

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
MARCH 16, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 7:30 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Grant, Stimson, Trafelet, Varga, Ware

Commissioners Absent: Mantey

Others Present: Staff Planner Canty, City Attorney Schultz, Planning Consultant
 Tangari

APPROVAL OF THE AGENDA

MOTION by Brickner, support by Trafelet, to approve the agenda as submitted.

MOTION passed unanimously by voice vote.

PUBLIC HEARING

A. AMEND PLANNED UNIT DEVELOPMENT (PUD) 6, 1993

LOCATION: 27604 Middlebelt Road
PARCEL I.D.: 22-23-13-101-003
PROPOSAL: Amend PUD to permit drive-in restaurant use at one (1)
 existing southwesterly building
ACTION REQUIRED: Recommendation to City Council
APPLICANT: Masroor Ahmed
OWNER: Merchants Marketplace, LLC

Masroor Ahmed was present on behalf of this application to amend Planned Unit Development (PUD) 6, 1993, in order to permit a drive-in restaurant use at the existing southwesterly building on the site. Mr. Ahmed made the following points:

- The PUD site had three parts: OS-1, B-2, and RA-2 zoning. The application related to a building in the OS-1 portion.
- A submitted site plan showed the location of the drive-thru as well as multiple accesses to the shopping plaza. All 3 accesses would be used to access the drive-thru restaurant: an entrance on 12 Mile Road, and two entrances on Middlebelt Road.
- The proposed use would be a BIGGBY Coffee drive-thru restaurant. The restaurant would sell about 350 cups of coffee per day, and would provide about 30 employment opportunities.

Referencing his March 8, 2023 memorandum, Planning Consultant Tangari gave the background and review for this request for PUD amendment:

- The portion of the overall PUD being considered for amendment was 7.53 acres and was developed with a shopping center.

- The site was accessed from 12 Mile and Middlebelt Roads. The proposed amendment to the PUD would permit drive-thru uses, and would by necessity lead to changes to the site's internal circulation.
- The PC has determined that this is a major amendment to the PUD, and will make a recommendation to Council following the public hearing.
- At this time, no site plan has been submitted, so site plan approval would follow amendment of the PUD agreement. A concept plan showing that the drive-thru would be in the southernmost of the two buildings closest to Middlebelt Road was included in the request. A parking calculation was also provided showing that ordinance standards for parking will still be met on the site with the new drive-thru.
- When considering drive-thru uses, the Planning Commission should note that while drive-thrus are permitted in the B-3 district, they are not permitted on properties abutting residential districts. There was single family use as part of the PUD to the east and south of this location, and some single family use (along with commercial and office) to the north across 12 Mile Road. Commercial/office uses were to the west.
- The closest residential area – to the south – was separated from this use by a detention pond.
- Questions for discussion included:
 1. One of the requirements of final PUD approval is a use plan showing where certain uses corresponding to different zoning districts are planned within the PUD. The applicant's letter explaining the request does not specify which use area from the original PUD exhibit is being modified to permit a drive-thru. However, the applicant specified at the February meeting that this request would affect Area A, which is consistent with what is shown on the conceptual plan.
 2. Item 3.(a)(i) of the PUD agreement lists prohibited uses. One of the prohibited uses is an "assembly hall... .. or similar place of assembly," but a review of the site indicates that there appears to be an assembly use (the event studio) occupying the northernmost space in the primary shopping center building; this amendment may present an opportunity to look at whether other modifications to the list of prohibited uses are warranted at this time.
 3. This is a request to amend an approved Planned Unit Development. If inclined to recommend approval of the change, the Planning Commission should consider whether any additional public benefit should be sought in exchange for expanding the scope of the PUD, such as enhancements to the corner feature at Middlebelt and 12 Mile, or an enhanced outdoor patio area in front of the new use.

In response to questions from the Commission, Planning Consultant Tangari gave the following further information:

- The building and drive-thru use would meet the setback from residential use requirement, as it would be more than 30' away from residential use.
- The other required separation was that a restaurant drive-thru use was not permitted adjacent to residential use.
- It was appropriate during a major modification of the PUD to consider modifying a PUD to correspond to current use, in this case a limited assembly use (event studio).

