The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 23, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck (arrived 7:36 p.m.)

Absent:
Philip Sanzica

Also Present:
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Chair Schultz requested to revise the agenda, as follows:
1) Remove Agenda item #6, Downtown Development Authority (DDA) Meeting.
2) Add Agenda item #10(a), Joint Planning Commission Meeting with City of Birmingham.

Resolution # PC-2009-06-056
Moved by: Strat
Seconded by: Edmunds

RESOLVED, To approve the Agenda as revised.

Yes: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle, Ullmann
Absent: Sanzica, Vleck (arrived 7:36 p.m.)

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-06-057
Moved by: Edmunds
Seconded by: Maxwell

RESOLVED, To approve the minutes of the June 2, 2009 Special/Study meeting and the June 9, 2009 Regular meeting as prepared.

Yes: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle, Ullmann
Absent: Sanzica, Vleck (arrived 7:36 p.m.)

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Ullmann gave a report on the June 16, 2009 Board of Zoning Appeals (BZA) meeting. He specifically addressed the three variances approved for the proposed Sonic Restaurant.

[Mr. Vleck arrived at 7:36 p.m.]

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Note: Item removed from the Agenda because there was no meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on:

- June 15-16 Transit Oriented Design Charrette.
- City Council action items taken on June 15, 2009.
  - Approval of Big Beaver Kilmer PUD #10, Amendment to Preliminary Development Plan.
  - Approval of ZOTA 238, Social Service Facilities in M-1 District.

Chair Schultz announced construction started on the Huntington Bank approved on the southwest corner of Troy Center Drive and Big Beaver.

SPECIAL USE REQUEST

8. SPECIAL USE REQUEST (SU 366) – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36, H-S (Highway Service) District

Mr. Savidant briefly reviewed the status of the proposed Sonic Restaurant. Mr. Savidant explained the time constraints involved relating to the variances granted by the BZA and the report prepared by the Planning Consultant.

Richard Carlisle reviewed the report and addressed the following noted deficiencies:

- Speaker and menu board locations.
- Loading area in relation to truck delivery times.
- Affidavit from property owner for outdoor seating. *(Affidavit received by Planning Department via facsimile, and original Affidavit hand delivered at meeting)*.

Mr. Carlisle said the site in terms of position and arrangement makes for a very intensive project. He reported the site plan meets all Zoning Ordinance requirements and it is recommended to approve the application as submitted, with a condition that truck deliveries are limited to non-operational hours.

The petitioner, Jim Butler of Professional Engineers Associates (PEA), 2430 Rochester Court, Troy, was present. Mr. Butler submitted the original Affidavit signed by the property owner required for the outdoor seating. He distributed twelve (12) letters of endorsement from Oakland Plaza tenants as well as site plan exhibits and colored pictures relating to the variances granted by the BZA. Also displayed was a colored rendering of the proposed Sonic Restaurant.

Mr. Butler addressed the latest site plan revisions relating to the taper and deceleration lane on John R, the 8-foot wide sidewalk and greenbelt landscaping. Mr. Butler also addressed concerns outlined in the letter submitted to the BZA from Douglas Mossman, former managing partner for Oakland Mall and Oakland Plaza, relating to the greenbelt, visibility, traffic congestion and cut-through traffic. He stated there is an existing reciprocal cross access easement on the site.

Mr. Butler said the franchisee and representatives from the traffic consulting firm and Sonic corporate office were in the audience and available for questions.

Mr. Ullmann voiced concern with planting deciduous trees in the greenbelt. His concern is with potential problems to the sidewalk and driveway caused by the roots so close to the sidewalk.

Discussion continued on the species, height and width of the proposed landscaping.

Doug Hailey, Senior Director of Design for Sonic Industries, Oklahoma City, Oklahoma, was present. Mr. Hailey briefly described the internal traffic flow and specifically addressed the stacking of vehicles, canopies and menu boards. He said usually demand determines the hours of operation.

Chair Schultz opened the floor for public comment.

Kevin Barnes, operator of the Burger King on 14 Mile Road near the proposed Sonic Restaurant, was present. Mr. Barnes spoke in opposition of the proposed development. He addressed the potential for increased traffic congestion, stacking of cars, cut-through traffic and safety concerns because of the tight site layout. Mr. Barnes shared his experience at the Sonic Restaurant located in Clinton Township this past February.

Mr. Hailey responded that most Sonic Restaurants are located on three-quarter acre sites and are very successful. He said the traffic volume will be a challenge during the honeymoon period. Mr. Hailey addressed the traffic count numbers and the "energy" that a Sonic Restaurant generates.

Carl Chandler, an accountant for Sonic, addressed traffic counts and does not anticipate any safety concerns.

Chair Schultz closed the floor for public comment.

Discussion continued on:

- Proposed landscaping.
  - Species of trees, planting within proximity of sidewalk, maintenance.
  - Yews and viburnums, maintain at 30-36 inches.
- Unloading area as relates to delivery schedule.

Ben Cheshire of 5388 Ridge Court, Troy, addressed the hours of operation and the schedule of truck deliveries. He gave a brief explanation of "key drop delivery" system. Mr. Cheshire agreed with a stipulation for deliveries during off peak hours when drive-up services are not offered.

Resolution # PC-2009-06----
Moved by: Tagle
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.06 of the Zoning Ordinance, as requested for the proposed Sonic Restaurant, located on the east side of John R, north of Fourteen Mile Road, in Section 36, within the H-S zoning district, be granted, subject to the following conditions:

1. The exact speaker locations be shown on the plans.
2. Deliveries only accepted during non-operational hours.
3. Tree species along John R be determined with the Planning Consultant and City Landscape Architect.

Discussion on the motion on the floor.

There was a lengthy discussion on defining "non-operational hours".

Mr. Cheshire said hours of operation would be from 6 a.m. to midnight. He would use the "key drop delivery" system for major deliveries, but asked to allow small deliveries until 10 a.m.

It was determined to specify no deliveries between the hours of 10 a.m. and 12 midnight.

Amendment to the motion on the floor.

Resolution # PC-2009-06-058
Moved by: Vleck
Seconded by: Edmunds

To amend the delivery hours to state that there will be no scheduled deliveries between 10 a.m. and 12 a.m.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

Vote on the motion on the floor as amended.

Resolution # PC-2009-06-059
Moved by: Tagle
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.06 of the Zoning Ordinance, as requested for the proposed Sonic Restaurant, located on the east side of John R, north of Fourteen Mile Road, in Section 36, within the H-S zoning district, be granted, subject to the following conditions:

1. The exact speaker locations be shown on the plans.
2. No scheduled deliveries between 10 a.m. and 12 a.m.
3. Tree species along John R be determined with the Planning Consultant and City Landscape Architect.

Yes: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle, Vleck
No: Ullmann
Absent: Sanzica

MOTION CARRIED

Mr. Ullmann said it is his belief that the site is too small for the proposed development. He wished success in the operation of the restaurant.

STUDY ITEMS

9. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Review of Draft Nonconforming Uses/Structures Article and Amendments Article

Mr. Savidant gave a brief review and introduction of the item.

Mr. Carlisle reviewed the draft of Article 13, Nonconforming Uses/Structures. He pointed out inconsistencies in the current Zoning Ordinance (Section 13.03 D., Section 13.04 B, Section 13.05 C, and Section 13.05 E).

There was discussion on the following:

- Place mechanisms that would give owner ability to bring property into conformity.
- Add value to the property; intent is not to devalue property.
- Building Department and Zoning Board of Appeals (BZA) involvement.
- Obtain count of existing nonconforming uses from Building Department.
- Eliminate and/or make consistent specified timeframes (i.e., 30 day, 6 months, 6 consecutive months).
- Identify classifications for nonconforming uses. Class A nonconformities are permitted to expand; Class B are not.
- Look at Section 13.03 D.5.
- Provision not to preclude someone from building up to code.

Resolution # PC-2009-06-060
Moved by: Edmunds
Seconded by: Tagle

RESOLVED, To suspend the rules, and table Agenda item #9 to later in the evening and move Agenda item #10 forward.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

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10. POTENTIAL ZONING ORDINANCE TEXT AMENDMENT – Used Car Sales in M-1

Mr. Hutson disclosed that his law firm represents an automobile dealer located in Troy that is situated in the M-1 Zoning District. He asked to recuse himself from discussion on this item to avoid any appearance of impropriety.

Mr. Forsyth agreed it would be appropriate to recuse Mr. Hutson from discussion.

[Mr. Hutson exited meeting.]

Mr. Strat disclosed his relationship with the petitioners, but indicated he has no financial interest in the matter.

Mr. Forsyth said he sees no conflict of interest.

Mr. Savidant gave a brief introduction to the item. He advised members that used car sales are not permitted in the M-1 zoning district as a principal use. They are permitted as an accessory use to a new cars sales agency, provided that agency is in a planned automobile center. Mr. Savidant said used car sales are permitted in the B-3 and H-S districts, subject to Special Use Approval. He reported an amendment to the Zoning Ordinance would be necessary to permit used car sales as a principal use or as accessory to a towing or automobile storage facility in the M-1 district. Mr. Savidant identified questions to consider and generate discussion.

Mr. Strat said the primary interest of the petitioner is to operate a wholesale car dealership. Pre-ordered upscale cars would be displayed on a temporary basis for retail. Mr. Strat said some cars might be repaired on site and then put on the market for sale.

Carrie Heichel and Jack Youhana of Global Towing Company, 5878 E. Maple Road, Troy, were present. Ms. Heichel and Mr. Youhana are seeking the City's approval so they can move forward with a Class B License application. They provided a brief description of the proposed wholesale operation relating to the type, number, repair, storage and retail display of vehicles on site.

Mr. Savidant reviewed the Zoning Ordinance standards for used car sales in the B-3 zoning District. He indicated the Planning Department could work on similar standards for the M-1 Zoning District.

Discussion followed.

The Planning Department will work on language for the proposed Zoning Ordinance Text Amendment. Mr. Savidant indicated the process would take approximately 90 to 120 days.

[Mr. Hutson returned to the meeting.]

9. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) *(continued)*

Mr. Savidant gave a brief review and introduction of the item.

Mr. Carlisle reviewed the draft of Article 15, Amendments.

Discussion followed on:

- Dimensional concept plans.
- Incentive for conditional rezonings.
- Checklists.
- Guide flow charts and appropriate linkage.
- PUD approval process as guideline.

10 (a). JOINT PLANNING COMMISSION MEETING – CITY OF TROY AND CITY OF BIRMINGHAM

Chair Schultz introduced the item.

Resolution # PC-2009-06-061

Moved by: Edmunds
Seconded by: Tagle

WHEREAS, The City of Troy Planning Commission has the opportunity to participate in a joint meeting with the City of Birmingham Planning Board.

THEREFORE BE IT RESOLVED, The intent of the meeting is to update both boards on the design of the proposed Troy/Birmingham Transit Center.

BE IT FURTHER RESOLVED, That the Planning Commission shall hold a joint Special Meeting with the City of Birmingham Planning Board on Tuesday, July 14, 2009, at 7:30 p.m. in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084.

BE IT FINALLY RESOLVED, That the July, 2009 Planning Commission Regular meeting shall be held on Tuesday, July 28, 2009, at 7:30 p.m. in the Council Chambers of Troy City Hall.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENT

Mr. Edmunds was commended for a well-written and informative report on the APA National Conference.

Mr. Edmunds addressed the Planning Commission recommendation to rezone and subsequent City Council approval to rezone Harlan Plaza (File Number Z-736) from B-1 to B-3, as relates to a nonconforming use.

Mr. Savidant acknowledged the inconsistency in measuring the setbacks for that particular rezoning request, and apologized for the unintentional error and misleading information.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:02 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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