

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBERS
NOVEMBER 17, 2016, 7:30 P.M.**

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on November 17, 2016.

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

Commissioners Absent: Blizman, Fleischhacker

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

APPROVAL OF AGENDA

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

Motion carried unanimously.

REGULAR HEARING

A. REZONING REQUEST 4-10-2016

LOCATION:	22000 Haggerty Rd.
PARCEL I.D.:	22-23-31-101-020
PROPOSAL:	Rezone parcel currently zoned RA-1, One Family Residential District to OS-4, Office Research District
ACTION REQUESTED:	Set for Planning Commission Public Hearing
APPLICANT:	M2B2 LLC.
OWNER:	Vicki S. White

Utilizing overhead slides and referring to the October 27, 2016 Giffels Webster/Clearzoning review letter, Planning Consultant Arroyo gave the background to this application, which was to set for public hearing a request to rezone property at 22000 Haggerty Road from RA-1, One Family Residential District to OS-4, Office Research District.

Planning Consultant Arroyo described the location, surrounding zoning, and Master Plan designation for this property. The property was the site of the David Simmons House, built in 1843, and listed on the Michigan State Registry of Historic Places, and was part of the Farmington Hills Historic District.

Planning Consultant Arroyo said the applicant should provide a letter of intent regarding the future of the property and how the rezoning might impact that.

Planning Consultant Arroyo briefly reviewed items to consider for a zoning map amendment, as listed on pages 2-3 of the review letter.

Commissioner Orr asked why there were two parcels on the provided survey. City Planner Stec explained that the survey showed the combination of two parcels from 1986, and showed the legal description of

both the properties that were combined. The property boundaries were shown by the extreme boundaries around the edge. Today, the property was a single parcel.

Commissioner McRae asked about the status of the historic home on the property. City Planner Stec said the owners of the property at one time were considering requesting the elimination of the historic designation of the home in order to redevelop the property. At the request of the owners, this request never progressed to City Council, and now they had a party interested in the property, including the historic home.

Various zoning classifications were discussed as they might relate to this property. Commissioner Brickner commented that the home could be turned into an office with the requested zoning, and this would fit with the area.

Commissioner Schwartz asked that the historic designation of the home be addressed at the public hearing. Would the rezoning affect that designation?

In response to a question from Commissioner Brickner, City Planner Stec said the home had been evaluated by the Historic District Commission, and they felt the home had not deteriorated to the level that it could not be rehabilitated. One HDC member had also taken a tour of the interior.

Dan Blugerman, Thomas Duke Realtors, real estate agent for the sellers, was present on behalf of this application.

In response to a question from Commissioner Brickner, Mr. Blugerman said the sale of the property was conditional upon the rezoning request being granted.

Chair Rae-O'Donnell asked if Mr. Blugerman knew the proposed use for the property. Mr. Blugerman said this would be up to the purchaser to describe at the public hearing.

MOTION by McRae, support by Stimson, that Zoning Request 4-10-2016, petitioned by M2B2 LLC, be set for Public Hearing on December 15, 2016.

Motion carried unanimously.

Commissioner McRae requested that City Staff reach out to the actual applicant to make sure they would be at the public hearing.

B. REZONING REQUEST 5-10-2016

LOCATION:	31215 Fourteen Mile
PARCEL I.D.:	22-23-02-101-062
PROPOSAL:	Rezone parcel currently zoned B-2, Community Business District to B-3, General Business District
ACTION REQUESTED:	Set for Planning Commission Public Hearing
APPLICANT:	Stuart Sherr
OWNER:	14-Orchard Plaza, LLC

Utilizing overhead slides and referring to the November 3, 2016 Giffels Webster/Clearzoning review letter, Planning Consultant Arroyo gave the background for this application, which was to set for public

hearing a request to rezone property at 31215 Fourteen Mile Road from B-2 Community Business District to B-3 General Business District.

Planning Consultant Arroyo noted that the Master Plan for the area designated the property as Shopping Center-Type Business, which was consistent with the current and proposed use. The center was part of the area affected by the new roundabout at 14 Mile and Orchard Lake Road.

The purpose of requesting the B-3 Zoning was to have a drive-thru facility on the site.

Planning Consultant Arroyo explained that this was a focus area in the Master Plan, as described on page 2 of the review letter. Additionally page 3 went through the questions that needed to be considered for a zoning map amendment.

Commissioner Orr asked if the B-3 Zoning allowed the swim club which was recently approved at this location.

Commissioner McRae confirmed with Planning Consultant Arroyo that the northeast corner of the property was not a part of this parcel, even though that corner provided parking and was zoned B-3. It came out in discussion that the northeast portion was actually part of the right-of-way, and was under long-term lease to the owners of tonight's subject parcel. This was a single zoning lot for planning purposes.

Stuart Sherr, 31300 Orchard Lake Road, Suite 200, Farmington Hills, was present on behalf of 14-Orchard Plaza, LLC. He explained that they were requesting that this rezoning request be placed on a public hearing agenda.

Commissioner McRae asked if the northwest part of the site that was now the corner right of way could be combined with this parcel. Mr. Sherr said that area was under public ownership and had been acquired by eminent domain in order to support the roundabout. It was not large enough to support any activity by itself. He doubted that the property owner – state or county – would let them use the property for anything except landscaping, and they had improved the landscaping dramatically.

Commissioner Schwartz asked that a discussion be held at the public hearing regarding access to this property. Mr. Sherr said that customers could only exit the property by a right hand turn. The roundabout had improved the traffic flow significantly.

Mr. Sherr also confirmed that the portion of the parking lot that was zoned B-3 in the northeast corner was owned by the State, and they had a long-term lease with the State to use the parcel. This agreement dated from 1990 and he didn't see any problems with this going forward, especially since the roundabout was complete and that part of the state-owned land did not have to be used for the road improvement.

MOTION by Stimson, support by Brickner, that Zoning Request 5-10-2016, petitioned by Stuart Sherr, be set for Public Hearing on December 15, 2016.

Motion carried unanimously.

C. LOT SPLIT 8, 2016 (Preliminary)

LOCATION:	21730 Wheeler
PARCEL I.D.:	22-23-36-152-003

PROPOSAL:	Split existing parcel into two (2) parcels in RA-4, One Family Residential District
ACTION REQUESTED:	Approval of preliminary land division
APPLICANT:	Daniel Stanton
OWNER:	Daniel Stanton

Utilizing overhead slides and referring to the October 27, 2016 Giffels Webster/Clearzoning review letter, Planning Consultant Tangari gave the background to this request, which was an application for a Lot Split Final Review, in order to permit 2 parcels on the subject property.

Planning Consultant Tangari explained that the split was labeled Parcel B on the plan, and the remainder was labeled Parcel A. Parcel B consisted of the southern half of the lot. The existing residence was located on proposed Parcel A, the northern half, and was proposed to be demolished.

Planning Consultant Tangari reviewed the dimensional requirements of the RA-4 Zoning District, and pointed out that the resulting parcels from this requested lot split would not meet lot width or area requirements. The lot width was required to be 60 feet; the parcels would each be 50 feet wide. The lot area was required to be a minimum 8500 square feet; the parcels would be 5,257 square feet and 5,263 square feet respectively.

Per the Subdivision of Land Ordinance, the Planning Commission had to deny this request because dimensional requirements were not met. However, it did appear that there were parcels in this area that were similar in size, shape and orientation to the proposed lot split, and the applicant could seek relief from the Zoning Board of Appeals.

Commissioner Schwartz asked if the home had already been demolished. From the audience, the applicant said the home had been demolished.

Commissioner Schwartz reviewed process. If the applicant went to the ZBA and received a favorable decision, would they have to return to the Planning Commission for a final decision?

City Attorney Schultz said the applicant would have to return to the Planning Commission for lot split approval, and at that time the Commission would still have the opportunity to make the finding regarding compatibility.

Commissioner Mantey said that this lot split would result in nonconforming parcels. In an area zoned RA-4 there were other nonconforming parcels. How did that happen? City Planner Stec explained that this was an older area of the City, and could originally have been platted as 50-foot wide lots.

Commissioner Mantey said that if this proposal moved forward, he would like to know more about the history of the zoning of this area.

Commissioner McRae asked about possibly up-zoning this area in order to discourage future lot splits. Was the RA-4 designation the best zoning designation for this area?

Planning Consultant Arroyo said the idea of creating a new zoning district had been discussed internally for some time in general terms, but not specifically to this area. The advantage to studying an area and perhaps even creating a new zoning district for it would be to encourage additional development. City

Planner Stec clarified that what was being discussed was a creation of a new zoning district that would allow 50-foot wide lots.

Commissioner Schwartz said he thought new homes in this area would help stabilize the neighborhood and such a zoning district could be a real benefit.

Commissioner McRae also indicated that he thought such a discussion could be very helpful.

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

Daniel Stanton, DLM Renovations, 38593 Rhonswood, was present on behalf of this application. He explained that he had purchased the existing home in September, in order to renovate and resell the house. Upon closer examination, he found the home was not salvageable, and he needed to demolish it due to safety concerns. He then saw that there were many 50-foot lots in the area, including lots neighboring and otherwise very close to this one. The last lot split that was done in the neighborhood resulted in the two properties at the end of the street on the west side; this was completed in 2002 and new homes were built there. That request for a lot split was very similar to the one he was making tonight, and he would like to have an opportunity to go before the Zoning Board and make his request.

In response to a question from Commissioner Brickner, Mr. Stanton said this was a platted sub, but there were no deed restrictions on this property.

MOTION by Schwartz, support by Orr, that approval of Preliminary Lot Split No. 8, 2016, submitted by Daniel Stanton, be denied because the proposal does not meet applicable Zoning Chapter requirements, in that the resulting parcels would not meet minimum lot width and area standards.

Motion carried unanimously.

D. LOT SPLIT 9, 2016 (Preliminary)

LOCATION:	24395 Dohaney
PARCEL I.D.:	22-23-22-326-040
PROPOSAL:	Split existing parcel into two (2) parcels in RA-1, One Family Residential District
ACTION REQUESTED:	Approval of preliminary land division
APPLICANT:	Joseph Schulist Builder, Inc.
OWNER:	Joseph Schulist Builder, Inc.

Utilizing overhead slides and referring to the October 27, 2016 Giffels Webster/Clearzoning review letter, Planning Consultant Tangari gave the background to this request, which was an application for a Lot Split Final Review, in order to permit 2 parcels on the subject property.

Planning Consultant Tangari said that dimensional requirements of the Zoning District would be met by the proposed split. In general, the resulting parcels would be compatible with the existing development in the area in which it was situated. However, most other parcels in the surrounding area were 120 feet or more in width, versus the 100 foot width for Parcel A, placing Parcel A in the bottom quartile for lot widths, along with the same Parcel A, at 24,320 square feet, being in the bottom quartile for lot area. Parcel B would be 160 feet wide and would have 38,456 square feet in area. The orientation of the

existing and proposed developments of this lot split did appear to be harmonious with the surrounding area.

Planning Consultant Tangari concluded that the main question for the Planning Commission was whether the 100-foot width was acceptable.

In response to a question from Commissioner Brickner, Planning Consultant Tangari explained that the lot width was measured at the front setback line. The proposed lot narrowed toward its center.

Commissioner Mantey said that effectively the building envelope might be where the width was shown as 85 feet. Side yard setbacks were required to be at least 10 feet on one side and 15 feet on the other side. This reduced the building envelope to about 60 feet wide. If an attached garage were on the side of the home, the home effectively could only be 40 feet wide.

Commissioner Mantey asked if there were any homes in the entire neighborhood constructed within 10 feet of the side lot line. This to him was the question of whether or not the lot split was compatible. If a home were built within 10 feet of the lot line, the neighboring house would only be about 20-25 feet away. In this neighborhood, that was very close.

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

Steve Schulist, Joseph Schulist Builders, 32969 Hamilton Court, Farmington Hills, was present on behalf of this application. He explained that the subject parcel was originally two lots, and the combination of the lots created the biggest parcel in the entire subdivision. The original owner built an addition onto his original home that just barely encroached on the neighboring lot that he also owned. Therefore he combined the two lots into one parcel. While a 100-foot wide lot was a little small in comparison to others in the neighborhood, the existing 270-foot wide parcel was very incompatible, being at least 100 feet wider than other lots in the subdivision. This requested split, with one lot at 170 feet and another at 100 feet, was much more compatible with the surrounding area.

Regarding the building envelope, they were experienced residential builders, and a 50 or 60-foot building envelope did not present a problem for them.

Mr. Schulist said that they had spoken with the immediate neighbors next door and across the street. According to the neighbors, they did not have any issues with the proposed lot split and the construction of a new home on the resulting vacant lot.

Commissioner McRae asked if they were going to do anything to the southern property. Mr. Schulist said there was a house on that property, which they were rehabbing a little bit.

Commissioner McRae asked if the existing garage was keeping the applicants from having a more equitable split. Mr. Schulist said this was correct. However, they had no plans to remove the garage.

Commissioner McRae asked if the dotted line on the drawings represented the original lot line. Mr. Schulist said it was the original lot line.

Commissioner McRae noted that the existing structure on Parcel A would have to be removed.

Commissioner Schwartz noted that if the garage were removed from the existing house and the original lot line used for the split, there would be more options in terms of where the lot could be split, and the resulting lots would be more compatible with the neighborhood. It seemed to him that the applicants were trying to shoe horn a house into an unnecessarily small lot. He was concerned that this lot split would start a pattern of lot splits within the neighborhood.

Mr. Schulist said no one else in the neighborhood would be able to split their lots because they would not be able to meet dimensional requirements.

MOTION by Orr, support by Brickner, that Preliminary Lot Split 9, 2016, submitted by Joseph Schulist Builder, Inc. 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, with the condition that accessory buildings on the new lot must be removed prior to the notification to the City Assessor.

Motion carried 4-3 (Mantey, Schwartz, Stimson opposed).

Commissioner Schwartz asked if, going forward, a chart be provided of the average of neighborhood lot sizes, depths and widths for lot split proposals.

APPROVAL OF MINUTES: October 13, 2016 and October 20, 2016

MOTION by McRae, support by Orr, to approve the October 13, 2016 and October 20, 2016 minutes as presented.

MOTION carried unanimously.

PUBLIC COMMENT: None.

COMMISSIONERS' COMMENTS:

Commissioner Schwartz noted that the bike lane was now labeled on 13 Mile Road, and it did seem that rush hour traffic was flowing better than in the past.

In response to a question from Commissioner McRae regarding discussion at the last meeting, City Planner Stec said that 8 Mile Road had been patched because that was all the funding allowed. Roads were not warrantied, though they were subject to final approval.

City Attorney Schultz introduced a new attorney from their firm, Spencer Bondy.

City Planner Stec said the next meeting would be December 15, 2016.

ADJOURNMENT:

Seeing that there was no further discussion, Chair Rae-O'Donnell adjourned the meeting at 8:33 p.m.

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Approved 12/15/16

Respectfully submitted,
Steven J. Stimson
Planning Commission Secretary

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