

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
COUNCIL CHAMBERS  
September 20, 2018, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on September 20, 2018.

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

Commissioners Absent:       None

Others Present:               City Planner Stec, Staff Planner Lawrence, Staff Engineers Kennedy and Seewald, City Attorney Anderson, Planning Consultant Tangari

**APPROVAL OF AGENDA**

**MOTION by Mantey, support by Stimson, to approve the agenda as published.**

**MOTION carried unanimously.**

**REGULAR MEETING**

**A. PUD QUALIFICATION 1, 2018**

LOCATION:	34918 Eight Mile Rd.
PARCEL I.D.:	22-23-33-376-024
	PROPOSAL: Eight building, 86 unit townhouse development in an RC-2, Multiple Family Residential District
ACTION REQUESTED:	Preliminary Planned Unit Development (PUD) qualification
APPLICANT:	Ari Kosterlitz, CLR18, LLC
OWNER:	Sterling Land Ventures, LLC

Utilizing overhead slides and referring to his September 13, 2018 review letter, Planning Consultant Tangari gave the review for this request for Preliminary PUD Qualification at 34918 Eight Mile Road.

The parcel was zoned RC-2 Multiple Family Residential. In May 2017, the applicant had proposed a rezoning of this property from RC-2 to RC-3. At that time the Planning Commission did not take any final action on a recommendation, and the application was withdrawn so that the applicant could convert it to a request for PUD qualification.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 the applicant was presenting a revised version of the original request for PUD qualification.

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.

*The applicant was seeking higher density of units than permitted in the RC-2 district. 86 units with a*

*total of 232 rooms were requested (26 1-bedroom units with 2 rooms each and 60 2-bedroom units with 3 rooms each), also exceeding the standard for the RC-3 district. The precise degree of variance from the ordinance would be addressed during final qualification. The RC-2 and RC-3 districts had identical dimensional standards.*

- 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 and as proposed to be regulated.

*The applicant had not explained why the PUD option would permit development of the site not possible under conventional zoning.*

- 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 appeared to be met — this area was considered for high density multiple family development in the Master Plan.*

- E. The Planned Unit Development must meet, as a minimum, one of the following objectives of the city:
- 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.
  - ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
  - 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.
  - 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.
  - viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

*The applicant's narrative addressed each of the standards; the Planning Commission must determine whether the responses given to any one of them were 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.

*It appeared that the applicant was pursuing higher density than permitted under current zoning, as well as relief from a handful of dimensional standards: minimum side setbacks, minimum spacing between buildings (three of the internal setbacks were not met).*

Planning Consultant Tangari explained that granting preliminary qualification was no guarantee that final qualification would be granted.

Regarding submission of the required materials, it appeared the applicant had provided sufficient information for the Planning Commission to reach a determination on PUD qualification.

Planning Consultant Tangari said that the applicants had provided Sheet C-2, which showed an alternate by-right use plan for the RC-2 site. C-2 had not been reviewed.

Planning Consultant Tangari said the conceptual site plan showed 8 buildings with a total of 86 attached units with 232 rooms, with garages on the ground floor. No elevations had been provided; it appeared that the buildings would be 3-story. A proposed office on the plans appeared to be part of the multiple family complex.

Chair Schwartz asked how many buildings and rooms would be allowed under current zoning. Planning Consultant Tangari said the ordinance did not specify the number of buildings, but it did specify the number of rooms. Under RC-2 zoning, 144 rooms would be permitted on the site. If the parcel were zoned RC-3, 192 rooms would be permitted. The applicants were requesting 232 rooms.

Commissioner Orr commented that the plan being requested tonight was very similar to the one proposed last summer, when the applicants had requested a zoning change. The zoning change was denied because it would have constituted illegal spot zoning.

Commissioner Orr pointed out that the Commissioners had not received the applicant's narrative in their packets. City Planner Stec said the applicant could review the points made in their narrative during his presentation.

Commissioner Turner said the Commission had no elevations of the buildings. The applicant was asking for deviations from setback requirements without making a full presentation that included elevations. The applicant needed to explain the issues with the proposal.

Chair Schwartz invited the applicant to speak.

Ari Kosterlitz, 15947 Filmore Street, Southfield MI was present on behalf of this application. This was his 3<sup>rd</sup> time before the Commission.

Mr. Kosterlitz said the plan represented by Sheet C-2 showed what could be built if a project simply met the basic requirements of the RC-2 zoning district. A much nicer layout was provided on Sheet C-3, where they were able to offer circular drives, trees along 8 Mile Road, pedestrian benches at the front of the property for the public to use, and 2 circles with fountains interior to the site along the main driveway. This type of plan could only be developed at significant expense. They were trying to add back to the City in return for being granted the greater density as requested.

Chair Schwartz asked what would have to be adjusted in this plan if the applicants met current zoning requirements. Mr. Kosterlitz said that under current zoning they would only be able to develop the site

plan as shown on Sheet C-2, which was less attractive, had less landscaping, fewer rooms, and plainer architecture, with one long building placed on the site.

Chair Schwartz asked about elevations or sketches for the proposed buildings. Mr. Kosterlitz said that if it looked like the project was moving ahead he would bring elevations to the next meeting.

In response to a question from Commissioner Brickner, Mr. Kosterlitz said the plan on Sheet C-2 did not show garages, for instance. Sheet C-3, which showed the plan proposed under a PUD agreement, provided first floor garages.

Commissioner McRae asked the applicant to address how the proposed PUD plan addressed the standards for PUD qualification as outlined in Planning Consultant Tangari's letter. Commissioner McRae did not see those standards being met, except possibly vi.: *To promote the goals and objectives of the Master Plan for Land Use*. However, the PUD would not meet this objective more than development under conventional zoning would.

Commissioner McRae said the ordinance clear stated that: *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.* Also *F.* stated: *The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request . . .*

Commissioner McRae felt that the sole purpose of tonight's request for PUD qualification was to increase density. The site could be developed under current zoning. He did not think the request represented a valid PUD.

Commissioner McRae said that typically applicants for PUD qualification offered a significant public benefit, such as a large nature area or a special feature on the site that they were trying to salvage. There was no significant public benefit being offered by this plan. Beautifying your own property was not the same as a public benefit.

In response to a question from Chair Schwartz, City Planner Stec said that there were landscaping requirements for a traditional development, and tree replacement would also be required.

Mr. Kosterlitz emphasized that without the PUD option, he would develop the site under the second option, shown on Sheet C-2.

Commissioner Mantey said the layout shown on Sheet C-2 was not the only option for the site if developed under traditional zoning. The properties to the east and west of the subject site were both developed under traditional zoning, and they looked very similar to the plan shown on Sheet C-3. It was difficult to accept that the plan shown on Sheet C-2 was being talked about as an alternative to the PUD request.

Commissioner Mantey continued that when the applicant had requested a rezoning in 2017, the Commission had explained that such a rezoning would be illegal, and they had suggested the applicant

study the objectives of a PUD, but it didn't appear that he had done that. It didn't seem that the application had attempted to meet any of the objectives. Were there any of the 8 objectives Mr. Kosterlitz wished to identify as being met by the proposed plan?

Mr. Kosterlitz said the plan shown on Sheet C-2 (traditional zoning) was more economical to develop. It was a plan that met zoning requirements, and would be just a plain building.

Commissioner Mantey emphasized that development under traditional zoning did not have to be the plan shown on Sheet C-2. The properties to the east and west were developed under RC-2 zoning and did not look like the plan on Sheet C-2; it was hard to accept that what Mr. Kosterlitz was saying was true.

Commissioner Stimson said that the plans shown on Sheets C-1 (which also represented the current PUD proposal) and C-2 had roughly the same square footage. Unless the size of the rooms represented by Sheet C-2 were going to be significantly increased, C-2, with its 3-story building, would also have way too much density for the RC-2 zoning.

