

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
CITY COUNCIL CHAMBER  
31555 11 MILE ROAD, FARMINGTON HILLS MI  
APRIL 24, 2014**

Chair McRae called the Planning Commission meeting to order at 7:30 p.m. on April 24, 2014

Commissioners Present: Blizman, Fleischhacker, Mantey, McRae, Rae-O'Donnell, Orr  
(arrived 7:32 pm), Schwartz, Stimson

Commissioners Absent: Topper

Others Present: Staff Planner Stec, Staff Engineer Gushard, City Attorney Schultz  
and Planning Consultant Arroyo

**APPROVAL OF AGENDA**

Chair McRae noted that Conflicting Regulations, ZTA 2, 2010 (Medical Marijuana Ordinance) needed to be added to the agenda.

**MOTION by Schwartz, support by Stimson, to add Item H.1: Conflicting Regulations, ZTA 2, 2010 (Medical Marijuana Ordinance) to the agenda, and to approve the agenda as amended.**

**Motion carried 8-0.**

**REGULAR MEETING**

**A. REVISED SITE PLAN AND LANDSCAPE PLAN 67-12-2013**

LOCATION:	38200 Ten Mile Road
PARCEL I.D.:	22-23-19-453-006
PROPOSAL:	Proposed drive-in restaurant in a B-3, General Business District
ACTION REQUESTED:	Approval of Site and Landscape Plan by Planning Commission
APPLICANT:	Mark Kellenberger of Tim Horton's
OWNER	Shirley L. Collins Trust

Chair McRae introduced this item. He noted that this plan had been heard by the Zoning Board of Appeals on March 13, 2014. At that time variances were granted as follows:

- 1) a 34 foot variance to the required 60 foot building front-yard setback
- 2) a 15 parking space variance to the required 50 off-street parking space requirement for the combined drive-thru restaurant and office with the following conditions:
  - 1) the construction and site plan is maintained as presented
  - 2) approval is granted by all appropriate City departments.

Planning Consultant Arroyo referred to his March 4, 2014 review letter as he described the location of this proposed drive-in restaurant at 38200 West 10 Mile Road, in a B-3 General Business District. He noted that this property was located on the north side of W. 10 Mile Road, directly south of Grand

River Road, and east of I-275. The Applicant was proposing to repurpose an existing 5,850 square foot partially occupied two-story building for a Tim Horton's drive thru restaurant and additional office space. The building was vacant except for an office space leased by one tenant.

At the January 16, 2014 meeting, the Planning Commission denied approval of the site plan application because it did not meet ordinance requirements. As the Chair had noted, the Applicant had received appropriate variances from the Zoning Board of Appeals.

Mr. Arroyo directed the Commission's attention to outstanding items called out in the review letter that still needed attention, as numbered in the review letter:

Regarding the site plan:

- 7.a: ...the proposed one-way maneuvering lane on the east side of the property is 20.7 feet wide. The ordinance requires a 15 foot maneuvering lane for 60 degree parking. The Applicant should decrease the width of this lane.
- 7.b: Although the driveway located to the east of the building has been changed to a one-way aisle (and the parking spaces modified to 60 degrees) to allow for one-way traffic to the north, the width of the aisle (23.2 ft.) is too wide for one-way traffic. This aisle should be reduced to 15 ft. wide by making the landscaped island 10 ft. wider. This will help with alerting vehicles entering the site from Grand River that they cannot access this aisle from that direction. A painted or landscaped island should be added south of the cross walk to a point about 40 feet south.

Mr. Arroyo referred to a rough sketch provided by ClearZoning: "Concept for Circulation Changes," which illustrated enhanced striping and circulation on the site, with reduced widths as noted above.

- 11. It appears that a loading zone is located adjacent to the dumpster in the rear yard but it is not labeled. The Applicant should confirm that this is the loading zone.

Regarding the landscape plan:

- 18. Section 34-5.14.4.C requires 1 canopy tree be planted for each 28000 s.f. of parking lot area. 11 trees are required. The Applicant is seeking credit for the existing trees. The intent of this requirement is to provide canopy trees in or directly adjacent to parking lots. The existing trees are located along 10 Mile and the lawn area adjacent to the building and do not qualify as parking lot trees. The additional parking lot islands provide ample room for 8 additional trees.
- 20. A note indicating all landscape areas shall be provided with an automatic underground irrigation system must be added to the plans. This includes the existing lawn within right-of-way areas.
- 21. A landscape cost estimate must be provided.
- 23. The shrubs proposed adjacent to the dumpster enclosure should be substituted with a tall upright evergreen hedge to screen the enclosure and doors from Grand River. The hedge should be a minimum 5' in height. Alternatively, a new masonry wall could be constructed.
- 24. The survey notes two existing trees located in a landscape bed south of the existing building. Tree protection is required and must be shown to ensure the trees are not damaged during construction.

Chair McRae clarified that the west exit was two cars wide, and allowed for a left turn out of the site.

In answer to a question from Commissioner Schwartz, Mr. Arroyo said with the circulation improvements noted above, there would be room for at least 12 cars to stack on site.

In answer to a question from Commissioner Rae-O'Donnell, Mr. Arroyo pointed out where the 8 required trees could be placed in the parking lot islands.

In answer to a question from Commissioner Stimson, Staff Planner Stec explained how the parking was calculated, further explaining that the 15 parking space variance was correct – not 16 spaces as mentioned in #9 of the consultant's letter, which assumed that the city rounded up (it did not).

As there were no further questions for Mr. Arroyo, Chair McRae invited the Applicant to speak.

Mark Kellenberger, Tim Horton's, 565 East Grand River Avenue, Suite 101, Brighton, MI 48116, spoke on behalf of this application. He explained that Tim Horton's thought wider drive aisles were safer. Specifically regarding the one-way drive from 10 Mile Road, many vehicles including dumpster trucks and delivery vehicles would be using this drive, and the Applicants thought the wider space was necessary. Wider lanes would also make access easier for emergency vehicles such as fire trucks. They would be happy to sign and paint the drives as requested by the Consultants, but would like to maintain larger than 15' drive aisles.

Regarding landscape tree requirements, Mr. Kellenberger said that they had requested credit for the trees to remain along 10 Mile Road. If they were not able to receive credit for these trees, they would like to remove them in order to gain greater visibility for the restaurant.

Mr. Kellenberger said that they would plant the taller trees around the dumpster as requested. He showed elevations of the proposed building, and said the dumpster would be a wood structure sided with concrete boards to match the restaurant exterior. The underground irrigation system would be noted on the plans, and they would provide tree protection as required for the two existing trees located in the landscape bed south of the existing building.

Mr. Kellenberger addressed some items from the January Engineering Department review letter, including curb cuts and cross access issues. It was pointed out that the Planning Commission had no authority regarding the items called out in this letter except for curb cuts, and did not have a copy of the letter in tonight's packet. Mr. Kellenberger said that they were concerned that after receiving Planning Commission approvals, Engineering Department requirements would require them to walk away.

Mr. Kellenberger discussed dedicating the right-of-way and challenges associated with that in terms of landscaping.

Mr. Arroyo pointed out that there were two different landscaping requirements: one for front yard setback landscaping and another for canopy trees in the parking lot. Both had to be met. The Applicant could not remove the trees along the southern property border as a trade off for meeting the parking lot tree requirement. However, he did think that the 3 trees to remain on the south side of the building were near the parking area and could count toward the parking lot trees, so that only 5 additional trees would be required. Reasonable trimming of the existing trees along 10 Mile Road could provide enhanced visibility as well as benefit the health of the trees. Regarding the width of the drive aisles, wider drive aisles led drivers to assume there was two-way traffic and could result in cars going the wrong direction. This was especially true of the north bound parking lot maneuvering lane

along the eastern side of the building. He noted that the Fire Department had no requirement for a larger lane. However, as a compromise the City could allow up to 17 feet there if the Applicant so desired. The narrower drive aisle would also provide an opportunity to widen the eastern border, thus providing a pedestrian walk area and a good location for the extra trees; this could be approved administratively.

In answer to a question from Chair McRae, Mr. Kellenberger said the curb to the west would be continuous.

Mr. Kellenberger noted that they thought they had room to stack 15 vehicles on site. Restaurant staff would park on the far west side of the property.

After discussion with Commissioner Orr regarding keeping the dumpster area as secure as possible from rodents, Mr. Kellenberger agreed to provide a masonry wall around the dumpster.

Seeing that discussion had ended, Chair McRae brought the request back to the Commission.

**MOTION by Orr, support by Rae-O'Donnell, that Site Plan No. 67-12-2013, dated January 30, 2014, submitted by Mark Kellenberger of Tim Horton's, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- 1) **A new masonry dumpster enclosure be constructed in the same location as the existing enclosure.**
- 2) **The loading zone be labeled on the plan.**
- 3) **The one-way north bound parking lot maneuvering lane along the eastern side of the building be reduced to a width of not greater than 17 feet.**
- 4) **Existing curb cuts to remain.**

**Motion carried 8-0.**

**MOTION by Rae-O'Donnell, support by Blizman, that Landscape Plan No. 67-12-2013, dated January 30, 2014, submitted by Mark Kellenberger of Tim Horton's, 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:**

- 1) **The plan be revised to include an additional 5 parking lot trees.**

**Motion carried 8-0.**

**B. REVISED SITE AND LANDSCAPE PLAN 53-1-2014**

LOCATION:	27831 Orchard Lake Rd.
PARCEL I.D.:	22-23-10-476-044
PROPOSAL:	Drive-in fast food restaurant in a B-3 General Business District
ACTION REQUESTED:	Approval of Site and Landscape Plan by Planning Commission
APPLICANT:	Retail Equity Partners Holdings, LLC
OWNER:	Orchard Lake Enterprises, LLC

Planning Consultant Arroyo reviewed this application, referring to the Clearzoning letter of April 9, 2014, updated April 22, 2014. He noted that the plan met all the standards of Section 34-4.35 for this use in this zoning district. The Fire Department review letter was referencing an older plan; a by-pass had now been added. Drive thru stacking showed space for 7 cars; the Zoning Ordinance only required space for 6. The only items of concern remaining were, as numbered in the review letter:

- 6. The plan includes 10-foot greenbelts along 12 Mile Road and existing Orchard Lake Road. The parking along Orchard Lake Road is partially located within the planned 150-foot right-of-way of Orchard Lake Road. Also, the required 10-foot landscaped area is within the future right-of-way. *The Applicant must seek variances from the Zoning Board of Appeals to address the parking and landscaped area along Orchard Lake.*
- 7a. The plan does not note circulation arrows, pavement markings for the drive-thru and bypass lanes, or on-site traffic signage (can be addressed at final). *This could be addressed administratively.*
- 14. The plan shows a loading zone located mostly in the rear yard, which partially meets the requirement of Section 34-5.4.
  - a. The loading zone falls only partially within the rear yard. The proposed loading zone meets the spirit of the requirement that the loading zone be located in the rear yard or interior side yard. However, due to the unusual configuration of the rear of the building, some of the loading zone is located in the exterior side yard. *A variance will be required.*
  - b. The loading zone should be provided in the ratio of at least ten (10) square feet per front foot of the building. The proposed zone appears to be the required 476 sq ft. The plan does not specify dimensions for this loading zone; this information should be included on future site plan submissions.
- 16. Per Sec. 34-5.17, the site plan should show screening of rooftop equipment. This information should be provided on future site plan submissions.
- 17. A portion of the hedge is located in the 25 foot corner clearance triangle. To allow for clear visibility, this portion of the hedge should be maintained at height of no greater than 30 inches.
- 20. Façade plans show a “light board” at the top of the proposed building. The Applicant should provide information to the Planning Commission regarding the appearance and function of this light board.

Regarding the landscape plan:

- 28. It appears that a portion of the hedge along 12 Mile Road is located in the 25 foot corner clearance triangle. Clear vision areas should be added to the plan to ensure proposed plantings will not interfere with driver visibility. Hedges shall be maintained at a maximum of 30 inches in these areas.

Commissioner Schwartz said that he thought the City’s 6-car stacking requirement was deficient. This could create a traffic hazard on this site and others. The Ordinance needed to be changed.

As there were no questions for the consultant, Chair McRae invited the Applicant to speak.

Charles Herbst, Vice President of Development and Construction for Retail Equity Partners, Holdings, LLC, 2800 S. River Road, Suite 190, Des Plaines, IL 60018, and Brad W Brickel, P.E., Nowak & Fraus Engineers, 46777 Woodward Avenue, Pontiac, MI 48342, spoke on behalf of this application.

In answer to a question from Chair McRae, Mr. Herbst said this location was smaller than the normal Burger King footprint.

Chair McRae initiated a discussion regarding whether the exit on 12 Mile Road should be right turn only, as that curb cut was close to the corner of Orchard Lake Road and 12 Mile Road. Mr. Herbst said this had not been discussed internally. Engineering Staff Gushard said that the Engineering Department review letters of March 18 and March 28, 2014 had not mentioned a need to make the exit right turn only.

Mr. Brickel explained that the Applicants had not changed the curb cuts, which were existing on this site. Instead they planned for a smaller building. Also, they felt they could actually stack 8 cars but since they met the City's Zoning Ordinance, and since the 8<sup>th</sup> car might encroach on the loading space area, this had not been claimed on the plan.

Addressing item #20 in the review letter, Mr. Herbst said there would be an LED light band on the parapet of the building. He affirmed that they would maintain the 30' maximum height for landscaping in the clear vision triangle area.

Commissioner Blizman initiated a discussion regarding process: normally the Planning Commission did not see site plans until necessary variances had been granted. Mr. Brickel said that the Applicants hoped to receive site plan approval contingent upon the ZBA granting the necessary variances. They understood this was a risk, but their due diligence deadline was tomorrow and they hoped to have site plan approval before that date.

Commissioner Rae-O'Donnell asked if an affirmative motion could be conditioned on a traffic study for the exit onto 12 Mile Road. Attorney Schultz said the motion could be conditioned on approval from the Engineering Department for traffic flow from the site onto 12 Mile Road.

Mr. Blizman confirmed with Attorney Schultz that the Commission could deny tonight's proposal as it normally would, have the Applicant go to the ZBA for variances and then return to the Planning Commission after those variances were granted, if they were granted, in spite of the Applicant's due diligence deadline. Mr. Schultz said that an affirmative motion could be conditioned on the Applicant receiving the variances or the proposal could be denied as outlined by Mr. Blizman. Additionally, Mr. Schultz said they would communicate with the ZBA that these variance requests met the spirit of the Ordinance.

**MOTION by Fleischhacker, support by Rae-McDonnell, that Revised Site Plan No. 53-1-2014, dated March 18, 2014, submitted by Retail Equity Partners Holdings, LLC be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- 1. Variances be received for:**
  - a) the portion of the required loading zone located in the exterior side yard,**
  - b) the portion of the parking lot along Orchard Lake that is located within the proposed right-of-way and**
  - c) the required 10 foot greenbelt between the parking lot and street that is located within the proposed Orchard Lake Road right-of-way.**
- 2. Approval from the Engineering Department for traffic flow from the site onto 12 Mile Road, including whether left turns onto 12 Mile Road will be permitted.**
- 3. Required roof-top screening be shown on the site plan.**

Mr. Blizman said he thought condition #2 should not be included in the motion, as Engineering Department decisions were outside the Commission's purview.

**Motion carried 7-1 (Blizman opposed).**

**MOTION by Rae-McDonnell, support by Orr, that Revised Landscape Plan No. 53-1-2014, dated March 13, 2014, submitted by Retail Equity Partners Holdings, 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 the following conditions:**

- 1. Variance be granted by the Zoning Board of Appeals for the required 10 foot greenbelt located within the proposed Orchard Lake Road right-of-way.**
- 2. Clear vision triangle requirements be shown on the plan and adhered to.**
- 3. A tree planting detail be provided.**

**Motion carried 8-0.**

**C. REVISED SITE PLAN 54-1-2014**

LOCATION:	Northwest corner of Twelve Mile and Orchard Lake Roads
PARCEL I.D.:	22-23-10-476-051
PROPOSAL:	Site Plan for renovations to existing shopping center including a retail building and drive-in restaurant in B-4, Planned General Business District and B-3, General Business District
ACTION REQUESTED	Approval of Site Plan by Planning Commission
APPLICANT:	Susan Friedlaender
OWNER:	Orchard 12, LLC

Planning Consultant Arroyo reviewed this application, referring to the Clearzoning letter of April 17, 2014, which was the third review of this site plan for building modifications and two new outlot buildings at an existing 7.23 acre shopping center at the northwest corner of 12 Mile and Orchard Lake Roads. The property was to be developed under a PUD, with 72,151 square feet of zoning area. The Applicant had received PUD approval by City Council on November 25, 2013, subject to final site and landscape plan approval by the Planning Commission. The landscape plan was approved on February 13, 2014, and the site plan review decision was postponed to allow the applicant the opportunity to address outstanding items, including a complete lighting plan that included a description of the light fixtures, and a complete photometric plan, including the rear of the building.

Other site plan and landscape plan issues had been resolved. Tonight's review would cover the things called out in item 6 of the review letter, *Exterior lighting*.

Mr. Arroyo said that he felt the changes made with the new full cutoff wallpack light fixtures met the spirit of the Ordinance and represented an improvement on the site. He mentioned the five new poles for the Starbucks building, each of which would match the recently installed (1-2 years ago) light fixtures near the main driveways and the parking lot. Since the review letter was written, the Applicants had tweaked the lighting plan even more to meet the concerns of the consultant and the Planning Department. For instance, the maximum illumination level of 27.6 in the rear plaza noted in the letter was now 11.9. Regarding the ratio of average to minimum light levels (34:1 in the plaza;

11:1 in the rear roadway), while this appeared high it actually met the spirit of the Ordinance as in actuality it was a low level of lighting; additionally the Planning Commission was able to modify the ordinance requirements if it was deemed necessary and appropriate to protect public safety. Finally, Mr. Arroyo said that he was satisfied with the lumens per square foot. Overall, he felt the Applicant had met the Ordinance requirements for lighting on the site.

Attorney Schultz noted that a minor amendment to the PUD needed to be approved, reflecting the true size of the new retail/fast food building adjacent to Twelve Mile Road.

Susan Friedlaender, 33493 W 14 Mile Road, Suite 100, Farmington Hills MI, spoke on behalf of this application. She asked for approval of the site plan as now presented.

