

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
June 15, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

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

Commissioners Absent: None

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

APPROVAL OF THE AGENDA

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

Motion passed unanimously by voice vote.

REGULAR MEETING

A. PLANNED UNIT DEVELOPMENT QUALIFICATION 1, 2023

LOCATION: 29915, 29905, and 29845 Thirteen Mile Road
PARCEL I.D.: 22-23-11-201-004, 005, and 006
PROPOSAL: Construction of multiple-family housing in an RA-1, One Family Residential zoning district
ACTION REQUESTED: Qualification of Planned Unit Development
APPLICANT: Martin Manna
OWNER: Chaldean Community Foundation

Referencing his June 8, 2023 written comments, Planning Consultant Tangari gave the background and review for this request for qualification for Planned Unit Development. The applicant proposed 100 units of affordable housing in five buildings arranged around a central courtyard at 29915, 29905, and 29845 Thirteen Mile Road. 60 of the units are one-bedroom units, and the remaining 40 are two-bedroom units. The project will receive funding from the Michigan State Housing Development Authority (MSHDA).

The 5.98-acre site is located on the south side of 13 Mile Road, just west of Middlebelt Road. The site is comprised of 3 addresses with two houses present. All are zoned RA-1, which is a 20,000sf single-family district. The site has no wetlands or other notable natural features. The development is proposed to be accessed from a single driveway to 13 Mile Road.

The surrounding properties are all single family.

Qualification

Under Section 34-3.20.2, the Planning Commission may make a determination that the site qualifies for a PUD based on criteria and procedures set forth in the ordinance, and as listed on pages 2-4 of the review memorandum. Those criteria that require discussion include:

- B.** The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

The proposed use—apartments—is not permitted in the RA-1 district. This is the primary deviation from ordinance standards; density is consistent with the RC-3 district.

- C.** The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Asserted financial problems shall be substantiated with appraisals of the property as currently regulated and as proposed to be regulated.

The applicant is proposing density consistent with the RC-3 district. The applicant's narrative notes that a rezoning to RC-3 was considered, but the PUD process was more suited to achieving the goals of the project.

- D.** The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Future Land Use Plan unless the proponent can demonstrate to the sole satisfaction of the city that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.

The number of apartment units proposed on the site clearly exceeds the number of single-family units that could be built under RA-1 zoning (100 versus 13). The applicant should provide a traffic study to compare the likely traffic volume from this development to potential commercial development on the site. The complex would utilize one access point to 13 Mile Rd; Engineering and Fire have indicated a preference for a stub or other means of providing future cross-access to neighboring sites.

- E.** The Planned Unit Development must meet as a minimum one of 8 objectives listed in the ordinance. The applicant is stating that they meet 3 of the objectives:

- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.

The applicant identifies the nearby multi-family development (which is not directly adjacent) and under-utilization of the parcels fronting on 13 Mile as factors in meeting this criterion.

- iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.

The applicant highlights this qualification criterion, and specifically says that this use could serve as a transition from the mile road to single-family to the south.

viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

The applicant's narrative also addresses this criterion.

- F.** The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

An increase in density is sought by the applicant. Given that the proposed use is not permitted in the underlying district, it appears that the request is not made solely to avoid a variance.

The submission includes sufficient material for qualification.

Conceptual Site Plan Review

Tonight the Planning Commission was not assessing the site plan in detail. However, the conceptual plans and illustrations provided by the applicant provided an indication of the type of site plan the Planning Commission can expect if preliminary qualification is granted.

The proposed affordable housing is consistent with the Chaldean Community Foundation's nonprofit mission.

Regarding density, the 60 one-bedroom units and the 40 two-bedroom units represented a density consistent with the RC-3 district. Under RA-1 zoning, the maximum number of units available is 13.

Regarding the Master Plan, The Master Plan's Future Land Use map designates this site as Single Family, and it is part of a Residential Special Planning Area, titled *13 Mile Road Near Middlebelt (No. 1)* in the 2009 Master Plan. This area covered several additional lots in that plan, and was identified as an area with the potential to be aggregated and redeveloped with a single access point off 13 Mile Rd. This planning area was identified for single family housing. The plan set the following goals for the area:

Goals

- Maintain the one-family residential use character of the road frontage on large lots.
- Encourage assembly of parcels and development of one-family lots based on the concept plan.
- Protect the natural features of the area; hillsides, trees.

Policies

- Follow the concept plan under RA-1 zoning.
- Locate the primary residential street parallel to Thirteen Mile Road.
- Location of entrance roads from Thirteen Mile Road would be determined by timing of developments.
- Except for the west 300', lots should back or side-lot to Thirteen Mile Road.
- Cul-de-sacs should be kept to about 600' in length.
- Interconnect the streets over time.
- Encourage names of developments that are similar in order to establish a unified identity for the area.
- Allow flexibility in application of city standards.
- Encourage flexibility in building setbacks.

- Permit water retention in open space.
- Consider the cluster option only when at least one side of the property in question borders on a use that is other than one-family detached land use.
- Maintain the density as planned and zoned at 1.8 dwelling units per acre.

Regarding dimensional standards. Generally, it appears that the applicant would not be seeking relief from the ordinance standards; building height needs to be provided to verify whether this deviates or conforms.

Regarding parking, the applicant requests adjustments to parking standards from 200 required spaces to 169 parking spaces.

Regarding density, as noted above, the applicant seeks multi-family use at RC-3 density, rather than the existing RA-1 use and density.

In response to questions, Planning Consultant Tangari explained that the term “affordable housing” was a federally-defined term. This was not the same as “low-income” housing.

Commissioner Mantey said that he would like to better understand what triggers traffic studies and how much traffic studies cost developers.

Commission Stimson asked for more information as to why this project could not be developed under straight RC-3 zoning, rather than a PUD.

Chair Countegan suggested the applicant answer questions regarding affordable housing, parking, and why they had chosen to apply for a PUD.

Martin Manna, Chaldean Chamber of Commerce and Chaldean Community Foundation, was present on behalf of this request for PUD qualification. Architect Mark Abanatha, Alexander V. Bogaerts & Associates, was also present, as was Tom Haji, Director, Chaldean Community Foundation.

Mr. Manna gave some of the history of the Chaldean community in southeast Michigan. The Chaldean Chamber of Commerce is headquartered in Farmington Hills, the Chaldean Community Foundation in Sterling Heights. In 2011 400 people were served, today the Chaldean Community Foundation serves more than 40,000 individuals annually from 48 different countries of origin, and from many backgrounds. Part of the Foundation’s mission is to provide health and human services, access to health care, and affordable housing.

Mr. Manna explained that this was the Chaldean Community Foundation’s second foray into affordable housing, with the first currently under construction in Sterling Heights (135 units). The goal was to ultimately construct up to 1000 units for people seeking long-term affordable housing, which by definition meant that the tenants must be at 60% or below the average medium income to qualify for the housing. This project would be built under the authority of the Michigan State Housing Development Authority (MSHDA), and the Foundation was also exploring a loan from HUD. The housing was rent-controlled and would not require vouchers.

In response to questions, Mr. Manna and Mr. Abanatha gave the following information:

- In their meetings with city staff, the PUD process was recommended.

- The affordable housing development will not be limited to the Chaldean community; it will be for everyone.
- The reduction to 169 parking spaces was based on industry standards of 1.7 to 1.8 parking spaces per unit. Almost every municipality currently required too much parking.

Citing the book *Paved Paradise: How Parking Explains the World*, by Henry Grabar, Commissioner Mantey said he supported the requested reduction in parking.

Commissioner Stimson asked why the applicants had not brought this request in as a request to rezone to RC-3.

Mr. Abanatha explained that their development team analyzed the zoning ordinance, and met with planning, engineering, and economic development staff, as well as the City Manager. After looking at all alternatives, the development team felt that the PUD was the vehicle to use to go through the zoning process for this development.

Mr. Abanatha addressed the three criteria for PUD qualification that they felt they met:

- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.

There were existing multifamily projects to the west and existing multifamily projects to the east of the proposed site, and it was desirable to engage the land in between those multifamily projects. Their proposal seemed like a perfect fit.

- iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.
- viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

The project is an excellent transition from 13 Mile Road to the single-family use, as opposed to some other type of commercial zoning, as mentioned in the traffic study portion of the Giffels Webster review.

Mr. Abanatha emphasized that affordable housing/workforce housing is critical for communities like Farmington Hills, and was something being discussed throughout Michigan. The Chaldean Community Foundation was passionate about meeting the needs of not just the Chaldean community, but also the wider community.

Mr. Abanatha addressed the concept plan as follows:

- The applicants were proposing state of the art units. The 60 one-bedroom units will be between 624sf – 660sf. The 40 two-bedroom units will be ~816sf.
- The design of the project will respect their existing neighbors, and will blend with the existing development along 13 Mile Road. They were retaining as much of the natural features on the site as possible. The project provided the best location for new curb cuts. In response to Fire Marshal concerns, they were providing a second emergency access to 13 Mile.
- They understood the concern about trying to minimize curb cuts on 13 Mile. However, forcing the development to link driveways with adjacent properties limited their management ability in terms of the project.
- Existing trees will be maintained along the eastern property line, the western property line, and along the southern property line where they were adjacent to single family uses, as well as long 13 Mile Road. There will be good consistency of natural features.

- The project provided 13.6% lot coverage, thereby maximizing open space and providing park area in the center of the site. This was accomplished by the design of the 2.5-story buildings, which design 1) minimizes the footprint on the site by adding density to the center of the building, 2) adds architectural interest through variations in the roofline, 3) relates to not only the other multifamily projects along 13 Mile Road, but also the single family 2-story buildings in the area.
- They will work with the Fire Marshal to address all his concerns.
- They will be providing a traffic study as part of their future PUD submission and site plan approval submission.
- They calculated building height by averaging the 2-story portion (25' high) with the 3-story portion (35' high). They would be asking for relief from ordinance standards relative to building height.
- Regarding the density in the RC-3 district vs. the RA-1 district, Mr. Abanatha said that density was a relative term, relative to such questions as: Does the project fit the site? Is there enough green space and open space? Have the natural features been respected? Is the massing and the scale of the building appropriate to the site and what is going on around it? Does the project relate to the land around it? Is there enough parking on the site and enough open space?
- The site was designed in relationship to the adjacent single family uses as well as the overall composition of the site, by positioning the buildings to increase setbacks to the single family residential, and to minimize the impact of the architecture by the placement of buildings on the site.

Mr. Abanatha explained that in addition to the two items brought up by Planning Consultant Tangari – permit multi-family at RC-3 density, and permit reduction in parking from 200 spaces to 169 – they were also going to ask for relief regarding building height and tree replacement.

Regarding tree replacement, as an affordable housing project with different sources of funding, it was important to keep costs at a minimum, so the rents can be in the necessary range. Trying to cope with price and cost of tree replacement will be a burden on the project.

MSHDA (Michigan State Housing Development Authority) had signed off on a preliminary site evaluation.

Mr. Abanatha explained that this long explanation answered the question as to why they were asking for a Planned Unit Development, which would allow the necessary flexibility regarding parking, density, building height and tree replacement. They believed they were bringing a special project to Farmington Hills, and a PUD was a perfect fit for this unique project.

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

- All buildings had minimum setbacks of 50 feet.
- All the buildings were the same, with the 2-story portions being 25' tall, and the center 3-story portion being 35' tall.

Chair Countegan noted that the applicants needed to talk with Planning staff regarding how height was calculated under Farmington Hills ordinance.

- Building design was state of the art in terms of floor plans and design. The units were smaller, but would have all the amenities of a larger unit. The façade design will be a beautiful addition to the community.

In response to a request from the Chair, Planning Consultant Tangari gave an overview of the PUD process, as outlined in Section 34-3.20.

Commissioner Stimson said he had several issues with this PUD proposal:

- This proposal was not compatible with the seven RA-1 lots to either side of the project.
- This proposal was not compatible with the multi-family developments further to the east and west, which were ranch homes, not multi-story.
- The current RA-1 zoning already provided a great buffer to the other residential areas. This project would create high density in the middle of residential zoning, leaving the neighboring RA-1 parcels stranded between multi-family uses.
- This project would not bring about redevelopment to a desired orderly change of use. Other single-family properties in the City that had been surrounded by multi-use apartments were too small to be similarly developed, and too isolated to be easily sold to people seeking single family homes.
- Rezoning this property to RC-3 would be spot zoning, and this project represented an effort to get around placing RC-3 zoning in the middle of an RA-1 neighborhood.

Mr. Manna pointed out that the properties in between this site and the Baptist Manor were owned by the Baptist Manor, who would like to develop them.

In response to a question, Mr. Haji said they had not met with the HOA to the south; they had talked with Baptist Manor.

Commissioner Stimson pointed out that Baptist Manor had previously come to the Commission with a rezoning (or PUD) application to develop their three lots, and were denied, due to the issues he had enumerated above.

Chair Countegan explained that the issue before the Board was whether the application met the requirements for PUD qualification.

Commissioner Ware commented that the Commission had previously discussed the possibility of redevelopment in the area of 13 Mile and Middlebelt. The renderings presented this evening showed development consistent with those earlier conversations. Chair Countegan agreed, but also cautioned that the Commission should look at this request in light of the PUD ordinance criteria.

Commissioner Brickner said that the fact the Baptist Manor owned the properties in between this site and the Baptist Manor was somewhat encouraging. However, it was the neighbors to the south who needed to be approached by the developer relative to what was being proposed.

In response to questions from the Chair, staff gave the following information:

- Under RA-1 development, the 3 properties could have a total of 13 single-family homes, with a maximum 35% lot coverage.
- The PUD is an optional form of development, involving several steps, including public hearings. Should this application move forward, the City and the developer will have to come to a formal PUD development agreement.
- This affordable housing development will be open to all people.

After discussion and amendment, the following motion was offered:

MOTION by Brickner, support by Trafelet, to make a preliminary finding that PUD 1, 2023, dated May 18, 2023, submitted by Martin Manna, qualifies for the Planned Unit Develop Option under Section 34-3-20.2.A through D of the zoning chapter. It is further determined that the proposal

meets at least one of the objectives as outlined in Section 34-3.20.2. E.i-viii, and that it be made clear to the applicant that final granting of the PUD plan and contract requires approval by City Council, after recommendation by the Planning Commission.

The Planning Commission finds that PUD 1, 2023 meets the following qualification standards of section 34-3.20.2.E.:

- **iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.**
- **viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.**

Motion discussion:

Commissioner Brickner strongly recommended that the applicants speak to the homeowners to the south.

Motion carried by voice vote 8-1 (Stimson opposed.)

B. AMEND PLANNED UNIT DEVELOPMENT 5, 1993

LOCATION:	36455 and 36555 Corporate Drive
PARCEL I.D.:	22-23-17-127-001
PROPOSAL:	Amend PUD to permit signage not presently permitted
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	Farmington Hills Corporate Investors, LLC
OWNER:	Farmington Hills V Corporate Investors, LLC

In response to comments, City Attorney Schultz addressed the question of whether this application was for a minor or major amendment to the PUD. The request was for a deviation from the written language of the PUD agreement, which would have to be amended in order to allow the requested signage, and the Planning Commission had never approved a minor amendment that would be in violation of the ordinance involved – in this case the PUD agreement.

Referencing his Revised 6/15/2023 written comments, Planning Consultant Tangari gave the background and review for this request to amend Planned Unit Development 5, 1993 to permit signage not presently permitted:

- The site is zoned OS-4; the portion of the overall PUD being considered is 26.06 acres and is developed with a V-shaped office building (formerly two buildings). The site is accessed from Corporate Drive.
- Per Section 34-3.20.5.G, “Proposed amendments or changes to an approved PUD plan shall be submitted to the planning commission. The planning commission shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the planning commission determines the proposed amendment is material in nature, the amendment shall be reviewed by the planning commission and city council in accordance with the provisions and procedures of this section as they relate to final approval of the Planned Unit Development.”
- If the Planning Commission makes a determination that this is a major amendment to the PUD, a public hearing would need to be set. After the public hearing, the Commission will make a recommendation to City Council.
- The two original buildings on this site had been joined by an addition, creating a single building. The original signage was for two separate buildings.

- The existing sign language in the PUD Agreement is very specific; this is included in the review memorandum. The applicants are asking for more extensive signage for the new Comerica office on this site, as follows:
 1. Three wall signs on the south façade where one is permitted.
 2. 291sf of wall sign on the south façade where 100sf are permitted.
 3. A 25.75' height for the sign along I-696 where 6' is permitted.
- All four wall signs are 97.2sf. Each individual sign meets the 100sf maximum, but the 3 signs on the south side of the building collectively exceed that maximum.
- Three freestanding signs are proposed, one of which replaces an existing freestanding sign along Corporate Drive. The two signs on Corporate Drive are compliant with the ordinance. The third freestanding sign is proposed along I-696. This sign is 25.75' tall, with a sign area of 31.84sf; The height is noncompliant with OS-4 standards.

The Commission discussed whether this request constituted a major or minor amendment to the PUD. While the signage request itself might seem minor, the change will require a deviation from the original PUD language. The Commission had never considered a deviation from the ordinance a minor amendment.

Chair Countegan invited the applicant to make his presentation.

Chris Kojaian, Kojaian Companies, 39400 Woodward Avenue, Bloomfield Hills, was present on behalf of this application to amend PUD 5, 1993. They had expected that this request for different signage would constitute a minor amendment to the PUD. The signage proposed on the freeway side of the building had been there previously for a different tenant. Previously Mercedes Benz, Harmon and Dell all had signs on the buildings. The thing that had changed was the connector between both buildings.

This location is Comerica's Michigan operations headquarters, consolidated into one 340,000sf facility, and Comerica wanted the visibility from appropriate signage, especially for those driving by on I-696.

City Attorney Schultz said amending the PUD would be a fairly simple process, but the existing PUD agreement language was very specific and constituted the zoning regulation for this parcel. The Planning Commission had never allowed a direct deviation from the ordinance without going through the process for a major PUD amendment.

Commissioner Grant commented that she had always seen the building signs from the freeway.

Mr. Kojaian said it was important for company headquarters like Comerica to show off their location.

MOTION by Stimson, support by Aspinall, that the proposed Amendment to PUD 5, 1993, submitted by Farmington Hills V Corporate Investors, LLC, dated May 18, 2023, be set for public hearing on the Planning Commission's next available regular meeting agenda.

Motion discussion:

Chair Countegan and Commissioners Stimson and Mantey agreed that this request constituted a major amendment to the PUD agreement, while also expressing their support for the new signage.

Motion passed unanimously by voice vote.

APPROVAL OF MINUTES

May 18, 2023, Special Meeting, and May 18, 2023,

Regular Meeting

MOTION by Grant, support by Trafelet, to approve the May 18, 2023 Special Meeting minutes and the May 18, 2023 Regular Meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

Commissioner Brickner said that he and his wife Cheryl were celebrating their 50th wedding anniversary on June 17.

ADJOURNMENT

Motion by Trafelet, support by Ware, to adjourn the meeting at 9:05pm.

Motion carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem