

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
July 20, 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, Mantey, Trafelet, Stimson, Ware

Commissioners Absent: Grant, Varga

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

APPROVAL OF THE AGENDA

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

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. AMEND PLANNED UNIT DEVELOPMENT (PUD) 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: Recommendation to City Council
APPLICANT: Farmington Hills Corporate Investors, LLC
OWNER: Farmington Hills V Corporate Investors, LLC

Chris Kojaian, Kojaian Companies, 39400 Woodward Ave., Bloomfield Hills, was present on behalf of this application to amend PUD 5, 1993, to permit signage not presently permitted. The action requested was that the Planning Commission make a recommendation to City Council regarding this request.

Mr. Kojaian explained that Comerica Bank is moving their Michigan Operations Center to this site. Comerica is investing in both in the building and in the community. The request for new signage on the building was part of the overall building update.

The building was previously two buildings operating as a multi-tenant space, with multiple signs. Comerica is converting the previous use into a single-tenant, single connected building.

Comerica is requesting the approval of additional signage, as well as just cleaning up the PUD language. The requested building signage was actually not any more signage than existed when the buildings were separate and under multi-tenant use. Comerica is also asking for an additional free-standing sign along the freeway, in order to give more visibility to the Comerica campus.

Referencing the June 8, 2023 Giffels Webster memorandum, Planning Consultant Bahm gave the background and review for this request for PUD amendment, in order to permit the signage that is proposed above and beyond OS-4 district requirements, as follows:

1. Three wall signs on the south façade where one is permitted.
2. 291 square feet of wall sign on the south façade where 100 square feet are permitted.
3. Two freestanding signs along Corporate Drive one is permitted.
4. A 25.75-foot height for the sign along I-696 where six feet is permitted.

Chair Countegan explained that the Planning Commission had previously determined that this request represented a major amendment to the PUD, and therefore a public hearing was necessary.

Chair Countegan opened the public hearing. Seeing that no public indicated that they wished to speak on this agenda item, Chair Countegan closed the public hearing and brought the matter back to the Commission.

MOTION by Brickner, support by Trafelet to recommend to City Council that the proposed Amendment to PUD 5, 1993, dated May 18, 2023, submitted by Farmington Hills Corporate Investors, LLC, 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:

1. Modifications of Zoning Ordinance requirements as indicated on the proposed plan.

Motion passed unanimously by voice vote.

B. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE:	34, Zoning Ordinance
PROPOSED AMENDMENT:	Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses.
ACTION REQUESTED:	Recommendation to City Council
SECTIONS:	34-2.2 and 34-5.1.1

City Planner Perdonik explained that ZTA 2, 2023 is intended to clarify the City’s zoning regulations regarding the use of shipping containers and similar off-site-built enclosures as accessory buildings within commercial, industrial, and residential zoning districts. The draft amendment was jointly drafted by the City Planner and City Attorney at the direction of the City Manager and Director of Planning and Community Development.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar structures for storage, often on a permanent basis, has become increasingly common throughout the City, including within residential neighborhoods.

Staff introduced Draft ZTA 2, 2023, at the Planning Commission’s March 16, 2023, meeting. At such meeting, the Commission discussed the draft amendment in some detail but ultimately passed a motion tabling it. In response to questions at that meeting, City Planner Perdonik explained that 1) staff will *not* require that residents obtain approval for temporary use of PODS or the like; this was

never the intent, as the thirty (30)-day requirement is intended to provide a clock for enforcement purposes, and 2) any residence or business undergoing construction may use a temporary structure provided a valid permit for such construction exists; this would not change with the adoption of ZTA 2, 2023.

In response to questions, City Planner Perdonik provided the following further information:

- ZTA 2, 2023 is a direct response to the residential use of industrial shipping containers as sheds, as well as corporate entities wanting to keep them on site on a permanent basis. Both situations impact the appearance of the community.
- For a remodeling project, the enforcement clock would begin after the remodeling was complete.

Chair Countegan opened the public hearing. Seeing that no public indicated that they wished to speak on this agenda item, Chair Countegan closed the public hearing and brought the matter back to the Commission.

MOTION by Brickner, support by Trafelet, to recommend to City Council that Revised Draft Zoning Text Amendment 2, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," Article 2.0, "Definitions," to add a definition of "Shipping Container" and revise the definition of "Building," and to amend Article 5.0, "Site Standards," Section 34-5.1, "Accessory Building and Structures," to include a new Subsection 34-5.1.1.H addressing the use of off-site-built enclosures as accessory buildings or uses, be adopted.

Motion passed unanimously by voice vote.

C. ZONING TEXT AMENDMENT 3, 2023

CHAPTER OF CODE:	34, Zoning Ordinance
PROPOSED AMENDMENT:	Amend Zoning Ordinance to revise definition of "motel"
ACTION REQUESTED:	Recommendation to City Council
SECTION:	34-2.2

City Planner Perdonik explained that this proposal came through the City Attorney's office in response to the issue of short-term rentals throughout the City, which use has historically been prohibited.

ZTA 3, 2023, is intended to strengthen the City's zoning regulations regarding short-term rental of residential homes. The proposed amendment revises the existing definition of "motel" in such a way as to more clearly include short-term rentals of residential homes. This approach is based on Michigan case law which focused on the definition of "motel" and the limitation of motels to nonresidential zoning districts as a means of prohibiting them in residential districts. Under the Zoning Ordinance, motels are restricted to the B-3, General Business, and ES, Expressway Service zoning districts; therefore, if a home is used in a manner which fits within the definition of "motel," such use would only be permitted if such home is within a B-3 or ES District.

Staff introduced Draft ZTA 3, 2023, at the Planning Commission's May 18, 2023, meeting, during which the Commission passed a motion setting the item for public hearing with no additional information or revisions requested.

Chair Countegan opened the public hearing. Seeing that no public indicated they wished to speak on this agenda item, Chair Countegan closed the public hearing and brought the matter back to the Commission.

MOTION by Aspinall, SUPPORT by Trafelet to recommend to City Council that Draft Zoning Text Amendment 3, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," Article 2.0, Section 2.2, "Definitions," to revise the definition of "Motel" as provided in the draft amendment, be adopted.

Motion passed unanimously by voice vote.

REGULAR MEETING

A. PLANNED UNIT DEVELOPMENT (PUD) 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 RA-1, One Family Residential zoning district
ACTION REQUESTED:	Set for public hearing
APPLICANT:	Martin Manna
OWNER:	Chaldean Community Foundation

For the sake of the public present, Chair Countegan explained that tonight's request was to set this request for a Planned Unit Development for a public hearing; tonight's meeting was not that public hearing. The applicant will give a summary of the proposal, and the Planning Commission will vote to set the public hearing.

In response to a question from the audience, City Planner Perdonik said that if tonight the Commission voted to set the public hearing, it will be scheduled for August 17, at 7:30pm.

Planning Consultant Bahm provided an overview of the PUD process and purpose. The PUD process is lengthy and involves significant community benefits; setting the public hearing is one step in the process. After the public hearing, the Planning Commission will make a recommendation to City Council, who has final decision-making authority as to whether to approve or deny a PUD proposal. If City Council approves the PUD, the City Attorney and the applicant prepare a written contract, which will spell out the ways the PUD is varying from the Zoning Ordinance and what the applicant must do in return. Materials presented by the applicant as part of this proposal are available on the City website, where the Planning Commission meeting packets are available.

Chair Countegan invited the applicants to make their presentation.

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. Abanatha provided an overview of the proposed development and site plan associated with this PUD.

- The site plan minimized site disturbance, respected the neighbors, and retained existing vegetation as much as possible.

- The project included five 20-unit buildings, with a single curb cut on 13 Mile Road aligning with a project across the street, and with an emergency access also on 13 Mile Road.
- Each of the buildings were designed to be 2 stories on the ends and 3 stories in the center, and had minimum 50' setbacks from the property lines. The 2-story/3-story/2-story design, along with other architectural detail, created architectural interest.
- The applicants were asking for 5'5" greater height than allowed by ordinance.
- Between the trees proposed for planting along the property lines and the existing trees on the adjacent property lines, there was a significant buffer between this project and the adjacent neighbors.
- Wildlife corridors will remain, which will allow wildlife to transition from these areas to other woodlands.
- Renderings showed the interior park area and the facades of the proposed buildings. Lot coverage would be ~13.6%, which will reduce impervious surface area.
- Regarding traffic, the applicant's traffic consultant had indicated that there will be minimal difference in terms of the traffic on 13 Mile Road.

In closing, Mr. Abanatha said this project would develop a currently blighted site that had vacant buildings and trees in disarray because no one was taking care of them. This project is specific and unique, and is geared towards affordable, attainable, workforce housing. There is a shortage of such housing in Farmington Hills, as well as in the state generally. The Governor has set forth a program to move affordable housing forward, and there is currently a huge backlog of people that need this type of housing.

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

- Regarding the need for affordable housing, currently there were 300-400 affordable housing units in Farmington Hills; these were built in the early 1990s. There had been no new development of affordable housing since that time.
- The Chaldean Community Foundation served all people, and they had a waitlist of people that would immediately fill the majority of the new units.
- The buildings would be constructed with slab on grade.
- The applicants had met with the Fire Marshal and the City Engineer, and they believed they could accommodate their requirements.
- The applicants had reached out to the neighbors, specifically to the Treasurer of the Holly Hills Homeowners Association. They had been in communication several times over a 3-week period, but in the end the HOA had declined to meet with the applicants, and instead presented their position to the applicants.

Chair Countegan said that it was good to see neighbors in the audience, and affirmed that it was important for the applicant to talk with the neighbors if at all possible. It did sound like attempts had been made. It was also important for the neighbors to be well informed about process and what was being proposed. As this case involved a PUD, the applicant must show a public benefit, and everyone should be informed as to what the public benefit was proposed to be. Any discussions either informally between the neighbors and the developer, or at the Planning Commission meeting level, should be based on facts relative to what was being proposed.

In response to a question from the audience, Chair Countegan explained that there was a time for public comment at the end of tonight's meeting. However, it might be better for neighbors to make

their comments during the scheduled public hearing on this item, when a full presentation and discussion would be held.

Mr. Abanatha said that they would still like to meet with the neighbors before the public hearing. The City had offered City Hall as a meeting place, and if a time could be scheduled the developers would go through their entire presentation with the neighbors before the public hearing, if the neighbors were open to that.

Chair Countegan indicated he was ready to entertain a motion.

MOTION by Mantey, support by Trafelet, that proposed PUD 1, 2023, submitted by Martin Manna, dated June 19, 2023, be set for public hearing for the Planning Commission's next available regular meeting agenda, on August 17, 2023.

Motion passed unanimously by voice vote.

B. LOT SPLIT 1, 2023 (Final)

LOCATION: 30749 Grand River Avenue
PARCEL I.D.: 22-23-35-105-027
PROPOSAL: Split one (1) parcel into two (2) parcels in B-3, General Business zoning district
ACTION REQUESTED: Lot Split approval (final)
APPLICANT: Ullrich J. Arnold, Trustee, Vantage Systems, Inc.
OWNER: Vantage Systems, Inc.

It came out in discussion that the property had been recently sold, and the new owner Ali Sobh did not want to move ahead with the lot split tonight.

Mary Russell, 35694 Briar Ridge, Farmington MI, was also present. Ms. Russell said she had a purchase agreement with the prior owner to purchase Parcel 1 for her daycare, contingent on the lot split being approved.

Jawad Antoine DeFouni, JAD Services, 5119 Highland Rd – 201, Waterford MI, attorney for former owner Vantage Systems, was also present. He had not known the parcel had been sold to Mr. Sobh.

Mr. Sobh requested that action on Lot Split 1, 2023, 30749 Grand River Avenue, be postponed; he gave his consent for the postponement.

After discussion, the following motion was offered:

MOTION by Mantey, support by Stimson, that upon the request of new property owner Ali Sobh, the Planning Commission postpone indefinitely action on Lot Split 1, 2023, 30749 Grand River Avenue, until such a time as the request is brought forward by the current owner.

Motion passed unanimously by voice vote.

C. REVISED SITE PLAN 64-7-2018

LOCATION: 24281 Orchard Lake Road
PARCEL I.D.: 22-23-22-476-043

PROPOSAL: Revise site plan to provide fabric-wrapped, chain-link fence instead of approved masonry panel wall along west property line adjoining residential zoning/uses in B-3, General Business zoning district

ACTION REQUESTED: Site Plan approval

APPLICANT: Steven Hamade

OWNER: Oراها Group, LLC

Referencing the July 10, 2023 Giffels Webster memorandum, Planning Consultant Bahm explained that per Section 34-5.15, a 6-foot masonry wall is required on the western property line of this site. This masonry wall was shown on the plan approved in 2018. However, the applicant subsequently installed a chain link fence and is proposing a privacy wrap.

Planning Consultant Bahm said that per the ordinance, upon review of the Site Plan, the Planning Commission may approve an alternate location for the wall or may waive the wall or deciduous trees requirement if in specific cases it would not serve the purposes of screening the area effectively or where it is determined that the adjoining property is indicated on the future land use plan as a nonresidential area.

Last, the screening landscaping approved in 2018 must still be planted.

Raphael Oراها, Oراها Group, LLC, was present on behalf of this request for site plan modification as described. Steven Hamade, the contractor on the site, was also present.

Mr. Hamade said that he had received site plan approval in 2018 and subsequently had received approval from a previous city planner to construct a chain link fence instead of a masonry wall at the rear of the property. However, there was no record of that conversation, and the recording of the 2018 Planning Commission meeting had been destroyed. The minutes of that meeting were available [Aug. 16, 2018].

City Attorney Schultz made the following points:

- A masonry wall was shown on the approved site plan, and city ordinance requires a masonry wall.
- The prior city planner did not have any authority to waive the wall requirement.
- The only thing the Commission was being asked tonight was whether or not to waive the wall requirement. The Planning Commission could waive the wall if certain conditions were met, but could not approve an alternate wall. The Commission should only waive a wall if it determined that *it would not serve the purpose of screening the area effectively* . . . But in this case the masonry wall would screen the area.
- Should the Planning Commission waive the wall, the applicants would have no obligation to put up any type of wall at all. Again, the Commission could not approve a chain link fence.
- If the Commission does not waive the wall, the applicant could seek relief from the Zoning Board of Appeals, although they would have to argue their case there also.

In response to questions, City Planner Perdonik said that he did not recommend waiving the wall. Waiving the wall would defeat the purpose of the ordinance that requires it.

Mr. Hamade said that constructing a masonry wall would damage the trees along the property line. The Commission suggested the wall have non-continuous footing, in order to protect the trees.

After discussion, the following motion was offered:

MOTION by Aspinall, support by Stimson, that Revised Site Plan 64-7-2018, dated June 15, 2023, submitted by Steven Hamade, be denied for the following reason:

- The Planning Commission is unwilling to waive the wall requirement, as the wall would serve the purpose of screening the area effectively.

Motion passed unanimously by voice vote.

APPROVAL OF MINUTES

June 15, 2023, Special Meeting,
and June 15, 2023, Regular Meeting

MOTION by Stimson, support by Trafelet, to approve the June 15, 2023 Special Meeting minutes and the June 15, 2023 Regular Meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

Richard Owens, Holly Hill Farms, shared the following concerns and questions regarding Planned United Development (PUD) 1, 2023 (Item 5A on tonight's agenda):

- What does "affordable housing" mean, and how does the proposed apartment complex compare to other apartment complexes along 12 Mile Road?
- How would the proposed development affect nearby property values?
- Has there been any pressure from the State to approve this PUD?
- Mr. Owens said the applicants notified neighbors only tonight regarding tonight's meeting.

City Attorney Shultz noted that there is a legal definition of affordable housing that has to be met. However, when making its recommendation to City Council, the Planning Commission will function in its role as a land-use approving body, and how much money potential tenants make will not be considered.

COMMISSIONER/STAFF COMMENTS

Commissioner Ware asked if the Planning Commission could be more proactive in letting applicants know next steps after they appeared before the Commission. Chair Countegan said that it is not up to the Commission to direct applicants relative to next steps, other than to direct them to follow up with Planning Department staff.

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

ADJOURNMENT

Motion by Trafelet, support by Ware, to adjourn the meeting at 9:01pm.

Motion carried unanimously by voice vote.

Respectfully Submitted,

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Approved 08-17-2023

Marisa Varga
Planning Commission Secretary
/cem