

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
VIA TELECONFERENCE
MAY 21, 2020, 7:30 P.M.**

Due to the COVID-19 pandemic, the May 21, 2020 City of Farmington Hills Planning Commission meeting was held via teleconference in compliance with Executive Orders issued by Governor Whitmer, for the temporary authorization of remote participation in public meetings and hearings. Members of the public body and members of the public participating electronically were considered present at the meeting and could participate as if physically present, as outlined on the City website and posted per Open Meetings requirements.

Chair Stimson called the Planning Commission meeting to order at 7:30 pm on May 21, 2020.

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

Commissioners Absent: None

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

APPROVAL OF AGENDA

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

Roll call vote:

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

MOTION carried unanimously.

Chair Stimson explained the process for public participation during the public comment portion of the meeting. Calls would be taken in the order received, and those wishing to make public comments must state their name and the name of their street.

PUBLIC HEARING

A. REZONING REQUEST 1-3-2020

LOCATION: 31066 Twelve Mile Rd.
PARCEL I.D.: 23-11-351-049
PROPOSAL: Rezone the northeastern most part of a parcel currently zoned B-3 General Business District, to P-1 Vehicle Parking District

ACTION REQUESTED: Recommendation to City Council
APPLICANT: The Barbat Organization
OWNER: Orchard Ridge Plaza

Eric Williams, Stonefield Engineering and Design, 607 Shelby Street, Suite 200, Detroit, was present on behalf of this application. Scott Barbat, The Barbat Organization, 33477 Woodward Avenue, Suite 800, Birmingham, was also present.

Mr. Williams explained that they were requesting the rezoning of the northeast corner of the old Ruby Tuesday site at the corner of 12 Mile Road and Orchard Lake Road. They were seeking the rezoning to allow for commercial re-use of the existing building. The rezoning would provide the necessary buffers to allow for a fast-food or coffee shop drive-thru commercial use, and would allow them to maintain the necessary parking for not only their property at 31066 Twelve Mile Road, but also the Arby's at 27900 Orchard Lake Road, which had 8 dedicated parking spaces.

The Master Plan for Future Land Use showed this property as multi-family use. However, the current zoning map showed the P-1 district directly to the east functioning as a buffer to the commercial development at the southeast corner. They were seeking to extend that buffer further west in order to allow this portion of the site to be maintained as accessory parking for the proposed redevelopment. The P-1 district would maintain a constant buffer between the single family residential use along Greening Road, and the commercial property at 12 Mile and Orchard Lake Road.

Chair Stimson asked for Planning Consultant comments.

Referencing the PowerPoint displayed on the Zoom screen, along with his April 8, 2020/revised 5/20/2020 review letter, Planning Consultant Tangari gave the background and review for this proposed rezoning of a 0.41 acre lot. There was an existing screening wall, which was 4 feet tall on the parking lot side, but because of grade changes was 6 feet tall on of the residential side. The requirement was for a 6 foot wall.

The applicant was proposing to rezone the property to P-1 and would continue to use it as a parking lot. P-1 would be less intensive than the current B-3 classification, under which commercial uses could theoretically be developed on the property.

Planning Consultant Tangari reviewed surrounding uses: single family zoning (RA-2B) with a single family home to the north, a restaurant use (B-3) to the south, a parking lot (P-1) to the east, and a fast food restaurant (B-3) to the west.

Per Section 34-3.1.30.A, the intent of the P-1 district is: *The P-1 vehicular parking districts are designed to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries.*

The existing lights on the site were taller than what was permitted in the P-1 district, and the rezoning, if approved, would result in this being a nonconforming situation. The Planning Commission would have the discretion to require that the lights be brought into compliance when the full site was brought in for site plan review.

