

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
August 17, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

Commissioners present: Aspinall, Brickner, Grant, Mantey, Trafelet, Stimson, Varga, Ware

Commissioners Absent: Countegan

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant
Tangari

APPROVAL OF THE AGENDA

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

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. PLANNED UNIT DEVELOPMENT (PUD) 1,2023

LOCATION:	29905, 29915, and 29845 Thirteen Mile Road
PARCEL I.D.:	22-23-11-201-004, 005, and 006
PROPOSAL:	Construction of multiple-family housing in RA-1, One Family Residential zoning district
ACTION REQUESTED:	Recommendation to City Council
APPLICANT:	Martin Manna
OWNER:	Chaldean Community Foundation

Applicant presentation

Martin Manna, Chaldean Community Foundation (CCF), was present on behalf of this application to permit construction of multiple-family housing in RA-1, One Family Residential zoning district. The action requested was that the Planning Commission make a recommendation to City Council regarding this request. Architect Mark Abanatha, Alexander V. Bogaerts & Associates, was also present, as were civil engineer and landscape architect from Nowak and Fraus, and Steven Russo, transportation engineer.

Mr. Manna explained that the Chaldean Community Foundation was based in Sterling Heights and Farmington Hills, and served the Chaldean community and others who come to their offices for health and human services. The Sterling Heights facility sees 40,000 individuals per year. 25% of CCF clients are non-Chaldean. Part of CCF's mission is to provide attainable housing, with an approved project moving forward in Sterling Heights. Tonight's focus is a proposed a project that will provide attainable housing and replace two existing blighted homes along the Thirteen Mile Road Corridor.

The project will offer attainable housing for those that meet an average median income with rental rates close to market rate. Rates will be dictated by the Michigan State Housing Development Authority (MSHDA), and will not be a voucher program.

CCF was applying for funding through MSHDA, which funding is typically 30-40 year loans. CCF is a nonprofit, charitable organization, and will maintain the property during the duration of the loan.

The proposed site is adjacent to The Baptist Manor, which provides attainable housing for seniors. The proposed site is in a Community Development Block Grant qualified census track.

CCF has had discussions with homeowner associations to discuss issues, including traffic issues.

Commissioner Mantey referred to correspondence received by the Planning Commission in advance of the meeting, and asked the applicant to provide more details about the Michigan State Housing Development Authority program.

Mr. Manna noted existing affordable housing developments in the City, including the Baptist Manor. He said the program was not necessarily a voucher program, but would be a blended type of rent control program. Rent would be controlled by MSHDA, and would only allow a small inflation-based annual rate increase. Participants would have to meet an average median income.

In response to a question from Commissioner Mantey, Mr. Manna said that the minimum income for participants ranged from \$51,000-\$68,000. Applicants with no income will not qualify for the program.

In response to a question from Commissioner Brickner, Mr. Manna said that the average rental rate will be about \$1,100 for one or two bedroom rental units, and that rental rates will fluctuate based on the median income rate. The average monthly rental rate in the City was about \$1,400/month. The people living in the development will have access to CCF's health and human services programs.

City Attorney Schultz explained that issues of residents' income and the program rental rate will not be considered by the Planning Commission when making a recommendation to the City Council. The Planning Commission will make their determination based on land use issues.

Mr. Abanatha noted that prior to this evening's meeting CCF had gone through a series of submissions with staff, met with the Planning Commission, and met with homeowners. The Planning Commission had agreed that the applicant met the initial qualifications for a PUD based on their concept plan, and the applicant had now submitted a more detailed set of plans.

Mr. Abanatha said that one of the main discussion topics at the prior Planning Commission meeting was activation along Thirteen Mile Road; the development would activate the area and would encourage other developers to continue development along the corridor.

Mr. Abanatha emphasized the compatibility of this project with adjacent projects. The development would be compatible with existing multi-family developments on the east and west sides of Thirteen Mile Road, and would act as a transition to single family homes on Thirteen Mile Road. The development would also activate underutilized parcels in the community.

The Fire Department and Engineering Department had completed detailed reviews of the project plans since the applicant met with the Planning Commission. After meeting with the Fire Marshall, the

applicant agreed to replace a proposed turf block emergency access with a paved emergency access. The applicant proposed access stubs to the east and west to improve emergency access as well as circulation on the site. All buildings would be fire suppressed and would allow access on all sides.

Mr. Abanatha explained that CCF was sensitive to the single family homes surrounding the proposed site. The applicant therefore proposed buildings that were two stories on the ends and three stories in the center. This design would allow more units in a building, decrease the building footprint on the site, and maximize green space, allowing the applicant to save more trees and create a buffer between the development and single family homes. The combination 2-story/3-story buildings will also create architectural interest and provide a vertical break in the roofline. The 2-story sections will be closest to the single family neighbors.

A detailed landscaping analysis had been completed. There would be a minimum of 140 feet between proposed buildings and adjacent homes. A large number of existing trees would be kept on the property. Existing trees of 30' - 50' height would create a buffer between the development and adjacent homes. Also, the applicant was open to meeting with adjacent homeowners to discuss views and potentially add additional evergreen screening. The proposed buildings would represent 13.6% lot coverage.

Mr. Abanatha recognized residents' concern about traffic, which he contends is an existing problem on Thirteen Mile Road. A detailed traffic analysis had been completed by their traffic engineer, who had spoken with residents and was present tonight. The analysis determined that there was not expected to be any discernible impact to traffic operations on the adjacent road network, and the proposed site access drive would operate acceptably.

Mr. Abanatha said that the applicant was providing public benefits as discussed at a prior meeting and as outlined in tonight's packet; in return they were requesting some deviations from the zoning ordinance:

- 169 parking spaces instead of the ordinance requirement of 200 parking spaces, providing ~1.7 spaces per unit.
- 5.5-inch deviation to the building height requirement of 30'.
- Request density consistent with the RC-3 district.
- Requesting relief from tree replacement requirements.

As previously noted, the project was part of a Michigan State Housing and Development Authority pilot program. One of the benefits offered by the project was to provide attainable/workforce housing for the community.

In closing, Mr. Abanatha said the project would provide attainable housing, address blight, increase property values, provide employment during construction, and provide a new park that could be accessed from Thirteen Mile Road. The project would activate an underused area of the community.

Mr. Abanatha asked the Planning Commission for a recommendation for approval of the PUD to the City Council.

In response to questions from the Commission, the applicants provided the following further information:

- The requested height deviation was 5.5 inches (not 5.5 feet).
- A landscape plan and an analysis of the existing trees had been provided.
- A letter from the applicant's traffic engineer had been provided.

- There were existing mature trees on the applicant's property that would not be removed. There were also existing mature trees on adjacent properties. The applicant would add trees to the treeline and provide a wildlife corridor to allow the existing wildlife to adjust its habitat.

Consultant Review

Referencing the July 11, 2023 Giffels Webster memorandum, Planning Consultant Tangari gave the background and review for this application for a PUD, to permit construction of multiple-family housing in RA-1, One Family Residential zoning district. Planning Consultant Tangari highlighted the following:

- The proposed site was on three parcels on the south side of Thirteen Mile Road. The 5.98-acre site was currently zoned RA-1, One Family Residential District, with a minimum lot size of 20,000 square feet. There were two existing houses on the site.
- PUDs allowed the City to grant exceptions to the zoning ordinance in exchange for criteria outlined in the ordinance.
- The applicant had not submitted a Final Site Plan concurrent with their PUD application. If the PUD was approved by City Council, the applicant would be required to request Final Site Plan approval from the Planning Commission.
- The site did not have any wetlands or other water features; it did have many existing trees.
- The site was surrounded by RA-1 zoning. Single family was the land use on all sides of the site.
- The applicant proposed 100 housing units in five buildings arranged around a central courtyard. There would be 60 one bedroom units and 40 two bedroom units.
- The project was pursuing funding from the Michigan State Housing Development Authority.

Planning Consultant Tangari reviewed the criteria for PUD qualification as outlined in the zoning ordinance:

Criteria for qualifications (Section 34-3.20.2). In order for a zoning lot to qualify for the Planned Unit Development option, the zoning lot shall either be located within an overlay district or other area designated in this chapter as qualifying for the PUD option, or it must be demonstrated that all of the following criteria will be met as to the zoning lot:

- A. The PUD option may be effectuated in any zoning district.
- B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

The proposed use—apartments—is not permitted in the RA-1 district. This is the primary deviation from ordinance standards; density is consistent with the RC-3 district.

- C. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Asserted financial problems shall be substantiated with appraisals of the property as currently regulated and as proposed to be regulated.

The applicant is proposing density consistent with the RC-3 district. The applicant's narrative notes that a rezoning to RC-3 was considered, but the PUD process was more suited to achieving the goals of the project.

- D. The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Future Land Use Plan unless the proponent can demonstrate to the sole satisfaction of the city that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.

The number of apartment units proposed on the site clearly exceeds the number of single-family units that could be built under RA-1 zoning (100 versus 13). The applicant has provided a traffic study, and provided stub streets as requested by Engineering and Fire.

- E. The Planned Unit Development must meet, as a minimum, one of the following objectives of the city:
- 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.
 - ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.

The applicant identifies the nearby multi-family development (which is not directly adjacent) and under-utilization of the parcels fronting on 13 Mile as factors in meeting this criterion.

- 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.

The applicant highlights this qualification criterion, and specifically says that this use could serve as a transition from the mile road to single-family to the south.

- v. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
- vi. To promote the goals and objectives of the Master Plan for Land Use.
- vii. To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

The applicant's narrative also addresses this criterion.

Though only one objective must be met by the plan, the applicant's narrative directly addresses objectives ii, iv, and viii.

- F. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

An increase in density is sought by the applicant. Given that the proposed use is not permitted in the underlying district, it appears that the request is not made solely to avoid a variance.

The Planning Commission granted preliminary PUD qualification to the applicant on June 15, 2023, citing objectives E.iv and E.viii. Preliminary qualification did not guarantee final PUD approval.

Planning Consultant Tangari reviewed the conceptual site plan in terms of compliance with dimensional requirements, and noted that the applicant was seeking relief from ordinance standards as follows:

- a. Permit multi-family at RC-3 density.

The proposed density of 240 rooms was consistent with the maximum of 248 rooms allowed in the RC-3 district. The maximum number of units available on the site in RA-1 zoning was 13. The Master Plan future land use map designated the site as Single Family, and was part of a Residential Special Planning Area, titled 13 Mile Road Near Middlebelt (No. 1) in the 2009 Master Plan. Goals for that area included maintaining the one family residential use character of the road frontage and encouraged cluster arrangements to protect natural features, and included policies.

- b. Permit reduction in parking from 200 spaces to 169.
c. Permit additional building height: 30 ft, 5.5in vs 30 ft.
d. Relief from tree replacement requirements.

The applicant provided a tree inventory, but not a tree replacement calculation.

- e. Relief to allow more than 8 spaces where there are dead end parking lanes.

Commissioner Stimpson asked if the property was originally zoned R-3, would this development be able to be built. Planning Consultant Tangari said the proposal would be allowed in an RC-3 district except for the deviations already mentioned, which could potentially be obtained through seeking relief from the Zoning Board of Appeals.

Commissioner Stimson asked how this proposal met the requirement of Section 34-3.20.2.C, which read: *“The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.”*

Planning Consultant Tangari said this was a question for the applicants. However, it did seem that most if not all objectives of this development could be met through conventional RC-3 zoning.

Commissioner Stimson pointed out that the applicants must meet all the criteria listed in order to qualify for a PUD. If criteria C. was not met the project would not qualify for a PUD.

Planning Consultant Tangari said the request for a waiver for tree replacement, as noted during tonight's meeting, would be a big ask before the ZBA. City Planner Perdonik agreed, saying it would be more usual to seek a Planning Commission waiver in this case.

Commissioner Stimson said that if developers are unable to plant replacement trees on site they normally pay into the tree fund.

Commissioner Mantey said he had difficulty walking the property. Were the two existing homes abandoned?

Planning Consultant Tangari said he could not speak to the existing status of the homes.

In response to questions from Commissioner Mantey, Planning Consultant Tangari said if the 3 lots were combined and developed as a subdivision under the existing RA-1 zoning, up to 13 units could be built on the site. During such a development trees would be removed and would have to be replaced. Trees that were part of a private lot could potentially be removed by the homeowner.

Commissioner Brickner pointed out that even if the PUD was approved by City Council, it will not go forward without meeting Engineering and Fire Department standards, including the engineering standard that water may not run off onto neighboring properties.

Public hearing

Vice Chair Trafelet opened the public hearing.

City Attorney Schultz advised everyone that tonight's request related to land use only. Any discussion of tenant incomes, for instance, was not relevant to the Planning Commission's decision in this case.

In opposition:

The following individuals opposed the PUD rezoning request:

1. Ray Pastor, Holly Hills
2. Raymond Pastor, Westgate Subdivision
3. Kathy Leik, Richmond Hill, Westgate Subdivision
4. Michelle Nagoda, Richmond Hill, Westgate Subdivision
5. Isaac Dunn, adjacent neighbor to proposed development
6. Adrienne Davies, Holly Hills Farms, HOA Board Member, Chair of Holly Hills Architecture Committee
7. Alan Isner, Holly Hills Farms, Lot 97, adjacent to proposed development.
8. Larissa Gallagher, adjacent property owner
9. John Nagoda, Richmond Hill, Westgate Subdivision
10. Richard Olenzek, 29729 High Meadow
11. Sieglinde (no last name given), 29976 Highmeadow, HOA Member
12. Adrian Schneider, Holly Hills Farms
13. Lisa Banks, Highmeadow, Holly Hills Farms
14. Wendy Sanders, 29840 Southbrook Lane
15. Karen Gee, Richmond Hill, Westgate Subdivision
16. Arlene Speiser, Westgate Subdivision
17. Amy Broglin-Peterson, Northbrook Street, Westgate Subdivision
18. Sam Rabah, Westgate Subdivision
19. Adele Letterman, Westgate Subdivision

20. Liviu Marinica, Westgate Subdivision
21. Ben Peterson, Northbrook Street, Westgate Subdivision
22. Louise Lieberman, 13 Mile Road
23. Julie Skene, Highmeadow, Holly Hill Farms
24. Josiah LaColla, Highmeadow, Holly Hill Farms

Several of those who opposed the PUD rezoning brought up their love for this area and the existing diversity in their neighborhood. Some spoke of their support for the work being done by CCF, while believing this location was not appropriate for the proposed development. Others were concerned about the nature of the “attainable” housing as defined by the applicants. Some participants spoke about moving to this area to get away from high-density communities elsewhere; those who would be the closest neighbors spoke of “not signing up” to live next door to a high-density apartment development. One of the speakers noted there was a petition with 435 signatures opposing this rezoning request.

Those who opposed the PUD rezoning request brought up the following specific concerns:

- Lack of compliance with the Master Plan, which called for the maintenance of this stretch of land as one-family residential housing, along with protecting the natural hillside and existing trees.
- High density 3-story apartments in the middle of a single family, park-like neighborhood. Light pollution and noise pollution will increase in what is now a quiet neighborhood, especially as 169 vehicles will be warming up during winter weather. High density will require more infrastructure uses.
- Baptist Manor requested rezoning of same area in 2014 from RA-1 to RC-1, in order to add 30 units, and was denied, based on being out of character with the neighborhood and adding stress to the infrastructure. RC-3 would allow a 45% increase from RC-1.
- Low income rental as required by MSHDA.
 - Farmington Hills was already 38% rental housing; 412 units were set aside as affordable housing.
 - Range of income will be 30% - 80% of AMI (Average Median Income). Taxpayers will be funding the rents.
- The three existing properties are owned by Mobi Investment, who has allowed the properties to deteriorate, with no maintenance and no improvements. The blight is the responsibility of the property owner, who has been cited numerous times over the years.
- Increased traffic.
 - Traffic would double in an area where school busses picked up and dropped off school children. Another traffic light would be needed, in a less than optimum placement 850’ from the existing traffic light.
 - The traffic study was done in the middle of the day, in the middle of the week, in the middle of summer, when several surrounding roads were under construction.
 - The exit will cause conflicting left turns with the subdivision across 13 Mile Road.
- Destruction of wildlife habitat, including deer habit, which would exacerbate the existing deer and deer/car accident problems in the City. Farmington Hills has 20 deer per square mile, and had the second most deer related accidents – 125 – of any municipality in Michigan. Residents were concerned about other wildlife that lived on the site. Was a wildlife study conducted as promised?
- Decreased home values. This development will be an eyesore.
- Building height. Several residents spoke of an extra 5’5” height above ordinance standards; however, the request is for 5.5”. One architect from the Holly Hills neighborhood said the discrepancy is explained by how the height is measured.

- Loss of privacy due to the height of the proposed buildings, combined with upper story balconies looking out on Holly Hills. No fences would separate the single family community from the proposed development.
- Loss of natural beauty and landscape buffer. Most trees to remain are deciduous trees, which will not buffer during the winter.
- Reduced setbacks.
- Parking will be inadequate for the use generally, and particularly will be inadequate when residents have gatherings on site. Parking will back up to existing homes. There will be much more impervious pavement than if developed under RA-1 zoning.
- Holly Hills is considering going for a Historic District designation. The neighborhood had one of the largest collections of mid-century homes and a rare collection of successful local architect-designed homes, and needed to be protected.
- Dumpster is proposed to be 25' from the lot line.
- Increased storm water runoff/flooding. Detention pond will breed mosquitoes.
- Loss of security related to high density apartment complexes, and low-income/affordable apartment complexes.
- Excessive tree removal – more trees will be removed than if developed under RA-1 zoning. The landscape plan schematic appeared to show more trees than would exist on the site, after tree removal was complete.
- Disruption of people's "safe place" affects the mental health of the entire community
- What is the benefit of this development to the community?
- Will the Chaldean Community Foundation pay property taxes?
- If this project is approved, will more multi-family housing be constructed going toward Middlebelt Road?
- Was the current Master Plan update considering this type of development for the entire 13 Mile Corridor?

In support:

The following individuals supported the PUD rezoning request:

1. Jim Manna, W. Bloomfield Township public official and property owner in Farmington Hills.
2. Dave Nona, Triangle Development, 30415 W. Thirteen Mile Road, a residential developer
3. Michael Sarafa, 35267 Stratton Hill Court
4. Mr. Shukri, 22816 Watt
5. Nawras Shukri, Kendallwood neighborhood
6. William Miller, 33477 Quaker Valley Road, County Commissioner

Those who spoke in support of the project emphasized the mission and work of the Chaldean Community Foundation, and the need to support people who were forced to leave the Middle East due to the political situation – including genocide – there. Others spoke of the difficulty of developing single family homes on the subject site, and the validity of the PUD process in this instance.

Those who spoke in support of the PUD rezoning request made the following specific points:

- In June 2023 West Bloomfield Township had unanimously approved a Chaldean Community Foundation project at Walnut Lake Road near Inkster, to redevelop a school property and eventually add a housing development.
- The potential increase in property values, as had occurred elsewhere for projects of this type.
- The need for attainable housing.

- Single family housing was not feasible on the subject site. Homes would have to sell for \$900K - \$1M to make development feasible, and the area would not support those prices.
- The proposed development is compatible with existing development on the south side of 13 Mile Road, including a 3-story condominium development, the Baptist Manor, along with multiple-family developments near 13 Mile and Middlebelt Road.
- Many of the comments made opposing this project were based on a distortion of facts.
- The PUD Process was created to serve projects similar than this one.
- This will be a very attractive affordable housing development. People with modest incomes will be able to live in the 13 Mile area in Farmington Hills. The fact that a foundation was building this project meant more than a millionaire developer who just wanted to come to the community to make money.
- The Kendallwood neighborhood was surrounded by commercial buildings and apartments; this had not negatively impacted that neighborhood.
- It was important for people to have housing and to have the same opportunities that others had.

Seeing that no other public indicated that they wished to speak on this agenda item, Vice Chair Trafelet closed the public hearing and brought the matter back to the Commission.

Commission discussion and questions

In response to questions from the Commission, staff provided the following further information:

- Should this project be approved, the plans will undergo detailed engineering review, during which the applicants will have to submit stormwater calculations, including a comprehensive plan for retention of stormwater on the site that would show how all the water will be retained on site. If the applicant cannot meet that requirement the plan will not move forward.
- Engineering will review the preliminary plans, and provide a detailed review of final plans.
- Parking areas and entrances to buildings generally must be illuminated for safety purposes. However, at nighttime, any lights on the site must be turned down to 70% of maximum intensity – a significant reduction in intensity. At final site plan review, a photometric plan showing lighting levels at all property lines is required, with 0.3 foot candles the maximum illumination level at property lines. Also, for any location on the plan that is within 50’ of a residential district or a public right-of-way the lights must be shielded on that side of the fixture.
- Regarding opposing left turns, good transportation planning practice and engineering practice suggest that opposing driveways be aligned, so that drivers can see the driver across the street from them, and know what they are going to do. When entrances are “jogged,” a more blind situation is created.

Vice Chair Trafelet invited the applicant to address questions raised during public comment.

Regarding the tax question, Mr. Manna said that currently the 3 parcels generate about \$14K annually in taxes. The proposed project will generate about \$50K annually.

City Attorney Schultz cautioned that such numbers could not be verified this evening.

Commissioner Stimson reiterated his position as stated in prior meetings regarding this application:

- This project is not compatible with the neighboring properties, which was all RA-1 zoning. Other RC zoning districts were multiple parcels away, while the subject parcel is completely surrounded by RA-1 zoning.

- The heights of the building combined with the setbacks is “way too much.” A 3 story building 65 feet away was not compatible with the residential district.
- This project did not actually qualify for a PUD, because it did not meet criterion Section 34-3.20.2.C. The applicants should have gone through a normal rezoning application.
- Commissioner Stimson had voted against rezoning when the Baptist Manor came in for a request in 2014, and he opposed to granting the request brought forward tonight.

MOTION by Stimson to recommend to City Council that PUD Plan 1, 2023, received June 19, 2023, submitted by Martin Manna, be denied, for the following reasons:

1. The plans are inconsistent with the goals, objectives, and policies of the Master Plan and applicable provisions of the Planned Unit Development Option in Section 34-3.20 of the Zoning Ordinance, in that
2. The plan does not meet the criterion set forth in Section 34-3.20.2.C.

Motion failed for lack of support.

Commissioner Mantey said he had walked the site, which was very difficult, and when he left he was covered with burrs. Additionally he had walked through poison ivy. There was a City ticket on one of the abandoned structures. He went to the back of the properties and looked around as best he could, to judge where the proposed buildings would be located. Based on that visit, he had come up with what he could support for this site, and offered the following motion:

MOTION by Mantey to recommend to City Council that PUD Plan 2, 2023, received June 19, 2023, submitted by Martin Manna, be approved, because the plans are consistent with the goals, objectives, and policies of the Master Plan and applicable provisions of the Planned Unit Development Option in Section 34-3.20 of the Zoning Ordinance,

SUBJECT TO:

1. Modifications of Zoning Ordinance requirements as indicated on the proposed plan.
2. The following conditions and findings:
 - a. To permanently preserve natural open space and to provide a buffer between land uses, an 80 feet wide landscape buffer is required along the south side.
 - b. The development is limited to a maximum of 80 units.
 - c. The project is exempted from all minimum parking requirements.

Commissioner Mantey said his conditions would require significant changes to the plan, but that was what he could support.

Motion failed for lack of support.

MOTION by Aspinall, support by Stimson, to recommend to City Council that PUD plan 1, 2023, received June 19 2023, submitted by Martin mana be denied for the following reasons:

The plans are inconsistent with the goals, objectives and policies of the Master Plan and applicable provisions of the Planned Unit Development option in Section 34 320 of the zoning ordinance, in that the plan does not meet PUD qualification item C.

Commissioner Brickner said he would oppose the motion because he felt a recommendation to approve should be made to City Council. City Council could then hear from the applicants and the public, and make the final decision.

Commissioner Ware said that the Commission had been meeting monthly to work on updating the 2009 Master Plan. It was now 2023 and things had changed, and the Master Plan should also change. The Master Plan needed to move the City forward, to strike a balance of preservation of the historic things that make Farmington Hills great while transitioning into those things that will make the community sustainable for another 100 years.

City Attorney Schultz advised that the Commission did not need to make a decision tonight. Regarding the Master Plan, this proposal was completely different from the current Master Plan, and during the update discussions, there had been no suggestion of changing the Master Plan for this part of the City, and no discussion had focused on this part of the City. The Commission needed to be able to make a recommendation as to whether the proposed development is consistent with the Master Plan, and whether the 8 criteria for PUD qualification were met.

Vice Chair Trafelet called the motion on the floor.

Roll call vote:

Aspinall	yes
Stimson	yes
Ware	no
Varga	no
Grant	no
Brickner	no
Mantey	no
Trafelet	yes

Motion to recommend denial failed 3-5.

MOTION by Ware, support by Grant, that further discussion and action regarding PUD Plan 1, 2023, received June 19, 2023, submitted by Martin Manna, be postponed to a date uncertain, in order to give the Planning Commission time to further investigate and discuss the issues involved.

Roll call vote

Aspinall	yes
Stimson	no
Ware	yes
Varga	yes
Grant	yes
Brickner	no
Mantey	yes
Trafelet	yes

Motion to postpone to date uncertain passed 6-2.

The public was advised that all discussions regarding this request will be held in public meetings. The public hearing, however, was closed. All meetings are posted on the city's website.

At 9:35pm Vice Chair Trafelet called a short break, and reconvened the meeting at 9:42pm.

REGULAR MEETING

A. PLANNED UNITED DEVELOPMENT (PUD) QUALIFICATION 2, 2023

LOCATION:	30825 and 31361 Orchard Lake Road
PARCEL I.D.:	22-23-03-226-027 and 028
PROPOSAL:	Redevelopment of shopping center in B-2, Community Business zoning district
ACTION REQUESTED:	Qualification of Planned Unit Development
APPLICANT:	Timothy Collier
OWNER:	RPT Realty, L.P.

Referencing his August 9, 2023 memorandum, Planning Consultant Tangari gave the background and review for this request for PUD qualification, for redevelopment of a 28.82 acre site containing a shopping center in a B-2, Community Business zoning district, located at 30825 and 31361 Orchard Lake Road.

Planning Consultant Tangari made the following points:

- The applicant proposes reconfiguration of an existing large shopping center, including a revamp of several larger tenant units, the addition of outlots, and some accompanying changes to the parking lot. The use will remain solely commercial.
- Regarding the criteria for PUD qualification:
 - A. The PUD option may be effectuated in any zoning district.
 - B. The use of the property is not proposed to change; the development of the outlots appears to occur partially within the front setback of the B-2 district; drive-through restaurants are also not typically permitted in the B-2 district. The applicant notes that attempts will generally be made to meet B-2 standards, with additional landscaping, amenities, and architectural quality as trade-offs for any necessary deviations.
 - C. The applicant is not specific about constraints posed by the current zoning district – more generally, the narrative notes that the applicant is seeking a flexible mix of commercial uses to support the introduction of more pedestrian amenities and a new layout. No particular dimensional or site standard is noted.
 - D. The fundamental use of the site will not change; service loads on Orchard Lake are unlikely to change; there is some potential to close at least one or two curb cuts, though the conceptual plan does not show this.
 - E. The Planned Unit Development must meet, at a minimum, one of the 8 objectives of the City. The applicant's narrative indicated they think they meet the following:
 - 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.

The applicant points to an expansion of green space along Orchard Lake Road; there may be additional opportunities to return paved areas to an unpaved state, or establish

new gathering areas, visual focal points (such as public art pieces), and sidewalks to aid the flow of people through the large parking lot.

- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.

The applicant has highlighted and responded to this objective, referring to a more accessible overall center with better stormwater management and a more dynamic tenant mix. The conceptual plan does also show some of the buildings moving away from the residential property line to establish larger loading zones.

- v. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.

The applicant notes enhanced non-motorized access and new green spaces; see the consultant's response to objective i above; the Planning Commission should discuss what these amenities and spaces might actually look like when the applicant returns for final PUD.

- vi. To promote the goals and objectives of the Master Plan for Land Use

The applicant addresses this item with notes about business stabilization.

- vii. To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

The applicant calls for higher-end design, architecture, and materials on the site, and also notes that the outlots help foster walkability and change the feel of the corridor; the new greenspace and plazas between these buildings are also highlighted in the applicant's response.

Regarding the conceptual site plan, Planning Consultant Tangari made the following points:

- The applicant has submitted a conceptual drawing showing four new outlots, a major rebuilding of three large tenant spaces, and some other tenant spaces. Much greater site analysis and detail will be required to help the Planning Commission and City Council reach a final determination.
- Uses must be compatible with Shopping Center Type Business uses.
- Dimensional standards have not yet been provided.
- A full parking analysis will be necessary.
- Relief sought from ordinance standards included:
 - a. Permit drive-through use/potentially other uses not listed in B-2.
 - b. B-2 front setback.
 - c. Possibly others to be noted at final PUD determination.

In response to questions, Planning Consultant Tangari, explained that McDonalds was a separate site, with its own PUD agreement.

Dave Ortner, Senior Vice President of RPT Realty, was present this evening along with members of the development team. Mr. Ortner made the following points:

- The applicants were pursuing a PUD in order to provide for more comprehensive redevelopment and also attract a more dynamic mix of tenants and uses to the site.
- There were significant vacancies on the site due to changes in the retail industry.
- The intent was to maintain this site as a regional retail shopping center, by redeveloping in a way that will attract new tenants and create a more usable, realistic layout, better parking, and enhance walkability on the site.
- Everything north of what is currently the SAKS building will be new construction.

Commission discussion:

- Some City Council members want this area to work in tandem with West Bloomfield to offer a restaurant corridor.
- It was important for the applicants to include what type of uses will be in the shopping center, in terms of the PUD agreement and site plan approvals. This was also important in terms of what opportunities the developers wanted to create for this site.
- In future discussions, the applicants needed to justify why this development needed a PUD rather than being redeveloped under straight rezoning. Every component of the plan needs to be tied back to the request for a PUD.

City Planner Perdonik noted that a PUD was the most efficient land use tool to use in this situation.

- In future discussion, the applicants should be prepared to discuss more completely how they met the criterion in the PUD ordinance, and the five objectives listed above. How was the project providing enhanced green space? How many acres are being affected? Where were the exceptional characteristics of this site? How was this project protecting existing land uses? How will stormwater be improved as a result of this PUD? All elements of the request need be reviewed and explained.
- In response to questions, Mr. Ortner said that they were reconfiguring the site, providing landscaping along Orchard Lake Road and pulling the outlots closer to the road. Outlots D, E, and F were meant to create walkability, with pedestrian pauses between the uses.
- Mr. Ortner said that preserving the use by creating new designs in redevelopment will attract credit worthy and stable tenancy, which will maintain this shopping center as a reactivated regional retail center.

MOTION by Brickner, support by Varga, that the Planning Commission makes a preliminary finding that PUD 2, 2023, received July 18, 2023, submitted by Timothy Collier, qualifies for the Planned Unit Development Option under Section 34-3.20.2.A through D. of the Zoning Chapter. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E.i. thru viii., specifically objectives i, ii, v, vi, vii., and that it be made clear to the applicant that final granting of the PUD plan and contract requires approval by City Council, after recommendation by the Planning Commission.

Motion discussion:

- Commissioner Mantey said it was important that the Commission and the City ask for appropriate public benefits. For instance, a covered bus stop would be a public benefit, and should be included in the PUD approval.

- Commissioner Stimson said he would support the motion, but he was also struggling with why this application was coming forward as a PUD and not as a straight zoning development. He would need to hear more about why this is a PUD request.
- Commissioner Brickner spoke to the need to revitalize this shopping center. He understand why the request was being made for a PUD, which would allow more flexibility, in terms of allowing a drive-thru restaurant, putting restaurants close to Orchard Lake Road, and so on.

Motion passed unanimously by voice vote.

APPROVAL OF MINUTES

July 20, 2023, Special Meeting, and July 20, 2023, Regular Meeting

MOTION by Brickner, support by Ware, to approve the July 15, 2023 Special Meeting minutes and the July 15, 2023 Regular Meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

Commissioner Mantey spoke to the need to be able to visit a site such as the Chaldean Community Foundation site, to be able to see how the proposed changes would affect the site and the surrounding neighborhood, yet when he visited the site he could barely access the portion where the buildings would be constructed. The applicants and/or property owner needed to clean up the site so it could be visited by Commissioners before any decision is made.

After discussion, and recognizing the need to have more discussion regarding PUDs generally and the Chaldean Community project specifically, the following motion was offered:

MOTION by Ware, support by Grant, to set a study session meeting at 5:30 on September 21st, prior to the Master Plan study session.

Motion carried unanimously by voice vote.

ADJOURNMENT

Motion by Grant, support by Ware, to adjourn the meeting at 11:00pm.

Motion carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary
/cem