**MOTION by Fleischhacker, support by Blizman, that Site Plan No. 54-1-2014, dated March 18, 2014 submitted by Susan Friedlaender be approved because it appears to meet all applicable requirements of the Zoning Chapter.**

**Motion carried unanimously.**

**MOTION by Fleischhacker, support by Stimson, to approve a minor amendment to the PUD Plan to reflect the size for the new retail/fast food building adjacent to Twelve Mile Road, on page SP4 of the PUD Plan, as 1,987 square feet, instead of 1,835 square feet, consistent with the site plan.**

**Motion carried 8-0.**

**D. LANDSCAPE PLAN 65-10-2013**

LOCATION:	29206 Orchard Lake Rd.
PARCEL I.D.:	22-23-11-101-041
PROPOSAL:	Addition of outdoor seating for a restaurant in a B-4, Planned General Business District
ACTION REQUESTED:	Approval of Landscape Plan by Planning Commission
APPLICANT:	Brent Skaggs of Freakin' Unbelievable Burgers
OWNER:	Spartan Pastabilities, LLC

Planning Consultant Arroyo gave the consultant's review for this application, referring to the Clearzoning letter of April 15, 2014. This was a landscape plan review for an outdoor dining patio at an existing drive-thru restaurant located at 29206 Orchard Lake Road, zoned B-4, Planned General Business District. The Planning Commission conditionally approved the proposed outdoor dining area at the March 20, 2014 meeting subject to the Applicant's submission of a landscape plan that included the following:

- The drive aisle in front of the patio area should be removed and replaced with a landscape island the same size as the existing landscape island proposed to be removed.

The Applicants were now meeting this requirement and were providing a variety of trees, perennials, and groundcover to the site. All requirements had been met except the following items, as numbered in the review letter:

- 7. The tree planting detail and snow fencing detail should be revised to adhere to the City detail. The City requires wood snow fencing.

- 8. The Applicant should provide details regarding the proposed irrigation method for the landscape area.

Commissioner Blizman noted that a cost schedule needed to be provided for this landscape plan.

David Lenz, Studio Intrigue, 1114 S. Washington Avenue, Suite 100, Lansing, Michigan, spoke on behalf of this application. He reviewed the landscape plan as now constituted. He said that there was existing irrigation on site and they would provide the wood snow fencing as required. He asked for approval of the landscape plan.

During the above discussion, Commissioner Stimson was temporarily called away, and was not present for the vote.

**MOTION by Blizman, support by Orr, that Landscape Plan No. 65-10-2013, dated April 2, 2014, submitted by Brent Skaggs of Freakin' Unbelievable Burgers be approved because it appears to meet all application Zoning Chapter requirements and applicable Design Principles as adopted by the Planning Commission, subject to the following conditions:**

1. Cost schedule be provided.
2. Plan be revised to show required snow fence around protected trees.
3. Planting details be provided.
4. Irrigation method be shown on the plan.

**Motion carried 7-0 (Stimson temporarily absent).**

**E. SITE AND LANDSCAPE PLAN 55-3-2014**

LOCATION:	26325 Halsted Road.
PARCEL I.D.:	22-23-18-476-002
PROPOSAL:	Place of worship and priest residence in RA-1, One-Family Residential District
ACTION REQUESTED:	Approval of Site and Landscape Plan by Planning Commission
APPLICANT:	Sringeri Vidya Bharati Foundation Inc. (SVBF)
OWNER:	Sringeri Vidya Bharati Foundation Inc. (SVBF)

Planning Consultant Arroyo reviewed this application, referring to the Clearzoning letter of April 14, 2014. This was the first preliminary site plan review, landscape plan review and tree survey review of an SVBP Temple and Priest Quarters, located at 26325 Halsted Road, on property zoned RA-1, One Family Residential, 20,000 square feet. There was an RA-1 zoned property to the east, RC-2 Multiple Family Residential to the north, and an RC-1 Multiple Family Residential to the west and south.

The 7.03 acre subject property was located on the west side of Halsted Road and north of 11 Mile Road. The Applicant was proposing to construct two, 2-story buildings: a 22,443 square foot SVBF Temple and a 10,160 square foot Priest Quarters, which was accessory to the Temple. An existing place of worship on the property would be removed.

The following were outstanding concerns, as numbered in the review letter:

- 5d. The Applicant should confirm if busses or vans would be stored outside.

- 6. While the site plan notes the correct parking calculation for the Temple, a separate parking standard should be applied to the Priest Quarters. Per Section 34 5.2, the parking standards for the Temple are as follows: one (1) space per thirty (30) square feet of assembly floor area without fixed seats, including all areas used for worship services at any one time. Therefore, given that the Temple has 4,713 square feet of assembly space, 157 parking spaces are required for this building. The multiple family residential parking standard (2.5 spaces for each dwelling unit of 4 or more rooms) should be applied to the Priest Quarters, which is comprised of 6 individual units with 8 rooms each. Therefore, the Priest Quarters requires 15 additional parking spaces. In all, 172 parking spaces are required for the proposed use. This differs from the 157 required spaces noted on the site plan. The site plan proposes 205 parking spaces including 8 barrier free spaces. The parking standard is met.

Given that the proposed parking exceeds the requirement by 33 parking spaces, we highly recommend that the Applicant consider replacing several parking spaces with landscaped parking islands. These landscaped islands should be consistent with the curbing and radii standards of Section 34-5.14.4. Landscaped islands would enhance the amount of impervious surface and runoff which is particularly important for a site abutting a wetland area. If the additional spaces are needed, the Applicant should provide justification.

- 8. The 12,042 square foot lower level of the Temple consists of a large multi-purpose room, kitchen, classrooms, and restrooms. The 10,400 square foot upper level primarily consists of the prayer hall. The Applicant should provide information regarding worship service days/times and the expected number of patrons expected at a worship service.
- 9. The building height (to the roof) of the Temple is 36 feet. (We note that the maximum height of the building, including the steeple, is 42.6 feet, however, Section 34-3.26 exempts steeples from height limitations). A variance from the ZBA is necessary to exceed 30 feet.

*The elevation plan for the Priest Quarters notes that the maximum building height is 29.11 feet. Per Section 34-3.1.4, the maximum building height allowed in the RA-1 District is 30 feet. The proposed height of the Temple exceeds this limit and the Applicant would require a variance.*

Per Section 5.1.2, the maximum height of an accessory building is 14 feet. The Planning Commission should determine whether the accessory building height limitation applies to the Priest Quarters for the RA-1 District. If the accessory building height limitation is applied, a variance from the ZBA is necessary. As the Priest Quarters includes a religious element (prayer rooms are located in each unit), The Planning Commission should determine if this building is a second principal structure (note that a 50' setback applies to all principal structures and only 39' (side) and 35' (rear) is provided for the Priest Quarters.

- 11. The plans do not show a pedestrian connection from the Halsted Road sidewalk to the parking area.
- 14. Full compliance with exterior lighting requirements will be determined at a final review. However, maximum height of poles was 15 feet; 25-foot poles were proposed. This needed to be changed or a variance sought for the taller poles.
- 16. The deciduous planting detail must be revised to comply with the City standards.

- 20. The Applicant should provide storm water seed mix information.
- 21. The landscape plan must be sealed by a registered landscape architect.
- 26. The tree fencing detail does not comply with City standards.
- 27. Additional tree fencing must be added to protect trees 1352, 1354 and 1355.
- 28. Grading must be revised to avoid driplines for trees 1310, 1312, 1313, 1314, 1318, 1353, 1356, the cluster near 1370 and 1381. All of these trees are proposed to remain but grading occurs under these trees.
- Ordinance requires the tree survey be signed by a registered arborist, forester or landscape architect and a land surveyor.

Discussion was held regarding item 9, as to whether the Priest Quarters should be treated as an accessory or principal structure. If it was a principal structure, a variance would be needed for the side yard setbacks. (The rear yard setback was actually met; this was a correction to the review letter, noted below.)

In answer to a question from Commissioner Schwartz, Engineering Staff Gushard explained the forebay as shown on the plan. A forebay was a storm water quality measure installed prior to the detention basin, allowing for sediment to be removed from the storm water before it entered the basin.

Mr. Schwartz clarified with Mr. Arroyo that there could be two principal uses on this site.

Mr. Arroyo pointed out that, regarding item 9, the building height of the temple was 36 feet, but there was also a 3-foot parapet; making the actual height 39 feet. Again, a ZBA variance would be needed to allow this height.

Regarding item 10 of the review letter, Mr. Arroyo said that the existing berms and the wetland that wraps around the west and north property line provided adequate screening.

Regarding item 14, a variance would be needed if the taller light poles remained (pole height was capped at 15 feet; 25-foot poles were proposed).

Chair McRae noted that the lighting ordinance wanted lower ratios for a more uniform lighting effect, eliminating hot spots that could cause problems, causing some areas to appear highly lit and others to appear darker as a result.

Discussion ensued regarding the location of the Priest Quarters. The proximity to the wetlands was noted.

Mr. Mantey pointed out that the drawings shown were not of the full lot and when taking into consideration the full length of the lot east and west the rear yard setback was met. He thought the Priests Quarters was a principal use. The issue was how close this building was to neighboring residences. The Priest Quarters could be moved to the north 11 feet - doing this would meet side yard setback requirements, thus eliminating the need for a variance for this setback. He thought a variance

request would be difficult to justify as there was plenty of room to move the building and there was no real practical difficulty on this site. Mr. Fleischhacker noted that one parking space would be lost, but there was more than required parking on the site.

Commissioner Orr noted that the proposed location of the Priest Quarters would necessitate removing trees on the south property line. If the building were rotated and moved north so that it was facing south instead of east those trees could be saved and other goals of the Planning Commission could be met: headlights from the drive would be screened, parking spots on the west side would also have their headlights blocked by the building. Mr. Fleischhacker added that originally, for the building that was on the site presently, the berm on the south was not required to go all the way to the back because there was no parking there and the trees provided an effective barrier. With this changed plan, it might be necessary to require the berm to be continue along the entire southern property line.

In response to a question from Mr. Blizman, Mr. Arroyo said that the Priest Quarter would be considered a multiple residence – it would house as many as six people.

As there were no further questions for Mr. Arroyo, Chair McRae invited the Applicant to speak.

Steve Sorenson, Professional Engineering Associates, 2430 Rochester Court, Troy, MI, and Dr. S. Yegnasubramanian, Chairman of the Springeri Vidya Bharati Foundation, Inc., USA, 22 Sparrow Court, Skillman, NJ, spoke on behalf of this application.

Mr. Sorenson made the following points:

- There would be no busses or vans on site.
- The rear yard setback was met, as already noted by Mr. Mantey.
- They would move the Priest Quarters 11 feet to the north, thus meeting the side yard setback.
- They would provide pedestrian access from Halsted Road to the parking lot.
- Regarding storm water detention, Mr. Sorenson had discussed this issue with City Engineer Cubera. There were two options: 1) they could increase the size of the pond, and take up more of the greenspace, or 2) more neighborly, they could provide an outlet for that pond, thus helping to ease problems for the residences to the north. The applicants were open to the second option; they would like to provide a benefit to their residential neighbors. However, this all needed more dialogue with the Engineering Department.
- Regarding the berm, removal of one tree could help provide a consistent height further to the south.

Chair McRae noted that the homes on Carson Street could benefit by drainage relief as described.

Mr. Orr asked if the applicants were willing to shift the building 11 feet to the north and rotate it 90 degrees. Mr. Sorenson said this would depend on how the storm water drainage was configured. Mr. Orr said that rotating the building so that it was parallel to the west end of the parking lot would save additional trees, and would also buffer the nearby residences from a building that appeared quite institutional. He would like to see aesthetic improvements to that part of the building that faced the southern neighbors.

Dr. Yegnasubramanian explained some background to the Springeri Vidya Bharati Foundation, the style and building of this Temple, and further explained how this Temple would meet the needs of its practitioners and why it had to be built according to certain scriptural specifications. He further explained that the priests were an integral part of the Temple. While there were no worship services

per se, practitioners participated in daily worship several times a day, every day. Thus it was necessary that the priests stay in a separate building on site. He continued that this Vedic worship typically had 7 festival days a year. Normal traffic on weekends would be 100-200 people, spread out throughout the day.

Dr. Yegnasubramanian continued that on festival days more people would be present. They hoped to utilize a tent on the parking lot during these days – hence the need for more parking spaces. Regarding item 8 in the review letter, he said that when the upper level of the Temple was being used for worship, the lower level would not be used, and vice versa. There would never be two big functions at the same time. The lower level would be used for other events such as musical concerts, etc.

Dr. Yegnasubramanian emphasized that the construction of the building, the height, along with the worship and rituals performed therein had to be done according to scriptural specifications. He further explained some of the beliefs of the Foundation. He explained that the main Deity of the temple would be Sri Sharada, the Goddess of all learning. He explained how the height and construction of the building related to this Deity and had scripturally mandated specifications.

Mr. Schwartz said that the Planning Commission could not approve a height over ordinance standards.

Mr. Orr asked if the Priest Quarters had to face a certain direction, such as east? Dr. Yegnasubramanian said that currently the Priest Quarters was planned to face due east. However, if east was not possible, there was no restriction prohibiting the building from being rotated. However, facing east would be best.

In answer to a question from Mr. Blizman, Dr. Yegnasubramanian said that during the largest holidays, perhaps 700 people would attend the Temple throughout the day – not all at once.

Mr. Schwartz indicated he was ready to make a motion:

**MOTION by Schwartz, support by Orr, that Site Plan No. 55-3-2014, dated March 18, 2014 submitted by Sringeri Vidya Bharati Foundation Inc., be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- 1. The finding of the Planning Commission be that the Priest Quarters be considered a principal use, since the priests were an integral part of the Temple, so that the Priest Quarters and the Temple were interrelated.**
- 2. The Priest Quarters be rotated to the east and moved at least 11 feet north of its present location on the plan, in order to meet setback requirements and save the maximum number of trees, the final location to be approved administratively.**
- 3. A height variance be granted by the Zoning Board of Appeals for the height of the Temple.**
- 4. All light poles be reduced to 15 feet in height or receive a height variance by the Zoning Board of Appeals.**

Mr. Mantey said he supported rotating the Priest Quarters, as it would look more like a residence.

Chair McRae said he supported preserving more of the vegetation on the southern boundary.

Mr. Fleischhacker said that while he understood the desire to move this application through so that the Applicant did not have to return to the Planning Commission, he felt there were too many unknowns and would not support the motion. The Commission would not know the impact of the Priest Quarters' new location on traffic flow, light pollution from the headlights, what trees were going to be removed and how that removal would impact the properties to the south. It would be impossible to approve a landscape plan since now the Commission did not know what the landscape plan would be. He felt it critical for the plan to be redesigned, reviewed by staff, and then return to the Commission for approval.

Discussion followed regarding the advantages of voting on the Site Plan this evening compared to the advantages of waiting and reviewing the Plan after the suggested changes were made. The Chair called the motion.

**Motion failed 3-5 (Blizman, Fleischhacker, Mantey, McRae, Stimson opposed).**

**MOTION by Blizman, support by Mantey, that approval of Site Plan No. 55-3-2014, dated March 18, 2014 submitted by Sringeri Vidya Bharati Foundation Inc., be denied for the following reasons:**

- 1. Parking lot screening standards were not met.**
- 2. Building height did not meet Zoning Ordinance standards.**
- 3. The side yard setback of the Priest Quarters, found to be a primary use, was not met.**
- 4. The height of the light poles did not meet Zoning Ordinance standards.**

After discussion of process, and explanation to the Applicant that a successful motion to deny would constitute a "friendly denial," the Chair called the motion.

**Motion carried 6-2 (Rae-O'Donnell, Schwartz opposed).**

Mr. Mantey said he would move to table discussion of the landscape plan.

**MOTION by Mantey, support by Blizman, that Landscape Plan No. 55-3-2014, dated March 18, 2014, submitted by Sringeri Vidya Bharati Foundation, Inc., be tabled in order to allow the Applicant to review the plan based on any changes made to the site plan.**

**Motion carried 8-0.**

**F. REZONING REQUEST 1-3-2014**

LOCATION:	21030 Halsted Road
PARCEL I.D.:	22-23-32-301-005
PROPOSAL:	Rezone parcels currently zoned RA-1, One-Family Residential District to SP-1, Special Purpose District Set for Planning Commission Public Hearing
ACTION REQUESTED:	John Maniaci, Property Management Services of Michigan, LLC
APPLICANT:	
OWNER:	Gary and Jennifer Burton / Linda Gresham

Mr. Mantey was not present for this item.

Chair McRae noted that the action requested was to set this rezoning request for a Public Hearing. He invited the Applicant(s) to speak.

Peter Maniaci and John Maniaci, Principals of Property Management Services, 20920 Harper Avenue, Harper Woods, MI 48225, and Samantha Thelen, Regional Director of Operations, Leisure Living Management, 3196 Kraft Avenue, Suite 200, Grand Rapids, MI 49512, were present to speak on behalf of this Rezoning Request.

The Applicants distributed a document, *ISSUES TO CONSIDER FOR ZONING MAP AMENDMENT ANSWERS*, in response to the consultant's review letter. Ms. Thelen also delivered a folder of photographs to the Commission.

John Maniaci said that they were proposing a first class, \$7 million facility. Professional management staff was in place. The facility would have a maximum of 44 residents; they were fully focused on the care of these residents.

In response to questions from Mr. Orr, Ms. Thelen said that generally speaking, they had one staff member employed for every resident. If they had 44 residents they would have 44 staff. Staff would include kitchen, janitorial, landscaping staff, etc. While they did not perform 1-1 care, they did have a high ratio of staff to residents. Each shift would have 10-12 employees. Most resident needs would be met by the staff; family physicians were of course welcome. This was not a nursing home and they did not have a staff physician. There would probably be one visiting person per shift – possibly a home care nurse, someone from a hospice agency, or a physician.

Peter Maniaci explained that the request was for rezoning from RA-1 One Family Residential to SP-1 Special Purpose District for the purpose of developing a convalescent home.

In reply to a question from Ms. Rae-O'Donnell, Peter Maniaci confirmed that this would be a 44 bed facility. Ms. Thelen added that their license would be for close to 60 beds, due to the possibility for dual occupancy, but their would be 44 apartment units.

In reply to a question from Mr. Orr, Mr. Arroyo said that in the SP-1 District, only convalescent homes and orphanages were permitted as principal uses.

**MOTION by Orr, support by Schwartz, that Zoning Request No. 1-3, 2014, petitioned by John Maniaci of Property Management Services of Michigan, LLC, be set for Planning Commission Public Hearing on May 22, 2014.**

**Motion carried 7-0 (Mantey temporarily absent).**

**G. REZONING REQUEST 2-3-2014**

LOCATION:	30115 Thirteen Mile Road and easterly adjacent lot
PARCEL I.D.:	22-23-11-201-001, 002
PROPOSAL:	Rezone parcels currently zoned RA-1, One-Family Residential District to RC-1, Multiple-Family Residential District
ACTION REQUESTED:	Set for Planning Commission Public Hearing
APPLICANT:	Mike Barth of Detroit Baptist Manor
OWNER:	Joline Marie Markovich Trust/ Metropolitan Detroit Baptist Manor

Mr. Schwartz noted that the consultant's review letter constituted a roadmap for denial. He would also like a roadmap to approve this rezoning request.

Mr. Arroyo said that the Commission and the City had a very specific Master Plan for this area, and the Master Plan had designated the area as single-family use, though the parcels in question were adjacent to RC-1 zoning. The Master Plan was not like a Zoning Map. Rather it was conceptual and generalized in nature. Consideration of a rezoning request for something different than was shown on the Master Plan required study and discernment. The Commission should consider the surrounding uses: single family to the north, east, and south. Affirmative action on this request would take multiple family further to the east. Did the Commission think this would be appropriate?

Mr. Schwartz said it would be helpful to show current usage on 13 Mile Road between Orchard Lake Road and Middlebelt.

Roy Baker, NSA Architects, 23761 Research Drive, Farmington Hills, and Ryan Goleski, Director of the Haworth Center – the assisted living facility at the Baptist Manor – spoke on behalf of this rezoning request.

Mr. Baker described the nearly 5 acres that were part of this request. He referred to the Southeast Michigan Council of Governments reports, which forecast an increase in the City's 75+ population from 6,651 people in 2010 to 12,250 in 2040 (an 84 percent increase). He noted that the current facility at the Baptist Manor was full, there was no room to expand, and therefore the Manor was requesting a rezoning of this small, adjacent parcel in order construct additional facilities there.

Mr. Orr pointed out that the buildings on the east property line of the Baptist Manor that would be adjacent to this proposed site were duplexes. Duplexes were appropriate transition housing from multiple family to single family zoning district. This change would allow construction of higher density, multiple family units; these were not considered appropriate transition housing to a single family district.

Mr. Mantey pointed out that the proposed parcels formed a "wrap around" of an existing single family parcel that was not included in the proposal and not owned by the Manor. This was generally not considered good planning practice. Mr. Baker said they were planning on meeting with that neighbor in order to create appropriate buffering for that single family residence.

Mr. Orr reviewed the uses permitted in the RC-1 Zoning District. If the property were rezoned, all the permitted uses would be allowed.

**MOTION by Stimson, support by Fleischhacker, to set Rezoning Request No. 2-3, 2014, petitioned by Mike Barth of Baptist Manor, for Planning Commission Public Hearing on May 22, 2014.**

**Motion carried 8-0.**

#### **H. GRAND RIVER CORRIDOR CIA VISION PLAN, BOTSFORD FOCUS AREA**

Planning Consultant Arroyo introduced this item, nothing that this had been discussed previously. The Commission had before them this evening a Zoning Text Amendment, amending chapter 34, "Zoning,"

to add new section 34-3.1.33, Grand River Corridor Overlay 1 (GR 1), 2<sup>nd</sup> Draft 4/11/14. Mr. Arroyo referenced Section A. *Intent*:

This overlay district is created to implement 1) the City of Farmington Hills Master Plan, including the Southeast Business and Industrial Redevelopment Areas and Botsford Special Planning Area, and 2) the Grand River Corridor Vision Plan 2013. The City seeks to provide flexibility in zoning regulations to foster redevelopment either through renovation and/or expansion of existing buildings or construction of new buildings in the district. Protection of natural areas, including the Rouge River flood plain, shall be incorporated into new and redevelopment projects. The use of this overlay district shall require Planned Unit Development (PUD) approval, however, all property zoned with the GR1 overlay is pre-qualified for PUD approval, which saves time in the development review process. Development solely in accordance with the underlying zoning district does not require PUD approval unless otherwise required in the Zoning Ordinance.

Mr. Arroyo emphasized that the underlying zoning of this district would remain the same. As an overlay district, it was the applicant or property owner's option to request PUD approval under this district.

Mr. Arroyo reviewed the permitted uses in this overlay district as listed in the document already referenced. He mentioned that hotels greater than 5 stories (4 stories north of Grand River) and not more than 7 stories would be permitted.

Regarding *D. PUD qualification*, all properties within the overlay district would be preliminarily qualified. Applicants would participate in a Pre-Application conference with the Planning and Community Development Department prior to submitting an application for final determination. The Applicant could request that the pre-Application meeting take place with staff and the Planning Commission.

Mr. Arroyo reviewed *E. Development Standards*. These standards included, among others, a minimum front yard setback of 0 feet and a maximum front yard setback of 15 feet; a first /ground floor to ceiling height of 14 feet, with a minimum building height for one story buildings of 18 feet. The maximum building height would be 5 stories/65 feet south of Grand River and 4 stories/54 feet north of Grand River.

Regarding *F. Building Placement*, the requirement that buildings should occupy at least 50 percent of the full width of the parcel encouraged pedestrian activity, and moved the district away from an open parking lot "feel."

Mr. Arroyo reviewed *G. Building Elements*, including building composition, windows and doors, exterior building appearance, canopies and awnings, balconies and overhangs, and building lighting. For display windows, if no merchandise display area was in place, there should be a 5-foot wide minimum interior aisle provided adjacent to the required windows. Higher quality building materials would be required throughout the district.

Regarding *I. Off-street parking*, the number of off-street parking spaces required may be reduced from ordinance requirements when a mix of uses is proposed on the site or adjacent sites and upon approval of the Applicant's Shared Parking Study by the Planning Commission.

Regarding *J. Off-street Loading and Unloading*, there was emphasis on flexibility of placement in order to encourage redevelopment in the area.

Mr. Arroyo reviewed *K. Landscaping and Screening*, *L. Pedestrian Access*, and *M. Sustainable Design Requirements and Options*.

Regarding *L. Pedestrian Access*, Mr. Arroyo addressed the minimum 8-foot wide pedestrian path required, and the required connection between parking areas and building entrances. If the development site abutted the Rouge River pathway system, a non-motorized path or walkway connection should enable access to the principal buildings on the site.

Regarding *M. Sustainable Design Requirements and Options*, Mr. Arroyo emphasized best management practices for storm water management and protecting the Rouge watershed, encouraging bicycle use, and the requirement that all principal buildings be LEED certifiable at the “Silver” level or higher, or meet the intent of such standards by complying with equivalent or similar guidelines accepted by the City.

Mr. Arroyo referred to Figure 5.2 – Botsford Focus Area Redevelopment Concepts, that showed the boundaries of this district.

Discussion followed. In reply to a question from Chair McRae, Mr. Arroyo said that a residential component was possible within the taller buildings permitted in the overlay district.

Mr. Fleischhacker noted that buildings 7 stories high were shown to have a maximum height of 65 feet. Mr. Arroyo said that the maximum height for these buildings would actually be about 87 feet.

Chair McRae thought a 5 story maximum for hotels would be better than the 7 story maximum.

Mr. Orr pointed out some wording difficulties regarding the maximum building height north and south of Grand River; the maximum height for hotels needed to correspond to this.

Mr. Orr said that he opposed a 0 foot setback; a 2-3 foot setback gave a planter area and broke up a concrete sidewalk abutting a vertical wall.

In reply to a further question from Mr. Orr, Mr. Arroyo said that street signs and fire hydrants could be placed within the 8 foot sidewalk area as long as ADA requirements were met.

Discussion continued regarding the future of Botsford Hospital, especially as the merger with Beaumont and Oakwood moved forward. Mr. Schwartz shared information from the Corridor Improvement Council; it appeared that significant funds would be spent on improving the Botsford campus. Medical offices would be desirable near the hospital. The Grand River Corridor Improvement Council voted to endorse the overlay district as presented this evening. MDOT was starting a “rescoping process” that would evaluate how Grand River could/should be altered to accommodate future use and development. He thought there was a real possibility for significant change in this area.

Other items discussed included:

- Developers who purchased land beyond the borders of the overlay district could apply for a PUD through the longer, normal process.
- Botsford might become a teaching hospital and need housing for residents nearby.

- LEED certification was encouraged but was not a strict requirement.
- Developers would have some flexibility – a developer could request that the PUD standard not be applied because of special circumstances.

The consensus of the Commission was to set this item for a public hearing on a date separate from the public hearings already set for May 22.

**MOTION by Schwartz, support by Fleischhacker, to set Grand River Corridor CIA Vision Plan, Botsford Focus Area for Planning Commission Public Hearing on May 15, 2014. If the May 15 meeting was not possible, the public hearing should be set for a meeting in June.**

**Motion carried 8-0.**

#### **H.1. CONFLICTING REGULATIONS, ZTA 2, 2010 (Medical Marihuana Ordinance)**

Attorney Schultz introduced this item, giving the background to the City's previous and current moratorium on adapting a Medical Marihuana Ordinance, relating issues regarding possessing and using marihuana for medical purposes, what this meant for the home occupation ordinance (growing marihuana and serving as caregivers for up to 5 clients), and giving the history of cases making their way through the court system. Certain things had been clarified via these court cases, especially 1) regarding commercial marijuana dispensaries (these were no longer hugely profitable and had become less of an issue) and 2) state law pre-empts local ordinances to some extent. Other issues were still to be clarified. However, City Council felt it was time to move forward with a local ordinance, and wanted to move quickly so that something could hopefully be in place when the current moratorium expired. What was provided this evening was a reworking of the ordinance originally discussed in 2011, but never adopted. Mr. Schultz briefly reviewed the proposed changes to the 2011 proposed ordinance, including the provision that nothing in the ordinance granted immunity from or affirmative defenses against criminal or other prosecution under state laws or local ordinances, or federal law. He asked that the Medical Marihuana Ordinance be set for public hearing on May 15, but in any event no later than May 22.

**MOTION by Orr, support by Fleischhacker, to set an ordinance to amend the Zoning Chapter under 4.0 Home Occupations, to establish provisions applicable to registered primary caregivers undertaking a home occupation involving the medical use of marijuana in one-family dwellings for Planning Commission Public Hearing on May 15, 2014. If the May 15 meeting was not possible, the public hearing should be set for the May 22, 2014 Planning Commission Public Hearing.**

**Motion carried 8-0.**

#### **I. ELECTION OF OFFICERS**

**MOTION by Blizman, support by Rae-O'Donnell, to nominate Mara Topper as Chair of the Planning Commission, and further, to close the nominations for Chair and vote unanimously to elect Mara Topper as Chair of Planning Commission.**

**Motion carried 8-0.**

**MOTION by Blizman, support by Orr, to nominate Beth Rae-O'Donnell as Vice-Chair of the Planning Commission, and further, to close the nominations for Vice-Chair and vote unanimously to elect Beth Rae-O'Donnell as Vice-Chair of the Planning Commission.**

**Motion carried 8-0.**

**MOTION by Fleischhacker, support by Rae-O'Donnell, to nominate Steven Schwartz as Secretary of the Planning Commission, and further, to close the nominations for Secretary and vote unanimously to elect Steve Schwartz as Secretary of the Planning Commission.**

**Motion carried 8-0.**

**5. APPROVAL OF MINUTES                      March 13 & 20, 2014**

**MOTION by Blizman, support by Fleischhacker to approve the minutes of March 13, 2014 and March 20, 2014, as published.**

**Motion carried 8-0.**

**6. PUBLIC COMMENT**

None.

**7. COMMISSIONER'S COMMENTS**

Mr. Schwartz acknowledged Mr. Brown in the audience, and the work he was doing with the Grand River Corridor Improvement Council.

Mr. Blizman asked if the Baptist Manor paid taxes. Mr. Schultz was not sure. Mr. Blizman said his concern that much of the job growth in the City was with low-wage jobs; this was not the way to build a tax base for the future.

Chair McRae thanked the Commission for the opportunity to serve as Chair for the past 2 years, and acknowledged the good work the Commission had done.

**8. ADJOURNMENT:**

There being no further comments, Chair McRae adjourned the meeting at 11:05 p.m.

Respectfully submitted,

Beth Rae-O'Donnell  
Planning Commission Secretary

cem