

Chair Faison called the Regular meeting of the Troy City Planning Commission to order at 7:02 p.m. on May 28, 2019 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean  
Karen Crusse  
Carlton M. Faison  
Barbara Fowler  
Michael W. Hutson  
Tom Krent  
David Lambert  
Sadek Rahman  
John J. Tagle

Also Present:

R. Brent Savidant, Planning Director  
Ben Carlisle, Carlisle Wortman Associates  
Julie Quinlan Dufrane, Assistant City Attorney  
Jackie Ferencz, Planning Department Administrative Assistant  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2019-05-035**

Moved by: Lambert  
Support by: Crusse

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

Yes: All present (9)

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2019-05-036**

Moved by: Fowler  
Support by: Krent

**RESOLVED**, To approve the minutes of the May 14, 2019 Regular meeting as submitted.

Yes: All present (9)

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

**REZONING REQUESTS**

Mr. Krent recused himself from Agenda items #5 and 6 because he resides in the subdivision of the proposed rezoning requests. Mr. Krent exited the meeting at 7.10 p.m.

5. PUBLIC HEARING - REZONING REQUEST (Z JPLN2019-0015) – Proposed Big Beaver Rezoning, East side of McClure, North of Big Beaver (PIN 88-20-20-476-007, -008 and -009), Section 20, From R-1B (One Family Residential) to BB (Big Beaver) Zoning District (Site Type C, Street Type C)

Mr. Carlisle reviewed the rezoning request application as relates to the Master Plan and Big Beaver Corridor Study. He addressed the transition of intensity, both in height and use, and compatibility with adjacent single family residential. Mr. Carlisle said rezoning of the parcels to the Big Beaver zoning district may be compatible with the Master Plan but noted the applicant is not bound to the concept plan submitted for consideration, and if the rezoning request is granted, the uses would be tied directly to the requirements of the Big Beaver form-based code zoning district. He indicated compatibility to the Master Plan cannot be determined due to the unknown future use, intensity and scale of the site. He further indicated specific impacts of compatibility with adjacent property and ensuring property transition could not be determined. Mr. Carlisle addressed the permitted uses, height and density in the BB (Big Beaver) zoning district and the Rezoning Standards to be considered by the Planning Commission.

Mr. Carlisle recommended that the Planning Commission recommend to City Council denial of the proposed rezoning request because the Rezoning Standards have not been met due to unknowns of future development of the site. Mr. Carlisle confirmed it was communicated to the applicant that his report recommended denial.

Present to represent the applicant were Robert Carson, attorney, and Carmine Avantini, land use planner.

Mr. Carson stated a former Conditional Rezoning application for the subject parcels was rejected by City Council, after a unanimous recommendation by the Planning Commission. He said the proposed straight rezoning request before the Board this evening is compatible with the Master Plan, noting the form-based zoning would determine the intensity, use and compatibility of the site at the time of site plan approval.

Mr. Carson stated the following:

- There is no dispute, no question of fact, that the property is Master Planned by the City for the use sought.

- There is no basis in the law to require the applicant to seek rezoning through a conditional rezoning process, referencing page 5, 2<sup>nd</sup> paragraph, of the Planning Consultant report.
- By the City establishing a Big Beaver zoning district, it admits that the uses on a form-based zoning criteria would be appropriate and would address issues of compatibility, intensity and use.
- Form-based zoning provides the Planning Commission at site plan approval to determine whether the site plan meets the criteria of form-based zoning, and adequately addresses use, intensity and transition of the site, as will the market. The uses would be limited in scope, size and activity just by the nature of the form-based zoning and the size of the property.
- The concept plan required for submission of a straight rezoning request is admittedly non-binding. The applicant will go through the site plan process with the Planning Commission who will make a determination whether the site plan is appropriate.
- The application meets every criteria of the law in the State of Michigan for the rezoning and meets the purpose of the Master Plan adopted by the City and fits within the type of zoning that the City brought forward.

Mr. Avantini, President of CIB Planning, shared his credentials and experience with form-based codes and plan review development processes. He addressed:

- Traditional versus conditional rezoning requests.
- Traditional rezoning request in relation to form-based codes.
- Subject request as relates to the Rezoning Standards, Master Plan, Big Beaver Corridor Study and form-based zoning.
- Transition to adjacent property, uses and compatibility.
- Concept plan; market demand/changes, size of site, applicable uses in form-based zoning.

Mr. Carson identified several applicable uses allowed in the Big Beaver district that might be a fit with the size of the subject site; one family attached dwellings, multiple family dwellings, live/work units, office, medical office, financial institutions, neighborhood service-type retail.

Ms. Dufrane said compatibility with the Master Plan is an important Rezoning Standard for the Board to take into consideration. She indicated both Planning Commission and City Council have discretion when considering the Rezoning Standards.

#### PUBLIC HEARING OPENED

- Ann Marie Valentine, 1927 Muer; addressed Master Plan, appreciation for a conditional rezoning to realize what might be developed.
- Jerry Debusschere, 1885 Banmoor; addressed concerns with increased traffic, congestion.
- Sandeep Sovani, 3205 McClure; addressed straight rezoning contrary to conditional rezoning, concerns with use fitting within existing neighborhood.

- John Sharp, 3362 Muerknoll, President of Wilshire Muer Homeowners Association; addressed concerns with multiple family units or commercial next to residential property and access.
- Barbara Dawson, 1834 Boulan; addressed changes in residential neighborhood since approval of Master Plan, proposed zoning not a fit with existing neighborhood, impact of safety and welfare of residents.
- Azam Makki, 1915 Muer; addressed concept plan with no intent to disclose use, denial of former conditional rezoning application.
- Andrea Hernandez-Troya, 3183 McClure; stated opposition, addressed concerns with safety of family and children.
- Debbie Mccrary, 1526 Muer; addressed concerns with traffic, vision of Master Plan.

**PUBLIC HEARING CLOSED**

Discussion on:

- Zoning of specific parcels as relates to adoption of Master Plan.
- Planned Unit Development (PUD) to the west; residential, density.
- Concerns with compatibility of an unknown use.
- Consideration of use, height, density as relates to real time or future.
- Process of rezoning request.
- Reason for City Council denial of former conditional rezoning application.
- Master Plan vision, zoning of subject parcels, case by case basis.
- “Creeping” of Big Beaver zoning district.
- Concerns with traffic, safety of residents.

**Resolution # PC-2019-05-037**

Moved by: Crusse

Support by: Hutson

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1B to BB (Site Type C, Street Type C) rezoning request, as per Section 16.03 of the City of Troy Zoning Ordinance, located on the east side of McClure, north of Big Beaver, within Section 20, being approximately 2.55 acres in size, be granted, for the following reasons:

1. The proposed rezoning appears to be consistent with the Master Plan.
2. The proposed rezoning does not appear to cause or increase any non-conformity.
3. If rezoned the property will be capable of accommodating service and facility loads caused by use of the development.
4. The rezoning does not appear to impact public health, safety or welfare.
5. The rezoning will ensure compatibility with adjacent uses of land.

Yes: Apahidean, Crusse, Hutson

No: Faison, Fowler, Lambert, Rahman, Tagle

Recused: Krent

**MOTION FAILED**

**Resolution # PC-2019-05-038**

Moved by: Rahman

Support by: Fowler

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1B to BB (Site Type C, Street Type C) rezoning request, as per Section 16.03 of the City of Troy Zoning Ordinance, located on the east side of McClure, north of Big Beaver, within Section 20, being approximately 2.55 acres in size, be denied, for the following reasons:

1. The rezoning of the parcel to the BB (Big Beaver) zoning district may be compatible with the Master Plan, however, when the Master Plan was approved in 2008 and subsequent changes were made to the zoning map, the City chose not to extend the rezoning into the residential area at Alpine and McClure Roads. Because the applicant has submitted a non-binding concept plan only, due to the unknown future use, intensity, and scale of the site compatibility to the Master Plan cannot be determined. Specifically, impacts of compatibility with adjacent property, and ensuring proper transitions, cannot be determined.
2. The site is located on an interior lot that does not front nor have direct access to Big Beaver Road.
3. The abutting land uses to the north and west are 2-story, single family residential dwellings. The single family residential dwellings to the west were approved as a Planned Unit Development (PUD 4) in 2012, after the Master Plan was approved in 2008. The development potential of the site for a building up to 6 stories, 72 feet in height would not be compatible with adjacent properties to the north and west.
4. There are a number of uses permitted in the BB, big beaver district that are not compatible for both intensity and scale to the adjacent land uses.
5. Due to the unknown future use, intensity, and scale of the site on the impact of public health, safety or welfare of the development cannot be determined.
6. Due to the unknown future use, intensity, and sale of the site the ability to provide public services and facilities cannot be determined.
7. Due to the unknown future use, intensity, and scale of the site determination of the rezoning will ensure compatibility with adjacent uses of land cannot be determined.

Yes: Faison, Fowler, Lambert, Rahman, Tagle

No: Apahidean, Crusse, Hutson

Recused: Krent

**MOTION CARRIED**

6. PUBLIC HEARING - REZONING REQUEST (Z JPLN2019-0010) – Proposed Big Beaver West Rezoning, West side of Alpine, North of Big Beaver (PIN 88-20-20-401-019 and 88-20-20-401-020), Section 20, From R-1B (One Family Residential) to BB (Big Beaver) Zoning District (Site Type C, Street Type C)

Mr. Carlisle reviewed the Big Beaver West rezoning request applicant noting the similarities with the previous request considered by the Board. He addressed the application as relates to the Master Plan and Big Beaver Corridor Study, transition to

adjacent properties and intensity with respect to height and use. He indicated the plan submitted is conceptual only and the applicant is not bound to it. Mr. Carlisle said that due to the unknowns of the future development of the site, the rezoning standards have not been met and it is recommended that the Planning Commission recommend to City Council denial of the proposed rezoning.

Present to represent the applicant were Robert Carson, attorney, and Carmine Avantini, land use planner.

Mr. Carson said that with respect to the Planning Commission time and the similarity of the two rezoning requests before the Board this evening, he asked that his comments and the comments of Mr. Avantini in the previous agenda item be incorporated explicitly into the record for this request also.

**Resolution # PC-2019-05-039**

Moved by: Hutson

Support by: Tagle

**RESOLVED**, That all the comments made by Mr. Carson and Mr. Avantini incorporated in the presentation for Agenda item #5 (McClure rezoning request) be reiterated word for word and that the same comments be taken into consideration for the Alpine rezoning request.

Yes: All present (8)

Recused: Krent

**MOTION CARRIED**

Mr. Carson addressed surrounding zoning, specifically the density of the Planned Unit Development (PUD) to the east, with respect to the rezoning request. He said with that criteria and the legality the applicant is not obligated to specify a use at the time of submitting a rezoning application, the City should rely upon its Master Plan for its vision and its form-based zoning for implementation of development.

**PUBLIC HEARING OPENED**

The following residents voiced concerns with traffic, safety, density, transition and compatibility with existing residential.

- Jim Heckman, 3354 Muerknoll, Vice President Wilshire Muer Homeowners Association
- Denise Walker, 3381 McClure
- Linda White, 1505 Boulan
- Marianna Perakis, 3393 Alpine
- Sandeep Sovani, 3205 McClure
- Bob Horvath, 3330 Muerknoll
- Sree Puppala, 2024 Sachin Way
- Sara Kabra, 3373 Alpine

- Carolyn Nguyen, 2056 Sachin Way
- Umesh Inamdar, 3201 McClure
- Rudram Muppuri, 2073 Sachin Way
- Ann Bruttell, 3425 McClure
- Ann Marie Valentine, 1927 Muer

### PUBLIC HEARING CLOSED

There was discussion on:

- Rezoning procedure with respect Master Plan vision.
- Traffic concerns expressed by residents.
- Reliability of professional traffic study.
- Reality of what might be built.

### **Resolution # PC-2019-05-040**

Moved by: Tagle

Support by: Lambert

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1B to BB (Site Type C, Street Type C) rezoning request, as per Section 16.03 of the City of Troy Zoning Ordinance, located on the west side of Alpine, north of Big Beaver, within Section 20, being approximately 1.66 acres in size, be DENIED, for the following reasons:

1. The rezoning of the parcel to the BB, Big Beaver Zoning District may be compatible with the Master Plan, however, when the Master Plan was approved in 2008 and subsequent changes were made to the zoning map, the City chose not to extend the rezoning into the residential area at Alpine and McClure Roads. Because the applicant has submitted a non-binding concept plan only, due to the unknown future use, intensity and scale of the site, compatibility to the Master Plan cannot be determined. Specifically, impacts of compatibility with adjacent property, and ensuring property transitions, cannot be determined.
2. The site is located on an interior lot that does not front nor have direct access to Big Beaver Road.
3. The abutting land uses to the north and east are 2 story, single family residential dwellings. The single family residential dwellings to the east were approved as a Planned Unit Development (PUD 4) in 2012, after the Master Plan was approved in 2008. The development potential of the site for a building up to 6 stories, 72 feet in height would not be compatible with adjacent properties to the north and east.
4. There are a number of uses permitted in the BB (Big Beaver) district that are not compatible for both intensity and scale to the adjacent land uses.
5. Due to the unknown future use, intensity and scale of the site on the impact of public health, safety or welfare of the development cannot be determined.
6. Due to the unknown future use, intensity and scale of the site the ability to provide public services and facilities cannot be determined.
7. Due to the unknown future use, intensity and scale of the site determination if the rezoning will ensure compatibility with adjacent uses of land cannot be determined.

Yes: Faison, Fowler, Lambert, Rahman, Tagle  
No: Apahidean, Crusse, Hutson  
Recused: Krent

**MOTION CARRIED**

**OTHER BUSINESS**

7. **PUBLIC COMMENT** – Items on Current Agenda

There was no one present who wished to speak.

Mr. Krent returned to the meeting at 9:48 pm.

8. **PLANNING COMMISSION COMMENT**

There were general Planning Commission comments.

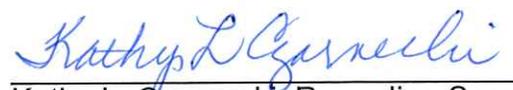
Ms. Crusse addressed the civic center area land use.

Ms. Dufrane announced the Court decision on the Tollbrook matter.

The Regular meeting of the Planning Commission adjourned at 9:51 p.m.

Respectfully submitted,

 FOR CARLTON FAISON  
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Carlton Faison, Chair

  
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Kathy L. Czarnecki, Recording Secretary