

Chair Perakis called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on July 9, 2024, in the Council Chamber of the Troy City Hall. Chair Perakis and Vice Chair Malalahalli presented opening remarks relative to the role of the Planning Commission and procedure of tonight’s meeting.

1. ROLL CALL

Present:

- Toby Buechner
- Carlton M. Faison
- Tyler Fox
- Michael W. Hutson
- Tom Krent
- David Lambert
- Lakshmi Malalahalli
- Marianna Perakis

Absent:

- John J. Tagle

Also Present:

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

2. APPROVAL OF AGENDA

Resolution # PC-2024-07-039

Moved by: Faison

Support by: Fox

RESOLVED, To approve the agenda as prepared.

Yes: All present (8)

Absent: Tagle

MOTION CARRIED

3. APPROVAL OF MINUTES – June 25, 2024

Resolution # PC-2024-07-040

Moved by: Malalahalli

Support by: Lambert

RESOLVED, To approve the minutes of June 25, 2024 Regular meeting as submitted.

Yes: Buechner, Faison, Hutson, Krent, Lambert, Malalahalli, Perakis
 Abstain: Fox
 Absent: Tagle

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

STREET VACATION REQUEST

5. PUBLIC HEARING - STREET VACATION REQUEST (SV JPLN2024-0002) – Request to vacate a portion of a right of way, approximately 30-feet wide by 263.2-feet long, West of Rochester, between Lovell and Hannah, Abutting 801 Hannah (PIN 88-20-03-276-001), Platted as part of Clark Estates Subdivision, in Section 3

Mr. Savidant presented a brief slide presentation on what is a Street Vacation application and its approval process.

Mr. Savidant gave a brief background of the vacation request for consideration this evening. He referenced thirteen reasons listed by the applicant to vacate the street. Mr. Savidant stated public comment received shared concern the applicant might split the property to build a home. Mr. Savidant said the Engineering Department and Department of Public Works do not support the request. He said the departmental review comments state City utilities should remain in the rights of way whenever possible and that there appears to be no apparent benefit to the City.

Present were attorney Darius Dynkowski of Butzel Long law firm and applicant Olimpiu (Ollie) Apahidean.

Mr. Apahidean said his extensive research of public records on street and alley vacation requests previously considered by the Planning Commission and the City Council indicate the majority of the requests were granted and very few were denied. He detailed the unique situation of the non-conforming lot which is the only non-conforming lot in the subdivision. Mr. Apahidean said a variance from the Zoning Board of Appeals would be required to obtain a building permit for any future improvements to the property.

Mr. Apahidean said he wants to restore the City right of way back to an easement as the property was originally platted. Mr. Apahidean said he does not intend to split the parcel to build another home or to build an addition to the existing home. He said the property would remain unobstructed, there would be access for emergency service vehicles, pedestrians and school children could continue to traverse the property and wildlife would not be inhibited.

Some comments during discussion related to the following:

- Uniqueness of property as situated in subdivision.
- Driveway of existing home situated in the right of way; potential liability concerns.
- Intent of property owner if street vacation is granted.
- Disclosure of encumbrances of property at time of purchase in January 2024.
- Existing City watermain in right of way.
- Public trail system; no current plan for a trail connection to this corridor.
- The City’s best interest is that property remains a right of way.

PUBLIC HEARING OPENED

- Sheila Gull, 6579 Norton; addressed concern property will be split to build a home, change in neighborhood character, home is a rental property.
- John Terenzi, 841 Hannah; addressed concern property will be split to build a home, change integrity of subdivision, loss of pedestrian/recreational access.
- Alyson Sloan, 821 Hannah; addressed concern property will be split to build a home, either by applicant or future property owner.
- Stephen Douglas Wright, 726 E. Lovell; said his parents (owners of 726 E. Lovell) have not had time to consider how application might affect their property.
- Derek Queen, 783 Hannah; addressed loss of pedestrian/recreational access if privately owned.
- Donna Parlo, 783 Hannah; addressed school district boundaries.

PUBLIC HEARING CLOSED

Discussion continued:

- Clarification on property purchase/ownership.
- City notification of the Public Hearing.

Mr. Apahidean addressed what he perceived as speculative and inappropriate public comments as relates to property ownership and his intent to bring the property into conformance.

Resolution # PC-2024-07-041

Moved by: Krent
 Seconded by: Buechner

RESOLVED, That the Planning Commission hereby recommends to the City Council that the Street Vacation request, to vacate an unconstructed portion of right of way, approximately 30-feet wide by 263.2-feet long, abutting 801 Hannah, Platted as an Easement as part of Clark Estates Subdivision, in Section 3, be **denied**, for the reason that the City Water and Sewer Department says if possible not to change a right of way into an easement where there are utilities involved, and for specific reasons as follows:

1. Vacating the right of way offers no benefit to the City.
2. Utilities within rights of way are preferred over easements.
3. Right of way was acquired specifically for construction of a watermain.
4. Utilities should remain within rights of way when possible.
5. It is in the City’s best interest to retain intact the right of way between Lovell and Quill Creek.

Discussion on the motion on the floor.

Mr. Lambert said he supports the resolution based on the City staff comments and objection to the request. He noted this is the first street vacation request to which the City staff objected since he has served on the Planning Commission.

Mr. Hutson said he supports the resolution because the applicant’s statement that he would never interfere with anyone walking, entering or using the land is not legally enforceable.

Vote on the motion on the floor.

Yes: Buechner, Faison, Hutson, Krent, Lambert, Malalahalli, Perakis
 No: Fox
 Absent: Tagle

MOTION CARRIED

PRELIMINARY SITE PLAN APPROVAL

6. PRELIMINARY SITE PLAN APPROVAL (JPLN2023-0020) – Proposed The Rookery of Troy Mixed Use Development, West of Dequindre, South of Long Lake (Parcels 88-20-13-228-003 and 88-20-13-228-015), Section 13, Currently Zoned NN (Neighborhood Node “J”) District

Mr. Carlisle reviewed the Preliminary Site Plan application for The Rookery of Troy mixed use development. He addressed individually the general retail and residential components of the development as relates to the number of units, building materials, access and circulation, parking, height of residential homes, five-foot sidewalk along entire complex, buffer to residential, landscaping, location of retail dumpster, lighting and EVA (Emergency Vehicle Access) on site.

Mr. Carlisle noted a parcel shown on the site plan is not part of the application under consideration this evening. The parcel is for a commercial building of which the Planning Commission would consider the application at a future date.

In summary, Mr. Carlisle asked the Planning Commission to consider if the Site Plan Review Design Standards have been met and to discuss with the applicant:

- Site elements that might encourage outdoor recreation.
- Length of driveways.
- Relocation of retail dumpster.

- Reduce light pole heights and move light pole from the southern property line.
- Remove retail EIFS building material; consider alternative building material.
- Provide additional landscaping internally and along property line.

Mr. Carlisle recommended any approval of the application to be subject to providing building height calculations for the residential homes and to provide the wall details to buffer residential.

Present were Project Architect Mark Abanatha, Project Engineer John Thompson of PEA Group and the applicant Joseph Maniaci.

There was discussion on:

- Adding patios to residential units; patio layout.
- Future commercial on site; applicant in negotiations with bank.
- Transition to existing single family; buffer, wall details.
- Outdoor recreational amenities as relates to scale of development.
- Side entry garages.
- Driveway lengths; consideration to expand.
- Location of retail trash receptacle.
- Photometric plan; mitigation of light pollution, applicant agrees to reduce pole heights and move pole on the southern property line.
- Applicant amenable to provide additional landscaping.
- Architectural residential and commercial design features; EIFS building material.
- Connectivity with adjacent residential homes; general comment from HOA to provide EVA.
- Placement of pedestrian crosswalks.

Moved by: Malalahalli

Support by: Buechner

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 and Article 5 of the Zoning Ordinance, as requested for the proposed The Rookery of Troy Mixed Use Development, comprised of 23 residential units and approximately 7,000 square feet of retail, West of Dequindre and South of Long Lake (Parcels 88-20-13-228-003 and 88-20-13-228-015), Section 13, approximately 5.94 acres in size, Currently Zoned NN (Neighborhood Node “J”) District, be postponed, for the following conditions and reasons:

1. Provide building height calculations on property elevations.
2. Provide wall details on the southern end of the property.
3. Landscaping details.
4. Recreational space usage with additional amenities to be provided for residents.
5. Crosswalk markings to be considered and revised if possible.
6. Amended photometric plan.
7. EIFS building material, to consider any other better building quality material.
8. Rendering with patio layout design.

Yes: All present (8)
Absent: Tagle

MOTION CARRIED

OTHER ITEMS

7. **PUBLIC COMMENT** – For Items on the Agenda

There was no one present who wished to speak.

8. **PLANNING COMMISSION COMMENT**

There were general Planning Commission comments relating to connectivity between developments.

9. **ADJOURN**

The Regular meeting of the Planning Commission adjourned at 9:48 p.m.

Respectfully submitted,



Marianna J. Perakis, Chair



Kathy L. Czarnecki, Recording Secretary