



There was significant space where 8 lots from this development abutted 5 existing residential lots to the south. The 8 lots had enough depth so that if the Commission desired, the applicants could relocate the rear property lines to the storm sewer line and easement, resulting in a larger, 3/4-acre open space.

Mr. Devlin said they believed they had addressed all other items under the requirements for the Cluster Option and Landscape Plan.

Commissioner Brickner asked about the floodplain on lots 9 and 10. Mr. Devlin said the building footprint for those lots would be moved out of the floodplain area.

Commissioner McRae asked if the cul-de-sac would be affected if the rear property lines were moved as Mr. Devlin had described for lots 2 through 8. Mr. Devlin said the cul-de-sac would not be affected.

Commissioner McRae pointed out that the open space north of the road was overlooking the regional detention basin. The applicants had talked about providing greater open space to the south. Was there a reason for the open space to the north? Would a straight road provide more space to the south?

Mr. Devlin said they preferred the layout as shown, which created a unique setting for each lot, instead of a straight road with every home at the same setback line. They could get a significant amount of southern open space as already discussed, further enhanced by the top of the stream bank that then sloped down to the creek. This natural feature provided a barrier to tree removal by homeowners, who over time tended to remove trees in open space areas.

Mr. Devlin further explained that the trees along the stream bank were relatively poor quality: box elder, mulberry, etc. In the spirit of the woodland ordinance, and in addition to meeting all landscape requirements, they would plant a significant number of sugar maple whips on the stream slope so that higher quality trees had a chance to grow.

In response to a question from Commissioner Orr, Mr. Devlin explained that the stream divided the subject site from the subdivision to the south.

Commissioner Mantey noted that it was important to keep pesticide and fertilizer applications away from stream beds, to preserve water quality.

Mr. Devlin agreed, and explained that the plan showed a bioswale between lots 2 and 7, which would help in terms of water runoff.

Commissioner Mantey asked what type of open space would be created north of the road. Mr. Devlin said that area would have plantings including grass and trees that would screen the detention area.

Commissioner Mantey said he would like to preserve native plants in the southern open space, regardless of quality, in order to preserve the quality of the water.

Mr. Devlin said that even if 50% of the sugar maple whips survived, quality trees would have been added to the area.

Commissioner Turner asked about the center turn lane mentioned in the Engineering Division review. Mr. Devlin replied that Engineering Division comments would be addressed during final engineering review.

In response to a further question from Commissioner Turner, Mr. Devlin said they would be constructing the road to public road standards, in terms of width, concrete construction, curb and gutter, etc.

Chair Schwartz asked why the road would not be a public road. Mr. Devlin explained that they did not have room for 60-foot rights-of-way. They received cluster option qualification because the lot was narrow.

Chair Schwartz invited the Planning Consultant to give his review.

Utilizing a PowerPoint presentation and referencing his July 30, 2019 letter, Planning Consultant Arroyo gave the review for this application for cluster site plan and landscape plan approval. The site was granted preliminary qualification by the Planning Commission for a cluster development on July 19, 2018, and it was further found that subsection 34-3.17.2.A.ii, which granted additional density, applied, permitting up to 3.1 units per acre.

Outstanding issues included:

- The buildable area of Lots 4 and 9 were impacted by the 100 year floodplain. The applicant was addressing this issue as described.
- A sheet superimposing the plan on an aerial image was required.
- The cost estimate regarding tree replacement should be revised to reflect two additional deciduous trees.
- Regarding the buffering/transition area, the Planning Commission needed to determine that the abutting one-family district was effectively buffered by one of the methods listed in Section 34-3.1, which methods were: (i) single-family lots, (ii) detached buildings with certain setbacks, (iii) open or recreation space, (iv) natural changes in topography that provided an effective buffer, (v) a major or secondary thoroughfare, (vi) or some other means that provided a transition.

Planning Consultant Arroyo was pleased by the applicants' comments regarding moving some of the lot lines further away from the existing single-family residences. The narrow open area along the stream bank should be as large as possible, fully and visually distinct from the individual lots, to make sure the transition was maintained permanently. The more the area could be separated visually, as well as providing increased depth to the buffering already described, the more the plans met the spirit of the ordinance to provide for a transition area, and encouraged the long range preservation of the area. He also liked the effort to increase the plantings including sugar maples, in hopes that over time they would become more predominant and provide a healthy habitat. Although the trees that were there were not high quality, they were substantial. The essence of that would be retained.

Planning Consultant Arroyo suggested that the southern open space be a dedicated conservation easement.

The property to the north was a regional detention basin; an easement would be needed along the north property line to grant maintenance access to the fence around the regional detention basin.

Planning Consultant Arroyo concluded his review.

In response to questions from Commissioner Countegan, Planning Consultant Arroyo said the open space requirement was 15% or just over 1/2 acre; that standard was met. City Planner Stec said the cost estimate would be \$45,667.00 plus the replacement cost for the additional two trees.

Commissioner McRae asked about the minimum lot size, which was 15,000 square feet in an RA-2 District. Was it acceptable for homes built under the cluster option to be significantly smaller? In this case, the average lot size was 8,890 square feet.

Planning Consultant Arroyo said it was typical for lot sizes in a cluster option to be significantly smaller than that required by conventional zoning.

Commissioner Stimson asked what a reasonable buffer to the south would be. Planning Consultant Arroyo said determining whether there was a reasonable buffer was the Commission's charge. Perhaps the applicants should return with a detail of the final location of the southern buffer, along with landscaping for that section.

Seeing that discussion had ended, Chair Schwartz opened the public hearing.

Dan Harmon, 28954 Kendallwood, said that his house was closest to the cul-de-sac, and was behind lot #9. Lot #9 did not offer additional open space/screening as discussed regarding lots 2 – 8. He asked if the setback could be increased. Also, were these 1 or 2 story structures? Last, was the City working with the developer to clean up Minnow Creek Drain?

Chair Schwartz said the schematic was showing the property line for lot 9, and not where the building was going to be.

Mr. Devlin said the homes would be 2-story.

Staff Engineer Olson said Oakland County owned Minnow Creek Drain; maintenance and cleanup was the County's responsibility.

Dave Collado, 32846 Hardwick, asked if a study had been done regarding whether any endangered species would be affected by this development. City Planner Stec explained that the ordinance did not require such a study. Commissioner Mantey asked Mr. Collado if there was any reason to believe there were endangered species in the area. Mr. Collado said he thought it was the developer's responsibility to complete a study regarding the potential presence of any endangered species.

Christie Dunnigan, 29090 Kendallwood, said she was happy the development was moving forward. She did request that a good buffer be required. Even though the existing trees were not high quality they provided an effective buffer. She did not believe the sugar maple whips would survive.

Seeing that no one else came forward to speak, Chair Schwartz closed the public hearing and invited the applicant to respond.

Mr. Devlin said the landscape plan showed replacement trees – large sugar maples and beech trees – being planted on the back of lots 1-8. Currently the site was an existing pool club facility, with asphalt parking, a swim deck and pool, tennis courts, etc. That was a lot of existing hard surface; this development was improving upon that situation. They hadn't looked for endangered species. They were planting sugar maple whips in addition to fulfilling the requirements of the landscape ordinance. If they planted 50 or 75 whips and 50% lived, that was a significant number of trees to add to the woodland area. Lot 9 met setback requirements; unfortunately that was a narrow portion of the site, with no ability to add further open space. The building envelope there would be a little smaller than the others.

In response to a question from Chair Schwartz, City Planner Stec said approved landscape plans must be maintained into perpetuity.

Seeing that no one else came forward to speak, Chair Schwartz closed the public hearing and brought the matter back to the Commission.

In response to comments from Commissioner Orr, Mr. Devlin said the survey showed the flood plain as plotted by the surveyor, which was more accurate than the FEMA line.

Commissioner Mantey asked if the Commission would see a final landscape plan, after City Council approval. City Planner Stec said the plan would not come back to the Commission after City Council approval. If the Commission wanted to see the revisions, they should postpone making a recommendation to Council and ask to have the revisions brought back in September.

