

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
VIA TELECONFERENCE
April 16, 2020, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 pm on April 16, 2020.

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

Commissioners Absent: None

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

Chair Stimson explained that this was a teleconference meeting permitted pursuant to Executive Order #2020-15, as extended by #2020-48, issued by Governor Whitmer on April 14, 2020. Chair Stimson further explained the process for public calls during the public comment portion of the meeting. Calls would be taken in the order received, and those wishing to make public comments must state their name and the name of their street.

APPROVAL OF AGENDA

MOTION by McRae, support by Schwartz, to approve the agenda as published.

Roll call vote:

Yeas: Brickner, Countegan, Mantey, McRae, Orr, Schwartz, Stimson, Trafelet, Turner

Nays: None

Absent: None

Abstentions: None

MOTION carried unanimously.

REGULAR MEETING

A. REZONING REQUEST 1-3-2020

LOCATION: 31066 Twelve Mile Rd.

PARCEL I.D.: Part of 23-11-351-049

PROPOSAL: Rezone the northeastern most part of a parcel currently zoned B- 3 General Business District, to P-1 Vehicle Parking District

ACTION REQUESTED: Set for Public Hearing

APPLICANT: The Barbat Organization

OWNER: Ruby Tuesday, Inc.

Referring to his April 8, 2020 review letter, Planning Consultant Tangari gave the background for this request for 31066 Twelve Mile Road, to set for public hearing the rezoning of the northeastern most part of the parcel (0.41 acres) known as 23-11-351-049, currently zoned B- 3 General Business District, to P- 1 Vehicle Parking District.

Planning Consultant Tangari reviewed existing conditions, and compared the proposed zoning to the current zoning. The proposed P-1 district was less intensive than the current B-3 classification. The site met the requirements of the P-1 Vehicular Parking District as currently developed.

Planning Consultant Tangari reviewed the items to consider for a zoning map amendment. In this case, the parcel was already a parking lot, and there were no outstanding issues regarding this rezoning request. The rezoning would limit the use of the parcel to parking only; the potential for development with a building would be removed.

Chair Stimson opened the meeting for Commissioner comment.

In response to questions from the Commission, Planning Consultant Tangari said there was enough parking on the remaining parcel to accommodate the existing restaurant use on the site. The parking area's existing screening met the requirements of the P-1 District.

Commissioner Orr asked if there was a driveway "finger" as shown on the aerial on the northwest corner of the site. Also, was there a different property tax structure for a P-1 use than the existing B-3 use? Planning Consultant Tangari said the applicant should address the question regarding the driveway. City Attorney Schultz explained that property taxes were not typically taken into account for a land use/rezoning question.

In response to a question from Commissioner Turner, Planning Consultant Tangari said there were 31 parking spaces in the area under consideration.

Chair Stimson invited the applicants to make their presentation.

Eric Williams, Stonefield Engineering and Design, 607 Shelby, Detroit MI was present on behalf of this application. Scott Barbat, The Barbat Organization, 33477 Woodward Avenue, Suite 800, Birmingham, was also present, as was Mimi Sale, a member of the sellers' team.

Mr. Williams explained that the northwest "finger" had existed prior to their involvement in the site and was as shown on the aerial. Tonight they were looking at the northeastern portion of the site, seeking to have that rezoned to P-1 from the existing B-3 zoning district. The change would allow the parcel to be dedicated parking going forward, thus maintaining a buffer for the residential uses to the east, as specifically outlined in the 2009 Master Plan, which called for that buffer for any future Expressway Service use.

Commissioner Brickner asked why the applicants were requesting this change, since the parcel was already being used as a parking lot.

Mr. Williams explained that this change would allow them to focus on redevelopment of the greater parcel at 12 Mile and Orchard Lake Road. Mr. Barbat added that they were petroleum wholesalers and retailers, and they were proposing to redevelop the existing building into a gas station, with gas pumps and tanks on the southwest corner of the site and with the east side of the building being co-branded with a drive-through food use.

Commissioner Trafelet asked if the Road Commission for Oakland County had provided any reaction to the proposed use, in terms of road access. Mr. Williams said they were still in preliminary stages and had not yet reached out to the Road Commission.

Commissioner McRae asked if the applicant anticipated that the future use of co-branded store and gas station would be able to meet their parking requirements without the area being considered this evening. Mr. Williams said the proposed uses would need the P-1 area in order to meet their parking requirements.

