

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
COUNCIL CHAMBERS  
April 18, 2019, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on April 18, 2019.

Commissioners Present: Countegan, Mantey, McRae, Orr, Schwartz, Stimson, Turner

Commissioners Absent: Brickner, Goerke

Others Present: City Planner Stec, City Attorney Anderson, Staff Engineer Kennedy, Planning Consultant Tangari

**APPROVAL OF AGENDA**

Chair Schwartz noted that Commissioner Mantey would be asking to be recused from Agenda Item 5B. Since 5C was last on the agenda, Chair Schwartz suggested reversing 5B and 5C.

**MOTION by Countegan, support by Stimson, to amend and approve the agenda as follows:**

- **Reverse the order of 5C and 5B, so that 5B is heard last.**

**MOTION carried unanimously.**

**PUBLIC HEARING**

**A. REZONING REQUEST 1-2-2019**

LOCATION: 36200 & 36210 Freedom Road  
PARCEL I.D.: 23-29-426-036 & 014  
PROPOSAL: Rezone two parcels currently zoned RA-1 One Family Residential District, to RC-1 Multiple Family Residential Residential District  
ACTION REQUESTED: Recommendation to City Council  
APPLICANT: Safet Stafa  
OWNER: Send International

John O'Brien, 939 N. Pleasant, Royal Oak, MI, real estate broker for this property, was present on behalf of this rezoning request.

Mr. O'Brien said that because of the topography, dimensions, location and current market, the developers were requesting multi-family zoning for this site. They had not yet started site plan development as they wanted to get approval for the multi-family zoning district before they started that process.

In response to questions from Chair Schwartz, Mr. O'Brien said they intended to demolish all the existing buildings, which were nonconforming. The two buildings closest to Freedom Road were built as office buildings for the current church use.

In response to a further question from Chair Schwartz, Mr. O'Brien said that developing the property as single-family would diminish the value of the property.

Chair Schwartz noted that the property was surrounded by single-family developments.

Commissioner Orr said that there was connecting property under the same ownership in the City of Farmington. The access to at least 4 of the residential structures and a maintenance garage in Farmington was through the Farmington Hills site. Would the entire piece in both cities be developed the same? Mr. O'Brien said it would not necessarily be developed the same. They were not addressing the City of Farmington property tonight. Currently the use on the Farmington Hills site was for a non-profit Christian organization, which would be vacating. The present owner was selling the entire site, in both cities. Most of the existing homes in the City of Farmington site were located on a single parcel.

Commissioner Orr said he was concerned that the applicants would use Farmington Hills' decision as leverage with the City of Farmington.

Commissioner McRae asked why the 4.5 acre property could not be developed under RA-1 zoning. Mr. O'Brien said it was an economic issue; the number of sites available for single-family homes would be less than 10. The proposed multi-family developer offered a high-end product.

Commissioner McRae said the Commission could not consider the proposed developer because once a property was rezoned; it could be sold to another developer who had a different vision.

In response to a further question from Commissioner McRae, Mr. O'Brien said developing the property as single family would place the homes out of the price range of the market. To be economically viable, the homes would probably have to sell for approximately \$1 million each.

Commissioner McRae said there were pocket developments all over the City on properties smaller than this one that offered viable single family homes. In this case there was already infrastructure in place, in that there was frontage across the road that would be able to service the property.

Mr. O'Brien said the property was already acting as a quasi-multi-family site. There was a 10-unit building on the site right now. The plan was to demolish the buildings and put up nicer, higher-amenity structures.

Chair Schwartz opened the public hearing.

Verna Green, 23300 Hillview Court, was concerned about landscaping shielding the existing neighborhood from the proposed development. Chair Schwartz explained that the applicant was not offering a site plan for review this evening. Tonight's request was for rezoning only, and the rezoning question would ultimately be decided by City Council. City Planner Stec added that the ordinance did not include screening requirements between residential properties; only parking lots required screening.

Ms. Green asked if there would be a new traffic signal constructed. City Planner Stec said traffic needs, including any potential signal, would be reviewed by the Engineering Division during site plan review.

