

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
MAY 20, 2021, 7:30 P.M.**

**CALL MEETING TO ORDER**

The Planning Commission Regular Meeting was held electronically as authorized under the Open Meetings Act, MCL 15.261, *ET SEQ.*, as amended, and called to order by Chair Stimson at 7:30 p.m. Commission members were asked to state their name and location, as to where they were attending the electronic meeting.

**ROLL CALL**

**Commissioners Present:**

Brickner, City of Farmington Hills, Oakland County, Michigan  
Countegan, City of Farmington Hills, Oakland County, Michigan  
Orr, City of Farmington Hills, Oakland County, Michigan  
Schwartz, City of Jacksonville, Duval County, Florida  
Stimson, City of Farmington Hills, Oakland County, Michigan  
Traflet, City of Farmington Hills, Oakland County, Michigan  
Turner, City of Farmington Hills, Oakland County, Michigan  
Varga, City of Farmington Hills, Oakland County, Michigan

**Commissioners Absent:**

Mantey

**Others Present:**

City Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Tangari

**APPROVAL OF AGENDA**

**MOTION by Orr, support by Turner, to approve the agenda as published.**

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Stimson, Traflet, Turner, Varga
Nays:	None
Absent:	Mantey
Abstentions:	None

**MOTION carried 8-0.**

**PUBLIC HEARING**

**A. REZONING REQUEST ZR 2-3-2021**

LOCATION:	Parcel south of 34700 Grand Rive Ave.
PARCEL I.D.:	23-21-376-021
PROPOSAL:	Rezone a parcel currently zoned B-3, General Business District to LI-1, Light Industrial District

**ACTION REQUESTED:** Recommendation to City Council  
**APPLICANT:** Jing-Jin Electric North America, LLC  
**OWNER:** Jing-Jin Electric North America, LLC

As no one representing this application was present, Chair Stimson asked Planning Consultant Arroyo to give his review.

Referencing his April 12, 2021 written review, Planning Consultant Arroyo gave the background and review for this request to rezone a parcel from B-3 General Business District to LI-1, Light Industrial. The subject property has the same ownership as the property to its immediate north (34700 Grand River), and which includes Jing-Jin Electric North America's existing operation. The plan is to expand Jing-Jin Electric to the property that fronts along Grand River Avenue, just west of Indoplex Circle.

The subject parcel is designated Non-Center Type Business on the Future Land Use Map. However, the Future Land Use Map is intended to show a generalized plan for future development and is not precise in terms of the exact boundaries of each land use category. The site is partially bordered by industrial zoning; the commercially zoned site to the east is an office facility for a tech consulting and data company. Uses across Grand River in Farmington are commercial.

The Master Plan allows the Planning Commission to review the surrounding uses and make a determination regarding consistency with the Master Plan. The review letter charted the surrounding uses, as well as the standards of the surrounding zoning districts.

Planning Consultant Arroyo reviewed items to consider for a zoning map amendment. He did not think that approving this rezoning request would constitute a spot zone.

Chair Stimson opened the public hearing. Seeing that no public indicated they wished to speak on this matter, Chair Stimson closed the public hearing and brought the request back to the Commission for discussion and/or a motion.

**MOTION by Brickner, support by Trafelet**, to recommend that City Council approves Rezoning Request 2-3-2021, petitioned by Jing-Jin Electric North America, to rezone parcel 23-21-376-021 from B-3, General Business District to LI-1, Light Industrial District, for the following reason:

- The change is a reasonable alternative to the Master Plan because it will promote the land use policies of the Master Plan and will not conflict with present policies.

Roll call vote:

Yeas: Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga  
Nays: None  
Absent: Mantey  
Abstentions: None

**Motion carried 8-0.**

## **REGULAR MEETING**

### **A. LOT SPLIT 3, 2021 (Final)**

LOCATION: 21120 Halsted

PARCEL I.D.: 23-32-301-034  
PROPOSAL: Split parent parcel into four lots in a RA-1, One Family Residential District  
ACTION REQUESTED: Lot Split approval  
APPLICANT: Terry Sever  
OWNER: Keating, Gerald F. Trust

Referencing his May 6, 2021/updated May 18, 2021 review letter, Planning Consultant Tangari gave the background and review for this proposed lot split.

The subject site is 3.01 acres, and is zoned RA-1, which has a minimum lot size of 20,000 square feet. The RA-1 zoning district dimensional requirements appeared to be met by the proposed lot split, which will result in 4 parcels as shown.

Presently the site has frontage on both Halsted and Prestwick, and is accessed via one driveway from Halsted. The proposed split would maintain the existing Halsted access point and lead to the creation of three additional driveways onto Prestwick.

The property is developed with a home and outbuildings. An accessory building is not permitted on a property in the absence of a primary building. The plans note that each of the three new lots has an accessory building located on it, and that all three accessory buildings are proposed to be removed.

Regarding the standards of the Subdivision of Land Ordinance 27-110(2)e, *Compatibility with Existing Parcels*, the proposed new parcels will have frontage relationships generally consistent with other commercial development in the vicinity. The three Prestwick-facing parcels are larger than the parcels across Prestwick; this appears to be due to these parcels' adherence to the minimum district standards, whereas the parcels of the Apple Brooke subdivision are smaller than typically permitted in RA-1, as this is an open space site condominium subdivision.

Regarding items to which the Planning Commission must give consideration:

1. These parcels appear broadly consistent with the development pattern in the area. Differences in lot size are partly due to the Apple Brooke subdivision's smaller open space parcels. All four parcels meet the required 4-to-1 depth-to-width ratio.
2. It does not appear that the proposed division will result in an incompatible relationship with surrounding parcels.
3. The site is not impacted by any natural features and is generally flat.
4. The requested split is substantially aligned with the prevailing development pattern in the area.

In response to a question from Commissioner Orr, City Planner Stec said he thought this would be the 4<sup>th</sup> lot split for Parcel A, and could be the last allowed lot split for that parcel.

Terry Sever, White Lake MI, was present on behalf of this application for a lot split. He acknowledged that a lot split would not be available for the large western parcel, although there might be other options available, and a sewer would be extended to that section of the property.

Mr. Sever said he agreed with the comments in the Planner's review. However, Item #3 in the Engineering review suggested that the driveway access off of Halsted to the largest parcel be closed and access be provided from Prestwick. The Halsted driveway had been there for 80 years and the property had been developed with a home and outbuildings. The applicants were not interested in closing that

driveway. He requested that the lot split be approved because it meets all ordinance standards and will result in premium lots for the area.

**MOTION by Trafelet, support by Brickner**, that Final Lot Split 3, 2021, submitted by Terry Sever, be approved because it appears to meet applicable provisions of Chapter 34 “Zoning” and of Chapter 27, “Subdivision of Land”, of the City Code and will result in land parcels which are generally compatible with surrounding lots in the area; and that the City Assessor be so notified, subject to the following condition:

- Accessory buildings on the 3 (three) new parcels be removed prior to final authorization of the lot split.

Commissioner Brickner disclosed that he had done legal work for Mr. Sever in the past, although he did not currently represent him. While Commissioner Brickner didn’t believe he had a conflict of interest, he did want to be transparent and also asked for the attorney’s opinion in this matter.

City Attorney Schultz said that he did not believe Commissioner Brickner had a conflict of interest in this case.

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Trafelet, Turner, Varga, Stimson
Nays:	None
Absent:	Mantey
Abstentions:	None

**MOTION carried 8-0.**

**B. REVISED SITE PLAN 56-2-2021**

LOCATION:	30250 Grand River Ave.
PARCEL I.D.:	23-35-201-013, 002, 003, 004, & 005
PROPOSAL:	Used automobile sales in B-3, General Business District
ACTION REQUESTED:	Site Plan approval
APPLICANT:	30250 Grand River Ave., LLC
OWNER:	30250 Grand River Ave., LLC

City Planner Stec said that this application had been before the Commission March 18, 2021, when a conditional approval was granted. The conditions of the March 18 motion had been met, including moving the landscape trees out of the right of way along Grand River in lieu of getting MDOT approval for placing them on MDOT land. Therefore a new landscape plan had been submitted and would be reviewed this evening.

Referring to his May 20, 2021 written review, Planning Consultant Arroyo gave the background and review for this request for site plan approval.

There were a number of nonconformities on this site which had been discussed at the previous meeting. Tonight’s review would focus on lighting and landscaping, where changes and been made since the March meeting. Landscaping was now being developed within the frontage area of the site on both Grand River Avenue and Tuck Road.

Planning Consultant Arroyo explained that a hedgerow is required when parking is adjacent to a street. The applicants were providing a hedgerow in the revised plan along Grand River but not along Tuck.

The other outstanding item related to lighting. There were several noncompliant light items, and the Planning Commission should decide what was appropriate action regarding the lighting. In the past the Commission had taken a position that when there is a change in use, the site is brought into conformance whenever possible.

Commissioner Orr noted that there were islands on the way in from Grand River that could serve as planting beds for trees. Was there a reason this was not being required?

Planning Consultant Arroyo explained that this issue was raised previously and the Commission chose not to require trees in the islands.

Commissioner Trafelet noted that the March 4, 2021 Engineering review letter had stated the applicant will be obligated to remove a curb cut on Grand River. Then the April 27, 2021 Engineering review letter said that MDOT had indicated the need to remove two curb cuts on Grand River.

Commissioner Orr wondered if the landscape plan should be revised to show landscaping across those entrances.

Planning Consultant Arroyo said that the project will be subject to final engineering review. The motion could include a condition that if it is determined that one or more driveways need to be removed, a revised landscape plan could be submitted showing that change, to be approved administratively.

Arie Liebovitz, developer, was present on behalf of this application for revised site plan approval. He explained that they were before the Commission this evening to meet one of the conditions of the March 18 approving motion, which was to submit a revised landscape plan for Planning Commission review, should they not receive MDOT approval for plantings in the right-of-way. They had decided not to ask MDOT for this approval.

All other conditions of the approving motion had been met.

Mr. Liebovitz expressed concern that they might be required to remove curb cuts for this site, both from a cost standpoint and because once given up, the curb cuts would be lost forever. The removal costs, on top of other expenses to remove asphalt, change the landscaping, etc., could result in the entire project no longer being feasible, leaving the property vacant once again.

Commissioner Orr noted that there were a number of highlighted items in the review letter; did all those items still needed to be addressed this evening?

Planning Consultant Arroyo said that the Planning Commission had made a decision regarding many of those items, including nonconformities, at the March meeting, and those would not typically be readdressed at this time. Some of the outstanding issues such as dimensions not included on the site plan will be required during the building permit process.

Mr. Liebowitz reiterated that they had met the conditions of the March approving motion, except that in this case they needed to have the revised landscape plan approved by the Planning Commission.

Commissioner Varga asked if the lighting issues had been resolved by the submitted lighting plan. Planning Consultant Arroyo said there were still some outstanding lighting issues, in terms of excess foot candles at the property line, etc.

While the lighting plan could be reviewed administratively, City Planner Stec pointed out that the Commission had some discretion to allow more light at the property line under certain circumstances. An administrative review could not allow any variations from the ordinance requirements.

In response to comments from Commissioner Schwartz, Planning Consultant Arroyo said MDOT had reviewed this plan because there had been a change in use.

City Attorney Schultz said that those things required by the Engineering Department or by MDOT would be decided by those entities, and did not need to be addressed by the Commission. He also agreed that the issue before the Commission tonight was limited to the landscape plan. Revisiting issues addressed in the previous motion would require a motion to rescind the previous approval.

City Planner Stec pointed out the note in the March 4, 2021 Engineering review regarding the completion of the sidewalk on Tuck Road, between Grand River and the southernmost Tuck Road curb cut.

Commissioner Countegan said that as the only change to the site plan approved in March involved the revised landscaping plan, he was ready to offer a motion.

**MOTION by Countegan, support by Schwartz**, that revised Site Plan 56-2-2021, dated April 19, 2021, submitted by 30250 Grand River Ave. LLC, be approved because it appears to meet all applicable requirements of the Zoning Chapter.

Roll call vote:

Yeas:	Brickner, Countegan, Schwartz, Trafelet, Turner, Varga, Stimson
Nays:	Orr
Absent:	Mantey
Abstentions:	None

**MOTION carried 7-1.**

**C. REZONING REQUEST 1-2-2021**

LOCATION:	23700 Orchard Lake Road
PARCEL I.D.:	23-26-151-025
PROPOSAL:	Rezone a parcel currently zoned OS-2 Planned Office Service District, to RC-3 Multiple Family Residential District
ACTION REQUESTED:	Set for public hearing
APPLICANT:	Jefrey Fishman
OWNER:	Universal Properties Westhill

Referencing his March 10, 2021 written review, Planning Consultant Tangari gave the background and review for this request to rezone a 1.06-acre parcel from OS-2 Planned Office Service District to RC-3 Multiple Family Residential District. The action requested this evening was to set the rezoning request for public hearing.

The property was located on a corner lot located at the southeast corner of Orchard Lake and Westhill Road, between 10 Mile Road and 9 Mile Road. The site is currently occupied by a two-story dental office. Most of the property is paved. The wooden dumpster enclosure is nonconforming, as is the rear screening wall, which appears to be only half the required height. Ten-foot parking setbacks are also not met on the site as currently developed.

This land is designated Small Office on the Future Land Use Map. However, the Future Land Use Map is intended to show a generalized plan for future development and is not precise in terms of the exact boundaries of each land use category.

The residential densities map includes a Medium designation for this area. The Medium designation is consistent with the RA-3 and RA-4 One Family Residential districts.

Surrounding land uses included OS-2 to the north, RA-3 to the East, OS-2 to the South and R1 to the west, in the City of Farmington.

#### Proposed Zoning Versus Current Zoning

The applicant is proposing to rezone the property to RC-2 in order to redevelop the existing building to a multi-family use and add two additional buildings, for a total of 32 units. While the concept plan is not under review at this time, it should be noted that the only way to get 32 units on a site of this size under RC-2 zoning is for all units to be efficiency units, as the site can only accommodate a total of 33 rooms under the requested zoning. Per Section 34-5.2.F, only 15% of the units on a given parcel may be efficiency units. The concept plan also includes parking in the required front yard; this is not permitted in the RC-2 district. The applicant should note these comments in the event that the city opts to proceed with the requested rezoning. The project cannot be developed under the requested zoning.

Planning Consultant Tangari reviewed *Items to Consider for Zoning Map Amendment*:

1. Is the proposed zoning consistent with the Master Plan?  
*The Master Plan designates this site and its neighbors along Orchard Lake Road as Small Office on the Future Land Use Map, which is consistent with its current zoning.*
2. What other impact would the requested zoning have on public services, utilities, and natural features?  
*The site is currently developed with a medical office building. The applicant has not provided any data on anticipated service loads in comparison with the existing use.*
3. Has the Applicant provided evidence that the property cannot be developed or used as zoned?  
*No. The land is currently developed with a medical office building.*
4. Is the proposed zoning district (and potential land uses) compatible with surrounding uses?  
*Generally, multi-family zoning districts are intended to serve as zones of transition between nonresidential districts and single-family districts. In this case, the use is situated among the other office uses along Orchard Lake Road.*
5. Will the proposed zoning place a burden on nearby thoroughfares? If so, how would this burden compare with the existing zoning district?  
*It is unlikely that the requested zoning will significantly change the burden on nearby thoroughfares.*
6. Is there other land currently available for this use?  
*There is not vacant land with multi-family zoning in this area of the city; small amount of undeveloped multi-family zoning lots do exist elsewhere in the city.*
7. Will development of the site under proposed zoning be able to meet zoning district requirements?  
*As noted in the review comments, the concept plan included in the application package appears to contemplate a number of units that cannot be accommodated with the site's acreage, given that efficiency units are not permitted to constitute more than 15 percent of the units on a given site, per*

*Section 34-2.5.2.F. Furthermore, the concept design does not meet several dimensional and locational standards of the ordinance. It is, however, likely possible to develop the site in keeping with the standards of the RC-2 district with an appropriate design and unit count.*

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?

*The office districts are not intended to accommodate residential uses.*

9. Has there been a change in circumstances and conditions since adoption of the Master Plan that would support the proposed change?

*Development in the immediate area has not changed in a substantial way since the adoption of the last master plan.*

10. Would granting the request result in the creation of an unplanned spot zone? Spot zoning is 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 designates this land Small Office. The residential densities map in the Master Plan includes a designation for this parcel and all surrounding parcels that is consistent with two single family districts. Also, as noted above, the Future Land Use Plan map includes this note: "This plan is intended to show generalized land use and is not intended to indicate precise size, shape, or dimension."*
- Is the proposed zoning district a logical extension of an existing zoning district in the area?  
*There is no multiple family zoning in the vicinity.*
- Would approving the request grant a special benefit to a property owner or developer?  
*The new zoning classification would permit the redevelopment of the property as a multiple family project in an area otherwise occupied by small office and single-family residential uses. No other property in the area would have this benefit.*

Planning Consultant Tangari completed his review.

**MOTION by Schwartz, support by Countegan**, that Rezoning Request 1-2-2021, petitioned by Jeffrey Fishman, to rezone the property located at 23700 Orchard Lake Road from OS-2 Planned Office Service District to RC-2 Multiple Family Residential District be set for Public Hearing at the next available meeting.

In response to comments by Jeffrey Fishman, applicant, Chair Stimson said there would be time at the public hearing for an in-depth presentation regarding this proposal. Tonight's action was simply to set this proposal for public hearing.

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Varga
Nays:	Turner
Absent:	Mantey
Abstentions:	None

**MOTION carried 7-1.**

**APPROVAL OF MINUTES** April 22, 2021



**MOTION by Orr, support by Trafelet**, to approve the minutes of the April 22, 2021 meeting as published.

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	Mantey
Abstentions:	None

**MOTION carried 8-0.**

**PUBLIC COMMENT**

None

**COMMISSIONERS' COMMENTS**

Next meetings will include:

May 27, public hearing for PUD proposal

June 14, joint study session with City Council, Zoning Board of Appeals, and Planning Commission

June 17, regular meeting

**ADJOURNMENT:**

**MOTION by Orr, support by Trafelet**, to adjourn the meeting at 8:35 pm.

Roll call vote:

Yeas:	Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	Mantey
Abstentions:	None

**MOTION carried 8-0**

Respectfully Submitted,  
John Trafelet  
Planning Commission Secretary

Approved as published 06/17/2021

/cem