Commissioner Orr pointed out that at one time there had been a gas station on this site. Did the applicants know what was buried there? Mr. Barbat said they had not yet done any environmental studies.

MOTION by Countegan, support by Orr, that Rezoning Request 1-3-2020, to rezone the northeastern most portion of the property located at 31066 Twelve Mile Road from B-3 General Business District to P-1 Vehicular Parking, petitioned by The Barbat Organization, be set for Public Hearing on May 21, 2020.

Roll call vote:

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

MOTION carried unanimously.

B. SITE PLAN 71-11-2019

LOCATION: 28829 Orchard Lake Road
PARCEL I.D.: 23-10-277-034
PROPOSAL: Reconfigure parking lot for existing auto repair facility in a B-3, General Business District
ACTION REQUESTED: Approval of site plan
APPLICANT: Neil Adrian
OWNER: Janas Holdings LLC

Referring to his March 11, 2020 review letter, Planning Consultant Tangari gave the review for this request for site plan approval, in order to reconfigure the parking lot for an existing auto repair facility at 28829 Orchard Lake Road, in a B-3, General Business District. This application had been postponed at the December, 2019 meeting.

Outstanding issues included:

- Regarding parking, the four spaces labeled 36-39 had the potential to be boxed in by vehicles in the loading zone. The plan also incorrectly identified 12 service bays in the parking table, while the plan noted 13 service bays.
- Regarding circulation, when the site was repaved, prominent striping marking should be put in place to guide on-site circulation.
- Regarding loading, the loading space was located in the maneuvering lane for spaces 36-39 and vehicles would have difficulty entering and exiting these spaces when the loading zone was occupied. The loading zone also occupied a portion of the lane leading to the exit, potentially interfering with the overall flow of vehicles on the site. The applicant should provide information regarding loading hours.
- Regarding the trash enclosure, the dumpster detail on the previous plan showed details of the gate, while this plan did not.

- Regarding rooftop appurtenances, the existing rooftop equipment on the car wash was not screened; no new rooftop units were proposed. The Planning Commission should determine whether to require screening of those units in accordance with Section 34-5.17 as a condition of approval.
- Light on the site was not addressed on the plan. Currently, the rear parking lot had two pole-mounted cutoff fixtures and two non-cutoff wall packs; the cut-off fixtures were non-conforming. The Planning Commission could require a photometric plan meeting the standards of 34-5.16.

Tree removal and landscaping issues included:

- The Landscape Plan must include a summary table of all trees inventoried, as well as a planting schedule and details for new trees.
- Planting details shown on the plan should be equivalent to those in the Farmington Hills Landscaping Guidelines.

Commissioner Brickner said he thought some issues predated the zoning ordinance, such as the lighting on the site. City Attorney Schultz explained that non-conforming issues could be brought into conformance if the non-conforming situation was connected to changes shown in the proposed site plan.

Commissioner Countegan asked if the applicant could use spaces 36-39 as employee parking. He also would like the applicant to address lighting on the site.

In response to a question from Commissioner Mantey, City Attorney Schultz explained that while there were some lighting regulations and performance standards in the City Code, other regulations, such as height, shielding, etc., were part of the Zoning Ordinance.

Commissioner McRae asked about the fence on the north side of the plan. How did the cross access to the property to the south relate to the gate shown on the site plan? Was discontinuous footing permitted for the screen wall?

Planning Consultant Tangari said there had been a fence at the rear of the property for some time. Discontinuous footing was permitted as long as the fence accomplished the required screening. The applicants would need to address the question about cross access.

Commissioner Orr asked about any utility wires along the western property line, and how they might be impacted by the deciduous trees shown on the plan. Planning Consultant Tangari said the deciduous trees shown on the western property line and on the curb extensions were existing.

Chair Stimson invited the applicant to make his presentation.

Neil Adrian, Janas Holdings, 28829 Orchard Lake Road, was present on behalf of this application.

Mr. Adrian made the following points:

- The loading zone had been moved to the south end of the building. When a wreck was towed in it would be deemed repairable or unrepairable. The unrepairable vehicles would be stored in the four spaces blocked by the loading zone until they were towed away. Four to eight unrepairable vehicles were brought in each month. The loading zone hours would be 9am to 4pm, unless there were extenuating circumstances that required an earlier or later delivery.
- The dumpster enclosure would have gates; they were left off this plan in error.

- There was no plan to put a gate at the cross access with the NAPA facility. Both facilities traded services from time to time, and the cross access was used as a drive-through.
- The wall going to the north end was the same wall being used for the trash enclosure.
- Mr. Adrian had not been aware that the lighting was nonconforming. The tenant was using the entire building; there was no longer a car wash at this location. If required, they would bring the lighting up to code.

Commissioner McRae asked why the fence was necessary on the north side of the building, especially if the cross access was not going to have a gate. Mr. Adrian explained that a fence was required to screen the outside storage on the north and also the southeast part of the site.

In response to questions from Commissioner Trafelet, Mr. Adrian said they had addressed the concerns in the March 11, 2020 Engineering Division letter, and would not move forward without the City Engineer's approval. They would also resolve any outstanding issues as listed in the February 27, 2020 Fire Marshal letter, including securing the gate with a Knox lock if necessary.

Commissioner Orr said if the loading zone was operational 9am to 4 pm during weekdays, the aisle being used for an exit could not be used. Mr. Adrian said the loading zone was used for parts deliveries by pick-up trucks and small box trucks. The exit drive would therefore not be obstructed. They did not use semi-trucks, and would be fine with a restriction that no semi-trucks would be allowed in the loading area.

In response to a further question from Commissioner Orr, Mr. Adrian said the 15-foot gate toward the front of the site was a swinging gate. The boxes shown on the plan in that area represented holding tanks for the drains, and were flush with the concrete.

MOTION by Orr, support by McRae, that Site Plan 71-11-2019, dated February 20, 2020, submitted by Neil Adrian be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- The loading zone is not used for semi-trucks, and delivery trucks remain on the site for short periods of time.
- The loading zone is approved for this use only and as described by the applicant, and may be required to be reconfigured for any future change in use.
- Drainage issues be resolved with the Engineering Division.
- A revised site plan be submitted for administrative review providing clarification on the items included in the March 11, 2020 Giffels Webster review report.

And with the following finding:

- Existing roof top equipment does not need to be screened and existing lighting does not need to be updated, based on the existing conditions of the site.

Roll call vote:

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

MOTION carried unanimously.

C. PUD QUALIFICATION 1, 2020

LOCATION:	North side of Eleven Mile Rd., east of Middlebelt Rd.
PARCEL I.D.:	Part of 23-13-351-005
PROPOSAL:	Assisted Senior Living facility in SP-5, Special Purpose District
ACTION REQUESTED:	Preliminary PUD qualification
APPLICANT:	Edward Rose & Sons, Mark Perkoski
OWNER:	Preliminary PUD qualification

Referring to his April 9, 2020 review letter, Planning Consultant Arroyo gave the background for this request for preliminary PUD qualification for an assisted senior living facility in the SP-5, Special Purpose District on the north side of Eleven Mile Road, east of Middlebelt Road, on a parcel currently developed with Sisters of Mercy facilities including Mercy Court, a chapel, Catherine's Place (skilled nursing), and McCauley Center. The site was 53.66 acres, 34.18 acres of which was a dedicated conservation easement. The remaining 19.48 acres was located partly behind the Costick Center, and partly in front of it. This PUD proposal was for the 15.5 acres behind the Costick Center only – the north portion.

Planning Consultant Arroyo reviewed process for PUD qualification and approval. Tonight the request was for preliminary qualification.

The PUD proposal intended that the southern part of the parcel – in front of the Costick center – would ultimately be combined with the rest of the frontage along 11 Mile Road, to eventually be a detached independent senior project. Tonight's proposal was for the back portion, with the structures as shown on the conceptual plans: one 4-story structure toward the west connected to a 3-story structure on the east side.

Seven buildings currently existed on the site. The proposal would remove six structures. The 500-seat chapel as well as Catherine's Place would remain.

The Planning Commission could make a determination that the site qualified for a PUD on a preliminary basis, based on criteria A through F, under Section 34-3.20 and as outlined in the review letter. Criteria E required that one of the 8 objectives listed under this paragraph be met. The applicant believed they met four of the objectives:

- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
- vi. To promote the goals and objectives of the Master Plan for Land Use.
- vii. To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

Planning Consultant Arroyo said that the existing structures were very well built, with extremely thick concrete walls, tunnels under the property, etc., resulting in an expensive demolition effort. This situation made the property difficult to market for uses consistent with the Master Plan. The proposed use was consistent with the Master Plan, fit well with existing uses around the site including the senior

programming at the Costick Center, as well as the skilled nursing facility that would remain on the property.

Under Criteria F, the applicant had indicated they would be requesting some deviations from ordinance standards, including setbacks and height. Parking compliance could not be assessed at this time.

Tonight the Planning Commission could approve or deny the applicant's request for preliminary qualification. Whether the request was approved or denied, the applicant could proceed to develop a PUD plan upon which the final determination would be made.

The Master Plan designated the site as quasi-public, a broad category that included religious, community, and educational facilities.

Planning Consultant Arroyo concluded his review.

Commissioner Brickner asked if the City would provide an access easement to get to this property. Also, as there was a cell tower on the property, were there any restrictions in terms of how tall a nearby structure could be built?

Planning Consultant Arroyo said the access was across city-owned property, with two connections to 11 Mile Road. The primary access utilized the eastern drive and provided shared access to this site. Access easements would need to be finalized in the final PUD plan. Senior housing projects tended to generate low trips per unit.

Commissioner Brickner acknowledged that while this site was a Special Purpose designation, there was an expressway to the north. The Expressway Service designation allowed buildings up to five stories.

Commissioner Countegan thought the proposal represented a good use of the PUD option.

Commissioner McRae said he was generally comfortable with the concept. He was interested in access to the site, and wondered whether the Fire Department would require a separate route from the western drive.

Commissioner Orr disclosed that 20 years ago he worked for the Edward Rose Company.

Commissioner Orr said that he would like a copy of the rules regarding this Special Purpose district. He thought this PUD project would eventually require a lot split. He also thought this proposal was a good use of the land.

Commissioner Trafelet asked if stormwater retention could be held in the body of water west of the Costick Center. Planning Consultant Arroyo said the PUD proposed one small area directly to the southwest of the proposed building to help handle water retention. Additional engineering review would need to take place regarding this issue.

Commissioner Turner said his concerns were focused on what appeared to be the requested deviations from the zoning ordinance for height and setbacks.

Chair Stimson invited the applicant to make his presentation.

Mark Perkoski, Edward Rose & Sons, 38525 Woodward Avenue, Bloomfield Hills, was present on behalf of this application for PUD prequalification. Mr. Perkoski said they would address Commissioner comments and concerns during final site plan review. He pointed out that there was a Rose senior living community in Novi, at the corner of Beck and 11 Mile Roads.

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

- Sisters of Mercy would no longer own the property, although Catherine's Place would remain.
- A lot split would eventually be requested.
- The original buildings on the site were constructed in 1965, with Catherine's Place being constructed in the 1980's. Catherine's Place had been renovated about 5 years ago.
- All the buildings on the site were currently occupied.

City Planner Stec suggested the drive accessing the site might be redesigned. Mr. Perkoski said the drive could be straightened out, as they worked with the City for best design approach.

In response to a question from Commissioner Stimson, Mr. Perkoski said there would be a pedestrian access/walkway from the proposed development to the Costick Center.

Seeing that discussion had ended, Chair Stimson brought the matter back to the Commission for further discussion or a motion.

MOTION by Orr, support by Trafelet, that the Planning Commission make a preliminary finding that PUD 1, 2020, dated March 17, 2020, submitted by Mark Perkoski of Edward Rose & Sons, qualifies for the Planned Unit Development Option under Section 34-3.20.2.A through D. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E.i. thru viii., specifically that the proposed plan preliminarily meets the qualification standards ii, vi, vii, and viii, and that it be made clear to the petitioner that final granting of the PUD plan and contract requires approval by City Council, after recommendation by the Planning Commission.

Roll call vote:

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

MOTION carried unanimously.

APPROVAL OF MINUTES March 19, 2020

MOTION by Countegan, support by Brickner, to approve the March 19, 2020 meeting minutes as published.

Roll call vote:

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

MOTION carried unanimously.

PUBLIC COMMENT

No public indicated that they wanted to speak.

COMMISSIONERS' COMMENTS

Commissioner Brickner said that he would share pictures of the sidewalk at the corner of Drake Road and 11 Mile Road when the Commission was able to meet in person.

In response to a question from Commissioner Orr, City Attorney Schultz explained the authority under the Governor's Executive Order to hold this meeting remotely as an open meeting under the Open Meetings Act during the COVID 19 pandemic.

The Commission thanked staff for setting up this virtual meeting, and thanked Jeri LaBelle for hand delivering the packets.

The next meeting would be May 21.

ADJOURNMENT:

MOTION by Brickner, support by Trafelet, to adjourn the meeting at 9:04 pm.

Roll call vote:

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

MOTION carried unanimously.

/cem