

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
APRIL 22, 2021, 7:30 P.M.**

**CALL MEETING TO ORDER**

The Planning Commission Regular Meeting was held electronically as authorized under the Open Meetings Act, MCL 15.261, *ET SEQ.*, as amended, and called to order by Chair Stimson at 7:30 p.m. Commission members were asked to state their name and location, as to where they were attending the electronic meeting.

**ROLL CALL**

**Commissioners Present:**

Brickner, City of Farmington Hills, Oakland County, Michigan  
Countegan, City of Farmington Hills, Oakland County, Michigan  
Orr, City of Farmington Hills, Oakland County, Michigan  
Schwartz, Pleasantview Township, Emmet County, Michigan  
Stimson, City of Farmington Hills, Oakland County, Michigan  
Traflet, City of Farmington Hills, Oakland County, Michigan  
Turner, City of Farmington Hills, Oakland County, Michigan  
Varga, City of Farmington Hills, Oakland County, Michigan

**Commissioners Absent:**

Mantey

**Others Present:**

City Planner Stec, City Attorney Joppich, Planning Consultant Tangari, Staff Engineers Saksewski

**APPROVAL OF AGENDA**

**MOTION by Orr, support by Traflet, to amend and approve the agenda as follows:**

- Postpone Items 5.C. and 5.E. to a future meeting, as requested by the applicants.

Roll call vote:

Yeas: Brickner, Countegan, Orr, Schwartz, Stimson, Traflet, Turner, Varga  
Nays: None  
Absent: Mantey  
Abstentions: None

**MOTION carried 8-0.**

**PUBLIC HEARING**

**A. SPECIAL APPROVAL 57-3-2021**

LOCATION: 32905 Northwestern Highway  
PARCEL I.D.: 23-23-02-102-002 through 005, and 013

PROPOSAL: Open air retail garden center and nursery in B-3 General Business, RA-4 One-Family Residential, and P-1 Vehicular Parking Districts

ACTION REQUESTED: Approval of Special Use Request

APPLICANT: Raymond Hesano

OWNERS: Langan, Ruth C. Trust  
Langan, III, Thomas J.  
City of Farmington Hills

Raymond Hesano, Ray's Plants and Flowers, was present on behalf of this application for Special Use Approval. He related that he had been in business for 23 years in Farmington Hills. He was requesting another 5 year approval for his seasonal flower and garden business at 32905 Northwestern Highway.

In response to questions from the Commission, Mr. Hesano gave the following information:

- The property owner had acquired the easement rights for Northwestern Highway, and no approvals were needed from MDOT.
- He would comply with all Fire Marshal regulations and inspections.

City Planner Stec gave the background and review for this special land use request. He made the following points:

- Seasonal land uses are regulated within Section 34-4.20.4 of the Zoning Ordinance. Such uses may be permitted after review and approval by the Planning Commission following a public hearing.
- The subject property was a combination of B-3, RA-4, and P-1 zoning districts. The applicant has received approval from the City to conduct temporary outdoor sales at this site over many years. The submitted site plan appears to be the same plan submitted for the previous request approved by the Planning Commission in 2016.
- One difference in this current request from the 2016 request is that the owner of the site has acquired land that was previously owned by MDOT, and the approval of MDOT to operate within the MDOT right-of-way was no longer necessary.
- The applicant provided a signed but undated Hold Harmless Agreement for this current request; the agreement needed to be dated.
- The Engineering Department is requiring that the applicant get a right-of-way permit from the City in order to set up on the city-owned undeveloped right-of-way along Greening Street. All parking must be maintained out of the right-of-way, and advertising and marketing signs must be maintained on site in such a way that they do not obstruct drivers' sight distance on Greening Street.

In response to a question from Commissioner Schwartz, City Planner Stec said he was not aware of any complaints about this operation in the past 5 years.

Commissioner Schwartz suggested discussing this use in a future study session, in terms of whether to allow the use in appropriate zoning districts as a matter of right.

In response to a question from Commissioner Brickner, City Attorney Joppich said that while this approval by the City was for 5 years, any future development on the site would be governed by the private lease agreement between the property owner and the applicant. If the property was developed in a new way by the owner within the next 5 years, this permit would no longer be applicable.

Chair Stimson opened the public hearing. Seeing that no public indicated that they wished to speak on this matter, Chair Stimson brought the matter back to the Commission.

**MOTION by Schwartz, support by Trafelet**, that Special Approval No. 57-3-2021 submitted by Ray Hesano, be approved, subject to all applicable provisions of the Zoning Chapter, for the following reasons:

1. The use would not be injurious to the district and environs.
2. The effects of the use would not be contrary to the spirit and intent of the Zoning Chapter.
3. The use would be compatible with existing uses in the area.
4. The use will not interfere with orderly development of the area.
5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
6. There had been no issues for at least the past 5 years for the prior identical use.

And that the use shall be subject to the following terms and conditions:

1. The hours of operation shall be from 7 am to 9 pm.
2. The approval is valid for a term of 5 years from April 22, 2021.
3. The period of sales is from May 6 to October 31 annually.
4. A letter of indemnification acceptable to the City Attorney for the use of the City right-of-way is provided and signed by the applicant.
5. Approval by the City Fire Marshal.
6. Approval of items included in the April 7, 2021 Engineering review report.

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	Mantey
Abstentions:	None

**Motion carried 8-0.**

**B. PUD PLAN 2, 2021**

LOCATION:	27400 Twelve Mile Rd.
PARCEL I.D.:	23-12-476-008
PROPOSAL:	Skilled Nursing Facility and Multi-Family Apartments in RA-1B Single Family Residential
ACTION REQUESTED:	Recommendation of Approval
APPLICANT:	Optalis Healthcare
OWNER:	Evangelical Homes of Michigan

Raj Patel, CEO of Optalis Health Care, was present on behalf of this application. Jim Pappas, architect, and John Thompson, engineer, were also present.

Mr. Patel made the following points:

- The skilled rehabilitation center would be on the south side of the property, with multi-family units to the north.
- They had made changes to the plan based on previous comments from the Commission.

Referencing his March 10, 2021 letter, Planning Consultant Tangari gave the background and review for this request for recommendation of approval for PUD Plan 2, 2021:

- Under Section 34-3.20.2, the Planning Commission may make a determination that the site qualifies for a PUD based on listed criteria and procedures. At its meeting on January 21, 2021, the Planning Commission granted preliminary PUD qualification approval to the site, citing the plan's compliance with all objectives under Section 34-3.20.2.E. except for objective v. At the time, several commissioners expressed concerns about the original layout and density of the multi-family component of the plan. The applicant is now seeking final PUD qualification, but is not seeking site plan approval concurrent with final qualification. Preliminary approval is not a guarantee of final approval.
- The Commission had asked that the multi-family units be pushed away from the adjacent neighborhood; that was done by the applicant in the interim. The Commission needed to consider whether the reconfiguration met the intent of the Commission request.
- Tonight's request was only for a recommendation for final PUD qualification, and the applicants would return with a detailed site plan if that approval was received. However, the concept plan would inform tonight's discussion.
- The applicant was proposing to raze all but the central administration building and one other existing building and in their place construct a 140-bed skilled nursing center and four multi-family apartment buildings containing a total of 61 one-bedroom units and 83 two-bedroom units (144 total units and 371 total rooms). The retained administrative building would support adjunct functions for the skilled nursing facility. The concept plan reduces the number of driveways to Inkster from five to three. There would not be a driveway to 12 Mile Road.
- The plan breaks down the land uses proposed for the property as follows:
  - Multi-Family: 9 acres
  - Skilled Nursing: 7.7 acres
  - Detention 1: 2.1 acres
  - Detention 2: 2.1 acres
  - Natural Preservation: 7.49 acres, with 1.09 acres potentially to be split and sold for single-family development
  - 37.1% of the site is assigned to open space uses.
- The parcel is a designated historic site. The applicant proposes to demolish 14 of the buildings, preserving the administration building. The Historic District Commission has issued a Notice to Proceed, subject to the following:
  - Materials from demolished buildings will be stockpiled for future re-use.
  - The proponent will not proceed with any demolition until all other associated approvals are received.
  - Any building approved for demolition but left standing will remain subject to Historic District Commission review.
- The Master Plan designates the site single family residential. The residential density map identifies this parcel as low density, which is consistent with current zoning. The Master Plan also identifies this parcel as Special Residential Planning Area No. 3 (Boys and Girls Republic) and sets goals and policies for the parcel. Those goals, and comments regarding the current proposal, are as follows:
  - Maintain the historic character of the site

*The central administration building is proposed to be preserved; there is no indication of whether the proposed new buildings would be designed to complement or contrast with the preserved building.*

- Arrive at a plan for development that will be compatible with abutting residential uses, including a suitable transition area of single-family to existing residential use.

*The conceptual plan and PUD qualification narrative consider two uses: skilled nursing and multi-family. A previous plan for this site included cottage style units on the west side of the site to transition from more intense to less intense uses. This plan does not include those transitional units.*

- Pay special attention to traffic control because of intersection, topography of the roads and the proximity of the bridge on Twelve Mile Road

*The concept plan reduces the number of driveways and attempts to either align the new drives with driveways across Inkster or move them away from other driveways to avoid turning conflicts.*

- Consider the PUD Option as a means to accommodate the complexities of the site.

*The applicant is seeking PUD qualification.*

- Work with the developer on suitable plans that will achieve the goals.

*The PUD process is designed to give the Planning Commission input into the design of the site.*

- Feature the historic buildings on the site.

*Two historic buildings are preserved in the plan.*

- Protect the environment and drainage pattern of Pebble Creek, which is part of the Green River Corridor

*Development is kept away from Pebble Creek, and the narrative refers to a plan to dedicate seven acres around the creek for conservation.*

- Carefully control the location of access for traffic management purposes

*Per the comment above, the applicant appears to have considered access management issues in the conceptual design.*

- Emphasize vehicular access from Inkster Road because of grade changes and high traffic volume on Twelve Mile Road

*All access is shown from Inkster on the conceptual plan.*

- Require widening of Inkster Road if there is any non-residential development

*The applicant proposes a skilled nursing facility and multi-family development.*

Establish residential lots or other suitable transition abutting the existing lots to the west

- *The applicant appears to suggest that landscaping and other screening will serve as the transition to single family housing to the west. This will be addressed in more detail at the site plan stage if the PUD is approved.*

- Dimensional Standards: Generally, it appears that the applicant would be seeking relief from the maximum height and front setback standards of the underlying district.
- Density: The applicant is proposing two uses: skilled nursing and multiple-family residential. Relief is sought to allow these uses, which are not permitted in the underlying district.

Skilled nursing: Per Section 34-4.17, convalescent homes in the RC-1, RC-2, RC-3, and SP-1 districts require 1,000 square feet of open space for each bed in the home. 140,000 square feet of open space is required (the plan incorrectly says 100,000 square feet; this should be updated). 404,000 square feet is provided in the skilled nursing land use area.

Multiple Family Residential: Per Section 34-3.5.2.F, the follows room counts would be permitted in each of the RC districts (based on acreage of the multi-family area on the land use plan):

RC-1, 1900 sf/room, 206 rooms permitted

RC-2, 1400 sf/room, 280 rooms permitted

RC-3, 1050 sf/room, 373 rooms permitted.

