

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL CHAMBER
31555 11 MILE ROAD, FARMINGTON HILLS MI
JUNE 19, 2014**

Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on June 19, 2014.

Commissioners Present: Blizman, Fleischhacker, Mantey, McRae, Rae-O'Donnell, Orr, Schwartz, Topper

Commissioners Absent: Stimson

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

APPROVAL OF AGENDA

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

Motion carried, 8-0

REGULAR MEETING

A. LOT SPLIT 1, 2014 (Preliminary)

LOCATION:	24485 Middlebelt Road
PARCEL I.D.:	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 as he described this item. He noted that this property is zoned RA-1 One-Family Residential with a minimum lot area of 20,000 square feet and the applicant is proposing to split a 37,486 square foot parent parcel, which is .86 acres, into two separate parcels. He explained that when looking at the graphics and aerial maps that show the lot sizes of the surrounding area, the proposed lots would be similar to the lots immediately behind them but smaller than others on the block. He added that most of the parcels in the vicinity are about a half acre with some being smaller, particularly the two immediately behind the proposed lots as well as some on the same block but on the other side Geraldine Street.

Mr. Arroyo noted that the proposed lot division includes a 27 foot right-of-way for Middlebelt Road which is part of the reason why the lot widths do not meet the 100 foot width requirement.

Mr. Arroyo stated that this lot split requires action by the Zoning Board of Appeals in terms of lot area and the first step in the process is coming before the Planning Commission.

Mr. Arroyo discussed the following specific requirements of the Subdivision of Land ordinance:

- a) *If any parcel does not meet zoning ordinance requirements, the request shall be denied by the Planning Commission; it is required that the proposed lot split be denied by the Planning Commission, which would then give the applicant access to go to the Zoning Board of Appeals to address the site deficiencies.*
- b) *Any partition or division shall be of such location, size and character that, in general, it will be compatible with the existing development in the area in which it is situated; there are other lots in the general area that are less than the required ordinance minimum and there are lots on the same block that are smaller than what is proposed.*

Commissioner McRae asked what percentage of an acre does 20,000 square feet represent. Mr. Arroyo responded that it was just under a half and there is 43,560 square feet in an acre.

Mr. McRae commented that in the overall RA-1 District there is a good portion of the properties that do not meet the ordinance requirements and questioned if the lots were already in place prior to the RA-1 District being applied.

Planning Consultant Arroyo stated that in subdivisions some of the lots can be smaller than 20,000 square feet, and can be as low as 18,000 square feet, as long as the average lot area is 20,000 square feet, however, in this particular instance because they are splitting lots, they have to meet the minimum lot size of 20,000 square feet.

Commissioner Schwartz stated that the proposed lots are consistent with the general character of area and questioned if the Planning Commission denies the proposal and the applicant goes to the Zoning Board of Appeals, will this lot split have to come back for approval. Mr. Arroyo responded that this is a two-step process so the applicant would have to come back to the Planning Commission.

Commissioner Orr questioned if the lots across Geraldine Street that front Middlebelt Road were to give a 27 foot right-of-way dedication, would they not meet minimum lot requirements either. Mr. Arroyo responded stating that appears to be correct.

Chair Topper invited applicant to speak.

Adriano Paciocco, Triumph Building Co, explained that he has reviewed the consultant report and has spoken to staff and understands that legally he cannot gain approval this evening; however, he was hoping to get a conditional approval subject to ZBA approval, which would allow him to move forward and continue working with Engineering Department fulfilling their requirements as opposed to coming back to the Planning Commission.

Attorney Schultz noted that Mr. Arroyo pointed out a specific statement in the Subdivision of Land Ordinance that this request shall be denied. He stated that this situation is not like a site plan where both the Planning Commission and ZBA are working toward the same goal of plan review; in this case the Commission is performing a different legal function under the Subdivision of Land Ordinance and is obligated to deny this item. He added that in going forward, lot splits require a lot of paperwork and the proponent can be working on that with the Engineering Department while he is getting back on Planning Commission agenda.

