

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
FARMINGTON HILLS CITY HALL  
COUNCIL CHAMBERS  
February 20, 2020, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on February 20, 2020

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

Commissioners Absent: Orr

Others Present: City Planner Stec, Staff Planner Lawrence, City Attorney Schultz, Planning Consultant Tangari, Staff Engineer Seewald

**APPROVAL OF AGENDA**

**MOTION by Schwartz, support by Stimson,** to amend and approve the agenda as follows:

- Item D. Presentation of 2019 Historic District Commission Annual Report, will be heard first.
- Discussion Item requested by Commissioner Mantey added before Approval of Minutes

**MOTION carried unanimously.**

**REGULAR MEETING**

**D. PRESENTATION OF 2019 HISTORIC DISTRICT COMMISSION ANNUAL REPORT**

As noted above, the agenda was amended to hear this item first.

Staff Planner and HDC Liaison Lawrence introduced Ken Klemmer, the Chair of the Historic District Commission.

Utilizing overhead slides, Mr. Klemmer presented the Historic District Commission (HDC) Annual Report for 2019. The Historic District Commission held 9 meetings in 2019.

The HDC was charged with preserving historic districts in the City that reflect elements of the cultural, social, economic, political, or architectural history of the community. The HDC was authorized under City Ordinance and guided by the Secretary of Interior Standards for Historic Preservation. The Commission reviewed and issued Certificates of Appropriateness and Notices to Proceed for work on Historic District homes. They also nominated properties to join the Historic District.

The HDC was currently engaged in completing reconnaissance surveys regarding finding new historic resources for the District, and they also were focused on putting together a 5-year Master Plan for cemetery revitalization and improvement in Farmington Hills.

No Notices to Proceed were issued in 2019.

Certificates of Appropriateness granted in 2019 included:

- HD#508 Heritage Center Nature Center/Day Camp, roof replacement.
- HD#912 West Cemetery exterior renovation
- HD#319 Bade Hired Man's House, fence
- HD#2 John Garfield House, replace 4 garage doors
- HD#308 Halsted Apple Barn, install posts and fence
- HD#7 David Simmons House, relocation and reorientation of home as part of a new multiple use development on the site, along with repairs and updates to the home. Four Certificates of Appropriateness issued.
- HD#16 Mark Arnold House, construction of covered walkway

Administrative Certificates of Appropriateness were granted for minor work done on:

- HD#315 Samuel Locke House, roof replacement
- HD#7 David Simmons House, installation of heat pump condenser unit with screening

Historic Markers

In 2019, the HDC continued their goal to add additional historic markers to historic districts without markers. Two new historic markers were added: HD#513 Henry C. Bach House and HD #307 Hamilton Jones House. Currently 53 of 74 historic districts had historic markers.

Public Education

The HDC, Farmington Hills Historical Commission (FHHC) and Preservation Farmington sponsored a Preservation 101 workshop on Tuesday, September 17 at the Spicer House, where 10 participants learned the benefits of historic designation and how it impacts the larger community. Participants also discovered why Michigan communities protect their historic resources, what a local historic district is, how it affects the property owner, and how to obtain a certificate of occupancy for existing historic districts.

Project Update: HD #507, Sarah Fisher Home, 27400 Twelve Mile Road.

The HDC took a tour of the facility in the spring of 2019. The buildings are still solid, but the administration building and several of the cottages have damaged roofs. In November 2019, Evangelical Senior Solutions put the property up for sale, citing that it did not have the funding to go forward with the project. EHM Senior Solutions applied for a Certificate of Appropriateness to repair the roof in 2020. Minor repairs and maintenance were ongoing on the site.

The Commission thanked Mr. Klemmer for the report and the work of the Historic District Commission.