Commissioner Countegan indicated he was ready to offer a motion.

**MOTION by Countegan, support by Brickner, that the Planning Commission grant tentative approval and recommend approval to City Council of Cluster Site and Open Space Plan 59-4-2019, dated July 18, 2019, submitted by Farmington 13, LLC, with the condition that a revised site and open space plan be submitted for administrative review addressing the following:**

- a. A revised cost estimate including 2 additional trees as noted. The open space escrow amount will be based on the revised cost estimate.**
- b. All building envelopes for the homes be shown outside of the Minnow Drain flood plain.**
- c. The open space area be extended to include the land behind lots 1 through 8 as described this evening.**
- d. The open space along the southern property be placed into a conservation easement.**
- e. An easement be provided along the northern property line granting access for the maintenance of the fence around the Oakland County drain, if required by the Engineering Division.**
- f. Provide a sheet superimposing the site plan on an aerial image.**
- g. Tree removal and landscape notes be revised to reflect City of Farmington Hills standards**

Commissioner Countegan said that he was comfortable with the level of vegetation buffering this development from its southern neighbors, especially with the additional open space and buffering as described this evening, along with the applicant maintaining the existing plantings wherever possible. He believed staff could determine administratively the line where the open space began.

Commissioner Mantey said he supported the overall plan. As he understood the motion, staff would be charged with determining the line where the open space began, in such a way as to make it clear to homeowners that they could not encroach into the preserved buffer area. Mr. Devlin agreed, saying that they would create a conservation easement to the south in an effort to ensure the area stayed as it was.

Commissioner Orr said he believed lot 9 should not be excluded from the open space requirement; that lot needed additional buffering. The requirement was to shield adjacent residents from the cluster development; lot 9 did not offer extra shielding except by the creek that formed the boundary line.

Mr. Devlin said that 10-12 trees were being saved in that area. They could not increase the buffer further for lot 9. The difference between the north and south line was fixed; they had minimal space there.

Commissioner Orr suggested changing the design to shorten the cul-de-sac. Again, the requirement was to buffer all adjacent residential lots.

Commissioner McRae supported this project but felt the motion put too much responsibility on staff. He would like to see the plan return to the Commission for final review.

Commissioner Stimson agreed. Without being able to give guidance to staff as to how big the open space was to the south, he did not feel comfortable with the motion and would prefer to see the plan again.

City Attorney Anderson pointed out that the motion was a recommendation to City Council, who had ultimate authority to approve or deny the plan.

Commissioner Countegan reiterated that he was comfortable with what the Commission was seeing regarding the open space and landscape plan. The location of the actual open space line was a technical issue that could be approved administratively. Whether or not the plan came back, what happened on the ground would not change. For all intents and purposes, the plan would look like it looked tonight. Regarding lot 9, there was significant vegetation there in terms of saved trees.

Commissioner Countegan continued that this site was exactly what the cluster option was designed to address, in that it was a difficult site that offered practical difficulty to any developer. He was fine with the proposed density. Again, there were some practical issues that the City would work through with the developer. The proposed cluster development represented a really good transitional use from the regional detention center to the north to the single family housing to the south.

Commissioner Mantey said the applicants would need to resolve the issues discussed this evening and meet the conditions of the motion before going before City Council. City Planner Stec agreed. The application would not go to City Council until all conditions were met.

Chair Schwartz called the motion.

**MOTION carried 5-4 (McRae, Orr, Stimson, Turner opposed).**

## **REGULAR MEETING**

### **A. SITE AND LANDSCAPE PLAN 63-5-2019**

LOCATION:	Southwest corner of 12 Mile Road and Drake Road
PARCEL I.D.:	23-17-201-004
PROPOSAL:	New office building in an OS-4, Office Research District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	LC Trademarks, Inc.
OWNER:	LC Trademarks, Inc.

Utilizing a PowerPoint Presentation, and referencing his July 30, 2019 letter, Planning Consultant Tangari gave the review for this application for site and landscape plan approval for a new office building at the southwest corner of 12 Mile Road and Drake Road, in an OS-4 Office Research District.

Outstanding issues included:

- The proposed building height of 47 feet exceeded the zoning district maximum of 40 feet; the applicants had indicated they were going to apply for a building height variance.
- Although the lot was proposed to be split into two lots, it appeared that the entire parcel would, for the time being, continue to function as a single zoning lot as defined in the zoning ordinance. Should the lot split be approved later this evening, both lots would meet OS-4 dimensional requirements.
- 689 parking spaces were required. 1,150 were provided. The applicant should provide an explanation for the excess.
- The Commission should discuss the proposed pedestrian connections. A pedestrian connection was provided to a new proposed sidewalk on 12 Mile Road. A new sidewalk was provided along Drake, connecting to the existing sidewalk in front of the dentistry practice at the corner of Drake and 12 Mile. This was located on private property; the City could require an easement for public use. The sidewalk did not continue south down Drake Road as there was no room for a sidewalk under the I-696 bridge on the west side of the road. There was an existing sidewalk on the east side of Drake Road, including a passage under the bridge.
- Regarding tree removal and landscape plan, the only outstanding issue was that a detail of the proposed tree protection fence must be included.

City Planner Stec explained that the ordinance required that a sidewalk be constructed on major roads on commercial sites. Only City Council could waive that requirement; the plan should include the construction of the sidewalk for the entire length along Drake Road.

In response to a question from Commissioner Orr, Planning Consultant Tangari explained that the sidewalk would be required on Drake Road, even though it would be located in the right-of-way.

Chair Schwartz invited the applicants to make their presentation.

Emily Palacios, Miller Canfield, 101 North Main Street, 7<sup>th</sup> Floor, Ann Arbor, was present on behalf of this application for site and landscape plan approval. Chris Beck, Gensler, 130 West Jefferson Suite 1700, Detroit; Brett Buchholz, P.E., Nowak & Fraus Engineers, 46777 Woodward Avenue, Pontiac; John Valentine, Olympia Development, Detroit MI; and Mike Genrich, 11063 Metra Court, Plymouth, were also present.

In response to questions from Chair Schwartz, Ms. Palacios said the building would be leased to Mercedes Benz Financial Services, who would be relocating from their current Farmington Hills location. They were requesting a 47 foot high building, which would require a 7-foot variance. The additional height would provide 2'4" of additional height for each floor, or 15 feet floor to floor, a modest increase. The applicants had provided information as to why higher ceilings was a developing trend for Class A office space.

Ms. Palacios further explained that the proposed building was a 200,000 square foot, 3-story, modern Class A office building. Modern office buildings needed more height, in order to store more equipment in the ceiling spaces. Additionally, they were trying to meet LEED interior design standards, which meant bringing in more daylight.

In response to a further question from Chair Schwartz, Mr. Valentine said that a potential option for the property that was the subject of a lot split later this evening was a low impact commercial development.

Commissioner Brickner asked if traffic studies had been done, especially since the applicants were using Drake Road, a residential street, as the front yard.

Mr. Genrich said traffic studies had been completed and would be submitted for Engineering Division review.

Commissioner Brickner spoke to the already intense traffic along Drake Road, which narrowed to a two-lane street. The curb cut across the street from this development was only used to turn north on Drake. The proposed development would add significant traffic to Drake Road.

Mr. Genrich said they were planning on having a right and left turn on Drake Road.

Commissioner McRae asked why over 50% more parking spaces were provided than required by ordinance. Ms. Palacio said the parking was a tenant requirement; there would be 1,000 employees at this location.

Commissioner McRae said that while he understood the concerns regarding Drake Road, the proposed building would primarily face Farmington Road even though it would have a Drake Road address. He felt most people would utilize 12 Mile Road. He spoke to the advantages of people working, living and shopping in the City.

Ms. Palacio said the 12 Mile Road access would be constructed as part of tonight's approval. The striking architecture of the building would be perceived as fronting on 12 Mile. Employees and visitors would most often use the 12 Mile entrance. The access drive on Drake Road would be service-focused.

Commissioner Orr agreed with the concern about traffic on Drake Road. He also asked about the dumpster area as shown, south of the loading dock.

Mr. Buchholz said that the dumpster enclosure would shield 2 compactor-type dumpsters, a generator, a transformer, and a switch gear.

Chair Schwartz congratulated the applicants regarding their emphasis on voluntarily providing vehicle charging stations. 10 electric vehicle charging stations would be provided and there would be wiring for 116 more.

In response to a question from Commissioner Countegan regarding the lot split, City Planner Stec explained that by showing the lot split tonight as the next agenda item, the Commission had an opportunity to evaluate the site plan based upon the lot split, including front yard issues. Planning Consultant Tangari said both lots would meet dimensional requirements, should the lot split be approved.

Commissioner Countegan asked about constructing the proposed building on the north lot. Mr. Beck said they were siting the building to take advantage of the natural features of the lot.

In response to a question from Commissioner Orr, Staff Engineer Olson said the detention area would serve both parcels, should the lot be split.

Commissioner McRae suggested that the sidewalk go south along Drake to the drive, and then a painted crosswalk be added to move pedestrians to the east side in order to access the existing sidewalk that passed under the bridge, rather than having an artificial construct on the west side.

Commissioner Stimson asked if the Commission should address easements. City Attorney Anderson advised that easements would only become an issue if and when the lots were split and the 2<sup>nd</sup> parcel was sold.

Commissioner McRae indicated he was ready to offer a motion.

**MOTION by McRae, support by Goerke, that Site and Landscape Plan 63-5-2019, dated July 18, 2019, submitted by LC Trademarks, Inc., be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following condition and recommendations:**

**Condition:**

- A revised site plan showing a building height of 40 feet be provided for administrative review, or a variance permitting a 47 foot tall building be granted by the ZBA.

**Recommendations:**

- Engineering Division work with the applicant so that the required new sidewalk extend south from 12 Mile Road along the Drake Road frontage to the end at the new curb cut, where a striped crosswalk to the existing sidewalk along the east side of Drake Road be provided.
- A 5' wide sidewalk be permitted to be installed along the 12 Mile Road Frontage.

City Attorney Anderson reminded the Commission that any waiver to the sidewalk requirement in terms of distance and dimensions, along Drake Road or along 12 Mile Road, must be approved by City Council.

Commissioner Brickner said that while he liked the proposed project, he had remaining concerns regarding traffic management.

**Motion carried 9-0.**

**B. LOT SPLIT 1, 2019 (Final)**

LOCATION:	Southwest corner of 12 Mile Road and Drake Road
PARCEL I.D.:	23-17-201-004
PROPOSAL:	Split one parcel into two parcels in an OS-4, Office Research District
ACTION REQUESTED:	Final Lot Split approval
APPLICANT:	LC Trademarks, Inc.
OWNER:	LC Trademarks, Inc.

Note: this lot split was for the same property as addressed in Item A above.

Utilizing a PowerPoint presentation and referencing his 8/6/2019 letter, Planning Consultant Tangari gave the review for this request for Final Lot Split approval. Parcel 1, the northern parcel, would be 10.57 acres and Parcel 2, the southern parcel, would be 24.08 acres. 0.62 acres would be dedicated as right-of-way along Drake Road. The proposed parcels would meet dimensional requirements in the OS-4 District, and the parcels met the standards in the Subdivision of Land Ordinance 27-110(2)(3) Compatibility with Existing Parcels, as outlined in the review letter on pages 2-3.

Commissioner Mantey addressed the four quadrants shown on Sheet L1.0. Were both northern quadrants large enough to build? If the northwest quadrant stayed with the original parcel, the applicants could have a 12 Mile Road address for the building just approved.

Ms. Palacios said the areas on both sides of the access drive were big enough to accommodate a building footprint. Again, 12 Mile Road would be perceived as the front yard for the Mercedes Benz building. It was possible that the buildings on the northern lots would face inward as part of an overall campus development.

