



500 West Big Beaver
Troy, MI 48084
troymi.gov

Date: January 15, 2021

To: Members of the Troy Zoning Board of Appeals

From: Lori Grigg Bluhm, City Attorney
Allan Motzny, Assistant City Attorney
Julie Quinlan Dufrane, Assistant City Attorney

Subject: Appeal of Administrative Decision

This agenda contains an appeal of an administrative decision made by the Planning Commission at its November 10, 2020 meeting concerning an application for a preliminary site plan. Because this Board has not previously had the opportunity to review an appeal of a decision concerning a site plan, the following guidance may be helpful to you.

AUTHORITY:

The Michigan Zoning Enabling Act (“MZEA”) authorizes the zoning board of appeals (“ZBA”) to “hear and decide appeals from and review any [decision] made by [a body] charged with enforcement of a zoning ordinance.” (MCL 125.3603). Troy’s Zoning Ordinance delegates to the ZBA the duty to hear and decide appeals from administrative decisions. (Troy Zoning Ordinance, Article 15, Section 15.04(B)(1)).

The submitted appeal requests this Board reverse the Planning Commission’s November 10, 2020 decision to deny the applicant’s preliminary site plan for a project located at the northwest corner of Crooks and Wattles Roads. Under the Zoning Ordinance, the ZBA may affirm or reverse a decision, in whole or in part, or it may modify a decision. A reversal or modification of a decision must be based on one of the following: (1) the decision was arbitrary or capricious, (2) the decision was based on an erroneous finding of fact, (3) the decision was a clear abuse of discretion or (4) the decision was based on an erroneous interpretation of the Zoning Ordinance or zoning law. (See 15.04(C)(4)). A majority vote of the members of the ZBA is required to reverse or modify the Planning Commission’s decision.

BACKGROUND INFORMATION:

Planning Commission first reviewed the subject preliminary site plan in September of 2019. The item was postponed because the City’s planning consultant, Carlisle Wortman, identified numerous issues with the submission. Subsequently, the applicant acquired additional adjacent property, and a significantly revised preliminary site plan was submitted for review. At its January 14, 2020 meeting, Planning Commission again postponed the item based on issues identified in the planning consultant’s report. The applicant made some changes to its preliminary site plan, and this third iteration of the preliminary site plan was reviewed by Planning Commission on November 10, 2020 when the Planning Commission denied the application by a vote of 8-1. As Meeting Minutes reflect, over 150 residents submitted email and/or voicemail messages expressing opposition to the



project. The Planning Commission denied the preliminary site plan based on issues related to “lack of compatibility” and “inadequate transition.” (See Planning Commission Minutes dated November 10, 2020).

SITE PLAN REVIEW:

The MZEA at MCL 125.3501 permits a municipality to require submission and approval of a site plan prior to authorizing land use or activity regulated by a zoning ordinance. Any decision regarding a site plan must be based on standards contained in the municipality’s Zoning Ordinance. (MCL 125.3501(4)). If a site plan contains the information required by the zoning ordinance and complies with the zoning ordinance, the site plan shall be approved. (MCL 125.3501(5)).

The preliminary site plan review process is outlined in Article 8 of Troy’s Zoning Ordinance. The provisions are attached to this memo for ease of review.

- A. Submittal Requirements: Troy’s Zoning Ordinance, at Section 8.05, identifies all of the information and items required to be submitted with a petition for preliminary site plan review. (See *attached*). Planning Commission did not identify any missing items, but this body may independently confirm that the submission contains all of the requirements listed in Section 8.05.
- B. Design Standards Review: As noted above, the MZEA requires zoning decisions to be based on standards that are outlined in a zoning ordinance. Site Plan Review Design Standards are outlined in Section 8.06 of Troy’s Zoning Ordinance. (See *attached*). Planning Commission identified “lack of compatibility” and “inadequate transition” as the basis for its denial. Compatibility and transition are addressed in Section 8.06.
- C. Neighborhood Nodes: In addition to the general design standards outlined in Section 8.06, the subject property is also required to meet the standards outlined in Article 5, Section 5.06 of Troy’s Zoning Ordinance for property zoned as a neighborhood nodes district. (See *attached*).

The subject property is located squarely in an area zoned Neighborhood Node (NN), specifically identified as NN-I. (See attached Map 5.06.1). The intent of NN Districts is outlined at Section 5.06 of Troy’s Zoning Ordinance. In essence, these NN Districts are intended to “serve as the core of the ‘economic neighborhood’” and should be designed to “protect and cultivate a high quality of life in Troy.”

NN Districts are governed by a regulating plan which identifies allowable uses and permitted building forms for each specific district. The regulating plan is based on two factors: site type and street type each of which are assigned and identified in Troy’s Zoning Ordinance. (Article 5.06(B)(3)(b) and (4)(a)). In this case, the subject property is identified as site type B, and street type A. (See Map 5.06.1). Residential use is a permissible use as identified in the table of uses for property zoned NN, site type B, street type A. (See Table 5.06.C-1, attached). The permitted building forms for NN, site type B, street type A are found at Table 5.06.C-2 and include attached residential units such as the ones proposed by the applicant for the subject property.



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Specific design standards for neighborhood nodes are found at Section 5.06(E). These standards fall into four main categories: (1) Building Orientation and Entrance, (2) Ground Story Activation, (3) Transitional Features, and (4) Site Access, Parking, and Loading. Standards related to transition and compatibility, also referred to as “conflicts between uses,” are found in this section of Troy’s Zoning Ordinance.

PROCEDURE:

The zoning ordinance requires a concurring majority vote of the members of the Board to reverse or modify the decision made by Planning Commission. In addition, Troy’s ordinance prohibits a member of the Zoning Board of Appeals who voted on the same matter as a member of the Planning Commission from voting on the matter as a member of the Zoning Board of Appeals. (Article 15.03(B)). As such, the Planning Commission representative who voted on the applicant’s preliminary site plan is precluded from participating in the appeal proceedings.

In making its decision, the Board is charged with making specific findings and determinations which will be in the form of a resolution. As stated above, a reversal or modification of Planning Commission’s decision must be based on one of the following: (1) the decision was arbitrary or capricious, (2) the decision was based on an erroneous finding of fact, (3) the decision was a clear abuse of discretion or (4) the decision was based on an erroneous interpretation of the Zoning Ordinance or zoning law. (See 15.04(C)(4)).

You may have heard the phrase “arbitrary and capricious,” but employing it may be unfamiliar to you. In short, it simply means a willful and unreasonable action taken without regard to law or facts. (Black’s Law Dictionary). Another phrase you may have heard but have not had the opportunity to examine is “abuse of discretion.” An “abuse of discretion” is a mistake that is so clearly against reason and facts in evidence that a decision must be overturned. Both of these standards are high bars to meet.

Therefore, it is very important that any resolution passed by this board clearly articulates the basis for its decision and pronounces specific findings and determinations related to the issues outlined above.

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3603 Zoning board of appeals; powers; concurring vote of majority of members.

Sec. 603. (1) The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The zoning board of appeals shall also hear and decide on matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under a zoning ordinance adopted under this act. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the zoning board of appeals only if provided for in the zoning ordinance.

(2) The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

History: 2006, Act 110, Eff. July 1, 2006.

SECTION 15.04 POWERS AND DUTIES OF ZONING BOARD OF APPEALS

A. General. The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and Act 110, of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article.

B. Delegated Duties. The Zoning Board of Appeals shall hear and decide upon the following:

1. Appeals of administrative decisions.

2. Requests for interpretation of the Zoning Ordinance or Zoning Map.

3. Requests for dimensional and other non-use variances.

4. Requests for use variances.

5. All matters upon which it is required to pass under this Ordinance.

C. Appeals of Administrative Decisions. The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this Ordinance.

1. Appeals shall be filed in writing within thirty (30) days of the written decision in question with the [Zoning Administrator](#). The appellant must have a property interest and standing to be recognized under the law to challenge the decision. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.

2. Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of the City or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.

3. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

[BACK](#)
[FORWARD](#)

Article 15
Zoning Board of Appeals

Authority and
Administration

4. An administrative decision may be reversed, in whole or in part, or may be modified. To that end, the Zoning Board of Appeals shall have all the powers of the Zoning Administrator from whom the appeal is taken. In reaching its decision, the Zoning Board of Appeals shall only modify or reverse an administrative decision being appealed if one (1) or more of the following requirements are met:

a. The administrative decision was arbitrary or capricious.

b. The administrative decision was based on an erroneous finding of material fact.

c. The administrative decision constituted an abuse of discretion; or

d. The administrative decision was based on erroneous interpretation of the Zoning Ordinance or zoning law.

Development
Regulations

D. Interpretation.

1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the Rules of Interpretation set forth in [Section 4.03, Interpretation of District Boundaries](#). The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.
2. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that would correct or clarify the Ordinance.

Processes and
Procedures

Supplemental Design
Regulations

E. Dimensional and Other Non-Use Variances.

1. Where a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Article, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.
2. Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:

Nonconformity,
Appeals, Amendments

[Table of Contents](#)
[Zoning Map](#)
[Definitions](#)
[Figures & Maps](#)
[Tables](#)

Chair Krent called the virtual Regular meeting of the Troy City Planning Commission to order at 7:03 p.m. on November 10, 2020. Chair Krent introduced the procedure to be followed for a remote meeting.

1. ROLL CALL

Present:

- Ollie Apahidean
- Karen Crusse
- Carlton M. Faison
- Michael W. Hutson
- Tom Krent
- David Lambert
- Marianna Perakis
- Sadek Rahman
- John J. Tagle (audibly only)

Also Present:

- R. Brent Savidant, Community Development Director
- Ben Carlisle, Carlisle Wortman Associates
- Julie Quinlan Dufrane, Assistant City Attorney
- Jackie Ferencz, Planning Department Administrative Assistant
- Kathy L. Czarnecki, Recording Secretary

2. SUSPENSION OF PLANNING COMMISSION BYLAWS

Resolution # PC-2020-11-027

Moved by: Rahman
 Support by: Perakis

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon issued an Order on October 5, 2020 under MCL 333.2253 restricting indoor gathering sizes to protect public health and safety, and

WHEREAS Public Act 228 of 2020 permits public meetings to be held by electronic means where an in-person meeting could detrimentally increase exposure of board members and the general public to COVID-19,

THEREFORE BE IT RESOLVED, That as allowed by Planning Commission Rules of Procedure Article IV, Section 6, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS** the requirement of holding a meeting at the Troy City Hall and **ALLOWS** all Troy Planning Commission Members to electronically participate in any Planning Commission meeting through December 31, 2020.

Members participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present. However, members must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision.

RESOLVED, As allowed by Planning Commission By-laws and Rules of Procedure Article X, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS AND MODIFIES** the By-laws and Rules of Procedure concerning the Order of the Agenda, as set forth in Article V, Section 3, to consolidate the Public Comment sections of the meeting for any meeting held through December 31, 2020.

RESOLVED, As allowed by Planning Commission By-laws and Rules of Procedure Article X, the Troy Planning Commission hereby **TEMPORARILY SUSPENDS AND ALLOWS** two methods of receiving Public Comment for virtual meetings. Public comments can be submitted for the Planning Commission meeting by sending an email to: planning@troymi.gov. Emails received prior to 4:00 pm on the day of the Planning Commission meeting, will be read at the meeting and made part of the public record. Public comments can also be submitted by calling the following phone number and leaving a voicemail message: (248) 524-1305. Recorded voicemail messages received prior to 4:00 pm on the day of the Planning Commission meeting will be played at the meeting. For emails and recorded messages received after the deadline, reasonable efforts will be made to read emails and play recorded messages received during the meeting. Email and voicemail public comments will be limited to three minutes each.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF AGENDA

Resolution # PC-2020-11-028

Moved by: Perakis
Support by: Apahidean

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

4. APPROVAL OF MINUTES

Mr. Lambert asked that the draft minutes reflect that Resolution # PC-2020-10-026 was moved by him and not Mr. Tagle.

Resolution # PC-2020-11-029

Moved by: Lambert
Support by: Rahman

RESOLVED, To approve the minutes of the October 27, 2020 Regular meeting as revised.

Yes: All present (9)

MOTION CARRIED

5. PUBLIC COMMENT – For Items Submitted via Email or Telephone Message

Email messages received after the online posting of the agenda, in response to Agenda item #6.

- Carl Koenig, 4393 Cahill; oppose
- Jan Walsh, 4318 Bender Court; oppose
- Omar Shouhayib, 2265 Livernois, Choice Development; in support
- Laura Lipinski, 4233 Carson; oppose
- Ken McCabe, no address; oppose
- Thomas and Patricia Reiss, 1400 Bradbury; oppose
- Charlotte MacPherson, no address; oppose
- Senthil Kumar, 4073 Parkstone; oppose
- Lisa Paglino, 1061 Redding; oppose
- Neal and Paulette Shaw, 3861 Jennings; oppose
- Linda Baatz, no address; oppose
- Anirudh Sure, no address; oppose
- Daryl and Denise Jamison, no address; oppose
- Yumin and Zhang Ying Sheng, 4678 Tifton; oppose
- Tom Shaw, 4040 Glencastle; oppose
- John and Shelly Shallcross, 1059 Fountain; oppose
- Vivian Zoma, no address; oppose
- Sathya Dev, no address; oppose
- Maureen Cash, 4278 Lehigh; oppose
- Bonnie Jeffrey, no address; oppose
- Maureen Pickard, no address; oppose
- Celine T (concerned citizen), no address; oppose
- Faina Temkin, no address; oppose
- Larry and Jennifer Patton, 1417 Fountain; oppose
- Srinivasan Ravindran, no address; oppose
- Medha Tripathi, no address; oppose
- Angela He, 1347 Fountain; oppose
- Natarajan Athreya, 4089 Glencastle; oppose
- No name (Boots2344), 1310 Fountain; oppose
- Jonathan Maksabo, no address; oppose
- Ralph Schick, 4117 Penrose; oppose
- Amy Hirina, 4234 Carson; oppose
- Shalin Shah, no address; oppose
- No name, no address; oppose
- Harshini Chandrasekaran, no address; oppose
- Varun Aravapally, no address; oppose
- Ayesha Khan, no address; oppose
- Aryamaan Gaddam, no address; oppose
- Andrea Noble, Treasurer Woodlands of Troy HOA; oppose
- Rose Marie Lalapi, no address; oppose

- Matt Parowski, 240 W. Wattles; oppose
- Sanjay Shah and Bela Shah, no address; oppose
- June Yount, no address; oppose
- Aashit Shah, 4088 Parkstone; oppose
- Aashka Shah, no address; oppose
- Abbassieh Sobh, no address; oppose
- Amy Leigh Talarico, no address; oppose
- Arushi Mahajan, no address; oppose
- L. Xiaob (Bob), no address; oppose
- Brian Bartkowiak, 4278 Lehigh; oppose
- Brian Conolly; no address; oppose
- Carl Koenig, 4393 Cahill; oppose
- Carmen Franco, no address; oppose
- Carol Kohut, no address; oppose
- Cynthia Desmon, no address; oppose
- Cindy Sweeney, 4037 Glencastle; oppose
- Dan Raubinger, no address; President Woodlands of Troy HOA; oppose
- Daphne Ntiri, 4198 Carson; oppose
- Daryl Dickhudt, 4143 Glencastle; oppose
- David and Claudette Rusing, 1425 Bradbury; oppose
- Deanna Vetrone, no address; oppose
- Debbie A. Knauss, 3897 Meadowbrook; oppose
- Devinder Singh, 2452 Claymont; oppose
- Edmund Jaskulka, 4291 Lehigh; oppose
- Geeta Desai, 1844 Rolling Woods; oppose
- Geomy George, 4025 Glencastle; oppose
- James and Sharon Murray, 1267 Bradbury; oppose
- Jayashree Rao, 4415 Wintergreen; oppose
- Jenn-Tser and Jin-Feng Pan, 4059 Parkstone; oppose
- Jenny Chang, no address; oppose
- Jinming Xu, 4179 Carson; oppose
- John Bridge, 4089 Penrose; oppose
- Gerald and Judith Holmberg, no address; oppose
- Thomas and Karen Shaw, 4040 Glencastle; oppose
- Katherine Mikulski, 4408 Cahill; oppose
- Kosta and Carol Hardaloupas, no address; oppose
- Kristen Rondeau, 5090 Longview; oppose
- Les and Liz Kobylak, 1938 Canary; oppose
- Lisa Paglino, no address; oppose
- Lopa Rana, no address; oppose
- Mark and Diane Paul, 3844 Root; oppose
- Mary Kay Michaels, 4535 Hycliffe; oppose
- Mary Kennedy, no address; oppose
- Masood Siddiqui, no address; oppose

- Mike Lipinski, 4233 Carson; oppose
- Praveen Gomer, 1062 Whisper Way; oppose
- Pat Baker, no address; oppose
- Paul Pabian, no address; oppose
- Priti Gupta, no address; oppose
- Ringo Zhang, no address; oppose
- Robert Laudicina, 1286 Fountain; oppose
- Robert Marku, no address; oppose
- Scott and Claudia Leman, 1075 Fountain; oppose
- Sujith Nair, 1337 Bradbury; oppose
- Susan Turpin, 4216 Carson; oppose
- Xiao Min Chen, 975 Emerson; oppose
- Jerry Rauch, 4187 Penrose; oppose
- Xiaoqing Yu, 1260 Bradbury; oppose
- Yi Guo and Zhe Xu, 1192 Provincial; oppose
- Yongpeng Zhang, no address; oppose
- Zachary Reed, 1395 Fountain; oppose
- Kevin Zhou, no address; oppose
- Shelley Stenger, no address; oppose
- Aditi Mahajan, no address; oppose
- Atika Singh, no address; oppose
- Dorothy Shetler, 4558 Rivers Edge; oppose
- Fred Tarazi, 4388 Cahill; oppose
- Jayne and Rick Smith, no address; oppose
- Jean-Claude Quenum, 4198 Carson; oppose
- Jigna Shah, 4088 Parkstone; oppose
- Kelly Coval, no address; oppose
- Kristi Roncelli, no address; oppose
- Mary Branch, no address; oppose
- Michael and Peggy O'Shaughnessey, no address; oppose
- Mike Temkin, no address; oppose
- Patricia Orlovski, 1381 Bradbury; oppose
- Paul Balas, 4087 Parkstone; oppose
- Ravi, no address; oppose
- Renee Weiss, no address; oppose
- Rhea Sautter, no address; oppose
- Rose Wright and James Laherty, 1269 Autumn; oppose
- Lisa Paglino, 1061 Redding; oppose
- Sumit Mathur, 4426 Hycliffe; oppose
- Ashish and Swati Mody, 4752 Rivers Edge; oppose

Chair Krent called a recess at 9:32 p.m. The meeting reconvened at 9:38 p.m.

Voicemail messages received in response to Agenda item #6.

- Aashit Shah, 4088 Parkstone; oppose
- Thomas Mikulski, 4408 Cahill; oppose
- Edmund Jaskulka, 4291 Lehigh; oppose
- Praveen Gomer, 1062 Whisper Way; oppose
- David Rusing, 1425 Bradbury; oppose
- Indiscernible name; oppose
- Joyce Barnett, 3448 Tothill; oppose
- Deepak Parekh, 2956 Devonwood; oppose
- Indiscernible name; oppose
- Robert Marku, 3394 Kilmer; oppose
- Tim Dryzga, 4642 Bentley; oppose
- Jigna Shah, 4088 Parkstone; oppose
- Gloria Vanevery, 2140 Charnwood; oppose
- Resident, Woodlands of Troy; oppose
- Victor Nowak, 1132 Fountain; oppose
- Michael Walsh, 4318 Bender Court; oppose
- Heena Shah, 1701 Caliper; oppose
- Deborah Louzecky, 6327 Donaldson; oppose
- Carol Quigley, 2489 Tall Oaks; oppose
- (first name indiscernible) Raghavulu, 4020 Penrose; oppose
- Henry Bzdziuch, 2337 Valleyview; oppose

PRELIMINARY SITE PLAN APPROVAL

6. PRELIMINARY SITE PLAN REVIEW (File Number SP JPLN2019-0022) – Proposed Crooks Road Townhomes, West side of Crooks Road, North of Wattles Road, Section 17, Currently Zoned NN (Neighborhood Node “I”) District

Mr. Savidant gave a history of the Preliminary Site Plan application from its initial submission on June 28, 2019. He indicated a public hearing is not required for the application but at two previous Planning Commission meetings, the Chair opened the floor for public comment. At the September 24, 2019 meeting, 30 people spoke and 82 email messages were received. At the January 14, 2020 meeting, 18 people spoke and 59 email messages were received.

Mr. Savidant indicated the applicant has brought back the application with minor modifications after meeting with representatives of the abutting neighborhood. He said the administration notified the Woodlands Homeowners Association with a link to the agenda packet posted online this past Friday afternoon, which generated the public comment presented this evening. Mr. Savidant said the applicant has a right to due process by law to be heard by the Planning Commission.

Mr. Carlisle gave a review of the Preliminary Site Plan application identifying the recent modifications to the plan since last reviewed by the Planning Commission and as identified in his report dated November 6, 2020. He shared the renderings provided by the applicant.

Mr. Carlisle reported the proposed use is appropriate for the site and multiple family residential is a permitted use in the neighborhood node. He asked the Planning Commission to take into consideration the type of multiple family residential proposed, the number of units proposed, and transitional features as set forth in Section 5.06.E.3 of the Zoning Ordinance.

Discussion among members and administration:

- Building height permitted in Neighborhood Node districts.
- Pedestrian path and picnic area.
 - Amenity for development or adjacent Penrose residents; question for applicant.
 - Access; no physical vehicular or pedestrian connection.
- Community Image Builders communication; some valid points, some points not related specifically to Troy.
- Stormwater management; review during final site plan process by City Engineering Department, as well State permits required.
- No applications on file for proposed development on remaining corners of Wattles and Crooks.

Present were Attorney Greg Obloy of Carson Fischer, Carmine Avantini of Community Image Builders, James Butler and Gregory Bono of Professional Engineering Associates and the applicant Arban Stafa of Tollbrook North LLC.

Mr. Obloy said the applicant met with representatives of the abutting residential neighborhood after the Planning Commission meeting in January and resubmitted the plan in March with revisions to address transition and Planning Consultant review comments. Mr. Obloy clarified the picnic area is intended as an amenity for the neighborhood to the west. Mr. Obloy said the application complies with all requirements of the Zoning Ordinance and respectfully requested action this evening to approve the Preliminary Site Plan.

Mr. Avantini gave a PowerPoint presentation. He addressed a reduction in building height, elevation difference between uses, amenities and building material. Mr. Avantini said building material is brick and cement fiber board, no vinyl. He noted trash collection would be internally for individual townhomes with no dumpsters on site. Mr. Avantini's presentation showed various renderings and a three-dimensional view of the development in context to neighboring homes.

There was discussion on:

- Neighborhood meeting on January 23, 2020 at City Hall Library; applicant indicated no compromise reached.
- Pedestrian path and picnic area.
- Elevation and grading differences; approximate 5-foot difference, accuracy of information provided by applicant.
- Transitional features and compatibility with surrounding neighbors.
 - Interpretation(s) of design standards subjective.
- Application as relates to Zoning Ordinance requirements and Master Plan.
- Traffic study dated January 14, 2020; same data and conclusion for revised application.
- Department reviews of application; no outstanding issues cited.
- Recent legal matter received in City Attorney office.

Resolution # PC-2020-11-

Moved by: Lambert

Support by:

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Crooks Road Townhomes, located on the west side of Crooks, North of Wattles, Section 17, within the NN (Neighborhood Node "I") District, be DENIED, for the following reason(s):

1. That the applicant has not provided the appropriate transition.
2. That it does not meet the design standards, does not enhance the character, environment and safety of pedestrian and motorists through the requirements of the Zoning Ordinance.

Reason #2 offered by Ms. Perakis prior to support on the motion.

Ms. Perakis shared concerns about the safety of children in the context of lack of sidewalks and internal traffic circulation with respect to pedestrians and vehicles.

Ms. Dufrane encouraged further discussion if Ms. Perakis believes there is a safety issue.

Chair Krent stated there appears to be plenty of sidewalks; the open issue is whether the application meets transition and compatibility standards.

Mr. Savidant responded to the concerns expressed by Ms. Perakis about safety. He said the application was submitted to appropriate City departments for review. Mr. Savidant said the traffic professionals and the Fire Department cited no safety concerns with the development. Mr. Savidant said there is nothing dangerous about the project and that the Planning Department does not forward applications to the Planning Commission to act upon if there are any safety concerns.

Chair Krent and Mr. Savidant encouraged the Board to act on the application this evening given that the item has been postponed twice.

Resolution # PC-2020-11-030

Moved by: Lambert

Support by: Hutson

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Crooks Road Townhomes, located on the west side of Crooks, North of Wattles, Section 17, within the NN (Neighborhood Node "I") District, be **DENIED**, for the following reasons:

1. Lack of compatibility; and
2. Inadequate transition.

Yes: Crusse, Faison, Hutson, Krent, Lambert, Perakis, Rahman, Tagle
 No: Apahidean

MOTION CARRIED

OTHER ITEMS

7. CITY OF TROY MASTER PLAN AMENDMENT

Mr. Savidant indicated with an apology that this item was placed on the agenda in error.

8. PLANNING COMMISSION COMMENT

There were general Planning Commission comments, some relating to:

- Proposed Zoning Ordinance Text Amendments in process.
- Planning Commission role; Zoning Ordinance and Master Plan.
- Developer rights vs Residents rights.

The virtual Regular meeting of the Planning Commission adjourned at 11:43 p.m.

Respectfully submitted,



Tom Krent, Chair



Kathy L. Czarnecki, Recording Secretary

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3501 Submission and approval of site plan; procedures and requirements.

Sec. 501. (1) The local unit of government may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance. The zoning ordinance shall specify the body or official responsible for reviewing site plans and granting approval.

(2) If a zoning ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.

(3) The procedures and requirements for the submission and approval of site plans shall be specified in the zoning ordinance. Site plan submission, review, and approval shall be required for special land uses and planned unit developments.

(4) A decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.

(5) A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

ARTICLE 8

SITE PLAN REVIEW

SECTION 8.01

INTENT

The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws, to achieve efficient use of the land, to encourage innovative design solutions, to protect natural resources, to ensure safety for both internal and external vehicular and pedestrian users, to achieve innovative storm water management solutions, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

SECTION 8.02 SITE PLAN REQUIRED

A. Where Required. Site plan review shall be required for any of the following activities:

1. A use or development for which submission of a site plan is required by the provisions of this Ordinance.
2. A building or structure which is proposed to be constructed, moved, relocated or structurally altered.
3. A non-residential use permitted in a residential district.
4. A change in use that could affect compliance with the standards set forth in this Ordinance.
5. Expansion or paving of off-street parking and/or a change in vehicular or pedestrian circulation or access.
6. A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the [Zoning Administrator](#).
7. The development or construction of any [accessory uses](#) or [structures](#) at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one- or two-family dwelling.

B. Site Plan Review Exemptions. Erection, moving, relocation, conversion, or structural alterations to a one- or two-family dwelling on an individual lot, and its accessory

[BACK](#)
[FORWARD](#)

Article 8
Site Plan Review

use(s) or structure(s), are exempt from the full site plan review process. However, other applicable approvals are still required such as a zoning compliance permit and building permits.

SECTION 8.03 SITE PLAN PROCEDURES

A. Sketch Plan. Except as otherwise required by this Ordinance, an applicant has the option of submitting a sketch plan to the Zoning Administrator for informal review. All applications for special land uses shall be accompanied by a sketch plan.

A sketch plan drawn to a reasonable scale shall have the following information:

1. Applicant's name, address, and telephone number.
2. Common description of the property and complete legal description.
3. Dimensions of land, including width, length, acreage, and frontage.
4. Existing zoning and current land use of the property under consideration and zoning and current land use of all adjacent properties.
5. General location of all existing structures, roadways, and natural features.
6. The general location and size of all proposed buildings, roadways, parking areas, and any other changes proposed to be made on the subject property.

B. Preliminary Site Plan Procedures.

1. A petitioner seeking Site Plan Approval as required under [Section 8.02](#) shall submit an application to the [Zoning Administrator](#) for preliminary site plan approval, together with the appropriate fee, not less than thirty (30) days prior to the date of the regular meeting of the [Planning Commission](#), at which the application for a preliminary site plan will be considered.
2. The Zoning Administrator shall transmit the application and preliminary site plan to the Planning Department for review. Any application which fails to provide the information and materials regulated by this Article shall be held in abeyance until the petitioner rectifies all deficiencies.
3. Complete applications shall be reviewed inter-departmentally and any necessary revisions and/or corrections shall be made by the applicant prior to submission to the Planning Commission for Preliminary Site Plan Approval consideration.

The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after approval by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan (upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements). Preliminary Site Plan Approval shall be effective for a period of three (3) year. Within that three (3) year period, the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with [Section 8.05.B](#). If the petitioner does not receive Final Site Plan Approval within one (1) year, Preliminary Site Plan Approval shall expire. Extensions may be granted in one (1) year increments by administrative approval, provided no changes have been made to the approved plan.

- C. Administrative Plan Review. The Zoning Administrator shall have the authority to waive the requirement for a site plan if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

The Zoning Administrator is also authorized to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Zoning Administrator may conduct an administrative review of a site plan for the following projects or under the following circumstances:

1. Minor changes during construction required by outside governmental agencies.
2. Increase in parking or loading area of up to twenty-five (25) percent or 6,000 square feet of pavement area without any building changes.
3. Changes to the [building height](#) that do not add additional [floor area](#) nor exceed the maximum height requirements of the district.
4. For non-residential uses, an increase in floor area of up to twenty-five (25) percent of the existing floor area in the event of no impact to other site requirements or improvements.
5. A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, or sidewalks.
6. A change from a [nonconforming use](#) to a conforming use.
7. [Accessory buildings](#) associated with a non-residential use.
8. Aesthetic and architectural changes to a non-residential structure.
9. Construction of an entrance feature associated with a residential development.

BACK

FORWARD

Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Nonconformity, Appeals, Amendments

10. Home occupations.

11. Sign installation, relocation, or replacement meeting the dimensional and locational standards of this Ordinance.

12. Site improvements such as installation of walls, fences, lighting, or landscaping consistent with the Ordinance standards.

13. Temporary uses, sales, and seasonal events.

14. Reuse of existing buildings with no additional hard surfacing or exterior improvements.

15. In the IB District, any use surrounded on all sides by other properties zoned IB District.

D. Final Site Plan Procedures.

1. Prior to requesting any building permits, the petitioner shall seek Final Site Plan approval. This final site plan submittal shall include those items specified under Section 8.05.B of this Article. Applications for Final Condominium Approval shall also include four (4) copies of the recorded Condominium Master Deed and Condominium Bylaws. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items required under Section 8.05.B.

2. The Zoning Administrator shall review the submittal for Final Site Plan Approval to ascertain that all the requirements of Section 8.05.B have been satisfied. Any submittal which fails to include the required modifications, information, and/or documents shall be deemed incomplete and held in abeyance until the petitioner rectifies all deficiencies.

3. In the event that the Final Site Plan has been substantially revised from the Preliminary Site Plan Approval, as determined by the Zoning Administrator, the applicant shall be directed to reapply for a new Preliminary Site Plan approval or to revise the Final Site Plan to bring it into conformance with the approved Preliminary Site Plan.

4. The Planning Department shall review the Final Site Plan to ensure that it is consistent with Preliminary Site Plan Approval. The Planning Department shall confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Assessing, and Fire Departments. Upon verification of all required City approvals, the Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permit applications may be received and/or reviewed for the project.

Table of Contents

Zoning Map

Definitions

Figures & Maps

Tables

5. In those instances where [Planning Commission](#) review and approval of a revised Preliminary Site Plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five (5) copies of the modified Preliminary Site Plan have been submitted and have been approved by the Building and Engineering Departments.
6. Final Site Plan approval shall be effective for a period of three (3) years, during which the petitioner shall complete construction of the approved project. Extensions may be granted in one (1) year increments by administrative approval, provided no changes have been made to the approved plan.

SECTION 8.04 ADMINISTRATIVE PLAN PROCEDURES

All applications and submittal requirements as set forth in [Section 8.05](#) shall be required for site plans that are received by the [Zoning Administrator](#).

SECTION 8.05 SUBMITTAL REQUIREMENTS

- A. Preliminary Site Plan. A petition or request for Preliminary Site Plan Approval shall be submitted on forms prepared by the Zoning Administrator and shall contain the information set forth below. The Zoning Administrator may waive information requirements that do not effect compliance with the Ordinance.
 1. The name, address and telephone of the person applying for Preliminary Site Plan Approval.
 2. The name, address and telephone of the owner of the property.
 3. The relationship between the applicant and the property owner.
 4. The present zoning classification of the subject property.
 5. The proposed use of the property.
 6. A certified topographic survey and a certified boundary survey of the property, prepared and sealed by a Licensed Land Surveyor. The Topographic Survey shall provide one (1) foot contour intervals and shall be printed on a 24 x 36 inch sheet.
 7. Attached to the application shall be two (2) copies of the proposed site plan, dimensioned and drawn to a scale of not less than 1" = 20' for property less than three (3) acres, and 1" = 50' for parcels of three (3) acres or more, wherein the following items shall be clearly labeled and dimensioned:

[BACK](#)

[FORWARD](#)

Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Nonconformity, Appeals, Amendments

- a. All drawings are to have a title block, which shall have the name of the project and date of plans including revision dates.
- b. All drawings are to have a northpoint and the scale of the drawing is to be indicated.
- c. All lot and property lines.
- d. Location of all proposed structures.
- e. Existing and future right-of-way of adjacent streets, including centerlines and section lines where applicable.
- f. Location of all sidewalks, on and adjacent to the site.
- g. Deceleration and passing lanes as required by the City of Troy Traffic Engineer.
- h. The means by which stormwater detention will be provided.
- i. Setbacks and required yards.
- j. Parking areas, access drives, loading and unloading areas, and trash receptacles.
- k. Greenbelts, landscape areas, other open space areas and screening walls.
- l. The location of any existing driveways and streets within one hundred (100) feet of the subject property, including those across frontage streets.
- m. The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
- n. Calculations for the following shall be included on the site plan:
 - i. Gross and net (after rights-of-way) site area.
 - ii. Gross and net ("usable") building area.
 - iii. Required parking and statement of parking provided.
 - iv. Required landscape and open space area, and statement of intent for each.

- o. Site Plans for residential developments shall include the following additional information:
 - i. Calculation of the **dwelling unit** density allowable and a statement of the number of dwelling units, by type, to be provided.
 - ii. Topography on site and fifty (50) feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, **flood plains**, wetlands, and tree stands indicated.
 - iii. The typical floor plans and elevations of the proposed buildings, with **building height(s)**.
- p. Number of employees on the largest working shift (if applicable).
8. A wetlands determination shall be required for all applications for subdivisions and site condominiums. A wetlands determination shall be required for all other applications for Preliminary Site Plan approval, when the Natural Features Map indicates there may be wetlands on site. A wetlands determination may be waived by the **Zoning Administrator** based on the Natural Features Map and other applicable site information.
9. A tree inventory in accordance with Article 13 shall be attached to all applications for Site Plan Approval. This requirement may be waived by the Zoning Administrator, in those instances where the Topographic Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a tree inventory would not be applicable, or would serve no practical purpose.
10. A landscape plan prepared in conformance with Article 13.
11. Preliminary, dimensioned floor plans.
12. Preliminary, dimensioned building elevations.
13. Preliminary grading plans, in accordance with the City of Troy Engineering Design Standards.
14. Lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding.
15. Color rendering(s) and 3D computer generated building model(s). Building model(s) shall be oriented to demonstrate proposed improvements in context of site and surrounding properties.

[BACK](#)
[FORWARD](#)

Article 8
Site Plan Review

Authority and
Administration

Development
Regulations

Processes and
Procedures

Supplemental Design
Regulations

Nonconformity,
Appeals, Amendments

16. Samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences.

17. All drawings shall be sealed and signed by a State of Michigan Professional Engineer, Licensed Architect, Registered Landscape Architect, or Professional Community Planner. All elevation and floor plan drawings for principal buildings shall be designed and sealed by a Michigan licensed Architect.

18. Included with the hard copies shall be a CD containing an electronic version of the Preliminary Site Plan Application. The format of the documents shall be Tagged Image Format (tif) files at a resolution of two hundred (200) dots per inch (dpi) and PDF format as specified by the [Zoning Administrator](#). The CD shall be clearly marked with the applicant's name, contact information, project name, and date. Documents shall be in a multipage TIF or individual TIFs in the following order:

- a. Application.
- b. Topography.
- c. Preliminary Site Plan.
- d. Landscape Plan.
- e. Preliminary Floor Plans.
- f. Preliminary Building Elevations.
- g. Preliminary Grading Plan.
- h. Tree Preservation Plan.
- i. Other information, as requested.

B. Final Site Plan. A petition or request for Final Site Plan Approval shall be submitted on forms provided by the Zoning Administrator and shall contain the following:

1. The modifications and/or additional information required by the [Planning Commission](#) at the time of Preliminary Site Plan Approval.
2. Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:

[Table of Contents](#)
[Zoning Map](#)
[Definitions](#)
[Figures & Maps](#)
[Tables](#)

- a. The dedication of rights-of-way.
 - b. The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements.
 - c. "Private Agreements" to detail the installation of Public Improvements by the petitioner.
 - d. "Irrevocable Petition Agreements" for petitioner's participation in potential Special Assessment Projects involving road, pedestrian and/or public utility improvements.
3. A current Title Commitment, indicating all parties of interest in the subject property.
 4. A statement from the Planning Department indicating that the Landscape Plans have been submitted and approved, and the related fees have been paid.
 5. Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
 - a. The water distribution system.
 - b. The sanitary sewer system.
 - c. The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.
 6. Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
 7. The location of fire lanes and fire hydrants as required by the Fire Department.

SECTION 8.06

SITE PLAN REVIEW DESIGN STANDARDS

These design standards are intended to enhance the overall character of Troy by building upon patterns of development that create or enhance sense of place and have well-defined and vibrant design context.

The following general standards and any standards established for a specific use shall be applied when considering a site plan application:

BACK

FORWARD

Authority and
Administration

Development
Regulations

Processes and
Procedures

Supplemental Design
Regulations

Nonconformity,
Appeals, Amendments

A. Development shall ensure compatibility to existing commercial districts and provide a transition between land uses through application of the following requirements:

1. Building design shall enhance the character of the surrounding area in relation to building and parking placement, landscape and streetscape features, and architectural design.

2. Street fronts shall provide a variety of architectural expression that is appropriate in its context and prevents monotony.

3. Building design shall achieve a compatible transition between areas with different height, massing, scale, and architectural style.

B. Development shall incorporate the following recognized best architectural building design practices:

1. Foster a lasting impact on the community through the provision of high quality design, construction, and detailing.

2. Provide high quality, durable materials, such as but not limited to stone, brick, glass, and metal. E.I.F.S. or material equivalent shall only be used as an accent material.

3. Develop buildings with creativity that includes balanced compositions and forms.

4. Design roofs that are appropriate to the architectural style of the building and create an appropriate visual exterior mass of the building given the context of the site.

5. For commercial buildings, incorporate clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, and/or landscape planters.

6. Include community amenities that add value to the development such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public.

C. Enhance the character, environment and safety for pedestrians and motorists through the following requirements:

1. Provide elements that define the street and the pedestrian realm.

2. Create a connection between the public right of way and ground floor activities.
3. Create a safe environment by employing design features to reduce vehicular and pedestrian conflict, while not sacrificing design excellence.
4. Enhance the pedestrian realm by framing the sidewalk area with trees, awnings, and other features.
5. Improve safety for pedestrians through site design measures.

[BACK](#)
[FORWARD](#)

Article 5
Form-Based Districts

SECTION 5.06

NEIGHBORHOOD NODES DISTRICT

A. Intent. The Neighborhood Nodes (NN) District is derived from the 2008 [City of Troy Master Plan](#), which specifically identifies 21 specific intersections that play a critical role in the daily function, image, quality of life, and continued viability of the City. These nodes vary widely in character, but share common characteristics.

Neighborhood Nodes are meant to serve as the core of the “economic neighborhoods” of Troy identified in the [Master Plan](#). Economic neighborhoods are destinations created as “go to” places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers, which can include integrated residential development.

The Neighborhood Nodes should draw people, and should be visually distinguished from the surrounding area because of their greater intensity, density and design. Design techniques such as the variation of [building height](#) shall be encouraged by these regulations to help separate the Node from the surrounding area. Such variations, however, will respect the adjacent neighborhoods and will not be so extreme as to visually overpower transitional or residential areas.