**MOTION by McRae, support by Countegan, to receive the 2019 Historic District Annual Report as presented.**

**MOTION carried unanimously.**

**A. LOT SPLIT 1, 2020 (Preliminary)**

LOCATION: 34385 Twelve Mile Rd.  
PARCEL I.D.: 23-16-126-003  
PROPOSAL: Split one parcel into two parcels in OS-4, Office Research District

ACTION REQUESTED: Preliminary lot split approval  
APPLICANT: Warren Hudson of Premier Equities, Inc.  
OWNER: Akebono Brakes System

Utilizing overhead slides, and referring to his 1/30/2020 review letter, Planning Consultant Tangari gave the background for this request for preliminary lot split approval for the property at 34385 Twelve Mile Road, with the undeveloped portion of the front of the property along 12 Mile Road being the subject of the requested lot split. The proposal was to split 2.412 acres from the larger 15.61 acre site.

The new parcel would meet dimensional standards.

Regarding compatibility standards found in Section 27-110(2)(e)c., outstanding issues for discussion included:

1. Regarding width-to-depth ratio, the 15:1 ratio was unusual for the area, but would not likely be noticeable to passersby.
2. The front yard of Parcel B (the larger, original parcel) would abut the rear lot lines of new Parcel A; this configuration was present but uncommon in the area.
3. There was no existing wetland or flood plain on the parent parcel.
4. Regarding orientation of buildings, a new building on new Parcel A would likely be oriented toward 12 Mile Road, as were most buildings in this corridor, but the existing building on Parcel B would be facing the rear yard of Parcel A.

An existing bank that fronted 12 Mile Road to the west of the site had access via easement over the driveway to the building on Parcel B. A similar easement should be recorded for the new parcel if a lot split was granted.

Planning Consultant Tangari concluded his remarks, and Chair Schwartz invited the applicant to make his presentation.

Warren Hudson, Friedman Management Company, 34975 12 Mile Road, was present on behalf of this application for preliminary lot split approval. They believed there was a market for developing the lot that would result from the lot split. They envisioned developing a research/office/technology type use, compatible with surrounding uses.

Access to the property would be via the existing curb cut. They were working on an easement agreement with the current property owner.

In response to questions from the Commission, Mr. Hudson said that the final layout of the site was to be determined. Any new building would likely be oriented toward 12 Mile Road, with parking in the rear.

In response to a further question from the Commission, Staff Planner Stec said that both properties resulting from the lot split would have a 12 Mile Road address.

Seeing that discussion had ended, Chair Schwartz indicated he was ready to entertain a motion.

**MOTION by Countegan, support by Trafelet**, that Preliminary Lot Split 1, 2020, submitted by Warren Hudson, Premier Equities, 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, subject to the condition that all necessary easements be in place for access to the property, with no new curb cut on 12 Mile Road.

**Motion carried unanimously.**

**B. REVISED SITE PLAN PLAN 59-4-2018**

LOCATION:	38000 Hills Tech Dr.
PARCEL I.D.:	23-18-100-021
PROPOSAL:	Revised landscape plan for new DTE substation in an IRO, Industrial Research District
ACTION REQUESTED:	Approval of revised landscape plan
APPLICANT:	Harley Ellis Devereaux
OWNER:	Robert Bosch, LLC

Utilizing overhead slides, and referring to his February 10, 2020 review letter, Planning Consultant Tangari gave the background for this request for revised landscape plan approval for a new DTE substation at 38000 Hills Tech Drive.

In 2018 a site plan for a new electrical substation was approved for the northwest three acres of the 38.93 acre site. At the time of the approval, many of the trees outside the substation compound were preserved. The applicant now proposed to remove all trees in the vicinity of the substation compound.

The original plan called for the removal of 2 unregulated trees, 145 regulated trees, and 28 landmark trees. The proposed revised landscape plan called for 259 regulated trees and 25 landmark trees to be removed. Two of the landmark trees were in poor condition and did not require replacement. In total over the entire site, 311 replacement trees would be required. The applicant was proposing 129 replacement trees and to pay into the tree fund for the remainder 182 trees.

Planning Consultant Tangari pointed out that low ornamental trees could provide screening around the substation. Currently a chain link fence was proposed to go around the compound with only a row of arbor vitae proposed along the south side, where the parking lot was located.

In response to questions from Chair Schwartz, City Planner Stec said there was approximately \$300,000 in the tree fund. This revision would require that approximately \$26,950.00 more be paid into the fund, over the original agreement amount.

City Planner Stec showed photographs of the facility as someone entered from the west, and pointed out the trees that were being proposed to be removed. The existing trees did provide a visual buffer for the site.

In response to questions from the Commission, City Planner Stec said the substation was constructed and would not be changed. DTE's concern was that trees would fall into the substation facility.

Jeff Smigielski-McHenry, Robert Bosch LLC, was present on behalf of this application. Jim Tedder, Area Manager for ITC, and Jerry Philo, Harvey Ellis Devereaux, were also present.

Mr. Smigielski-McHenry said that originally they had tried to preserve as many trees as possible on this site. However, last Thanksgiving a tree came down during a wind storm and crashed on the substation fence. If another tree came down it could potentially energize the fence and cause a fire or explosion on

the site. Therefore ITC had requested that the area between the edge of the substation and the Bosch property be cleared of trees, as well as the area to the south. They were proposing to add shrubbery on the south side, and also to plant some new trees throughout the west parking lot.

Chair Schwartz said that the site was beautifully laid out and landscaped, had solar panels, and had a City of Farmington Hills beautification award marker by the entrance. He asked if shrubbery or lower growing trees could be planted to shield the fence. Otherwise the substation would be left unscreened, and this seemed inconsistent with the rest of the site.

Mr. Smigielski-McHenry said they had discussed this situation with ITC, and ITC had a list of approved plants that could go in the south and west side of the area.

Commissioner McRae asked how much space was between the fence and the actual equipment. The applicants did not have that measurement. They pointed out that some of the older trees on the south side were 50'- 60' high.

Chair Schwartz asked if the fence could be solid masonry, instead of chain link. Mr. Philo said the arbor vitae should effectively shield the chain link fence, at least from the south.

In response to discussion, including what the Commission could and could not require around the substation, City Planner Stec explained that the tree fund was used as a last option. The Commission had authority to look at other options, including requiring that lower growing trees be planted around the substation perimeter. The question was whether the applicants had exhausted all opportunities to install additional landscaping there. There had been mention of other alternatives such as masonry walls. While the Planning Commission had allowed payment into the tree fund in the past, the Commission did have the flexibility to require further landscaping on the site.

Several Commissioners felt that utility companies generally resisted landscaping their sites, claiming security required the site be open and visible. There needed to be further discussion regarding what the Commission could and could not require at utility substations.

Commissioner McRae did not feel the proposed landscape plan was acceptable, and he would be voting against it. He felt the applicants could submit a revised, improved plan.

Commissioner Countegan asked for more background information regarding this substation. Mr. Smigielske-McHenry explained that Bosch's power needs had increased due to the need for additional industrial chillers on site for testing purposes. DTE had required that Bosch have their own substation.

Mr. Tedder, ITC, explained that ITC knew Farmington Hills was concerned about tree removals. It was rare that ITC constructed substations in wooded areas. Nevertheless, the situation would likely have continued without additional tree removals if they had not experienced the tree fall at Thanksgiving, and they felt to provide safety on the site, the surrounding trees had to be removed. Trees caused up to 70% of all outages and damages to equipment, and they were trying to pre-empt future damage.

Commissioner Countegan said that the Commission had to balance the demands of property owners and the City's infrastructure, as well as protecting the beauty of the community's tree stock. He supported requiring smaller plantings to enhance the landscaping on the site, with some payment also being made to the tree fund. The problem of the fallen tree would likely be repeated, and he supported the applicant's efforts to increase safety on the site.

Commissioner McRae said he had no issue with the location of the substation, or with the need to address the nearby trees as potential safety hazards to the site. However, he did not think the landscape plan as submitted was sufficient, and he did not feel it appropriate for the Commission to suggest the issue be handled administratively. He felt the applicants should return to the Commission with a revised landscape plan.

In response to questions from Commissioner Trafelet, Mr. Philo explained that the 13,400 volt power lines originated at the ITC location in Novi.

Chair Schwartz indicated he was ready for a motion.

**MOTION by Brickner, support by Stimson, that Revised Site Plan 59-4-2018, dated January 17, 2020, submitted by Harley Ellis Devereaux, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- 1. Payment into the tree fund for 77 replacement trees. Staff may adjust the tree fund payment amount based upon a revised landscape plan including additional trees to be planted on site.**
- 2. Applicants work with staff to enhance the landscape plan, utilizing shrubs and lower-growing trees where possible.**

Discussion focused on the 2<sup>nd</sup> condition, and whether landscape plan improvements could be required without the plan coming back to the Commission.

Commissioner Turner said that this substation was not in public view, and he had no objection to the landscape plan as presented. However, he agreed that additional vegetation could be installed that would not present dangers to the substation.

Commissioner Stimson said he would support the plan as presented. He pointed out that there was a financial incentive for the applicants to increase plantings on the site, which would potentially reduce the amount that would have to go into the tree fund.

Mr. Tedder said they were open to providing additional landscaping, as long as that landscaping was in compliance with ITC's management and practices, and security protocols.

Commissioner Countegan said his motion anticipated that applicants and staff would coordinate efforts to supplement the landscape plan.

Chair Schwartz called the motion.

**Motion carried 6-2 (McRae, Schwartz opposed).**

City Planner Stec asked for further direction from the Commission. Chair Schwartz said that if City Planner Stec felt the revised landscape plans were not sufficient, the matter could be brought back to the Commission.

The applicants indicated they were happy to work with the City to enhance the landscape plan.

**C. REVISED PUD PLAN 3, 2017 INCLUDING SITE AND LANDSCAPE PLAN 71-12-2017**

LOCATION: 32600, 32726, & 32720 Northwestern Hwy.  
PARCEL I.D.: 23-02-126-003, 011, 012, 013, & 025  
PROPOSAL: Re-configured Northwestern Highway entrance drive for new self-storage building and assisted living facility  
ACTION REQUESTED: Approval of revised PUD Plan  
APPLICANT: NorthPoint Development, LLC & NWH Holdings, LLC  
OWNER: NWH Holdings LLC

Utilizing overhead slides and referring to his February 10, 2020 review letter, Planning Consultant Tangari gave the review for this request for approval of a revised PUD Plan for 32600, 32726, and 32720 Northwestern Highway.

The Northpoint PUD (PUD 3 2017) was approved by City Council in June 2018, and the PUD Agreement was finalized in November 2019.

The impetus for the amendment to the proposed site plan was a requirement from MDOT for the access drive off Northwestern Highway to be moved further to the southeast. The applicants had moved the drive, and also adjusted the access easement that provided access to the southern property. The applicants had also reconfigured the landscaping, moved the sign closer to the driveway, and added a boulevard to the entrance drive. The two drive aisles – in and out – were 17 feet wide. The Engineering Division had noted they preferred 24 foot drive aisles. However, the Engineering Division had indicated that they would accept whatever MDOT required.

Outstanding issues included:

- Photometric plan needed to be updated to reflect the new layout.
- The Planning Commission must make a determination as to whether moving the driveway was a minor change subject only to site plan approval, or whether it was a major change that required City Council to approve a change to the PUD agreement. In any event, City Council would need to change the PUD agreement to reflect changed PUD boundaries resulting from the moved access drive.
- Any approving motion should allow for future flexibility that allowed reconfiguration of the internal portion of the access drive, to best serve future developments on the remaining vacant portions of the site.

Chair Schwartz invited the applicants to make their presentation.

John Gaber, Williams, Williams, Rattner, and Plunkett, 380 N. Old Woodward, Birmingham, was present on behalf of this application. Michael Johnson, Northpoint Development Project Manager, 4825 NW 41<sup>st</sup> St., Riverside MO was also present, as was Jim Butler, PEA, 2430 Rochester Ct., Suite 100, Troy, civil engineer for the site.

Mr. Gaber said they were in agreement with review comments made by the City. MDOT had mandated they change the location of the access drive, and the drive was 90 feet further to the east than before. He explained that the access drive would also serve other uses on the site as those were developed.

