

Chair Krent called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on August 24, 2021, in the Council Chamber of the Troy City Hall. Chair Krent presented opening remarks relative to the role of the Planning Commission and procedure of tonight’s meeting.

1. ROLL CALL

Present:

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

Absent:

- John J. Tagle

Also Present:

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

2. APPROVAL OF AGENDA

Resolution # PC-2021-08-058

- Moved by: Lambert
- Support by: Faison

RESOLVED, To approve the Agenda with one modification to move Agenda item #7 in front of Agenda item #5, so that item #7 would become #5, #5 would become #6 and #6 would become #7.

- Yes: All present (8)
- Absent: Tagle

MOTION CARRIED

Resolution # PC-2021-08-059

- Moved by: Rauch
- Support by: Malalahalli

RESOLVED, To approve the Agenda as amended.

- Yes: All present (8)
- Absent: Tagle

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2021-08-060

Moved by: Faison
 Support by: Perakis

RESOLVED, To approve the minutes of the August 10, 2021, Regular meeting as submitted.

Yes: All present (8)
 Absent: Tagle

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

CONDITIONAL REZONING

5. CONDITIONAL REZONING (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-1E (One Family Residential) District to BB (Big Beaver Road) District

Mr. Carlisle presented a review of the Livernois Court conditional rezoning application, noting the application has been considered at two previous Planning Commission meetings. He said development is proposed only in the areas outside of the 100-year floodplain and wetland delineation as designated on the conceptual site plan. He specifically addressed a drawing that depicted the portion of land to be preserved. Mr. Carlisle said that a site plan would come before the Planning Commission for consideration should the conditional rezoning be granted. Mr. Carlisle addressed the existing wetlands, floodplain and trees and preservation of the natural resources in perpetuity.

Mr. Carlisle reported the voluntary conditions attached to the proposed conditional rezoning relate to the preservation of natural resources in perpetuity and building height and minimum setbacks for the proposed attached multi-family unit buildings.

Mr. Carlisle noted that it is unlikely the site will develop as currently zoned single family residential due to traffic, surrounding land uses and limited developable area because of the existing wetland and floodplain. He said the proposed conditional rezoning would be an appropriate transitional land use based on the voluntary conditions to limit building height and preservation of existing natural resources. Mr. Carlisle recommended that the Planning Commission hold a public hearing and consider public comments. Mr. Carlisle specifically asked the applicant if there would be site grading within the 100-year floodplain/wetland area and how the wetland/floodplain area would be preserved.

Mr. Savidant addressed the volume of email messages received in the Planning Department with concerns and misleading information implicating that the wetland and wooded area would be clear cut. Mr. Savidant said the proposed development is not going to be clear cut and that all the messages have been shared with Planning Commission prior to the beginning of tonight's meeting. Mr. Savidant said the Planning Department is fully transparent with all applications received in the department and asked that residents please contact the department with any questions or concerns on development applications.

Erion Nikolla of Eureka Building Company was present. Mr. Nikolla acknowledged the numerous email messages received in the Planning Department with concerns of preserving the wooded area and stated the preservation of the wooded area is fully addressed in the conditional rezoning application. He said out of the 9-plus acres of total land size, approximately 80% would be preserved and 20% developed. Mr. Nikolla addressed the distance of the development to adjacent residential. Mr. Nikolla said there would be no grading in the 100-year floodplain and a conservation easement would be drawn up by the legal teams prior to City Council consideration of the application. Mr. Nikolla said he would be open to a less density development and Planning Commission suggestions and recommendations in the site plan process.

There was discussion on:

- Building heights of surrounding developments.
- Preservation of existing trees; seven trees qualified for protection, some trees not protected by Ordinance.
- Density comparison of single family, multi-family, urban residential districts.
- Environmental protection zoning versus conditional rezoning; weight of voluntary conditions offered by applicant.
- Administration/applicant discussion on appropriate zoning in terms of marketable options.
- Roles of Planning Department, Planning Commission and City Council with respect to conditional rezoning applications.

Mr. Savidant acknowledged public hearings were held at the December 10, 2019 and April 27, 2021 meetings and a courtesy mailing was also sent to the public that the item would be on tonight's agenda.

The Chair opened the floor for public comment.

