

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
COUNCIL CHAMBERS  
May 16, 2019, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on May 16, 2019.

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

Commissioners Absent: Stimson

Others Present: City Planner Stec, City Attorney Schultz, Staff Engineers Kennedy and Olson, Planning Consultant Tangari

**APPROVAL OF AGENDA**

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

**MOTION carried unanimously.**

**PUBLIC HEARING**

**A. CLUSTER SITE PLAN 54-2-2019**

LOCATION: 24560 & 24590 Orchard Lake Rd and 19 acre vacant parcel on the north side of Ten Mile Rd., east of Orchard Lake Rd.  
PARCEL I.D.: 23-23-351-007, 006 & 035  
PROPOSAL: One-family cluster option subdivision (51 units) in RA-1 One-Family Residential District  
ACTION REQUESTED: Recommend to City Council  
APPLICANT: Sherr Development  
OWNER: Patrick Hanaway, William and Susan Tucker & Joanne McQuade-Arnold

Roger Sherr, Sherr Development, 31300 Orchard Lake Road, Farmington Hills MI was present on behalf of this application for a positive recommendation to City Council for site and open space plan for a one-family cluster option subdivision (51 units) in an RA-1 One-Family Residential District.

Mr. Sherr explained that the proposed cluster plan development, located east of Orchard Lake Road and north of 10 Mile Road, would consist of detached ranch style homes, sized 1600 – 2000 square feet. The targeted demographic was empty nesters seeking to downsize to single-story low-maintenance homes. A floor plan was provided in the Commissioners' packets.

As indicated in preliminary meetings, this was a very challenging site, with woodlands and wetlands, making the cluster option the ideal way to develop the property. The applicants felt the proposed plan met the design guidelines of the cluster option.

Mr. Sherr made the following points:

- The requested density of 2.5 units per acre was below the density allowed by the cluster option of 3.1 units per acre.

- The proposed development was for detached single family units; the cluster option allowed for attached units.
- Empty nester and other seniors were seeking the style of home this development provided.
- An important dynamic took place when the older generation moved out of established neighborhoods for developments like the one proposed: the older generation stayed in the community while freeing up homes in existing neighborhoods for younger buyers with families, thereby helping to keep the community vibrant.

Utilizing a PowerPoint presentation, and referring to his May 9, 2019 review letter, Planning Consultant Tangari gave the review for this requested recommendation to City Council for a cluster option development, including site plan and open space plan. Most of the site was qualified for a cluster plan in December 2018; a third parcel was added to the qualification in February 2019. The site was qualified under Option 2 under Section 34-3.17.2.A.ii., which did allow up to 3.1 units per acre in the RA-1 District.

Planning Consultant Tangari made the following points:

- The site was approximately 20.3 acres. The proposal left the portion of Parcel 035 that was zoned B-3 undeveloped.
- The proposed density of 51 single-family units was 2.451 units per acre, which did fall below the maximum permitted density.
- The proposed lots were arranged along a cul-de-sac street, with connections to Orchard Lake Road and the existing stub of Paisley Drive. 24% of the net acreage was established as open space including the entire floodplain; 15% was required. The plan also included a pull-off area adjacent to a bank of mailboxes.
- No new sidewalks were proposed; the existing sidewalk on Orchard Lake Road satisfied the requirement for concrete sidewalks on major and secondary thoroughfares.
- Rather than splitting the development into abutting lots, the applicant showed 51 building envelopes; the rest of the property around each unit was commonly held. The master deed for the development would need to provide specifics regarding maintenance of this property. Each condominium sat within a building envelope that was 40 feet wide. Building envelope depths varied from 62 to 77 feet.
- The minimum distance between units was 15 feet. Each unit was set back 20 feet from the road right-of-way, and 36.5 feet from the edge of the roadway. Minimum rear setbacks were 35 feet.
- The typical dimensional standards of the RA-1 District were met, except for the 20-foot front setback and most of the side setbacks.
- Vehicles on garage aprons could extend into the road right-of-way. If the applicant added internal sidewalks, it could present an issue with the rear of vehicles blocking part of a sidewalk. Alternatively, any future sidewalk could be shifted closer to the road to avoid this conflict. Additional discussion of this issue was warranted.
- Per Section 34-3.17.4.B., *Spacing between groups of attached buildings or between groups of four (4) unattached buildings shall be equal to at least twenty-five (25) feet in an RA-1 district, measured between the nearest points of adjacent buildings.* The plan currently showed 15 feet between all lots on the road extending south. It appeared that eliminating one lot on each side of the street and adjusting the remaining lots accordingly would permit the site to meet this standard.
- The city's Engineering Division and the Fire Marshal recommended eliminating the southern cul-de-sac and making a connection to 10 Mile Road across the B-3 portion of the parcel. Per Section 27-57 of the Subdivision Ordinance, the *maximum length for residential cul-de-sac streets shall generally be six hundred (600) feet.* The applicant was proposing to leave the B-3 area out of the plan for this development. The development had two points of access with the connections to Orchard Lake and the Paisley stub street.