Commissioner McRae asked if the entrance boulevard could provide 24-foot wide lanes, as requested by the Engineering Division. Mr. Butler said this was potentially doable by expanding the drive further to the west.

Commissioner Brickner disclosed that he had recently had a case where Mr. Gaber's law firm was the opposing counsel. City Attorney Schultz said that activity did not disqualify Commissioner Brickner from this case.

City Planner Stec pointed out that the green space around the entrance drive was mostly grass. The Commission could require additional landscaping if they so desired. Chair Schwartz noted that the area would also hold a sign.

Commissioner Brickner said he considered the requested change a minor amendment and would support approving the revised site plan.

Commissioner Countegan agreed, and offered the following motion:

**MOTION by Countegan, support by McRae, that proposed amendment to Site Plan 71-12-2017 for P.U.D. Plan 3, 2017, dated January 23, 2020 submitted by Northpoint Development LLC to relocate the Northwestern Highway access drive to the south and to include the additional land into the PUD boundary is a minor amendment to the plan, and also that the proposed amendment be approved in accordance with Section 34-3.20 of Chapter 34, Zoning Ordinance, with the following finding and conditions:**

**Finding:**

Given the entire scope of the PUD, revising the location of the access drive on Northwestern Highway to comply with MDOT requirements as presented this evening constitutes a minor change.

**Conditions:**

1. Submittal of an updated photometric plan for administrative review.
2. The boulevard have 24 foot drive lanes if possible.
3. Actual placement of the internal driveway can be changed as the south and west lots are developed.

**Motion carried unanimously.**

**DISCUSSION: PROPOSED RESOLUTION SUPPORTING HN 5229**

Commissioner Mantey distributed a proposed resolution: RECOMMENDATION TO CITY COUNCIL TO RESOLVE IN FAVOR OF HN 5229 AND THE RTA PROPOSAL.

HN 5229 was a Transit Plan Proposal for a regional transportation taxing authority in Oakland, Wayne and Washtenaw Counties, in order to support regional transportation in the 3 counties.

After discussion, the consensus of the Commission was to offer a motion recommending to City Council that they support House Bill HN 5229, without referencing a resolution. It was noted that this action needed to take place quickly; time was of the essence.

**MOTION by Mantey, support by Schwartz, that the Planning Commission recommend to City Council that they adopt a resolution in support of the Transit Plan Proposal associated with House Bill HN 5229.**

**Motion carried 6-1-1 (Countegan opposed, Trafelet abstained).**

**APPROVAL OF MINUTES:** December 12, 2019 and January 23, 2020

**MOTION by Stimson, support by Countegan, to approve the December 12, 2019 meeting minutes with the following correction:**

2<sup>nd</sup> paragraph after the motion at the top of page 9: ~~9:50 p.m.~~ 9:05 p.m.

**Motion carried unanimously.**

**MOTION by McRae, support by Mantey, to approve the January 23, 2020 meeting minutes as published.**

**Motion carried unanimously.**

**PUBLIC COMMENT:** None.

**COMMISSIONERS' COMMENTS:**

Commissioner Mantey thanked the Commission for supporting the motion to ask City Council to support HN 5229.

Commissioner Brickner asked that staff look into the possibility of installing a barrier for the sidewalk access ramp that dropped off at Drake and Pleasant Valley.

Chair Schwartz asked staff to look into the possibility of using tree fund dollars to create and/or enhance the sound and visual buffer by planting trees along I-275. If this was not possible, consideration should be given as to how the significant funds in the tree fund should be used.

Chair Schwartz suggested that *Landscaping Around Private Utility Substations* (DTE and Consumers) be placed on a future study session agenda.

Commissioner McRae was concerned that the Commission was too often abdicating responsibility for landscape plan approvals and other revisions to staff.

The next meeting would be March 19.

**ADJOURNMENT:**

Seeing that there was no further discussion, Chair Schwartz adjourned the meeting at 9:18 p.m.

Respectfully Submitted,  
Dale Countegan  
Planning Commission Secretary

/cem