

**CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
SEPTEMBER 19, 2024, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Trafelet at 7:30 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Grant, Mantey (arr. 7:32pm), Trafelet, Varga, Ware, Countegan, Stimson

Commissioners Absent: None

Others Present: Staff Planner Canty, Planning Consultant Tangari (Giffels Webster), Staff Engineer Alexander, City Attorney Saarela

APPROVAL OF THE AGENDA

MOTION by Aspinall, support by Countegan, to approve the agenda as published.

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 2, 2024

CHAPTER OF CODE:	34, Zoning Ordinance
	PROPOSED AMENDMENT: Amend Zoning Ordinance to reclassify various principal permitted and special approval uses within the B-3, General Business District, and LI-1, Light Industrial District, and to add and remove various use standards
ACTION REQUESTED:	Set for public hearing
SECTIONS:	34-3.1.25, 34-3.1.29, 34-4.28, 34-4.31, 34-4.35, 34-4.36, and 34-4.40

Staff Planner Canty and Planning Consultant Tangari provided introductory comments:

Purpose of the Amendment:

The amendment seeks to reclassify certain uses, moving them from allowed as a right to requiring special use approval, which requires a public hearing, input from the community, and a formal review and approval process by the Planning Commission. Affected uses include gas stations, drive-throughs, auto sales and car dealerships, and vehicle wash facilities.

The intent of the amendment is to give the Planning Commission and the public a greater role in shaping the development of these uses within the B-3 and LI-1 Districts. By requiring special approval, the amendment provides the opportunity to:

- Set parameters for how these businesses operate and fit into the community

- Ensure compatibility with surrounding uses
- Address concerns before final approval is granted
- Introduce additional regulatory oversight and shifts the districts in which some of these uses are allowed.

Staff Planner Canty summarized that the Amendment will allow both the Planning Commission and the public to have a say in how these developments proceed, enabling more control and flexibility as the Commission is able to shape the developments in ways that benefit the community.

Commission discussion

Commissioner Brickner pointed out instances where he felt the draft ordinance was contradictory, in that there were certain requirements for compliance, but meeting those requirements was extremely difficult. For instance:

- **Mandatory outdoor seating at drive-through restaurants**

The requirement for outdoor seating at drive-through restaurants (Section 34-4.35) might limit the development of small drive-through establishments. There is a need for flexibility to accommodate modern uses such as drive-throughs rather than imposing unnecessary restrictions. This regulation could restrict smaller establishments.

In response, other Commissioners pointed out that the requirement for outdoor seating would accommodate non-motorists by providing a place to sit. The Master Plan emphasized the importance of walkability, and providing outdoor seating at drive-throughs could support this vision.

- **Automobile service centers and automobile repair**

Regarding the orientation of service bay doors (Section 34-4.31), the draft language prohibits doors from facing residential areas or public roads, which could make it impossible to build service centers in many parts of the City. While the restrictions make sense in theory, they may be too stringent in practice, effectively limiting the ability to develop new automobile service facilities. Is this the intent?

- **Vehicle washes**

The ordinance restricts vacuum and drying areas to the rear yard (Section 34-4.40) and requires a setback of 100 feet from residential districts, unless there is a separation by a major or secondary thoroughfare. Should ordinances be written that require a specific layout while also imposing restrictions that prevent compliance with that layout?

- **Gasoline service stations**

The new requirement is to have only one driveway per street frontage (Section 34-4.28). Many gas stations operate with separate entrances and exits, and this restriction could pose challenges.

Commissioner Brickner said that while there were good ideas in the draft ordinance, he remained concerned that the new ordinances were too restrictive.

Commissioner Countegan agreed that portions of the draft ordinance might be too restrictive. However, the purpose of tonight's meeting was to set a public hearing, and he was ready to do that.

