

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBERS
AUGUST 27, 7:30 P.M.**

Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on August 27, 2015.

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

Commissioners Absent: None

Others Present: Staff Planner Stec, Staff Engineers Nelson and Darnall, City Attorney Dovre, Planning Consultant Stirling

APPROVAL OF AGENDA

Commissioner Schwartz indicated that he would be recusing himself for item B on the agenda, as he represents the architects firm, and asked that this item be moved to the end of the agenda.

MOTION by Schwartz, support by Mantey, to move item B to the end of the agenda.

MOTION CARRIED 8-1 (Topper opposed)

MOTION by Blizman, support by McRae, to approve the agenda as amended.

MOTION CARRIED 9-0

REGULAR MEETING

A. LOT SPLIT 3, 2015 (Final)

LOCATION:	37655 Interchange Dr.
PARCEL I.D.:	22-23-19-252-020
PROPOSAL:	Split existing parcel into two (2) parcels in IRO, Industrial Research Office District
ACTION REQUESTED:	Approval of Final Land Division
APPLICANT:	S. Frankel of K & F Land Co., LLC
OWNER:	S. Frankel

Utilizing overhead slides and referring to the Clearzoning review letter dated August 13, 2015, Planning Consultant Stirling gave the background of this application, described the location of property and indicated that it is zoned Industrial Research Office District with Freeway 2 Overlay; the adjacent properties are zoned the same.

Planning Consultant Stirling explained the existing condition of the site as a 3.36 acre parcel that is improved with 3 industrial research office buildings, accessory surface parking lots, parking spaces and utilities. The survey sheet has labeled the parcels as Parent I and Parent II and a portion of the Parent Parcels would be a part of this land division proposal.

The proposal is to divide the 3.36 area parcel into two separate lots. Parcel A, in the northwest corner of the property would have 214 of frontage along Interchange Drive with a depth of 173 feet. Parcel B would have

205 feet of frontage on Interchange Drive with about 350 - 419 feet in depth. The access to the property from Interchange Drive is through a shared access easement which is 28 feet wide. Parcel A would contain 37,026 square feet, 0.85 acres with the building size as 13,747 square feet and with 33 defined parking spaces. Parcel B would result in 109,335 square feet, 2.51 acres, with the buildings at 9,767 and 17, 8334 square feet with 93 surface parking spaces.

Planning Consultant Stirling explained that access to the property, as indicated, is through a 28 foot wide ingress/egress easement from Interchange Drive with an additional 25 foot easement that runs east and west along the south side of Parcel A, currently there is no other access to this property. There is a note on the plan that shows a 20 foot wide access easement that runs along the west property line which is also where several of the parking spaces are located and is considered to be a part of Parcel I. The applicant should remove the proposed 20 foot ingress/egress easement or remove the parking spaces as they are conflicting. In the same area there is also a dumpster enclosure for what is now a shared parcel.

Planning Consultant Stirling outlined the following setbacks and zoning regulations:

- **Front Yard Setback:** In an IRO district, parcels have a front yard setback requirement of 50 feet. Parcel A is at 49.7 feet, which is an existing condition and Parcel B is at 50 feet, which is also an existing condition.
- **Side Yard Setback:** The district requires 30 feet, Parcel A is proposed to have 41.8 feet on the west side yard, an existing condition, and 28.3 feet along the east side yard, a created condition. Parcel B side yard setbacks are consistent with the zoning ordinance requirements.
- **Rear Yard Setback:** The district requires a 40 foot setback. Parcel A has 23.8 feet with parking spaces located in it, which is a created condition, and Parcel B has 30.3 feet, an existing condition.
- **Parking Requirements:** The requirement for this district is 3 parking spaces plus 1 for every 1.5 employees in the largest working shift, or 3 plus 1 for each 550 square feet of floor area. The usable floor area was used in calculating the parking spaces for this proposal. Parcel A, 25 parking spaces are required and 23 have been provided outside of the proposed access easement, therefore if the access easement was removed then 33 additional parking spaces would be shown on Parcel A. Parcel B, 48 parking spaces are required and there are 80 parking spaces provided, exceeding the requirement, and if the access easement was removed there would be a total of 93 parking spaces.

To summarize, as proposed the side and rear yards setbacks for Parcel A do not comply and would require a Zoning Board of Appeals variance. The parking spaces could be handled by removing the easement or by entering into a shared parking arrangement with the remaining site.

Planning Consultant Stirling noted that when doing a land division, the Planning Commission should give consideration to the following:

- *The conformity of the resultant parcels with zoning ordinance standards and the creation of parcels compatible with surrounding lands as to area, width, and width-to-depth ratio.*
- *The orientation of the yards of proposed parcels in relationship to the yards of surrounding parcels in order to avoid incompatible relationships, such as but not limited to, front yards to rear yards.*
- *The impact of any existing flood plains, wetlands, topography, or other natural features and physical conditions on the resulting parcels so that such parcels are compatible with other surrounding lands in terms of buildable area.*
- *The relationship of the front, side, and rear yards to the yards and orientation of buildings on other existing and potential parcels. This shall include the probable orientation of buildings on the parcels resulting from the proposed division or partition.*

Planning Consultant Stirling concluded her review.

Commissioner Rae-O'Donnell asked if there was an existing shared parking agreement and would the dumpster need to be removed as well. Planning Consultant Stirling responded that she did not think the dumpster would need to be removed as the dumpster use could be written into the agreement, in regards to the easement right now it is listed as an access easement and she recommends that it be removed.

City Attorney Dovre agreed with the removal of the access easement.

Commissioner McRae asked for clarification that this was a final approval of the lot split. Planning Consultant Stirling responded that there was an initial application and she believes that this is the final application.

Staff Planner Stec pointed out that the area in which the west side access easement is on is not currently part of this property, it is part of the property to the west and he believes that the applicant's intent is to do a transfer to make that piece of land part of this property. If that happens, there will not be a need for an easement or shared parking arrangement.

Commissioner Orr questioned if the Commission can approve the plan conditionally. City Attorney Dovre responded no, that the lack of meeting the side and rear yard setbacks under the zoning ordinance mandates the denial.

Commissioner Stimson asked if there needs to be an access agreement for the new parcel coming in from the existing drive off of Interchange Drive. Planning Consultant Stirling responded that there is a proposed 28 foot ingress/egress easement coming in off of Interchange Drive, turning, then going east and west and the easement that runs north and south along the west side of the property is the one in question and should be removed.

Commissioner Orr confirmed that the applicant is looking at combining properties in order to split them, that they are adding a sliver of Parent Parcel I to Parent Parcel II and then splitting Parent Parcel II to give part of the property to Parcel A and Parcel B and he asked if the legal description as presented was accurate, as he does not want approve a lot split on property that the applicant does not own. Staff Planner Stec responded that the survey provided shows the property as if that sliver has already been included. He added that the applicant owns both Parent Parcel I and II.

Commissioner Orr asked if Parcel A and B would be required to have a dumpster of their own. Planning Consultant Stirling responded that the dumpster enclosure is an existing condition and the Commission can allow a use agreement if they so choose.

Stewart Frankel, 1334 Maplelawn, stated that he is the owner and developer of Halsted Commerce Park which includes the 3 buildings shown on the site plan in Parent Parcel II as well as the buildings immediately to the west in Parent Parcel I. He explained that the building on proposed Parcel A has been vacant for approximately three years and he has been fortunate enough to find a buyer that wants to move their corporate headquarters to this location. The company is a large Japanese OEM company and this location will be their North America world headquarters and have 20-25 employees.

Mr. Frankel indicated that they are aware of the west side easement issue and have approval to release the easement from the mortgage of Parent Parcel I and add that piece to Parent Parcel II so that the property being sold will include the easement area and the 10 parking spaces which will satisfy the parking requirement. He noted that he has entered into a shared maintenance agreement with the purchaser, where he

will be obligated to maintain the common areas for all three buildings that will include parking lot paving, snow removal and landscaping. As far as the issues with the shared dumpster, he indicated that there is still room in the corner of the site for a dumpster.

Mr. Frankel stated that he is aware of the deficiencies in the setbacks and would like to receive approval subject to satisfying those conditions and providing the City with proof of transferring the easement area to Parent Parcel II.

Commissioner Orr indicated that Parent Parcel I came before the Commission at some point and was developed with an approved plan. He commented that by transferring this piece of property it will be changing the approved site plan of Parent Parcel I.

Staff Planner Stec commented that he has not looked at the site plan for the adjacent building but there is no access between the two properties so he does not see how it will have any impact on the other parcel.

Commissioner Orr stated that the area could have been designated as open space and it needs to be researched before they approve.

Commissioner Stimson questioned if this transfer of property would create a nonconformance on Parent Parcel I and suggested that this issue be reviewed.

Staff Planner Stec indicated that the transfer of property can be handled administratively and they would definitely look into the site plan to make sure that no issues would be created for that parcel.

Chair Topper asked if the applicant could address the history of the western property.

Mr. Frankel stated that the buildings were built in early and mid-1970 and he does not remember much from the development. He suggested that the easement area may have been a mistake either by the engineering or surveying crew during the development as there is no common drive between the three buildings on Parent Parcel II or between Parent Parcel I, and in fact there is a difference in grade between the two properties. He added that the properties have never shared parking and he believes that this is just an oversight that has come to everyone's attention since they have applied for the lot split.

Commissioner Rae-O'Donnell commented that she thought the Commission could give approval conditional upon approval from the Zoning Board of Appeals. City Attorney Dove responded that the ordinance does not read that way, it reads that the Planning Commission shall deny the request for failure to comply with the requirements of the Zoning Chapter, if the Zoning Board of Appeals thereafter grants relief from the Zoning Chapter requirements, the parcel shall be deemed to meet the capability requirements of the ordinance. Therefore in two places, the ordinance and in the Clearzoning review letter, it is a straight up statement that the Commission shall deny.

Commissioner McRae mentioned that the Commission has approved lot splits, a number of times in the last couple years, subject to conditional approval, when they have felt it was a relatively benign scenario.

Commissioner Blizman asked if the land transfer occurs as proposed and the property lines are corrected, will the applicant still need to go to the Zoning Board of Appeals. Staff Planner Stec responded yes, because the real deficiencies are with the eastern side yard setback and the southern side yard setback for the building on proposed Parcel A.

Chair Topper noted that if the applicant did receive a denial it does not mean that the Zoning Board of Appeals will not approve it and that this is just a formality.

MOTION by Orr, support by Fleischhacker, that approval of Lot Split No.3, 2015, submitted by S. Frankel of K&F Land Co., LLC, be denied for the following reasons:

- **The proposal does not meet applicable Zoning Chapter requirements in terms of side yard and rear yard setbacks**
- **The proposal has a deficiency in the title of land, which should be addressed prior to approval**

Commissioner Schwartz questioned, for clarification, that the denial does not mean that they are necessarily opposed it, it is more so for the fact that they do not think they have the legal authority to approve it and if the applicant goes in front of the Zoning Board of Appeals and the ZBA grants the variances, then this request will come back to the Commission for consideration of the lot split. Chair Topper responded that was correct.

Mr. Frankel stated for clarification that that the two concerns are the two setback issues and the resolving of the easement area to the west. Chair Topper indicated that was correct and this denial is just a formality.

MOTION CARRIED 9-0

Commissioner Schwartz suggested that the Commission, in a study session, discuss streamlining the lot split process as they have done for the site plan process.

C. SITE AND LANDSCAPE PLAN 65-7-2015

LOCATION:	East side of Drake Rd., north of Grand River Ave.
PARCEL I.D.:	22-23-21-351-032
PROPOSAL:	Movie Theater in B-3, General Business District
ACTION REQUESTED:	Approval of Site and Landscape Plan
APPLICANT:	Lonny Zimmerman of Siegal-Tuomaala Associates
OWNER:	Box Office Theatres, LLC

Utilizing overhead slides and referring to the Clearzoning review letter dated August 13, 2015, Planning Consultant Stirling gave the background of this application and indicated that the applicant had previously come before the Planning Commission and received conditional approval of their site plan for a theater at this location and they have now redesigned their site plan and resubmitted at the same location.

The property is zoned B-3 and adjacent to it on Indoplex Drive is zoned LI-1, the property fronts Drake Road with 373 feet of frontage and has a total of 2.272 acres. The primary access is off Drake Road and it is centrally located to the site and an additional access point is a shared access drive with AutoZone further to the south.

Planning Consultant Stirling stated that in this application they are proposing a 33,383 square foot, 1-story building with adjacent surface parking. The theater would host 7 auditoriums with 526 seats. She noted that all dimensional requirements for this building have been met and she summarized the following:

- Accessory Building: There is a dumpster enclosure located along the rear yard that measures 25 feet by 13 feet and they have asked the applicant to provide confirmation that the enclosure is outside of any easements or public utilities in compliance with the ordinance requirements.
- Off-Street Parking: A theater requires minimum one parking space per every 3.5 seats plus one for every 2 employees, based on 526 seats and 10 employees, they are required to have 155 parking spaces and that requirement has been met with 158 spaces.
- Parking Space Dimensions: To the east of the building the plan shows 17.6 feet in depth and that does not meet the minimum requirement. The applicant was going to resolve that issue so this item is listed as being able to be handled administratively.
- Loading and Unloading: The loading and unloading area is in same general location with a portion located in the side yard, the requirement for a B-3 district is to have 10 square feet per linear foot of the building, which means they would be required to have a total area of 2,480 square feet of loading and unloading for this theater. The applicant was to confirm that they are able to meet that requirement, however, when looking at the proposed plan she was not able to come up with the same numbers as indicated.
- Arborvitae are proposed in the side yard, screening the loading and unloading area from Drake Road, the Commission shall determine if that screening is sufficient. It was noted that AutoZone has their loading and unloading area immediately adjacent to this side yard.
- Signage/Façade: More significant changes have been made to the building configuration and design, the applicant is proposing what appears to be offset panels and lighting as indicated in the elevation plan. They are proposing signage along the front side of the building and reliefs on the architectural details on the exterior and lights around those reliefs. They have requested that the applicant bring samples, materials, photos, videos or any other supporting material to help the Commission understand the characteristics of the proposed façade.
- Exterior Lighting: It appears in general that the exterior lighting in the parking lot meets the requirements, however, more information is needed on the canopy lights to make sure those are down shielded and completely recessed into the canopy. The applicant needs to confirm that the ambient light levels are met per the ordinance. She noted that if the proposed façade is going to include lights, which it appears that it is part of the design, then the lighting levels of the façade should be discussed with the Commission.
- Tree Removal: One tree is being removed as part of the project and they are providing a replacement tree that meets the requirements. The landscape plan is very similar to what was previously approved, utilizing an overhead slide, she pointed out the small island that did not appear to meet the minimum width requirements and noted that it is always a concern when there is not enough planting area that the tree will not thrive and in speaking with the applicant they feel they can modify that without issue or possibly even remove a parking space and still be in compliance.
- Landscape Plan: The plan shows a combination of Maples, Honey Locust, Pear and 3 evergreens for a total of 27 trees, they are in compliance with the requirement of the zoning ordinance.

Planning Consultant Stirling concluded her review.

Commissioner McRae questioned, in regard to lighting ordinance, if it specifically discusses façade lighting. Planning Consultant Stirling responded that it does not specially note façade lighting but does discuss decorative lighting, although there is no direct provision for this style of lighting.

Planning Consultant Stirling stated that one of the discussion points has been whether a determination needs to be made on if this type of façade lighting should be considered signage, as signage is typically something that

draws your attention. This lighting is something unusual that has not been seen in Farmington Hills and the architect has brought samples that the Commission can look at to help determine what exactly it is.

Commissioner Blizman asked if the loading zone is on the south side of the building, across from AutoZone's loading area and if there is an issue or impact on the site in a negative way with those two areas being close together. Planning Consultant Stirling responded that the majority of loading area is on the east side with a small portion on the south side, directly across from the dumpster is the loading and unloading area for AutoZone and in her opinion, it would not have a negative impact because of the level of loading and unloading a theater does is minimal and the majority of that area is not adjacent to AutoZone.

Commissioner Schwartz commented that he understands that they meet the ordinance standard but one parking space for every 3.5 seats seems low and there are only 3 spaces above the minimum. He asked if they are under parked where will excess parking spill over to. Planning Consultant Stirling responded that there are only 7 auditoriums and they do meet the requirement, however, she understands that in other situations there are shopping centers surrounding the theater with more parking spaces for overflow parking, but in the case she does not know where that would be.

Commissioner Schwartz commented that if they are under parked, there is a problem with no logical solution.

Chair Topper stated that she anticipates that this theater will likely bring in a lot of people within walking distance as there are apartments across both Drake Road and Grand River Avenue.

Commissioner Orr stated that the last time they looked at this site he had trouble with the idea that there would be a dead end to a property that is not fully developed to the north. The plan labels the area as asphalt and he questioned at what point does asphalt become gravel, as he feels that the area is gravel not asphalt. At the last meeting he asked Staff Planner Stec to follow with Enterprise as to their intentions for that area as he would like to have this area developed at some point and perhaps in conjunction with developing this theater would be a good time.

Staff Planner Stec commented that he has forwarded this issue to Code Enforcement for follow-up and this area is a nomads land between the two properties. He reviewed the Enterprise plans and the area in question was not included as part of their site plan. Engineering has indicated that they will require a gate to be installed to prevent people from driving on that property and using that curb cut.

Commissioner Orr stated that it seems wrong to leave this piece of property unusable and poorly maintained, until Enterprise decides to redevelop, although he realizes that he cannot force the proponent to go beyond his own property lines.

Chair Topper asked who owned the property. Staff Planner Stec responded that Enterprise did not own the property but he is unsure of the owners name and the property contains the entire detention pond in the back.

Chair Topper commented that they have no control over this property and the Commission cannot do anything about it at this time.

Planning Consultant Stirling stated that a gate would go across this property as well as the Serra site as it is her understating that Serra does not want to have cross access to their site at that location.

Chair Topper asked if, with having these two gates, they will still meet engineering requirements. Staff Engineer Darnall responded yes they would be in compliance.

Commissioner McRae asked when Serra came before the Commission previously, what the final motion was regarding that access as the whole point was to have connectivity between the properties. Staff Engineer Darnall responded that the access was for future expansion and as of right now Serra is allowed cross access across the property but there is no way to require Serra to provide the cross access on their property, so the idea is when Serra does decide to provide cross access, the infrastructure is already in place.

Staff Planner Stec commented that he will refer back to the minutes from the meeting with Serra and let the Commission know what the final motion was.

Chair Topper commented that the issue can be researched and if necessary, addressed with Serra.

Lonny Zimmerman, applicant, Siegal-Tuomaala Associates, 29200 Northwestern Highway, explained that he is back before the Commission as they have changed a few things on their site plan. First, previously they had retaining walls around three sides of the property and they recognized that there are construction and costs issues with that, therefore, they eliminated the retaining walls. Second, there was a meeting between the owner and a group of worldwide cinema designers out of Toronto and out of that meeting came the idea to consolidate the plan. The previous proposal had an L-shaped plan with more area entering on the second floor and they have now consolidated the plan and have a better plan with more seating for a total of 520 seats, which is slightly reduced from what was submitted to the Commission, and increased parking. By using this company they came up with exciting ideas on how to design the exterior of the building and they are now proposing an exciting building for the City.

Mr. Zimmerman addressed the following issues:

- **Parking:** The way the parking is calculated for a theater is based on occupancy and the occupancy is never 100 percent, the average occupancy is in the 30-35 percent range. They have 7 auditoriums with the largest at 100 seats and the smallest at 55-56 seats. They meet the ordinance requirements and are comfortable with the parking as they anticipate a lot of walking business from the nearby apartments.
- **Loading and Unloading Area:** In regards to Planning Consultant Stirling's comments about the discrepancy in the calculations, there was an error in their calculations on the plans and they are short on square footage by 180 square feet. He feels this can be handled easily by reducing the parking spaces along the south side from 10 to 9 spaces and picking up the additional loading area by sliding the transformer and the adjacent landscaping over one parking space while still meeting space requirements. From a practical standpoint they have 3-4 times more loading area than needed, as a movie theater does not load from big trailers; they use box trucks for concession items. Screening is proposed around the transformer itself, not just landscaping. There will be a wall around it to form an enclosure to block visibility, which will screen the loading area as well.
- **Detention Pond:** Engineering has pointed out the slopes on the detention pond so they will work to re-slope the pond. He been working with an Engineer from Nowak & Fraus and the slopes on the pond can be kept to the 1:6 ratio without cutting into the required detention capacity, as there is an overage on the capacity of the pond currently.
- **Connection to the Serra Property:** They have 2 driveways in the northwest corner, one goes north as Engineering wanted access to the detention pond, and another goes to the Serra property. He spoke to the general manager of Serra about this project, however, they did not come to any conclusions regarding the cross access.

- **Building Façade:** He presented sample lighting, general materials and photos showing the signage facing Drake Road and the parking lot to the east. The number of materials to be used is few and simple; the design calls for 3 types of metal panels above black stone which will be either granite or some other very dark smooth stone. There are step metal panels with a 3, 2, or 1 step, flush metal panels and flat panels made from a unique product with a metallic paint. Roughly 35 percent of the panels will have lighting; the lights are LED and will be recessed and projected onto the face of the metal panel. No flat panels will have lighting.
- **Lights:** The lights themselves have a ¾ inch module of lighting and have a lumen output of 750 lumens per foot. The lighting will be recessed into the panel and start 10 feet above the ground as they want to create a presence for the building, not a sign.
- **Signs:** In regards to the Drake Road sign, the word Mirage is actually the canopy, the M is over the doors and the rest of the letters form the canopy. In regards to the sign facing the parking lot, the metal panel will provide the canopy over the glass door entrance. The backlit movie posters will be changed periodically.

Dinesh Potluri, 19181 Levan Court, explained that the posters are just big screens and will be changed digitally as they are JPEG files. They will be changed to reflect the big movie coming out and the big movie that is currently playing, they will not change every day.

Commissioner Schwartz asked if there is a question for the Commission to resolve whether they interpret what is spelled out and lit on the Mirage sign as lighting or a sign. Staff Planner Stec responded that the question is on the façade materials, the Mirage is a typical sign, and the Commission must determine whether the façade lighting is a sign or an architectural feature.

Mr. Zimmerman stated for clarification that they have calculated the sign area and have met the 10 percent sign ordinance.

Chair Topper asked if that included the Cinema 7 sign. Mr. Zimmerman responded that he believes that it does, if not they would remove it.

Staff Planner Stec pointed out that they have not evaluated the signs.

Commissioner Blizman questioned if the façade will be so bright that it will distract drivers on Drake Road or disturb any residential area. He noted that he interprets the façades lighting as an architectural feature and not a sign.

Chair Topper stated that she agrees that the façade lighting is an architectural feature and noted that it is very interesting and not something they have seen. The building is designed to draw attention and other businesses do the same but not effectively as this.

Commissioner Stimson asked if the posters would be considered signage. Chair Topper responded yes.

Staff Planner Stec asked the applicant if what is on display is an actual representative of what would be used, because from his perspective the light is far too bright. Mr. Zimmerman responded that it is not exactly what will be used and since they are starting 10 feet up in the air and the light will be recessed into the panel you would not be looking directly at the light.

Commissioner McRae commented that the only issue is whether the façade lighting contributes any additional foot candle at the lot line, so if it is all contained onsite then it is not an issue.

Commissioner McRae suggested that the City look into installing overhead lighting in front of this site as he assumes pedestrians will cross Drake Road in front of the theater instead of going to the crosswalk at Grand River Avenue.

Commissioner Rae-O'Donnell commented that she liked the lighting and believes it is unique architectural feature, although she is curious as to the maintenance of the panels.

Mr. Zimmerman stated that most of the metal panels will not require any maintenance and the few panels that will be treated with a special waterproof coating will have very low maintenance.

Commissioner Orr stated that he believes the lighting is more of a design feature than a sign, but he is concerned with how bright the lighting will be at 750 lumens and asked if there is a limit the Commission can put on the façade lighting.

Commissioner McRae commented that the sample lighting is confusing people and the bottom line is the building will be lit and as long as they are maintaining the light at the lot line, this is not an issue. The light having 750 lumens sounds like a big number but on the scale and height they are proposing by the time it gets to the ground it will not be very bright.

Chair Topper asked if the building will it be lit up all night. Mr. Potluri responded that the brightness of the light will be 50 percent of the lighting that is on the wall in the Chambers and after the last show the lights will turn off, however, they may keep them lit longer during holidays.

Commissioner Mantey noted that where his shop is located there is a lot of this lighting on the trim and it would be ideal to have dimmable lighting because you need a fairly bright light at dusk but not nearly as bright of light night and asked if the lighting would be dimmable.

Mr. Potluri commented that the lights are all dimmable and on special occasions they will make them brighter but for normal conditions they will be dim.

MOTION by McRae, support by Blizman, that Site Plan No. 65-7-2015, dated July 20, 2015 submitted by Lonny Zimmerman of Siegal-Tuomaala Associates be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- **The loading zone on the south side be adjusted to include an additional 180 square feet and moved over one parking space, as discussed**
- **The loading zone in the interior side yard is necessary and acceptable due to the site conditions**
- **The proposed loading zone and transformer screening meets the intent of the ordinance**
- **The lighting effects of the façade be recessed and exclusive of the actual signage, which are the words, shall not cause any additional foot candle level at the property line above and beyond the ordinance limitation and shall be turned down at the appropriate time to comply with the ordinance**
- **The billboard images and “Mirage” sign be separately considered as signs, and regulated as such**
- **The north access point be gated while the east access be open pending on administrative review of approved site plans to the north and the east**
- **A revised plan addressing the items in the August 19, 2015 ClearZoning review be submitted for administrative review**

- **The Cinema 7 sign be calculated administratively, as part of the overall signage**

MOTION CARRIED 9-0

MOTION by McRae, support by Blizman, that Landscape Plan No. 65-7-2015, dated July 20, 2015 submitted by Lonny Zimmerman of Siegal-Tuomaala Associates be approved because it appears to meet all applicable Zoning Chapter requirements and applicable Design Principles as adopted by the Planning Commission, subject to the following:

- **The islands that are deficient in size be modified to meet the required standards**

MOTION CARRIED 9-0

D. PUD QUALIFICATION 2, 2015

LOCATION:	South of Northwestern Hwy., east of Greening St.
PARCEL I.D.:	22-23-02-104-001, 004 & 005; 106-001, 002, 003, 005, 006, 007, 012, 013, 015 & 016
PROPOSAL:	Planned Unit Development Qualification request for a Senior Living Development in RA-4, One-Family Residential District and OS-1 Office Service District
ACTION REQUESTED:	Approval of Planned Unit Development (PUD) Qualification
APPLICANT:	Granger Acquisition, LLC
OWNER:	Thomas J. Langan Trust

Utilizing overhead slides and referring to the Clearzoning review letter dated August 19, 2015, Planning Consultant Stirling gave the background of this application, described the location of property and indicated that it is zoned RA-4 , One Family Residential along with a small piece that is OS-1 which is Office Service District.