The applicant's conceptual plan proposes 371 rooms

- Parking: The concept plan shows parking counts for the multi-family units that meet ordinance standards; parking counts shown for the skilled nursing facility greatly exceed the requirement. The applicant should consider reducing the number of spaces for the latter facility in order to preserve more open space on the site, or possibly an additional historic building. If there is another use (such as administrative offices) proposed in the historic building, this use should be identified, and a parking calculation provided.
- Tree Removal: The submission package includes the required tree survey and inventory. Should the Planning Commission recommend and City Council approve a final determination that the site qualifies for a PUD, prior to applying for the site plan approval, the applicant should re-verify the numbers on this plan, and a version of the tree removal plan superimposed on an aerial image of the site will be required.
- Traffic Study: The city's traffic engineer will review the traffic study.
- The RA-1B District is the underlying zoning district for this property.

Planning Consultant Tangari concluded his review.

Commissioner Orr noted that in addition to the abundance of parking at the skilled nursing area, there was an area where the applicants wanted to landbank required parking spaces for the apartments.

Planning Consultant Tangari explained that the final parking space number count that might get land-banked would be decided at the site plan approval phase. This request did, however, reinforce the question as to why there was so much more parking at the skilled nursing facility than required.

Commissioner Schwartz reviewed the site plan as shown on sheet A.S.101, pointing out the 2.1 acres of existing detention, the area that is labeled *heavily wooded area*, the addition of another 2.1 acre detention, and the 7.49 acres marked as wetland. He felt this plan did as good a job screening the existing single family neighborhood to the west as was possible. He supported this broad concept plan because it shielded the neighborhood, and it pushed all the incoming/outgoing traffic onto Inkster which appeared to have less traffic volume than 12 Mile Road.

Chair Stimson opened the public hearing.

Jeff Dawkins, Bradmoor Court, said he lived adjacent to the proposed project. He noted that the homeowner's association had met and discussed this proposal. Concerns included:

- The 3-story apartment building to the north of the project.
- Importance of retaining trees to the north, to give separation between the project and the Hickory Oaks subdivision.
- Lighting in the parking areas.
- Would the emergency road on the west side of the project be used for everyday traffic or just for emergency use only? Keeping it for emergencies would be less disruptive.

John Bernard, Forestbrook Subdivision, was concerned about 1) the increase in Inkster Road traffic, creating bottlenecks into the subdivision, 2) the current unacceptable condition of Inkster, 3) safety of foot traffic in the area, 4) how traffic patterns for existing residences would be affected on both sides of Inkster.

Alan Whittemore, President of Forestbrook/Pebblebrook HOA, which included 112 homes, said the Association had met April 12 and had the following comments and concerns:

- They were happy to see that the private property on the west along 12 Mile Road is to be left natural.
- Is there a market for 3 story apartment buildings that have no amenities?
- Is there any data that showed people would want to live in a market-rate apartment associated with a rehab facility?
- What was the green space requirement per room for the apartments?

Terri Weems, Hickory Oaks Subdivision, said that while she was pleased to have development in the area, she did have the following concerns: Cheswick Street was designed to create a great entrance to a luxury subdivision. The 3-story apartments would be a "stone's throw" from million dollar homes. There did not appear to be a landscaping plan or a transition plan from the apartment buildings to their subdivision. She was also concerned about 1) lighting, 2) style of the facility, 3) how the adjacent neighbors would be affected.

Ron Hughes, Bradmoor Court, echoed other comments. His concerns included: 1) setbacks of the apartments from Inkster and Cheswick, 2) 3-story apartments were disharmonious with the area and the design was aesthetically displeasing, 3) the proposed landbanked parking could ultimately be developed; those spaces were too close to the Hickory Oaks neighborhood.

Bassem Dekelbab, Bradmoor Court, said his house overlooked the 2.1 acre retention pond. He was concerned about 1) the 3-story apartment buildings that would be built on land that was already higher than the adjacent homes, causing a loss of privacy, 2) increased traffic from the apartments would cause environmental noise and contamination, 3) nursing home traffic would include EMS trucks as well as supply vehicles, 4) lighting. He requested the apartment buildings be 2 stories and not 3 stories. He echoed the request for a good evergreen barrier between this project and the neighborhood.

Linda Roberts, Bradmoor Court, was concerned about: 1) height of the 3-story apartments, 2) how close the apartments were to Cheswick, 3) safety of runners and walkers on Inkster Road, 4) added traffic, 5) what is being developed doesn't necessarily take into consideration the existing neighborhood.

Mr. Raza, Bradmoor Court, was concerned regarding: 1) density disproportionate to this area, 2) privacy loss due to 3-story apartment buildings, 3) too much traffic at their subdivision entrance, creating the need for a traffic signal.

Scott Griffin, Hickory Oaks subdivision, had the following concerns:

- He had reached out to Mr. Patel but had not received a response.
- He was not opposed to development. However this proposal was too dense.
- Site plan had real issues, including the 3-story apartment buildings. Would the 3-story apartments be approved via a variance or by the Planning Commission?
- What would be the impact of this development on Hickory Oaks, in terms of whether this would increase or decrease the value of existing homes.
- Per the consultant's report, PUD objective v was not met. What was that objective?
- Landscaping could be a buffer, but is not transition use. A high density multi-family development next to some of the highest value homes in the City was not a transitional use.
- The detention pond shown on the plans is the existing detention for the Hickory Oaks subdivision.
- The significantly increased hardscape on the property would affect detention requirements.
- Not enough open space attached to the residential buildings.
- Other developments by Mr. Patel included very nice main buildings, with more ordinary residential development.
- Can the residents get a copy of the traffic study? Would improvement of Inkster Road be part of this development?

Jim Fleszar, Bradmoor Court, was concerned about 1) the height of the 3-story apartment buildings and subsequent loss of privacy, 2) lighting, especially from car headlamps shining into their homes.

Scott Lawrence, Bradmoor Court, member of Hickory Oaks HOA Board, was concerned about: 1) higher elevation of the ground would give the 3-story apartment buildings the effect of 4-5 story buildings, 2) lack of green space around the apartments, 3) north branch of Pebble Creek flooding. Mr. Lawrence said it was good to have this property developed but it had to be done in the right way.

Seeing that no other public indicated they wanted to speak on this issue, Chair Stimson closed the public hearing and brought the matter back to the Commission.

City Planner Stec summarized the City's lighting ordinance, which protected neighboring properties from light spilling onto their properties. The ordinance regulated light post heights, required that no light can exceed .3 foot candles at the property line, required house side shields on lights, as well as required



mathematical calculations regarding maximum illumination to the average across the site. Additionally a PUD development gave the City the ability to require additional lighting mitigation.

Chair Stimson asked the applicant to address the public comments, including the issue of car lights shining into people's homes.

Mr. Patel apologized for not responding to Mr. Griffin; Mr. Patel had been out of the country for 3 weeks due to family funerals, and had just returned.

Mr. Patel summarized the issues brought out in the public hearing as follows:

- Lighting issues: They would work with the City to provide adequate lighting for the project, while making sure neighboring homes were not negatively impacted. They would be able to find a balance with lighting.
- He supported the City sharing the traffic report. This report had been discussed in earlier meetings and had been reviewed by the City. There had been nothing in the traffic study that raised concerns.
- Regarding screening/shielding the adjacent neighborhoods: Commissioner Schwartz had done a good job of addressing this issue. This site had true developmental issues, including contamination on the site, razing buildings that had asbestos, grade issues, the complexity added by the site being a Historic District, etc. They had done a lot of thinking regarding how to find a way to develop this site and work around the natural features, the historic features, environmental issues, to find a way to place the structures so as to be shielded and distanced. The 3-story apartment building had been modified and moved farther away from the property line, and would be further discussed at site plan review. The soft costs of preparing this site for development were significant. Their intention was to provide a quality development that will fit with the existing neighborhood.
- The developers will work with the Planning Commission on design elements and features to create a development that was harmonious with the existing neighborhood.

The Commission discussed process. The applicants were following a permitted process to seek PUD approval before seeking site plan approval. If the Commission wanted to recommend approval to City Council for final PUD qualification, they could also include in their motion any concerns they might want addressed, including building height, inclusion of desired building materials, lighting restrictions, etc. The motion would lay the framework within which the applicants would need to work when they developed their site plan.

Commissioner Schwartz asked the applicants to address economic feasibility of development on the site if the 3 story apartment buildings were reduced to 2 stories, reducing the number of units by 20%.

Mr. Patel said he could not answer that question "off the cuff." The expenses for developing this site were significant, including a \$3.5M environmental clean-up issue, and \$2M to restore the historic buildings. The apartments make the rest of the site work.

For the benefit of the public present, Commissioner Schwartz explained the very detailed site plan approval process, as well as engineering review of drainage and grading issues. He noted the proximity of this site to the Lodge and Southfield Freeways, as well as I-696 – a benefit to those people who might live in the apartments and commute to work.

The site had been vacant for at least 15 years, if not longer. The buildings on the site were suffering demolition by neglect, and preserving a few of the historic buildings was important. This development would represent a tradeoff, but on the whole would offer development of a site that was an eyesore.

Chair Stimson suggested reducing the most westerly apartment building to 2 stories.

Commissioner Varga supported this idea, if it was at all economically possible. She would also like the grading on the site clarified.

Mr. Pappas said the site sloped significantly down – about 15 feet – from Inkster Road, east to west. The distance between the property line and the closest corner of a building was 160 feet.

Commissioner Orr addressed the question raised in the public hearing regarding why PUD objective v was not met. Actually, of 8 objectives, only one had to be met to qualify for a PUD. The Commission had found that 7 objectives had been met, which was significantly more than required.

Commissioner Orr asked that a cross section showing the elevational difference from the house closest to the westerly building all the way to Inkster Road be provided at site plan review.

Commissioner Brickner pointed out that the storm water detention areas shown on the plan were completely on this property. He noted that the developer had made changes to this proposal, based on earlier conversation with the Commission, including eliminating one apartment building.

Commissioner Schwartz emphasized the importance of re-developing this very difficult site. He noted that the Planning Commission worked hard to protect existing residents as well as existing property values. While there were outstanding issues and concerns which would continue to be discussed, it was important to acknowledge how difficult and costly this site was to develop.

Commissioner Countegan also noted that the ordinances already had protections in place to address some of the issues brought up by the public, in terms of lighting, traffic, noise, etc. The Planning Commission was very aware of these concerns, and will make sure they are addressed during the deliberative site plan review process. Allowing this development would provide a greater good to the community than leaving dilapidated buildings and contaminants on the site. The Commission will be involved in a deliberate PUD process, which will give the Commission the ability to provide protections to existing neighbors as well as the development itself, and will give the developer the opportunity to seek the best way to manage the site. The PUD process allowed the developer and the City to come up with a solution that best serves the neighbors, the community, and the development.

Commissioner Countegan emphasized that the development needed to make economic sense. He was encouraged by the proposal and the ability of the City and the developer to use the PUD process to work out a development agreement that encapsulated everything that will be done.

