




500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: January 16, 2025 

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney  
Nicole MacMillan, Assistant City Attorney

Subject: *National Express Wash II et al v. City of Troy; Case No. 24-211702-AA*

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The City was served with a Claim of Appeal, filed by National Express Wash II LLC (EI Car Wash) in the Oakland County Circuit Court (Judge Kwame Rowe). This appeal challenges the Planning Commission's decision denying EI Car Wash's application to construct a 6,000 square foot, mixed-use two-story building that proposed a car wash on the first floor and office space on the second floor on properties located on the northeast corner of Long Lake and Dequindre Road (2955 E. Long Lake Rd and 2995 E. Long Lake Rd). The owners of these parcels are also named as Appellants in the lawsuit.

The proposed site is zoned NN, Neighborhood Node (J) Form Based District, Site Type A. On or about March 27, 2024, Appellants formally asked for Preliminary Site Plan Approval and a Special Use Request. Under the City's Zoning Ordinance, office space is permitted by right. Car washes require Special Use approval. On October 22, 2024, Troy's Planning Commission held a public hearing, but postponed deliberations at Appellant's request, to allow for a full board.

Subsequently, Appellant made some changes to its application and reappeared before the Planning Commission on November 12, 2024. At that meeting, the Planning Commission denied the Special Use Request and Preliminary Site Plan, with a 5-4 vote. The minutes of this meeting were approved on November 26, 2024, triggering the appellate time frame. Shortly afterwards, Appellants submitted an appeal to the Zoning Board of Appeals on December 4, 2024. This appeal was administratively denied, since the ZBA does not have the authority to reverse Planning Commission's decision.

Appellant alleges that the Administrative and Planning Commission's decisions should be reversed based on non-compliance with the City's ordinances, and/or the failure to support the decisions with competent, material and subjective evidence. We have drafted a proposed resolution authorizing our office to represent the City's interest in this appeal.

Please let us know if you have any questions or concerns.

This case has been designated as an eFiling case, for more information please visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

(ON APPEAL FROM THE CITY OF TROY  
PLANNING COMMISSION AND ZONING BOARD OF APPEALS)

2955 E LONG LAKE LLC, a Michigan limited liability company, COLLARD LLC, a Michigan limited liability company and NATIONAL EXPRESS WASH II, LLC, a Delaware limited liability company,

2024-211702-AA

Case No. \_\_\_\_\_-AA

Appellants,

Hon. JUDGE KWAME' L. ROWE

v.

CITY OF TROY,  
a Michigan municipal corporation,

Appellee.

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CARSON FISCHER, PLC  
JEFFREY B. SCHLUSSEL (P58409)  
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There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in this Claim of Appeal.

**CLAIM OF APPEAL**

Appellants 2955 E Long Lake LLC, Collard LLC and National Express Wash II, LLC, by and through their counsel, CARSON FISCHER, P.L.C., claim an appeal from the November 12, 2024 decision by the City of Troy Planning Commission as memorialized in meeting minutes approved by the City of Troy Planning Commission at its November 26, 2024 meeting and the decision by the City of Troy Zoning Board of Appeals as set forth in the emails from the City of Troy dated December 13, 2024 and December 19, 2024, and for their Claim of Appeal state as follows:

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## PARTIES AND JURISDICTION

1. Appellant 2955 E Long Lake LLC, is a Michigan limited liability company that conducts business in Oakland County, Michigan and is the owner of real property located in the City of Troy, County of Oakland, commonly known as 2955 East Long Lake Road, Troy, MI 48085 (Parcel ID: 20-12-476-049) (the “2955 Property”).

2. Appellant Collard LLC, is a Michigan limited liability company that conducts business in Oakland County, Michigan and is the owner of real property located in the City of Troy, County of Oakland, commonly known as 2995 East Long Lake Road, Troy, MI 48084 (Parcel ID: 88-20-12-46-045) (the “2995 Property”).

3. National Express Wash II, LLC, a Delaware limited liability company that is authorized to conduct, and conducts, business in Oakland County Michigan, is the buyer under an agreement to purchase the 2955 Property and is the buyer under a separate agreement to purchase the 2995 Property. The 2955 Property and the 2995 Property will collectively be referred to as the “Property”.

4. 2955 E Long Lake LLC, Appellant Collard LLC and National Express Wash II, LLC will collectively be referred to as “Appellants”.

5. Alrig USA, LLC (“Alrig”) is a Michigan limited liability company which, on behalf of and as authorized representative for Appellants, filed the Preliminary Site Plan Application and Special Use Request Application that are at issue in this Claim of Appeal.

6. Appellee City of Troy (hereinafter “City” or “Troy”) is a Michigan municipal corporation whose mailing address is 500 West Big Beaver, Troy, Michigan.

7. Troy’s Planning Commission was established by the City through its Zoning Ordinance and has such duties and responsibilities as are set forth in the City’s Zoning Ordinance

and the Michigan Planning Enabling Act (MCL §125.3101, *et. seq.*), including the authority under City's Zoning Ordinance to hear applications for and make decisions which relate to preliminary site plan approval and requests for special uses.

8. Troy's Zoning Board of Appeals ("ZBA") was established by the City through its Zoning Ordinance and has such duties and responsibilities as are set forth in the City's Zoning Ordinance and the Michigan Zoning Enabling Act (MCL §125.3801, *et. seq.*), including the authority under City's Zoning Ordinance to hear appeals arising from decisions of the City's Planning Commission which relate to site plan review and approval.

9. Jurisdiction of this Court exists in that this action involves an appeal as of right, pursuant to MCR 7.122, Michigan Constitution of 1963, Art 6, Sec 28 and MCL §§ 125.3605 and .3606, from the decision of the Planning Commission denying Appellants' application for Preliminary Site Plan and Special Use Request and from the decision of the ZBA in refusing to accept Appellants' appeal of the Planning Commission's decision.

10. Venue in this Court is proper as the Property and Appellee are located in Oakland County.

**FACTS GIVING RISE TO THE APPEAL**

11. The Property is currently zoned NN, Neighborhood Nodes (J) Form Based District, Site Type A.

12. The Property is approximately 1.5 acres and is located at the corner of Long Lake Road and Dequindre Road.

13. The Property is surrounded by dental/medical offices to the north, a gas station (Shell) to the south, a fast food restaurant (Arby's) to the west and a bank (Comerica Bank) to the east located across Dequindre Road in Sterling Heights.

14. On or about March 27, 2024, Alrig, as agent for Appellants, submitted to the City an application for Preliminary Site Plan approval and an application for a Special Use Request, collectively the “Application”. A copy of the Application is in Appellee’s possession.

15. Through the Application, Appellants sought approval for a plan to construct a 6,000 square foot, mixed-use two-story building on the Property featuring a car wash on the first floor, office space on the second floor, with the intention and goal to lease the office space to a non-profit organization, a communal gathering space with an area designated for periodic use as an outdoor kitchen for special events and occasions and a bicycle repair station, along with an outdoor art feature and “Welcome to Troy” signage (the “Project”).

16. The Application was submitted following three (3) meetings between representatives for the Appellants and the City to discuss the Project.

17. Under the current zoning for the Property, office space is permitted by right and car washes require Special Use approval.

18. Section 8.06 of the Troy Zoning Ordinance provides the following with respect to Site Plan review standards:

#### 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:

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.

19. With respect to the procedure for the review of a Special Use application, §9.02 D.

of Troy's Zoning Ordinance provides:

D. Planning Commission Action. At the public hearing, the Planning Commission shall review the application for Special Use approval, and shall either approve the application, approve the application with conditions, deny the application or postpone action. The Planning Commission's decision shall be made a part of the public record, and incorporated into a resolution. Any conditions required by the Planning Commission for approval shall also be made a part of the public record, and incorporated into the resolution.

20. Additionally, §9.03 of Troy's Zoning Ordinance provides the standards to be applied by the Planning Commission when considering a Special Use Request application:

#### SECTION 9.03 SPECIAL USE STANDARDS

A. The Planning Commission shall consider the following general standards and any standards established for a specific use when reviewing a special use request.

1. Compatibility with Adjacent Uses. The Special Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a Special Use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses.

2. Compatibility with the Master Plan. The proposed Special Use shall be compatible and in accordance with the goals and objectives of the City of Troy Master Plan and any associated sub-area and corridor plans.

3. Traffic Impact. The proposed Special Use shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation and parking design; street and bridge capacity and, traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively

accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion.

4. Impact on Public Services. The proposed Special Use shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services shall be provided and accommodated without an unreasonable public burden.

5. Compliance with Zoning Ordinance Standards. The proposed Special Use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.

6. Impact on the Overall Environment. The proposed Special Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses.

7. Special Use Approval Specific Requirements. The general standards and requirements of this Section are basic to all uses authorized by Special Use Approval. The specific and detailed requirements relating to particular uses and area requirements must be also satisfied for those uses.

B. The Planning Commission shall also consider the following factors when reviewing a special land use request:

1. The nature and character of the activities, processes, materials, equipment, or conditions of operation; either specifically or typically associated with the use.

2. Vehicular circulation and parking areas.

3. Outdoor activity, storage and work areas.

4. Hours of operation.

5. Production of traffic, noise vibration, smoke, fumes odors, dust, glare and light.

21. Following the submission of the Application, Applicants made numerous changes to the plans after receiving comments and suggestions from the City and its representatives in both



written correspondence and an in-person meeting. Copies of the revised plans and correspondence between the City and the Applicants are in the City's possession.

22. On October 22, 2024, the Planning Commission conducted a public hearing on the Application at which time the Planning Commission approved a motion to postpone consideration of the Application to a future meeting. A copy of the October 22, 2024 Minutes are in the possession of the City.

23. On or about October 29, 2024, Appellants again submitted revised plans for the Project, which revised plans addressed comments raised by the Planning Commission during the October 22, 2024 meeting. A copy of the October 29, 2024 submission is in the City's possession.

24. On November 12, 2024, the Planning Commission conducted its public hearing on the Application.

25. On or about November 7, 2024, and apparently in preparation for the November 12, 2024 Planning Commission meeting, R. Brent Savidant, the Community Development Director for the City delivered to the Planning Commission a memo, with attachments, stating that "City Management" recommends approval of the Project. A copy of the November 7, 2024 memo with attachments is in the possession of the City.

26. The Application conformed to, and satisfied, all standards of the Zoning Ordinance.

27. Despite the fact that the Application was in full conformance with all objective standards of the City's Zoning Ordinance, at its November 12, 2024 meeting, the Planning Commission did not vote in favor of the motion to approve the Application (the "Planning Commission Decision").

28. On November 26, 2024, the Planning Commission approved the minutes of the November 12, 2024 Planning Commission meeting, at which it did not approve the motion seeking

approval of the Application. A copy of the November 12, 2024 Minutes are attached hereto as Exhibit A.

29. Instead of basing its decisions on the express, measurable and objective standards of its Zoning Ordinance, the City's Planning Commission failed to approve the Application based upon improper standards, improper subjective determinations and other misapplications of the City's Ordinances.

30. In addition to abusing its discretion by misapplying its own standards, the Planning Commission Decision was also not supported by competent, material and substantial evidence. In fact, the Planning Commission Decision was directly contrary to the only evidence in the record. Such a conclusion is evidenced by the fact that there were no substantive discussions of any of the standards contained in the City's Zoning Ordinance and no specific factual findings underlying the Planning Commission Decision.

31. On December 4, 2024, Appellants timely filed a Zoning Board of Appeals Application (the "ZBA Application") seeking to have the November 12, 2024 Planning Commission Decision reversed. A copy of the ZBA Application is in the City's possession.

32. Through email correspondence dated December 13, 2024 and December 19, 2024, the City refused to accept, and essentially denied without a hearing, the ZBA Application alleging that the ZBA "does not have the power to reverse or modify the Planning Commission's decision" (the "ZBA Decision"). A copy of the ZBA Decision is attached hereto as Exhibit B.

33. Appellants have exhausted all of their administrative remedies.

#### **CLAIM OF APPEAL**

34. The allegations contained within all of the foregoing paragraphs are realleged and incorporated as if fully set forth herein.

35. The nature of the determinations being appealed from are the decisions made by the Planning Commission as reflected in the November 12, 2024 Meeting Minutes and the ZBA Decision denying Appellants' ZBA Application.

36. The statute authorizing the Planning Commission to hold the hearing that gave rise to the Planning Commission Decision is the Michigan Planning Enabling Act (MCL §125.3101, et. seq.) and sections of the Zoning Ordinance authorizing the Planning Commission to hold the hearing which gave rise to the Planning Commission Decision include §§ 8.06, 9.02 and 9.03.

37. The statute authorizing the ZBA to make the determination which gave rise to the ZBA Decision is the Michigan Zoning Enabling Act, including, but not limited to, MCL 125.3603 and the Zoning Ordinance authorizing the ZBA to hold the hearing includes §15.04.

38. This appeal is taken pursuant to the Michigan Constitution of 1963 including, but not limited to, Art 6, Sec 28, the Michigan Zoning Enabling Act including, but not limited to, MCL §§ 125.3605 and .3606, as well as MCR 7.103 and MCR 7.122 and the City's Zoning Ordinances.

39. Venue is based on the fact that the underlying dispute relates to an application for Preliminary Site Plan approval and an application for a Special Use Request for properties located within Oakland County and that Appellee is located in Oakland County.

40. The grounds on which relief is sought is that the Planning Commission erred and the Planning Commission Decision did not comply with the requirements of Michigan law including, but not limited to, Michigan Constitution of 1963, Art 6, Sec 28 and the requirements of MCR 7.122 when the Planning Commission made the Planning Commission Decision on November 12, 2024.

41. The Planning Commission Decision was improper and should be reversed because it:

- A. Was not authorized by law;
- B. Was not supported by competent, material, and substantial evidence on the whole record;
- C. Did not contain any specific factual findings underlying the Planning Commission Decision; and/or
- D. Was arbitrary and capricious and did not represent the reasonable exercise of discretion granted by the law to the Planning Commission.

42. Additionally, relief is sought because the ZBA erred and the ZBA Decision did not comply with the requirements of the City's Zoning Ordinance and MCL §125.3606 when it made the ZBA Decision.

43. The Decision of the ZBA was improper and should be reversed because it:

- A. Did not comply with the Constitution and laws of the State;
- B. Was not based on proper procedure;
- C. Was not supported by competent, material, and substantial evidence on the record; and/or
- D. Did not represent the reasonable exercise of discretion granted by the law to the ZBA.

WHEREFORE, Appellants respectfully request that upon consideration of this Appeal that the Court reverse the Planning Commission Decision, declare and adjudge that the City's failure to approve the Application was not authorized by law and not supported by competent, substantial and material evidence, order the City to approve the Application, issue any necessary permits and enjoin the City from interfering with or preventing the development of the Project pursuant to the Application.

Respectfully Submitted,

CARSON FISCHER, P.L.C.

*/s/ Jeffrey B. Schlusel*

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Dated: December 23, 2024

# Exhibit “A”

Chair Perakis called the Regular meeting of the Troy City Planning Commission to order at 7:01 p.m. on November 12, 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 for 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
- 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-2024-11-065**

Moved by: Faison  
Support by: Lambert

**RESOLVED**, To approve the agenda as prepared.

Yes: All present (9)

**MOTION CARRIED**

3. APPROVAL OF MINUTES – October 22, 2024

**Resolution # PC-2024-11-066**

Moved by: Buechner  
Support by: Fox

**RESOLVED**, To approve the minutes of October 22, 2024 Regular meeting as submitted.

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

**MOTION CARRIED**

4. PUBLIC COMMENT

Rhonda Hendrickson, 3833 Estates, Troy; encouraged developers of the former Kmart Headquarters to incorporate a plaza or square similar to the public piazzas throughout Europe. She referenced written articles that addressed how plazas draw community engagement.

**SPECIAL USE APPROVALS**

5. SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (SU JPLN2024-025) – Proposed Adult Foster Care Small Group Home (Up to 10 Residents), West side of John R, South side of Abbotsford (5589 John R; PIN 88-20-12-152-003), Section 12, Currently Zoned R-1C (One Family Residential) Zoning District

Mr. Fox, liaison member of the Zoning Board of Appeals (ZBA), said discussion with the Assistant City Attorney determined he is not required to recuse himself from consideration of the Planning Commission action on this item. He said he is comfortable recusing himself should that be the Board’s desire.

The Board members agreed there is no reason for Mr. Fox to recuse himself from acting on the item.

Mr. Savidant gave a brief review of the applicant’s request to accommodate up to 10 residents for the Adult Foster Care Small Group Home at 5589 John R. He addressed the ZBA action taken at their October 15, 2024 meeting to grant relief from Section 6.02.B as relates to the required square footage of the site.

Teresita Sandoval was present. She referenced articles that address the need for communities and the support of the government to provide loving care of adults in their final years.

There was discussion on:

- No objections spoken at the Public Hearing on August 27, 2024.
- Number of communications received in support of the request.
- Board members expressed their support for the request.

**Resolution # PC-2024-11-067**

Moved by: Fox  
 Seconded by: Malalahalli

**WHEREAS**, The applicant received a variance from the Zoning Board of Appeals on October 15, 2024, granting relief from the minimum site area requirements of Section 6.02.B of Chapter 39 Zoning Ordinance; and,



**WHEREAS**, The variance permits the Adult Foster Care Small Group Home to accommodate up to 10 residents.

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed Small Group Home (Up to 10 Residents), West side of John R, South of Abbotsford (5589 John R; PIN 88-20-12-152-003), Section 12, Currently Zoned R-1C (One Family Residential) District, be **granted**.

Yes: All present (9)

**MOTION CARRIED**

6. SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (SU JPLN2024-0007) – Proposed EI Car Wash, Northwest corner of Long Lake and Dequindre (2955 and 2995 E Long Lake), Section 12, Currently Zoned NN (Neighborhood Node “J”) Zoning District

Mr. Carlisle briefly reviewed the proposed EI Car Wash application. He reminded the Board that a Public Hearing was held at their October 22, 2024 Planning Commission Regular meeting and the item was postponed at the request of the applicant for the presence of a full board. Mr. Carlisle referenced the October 22<sup>nd</sup> discussion and addressed the following changes to the application since last reviewed.

- Reallocation of the second floor car parking adjacent to the building. Office users do not have to cross vacuum spaces to enter the building.
- Reduction of the curb line adjacent to the stacking area to allow for easier turns into the stacking area off E Long Lake.
- Additional design features at the hard corner of Dequindre and E Long Lake:
  - Extended/enlarged the paved area along both Dequindre and E Long Lake.
  - Benches.
  - Bike repair station.
  - Seasonal outdoor kitchen/bar.
- Applicant’s narrative notes a replacement of EIFS (exterior insulation finishing systems) with brick. Mr. Carlisle noted the elevations still appear to have a significant amount of EIFS.

Mr. Carlisle asked the Planning Commission in their deliberation to take into consideration if the application complies with Section 9.02.D Special Use Standards and Section 8.06 Site Plan Review Design Standards and to discuss with the applicant the rationale for 30 parking/vacuum spaces and the use of EIFS building material.

Present were Gabriel Schuchman and Alejandro Fernandez of EI Car Wash, Eric Meyers of Krieger Klatt Architects and Jacob Swanson of Fleis & VandenBrink.

Mr. Meyers addressed the reduced percentage of EIFS from 12% to 8%. Mr. Schuchman agreed to all masonry building material should that be the desire of the Planning Commission.

Some comments during discussion related to the following:

- EIFS; percentage reduced to 8%. Mr. Carlisle said the reduced percentage could be considered as accent building material.
- Transparency calculations.
- Outdoor kitchen/bar area; partner with local businesses to offer variety of food and drink, oversight by on-site car wash manager, all season use weather permitting, parking.
- Proposed signage review and approval process by Code Enforcement department.
- Traffic study/assessment, as relates to 50 daily car count.
- Tenant/office use; nonprofit organizations, no use would be affiliated to car wash operation.
- Number of vacuum parking spaces. The applicant agreed to 25 spaces.
- Compatibility with NN (Neighborhood Node) Zoning District, adjacent uses, gateway to City.
- Compatibility with Site Plan Review Design Standards.
- Compatibility with Special Use Standards.
- Economic feasibility of a car wash.
- Internal vehicular circulation.
- Membership base operation, fees, and hours of operation.
- Mitigation of noise; vacuum producers located at aisle ends, fully enclosed in concrete.

Chair Perakis opened the floor for public comment. Acknowledging there was no one present who wished to speak, Chair Perakis closed the floor for public comment.

Mr. Tagle said the project might well serve the neighborhood and community with its mix of uses and it is an opportunity to improve a poor visual corner.

Mr. Schuchman said the \$12 million project offers three different uses that would serve the community. He addressed how they believe the project meets criteria of the Special Use Standards and Neighborhood Node zoning district.

**Resolution # PC-2024-11-068**

Moved by: Buechner

Seconded by: Krent

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed EI Car Wash, Northwest corner of Long Lake and Dequindre (2955 and 2995 E Long Lake), Section 12, Currently Zoned NN (Neighborhood Node “J”) District, be **granted**, subject to the following conditions:

1. Replace EIFS material to brick.
2. Reduce the vacuum parking spaces from 30 to 25.

Discussion on the motion on the floor.

Mr. Lambert said he supports the development. He addressed existing uses at that location, the opportunity for nonprofit operations to utilize office use, community engagement with the outdoor kitchen, sustainability features offered by the applicant and the applicant’s willingness to work with the Planning Commission.

Vote on the motion on the floor.

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

**MOTION FAILED**

**PRELIMINARY SITE PLAN APPROVAL**

7. PRELIMINARY SITE PLAN REVIEW (SP JPLN2024-0016) – Proposed Elevate Troy Mixed Use Development, South of Big Beaver, East of Todd (1787 and 1985 W Big Beaver; PIN 88-20-29-226-003, -002 and -020), Section 29, Currently Zoned BB (Big Beaver) Zoning District

Mr. Carlisle reviewed the proposed Elevate Troy Mixed Use Development, noting it is the most complicated infill site he has reviewed. He addressed the five parcels owned by the applicant, site and building layouts, traffic study, pedestrian circulation, location of trash enclosure and parking lot trees. Mr. Carlisle addressed parking related to the number of spaces, a shared parking agreement and parking on Todd Drive.

Mr. Carlisle expressed support for the Troy Elevate development because it adds a vertical mixed-use element to the Big Beaver corridor. He asked the Planning Commission in its deliberation to consider the items as identified in his report dated November 4, 2024. He said any approval of the proposed development should be subject to: 1) confirming the angle of the parking spaces where the 11-foot wide drive aisle is proposed (west side of the site); 2) relocating the dumpster to a space that will not impede traffic; 3) providing trash enclosure screening compliant with Section 13.03; and 4) providing a shared parking agreement.

Present were Jason Hamama of Encore Development, Sal Lorenzano of Designhaus Architecture and James Butler of PEA Group.

Some comments during discussion related to the following:

- Deficiency in required parking; shared parking, off-street parking on Todd Drive.
- Parking related to apartment residents, retail, restaurant, employees.
- Transparency requirements; nominal 5% deficiency, relief can be granted by Planning Commission through architectural features.
- Wall design alternative(s) on west elevation.
- Internal circulation; vehicular and pedestrian.
- Trash removal; location of dumpster for retail use, internal system for apartment residents.

- Residential use; floor plans; units for lease, lease charges, amenities.
- Retail uses, potentially coffee/sandwich shop, pilates/yoga, fast casual restaurant.
- Improvement of the northeast corner of the building to visual from Big Beaver.
- Southern plot of land; incorporate decorative elements, seating area, landscaping, etc.
- Shared parking agreement, as relates to same ownership of parcels. Future change in retail uses is overseen by administration to confirm the justification of required parking spaces.
- Compatibility with Site Plan Review Design Standards.
- Compatibility with Big Beaver Design Standards.

**Resolution # PC-2024-11-069**

Moved by: Fox  
 Seconded by: Malalahalli

**RESOLVED**, That the proposed Elevate Troy Mixed Use Development, South of Big Beaver, East of Todd (1787 and 1985 W Big Beaver; PIN 88-20-29-226-003, -002 and -020), Section 29, Currently Zoned BB (Big Beaver) Zoning District, be **approved**, subject to the following:

1. The wall on the south side of the property will be appropriately decorated to the satisfaction of the Planning Department.
2. The northeast corner will be reevaluated to meet the Big Beaver Design Standards to the satisfaction of the City staff.
3. The southern parking lot and southern plot of land will be landscaped appropriately to create a pleasant view for adjacent properties to the satisfaction of the City staff.
4. Trash enclosure screening be provided and approved by City staff to be compliant with our Zoning Ordinance.
5. Contingent on a Shared Parking Agreement that is evaluated and approved by the City Attorney.

Yes: All present (9)

**MOTION CARRIED**

**OTHER ITEMS**

8. **GENERAL BUSINESS – 2025 MEETING SCHEDULE**

There was discussion on the proposed 2025 meeting dates.

**Resolution # PC-2024-11-070**

Moved by: Lambert  
Seconded by: Fox

**RESOLVED**, To **approve** the Regular meeting dates for the Planning Commission for 2025 with one amendment to delete the March 25<sup>th</sup> date.

Yes: All present (9)

**MOTION CARRIED**

9. PUBLIC COMMENT – For Items on the Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

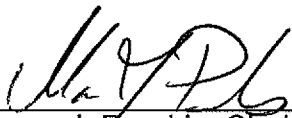
Ms. Dufrane addressed items on the November 19, 2024 Zoning Board of Appeals agenda.

- Consideration of appeals by two residents of the Planning Commission's July 23, 2024 Preliminary Site Plan approval of the proposed Wattles Square Apartments.
- Consideration of a variance request to add an addition to the home at 801 Hannah.

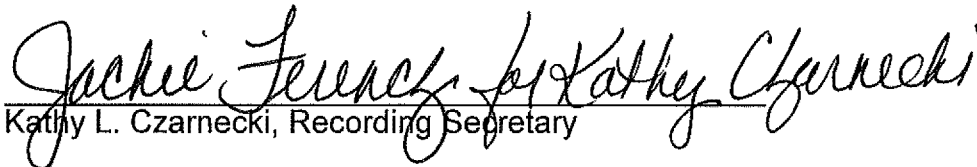
11. ADJOURN

The Regular meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,



Marianna J. Perakis, Chair

  
Kathy L. Czarniecki, Recording Secretary

# Exhibit “B”

# RE: 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

Paul M Evans <P.Evans@troymi.gov>

Thu 12/19/2024 8:07 AM

To: Schlusssel, Jeffrey B. <jschlusssel@carsonfischer.com>;

Jeff, thanks for the question. I want to discuss this with Community Development Director Savidant before responding. The earliest I will be able to do this is the week of January 5, 2025.



**Paul Evans**  
**Zoning & Compliance Specialist**  
**City of Troy**  
O: 248.524.3364

**From:** Schlusssel, Jeffrey B. <jschlusssel@carsonfischer.com>  
**Sent:** Wednesday, December 18, 2024 2:06 PM  
**To:** Paul M Evans <P.Evans@troymi.gov>  
**Subject:** RE: 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

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Paul,

Appreciate the email. Your email, however, seems to only address the Special Use Application, yet the ZBA Application we submitted was an appeal for the denial by the Planning Commission of both the site plan and the special use. Please confirm by responding to this email that the City's position is that the ZBA is not empowered to likewise consider our appeal of the Planning Commission's denial of the site plan application.

Thanks.

**Jeff Schlusssel**  
**Carson Fischer, PLC**  
(248) 644-4840-main  
(248) 798-4646-mobile

[Jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)

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**From:** Schlusssel, Jeffrey B. <[jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)>  
**Sent:** Friday, December 13, 2024 1:55 PM  
**To:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>  
**Subject:** RE: 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

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Thanks for the response.

**Jeff Schlusssel**  
**Carson Fischer, PLC**  
(248) 644-4840-main  
(248) 798-4646-mobile  
[Jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)

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**From:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>  
**Sent:** Friday, December 13, 2024 1:54 PM  
**To:** Schlusssel, Jeffrey B. <[jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)>; Gabe Schuchman <[gabe@alrigusa.com](mailto:gabe@alrigusa.com)>; Steven Barrett <[sbarrett@alrigusa.com](mailto:sbarrett@alrigusa.com)>; Samantha Burgner <[sburgner@elcarwash.com](mailto:sburgner@elcarwash.com)>  
**Cc:** Brent Savidant <[SavidantB@troymi.gov](mailto:SavidantB@troymi.gov)>  
**Subject:** RE: 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

Jeff, thanks for clarifying that the applicant is Appealing the Planning Commission's decision. Section 15.04 (G) of the Zoning Ordinance states, in part that, "... The Zoning Board of Appeals shall not have the power to reverse or modify the Planning Commission's decision to approve or deny a special use permit..."



Because the Zoning Board does not have the power to reverse or modify the Planning Commission's decision, I have no grounds to put this before the Board. Please disregard our request for the digital application package and fee.



**Paul Evans**  
**Zoning & Compliance Specialist**  
**City of Troy**  
O: 248.524.3364

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**From:** Schlusssel, Jeffrey B. <[jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)>  
**Sent:** Friday, December 13, 2024 1:20 PM  
**To:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>; Gabe Schuchman <[gabe@alrigusa.com](mailto:gabe@alrigusa.com)>; Steven Barrett <[sbarrett@alrigusa.com](mailto:sbarrett@alrigusa.com)>; Samantha Burgner <[sburgner@elcarwash.com](mailto:sburgner@elcarwash.com)>  
**Cc:** Julie Q Dufrane <[J.Dufrane@troymi.gov](mailto:J.Dufrane@troymi.gov)>  
**Subject:** RE: 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

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Paul,

Thanks for your email.

I believe the Application satisfies all relevant criteria of the Ordinance for application to the ZBA. The hardship letter included with the Application states, in part, “[t]he appropriate relief would be for **the ZBA to grant Applicant’s appeal and approve** the Site Plan and Special Use as allowed for the Property under the Zoning Ordinance.” (emphasis added) Applicant clearly indicated that it intended to appeal the decision of the Planning Commission to the ZBA.

Please confirm, and if not, please let us know as to what other documents, statements or information the City requires to complete the Application.

I look forward to hearing from you.

**Jeff Schlusssel**  
**Carson Fischer, PLC**  
(248) 644-4840-main  
(248) 798-4646-mobile  
[Jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)

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**From:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>**Sent:** Friday, December 13, 2024 12:49 PM**To:** Gabe Schuchman <[gabe@alrigusa.com](mailto:gabe@alrigusa.com)>; Steven Barrett <[sbarrett@alrigusa.com](mailto:sbarrett@alrigusa.com)>; Schlusssel, Jeffrey B. <[jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)>; Samantha Burgner <[sburgner@elcarwash.com](mailto:sburgner@elcarwash.com)>**Subject:** RE: 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

Thanks Gabe. I've reviewed the letter from Carson Fischer, PLC, setting forth the explanation and request for Applicant's appeal. While the letter quotes part of Section 15.04 C of the Zoning Ordinance, the letter does not specify what action you desire the Board take. Are you requesting an appeal? A variance? Something else? The letter should be revised to clarify this.

Section 15.04 (G) of the Zoning Ordinance states, in part that, "... The Zoning Board of Appeals shall not have the power to reverse or modify the Planning Commission's decision to approve or deny a special use permit..."

If I have overlooked something, please advise immediately. Until this matter is resolved, the application is deemed incomplete.



**Paul Evans**  
**Zoning & Compliance Specialist**  
**City of Troy**  
O: 248.524.3364

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**From:** Gabe Schuchman <[gabe@alrigusa.com](mailto:gabe@alrigusa.com)>**Sent:** Friday, December 13, 2024 12:14 PM**To:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>; Steven Barrett <[sbarrett@alrigusa.com](mailto:sbarrett@alrigusa.com)>; Schlusssel, Jeffrey B. <[jschlusssel@carsonfischer.com](mailto:jschlusssel@carsonfischer.com)>; Samantha Burgner <[sburgner@elcarwash.com](mailto:sburgner@elcarwash.com)>**Subject:** RE: 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

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[@Steven Barrett](#) [@Schlusssel, Jeffrey B.](#) [@Samantha Burgner](#)

Thank you Paul. We will follow up ASAP.

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**From:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>  
**Sent:** Friday, December 13, 2024 12:12 PM  
**To:** Gabe Schuchman <[gabe@alrigusa.com](mailto:gabe@alrigusa.com)>  
**Subject:** 2955 & 2995 E. Long Lake Road Zoning Board of Appeals

Gabe, I am the Zoning Board of Appeals liaison for Troy. Today, Carson Fischer delivered a paper Zoning Board of Appeals application package. A digital version of all application materials is promptly required. This can be by dropping off a USB flash drive to the Planning Department.

Please also drop off the \$500 fee. Let me know if you have questions.



**Paul Evans**  
**Zoning & Compliance Specialist**  
**City of Troy**  
O: 248.524.3364