

Chair Krent called the virtual Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on April 27, 2021. Chair Krent introduced the procedure to be followed for a remote meeting.

1. ROLL CALL

Present:

Carlton M. Faison
Michael W. Hutson
Tom Krent
David Lambert
Lakshmi Malalahalli
Marianna Perakis
Sadek Rahman
Jerry Rauch
John J. Tagle

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-2021-04-027

Moved by: Rahman

Support by: Faison

WHEREAS Public Act 228 of 2020, MCL 15.263a(1)(b), permits public meetings to be held by electronic means where a local state of emergency has been declared,

WHEREAS the Troy City Council declared a local state of emergency through Resolution 2021-04-048 because it determined that 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, Sections 3 and 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 until the Troy City Council lifts the local state of emergency or through December 31, 2021 whichever is earlier.

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 VII, Section 5(A-D) the Troy Planning Commission hereby **TEMPORARILY SUSPENDS** the requirement that a person who wishes to address Planning Commission must do so in person and **ALLOWS** four (4) methods of receiving Public Comment for electronic meetings. (1) Public comments can be submitted for the Planning Commission meeting by sending an email to: planning@troymi.gov. Timely received emails will be incorporated into the record by reference and will be distributed to Planning Commission members for review and consideration. Emails will be considered timely if received prior to 4:00 pm on the day of the meeting, (2) Public comments may be submitted by calling the following phone number and leaving a voicemail message: (248) 524-1305. Timely received voicemail messages will be played during the electronic meeting. Recorded voicemail messages will be considered timely if received prior to 4:00 pm on the day of the meeting, (3) Members of the public may attend the electronic meeting virtually by signing into the electronic meeting through the designated platform (i.e. Zoom.us) and may comment on an agenda item when recognized by the Chair, and (4) Members of the public may call into the electronic meeting using a designated call-in number associated with the electronic meeting and will be recognized by the Chair before being permitted to speak. All public comments will be limited to three minutes.

Discussion on the motion on the floor.

There was discussion on procedure to follow with respect to public comment received by email.

- Acknowledge receipt and read all email messages into the record.
- Acknowledge receipt and read only email messages not incorporated in agenda packet and received after posted deadline.
- If resident present at live Public Hearing, email message does not have to be read.
- Consistency in procedure among all Boards; City Council reads email messages into record.
- Tally email messages; in support and/or in opposition.
- Select Planning Commission member to read email messages into the record.
- Time limitation on email messages.
- Notice posted online regarding public comment received by email.

Ms. Dufrane clarified the Notice posted online with reference to public comment posed no legal concern. She advised the Board that an amendment to the Bylaws requires two-thirds vote.

Resolution # PC-2021-04-028

Moved by: Perakis

Support by: Lambert

RESOLVED, To **AMEND** the **RESOLVED** portion of Resolution #PC-2021-04-027, specifically item one (1) with respect to the four (4) methods of receiving Public Comment for electronic meetings, to read: (1) Public comments can be submitted for the Planning Commission meeting by sending an email to: planning@troymi.gov. Timely

received emails will be read at the meeting and made part of the record unless the email author attends the meeting at the live public hearing, at which point the email message will not be read but rather incorporated into the record by reference.

Vote on the amendment on the floor.

Yes: All present (9)

MOTION CARRIED

Vote on the motion on the floor as amended.

Resolution # PC-2021-04-027 (as amended)

Moved by: Rahman

Support by: Faison

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF AGENDA

Resolution # PC-2021-04-029

Moved by: Rahman

Support by: Faison

RESOLVED, To approve the Agenda as amended to remove Agenda item #9, Rezoning Request (File Number Z JPLN2021-0001), Proposed Lindsey Center Rezoning, East side of Crooks, South of Big Beaver (2690 Crooks, Parcel 88-20-28-101-003), Section 28, From O (Office) to UR (Urban Residential).

Yes: All present (9)

MOTION CARRIED

4. APPROVAL OF MINUTES

Resolution # PC-2021-04-030

Moved by: Lambert

Support by: Malalahalli

RESOLVED, To approve the minutes of the April 13, 2021 Regular meeting as submitted.

Yes: All present (9)

MOTION CARRIED

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

- Brody Rukenbrod, University of Detroit Jesuit High School student and Troy resident, was virtually present. Mr. Rukenbrod asked for consideration to install a public basketball court at Beach Road park.

Mr. Savidant advised the Board that Mr. Rukenbrod's request received in an email format was forwarded to the appropriate department.

PRELIMINARY SITE PLAN REVIEW

6. **PUBLIC HEARING - PRELIMINARY SITE PLAN REVIEW (File Number SP2020-0013)**
– Proposed The Meadows of Troy (One Family Residential Cluster), East of John R, North of Square Lake (Parcel 88-20-01-300-016), Section 1, Currently Zoned R-1D (One Family Residential) District

Mr. Carlisle gave a brief review of the Preliminary Site Plan application that was presented and discussed at the April 13, 2021 meeting. He specifically addressed the open space, wetlands, trailhead, desired housing project, elevations and renderings and the applicant's request for a side yard deviation. Mr. Carlisle compared the proposed cluster development plan with what could be developed by right. Mr. Carlisle cited the benefits of the application that would not be achievable without a cluster type development. He recommends that the Planning Commission recommend approval to the City Council with the three conditions as identified in his report dated March 26, 2021.

Present were Tim Loughrin and James Clarke of Robertson Brothers, James Butler of Professional Engineering Associates and Rick West, Superintendent for Business Services, Troy School District.

Mr. Loughrin gave a PowerPoint presentation. He addressed property ownership, desired ranch style homes, open space, homeowners' association maintenance responsibility and the trailhead amenity that connects to the existing trail system.

There was discussion on:

- Landscaping along the west and east sides of the development.
- Ownership of parcels.
- Deviation of side yard setbacks; sale of homes, "real" distance.
- Comparison of similar housing development by applicant outside of the City.
- Environmental concerns with maintenance of open space area.
- Typical homeowners' association fees for this type of development; \$350-\$450/mo.

Mr. Clarke addressed the cluster development plan as relates to the side yard deviation and preservation of the wetlands.

PUBLIC HEARING OPENED (continued)

There was no one virtually present to speak.

The following email messages were read:

- Laury Shah, no address; in opposition
- Ellen B, no last name/address, multiple emails and petition; in opposition
- Maureen Bedford, no address, multiple emails; in opposition
- Koshy and Esther George, 2212 Lakeside; in opposition
- Natalie Chrisopoulos, no address; in opposition
- Chuck Shepherd, no address; in support
- Linda and Don Gottschalk, 6270 Silverstone, two emails; in opposition
- Dorene, no last name/address; in opposition
- Camille Bedford, no address, 2 emails; in opposition

Ms. Ferencz reported no voicemail messages were received.

PUBLIC HEARING CLOSED

Mr. Rauch noted from the 39-page petition of 843 signatures, he counted 140 Troy resident signatures.

Resolution # PC-2021-04-xxx

Moved by: Rahman

Support by: - - -

RESOLVED, The Planning Commission hereby recommends to the City Council that the proposed The Meadows of Troy Site Condominium (One Family Residential Cluster), 31 units/lots, East of John R, North of Square Lake (Parcel 88-20-01-300-016), Section 1, approximately 12 acres in size, Currently Zoned R-1D (One Family Residential) District, be approved for the following reasons:

1. The cluster development better protects the site's natural resources than if the site were not developed as a cluster.
2. The cluster development better protects the adjacent properties than if the site were not developed as a cluster.
3. The cluster development is compatible with adjacent properties.
4. The site can be adequately served with municipal water and sewer.
5. The applicant is providing a public parking lot and trailhead to preserved trails.
6. The applicant is providing a housing product with first floor master bedroom and bath desired by the community.

BE IT FINALLY RESOLVED, The Planning Commission recommends the following design considerations:

1. Provide a new wetland assessment or extension from Michigan Department of Environment, Great Lakes and Energy (EGLE).
2. Provide maintenance agreement for the public parking lot.

3. Provide easement over Turtle Woods for access to the public lot.
4. Provide landscaping on the east and west sides with trees for privacy.
5. To include in the Homeowners' Association manual a statement that state they should not use chemicals that are harmful for animals and ecology.

With no support for the motion, a brief discussion followed with respect to the appropriateness of placing restrictions on the use of harsh chemicals in the maintenance of the open space area. Mr. Rahman opted to remove condition #5.

Resolution # PC-2021-04-031

Moved by: Rahman

Support by: Lambert

RESOLVED, The Planning Commission hereby recommends to the City Council that the proposed The Meadows of Troy Site Condominium (One Family Residential Cluster), 31 units/lots, East of John R, North of Square Lake (Parcel 88-20-01-300-016), Section 1, approximately 12 acres in size, Currently Zoned R-1D (One Family Residential) District, be approved for the following reasons:

1. The cluster development better protects the site's natural resources than if the site were not developed as a cluster.
2. The cluster development better protects the adjacent properties than if the site were not developed as a cluster.
3. The cluster development is compatible with adjacent properties.
4. The site can be adequately served with municipal water and sewer.
5. The applicant is providing a public parking lot and trailhead to preserved trails.
6. The applicant is providing a housing product with first floor master bedroom and bath desired by the community.

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1. Provide a new wetland assessment or extension from the Michigan Department of Environment, Great Lakes and Energy (EGLE).
2. Provide maintenance agreement for the public parking lot.
3. Provide easement over Turtle Woods for access to the public lot.
4. Provide landscaping on the east and west sides with trees for privacy.

Yes: Faison, Krent, Lambert, Rahman, Tagle

No: Hutson, Perakis, Rauch, Malalahalli

MOTION CARRIED

Mr. Hutson stated he voted no because he is in favor of placing a condition on the use of harsh chemicals in the maintenance of the open space area.

SPECIAL USE APPROVAL

7. **PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SP2020-0014)** – Proposed St. Mark Coptic Church Gymnasium and Classroom Addition, West side of Livernois, South of Wattles (3603 Livernois), Section 21, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle gave a brief review of the Special Use and Preliminary Site Plan application that was presented and discussed at the April 13, 2021 meeting. He addressed worship services and the use of the gymnasium, landscape plan, lighting, elevations and renderings.

Mr. Carlisle said if the Planning Commission is satisfied that the use of the addition would not impact adjacent residential properties, that all Special Use standards have been met. He recommends approval of the application with the two conditions as identified in his report dated March 26, 2021.

Present were project architect Harold Remlinger of DesignTeam Plus and Mark Nasr of St. Mark Optic Church.

Mr. Remlinger gave a PowerPoint presentation. He addressed building height, insulation and security, existing landscape screening, lighting and church worship and gymnasium activities. Mr. Remlinger assured the Board there would be no spillage of light onto neighboring properties and worship services and gymnasium activities would not be held concurrently.

There was discussion on:

- Maintenance of church property.
- Landscape screening.

Mr. Carlisle confirmed the church is currently in compliance with landscape requirements. He said although the existing dense tree line appears to offer sufficient screening for adjacent residential, the Planning Commission could place a condition on the Special Use approval to provide additional landscaping.

Mr. Savidant said he conducted a site visit. He said the property appears to be well-maintained, the existing trees are quite dense, and he could not confirm any allegations as cited in comments received from the public.

PUBLIC HEARING OPENED (continued)

There was no one virtually present to speak.

The following email messages were read:

- David Bemis, no address, multiple emails; in opposition
- Mary Ann and Joseph Howell, no address; in opposition
- Suzanne Conover, 73 Kirks Lane; in opposition

Ms. Ferencz reported no voicemail messages were received.

PUBLIC HEARING CLOSED

Ms. Perakis said the property appeared to be well-kept when she visited the site.

Mr. Nasr said the church wants to be a good neighbor and welcomed anyone to walk the property or contact the church with any concerns.

Resolution # PC-2021-04-032

Moved by: Lambert

Support by: Tagle

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed St. Mark Coptic Church Gymnasium and Classroom Addition, West side of Livernois, South of Wattles (Parcel 88-20-21-277-036), Section 21, Zoned R-1B (One Family Residential) District, be granted, subject to the following conditions:

1. Applicant agrees that there will be no concurrent use of site facilities that should require parking to exceed 322 spaces. Events or uses that draw users to the facility, such as basketball tournaments or other large gathering events, shall not be held concurrently with regularly scheduled church activities such as mass.
2. Applicant provides a detailed landscape review as a part of the final site plan.

