frontage site, so that such could be potentially be used at a future date when abutting properties are re-developed. Mr. Christenson was concerned as to the potential loss of parking spaces. He also asked if the Maple Road frontage sidewalk could be left in its' present location, off-set from the 60 foot right-of-way, rather than relocated to the 60 foot right-of-way in conjunction with this proposed construction. Mr. Keisling noted that a sidewalk waiver of this type would most likely require City Council action. In the course of further discussion, the Commission members generally felt that cross-access easements should extend to the east and west boundaries, although the ultimate use would most likely involve extending a drive in one direction, in order to minimize impact on the proposed parking area. Mr. Starr confirmed that such an easement would not be opened until a reciprocal easement was provided on an abutting parcel.

Moved by Storrs

Supported by Wright

RESOLVED, that Preliminary Site Plan Approval, as requested in conjunction with the development of two abutting O-1 zoned sites having 62.5 feet of frontage on Maple Road, and 71 feet of frontage on Kirkton Street, respectively, is hereby granted, subject to the provision of Cross Access Easements extending to the east and west on the Maple Road frontage site.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

7. SITE PLAN REVIEW - Proposed Industrial Buildings - South Side of Maple, West of Combermere (East of Livernois) - Section 34

Mr. Keisling explained that a site plan has been submitted for the construction of a series of six industrial buildings, having a total gross floor area of 66,138 square feet, on a parcel having 146.4 feet of frontage on the south side of Maple Road west of Combermere, immediately east of the two mini-storage developments. Like the mini-storage developments, this site has a north-south dimension of approximately 1,448 feet. The proposed development is to be served by a single central driveway, with interior drives extending along both sides of all proposed buildings. At the time of the platting and development of the Timlin Industrial Subdivision, fronting on Combermere Street to the east, an access easement was provided along the line dividing two of the lots. The driveway within this easement is now proposed to be extended in order to provide Combermere Street access for this extremely deep site. All applicable Zoning Ordinance requirements, taken on the basis of the total site development, are complied with, and approval of this site plan was recommended.

Francis Engelhardt, Dave and Jeff Tenniswood, the petitioners, were present. In answer to Mr. Storrs' question regarding the easement extending to Combermere, Mr. Keisling explained that this easement had been included in the plat of the Timlin Subdivision, and that the subdivision proprietors ultimately constructed the buildings in that area. He felt that the interior access drive represented a definite benefit to the access and circulation pattern in this area. In answer to Mr. Wright's questions, Dave Tenniswood stated that each of the 48 units

within the proposed buildings would be in the range of 1,000-1,600 square feet. The potential uses would typically not involve much large truck traffic. At the request of the Planning Department, they did however provide more room at the south end of the site for truck circulation. He noted this partnership had previously constructed buildings involving 38 units of this type, in Clawson and Troy.

Moved by Ethier

Supported by Starr

RESOLVED, that Preliminary Site Plan Approval, as requested in conjunction with the construction of six industrial buildings totaling 66,138 square feet in area, on a site having 146.4 feet of frontage on the south side of Maple, west of Combermere, is hereby granted.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

8. DEVELOPMENT PLAN REVIEW - Proposed Unplatted Residential Development - East Side of Livernois, North of Square Lake - Section 3

Mr. Keisling explained that a plan has been submitted for the development of a one-family detached residential "Site Condominium", on a 5 acre parcel on the east side of Livernois north of Square Lake Road. This is the second proposal submitted under Section 34.30.00 of the Zoning Ordinance, the provisions related to "Unplatted One-Family Residential Development". The intent of these Ordinance provisions is to bring about a development which will be physically the same as a single family subdivision, in those instances where developments such as that proposed can be implemented without use of the Subdivision Control Act and the related City Ordinance. Preliminary Plan Approval for developments of this type involves both the Planning Commission and the City Council, while Final Plan Approval involves just the City Council. Planning Commission action on this proposal will, therefore, be in the form of a recommendation to the City Council, in the same manner as action on a Tentative Preliminary Plat.

Mr. Keisling further explained that this proposed development is to result in eight residential sites on an irregularly-shaped parcel having 320 feet of frontage on the east side of Livernois north of the home site which lies directly north of the Telford Ridge Subdivision. The southerly portion of the site is encumbered by flood plain from the creek which traverses the south edge of the site. Because of the restrictive nature of the site, the petitioners are proposing to use the development approach, wherein the proposed public street to be used for access can be placed within a 40 foot easement, rather than within a conventional 60 foot public right-of-way. It is the opinion of the Planning Department that the physical nature of this site warrants use of this development approach. The site immediately to the north contains a single residence with limited frontage on Livernois. The only potential additional development of that parcel would be through the creation of a second home site, which would require the provision of proper street frontage. Due to the limited size and development potential of the abutting parcel, this plan indicates the extension of a 40 foot easement which could be used for the extension of a street by the owner of the neighboring property if he would choose to create a second home site.

Mr. Keisling stated that the Ordinance requirements related to developments of this type provide that the proposed home sites meet the requirements of the lot-averaging provisions which would apply to a subdivision within the same zoning classification. In this case the parcels conform to the lot-averaging requirements applicable to the subject R-1B Zoning District. The plan as now presented does not clearly indicate the nature and location of the storm water detention facility, although it will most likely be located in the area of the creek along the south edge of the site. Some other elements of the submittal, such as the Tree Preservation Plan and Preliminary Environmental Impact Statement, were not complete. Mr. Keisling suggested that, following review and discussion, the Planning Commission may wish to table action on this matter in order to enable completion of the various submittal requirements, and the addition of some detail information to the plan itself.

Joe Mikauliff, the developer, and Harry Kemnitz, his surveyor, were present. Mr. Kemnitz indicated that they were unable to complete the Tree Preservation Plan within the time available. In answer to questions from the Commission, Mr. Keisling indicated, although the location and configuration of the storm water detention facility

is significant, other required information would not necessarily change the configuration of the proposed plan. He noted that the Engineering Department would not accept "in-line" detention facilities in the area of the creek. He also summarized the differences and similarities between the subdivision platting process and the process related to unplatted residential development.

Moved by Starr

Supported by Wright

RESOLVED, that action on Preliminary Plan Approval for the proposed Pine Creek Estates Site Condominium, on a 5 acre R-1B parcel on the east side of Livernois north of Square Lake Road, be tabled until the Special/Study Meeting of July 28, 1992, to allow the petitioner to complete some of the submittal requirements and provide additional information.

Yeas: ✓ Reece, ✓ Wright, ✓ Lepp, ✓ Starr

Nays: Chamberlain, Ethier, Storrs
Absent: Kramer, Melaragni

MOTION CARRIED

Commissioners Chamberlain, Ethier and Storrs indicated that their negative votes were due to their feeling that the plan could be voted upon at this point, with the rest of the necessary details to be reviewed and verified by the City staff.

STREET VACATIONS AND OPENINGS

9. PROPOSED STREET VACATION - Larchwood Street, East of Kirkton - Section 27

Mr. Keisling explained that a request has been submitted for the vacation of that portion of the 50 foot wide platted but unopened Larchwood Street right-of-way extending east from Kirkton Street in the area north of Maple and east of Livernois in Section 27. The petitioners are the owners of the two abutting home sites fronting on Kirkton, and are requesting this vacation in order to enable the consolidation of the street right-of-way with their properties. They would then have the clear right of use and maintenance of this property, and would be able to restrict access to it if they desired.

Mr. Keisling stated that, as in the case of all requests of this type, it is the opinion of the Planning Department that street rights-of-way should not be vacated until the City is certain that they will not be necessary as a part of the ultimate street system in the area. In this case, the subject street right-of-way provides potential access to the City's park site immediately to the east. The position of the Department of Parks and Recreation is that they do not intend to have improved street access to the park in this area. They are, however, interested in retaining area adequate to provide for walkway access to the park at this location. It was, therefore, recommended that the subject request for street vacation be granted, with the exception of an area 12 feet in width along the centerline of the street right-of-way, subject further to the retention of any necessary utility easements. Implementation of this vacation would then enable each of the abutting owners to add 19 feet to their properties, while retaining adequate pedestrian access to the adjacent City park site.