The subject property is between Highview and Greening Roads, which run north south and Rexwood and Ludden Street which run east west. Ludden Street is unapproved and is part of Lincoln Avenue, as platted. The south side is heavily wooded and Pebble Creek runs along the southeast corner. The nearby property fronting on Orchard Lake Road and Northwestern Highway is zoned for commercial purposes which currently include Norwest Lanes and seasonal outdoor flower sales. Immediately adjacent to the north and west are retail establishments and to the south are single family residenceals and a multi-family residential property.

The proposal the applicant is making as part of the qualification for a PUD, includes a Phase I and Phase II. Phase I is a 3-story, 102,000 square foot building with 102 residential units, 44 of those would be for memory care and 60 would be assisted living in a senior living facility. Phase I also includes some amenities such as an outdoor recreation and open space area, dining facilities, personal service establishments, fitness facilities, etc. Phase II includes a 3-story building that is approximately 67,300 square feet and 61 assisted/independent living units.

Planning Consultant Stirling explained that in the qualification of a PUD, there are several criteria that need to be met and summarized the following:

- a. *The PUD can be effectuated in any zoning district.* This criteria has been met.

- b. *To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.* This is an area that requires more information from the applicant. They have indicated in their letter that they are intending to allow or maintain the open space at the southeast corner of the property, however, there are provisions in the Engineering Divisions report that detail some changes that would need to occur in Pebble Creek or in that water course.

There are currently six points of access on this property and several changes that would occur on the road systems, as proposed. The plan shows an ingress/egress on Ludden Street, 2 points, 1 point off of Rexwood Street and 3 points off of Highview Avenue. The sitting of the buildings, location of the drives and construction of Ludden Street, requires the removal of the open space and natural features currently located on the southern portion of the property and would, in effect remove the transition or buffer area between the lower intensity residential and this proposed land use.

- c. *To permanently establish land use patterns which are compatible or which protect existing or planned uses.* The Master Plan calls for this area to be multi-family use, as this area is part of the Northwestern Highway and Orchard Lake Road No. 1 Mixed-Use Redevelopment area and calls for promoting mixed-use development and allows for a higher density residential. The applicant has indicated that they do not believe there would be and impact on traffic patterns or a stress on the school system.
- d. *To accept dedication or set aside open space areas in perpetuity.* The applicant has indicated that this is “not applicable.” She recommends that the applicant meet with Planning and Engineering staff to discuss the PUD process. The road right-of-way, road construction, and Creek-related issues should be explored. There are several roads that would be eliminated and Ludden Street would actually be extended and put through to the north south connector.
- e. *To provide alternative uses for parcels which can provide transitional buffers to residential areas.* They believe that the senior living facility could encourage other residential uses in the area
- f. *To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.* The applicant has indicated that improving or vacating roads would actually assist Farmington Hills. The applicant is proposing to close Mulfordton Street and extend Ludden Street. The removal of an existing road and the expansion of an underdeveloped road would be something that the Engineering Division would have additional input on, and may or may not find it to be a benefit to the City.

The other issue that has been raised is the fact that to the north there was a PUD that was approved several years ago, currently developed with the Home Dept site and as part of that development a ring road was proposed between Northwestern Highway and Orchard Lake Road. That PUD was not necessarily considered as part of this proposal and she suggests that the Commission discuss with the applicant or have the applicant discuss with Engineering and Planning Divisions, the idea of looking into a ring road or a connector road to see if that is something that the City is still interested in pursuing.

- g. *To promote the goals and objectives of the Master Plan for Land Use.* This area is indicated as a multi-family use and the applicant has noted that this would be consistent with that and that they are building their development with LEED Certification. They do not believe that this is inconsistent with the multi-family use, however, the natural features that are contained on the site may not have been fully explored as part of this development and she recommends that the applicant contact the Engineering Division to further explore the road closures and the water course in the southeast corner of the site
- h. *To foster the aesthetic appearance of the city through quality building design and site*

development, provisions of trees and landscaping beyond the minimum requirements. One of the community benefits that the applicant has noted is connectivity within the surrounding retail area, however, no pedestrian connections to any of the retail facilities have been shown on the plans and most of the connections appear to be limited to the actual senior facility between Phase I and Phase II. More information is required to fully evaluate this item.

As indicated previously, the southern half of the site is heavily wooded and it is a concern that the majority of that would be removed as part of this proposed project

- i. *To bring about redevelopment of sites where an orderly change of use is determined to be desirable.* The applicant has indicated that they believe that the area is currently under utilized and their development would improve the area's visibility, increase the density and be a benefit to the City.
- j. *The PUD shall not be allowed solely as a means of increasing density or as substitute for a variance request.* The applicant has not addressed this question. Further information is required in order to determine whether this is an issue. The applicant has shown the setbacks and the density, etc. for B-2 districts, whereas it should actually be referenced per the elderly care and services, which is under the special use provisions of the zoning ordinance. Included in those standards are that residential facilities are subject to setback requirements for the RC-1 district. The applicant should look at that information to see how their buildings would compare, for example in the SP-5 district which allows for elderly housing. The B-2 district which is what they are using on their plan does not allow for this type of use. She suggests that they look at the elderly housing and use that as comparison.

Planning Consultant Stirling concluded her review.

Dan Colella, Director of Development, Granger Group, 221 Health Drive, utilizing a power point presentation handout he summarized the overview and community impacts of the project.

Project overview:

- The senior living facility will be developed in two phases. Phase I consists of assisted living and memory care units for a total of 104 units. Phase II consists of 61 additional assisted living units. They believe there is a high demand for assisted living in the community currently and will continue for years to come.
- The project investment will be approximately \$40 million and that will likely go up another \$1 million as they address the comments from the Engineering Division.
- The project will create 40 permanent jobs over three shifts within a 24 hour period. This will be a 24 hour day, 7 days a week, 365 days a year operation. It is important that there is support around the clock for the residents. The shifts will begin and end during non-peak traffic times; therefore, they will not see an impact to the overall traffic.
- The project will provide over 400 local construction jobs over the course of construction.

Impacts on the Community:

- Residents of the future senior living community pay privately for their costs as this is a private pay facility not a subsidized senior apartment or nursing home facility.
- The development will pay property taxes. The annual property taxes generated by this living community, typically exceed the property taxes of any single family home development on the same amount of land.
- Typical resident profile is approximately 85 years old and a non-driver. There will be no impact to the school system and less traffic impact than a single family residential, retail or office use.
- The majority of the residents and their adult children are typically long time inhabitants of the community. They are local residents that are seeking to stay within the community.

Mr. Colella concluded his presentation stating that their research has indicated that Farmington Hills is currently undersupplied in this regard and that is why they are seeking the best location they can find in the community to develop for a senior living facility.

Commissioner Orr asked if the development was cookie-cutter. Mr. Colella responded that the facility is based on a prototype; they have a prototype floor plan that gives them the same number of units, same size kitchen, dining facilities and laundry facilities from location to location.

Commissioner Fleischhacker commented that the plan shows Phase I as 102 units with 50 parking spaces and Phase II as 60 independent living units with 90 parking spaces, which indicates to him that people are driving. He questioned if that much parking was necessary and could the parking be reduced to preserve some of the trees. Mr. Colella responded that in regards to parking, what they have done with a relatively small site is maxed it out, they have shown the absolute maximum they could propose to develop on the property as a starting point. They are learning as they go through this process, is that having open space and preserving some of the natural features are suggested by staff and they will have to factor those things back in and fully expect to do so, which will then reduce some of the parking. He would also like to preserve some of the trees on the southern portion of the site and will start to have that discussion with staff.

Mr. Colella explained that he has personally met with the Engineering and Planning Divisions three times on this project trying to figure out the PUD requirements and Engineering requirements that must be addressed to make sure that this project is still feasible to move forward with and they believe that it is and that is why they are here this evening.

Commissioner McRae stated that he agrees that Farmington Hills is underserved in this type of market and they have been looking for appropriate places to put these types of facilities but he is not convinced whether this project qualifies under the PUD framework. He questioned the \$1 million of engineering improvements as he did not follow what was referenced there. Mr. Colella responded that the Engineering comments indicate paving additional roads above what they have shown on their current plan. The current plan only shows improvements to get access to the site. Engineering is requiring them to extend Greening Street to Ludden Street as well as make improvements to the storm water system on the adjacent property.

Commissioner McRae commented that the Commission looks for the public benefit side when considering a PUD and this suggestion of a site plan almost ignores that fact that there is a creek cutting through the corner of the property. He suggested that perhaps the buildings could be oriented in a way to make the creek into an amenity of the property. He agrees that this area is underdeveloped and this proposal could potentially be what this areas needs but he has not yet heard how this site has met all the PUD qualifications.

Mr. Colella stated that in regards to Pebble Creek, they have learned that it has been enclosed and covered north of this property and they have chose to not do that, instead they are looking to keep that corner of the site open which is where they are at today but not necessarily where they will wind up at the end of the process based on feedback. He agreed that this site plan is a suggestion of a plan and if it is not quite right yet they are willing to continue to invest with their Engineers and their team to get it right. He noted that they are here this evening to confirm that they can qualify as a PUD moving forward.

Commissioner McRae stated that this suggestion of a site plan feels like a standard zoning plot that has been layered on top of some properties that are currently not zoned that way and he does not necessarily see the trade off that is happening by not going though the rezoning process.

Mr. Colella stated that in regards to item 2 of the Engineering memo, they have clarified with the property owners that they did not complete the street vacation process for Rexwood Street and it is their understanding that the owners have obtained Planning and City Council approval but have not taken the final steps. The owners have agreed to work with them on completing that process, which will give them an additional 33 feet to the centerline of that road as additional open space.

Mr. Colella pointed out that they were unable to acquire the rectangular portion of the property in the lower left hand corner of the site and that area is completely wooded and would remain as such until that property owner seeks approval to develop.

Commissioner Orr commented that the vacation of Rexwood Street seems to be a great acquisition to this property and he would like to see the building shifted as far north as possible to preserve the woods to the south should the PUD go through. He agrees that some of the qualifications for a PUD are lacking and they need to be more convincing that this is PUD worthy project. He also agrees that this is an underutilized area and that infrastructure improvements are needed but anybody developing this area under any process would do the same thing, therefore he would like to see benefits to the City from this area.

Commissioner Mantey stated that he does not think that vacating streets and not turning them into paths is such a great idea as this would be an opportunity to make an area more walk able. He noted that one of the items in the Clearzoning review letter indicated that while the facility looks to have paths and walk ability within the property, there is nothing outside the property and he believes that helping walk ability offsite will not only contribute to the community but to the residents as well.

Mr. Colella stated that he agrees, however he does not know how to do that yet with where they are in the process but are open to working with Planning and Engineering to make that happen.

Commissioner Blizman commented that the northern building is identified as memory care units and he assumes that it is a locked facility.

Mr. Colella stated that the third floor is exclusive to memory care and has a different level of security.

Commissioner Blizman noted that when the first PUD plans for this area were developed there was a lot of talk about residential improvements, then Home Depot and Sam's Club were built and those other things did not happen. He believes that the coordination of some of the original engineering and development plans combined with this PUD might benefit both this project and the City. He added that he thinks that preservation of natural features is something they have looked at in the area as well as the ability to get from Northwestern Highway to Best Buy though improved side streets. He feels that this is a starting point and worth going forward with.

Commissioner McRae stated that realistically if this project goes forward and Mulfordton Street and Rexwood Street are vacated, Ludden Street then becomes the only real connection point from Orchard Lake Road into this entire area, therefore that road then becomes a very important main road along with Highview Avenue. He noted that it is unfortunate that they were unable to acquire the property in the southwest corner as that would allow them to orient the property in much better way. He stated that this is a qualification, an initial step and they are a long way from something that is real.

Commissioner Schwarz commented that access into the neighborhood is a crucial one but this is probably an area that is not zoned correctly and he understands that the Master Planning process it did end up going in the direction they were leaning. He added that this is probably one of the most underdeveloped areas of the City and does not seem to work as single family. He thinks there is a community benefit by getting a facility of

this type but maybe it should just go through the traditional rezoning process. He is not sure that he wants to say no just yet but he has not been overwhelmed with community benefits of this PUD.

Commissioner Fleischhacker noted that his concerns have to do with the new hotel that just went in to the east that has direct access from Orchard Lake Road by Mulfordton Street and that access will go away if the street is vacated which will be a huge impact on a brand new hotel. When the first PUD went through the whole object was to get rid of Highview Avenue because that area is in need of developing and all of the residents that are back there are stuck in time as they do not have City water or sewers and the only part of the PUD that did not get done was this area. He noted that this proposed development will trap them even more. He does not want to shut it down because the area does need help. He noted that through rezoning, in order to shut down a road it would have to go before City Council through a different process, therefore, this project has to go through the PUD route.

Chair Topper asked if the Commission has enough information to make a decision.

Planning Consultant Stirling referred to the zoning ordinance which states that the Commission shall approve or deny the applicants request for qualification, whether approved or denied the applicant may then proceed to prepare a PUD plan upon which a final determination will be based. She suggests that the applicant be provided with direction on some of the areas the Commission would like to see when coming back.

Commissioner Fleischhacker stated what was missing and what he expected from the applicant was to go through the PUD qualification items and present how they meet each item so that every item is addressed, which lays out the PUD for the Commission and allows them to move forward with the preliminary qualification. He noted that is what he would look for when the applicant comes back. He added that Clearzoning has indicated they do not have enough information to move forward.

Discussion was held on tabling this item and the issues that occurred with the previous Home Depot PUD site after the Commission tabled the item.

City Attorney Dovre noted that the ordinance states based on the documentation submitted, the Commission shall make a preliminary determination as to whether or not the parcel qualifies, and as Planning Consultant Stirling pointed out, regardless of what the Commission decides, the applicant can still go forward with the PUD plan. He does not see anything in the face of the ordinance that states the Commission could not postpone their decision on the preliminary determination either to a date certain or for an event to occur, which would be for the applicant to address the qualification approval criteria and it is his understanding that the ordinance has changed and the PUD process was simplified since the Home Depot PUD.

Commissioner Manley stated that this is for a preliminary determination and they can make a preliminary determination based on the facts that the plan does not yet meet the criteria and the applicant can come back in the next step and address those items.

City Attorney Dovre added that the ordinance states that the preliminary determination does not assure favorable recommendation, intending only to provide an initial indication as to whether the applicant should proceed to prepare a PUD Plan upon which a final determination would be based and if the Commission made a preliminary determination that the plan does not qualify, they are telling the applicant they have things to do in order to turn in a PUD to get a final determination later on.

Staff Planner Stec indicated that the next step is costly as far as preparing plans and laying everything out, so this is step gives the applicant a sense of whether or not they should even continue to pursue.

Chair Topper commented that she would like to see this adjourned to a date certain to allow the applicant to prepare what the Commission has asked before getting into the costly portion of the PUD.

Mr. Colella indicated that he would like to go through all of the PUD qualification items with the Commission to get specific feedback and direction for each item.

Staff Planner Stec noted that at this point, it is the applicant's burden to convince the Commission that they qualify so he suggests that they allow the applicant to discuss the points individually and make comments on them.

Mr. Colella stated that he will address only the items in bold. In reference to item 4d of the Clearzoning review letter, he indicated that they have met with staff a number of times and this is not an item that came up as they would not have just ignored it and asked what suggestions the Commission would be willing to provide.

Chair Topper questioned who the applicant met with. Mr. Colella responded that he has met with Mr. Gardiner and with Engineering.

Commissioner Mantey noted that looking at item 4b of the Clearzoning review letter, the conclusion was that the applicant was not doing it and that item is not in bold, therefore he feels the applicant should address each item.

Mr. Colella stated that he will go back and start with item 4a, and noted that they have met the criteria. In reference to item 4b, there was a suggestion to move the site north and obtaining as much area up to the centerline of Rexwood Street or beyond to preserve some of the trees and existing landscaping to the southern portion of the site, and he asked if that is what the Commission would like to see.

Chair Topper explained that the applicant is getting the Commissions first initial comments and there may be better ways to redesign or address this plan and the applicant should go back and talk to their team and possibly meet with Planning Consultant Stirling to get more direction. She appreciates that they want to move ahead but thinks that the applicant is trying to answer questions based on the Commissions initial feedback and that necessarily may not give the applicant the best plan. From the comments that have been made this project could potentially qualify for a PUD, however, the applicant needs to address all the qualification. She noted that she would rather see the applicant go back and take the time to discuss these items with Planning Consultant Stirling and the Planning Division to work them out.

Staff Planner Stec provided the Commission with a letter from the applicant, which addressed all the points and noted that it sounded as though this letter was not included in the informational packets provided to the Commission and he apologized for the oversight.

MOTION by Blizman, support by McRae, to make a preliminary finding that PUD No. 2, 2015 submitted by D. Colella of Granger Group, would qualify for the Planned Unit Development Option of Section 34-3.20.2 of the Zoning Chapter and that it be made clear to the petitioner that final determination of qualification and granting of the PUD Plan and Contract are subject review and approval by City Council, after recommendation by the Planning Commission.

- **Before final recommendation, the proponent must demonstrate more clearly how the proposal meets the PUD requirements of Section 34-3.20.E.i-viii**

Commissioner Blizman explained that the applicant should look at the PUD requirements, take the comments from Clearzoning, address the items that were discussed tonight and come back to the Commission with a PUD plan that they can evaluate and go forward on or deny at that time.

City Attorney Dovre noted that there was an error in the section of the ordinance referenced in the motion and it should be corrected to reflect the new Clearzoning ordinance and the motion should be read “that final determination of qualification and granting of the PUD plan.”

MOTION CARRIED 7-2 (Stimson, Schwartz opposed)

McRae asked the applicant if there is specific direction that they do not feel they have on any of these points.

Mr. Colella stated that he is overwhelmed with the amount of information that has come forward and he thinks that they have enough to work with and expects to be speaking with staff soon to meet and discuss items a-j.

Commissioner Fleischhacker commented that the biggest issue he sees is the protection of the great natural features that this property has and suggested removing some of the parking and redesigning the plan to make it more natural by including the creek as a feature for residents to visit.

B. SITE PLAN 59-4-2015

LOCATION:	25780 Middlebelt Rd.
PARCEL I.D.:	22-23-24-101-015
PROPOSAL:	Addition to existing building in B-2, Community Business District
ACTION REQUESTED:	Approval of Site Plan
APPLICANT:	Matt Andrus of Jeffery Scott Architects
OWNER:	The Kroger Company

Utilizing overhead slides and referring to the Clearzoning review letter dated August 19, 2015, Planning Consultant Stirling gave the background of this application, described the location of property and indicated that it is zoned B-2, Community Business District. The property to the west is zoned RA-1 and the property to the east is RA-2. This is a commercial building that includes, as one of the tenant’s spaces, a Kroger store. The property has approximately 435 feet frontage along 11 Mile Road and 500 feet along Middlebelt Road, contains 6.3 acres and has access from both Middlebelt and 11 Mile Roads. The property is improved with a one-story commercial building and Kroger is at the very south end of the center and contains 46,295 square feet of gross floor area.

The proposal is for a fairly small storage unit located at the far southeast corner of the building and adjacent to the truck loading dock and service facilities. As part of the general site plan requirements that are review, there are some items that still need to be provided and those items include:

- Property line description
- Location of the right-of-way and its widths
- Dimensional requirements
- Landscaping
- Exterior lighting provisions

The proposed storage unit has louvered fencing for the walls and a metal roof, the structure is not completely enclosed as there is an opening at the top that is fairly small.

The dimensional requirements for a building when an accessory structure is physically attached to a main building, must meet the requirements of that main building. In this case:

- South yard from residential, requirement is 75 feet with the existing at 51.3 feet and the proposed at 54.33 feet to the accessory structure from the south yard.
- East yard from residential, requirement is 75 feet and the applicant is showing the proposed and existing is 25 feet.
- The applicant needs to seek a Zoning Board of Appeals variance in order to allow this structure to be constructed in the proposed location.

Planning Consultant Stirling summarized other items outlined in the review letter as follows:

- **Dumpster Requirements:** There are several tenant refuse containers located along the back or east wall of the building, that area is generally a service area where the truck wells are accessed, therefore, there is not any customer traffic as it is strictly for service. The Planning Commission should determine, as part of this proposal, if the screening wall located along the east property line is sufficient to screen that area.
- **Truck Access and Unloading Area:** Located along the rear yard, the requirements are for there to be 10 square feet per front foot of the building, the applicant must confirm that they meet that ratio. There should not be any loading or unloading in the side yard although it is screened with a masonry screening wall along both sides of the property, the ordinance still does not allow loading or unloading to occur within the side yard. The Planning Commission may wish to discuss this with the applicant.

The applicant has been asked to identify the proposed truck route to and from the loading area and include the largest turning radius for the largest delivery truck. This is an existing condition and there is not additional property they can add, so it is just Clearzoning that is concerned with how that functions with all the other tenant spaces.

Along the side yard is of particular concern, as there is a lot of storage being stored there and the Planning Commission may want to discuss with the applicant how that impacts any type of trucks turning to access the rear of the property.

- **Landscaping:** There was no landscaping noted on the plans, they only show the immediate details of the proposed project area. The Planning Commission should determine if the landscaping is sufficient as currently they are not meeting the requirements between the public right-of-way and the parking areas and more than likely they are not meeting the requirements of parking lot landscaping. This is an existing condition within an existing shopping center.
- **Exterior Lighting:** This has not been provided and if the applicant is proposing any new lighting a site plan showing the location and photometric plan should be provided. The Planning Commission should review this with the existing standards to determine whether any additional requirements would be put in place as part of the proposal.

Planning Consultant Stirling concluded her review.

Commissioner McRae apologized to the proponents for his vote to move this item to the end of the agenda and he feels it was inappropriate to have them wait.

Commissioner Rae-O'Donnell questioned if there are any complaints currently about the loading and unloading from the surrounding neighborhoods. Staff Planner Stec responded that there have not been any complaints about loading and unloading but there has been a long term code violation because of pallets and things being stored on site which is what brought this applicant here.

Staff Planner Stec pointed out that this site was built in the early 1970's and there were variances that went along with it. For the loading and unloading, in 1971 a variance was granted to allow side yard and rear yard loading and at that time, the determination was made for a 6 foot wall to be built. In 1973 there was a request to modify the requirement for a 6 foot wall to approve the wall as it is presently constructed.

Commissioner Orr noted that when he visited the site there was storage all along the wall from the trash compactor back. The volume of stored pallets was enough to fill the proposed storage unit four or five times.

Commissioner Blizman commented that this is a very small change to the site plan and he does not think they should get into landscaping and lighting because it is such a small change and these are existing conditions. He noted that the parking lot is frequently full so putting in more trees and lights would not enhance the success of this business. In all the years he has lived here he has seen only one or two trucks backing in off of 11 Mile Road and one was just in the last week and it is inconvenient. He added that it seems that the setback requirements would have been granted with the variances in the past.

Staff Planner Stec stated that the site was granted variances for the original construction and for the addition of the loading dock, however, for this construction those variances would not apply and the applicant would be required to get setback variances.

Matt Peters, 2360 Flintridge, representative of Jeffery Scott Architects, explained that they need this storage unit to store the pallets they currently have stored onsite.

Chair Topper noted that it is a very crowded parking lot and there always seems to be storage along the side of the building and she asked if that will all be cleaned up. Mr. Peters responded that the intent is to clean up the side area and keep it clean. The materials in question are in transit most of the time and they do not necessarily stay there for long; they are typically picked up and taken away and then new pallets are delivered.

Commissioner Orr stated that it seems that if a truck comes and delivers the pallets, once empty the same type of pallets would be put back on the truck to take back. He asked why the current condition exists.

Frank Brown, 11859 Kirkwood Drive, Kroger, explained that he was the manager in charge of the construction at this store last year and this came up on them as a surprise after the fact. They want to clean the area up regardless whether they have a storage area or not. The problem they have is not just pallets, it is also bottle bins as they generate 8-10 a day and have no place inside to store them. They also have milk crates, bread trays, pallets and other salvage items. They need both truck docks for deliveries, as they receive 3-5 a day. They are busier now and generating many more salvage items.

Commissioner Orr asked how they will reduce the pallet storage with the current method of operation. Mr. Brown responded that they will not be reducing it, they will be keeping it all confined inside this shed as they will be able to stack them 3 high. He noted that they have met with the City and the management of the store has committed to keeping it cleaned up.

Chair Topper asked if they can only put pallets on the salvage trucks not on a delivery truck. Mr. Brown responded that there is one truck that picks up just bottle bins and they try to schedule it so they pick up a whole trailer at a time as they generate these very quickly due to the amount of bottles and cans that are returned. The pallets and bread trays go back on a Kroger trailer that goes back to the distribution center daily and the milk crates go back 3-4 times a week on a trailer to the milk plant.

Commissioner McRae asked if the smaller dumpster can be moved next to the larger dumpster. Mr. Brown responded that it can certainly be moved.

MOTION by McRae, support by Rae-O'Donnell, that Site Plan No. 59-4-2015, dated April 20, 2015 submitted by Matt Andrus of Jeffery Scott Architects be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to securing setback variances from the Zoning Board of Appeals with the following findings:

- The small dumpster shall be relocated to comply with the ordinance
- The existing landscape and lighting conditions are acceptable
- The property line screening wall is sufficient to meet the intent of the ordinance

MOTION 8-0-1 (Schwartz abstained)

PUBLIC COMMENT: None

COMMISSIONER'S COMMENTS:

The next meeting was scheduled for September 17, 2015 and future meeting and study session dates were discussed.

Commissioner Stimson noted that one of the items discussed during the PUD was the impact on schools, and he feels that these PUD's should be impacting the schools as they need to bring in younger people.

Commissioner Fleischhacker noted that on Orchard Lake Road north of 13 Mile Road as you go north, on the right-hand side there is a new urgent care that has flashing and scrolling signs and asked staff to look into it. Staff Planner Stec stated that he will follow up.

Commissioner McRae thanked staff for the list of road projects he requested at the last meeting and asked staff how much of that would not have been done if the road millage had not passed. Staff Engineer Darnall responded that the concrete and asphalt localized replacements would have been about 1/3 of what is going to be done and the Gill Road and Lytle Road and the Drake Road and 12 Mile Road projects would not have happen without federal funding.

Commissioner Fleischhacker asked staff to check the building on Stansbury Boulevard and 12 Mile Road, it has no sidewalks coming from 12 Mile Road in front of the building which was built in the early 2000's and he wonders how it does not have a sidewalk. Staff Planner Stec responded that he will look into it.

Chair Topper announced that she is in the process of purchasing a condo in the City of Farmington and her closing date is scheduled for October 8, therefore her last meeting will be October 15.

ADJOURNMENT

Seeing that there was no further discussion, Chair Topper adjourned the meeting at 10:38 p.m.

Respectfully submitted,

Steven Schwartz
Planning Commission Secretary

/ceh