- Regarding tree removal, 402 replacement trees were required; 310 replacement trees were shown on the plan. If the additional trees were not added to the plan, \$350 must be paid into the tree fund for each tree that was not planted.
- Regarding landscaping requirements, given that the single-family lots did not meet the standards of the underlying district, the Planning Commission may require plantings or other buffering as appropriate. The applicant showed clustered tree plantings around the edge of the developments. The plans also indicated some berming may be provided but was not specific as to the location of the berms. The Planning Commission should decide whether the applicant's proposal satisfied the buffering requirement.
- A landscape cost estimate should be provided.

In response to questions from Commissioner Orr, City Planner Stec said the Fire Marshal and Engineering Division were not recommending approval because of the length of the southern cul-de-sac. However, a variance could be granted by City Council for the longer cul-de-sac length. The Planning Commission should make a recommendation regarding this issue.

Commissioner Orr was concerned that future homeowners might remove the buffering landscaping. Planning Consultant Tangari said a condition of approval could be that the Master Deed require that the buffering landscaping must remain and be maintained.

In response to a question from Commissioner McRae, Planning Consultant Tangari said the Commission could not vary the 25-foot standard between clusters of 4 homes.

Commissioner Brickner noted that it was not unusual for a cul-de-sac to be longer than 600 feet as long as the proper emergency vehicle turning radius was provided. Tonight the Commission was being told the cul-de-sac could not be longer than 600 feet but there were much longer cul-de-sacs nearby, including off 10 Mile Road.

Planning Consultant Tangari agreed that there were longer cul-de-sacs including Ridgeview (2500 feet), Elmhurst (1600 feet), and Misty Pines (1032 feet), but he felt that many of those and similar developments predated the current standard.

City Planner Stec added that there were situations where there was no opportunity to make a connection. In the current instance, the applicant owned the land to 10 Mile Road and they could make the connection.

In response to a further question from Commissioner Brickner, City Planner Stec explained that the ordinance did allow a variance in certain instances. The approving body for such a variance would be City Council, but the Planning Commission could make a recommendation regarding the length of the cul-de-sac. City Attorney Schultz advised that appropriate standards for a variance would need to be met, as listed in Section 27-5 of the City Code:

- (1) There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the applicant's land.*
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*
- (3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

In response to a question from Commissioner Goerke, Planning Consultant Tangari said that the height limit was 30 feet for 2.5 stories. He did not think the applicants were requesting that height, however.

City Planner Stec said that the project had been first presented in November 2018, without the additional parcel on Orchard Lake Road. The density presented by the applicant at that time was 42 units, or 2.2 units per acre, and the motions made by the Planning Commission in November 2018 and February 2019 included the condition that the plan be developed substantially similar in layout and density as presented at the November 2018 meeting. Currently the request was for 2.5 units per acre. A density of 2.2 units per acre would result in 45 units, rather than the 51 requested this evening.

Also, the Master Plan called for an open space plan and rezoning to RA-2, which would have allowed a density of 2 units per acre, or approximately 40 units total. Applying the required distance standards would likely result in the loss of 1-2 units in the current plan.

In response to a question from Chair Schwartz, Staff Engineer Kennedy said ambulances and fire trucks would have the necessary turning radius in the cul-de-sac as proposed. In response to a further question from Chair Schwartz, City Planner Stec said that cul-de-sacs in Copper Creek ranged from 200 to 2000 square feet. The cul-de-sac in High Valley Court was 605 feet.

Discussion focused on whether the street should be required to go through to 10 Mile Road. Planning Consultant Tangari explained that the Fire Department's concern was whether the homes on the cul-de-sac could be reached, not whether emergency vehicles could use the cul-de-sac. The Fire Department was concerned that something might happen that would prevent them from using the street.

If the road connected to 10 Mile Road, the detention pond could be bisected, with the forebay on one side of the road, connected by pipe to the detention pond.

In response to questions from Commissioners Orr and Brickner, Planning Consultant Tangari said they would like to see garages set back 25 feet from the right-of-way, allowing greater room for sidewalks. The edge of the road was 36.5 feet from the garages as proposed. There was no danger of cars hanging into the street, but rather hanging over a sidewalk. However, a sidewalk was not proposed.

In response to the Commission's comments, Mr. Sherr made the following points:

- A 20-foot setback for the garage was accommodated in Section 34-3.17.4.ii.a. As already noted, there was another 15 feet to the side of the road.
- The cul-de-sac length was not required in the Zoning Ordinance. The 600-foot length was a recommendation only, and was not listed in the Fire Code. A variance should not be necessary in those circumstances.
- Health and safety were improved by the entrance off Orchard Lake Road, which was closer to the Fire Department than any entrance off 10 Mile Road.
- Health and safety were improved by making the connection on Paisley to Ridgeview, which had a 2500-foot cul-de-sac.
- They were proposing a boulevard entrance on Orchard Lake Road, as opposed to a single lane entrance that could be constructed off 10 Mile Road.
- The proposal preserved the commercial zoning on 10 Mile Road, as shown in the Master Plan.

Mr. Sherr said that when he first met with the Fire Marshal, the Fire Marshal had indicated that a 50-foot cul-de-sac radius was more important than connecting to 10 Mile Road. Again, the length of the cul-de-sac was not mentioned in the Fire Code.

Commissioner Countegan asked how the applicant would meet the separation standard of 25 feet between clusters of 4 units.

Mr. Sherr said that his reading of the ordinance was that units could be separated by 15 feet, and did not require the 25 foot separation as described.

Planning Consultant Tangari referred to the following ordinance language:

*Spacing between groups of attached buildings or between groups of four (4) unattached buildings shall be equal to at least . . . twenty-five (25) feet in an RA-1 district . . . measured between the nearest points of adjacent buildings. The minimum distance between detached units within groups of four (4) shall be fifteen (15) feet, unless there is a corner to corner relationship in which case the minimum may be reduced to ten (10) feet. (Section 34-3.17.4.B)*

Commissioner Turner asked how the plan had been improved from that presented in prior meetings. Mr. Sherr said the earlier meetings were for cluster qualification; tonight's meeting was the first time the site plan had been presented.

Commissioner Mantey asked staff to respond to the claim that the 600 foot cul-de-sac length was a guideline and not a standard. City Attorney Schultz said that the 600 foot requirement was a standard that could be varied via the variance process, as explained earlier.

Commissioner Countegan said that he thought conditions for a variance to the 600-foot cul-de-sac standard had been met, in that:

- A variance would preserve the property rights of the owner and developer to develop their own property.
- The access on Orchard Lake Road was an improvement to health and safety of the community, not only for the proposed development but also for access to Ridgeview.
- The plan supported the Master Plan's preservation of commercial zoning on 10 Mile Road.
- While the Planning Commission should not approve anything that would be injurious to the public, the proposed plan represented an improvement to the health, safety and welfare of the community.

Chair Schwartz opened the public hearing.

Betty Jean Hebel, representing the Farmington Elks, 30898 W. 10 Mile Road, said the Elks Lodge was directly to the east of this property. Did the proposed detention pond meet Oakland County's new requirements? Also, they were concerned regarding mosquitoes being bred on the detention pond. Would there be a tree barrier or fence between their property and the detention pond?

Staff Engineer Kennedy said the detention pond would meet Oakland County standards. Planning Consultant Tangari said there was a proposed row of deciduous trees in that area.

Judy Miller, Ridgeview, representing the Homeowners' Association, said the initial plan had alleviated many of their concerns. However, density remained a concern, especially when previous qualification approvals

specifically referenced the 2.2 units per acre. They were surprised that 2 homes had been added to the east side. She had no opinion on the 10 Mile Road entrance, except to note that their experience was cars turning from 10 Mile Road sped up on their road. She asked that the 2 additional homes to be removed from the east side, and the cul-de-sac to remain as proposed.

Steve Luce also represented the Elks Club Lodge. Mr. Luce was concerned regarding handling the additional storm water runoff. How much rain was the stormwater management system designed to hold? Could a pump be installed to move the water so that mosquitoes would not breed there?

Staff Engineer Kennedy said the storm water system was required to handle 2" of rain on the entire site. As long as the detention pond was cleaned properly per the maintenance agreement, the water should be moving and would not require a pump.

Ann Kuelbs, Ridgeview Drive, continued to be concerned about traffic flow and potential cut-through traffic utilizing Paisley Drive. She supported a connection to 10 Mile Road.

Shane Tucker, 24590 Orchard Lake Road, said he had lived on Orchard Lake Road since 1960. He felt the plan presented by the developer was sound, and he did not support a 10 Mile Road connection. He felt that traffic would not utilize Ridgeview as a cut-through to go north on Orchard Lake Road. He planned to move into the development himself.

Sue Tucker, 24590 Orchard Lake Road, also noted that they planned on moving to the new development. There were 12 homes on Ridgeview that would back up to this new development, and she understood that change was difficult. However, she felt that the back yard views of the Ridgeview residents were not more important than the new families that would live in this development. The developers were preserving natural resources while proposing separate single-family homes. It was understandable that the developers did need a certain density to make the project financially viable. She urged support for the project.

City Planner Stec acknowledged receipt of emails regarding this project from the Fett family, 24457 Ridgeview Drive, Farmington Hills, and also from Judy Miller, in support of the Fett family email.

Seeing that no one else came forward to speak, Chair Schwartz closed the public hearing and invited Mr. Sherr to respond to comments made.

Mr. Sherr said that any new development raised traffic concerns, to the point of cliché. Sherr Development had a history of development in the community, in terms of providing aesthetics and functionality that served the needs of the community. The site plan complied with cluster option requirements. Again, he felt that a 15 foot separation between detached units was permitted by the Ordinance.

Commissioner McRae reiterated that groups of 4 buildings were required to be separated by 25 feet. In order to meet that requirement, at least one home would need to be eliminated on each side of the road.

Discussion focused on the separation requirement. City Attorney Schultz said the ordinance language was: *Spacing between groups of attached buildings or between groups of four (4) unattached buildings shall be equal to at least twenty-five (25) feet in an RA-1 district, measured between the nearest points of adjacent buildings.*

City Planner Stec further explained that the Zoning Board of Appeals had no jurisdiction over the Cluster Option standards, as the Cluster Option already allowed modifications to one-family residential standards.

The Planning Commission did have some flexibility in corner-to-corner relationships, but that was not relevant in this instance. City Attorney Schultz agreed.

Chair Schwartz indicated he was ready to entertain a motion.

**MOTION by Countegan, support by Orr, that the Planning Commission recommend to City Council approval of Cluster Site and Open Space Plan No. 54-2-2019, dated April 18, 2019, submitted by Sherr Development, with the following findings, determinations, and conditions:**

**Findings:**

- **The proposed plan provides an opportunity for improved access to the existing development to the east, and would divert traffic from the 10 Mile/Orchard Lake Road intersection.**
- **The proposed plan provides a good use of the cluster option for a reasonable use of this particular land parcel.**

**Determinations:**

- **A determination is made to recommend the permission of a cul-de-sac in excess of 600 feet, because the development is not detrimental to the public welfare or injurious to other property in the territory in which the property is situated, based on the following findings:**
  - **The development improves access to Ridgeview, improving health, safety, and welfare of the community.**
  - **The development as proposed provides a closer access to the nearest available fire station.**
  - **The plan is consistent with the Master Plan, which calls for commercial development under the B-3 General Business District along 10 Mile Road. Requiring access to 10 Mile Road would interrupt that commercial development and be in opposition to the Master Plan.**
  - **The proposed development preserves the property rights of the applicant, while offering 2 access points to the development.**

**Conditions:**

- **A revised plan be submitted for administrative review prior to consideration by City Council addressing the following:**
  - **The distance between units be adjusted to show a minimum of 15 feet between units within clusters of four and 25 feet between clusters of four.**
  - **An open space cost estimate is provided and escrow in the amount of 150% of estimate be determined administratively.**

It came out during discussion that required trees would be located within the commons area, and maintenance of all required landscaping elements would be required during final site plan approval.

Commissioner Mantey was not convinced the requirements under Section 27-5 were met regarding allowing the long cul-de-sac, especially without a pedestrian access to 10 Mile Road.

Mr. Sherr asked if the motion could specify density. Chair Schwartz said the density would be determined by the separation requirement of 25 feet between clusters of 4 buildings. Commissioner Countegan agreed that the motion did not need to specify density.

Commissioner Goerke said that this project reflected a good faith proposal. She recommended that the applicants show a pedestrian bridge to 10 Mile on their plan prior to City Council consideration. Such a bridge was necessary for public safety, health and welfare.

**Motion carried 6-2 (Mantey, Turner opposed).**

City Planner Stec reviewed process for the City Council public hearing, for which the public would receive the same notification that they received for tonight's public hearing.

**REGULAR MEETING**

**A. SITE AND LANDSCAPE PLAN 58-3-2019**

|                   |  |
|-------------------|--|
| LOCATION:         | 21017 Middlebelt Rd.   |
| PARCEL I.D.:      | 23-35-478-012 & 001  |
| PROPOSAL:         | Addition to existing building in SP-1 Special Purpose District |
| ACTION REQUESTED: | Approval of site and landscape plans                           |
| APPLICANT:        | Fairview Construction Services, LLC                            |
| OWNER:            | Farmington Hills Senior Leasing, LLC                           |

Utilizing a PowerPoint presentation, and referencing his May 9, 2019 review letter, Planning Consultant Tangari gave the review for this request for site and landscape plan approval for an addition to the existing skilled nursing facility at 21017 Middlebelt Road. The addition would add a net total of 28 beds, bringing the full number of beds on the site to 127. The square footage of the building would increase from 29,409 square feet to 49,437 square feet. The site was 4.26 acres, and located in the B-3 General Business District.

Outstanding issues included:

- The south side setback was not met. A 48.88 foot setback was requested; 50 feet were required.
- The dumpster was located in the front yard along Middlebelt Road. Per the ordinance, dumpsters must be located in a rear or internal side yard.
- Some equipment on the existing building rooftop was currently unscreened; this equipment as well as rooftop equipment on the addition should be screened in accordance with Section 34-5.17.
- Lighting for the redeveloped and newly developed portions of the site appeared not to meet 3 standards of Section 34-5.16, as noted in the review letter. One way to address the light trespass issue was to provide down-shielding of the back of each fixture.
- A pedestrian connection to the sidewalk along Middlebelt Road was not provided.
- Minor corrections on the tree removal and replacement plan should be made, per the review letter.
- A landscape cost estimate must be provided.
- The required parking lot screening hedge should be provided for the four parking spaces facing Middlebelt and for the spaces facing Eldred where no wall was required.

In response to a question from Chair Schwartz, City Planner Stec said that when this property had previously been before the Commission with a more extensive plan, the Commission had waived the requirement for a screen wall on the south side because of the grade there. At the earlier submission a letter from the pastor of the neighboring church had been provided supporting that waiver.

City Planner Stec noted that if the south side setback remained as proposed, a zoning variance would be needed.

In response to questions from the Commission, Planning Consultant Tangari showed the location of the proposed dumpster enclosure, and City Attorney Schultz addressed the need for a variance to the south setback requirement.

Michael Plagens, Fairview Construction Services, 28229 Beck Road, Wixom MI was present on behalf of this application. Andrew Wozniak, Zeimet Wozniak & Associates, 55800 Grand River Ave., Suite 100, New Hudson MI, and Ryan Schneider, A.J. Design Architects, 2803 Greenlawn, Commerce MI were also present.

Mr. Plagens said they would comply with the south side setback, so a variance would not be required. They were not proposing to construct a wall on the south side, consistent with the prior approval for this site. They were proposing to screen the existing dumpsters in their current front yard location.

Mr. Wozniak explained that moving the dumpsters out of the front yard would present problems regarding truck access in order to empty the containers. They would like to build an enclosure and provide landscaping. Also, the front location was necessary because that was where the kitchen facilities were located.

Commissioner Goerke asked why the site had so much excess parking. Mr. Wozniak said the parking was needed during shift turnover.

In response to a question from Commissioner Orr regarding screening the existing rooftop equipment, Mr. Schneider said the current parapet was flush to the roof. Constructing something 4 feet higher than the existing roof would require a new façade. Also, there was concern that existing trusses would not handle a more localized structure screening the existing equipment.

**MOTION by Orr, support by Brickner, that Site Plan 58-3-2019, dated April 17, 2019, submitted by Fairview Construction Services, LLC be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the condition that a revised plan addressing the following items be submitted for administrative review:**

- **Revisions required per the May 9, 2019 Giffels Webster review report except that screening does not need to be provided for existing roof top units on the portion of the building where no new construction is occurring.**
- **A pedestrian connection from Middlebelt Road is provided.**
- **A dumpster enclosure is provided in an interior side yard or in the rear yard, or a variance obtained for the location as proposed.**
- **1 additional replacement tree is provided.**

**And with the following determination:**

- **The existing grade along the southern property line is an acceptable alternative to a parking lot screen wall.**

It was noted that the applicants had agreed to comply with the south side setback requirement.

**Motion carried unanimously.**

**MOTION by Orr, support by Countegan, that Landscape Plan 58-3-2019, dated April 17, 2019, submitted by Fairview Construction Services, LLC be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, subject to the condition that a revised plan addressing the following items be submitted for administrative review:**

- **Landscape cost estimate.**
- **Two foot evergreen hedge row is provided for four parking spaces located in the front of the building.**
- **Items addressed in May 9, 2019 Giffels Webster review report.**

**Motion carried unanimously.**

**B. CLUSTER SITE PLAN 59-4-2019**

LOCATION: East side of Farmington Road, south of Thirteen Mile  
PARCEL I.D.: 23-10-101-002  
PROPOSAL: One-family cluster option subdivision (10 units) in RA-2, One-Family Residential District  
ACTION REQUESTED: Set item for Public Hearing  
APPLICANT: Farmington 13, LLC  
OWNER: Farmington 13, LLC

Utilizing a PowerPoint presentation and referring to his May 10, 2019 review letter, Planning Consultant gave a brief review for this request to set a public hearing for a one-family cluster option subdivision.

Outstanding issues included:

- One building envelope (lot 10) was closer than 25 feet to the external property line of the development.
- Notes as indicated needed to be revised on the landscape plan.

City Planner Stec said that during qualification, the Planning Commission had requested that one unit be eliminated so that access roads on both sides of Farmington Road could line up; the applicants had done that.

Chair Schwartz asked that during the public hearing the applicants bring a site line analysis for vehicles exiting the site on to Farmington Road.

**MOTION by Brickner, support by Turner, that Cluster Site Plan No. 59-4-2019, petitioned by Isam Yaldo of Farmington 13, LLC be set for Public Hearing on June 20, 2019.**

**MOTION carried unanimously.**

**C. SITE AND LANDSCAPE PLAN 60-4-2019**

LOCATION: 24300 Drake Rd.  
PARCEL I.D.: 23-21-351-032  
PROPOSAL: Movie Theater in B-3, General Business District  
ACTION REQUESTED: Approval of site and landscape Plans  
APPLICANT: Richard Konik of Siegal-Tuomaala Associates  
OWNER: Box Office Theatres, LLC

Utilizing a PowerPoint presentation, and referencing his May 7, 2019 review letter, Planning Consultant Tangari gave the review of this application for site and landscape plan approval for a movie theater in the B-3 General Business District, located at 24300 Drake Road.

Outstanding issues included:

- Signs were shown on the elevations; a separate sign application would be required.
- At one stretch of the northern property line, light levels at the property line exceeded 0.3 footcandles. Those light levels would need to be adjusted; down-shielding at the back of each fixture might be one way to address this.
- Regarding tree removal and replacement, seven total replacement trees were required, not four as shown on the plans. The plans needed to be corrected.
- A landscape cost estimate needed to be provided.

Richard Konik, Siegal/Tuomaala Associates, 29200 Northwestern, Suite 160, Southfield MI, was present on behalf of this application for site and landscape plan approval. James Klinkenberger, Nowak and Fraus Engineers, 46777 Woodward Avenue, Pontiac MI was also present.

Commissioner Orr asked about the small parcel that provided access to the detention basin. City Planner Stec said that the parcel and detention basin were not part of tonight's application. Staff Engineer Kennedy gave some details regarding access to the detention basin. She noted that the approach to the right-of-way on Drake was asphalt, although the access road would not be developed until the parcel was developed. City Planner Stec said there was an access agreement with Auto Zone. A motion could include the condition that all cross access easements be shown on the drawings.

Commissioner Brickner was concerned about traffic confusion caused by conflicting Drake Road exits, one requiring a right turn only so that vehicles would be turning right into lanes that were servicing left turns a little to the north. He was also concerned about maintenance of the detention pond, whether a vehicle could get from the McDonalds parking lot into this site, and traffic circulation patterns in general.

Mr. Konik explained traffic circulation on the site, and the location of cross access agreements. They would comply with lighting requirements, although they did want to light the site and detention pond for security reasons.

Mr. Klinkenberger pointed out the access easements on the topographic map. They would work with the Engineering Division and make modifications as necessary. Mr. Konik said they would also meet Fire Department requirements.

After further brief conversation regarding lighting on the façade, Chair Schwartz indicated he was ready to entertain a motion.

**Motion by McRae, support by Goerke, that Site Plan 60-4-2019, dated April 25, 2019, submitted by Richard Konik of Siegal-Tuomaala Associates, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- **Revised lighting plan addressing items from the May 7, 2019 Giffels Webster review report be submitted for administrative review.**
- **All proper cross access easements be in place.**

**The motion also notes that all signs are to be approved under separate permits.**

**Motion carried unanimously.**

**Motion by McRae, support by Goerke, that Landscape Plan 60-4-2019, dated April 25, 2019, submitted by Richard Konik of Siegal-Tuomaala Associates 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 condition that a revised plan addressing the following items is submitted for administrative review:**

- **The inclusion of 4 additional replacement trees.**
- **Landscape cost estimate be provided.**

**Motion carried unanimously.**

**D. SITE AND LANDSCAPE PLAN 61-4-2019 (PUD 5, 1993)**

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

Utilizing a PowerPoint presentation and referring to his May 10, 2019 review letter, Planning Consultant Tangari gave the review for this application for site and landscape plan approval. The approved use of the property for offices and testing facilities for JST Corporation, an auto supplier, was not proposed to change.

A site plan for this site was approved in 2017; a modification was subsequently approved in 2018. Tonight's submission presented amendments to the approved plan from 2018.

Changes from 2018 included:

- Gross floor area of all buildings on the site had increased slightly from 77,765.2 total square feet to 78,406 square feet, spread across 5 buildings on a 9.34-acre site.
- The height of the tree nest exceeded the 40-foot height limit of the OS-4 district. The tree nest was now 47 feet to the peak of the roof; the height of the mid-point scaled to 42 feet, 2 inches. The Planning Commission's motion at the September 2019 meeting was conditioned on reduction of the height of this structure to 40 feet or less.
- The plan requested to landbank 32 of the 126 provided parking spaces. The narrative explained that the landbank request was based on an analysis of the expected number of employees on the site. The spaces to be landbanked were chosen in order to preserve specific trees.
- The entryway had been redesigned as a road for the larger PUD, and there was now a bridge over the stream rather than a culvert under the driveway.
- The plans now included a regional detention basin that would serve all future sites within the PUD. From a planning perspective, this primarily affected tree removal.
- The applicant was preserving many existing trees on the site. 672 regulated trees and landmark trees with a total dbh of 406.5 inches were proposed to be removed. Typically this would require 672 replacements for regulated trees and 34 replacements for landmark trees (706 total). Replacement trees in this PUD were required at one third of the typical rate, so 235 total replacement trees were required. As with the initial approval, the applicant was requesting to pay

into the tree fund for those trees.

- A landscape cost estimate needed to be submitted.

Commissioner Schwartz suggested the plan include charging stations for electric vehicles.

Commissioner Orr asked about access to the detention pond. It was possible additional trees would need to be removed to get access to the pond. City Planner Stec said the plan might need to be modified to reflect additional tree removal.

Samuel Ashley, Cunningham-Limp, 28970 Cabor Drive, Ste 100, Novi MI was present on behalf of this application.

Mr. Ashley made the following points:

- The tree nest would be reduced in height in order to meet requirements.
- They were trying to preserve as many trees as possible.
- The structures on site would be timber frame structures; wood from trees removed from the site would be used.

The Commission supported the height of the bird's nest as submitted. Planning Consultant Tangari said the approved PUD agreement would not allow the bird's nest to be taller than 40 feet.

Commissioner Turner asked about the materials on the exterior base of the structures. Mr. Ashley said each building would have its own materials and design, such as cast concrete, wood veneer, and hand-cut stone. Each building would have an abundance of glass.

**MOTION by Mantey, support by Countegan, that Site Plan 61-4-2019, dated April 18, 2019, submitted by JST Corporation, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the condition that a revised plan addressing the following items be submitted for administrative review:**

- **The plan show what trees will need to be removed to provide access for construction equipment to gain access to the detention pond area. Any regulated trees that need to be removed will need to be replaced on site or have payment into the city tree fund. Per the terms of the PUD agreement replacements are required at a rate of 1/3 of the total number of trees removed.**
- **A landscape cost estimate be provided.**

**Motion carried unanimously.**

The Commission noted that they had no objection to the 42'2" height of the tree nest in light of the Commission currently considering an increase to maximum building heights from 40' to 50' in the OS-4 district, and that the nest will not be visible from outside the site.

**MOTION by Mantey, support by Countegan, that Landscape Plan 61-4-2019, dated April 18, 2019, submitted by JST Corporation, be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission.**

**Motion carried unanimously.**

**APPROVAL OF MINUTES:** April 18, 2019

**MOTION by Countegan, support by Mantey, to approve the April 18, 2019 minutes as published.**

**Motion carried unanimously.**

**PUBLIC COMMENT:** None

**COMMISSIONERS' COMMENTS:**

The Commissioners commented on various road projects in the City. Commissioner Orr thanked the City for repairing Drake Road near St. Toma Church. Commissioner McRae said that traffic on 14 Mile Road during rush hour was severely backed up.

In response to a question from Commissioner McRae, Staff Engineer Kennedy said environmental reviews would often reference standards from other states, i.e., *We follow New Jersey standards.*

Commissioner Schwartz noted that today's Free Press listed the intersection at 14 Mile and Orchard Lake Road as the 2<sup>nd</sup> worst intersection in the State.

The next meeting would be June 20, with training prior to the meeting at 6:00 pm. Dinner would be provided.

**ADJOURNMENT:**

Seeing that there was no further discussion, Chair Schwartz adjourned the meeting at 10:23 p.m.

Respectfully Submitted,  
Dale Countegan  
Planning Commission Secretary

/cem