

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
JANUARY 18, 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, Mantey, Trafelet, Stimson, Varga, Ware

Commissioners Absent:           None

Others Present:                   City Planner Perdonik, City Attorney Schultz, Planning Consultants Tangari and Upfal

**APPROVAL OF THE AGENDA**

**MOTION by Trafelet, support by Ware, to amend and approve the agenda as follows:**

- **Add item 6.A: Election of Officers**

**Motion passed unanimously by voice vote.**

**REGULAR MEETING**

**A. LOT SPLIT 2, 2023 (Final)**

LOCATION:	South side of Kentfield Avenue, just east of Tuck Road
PARCEL I.D.:	22-23-35-402-006 and 007
PROPOSAL:	Combine two (2) parcels and split the two (2) parcels in to three (3) resultant parcels in RA-3, One Family Residential zoning district
ACTION REQUESTED:	Lot split approval (final)
APPLICANT:	Terry Sever
OWNER:	Crosswinds Court, Inc. Leo Soave

The applicant was not present this evening.

**Planner's review**

Referencing the January 10, 2024 Giffels Webster review, Planning Consultant Tangari highlighted the following:

- The existing parcels are .86 and 1.72 acres. The proposed parcels would be 1.33, .63, and .63 acres. The parcels are zoned RA-3, and are surrounded by RA-3 zoned properties.
- Kentfield Avenue runs along the north parts of the parcels, and is paved to the end of the second parcel. Right-of-way is established and dedicated along the north part of the third parcel all the way to Tuck, but is not yet paved. The right-of-way would need to be paved prior to development.

- The properties are vacant. A wetland determination will need to be completed prior to development to confirm buildability.
- There is vacant land to the north of the properties and single family homes to the east, south, and west.
- The proposed acreage of the properties meets the standards of the district for minimum lot size and width, and the depth-to-width ratio standard is met.
- The buildable areas on the lots meet the setback requirements of the district. Regarding compatibility standards, the proposed parcels have the same relationship to the street as the other parcels in the neighborhood, but are deeper than the other parcels. In general, the land division will reduce the incompatibilities in lot size presented by the parent parcels. The parcels meet RA-3 zoning ordinance requirements.

Commissioner Mantey said that he preferred to wait to split the lots until after the wetlands determination was complete. If there is a substantial wetland on the property, it would be better to have one house, instead of three, on the overall site.

Planning Consultant Tangari said the site appeared to contain hydric soil, as opposed to being an emergent wetland.

Commissioner Stimson asked about the history of lot splits on this parcel. Parcel A would be large enough to split again, but approving the lot split as requested might conceivably reach the limit of lot splits on the site. Should splitting into four parcels be considered?

City Attorney Schultz explained that wetlands were regulated by the State of Michigan. The Planning Commission did not have enough information tonight to deny the split based on the impact of wetlands on buildability. He noted that the Commission had 45 days in which to approve or deny the request, should therefore approve or deny the request tonight.

City Planner Perdonik explained that the engineering department would determine whether a wetlands determination was required before approving engineering plans.

Commissioner Brickner said the Commission was responsible for approving or denying the requested lot split, and not the buildability of the lots based on the wetlands. He noted that the buildable areas of the proposed lots were further from the water source than existing houses.

After discussion and amendment, the following motion was offered:

**MOTION by Brickner, support by Trafelet, that (Final) Lot Split 2, 2023, submitted by Terry Sever, BE APPROVED, 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 the surrounding parcels in the vicinity; and that the City Assessor be so notified, with the condition that:**

- **No building to be constructed on Parcel A until the entire north frontage of Parcel A is paved per city engineering requirements.**

Motion discussion:

Commissioner Stimson asked staff to notify the applicant should the lot split create a future restriction.

Regarding the motion condition:

- The condition for approval is based on the City requirement that public improvements are in place to accommodate the split.
- All buildable lots require public road frontage. The condition clarifies that the applicant is responsible for creating the appropriate public road frontage.

**Motion passed unanimously by voice vote.**

**B. SITE PLAN 68-12-2023 (Amended PUD 6, 1993)**

LOCATION: 27604 Middlebelt Road  
PARCEL I.D.: 22-23-13-101-003  
PROPOSAL: Convert existing northerly tenant space in existing southerly outlot building to drive-in restaurant in OS-1, Office Service zoning district  
ACTION REQUESTED: Site plan approval  
APPLICANT: Benedetto Tiseo  
OWNER: Merchants Marketplace, L.L.C.

A public hearing was held regarding this proposal at the March 16, 2023 Planning Commission meeting.

Planner's review

Referencing the January 10, 2024 Giffels Webster review, Planning Consultant Upfal highlighted the following:

- The site is a 7.5 acre property zoned a mix of OS-1 and B-2, and including part of a PUD that was approved in 1993.
- The applicant proposed a PUD amendment in March 2023 to allow retail restaurant use, specifically a coffee shop with a drive-through. At that time the Planning Commission made a recommendation to approve the request conditioned on submittal of a revised site plan, to be reviewed by the Planning Commission, showing changes to the site configuration associated with the drive-through.
- Other conditions of the motion included modifications of zoning ordinance requirements as indicated on the proposed plan, that drive-through use be permitted only in the southerly outbuilding, to provide a marked crosswalk at the back of the building with special consideration of pedestrian safety and potential for nuisance, and the PUD agreement be consistent with the uses currently on the site.
- City Council adopted the recommendation and included in their motion that all conditions required by the Giffels Webster review and by the Planning Commission motion should be adopted, as well as requiring that the restaurant could only be a coffee shop with no fryers, and encouraging a traffic circulation plan that minimized the impact on existing neighboring businesses.
- The submitted plans showed a coffee shop with a drive-through as described.
- The Giffels Webster site plan review included:
  - Identified administrative cleanups including labeling and technical revisions to the site data chart.
  - No lighting plan had been submitted.
  - Some landscaping elements including details for proposed plantings, existing tree details, and a proposed tulip tree were missing from the plan.
  - The applicant provided a 10'x50', 500sf loading space where the requirement was 800sf based on frontage. However, office use was the predominant use of the structure.

- The location of roof and mechanical equipment was not shown on the plans.
- Circulation did not appear to cause any conflicts, but if there was stacking beyond ten spaces, traffic would enter the maneuvering lane which was the primary ingress and egress to the main road.
- The applicant provided a crosswalk in the rear of the building; Commissioners should consider whether the proposed crosswalk adequately addressed their concerns or whether additional pedestrian treatments were needed.

In response to comments, City Planner Perdonik said that rooftop screening could be handled administratively before permitting.

Commissioner Ware raised a concern that traffic circulation would be blocked during loading and unloading, and suggested an alternate traffic pattern looping through the existing parking area to the north, which also had access from 12 Mile Road.

Benedetto Tiseo, Tiseo Architects, 19815 Farmington Rd, Livonia, was present on behalf of this request for site plan approval, to convert existing tenant space in an existing outlot building to a drive-through restaurant. Developer Masroor Ahmed was also present.

Mr. Tiseo provided the following information:

- The existing rooftop units were already completely screened, and the applicant did not anticipate adding another rooftop unit. If any exhaust fans were added, they would be screened.
- Deliveries would be scheduled during off-peak hours.
- The applicant had considered the alternate traffic pattern suggested by Commissioner Ware, but determined that pattern eliminated a large amount of parking, and would disrupt the flow of traffic.
- A pedestrian path coming from Middlebelt Road will connect to the front of the building. A fence will block pedestrian flow from the delivery area in the back of the building, and an outlined crosswalk is provided from the parking area behind the building.

In response to comments, City Planner Perdonik said that landscaping plan omissions were minor and could be handled administratively. The applicant had submitted a traffic study to the engineering department; this will undergo extensive review.

Commissioner Grant remained concern for pedestrian safety, noting that this issue had been raised by the neighboring orthodontist during the March meeting.

Mr. Tiseo explained that a fence next to the loading area would prevent pedestrians from walking from the parking lot to the back of the building, and that the crosswalk would direct pedestrian traffic from the parking lot to the pedestrian walkway.

Mr. Ahmed further explained pedestrians could walk uninterrupted from the orthodontist's entrance along the east side of the building to a crosswalk that led to the parking area located on the south side. He felt the plan improved existing safety measures.

Chair Countegan recognized Dr. Thomas Jusino, the orthodontist whose office was located in the building.

Dr. Jusino, 27600 Middlebelt Rd, said he had been in the building since 2007. He believed the fence would prevent deliveries to his office; his deliveries occurred throughout the day. He felt the only solution was to place the drive-through on the north side of the building using a looped access. There were many unused parking spaces on the north side of the building, while the proposed traffic pattern would eliminate needed parking spaces on the south, as well as negatively impact his deliveries and patient access. Neighboring businesses would also be negatively impacted.

In response to a question from Chair Countegan, City Planner Perdonik said that City Council thought a well-marked crosswalk from the back door to the remainder of the shopping center solved the pedestrian safety issue. City Council had not asked for a fence, and it was not required per the PUD agreement.

Mr. Tiseo said they had evaluated different ways to provide the necessary stacking for the drive-through. A loop on the north side of the building would eliminate probably 50 parking spaces.

In response to comments, Mr. Ahmed said the fence could be eliminated if it prevented the orthodontist deliveries from unloading. The fence had been proposed for pedestrian safety, but was not required. The fence was proposed by the landlord, after the landlord had communicated with the orthodontist.

In response to a question, City Planner Perdonik explained that the stacking requirement of ten spaces came from the zoning ordinance regulating drive-through windows. The ordinance required ten spaces before the pick-up window, of which five of the spaces must be before the order board.

Commissioner Mantey pointed out that the important issue was for the stacking to not interfere with traffic in the road, and suggested requiring seven spaces before the pick-up window, noting that there was room within the shopping center to accommodate another three cars.

City Planner Perdonik explained that meeting the ordinance and meeting engineering requirements for traffic circulation and safety were two separate issues. The traffic study would look at the overall issue in more detail.

In response to a question, City Planner Perdonik said that the landlord signed off on the PUD application prior to Planning Commission review.

In response to questions, Mr. Ahmed said that the coffee shop hours were from 6:00am-9:00pm. He noted that the coffee shop would be busiest from 6:00am-9:00am, after which traffic would be minimal. Dr. Jusino said his hours were 9:00am-5:00pm, Monday through Friday.

Chair Countegan identified issues as pedestrian safety, whether the fence was appropriate, and whether the traffic circulation was appropriate.

In response to a question from the Chair, Planning Consultant Upfal explained that City Council had approved the proposed use based on a conceptual plan that was very similar to the plan presented this evening.

Commissioner Aspinall noted that issues were based on the worst case scenarios, which were unlikely to happen.

Commissioner Mantey said he liked the fence as a safety precaution, and suggested leaving an opening for deliveries to the orthodontist office. He thought there would rarely be ten cars in the drive-through, and that people who make deliveries were used to slight inconveniences. He thought the plan was workable.

Commissioner Ware pointed out that the existing conditions did not provide any pedestrian safety measures.

In response to comments, Planning Consultant Upfal said that the current proposal resulted in a loss of 15 parking spaces.

After further discussion and amendment, the following motion was offered:

**MOTION by Stimson, support by Trafelet, that Site Plan 68-12-2023, submitted by Bendetto Tiseo, BE APPROVED, because it appears to meet all applicable requirements of the Zoning Chapter**

**With the following condition:**

- **The applicant address all deficiencies identified in the January 10, 2024 Giffels Webster review.**

**And with the following finding:**

- **The fence is optional.**

**Motion passed unanimously by voice vote.**

### **APPROVAL OF MINUTES**

**December 14, 2023, Regular Meeting**

**MOTION by Grant, support by Trafelet, to approve the December 14, 2023 regular meeting minutes as submitted.**

**Motion carried unanimously by voice vote.**

### **PUBLIC COMMENT**

Kelly Goldberg, High Valley Rd, expressed great concern over pedestrian safety with this project, and addressed the importance of keeping pedestrians and vehicles separated. She noted a lack of traffic studies that considered poor weather, visibility, car volumes, and funeral processions. She said that Dr. Jusino and his patients were losing use and enjoyment of their space, and commented on Dr. Jusino's community philanthropy and consistent generous civic engagement.

Chair Countegan thanked Ms. Goldberg for her comments, and spoke to the balance the Planning Commission must strike in meeting the needs of various community segments as well as the importance of following the rules under which the Commission operated. He agreed that Farmington Hills was fortunate to have Dr. Jusino as a member.

### **ELECTION OF OFFICERS**

Chair Countegan proposed electing Vice Chair Trafelet as chair, Secretary Varga as vice-chair, and solicited nominations for secretary.

Commissioner Varga nominated Commissioner Aspinall as secretary.

Commissioner Brickner nominated Vice Chair Trafelet as chair and Secretary Varga as vice chair.

**MOTION by Brickner, support by Mantey, to end nominations and elect the nominees to the positions as nominated, effective March 1, 2024:**

**John Trafelet, Chair  
Marisa Varga, Vice Chair  
Kristen Aspinall, Secretary**

**Motion carried unanimously by voice vote.**

**COMMISSIONER/STAFF COMMENTS**

Commissioner Mantey read an excerpt from *The High Cost of Free Parking* by Donald Shoup.

Commissioners thanked Chair Countegan for his service as Chair, especially his level-headed, calm, clear, and reassuring feedback to the public during controversial discussions.

Commissioner Stimson stressed the importance of having hard copies of the plans; without hard copies Commissioners could give the impression of being on their devices during meetings, as they accessed documents online.

Commissioner Trafelet pointed out the high cost of mailing packets. Hard copies could be distributed the night of the meetings.

Chair Countegan asked that site plans be superimposed onto aerial views of the sites.

Commissioner Trafelet encouraged Commissioners to watch a recent 60 Minutes episode on Commercial Real Estate.

**ADJOURNMENT**

**Motion by Stimson, support by Grant, to adjourn the meeting at 9:04pm.**

**Motion carried unanimously by voice vote.**

Respectfully Submitted,  
Marisa Varga  
Planning Commission Secretary

/cem