

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
VIA TELECONFERENCE
AUGUST 20, 2020, 7:30 P.M.**

Due to the COVID-19 pandemic, the August 20, 2020 City of Farmington Hills Planning Commission meeting was held via teleconference in compliance with Executive Orders issued by Governor Whitmer, for the temporary authorization of remote participation in public meetings and hearings. Members of the public body and members of the public participating electronically were considered present at the meeting and could participate as if physically present, as outlined on the City website and posted per Open Meetings requirements.

Vice Chair Countegan called the Planning Commission meeting to order at 7:30 pm.

Commissioners Present: Brickner, Countegan, McRae, Orr, Schwartz, Trafelet, Turner

Commissioners Absent: Mantey, Stimson

Others Present: City Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Tangari

APPROVAL OF AGENDA

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

Roll call vote:

Yeas: Brickner, Countegan, McRae, Orr, Schwartz, Trafelet, Turner
Nays: None
Absent: Mantey, Stimson
Abstentions: None

MOTION carried 7-0.

PUBLIC HEARING

A. PUD PLAN 1, 2020, INCLUDING SITE AND LANDSCAPE PLAN 56-6-2020

LOCATION: 29000 Eleven Mile Road
PARCEL I.D.: 23-13-351-005
PROPOSAL: Assisted Senior Living Facility in SP-5, Special Purpose District
ACTION REQUESTED: Recommend to City Council
APPLICANT: Edward Rose & Sons, Mark Perkoski
OWNER: Sisters of Mercy Regional Community

Members of the development team present this evening included:

- Mark Perkoski, Edward Rose & Sons, 38525 Woodward Avenue, Bloomfield Hills.
- Zac Rosenow, Pope Architects , 1295 Bandana Blvd. N., Suite 200, St. Paul, MN
- John Thompson, civil engineer, PEA, 2430 Rochester Court, Suite 100, Troy MI
- Sr. Mary Ellen Howard, Sisters of Mercy Regional Community

Mr. Perkoski and Sr. Mary Ellen Howard provided background for the Sisters of Mercy community, which is a Catholic religious community of 6200 Sisters worldwide. Sisters of Mercy had been on this property since 1960, had moved retired Sisters to the McAuley Center in 1984, and sold the Costick Center property to Farmington Hills in 1993. Currently they had less than 40 Sisters living on the campus, and they were seeking to sell the property.

Mr. Perkoski provided background for Rose & Sons, who were based in Bloomfield Hills MI, and who managed over 65,000 apartments in 15 states. Rose Senior Living communities began in the mid-2000's. Mr. Perkoski showed photos of a Rose Senior Living development in Novi MI; they had an age-in-place model, with independent living, assisted living, and memory care units provided.

Mr. Perkoski showed an aerial of the original property, with Mercy High School, Mercy wildlife refuge, Costick Center, an area to be developed close to 11 mile Road, and the area to be developed under this PUD agreement north and west of the Costick Center.

The development offered a four-story independent living wing consisting of 117 units, and a three-story assisted living wing consisting of 90 units, connected by a central common core. Memory care would be provided in the current Catherine's Place building. A 10,000 square foot chapel, attached to the Costick Center through a common hallway, was proposed to remain. A smaller chapel would also be preserved. McCauley Center would be demolished. A cell tower on the property would remain.

A proposed elevation of the main entrance showed exterior materials chosen to complement the Costick Center and create a sense of overall community. Room sizes would be generous, with independent living 1 bedroom apartments being 900 sf, 1 bedroom/den apartments being 1210 sf, 2 bedroom apartments being 1435 sf, and 2 bedroom/den apartments being 1560 sf. Assisted living apartments would offer 1 bedroom apartments at 841 sf, and 2 bedroom apartments at 1169 sf.

The applicants presented photographs showing views to the north, south, east, and west, and concluded their presentation.

Referring to his August 10, 2020 review letter, Planning Consultant Arroyo gave the background to this request for recommendation to City Council for PUD Plan 1, 2020, including site and landscape plan 56-6-2020.

Planning Consultant Arroyo described the location for this request, described surrounding zoning, and noted the site was accessible from 11 Mile Road, with access via a road through the Costick Center property. Six obsolete structures would be removed, with Catherine's Place and a 500-seat chapel being preserved, as already mentioned.

Planning Consultant Arroyo described the PUD approval process. The Planning Commission had granted preliminary PUD qualification on April 16, 2020. Tonight the Commission would decide whether to recommend final determination qualification to City Council. City Council then would have further steps to go through both before and after approving a PUD request, culminating in a final PUD Agreement between the developer and the City.

Planning Consultant Arroyo reviewed the criteria for PUD qualification as listed in Section 34-3.20. These criteria had been reviewed during preliminary qualification, and appeared to be met. Under E.,

which required that one of a list of 8 objectives needed to be met, the Commission granted preliminary qualification. noting that the plan satisfied criteria ii., vi., vii., and viii.

The use met the requirements of the SP-5 Special Purpose District, which permitted elderly care and services as a special land use.

Regarding site plan and use, outstanding issues included:

- No setbacks are listed on the plan, though it appears that all setbacks exceed 35 feet.
- Heights exceed ordinance requirements of 40 feet; the application requests 54 feet. This would require relief from standards. Also, the ordinance standards chart on Sheet C-2 should note the requested 54-foot height; this height should be labeled on Sheet A3.13.
- Regarding parking, the plan provides 219 parking spaces (32 in garages), with a net 54 additional spaces land banked on the eastern portion of the site. The Planning Commission should determine whether this is acceptable.
- Regarding overall circulation, the existing access easement needs to be adjusted to follow the actual path of the road (this is acknowledged on Sheet C-2).
- The plan includes several signs, some of which are located on the adjacent property. The City Council, following a recommendation by the Planning Commission, may approve the sign package as part of the PUD if it feels the scale and location of signs are appropriate.
- All centers for elderly care and services in the SP-5 district are subject to the conditions of Section 34-4.20.3. Outstanding issues include:
 - A summary impact analysis has been provided; engineering will provide an analysis of the traffic study.
 - Proposed floor area ratio of 0.45 would require relief from ordinance standards; maximum per ordinance is 0.16.
 - Internal setbacks should be calculated per the corner-to-façade relationship.
 - The Planning Commission should review and make a determination as to whether or not the preserved buffer to the east meets screening requirements.
- A sheet must be included superimposing the tree survey, including trees to be removed, on an aerial view of the site. The correct number of replacement trees was provided.
- Required parking lots trees were being provided. However, sheet L-3 depicts 13 of the proposed trees as located within land banked parking spaces. The reserve area could not be used for water retention, required open spaces, or as the location for required replacement trees or deciduous or evergreen trees. Modest changes to the location of certain trees and the design of the land banked area should be made for administrative review prior to review by City Council.

Requested relief from ordinance standards included:

- Building height: 40 feet required; 54 feet proposed.
- Floor area ratio: Permit 0.45 instead of maximum 0.16.

Vice Chair Countegan opened the meeting for Commission discussion.

In response to questions from Commissioner Orr, Planning Consultant Arroyo gave the following information:

- The Commission could leave the signage approval to City Council, without making a determination or recommendation.

- Trees shown in the land banked parking area could be moved to the far east end; alternatively, and this was recommended, the applicants could create a landscape island that would accommodate the majority of the trees shown there, since it was not certain the land banked parking would ever be constructed. If the land banked parking were constructed, more trees might be required on the far east end anyway. Part of the construction of land banked parking would be landscape plan approval by the Planning Commission.

Commissioner Turner was concerned about the amount of relief being requested by the applicant, and also the engineering concerns regarding this proposal.

Commissioner Schwartz asked the applicant if it was economically feasible to develop this project without the significant height deviation. Why did the applicant need a building 54 feet high?

Mr. Perkoski said that three stories (41 feet) would be provided on the eastern portion of the building; the four stories (54 feet) would be on the western portion, furthest from residential development. In terms of economic feasibility, given the cost of the land and the redevelopment of the property, the density provided by the four stories was necessary. Keeping the building all three stories and under 40 feet would cause the building to spread out more and be closer to the single-family residential area. The proposed configuration kept as much of the building behind the Costick Center as possible.

Commissioner Orr asked if an additional emergency access road to 11 Mile Road would be needed to meet Fire Department standards. Mr. Perkoski said there would be multiple access points via the east side of the Costick Center. They could not construct a road west of the Costick Center because it would encroach on the conservation easement/wetland area. He believed the Fire Department was satisfied with this approach.

In response to questions from Commissioner McRae, Planning Consultant Arroyo said the distance from the building to the east property line was 480 feet. Mr. Perkoski said the ground floor elevation of the entire building would be constant.

Commissioner Schwartz thought the land banked parking made sense. Noting that there was some concern about the sign at the western entrance conflicting with a later City sign, Commissioner Schwartz recommended that as part of the PUD agreement, the City and Rose Development should combine their sign needs into a single sign, so that two signs on the western entrance would not be needed.

Commissioner McRae asked about the design of the building matching the 60's architecture of the Costick Center, as stated by the applicant. The applicants explained that there would be common themes in terms of the flat roof, complementary elevations and materials, and so on, so that the entire campus area would be unified.

Commissioner Orr asked that a material sample board be submitted to the Building Department before the application was heard by City Council.

Vice Chair Countegan opened the public hearing.

City Planner Stec and Planning Consultant Arroyo addressed written questions from William Coleman, 27457 West Sky Drive, as follows:

- The distance from the east end of the parking lot to the residential subdivision fence was about 300 feet.
- As discussed, the Planning Commission would make the decision on land banked parking, including when if and when it was constructed.
- The realignment of the eastern access drive would be determined by the Engineering Division. The intent was to stay out of the eastern berm area.
- Questions regarding sheets C-5 and C-6 should be directed to the Engineering Division. If approved at the Council, the PUD project would need to meet engineering standards and requirements.
- The trash enclosures are located on the north side of the central core, as shown on the plans.
- The tree line along the east side of the property would remain intact. The eastern berm area and trees would not be altered.
- There would be a tree preservation fence to the west of the tree line, during construction only.
- There would be no light trespass on residential property. Full cut-off fixtures were required, including house-side shields.
- Questions regarding height had been answered during the previous discussion.
- The box to the east of parking lot was a generalized representation of the land banked parking area.

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

MOTION by Orr, Support by McRae, that the Planning Commission recommend to City Council that P.U.D. Plan 1, 2020, including site and landscape plans 56-6-2020 dated July 29, 2020, submitted by Mark Perkoski from Edward Rose and Sons, be approved because the plans are in accordance with the objectives, goals and policies of the Master Plan for Future Land Use and are consistent with the objectives and applicable provisions of the Planned Unit Development Option as outlined in Section 34-3.20 of Chapter 34, Zoning Ordinance, and that the application complies with Section 34-3.20.E: ii, vi, vii., and viii.,

with the following recommendations:

- Approval of land bank parking.
- Building height deviations on both building wings (maximum 54.5 feet) acceptable as presented in the plans.
- Approval of access easement.
- The proposed floor area ratio of .45 is acceptable.
- Sign package as submitted is acceptable to the Commission, subject to City Council approval.
- Material sample board be submitted to Building Department prior to presentation before City Council.
- Existing berm and vegetation to the east, and additional plantings along the easternmost parking area as shown on the landscape plan, meets the screening requirement.
- All issues called out in the August 10, 2020 Giffels Webster letter be resolved with City staff, including tree preservation requirements and recommendations, and reconfiguration of land banked parking with a 10-foot parking island as recommended, and all other outstanding issues.
- Applicant comply with all City engineering requirements.
- ~~Recommend that road repairs to the existing access road be approved by the Engineering Division and paid for by Edward Rose and Sons, as requested by the Engineering Division. [motion amended below]~~

Commissioner Schwartz opposed requiring the applicants to make repairs to the existing access road. This was a policy issue; he felt if the road was already in poor repair this should be addressed by the City.

Commissioner Orr noted that under a PUD application and agreement, special requirements could be applied that might not otherwise be allowed.

Commissioner Schwartz said that while he supported this project, he would oppose a motion that recommended that the applicants make repairs to a City-owned access drive.

Commissioner McRae agreed. If the City Council wanted, they could impose that condition, but it did not need to be part of tonight's motion. He asked the motion maker to reconsider the condition.

