

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on September 14, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain

Also Present:

Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Howard Wu, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-09-100

Moved by: Wright
Seconded by: Vleck

RESOLVED, That Member Chamberlain be excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Chamberlain

MOTION CARRIED

2. MINUTES

Ms. Drake-Batts requested that the August 24, 2004 Special/Study Meeting minutes reflect the following change.

Page 9, 4th paragraph, last two sentences to read:

“She expressed concern with the lighting of the project and the height of the building. Due to height and closing off of their street, she would side with the neighbors.”

Resolution # PC-2004-09-101

Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the August 24, 2004 Special/Study Meeting minutes as amended.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Vleck, Waller
No: None
Abstain: Wright
Absent: Chamberlain

MOTION CARRIED**3. PUBLIC COMMENTS**

There was no one present who wished to speak.

SPECIAL USE APPROVALS**4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 104-C) – San Marino Social Club Expansion, North side of Big Beaver, West of John R, Section 23 – Zoned O-1 (Low Rise Office), R-1E (One Family Residential) and E-P (Environmental Protection)**

Mr. Savidant presented a summary of the Planning Department report for the proposed Special Use. Mr. Savidant and the petitioner discussed the provision of cross access easements to the west and east properties. It is the petitioner's preference not to provide cross access easements to either the west or east. Mr. Savidant cited Article 24.50.07 that provides the Planning Commission with the authority to require cross access interior drives should it determine they are necessary. He stated the location of any cross access easement should be discussed with the petitioner. Mr. Savidant said the cross access easements were also discussed in-house with respect to grading and the traffic pattern.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use and Site Plan as submitted, with the condition of cross access easements should the Planning Commission make a determination that cross access easements are necessary.

Mr. Savidant clarified that all of the site plan review comments listed by the City's Environmental Specialist would be addressed prior to final Site Plan Approval.

David Endreszl of Endreszl & Associates Engineering, 8700 Pine Knob Road, Clarkston, and Bob Casadei, Trustee for the San Marino Club and Chairman of the Expansion Committee, were present on behalf of the San Marino Social Club.

Mr. Endreszl addressed the grade issues with respect to the cross access easements.

Mr. Casadei said a significant number of the club's membership is concerned that cross access easements would have a negative impact on the club's usage. It is their preference not to provide the cross access easements to either the west or east. Mr. Casadei said the situation of the San Marino Social Club is different because it is a private membership that operates a catering facility for banquets to private parties. The cross access easement to the east would connect to a high-density retail development, and it is felt that the traffic coming through and possibly connecting from John R would have a significant negative impact on the facility. Mr. Casadei said he would be more favorable to providing a cross access easement to the west.

Mr. Littman questioned the dumpster capacity for kitchen grease.

Mr. Endreszl confirmed that a grease trap is in the dumpster enclosure.

The following considerations were discussed with respect to the provision of cross access easements to the west and east.

- Safety factor of providing cross access to the west; i.e., avoid potential traffic situations should a driver miss the club's entrance.
- Potential locations of cross access to the west, suggested by the petitioner, dependent on future development.
- Planning Department's flexibility to modify cross access locations, based on future development.
- Location of cross access nearer to Big Beaver Road.
- Locations of cross access to be mutually agreed upon by all parties.
- Cross access to the east would allow drivers to come in from John R and alleviate traffic on Big Beaver.
- Cross access easements provided on all commercial properties along major roads.
- Cross access to the east might result in cut-through traffic from John R.
- Safety factor for exiting cars from San Marino Social Club activities.
- Relationship of the San Marino Social Club use with the commercial/retail use to the east.

Mr. Casadei said the club avoids scheduling activities at both buildings at the same time to avoid congestion. He said there have been occasions when both buildings were in operation at the same time, but there were no problems as far as parking.

Chair Waller encouraged the petitioner to be creative with the design of the retention pond.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-09-102

Moved by: Littman

Seconded by: Wright

RESOLVED, that the Planning Commission hereby approves a reduction in the total number of required parking spaces to 442 when a total of 519 spaces are required based on the off-street parking space requirements for dining rooms and banquet halls, as per Article 40.21.31. This reduction meets the standards of Article 40.20.12 and will assist the San Marino Club in minimizing the amount of storm water runoff on the site.

FURTHER RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 24.30.03 of the Zoning Ordinance, as requested for the proposed San Marino Social Club, located on the north side of Big Beaver, west of John R, Section 23, within the O-1, R-1E and E-P Zoning District, be granted, subject to the following conditions:

1. Cross access easement be provided to the west at a site to be determined in the future.
2. All containers for waste, garbage and grease be contained within the dumpster enclosure shown on the site plan.

Yes: Drake-Batts, Littman, Strat, Vleck, Waller, Wright

No: Khan, Schultz

Absent: Chamberlain

MOTION CARRIED

Messrs. Khan and Schultz were not in favor of the motion because they stated cross access easements should be provided to both the west and east properties.

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 325) – St. Augustine Lutheran Preschool, Southwest corner of Livernois and McKinley (5475 Livernois), Section 9 – Zoned R-1B (One Family Residential)

Mr. Savidant presented a summary of the Planning Department report for the proposed Special Use request to bring the existing preschool facility into compliance. Mr. Savidant reported that it came to the Planning Department's attention during the Special Use Approval process for the preschool facility that a Montessori school and drivers education classes are currently held in this facility also. It is the determination of the Planning Department that the Montessori school is required to seek Special Use Approval. The drivers education classes are not a permitted use within the R-1B district; however, the classes could continue should it be determined the classes are an ancillary activity to the church, such as marriage counseling or babysitting classes. Mr. Savidant said the Montessori school and drivers education classes would be considered in the future and do not affect the Special Use request for the preschool facility.

Mr. Savidant reported that the Planning Department received a petition signed by 10 residents who live on McKinley requesting that a direct access drive be provided from the church to Livernois. The City's Traffic Engineer does not recommend a direct access drive from the church. The Traffic Engineer said there has never been a documented accident at McKinley and Livernois, and that the existing drive on McKinley is safer than direct access from the church onto Livernois.

Mr. Savidant said the Planning Department received a number of letters in opposition to the Special Use Approval that were provided in the Planning Commission's meeting packets. It has been confirmed that the St. Augustine church sign is illuminated, as stated in one of the resident letters.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use request and Site Plan as submitted subject to the elimination of the 6-foot fence proposed on the north, west and south sides of the outdoor play area.

Larry Boeberitz of 681 Lockmoore, Rochester Hills, was present. Mr. Boeberitz is chairman of the Board of Trustees for St. Augustine Church. He provided a brief history of the church's origination and expansion. Mr. Boeberitz said the majority of residents on McKinley purchased their homes after the church was at this location. Mr. Boeberitz supported the recommendations of the Planning Department.

Chair Waller asked the petitioner to appropriately shield the illuminated sign at the church, in accordance with City ordinances.

Mr. Boeberitz replied that the sign illumination matter would be resolved.

Discussion followed with respect to the preschool and Montessori school enrollment and the outdoor play activities.

Mr. Boeberitz said the current enrollment of the Montessori school is 30 children. He said the church is State licensed for 40 children.

Charlene Goshgarian of 2159 Haverford, Troy, was present. Ms. Goshgarian is director of the church preschool. She reported the preschool maximum class size is 16 children per the morning session and the afternoon session. Ms. Goshgarian said the overall enrollment is 42 children, divided into groups of 16 children. Ms. Goshgarian said the outside play periods are in two sessions (morning and afternoon) for 10 to 15 minutes each per day, on an average of 3 or 4 times a week. The preschool hours are 9 a.m. to 11:30 a.m. and 12:30 p.m. to 3:00 p.m. The outdoor play area times are approximately from 11:15 a.m. to 11:30 a.m. and 2:45 p.m. to 3:00 p.m. Ms. Goshgarian said she could not speak on behalf of the Montessori school hours and outdoor play times.

PUBLIC HEARING OPENED

Maria and Thino Nopora of 5538 Winchester, Troy, were present. Mrs. Nopora voiced opposition to the location of the school and the outdoor playground. She expressed her concerns with the traffic and the noise resulting from the children playing outside.

Ed Sarkis of 70 McKinley, Troy, was present. Mr. Sarkis said the main problem is traffic on McKinley. He referenced the City's ordinance that states a Special Use activity should not be detrimental to property values, environment or adjacent land. Mr. Sarkis said he and his neighbors have signed the petition to stress that the traffic on McKinley is dangerous, and that they have been negatively impacted by the traffic. The cars are constant from the operation of all the schools that have not been identified. Mr. Sarkis said the vast majority of traffic at McKinley and Livernois is from the church and a separate drive would accommodate the church traffic. Mr. Sarkis said the church was fairly modest in size when he first moved in, but the traffic increased significantly after the church expansion in 1993. Mr. Sarkis spoke about the large play outdoor area from both visual and noise aspects, and noted that the majority of traffic is generated from the school. Mr. Sarkis asked the Commission's consideration in easing the large volume of traffic and noise from the playground and school activities, providing landscaping to create a buffer between the use of the church and the neighborhood, lighting from vehicular headlights and church sign, and redesigning the access driveway directly from the church to Livernois. Mr. Sarkis asked the timeline for the City's investigation in the other uses of the church.

Chair Waller explained the City ordinance with respect to lights from illuminated signs and exterior building lights, and noted that the Building Department is responsible for the enforcement of the ordinance.

Gordon Orear of 90 McKinley, Troy, was present. Mr. Orear said he lived at that location – the first house on McKinley -- since 1955, before any church was even thought of. Mr. Orear mainly objects to the traffic generated by the church and the

property values which could be affected by the church traffic. Mr. Orear said there are well over 100 cars going in and out of the church on McKinley, and asked for consideration in returning the driveway to its original point. He said the original owners of the church property had a driveway directly off of Livernois, and it functioned very well and for many years. He would like to see the Planning Commission come up with a solution to using Livernois as the main entrance to the church. Mr. Orear said he enjoys hearing the children play outside, and said he has empathy toward the church and the schools.

Tony D'Ambrosi of 233 McKinley, Troy, was present. Mr. D'Ambrosi lives two lots west from the parsonage. Mr. D'Ambrosi refuted some of the public comments made with reference to the traffic. He said with respect to the activities of the church, there are never more than 20 cars at a time. The church's busiest times are Sunday mornings when it has two services, at which time 99% of the traffic come off of Livernois. Mr. D'Ambrosi purchased his home three years ago because there were no sidewalks, but at the same time he felt it was safe because of the relatively non-existent traffic on the street. Mr. D'Ambrosi said he finds it difficult that 16 children at one time could cause that much noise. Mr. D'Ambrosi said he has noticed no increase in traffic and does not see a large volume of people at the church at the same time for the school and church activities.

PUBLIC HEARING CLOSED

(refer to action on page 9; Public Hearing remains open)

Mr. Wright asked if the church schedules late evening activities.

Mr. Boeberitz replied that the church has no organized regularly scheduled events late in the evening. He noted that church members are free to come and go as they wish, and that the pastors have noticed a number of vehicular turnarounds in the church lot.

Mr. Vleck suggested the matter be tabled so that consideration can be given simultaneously to the three uses of the church. He thinks the traffic should be studied more closely.

Mr. Savidant said the Special Use request in front of the Commission tonight does meet all ordinance requirements, but it is complicated by the other uses.

Mr. Motzny said it is at the Planning Commission's discretion to table the item, should it determine that the three uses of the church would best be considered at the same time.

Mr. Wright said he has no problem with the preschool or the Montessori school uses. He indicated the drivers education classes could be a problem. Mr. Wright suggested that each use be considered separately.

Mr. Savidant reminded the Commission that the operation of the Montessori school would require a Special Use Approval. The drivers education classes would cease and desist should it be determined that it is not an ancillary use of the church. Mr. Savidant said the Planning Department would make sure that the petitioner applies for a Special Use request for the Montessori school in the very near future.

Mr. Schultz questioned the specificity of site plan criteria for a Special Use.

Mr. Motzny replied that with respect to Special Use Approvals, the Planning Commission has a broader discretion to impose conditions on the use. The Planning Commission can impose any reasonable condition as long as it is related to the use of the land and as long as there is a public health, safety and welfare reason for imposing that condition.

Mr. Strat said he does not have a clear handle on the traffic situation with respect to the different uses.

Mr. Khan agreed that tabling the matter would provide time to obtain more information.

Ms. Drake-Batts said she is unclear from where the lights are coming.

Mr. Wright said he is very familiar with the area and he has never seen any traffic problem associated with the church.

Mr. Vleck said consideration should be given to the cost factor on behalf of the church should it be required to redesign the driveway.

Mr. Strat said he is impressed with the quaintness of the area and how the church blends in with the neighborhood.

Resolution # PC-2004-09-103

Moved by: Vleck

Seconded by: Khan

RESOLVED, That the Planning Commission table this item to the October 12, 2004 Regular Meeting and review the matter at one of its Study Sessions prior to the Regular Meeting.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Vleck

No: Waller, Wright

Absent: Chamberlain

MOTION CARRIED

Messrs. Wright and Waller were not in favor of the motion to table because they stated the Special Use request is valid and should be acted upon.

Chair Waller declared that the Public Hearing is not closed and will remain open for future meetings.

REZONING REQUEST

6. **PUBLIC HEARING - PROPOSED REZONING (Z 696)** – Proposed Chary Villas, West side of Rochester Road, North of Square Lake, Section 3 – From R-1B (One Family Residential) to R-1T (One Family Attached)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant pointed out the only negative associated with the application is that it involves four parcels to the south that have not been acquired by the petitioner, which creates a pocket of single family residential between commercial uses on the corner and medium-density residential to the north. The City cannot require it, but the petitioner has been encouraged to consolidate the parcels so there is consistent density along the frontage. Mr. Savidant said that based on discussion with the petitioner, it appears the petitioner has acquired the two parcels to the north between Ottawa and the northernmost parcel. Mr. Savidant stated that the two additional parcels are not a part of the application and should not be a consideration in the review and approval of the application before the Commission tonight. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Schultz asked how many homes could be built on the 2-acre parcel that is zoned R-1B.

Mr. Savidant responded that it appears that approximately 4 units could be built on the parcel.

There was a very brief discussion on a specific property located on Rochester Road with respect to its Consent Judgment.

Bill Mosher of Apex Engineering Group, 47745 Van Dyke, Shelby Township, was present on behalf of the petitioner. Mr. Mosher stated that the applicant does have an agreement to purchase the first two lots north of Ottawa. Mr. Mosher would like to receive a favorable recommendation on the four lots and come back in the future for the two additional lots. Mr. Mosher said the application meets the intent of the Future Land Use Plan. He said it is becoming difficult to market and sell single family residential homes located on busy corridors such as Rochester Road, but the growth trend is condominium living. Mr. Mosher said additional landscaping and screening would be implemented in the future development to provide a traditional buffer between the higher intensity uses along the Rochester Road corridor and the single family residential on Ottawa.

Mr. Savidant reported that the Planning Department received one letter of opposition to the proposed rezoning, a copy of which has been provided to the Commission.

PUBLIC HEARING OPENED

Gerald Peacock of 6355 Rochester Road, Troy, was present. Mr. Peacock asked questions with respect to the type of residential homes planned; i.e., size of lots, square footage of homes, subsidized housing development, price range, etc. Mr. Peacock said that all of Rochester Road should be commercial. He is not opposed to the proposed development; he just does not want to see any junk. Mr. Peacock said he is not too happy with the development across the street from him.

Chair Waller replied that the physical structure of the development is not germane to the rezoning consideration in front of the Commission. He suggested that Mr. Peacock talk with the petitioner to obtain answers to his questions.

Mr. Savidant said that should the rezoning be approved, the petitioner would be required to come back for Site Plan Approval, at which time the physical aspects of the development could be discussed.

Joanne Stephenson of 6141 Rochester Road, Troy, was present. Ms. Stephenson lives next to the two houses that were demolished on the subject site. Ms. Stephenson is in favor of the rezoning. She said she would rather see something built there instead of looking at property that has not been taken care of for the past 5 years.

PUBLIC HEARING CLOSED

Discussion followed on the consideration of the rezoning request after consolidation of all 6 parcels.

Mr. Motzny said consideration of the item would be at the discretion of the Planning Commission.

Mr. Mosher said the matter of timing is unfortunate, and requested action be taken on the rezoning request for the 4 parcels because of due diligence time constraints. Mr. Mosher said all 6 lots would be inclusive of the Site Plan Approval process.

Resolution # PC-2004-09-104

Moved by: Littman

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to R-1T rezoning request, located on the west side of Rochester Road and north of Square Lake Road, within Section 3, being approximately 2 acres in size, be granted.

Yes: All present (8)
No: None
Absent: Chamberlain

MOTION CARRIED

STUDY ITEM

7. **SITE PLAN REVIEW (SP 909)** – Proposed Starbucks Coffee, Northwest Corner of Big Beaver and Crooks, Section 20 – H-S

Mr. Savidant provided a brief review of the proposed site plan that went before the Board of Zoning Appeals (BZA) for relief of the requirement of Article 23.25.01 of the Troy Zoning Ordinance which states that a drive-up window in an H-S zoning district must be located on a parcel at least one acre in area. The BZA postponed the request to allow the Planning Commission the opportunity to study and make any recommendations on the site plan. Mr. Savidant reported the first draft of the proposed site plan was reviewed by the Planning Department and comments were provided for the Commission's consideration. Mr. Savidant noted that if the petitioner appropriately addresses the Planning Department's comments, the application would meet zoning ordinance requirements with the exception of the minimum one-acre lot size requirement for a drive-up window.

Mr. Schultz said he was the Planning Commission's representative at the August 17th BZA meeting and was in support of tabling the variance to allow the Planning Commission an opportunity to review the site plan. Mr. Schultz said he has concerns with the plan, although he personally feels a coffee shop at this location is okay. The concerns are the use of the property with the drive-up window in a future development, the parking spaces with respect to the 9½ foot width requirement, detention, and the provision of cross access in either direction to the adjacent parcels.

Mr. Strat agreed with the concerns cited by Mr. Schultz. Mr. Strat said the site plan is a horrible design that provides no cross access easements and creates a dangerous situation and the potential for a big car line-up at one of the City's premier corners. He said the drive-through window would stay with the land and anything could happen on that corner in the future. Mr. Strat objected to the procedure followed and said the site plan should have come before the Planning Commission prior to going to the Board of Zoning Appeals for a variance.

Ms. Drake-Batts said Starbucks would be a great asset to the community, but she would not approve a site plan with a drive-through at this location. Ms. Drake-Batts said she would like to see a cross access easement provided to the property to the north. She is very familiar with this intersection and she has no doubt that drivers will be turning left out of the intersection.

Mr. Wright agreed with the comments previously stated and would also like to see a cross access easement to the north. He encouraged the consolidation of property in the area. Mr. Wright said that whole northwest corner of the intersection is in total chaos. He would like to see a Starbucks at this site, and noted he visits a Starbucks coffee shop every morning.

Mr. Strat stated he has nothing against Starbucks either, but the design is very poor. He noted that the Downtown Development Authority is currently undertaking a study of the Big Beaver Road corridor and said careful consideration should be given to that premier corner.

Chair Waller referenced a former traffic analysis that reported locations in which most accidents occur. Accidents at this location happen in the eastbound lane at the southbound lane, in front of Einstein's and the former Denny's restaurant.

Mr. Vleck said a drive-through window at this location is not compatible because of the size of the property and the busy intersection.

Resolution # PC-2004-09-

Moved by: Vleck
Seconded by: - -

RESOLVED, That the Planning Commission forward its comments back to the Board of Zoning Appeals that it does not recommend a variance for a drive-through at this location.

There was no second to the motion.

The petitioner requested to be heard.

Mr. Vleck said he would hold the motion at this time.

Chair Waller spoke with respect to potential parking concerns that might result from the grade difference between the subject site and the property to the north.

The petitioner, Jon Scherer of 2989 Crooks, Troy, was present. Mr. Scherer said the approval process followed was at the direction of Mark Stimac and Doug Smith. Mr. Scherer reported that the subject site is a closed gas station, and it was his intent at the time of possession to reopen it as a gas station. Starbucks approached him because of their interest to incorporate their new drive-through concept. Mr. Scherer said his family owns the gas station across the street, and he is very familiar with the traffic problems at this location. He said they did their best to address the traffic concerns in the design of the site plan. Mr. Scherer said he would open a gas station at this location should the City not approve a drive-through Starbucks. He noted this is not a threat, but for financial reasons and time constraints he would go forward with the gas station. Mr. Scherer thinks the coffee shop would be a better use at this location and would complement the City's objectives. Mr. Scherer said the cross access, grading and parking concerns would not be satisfied. He also

stated his attempt to purchase the buildings to the north was unsuccessful. He asked the Commission's consideration in letting him know if the project has any potential to go forward.

Ms. Drake-Batts said she thinks there would not be a problem if the drive-through would be taken out.

Mr. Sherer replied that if the drive-through is taken out, he thinks the City would not get a Starbucks.

Mr. Strat voiced his concern with the visible sight of cars parked at the northeast corner of the intersection, and suggested the building be brought closer to the sidewalk and the parking be moved to the rear along side the drive-through. He noted that concessions are made to corporate design standards to accommodate city requirements.

Mr. Sherer questioned development of the subject property with respect to the Consent Judgment.

Mr. Motzny said he was not familiar with any Consent Judgment on this property. *[Mr. Motzny was provided relevant paperwork from a person in the audience.]* Mr. Motzny reported that he does not have sufficient information at this time to comment on the Consent Judgment, but assured the matter would be reviewed prior to the next BZA meeting.

Mr. Schultz said his interpretation of the explanation given by Mr. Stimac and Ms. Lancaster at the BZA meeting is that if a variance is required in order for a site plan to be approved, the variance must be received first because under State law the Planning Commission does not have the authority to approve conditional site plans based on variances being granted after the fact. Mr. Schultz said he is hearing that the direction to the Planning Commission's BZA representative is to oppose the variance.

Steven Sorensen, registered engineer of J. B. Donaldson Company, 41850 W. Eleven Mile, Novi, was present. Mr. Sorensen said he met with Mark Stimac with respect to the design of the site plan. He addressed the building location, cross access and grade concerns. Mr. Sorensen said it would be best to separate the interaction of the vehicles and pedestrians, and noted it would be very difficult to have a cross access easement to the north as relates to engineering requirements due to significant grade differences.

Mr. Strat referenced a project he personally worked on in another community with respect to the approval process procedure.

Chair Waller reminded Mr. Strat that this is not the forum to discuss the City's approval process.

Mr. Vleck would prefer to have a Starbucks at this location instead of a gas station. He said Starbucks is a reputable company and would be a safe investment, but noted there could be potential drawbacks in the future.

Mr. Khan asked if the proposal would come back to the Planning Commission for Site Plan Approval.

Mr. Savidant confirmed that it would.

Mr. Vleck confirmed the withdrawal of his previous motion. He said he would not have a problem with working further on the Starbucks site plan.

Discussion continued on site plan design with respect to contingent variances, visibility of building, and setback requirements.

Mr. Savidant stated that should the petitioner receive a variance for the drive-through and the Planning Department's concerns as cited in its review are addressed, the site plan would meet the current zoning ordinance requirements. Mr. Savidant said he agrees with Mr. Strat. The City would generally like to see buildings closer to the sidewalk and the right-of-way, but the City does not have the authority to do that nor does it have the design standards of other cities.

Ms. Drake-Batts said she would not recommend anything with a drive-through at this location.

Mr. Khan said the drive-through is a major problem and referenced specifically how a situation would be handled should a car break down in the drive-through line.

Mr. Strat stressed that the safety of vehicles and pedestrians is a major concern at this location, and asked if the site plan could be denied on the basis that an unsafe situation would be created.

Messrs. Savidant and Motzny confirmed that should the Planning Commission determine as one of its findings that safety is an issue, the site plan could be denied.

Resolution # PC-2004-09-105

Moved by: Vleck
Seconded by: Wright

RESOLVED, That this body communicate to the Board of Zoning Appeals approval of a drive-through at this location.

Discussion on the motion.

Mr. Vleck asked if the building setback requirements would require a variance.

Mr. Savidant confirmed the building setback requirements would be met, and a variance would not be required.

Mr. Littman said he would rather see a Starbucks at this location than a gas station, but the main concern is safety at this location. Mr. Littman said he is not convinced that Starbucks would be any safer than a gas station. He would like to have further insight on this matter from the Traffic Engineer and/or a traffic study.

Mr. Vleck suggested that Starbucks provide any information it might have with respect to anticipated traffic at the location, so the information can be a consideration of the Board of Zoning Appeals. He referenced the legitimacy of denying the site plan based on safety concerns.

Mr. Schultz said he is personally opposed to a drive-through at this location; however, he would take back to the BZA the direction of the Planning Commission.

Mr. Strat said his concern is that there might be more than one variance required to accomplish an acceptable site plan in terms of creativity. He objects to the number of steps of the approval process. Mr. Strat said he would vote against the motion on the floor.

Mr. Vleck agreed that the approval process needs refining for all parties involved.

Albert Haddad, representative of Starbucks, was present. Starbucks approached Mr. Sherer several months ago because the location was considered a fabulous opportunity for Starbucks. Mr. Haddad said the City was approached on a very open basis and meetings were held with the City's appropriate parties in order to get direction with regard to Starbucks' intent, anticipation and implementation of the plan. He said direction was given by Doug Smith, Mark Miller and Mark Stimac, and at times, by the City's Traffic Engineer. The direction from the City was to go to the Board of Zoning Appeals prior to review and approval by the Planning Commission. Mr. Haddad said time and energy has been spent to address the traffic issues at this location. He said that Starbucks' stacking requirements for a drive-convenience window are less than the City requirements. From a traffic study perspective, the plan is within the mandate pursuant to City ordinances. Mr. Haddad said Starbucks has tried to maintain an open communication with the community, the landowner, engineers and third party consultants. He thinks it is a fabulous gateway to Troy. He said Troy is a commuter location and Starbucks has created a plan based on that fact. He noted there is not much neighborhood activity. Mr. Haddad cited daily traffic counts; i.e., 80,000 cars traverse through the intersection on Big Beaver, 20,000 cars head south on Crooks, and 27,500 cars head north on Crooks toward Big Beaver. Mr. Haddad said the plan was designed with sensitivity to both the neighborhood and municipal needs, and it is hopeful that there has been no misdirection.

Chair Waller stated that comments expressed relative to the City's approval process is an internal matter and under consideration for review at this time.

Vote on the motion on the floor.

Yes: Vleck, Waller, Wright
No: Drake-Batts, Khan, Littman, Schultz, Strat
Absent: Chamberlain

MOTION FAILED

Ms. Drake-Batts said the minimum one-acre lot size requirement for a drive-through is the premise of her no vote.

Mr. Schultz said this particular development would be an excellent development on the property, but he stands by his position that the responsibility of the Commission is to do what is best for the City in the long run. It is not known what will be on that corner in 10 years.

Mr. Khan said he is not opposed to Starbucks or the drive-through at the corner. He would like the petitioner to come back with a revised site plan.

Mr. Strat said the site plan might require more than one variance. He would like the petitioner to analyze the situation, review their intent, criteria, constraints and required variances before going to BZA.

Mr. Littman would like more information before making a final decision. He said his gut feeling is the plan looks less safe as presented than a gas station or anything else. He said he could be in favor of the site plan should additional data be provided.

Chair Waller stated the recommendation to the BZA is the record of the vote.

8. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Vleck commented on the proposed PUD on Big Beaver between McClure and Alpine. He has definite concerns on the height of the development, but is looking forward to working on the project.

Ms. Drake-Batts received positive feedback on the proposed PUD from approximately 20 families with whom she met last week. There are two volunteers who are willing to meet with the developer to give their input and ideas on the traffic.

Mr. Wright commented on the lack of a bail-out lane in the drive-through window of the proposed Starbucks Coffee Shop, and noted Burger King and McDonald's on Rochester Road and Long Lake do not have bail-out lanes either.

Mr. Strat said he appreciates the fact that the Commission is not supposed to be influenced by drawings or site plans submitted with applications for rezoning or ordinance amendments, but he feels it should be at the Commission's discretion whether or not to be influenced by the drawings. Mr. Strat said if a petitioner submits drawings as part of an application, the Commission should have the opportunity to see the drawings and make a determination to be or not to be influenced by the drawings. It should not be staff's determination what the Commission should see and not see.

Mr. Littman said, at a recent meeting, the City Clerk informed members that the door could be closed at Study Session meetings if a "come on in" sign is placed outside the door. Mr. Littman suggested, with the approval of the Legal Department, that the Commission begin posting such a sign during Study Meetings.

Mr. Savidant stated the PUD process requires the applicant to hold a public input session with the neighbors from the area; therefore, the residents with whom Ms. Drake-Batts met would have an opportunity to give their comments to the petitioner.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 10:00 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary