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The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chairman Wayne Wright at 7:35 P.M. on Tuesday November 9, 1993 in the Troy City Hall.

1. ROLL CALL

Present: Kramer Thompson
 Palazzolo Waller
 Reece Wright
 Starr

Absent: Chamberlain
 Storrs

Moved by Reece

Supported by Starr

RESOLVED, that Planning Commissioners Chamberlain and Storrs be excused as they are out of the State.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

2. MINUTES - Special/Study Meeting of October 26, 1993

Moved by Thompson

Supported by Waller

RESOLVED, that the Minutes of the Special/Study Meeting of October 26, 1993 be approved as printed.

Yeas: Thompson, Waller, Wright
 Kramer, Starr, Reece

Abstain: Palazzolo
Absent: Chamberlain, Storrs

MOTION CARRIED

3. PUBLIC COMMENTS

No one wished to be heard.

TABLED ITEMS

4. PROPOSED REZONING - Northeast Corner of Maple and Thorncroft - Section 29 - M-1 to B-3 (Z-625)

Mr. Keisling explained that action was tabled on this matter, following a Public Hearing at the October 12 Regular Meeting, in order to enable further study as to the total Maple Road frontage between Thorncroft and Blaney. The original request was for the rezoning of a 0.68 acre parcel at the northeast corner of Maple Road and Thorncroft from M-1 to B-3. The property owners have submitted this request in order to enable the subject site to be used for an auto service use such as a quick oil change facility, or for another retail purpose such as an auto accessory shop. One of the petitioners, Mr. Hodge, has noted that there are several auto service uses within this frontage block, and that they are all non-conforming due to the M-1 District provisions adopted in 1987, which require that auto service uses which might be located in industrial areas be located on interior streets rather than on major thoroughfare frontages. He further noted that several other property owners within the Maple Road frontage block between Thorncroft and Blaney are also interested in commercial zoning, and presented letters from some of the owners confirming this fact.

Mr. Keisling noted that, at the October 26 Study Meeting, the Commission extensively discussed the background of the implementation of development under M-1 zoning in this area, including the Special Use Approval actions which resulted in the development of the Troy Motor Mall, and the various existing auto service uses within the Maple Road frontage. The general position was also noted wherein it is felt that, on a City-wide basis, there is no need for any significant additional commercially zoned land. At the close of that discussion, it was proposed that the Commission revisit the question of permitting auto service uses on M-1 zoned major thoroughfare frontage properties, through the Special Use Approval process. It was felt that this would be a preferable alternative to rezoning parcels which are non-conforming in this manner to a commercial classification, and thus greatly broadening

the variety of uses which could occur in such locations. The Planning Department was then asked to develop proposed Zoning Ordinance language which would provide for such a land use approach, for discussion at a future Study Meeting. On this basis, it was suggested that action on this rezoning request be tabled until the December Regular Meeting.

Jack Hodge, the petitioner, was present and reiterated his former position regarding the need for some zoning action relief in order to enable proper use of his property, as well as other parcels within the block frontage between Thorncroft and Blaney. Mr. Wright and other Commission members confirmed their interest in eliminating the problems related to businesses which must operate as legal non-conforming uses. It was proposed that alternative approaches to this question be discussed at the November 23 Study Meeting.

Moved by Starr

Supported by Palazzolo

RESOLVED, that action on the request for the rezoning of the 0.68 acre parcel at the northeast corner of Maple Road and Thorncroft, from M-1 to B-3 be tabled until the December Regular Meeting, in order to enable further study as to alternative approaches to providing for auto service uses, and alternative ways of guiding development in this area.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

SPECIAL USE REQUESTS

5. PUBLIC HEARING - SPECIAL USE REQUEST - Proposed Incidental Seating for Food Sales Establishment - North Side of Square Lake, West of Livernois - Section 4 (SP-646)

Mr. Keisling explained that in June of 1990 the Planning Commission granted Special Use Approval in order to enable the establishment of a yogurt shop within a 1,325 square foot portion of the Troy Corners Shopping Center, adjacent to the northwest corner of Square Lake and Livernois, in accordance with the provisions of Section 20.30.02 of the Zoning Ordinance. These provisions enable the establishment of incidental customer seating in conjunction with food sales establishments in the B-1 (Local Business) District, the most restrictive Commercial District. In addition to the restrictions which limit such seating to a maximum of 20 seats, these provisions also indicate that approvals relate only to the business of the applicant, and that any change to another type of food sales operation requires a new application. On this basis, an application has been received from the operators of the Orchid Cafe, who now propose to occupy the space formerly occupied by the "Yogurt Stop". It is their proposal to provide 5 tables involving 20 seats in their establishment. Rest room facilities will also be relocated as a part of their proposed building alterations. Subject to the Commission's determination regarding the appropriateness of this use at this location in accordance with the Special Use Approval provisions within the B-1 District, approval of this request would be in order.

Mr. Starr and Mr. Waller confirmed that Special Use Approvals under the subject provisions would apply for the duration of a particular operation or lease, even if the name of the establishment changed.

Robert Carey was present on behalf of Joel Garrett, owner of the Troy Corners Shopping Center, along with Mr. Nguyen, proprietor of the Orchid Cafe. In response to questions from the Commission, Mr. Nguyen confirmed that this would be their second establishment within the City of Troy. Their initial location is on the west side of Rochester north of Big Beaver. He stated that the proposed seating area is approximately 30 feet in depth, and that the planned hours of operation would be from 11:00 A.M. to 9:00 P.M., Monday through Saturday. These hours are of course subject to change in the future.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

In response to Mr. Kramer's question, Mr. Keisling indicated that he was not aware of any complaints regarding the Yogurt Stop operation. Mr. Reece noted that some concern had been expressed regarding seating on the sidewalk. He asked that the resolution include a provision that the proposed seating would all be inside the building. Mr. Waller complimented Mr. Nguyen on opening his second facility in Troy.

Moved by Kramer

Supported by Reece

RESOLVED, that Special Use Approval, as requested for the placement of 20 interior customer seats in conjunction with the establishment of the "Orchid Cafe", within a 1,325 square foot portion of the Troy Corners Shopping Center adjacent to the northwest corner of Square Lake and Livernois Roads, is hereby granted, in accordance with the provisions of Section 20.30.02 of the Zoning Ordinance.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

REZONING PROPOSALS AND TEXT AMENDMENTS

6. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Outdoor Dining Facilities in Commercial and Office Districts (#159)

Mr. Keisling explained that at the September 28 Study Meeting, the Commission discussed the City Council referral regarding provisions for outdoor dining facilities in various Zoning Districts. The Commission was asked to consider whether current requirements should be made less restrictive, thus facilitating the provision of such dining areas. At that meeting the Commission reviewed the background of general zoning provisions related to the enclosure and controlling of various use areas, and the evolution of the present Zoning Ordinance provisions regarding outdoor dining facilities and other activities. Suggestions were presented regarding potential Ordinance modifications, including the elimination of the requirement for access to such exterior areas from inside buildings, in non-liquor situations. Questions were also raised as to matters such as the need for enclosure of outdoor dining areas, and the approach which should be taken to the provision of parking for such uses. Concerns were also addressed regarding the potential blocking of necessary sidewalks by outdoor dining facilities.

Mr. Keisling stated that, as a result of the September 28 discussion, a series of proposed Zoning Ordinance Text Amendments were drafted (dated October 21, 1993) and this Public Hearing was established in order to further consider this matter. The proposed language was discussed at the October 26 Study Meeting, along with input resulting from a meeting involving the City Manager, Gary Shripka, Chamber of Commerce staff representatives, and several restaurant and food service operators, along with Council members Gosselin and Pryor. At that Study Meeting the general position was expressed that parking requirements should be considered for such outside dining areas, and that they should not occupy required landscaped areas. It was recognized, however, that some of the potential outside dining facilities would be very minor in size, and would not necessarily trigger additional parking requirements based upon current standards. It was further noted that, if a parking variance was required in relation to a particular proposal, the City Council could include conditions with that variance which would assure little or no negative impact. Mr. Thompson and Mr. Waller suggested that proposals for outside dining facilities could perhaps be considered on an annual renewable basis, in much the same manner as requests for screenwall waivers. In this way the proper operation and maintenance of such areas could be monitored, and any necessary revisions made in the course of considering a proposal to renew a particular Special Use Request.

Mr. Keisling noted that, as a result of the previous discussions, a further modified draft of the proposed Ordinance language was prepared (dated November 4, 1993) and distributed to the Commission. This proposed language included provisions that an outdoor dining area involving a permanent structural enclosure could be permitted on a permanent basis, whereas those with relatively flexible limits or delineation could be approved on a renewal basis up to a period of two years. The intent of other elements of the proposed language was to enable some flexibility

on the part of the Planning Commission in the course of Special Use Approval consideration, while also encouraging improvements such as landscape improvements in conjunction with proposed outdoor dining areas.

