

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING
COUNCIL CHAMBERS
NOVEMBER 16, 2017, 7:30 P.M.**

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on November 16, 2017.

Commissioners Present: Brickner, Countegan, Fleischhacker, McRae, Mantey, Orr, Rae-O'Donnell, Stimson

Commissioners Absent: Schwartz

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

APPROVAL OF AGENDA

MOTION by Stimson, support by Mantey, to approve the agenda as published.

MOTION carried unanimously.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 4, 2017

REQUEST:	Amend the definition of "Gasoline Service Station" contained in Chapter 34 "Zoning", to permit the sale of alcoholic beverages at gasoline service stations
ACTION REQUESTED:	Recommend to City Council
CHAPTER OF CODE:	Chapter 34 "Zoning"
SECTION:	Section 2.2 "Definitions"

City Planner Stec gave the background to this agenda item, which was a request to recommend to City Council a zoning text amendment to the definition of gas and service stations. This amendment had been brought forward as a result of recent changes made by the Michigan Liquor Control Commission that lifted some restrictions on gas stations selling beer and wine as carryout items from their on-site stores.

Currently the ordinance prohibited the sale of beer and wine at gas stations. This proposed text amendment would bring the ordinance in line with what the Michigan Liquor License Control Commission now allowed. The change eliminated all restrictions on those sales.

The Commission had before them both the proposed ordinance, and a document showing what language had been eliminated.

City Planner Stec explained that after the public hearing and deliberation on this matter, the Commission would make a recommendation to City Council, which would be forwarded to Council at their next scheduled meeting.

Chair Rae-O'Donnell opened the public hearing. Seeing that no one came forward to speak, Chair Rae-O'Donnell closed the public hearing.

Commissioner Orr asked if the \$250,000 inventory requirement had included fuel. City Attorney Schultz said it did not.

Commissioner Brickner expressed concern about losing local control over this and other issues. If a town had an ordinance that prohibited the sale of alcoholic beverages, would State Statute keep them from enforcing their own ordinance?

City Attorney Schultz explained that the City had a choice, based upon the new State legislation: (1) they could either upgrade the ordinance to make it clear why the City wanted to regulate the sale of alcohol in gas stations, or (2) the City could decide to get out of the business of regulating off-premises sales in gas stations. Tonight's text amendment reflected the second choice.

MOTION by McRae, support by Countegan, to recommend approval to City Council Zoning Text Amendment 4, 2017, petitioned by the Planning Commission, to amend Chapter 34 "Zoning", Section 34-2.2 "Definitions" by revising the definition of "Gasoline Service Station" to remove restrictions on the sale of alcoholic beverages at gasoline service stations.

Commissioner Brickner said that he was not happy with this change, but he would support the motion. He felt the current State legislature was trying to limit what local communities could do in other matters also.

Commissioner Orr agreed. He felt a gas station owner might want to expand his footprint simply in order to sell alcohol. Farmington Hills was not a rural community; there were plenty of places to purchase alcohol.

Seeing that discussion had ended, Chair Rae-O'Donnell called the motion.

Motion carried 8-0.

B. SPECIAL APPROVAL PLAN 69-10-2017

LOCATION:	30555 Grand River Ave.
PARCEL I.D.:	22-23-35-105-025
PROPOSAL:	Temporary outdoor storage of supplies and equipment in a B-3, General Business District
ACTION REQUESTED:	Special Land Use approval by Planning Commission
APPLICANT:	Joe Lawson III of Consumers Energy
OWNER:	5 Star Investments, LLC

Aaron Fisk and Justin Claucherty, Consumers Energy, One Energy Plaza, Jackson, MI 49210, were present on behalf of this application for a temporary storage site for pipes and equipment related to an upcoming gas distribution system replacement project on Middlebelt Road. The site would include a small, trailer-based temporary office, and the 15-member construction crew would park many of its vehicles in two small areas on the site. The actual work was projected to last from spring 2018 to fall 2018.

Mr. Fisk further explained that the temporary storage would also allow them to store pipe in the off-season. During the construction season employees would park their cars there during the day and construction equipment would be stored there at night. He noted that being in the community facilitated a faster completion of the project.

Chair Rae-O'Donnell asked where on Middlebelt the work was being done. Mr. Fisk said the work would be between 11 Mile and 12-1/2 Mile Roads. They would begin storing pipe almost immediately after approval was granted to use the site, but construction would not begin until spring. The intent was to have the job completed by October 2018, but they would like the approval to last until November 1, 2018.

Commissioner Mantey noted that this case and the following case were for the same project. Why did they need two sites?

Mr. Fisk explained that the second application was a fallback location in case this application was not granted. This location on Grand River was their first choice.

Commissioner Mantey said that one of the requirements for approval was whether or not the applicant had looked at multiple sites. It appeared that requirement was met, and the application under discussion represented the preferred site. Mr. Fisk agreed.

Commissioner Countegan asked what improvements the City would see as a result of the pipe installation.

Mr. Fisk said the City would see enhanced infrastructure. The project was part of an Enhanced Infrastructure Replacement Program (EIRP).

Commissioner Countegan asked the cost of the program.

Mr. Claucherty said the cost had not yet been totally determined. However, the project was a large one, and involved installation of steel 10" pipe. Mr. Fisk added that in many communities they were looking for a 1-2 month occupation. This was a much larger installation than normal.

Commissioner McRae asked if there would be screening. Mr. Claucherty said they did not plan screening at this time.

Commissioner McRae asked if Consumers Energy would be responsible for maintaining the site. Mr. Fisk said they would maintain the site while they were using it.

Commissioner McRae remained concerned about screening. Were the applicants planning to put up a cyclone fence? Mr. Fisk said they were not planning on a cyclone fence. He noted that one of the reasons this site was preferred was because it had hard surface as opposed to gravel.

Chair Rae-O'Donnell asked if the pipe stored on the property would be for the Farmington Hills project only. Mr. Fisk said that all pipe would be for Farmington Hills.

Commissioner Orr asked how the pipe – which could be rolled – would be secured against vandalism. Mr. Fisk said there were stands that kept the pipe stationary. When construction was active, a security service would be used during the off-hours.

Chair Rae-O'Donnell opened the public hearing. Seeing that no one came forward to speak, Chair Rae-O'Donnell closed the public hearing.

City Planner Stec said that if the Commission approved this location, the applicants would withdraw Public Hearing Agenda Item C, which was for another location. In any event, the Planning Commission might want

to consider requiring a refundable clean-up bond between \$3,500 and \$5,000. Also, any approving motion should include a termination date for the project. A requirement that Consumers Energy as well as the site's owner maintain the site during this use could also be a condition of the motion.

Utilizing overhead slides and referring to his review letter of November 7, 2017, Planning Consultant Tangari gave the background for this application. The review letter specifically called out the need for a discussion of screening or any other measures that would make the use more suitable to the site, as well as a discussion of the timeframe for the use, and the need to keep the site secure.

Commissioner Brickner suggested the Commission also consider what was best for the City. The second site on 8 Mile Road was City-owned, and there might be advantages to the City if that lot were used.

Commissioner Countegan thought the Commission should consider which site would work best to transport the pipe and do the work. Which site would be least disruptive for the residents?

Mr. Claucherty said in terms of distance both sites were similar. Getting in and out of the site would be a little easier under this application. The hard surface was the biggest factor, since the hard surface helped control any environmental issues.

Commissioner Countegan asked if the applicants anticipated any traffic issues regarding this site. Mr. Fisk said they anticipated about 15 personal vehicles using the site at the beginning and end of the work day. Construction vehicles would also be using the site during the same time periods. The work day would begin at 7 a.m.

City Attorney Schultz said that the Commission should keep their considerations to land use, not whether the City would benefit from its own land being chosen for this project.

Commissioner Brickner pointed out that the proposed work on Middlebelt was exactly where there had been other construction going on for 2-3 years. That project had just ended, and grass had just been laid the past week.

Mr. Fisk explained that they were coordinating hundreds of projects around the state, and they did run into issues such as this from time to time. Overall the planning involved in the multiple projects was intense, and they could not avoid all conflicts with other construction projects.

Commissioner McRae asked if the applicants agreed to post a clean-up bond, and to maintain the site while they were using it. Mr. Fisk said they would agree to those conditions.

MOTION by Countegan, support by Orr, that Special Use Approval Request 69-10-2017, submitted by Joe Lawson III of Consumers Energy, be approved because the proponent has demonstrated that the use meets the minimum criteria for approval as outlined in Section 34-4.20.4.B(i thru vii) of Chapter 34, Zoning Ordinance. This approval is subject to all applicable provisions of the Zoning Chapter, any other applicable city codes, and the following conditions:

- A clean-up bond in the amount of \$5,000 be submitted.
- The term of approval begins upon submittal of the bond and runs to November 1, 2018.
- Consumers Energy will be responsible for site maintenance through the duration of the use.

Commissioner Mantey said he was very comfortable with this location, which was not very visible in any event. Commissioner Brickner agreed. However, he thought traffic patterns would be easier and less disruptive at the 8 Mile Road location.

Motion carried 7-1 (Brickner opposed).

C. SPECIAL APPROVAL PLAN 68-10-2017

LOCATION: 30790 Eight Mile Rd.
PARCEL I.D.: 22-23-35-352-017,018 & 22-23-35-376-017
PROPOSAL: Temporary outdoor storage of supplies and equipment in an LI-1, Light Industrial District
ACTION REQUESTED: Special Land Use approval by Planning Commission
APPLICANT: Joe Lawson III of Consumers Energy
OWNER: City of Farmington Hills

Aaron Fisk, Consumers Energy, One Energy Plaza, Jackson, MI 49210, formally withdrew the application for Special Approval Plan 68-10-2017.

REGULAR MEETING

A. SITE AND LANDSCAPE PLAN 64-9-2017

LOCATION: 37000 Grand River Ave.
PARCEL I.D.: 22-23-20-300-029,030
PROPOSAL: Coffee Shop with drive through in B-3, General Business District
ACTION REQUESTED: Approval of Site and Landscape Plan
APPLICANT: Thomas Duke of Duke & Duke LP
OWNER: Duke & Duke, LP

Commissioner Mantey disclosed that the applicant in this case and the next one was the landlord for his store, and he asked to be recused.

By voice vote directed by the Chair, the Commission recused Commissioner Mantey from Cases A and B of the Regular Hearing, and Commissioner Mantey left the meeting.

Utilizing overhead slides and referring to his review letter dated November 2, 2017, Planning Consultant Arroyo gave the background for this request for Site and Landscape Plan approval in order to construct a 2,165 square foot coffee shop with a drive-through and a 450 square foot outdoor seating area. The restaurant, drive-through, and outdoor seating area were all permitted uses in the B-3 District.

Outstanding issues included:

- Regarding exterior lighting: the applicants were proposing wall-mounted fixtures that were not full cut-off fixtures, but rather were a sconce style with frosted glass over the light source. The Planning Commission was granted discretion under Section 34-5.16 to permit decorative wall fixtures that did not conform to the full cut-off requirement; the Commission should decide whether this was appropriate in this case. More importantly, the lighting plan did not meet the required 4:1 average/minimum ratio of the ordinance. The average/minimum ratio on the plan was 7:1. This could be resolved administratively.
- Regarding rooftop appurtenances: The applicant should confirm that the planned parapet wall would screen all rooftop appurtenances, or provide an alternative method of screening.

- Regarding standards for drive-through lanes: Those standards were met except for E: *Drive-through lanes located adjacent to a street shall be buffered by a minimum 10 foot wide landscaped planting adjacent to the right-of-way as specified in 34-5.14.* This standard would be met if additional large canopy trees were added to the planting area west of the drive-through.
- Regarding standards for outdoor seating areas: The applicant was proposing 450 square feet of outdoor seating, with 801 square feet of usable floor area. The requirement limited outdoor seating to 400 square feet or 50% of the usable floor area of the principal use, whichever was greater. The applicant should clarify how the area for this use was calculated and whether it included areas not used for seating.
- Regarding tree removal and replacement: 6 replacement trees were required and only four were shown on the plan. Additionally, one of the 2 trees on the coffee shop site shown as *to remain* was centered on a future curb and clearly could not be saved as currently proposed; a replacement for this tree should be provided as well. A tree fence should be shown protecting the other tree marked *to remain*.
- Regarding parking lot trees: 1 canopy tree was required per 2800 square feet of paved area. 27,807 square feet of paving required 10 trees. 1 cherry tree serving the purpose of a parking lot tree was proposed. While the amount of pavement on the site was being reduced, it appeared that the existing configuration was nonconforming. The 27,807 square foot total appeared to cover all of the area being repaved. The applicant had included a sheet showing all of the trees on the combined office and coffee shop sites, which combination included 75 trees; only 45 trees were required for the office parking lot. The applicant had noted that the two sites were visually linked. However, the ordinance required parking lot trees to be placed on the site, and the coffee shop was being split off as its own parcel and must be treated separately. There was space in the landscaping areas for additional trees on the coffee shop site. The applicant should break down the total paved area to show how much of it is on the coffee shop parcel, and the required number of parking lot and replacement trees should be planted on the coffee shop site.
- Regarding front yard open space: The applicant had not provided the area of front yard open space. The site appeared compliant with the 50% requirement for the B-3 district, but this needed to be confirmed.
- A landscaping cost estimate should be provided.

In response to a question from Commissioner Orr, Planning Consultant Arroyo said the outdoor seating issue could be resolved administratively.

Planning Consultant Arroyo noted that at an internal staff meeting, Engineering Department representatives had raised the issue of internal circulation on the site, especially with the access off of Halsted Road. Drivers using that access had to make an immediate turning decision. He believed the applicant could work with Engineering to make some modifications in order to improve circulation. While this could be handled administratively, the requirement to enhance the circulation of that entrance and driveway should be included in any approving motion.

Commissioner McRae said he was more concerned about the number of 90-degree turns on the internal circulation of the site. Planning Consultant Arroyo said the site could benefit from small internal way finding signs.

Planning Consultant Arroyo said that because of the location of the driveway across the street, there was not a lot of room to move the driveway, so it was important to make the circulation pattern clear. He felt that providing way-finding signs could meet the needs of traffic circulation on the site.

City Planner Stec noted that with appropriate internal traffic control drivers entering from Halsted could stack internally on the site.

Commissioner Orr said that at the earlier meeting regarding rezoning this site, he hadn't like the location of the exit out of the drive-through because drivers had to look over their shoulders in order to see who was coming around the corner. This plan had moved the driveway over a little bit, but his concern remained. He suggested using the drive-through escape lane as a service lane to parking spaces.

Planning Consultant Arroyo addressed grade changes on the site that prevented other solutions to the internal traffic pattern than those shown on the plan. He added that typically they didn't like to see access to parking directly off the bypass lane, because the bypass lane was a one-way drive, and would require that all parking be angled, causing a loss of parking as well.

Lonnie Zimmerman, Siegal/Tuomaala Associates Architects, 29200 Northwestern Highway, Ste. 160, Southfield MI was present on behalf of this application, as was Thomas Duke, 37000 Grand River, Farmington Hills, owner of the project, and Cameran Horvath, Boss Engineering, Howell, MI, civil engineer/landscape architect for the project.

Mr. Zimmerman responded to some of the items in the review letter as follows:

- 1) Site lighting could be brought in conformance.
- 2) They would conform to the 400 square foot outdoor seating limit.
- 3) The parapet would provide screening for rooftop equipment. This was noted on Sheet P1.
- 4) The front yard setback was noted on Sheet P1 as well.
- 5) The driveway that was just discussed was looked at by their traffic consultant, and the consultant had proposed the location of the drive from this site to Independence Drive. The traffic consultant's report had been part of their submission for rezoning.

Mr. Zimmerman asked Mr. Duke to address the landscaping on the site.

Mr. Duke explained that they were here for site plan approval and approval of a lot split. They were asking for the lot split for financing reasons only, at the request of their current lender, who held the mortgage on the greater 5-acre site. They had no intention to sell the parcel or have different ownership. The lot split was a mechanical step that moved the project forward, but that also unfortunately triggered a separate application of the tree ordinance.

The tree count on the entire 5 acres exceeded the requirement: they had 75 trees when only 45 were required. Many of the trees on the site were over 30 years old. They were well planted, preserved site lines at the building entrance, and provided an overall handsome appearance. They had a 90,000 square foot building, and were dropping a tiny 2,000 square foot coffee shop onto the site.

Mr. Duke continued that treating the coffee shop site as a completely separate parcel, including adding the required trees, was not only physically challenging but also aesthetically foolish. The trees would grow and crowd each other out in a very short time. The site already met the spirit of the ordinance more than planting trees on the coffee shop site would.

Additionally, they had shown the drawing with the required new trees to their prospective tenant, who immediately rejected the plan because the required trees would bury the coffee shop visually.

Just as the water runoff on the site was calculated using the storm water system on the larger parcel, the tree replacement should also be calculated using the tree count on the larger parcel. Planting the required trees on the small parcel did not make common sense. They were hoping for a better landscape plan than the ordinance called for. They understood they might have to seek relief from the ZBA.

Chair Rae-O'Donnell said the Commission was bound by the City's ordinance.

In response to comments from Commissioner Orr, Planning Consultant Arroyo said the plans being reviewed this evening were dated October 18, 2017.

MOTION by Orr, support by Fleischhacker, that Site Plan 64-9-2017, dated October 18, 2017 submitted by Thomas Duke of Duke & Duke LP be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions and revisions:

- A revised lighting plan meeting the 4:1 average to minimum ratio across the site be submitted.
- All rooftop appurtenances be screened per city requirements.
- The outdoor patio area be brought within the maximum allowable square footage.
- Front yard open space calculations be provided.
- Improved internal circulation be addressed throughout the site to minimize the potential for turning conflicts and back-ups on to public roads.
- A ZBA variance is granted for the deficiency of 9 required parking lot canopy trees.
- Final approval of Lot Split 1, 2017, or alternatively, the parcels remain as a single lot.

Commissioner Countegan said he thought Mr. Duke made a good argument regarding using common sense, especially regarding the landscape requirement, which would have the unintended consequences of enveloping the new building. He hoped the ZBA would seriously consider granting relief for this site, especially as what had been done on the greater site was above and beyond what was required.

Motion carried 7-0-1 (Mantey recused).

MOTION by Fleischhacker, support by McRae, that Landscape Plan 64-9-2017, dated October 18, 2017, submitted by Thomas Duke of Duke & Duke LP be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, subject to the following conditions:

- A revised landscape plan addressing the items identified in the 11/2/17 Giffels Webster review report be submitted for administrative review.
- A ZBA variance be granted for the deficiency of 9 required parking lot canopy trees.
- Final approval of Lot Split 1, 2017, or the parcels remain as a single lot.

Motion carried 7-0-1 (Mantey recused).

B. LOT SPLIT 1, 2017

LOCATION:	37000 Grand River Ave.
PARCEL I.D.:	22-23-20-300-029,030
PROPOSAL:	Split each parcel into two (2) parcels in a B-3, General Business District
ACTION REQUESTED:	Approval of preliminary land division
APPLICANT:	Thomas Duke of Duke & Duke, LP

OWNER: Duke & Duke, LP

Utilizing overhead slides and referring to his review letter of October 11, 2017, Planning Consultant Arroyo gave the background for this proposed lot split, which was related to Agenda Item A, above. All dimensional requirements appeared to be met. Regarding *Subdivision of Land Ordinance 27-110(2)(3), Compatibility with Existing Parcels*, Planning Consultant Arroyo didn't see any inconsistencies or incompatibility with other parcels in the general area. The parcel that remained could stand on its own, based on the previous discussion.

In response to a question from Commissioner Stimson, Planning Consultant Arroyo said the City Attorney should review existing easement documents to confirm the easements were adequate.

City Attorney Schultz said that while the easements could be mentioned in the motion, easement approvals and documents were a required part of the Engineering Department review process.

Commissioner Fleischhacker asked if this was a request for preliminary or final approval. Planning Consultant Arroyo said the request was for preliminary approval.

Commissioner Fleischhacker wondered if the lot split should be conditioned on the applicants receiving a variance from the ZBA. If the variance were not granted, the required number of trees would have to be planted on site.

City Attorney Schultz said the previous motion covered this issue. If the application were given approval this evening, the applicants would still need to decide whether or not to move forward with their proposal.

MOTION by Fleischhacker, support by Countegan, that Preliminary Lot Split 1, 2017, submitted by Thomas Duke of Duke & Duke, LP be approved because it appears to meet applicable provisions of Chapter 34 "Zoning" and of Chapter 27, "Subdivision of Land", of the City Code and will result in land parcels which are generally compatible with surrounding lots in the area; and that the City Assessor be so notified, with the following condition:

- All necessary cross-access easements and drainage issued are addressed with the Engineering Department.

Motion carried 7-0-1 (Mantey recused).

Commissioner Mantey rejoined the Commission.

C. LOT SPLIT 2, 2017

LOCATION:	28500 Halsted Rd.
PARCEL I.D.:	22-23-08-351-038
PROPOSAL:	Split parcel into two (2) parcels in RA-1, One-Family Residential District
ACTION REQUESTED:	Approval of final land division
APPLICANT:	Ihsan Karim
OWNER:	Ihsan Karim

Utilizing overhead slides and referencing his review letter of November 9, 2017, Planning Consultant Arroyo gave the background for this request for a final land division, in order to split the parcel in two. Both new parcels would have direct access onto Halsted Road. Parcel A would be 1.4 acres and have 129 feet of frontage. Parcel B would be 2.463 acres and have 166 feet of frontage.

Outstanding issues included:

- The nonconforming accessory building – a stable – was an existing condition that would not be exacerbated by the split, but whether or not the building could remain needed to be resolved.
- The proposed new parcels would be oriented toward Halsted Road, whereas most surrounding parcels were part of subdivisions and fronted on internal streets. The existing parcel was much larger than most surrounding parcels, and the parcels resulting from the split would also be larger.
- The proposed orientation of a new building on the new parcels was toward Halsted Road; those parcels would be unique among surrounding lots in this regard.

In response to a question from Commissioner Stimson, Planning Consultant Arroyo said the table showing standards in the review letter was mislabeled as RA-3. The standards listed were RA-1, and the table should have been labeled as RA-1.

Ihsan Karim, owner, said he had lived in Farmington Hills for 20 years. His goal was to split the parcel in order to build his dream home on the 2.4-acre parcel and sell the other one to help fund his new construction. He would remove the existing stable.

A short discussion was held regarding whether the applicant could seek relief from the ZBA in order to keep the stable.

MOTION by Stimson, support by Fleischhacker, that Final Lot Split 2, 2017, submitted by Ihsan Karim, be approved because it appears to meet applicable provisions of Chapter 34 “Zoning” and of Chapter 27, “Subdivision of Land”, of the City Code and will result in land parcels which are generally compatible with surrounding lots in the area; and that the City Assessor be so notified, with the following condition:

- The existing accessory structure is either removed or necessary ZBA variances are granted.

Motion carried 8-0.

D. LOT SPLIT 3, 2017

LOCATION:	29700 Belfast St.
PARCEL I.D.:	Parcels 22-23-35-432-007
PROPOSAL:	Split parcel into two (2) parcels in RA-3, One-Family Residential District
ACTION REQUESTED:	Approval of preliminary land division
APPLICANT:	Skender Izairi
OWNER:	Skender Izairi

Utilizing overhead slides and referring to his November 9, 2017 review letter, Planning Consultant Tangari gave the background for this application for approval of a preliminary land division, to split the parcel directly in half, creating two 1.4-acre parcels. Both parcels would have direct access onto Belfast Street and have 106.16 feet of frontage.

Outstanding issues included:

- The Subdivision of Land Act required that lots have a maximum depth-to-width ratio of 4:1. Neither proposed parcel met that requirement. However, the northern 2/3 of the parcel was not accessible due to the Upper River Rouge running through the property, placing a practical limitation on access to the rear.

While neither parcel would meet the 4:1 ratio, they would also not be narrower than other parcels in the area.

City Attorney Schultz explained that the action taken tonight was regulated by the Subdivision of Land Act, which generally required a 4 to 1 depth to width ratio. However, the Act also gave the Planning Commission the right to vary that standard if certain conditions were met. In the past, the Commission had allowed a 6:1 ratio. If the Commission wanted to approve this lot split, a separate motion would have to be made granting a variance from the 4:1 ratio, with specific reasons for the variance given.

Commissioner McRae asked if there was a paper street on the north side of the property. City Planner Stec said there was not a paper street there.

Commissioner Brickner asked if this was a platted property. City Attorney Schultz said it was not a platted property, but in any event the variance authority given to the Commission applied, whether a property was in a subdivision or was governed by metes and bounds.

Skender Izairi, 485 Aileen, Bloomfield Hills, MI, was present on behalf of this application. He explained that he wanted to split the property in half and develop 2 single-family homes. He emphasized that the majority of the land in the rear was unusable swampland.

MOTION by Fleischhacker, support by Stimson, that a variance to the maximum 4:1 lot depth to width ratio stipulated by the Land Division Act 560.109(1)(b) be approved because an undue hardship exists based on the finding that the following standards of Section 27-5 of the Subdivision of Land Ordinance have been met:

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. The rear portion of the property was unbuildable. Surrounding properties were the same or similar widths to the proposed parcels. If only the buildable portion of the parcel was calculated, it would meet the 4:1 ratio.
2. The variance is necessary for the preservation and enjoyment of 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.

Motion carried 7-1 (Mantey opposed).

MOTION by Fleischhacker, support by McRae, that Preliminary Lot Split 3, 2017, submitted by Skender Izairi be approved because it appears to meet applicable provisions of Chapter 34, "Zoning" and of Chapter 27, "Subdivision of Land", of the City Code and will result in land parcels which are generally compatible with surrounding lots in the area; and that the City Assessor be so notified.

Motion granted 7-1 (Mantey opposed).

E. SITE AND LANDSCAPE PLAN 65-10-2017 (PUD 5, 1993)

LOCATION:	South side of Twelve Mile, west of Drake Rd.
PARCEL I.D.:	22-23-17-201-013
PROPOSAL:	Business Office in OS-4, Office Research District
ACTION REQUESTED:	Approval of Site and Landscape Plan

APPLICANT: JST Corporation
OWNER: Perimo USA Corporation

Utilizing overhead slides and referring to his review letter dated October 19, 2017, Planning Consultant Tangari gave the background to this request for approval of site and landscape plan for use of the property for offices and testing facilities for JST Corporation, an auto supplier. 77,765.2 total square feet of gross floor spaces were proposed, spread across 5 buildings on a 9.34-acre site. The terms of the PUD agreement for the site did not explicitly permit research and testing facilities; however, the terms also provided the Planning Commission the ability to authorize accessory uses. The research and testing facility could be viewed as accessory to the office uses on the site.

Outstanding issues included:

- This site was subject to a previously submitted lot split application that had not received final approval.
- The tree nest elevator shaft was 42'6" tall; under section 34-3.26, elevator penthouses were typically exempted from the height limit, subject to certain conditions that would need to be addressed this evening.
- The plans did not include a pedestrian connection to 12 Mile Road, which was required by Section 34-5.19. There was a sidewalk running from the driveway to the multi-use building that did not connect to any other pathway on the site.
- The approved PUD plan showed the access from 12 Mile Road continuing to the west, but the access proposed to this site did not include a stub connection or easement agreement to make this connection. The applicant had noted that they were working with the PUD owners on this issue, but an access easement agreement should be in place prior to the issuance of permits. The easement should also address access to the area that the prospective lot split would leave at the northeast corner of the PUD.
- 175 total trees were required but the schedule only showed 145. This should be corrected. Also, the applicant proposed to pay into the city tree replacement fund in lieu of providing replacement trees on the site.
- A landscape plan cost estimate had not been provided.
- Per section 34-3.52.v, a 10-foot landscaping buffer was required along the south property line abutting the I-696 right-of-way. The applicant was requesting a 5-foot buffer; this should be discussed this evening.

Commissioner McRae asked about the service access to the engineering and multi-purpose buildings. Planning Consultant Tangari said this would be a question for the applicant.

City Planner Stec pointed out that the entire site was originally developed for one user. When another owner acquired the site they divided it among several users. A through road going through the entire site was needed. City Planner Stec showed a schematic of how such a road could be developed, including a public road at the entry portion, and a stub that allowed for future connections.

Robert Tazelaar, mechanical engineer, ARUP, 35 East Wacker Drive, Chicago, IL 60601, was present on behalf of this application. Mark Rei, JST Sales America, Inc., Farmington Hills MI, and Charles Young, IDEA Interactive Design Architects, 308 West Erie Street, Chicago IL were also present.

Ryuichi Ashizawa Architects from Osaka, Japan, were involved in the design of this project. Other members of the team included Atwell Engineering and Construction Services, Southfield MI, Cunningham Limp Construction, Novi MI, and Kojaian Management, Bloomfield Hills MI.

Mr. Tazelaar said that preservation of the existing site was a key function of the design layout.

Mr. Rei said JST had 62 employees at their current location on Interchange Drive in Farmington Hills. Their goal was to expand to 100+ people in the next 1-2 years. Their emphasis was on sales.

JST was a privately held company established in 1957 in Osaka, Japan. The company was the founder of solderless terminals, and now did \$1.5 billion in automotive parts sales annually.

Chair Rae-O'Donnell asked about the testing proposed for this site. Mr. Rei said the testing would not be heavy industrial testing, but would be vibration and compliance testing, etc. They were doing the same kind of work at their current location.

Mr. Young said the site was heavily wooded and their intent was to retain every tree they could. Not only would trees be preserved but also the undergrowth and the ecosystem. There was a strong desire to connect the wetlands from the northeast to the southwest, creating buildings that would blend with the natural flow of the site.

Utilizing overhead slides, Mr. Young showed various renderings and schematics of the proposed development, making the following points:

- A photograph of a model from the west showed one-story buildings made out of wood, compatible with the surrounding trees.
- The sales building was 2-story, and there were 2 small lookout rooms on the 2nd story in the engineering building.
- The entire design was for a fairly compact and low project.
- The test lab building was mounded and buried so that the building was sunk into the ground and not visible, with the overall mass of the larger buildings diminished as much as possible.
- The Center Circle would be a place for eating, lounge, exercise, and entry to the site.
- A rendering of the interior of the Center Circle demonstrated a celebration of nature throughout the project.
- A computer perspective of the test building from the southwest showed how it was mounded up and planted with greenery around the perimeter.
- The 2-story sales building and connecting link showed the influence of traditional Japanese architecture. They were working with elements familiar within Japanese culture.
- Some buildings would float on stilts like traditional Japanese architecture. This type of architecture allowed the forest to grow underneath as well as allowing animals to pass in their normal habitats. Much time and effort had been devoted to learning about the site, including trees and wildlife that lived there. The intent was to provide a compatible home for the existing eco-system.

Mr. Tazelaar said they had a chance to see the review letters. They would reduce the height of the elevator penthouse to comply with the ordinance. They would also adjust the site parking and the layout of the buildings so as to maintain the 10-foot landscape buffer.

Commissioner Fleischhacker said that when this PUD was first developed in the early 90's the desire was to keep the site very natural. He was therefore extremely pleased to see this design.

Commissioner Fleischhacker asked the applicants to address the entrance and the desired connections to other properties in the overall PUD area.

Mr. Tazelaar said that they had been in discussion with Kojaian about the adjacent property and there was ongoing negotiation that would modify the lot split slightly. A portion of the area covered by the lot split would become part of the JST parcel. They would work with the City and Kojaian to provide access if possible, and accommodate the original intent of the PUD.

Commissioner McRae said he was very excited about this project. He asked how the multipurpose and engineering buildings would be serviced, including trash removal.

Mr. Tazelaar explained that there was a central corridor that connected each building to the test lab building. Their expectation was that the services would end up at the test lab building. Nevertheless, someone from JST would be moving materials around. The multi-purpose building would not be a large generator of materials and trash.

Also, the multi-purpose building was across a creek, so there was no easy way to connect it with the other buildings. That was the reason for the sidewalk behind that building.

Commissioner McRae asked if the central gathering area would be enclosed. Mr. Tazelaar said it would be enclosed. The rendering didn't show the glazed wall that would be needed for that space.

Mr. Young added that the Center Circle was actually buried underground. On the north side the ground would come up and bury the top; the building would only be open to the south.

Mr. Tazelaar said the buildings were developed to maintain existing grades and topography.

Commissioner Brickner congratulated the applicants on the unique design represented in this proposal.

MOTION by Orr, support by Countegan, that the Planning Commission make a determination that the testing facilities portion of the proposal is accessory to the primary offices uses proposed for this site. This determination is based on the discussion as found in the record of tonight's meeting.

Motion carried 8-0.

Discussion was held regarding the importance of having a walkable access from the facility to 12 Mile Road, so that pedestrians did not have to walk on the road.

MOTION by Orr, support by Fleischhacker, that Revised Site Plan 65-10-2017, dated October 19, 2017, submitted by JST Corporation, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- A revised site plan addressing the following items be submitted for administrative review:
 - The configuration of the entrance drive be revised to include a stub road for future access to the adjacent property to the west.
 - The entrance drive be constructed to city standards as far as road width, and may be dedicated as a public road or be private.
 - The heights of the tree house and elevator shaft be reduced to not exceed the maximum building height.
 - The 10' parking lot setback and required landscape buffer along the southern property line be provided.
 - A pedestrian access path from the buildings to 12 Mile Road be provided.
- Final lot split approval.

- The entrance road from 12 Mile be allowed to be designed with as much curve as possible while meeting engineering standards.

Motion carried 8-0.

MOTION by Fleischhacker, support by Brickner, that Landscape Plan 65-10-2017, dated October 19, 2017, submitted by JST Corporation be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, subject to the following conditions:

- **A revised plan addressing the items of the 11/2/17 Giffels Webster review report be submitted for administrative review.**
- **Payment for any replacement trees that cannot be planted on site be submitted to the City's tree fund.**

Motion carried 8-0.

F. SITE AND LANDSCAPE PLAN 66-10-2017

LOCATION:	23850 Freeway Park Dr.
PARCEL I.D.:	22-23-30-276-007
PROPOSAL:	Addition to existing building in LI-1, Light Industrial District
ACTION REQUESTED:	Approval of Site and Landscape Plan
APPLICANT:	DJ & M Investments, LLC
OWNER:	DJ & M Investments, LLC

Utilizing overhead slides and referring to his November 9, 2017 review letter, Planning Consultant Arroyo gave the background for this request for approval of site and landscape plan, in order to construct an addition to the existing building that would add 19,000 additional square feet of warehouse space, for a total of 35,306 square feet. The addition would replace an existing parking lot and fenced-in concrete pad. The total square footage of the building including the office would be 36,956 square feet. The proposed uses were principally permitted in the LI-1 District.

Outstanding issues included:

- No outdoor trash enclosure was provided.
- Two loading spaces were required for a building this size. The plan did not show specific loading areas; it was implied that loading and unloading would occur indoors, and there appeared to be adequate pavement in front of the addition for this. The applicant should confirm where loading would occur.
- A 10-foot parking setback was required; the plan provided only 1 foot of setback. This continued an existing condition, except that 7 spaces at the west end of the lot would be closer than the existing pavement to the right-of-way. The Planning Commission should consider whether this expansion of a non-conformity was warranted, and whether, if a variance were to be granted, a 2-foot knee wall or hedge that would typically be required would be appropriate to limit the impact of the encroachment into the required parking setback. There appeared to be room for a knee wall.
- Parking spaces were permitted in the front yard in the LI-1 District only when they were in excess of the parking requirements and designated for guests. This plan had three extra spaces, but placed 5 spaces in the front yard. All of those spaces were new.
- No photometric plan was submitted.
- A summary of inventoried trees should be provided on the plan.
- A landscape cost estimate should be provided.

- The applicant noted the existence of 3 trees within 15 feet of the parking lot but did not propose any new trees. 6 trees would typically be required for a parking lot this size.

Commissioner Fleischhacker asked if there was room to plant 6 trees on the site. Planning Consultant Arroyo said there were some striped areas that could be turned into islands for tree planting, although this might lose a couple of spaces. But there was room to add some trees, if not all.

In response to a question from Commissioner McRae, Planning Consultant Arroyo said that the applicants needed to address the loading issue. Front yard loading was not allowed.

J. Bennett Donaldson, the Donaldson Company, 37610 Hills Tech Drive, Farmington Hills MI was present on behalf of this application. Steven Sorenson, PEA Engineers, 2430 Rochester Court, Suite 100, Troy MI was also present.

Mr. Donaldson explained that the applicants were seeking approval of the addition as described. The addition was necessary to facilitate DJ&M's growing business: they manufactured specialized heat-treated furnaces, which in turn required a specialized labor force. DJ&M shipped globally. In order to stay in Farmington Hills they needed this expansion. They did have an additional plant across the street and directly south of this plant.

Mr. Donaldson continued that one of the unique things about this business was they built almost everything from scratch on site. Regarding loading, the addition was meant to be a high-gate expansion. The furnaces were very large – some were 100 feet or longer. They would back a flat bed into the building, and all the loading would take place inside. A 30-ton crane would be located in the building, and would load and unload the flatbeds. There would be no outside loading.

Mr. Donaldson said there already was an enclosed, screened garbage area on the southeast corner of the site.

Mr. Sorenson addressed parking issues. They were increasing safety by removing the Freeway Park driveway, they were not adding a lot of impervious area, and they were willing to put a hedgerow in front of the parking as discussed. He noted they were maintaining a large mature tree on the southwest corner.

Commissioner Stimson asked if there was an opportunity for shared parking with DJ&M's building across the street. If some of the employees could park across the street, there would be more room for parking lot trees on this site.

Mr. Donaldson said their parking was more than adequate. There were some opportunities to add trees in the parking lot, possibly in the striped areas.

Commissioner McRae asked if the parking calculations were based on warehouse use or manufacturing use. Right now they had 3 spaces over the requirement. Mr. Donaldson said the existing building would be converted to warehouse use. The new building would be manufacturing.

Commissioner McRae said that with the 3 extra spaces, there was flexibility to add some trees to the site.

Discussion followed. Because of the nonconforming nature of the landscaping on the site, the consensus of the Commission was to require as many trees as possible to be planted on the site, up to full ordinance compliance.

MOTION by Countegan, support by McRae, that Site Plan 66-10-2017, dated October 19, 2017, submitted by DJ&M Investments, LLC, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to a revised site plan addressing the following items to be submitted for administrative review:

- Striped parking lot end areas be turned into landscape islands to accommodate the planting of additional parking lot trees.
- As many parking lot trees as possible be added to reduce the existing nonconforming deficiency of the six required trees.
- A photometric plan be provided.
- A tree inventory be provided.
- The existing dumpster enclosure be shown on the plan.
- Parking setback and location deficiencies be corrected or ZBA variance(s) be received.
- All loading and unloading shall occur within the building.

Motion carried 8-0.

MOTION by Stimson, support by Countegan, that Landscape Plan 66-10-2017, dated October 19, 2017, submitted by DJ&M Investments, LLC be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, subject to a revised plan addressing the following items to be submitted for administrative review:

- A landscape cost estimate be provided.
- Replacement trees be shown.
- The required 2-foot hedgerow buffer be provided between any new parking areas and the public right-of-way.
- As many parking lot trees as possible be added to reduce the existing nonconforming deficiency of the six required trees.

Motion carried 8-0.

G. SITE AND LANDSCAPE PLAN 70-10-2017

LOCATION: 35600 Twelve Mile Rd.
PARCEL I.D.: 22-23-08-400-010
PROPOSAL: Expand existing electrical substation in an OS-1, Office Service District
ACTION REQUESTED: Approval of Site and Landscape Plan
APPLICANT: Sandra Roberts of DTE
OWNER: DTE Energy

Utilizing overhead slides and referring to his November 15, 2017, review letter, Planning Consultant Tangari gave the background for this request for approval of site and landscape plan in order to expand the fenced substation enclosure to about three times its present size. This was a nonconforming use in the OS-1 District. However, public utility buildings were exempt from the limitations of expanding a non-conforming use.

Outstanding issues included:

- Typically, uses of this nature required walls along property lines shared with residential districts. The existing substation was surrounded by a fence and was heavily screened to the north by evergreens. Screening along the western property line was much lighter. The Planning Commission should consider whether to accept the existing screening or require a wall and/or additional screening landscaping.

- The plan showed a number of trees to be removed, including 3 pine trees in the front yard, and trees currently in the area of the proposed enclosure expansion. Though it appeared that the removed trees would be adequately replaced, the plan should include an inventory of all existing trees, noting which trees were regulated and whether any qualified as landmark trees. The number of regulated trees and landmark trees removed would govern the required number of replacement trees; at present the landscaping plan did not indicate that any of the proposed trees were replacement trees for those removed. The tree inventory must list the tree tag, common name, botanical name, size and condition, and intention to save or remove each tree.
- No calculation for right-of way screening was provided, although the proposed landscaping appeared to meet or exceed the requirement.
- A landscape cost estimate must be provided.
- The landscape plan was not to scale. A to-scale plan should be prepared.
- Plans should show Farmington Hills planting details.

Commissioner Orr asked if the Commission could accept the current screening on the western property line. Planning Consultant Tangari said this would be a Commission determination.

Michael Palchesko, DTE regional manager, 37849 Interchange Drive, Farmington Hills, was present on behalf of this application. Saundra Roberts, Neal J. Sklarczyk, and Tom Teasdale, all of DTE, were also present.

Mr. Teasdale, project manager, explained that this project would improve the quality of the power coming out of the Drexel substation at the subject site. They were replacing a switchgear and a transformer, and would decommission the existing switchgear and transformer.

Mr. Sklarczyk, engineer, said that they understood that since this was an existing condition, the western wall could remain as it was. He noted that the drawings were to scale.

Planning Consultant Tangari said the drawings were labeled as not to scale. Mr. Sklarczyk said that was a stamp they put on all their drawings during the preliminary process. The plans were to scale.

Commissioner Fleischhacker spoke to power outages his company experienced east of Orchard Lake and south of 12 Mile Road. Mr. Palchesko said that location was serviced by the Southfield station at the northeast corner of Inkster and 11 Mile. He would pass on Commissioner Fleischhacker's comments, although he believed the situation was already being addressed.

Mr. Sklarczyk said the Drexel substation was a key piece of infrastructure that served north central Farmington Hills.

Commissioner McRae asked if a solid wall could be placed along the western property line to replace the existing chain link fence. Mr. Sklarczyk said the existing chain link fence had vinyl slats woven through it and the area was therefore fully screened.

Commissioner Countegan said a wall – which would require footings – could actually be more disruptive to the site.

Mr. Teasdale said they believed they had already achieved the solid, fully screened wall.

Commissioner McRae asked if the slatting was all the way around on all 4 sides? Mr. Teasdale said it was.

Commissioner Brickner reviewed the location of the new transformer and switchgear. Mr. Teasdale confirmed that the decommissioned equipment would be removed from the site.

MOTION by Countegan, support by Mantey, that Site Plan 70-10-2017 dated October 18, 2017, submitted by Sandra Roberts of DTE be approved because it appears to meet all applicable requirements of the Zoning Chapter, and further, the Commission makes the determination that the existing landscaping and fence may remain.

Motion carried 8-0.

MOTION by Countegan, support by Stimson, that Landscape Plan 70-10-2017, dated October 18, 2017, submitted by Sandra Roberts of DTE be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, with the condition that a revised plan addressing the following items be submitted for administrative review:

- The plan including the tree inventory be signed and sealed by a registered landscape architect.
- The plan be drawn to scale.

Motion carried 8-0.

APPROVAL OF MINUTES

October 19, 2017

MOTION by Fleischhacker, support by Brickner, to approve the October 19, 2017 minutes as presented.

Motion carried 8-0.

PUBLIC COMMENT

None.

COMMISSIONERS' COMMENTS

Commissioner Mantey complimented Chair Rae-O'Donnell on a well-run meeting.

Commissioner Orr mentioned that the Presbyterian Church at 12 and Halsted had flashing signs in violation of ordinance requirements.

The next meeting was scheduled for December 14, 2017.

ADJOURNMENT

Seeing that there was no further comment, Chair Rae-O'Donnell adjourned the meeting at 10:14 p.m.

Respectfully Submitted,
Steven Stimson
Planning Commission Secretary

/cem