

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBERS  
December 17, 2015, 7:30 P.M.**

Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on December 17, 2015.

Commissioners Present: Blizman, Fleischhacker, Mantey, McRae, Orr, Rae-O'Donnell, Schwartz, Topper

Commissioners Absent: Stimson

Others Present: Staff Planner Stec, Staff Engineers Darnall and Nelson, Fire Marshall Olszewski, City Attorney Schultz, Planning Consultant Arroyo

**APPROVAL OF AGENDA**

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

**Motion carried unanimously 8-0 (Stimson absent).**

**PUBLIC HEARING:**

**A. CLUSTER SITE PLAN 69-8-2015**

LOCATION:	East side of Orchard Lake Rd. and south of Springland St.
PARCEL I.D.:	22-23-14-302-001, 002, 003 & 004
PROPOSAL:	Cluster Site Plan including Open Space Plan for eight (8) one-family units in a RA-2, One-Family Residential District
ACTION REQUESTED:	Cluster Site and Open Space Plan approval
APPLICANT:	Ben Lockhart of S & L Associates Inc.
OWNER:	S & L Associates Inc.

Damon Thomas, Centric Design Studio, 440 Burroughs Street, Detroit MI 48202, was present on behalf of this application. Ben Lockhart of S & L Associates, 28300 10 Mile Road, Southfield MI was also present.

Utilizing overhead slides, Mr. Thomas explained that this proposed cluster option was on Orchard Lake Road south of Springland, on the east side. They were seeking Cluster Site Plan and Open Space Plan approval for this project. There were 8 homes set up in a duplex cluster home style. There was a front driveway with an entrance off of Orchard Lake Road and also an entrance off of Springland.

Mr. Thomas explained that the version depicted on the overhead screen was not the most current submittal. Sheet AS-1, in the Commissioners' packets, had the most recent depiction of the driveways. When this application was set for public hearing on October 15, 2015, one of the things discussed was the possibility of eliminating the access drive off of Springland and adding a second curb cut to Orchard Lake Road. Mr. Thomas had explored this possibility with the Road Commission for Oakland County. The Road Commission had rejected having two curb cuts on Orchard Lake and had suggested moving the single curb cut further north, in order to avoid a turnaround. The Road Commission had done a traffic study and had made written comments. Both of these should be in the Commissioners' packets.

For the benefit of the audience, Staff Planner Stec showed on the overhead where the two curb cuts had been proposed. Mr. Thomas explained that the Road Commission had rejected one curb cut as being too close to a turnaround, and had rejected the second curb cut as it conflicted with the truck loon (paved area on the outside

edge of the roadway across from the crossover) located south of Springland. The location of the Orchard Lake curb cut as now submitted would be approved by the Road Commission. Also, the City Traffic Engineer agreed with the Road Commission in terms of rejecting two curb cuts on Orchard Lake, and placing a single curb cut where it was now shown. Additionally, both the Road Commission and the City Traffic Engineer supported having an access off Springland.

Mr. Thomas continued that another issue called out in the October meeting was the location of the power lines toward the back of the plan. There were a several lines there – DTE, Comcast, etc. The idea was put forward of possibly burying those lines in the ground, in order to add and protect the tree buffer to the adjacent properties. As a result of that discussion, Mr. Thomas had met with Mr. Mira, Service Planner for DTE. Mr. Mira said that placing lines underground would be a really expensive endeavor. Much property would have to be dug up, including the adjacent properties and the street. Mr. Thomas said he could move the utility lines closer to the homes and away from the trees.

Mr. Thomas had submitted pictures, which showed the landscape buffer at different times of the year, including when the deciduous trees had no leaves. He pointed out how dense the barrier was, even during cold weather months.

Chair Topper asked if trees would have to be removed in order to install the lines underground. Mr. Thomas said this was not the issue. Rather DTE had estimated the cost of putting in underground lines as somewhere between \$500k and \$1 million, and Springland would have to be dug up. DTE did not recommend doing this. Typically lines were put underground for large subdivisions, not for small developments like this one.

Mr. Thomas concluded that they had submitted a tree survey as requested at the last hearing. He believed they had addressed all the issues brought out in the October 15 meeting.

Commissioner Orr noted that he had been the one asking about underground lines, and he thanked Mr. Thomas for investigating putting those in. Commissioner Orr agreed that this was not feasible. However, looking at drawing AS.01, showing revisions dated 11/18/2015, the existing power line on the furthest south units A and C was 13 feet 8 inches from the rear of those buildings. At the other end the power lines were about 26 feet. Was the 26 foot location DTE's choice?

Mr. Thomas said that placement of the power line was flexible and the lines could be moved closer to the buildings.

Commissioner Orr asked that the power lines be moved five feet closer to the buildings, in order to save more vegetation. Mr. Thomas said he could do this.

Commissioner McRae asked about the odd jog of the power line to a second pole in the middle of the pond. Mr. Thomas said that DTE had added that pole. He could discuss this with the DTE Engineer to see if there were any options to that particular placement.

Regarding the curb cuts, Commissioner McRae asked if Oakland County had acknowledged that if this property had been developed with four individual homes, there would have been four curb cuts on Orchard Lake Road.

Mr. Thomas said that while he had not discussed this with the Road Commission, he had noticed that typically the corner house, if built individually, would have a curb cut off Springland.

Commissioner McRae said that moving the curb cut to its new location seemed to put it in the worst possible grade area. Was that an issue for the applicant? Mr. Thomas said this was not an issue, and they would work this out with the Civil Engineer.

Chair Topper asked Planning Consultant Arroyo to give his review.

Utilizing overhead slides and referring to the December 8 Clearzoning review letter, Planning Consultant Arroyo gave his report regarding this application. Some minor items were noted that had to do with references and notes on the plans that needed to be cleaned up. The applicant had submitted tree survey information as well as a cost estimate. However the cost estimate, including the revised cost estimate, still did not match the plan in terms of the actual number of units. The motion had to include the escrow amounts for the open space improvements that would be 150% of the cost estimate. As best as he could tell based on the chart provided by the applicant, Planning Consultant Arroyo said that number should be \$77,728.00.

Much of the information in the review letter had been seen at the October 15 meeting. The plan had not significantly changed, except for the access drive and some minor adjustments. The applicant had added landscaping along the property lines in order to enhance the buffer there, where, as the applicant had pointed out, there was a fairly substantial tree buffer already in place. They were supplementing that with additional plants, and this was a benefit over the plan as submitted in October. The per unit replacement costs of the trees were addressed in the revised landscape plan; there were just some difference in quantities. There were a couple of other minor adjustments that could be approved administratively. The tree replacement plan had been provided and provided the appropriate replacement of trees as required by ordinance.

Commissioner Orr confirmed with Planning Consultant Arroyo that item 13 on page 4 (plans signed and sealed by responsible professional) and item 2 on page 5 (tree replacement plan must be sealed by a registered surveyor and a registered forester or arborist) could be resolved administratively.

Chair Topper asked Staff Planner Stec if there had been any correspondence from the public regarding this matter. He said there had not been any written correspondence.

Chair Topper opened the public hearing.

Edward Naccashian, Springland Street, was opposed to the access drive on Springland, specifically because of conflicts with entering traffic from Orchard Lake Road from the north, and with children and parents waiting at the bus stop there. He supported a service driveway for the 4 building units and one entrance on Orchard Lake Road only.

Ian Simpson, Springland Street, wondered about the impact of certain Springland Subdivision deed restrictions on this development. City Attorney Schultz explained that both City Council and the Planning Commission were prohibited by law to take deed restrictions into account when making their decisions.

Martha Soltis, Springland Street, was opposed to the access drive on Springland. Specifically she was concerned about adding the traffic of 8 more families on the street. The present homeowners had just paid \$7,000 for road improvements in the subdivision.

John Barkach, Springland Street, was opposed to the access drive on Springland. He agreed with Mr. Naccashian regarding the difficulty of entering Springland at certain times of the day. He did not want construction traffic on Springland Street, especially due to the \$7,000 they had just paid for road improvements. Was the developer considering an earthen berm between the development and Springland?

Lisa Ganocy, Springland Street, was opposed to the access drive on Springland. She had just paid \$7,000 to improve the road. She was opposed to increased traffic on Springland, especially as this related to the safety of children in the area.

Eileen Hugelier, Springland Street, opposed the access drive on Springland. She was directly across the street on Springland from this development. She felt a driveway there would be hazardous for drivers, and lights from that driveway would flash into her home.

Cynthia Annatoyn, Springland Street, opposed the access drive on Springland for the same reasons already mentioned. Also had an environmental study been done regarding the run-off that would go into the pond?

Kathleen Farmer, Springland Street, opposed the access drive on Springland for the same reasons already mentioned. She mentioned Oakland Community College traffic and the difficulties of accessing Springland already. Also, would flooding increase because of this development?

Keith Koehler, Springland Street, opposed the access drive on Springland. Would the new property owners also have to pay for the recently constructed roads in the subdivision? Also, if a berm were built on Springland, he asked that the corner clearance area be sufficient to see the traffic on Orchard Lake Road.

Dan Malone, Springland Street, opposed the access drive on Springland for the same reasons already mentioned. There was no reason to have that access.

