

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
APRIL 20, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

Commissioners present: Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware

Commissioners Absent: Countegan, Grant, Varga

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

APPROVAL OF THE AGENDA

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

MOTION passed by voice vote.

PUBLIC HEARING

A. REZONING REQUEST 1-2-2023

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

Applicant Frank Jamil made the following points:

- The property in question has a history of vacancies and has been left in a distressed condition, with the prior owner having no interest in improving the site, and other realtors have been unable to market the building.
- Mr. Jamil had been introduced to the property by the City's Economic Development Director. He owned other properties on Orchard Lake Road, and was willing to spend the time, effort, and money into redeveloping the property.

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

Planning Consultant Tangari reviewed the proposed rezoning against items to consider for zoning map amendment, as outlined in his March 9 memorandum.

- The application was not specific about the type of retail use the applicant was contemplating. Both B-3 and B-4 permitted uses were provided in the review materials. There was B-3 zoning adjacent to this parcel. There was OS-1 and B-3 zoning to the north and west, and B-4 to the south. To the east was RA-2B single family development.
- A small, multi-tenant commercial building was located on the site, with a type of idiosyncratic parking arrangement, with parking spaces along the south side of the building to the north accessed by this site.
- The land is designated shopping center-type business on the future land use map. Proposed zoning dimensional requirements were compared to existing requirements in the review letter. Currently the side setback and front yard open space were nonconforming. The setback nonconformity will not be changed by the rezoning. However, the nonconforming front yard open spaces will be changed; the B-3 district has a much smaller front setback, but also requires more open space. New development is not proposed at present and a concept plan is not provided.
- Regarding items to consider for a zoning map amendment:
 - The Master Plan designates the site and its neighbors to the south a shopping center-type business. There are non center-type businesses and small office to the north on the future land use map. Current zoning is consistent with the Master Plan.
 - The site would transition from one commercial designation to another. The effect on services and roads is not likely to be significant, if there is any effect at all.
 - Presently the property is developed as zoned, apart from the noncompliant south side setback and the noncompliant front yard open space.
 - As already noted, the site is bordered by B-4 and B-3 parcels and OS Office Service with residential to the rear. Commercial property across Orchard Lake is zoned B-2.
 - There is no difference between the two districts (B-4 and B-3) in terms of how much a property this size would burden the nearby thoroughfare.
 - There is other land zoned B-3 available for this use, primarily in the Grand River and Northwestern Highway corridors.
 - It appears that the site could be developed in accordance with the standards of the B-3 district. The applicant has the right to use the existing layout, but a new layout could meet standards.
 - As noted, the application is not specific about the type of use the applicant might be contemplating. B-4 and B-3 both do have somewhat similar lists of uses, with the list of uses available in B-3 being more extensive than the list of uses permitted in B-4. B-3 and B-4 uses are provided in the review documentation.
 - Development in the immediate area has not changed in a substantial way since the adoption of the last master plan. There has been a high vacancy rate in this building.
 - Rezoning could be perceived as an extension of the B-3 district to the north and east.
 - In terms of granting a special benefit to the property owner or developer, it appears that little about the physical development of the property would change.

Vice Chair Traftlet opened the public hearing for this rezoning request. Seeing that no public indicated they wished to speak, Vice Chair Traftlet closed the public hearing and brought the matter back to the Commission for discussion and/or a motion.

Commission discussion:

- This rezoning would increase the versatility of the property, which was already next to a B-3 property.
- If the building is demolished, dimensional requirements will have to be met. Under B-3 zoning, after a demolition a building could be constructed closer to Orchard Lake Road, which was in line with the City's long-term goal of moving development closer to the street.

MOTION by Brickner, support by Mantey, to recommend to City Council that Rezoning Request 1-2-2023, dated February 10, 2023, submitted by Frank Jamil, to rezone property located at 29400 Orchard Lake Road; Parcel Identification Number: 22-23-11-101-003, Oakland County, Michigan, from B-4, Planned General Business District to B-3, General Business District, be approved, because:

1. The rezoning is consistent with the City's Master Plan for Future Land Use; and
2. The rezoning is consistent with the existing and/or future zoning classifications and/or uses in the area.

Roll call vote: Ayes - Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware. Nays – None.

Motion carried 6-0.

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

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

Tim Loughrin, Robertson Homes, was present on behalf of this application for PUD amendment. Mr. Loughrin made the following points:

- The PUD amendment would primarily affect the residential portion of the development, which had been renamed Pebble Creek.
- The overall development included about 15 acres of residential development and 15 acres of commercial development. The commercial portion included a 100-bed skilled nursing facility.
- The request was to reduce the approved density by about 50%. 94 homes had been approved, including townhomes. The applicants were asking for a reduction to 51 single family homes, eliminating the townhome component entirely.
- The decision to make this request was based on the current economic climate of rising interest rates, pricing first-time buyers out of the market, combined with the capital cost of constructing the townhomes.
- The revised plan shows an enclave development. All homes will be single story 1834 sf ranch homes, with an option for 1.5 story construction. Building heights would be 18' (single story) or 20' (1.5 stories).
- There will be increased landscaping along Inkster Road.

- The PUD agreement with City Council has been paused until a determination can be made relative to this requested amendment.
- The skilled nursing facility has not changed, and parking lot and driveway configuration is similar to the approved plan.
- Regarding the access to Cheswick, the applicants will abide by City requirements, and the engineering and fire departments were requesting full access.. However, what Robertson Homes had proposed was an emergency vehicle access only on Cheswick. They did not believe full access was necessary.
- All homes will be for-sale owner-occupied condominiums. The residential development will be connected via sidewalks; the community will be walkable and inviting, with some internal amenities. The homes will be constructed of high-end elements such as stone, brick, Hardie Board siding, etc.
- As previously approved, Robertson Homes has worked with the Historic District Commission relative to re-using some of the historic materials from the site. The historic chapel will be part of the skilled nursing facility.

Commissioner Brickner asked if there was a way to provide full access to Cheswick that had a right-turn only designation and appropriate directional curbing.

Mr. Loughrin said they would work with the City to provide the most appropriate circulation on the site. He noted that the residential portion of the PUD site would not connect with the nursing home portion; this was consistent with the high-end residential enclave being developed. Robertson Homes did feel an emergency only access on Cheswick should be considered.

Planning Consultant Tangari noted that this request constituted a major change to the approved PUD plan. Referencing his March 8, 2023 memorandum, Planning Consultant Tangari reviewed the site plan application attached to this request for a PUD amendment.

- As mentioned, the proposed density had significantly decreased for the residential portion of this PUD site. However, the plan would still need relief from the ordinance relative to density. The underlying RA-1B district requires minimum lot size of 26,000sf, or 1.675 units per acre. 51 detached single-family units were proposed in the 14.1-acre residential use area of the plan, for a proposed density of 3.6 units/acre. This exceeds the underlying permitted density, even though density has been decreased from the previously approved plan.
- Relief from the ordinance was also requested relative to the reduced front setback along Inkster Road (30' instead of 50').

In response to questions, Planning Consultant Tangari said that development under the cluster option would likely give the same density as that being requested under the PUD.

It was noted that Cheswick was a public road.

Vice Chair Trafelet opened the public hearing for this request for a PUD amendment.

Scott Griffin, Cheswick Drive, supported the development as now presented. His remaining concern was the requirement to access Cheswick Drive, and he asked a series of questions regarding why the Fire Department was requiring that access. People in the Hickory Oaks subdivision purchased their homes due to the beauty and privacy of Cheswick Drive.

Jeff Dawkins, Bradmoor Court, opposed having an access on Cheswick Drive.

Terri Weems, Bradmoor Court, noted that the Hickory Oaks subdivision maintained Cheswick Drive, including planting trees. The entrance contributed to the luxury of their homeowner experience. She was also concerned about how increased traffic would endanger the safety of schoolchildren who walked on the road to catch a school bus, as there were no sidewalks.

Scott Lawrence, Bradmoor Court, also appreciated the proposed development, except he did not want an access on Cheswick Drive, which would negatively impact their property values and present a safety hazard to walkers.

Jim Fleszar, Bradmoor Court, also opposed an access to Cheswick Drive. He thought the solution could be found in providing another access onto Inkster Road.

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

Commission discussion

The Commission acknowledged the public comments opposing the access to Cheswick Drive. However, Cheswick was a public road which provided one of at least two access points to the existing Hickory Oaks subdivision.

Two access points were necessary for any development that had this many residences. A single access could be blocked during an emergency, leaving residents unable to exit their neighborhood, and leaving emergency vehicles without another means to get to an emergency event.

After discussion and amendment, the following motion was offered:

MOTION by Brickner, support by Mantey, to recommend to City Council that the application to amend PUD 2, 2021, including Site Plan 59-5-2022, dated February 22, 2023, submitted by Optalis Group, be approved , because the proposed amendment is consistent with the goals, objectives, and policies of the Master Plan and applicable provisions of the Planned Unit Development Option in Section 34-3.20 of the Zoning Ordinance, subject to:

- 1. Modifications of Zoning Ordinance requirements as indicated on the proposed plan.**
- 2. The following conditions:**
 - a. All light fixtures must meet the full cut-off requirement of the ordinance.**
 - b. A second full access to the residential portion of the PUD site be provided as required by ordinance.**

And with the recommendation to allow the following requests for relief from the Zoning Ordinance:

- The skilled nursing facility be allowed as shown.**
- Density be allowed for detached single-family at 3.6 units/acre.**
- 30' setback along Inkster Road be allowed.**

Motion discussion:

The Commission noted that the motion's condition for a second full access did not indicate location, although the plan being recommended tonight to City Council did show the access being

to Cheswick. If another location was found to be possible prior to this plan going to City Council, Council could make that change.

Roll call vote: Ayes - Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware. Nays – None.

Motion carried 6-0.

C. SPECIAL APPROVAL PLAN 51-3-2023

LOCATION:	24300 Drake Road
PARCEL I.D.:	22-23-21-351-032
PROPOSAL:	Operation of temporary portable concrete batch plan in B-3, General Business District
ACTION REQUIRED:	Special Land Use and Site Plan Approval
APPLICANT:	Mark Anthony Contracting, Inc.
OWNER:	Dinesh Potluri

Gary Evangelista, Mark Anthony Contracting, was present on behalf of this request for a Special Land Use and Site Plan Approval in order to operate a temporary portable concrete batch plant at 24300 Drake Road. Mr. Evangelista made the following points:

- This batch plant would serve the City projects of Heritage Hills and Westwood Commons.
- Mark Anthony Contracting had used this location for a batch plant in the past, including 2020 and 2022.

Referencing his April 11, 2023 review memorandum, Planning Consultant Tangari noted that this plan was essentially the same plan as last year. This is the 5th temporary batch plant to seek location on this site within the last 8 years.

- This was a 2-acre vacant site.
- The time frame was April 17, 2023 through October 28, 2023, with full removal in the same time period.
- Requested hours of operation are from 7am to 7pm Monday through Saturday.
- It appeared all setbacks will be met; setbacks should be labeled.
- Circulation through the site is counter-clockwise. The cross-access drive to the south will be closed with a barricade.
- The site is accessible from Drake Road.

Commission discussion:

This would be a concrete batch plant, which was different than a cement plant. Cement was brought in by bulk trailers and was pumped into the silos via a pressurized system.

Vice Chair Trafelet opened the public hearing for this request for a temporary concrete batch plant.

Mark Beznos said that in the past this use had been a hideous monstrosity in the neighborhood, 7 stories high. The volume of noise hurt his ears. This plant will devalue the neighborhood and the constant trucks harm the City's infrastructure. He asked the Commission to deny this request.

Jose Garcia, Muirwood Apartments, asked for more information regarding this requested use.

Responding, Mr. Evangelista said their plants are state-of-the-art, were dustless, with no huge volume generators. The loudest thing that could be heard would be the backup alarms from the loaders, or a truck tailgate slam. They practiced ongoing dust control. On the average they operated from 7am to 5pm, with approximately 10 intermittent paving days (10 total days) for the entire project.

In response to Commission questions, Mr. Evangelista said their bidding process included being able to use this site for the work. They should actually be gone by September. Their first work was scheduled for next week.

Srinivasan Maharajan, Muirwood Apartments, opposed approving the batch plant at this location. The apartment dwellers in the area used the sidewalks to walk during the summer months, and there were many pedestrians during the day and especially after dinner. Many of the apartment residents had only had one car, making walking to the store and other amenities even more important. When the batch plant was in operation, it was difficult to enjoy the outdoors, and Mr. Maharajan and his family avoided walking the area, even though this was the main intersection for pedestrians.

In response to Commission questions, Mr. Evangelista said there was no other available location for this batch plant; batch plants found it difficult if not impossible to share locations. He reiterated this was for a City project. The product could not be used in any other municipality. No construction traffic was allowed northbound on Drake. They will exit onto Drake, go to Grand River, and then north on Halsted to 13 Mile, and over again to Drake to the project site.

After discussion regarding available sites, and after acknowledging the public comment regarding the location for this batch plant, the following motion was offered:

MOTION by Mantey, support by Ware, that Special Approval Plan 51-3-2023, dated March 14, 2023, submitted by Mark Anthony Contracting, Inc., be approved, subject to all applicable provisions of the Zoning Chapter, for the following reasons:

- 1. The use would not be injurious to the district and environs.**
- 2. The effects of the use would not be contrary to the spirit and intent of the Zoning Chapter.**
- 3. The use would 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.**

Commission discussion:

It came out in conversation that most communities did not put batch plants required for municipal projects on planning commission agendas, because the nature of the road improvements required batch plants be located within municipal boundaries.

The Commission did share the concerns of the many pedestrians in the area, and asked Mr. Evangelista to relay those comments to Mark Anthony Contracting, in order to make every effort to shut the plant down earlier in the day, whenever possible.

Roll call vote: Ayes - Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware. Nays – None.

Motion carried 6-0.

REGULAR MEETING

None.

APPROVAL OF MINUTES March 16, 2023, Regular Meeting

MOTION by Stimson, support by Aspinall, to amend and approve the minutes of the March 16, 2023 Regular Meeting as follows:

- **Correct the spelling of Commission Stimson's name on p. 3.**
- **Correct motions to read, where appropriate: Motion passed unanimously by voice vote.**

Motion passed unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

The Commission expressed frustration at hearing requests for batch plants for city projects, and discussed the issues involved. Commissioner Ware noted that at least this gave residents an opportunity to voice their concerns.

The Commission asked City Attorney Joppich and Staff Planner Perdonik to relay their concerns to the City regarding these requests. Commissioner Ware emphasized the importance of giving people a voice.

ADJOURNMENT

MOTION by Stimson, support by Brickner, to adjourn the meeting at 9:27pm.

MOTION passed unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem