

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING / REGULAR MEETING
CITY COUNCIL CHAMBER
31555 11 MILE ROAD, FARMINGTON HILLS MI
August 21, 2014**

Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on August 21, 2014.

Commissioners Present: Blizman, Flesichhacker, Mantey, McRae, Rae-O'Donnell, Orr, Stimson, Topper

Commissioners Absent: Schwartz

Others Present: Staff Planner Stec, City Attorney Saarela, and Planning Consultant Arroyo

APPROVAL OF AGENDA

**MOTION by McRae, support by Rae-O'Donnell, to approve the agenda as published.
Motion carried unanimously.**

PUBLIC HEARING

A. SPECIAL APPROVAL 61-7-2014

LOCATION: 24405 Halsted Rd.
PARCEL I.D.: 22-23-19-426-048
PROPOSAL: Dance Studio in LI-1, Light Industrial District
ACTION REQUESTED: Special land use approval by Planning Commission
APPLICANT: Barbara Hatch
OWNER: Halsted Tech Center, LLC

Planning Consultant Arroyo referred to his review letter of August 11, 2014, as he described the location of this request for a special land use approval for a Dance Studio in an LI-1, Light Industrial District. The applicant wanted to lease 4,605 square feet of space within an existing industrial/office building at 24387 Halsted, located on the west side of Halsted Road and north of Grand River Avenue. In the LI-1 district, a dance studio was permitted with special approval conditioned upon provisions set forth in Section 34-3.14.

In his summary of findings, Planning Consultant Arroyo pointed out that:

- *Review letter Item 1:* In order to determine the current tenant mix and compliance with ordinance provisions, the Applicant should submit a table showing current tenant/land use and gross/usable square footage for each tenant space.
- *Review letter Item 2:* The Applicant should include a revised floor plan with interior dimensions.
- *Review letter Item 4.b:* Standards appeared to be met for this use in this zoning district, though these should be reviewed by the Planning Commission. Since all uses permitted in Section 34-3.1.29 required review and approval of the site plan by the Planning Commission, the Planning Commission should provide its review of the site plan.

- *Review letter Item 7:* The general land use approval standards in Section 34-1.3 should be reviewed by the Planning Commission.
- *Review letter Item 8:* Regarding parking calculations, in order to determine compliance with the Zoning Ordinance, the Applicant should document each tenant suite providing gross and usable floor areas, current land use/occupant type and related parking calculations. Also, the hours of operation would be relevant in terms of parking.
- *Review letter Item 9:* The Applicant should show existing fixture locations and provide a description of existing lighting. If new exterior lighting was necessary, a photometric plan should be provided for review by the Planning Commission.

Commissioner Orr asked for clarification whether this location had two buildings with one parcel identification number, or if they were separate parcels. Planning Consultant Arroyo said that this was one parcel.

In answer to further questions from Commissioner Orr, Planning Consultant Arroyo said that since no exterior changes were being proposed, detention and drainage were not part of this application, which had also been reviewed by the Engineering Department. Parking was not likely to be an issue once the applicant had provided the required information as noted.

General Contractor Michael Hall, Gordon B. Hall & Sons, Inc., 40200 Grand River Ave., Novi MI, and Applicant Barbara Hatch, Barbara Hatch School of Dance, Farmington MI, were present on behalf of this application. Ms. Hatch explained that she needed more space for her dance studio, now located at 33305 Grand River, Farmington MI 48336.

Chair Topper opened the public hearing. As there was no public comment, the public hearing was closed.

Addressing a question to the Applicants, Commissioner Blizman asked the applicants if they had received a copy of the review letter and if they could supply the information that was requested therein. General Contractor Hall said they could comply with the requirements of the review letter.

In response to questions from Commissioner Rae-O'Donnell, General Contractor Hall said that the existing lighting was more than sufficient; no new lighting would be installed. Hours of studio operation would be 4:30 p.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 2:00 p.m. on Saturdays.

Chairman Topper confirmed with Mr. Hall that all requirements of the review letter would be met.

