The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on June 8, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:
Thomas Strat

Also Present:
R. Brent Savidant, Acting Planning Director
Allan Motzny, Assistant City Attorney
Wanda Norman, Planning Department Intern
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-06-035
Moved by: Schultz
Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-06-036
Moved by: Tagle
Seconded by: Schultz

RESOLVED, To approve the minutes of the May 25, 2010 Special/Study meeting as prepared.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

5. PUBLIC HEARING – SPECIAL USE APPROVAL REQUEST (File Number SU 380) – Proposed Unique Auto Sales, South side of Maple, West of Rochester (578 and 580 E. Maple), Section 34, Currently Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Consultant report on the proposed Special Use application. The petitioner notified the Planning Department that he is not pursuing the auction approval at this time; therefore the application is exclusively to permit conventional used auto sales. Mr. Savidant said there are no significant objections to the proposed use, provided the applicant complies with Section 28.30.14 (5), which states that automobiles for sale cannot be displayed in the front yard.

The Planning Consultant recommends that the Planning Commission approve the proposed special land use, conditioned on the applicant submitting a revised application omitting the "auction" language and a revised site plan clearly demonstrating that autos for sale will be located only in the rear or side yards and will not occupy any required parking spaces.

Mr. Savidant noted the Planning Department received a communication from an adjacent property owner, stating that the subject property is a junkyard. Mr. Savidant said a site visit revealed a number of automobiles parked along the fence, as well as a school bus and tractor-trailer. He said the property takes on the appearance of being junky, but the condition is not out of hand. He said Code Enforcement is handling the matter and emphasized that any violations would be a separate issue from the Special Use application in front of the members this evening.

There was discussion on:
- Allowable parking on site.
- Gravel surface.
- Screen wall requirements.

Jack Youhana, owner of Global Towing of 578 E. Maple, Troy, was present. Mr. Youhana addressed the abandoned vehicles on site. He said some vehicles remain on site for approximately four or five months until customers are able to pay for the services rendered.

Mr. Youhana addressed maintenance of the property to the east. He is not the property owner and recently found out the property is City-owned. Mr. Youhana has maintained the property for about a year and a half and recently stopped. Mr. Youhana said he is now receiving written notification from the City to clear the property of grass and overgrown vegetation.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant confirmed that the property to the east of the subject property is owned by the City, as the applicant stated.

Chair Hutson offered an apology on behalf of the City.

Resolution # PC-2010-06-037
Moved by: Schultz
Seconded by: Maxwell

RESOLVED, That Special Use Approval, as requested for the proposed used car sales operation, located on the south side of Maple, west of Rochester, in Section 34, within the M-1 zoning district, be granted, subject to the following conditions:

1. No automobiles shall be displayed for sale in the required front yard.
2. The applicant must submit a revised site plan eliminating all references to auction language.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

PRELIMINARY SITE PLAN REVIEWS

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 961) – Proposed Panera Bread Café, West side of Coolidge, South of Maple (1325 Coolidge), Section 31, Currently Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. He pointed out the item is a Consent Judgment; therefore the Planning Commission is a recommending body only to City Council.

Mr. Savidant addressed the traffic circulation/pattern, parking and drive-thru speaker sound pressure levels. Mr. Savidant indicated the proposed development must be sensitive to the adjacent residential to the north. He noted that windows, doors and balconies face the back of the restaurant. Mr. Savidant said the petitioner brought in revised plans (distributed to members prior to the beginning of tonight's meeting) that incorporate a landscape treatment as a buffer along the northern property line.

Mr. Savidant said there are no significant objections to the proposed site plan. It is recommended that the Planning Commission recommends to City Council to amend the Consent Judgment to allow a drive-thru lane subject to the provision of a landscape buffer along the northern boundary (the retail portion of the site) to mitigate any potential negative impacts caused by additional traffic through the proposed drive-thru lane. Mr. Savidant encouraged members to review the revised site plan to determine if the proposed landscaping is sufficient.

Mr. Savidant noted that the Planning Department has received correspondence from two residents who object to the proposed drive-thru lane.

Howard Luckoff, attorney, from Honigman Miller Schwartz & Cohn, 38500 Woodward, Bloomfield Hills, was present to represent the petitioner. Mr. Luckoff addressed the revised site plan that incorporates additional landscaping as a buffer to the adjacent residents. He also addressed the service drives and loading area in relation to the drive-thru lane and pedestrian crosswalk.

Mike Kalfayan of Panera Bread corporate office was present. He said a draft plan was shared with the landlord and other tenants.

Discussion followed on:

- Service lanes, stacking area and loading zones.
- Landscape plan/landscape area.
- Impact on landlord and existing tenants.
- Traffic circulation; estimate traffic count.
- Delivery schedule in relation to traffic circulation.
- Existing restaurant tenants potential for drive-thru lanes.
- Operation of store, store hours, delivery schedule.
- Freestanding building -vs- retrofit of existing store.
- Consent Judgment stipulations.
- Impact on residential; communication between petitioner and residents.

Chair Hutson opened the floor for public comment.

Thomas Bartlett of 1381 Raleigh Place, Troy, was present. Mr. Bartlett spoke in opposition of the proposed drive-thru lane. Mr. Bartlett said the proposed drive-thru lane would impact their quality of life. He said Panera has 1,200 store locations in the United States, 30 of which have drive-thru windows, one of which is located in

Roseville, Michigan. Mr. Bartlett said the Roseville store sits on a freestanding site in front of a retail outlet with direct access to two major roads. He indicated the store has no loading or unloading concerns, and no residential areas within one half mile. Mr. Bartlett referenced a *Macomb Daily* article addressing the construction of the Panera store in Roseville.

Anthony Cebrian of 1399 Raleigh Place, Troy, was present. Mr. Cebrian spoke in opposition of the proposed drive-thru lane. He addressed the noise from delivery trucks, outdoor seating, to-go orders and the potential decrease in property values.

Christian Shank of 1393 Raleigh Place, Troy, was present to represent the Village at Midtown Square Association. He said residents of Midtown Square are opposed to the proposed drive-thru lane because of noise, traffic circulation and property devaluation concerns. Mr. Shank introduced photographs distributed to members prior to the beginning of tonight's meeting. He addressed the proposed landscaped buffer, trash removal, pedestrian crosswalk, views of the site from a residential perspective and setting precedence for existing tenants.

Chair Hutson closed the floor for public comment.

Mr. Vleck addressed potential negative impacts on the adjacent residents; i.e., loading zone, noise pollution, traffic circulation and safety concerns. He said a screen wall would not mitigate any negative impacts. Mr. Vleck said he lives behind a restaurant facility and is very familiar with the concerns addressed by residents this evening.

Mr. Ullmann is not in favor of the proposed drive-thru lane because of its close proximity to the residential area. He addressed concerns with noise, delivery conflicts and setting precedence with drive-thru lanes for existing restaurants.

Mr. Edmunds addressed communication, if any, between the petitioner and the residents.

Mr. Sanzica does not believe the drive-thru lane is a proper use or an appropriate location. He addressed concerns with the dumpster, stacking and loading.

Chair Hutson believes the proposed drive-thru lane is not an appropriate use because of its proximity to residential. He addressed concerns with noise and traffic circulation.

Resolution # PC-2010-06-038
Moved by: Schultz
Seconded by: Vleck

RESOLVED, The Planning Commission recommends that Preliminary Site Plan Approval, pursuant to Section 03.40.03 of the Zoning Ordinance, as requested for the proposed Panera Bread Café drive-thru, located on the west side of Coolidge, south of Maple, in Section 31, within the M-1 zoning district, be denied, for the following reasons:

1. Unacceptable conflict between loading and stacking lanes.
2. Multiple negative impacts on the adjacent residential properties.
3. Noise pollution that will occur to the neighboring residential property cannot be mitigated by any type of landscaping or screen wall.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

Mr. Schultz said the existing site is a wrong place for a drive-thru lane and would set precedence for other restaurant tenants. He suggested giving consideration to revise the Consent Judgment to allow a freestanding structure on the property.

7. PRELIMINARY SITE PLAN REVIEW (File Number SP 960) – Proposed VEHMA International Improvements, Northwest Corner of Stephenson Hwy and Rankin (1055 Stephenson Hwy), Section 35, Currently Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Consultant report on the proposed preliminary site plan application. Mr. Savidant said the applicant must secure a variance from the 50-foot front yard setback requirement in the M-1 district, and indicated the applicant is scheduled to appear at the June 15, 2010 Board of Zoning Appeals meeting.

Mr. Savidant reported a thorough review of the preliminary site plan application provided by the Planning Consultant was distributed to the members prior to the beginning of tonight's meeting.

Thomas Kemp of Kemp & Peyerk Development, 275 W. Girard, Madison Heights, was present. He addressed the required setbacks in relation to the three frontages of the site and parking.

Kevin Biddison of Biddison Architecture, 850 Stephenson Highway, Troy, was present. He addressed the design layout and occupancy of the building. A color rendering of the proposed development was displayed.

There was discussion on:

- The three frontages of the site in relation to the 50-foot setback requirements.
- The design layout with respect to form-based codes; i.e., building orientation toward Stephenson and parking in rear.
- A retaining wall or berm design to screen parked vehicles.
- Stormwater management; incorporation of innovative green features.

Mr. Biddison said they would try to accommodate the Planning Commission and take into consideration the suggestions and comments made this evening.

OTHER BUSINESS

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Schultz addressed current redevelopment of sites in the City.

Mr. Ullmann addressed innovative stormwater management with respect to the re-write of the Zoning Ordinance.

Mr. Edmunds thanked Mr. Savidant for forwarding material on the Birmingham/Troy Transit Center. He asked if Mr. Savidant would forward a detailed breakdown of the cost estimate.

Mr. Savidant indicated he did not know if one had been prepared.

The Regular Meeting of the Planning Commission adjourned at 8:50 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2010 PC Minutes\Draft\06-08-10 Regular Meeting_Draft.doc