

4. HEARING OF CASES

- B. VARIANCE REQUEST, BRANDON MULLER for CLARK HILL PCL, 268-388 JOHN R – In order to construct parapet walls, a 5 foot variance to the required maximum 30 foot height limit.

ZONING ORDINANCE SECTION:                    4.13 (C) CB Zoning District





## ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248- 524-3364  
E-MAIL: [evanspm@troymi.gov](mailto:evanspm@troymi.gov)



FEE \$150.00  
<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 268-388 John R. Road (excluding 300 John R. Road)
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-36-351-008
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: 4.13.C.
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: No.
5. APPLICANT:  
NAME Brandon Muller  
COMPANY Clark Hill PLC  
ADDRESS 151 South Old Woodward Avenue, Suite 200  
CITY Birmingham STATE Michigan ZIP 48009  
PHONE (248) 988-5878  
E-MAIL bmuller@clarkhill.com  
AFFILIATION TO THE PROPERTY OWNER: Attorney

6. PROPERTY OWNER:

NAME UrbanCal Oakland Plaza, LLC  
COMPANY Urban Retail Properties, LLC  
ADDRESS 111 E. Wacker Drive, Suite 2400  
CITY Chicago STATE Illinois ZIP 60601  
TELEPHONE (248) 585-4114  
E-MAIL lightp@urbanretail.com

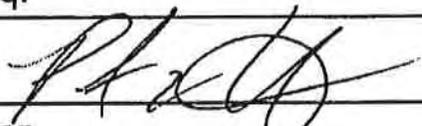
The undersigned hereby declares under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, Brandon Muller (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE  DATE 11/20/13

PRINT NAME: Brandon Muller, Esq.

PROPERTY OWNER SIGNATURE  DATE 11/20/13

PRINT NAME: Peter Light, Manager

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

## **STATEMENT OF PRACTICAL DIFFICULTY**

The subject property has been developed and is being used as a multi-tenant retail center. It is situated at the northeast corner of 14 Mile Road and John R. Road and is zoned (CB) Community Business. Pursuant to Section 4.13.C. of the City of Troy Zoning Ordinance, the maximum allowable building height in CB zoning districts is thirty (30) feet.

The owner desires to make exterior storefront improvements to the center by renovating the facade of certain space leased by T.J. Maxx as well as the façade of certain vacant space situated to the south of the T.J. Maxx space. The changes are in large part to accommodate the needs of national retail tenants, such as T.J. Maxx, who have developed distinct brand identity and building prototypes since first renting with the center.

It is intended that the proposed improvements will (i) complement the overall character of the center and the district; (ii) freshen, update and enhance the look of the exterior of the center; (iii) incorporate additional architectural design variations to ensure that the exterior of the center is visually appealing and is not monotonous in appearance; and (iv) improve the visibility of the center, thereby benefitting the businesses of all tenants of the center.

Plans for the proposed improvements have been prepared and the owner believes that such plans are consistent with and further the intent outlined above. The plans are compliant with the CB zoning district requirements in all respects, except that the maximum allowable building height of thirty (30) feet will be exceeded by five (5) feet, resulting in a maximum building height of thirty-five (35) feet for both the T.J. Maxx space and the vacant space situated to the south of the T.J. Maxx space.

The owner believes that the foregoing variance will improve visibility of the center from within the subject property. While the variance will not increase the visibility of the center from the major thoroughfares of 14 Mile Road or John R. Road, it will increase visibility internal to the subject property. There are numerous mature trees within the center that contribute to the beauty of the center greens space; however, these trees obstruct the visibility of the center. The variance is a favorable alternative to trimming the trees in order to improve visibility. Improved visibility will result in increased business to tenants within the center, thereby improving the ability to lease the center to new tenants.

The owner is confident that an approval of the foregoing variance will positively impact the surrounding area by increasing business and property values. The owner does not believe that an approved variance would in any manner impair the supply of light and air to adjacent properties due to the small extent of the requested height increase. Nor would an approved variance increase the congestion on public streets because it is solely a vertical, rather than a horizontal, improvement. Additionally, because the storefront improvements will be constructed in compliance with the City of Troy Zoning Ordinance and all applicable laws, an approved variance would not endanger public safety or harm public health, safety, comfort, morals or welfare.

As outlined in this statement, the extent of the variance request is relatively small and it is improbable that the approval of such request would negatively impact adjacent properties or the public; rather, the approval of such request would create numerous material benefits to adjacent properties, the public and to tenants of the center. Accordingly, the owner is hopeful that the Zoning Board of Appeals will grant a five (5) foot height variance for the T.J. Maxx space and the vacant space situated to the south of the T.J. Maxx space.

## **EXPLANATION OF VARIANCE REQUEST**

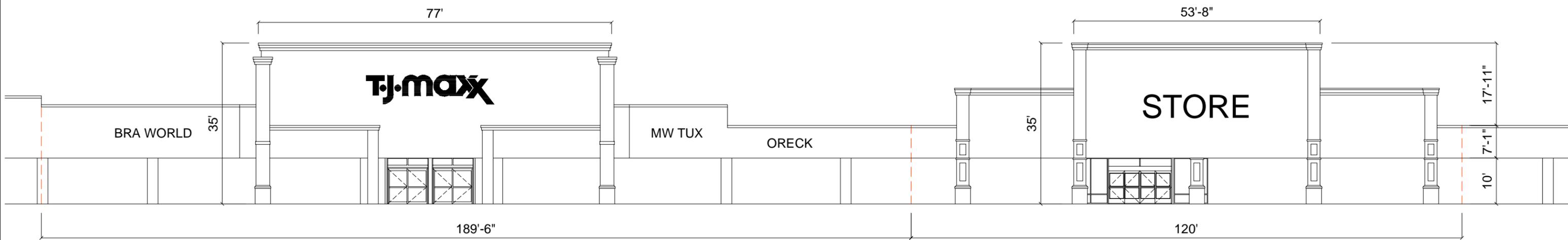
The owner, UrbanCal Oakland Plaza, seeks two non-use (dimensional) variances from Section 4.13.C. of the City of Troy Zoning Ordinance. In particular, the owner desires to make exterior storefront improvements to the center by renovating the facade of certain space leased by T.J. Maxx as well as the facade of certain vacant space situated to the south of the T.J. Maxx space.

The location of the proposed improvement is Oakland Plaza, which along with its brethren properties Oakland Mall and Oakland Square (collectively, the "Oakland Centers") total two million square feet of regional shopping center retail space. The Oakland Centers have a family-friendly atmosphere and a wide selection of stores, with great access and visibility from major thoroughfares Interstate 75, 14 Mile Road, and John R. Road. The Oakland Centers' central location in the tri-county shopping district continues to make it a powerful retail destination today and will continue to do so into the future.

Oakland Mall was built in the sixties, and the Oakland Centers have been a vital, contributing part of the City of Troy for decades. More recently, in 2007, the Oakland Centers were acquired by a retail joint venture relationship between Urban Retail Properties and the California State Teachers' Retirement System. The venture was formed to look for value-added development and acquisition opportunities in retail centers such as the Oakland Centers. Since the acquisition, ownership has been committed to improving both the customer and tenant experience, and as any visitor to the locations will recognize, efforts to this end are beginning to bear fruit.

This project is part of that trajectory. Ownership seeks to accommodate loyal, successful tenants to meet their retail development needs. In this instance, a tenant that has flourished commercially since first opening in Oakland Plaza is in need of a facade redesign to match that of its corporate template and branding requirements.

# **ELEVATION DRAWING**

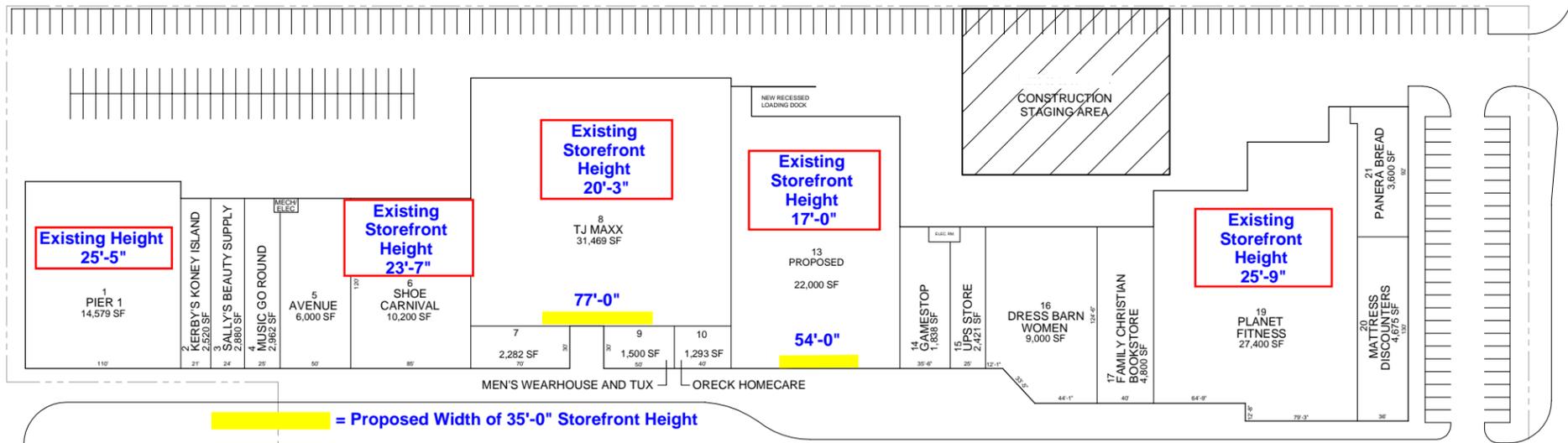


# PROPOSED ELEVATION

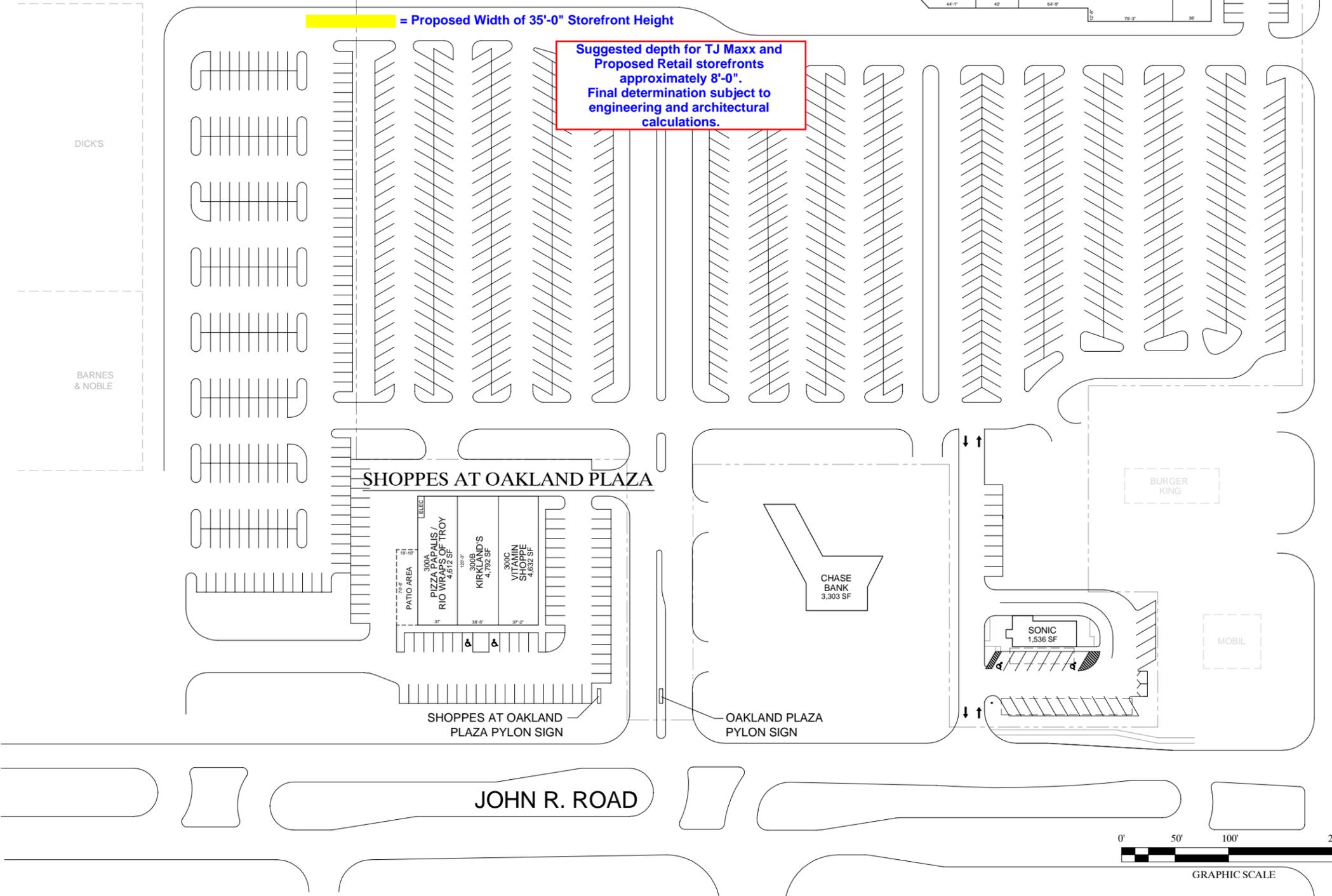
OAKLAND PLAZA

11/15/13

# EXISTING PLOT PLAN



Suggested depth for TJ Maxx and Proposed Retail storefronts approximately 8'-0". Final determination subject to engineering and architectural calculations.



# OAKLAND PLAZA

TROY, MI 48083

## LEASE PLAN

LEASING & MANAGEMENT AGENTS:

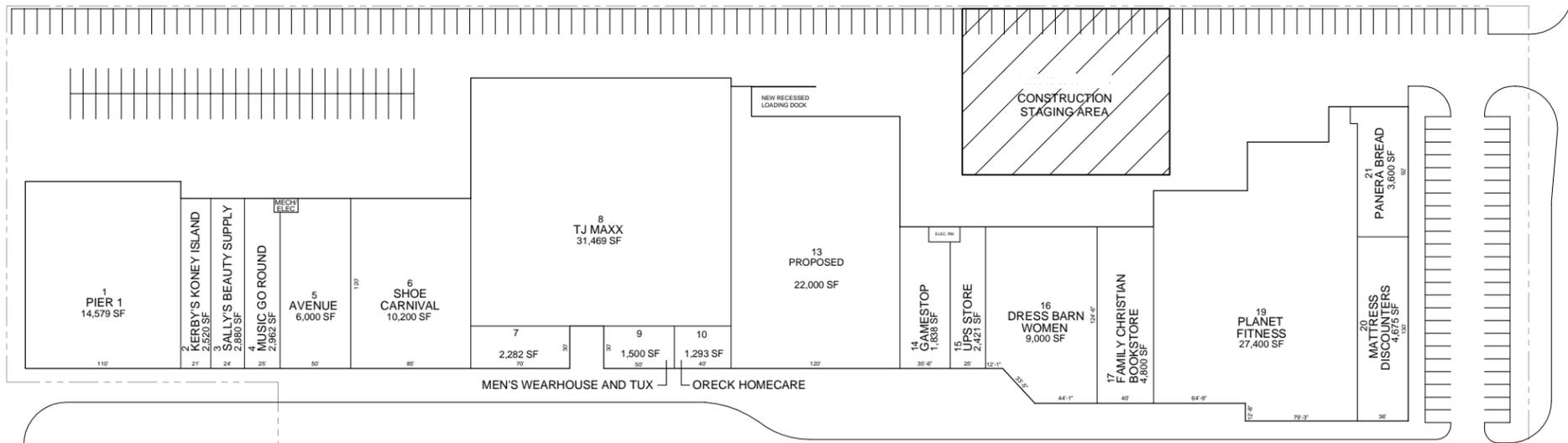


111 East Wacker Drive  
Suite 2400  
Chicago, Illinois 60601  
312-915-2000

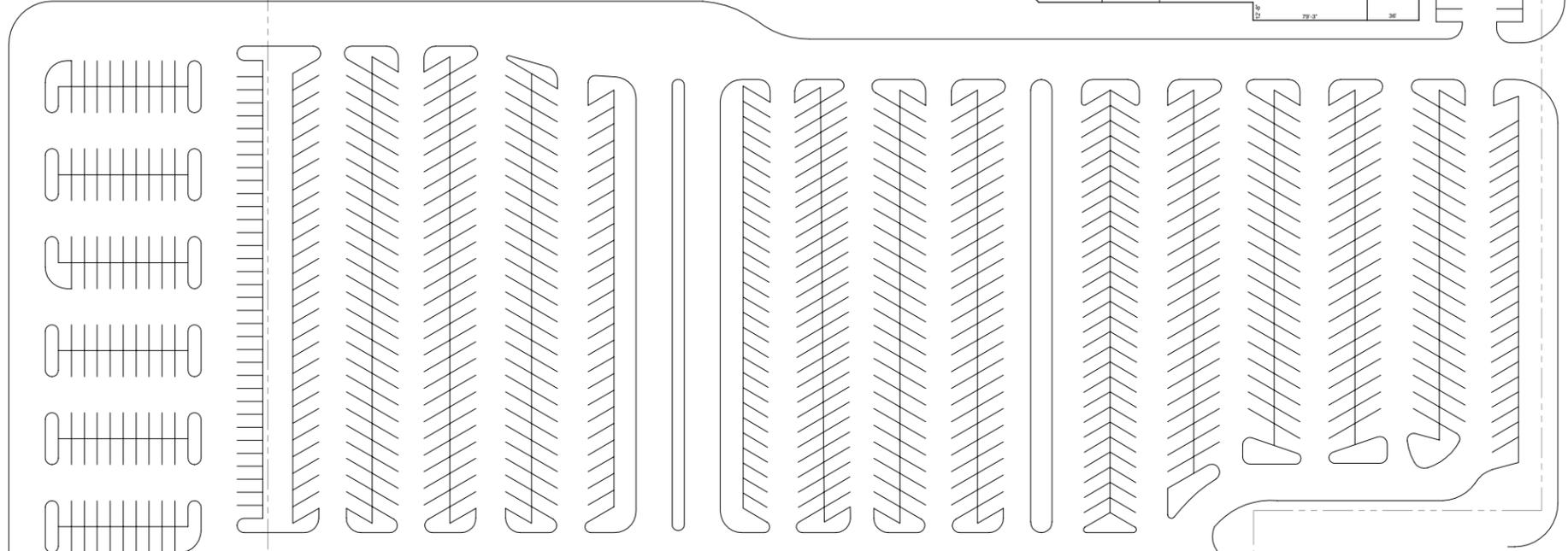
SEPT. 2013



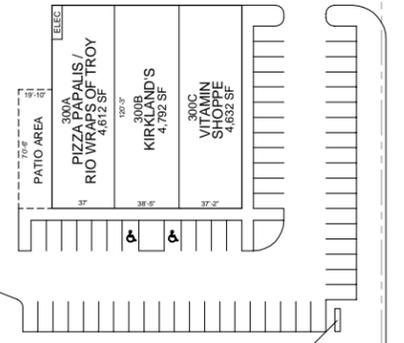
# **REDESIGNED PLOT PLAN**



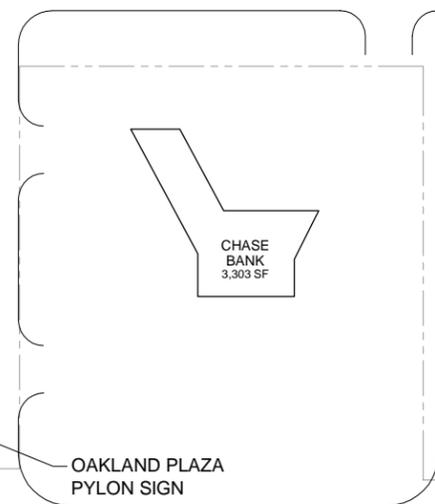
DICKS  
BARNES & NOBLE



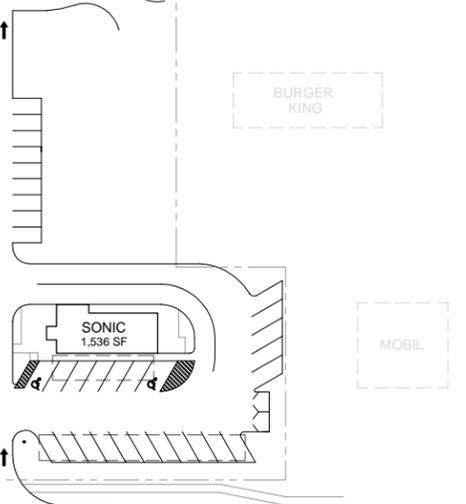
**SHOPPES AT OAKLAND PLAZA**



SHOPPES AT OAKLAND PLAZA PYLON SIGN



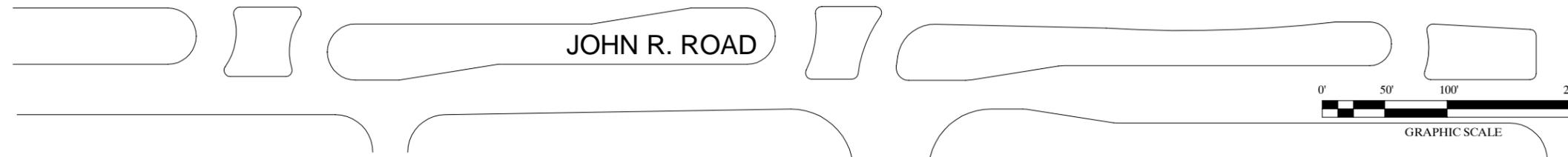
OAKLAND PLAZA PYLON SIGN



SONIC  
1,536 SF

BURGER KING

MOBIL



# OAKLAND PLAZA

TROY, MI 48083

**LEASE PLAN**

LEASING & MANAGEMENT AGENTS:



111 East Wacker Drive  
Suite 2400  
Chicago, Illinois 60601  
312-915-2000

SEPT. 2013

# **SURVEY SHOWING SETBACKS FROM PROPERTY LINES**



# **CURRENT PHOTOS**





# **REDESIGNED FACADE**



TJ-maxx

MEN'S WEARHOUSE  
AND TUX

COMING  
SOON

**TJ·maxx**

**MEN'S WEARHOUSE  
AND TUX**



**COMING  
SOON**



400 JOHN R. ROAD LLC  
1 Executive Drive  
Edgewood, New York 11717  
(631) 242-6300

RECEIVED

DEC 12 2013

PLANNING

Federal Express

December 11, 2013

Planning Department  
City of Troy  
500 W. Big Beaver  
Troy, Michigan 48084

Re: Location 268-388 John R  
Zoning Ordinance Section 4.13 (C ) CB Zoning District  
Applicant: Brandon Muller For Clark Hill PLC  
Property Owner: UrbanCal Oakland Plaza, LLC.

Gentlemen:

We own the shopping center at 400 John R. Road, Troy, Michigan, which abuts 266-388 John R.

Since our offices are in New York, we are unable to attend the Zoning Board of Appeals of the City of Troy Public Hearing on December 17, 2013, on the referenced item.

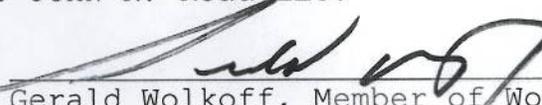
We are writing to request that you deny this application for a 5 foot variance to the required maximum 30 foot height limit because any increase in the height of this property will have the effect of "dwarfing" the buildings on our adjacent property.

In addition, the applicant and the undersigned are parties to that certain Reciprocal Construction Operating and Easement Agreement, dated June 19, 1973, as amended, and recorded against our respective properties (the "RCOE"), which RCOE limits the buildings to one story in height and not more than a total height of thirty (30) feet.

For the foregoing reasons, we request that you deny the subject application for a variance.

Sincerely,  
400 JOHN R. Road LLC.

By

  
Gerald Wolkoff, Member of Wolpal Associates L.P.

400 JOHN R. ROAD LLC  
1 Executive Drive  
Edgewood, New York 11717  
(631) 242-6300

Federal Express

January 9, 2014

Planning Department  
City of Troy  
500 W. Big Beaver  
Troy, Michigan 48084

RECEIVED  
JAN 10 2014  
PLANNING

Re: Location 268-388 John R  
Zoning Ordinance Section 4.13 (C ) CB Zoning District  
Applicant: Brandon Muller For Clark Hill PLC  
Property Owner: UrbanCal Oakland Plaza, LLC.

Gentlemen:

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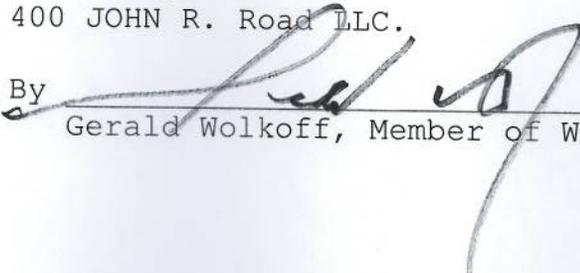
Since our offices are in New York, we are unable to attend the Zoning Board of Appeals of the City of Troy Public Hearing on January 21, 2014, on the referenced item.

We are writing to request that you deny this application for a 5 foot variance to the required maximum 30 foot height limit because any increase in the height of this property will have the effect of "dwarfing" the buildings on our adjacent property.

In addition, the applicant and the undersigned are parties to that certain Reciprocal Construction Operating and Easement Agreement, dated June 19, 1973, as amended, and recorded against our respective properties (the "RCOE"), which RCOE limits the buildings to one story in height and not more than a total height of thirty (30) feet.

For the foregoing reasons, we request that you deny the subject application for a variance.

Sincerely,  
400 JOHN R. Road LLC.

By   
Gerald Wolhoff, Member of Wolpal Associates L.P.



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Date: January 14, 2014  
To: Zoning Board of Appeals  
From: Paul Evans, Zoning and Compliance Specialist  
Subject: Variance request 268-366 John R

At the December 17, 2013 ZBA meeting, the Board requested information on building height variances for 400 John R & 500-650 John R, the two properties to the north of the subject site.

A search of variance files indicates that height variances were not granted for these sites.

The Board also wanted information regarding the height reductions in the new Zoning Ordinance. Below is the response from Planning Director R. Brent Savidant:

*"The City of Troy Zoning Ordinance was comprehensively rewritten and adopted in April, 2011. During the update process it was discovered that the definition for building height was not consistent with the drawing in the Definitions article. Specifically, the definition stated that the height of a building with a flat roof shall be measured from the established grade to the highest point of the roofs surface for a flat roof. The drawing, however, indicated building height shall be measured from the established grade to the top of the parapet.*

*This discrepancy was addressed when the Zoning Ordinance was rewritten. The text of the building height was amended to make the written definition consistent with the drawing. That is, the building height of a flat roof, since April, 2011, is measured from the established grade to the top of the parapet. This was based on a recognition that the height of the parapet impacted perceived height and massing, and visual impact of a building. Without this change, the height of the parapet, and therefore the perceived height of the building relative to the established grade, was unrestricted."*