

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
APRIL 18, 2024, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

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

Commissioners Absent: Countegan, Grant

Others Present: City Planner Perdonik, Staff Planner Canty, Staff Engineer Alexander,
City Attorney Schultz, Planning Consultants Tangari and Upfal

APPROVAL OF THE AGENDA

MOTION by Brickner, support by Aspinall, to approve the agenda as submitted.

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. SPECIAL APPROVAL 52-3-2024

LOCATION: 32680 Northwestern Highway
PARCEL I.D.: 22-23-02-126-130
PROPOSAL: Temporary concrete batch plant in B-2, Community Business and B-3,
General Business zoning districts
ACTION REQUESTED: Special Land Use and Site Plan approval
APPLICANT: Florence Cement Company - Steve Gregor
OWNER: NWH Holdings, LLC

Applicant presentation

Steve Gregor, Florence Cement Company, was present on behalf of this request for a Special Land Use and Site Plan approval for a temporary concrete batch plant at 32680 Northwestern Highway.

Referencing his March 20, 2024 letter, Mr. Gregor said the temporary concrete batch plant would service the Heritage Hills and Westwood Commons Subdivision Phase IV project in the City. The project will take most of the summer, although they anticipated that the batch plant will be in operation for 17 days of paving during that time, or less than 9% of the total work days on the project. The batch plant is permitted through EGLE (Michigan Department of Environment, Great Lakes and Energy) for air quality standards and soil erosion permits. The operation will be self-contained; there will be a water truck on site for dust control. Hours of operation will be Monday – Saturday, 7am to 7pm.

Planners Review

Referencing the April 10, 2024 Giffels Webster memorandum, Planning Consultant Tangari gave the background and review for this request for Special Land Use and Site Plan Approval.

The applicant is proposing a temporary concrete batch plant with up to 11 employees. The application specifies that the time frame for the batch plant will be 186 days or through October 18, 2024, whichever is sooner. The plant is being erected to support two subdivision projects, and there will be an estimated total of 17 paving days per subdivision during its term of operation. Turf restoration will occur by June 13, 2025 (though the cover letter notes that much of the work will occur by mid-November, 2024). Requested hours of operation are 7am to 7pm, Monday through Saturday, with no work on holidays.

This applicant operated a plant at 23400 Drake in 2020 and 2021, and on this site in 2022.

The only outstanding issue was that setbacks to the equipment and enclosure were not provided, but these did appear to be met; minimum district setbacks are shown on the plan and the area used for the plant is within the buildable portion of the lot. The applicant should, however, provide setback distances.

In the B-2 and B-3 districts, cement batch plants are not permitted by right. They are, however, permitted as a special land use under Section 4.20.4.C, subject to the following:

- C. Temporary construction uses not accessory to existing uses. Temporary construction uses and structures not directly accessory to any existing use of the zoning lot, but necessary for the use or improvement of some other property or properties within the City for a permitted purpose.
- i. The planning commission shall examine the proposed use and determine that the petitioner has adequately explored alternative locations and that the location proposed is the most reasonable.
 - ii. The planning commission shall examine the location of structures on the site and determine that they are the most appropriate, may require reasonable temporary screening of the activity proposed, may suggest the location of vehicular access to the site and make other recommendations which will assist in the protection of nearby uses during the time the construction use is in operation.
 - iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
 - iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.
 - v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of developed permitted and arrangements for removing the use at the termination of the period of time granted. The minutes will suffice to meet this requirement.

In response to questions, Mr. Gregor provided the following further information:

- The batch plant will operate only on the 17 days that concrete will be produced. There will be activity on the site specifically to do aggregate testing a day or two before each paving day.
- The site will be stripped and gravel spread. On windy days they will be prepared with water to make sure dust does not spread. Florence Cement Company works hard to be good stewards, and they will immediately address any concerns brought to them from the Engineering Department.
- All the concrete will be used in Farmington Hills, specifically for the Heritage Hills project.

- The batch plant is a concrete plant, and does not make cement. Cement is an ingredient brought to this location, but not manufactured here. Everything is contained in a closed system.
- Their intent is to have the batch plant removed and the site restored by November 15, 2024.

In response to questions, Planning Consultant Tangari explained that an apartment building has been approved for this site. However, the developer has a certain amount of time (3 years) to construct that project, which allows time for this temporary batch plant to operate at this location in 2024.

Commissioner Ware pointed out that the City needed housing, and the proposed apartment building would help fill that need. The City needed assurances and needed to be able to manage approvals so that once a project was approved, it would be built in a timely way.

Chair Trafelet acknowledged written comments received via email on April 5, 2024 from Andrew Fu. Chair Trafelet opened the public hearing.

As no public indicated they wished to speak on this matter, Chair Trafelet closed the public hearing and brought the matter back to the Commission.

Commissioner Mantey pointed out that this area has a lower density than the area at Drake and Grand River, which is also often used for temporary batch plants. Temporary batch plants have to be accommodated in order for City roads to be repaired and maintained, and he supported this request.

MOTION by Varga, support by Brickner, that Special Approval Plan 52-3-2024, dated March 20th, 2024, submitted by Florence Cement Company, Steve Gregor, BE APPROVED, subject to all applicable provisions of the zoning chapter for the following reasons:

1. **The use would not be injurious to the district and environs.**
2. **The effects of the use would not be contrary to the spirit and intent of the Zoning Chapter.**
3. **The use would be compatible with existing uses in the area.**
4. **The use will not interfere with the orderly development of the area.**
5. **The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.**

Motion passed unanimously by voice vote.

B. ZONING TEXT AMENDMENT 1, 2024

CHAPTER OF CODE: 34, Zoning Ordinance
PROPOSED AMENDMENT: Amend Zoning Ordinance to include new subsection addressing electronic messaging center area
ACTION REQUESTED: Recommendation to City Council
SECTION: 34-5.5.3.A.ix

City Planner Perdonik explained that his April 5, 2024 memorandum addressed questions and concerns brought forward by the Planning Commission at its March meeting, when this item was set for public hearing.

A recent review of bonus signs and sign areas for freestanding signs permitted under the Zoning Ordinance in the Expressway Service (ES) and Light Industrial (LI-1) districts, as provided in Section 34-5.5.3.A.iv of the Zoning Ordinance, indicates that there is no limit on the portion of a sign that

may be devoted to an electronic display. Which is to say that these bonus signs (up to 100 or 150 square feet in the ES district and up to 300 square feet in the freeway sign area of the LI-1 district per Section 34- 5.5.3.A.xi) could potentially be entirely electronic. This may be an unintended consequence of the bonus provisions, allowing these signs to change the character of the roadway and the character of Farmington Hills. The memo additionally looks at whether the bonus sign areas should be reduced.

The proposed amendment to Section 34-5.5.3.A.ix adds new item “h”, which reduces the allowed electronic display area of a sign, so that the electronic display cannot exceed 30% of the total sign area or 30 square feet, whichever is larger. The memorandum and accompanying information included samples of 13 southeast Michigan communities, all of which are located along freeway corridors. Some communities do not permit electronic billboard type signs at all, while others allow 600+sf of electronic signage. The “in-between” communities allow a certain portion of the square footage to be electronic, or cap the electronic portion at a set number of square feet.

The proposed amendment provided a middle-ground ordinance that also provided a clear standard for enforcement.

Commissioner Brickner noted that when the City didn’t allow any billboard signs it was the subject of a lawsuit. Will this proposed ordinance be likely to result in litigation?

City Attorney Schultz explained that the current ordinance was written while the City was in litigation, in response to that litigation. The amendment being discussed tonight represented a middle ground among other zoning ordinances in Southeast Michigan communities. He did not have a problem with the amendment as presented.

City Planner Perdonik noted that the ordinance already had certain lighting standards in terms of brightness and foot candles at the property line. Other provisions of the lighting and sign ordinances could be reviewed at a future date.

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

After discussion and amendment, the following motion was offered:

MOTION by Stimson, support by Varga, to recommend to City Council the adoption of Zoning Text Amendment 1, 2024, an amendment to the sign ordinance section as submitted this evening, adding new subsection h, relating to the electronic display area of signs.

Motion passed unanimously by voice vote.

REGULAR MEETING

A. LOT SPLIT 1, 2024 (FINAL)

LOCATION: 34037 Nine Mile Road
PARCEL I.D.: 22-23-33-202-043
PROPOSAL: Split one (1) parcel into two (2) parcels in RA-3, One Family Residential zoning district
ACTION REQUESTED: Lot Split approval (final)

APPLICANT: Eraldo Leba
OWNER: Arlint Berber

Referencing the April 10, 2024 Giffels Webster memorandum, Planning Consultant Upfal gave the background and review for this request for lot split approval. There were no specific outstanding issues. However, under the Subdivision of Land Ordinance 27-110(2)(e), Compatibility with Existing Parcels, the Planning Commission did need to ensure that certain standards were met. These standards were outlined on pages 2-3 of the memorandum.

- The parcel is zoned RA-3 and contains 1.5 acres. The property is currently vacant, and is adjacent to RA-3 zoning and is across the street from industrial zoning (to the north).
- The proposed split will result in two parcels, one of which has an 80 foot frontage and one of which has a 100 foot frontage. Parcel B with the 100 foot frontage also has more extensive depth and is a flag shaped lot. This site has frontage on West Nine Mile and the proposed lots meet all of the minimum requirements for lot size, lot width and depth to width ratio.
- The parcels do meet all of the standards of the Zoning Ordinance with respect to width and depth. It should be noted that the split will create a rear to side relationship between the parcel to the south and both proposed parcels A and B. In addition, it will create a rear to side relationship between parcel A and the four adjacent parcels to the west. This is similar to the arrangement of lots one block west along West Nine Mile Road between Cass and Gill Roads. The primary difference in configuration between the proposed lots and other lots in the area is the creation of the flag shape of parcel B. The Planning Commission should consider the following.
 - Although parcel B is flag shaped, the majority of the lot has frontage on West Nine Mile Road. Parcel B is deeper than other lots in the neighborhood, but that depth is comparable with those lots that also have Nine Mile frontage. The proposed split will result in lot widths for both parcels that are more consistent with surrounding lots. Parcel A is more similar to the neighborhood lots on Cass and Gill.
 - There will not be any front to rear yard relationships created as a part of this proposed split.
 - Additional delineation of any wetlands, including hydric soils, may be required prior to the issuance of any building permits for this site.
 - Parcel B is deeper than other lots in the neighborhood, but that depth is comparable with lots that also have frontage on West Nine Mile. The lot split will create more consistent lot width for both parcels that are more consistent with surrounding lots. As noted, the split will create a flag shaped lot for lot B, but with sufficient frontage that meets the width to depth ratio required under the land division act.

Noting the applicant was not present, Chair Trafelet indicated he was ready to entertain a motion.

MOTION by Varga, support by Aspinall, that (Final) Lot Split 1, 2024, submitted by Eraldo Leba, BE APPROVED, because it appears to meet the ethical provisions of Chapter 34, “Zoning,” and Chapter 27, “Subdivision of Land,” of the City Code and will result in land parcels generally compatible with surrounding parcels in the vicinity; and that the City Assessor be so notified.

Motion passed unanimously by voice vote.

B. REZONING REQUEST ZR 3-3-2024

LOCATION: West side of Middlebelt Road, just north of Astor Avenue
PARCEL I.D.: 22-23-26-480-046
PROPOSAL: Rezone one (1) parcel from P-1, Vehicular Parking to RA-4, One

ACTION REQUESTED: Family Residential zoning district
Set for Public Hearing
APPLICANT: Rane Jappaya
OWNER: 22595 Middlebelt, LLC

Rane Jappaya, applicant, was present on behalf of this rezoning request. The site was currently zoned P-1 parking. They had owned this property for a number of years, and were asking to utilize the site for residential use.

Referencing the April 10, 2024 Giffels Webster memorandum, and noting that this request was to set the matter for public hearing, Planning Consultant Upfal gave the background and review for this rezoning application.

The subject property is split zoned, but is primarily zoned P-1 Vehicular Parking District, with only a small 20' x 110' area zoned RA-4 along the northern boundary. The applicant is requesting to rezone the entire lot to RA-4 to permit a residential duplex use. Duplexes are not listed as permitted uses in the P-1 Vehicular Parking District. A duplex may be constructed in the RA-4 District under the major road frontage option outlined in Section 34-3.18.

Planning Consultant Upfal reviewed the Items To Consider For Zoning Map Amendment that were listed on pages 3-6 of the review memorandum. The rezoning would permit the use of the full property for residential use, consistent with the majority of residential properties in the area.

MOTION by Brickner, support by Varga, that Rezoning Request 3-3-2024, dated March 18th, 2024, submitted by Rane Jappaya, to rezone property located at Parcel Identification Number 22-23-26-480-046 Oakland County, Michigan, from P-1, Vehicular Parking to RA-4, One-Family Residential District, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Commissioner Mantey said he would oppose this motion to protest any increase in residential density, including duplexes, in an area that has a high number of pedestrian accidents with automobiles. He did think the construction of duplexes across the street from the mobile home development was appropriate.

Motion passed 6-1 by voice vote (Mantey opposed).

C. REZONING REQUEST ZR 4-3-2024

LOCATION: 27815 and 28025 Middlebelt Road; three (3) parcels on west side of Middlebelt Road, between Orion Court and Twelve Mile Road
PARCEL I.D.: 22-23-11-477-013, 014, and 109
PROPOSAL: Rezone three (3) parcels from RC-2, Multiple Family Residential to B-3, General Business zoning district
ACTION REQUESTED: Set for Public Hearing
APPLICANT: Skilken Gold Real Estate Development
OWNER: HRA Farmington Hills, LLC

Referencing the April 10, 2024 Giffels Webster memorandum, Planning Consultant Upfal gave the background and review for this request to set for public hearing the request to rezone 3 parcels from

RC-2, Multiple Family Residential to B-3, General Business zoning district, located at 27815 and 28025 Middlebelt Road.

Planning Consultant Upfal made the following points:

- The parcels have had the RC-2 zoning designation since 2019. Prior to that, the zoning was a mix of B-2 at the corner, P-1 in the west central portion of the property, and RA-1 in the northern half.
- Parcel -109 is 2.39 acres and includes a vacant 10,134 SF commercial building and parking area. Parcel -014 is 0.82 acres and is vacant. Parcel -013 is .82 acres and includes a single-family house and accessory structures. A senior housing project was twice approved for this property in 2019 and 2021, but was never built.
- The master plan designates this area as shopping center type business on the corner lot and the remaining lots are multiple family residential.
- The applicants are requesting to rezone the entire lot to B3 to permit a fueling station with convenience store and restaurant. When a site plan is presented at a future date, a front street must be identified.
- The B-3 land use permits a long list of commercial uses, including the proposed gas station, convenience store and restaurant. These are also permitted uses in the B-1 and B-2 districts, but the gas station is a special land use in those districts.
- With proximity to a residential on the northern, eastern and western boundaries, the Planning Commission may wish to consider whether a more transitional zoning classification may be appropriate and better aligned with the future land use map. The B-1 zoning district permits carry out restaurants and convenience stores as principal uses and gasoline stations as a special land use, and is consistent with the zoning to the east and south of the site, which are also both gas stations. Furthermore, the B-1 classification is consistent with the current shopping center type business future land use designation.
- Another important consideration is that the site presently includes the structure that is used as a single family house. If the residential use is continued, the proposed rezoning would result in the creation of a nonconforming situation. The Planning Commission may wish to postpone the request until the applicant demonstrates intent to abandon continuation of the single family use.
- The Planning Commission should also address the question of whether the proposed change would result in a spot zone.

Members of the development team present this evening included:

- Kareem Amr, Skilken Gold Real Estate Development, 4270 Morse Road, Columbus OH
- Aman Walia, Sheetz Real Estate Team
- David Bruckelmeyer, Sheetz
- Patrick Lennon, Honigman Law Firm
- Lauren Falzerano, Kimley-Horn Engineers

Mr. Amr said that after receiving the planner's review and meeting with staff, they were amending the application to request rezoning to the B-1 zoning district.

The proposal was for a Sheetz facility, which offers a made-to-order restaurant and convenience store, as well as a fueling station. Architecture will be 4-sided, with brick, stone, and glass elevations. Sheetz has a loyal fan base that comes for its food.

Typically Sheetz offers a drive-through component for its restaurant; this has been removed for this location. The site plan includes pedestrian walkways and other components that staff has requested. The existing structures on site will be demolished; most of the existing foliage will remain.

Mr. Walia gave some of the background of the Sheetz company, which was family owned. Sheetz was a one-stop shop for their customer base.

Planning Commission discussion:

Commissioner Stimson said while he was not necessarily opposed to the plan as presented, he was opposed to rezoning this site, which had already been rezoned very recently for a project that did not go forward. If the Commission again rezones the property, and the project doesn't go through, any B-1 use can go on the property as a matter of right. This project should come to the Commission as a Planned Unit Development (PUD) request.

In response to Commissioner Stimson's comments and other Commissioner questions, the applicant team provided the following:

- They were concerned that the project would not qualify for a PUD. The Master Plan envisions this site as a B-1 site, which will be reflected in the revised submission.
- In response to concerns about the property that fronted Orion Court, a residential neighborhood, that property would not be developed, but would act as a buffer to the neighborhood, along with a larger buffer provided between the Sheetz development and the residential neighborhood to the north.

After discussion, there appeared to be consensus that Commissioners would like to see this proposal come back as a PUD. However, that was not what was before the Commission this evening. City Attorney Schultz suggested that the public hearing be set for the amended request for B-1 zoning, which change could be made tonight. In the meantime, the applicants could continue to discuss a potential PUD request with staff. The Commission could not set a public hearing for a PUD request tonight; that request would have to come in separately.

Commissioner Stimson reiterated that he was not in favor of rezoning these parcels as requested. He would like to see the application come back as a PUD.

MOTION by Mantey, support by Aspinall, that Rezoning Request 4-3-2024, dated March 18th, 2024, submitted by Skilken Gold Real Estate Development to rezone property located at Parcel Identification Number 22-23-11-477-013-04 and 109, Oakland County, Michigan, from RC-2 Multi-Family Residential to B-1 (as amended this evening), General Business District, BE SET FOR PUBLIC HEARING for the Planning Commission's next available regular meeting agenda.

Motion passed unanimously by voice vote.

In response to applicant questions, the applicants were instructed to contact staff regarding changing this application to a PUD.

D. PLANNED UNIT DEVELOPMENT (PUD) QUALIFICATION 1, 2024

LOCATION: South side of Thirteen Mile Road, approximately 0.3 miles west of Middlebelt Road
PARCEL I.D.: 22-23-11-201-001, 002, 004, 005, 006, 020, and 021

PROPOSAL: Construction of ranch and townhomes in RA-1, One Family Residential zoning district
ACTION REQUESTED: Qualification of PUD
APPLICANT: Schafer Development, LLC
OWNER: MOBI Investments, LLC, and Detroit Baptist Manor

Spencer Schafer, Steve Schafer, and Aaron Schafer were present on behalf of this request for PUD qualification, in order to construct a ranch and townhome development in the RA-1 residential zoning district, on parcels located on the south side of Thirteen Mile Road, approximately 0.3 miles west of Middlebelt Road. Ryan Goleski and Ryan Doelle, Baptist Manor, were also present.

Spencer Schafer provided the following information:

- Schafer Development is under contract with property owner Moby Investments, LLC. Schafer Development and Baptist Manor are coordinating their efforts on a PUD qualification, to ensure both properties are developed in a cohesive and complementary land use pattern.
- The applicants have had substantial outreach to the neighbors (Westgate, Holly Hills) in the first 3 months of this year. Additionally, they had watched the recordings of the Planning Commission and City Council meetings for the previous proposal for this site, and understood neighbor concerns as stated in those meetings.
- The properties are currently zoned RA-1 single family. However, the likelihood of the properties being developed as single-family homes is very low. The draft Master Plan currently under consideration contemplates this parcel for flex residential, allowing a variety of single residential products up to 3 stories in height.
- Neighbors' concerns included setbacks, traffic, density, building height. Based on conversations with the neighbors, the applicants had revised their initial plans relative to height and density. They were requesting forty 22' wide two-story townhouses. They were also working in conjunction with Baptist Manor, who wanted to develop their property as part of this PUD with age restricted single-story condominium ranches. The result will be a multi-generational community, with townhomes targeted toward young families, and ranches targeted toward senior citizens.
- The plans as submitted met all the requirements of the RC District, with the exception of some internal side yard setbacks. The applicants were in discussion with two nationally traded home builders. The proposed setbacks are consistent or greater than other similar communities in the southeast Michigan area.
- City Engineer Cubera had communicated concern about providing internal connections to development to the west. Fire and other public safety individuals were concerned about providing good circulation within the development. The applicants felt their plan met both these concerns.
- There was a substantial change in topography to the east of the proposed site, which made further development on those single-family residential sites unlikely.
- Regarding the submitted site plan, there is an optional sunroom extension and deck extension. Homeowners who utilize that option would have a 67' setback to the Holly Hill Farms subdivision to the south. Those who did not utilize that option would have a 70' setback.
- The PUD option enables the applicant to shift the development further north, increasing the buffer to the south. This would leave a 35' greenbelt to the north, with the potential of adding landscape walls and plantings to further shield and buffer the development from the roadway. They were providing as large a buffer as possible to satisfy the neighbors to the south. Additionally, the applicants were exploring providing a 40'-50' conservation easement to the south. They had also discussed with the residents filling in any landscape gaps in that area, potentially placing some of the developer's required landscaping on neighboring properties.

- Generous setbacks had also been provided to the properties to the east and west.
- The applicants had spoken with the residential neighbor to the east; they were proposing locating the detention basin closer to 13 Mile Road and bringing the eastern townhouses closer in to the site, minimizing disruption to the east as much as possible.
- Renderings showed representative examples of the 2-story townhomes, as well as the 1-story ranches that Baptist Manor was seeking to develop.

Planning Commission questions and discussion:

Commissioner Mantey said that he would want to walk the site, to see what the planned buffer actually looked like in terms of distance from the properties to the south.

Commissioner Stimson asked if Engineering will have issues with the easternmost access not being directly opposed to the Westgate subdivision entrance to the north. And while development to the east of the proposed site might not be likely right now, some type of future access or cross easement to the east should at least be discussed, in case the residential properties to the east ever did develop. Last, per the renderings the front elevations of the townhomes provided contrasting looks, but the rear elevations were all identical, resulting in a more massive appearance, rather than presenting as distinct units.

Planner's review

Referencing the April 11, 2024 Giffels Webster memorandum, Planning Consultant Tangari gave the background and review for this request for PUD Qualification.

- The site is 12.04 acres and there are four houses present. The site has no wetlands or other notable natural features apart from trees, which are especially dense in the southern portion of the property. There are two development areas on the conceptual plan: the three easternmost properties are identified for a 2-story townhome development, and the four westernmost parcels are identified for age-restricted (55+) ranch homes.
- The applicant's concept plan shows 40 units of attached, two-story townhouses in eight buildings, each including four to six units, and 36 units of attached, one-story, age-restricted ranch townhomes in nine buildings, each including three to five units. The age-restricted portion of the project is to be constructed in collaboration with Baptist Manor, which borders the site to the west.
- Tonight the Planning Commission is being asked whether this proposal qualifies for a PUD. Qualification standards are listed on pages 2-4 of the April 11 memorandum.
 - A. The PUD option may be effectuated in any zoning district.
 - B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

The proposed use – townhouses – is not permitted in the RA-1 district. However, this proposed use may be considered as a deviation from the ordinance as a part of the PUD. Density is consistent with the RC-1 District.

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

regulated and as proposed to be regulated.

The applicant is proposing density consistent with the RC-1 district. The Planning Commission should note that the site was carried forward from the 2009 Master Plan as a "special residential planning area." During the current planning process, it has been recognized that the thoroughfare frontage of the 13 Mile corridor, particularly between Orchard Lake and Middlebelt Roads, is less desirable for single-family residential lots. A flexible residential designation has been applied to the draft future land use map.

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

The number of attached units proposed on the site clearly exceeds the number of single-family units that could be built under RA-1 zoning (76 versus 26). The applicant should provide a traffic study to compare the likely traffic volume from this development to potential commercial development on the site. The complex would utilize two access points to 13 Mile Road.

- E. The Planned Unit Development must meet, as a minimum, one 8 objectives as listed in the Ordinance and on on pages 3-4 of the April 11 memorandum. The applicants believe they have met 5 of the objectives:

- i. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.

The applicant notes that the attached concept plans include a substantial buffer to the neighboring subdivision. Rear yard buffers on the concept plan are generally 70 feet, with one ranch building at 60 feet. There has also been conversation regarding a conservation easement.

- iii. To accept dedication or set aside open space areas in perpetuity.

The applicant proposes that the buffer area along the southern property line will be dedicated as an open space preservation area in perpetuity.

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

The applicant provided responses citing the Master Plan. However, the goals and policies listed in the Applicant's response were specific to the West Side of Orchard Lake and South of Thirteen Mile Study Area, which does not contain the subject site.

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

The applicant's response cites the southern perimeter setback for the provision of open space. In addition, the application notes the PUD will result in a unique townhouse development capable of producing an attractive for-sale community.

viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

The applicant's narrative also addresses this criterion.

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

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

Regarding the conceptual site plan and use:

- The plan proposes 76 total units in 17 buildings; 40 two-story townhome units are proposed to be for-sale units, each including three bedrooms; a room count was not specified for the 36 ranch units. Access to the site would be from 13 Mile.
- The proposed density is not possible to determine without bedroom counts for the ranch units, though it appears that the full project would be in line with maximum permitted density in the RC-1 district. Under RA-1 zoning, the maximum number of units available is 26.

The applicants affirmed the density will be less than the maximum allowed for the RC-1 district.

- The applicant is seeking relief from the height limit of the underlying RA-1 district to permit a building height of 41 feet rather than the permitted 30'.
- The proposed parking is consistent with the requirements for 3-bedroom multi-family units.
- Concept plans do not show pedestrian circulation through the site; this, among other items, will be a point of discussion at final PUD if this plan is qualified.
- An area designated as recreation/open space should be provided as a part of the schematic landscape plan required at final PUD determination.

In summary, relief sought from ordinance standards includes:

- a. Permit multi-family at RC-1 density.
- b. Permit attached units.

It is possible the plan could be achieved under RC-1 zoning.

Planning Commission discussion and action

Commissioner Mantey said that for him the most important objective for a PUD at this location is to permanently preserve open space and/or natural features. A buffer is a permanent preservation; it is not a setback.

MOTION by Brickner, support by Aspinall, to make a preliminary finding that PUD 1, 2024, dated March 19th, 2024, submitted by Schafer Development LLC, qualifies for the Planned

Unit Development Option under Section 34-3.20.2.A through D. of the Zoning Chapter. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E.i. through viii. and that it be made clear to the applicant that final granting of the PUD plan and contract requires approval by City Council, after recommendation by the Planning Commission, with the following finding and condition:

- 1. The proposed plan preliminarily meets the following qualification standards of Section 34-3-20-2.E.i through viii.: Standards i, iii, vii, viii**
- 2. The applicant include as part of their plans all the recommendations from the Giffels Webster review memorandum dated April 11, 2024.**

Motion passed unanimously by voice vote.

E. AMEND PUD 1, 2021, INCLUDING REVISED SITE PLAN 54-2-2021

LOCATION: 31525 Twelve Mile Road
PARCEL I.D.: 22-23-15-201-270
PROPOSAL: Conversion of hotel building into independent living facility in ES, Expressway Service zoning district
ACTION REQUESTED: Set for Public Hearing
APPLICANT: Farmington Hills Real Estate, LLC
OWNER: Farmington Hills Real Estate, LLC

Douglas Boehm, Comfort Care Senior Living, was present on behalf of this application for a PUD Amendment. Mr. Boehm made the following points:

- The original PUD was approved in December 2021. They were currently in the construction phase, and hope to be finished by summer 2024.
- The requested amendment would be to allow all the units to be independent living. The prior approval was for a combination of assisted living, memory care, and independent living.
- A new cover sheet had been submitted just prior to tonight's meeting. The updated cover sheet shows the breakdown of each unit type on each floor of the facility. The number of rooms, footprint, and parking have not changed.
- The reason the PUD Amendment is necessary is because the project is allowed under an R-2 building permit, but assisted living and memory care are not allowed in the R-2 district. Those uses are allowed in the R-3 District. The recommendation of City Council was to redo the application to the R-3 use, or ask for the PUD to be amended to remove assisted living and memory care, which is what the applicants have done. Assisted living services and memory care can still be provided on site by contracted home care companies, hospice company, etc., to people living in their independent living apartments.

Planning Commission discussion and action:

In response to a question, City Attorney Schultz explained that this change constituted a change in use from what was originally approved, and therefore was a major change to the PUD.

In response to questions, the applicants explained that they were licensed and inspected by the State; they could not re-institute assisted living and memory care without first coming back to the Planning Commission, and also seeking approval from the State.

Chair Trafelet pointed out the long list of deficiencies listed in the Fire Marshal's April 4, 2024 memorandum. This building had wood construction, and the Fire Marshal's concerns must be resolved. Some of the concerns had been called out for some time, dating from 2021.

Mr. Boehm affirmed that they would resolve all Fire Marshal concerns.

MOTION by Mantey, support by Stimson, that proposed amendment to PUD 1, 2021, including Site Plan 54-2-2021, submitted by Farmington Hills Real Estate, LLC, dated March 25th, 2024, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion passed unanimously by voice vote.

APPROVAL OF MINUTES

**March 21, 2024, Special Meeting, and March 21, 2024
Regular Meeting**

MOTION by Varga, support by Brickner, to approve the March 21, 2024 Special Meeting minutes, and March 21, 2024 Regular Meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

Chair Trafelet thanked staff for their work on the Master Plan, and for the good work on providing support for this evening's long agenda.

ADJOURNMENT

Motion by Trafelet, support by Aspinall, to adjourn the meeting.

Motion carried unanimously by voice vote.

The meeting was adjourned at 9:33pm.

Respectfully Submitted,
Kristen Aspinall
Planning Commission Secretary

/cem