Chair Topper informed the applicant that this denial will not negatively impact him.

Mr. Paciocco stated that he appreciates the Commissions comments and understands what his next step should be.

Chair Topper brought the item back to the board for a motion.

MOTION by Orr, support by Fleischhacker, move to DENY Preliminary Lot Split No. 1, 2014, submitted by Triumph Building Co., for the following reason:

- 1. The proposal does not meet applicable Zoning Ordinance Requirements; in that the proposed parcels have less than the 100 foot minimum lot width requirement and are less than the 20,000 square foot area requirement.**

Noting that the Planning Commission understands that the 100 foot minimum lot width requirement could be met if the orientation of the lots were to face Middlebelt Road; however, the Planning Commission feels that it is better to split the lots such that they face Geraldine Street; and

Further, that there are other lots in the subdivision adjacent to the south of this property that also have the same restrictions on size; and

The parcels appear to be compatible under the Subdivision of Land Ordinance.

Commissioner Schwartz commented that he is denying this request only because the Commission is required to do so and not because he wants to deny the request.

Chair Topper called the motion.

MOTION carried, 8-0

B.	<u>PUD QUALIFICATION 1, 2014</u>	
	LOCATION:	33045 Hamilton Court
	PARCEL I.D.:	22-23-15-101-035
	PROPOSAL:	Planned Unit Development Qualification, request for three (3) hotels in a OS-4, Office Research District
	ACTION REQUESTED:	Planned Unit Development (PUD) Qualification by Planning Commission
	APPLICANT:	Scott Bowers of Bowers & Associates
	OWNER:	Hamilton Court Development, LLC

Planning Consultant Arroyo referred to his June 12, 2014 review letter as he described this item.

Mr. Arroyo discussed this item and noted that the applicant is asking for a Planned Unit Development (PUD) qualification; this is the first step in the PUD process, the qualification takes place before the Planning Commission and the next step would be final determination which is a public hearing process that requires more information to go before the Planning Commission and also the City Council for a public hearing and final action. The qualification component is an action for the Planning Commission to decide whether or not the PUD qualification can be approved.

Mr. Arroyo described the location of the property, which is surrounded by office developments, and stated that the existing Alexander Hamilton building sits vacant. He explained that the concept plan

calls for the construction of three hotels of varying heights, two are 4-story and one is 6-story, the parcel is zoned OS-4 in which hotels are a permitted use, however, this request is to provide for a greater intensity development than what currently exists and the OS-4 limits building heights to 40 feet and the proposed buildings vary in height from 50-55 feet to 72 feet. He noted that the Commission should consider the applicants letter of qualification and their PUD justifications to determine whether or not this proposal results in an improvement to the public health, safety and welfare of the area.

Mr. Arroyo discussed the following specific ordinance related requirements from his review letter of June 10, 2014:

- *The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions (item c. of review letter);* in this instance, the use could be permitted but the intensity of it could not. Consideration of this site in relationship to the surrounding properties is important, particularly on the south side of I-696 as there are existing residential districts in which the proposed buildings would be visible, and also to the east and on the north side of 12 Mile Road there are residential areas which could potentially have visibility as well.
- *The PUD 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 (item d. of review letter);* because of the increase in intensity of this proposal, this item is important to consider. In order for the Commission to determine the potential impact this more intense development would have on the surrounding road network, information such as a traffic impact study would be helpful as the proposal may not only impact users on adjacent properties, but also existing residential developments that travel on the road network.
- *The PUD must permanently establish land use patterns which are compatible or which will protect existing or planned uses (item e.2 of review letter);* there are no other buildings in this area that have the same height as the proposed buildings. This area has been designated in the Master Plan as one for further study which will be helpful in establishing a policy framework for decisions such as this, however, without having gone through that process the departure from the Master Plan and existing zoning will be more of a challenge and something the Commission should consider as part of this application.
- *To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety or welfare (item e.5 of review letter);* when a PUD application comes forward the Commission should look for public benefits. Items to consider; the existing road conditions of Hamilton Court and the need for repairs, public access to Farmington Road from this area as vehicles currently travel through a private parking lot for access, and exploring the easements the City may be granted as noted by the applicant.
- *To promote the goals and objectives of the Master Plan for Land Use (item e.6 of review letter);*
 - *Goals*
 - Encourage replacement of the existing buildings
 - Promote the goals set forth for Business Redevelopment Areas
 - *Policies*
 - Utilize the existing roadways to control Access management

