

LOK

The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chairman Gary Chamberlain at 7:33 P.M on Tuesday July 12, 1994 in the Troy City Hall.

1. ROLL CALL

Present: Chamberlain  
Kramer  
Palazzolo

Starr  
Waller  
Reece

Absent: Thompson  
Storrs  
Wright

Moved by Waller

Seconded by Palazzolo

RESOLVED, that Commissioners Thompson and Storrs be excused as they are out of the City, and Commissioner Wright be excused due to illness.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

2. MINUTES - Special/Study Meeting of July 5, 1994

Moved by Palazzolo

Seconded by Kramer

RESOLVED, that the Minutes of the Special/Study Meeting of July 5, 1994 be approved as printed.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

3. PUBLIC COMMENTS

No one wished to be heard.

Mr. Chamberlain announced that a letter had been received from Ameritech withdrawing their request for Special Use Approval in order to revise the location of the proposed cellular telephone antenna on the Walsh College site (Item 7 of this agenda). Ms. Palazzolo asked that the letter be included as an attachment to the minutes of this meeting.

SITE PLANS

4. SITE PLAN REVIEW - Proposed Industrial Building Expansion - South Side of Brinston, West of John R - Section 26 (SP-789)

Mr. Keisling explained that a site plan has been submitted for the 3,943 square foot expansion of a 9,540 square foot industrial building on an M-1 zoned parcel having 80 feet of frontage on the south side of Brinston west of John R. The subject L-shaped site extends south across vacated Kelly Street, and is 36,400 square feet in area. Planning Commission Site Plan Approval is necessary as parking and drive facilities will also be added to the site in conjunction with this building expansion. The site will continue to be served by the single driveway extending along the west property line. The Planning Department staff had suggested to the petitioner that a joint driveway easement be provided over the existing 20 foot wide driveway, in part so that the driveway could potentially be expanded to a more conventional two-way drive width at such time as the vacant site to the west is developed. It was noted, however, that such an approach to driveway consolidation is not as significant on an interior street such as Brinston, as compared to a major thoroughfare frontage. All applicable Ordinance requirements are complied with and approval of this site plan was recommended.

Ronald Galli of 1820 Brinston, the petitioner, and Richard Lange, his engineer, were present. In answer to Mr. Chamberlain's question, Mr. Galli said that he had no objection to the granting of a joint drive easement. He had attempted to purchase a portion of the vacant property to the west, but was not successful. Mr. Keisling suggested

that the easement be conditioned on the expansion of the existing driveway by the neighboring property owner. Access to Bellingham could be considered.

Moved by Kramer

Seconded by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 3,943 square foot building expansion, and related expanded parking and drive facilities, on an M-1 zoned site having 80 feet of frontage on the south side of Brinston west of John R is hereby granted, subject to the granting of a joint drive easement for the property to the west.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

5. SITE PLAN REVIEW - Proposed Office-Restaurant Complex - South Side of Big Beaver, West of Spencer - Section 28 (SP-744)

Mr. Keisling explained that a site plan has been submitted for the construction of a 4-story office and restaurant complex on the 6.14 acre O-S-C zoned site which extends south from Big Beaver Road to I-75 along the west side of Spencer Road. The proposed development is to include a 263 seat "Cantina del Rio" restaurant, attached to a 4-story 79,750 square foot office building, which would be developed by Kirco Development, following the character of the adjacent Columbia Center development, for which Kirco is the developer partner. The restaurant includes an indoor-outdoor patio area and the ultimate development will include an enclosed pedestrian connection. Cantina del Rio, which is a Mexican restaurant subsidiary of the Bob Evans organization, has been seeking a site in Troy for over a year. They have recently secured the subject O-S-C zoned parcel, recognizing that the O-S-C District requires that restaurants be within or attached to the principal office or hotel building or use, rather than free-standing. Because of this restriction, they sought an office development partner, and now are proceeding with their plans in conjunction with Kirco.