Planning Consultant Tangari reviewed items to consider for a zoning map amendment:

- Regarding consistency with the Master Plan, as already noted, the property was designated multiple-family on the Master Plan Future Land Use Map, and parking was a permitted use in the multi-family district. The zoning map generally used the P-1 district as a buffer between commercial and single family, and the Future Land Use Map used multiple family zoning in the same way in this area. Additionally, the Future Land Use Plan Map included this note: *This plan*

is intended to show generalized land use and is not intended to indicate precise size, shape, or dimension. These proposals reflect future land use recommendations and do not necessarily imply short range rezoning proposals.

- The rezoning would have no apparent impact on public services, utilities, and natural features, as the site could not be redeveloped under a different use, but would remain a parking lot.
- The applicant had not provided evidence that the property could not be developed or used as zoned, and the land currently was developed as a parking lot. Under its B-3 zoning the property might be able to accommodate a small-scale commercial building.
- Regarding compatibility with surrounding uses, generally the P-1 zoning district was placed on the fringe of commercial districts, where it buffered those districts from residential uses.
- The proposed rezoning was unlikely to change the burden on nearby thoroughfares, because the rezoning would decrease the potential for development on the property.
- The site was already developed as parking; this was not a change in use.
- The site already met the standards of the P-1 district as currently developed, with the exception of the height of the light poles, as already mentioned.
- Regarding whether the rezoning was the best way address the parking use, parking was already permitted as accessory to other uses in the B-3 district.
- Regarding whether there had been a change in circumstances and conditions since adoption of the Master Plan, the restaurant on the larger property was closed; otherwise development in the immediate area had not changed.
- The request did not appear to represent spot-zoning, and would reduce the development options for the property in question.

Planning Consultant Tangari concluded his review.

In response to questions from Commissioner Orr, Planning Consultant Tangari said the requirement for a 6-foot wall applied to both the B-3 and P-1 districts. City Planner Stec said there was an approximate 2-foot grade distance between the subject site and the residential property to the north, which is why the wall was approximately 4 feet on the commercial side and 6 feet on the residential side.

Planning Consultant Tangari said that Section 34-5.15.1.D. stated: *The planning commission may, in unusual circumstances, permit a wall to be less than six (6) feet in height if no good purpose would be served.*

Chair Stimson opened the public hearing.

David Elkus, 27888 Orchard Lake Road, asked why the property needed to be rezoned since it already had been used for restaurant parking. What was the proposed use for the greater property? His concerns focused on additional traffic, pollution, and lighting. Coffee shop drive-thru's and fast food restaurants generated heavy traffic, and he was concerned regarding the impact on his business, which abutted this property.

Mr. Williams explained that they were asking the northeast corner to be rezoned in order to use the existing building as a general commercial building. A fast food restaurant would require a buffer from single family homes. In terms of the greater property, they did not expect any negative impacts on the environment, especially as they were re-utilizing the existing building, nor did they anticipate any negative impacts on traffic. Lighting would be reviewed as part of site plan approval.

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

- City ordinances required more parking spaces for fast-food/drive-thru restaurants than for sit-down restaurants.
- The rezoning would allow the applicant to market the site to a wider variety of tenants.
- At the April meeting, the applicants had spoken about putting a gas station on the corner section of the greater property. This was still a consideration, although not finalized.
- The configuration of the greater site included a driveway owned by this parcel that went in front of Mr. Elkus' building at 27888 Orchard Lake Road.
- Tonight's discussion was focused on the rezoning request for the northeast corner. They would be back for site plan review that would focus on the greater site's circulation and use.

Discussion focused on the configuration of the larger site, which included a separate parcel on the southwest corner, the driveway in front of Mr. Elkus' building, and shared parking and access with Arby's.

The Commission discussed the unique situation of rezoning a parking parcel to limit that parcel to parking, and the impact of as yet unknown future uses on the greater site. However, tonight's application was for the rezoning request; site plan review would more fully discuss proposed uses and the overall redevelopment project.

Seeing that no one else from the public indicated a desire to speak, Chair Stimson closed the public hearing.

Commissioner Brickner indicated he was ready to offer a motion.

