

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC/REGULAR MEETING  
CITY COUNCIL CHAMBER  
31555 11 MILE ROAD, FARMINGTON HILLS MI  
November 20, 2014**

Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on November 20, 2014.

Commissioners Present: Blizman, Mantey, Orr, Rae-O'Donnell, Stimson, Topper, Schwartz

Commissioners Absent: Fleischhacker, McRae

Others Present: Staff Planner Stec, Traffic Engineer Saksewski, Civil Engineer Darnall, City Attorney Schultz, Planning Consultants Arroyo and Stirling

**APPROVAL OF AGENDA**

**MOTION by Rae-O'Donnell, support by Stimson, to approve the agenda as published.**

**Motion carried unanimously.**

**PUBLIC HEARING**

**A. REZONING REQUEST 3-9-2014**

LOCATION:	Southeast corner of Eldred St. and Kenwood St.
PARCEL I.D.:	22-23-35-478-001
PROPOSAL:	Rezone parcel currently zoned RA-3, One-Family Residential District to SP-1, Special Purpose District
ACTION REQUESTED:	Recommend to City Council
APPLICANT:	Farmington Hills Senior Leasing
OWNER:	Farmington Hills Senior Leasing

Utilizing overhead slides, and referring to his review letter of November 13, 2014, Planning Consultant Arroyo described the location of this application submitted by Farmington Hills Senior Leasing to rezone property from RA-3, One Family Residential District to SP-1 Special Purpose District for the purpose of expanding a skilled nursing and rehabilitation facility (Manor of Farmington Hills). This was currently vacant property located to the west of 21017 Middlebelt Road at the corner of Eldred and Kenwood Streets. The property was 1.042 acres.

The adjacent land uses included a center for elderly care and services or convalescent home to the east with frontage on Middlebelt Road, single family residential to the west and north, and industrial uses (landscape supply sales and storage and cement manufacturing and storage yard) to the south with frontage on Eight Mile Road.

The adjacent property to the east was zoned SP-1, Special Purpose District and was owned by the applicant and used as a convalescent facility. The properties to the north, west and south were zoned RA-3, One Family Residential District. The property to the north, fronting on Middlebelt Road, was zoned OS-1, Office Service District. Properties with frontage on Eight Mile Road were predominately zoned LI-1, Light Industrial District. A few parcels fronting Eight Mile Road were zoned RA-3, One

Family Residential District, with other parcels zoned B-1, Local Business District and B-3, General Business District.

The City's Residential Densities Map designated the subject property for medium residential density, which was consistent with the RA-3 and RA-4 Residential Districts (minimum average lot size of 12,500 square feet and 8,500 square feet, respectively). Properties to the north, east and west were also designated as medium residential density. Properties to the south along Eight Mile Road were predominately non-residential.

Planning Consultant Arroyo explained that the Master Plan for Future Land Use Map designated the subject property as Single-Family Residential. The property was not included in any of the Special Planning Areas introduced in the Master Plan for Future Land Use, 2009. The adjacent and associated elderly care facility, located to the east, was designated Multiple-Family Residential as were the properties to the south of and abutting Eight Mile Road.

Planning Consultant Arroyo reviewed *Issues to Consider for Zoning Map Amendment* as follows:

1. Was the proposed zoning consistent with the Master Plan?  
The Master Plan designated this parcel as Single-Family Residential. A convalescent home was not consistent with the City's intent for this property.
2. What impact would the requested zoning have on public services and utilities and natural features?  
As the requested zoning only permitted convalescent homes, the impact on utilities and natural features would not be out of the ordinary. The impact on emergency services personnel and services might be higher with the expansion of the facility and higher than the demands placed by a traditional single-family residential unit.
3. Had the Applicant provided evidence that the property could not be developed or used as zoned?  
No. No additional information had been provided. The proposed rezoning was for the purpose of expanding an existing skilled nursing and rehabilitation facility. No preliminary plans had been submitted for review. Depending on the scope of the project, the size of the parcel and the required setbacks might present a development challenge. The Applicant should identify the extent of the development area and determine whether they anticipated the need for a variance from the existing SP-1 standards.
4. Was the proposed zoning district (and potential land uses) compatible with surrounding uses?  
The Zoning Ordinance stated that the SP-1 District was designed to permit uses that were generally compatible with one-family residential areas. Therefore, the proposed use could be compatible with residential uses if properly sited, landscaped, and parking and service areas were effectively screened.
5. Will the proposed zoning place a burden on nearby thoroughfares? If so, how would this burden compare with the existing zoning district?  
The adjoining and associated property fronted on Middlebelt Road which was a major thoroughfare with nearby access to Eight Mile Road and Grand River Avenue, both major thoroughfares. Additional information regarding the anticipated size of the proposed development, number of beds, and the location of access drives should be provided.
6. Was there other land currently available for this use?  
This use was permitted in multiple-family (RC-1, RC-2, RC-3) zoning districts. According to the City's assessing records and aerial photos/site visits, there were properties zoned RC-2 that were over 1 acre in size and in the general proximity of the subject parcel. While there were parcels zoned RC-2 within the City that appeared to be vacant, the applicant's proposal to expand the existing facility made this consideration less applicable.
7. Will development of the site under proposed zoning be able to meet zoning district

requirements?

No site or building plans had been submitted with the requested zoning amendment.

8. Was rezoning the best way to address the request or could the existing zoning district be amended to add the proposed use as a permitted or special land use?

Amending the RA-3 District to allow convalescent homes was inconsistent with the intent of the district, which was designed to be the most restrictive of the residential districts. According to Section 34-3.1.6, the intent of the RA-3 District was “to provide for an environment of low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.” The proposed use was not allowed in any one-family residential district within the City.

9. Had there been a change in circumstances and conditions since adoption of the Master Plan that would support the proposed change?

The Applicant had not provided documentation of any change in conditions. The Master Plan was adopted in 2009. The Southeast Michigan Council of Governments forecasted an increase in the City’s 75+ population from 6,651 people in 2010 to 12,250 in 2040 (an 84 percent increase). Planning for an aging population should be one of the focus areas of the upcoming Master Plan update. This information did not suggest that this site in particular was best suited for institutional care of the aging population.

10. Would granting the request result in the creation of an unplanned spot zone? Spot zoning was the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of a single property owner and to the detriment of others. Typically, to determine if a rezoning would constitute spot zoning a municipality would look to answer three questions. 1) Was the rezoning request consistent with the Master Plan for the area? 2) Was the proposed zoning district a logical extension of an existing zoning district in the area? 3) Would approving the request grant a special benefit to a property owner or developer?

The Planning Commission should review the above criteria and make a finding related to spot zoning. This proposed rezoning would be an expansion of an existing SP-1 District and this parcel directly abutted property planned for residential use.

In response to a question from Commissioner Blizman, Planning Consultant Arroyo said that the property on the east side of Middlebelt Road was single family residential, with Office Zoning at the corner of Scotten and Middlebelt.

In response to a question from Commissioner Orr, Planning Consultant Arroyo confirmed that as currently zoned, the proposed use would not be permitted.

Bill Meier, Meier Group Architects, Ann Arbor MI and Rick Mehrer, Administrator of the Manor of Farmington Hills, 21017 Middlebelt Road, were present to speak on behalf of this rezoning request.

Mr. Meier said that the requested SP-1 Zoning was compatible with the zoning in the area, as it would be an expansion of an existing use, and would facilitate the remodeling and expansion of the existing building. Currently the facility had multiple beds in the residents’ rooms; the expansion would make more single rooms possible. The existing building would be enlarged, have a new façade, and the entire building would be upgraded. Only 14 additional beds would be added. During site plan review issues such as buffering along residential property lines would be addressed. This proposed rezoning would benefit the City as well as the Manor of Farmington Hills as the entire property would be updated.

In response to a question from Commissioner Rae-O'Donnell, Mr. Meier said that the current thought was to have an entrance to the property on Eldred a little further away from Middlebelt than presently existed, an exit further south on Middlebelt, and a driveway that would loop around the facility. There would be no access off Kenwood, where land would be allocated for significant landscape buffering.

In response to a question from Chair Topper, Mr. Mehrer said that the property to the south belonged to the parish house located there. All the property abutting the southern property line belonged to the Lutheran church located at 8 Mile Road and Middlebelt, as far as he knew.

Chair Topper referred to two letters received by the Commission opposing this rezoning request – one from Eric Shanburn of Kenwood Street, and one received anonymously. The anonymous letter could not be used in tonight's consideration. Mr. Shanburn was concerned about this business keeping promises made in order to receiving rezoning and development approval. His further concerns included trash, headlights impacting abutting residential neighbors, and noise from car alarms. Currently headlights from cars shone directly into his property. He felt this rezoning would negatively impact his property value.

Chair Topper opened the public hearing.

Gerald Dalton, 21007 Kenwood, said his property was directly west of the subject property. He was opposed to this rezoning, and shared the concerns already mentioned from Eric Shanburn, especially those involving trash, noise and property values. He was also opposed to having commercial properties within 15 feet of his house. He mentioned the noise resulting from parking cars, car radios blaring, and also the nuisance of having headlights shining directly into his front windows. He regretted the loss of wildlife habitat, and he was concerned about increased traffic using Kenwood Street as a cut-through to 8 Mile Road.

Seeing that the public comments had ended, Chair Topper closed the public hearing.

Mr. Mehrer said that their goal was to minimize use of Kenwood, and the creation of a loop around the facility would direct traffic back onto Middlebelt Road. Regarding trash issues, the dumpster was in front of the facility at the southeast corner, and staff policed the grounds for trash each morning for trash control.

Mr. Meier said that they would buffer the lighting so that the lighting on this site would not impact neighbors. They would make sure that car headlights were buffered year-round. Regarding property values, Mr. Meier felt that property values would benefit by an updated facility at this location.

In response to a question from Commissioner Rae-O'Donnell, Mr. Mehrer said that this was a skilled care facility, and the proposed extra 14 beds would require an additional 14 employees.

In response to a question from Commissioner Orr, Mr. Mehrer said that 60 – 70% of the employees at this facility were nursing and care staff. There was minimal kitchen staff.

Commissioner Blizman asked staff to check regarding a resident's belief that a 6-foot berm had been an original requirement for this facility. Planning consultant Arroyo said that any commercial property that abutted residential properties would require a 6-foot wall.

In response to a question from Commissioner Rae-O'Donnell, Staff Planner Stec said that he had not researched current complaints regarding this property.

Commissioner Schwartz said that if this property were not re-zoned it would remain undeveloped. It was not a desirable property on which to place a single-family home.

Commissioner Orr agreed with Commissioner Schwartz. With the senior facility to the east and the church playground to the south, he thought it was likely undevelopable as a single-family residence.

Commissioner Blizman did not support rezoning this parcel, as the rezoning would expand a non-residential use in the residential neighborhoods to the west and north. He didn't feel that a compelling reason had been given to support the rezoning, and to rezone as requested was unfair to the residents in the area.

Motion by Blizman, support by Stimson, that the Planning Commission recommend to the City Council that Zoning Request No. 3-9-2014, petitioned by Tami Hunt of Farmington Hills Senior Leasing to rezone land from the RA-3 District to the SP-1 District be denied for the following reasons:

1. The proposed district does not conform to the Master Plan for Future Land Use and would be in conflict therewith.
2. The proposed district would negatively affect the City's ability to implement or follow the Master Plan in the area.
3. The proposed district would be incompatible with existing uses in the area, especially the residential uses to the north and west.

Motion failed 3-4 (Mantey, Orr, Rae-O'Donnell, Schwartz opposed).

**MOTION by Orr, support by Rae-O'Donnell, that the Planning Commission recommend to the City Council that Zoning Request No. 3-9-2014, petitioned by Tami Hunt of Farmington Hills Senior Leasing, to rezone land from the RA-3 District to the SP-1 District, be approved because the change is a reasonable alternative to the Master Plan and will not conflict with present policies.**

**Motion carried 5-2 (Blizman, Stimson opposed).**

**B. SPECIAL APPROVAL 69-10-2014**

LOCATION:	24269 Indoplex Circle.
PARCEL I.D.:	22-23-21-351-009
PROPOSAL:	Indoor CrossFit Exercise Facility in LI-1, Light Industrial District
ACTION REQUESTED:	Special Land Use approval by Planning Commission
APPLICANT:	Five Lakes CrossFit, LLC
OWNER:	J. Stewart Properties, LLC

Utilizing overhead slides, and referring to his review letter of November 12, 2014, Planning Consultant Arroyo gave the background and review for this request, which was for special approval to permit the use of a 4,975 square foot space within an existing industrial building for a fitness studio. The LI-1 (Light Industrial) zoned property was located on the west side of Indoplex Circle, north of Grand River Avenue between Drake and Farmington Roads.

Planning consultant Arroyo summarized his findings as follows:

Existing Conditions

1. Zoning: The property was zoned LI-1, Light Industrial as were the properties to the north, south and east. Properties to the west and southeast were zoned B-3, General Business.
2. Site Configuration: The site was improved with a one-story industrial building. The irregular shaped building was designed with loading and unloading docks accessing the north side of the building and parking located to the east and south of the building. A drive aisle and dumpster were shown to the west of the building. With the exception of the front yard landscaping and some areas adjacent to the building, the site was hardsurfaced (asphalt).
3. Parking Layout: There were 48 off-street parking spaces, including two shown as handicapped parking spaces. The site was configured with a one-way entrance at the south access drive and exit only at the north access drive. Parking spaces were angled to support one-way movement. The existing parking stalls and aisles were not dimensioned. *Dimensions should be included for the parking stalls and aisles on any future submittals in order to ensure compliance with minimum ordinance standards.*
4. Parking Requirements: Per Section 34-5.2.13, Minimum Off-Street Parking Spaces for an industrial use building was 3 plus 1 for each 550 square feet of usable floor area. Per the City's records the building was 24,364 square feet (gross). Based on 75% of the gross floor area being considered usable floor area, the building had 18,273 square feet of usable floor area. A total of 36 parking spaces were required to support the existing industrial land uses. The existing 48 parking spaces exceeded the minimum required by 12.
5. Setbacks: The existing setbacks met the minimum standards. *The dimension for the rear yard should be shown and the labels for the north and south setbacks should be changed to "side yard."*
6. Loading/Unloading: The building was designed with loading areas on the north side of the building. There were 6 overhead doors located in tenant-designated alcoves. The loading area was shared with the employee egress drive aisle. Per Section 34-5.4.3, one 10 foot by 50 foot loading/unloading space was required for the first 20,000 square feet of building and an additional space was required over 20,001 square feet. The existing building, with the overhead access doors, was designed to support loading/unloading activity. During a site visit, there were trailers parked at the northwest corner of the site. It was not clear whether the space used for loading/unloading was sufficient in size for the existing tenant mix and whether it conflicted with employees/visitor egress and emergency vehicle access to/from the site.
7. Landscaping: There were two deciduous trees, two evergreens, and two ornamental trees in the front yard. There were additional trees on-site, at the corner of the buildings. Per Section 34-5.14.5, parking lots were to be separated from a public thoroughfare by a planted hedge of small shrubs, masonry wall or berm a minimum of 2 feet in height. *The Planning Commission could require a two-foot evergreen hedge between the right-of-way and parking lot, integrating them into the existing plantings to create a cohesive front greenbelt. This could be addressed as a condition for approval and reviewed administratively.*
8. Dumpster: There was an unscreened dumpster on the site. Per Section 34-5.1, Accessory Buildings and Structures, a 9-foot wide by 6-foot deep dumpster was required in LI-1 Districts. A dumpster, located in a rear or interior side yard, must be clearly accessible to servicing vehicles and screened from view on all sides with material that was consistent with the building materials. Should the Planning Commission wish to require screening of the dumpster, it was recommended that the Applicant submit a revised plan in compliance with the dumpster enclosure standards.

Proposed:

9. Use and building Configuration: The Applicant was proposing to lease 4,975 square feet of the 24,500 square foot building for a fitness studio. The fitness studio would consist of office (2,050 square feet) and gym (2,925 square feet). Ancillary rooms would include hallways, restrooms and storage. The floor plan contained dimensions but was not clearly labeled for the proposed division between client workout space and office space. *Rooms should be clearly labeled on any future submittals.*
10. Site Development: The Applicant was not proposing any changes to the site or the exterior of the building. The Planning Commission might wish to consider additional requirements to bring the existing site into compliance with specific ordinance provisions. (See items #7 and #8 above.)
11. Proposed Parking/Requirements: The Applicant was not proposing any changes to the existing parking and drive aisle configuration. The proposed use as a fitness studio was not specifically addressed under Section 34-5.2.13. Using the industrial parking requirements, the tenant space would require a total of 9 parking spaces (based on 4,975 square feet and the parking ratio of 1 space per 550 square feet). In general, a fitness studio demanded a higher number of parking spaces. *The Applicant should provide hours of operation and maximum occupancy for the facility.*
12. Vehicle Access: During a recent site visit, it was noted that vehicles (small trucks and step vans) were parked at the northwest corner of the site. The Applicant should be advised that the drive aisle should be kept clear of all vehicles. All vehicles/trailers should be parked in the established parking area or within the designated loading/unloading area.
13. Lighting: The site contained wall mounted directional lighting spaced along the length of the building and directed toward building/tenant facades and the parking spaces. Generally fitness studios, unlike many industrial land uses, had early morning and evening hours. This might require additional lighting. *Planning Consultant Arroyo recommended that the applicant show existing fixture locations and provide a description of existing lighting. If new lighting was necessary, a photometric plan should be provided for review by the Planning Commission.*

