

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC/REGULAR MEETING
COUNCIL CHAMBERS
April 19, 2018, 7:30 P.M.**

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on April 19, 2018.

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

Commissioners Absent:

Others Present: City Planner Stec, Traffic Engineer Saksewski, Civil Engineer Seewald, City Attorney Schultz, Planning Consultants Arroyo and Tangari

APPROVAL OF AGENDA

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

MOTION carried unanimously.

PUBLIC HEARING

A. PUD PLAN 3, 2017 INCLUDING SITE AND LANDSCAPE PLAN 71-12-2017

LOCATION:	32600 Northwestern Hwy.
PARCEL I.D.:	22-23-02-126-003, 011, 012, 025
PROPOSAL:	New self-storage building and senior living facility in B-2, Community Business District and B-3, General Business District
ACTION REQUESTED:	Set for public hearing
APPLICANT:	NorthPoint Development
OWNER:	NWH Holdings LLC

City Planner Stec explained per the requirements of the Michigan Planning Enabling Act, legal notices had been mailed to all residents and businesses within 300 feet of the proposed development 15 days before the meeting, and the proposal had been published in the newspaper as required. However, a city policy that required proposed developments to have signs posted on the property 15 days prior to the meeting had not been precisely met; the signs had been posted 10 days before the meeting.

Commissioner Orr noted the number of residents here this evening, the numerous correspondences received by the Commission regarding this matter, and also noted that State requirements had been met. Commissioner Schwartz commented that the posted signs were huge, and anyone who lived nearby would notice the signs. He felt the community was aware of the proposal. Commissioner Brickner agreed that legal requirements had been met, and the public hearing on this proposal should proceed.

Chair Rae-O'Donnell asked City Attorney Schultz if the provided notice met all state and local legal obligations. City Attorney Schultz answered in the affirmative.

It was the consensus of the Commission to proceed with the public hearing as advertised.

Speaking on behalf of the development team this evening were:

Jed Momot, Project Manager, Northpoint Development, 230 S. Berniston, Ste 500, Clayton MO

Don Rosemann, Rosemann & Associates, Kansas City

Todd Mohagan, Mohagan Hansen, Wayzata, MN

Jim Butler, Engineer, PEA, Inc., Troy, MI

Owner Mr. Asmar, NWH Holdings LLC, was also present.

Utilizing overhead slides, the development team reviewed the proposed development, which consisted of a climate controlled self storage building to the west of the property, with approximately 691 units, and a Stonecrest Senior Living facility to the east, with 92 units and 99 beds, and which provided a mixture of assisted living and memory care.

Parking was provided appropriate to both uses. 64 spaces were provided for the senior living, and 6 spaces were provided for the self-storage. The self-storage really did not require any parking since cars would actually drive into the facility to access the units there. The buildings – both under 40 feet – met height standards. The underlying zoning was B-2 and B-3. A Planned Unit Development (PUD) was proposed, as described in the Master Plan.

The applicants initially met with neighbors in November, before coming before the Commission in December for PUD prequalification. They had follow up meetings with the neighbors in January, and had met with some neighbors individually. They conducted outreach to the neighborhoods, going door to door to meet with nearby residents.

They had met again with the Planning Commission in January, and again in March, when the proposal was set for public hearing for this evening's meeting.

The applicants had addressed the Commission's concerns as follows:

- Possible cut-through traffic from Northwestern to 14 Mile Road had been eliminated by using a variety of traffic calming measures, and by installing a Knox Box certified gate just south of the senior living facility.
- The south and east setbacks were met. They were asking for a deviation for the west side setback by the self-storage facility, although it might be possible to modify the plan to gain an extra 5-10 feet of setback there. The property's challenges included the large portion that had been cut off in order to construct the roundabout. Had that not occurred the 75-foot setback would have been met. The senior living facility also had a 25-foot setback, so that the design could accommodate parking and a driveway to the side and rear. Both buildings were 150-250 feet away from homes.
- They were asking for consideration to put up a 6-foot tall solid cedar fence along the east property line, in lieu of a wall. The fence would meet the screening requirements and would be more residential in nature.
- Regarding the landscaping, the new design pushed the buildings tighter to the road, and significant landscaping would be installed.
- The City's ordinance required that a PUD plan meet 1 of 8 objectives. The applicants felt they met 6 of those objectives: ii, iv, v, vi, vii, and viii.

Renderings of the project from various angles showed the completed project, and particularly emphasized the view as drivers would be exiting the neighborhood across 14 Mile Road. A berm would be constructed in front of the self-storage unit, with significant vegetative screening atop that. The self-

storage unit had been scaled down to create more architectural interest and in order to make the self-storage building complementary to the senior living project.

An additional rendering and a material sample board were distributed to the Commission. Materials used to the north and east of the property were incorporated in the senior living facility. The materials were residential in nature, they had broken up the mass, and the front yard open space – required to be 20% – was actually greater than 90%. Lot coverage was 33% below typical developments of this kind.

Regarding parking for the senior living facility, the applicants pointed out that the parking requirements in the zoning ordinance applied to all types of senior living, and didn't specifically address assisted living or memory care. Very few of their residents would drive, the largest number of staff on site at any one time would be 25, and the 64 parking spaces provided was more than double the necessary amount for this use.

The applicants pointed out the property boundaries of the area being purchased for this PUD. The access drive that connected the development to Northwestern Highway was within their boundary. Additionally Mr. Asmar and NWH Holdings were co-applicants. A legal cross-access would be provided. Again, a gate would prevent any connection to 14 Mile Road.

The landscape plan showed the berm and landscaping along 14 Mile Road, which they believed provided a significant buffer there. Additionally, the courtyards to the senior facility would be heavily landscaped.

The applicants concluded their presentation.

