

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Thompson at 7:35 P.M. on Tuesday July 9, 1996 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

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

Moved by Wright Seconded by Lepp

RESOLVED, that Commissioner Reece and Waller be excused from attendance at this meeting.

Yeas: All Present (7) Absent: Waller, Reece

MOTION CARRIED

2. PUBLIC COMMENTS

No one wished to be heard.

TABLED ITEMS

3. PROPOSED REZONING - East Side of John R, South of Orpington - Section 24 - R-1E to B-1 (or O-1 and E-P) (Z-642)

Mr. Keisling explained that action was tabled for further study on this matter, following a Public Hearing at the June 11 Regular Meeting. The matter was initiated by a request for the rezoning of a parcel at the southeast corner of John R Road and Orpington from R-1E to B-1 (Local Business). The parcel requested for rezoning has 207 feet of frontage on John R and 200 feet of frontage on Orpington. Although the Planning Department recommended denial of the original rezoning request, they felt that it would be reasonable to consider an alternative zoning pattern, taking into consideration the impact of the revised zoning pattern and the potential development pattern in the northwest quadrant of the Big Beaver-John R intersection area. The advertisement for the June 11 Public Hearing also provided for an opportunity to consider the potential application of O-1 and E-P zoning on the petitioner's property, and O-1 zoning on the Detroit Edison site extending south to the existing B-1 zoned area. The proposed E-P area would be 50 feet in depth along the Orpington street frontage, and would enable the placement of the greenbelt buffer in that area to protect the residents on the north side of Orpington, in much the same manner as has been used at and adjacent to the northwest corner of Livernois and Olympia in order to protect the residents on the south side of Olympia.

The Commission noted that the potential alternative zoning patterns in this area had been further discussed at the July 2 Study Meeting. Several of the Commission members at that time expressed the opinion that no rezoning at all was necessary in this area. Mr. Keisling noted that it continued to be the opinion of the Planning Department that the alternative O-1 and E-P pattern would be reasonable, and could be applied at this time.

Tom Ryan, attorney for the Mr. and Mrs. Roguske, the petitioners, was present. He stated that he had not received any notice of the Commission's July 2, 1996 Study Meeting. He further explained that, under their preliminary development approach, there would be no driveway from Orpington to the proposed commercial site. He noted the many small office buildings in the City, and stated that he and his clients preferred a "convenience center" for the local residents. Mr. Starr expressed concern about Mr. Ryan's suggested plan, which indicated two additional curb cuts on John R. He felt that such a situation would create significant traffic problems. He noted that the petitioner's property would accommodate two additional home sites fronting on Orpington Street. Mr. Wright concurred with Mr. Starr, and stated that an excessive amount of commercial zoning had already been applied on the west side of John R. In response to Mr. Storrs' question, Mr. Keisling stated that there are several vacancies in small commercial centers throughout the City. It was his understanding that the office vacancy is now 10% or less, and that the great majority of the previous vacant space occurred in a few large buildings.

Moved by Lepp Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that no action is necessary as to the zoning pattern on the east side of John R extending south from Orpington Street to the present B-1 zoned area.

Yeas: Thompson, Lepp, Wright  
Chamberlain, Starr, Kramer

Nays: Storrs  
Absent: Reece, Waller

MOTION CARRIED

Mr. Storrs indicated that his nay vote was due to his opinion that O-1 zoning with an E-P buffer was a good ultimate solution for this site, considering the commercial zoning across John R, and the fact that there is not an over-supply of small office sites available.

SITE PLANS

4. SITE PLAN REVIEW - Proposed Restaurant Expansion - North Side of Long Lake, West of Dequindre - Section 12 (SP-349)

Mr. Keisling explained that a site plan has been submitted for a building and parking area expansion for the Arby's Restaurant on their B-2 zoned site having 145 feet of frontage on the north side of Long Lake Road west of Dequindre. The proposed building expansion will provide for the addition of 20 seats to the present 68 person capacity. Parking spaces will be added in the northwesterly leg of this "L-shaped" site. A portion of the parallel parking in the area west of the building and drive-up area will be removed in order to provide conforming landscaped area, as modified due to the site expansion and proposed building expansion. A deceleration lane will be required by the Engineering Department, in conjunction with this expansion. No changes are proposed in relation to the boulevarded entrance drive and the drive-up service facilities. In the course of reviewing this proposal, Mr. Keisling noted that, even though a cross-access drive had been constructed adjacent to the Long Lake Road frontage, there has apparently been no cross-access easement recorded in order to formalize that function. Approval of this site plan was therefore recommended, subject to the granting of a cross-access easement over the drive which extends across the front of the site.

David Fitnich of Sybra, Inc., the petitioners, and Jay Hall of Park Plus Associates, their architects, were present. Mr. Fitnich stated that they were most concerned about the potential deceleration lane requirement, which may cause them to provide an improvement for the Taco Bell site to the east, at the expense of the Arby's site owners. Mr. Keisling noted that the exact extent of the deceleration lane requirement would be determined by the Engineering Department, and that it may not affect the area east of the Taco Bell driveway.

Moved by Kramer

Seconded by Chamberlain

RESOLVED, that Preliminary Site Plan Approval, as requested for the building and parking area expansion on the B-2 zoned Arby's Restaurant site on the north side of Long Lake west of Dequindre is hereby granted, subject to the provision of a cross-access easement extending to the east and west property lines over the existing driveway at the front of the site.

Yeas: All Present (7)

Absent: Reece, Waller

MOTION CARRIED

5. SITE PLAN REVIEW - Proposed Office/Research Development - North of Big Beaver, West of I-75 - Section 21 (SP-809)

Mr. Keisling explained that a site plan has been submitted for the construction of a 226,333 square foot office/research building complex for Magna International, on the 32.75 acre parcel which they are purchasing from the Michigan Department of Transportation, extending north from Big Beaver Road in the area west of I-75. This site is zoned in a total of five zoning classifications, including O-S-C in the immediate Big Beaver Road frontage, R-C, O-1, P-1, and E-P. The proposed development involves a three-element building complex, with a single story office element to the north, a two-story office element in the center, and a single-story research element to the south. All of these proposed building elements are in the area north of Wilshire Drive (extended). The site plan indicates the potential future construction of a second research building element, 51,000 square feet in area, in the area to the south. Access to the site will be provided by means of two driveways entering from the Troy Center/Wilshire Drive intersection. The staff is presently

trying to develop a modified street intersection layout for this area, in order to emphasize the fact that the Troy Center/Wilshire Drive traffic movements will be the major movements in this area, with the proposed entrance drives to the Magna site being secondary. Mr. Keisling asked that the Commission's action be taken, subject to the development, in conjunction with staff, of a revised street and drive intersection pattern. As indicated by the model and preliminary landscape plan submitted with this request, it is the petitioners' intent to leave the outer major portion of the E-P zoned area in its natural state, including trees and "understory woody growth", and to construct a continuous berm in and adjacent to the interior portion of the E-P zoned area, along the westerly and northerly portions of the site where residential zoning lies adjacent. Following the same process as in the case of the Salvaggio Market proposal involving E-P zoning, the site plan should technically indicate a 4'6" screen wall in this area at this time. A request will then be submitted to the Board of Zoning Appeals in order to enable the petitioners to place the proposed landscaped berm in lieu of the required screenwall. The approval of this site plan was recommended, subject to the inclusion of a modified street and drive intersection pattern as discussed previously.

The Commission noted the communication which had been received from the Wilshire-Homeowners Association, indicating that they had no objection to approval of the proposed site plan. In response to questions from the Commission, Mr. Keisling explained that the City-owned parcel which was originally conveyed by MDOT in order to provide for the extension of Troy Center Drive, is technically not a part of the Magna site. It is however available to provide for access to the Magna site from the adjacent public street system.

Gary Benninger, Executive Vice President of Research and Development, was present to speak on behalf of Magna, along with Ken Neumann, their architect, and their attorneys. Mr. Benninger noted the numerous meetings which were held with the adjacent residents and with the City Staff and the City Council in the course of evolving the zoning pattern for this area. He felt that the site plan as it has evolved is even more compatible with the adjacent residential area than the residents originally expected. In response to Mr. Chamberlain's questions regarding service areas and trash enclosure areas, Mr. Neumann commented that Frank Stronach, Magna's CEO, had determined that there would only be "one service location on this site" and that that location would be at the south end of the original building complex. He further noted that, in the Agreement with the adjacent residents, Magna had agreed that there would be no trash receptacle areas or loading areas in the northerly and westerly portions of the building site. In response to Mr. Chamberlain's question, Mr. Letzmann confirmed that the Agreement between Magna and the adjacent Homeowners Association was enforceable by them, but not by the City. In response to Mr. Wright's question, Mr. Neumann stated that they would work with the City Staff in order to modify the street and entrance drive pattern, and in order to determine a means by which the proposed service area could be screened from Big Beaver Road, until the next phase of the building complex is constructed. In response to Mr. Kramer's questions, Mr. Neumann stated that there would most likely be no roof-top mechanical equipment. If equipment is necessary it will be screened from view. He further stated that they would be quite willing to work with the City Staff in order to assure that site lighting will be shielded from the adjacent residential area.

Moved by Chamberlain

Seconded by Kramer

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a proposed 226,333 square foot office/research complex (with potential future 51,000 square foot research building expansion), on a 32.75 acre parcel involving O-S-C, R-C, O-1, P-1 and E-P zoning, in the area extending north from Big Beaver Road on the west side of I-75 be granted, subject to the following conditions:

1. The only outside trash receptacle enclosure/service area will be located at the south end of the first phase of the proposed research building portion of the development.
2. The site plan shall indicate the required parking area screenwalls along the P-1/E-P zoning boundary.
3. All roof-top equipment shall be screened from view from the adjacent residential area.
4. All site and parking area lighting will be shielded from the adjacent residential area.

Yeas: All Present (7)

Absent: Reece, Waller

MOTION CARRIED

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

Mr. Keisling explained that a site plan has been submitted for the construction of a 28,480 square foot warehouse/office building on a 1.5 acre M-1 zoned parcel having approximately 198 feet of frontage on the south side of Equity Drive west of Crooks Road. This is the fourth and final building to be constructed on Equity Drive as a part of the renovation/redevelopment of the former Vickers site by Etkin Equities. Equity Drive is a private street which was intended to be constructed to public street standards, in the area extending west from Crooks Road to the Rockwell property. Building and parking setbacks for the H.P. Pelzer complex to the east, and for the Cadillac Looseleaf and Heller Machine buildings to the west have thus been based upon a minimum 25 foot setback, rather than the 50 foot setback required from public streets in M-1 Districts. The City staff is presently considering a request from Etkin Equities to accept Equity Drive as a public street. If this proposal is accepted by the City Council, 50 foot building and parking setbacks would be required for any future building or parking construction or expansion. In the case of the present proposal, the building itself is to be setback 62 feet from the present Equity Drive easement. In order to assure potential future compliance, the petitioners have agreed to slightly revise the parking area configuration in order to have all of the parking spaces lie beyond the 50 foot setback line. The site is proposed to be served by two drives from Equity Drive, one of which would only access the proposed truckwell along the west side of the building. The staff asked that the petitioners consider relocating the truckwell and loading area to the south side of the building, so that no backing to or from Equity Drive will be necessary. They have indicated that it is their preference to provide the loading access in the manner indicated, and that such would be consistent with other buildings in the area. Mr. Keisling noted that such front loading access has typically occurred on smaller industrial sites, and would not be necessary on this site in view of its overall size and depth. The Cadillac Looseleaf site to the west, which has a front truckwell, also has an interior driveway pattern which enables truck maneuvering within the site rather than on Equity Drive.

Mr. Keisling explained that approximately three-quarters of this building is proposed to be used for warehouse purposes, while just over 25% will be used for office purposes. This building and use configuration results in the requirement to improve parking at this time based upon the office standard for the office area, and the lesser warehouse standard for the warehouse area. The petitioners do, however, indicate area where 25 additional parking spaces can be provided, in the event that the warehouse portion of the building changes to general industrial use. Other applicable Ordinance requirements are complied with, and approval of this site plan was recommended, subject to the Commission's further consideration of the proposal to relocate the loading access and truckwell to the south side of the site.

Jeff Roth of Roth, Inc. was present along with Paul Joliat, President of Michigan Air Products, the petitioners. Mr. Roth confirmed that they would modify the proposed parking area in order to place all spaces beyond the 50 foot setback from Equity Drive. They wished to leave the truckwell location as shown on their site plan, in order to avoid restricting future building expansion in the southerly portion of the site. The proposed truckwell location also relates well to their interior building layout. Mr. Joliat noted that they expected only approximately 4-5 trucks semi-trailer trucks per week at this site. Mr. Starr noted that, although this may be the situation at present, the use of the property can of course change in the future. Mr. Wright expressed concern about potential truck maneuvering involving Equity Drive, and the limited width of Equity Drive. In response to Mr. Storrs' question, Mr. Keisling indicated that it was his understanding that the Equity Drive pavement varied in width from 28 feet to 36 feet. Mr. Joliat noted that there is a driveway directly across the street from their proposed driveway, which could aid in truck maneuvering. Mr. Storrs and Mr. Kramer stated that, although the petitioners should not rely on the property across the street, they saw no problem with the potential limited use of Equity Drive for truck maneuvering, similar to that which occurs in other industrial areas.

Moved by Storrs

Seconded by Kramer

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 28,480 square foot warehouse/office building on a 1.85 acre M-1 zoned site having 198 feet of frontage on the south side of Equity Drive (private) west of Crooks Road is hereby granted, subject to relocating the northernmost handicapped parking space to provide a 50 foot setback from Equity Drive, and subject to confirmation from the Transportation Engineer as to the feasibility of the street width and driveway geometrics in relation to the maneuvering of a semi-trailer type trucks into the proposed truckwell.

Yeas: Chamberlain, Storrs, Lepp  
Thompson, Kramer, Starr

Nays: Wright  
Absent: Reece, Waller

MOTION CARRIED

Mr. Wright indicated that his nay vote was due to his opinion that an alternative approach should be used for provision of the truckwell facilities.

7. SITE PLAN REVIEW - Proposed Office Building - North Side of Big Beaver, Between Alpine and McClure - Section 20 (SP-437)

Mr. Keisling explained that a site plan has been submitted for the construction of a two-story 8,595 square foot office building on an O-1 zoned site having 120 feet of frontage on the north side of Big Beaver between Alpine and McClure (west of Crooks Road). This site lies between the O-1 and P-1 zoned Michigan National Bank site to the west, and the O-1 zoned U.S.F. & G. site to the east. In order to achieve the proposed building area, which meets the maximum area permitted under O-1 zoning, a portion of the second floor of the building is to be cantilevered over a series of parking spaces at the rear of the building. A single two-way driveway is proposed to serve the site from Big Beaver Road, located in the westerly portion of the frontage. This driveway location enables direct access for eastbound Big Beaver traffic by way of an existing median cross-over. In the course of staff review of this plan, Gary Tadian, the petitioner, was advised that, although a drive on the west side of this site is preferable in relation to access from eastbound Big Beaver, the proximity of this proposed driveway to the one-way entrance drive serving the Michigan National site to the west is not desirable. Mr. Tadian was therefore asked to investigate the provision of a driveway which would jointly serve both of the sites, and thus most likely would involve elimination of the present Michigan National driveway. His discussions with Michigan National representatives were apparently not successful. A revised site plan was thus submitted, indicating a driveway access point offset to the east from the west property line. Mr. Keisling noted that, although the provision of a joint driveway would clearly be preferable, such does require cooperation of the abutting owner. If a joint driveway will not be available, then a divided entrance driveway involving a direct southerly exit movement would be preferable to the configuration indicated in the revised plan now under consideration. In addition, the provision of a cross access easement connecting this site with abutting properties would also be desirable. In view of the unusual parking configuration on this site resulting from its somewhat narrow east-west dimension a cross-access easement will most likely involve the total driveway loop, with access being provided from abutting sites along the north property line. Subject to the indicated modification of the driveway entrance, and provision of the cross-access easement pattern, approval of this site plan would be in order.

In response questions from the Commission, Mr. Keisling advised that the Michigan National Bank had been built in the early 1970's, and that there had been no requirement for a cross-access easement. This site is, however, relatively underdeveloped, and if new construction or redevelopment occurs, driveway modifications and cross-access easements could be required at that time. Mr. Storrs noted that the Big Beaver Road median cross-over may be further west than indicated on the site plan.

Gary Tadian, the petitioner, and Dominic LaPierre of Luckenbach Ziegelman, his architects, were present. Mr. Tadian explained that he had attempted to purchase the Michigan National site, but was unsuccessful. His discussions with the bank relative to a joint driveway were also unsuccessful, as the bank saw no benefits to them from such a drive configuration. The Commission discussed with Mr. Tadian, the provision of a cross-access or joint drive easement, the potential future provision of a joint driveway, and the location of the trash receptacle enclosure.

Moved by Starr

Seconded by Chamberlain

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of an 8,595 square foot two-story office building on an O-1 zoned parcel having 120 feet of frontage on the north side of Big Beaver between Alpine and McClure be granted, subject to the following conditions:

1. The provision of a cross-access/joint drive easement over the total interior driveway system, extending to the north property line.
2. The creation of a divided driveway at the Big Beaver Road entrance.

This action is taken with the understanding that the property owner will consent to the creation of a joint driveway from Big Beaver Road as such time as new construction on the site to the west enables such an action. This action is further subject to confirmation, by City staff and the petitioner, as to the location of the adjacent Big Beaver Road medium turn-

around. If the location is significantly different than that indicated on the present site plan, to the extent that a vehicle maneuvering problem will be created, this site plan shall be returned to the Planning Commission for further review and action.

Yeas: All Present (7)

Absent: Reece, Waller

MOTION CARRIED

8. SITE PLAN REVIEW - Proposed Senior Citizen Housing Development - East of John R at Grand Haven (Private) - Section 36 (SP-211)

Mr. Keisling explained that in June of 1987 the Planning Commission considered and recommended City Council approval of a site plan for a 144 unit congregate housing development for the elderly, on the 12.27 acre RM-2 and E-P zoned parcel lying east of John R and south of Maple Road, at the east end of Grand Haven Drive. Approval was recommended subject to the provision of access by way of the extension and public street dedication of Grand Haven Drive. It was recognized at that time that, although the construction and dedication of Grand Haven Drive as a public street had been intended since 1973, at the time of approval of the first phase of the Oakland Park Towers development, the two initial portions of the street had not as yet been dedicated and accepted for maintenance by the City. Due to questions as to the acceptability of the present portions of Grand Haven Drive, and the need to complete a "Senior Citizen Development Agreement", this proposal never proceeded to the City Council. With these questions, along with the potential existence of wetland areas within the site and subsequently some difficulty as to financing, the project did not proceed. In 1991, an almost identical plan for a 144 unit three-story building complex, with a two-story central congregate area link, was presented to and recommended by the Planning Commission, and was subsequently given Preliminary Site Plan Approval by the City Council in accordance with the Ordinance provisions related to congregate housing within RM-2 Districts. The City Council's action was conditioned on the provision of access by way of the public street extension of Grand Haven Drive, and efforts to secure an easement for emergency access from the owners of the apartment development to the south. Once again, due primarily to what were indicated as financing problems, the project did not proceed.

Mr. Keisling stated that the original property owners and petitioners have secured another partner, the Lockwood Group, and they together have secured funding assistance from the Michigan State Housing Development Authority (MSHDA) for a slightly revised project. The plan as now submitted involves 147 units, within a slightly re-configured building. With the exception of the 50 foot wide central core, the total building complex is three stories in height. The site plan indicates parking in excess of the elderly housing requirement, and potential future parking areas which could be provided, in the event that the development was converted to a conventional apartment complex. This latter indication is in accordance with the "Housing for the Elderly Agreement" approach. Conversion of this development is, however, most unlikely. Access is still proposed to be provided by the extension of Grand Haven Drive as a public street (36 foot pavement within a 60 foot right-of-way). The petitioners have further indicated that they would once again contact the owners of the apartment development to the south, in order to secure the cross-access easement for emergency access which was promised at the time of the previous proposal. The required 4'6" parking area screenwalls are indicated on the enclosed plan. The petitioners will most likely request a waiver of this requirement from the Board of Zoning Appeals, particularly in relation to those walls which extend east and west through the site. The latest version of the plan indicates three carport areas along the easterly and westerly site boundaries. Board of Zoning Appeals action will also be necessary in order to permit these "accessory structures", which are technically not within the "rear yard" of this site, as required. Approval of this, with recognition of the need for Board of Zoning Appeals action relative to the proposed carports, was recommended by the Planning Department. The Commission's action on this proposal will be in the form of a recommendation to the City Council.

Carl Skrynski of the Lockwood Group was present along with Dale Ehresman of Ehresman Associates, their architects. He reviewed the proposed development, and the amenities to be included, including the provision of a van to assist in resident transportation. He noted that an approximate 30,000 square foot portion of the building complex would be used for common facilities and support or service facilities for the residents. He confirmed that they would once again attempt to secure an easement for emergency access from the owners of the apartment complex to the south. Although they could not require the provision of such an easement, those owners have previously indicated their willingness to cooperate in this matter.

Moved by Wright

Seconded by Lepp

RESOLVED, that the Planning Commission hereby recommends to the City Council that Preliminary Site Plan Approval, as requested for the construction of the Magnolia Gardens congregate housing for the elderly development on a 12.27 acre RM-2 and E-P zoned site lying east of John R south of Maple Road, be approved, in accordance with Section 16.25.03 of the Zoning Ordinance, subject to the following conditions:

1. Primary access by way of the extension and public street dedication of Grand Haven Drive.
2. The provision of a cross-access easement by the petitioner, and efforts to secure such an easement from the owners of the apartment development to the south, in order to enable alternate emergency access routes from John R Road.

Yeas: All Present (7)

Absent: Reece, Waller

MOTION CARRIED

SPECIAL USE REQUESTS

9. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW - Proposed Antenna Tower - East Side of Crooks, South of South Boulevard - Section 4 (#286)

Mr. Keisling explained that a request has been submitted, by Nextel Communications, for the placement of a 175 foot monopole tower for the mounting of wireless communications antennae, and the placement of one to two related equipment buildings, on a portion of the R-1B zoned site of the Church of the Nazarene, on the east side of Crooks Road south of South Boulevard. The church site is approximately 4.2 acres in area, and extends east approximately 917 feet from Crooks Road. Nextel proposes to lease a 60' x 60' parcel from the church, and to construct one to two equipment buildings measuring 9'8" x 20' (10'8" in height). This request is submitted in accordance with Section 10.30.08 of the Zoning Ordinance which provides for the establishment of utility and public service buildings and facilities within R-1 Districts. In addition to the several requirements related to any utility facility in an R-1 District, free-standing tower structures and antennas in excess of 60 feet in height are further limited to sites " - - - which are developed or otherwise committed for use other than the construction of one family dwellings". The Planning Commission also has the opportunity to consider the "discretionary standards" related to Special Approval uses as set forth in Section 10.30.00.

Mr. Keisling stated that the plan as now submitted includes some revisions in response to the staff's request. A "panel brick" equipment building exterior is indicated, the previously proposed barbed wire has been eliminated, and vinyl-clad fencing is indicated. A plan has also now been submitted indicating the landscaped berms required on the north, east and south sides of the antenna facility site. The Commission has also received copies of letters from AT&T and SPRINT, indicating their preliminary desire to co-locate on this site. At last week's Study Meeting, the Commission further discussed the proposed "Policy and Process" related to major personal communications antenna facility locations. Although Nextel themselves have indicated a clear willingness to provide for co-location, the extent of other providers who might co-locate with them, either at this site or at another location has not as yet been determined. Following the Public Hearing, Mr. Keisling suggested that it would appear to be appropriate to table action on this matter, in order to provide an opportunity for other service providers, as well as Nextel, to provide the long-term facility plans and information proposed as the initial step in the planning and implementation process.

Randall Reeves, attorney, was present along with Kyle Hanley of Nextel. Mr. Reeves summarized the types of services provided by Nextel and other PCS providers, and noted that Nextel had acquired licenses from other entities. It is their intention to expand the nature of their service from "commercial customers" (ambulance services, trucking and construction companies) to include the general public. They had considered other existing cellular telephone structures in the area, but those structures were not tall enough. Nextel was most interested in co-location situations. They could also provide information for the Commission in relation to their projections for the next three years. In these ways, their efforts would be consistent with the City's proposed "Policy and Process". They presently have just one antenna in Troy, on the Top of Troy building. They must erect a free-standing structure in the north Troy area, as there are no buildings of adequate height. Their search area for this antenna location covered an approximate one mile radius area. Mr. Reeves noted the substantial screening on the Church of the Nazarene site, and felt that the berms typically required would not

be necessary. He stated that the emissions from the proposed antenna were quite safe, generally equivalent to the wattage of a light bulb.

In response to questions from the Commission, Mr. Reeves stated that their presently proposed facility would accommodate two additional providers. The tower is made to withstand 80 mile per hour winds, and weather conditions including one-half inch of ice cover. Mr. Letzmann advised that the proposed facilities on the church site would be taxable. Mr. Storrs expressed concern about the potential proliferation of antenna structures (the "porcupine" effect). He noted the numerous signatures on petitions received in opposition to this proposal, expressing concerns about matters such as aesthetics, health concerns, and interference with television and radio reception. Mr. Reeves stated that he would be pleased to meet with any local group in order to provide answers or responses to their concerns. Mr. Storrs felt that data should be made available in relation to the "radiation" or electro-magnetic wave concerns. Mr. Reeves noted the research done in relation to an antenna location on the Waterford Mott High School site. That research determined that no safety or health hazard would result. Mr. Kramer also expressed concerns about some of the technical matters, as well as the economic viability of Nextel and other PCS providers. Mr. Reeves stated that the tower is intended to have a thirty year life, and that their leases include requirements for removal of the facilities. The Commission discussed, with Mr. Letzmann, ways in which the removal of facilities could be assured through City Ordinances or requirements. In response to Mr. Lepp's question regarding health concerns, Mr. Reeves noted that the Federal law precluded local communities from denying proposals of this type, on the basis of health concerns. Mr. Wright commented that such a position by the Federal government did not eliminate those concerns. He also felt that the placement of such antenna facilities could negatively impact property values. Mr. Reeves stated that there has been no evidence presented, across the country, in support of that concern.

The Public Hearing was declared open.

Dan Devine, County Commissioner, stated that, in the course of visiting area residents as a part of his election campaign, he received many comments or concerns about antenna structures or towers. Residents were concerned about property values, safety, health, and the "precedent" which could be set through the placement of a facility such as this on residential property. He was also concerned about the potential effects of the economic failure of some of the communication providers.

Wayne Neal of 6836 Woodcrest Drive stated that he was only a six week resident of this area, and that his lot backed to Crooks Road opposite the church site. He was opposed to this proposal, which would literally be in his back yard. John Kennedy of 1825 W. South Boulevard stated that he did not want this commercial venture in his back yard.

Rohit Tangri of 6695 Smith Court was concerned about the visual effect of the proposed facilities, and about the potential of setting a precedent for more towers of this type in residential areas. Kirk Chesney of 6941 Granger felt that the proposed tower would be a non-conforming structure, as it would far exceed the height permitted for other buildings in residential areas. He did not feel that uses of this type should be considered "utilities". He felt that facilities of this type should be located in commercial or industrial areas. Brian Scovill of 6904 Granger inquired as to the height of other Nextel towers. Mr. Reeves stated that they are generally 150 feet in height, with some in rural areas extending as high as 350 feet. In response to Mr. Scovill's other question, Mr. Keisling commented that he did not recall any other tower antennas of this type which were located in residential areas in Troy.

Paula Kulesza of 6569 Glendale stated that she has been a health care professional for many years, and was concerned about the long-term effects. She was also concerned about the private profit-making company being located on a church site. She suggested that the City of Troy find a suitable piece of land for this use, so that the City could obtain the revenue from it. Larry Paulson of 873 Bridge Park felt that the Nextel tower was basically a "high-rise industrial structure", which should not be located in a residential area. He commented on some of the concerns expressed by the Chamber of Commerce in relation to the MDOT tower proposed at Big Beaver and I-75.

Kessie Kaltsounis of 6798 Jasmine explained that she had selected her home site very carefully after consulting with various City departments. Real estate people with whom she has consulted felt that the proposed tower would reduce her property values anywhere from 25-40%. She asked that the Commission deny this request, rather than tabling action. Dexter Thor of 1813 South Boulevard stated that he was considering retaining a private appraiser, and initiating a "class action suite" to reduce his taxes commensurate with the loss in property values which would result from the proposed tower. He felt that area residents should write their congressmen in relation to the negative impacts of the recent laws



related to communications facilities. Tom Oetjens of 6592 Glendale felt that Nextel should further pursue co-locating on existing towers, or constructing new towers at existing tower locations. Dr. Shakir of 2007 Cameo stated that he owns the property immediately to the north of the Church of the Nazarene site, and that the proposed tower facilities would be too close to his property. He stated that there was no evidence as to the lack of negative health effects from such facilities, and that the trees in the area would not hide such structures. Kim Karbum of 6952 Granger was also concerned about aesthetics. He felt that all those involved should consider alternative solutions such as "microcells" or smaller antenna facilities. In response to his question as to how this area is now served, Mr. Reeves commented that Nextel is attempting to eliminate the "dropped calls" which occur throughout this area. Ralph Koerber of 6559 Granger stated that he had been involved in real estate for 40 years, and that a tower of the type proposed would definitely have a negative impact on real estate price decisions. He asked if Nextel had some sort of umbrella insurance protection in relation to neighboring properties. He was also concerned as to how Nextel's commercial operation related to the non-profit status of the church. Tony Manetta of 6849 Jasmine stated that he is a Nextel subscriber, and that he has never lost a signal in this area or had a "dropped call". Pam Schafer of 684 Andrew stated that the proposed tower would be in and adjacent to a vacant field. She was concerned about the safety of children in the area, and the adequacy of the proposed fencing. Another resident from the Andrew Farms Subdivision noted that the electric, telephone, and cable lines are underground in their area and elsewhere throughout the City. Their restrictions even prohibit clothesline poles. He did not see how a tower of this type could even be considered in such a residential area.

Mr. Reeves stated that they were not opposed to tabling of action on this matter for further study and that they would gladly meet with area residents. The church will have to pay taxes on their business income, and Nextel will also pay property taxes. Towers of this type are definitely safe, and have withstood natural disasters such as hurricanes and earthquakes. Although a tower is not pretty, it can be painted to blend with the background. The emissions from such towers vary from the wattage of a light bulb to a stereo system with 150 watts per channel. Nextel does have insurance coverage on their sites and facilities. He was not aware of any negative property value effects from such facilities.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Chamberlain suggested that action be tabled on this matter, so that the Commission can review systems already in place in Troy and neighboring areas, and consider proposals by other providers. He felt that uses of this type should not occur in residential areas, as they are definitely commercial entities, and their height is clearly inconsistent with the height of structures in residential areas. More information is also necessary in relation to the Federal law and regulations. Mr. Wright did not see a reason to table this request, as he was not convinced that a tower is necessary in this particular area. Consideration should be given to a location such as the top of the NBD office building. Mr. Lepp concurred, and noted that the proposed 6 foot fencing for such facilities is inadequate. He noted that people are demanding communication services, but that the community must look closely at how and where these services are provided.

Mr. Starr suggested that a spokesman or representative be designated from each of the homeowners associations in the area, so that these representatives can be notified by the Planning Department as to when this matter will be considered in the future.

Moved by Chamberlain

Seconded by Starr

RESOLVED, that action on Special Use Approval, as requested for the placement of a 175 foot monopole communications antenna support structure and related equipment buildings, on a portion of the Church of the Nazarene site, on the east side of Crooks Road south of South Boulevard, be tabled for further study to the next Study Meeting of July 30, 1996, in order to provide an opportunity for further study, as well as an opportunity for the submittal of further information and long-range plans both by the petitioner and by other communications service providers.

Yeas: Chamberlain, Starr  
Lepp, Kramer

Nays: Thompson, Storrs, Wright  
Absent: Reece, Waller

MOTION CARRIED

Mr. Thompson felt that this particular tower was inappropriate for a residential area, and that no further study was needed in relation to this specific proposal. Mr. Storrs felt that the communications industry should be able to provide better technology or approaches in relation to areas such as this.

### STREET VACATIONS AND OPENINGS

10. PROPOSED ALLEY VACATION - East of Livernois, Between Birchwood and Vermont - Section 27 (#108)

Mr. Keisling explained that a request has been submitted for the vacation of the 18 foot public alley lying east of and parallel to Livernois Road and extending north from Birchwood Street in the Addison Heights Subdivision. The original petitioner is the resident-owner of the home addressed at 37 Birchwood (Lots 454 and 455) who has requested this vacation so that the east half of the alley right-of-way can be consolidated with his property. In conjunction with this request, the Planning Commission and subsequently the City Council should consider the vacation of the alley throughout the total block between Birchwood and Vermont. The Livernois Road frontage property on the west side of the alley is zoned in the O-1 classification, and is only partially developed with a very small building used for office purposes. Property owners on both sides of the alley, extending from Birchwood to Vermont, have been notified of the Planning Commission's consideration of this vacation request. It is hoped that their input, for example, will enable the City to determine whether access to the existing garage at the back of the home site addressed at 36 Vermont would preclude proceeding with this vacation action.

Mr. Keisling noted that a previous request for vacation of this alley was submitted by the owners of the Livernois Road office frontage in 1979. In the course of that consideration it was noted that a 53 foot half-width was originally dedicated for Livernois Road in conjunction with the platting of the Addison Heights Subdivision, whereas the Master Thoroughfare Plan indicates a 120 foot ultimate right-of-way (60 foot half-width). It was then determined that the necessary additional 7 feet of Livernois Road right-of-way had previously been dedicated from the northern majority of the frontage block (Lots 54-60). The Planning Commission's recommendation for the vacation of this alley at that time was, therefore, conditioned on the dedication of the west 7 feet of the remaining lots within the Livernois Road frontage block (Lots 61-65). Since the owners of Lots 61-65 were not willing to convey that lesser amount of right-of-way, the City Council denied the vacation request.

Mr. Keisling stated that the conditions at this time remain basically the same as those in 1979, except that the ownership of the residentially-zoned abutting parcels has changed. Subject to confirmation of the previous Livernois Road right-of-way dedication in this area, and determination of the position of the owner of the residential garage as described previously regarding the potential vacation action, vacation of this 18 foot wide public alley, extending from Birchwood to Vermont, could be recommended to the City Council, subject to conveyance of the west 7 feet of Lots 61-65 of Addison Heights Subdivision.

Lance Kazarosian of 37 Birchwood, the petitioner, was present. He stated that he was a two month resident at this location. He noted the poor condition of the garage immediately north of his property, and commented that the alley area tends to collect a great deal of debris. He stated that he had contacted those in the State Farm office within the Livernois Road frontage, and they supported the vacation request. In response to Mr. Kazarosian's question, Mr. Storrs explained that, if the alley is vacated, the 18 foot right-of-way would be divided evenly between the properties on both sides.

Moved by Wright

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the proposal for the vacation of the 18 foot public alley lying east of and parallel to Livernois Road and extending between Vermont and Birchwood Streets (abutting Lots 54-65, 453 and 454 of the Addison Heights Subdivision) be granted, subject to the retention of any necessary street, sidewalk and utility easements, and subject to the conveyance of the west 7 feet of Lots 61-65 in order to provide Livernois right-of-way consistent with that indicated on the Master Thoroughfare Plan.

Yeas: All Present (7)

Absent: Reece, Waller

MOTION CARRIED

REZONING PROPOSALS AND TEXT AMENDMENTS

11. PUBLIC HEARING - PROPOSED REZONING - East Side of John R, North of Elliott - Section 36 - R-C to B-3 (or B-2) (Z-569)

Mr. Keisling explained that a request has been submitted for the rezoning of a 3.94 acre parcel extending east from John R along the north side of Elliott Street, from R-C (Research Center) to B-2 (Community Business). This request is submitted in order to provide for the construction of a 19,140 square foot commercial building for the "Med/Max" health care supplies and equipment organization. The information submitted with this request indicates a potential 6,500 square foot future expansion of the proposed building. This is the last major parcel proposed for development by the owners of the Oakland Plaza and Oakland Square developments to the south, who are also the owners of the Oakland Mall. It is their position that, although they concurred in the rezoning of this property to the R-C classification in 1985, the parcel location and configuration make its' development for research-office use unlikely. It is further their proposal to develop the site in a manner which will be compatible with the multiple-family residential development to the north, although they recognize that the exact nature of the potential development cannot be assured in conjunction with rezoning action. This request has been submitted in the direction of rezoning to the B-3 classification, as it is recognized that the proposed building will require variances from the 75 foot setbacks which are required from residentially-zoned land and from public street rights-of-way under B-2 zoning. (Development under the present R-C classification would require 50 foot setbacks from all property lines, and no parking within the 50 foot setbacks from any public streets.) If commercial zoning is to be considered for this property, it would be the preference of the Planning Department that B-2 zoning be applied, in order to retain the fullest level of control over the variety of uses which may occur.

Mr. Keisling stated that the Master Land Use Plan indicates "Regional Center Commercial" use in the easterly John R Road frontage extending north from 14 Mile Road, and Research use within the John R Road frontage extending north from the east-west secondary thoroughfare which has been constructed as Elliott Street. The most recent rezoning actions affecting this property occurred in 1985, when the Oakland Square site and the subject property were rezoned from M-1 to B-2 and R-C, respectively in response to a request from the same property owners. Elliott Street was constructed in conjunction with the development activities which occurred at that time, in the area between John R and the industrial subdivisions to the east. Although the City staff did not originally contemplate or support the construction of Elliott Street in the irregular alignment which now exists, this alignment was accepted at the request of the property owners in order to enable them to construct what they felt would be the most feasible and reasonable shopping center configuration at the time. The Elliott Street extension was then constructed by the shopping center developers, in conjunction with their project. Concern was also expressed, at the time, in relation to the irregular configuration of the parcel now under consideration. It was felt, however, that a reasonable building complex could be constructed within this site under R-C zoning, and that the R-C classification would represent a reasonable land use transition between the large commercial site and the apartment development to the north.

Mr. Keisling noted that a similar rezoning request was submitted by the property owners in 1993. Denial of this request was recommended by the Planning Commission. The request was, however, withdrawn by the petitioners before it was presented to the City Council, as the potential user proposed at that time ("Best Buy") decided not to proceed at this location.

Mr. Keisling stated that the Planning Department has typically not supported any significant expansion of commercial zoning over the past 13 years, since the updating of the Commercial Areas Plan. The actions taken since the time of the previous request at this location have even further demonstrated the lack of need for any significant commercially-zoned land in the City. The petitioners' position that the subject property could comprise a logical ending point for the Regional Center Commercial use in this area is, however, somewhat reasonable, particularly in view of its' size in relation to the total commercial area, and its' shared access by way of Elliott Street in conjunction with the adjacent commercial development. The subject request is not literally consistent with the intent of the Master Land Use Plan. If the Commission wishes to consider this matter further, they could either table action in order to consider an appropriate amendment to the Master Land Use Plan, or forward a recommendation to the City Council on the rezoning, indicating the Commission's preliminary proposals regarding the Master Land Use Plan, and seeking Council's input on same.

Douglas Mossman was present on behalf of the petitioners, along with Gary Tressel, his engineer. Mr. Mossman reviewed the history of the property in this area, which his organization has owned since 1962. He confirmed that the odd shape of the subject site resulted from the trade-off under which the Oakland Square site was established, and Elliott

Street was extended west, in its irregular alignment, to John R. Mr. Mossman noted that the only interest that has been shown in the subject property has been for commercial use, and not for research/office use. He confirmed that it is his organization's practice to secure a specific tenant before requesting rezoning. He noted that the subject parcel is the only R-C zoned site on the east side of John R between Fourteen Mile Road and Maple Road. He felt that the Med-Max use would relate well to the elderly housing developments to the north and he noted that the owners of the Canterbury Square Apartments immediately to the north supported this rezoning. In response to a question from the Commission, Mr. Mossman stated that B-2 zoning would be acceptable to them, as long as they could secure building setback variances. B-2 zoning would probably be better from the City's perspective as it would be more restrictive or protective, and would be consistent with the zoning in the area to the south.

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 discussion, they discussed the need for retaining the R-C zoned area as a transition to the multiple-family residential area to the north. Mr. Chamberlain noted that the R-C zoned parcel in this area is, in effect, a "spot zone". The Commission noted that, under B-2 zoning, the easterly portion of the subject site would most likely not be developable for building purposes, but could only be used for parking.

Moved by Wright

Supported by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 3.94 acre parcel at the northeast corner of John R Road and Elliott Street, from R-C (Research Center) to B-3 (General Business) or B-2 (Community Business) be granted, in the direction of rezoning to the B-2 classification, as the subject rezoning and potential development will relate properly to and provide a reasonable conclusion of the "Regional Center" development in this area as contemplated by the Master Land Use Plan.

Yeas: All Present (7)

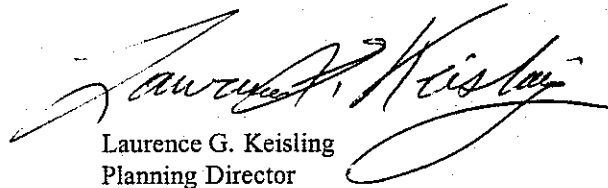
Absent: Reece, Waller

MOTION CARRIED

Mr. Starr stated that the Commission should consider the adoption of a Master Land Use Plan Amendment in this area.

The meeting was adjourned at 12:10 A.M.

Respectfully submitted,

  
Laurence G. Keisling  
Planning Director

LGK/eh