

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on May 11, 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
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Also Present:

R. Brent Savidant, Acting Planning Director
Christopher Forsyth, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Wanda Norman, Planning Department Intern
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-05-028

Moved by: Schultz
Seconded by: Sanzica

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-05-029

Moved by: Schultz
Seconded by: Sanzica

RESOLVED, To approve the minutes of the April 22, 2010 Special meeting and April 27, 2010 Special/Study meeting as prepared.

Yes: All present (9)

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 REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 379) – Proposed Big Beaver Tavern Outdoor Seating, North side of Big Beaver, West of Rochester (645 E. Big Beaver), Section 22, Currently Zoned O-M (Office Mid-rise) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed application. He addressed the accessory use, building location and site arrangement. He also addressed the O-M zoning district with respect to the Special Use request, noting that the Planning Commission is a recommending body to the City Council. Mr. Branigan further addressed the parking and landscaping, specifically with respect to the plans originally submitted in 1984.

Mr. Branigan recommended that the Planning Commission forward a favorable recommendation to the City Council for the proposed outdoor café for the total term of the Big Beaver Tavern operation. He said the project complements the vision of the City's Big Beaver Corridor Study and Master Plan.

Discussion followed on:

- Landscape plans from original 1984 application.
- Side yard setback requirements.
- Resolution format; relate special use to existing operation.

Chris Ciceri of Dorchen/Martin Associates, 29895 Greenfield Road, Southfield, was present to represent the petitioner and property owner, Mark Larco. Mr. Ciceri displayed photographs of the proposed landscaping. He indicated the two large trees designated for removal are 20-foot high evergreen trees.

PUBLIC HEARING OPENED

Greg Carnago of 667 E. Big Beaver, Troy, was present. Mr. Carnago asked to go on record in opposition of the proposed Special Use application. Mr. Carnago expressed concerns with the existing parking and litter at the location. He also addressed the operation of a “casino” at the Big Beaver Tavern.

PUBLIC HEARING CLOSED

Mark Larco of 645 E. Big Beaver Road, Troy, petitioner and property owner, was present. Mr. Larco addressed parking on site.

Mr. Branigan addressed the computation of parking spaces with respect to legal property boundaries. He said the existing parking meets the minimum requirements of the Zoning Ordinance. He indicated there is no control on how parking spaces are used and parking calculations cannot be based on parking habits of people.

When asked by Chair Hutson if there has been discussion with the petitioner on concerns he expressed, Mr. Carnago indicated in the affirmative, to no avail.

Mr. Strat addressed potential future outdoor expansion in relation to the Big Beaver Corridor Study.

Mr. Branigan expounded on side yard setback requirements with respect to the definition of “lot” in the Zoning Ordinance.

Mr. Vleck asked the petitioner to address the “casino” function at the Big Beaver Tavern.

Mr. Larco explained that the tavern offers “charity poker” seven days a week, from 7 p.m. to 2 a.m. He addressed the licensing of this type of function through the State of Michigan. Mr. Larco said the lower level (former banquet room facility) is used for the “charity poker”. He noted that the proposed patio would not be used to hold “charity poker” functions.

Discussion followed on the following in relation to “charity poker” use:

- Computation of parking in relation to lower level use.
- Cross access easement.
- Shared parking agreement.

Mr. Savidant said staff would look into the “charity poker” use at the facility. He noted that the Special Use application in front of the Planning Commission this evening is a separate issue, and the “charity poker” use has no relevance on the Special Use approval process.

Mr. Vleck briefly addressed the existing parking arrangement and suggested the placement of signs by individual office building tenants.