- Establish pedestrian walkways to interconnect uses and to connect with major road sidewalks and with possibilities for safe access to the businesses to the north
- Establish setbacks that will create closer relationships between buildings to provide better pedestrian movement with less emphasis on automobiles
- Encourage LEED Certification for new buildings
- Promote Best Management Practices for control of storm water quality and quantity

There has been little to no documentation on how this proposal might address those polices in the Master Plan, therefore, this is an area for additional consideration as part of the review of this development and the request for PUD qualification.

Mr. Arroyo noted that it is important for the Commission to give consideration to the concept plan that was provided; the arrangement of the buildings, the relationship of the proposed building to Hamilton Court and the relationship of the proposal to the Farmington Road/I-696 area. He stated that there are many questions that need to be explored; is it appropriate to have this higher intensity development, can the road network and utilities in the area handle this increase in intensity and is it consistent with the Commissions vision for the Master Plan, taking into consideration that the full study and evaluation of this area has not yet been completed.

Mr. Schwartz questioned the statement “at least one of items (i-viii) of (E)” in the sample motion that was provided and asked if the applicant were to meet one of those items along with the other items mentioned, would the Commission then be able to approve the request. Mr. Arroyo stated that the PUD must meet one of those items and a variety of other findings, noted in his review letter.

Mr. Schwartz questioned how close the residential distrists were to the proposed site. Mr. Arroyo indicated the location of the residential areas on the zoning map; directly south of I-696 is RA-2 and west of Farmington Road south of I-696 is RA-1A.

Mr. Schwartz commented that south of I-696 is Oakland Community College and west of Farmington Road is a church, church parking lot and a nature park; on 12 Mile Road east of Farmington is Dunkel Middle School, a commercial property on the corner and to the west are residential properties, however, they already have view of substantial office buildings across 12 Mile Road; therefore, he feels that residential properties in this area are not an issue.

Mr. Orr commented that the Commission has had numerous discussions regarding the freeway overlay districts and building heights. He noted that in regard to the orientation of the buildings, if reflective sound is a concern, the narrowest profile facing the freeway would be best. He added that the height of building located to the east, as opposed to the west, should be addressed and he is concerned if the proponent will be able to describe one of the 8 areas this proposal qualifies for.

Commissioner Rae-O'Donnell questioned if the City is allowing 6-stories in the freeway overlay district on Haggerty Road. Mr. Arroyo stated that the freeway overlay district along Haggerty Road allows up to potentially 8-stories and there are no other freeway overlay districts that would permit such building height.

Chair Topper invited proponent to speak.

Scott Bowers, 2400 S. Huron Parkway, explained that the idea for this proposal is to provide three different types of hotels; a Holiday Inn which is full service hotel with a banquet room, a Marriot Courtyard and a Homewood Suites which is an extended stay hotel; which they feel are all needed in this area. He noted that the Holiday Inn is a 6-story hotel and this type of full service hotel product requires a minimum of 6-stories, the Marriott Courtyard and Homewood Suites are 4-story products and are not offered in 2 or 3-story anymore. He stated that this group only deals with prototypical standard flagship hotels because they are the ones that work out the best in the market, noting that all the hotels are LEED standard.

Mr. Bowers explained that the concept plan shows the hotels set perpendicular to I-696 and the main reason for that was the ability to get parking all the way around the buildings, if they were to turn the buildings sideways there becomes an issue with getting the required amount of parking, they also did not want to have a wall of buildings side by side and having them set perpendicular to I-696 allows to have larger spaces in between the buildings. He added that the buildings will be very attractive with landscaping all the way around and at the far west side of the site there will be an open larger pond.