Mr. Kosterlitz said he thought the building on C-2 was a 2-story building. Commissioner Orr said the plan clearly read 3-story.

After further discussion regarding the density of both plans, Mr. Kosterlitz pointed out that the rooms on C-2 could be much bigger — there was no cap on the size of the rooms.

Commissioner Stimson reiterated that it seemed the PUD proposal was for the sole purpose of increasing density.

Mr. Kosterlitz said that anyone who came in with a PUD proposal would want to increase density. However, he was giving back to the City in terms of enhanced landscaping and architectural design, which would not happen under traditional zoning. Anyone who drove by and looked into the site would benefit by seeing the beautiful waterfalls, and trees at the front of the site. The public would be welcome to use the benches at the front, and would be welcome to enter the site and enjoy the waterfalls.

In response to a question from Commissioner Countegan, Planning Consultant Tangari said that as noted on page 5 of his review letter, under RC-2 zoning, the total number of rooms permitted in multiple family dwellings was the area of the parcel (minus any right-of-way) divided by 1400 square feet. This would permit approximately 144 rooms on the parcel under current RC-2 zoning. With RC-3 zoning, the parcel area would be divided by 1,050 square feet, permitting up to approximately 192 rooms. The applicant was proposing 86 units with a total of 232 rooms, greater than the number permitted in either RC-2 or RC-3.

For added context, Planning Consultant Tangari said that the requested 86 units, with 232 rooms, on the 4.651-acre parcel resulted in 18.49 dwelling units per acre. On the lot to the west there were 92 units on 7.5 acres, with 233 rooms, resulting in 12.26 units per acre. On the lot to the east there were 60 units on 4.6 acres, with 143 rooms, resulting in 13 dwelling units per acre. The lots to the east and west were developed under RC-2 zoning.

Commissioner Countegan asked if the properties to the east and west were developed prior to the adoption of the PUD ordinance.

City Planner Stec said that he didn't know when the PUD ordinance was adopted, but the east and west properties were developed under traditional zoning, with the sites broken up with multiple buildings.

Commissioner Countegan said that while the Commission was discussing design and certain aspects of the site that were very attractive, the Commission's burden was to determine how the PUD proposal met at least one of the requirements for qualification in the Ordinance.

Commissioner Orr pointed out that the layout shown in Sheet C-2 required parking for all the units around the perimeter of the site, with a 3-story building in the center. The building in C-2 was only 672 square feet larger than the development shown in C-1. He felt the presentation was disingenuous, and the layout shown in C-2 was deliberately deceptive.

Mr. Kosterlitz explained that he did not do the drawings. However, there was no limitation regarding how large the units could be, and the units in C-2 could be significantly larger.

Commissioner Orr wondered why the units in C-1 weren't increased in size, since the square footage was similar to C-2.

Mr. Kosterlitz said the idea behind C-2 was to show that under traditional zoning, he would not have to invest in landscaping to the extent of the landscaping offered by the PUD proposal.

Chair Schwartz thought the objective closest to being met by the PUD proposal was 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.* However, the applicant had not yet made his case for this objective.

City Planner Stec advised that Sheet C-2 did not show any stormwater management, and therefore might not even be possible.

Mr. Kosterlitz said stormwater management could be in the side or corner of the lot.

In response to a question from Chair Schwartz, City Attorney Anderson said that objective vii represented a discretionary standard for the Planning Commission. Did the Commission think the applicant had met the requirement and the objective in order to qualify for a PUD? If not, the applicant needed to develop the site under straight zoning and seek any variances from the Zoning Board of Appeals.

Commissioner McRae thought the plan might also meet vi. *To promote the goals and objectives of the Master Plan for Land Use.* However, the issue was that the PUD option was not supposed to be used solely or predominantly as a means to increase density. He would not vote for something that would be 50% more dense than traditional zoning. Placing benches along 8 Mile Road was not enough of a public benefit. The beautification of the site should be done on the property to attract residents; it was not a public benefit. The public benefits as described constituted a false offer.