Special Approval:

14. Conditions: In the LI-1 district, a fitness studio was permitted with special approval conditioned upon provisions set forth in Section 34-3.14:
  1. Any use established in the LI-1 districts shall be operated so as to comply with the performance standards set forth in Chapter 17, Article VII. This condition was met.
  2. Outdoor storage of materials shall be permitted in the rear yard only, and no articles shall be stacked or piled so as to exceed the height of the wall or berm. The outdoor storage areas shall be screened from the view of any adjoining public street, thoroughfare or freeway and shall be constructed in accordance with the applicable requirements of Section 34-5.15. The Applicant was not proposing any outdoor storage. This standard was met.
  - c. All uses permitted in Section 34-3.1.29 shall require review and approval of the site plan by the Planning Commission. *The Planning Commission should provide its review of the site plan as noted above.*
  - d. Unless otherwise provided, special approval uses shall not occupy a zoning lot which is located within three hundred (300) feet of a residential district. This condition was met.
15. Special Approval Standards: Per Section 34-4.51, Other Land Uses, when permitted with special approval in the LI-1 district, other industrial uses of a similar and no more objectionable character and which will not be injurious or have an adverse effect on adjacent areas, and may, therefore, be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare; shall be permitted. Furthermore, the setback requirements of Section 34-3.14 need not be applied if the Planning Commission finds that the use would not be detrimental to any residential area within three hundred (300) feet. The

following were offered for consideration:

- a. Is not injurious to the district and environs. This did not appear to be an issue.
- b. Is not contrary to the support and purpose of the special land uses chapter. This was not an issue.
- c. Is not incompatible with already-existing uses in the area. Planning Consultant Arroyo not feel that the proposed use was incompatible with already existing uses in the building or area.
- d. Would not interfere with orderly development. This did not appear to be an issue.
- e. Would not be detrimental to the safety and convenience of vehicular or pedestrian traffic. This did not appear to be an issue.

*The general land use approval standards in Section 34-1.3 should be reviewed by the Planning Commission.*

Planning Consultant Arroyo concluded his presentation.

James McLaughlan, 24723 Indoplex Circle, was present on behalf of this request. He explained that the facility would offer personal and small group training, and would typically be open from 6:00 a.m. to 8:00 p.m. At the most 15 people would be served at a time, with one or two coaches present. The classes lasted one hour, and mid-day activity would be minimal.

Mr. McLaughlan noted that the address of the facility was 24273 Indoplex Circle, not 24269 as listed on the agenda. Both addresses were part of the same building. Planning Consultant Arroyo affirmed that this was correct on the submitted application.

Chair Topper opened the Public Hearing. As no one came forward to speak, Chair Topper closed the public hearing.

**MOTION by Blizman, support by Orr, that Special Approval No. 69-10-2014, submitted by Five Lakes CrossFit, LLC, be approved, subject to all applicable provisions of the Zoning Chapter, for the following reasons:**

- 1. The use will not be injurious to the district and environs.**
- 2. The effects of the use will not be contrary to the spirit and intent of the Zoning Chapter.**
- 3. The use will be compatible with existing uses in the area.**
- 4. The use will not interfere with orderly development of the area.**
- 5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.**

**And with the following conditions:**

- 1. A two-foot evergreen hedge between the right-of-way and parking lot be provided and integrated into the existing plantings to create a cohesive front greenbelt, and be approved administratively.**
- 2. All requirements of the Clearzoning review letter dated November 12, 2014 be met, including floor plan revisions.**
- 3. Existing lighting fixture locations and a description of existing lighting be provided on the plan and approved administratively.**

**Motion carried unanimously.**

**REGULAR HEARING**

**A. REZONING REQUEST 4-10-2014**

LOCATION: North side of Thirteen Mile Rd., west of Orchard Lake Rd.  
PARCEL I.D.: 22-23-03-477-058  
PROPOSAL: Rezone parcel currently zoned B-2, Community Business District to B-3, General Business District  
ACTION REQUESTED: Set for Planning Commission Public Hearing  
APPLICANT: Arie Leibovitz, Ari-El Enterprises, Inc.  
OWNER: Farmington Commons, LLC

Noting that this agenda item was to set this rezoning request for public hearing, Planning Consultant Arroyo briefly reviewed his consultant's letter of November 10, 2014. The proposal was to rezone a parcel currently zoned B-2, Community Business District to B-3, General Business District, in order to use the property for a freestanding drive-in food service business. The property was a vacant outlot of the Farmington Commons located on the north side of Thirteen Mile Road to the west of Orchard Lake Road.

Planning Consultant Arroyo briefly reviewed the Master Plan for Future Land Use for this area, and reviewed issues to consider for a zoning map amendment.

Commissioner Schwartz commented that the standards for drive thru restaurants could be a subject for future discussion, in terms of what zoning districts permitted them, etc.

Commissioner Orr commented that the proposed drive-thru restaurant was close to a residential district, and was subject to noise carry-over to that residential district.

Arie Leibovitz, Ari-El Enterprises, 29355 Northwestern Highway, Southfield, Michigan, spoke on behalf of this request for a public hearing. In response to Commissioner Orr's comment, Mr. Leibovitz said the request for rezoning was for only a portion of the Gordon Food property – they were not requesting to rezone the entire B-2 parcel. Mr. Leibovitz said that the intent was to develop this parcel with a casual service coffee/sandwich drive thru restaurant. They were obligated under a long-term lease with Gordon Food Service to obtain GFS' consent for the development. Ari-El Enterprises had developed the entire shopping center including Gordon Food, and the proposed use provided good synergy with what was now on the greater property and would utilize property that was now vacant.

**MOTION by Orr, support by Blizman, that Zoning Request No. 4-10-2014, petitioned by Arie Leibovitz of Ari-El Enterprises, Inc., be set for Public Hearing on December 18, 2014.**

**Motion carried unanimously.**

**B. PUD Plan 1, 2014**

LOCATION: 33045 Hamilton Court  
PARCEL I.D.: 22-23-15-101-035  
PROPOSAL: Planned United Development Plan, for three (3) parcels in OS-4, Office Research District  
ACTION REQUESTED: Set for Planning Commission Public Hearing

APPLICANT: Scott Bowers of Bowers & Associates  
OWNER: Hamilton Court Development, LLC

Noting that this agenda item was to set this PUD proposal for a public hearing, and referring to his review letter of November 17, 2014 as well as utilizing slides on the overhead projector, Planning Consultant Arroyo gave the background to this request. The overall proposal was for a request to develop a phased hotel development on the northeast corner of I-696 and Farmington Roads, with access to Farmington Road and 12 Mile Road via Hamilton Court. The property was zoned OS-4, and had 10.7 acres. Consideration of the site plan and landscape plan would take place following final PUD determination by the City Council.

Planning Consultant Arroyo noted that his recommendation was that the PUD plans be revised, including a table of requested Ordinance deviations. This needed to be submitted no later than Monday, December 1, 2014 in order for this item to be heard at the December meeting.

Planning Consultant Arroyo went over his review letter in detail. He particularly emphasized the suggestion that bicycle/pedestrian traffic be given a connection to the OCC campus to the south.

Planned Unit Development Final Determination:

General Information:

1. The Applicant was proposing to remove an approximately 127,000 square foot existing three-level office building. In its place, the applicant proposed a 367-room hotel complex, which would be comprised of two 4-story and one 6-story buildings, a 4,018 square foot meeting room and a 4,000 square foot restaurant. The proposed development also included additional meeting rooms, recreational areas and an indoor pool, off-street parking and other site improvements and amenities.
2. The subject parcel was zoned OS-4, Office Service. Hotels were a permitted use in this district. Surrounding properties were zoned OS-4. The parcel was bound on the south side by I-696. RA-2 zoning was located to the south, across I-696.
3. The Planning Commission, at their regular meeting of June 19, 2014, made a preliminary finding that the application for PUD 1-2014 would qualify for the Planned Unit Development Option under Section 34-3.20, subparagraph (2), (A), (B), (C), (D), and at least one of items (i-viii) of (E) or more specifically (E) vi. to promote the goal and objectives of the Master Plan for Land Use, of the Zoning Chapter; and that it be made clear to the petitioner that final granting of the PUD Plan and Contract must be approved by the City Council, after recommendation by the Planning Commission. The Applicant had provided a statement of intent submitted on October 10, 2014 to the City of Farmington Hills Planning Department.
4. The Applicant was proposing a phased development. The proposed plan identified the following phased improvements:
  - Phase I (east portion of the site) included a four-story hotel (Hotel 2 on the site plan) containing 61,979 square feet with 106 rooms. Phase I also included the construction of 214 parking spaces.
  - Phase II (center portion of the site) included a six story hotel (Hotel 3 on the site plan) containing 92,621 square feet with 140 rooms. Phase II also included the construction of 176 parking spaces, the construction of a 4,018 square foot meeting room and a 4,000 square foot restaurant (sports bar) located on the first floor of the hotel.
  - Phase III (west portion of the site) included a four story hotel (Hotel 1 on the site plan)

- containing 88,038 square feet with 121 sleeping rooms with kitchenettes with 108 parking spaces. The final phase was designed as an extended stay hotel, with 122 rooms.
5. In the letter of intent submitted by the Applicant several site enhancements were identified. The Commission had previously discussed a pedestrian/cyclist connection with the OCC campus to the south; this was not included.

Regarding the proposed enhancements, Planning Consultant Arroyo noted that many of these would occur with almost any development. The sidewalk improvement was perhaps unique to this proposal.

Following is a summary of the enhancements proposed by the Applicant:

- Pooled or shared parking between buildings to minimize hardsurface and excess parking.
  - Installation of 'Green' specific parking and ten electric car plug-stations to comply with LEED requirements (minimum 2% of parking).
  - Landscaped islands to break up large expanses of surface parking.
  - Installation of hardscape with a Solar Reflective Index of at least 29 to lessen solar gain and increase solar reflectance – reduce heat island effect.
  - Planting of indigenous species of trees and shrubs (see Landscape Plan summary for further details)
  - Pedestrian path with benches and decorative light fixtures. Internal pathways would connect the hotels/buildings.
  - Connection of a sidewalk from the development site along Hamilton Boulevard to Twelve Mile Road.
  - Stormwater management system using a combination of a detention basin (west side) and underground detention system (east side).
  - Instituting measures to reduce construction activity pollution (controlling soil erosion, water sedimentation and airborne dust during construction).
  - Compliance with Dark Sky requirements to reduce light pollution. Use of LED light fixtures.
6. In the letter to the Planning Commission dated June 10, 2014, Planning Consultant Arroyo recommended the Planning Commission consider the following:
- a) Responding to the height of the building exceeding the height permitted in the OS-4 district, the Applicant indicated that they wanted to “give presence to the site along I-696.” It was noted that the short ends of each of the three buildings faced I-696 reducing the mass along the highway. While the configuration of the buildings remained the same as the prior submittal, the Applicant had moved the six story hotel to the center portion of the site with the two four story buildings flanking it on either side.
  - b) As part of the PUD qualification the Applicant was to provide evidence that the proposed land use would not materially add service and facility loads beyond those contemplated in the Future Land Use Plan or that they could effectively accommodate or mitigate them as part of the proposal. The Applicant should be prepared to address how their PUD would mitigate this impact of additional capacity on existing infrastructure. A traffic impact study was recommended.

The Applicant should provide an evaluation of the traffic flow internally and on the public road network. The Planning Commission should discuss with the Applicant the potential impact to and from traffic conditions on 12 Mile and Farmington Roads at peak hours. Sheet C2 showed signage for “Private Drive” and “No Trespassing” at the northwest corner of the site. This needed to be discussed and reviewed in more detail.

In response to Planning Commission comments at the June 2014 meeting, the Applicant had shown a sidewalk connection to 12 Mile Road.

- c) The Applicant had addressed how they planned to promote the goals and objectives of the Master Plan for Land Use in their letter of intent. The Applicant had indicated intent to make the improvements included in #6 above, e.g. “considering ‘Green’ specific parking and electric plug-in stations for Green Vehicles.” The Planning Commission might wish to direct the Applicant to provide a greater level of commitment to incorporate these items into the approved plan.

Planning Consultant Arroyo suggested that a pedestrian connection to the west side of Farmington Road might be a priority for this project. This would allow pedestrians and cyclists to access the OCC campus from this property.

Planning Consultant Arroyo briefly reviewed requirements for final PUD determination as outlined in his letter, along with process for public hearing, making findings, and reporting those findings to City Council. He noted that the Applicant had provided sufficient information to complete a preliminary site plan review and he reviewed the process for submission of the site plan and schedule for completion of a PUD.

#### Preliminary Plan Review

The Applicant had submitted a plan as part of the PUD application. Planning Consultant Arroyo provided a summary of his findings regarding that review, and provided a checklist of requirements for the OS-4 district and comments that pertained to the plan. He noted that all ordinance deviations had to be on the plan – this had not yet been provided.

#### Landscape Review

A conceptual landscape plan had been submitted that graphically outlined ordinance requirements. Further details were required to complete the landscape review pursuant to Section 34-5.14.

#### Tree Removal Permit

The Applicant had submitted a tree survey (C5), tree survey list (C6), and a superimposed tree survey (C7) for review under Section 34-5.18.

- a. Regulated trees consisted of maples, oaks, linden, locust and spruce. There were 132 trees surveyed, of which only 128 trees were regulated. The remaining trees were undersized or dead. A total of 81 regulated trees and 14 landmark trees were being removed. The Applicant had stated only seven landmark trees were to be removed. However, the Ordinance stipulated that all trees over 24” that were not indicated on the landmark tree list were landmark trees. This should be revised.
- b. Protective tree fencing notes and graphic details must conform to City standards.

Planning Consultant Arroyo completed his presentation.

Commission Stimson commented that he also felt a traffic study was critical, and he noted the presence of a public middle school, a parochial school, an active shopping center, a public library, and other uses in the neighborhood. Traffic in this area was already congested, especially during peak driving times.

In response to a question from Chair Topper, Traffic Engineer Saksewski said there was no traffic study currently underway.

Commissioner Schwartz noted two concerns: 1) what kind of signage would be needed? And 2) regarding community benefit, perhaps there could be a public/private partnership in terms of low level pedestrian lighting and signage to encourage people to use the shopping center on the north side of 12 Mile Road.

Commissioner Orr noted that the east parking lot appeared “orphaned,” with no attached building.

Commissioner Mantey thought the safest pedestrian crossing for Farmington Road would be at the bus stop.

Commissioner Blizman commented that when the Alexander Hamilton building was in full use, significant traffic would have been generated. Increased traffic was a sign of increased economic activity.

Commissioner Stimson said that a traffic study could help determine the need for left-turn lights, etc.

Scott Bowers, Bowers and Associates Architects, 2400 South Huron Parkway, Ann Arbor, spoke on behalf of this proposal.

Regarding heights, Mr. Bowers noted that Hotel 3 (center) was 72’8”. Hotel 2 was 50’ high and Hotel 1 was 55’ high.

Regarding the east parking lot, which was adjacent to Level One Bank, Mr. Bowers explained that Level One employees were gone at 5:00 p.m., while the hotel parking peaked at 7:00 – 8:00 p.m. Therefore the integration of those two parking lots made sense.

Mr. Bowers said they did have an easement to Farmington Road. They had also engaged a traffic engineer. However, they would probably not have the results of a traffic study by December 1, as they would not be able to get a correct traffic count until after Thanksgiving.

Regarding increased traffic, Mr. Bowers had done some research regarding the Alexander Hamilton business, and he did not think they would increase traffic much more than that business had caused, though their peak times would be different than that earlier business.

In terms of benefit, Mr. Bowers said that they were revitalizing the entire site. They were replacing trees that were being removed. They would correct the notations regarding landmark trees being any tree over 24 inches. They also wanted to encourage hotel patrons to use local businesses. The site included a large amount of contiguous green spaces with benches.

Regarding providing a pedestrian/bike access to the west side of Farmington Road, Mr. Bowers said they really didn’t know how to make that work. Placing something like that close to the bridge, with attendant site distance issues, seemed very tenuous.

Mr. Bowers emphasized the revitalization of Hamilton Court. They would include signage in the final PUD proposal. They were seeking LEED certification for the buildings. The first building to be constructed would be the one furthest east.

Mr. Bowers distributed renderings of proposed walk patterns. The Applicants would work with Planning and Engineering regarding lighting the pathways and extend the lighting down Hamilton Boulevard.

Commissioner Orr applauded the effort to use native trees on the site. He reminded Mr. Bowers of discussion at the previous Planning Commission meeting regarding maintaining the state property along the freeway. Mr. Bowers said that they had not been able to discuss this with the State as yet.

In response to a question from Commissioner Orr, City Attorney Schultz said that maintaining the state property along the freeway could be a requirement of PUD approval, as long as the State agreed.

Commissioner Rae-O'Donnell asked about signage. Mr. Bowers said that they wanted to put all three names of the hotels on the main monument sign along 12 Mile Road; they were hoping to put the sign in the center of Hamilton Boulevard. He did not yet know what height they would request. Signage would also be on the parts of the buildings facing the highway.

In response to a question from Commissioner Blizman, Mr. Bowers said that after receiving approval, they would construct the first hotel within 10 months, the second hotel the second year, and the third hotel the third year. Their goal was to penetrate the market at a steady space.

In response to a further question from Commissioner Blizman, Mr. Bowers said that they were willing to negotiate helping with lighting and other enhancement on Hamilton Court.

In response to a question from Chair Topper, Mr. Bowers said they could get everything except the traffic study completed by December 1<sup>st</sup>. The traffic study would, however, be done before the December 18 meeting.

Planning Consultant Arroyo recommended that the public hearing be held in January. The traffic study was needed for a final decision, and there were benefits to not rushing forward. Another month would give the applicant time to sit down with appropriate City departments and work out issues. Staff Planner Stec said that waiting until January would not necessarily slow the process; an incomplete plan would be sent back to the Planning Commission by City Council. It was better to take the time to do it right the first time.

Mr. Bowers said that they would like to appear on the December 18 agenda.

In response to a question from Commissioner Orr, Mr. Bowers said they had a demolition contractor lined up, and demolition would move forward as soon as they had the appropriate approvals.

Commissioner Schwartz commented that Mr. Bowers had heard the Commission's concerns about placing this on the December agenda and he still wanted to move forward. Therefore Mr. Schwartz was ready to make a motion.

**MOTION by Schwartz, support by Rae-O'Donnell, that P.U.D. Plan No. 1, 2014 dated October 10, 2014 submitted by Scott Bowers of Bowers & Associates be set for public hearing on December 18, 2014.**

**Motion carried 6-1 (Mantey opposed).**

Chair Topper called a break in the meeting at 9:24 p.m., and reconvened the meeting at 9:35 p.m.

**C. SITE PLAN 68-10-2014**

LOCATION:	39047 Grand River Avenue
PARCEL I.D.:	22-23-19-351-020
PROPOSAL:	Automobile Dealership Body Shop in B-3, General Business District
ACTION REQUESTED:	Site Plan approval by Planning Commission
APPLICANT:	Bloom General Contracting
OWNER:	Tom Holzer Ford, Inc.

Planning Consultant Arroyo referred to the Clearzoning review letter of November 12, 2014 as he described the location of this request by Tom Holzer Ford for site plan approval to convert an existing retail building to an auto body shop. The property was located at 39047 Grand River Avenue, which was on the south side of Grand River Avenue between Haggerty Road and I-275.

Planning Consultant Arroyo summarized his findings as follows:

Existing Conditions:

**Zoning:** The property was zoned B-3, General Business with an FWR-1, Freeway Redevelopment Overlay District 1. The surrounding properties to the north and south were zoned the same.

**Site Configuration:** The property description included the dealership that fronted on Haggerty Road and the subject parcel. The entire site consisted of 12.14 acres. The subject parcel consisted of 1.75 acres and was improved with a one-story commercial building (Formerly Gordon Food Service). The Applicant was proposing to reuse the existing building for a body shop that was affiliated with the dealership located on Haggerty Road. The site was accessed from a two-way drive from Grand River Avenue. The 12,200 square foot building had a loading/unloading area to the south and was hardsurfaced on all sides of the building.

**Setbacks:** All setback requirements were met.

**Parking:** The existing site plan identified 56 parking spaces within the front and west side yards. All parking spaces were accessed from two-way drive aisles. The proposed overall site plan showed an asphalt parking lot addition on the dealership site that was labeled "previously approved." This review was limited to the auto repair facility.

**Loading/Unloading:** There was an existing loading/unloading area on the south side of the building.

**Landscaping:** There was a 15-foot wide front yard (Grand River Avenue) greenbelt with six deciduous trees. Additional landscaping existed to the south and east of the building. There were no plans to change the current site configurations.

**Lighting:** The existing lighting consisted of a combination of pole and wall mounted fixtures.

Proposed:

Proposed Use: The Applicant proposed an automobile repair facility. Per 34-4.31, Automobile repair was a permitted use with the following additional conditions:

Section 34-4.31.2 In the B-3 District:

- All repair work must be carried out within an enclosed building. The Applicant should provide a written statement as part of the application that all work shall be carried out within the enclosed building.
- Damaged vehicles or those awaiting repair may be stored outside of a building provided that the area for storage was enclosed within a six foot obscuring, masonry wall, and that the storage area was paved with asphalt or concrete. The Planning Commission could waive the wall requirement if the repair did not involve body repair. The Planning Commission might wish to establish a condition to any approval that no damaged vehicles or those awaiting repair could be stored outside of the building unless they did not involve body repair.
- Main buildings should have a minimum setback of 100 feet from an RA district unless the district was separated from the use by a major or secondary thoroughfare. This standard had been met.

Section 34-4.31.3 No outdoor storage of scrap or junk cars, spare parts or dismantled cars was permitted. The Applicant should provide a written statement as part of the application that there would be no outdoor storage of scrap or junk cars, spare parts or dismantled cars.

Building Configuration: The Applicant proposed to use the existing building footprint with an approximately 169 square foot addition at the northwest corner. The building plans showed seven new overhead doors (four on the west side, two on the north side and one on the east side of the building) and one existing (truck well on south side of building). The proposed floor plan showed two paint booths and fourteen service bays. The remaining floor area was designated for office, waiting room, and storage. There were no proposed changes to the building's setbacks.

Parking Design and Ratio: The proposed site plan displayed a similar configuration to the existing parking layout. The plan proposed 55 parking spaces. The four parking spaces located adjacent to and west of the building appeared to be in conflict with the overhead bay doors. Removal of the four parking spaces in between the overhead doors would result in 51 parking spaces. Per Section 34-5.2.13 xxii, Auto Repair, three parking spaces were required for each auto service stall. There were 14 service bays and two paint booths. A minimum of 48 parking spaces were required to support the 16 service bays. The Applicant should revise the site data to reflect the paint booths as service bays.

Off-Street Loading and Unloading: Per Section 34-5.4, the building required one unloading/loading space (located in the rear or interior side yard) for the building. The loading/unloading area was existing. It did not appear that the service bays would impact the use of the existing loading/unloading area.

Accessory Buildings and Structures: Per Section 34-5.1.D. A 9 foot wide by 6 foot deep dumpster was required for the zone and should be located in the rear yard and screened using material consistent with the permanent building wall.

Landscape Development: There were no plans for removal or new trees on the site. Per Section 34-5.14.5, all parking lots should be separated from a public thoroughfare by a planted hedge of small shrubs or by a masonry wall or berm a minimum of two feet high. The area between Grand River Avenue and the parking spaces was improved with deciduous trees and grass. While the elevation

from the right-of-way to the parking space was between two and three feet, it did not provide screening of the parking area. Planning Consultant Arroyo recommended that the Applicant add a two-foot high evergreen hedge (e.g. boxwood, yews) along the front lot line, integrating them into the existing plantings to create a cohesive front greenbelt. If the Planning Commission determined that the parking lot was not adequately screened, this could be a condition for approval and reviewed administratively.

Exterior Lighting: Per Section 34-5.3, all lighting used to illuminate any off-street parking area should be installed in accordance with Section 34-5.16, Exterior Lighting. The Applicant had not submitted lighting or photometric plans. Planning Consultant Arroyo recommended that the Applicant show existing fixture locations and provide a description of existing lighting. If new lighting was necessary, a photometric plan should be provided for review to the Planning Commission.

Planning Consultant Arroyo completed his review.

Commissioner Orr wondered about the night lighting since the parking area would most likely be vacant at that time.

Shane Burley, Studio Detroit, 220 Bagley Street, Detroit MI and Paul Lewsley, Environmental Engineers, 18620 West Ten Mile Road, Southfield, were present on behalf of this application.

Mr. Burley explained that there was an error on the site plan – no additional square footage would be added. No damaged vehicles would be stored outside on the property. A set of photometrics had been completed. No changes were proposed to the perimeter lighting. A few additional walpaks would be added to address security at night, as well as egress lighting for the exit doors per code.

In response to a question from Commissioner Orr, Mr. Lewsley said that the two Holzer properties could not easily be connected at the east boundaries because of a ten-foot drop off there.

**MOTION by Rae-O'Donnell, support by Blizman, that Site Plan No. 68-10-2014, dated October 16, 2014 submitted by Bloom General Contracting be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to a revised site plan submitted for administrative review addressing the following:**

- 1. Deficiencies listed in the November 12, 2014 Clearzoning report be resolved.**
- 2. A 2-foot evergreen hedgerow be provided in the greenbelt between the parking lot and Grand River.**
- 3. The site plan include the following notations:**
  - All repair work shall occur within the enclosed building.**
  - No damaged vehicles or vehicles involving body repair may be stored outside of the building.**
  - No outdoor storage of scrap or junk cars, spare parts or dismantled cars shall be permitted.**
  - A photometric plan be provided.**

**Motion carried unanimously.**

**D. LANDSCAPE PLAN 62-8-2014**

**LOCATION:** 39001 Sunrise Drive

PARCEL I.D.: 22-23-18-201-002  
PROPOSAL: Addition to existing building and parking to support engineering center in IRO, Industrial Research Office District  
ACTION REQUESTED: Site Plan approval by Planning Commission  
APPLICANT: Douglas Falzon-Ventura & Associates  
OWNER: Nissan North America

Planning Consultant Stirling gave the background and review for this landscape plan and 2nd review of the tree removal permit for construction of two building and two surface parking areas (Program Vehicle Parking – Lot A and Lot B) for an existing engineer center (Nissan Technical Center - North America), located at 39001 Sunrise Drive. The approximately 49-acre property was located east of Haggerty Road and south of Twelve Mile Road. The property was zoned IRO, Industrial Research Office District.

Planning Consultant Stirling summarized her findings as follows:

The Planning Commission at their September 18, 2014 regular meeting approved with conditions an application to permit the two building additions and the two surface parking areas. The proposed program vehicle parking areas included Lot A with 63 spaces and Lot B with 148 spaces.

#### Landscape Plan

The Applicant was proposing a parking lot expansion on the west and south sides of the existing building. Numerous native and previously planted trees were proposed to be removed. Additional plantings included Maples, Pears, Oaks, Hackberry and Spruces.

Per Section 34-5.14, Landscape Development, the following standards applied and required further review and consideration:

- a) Section 34-5.14.3.xi., required that existing and proposed utilities must be shown. Currently only the storm sewer was located on the plan. This standard had not been met.
- b) Section 34-5.14.4.C, required one canopy tree for each 2,800 square feet of parking lot area. Twenty trees were required but only 15 were shown on the plans. Five additional landscape trees were required to comply with the Ordinance. The Planning Commission might wish to direct the Applicant to plant the trees within the proposed islands in parking Lot "A." Alternately, they might wish to direct the Applicant to plant the trees in existing islands in order to break up the parking area as well as provide shade to reduce the heat island effect.
- c) Section 34-5.14.5, required that parking lots be separated from a public thoroughfare by a planted hedge of small shrubs or a two feet high masonry wall or berm. The Applicant should install shrubs at the north end of parking Lot "B." The requirement had not been met and a revised landscape plan should be submitted for review and approval by the Planning Commission.
- d) The Applicant should consider mulch planting beds in lieu of stone mulch. Stone beds acquired too much heat during the summer months which could negatively affect plant viability and growth. It was recommended that shredded wood mulch or an equal alternative be used as the planting bed material.
- e) Section 34-5.14.3.F.vi. and 34-5.18.7, deciduous trees were to be not less than three inches in caliper and 10 feet or greater height for evergreens. The deciduous trees were noted as 2.5" and must be increased to 3.0" and the evergreens should be increased to a minimum of 10

feet to meet Ordinance requirements.

- f) The required City planting details should be shown on the plans.
- g) A landscape cost estimate must be provided for administrative review.

Tree Protection Permit (2nd Review)

There were 130 trees surveyed, of which 117 trees were regulated. The removal summary was as follows:

	Quantity	Replacement	Plan Chart
Total trees	130 trees		
Trees remaining	6 trees		
Trees to be transplanted	9 trees		
Non-Regulated removed	13 trees		
Regulated trees removed	98 trees	98 trees	111 trees
Landmark trees removed	4 trees (99")	7 trees	20 trees
Total required replacement		105 trees	131 trees

It appeared that the applicant was proposing to replace 100% of the landmark tree D.B.H. 25% of the 105 trees total D.B.H. was required to be replaced. The plans should be revised prior to future submittals.

Protective tree fencing notes and graphic detail must conform to City standards.

In response to a question from Commissioner Blizman, Planning Consultant Stirling said the plan could be approved this evening, with conditions. The Planning Commission should address the 2-foot high landscape screening, and should also address where they wanted the five additional trees to be planted.

Douglas Falzon, Ventura & Associates, Incorporated, 411 W. Thirteen Mile Road, Suite 100, Madison Heights, Michigan 48071, was present to speak on behalf of this landscape plan approval request. He affirmed that the required 2-foot hedge would be provided. They would correct the 2.5" notation to 3". They would use shredded bark as requested. They would verify that the plantings were not conflicting with utilities. Last, they would prefer to pay into the tree fund for the five additional trees.

In response to a question from Commissioner Schwartz, Mr. Falzon said the pear trees were sterile.

In response to a question from Chair Topper, Staff Planner Stec said that paying into the tree fund was an option if no other reasonable alternative could be found.

**MOTION by Blizman, support by Orr, that Landscape Plan No. 62-8-2014, dated October 17, 2014, submitted by Douglas Falzon-Ventura & 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:**

- **A revised landscape plan be submitted for administrative review addressing the items called in the November 13, 2014 Clearzoning review letter.**

**Motion carried unanimously.**

**E. LANDSCAPE PLAN 66-9-2014**

LOCATION:	38700 Country Club Drive
PARCEL I.D.:	22-23-18-126-008
PROPOSAL:	Parking lot addition in IRO, Industrial Research Office District
ACTION REQUESTED:	Landscape Plan approval by Planning Commission
APPLICANT:	Douglas Falzon-Ventura & Associates
OWNER:	Nissan North America

Planning Consultant Stirling referred to the Clearzoning review letter of November 13, 2014 as she gave the background and review for a landscape plan and 2<sup>nd</sup> review of the tree removal permit to allow the expansion of a surface parking lot for program parking to support an existing engineering center at 38700 Country Club Drive, submitted by Nissan North America.

The 5.97-acre property was located on the north side of Country Club Drive between Twelve Mile Road and Hills Tech Drive and Haggerty and Halsted Roads. The project area was identified as 1.5 acres.

Planning Consultant Stirling summarized her findings as follows:

General Information

The property was located to the north of Nissan Technical Center North American (NTCNA), across Country Club Drive. The property was zoned IRO, Industrial Research Office District with FRW-3, Freeway Overlay District as were the properties to the south, east and west. The northerly property was zoned OS-4, Office Service District.

The Planning Commission at their October 16, 2014 regular meeting approved with conditions an expansion of the surface parking lot for the purposes of program vehicle parking that was associated with Nissan North America. The Applicant was directed to submit a revised site plan for administrative review and the required landscape plan for review by the Planning Commission. The Applicant had also revised the tree removal permit for further consideration.

The property was improved with a 35,700 square foot one-story industrial building and 178 surface parking spaces. The parking spaces were located to the north, east and south of the existing building. There was a loading zone and service area to the north of the building along with a paved area that appeared from the aerials to be used for additional parking. There were two vehicular access drives; one at the northeast property corner and the other at the southwest property corner. All existing building and site improvements were proposed to remain.

Landscape Plan

Existing plant material consisted of Lindens, Pin Oaks, Spruces, and Willows. The Applicant was proposing a parking lot expansion on the west and north sides of the existing building. Numerous existing trees were proposed to be transplanted. Additional plantings included Maples, Pears and Spruces.

Per Section 34-5.14, Landscape Development, the following standards applied and required further

review and consideration:

- a) Section 34-5.14.3.xi., required that existing and proposed utilities must be shown. Currently only the storm sewer was located on the plan. This standard had not been met.
- b) Section 34-5.14.4.C, required one canopy tree for each 2,800 square feet of parking lot area. A total of 23 trees were required and provided. The parking lot trees were located in the southwest corner of the site at the perimeter of the parking lot. Seven of the required trees were within the parking area. The intent of the Ordinance was to provide landscape areas to break up the parking area as well as provide shade to reduce the heat island effect. Additional trees could be added to the parking lot. The following opportunities existed within the current plan:
  - Existing island north of the loading area.
  - Convert the two proposed striped islands along the western edge of parking.
  - Increase proposed island widths.
- c) Section 34-5.14.5, required that parking lots be separated from a public thoroughfare by a planted hedge of small shrubs or a two feet high masonry wall or berm. The site contained some berming along the road frontage. The Applicant should provide a topographic survey of the area between the parking lot and road right of way. Administrative review should verify the two-foot high berm was in place; otherwise alternative screening was needed to meet Ordinance requirements.
- d) The Applicant should consider mulch planting beds in lieu of stone mulch. Stone beds acquired too much heat during the summer months which could negatively affect plant viability and growth. It was recommended that shredded wood mulch or an equal alternative be used as the planting bed material.
- e) Section 34-5.14.3.F.vi. and 34-5.18.7, deciduous trees were to be not less than three inches in caliper. The deciduous trees were noted as 2.5" and must be increased to 3.0" to meet Ordinance requirements. The planting table should be revised to reflect a minimum 3.0" caliper deciduous trees and minimum 10 foot high evergreens.
- f) A landscape cost estimate must be provided for administrative review.

#### Tree Protection Permit (2nd Review)

The Applicant had applied for a Tree Protection Permit and submitted a site plan with a tree survey overlay. Per the Planning Commission approval, the Applicant had retained the landmark tree located in the northeast corner of the site.

Regulated trees consisted of Willows, Oaks, Lindens and Spruce. Many of these trees were planted within the past 20 years. There were 35 trees surveyed, of which only 28 were regulated. The remaining seven trees were undersized. The Applicant proposed transplanting five of the undersized trees. A total of 11 regulated trees were being removed and would require replacement while the plan depicted nine regulated trees being removed. Trees identified as 2302 and 2303 were shown to be removed on the plan but were listed in the Tree Inventory List as being saved. This should be corrected on future submittals. Tree removal mitigation was met since 15 trees were designated as replacement trees.

The existing and proposed grade at the base of each tree should be indicated on the tree survey using contour lines at two-foot intervals or spot grades. This requirement had not been met and should be corrected on future submittals.

Per the Ordinance, tree fencing notes and graphic details must conform to City standards. This requirement had not been met and should be corrected on future submittals.

Planning Consultant Stirling concluded her review.

In response to a question from Commissioner Orr, Planning Consultant Stirling said that an island to the northeast of the building would be an appropriate place to plant trees.

Douglas Falzon, Ventura & Associates, Incorporated, 411 W. Thirteen Mile Road, Suite 100, Madison Heights, Michigan 48071, was present to speak on behalf of this landscape plan approval request. He affirmed that the 2-foot berm would be provided as necessary, though he was confused exactly where that was required; he believed it was in place already. Regarding trees in the parking lot, they were trying to provide additional parking spaces and trees in the islands hindered this goal. They had an extra 7 trees on site. They would use shredded bark as requested.

In response to a question from Commissioner Orr regarding waiving the requirement for a 2-foot berm, Planning Consultant Arroyo said that this was a judgment call for the Commission, as they determined how far the applicants had to go to bring the property into conformance with Ordinance requirements. Commissioner Orr thought the berm requirement irrelevant in this case, since all the properties involved belonged to the same owner.

**MOTION by Orr, support by Schwartz, that Landscape Plan No. 66-9-2014, dated October 17, 2014, submitted by Douglas Falzon-Ventura & 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 following conditions:**

**A revised landscape plan is submitted for administrative review addressing the following:**

- **Compliance with the November 13, 2014 Clearzoning review letter, with administrative approval**
- **The two-foot berm requirement be waived**
- **The plan is revised to relocate as many required parking lot canopy trees within the parking lot as possible.**

**Motion carried unanimously.**

**F. LOT SPLIT 3, 2014, preliminary**

LOCATION:	Northeast corner of Orchard Lake Road and Runnymede Street
PARCEL I.D.:	22-23-14-351-004
PROPOSAL:	Split existing parcel into two (2) parcels in RA-2, One-Family District
ACTION REQUESTED:	Approval of Preliminary Land Division by Planning Commission
APPLICANT:	Traian Pop
OWNER:	Traian and Maria Pop

As there was no one in attendance on behalf of this proposed lot split, this item was moved to the end of the actionable agenda.

**G. ZONING TEXT AMENDMENT 4, 2014**

CHAPTER OF CODE: 34, Zoning Chapter  
REQUEST: Amend the Zoning Ordinance to include limited Office Uses in RC, Multiple Family Residential District  
ACTION REQUESTED: Set for Planning Commission Public Hearing  
SECTION: 34.3.1.11  
APPLICANT: Jonathan Brateman

Planning Consultant Arroyo gave the background for this request, submitted by Jonathan Brateman, real estate broker, to amend the text of the RC-2, Multiple-Family Residential District to allow office use (limited), and to set Zoning Text Amendment 4-2014 for a public hearing.

The proposed text amendment was:

*Change Number 1:*

*Section B of the RC-2 Multiple Family Residential District Section 34-3.1.11 vi. shall now read as follows*

*vi. Office uses*

*Buildings used for general office purposes shall be allowed provided that:*

- The total size of the parcel is not greater than 0.63 acres*
- The total size of all structures is not greater than 4000 square feet*
- The offices are for the following occupations insurance office, real estate brokerage or management office, attorney's office, accounting office, business consulting.*
- No more than 15 car parking in the parking lot*
- Exterior Signage shall be limited to 20 square feet per side, 2 sides total.*
- The RC-2 property must be on a major street ( e.g. 12 Mile Road or any other Mile Road or street with more than 25,000 cars per 24 hour period ). This point is included to select for locations in which this type of business's impact on the neighborhood is negligible.*

*Change Number 2:*

*The current Section B of the RC-2 Multiple Family Residential District Section 34-3.1.11 vi. shall now be known as*

*Section B of the RC-2 Multiple Family Residential District Section 34-3.1.11 vii.*

Planning Consultant Arroyo summarized his review as follows:

The Application for the Text Amendment to the Zoning Ordinance proposed allowing office uses, subject to certain conditions, within the RC-2, Multiple Family Residential District.

Generally, an application for a text amendment did not consider a specific property. The immediate focus of the Applicant was to sell a single-family residence located at 31989 W. 12 Mile Road. The following was offered as additional information:

Adjacent Zoning

Adjacent properties were zoned RC-2. Properties across 12 Mile were zoned OS-2, Planned Office Service District and RA-2, One Family Residential.

Current Use

Single Family Residential

Improvements

1,342 SF Single Family Residential /Detached Garage 21,780 square feet/.5 Acres

Adjacent Land Uses

Multiple Family Residential

The Master Plan for Future Land Use identified the property as Multiple-Family Residential, which was characterized by a high-density residential development. The property was not included in any of the Special Planning Areas introduced in the Master Plan for Future Land Use, 2009.

A Zoning Ordinance text amendment to address the subject property would change the standards for all properties zoned RC-2. The Applicant had crafted the language to address a specific property; however, the amending text established standards for all properties currently zoned RC-2 as well as any of the City's future property zoned to this district.

The Applicant said that he was "trying to allow a small, limited number of specific business uses that will cause minimal, minimal impact on the neighborhood, but will allow the Sellers the opportunity to sell their property." When addressing why he did not apply for a Use Variance, the Applicant replied that "the standard is so unreasonable because I cannot prove there is someone who will not pay \$1 to use this as a house!"

Issues to Consider for a Zoning Text Amendment:

- A. Would the proposed amendment correct an error in the Ordinance?  
The proposed text amendment did not correct an error in the Ordinance.
- B. Would the proposed amendment clarify the intent of the Ordinance?  
The Ordinance standards were clear as written and the proposed amendment did not clarify.
- C. Was the proposed amendment supported by the findings or reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical terms?

The Applicant, in an email dated 11/5/14, conveyed the following beliefs and offered the following points for consideration:

- a) Changes being sought in the RC-2 District were so limited and restrictive so to prevent uncontrolled problems for the City.
- b) Applicant believed that the property located at 31989 W. 12 Mile Road would be the only one affected by the changes to the zoning ordinance.
- c) Every other RC-2 property was either oriented in such a way to not be accessible to nor front on a road that had 25,000 cars per day traffic count.
- d) Every other RC-2 property was larger than the 0.63 acres or had more than 4,000 square feet of building

The Applicant had not provided any substantive findings or documentation to support a text amendment to allow office (limited) in the RC-2, Multiple Family Residential District. Other uses such as convalescent homes or adult foster or group day care homes were identified as

principal permitted uses within the district.

D. Would the proposed amendment protect the health and safety of the public, protect public and private investment in the City, promote implementation of the goals and policies of the Master Plan and Sub-Area Plans, and enhance the overall quality of life in the City of Farmington Hills?

The Applicant had provided no substantive findings or documentation that the proposed text amendment would protect the health and safety of the public, protect public and private investment in the City, promote implementation of the goals and policies of the Master Plan/Sub-Area Plans, and enhance the overall quality of life in the City of Farmington Hills.

In response to questions from Commissioner Schwartz, Planning Consultant Arroyo confirmed that the Applicant had not sought a use variance. Any parcel that met the qualifications in the text amendment would qualify for these changes under the amendment; however it was unlikely any other parcel would qualify because of the way the amendment was written.

Commissioner Schwartz thought the Applicant should try for a use variance before action was taken on this proposal.

In response to a question from Commissioner Orr, Staff Planner Stec said that he didn't know the number of other undeveloped RC-2 parcels in the City. Commissioner Orr addressed questions of fire suppression etc in an office building in this type of district.

Jonathon Brateman, 40015 Grand River, Suite 105, Novi, MI spoke on behalf of this request. He explained that by proposing this text amendment he was trying to help the elderly property owners market their property effectively. He read a letter from the property owner, Helen Nye, that gave the background to this property from the time they first built their home 60 years ago. The letter described the development along 12 Mile Road. Mr. Brateman showed aerials from 1963, 1990, and 2010. He invited Ruth Nye-Hurst to speak about her parents' situation.

Ruth Nye-Hurst, the daughter of the property owners, spoke to the history of this parcel. She said that her parents were in their 80s and needed to market their property in order to move on to the next phase of their lives.

Mr. Brateman continued the presentation by reviewing the permitted uses in the RC-2 Zoning District. These included a small school, a religious facility, a daycare center, a private or small library, etc. With a special use a utility building could be placed on this site, as well as a swim pool or recreation club. What was not permitted were office uses. Yet during open houses, etc., prospective buyers asked if they could use the property as a clinic or small office.

Mr. Brateman continued that the text amendment he proposed was written in the tightest, most narrow way to allow office use on the property, and this office use would not be out of place in this neighborhood. While a use variance might be an option, the standards for receiving a use variance were so strict that he thought seeking such a variance would be an exercise in futility.

Commissioner Schwartz said that he was ready to make a motion to set the proposed Zoning Text Amendment for a public hearing in February, in order to give the Applicant time to seek a use variance. He was more comfortable with the Applicant trying to obtain a use variance than going the route of a parcel-specific text amendment.

Commissioner Mantey said he would second the motion. This request was very close to spot zoning, and he also felt that a use variance should first be sought before this item was heard at a public hearing. Unique situations should be handled through the Zoning Board of Appeals.

In response to a comment by Mr. Brateman, Planning Consultant Arroyo explained that a use variance application could be crafted to include office use generally as a category.

City Attorney Schultz said the City did not have a history of approving zoning text amendments such as this one. He also felt applying for a use variance was the better option.

After a discussion of process and timing, Chair Topper asked for the motion.

**MOTION by Schwartz, support by Mantey, that Zoning Text Amendment Request No. 4, 2014, petitioned by Jonathan Brateman, be set for Public Hearing in February 2015, in order to give the Applicant time to seek a use variance for this property from the Zoning Board of Appeals.**

**Motion carried unanimously.**

**F. LOT SPLIT 3, 2014, preliminary**

LOCATION:	Northeast corner of Orchard Lake Road and Runnymede Street
PARCEL I.D.:	22-23-14-351-004
PROPOSAL:	Split existing parcel into two (2) parcels in RA-2, One-Family District
ACTION REQUESTED:	Approval of Preliminary Land Division by Planning Commission
APPLICANT:	Traian Pop
OWNER:	Traian and Maria Pop

As noted above, no one was present on behalf of this application, and therefore this case was moved to the end of the actionable meeting. City Attorney Schultz noted that the lot split had to be approved or denied within 45 days of the initial application, which was in October. Therefore discussion and action needed to occur this evening.

Planning Consultant Arroyo gave the background and review for this request for a preliminary review of a lot split from Lot 111 and a portion of Lot 110 resulting in three parcels, located at 26450 Orchard Lake Road. The property was located between I-696 and 11 Mile Road, on the east side of Orchard Lake Road, and was zoned RA-2, One Family Residential (16,500 square feet). The property consisted of 1.4 acres.

Planning Consultant Arroyo summarized his findings as follows:

The Applicant was proposing to split a 61,730 square feet (1.4 acre) parcel into three separate parcels – identified as Parcel A, Parcel B and Parcel C.

Per Section 34-3.1.5.E, the front yard setback requirement was 35 feet, the side yard setback was 8 feet on one side and 20 feet total, and rear yard setback was 35 feet. The proposed parcels were able to meet these development standards.

The proposed lot split would result in Parcel A containing 0.726 acres (31,653.6 square feet), Parcel B containing 0.34 acres (15,000 square feet) and Parcel C containing 0.346 acres (15,076 square feet). The Zoning Ordinance, under Section 34-3.1.5 required a minimum lot area of 15,000 square feet and a minimum lot area average per subdivision of 16,500 square feet. This standard had been met.

The Springland No. 2 Subdivision consisted of 37 parcels. The average lot size within the subdivision was 34,846 square feet with the largest containing 65,135 square feet and the smallest containing 23,375 square feet. The subdivision's lot widths and depths varied greatly. The majority of the lots had a width of 120 feet, which was consistent with the proposed lot split request. The narrowest width was 119 feet and the widest was 325 feet. The lot depths varied with a range of 145 feet (pie shaped lot) to 316-foot interior residential lot.

Per Section 34-3.1.5, the lot size must meet the minimum lot size of the average per subdivision of 16,500 square feet with a minimum lot area of 15,000 square feet. Parcel B and Parcel C fell below the 16,500 square feet minimum average requirement of the RA-2, One Family Residential zone district for average Springland No. 2 Subdivision.

Per the Subdivision of Land Ordinance, Compatibility with Existing Parcels Regulations, in order to assure that the public health, safety, and welfare would be served by the permission of any partition or division of land, the Planning Commission's review should be in accordance with the following standards:

- a) If any parcel did not meet zoning ordinance requirements, the Planning Commission should deny the request. The parcels discussed this evening met basic zoning ordinance requirements.
- b) Any partition or division shall be of such location, size and character that, in general, it will be compatible with the existing development in the area in which it is situated. In this instance, the resulting parcels were smaller in lot size and depth than the majority of parcels within the subdivision. The requested lot split would result in significantly smaller lot sizes than those platted in Springland No. 2. Subdivision.
- c) The Planning Commission should give consideration to the following:
  1. The conformity of the resultant parcels with zoning ordinance standards and the creation of parcels compatible with surrounding lands as to area, width, and width-to-depth ratio. Parcel B and Parcel C were smaller than the average lot area, width and width to depth ratio of the Springland No. 2 Subdivision.
  2. The orientation of the yards of proposed parcels in relationship to the yards of surrounding parcels in order to avoid incompatible relationships, such as but not limited to, front yards to rear yards. It did not appear that the proposed division would result in an incompatible relationship with surrounding parcels.
  3. The impact of any existing flood plains, wetlands, topography, or other natural features and physical conditions on the resulting parcels so that such parcels were compatible with other surrounding lands in terms of buildable area. This did not appear to be an issue.
  4. The relationship of the front, side, and rear yards to the yards and orientation of buildings on other existing and potential parcels. This should include the probable orientation of buildings on the parcels resulting from the proposed division or partition. The general setbacks had been provided and did not appear to be inconsistent with the orientation of adjacent buildings or that of the general subdivision.

Planning Consultant Arroyo concluded his presentation.

**MOTION by Mantey, support by Orr, that Lot Split No. 4, 2014, submitted by Traian Pop, be denied because the proposal would result in land use relationships which could be injurious to adjoining property, as the resulting parcels B and C would be significantly smaller than the average lot area, width and width to depth ratio of the Springland No. 2 Subdivision and would not be compatible with the surrounding area.**

**Motion carried 6-1 (Schwartz opposed).**

**APPROVAL OF MINUTES**

October 16 and 23, 2014

**MOTION by Stimson, support by Rae-O'Donnell, to approve the October 16, 2014 and October 23, 2014 minutes as published.**

**Motion carried unanimously.**

**PUBLIC COMMENT:** none

**COMMISSIONER'S COMMENTS:**

Commissioner Orr asked Traffic Engineer Saksewski to follow up on the use of traffic lane control barrels along the eastern side of Drake Road northbound during the continued construction of the new Auto Zone. Whenever possible, the barrels should be moved so that two lanes were available northbound.

Commissioner Schwartz commented on the attractive appearance of the new Starbucks on Orchard Lake Road at 12 Mile Road.

Commissioner Mantey spoke to the need to encourage recycling of cardboard through site plan review in the City.

Commissioner Stimson confirmed with Staff Planner Stec that the Mobil station at 12 Mile and Farmington Roads was still going ahead with its expansion.

Staff Planner Stec explained that a MI Place Grant had been received through the Michigan Municipal League for a professor and student from Lawrence Technological University to work on a conceptual plan for the 10 Mile and Orchard Lake Road area. City staff from Farmington Hills and Farmington would be meeting with this student and professor on an ongoing basis. Any interested Commissioners were invited to attend these meetings. Commissioners should watch their emails for a further explanation and invitation.

Regarding a memo in the Commissioners' packets from Kristine Hahn, Michigan State University Extension Educator, asking if the Commission would like to hear a presentation on "Understanding Community Food Systems," it was the consensus of the Commission that a presentation like this should be made to a larger, more inclusive group.

Future hearing dates were set as follows:

January 8: Regular meeting

January 15: Public hearing

A study session would be included with one of the January meetings.

**ADJOURNMENT:**

Hearing no further comment, Chair Topper adjourned the meeting at 10:28 p.m.

Respectfully submitted,

Steven Schwartz  
Planning Commission Secretary

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