Mr. Kramer expressed concern about situations where the proposed outside dining area would not be abutting the food service establishment to which it was related. Mr. Keisling noted situations where several food sales establishments might share a common seating area. In answer to Mr. Waller's question, he commented on the development of the present 20 seat limit within B-1 food sales establishments. Mr. Thompson confirmed that the latest Ordinance draft reflected comments received from the Chamber of Commerce representatives and food service operators. In the course of discussing further elements of the proposed Ordinance language, several Commission members expressed the opinion that language should be included which would indicate that parking would be required in relation to outside dining areas. Mr. Keisling commented on the various types of parking requirements involved, and noted that, under current provisions, additional parking would not necessarily be required in all instances, particularly in larger shopping centers.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Mr. Thompson noted that he had conveyed a copy of the latest proposed Ordinance language to the Chamber of Commerce for their review, and had not received any comments. Mr. Kramer expressed his concern about situations where outside seating would not directly abut the food service establishment to which it was related. He felt that "health, safety and welfare" problems could result.

Moved by Waller

Supported by Reece

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the Zoning Ordinance be amended, generally in accordance with the text as presented and modified on this date, in order to provide for a broadened series of standards related to outside dining areas in Commercial and Office Districts, and thus to enhance the desirability and utility of commercial and office areas throughout the City. The text should include the provision that parking will be provided for outside dining areas as stipulated in the Zoning Ordinance.

Yeas: Waller, Reece, Thompson
Starr, Wright, Palazzolo

Nays: Kramer
Absent: Chamberlain, Storrs

MOTION CARRIED

Mr. Kramer indicated that his nay vote was due to his concern that, if the outside seating was not directly adjacent to the establishment which it served, there could be potential problems with the movement or carrying of food, clearing of tables, and blocking of the sidewalk.

7. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Truck Rental on Mini-Warehouse Sites (#138)

Mr. Keisling explained that the City Council has referred to the Planning Commission a request from the Shurgard Self-Storage Corporation, that consideration once again be given to an amendment to the text of the Zoning Ordinance in order to permit the rental of trucks as an accessory use within "Mini-Warehouse" or "Self-Storage" developments. This matter was previously considered by the Planning Commission and the City Council in August 1991, in response to a request from Ryder Truck Rental in relation to the Secured Storage Systems development south of Maple Road and west of Coolidge. The Planning Commission had previously received a memorandum reviewing the background of that proposal, and the evolution of the proposed Zoning Ordinance Text Amendment which was at that time recommended for approval by the Planning Commission. The City Council subsequently decided not to amend the Zoning Ordinance in the recommended direction.

Mr. Keisling stated that this matter was further discussed at the October 26, 1993 Study Meeting. At that time it was noted that Shurgard has stated that truck rental has become an even more typical ancillary activity on self-storage sites. It is the opinion of the Planning Department that the text as developed in 1991, and as now presented for reconsideration in conjunction with this Public Hearing, addresses the various concerns which have been expressed in conjunction with uses of this type over the years. The Planning Department supports the adoption of this proposed Zoning Ordinance Text Amendment.

In response to Mr. Kramer's question as to why trailer rental had been excluded from the text as presented in 1991, Mr. Wright noted that there was a concern that the inclusion of trailers would involve the inclusion of hitch installation and other potential service activities. In response to the question as to why the City Council had previously rejected this proposal, Mr. Keisling noted that there may have been a concern regarding any action which would broaden the number of commercial or non-industrial uses within industrial areas. The City Council may also have felt that there was no need to provide for this type of activity or service.

The Public Hearing was declared open.

John Donohue, attorney, and Paul Wells, District Manager of Shurgard, were present. Mr. Donohue confirmed that Shurgard had not been involved with the 1991 request or Ordinance proposal. Mr. Reece noted that some concern had been expressed at that time regarding the appearance of trucks on mini-warehouse sites.

No one else wished to be heard.

The Public Hearing was declared closed.

Moved by Starr

Supported by Palazzolo

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for an amendment to the text of the Zoning Ordinance in order to permit the leasing or rental of trucks as an accessory use within mini-warehouse or self-storage developments be granted, through the adoption of a text generally in the form presented on this date, as such an amendment will enable the provision of a reasonable support service for the users of such facilities.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

OTHER BUSINESS

Moved by Reece

Supported by Waller

RESOLVED, that the Regular Meeting in December be rescheduled to December 7, 1993 as some Commission members have conflicts on December 14 and would not be able to attend.

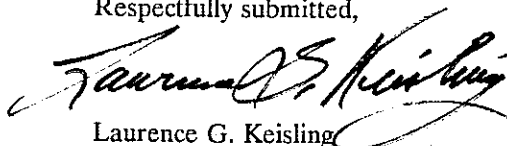
Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eh