- Joseph Pellerito, 345 Trombley; addressed natural resources and wildlife environment, distance of his property to proposed development, number of units, housing type and parking, misinformation on clear cutting trees.
- Debra Black, 3364 Livernois; expressed support for the rezoning; said it's good fit for area, adds to walkability to Big Beaver attractions and farmer's market, eliminates hardship to property owners for future development, preserves green space, natural and wildlife environment.

- John Phillips, 3302 Frankton; addressed existing vegetation and trees, their function in natural wildlife environment; concerns with drainage, flooding.
- Zhou Zhiquiang, 3316 Frankton; addressed flooding, home location in relation to proposed development.

Chair Krent closed the floor for public comment.

Mr. Savidant addressed:

- Engineering role in preliminary site plan application process as relates to stormwater management.
- City's GIS system relating to floodplain information.
- Proposed line of demarcation on the conditional rezoning application.
- Access to development via Livernois; 100% no through-traffic in neighborhood.

Discussion continued on:

- Voluntary conditions offered by applicant.
- Master Plan survey results relating to desired types of housing and density.
- Surrounding public buildings; walkability, attractions.
- Viability of single family residential development; potential hardship to current property owners.
- Preserving natural environment.
- Big Beaver zoning district; density, setting precedent, impact on adjacent residential.
- Height of surrounding buildings; specifically Amber Apartments; 51 feet to highest point of parapet, 4 full stories plus mezzanine.
- Administration discussion with applicant relating to zoning district options.
- Big Beaver zoning district; opportunity to apply design guidelines and standards relating to quality of building material and architectural design.
- Big Beaver zoning district vs Planned Unit Development zoning district.

There was a pause in the meeting (8:15 pm to 8:18 pm) for Mr. Savidant to acquire information on height of Amber Apartments.

Resolution # PC-2021-08-

Moved by: Huston

Support by: Faison

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to BB conditional rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the west side of Livernois, north of Big Beaver, within Section 22, being approximately 9.7 acres in size, be **granted**, for the following reasons:

1. The rezoning of the site to Big Beaver would allow for the potential project to have more flexibility to provide for the consideration of a range of components such as improving walkability and sense of place in the City, and even reducing emphasis on parking. Additionally, Chapter 8 of the City of Troy 2017 Master Plan indicates that here is a lack of availability of innovative housing styles due to the predominance of

single-family detached homes. The rezoning of the site to Big Beaver with the creation of a multiple-family residential development would remedy this lack of housing variation, which is consistent with the Master Plan.

2. The Form-Based District would permit greater flexibility in use and development of the property.
3. The conditions offered by the applicant reasonably protect the adjacent properties.
4. The rezoning would be compatible with surrounding zoning and land use.
5. The site can be adequately served with municipal water and sewer.
6. The development of the property should not unreasonably impact adjacent properties.

BE IT FURTHER RESOLVED, That the Planning Commission recommends the following site plan design considerations. *[non stated]*

Discussion on the motion on the floor.

Mr. Rauch noted an error within the Resolution on the location of the property.

Mr. Hutson and Mr. Faison agreed to amend the Resolution to read that the property is located on the east side of Livernois.

Chair Krent addressed concerns with density allowed in the Big Beaver zoning district.

Mr. Rahman addressed public amenities.

Resolution # PC-2021-08-061 (as amended)

Moved by: Huston

Support by: Faison

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to BB conditional rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the east side of Livernois, north of Big Beaver, within Section 22, being approximately 9.7 acres in size, be **granted**, for the following reasons:

1. The rezoning of the site to Big Beaver would allow for the potential project to have more flexibility to provide for the consideration of a range of components such as improving walkability and sense of place in the City, and even reducing emphasis on parking. Additionally, Chapter 8 of the City of Troy 2017 Master Plan indicates that here is a lack of availability of innovative housing styles due to the predominance of single-family detached homes. The rezoning of the site to Big Beaver with the creation of a multiple-family residential development would remedy this lack of housing variation, which is consistent with the Master Plan.
2. The Form-Based District would permit greater flexibility in use and development of the property.
3. The conditions offered by the applicant reasonably protect the adjacent properties.
4. The rezoning would be compatible with surrounding zoning and land use.

5. The site can be adequately served with municipal water and sewer.
6. The development of the property should not unreasonably impact adjacent properties.

BE IT FURTHER RESOLVED, That the Planning Commission recommends the following site plan design considerations. *[none stated]*

Yes: Faison, Hutson
 No: Krent, Lambert, Malalahalli, Perakis, Rahman, Rauch
 Absent: Tagle

MOTION FAILED

Resolution # PC-2021-08-062

Moved by: Lambert
 Support by: Perakis

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to BB conditional rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the east side of Livernois, north of Big Beaver, within Section 22, being approximately 9.7 acres in size, be **denied**, for the following reasons:

1. The conditions offered by the applicant do not reasonably protect the adjacent properties.
2. The rezoning would be incompatible with surrounding zoning and land use.
3. The development of the property would unreasonably impact adjacent properties.

Yes: Krent, Lambert, Malalahalli, Perakis, Rahman, Rauch
 No: Faison, Hutson
 Absent: Tagle

MOTION CARRIED

PLANNED UNIT DEVELOPMENT (PUD)

6. PUBLIC HEARING - TROY CROSSING PLANNED UNIT DEVELOPMENT (File Number PUD JPLN2021-0008) – Proposed Amendment to Troy Crossing PUD, North side of Big Beaver, East of John R (Parcels 88-20-24-352-067 and -068), Section 24, Currently Zoned PUD 8 (Planned Unit Development 8) District

Mr. Carlisle presented a review of the proposed Amendment to Troy Crossing Planned Unit Development. He compared the differences of the 2017 approved plan and proposed amendment as relates to the residential and commercial facilities. Mr. Carlisle reported parking is sufficient with the change from retail to residential and the proposed architecture matches the apartments that have been constructed and/or currently under construction. Mr. Carlisle said if the amendment to the PUD is approved, the applicant would be required to submit a revised landscape plan and photometrics plan for Building 5. He said a public hearing is scheduled this evening and the Planning Commission role is to make a recommendation to City Council.

Mr. Carlisle provided a brief explanation of a PUD application.

Mr. Savidant provided a brief history of the original Planned Unit Development as relates to the public benefit and mix of retail and residential uses.

Applicant Bryan Najor and General Contractor Richard Atto were present.

Mr. Najor addressed the development with respect to the changing market. He said residential is a highly sought after component now and commercial is shrinking. Mr. Najor said the proposed amendment would accommodate the market for additional residential. His focus on a retail/restaurant component is a less intense use that would be harmonious with existing apartment residents.

There was discussion on:

- Building height; initially 4 story.
- Success of development; compliments to property owner/applicant.
- Square footage of retail component; reduction, retail options.
- Community Center on site; fitness center and kitchen planned in future.
- Public benefit for City as a whole, not only apartment residents.
- Standards for Approval; how they relate to application at time of approval and currently with proposed amendment.
- Location of retail component; west or east elevations.
- Landscaping/screening; administration to work with applicant on landscape/hardscape.
- Preserving integrity of original PUD agreement.
- Demographics of apartment residents; fully occupied; on-going list of potential new residents.

Mr. Atto addressed the marketing strategy and flexibility in the location of the retail component.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Mr. Savidant suggested a non-binding Resolution to encourage the developer to consider additional square footage for retail provided there is sufficient parking and allow flexibility in amending the PUD agreement.

Resolution # PC-2021-08-xxx *(withdrawn)*

Moved by: Rahman

Support by: Perakis

WHEREAS, The applicant Najor Companies submitted an application to amend Troy Crossing Planned Unit Development (PUD), aka The Phoenix Troy Apartments, located

on the north side of Big Beaver, east of John R, in Section 24, approximately 4.77 acres in area; and

WHEREAS, Troy Crossing PUD was approved as a mixed use development including four 3-story apartment buildings and two retail/restaurant facilities; and

WHEREAS, The applicant has proposed to replace the two approved 1-story retail/restaurant facilities with one 3-story building featuring whatever possible apartments the applicant can make and 4,000 square feet of retail/restaurant on the ground floor on both the east and west sides; and

WHEREAS, The proposed 3-story building is similar in design to the four buildings on site which are nearing completion; and

WHEREAS, The proposed revision to the PUD meets the Standards for Approval set forth in Section 11.03.

BE IT RESOLVED, That the Planning Commission recommends to City Council that Concept Development Plan Approval and Preliminary Development Plan Approval for the proposed amendment to Troy Crossing PUD, aka The Phoenix Troy Apartments, be **granted**.

Discussion on the motion on the floor.

Ms. Dufrane said better direction is needed on the Resolution so that she and the applicant's attorney have something that is workable and feasible to amend the PUD agreement. She said also that it appears the applicant is not in support of 4,000 square feet of retail.

Mr. Savidant stated he understands the intent of the Resolution on the floor. He suggested it might read to encourage additional landscaping, encourage the retail space along the east side versus the west side and encourage additional retail square footage, noting this can be accomplished under design considerations.

Mr. Rahman withdrew the Resolution on the floor. Ms. Perakis was in support.

Resolution # PC-2021-08-063

Moved by: Lambert

Support by: Rauch

WHEREAS, The applicant Najor Companies submitted an application to amend the Troy Crossing Planned Unit Development (PUD), aka The Phoenix Troy Apartments, located on the north side of Big Beaver, east of John R, in Section 24, approximately 4.77 acres in area; and

WHEREAS, the Troy Crossing PUD was approved as a mixed use development including four 3-story apartment buildings and two retail/restaurant facilities; and

WHEREAS, The applicant has proposed to replace the two approved 1-story retail/restaurant facilities with one 3-story building featuring 25 apartment units and 2,000 square feet of retail/restaurant on the ground floor; and

WHEREAS, The proposed 3-story building is similar in design to the four buildings on site which are nearing completion; and

WHEREAS, The proposed revision to the PUD meets the Standards for Approval set forth in Section 11.03.

WHEREAS, We encourage the applicant to enhance the landscaping, to consider moving the retail/restaurant space to the east side of the building and to encourage the applicant to increase the amount of retail/restaurant space on the ground floor up to 4,000 square feet.

BE IT FURTHER RESOLVED, That the Planning Commission recommends to City Council that Concept Development Plan Approval and Preliminary Development Plan Approval for the proposed amendment to Troy Crossing PUD, aka The Phoenix Troy Apartments, be **granted**.

Yes: All present (8)
 Absent: Tagle

MOTION CARRIED

CONDITIONAL REZONING

7. PUBLIC HEARING - CONDITIONAL REZONING- (CR JPLN2021-001) – Proposed Pine View Condominiums, West side of Dequindre, north of Long Lake (88-20-12-476-070), Section 12, From NN (Neighborhood Node “J” and EP (Environmental Protection) to NN (Neighborhood Node “J”)

Mr. Carlisle presented a review of the Pine View Condominiums. He addressed the 40-foot wide strip of E-P zoning and referenced the previous action taken by the Planning Commission to postpone the item to allow the applicant to submit a conditional rezoning application to rezone the E-P portion so it could be used for guest parking. Mr. Carlisle said the layout design has not changed and noted the southern portion of the property is a by-right development. He noted of significant importance are the applicant’s voluntary conditions numbered 1, 4, 7 and 8. Mr. Carlisle addressed the landscaping, required screening at the south edge of the property, the engineering department pedestrian connection improvements and design and site plan standards. Mr. Carlisle recommended that the Planning Commission recommend to the City Council conditional rezoning and preliminary site plan approval with the conditions as identified in his report dated August 16, 2021.

Gary Abitheira clarified as a voluntary condition to the application, the maximum height would be a 3 story building, noting an error in the Planning Consultant report stating the maximum height of a 2-1/2 story building. He addressed the number of units, landscaping and elevations.

Mr. Savidant addressed the intent of the application dated November 12, 2019 and the recently adopted text amendment limiting the building height of development within the Neighborhood Node zoning district that abuts residential.

There was discussion on:

- E-P zoning district; uses, zoning tool to separate incompatible land uses.
- Landscaping buffer, amenity to application.
- Maintenance of E-P strip of land.
- Height of surrounding residential homes.
- Shared driveway with Taco Bell; as relates to traffic, cross access easement.
- Elevations; garage and interior entrance on same side.
- Property to the north; open space, potential headlight shining on residential.
- Existing concrete wall at Taco Bell; applicant prefer trees and landscape.
- Proposed fence on south side; material and height.
- Guest parking; no requirement to provide, good design consideration, appropriate screening for headlights.

PUBLIC HEARING OPENED

- Pamela Prewitt, 41203 Dequindre; addressed concerns with safety and traffic congestion relating to Taco Bell; traffic back-ups block her driveway, addressed maintenance of E-P strip of land.
- Doug Roach, 5237 Windmill; addressed concerns with safety, congestion, parking, and light pollution.

PUBLIC HEARING CLOSED

Mr. Carlisle and Mr. Savidant acknowledged the traffic concern addressed by the residents would be reported and looked into by the Engineering.

Mr. Savidant encouraged residents who experience light pollution from nearby commercial to contact the Planning Department and any violation of the Zoning Ordinance would be enforced.

Discussion continued on:

- Maintenance responsibility of property to north.
- Pedestrian sidewalk as relates if E-P zoning stays in place.
- Density; building height, building form.
- Potential traffic congestion with shared access.
- Intent of applicant with by-right development on southern portion.
- Type of desired housing; results of Master Plan survey.

Resolution # PC-2021-08-064

Moved by: Rauch
 Seconded by: Perakis

RESOLVED, That the Planning Commission hereby recommends to the City Council that the NN “J” and EP to NN “J” conditional rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the west side of Dequindre, north of Long Lake, within Section 12, being approximately 2.389 acres in size, be **denied**, for the following reasons:

1. The request does not comply with the Master Plan, including but not limited to its definition of transitional density.
2. The conditions offered by the applicant do not reasonably protect the adjacent properties.
3. The rezoning and conditions offered by the applicant would be incompatible with surrounding zoning and land use and do not comply with the Zoning Ordinance, including but not limited to building form.

Yes: Hutson, Malalahalli, Perakis, Rauch
 No: Faison, Krent, Lambert, Rahman
 Absent: Tagle

MOTION FAILED

Resolution # PC-2021-08-065

Moved by: Rahman
 Seconded by: Lambert

RESOLVED, That the Planning Commission hereby recommends to the City Council that the NN “J” and EP to NN “J” conditional rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the west side of Dequindre, north of Long Lake, within Section 12, being approximately 2.389 acres in size, be **granted**, for the following reasons:

1. The request complies with the Master Plan.
2. The EP district does not include any significant natural features.
3. The rezoning would permit greater flexibility in use and development of the property.
4. The conditions offered by the applicant reasonably protect the adjacent properties.
5. The rezoning would be compatible with surrounding zoning and land use.
6. The site can be adequately served with municipal water and sewer.

BE IT FURTHER RESOLVED, That the Planning Commission recommends the following site plan design considerations:

1. Submit photometric plans and fixture details.
2. Address the Engineering Department pedestrian connection comments.
3. Provide site landscaping calculation.
4. Provide floor plans and elevations.
5. Consider residents’ feedback on headlight glaring and traffic safety.

Discussion on the motion on the floor.

Ms. Perakis addressed standards that must be met.

Mr. Rauch addressed primary entrance on interior streets and transitional density. Mr. Rauch stated Section 5.06.E.1.a. requires the primary entrance (to buildings) be on a street; there is no primary entrance on a street. He stated Table 5.03.B.3 Lot Access and Circulation it states Driveways must access garages, if provided, integrated into buildings from the rear, in an alley configuration. The buildings facing east and west, the driveways and the Primary Entrance are accessing an alley. And he was sorry this issue wasn't raised previously. Transitional issues between four story buildings and single family residential, why aren't we allowing duplexes, quads, attached residential Bungalow Court.

Ms. Dufrane addressed conditional rezoning applications with respect to conditions offered by applicant.

Vote on the motion on the floor.

Yes: Faison, Krent, Lambert, Rahman
 No: Hutson, Malalahalli, Perakis, Rauch
 Absent: Tagle

MOTION FAILED

OTHER ITEMS

8. PUBLIC COMMENTS – For Items on the Agenda

There was no one present who wished to speak.

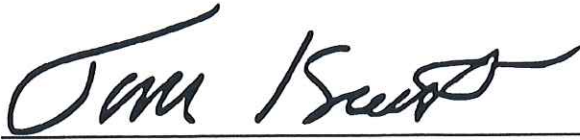
9. PLANNING COMMISSION COMMENT

Ms. Malalahalli referenced an email received by the Community Development Director.

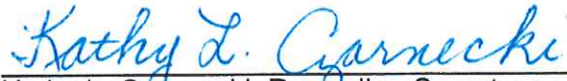
10. ADJOURN

The Regular meeting of the Planning Commission adjourned at 10:43 p.m.

Respectfully submitted,



Tom Krent, Chair



Kathy L. Czarnecki, Recording Secretary

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