

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 9, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
 Michael W. Hutson  
 Mark Maxwell  
 Philip Sanzica  
 Robert Schultz  
 Thomas Strat  
 John J. Tagle  
 Lon M. Ullmann

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director  
 R. Brent Savidant, Principal Planner  
 Alan Motzny, Assistant City Attorney  
 Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2009-06-050**

Moved by: Edmunds  
 Seconded by: Strat

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (8)  
 Absent: Vleck

**MOTION CARRIED**

3. PUBLIC COMMENTS – Items not on the Agenda

Wayne Senville, publisher and editor of *Planning Commissioners Journal*, addressed the Planning Commission and thanked the Planning Director and Principal Planner for the City tour and insight on planning activities. He also praised the City on the quality of their Master Plan, stating it was the most readable planning document he had ever read.

**SPECIAL USE REQUESTS**

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 371) – Kirco Office Center/Somanetics Corporation Headquarters, East side of Troy Center Drive, North of Kirts (2600 Troy Center Drive), Section 28, O-1 (Office Building) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use Approval request, and reported it is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as submitted.

Alan Kiriluk of Kirco Development, 201 W. Big Beaver Road, Troy, and Bruce Barrett, CEO/President of Somanetics, were present. Mr. Kiriluk addressed the company's growth potential and asked the support of the Planning Commission to keep Somanetics Corporation Headquarters here in Troy.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

Chair Schultz asked if the petitioner would be willing to provide screening of the truck unloading dock and drive area, as a good neighborly gesture to the hotel next door.

Mr. Kiriluk offered to provide a row of evergreens (pyramidal arborvitaes) that would create a wall on both sides of the drive.

#### **Resolution # PC-2009-06-051**

Moved by: Edmunds  
Seconded by: Strat

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 24.30.05 of the Zoning Ordinance, as requested for the proposed Kirco Office Center/Somanetics Corporation Headquarters, located on the east side of Troy Center Drive, north of Kirts, in Section 28, within the O-1 zoning district, be granted, subject to the following condition:

1. Screening of the truck pad.

Yes: All present (8)  
Absent: Vleck

#### **MOTION CARRIED**

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 368) – Cigar Factory Outlet, 1122-1134 E. Big Beaver Road, Section 26, M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use Approval request, and reported it is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as

submitted, with two conditions as relates to striping off-street parking spaces and dumpster locations.

Chair Schultz disclosed past employment with the cigar operation in Troy. He stated he had no financial interest in the operation then, nor does he now.

Mr. Motzny said there would be no conflict of interest.

The petitioner, David Donnellon of Design Resources, 1886 Lake Pointe Drive, Ortonville, and owner, Daniel Jenuwine, 1122-1134 E. Big Beaver Road, were present.

Mr. Jenuwine stated his appreciation for the recommendation of approval. He said a favorable decision would allow them to continue to offer the largest selection of cigars and largest humidor in the country to residents and surrounding communities.

Mr. Ullmann asked the petitioner to address storm water management.

Mr. Edmunds asked the petitioner to address the dumpster locations.

Mr. Donnellon assured that dumpsters would be appropriately located and screened. He said the existing storm water system, located within the parking lot, would be utilized. Mr. Donnellon noted it is a restricted storm water outlet to the creek and dates back to 1974.

Mr. Edmunds asked if the retail portion of the establishment is currently in operation.

Mr. Donnellon replied in the affirmative. He indicated they are working with the Building Department on the appropriate building permits.

A short discussion continued on the existing storm water management system.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

Chair Schultz would like to see the Special Use Approval restricted to only two suites, Suites 1122 and 1134. Chair Schultz addressed the truck parked up against Big Beaver Road with its display of advertising. He said that is the most frequent complaint he gets from residents.

Mr. Jenuwine said the sole purpose in parking the truck there is to help customers locate them. He indicated willingness to move the truck to the back parking lot if appropriate permanent signage could be resolved.

**Resolution # PC-2009-06-052**

Moved by: Maxwell  
 Seconded by: Tagle

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.10 of the Zoning Ordinance, as requested for the proposed Cigar Factory Outlet, located on the south side of Big Beaver Road, east of Rochester Road, in Section 26, within the M-1 zoning district, be granted, subject to the following conditions:

1. Applies only to Suites 1122 and 1134.
2. That all off-street parking spaces on the site be striped, as indicated on the site plan.
3. The dumpsters are to remain where indicated on the site plan.

Yes: All present (8)  
 Absent: Vleck

**MOTION CARRIED**

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 370) – 1200 Piedmont, East of Stephenson Highway, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use Approval request. Mr. Miller noted the manufactured housing community located on the southern boundary is zoned M-1 (Light Industrial) also and there is a 9-foot screen wall located on the property line to separate the uses. It is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as submitted.

Mr. Strat disclosed that his son has a close relationship with the petitioner, but that he personally has no financial interest in the project.

Mr. Motzny said there would be no conflict of interest.

There was a brief discussion on Zoning Ordinance requirements relating to height restrictions for outdoor storage adjacent to residential.

The petitioner, Michael Damman, 1180 E. Big Beaver, Troy, was present. Mr. Damman asked for a favorable recommendation.

Rick Laenen of Gypsum Supply, East Lansing, was present. Mr. Laenen addressed the type of construction materials and the manner in which those materials would be stored. He indicated the 9-foot screen wall would provide adequate screening to the adjacent residential. Mr. Laenen also addressed hours of operation; 7 a.m. to 5 p.m., Monday through Friday, no second shifts. He indicated that trucks would begin unloading at 6 a.m.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2009-06-053**

Moved by: Tagle

Seconded by: Strat

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.04 of the Zoning Ordinance, as requested for the proposed 1200 Piedmont, Outdoor Storage of Construction Materials, located east of Stephenson Highway, south of I-75, in Section 26, within the M-1 zoning district, be granted.

Yes: All present (8)

Absent: Vleck

**MOTION CARRIED**

7. PUBLIC HEARING – 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 presented a summary of the Special Use Request for the Sonic Restaurant. He addressed the following:

- Variances sought from the Board of Zoning Appeals (BZA).
- Revisions to the site plan.
- Traffic report prepared by Wells + Associates.
- Deceleration lane recommended by Oakland County Road Commission (OCRC) and City Traffic Engineer.
- Planning Consultant (Carlisle/Wortman Associates) report dated June 4, 2009.
- BZA minutes from the April 21, 2009 meeting.
- Chapter 73 of the City Code, “Drive-in Restaurant”.
- Deliveries scheduled during off peak hours.
- Reduction to outdoor seating to meet parking requirements.

It is the recommendation of City Management to postpone the item to provide the applicant an opportunity to seek and receive required variances from the BZA.

Discussion followed on the following:

- Acquisition of “finger” portion of parcel.
- Issues related to size and shape of parcel.
- Deliveries during off peak hours in relation to 24-hour operation.
- Deceleration lane; recommendation of OCRC.
- Canopy in relation to greenbelt requirement.

Mr. Maxwell expressed concern with the “finger” portion in relation to claiming practical difficulty for variances.

Mr. Strat expressed favorable comments on the proposed site plan; i.e., screened rooftop units, grease and oils management, traffic flow, deceleration lane and landscaping.

The petitioner, Jim Butler of Professional Engineers Associates (PEA), 2430 Rochester Court, Troy, was present. Mr. Butler brought to the attention of members that the traffic report was prepared by Wells & Associates, not OHM as stated in the Planning Department report. He addressed his remarks made at a previous meeting with respect to a deceleration lane off of John R. Mr. Butler said it was not his intent to mislead the members or misrepresent the facts. He was not aware until a later date of the OCRC recommendation for a deceleration lane. Mr. Butler clarified that after recently meeting with the OCRC, it is their request to provide a taper and deceleration lane along John R.

Also present at the meeting were Mr. Milton, Sonic franchisee; Doug Haley of Sonic Corporate Offices; and Mike Labadie of Wells & Associates.

Mr. Butler addressed the following:

- Truck deliveries during off peak hours; unloading would take place in the middle of the night, early morning hours; hand unloaded to kitchen.
- Detailed forecast relating to trip generation.
- Deceleration lane in relation to landscaping and sidewalk.
- Outdoor seating in relation to parking spaces.

Mr. Ullmann voiced concerns on the proposed landscaping. He feels it would not provide adequate screening.

Chair Schultz brought it to the attention of the petitioner that the City requires an 8-foot wide sidewalk along a major road. The existing site plan shows a 5-foot wide sidewalk.

## PUBLIC HEARING OPENED

Mike Lucci, property owner and business operator in Troy since 1978, was present. Mr. Lucci identified properties he owns in Troy, one of which is the Burger King on 14 Mile Road near the proposed Sonic Restaurant. Mr. Lucci addressed the discussion at the April 21<sup>st</sup> BZA meeting relating to a hardship because the property was not developed over 30 some years. Mr. Mossman, former managing partner for Oakland Mall and Oakland Plaza, sold the property in 2007. Mr. Mossman conveyed in writing his reasons for not developing the property; i.e., commitment to keep as greenbelt for retail plaza and concerns with visibility, congestion, and cut-through traffic on the parcel.

Mr. Lucci expressed concern relating to traffic congestion, the restaurant “fit” on the size of the parcel, the number of variance requests, and the safety of patrons as a result of traffic congestion. Mr. Lucci addressed the competition aspect of both restaurants in such close proximity.

Mr. Maxwell asked if the proposed development would negatively impact Burger King.

Mr. Lucci replied that it would, although he noted fast food restaurant business is declining due to the economic downturn. He said the cut-through traffic would be a detriment to the business, as well as a safety concern for patrons.

Mr. Maxwell asked if the proposed development would be detrimental to the daily functioning of the Burger King.

Mr. Lucci replied in the affirmative.

Mr. Maxwell asked if the potential traffic congestion would interfere with the traffic going to the Burger King.

Mr. Lucci replied in the negative, but noted the traffic going through Burger King to get to the Sonic Restaurant would hurt his business.

Doug Haley, Senior Director of Design for Sonic Industries, Oklahoma City, Oklahoma, was present. Mr. Haley said Sonic, which is primarily a franchise company, has been in business for 55 years and has 3,500 drive-ins. He said the franchise business, owned by local people, is vibrant, exciting and generates traffic and energy. Mr. Haley addressed the challenging site, specifically as relates to the landscaping and deceleration lane. He said the site works with respect to flow and function. Mr. Haley addressed the customer base associated with Sonic Restaurants, traffic queuing, and the competitive relationship to a fast food restaurant within close proximity.

## PUBLIC HEARING CLOSED

**Resolution # PC-2009-06-054**

Moved by: Hutson  
 Seconded by: Strat

**WHEREAS**, 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 postponed, for the following reasons:

1. To allow the petitioner to appear before the Board of Zoning Appeals for the required variances.
2. To revise the site plan to include the proposed deceleration lane.

Yes: All present (8)  
 Absent: Vleck

**MOTION CARRIED****STREET VACATION**

8. **PUBLIC HEARING – STREET VACATION REQUEST (SV 34-B)** – Markton Street, North of Naughton, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation. It is the recommendation of City Management to approve the street vacation with a condition that the 25-foot wide easement is retained by the City for public and private utilities.

The petitioner, Dean Fitzpatrick of Fitz Rite Products, 1122 Naughton, Troy, was present.

**PUBLIC HEARING OPENED**

Joan McCullen of Teal Electric Company, 1200 Naughton, Troy, was present. Ms. McCullen supports the street vacation.

Dean Fitzpatrick, the petitioner, posed questions relating to taxes and costs relating to transfer of ownership.

Chair Schultz directed Mr. Fitzpatrick to the Assessing Department for answers.

**PUBLIC HEARING CLOSED**

**Resolution # PC-2009-06-055**

Moved by: Hutson  
Seconded by: Edmunds

**WHEREAS**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Markton Street, located north of Naughton, south of I-75, approximately 25 feet wide of right-of-way, abutting Lots 11, 16 and 25 (1125 and 1200 Naughton) of Supervisor's Plat No. 10, Section 26, be approved subject to the following condition:

1. That it retain a 25-foot wide easement for the City for public and private utilities.

Yes: All present (8)  
Absent: Vleck

**MOTION CARRIED****OTHER BUSINESS**

9. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

10. **PLANNING COMMISSION COMMENTS**

There were general comments around the table.

It was determined to place on a future study session agenda discussion relating to the inclusion of departmental review comments on Planning Department reports.

Everyone thanked Wayne Senville for his visit to the City of Troy.

The Regular Meeting of the Planning Commission adjourned at 9:02 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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Kathy L. Czarnecki, Recording Secretary