Planning Consultant Tangari said that the RC-2 district permitted 31 rooms per acre. The applicant was requesting 49 rooms per acre, or a 61% increase.

Mr. Kosterlitz argued that the density didn't necessarily reflect the size. For instance, a) the rooms could be much larger which would decrease the number of units or b) the units could be all 1-bedroom units

which would increase the number of units. Density was described on paper but didn't actually reflect the number of people living on site.

Mr. Kosterlitz asked Commission McRae what additional public benefit he would like to see.

Commissioner McRae said the Commission looked for such things as a drainage field that benefitted the neighborhood close by that might be flooding, or wetlands protection, or road improvement that would benefit the greater population. Public benefit did not usually include things that mainly benefitted the residents of a development. The applicant was asking for a number of rooms equal to the property to the west that had almost twice the acreage. The project needed to be scaled down.

Chair Schwartz summarized the discussion so far. There was a potential for PUD qualification under vi. or vii., but the applicant wasn't there yet. The project density needed to be significantly reduced. The Commission needed to see the difference between a development that was not exaggerated in any way but that met current zoning standards, and the PUD proposal.

Chair Schwartz encouraged the applicant to spend some time discussing the proposal with City staff. City Planner Stec said the City was happy to follow established process and review any plans, but the City did not take part in designing a site.

Mr. Kosterlitz reiterated that he didn't draw the plans; there was no intention to deceive. He suggested reducing the number of requested units from 86 to 80, which was close to a 10% reduction, and constructing a jogging path for the public around the site.

Commissioner Goerke said that she was comfortable with a plan showing multiple buildings, and the applicant had numerous ways to move forward. The applicant could reduce the number of units to much less than 80, or reduce the number of buildings on the lot. There were other ways to move forward also. She could guarantee from professional experience that the applicant could get the same cost for the project under multiple scenarios. The applicant should not be as concerned about cost as he was about meeting requirements, especially in terms of finding a true public benefit.

Chair Schwartz suggested that when Mr. Kosterlitz returned to the Commission, he should bring his architect.

Mr. Kosterlitz asked again if reducing the density by 10% and providing a jogging area would meet the criteria for a PUD.

Chair Schwartz reiterated that the Commission wanted much less density on this site. Commissioner Goerke had advised that there were different ways to bring the cost down. A jogging path would not be considered a true public benefit, because who would use it? The development needed to blend with the developments to the east and west, and the applicant needed to show a true public benefit.

Commissioner Mantey said that meeting the objectives stated in the ordinance involved demonstrating how the proposed plan met those objectives more than traditional development would. For instance, promoting the goals and objectives of the Master Plan for Land Use could be done in a similar way under traditional zoning.

Commissioner Orr indicated he was ready to offer a motion.

**MOTION by Orr, support by Turner, to table PUD 1, 2018, submitted by Ari Kosterlitz, to a date uncertain to allow the applicant to further revise plans.**

**MOTION carried unanimously.**

Commissioner Orr suggested the applicant review the minutes from the previous meeting in May 2017 when many suggestions were offered by the Commission.

Mr. Kosterlitz said he was still not clear about what the Commission wanted to see. Naturally if he was asking for a PUD he would be seeking more density.

Chair Schwartz explained that the PUD application presented this evening was not close to getting a majority vote from the Commission. He advised Mr. Kosterlitz to speak with Staff about the ordinance, and to come back with a plan that greatly reduced the number of buildings or number of units on site. The project needed to be far less dense. Alternatively, the site could be developed under current zoning.

Mr. Kosterlitz asked again if the current plan met the standards of vii. *To foster the aesthetic appearance of the city through quality building design . . .*

Chair Schwartz reiterated that Mr. Kosterlitz was not close to getting 5 votes to approve the PUD.

After brief further discussion, Chair Schwartz closed this agenda item.