Vice Chair Countegan agreed. Whether the City would require the existing access road be repaired by the applicant was a policy decision more appropriately made at the Council level. He supported requiring repairs of damage that resulted from construction traffic on the road, but in the interest of having a stronger approval of the recommending motion, he supported not recommending repairs to the existing access road be part of tonight's motion.

Commissioner Orr indicated he did not want to change the motion.

Commissioner Schwartz offered the following amendment to the motion:

MOTION by Schwartz, support by Turner, to amend the motion as follows:

- Delete: ~~Recommend that road repairs to the existing access road be approved by the Engineering Division and paid for by Edward Rose and Sons, as recommended by the Engineering Division.~~
- Add: Recommend that any damage caused to the entry road from 11 Mile Road to the subject site as a result of construction must be repaired by the applicant. The applicant is not required to repair the existing damage to the access road, or any damage that the Engineering Division determines that they did not cause.

Commissioner Orr asked if the motion amendment could be amended to contain the first sentence only, deleting: ~~The applicant is not required to repair the existing damage to the access road, or any damage that the Engineering Division determines that they did not cause.~~

Commissioner Schwartz did not accept Commissioner Orr's amendment. Commissioner Turner said he would act as support to Commissioner Schwartz's motion to amend.

Commissioner McRae said he would not support the motion. He preferred that a recommendation be added that the City Council enters into an easement agreement that would address responsibility for access road maintenance going forward.

Roll call vote:

Yeas:	Brickner, Countegan, Schwartz, Trafelet, Turner
Nays:	McRae, Orr
Absent:	Mantey, Stimson
Abstentions:	None

Motion to amend carried 5-2.

Vice Chair Countegan called the vote on the original motion, as amended.

Roll call vote:

Yeas: Brickner, Countegan, McRae, Orr, Schwartz, Trafelet, Turner
Nays: None
Absent: Mantey, Stimson
Abstentions: None

Motion carried 7-0.

REGULAR MEETING

A. REZONING REQUEST 2-7-2020

LOCATION: 33466 Eight Mile Rd.
PARCEL I.D.: 23-33-477-023
PROPOSAL: Rezone a parcel currently zoned OS-2 Planned Office District,
To B-3 General Business District
ACTION REQUESTED: Set for Public Hearing
APPLICANT: Hans Kuhlmann
OWNER: Michael Daneshvar

City Planner Stec explained that the applicant was the same for Agenda Items 5A and 5B, and the parcels abutted each other.

Hans Kuhlman, HK Holdings, LLC, 3405 East Yale Avenue, Denver CO, was present on behalf of this application to set for public hearing a request to rezone a parcel located at 33466 Eight Mile Road, currently zoned OS-2 Planned Office District, to B-3 General Business District.

Mr. Kuhlman explained that HK Holdings had purchased the vacant lot just west of this one 15 years ago for a bank branch building. However, the building was never constructed, and the bank's lease expired two years ago. HK Holdings was asking to rezone that property and this one in order to broaden possible uses, and believed this could be accomplished without negatively impacting the surrounding properties, including the residential uses to the north.

Properties to the east were already zoned B-3, and properties in Livonia, to the south across 8 Mile Road, were also zoned Livonia's equivalent of B-3 zoning. Both 8 Mile Road and Farmington Road were major thoroughfares. The line dividing OS-2 and B-3 along 8 Mile Road seemed somewhat arbitrary, especially as there were OS-1 parcels interspersed with B-3 parcels on the west side of Farmington Road north of 8 Mile Road. Therefore Mr. Kuhlman requested the rezoning of the parcels be considered.

Commissioner Brickner pointed out that this zoning request was to rezone a property with an existing doctor's office, a use and building that would not change.

Referencing his August 12, 2020 memorandum, Planning Consultant Tangari gave the background for this request. The subject site was 0.913 acres, zoned OS-2, and developed with a small office building.

Adjacent properties were zoned residential to the north, B-3 to the east, C-2 Commercial to the south in Livonia, and OS-2 to the west. The land was designated small office on the future land use map.

Planning Consultant Tangari compared the OS-2 zoning with the proposed B-3 zoning. The B-3 district is intended to accommodate intensive commercial uses; the OS-2 district is intended to accommodate small office uses. Within the OS-2 district, "In those instances where the planning commission finds that an excessive number of ingress or egress points may occur with relation to major or secondary thoroughfares," the Planning Commission may require a marginal access drive to connect sites within the district. This site has a marginal access drive stubbed to the west; no marginal access drive to the parcel to the east is provided. In the B-3 district the marginal access drive must be set back 10 feet; in the OS-3 district it could be on the property line. If the property were rezoned, it would need a variance for the marginal access drive to line up with what was already there. The site had access directly to 8 Mile Road as well.

Dimensional standards were somewhat similar in the OS-2 and B-3 Districts, except that the minimum front setback in OS-2 is 120 feet, where in B-3 it is 25 feet. B-3 also has a taller height limit and requires more front yard open space.

Planning Consultant Tangari reviewed the items to consider for a zoning map amendment:

1. The Master Plan designates the site as Small Office on the Future Land Use Map, consistent with the current zoning.
2. Commercial B-3 uses were generally considered to have a somewhat higher demand on infrastructure and services than small office uses.
3. The applicant had not provided evidence that the property cannot be developed or used as zoned. The property is currently developed with a small multi-tenant office building that has hosted both medical and professional offices. Medical and professional offices are permitted uses in both the current and the requested district.
4. Regarding compatibility, in general, the small office-oriented districts (OS-1 and OS-2) are considered to be transitional or buffer uses to single family districts; the B-3 district is oriented toward heavier commercial uses. Drive-through uses are prohibited in B-3 on properties abutting an RA district. The Planning Commission may wish to consider the potential impact of retail traffic on an office marginal access drive if this rezoning is approved.
5. Regarding traffic impact, while commercial uses generally are associated with higher traffic volumes than office uses, 8 Mile is a regional roadway and will likely absorb any difference in traffic easily.
6. There is undeveloped land in the City zoned B-3, though little of this land is located in this area of the City.
7. Regarding whether or not development of the site under the proposed zoning would be able to meet zoning district requirements, in the absence of a plan, it appears that it would be possible for appropriately scaled development on the site to meet the requirements of the ordinance. Due to the fact that the property abuts RA zoning to the north, no drive-through use that may otherwise be available in the B-3 district can be developed on this site.
8. No specific use has been requested. The site is currently developed with a use that is permitted as zoned.
9. There had not been a change in circumstances and conditions since adoption of the Master Plan; the area was substantially similar to its state when the last master plan was adopted.
10. Regarding the questions regarding spot zoning:
 - Is the rezoning request consistent with the Master Plan for the area?
The Master Plan for the area designates this land for small office, consistent with current zoning.

- Is the proposed zoning district a logical extension of an existing zoning district in the area?
The parcel would be adjacent to neighboring B-3 zoning; the parcel directly to the west is also requesting rezoning to B-3. Across 8 Mile, land in the City of Livonia is zoned C-2 General Business.
- Would approving the request grant a special benefit to a property owner or developer?
The rezoning would expand the range of uses available on the property; it is unclear whether any imminent plan for redevelopment would be forthcoming if the rezoning were granted.

Commissioner Orr questioned whether the the site would be able to meet the 50% open space requirement under B-3 zoning requirements. Planning Consultant Tangari said the rezoning would result in two nonconformities – the open space requirement and the setback for the marginal access drive stub, which in B-3 was required to be set back 10 feet.

Commissioner Orr wondered why the Commission would recommend a rezoning that would result in a conforming parcel being nonconforming.

Commissioner Schwartz said that at the public hearing this rezoning request should be put in context of the future of 8 Mile Road, and requested that any contextual information in the Master Plan be provided. Additionally, a zoning map showing zoning districts and current uses on 8 Mile from Founders Park to Orchard Lake Road should be provided. Would rezoning these properties impact future rezoning requests on 8 Mile Road? He noted that office and retail markets were changing and would be even more changed in a post-Covid economy.

Commissioner Brickner felt this request was simply to ensure that the parcel to the west would not be spot-zoned. Also, Steinkopf's, zoned B-3 on Farmington Road, pre-existed the zoning ordinance.

MOTION by McRae, support by Schwartz, that Rezoning Request 2-7-2020, to rezone the property located at 33466 Eight Mile Rd. from OS-2, Planned Office District to B-3 General Business District, petitioned by Hans Kuhlmann, be set for Public Hearing on September 17, 2020.

Roll call vote:

Yeas: Brickner, Countegan, McRae, Schwartz, Trafelet, Turner
Nays: Orr
Absent: Mantey, Stimson
Abstentions: None

MOTION carried 6-1.

B. REZONING REQUEST 3-7-2020

LOCATION: 33474 Eight Mile Rd.
PARCEL I.D.: 23-33-477-022
PROPOSAL: Rezone a parcel currently zoned OS-2 Planned Office District,
To B-3 General Business District
ACTION REQUESTED: Set for Public Hearing
APPLICANT: Hans Kuhlmann
OWNER: HK Holdings, LLC

Hans Kuhlman, HK Holdings, LLC, 3405 East Yale Avenue, Denver CO, was present on behalf of this application to set for public hearing a request to rezone a parcel located at 33474 Eight Mile Road, currently zoned OS-2 Planned Office District, to B-3 General Business District.

Mr. Kuhlman said his comments regarding the previous case applied to this case also. He appreciated Commissioner Schwartz' comments regarding taking a look at how 8 Mile Road will be developed in the future, and the effect of the Covid pandemic on future development patterns. He spoke regarding zoning districts to the west, including another corner zoned B-3, a residential property, and other OS properties. He wondered why the B-3 line was drawn as it was along 8 Mile Road. Also, since B-3 zoning allowed buildings to be closer to 8 Mile Road, the impact on residential properties to the north was reduced.

Referencing his August 12, 2020 review letter, Planning Consultant Tangari explained that the review comments were similar to the previous case. This parcel was currently undeveloped, and the expectation was that when it was developed, the surrounding properties would be taken into account, including the expectation of a marginal access drive. Regarding the spot zoning question, there was an intervening OS parcel to the east, which is why both parcels were being requested for rezoning at the same time.

Mr. Kuhlmann asked the Commission to consider if the rezoning was granted, what use on either parcel could be developed that would negatively impact the community or surrounding properties, or on the Master Plan in general.

Commissioner Orr was concerned that if the marginal access drive was a requirement for this property, and rezoning to B-3 would result in a 50% front yard open space requirement, rezoning would create a non-conforming situation on this property also.

Motion by Brickner, support by Trafelet, that Rezoning Request 3-7-2020, to rezone the property located at 33474 Eight Mile Rd. from OS-2, Planned Office District to B-3 General Business District, petitioned by Hans Kuhlmann, be set for Public Hearing on September 17, 2020.

Roll call vote:

Yeas: Brickner, Countegan, McRae, Schwartz, Trafelet, Turner
Nays: Orr
Absent: Mantey, Stimson
Abstentions: None

MOTION carried 6-1.

APPROVAL OF MINUTES July 16, 2020

MOTION by Orr, support by Trafelet, to approve the July 16, 2020 meeting minutes with the following amendment:

- Condition a. under MOTION at the bottom of page 4, change as follows: ~~Three~~ Two additional parking lot trees be added to the plan.

Roll call vote:

Yeas: Brickner, Countegan, McRae, Orr, Schwartz, Trafelet, Turner
Nays: None
Absent: Mantey, Stimson

Abstentions: None

MOTION carried 7-0.

PUBLIC COMMENT

No public indicated that they wanted to speak.

COMMISSIONERS' COMMENTS

Commissioner Brickner asked about recent court decisions regarding tree funds. City Attorney Schwartz said there had been some cases in Canton that might impact the tree replacement ordinance; those cases were on appeal.

Vice Chair Countegan said he was looking forward to the time when the Commission could meet in person again.

Commissioner McRae said that September would be his last meeting, as he would be moving out of the City.

The next meeting was scheduled for September 17, 2020.

ADJOURNMENT:

MOTION by Orr, support by Brickner, to adjourn the meeting at 9:52 pm.

Roll call vote:

Yeas:	Brickner, Countegan, McRae, Orr, Schwartz, Trafelet, Turner
Nays:	None
Absent:	Mantey, Stimson
Abstentions:	None

MOTION carried 7-0.

Respectfully Submitted,
Dale Countegan
Planning Commission Secretary

/cem