Ms. Green asked about the timeline for the process. City Planner Stec explained that tonight the Planning Commission was hearing a rezoning request. After hearing the request, the Commission would make a recommendation to City Council to approve or deny the application. City Council would also have a public hearing on this matter, after which they would make the final decision as to whether or not to

approve the rezoning request. If City Council approved the request, the applicant would come back to the Planning Commission for site plan approval.

Candy Ramsey, 23398 Hillview Court, asked what kind of multi-family development was being proposed. Chair Schwartz reiterated that no site plan had been included in this request. Planning Consultant Tangari said that under RC-1 Zoning, the site could have a maximum of 103 rooms, which would translate, for example, into 34 2-bedroom units or 25 3-bedroom units, or there could be a mix of 1-, 2-, or 3-bedroom units.

Ms. Ramsey was concerned about traffic and whether or not there would be a new road, especially because of the additional connected property in the City of Farmington. She asked how people would be notified of future hearings. Chair Schwartz explained that the City of Farmington had jurisdiction over the property in their city. City Planner Stec said public notification would depend on what option the applicants chose as a vehicle to move forward. Residents would be notified per legal requirements for any City Council public hearing. If after the public hearing City Council agreed to rezone this property, and the applicants came in with a development site plan that met zoning standards, there would not be any other public notification, except for the posting of agendas on the City website.

Seeing that no one else came forward to speak, Chair Schwartz closed the public hearing and asked for staff review of the application.

City Planner Stec said that an email had been received from Kevin Christiansen, Economic and Community Development Director for the City of Farmington, regarding the 6.78 acres located in the City of Farmington also belonging to the applicant. That Farmington property was currently zoned R1D Single Family residential, and was currently designated as Public/Quasi-Public on the City of Farmington Master Plan – Future Land Use Map.

Utilizing overhead slides and referring to his March 13, 2019 review letter, Planning Consultant Tangari gave the review for this request to rezone 4.5 acres to RC-1 zoning in order to build multi-family housing on the site. The property was currently classified as RA-1, single family, although the property was currently developed with a non-residential religious use.

Planning Consultant Tangari reviewed the items to consider for a zoning map amendment:

1. Is the proposed zoning consistent with the Master Plan?  
The Master Plan designated the site as quasi-public on the future Land Use Map. It had no designation on the residential densities map.
2. What other impact would the requested zoning have on public services, utilities and natural features?  
RC-1 development was likely to have a more consistent level of activity than a religious land use and might ultimately place somewhat higher demands on infrastructure, depending on the number of units.
3. Has the applicant provided evidence that the property cannot be developed or used as zoned?  
No. the land could likely accommodate single family homes, though only eight or nine single family lots could be realistically created on the land with the current zoning. This might affect the financial feasibility of demolishing the existing buildings.
4. Is the proposed zoning district (and potential land uses) compatible with surrounding uses?

Generally, the multiple-family district was considered a transitional district between commercial and more intensive areas and single-family homes. There was no commercial development in this area, though the property did front on a road that paralleled a major divided highway.

5. Will the proposed zoning place a burden on nearby thoroughfares? If so, how would this burden compare with the existing zoning district?  
With RC-1 zoning, a maximum of 103 rooms (for instance, 34 two-bedroom units or 25 three bedroom units) would be permitted on 4.5 acres. The number of units would vary depending on the number of rooms per unit. A multi-family development of this size was unlikely to place a significant burden on a road such as Freedom Road, though volumes would exceed development at the density of the RA-1 district.
6. Is there other land currently available for this use?  
The city does have undeveloped land zoned for multiple family development. However, little to none of that land was in this area of the city. Giffels Webster could not identify any vacant land zoned RC-3 in the City. Much of the development on Freedom Road to the east of this site was zoned and developed RC-1 or RC-2; none of the nearby land with this zoning was undeveloped.
7. Will development of the site under proposed zoning be able to meet zoning district requirements?  
In the absence of a plan, it appeared that it would be possible for appropriately scaled development on the site to meet the requirements of the ordinance.
8. Is rezoning the best way to address the request or could the existing zoning district be amended to add the proposed use as a permitted or special land use?  
Multi-family developments were not generally considered appropriate for single family districts.
9. Has there been a change in circumstances and conditions since adoption of the Master Plan that would support the proposed change?  
The principal change to the property since the adoption of the Master Plan was the cessation of the quasi-public use reflected on the future land use map.
10. Would granting the request result in the creation of an unplanned spot zone? Spot zoning was the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of a single property owner and to the detriment of others (Rogers v. Village of Tarrytown, 96 N.E. 2d 731). Typically, to determine if a rezoning would constitute spot zoning a municipality would look to answer three questions.
  - Is the rezoning request consistent with the Master Plan for the area?  
The Master Plan for the area designated this land for a use which was defunct and may not return; it did not speak to residential density on this land.
  - Is the proposed zoning district a logical extension of an existing zoning district in the area?  
The RC-1 district would be distinct from surrounding single family districts.
  - Would approving the request grant a special benefit to a property owner or developer?  
There were several other multi-family developments on this stretch of Freedom Road; this land was separated from the nearest one by two short single-family cul-de-sac streets.

Planning Consultant Tangari concluded his review.

Regarding question #5 *burden on nearby thoroughfares*, Commissioner McRae said that while the Commission was looking at the 4.5 acre parcel this evening, they also needed to consider the 6-plus acre parcel in the City of Farmington. Development of the combined parcels would create a different burden on nearby thoroughfares than the 4.5 acre parcel being discussed; it would be naïve to assume that only the 4.5 acre parcel would be developed.

Planning Consultant Tangari said the assumption was that Freedom Road would bear the traffic for the development.

Regarding questions #8, *is rezoning the best way to address the request*, and #10, *result in the creation of an unplanned spot zone*, Commissioner Orr said that while the proposed development was not generally considered the best way to develop single-family districts, the rezoning would create a spot zone, because it was surrounded by single-family homes.

Planning Consultant Tangari said the request was not necessarily spot zoning, because the Master Plan designated the property as quasi-public, and the land directly to the east was shown on the Master Plan as multiple-family.

Commissioner Orr asked if the property could be re-used by a new tenant, such as a church or school, as it was currently developed. Planning Consultant Tangari said both a church or school would be permitted on the property. If the non-conforming uses on the property were not to cease they would need to be transferred to a new religious use. But if the current religious use ceased the non-conforming aspects would not be allowed to continue. City Planner Stec added that the office uses on the property could not continue as separate office uses; they would have to relate to a similar religious use as was currently the case.

Commissioner Mantey pointed out that there was no multi-family to the east of this property; it was being used as a DTE power station and single-family residential. Planning Consultant Tangari said that while the land to the east was on the Master Plan for Future Land Use as multi-family, it was unlikely to change from single family to that zoning designation.

Commissioner Mantey said that the City had seen single family development that was successful in areas as small as 4 acres. With the economic entity that included the land in the City of Farmington, the applicants were looking at approximately 11.5 acres. What could the Commission legally consider?

City Attorney Anderson said the land in the City of Farmington could be taken under consideration, since one of the standards asked if the rezoning was compatible with surrounding uses. However, the land under consideration tonight had to be considered as its own parcel, not as part of a 12-acre parcel.

Chair Schwartz noted that the people living on Mission Lane or Woodhaven Court would be impacted by the entire development, no matter which city they lived in. The area to the north in the City of Farmington was zoned single-family all the way to Grand River Avenue. City Attorney Anderson said that the property in the City of Farmington was zoned single-family residential, and the Commission could consider that zoning in terms of compatibility.

Commissioner Countegan said this was a difficult burden for the developer, given the history and use of the parcels, the complication of two communities, and the factors that had been identified by the Commission, including the larger abutting parcel to the north.

Commissioner Mantey felt the applicants should approach the City of Farmington first, as the larger portion of the land owned by the single entity was in the City of Farmington, which would also bear the largest amount of the impact. Commissioner Orr agreed.

**MOTION by ORR, support by Mantey, that based on the discussion at tonight's meeting, including the discussion regarding the abutting property owned by the same entity in the City of Farmington, the Planning Commission recommend that City Council deny Rezoning Request 1-2-2019, petitioned by Safet Stafa, to rezone the subject parcels from the RA-1 One Family Residential District, to the RC-1 Multiple Family District, for the following reasons:**

- **The request represents a form of spot zoning**
- **RC-1 would be incompatible with the surrounding properties developed as single family**
- **The increased density allowed by the RC-1 would not be in character with the existing development patterns in the area**

**Motion carried unanimously.**

**B. SPECIAL APPROVAL PLAN 57-3-2019**

LOCATION:	24300 Drake Rd.
PARCEL I.D.:	23-21-351-032
PROPOSAL:	Temporary concrete mixing batch plant in B-3, General Business District
ACTION REQUESTED:	Special land use and site plan approval
APPLICANT:	Mark Anthony Contracting, Inc.
OWNER:	Boxoffice Theaters LLC

Dave Vogt, Mark Anthony Contracting, was present on behalf of this application for a temporary concrete mixing batch plant at 24300 Drake Road.

In response to questions from Chair Schwartz, Mr. Vogt said the plant would be in operation weekdays June 1 to July 31, 2019, from 7 am to 5 pm. This was the only acceptable location for the reconstruction of Halsted Road between 12 Mile and I-696. The plant was clean and would utilize several dust collection systems. They anticipated a total of 267 reduced capacity loads. There would be some noise from the concrete production.

In response to questions from Commissioners McRae and Orr, Mr. Vogt said the trucks would go south on Drake to Grand River, and then north on Halsted, thus avoiding roads that had just been repaved as much as possible. They would be posting a bond for repair of the roads.

City Planner Stec said that the Engineering Division was also concerned about trucks on Drake Road. This was being minimized as much as possible, including lower weight limits and using the route as described. The Engineering Division was also asking for a temporary curb cut about 10 feet north of the new curb cut at Auto Zone, which was designed to go in and out to the north. However, there were mature trees in that area that would have to be removed for the temporary curb cut to be constructed.

Commissioner Orr asked how and if customers exiting Auto Zone and McDonalds would access southbound Drake Road. Currently there was a sign that prohibited that. Staff Engineer Kennedy said the proposal was to put a temporary drive roughly 10 feet north of the existing drive. Commissioner Orr

pointed out that big trucks would be turning left to go southbound, but cars exiting south of the temporary curb cut would only be able to turn north.

Commissioner Orr was opposed to removing trees for a temporary gravel drive. Also, normal drivers should be allowed to turn southbound if large vehicles turning south would block their turns to the north. He noted that the curb along Drake Road was new; it seemed unreasonable to remove part of that. The applicant was already posting a bond with an obligation to restore the road should damage occur. That should protect the portion of Drake Road that would be used.

In response to questions from Commissioner Countegan, Mr. Vogt said dust was controlled as needed by water and various dust collectors. 10-12 trucks per hour would be entering and exiting the site.

Commissioner Mantey was concerned that traffic on Drake would be disrupted by this use, especially during rush hour. Could trucks enter through one driveway and exit another, or could they use two driveways generally?

In response to questions from Commissioner Turner, Mr. Vogt said the removed asphalt from Halsted Road would be transported directly to a recycling center. There would be an office trailer/control room on site.

Chair Schwartz asked for the Planning Consultant's review.

Utilizing overhead slides and referencing his April 10, 2019/revised April 15, 2019 review letter, Planning Consultant Tangari gave the review for this application for a temporary cement batch plant. The applicants had submitted a revised plan that showed the general employee parking area. The counter-clockwise circulation should be approved by the Engineering Division. Planning Consultant Tangari reviewed special land use standards listed under Section 4.20.4.C.

Chair Schwartz opened the public hearing. Seeing that no one came forward to speak, Chair Schwartz closed the public hearing and brought the matter back to the Commission.

**MOTION by Orr, support by Turner, that Special Approval Request 57-3-2019 submitted by Mark Anthony Contracting Inc., to establish a temporary concrete batch plant at 24300 Drake Road for the time period beginning June 1, 2019 and ending July 31, 2019, be approved subject to all applicable provisions of the Zoning Chapter and approval by the City Engineering Division for the following reasons:**

- **The use would not be injurious to the district and environs**
- **The effects of the use would not be contrary to the spirit and intent of the Zoning Chapter**
- **The use will not interfere with the orderly development of the area**
- **The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic**
- **The standards of Section 34-4.20 Special Land Uses subparagraph 4.C. have been met**

**and with the following conditions:**

- **The term of approval is from June 1 to July 31, 2019, with hours of operation Monday thru Friday, 7 am to 5 pm**
- **Existing trees in landscape island along Drake Road are not damaged or removed**

- **All traffic shall enter the site from northbound Drake and exit onto southbound Drake**
- **Convenient access to Drake Road is maintained for motorists**
- **A cash bond or letter of credit is posted for damage to roadways and trees**
- **Subject to final engineering approval**

**Motion carried unanimously.**

## **REGULAR MEETING**

### **A. SITE AND LANDSCAPE PLAN 52-2-2019 (PUD Plan 2, 2018)**

LOCATION:	31015 Grand River Ave.
PARCEL I.D.:	23-35-101-005
PROPOSAL:	Self-storage facility and offices with accessory uses in B-3, General Business District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Gerald T. Clark
OWNER:	Woodgate Development Co., LLC

Utilizing overhead slides and referring to his April 8, 2019 review letter, Planning Consultant Tangari gave the review for site and landscape plan approval for 31015 Grand River Avenue. The proposal was granted final PUD qualification by the City Council, and the final PUD agreement had been approved on April 8, 2019.

In general, the standards of the PUD had all been met by the proposed plan. Outstanding issues included:

- The applicants had submitted a revised lighting plan that appeared to be meet lighting requirements. Staff review of this plan should be a condition of approval.
- Signs shown on the renderings were not part of tonight's approval.
- While a tree inventory still needed to be provided, adequate replacements for the 12 regulated trees were proposed on the site plan.

In response to a question from Commissioner Orr, Planning Consultant Tangari said the sidewalk as shown on Orchard Lake Road was compliant with the PUD plan.

In response to a question from Commissioner Stimson, City Planner Stec said the area that included the outside units had been somewhat reconfigured since PUD review.

Chair Schwartz invited the applicants to make their presentation.

Dennis Cowan, Plunkett Cooney, 38505 Woodward Avenue, Bloomfield Hills, MI was present on behalf of this application for site and landscape plan approval. Todd Clark and Gary Gerrits, Service Master, 979 South Old US Highway 23, Brighton MI were also present, as was Francesca Aragona, Designhaus Architecture, 301 Walnut Boulevard, Rochester MI.

Mr. Cowan reviewed the history of the approval process. He said they were happy to breathe new life to this important site and asked for site and landscape approval this evening.

In response to a question from Commissioner McRae, Ms. Aragona said they would provide modifications that would break up the long uninterrupted façade at the back of Building C along Orchard Lake Road, in order to provide architectural interest there.

**MOTION by Orr, support by Stimson, that Site Plan 52-2-2019, dated February 7, 2019, submitted by Gerald T. Clark, be approved because it appears to meet all applicable requirements of the Zoning Chapter and the terms and conditions of the PUD agreement as approved by City Council on April 8, 2019, subject to the following conditions:**

- **The rear facade of the outdoor storage units in the southern parking lot area facing Orchard Lake (Building C on the plans) have architectural features added in order to add interest and break up the long façade**
- **Signage to be approved under separate sign permits**
- **The new sidewalk to be installed along Orchard Lake Road terminate at the point shown on the Council-approved PUD site plan**
- **A revised site plan be submitted addressing lighting and tree survey issues as identified in the April 8, 2019 Giffels Webster review report, and be reviewed and approved administratively**

**Motion carried unanimously.**

**MOTION by Stimson, support by Countegan, that Landscape Plan 52-2-2019, dated February 7, 2019, submitted by Gerald T. Clark, be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission, and the terms and conditions of the PUD agreement as approved by City Council on April 8, 2019.**

**Motion carried unanimously.**

**C. SITE AND LANDSCAPE PLAN 56-3-2019**

LOCATION: 31500 Ten Mile Rd. and 24205 Orchard Lake Rd.  
PARCEL I.D.'s: 23-22-476-046 & 047  
PROPOSAL: Gas Station and drive through restaurant in B-3,  
General Business District  
ACTION REQUESTED: Approval of site and landscape plans  
APPLICANT: Jay Hammoud and Ali Beydoun  
OWNER: Chudnow Properties LLC and Ten Mile &  
Orchard Lake Properties

As noted above, the agenda was amended so that Item 5C would be heard before Item 5B.

Utilizing overhead slides and referencing his April 11, 2019 review letter, Planning Consultant Tangari gave the review for this request for site and landscape plan approval at 31500 Ten Mile Road and 24205 Orchard Lake Road.

Planning Consultant Tangari explained that the applicant was proposing to redevelop the site into a new combination: a convenience store with a gas station on one half of the site and a drive-through restaurant on the other half. The existing gas station canopies would be removed in favor of a new canopy with 12 fueling positions. Circulation would be one-way around the north side of the building for the restaurant drive-through lane. A full by-pass lane was provided.

Outstanding issues included:

- A drive-through use required a 60-foot front setback. A variance would be required to permit the 25.41 foot front setback, which was the existing setback of the building.
- Regarding parking, there were 49 parking spaces on the P-1 parcel and 6 on the subject parcels. Provided that there were no other users of the P-1 parcel whose use conflicted with this use, the parking requirement was met. Some numbers on the plan appeared to be incorrect and should be revised for final submission. It was suggested that the applicant place bumper blocks at the front of the spaces adjacent to the loading zone.
- 10 stacking spaces were required for the drive-through. Only 8 were proposed. Additionally the required 25-foot turning radius for the lane at the northwest corner of the building was not met (the radius was 13 feet). Variances would be required to permit those conditions. It was also recommended that the applicant stripe a crosswalk between the parking lot and the sidewalk on the rear side of the building.
- Loading was located on the west side of the convenience store building. Per Section 34-5.4.2, the Planning Commission could permit the location of this loading zone in the interior side yard if it found the area to be adequately screened.
- The lighting plan met the standards of Section 34-5.16 in most respects. However, the lens of the proposed canopy fixture appeared not to meet the cut-off standard, and light levels at the neighboring commercial property lines exceeded 0.3 footcandles. The P-1 parcel to the west could be considered a functional part of this development. The commercial property to the north was clearly separate. The Planning Commission could adjust the light level standards if they found that the lighting levels were necessary to public safety.
- Rooftop equipment was not addressed on the plan. Any rooftop equipment must be screened in accordance with the standards of Section 34-5.17.
- The outdoor seating area met requirements of Section 34-4.32.
- The plan met the requirements of Section 34-4.35 Drive-in Restaurants, except that both the building and drive-through lane were required to be set back 60 feet from the right-of-way. The building was set back 25.41 feet and the drive-through lane was set back 31.56 feet.
- One additional canopy tree was needed to meet the combined requirement for replacement and canopy trees.
- The parking lot did not have a screening hedge at present. Spaces did not face the street. The Planning Commission should consider whether to require the typical screening hedge.

Planning Consultant Tangari concluded his review.

Commissioner Orr wondered if truck circulation being directed to exit onto 10 Mile Road and then west to Farmington Road was realistic. Staff Engineer Kennedy said that they were not convinced the truck circulation as shown would work. The site would be difficult to maneuver; the Engineering Division would like to see more complete information regarding this issue.

Commissioner McRae said it was unreasonable to expect that truck drivers would go west on 10 Mile Road. They were more likely to wait for traffic to clear in order to make the left turn onto 10 Mile.

Chair Schwartz invited the applicant to make his presentation.

Ali Beydoun, GAV & Associates, 24001 Orchard Lake Rd, Suite 108A, Farmington MI was present on behalf of this application for site and landscape plan approval. Alex Orman, Engineer, Mike Jwaida,

representing Tim Horton's, and Dan Blugerman agent of Thomas Duke Commercial Realty Company, 32521 Wooddale, representing 31500 Ten Mile Road, were also present.

Mr. Beydoun distributed new renderings of the project, showing the view from 10 Mile Road facing the drive-through restaurant, which was signed Tim Horton's. He noted that this corner had been an eyesore for some time; the proposed development would strengthen and beautify this important gateway corner of the City.

Mr. Beydoun described the proposed project, which was for a new gas station on Orchard Lake Road, and a coffee shop in the building along 10 Mile Road. He described aspects of the proposed design, which included a sitting area for anyone who was walking by. The landscaping would provide an elegant greenscape around the development.

The parking lot had 46 spaces. The mini-Tim Horton's would mainly service drive-through traffic. Per their calculations, the maximum number of cars on both sites at any time would be 35. They did meet parking requirements, due to the 12-car easement for overflow parking in the P-1 area in the rear.

In response to a question from Chair Schwartz, Mr. Jwaida explained that this Tim Horton's would be a mini-store, typical of their stores associated with gas stations.

Mr. Beydoun described truck circulation on the site. He noted that trucks would come at a specific time, and as shown by their engineer on Sheet SP-3 Truck Route Plan, there would be room for truck access.

Mr. Blugerman gave some history of this corner, and noted that he had a financial interest in the Dry Clean Depot to the immediate north on Orchard Lake Road. The curb cuts which were now suggested to be eliminated by the Engineering Division were imposed by a prior City Engineer, when Orchard Lake Road and 10 Mile Road were smaller streets. It was now being suggested to eliminate the curb cut between this site and the Dry Clean Depot in order to provide an access road, but there was not enough room to do that. The desire for safety needed to be balanced with the need to repurpose the subject site, which had been there since before the City was incorporated, and keep the corner economically viable. They were also interested in safety, but felt that eliminating the curb cut was unnecessary.

Mr. Blugerman said that 24225 Orchard Lake Road was happy to provide overflow parking, although they did want it to remain clear that the P-1 parking belonged to that address. Should a future use at 24225 require all the P1 parking, they retained the right to use it.

Mr. Blugerman asked the Commission to understand the challenges of redevelopment and the benefits of new business when considering this request.

In response to a question from Commissioner Orr, City Planner Stec said there was a home at 31680 Dohany Drive. The vacant land immediately to the west of this project was part of the parking lot parcel. Commissioner Orr was concerned that the order station facing northwest would be heard by the nearest residential neighbor. Could it be moved so that it was between the two buildings? City Planner Stec said that could negatively impact the stacking lanes for the drive-through.

Commissioner Mantey spoke to the number of cars stacking up at Tim Horton's in another location of the City. His biggest concern was the length of the stacking lane. He did not support moving the ordering station in a way that would reduce the stacking lane.

Mr. Jwaida said the order speakers now included sound reduction capabilities. Also a significant amount of ordering was occurring online. Additionally, the Tim Horton's would serve walk-in customers from the gas pumps.

Chair Schwartz said there would likely be times that stacking would be in excess of 8-10 cars.

Commissioner McRae said he thought this was a creative use of the property.

In response to questions from Commissioner McRae, Mr. Orman said they would try to modify the truck turn. Mr. Blugerman said they could install parking blocks in the parking lot to keep drivers from simply moving forward and out. They would try to encourage customers to use the sidewalk to access Tim Horton's.

Chair Schwartz indicated he was ready to entertain a motion.

**MOTION by Countegan, support by McRae, that Site Plan 56-3-2019, dated March 18, 2019, submitted by Jay Hammoud and Ali Beydoun, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:**

- **The applicant seek and be granted approval for the following variances:**
  - **Permit a 25.41 foot front yard setback from 10 Mile Road to reuse the existing building for drive through use (minimum 60 feet required)**
  - **Permit the drive through lane to be located at a 31.56 foot front yard setback (minimum 60 feet required)**
  - **Permit 8 drive-through stacking spaces (10 spaces required)**
- **A revised site plan addressing the following items be submitted for administrative review:**
  - **One additional replacement canopy tree be added to the plan**
  - **Revised lighting plan show that the lights under the canopy meet minimum lighting requirements**

Commissioner Stimson said he supported this project, but he would like for the ZBA to decide the variances without a Planning Commission approval already being decided. Commissioner Countegan said he shared the same concerns. However, in the interest of business redevelopment on this corner, he was ready to move forward. Commissioner Mantey said he would also support the motion, although he shared the concern of conditioning the approval on obtaining ZBA variances.

**Motion carried 6-1 (Stimson).**

**MOTION by Countegan, support by Mantey, that Landscape Plan 56-3-2019, dated March 18, 2019, submitted by Jay Hammoud and Ali Beydoun, be approved because it appears to meet all applicable Zoning Chapter requirements and applicable Design principles as adopted by the Planning Commission, with the following condition:**

- **The addition of one replacement canopy tree**

**And with the finding that:**

- **Hedge is not required for the parking spaces to the west.**

Commissioner Stimson noted that there was a blind spot at the curb cut where the sidewalk curved on 10 Mile Road. The sidewalk needed to be made visible for cars exiting the parking area.

**MOTION carried unanimously.**

**B. SITE AND LANDSCAPE PLAN 55-3-2019**

LOCATION:	31995 Northwestern Hwy.
PARCEL I.D.:	23-02-251-006
PROPOSAL:	Addition to existing building in OS-1, Office Service District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Craig Westrick of Ghafari Associates
OWNER:	Barbara Ann Karmanos Cancer Institute

As noted above, the agenda was amended so that Item 5B would be heard after Item 5C.

Commissioner Mantey disclosed that he had a conflict of interest, as his wife and daughter worked for the Karmanos Cancer Institute.

**MOTION by Stimson, support by Countegan, to recuse Commissioner Mantey from participation in Agenda Item B: Site and Landscape Plan 55-3-2019.**

**Motion carried unanimously.**

Commissioner Mantey left the meeting.

Chair Schwartz disclosed that in 2004 his wife received medical consultation from Karmanos at their downtown location. He did not feel that would impact his objectivity regarding tonight's request.

Utilizing overhead slides and referring to his April 9, 2019 review letter, Planning Consultant Tangari gave the review for this request for site and landscape plan approval. The applicant was proposing to remove the western building on the site and expand the remaining building from 27,094 square feet to 72,175 square feet. The use would remain medical office. The area where the other building was currently located would become a parking lot.

Outstanding issues included:

- While setback requirements were met, all setbacks should be measured and labeled on the plan.
- Regarding exterior lighting, the 4.20:1 average:minimum illumination ratio did not meet the 4:1 requirement. This standard could be modified by the Planning Commission if the lighting levels served a public safety purpose.
- Out of the total of 92 required replacement trees, 64 were proposed to be planted, and the applicant proposed to pay into the tree fund for the remaining 28.
- A brick wall along the south property line was labeled as "12-inch brick wall." This should be corrected to reflect the wall's actual height, which appeared to be 6 feet.

Planning Consultant Tangari concluded his review.

Craig Westrick, Ghafari Associates, 17101 Michigan Avenue, Dearborn MI was present on behalf of this application for site and landscape plan approval.

Mr. Westrick said the Karmanos Institute was seeking to expand existing programs as well as bring some services that were currently located only in the downtown location to this facility as well.

In response to questions from Commissioner McRae, Mr. Westrick said that detailed engineering plans, including stormwater management, would be submitted.

In response to further questions from Commissioner McRae, Planning Consultant Tangari said that the building was served by two curb cuts, although only one serviced the parking lot.

**MOTION by Orr, support by Stimson, that Site Plan 55-3-2019, dated March 18, 2019, submitted by Craig Westrick of Ghafari Associates, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the condition that a revised site plan addressing the following items be submitted for administrative review and approval:**

- Revised lighting plan
- Corrected dimensions for the existing screen wall buffer to the adjacent residential property

**And with the finding that:**

- Payment in to the City Tree Fund for 28 replacement trees is acceptable.

**Motion carried 6-0 (Mantey recused).**

**MOTION by McRae, Landscape Plan 55-3-2019, support by Countegan, that Landscape Plan 55-3-2019, dated March 18, 2019, submitted by Craig Westrick of Ghafari Associates, be approved because it appears to meet all applicable Zoning Chapter requirements, and applicable Design Principles as adopted by the Planning Commission.**

**Motion carried 6-0 (Mantey recused).**

**APPROVAL OF MINUTES:** March 21, 2019

**MOTION by Stimson, support by Turner, to approve the March 21, 2019 meeting minutes as published.**

**Motion carried unanimously.**

**PUBLIC COMMENT** None.

**COMMISSIONERS' COMMENTS**

Commissioner Orr thanked his fellow Commissioners for the time spent on the Capital Improvements Plan.

Chair Schwartz spoke to the need to require electric car charging stations during site plan approval.

Future meetings were set for May 8 (study session), and May 16 (regular). The training session for April 25 was cancelled and would be rescheduled, date to be determined.

**ADJOURNMENT:**

Seeing that there was no further discussion, Chair Schwartz adjourned the meeting at 9:54 p.m.

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Approved 5-16-2019

Respectfully Submitted,  
Dale Countegan  
Planning Commission Secretary

/cem