

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
COUNCIL CHAMBERS  
June 20, 2019, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on June 20, 2019.

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

Commissioners Absent:       None.

Others Present:               City Planner Stec, City Attorney Schultz, Staff Engineers Kennedy and Olson, Planning Consultant Arroyo

**APPROVAL OF AGENDA**

Chair Schwartz noted the following changes to the agenda:

- Public Hearing: Item A, Cluster Option 2, 2019, had been withdrawn by the applicant.
- Regular Hearing: Items B, Site and Landscape Plan 63-5-2019, and C, Lot Split 1, 2019 (Final), had been postponed at the request of the applicant.

Chair Schwartz asked Vice Chair Stimson to temporarily assume the Chair.

Vice Chair Stimson indicated he was ready to entertain a motion to amend and approve the agenda.

**MOTION by Schwartz, support by Mantey, to amend and approve the agenda as follows:**

- **Delete Public Hearing: Item A, Cluster Option 2, 2019.**
- **Delete Regular Hearing: Items B, Site and Landscape Plan 63-5-2019, and C, Lot Split 1, 2019 (Final).**
- **Move Item 7, Public Comment, to be the next item on the agenda.**

**MOTION carried unanimously.**

Vice Chair Stimson relinquished the Chair to Chair Schwartz.

**PUBLIC COMMENT:**

Chair Schwartz opened the meeting to public comment regarding items still remaining on the agenda. Seeing that no one came forward to speak, Chair Schwartz closed the public comment section of the agenda.

**PUBLIC HEARING**

**A. CLUSTER OPTION 2, 2019**

LOCATION:

PARCEL I.D.'s:

Folsom Rd. between Parker St., Lundy Dr. and Colfax Dr.  
23-34-252-019 to 027, 030 through 034, parts of parcels  
23-34-252-028 & 034, and parcel 23-34-252-043

PROPOSAL: One-family cluster option in an RA-3,  
One-Family Residential District  
ACTION REQUESTED: Preliminary Cluster Option qualification  
APPLICANT: Windmill KRE New Developments, LLC  
OWNER: Richard A. Golden

This item was withdrawn at the request of the applicant.

## **REGULAR MEETING**

### **A. SITE AND LANDSCAPE PLAN 62-5-2019**

LOCATION: Northwest corner of 12 Mile and Middlebelt Roads  
PARCEL I.D.'s: 23-11-477-109, 014 & 013  
PROPOSAL: Assisted living facility in an RC-2, Multiple-Family District  
ACTION REQUESTED: Approval of site and landscape plans  
APPLICANT: Harbor Retirement Development, LLC  
OWNER: John P. Ginopolis Trust

Utilizing a PowerPoint presentation and referencing his June 11, 2019/revised June 19, 2019 review letter, Planning Consultant Arroyo gave the background for this application for Site and Landscape Plan approval for an assisted living facility at the northwest corner of 12 Mile and Middlebelt Roads. The 4.04 acre site was located in an RC-2 Multiple-Family District.

The applicant was proposing a new 90-bed assisted living facility. The property was rezoned to RC-2 in January 2019, and assisted living facilities were a principal permitted use in that district, subject to Section 34-5.17.

Outstanding issues included:

- The zoning ordinance required setbacks to be measured from the future right-of-way rather than the existing right-of-way. Setbacks on the plan were measured from the existing right-of-way. When the setback was measured correctly from the future right-of-way, a 10-foot variance would be required for the parking lot setback on Middlebelt Road.
- The applicant should establish the 12 Mile Road frontage as the front yard.
- Any roof-mounted equipment was likely to be shielded by the pitched roof, although this should be confirmed by the applicant.
- Regarding replacement trees, a total of 115 replacement trees were required. The plans showed 61 replacement trees and proposed to pay into the tree fund for 37 trees. The number paid into the tree fund should be revised to 54, and the landscape cost estimate should be revised accordingly.
- Regarding the landscape plan, the applicant had proposed a full evergreen screen with 18 Norway spruce along the entire property line facing residential zoning. A cedar fence and berm were also proposed along the Orion Court frontage. The undeveloped RA-1 lot to the northwest was buffered with an arborvitae hedge.
- Planting and snow fence details must match the details found in the Farmington Hills landscape plan review checklist.

Chair Schwartz asked if the landscape buffer met ordinance standards. Planning Consultant Arroyo said the ordinance required the buffer to be 20 feet deep. There was a section along the lot to the west where the buffer was not quite 20 feet deep, but there was also no structure there. The Commission would need

to decide whether the buffer in that area met the intent of the ordinance. The 20 foot buffer was provided along the border to the north, and there was existing vegetation along the western property line. There was also an existing 6-foot fence to the north that was wood and not masonry. If that were to be torn out and replaced with masonry significant vegetation would be lost. Again, the Commission would need to decide if that met the intent of the ordinance.

In response to a question from Commissioner Brickner, Planning Consultant Arroyo said the applicant would need a 10-foot variance for the parking lot setback from Middlebelt Road as shown.

Charlie Jennings, Chief Development Officer, HRA Senior Living, 958 20<sup>th</sup> Place, Vero Beach, FL was present on behalf of this application for site and landscape plan approval.

Mr. Jennings said that currently HRA operated 35 facilities similar to the one proposed this evening. They had operated a facility in Auburn Hills and Sterling Heights for 15 years. Senior living was their mission and expertise. The proposed facility would be a hospitality-driven, highly-amenitized option for Farmington Hills residents.

In response to a question from Chair Schwartz, Mr. Jennings described the screening between the proposed facility and Orion Court. The applicants had been in dialogue with the Orion Court neighbors from the beginning, including 3 formal meetings and less formal conversations. As the site plan evolved HRA had responded to Orion Court concerns, including shifting the building to the south and to the east to accommodate screening concerns. This shift allowed them to retain the existing hedge, and move the facility closer to 12 Mile Road, widening the buffer to Orion Court. They had removed some balconies, increased the height of the trees, and added more landscaping. The 6-foot fence to the north was in rough shape, but they had added additional trees to deepen that buffer.

In response to a question from Commissioner McRae, Mr. Jennings said staff would be parking in the southwest corner of the parking lot. Parking for visitors and guests would be closer to the front; guests would not have access to the rear doors. Only the handicapped spaces would be designated spaces.

In response to further questions from the Commission, Mr. Jennings said the HVAC equipment would be VRF systems located in wells on the rooftop; they would not be visible. There would be two elevators serving 58 apartments, approximately half of which would be on the second floor. They were in negotiations as to whether or not the Ginopolis clock would remain.

Chair Schwartz brought the matter back to the Commission.

**MOTION by Turner, support by McRae, that Site Plan 62-5-2019, dated May 20, 2019, submitted by Harbor Retirement Development, LLC, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- **12 Mile Road be established as the front yard.**
- **Payment into the tree fund for 54 replacement trees.**
- **Necessity for acceleration/deceleration lanes to be determined by the Engineering Division.**
- **Variance be granted by ZBA permitting setbacks to be measured from the existing right-of-way along 12 Mile and Middlebelt Roads.**
- **A revised plan showing retaining wall details be submitted for administrative review.**

Chair Schwartz recognized Ibad Syed, who represented the homeowners' association on Orion Court. Mr. Syed said the association had been communicating with the applicant, who had shown a willingness to cooperate and be good neighbors. The residents' main concern was privacy and screening; there were still some balconies in the northwest corner that perhaps could be screened by tall trees.

**Motion carried unanimously.**

**MOTION by Stimson, support by Brickner, that Landscape Plan 62-5-2019, dated May 20, 2019, submitted by Harbor Retirement Development, LLC, be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles, as adopted by the Planning Commission, with the following determination:**

- **The existing 6 foot cedar fence and landscaping along the northern property line is acceptable.**

**Motion carried unanimously.**

**B. SITE AND LANDSCAPE PLAN 63-5-2019**

LOCATION: Southwest corner of 12 Mile Road and Drake Road  
PARCEL I.D.: 23-17-201-004  
PROPOSAL: Office building in an OS-4, Office Research District  
ACTION REQUESTED: Approval of site and landscape plans  
APPLICANT: LC Trademarks, Inc.  
OWNER: LC Trademarks, Inc.

This application was postponed at the request of the applicant.

**C. LOT SPLIT 1, 2019 (Final)**

LOCATION: Southwest corner of 12 Mile Road and Drake Road  
PARCEL I.D.: 23-17-201-004  
PROPOSAL: Split one parcel into two parcels in an OS-4,  
Office Research District  
ACTION REQUESTED: Final Lot Split approval  
APPLICANT: LC Trademarks, Inc.  
OWNER: LC Trademarks, Inc.

This application was postponed at the request of the applicant.

**D. SITE AND LANDSCAPE PLAN 64-5-2019**

LOCATION: North side of Twelve Mile Road, East of Orchard Lake Road  
PARCEL I.D.: 23-11-353-003  
PROPOSAL: Office building in an RA-2, One-Family Residential district with  
B-2, Community Business uses permitted per consent judgment  
ACTION REQUESTED: Approval of site and landscape plans  
APPLICANT: JB Donaldson Company  
OWNER: Westside Properties Holding, LLC

Utilizing a PowerPoint presentation and referring to his 6/7/2019/revised 6/19/2019 review letter, Planning Consultant Arroyo gave the background for this request for site and landscape plan review for

this property, which was under a consent judgment. The B-2 standards applied that were in place at the time the consent judgment was issued, on June 26, 1978.

The applicant was proposing a 7,250 square foot office building. The site was currently undeveloped.

Outstanding issues included:

- Item E. of the consent judgment required that the applicant dedicate an easement along the southerly 22 feet of the premises to enable a marginal access drive to the west, if said access was deemed necessary by the City.
- The plan gave inconsistent floor areas for the building: the plan said the building was 7,250 square feet, but the data table showed it as 7,207 square feet. The difference was small and did not impact parking calculations, but the correct number should be displayed in both places.
- The trash enclosure met the standards of Section 5.1.3.D., except that it was located closer than 20 feet to a residential property line.
- Where a B-2 property abutted a residential district, a 6-foot wall or berm was required by the current zoning ordinance. At the time of the consent judgment, a 4-foot wall was required. No wall was provided. The proposed finished grade at the rear of the site was two to three feet higher than the proposed finished grade of the developed area; this in combination with the proposed landscaping would accomplish a partial screening effect. The Planning Commission should determine if the grading and evergreen planting combination was sufficient to meet the intent of this ordinance, which was a 4-foot screen. A row of 6-7 foot high arborvitae trees was proposed.
- The landscape calculation noted that the applicant intended to pay into the tree fund for the shortfall of 10 parking lot trees.

In response to questions from Chair Schwartz regarding whether a marginal access drive should be required, City Attorney Schultz said this would be a Planning Commission decision. Staff engineer Kennedy said the Engineering Division suggested a marginal access drive be constructed, but it was not required. A marginal access drive would provide access for emergency vehicles.

City Planner Stec said rather than a marginal access drive along the front, it had been suggested that the applicants consider an access drive at the rear of the property. As noted in the June 6, 2019 Fire Department memorandum, there was concern about the length of the parking lot, and the Department was suggesting a connection be constructed at the rear of the property to connect to the neighboring property to the west. While the neighboring property could not be required to install an access drive, the applicants could at least put in their portion.

Commissioner Countegan confirmed that the Fire Department wanted 3-sided access for a 7,250 square foot building.

Commissioner Orr pointed out that while this property was under the jurisdiction of a consent judgment, the properties on either side were not part of the consent judgment, and were regulated by current OS District standards. If an easement was not required on the adjacent properties, it seemed a moot point to require this property to have an access drive.

Discussion focused on whether the applicants should be required to construct an access drive, and whether they should be required to improve Rochelle Street to the north. A rear access drive to the western neighbor would require an exit onto Greening Street. However, if the western OS neighbor did not also complete the access drive, the subject property would have a drive that led nowhere. OS Districts did not require a marginal access.

Commissioner Orr suggested that an access easement be dedicated but not developed.

Commissioner Orr also pointed out while the trash enclosure was closer than 20 feet to a residential property line, the residential property line ran through Rochelle Street.

Commissioner Countegan said he saw no reason to require the applicant to provide a marginal access drive or an access easement.

Chair Schwartz invited the applicant to make his presentation.

Clay Thomas, J. B. Donaldson Company, 37610 Hills Tech Drive, Farmington Hills, was present on behalf of this application for site and landscape plan approval.

Mr. Thomas said J. B. Donaldson Company had been a tenant at their current location for 10 years, and now were seeking to purchase this property in order to build their headquarters there. They had read the review letters and made all the changes that they could; they intended to continue to work with City departments and comply with City standards.

Regarding the requirements of the consent judgment, the required screen wall at the back of the property was intended for a B-2 use, but they were proposing a low-intensity OS-1 use. Also, unlike the neighbors on both sides, they were proposing a greenbelt all the way around the property, including the rear. They thought having a landscaped screen at the rear along Rochelle Street was preferable to having a low masonry wall there.

Regarding the requirement for a marginal access, when the consent judgment was put in place in 1978, 12 Mile Road had two lanes, and the marginal access drive would have been located in what was now the 12 Mile Road right-of-way. There was no thought in 1978 that an access drive would be as close to the building as it would have to be today due to 12 Mile Road now being so wide.

Mr. Thomas continued that the building's correct square footage was 7,087 square feet, and the use was low-intensity, with approximately 10 employees. An access drive could do more harm than good, as constructing an access drive would take away from some of the nicer landscaping features proposed for the site. Also, a rear access drive could be used as a cut-through to Greening Street. The applicants requested that the requirement for a marginal access drive be waived.

In response to Commissioner Orr's earlier comment about simply dedicating an easement but not developing the access drive, Mr. Thomas felt that would be giving the impression that the access drive could actually be developed at some time in the future, but that was not a real possibility.

The applicants would work with the Fire Marshal regarding the length of the drive to discover the best possible solution for emergency vehicle access and fire suppression. If a drive through to Rochelle Street was required, they would suggest a gated emergency-only connection there.

Mr. Thomas addressed Engineering Division comments regarding Rochelle Street. Rochelle Street actually encroached on their property, and their plan left Rochelle Street as it was. The Rochelle Street drainage would operate exactly the same, only the drainage would be improved because of the improvements on the subject site. They requested that they not be required to improve Rochelle Street.

Mr. Thomas also addressed Engineering Division comments regarding acceleration/deceleration lanes. He reiterated that theirs was a low-density use. Adding an accel/decel lane would create a functional hardship, because it would take up the entire front of the property, particularly since the property to the east had recently put in an exit-only lane just to the east of the subject site, with no acceleration lane. Adding an acceleration lane would require re-doing that exit.

Commissioner Orr again suggested that the access easement be dedicated but not developed; landscaping could be built on the easement. Mr. Thomas said that that dedicating an access road easement would suggest that at some future point the access road could be developed. If an access road were ever constructed, the storm water detention would be impossible to be maintained as proposed. He did not want to give the impression that in the future an access drive would be buildable.

In response to a question from Commissioner McRae, Mr. Thomas said a building of this size was not required to be sprinklered.

In response to a question from Commissioner McRae, City Attorney Schultz said the Planning Commission's motion did not need to address Engineering Division concerns.

**MOTION by Countegan, support by Goerke, that Site Plan 64-5-2019, dated May 20, 2019, submitted by JB Donaldson Co., be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions and determinations:**

**Conditions:**

- **A revised site plan addressing the following items be submitted for administrative review:**
  - **Dumpster not located within 20' of northern abutting residential district.**
  - **Building square footage be corrected.**
- **Payment for 10 replacement trees into the City Tree Fund.**
- **Provision of emergency access to Rochelle Street be determined by the Fire and Engineering Departments.**

**Determinations:**

- **Landscaping along northern property line is acceptable in lieu of 4-foot screen wall.**
- **The provision of a marginal access drive along the southerly 22 feet of the property to enable a marginal access drive to the west is not needed for the following reasons:**
  - **The proposed office use on this site and the existing office on the western OS-1 zoned property does not generate enough traffic to require the connection.**
  - **The cross access easement would also require that the property owner to the west provide the easement; this is unlikely.**

**Motion carried unanimously.**

**MOTION by Goerke, support by Countegan, that Landscape Plan 64-5-2019, dated May 20, 2019, submitted by J.B. Donaldson Co., 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 condition:**

- **Payment for 10 replacement trees into the City Tree Fund.**

**Motion carried unanimously.**

**E. SITE AND LANDSCAPE PLAN 65-5-2019**

LOCATION:	Northeast corner of Eight Mile Road and Orchard Lake Road
PARCEL I.D.:	23-35-351-037 and part of 23-35-351-036
PROPOSAL:	Auto dealer in B-3, General Business District and LI-1, Light Industrial District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Giovanni Lavigne of Vigne Architects Group
OWNER:	Orchard Eight, LLC

Utilizing a PowerPoint Presentation and referring to his June 10, 2019/revised June 19, 2019 review letter, Planning Consultant Arroyo gave the background for this request for site and landscape plan approval for the renovation and expansion of an existing 2,088 square foot building on the northeast corner of 8 Mile and Orchard Lake Road for a car rental and sales establishment. After the 346-square-foot addition, the building would be a total of 2,434 square feet. The addition would be accomplished by enclosing a covered patio area on the west side of the building.

The applicant owned two lots and proposed to transfer a portion of the northern lot that protrudes southward to 8 Mile to the other lot for the purposes of expanding the parking lot. No development was proposed on the remainder of the northern lot at this time. Outdoor auto sales were permitted in both the B-3 and LI-1 Districts.

Outstanding issues included:

- The City had historically required that an auto dealer's display spaces meet the district building setbacks along road frontages. This would require a 25-foot setback in the B-3 district and a 50-foot setback in the LI-1 portion. The spaces along the 8 Mile frontage in the LI-1 portion of the lot were labeled for employee and customer parking.
- The elevations should be revised to include building height, and façade materials should be labeled.
- Regarding loading and unloading, and given that parking at the rear of the site was for rental vehicles, it might be possible to establish a loading space behind the building, between the building and the new dumpster enclosure.
- Regarding parking, one space was required per 100 square feet of usable floor area or 3 per service bay, whichever was greater. The plan did not identify usable floor area; using a typical 80% standard, 19 parking spaces were required, and 42 were proposed. The plan identified 13 of those as customer and employee spaces; 12 were labeled for sales display, and the rest were for rental. One potential option for meeting the parking requirement was to consider 6 of the rental spaces as land banked spaces.
- Regarding lighting, several light levels at the property lines exceeded 0.3 footcandles.
- Screening of rooftop equipment was not addressed on the plans.
- No pedestrian connection to the 8 Mile or Orchard Lake sidewalk was provided.
- Regarding the landscape plan, the 10-foot green buffer required along the western property line was not provided (5'1" was provided). The existing site appeared to have a 10-foot buffer.
- A detail of the proposed tree protection fence must be included.



City Planner Stec explained that the parking calculations were based on the useable floor area of the overall building. However parking standards for used car lots used the floor area of the sales office or 3 spaces per service bay, whichever was greater. Based on this standard, the applicant could significantly reduce the amount of parking spaces; it was possible they only needed 9 customer parking spaces.

Giovanni Lavigne, Vigne Group, 1733 Pembroke, Birmingham MI, was present on behalf of this application for site and landscape plan approval.

Mr. Lavigne responded to review comments as follows:

- The building façade materials would be decorative masonry and painted wood.
- Regarding loading and unloading, cars were brought to the site by car jockeys.
- Lighting would conform to city standards.
- There would be no rooftop equipment.
- A pedestrian connection could be made by placing walkways in the peninsulas next to the driveway entries.
- The landscape architect would provide a tree protection fence detail.
- They would maintain the existing 10-foot buffer on Orchard Lake Road.
- Regarding parking in the setbacks, all the street front parking would be for customers and employees.

Regarding Engineering Division comments:

- They would TV the sewer lead line and address any deficiencies including infiltration and inflow issues.
- They did not believe they needed acceleration/deceleration lanes; the previous user was not required to have those.
- Storm water management would meet city requirements.

Planning Consultant Arroyo noted that the plan showed the buffer on Orchard Lake Road as being 5'1". Mr. Lavigne thought that was a mistake on the plan. Planning Consultant Arroyo said that if that were the case, the hedgerow needed to be shifted to the other side of the sidewalk so that it was within the 10-foot buffer.

In response to a question from Commissioner McRae, Mr. Lavigne said the auto dealership was independently owned.

In response to a question from Chair Schwartz, City Planner Stec said if the small building addition was not part of this proposal, the use would be permitted without Commission review. Any legal nonconformity on the site would be lost after the site sat vacant for 180 days.

**MOTION by Orr, support by Stimson, that Site Plan 65-5-2019, dated May 20, 2019, submitted by Giovanni Lavigne of Vigne Architects Group, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to a revised site plan addressing the following items being submitted for administrative review:**

- **10 foot greenbelt be provided between the parking spaces and the Orchard Lake Road right-of-way.**
- **All parking spaces along 8 Mile and Orchard Lake be designated and used only for employee and customer parking.**
- **Revised lighting plan be submitted.**

- **Pedestrian connections from 8 Mile and Orchard Lake Roads be provided.**
- **A detailed floor plan be submitted showing the sales office floor area.**
- **Parking calculations be based on revised floor plan or service bays, whichever is greater.**

**Motion carried unanimously.**

**MOTION by Brickner, support by Countegan, that Landscape Plan 65-5-2019, dated May 20, 2019, submitted by Giovanni Lavigne of Vigne Architects Group, 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:**

- **Correct tree protection fence details be provided.**
- **2 foot parking lot screening hedges be relocated from the Orchard Lake Road right-of-way to be on the subject site.**

**Motion carried unanimously.**

**APPROVAL OF MINUTES:** May 9, 2019 and May 16, 2019

**MOTION by Countegan, support by Brickner to approve the May 9, 2019 minutes as published.**

**Motion carried unanimously.**

**MOTION by McRae, support by Goerke, to approve the May 16, 2019 minutes as published.**

**Motion carried unanimously.**

**PUBLIC COMMENT:**

This item had been moved to earlier on the agenda.

**COMMISSIONERS' COMMENTS:**

The Commission discussed the progress of various road projects in the City.

Commissioner Orr requested that the proposed development at Drake and 12 Mile Road have a left turn only access onto Drake Road.

Chair Schwartz proposed the Commission discuss at a future meeting a rule amendment that would move Public Comment to #4 on the agenda.

Chair Schwartz updated the Commission regarding electric vehicle parking at City Hall.

The next meeting was scheduled for July 18, 2019.

**ADJOURNMENT:**

Seeing that there was no further discussion, Chair Schwartz adjourned the meeting at 9:00 p.m.

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Approved 07/18/2019

Respectfully Submitted,  
Dale Countegan  
Planning Commission Secretary

/cem