Commissioner Brickner asked if the entranceway off of Northwestern Highway was being stubbed. Mr. Momot said the access road was being stubbed, and it might be necessary in the future to use that stub for a service drive for new business development to the south, although that was not part of tonight's proposal and he could not really address that potential need. They were eliminating 4-5 curb cuts along Northwestern. In any event, the stub would not to lead to any additional use of their access drive.

Commissioner Orr asked about the buildings that were being demolished that were outside the PUD agreement. Mr. Momot said the existing vacant AT&T building would be demolished, as well as an old small retail building that was just to the right of the Northwestern access.

Commissioner McRae said he remained skeptical regarding the density of this project. Part of the justification for this PUD appeared to be that buildings were being removed on the applicants' property and the owner/co-applicant's property. Taking down buildings was a normal part of any development.

Commissioner McRae wondered why the available property for this development couldn't include another 50 feet to the south. This would eliminate almost all the setback issues. The request for a setback deviation stemmed from a self-created hardship. Also, recommending approval of this PUD without knowing what was going to happen to the southern portion of the original property seemed unwise.

Mr. Momot said that the size of the property that they were able to purchase was necessitated on what Mr. Asmar wanted to do with the property to the south.

As for public benefit, Mr. Momot said the Farmington Hills ordinance emphasized how a PUD fit within the goals and direction of the Master Plan for this particular site. They felt they qualified for the PUD under those requirements, and it was an added benefit that the entire site would be cleaned up.

Mr. Momot explained that there would be a 4-foot wrought iron ornamental fence in the front to serve the assisted living residents, and an 8-foot privacy fence to serve the memory care residents.

Commissioner Mantey asked if the fencing on this property was shown in any of the renderings. The fence seemed an integral part of the building's appearance. Also, would the 4-foot fence in the front yard setback need to be included in the list of requested deviations? Planning Consultant Arroyo said the 4-foot fence would require a deviation from the ordinance.

Commissioner Turner asked the rationale for combining the two uses, which to him did not seem compatible. The entire property could be used for senior living, instead of 2 disparate uses. This property could be used for a Continuing Care Retirement Community (CCRC).

Mr. Momot said that Northpoint considered the two uses to have separate, stand alone functions. The supply and demand and demographics of Farmington Hills supported both those asset classes. They did need both uses or the project didn't work for them economically. There would be adequate landscaping between the two buildings so they would feel separate from each other. If there were 2 separate lots on the property, both would be appropriately sized for the separate uses planned on each.

Mr. Momot said that Northpoint provided assisted living care. They did not provide independent living, skilled nursing, or multiple levels of care. Their target market was assisted living and memory care.

Mr. Momot continued that the proposed development was consistent with the Master Plan, they were providing a quiet transitional use while protecting the single family homes along 14 Mile Road by providing a visual buffer, and having that particular property developed and cleaned up was a clear benefit to the community. This would be their 4th senior living facility and 4th self-storage facility in the metro Detroit area. They were a long-term holder and maintained and managed the properties themselves.

In response to questions from Commissioner Schwartz, Mr. Momot said the access gate would have generator backup, the gates would swing up vertically, and the City's emergency personnel would have the Knox code associated with the gate.

Commissioner Schwartz commented that while the proposal had improved from when the applicants had first appeared before the Commission, he also did not support having the two uses together. Just because Northpoint had expertise in developing those two uses did not justify placing them both together in this development. As noted in the consultant's report, this was a mix of uses not normally provided for in traditional zoning. It was uncommon for the Commission to support uses so fundamentally different than those allowed in the underlying zoning. A senior facility and a multi-family unit would be a better mix of uses.

Mr. Momot said that Stonecrest did develop multi-family developments. However, in the current instance the two proposed uses made economic sense. He felt they were the highest and best uses for the property.

In response to a question from Commissioner Brickner, Planning Consultant Arroyo said the area had split zoning: B-2 and B-3, with most of the B-2 District located along 14 Mile Road. B-2 allowed shopping centers and other retail, high-traffic uses. A storage facility was not a normal permitted use in B-2, but storage facilities were not specifically called out in the ordinance anywhere. The self-storage units on Orchard Lake Road were constructed in a B-3 District via a PUD.

Also, B-2 did not allow senior housing. However, this area was Master Planned for multiple family, so senior housing was consistent with that.

Commissioner Brickner pointed out that some comments were directed at the project as if this area was residential, but it was not residential. It was zoned commercial, and the permitted uses could generate a lot more traffic than the 2 uses proposed this evening.

Commissioner Turner reiterated that he was opposed to mixing the two uses as proposed.

Commissioner Countegan said the PUD ordinance did not require compatibility of uses within the PUD. It was important to look at the larger goals of the Master Plan, which included limited access to 14 Mile Road, minimal traffic, transitional development, etc. While the two uses seemed to be an odd couple, the Commission's charge was to remember the goals of the Master Plan and review the uses in terms of how they helped accomplish those goals.

In response to a question from Commissioner McRae, Mr. Momot said the self-storage building could be pushed closer to the detention pond, thus increasing the setback. The pond would end up with a steeper slope but it could be done. Commissioner McRae did not support moving the building closer to the pond. However, he was concerned was the lack of lighting on the southwest and northwest facades of the self-storage building. The 10-foot setback there was essentially a 10-foot dark alley.

Mr. Momot said they could add architectural downlighting to that side of the building.

Commissioner McRae said the disparate uses were not an issue for him. The development along Northwestern Highway would undoubtedly be commercial and having large buildings in between 14 mile and those uses was appropriate. The greater concern was that both uses were shoved up so close to the road.

Mr. Momot emphasized that the two uses would stand alone, and the property was large enough that if it were two parcels, there would be room on each parcel for the intended use.

Chair Rae-O'Donnell asked Planning Consultant Arroyo to give his review.

Utilizing overhead slides and referring to the Giffels Webster review letter dated April 9, 2018, Planning Consultant Arroyo gave the background for this application for the Planning Commission to make a recommendation to City Council for PUD Plan 3, 2017, including the site and landscape plan. Tonight was a public hearing; after the public hearing the Commission would take action on this request. Should the PUD ultimately be approved, a written agreement between the applicant and the City that outlined the specific conditions of approval would ensure that ordinance requirements were met and the conditions followed.

Planning Consultant Arroyo reviewed the property's zoning as well as the zoning and uses of surrounding properties. The designation for the majority of the property in the Master Plan was for multiple family housing.

In December 2017 the proposal did receive preliminary qualification for a PUD, based on Section 34-3.20.E, which stated that at least 1 of 8 objectives needed to be met. The applicants suggested that objectives ii, iv, v, vi, vii and viii were met, and when the Commission granted preliminary qualification those objectives were also listed as being met. Those objectives were:

- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
- iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.
- 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.

Planning Consultant Arroyo said that in general, the proposed mix of uses and layout of the portion of the site along 14 Mile Road would comply with those objectives. The applicant was proposing as a public benefit the demolition of several obsolete buildings, including at least one that fell outside of the PUD. Regarding item vi, it appeared that this project could satisfy this objective, given that the senior living facility provided a transition to residential areas, and the Master Plan did call for the use of the PUD option to accomplish the city's land use objectives. Regarding item vii, the applicant's project history implied that high-quality design was likely to be proposed. Finally, regarding item viii, it appeared that the use of the PUD option in this location could support this objective.

There would need to be a lot split in order to execute the proposed plan.

Planning Consultant Arroyo pointed out that convalescent homes were generally permitted in multi-family districts. As noted above, self-storage was not called out in the ordinance as a specific use.

This area had been identified in the Master Plan as a special study area: *14 Mile Road and Northwestern Highway (no. 2)*. The Master Plan did envision that the PUD process would be an appropriate way to address the unique characteristics of the area. The PUD could allow more flexibility and a way to relax standards in return for other benefits.

Planning Consultant Arroyo reviewed the proposal for compliance with dimensional standards, with special emphasis on:

- *Parking*. Planning Consultant Arroyo agreed that both uses were adequately parked.
- *Circulation patterns* had been addressed. Additionally, the gate addressed the concerns about the access road being a cut-through.
- *Lighting issues* could be handled administratively.

The applicant was seeking to vary from the following standards:

- West setback to the commercial district: 20 feet required; 10 feet proposed.
- Front setback: 75 feet required; 25 feet proposed.

- Parking for Stonecrest Senior Living: 74 spaces required; 64 spaces proposed.
- Screening: 6-foot wall required to the east; fencing was proposed.
- Fence in the front yard setback: 3-foot height allowed; 4-foot height proposed.

Planning Consultant Arroyo also suggested that the access road allow an access point to the west to allow access toward the rear of the properties not included in the PUD agreement; this would provide better access management for those properties.

Commissioner Orr asked if people driving in from 14 Mile Road thinking they could drive south to Northwestern Highway on the access road would have room to turn around when they saw the access gate. Planning Consultant Arroyo said that the last parking space could be striped out, and that would allow turn-around room.

In answer to a further question from Commission Orr, Planning Consultant Arroyo said the lot split could be a condition of PUD approval and be required before final administrative site plan approval.

Commissioner Stimson asked if the senior living facilities property would be considered residential. If so, that would impact development to the south, as commercial properties abutting residential properties had extra restrictions. Planning Consultant Arroyo said that the property would still have its underlying business district zoning.

Chair Rae-O'Donnell opened the public hearing.

Richard Savage, County Glen Oaks management company, said that no renderings or elevations had been shown from the perspective of the condo location. While they liked having the vacant land next door, they also understood that development happened. This development was preferable to a high-impact business use. They would like to see the berm height be increased to the north, where currently it decreased until it was level with the ground.

Ron Toth, 55868 Abingdon, President of Kimberly North Homeowners Association, which was located directly north 14 mile in West Bloomfield, said they had no problem with the senior living facility, but had grave concerns about the self-storage facility, which could have a negative effect on property values. Nothing could make a storage facility compatible with a residential neighborhood. However, he would rather have a storage facility than a strip mall, for instance.

Marc Manson, 30141 High Valley Road, Farmington Hills MI passed out information to the Commission regarding evacuation from a 3-story building in a high traffic area such as the Northwestern/14 Mile Road roundabout. He felt emergency vehicles would be inhibited and emergency personnel endangered, and that this location for a senior living facility was unnecessarily dangerous.

Linda Schaeffler, 7118 Brookridge, West Bloomfield, passed out information to the Commission regarding other Beyond Self Storage locations in the Detroit area. She was opposed to this project, which would result in too-tall buildings. While the assisted living facility was residential in appearance, the self-storage commercial building was not appropriate in a residential area. There were other self-storage buildings close by, and this one seemed an unnecessary addition.

Ellen Busch, 6825 Heather Heath, West Bloomfield, opposed this PUD project, which crammed large uses on land too small to provide appropriate setbacks, etc. She was concerned about lighting, emergency vehicles, traffic congestion, and cut-through traffic in her neighborhood.

Mr. Stern (phonetic), 6825 Heather Heath, West Bloomfield, also opposed this project. He felt the assisted living facility would need more parking than proposed. He was also concerned that the access gate would fail and emergency personnel would not be able to get through.

Carol Rabinowitz 30515 W 14 Mile Road, Country Glen Condos, Farmington Hills, agreed with everyone's comments. She was concerned about the increase in traffic.

Alan Abrahams, 5569 Northcote, West Bloomfield, MI, was concerned about the height, setbacks and parking at the senior living center. He was opposed to the storage center because it looked like a commercial building. He was also concerned that there would be insufficient landscaping.

Ms. Schulman (phonetic), West Bloomfield, was concerned that the senior living facility did not have enough parking, and that this development would increase traffic, noise, and night-time lights, and she was also concerned about the retention pond, which would not be fenced.

Diana Katz, 5580 Abington, West Bloomfield, opposed this proposal. The buildings were too large and she was also concerned about the impact on walkers from the nearby Warner Middle School.

Joel Katz, 5580 Abington, West Bloomfield, opposed this proposal. He felt these were the wrong buildings for the site and that they would detract from the residential homes in his neighborhood. The deviations requested were for self-imposed problems. The benefits resulting from the PUD accrued to the owner and not the city. Also, these would be the largest buildings on 14 Mile from Walled Lake to Coolidge in Royal Oak.

Neil Schwartz, 6754 Pine Eagle, West Bloomfield, spoke to the loss of schools and parks in the his community, and to the continuing construction of large senior citizen projects throughout the area, which were out of character with residential neighborhoods.

Jan Wolf, 7433 Heather Heath, West Bloomfield, spoke against this proposal, because the proposed buildings were too large for this area.

Commissioner Countegan noted that the Commission had received 35 letters in support of the project, and 5 opposed.

Bonnie Levine, West Bloomfield, said that she knew of more than 5 people who had written letters to the City opposing this development.

For purposes of the record, and noting that all letters become part of the permanent file, letters of support had been received from:

Albert Loeffler
David Loeffler
Andys Cabase
Auday Haddad
Joel F. Yono
Edita Freedman
Eric Nelkin

John Ginopolis
John Naife
Mary Shrader
Meu Paliiz
Mike Langan
Peter Ginopolis
Reema M
Ron Thomas (Worldwide Tech)
Riyadh Asmar
Sahin Kashat
Sam Darwid
Thomas Investments
Jimmy Asmar
Robert Carmack
Renee Semma
Ann Sagmani
Ilan Hazan
Nancy Schuchard
Craig Homicz
Hiddi Hadah, Stellar Hospitality
Don Fitch
Andy Andre
Frank Yono
Christine Moore
Michelle Cunningham
Riyadh and Ron Asmar
Doug Saroki
Daniel J. Lehman, Integrated
Law Group

Letters written in opposition had been received from:

Diane Hausner
Morry Greener
Lisa Berman
Bonnie & Allen Levine
Maxine Graff Goodman

Seeing that no one else came forward to speak, Chair Rae-O'Donnell closed the public hearing and invited the applicant to speak to the residents' concerns.

Mr. Momot thanked the residents for coming out. He made the following points:

- Their studies showed that parking was appropriate. Regarding the senior living facility, this would be one of the highest parked communities they had.
- Regarding impact on traffic, the proposed uses were two of the lowest traffic impact uses that existed.
- Regarding being close to residential, the underlying zoning for this area was B-2 and B-3 commercial zoning. They were proposing low-impact uses, when high-impact retail or commercial would be permitted, including, for example, a 50,000 square foot 3-story building with 200 parking spaces. They felt their deviation requests were justified.
- While the retention pond would not be fenced, the pond was required and additionally would add

value to the property.

In response to a question from Commissioner Orr, Mr. Momot said the gate would have 24-hour emergency back up power, and would open vertically.

MOTION by Orr, support by McRae, that the Planning Commission recommend to City Council that PUD Plan 3, 2017, including site and landscape plans 71-12-2017 dated March 19, 2018 submitted by Northpoint Development be approved because the plans are in accordance with the objectives, goals and policies of the Master Plan for Future Land Use and is consistent with the objectives and applicable provisions of the Planned Unit Development Option as outlined in Section 34-3.20 of Chapter 34, Zoning Ordinance, and that the application qualifies for the PUD under Section 34-3.20.2.E, subparagraphs ii. iv, v, vi, vii, and viii.

- Subject to modifications of the zoning chapter requirements as indicated on the proposed plan, and
- Subject to further modification of zoning chapter requirements to allow a 4-foot fence in the front yard setback.

Subject to the following conditions:

- Agreement for demolition of buildings not on PUD property be finalized before building permits be issued.
- Lot split finalized before permits be issued.
- The sign shown on the plans is not included in this approval motion.
- The plans allow for one additional access point to the west
- Lighting be amended and approved administratively, including lighting on the southwest property line.

And subject to the following findings:

- The parking is adequate for both uses.
- Use of a 6-foot wood fence on the east property line is acceptable.
- Setbacks as designed are acceptable.
- Building materials are acceptable as presented.

Commissioner McRae seconded the motion to allow for discussion.

Commissioner Countegan said he would support the motion. While the two uses were not ordinarily coupled together, they were both low traffic uses, which was a major objective of the Master Plan. Also, the number of curb cuts on 14 Mile Road was limited by this plan, and a significant landscape buffer was provided to the north. The current property was zoned commercial, and could be developed under the current zoning, with heavier traffic loads resulting. The application seemed to be a suitable alternative to the Master Plan.

Commissioner Orr said in the last 10 years the City had received only 1 request to develop this property, and that was by a retailer that would require intense parking. The current application was a much better choice for traffic than a retail development.

Commissioner Schwartz said he would vote against the motion.

Commissioner Brickner reviewed the history of the site, including a previous application that would have required intense parking. The two uses proposed offered the lowest impact use. The buildings would be tall, but their height met ordinance standards. He would like to see the site cleaned up and used, and while he wasn't thrilled about the self-storage facility, he liked the senior living use.

Commissioner Mantey thought that there was a growing need for senior living facilities. Regarding the self-storage facility, he felt strongly that that facility should be moved south into the vacant property, in order to increase the setback to at least 50 feet. He felt the requests for deviations were all self-imposed and he would be voting against the motion.

Commissioner Stimson agreed with Commissioner Mantey. While significant progress had been made with this proposal, including prohibiting access from Northwestern to 14 Mile Road, and providing adequate parking, he felt the self-storage building was too close to 14 Mile Road and too close to residential homes. He noted that he felt the setbacks for the senior care facility were acceptable.

Commissioner Turner was opposed to the mix of uses proposed. He felt the entire site could be utilized by a single senior living development, and could include more senior-related streetscape amenities such as a park with benches, etc.

Chair Rae-O'Donnell said she would be supporting the motion. While the uses were disparate, the PUD ordinance did not require compatible uses. A more intense retail development would be more detrimental to nearby residential neighbors.

MOTION failed 4-5 (McRae, Stimson, Schwartz, Turner, Mantey opposed)

Commissioner McRae noted that this was a recommendation to City Council. The applicants could next make their case to City Council, and include any changes at that time. He said that while he had voted against the motion, conceptually he was comfortable with the development. He would like the project to go forward in similar form, but would also like to see some adjustment made to the setbacks, especially to the west.

City Attorney Schultz advised that the Commission could offer a motion to deny, or could offer a postponement so the applicants had an opportunity to make further adjustments to the plan.

Mr. Momot suggested adding 20 feet to the western setback. Commissioner McRae asked if the self-storage building could be stepped back architecturally in order to reduce mass. Mr. Momot said he could not promise that, but he was certain they could add to the setback there. They would request a postponement.

Motion by Schwartz, support by Orr, to postpone PUD Plan 3, 2017 including site and landscape plan to a date uncertain, in order to give the applicant time to revise the plan to address the 14 Mile Road setback deficiency.

Motion carried 8-1 (Brickner opposed).

Commissioner Schwartz commented that if this PUD did not go forward, the Commission should look at the future zoning of the property.

REGULAR MEETING

A. PUD PLAN 2, 2017, INCLUDING SITE AND LANDSCAPE PLAN 56-3-2018

LOCATION:	21500 & 21430 Haggerty Rd.
PARCEL I.D.:	22-23-31-101-023 & 024
PROPOSAL:	New Office building in OS-4, Office Research District
ACTION REQUESTED:	Set for public hearing
APPLICANT:	Century Project LLC
OWNER:	Century Project, LLC

Utilizing overhead slides and referring to the Giffels Webster review memorandum of April 10, 2018, Planning Consultant Tangari gave the background for this application to set for public hearing PUD Plan 2, 2017, including site and landscape plan 56-3-2018, located at 21500 and 21430 Haggerty Road, Farmington Hills.

Planning Consultant Tangari explained that this PUD application had been prequalified in December 2017. Regarding the criteria for qualifications, under Section 34-3.20, outstanding issues and items for discussion included:

B. The applicant was offering certain site improvements above and beyond those required by ordinance. The Commission should discuss whether those improvements satisfied the requirement.

C. The applicant had provided some financial information to support its case, though they had not provided source documents, instead summarizing the case in the project narrative. In this case, the proposed size of the new building appeared to be the primary objective not achievable under conventional zoning.

E. The PUD must meet, at a minimum, one of eight objectives. The applicants cited objectives vi and vii as being met; they were prequalified under vi and viii. Those objectives were:
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.

F. While the additional height was an important part of this application, it did appear that the applicant was attempting to provide a development environment that exceeded ordinance requirements.

Planning Consultant Tangari summarized that the applicants had given sufficient information for the Planning Commission to reach a determination on PUD qualification.

Site Plan review

Outstanding issues included:

- The restaurant was not a permitted use in the OS-4 district, but the Planning Commission and City Council could permit it as part of a PUD approval.

- Regarding dimensional standards: Maximum height was 40 feet and the applicants were asking for 80 feet. The front yard open space appeared to be short of the 50% required; no calculation had been provided.
- Regarding parking, the full site was 8 spaces short of the requirements. The Commission and the applicant should discuss total parking, including the likelihood that the peak times of the restaurant and offices would coincide.
- The parking setback for I-275 required 10 feet, 5 feet were provided.
- The use of parking spaces as loading spaces would require the Commission to agree that those spaces would be adequate for loading on this site.
- Regarding circulation, there were concerns about the safety and function of circulation at the entrance to the development. Many driveways converged in a small area that was designed as a circle but not as a true roundabout. Consequently, it did not function as a roundabout that had a clearly distinguished one-way flow, vehicle deflection, and carefully placed access points. Careful consideration should be given to the design of this entry area and how the flow of traffic through the area could be best directed to avoid conflicts and crashes. Consultation with the city's traffic engineer was recommended.
- Details of a dumpster enclosure had not been provided. The plan appeared not to show the dumpsters enclosed by a gate, which was required. Given that the location facing I-275 was technically a front yard, the dumpster area should meet ordinance requirements.
- Lighting needed minor adjustment so that it would meet the average:minimum ratio standards of Section 34-5.16.

Tree removal and landscaping

- The tree inventory should include all regulated trees on the site; the inventory as submitted included only 124 of the 146 regulated trees that the plan claimed were on the site.
- Since parking lot trees were not considered replacement trees, the shortage of required trees was 80 trees, rather than the 63 shown.
- The Commission should consider whether to require the hedge along the I-275 frontage.

Planning Consultant Tangari concluded his remarks by summarizing the requested relief from ordinance standards:

- Height limit for new building: 40 feet required; 80 feet proposed.
- Front yard open space: 50% required, less than 50% proposed (both front yards). Calculations needed to be provided.
- Parking setback: 10 feet required to the east; 5 feet were proposed.
- Restaurant use in the OS-4 district
- Total parking: 457 spaces required; 449 provided.
- Loading space: 500 square feet required, 324 noncontiguous square feet provided.

Commissioner Orr thought that due to elevation changes, anyone driving along I-275 would have a hard time seeing the dumpster enclosures or parking there.

Commissioner Schwartz asked that for the public hearing, information regarding what Novi zoning would allow on the other side of Haggerty be provided.

Commissioner Schwartz asked when the restaurant would be serving and who would be their target clientele.

In response to a question from Commissioner Orr, Planning Consultant Tangari said the Master Plan showed this property in the Special Planning District for this area, even though the Freeway Overlay Zoning stopped at 9 Mile Road.

Commissioner Mantey said that he didn't think the restaurant parking would be an issue. If the restaurant was mostly serving breakfast and lunch, employees that worked in the buildings would be the main clientele. If it was serving mostly dinner, employees would have left the parking lot.

Lonnie Zimmerman, Siegel/Tuomaala Associates Architects & Planners, Inc., 29200 Northwestern Highway, Suite 160, Southfield MI was present on behalf of this application. Owner Thomas Duke, 3700 Grand River, Farmington Hills MI was also present.

Mr. Zimmerman made the following points:

- The restaurant would be mostly a breakfast/lunch restaurant, with the majority of the clientele probably coming from the 2 buildings on the site. Parking would not be an issue. In any event they felt they would have excess parking on the site.
- While they were 8 parking spaces short per ordinance, again they felt they had more than adequate parking on site.
- Regarding loading, the ordinance stated that if a building was less 100,000 square feet, they could use parking spaces instead of an actual dedicated loading space. The deliveries to the restaurant and the office building would not significantly impact parking and loading. Most deliveries were made with small trucks, and drivers parked them for a quick in and out process.
- The extra height was necessary in order to compete with nearby tall buildings. The goal was to create a cohesive competitive development while providing a high quality design. Each of the proposed 5 stories would have 10-foot ceilings, with windows reaching near ceiling height. The central courtyard with sculpture between the buildings gave a walkable connection, and wider sidewalks with benches were proposed around each of the buildings. The 3-story building would also be renovated, and its canopies would be changed to match the 5-story structure.
- The existing 12-foot setback was being matched by this proposal. Also, the distance between the curb and the building front included an extra 20 feet, making the real setback 32 feet. For the property facing east, the yard was not visible from I-275.
- The trash enclosure had the same situation. It would not be visible from I-275. Rather than just a typical enclosure they were providing an arch shaped wall with landscaping on both the north and south sides as well as the front.

In response to a question from Commissioner Mantey, Mr. Zimmerman said a recycling dumpster could be included behind the dumpster wall.

Mr. Zimmerman said they would tighten the design of the front circular driveway, with signs to direct traffic to go counter-clockwise.

Commissioner McRae liked the coordinated development between the 2 buildings. Regarding the restaurant, if outdoor seating was intended, that should be included in the plans. Also, at the last meeting a rooftop feature was discussed.

Mr. Zimmerman said the rooftop feature was no longer included in the plans.

Commissioner Mantey suggested landbanking some of the parking. Mr. Zimmerman said they would consider that option.

Commissioner Countegan suggested that it might be time to do an updated parking study.

MOTION by McRae, support by Stimson, that PUD Plan 2, 2017, including Site and Landscape Plan 56-3-2018, submitted on March 1, 2018 by Century Project, LLC, be set for Public Hearing on May 17, 2018.

Motion carried unanimously.

B. LOT SPLIT 2, 2018 (Final)

LOCATION:	Vacant parcel east of Tuck Road and northwest of the Kimberly Lane stub street
PARCEL I.D.:	22-23-35-401-008
PROPOSAL:	Split one parcel into four parcels in an RA-3, One-Family Residential District
ACTION REQUESTED:	Final Lot Split approval
APPLICANT:	Terry Sever
OWNER:	Crosswinds Court – MI Corp

Commissioner Brickner disclosed that he had a professional relationship with the applicant.

MOTION by Mantey, support by Stimson, that the Planning Commission recuse Commissioner Brickner from discussion on this agenda item.

Motion carried unanimously.

Commissioner Brickner left the dais.

Utilizing overhead slides and referring to the Giffels Webster review letter of March 14, 2018, Planning Consultant Tangari gave the background for this application to split one parcel into four parcels in an RA-3, one-family residential district.

The area proposed to be split was located on the north side of Kentfield Avenue, a paper street that ran east-west from Tuck Road to Purdue Avenue, and was currently vacant. The existing parcel was 3.933 acres and heavily wooded. The lot was bisected by the Upper River Rouge, which ran west to east across the parcel, rendering a large northern portion – about 2/3 of the parcel – undevelopable because of wetland. That undevelopable portion was the 4th parcel of this lot split.

Outstanding issues included:

- The proposed cul de sac was located partially on private property that was not a part of this development. Traffic Engineer Saksewski said that a T-turnaround might solve that issue.
- While the 3 southern lots met dimensional standards, the 4th lot didn't have access to a public road as required. When direct access was provided, all four parcels would meet ordinance standards.

Planning Consultant Tangari said that the proposed new parcels, except for the 4th rear parcel, would be oriented toward Kentfield Avenue, in a similar configuration to lots on Kimberly Lane. The applicant had

suggested dedicating parcel #4 as a conservation easement, or connecting it to one of the neighboring parcels to the north.

Commissioner Mantey commented that there was no such thing as an undevelopable parcel. Once a parcel was created, someone could develop it. Since the City didn't have a wetland ordinance, if the Commission agreed to create that rear parcel, it could be developed.

Commissioner Schwartz asked if the 3 southern lots were in a special flood zone. Could the lot split request be denied because homes there were likely to be flooded? Commissioner Mantey asked the definition of a special flood zone.

City Attorney Schultz said that the problem with this requested lot split was the 4th parcel. State law required that every lot created by a lot split had to be accessible, and the Zoning Ordinance said every parcel had to front on a public street. Parcel #4 met neither of those requirements. Making a conservation easement of the 4th parcel did not solve that problem. A conservation easement simply said no one would ever build on that parcel, but someone still had to own it, pay taxes on it, and the property could also be foreclosed. The idea of combining that parcel with an existing parcel was attractive.

Terry Sever, 1883 Teakwood, White Lake MI was present on behalf of this application. He agreed that a conversation could be had regarding making the 4th parcel a conservation easement. However, a transfer of property to a neighboring property owner would eliminate the need for that.

Mr. Sever asked for a conditional approval of the requested lot split, conditioned on working out an easement to Kentfield Avenue, or a transfer option with the Engineering Department. Right now the applicant could not write an easement without have a property description, and he couldn't define that parcel and transfer it without first having it.

City Attorney Schultz said that in this case, granting a conditional approval was not a desired course of action for the City. State statute said every parcel the City created had to be accessible. Parcel # 4 would not be accessible. State law also said the requirements of the local ordinance had to be met. Local ordinance said the parcel had to front on a public street. Such a parcel could be created if an affidavit was recorded as a deed restriction that the property would never be built. However, in the present instance, it was not clear who would own the property or whether it would be a good idea for the City in the long run for this to be an unbuildable parcel. The applicant had not presented any documentation or deed that met that part of the Zoning Ordinance. This situation could be resolved if the applicant met with the Engineering Department and the City Attorney, worked out exactly what was going to be done, and then brought that information back to the Commission at their next meeting.

Mr. Sever asked again if the lot split could be approved based on the condition that the situation with Lot #4 is resolved. Lot #4 would not actually be created until the Engineering Department approved it.

Mr. Sever noted that he had requested a 12-foot easement from Kentfield Avenue to Parcel #4. The Engineering Department was suggesting 30 feet. Perhaps a 20-foot easement would work there.

In response to a question from Commissioner Mantey, Mr. Sever said parcel #4 could not be attached to any of the 3 southern parcels because those parcels would then not meet the lot width to depth ratio required by the State.

Mr. Sever said if the property were attached to a neighboring property, it could remain a separate parcel. City Attorney Schultz said this was not the case, as the parcel would still not have access and would not front on a public street.

In response to a question from Commissioner McRae, Mr. Sever said the property owner to the north of the subject parcel appeared to be receptive to attaching parcel #4 to his property.

After further discussion regarding the interpretation of State statute and Farmington Hills ordinance, City Attorney Schultz advised that even if parcel #4 were a conservation easement, the requested action would still create a parcel of land that did not meet state and local requirements. The applicant was asking to create a 4th parcel with the understanding that the 4th parcel might not actually exist. City Attorney Schultz advised against taking that action.

Commissioner Schwartz said he didn't think the Commission was in a position to approve this request this evening. By law a lot split request needed to be acted on within 45 days of submission, unless the applicant agreed to a postponement. Would Mr. Sever accept a postponement in order to allow him to come back at a later time with the 4th parcel requirements resolved?

Mr. Sever agreed to a postponement.

MOTION by Schwartz, support by Orr, to postpone Lot Split 2, 2018 (Final) to the May 17, 2018 meeting in order to allow the applicant time to finalize the intention for the land lock parcel.

Motion carried 8-0-1 (Brickner recused).

Mr. Sever asked if there was an ordinance standard for an easement to a rear property. City Attorney Schultz said there was no standard, but whatever was proposed had to be approved by the Planning Commission and the Engineering Department.

Commissioner Brickner rejoined the commission.

C. SITE PLAN AND LANDSCAPE PLAN 52-2-2018

LOCATION:	29380 Thirteen Mile Rd.
PARCEL I.D.:	22-23-01-351-009
PROPOSAL:	Replacement of existing Natural Gas Valve Station in RA-1, One-Family Residential District
ACTION REQUESTED:	Approval of site and landscape plan
APPLICANT:	Consumers Energy, Joseph Lawson
OWNER:	Consumers Energy

Utilizing overhead slides and referring to the Giffels Webster review memorandum dated March 6, and revised April 12, 2018, Planning Consultant Tangari gave the background for this application for site and landscape plan approval. The use – a natural gas valve station operated by Consumers Energy – was not proposed to change. Equipment and structures were proposed to be replaced. Gas valve stations were permitted as a special approval use in the RA-1 District.

Outstanding issues included:

- The fully enclosed building met the 40-foot setback requirement. Elevations of other structures should be provided on a detail sheet to illustrate the heights of the various structures.
- Exterior lighting: The revised lighting plan did not provide the average:minimum ratio for site lighting; lighting levels along portions of the eastern property line were well in excess of the maximum 0.3 footcandles. The applicant's letter indicated that this light would be installed at a cut-off angle and that additional shielding could be installed to minimize light crossing the property line; this shield would be necessary. The four proposed building-mounted fixtures were not full cut-off; the applicant testified in the letter that those would be turned on only when company personnel were working on the site. The Planning Commission might be able to approve those fixtures if they determined that the lights were substantially temporary, given their expected pattern of use.
- Walls and fences. The applicant was proposing a 6-foot ornamental fence around the entire perimeter of the site. The Planning Commission should determine whether a 6-foot wall separating this property from the condominium complex next door was required per Section 5.15.1.8, or whether a berm and greenbelt would be a satisfactory substitute. The applicant did receive a variance from the Zoning Board of Appeals for a 6-foot high front yard fence.
- Tree removal: The tree removal plan showed the 22 trees that were proposed to be removed within the lot lines. The nine trees to remain were all on the Woodcreek Village property. None of the trees to be removed were considered landmark trees under Section 34-5.18.10.C. 18 trees to be removed were regulated, 18 replacement trees were required. Section 34-5.18.7.A.ii required that replacement trees had *shade potential and other characteristics comparable to the tree proposed for removal*, and the Commission did not have authority to waive that standard.
- Landscape plan: Given the absence of a screening wall on the plans and the proposed removal of all trees that currently screened this use to the north, the Planning Commission should determine whether screening to the north would be adequate as proposed or whether additional screening was necessary. Also the applicant was proposing to provide screening to the east by planting trees on the neighboring property rather than constructing a wall; the Commission should decide whether that screening was adequate.

Commissioner Orr asked if the applicants could put money in the tree bank for the trees being removed, as well as plant trees for screening on the east side. Planning Consultant Tangari said that was a possible course of action.

Commissioner Mantey asked if the Commission could wave the tree replacement fund contribution, especially in light of the trees proposed to be planted on the eastern neighbor's property.

Planning Consultant Tangari explained that trees used for screening and replacement trees served separate functions, and planting screening trees did not offset the need for replacement trees. Per the ordinance, the applicants were proposing to provide vegetative screening in lieu of a wall. There was no specific requirement in terms of number of trees, but the Commission should decide whether the trees met the screening requirement.

Chair Rae-O'Donnell invited the applicants to make their presentation.

Joseph Lawson, Consumers Energy, 1 Energy Plaza, Jackson MI, was present on behalf of this application. Doug Scott, Rowe Professional Services, 27260 Haggerty Road, Farmington Hills, was also present.

Mr. Lawson said they had met with the neighboring condominium association, and the association had approved the plans before the Commission this evening, and they had a signed agreement. The applicants

were proposing to plant 18 evergreens to the east on the condo's land, with the understanding that existing cottonwoods were being removed. The condo association preferred the evergreens which screened the use year-round, to the planting of deciduous trees.

Chair Rae-O'Donnell noted that someone from the condo association had been present earlier this evening but as the meeting went late, that person could not stay.

Commissioner Turner asked if the use, which was a special land use in the R-1A District, had to get special approvals.

City Attorney Schultz said that because the use was existing, it was permitted. Also, this was considered an essential service, and the use – with pipes etc. – was permitted to be there. The concern this evening was the building itself, which had to comply with zoning ordinance requirements.

Commissioner Turner noted that the entire site was labeled asphalt/gravel. Could any landscaping be added to the site? Landscape Plan Sheet 10 did show some green.

Mr. Lawson said there was only gravel inside the fence, with a little bit of green shown outside the fence area. They could not add landscaping inside the fence because nothing combustible could be close to the equipment.

Commissioner Turner asked if the large pipe could be shielded. Mr. Lawson said they wanted the entire site visible from 13 Mile Road and Middlebelt Road for security reasons.

Commissioner Stimson asked if there was going to be any screening to the north. Mr. Lawson said the fence would be on top of the retaining wall there.

Commissioner McRae asked if the site could be paved instead of graveled. Mr. Scott said that gravel provided a pervious surface. Also, if equipment had to be dug up for any reason, Consumers would rather not have to dig up pavement.

Commissioner McRae noted that the Commission had received a revised site plan dated March 27, 2018. Planning Consultant Tangari said that site plan mainly addressed engineering concerns. Commissioner McRae noted that the lighting had not been changed on that plan.

Mr. Lawson said the walpaks were explosion proof fixtures specific for natural gas facilities. Those lights would be shielded as much as possible, and would only be on when someone was there working.

Commissioner Schwartz asked if it was possible for Consumers Energy to monitor the site long-distance. Mr. Lawson said they did not have the capability to provide 24/7 surveillance for all the sites they had in the state.

Chair Rae-O'Donnell indicated she was ready for a motion.

MOTION by Countegan, support by Schwartz, that Site Plan 52-2-2018, dated March 27, 2018, submitted by Joseph Lawson III of Consumers Energy be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions and determinations:

- **Submission of a revised lighting plan for administrative review.**

- **Replacement tree requirement be met by payment of \$12,500 into the tree fund.**
- **Determination that the 18 evergreen trees proposed to be planted on the eastern adjacent property are an acceptable screening alternative to a masonry wall.**
- **Determination that the non-shielded building mounted lights are acceptable because they are emergency lights that will only be used for emergency work and will not be regularly lit.**

Mr. Lawson said that his understanding was the trees planted on the eastern neighboring property served as replacement trees. City Attorney Schultz said the requirements for landscaping trees and tree replacement were two separate ordinance requirements.

In response to further questions from Mr. Lawson, Mr. Stec said that there was no specific number of trees required by the ordinance for screening. Rather the ordinance required a screening wall, and the wall could be substituted by landscape screening proposed by an applicant and approved by the Planning Commission.

Mr. Lawson noted that a residential use next to a residential use did not require a wall. Planning Consultant Tangari said the wall was a requirement of the special land use.

After further discussion regarding the calculation for replacement trees, Commissioner Countegan explained that his motion identified two ordinance requirements: one for tree removal on the site, and the second for the exterior screening that was also required.

Chair Rae-O'Donnell called the motion.

Motion carried unanimously.

MOTION by Orr, support by McRae, that Landscape Plan 52-2-2018, dated March 29, 2018, submitted by Joseph Lawson III of Consumers Energy be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, subject to the following conditions:

- **18 evergreen trees be planted along the eastern adjacent property as shown.**
- **All site plan approval conditions are met.**

Motion approved unanimously.

ELECTION OF OFFICERS

As Chair Rae-O'Donnell had served 2 terms, it was time for a new chair to be elected.

**Motion by Brickner, support by Mantey, that Steve Schwartz be elected chair.
Motion carried unanimously.**

**MOTION by McRae, support by Brickner, that Steve Stimson be elected vice-chair.
Motion carried unanimously.**

**MOTION by McRae, support by Brickner, that Dale Countegan be elected secretary.
Motion carried unanimously.**

PUBLIC COMMENT None.

COMMISSIONERS' COMMENTS

The next meeting was set for May 17, 2018.

Commissioner Orr complimented Chair Rae-O'Donnell for an exceptionally well-run public meeting.

Commissioner McRae continued to ask for nighttime strip lighting enforcement along Orchard Lake Road. He also asked about trees being planted along I-275. Commissioners responded that those were replacements for trees that had died.

APPROVAL OF MINUTES: March 15, 2018

MOTION by Schwartz, support by Brickner, to approve the March 15, 2018 minutes as presented.

Motion carried unanimously.

ADJOURNMENT:

Chair Rae-O'Donnell adjourned the meeting at 11:40 p.m.

Respectfully Submitted,
Dale Countegan
Planning Commission Secretary

/cem