Julie Work, Springland Street, opposed the access drive on Springland. The traffic at the Orchard Lake corner and the school busses that stopped there made that corner difficult already. She was also concerned with having 8 homes on the subject property.

Patricia Willis said that her family owned the home adjacent to the proposed development, and had owned it for 60 years. She was concerned regarding the placement of the utility lines. She asked how close the back of the new homes would be to the rear lot line.

Jim Downing, Springland Street, opposed the access drive on Springland. That was already a dangerous section of Orchard Lake Road, and the traffic problems relating to the u-turn already referred to did exist. He was also concerned about headlights shining into the homes.

Emilie King, Springland Street, opposed the access drive on Springland. She lived on the north corner of Springland and Orchard Lake Road and would have a conflict backing out of her driveway with the additional traffic. She supported the development generally. At the October meeting it appeared that the Springland curb cut would only be open for emergencies.

Dave Farmer, Springland Street, opposed the access drive on Springland. Especially in the winter that corner was dangerous and quite scary. It did not seem that the curb cut was necessary.

Seeing that there was no further comment, Chair Topper closed the public hearing. She invited Mr. Thomas to respond to the concerns stated.

Mr. Thomas said that he appreciated the neighbors' concerns, especially regarding the Springland Street curb cut. Originally they were planning to have a single curb cut on Orchard Lake Road. However, the City Fire Department had said that the driveway was too long for a single curb cut, and they needed a second access.

Chair Topper asked if they had explored making two separate roads for the development. Mr. Thomas said this would not resolve the issue of the Springland curb cut. The Road Commission of Oakland County was unlikely to approve two roads there.

Mr. Thomas addressed the comments regarding deed restrictions for this parcel. If these were single homes, the corner home would have a drive off of Springland. Additionally, the property had been pre-approved for a cluster option, which eliminated the normal first step of seeking approval for that option.

Chair Topper explained to the public that this was a Special Planning Area and was pre-approved for the cluster option.

Mr. Thomas said the rear setbacks were in compliance with the Ordinance. Drawing AS.01 showed the closest home to the rear lot line was 38 feet. The setback requirement was 35 feet so the applicants exceeded that.

For the sake of the public present, Commissioner Fleischhacker explained the history of the planning for this Special Planning Area. In years past the City had been pressured to develop this portion of Orchard Lake Road with offices. The Commission wanted to protect the residential character of the road but no one wanted to build new single-family homes along Orchard Lake Road. Therefore the Commission had pre-approved the sites for the cluster option, which would retain single family residential development and discourage those that were pressuring for office development. Having said that, Commissioner Fleischhacker said that he also had concerns with the access drive on Springland, as the purpose of the cluster option was to keep such developments from intruding on the existing neighborhoods.

Commissioner Rae-O'Donnell asked the applicants to answer the questions regarding the retention pond and the water runoff on the site.

Engineer Michael E. Lawicki, Alfred Benesh & Company, 615 Griswold Street, Suite 600, Detroit MI said that the drawings showed a pre-treatment for the rain water that fell on hard surface on the site. The flow into the pond was through a small 2-1/2" diameter pipe, providing a trickle effect. The slow flow of the water combined with the pre-treatment mitigated any environmental concerns with the rain water. The Engineering Department had reviewed these plans.

In response to a question from Commissioner Orr, Fire Marshall Olszewski said they could not have a dead end road longer than 150 feet. Commissioner Orr acknowledged the property was 530 feet long and therefore it would not be feasible to accept a dead end road.

In response to a question from Commissioner McRae, Fire Marshall Olszewski said that he had not yet reviewed the latest submission. The requirement for the 150-foot limit for a dead end road was found in Chapter 12 of the Fire Department Site Plan Ordinance. They looked at the plan for fire truck and medical vehicle access.

Commissioner Blizman said that at the October meeting the Commission had not wanted an entrance on Springland and instead had wanted two curb cuts on Orchard Lake Road. However, the Road Commission for Oakland County was the deciding body for the location and number of curb cuts on Orchard Lake. Given that fact, was it possible to make the access on Springland an emergency access only?

Fire Marshall Olszewski said he did not have an issue with that solution. They were most concerned with the safety of the residents and of their own first responders. It was much safer for the emergency responders to utilize an access off of Springland.

Mr. Thomas offered the following solution: there would be an access road off of Springland, but this access road would have an emergency gate that would stay closed, with responder personnel being able to get through via a lockbox mechanism or other means that could be worked out with the Fire Department. The residents of the cluster development would be restricted to entering and exiting off of Orchard Lake Road. Mr. Thomas suggested that this condition be part of an approving motion.

Fire Marshall Olszewski said that this solution would work for the Fire Department.

Commissioner Schwartz also supported this solution. He noted the applicants had worked with the City to provide two curb cuts on Orchard Lake Road but the Road Commission for Oakland County had not allowed this. The emergency exit on Springland seemed a good solution. He referred to other similar emergency access points in the City.

Commissioner Mantey spoke to the traffic issues in the area, especially for those traveling south on Orchard Lake Road and utilizing the turnaround to access Springland. As a past frequent rider of the 12 Mile Bus, which bus had to use the concrete pad in order to turn around, he wondered if this wasn't a good opportunity to widen Orchard Lake Road in that area.

Staff Engineer Nelson explained that the City could not tell Oakland County what to do with Orchard Lake Road. It was not a city road, and any changes to Orchard Lake would have to be instigated by the County. The concrete pad was specifically designed to assist truck and bus turnarounds in that area. Additionally, the cost of any improvements to Orchard Lake Road would have to be borne by the property owner; this could be very significant.

Chair Topper asked Mr. Thomas if he had any further comments. Mr. Thomas reiterated that they were willing to make the access off Springland an emergency access only. He also wanted to address the issue of utility lines and the trees on the property. They were not proposing to cut any trees to move the line closer to the center of the property where there were no more trees. Additionally, they were going to plant more trees on the property.

Chair Topper asked about construction traffic on Springland. Contractor Michael Woodhouse, West Bloomfield, said that there would be no construction traffic on Springland. All construction traffic would utilize Orchard Lake Road.

Chair Topper asked Mr. Thomas to address the possibility of a berm along Springland. Mr. Thomas said there was not adequate space for a berm at that location, and additionally a berm would reduce traffic visibility. They would be installing landscaping along Springland including new trees. The proposed homes were not especially high.

Chair Topper agreed that there was not enough depth in that area to install a berm.

Commissioner Rae-O'Donnell confirmed that Mr. Thomas agreed with the Clearzoning cost estimate of \$77,728.00.

Chair Topper asked about the concern regarding basement flooding.

Mr. Lawicki said the detention pond and drainage pipes had to be engineered to capture a "ten-year event." They would not be adding water to the surrounding neighborhood.

Seeing that there were no further questions for the applicant, Chair Topper brought the matter back to the Commission.

Regarding the water issues, Commissioner McRae said that in the past well-planned developments that met City engineering standards actually relieved problems, rather than made them worse.

Commissioner Fleischhacker confirmed with Staff Planner Stec that an approving motion for this cluster option would include an approval for the site plan also. Should the Commission further review the landscape/site plan? Did the landscape plan meet City ordinance requirements?

Chair Topper noted that Planning Consultant Arroyo had referred to the healthy amount of trees being replaced on the property.

Planning Consultant Arroyo further explained that the site/landscape plan generally met requirements. There were minor details that could be resolved administratively before the plan went to the City Council, but the plan was in substantial compliance with the ordinance and the applicants were providing appropriate tree replacement.

Commissioner Orr asked Mr. Thomas if the shrubs shown on the landscape plan beneath the utility lines would be moved when the utility lines were moved. Mr. Thomas said they had not discussed doing this. Commissioner McRae said he thought the bushes should remain at the rear property line.

Chair Topper indicated she was ready for a motion.

**MOTION by Orr, support by Blizman, that the Planning Commission grant tentative approval of Custer Site Plan including Open Space Plan No. 69-8-2015, dated November 18, 2015, submitted by Ben Lockhart of S&L Associates, and further that the escrow amount for the open space improvements be set at \$77,728, representing 150% of the cost estimate for open space improvements submitted by the proponent.**

**This approval is based on the applicant's compliance with the following conditions:**

- **All construction traffic be limited to the Orchard Lake Road entrance.**
- **Springland entrance be limited to emergency use only, and an opaque gate installed there in order to shield nearby homes from headlights.**
- **The bushes remain as shown on the plan at the eastern (rear) property line.**
- **A revised plan be submitted for administrative review showing the following:**
  - **The DTE utility poles are located 20' from the rear of the new housing units**
  - **Compliance with the recommendations of the December 18, 2015 Clearzoning review report**
- **The plans be approved by the Engineering Department.**

**Motion carried unanimously 8-0 (Stimson absent).**

Staff Planner Stec explained that the next step for this application was to go before City Council for a public hearing and consideration for final approval.

Chair Topper called a short break at 8:57 p.m.

Chair Topper reconvened the meeting at 9:06 p.m.

**B. SUBDIVISION OPEN SPACE PLAN 1, 2015**

LOCATION: 34275 Oak Forest Rd. (former Wooddale Elementary School)  
PARCEL I.D.: 22-23-09-251-009; 252-001, 002 & 003; 255-019  
PROPOSAL: Subdivision Open Space Plan (18 detached single-family homes) in RA-1, One-Family Residential District  
ACTION REQUESTED: Tentative approval of Preliminary Plan  
APPLICANT: Forest at Wooddale LLC  
OWNER: Farmington Public Schools

George Major, partner in the Windmill Group, 31333 West 13 Mile Road, Farmington Hills was present on behalf of this application. He explained that they had been building developments in Farmington Hills for over 20 years. They were excited about proposing this new subdivision for the former Wooddale School property. They were proposing 18 single-family homes with a park area and a water feature/detention basin at the entrance. The last development they had completed in Farmington Hills was the Riverwalk subdivision in the southern part of the City. They had just begun a development at the former Flanders School property in the City of Farmington.

Mr. Major said they had worked with the City's Planning and Engineering Departments, and tonight's plan was generally acceptable to these departments. They were here to answer questions this evening.

Chair Topper asked Mr. Major to describe the plan in more detail.

Mr. Major explained that the plan was to develop 18 single family home sites, designed as an Open Space Plan which permitted slightly reduced lot sizes than those required under RA-1 Zoning. RA-1 Zoning required lot sizes of a minimum average of 20,000 square feet. This plan provided slightly smaller sizes, with 90-foot widths instead of the 100 feet normally required, and the lot depth of 120 feet was slightly shorter than normally required. Front setbacks would be 35 feet instead of 40 feet.

A wooded area as well as a detention basin/water feature would be provided at the entrance to the community. There would be a walkway beyond the detention area that would go into a park area, and then on to the northernmost part that would connect with an open space area in the community behind this project. They had connected the road to Forest Ridge Drive, which was an existing stub street to the north, and they had connected to Oak Forest Drive, which was the existing entrance to the west to the former elementary school. They were planning on constructing homes between 2500 – 3500 square feet, designed as 3 and 4 bedroom colonials.

Commissioner Orr said that the consultants' review had indicated a very steep incline running through the middle of Sites #11 and 12. Commissioner Orr said he was always interested in saving trees and when trees needed to be planted, he encouraged the use of native trees. In this case the developers were taking the tree line 2/3 of the way back toward the property line in order to get a building site. Was it possible to raise the proposed homes so that there could be a lower level garage entrance and a higher first floor level so that more trees could be saved and the property would not have to be regraded?

Mr. Major said they would take a look at those ideas. These would be custom homes with custom designs for each site.

Sami Harb, partner in Windmill Group, further explained that they would work with the Engineering Division as each site was developed. They too wanted to save trees for both economic as well as aesthetic reasons. Mature trees provided a premium for the homeowner. Grading would be worked out during final engineering review.

Commissioner Orr referred to Sheet P-4.1, which showed a small box (manhole) on the diagonal lot line between Lots #11 and 12. What was the manhole for?

Mr. Harb said that was the rear yard storm drain. These were being kept away from the rear yards in order to better save trees in the back yards. The drain was required by the City.

Commissioner Orr wondered if trees would be removed in order to install this drain. Was it possible to not disturb areas where there were many trees?

Mr. Harb said they would look at all options when they developed final plans.

Commissioner Fleischhacker said there were many trees on the northern part of this plan that connected to Colony Park. Could the applicants address which trees were being removed there? When Colony Park was built the developers were careful to leave as many mature trees as they could, especially in front yards, with the result that the subdivision looked like it had been there for a long time even when the homes were first built. Was that the applicants' plan for the proposed subdivision, or would every tree be removed at each home site as happened in many new subdivisions?

Mr. Harb said that right now they were planning Phase 1 of the development, and the planned tree removals would allow the road that to be installed. After that they would look at each home site and they would try to save as many trees as they could.

Chair Topper invited Planning Consultant Arroyo to give his report.

Utilizing overhead slides and referring to his review letter dated November 9, 2015, Planning Consultant Arroyo gave the background for this request, which was a request for a site condominium, open space plan and tree removal permit for Forest at Wooddale, a single family detached condominium project with an open space option.

Planning Consultant Arroyo described the location of the former elementary school property. Access was proposed via two existing stub streets. Connecting with these streets was required by Ordinance for new subdivisions. The design was following the requirement of the Ordinance.

The City's Master Plan for Future Land Use designated the majority of the property as School. However, if the school use were to go away, the Residential Density Plan designated the property as low-medium, which was consistent with the current RA-1 zoning of the property. The parcels located at the northwest section of the property were designated in the Master Plan as Private Recreation and the Residential Density Plan designated the parcel as low-medium. The intent of the RA-1 Zoning District was to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially related facilities which served the residents in the district.

The applicant was proposing to develop the property in accordance with the Subdivision Open Space Plan option. The purpose of this option was to promote the preservation of open space while allowing a reduction in lot sizes in instances where the reduction in lot sizes would be compatible with lot sizes existing in the surrounding area.

The RA-1 District had a minimum average lot size of 20,000 square feet with the smallest lot size required to be a minimum of 18,000 square feet. The required minimum lot width was 100 feet and setback requirements were 40 feet (front), 10 feet/25 feet (sides) and 35 feet (rear).

Under the Subdivision Open Space Plan, the City might permit the modification of District minimum requirements as follows: Density permitted was 1.7 units per gross acres (18.5 units), lot width was 90 feet, lot depth was 120 feet, front yard setback was 35 feet, side yard setback was 8 feet/20 feet, and rear yard setback was 35 feet. Corner lots were required to have an additional 10 feet of width; the corner lot appeared to meet this requirement.

Again, the reason for the modifications under the Subdivision Open Space Plan was to preserve open space. Planning Consultant Arroyo pointed out the areas of open space as shown on the overhead slide, located in the northwest portion of the subdivision as well as the detention area and the sidewalk connection to both of those areas. Open space totaled just over 2 acres.

The proposed density of 18 units met the maximum allowed under the Subdivision Open Space Plan. The plan had been modified since the original submission, with changes made in utility locations, attempting to minimize the reduction of trees. From a lot perspective, there were many opportunities to preserve trees and this should certainly be the goal, particularly along the borders of the proposed subdivision.

In reviewing a Subdivision Open Space Plan, the City must consider the objectives found starting on page 2 of the review letter. These included:

1. To encourage appropriate relationships in orientation and size of yards and open spaces with other developed parcels in the area. *The units had a rear yard to rear yard relationship with abutting residential developments continuing a similar development pattern, which was appropriate.*
2. To provide a more desirable living environment by preserving the natural character of wetlands, stands of trees, brooks, hills, and similar natural assets. *The area identified as open space was located at the northwest corner of the project area. The site was heavily wooded along the perimeter of the project area. The Planning Commission might wish to discuss methods of requiring tree preservation as part of the individual condominium unit development.*
3. To encourage developers to use a more creative approach in the development of residential areas. *This subdivision design had a conventional layout but included an open space not typically found in conventional subdivisions.*
4. To encourage the provision of open space within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities or preservation of natural environmental assets. *The area designated as open space on the plan was consistent with its designation as Private Recreation and was contiguous with existing open space located to the north of the property. The location of the detention area and the open space created a natural north/south corridor, including the proposed sidewalk.*
5. To encourage a more efficient, aesthetic, and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site. *The open space area had expanded from the first submittal that was administratively reviewed. The heavily wooded 1.13-acre area together with the 1.07-acre detention area with fountain provided a natural resource with aesthetic benefits to this site and adjacent properties.*

Planning Consultant Arroyo said that the conditions that must be met in order to approve modifications of the City standards under the Subdivision Open Space Plan were met. These were listed on pages 3-4 of the review letter.

Planning Consultant Arroyo pointed out that the requirements of the Subdivision Open Space Plan were listed on pages 4-5 of the review letter. This information included a statement of principles and why the City had included this type of development generally. He pointed out that the open space as shown on the plan

constituted over 19% of the total site area. Consideration should be given to preserving as many existing trees as possible during the construction process.

The standard for parcels for common use was that the parcel dedicated for the common use of the subdivision should in no instance be less than 2 acres and should be in a location and shape approved by the City. This standard had been met with 2.2 acres of property designated as open space. Approximately 1.07 acres of this was considered to be the detention basin and entrance to the subdivision.

Regarding application contents and specific findings, the following needed to be considered:

1. The effect upon neighboring areas which would result by the subdivision open space plan and the compatibility of the development of the lot sizes proposed under the subdivision open space plan in relation to the surrounding area. *The proposed plan lot sizes were generally compatible with the surrounding area. No detrimental impact to the surrounding land area would be anticipated from this proposal.*
2. The location and layout of the reduced lot sizes in relation to the existing lot sizes in the surrounding area. *The general configuration of the lots and street layout were consistent with the adjacent residential developments.*
3. The suitability of the proposed open land for purposes proposed. *The area designated as open space was located at the northwest corner of the project and accessible from a 5-foot wide walkway at the westerly entrance to the project area.*
4. The need for the proposed uses in the general area. *The application had not identified the need for the proposed residential units in the immediate area. In general, the housing market was seeing an increase in activity, but additional information was required.*
5. The location and layout of the open spaces with relation to the lots within the subdivision. *The open space was located at the northwest corner of the project area with access from a 5-foot wide walkway.*
6. Any other factor related to the development and proper design of the proposed subdivision. *No other factors had been identified regarding the design of the proposed subdivision.*

Planning Consultant Arroyo pointed out that the Master Plan actually designated the open space area in the northwest corner as Private Recreation.

Planning Consultant Arroyo said that there were certain requirements regarding city attorney review and opinion. These were listed on page 6 of the review letter.

Regarding tentative Planning Commission approval, if the Commission was satisfied that the proposed subdivision open space plan met the letter and spirit of the zoning chapter and this chapter and should be approved, it should give tentative approval to the plan with the conditions upon which such approval should be based. The plan would then move on to City Council for the next stage of the approval process.

Planning Consultant Arroyo said that the road that would be constructed was a public road and this would be connected to stub streets that were also public roads. This was consistent with the requirements of the ordinance.

Planning Consultant Arroyo reviewed the Tree Removal Permit. He noted that the Permit was for the development of the site generally, not the construction of the individual home sites. There were 728 regulated trees, including 81 landmark trees. 134 regulated and 15 landmark trees would be removed. 158 trees would be required to be replaced, and these had been provided on the landscape plan. The applicant was proposing larger sized trees to meet the replacement requirement of 262 trees. This was allowed with approval from the Planning Commission. As a result some of the trees going in would be larger than normal for new trees in a subdivision.

Regarding the landscape cost estimate, Planning Consultant Arroyo said that 4-inch deciduous trees more commonly ran \$425-\$450. Based on the adjustment to a cost of \$425.00 for those specific trees, the cost estimate at 150% should be revised to \$114,540.00.

Planning Consultant Arroyo concluded his review.

Commissioner Schwartz asked if there was enough room between Lots #7 and 8 to install a cul-de-sac instead of connecting to Forest Ridge. Planning Consultant Arroyo said to do this would force the loss of lots. Additionally the ordinance required the connection to Forest Ridge. This was different than the plan previously heard this evening, which dealt with a private street.

Commissioner Schwartz noted that if a traditional RA-1 subdivision were put in, the Commission would not have the opportunity to negotiate tree removal, open space, etc. Planning Consultant Arroyo concurred. The lot sizes would be larger and more trees would be removed under a traditional plan. There were more trees being saved by this option than under a traditional development.

In response to a further question from Commissioner Schwartz, Planning Consultant Arroyo said that under either option – traditional or open space plan – the ordinance required that the Forest Ridge stub street be opened up. The use of Oak Forest Drive was also required.

Commissioner Fleischhacker asked Planning Consultant Arroyo to explain the configurations of Lots #11 and 12 in terms of lot width. Planning Consultant Arroyo explained that the lot width was measured at the property setback line, not the street line.

In response to a comment from Commissioner Mantey, Planning Consultant Arroyo confirmed that the subdivision ordinance required that the stub streets be connected to the new subdivision road. He referred to Section 27-57 Streets. (1) Location and arrangement: *c.: The street layout shall provide for connections of roads to adjacent subdivisions . . .*

Commissioner Mantey asked for the planning theory behind this ordinance. Staff Engineer Darnall explained that this requirement was for functionality: city plows, garbage trucks, post office, etc., all used these public streets and needed the connection. It was not efficient to have these public services have to go to the end of a subdivision, hit a dead end, and then have to turn around to go back the way they had come.

Chair Topper further explained that connecting subdivisions benefited walkers and bikers as they walked through one neighborhood to another.

Commissioner Blizman said the most obvious reason for requiring connection was for the health, safety and welfare of residents, so that police and fire vehicles could most efficiently get to neighborhoods when emergencies arose.

In response to a question from Commissioner Blizman, Planning Consultant Arroyo said the neighborhood to the south of this proposed community was also zoned RA-1. Staff Planner Stec explained that all of Section 9 was zoned RA-1.

Commissioner Orr asked where the sewer was entering this subdivision. Staff Engineer Nelson said the sewer stub was off Oak Forest Drive, between Lots #17 and 18. There would not be any sewer connection to the north.

Commissioner McRae asked why the development would not connect to Peppermill Road. Staff Engineer Nelson said there was no stub street at Peppermill, and there was nothing to connect with there. Forest Ridge had a stub and was designed to be connected. Peppermill was only a paper street at this location. Also, in response to a further question from Commissioner McRae, the proposed sidewalk would not be maintained by the City, and in the winter would likely be snowed over unless the development maintained it.

Commissioner Fleischhacker said that Peppermill had been at one time the entrance to the school. Staff Planner Stec said that the City owned the 60-foot wide right of way of the paper street.

Commissioner Schwartz addressed two planning principals:

1. Cul-de-sacs had value and were generally safe for the homes that were placed on them.
2. The street design for this entire square mile was designed to eliminate cut-through traffic.

Under the current ordinance the traffic pattern would change. It would be rational for residents who lived in the center of the square mile to use the new development as a cut through to get to the main streets. Perhaps the ordinance needed to be reviewed now that the City was so developed.

Chair Topper explained that the ordinance was in place to encourage connectivity and to provide for the safety of the residents.

Chair Topper opened the public hearing.

Brian Whisenhunt, Oak Point Drive, opposed the opening of Forest Ridge. He lived at the corner of Forest Ridge and Oak Point. Could a variance be sought regarding the stub connection at Forest Ridge? He didn't see why 18 new homes should change something that hadn't bothered anyone for 50 years. Fire access came from 13 Mile and Drake and had easy access to the entire square mile. His home backed right up to Lot #7, and he was concerned about the trees being removed from Lots #5, 6, 7 and 8, which would change the serenity of the neighborhood. Those lots offered no benefit to Colony Park or Colony Park West. The public benefits being offered were not accessible to most people. The public space was boxed in by five new residences, and in order for other residents to enjoy that space they would have to trespass. He would like to have the homes shifted in order to create a common woods buffer and continue the serenity that existed now. He felt the plan needed to be redone to benefit existing homes of the three subdivisions that had enjoyed a calming isolation, and also to benefit the people purchasing the new homes.

Debbie Lamson, Oak Point Drive, opposed the opening of Forest Ridge. There were 180 homes in her subdivision. Opening Forest Ridge to Oak Forest to the south opened the roads to Colony Park West with over 400 homes. The majority of the trees would be removed from Lots #5, 6, 7 and 8. Most of the trees on the property had been tagged. Removing the trees would eliminate some of the beauty of the area. The park in the corner would not be accessible without trespassing. 18 houses on this property were a little excessive. A few less would give room for a cul-de-sac and preserve more trees. Colony Park and Colony Park West did not have sidewalks. Sidewalk connections from the new subdivision would not have any sidewalks to connect with. The Peppermill entrance had been changed, as noted. In the past, 300 children attended school at this property and used only the one entrance. Plow trucks, emergency personnel etc. had all managed by driving around the school property.

Robert Smith, Oak Point Drive, opposed the opening of Forest Ridge. He said that traffic already sped through the area. If Forest Ridge was connected, traffic and safety problems would increase due to cut-through traffic. When Colony Park was built homes were built around the trees. He would like to see the same thing happening with the new subdivision.

Mark Roberts, Oak Point Drive, opposed the opening of Forest Ridge. He agreed with safety issues already addressed. He was concerned that there was a law in place that prohibited making an exception to connecting to a stub street, thus compromising the peace of their neighborhood. They had been a stand-alone community for 50 years. The street having to be opened up for the convenience of others did not make sense to those who had lived in this community for many years.

Tom Grossi, Colony Park Drive, opposed the opening of Forest Ridge. He spoke of the ease of using the new street as a cut-through from Bunker Hill, for instance. The ordinance was requiring the creation of a “mega-neighborhood.”

Bill Kennedy, Colony Park Drive, opposed the opening of Forest Ridge. He had a petition of 127 signatures from his subdivision, requesting that Forest Ridge not be opened up. There were options to opening up Forest Ridge and precedents for keeping it closed. He addressed 1) precedent, 2) safety and 3) environmental impact. The developers were responsible for River Walk 1 and 2, and those subdivisions had only one entrance. The school on this site had only one entrance. He disagreed that two access points were necessary. The cut-through traffic would impact the safety of their kids. A cul-de-sac would save more trees than having a connecting road put in.

John Lee, New Bradford, opposed the opening of Forest Ridge. A large number of children walked the streets in his neighborhood. He would like to see more open spaces. He also noted there were no sidewalks in the adjacent subdivisions. The open space provided only benefited a few homes. The fire department already had an access from the west. The planned density seemed too high. There was no reason to provide a cut-through.

Brian Krasicky, Quail Hollow, opposed the opening of Forest Ridge. He asked who owned the subject property. Chair Topper said the Farmington Public Schools – a separate entity from the City – owned the property. Mr. Krasicky addressed the idea that the public actually owned that property, and their approval should be sought for this development. The majority of the people present opposed the cut-through. Following the ordinance did not protect the neighbors, rather it hurt them. He lived across the street from Lot #16. He asked why all the trees were tagged. He would like to have as many trees as possible maintained at the property line for Lots #12 – 18 in order to provide a buffer there. He noted that Lots #15 and 16 were low and wet.

Commissioner Fleischhacker explained that every tree of regulated size had to be tagged so that they could be counted. It didn't mean all those trees were being removed.

