

Chair Faison called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on December 10, 2019 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean
Karen Crusse
Carlton M. Faison
Barbara Fowler
Michael W. Hutson
Tom Krent
David Lambert
Sadek Rahman
John J. Tagle

Also Present:

R. Brent Savidant, Community Development Director
Ben Carlisle, Carlisle Wortman Associates
Julie Quinlan Dufrane, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2019-12-083

Moved by: Krent
Support by: Fowler

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2019-12-084

Moved by: Apahidean
Support by: Lambert

RESOLVED, To approve the minutes of the November 26, 2019 Regular meeting as submitted.

Yes: Apahidean, Crusse, Hutson, Krent, Lambert, Rahman, Tagle
Abstain: Faison, Fowler

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE AND PRELIMINARY SITE PLAN REVIEWS

5. PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU JPLN2019-0033) – Proposed Bethesda Romanian Pentecostal Church Addition, North of Long Lake, East of John R, South of Tucker (2075 E Long Lake), Section 12, Currently Zoned R-1C (One Family Residential) District

Mr. Apahidean asked to recuse himself from this item because he lives in the neighborhood of the church and indicated he would return for the remaining agenda items. Mr. Apahidean exited at 7:04 p.m.

Mr. Hutson said he just received a written communication from Brian Milidrag that suggests he recuse himself from this item because of a perceived conflict of interest. Mr. Hutson disclosed he legally represented the church 21 years ago prior to his serving on any City boards. He clearly stated there is no conflict of interest, he can be neutral and fair, and he would not recuse himself.

Chair Faison called for a roll call vote.

Roll Call vote on whether Mr. Hutson should recuse himself.

Yes: None

No: All present (8)

(Mr. Apahidean recused)

Mr. Savidant gave a history and review of the Bethesda Romanian Pentecostal Church Addition application, noting the revisions to the application since its denial in April 2019. Different perspectives of the church were displayed. Mr. Savidant noted that irrigation was added to the site plan and an acoustic study was conducted by church.

Mr. Savidant said if the Planning Commission finds that the Special Use Standards have been met, the Planning Commission may grant approval of the Special Use and Preliminary Site Plan.

Present were Attorney Jamal Hamood, Project Architect Arthur Kalajian, Construction Manager Tony Cappussi, Senior Pastor Simion Timbuc and Assistant Pastor Romeo Pelle.

Mr. Hamood, a Troy resident, said he is not a member of the church nor is he being paid by the church. He addressed the church's objective to satisfy the concerns of the neighbors, a no-show turnout at a scheduled neighborhood meeting, upsetting rumors that neighbors want the church to move to another location, building vacancy should the church move its location and property values.

Mr. Kalajian compared the previous application to the application in front of the Board this evening. He said they listened to concerns voiced by neighbors and compromises were made by the church to address those concerns and implement what they feel is a functional and attractive building. Mr. Kalajian addressed the reduction in building size, footprint and height. He also addressed the elimination of the gym, reduction in number of classrooms and the alteration of first floor windows and the elimination of windows on the second floor.

There was discussion on:

- Landscape; remedies and enforcement if not maintained.
- Single access from Long Lake.
- Layout of second floor; classrooms, fellowship hall.
- Parking; formula based on number of church seats, no increase in demand with new application.
- Building materials; full brick, cement board.
- Response from church to neighbor concerns.
- Capacity and function of fellowship hall.
- Parking on Tucker; “no parking” signs erected; no sidewalk or walking path to church.

Pastor Timbuc confirmed five neighbors were extended invitations to meet and discuss the recent application. He addressed events that would be held in the fellowship hall, noting the hall is reserved to church members only and not rented to the public. Pastor Timbuc said the church would be willing to plant additional shrubs and trees to discourage those who might enter the church premises from Tucker.

PUBLIC HEARING OPENED

- Christopher Hausner, 2071 Tucker; opposed; addressed concerns with maintenance of landscape, parking, transition to single family residential.
- Sameu and Danny Salem, 2015 Tucker; opposed; addressed concerns with parking on Tucker, maintenance of landscape.
- Daniel Murza, 2218 Tucker; in support; church member; allegations against church are farfetched, addressed landscape, parking, respect for neighbors, need for space.
- Monica Hausner, 2071 Tucker; opposed; PowerPoint presentation addressed concerns with non-compatibility with neighborhood, landscape, parking, noise, lights, hours of operation, quality of building materials, unused existing classrooms.
- Bokai Jin, 2043 Tucker; opposed; addressed concerns with light pollution, landscape maintenance.
- Emilia Marcu, 2812 Hartline, Rochester Hills; in support; church member; addressed church control of parking, use of all classrooms, need for extra space to accommodate growing congregation.
- Damaris Derecichel, 37841 Hazel, Harrison Township; in support; addressed years of classroom instruction as student and teacher, need for extra space to accommodate growing youth, high school and college ministry and activities.

- Cristian Forgacil (no address); in support, church member; addressed exaggerations stated about parking, landscape, necessity for extra space because church is at full capacity every Sunday.
- Flav Pop, 3105 Talbot (parent's address), Oak Park resident (no address); in support; addressed need for additional classrooms and space, utilization of all classrooms, no police citations for parking on Tucker, property values.
- Ioana Timbuc, 38883 Westchester, Sterling Heights; in support, church member; addressed use of all classrooms, currently teaches in classrooms that were claimed to be dark and unused, parking on Tucker, photography of students and church, use of fellowship hall.
- Ligia Murza, 2218 Tucker; in support, church member; applauded applicant for building height reduction and architectural features, addressed landscape and compatibility with neighborhood.
- (name indistinguishable), 37860 Hazel, Harrison Township; in support, addressed need for additional space, growth of congregation, daughters are instructors, value of church to offer future of children.

PUBLIC HEARING CLOSED

Pastor Timbuc addressed property values, recent home sales in the neighborhood, quality of building materials, landscape maintenance and rights of both the neighbors and the church. He spoke of the Romanian Catholic presence in the City and referenced the Constitution of the State of Michigan ratified in 1963.

Assistant Pastor Pelle addressed the sensitivity of the church to address concerns of the neighbors in reducing the building height and massing, concerns with noise and lighting and eliminating the gym. He asked audience present in support to stand up.

Discussion continued on:

- Efforts and significant revisions made by church to address concerns of neighbors.
- Protection/balance of rights of both single family residential and church.
- Transition and compatibility between single family residential and church.
- Landscaping; addition of irrigation, remedies if not maintained.
- Quality of building materials.

Resolution # PC-2019-12-085

Moved by: Tagle

Support by: Krent

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Bethesda Romanian Pentecostal Church Addition, North side of Long Lake Road, East of John R, South of Tucker (2075 E. Long Lake), Section 12, Currently Zoned R-1C (One Family Residential) District, be approved.

The Planning Commission makes the following findings of fact and conclusions based on written materials, comments and testimony of the Applicant's representatives, other interested persons, professional consultants and other factual material presented to the Commission to assist with its deliberation:

1. The building addition is designed in a manner that is harmonious with the character of adjacent property and the surrounding area because:
 - a. The applicant has mitigated the building massing and visual impact through architectural design and landscape buffering.
 - b. Building massing is not inconsistent with the character of adjacent properties and the surrounding area.
 - c. A tenet of the Master Plan is the protection of single family neighborhoods. The proposed addition is compatible with the existing homes on Tucker.
2. The proposed addition does not impact traffic on Tucker Street.
3. The project is adequately served by essential public facilities and services.
4. The addition complies with all applicable ordinance standards.
5. The proposed addition does not unreasonably impact the quality of the neighborhood on Tucker Street in comparison to the impacts associated with typical permitted uses.

Yes: All present (8)
Mr. Apahidean recused

MOTION CARRIED

Chair Faison called for a recess at 8:55 p.m. The meeting reconvened at 9:04 p.m. at which time Mr. Apahidean returned to the meeting.

6. PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU JPLN2019-0037) – Proposed Bostick 801, LLC Redevelopment, East side of Crooks, South of Big Beaver (801 W Big Beaver), Section 28, Currently Zoned BB (Big Beaver) District

Mr. Lambert disclosed one of the partners in the law firm in which he works is opening a new office in the existing building on site which he believes is owned by the applicant. He stated there is no conflict of interest on his part but would leave the decision to the Board.

It was the consensus of the Board there is no reason that Mr. Lambert should recuse himself.

Mr. Savidant showed six videos of the proposed development at the request of the applicant.

Mr. Carlisle reviewed the Special Use and Preliminary Site Plan application to construct a 6-story Hyatt Place Hotel, restaurant and parking structure. He said the restaurant fronts Big Beaver and the parking structure is in the rear. He addressed some site plan issues with respect to parking, traffic, circulation, landscaping and lighting as identified in his report dated December 5, 2019. Mr. Carlisle referenced the reviews of the City Traffic Consultant OHM with respect to the parking and traffic studies.

