

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
JUNE 16, 2022, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

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

Commissioners Absent: Stimson

Others Present: Director of Planning and Community Development Kettler-Schmult City
Attorney Schultz, Planning Consultant Tangari, Staff Engineer
Sonck

APPROVAL OF THE AGENDA

MOTION by Trafelet, support by Brickner, to amend and approve the agenda as follows:

- Change Item 4A. from Lot Split 2 to Lot Split 1, 2022

MOTION carried unanimously by voice vote.

PUBLIC HEARING

A. LOT SPLIT 1, 2022 (Preliminary)

LOCATION: 29700 Belfast St
PARCEL I.D.: 23-35-432-007
PROPOSAL: Split parent parcel into two parcels in an RA-3, One Family Residential District
ACTION REQUESTED: (Preliminary) Lot split approval
APPLICANT: Ryan Zabik
OWNER: Ryan Zabik

Referencing his June 8, 2022 memorandum, Planning Consultant Tangari gave the following review comments:

- The total site is 122,009.688 square feet (2.8 acres) and zoned RA-3 One Family Residential (12,500 square feet minimum required).
- Should the property be split, each parcel would have a 106.16 foot frontage on Belfast, and would be 61,005.8 sf in size, or 1.4 acres.
- The property is currently vacant. A branch of the River Rouge separates the lower third that fronts on Belfast from the other two thirds of the property, which are north of the river and inaccessible. The site is part of the Brookside Park subdivision.
- The property is surrounded by RA-3 zoning to the south and west, with open RA-3/RC-3 single-family, multi-family to the east, and open space RA-3 to the north.

- Dimensional standards of the RA-3 district (34-3.1.6) are met, except for the depth-to-width ratio, which is required to be 4:1. Because of the depth of this parcel, the two lots will have a 5.38:1 depth-to-width ratio, which is not compliant with the ordinance.
- Standards for approving a lot split are found in *Subdivision of Land Ordinance §27-110(2)(e), Compatibility with Existing Parcels*. In order to assure that the public health, safety, and welfare will be served by the permission of any partition or division of land, the planning commission's review shall be in accordance with the following standards:
 - a. If any parcel does not meet zoning ordinance requirements, the request shall be denied by the planning commission. *The proposed parcels do not meet the required 4:1 depth-to-width ratio.*
 - b. Any partition or division shall be of such location, size and character that, in general, it will be compatible with the existing development in the area in which it is situated. *The two parcels will front on Belfast, as do neighboring parcels, and the parcel width would be similar to lots across the street; the four deep lots on the north side of Belfast are considerably larger than any other lots in the Brookside Park subdivision.*
 - c. The planning commission shall give consideration to the following:
 1. The conformity of the resultant parcels with zoning ordinance standards and the creation of parcels compatible with surrounding lands as to area, width, and width-to-depth ratio. *The required depth-to-width ratio is not met.*
 2. The orientation of the yards of proposed parcels in relationship to the yards of surrounding parcels in order to avoid incompatible relationships, such as but not limited to, front yards to rear yards. *The proposed lots would have the same front, side, and rear yard relationships as their neighbors.*
 3. The impact of any existing flood plains, wetlands, topography, or other natural features and physical conditions on the resulting parcels so that such parcels are compatible with other surrounding lands in terms of buildable area. *The site is bisected by a river; the portion of each site south of the river appears able to accommodate development in accordance with district standards.*
 4. The relationship of the front, side, and rear yards to the yards and orientation of buildings on other existing and potential parcels. This shall include the probable orientation of buildings on the parcels resulting from the proposed division or partition. *The requested split results in parcels that are generally consistent with the surrounding neighborhood.*

Planning Consultant Tangari concluded that the Commission was looking at a preliminary lot split, and no survey was yet provided. Per ordinance, the Commission doesn't have the ability to approve this lot split because it doesn't meet one of the ordinance standards. In order to effectuate this lot split, the Commission must deny the lot split, allowing the applicant to then seek a variance. If the variance is granted, the applicant will come back to the Commission for their preliminary and final lot split approval.

Ryan Zabik, owner of 29700 Belfast, gave the following information:

- He was seeking to split the lot down the middle.
- Aside from the depth to width ratio, the lot is fairly similar to others in the area.
- Mr. Zabik distributed a list of similar RA-3 properties that exceed the 4:1 ratio. The most extreme of these were a 7.2:1 lot and a 7.4:1 lot.
- He planned to build on both properties, and retain ownership of both.

In response to a question from Commissioner Brickner, Mr. Zabik said he did not know if the properties on the list he had distributed had received variances; he had obtained the data from the County's GIS website.

As the application could not be approved under the current conditions, the Commission confirmed with Mr. Zabik that he understood what his next steps were.

MOTION by Brickner, support by Varga, that the approval of LOT SPLIT 1, 2022 (preliminary) submitted by Ryan Zabik be DENIED, because the 4:1 lot to width ratio requirement is not met.

Motion discussion:

Commissioner Mantey commented that the less development there was along the Rouge River, the better. To compare a lot size of a property that involves a wetland to the dimensions of properties that did not have a wetland was problematic.

MOTION carried unanimously by voice vote.

B. AMENDMENT TO PUD 5, 1993, & SITE PLAN 58-4-2022

| | |
|-------------------|---|
| LOCATION: | South side of Twelve Mile Rd, between Drake Rd and Investment Dr |
| PARCEL I.D.: | 23-17-201-014 |
| PROPOSAL: | Construction of two office buildings in an OS-4, Office Research District |
| ACTION REQUESTED: | Set for public hearing |
| APPLICANT: | Robert Szantner, Yamasaki Inc. |
| OWNER: | Farmington Hills Corporate Investors, LLC |

Referencing his June 6, 2022 memorandum, Planning Consultant Tangari gave the following review comments.

This application is part of PUD (Planned Unit Development) 5, 1993, and is the last major piece of land in the PUD to be developed. The applicant is proposing two large, four-story office buildings and a parking lot. Both buildings have a gross floor area of 150,000 square feet (300,000 sf total). The site is proposed to be accessed from a driveway off Investment Drive at the west end, and from the same access drive that serves JST Corporation at the east end. A road connecting the two access roads is not proposed; the plans show a private driveway ringing the site.

The request is for site plan approval as well as a positive recommendation for PUD amendment.

Summary of site plan issues:

1. Label all setback distances.
2. Building exceeds maximum height and number of floors. Amendment to the PUD agreement is required to permit this.
3. Dumpster enclosure detail is not provided.
4. Screening hedge is not shown along 12 Mile Road in areas where natural screening is not in place.
5. Lighting plan requires adjustments.
6. Tree replacement numbers require adjustment.

Existing Conditions:

- The site is zoned OS-4 and is part of PUD 5, 1993.
- The portion of the overall PUD being considered is 18.11 acres and is undeveloped. The site is crossed by a north-south sanitary sewer easement and a north-south access easement (the latter is proposed to be vacated on the plan).

- Surrounding area to the east, south and west is mostly OS-4 with PUD. The property to the north across 12 Mile is zoned RA-1 One family.

PUD Amendment:

The buildings exceed the height limits of both the underlying district and the PUD. The PUD permits heights up to 55 feet in certain areas where the grade is below 860 feet. The proposed buildings are located on grades with an elevation over 860 feet according to the preliminary grading plan, so the higher height limit afforded in certain areas of the PUD does not apply; permitting this height would require an amendment to the PUD agreement. Also, the original PUD reflected the 40-foot height limit then in place in the OS-4 district; this has since been raised to 50 feet. In summary, the PUD must be amended to permit the fourth story on both buildings and the extra five feet of height in this location.

In response to a question from Chair Countegan, Planning Consultant Tangari said there wasn't a place on the subject portion of the site where the grade goes below 860 feet for a large enough expanse of land to accommodate the buildings.

Planning Consultant Tangari said that the applicant proposed to amend the PUD to permit greater height in the area of the proposed building and an additional 4th story. Per Section 34-3.20.5.G,

Proposed amendments or changes to an approved PUD plan shall be submitted to the planning commission. The planning commission shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the planning commission determines the proposed amendment is material in nature, the amendment shall be reviewed by the planning commission and city council in accordance with the provisions and procedures of this section as they relate to final approval of the Planned Unit Development.

As the Planning Commission considers whether the amendment constitutes a minor or major amendment to the PUD, it should consider that the proposed uses are not permitted in the underlying district, and that deviations from underlying zoning are generally covered by the PUD agreement, which is an agreement between Council and the applicant.

If the Commission makes a determination that this is a major amendment to the PUD, action on the site plan should be postponed until the amendment to the PUD is fully approved by Council and the agreement has been updated accordingly. A public hearing would need to be set on the PUD amendment. Alternatively, site plan approval could be made contingent on approval of the PUD amendment.

In response to questions from the Commission, Planning Consultant Tangari explained the following:

- The underlying district for the PUD is OS-4, which allows for 3 stories at 50 feet. The PUD agreement is silent on the number of stories, therefore OS-4 applies.
- Director of Planning and Community Development Kettler Schmult said there were other buildings already constructed with 4 stories in this development. The original language for the OS-4 district did not have the limitation on three stories, it only had maximum height. That was met on the previous construction, but the requirement changed when there was a change in the OS-4 language.
- City Attorney Shultz advised that after looking at the definition of what constitutes a minor or major amendment, a minor change does not violate the area and density requirements. This change does violate those requirements, and his position was this would be a major amendment.
- Planning Consultant Tangari said they concurred with that conclusion as well.

John Ackerman, Atwell, Southfield MI was present on behalf of this request for a public hearing for PUD amendment and site plan approval. Robert Szantner, Yamasaki, was also present as was Chris Kojanian, Kojanian Companies.

Utilizing a PowerPoint presentation, the applicants presented the following:

- An overview of the entire site included the areas where the proposed buildings would be constructed.
- The development would create a cross connection between two public access points with a 29 foot public right of way (increased from 24 feet previously). The public right of way was less than the 60 feet that was requested. However, the 60 foot right-of-way was not a requirement of the PUD, and their intent was to minimize their footprint while trying to maximize tree preservation.
- The building will be similar to the other 4-story, 55 foot high structures already constructed on the campus. The new buildings will be built in a similar manner as the Phase 5 buildings on the freeway – precast concrete with reflective glass, designed in a manner to support a single user or multi-tenant uses, depending on the ultimate leasing success of the project.

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

- They had complied with the original PUD intent, to push the buildings further from the neighborhoods to the north and toward the freeway, and to screen this development from the single family zoning to the north. They were maintaining the buffering along 12 Mile.
- Of the constructed buildings, 3 buildings were 4 story and 55 feet high. Those buildings were permitted by the PUD because of the topography in the area; they were located where the grade was naturally below 860 feet.
- A 50 foot high four-story building would not be competitive in the marketplace.

Planning Consultant Tangari said the applicants would have to move a lot of dirt to remove the necessary two to four feet of earth to get below the 860 feet elevation in the proposed location, and the result would present inconsistent topography with the surrounding area.

Planning Consultant Tangari posed two questions to be considered before the public hearing next month:

- Was there any way to get a more direct pedestrian connection from the proposed use to the commercial use next door?
- Does this use need as much parking as the ordinance calls for? There was a lot of pavement in this proposal. Would a lower parking ratio be acceptable?

The applicants explained that the amount of parking was subject to future leasing; they did not want to limit uses by reducing the parking, but would consider later landbanking some parking depending on the actual tenant that leases the space.

City Attorney Schultz said that assuming that the Commission agrees that this is a major amendment due to ordinance deviations, there are two options: 1) Action on the site plan could be postponed until a public hearing is held by the Planning Commission, and then the amendment to the PUD is fully approved by Council and the agreement has been updated accordingly, or 2) include the site plan in the public hearing, with approval contingent on approval of the PUD amendment.

Commissioner Varga asked if the applicants could be asked to prepare a second option showing landbanked parking, depending on the use, if a public hearing was scheduled that included the site plan.

Mr. Ackerman requested that they be allowed to bring both the PUD amendment and the site plan forward simultaneously.

Commissioner Trafelet asked if there would be EV stations in the parking lot. Mr. Ackerman said in order for the building to be marketable, there had to be EV stations.

Chair Countegan indicated he was ready to entertain a motion.