Yes: All present (9)

MOTION CARRIED

CONDITIONAL REZONING

8. **PUBLIC HEARING - CONDITIONAL REZONING (File Number CR JPLN2019-003)** – Proposed Livernois Court, East side of Livernois, North of Big Beaver (88-20-22-301-007, 88-20-22-301-008 and 88-20-22-301-009), Section 22, From R-1C (One Family residential) to BB (Big Beaver Road)

After a brief explanation of a Conditional Rezoning application, Mr. Carlisle reviewed the Conditional Rezoning application for the Board's consideration this evening. He addressed the existing wetlands 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 wetlands and floodplain, it is unlikely that the site will develop as currently zoned single family residential. Mr. Carlisle asked the applicant to confirm how the development relates to the floodplain and wetlands, how he plans to preserve the wetland/floodplain area and explain the necessity of a 40-foot easement for the parcel to the north.

Mr. Carlisle said the change in the application since it was last considered at the December 10, 2020 meeting is that the parcel to the north and owned by Mr. Black is now included in the proposed rezoning. He addressed how the property could be developed by right and how the application relates to the Rezoning Standards and the Master Plan. Mr. Carlisle recommends that the Planning Commission consider the application, hold a public hearing and consider any public comments.

Mr. Rauch stated he attended the December 10, 2020 meeting in which this item was considered and spoke at the public hearing as a member of the public. He said his comments were based on the information presented at that time and do not reflect any pre-determined opinion on the application before the Board this evening.

Present were Erion Nikolla of Eureka Building Company and James Butler of Professional Engineering Associates.

Mr. Nikolla said Mr. Black, owner of the parcel to the north, does not want to sell his property but Mr. Black supports the proposed rezoning to the Big Beaver zoning district. He said the proposed 40-foot easement is for access to and from the Black property. Mr. Nikolla said the same rezoning conditions would apply to the Black property. Mr. Nikolla said the development would not interfere with the floodplain or wetlands and conservation of the wetlands would be determined during legal discussions and incorporated into the Conditional Rezoning agreement.

There was discussion on:

- Applicant bound by any approval of a conditional rezoning, even if subsequent zoning changes are made to the Master Plan.
- Uniqueness of this particular application.
 - not tied to a specific site plan
 - submittal by co-applicants, co-property ownership
 - future development on northern parcel unknown
 - uncertainty that conditions offered are associated to northern parcel
- Comparison of building heights of surrounding developments.
- Allowable building heights in Big Beaver district versus multi-family district.
- Process to draft Conditional Rezoning agreement.
- Assurance that wetlands, green space to the east remain undeveloped.

Ms. Dufrane stated that any conditions offered by the applicant, or in this case co-applicants, must be associated to all the parcels; one parcel cannot be singled out and acquire a zoning change only.

Ms. Dufrane will work with the applicants on the application submittal as it relates to property ownership and conditions offered.

PUBLIC HEARING OPENED

There was no one virtually present to speak.

The following email messages were read:

- Chance Tess, property owner of Parcel 88-20-22-301-009; in support
- George Contis, legal representative for Judith A. Bill and B. Suzanne Giarmarco, property owners of Parcel 88-20-22-301-008; in support
- William B. Black, 3364 Livernois, property owner of Parcel 20-22-301-007; in support

Ms. Ferencz reported no voicemail messages were received.

PUBLIC HEARING CLOSED**Resolution # PC-2021-04-033**

Moved by: Lambert

Support by: Rahman

RESOLVED, To postpone action on the application so that the petitioner has time to resolve issues raised by City staff, the Planning Consultant and members of the Commission.

Yes: All present (9)

MOTION CARRIED**REZONING**

9. Agenda item removed; see Resolution # PC-2021-04-029.

10. **PLANNING COMMISSION COMMENT**

There were general Planning Commission comments, some relating to:

- Zoom meeting format for public hearings.
- Comparison of applications with other communities.
- Signatures on petitions.

Ms. Dufrane asked members to determine a format they wish to follow in handling public comment at Public Hearings so that she can better prepare a Resolution to Suspend the Bylaws.

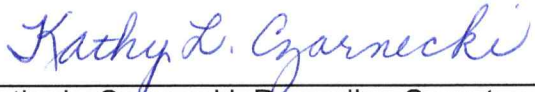
11. ADJOURNMENT

The virtual Regular meeting of the Planning Commission adjourned at 10:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Krent", written in a cursive style.

Tom Krent, Chair

A handwritten signature in blue ink, appearing to read "Kathy L. Czarnecki", written in a cursive style.

Kathy L. Czarnecki, Recording Secretary

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