Mr. Keisling stated that, because of the office development climate, the petitioners are working with the City staff in order to evolve a Development Agreement under which they would initially be permitted to proceed with the construction of the restaurant element of this development. The Development Agreement, which must ultimately be considered and approved by the City Council, would assure that the remaining portion of the site is committed to a development in the manner indicated on the overall plans as submitted at this time. This is a new approach for the City of Troy, but it was felt that it would be reasonable, considering the current office development climate, the nature and location of the site, and the restrictions which can be included in the Development Agreement. As an example, both the City staff and the Columbia Center owners and developers are concerned about the character and appearance of the proposed building. The Development Agreement approach provides an opportunity to assure that the exterior appearance of the restaurant element of this development will be fully compatible with existing and potential future development in this area, a level of control which is not typically available through zoning.

Mr. Keisling noted that the subject site has 265 feet of frontage on Big Beaver Road, and extends 916 feet to the I-75 service road. The construction of Spencer Road and other street and access improvements in this area were carried out by the developers in conjunction with the Columbia Center development. The development now proposed may involve the construction of a decel lane on Big Beaver at Spencer Road. This improvement may, however, be postponed and included with the proposed overall improvement of Big Beaver Road in this area. Previous development plans in this area have involved the provision of easements to accommodate the placement of a potential "pedestrian concourse" extending through developments along the Big Beaver Corridor and inter-connecting entrances, etc. Such an easement was provided in the general area of the sidewalk across the front of the Columbia Center development. With the recently increased level of interest in pedestrian facilities in this area due to the initial efforts of the DDA, etc., it was felt that it would be reasonable to require placement of a walkway which could serve as the pedestrian concourse across this site in conjunction with its initial development. The site plan, therefore, indicates such a walkway facility extending from the east property line opposite the sidewalk and easement in the Columbia Center site, across the proposed restaurant entrance, to the west property line, to a point opposite the south side of the adjacent office building where the primary pedestrian access to that building occurs. All applicable Ordinance provisions are complied with. Mr. Keisling suggested that the appearance of the site and development

from Big Beaver could be even further enhanced by the removal of a series of 8 parking spaces in the northerly portion of the parking area, thus increasing the Big Beaver greenbelt area by almost 10 feet in width. The restaurant owners desire to have a generous amount of parking would still be met, in conjunction with the provision of this additional landscaped area. The petitioners have agreed to this modification. Mr. Keisling noted the proposed building elevations, which are intended to assure compatibility of this development with the adjacent Columbia Center development. These elevations will accompany the proposed Development Agreement, which would also enable phasing of this development. Following action on the overall site plan by the Planning Commission, the City Council will consider and act upon the proposed Development Agreement.

In response to Mr. Starr's question, Mr. Keisling explained that, in multi-phase developments, the City's approach has been that the Site Plan Approval would be in effect as long as the first phase of the development was initiated within one year. In answer to Mr. Kramer's inquiry, Mr. Keisling noted the hotel and office developments which have been previously been proposed at this location. He also indicated that the size of the proposed restaurant, as a percentage of the total development, will be well below the 20% support use factor permitted in O-S-C zoning.

Robert Szantner, architect with Yamasaki Associates, was present along with Tyler Abram and Steve Warehime of the Bob Evans organization, and Al Kiriluk of Kirco Development. In response to questions from the Commission, Mr. Kiriluk stated that, immediately after receiving approval of the Development Agreement from the City Council, they would begin marketing the proposed office development. The Columbia Center is over 98% leased, and Kirco looked forward to the opportunity of having an office facility of the size of the proposed development available.

Mr. Starr asked that the minutes include the statement that the Planning Commission fully expects that the office phase of this development will occur, and that no significant change in the land use direction for this site is expected.

Moved by Palazzolo

Seconded by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of an office-restaurant complex involving a 4-story 79,750 square foot office building element and a 263 seat inter-connected restaurant on the 6.14 acre O-S-C zoned site extending south from Big Beaver Road to I-75 along the west side of Spencer Road is hereby granted, subject to the expansion of the greenbelt along the north edge of the property along Big Beaver Road.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

6. SITE PLAN REVIEW - Proposed Industrial Building - West of Crooks, South of Maple (Equity Drive) - Section 32 (SP-753)

Mr. Keisling explained that in 1989 a site plan was approved for the development of what was then called "Airport Technology Park", to be developed by Etkin Equities, Inc., on the former Vickers site on the west side of Crooks Road south of Maple Road. That development was to include the construction of a private street which would provide internal access to a series of industrial/research development sites in the area surrounding the existing principal building, now occupied by GM Inland Fisher Guide. A portion of the proposed private street, now known as Equity Drive, was subsequently constructed extending west from Crooks Road within an easement intended to assure access to the street from any future interior parcels. The next development activity to occur in this area was the construction of a building for Cadillac Looseleaf, on a parcel which they purchased on the south side of the present west end of Equity Drive.

Mr. Keisling stated that a site plan has now been submitted for the construction of a 32,500 square foot building for Heller Manufacturing, an automotive supplier not presently located in Michigan. Their site comprises the total westerly 10 acre portion of the Etkin Equities site. As originally submitted, their plan indicated the placement of a cul-de-sac type of ending for Equity Drive, a portion of which would be located in the southeast corner of their site, with their building located directly to the west. In discussing this matter with General Development Company, their design-build contractors, the Planning Department proposed that the site plan be modified by moving the building to the north, providing a temporary ending and turn-around for Equity Drive, and providing a 60 foot wide easement for the potential future extension of Equity Drive to the west property line. Under this concept or

approach, the opportunity would then be available for a future street connection to the Rockwell site to the west, in conjunction with the potential future development of their property for industrial or research purposes. After considering this proposal, Heller and General Development responded with the presently proposed site plan which includes the extension of Equity Drive all the way to the west property line, within a 60 foot easement. The building and parking setbacks indicated meet the requirements for setbacks from a private street easement. The resultant building location is important to Heller, as they are most interested in having their building clearly visible to those moving west on Equity Drive. It was their initial indication, however, that they are willing to continue the construction of Equity Drive to public street standards. They and Etkin may then, in the future, consider conveying Equity Drive to the City for use and maintenance as a public street.

Mr. Keisling noted that, as a part of their plan, the petitioners have proposed to place a portion of the extended street on property which was purchased by Oakland-Troy Airport officials at the time of construction of the Cadillac Loosleaf project. This proposal has been presented to airport representatives, who have indicated that they would review this matter with their administration, and respond as soon as possible. It was, therefore, recommended that the Planning Commission approve this Preliminary Site Plan, involving the extension of Equity Drive as a private street along the south edge of the site, with the understanding that the street alignment and details of the site layout may be changed, based upon any agreement reached with the Oakland-Troy Airport representatives.

Bruce Brickman of General Development was present, along with representatives of Heller Manufacturing. They had nothing further to add.

Moved by Kramer

Seconded by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 32,500 square foot industrial building on a 10 acre M-1 zoned parcel lying north of and involving the westerly extension of Equity Drive west of Crooks Road is hereby granted, subject to the extension of Equity Drive to the west property line, within an easement for street purposes.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

#### SPECIAL USE REQUESTS

7. PUBLIC HEARING - REVISED SPECIAL USE REQUEST - Proposed Cellular Telephone Facilities -East of Livernois, South of Wattles - Section 22 (SP-80)

Mr. Chamberlain stated that this request for relocation of the previously approved cellular telephone facilities, on the Walsh College site, had been withdrawn by the petitioners.

8. PUBLIC HEARING - SPECIAL USE REQUEST - Proposed Church Expansion - Northwest Corner of Square Lake and Evanswood - Section 1 (SU-278)

Mr. Keisling explained that the Evanswood Church of God, and the pastor's residence, are presently established on a 2.8 acre R-1D zoned parcel at the northwest corner of Square Lake Road and Evanswood in Section 1. A plan has now been submitted for the expansion of the church facilities, primarily involving the construction of a new sanctuary, along with some office and classroom space. The expansion involves the use of the parcel immediately to the west of the present site, bringing the total site area to 7.1 acres. A substantial portion of this site expansion area involves wetlands which are apparently regulated wetlands. The information submitted with this request indicates proposed sanctuary seating of 353, with a convertible fellowship hall accommodating 166 people. The proposed parking accommodates the capacity of both of these elements of the expanded complex. A boulevarded driveway is proposed to enter the site from Square Lake Road, at the location of the present driveway. This proposal is submitted in accordance with Section 10.30.04 of the Zoning Ordinance, which provides for the establishment and expansion of churches within R-1 zoned areas. Among the development requirements for churches is the requirement that a 4'6" screenwall be placed along those perimeters of any parking area which lie adjacent to other