William and Sarah Hiner of 1998 Kirkton were present and indicated that the other petitioners were not able to be present. They explained that the street area included a drainage ditch in which there was often standing water. They wanted to vacate the total area so that they could fence it and prohibit access by children and others entering the park site or just passing through the area. They indicated that City staff had advised them of the possibility of entering a license agreement in order to enable them to temporarily use or fence the total area. If a walkway area is retained, they could presumably enter such an agreement until such time as actual walkway improvements are put in place. Mr. Letzmann advised the Commission that requests for license agreements are submitted to the City Manager who then presents them to the City Council for consideration and action.

Moved by Wright

Supported by Ethier

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the vacation of that portion of the platted but unopened Larchwood Street right-of-way (50 feet in width, 185 feet in length) extending east from Kirkton Street and abutting Lots 104 and 105 of Council Heights Subdivision, be granted, with the exception of the central 12 foot portion of the right-of-way, to be retained for public walkway purposes, subject further to the retention of any necessary utility easements.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

SUBDIVISIONS

10. PRELIMINARY PLAT - TENTATIVE APPROVAL - Royal Woods Subdivision - West of Dequindre, North of Square Lake Section 1

Mr. Keisling explained that this proposed subdivision, consisting of 24 lots, comprising an area of 9.9 acres, lies west of Dequindre and north of Square Lake Road, immediately south of the Ranieri Subdivision. Ronald Ranieri, one of the subdivision proprietors, was also the proprietor of the Ranieri Subdivision to the north. Access to this subdivision will be by way of an extension of the Flora Drive stub street from the Ranieri Subdivision. Construction plans are in progress for the proposed Warwick Woods Subdivision, involving the acreage parcels to the south of this site, which was granted Tentative Preliminary Approval in March of this year. That subdivision will include an access street from Dequindre Road. The layout of this proposed Royal Woods Subdivision, including the cul-de-sac adjacent to the Dequindre frontage and the stub street extending to the west, is consistent with the plan for the overall area which was submitted in conjunction with the Warwick Woods plat. The staff did consider an alternative whereby the proposed cul-de-sac would be extended into the excepted Dequindre frontage, but concluded that redevelopment of the five home sites in that area into potentially no more than four re-oriented home sites was unlikely. This proposed subdivision is to be developed through relatively limited use of the lot-averaging provisions applicable to the subject R-1D Zoning District. All of the lots actually exceed the standard area for that District. Some of the lot frontages, however, require use of the averaging approach. Storm water detention will be provided through expansion of the existing basin in the Ranieri Subdivision to the north. This expansion will result in a re-shaping involving shallower slopes, and thus eliminating the need for fencing. Tentative Approval of the Preliminary Plat of Royal Woods Subdivision was recommended.

Ronald Ranieri, one of the proprietors, was present along with Nader Wehbe, his consulting engineer. In response to Mr. Reece's question, Mr. Keisling commented on the effect of extending the proposed cul-de-sac into the Dequindre Road frontage, which presently contains five residential buildings on parcels which are over 220 feet in net depth. It was generally felt that the re-development of these parcels into four parcels orienting to an extended cul-de-sac would be unlikely. It was further felt that the residential zoning of this frontage would be defensible, particularly in view of the parcel depth and the low-density residential use projected on the east side of Dequindre Road. Diane Stocking of 2800 Ranieri inquired about the proposed expansion of the detention basin, the use of Flora Drive for access to the subdivision, and the City's Tree Preservation requirements. Mr. Wehbe explained that they would be expanding the existing basin by using one of the two vacant lots to the west. Mr. Keisling stated that construction access to the site, during the construction of subdivision improvements, would not be permitted by way of Ranieri and Flora Drives. This construction access would have to be directly from Dequindre Road. He further noted that a Tree Preservation Plan for this proposed subdivision has been approved by the Department of Parks and Recreation. Laurice Platzke of 2874 Ranieri questioned the need for more homes in this area, when there are still vacant lots within the Ranieri Subdivision. Mr. Ranieri stated that they were now attempting to sell the remaining vacant lots in the Ranieri Subdivision in order to help in the financing of the new subdivision. They had not as yet determined whether or not they would build all of the homes in the new subdivision, or sell some of the lots to other builders.

Moved by Ethier

Supported by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Royal Woods Subdivision, in the area west of Dequindre and north of Square Lake Road.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

REZONING PROPOSALS AND TEXT AMENDMENTS

Chairman Reece informed the audience that the Public Hearings on the next two proposals would be held simultaneously (Proposed Zoning Ordinance Text Amendment - Care Facilities For the Elderly, and Child Care Facilities in C-F Districts; and Proposed Rezoning - West Side of Crooks, South of Corporate Drive - Section 17 - R-1B to C-F). These items would then be separated before action is taken.

11. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Care Facilities For The Elderly, and Child Care Facilities, in C-F Districts

Mr. Keisling explained that a proposal has been submitted for the development of a care facility for the elderly (a form of convalescent home or nursing home) on a parcel on the west side of Crooks Road, wrapping around the day care center which is presently under construction. Implementation of a development of this type, at this or any location, presently requires the application of RM-1 (Multiple Family Residential, Low-Rise) zoning. As the application of this type of zoning classification at a location such as this is most unlikely, the petitioners have now submitted a two-part request in order to enable their development to proceed. They have first requested that the Planning Commission and the City Council consider an amendment to the text of the Zoning Ordinance which would provide for the establishment of care facilities for the elderly in C-F (Community Facilities) Districts, and have simultaneously requested that their proposed site be rezoned from R-1B to C-F. Mr. Keisling noted that the concept and content of this proposed Ordinance amendment have been discussed at past Study Meetings. The text as now presented reflects the petitioners' proposal, revisions as proposed by the Planning Department, and previous input from the Planning Commission. Among the many provisions of the proposed text are development density limits, extensive screening provisions, and locational provisions which would place such facilities at transitional locations, or at locations at least in part abutting uses other than single family residential uses. It is the opinion of the Planning Department that the proposed Zoning Ordinance text is reasonable, in that it will provide for a use which is consistent with the intent of the C-F District, and which will be compatible with residential areas and with other uses provided for in that District. Adoption of the proposed text amendment was recommended.

Mr. Keisling stated that, in conjunction with this proposal, it was also recommended that the Commission consider adoption of a text amendment which would provide for the establishment of child care facilities within C-F Districts. A proposal of this type was previously considered by the Planning Commission and the City Council, but no action was taken. If these provisions are adopted as a part of the C-F District text, the present rezoning request related to the elderly care facility should be expanded to include the abutting child care center site on Crooks Road. As for the proposed Ordinance amendment, it was the opinion of the Planning Department that child care facilities would also be appropriate within the intent and context of the C-F District. Adoption of this portion of the proposed Ordinance amendments was also recommended.

(Mr. Keisling then proceeded to discuss the rezoning proposals appearing as Item 12 of this Agenda. Please refer to that item for the information presented.)

Michael J. Damone, project manager for Damone/Andrew, was present along with Colleen Ensley of "Alternative Living Services". In response to questions from the Commission, Mr. Keisling indicated that the Planning Department did not have on file a layout for the vacant R-1B zoned property lying to the southwest

of the site under consideration. He further stated that C-F zoning is generally not applied to parcels in advance of need, although there are some sites such as the Beaumont Hospital site on which facilities such as those proposed could be established. Due to the large number of people present, it was determined that Mr. Damone would make a brief slide presentation indicating the nature of the proposed elderly care facilities.

The Commission recessed from 9:05 to 9:12 P.M.

Mr. Damone made a presentation describing the nature of the proposed elderly care facilities, including photographs of existing facilities in the Madison, Wisconsin area, and an elevation of the buildings proposed for the Troy site. He and Ms. Ensley explained that the average age of their clientele was 85 and that the facility was designed for frail but ambulatory people who did not need nursing home care, but did need continuing attention. Two buildings of 28 beds each were proposed. There would be three working shifts, with visiting hours normally from 10:00 A.M. to 9:00 P.M. In answer to Mr. Storrs' question, Mr. Keisling stated that the height limitation would be the same as that for single family zoning (two stories - 25 feet).

The combined Public Hearing was declared open.

Steve Karpowitsch of 4749 Hipton was concerned with the nature of medication and how the trash would be controlled. He felt that the facility was quite presentable, but that it should be located elsewhere. Their area was already overburdened with non-residential types of uses. He noted that his assessment was 15% lower due to the adjacent office buildings. He also questioned the propriety of having a profit making concern in C-F zoning.

