

Chair Lambert called the Regular meeting of the Troy City Planning Commission to order at 7:01 p.m. on January 25, 2022, in the Council Chamber of the Troy City Hall. Chair Lambert and Vice Chair Perakis 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
- 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-2022-01-005

- Moved by: Faison
- Support by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)

MOTION CARRIED

3. APPROVAL OF MINUTES – January 11, 2022

There was discussion specifically on Conditions #2, #5 and #6 on Resolution #2022-01-003 granting approval for the Biggy Coffee Drive-Through Window Addition.

Mr. Tagle had recused himself from the agenda item at the January 11, 2022 meeting. Ms. Dufrane declared that Mr. Tagle could remain in the meeting but not participate in discussion or vote on approval of the draft minutes.

The discussion was on:

- Intent and actual verbiage of Conditions #2 and #6, with respect to parking bumper(s) and speed bump(s).
- Clarification on Condition #5 that it relates to two (2) signs.

Resolution # PC-2022-01-006

Moved by: Krent
 Support by: Perakis

RESOLVED, To approve the minutes of the January 11, 2022 Regular meeting with corrections to the conditions to Resolution # PC-2022-01-003, to read as follows:

1. Condition # 2 – That the Traffic Consultant and planning staff will look at potentially a third speed bump in the traffic flow to the drive-up window.
2. Condition #6 – That speed limit signs will be provided in conformance with the manufacturer’s recommendation of the speed bumps.
3. Condition #5 – That the plan will provide ultimately for signage at the store in the form of a monument sign at the west end and in the form of a street-type sign at the east end of the property that clearly demonstrates direction to the drive-through.

Yes: Hutson, Faison, Krent, Lambert, Malalahalli, Perakis, Rahman
 Recused: Tagle

MOTION CARRIED

4. **PUBLIC COMMENT** – For Items Not on the Agenda

Jerry Rauch, 4187 Penrose, Troy; addressed distribution of meeting notices and agenda packets. He said distribution on a Friday before a meeting does not allow sufficient time for Planning Commission to review and prepare for meetings, nor enough notice for residents to be aware of proposed developments. He suggested consideration of an alternative timeline for agenda distribution and asked that the matter be placed on a future agenda for discussion.

PRELIMINARY SITE PLAN REVIEWS

5. **PRELIMINARY SITE PLAN REVIEW (SP JPLN2021-016)** – Proposed The Westington II, South of Wattles, East of Crooks (870 Barilane Drive; PIN 88-20-21-101-009), Section 21, Currently Zoned NN (Neighborhood Node “I”) District

Mr. Carlisle asked the Board’s consideration to present his review on Agenda item #5 and Agenda item #6 at the same time, noting the relationship between the two projects.

The Board had no objections. Ms. Dufrane stated that each agenda item must have a separate vote.

Review and discussion followed on both the proposed The Westington II application and the proposed Hills West application. (*Refer to page 7 for Agenda item #6 caption.*)

Mr. Carlisle reviewed the Preliminary Site Plan applications for The Westington II and Hills West. He addressed access, natural features, open space, building height, parking, landscaping, traffic study, elevations, Design Standards (Section 5.06E) and Site Plan Review Design Standards (Section 8.06).

Review comments on The Westington II:

- Access via the 7-Eleven store cross access easement.
- Tree mitigation: 486 trees.
- Consideration by applicant to shift building or reduce project size to preserve a clumping of protected trees.
- 2.5 story building height in compliance; verified by Building Official.
- Combination of Phase I and Phase II to meet open space and parking requirements.
- Consideration of additional guest parking.
- Conclusion of Traffic Impact Study; no mitigation measures recommended; confirmed by OHM.

Review comments on Hills West:

- Tree mitigation: 115 trees.
- Consideration by applicant to reconfigure site to preserve additional trees.
- 2.5 story building height in compliance; verified by Building Official.
- Confirmation of open space and landscape calculations.
- Deficient one (1) bicycle parking.
- Conclusion of Traffic Impact Study; no mitigation measures recommended; confirmed by OHM.

Mr. Carlisle asked the Planning Commission in its deliberation of the applications to discuss the following items with the applicant:

- Shift the building or reduce the size to preserve additional trees.
- Tree mitigation requirements.
- Open space/landscaping calculations.
- The need for additional guest parking.
- Compliance with Design Standards.
- Compliance with Site Plan Review Standards.

A brief discussion among Board members and the administration followed, some comments relating to:

- Approval of The Westington Phase I at the December 8, 2020 meeting; access via Barilane EVA (emergency vehicle access). Cross access easement at 7-Eleven store not discussed.
- Purpose; use of EVA's.
- Accuracy of tree survey conducted by applicant.
- Mitigation of trees; allowances to remove trees based on quality; landmark trees.
- Neighborhood Node zoning designations; intensity of Site Type A and Site Type B.

Mr. Savidant exited the meeting at 7:48 p.m. Upon his return at 7:58 p.m., he shared email dialogue among the Fire Department and Engineering Department conducted during Final Site Plan review for The Westington Phase I, in which the departments determined the more sensible access for the project would be to use the 7-Eleven store cross access easement. Mr. Savidant explained cross access easements are established at the time of site plan approval to provide access for future developments.

The City's Traffic Consultant, Stephen Dearing of OHM Advisors, said he was directed by the City to review the traffic impact study prepared by Fleis & Vandenbrink for the proposed residential projects. He agrees with the results that there is negligible impact on the developments and no mitigation measures are recommended.

Mr. Dearing advised the Board of the various criteria considered in a traffic study to reach a conclusion. He addressed level of service, average control delay, average of counts during peak hours, effect of numbers due to pandemic and future traffic conditions. Mr. Dearing indicated the D level of service (LOS) is when there is a concern and action might be taken to mitigate traffic congestion, such as auxiliary turn lanes, double left turns and double right turns. He reported consideration was given to the pandemic and adjustments were made to the numbers accordingly by a review of historical counts.

Traffic Engineer Julie Kroll of Fleis & Vandenbrink stepped up to the podium to communicate to Mr. Dearing, and he addressed the percentages in the adjustments to the numbers due to the pandemic.

Ms. Perakis referenced conclusions in the report that identified levels of service (LOS) D and E during peak hours. She expressed concern because LOS D is characterized as *approaching unstable flow, tolerable delay and occasional waits through more than one signal cycle before proceeding*, and LOS E is characterized as *unstable flow and intolerable delay*. Ms. Perakis asked if there is crash data available at this intersection.

Mr. Dearing said he did not pull crash statistics on this location and reviewed only the model completed by Fleis & Vandenbrink on capacity calculations. He stated there is no numerical threshold to suggest an intersection is dangerous, and it is recognized that there is a bias involved in how crashes are counted. Mr. Dearing said the data compiled for crashes can be "*sliced and diced*" in many different ways.

Project Architect Peter Stuhlreyer of Designhaus said the applications meet Zoning Ordinance requirements as relates to the height, use, density, parking, landscaping, tree mitigation, traffic flow and fire. He addressed the architecture and design, noting a demand for two-bedroom units with accessibility to the first floor. Mr. Stuhlreyer said reducing the density of the project would not be economically feasible.

There was discussion on:

- Elevations; orientation of the building as relates to primary entrances per Design Standards, Section 5.06 D (Hills West project).
- Open space calculations.
- Communication with neighboring residential.
- City survey comments relating to multi-family residential.
- Location of required bicycle rack; (Hills West project).
- Landscape requirements, spacing.
- Guest parking.
- Traffic concerns.

Mr. Stuhlmeyer said The Westington Phases I and II combined meet the open space requirement at 20.99%, and Hills West meets the open space requirement on its own at 24.7%. He said Hills West meets all Zoning Ordinance requirements as a stand-alone project. Mr. Stuhlmeyer said the open space consists of trees, landscape and grass. He said there is recreational space in The Westington Phase I with benches, play set, grill and picnic tables.

Mr. Savidant said the applicant's intent is to combine the phases of The Westington prior to Final Site Plan approval to achieve the open space requirements. He said the Zoning Ordinance is not specific in terms that each site is required to meet a minimum open space requirement.

Landscape Architect Mike Pizzola addressed types, variety and spacing of proposed landscape and the growth and maturity of landscape. He said the property management firm of the apartment complex would be responsible for the maintenance.

Mr. Stuhlmeyer addressed guest sparking spaces. It is his understanding that the number of guest parking spaces is included in the ratio parking calculations for the projects and believes the total parking spaces provided will accommodate guest parking.

Mr. Stuhlmeyer said they provided a significant distance from the project and a heavily landscaped buffer to accommodate a neighborly design for the single family home on Barilane.

Arvin Stafa, representing the applicant, posed a procedural request before the Board asking for an opportunity to cross examine any adverse testimony during the public hearing, referencing the right to do so under the 14th Amendment.

Ms. Dufrane responded the application before the Board this evening does not require a Public Hearing. She denied the request to cross examine those who speak during public comment.

Chair Lambert opened the floor for public comment.

- Jerry Rauch 4187 Penrose, Troy; in opposition; addressed Neighborhood Node zoning districts as relates to compliance with the Zoning Ordinance and Master Plan, level of intensity, types of development, transition and compatibility to adjacent uses, public amenities, orientation of buildings.
- Paul Balas, 4087 Parkstone; in opposition; addressed concerns with traffic congestion and safety, accuracy of traffic study results, transition and compatibility to adjacent uses.
- Laura Lipinski, 4233 Carson, Troy; in opposition; addressed limited notification of agenda items, approved access for The Westington Phase I, concerns with traffic congestion, safety and accuracy of traffic study results.
- Daryl Dickhudt, 4143 Glencastle, Troy; addressed comments/feedback as a participant at Neighborhood Node Walks & Talks, Neighborhood Node zoning districts as relates to Zoning Ordinance and intent.
- Tom Reiss, 1400 Bradbury, Troy; in opposition; addressed compatibility with surrounding upscale residential, traffic congestion concerns, noise, crime and property values.
- Michelle Kleiman, 1157 Provincial, Troy; addressed concerns with traffic congestion and safety, access, comments/feedback as participant in Neighborhood Node Walks & Talks and compatibility with residential.

Chair Lambert closed public comment.

Mr. Hutson shared concerns with traffic congestion, accuracy of traffic study results, upward trend of multi-family developments, intent of Neighborhood Node zoning designations as relates to Master Plan and surrounding residential, specifically access, open space and recreational amenities.

Mr. Faison addressed concerns with the character of the residential environment, traffic, safety of motorists and pedestrians and access to the site.

Mr. Krent addressed the Planning Consultant report with respect to the unknown number identified in the open space requirement for Hills West.

Mr. Carlisle addressed the applications with respect to open space and landscape requirements. He read the definition of Open Space and confirmed that streets, driveways, parking lots or other surfaces designed or intended for vehicular traffic are not considered as open space. He advised the Board that the requirements for landscape hold a higher threshold than open space and he would like the applicant to confirm the numbers/percentages of both the open space and landscape requirements for Hills West.

Resolution # PC-2022-01-007

Moved by: Perakis
 Support by: Malalahalli

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed The Westington II 30-unit apartment development, South of Wattles, East of Crooks, (870 Barilane Drive; PIN 88-20-21-101-009), Section 21, Currently Zoned NN (Neighborhood Node “I”) District, be **denied**, for the following reasons:

1. The Planning Commission does not approve the tree mitigation requirement.
2. The open space fails the Zoning Ordinance calculations.
3. The site Design Standards fail to promote public health, safety and welfare, primarily due to traffic issues.
4. The project fails to meet the transition requirements of the Zoning Ordinance as well as the density requirements.

Discussion on the motion on the floor.

Chair Lambert said his main concerns are the destruction of the trees on the site and his belief there is not enough of a transition going from the higher height buildings that are closer to the street as proposed to where it comes up to residential areas farther to the east and to the south.

Vote on the motion on the floor.

Yes: All present (8)

MOTION CARRIED

6. PRELIMINARY SITE PLAN REVIEW (SP JPLN2021-017) – Proposed Hills West, East side of Crooks, South of Wattles (3902 Crooks; PIN 88-20-21-101-003), Section 21, Currently Zoned NN (Neighborhood Node “I”) District

Mr. Carlisle stated the two projects on tonight’s agenda stand on their own merits with respect to the Resolution. He said any issues cited on the former project and are similar to this project should be reflected in the Resolution; as well, any rationale should be cited if there is support for this project.

Resolution # PC-2022-01-008

Moved by: Perakis
 Support by: Rahman

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Hills West 30-unit apartment development, East side of Crooks, South of Wattles, (3902 Crooks, PIN 88-20-21-101-003), Section

21, Currently Zoned NN (Neighborhood Node “I”) District, be **denied**, for the following reasons:

1. The orientation of the buildings violates the Zoning Ordinance.
2. Planning Commission does not approve the tree mitigation requirement.
3. The open space failed the Zoning Ordinance calculations.
4. The site Design Standards fail to promote public health, safety and welfare, primarily due to traffic issues.
5. The project fails to meet the transition requirements of the zoning ordinance as well as the density requirements.

Yes: All present (8)

MOTION CARRIED

OTHER ITEMS

7. PUBLIC COMMENT – For Items on the Agenda

There was no one present to speak.

8. PLANNING COMMISSION COMMENT

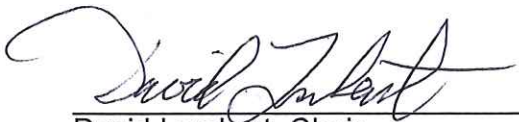
There were general comments, some relating to:

- Information sourced by Mr. Savidant regarding project access.
- Appreciation for public comment by residents.
- Open space calculations.
- Scheduling of Neighborhood Node Walks & Talks with City Council.

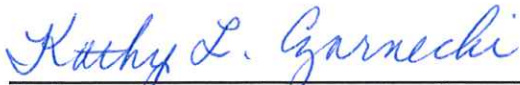
9. ADJOURN

The Regular meeting of the Planning Commission adjourned at 9:53 p.m.

Respectfully submitted,



David Lambert, Chair



Kathy L. Czarnecki, Recording Secretary