MOTION by Countegan, support by Stimson, that Zoning Text Amendment 2, 2024, which proposed to amend the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," Article 3.0, "Zoning Districts," and Article 4.0, "Use Standards," Sections 34-3.1.25, 34-3.1.29, 34-4.28, 34-4.31, 34-4.35, 34.4.36, and 34-4.40, to reclassify various principal permitted and special approval uses, and to add and remove various use standards, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion passed unanimously by voice vote.

B. PLANNED UNIT DEVELOPMENT 1, 2024, INCLUDING SITE PLAN 54-7-2024

LOCATION: 27815 and 28025 Middlebelt Road
PARCEL I.D.: 22-23-11-477-013, -014, and -109
PROPOSAL: Construction of gasoline service station with drive-through restaurant within RC-2, Multiple-Family Residential District
ACTION REQUESTED: Set for public hearing
APPLICANT: SkilkenGold Real Estate Development
OWNER: HRA Farmington Hills, LLC

Applicant presentation

Members of the development team present this evening included:

- Aman Walia, Alex Siwicki, and Kareem Amr from Sheetz
- Patrick Lennon, Honigman Law Firm

Aman Walia gave some background relative to Sheetz, including:

- Sheetz was founded in 1952 in Altoona PA, and has grown to 750 stores across 7 states, and remains family-owned and operated. Sheetz stores are open 24/7 year-round, offer a full kitchen with customizable food options, coffee bar, and convenience grocery store and snack items. Dining options include 30 indoor seats with free Wi-Fi. Drive-through technology eliminates the traditional squawk box by offering touch screen and online ordering.
- The building design uses high-quality materials, including four-sided brick exteriors and outdoor dining options.
- This site will receive an \$8.5M investment, much of which will benefit local contractors and workers.
- Sheetz will create 30-35 full-time jobs at this store, participate in charitable programs including food donation programs, and support Special Olympics and local schools. Employees receive a full line of benefits. Sheetz has been named one of the Top 100 Companies to Work For by Fortune Magazine, and Newsweek recognized Sheetz as the second-best retailer to work for in the US.

Alex Siwicki provided an overview of the proposed project, which included:

- A 6,139sf restaurant, convenience store, and fueling station, sitting on 3.8 acres at the northwest corner of Middlebelt and 12 Mile Roads.
- The site will have six fuel pumps for 12 fueling positions and a convenience drive-through. The fueling stations will provide a greater variety of fuel types than usually offered at fuel service centers.
- Building and site features will include:
 - High-quality building materials, including premium brick and enhanced perimeter landscaping.
 - Multiple pedestrian access points and bike racks.
 - In response to concerns from neighbors, the developers are adding a vinyl fence along the northern and western property lines and adjusting the landscaping to provide additional buffering.
 - A three-foot knee wall will be installed along the eastern and southern property lines.
 - Renderings showed the “top-notch” landscaping on the site.
- Other neighbor concerns:
 - One concern raised by the neighbors was the abundance of fuel and food options already available in Farmington Hills. Sheetz conducts extensive analytical research when selecting sites. The data indicates that the demand for fuel at this location is 88% higher and for food is 92% higher than the average across their 750+ locations in seven states, confirming the site’s viability.
 - Regarding traffic impact, Sheetz is a traffic capture business, meaning most customers (75%) are already passing by, reducing the generation of new traffic.
 - Traffic studies are conducted to ensure the development will not cause significant traffic issues.
 - Regarding environmental safeguards,
 - Sheetz uses a robust fueling system with multiple redundancies to prevent leaks. All tanks have double walls and are monitored with electronic and mechanical sensors.
 - Sheetz performs four times the number of inspections required by the EPA.
 - EV charging stations are also being considered for the site, with infrastructure in place to accommodate future installations.
 - Regarding property value impact, Sheetz facilities are well-maintained, and their presence can help increase property values in the surrounding area due to the care taken in property upkeep.
 - Regarding noise, light, and air pollution:
 - Fencing and additional trees will buffer the noise for nearby residents
 - Lighting is designed to comply with city ordinances, ensuring no spillover beyond property lines.
 - The fueling system is designed to trap vapors, minimizing air pollution.
 - Regarding safety measures, Sheetz has a state-of-the-art security operations center, which monitors each site with over 60 high-definition cameras. Sheetz works closely with local police to ensure a strong presence and deter crime.
 - Regarding concerns that this facility will be a truck stop: The proposed site is not a truck stop. It will offer automobile diesel, but the flow rate and site layout make it unsuitable for semi-trucks.

- Mr. Siwicki emphasized their ongoing communication with neighbors and how the site plan has been modified in response to neighbor concerns. The team remains committed to further adjustments as necessary to address any additional issues raised by the community.

Mr. Siwicki asked that the Planning Commission set their PUD request and site plan for public hearing.

Commission discussion

Commissioner Mantey asked for clarification on the claim that there is an 88% higher demand for gasoline in this area. Recent studies had shown Farmington Hills already has many gas stations compared to other communities in Metro Detroit, and he asked for more details on how the 88% figure was calculated.

Mr. Siwicki explained that the 88% figure comes from Sheetz's business intelligence team using proprietary algorithms, which he couldn't fully disclose. He emphasized that there is high demand in the area, and Sheetz will help address the supply side of that equation. He noted that according to their data, the immediate trade area has fewer fuel competitors than expected for the level of demand. When asked how many competitors they would expect, Mr. Siwicki offered to provide that information later.

Commissioner Mantey also questioned how Sheetz would manage different types of fuel with only a limited number of underground storage tanks (USTs). Mr. Siwicki clarified that the site would have six USTs—four 12,000-gallon tanks and two 15,000-gallon tanks—sufficient to meet the demand for different fuel types.

Consultant comments

Referencing his August 7, 2024 memorandum, Planning Consultant Tangari gave the background and review for this request to set this PUD and Site Plan for public hearing, focusing primarily on the Planning Commission's task to review certain elements of the plan and to consider areas where relief from the ordinance is being requested.

Planning Consultant Tangari noted the Commission that on June 20, 2024 the Commission had qualified the project for a PUD, with the condition that a traffic study be submitted with the site plan. The traffic study had not yet been received.

Planning Consultant Tangari reviewed outstanding issues, which included:

- Pedestrian access from parking areas to building entrances around the perimeter of the building are largely obstructed by the outdoor dining and planter areas. In addition, pedestrian striping should be added between gas pumps and the building entrance to enhance safety for those walking between the gas pumps and their vehicles.
- A truck template needs to be provided.
- It was not clear whether there is sufficient space for garbage vehicles to access the dumpster.
- The applicant should clarify the intent of the drum storage and proper handling of any hazardous substances on site.
- The prohibition against vehicle storage should be called out.

- 622 square feet of loading space was not identified on the plans.
- A zoning lot occupied by a drive-through use may not abut an RA district unless the district is separated from the lot by a major or secondary thoroughfare. The proposed development does not meet this standard. The Planning Commission shall consider proximity to adjacent residential in its review of the proposed development and drive-through use.
- Although the zoning ordinance does not limit excess parking, the Planning Commission may wish to discuss the proposed number of parking spaces. The *Next 50 Master Plan* highlights excessive parking and opportunities to reduce parking in the discussion of future land uses. Parking maximums are recognized as a goal to implement. This same discussion could be extended to the very wide maneuvering areas throughout the site.
- The site plan does not fully comply with the drive-through design standards. Half of the drive-through has a bypass lane, but the U-shaped section to the north lacks one, which could create circulation issues.
- The pickup space is located south of the drive-through window, and how this works logistically without a bypass lane was unclear. In the absence of a bypass lane, this space obstructs the flow of traffic and creates the potential for conflicts with oncoming traffic. The waiting space shall be relocated or removed. The stacking lane also crosses a maneuvering lane; clear signage must be provided indicating that the maneuvering lane may not be blocked by waiting vehicles.
- The stacking arrangement is not indicated on the plans.
- The wall mounted signs include two 16.52sf Sheetz logo signs and one 21.47sf "Made to Order" sign. The ordinance limits total wall sign area to 25sf in an RC district. In addition, in accordance with 34-5.5.3.B.ii.b, non-residential uses may only be permitted one wall sign when located in an RC district. Relief is needed to comply with the standards for wall signs.
- The applicant proposed three 13sf canopy signs (1' 7 5/8" x 8'). Canopy-mounted signs, referred to in the ordinance as flat awning signs, are not permitted in the RC Districts. Canopy sign letters shall be less than 8" and 80% of the total awning width; although the proposed Sheetz logo is less than 80% of the canopy width, the logo is taller than 8". Finally, canopy signs may not exceed the total wall sign allowance. Since the wall signs already exceed this allowance, the proposed canopy signs do not meet this standard. Relief is needed to allow the proposed canopy signs.
- The applicant proposes a freestanding monument sign with electronic price display and a Sheetz logo sign. The monument sign exceeds the height allowance and total freestanding sign area space. Sign illumination (in footcandles) shall be provided. The Planning Commission may grant relief to allow this sign, or the sign shall be prohibited.
- Landscaping comments are called out on pages 11-12 of the review letter.
- Additional screening of the UST vent stack along 12 Mile Road may be required by the Planning Commission. This is currently proposed to be screened by the 3' knee wall and a deciduous tree.
- Regarding walls and berms (34-5.15): When adjacent residential, a 6' wall is required for drive-in/fast food restaurant uses. No wall was provided along residential boundaries (north and west). The Planning Commission may grant a waiver from the wall requirement in accordance with 34-5.15.3.
- Exterior lighting standards as described on pages 13-14 of the review letter do not appear to be met.

- Regarding tree removal, specific trees proposed for removal are not identified in the tree inventory or on the plans. The six 3" caliper landmark tree replacements labeled in the tree chart are not shown in the plans. In addition, the tree inventory is not accompanied by the seal of a licensed landscape architect.

In summary, relief sought from ordinance standards includes:

- a. Permit gasoline station, convenience retail, and drive-through restaurant with outdoor dining in the RC-2 Zoning District
- b. Relief from the required drive-through bypass in the customer stacking/ordering area.
- c. Relief from the lighting requirements, including maximum height for an RC-2 District and lighting mounted on top or side of a canopy
- d. Relief from the sign requirements for wall signs, canopy signs, and freestanding signs. This includes:
 - i. Wall signs – relief from total number of wall signs permitted, total sign area
 - ii. Canopy signs – exception to allow a canopy sign in the RC district where such sign is not typically permitted, relief from the maximum letter height, relief from the total sign area
 - iii. Freestanding signs – relief from the height for freestanding signs, relief from the total sign area

Additional Planning Commission considerations should include:

- a. Whether excess parking/pavement meets master plan goals
- b. Whether to prohibit the parking of motor vehicles or storage of trailers, as prohibited in the B1, B-3, or E-S Districts for Gasoline Stations.
- c. Whether additional clarification on the site illumination is needed to proceed due to likely need for relief.
- d. If the location adjacent to RA is acceptable, as such would not be permitted in a B-3 District under the drive-in standards which state, "The zoning lot occupied by such use may not abut an RA district unless the district is separated from the lot by a major or secondary thoroughfare"
- e. Whether the proposed 24-hour operations are compatible with surrounding residential uses/districts.
- f. Waiver for 6' wall adjacent to residential districts. While substantial landscaping is proposed/existing, no wall is included in the plans.
- g. Consider reducing the proposed color temperature of lighting fixtures.
- h. Waiver to allow excess lighting at the property line near drives to meet public safety goals.

Chair Trafelet indicated he was ready to entertain a motion.

MOTION by Ware, support by Grant, that PUD 1, 2024, including Site Plan 54-7-2024, submitted by SkilkenGold Real Estate Development, dated July 17, 2024, be set for public hearing at the November 21, 2024 Planning Commission meeting.

Motion passed unanimously by voice vote.

MOTION by Grant, support by Aspinall, to approve the meeting minutes of the August 15, 2024 Special Meeting and the August 15, 2024 Regular Meeting as submitted.

Motion passed unanimously by voice vote.

PUBLIC COMMENT

Public comment focused on the proposed Sheetz PUD and site plan.

Dion Degennaro, 28379 New Castle, raised concerns about the need for another gas station, noting there are already 9 gas stations within a square mile of this site offering similar services. He also expressed environmental concerns, specifically the effectiveness of the natural buffer and lack of clarity about its planning. He highlighted the potential negative impact of the detention pond on nearby homes, citing EPA studies that show the pond – containing runoff from gas station uses – could reduce property values by 3-10%.

Nassir Siddiqui, 29411 Middlebelt Road, questioned the reasoning behind the PUD classification, suggesting it is being used to avoid standard zoning requirements. He raised concerns about safety, mentioning a recent shooting at a Sheetz location in North Carolina and the potential for increased crime due to the store's 24/7 operations and as noted in recent testimony by Sheetz Vice President Gary Zimmerman. He noted that the US Equal Opportunity Commission is currently suing Sheetz for racially discriminating against blacks and other minorities.

Kathy Sterbling, Board member, Holly Hills HOA, voiced opposition to the PUD, citing concerns about pedestrian safety in an already busy area, and mentioned 24/7 light and noise pollution, and the existence of numerous gas stations and convenience stores nearby. She discussed the vulnerability of the water table, referencing a past issue with contamination in the area.

PG (Pamela Gerard) criticized Sheetz for an EEOC (Equal Employment Opportunity Commission) lawsuit related to racial discrimination, questioning how the company could promote inclusion while facing such accusations. She suggested that Sheetz should open a restaurant rather than another gas station and expressed concerns about oversaturation of gas stations in the area.

Ron Rayford, 29232 Wellington, stated that there is no shortage of gas stations in Farmington Hills and expressed doubts about the company's data showing high local demand. He highlighted concerns about increased traffic in an already congested area, especially during rush hours.

George Senawi, 29410 Orion Court, said that this gas station will be in his front yard, resulting in a loss of privacy. He was concerned about a loss in property value. He had collected 21 signatures from neighbors opposing this development.

PG, speaking again, reiterated opposition to the development, saying it is not a good fit for the area.

Tom Hagi, Chaldean Community Foundation, opposed the project, citing concerns about traffic and the potential for Sheetz to hurt local gas stations, many of which were owned by Chaldeans. He stated that

Sheetz's initial predatory pricing of less than market value will likely lead to the closure of nearby fuel stations, leaving abandoned gas stations in the area.

Mr. Yandora, resident, expressed support for Sheetz, having had positive experiences at their locations in other states. He described Sheetz as more than just a gas station, praising their overall business model and suggesting that concerns about the development are overblown.

TR Carr, resident, encouraged the Commission to consider the long-term impact of the development on the quality of life in the community. He suggested there may be better locations for Sheetz in Farmington Hills that would fit more appropriately with the city's economic development plans.

COMMISSIONER/STAFF COMMENTS

Commissioner Mantey raised a point of clarification regarding lighting standards, noting potential confusion about which ordinances the Planning Commission can grant leniency for. He recalled that the illumination at the property line falls under the nuisance ordinance, rather than a zoning ordinance, which limits the ability to grant relief.

ADJOURNMENT

MOTION by Aspinall, support by Ware, to adjourn the meeting.

Motion carried unanimously by voice vote.

The meeting was adjourned at 8:50pm.

Respectfully submitted,
Kristen Aspinall
Planning Commission Secretary

/cem

Approved as submitted 10-17-2024