Motion by McRae, support by Blizman, that Site Plan No. 61-7-2014, dated July 17, 2014 submitted by Barbara Hatch be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- 1. Applicant provide a table showing current tenant/land use and gross/usable square footage for each tenant space.**
- 2. Applicant provide a revised floor plan with interior dimensions.**
- 3. Site plan be revised to show details of the existing lights.**
- 4. Hours of operation be as stated: 4:30 p.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 2:00 p.m. on Saturdays.**

Motion carried unanimously.

REGULAR HEARING

A. LANDSCAPE AND LIGHTING PLAN 51-1-2014

LOCATION: 29709 Grand River Ave.
PARCEL ID: 22-23-35-281-006
PROPOSAL: Outdoor space for sale of motor vehicles in B-3
General Business District
ACTION REQUESTED: Approval of Site Plan
APPLICANT: Behrouz Oskui
OWNER: Behrouz Oskui

Planning Consultant Arroyo referred to his August 6, 2014 review letter regarding this application. He described the subject parcel as being located at 29775 and 29709 Grand River Avenue: two parcels combined into one with an oil change facility and a car repair facility thereon. The property contained 0.55 acres (23,790 square feet) and was located on the south side of Grand River Avenue between Colgate and Purdue Streets. The applicant proposed an outdoor space for sale of or rental of new or used motor vehicles and a 900 square foot building expansion. Today's application was for a landscape plan and lighting plan approval for the site. The property was zoned B-3, General Business District.

The Applicant had appeared before the Zoning Board of Appeals on July 8, 2014 and variances were granted as follows:

- An existing wood screen fence on the residential side of the alley to remain in its current location in order to meet the obscuring wall requirement.
- A variance from the requirement that a brick or concrete material wall shall be constructed on the residential side of the alley.
- A 10 foot variance to the required 10 foot greenbelt for 70 feet of the required 240 foot frontage along the Grand River right-of-way in front of the building on Grand River.
- A 30 foot variance from the requirement that access to the outdoor sales area shall be at least 60 feet from the intersection of the Purdue street entrance to maintain the existing approach.
- A 52 foot variance from the requirement that access to the outdoor sales area shall be at least 60 feet from the Colgate street entrance to maintain the existing approach.

Regarding the proposed landscaping plan, Planning Consultant Arroyo noted that:

- *Review letter, Landscaping, Item 2:* The Applicant should provide existing and proposed utilities and any existing and future easements on the plan.
- *Review letter, Landscaping, Item 5:* The note stating that the existing wood fence to be replaced as directed by the "planning commission" should be removed and replaced with a reference to the minutes of the July 8, 2014 ZBA meeting where conditions were imposed related to this survey.
- *Review letter, Landscaping, Item 8:* The planting details should be revised to adhere to the City Standards.

Regarding the proposed lighting plan, Planning Consultant Arroyo noted that:

- *Review letter, Lighting, Item 2:* The plans did not provide sufficient detail for existing and proposed lighting fixtures (wall mounted and modifications to existing fixtures) to determine compliance with Section 34-5.16.
- *Review letter, Lighting, Item 3:* The plans showed levels ranging from 0.0 to 4.5 foot-candles. Per Section 34-5.16.3.B.iii. a. No direct light source shall be visible at the property line

- (adjacent to residential) at ground level, and b. Maximum illumination at the property line shall not exceed one-third foot-candle. Therefore lighting fixtures needed to be modified to meet the lighting levels required by Ordinance provisions or the Planning Commission could choose to accept this as an existing non-conforming condition.
- *Review letter, Lighting, Item 4: Per Section 34-5.16.3.C.*, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed one-third foot-candles. The plans showed levels ranging from 0.4 to 1.3 foot-candles. Lighting fixtures needed to be modified to meet the lighting levels required by Ordinance provisions or the Planning Commission could choose to accept this as an existing non-conforming condition.

Regarding additional comments, Planning Consultant Arroyo noted that:

- The Applicant should submit a signage plan for review and approval in accordance with Section 34-5.5, Signs. Signs are not approved as part of this application.

Commissioner McRae expressed concern regarding the light pole in the middle of the drive area, where a vehicle could hit it. This pole needed to be protected by bollards or moved. Perhaps the pole could be moved toward Purdue, with the light appropriately shielded.

Commissioner Mantey said that the lighting ordinance was part of the code and therefore no grandfathering was permitted. The Planning Commission did not have authority to accept anything as a “non-conforming condition.” Chair Topper deferred the question to the City Attorney, to be answered later in the meeting.

Rouzbeh Oskui, 41 Warner, Gross Pointe Farms, MI; Brian Devlin, Landscape Architect, 31736 West Chicago Ave., Livonia MI 48150, and Behrouz Oskui, 38 S Deeplands Rd., Grosse Pointe Shores, MI, were present on behalf of this request.

Commissioner Orr asked if the light pole in the middle of the drive area was a stand-alone light pole or was it also a utility pole. Mr. Rouzbeh Oskui said that it was a stand-alone existing light fixture. Mr. Oskui further explained that this pole was located where cars for sale would be parked; it was not in the path of customer traffic. It would be cost prohibitive to move this pole.

Commissioner McRae said that while he still thought the location of the light pole problematic, this was the property owner’s risk. He asked about light levels as called out in Planning Consultant Arroyo’s review letter. Rouzbeh Oskui said that they would shield the lights in order to meet Ordinance standards. If they needed to, they would change out the light fixture on the pole – this would be much less costly than moving the pole.

In response to a question from Commissioner Fleischhaker, Rouzbeh Oskui said that all pole lights and walpaks would meet Ordinance requirements.

Regarding signage, Rouzbeh Oskui said that they were not planning on changing signage on the site, except to perhaps change the messaging within a sign.

Regarding the question raised earlier as to whether or not existing non-conforming lighting could be grandfathered, City Attorney Saarela advised that Sec. 17-106 Lighting was part of the Code, was regulatory in nature, and there was no grandfathering related to this Section. If the applicants wanted to keep something that violated Section 17-106, they would have to seek relief from the Zoning Board of Appeals.

Discussion followed. Since the Planning Commission did not have the legal authority to accept or authorize nonconforming situations, it would be up to the Applicants to either meet the standards of the Code or return to the ZBA for yet another variance.

Chair Topper indicated she was ready for a motion.

MOTION by Fleischhacker, support by Stimson, that Landscape and Lighting Plan No. 51-1-2014, dated July 18, 2014, 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, subject to the following conditions:

- 1. Revise the plan to include a reference to the minutes of the July 8, 2014 ZBA meeting, where permission was granted to allow for an existing wood screen fence on the residential side of the alley to remain in its current location in order to meet the obscuring wall requirement.**
- 2. Revise planting details to reflect Farmington Hills standards.**
- 3. Revise the plan to show existing and proposed utilities and any existing and future easements.**
- 4. All lighting be brought into compliance with minimum City standards.**

Motion carried unanimously.

B. LOT SPLIT 1, 2014 (Preliminary)

LOCATION:	24485 Middlebelt Road
PARCEL ID:	22-23-23-477-027
PROPOSAL:	Split existing parcel into two (2) parcels in RA-1, One-Family Residential District
ACTION REQUESTED:	Approval of Land Division by Planning Commission
APPLICANT:	Triumph Building Co., LLC
OWNER:	Middlebelt Road, LLC

Planning Consultant Arroyo referred to his June 12, 2014 review letter regarding this application, which was denied by the Planning Commission on June 19, 2014 because lot width and area standards were not met, and the Applicant needed to seek relief from the Zoning Board of Appeals. All necessary variances were granted by the ZBA at its August 12, 2014 meeting. There were no changes required to be made to the land survey as a result of the ZBA decision. Therefore the surveys were the same as those that appeared before the Planning Commission at the June 19 meeting.

Planning Consultant Arroyo explained that the subject property was located on the southwest corner of Middlebelt Road and Geraldine Streets, and north of 10 Mile Road. The requested lot split would match almost exactly the width and depth of parcels to the south.

In response to a question from Commissioner Stimson, Planning Consultant Arroyo said that curb cuts, as addressed in the June 4, 2014 Engineering memorandum, were not a lot split issue and should not be considered this evening.

Robert D'Angelo, Triumph Building Co., 25443 Ranchwood Drive, Farmington Hills MI, was present on behalf of this proposal.

Commissioner Mantey noted that the proposed lot division legal description showed dimensions that were not square. Discussion followed regarding the variances that were granted, and the mathematical calculations used.

Chair Topper brought the matter back to the Commission.

MOTION by Orr, support by Stimson, that Preliminary Lot Split No. 1, 2014, submitted by Triumph Building Co., LLC be approved because it appears to meet applicable provision of the Zoning Chapter and of Chapter 27, Subdivision of Land, of the City Code and will result in land parcels which relate to adjoining parcels in a reasonable manner, and because the variances granted by the Zoning Board of Appeals on August 12, 2014 make this lot split compliant with the Ordinance, and that the City Assessor be so notified.

Commissioner Blizman asked that further language be added to the motion to support the idea that the proposed land split was substantially compatible with the surrounding area. Commissioner Orr and Commissioner Stimson (motion maker and supporter) agreed to add:

“and the lot split results in parcels that are substantially compatible with the surrounding area in that the properties will face the side street,”

The motion now read:

MOTION by Orr, support by Stimson, that Preliminary Lot Split No. 1, 2014, submitted by Triumph Building Co., LLC be approved because it appears to meet applicable provision of the Zoning Chapter and of Chapter 27, Subdivision of Land, of the City Code and will result in land parcels which relate to adjoining parcels in a reasonable manner, and because the variances granted by the Zoning Board of Appeals on August 12, 2014 make this lot split compliant with the Ordinance, and the lot split results in parcels that are substantially compatible with the surrounding area in that the properties will face the side street, and that the City Assessor be so notified.

Motion carried unanimously.

APPROVAL OF MINUTES: July 17, 2014

Discussion was held regarding the July 17, 2014 minutes, which were not available to the Commissioners in their entirety until just before the meeting (2 pages were missing from the emailed version). Chair Topper also had made some changes to the minutes including minor typographic corrections and a request for additional information regarding Site Plan 60-6-2014.

Motion by Orr, support by Blizman, to approve the July 17, 2014 minutes as amended.

Further discussion followed. Commissioner Fleischhacker expressed concern that the minutes were being revised and voted on without the Commissioners having had a chance to read the revisions.

Commissioner Orr withdrew his motion, and offered the following:

MOTION by Orr, support by Fleischhacker, to table the approval of the July 17, 2014 minutes until the next meeting.

Motion carried 6-2 (McRae, Stimson opposed).

PUBLIC COMMENT: None

COMMISSIONERS' COMMENTS:

Planning Consultant Arroyo introduced Mardy Sterling, who would be working with him as a Senior Planner and assisting with site plan reviews in Farmington Hills.

City Planner Stec updated the Commission regarding the progress of the new Grand River Corridor Overlay 1 (GR-1) District. This amendment to the Zoning Ordinance had had a first reading at City Council. There was discussion at Council regarding LEED Certification, with the result that the final language in the Ordinance would be that LEED certifiable standards were encouraged. The second reading will be before Council on August 25.

The next Planning Commission meeting was set for September 18, 2014. This meeting would include a regular meeting and a study session. Items for study session inclusion were discussed. These included the following, though probably not all items could be discussed at a single meeting:

- Motion Making
- Sidewalk installation requirements for new developments
- Aging population – areas available for senior housing/living
- Next focus area along Grand River from the CIA plan
- Twelve Mile/Farmington Road area including the possible PUD at the old Hamilton Building property.

Chair Topper suggested that Commissioners email suggested topics and priorities to herself and/or to City Planner Stec.

In response to a question from Commissioner McRae, City Planner Stec said that the reconstruction of Farmington Road between 10 Mile and 12 Mile Roads was scheduled to be mainly complete before school started.

With Commissioner McRae's assistance, Commissioner Mantey initiated some clarifying discussion about the relative exterior brightness of 4.5 foot-candles.

Commissioner Stimson suggested that the 10 Mile and Orchard Lake Road area be prioritized for future discussion.

City Planner Stec noted that there seemed to be forward motion regarding the new AutoZone at Drake and Grand River in that permits were in process of being pulled for the site.

ADJOURNMENT

Hearing no further comments, Chair Topper adjourned the meeting at 8:32 p.m.

Respectfully submitted,

City of Farmington Hills
Planning Commission Public Hearing/Regular Meeting
August 21, 2014

APPROVED 9/18/14

Steven Schwartz
Planning Commission Secretary

cem