MOTION by Brickner, support by Trafelet, that the proposed AMENDMENT TO PUD 5, 1993, & SITE PLAN 58-4-2022, submitted by Robert Szantner with Yamasaki Inc., be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion discussion

The applicant was asked to consider bringing to the public hearing a parking landbank option, along with an indication of where charging stations will be located in the parking area, as City Council will want to see both those things.

MOTION carried unanimously by voice vote.

C. REVISED PUD PLAN 2, 2021, & SITE PLAN 59-5-2022

| | |
|-------------------|---|
| LOCATION: | 27400 Twelve Mile Rd |
| PARCEL I.D.: | 23-12-476-008 |
| PROPOSAL: | Construction of a skilled nursing facility and condominium development in an RA-1B, One Family Residential District |
| ACTION REQUESTED: | Set for public hearing |
| APPLICANT: | Optalis Healthcare |
| OWNER: | Evangelical Homes of Michigan |

Referencing his June 8, 2022 memorandum, Planning Consultant Tangari gave the following review comments.

Regarding the PUD Revision request:

- This application is for PUD final determination and site plan/landscape plan/tree removal approval.
- The site was the old Sarah Fisher home, at the corner of Inkster and 12 Mile, consisting of 15 buildings, with Pebble Creek running along the western edge of the property and then through the southern portion as well.
- Adjacent properties within the City are mostly RA-1 and RA-1B zoning. Across Inkster in Southfield there is RT Attached single family (townhomes) and OS (medical office use).
- There were currently 5 driveways off of Inkster Road.
- At its meeting on January 21, 2021, the Planning Commission granted preliminary PUD qualification to this site, citing the plan's compliance with all of the objectives under Section 34-3.20.2.E., except for objective v. This was discussed in some detail in the review memorandum.
- A final PUD qualification was granted by the Planning Commission on April 22, 2021. The applicants appeared at City Council on May 24, 2021, where a motion to postpone listed concerns that Council felt were not sufficiently addressed:
 1. Lack of imagination for the residential portion on the north end of the site and lack of amenities.
 2. Prefer owner-occupied dwellings over apartments with more amenities such as a pool or courtyard area with fire pits or other gathering areas.
 3. Density of the residential area was too high.
 4. Too much parking area in the residential area – suggested exploring underground parking.
- When the applicants returned to City Council on September 27, 2021, a motion of approval failed,

because Council did not feel that the plans had changed sufficiently. The applicant has now returned to the Planning Commission with a revised plan and is seeking concurrent site plan and final PUD approval.

- In order for a zoning lot to qualify for the PUD option, the zoning lot needs to meet one of 8 objectives under Section 34-3.20.2.E. The objectives cited by the Planning Commission as being met when the applicants received preliminary qualification on January 21, 2021 included all objectives but v.:
 - i. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
 - ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
 - iii. To accept dedication or set aside open space areas in perpetuity.
 - iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.
 - v. (Did not cite this objective.)
 - vi. To promote the goals and objectives of the Master Plan for Land Use.
 - vii. To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
 - viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.
- The applicant updated and re-submitted this portion of the PUD narrative. Though only one objective must be met by the plan, the applicant's narrative directly addresses all eight objectives, except for objective v. As noted above, the Planning Commission cited all objectives except for objective v. when granting preliminary PUD qualification in January, 2021.
- Objectives i, ii, iii, and vii are all addressed primarily via the preservation of trees along Inkster Road, large wooded areas on the western edge of the site, and the topography and other natural conditions of Pebble Creek in the southern portion of the site. To further address item ii, the applicant noted that the use provides a transition from the medical and office uses across Inkster to the single family uses to the west. To further address objective vii, the applicant noted that the existing chapel will be preserved. On the previous plan the administration building and the chapel were going to be preserved; it is now just the chapel. The change had been approved by the Historic District Commission. Materials that are proposed on the skilled nursing facility are intended to complement the materials on the chapel, to which the skilled nursing facility will be attached. The applicants similarly promise high-quality materials and design on the multi-family buildings.
- The applicant makes the case that objective iv. is met by stepping down residential uses from attached units to detached ranches with walkouts as the site gets closer to the adjacent single-family neighborhood, as well as preserving the existing natural vegetation.
- Regarding objective vi, the applicant asserts that goals of the 2009 Master Plan will be met by the plan, noting that the site will serve as a transitional property between more intensive uses east of Inkster and less intensive uses to the west, while preserving a historic building and improving access management, taking the 5 driveways down to 3.
- Regarding objective viii, the applicant cites similar factors to the response to objective vi.
- Given that both the proposed uses are not permitted in the underlying district, and that the plan would require variances in the districts that do permit those uses, it appears that the PUD is not sought solely

to avoid a variance, but the PUD is looking for a mix of uses that would otherwise not be possible in this area. A PUD is recommended for the site in the 2009 Master Plan.

- The information submitted is sufficient to meet the requirements for final determination.

Regarding site plan review:

- The land use plan refers to the two halves of the site as Phase 1A (skilled nursing facility) and Phase 1B (mixed residential use). Both are about 14 acres each, with approximately 6.2 acres of natural preservation in the Phase 1A area. A separate 1 acre portion will potentially be split off and sold for single family development; the applicants should explain their thinking for this option.
- About 19.6% of the site will be assigned to open space uses and preservation of existing landscape.
- The Historic District Commission has issued a notice to proceed, subject to the following:
 - Materials from demolished buildings will be stockpiled for future re-use.
 - The proponent will not proceed with any demolition until all other associated approvals are received.
 - Any building approved for demolition but left standing will remain subject to Historic District Commission review.
- The Master plan designates the site as single family residential. The residential density map identifies this parcel as low density, which is consistent with current zoning. The Master Plan also identifies this parcel as Special Residential Planning Area No. 3 and sets the goals and policies for the parcel, which will be reviewed in detail at the public hearing.
- Site plan review issues will also be discussed at the public hearing. Special attention should be paid to the following:
 - Previous versions of this plan exceeded the density that was permitted in any of the RC districts. This version of the plan comfortably fits within any of the RC districts. The proposed density is now actually less than the maximum that would be permitted in the RC-1 district. This was a significant change in the amount of housing planned for the site.
 - The plan seeks relief from the front setback requirement along Inkster Road (33.5 feet instead of 50 feet).
 - The plan seeks relief from the height requirement for attached single-family units (34.15 feet instead of 30 feet)
 - The plan proposes two uses: skilled nursing and multiple-family residential, neither of which are permitted in the underlying district.
 - The applicant should explain why parking is provided at a rate over four times the requirement for the skilled nursing facility.
 - The plan includes sidewalks throughout the attached single-family portion of the development, as well as around the skilled nursing facility. However, there are no sidewalks in the area where detached single-family units are proposed. The applicant should consider extending the walkway network into this area, especially considering the stated “active adult” target market for these units.
 - Engineering has some concerns with the way some of the interior circulation network is laid out; there will probably be internal discussions prior to the public hearing regarding those issues.

Planning Consultant Tangari concluded his review comments.

The Commission requested that a summary of the prior submission be provided before the public hearing, so that changes from the original plan would be evident.

Raj Patel, CEO and Principal of Optalis Health Care, 25500 Meadowbrook Road, Suite 230 Novi, was present on behalf of this application for Revised PUD and site plan approval. Tim Lochran, Robertson Brothers Homes, 6905 Telegraph, Bloomfield Hills, was also present.

Mr. Patel made the following points:

- They had received input from the neighbors, the Historic District Commission, City Council, and the Planning Commission.
 - When they began this process they did not have a co-developer, even though the site is too big for Optalis Health Care use.
 - Optalis operates 14 facilities around southeast Michigan.
 - The subject site was challenging with issues of grade, contamination, wetlands, and so on.
 - The City Council felt the original proposed apartment complexes lacked imagination. Council was interested in less density along with higher quality for-sale home products.
 - The neighbors and City Council felt the proposal was too dense.
- They had reduced density from 156 units to 94, or a 40% reduction in density.
- Quality home builder Robertson Brothers had come to the project as a co-developer.

Utilizing a PowerPoint presentation, Mr. Lochran summarized the proposed development as follows:

- The entire site was about 30 acres, 28 acres net, zoned R1-B. The proposed PUD would have 100 skilled nursing beds, which was a reduction from the original submission. There were now 94 homes in the residential section.
- City Council had indicated they wanted to see more detached ranch homes. The applicants did revise the plan but the proposal is not viable with all ranches on the site. They were offering a mix of uses, with 3 distinct for sale offerings:
 - 30 single or 1.5 story ranches, with first floor masters, on the west side, attracting empty nesters.
 - 29 mid-level 2-car, 2-bedroom or 2-bedroom with den townhomes, providing “missing middle” housing.
 - 35 one-car 1200 sf townhomes, again providing “missing middle” housing.
 - The skilled nursing facility is under 30’ high.
- The proposed development will be a walkable community with internal amenities, offering the re-use of historic materials from the site along with historic signage, and will provide a good transition to the neighbors to the west.
- Robertson Brothers is a “Top 5” home builder, with a 95% willingness to refer.

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

Regarding the nursing facility:

- The 100-patient capacity facility will be a state of the art higher end facility focused on rehabilitation of patients who have had strokes, need orthopedic rehabilitation, etc., with short term stays and significant visitation by family as well as a higher ratio of staff: approximately 3-4 staff providing direct care to each patient. There would also be kitchen, janitorial, and housekeeping staff, visiting professionals, physicians, physical therapists, respiratory therapists, etc. At other Optalis facilities of similar size where there are close to 100 parking spaces, parking can get very tight. In this instance no other parking is available, and they felt they needed the extra spaces.
- They didn’t want any more parking than necessary, but it was inconvenient when people visited the site and could not find parking.
- Typical patient stay was 15-18 days.

Regarding the residential development:

- Nursing homes traditionally have been located in residential areas.
- Optalis chose this site for geographic and demographic reasons, but the site was too big for just the health care use.
- The two uses will be separate in character, with separate parking facilities.
- Amenities for the residential development will be outdoors; no indoor amenity-specific building is proposed, with the exception of the historic chapel.

Chair Countegan indicated he was ready to entertain a motion.

MOTION by Varga, support by Trafelet, that revised PUD Plan 2, 2021, including Site Plan 59-5-2022, submitted by Optalis Healthcare, dated May 18, 2022, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion carried unanimously by voice vote.

D. REVISED PUD PLAN 3, 2021

| | |
|-------------------|---|
| LOCATION: | 32680 Northwestern Hwy |
| PARCEL I.D.: | 23-02-126-130 |
| PROPOSAL: | Construction of a multiple-family apartment building in B-2, Community Business and B-3, General Business Districts |
| ACTION REQUESTED: | Set for public hearing |
| APPLICANT: | Robert Asmar, NWH Holdings, LLC |
| OWNER: | NWH Holding, LLC |

Referencing his June 7, 2022 memorandum, Planning Consultant Tangari gave the following review comments:

- The PUD plans to share the access that is already used by the senior facility and climate controlled self-storage (also a PUD development) to the north. The site is zoned B-2 and B-3.
- The almost 6 acre site is mostly vacant, with a concrete batch plant there right now.
- Adjacent properties are mostly commercial, with senior housing to the north, and multi-family apartment building to the east.
- At its meeting on February 18, 2021, the Planning Commission granted preliminary PUD qualification approval to the project, citing the plan's compliance with objective viii. of Section 34-3.20.2.E.: *To bring about redevelopment of sites where an orderly change of use is determined to be desirable.*
- At the February 18 meeting, the Commission generally didn't take issue with the proposed use, but several Commissioners did express reservations about the scale, particularly the density and the height of the proposal.
- The PUD was also reviewed by the Planning Commission at its meeting on August 19, 2021, when a recommendation was postponed in order to provide the applicant an opportunity to amend the plan in response to discussion at that meeting. The motion to postpone included some non-binding advice to the applicant to reduce height and overall density and increase the side setback.
- The applicant is seeking final PUD qualification but not site plan approval concurrent with this final qualification. Preliminary approval is not a guarantee of final approval.

The applicant has not submitted an updated narrative. The discussion in the review memorandum is therefore based on the previously submitted narrative.

- The applicants cited more of the objectives for a planned unit development than the Planning Commission granted when it gave preliminary qualification. The applicant called attention to objectives i., ii., v., vi., vii., and viii. The Planning Commission cited only viii.
- A PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request. An increase in density is definitely sought by the applicant with the proposed use, which use isn't permitted in the underlying districts. It does appear the request is not made solely to avoid a variance, but there are some deviations from ordinance standards will be requested to facilitate the conceptual plan.
- The applicants have submitted what is necessary for final determination.
- There is no land use plan which shows what area of the site is for the proposed use, however the proposal was only for one use.

Regarding density:

- 253 units are proposed: 130 one-bedroom units, 119 two-bedrooms units, and 4 three-bedroom units, with a total of 633 rooms.
- Density has increased from earlier iterations of the conceptual plan. The proposed density is about 2.75 times that of the densest multiple-family district in the City (RC-3 230 rooms)

Regarding the Master Plan:

- The portion of the site that is zoned B-2 is called out as multiple-family on the future land use map. The portion of the site zoned B-3 is called out as non-center type business; the B-3 portion of the property is consistent with this designation. The property is not addressed on the residential density map.
- The property is adjacent to a multifamily complex that is shown as high density residential on the residential density map.

Requested relief from ordinance standards, other than the use itself, includes:

- Height: proposed maximum height is 69 feet, where 50 feet is permitted.
- East side setback to residential: 54.47 feet is proposed where 75 feet is required.
- Density: The plan does not specify a base district for density standards. 633 rooms are proposed; the maximum number of rooms permitted in the RC-3 district is 230.
- Parking: 414 spaces are proposed; 508 are required. More than half the spaces are in the building on the ground floor. Bicycle parking and EV stations can be discussed at the site plan phase.

Keith Phillips, 9049 Riverside Drive, Brighton, was present on behalf of this application to set this revised PUD Plan for public hearing. Jim Butler, PEA Group, was also present.

Mr. Phillips made the following points:

- Height of the building had been adjusted down to 59 feet, or 10 feet lower than what had been previously discussed.
- The applicants looked at the competitors in the surrounding area, and took into account what was workable for the client as well as the community at large.
 - The Emerson project that was just approved by the Planning Commission and City Council had approximately 113 rooms/acre; this project is at 114 rooms/acre.
 - The Emerson is at 43.66 units/acre; this project is at 45 units/acre.
 - The Emerson provided 1.69 spaces/unit; this project provided 1.64 spaces/unit.

- The applicants lowered the building from 5 stories to 4 stories, bringing the height down 10 feet, and at the same time increased the density. Costs have gone up exponentially. Economy of scale demanded more density and was in line with the competition.
- Most of the parking is enclosed under the building, now in a subterranean structure that allowed the height mitigation.
- They could reduce height further to 52 feet, with a more commercial appearing flat roof.
- They were happy with the direction of the project, which incorporated quite a bit of green space, and offered a highly amenitized product.
- The lower height blended well with the project to the northeast.

The applicants responded to questions from the Commission as follows:

- They had received the June 6, 2022 letter from the Fire Marshal and would discuss the issues noted in the letter with the Fire Marshal.
- The renderings shown were reflective of the planned exterior façade and materials.

Chair Countegan indicated he was ready to entertain a motion.

MOTION by Brickner, support by Grant, that proposed revised PUD Plan 3, 2021, submitted by NWH Holdings, LLC, dated May 18, 2022, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion carried 6-2 (Traflet, Varga opposed).

APPROVAL OF MINUTES April 21, 2022 Special Meeting, April 21, 2022 Regular Meeting,
May 19, 2022 Special Meeting

MOTION by Brickner, support by Traflet, to approve the April 21, 2022 Special Meeting minutes, the April 21, 2022 Regular Meeting minutes, and the May 19, 2022 Special Meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

In response to a question from Commissioner Traflet, Mr. Zabik (Case A) gave information regarding the water table on his property.

COMMISSIONERS' COMMENTS

Commissioner Brickner spoke to the service provided by Commissioners and the things Commissioners learned through that service, especially regarding zoning law and planning principals.

Regarding the vote on Case D., City Attorney Schultz noted that an applicant could not be denied a public hearing unless they had not submitted all required materials, when the request could be postponed.

ADJOURNMENT

MOTION by Brickner, support by Grant, to adjourn the meeting at 8:56pm.

MOTION carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem