

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
COUNCIL CHAMBERS  
November 15, 2018, 7:30 P.M.**

Vice Chair Stimson called the Planning Commission meeting to order at 7:30 p.m. on November 15, 2018.

Commissioners Present:           Brickner, Countegan, Goerke, McRae, Orr, Stimson, Turner

Commissioners Absent:           Mantey, Schwartz

Others Present:                   City Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Tangari, Staff Engineers Kennedy and Seewald

**APPROVAL OF AGENDA**

**MOTION by Brickner, support by Orr, to approve the agenda as published.**

**MOTION carried unanimously.**

**PUBLIC HEARING**

**A.    CLUSTER OPTION 2, 2018**

LOCATION:	24560 Orchard Lake Road and 19 acre vacant parcel on the North side of Ten Mile Road, East of Orchard Lake Road
PARCEL I.D.'s:	23-23-351-007 & 23-23-351-035
PROPOSAL:	One Family Cluster Option in an RA-1, One-Family Residential District
ACTION REQUESTED:	Preliminary Cluster Option qualification
APPLICANT:	SDC Ventures LLC
OWNERS:	Patrick Hanaway & Joanne McQuade-Arnold

Roger Sherr, SDC Ventures LLC, 31300 Orchard Lake Road, was present on behalf of this application for Cluster qualification under Section 34-3.17.2.A.i and 2.A.ii.

Mr. Sherr explained that under 2.A.i, the applicants needed to meet one of 8 criteria listed in Section 34-3.17.2.B.i-viii; they believed they met several of those criteria, as follows:

- ii. The parcel had frontage on a major or secondary thoroughfare and was of a narrow width, as measured along the thoroughfare.
- v. A substantial portion of the parcel's perimeter was bordered by land that was located in other than an RA district or was developed for a use other than single-family homes.
- vi. The parcel contained a floodplain or poor soil conditions which resulted in a substantial portion of the total area of the parcel being unbuildable.
- viii. The parcel contained natural assets which would be preserved through the use of cluster development.

Mr. Sherr said that they had provided a soil test and a survey of the natural features on the site to support criteria vi and viii.

Under 2.A.ii, they also believed they qualified for cluster in that this was a transitional area and was further impacted by non-residential uses on the westerly and southern boundaries. On the westerly boundary the non-residential use exceeded more than 50% of that boundary and the entire southern boundary was non-residential, zoned B-3.

For the reasons stated, the applicants believed that the site fully qualified for the cluster option.

While tonight's meeting was not for site plan approval, Mr. Sherr said he would like to comment briefly on the site plan:

- 1) They were seeking to construct a residential community on the site with a density much below that allowed under the cluster option, which would allow for a density of 3.1 units per acre over 19 acres, or over 60 units. The applicants were seeking to develop fewer than 50 units on the property.
- 2) The proposed site plan was for detached units, not attached units which would be allowed under the cluster option. Detached units would be preferable for this development and would be compatible with the single-family community to the east.
- 3) The site was very challenging, and a cluster development answered many of the issues posed by the site.

Mr. Sherr asked for a positive cluster qualification this evening.

Utilizing overhead slides and referring to his November 8, 2018 review letter, Planning Consultant Arroyo gave the review for this request for preliminary cluster qualification. Tonight would be a public hearing. If preliminary qualification were granted it would not guarantee that full qualification would be approved. The applicants would still need to come in for a full site plan review and request for full qualification. At that time, the Planning Commission would make a recommendation on the site plan and full qualification to City Council, and Council would then make the final decision.

Planning Consultant Arroyo reviewed the existing zoning and described the existing site. The Master Plan designated the properties Single Family on the Future Land Use Map. The section on 10 Mile was designated as small office. The entire area was designated as a Special Study Area.

The review letter reviewed the 8 potential qualifying standards for the cluster option under Section 34-3.17.2.B.i-viii. The standards that specifically applied to the current application included:

- ii. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.
- v. A substantial portion of the parcel's perimeter is bordered by land that is located in other than an RA district or is developed for a use other than single-family homes.
- vi. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.

Only one standard needed to be met.

15% of the site was in wetland; 8.4 % was in floodplain, and 6.4% constituted a steep slope.

Qualification under cluster permitted up to 1.8 dwelling units per acre in the RA-1 District. However, there was an option for the applicant to request additional density. Also, the Planning Commission could find the parcels were located in a transition area or were impacted by nonresidential uses or traffic on

major or secondary thoroughfares or other similar conditions. If the Planning Commission made such a finding, it could permit an increase in density up to the maximum densities established in subsection 34-3.17.3.B, or up to 3.1 dwelling units per acre.

The concept plan presented this evening showed 42 units, or 2.2 units per net acre, which was much lower than the 3.1 units per acre allowed by the cluster option.

Planning Consultant Arroyo had pulled the plats for the 2 subdivisions directly to the east of the subject site. The subdivision directly to the east was platted for 1.8 dwelling units per acre, and the one to the east of that was platted for 1.9 dwelling units per acre.

The conceptual plan provided for two access points, one from Orchard Lake Road and one connecting to an existing stub at Paisley Drive. 29% of the net acreage, minus the B-3 portion, was established as open space; 15% was required. The open space included the entirety of the floodplain on the site.

The Master Plan designated the majority of the subject site as Special Residential Planning Area 5. The Master Plan acknowledged the narrow width of the parcel, and specifically suggested that the site could be zoned to RA-2 to be more compatible with the parcels to the east and to encourage open space subdividing; reasonable zoning pattern would include the lots fronting on Orchard Lake Road as RA-2.

The goals for Special Residential Planning Area 5 included maintaining one-family residential use in the area and encouraging one-family residential use by permitting more flexibility on the narrow site through zoning change.

The applicant was requesting not to move forward with the more intense zoning of RA-2, but to keep the site at RA-1 with the cluster option. With the cluster option, the Commission had the ability to require preservation of open space and natural features.

The application was consistent with the residential densities map, which designated the land as low-medium density. That category included the RA-1 and RA-2 districts.

If the site moved forward with a cluster development, there was a specific requirement for buffering. In the case of detached buildings, the rear setback of 35 feet for the RA-1 District would have to be met. The applicants were proposing to preserve as many trees as possible along the common east border and were also proposing a small berm and additional landscaping to further buffer along the east side. There were other potential buffering options also.

Planning Consultant Arroyo concluded his review.

Commissioner McRae asked what the allowed density would be under RA-2 zoning. Planning Consultant Arroyo said that density under conventional zoning would be 2.1 dwelling units per acre.

Vice Chair Stimson opened the public hearing.

Vice Chair Stimson noted that correspondence had been received from Alan Percival, Judy Miller, and Ken and Ann Maes, all listing their concerns regarding this proposal.

Judy Miller, Ridgeview Drive, HHOA Secretary, said that the Association was concerned about density. She personally liked the plan, although some of her neighbors remained very concerned about what could

go in on the site. The consensus of the neighbors was that they did not want to see duplexes or attached housing, and it appeared that the development was not proposing that, though the density on the east side of the development was tighter than what they wanted to see. Also, currently there were frequent power outages, and there was concern regarding electrical infrastructure. Last, there was concern about flooding from the wetlands on the subject site.

Donna Weinstein, Pimlico Court, asked if an environmental study could be requested. Would comparable replacement trees be planted in place of those removed? She was concerned about the wildlife that would be displaced by the construction. She felt a cluster option development would be too dense, and was concerned about traffic congestion.

Mark Warner, Ridgeview Drive, was concerned that smaller lot sizes would negatively affect existing home values. He also was concerned about wildlife. He hoped the width of the lots would be increased so that they were similar to the homes on Ridgeview.

Kristen Fett, Ridgeview Drive, shared the concerns already mentioned, including density and small lot sizes. She was also concerned about additional traffic on Ridgeview if Paisley were opened up; people would use Ridgeview as a cut-through.

Ann Maes, Ridgeview Drive, said her main concern involved the electrical outages in this area. Something would have to be done to upgrade the electrical grid if this development were constructed. She was also concerned about storm water drainage, as well as trees that would be removed falling onto their property, and the fact that there would not be an entrance off of 10 Mile Road. Where would construction traffic access this site? She was opposed to construction traffic using Ridgeview.

Ann Kuelbs, Ridgeview Drive, was concerned regarding potential cut-through traffic that would utilize Paisley Drive to get to 10 Mile Road or Orchard Lake Road.

Mr. Kahn, Ridgeview Drive, echoed the concerns already stated. Additionally, he was concerned regarding the safety of the children – including his own – who lived on Ridgeview Drive, especially in terms of construction traffic using Ridgeview to access the site. Since there was going to be an entrance on Orchard Lake Road, Mr. Kahn felt there was no precedent to also have an access off Ridgeview Drive, thus connecting two subdivisions.

Shane Tucker, Orchard Lake Road, said that his home would border the new Orchard Lake Road access on the north. He was concerned about the loss of wildlife, and was very concerned about the impact of construction traffic and noise on his property. After construction was completed, they would continue to have headlights shining into their home, and felt they would have a loss of property value.

Randy Klimas, Cobblestone Court, was also concerned about the safety issues that would result from opening up Paisley Drive, especially for the children. He felt the access should be off of Orchard Lake Road and 10 Mile Road. He was also concerned about the small lots, along with wildlife displacement. He was especially concerned about a peregrine falcon that lived on the property, and also asked for an environmental study. He did support single family homes, and was opposed to attached condominiums and/or duplexes.

Seeing that no one else came forward to speak, Vice Chair Stimson closed the public hearing and invited Mr. Sherr to address the public comments.

Mr. Sherr made the following points:

- The City and the Fire Marshall required the applicant to open up Paisley for access to Ridgeview, because that would give emergency vehicles two means to access Ridgeview, which would improve safety for the homes along Ridgeview. Also, Mr. Sherr felt it more likely that the traffic from Ridgeview would go through the new development to access Orchard Lake Road rather than Ridgeview being used for a cut-through to reach 10 Mile Road.
- The units would be detached, with 35-foot rear setbacks. The treescape along the eastern border was so strong that the homes would not be visible when the trees were in leaf. Additionally, the applicants would remove scrub and decayed vegetation, and would plant new trees where the cleanup occurred. The result would be more attractive than what was there now.
- The development would have fewer homes than would be allowed under the cluster option. At the same time, natural features would be preserved.
- They would address the electric grid, and storm water management would meet City standards. Every development had to capture its own water; they were not permitted to allow water to flow into the back yards of their neighbors.

Commissioner McRae asked if the southern cul-de-sac would meet current Fire Department requirements. Mr. Sherr said they had met with the Fire Marshall, and the 50-foot radius would meet Fire Department requirements. Additionally the Fire Marshall was very happy with the secondary access being provided for Ridgeview residents.

Commissioner McRae asked about how the wetlands would be addressed, specifically regarding the homes that would be built on the southern cul-de-sac. Mr. Sherr said the southern wetland was really just water perched on top of the ground; that was not a regulated wetland. The wetlands to the north were more sensitive. They would work with the DEQ regarding wetland protection.

Vice Chair Stimson asked about the elevations of the new homes: would they be ranches or 2-stories? Mr. Sherr said they would be a combination to meet the needs of the targeted community. For instance, young people did not want big lots, but rather wanted detached homes with small lots. Older people who were downsizing wanted ranches; younger people wanted 2-story homes. The architecture would likely be craftsman-type.

Commissioner Brickner commented that Paisley Drive was a stub street; the only reason to have a stub street was to connect it to future developments. Mr. Sherr said that the City and the Fire Department were requiring the connection to Paisley Drive. Again, the Fire Marshall wanted the secondary access for the homes on Ridgeview. The road pavement would be constructed exactly to match Ridgeview.

Commissioner Brickner asked about the square footage for the proposed homes. Mr. Sherr said the ranch style homes would be about 1600-1800 square feet, and the 2-story homes would be 2000-2600 square feet.

Mr. Sherr said the smaller lots would actually protect the values of the existing homes in the area that were on larger lots. The new homes would start in the low \$300,000's.

Commissioner Countegan reiterated that when the Paisley Drive stub was put in place, its purpose was to connect to future development to the west. From a public safety standpoint, Police and Fire liked to have a second access to a neighborhood, in case one of the access points were blocked. He felt the cluster option was attractive, given the wetlands and the environmental concerns expressed by the residents. Under RA-1 zoning with a traditional plat, they could have approximately 36 homes on the site. The

applicant was asking for the cluster option to construct 42 homes, while protecting the natural features of the site. Allowing 5-6 more homes in return for that protection seemed a true advantage.

Mr. Sherr noted that under RA-2 zoning, they could also build 42 units, should the site be rezoned to that classification.

Commissioner Goerke asked about construction access and how long construction would last. Mr. Sherr said construction access would be from Orchard Lake Road. They would like to complete construction as quickly as possible, but there were no guarantees. They would construct two model homes, and build out as homes were sold.

Commissioner Orr asked if the B-3 portion along 10 Mile road was included in the density calculations. City Planner Stec said it was not included in that calculation. Commissioner Orr noted that the B-3 portion would need to be split from the greater parcel.

In response to comments from Commissioner Orr, City Planner Stec said the applicants would need to meet the Building Code as well as the Zoning Ordinance in terms of setbacks.

Commissioner Orr asked if the new parcels would pay for the improvements on the site, as well as the maintenance of the common area. Planning Consultant Arroyo said the homeowners' association would likely be responsible for maintaining the open space areas. Commissioner Brickner said that common areas were not individually taxed. Taxes for the common areas were assessed to the homes in the development.

Commissioner Brickner pointed out that a property owner had the right to develop their property. He had been involved in the City for a long time, and fears about wildlife displacement had been brought forward for many subdivision developments, including the ones to the east of this current application. The City remained full of wildlife, though in any event the Commission could not take that concern into consideration; the City could not preserve what did not belong to them. Regarding the access using Paisley Drive, it was the City that was requiring opening that access so that people could get out from Ridgeview in the case of an emergency.

Seeing that discussion had ended, Vice Chair Stimson indicated he was ready to entertain a motion.

**MOTION by McRae, support by Countegan, that the Planning Commission make a preliminary determination that Cluster Option 2, 2018, submitted by SDC Ventures LLC, meets the following qualification standard(s) as set forth in Section 34-3.17.2.B of the zoning ordinance, specifically standards ii, v, and vi, permitting a maximum density of 1.8 units per acre, and that it be made clear to the petitioner that final granting of the Cluster Option is dependent upon a site plan to be approved by the City Council after review and recommendation by the Planning Commission.**

**Further, the Commission finds that the site meets the following standards of Section 34-3.17.2.A.ii.: 1) the parcel is located in a transition area, 2) is impacted by nonresidential uses, 3) is impacted by traffic on a major or secondary thoroughfare, 4) other similar conditions, and qualifies for a maximum density of 3.1 units per acre permitted under Section 34-3.17.2.A.ii, and that it be made clear to the Petitioner that final granting of the Cluster Option is dependent upon a site plan to be approved by the City Council after review and recommendations by the**

**Planning Commission, and that said site plan should be substantially similar to the document as presented this evening at approximately 2.2 units per acre.**

Vice Chair Stimson said he would support the motion, but recommended that the applicants try to reduce the density and enlarge lot sizes further when they returned for final qualification.

**Motion carried 6-1 (Turner opposed).**

Commissioner Turner said he opposed the motion because he felt the development represented a deviation from the Master Plan, which called for an open space plan. He opposed deviating from the Master Plan because of the topography, the wetland, and the vegetation on this site.

Vice Chair Stimson reviewed process going forward, including another public hearing at the Planning Commission level as well as a public hearing before City Council.

Commissioner McRae suggested that the developers set up a meeting with the neighbors to discuss concerns and issues before the next public hearing.

Commissioner Brickner said the development should improve electrical infrastructure issues, as well as storm water management for the area.

**B. REZONING REQUEST 2-9-2018**

LOCATION:	24560 Orchard Lake Road and 19 acre vacant parcel on the North side of Ten Mile Road, East of Orchard Lake Road
PARCEL I.D.'s:	22-23-23-351-007 & 22-23-351-007-035
PROPOSAL:	Rezone two parcels: 1) From RA-1 One Family Residential to RA-2 One Family Residential. And 2) From RA-1 One Family Residential and B-3 General Business District to RA-2 One Family Residential
ACTION REQUESTED:	Set for Planning Commission Public Hearing
APPLICANT:	SDC Ventures LLC
OWNERS:	Patrick Hanaway & Joanne McQuade-Arnold

As the property had just received cluster option preliminary qualification, Mr. Sherr asked that the rezoning request be withdrawn.

**REGULAR MEETING**

**A. REZONING REQUEST 3-10-2018**

LOCATION:	27815 and 28025 Middlebelt Road
PARCEL I.D.'s:	23-11-477-109, 013 & 014
PROPOSAL:	Rezone three parcels from B-2 Community Business District, P-1 Vehicular Parking District, and RA-1 One Family Residential, to RC-3 Multiple Family Residential District
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	Harbor Retirement Development, LLC
OWNERS:	John P. Ginopolis Trust & George L. Redilla

City Planner Stec said that the applicant would be amending the request to ask to rezone to the RC-2 District.

Utilizing overhead slides and referring to his November 2, 2018 review letter, Planning Consultant Arroyo gave the review for this request for rezoning three parcels to the RC-2 District. He reviewed the current zoning of the parcels and noted that the Master Plan designated Parcel 109 at the corner as “shopping center type business” on the future land use map, except for the portion currently zoned P-1, which was designated Multiple-Family Residential. The other two parcels were both designated Multiple-Family Residential. The residential densities map designated this land as high density, corresponding to the RC-1, RC-2 and RC-3 Districts.

The review letter listed the standards in the RC-3 District; the RC-2 District was similar in terms of minimum lot size, width, maximum lot coverage, etc. A senior residential facility was treated more like a commercial institutional use that had residents in it. Rezoning the property to RC-2 would still grant the same number of beds, while making the zoning consistent with the surrounding property.

Regarding items to consider for zoning map amendment, the only issue was that the proposed use would not have more of a demand on services than a restaurant, etc., with the exception of emergency medical calls.

At the request of Commissioner Orr, Planning Consultant Arroyo listed the uses permitted in the RC-2 and RC-3 Districts, which were similar.

Vice Chair Stimson invited the applicant to present.

Attorney John Gaber was presented on behalf of Harbor Retirement Development LLC. Dick Palmer, owner, was also present.

Mr. Gaber gave a brief overview of Harbor Retirement Development LLC, which operated throughout the country. Harbor Development had completed a market analysis for this area and had concluded this site was a good site for their assisted living/memory care facility, and they believed the development was consistent with the Master Plan.

Mr. Gaber asked to amend their request to rezone the parcels to RC-2 rather than RC-3. RC-2 was a less intensive use and was consistent with surrounding zoning districts.

Vice Chair Stimson asked about including the small vacant property to the immediate northwest of the subject site. Mr. Gaber said that property was actually part of the condominium open space to the north and west of their proposal.

**MOTION by Countegan, support by Goerke, that Zoning Request No. 3-10-2018, petitioned by Harbor Retirement Development, LLC and as amended this evening to rezone the subject properties to RC-2 zoning district instead of RC-3, be set for Public Hearing on December 13, 2018.**

**Motion carried unanimously.**

**B. PUD PLAN 2, 2018**  
LOCATION:

31015 Grand River Ave.

PARCEL I.D.: 23-35-101-005  
PROPOSAL: Self-storage facility and offices with accessory uses in  
B-3, General Business District  
ACTION REQUESTED: Set for public hearing  
APPLICANT: Gerald T. Clark  
OWNER: Woodgate Development Company, LLC

Utilizing overhead slides and referring to his November 2, 2018 review letter, Planning Consultant Tangari gave the review for this request for final PUD qualification. Preliminary PUD qualification had been granted in August 2018. Tonight's request did not include site plan review.

Planning Consultant Tangari reviewed the qualification criteria as follows:

- A. The PUD option may be effectuated in any zoning district.
- B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

*It appeared that the applicant was seeking relief from two dimensional standards, and was also seeking to engage in a use (self-storage) that was not a listed use in any district. It appeared that dimensional variances were not the sole driver of the request for PUD approval.*

- C. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Asserted financial problems shall be substantiated with appraisals of the property as currently regulated or as proposed to be regulated.

*As already noted, self-storage was not a listed use in any district. There was precedent in the City for using the PUD option to develop a self-storage use.*

- D. The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Future Land Use Plan unless the proponent can demonstrate to the sole satisfaction of the city that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.

*This standard appears to be met – this area is considered for commercial activity.*

- E. The Planned Unit Development must meet, as a minimum, one of the following objectives of the city (the criteria believed to be met are bolded below);
  - i. **To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.**

*The applicant notes that existing stands of trees and natural areas will be preserved; the project does appear to occur entirely on the already developed portion of the site and reduces overall impervious surface by about 10,000 square feet.*

**ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.**

The office use is similar to a previous use: discussion of the self-storage facility needs to consider both the use and the scale of the proposed building when considering compatibility.

iii. To accept dedication or set aside open space areas in perpetuity.

iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.

v. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.

**vi. To promote the goals and objectives of the Master Plan for Land Use.**

*The applicant calls attention to eight goals of the Master Plan, including the promotion of redevelopment in the Grand River Avenue corridor. The applicant further calls attention to three development principles of the Grand River Corridor Vision Plan.*

**vii. To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.**

*The applicant notes that landscaping is proposed to exceed ordinance standards, and also calls attention to the design of the storage facility.*

viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

*The Planning Commission must determine whether the responses given to any one of the standards are sufficient to qualify the project for a Planned Unit Development.*

- F. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

*Density was not increased by this request. While relief was sought from certain ordinance standards, the primary driver of the request appeared to be the mix of uses.*

Planning Consultant Tangari believed the applicant had provided sufficient information for the Planning Commission to reach a determination on PUD qualification. Sufficient information for site plan and landscape plan review had not been provided. Submittal to the Planning Commission for site plan and landscape plan approval was a required step if final PUD qualification was granted.

Even though tonight was not a site plan review, Planning Consultant Tangari mentioned the following items:

- The applicant proposed to remove a portion of the existing building and replace it with a four-story climate-controlled storage building and 32 drive-up storage units. The portion of the building to remain would be used as a regional headquarters for Service Master, which did fire and water damage restoration. Three locations would be consolidated at this site. The MySpace Storage office would also be located at the site.
- The property was designated Non-Center Type Business on the Future Land Use Map; it did not fall into any special planning areas.

The applicant was seeking relief from three dimensional standards:

- The height limit of the B-3 district. 40 feet was required, 55 feet was proposed.
- The existing building that was proposed to remain was 14.8 feet from the front property line. A 25-foot setback was required.
- Parking setbacks were not provided. However, it appeared that the frontmost space in the easternmost bay of parking spaces did not meet the required ten-foot parking setback.

Vice Chair Stimson asked if the signs shown on the plan met ordinance requirements. If the signs did not meet ordinance requirements, they should be included in the list of items under relief sought from the ordinance.

Vice Chair Stimson invited the applicant to give his presentation.

Dennis Cowan, Plunkett Cooney, 38505 Woodward Avenue, Bloomfield Hills, MI was present on behalf of this application for final PUD qualification. Todd Clark and Gary Gerrits, Service Master, 979 South Old US Highway 23, Brighton MI were also present, as was Architect Joe Latozas, Designhaus, 301 Walnut Boulevard, Rochester MI.

Mr. Cowan said the site was challenging due to its irregular shape. The uses would be low-impact, with about 10-15 visits a day for MySpace, and Service Master had 20-30 employees who were mostly gone to other job sites during the day. They had tried to be true to the spirit of the Grand River Corridor although this location was not in the Overlay District.

Showing renderings of the site, Mr. Latozas gave an overview of the project. They would keep 10,000 square feet of the current 25,000 square foot building and repurpose that as the leasing office for the self-storage and the headquarters for Service Master. A four-story climate-controlled building would be constructed of metal and synthetic wood. They would reduce the impervious surface of the site, increase the green space and increase the landscaping on the corner.

They were asking for additional height to 55 feet; because of the limitations of the site they were trying to move up instead of out. The new portion of the building would meet all setbacks; they were asking that the Commission allow the existing nonconforming portion to remain. The parking spot that was nonconforming would be corrected to be conforming. They would work with city staff to make sure the signs they proposed would be correct for the site and the project.

Commissioner Orr referred to the October 22, 2018 Engineering Department memorandum that required a 5-foot wide sidewalk across the entire Orchard Lake Road frontage in accordance with City standards. Mr. Latozas said because of the width limitations along Orchard Lake Road they were not going to provide a sidewalk past the existing curb cut.

Discussion followed regarding the difficulties of meeting the City requirement for a sidewalk in that area. City Planner Stec pointed out that the City Council could, if they desired, grant relief for that requirement as part of the PUD agreement process.

Commissioner McRae said that the increase in height really represented an increase in density; at the public hearing he would want to hear how the 55-foot height was the minimum request possible. Mr. Latozas said the extra height was necessary to accommodate the internal drive-thru on the first floor, and still give room for the 1<sup>st</sup> and 2<sup>nd</sup> floors above.

Commissioner McRae said he would also like to have information regarding surface parking for employees. Where would the employees park? Mr. Latozas said they could provide that detail at the public hearing.

Commissioner McRae also wanted to see the elevations for the single-storage buildings. Mr. Latozas said he would bring those to the public hearing.

**MOTION by Goerke, support by Orr, that P.U.D. Plan 2, 2018, submitted by Gerald T. Clark, dated October 18, 2018, be set for Public Hearing by the Planning Commission on December 13, 2018.**

**Motion carried unanimously.**

**C. SITE AND LANDSCAPE PLAN 53-2-2017**

LOCATION:	30785 Grand River Ave.
PARCEL I.D.'s:	23-35-105-002 & 003
PROPOSAL:	Parking lot addition to existing site in B-3, General Business District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Rick Arnold of Vantage Systems, Inc.
OWNER:	Vantage Systems, Inc.

Utilizing overhead slides and referring to his November 7, 2018 review letter, Planning Consultant Tangari gave the review for this request for approval of site and landscape plans. The site had already been reconfigured to match the plan. The site was spread over 2 parcels and should be combined.

The use of the property was not proposed to change; it would remain an office. The building met dimensional requirements, and was not proposed to change.

The applicant had done some work to the parking lot as well as some work in the front of the building.

Loading and unloading: 300 square feet of loading and unloading space was provided on the plan. Section 34-5.4.2 required 10 square feet of loading space per front foot of building, or 469 square feet. It was likely that standard delivery vehicles such as UPS trucks would be making most of the deliveries on the site.

Parking: The plan showed 44 parking spaces (15 in the front yard, 29 in the rear yard). It was unknown how many spaces were on the site before work was undertaken. Without knowing the specific nature of the proposed use, Planning Consultant Tangari could only count the parking spaces and compare them to

the requirements for the most intense office uses. Call centers had the strictest requirements among office uses, or one space for each hundred square feet of useable floor area. With 44 spaces serving a 3,942 square-foot building; it appeared that the site had an excess of parking for any office use.

Exterior lighting: No exterior lighting was indicated on the plan. If lighting were planned, a photometric plan should be submitted.

Pedestrian connections: There was no existing pedestrian connection to the sidewalk on Grand River.

Tree removal: Site visits and a review of Google Earth imagery indicated that two trees (each approximately 12 inches DBH) had already been removed as part of the proposed site improvements shown on the site plan. A Tree Permit must be obtained from the Planning Department prior to all tree removal activity involving trees six inches (6") or more DBH in accordance with Zoning Chapter 34-5.18. Those trees must be replaced on a one-to-one basis; replacement trees should have a three-inch caliper. Each unauthorized removal of a tree protected by Section 34-5.18 is a separate offence, with penalties as prescribed in Section 34-7.13. A note on the plan indicated that the trees were dead when removed.

Landscape plan: The plan should indicate the trees that were removed and update the landscape calculations and plant list accordingly. Parking lot design standards required curbing or a suitable similar device to protect the proposed eight parking lot trees (1 tree per 2800 square feet of surface area) from direct storm water sheet flow. This standard had not been met. Also, the eight parking lot trees should be of a large deciduous type unless the Planning Commission permitted large evergreen trees.

Planning Consultant Tangari concluded his review.

Commissioner Orr noted that the site sloped north to south. Was there a detention basin on site? Planning Consultant Tangari said the floodplain would be the detention area.

Commissioner Orr asked if there were some requirements with which the applicant needed to comply that were not on the plan. Staff Engineer Kennedy said that the applicant needed to apply for a MDEQ flood plain permit; this needed to be received prior to Engineering Department approval.

Commissioner Orr said the sidewalk issue along Orchard Lake Road appeared to be similar to the previous application. Planning Consultant Tangari said that was correct. Staff Engineer Kennedy said they had asked for a sidewalk to the curb cut on the west side.

Commissioner Brickner disclosed that in the past he had represented Mr. Arnold in legal matters. City Attorney Schultz said if Commissioner Brickner had not represented Mr. Arnold regarding the current property, and if he was not currently representing him, Commissioner Brickner did not need to be recused.

Vice Chair Stimson invited the applicant to make his presentation.

Jawad DeFouni, JAD Services, represented Mr. Rick Arnold in this matter. Joe Arnold, the owner's son, was also present; Rick Arnold was not present.

Mr. DeFouni made some comments regarding the detention pond and the sidewalk, especially as related to the topography of the site.

Commissioner McRae asked how Mr. Arnold had proceeded with the development without receiving Planning Commission approval. Commissioner Orr said that this matter had come before the Commission over a year ago as a result of enforcement against the property.

Joe Arnold said his father had contacted the City regarding making a change to the parking lot. His father had come away from the conversation thinking he could go ahead and complete the project and he took steps to do that. In the process the City stepped in, but his father was already far along in the process, which was why they were here tonight seeking approval for something that was already done.

Mr. DeFouni said constructing the sidewalk along Orchard Lake Road would create further issues at the curb cut there. Since it appeared that a sidewalk would be going in on the other side of the street, perhaps the sidewalk on their property would not have to be built. Regarding receiving approval for the detention pond, MDEQ had cashed their check but they had not yet received a response from them.

In response to a question from Staff Engineer Kennedy, Mr. Arnold said that they had submitted an application to the MDEQ at the same time they had submitted their application to the Planning Department.

Vice Chair Stimson asked where the Engineering Department stood on this application. Staff Engineer Kennedy explained that the Engineering Department was not allowed to issue permits and approvals without the applicant first receiving MDEQ approval. The sidewalk requirement could not be alleviated.

Commissioner Orr asked for clarification regarding the boundaries of the subject site. City Planner Stec said the existing parcels were outlined in black. The boundaries on the plans were not entirely consistent, however both parcels were owned by the applicant. Commissioner Orr said the plans presented by the applicant needed to be accurate.

Commissioner McRae said the question remained as to what needed to be done in order to bring the plans into conformance with City requirements. That was hard to know until MDEQ approvals were received. Vice Chair Stimson said any motion would need to be conditioned on MDEQ approval.

Commissioner Countegan indicated he was ready to make a motion.

**MOTION by Countegan, support by Orr, that Site Plan 53-2-2017, dated October 17, 2018, submitted by Rick Arnold, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- **Revised plans addressing the following be submitted for administrative review:**
  - **The plans note that no new lighting is proposed or a photometric plan be submitted if new lighting is proposed.**
  - **A pedestrian connection to the Grand River sidewalk be provided.**
- **MDEQ approval for work done and storm water drainage into regulated wetland**

Commissioner Countegan said his motion accepted the loading zone as shown. Also, the motion did not address the sidewalk along Orchard Lake Road; the sidewalk was an Engineering Department issue.

**Motion carried unanimously.**

**MOTION by Countegan, support by Orr, that Landscape Plan 53-2-2017, dated October 17, 2018, submitted by Rick Arnold, be approved because it appears to meet all applicable Zoning**

**Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, subject to the following condition and with the following determination:**

- A revised plan be submitted for administrative approval showing two replacement trees.
- The evergreen parking lot trees shown to be planted at the parking lot perimeter are acceptable.

**Motion carried unanimously.**

**D. SITE AND LANDSCAPE PLAN 67-10-2018**

LOCATION:	37550 Twelve Mile Road
PARCEL I.D.:	23-07-400-028
PROPOSAL:	Amend existing Consent Judgment to permit a drive through restaurant
ACTION REQUESTED:	Recommendation to City Council
APPLICANT:	Halsted Village LLC
OWNER:	Halsted Village LLC

Utilizing overhead slides and referring to his November 6, 2018 review letter, Planning Consultant Arroyo gave the review for this request for an amendment to the existing Consent Judgement in order to permit a drive-thru restaurant.

The property was zoned RA-1 but was subject to a consent judgment, which allowed all uses permitted in the OS-1 and B-2 districts, and was amended later to further permit the Kroger gas pumps. Any change required approval by City Council and an amendment to the consent judgment.

The proposed use was for a 4,484 square foot Panera Bread store with a drive-thru. Panera was generally classified as a fast-casual restaurant, and as such was a permitted use in the B-2 district, although the drive-thru was not. Therefore this site plan approval would be a first step toward amending the consent judgment.

The proposed building appeared to meet setback requirements, though some details were still needed regarding the trash enclosure.

Regarding loading and unloading, the applicant should speak to the fact that there was a lot going on in the loading area. A 1,265 square foot loading area was labeled behind the building, showing potential conflicts with garbage trucks, delivery vehicles and customer/employee parking there.

Parking met standards, as did stacking spaces for the drive-thru. However, the centerline turning radius of the drive-thru had not been provided.

Regarding rooftop appurtenances, the applicant noted that rooftop equipment would be screened, but the method of screening was not indicated. The applicant should confirm that rooftop equipment would be shielded according to the standards of Section 34-5.17.

Exterior lighting standards appeared to be met.

Regarding walls and screening, the building was set back nearly 300 feet from the residentially zoned property to the west, and there was a great deal of existing vegetation, as well as a higher elevation and grade. The Planning Commission could accept this in lieu of other screening, such as a wall.

No pedestrian connection was provided to connect to the sidewalk on 12 Mile Road.

Building elevations were not provided; building elevations were required for site plan review and amending a consent judgment.

Drive-thru restaurant standards as listed in the B-3 district appeared to be met, with the exception of the requirement that the zoning lot occupied by such use shall not abut an RA district unless the district was separated from the lot by a major or secondary thoroughfare. However, there was a substantial vegetation buffer as previously described.

Regarding tree removal, there were 6 trees in parking lot islands that were proposed to be removed and 3 other adjacent trees adjacent to the demolition area. Presumably at least 6 trees would be removed. All regulated trees being removed must be replaced.

Regarding the landscape plan, 11 parking lot trees were required and 13 were provided. Street trees and shrubs were already present along the 12 Mile right-of-way. Landscaping on the site was located primarily within the front parking lot setback and side setbacks.

Commissioner Orr asked where the loading zone was located. Planning Consultant Arroyo said they believed it was behind the building, where potential conflicts might exist.

Vice Chair Stimson invited the applicants to make their presentation.

Stuart Frankl, 1334 Maple, Troy MI, and owner of Halsted Village, was present on behalf of this application. Lonnie Zimmerman, Siegel/Tuomaala Associates, Architects and Planners Inc., 29200 Northwestern Highway, Suite 180, Southfield MI., was also present.

In response to a question from Commissioner Goerke, Mr. Frankl said Panera bread was relocating from across the street.

Commissioner Orr noted that it appeared the vacant property to the west was being used as justification to allow the drive-thru. Was it possible to restrict further development to the west? Planning Consultant Arroyo explained that anything new on this parcel would have to go through the same consent judgment amendment process. City Attorney Schultz said the motion could make it clear that the vegetation on the west was important in terms of allowing the drive-thru. Commissioner Countegan agreed that the motion could clearly cite the vegetation to the west as providing a buffer to the residentially zoned property there. The motion along with the discussion in the minutes should provide enough information to indicate that the vegetation provided the necessary buffer for the drive-thru portion of the restaurant.

Mr. Zimmerman explained that the loading area would be behind the building in the area already being designated for employee parking. Deliveries would be timed, and trash pickup was momentary, thereby minimizing any conflict. The intent was to use the parking for employees only.

Mr. Zimmerman also explained that they had not provided a building elevation because Panera bread was still developing the building design. The elevation would be cohesive with the adjacent retail to the south as well as with the Halsted Shopping Center. The building height would be approximately 20 feet only.

Mr. Zimmerman said he had just received a tentative building elevation from Panera and could show that; however he did not know if that elevation would be the one that was ultimately put forward.

Vice Chair Stimson asked if the Commission could make a recommendation to City Council without seeing a final elevation. City Planner Stec said that while it was nice to see actual building elevations, because the City did not have architectural standards, what they really looked at was height. When this application reached City Council the applicant should be able to provide accurate elevations.

Planning Consultant Arroyo asked about the primary building material planned for the building. Mr. Zimmerman said that on the elevation they had just received the primary building material was a combination of brick and EIFS material.

Planning Consultant Arroyo said that this was a consent judgment with a requested use that was not permitted in the District. He would hope that the building would be primarily brick and very little EIFS, and not the minimum that a chain would provide. Chains had multiple elevations to offer, and Farmington Hills should receive the highest quality elevation in return for what was being asked. Mr. Zimmerman said he would relay that information to Panera.

Commissioner Brickner asked if Panera would accept a height limitation. Planning Consultant Arroyo said the B-2 District allowed a 40-foot high building.

Commissioner Countegan said that the issue before the Commission was whether to recommend permitting a drive-thru restaurant on this site. An approving motion could include conditions such as materials, etc. Ultimately the City Council would need to approve this application including elevations.

Commissioner McRae indicated he was ready to offer a motion.

**MOTION by McRae, support by Goerke, that if (and only if) the City Council determines to amend the Consent Judgment governing the use of the property, that the Commission recommends to the City Council that the proposed Site Plan 67-10-2018, dated October 11, 2018, submitted by Halsted Village, LLC, be approved as part of the Consent Judgment amendment, subject to the following, which should be incorporated as part of Council's determination:**

- **A revised site plan addressing the following items be submitted for administrative review:**
  - **The loading area be clearly indicated.**
  - **A pedestrian connection to 12 Mile Road be provided.**
  - **Building elevations be provided for Council's determination regarding the appropriateness of materials and design.**
- **The Commission has no objection to an amendment to the Consent Judgment to permit a drive-thru restaurant.**
- **A screen wall is not required along the western edge of the parking lot, as the vegetation to the west provides an adequate buffer in lieu of the wall.**

**Motion carried unanimously.**

**MOTION by McRae, support by Goerke, that if (and only if) the City Council determines to amend the Consent Judgment governing the use of the property, the Planning Commission recommends to City Council that Landscape Plan 67-10-2018, dated October 11, 2018, submitted by Halsted Village LLC, be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, subject to a revised plan addressing the items in the November 6, 2018 Giffels Webster zoning review report be submitted for administrative review.**

**Motion carried unanimously.**

**E. PUD QUALIFICATION 1, 2018**

LOCATION:	34918 Eight Mile Rd.
PARCEL I.D.:	23-33-376-024
PROPOSAL:	Multiple family development in an RC-2, Multiple Family Residential District
ACTION REQUESTED:	Preliminary PUD qualification
APPLICANT:	Ari Kosterlitz
OWNER:	CLR18, LLC

Utilizing overhead slides and referring to his November 6, 2018 review letter, Planning Consultant Tangari gave the review for this request for a preliminary PUD qualification at 34918 Eight Mile Road.

The applicant proposed to rezone this property from RC-2 to RC-3 in May, 2017. The Planning Commission did not take any final action on a recommendation, and the application was withdrawn so that the applicant could convert it to a request for PUD qualification. Tonight's submission was a revised version of the request for PUD qualification that was made at the September meeting.

Regarding meeting one of the 8 objectives of the City for PUD qualification, the applicant was now focusing on i. and iii.:

- i. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
- iii. To accept dedication or set aside open space areas in perpetuity.

Planning Consultant Tangari said the applicants were pointing to the existing open drain to the rear of the property, which would remain and be rehabilitated, and where they would provide additional landscape buffering. They were also providing a portion of the front of the property as a 5,000 square foot park. They would be providing 40% open space where 25% was required.

Density in the RC districts were determined by rooms, not units. At the September meeting the applicants were looking at a total of 232 rooms, which exceeded the permitted density of the highest RC District, RC-3. The subject property was zoned RC-2. The applicant had now reduced the number of units, and based on the number of bedrooms in those units, 180 rooms were now being proposed. The maximum number of rooms permitted under the current RC-2 zoning was 144.

The applicants had increased the side yard setbacks since the September meeting, so they were looking for a lesser deviation from the side yard setbacks.

The Planning Commission needed to decide if they were comfortable with the proposed density level, vs. what was permitted in the underlying district.

Commissioner Orr pointed out that the units were 11.5 feet wide. If the area for the stairway were removed, there was a total of 93 inches for a car parking space, including space for opening the car door to exit the vehicle. This seemed incredibly tight. It would be impossible to park 2 cars in the garages. The plans could not function the way they were drawn.

Mr. Kosterlitz said that the cars would be parked one inside, and one outside. There would be room behind the car for the stairway, and the garages would be one-car garages.

Mr. Kosterlitz said the plans were preliminary only. They had reduced the density significantly since the September meeting. The density was now between that allowed in the RC-2 and RC-3 districts.

Commissioner McRae noted that the October 17, 2018 letter from Stonefield Engineering & Design included in the Commissioners' packets read: *Additionally, our site's development proposes 40% open space, where 25% is the city's requirement for Planned Residential Developments. This will grant the city an additional 15% open space for future developments on this property in perpetuity.* If this project moved forward, there would be no future developments on this open space.

In response to a question from Commissioner Countegan, City Planner Stec said the property to the west of the subject site was a 7.6-acre site, with 92 units, or 236 rooms. The first development to the east was 4.6 acres with 60 units or 143 rooms. The next development to the east was 5 acres with 62 units.

Commissioner Countegan said the Commission was trying to get a sense of compatibility and whether there was a true public benefit offered by this PUD application. It would be helpful for the Commission to see different products to help with comparisons, including how the proposed project would look between the developments to the east and west.

Further discussion was held regarding the width of the proposed units. Mr. Kosterlitz confirmed that the units were 11.5 feet wide, with deep parking. Each floor would have 562 square feet.

Planning Consultant Tangari said the narrow units were consistent with the parking calculation, which had assumed one car in, one car out.

Vice Chair Stimson indicated he was ready to entertain a motion.

**MOTION by McRae, support by Orr**, that the Planning Commission make a preliminary finding that P.U.D. 1, 2018 submitted by Ari Kosterlitz does not qualify for the Planned Unit Development Option under the provisions of Section 34-3.20.2.A. through E. of the Zoning Chapter, for the reason that while the applicant's narrative points out 2 of the objectives under Section 34-3.20.2.E, it appears the primary reason to request PUD qualification was for a density increase.

**Motion failed 3-4** (Brickner, Countegan, Goerke, Turner opposed).

**MOTION by Brickner, support by Goerke**, that the Planning Commission make a preliminary finding that P.U.D. 1, 2018, submitted by Ari Kosterlitz, qualifies for the Planned Unit Development Option under Section 34-3.20.2.A through D. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E.i. thru viii. and that i. and iii. appear to be met, and it be

made clear to the petitioner that final granting of the P.U.D. plan and contract requires approval by City Council, after recommendation by the Planning Commission.

**Motion failed 3-4** (McRae, Orr, Stimson, Turner opposed).

It came out in discussion that Commissioner Turner had not meant to vote against the first motion, as he did not support this preliminary PUD qualification. Therefore, Commissioner Goerke offered the following:

**MOTION by Goerke, support by McRae, to reconsider the motion to deny as stated above.**

**Motion carried unanimously.**

Therefore the first motion was repeated as follows:

**MOTION by McRae, support by Orr, that the Planning Commission make a preliminary finding that P.U.D. 1, 2018 submitted by Ari Kosterlitz does not qualify for the Planned Unit Development Option under the provisions of Section 34-3.20.2.A. through E. of the Zoning Chapter, for the reason that while the applicant's narrative points out 2 of the objectives under Section 34-3.20.2.E, it appears the primary reason to request PUD qualification was for a density increase.**

**Motion carried 4-3** (Brickner, Countegan, and Goerke opposed).

City Planner Stec explained that the applicant could continue to move forward with this proposal, with the understanding that a majority of the Commission did not think the project qualified for a PUD qualification. Also, two Commissioners had been absent this evening.

**PUBLIC COMMENT** None.

### **COMMISSIONERS' COMMENTS**

Vice Chair Stimson asked what was happening with the old Sara Fisher property. City Planner Stec said Evangelical Homes still owned the property and were still intending to move forward, with some modifications to the original plan, and the PUD agreement has not been acted on by City Council.

**APPROVAL OF MINUTES:** October 18, 2018

**MOTION by Brickner, support by McRae, to approve the October 18, 2018 meeting minutes as published.**

**Motion carried unanimously.**

### **ADJOURNMENT:**

Vice Chair Stimson adjourned the meeting at 10:35 p.m.

Respectfully Submitted,  
Dale Countegan

Planning Commission Secretary

/cem