

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Wayne Wright at 7:38 P.M. on Tuesday January 10, 1995 in the Troy City Hall.

1. ROLL CALL

Present:	Kramer	Reece	Absent: Palazzolo
	Thompson	Waller	
	Starr	Chamberlain	
	Wright	Storrs	

Moved by Reece

Seconded by Waller

RESOLVED, that Commissioner Palazzolo be excused due to a previous commitment.

Yeas: All Present (8)

Absent: Palazzolo

MOTION CARRIED

2. MINUTES - Special/Study Meeting of November 29, 1994

Moved by Thompson

Seconded by Kramer

RESOLVED, that the Minutes of the Special/Study Meeting of November 29, 1994 be approved as printed.

Yeas: All Present (8)

Absent: Palazzolo

MOTION CARRIED

3. PUBLIC COMMENTS

No one wished to be heard.

Noting the large number of people in the audience for Item 8, the following resolution was adopted:

Moved by Reece

Seconded by Kramer

RESOLVED, that Item 8 be taken out of order and heard immediately after Item 4.

Yeas: Reece, Kramer, Starr
Thompson, Wright

Nays: Storrs, Waller, Chamberlain
Absent: Palazzolo

MOTION CARRIED

TABLED ITEMS

4. PRELIMINARY PLAT - TENTATIVE APPROVAL - Willison's Troy Farms Subdivision - North Side of Square Lake, Between Crooks and Livernois - Section 4

Mr. Keisling explained that following considerable discussion at the November 8, 1994 Regular Meeting, action was tabled to the December 13 Regular Meeting (postponed to January 10, 1995) in order to provide an opportunity for the developer to consider alternative plat layouts, and potentially to discuss his proposals further with adjacent residents. The proposal as originally submitted is for the development of a 26 lot subdivision within a 12.5 acre R-1B zoned parcel lying north of Square Lake Road, between Elmoor and Blackwall Drives. The subject U-shaped parcel has frontage on Square Lake Road at two locations, one of which is opposite Houghten Street. Although the plat as submitted involved a U-shaped street pattern with no other street access or extensions, the Planning Department strongly recommends that a stub street be extended north, preferably in the easterly portion of the property where the parcel directly to the north, having an east-west dimension of 219 feet, is vacant.

Mr. Keisling noted that the primary focus of the discussion at the November 8 meeting, and again at the November 29 Study Meeting, related to the alternatives of a subdivision as proposed by the proprietor, having a double-loaded street with several lots of just 120 feet in depth, or the alternative of providing a single-loaded street, either along the north edge or the south edge of the subdivision, with fewer but larger lots, some of which would face the rear yards of abutting parcels. In the former case, the 120 foot deep lots would provide for only 35 feet of buildable depth, after taking into consideration the 40 foot front yard and 45 foot rear yard requirements under R-1B zoning. The developer and builder, David Willison, indicated that he has attempted, over the past year, to acquire additional property from the lot owners to the north, but has not been able to do so in a consistent enough pattern to enable a uniform expansion of the subdivision boundary and the related lot depths. He also attempted to acquire Lot 6 fronting on Aspinwall and abutting the easternmost portion of his proposed subdivision, in order to help to justify the extension of a stub street in that area, but was once again unsuccessful. Apart from the loss of potential lots, Mr. Willison feels that the alternative layouts involving lots which would face to the rear of other parcels are undesirable. He feels that homes can readily be constructed within the 35 foot minimum buildable depth area available on several of the proposed lots. In support of this position, he provided several home floor plans which he could potentially construct on the proposed 120 foot deep lots. In addition to the alternative plat layouts discussed at the November 29 Study Meeting, one further plan was developed which involved a street along the north edge of the acreage home sites fronting on Square Lake Road which are surrounded by the proposed subdivision. In this plan just one lot and a portion of a second lot directly face the rear yards of the adjacent homesites. This layout would potentially generate 22 lots, in addition to the detention basin parcel at the southeast corner of the site.

Mr. Keisling stated that, at the November 29 Study Meeting, some of the Commission members suggested that the layout for this proposed subdivision should take into consideration the potential future residential development in the adjacent area. A modified map enclosed with the agenda for the January 10 meeting indicated the parcel and building configurations on both sides of Square Lake Road in this area, which are typified by homesites which face Square Lake Road. It would, therefore, be most reasonable to assume that future development of the four parcels within the Square Lake Road north frontage which are surrounded by the proposed subdivision would also involve fronting to Square Lake Road. If a street is provided along the north edge of those parcels, redevelopment could of course involve parcels orienting to that street, or to a court extended from that street. In summary, it was the opinion of the Planning Department that the most recent alternative proposal involving a street along the north edge of the abutting Square Lake Road frontage parcels, is the best alternative presented thus far to Mr. Willison's original plan. Considering the property configuration and other limitations which have been discussed, Mr. Keisling conceded that the plan as originally submitted, with the addition of a stub street extending to the north in the easterly portion of the property, is the better alternative from an overall community design standpoint. In addition to working well as a small residential area within itself, such a layout would not negatively impact the potential residential development or redevelopment of the adjacent area, particularly considering the predominance of Square Lake Road fronting homesites in the overall area.

Mr. Storrs stated that he was concerned with approving a plat which conflicted with the 135 foot minimum lot depth guideline in the Subdivision Control Ordinance. He felt that the proposed lots were not compatible with those in the adjacent area. In response to a question, Mr. Keisling noted that the setbacks in a previous subdivision had been modified in order to assure compatibility with those along an adjacent street which was to be extended into the proposed subdivision. There has not as yet been an instance where the lots themselves were increased in size in order to bring about "compatibility".

Gene Zeimet, consulting engineer, was present on behalf of the proprietor, Mr. Willison, who was out of the country. He explained that Mr. Willison builds homes in his own subdivisions, and he is confident that several home styles could be constructed within the 35 foot buildable depth limit. He is further interested in having wider lots such as those included on the proposed plat, in order to enable side entrance garages. He further did not feel that the recommended stub street to the north was necessary, in view of the numerous streets which already extend north from Square Lake Road in this area.