In response to comments, City Attorney Schultz said the recommended approval could be tailored to the specific building, and not necessarily include all of PUD Area A.

Commissioner Ware asked if the proposal made sense relative to the ongoing work on the Master Plan update.

In response to other questions from the Commission, Mr. Ahmed provided the following:

- A dental office would remain in the building. There had never been a bank in this building.

- While this site was adjacent to residential use, because of the location of the detention pond the residential use was a significant distance away.

Chair Countegan opened the meeting to public comment.

Dr. Thomas Jusino said his dental office had occupied 27600 Middlebelt Road for 16 years; he was the only other tenant in the subject building. Dr. Jusino said the parking lot was extremely busy on certain days. Planet Fitness had increased the volume of parking over the previous grocery store, and Kumon Learning Center was very busy during certain afternoons and nights of the week, so that during those times the parking lot was completely full. Parents were parking right up to the building where the drive-thru would be to wait for their children to come out of the Kumon Center. Additionally, Dr. Jusino had thousands of patients using his office – 85% of which were children, and since COVID his patients came in the front of the building and exited through the rear; this would be maintained going forward. Based on concerns relative to the already intense traffic circulation and parking, as well as the safety of children crossing the parking lot, Dr. Jusino opposed the drive-thru option for this restaurant. He did support the restaurant use without the drive-thru.

Seeing that no other public indicated they wished to speak, Chair Countegan closed the public hearing and asked Mr. Ahmed to respond to Dr. Jusino's comments.

Mr. Ahmed said the drive-thru and restaurant would not take any parking from the back of the building. He explained the planned layout of the drive-thru circulation, which he said would not impact the dentist's office or the ability of drivers to pick up their children. The loading zone would be physically separated from the drive-thru, and a sidewalk would be provided.

Chair Countegan explained that while the Commission was not reviewing a site plan this evening, it was appropriate to discuss Dr. Jusino's concerns.

In response to questions, Planning Consultant Tangari said that volume was the practical difference between a drive-thru bank use and a drive-thru restaurant use. However, while a bank drive-thru was permitted in this development, there was not a bank drive-thru use on site. The bank drive-thru use was approved in 1993, and the difference in volume between the 2 uses might be narrower now than when the use was approved.

Chair Countegan said the questions raised during public comment required site plan analysis. Since no site plan had been submitted, he did not feel the Commission had enough information to deny a request for PUD modification based on site plan concerns. Site plan concerns could be dealt with during site plan review.

MOTION by Brickner, support by Stimson, to recommend to City Council that the application to amend PUD 6, 1993, dated January 17, 2023, submitted by Masroor Ahmed, be approved, because the proposed amendment is consistent with the goals, objectives, and policies of the Master Plan and applicable provisions of the Planned Unit Development Option in Section 34-3.20 of the Zoning Ordinance, subject to:

- 1. Modifications of Zoning Ordinance requirements as indicated on the proposed plan.**
- 2. Drive-thru use be allowed only in the southerly outbuilding.**
- 3. PUD Agreement indicate that a revised site plan will be brought back to the Planning Commission for approval, with the revised site plan to show a marked pedestrian crosswalk**

at the back of the building. Planning Commission will review site plan changes for pedestrian safety and noise nuisance, as well as changes to parking and traffic circulation for this use.

- 4. PUD Agreement be modified to be consistent with the uses that are currently on site, including the existing assembly use.**

Motion passed unanimously by voice vote.

B. ZONING TEXT AMENDMENT 1, 2023

CHAPTER OF CODE: 34, Zoning Ordinance
PROPOSED AMENDMENT: Amend permitted use within the RA-2 zoning district to permit economic development activities at municipal facilities
ACTION REQUESTED: Recommendation to City Council
SECTION: 34-3.1.5.B.v.f

Staff Planner Canty explained that this proposed zoning text amendment would apply to the HAWK, City Hall, and the City Golf Club. The amendment was limited to municipal facilities in the RA-2 zoning district.

Chair Countegan opened the public hearing for public comment.

Economic Development Corporation Chair T R Carr and Assistant City Manager Joe Valentine made comments in support of this proposed Zoning Text Amendment as follows:

- This project had been under development by the Economic Development Corporation for several years.
- A \$750K grant had been received from the state of Michigan for some of the renovation on the third floor of the Hawk. The use (Innovation Center) would include the former chemistry and biology rooms from the former Harrison High School, encompassing about 14,000sf. The balance of the 100,000sf space on the 3rd floor is still under review.
- The goal for the Innovation Center is to incubate innovative companies for periods from a few months to 2-3 years. If the companies are successful, they will be encouraged to relocate within the City.
- There would be a phased build-out of the incubator space.
- The research and feasibility study that was done for the project showed a large demand for incubator space in this area. Several potential tenants had already shown interest.

In response to questions, Mr. Carr and Mr. Valentine provided the following information:

- Police and Fire Department could still have use of 3rd floor rooms for training.
- There were other innovation centers in the area including Ann Arbor SPARK, TechTown Detroit, an innovation center in Plymouth, and others. The EDC had done site visits and spoken with individuals at other start-up facilities.
- Eight labs were included in this project; they averaged about 1500sf each. Shared office use would be available.
- A lease in the innovation center would probably be 12–18 months.
- Relative to the HAWK's budget, the \$750K grant from the State will expedite the City's ability to get this use into the black. Partnerships with corporate and educational partners will encourage revenue growth. Authorization from City Council to the EDC was for a progressive approach: build space out, fill it, move to the next space, built that out, and so on. Partnering with a large corporate partner would advance that timetable, and again, advance the revenue received from the space.
- The current mechanical systems, electrical systems, plumbing and HVAC systems appeared to be working correctly. An issue with the gas line needed to be remedied.

- The Building and Planning Department will work with occupancy standards.
- The EDC and the City was seeking to clarify language in the zoning ordinance relative to allowing the use as described.

Seeing that no other public indicated they wished to speak, Chair Countegan closed the public hearing and brought the matter back to the Commission for discussion and/or a motion.

MOTION by Brickner, support by Trafelet, to recommend that City Council adopt Zoning Text Amendment 1, 2023, which proposes to amend The Farmington Hills Code of Ordinances, Chapter 34, “Zoning,” Article 3, “Zoning Districts,” Section 34-3.1.5, “RA-2 One Family Residential,” Subsection 34-3.1.5.B, “Principal Permitted Uses,” in order to amend Subsection 34-3.1.5.B.v.f to allow municipal facilities that provide economic development educational and temporary operational services as principal permitted uses in the RA-2 Zoning District.

Motion passed unanimously by voice vote.

C. CAPITAL IMPROVEMENTS PLAN 2023/2024 THROUGH 2028/2029

Chair Countegan explained that the Planning Commission had worked on the 5 year Capital Improvement Plan (CIP) for the last 3 months. The Commission reviewed the CIP annually. The CIP was not a budget, but served as a tool to help City Council relative to planned capital expenditures during their budget process.

Chair Countegan opened the meeting for public comment. Seeing that no public indicated they wished to speak, Chair Countegan brought the matter back to the Commission.

MOTION by Stimson, support by Trafelet, to adopt the City of Farmington Hills Capital Improvements Plan for 2023/2024 – 2028/2029 as presented, and that the plan be forwarded to City Council.

Motion passed unanimously by voice vote.