Resolution # PC-2010-05-030

Moved by: Sanzica

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that Special Use Approval and Preliminary Site Plan Approval for the proposed Big Beaver Tavern Outdoor Seating, located on the north side of Big

Beaver, west of Rochester (645 E. Big Beaver), Section 22, within the O-M zoning district, be granted, subject to the following condition:

1. Approval shall be granted for the total term of operation of the applicant's restaurant, as per Section 25.30.03 A

Yes: All present (9)

MOTION CARRIED

REZONING REQUEST

6. **PUBLIC HEARING – REZONING APPLICATION (File Number Z 737)** – Proposed Sports Center Properties, Northwest corner of John R and Big Beaver, 1735 E. Big Beaver (approx 1.227 acres) and that portion of the abutting property to the east that is presently zoned O-1 (approx 1.1 acres), Section 23, From O-1 (Office Building) to B-2 (Community Business) Zoning District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed rezoning. He addressed the requested B-2 zoning district with respect to the Master Plan and Big Beaver Corridor Study. Mr. Branigan expressed support of the applicant's request and recommends that the Planning Commission forward a favorable recommendation to the City Council to approve the proposed rezoning application.

Mr. Savidant stated that the proposed B-2 zoning district could potentially create a legal non-conforming building as a result of the Zoning Ordinance requirement for front and rear yard setbacks. He noted the City Council has the authority to approve a legal non-conforming building, should that be the case in this instance.

Mr. Savidant informed the petitioner that the short-term result of a rezoning approval could be the creation of a non-conforming building. He noted the long-term result is the potential reduction of the 75-foot front yard setback requirement in the re-write of the Zoning Ordinance.

The petitioner, Dennis Bostick of 1819 E. Big Beaver, Troy, was present. Mr. Bostick indicated he would like to go forward with the rezoning request.

Mr. Strat addressed the site location in relation to the Big Beaver Corridor Study.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2010-05-031

Moved by: Edmunds

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the northwest corner of John R and Big Beaver Road, within Section 23, being approximately 2.327 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED**OTHER BUSINESS**7. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

8. **PLANNING COMMISSION COMMENTS**

Mr. Vleck asked the development status of PUD #7 (Village @ Big Beaver) located on the southwest corner of Big Beaver and John R. He indicated the property is in poor condition, noting specifically the weather/wind damage to the existing tarp fencing.

Mr. Forsyth said the Legal Department has an agreement of understanding with the developer to maintain the site. Mr. Forsyth informed the members that Sunrise Senior Living has filed for bankruptcy. He said the site would continue to be monitored and hopefully developed when the economy picks up.

Mr. Vleck addressed another PUD development (Caswell Town Center PUD #5), and suggested that a safeguard is included in the approval process for future PUD developments to address potential maintenance issues should development not take place or be delayed because of economic reasons.

Mr. Savidant addressed the digital agenda process and asked members to email him with any suggested improvements to the process.

Mr. Edmunds asked for an update on the transit center; specifically, the enterprise fund, the Birmingham agreement to purchase school property, the encroachment on Grand/Sakwa property and cost estimation.

Mr. Savidant said he would forward the requested information in a follow-up email to members.

Mr. Strat addressed vehicles parked in commercial parking lots displayed with signage and advertising. He asked if the new Zoning Ordinance would address the issue.

Mr. Savidant replied that the Sign Ordinance would be incorporated into the re-write of the Zoning Ordinance, and that vehicles displayed with signage and advertising on commercial property would be addressed.

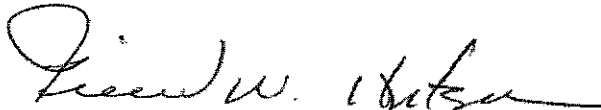
Mr. Strat complimented Paul Evans, the City's Inspector Supervisor, on resolving a code enforcement matter he reported.

Mr. Savidant encouraged members to contact Mr. Evans with any code enforcement issues.

There were brief comments on the "charity poker" function at the Big Beaver Tavern.

The Regular Meeting of the Planning Commission adjourned at 8:19 p.m.

Respectfully submitted,



Michael W. Hutson, Chair



Kathy L. Czarnecki, Recording Secretary

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