**B. SITE AND LANDSCAPE PLAN 65-10-2017 (PUD 5, 1993)**

LOCATION:	South side of Twelve Mile, west of Drake Rd.
PARCEL I.D.:	22-23-17-201-013
PROPOSAL:	Professional office and testing facilities in OS-4, Office Research District
ACTION REQUESTED:	Approval of revised site and landscape plans
APPLICANT:	JST Corporation
OWNER:	Perimo USA Corporation

Utilizing overhead slides and referring to his September 13, 2018 review letter, Planning Consultant gave the review for this application for approval of revised site and landscape plans.

The site was zoned OS-4, and was part of a Planned Unit Development.

The original approval for the site and landscape plan was given in November 2017. Tonight's submission presented amendments to that site plan.

City Planner Stec explained that the applicant had acquired property in the northeast corner which was giving them more space for the drive lanes. Planning Consultant Tangari added that some of the parking had been moved to the new portion, which was on the northeast corner of the site.

Noting that the plan still met ordinance requirements, Planning Consultant Tangari reviewed outstanding issues:

- As with the initial approval, the applicant was requesting to pay into the tree fund for the trees they were removing rather than place them on the site. When the City Council initially approved the plan they accepted that offer because there were not many places to put replacement trees on the site.

- The height of the tree nest structure had been brought down to 40 feet at the last approval. The applicants had added a pitched roof, bringing the height to 42 feet 2 inches, which exceeded the height limit of 40 feet.
- When this project was originally approved there was no sidewalk to 12 Mile Road; now there was a sidewalk there.
- The buildings were substantially the same.

In response to a question from Commissioner McRae, City Planner Stec said the tree nest was about 600 feet from 12 Mile Road, and was not visible from the road. However, the tree nest was not in the area of the PUD that had higher building allowances, and the nest had to be brought back down to 40 feet or the PUD had to be re-opened. The Planning Commission did not have discretion to allow the greater height in this instance.

City Planner Stec further explained that under this specific PUD agreement, the site plan, if approved by the Planning Commission, would not go to City Council.

Commissioner Orr asked about the composting toilet on the revised site plan. City Planner Stec said the applicant and the Staff Engineer could address this.

In response to comments by Planning Consultant Tangari, Staff Engineer Kennedy described the portion of the entrance drive that needed to be built to public road standards. Additionally, the geometrics of the road should be modified such that it curved westward as far south as possible into the vacant portion of the parent parcel. The access road serving the parking lot close to 12 Mile Road, as well as the main road for the development, needed to be squared off and perpendicular with the main access road. The stub would eventually become the circulation road for the larger PUD.

Chair Schwartz invited the applicant to speak.

Eric Lord, Atwell, Two Towne Square, St. 700, Southfield, MI, was present on behalf of this application. He explained that the primary reason he was here tonight was that JST had purchased property in the far northeast corner of the site. JST felt that property presented an opportunity to control that piece rather than having it be an outparcel, and their preference was to have that area remain more as a preservation area. The whole mantra of the site was preservation. They were attempting to preserve every tree, everything that was not a building or a parking lot.

To alleviate truck circulation issues, they had moved 30 parking spaces from the truck delivery area to the new northeast parcel. However, they were also asking to land-bank those spaces. There were 124 parking stalls on the site. JST envisioned 55 people on site, so the 30 parking spaces were currently not needed.

Chair Schwartz asked staff to comment on that request.

City Planner Stec said the intent of this PUD was to maintain the natural area, and landbanking of the 30 spaces was in the spirit of the PUD. However, by approving the spaces tonight, should the spaces ever need to be constructed that work could be approved administratively.

Mr. Lord said that another change was that the water and sewer extension had been moved from the 12 Mile Road area to the south side of the site coming from along the I-696 right-of-way. This had been requested by the Engineering Department.

Mr. Lord said they were committed to resolving the situation at the entrance drive. While the solution looked easy on the 2-dimensional drawings, JST was particularly interested in saving every tree possible and there were trees in that area. Mr. Lord would work with the City to find a solution.