Commissioner Brickner asked if there would be front to back issues, with the front yard of the Mercedes Benz building facing the rear yard of commercial buildings that might face 12 Mile Road.

Planning Consultant Tangari said that the northern lot(s) would require a 360-degree design; this would be discussed when development was proposed. Planning Consultant Arroyo added that since the owner currently controlled both parcels, the design of future buildings could be a condition of any sales agreement.

Commissioner Orr asked if the Commission could require dedication of the wetlands. City Attorney Anderson explained that the land division act only permitted the Commission to look at dimensional requirements.

Commissioner Mantey pointed out that the City did not have a wetlands ordinance. He had consistently supported having ordinance protection for wetlands.

**MOTION by McRae, support by Countegan, that Final Lot Split 1, 2019, submitted by LC Trademarks, Inc., 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.**

In response to Commissioner questions, City Attorney Anderson said that any easements would be required by the Engineering Division.

**Motion carried 9-0.**

Chair Schwartz acknowledged communication received from resident Paul Gross regarding Items A and B above: the proposed development at 12 Mile and Drake Road

**C. SPECIAL APPROVAL PLAN 57-3-2019**

LOCATION:	24300 Drake Rd.
PARCEL I.D.:	23-21-351-032
PROPOSAL:	Temporary concrete mixing batch plant in B-3, General Business District
ACTION REQUESTED:	Special land use and site plan approval
APPLICANT:	Mark Anthony Contracting, Inc.
OWNER:	Boxoffice Theaters LLC

City Planner Stec explained that at its April 18, 2019 meeting the Planning Commission approved Special Land Use Request 57-3-2019 permitting a temporary concrete mixing batch plant at 24300 Drake Road

associated with the Halsted Road paving project from 12 Mile to I-696. The approval permitted the plant to be on site from June 1, 2019 to July 31, 2019 for a total of 61 days. The plant was on site for approximately one week in July. However, due to issues with the mixing of the concrete the paving contractor was required to bring the plant back on site to correct the issue and complete the project.

The Planning Commission was being asked to allow for an extension to the term of approval to permit the plant to be on site for additional time.

City Planner Stec suggested the Commission consider allowing end dates to be related to the completion of a project, i.e., allowing use of a site for cleanup for up to 7 days after paving was complete.

The Commission felt that stipulation might be too open-ended, as a contractor could leave equipment on site while going to a completely different jobsite. After discussion, the consensus for tonight's application was to allow the end date to be the 7 days after project completion, not including striping, or September 30, whichever was earlier.

Commissioner Orr noted that when the batch plant was on site in July, the applicants closed the service drive on Drake in noncompliance with the original motion.

**MOTION by Orr, support by McRae, that Special Approval Request 57-3-2019 submitted by Mark Anthony Contracting Inc., to permit the temporary concrete batch plant at 24300 Drake Road for the Halsted Road paving project, with the following conditions:**

- **The plant and all associated materials be removed within one (1) week of approval by the City or by September 30, 2019, whichever is shorter.**
- **Continued compliance with the conditions of the April 18, 2019 Planning Commission approval, with the exception of the term of approval.**
- **The Drake Road access to the AutoZone and McDonald's remain open during operation of the plant.**

**Motion carried 9-0.**

**APPROVAL OF MINUTES:** July 18, 2019

**MOTION by Countegan, support by Brickner, to approve the July 18, 2019 minutes as published.**

**Motion carried unanimously.**

**PUBLIC COMMENT:** None.

**COMMISSIONERS' COMMENTS:**

Commissioner Brickner said that the telephone pole was still laying on the side of Drake road.

Noting that it was Melanie Goerke's last meeting as a Commissioner, and that she was moving to Washington DC to attend graduate school at Georgetown University, the Commissioners congratulated Commissioner Goerke and thanked her for her service.

**ADJOURNMENT:**

Seeing that there was no further discussion, Chair Schwartz adjourned the meeting at 9:13 p.m.

Respectfully Submitted,  
Dale Countegan  
Planning Commission Secretary

/cem