Mr. Carlisle expressed support for the overall development but stated parking and traffic concerns should be addressed prior to approval. He recommended to hold the public hearing but postpone action to allow the applicant to address the items noted in his report.

Ron Wilson of Hotel Investment Services referenced his presentation to the Board in March 2018 and said his comments at that time are consistent with his opinion today. He recommended approval of a Hyatt Place Hotel because it is a good hotel brand and a hotel with good operators.

There was discussion on:

- Parking structure; open to public (office, hotel, restaurant guests), constructed to accommodate additional levels.
- Vehicular access; alteration of one curb cut.
- Hotel amenities; robust workout room, conference space, no pool.

Present were property owner Dennis Bostick, Civil Engineer David Hunter of Professional Engineering Associates and Construction Manager Merl Potter.

Ms. Fowler asked the applicant if he would be able and willing to adjust the parking to comply with the recommendations of the City Traffic Consultant OHM.

Mr. Bostick replied in the affirmative. He said the development is a marquis project and he would appreciate approval this evening with any conditions that the Board might have. Mr. Bostick said the parking structure can accommodate and support additional parking.

Mr. Hunter said the applicant is willing to adhere to the Planning Consultant conditions outlined in the report and to work with the City Traffic Consultant and staff on the parking and traffic concerns. Mr. Hunter briefly addressed stormwater management.

Mr. Potter addressed architectural features and building materials, noting there is no E.I.F.S. He displayed and identified specific building materials through the video images.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

There was discussion on:

- Building materials and architectural features.
- Parking concerns addressed by OHM.
- Hotel entrance; unique ‘feature wall’.
- Potential of LEED certification.
- Curb cut alteration; administered by City Engineer, OHM and County.

Mr. Savidant said the issues associated with parking, traffic and the site plan are clearly identified in the Planning Consultant report. Mr. Savidant expressed trust in the developer based on his history and acknowledged there is a good working relationship among the applicant’s engineering team, the City Traffic Consultant and the City Engineer. He said the Planning Commission could recommend approval on addressing all issues identified in the Planning Consultant report and any significant changes would come back before the Board.

Resolution # PC-2019-12-086

Moved by: Krent

Support by: Rahman

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Articles 8 and 9 of the Zoning Ordinance, as requested for the proposed mixed use Bostick 801, LLC Redevelopment, including hotel, restaurant and parking structure, located on the east side of Crooks, south of Big Beaver (801 W Big Beaver), Section 28, Currently Zoned BB (Big Beaver) District, be granted, subject to the following:

1. That the applicant must resolve all issues brought up tonight and in the reports from the Consultants, including traffic and parking issues brought up by the City Traffic Consultant OHM.

Yes: All present (9)

MOTION CARRIED

CONDITIONAL REZONING

7. PUBLIC HEARING - CONDITIONAL REZONING (CR JPLN2019-003) – Proposed Livernois Court, East of Livernois, North of Big Beaver, (88-20-22-301-008 and 88-20-22-301-009), Section 22, From R-1C (One Family Residential) to BB (Big Beaver) District

Mr. Carlisle reviewed the Conditional Rezoning application. He addressed the existing wetland and floodplain, the concept plan provided by the applicant and conditions offered by the applicant. Mr. Carlisle indicated that due to traffic, surrounding land uses and limited developable area because of the wetland and floodplain, it is unlikely that the site will develop as currently zoned single family residential. Mr. Carlisle asked the applicant to declare how they plan to preserve the wetland/floodplain area, whether it be as a conservation easement, land donation or other means. He recommended that the

Planning Commission consider the application, hold a public hearing and take any comments into consideration prior to any action.

Present were Renis Nushaj and Erion Nikolla of Eureka Building Co.

Mr. Nushaj addressed preservation of the wetland and floodplain, surrounding property inclusive of the church property to the south and the neighborhood meeting that was held at the church. He said the height of the multi-family development would be visually lower than the apartment complex on the west side of Livernois.

Mr. Nikolla addressed the floodplain and wetland area in context of the surrounding area.

There was discussion on:

- Conservation easement; perpetuity, maintenance.
- Height of multi-family; comparison to 2-story residential home, apartment complex to the west.
- Transition to multi-family from single family.
- Ownership of adjacent and surrounding parcels.
- Viability of parcel to be developed.
- “Creeping” of Big Beaver zoning district into single family residential.
- Alternative options to rezone, develop parcels, preserve green space.