The success of the Neighborhood Nodes will play a critical role in the protection and cultivation of a high quality of life in Troy.

B. Regulating Plan.

1. The [regulating plan](#), as set forth in [Figure 5.06.1](#), identifies allowable [uses](#) and permissible development within the District based on location.
2. **The regulating plan is based on two (2) factors: Site Type and Street Type.** Site Types, as described in Section 5.06.B.3, are determined by lot size, location, and relationship to neighboring sites. Street Types, as set forth in Section 5.06.B.4, recognize that street patterns within the City of Troy are established. Streets range from primary corridors which carry a large volume of traffic to local [streets](#) which convey lower volumes of neighborhood traffic.
3. **Site Types.** The regulating plan includes two (2) different site types, described as follows:
 - a. Site Type NN:A (high intensity, predominantly commercial, regionally visible)
 - These sites are predominantly located directly on [major arterial](#) roads, have larger acreage than their Site Type NN:B counterparts, and have established driveways, cross access, and larger square footage existing buildings with commercial uses. The NN:A category is meant to accommodate the most ambitious redevelopment within the Nodes, as they typically have the prime

location and the size to allow for the most creative solutions for mixed use and node-specific development as outlined in the [Master Plan](#).

While the established and intended character of each Node is distinct, the NN:A sites remain more similar to one another than do the NN:B sites, which are far more diverse in terms of [use](#), acreage, and existing [buildings](#). While the NN:B sites are intended primarily to provide a transition between the Node and the adjacent residential areas, the NN:A sites are intended to house the destination retail, service, and employment uses that are central to the economic neighborhoods outlined by the [Master Plan](#). These NN:A sites may also often incorporate higher-density residential development on upper floors when possible, to incubate a compact, walkable environment at the Node and to diversity the City's housing base.

- b. Site Type NN:B (transitional smaller scale, employment based, mixed use)
 - Site Type NN:B consolidates the smaller, diverse sites at and around Nodes throughout the City. They are located both in support of NN:A sites as transitional areas between more intense Nodes and the adjacent neighborhoods, and on their own, covering an entire Node, for those Nodes identified in the Master Plan as less intense, smaller scale Nodes with a direct connection to a residential area.

While not always present between NN:A sites and residential neighborhoods, when possible or preferable based on the parcel arrangement and existing circumstances, the NN:B category allows the Node to develop in a tiered manner, with more intense developments and uses permitted within the core of the Node, and less intense projects providing a buffer for the residential area.

NN:B sites may contain a variety of uses, including residential at grade, in a higher-density arrangement, but may also include small scale retail and service or office uses. A strong focus on transitional landscaping and a suitable connection to the neighboring residential areas is of critical concern for the NN:B sites, as they will often serve as the primary zone through which residents in a social neighborhood, as identified in the Master Plan, engage the Node, which serves as the core of the economic neighborhood.

- 4. Street Types. The regulating plan includes two (2) different Street Types, described as follows:

- a. Street Type NN:A (Arterials) - Category NN:A is meant for the main north-south and east-west roads that intersect at each of the twenty-one (21) neighborhood nodes. These roads are characterized by high traffic volumes and few individual residential curb cuts. They accommodate the majority of the regional traffic through Troy, connect Troy with its adjacent communities, and serve as the primary framework for circulating throughout the City.

[BACK](#)
[FORWARD](#)

Article 5
Form-Based Districts

Authority and
Administration

The intersections of these arterial roads present opportunities to cultivate highly visible, highly used areas that connect the various elements of the City, and bridge the gap between the residential portions of Troy with the major corridors, commercial areas, employment centers, and adjacent communities of Troy.

Development
Regulations

These roads will evolve over time to form “complete streets” which continue to accommodate regional traffic, but also cater to the emerging neighborhood nodes at their intersections. These roads and intersections will have well-defined crosswalks, and will make use of a series of features intended to protect pedestrians by establishing equity between pedestrians and motorists through effective design. Raised walks of high-quality materials, signage, landscaping, and pedestrian respite islands are several options that may be found within Category NN:A.

Arterial Roads will also be characterized by strong landscaping designed to mitigate the negative impacts of high traffic volumes from adjacent residential areas which provide a unique and memorable visual character for the roadway.

Processes and
Procedures

- b. Street Type NN:B (Local/Collector) – Category NN:B roads are those roads tying together smaller areas and connecting various parts of individual developments within the Nodes. Either as public or private [streets](#), NN:B streets will have a more varied and localized character than larger roads, depending on their context within predominantly office, retail, or residential areas.

Supplemental Design
Regulations

They act as the connection between the Node and adjacent neighborhoods. Very few examples of [streets](#) identified as NN:B streets exist in Troy, but they can also be developed as part of a larger project in the NN District, which may require new streets to be created to adequately and successfully implement the project. It is likely that any new road in the NN District will be a Category NN:B road.

Category NN:B roads will be very welcoming of non-motorized users and will have defined pedestrian rest areas and other amenities whenever possible. Their scale will be similar to that of a main road within a conventional subdivision or industrial park, and their width will be determined primarily on their purpose. A Category NN:B road within an industrial area may be required to be wider than one in a residential area, although their purpose is similar.

Nonconformity,
Appeals, Amendments

Category NN:B roads will have a much higher frequency of curb cuts than Category NN:A roads, and will often provide direct [rear](#) or [side yard](#) access to retail centers, office complexes, or high density residential projects.

[Table of Contents](#)
[Zoning Map](#)
[Definitions](#)
[Figures & Maps](#)
[Tables](#)

BACK

FORWARD

Sufficient width should be retained on either side of the roadway whenever possible to allow for on-street parking to ensure that a variety of local parking options exist to directly serve the Nodes without requiring significant surface lots on private property.

C. Authorized Use Groups. Authorized use groups, as set forth in Section 5.03.A and in Table 5.06.C-1, are applied to the site types and street types in Neighborhood Nodes District in Table 5.06.C-1.

D. Authorized Building Forms. Authorized building forms, as set forth in Section 5.03.B and Table 5.06.C-2, is applied to the site types and street types in the Neighborhood Nodes District in Table 5.06.C-2.

E. Design Standards. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

1. Building Orientation and Entrance.

- a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located in the front façade parallel to the street.
- b. Recessed Doorways. Where the building entrance is located on or within five (5) feet of a lot line, doorways shall be recessed into the face of the building to provide a sense of entrance and to add variety to the streetscape. The entrance recess shall not be less than the width of the door(s) when opened outward.
- c. Residential Dwellings. Entrances for all residential dwellings shall be clearly defined by at least one (1) of the following:
 - i. Projecting or recessed entrance. A recessed entrance is required if the building entrance is located on or within five (5) feet of the lot line.
 - ii. Stoop or enclosed or covered porch.
 - iii. Transom and/or side light window panels framing the door opening.
 - iv. Architectural trim or unique color treatments framing the door opening.

2. Ground Story Activation.

- a. Transparency.
 - i. The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows

[BACK](#)
[FORWARD](#)

Article 5
Form-Based Districts

and doors arranged so that active [uses](#) within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty (50) percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than 30 percent of the façade. The [Planning Commission](#) may waive this requirement for projects requiring site plan approval when an existing building with unique or historic attributes that help define the character of the node, as determined by the Planning Commission, is being reused.

- ii. The minimum transparency requirement shall apply to all sides of a [building](#) that abut an [open space](#), including a [side yard](#), or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.
 - iii. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.
- b. Transparency Alternatives. The following alternatives may be used singularly or in combination. If used in combination, they may count toward no more than eighty (80) percent of the transparency requirement set forth in Section 5.04 E-4. The wall design alternative may count toward one hundred (100) percent of the side street transparency requirement, provided the entirety of the length and height of the wall is considered.
- i. Wall Design. Wall designs that provide visual interest and pedestrian scale may count toward no more than fifty (50) percent of primary street and fifty (50) percent of side street transparency requirements. Wall designs must provide a minimum of three (3) of the following elements, occurring at intervals no greater than twenty-five (25) feet horizontally and ten (10) feet vertically:
 - (a) Expression of structural system and infill panels through change in plane not less than three (3) inches.
 - (b) System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters.
 - (c) System of horizontal and vertical reveals not less than one (1) inch in width/depth.
 - (d) Variations in material module, pattern, and/or color.
 - (e) System of integrated architectural ornamentation.

[Table of Contents](#)
[Zoning Map](#)
[Definitions](#)
[Figures & Maps](#)
[Tables](#)

- (f) Green screen or planter walls.
- (g) Translucent, fritted, patterned, or colored glazing.
- ii. Outdoor Dining/Seating. Outdoor dining/seating located between the [building](#) and the primary street zone [lot line](#) may count toward no more than sixty (60) percent of the transparency requirement. Outdoor dining/seating located between the building and side street zone lot line may count toward no more than eighty (80) percent of the transparency requirement.
- iii. Permanent Art. Non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall may count toward no more than forty (40) percent of the transparency requirement.

3. Transitional Features.

- a. Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher intensity [uses](#) and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large [setbacks](#).
- b. Intensity. A continuum of use intensity, where moderate intensity uses are sited between high-intensity [uses](#) and low-intensity uses, shall be developed for multi-building developments. An example would be an office use between commercial and residential uses.
- c. Height and Mass. [Building height](#) and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher intensity uses are comparable in scale with adjacent structures of lower-intensity uses.
- d. Orientation. Primary building facades shall be placed away from the residential use.
- e. Architectural Features. Similarly sized and patterned architectural features such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

4. Site Access, Parking, and Loading.

[BACK](#)
[FORWARD](#)

Article 5
Form-Based Districts

- a. Required Parking. Off-street parking shall be provided for a [principal use](#), erected, altered, or expanded after the effective date of this Ordinance in accordance with the standards set forth in [Article 13, Site Design Standards](#).





The [form-based](#) districts are intended to encourage pedestrian- and transit-friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking set forth in [Section 13.06.E](#), and flexibility in application set forth in [Section 13.06.F](#).

- b. Location.

- i. When parking is located in a [side yard](#) (behind the front [building line](#)) but fronts on the required building line, no more than fifty (50) percent of the total site's linear feet along the required building line or one hundred (100) feet, whichever is less, shall be occupied by parking.
- ii. For a [corner lot](#), shall be no more than fifty (50) percent of the site's cumulative linear feet along the required building lines or one hundred (100) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.
- iii. For a [double frontage lot](#) or a [lot](#) that has frontage on three (3) [streets](#), the cumulative total of all frontages occupied by parking shall be no more than sixty-five (65) percent of the total site's linear feet along a required building line or one hundred and twenty-five (125) feet, whichever is less.
- iv. Where off-street parking is visible from a [street](#), it should be screened in accordance with the standards set forth in [Section 13.02.C](#).

Map 5.06.1: Neighborhood Node District Regulating Plan (Continued)

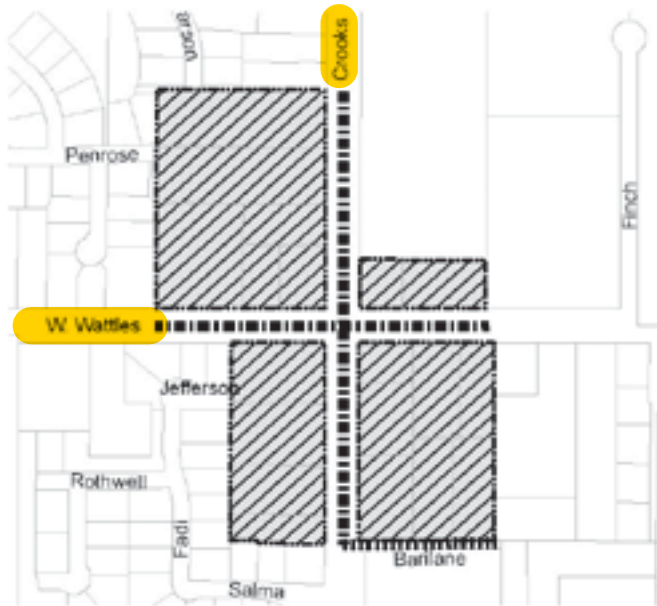
Legend

NN District	
	Site Type NN: A
	Site Type NN: B
	Street Type NN: A
	Street Type NN: B

Node H



Node I



Node J



Table 5.06.C-1 Use Groups Permitted				
Use Group (Table 5.03-1)	Site Type NN:A		Site Type NN:B	
	Street Type NN:A Arterials	Street Type NN:B Local and Connectors	Street Type NN:A Arterials	Street Type NN:B Local and Connectors
1 Residential	NP	NP	NP	NP
2* Residential/Lodging	P ¹	P ¹	P	P
3 Office/Institution	P	P	P	P
4 Auto/Transportation	S	S	NP	NP
5 Retail/Entertainment/ Service	P	P	P	P
6 Misc. Commercial	S	S	NP	NP
7 Industrial	NP	NP	NP	NP

¹ Permitted on upper floors only.
P - Permitted Use Groups
S - Special Use Approval Groups
NP - Prohibited Use Groups
* Lodging uses are permitted subject to Special Use Approval

Table 5.06.C-2 Building Forms Permitted				
Building Forms	Site Type NN:A		Site Type NN:B	
	Street Type NN:A Arterials	Street Type NN:B Local and Connectors	Street Type NN:A Arterials	Street Type NN:B Local and Connectors
A: Small, single-purpose, out buildings	P	P	P	P
B: Small, multi-tenant commercial with mixed use	P	P	P	P
C: Attached residential or live/work	S	S	P	P
D: Multi-story mixed use, medium density	P	P	S	S
E: Large format com- mercial	P	S	NP	NP
F: Large format mixed- use	P	S	NP	NP

P - Permitted Building Form
S - Special Approval Building Form
NP - Prohibited Building Form