Karen Fabian of 6119 Blackwall stated that it was not necessary to rush into development in this area, if such would bring about lots and homes which are not compatible with those in the adjacent area. She opposed the subdivision layout proposed by Mr. Willison, and felt that a future development involving additional land purchased from the Oakland County Drain Commission or from abutting properties may be preferable. She further inquired as to why numerous loads of fill dirt had been placed on Mr. Willison's property.

In the course of the Commission's discussion, Mr. Storrs stated that he could not support the proposal which conflicted with the minimum depth guidelines. He had no problem with a layout involving a street behind the homes fronting on Square Lake, as he felt that this would provide the maximum amount of flexibility for future development. Mr. Wright concurred, noting that a single-loaded street would be preferable in this case. Mr. Reece felt that action should either be tabled in order to further consider this proposed subdivision development in relation to the potential future development in the surrounding area, or else this request should be denied.

Moved by Thompson

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for Tentative Approval of the Preliminary Plat of Willison's Troy Farms Subdivision, in the area north of Square Lake Road between Elmoor and Blackwall, be denied, for the following reasons:

1. The proposed lots are not compatible with those in the adjacent area.
2. The proposed lot depths do not meet the 135 foot minimum depth guideline as prescribed by Section 4.02-6 of the Subdivision Control Ordinance.

Yeas: All Present (8)

Absent: Palazzolo

MOTION CARRIED

8. (Taken Out of Order) PUBLIC HEARING - PROPOSED REZONING (Revised Submittal) - East Side of Rochester, South of South Boulevard - Section 2 - R-1D to C-F and E-P (Z-218)

Mr. Keisling explained that, following a Public Hearing at the May 31, 1994 Special Meeting, and further discussion at the June 14 Regular Meeting, the Planning Commission took action to recommend denial of a request for the rezoning of a series of properties totaling approximately 80 acres in area, extending east 1/2 mile from Rochester Road in the area south of South Boulevard, from R-1D to C-F (Community Facilities) and E-P (Environmental Protection), in order to provide for the establishment of a cemetery by the Mt. Elliott Cemetery Association. Following the Planning Commission's action, and in view of the direction of that recommendation, the property owners and petitioners asked that the forwarding of this recommendation to the City Council be postponed, so that they would have an opportunity to further address the concerns raised by the Planning Commission, and by the adjacent residents. In the course of this effort, they met with area property owners, and carried out further studies in an effort to determine a specific plan for their site and its development, particularly in relation to the perimeter properties in the area north of the platted but unopened Lovell Street right-of-way. As a result of these efforts, they have submitted a revised rezoning request involving just the 78.2 acre net area acreage assembly, and not including any of the platted lots to the north. As background for this revised request, they prepared the expanded Preliminary Environmental Statement, which was distributed to the Commission previous to the November 29 Study Meeting. At the November 29 Study Meeting, Phil McKenna, the Planning Consultant retained by the petitioners, summarized his firm's findings, as presented in the Preliminary Environmental Impact Statement, partially in response to the Planning Commission's previously stated concerns. Mr. McKenna, Pat Cavanaugh, the petitioners' Real Estate Representative, and Patrick Farrell, General Manager of the Mt. Elliott Cemetery Association, also discussed other matters and questions with the Commission. In some cases, the petitioners' representatives indicated that they would do further research, in order to further respond to some of the Commission's questions at this Public Hearing.

Mr. Keisling stated that the Master Land Use Plan indicates low-density residential use in this area, along with a "preservation area" designation in the wooded and floodplain areas of this site and the easterly portion of the Rochester Villas site to the south. The C-F District Intent Statement indicates the objectives of providing for public, quasi-public and institutional uses, potentially within the residential portion of the community, in a manner which will be fully compatible with adjacent land uses. It continues to be the opinion of the Planning Department that the proposed zoning classification and use at this location meets the objectives of the Zoning Ordinance, and will be fully compatible with the surrounding residential area. For many years the City has been interested in establishing a use in this area, involving a quarter mile of Rochester Road frontage, which would not encourage, and in fact would discourage, the further extension of commercial or other non-residential use along the Rochester Road frontage. It is the opinion of the Planning Department that this proposed use represents the City's best opportunity to achieve this objective, and thus stop the commercial confusion which is creeping south along this corridor from the City of

Rochester Hills and from the M-59 interchange area. It should be noted that one of the Principal Uses permitted under C-F zoning is the construction of one-family dwelling units, in accordance with the standards of the previously-existing R-1 District. Such development is thus not precluded by this rezoning. Although the development of a residential subdivision was proposed for several years before sale of the property to the present owners, there is no assurance that such would ever occur on this parcel. Among the factors which could serve to decrease the likelihood of such development would be the traffic volumes and the adjacent non-residential uses in this portion of the Rochester Road corridor (including the abutting Alibi Lounge, whose owners objected to this proposal), along with the resistance to development which has been historically provided by the DNR. It is further the opinion of the Planning Department that the proposed use would be a positive asset to the City at large, an attractive addition to the total "fabric" of the community, and a pleasant and desirable neighbor for adjacent residential developments. The traffic generated would be miniscule as compared to that resulting from the possible residential development of this parcel, and would certainly not negatively impact adjacent businesses. Approval of this request for rezoning was strongly recommended by the Planning Department.

In response to questions from the Commission, Mr. Keisling explained that a cemetery is permitted by right in a C-F District, subject to Site Plan Approval by the Planning Commission. The 50 foot wide E-P area indicated on the maps received by the Planning Commission includes the 30 foot wide area which could become the south half of the Lovell Street right-of-way, in those instances where the owners to the north might wish to open a public street. If this 30 foot width was not made available by the property owners, the additional necessary 30 feet of right-of-way would have to come from the lots to the north. In response to Mr. Chamberlain's concern, Mr. Keisling and Mr. Letzmann noted that E-P zoning would not preclude the dedication of a portion of the property for public street purposes.