Mr. Lord said they would lower the tree nest to 40 feet.

Commissioner Brickner complimented Mr. Lord on this ongoing project.

Chair Schwartz indicated he was ready for a motion.

**MOTION by Orr, support by Brickner, that Revised Site Plan 65-10-2017 dated August 20, 2018, submitted by JST Corporation be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- **A revised plan is submitted for administrative review addressing the following:**
  - **The height of the tree house is reduced to 40' or less**
  - **The 30 parking spaces located in the in the northeast corner near 12 Mile may be land-banked for future use**
  - **The entry drive from 12 Mile is reconfigured per engineering comments**
- **All public utility issues are addressed through the engineering review process.**

**Motion carried unanimously**

**MOTION by Stimson, support by Goerke, that revised Landscape Plan 65-10-2017, dated August 20, 2018, submitted by JST Corporation 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:**

- **The applicant pay into the tree fund for 156 replacement trees.**

**Motion carried unanimously.**

**C. SITE AND LANDSCAPE PLAN 63-7-2018**

LOCATION:	28333 Grand River
PARCEL I.D.:	22-23-36-377-112
PROPOSAL:	Gas Station and convenience store in B-3, General Business District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Behrouz Oskui
OWNER:	Behrouz Oskui

Utilizing overhead slides and referring to his September 13, 2018 review letter, Planning Consultant Tangari gave the review for this request for site and landscape plan approval for the property located at 28333 Grand River.

Planning Consultant Tangari noted that the Commission had seen this request in August 2017; the applicant had returned with requested changes. The site was zoned B-3 Community Business District with GR-1 overlay. Gas stations were a permitted use in the District.

The plan was modified from the August presentation as follows:

Trash enclosure: The applicant was proposing a dumpster enclosure that met the design standards of Section 34-5.13.E. It had been moved to the rear yard.

Loading: The loading area had been moved closer to the building; the location met requirements.

Parking: Parking had been reconfigured. There used to be a large area of dead pavement north of the building; that has been eliminated and was now a lawn and 2 parking spaces. 26 spaces were required and 26 were provided.

Truck maneuvering: Truck maneuvering diagrams had been provided; this should be part of final plan submission. Generally a truck would enter the site off Grand River and exit onto Pearl Street.

Walls and Screening: There was an existing 6-foot wooden fence on the rear property line. In subsequent discussions the applicant had indicated they wanted to replace the fence with a panel wall. This would need to be confirmed.

Building appearance: Windows had been added to the north side of the building that faced Grand River. Previously that had been a blank brick wall.

Requirements for gas station use: Requirements for gas station use were met. There would not be service bays. The canopy had been tipped so it no longer protruded into the setback. The canopy was 16'9" from grade to the bottom of the canopy, which was sufficient to clear any trucks on the site.

Tree removal: The plan claimed that an existing elm would remain near the eastern side of the property but it was not clear how, given that it seemed to be in the area to be paved. The black walnut to be removed should be replaced if it had a dbh greater than 5 inches. Regarding the trees on the other side of the wall that were not on this property, the applicant should address how those trees would be saved during wall replacement, as they were shown as being on the property line.

Landscape plan: Wherever a wall was required in a B-3 district, deciduous trees should be planted adjacent to the wall on the non-residential side. There was limited space on this site and those trees had not been provided; this situation should be discussed this evening.

Commissioner McRae asked about the other uses proposed for the site. There were 3 discrete retail spaces planned in addition to the gas station/service store. How would those retail spaces affect loading, parking, etc.?

Planning Consultant Tangari said the development would be similar to that at 10 Mile and Orchard Lake Road. No loading would take place in the rear. The 3 doors on the back of the building would serve as fire exits.

The parking requirement was based on retail requirements. No restaurant could be located on site because there was not enough parking for a restaurant use.

Commissioner Orr was concerned that trees were proposed to be planted under the relocated power lines.