Planning Consultant Tangari addressed the question raised during the public hearing regarding the open space requirement for multi-family uses. The way open space is determined for multifamily use is by the acreage of the lot, which determines the amount of rooms allowed in the multifamily use; the amount of rooms were determined by formula.

Commissioner Countegan indicated he was ready to offer a motion.

**MOTION by Countegan, support by Trafelet**, to recommend to City Council that P.U.D. Plan 2, 2021, dated February 18, 2021, submitted by Optalis Healthcare be approved because the plans are in accordance with the objectives, goals and policies of the Master Plan for Future Land Use and are consistent with the objectives and applicable provisions of the Planned Unit Development Option as outlined in Section 34-3.20 of Chapter 34, Zoning Ordinance.

Chair Stimson suggested including a condition that the westernmost building be reduced to 2 stories.

Commissioner Brickner said he would support such a condition. He was in favor of a positive recommendation to City Council for final PUD qualification, with the understanding that the Commission was not approving density or site plan this evening.

City Planner Stec said that if the Commission did want to put any limits on height or density, that should be noted in the motion.

Commissioner Turner asked the applicants to look at ways to control light spillage, especially around the taller buildings on this site. For instance, perhaps the large building facing Inkster could be turned toward the skilled nursing facility.

The Commission discussed process with City Attorney Joppich. If the motion recommended approval to City Council without a condition to lower the westerly building to 2 stories, for instance, the applicant would have no obligation to do this. The PUD agreement would be finalized before final site plan review, and the Agreement would set items like height and density. If tonight's motion set the western building at 2 stories, at some future date the PUD Agreement could be amended to allow 3 stories, but the reverse would not be true. Once the Agreement allows 3 stories, the building could not be forced down to 2 stories. The PUD plan before the Commission this evening is for 3 stories, and the applicant has said he cannot modify that this evening. The Commission could offer a motion to deny, indicating that the denial was based on the 3 story plan for the westerly building.

Chair Stimson asked Mr. Patel to comment on this issue.

Mr. Patel said he could not commit to 2 stories for the westerly building this evening. He would like to move forward with this proposal as it is presented. However, if he could lower the western building to 2 stories he would do so.

Chair Stimson noted that the City Council could also require the westerly building to be 2 stories. City Attorney Joppich said that was correct. There would be another public hearing before the Council. City Council could amend any recommendation the Planning Commission makes before finalizing a PUD agreement.

Commissioner Countegan said that given the information and level of detail the Commission had been given, the deliberative nature of the PUD process, and the acknowledgement that the Commission was dealing with a conceptual plan, he did not think the Commission was in a position to make a decision that the western building should be 2 or 3 stories. The concern about height will be clearly documented in the minutes, and the developer has heard the public comment. If it was economically feasible, the developer can do something else than what is being presented this evening. Commissioner Countegan was comfortable with leaving the motion as offered, without conditions. The property has been a problem property for the City for 25-30 years.

Commissioner Brickner suggested redoing the motion to put a lower height condition on the western building. He would not support the motion as stated.

Chair Stimson said he would support the motion as offered, with the understanding that some Commissioners wanted to see the western building limited to 2 stories. He would like Mr. Patel to research this possibility further, and he requested that City Council further address the height issue.

Roll call vote:

Yeas:	Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	Brickner
Absent:	Mantey
Abstentions:	None

**MOTION carried 7-1.**

### **REGULAR MEETING**

#### **A. AMENDMENT TO PUD 3, 2017**

LOCATION:	32680 Northwestern Hwy.
PARCEL I.D.:	23-02-126-130
PROPOSAL:	Amend existing PUD Plan to include a five story, 202-unit Multiple family apartment development in B-2, Community Business District and B-3 General Business District
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	NWH Holdings, LLC, Robert Asmar
OWNER:	NWH Holdings, LLC

Referencing his April 9, 2021 letter, Planning Consultant Tangari gave the background and review for this request to set an amendment to PUD 3, 2017 for public hearing.

Existing site: The site is 5.53 acres and is mostly vacant, having been formerly occupied by all or parts of several commercial buildings. The site has no wetlands or other notable natural features.

Site configuration and access: The site is proposed to be accessed from a single driveway, shared with the Northpoint PUD, which occupies the land to the west and north.

Under Section 34-3.20.2, the Planning Commission may make a determination that the site qualifies for a PUD based on listed criteria and procedures. At its meeting on February 18, 2021, the Planning Commission granted preliminary PUD qualification approval to the site, citing the plan's compliance with objective viii of Section 34-3.20.2.E. At the time, Planning Commissioners generally did not take issue with the proposed use, but several expressed reservations about the scale of the use, particularly its density and height. This PUD application sought to would amend the previously approved Northpoint PUD, incorporating all three buildings (senior living, climate-controlled storage and apartments) into the same PUD. The applicant is now seeking final qualification, but is not seeking site plan approval concurrent with final qualification.

A submission package that appeared to meet the requirements for a PUD application had been provided.

Summary of Proposed Use: The Planning Commission is not assessing the site plan in detail; the applicant will return with a full site plan. However, the conceptual plans and illustrations provided by the applicant provide an indication of the type of site plan the Commission can expect if final qualification is granted. The applicant is proposing to expand the Northpoint PUD to cover the parcel in question and construct a 202-unit apartment building around a large courtyard common. Access to the site would be from Northwestern Highway, via the same driveway that serves Northpoint Storage.

Density: The parcel is 241,095 square feet. Density is determined by the number of rooms.

The applicant proposes 202 units (98 one-bedrooms, 98 two-bedrooms, 6 three-bedrooms) with a total of 514 rooms, based on the standard for counting rooms in the zoning ordinance. The number of one-bedroom units was decreased since the original submission, in favor of more two-bedroom units.

The following densities would be permitted under conventional zoning:

RC-1, 126 rooms permitted  
RC-2, 172 rooms permitted  
RC-3, 230 rooms permitted

In other words, the proposed density is more than twice that of the densest multiple-family district in the City.

Master Plan: The Master Plan's Future Land Use map designates the portion of the site zoned B-2 as multiple-family residential, and the portion zoned B-3 as Commercial/Office. The B-3 portion of the property is consistent with this designation; the B-2 portion is not. The property is not addressed on the residential density map, though it is adjacent to a high density area, which is described as consistent with the RC districts. The site is not part any special planning area.

Dimensional Standards: It appeared that the applicant would be seeking relief from the maximum height (75 ft vs 50 ft) and east side setback standards (39.24 ft vs 75 ft) of the underlying districts.

Parking: The concept plan shows parking counts for the multi-family units that meet ordinance standards; more than half of proposed parking is proposed to be within the building.

Relief from Ordinance Standards:

Per the application materials, relief is sought from the following ordinance standards:

1. Height: Proposed maximum height is 75.25 feet, where 50 feet is permitted in the underlying district (a deviation of 25.25 feet).
2. East side setback (to residential): 39.24 feet is proposed where the underlying district requires 75 feet (a deviation of 35.76 feet).
3. Density. The plan does not specify a base district for density standards. 514 rooms are proposed; the maximum number of rooms permitted in the RC-3 district is 230 (a deviation of 284 rooms).

Planning Consultant Tangari concluded his review.

Commissioner Schwartz said that when this application returns for public hearing, the developer should answer the question: Can the property be developed with 4 stories, with a 20% reduction in housing units, and can it be developed at 3 stories, with a 40% reduction in housing units?

In response to questions from Commissioner Countegan, City Planner Stec explained that a PUD had previously been approved that allowed the self-storage and senior living facility that are under construction adjacent to this location. The same owner, Robert Asmar, owns all the land and is now looking to amend the existing PUD to incorporate this new parcel. The developers of the other two buildings would not be involved in this project.

In other words, the applicant was not asking for a new PUD, but was requesting the existing PUD be amended. All signatories on the PUD would need to sign off on this application before the public hearing.

Commissioner Orr said he was very concerned with the density of this project; he would like to see the density reduced to be closer to RC-3 levels. He also felt this PUD was offering very little green space.

City Planner Stec explained that much of the open space/green space was internal to the site, in the courtyard area.

Chair Stimson invited the applicant to make his presentation.

Jimmy Asmar, NWH holdings, was present on behalf of this application for PUD amendment, in order to construct Stonefield luxury apartments, as presented. Jason Sutton, PEA, and Keith Phillips, The Think Shop, were also present.

Mr. Phillips made the following points:

- A 5 story structure with 202 units was proposed. The ground floor would be parking only, and the majority of the parking is enclosed within the building.
- Concept drawings and a 3-D presentation showed overall views of the site from different perspectives, as well as the interior courtyard with its high density landscaping.
- They were not requesting a 74-foot height. The proposed height was 64 feet at the midpoint of the roof, 4 feet taller than Beaumont Hospital, but significantly lower than the 5-story Holiday Inn, as well as lower than the 73-foot Beaumont tower.

Mr. Phillips concluded his presentation.

Chair Stimson pointed out that at the February meeting, the majority of the Commission expressed significant concerns regarding the height of the proposed buildings and the density of the project. Tonight's presentation showed an increase in both height (up to 23% increase) and density (13% increase). The Commission's concerns had been ignored. He would like to see significant changes in the proposal before it moves to public hearing.

Commissioner Countegan did not have a problem with tonight's submission. The site was a unique location in the City, and he was not so concerned with the number of bedrooms as he was with positive redevelopment and the ability of the City's infrastructure (roads, police, fire) to support that. Did the development make sense at this location? Were there issues with adjoining residential neighborhoods? This was another site that had been very difficult to develop over a period of years. He supported setting this application for public hearing, in order to continue the discussion.

Commissioner Schwartz said that the City Attorney had advised the Commission that if the applicant requests a public hearing, the Commission is obligated to set one, especially if everything required for the application has been submitted. The proposal did not have to be approved at public hearing.

**MOTION by Schwartz, support by Countegan**, that the proposed amendment to P.U.D. Plan 3, 2017, submitted by NWH Holdings, LLC, dated March 18, 2021, be set for Public Hearing by the Planning Commission at the next available meeting.

In response to a question from Chair Stimson, City Attorney Joppich said that setting a public hearing is an administrative step. After the public hearing the Commission will make a decision on the substance of the plan.

City Planner Stec advised that there were two things that needed to be accomplished before a public hearing in this case, and these items were added as conditions to the motion:

- Revised plans be submitted including a tree location survey as set forth in Section 34-5.18. Tree Protection, Removal and Replacement be provided.
- The signature(s) of all parties to the existing PUD agreement be provided with the application.

Roll call vote:

Yeas: Brickner, Countegan, Schwartz, Trafelet, Turner  
Nays: Orr, Stimson, Varga  
Absent: Mantey  
Abstentions: None

**MOTION carried 5-3.**

**B. LOT SPLIT 2, 2021(Final)**

LOCATION: 30825 Orchard Lake Road (Hunter's Square Shopping Center)  
PARCEL I.D.: 23-03-226-026  
PROPOSAL: Split parent parcel into two parcels in a B-2, Community Business District  
ACTION REQUESTED: Lot Split approval  
APPLICANT: RPT Realty, LP, Timothy Collier  
OWNER: Ramco/Lion Venture

Referencing his April 9, 2021 letter, Planning Consultant Tangari gave the background and review for this application for lot split approval for this 28.85 acre site, zoned B-2 Community Business District, and developed with a large shopping center.

The split will result in two parcels:

1. Parcel A. 2.27 acres; this is the far north portion of the property, featuring a separate commercial building with multiple tenants (Qdoba, Potbelly, AT&T and Old Navy at present). Parcel A will have frontage on both Orchard Lake Road and 14 Mile Road. The building is one story with a total of 27,723 square feet.
2. Parcel B. 26.58 acres; this is the large remainder that hosts most of the existing shopping center.

Parcel A is accessible from one driveway onto Orchard Lake Road. The parking lot connects with the parking lot of the larger shopping center; an easement granting blanket cross-access should be established over both properties in order to ensure that all parking spaces remain accessible.

Dimensional standards: The existing building meets the front and side street standards of the B-2 district. The rear setback is nonconforming; this is not proposed to change. The proposed property line is 30.7 feet from the building, so the required minimum side setback will be met.

Other standards: The site has its own compliant dumpster enclosures. Parking calculations were not provided to determine whether the two sites will remain compliant after the split. The applicant should verify parking counts and pursue a shared parking agreement with the larger site if necessary to cover any deficiency.

Under subdivision of land ordinance 27-110(2)(3), compatibility with existing parcels, requirements were generally met.

Discussion included:

- Drainage will be part of any cross access easement.
- The Commission could approve the lot split based on the applicant showing there was adequate parking, or a shared parking agreement would be provided.
- In this case, a new property line was being drawn, but the site itself had functioned for many years without a parking deficiency.
- State statute controlled the number of lot splits on a property. In this case, a lot split was available.

Chair Stimson invited the applicants to make their presentation.

John Freel, RPT Realty, was present on behalf of this application for a lot split. Rachel Smith, PEA, was also present.

Mr. Freel said that the reason for the lot split was to provide a way for the financial partners to gain capital to reinvest into the property. The lot will still function as a part of the shopping center, and RPT will still be the managing partner of the parcel, including site maintenance, leasing, etc. There would be no visual change to the site, and the parcels would function as one shopping center.

**MOTION by Schwartz, support by Brickner**, that Final Lot Split 2, 2021, submitted by RPT Realty, LP, Timothy Collier Corporate Investors, LLC be approved because it appears to meet applicable provisions of Chapter 34 “Zoning” and of Chapter 27, “Subdivision of Land”, of the City Code and will result in land parcels which are generally compatible with surrounding lots in the area; and that the City Assessor be so notified, with the following condition:

- Provide either a shared parking agreement for the use of eleven parking spaces on resulting Parcel B or a detailed floor plan showing that minimum parking requirements for the uses on Parcel A are met on Parcel A.
- All easements subject to final engineering review.

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	Mantey
Abstentions:	None

**MOTION carried 8-0.**



**C. SITE PLAN 58-3-2021**

LOCATION:	31140 & 31130 Ten Mile Road
PARCEL I.D.:	23-23-351-036 & 23-23-351-019
PROPOSAL:	New building in B-3, General Business District
ACTION REQUESTED:	Site Plan approval
APPLICANT:	Nikolin Nokaj
OWNER:	Nikolin Nokaj

As noted above, this request was postponed at the request of the applicant, to allow time for the applicant to address issues identified in the staff review reports in revised plans.

**D. REZONING REQUEST ZR 2-3-2021**

LOCATION:	Parcel south of 34700 Grand River Ave.
PARCEL I.D.:	23-21-376-021
PROPOSAL:	Rezone a parcel currently zoned B-3 General Business District to LI-1, Light Industrial District
ACTION REQUESTED:	Set for public hearing
APPLICANT:	Jing-Jin Electric North America, LLC
OWNER:	Jing-Jin Electrical North America, LLC

Referencing his April 12, 2021 letter, Planning Consultant Tangari gave the background and review for this request to set this application to rezone a parcel currently zoned B-3 General Business District to LI-1, Light Industrial District, for public hearing.

Zoning: The subject property is 2.26 acres and currently zoned B-3 General Business. It is located on the north side of Grand River Avenue, just east of Indoplex Circle.

Existing Development: The site is mostly undeveloped, but a portion of a parking lot for the site to the north is on this property; the site to the north is owned and controlled by the applicant. There is an access driveway shared by several properties along the east side of the lot.

Master Plan: This land is designated Non-Center Type Business on the Future Land Use Map. The Future Land Use Map is intended to show a generalized plan for future development and is not precise in terms of the exact boundaries of each land use category.

The applicant is proposing to rezone the property in question to LI-1 for the stated purpose of developing an office and light manufacturing facility. A concept plan has not been presented.

Chair Stimson invited the applicant to make his presentation.

Hisham Younis, Jing-Jin Electric North America, was present on behalf of this rezoning request, which would allow Jing-Jin to expand their existing operation to the south. The expansion would have no impact on traffic, and would beautify the City in this area.

Jing-Jin Electric North America supplied electric drive assemblies for major car manufacturers.

**MOTION by Brickner, support by Varga,** that Rezoning Request 2-3-2021, petitioned by Jing-Jin Electric North America, LLC, to rezone the property located adjacent to and south of 34700 Grand River

Ave. from B-3, General Business District to LI-1, Light Industrial District, be set for Public Hearing at the next available Planning Commission meeting.

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	Mantey
Abstentions:	None

**MOTION carried 8-0.**

**E. REZONING REQUEST 1-2-2021**

LOCATION:	23700 Orchard Lake Road
PARCEL I.D.:	23-26-151-025
PROPOSAL:	Rezone a parcel currently zoned OS-2 Planned Office Service District, to RC-3 Multiple Family Residential District
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	Jefrey Fishman
OWNER:	Universal Properties Westhill

As noted above, this request was postponed at the request of the applicant.

**F. ZONING TEXT AMENDMENT 1, 2021**

CHAPTER OF CODE:	34, Zoning Chapter
REQUEST:	Reconsideration of locational requirements for medical marijuana caregivers in proximity to schools, nursery schools, day nurseries, day care centers, and state- licensed day care homes contained in a proposed amendment to the Zoning Ordinance to add a new definition of “Cannabis”; amend the definitions of “Medical Marihuana”, “Primary Caregiver”, and “Medical Use”; and to amend use standards and location requirements related to the cultivation of medical marihuana by primary caregivers
ACTION REQUESTED:	Recommendation to City Council
SECTIONS:	34-2.2, 34-4.57.1, 34-3.1.29. B., 34-3.1.1. D, 34-3.1.2. D., 34-3.1.3. D., 34-3.1.4. D., 34-3.1.5. D., 34-3.1.6. D., 34-3.1.7. D.

City Planner Stec led the discussion for this request regarding Zoning Text Amendment 1, 2021. Tonight’s request was for reconsideration of locational requirements for medical marijuana caregivers in the LI-1 District, as stated above.

At the March 25, 2021 Planning Commission meeting, the Commission passed a motion recommending approval of Zoning Text Amendment 1, 2021 by City Council. Among other things, the ordinance amendment proposes to remove medical marijuana caregiving as a permitted use in the single-family residential districts and to include the use as a principal permitted use in the LI-1 Light Industrial District.

Item 3 of Section D. “use Standards” includes the following locational requirement: “A registered primary caregiver must be located outside of a one thousand (1,000) -foot radius from any school, nursery school, day nursery, day care center, and state-licensed day care home. . . .”

Maps showing the impact of the 1000-foot distance requirement on properties located within the LI-1 Districts were presented at the March 25, 2021 meeting, showing that there would be minimal impact by this restriction. However, after the March 25 meeting it was revealed that there is a public charter high school (Flex Tech) located in an LI-1 District at 23801 Industrial Park Drive that had not been included in the maps provided. Updated maps showed how the 1000-foot distance requirement from schools will impact the ability of LI-1 zoned properties in the area to be used for medical caregiver growing. With this new information, the Commission might consider the following options:

1. Make no changes to the proposed ordinance, keeping the distance requirement as is.
2. Reduce the 1000’ distance requirement.
3. Amend the uses that triggered the 1000’ distance requirement.
4. Eliminate the distance requirements entirely.

Additionally, should the Commission determine to retain the distance requirement, language clarifying how the 1000 feet is measured is offered.

Chair Stimson asked how drug-free zones would be impacted if the 1000-foot distance requirement was eliminated.

City Attorney Joppich explained that those laws were enforced at the State and Federal level, and would not be changed by this amendment.

Commissioner Schwartz suggested that discussion on this item should wait until Commissioner Mantey, who was knowledgeable about this issue, was present.

**MOTION by Schwartz, support by Trafelet**, to table this item until the next Planning Commission meeting so that Commissioner Mantey can be present for discussion.

Roll call vote:

Yeas:	Schwartz, Trafelet
Nays:	Brickner, Countegan, Orr, Varga, Stimson, Turner
Absent:	Mantey
Abstentions:	None

**MOTION to Table failed 2-6.**

Discussion followed:

- Commissioner Countegan supported eliminating the 1000 foot distance requirement.
- Commissioner Varga also supported eliminating the requirement.
- Chair Stimson supported prohibiting primary caregivers from being next door to the listed uses. This was generally supported by the Commission.

**MOTION by Orr, support by Varga**, to amend the March 25, 2021 recommendation to City Council by amending Item 1.3. “Use standards” subparagraph 3) to read as follows:

“A registered primary caregiver shall not be located on a zoning lot adjacent to any property used for a nursery school, day nursery, day care center, state licensed day care home; or public, parochial or private elementary, intermediate or secondary school offering courses in general education.”

Roll call vote:

Yeas: Brickner, Countegan, Orr, Stimson, Trafelet, Turner, Varga  
Nays: Schwartz  
Absent: Mantey  
Abstentions: None

**MOTION carried 7-1.**

**APPROVAL OF MINUTES** March 18, 2021 and March 25, 2021

**MOTION by Orr, support by Brickner**, that the minutes for the March 18, 2021 and March 25, 2021 meetings be approved as submitted.

Roll call vote:

Yeas: Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga  
Nays: None  
Absent: Mantey  
Abstentions: None

**MOTION carried 8-0.**

**PUBLIC COMMENT**

Steven, a resident, spoke regarding medical marihuana caregiving uses in the City. Steven said he was a consumer, patient caregiver, and landlord. In terms of smell, caregivers' buildings were highly insulated, and also had carbon filters. Anyone next to a building of a marihuana caregiver would not smell it at all. Also, there is no signage on the building. He supported tonight's action to remove the 1000-foot locational requirement.

**COMMISSIONERS' COMMENTS**

In response to a question from Commissioner Orr, City Planner Stec said he would follow up on the sign flags being used at Bonaventure Skate Park.

Commissioner Varga said she would be helping the Cub Scouts on Saturday morning with the Farmington/Farmington Hills cleanup.

The next meeting will be May 20, with the possibility of a 2<sup>nd</sup> meeting on May 27 for public hearings.

**ADJOURNMENT:**

**MOTION by Orr, support by Brickner**, to adjourn the meeting at 11:00 pm.

Roll call vote:

Yeas: Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga  
Nays: None  
Absent: Mantey  
Abstentions: None

**MOTION carried 8-0**

Respectfully Submitted,  
John Trafelet  
Planning Commission Secretary

/cem