residential land. On this basis, screenwalls would be required adjacent to the northerly and westerly edges of the proposed parking area. Due to the wooded wetlands which exist in the majority of this area, the petitioners may request a waiver of this screening requirement from the Board of Zoning Appeals. The site plan should, however, be modified to indicate the required screenwalls. With this provision, approval of this Special Use Request and related Preliminary Site Plan Approval would be in order.

Mr. Chamberlain noted that three letters of objection had been received, two of which were opposed to the placement of the proposed construction drive entering this site from Evanswood. He did not feel that a construction drive was necessary from a local residential street. He further noted that low-level parking lot lighting should be considered in the area adjacent to any existing residences. Mr. Reece felt that the proposed entrance drive system and drop-off system was confusing and would not operate properly. He felt that the necessary revisions would require tabling of action on this matter and further discussion at a future meeting. Mr. Starr inquired as to why the northeasterly portion of the site is not used for additional parking, rather than the long parking area extension to the west.

Tom Barnes of Associated Design was present on behalf of the church. He agreed that the construction drive from Evanswood Street could be relocated to Square Lake Road, and indicated that they would investigate low-level lighting of the parking area. In response to the concerns regarding the drive system, he indicated that they were most interested in handling the relatively large volume of exiting traffic, and thus proposed a two-lane exit drive. They would be willing to consider revisions to the drive system. In response to Starr's question, Mr. Barnes noted that the church intended to reserve the northeasterly portion of their site for potential future building expansion, potentially including a gymnasium. They, therefore, did not extend the proposed parking area into the area north of the existing building. In answer to Mr. Chamberlain's question, Mr. Keisling stated that the parking provided exceeds the requirement for the proposed expanded complex, but does not provide for any future expansion. In response to Mr. Waller's suggestion that a second access to Square Lake Road be provided, Mr. Chamberlain and Mr. Reece noted that it was important to keep any traffic congestion within the site, rather than negatively affecting the major thoroughfare.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

The Commission concluded that action should be tabled on this matter, in order to provide an opportunity to consider access and circulation alternatives, and some of the other matters which were discussed.

Moved by Reece

Seconded by Starr

RESOLVED, that action on Special Use Approval and related Site Plan Approval, as requested for the expansion of the site and facilities of the Evanwood Church of God within a 7.1 acre site at the northwest corner of Square Lake Road and Evanswood, be tabled to the next Study Meeting in order to provide an opportunity for the petitioners to modify the plan to indicate the following:

1. A relocated Square Lake Road entrance drive, in order to simplify movement into and through the site.
2. The required parking area screenwalls.
3. Information regarding potential future building and parking expansion.
4. A notation indicating low-level parking area lighting.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

9. PUBLIC HEARING - SPECIAL USE REQUEST - Proposed Nickel Plating Operation - Northeast Corner of Robbins and Elliott - Section 36 (SU-279)

Mr. Keisling explained that a request has been submitted for Special Use Approval, in order to permit the establishment of an "Electroless Nickel Plating Process" within the existing industrial building at the northeast corner of Elliott Street and Robbins Drive. No site alterations are proposed in conjunction with the establishment of this use. This request is submitted in accordance with Section 28.30.05 of the Zoning Ordinance, under Uses Permitted Subject to Special Use Approval in M-1 Districts, which reads as follows:

"28.30.05      *Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.*"

Mr. Keisling noted the memorandum from Chor Industries, Inc., the petitioner, indicating the nature of their operation and the various permits required. It was his position that the involvement of the Detroit Water and Sewer Department, the Department of Natural Resources, and the Environmental Protection Agency in the implementation of uses of this type would certainly adequately address any concerns related to noxious external effects or nuisances. Further, as this site is within the interior of an industrial area and does not abut any residential area, the Planning Department saw no problem with the granting of Special Use Approval.

David Chor, the petitioner, was present. In response to a question from the Commission, he stated that no outside storage is proposed.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Moved by Starr

Seconded by Palazzolo

RESOLVED, that Special Use Approval, as requested for the establishment of an electroless plating process within the industrial building at the northeast corner of Elliott and Robbins be granted, in accordance with Section 28.30.05 of the Zoning Ordinance.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

STREET VACATIONS AND OPENINGS

10. PROPOSED STREET DIVERTER - Hartshorn/Vermont Intersection Area - Section 27 (#33)

Mr. Keisling noted that, at last week's Study Meeting the Commission reviewed actions taken over the past two to three years in relation to the vacation of the platted but unopened street pattern in the area east of Livernois and north of Maple Road. These requests were considered by the Commission in part on the basis of a concept plan for the street system in the "Addison Heights Area". In addition to this area, requests have also been considered for the vacation of portions of the Larchwood and Vermont Street rights-of-way in the Council Heights Subdivision area to the east. Actions taken by the Council to vacate portions of Mastin Street have eliminated the potential for the abandonment of the Hartshorn Street right-of-way in the block between Larchwood and Arthur, as suggested in the concept plan. It is still the opinion of the Planning Department that it would be desirable to eliminate some of the long straight street runs, and to close some of the streets within the Livernois Road frontage. It would also be desirable to eliminate the sub-standard jogs or street off-sets such as those which were platted in the area of the Larchwood-Hartshorn and Vermont-Hartshorn intersections.

Mr. Keisling stated that utility placement is now proceeding in the Larchwood Street area between Mastin and Hartshorn, and in the Hartshorn Street area south of Larchwood. The paving of the street segments in these areas

will tie together the northerly and southerly portions of the Addison Heights Subdivision. In an effort to avoid the creation of another potential half-mile straight street in this area, the Planning Department proposed the construction of a "street diverter" in the Hartshorn-Vermont intersection area. Under this proposal, the north and west legs of this intersection would continue to be connected, and the south leg would be diverted to the east and connected to Beech Lane through the present unopened Vermont Street right-of-way.

Mr. Keisling noted that, in the course of discussion at last week's Study Meeting, the Commission also discussed other elements of the potential ultimate street pattern in the Council Heights area. Of particular concern was the potential opening of east-west street segments, in order to tie this area together. It was noted that, if Vermont is opened through three blocks extending from Hartshorn east to Eastport, interior access would then be available from the total area to the Morse Elementary School and Robinwood Park area.

Mr. Chamberlain noted that Bruce Burlager of 1749 Beech Lane had submitted a petition signed by many Beech Lane residents, opposed to the opening of the Vermont Street right-of-way between Hartshorn and Beech Lane.

Evan Sparago of 2117 Hartshorn inquired as to why Hartshorn is being opened in the area between Larchwood and Vermont. Mr. Keisling explained that Hartshorn and other public street rights-of-way have existed in this area for many years, and that developers and builders have recently been placing the improvements in these areas so that homes could be constructed. Joe Pitlanish of 2106 Beech Lane opposed opening Vermont so that more traffic could come down Beech Lane. Mr. Chamberlain noted that more than one access is desirable for a residential area, so that Police and Fire access will be readily available, along with the opportunity for residents to move about within the residential area or neighborhood. He did not feel, however, that Beech Lane would ever be opened in the area where the right-of-way and a foot-bridge crosses the open watercourse. Mr. Kramer noted that the opening or completion of Beech Lane was not under consideration at this meeting. He further noted, however, that actions to open east-west street segments such as Vermont Street would improve safety for all of the residents, as there would be an opportunity to drive to the Morse School without re-entering Maple Road.

Joyce and Don Drife of 1813 Beech Lane also opposed the opening of the Vermont Street segment. Mrs. Drife inquired as to who would pay for pavement in this area if the street is opened. Mr. Chamberlain stated that, although the Planning Commission does not make this determination, it was his opinion that the adjacent residents should not be charged for the opening of side streets such as Vermont Street. Mr. Drife noted that school children presently walk through the Vermont Street right-of-way, and that it would be safer without pavement in that area. He was also concerned about the home at 1802 Hartshorn, which is apparently very close to or within the Vermont Street right-of-way, and which uses the right-of-way as a driveway. Mr. Chamberlain commented that, if the street is opened, in this area, the driveway will have to be relocated. Mr. Drife inquired as to whether the Commission had considered dead-ending Hartshorn in the Vermont Street intersection area, rather than connecting a street east to Beech Lane. Brian Taylor of 1850 Beech Lane also opposed the opening of Vermont Street. He commented on the traffic which presently comes north on Beech Lane from the credit union on Maple Road. He was also concerned about the notification process for this meeting. He felt that more Beech Lane residents should have been notified.

In the course of the Commission's discussion, Mr. Chamberlain commented on the present gridiron street pattern, and stated that actions such as the proposed street diverter, and keeping Beech Lane closed in the area of the drain crossing, would be for the good of the whole neighborhood. He further noted that the Commission's action would be a recommendation to the City Council, who would then take final action. In response to Mr. Waller's question about the benefits of inter-connecting streets and avoiding long straight street runs, Mr. Keisling noted the benefits of being able to move from place to place within the neighborhood, without having to enter the perimeter major thoroughfares. He also stated that the majority of the internal traffic complaints from residents throughout the City relate to long straight street segments, where residents request unwarranted stop signs, etc. Mr. Chamberlain stated that, although the Commission had also discussed the potential opening of other segments of Vermont Street, a Study Meeting should be held, involving area residents, before further consideration and action is taken on such matters. He felt, however, that action could proceed on the Hartshorn-Vermont street diverter proposal.

Moved by Kramer

Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that a "street diverter" be constructed in the Hartshorn-Vermont intersection area, generally in accordance with the concept plans as presented on this date, in order to help to bring about the completion of the ultimate street pattern in this area in a manner which will reduce problems related to the speed and volume of through traffic, and thus improve the overall residential environment.

In conjunction with this action, it is recognized that the related opening of a street within the Vermont Street right-of-way between Hartshorn and Beech Lane will effectively serve to tie together the Council Heights and the Addison Heights residential areas in order to create a more cohesive neighborhood. It is further recognized that it will be necessary to change the name of Vermont Street in the area east of Hartshorn, and to change the name of Hartshorn Street in the area north or south of Vermont, in order to clearly identify these areas, and also to facilitate proper resident access and emergency vehicle access to these street segments. It is further recommended that the cost of the proposed street opening between Hartshorn and Beech Lane be borne by the City, rather than by the adjacent residents.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

#### REZONING PROPOSALS AND TEXT AMENDMENTS

11. PUBLIC HEARING - PROPOSED REZONING - Northeast Corner of 14 Mile and Stephenson - Section 35 - R-C to B-2 (Z-107)

Mr. Keisling explained that a request has been submitted for the rezoning of the 16.4 acre former Jim Robbins Company site at the northeast corner of 14 Mile Road and Stephenson Highway from R-C (Research Center) to B-2 (Community Business). The development proposed in conjunction with this rezoning request is the construction of a Builder's Square store and garden center totaling 149,663 square feet in area. A Preliminary Environmental Impact Statement was submitted with this request, due to the size of the proposed development, and due to the conflict of this proposal with the Master Land Use Plan. No information has, however, been submitted in relation to the economic or market justification for commercial zoning, and for the proposed use at this location.

Mr. Keisling stated that the Master Land Use Plan indicates Research use at this location, consistent with the zoning and development which is in place extending almost one mile north from this site to Maple Road. This site was previously zoned in the M-1 (Light Industrial) classification, and was rezoned to the R-C classification in 1988 in order to enable the construction of a large office-research complex, which did not occur. As indicated in previous discussions, the City's research and light industrial areas have continued to be of substantial value to the community. In recent months there has been a clearly increasing level of interest in sites and buildings which are available for research and light industrial use. There have in fact been situations where Troy businesses wishing to consolidate and expand within the City have not been able to do so due to the lack of availability of adequate sites. In some cases this "lack of availability" resulted from offers which the land owners had from potential commercial or retail users, which indicated inflated potential sale prices. In relation to the proposed zoning and use, the Commercial Areas Plan element of the Master Land Use Plan is based on a study done in 1982 which indicated that the City had an excessive amount of commercially-zoned land. As a result of this study and related Master Plan amendment, City-initiated actions were taken to rezone approximately 30 parcels totaling over 160 acres in area away from commercial classifications. Experience since that time, including information provided by other consultants in the course of zoning litigation activities, has pointed out that the rezoning actions in the early 1980's were conservative, and that the City could reasonable have eliminated more commercially-zoned area. The City's position on the extent of necessary commercial zoning was further confirmed in 1991 through a study done by Professor Robert Swartz of Wayne State University, which served as an update of the Commercial Areas Plan Study. Mr. Keisling further noted that efforts have been undertaken in recent years in Rochester Hills and Sterling Heights to reduce the extent of what they identified as excessive commercially-zoned land. These efforts have, however, had very little success. In addition to this background, it is clear that there has been an overwhelming amount of retail building construction throughout the area, featuring the "big box" types of uses such as that proposed at this location. Factoring new construction



within areas immediately adjacent to the City of Troy into the "equation" would even further reduce the need for any additional significant commercially-zoned parcels within the City of Troy. In relation to the specific use proposed, in addition to the existing Builder's Square on Kmart owned property on the west side of Coolidge north of 14 Mile Road (in Royal Oak), there have been suggestions that another Builder's Square is to be constructed in conjunction with a large Kmart-related super center on part of the 160 acre site recently rezoned by the City of Sterling Heights at the northwest corner of 14 Mile and Van Dyke. Without attempting to list the present and pending locations for entities such as Home Quarters, Home Depot, Handy Andy, etc., it was the opinion of the Planning Department that the market targeted by the petitioner in this matter is clearly well-served.

Mr. Keisling then stated, in summary, that the requested rezoning is in conflict with the intent of the Master Land Use Plan, the subject site can clearly be developed in a manner consistent with that Plan, and with development which would clearly better serve the long-term interests of the total Troy community; and there is clearly no justification for the application of additional commercial zoning in this area. It was, therefore, the recommendation of the Planning Department that this request for rezoning be denied.

Ms. Palazzolo stated that she had previously worked for Kmart in Public Relations for 8 years, and that her husband presently works for Kmart and is involved in Builders Square projects. She, therefore, asked to abstain from discussing and voting on this matter.

Moved by Chamberlain

Seconded by Waller

RESOLVED, that Ms. Palazzolo be permitted to abstain from voting on this issue due to a potential conflict of interest.

Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

Ted Simons, regional real estate representative for Builders Square, was present along with Dick Graham, their consulting engineer and Mike Labadie, their transportation engineer. Also present was Mike McInerney, attorney for the present property owners, Becker Investments. Mr. Graham reviewed the existing zoning and land use in the surrounding area. Mr. Simons explained that Builders Square now has 170 stores in 23 states and Puerto Rico, and that they are changing their stores from the original home improvement concept to the "home improvement department store". In so doing, they are substantially increasing the size of their stores. A potential lease agreement is in place for another tenant in their present Coolidge-14 Mile location, so that that building will be occupied when they move to the proposed 14 Mile-Stephenson location. Mr. Simons felt that the proposed development would be fully compatible with other uses in the area and noted that Builders Square has been very successful against the competition from similar establishments.

Michael McInerney reviewed the history of Becker Investments' involvement with this property, since they bought and operated the previous plastic injection molding facility. He stated that the development of their proposed office/research complex did not proceed due to the office vacancy level at the time. He noted the substantial cost which the Becker Group had incurred in order to clean up the environmental contamination on this site. As a result of their efforts, the site has been removed from the Act 307 list.

Mr. Graham and Mr. Labadie discussed the relative traffic impacts of the previously proposed 275,000 square foot office/research development, and the proposed retail development. Mr. Graham also noted that the State had purchased Limited Access right-of-way across the 14 Mile Road frontage, and thus that there could be no driveways directly to 14 Mile Road.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Mr. Chamberlain noted the three letters of objection which had been received in relation to this rezoning request, one of which was from Damone and Andrew, owners of Robbins Executive Park West.

