



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: January 4, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director

Subject: PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 256)  
– Apartments in BB (Big Beaver) Zoning District

This item was initiated by Staff based on input from a developer and discussion with the Planning Commission. The intent of the amendment is to provide flexibility for developers when renovating existing multistory buildings and constructing new multistory buildings in the BB Big Beaver Zoning District. Specifically, the amendment would permit some residential use in appropriate locations on the first floor subject to Special Use Approval, for multi-story buildings located on Big Beaver Road and arterials. Presently, residential uses are permitted on upper floors only.

The draft provision mandates that the transparency requirements for at-grade elevations facing the road and the parking area would need to be met.

The Planning Commission considered this item on October 26, 2021. The Planning Commission draft proposed that residential uses would be permitted by right. After some discussion, it was determined that permitting first floor residential subject to Special Use Approval would be appropriate. The Planning Commission recommended approval of the text amendment by a 9-0 vote.

A City Council public hearing has been scheduled for January 10, 2022.

#### Attachments:

1. Draft text amendment.
2. Email from Jordan Jonna of AF Jonna, dated July 13, 2021.
3. Memo prepared by Carlisle/Wortman Associates, Inc. dated July 27, 2021.
4. Minutes from September 14, 2021 Planning Commission Regular meeting (excerpt).
5. Minutes from October 26, 2021 Planning Commission Regular meeting (excerpt).

CITY OF TROY

AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY  
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows:

**Revise Table 5.04.C-1 to read as follows:**

Table 5.04.C-1 Use Groups Permitted									
Use Group (Table 5.03-1)	Site Type BB: A Major Sites			Site Type BB: B Medium Sites			Site Type BB: C: Minor Sites		
	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors
1 Residential	NP	NP	NP	NP	NP	NP	NP	NP	NP
2 Residential/Lodging	UP <u>/S</u>	UP <u>/S</u>	P	UP <u>/S</u>	UP <u>/S</u>	P	UP <u>/S</u>	UP <u>/S</u>	P
3 Office/Institution	P	P	P	P	P	P	P	P	P
4* Auto/Transportation	NP	NP	NP	NP	NP	NP	NP	NP	NP
5** Retail/ Entertainment / Service	P	P	P	P	P	P	P	P	P
6 Misc. Commercial	NP	NP	NP	NP	NP	NP	NP	NP	NP
7 Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP

P - Permitted Use Groups  
UP / S - Permitted use groups in upper stories only for portion of building that fronts on public right of way / Special Use Approval required for any portion of the building that does not front on a public right of way.  
 S - Special Use Approval Groups  
 \*Drive-through uses for Financial Institutions are allowed under special use in compliance with Section 5.04.5.d  
 \*\*Lodging uses are permitted subject to Special Use Approval

### Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

### Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

### Section 5. Effective Date

This amendment to the Zoning Ordinance shall take effect seven (7) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Ethan Baker, Mayor

\_\_\_\_\_  
Aileen Dickson, City Clerk

**From:** [Jordan Jonna](#)  
**To:** [Brent Savidant](#)  
**Cc:** [jason@tower-construct.com](mailto:jason@tower-construct.com); "Williams, Eric"  
**Subject:** Big Beaver  
**Date:** Tuesday, July 13, 2021 1:27:16 PM  
**Attachments:** [image001.png](#)

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**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brent,

This is a formal request to the Planning Commission to consider amending Table 5.04.C-1 in the BB Big Beaver section of the Zoning Ordinance. Specifically, footnote "UP" in Table 5.04.C-1 as it relates to Use Groups for Site Type BB:B and permitting Residential/Lodging in upper stories only. I believe the intent of the BB Big Beaver Form Based District is for buildings located in close proximity to Big Beaver to engage the street through building placement and transparency. I do not believe it is the intent of the BB Big Beaver Zoning District to totally prohibit residential on the first floor, particularly when there are building facades that do not have a relationship with the street.

I propose amending the footnote in Table 5.04.C-1 from "UP - Permitted Use Groups in Upper Stories Only" to "**UP – Permitted on Upper Floors and on the First Floor, provided Transparency Requirements are met**", or something to that effect. The intent would be to permit some residential/lodging on the first floor in the Big Beaver District but not at the expense of good design and the relationship between the building and the street.

It appears that repurposing vacant office buildings to apartments and condominiums will be a market trend as we recover from the pandemic. There will likely be more new residential buildings proposed, as Big Beaver continues to evolve. This simple amendment will assist property owners and developers with future design by affording the opportunity for some residential units on the first floor along Big Beaver.

The proposed amendment is also consistent with the City of Troy Master Plan and the Big Beaver Corridor Study.

Thank you,  
Jordan

**Jordan Jonna**

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**To View Our Properties, please visit our website:** [www.afjonna.com](http://www.afjonna.com)



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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To: Troy Planning Commission  
Brent Savidant, AICP

From: Ben Carlisle, AICP

Date: July 27, 2021

RE: Residential uses on first floor in Big Beaver District

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Recently the City of Troy was asked to consider an amendment to the BB Big Beaver Form Based District regarding allowing residential uses on the first floor. Table 5.04.C-1 states that residential/lodging is permitted on upper floors only, for Street Type A Big Beaver and street type B Collector. The purpose of requiring a non-residential first floor use only is to provide for transparency and visual interest from the street. Residential uses on the first floor will want privacy and cover windows with blinds and curtains, thus defeating the purpose of transparency.

However, the Master Plan encourages and the Zoning Ordinance permits the repurposing of underutilized buildings along Big Beaver for residential uses. As discussed with developers, and evidenced by the recent email (see Jordan Jonna's July 13<sup>th</sup> email), requiring buildings to have their entire first floor as non-residential is a hinderance to repurposing these buildings.

As briefly discussed with the Planning Commission, we are proposing a text amendment that maintains non-residential uses where appropriate to provide visual interest along Big Beaver from the street, but allows for portions of the first floor to be utilized by residential uses.

**Proposed Language:**

New language is red:

<b>Table 5.04.C-1 Use Groups Permitted</b>									
<b>Use Group (Table 5.03-1)</b>	<b>Site Type BB:A Major Sites</b>			<b>Site Type BB: B Medium Sites</b>			<b>Site Type BB: C: Minor Sites</b>		
	<b>Street BB: A: Big Beaver</b>	<b>Street BB: B: Arterials</b>	<b>Street Type BB: C: Collectors</b>	<b>Street BB: A: Big Beaver</b>	<b>Street BB: B: Arterials</b>	<b>Street Type BB: C: Collectors</b>	<b>Street BB: A: Big Beaver</b>	<b>Street BB: B: Arterials</b>	<b>Street Type BB: C: Collectors</b>
1 Residential	NP	NP	NP	NP	NP	NP	NP	NP	NP
2 Residential/Lodging	UP / P	UP / P	P	UP / P	UP / P	P	UP / P	UP / P	P
3 Office/Institution	P	P	P	P	P	P	P	P	P
4* Auto/Transportation	NP	NP	NP	NP	NP	NP	NP	NP	NP
5** Retail/ Entertainment /Service	P	P	P	P	P	P	P	P	P
6 Misc. Commercial	NP	NP	NP	NP	NP	NP	NP	NP	NP
7 Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP

P-Permitted Use Groups  
 UP / P - Permitted use groups in upper stories only for portion of building that fronts on public ROW. Permitted use group for any portion of the building that does not front on a public ROW.  
 S-Special Use Approval Groups  
 \*Drive-through uses for Financial Institutions are allowed under special use in compliance with Section 5.04.5.d  
 \*\*Lodging uses are permitted subject to Special Use Approval

  
 CARLISLE/WORTMAN ASSOC., INC.  
 Benjamin R. Carlisle, LEED AP, AICP

**OTHER ITEMS**6. **ZONING ORDINANCE TEXT AMENDMENT (ZOTA 256)** – Residential Uses in BB Zoning District

Mr. Savidant addressed a recent email message from a developer for consideration to provide flexibility for developers when renovating existing multistory buildings and constructing new multistory buildings in the Big Beaver zoning district. The intent of the amendment would permit some residential use in appropriate locations on the first floor for sites located on Big Beaver Road and arterials.

There was discussion on:

- Transparency requirements; administrative role.
- Permit residential on building/parking lot side only, not on right of way.
- Opportunity to utilize/repurpose public buildings, vacancy, underutilized parking lots.
- Special Use approval versus permit by right; function of Special Use approval.
- Consideration of more definitive role by Planning Commission in approval process.
- Residential use less intense than commercial.
- Apply amendment to existing and/or new buildings.
- Investment / marketing strategy determination of developer.
- Residential would attract walkability in Big Beaver area.
- Maintain integrity of Master Plan and Zoning Ordinance.
- Opportunity for unique housing types.

The administration will take into consideration Board comments and bring the proposed amendment back for discussion at a future meeting.

## ZONING ORDINANCE TEXT AMENDMENT

### 5. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 256) – Residential Uses in BB Zoning District

Mr. Savidant said the intent of the proposed Zoning Ordinance Text Amendment is to provide flexibility for developers when renovating existing multi-story buildings and constructing new multi-story buildings in the Big Beaver zoning district. He said the amendment would permit some residential use in appropriate locations on the first floor for sites located on Big Beaver and arterials, which presently residential uses are permitted only on upper floors.

#### PUBLIC HEARING OPENED

There was no one present to speak.

#### PUBLIC HEARING CLOSED

Ms. Perakis expressed opposition to the proposed text amendment. She said it is clearly a contradiction to the Master Plan, that she sees no unique circumstances that would warrant a rezoning, that we are not permitted to rezone property simply to make a more valuable use, and we are not permitted to rezone property to reassure a developer is able to maximize their profits. Ms. Perakis said she had hoped the developer who initiated the email message was present to address the Board.

Mr. Rauch said he supports the proposed text amendment with a Special Use requirement. He does not think one solution fits all. Mr. Rauch asked what would happen to parking lots if residential is developed. He addressed office vacancy, walkability in downtown area and potential opportunity for developers.

Mr. Savidant said it would be a simple change to the proposed text amendment to change the first floor lodging to a Special Use requirement. He said a Special Use application would add an additional layer to the application process and Special Use standards would apply. He said it could be a better step in direction for the developer. Mr. Savidant said approval of a Special Use by the Planning Commission would be subjective.

There was discussion on:

- Potential of residential development attracting more commercial development.
- Viable walkability throughout City.
- Existing buildings with residential on first floor; relationship to Big Beaver.
- Consensus to revise amendment to require Special Use application.



**Resolution # PC-2021-10-076**

Moved by: Lambert

Support by: Hutson

**RESOLVED**, To recommend that Chapter 39 of the Code of the City of Troy be amended to revise Table 5.04.C-1, Line 2 for Residential Lodging, to amend that “P” be changed to “S” for the items that are listed on the line and the footnote to be revised as well.

Yes: All present (9)

**MOTION CARRIED**