REGULAR MEETING

A. REZONING REQUEST 1-2-2023

LOCATION:	29400 Orchard Lake Road
PARCEL I.D.:	22-23-11-101-003
PROPOSAL:	Rezone parcel presently zoned B-4, Planned General Business District, to B-3, General Business District
ACTION REQUIRED:	Set for public hearing
APPLICANT:	Frank Jamil
OWNER:	Amira Plaza, LLC

Referencing his March 9, 2023 memorandum, Planning Consultant Tangari gave the background and review for this request to rezone a .75 acre parcel presently zoned B-4, Planned General Business District, to B-3, General Business District. The property was located on the east side of Orchard Lake Road, just south of 13 Mile Road. The site was currently developed with a small multi-tenant commercial building. It was accessed from Orchard Lake Road, but did not have its own direct driveway; access is across the parcels to the north and south.

Planning Consultant Tangari reviewed the proposed rezoning against items to consider for zoning map amendment, as outlined in his March 9 memorandum. The application was not specific about the type of retail use the applicant was contemplating. Both B-3 and B-4 permitted uses were provided in the review materials. There was B-3 zoning adjacent to this parcel.

In response to questions, Planning Consultant Tangari said the non-conforming setback to the south would remain, if the building remained. If the building were demolished, the setbacks would need to meet current standards.

Chair Countegan invited the applicant to make his presentation.

Applicant Frank Jamil said he had been introduced to this site by the City's Economic Development Director when he attended a forum for professional real estate developers. The concern brought forward at that meeting was that the property at this location had been marketed, and yet had been vacant for years. No one had been willing to put forth the money, time and effort to make something of this site.

Mr. Jamil had purchased the property, had worked with the Planning Department, and tonight was asking to rezone the property to B-3, which request was reasonable as it abutted another B-3 site. The zoning was not contrary to the Master Plan and was not spot zoning.

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

- Mr. Jamil had purchased the property in January 2023. He was planning on marketing, but not selling, the property. The City's Economic Developer Director was also marketing the property on a platform used for that purpose.
- In the time since he had filled out the application for this meeting, Mr. Jamil had received a Letter of Intent (LOI) from someone who has an auto buying/leasing/sales company. This use required B-3 zoning. The company wanted to utilize this property after improving it, including updating the façade, which had not been updated in over 50 years. In any event, B-3 zoning allowed a greater number of uses, allowing more ideas to be considered for this vacant space.
- There was currently one tenant in the building, a restaurant use.

In response to further questions, Planning Consultant Tangari provided the following:

- If the property was rezoned, the rezoning would most likely be to the centerline of Orchard Lake Road.

Discussion

Commissioner Ware wondered how this use fit with the current Master Plan Update, and the desire to create a walkable community by bringing pedestrian uses such as restaurants to the area. How will the described use draw people to the area?

Chair Countegan said any time an applicant comes before the Commission, it provided an opportunity for the City and the applicant to discuss what was going to happen to the property. It was always important to keep the Master Plan in mind, and communicate with an interested developer the City's vision for the area. While rezonings did not offer the same opportunities as a PUD, the discussion did open the door for a new property owner to understand the future of the site as envisioned by the Master Plan, and to plan to update the site with appropriate landscaping, sidewalks, and so on.

MOTION by Grant, support by Trafelet, that Rezoning Request 1-2-2023, dated February 10, 2023, submitted by Amira Plaza, LLC, to rezone property located at 29400 Orchard Lake Road; Parcel Identification Number: 22-23-11-101-003, Oakland County, Michigan, from B-4, Planned General Business District to B-3, General Business District, be set for public hearing for the Planning Commission’s next available regular meeting agenda.

Motion passed unanimously by voice vote.

B. AMEND PLANNED UNIT DEVELOPMENT (PUD) 2, 2021, INCLUDING REVISED SITE PLAN 59-5-2022

LOCATION:	27400 Twelve Mile Road
PARCEL I.D.:	22-23-12-476-008
PROPOSAL:	Construction of assisted living facility and detached, single-family condominiums in RA-1B, One Family Residential District
ACTION REQUIRED:	Set for public hearing
APPLICANT:	Optalis Group
OWNER:	Evangelical Homes of Michigan

Referencing his March 8, 2023 memorandum, Planning Consultant Tangari gave the background and review for this request to amend Planned Unit Development (PUD) 2, 2021, including Revised Site Plan 59-5-202. The action requested this evening was to set this request for public hearing.

Planning Consultant Tangari explained that this was a recently approved PUD at the corner of Inkster and 12 Mile Road, the old Sarah Fisher site. The underlying zoning was RA-1B single family residential.

- The Planning Commission previously determined that the proposed amendment to the PUD is a major amendment to the approved PUD plan for this site. This amendment primarily affects the residential portion of the approved plan, and removes all attached units, though there are also small changes to the skilled nursing portion of the plan that mostly relate to how that portion of the site interfaces or does not interface with the residential portion.
- The plan still called for two primary use areas on the site: a 100-bed skilled nursing facility on the southern portion, and mixed residential on the north portion. The residential portion has been substantially altered, however. The approved version of the plan included 94 units, 64 of which were two-bedroom attached townhomes spread over 12 buildings, with 3-7 units each. The remaining 30 units were two-bedroom detached ranch-style units with walkout basements (this portion of the plan has been more or less preserved from the original approval). All buildings currently on the site will be removed, except for the existing historic chapel; the corner sign will also remain as a landmark.
- Regarding the residential use, the applicant now proposes 51 detached single-family units in the 14.1-acre residential use area of the plan. The underlying RA-1B district requires minimum lot size of 26,000 square feet, or 1.675 units per acre. Proposed density is 3.6 units/acre. This exceeds the underlying permitted density and requires relief from ordinance standards. However this is a reduction in density from the previously approved plan, which included a total of 94 units, some of which were attached.
- Regarding 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. 100,000 square feet of open space is required. 556,922 square feet is provided in the skilled nursing land use area (this, however, includes the Inkster Road right-of-way; nevertheless, this standard is met).

- The use areas had not changed, and nothing regarding the historic designation of the site had changed, although the applicant will again need to go through the Historic District Commission for approval for this change.
- Relief sought from ordinance standards included:
 - Permit skilled nursing use.
 - Permit detached single-family at requested density of 3.6 units/acre.
 - Permit reduced front setback along Inkster Road (30 feet).
- Regarding the single family units, each unit would have a garage.
- Outstanding issues included:
 - Regarding access, the residential portion of the plan is accessed by only one driveway, with a stub connection to Cheswick that has an emergency access gate and surface. Fire, Engineering, and Planning are in agreement that one access point is inadequate for this many units, and that the connection to Cheswick should be fully made if an alternative means of providing a second access point cannot be found.
 - The applicant noted in a letter during the original approval that the parking along the northern property line meets the 10-foot right-of-way setback; this dimension should be shown on the plans.
 - Regarding tree replacement, the notes on the tree replacement plan still refer to the old 174 replacement requirement rather than the new 180-tree replacement requirement and should be updated.
 - Regarding illumination levels, it must be confirmed that all fixtures meet the full cut-off requirement of the ordinance. Fixtures W1 and W2 appear to be decorative in nature; light output and compliance with cutoff standards is not clear.
- When the PUD was originally approved, the Planning Commission cited all objectives i. – viii. in PUD Ordinance 34-3.20.E as being met, except for objective v. The ordinance required that only one objective be met.

Commission discussion:

- The reduction in density between this plan and the original plan was significant.
- Cheswick is a public road, and the City has authority as to where and how connections are made.

Tim Loughrin, Robertson Homes, was present on behalf of this application for PUD amendment. He explained that the original plan had three-story townhomes along Inkster. At the time Robertson Brothers felt townhomes would buffer the site from Inkster. However, the changes in the housing market had really impacted entry-level buyers who might be interested in townhomes, and who were most sensitive to interest rate hike and construction cost increases. Townhomes continued to be successful in walkable urban areas, but this site was not that type of environment, and Robertson Homes did not want to begin a project that would not be successful. Instead they had taken a step back, and the result was the project before the Commission this evening.

Regarding the connection to Cheswick, Robertson Brothers did want to be sensitive to neighbor concerns. The stub street would provide emergency vehicle access. The PUD was previously approved with 94 homes and single access.

In response to questions, Mr. Loughrin provided the following:

- They had spoken with their northern neighbors several times, and the neighbors knew about the current concept, although Robertson Homes had not gone through the plans in detail with the neighbors.
- Their engineer had been working with the City of Southfield regarding Inkster Road access.

- They had not yet opened the project for sales.
- Brownfield funds were being sought for portions of the site, and the draft PUD agreement was being worked on.
- Prices for the new homes would likely be low to mid-\$500s.

Chair Countegan spoke to the importance of having two access points to the residential development. If for any reason Inkster Road was closed, it was critical to be able to provide another access. He believed the northern neighbors would be pleased with the reduction in density.

Commissioner Trafelet agreed. A single tree down during a storm could block the Inkster Road access. He suggested that a mountable curb at Cheswick could effectively direct traffic from this development out to Inkster, rather than having them turn into the neighboring subdivision.

MOTION by Stimson, support by Trafelet, that the application to amend PUD Plan 2, 2021, including Revised Site Plan 59-5-2022, dated February 22, 2023, submitted by Optalis Group, be set for public hearing for the Planning Commission’s next available regular meeting agenda.

Motion passed unanimously by voice vote.

C. LOT SPLIT 5, 2022 (FINAL)

LOCATION:	29555 Orchard Lake Road
PARCEL I.D.:	22-23-03-477-058
PROPOSAL:	Split parent parcel into two (2) parcels in B-2, Community Business, and B-3 General Business Districts
ACTION REQUIRED:	Lot split approval (final)
APPLICANT:	Steve Kolber
OWNER:	Amit Patel

Referencing his January 10, 2023 memorandum, Planning Consultant Tangari gave the background and review for this application to split a parent parcel at 229555 Orchard Lake Road into two parcels in the B-2 Community Business and B-3 General Business Districts.

- The split would result in Parcel 1: .77 acres with 156’ frontage on 13 Mile Road, and Parcel 2: 1.89 acres with 301.6’ frontage on Orchard Lake Road.
- The total site is 2.66 acres and zoned a mix of B-2 Community Business and B-3 General Business. The portion to be split is zoned primarily B-3, with a small strip of B-2 land at the north.
- At present, the site is accessed from Orchard Lake Road by a single driveway, and a second driveway off 13 Mile Road. The site can also be entered from the north, both via the parking lot along Orchard Lake and the alley on the west side of the building. After the split, Parcel 1 would be accessed directly from 13 Mile, and Parcel 2 would be accessed directly from Orchard Lake. The new property line would pass through the existing paved area south of GFS marketplace.
- Dimensional standards appear to be met for both parcels, although the applicant should provide the actual precise setback from the existing building to the proposed property line to verify that this setback is met.
- Given that the new property line runs through a paved maneuvering lane, and that vehicles using certain spaces on Parcel 2 will likely need to travel on portions of Parcel 1 and vice versa, ensuring blanket cross-access over the two sites via easement agreements is important to the continued safe operation of both sites.
- Regarding parking, the portion of this property proposed to be split off as Parcel 1 is partially striped for parking at present. The applicant has provided gross and usable floor area figures for the existing

building on Parcel 2. The split will cause Parcel 2 to drop below the requirement for spaces. The applicant proposes to address this with a shared parking agreement and has provided peak hour information in a narrative response to earlier reviews. The Planning Commission should review this information and consider whether the shared parking arrangement satisfies the intent of the ordinance with regard to parking on both sites.

- Reviewing this request against Subdivision of Land Ordinance 27-110(2)(3) Compatibility with existing parcels, the only issue appeared to apply to parking standards, which was discussed above and would require a Planning Commission determination that the shared parking arrangement satisfied the intent of the ordinance.

Steve Kolber, Evanston IL, the architect for the project, was present on behalf of this application for a lot split. Mr. Kolber made the following points:

- The applicant would address any issues regarding underground storage tanks.
- The proposed use was a Dunkin' coffee/drive-thru restaurant. There were 31 parking spots shown on the site plan. Currently 80% of Dunkin' restaurant use was via drive-thru service; the parking spots would likely never be fully used.
- Dunkin' restaurant busy time is 5am to 10am. Mr. Kolber had conversations with GFS, the Nail Salon and AutoZone, whose busiest times are 10am to 7pm, with peak hours in the afternoon. The shared parking and shared access agreements had been signed, although the Commission did not have copies of the executed agreements.

MOTION by Varga, support by Trafelet, that Lot Split 5, 2022 (Final), dated February 22, 2023, submitted by Steve Kolber, be approved, subject to final planning department and engineering review, including the approval of a shared parking agreement to address the deficiencies with regard to required parking under the Zoning Ordinance, for both the parent and resulting parcels, by the City Planner and City Attorney, because it appears to meet the applicable provisions of Chapter 34, "Zoning," and Chapter 27, "Subdivision of Land," of the City Code and will result in land parcels generally compatible with surrounding parcels in the vicinity, and that the City Assessor be so notified.

Motion passed unanimously by voice vote.

D. SITE PLAN 62-12-2022

LOCATION:	29555 Orchard Lake Road
PARCEL I.D.:	22-23-03-477-058
PROPOSAL:	Construction of drive-in restaurant in B-2, Community Business, and B-3, General Business Districts
ACTION REQUIRED:	Site Plan Approval
APPLICANT:	Steve Kolber
OWNER:	Amit Patel

Referencing his March 8, 2023 memorandum, Planning Consultant Tangari gave the background and review for this application for site plan approval in order to construct a drive-in Dunkin' restaurant at 29555 Orchard Lake Road, in B-2 Community Business and B-3, General Business Districts. This plan was in conjunction with the lot split just acted upon at this address.

The site plan was informationally deficient and must be updated to provide:

- Front yard open space calculation
- Topography

- Preliminary grading
- Preliminary utilities
- Corner clearance triangles
- Required photometric plan notes
- Lighting cut sheets
- Revised photometric plan with avg/min ratio for lighted areas
- Zoning of this and surrounding sites is not labeled
- Percentages are incorrectly presented on Sheet T1.0 (i.e. pavement is 73% of the site, not 0.73%)

Review comments included:

- The plans show the drive-thru queue wrapping around the building to the east, then north, and then back down onto the west side.
- Drive-thru restaurants are principally permitted in the B-3 district subject to Planning Commission approval and the standards of section 4.35. The dimensional standards appear to be met for the district although some measurements need to be provided. Engineering requirements will need to be met for the access drives.
- With the lot split, the parcel will not abut a residential property.
- Signage and pavement markings relative to drive-thru circulation will be important.
- Regarding the landscape plan, the Planning Commission was being asked to agree that the 12 existing trees on the western property line meet the parking lot tree requirement.

Commissioners were concerned that the traffic circulation for the site was already very tight. While this use would at least offer some definition for the circulation, good engineering design was critical.

Commissioner Stimson expressed reservations about approving the site plan without first having the deficient information as called out in Consultant Tangari's review letter.

Steve Kolber, Evanston IL, the architect for the project, was present on behalf of this application for site plan approval. Mr. Kolber made the following points:

- They would work with engineering regarding modifications to the existing 13 Mile access drive.
- The plan provided maneuvering space for GFS delivery trucks.
- A schematic showed fire truck maneuverability.
- The applicants would work with staff to resolve all deficiencies, and would meet the requirements of the Fire and Engineering Departments.
- If approved, this project would start right away.
- The west end of the 13 Mile curb cut would change somewhat, in order to mitigate impacts on the 13 Mile and Orchard Lake Road intersection.
- The Dunkin' building would be ~1780sf.

After discussion and amendment the following motion was offered:

MOTION by Brickner, support by Trafelet, that Site Plan 62-12-2022, dated February 22, 2023, submitted by Steve Kolber, be approved, subject to the approval of a shared parking agreement which resolves any deficiencies with regard to required parking under the Zoning Ordinance, for both the parent and resulting parcels associated with Lot Split 5, 2022, by the City Planner and City Attorney, because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following further conditions:

- **Outstanding issues listed in the January 10, 2023 Giffels Webster review letter, p. 7, Par. 16, be resolved.**
- **Any landscaping issues listed in the January 10, 2023 Giffels Webster review letter be resolved.**

And with the finding that the 12 existing trees on the western property line meet the parking lot tree requirement.

Commissioner Stimson felt there were too many outstanding items to warrant approval this evening.

Motion passed by voice vote 7-1 (Stimson opposed).

E. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE: 34, Zoning Ordinance
PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses
ACTION REQUESTED: Set for public hearing
SECTIONS: 34-2.2 and 34-5.1.1

As outlined in City Planner Perdonik’s March 8, 2023 memorandum, the purpose of ZTA 2, 2023 was to amend the Zoning Ordinance to include a definition of “shipping container,” amend the existing definition of “building,” and to include a new subsection addressing use of off-site-built enclosures, such as shipping containers, as permanent accessory structures or uses.

A recent trend has emerged in that communities in Southeast Michigan are observing industrial grade metal enclosures, such as large shipping containers, being placed within residential yards on a permanent basis for storage, as an alternative to a more traditional shed or storage building. Additionally, the Planning Office receives a high volume of inquiries regarding placing shipping containers on commercial and office properties on a permanent basis.

Under the Zoning Ordinance as presently written, staff is obligated to permit these structures permanently if they meet the height and other dimensional requirements applicable to any accessory structure.

ZTA 2, 2023 was drafted by the Planning Office with the assistance of the City Attorney’s Office, at the City Manager’s request. In the interest of the character of the community, City Council is taking the position that such enclosures should generally be prohibited. ZTA 2, 2023 would prohibit the use shipping containers and other nontraditional off-site-built enclosures as accessory structures or uses, with three (3) exceptions:

1. Use of one (1) such structure within the LI-1, Light Industrial zoning district with the approval of an administrative site plan;
2. Structures permitted on a temporary basis by the Zoning Board of Appeals; and
3. Structures placed on residential lots for a period of time not to exceed thirty (30) days per year with the approval of the Zoning Division Supervisor.

Discussion:

- People using storage containers such as PODS when renovating their homes often needed the containers longer than 30 days. However, the draft language did allow the 30 days to be extended. The intent was to prevent storage containers being treated as permanent structures.
- Some people used storage containers as permanent housing, and in some communities storage containers were stacked and used for apartments.
- Other uses of storage containers included RV storage, lawn equipment storage, etc.
- The comment was made that the 30-day limit seemed punitive, especially as people needed to use storage containers while renovating their homes. 30 days did not seem reasonable. On the other hand, the ordinance would serve those residents who had a POD or other storage container stored next to them for long periods of time, without recourse.
- Some Commissioners wondered if this ordinance was necessary. Had the City received many complaints regarding storage containers?

After further discussion, Chair Countegan suggested that before taking action, the Planning Commission study this Zoning Text Amendment further during a future study session, and closed discussion on this item.

F. ELECTION OF OFFICERS

MOTION by Stimson, support by Brickner, to re-elect the same slate of officers as now serving:

Chair: Dale Countegan
Vice Chair: John Trafelet
Secretary: Marisa Varga

Motion passed unanimously by voice vote.

APPROVAL OF MINUTES February 16, 2023, Regular Meeting

MOTION by Aspinall, support by Ware, to correct and approve the minutes of the February 16, 2023 Regular Meeting as follows:

- **Correct the address for Planned Unit Development (PUD) 6, 1993 from 27614 to 27604 Middlebelt Road where that error occurs.**

Motion passed unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

April meeting(s) will be April 20. A joint meeting with City Council relative to the Master Plan is being scheduled prior to the regular meeting. More to follow.

ADJOURNMENT

MOTION by Trafelet, support by Grant, to adjourn the meeting at 10:14pm.

MOTION passed unanimously by voice vote.

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Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem