

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
JULY 21, 2022, 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, Stimson, Trafelet, Varga,

**Commissioners Absent:** Ware

**Others Present:** City Planner Perdonik, City Attorney Schultz, Planning Consultant Tangari, Staff Engineer Dawkins

**APPROVAL OF THE AGENDA**

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

**MOTION carried unanimously by voice vote.**

**REGULAR MEETING**

**A. LOT SPLIT 1, 2022 (Preliminary) INCLUDING VARIANCE REQUEST FROM SUBDIVISION ORDINANCE REQUIREMENT**

**LOCATION:** 29700 Belfast St  
**PARCEL I.D.:** 23-35-432-007  
**PROPOSAL:** Split parent parcel into two parcels in an RA-3, One Family Residential District  
**ACTION REQUESTED:** Variance from depth-to-width ratio requirement; (Preliminary) Lot split approval  
**APPLICANT:** Ryan Zabik  
**OWNER:** Ryan Zabik

Referencing his July 1, 2022 memorandum, Planning Consultant Tangari explained that the Planning Commission denied this request at its June 16 meeting because the 4:1 depth to width ratio requirement was not met, with the understanding that the applicant would seek a variance from the Zoning Board of Appeals. Since that meeting the issue had been discussed with city attorneys, and it had been determined that, as the standard is contained within the Subdivision of Land Ordinance rather than the Zoning Ordinance, the Zoning Board of Appeals is not the body that will review a variance request. Rather, a variance from the standard may be granted in accordance with the standards of Section 27-5 – Variance for Hardship, as follows:

*The council or planning commission may authorize a variance from this chapter when, in its opinion, undue hardship may result from strict compliance and provided the variance does not pertain to requirements of the zoning ordinance. In granting any variance, the council or commission shall*

*prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required hereinbelow, the council or commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the council or commission finds that:*

- 1) There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the applicant's land.*
- 2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*
- 3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Because the Planning Commission has sole authority over simple lot splits (as opposed to, for instance, subdivisions, which go to City Council as well), the City has determined that the Planning Commission will be the approving body for this variance. Regarding the 3 criteria, the review letter notes that the property in question is crossed by a river that effectively landlocks the rear portion of the property, and this is the primary feature that distinguishes it from other properties in the area.

It has been further determined that, if the Planning Commission finds the request meets the standards for a variance and grants said variance, preliminary approval of the lot split could be granted at the same meeting, following a motion to approve the variance. The applicant would still be required to return for final approval of the split.

Noting that the lot split had been reviewed at the July 16, 2022 meeting, and review of the lot split approval request itself was contained within the Consultant's 7/1/2022 review letter, the following motions were offered:

**MOTION by Varga, support by Trafelet**, that the variance request from Chapter 27, "Subdivision of Land," submitted by Ryan Zabik, BE APPROVED, as the 3 criteria set forth in Section 27-5 Variance for Hardship have been met, taking into account environmental conditions of the site, in that the site is bisected by a river and wetlands that effectively landlocks the rear portion of the property. The portion of the buildable area of the site appears to be able to accommodate all other zoning requirements.

Motion discussion

Commissioner Mantey did not think the 3 criteria, as listed above, were met by this request for a variance. He did not believe the applicants were deprived of a reasonable use of the land if the property was not split. Additionally, it was not good for the public welfare to have more people constructing homes along the river.

Commissioner Brickner thought the variance criteria were met, in that the back portion of the property is unbuildable, because of wetlands and the river. The only zoning criteria the property did not meet for a lot split with the depth to width ratio, which in this case would not result in a property incompatible with others, while denying the variance would deny the property owner a right that other property owners in the area had, thereby denying the property owner a substantial property right in this neighborhood. Even after the lot split, the lots would be bigger than most other lots in the neighborhood.

**MOTION carried 7-1 (Mantey opposed).**

**MOTION by Varga, support by Trafelet**, that (Preliminary) Lot Split 1, 2022, submitted by Ryan Zabik, and including the variance request just approved from Chapter 27, “Subdivision of Land,” BE APPROVED, because it appears to meet the applicable provisions of Chapter 34, “Zoning,” and Chapter 27 of the City Code ,and will result in land parcels generally compatible with surrounding parcels in the vicinity.

