

L. G. M.

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Wright at 7:35 P.M. on Wednesday October 11, 1995 in the Troy City Hall.

1. ROLL CALL

Present: Wright
Reece
Starr
Waller

Thompson
Kramer
Lepp

Absent: Chamberlain
Storrs

Moved by Starr

Seconded by Reece

RESOLVED, that 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 September 26, 1995

Moved by Reece

Seconded by Kramer

RESOLVED, that the Minutes of the Special/Study Meeting of September 26, 1995 be approved as printed.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

3. PUBLIC COMMENTS

No one wished to be heard.

8. (Taken Out of Order) SITE PLAN REVIEW (Consent Judgment) - Proposed Office Building - Northeast Corner of John R and Square Lake - Section 1 (SP-454)

Chairman Wright stated that the petitioners in this matter had requested postponement of consideration, so that they could further develop their plans, which would involve modification of the controlling Consent Judgment. This postponement would also provide an opportunity for them to contact abutting property owners in order to seek their input in relation to any potential amendments to the Judgment.

Moved by Thompson

Seconded by Waller

RESOLVED, that consideration of and action on the site plan for the construction of a single story office building on the parcel controlled by Consent Judgment, at the northeast corner of John R and Square Lake Roads, is hereby postponed until the November Regular Meeting, at the request of the petitioners.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

TABLED ITEMS

4. SPECIAL USE REQUEST - Proposed Church Complex - Northwest Corner of Square Lake and John R - Section 2 (SP-282)

Mr. Keisling explained that action was tabled on this matter to this date, following a Public Hearing at the September 12 Regular Meeting, in order to enable further study and the provision of additional information, in relation to a request for Special Use Approval to permit the establishment of a church complex on a 33.3 acre R-1D zoned parcel lying at and adjacent to the northwest corner of John R and Square Lake Roads. The subject site has 1710.2 feet of frontage on Square Lake Road and 725.4 feet of frontage on John R Road (net of major thoroughfare

rights-of-way). The petitioners, the Kensington Community Church, presently hold their services in the new Troy High School. It is their proposal to construct a church complex in multiple phases, which could ultimately involve a building area of approximately 120,000 square feet. Although they have chosen not to develop and present a detailed site plan at this point, they have done extensive background studies and have developed their preliminary concepts for the site. In the course of discussing this proposal at the Public Hearing, it was suggested that the Planning Commission's action on this matter could serve to provide guidelines for the development of the ultimate multi-phase site plan.

Mr. Keisling noted that this proposal was further discussed at the September 26 Special/Study Meeting, prior to which the petitioners provided additional information and materials for the Commission in an effort to respond to the various questions and concerns which had been raised. In order to provide an adequate record as to the bases for potential Special Use Approval, the petitioners have submitted a proposed "conceptual composite site plan" which reflects those matters raised by the Planning Commission in relation to the potential site development configuration itself. These matters include the frequency and general location of driveways, the minimum parking and building setback line from the thoroughfare frontages, the wetland configuration on and adjacent to the site, the indication of potential E-P areas, and a hypothetical residential layout for the area to the northwest. With the recognition that a Preliminary Site Plan will, in the future, be developed for review and approval by the Planning Commission, it would appear that Special Use Approval, based on this "conceptual plan", would be in order.

Mr. Thompson once again noted that he attends the Kensington Church. He felt, however, that he could objectively discuss and vote on this matter. John Tagle, architect, and Dick Graham, consulting engineer, were present along with other representatives of the petitioners. Mr. Reece noted that the configuration of the property involved in the hypothetical residential layout west of the subject site would require a cul-de-sac which exceeded Ordinance guidelines. The Commission generally felt that the concerns and questions which they previously raised had been properly addressed.

Moved by Reece

Seconded by Lepp

RESOLVED, that Special Use Approval, as requested by the Kensington Community Church for the establishment of a church complex on a 33.3 acre parcel R-1D zoned parcel lying at and adjacent to the northwest corner of Square Lake Road and John R is hereby granted, in accordance with Section 10.30.04 of the Zoning Ordinance, and in accordance with the "conceptual composite site plan" as submitted on this date.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

5. PRELIMINARY PLAT - TENTATIVE APPROVAL - Hidden Oaks Subdivision - West Side of John R, South of Long Lake - Section 14

Chairman Wright noted that a revised plat is being prepared in relation to this proposal. No action is necessary on this matter at this time.

REZONING PROPOSALS AND TEXT AMENDMENTS

6. PUBLIC HEARING - PROPOSED REZONING - North Side of Maple, between Thorncroft and Mapletown - Section 29 - M-1 to B-3 or R-C or O-M (Z-114)

The Commission noted that, due to the impact which the next item on this agenda could have on this matter (proposed Zoning Ordinance Text Amendment - Training and Warehouse Uses in R-C Districts), it would be appropriate to take that item out of order and to consider it at this time).

7. (Taken Out of Order) PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Training and Warehouse Uses in R-C Districts (#173)

Mr. Keisling explained that the Planning Commission and the Planning Department have considered potential amendments to the text of the Zoning Ordinance which would provide for a variety of uses which have been termed "information age-oriented", such as those presently proposed by American Speedy Printing in conjunction with their rezoning request at the northwest corner of Maple Road and Thorncroft. In the course of this study, the Planning Department reviewed other area Zoning Ordinances, but found no applicable provisions. They then considered other existing Zoning Districts which might be applicable within the City of Troy context, in the sense that they presently include many of the potential uses under discussion, and that they would relate well to the overall non-residential zoning and development pattern of the City. On these bases, it was concluded that modification of the R-C (Research Center) District appeared to be the most appropriate approach to follow.

Mr. Keisling stated that the amendment developed as a basis for this Public Hearing included broadening the types of "technical training" permitted to occur within the R-C District, reflecting this direction in the Intent Statement, and developing provisions which would enable warehouse, distribution, and service facilities to occur, as conditional uses, on R-C sites which do not abut residential land. It was recognized that the R-C District presently permits support service and commercial uses, as "Conditional Uses" within R-C building complexes. In this regard, it was suggested that the access provisions to such use areas be clarified. Although it was recognized that the amount of area available for such support uses could be increased (from ten (10) percent to fifteen (15) percent, for example), such an action was not recommended by the Planning Department. In the course of discussion at the September 26 Study Meeting, it was recognized that providing for uses such as warehouse and distribution facilities within R-C Districts could result in buildings or developments which would be more similar in character to M-1 areas. It was felt that this direction should be restricted, however, by limiting the amount of warehouse space which could occur within any building. The proposed Ordinance text was thus revised to indicate that warehouse area shall not exceed 50% of the floor area of any building.

Mr. Keisling noted that, prior to the meeting, Mr. Waller had provided the Commission with information as to instances where parts and service or "trade sales counters" occur within M-1 uses. As has been discussed previously, he felt that consideration should be given to amending the Zoning Ordinance in order to reflect some of these support uses which occur as a normal ancillary function within M-1 areas. Mr. Keisling suggested that, if the Commission wished to pursue this matter further at this time, it may be reasonable to look further at an amendment to the M-1 District text, rather than to proceed with action on the present R-C District proposal. Mr. Thompson and Mr. Waller felt that action should proceed on the present proposal, but that the Commission should continue to study potential M-1 District amendments in order to properly recognize current conditions, and to provide for future needs.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

In the course of the Commission's further discussion, Mr. Kramer noted that the "support uses" which occur in Office Districts are usually totally separate operations from the office activities themselves. In the case of the support activities mentioned in relation to M-1 uses, and to some extent, those contemplated within R-C areas, the support uses would relate directly to the principal activities at a particular location. Mr. Starr stated that his concern was as to whether the proposed R-C amendments would help the business community, without negatively impacting neighbors in adjacent R-C areas. He concluded that, under the proposed amendments, these benefits would result without negative impacts.

Moved by Waller

Seconded by Thompson

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the R-C (Research Center) Zoning District be amended, generally in accordance with the text as presented and modified on this date, in order to enable this Zoning District to accommodate a broader variety of uses which will be compatible with, and serve to support the dominant light industrial and business character of, the total community.

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

Nays: Kramer
Absent: Chamberlain, Storrs

MOTION CARRIED

Mr. Kramer stated that his nay vote was due to his concern that the potential 50% warehouse area provision would enable development which would not be compatible with typical R-C zoned areas.

6. PUBLIC HEARING - PROPOSED REZONING - North Side of Maple, between Thorncroft and Mapelawn - Section 29 - M-1 to B-3 or R-C or O-M (Z-114)

Mr. Keisling stated that, following a Public Hearing at the August 8 Regular Meeting, action was tabled on a request for the rezoning of an irregularly-shaped parcel having 170 feet of frontage on the north side of Maple Road, between Thorncroft and Mapelawn, from M-1 to B-3, in order to provide for a series of uses proposed by American Speedy Printing Centers, within the former Bloomfield Tennis House/Inacomp building. The nature of their proposed uses, to be known as an "Innovation Center" has been expanded beyond those originally proposed, to include uses which cannot be readily accommodated within M-1 zoning. In the course of the Public Hearing and the Commission's discussion, the Commission members generally indicated that, although the proposed use appeared to be a desirable addition to the area, they could not support the placement of B-3 zoning at this location in order to enable such a use to occur. The Planning Department was, therefore, asked to assist the Commission in considering and potentially developing an alternative zoning approach to follow, in order to accommodate the "information age" types of uses such as those proposed by American Speedy Printing. It was further recognized that, if rezoning continues to be necessary, it would be preferable to include the parcel at the immediate northwest corner of Maple and Thorncroft in such an action, in order to encompass the total inter-connected building complex.

Mr. Keisling explained that, in response to the Planning Commission's request, the Planning Department developed a proposed series of revisions to the R-C (Research Center) District, on which action was just taken under the previous item on this agenda. This present Public Hearing was also established in order to enable consideration of rezoning to the R-C (Research Center) classification, basically for both parcels under the petitioners' control, with the exception of the northerly L-shaped extension of their westerly parcel, which is intended to continue in its present parking use. The subject site available for rezoning thus involves the composite parcel having 370 feet of frontage on Maple Road extending west from Thorncroft, and extending north a maximum of 540 feet from Maple Road. The alternative of rezoning to the O-M classification was also included in the advertisement for this Public Hearing, somewhat in line with the petitioners' more recent inquiry. It is the opinion of the Planning Department, however, that the application of any of the conventional Office Zoning Districts at this location would not be appropriate. In relation to the application of R-C zoning in this area, Mr. Reece previously expressed concern that such could be considered a "spot zone". In this regard, the Commission must be comfortable with the relationship of R-C zoning in this area to the general light industrial and business character of the area. If it is thus the Commission's position that R-C rezoning would not provide use opportunities far in excess of those available on adjacent properties, then rezoning to that classification would be reasonable.

Ron Schultz of American Speedy Printing, and Rick Inatome, were present representing the petitioners.

The Public Hearing was declared open.

No one wished to speak.

The Public Hearing was declared closed.

Mr. Starr and other Commission members noted that potential R-C zoning would be compatible with, and would help to support the established development pattern in the adjacent area.

Moved by Lepp

Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of property at the northwest corner of Maple and Thorncroft, having 370 feet of frontage on Maple Road and extending a maximum of 540 feet north from Maple Road, be granted in the direction of rezoning from M-1 (Light Industrial) to R-C (Research Center), and that no other alternative rezoning direction be considered in this area, as such rezoning will complement and support the light industrial character of the adjacent area.

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

Nays: Kramer
Absent: Chamberlain, Storrs

MOTION CARRIED

Mr. Kramer stated that his nay vote was due to his opinion that the rezoning would create a "hodge-podge" or inconsistent zoning pattern in this area.

SITE PLANS

9. SITE PLAN REVIEW - Proposed Industrial Building - North Side of Birchwood, East of Alger - Section 26 (SP-801)

Mr. Keisling explained that a site plan has been submitted for the construction of a two-story 8,387 square foot industrial building on an M-1 zoned parcel having 80 feet of frontage on the north side of Birchwood between Alger and John R, within the John R Garden Subdivision area. The building is to be used for warehouse and office purposes by the owners, Entre' Computers. The site includes four platted lots and the south half of the abutting Vermont Street right-of-way, within which the vacation process was recently completed. Although the majority of the building is to be used for warehouse purposes, the parking provided meets the requirement for general industrial purposes. The site will be served by a single driveway from Birchwood Street. All applicable Ordinance requirements are complied with, and approval of this site plan was recommended by the Planning Department.

Donna Barlow was present on behalf of the petitioners. She distributed information regarding the nature of Entre' Computers, and stated that they have been in business since 1983. Mr. Waller confirmed the fact that this was not a retail computer operation, and that the area indicated as "sales and demonstration" would be divided into office spaces for salesmen, and would not be a showroom.

Moved by Waller

Seconded by Lepp

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of an 8,387 square foot building on an M-1 zoned site having 80 feet of frontage on the north side of Birchwood Street between Alger and John R be granted.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

10. SITE PLAN REVIEW - Proposed Industrial Building Expansion - South Side of Big Beaver, West of John R - Section 26 (SP-772)

Mr. Keisling explained that a site plan has been submitted for the construction of a 10,740 square foot addition to the 17,155 square foot building existing on an L-shaped M-1 zoned site having 150 feet of frontage on the south side of Big Beaver Road west of John R. The resultant total building area for Metro Pattern and Model will thus be 27,895 square feet. This building was last expanded in 1993. The site will continue to be served by a single driveway from Big Beaver Road. The previous site plan included the provision of a cross-access easement extending to the site to the west, which will be precluded by the construction of the presently proposed building addition. The

Planning Department requested that the cross-access easement now be modified to extend to the east property line. Such an easement is now indicated on the site plan. The parking provided exceeds the total requirement for the expanded building. All other applicable Ordinance requirements are complied with and approval of this site plan was recommended by the Planning Department.

Bill Kemp, builder, was present along with the owner of Metro Pattern & Model. He explained that Metro Pattern does engineering prototype work along with training of tool and die workers. He then commented on the history and success of this business, and the building expansions and improvements which they have carried out at this location.

Moved by Starr

Seconded by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 10,740 square foot building expansion and related parking expansion on the Metro Pattern and Model site, having 150 feet of frontage on the south side of Big Beaver west of John R, is hereby granted, subject to the provision of a cross-access easement extending to the east property line.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

SPECIAL USE REQUESTS

11. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW - Proposed Cellular Telephone Antenna - South Side of Long Lake, West of Dequindre - Section 13 (SP-103)

Mr. Keisling explained that a request has been submitted by the Detroit Cellular Telephone Company ("Cellular One"), for the placement of a 115 foot cellular telephone antenna support tower and related equipment building, on a portion of a developed office site having 168 feet of frontage on the south side of Long Lake west of Dequindre. This office site lies immediately adjacent to the Windmill Pointe Subdivision. The site to be leased by Cellular One is just 1,000 square feet in area, while the proposed equipment building has dimensions of 11.25' x 26'. This request is submitted in accordance with Section 24.30.05 of the Zoning Ordinance. In addition to the standard discretionary provisions available to the Planning Commission in the course of considering requests for Special Use Approval, the subject Ordinance text includes four other standards, or matters which may be considered. In accordance with these Ordinance provisions, the Planning Department asked that the equipment building have exterior materials similar to those of the existing office building. They also asked that the antenna hardware itself be of the "street light" design such as that recently provided by Ameritech on the Walsh College site. The plan has been revised to indicate a brick-faced equipment building, but does not indicate the type of antenna hardware requested.

Mr. Keisling noted that when Cellular One representatives initially indicated their interest in locating a facility in the Long Lake-Dequindre intersection area, he recommended that they seek a site as far from established residences as possible. By this present proposal, it appears that they were not successful in securing such a potential location. This office site, itself, can however accommodate the proposed installation without losing required parking. Other applicable Zoning Ordinance requirements related to setbacks, landscape area, etc., are also complied with.

Ellen Tencer, site acquisition specialist for Cellular One was present along with their attorney, Kingsley Buhl. Ms. Tencer stated that Cellular One would be willing to provide the "street light" hardware design as requested. She further explained that they had considered the strip mall site just two parcels to the east, but that site also backs up to residential zoning. In response to Mr. Starr's question regarding the failure experience of the antenna support structures, Ms. Tencer stated that, out of 70,000 towers, there has never been a failure. In response to Mr. Reece's question, she explained that the building owners did not wish to place the proposed antenna facilities immediately adjacent to the office building. In response to Mr. Kramer's question, Mr. Keisling noted that it was his belief that this was the only cellular telephone antenna support structure in Troy which would be located at a distance from residential which would be less than the height of the structure. In answer to his further question, Ms. Tencer stated that the EMF stream generated by such facilities is 10,000% below the EPA limit at the base of the structure.

The Public Hearing was declared open.

Many residents from the adjacent area were present, and stated their opposition to this proposal. Fred Jagow of 2885 Renshaw was concerned about potential negative health effects, noting the studies which he had read about in the library at the hospital where he is employed. Although he noted that the "jury is still out" on this question, he felt that it would be preferable to err on the side of caution. Ron Kacin of 2854 Renshaw noted the law suits which had been filed in relation to the negative impacts of electromagnetic waves from cellular phones, etc. He was also concerned that the proposed tower placement would affect the resale value of his home. Brenda Clippard of 2726 E. Long Lake stated that her home was just one year old and that she was concerned about the potential health effects on her two small children. She quoted an article indicating that the FDA had stated that there was not as yet enough information to rule out a risk from such facilities. Chris Stafford of 2846 Renshaw stated that the yards in this area were small, and that the proposed tower would be much too close to the residents. She and her neighbors attempt to beautify their properties, and they didn't want such a monstrosity in their area.

Walter Cueter noted the letter which he and his partners had sent, opposing this proposal. They own the residential land immediately south of the commercial and office site, and are concerned that the proposed facilities would negatively impact the value of their property as residential land. He explained that they also owned land across Dequindre Road, and that they also wish to express opposition as owners of land in that area.

In answer to Mr. Lepp's question, Mr. Kramer explained that frequency levels increase as the distance from the tower increases.

Nancy Raykovitz of 2849 Renshaw explained that she already had a history of cancer, and that she did not want to further aggravate her situation. Craig Borowsky of 2877 Renshaw presented a petition containing 114 signatures in opposition to this request. He stated that he was also the owner of Leo's Melon Patch, in the small commercial center to the east of the proposed site. He was thus concerned about the proximity of the proposed tower both in relation to his home and his business. Harry Kwon of 2869 Renshaw explained that he is an electrical engineer. He was concerned about potential negative impacts on the many children in this area. He noted that office buildings provide protection from electromagnetic waves, whereas houses do not.

Karen Hurst of 2886 Renshaw noted that the office building is already a deterrent to residential property values in this area, and that the proposed tower would make it even worse. Cindy Borowsky of 2877 Renshaw asked that the Commission "stand up for the children". She noted that 20 years ago, cigarettes were not considered harmful, but now they are. The same situation may occur in relation to electromagnetic waves. Dianne Elder of 2870 Renshaw stated that the tower would virtually be right in her back yard. She quoted the Zoning Ordinance language which enabled the Commission to consider whether a proposed use would be detrimental to the adjacent area. She felt that this proposed facility would definitely be detrimental to the adjacent residential area. She explained that she had visited 6 other tower sites in Troy, and that none were anywhere near as close to residential land as that presently proposed. Harold Elder of 2870 Renshaw could see no advantage to Troy as a result of the placement of the proposed facilities. He noted that no employment would be created. Bob Osentoski of 5725 Bingham stated that, although he did not live adjacent to the site, he was also opposed to this proposal. He noted Troy's strict sign ordinance, and felt that the tower was in effect a large sign.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Buhl, attorney for Cellular One, explained their rationale for placing the tower at this location. The FCC mandates that the two providers provide uninterrupted service based on a system of small "cells" or service areas. The Long Lake-Dequindre area now represents a "hole in the system". He noted the extremely low wattage generated by this facility, as compared to other types of transmission facilities. He knows of no study indicating negative impact on property values from the location of cellular telephone facilities, and no definitive study indicating health problems from same. Cellular One was interested in cooperating with adjacent residents. He suggested that action on this matter be tabled, so that they could meet with the neighbors and come back with additional data responding to their concerns. In response to Mr. Lepp's question, Mr. Buhl explained that they could carry out field tests in order to indicate the electromagnetic impact on the area. Mr. Kramer stated that any further information

should include data related to frequency (megahertz) effects, not just wattage. Mr. Thompson felt that this request should be denied due to the potential negative impact on the adjacent residential area. Mr. Wright concurred, indicating that the placement of such a facility, in his view would negatively impact adjacent residential property values.

Moved by Thompson

Seconded by Wright

RESOLVED, that Special Use Approval, as requested for the placement of the 115 foot monopole cellular telephone antenna support structure and related equipment building on a portion of an office site having 168 feet of frontage on the south side of Long Lake west of Dequindre is hereby denied, as such facilities would not be compatible with the adjacent residential area.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

The Planning Commission recessed from 9:35 to 9:40 P.M.

12. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW - Proposed Auto Service Center - Northeast Corner of Maple and Axtell - Section 29 (SU-283)

Mr. Keisling explained that a request has been submitted for Special Use Approval and related Site Plan Approval, in order to enable the establishment of an auto service center on a B-3 zoned site at the northeast corner of Maple Road and Axtell, east of Coolidge. The subject site is a former Sun Oil service station site, which has been vacant for a few years. The petitioners also propose to add three service bays to the existing building, thus bringing the complex to a total of six service bays, one of which is a truck bay. The Special Use Request is submitted in accordance with Section 22.30.05 of the Zoning Ordinance, which provides for a series of auto service uses within B-3 Districts, subject to Special Use Approval.

Mr. Keisling noted that the present building exists as a legal non-conforming structure, due to its sub-standard rear yard setback. The petitioners received a variance from the Board of Zoning Appeals in order to permit expansion of this non-conforming structure. When the Planning Department received the site plan and the related architectural survey, it was recognized that the actual north or rear yard setback is less than that represented on the site plan, and thus is less than that considered by the Board of Zoning Appeals in their action (22.5 feet v 28 feet, where 30 feet is required). It will, therefore, be necessary for the petitioners to return to the Board of Zoning Appeals with a modified variance request, before having their site plan considered by the Planning Commission. As a Public Hearing has already been established for this date, the hearing should be opened and continued to a future meeting. In order to move this matter along as expeditiously as possible, the petitioners have asked that this request be considered at the next Special/Study Meeting, which is tentatively scheduled for October 24, 1995. That timing would enable potential action by the Board of Zoning Appeals at their October 17, 1995 meeting.

The Public Hearing was declared open.

No one wished to be heard.

Moved by Lepp

Seconded by Waller

RESOLVED, that the Public Hearing as set for this date in order to consider a request for the establishment of an auto repair center on a B-3 zoned site at the northeast corner of Maple Road and Axtell, in accordance with Section 22.30.05 of the Zoning Ordinance, be continued to the Planning Commission's next meeting on October 24, 1995 in order to enable submittal of a corrected site plan, and potential action by the Board of Zoning Appeals.

Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

STREET VACATIONS AND OPENINGS

13. PROPOSED STREET EASEMENT VACATION - East Side of Crooks, North of Maple -Section 28 (#65)

Mr. Keisling explained that a request has been submitted for the vacation of the 30 foot "Easement for Roadway" which was platted over the south edge of Lot 16 of Maple Garden Estates Subdivision, on the east side of Crooks Road north of Maple Road. Requests for vacation of similar easements within this same subdivision, which was platted in the early 1940's, have previously been considered by the City Council. In the course of considering those matters, it was determined that the City of Troy cannot fully "vacate" easements of this type. They can, however, "extinguish or abandon" any interests which others might determine to be available to the City through the platting of such private easements. As this easement, and the abutting 30 foot easement over the north edge of Lot 15, were granted for "roadway" purposes, it was felt that a recommendation by the Planning Commission would be appropriate in this matter.

Mr. Keisling noted that street access to the interior of this Section has now been provided by way of Mapelawn Drive extending east from Crooks Road and connecting to Northwood Drive and Barrett Street. With the availability of this street system, the easement for street purposes previously provided within the Northwood Industrial Subdivision in the area immediately east of the present request was previously vacated. It was, therefore, recommended that the City's interest in the easement addressed by the petitioner in this matter, and the abutting 30 foot wide easement, be abandoned, subject to the determination that no easement rights for utility purposes should be retained or obtained in this area.

Ronald Forbes, the petitioner, was present and stated that he had requested the vacation so that he could resurface his parking lot and relocate the trash enclosure facilities. In answer to questions from the Commission, Mr. Letzmann confirmed that the Circuit Court process is required for complete vacation, in order to make sure that all interests in the easement are extinguished, and that the vacation documents are properly recorded.

Moved by Waller

Seconded by Thompson

RESOLVED, that the Planning Commission hereby recommends to the City Council that the City's interest in "Easements for Roadway" as platted along the lot line common to Lots 15 and 16 of Maple Garden Estates Subdivision be abandoned, as said easements will not be necessary as a part of the ultimate street pattern in this area. This action should, however, be subject to the determination that it is not necessary to retain or obtain any easement rights for utility purposes within these easement areas.

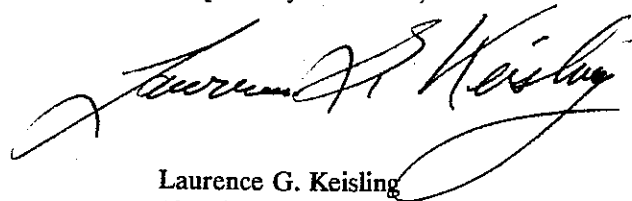
Yeas: All Present (7)

Absent: Chamberlain, Storrs

MOTION CARRIED

The meeting adjourned at 9:50 P.M.

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eh