Patrick Farrell, General Manager of the Mt. Elliott Cemetery Association, was present along with a series of other representatives and consultants. He stated that they had spent over 6 months further studying this parcel of land and they had an open house in October to which adjacent property owners were invited. Phil McKenna of McKenna Associates, community planners, was present along with Jack Anderson, the petitioner's landscape architect. Mr. McKenna stated that the proposed use would be compatible with the adjacent area and consistent with the City's Master Plan, which shows cemeteries under the category of "public and quasi-public uses". This proposal will protect the non-commercial character of the area, by prohibiting the further extension of the commercial uses which are evolving in the Rochester/M-59 area. Over 20 acres are proposed to be permanently preserved as open space. Residential development of this property would generate four to five times as many A.M. peak hour trips, and more than twice as many P.M. peak hour trips than the proposed cemetery use. The Mt. Elliott Association has agreed to cooperate in the provision of portions of the interior street along the north edge of the property, when such are proposed to be opened by the adjacent property owners. He further noted that cemeteries generate very low service costs and that the Mt. Elliott Association has offered to provide a fee in lieu of taxes in order to help to absorb the impact of any necessary service costs. Mr. Farrell stated that the proposed cemetery would be a very pleasant and peaceful landscaped area, in stark contrast to the sea of concrete and building construction in the area to the north. The Association now proposes to place the required fencing along the proposed E-P zoning boundary, so that the adjacent open space area will continue to be available to those in the adjacent area. Joe Marson of Barton Aschman and Associates, traffic engineering consultants, summarized the traffic study which they had prepared for the petitioners. He explained that their study was based on a projection of full development of the cemetery, as compared to a similar-sized developed portion of the Resurrection Cemetery in Clinton Township. Their conclusion was that the proposed use would have no significant impact on traffic in the area, considering the provision of a substantial deceleration lane on Rochester Road, and an extensive drive pattern within the site. Mr. Thompson strongly disagreed with the findings of the traffic study, noting his observations in the area of his office adjacent to the White Chapel Cemetery. He commented that funeral processions of all sizes in that area do congest the Long Lake-Crooks Road, an area which carries substantially less traffic than Rochester Road.

Dave Nonna, P.E. and John Hochstein (toxicologist) of NTH Consultants reviewed their investigations and concluded that the proposed cemetery would generate no issues of significant environmental concern. Mr. Hochstein stated that formaldehyde and other embalming chemicals break-down and dissipate quickly. He noted that formaldehyde occurs in many other products, such as plywood, carpeting, etc. They confirmed their position by contacting Stephen Kemp of the Wayne State University Department of Mortuary Science, and the Atlanta Disease Control Center.

The Public Hearing was declared open.

Paul Wagner of 1200 Hartwig stated that he was the acting president of the Eyster's Suburban Homes Subdivision Homeowners Association. His association was not able to reach a consensus on this matter. He, himself, did support the proposal, as he felt that it would help to preserve open space in the area, and would be a much quieter use than other alternatives, while also generating a minimum amount of traffic. Lena Benedict of 1490 Hartwig was concerned about the pollution of the air from a crematorium. She had previously submitted a letter expressing concerns about property devaluation and increased PMI (mortgage) insurance costs. She stated that the owners of the lots along the Lovell Street right-of-way between Waldo and Barabeau had requested a Special Assessment project in order to open the street in this area, but that the City had not as yet given them any cost estimates or other information. In answer to a question from Mr. Storrs, Mr. Keisling stated that a crematorium was not part of the present proposal, but that such a use would be normally incidental to a cemetery. The White Chapel Cemetery, for example, has had a crematorium for many years.

Richard Madden, attorney for Mr. and Mrs. Chires (the owners of the Alibi Restaurant and of Lot 14 abutting the Lovell Street right-of-way) was present and stated that the Chires were opposed to this rezoning. He stated that the proposed zoning for cemetery purposes was in conflict with Section 18.20.03 of the Zoning Ordinance, in relation to the proximity of the site to platted and developed residential land. He further noted the rezoning itself does not assure that the proposed use will occur. Finally, he felt that the proposed zoning and use was in conflict with the Master Plan.

Ralph Woffard of 1422 Hartwig was concerned about potential traffic congestion, in view of the present difficulty of entering Rochester Road from Hartwig Street. He felt that "outsiders" such as the Mt. Elliott Cemetery Association should not dictate the value of his property. He felt that the development as now proposed would substantially reduce his property value. Kevin Dickerson of 1080 Hartwig stated that, if the road goes in along the Lovell Street right-of-way, the remaining 20 foot wide greenbelt would not be adequate to protect the area to the north. Ann Marie Van Duyn of 6639 Emerald Lake Drive stated that she did not believe that the 50 foot buffer was sufficient, and that she wanted more details regarding the potential environmental effects. Frank Reiter of 1479 Three Lakes Drive stated that he supported the cemetery plan, and felt that it would benefit both the community and the adjacent residents. Julie Jones of 6700 Redford Circle supported the plan, and expressed concern about potential residential development of this property which would add substantial traffic to her area. She noted that the lot owners along the north side of the platted Lovell Street right-of-way were over-rating the value of their lots.

William H. Price, funeral director, was present and supported the proposal. He stated that the White Chapel Cemetery has been a very good neighbor in the community for many years, and that there are no conveniently-located Catholic cemeteries. John Desmond, funeral director in the City for 22 years, stated that the Mt. Elliott Association has a premier national reputation, and offers services and facilities of an even higher quality than the high quality White Chapel facilities. Richard Eyman of 990 DeEtta also supported the proposal, stating that the proposed use would generate far less traffic than a residential subdivision at this location.

Chris Mikolajczak of 6645 Emerald Lake Drive opposed the request, noting that the proposed 50 foot E-P buffer adjacent to his property was inadequate. Brenda Bowers of 6181 Riverton noted that Troy is a multi-ethnic and multi-cultural community. She objected to a facility such as the proposed cemetery which would serve only a minor portion (25%) of the City's residents. Joe Smith, owner of Lot 26 on the north side of the Lovell Street right-of-way, explained that he had purchased his lot 8 years ago with hopes of developing it for monetary gain. He was concerned that the proposal would negatively impact his ability to proceed with residential use of his property.

No one else wished to be heard.

The Public Hearing was declared closed.

In the course of the Commission's discussion, Mr. Chamberlain stated that this matter must be considered as a straight rezoning issue, and that there is no guarantee of the occurrence of a cemetery. At his request, Mr. Keisling reviewed the various uses permitted in C-F zoning. Mr. Thompson indicated his appreciation for the extensive professional presentation made by the petitioners. He felt, however, that the proposed 50 foot wide buffering was inadequate, and would result in an improper application of the locational requirements related to cemeteries. He also restated his concern about potential traffic problems on Rochester Road. Mr. Reece was also concerned about the narrow buffer areas, and suggested that a better transition would be created through residential development

along the north edge of the Mt. Elliott property. He was also concerned about the potential loss of tax revenue. Mr. Kramer felt that the proposed zoning and use was proper in this area and that it would create a desirable transition between the commercial area to the north and the residential area to the south. Mr. Storrs confirmed with Mr. Letzmann, the fact that the limited access to this cemetery would not create a legal problem. He indicated his support for the proposed use, perhaps with a somewhat larger buffer area.

Moved by Thompson

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of properties totaling approximately 78 acres in area, and having 1,304 feet of frontage on the east side of Rochester Road south of South Boulevard, from R-1D to C-F (Community Facilities) and E-P (Environmental Protection) be denied, for the following reasons:

1. Insufficient transition or buffer areas are proposed, thus making the application of C-F zoning for cemetery purposes at this location improper.
2. Reduction of potential tax base.
3. Potential traffic congestion on Rochester Road related to uses permitted in C-F Districts.

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

Nays: Kramer, Storrs
Absent: Palazzolo

MOTION CARRIED

Mr. Kramer stated that his negative vote was due to his opinion that the proposed zoning and cemetery development would be desirable in this area, as it would create a transition between the commercial area to the north and the residential area to the south. Mr. Storrs expressed his support for the proposed use, while suggesting that the proposed buffer areas should perhaps be expanded.

The meeting adjourned from 10:00 to 10:10 P.M.

SITE PLANS

5. SITE PLAN REVIEW - Proposed Industrial Building Expansion - North Side of Park Street, East of Livernois - Section 34 (SU-260)

Mr. Keisling explained that a site plan has been submitted for the construction of a 2,474 square foot addition to the building presently occupied by Mike's Tree Surgeons, on an M-1 zoned parcel having 75 feet of frontage on the north side of Park Street east of Livernois. This parcel extends approximately 404 feet north from Park Street, and is thus 30,300 square feet in area. The present activities on this property include the outside storage or parking of vehicles involved in the owner's tree service activities, and the storage of firewood at the north end of the site, in accordance with a Special Use Request which was approved by the Planning Commission in 1989. The building expansion, which will bring the total building area to 6,208 square feet, will enable more if not all of the equipment to be stored inside. The concrete paving on the site is to be extended further to the north, in order to provide the necessary parking. The opaque fencing surrounding the northerly portion of the site, along with the opaque entrance gate, will continue to effectively screen the activities in the northerly portion of the site. The site plan as now submitted meets all applicable Ordinance requirements, and approval was recommended by the Planning Department.

Nicholas Pastor, architect for the petitioner, was present but had nothing to add.

Moved by Chamberlain

Seconded by Storrs

RESOLVED, that Preliminary Site Plan Approval as requested for the construction of a 2,474 square foot building addition, and related parking area expansion, on the M-1 zoned site of Mike's Tree Surgeons, having 75 feet of frontage on the north side of Park Street east of Livernois, is hereby granted.

Yeas: All Present (8)

Absent: Palazzolo

MOTION CARRIED

6. SITE PLAN REVIEW - Proposed Industrial Building Expansion - Austin Street (Extended), East of I-75 - Section 26 (SP-385)

Mr. Keisling explained that a site plan has been submitted for the construction of a 33,000 square foot addition to the 101,198 square foot Peerless Steel building on an 11.4 acre portion of their 17 acre M-1 zoned site lying along the northeast side of I-75 in the area south of the Rochester Road interchange. This expansion will bring the total building area to 134,198 square feet. The additional parking to be provided will exceed the general industrial requirement, even though a substantial portion of this building is used for warehouse purposes. Access to this site is provided by a private road extending from the previous private road extension of Austin Street. Since its initial development, this site has been considered to have its frontage on I-75 for "front-yard" purposes. A 50 foot landscaped setback was, therefore, previously established between I-75 and the existing access drive across the front of the site. All applicable Ordinance requirements are complied with, and approval of this site plan was recommended.

Stuart Wood, President of Peerless Steel, was present. He had nothing to add.

Moved by Chamberlain

Seconded by Reece

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 33,000 square foot building expansion and related parking area expansion on an 11.4 acre portion of the Peerless Steel site lying along the northeast side of I-75 in the area south of the Rochester Road interchange is hereby granted.

Yeas: All Present (8)

Absent: Palazzolo

MOTION CARRIED

SUBDIVISIONS

7. PRELIMINARY PLAT - TENTATIVE APPROVAL - Covington Ridge Subdivisions No. 2 and 3 - South Side of Long Lake, West of Rochester - Section 15

Mr. Keisling explained that a Tentative Preliminary Plat has been submitted for the proposed second and third phases of the Covington Ridge Subdivisions, in the area south of Long Lake Road, approximately 1/2 mile west of Rochester Road. The original Covington Ridge Subdivision has been developed on a 10 acre parcel extending south 1/4 mile from Long Lake Road, in the area immediately east of the Troy Swim Club site. The street pattern provides for a southerly extension of Somerton Street from Long Lake Road, along with one stub street extending to the east, and one extending to the west in the southerly portion of the site. When the plat for the Covington Ridge Subdivision was submitted, it was recognized that the east-west dimension of the abutting Troy Swim Club property was not adequate to provide for a conventional "double-loaded street", with lots on both sides. The hypothetical layout for properties in the area at that time thus suggested the extension of the southerly stub street, along with the opening and extension of a street within the East Street right-of-way extending east from Belzair Drive within the Belzair Subdivisions to the west. This pattern further was based on the assumption that the Troy Swim Club would remain in place, and thus that that portion of the site would not be served by an additional stub street. The hypothetical layout in the area to the east was accommodated by the placement of the easterly stub street now known as Nada Drive.

Mr. Keisling stated that the plat now presented indicates the development of the easterly 5 acre parcel, having 167 feet of frontage on the south side of Long Lake Road, as a 6 lot subdivision. The substantial outlot in the southerly portion of the property recognizes the apparent wetland condition of the site, while also providing a potential storm water detention basin location. The parcel immediately to the east of the southerly portion of proposed Covington Ridge Subdivision No. 2 is owned by the City of Troy. This parcel was acquired several years ago in order to potentially serve as a greenbelt buffer for the potential expansion of the City's DPW site in the area still further to the east. Proposed Covington Ridge Subdivision No. 3 involves a 5.2 acre parcel which is the southerly major portion of the Troy Swim Club site, within which 12 lots are to be developed, based upon the endings of two cul-de-sacs. No direct street interconnection is thus proposed between the Belzair Subdivision to the west, and the existing Covington Ridge Subdivision to the east. These proposed subdivisions are to be developed in accordance with the

lot averaging provisions applicable to the subject R-1C Zoning District. Storm water detention is proposed within a portion of Outlot "A" of the proposed second phase of the subdivision. As an alternative, the developers' engineers will investigate the feasibility of expanding the existing detention basin within the DPW site, in order to enable further joint use of that facility. This basin presently also serves the existing Covington Ridge Subdivision development.

Mr. Keisling noted that, in the course of considering these proposals, the staff once again considered the feasibility of providing street access from the existing subdivision to the Troy Swim Club facilities, within the remaining portion of their site fronting on Long Lake Road. In this regard, the proposed plat indicates that homes are presently under construction on Lots 1-4 of Covington Ridge, extending south along the west side of Somerton Drive. This home construction precludes the extension of an additional stub street from the developed Covington Ridge site. In the event that the Troy Swim Club ceases operation in the future, access to this site will continue to be available only from Long Lake Road. All applicable Ordinance requirements are complied with and Tentative Approval of this Preliminary Plat was recommended by the Planning Department.

In the course of the Commission's discussion, Mr. Wright noted that proposed Lots 42 and 43 would face Long Lake Road, and thus have driveways from Long Lake Road. Mr. Reece felt that a hypothetical residential layout for the Troy Swim Club site should be prepared and considered. He was concerned that lack of street access would encourage other future non-residential use of this property. He suggested that a joint driveway would help the situation in relation to the lots fronting on Long Lake Road. He suggested that action be tabled on this matter in order to enable further study in the directions indicated.

Joe Chehayeb, the developer, was present along with his engineer, Raj Khatri. Mr. Khatri noted that they had complied with all Planning and Engineering requirements. He stated that proposed Lots 42 and 43 presently contain one home. This parcel was shown as two lots in order to facilitate future development. Roy Martin of 4790 Belzair Drive (on the south side of the East Street right-of-way) was concerned about potential restricted access to his property, and the removal of trees, in conjunction with the opening and improvement of the East Street right-of-way.

Moved by Reece

Seconded by Starr

RESOLVED, that action on the Tentative Preliminary Plat of Covington Ridge Subdivisions No. 2 and 3, in the area south of Long Lake Road west of Rochester Road, be tabled to the February 14, 1995 Regular Meeting in order to provide an opportunity for the proprietor to consider and prepare alternate layouts which would provide interior street access to the Troy Swim Club site, and to the area of proposed Lots 42 and 43 within the easterly Long Lake Road frontage.

Yeas: Reece, Starr, Kramer
Thompson, Wright

Nays: Chamberlain, Storrs, Waller
Absent: Palazzolo

MOTION CARRIED

Commissioners Chamberlain, Storrs and Waller all felt that the plat could proceed without a layout for the Swim Club site, and that Lots 42 and 43 would be acceptable either with a joint drive, or with individual drives to Long Lake Road.

REZONING PROPOSALS AND TEXT AMENDMENTS

9. PUBLIC HEARING - PROPOSED REZONING - West Side of Livernois, North of Town Center Drive - Section 21 - R-1B to R-1C (Z-634)

Mr. Keisling explained that a request has been submitted for the rezoning of a series of five acreage parcels, having 518 feet of frontage on the west side of Livernois north of Town Center Drive (south of Wattles) from R-1B to R-1C. This rezoning has been requested in order to help to enable an economically feasible single family residential subdivision development to occur. The subject property, which totals 18 acres in area extends west from Livernois to the Troy Civic Center site and is irregular in depth. The southerly major portion of the property is 1/4 mile in depth, while the northerly portion extends west 1,763 feet. In order to provide for an opportunity to consider a more consistent Zoning Amendment in conjunction with this request, the advertisement for this Public Hearing included

the three remaining residentially-zoned Livernois Road frontage parcels extending to the south, to the O-1 and P-1 zoned parcels adjacent to Town Center Drive. These parcels have a total of 394 feet of frontage on Livernois, and would add 9 acres to the original 18 acre parcel under consideration for rezoning.

Mr. Keisling stated that the Master Land Use Plan indicates low density residential use in this area, along with a "Preservation Area" designation reflecting the wooded area in the westerly portion of this property and in the northerly portion of the Civic Center site. A greenbelt buffer designation is also indicated along the northerly edge of the office area proposed along the northerly Town Center Drive frontage. This area was at one time planned as a part of the "City Center", with office use extending north from Town Center Drive and a medium-density residential transition extending north from the then proposed City Center Loop Road. The present Master Plan designations resulted from amendments which included deletion of the proposed loop or perimeter road from the Master Plan. Contacts over the years with property owners in this area, and with those attempting to acquire and assemble properties, have indicated that the property owners have clearly maintained the position that the land in this area is of a higher value than typical single family residential property.

Mr. Keisling noted that the City has typically not supported proposals for changing large acreage areas from one single-family residential classification to another. The one exception to this position is in those few instances where such a change would bring about a more gradual transition from one established single-family residential classification area to another, such as in an area where an R-1B area might abut or be adjacent to an R-1D area. In the case of the subject property, in addition to the Civic Center site and office area proximity, the area to the east across Livernois Road is zoned in a combination of R-1C and R-1E classifications. A change in zoning of the subject property from R-1B to R-1C could, therefore, be considered to be a logical transition or stepping-down of single family Districts. The Planning Department is of course also quite interested in taking actions which would help to establish single family residential development in this area. The Planning Department, therefore, supported this request for rezoning, along with simultaneous action to also rezone the area to the south from R-1B to R-1C.

In answer to Mr. Thompson's question, Mr. Keisling stated that the portion of the petitioner's property directly north of Huber Park is approximately 2.3 acres in area. He has discussed with Mr. Lenchner, the petitioner, the possibility of the use of the Subdivision Open Space Plan approach in this area in order to preserve the wooded portion of the site. The petitioners have not as yet had an opportunity to fully consider such an approach.

Larry Lenchner, the petitioner, was present along with Mark Cohn, his attorney and Jim Fraus, his engineer. Mr. Cohn stated that the limited north-south dimension of their property made efficient development difficult, due to the need for a substantial single-loaded street. Mr. Storrs suggested that E-P zoning could be applied to the westerly extended portion of the property, in order to assure preservation of the wooded area. It was noted that this could be done if the Subdivision Open Space Plan approach is used.

The Public Hearing was declared open.

David Schmidt of 1105-D Kirts Boulevard stated that he was a frequent user of the fitness trail area within Huber Park, and that he was most interested in preserving and enhancing the area adjacent to Huber Park. He noted his involvement with the Futures Group, and the emphasis which that group had placed on preserving and enhancing open space and recreation facilities. Joe Dabbs of 3120 Glouchster also urged preservation of the area abutting Huber Park. He felt that homes in close proximity to the fitness trail area would reduce the value of the natural area. Alvin Steenberg of 3450 Livernois stated that he lived across the road and confirmed that this rezoning would not negatively impact the value of his property. Grace Schultz of 3549 Livernois (owner of one of the parcels which has been optioned by the petitioners) noted that trees and grapevines have been improperly removed from that portion of her property which abuts the fitness trail area.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Chamberlain reviewed the alternative actions available to the Planning Commission, and indicated that he had no problem with the proposed rezoning. He then left the meeting at 11:07 P.M.

Mr. Thompson felt that action should be tabled on this matter in order to further investigate further interest in and ways of preserving a portion of the property. Mr. Cohn stated that the property was in fact private property, and that the petitioner was working under a limited time schedule. He felt that some of the matters presented were related to platting rather than rezoning, and that action should proceed on the rezoning question. Mr. Lenchner noted that two months have already gone by in relation to the rezoning question, due to the canceled December Planning Commission meeting. Mr. Kramer commented that, without further study and consideration of alternative development directions in the overall area, he was not prepared to proceed with rezoning action.

Moved by Thompson

Seconded by Storrs

RESOLVED, that action on the request for the rezoning of a series of parcels totaling 18 acres in area, and lying along the west side of Livernois north of Town Center Drive from R-1B to R-1C be tabled to the February 14 Regular Meeting in order to enable consideration of alternate development approaches in this area, including the use of the Subdivision Open Space Plan approach, as a means of preserving the valuable wooded portion of the subject property.

Yeas: Thompson, Waller, Kramer
Starr

Nays: Storrs, Wright, Reece
Absent: Palazzolo, Chamberlain

MOTION CARRIED

Mr. Storrs indicated that his negative vote was due to his opinion that action could proceed on this rezoning request, while at the same time further investigating methods of preserving the wooded area. He was concerned that delaying this matter may cause a loss of opportunity in relation to the property assembly which is now in place. Mr. Wright and Mr. Reece concurred.

Moved by Reece

Seconded by Thompson

RESOLVED, that the previous resolution regarding the tabling of action on the R-1B to R-1C rezoning request on the west side of Livernois north of Town Center Drive be modified to table action to the January 31, 1995 Study Meeting.

Yeas: All Present (7)

Absent: Chamberlain, Palazzolo

MOTION CARRIED

10. PUBLIC HEARING - PROPOSED REZONING - North Side of Maple, Between John R and Bellingham - Section 26 - O-1 and B-1 to B-3 (Z-506)

Mr. Keisling explained that a request has been submitted for the rezoning of an irregularly-shaped parcel having 165 feet of frontage on the north side of Maple Road west of John R, from O-1 (Office Building) and B-1 (Local Business) to B-3 (General Business). The petitioner and prospective property owner has requested this rezoning in order to construct a building for his own business use as a distributor of garage doors, residential doors, and related products. Although a substantial portion of the petitioner's business would be similar to activities carried out within M-1 zoned areas, such as the adjacent area, it was concluded that the necessary showroom and extent of potential retail sales activities would require commercial zoning. The subject site presently contains a small office building, which will be removed in conjunction with the proposed development. The 40 foot wide lot in the northeasterly corner of the property fronting on Chopin Street (Lot 520 of John R Garden Subdivision) is presently zoned in the B-1 classification, while the remaining major portion of the site is zoned O-1.

Mr. Keisling stated that the Master Land Use Plan indicates "Non-Center Commercial" in the northwest quadrant of the Maple-John R intersection area, with "Low Rise Office" use extending west across the Maple frontage. Light industrial use is indicated in the area extending still further to the north and west. In 1990 the subject property was included in the consideration of a request for B-2 zoning in this area, which was initiated in relation to the 185 foot Maple Road frontage parcel immediately to the west. That request was denied by the City Council, in accordance with the Planning Commission's recommendation. Since that time a physical therapy office building has been

constructed on the parcel to the west. At the time of the previous discussion, it was the opinion of the Planning Department that, if additional commercial zoning is to be considered in this area, it should be limited to the easterly Maple Road frontage block between vacated Alger Street and John R. The present request would be consistent with that direction, and would, therefore, be reasonable in the opinion of the Planning Department. The recent office building construction has of course eliminated the potential for further westerly extension of commercial zoning and use.

Richard Jones, the petitioner, was present along with his attorney, Ronald Chapman. Mr. Chapman described his client's business, the Michigan Door Company, which has been located in Clawson for the past 13 years. Mr. Kramer noted that that portion of Chopin Street abutting the north side of the petitioner's property is still open, and confirmed with Mr. Jones that he had no problem with the setbacks required from the Chopin right-of-way. In response to questions from Mr. Starr and Mr. Storrs, Mr. Keisling noted that the proposed use would not be permitted in B-1 zoning, and that B-2 zoning would require 75 foot setbacks from any street. B-3 zoning is a typical classification applied in areas planned for "Non-Center Commercial" use.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Moved by Kramer

Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a parcel having 165 feet of frontage on the north side of Maple Road west of John R, from O-1 and B-1 to B-3, be granted, as such rezoning and potential development will be consistent with, and will not negatively impact, existing and potential development in the adjacent area.

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

Nay: Storrs
Absent: Chamberlain, Palazzolo

MOTION CARRIED

Mr. Storrs indicated his negative vote was due to his concern regarding potential negative effects of other uses permitted in B-3 Districts.

11. PUBLIC HEARING - PROPOSED REZONING - South Side of Birchwood, East of Rochester - Section 27 - P-1 to R-2 (Z-635)

Mr. Keisling explained that a request has been submitted for the rezoning of the east 8 feet of a lot on the south side of Birchwood Street east of Rochester Road, from its present P-1 (Vehicular Parking) classification to the R-2 (Two Family Residential) classification. Display Manufacturing Company, the present property owner, owns a series of lots extending east from their developed M-1 zoned Rochester Road frontage lots, through the P-1 zoned Lots 220 and 221, to Lots 216-219, which are zoned in the R-2 classification. Mr. Bertoni of the J.F.B. Construction Company proposes to purchase the easterly portion of the Display Manufacturing Company property in order to construct two two-family residences. R-2 zoning requires a minimum of 40 feet of frontage and 5,000 square feet of site area for each residential unit. Lots 216-219 have a total of 160 feet of frontage on Birchwood, but are just 120 feet in depth. In order to generate two conforming duplex parcels, it is, therefore, necessary for Mr. Bertoni to acquire the east 8 feet of the abutting P-1 zoned lot, and to have that parcel rezoned to the R-2 classification. The end result will be two duplex parcels, each having 84 feet of frontage on Birchwood Street.

Mr. Keisling stated that the Master Plan indicates "Non-Center Commercial" use in the northeast quadrant of the Maple-Rochester intersection, with "Low-Rise Office" use extending to the east and to the north along the major thoroughfare frontages. The R-2 zoning in the interior of this area is consistent with the "Medium Density Residential" use as indicated on the Master Plan. In the course of considering this request, the Planning Department reviewed the area available for parking within the Display Manufacturing Company's M-1 and P-1 zoned areas, and

determined that the loss of 8 feet of P-1 zoned frontage would not negatively impact the availability of required parking for the existing building. Approval of this minor zoning modification, in order to bring about two conforming duplex parcels, was recommended by the Planning Department.

Kit Harbert, current owner of the property, was present and had nothing to add.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Moved by Storrs

Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a parcel having 8 feet of frontage on the south side of Birchwood Street east of Rochester Road from P-1 (Vehicular Parking) to R-2 (Two Family Residential) be granted, as such rezoning will enable the development of two residential parcels in a manner consistent with the intent of the Master Land Use Plan.

Yeas: All Present (7)

Absent: Chamberlain, Palazzolo

MOTION CARRIED

13. (Taken Out of Order) PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Satellite Dish Antenna Controls

Mr. Keisling explained that the Board of Zoning Appeals has expressed concern in relation to the present Ordinance provisions regarding the placement of satellite dish antennas larger than 24 inches in diameter on residential property. The Board is apparently concerned that there are no standards in the Ordinance upon which they can base their approval or denial of requests for the placement of such facilities. Concern about the effect of the present Ordinance provisions was also expressed by some City Council members, in the course of the Public Hearing at their November 21, 1994 Regular Meeting, following which they adopted an amendment to the text of the Zoning Ordinance providing for notification of abutting property owners in conjunction with the placement of sheds on residential parcels. In the course of previous discussion of this matter, the Commission has considered alternative approaches which could be followed. Mr. Thompson has questioned why the City is even involved in this process. Mr. Wright and others have noted, as in other situations, that the questions relate to just how far the City should go to help to assure stability and desirability of residential areas. The Commission has noted the numerous other zoning restrictions which relate to factors such as size, height, setbacks, etc. It is felt that satellite dish antennas could reasonably be considered on the same basis.

Mr. Keisling stated that, after further discussing this matter with Gary Shripka and John Martin, it was concluded that the most effective way of clarifying the Zoning Ordinance direction would be through amending the text in such a manner that a Board of Zoning Appeals Variance would be necessary in order to place a satellite dish antenna larger than 24 inches in diameter on a residential site. The proposed Zoning Ordinance text now presented for consideration would achieve this direction. This amendment was recommended by the Planning Department. The advertisement for this Public Hearing also provides for an alternative action whereby the size restriction on satellite dish antennas in Residential Districts would be eliminated.

In response to Mr. Kramer's question, Mr. Keisling stated that the proposed Ordinance amendment would make it more difficult to place a satellite dish antenna larger than 24 inches in a Residential District.

The Public Hearing was declared open.

Mr. and Mrs. Bulkley of 5841 Ruby were present. They reviewed their effort to secure approval to place a large satellite dish antenna on their property. This request was denied by the Board of Zoning Appeals. They felt that they were being used as "guinea pigs" in the determination of proper controls for such facilities. The previous

requirements involving the consent of the majority of abutting neighbors were eliminated. The Board of Zoning Appeals apparently felt that their lot was too small for the proposed satellite antenna, and that too many neighbors had objected.

John Vansteen, owner of Satellite City, was present. He felt that the Board of Zoning Appeals process had taken away the rights of the homeowners, and given the authority to the neighbors. He felt that the City had a right to control health, safety and welfare matters, such as setbacks and locational standards, but could not preclude the placement of larger satellite dishes per se. He noted that this position was further supported by the FCC. He further noted that the City's actions have virtually eliminated his business in relation to larger dishes. In response to questions from the Commission, he explained that the 7 foot diameter and larger dishes serve totally different purposes than the 18"-24" dishes.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Thompson felt that the City should not be involved in legislating the placement of satellite dish antenna facilities. Mr. Starr felt that small satellite dishes, within the present 24" diameter limit, maintained the positive character of residential areas, while the larger dishes would have a negative impact on same. After further discussion, the Commission concluded that action should be tabled on this proposed Ordinance amendment in order to further study alternative control approaches. They requested that the Planning Department secure information on Ordinance controls from other communities, and contact Satellite City and other providers and experts for background information. Mr. Storrs suggested that an approach such as that used in relation to the placement of gazebos might be reasonable.

Moved by Waller

Seconded by Thompson

RESOLVED, that action on the proposed Zoning Ordinance Text Amendment related to satellite dish antenna controls be tabled to the February Regular Meeting, for further study. This study should involve alternative Ordinance approaches, as well as other background information related to such facilities.

Yeas: All Present (7)

Absent: Chamberlain, Palazzolo

MOTION CARRIED

12. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Outside Seating for Food Service Establishments (#159)

Mr. Keisling explained that in January of 1994, the City Council adopted a series of Zoning Ordinance Text Amendments intended to facilitate the provision of outside seating in conjunction with food service establishments in Commercial and Office Zoning Districts. The City Council subsequently determined that the procedures and related requirements were still too extensive. On May 2, 1994 the Council thus adopted a resolution suspending the present Zoning Ordinance requirements, and establishing interim procedures and requirements for the provision of outside seating during 1994. They also referred back, to the staff and the Planning Commission, the question of further modifying the Zoning Ordinance in order to reduce the necessary procedures and requirements. A proposed series of Zoning Ordinance Text Amendments has now been developed in order to achieve the City Council's objectives, while also taking into consideration the City's experience with the modified procedures followed during 1994, and some suggestions presented by the Planning Commission in the course of recent preliminary discussions.

Mr. Keisling noted the summary of the overall proposed Ordinance structure, and principal features, which had been distributed to the Commission along with the total series of Text Amendments proposed. The proposed Ordinance language provides for flexibility as to the means of enclosure or delineation of outside seating areas, and recognizes the potential for the imposition of additional requirements by the Michigan Liquor Control Commission. All District provisions require that the setbacks for "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings. Enclosure or delineation elements such as temporary fences or posts-and-chain units (such as at the Breakaway Deli) would not be subject to such setbacks. In all cases, outside seating is

prohibited in required sidewalk and landscaped areas. The City Council is given the authority to require, as a condition of their approval, modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available. Adoption of this series of proposed Zoning Ordinance Text Amendments was recommended by the Planning Department.

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

Moved by Thompson

Seconded by Storrs

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 on this date, in order to modify the standards related to, and thus facilitate the occurrence of, outside seating areas related to food sales and service establishments in Commercial and Office Districts, and thus to enhance the desirability and utility of commercial and office areas throughout the City.

Yeas: All Present (7)

Absent: Chamberlain, Palazzolo

MOTION CARRIED

OTHER BUSINESS

14. ELECTION OF PLANNING COMMISSION OFFICERS - 1995

The Commission noted that Article III, Section 1, of the Planning Commission By-Laws provides that nomination and election of Planning Commission officers shall occur at the " - - Annual Organization Meeting which shall be held on the second Tuesday of January of each year - -". The By-Laws state that the officers of the Commission shall consist of a Chairman and a Vice-Chairman. It has also been customary at this time that the Planning Commission forward their recommendations to the City Council as to a member and alternate to serve on the Board of Zoning Appeals for the coming year.

Moved by Reece

Seconded by Kramer

RESOLVED, that Wayne Wright and Barbara Palazzolo be nominated as Chairman and Vice-Chairman of the Planning Commission, respectively, for 1995, and that Eldon Thompson and David Waller be recommended to the City Council as the Commission's Board of Zoning Appeals representative and alternate, respectively, for 1995.

Yeas: All Present (7)

Absent: Chamberlain, Palazzolo

MOTION CARRIED

15. ESTABLISHMENT OF MEETING SCHEDULE - 1995

The Commission noted that, in accordance with the "Open Meetings Act", it is necessary to establish a schedule for public meetings of Bodies such as the Planning Commission. This requirement has been fulfilled through the adoption of a resolution designating the first and fourth Tuesdays of each month as "Special Meetings" for the Planning Commission, and the second Tuesday of each month as the date for "Regular Meetings". Such a resolution should be adopted at this time to cover the calendar year 1995. Meetings can of course be canceled or eliminated from this schedule, or rescheduled at a future date, as the Commission might deem necessary.

Moved by Reece

Supported by Starr

RESOLVED, that the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 1995:

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesdays of each month, as necessary.

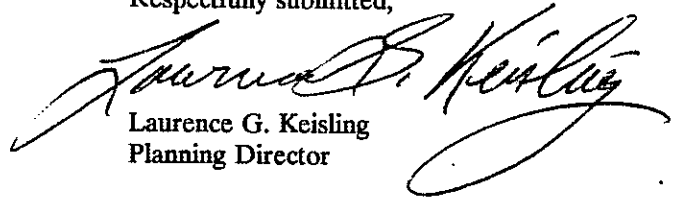
Yeas: All Present (7)

Absent: Chamberlain, Palazzolo

MOTION CARRIED

The meeting was adjourned at 12:30 A.M.

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eh