City Planner Stec agreed this was not good practice.

Chair Schwartz invited the applicant to speak.

Rouzbeh Oskui, 41 Warner, Grosse Pointe Farms, MI was present on behalf of this application. Owner Behrouz Oskui, 38 South Deeplands, Grosse Pointe Shores, was also present.

Regarding the elm tree, the panel wall would have posts every 8 feet. With careful post spacing, Rouzbeh Oskui thought the tree could be saved, as well as the other trees on the other side of the property. There was not room to add trees on their side of the screening wall, on the portion of the property adjacent to residences. However, the block wall would screen the residences there.

In response to a question from Commissioner Turner, Rouzbeh Oskui said there would be 6 pumps.

In response to a question from Chair Schwartz, Rouzbeh Oskui said they would commit to not adding a restaurant, as they didn't meet the requirements. If they wanted to add a restaurant, they would have to return to the Planning Commission for approval.

In response to a question from Commissioner Orr, Planning Consultant Tangari said that the way the ordinance was written, the trees on the non-residential side of the wall were required when there was a residential zoned property abutting the B-3 property. In this case, where the residences were located was actually on a B-3 zoned property, so the trees would not be required there. Where the property line jogged south they did abut a residentially zoned parcel, and they had 3 trees so they met the landscaping requirement for the area.

Commissioner Orr indicated he was ready to offer a motion.

**MOTION by Orr, support by McRae, that Site Plan 63-7-2018, dated August 27, 2018, submitted by Behrouz Oskui be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following condition:**

- **A revised plan addressing the following items be submitted for administrative review:**
  - **Revised Sheet SP-2 showing truck circulation route and canopy elevation.**
  - **Lighting details for canopy lights.**
- **And with the following determinations:**
  - **The post and panel system wall is acceptable along the southern property line.**
  - **A restaurant is not permitted due to current zoning parking standards.**

**Motion carried unanimously.**

It was noted that the condition regarding the restaurant prohibition directly referred to the current zoning parking standards; should those change to allow a restaurant on this site, the motion was not prohibiting it.

**MOTION by Orr, support by McRae, that Landscape Plan 63-7-2018, dated August 27, 2018, submitted by Behrouz Oskui be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, with the following determination:**

- **The preservation of the existing trees meets the screen-wall canopy tree requirement.**

**Motion carried unanimously.**

**D. SITE AND LANDSCAPE PLAN 64-7-2018**

LOCATION:	24281 Orchard Lake
PARCEL I.D.:	22-23-22-476-043
PROPOSAL:	Retail stores and automotive lube center in B-3, General Business District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Global Equity
OWNER:	Raphael Oraha

Utilizing overhead slides and referring to his review letter dated September 13, 2018, Planning Consultant Tangari gave the review for this application for site and landscape plans at 24281 Orchard Lake Road. This proposal had been before the Commission in August 2018.

The site was zoned B-3 General Business, and was now vacant. Previously the site had hosted an outdoor flower market and other sales on a seasonal basis. Another past use was that customers of the liquor store to the south used this area for parking.

Outstanding issues included:

Parking: Given that the party store next door appeared to use this property as overflow parking at present, and that the applicant was providing six extra spaces, did the applicant plan to enter a sharing agreement with the neighboring property?

Circulation: Per the Commission's request, the one-way connection coming in from the north had been eliminated and was shown as grass. Stacking spaces on the north side of the auto lube came in from the west. There were 3 stacking spaces per bay. There were two ways to get to the stacking spaces: 1) go between the parking spaces and 2) go between the building and parking spaces.

The back of the building had been tipped at the southwest corner of the retail spaces in front of the auto lube, in order to improve the view of someone coming out of the easternmost bay of the auto lube.

The plan appeared to be meet standards for auto repair establishments in the B3 District.

Landscape Plan

There was a masonry wall on the western property line. Wherever a wall was required in a B-3 district, deciduous trees should be planted adjacent to the wall on the non-residential side. The rear property line was proposed to be planted with four ornamental trees and a variety of shrubs that were expected to be less than 3 feet in height. There were trees on the other side of the wall. The Commission should consider whether the four ornamental trees were an acceptable response to the requirement. It was likely the new plantings would form an understory for the trees on the other side of the wall.

City Planner Stec advised that there had been there had been correspondence between the applicants, himself and the Fire Marshall, and all the issues that had concerned the Fire Marshall had been resolved.

Commissioner Orr asked about the stacking spaces for the oil lube. The situation was tight, and if the one furthest to the right was filled, it would block a space for the 2nd bay.

Planning Consultant Tangari acknowledged that the stacking space configuration was not ideal, but given the constraints of the site the applicants had done the best they could.

City Planner Stec added that there were no specific number requirements for oil lube stacking spaces. Even if 3 stacking spaces were eliminated, the Commission could make the determination that 6 stacking spaces were sufficient.

Applicant Steven Hamade, CEO, Global Equity, was present on behalf of this application, and offered to answer any questions.

Commissioner McRae commented that the plan met ordinance requirements and he would vote for it. However, he was concerned with how far parking was from the retail spaces facing Orchard Lake Road. The plan showed parking 100-150 feet away from the first retail space. The spaces to the south, which were closer, were often used by party store customers.

Mr. Hamade acknowledged the concern, but felt the spaces to the south would be mostly available for the retail customers. They had an excess of parking on the site. The employees would most likely park in the western spaces.

Commissioner Goerke agreed that parking was unusually far from retail spaces. She was also concerned about the location of the dumpster. If she parked in the very back of the site she would have to walk right past the dumpster. Could it be moved?

City Planner Stec explained that a dumpster could not be located within 20 feet of the rear property line. However, there might be a better placement. Mr. Hamade was willing to look at relocating the dumpster, if possible.

Commissioner Orr asked if there would be a formal shared parking agreement with the party store. Mr. Hamade said brothers owned both properties; a formal agreement was not planned.

In response to a question from Commissioner Orr, City Planner Stec said the information on setbacks should be submitted.

Staff Planner Kennedy mentioned that a 30-foot width was proposed for the driveway approach. The maximum width allowed was 24 feet.

In response to a question from Commissioner Orr, City Attorney Anderson said that the motion could be conditioned on changing the dumpster location, subject to administrative review to see if another location was possible. If it was not possible, the dumpster should remain where it was.

**MOTION by Orr, support by Goerke, that Site Plan 64-7-2018, dated August 28, 2018, submitted by Global Equity, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following condition:**

- **A revised site plan addressing the following items be submitted for administrative review:**
  - **The width of the Orchard Lake curb cut is reduced per the engineering review report.**
  - **The dumpster is relocated if possible.**
  - **Setback information and other items identified in the September 13, 2018 Giffels Webster review report be addressed.**

**Motion carried unanimously.**

**MOTION by Orr, support by Brickner, that Landscape Plan 64-7-2018, dated August 28, 2018, be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, with the following determination:**

- **The planting of the 2” caliper serviceberry trees along the western property line is acceptable due to the preservation of the existing mature trees along the property line**

**Motion carried unanimously.**

**APPROVAL OF MINUTES:** August 16, 2018

**MOTION by Countegan, support by Brickner, to amend the August 16, 2018 minutes as follows:**

Page 5, 4<sup>th</sup> paragraph: City Attorney Anderson suggested adding the requirement of the dedication of the full Haggerty Road right-of-way to the motion. *Applicant stated that his intent was to dedicate the Haggerty Road right-of-way.*

**Motion carried unanimously.**

**PUBLIC COMMENT** None.

**COMMISSIONERS’ COMMENTS**

The next meeting would be October 18, 2018. Commissioners Mantey and McRae would not be present.

**ADJOURNMENT:**

Chair Schwartz adjourned the meeting at 9:23 p.m.

Respectfully Submitted,  
Dale Countegan  
Planning Commission Secretary

/cem