Mr. Bowers indicated that they have looked into storm water management and water quality noting that the City is currently working on connections in the area, however, they need an easement to get to this site and they are willing to look at granting that access.

Chair Topper questioned if the 6-story hotel was at a height of 70 feet. Mr. Bowers responded stating that the 6-story hotel was 72 feet at the highest point which is for a projection over the entrance way and the rest of the building is 65 feet.

Chair Topper questioned the intensity of the use for that area and the public benefits of the proposal. Mr. Bowers stated that in regard to public benefits; all buildings will be LEED standard, the project includes resurfacing Hamilton Court and upgrading the utilities, upgrading the landscaping of the area, possibly dedicating easements to the City and upgrading the viability of the area by bringing in new businesses and more people to use the surrounding offices and retail areas.

Commissioner Mantey questioned if the suites hotel will have extended stay, as he teaches at OCC and many of the students are foreign students whose families are not in the country and having an extended stay hotel would be a benefit. Mr. Bowers responded stating that the suites will have extended stay and that is the reason for the product, they have looked at the other hotel options in the area and what products were needed and found that an extended stay hotel is needed in this area.

Mr. McRae stated that he would like to see this property developed as it has sat vacant far too long, and in concept he is not opposed to the proposal, however, he is looking for a tradeoff and taking down the old building and replacing it with three new ones is not really a tradeoff in terms of a PUD. He noted that he believes a PUD tradeoff would be possibly having the retention pond serve not just this property but other properties in that area that are having issues with storm water. He added that if the PUD were to go forward close to this format, the Commission may want to look at having the 6-story building closer to Farmington Road and noted that he is not opposed to the height; he is just looking for a tradeoff.

Mr. Bowers commented that he thought the process of this arrangement, in terms of the PUD, was to be able to determine what the Commission would like to see and then work together on these items. He stated that if they can assist with the storm water conditions in the area, then that would be something they are willing to look at; and in regard to the position of the hotels, if the locations were to be changed it would not be an issue, however, they would then prefer that the larger hotel be in the middle.

Mr. Blizman questioned the rationale for having the 6-story located in the center versus to the west and noted that providing access to Farmington Road would be a public benefit. Mr. Bowers responded stating that because the Holiday Inn will be the major flagship hotel and most expensive product in the group, they would like it located in the center pushed back further so as you pull into the development it is the first building to be seen, however, they are willing to consider the different possible locations on the site. He stated that it makes sense to have access to Farmington Road and they hope to provide such access; they plan on looking into obtaining the necessary easements in order to make that happen.

Mr. Orr commented that when looking at that current site there appears to be a lot more green space than on the concept plan and he believes that indoor parking would be a great attraction for upscale hotels. He stated that he would like to see trees, native to this area, planted along the freeway and the landscaping closer to I-696 improved. He noted that just paving the site over is not what the Commission is looking for and there are many options to improve this site and give public benefit, however, the applicant has not done that on this concept plan.

Mr. Bowers stated that it was his understanding, after discussions with the Planning Department staff, that he would come before the Commission with a concept plan and then work together in order to come up with the best plan that would work for both parties.

Mr. Schwartz commented that a clear public benefit is removing the existing blighted building and this is a difficult site as it is set back far from 12 Mile Road. He stated that the proposal is to change the current land use from office use to a use that there is a market for in this area, as there are no hotels of this type in Farmington Hills. He noted that he feels the tone of the meeting has been negative when this development should be something that the Commission tries to make happen; the area is large enough for this development and in terms of height, this is one of the few places that a 6-story building would not be objectionable because it is set back far from everything.

Commissioner Fleischhacker explained that a preliminary finding of a PUD does not mean that it is a done deal, it is an opportunity for the Commission to work with the proponent on ideas they wish to see incorporated into the plan and work together to come up with ways the development could provide public benefit. He discussed traffic patterns in the area and noted that he has concerns with traffic flow and would like to see it improved. He added that he would like to see access to the development from Farmington Road.

Mr. Mantey explained that this is the time to identify the goals of the PUD; noise abatement, drainage improvements, storm water quality, LEED certified buildings, traffic flow improvements. He noted that in regard to building height, once this item gets to a public hearing there is a good chance that many residents will be upset if the Commission allows 6-story hotel.

Mr. McRae indicated that the concept plan shows 500+ parking spaces and asked if that was based on what the applicant thinks they may need. Mr. Bowers responded stating that the number of parking spaces was based on the City's ordinance and he does not feel that they would need that many.

Mr. Bowers commented that he realizes that there are tradeoffs and he would like to work with the Commission on the items that have been discussed this evening. He noted that they will perform a traffic study if needed and they do not want a site that creates issues or does not function. He stated that they are willing to look at and work on all the issues/goals that have been brought up by the Commission.

Mr. McRae noted that he was surprised how right at grade this site is with I-696 and the applicant should consider the possibility of a berm along the highway to give protection from the road. Mr. Bowers stated they would look into screening the parking lot.

Mr. McRae commented that he would like to see better connectivity to 12 Mile Road so that people staying at the hotels can easily access the restaurants and quick retail in the area.

Mr. Blizman stated that he does not have an issue with the three hotels, as they are a need in this community, or the height of the 6-story building in this location. He noted that the one page justification for the PUD does not meet the standards and applicants in the past have submitted more detail in response to the PUD ordinance requirements.

Mr. Bowers indicated that he thought that this was the first step into finding the tradeoffs and items that the Commission would like see and work together on as this PUD moves forward.

Mr. Schwartz stated that there are six inexpensive restaurants in the 12 Mile Road/Farmington Road area which people could walk to and the applicant should look into the urban design of Hamilton Court to encourage people to walk towards that area.

Mr. Orr commented that there is lack of justification for this development and questioned if the Commission should consider tabling this item for a month to allow the applicant time to elaborate on the application.

Attorney Schultz stated that this part of the PUD qualification process is for the applicant to determine whether or not he wants to prepare a plan, this is a preliminary determination and the actual determination as to whether or not there is qualification is a later step. He added that if the Commission were to approve this request for a preliminary finding, they would not be locked into anything.

Commissioner Rae-O'Donnell stated that she is excited about the plan and feels the development would be a public benefit given the fact that this is a blighted area. She noted that she does not have a problem with height and asked if the applicant is willing to take in all the comments from the Commission and prepare something more detailed.

Mr. Bowers stated that he is willing to look at all comments that were discussed, as he thought that was the next step and he apologizes for the lack of detail provided to the Commission.

Chair Topper stated that she is comfortable giving preliminary approval and believes that, although there may not be much detail in the application justification, throughout this discussion, the Commission has listed many suggestions and the applicant seems to be open to hearing and integrating those suggestions. She asked if it would be appropriate to factor this evenings discussion into the decision.

Attorney Schultz responded stating to expect to see what was discussed in further submissions is appropriate to take into consideration, as it is within the direction of the preliminary approval. He added that either course of action, to table or to proceed with a preliminary determination that the PUD will qualify, is reasonable.

Mr. Mantey asked if since this is a preliminary approval, all that is needed to approve is the confidence that in the near future the Commission will in fact be able to establish goals. Attorney Schultz stated

that the approval does not lock in the Commission or the applicant; it is just an indication that the Commission will likely see an acceptable PUD plan in the future.

MOTION by Mantey, support by Schwartz, to move that the Planning Commission makes a preliminary finding that P.U.D. Qualification No. 1, 2014, submitted by Scott Bowers of Bowers & Associates, would qualify for the Planned Unit Development Option under Section 34-3.20, subparagraph (2), (A), (B), (C), (D), and at least one of items (i-viii) of (E) or more specifically (E) vi. To promote the goal and objectives of the Master Plan for Land Use, of the Zoning Chapter; and that it be made clear to the petitioner that final granting of the P.U.D. Plan and Contract must be approved by the City Council, after recommendation by the Planning Commission.

Mr. Blizman commented that the motion sounds as if it is giving something more than a preliminary finding.

Attorney Schultz indicated that the emphasis is on the word preliminary and quoted part of the PUD ordinance “a preliminary determination that a parcel qualifies will not ensure a favorable recommended or approval of the PUD option but is intended only to provide an initial indication as to whether the applicant should proceed to prepare a PUD plan upon which a final determination would be based.” He noted that the Commission is clearly under the ordinance and believes that the collective comments have indicated that this is a piece of property where a PUD option would work, with improvements and changes.

Mr. McRae stated that they have been waiting for a single use to go into this space and with the proposed new use of this site, the Commissions discussions for the rest of this area, in terms of renovation, should go back to idea to connect this site to the rest of the area and work on making it more accessible and more walkable. He added that if the applicant can justify that the required amount of parking spaces is not needed, that would be a good PUD negotiation.

Mr. Blizman stated that he is in support of the motion and getting rid of Alexander Hamilton building will be good.

Chair Topper called the motion.

MOTION carried, 7-1 (Orr opposed)

APPROVAL OF MINUTES May 22, 2014

Motion by Fleischhacker, support by McRae, to approve the minutes of May 22, 2014, as published.

Motion carried 8-0

PUBLIC COMMENT

Brian Keeps, 27600 Farmington Road, explained that he is the adjacent property owner on Hamilton Court and was surprised that there was no notice given to anyone in the area. He noted that the Social Security building is going up on the east side of Farmington Road in what has been referred to as a blighted area, however, he feels that the blight is the Alexander Hamilton building and it was his understanding that the City had an agreement with the property owner to have the building torn down.

He stated that he has been at 27600 Farmington Road for 25 years and also owns and manages the Quakertown Plaza buildings, all of which are adjacent to the proposed development. He stated that he is concerned with the significant changes in the volume of traffic this development will have on the area. He added that his property is used as the cut through to access Farmington Road and there is a safety issue when pulling out onto Farmington Road from his property and that should be addressed

Mr. Fleischhacker informed Mr. Keeps that he will get official notice for the public hearing and that they do not send out notice for preliminary requests.

COMMISSIONER'S COMMENTS

Mr. Swartz commented that he checks his planning commission email a day or two before meetings, therefore, he found out tonight that there was a joint meeting with the City Council on June 9, 2014 and he feels they usually get more notices for meetings and something must have fell through for this meeting. He stated that there needs to be other ways to get notices out to the Commission.

Mr. Mantey commented on the area of Halsted Road and Grand River Avenue noting that there are two hotels in that area and it is impossible to cross the bridge as a pedestrian on the north side because there is no sidewalk. He noted that pedestrian access is more than just having sidewalks and that there really is no way to cross from those hotels down to the side of the bridge that has the sidewalk which leads to a sports bar and other developments. He stated that this is similar to what was discussed this evening and he encourages the City to look at some crosswalk improvements in that general area.

Mr. Swartz commented that at a future study session the Commission should discuss whether sidewalks should be a requirement when a proponent comes to the Commission and requests a lot split or PUD, even if it is only a small section of sidewalk.

Ms. Rae-O'Donnell commented on the McDonalds at Drake Road and Grand River Avenue and what appears to be a lake in the parking area and questioned if the City is looking into that.

Staff Engineer Sawsewski noted that they are aware of the issue and they are trying to work with the developer to get that remedied. He added that they have a plan in for Auto Zone to be developed in that area and the Engineering Department is working on getting some issues resolved.

Chair Topper stated that she appreciates the excellent points that were brought up in regard to the PUD.

Mr. Stec noted that the next meeting is scheduled for July 17, 2014 and discussed the items that will be addressed at that meeting.

Discussion was held regarding the August meeting dates and it was determined to hold the meeting on August 21, 2014 and add August 28, 2014 if necessary.

ADJOURNMENT

There being no further comments, Chair Topper adjourned the meeting at 9:13 p.m.

City of Farmington Hills
Planning Commission Regular Meeting
June 19, 2014

APPROVED 7/17/2014

Respectfully submitted,

Steven Schwartz
Planning Commission Secretary

/ceh