PUBLIC HEARING OPENED

- David and Debra Black, present to represent their father who resides on the parcel to the north of the subject application (3364 Livernois). They indicated they were not approached by the developer, not invited to the church meeting and unaware of the proposal until they saw the building sketch on their father’s property. The Black’s expressed concerns with the value of their father’s home if rezoned and the property rights of their elderly father.
- Lynne Fuller, 23211 Brook Forest, identified herself as the broker representing the sellers of the two properties. She indicated that she attempted multiple times to contact Mr. Black, both at the home and by mail, to no avail. Ms. Fuller said the seller of the property to the south is also elderly and wishes to sell for financial reasons. She said it was her understanding through a conversation with the seller’s son that Mr. Black had no concerns with the rezoning if the zoning stayed residential. She indicated the seller would have an interest in purchasing Mr. Black’s property.
- Jerry Rauch, 4187 Penrose; addressed alternative development options, such as attached single family.

PUBLIC HEARING CLOSED

Mr. Carlisle stated the letter with the signature of Mr. Black included in the agenda packet was provided by the broker.

Discussion continued on the “creeping” of Big Beaver zoning district into single family residential.

It was the consensus of the Board that the applicant should contact the Black family and clear up any miscommunications, at which time they can come back to the Board with a plan.

Resolution # PC-2019-12-087

Moved by: Lambert

Support by: Hutson

RESOLVED, To postpone action on the application to a date uncertain to allow time for the petitioner to discuss the purchase or other acquisition of the property owner to the north and give City staff an opportunity to address some of the concerns Commissioners have raised tonight.

Yes: All present (9)

MOTION CARRIED

PUBLIC HEARINGS

8. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 254)**
– Cluster Square Footage

Mr. Savidant reviewed the discussion on the proposed text amendment to raise the minimum square footage from 1,500 square feet to 1,700 square feet as an incentive to developers to construct smaller homes within the cluster development option.

Tim Loughrin of Robertson Brothers was present. He offered a practitioner’s perspective on the demand of home construction for empty nesters and retirees. He addressed competition among developers, economics, market demand and cost per unit for home construction. Mr. Loughrin gave an overview of the charts he prepared that were inclusive of the agenda packet and suggested a higher minimum square footage, such as 1,800 or 1,900 square feet, would be more practical for home builders and better serve market demand.

There was discussion on raising the minimum square footage higher than the proposed 1,700 square feet.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Discussion continued on what limit to set the minimum square footage.

Resolution # PC-2019-12-088

Moved by: Krent

Support by: Rahman

RESOLVED, To postpone the proposed Zoning Ordinance Text Amendment relating to Cluster Square Footage to allow staff an opportunity to come up with a more creative solution for the minimum square footage limit.

Yes: Apahidean, Crusse, Faison, Hutson, Krent, Lambert, Rahman, Tagle

No: Fowler

MOTION CARRIED

9. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 255)**
– Transitions in NN (Neighborhood Node) Zoning District

Mr. Carlisle reviewed the proposed text amendment to address the transition between intense use of Neighborhood Node development adjacent to single family residential through the site plan review process.

There was discussion on:

- Northwest corner of Dequindre and Wattles zoned Neighborhood Node.
- Restrictions applicable only to sites abutting single family residential.

PUBLIC HEARING OPENED

- Jerry Rauch, 4187 Penrose; thanked the Board with their follow-through on addressing density associated with Neighborhood Nodes, referenced his letter provided to the Board with respect to taking under consideration related Zoning Ordinance requirements.
- Laura Lipinski, 4233 Carson; addressed density, transition and traffic impact associated with development adjacent to single family residential.
- Dan Raubinger, 4083 Penrose; representing Woodlands of Troy Homeowners Association, expressed strong support of the text amendment changes, addressed effect of the changes to Wattles and Crooks Neighborhood Node.

PUBLIC HEARING CLOSED**Resolution # PC-2019-12-089**

Moved by: Lambert

Support by: Fowler

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 10 of Chapter 39 of the Code of the City of Troy, which includes provisions related to height and setback in the NN Neighborhood Node Zoning District, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS

10. PLANNING COMMISSION MEETING SCHEDULE FOR 2020

Resolution # PC-2019-12-090

Moved by: Crusse

Support by: Fowler

RESOLVED, To adopt the 2020 Calendar as proposed.

Yes: All present (9)

MOTION CARRIED

11. PUBLIC COMMENT

There was no one present who wished to speak.


12. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

Mr. Savidant offered three dates to schedule a Joint City Council and Planning Commission meeting. The consensus of the Board was to schedule the meeting on February 4, 2020.

The Regular meeting of the Planning Commission adjourned at 12:15 a.m.

Respectfully submitted,


Carlton Faison, Chair


Kathy L. Charnecki, Recording Secretary