Jim Owczarzak of 4328 Bender, president of the Merihill Acres Association, and Larry Zak of 4434 Gaylord, vice-president, were present and stated that their association was opposed to any rezoning. Their poll of residents along Bentley Drive indicated that they were all opposed. They had been advised that this area would remain residential when they had purchased their homes, and they were concerned about setting a precedent which would reduce the potential for residential use of the remaining property. In response to Mr. Storrs' question, it was indicated that the poll of the residents did not include a question as to their opinion regarding the present child care center. Jim James of 4279 Whisperway, treasurer of Merihill Acres Association, stated that residents in the area were not notified of the proposed child care center when it was first presented.

Tom Fleming of 4638 Whisperway was concerned about the nature of the potential future residential development in this area, and as to whether the street pattern would require all of the traffic from that area to move along Whisperway in order to gain access to Crooks Road. Mr. Damone then presented a rough layout of the proposed subdivision.

Clem Mestan of 4398 Bentley stated that he had moved to this area in November from Long Lake Village Subdivision, because of the commercial uses in that area. He was surprised when the day care center was built, as he had been advised that nothing other than residential homes could be built in that area. In response to his request, a show of hands from those in the audience indicated substantial opposition to the proposed rezoning. Judith Mestan stated that she had researched zoning in the Library, and she felt that rezoning could not occur in this area due to the "Mistake-Change Rule". Mr. Keisling noted that the "Mistake-Change Rule" is not the law in Michigan. In response to Mr. Ethier's question, many of those present generally indicated that they would still be opposed to the proposed rezoning if the proposed subdivision between the subject site and Merihill Acres was in place.

Jim Osweiler of 4558 Bentley stated that they had received no notice of this rezoning action or of the day care facility. He had seen the small rezoning sign on the property, but felt that they should have been contacted by the petitioners or the property owners. He felt that the proposals would reduce property values in the area, and that there was room elsewhere in the City for facilities such as those proposed. Mr. Storrs advised those present that the rezoning signs have improved notification to interested parties, and that only people within 300 feet of a site under consideration are given written notice. Mr. Keisling noted the difficulty which the staff had in trying to locate a contact person for the Merihill Homeowners Association, as they were not at that time registered in the City Clerk's office.

Barry Lemay of 4446 Bentley stated that he had lived in this area for five years, and noted that there were approximately 60 residents present who were all opposed to the proposals. He had confirmed the zoning prior to purchasing his home. Dr. Inder Saini of 4337 Bender Court also had indicated that he had checked out the zoning prior to purchasing his home. He did not feel that it was wise to mix the proposed elderly care facility with a child care facility, as there would be traffic conflicts, particularly in the morning. Scott Greb of 4663 Lehigh asked why the facility could not be built on vacant land on Corporate Drive.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Wright stated that at this time, the discussion should be split into the two issues involved. He felt that the text amendment made sense, as it would enable a mechanism for the provision of elderly care facilities without rezoning to a multiple-family residential classification. He further explained that the proposed density limit (3,000 square feet of land area per bed) was extremely low.

Mr. Storrs expressed some concern about broadening the uses permitted within C-F Districts. At the same time, he felt that care facilities for the elderly should also include further levels of care. In response to concerns expressed by Mr. Reece regarding the proper disposal of medical supplies, Mr. Letzmann noted that, in addition to local ordinances related to littering, State and Federal Laws specifically address matters such as this.

Mr. Keisling noted that uses such as those presently under consideration could be included under a Special Use Approval category, which presently does not exist within the C-F District. He suggested that the tabling of action on this matter would provide an opportunity to further consider the specific provisions related to elderly care and child care facilities, as well as the overall structure of the C-F District. Mr. Ethier and Mr. Starr felt that action should proceed on these proposals at this time. Mr. Reece suggested that the petitioners and the homeowners in the area should have an opportunity to meet and further discuss these proposals.

Moved by Ethier

Supported by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Zoning Ordinance be amended, generally in accordance with the text presented on this date, in order to provide for Care Facilities For The Elderly and Child Care Facilities Within C-F (Community Facilities) Districts, as such uses are consistent with the intent of the C-F District, and would be compatible with the uses permitted within that District.

Moved by Chamberlain

Supported by Lepp

RESOLVED, that action on the proposed Zoning Ordinance Text Amendment to provide for Care Facilities For The Elderly and Child Care Facilities Within C-F (Community Facilities) Districts be tabled until the July 28, 1992 Special/Study Meeting.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

12. PUBLIC HEARING - PROPOSED REZONING - West Side of Crooks, South of Corporate Drive - Section 17 - R-1B to C-F

In the course of the joint presentation of Items 11 and 12, Mr. Keisling described the request for R-1B to C-F rezoning in order to enable the establishment of a care facility for the elderly on an irregularly-shaped 4.4 acre site on the west side of Crooks Road south of Corporate Drive. Positive action on this rezoning request would be contingent upon positive action on the Zoning Ordinance text amendments discussed under Item 11. The subject site has 533 feet of frontage on Crooks Road, and wraps around the 1.1 acre child care center site, on

which construction is nearing completion. The petitioners propose development of a two-building complex involving a total of 56 beds. In addition to the Crooks Road frontage, the subject site also abuts the south edge of the O-1 zoned SOC Credit Union Headquarters site. The petitioners have further indicated that it is their intention to develop the remaining R-1B zoned land lying to the south and west as a residential subdivision. The completion of residential development in this area has been a continuing concern throughout the various discussions related to the nature and extent of non-residential development in the area to the north. Preliminary investigation and layouts indicate that the remaining R-1B zoned land could readily be developed as a residential subdivision.

In the course of the joint Public Hearing and discussion, Mr. Keisling indicated the Planning Department's support for the requested rezoning, subject to positive action on the related proposed text amendments. City-initiated C-F rezoning action would also be in order in relation to the child care center site.

(See minutes related to joint Public Hearing under Item 11 of this Agenda.)

Moved by Ethier

Supported by Starr

RESOLVED, that action on the request for the rezoning a 4.4 acre site having 533 feet of frontage on the west side of Crooks Road south of Corporate Drive from R-1B to C-F (Community Facility) and the proposal to rezone the 1.09 acre child care center site having 180 feet of frontage on Crooks Road immediately to the north from R-1B to C-F, be tabled until the August 11, 1992 Regular Meeting.

Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

13. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Deletion of Maximum Establishment Size Limit in B-1 Districts

Mr. Keisling explained that, at a recent Study Meeting, the Planning Commission discussed the feasibility of amending a portion of the Zoning Ordinance text to delete the provision which prescribes a maximum establishment size within B-1 (Local Business) Districts of 5,000 square feet of usable floor area. This proposal came about as a result of the problems confronted in the potential expansion of the Villager Market, on the west side of Livernois south of South Boulevard. Information was provided as to the history of the Villager Market situation, including the conditions under which that facility became a legal non-conforming use due to its' size. Those particular property owners have been placed in a difficult position, through no action of their own. In the course of discussing this proposed amendment, it was recognized that such an amendment would apply to any property within the B-1 District. The question here is as to whether or not the indicated establishment size restriction is necessary or beneficial within the B-1 District, taking into consideration the nature and status of Troy's development within such Districts. This provision was placed in the Zoning Ordinance in order to more clearly differentiate between the various Commercial Districts, and to assure that the B-1 District would not involve larger-scale uses. Discussions with the Building Department have indicated that the subject restriction has appeared to have very little impact on B-1 development over the years. This result would most likely be due, in part, to the relatively small typical size of B-1 sites. It was further noted that this provision does not preclude large multiple-tenant buildings, but rather only prohibits larger tenant spaces within such buildings. The Planning Department supported the proposal to delete this maximum establishment size restriction.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Moved by Ethier

Supported by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that Section 20.50.01 of the Zoning Ordinance be amended to delete the maximum establishment size provision within B-1 Districts, as such a provision is not necessary in order to properly guide and control commercial and service uses within such Districts.

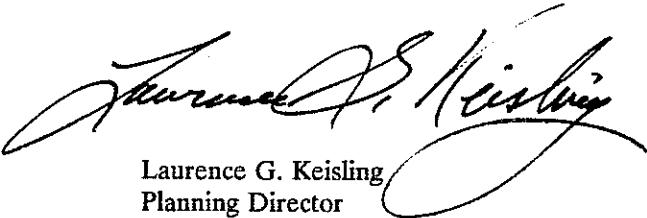
Yeas: All Present (7)

Absent: Kramer, Melaragni

MOTION CARRIED

The meeting was adjourned at 10:35 P.M.

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eh