

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBERS
JUNE 16, 2016, 7:30 P.M.**

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on June 16, 2016.

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

Commissioners Absent: Fleischhacker, one seat vacant

Others Present: Staff Planner Stec, City Engineer Darnall, City Attorney Schultz, Planning Consultants Arroyo and Tangari

APPROVAL OF AGENDA

MOTION by McRae, support by Orr, to approve the agenda with Item 4C deleted, and Item 4H, *City Code Amendment 1, 2016* added.

Motion carried unanimously.

REGULAR MEETING

A. LOT SPLIT 3, 2016 (Final)

LOCATION:	27839 Orchard Lake Rd.
PARCEL I.D.:	22-23-10-476-066
PROPOSAL:	Split existing parcel into two (2) parcels in B-4, Planned General Business District
ACTION REQUESTED:	Approval of final land division
APPLICANT:	Orchard 12, LLC
OWNER:	Orchard 12, LLC

Referring to his April 22, 2016 review letter and utilizing overhead slides, Planning Consultant Arroyo gave the background for this proposal, which was an application for a Lot Split Final Review, to permit two lots.

Planning Consultant Arroyo noted that this request had been before the Planning Commission on May 19, 2016. At that meeting a motion was made to postpone in order to give the applicant time to provide further information, including specific information as to how the outlot would be developed, and to clarify the fire rating of the west wall of the farthest north building.

This parcel was part of an approved Planned Unit Development (PUD) for a shopping center with 3 buildings, along with a Starbucks and an approved retail building, both of which were on separate parcels. The PUD had a split zoning – mostly B4 but the Starbucks portion was zoned B-3. The proposal was to split the subject site into two parcels, primarily for purposes of refinancing.

Planning Consultant Arroyo called out the following items in the review letter:

- Item 5. Yards and setbacks. The proposed split did not meet all setback standards of the district. The Planning Commission needed to decide whether this could be treated as one unified project (one zoning lot). If this was treated as one zoning lot, no further action was necessary with regard to setbacks.

- Item 7. Cross Access. Cross access easements must be provided in all locations where vehicular circulation required that users of one parcel must cross onto the other parcel to access public rights-of-way. Those easements must be shown on the plan. If an agreement for a blanket easement was reached, this should be noted on the plan.
- Item 8. Subdivision of Land Ordinance, Compatibility with Existing Parcels. There did not appear to be any issues with subdivision of land requirements.

The Planning Commission had the ability to determine whether the proposal was minor in nature and did not violate the overall character of the plan, and could approve or deny the proposed amendment. If the Planning Commission determined the proposed amendment was material in nature, the request would need to be reviewed by the Commission and the City Council, in accordance with Ordinance requirements as they related to final approval of the Planned Unit Development.

Planning Consultant Arroyo noted that at the May 19 meeting, some Commissioners were concerned about parking on the property. At the time the project was submitted a shared parking study prepared by Parsons Brinckerhoff was also submitted; this was included in tonight's packets. That study showed there would be adequate parking. Planning Consultant Arroyo acknowledged the Commission's concerns that the uses were very popular and parking would be at a premium. The applicant could give more information regarding this. However, the outlot building was part of the approved PUD.

City Attorney Schultz advised that the subject parcel was one zoning lot, governed by a PUD that required the use and locations of the buildings. If the buildings or use would be changed by the requested lot split, the full PUD would need to come before the Planning Commission and City Council. However, if the use and configuration of the property was not changing, the Planning Commission could, if they chose, determine that this was a minor amendment and move on the request.

Commissioner Orr noted that at the last meeting he had requested information regarding the fire rating for the western wall at the far north building. He was concerned that the Planning Commission was going to create a nonconformity by approving this lot split. If a new building would ever connect with that wall, the firewall might not meet code. City Attorney Schultz explained that this was still one zoning lot. In order to make any kind of physical change in the zoning lot, the applicant would have to come to the City to get plan approval, and all building codes would have to be met.

Commissioner Orr said that he would like to make any motion determining that this was a minor amendment to the PUD conditioned on discovering the rating of the far west wall. It should be clear to any future purchaser what the rating of that wall was.

Seeing that there was no further discussion, Chair Rae-O'Donnell asked the applicant to speak.

Susan Friedlaender, 41000 Woodward Avenue, Bloomfield Hills MI, was present as attorney for the applicant. The owners/managers of the property were also present this evening.

Ms. Friedlaender said the proposed lot split would result in a change in ownership; however these would actually be related companies. The parcel was being divided for ownership purposes, as there were some changes in the LLC. Also, the lot split was being proposed in order to also get financing for part of the property. This parcel represented one zoning lot. There would be no change physically, in uses or zoning. There were already agreements in place including cross access agreements. Nothing on the property – physically or operationally – was being changed. This was a change on paper. A member of the original LLC left, and some internal things had to be done financially.

Ms. Friedlaender said that she had been before the Commission a couple of years ago when the Center was only 40% occupied and was not in very good shape. It was now almost 100% occupied and refurbishing has been done. It had turned out as they had hoped. The City had been a partner in this as far as allowing the PUD to happen.

As far as the 12 Mile outlot which was approved as part of the PUD, currently there were no plans to develop that. If it ever was developed, it had to meet the terms of the PUD including any parking requirements. Legally it could be dealt with at that time. There was no change by splitting the ownership in the uses, physical layout, or anything else on the property. The proposed split was just a way to get further funds to keep up with the improvements of the parcel. There were a few vacant spaces left that could use some improvements.

Seeing that there were no questions for the applicant, Chair Rae-O'Donnell brought the matter back to the Commission.

MOTION by Orr, support by Blizman, that the Planning Commission determines that the proposed split represents a minor revision to the PUD plan. The determination is based on the following findings:

- All parcels included in the PUD are a single zoning lot
- All parcels are subject to compliance with the terms of the PUD agreement regardless of property lines
- The proper rating of the west wall be determined administratively

Commissioner Mantey asked for clarification regarding what was a minor vs. a major amendment to the PUD. City Attorney Schultz said this was up to the Planning Commission. It would be difficult to claim a major amendment when nothing physically was changing.

Motion carried 6-1 (Schwartz opposed).

MOTION by Orr, support by Blizman, that Final Lot Split 3, 2016, submitted by Orchard 12, LLC be approved because it appears to meet applicable provisions of the Zoning Chapter and of Chapter 27, Subdivision of Land, of the City Code and will result in land parcels which are generally compatible with surrounding lots in the area; and that the City Assessor be so notified, subject to:

- Cross access easements be shown on the plan

Commissioner Schwartz said that when a lot was split, if there were disagreements down the road between owners on a parcel that was developed under a PUD, half might be well maintained and the other half might not be maintained. This had happened in other locations in the City. Also, he believed there was not enough parking for the outlot building. There was adequate parking now, but putting another high volume fast food restaurant on this PUD parcel would create a parking problem. This lot split presented an opportunity to renegotiate the PUD.

Commissioner Mantey asked if there was a legal standard for denying this request. City Attorney Schultz said since the Commission had found this was a minor amendment, there really wasn't a reason to deny. He understood the parking issue. However, the outlot building was approved under the original PUD.

Motion carried 6-1 (Schwartz opposed).

Commissioner Schwartz congratulated the applicants on the successful redevelopment of this property.

B. SITE AND LANDSCAPE PLAN 59-5-2016

LOCATION: 23030 MAHLE Dr.

PARCEL I.D.: 22-23-30-300-049
PROPOSAL: Parking addition in OS-4, Office Research District
ACTION REQUESTED: Approval of Site and Landscape Plan
APPLICANT: Melissa Coatta of HRC
OWNER: MAHLE Industries, Inc.

Referring to his review letter of May 26, 2016, and utilizing overhead slides, Planning Consultant Arroyo gave the background for this application, which was for a parking lot expansion at Mahle North American Headquarters at 23030 Mahle Drive on the east side of Haggerty and west of I-275. The property was zoned OS-4.

The proposal was to develop an additional 12,014 square feet to the parking lot on the south end of the parcel. This would entail paving over a current dirt/gravel section, removing 7 spaces from the lot, and providing 41 new spaces, with a gain of 34 spaces. A total of 461 spaces would be provided.

The parking lot would require 51 canopy trees. Only 43 canopy trees were counted in the survey.

Planning Consultant Arroyo explained that there was another area on the site that had been previously approved for some parking lot modifications that were never completed. That earlier site plan had to be finalized out before Engineering could move forward on this new site plan. Either the Planning Commission had to determine that it was acceptable to leave that parking area as it currently existed, or the previously approved improvement had to be made along with tonight's proposal.

Commissioner Orr referred to additional trees shown on the earlier site plan. Were those trees ever added? Were they included in the tree count for tonight's proposal?

Planning Consultant Arroyo said tonight's proposal was actually separate from any previous proposal. However, if there were trees required in the previous site plan that had not been added, they should be added to the site. Finding locations for those trees could be handled administratively.

In response to a question from Chair Rae-O'Donnell, Staff Planner Stec said the previous site plan was approved in 2014 but had not been finalized out because the improvement mentioned by Planning Consultant Arroyo had not been made.

Commissioner Mantey asked for further clarification regarding the earlier plan. Staff Planner Stec explained that while the previous site plan had resulted in improvements, some parking lot modifications were never made. The plans that were before the Commission tonight reflected the same improvements that were made in 2014; there was only the one area that had not been improved.

Commissioner Mantey asked how many trees were not planted from the earlier plan. Staff Planner Stec said that there were two trees that should have been added. The trees needed to be identified on the plan.

Chair Rae-O'Donnell invited the applicant to speak.

Hal Johnson, 23030 Mahle Drive, Farmington Hills, and Roland Alix, Hubbell, Roth and Clark, Inc., 555 Hulet Drive, Bloomfield Hills MI, were present on behalf of this application.

Mr. Johnson said that the landscaping plan that was being shown was from the last round of expansion when they had purchased the building to the north of their property. They had renovated that building and created a connector between the buildings. Because of the time of year, they were not able to complete all the landscaping in 2013 and

they requested a second phase, which was completed in 2014. The parking lot expansion requested this evening conformed to the approved 2001 master plan for the site. In 2001 they had shown the parking being built in 3 phases: the one that existed currently, the one that was being requested tonight, and a 3rd one further to the west. In 2001, when the parking lot to the south had been constructed, all the infrastructure, drainage, piping, etc were put in place for the additional areas of expansion. They were following the master plan for the parking lot expansion.

Regarding the tree counts, in 2014 when they closed the phase two expansion, they showed five more canopy trees on site than required. When they had communicated with Engineering Staff in May 2016 regarding this issue, they had hoped this had been resolved. However, there appeared to still be some confusion.

Mr. Johnson noted that they had received the Beautification Award for the last couple of years, and were clean corporate citizens of the City. They were pollution prevention partners with the State of Michigan. They tried to do what was right environmentally.

Commissioner McRae asked if Mahle had finished the earlier plan as it was drawn, so that it was just a matter of City Staff verifying this. Mr. Johnson said to the best of his knowledge the earlier work had been completed. The site as it existed today was the way it was intended to be. The portion being called out was greenspace, with 3 flags and inground lighting. It was never their intention to take that out for parking.

Staff Planner Stec said that tonight's plan reflected the site as it existed today. However, the landscape plan submitted as part of this proposal was dated 2014. The two plans needed to match.

Mr. Alix said they would be happy to revise the landscape plan to show the current conditions.

Staff Planner Stec said the Planning Commission needed to indicate that they were approving the plan as presented this evening, or alternatively, to require Mahle to complete the earlier plan.

Commissioner Orr indicated he was ready to make a motion.

MOTION by Orr, support by Blizman, that Site Plan No. 59-5-2016, dated May 18, 2016, submitted by Melissa Coatta of HRC be approved because it appears to meet all applicable requirements of the Zoning Chapter. This approval is subject to the following condition:

- **The new plan includes the elimination of a small portion of the parking lot shown to be reconfigured in the previously approved site plan**

Motion carried 7-0.

MOTION by Orr, support by Blizman, Landscape Plan No. 59-54-2016, dated May 18, 2016, submitted by Melissa Coatta of HRC be approved because it appears to meet all applicable Zoning Chapter requirements and applicable Design Principles as adopted by the Planning Commission. This approval is subject to the following condition:

- **A revised plan addressing the items of the Clearzoning review report, including showing a total of 51 canopy trees, and the relocation of two canopy trees that were part of the previously approved landscape plan be submitted for administrative review**

Commissioner Mantey asked which landscape plan was being approved this evening. The only landscape plans presented showed dates of 2013 and 2014. But the 2014 plan included things that now were not being required.

Commissioner McRae said that this approval was on the edge of his comfort level for allowing administrative review. Absent the history between the City and Mahle, he would be voting against this motion. As it stood, he would vote in favor, but the submission was sloppy.

MOTION by Mantey, support by Schwartz, to table landscape plan approval until a proper landscape plan was provided.

As there was not discussion on a tabling motion, Chair Rae-O'Donnell called the question.

Motion failed 2-5 (Blizman, McRae, Orr, Rae-O'Donnell, Stimson opposed)

Chair Rae-O'Donnell called the previous motion to approve the landscape plan, with conditions.

Motion carried 6-1 (Mantey opposed)

C. SITE AND LANDSCAPE PLAN 60-5-2016

LOCATION: 29325 Eldon St., 23210 Middlebelt, & vacant land at SE corner of Middlebelt and Eldon St.
PARCEL I.D.: 22-23-25-301-022,033, & 034
PROPOSAL: Proposed townhomes and apartments in RC-2, Multiple Family Residential District
ACTION REQUESTED: Approval of Site and Landscape Plan
APPLICANT: Michael Kallis of Kallis Enterprises
OWNER: Kallis Enterprises

This item was removed at the request of the applicant.

Commissioner McRae explained to the public present that the action requested for agenda items D, E and F and G was simply to set those items for public hearing. No public comments would be taken. He was concerned that the public present tonight were under the impression that they would be able to speak, but taking public comment was not the purpose of tonight's meeting. Public comment would be taken at the July public hearing.

D. SPECIAL APPROVAL PLAN 61-5-2016

LOCATION: 26811 & 26789 Orchard Lake Rd.
PARCEL I.D.: 22-23-15-429-080 & 81
PROPOSAL: Addition to existing MI School of Professional Psychology RA-2, One Family Residential District
ACTION REQUESTED: Set for Public Hearing
APPLICANT: Steven Schneemann, S3 Architecture
OWNER: Ted T. Selever

Referring to his review letter of May 31, 2016, and utilizing overhead slides, Planning Consultant Tangari briefly reviewed this application, which was to set for public hearing Site Plan, Landscape Plan, and Tree Survey Review for the Michigan School of Professional Psychology addition and parking lot improvements. His comments included:

- The site in question – a former residence – was adjacent to the current school. The applicant had indicated that the existing home would be used as an extension of the Michigan School of Professional Psychology, located directly to the north, for teaching, gathering, and administrative purposes. The shed on the site would be removed, as well as the gravel driveway. Site improvements of outdoor seating and paved parking were proposed.

- The 1.92-acre property was located on the west side of Orchard Lake Road, with a depth of 206.83 feet and 240 feet of frontage along Orchard Lake Road. The site was presently accessed through a U-shaped gravel drive off of Orchard Lake Road; this driveway would be removed completely.
- It appeared there was a portion along Orchard Lake Road where the lighting illumination did not meet ordinance requirements at the property line.
- The applicant had not provided the internal parking lot crossings, nor had they indicated pedestrian access from the sidewalk.
- This property was in an RA District. The applicant was proposing parking in the front yard setback. This was not permitted by the Ordinance. The applicant was intending to apply for a variance from the Zoning Board of Appeals.
- This property was across the street from a residential district, where a cluster project was planned that had recently been approved by the Commission. While the proposed screening met the requirement for general parking lot screening, the Commission had the ability to require more screening if this was thought appropriate. If there were not a major road between this property and the residential area across the street, the applicant would be required to have a 6-foot wall or berm. A provision in the ordinance said if there was a major thoroughfare, this could be substituted with a greenbelt. The question was: how much landscaping was appropriate to screen this use from the residences planned for the other side of Orchard Lake Road?

Commissioner Orr suggested joining the two properties for clarity of setbacks, etc. Planning Consultant Arroyo said that combining the properties was certainly preferred, unless there was some overwhelming reason not to do so. This would be a question for the applicant.

Commissioner Schwartz said that he would like to see the Master Plan for the area at the public hearing and the existing land use from 696 to somewhat south of the subject site, as well as explanation as to why the Master Plan suggested cluster or other multiple-family housing along this area of Orchard Lake Road. The Commission should address the issue of where this change might lead in terms of other properties in the area.

Commissioner Mantey clarified that tonight the Commission was setting a public hearing for a special approval request. If the special approval were granted, a landscape plan would be forthcoming.

Commissioner Blizman clarified with Staff Planner Stec that it was appropriate to set the public hearing, given that a variance was needed for this project to go forward. An affirmative decision at the public hearing could be conditioned upon Zoning Board of Appeals approval for the necessary variances, if that was the desire of the Commission. Alternatively the Commission could deny the request because it did not meet ordinance requirements, and the applicant could still seek relief from the ZBA.

Seeing that discussion had ended, Chair Rae-O'Donnell invited the applicant to speak.

Diane Blau, President of the Michigan School of Professional Psychology, 26811 Orchard Lake Road, Farmington Hills, was present on behalf of this application. Ms. Blau expressed enthusiasm for the proposed project, and gave some history of the School. They had been in Farmington Hills since 2003. They offered Masters and PhD degrees in clinical psychology. They had expanded, especially in teaching students how to deal with aging populations.

Chair Rae-O'Donnell asked if the School had considered combining the two lots. Ms. Blau said they would consider this.

Todd Lipa, 28600 W. 11 Mile Road, Farmington Hills, said that he had been on the Schools' Board for 4 years. They were looking at developing a state of the art counseling center. The expansion would allow the students to give affordable clinical hours on a scale that would meet some needs of local residents.

Steven Schneeman, architect, S3 Architecture, 23629 Liberty, Farmington MI said he was available to answer questions. Regarding the review letter, they would resolve illumination levels at the property line. They would also resolve pedestrian access issues, by adding pedestrian access from the bike lanes along Orchard Lake Road.

Regarding the front yard parking, based on the configuration of the School where homes were adjacent immediately to the west with a wooded area buffering those homes, they thought it was more appropriate to have as much parking as possible on the east of the property along Orchard Lake Road. They were open to adding additional screening there. They were also open to combining the two lots.

Commissioner McRae asked if there would be additional drawings submitted before the public hearing.

Mr. Schneeman said they would work with the Planning Department to revise the lighting and show pedestrian access in an amended drawing. They hoped to be able to park on the east as requested and would like to receive feedback from the Commission regarding this issue.

Planning Consultant Arroyo explained that there was a basic parking lot screening requirement of 2-foot high screening plus some additional trees. However, in this instance – because of the residential area across Orchard Lake Road – there was more of a burden for the applicant to meet, and additional screening could be required.

Commissioner McRae pointed out that according to the topographic map, the parking lot was higher than the street. This would inform his thinking on whether additional buffering was necessary.

Chair Rae-O'Donnell said she would be in favor of additional buffering.

MOTION by Blizman, support by Stimson, that Special Approval 61-5-2016, petitioned by Steven Schneemann of S3 Architecture, be set for Public Hearing on July 21, 2016.

Motion carried 7-0.

E. SPECIAL APPROVAL PLAN 62-5-2016

LOCATION:	24505 Halsted Rd.
PARCEL I.D.:	22-23-19-426-031
PROPOSAL:	Addition to existing BonaVenture Roller Skating Center LI-1, Light Industrial District
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	David Hughes of Vanston/O'Brien Inc.
OWNER:	XS Properties LLC

Referring to the Clearzoning review letter dated June 9, 2016 and utilizing overhead slides, Planning Consultant Tangari gave the background for this request, which was to set for public hearing a special approval request, along with site and landscape plan approval, to permit a 12,625 square foot addition to the existing Bonaventure skating center.

Planning Consultant Tangari called out the following items:

- The intended use should be fully described by the applicant, including capacity. No narrative had been included regarding this.

- The new addition was much larger than 2,000 square feet; the applicant should be prepared to explain the intended use and parking demand of the entire addition. It was his understanding that a trampoline area was being added, but this needed to be clarified in terms of parking needs.
- Regarding the screening requirement from a public thoroughfare by a low hedge or a berm or masonry wall two feet in height, portions of the front of the site appeared to meet this requirement, but not all – especially along the Halsted Road frontage. The applicant should provide for a line of shrubs along the portions of this frontage to supplement those areas that did not have a two-foot berm.
- Large deciduous trees should have a 3-inch caliper, rather than the 2.5-inch caliper proposed.

Seeing that there was no discussion at this point, Chair Rae-O'Donnell invited the applicant to speak.

Ghazwan Ismail, 24505 Halsted, Farmington Hills was present on behalf of this application. Greg Heim, project engineer, was also present.

Mr. Ismail explained that while the roller skating business had declined, Bonaventure was probably one of the finest roller-skating rinks built in the country. The population served by skating rinks had grown younger, so that now elementary school aged customers were among the biggest users. The applicants were trying to add value for this population by adding a trampoline.

Mr. Ismail further commented that while a 12,000-foot addition seemed large, each trampoline was almost 100 square feet and was used by one person at a time. They had purchased Bonaventure out of bankruptcy and had already accomplished much renovation. However, they were still building customer use and loyalty. The parking should not be impacted much because the same people who were already coming were the people who would also use the trampoline.

Mr. Heim addressed parking calculations for this site. The count for skate rinks included party tables for the new addition as well as for the existing rink. There was no specific use for a trampoline in the parking ordinance, so he had applied skating rink requirements to the entire building. The existing arcade was the 2,000 square feet noted by Planning Consultant Tangari.

Planning Consultant Arroyo said it was helpful to know the entire building operated as a unit.

Commissioner Schwartz confirmed that most trampoline users would be below the age of 16 and therefore would not drive.

Mr. Ismail said that most users of their building came in larger cars and minivans, holding multiple younger-age users. The only time there were any parking issues at all was when parties were scheduled and cars were coming and going for those.

Commissioner Orr asked the use of the second story of the new addition. Mr. Ismail said that this would be a viewing/party area for parents who were having a trampoline party.

Commissioner Orr said that if services were offered on the second story that were not offered on the main floor the building might not meet the ADA requirements in the building code, unless an elevator was installed. This needed to be clarified for the public hearing.

As there was no further discussion, Chair Rae-O'Donnell indicated she was ready for a motion.

MOTION by Stimson, support by Blizman, that Special Approval 62-5-2016, petitioned by David Huges of Vanston/O'Brien, be set for Public Hearing on July 21, 2016.

Motion carried 7-0.

F. REZONING REQUEST 2-5-2016

LOCATION:	27835 Shiawassee Rd.
PARCEL I.D.:	22-23-36-254-001
PROPOSAL:	Rezone parcel currently zoned RA-4, One Family Residential District to RC-3, Multiple Family Residential
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	Jacob Bacall
OWNER:	Archdiocese of Detroit

Referring to the June 9, 2016 Clearzoning review letter and utilizing overhead slides, Planning Consultant Arroyo gave the background for this application, which was a request to set for public hearing a rezoning request for the property from RA-4 One Family Residential to RC-3 Multiple Family Residential.

Planning Consultant Arroyo noted that this property had been before the Planning Commission at an earlier meeting. The request had changed from a consideration of two different zoning districts, to a request to change to a single zoning district, RC-3.

Planning Consultant Arroyo gave the location of the property and the surrounding zoning. He noted that the Master Plan for Future Land Use designated the property as Quasi-public. This was consistent with the previous use, which was a church. The Master Plan did allow for conversion to residential uses, with a designation of medium density residential, which was consistent with RA-4 zoning, but not the proposed zoning.

Planning Consultant Arroyo said the Commission needed to decide:

- Whether the density map was a deciding factor for this property.
- How much impact did the multiple family development to the south have on this property? The area to the west, north and east were all single-family.

Commissioner Schwartz wondered if the building could be sold as a church to another denomination, as the structure seemed sound. Could an evaluation of the building condition be presented to the Commission prior to a public hearing?

Staff Planner Stec said he would follow up as best as he was able with this request. A full evaluation would require entry on the property.

In response to a question from Commissioner Blizman, Staff Planner Stec said the applicant had originally considered SP-1 zoning, which specifically allowed convalescent homes as the only use. The applicant had returned this evening with a multiple-family type use.

Chair Rae-O'Donnell invited the applicant to speak.

Burt Kassab, 31000 Northwestern Highway, Suite 100, Farmington Hills MI, was present on behalf of the applicant Jacob Bacall, who was also present, along with the project architect Ghassan Abdelnour.

Mr. Kassab said the church had closed in the fall of 2014, and had been listed with a national broker for at least 18 months. The offer from Mr. Bacall was the only viable offer received. The applicants would present more details at the public hearing for this senior housing project, to be completed in 2 phases. They were sensitive to the neighbors, and access and design had taken neighbors' concerns into consideration. Mr. Bacall had an open house for all the neighbors in April and had listened to their concerns and made appropriate changes to the plan.

Jacob Bacall, 30407 W 13 Mile, Farmington Hills MI, further explained that the open house was to get feedback from the neighbors. There were about 15-20 concerns, and for the most part they had developed the plans to address those concerns.

Commissioner Orr confirmed that the applicant was anticipating senior housing. However, with this specific zoning request anything permitted within that zoning district could be constructed. Was a multiple-story or single story building being considered?

Mr. Kassab said they would like to have a 3-story building, as was standard in the senior housing industry.

As there was no further discussion, Chair Rae-O'Donnell indicated she was ready for a motion.

MOTION by Schwartz, support by Blizman, that Zoning Request No. 2-5-2016, petitioned by Jacob Bacall, be set for Public Hearing on July 21, 2016.

Motion carried 7-0.

G. SPECIAL APPROVAL PLAN 63-6-2016

LOCATION:	30790 Eight Mile Rd.
PARCEL I.D.:	22-23-35-352-017, 018 & 22-23-35-376-017
PROPOSAL:	Concrete mixing batch plant
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	Anthony Sarotte of Florence Cement Co.
OWNER:	City of Farmington Hills

Referring to the June 9, 2016 Clearzoning review letter and utilizing overhead slides, Planning Consultant Tangari gave the background for this application, which was a request to set for public hearing special approval and site plan approval to permit a cement batching plant.

Planning Consultant Tangari said this request was for a temporary use, for 3-4 months, and would not be present during the winter. The site was LI-1, Light Industrial.

Planning Consultant Tangari said that typically more detail was included in the site plan. Even though this was a temporary use, the Planning Commission should determine tonight how much detail they would like to see.

In response to a question from Commissioner McRae, Planning Consultant Tangari said that as far as he knew, the use would be for this season only. Commissioner McRae noted that this cement batching plant was for City street renovation, and he felt the process was backward, as it seemed to him the cement company should have had a mixing location in place when they bid the job.

Commissioner Schwartz asked City Attorney Schultz to address – at the public hearing – the possibility that this approval might extend into future years as a kind of seasonal but permanent use, especially if there were no complaints.

Commissioner McRae said that this site was suggested by the City and the City owned the property. He felt the Commission's hand was being forced.

Planning Consultant Arroyo said Engineering Manager Cubera had indeed indicated that there was a sense of urgency regarding this application. If possible, this should be set for public hearing on July 7.

Chair Rae-O'Donnell asked if there were any other batch plants near this location. Staff Planner Stec said there were batch plants directly to the east.

Commissioner Orr asked about the route the cement trucks would take from this plant. Staff Engineer Darnall said the project in question was at Independence Commons, at 11 Mile and Drake Road.

Commissioners Schwartz and McRae said they would not be able to attend the July 7, 2016 meeting.

Commissioner Schwartz wondered if this location was approved because Farmington Hills needed work done this summer, if neighboring cities needed a cement batch location in 2017 or 2018, could the City then deny a request for this location?

Chair Rae-O'Donnell invited the applicant to speak.

Anthony Sarotte, Florence Cement Co., 12585 23 Mile Rd., Shelby Township, was present on behalf of this application. Mr. Sarotte said that the sole purpose for this cement batch location was to serve the Independence Commons paving project. When they bid the project there were several locations that might have served this purpose, but so far none of those had worked out. The subject parcel, which belonged to the City, was viable. The route they would take to the paving site was via 8 Mile Road to Orchard Lake Road, to Freedom Road, to Drake Road.

Mr. Sarotte said their operation was a clean operation and he described the equipment and materials that would be on site. They used best practices. They had a MDEQ permit, and the MDEQ reviews reflected that they ran a good, clean operation that was not dusty or noisy. This paving project required 29 days of paving over 3-1/2 months. No crushing would be done on site. There would be a pile of sand, a pile of gravel, and everything would be enclosed. Only mixing would be done on site.

Mr. Sarotte said his understanding was the excavation had already started for this project, and the streets would be ready for paving the early part of July. Thus the sense of urgency.

MOTION by Blizman, support by Orr, that Special Approval 63-6-2016, petitioned by Anthony Sarotte of Florence Cement, be set for Public Hearing on July 7, 2016.

Motion carried 6-1 (McRae opposed).

Commissioner McRae said he opposed the motion as he was frustrated with the process. He especially found the timing of this request unacceptable. He felt the Commission was being asked to rubber stamp this request.

H. CITY CODE AMENDMENT 1, 2016

CHAPTER OF CODE:

Chapter 17 "Nuisance"

REQUEST:

Amend to include regulations on the use of window perimeter lighting in non-residential zoning districts

ACTION REQUESTED:

Set for Planning Commission Public Hearing

SECTION: Article VII, "Performance Standards", Section 17-106 "Lighting"

Staff Planner Stec said City Staff and consultants had evaluated the proposed amendment regarding window perimeter lighting, and had concluded that this could be made part of the City Code. As mentioned at the June 9, 2016 Study Session, placing the amendment in the Code would be a faster and more complete way to proceed. Additionally there would be no grandfathering. As a result there would be no public hearing regarding this amendment, but the language would go directly to City Council if the Planning Commission so chose.

Commissioner Blizman asked about the Rashid garage door window perimeter lighting. This had gone to the ZBA at the time it was installed. Did the ZBA decision protect that particular site?

City Attorney Schultz said that Rashid could not be regulated under the new Code language, as the ZBA ruling would prevail.

Commissioner McRae asked about limits on ambient lighting levels as discussed at Study Session. Planning Consultant Arroyo said that based on Planning Commission input language had been recommended to be added as d and e:

d. The brightness of window perimeter lighting shall be limited to 0.3 footcandles above ambient light conditions, as measured from the property line or lines nearest to each source of illumination.

e. Window perimeter lighting shall be limited to two horizontal and four vertical lines. Where a door interrupts one or both horizontal lines, each line shall be considered one line.

Planning Consultant Arroyo said that e. might have to be tightened to more completely reflect the desire of the Commission regarding horizontal lines.

In response to comments by Commissioner Orr, City Attorney Schultz said that one motion would be needed to add d. and e. to the proposed ordinance amendment, and then to recommend the final product to City Council.

Commissioner Mantey asked why there would be no public hearing. City Attorney Schultz said a Planning Commission public hearing was not required for a City Code amendment.

Commissioner Mantey noted that he was the Commissioner who had argued that it was important to hurry with a zoning ordinance text amendment, in order to limit situations that were grandfathered. Now that the language was going to be in City Code, perhaps a little more time could be taken and public input gathered.

City Attorney Schultz said that The City Council would hold two readings of the amendment.

Commissioner Blizman said that he thought there was a second ZBA case that might be grandfathered. Section 3 of the proposed code amendment did point out that rights accrued prior to the amendment would not be affected.

Commissioner McRae was not sure that new paragraph e. should be included in the new code language.

Commissioner Schwartz said that whether the Planning Commission or City Council had public hearings, unless there was formal outreach to the business community via the Chamber of Commerce, for instance, no one would be present for public comment. He addressed the difficulties of enforcing the new regulation with no prior outreach to the business community. He felt a public hearing should try to actually engage the business community.

Staff Planner Stec said that this had been brought to the Commission this evening as a result of the sense of urgency brought forward at the June 9 Study Session. If the Commission wanted to do more outreach, that was certainly possible.

Commissioner Mantey also thought it would be appropriate to reach out to the Chamber of Commerce.

Commissioner Blizman agreed that the Chamber of Commerce should be notified, along with specific lighting businesses in the City, so that they could appear when the amendment was read at City Council.

Staff Planner Stec said that paragraph a. would eliminate neon lights by saying that the direct light source should not be visible. Was this the intent?

Planning Consultant Arroyo asked about circular windows, and how they would be impacted by paragraph e., which limited parameter lighting to horizontal and vertical lines.

Commissioner Stimson thought e. should be eliminated. With paragraphs a. and e. the brightness and light source – the biggest issues – were addressed.

City Attorney Schultz said that if the Commission thought public input should be gathered, it might be more appropriate to do that at the Planning Commission level, rather than send the language to City Council and expect them to deal with public reaction, when the Council had not actually studied the issue to begin with.

Based on the discussion just held, Commissioner Mantey made the following motion:

MOTION by Mantey, support by Schwartz, that City Code Text Amendment 1, 2016, with paragraph d. added, be set for public hearing on July 21, 2016, with notification going to the Chamber of Commerce and the Council of Homeowners Associations.

Commissioner Blizman thought the proposed code text amendment should go directly to City Council.

Chair Rae-O'Donnell confirmed that paragraph e. was no longer being considered as an addition to the proposed text amendment.

Motion carried 6-1 (Blizman opposed).

APPROVAL OF MINUTES:

May 19, 2016

MOTION by McRae, support by Blizman to approve the minutes of May 19, 2016 as published.

Motion carried 7-0.

PUBLIC COMMENTS

Masha Silver, Forest Park, asked that Commissioners be aware that they were not always heard by the audience, and make an effort to speak directly into their microphones. Ms. Silver thought the public were told they were not welcome to be here this evening. Ms. Silver then spoke to agenda item F, Rezoning Request 2-5-2016, mentioning that the plans on a board brought by the applicant were nothing like the plans shown on the overhead this evening. She made other comments regarding this rezoning request, which she opposed. She was concerned that the proposal would include daily, weekly, and monthly studio rentals as part of the project.

Commissioner Blizman explained that the comments made to the public during the meeting were made out of concern for the residents who might have come thinking this was a public hearing. The public was always welcome at Planning Commission meetings.

COMMISSIONERS' COMMENTS

Commissioner Mantey said the bicycle parking at the Ghent, Belgium railroad station was truly amazing.

Commissioner Schwartz said that on 13 Mile Road between Haggerty and Halsted there appeared to be the intent of a bike lane; this was very popular with bikers. However, perhaps a bicycle symbol could be added.

As a follow-up to the discussion on A-frame signs at the June 9 study session, Commissioner Schwartz listed several A-Frame signs he had noticed throughout the City, including one at the Fire Station on Grand River, one at a commercial shopping center, and two advertising neighborhood association news.

ADJOURNMENT

Seeing that there was no further discussion, Chair Rae-O'Donnell adjourned the meeting at 9:42 p.m.

Respectfully submitted,

Steven J. Stimson
Planning Commission Secretary

/cem