

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING
COUNCIL CHAMBERS
January 17, 2019, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on January 17, 2018.

Commissioners Present: Brickner, Goerke, Mantey, McRae, Schwartz, Stimson, Turner

Commissioners Absent: Countegan, Orr

Others Present: City Planner Stec, City Attorney Schultz, Planning Consultant Tangari, Staff Engineer Kennedy

APPROVAL OF AGENDA

Chair Schwartz asked to add Item 5.B. Discussion of the Eldon Street Development, 29325 Eldon to the agenda.

MOTION by Stimson, support by Goerke, to amend the agenda to add Item 5.B. Discussion of the Eldon Street Development, 29325 Eldon.

MOTION carried unanimously.

PUBLIC HEARING

A. REZONING REQUEST 3-10-2018

LOCATION: 27815 and 28025 Middlebelt Road
PARCEL I.D.'s: 23-11-477-109, 013 & 014
PROPOSAL: Rezone three parcels from B-2 Community Business District, P-1 Vehicular Parking District, and RA-1 One Family Residential, to RC-2 Multiple Family Residential District
ACTION REQUESTED: Recommend to City Council
APPLICANT: Harbor Retirement Development, LLC
OWNERS: John P. Ginopolis Trust & George L. Redilla

John D. Gaber, Williams Williams Rattner & Plunkett, P.C., 380 North Old Woodward Avenue, Suite 300, Birmingham, was present on behalf of this request to rezone 3 parcels from B-2 Community Business District, P-1 Vehicular Parking District, and RA-1 One Family Residential District, to RC-2 Multiple Family Residential District, in order to build a convalescent housing/assisted living facility for seniors on the site. Richard A. Baummer, Vice President – Acquisitions & Entitlements, HRA Senior Living, 958 20th Place, Vero Beach FL, was also present.

Mr. Gaber explained that Harbor Retirement Development (brand name Harbor Chase Communities) was both a developer and operator of senior living facilities; they understood the market and what it took to operate senior facilities. They currently operated over 30 combined assisted living/memory care facilities throughout the country, which was what they were proposing for this location. Harbor Retirement felt there was an unmet demand in Farmington Hills for people to be able to age in the community in which they lived.

Mr. Gaber said they were requesting rezoning to RC-2 for several reasons:

- While convalescent homes were a principal permitted use in all RC zoning classifications, RC-2 specifically fit with the surrounding zoning districts.
- RC-2 provided the density needed to have a successful retirement community.
- RC-2 was compatible with adjacent uses in the area. It was the same zoning as the Beechwood Condominiums immediately to the west of the site, and rezoning the subject site to RC-2 was a logical extension of the District.
- RC-2 provided good transitional zoning to the single-family homes to the north; commercial uses were on the other 3 corners of the intersection.
- RC-2 was consistent with the Master Plan's high-density residential requirements for this area.
- The two northerly parcels that were part of the request were master planned for multi-family residential, which was what RC-2 provided.
- The south parcel was master planned for shopping center/business. The proposed use was less intense than that and provided good continuity of uses in the area.
- The impact on public services would be less intense than the commercial uses permitted for that corner, and the impact on public services was exactly what the Master Plan anticipated for the northerly two parcels.
- The impact on traffic was similar – less intense than the commercial uses permitted for the corner. Providing multi-family throughout and their development in particular would be a less intense impact on the overall traffic in the area.
- The proposed development could meet the RC-2 requirements without variances.

Chair Schwartz invited Planning Consultant Tangari to give his review.

Utilizing overhead slides, and referring to his November 2, 2018/revised January 16, 2019 review letter, Planning Consultant Tangari gave the background for this rezoning request for the three parcels as stated, totaling 4.04 acres.

Planning Consultant Tangari reviewed the zoning of adjacent properties: to the north were single-family homes zoned RA-1. To the east across Middlebelt were single-family homes zoned RA-1A, a gas station zoned B-1, and small office zoned OS-1. To the south across 12 Mile Road were a gas station and strip mall, zoned B-1, and to the west was multiple-family zoned RC-1 and an undeveloped property zoned RA-1.

The Master Plan designated Parcel 109 as a “shopping center type business,” except for the portion currently zoned P-1, which was designated Multiple-Family Residential. The other two parcels were both designated Multiple-Family Residential. The residential densities map designated the land as high density. This category corresponded to the RC-1, RC-2, and RC-3 districts.

Important dimensional standards included the 35% maximum lot coverage, minimum rear setback of 20 feet, and minimum side setback of 20 feet/40 feet total. The maximum building height was 30 feet.

Planning Consultant Tangari reviewed the items to consider for Zoning Map Amendment, as outlined on pages 3-4 of his review letter. The only issue was that the proposed use would not have more of a demand on services than a restaurant, etc., with the exception of emergency medical calls. While the applicant had not provided evidence that the property could not be developed or used as zoned, the restaurant that had

been located there had obtained numerous variances over the years, which was an indicator of the difficulty of operating a business in this location. The rezoning would not constitute spot zoning.

In response to a question from Chair Schwartz, Planning Consultant Tangari said that if the property were rezoned, and the planned development did not happen, the property could be sold and a traditional multi-family development could be constructed there.

Commissioner Stimson asked what the setback would be from Orion Court. Planning Consultant Tangari said the ordinance defined the yards based on what street was chosen for the address. In any event, whether rear or side yard, the setback from Orion Court would be 20 feet.

In response to a further question from Commissioner Stimson, Planning Consultant Tangari listed the principal permitted uses in the RC-2 District, as well as Special Approval Uses, as listed in Section 34-3.1.11 of the zoning ordinance.

City Planner Stec pointed out that a senior living facility's density was not regulated by the square footage of the site. Rather the density was based upon the amount of square footage of open space that was provided by the development. A traditional multi-family development was regulated differently.

In response to a question from Commissioner McRae, Planning Consultant Tangari said this site did not lend itself to a PUD; rezoning seemed the most direct path for this development to move forward.

Chair Schwartz opened the public hearing.

John Anhut, Chair of the Farmington Hills Economic Development Corporation, said the EDC was in favor of this request.

Ibad Syed, 29546 Orion Court, spoke on behalf of the Homeowners Association on Orion Court. The Association had met this past Sunday, and unanimously opposed this rezoning request for the following reasons:

- This development would back up to their subdivision. The homeowners there paid a premium for their properties due to the private, serene setting.
- Ambulance traffic in and out would negatively impact their neighborhood.
- The possibility of a traditional multi-family development on this property, should the proposed senior living facility not be developed, caused concern.
- The character of the proposed development did not fit in well with the single-family homes on Orion Court.

Michael McCauley, 29668 Orion Court, opposed this rezoning. He was concerned about what would happen to his property value, as well as the negative impact on the serenity of the Orion Court homes. He supported the comments made by Mr. Syed. He was curious as to what the development would actually look like.

In response to a question from Chair Schwartz, Planning Consultant Tangari said he did not know what the setback was for the Beechwood Condos. He pointed out that there were specific screening standards for multi-family development when there was single-family zoning adjacent. A wall was not required.

In response to a request from Chair Schwartz, Mr. Baummer showed some conceptual plans and elevations for the proposed development. The front yard would be on Middlebelt Road. The building

would be set back further than 20 feet from Orion Court, in order to give room for a driveway there. They would provide an intensive buffer along Orion, and there would be no access to Orion from the subject site.

Mr. Baummer emphasized the residential character and setting of the development, which would have 2 stories with balconies, similar to the condominiums to the west. Regarding the number of ambulance runs, Mr. Baummer said that they were not a nursing home; rather they were an assisted living/memory care facility. As Farmington Hills residents aged in place at this location, there was a potential reduction in emergency calls for the broader community as residents moved out of their homes into this safer environment, with staff present 24/7. Their own statistics showed they might have a handful of calls over the course of a month.

Chair Schwartz noted that tonight's action was for a recommendation to City Council only. He suggested that before the applicants appeared before City Council, they meet with the residents of Orion Court, and show those residents what type of screening would be provided, how ambulance calls would be handled, etc.

Mr. Baummer said they had reached out to some of the neighbors of this site.

In response to a question from Commissioner Turner, Mr. Baummer said the existing restaurant would be demolished for this project.

City Planner Stec pointed out that the northern driveway on the concept plan would probably be required to be located further south, as it was located too close to Orion Court.

Commissioner McRae asked the zoning for the properties north of Orion Court. City Planner Stec said those properties were zoned RA-1. Planning Consultant Tangari said that Sylvan Lane did appear to have some four-plex townhomes; it was possible that was developed under the cluster option.

Chair Schwartz closed the public hearing and brought the matter back to the Commission for further comment and a motion.

Commissioner Brickner made some comments regarding the loss of Ginopolis Restaurant. He also noted that Fire Station 2 was about a block north of this site.

Regarding item 9 in the list of things to consider for a zoning map amendment, Chair Schwartz said that he felt there was a change in circumstance since the adoption of the Master Plan in that there had been a marked decline in the demand for retail, as big box stores and online sales had changed the marketplace. He did not see the area supporting a new retail establishment, and felt there was real justification for rezoning this property.

Commissioner Mantey agreed, and suggested that when the next Master Plan review occurred, the Commission should consider reducing the areas dedicated for retail, and increasing the areas where retirement homes could be located.

Commissioner Mantey said the current Master Plan designated most of the subject site as multiple-family RC-2, and he felt it would be very difficult to vote against tonight's proposal.

Commissioner McRae said that based on the information presented this evening, and based on the development to the immediate west being zoned RC-2, the requested zoning change was a reasonable alternative to the Master Plan, and indicated he was ready to make a motion.

MOTION by McRae, support by Brickner, that the Planning Commission recommend to City Council that Rezoning Request 3-10-2018, petitioned by Harbor Retirement Development, LLC, to rezone three parcels from B-2 Community Business District, P-1 Vehicular Parking District, and RA-1 One Family Residential, to RC-2 Multiple Family Residential District be approved because the change is a reasonable alternative to the Master Plan because it will promote the land use policies of the Master Plan and will not conflict with present policies.

Chair Schwartz recognized Mr. Syed, who indicated he wished to make a further comment.

Mr. Syed said that he was appalled that the Commission was moving this project forward, as the homeowners on Orion Court had unanimously voiced their objection to it. Speaking for himself as a single resident, Mr. Syed said the idea claimed by Mr. Baummer that there would be less ambulance traffic overall than what would occur throughout the city was laughable in terms of what the increase would be for the residents of Orion Court. Orion Court residents had a very quiet community, with high property taxes. Their main concern was that there would definitely be ambulance traffic and a more intense use than what was there presently. Mr. Syed felt false facts had been put forward, including the fact that residents had been contacted prior to tonight's meeting; no one on Orion Court had been contacted by the developer. He urged the Commission to make their decision based on facts.

Commissioner Mantey said that the fact he heard the applicants claim was when residents were allowed to age in place in a senior living facility within their community of origin, in the community as a whole there would be less ambulance service. He had personal experience which supported this claim.

Chair Schwartz agreed with Commissioner Mantey's interpretation of the comments made by the applicant.

Chair Schwartz said there was no question that there would be ambulance runs to this facility. He requested that the applicants arrange to have ambulance runs enter off of 12 Mile Road, especially at nights and on weekends. However, the property was going to be developed one way or another. This type of facility would be less of an impact than a traditional multi-family development. Also, there were already 4 houses on Orion Court that were directly across the street from Beechwood Condominiums.

Chair Schwartz called the motion.

Motion carried unanimously.

REGULAR MEETING

A. SITE AND LANDSCAPE PLAN 70-12-2018

LOCATION:	30170 Grand River Ave
PARCEL I.D.:	23-35-201-009
PROPOSAL:	Addition to existing Movie Theater in a B-3, General Business District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Tower Construction, LLC

OWNER: West River Shopping Center, LLC

Utilizing overhead slides, and referring to his January 7, 2019 review letter, Planning Consultant Tangari gave the review for this request for site and landscape plan approval for a 14,660-square-foot addition to the existing 32,534-square-foot cinema, to bring the building's total area to 47,194 square feet. The addition would include two new theaters, new bathrooms, a party room and a small screening room.

Planning Consultant Tangari reviewed this application against required dimensional standards and site plan requirements. Outstanding issues called out in the review letter had been resolved; the photometric plan covering this portion of the site had been provided earlier in the week. One replacement tree was required; three new trees were proposed. There were some notes that needed to be added to the Landscape Plan as outlined on page 3 of the review letter; those could be added and approved administratively.

Chair Schwartz addressed parking on the site. When this new addition opened and the exercise facility sharing the site opened up, there might be a little competition for parking, although there was plenty of parking on the site.

Commissioner Mantey asked if there had been a lot split on this site about 5 years ago. After brief discussion, Planning Consultant Tangari said the property was listed as one property on city records.

City Planner Stec said the dumpster location would likely have to be shifted in order to accommodate emergency vehicle access.

Commissioner Turner said the plan showed three additional theaters, not two. Planning Consultant Tangari said one of those theaters was a small 35-seat screening room. The seat counts provided did include that screening room.

Planning Commissioner Stimson asked if the issues called out in the January 3, 2019 Fire Department letter had been resolved. City Planner Stec said that the issues had been resolved, as long as the dumpster location was moved.

Chair Schwartz invited the applicants to make their presentation.

Chet Friesen, Tower Construction, 2093 Orchard Lake Road, Sylvan Lake MI was present on behalf of this application, as was Tim Currie, Civil Engineering Solutions, 1150 Corporate Office Drive, Suite 210, Milford, MI.

Mr. Friesen said they would be happy to answer any remaining questions.

Seeing that there was no further discussion, Chair Schwartz brought the matter back to the Commission for a motion.

MOTION by McRae, support by Goerke, that Site Plan 70-12-2018, dated December 18, 2018, submitted by Tower Construction, LLC, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the submission of a revised site plan addressing the following items for administrative review:

- **Photometric plan of the construction area.**
- **Turning radii to meet Fire Department Standards.**

Motion carried unanimously.

MOTION by Stimson, support by Goerke, that Landscape Plan 70-12-2018, dated December 18, 2018, submitted by Tower Construction, LLC, be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission.

Motion carried 7-0.

B. DISCUSSION OF THE ELDON STREET DEVELOPMENT, 29325 ELDON

City Planner Stec explained that at the December 13, 2018 Planning Commission meeting the Commission had approved Site Plan 68-10-2018, located at 29325 Eldon. There had been a consensus not to require a connection from the access on Eldon Road to the access easement in place on the property to the south, where there was a stubbed driveway.

After meeting with the Engineering Department, the applicants had contacted City Planner Stec and indicated they now wanted to install the connection. The question tonight was whether to bring the applicants back to the Commission to explain the difference this made to the approved site plan, or to allow administrative review and approval of this change.

After brief discussion, Commissioner Brickner offered the following motion:

MOTION by Brickner, support by Goerke, in the matter of Site Plan 68-10-2018, approved December 13, 2018, that the Planning Commission allow the connection of the access on Eldon Road to the access easement in place on the property to the south, and that the change be reviewed administratively.

Motion carried 6-1 (McRae opposed).

APPROVAL OF MINUTES: December 13, 2018

MOTION by Mantey, support by Turner, to approve the December 13, 2018 meeting minutes as published.

Motion carried unanimously.

PUBLIC COMMENT None.

COMMISSIONERS' COMMENTS

Commissioner Mantey said that if the City banned the sale of recreational marihuana, he hoped they would also not claim there was no money for sidewalks.

Commissioner McRae asked for enforcement regarding the noncompliant LED lights around windows on the strip mall on the east side of Orchard Lake Road south of 13 Mile.

Chair Schwartz thanked the Department for resolving the issue of a flashing light at the gas station on the corner of Farmington Road and 12 Mile Road. Commissioner McRae commented that the station lights were directed out, and were not compliant with the current ordinance.

Chair Schwartz asked that enforcement staff take a look at the sign for My Salon Suite on Farmington Road just south of the YMCA for compliance with size requirements. He also suggested that parking requirements be reviewed for fitness facilities; often the parking at those facilities was very full.

Chair Schwartz noted that next week was the Capital Improvement Plan study session. He was hoping to limit the discussion to things that related to land use.

ADJOURNMENT:

Seeing that there was no further discussion, Chair Schwartz adjourned the meeting at 8:55 p.m.

Respectfully Submitted,
Dale Countegan
Planning Commission Secretary

/cem