Chair Tagle called the Regular meeting of the Troy City Planning Commission to order at 7:01 p.m. on September 11, 2012 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Edward Kempen
Tom Krent
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle

Absent:
Gordon Schepke

Also Present:
R. Brent Savidant, Planning Director
Susan Lancaster, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Eric Huang, Student Representative
Kathy L. Czarnecki, Recording Secretary

Chair Tagle asked for a moment of silence in memory of September 11, 2001 victims, their families and loved ones.

2. APPROVAL OF AGENDA

Resolution # PC-2012-09-061
Moved by: Schultz
Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Schepke

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2012-09-062
Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the minutes of the August 28, 2012 Special/Study meeting as published.

Yes: All present (8)
Absent: Schepke

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN REVIEW

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 978) – Proposed Troy 7-Eleven, Southeast Corner of Crooks and Wattles (3984 Crooks), Section 21, Currently Zoned NN (Neighborhood Node "I") District

Mr. Carlisle gave a review of the site plan application, specifically addressing the intent of the NN zoning district, the plan's deficiency of one tree along Crooks Road and the Zoning Ordinance requirement to turn off or reduce lighting between the hours of 11:00 p.m. and sunrise. Mr. Carlisle indicated support for the application and recommended approval.

The petitioner, Joshua Knott of Harrison French & Associates, was present. Mr. Knott said the 7-Eleven store would be a 24-hour operation and expressed concern to comply with the requirement of dimming lights between 11 p.m. and sunrise. He asked to what degree the lights should be dimmed and if the Board would consider waiving the requirement for the safety of store customers and employees.

Mr. Carlisle replied the Zoning Ordinance does not actually stipulate foot-candle requirements with respect to dimming. He stated that exceptions to the requirement can be granted where there is a security and safety concern.

There was discussion on the photometric plan as follows:
- Submission to Board members.
- Intent of Zoning Ordinance requirements.
- Shielding, spillage, dark sky, LED intensity, glare, height of poles.

The petitioner was commended on the plan's stormwater retention.

Mr. Schultz suggested that a canopy be placed on the south elevation also.

Resolution # PC-2012-09-063
Moved by: Sanzica
Seconded by: Edmunds

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Troy 7-Eleven, located on the southeast

corner of Crooks and Wattles (3984 Crooks), Section 21, within the NN (Neighborhood Node) district, be granted, subject to the following:

1. Address required site plan information identified in the report prior to Final Site Plan approval.
2. That the requirement to turn off or dim lighting between the hours of 11:00 p.m. and sunrise be waived.

Yes: All present (8)
Absent: Schepke

MOTION CARRIED

CONDITIONAL REZONING REQUEST

6. CONDITIONAL REZONING APPLICATION (File Number CR 006) – Proposed Troy Plaza, West side of Crooks, South of Square Lake (5500 New King), Section 8, From PUD 13 (Planned Unit Development 13) to CB (Community Business) and OM (Office Mixed Use) Districts

Mr. Carlisle reviewed the recent revisions and multiple phases to the proposed Conditional Rezoning application. In summary, Mr. Carlisle said the application meets Zoning Ordinance requirements and the intent of the Master Plan. He recommended approval to the City Council for the Conditional Rezoning; further recommended approval for the Special Use for the retail building drive-through and McDonald's restaurant drive-through and Preliminary Site Plan approval conditioned on satisfying requirements upon Final Site Plan approval as specified in his report dated September 4, 2012.

Mr. Savidant reported the petitioner and staff met and had a productive meeting. He commended the petitioner on the revised plan.

The petitioner, Mike Gordon of Moiseev/Gordon Associates, was present. Mr. Gordon expressed confidence that he would be back before the Planning Commission for site plan approval on the second phase before the end of the year.

There was discussion on the following:

- Setbacks to the south, along Corporate Drive.
- Internal circulation.
- Landscaping; i.e., plant list (boxwood), saving trees.
- Retention pond.
- Photometric plan; i.e., shielding, intensity, pole height.
- Condition "C" as stated in petitioner letter, dated 'revised September 11, 2012', in relation to building, building footprint and parking lot design.

Resolution # PC-2012-09 -
Moved by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the PUD to OM and CB Conditional Rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the west side of Crooks, north side of New King (5500 New King), in Section 8, being approximately 6 acres in size, be granted, for the following reasons:

1. The application is consistent with the Master Plan.
2. The application is compatible with existing zoning districts and land uses.
3. The applicant has proposed conditions that reduce potential impacts of the proposed CB and OM districts on abutting properties.

Discussion.

Mr. Tagle asked that the Resolution make reference to the petitioner's correspondence dated "Revised September 11, 2012", with respect to Condition "C", and to clarify future restaurant building pad parameters; i.e., details of the building pad including building pad outdoor plaza.

Mr. Savidant assured the Board that planning and administrative approval would be clarified in the Conditional Rezoning Agreement and would be documented by the petitioner's correspondence and the Board's Resolution.

Discussion continued on the lighting with respect to shielding and quality.

Chair Tagle noted the photometric plan complies with the requirements of the Zoning Ordinance.

Ms. Lancaster reminded the Board that only the petitioner can offer conditions to a proposed Conditional Rezoning and that the Board cannot require conditions.

The following motion was supported and subsequently voted on.

Resolution # PC-2012-09-064
Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends to the City Council that the PUD to OM and CB Conditional Rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the west side of Crooks, north side of New King (5500 New King), in Section 8, being approximately 6 acres in size, be granted, for the following reasons:

1. The application is consistent with the Master Plan.
2. The application is compatible with existing zoning districts and land uses.
3. The applicant has proposed conditions that reduce potential impacts of the proposed CB and OM districts on abutting properties.

BE IT FURTHER RESOLVED, That the Planning Commission recommends the following condition:

1. The details of the building pad including the building and outdoor plaza as represented in the petitioner's correspondence dated "Revised September 11, 2012" shall be subject to planning approval and be modified by administrative approval within their jurisdiction.

Yes: All present (8)
Absent: Schepke

MOTION CARRIED

OTHER BUSINESS

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

The Regular meeting of the Planning Commission adjourned at 8:03 p.m.

Respectfully submitted,

_____
John J. Tagle, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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