MOTION by Brickner, support by Countegan, that the Planning Commission recommend that City Council approve Rezoning Request 1-3-2020, petitioned by The Barbat Organization, to rezone part of one parcel from B-3 General Business District to P-1 Vehicular Parking District, for the following reason:

- The change is a reasonable alternative to the Master Plan because it will promote the land use policies of the Master Plan and will not conflict with present policies.

Roll call vote:

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

MOTION carried unanimously.

B. SPECIAL APPROVAL PLAN 53-4-2020

LOCATION: 24300 Drake Rd.
PARCEL I.D.: 23-21-351-032
PROPOSAL: Temporary concrete mixing batch plant in B-3,
General Business District
ACTION REQUESTED: Special land use and site plan approval
APPLICANT: Anthony Sarotte of Florence Cement Company

OWNER: Boxoffice Theaters LLC

Anthony Sarotte, Florence Cement Company, 51515 Corridor, Shelby Charter Township, said they were requesting a temporary batch plant use in order to pave Stone Creek and West Lake subdivisions. Some streets were ready to be paved, but this approval was necessary before the work could be done. The batch plant would be used only to pave the subdivisions mentioned.

The route from the batch plant to the job site would be: south on Drake Road, west on Grand River, north on M-5, east on 696, south on Orchard Lake Road, then east to Middlebelt Road to the project site. There were 13.5 days of paving scheduled for 2020, which needed to be complete per contract by September 23, 2020. The plant would not be there the entire time, as it would be moved to other job sites during this period. There would, however, be a crew and water wagon on the site full time. In 2021 the work also had to be complete by the end of September of that year. Florence Cement Company were subcontractors for this job.

Commissioner Schwartz asked how late in the year the concrete could be laid. His experience was that work finished either on time or late. What if another week was needed to complete the work, for instance? Mr. Sarotte said the contract was with the City, and if the work was not finished due to unforeseen circumstances, it would be up to the City as to whether the work would continue past September 23.

Commissioner Schwartz asked how long it took to tear down the site once the work was completed. Mr. Sarotte said it took 3 days to set up, one day to tear down, and 1-2 days to restore the site.

Commissioner Schwartz asked if prior temporary batch plants at this location had received complaints. City Planner Stec said there had been a complaint about dust. Mr. Sarotte said they would keep a water wagon on site to control dust, as required by EGLE permitting.

Commissioner Schwartz asked if there were any alternative locations for this temporary use in the City. Mr. Sarotte said this was one of the only locations in the City available for this use. Also, by setting up in the City, the City received a price benefit for the work.

In response to a question from Commissioner McRae, Mr. Sarotte said that the bid was based on the assumption this location would be used.

Commissioner McRae believed the Commission was put in a position where they felt obligated to approve this application, due to time constraints and the financial benefit to the City for using the site. Also, the subject site was actually under development plans and eventually would not be available for this type of use.

Commissioner Orr said that the last contractor that used the site for a temporary batch plant parked trucks and put barricades up so that residents were not able to use the Drake Road entrance to access the McDonalds and AutoZone businesses on Grand River. He asked the applicant to commit that the Drake Road access to those businesses – south of the road labeled “ingress” on the plans – would remain clear. Mr. Sarotte said they would keep that access clear so that drivers could enter from Drake Road and access the businesses on Grand River.

Commissioner Brickner also spoke to the difficulty of placing temporary batch plants on dwindling vacant land in the City, and the need for the work to be done correctly, so the plant could be done at the

agreed upon dates. The last batch plant at this location was on site longer than expected because some of the work had to be redone.

Commissioner Brickner pointed out that a movie theater development had been approved for this site. Approving this application meant development would not happen until at least 2022.

Commissioner Turner asked if the applicant was charging the City for startup costs for both 2020 and 2021. Mr. Sarotte said all costs for both years were included in the bid. All equipment would be removed for the winter in September 2020.

Commissioner Countegan thought the Commission could approve or disapprove this application; it was not obligated to approve. The Commission's role was to look at the plan, get public input, identify issues and see if those issues could be addressed, before making a decision on the application itself.

Chair Stimson asked for the consultant's report.

Utilizing a PowerPoint shown on the Zoom screen, and referencing his May 12, 2020 letter, Planning Consultant Tangari gave the background and review for this application, which represented the third temporary batch plant in the last five years on this site.

Consultant Tangari's comments included:

- Parking areas were not indicated on the plan. The applicant needed to explain how many employees would be working on site. Would other employees working off site be parking their vehicles on site?
- Applicant should provide the estimated re-start date for 2021.
- Batch plants were permitted as a special land use in the B-3 district under Section 4.20.4.C subject to certain conditions. The applicant needed to demonstrate that the site was compatible with surrounding uses, and the use would not be overly disruptive to the surrounding area.

City Planner Stec suggested that due to past history of concrete work sometimes running over deadlines, final expiration dates in 2020 and 2021 might be based on when the Engineering Department was satisfied that the work was done; and after that the applicant would be required to vacate the site. Also, the site plan contained a note: *Property to be restored to the Owners approval*. City Planner Stec suggested that the site be restored to the City's satisfaction, including at the end of work in 2021 the removal of debris, stone, bricks, etc., that the site be graded with clean soil added and seeded for soil erosion measures, and that a performance bond for this work be required.

Commissioner Brickner felt that if the applicant was offering specific end dates, those were the dates that should be used.

Chair Stimson opened the public hearing. Seeing that no public indicated they wished to speak, Chair Stimson closed the public hearing and brought the matter back to the Commission.

Commissioner Schwartz suggested that the City should be thinking about locations for future projects, as this site might not always be available. Because the temporary batch plant would be for work in the City, he was willing to offer the following information:

MOTION by Schwartz, support by Orr, that Special Approval Request 53-4-2020 submitted by Anthony Sarotte of Florence Cement Co., to establish a temporary concrete batch plant at 24300 Drake

Road. for the time period for Phase 1 beginning Friday May 22, 2020 and ending Friday October 30, 2020 or earlier if Phase 1 is completed to the satisfaction of the Engineering Department, and for Phase 2 beginning Monday April 13, 2021 and ending Saturday October 30, 2021 or earlier if the project is completed to the satisfaction of the Engineering Department, be approved subject to all applicable provisions of the Zoning Chapter and approval by the City Engineering Division, for the following reasons:

1. The use would not be injurious to the district and environs.
2. The effects of the use would not be contrary to the spirit and intent of the Zoning Chapter.
3. The use would be compatible with existing uses in the area.
4. The use will not interfere with orderly development of the area.
5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

And with the following conditions:

1. Dust mitigation acceptable to the City Engineer.
2. All trucks follow the routes determined by the City Engineer.
3. The southern ingress lane remains open to the public for access to the businesses on Grand River during operation of the plant.
4. The plant may operate Monday through Saturday from 7 am to 7 pm.
5. The property is restored including debris removal, grading, and establishing soil erosion measures acceptable to the Engineering Division.

Commissioner Brickner opposed extending the end times, when the applicant was asking for September end dates. Commissioner Schwartz wanted to avoid having the applicants return to the Commission if something unforeseen extended the work season longer than expected. The motion required that the property be vacated if the work was finished earlier to the satisfaction of the Engineering Department.

Roll call vote:

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

MOTION carried 8-1.

REGULAR MEETING

A. SITE PLAN 52-4-2020

LOCATION:	39047 Grand River Ave. and 39300 10 Mile Road
PARCEL I.D.:	23-19-351-020
PROPOSAL:	Connector drive and new vehicle display area at existing automotive dealership and body shop in a B-3, General Business District
ACTION REQUESTED:	Approval of site plan
APPLICANT:	Tom Holzer Ford, Carlo Capicchioni
OWNER:	Tom Holzer Ford

Utilizing a PowerPoint presentation on the Zoom screen and referencing his May 12, 2020 review letter, Planning Consultant Tangari gave the background and review for this application for site plan approval for a connector drive and new vehicle display area at 39047 Grand River Avenue. The applicants wanted to connect the parking lot of the Tom Holzer Ford facility on Grand River Avenue with the Tom Holzer

Ford facility on Haggerty Road via a gated driveway. The plan also included four vehicle display spaces fronting on I-275 atop a boulder retaining wall.

Outstanding issues included:

- A lighting plan was required for site plan approval. The plan should distinguish between existing and proposed lighting.
- The location of the gate on the landscape plan should be revised to match the location shown on the other plan sheets.
- The removed trees required 14 replacements. No replacement trees were shown on the plan, and the applicant noted an intention to pay into the tree fund. However, there were opportunities for planting on site, including in the new grassy areas denoted on the landscape plan just to the west of the display spaces and just west of the driveway.
- The applicant was adding paved area to the site, though the square footage of this area was not listed on the plans. New parking lot trees were required when paved area was added to a site; no trees were provided.

Commissioner Brickner asked if trees could be planted on the adjacent lot connected to this site. City Planner Stec explained that tonight's discussion only related to the subject site.

Paul Lewsley, Environmental Engineers, Southfield, was present on behalf of this application. He explained that the applicants wanted to have a connection between the body shop and the main dealership display building, and to create improved visibility along I-275 to the body shop and also to create a small display pod for 4 vehicles. The drive was gated at both ends because the drive was relatively steep and was not intended for use by the general public.

Mr. Lewsley said that one new tree would be required for the added pavement, and he felt there was room for the tree on the west side of the connector driveway to meet the requirement. It was still their intention to contribute to the tree fund for the required replacement trees.

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

- Regarding the lighting, 3 light poles would be added; they would be submitting a lighting plan. The lighting would be for the driveway and the 4 display vehicles.
- The existing detention basin would serve the new concrete area; storm water would be transferred via the grades and curb. They would be providing documentation regarding this to the Engineering Department.
- No signage was proposed.
- No work would be done in the right-of-way, and there should not be any MDOT issues.

In response to questions from Commissioner Orr, City Planner Stec said that if the applicants could accommodate drainage without disrupting any site amenities, the Engineering Department could approve those plans. If there were disruptions to the site such as additional tree removals, the Planning Office would evaluate the changes and could require the plan to return to the Planning Commission.

MOTION by Countegan, support by McRae, that Site Plan 52-4-2020, dated March 27, 2020, submitted by Tom Holzer Ford, be approved because it appears to meet all applicable requirements of the Zoning Chapter,

Subject to:

- A revised site and landscape plan being submitted to the Planning Office for administrative

review and approval, addressing the following items:

1. Lighting and photometric plan
 2. Provision of required parking lot canopy tree(s)
 3. Approval of storm water management by the Engineering Division
- And with the finding that:
 1. Payment to the City Tree fund for replacement trees is acceptable.

The Commission discussed whether or not to require some replacement trees to be planted on site. Mr. Lewsley said the applicant preferred to pay into the tree fund, as they wanted to keep new trees to a minimum in order to increase visibility from I-275.

Commissioner Countegan said that he understood one parking lot tree was required, and as the motion maker, he was open to a deposit in the tree fund for removed trees.

Commissioner Trafelet asked about light pollution potentially blinding bicycle path users along I-275 as well as freeway drivers. City Planner Stec said the lights would need to conform to all City standards.

Roll call vote:

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

MOTION carried unanimously.

APPROVAL OF MINUTES April 16, 2020

MOTION by Brickner, support by Orr, to approve the April 16, 2020 meeting minutes as published.

Roll call vote:

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

MOTION carried unanimously.

PUBLIC COMMENT

No public indicated that they wanted to speak.

COMMISSIONERS' COMMENTS

Commissioners thanked staff for facilitating this remote meeting.

Commissioner Turner noted that the grass was very tall at the property at the northwest corner of 12 Mile Road and Middlebelt.

ADJOURNMENT:

MOTION by Brickner, support by Trafelet, to adjourn the meeting at 9:17 pm.

Roll call vote:

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

MOTION carried unanimously.

/cem