In the course of the Commission's discussion, Mr. Chamberlain commented that the relative traffic impact information was insignificant, as compared to the total traffic volumes in this area. In response to Mr. Kramer's question, Mr. Simons stated that the proposed Builders Square store is basically similar in size to Home Depot and Home Quarters stores. Their market area is generally considered to be in the area between 9 Mile and 19 Mile Roads, and extends west from Mound Road to Coolidge. In response to Mr. Reece's question, Mr. Graham stated that no 14 Mile Road improvements were proposed in conjunction with this development. Mr. Reece felt that there would continue to be a definite need in the City for research parcels such as the subject property. He noted that actions have recently been taken to accommodate research and prototype uses in other Districts, in recognition of the demand. Mr. Chamberlain noted that larger research sites would be particularly valuable, and are quite rare in Troy.

Moved by Reece

Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 16.4 acre parcel at the northeast corner of 14 Mile and Stephenson, from R-C (Research Center) to B-2 (Community Business) be denied, for the following reasons:

1. This rezoning is in conflict with the intent of the Master Land Use Plan.
2. The subject site can clearly be developed in a manner consistent with the Master Plan, and in a manner which would better serve the long-term interests of the total Troy community.
3. There is no justification for the application of additional commercial zoning in this area.

Yeas: Reece, Starr, Kramer  
Chamberlain

Abstain: Palazzolo  
Nays: Waller  
Absent: Thompson, Storrs, Wright

MOTION CARRIED

Mr. Waller stated that his nay vote was due to his opinion that the proposed development proposal was a reasonable one, and that the proposed location adjacent to other large commercial areas is preferable to a location more internal to the City of Troy.

12. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Incidental Seating for Food Sales Establishments in B-1 Districts (#46)

Mr. Keisling explained that, in the course of the evolution of the procedures and requirements related to outside seating for food service establishments, the Planning Commission has also had the opportunity to consider Special Use Requests for the provision of "incidental seating" in conjunction with food sales establishments in B-1 (Local Business) Districts. It was recognized, by Eldon Thompson (and others) that, if the procedures and requirements related to outside seating for food service establishments are reduced in all of the related Districts, including the B-1 District, it would be logical and consistent to reduce the requirements related to the provision of incidental seating in B-1 Districts, as such seating would certainly have even less impact on surrounding properties, etc., than outside seating. With this background, this Public Hearing has been established in order to consider an amendment to the text of the Zoning Ordinance which would move the provisions related to the provision of incidental seating for food sales establishments in B-1 Districts from the "Special Use Approval" category to the "Conditional Use" category. This action would achieve the intended objective. Further action to remove similar language from the Special Use Approval category can be taken in conjunction with future modifications related to outside seating. Under the proposed approach, the Planning Commission Public Hearing process would no longer be required. Incidental seating would be permitted, under the control of the Building Department, subject to conditions, including a maximum of 20 seats, and compliance with applicable building and health code requirements. These standards are basically parallel to those presently applied under the Special Use Approval process. A change in the nature of the food sales business would require the granting of a new Certificate of Occupancy by the Building Department. Approval of this amendment to the text of the B-1 Zoning District was recommended by the Planning Department.

In response to Mr. Waller's question regarding any potential conflict between the 20 seat limit and requests for outdoor seating, Mr. Keisling stated that no outside seating requests have been received as yet from any food sales establishments in B-1 Districts. The intent, however, is that the total seating (indoor and outdoor) would be limited to 20 seats.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Moved by Waller

Seconded by Palazzolo

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the B-1 District of the Zoning Ordinance be amended, generally in accordance with the text as presented on this date, in order to place the provisions related to incidental customer seating for a food sales establishment within the Conditional Use category, and thus to simplify the process for the provision of such seating.

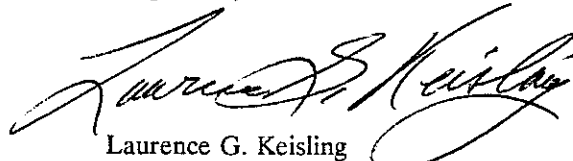
Yeas: All Present (6)

Absent: Thompson, Storrs, Wright

MOTION CARRIED

The meeting was adjourned at 10:33 P.M.

Respectfully submitted,



Laurence G. Keisling  
Planning Director

LGK/eh