The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on March 28, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Lawrence Littman
Mark J. Vleck

Also Present:
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2006-03-050
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Littman and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Schultz addressed a letter from the petitioner of Agenda item #9 requesting to move the item forward on tonight's agenda.

Resolution # PC-2006-03-051
Moved by: Schultz
Seconded by: Waller

RESOLVED, To reverse the order of Agenda items #8 and #9 on tonight's agenda.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

Resolution # PC-2006-03-052
Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the Agenda as amended.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

3. APPROVAL OF MINUTES – March 14, 2006 Regular Meeting

Resolution # PC-2006-03-053
Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the March 14, 2006 Regular Meeting minutes as published.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the March 21, 2006 Board of Zoning Appeals (BZA) meeting. Agenda items of interest were:

- Proposed Starbucks Coffee, northwest corner of Big Beaver and Crooks – Request to allow drive-up window facility on site less than one acre in size – *Postponed to review site plan comments by Planning Commission.*
- Allied Metals Corporation, 1750 Stephenson Hwy – Request to construct an addition to the parking lot in front of their building – *Postponed to provide petitioner opportunity to present better layout of outside storage.*

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was no report available.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following City Council action item:

- ZOTA 214 Group Child Care Homes – City Council agreed to administratively approve group child care homes and establish conditions of approval. City administration was directed to prepare draft ordinance language. Input from group child care home providers will be considered in the determination of conditions. – *March 20 and 27, 2006 City Council meetings*

9. SITE PLAN REVIEW (SP 909-B) – Proposed Starbucks Coffee w/Drive-Up, Northwest corner of Big Beaver and Crooks, Section 29, H-S (Highway Service) and B-3 (General Business) District

Mr. Savidant reported that the Board of Zoning Appeals (BZA) postponed the variance request and would reconsider the item at a future meeting upon review of the Planning Commission comments. Mr. Savidant identified potential issues after a preliminary review of the proposed site plan:

- Parking
- Driveway width
- Aisle width
- Dumpster location
- Split zoning
- Storm water retention
- Deed restriction

The petitioner, Joseph Novitsky of JSN Architects, 30100 Telegraph, Bingham Farms, was present. Michele Sargeant of JSN Architects was also present.

Mr. Novitsky and Ms. Sargeant provided a brief overview of the proposed site plan.

Mr. Novitsky indicated the concerns identified by the Planning Department have been addressed except the dumpster location. He said the dumpster could be relocated to the back of the site should that be the desire of the members. Mr. Novitsky said the dumpster could be effectively screened at the existing proposed location and, if desired, screened on all four sides. He noted trash removal times would be discretionary. Mr. Novitsky said the deed restriction places a handicap on the layout of the plan.

Mr. Schultz said he would like to see the dumpster screened on all four sides.

Chair Strat stressed the prominence of the major thoroughfare corner. He said there is no guarantee the dumpster gate would remain closed, and any dead landscaping would be visible. Chair Strat said he would prefer to see the parking further back on the site, and the building in front. He also recommended that a wall or hedge be used to screen the parking lots from Crooks and Big Beaver.

Mr. Novitsky said cross access with Einstein Bagels is in the discussion stage. He also noted the corporate office of Starbucks is supportive of the proposed plan. Mr. Novitsky addressed the site plan with respect to the fabric of nearby buildings. It is his opinion the continuation of the fabric makes for a better site plan.

The difference in grade was briefly discussed.

Mr. Khan has concerns with the dumpster location, parking at the corner, and the entrance from Crooks Road. Mr. Khan said he would not support the site plan without a cross access agreement. He also addressed the downtown corridor plan in relation to the proposed site plan.

Mr. Waller said each member should drive off of Crooks into Einstein Bagels or the florist, try to find a place to park and maneuver your vehicle. He said to go through the Einstein parking lot and down the grade differential to the proposed Starbucks would be tricky. And to have everyone do it would compound the problem.

Mr. Schultz addressed parking at the west end of the property in relation to the one-way drive-through.

Mr. Novitsky said the west end parking is intended for store employees. He addressed the driveway on the south end and its relation to vehicular traffic. He noted an arrow was inadvertently omitted and the driveway would be two-way. Mr. Novitsky indicated that Jim Scott would be the landscape architect.

Mr. Waller questioned the status of the gas tanks on site.

Ms. Sargeant confirmed the tanks would be removed. She said consideration was given to the area's congestion and the drive off of Crooks would be used as an "in" drive only.

Chair Strat asked the petitioner if they tried to lay out the plan with the building in the back corner.

Ms. Sargeant responded in the negative. She said they would like to maintain the fabric and keep the buildings in line.

Chair Strat does not agree with the fabric concept, but he thinks it would be in the best interest of the City to work with the petitioner on developing the site.

Mr. Wright is not concerned with the parking near the major roads. He said parking from the existing developments extends to both major roads. Mr. Wright said placing the building to the front could pose a sight hazard for emergency vehicles.

Ms. Drake-Batts is firmly against a drive-through facility at this location and indicated she would not vote for its approval with the drive-up window. She is not comfortable because the drive-through facility would remain for future users should Starbucks close.

Mr. Schultz addressed the existing brick pavers with respect to an impervious surface. He would like to see landscaping at this prominent corner that far exceeds the City requirements.

Ms. Kerwin likes the drive-through concept and noted the design layout appears to have been based on safety factors. Ms. Kerwin stated that a Starbucks facility would attract walkers from the Monarch development.

Mr. Khan would like to see an alternate site plan layout.

Ms. Schultz would like to see more permeable surface and more landscaping.

Mr. Wright suggested brick pavers as well as grass because of road salt.

Mr. Waller said the permeability of brick is dependent on the underlying material. Mr. Waller would like the item to go back to the BZA for a determination of the variance, with the message that the site plan has potential to be worked out.

Mr. Savidant brought to the attention of the members that the brick pavers are in the right of way and not on the subject property and also that a drive-through facility is a permitted use in the H-S district if the site is one acre in size.

Chair Strat said brick pavers are not the right material to use.

Mr. Wright asked how much of this property was taken for the widening of Crooks and Big Beaver Roads.

Ms. Sargeant responded she did not know offhand but was confident the files contain that information.

Discussion continued on development of difficult parcels and the hardships considered by the BZA.

Ms. Sargeant said their hardship is the property size and the deed restriction. Ms. Sargeant said Starbucks is currently a very popular and profitable business. She said they are presenting the safest design layout by placing the driveway in the rear and keeping the intersection open. Ms. Sargeant noted existing trees near the west end and additional landscaping would screen the dumpster and rear parking. She stated the purchase agreement is subject to receiving the BZA variance.

Planning Commission comments will be forwarded to the BZA for its consideration of the requested variance.

PLANNED UNIT DEVELOPMENT

8. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 5) – Proposed Caswell Town Center including 14 single family homes, 74 condominium units, ±19,000 s.f. retail space and the existing Petruzzello's Banquet Center, Southeast corner of Rochester Road and South Blvd., Section 2 – B-3 (General Business), P-1 (Vehicular Parking) and R-1D (One Family Residential) Districts

Mr. Savidant reviewed two concerns discussed at the March 14, 2006 Public Hearing: (1) photometric plan and (2) height and area of the ground sign. He cited the lighting requirement stipulated in the Zoning Ordinance and reported that the photometric plan shows no spill off of light onto abutting residential properties and minimal spill off onto the thoroughfares. Mr. Savidant said a representative of Hadco Lighting is present to answer any technical questions on the proposed photometric plan. Mr. Savidant cited the specifications of the proposed ground sign and reported that City Management recommends a reduction in height to 10 feet and a reduction in sign area to 40 square feet per face.

Mr. Savidant referenced the report submitted by the City's Planning Consultant, Richard Carlisle, in which Mr. Carlisle indicates the proposed illumination is appropriate and agrees with City Management's recommendation to reduce the area and height of the ground sign.

Mr. Savidant reported that the Planning Department and the City's Planning Consultant recommends that the Planning Commission consider recommending preliminary approval of PUD 5 subject to: (1) final FEMA determination, (2) review and recommendations of the City's Traffic Engineer, and (3) review and recommendations of the City's Parks and Recreation Department.

Mr. Savidant reviewed a rendering that shows the proposed signage in scale to the height and mass of the development.

Discussion followed on the size of the signage and its visibility from the road in relation to the petitioner's proposal, the recommendation of City Management and the signage at Woodside Bible PUD.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the height of letters on signage in relation to traveling speed of vehicles.

The petitioner, Brad Byarski of Michigan Home Builders, 13400 Canal Road, Sterling Heights, was present. Mr. Byarski said the purpose of the signage is to introduce the development and provide signage for tenants. He explained that the sign base should be at least 3 feet to keep the sign above the 36-inch privet hedge. Mr. Byarski said he would agree to reduce the height of the sign to 15 feet.

Mr. Schultz realized that the petitioner's proposal of 100 square foot of sign face includes the proposed development designation. Mr. Schultz said 100 square feet is not out of line compared to signage at Woodside Bible. He suggested to reduce the pedestal by 2 feet and to keep the sign face at 100 square feet.

The majority of members were in agreement.

PUBLIC HEARING CLOSED

Resolution # PC-2006-03- *(amended Resolution follows)*
Moved by: Kerwin
Seconded by: Wright

WHEREAS, The Planning Commission reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Michigan Home Builders for Caswell Town Center Planned Unit Development (PUD 5), located on the south side of South Boulevard and east side of Rochester Road, located in section 2, within the B-3, P-1 and R-1D zoning districts, being 18.62 acres in size.

AND WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 23, 2006 that recommends approval of Caswell Town Center Planned Unit Development.

RESOLVED, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00.

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development application consists of the project manual dated October 10, 2005 and revised on February 1, 2006, which contain narratives, reduced plans, and full size plans.

BE IT FURTHER RESOLVED, That the Photometric Data sheet prepared by Hadco Lighting and dated March 21, 2006, be included in the Preliminary Planned Unit Development application.

BE IT FURTHER RESOLVED, That the proposed ground or pylon sign proposed at the boulevard entrance on the east side of Rochester Road, as illustrated on the Sign Profile drawing dated March 6, 2006, shall be approved.

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Caswell Town Center Preliminary Planned Unit Development be approved.

Discussion on the motion on the floor.

Mr. Wright asked that the second to last paragraph of the motion be amended to reflect that the sign shall not exceed 15 feet in height.

Ms. Kerwin did not accept the amendment.

Comments from around the table related to the procedure to follow on the proposed amendment if not accepted by the maker of the motion.

Ms. Kerwin requested a point of order. She said it is the prerogative of the maker of the motion to accept or not accept an amendment.

Mr. Motzny stated that if another motion was made, the members would have to move to approve the motion as a substitute motion, and a vote would be taken on the substitute motion. Mr. Motzny said the procedure at this point would be to vote on the motion as presented by Ms. Kerwin because there was no substitute motion approved.

Discussion continued on procedure as relates to amendments and substitute motions.

Ms. Kerwin explained that the body is in order to discuss the motion on the floor. Ms. Kerwin is supportive of the petitioner's proposed 17-foot high signage. She asked for comments from members on the proposed amendment to lower the sign height to 15 feet.

Comments were solicited from around the table with respect to the height and sign area of the signage. A majority of members agreed to a 15-foot height restriction.

Ms. Kerwin accepted the amendment on the motion as proposed by Mr. Wright.

The amended motion reads:

Resolution # PC-2006-03-054
Moved by: Kerwin
Seconded by: Wright

WHEREAS, The Planning Commission reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Michigan Home Builders for Caswell Town Center Planned Unit Development (PUD 5), located on the south side of South Boulevard and east side of Rochester Road, located in section 2, within the B-3, P-1 and R-1D zoning districts, being 18.62 acres in size.

AND WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 23, 2006 that recommends approval of Caswell Town Center Planned Unit Development.

RESOLVED, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00.

BE IT FURTHER RESOLVED, That the Preliminary Planned Unit Development application consists of the project manual dated October 10, 2005 and revised on February 1, 2006, which contain narratives, reduced plans, and full size plans.

BE IT FURTHER RESOLVED, That the Photometric Data sheet prepared by Hadco Lighting and dated March 21, 2006, be included in the Preliminary Planned Unit Development application.

BE IT FURTHER RESOLVED, That the proposed ground or pylon sign proposed at the boulevard entrance on the east side of Rochester Road, as illustrated on the Sign Profile drawing dated March 6, 2006, shall not exceed 15 feet in height.

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Caswell Town Center Preliminary Planned Unit Development be approved.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Littman, Vleck

MOTION CARRIED

Dennis Morgan of Hadco Lighting made a brief presentation on the illumination plan for the Caswell Town Center PUD. Mr. Morgan distributed brochures and displayed a sample light fixture.

Chair Strat requested a recess at 9:00 p.m.

The meeting reconvened at 9:08 p.m.

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10. POTENTIAL CITY INITIATED REZONING (Z 716) – Consider City Initiated rezoning of the non-conforming parcels in the area of Troyton Manor, Adrienne Manor, and the southern portion of John F. Englehardt Subdivisions, Section 30 – From R-1C (One Family Residential) to R-1E (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the potential City-initiated rezoning request.

A brief discussion followed. It was the consensus of the members to go forward with the City-initiated rezoning request exclusive of the Pembroke Elementary school site.

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 219) – Articles II and III, Conditional Rezoning

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment relating to conditional rezoning.

Mr. Motzny reviewed his memo dated March 16, 2006 that addressed Section 03.24.02 (C) (1), Standards for Approval, and an additional revision to Section 03.24.01, Authority.

Mr. Motzny offered hypothetical examples of conditional rezoning. Discussion followed.

After review and discussion on each condition stipulated in Section 03.24.02 (C), it was determined to make the following revisions to the proposed language.

- Wordsmith, but keep the intent, of (C) (1).
- Provide language that site plan approval could be simultaneously considered at time of conditional rezoning request.
- Revisit (C) (4) (b) as relates to natural resources.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment relating to commercial vehicle parking appeals.

Mr. Motzny reviewed his memo dated March 2, 2006 that addressed a mechanism to remove the commercial vehicle public hearings from the City Council agendas. He indicated there is no clear answer.

A brief discussion followed and comments were solicited from around the table.

The members agreed that City Management should proceed with draft ordinance language for temporary use variances through the Board of Zoning Appeals (BZA) and that standards should be established.

13. PUBLIC COMMENTS – Items on Current Agenda

Chris Komasara of 5287 Windmill, Troy, addressed PUD 5, proposed Starbucks site plan and ZOTA 219. Mr. Komasara also suggested that a recycling container be placed in the Council Board Room.

GOOD OF THE ORDER

Mr. Motzny thinks the Commission is off to a good start with conditional rezoning. He addressed conditional rezoning as relates to the lack of State guidelines and deed restrictions.

Mr. Schultz referenced the discussion on PUD 5, Caswell Town Center, and asked legal council to prepare a written memo on the procedure for amendments to motions and substitution motions.

Mr. Motzny said he would be glad to provide a memo on Robert's Rules of Order and his interpretation. He indicated that the Planning Commission might consider adopting its own procedures and incorporating them in the By-laws.

Mr. Waller attended the grand opening of the Kresge Foundation Headquarters. He distributed a related article from the *Detroit Auto Scene-Oakland Tech News*. Mr. Waller said "impressive" is an understatement. He is working on a tour for the Planning Commission and noted that Walsh College has engaged the same architectural/green team as the Kresge Foundation.

Ms. Kerwin gave a brief review of the Planning Basics Workshop she attended over the weekend. She addressed a Citizens Planner session [7 class series] that will be offered after Labor Day. Ms. Kerwin distributed a draft "Standards of Practice" policy created by the By-laws sub-committee and asked members for their thoughts and ideas.

Ms. Drake-Batts asked to be addressed as Ms. Drake-Batts.

Chair Strat outlined the upcoming meeting agenda: (1) Hamilton Anderson Associates presentation on Classic Commercial Corridors; (2) Sub-committee assignments and progress reports; and (3) timeline of Master Plan and Zoning Ordinance revamping.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,

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Thomas Strat, Chair

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Kathy L. Czarnecki, Recording Secretary

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