

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
JUNE 20, 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:           Brickner, Countegan, Grant, Mantey, Trafelet, Stimson, Varga, Ware

Commissioners Absent:           Aspinall

Others Present:                   Staff Planner Canty, Planning Consultant Upfal

**APPROVAL OF THE AGENDA**

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

**Motion passed unanimously by voice vote.**

**REGULAR MEETING**

**A.     PLANNED UNIT DEVELOPMENT (PUD) QUALIFICATION 2, 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, in a RC-2, Multiple-Family District
ACTION REQUESTED:	Qualification of PUD
APPLICANT:	SkilkenGold Real Estate Development
OWNER:	HRA Farmington Hills, LLC

**Applicant presentation**

Members of the development team present this evening included:

- Kareem Amr, SkilkenGold, 4270 Morse Road, Columbus OH 43230
- Scott Armstrong, 39300 W. 12 Mile Rd., Farmington Hills MI
- Alex Siwicki, 39300 W. 12 Mile Rd., Farmington Hills MI
- Pat Lennon, Honigman LLP, Woodward Avenue, Bloomfield Hills MI
- John Ackerman, Kimley Horn, 1000 Town Center, Suite 1900, Southfield MI

The development team made the following points:

- Previously Sheetz had come before the Planning Commission requesting the parcel be rezoned to a B-3 District. However, Commissioners indicated reservations to a blanket rezoning. Tonight Sheetz was before the Commission to request a PUD (Planned United Development), which will allow for a more collaborative and inclusive process.

- The 3.83 acre parcel on the northwest corner of Middlebelt and W. 12 Mile Road has more than enough land to provide buffering between the proposed facility and neighboring residences, and to preserve open space.
- Features of the Sheetz development include:
  - A made-to-order restaurant with fresh food delivered daily, and with a drive through window. The drive-through is typically low volume and accounts for less than 10% of sales.
  - Six dual-sided fuel pumps (12 stations total).
  - This location will be a signature, hallmark location. The building will include high-quality materials with four-sided architecture, enhanced landscaping, and multiple pedestrian access points and bike racks. There will be a 3-foot knee-wall along the perimeter of the property. Impervious surface will be reduced, and there will be a net positive in trees.
  - The Sheetz team has had multiple meetings with City staff and received correspondence from the residential neighbors to the north.
  - Outdoor dining will encourage community gathering; the restaurant will also have 30 inside seats.
  - Sheetz works to be a good neighbor in their communities, supporting Special Olympics and Feeding America, as well as providing gifts to local children at the year-end holidays.
  - Sheetz does not create more traffic, but serves existing traffic.
  - Sheetz is the #1 third party partner to Tesla Superchargers. Even if Tesla does not come to this site, Sheetz is preparing to establish their own in-house EV charging station technology.
  - Sheetz maintains clean sites and has a robust state-of-the art monitoring of their underground storage tanks. Sheetz has maintained a near 100% technical compliance with the EPA and maintenance personnel are well staffed to respond quickly to any potential issues.
  - Sheetz has robust recycling programs, maintains high standards in operations and environmental management, and the sites are pre-planned with conduit for EV charging, preparing for a future when gas may no longer be a primary fuel.
- Regarding the proposed Planned Unit Development, the applicants provided a handout outlining the PUD criteria and how the Sheetz facility meets the criteria:
  - The development will revitalize a vacant site with a state-of-the-art facility that can act as a neighborhood gathering place.
  - The same land use objectives cannot be obtained outside of a PUD development agreement. The PUD tool allows the City to lock down certain aspects of the plan that would not occur under straight zoning. RC-2 multi-family zoning is not working on this site.
  - The project will not add service and facility loads beyond those contemplated by the Master Plan, which designates the area as shopping center type business, including B-1, B-2, and B-4 zoning districts. Fueling stations and restaurants are allowed in the B-1 district.
  - In terms of meeting at least one of the 8 objectives listed in the zoning ordinance, Sheetz believes it meets 7 of the 8 objectives (all but v.).
  - The PUD is not being used solely as a means of increasing density or as a substitute for a variance request.
- Regarding site plan features:

- The site plan protects open space and buffers residential areas: extra property has been purchased for buffering; the proposed building footprint is smaller than the current one, with a larger open space between it and the residential area.
- The site plan enhances the city's aesthetic and meets PUD criteria.
- Request for PUD approval is based on meeting PUD qualifying criteria and providing substantial community benefits.

In response to questions, the development team provided the following additional information:

- Impervious surface will be reduced by 1/4 acre. Open space will be 1-1/2 acres, and will include property to the north purchased to provide an open space buffer to the northern neighbors. The detention pond will also be to the north, in effect providing extra buffer in that area. The entire western perimeter has heavy vegetation, which will be supplemented where necessary.
- All existing structures, including 2 vacant homes, are being removed.
- All Sheetz stores are open 24 hours a day, 7 days a week.
- Michigan Underground Storage Tank Authority (MUSTA) regulations are followed for the underground tanks.
- Sheetz was involved in litigation in 2005 regarding how underground tanks were monitored – there were no leaks at that time, and for the past 20 years Sheetz has maintained a near 100% technical compliance with the EPA.
- The drive-through distance from residential is greater than the minimum distance required, and the lights should not impact the closest neighbors. The site will comply with all lighting ordinances.
- About 50% of Sheetz sites have drive-throughs, including all their newer facilities.
- The drive-through uses a digital ordering system. There is a speaker, but it is only used for assistance and accessibility issues, not for ordering. The drive-through traffic counts are very light and the applicant can provide data to the commission if needed.
- The west side of the property (adjacent to the residential area) will remain in its natural state, supplemented with approximately 80 trees, which will help buffer any light from the facility.
- Sheetz does an environmental study of the soils at new locations prior to building. If soils are contaminated, they are completely removed and the site is remediated.
- The company is firm in their requirement that the facility be open 24 hours. This does bring more employment opportunities to the area. There are over 60 surveillance cameras installed for increased security.

Commissioner Stimson remained concerned about light and noise pollution, especially in the middle of the night.

In response to questions, staff said there were other 24/7 gas stations in the City, outside of the Freeway Express districts.

Referencing the June 11, 2024 Giffels Webster review memorandum, Planning Consultant Upfal provided the following information:

- **Future Land Use:**

- The site is designated in the future land-use map as shopping center-type business, aligning with B1, B2, or B3 zoning districts, with northern parcels designated as multiple-family residential. The entire site is currently zoned as RC-2 (multiple-family residential).
- **Dimensional Requirements:**
  - The site generally meets the dimensional requirements, but further information is needed to evaluate setbacks.
  - Proposed setbacks include a 65-foot distance to the drive-through lane on the west side, adjacent to a utility parcel.
- **Parking and Circulation:**
  - Further review is needed upon a complete PUD submission to evaluate parking calculations and site circulation.
  - A bypass lane for drive-through is required but currently not included in the plans.

**PUD Qualification Criteria:**

- **Improvement to Health, Safety, and Welfare:**
  - Despite being zoned for multiple-family residential, the site is across from other gasoline stations.
  - The proposed use includes significant buffers, preserving land as open space.
- **PUD not utilized where same objectives can be met by development under conventional zoning provisions:**
  - The proposed use is not permissible in RC-2 but aligns with future land use as a shopping center-type business.
  - Rezoning to B-1 would allow a gas station, convenience store, and restaurant, but a drive-through necessitates development under a PUD.
  - PUD allows negotiation of community benefits, such as open space.
- **Additional Loads and Capacity:**
  - The use is consistent with the future land use map.
  - Potential traffic increase is difficult to ascertain without a traffic study, which the applicant is currently conducting.
- **Open Space and Buffers:**
  - The proposal meets multiple criteria by providing significant buffers and preserving open space, including the purchase of extra land to serve as a buffer, with restrictions to ensure its use remains protective.
- **Aesthetic and Orderly Change:**
  - The new facility will be an improvement over the current state.
  - Enhanced architecture, reduced impervious cover, increased green space, pedestrian access, bike racks, landscaping, and a decorative knee wall contribute to the aesthetic.
- **Promotes Master Plan Goals:**
  - The use meets more future land use designation criteria than the current multifamily residential zone.
- **Not seeking a PUD to increase Density or Substitute for a Variance:**
  - The primary reason for this PUD application is to allow a land use not permissible in RC-2 (drive-through).
- **Deviations Requested:**
  - To permit a gasoline station, convenience retail, and drive-through restaurant with outdoor dining in the RC-2 district.

- Required drive-through bypass in the customer stacking/ordering area.

Chair Trafelet brought the matter back to the Commission.

**MOTION by Brickner, support by Varga, to make a preliminary finding that PUDQ2, 2024, dated May 20, 2024, submitted by SkilkenGold Real Estate Development, qualifies for the Planned Unit Development Option under Section 34-3.20.2A through D of the Zoning Chapter. It is further determined that the proposal meets at least one of the objectives outlined in Section 34-3.20.2.E.i through viii., and that the final granting of the PUD plan and contract requires approval by City Council following a recommendation by the Planning Commission.**

1. **The proposed plan preliminarily meets the following qualification standards of Section 34-3.20.2.E.i. through viii:**
  - i. **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.**
  - iii. **To accept dedication or set aside open space areas in perpetuity.**
  - iv. **To provide alternative uses for parcels which can provide transition buffers to residential areas.**
  - viii. **To bring about redevelopment of sites where an orderly change of use is determined to be desirable.**
2. **And with the condition that a traffic study be submitted with the site plan.**

Motion discussion:

- Cleaning up a blighted site should not be considered a community benefit under a PUD. Maintaining a property free of blight is an ordinance provision, whether or not a site is being developed.
- The proposed buffer is above and beyond ordinance requirement. The detention area will also act as a buffer to the neighbors, and will improve storm water management in the area.
- This motion, if approved, will qualify this project for a PUD application. It does not approve a PUD or a site plan. Significant further review will take place, and there will be a public hearing at the Planning Commission and City Council level. City Council will be the final decision maker as to whether the PUD is approved and if so, what will be part of the PUD Agreement.
- The site plan should address light and noise concerns.

**Motion passed unanimously by voice vote.**

#### **APPROVAL OF MINUTES**

**May 16, 2024, Regular Meeting**

**MOTION by Varga, support by Grant, to approve the May 16, 2024, Regular Meeting minutes as submitted.**

**Motion carried unanimously by voice vote.**

#### **PUBLIC COMMENT**

Dion DeGennaro, New Castle Road, opposed the Sheetz project, noting its proximity to his childhood home and the current residence of his mother. Mr. DeGennaro questioned the need for another gas station, given the existing nine stations within a 1.14 square mile radius, and expressed concerns that Sheetz's plan to capture existing traffic might lead to the closure and decay of older stations. He felt the developers downplayed environmental impact concerns. He highlighted the absence of planned EV chargers despite claims of future readiness. While appreciating efforts to mitigate light and sound pollution, Mr. DeGennaro was troubled by the drive-through's impact on their home. He suggested that instead of a gas station, the city should focus on developing more workforce housing for middle-class families.

Jerilee McHard expressed strong opposition to the Sheetz project. Ms. McHard emphasized the City's historical dedication to the environment, natural beauty, and quality of life. The development of a 24/7 gas station would significantly reduce the assessed value of their property and the 87 units in Beechwood Hill condos. Ms. McHard questioned the benefit of the project, arguing that it would degrade the character of the entire neighborhood.

Keith Henry, Jr., Orion Court, representing Crestwood Meadows Homeowners Association (HOA), voiced opposition to the Sheetz development. He highlighted concerns regarding safety, noting that gas stations increase traffic and pose risks to pedestrians, children, and cyclists on quiet streets, particularly small children who travel to the Hawk. Mr. Henry raised environmental concerns, emphasizing the pollution and health risks associated with fuel stations. Mr. Henry felt that property values would decline; the community invests heavily in their homes and fears financial loss. He also pointed out the problems of noise and light pollution, which would disrupt the predominantly working-class neighborhood accustomed to quieter nights. Lastly, Mr. Henry asserted that the neighborhood's residential character would be compromised by another gas station, exacerbating traffic issues and impacting privacy.

George Senawi, Orion Ct., opposed this development. He expressed concerns about the noise from the gas station and drive-through affecting his living area, compromising the privacy of his home. Mr. Senawi emphasized that he and his neighbors have young children who frequently bike on the street, and the increased traffic and crowd from a 24-hour gas station would pose safety risks. He worried that the development would attract undesirable behavior and that the street infrastructure is not equipped to handle the added traffic. Mr. Senawi pointed out that while trees currently provide some noise and light shielding, clearing them for the development would result in lights from the drive-through shining directly into his and his neighbors' windows.

Chuck Rose opposed this development. He questioned whether the development was essentially a truck stop. Mr. Rose suggested that the developers were rushing to implement their project before better alternatives emerged. He raised concerns about light and sound pollution, doubting the effectiveness of tree buffers in mitigating noise from cars. He asked that mitigation trees include a significant number of evergreens. Mr. Rose pointed out that the term "open space" on a gas station site is misleading, arguing it does not constitute a community benefit but rather superficial window dressing.

Samantha Henry, Orion Ct., opposed this development. She urged Commissioners to visit the site and consider the impact of the proposed Sheetz development on the neighborhood. During winter the

proposed tree buffer would leave the area exposed. Ms. Henry emphasized concerns about the negative effect on property values and the potential need to sell their home. The existing gas stations in the area do not operate 24 hours a day, unlike the proposed development, which will increase traffic and disrupt the community. She also echoed concerns about the environmental impact, aligning with points raised by Commissioner Ware. Henry stressed the importance of considering these factors in their decision.

#### **COMMISSIONER/STAFF COMMENTS**

The Commission outlined the review process going forward. The next step involves the applicant presenting a detailed site plan to the Planning Commission in a public hearing, where residents can comment specifically on plan details. If the Planning Commission recommends the plan, it will proceed to the City Council for another public hearing and final determination. The PUD agreement, which formalizes all details and agreements between the City and the developer, taking into account neighbors' concerns, will also require City Council approval. The site plan may evolve through this process based on public feedback and modifications made by the Planning Commission.

Commissioner Brickner addressed concerns about the environmental impact of the proposed gas station, explaining that state regulations strictly govern the installation and maintenance of gas station tanks, including requirements for tank burial, surrounding materials, and drainage. Under previous development applications, the site has already undergone phase one and phase two environmental assessments to ensure it is not contaminated. Commissioner Brickner emphasized that gas stations must comply with stringent state regulations to ensure environmental safety.

Commissioner Ware urged her colleagues to consistently apply the master plan when evaluating new developments. She expressed concern that the commission reviews projects in isolation, without considering the broader context, such as the existing eight gas stations within a 1.4-mile radius. Commissioner Ware emphasized the need for an integrated approach to ensure that new proposals align with the city's long-term vision and growth goals, as outlined in the master plan. She called for a thorough evaluation process that reflects the city's aspirations and guides its future evolution.

Commissioner Grant suggested addressing community concerns about the 24-hour operation by limiting outdoor dining hours, to prevent 24-hour outdoor gatherings.

Commissioner Mantey said a key take-away of the recent master plan update was the importance of asking for more during the PUD process. This proactive approach should guide their decisions going forward.

#### **ADJOURNMENT**

**Motion by Varga, support by Ware, to adjourn the meeting.**

**Motion carried unanimously by voice vote.**

The meeting was adjourned at 8:55pm.

Respectfully submitted,  
Kristen Aspinall

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Approved 07-25-2024

Planning Commission Secretary

/cem