Mr. Krasicky also noted that Peppermill had been closed off years ago, probably due to safety reasons. This seemed to set a precedent. He also asked that the City cut the grass at the public right-of way on the north end of Peppermill. He agreed that the common area near the pond was not common – it would be enjoyed by only four homes.

Steve Selinsky, Oak Point Drive, opposed the opening of Forest Ridge. He lived between Huntley and Colony Park, and already experienced difficulty because of cut-through traffic from Farmington Road heading to 13 Mile Road. He was concerned about traffic, and safety of walkers and children. He felt the 18 new residents also would not want that cut-through. Colony Park would be impacted the most. He was also concerned about the trees, the configuration of the commons area, and the impact of construction traffic/equipment on their roads.

John Dwyer, Hunters Point Drive, opposed the opening of Forest Ridge. He walked about 4 miles per day throughout the neighborhoods in the area. Colony Park was unique in that the streets were constructed around trees, and were not always easy to navigate. Adding traffic would impact the safety of the neighborhood.

Kathy Duchene, Forest Ridge, opposed the opening of Forest Ridge. They were the only house on the street and their home would be impacted more than anyone. The hydrant was right across from their home. She agreed with comments already made. Their house was very close to the north property line of the proposed subdivision. The new homes would be very close to their home, and with tree removal they would seem even closer. She pointed out that they owned the woods to the west behind their home, which bordered the planned open space of the new subdivision. She was concerned that people would not realize they were entering private property and would not respect the property line, when they used the open space as proposed. She was not allowed to put up a fence due to deed restrictions of their neighborhood.

Chair Topper confirmed that the woods to the west of Ms. Duchene's home were owned by them privately.

Edward Vietor, Oak Point Drive, opposed the opening of Forest Ridge. He confirmed with Ms. Duchene that her wooded area was swampy. The proposed open area would also be swampy and would not be useable. School children had to walk up New Bradford to catch the bus. Adding traffic to that road was unsafe.

John Wells, Oak Point Drive, spoke on behalf of himself and his wife. They were opposed to the opening of Forest Ridge. Could a variance be sought to the ordinance? He noted that Forest Ridge was 25 feet wide and Oak Forest was 27 feet wide. Addressing the issue that the road needed to be connected for functionality, Mr. Wells said that there was never an issue when the school was there, with many children. Now there were going to be just 18 homes. He submitted pictures of his subdivision showing its beauty.

Mike Cremering, Oak Point Drive, opposed the opening of Forest Ridge. He already lived on a cut-through from Farmington Road to 13 Mile Road, and experienced the traffic during rush hour. The entire square mile would be negatively impacted, especially during rush hours. Families with young children were moving into the neighborhood and safety was a concern. Opening Forest Ridge was just wrong.

Jeff Thiede, Oak Point Drive, opposed the opening of Forest Ridge. He asked if Forest Ridge had to be opened up, could it be gated and used for emergency vehicles only?

Kate Hanley, Oak Point Drive, opposed the opening of Forest Ridge. She represented the newer families with small children, a subgroup that included her own family. Her children had to cross the street in order to get to the bus stop, and already with the cut-through traffic from Farmington Road to 13 Mile this was cause for caution and concern. She supported lessening the number of lots in the new subdivision and utilizing a cul-de-sac.

Blaine Leslie, Colony Park, opposed the opening of Forest Ridge. Common sense said that there was no necessity for opening Forest Ridge. When the school was there people were driving in and out all day, along with busses, with only one access point. They were not against new neighbors, but it did not seem necessary to open Forest Ridge.

Jerry Brown, Oak Point Drive, opposed the opening of Forest Ridge. He thought the quality of the Colony Park subdivision would be reduced if cut-through traffic were allowed. The school had only ever had one entrance. If one entrance was good enough for 400 kids, it should be good enough for 18 homes.

Frank O'Neil, Colony Park, opposed the opening of Forest Ridge. He had the same concerns already stated, especially regarding safety and children. Colony Park was built to make cut-through difficult and it seemed unnatural to construct a road at Forest Ridge. It seemed that 180 homeowners should take precedence over 18 new homes.

Tiffany Vietor, Oak Point Drive, opposed the opening of Forest Ridge. She said she lived at the corner of New Bradford and Oak Point Drive, and she had pulled cars out of her front yard and out of the creek at the curve there. She was concerned about traffic safety and the children who used New Bradford as a bus stop.

Brian Whisenhunt, speaking again, said that the families who bought the new homes would be similar to those who already lived close by. Those families also would not want the cut-through, and having it would be a deterrent to selling the homes.

Seeing that there was no further comment, Chair Topper closed the public hearing.

Commissioner Schwartz asked City Attorney Schultz if the Zoning Board of Appeals could grant a variance to opening the Forest Ridge stub street. City Attorney Schultz said that the Subdivision Ordinance was not part of the Zoning Ordinance, but was part of the City Code. Therefore the power to grant a variance rested with City Council. The standards for granting relief were written primarily to give relief to the developer.

Discussion followed regarding process and standards for City Council granting relief. Commissioner Fleischhacker noted that there were rare instances when City Council did stop a road from opening up. He noted that Colony Park had been segregated from other neighborhoods for a long time, and did not provide any natural cut-throughs. He pointed out that Lake Park would provide a natural cut-through to Valley Forge. Colony Park and Kendallwood subdivisions were built with no straight roads anywhere.

Chair Topper confirmed with City Attorney Schultz that the Planning Commission could make a recommendation to City Council.

Chair Topper invited Mr. Major to address the issues as put forward during the public hearing.

Mr. Major said they understood the comments made this evening. They had designed the community to be consistent with City ordinances and the recommendations of the Planning Department and Engineering Division. The proposed plan maximized the result of that effort, including trying to minimize the impact on the existing trees. They had not exceeded the number of lots they could obtain if they developed the neighborhood without going through the Open Space Plan. They were not increasing the number of lots but were reorganizing how the lots were configured.

Mr. Major said their dilemma was that they had designed the community to comply with Ordinance requirements. They could not design something that did not comply.

Regarding Riverwalk in Farmington Hills, Mr. Major explained that that was a long street with a cul-de-sac. This situation was different. They did not want to – and they did not believe the School District would want them to – go on and on based on the possibility of “something else.” They would like to proceed with a project that was best for the community and also compliant with City requirements.

Regarding the rear yard rain catch basin mentioned earlier by Commissioner Orr, no trees would be disturbed to put that in. They had actually moved it up further to comply with city standards.

Mr. Major continued that the trees were a tremendous asset. Any tree that didn't have to be taken down would not be taken down. They were going to minimize the impact on the trees in every way they could for these 18 homes, because this would be nicer for the future homeowners of this development, as well as for existing residents. Regarding Lots #6 and 7, they also wanted the buffer to exist. The footprint shown was for the maximum sized house on those lots. In many cases they had sold smaller homes in similar areas, in order to

provide for a buffer. They were going to try to leave the trees if they could, because they also wanted a buffer between those homes.

In regard to the cut-through, Mr. Major said it was the Ordinance that required the Forest Ridge connection.

Mr. Major said they would like to proceed with a development plan. This option allowed them to try to minimize the effect on the trees and maximize the benefits, complying in all respects with City requirements.

Commissioner Rae-O'Donnell confirmed with Staff Planner Stec that it was not possible to approve this proposal without the stub street connection. However, if the proposal was denied at the Planning Commission level, what would be the next step?

City Attorney Schultz said that even if denied, the applicants had the right to go to City Council for approval. The Commission would be hard-pressed to use the cut-through as a basis for a denial, since City Ordinance required that connection.

Commissioner Blizman asked if the Forest Ridge connection was not there, how would the applicants have developed this community?

Mr. Major said that if the connection was not required by ordinance, they would design the community with a cul-de-sac because there would be no other way to design it.

Commissioner McRae asked by a raise of hands how many in the audience were from Colony Park West. It appeared there were 4 residents from that neighborhood. The struggle was more with the residents of Colony Park. As a thought point, if there were only one entrance to this subdivision, and it was the Forest Ridge connection and not Oak Forest Drive, how would that change the design of this property? It would still be only one entrance.

Commissioner McRae continued that he felt the Commission had an obligation to approve this application, based on the City's own laws. The Commission could make a recommendation to City Council that they review this strenuously as they were the ones who granted final approval.

Seeing that there were no further questions for Mr. Major, and noting written correspondence regarding this application in the Commissioners' packets, Chair Topper brought the matter back to the Commission.

Commissioner Blizman asked how many homes were on Forest Ridge. Staff Planner Stec said three properties abutted Forest Ridge Drive. One had an address on Forest Ridge and the others were on Oak Point.

Commissioner Blizman wondered what the process would be to eliminate the Forest Ridge stub street, thus eliminating the requirement for the connection.

Staff Planner Stec explained that the home on Forest Ridge had to have access to that stub street.

City Attorney Schultz further commented that the Colony Park subdivision was a platted subdivision. Eliminating the stub street could only be done by City Council, and such action might result in a Circuit Court lawsuit. There was a statutory process that had to be followed that involved the City, County and State.

Commissioner Orr noted that the review letter had referenced that particular attention be given to trees on individual lots. Planning Consultant Arroyo said he was not suggesting the City or the Commission take control

over the individual trees on individual lots. He was suggesting discussing with the developer about ways that tree removal might be minimized through some other mechanism, perhaps the permitting process. Maximizing the number of trees saved might require some voluntary action on the part of the developer. He had just raised the issue in the review letter as a point of discussion, especially as he knew residents would be sensitive to this issue and he was hoping to try to preserve as many trees as possible.

Commissioner Orr wondered if tonight's motion could include anything about the by-laws of this development. City Attorney Schultz said that there would be an agreement that would be drafted, but all the Commission could do was make sure the ordinances were being followed and that sound engineering processes were being followed.

Commissioner Orr asked if any trees that would be removed would have to go through the tree removal application process. City Attorney Schultz said that for each parcel, Staff made sure that the plan actually required the removal of any trees being removed.

Commissioner Orr thanked City Attorney Schultz, saying that these questions had been asked for the benefit of the public present.

Commissioner Fleischhacker referred to another development where there was a gorgeous wooded area, and the developer deemed it necessary to remove all the trees on the lots almost to the rear lot line. If the agreement with the developer was that the only trees to come down were those necessary to be removed in order to put in the street and the utilities, then the ordinance would kick in for the tree removal on each individual piece of property.

City Attorney Schultz agreed, saying that essentially the Commission was approving a plan for the removal of trees for the road, the utilities and grading. There was no mechanism for limiting tree removal on individual sites other than the administrative permits granted for the individual homes.

Commissioner Fleischhacker clarified that the approval for the Open Space Plan included trees to be removed for the roadway. How were other tree removals controlled?

City Attorney Schultz reiterated that tree removals on individual lots were regulated through individual plot plans and the building permit process.

Chair Topper reviewed the Commission's options: (1) a motion could be made to approve, (2) a motion could be made to approve with recommendations.

City Attorney Schultz said the Commission could make recommendations. However, the Commission should consider what they were recommending. City Council had a subdivision ordinance which listed the process and standards for *Variance for hardship* (Sec.27-5). The Commission had not studied those standards. Was the Commission comfortable recommending that Council ought to do something based upon a set of standards that the Commission had not actually discussed?

At Chair Topper's request, City Attorney Schultz read the standards for a variance from the subdivision ordinance, as follows:

- (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.*
- (2) *The variance is necessary for the preservation and enjoyment of a 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.*

City Attorney Schultz emphasized that these standards were different than those applied to an application before the Zoning Board of Appeals, in that these standards represented hardship to the developer. He wanted to make sure the Commission understood what City Council was likely to be asked to do.

Commissioner Fleischhacker indicated he was ready to make a motion. He explained to the public present that when a proposed plan met ordinance requirements, the Commission could not – by State law – deny the application. An Open Space Subdivision gave the Commission a little more control than a traditional subdivision.

**MOTION by Fleischhacker, support by Schwartz, that the Planning Commission grant tentative approval of the preliminary plan for Subdivision Open Space Plan No. 1, 2015, dated October 7, 2015, submitted by Sami Harb of Forest at Wooddale LLC, and further that the escrow amount for the open space improvements be set at \$114,540.00, representing 150% of the cost estimate for the open space plan submitted by the proponent.**

**This approval is based on the applicant’s compliance with the following conditions:**

- 1. Sign be removed from the plan.**
- 2. As stated tonight, the homes would be of a custom nature, with the developer looking at each piece of property individually to keep the character of the area, more like Colony Park, even it was not connected to Colony Park, because it protects more of the natural area and protects more of the natural trees that are there.**

**Further, the motion recommends to City Council that the City does not open Forest Ridge and that the City allow the proponent – who had stated that they had only developed the plan this way because the ordinance required it – to modify the plan and encourage a cul-de-sac at the north end instead of the connection to Forest Ridge. This recommendation is made because the proponent was doing this specifically to meet City ordinance requirements in order to move forward. Also the Colony Park subdivision is not connected to anything else, including Colony West. At some point when Colony West was built there were some other stub streets there and those weren’t connected through. So this is a little island in itself. The welfare of the subdivision around it – Colony Park – would be impacted the greatest because it has been an island to itself for the last 50 years. The health and welfare of those families would be negatively impacted.**

At Commissioner McRae’s request, Commissioners Fleishhacker and Schwartz agreed to add to the motion:

**The motion further recommends that City Council consider the unique nature of the school property, with a single entrance that served the area well. This is a unique situation concerning the general welfare of the surrounding property.**

Bill Kennedy presented the petition referred to above to the Commission. Chair Topper asked that the minutes reflect that 127 homeowners signed the petition presented to the Commission.

Commissioner Blizman said there were elements of the motion he did not like. However, in the interest of communicating to City Council his strong feelings about this issue, he would support the motion.

**Motion carried 8-0 (Stimson absent).**

At 11:06 p.m. Chair Topper called a short break in the meeting.

Chair Topper reconvened the meeting at 11:13 p.m.

**REGULAR MEETING:**

**A. PUD QUALIFICATION 4, 2015**

LOCATION:	28975 Orchard Lake Rd.
PARCEL I.D.:	22-23-10-227-039
PROPOSAL:	Planned Unit Development Qualification for self-storage and retail in LI-1, Light Industrial and P-1, Vehicular Parking Districts
ACTION REQUESTED:	Approval of Plan Unit Development (PUD) Qualification
APPLICANT:	Nolan Real Estate Investments, LLC
OWNER:	U S Tool and Cutter Co.

Utilizing overhead slides and referring to the Clearzoning review letter of December 8, 2015, Planning Consultant Arroyo gave the background and review for this application for Planned Unit Development (PUD) Preliminary Qualification on a request for a mixed use development (storage facility with retail and office uses). The property was located on the west side of Orchard Lake Road between 12 Mile Road and 13 Mile Road. The property was zoned LI-1, Light Industrial District and P-1, Vehicular Parking District. The property contained .97 acres. It was just south of the ABC Warehouse, where another PUD had been previously approved with the EZ Storage just to the north. This proposal was to add another similar type facility to the south, with first floor retail facing Orchard Lake Road and a drive through storage facility at the rear, with a freight elevator providing access to the self-storage units. The applicants were proposing a three-story, 40-foot high mixed-use building.

The applicant was seeking to go through the PUD process. The building itself appeared to slightly encroach into the P-1 District. The applicants were asking through the PUD process for a hybrid mix of uses on the property, some of which were not specifically identified in the LI-1 or P-1 District.

Referring to item D on page 2 of the review letter, Planning Consultant Arroyo said that they were not aware of any material service and facility loads that would be generated beyond that envisioned Future Land Use Plan. Self-storage was normally a low-traffic generator, and because there was already a similar use to the north and retail uses were nearby on the Orchard Lake corridor, Planning Consultant Arroyo felt the uses were compatible with the surrounding area.

The Planned Unit Development must meet one of the 8 objectives as found in Section 34-3.20.2.E. Planning Consultant Arroyo felt that the proposed PUD met the following objectives:

- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
- vi. To promote the goals and objectives of the Master Plan for Future Land Use. This area was included as a Special Study Area within the Master Plan, the specifics of which were provided in the review letter, as well as a map on page 4, showing Orchard Lake Road Redevelopment areas. The subject property was in Area #6, noting that one parcel was still zoned LI-1.

The goals for this area were to:

- Encourage reinvestment and redevelopment
- Promote an environment that is more pedestrian friendly
- Implement visions of the Orchard Lake Road Corridor Study
- Create one or more overlay districts

Policies included:

- Permit height limits in the OS-2 portion that are now permitted in the business portions
- With increased height, increase the setbacks required from abutting residential districts
- Improve buffers to abutting residential areas by placement of new walls and added greenbelts
- Require pedestrian access between sites and to other existing walks
- Consider special treatment for nonconforming buildings in the business portions
- Consider modifications to setback requirements

Planning Consultant Arroyo noted that there was a proposed access to the PUD to the north as well as provisional parking that would be shared with ABC Warehouse. More detail regarding this was needed.

Planning Consultant Arroyo said Engineering had raised the possibility of eliminating a curb cut, removing the entrance just to the north of this property.

Planning Consultant Arroyo said there were some setback shortcomings that might be addressed as requests for remediation as part of the PUD process. The applicant did not meet the 10-foot requirement for the north side yard building setback. Also the required 50-foot setback from residential was not provided. There appeared to be a parking shortfall. However the applicant was also proposing a shared parking arrangements with the north. This would all have to be worked out in more detail.

Planning Consultant Arroyo concluded by explaining that the Planning Commission could approve or deny the applicant's request for qualification. Whether approved or denied, the applicant could proceed to prepare a PUD plan upon which a final determination would be based.

Commission Fleischhacker pointed out that the curb cut that was suggested to be removed actually led to the loading dock for the existing ABC Warehouse. He was doubtful removing that curb cut would be practical.

Chair Topper disclosed she had files stored at the EZ Storage to the north, which was also owned by the applicant, Nolan Real Estate Investments, LLC. It was the consensus of the Commission that this situation did not preclude Chair Topper from voting on this matter.

Chair Topper invited the applicants to speak.

Bill Bowman, Great Northern Consulting Group, Nolan Real Estate Investments, was present on behalf of this application. They had experienced success with the EZ Storage to the north, and they had a tremendous working relationship with ABC Warehouse. They had shared ingress and egress, as well as shared parking with ABC Warehouse.

Mr. Bowman said they had been interested in the US Tool & Die building for some time. That building was obsolete, and their intention was to demolish it. There were environmental challenges. It had limited frontage. Therefore that building would be very difficult to develop as a stand-alone property. Still, Nolan Real Estate Investments could develop the LI-1 property as a stand-alone drive-through storage facility and meet city standards for that. However, that was not the highest and best use of the property. They felt the best use of the property was working with ABC Warehouse as shown on tonight's plan.

Regarding the Engineering division's request for the elimination of a curb cut, the idea was that if they connected via the marginal access to the ABC Warehouse, and improved that curb cut, they could eliminate the southernmost curb cut. They were studying this possibility and their plans would show both options: one where

the southerly curb cut stayed and one where it was removed. If the southerly curb cut was removed, they would pick up about 3-4 parking spaces.

Mr. Bowman pointed out that with this PUD proposal, there would be a connected marginal access road all the way down Orchard Lake from the CVS pharmacy. Another benefit was that in allowing the connection between the properties, ABC Warehouse would like to remove their existing monument sign and construct a sign that matched the storage facilities' ground signs, so there would be three matching signs, matching landscaping, and this would be a great improvement for the appearance along Orchard Lake Road.

Mr. Bowman said that by working with ABC Warehouse, they could utilize the north/south configuration of the driveway off of the ABC curb cut. This would conserve space in the infill area, and would also continue to keep truck activity away from the residential area. This configuration would also eliminate the need for the applicants to have a circulation road in the rear, so that the rear could be all green space.

Mr. Bowman concluded by saying this was a unique opportunity to continue what had already been accomplished successfully to the north, and it would result in the removal of an older building that was really an eyesore along Orchard Lake Road.

In response to a question from Commissioner McRae, Mr. Bowman said they were aware of Brownfield Development regulations and opportunities. They had been working with the City's Economic Development Director regarding this.

Commissioner McRae said that the EZ Storage to the north had been planned as mixed use including first floor retail. The Medical Facility that had located there did not really appear to match the definition of retail as envisioned.

Mr. Bowman explained that the PUD agreement had limited them in terms of what sort of first floor retail would be allowed. They had to turn down some uses – especially those that were food related – because of the residential neighborhood behind them. They did feel the medical tenants were excellent tenants.

Commissioner Schwartz confirmed that the proposed building would meet city setback requirements for Orchard Lake Road.

**MOTION by Rae-O'Donnell, support by Fleischhacker, that the Planning Commission make a preliminary finding that P.U.D. No. 4, 2015, submitted by Nolan Real Estate Investments, LLC qualifies for the Planned Unit Development Option under Section 34-3.20.2.A through E. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E.i. thru viii, specifically objective ii, in that the retail, self-storage, and ancillary office uses are similar to the uses found along Orchard Lake Road, and option vi, in that the proposed land uses do not appear to be inconsistent with the adjacent Master Plan for Land Use designations along Orchard Lake Road.**

**Motion carried 8-0 (Stimson absent).**

**B. REVISED LANDSCAPE PLAN 65-9-2014**

LOCATION:	36600 Grand River Ave.
PARCEL I.D.:	22-23-20-300-010
PROPOSAL:	Addition to Place of Worship in a B-2, Community Business District

**ACTION REQUESTED:** Landscape Plan approval by Planning Commission  
**APPLICANT:** Lindhout Associates architects  
**OWNER:** Michigan Bhakti Center

Commissioner McRae explained that his company was involved in the lighting for this property and he asked to be recused.

**MOTION by Blizman, support by Fleischhacker, to recuse Commissioner McRae from discussion of Revised Landscape Plan 65-9-2014.**

**Motion carried unanimously.**

Commissioner McRae left the meeting.

Utilizing overhead slides and referring to the Clearzoning review letter dated December 2, 2015, Planning Consultant Arroyo gave the background and review for this application for Landscape Plan approval for a redeveloped parcel. The review letter gave a general overview of the property, as well as reviewed the landscape plan. The plan included parking lot trees that met ordinance requirements. They were also meeting the requirement for planted hedge along the primary roadway. The lawn area to the south of the building would be removed except for a small bank along the base of the hill, adjacent to Grand River. A no-mow seed mix would be added to the slope and was also proposed along the eastern property line. The applicant had noted that areas of the landscape and stairs would be repaired and all disturbed lawn areas seeded. The applicant had not specifically addressed how they would maintain or address overgrowth of the terraced area on the site.

Regarding the exterior lighting, this was a redeveloped site and there were some non-compliant items. There were some requirements dealing with illumination that were not met. The Planning Commission could modify the requirement to bring all lighting into compliance for existing developed sites seeking modest expansion.

Planning Consultant Arroyo concluded his review.

Staff Planner Stec said that after receiving some of the reviews, the applicant had revised the landscape plan to relocate trees that would have been planted within the corner clearance area to other areas on the site.

Chair Topper invited the applicant to speak.

Stephen Deak, Deak Planning & Design, 143 Cady Centre #79, Northville MI, was present on behalf of this application. He said he was here to answer questions. He had had conversations with Mr. Stec and believed most of the items called out in the review letter were minor and could be addressed administratively.

Chair Topper asked about the lighting issues mentioned by Planning Consultant Arroyo. Mr. Deak said he had not actually been involved with the lighting but would answer questions as best he could. His understanding was that the lighting plan was a combination of using existing fixtures and adding some lighting. There were some minor increases in off-site light levels because of the existing light poles that were used. Those occurred mostly to the north, on Lochdale Drive, and the light was not going into someone's yard. His understanding was that typically the City accepted existing lighting.

Staff Planner Stec said the Planning Commission had the ability to make a decision regarding lighting. Sometimes the Commission required the removal of poles unless they were proposing new fixtures on old poles that met ordinance requirements.

Commissioner Fleischhacker confirmed that there was an assisted living center on the other side of Lochdale. He remembered that there was a brick wall with no windows there. How far were the lights going into that property?

Staff Planner Stec said the photometric plans showed the illumination going to the northern edge of Lochdale, with maximum illumination of .8 foot candles. It effectively was lighting the street.

Chair Topper asked what the specific issue was regarding the light. Did it need to be downlit and shielded, or changed out? Planning Consultant Arroyo explained that the fixtures shown were cut off fixtures. The value of the foot candles was not extreme, and to the west toward Independence Drive, the measurement was zero foot candles.

Commissioner Blizman thought that lighting Lochdale was probably fine.

Rama Redua, 36600 Grand River, Farmington Hills MI said that he was the secretary for the Michigan Bhakti Center. He said that the building across Lochdale was at a higher elevation, so that any light from the street would be decreased in terms of affecting that building.

Chair Topper asked about the no-mow seed mixture, and the questions Planning Consultant Arroyo had regarding the maintenance of the overgrowth of the terraced area of the site.

Mr. Deak said the no-mow grass topped out at 6" tall. Typically it was mowed once a year. That type of seed mix grew in sun and shade. It was being planted on steep slopes. Typically there were only minor weed problems. It would take a couple of seasons for it to grow in completely, and would be maintained during that time. It would eventually appear as a big green carpet.

Chair Topper indicated she was ready for a motion.

**MOTION by Blizman, support by Fleischhacker, that Landscape Plan No. 65-9-2014, dated December 17, 2015, submitted by Lindhout Associates be approved because it appears to meet all applicable Zoning Chapter requirements and Design Principles as adopted by the Planning Commission.**

**This approval is subject to the following conditions:**

- **Compliance with items called out in the December 2, 2015 Clearzoning review letter.**

**Motion carried unanimously, 7-0-0. (McRae recused, Stimson absent)**

The consensus of the Commission was that the lighting as presented was acceptable, and did not need to be part of the motion.

Commissioner McRae rejoined the meeting.

**C. SITE AND LANDSCAPE PLAN 68-8-2015**

LOCATION:	28333 Grand River Ave.
PARCEL I.D.:	22-23-36-377-112
PROPOSAL:	Automobile sales in B-3, General Business District
ACTION REQUESTED:	Approval of Site and Landscape Plan

APPLICANT: Al Tiffin and Behrouz Oskui  
OWNER: Behrouz Oskui

Utilizing overhead slides and referring to his review letter of December 8, 2015, Planning Consultant Arroyo gave the background and review for this application, which was for a site and landscape plan approval for site improvements for an automotive sales and repair facility with an outdoor display area.

Planning Consultant Arroyo explained that this was a revision to a plan seen once before by the Commission. While there had been some progress made with the reduction of one of the approaches from Grand River Avenue, there continued to be issues regarding the information contained on the plans and deficiencies in complying with ordinance standards regarding site plan, landscape plan, screening requirements, lighting details, etc. Planning Consultant Arroyo recommended that action be postponed to give the applicant time to resolve these issues.

Planning Consultant Arroyo described the location of the property on the south side of Grand River Avenue between Pearl and Waldren Street. The applicant was asking for outdoor display area for automobile sales. The building was formerly a restaurant.

Planning Consultant Arroyo explained that the applicant was not proposing any new additions to the building. The plans modified the site to allow for display vehicles, service vehicle and customer parking, and additional landscaping and screening. The B-3 Zoning District did permit new or used car salesrooms with open-air display of vehicles as an accessory use.

There were specific ordinance requirements regarding access to the outdoor sales area, in that the access needed to be at least 60 feet from the intersection of any two streets. The plans should be revised to show the setback from the intersections.

In the B-3 District, no major repair or major refinishing could be done on the lot. The applicant had indicated that the shop area would be for "clean-up" only with no repair of vehicles. In the event that there was repair, there was another set of standards that would apply and these were listed in the review letter. The applicant should address exactly what the "clean-up" entailed.

Main buildings were required to have a minimum setback of 100 feet from an RA District. It appeared that the setback from the service portion of the principal building to the RA District exceeded 100 feet.

Rights-of-way should be shown on the site plan, including road right-of-way centerlines. The relationship between on-site improvements and the right-of-way still needed to be provided as part of site plan review.

Front yard open space calculations had not been provided.

Landscape plans needed to be prepared and sealed by a landscape architect. Additional details were required to determine compliance with the landscape standards.

In terms of parking, they were proposing parking within a required setback on Waldren Street. There was a 10-foot requirement, which the applicants should be able to meet. The applicants were providing the 10-foot setback requirement along Pearl, but the landscaping was not provided, and there was no defined driveway there, which was not acceptable.

Screening (2 foot hedge, wall or berm) between the public right-of-way and parking was required. The standard was not met. This site was in the Grand River Overlay District, and the applicant was encouraged to address the screening using the streetscape design provided in the GRO District. At a minimum the required screening had to be provided along all three streets: Waldren, Pearl and Grand River Avenue.

Regarding off street parking, it was difficult to clearly see what was going on as the site plan and the parking table did not match in terms of which spaces were designated for which uses. As presented, it appeared the site plan needed to designate 10 additional spaces for visitor/employee parking.

In terms of off street parking and dimensions, the overall parking and display vehicle layout could be enhanced through a redesign of the spaces, including but not limited to the reduction in the size of the spaces.

Regarding access to parking spaces, there could be improvements to the general layout of parking spaces on the site. Moving the customer parking to the west of the building provided better access to the building and consolidated parking.

Regarding screening between uses, this property did abut a residential district located to the south of the site. A 6-foot high masonry wall was required as well as deciduous trees needed to be planted on the non-residential side; this did not appear to be met.

Planning Consultant Arroyo noted that another application for this property appeared before the Zoning Board of Appeals November 9, 2010. The ZBA had given a requirement for a 6-foot high discontinuous footing masonry wall the length of the south property line as part of a proposal for a drive through coffee shop.

Regarding loading and unloading, there was a very small loading area shown. Types of truck deliveries, the needs of the current facility should be explored in more detail.

Regarding corner clearance standards, the applicant had to provide more information, particularly at the driveways at Grand River Avenue and Pearl Street.

Regarding exterior lighting, once again there was a situation with existing exterior lighting. However, what the applicants did was take some measurements with the existing lighting. Fairly high light levels were found in the southwest corner of the site next to a residential home there. At a minimum that would be an appropriate location to switch out fixtures and come more in compliance so that the impact of the lighting could be minimized for the adjacent residential area.

Planning Consultant Arroyo noted that there were a number of issues with the landscape plan also, as listed on page 6 of the review letter. The hour was late, and he would defer to the Commission for questions regarding the landscape plan or other issues with the application.

In response to a question from Commissioner Fleischhacker, City Attorney Schultz said the proposal that went before the ZBA in 2010, though for the same property, was for a different application, and did not bear on tonight's application. Specifically anyone on the ZBA in 2010 who was now a member of the Planning Commission could vote on the present proposal.

Rouzbeh Oskui, 41 Warner, Gross Pointe Farms, MI, was present on behalf of this application. He explained that this site was currently operating as a car dealership, limited to indoor sales. They were interested in being able to use the exterior for displaying vehicles.

Regarding questions brought up by Planning Consultant Arroyo, Mr. Oskui said there were no hoists in the building. There were a couple of car-wash bays that were designed for waxing, polishing, vacuuming, etc. No repairs would take place here – they had a repair facility just down the road. They did not do any collision work. They would use the subject property to wash the cars and bring their appearance to a level so that people would want to buy them.

Behrouz Oskui, owner, concurred that they were only washing cars at the facility.

Rouzbeh Oskui wondered if there was any way to go to the ZBA for necessary variances, based on tonight's submission. He was looking for at least some progress regarding this proposal. Staff Planner Stec said that the level of incompleteness of the plans precluded this, and going to the ZBA prior to bringing the plans into conformance was not an appropriate course of action.

In response to a question from Commissioner Blizman, Rouzbeh Oskui said they had a copy of the Clearzoning review letter. Commissioner Blizman explained that there was no way the Commission could approve the plan.

Planning Consultant Arroyo said there was not actually a defined site plan sheet with the submission. Sheet 205 had some information, but it was very confusing because some things were labeled "to be removed" with a call out next to that that said, "to remain." What did this mean? He could not understand this plan.

Al Tiffin, E.C. Tiffin & Associates, 7821 College Court, Shelby MI, explained that after review, some structures had to be replaced. He wanted to meet with the Engineering Division to discuss city standards and restrictions.

Mr. Tiffin said there was more storage in the parking lot than what was needed. This would need a variance in terms of standards.

Planning Consultant Arroyo said that, for example, when the City was trying to take action on a plan that said the asphalt was going to be resurfaced and also said the asphalt was "to remain," there was a lot of confusion. The plan needed to be clear so that a field inspector could understand it. Careful attention needed to be given to what was proposed in terms of changes – that should be on a site plan sheet. The landscape sheet should be separate and should contain all landscape information, including clear identification as to what was new and what was existing.

Chair Topper asked the applicants if they had met with City staff regarding these issues.

Mr. Tiffin said they could meet with staff, but they had thought they could clarify items this evening, and then go on to the ZBA in the interim to get those things approved. But apparently according to rules and regulations this was not possible.

Chair Topper said there didn't even seem to be enough information to deny the application this evening.

Mr. Tiffin acknowledged areas of the plan that needed to be corrected. They had anticipated going before the ZBA in the first place.

Staff Planner Stec explained that the ZBA was a relief valve when a plan could not comply with ordinance standards. At this point, the City was not certain that the applicants could not design a plan that could comply with the ordinance.

Mr. Tiffin explained some details regarding parking and closing the entryway off of Grand River. The biggest issue was the need to tear up 10 feet of the parking lot on the east side of his property, thus destroying property that was already there and that functioned properly, and reducing parking to put in a berm on one side of the street where the view was of a pole barn. What the applicants had offered was to try and come up with a solution to put some trees along there. The improvement the applicant was making that was actually off site was going to benefit the property and the City.

Commissioner Schwartz indicated he was ready to make a motion.

**MOTION by Schwartz, support by McRae to table Site Plan No. 68-8-2015, dated November 18, 2015, submitted by Al Tiffin and Behrouz Oskui, to the January 21, 2016 meeting.**

**Motion carried 7-1-0 (Blizman opposed, Stimson absent).**

Commissioner Schwartz and Chair Topper strongly encouraged the applicants to work with the City regarding this plan before returning to the Commission.

**APPROVAL OF MINUTES:** November 12, 2015 and November 19, 2015

**Motion by Orr, support by Mantey, to approve the minutes of the November 12, 2015 and November 19, 2015 meetings as submitted.**

**Motion carried unanimously 8-0 (Stimson absent).**

**PUBLIC COMMENT:** None

**COMMISSIONER'S COMMENTS:**

Commissioner Orr wished everyone a Happy New Year and said he would see everyone in 3 months.

Commissioner McRae said there were several more businesses on Orchard Lake Road between 12 and 14 Mile Roads using LED rope lights around their windows.

Staff Planner Stec said that the study session on January 14 would focus on sign regulations that had come down as a First Amendment issue, and likely this would take up the entire meeting. The LED rope lights would be scheduled for a later study session.

Chair Topper said the January meetings were scheduled as follows:

January 14 study session

January 21 regular meeting

January 28 Capital Improvements Program

Staff Planner Stec said the January 28 meeting would start early, with dinner at 5:30 p.m. and meeting at 6:00. Since there were a number of Commissioners who would be out of town that evening, it was important for those who had said they could come to come. These included Stimson, McRae, Mantey, Schwartz and Fleischhacker.

Commissioner Fleischhacker said he would be absent on January 14 and 21<sup>st</sup>.

In response to a question from Commissioner Blizman, City Planner Stec explained the history of the last agenda item. He had encouraged the applicant to wait based on the incomplete application. Commissioner Blizman said he thought the plan should have been denied, with instructions to the applicant not to return until the application was complete.

Commissioner Schwartz said there was legislation that had passed the Michigan House and was moving to the Senate, eliminating liability for snow on sidewalks.

Commissioner Mantey said he had not given up on having sidewalk clearing being part of the ordinance.

Chair Topper congratulated Staff Planner Stec on receiving the Employee of the Year award.

### **ADJOURNMENT**

Seeing that there was no further discussion, Chair Topper adjourned the meeting at 12:19 a.m., December 18, 2015.

Respectfully submitted,

Steven Schwartz  
Planning Commission Secretary

/cem