**Motion carried 7-1 (Mantey opposed).**

**B. LOT SPLIT 2, 2022 (Final)**

LOCATION:	33210 Twelve Mile Road
PARCEL I.D.:	23-10-352-001
PROPOSAL:	Split parent parcel into two parcels in a B-2, Community Business District
ACTION REQUESTED:	(Final) Lot split approval
APPLICANT:	Keith Butler, BJ Investments – Farmington, LLC
OWNER:	Keith Butler, BJ Investments – Farmington, LLC

Referencing his July 11, 2022 written comments, Planning Consultant Tangari gave the review for this request for final lot split approval. The proposal will split the outlot currently supporting Tim Hortons from the larger property. The split will result in two parcels, Parcel A and Parcel B.

At present, the site has frontage on Farmington and 12 Mile. The applicant is proposing to draw the new property lines along the inner edge of an access driveway that connects to both roads. The parking spaces for Tim Hortons back directly into the access drive at present, and this condition will continue; cross access easement language must be provided.

Dimensional standards were met. Setbacks will be met on both properties; an existing front setback nonconformity will carry forward but will not be exacerbated by the split.

Regarding the Subdivision of Land Ordinance §27-110(2)(e), Compatibility with Existing Parcels, in order to assure that the public health, safety, and welfare will be served by the permission of any partition or division of land the Planning Commission’s review shall be in accordance with the following standards:

1. If any parcel does not meet zoning ordinance requirements, the request shall be denied by the planning commission. *The proposed parcels meet ordinance requirements.*
2. 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. *The two parcels will each front both on Farmington and 12 Mile Rd; the configuration of buildings and driveways will not change.*
3. The planning commission shall 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. *The proposed parcels meet ordinance standards.*
  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. *The proposed parcels will each have dual frontage on two major roads; the configuration of development on the lots will not change.*

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 are compatible with other surrounding lands in terms of buildable area. *The site is not impacted by any natural features.*
4. The relationship of the front, side, and rear yards to the yards and orientation of buildings on other existing and potential parcels. This shall include the probable orientation of buildings on the parcels resulting from the proposed division or partition. *The requested split results in parcels that are generally consistent with the surrounding commercial development.*

Planning Consultant Tangari concluded his review.

Commissioner Mantey thought the majority of people using the north access would not be going to Tim Hortons, and asked if the north property line needed to be where it was in order to meet setback requirements. Planning Consultant Tangari said that was the case.

Commissioner Mantey thought he could better support the motion if the northern property line could be brought further south by means of a variance, rather than including some or all of the northern access in this lot split.

Keith Butler, 29610 Southfield Road, Suite 100, was present on behalf of this request for a lot split. He explained that they owned both parcels, and the lot split would simply give them more flexibility in the future regarding marketing the parcel that is being split off.

**MOTION by Aspinall,, support by Trafelet,** that (Final) Lot Split 2, 2022, submitted by Keith Butler, BJ Investments – Farmington, LLC, BE APPROVED, because it appears to meet the applicable provisions of Chapter 34, “Zoning,” and Chapter 27, “Subdivision of Land,” of the City Code and will result in land parcels generally compatible with surrounding parcels in the vicinity; and that the City Assessor be so notified.

**MOTION carried unanimously by voice vote.**

## **PUBLIC HEARING**

### **A. AMENDMENT TO PUD 5, 1993, & SITE PLAN 58-4-2022**

LOCATION:	South side of Twelve Mile Rd, between Drake Rd and Investment Dr
PARCEL I.D.:	23-17-201-014
PROPOSAL:	Construction of two office buildings in an OS-4, Office Research District
ACTION REQUESTED:	Recommendation to City Council
APPLICANT:	Robert Szantner, Yamasaki Inc.
OWNER:	Farmington Hills Corporate Investors, LLC

### Applicant presentation:

Members of the development team present this evening included:

Robert Szantner, Yamasaki Inc.  
Chris Kojaian, Kojaian Companies  
Jared Kime, Atwell

The development team made the following points:

- They were proposing two 55'-tall buildings (a 4-foot height deviation), with 4 stories. They believed the small height modification allowing an extra story was a minor modification to the PUD Agreement. The construction of the buildings in the location as presented met the intent of the Agreement. While they were not within the extra height/story zone of the PUD, they were very close, and the buildings will be similar to the other 4-story, 55-foot high structures already constructed on the campus. The extra height and story would not be noticeable by anyone driving by.
- A schematic from the original PUD agreement showed a 55' height "box", within which, due to topographic considerations, a 55'-high structure was a matter of right. The location in question was very close to the box.
- They had updated the site plan to incorporate feedback from city staff and consultants, including landbanked spaces, looped watermain around the buildings, pedestrian access to the west side, and a changed location of the southern drive.
- The City Engineer had indicated he would like to see a full 60-foot right of way on their private drive. This would impact the development significantly, and as it was not a requirement of the PUD Agreement would be an unnecessary encumbrance on the property.
- The four stories allowed a much more compact arrangement of floor plate size, so that the floor plates on each building are 36,000sf, as compared to 50,000sf for a 1-3 story building. They were well under the coverage ratios and densities originally contemplated by the PUD agreement, and the extra space allowed them to create more buffer area and to provide better transitions around wetland areas. The more compact spaces were also more competitive in the marketplace.

Consultant comments:

Referencing his July 11, 2022 written comments, Planning Consultant Tangari gave the review for this request for construction of two office buildings in an OS-4, Office Research District.

- The applicant was proposing two large, four-story office buildings and a parking lot. Both buildings have a gross floor area of 150,000 square feet. The site is proposed to be accessed from a driveway off Investment Drive at the west end, and from the same access drive that serves JST at the east end. A road connecting the two access roads is not proposed; the plans show a private driveway ringing the site.
- Outstanding site plan issues include:
  1. Label all setback distances.
  2. The buildings exceed the height limits of both the underlying district and the PUD. The PUD permits heights up to 55 feet in certain areas, but only where the grade is below 860 feet. The proposed buildings are located on grades with an elevation over 860 feet according to the preliminary grading plan, so the higher height limit afforded in certain areas of the PUD does not apply. Permitting this height would require an amendment to the PUD agreement. The original PUD reflected the 40-foot height limit then in place in the OS-4 district; this has since been raised to 50 feet. *For this development to move forward, the PUD must be amended to permit the fourth story and the extra five feet of height in this location.*
  3. Dumpster enclosure detail is not provided.
  4. Screening hedge/berm is not shown along 12 Mile Rd. in areas where natural screening is not in place.
  5. Lighting plan requires adjustments.
  6. Tree replacement numbers require adjustment.
- Regarding the PUD (Planned Unit Development) Agreement, the applicant proposes to amend the PUD to permit greater height in the area of the proposed building and an additional story (presently limited to 3; the applicant proposes 4).
- Per Section 34-3.20.5.G, the Planning Commission shall determine whether the proposed modification is a minor or major amendment. If the determination is the amendment is major, the

amendments shall be reviewed by the Planning Commission and City Council in accordance with normal approval procedures.

- After the public hearing, if the Planning Commission makes a determination that this is a major amendment to the PUD, action on the site plan should be postponed until the amendment to the PUD is fully approved by Council and the agreement has been updated accordingly. Alternatively, site plan approval could be made contingent on approval of the PUD amendment.

Attorney comments:

City Attorney Schultz said that even if the deviations were small, under the ordinance the Planning Commission could not approve this plan as a minor change to the PUD agreement, because the proposed deviations represented two violations of the PUD agreement. Making a determination that this was a major amendment to the PUD was not a negative determination; it was a required determination.

Discussion:

If the Commission could not approve the PUD amendment and site plan tonight, the applicants asked for a positive recommendation to Council.

Public Hearing

Chair Countegan opened the public hearing.

Scott Elliot, 415 Fox Club Drive, supported this request for PUD amendment. This was a great project for the City and the variance requested was small.

Seeing that no other public indicated they wished to speak, Chair Countegan closed the public hearing and brought the matter back to the Commission.

After discussion and amendment, the following motion was made:

**MOTION by Brickner, support by Stimson, to RECOMMEND TO CITY COUNCIL that a major amendment to PUD Plan 5, 1993, including Site Plan 58-4-2022, dated June 27, 2022, submitted by Robert Szantner of Yamasaki Inc., BE APPROVED, because the plans are 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,**

With the following finding:

- Modifications of Zoning Ordinance requirements as indicated on the proposed plan constitute a Major Amendment to the PUD Agreement, which modifications are:
  1. An increase of 5 feet over the 50 foot height limit to permit a 55-foot height limit, and
  2. A 4<sup>th</sup> story (1 story in excess of that which is permitted) for the two buildings as submitted

And with the following conditions regarding the site plan:

- Outstanding items in the Giffels Webster report be resolved and approved administratively.
- Approval of the PUD amended agreement by City Council.

**Motion carried unanimously by voice vote.**

**B. REVISED PUD PLAN 2, 2021, & SITE PLAN 59-5-2022**

LOCATION:	27400 Twelve Mile Rd
PARCEL I.D.:	23-12-476-008
PROPOSAL:	Construction of a skilled nursing facility and condominium

ACTION REQUESTED:	development in an RA-1B, One Family Residential District Recommendation to City Council
APPLICANT:	Optalis Healthcare
OWNER:	Evangelical Homes of Michigan

Raj Patel, CEO and Principal of Optalis Health Care, 25500 Meadowbrook Road, Suite 230 Novi, was present on behalf of this application for Revised PUD and site plan approval. James Clarke, Robertson Brothers Homes, 6905 Telegraph, Bloomfield Hills, was also present, as was Jared Kime, PEA Group.

#### Applicant presentation

Utilizing a PowerPoint presentation that included narrative as well as renderings and floor plans, the applicants gave the following information:

- Tonight they were presenting a much evolved, revised plan than that submitted in 2020-2021 to the Planning Commission and City Council.
- They had taken comments regarding City Council's vision of the site, listened to the neighbors, and took into consideration the requirements of the Historic District.
- The Robertson Homes part of the development was to the north. The number of units are greatly reduced from the initial concept of 150+ units, now down to 94 residential units.
- The skilled nursing rehabilitation facility will be located on the southeast corner of the site.
- Part of the agreement with the Historic District is restoring and maintaining the chapel portion of the administrative building. The entrance will be modernized to be ADA-compliant, and the restored and preserved chapel will be used by the nursing facility as well as offer public access.
- The single family portion of the development will be detached single family condominiums maintained by an HOA, with no play structures, pools, Jacuzzis, etc. permitted in the back yard. It will be a quiet residential neighborhood, attractive to seniors.
- The townhomes along Inkster will be separated from the single family homes by a large, heavily landscaped greenbelt.
- They were requesting that some of the single family residents be allowed to construct an upstairs bedroom in the Cape Cod style. This would add 4 feet to the roofline. No windows would "look back," preserving the privacy of the existing neighborhood. Approximately 20% of purchasers were likely to choose this option.
- A sidewalk had been added to the detached condominium portion, adding to the sidewalks in the townhome portion, and providing good pedestrian connectivity. There would be 22% open space associated with this part of the PUD development.
- Robertson Brothers had met with the HOA several times, and the HOA had a spokesperson here this evening.

In response to Commission questions, the applicants provided the following information:

- The detached family homes were condominiums. The outside maintenance would be taken care of by the homeowners' association.
- The detached family homes were an age targeted (not restricted) product. Based on Robertson Brother's experience, the purchasers for these ranch homes, with restrictions against outdoor play equipment as already mentioned and other characteristics, will be 55 and older.

#### Consultant comments

Referencing his June 8, 2022 written comments, Planning Consultant Tangari reviewed this request for recommendation to City Council of the Revised PUD Plan 2, 2021 and Site Plan 59-5-2022.

The plan called for two primary use areas: a 100-bed skilled nursing facility on the southern portion of the site, and mixed residential on the north portion.

The site was 31.5 acres and was developed with an abandoned orphanage consisting of 15 buildings. Pebble Creek ran along the western edge of the property, and through the southern portion. The site is currently zoned RA-1B One Family Residential District.

Under Section 34-3.20.2, the Planning Commission may make a determination that the site qualifies for a PUD based on ordinance criteria and procedures. At its meeting on January 21, 2021, the Planning Commission granted preliminary PUD qualification approval to the site, citing the plan's compliance with all objectives under Section 34-3.20.2.E. except for objective v. The applicant sought a final determination, which was granted by the Planning Commission on April 22, 2021. The plan subsequently appeared at City Council twice, on May 24, 2021, and again on September 27, 2021, where a motion of approval failed.

The residential portion has been substantially altered since its last presentation before City Council on September 27, 2021. That version of the plan included 136 units and 408 total rooms. This version reduces that to 94 units, 64 of which are two-bedroom attached townhomes spread over 12 buildings, with 3-7 units each. The remaining 30 units are two-bedroom detached ranch-style units with walkout basements. All buildings currently on the site will be removed, except for the existing historic chapel. The corner sign will also remain as a landmark.

After detailed review of the plans submitted this evening, Planning Consultant Tangari listed the items under the proposed PUD agreement where relief was sought from ordinance standards:

1. Permit attached single-family and detached single-family at requested density of 94 units/282 rooms. The proposed density is well within the density permitted in any of the RC districts. Under RA-1B zoning, 23 units would be permitted on the Phase 1B portion of the site.
2. Permit reduced front setback along Inkster Road (33.5' requested, 50' required) for the townhomes.
3. Permit additional height for attached single-family units (34.15' requested, 30' maximum permitted).

#### Public Comment

Chair Countegan opened the public hearing.

Scott Griffin, 27785 Cheswick Drive, HOA representative, said that Robertson Brothers had worked with the HOA to resolve almost all issues, and he believed the few outstanding issues could also be resolved. This proposal had come a long way from where it started, and the HOA was pleased with the result.

Terri Weems, 29149 Bradmoor Court, was pleased with the direction the plans were taking. She still had concerns regarding landscaping, especially along Cheswick Drive. As a School Board member, she talked about the need for a sidewalk along Inkster and the importance of safety for the bus stop at Cheswick and Inkster. She was also concerned that the development would add more runoff to their detention area.

George Crippen, 29225 Bradmoor Court, gave some of his history in this area and elsewhere, and was concerned about the wildlife that would be displaced because of this development.

Seeing that no other public indicated they wished to speak, Chair Countegan closed the public hearing.

#### Applicant response



Mr. Clarke addressed questions regarding the residential development as follows:

- They were proposing a sidewalk from Cheswick to 12 Mile Road.
- They were proposing significant landscaping between the development and Cheswick; he had given his contact information to Ms. Weems to discuss this issue.
- There would not be additional impact on the detention pond referenced by Ms. Weems. No storm water was directed to that area.
- Open space in the residential area would be 22% gross, 19% net. There would be a passageway down to the stream bed for wildlife.

Commission discussion and questions

Mr. Patel addressed questions regarding the rehabilitation facility:

- This site needed more parking than traditional senior care facilities. This was a short term heavily-staffed facility. Patients were usually in residence less than a month, and often received multiple visitors, as well as the services of different expert medical staff.
- There will be an enclosed dumpster on the northeast portion of the commercial site. The residential development will not have dumpsters.

Mr. Clarke addressed questions regarding the residential development:

- Regarding height, detached condominiums will be 18 feet or 21 feet high – for the Cape Cod style with 2<sup>nd</sup> floor bedrooms – to the midpoint. Attached single family homes are 3-story and will be 34.15 feet high to the midpoint.
- The parking spaces will now be 20 feet long when facing pavement, and 18 feet long when facing grass.

Commissioner Mantey pointed out the current absence of a sidewalk along Inkster; he was pleased the plan would add this amenity.

Commissioner Brickner said that he had seen several proposals for this property over the years. This proposal was by far the most compatible, and he was impressed that the neighbors had spoken favorably about it.

Chair Countegan said the Commission appreciated the dialogue that had occurred between the developers and the neighbors.

Chair Countegan indicated he was ready to entertain a motion.

**MOTION by Brickner, support by Varga, to RECOMMEND TO CITY COUNCIL that PUD Plan 2, 2021, including Site Plan 59-5-2022, dated May 18, 2022, submitted by Optalis Healthcare, BE APPROVED, because the plans are 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 the following conditions:**

1. Modifications of Zoning Ordinance requirements as indicated on the proposed plan.
2. Outstanding issues in the June 8, 2002 Giffels Webster review letter be resolved and approved administratively.

**Motion carried unanimously by voice vote.**

**C. REVISED PUD PLAN 3, 2021**

LOCATION: 32680 Northwestern Hwy  
PARCEL I.D.: 23-02-126-130  
PROPOSAL: Construction of a multiple-family apartment building in B-2,  
Community Business and B-3, General Business Districts  
ACTION REQUESTED: Recommendation to City Council  
APPLICANT: Robert Asmar, NWH Holdings, LLC  
OWNER: NWH Holding, LLC

As the applicant had requested this item be postponed, and as there was no public present to comment on this request, the following motion was offered,

**MOTION by Mantey, support by Aspinall**, that PUD Plan 3, 2021, dated May 19, 2022, submitted by NWH Holdings, LLC, Robert Asmar, BE POSTPONED until the August 18, 2022, Planning Commission meeting at the request of the applicant in order to revise their plans.

**Motion carried unanimously by voice vote.**

**APPROVAL OF MINUTES June 16, 2022 Special Meeting, and June 16, 2022, Regular Meeting**

**MOTION by Grant, support by Brickner**, to approve the June 16, 2022 Special Meeting and Regular Meeting minutes as submitted.

**Motion carried unanimously by voice vote.**

**PUBLIC COMMENT**

None.

**COMMISSIONERS' COMMENTS**

The Commission discussed the following topics:

- Council Chambers was often very cold. Why did this happen and how did this relate to the LEED standards at City Hall?
- Could rentals in a condominium community be limited to a certain percentage of the total units, perhaps by deed restrictions?

**ADJOURNMENT**

**MOTION by Trafelet, support by Grant**, to adjourn the meeting at 8:56pm.

**MOTION carried unanimously by voice vote.**

Respectfully Submitted,  
Marisa Varga  
Planning Commission Secretary

/cem