

**AGENDA**  
**PLANNING COMMISSION REGULAR MEETING**  
**CITY OF FARMINGTON HILLS**  
**MAY 18, 2023 - 8:00 P.M.**  
**FARMINGTON HILLS CITY HALL – CITY COUNCIL CHAMBERS**  
**31555 W. ELEVEN MILE ROAD, FARMINGTON HILLS, MICHIGAN 48336**  
**Cable TV: Spectrum – Channel 203; AT&T – Channel 99**  
**YouTube Channel: <https://www.youtube.com/user/FHChannel8>**  
**[www.fhgov.com](http://www.fhgov.com)**  
**(248) 871-2540**

1. Call Meeting to Order
2. Roll Call
3. Approval of Agenda
4. Regular Meeting

A. **ZONING TEXT AMENDMENT 2, 2023**

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses

ACTION REQUESTED: Set for public hearing

SECTIONS: 34-2.2 and 34-5.1.1

B. **ZONING TEXT AMENDMENT 3, 2023**

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to revise definition of “motel”

ACTION REQUESTED: Set for public hearing

SECTION: 34-2.2

5. Approval of Minutes [April 20, 2023, Special Joint Meeting, and April 20, 2023, Public Hearing/Regular Meeting](#)
6. Public Comment
7. Commissioner/Staff Comments
8. Adjournment

Respectfully Submitted,

**Marisa Varga, Planning Commission Secretary**

**Staff Contact**

**Erik Perdonik**

**City Planner, Planning and Community Development Department**

**(248) 871-2540**

**[eperdonik@fhgov.com](mailto:eperdonik@fhgov.com)**

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk’s Office at 248-871-2410 at least two (2) business days prior to the meeting, wherein arrangements/accommodations will be made. Thank you.



## ***Inter-Office Correspondence***

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**DATE:** May 10, 2023

**TO:** Planning Commission

**FROM:** Erik Perdonik, City Planner

**CC:** Charmaine Kettler-Schmult, Director of Planning and Community Development

**SUBJECT:** Draft Zoning Text Amendment (“ZTA”) 2, 2023

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### **BACKGROUND:**

Draft ZTA 2, 2023, is intended to clarify the City’s zoning regulations regarding the use of shipping containers and similar off-site-built enclosures as accessory buildings within commercial, industrial, and residential zoning districts. The draft amendment was jointly drafted by the City Planner and City Attorney at the direction of the City Manager and Director of Planning and Community Development.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar structures for storage, often on a permanent basis, has become increasingly common throughout the City, including within residential neighborhoods.

Staff introduced draft ZTA 2, 2023, at the Planning Commission’s March 16, 2023, meeting. At such meeting, the Commission discussed the draft amendment in some detail but ultimately passed a motion tabling it. It appears that much of the discussion lacked two important pieces of context: First, staff will *not* require that residents obtain approval for temporary use of PODS or the like; this was never the intent, as the thirty (30)-day requirement is intended to provide a clock for enforcement purposes. Secondly, any residence or business undergoing construction may use a temporary structure provided a valid permit for such construction exists; this would *not* change with the adoption of draft ZTA 2, 2023.

The table that follows attempts to summarize and respond to each of the concerns raised by commissioners at the March 16, 2023, meeting:



***Inter-Office Correspondence***

<b>Concern</b>	<b>Staff Comment</b>
Residents placing a POD or similar structure on their lot during a move or renovations, for example, will have to seek approval to do so, which might be construed as overly burdensome	Staff would not be administering a formal approval process for this ordinance regarding residential property; instead, it is meant to serve as a basis for complaint-driven enforcement activities in providing a clock. Staff has revised draft Sec. 34-5.1.H.ii to clarify the City's intended posture in this regard.
Residences and businesses undergoing construction/renovation would face some kind of additional burden in using shipping containers or similar structures during the duration of such construction under the proposed ordinance.	Sec. 34-7.14.6.E.i.c ( <b>attached</b> ) already addresses this issue and will remain in place. Temporary structures are permitted during construction provided a valid permit for such construction exists. The thirty (30)-day clock in the proposed ordinance would not apply in such cases.

**ACTION REQUESTED:**

Set ZTA 2, 2023, for public hearing for the Planning Commission's next available regular meeting agenda.

**ATTACHMENTS:**

- [Revised Draft Zoning Text Amendment 2, 2023](#)
- [Section 34-7.14.6.E.i.c of the Zoning Ordinance addressing the use of temporary structures during construction](#)

ORDINANCE NO. C-\_\_\_\_\_-2023

CITY OF FARMINGTON HILLS  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, “ZONING,” ARTICLE 2, “DEFINITIONS,” IN ORDER TO ADD A DEFINITION OF “SHIPPING CONTAINER” AND AMEND THE DEFINITION OF “BUILDING,” AND TO AMEND ARTICLE 5, “SITE STANDARDS,” SECTION 34-5.1, “ACCESSORY BUILDINGS AND STRUCTURES,” TO INCLUDE A NEW SUBSECTION 34-5.1.1.H ADDRESSING VEHICLES, COMMERCIAL VEHICLES, RECREATIONAL EQUIPMENT, TRAILERS, STORAGE PODS, AND SHIPPING CONTAINERS AND SIMILAR OFF-SITE-BUILT ENCLOSURES THAT ARE USED AS AN ACCESSORY BUILDING OR USE.

THE CITY OF FARMINGTON HILLS ORDAINS:

**Section 1 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 2, “Definitions,” is amended to amend the definition of “building” and add a definition of “shipping container,” which are to read as follows:

**Building** means any structure or physical enclosure, either temporary or permanent, having a roof or top, and used, placed, or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include, without limitation, tents, awnings, ~~or~~ vehicles, trailers, and other similar enclosures situated on private property and used for such purposes.

**Shipping container** means:

1. Any transportation trailer, shipping container, shipping crate, cargo bin or other container produced for the transportation, relocation or shipping of any item(s);
2. Containers designed or intended to be loaded and hauled to another location for storage; and
3. Containers which have been altered or pinned in any way to be rendered immobile.

**Section 2 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 5, “Site Standards,” Section 34-5.1 “Accessory Buildings and Structures,” is amended to add a new Subsection 34-5.1.1.H and shall hereafter read as follows:

**Section 34-5.1. Accessory Buildings and Structures**

1. Accessory buildings or structures located in any use district shall be subject to the following regulations, unless otherwise provided in this chapter:

- A. Where an accessory building or structure is physically attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main buildings.
- B. Accessory buildings or structures shall not be erected in any front yard nor in any exterior side yard setback unless otherwise provided in this chapter.
- C. A detached accessory building shall not be located within ten (10) feet of any main building, nor shall it be located within one (1) foot of an alley right-of-way. In no instance shall an accessory building or deck be located within an easement for public utilities or a public or private right-of way.
- D. See Section 34-5.2 and Section 34-5.3 regarding accessory off-street parking.
- E. See Section 34-5.4 regarding accessory off -street loading and unloading.
- F. See Section 34-5.5 regarding accessory signs.
- G. Satellite reception antennas may be permitted as an accessory use subject to the following conditions:
  - i. Roof-mounted antennas shall be subject to the requirements of Section 34-3.26.3.B.
  - ii. Ground-mounted antennas shall be subject to the following conditions:
    - a. The maximum height permitted shall be fourteen (14) feet.
    - b. Such antenna shall be located only in the rear yard.
    - c. Where existing structures or vegetation will not screen the antenna from the view of abutting properties, the antenna shall be screened by installation of a wall or fence, berm, evergreen plantings or a combination thereof.
    - d. The nature, size and extent of the screening shall be reviewed and approved by the director of planning and community development, or his designee, who shall take into consideration screening design principles established and adopted by the planning commission. Review and approval shall take into consideration: (i) that the proposed screening shall not operate to impose unreasonable limitations on or to prevent the reception of satellite-delivered signals; and (ii) that the cost of the required screening shall not exceed fifty (50) percent of the purchase and installation cost of such equipment.
  - iii. Conventional VHF and UHF television antennas are excluded from operation of this section on the basis of the following findings: there is a relatively small concern for wind and snow load issues; there has been a

long-demonstrated safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be great in relation to the cost of purchasing and installing such conventional facilities.

H. Vehicles, commercial vehicles, recreational equipment, trailers, storage pods, and shipping containers and similar off-site-built enclosures shall not be used as an accessory building or use except:

i. One (1) such building, not to exceed 160 square feet of floor space, may be permitted per zoning lot within the LI-1, Light Industrial District following the submission of a site plan in accordance with Section 34-6.1 of this Chapter and approval such site plan by the City Planner (or his or her designee) based on all applicable requirements of this Chapter;

ii. One such building, not to exceed 160 square feet of floor space, may be permitted in any residential zoning district ~~with the approval of the Zoning Division Supervisor (or his or her designee)~~ for one (1) thirty (30)-day period per year with extensions of time permitted in the discretion of the Zoning Supervisor (or his or her designee) for good cause shown; and

iii. Where such building is temporarily permitted ~~by the Zoning Board of Appeals~~ per Section 34-7.14.3.E of this Chapter.

- 2. [Unchanged.]
- 3. [Unchanged.]
- 4. [Unchanged.]
- 4. [Unchanged.]

**Section 3 of Ordinance. Repealer.**

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

**Section 4 of Ordinance. Savings.**

The amendments of the Farmington Hills Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Farmington Hills Code of Ordinances set forth in this ordinance.

**Section 5 of Ordinance. Severability.**

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the

validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

**Section 6 of Ordinance. Effective Date.**

The provisions of this ordinance are ordered to take effect twenty-one (21) days after enactment.

**Section 7 of Ordinance. Date and Publication.**

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the \_\_\_\_ day of \_\_\_\_\_, 2023, and ordered to be given publication in the manner prescribed by law.

Ayes:

Nays:

Abstentions:

Absent:

STATE OF MICHIGAN    )  
                                          ) ss.  
COUNTY OF OAKLAND )

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, the original of which is on file in my office.

\_\_\_\_\_  
PAMELA B. SMITH, City Clerk  
City of Farmington Hills

- i. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
  - ii. Permit the erection and use of building or use of premises for public utility purposes and make exceptions therefor to the height and bulk district requirements herein established which the board considers necessary for the public convenience or welfare.
  - iii. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
  - iv. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
  - v. Permit a limited increase in the number of employees permitted in processing activities in a business district, but only when such increase will not adversely affect the character of the establishment, will not be detrimental to or affect the character of surrounding residential development and will not materially increase traffic or parking congestion.
- E. Temporary uses:
- i. The board of appeals may permit the following temporary uses not otherwise specified in a zoning district, provided such uses do not require the erection of any capital improvements of a permanent structural nature and meet the requirements of subsection (F) below:
    - a. Carnivals, amusement rides and special events, as specified in Section 5-101 et seq. of this Code, but subject to Section 34-3.26.14 of this chapter.
    - b. Temporary commercial uses when accessory to existing uses conducted by the applicant, such as, but not limited to, outdoor storage of goods or merchandise. Outdoor sales is not considered a “temporary commercial use” for the purpose of this subsection and is regulated elsewhere in this code.
      - c. Temporary buildings, structures or uses related to the principal use of the lot may be permitted during construction, reconstruction or repair of a building or structure while a valid permit for such construction, reconstruction or repair exists; provided, however, that any buildings, structures or uses directly accessory to such construction, reconstruction or repair, such as tool trailers and contractor's offices, shall not be subject to this section; and provided further that temporary trailers and uses permitted under Sections 34-3.26.13, 34-3.26.14 and 34-3.26.15 of this chapter shall not be subject to this section.
      - d. Temporary buildings, structures or uses where the duration of the activity of the use will not exceed five (5) days (does not apply to seasonal outdoor sales as regulated in Chapter 22, Article III of the City Code and Section 34-4.56 of the Zoning Ordinance).
    - ii. The board of appeals, in granting permits for such temporary uses, shall do so under the following conditions:
      - a. The granting of the temporary use shall be made in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of such temporary permit.
      - b. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be made at the discretion of the board of appeals.







***Inter-Office Correspondence***

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**DATE:** May 11, 2023

**TO:** Planning Commission

**FROM:** Erik Perdonik, City Planner

**CC:** Charmaine Kettler-Schmult, Director of Planning and Community Development

**SUBJECT:** Draft Zoning Text Amendment (“ZTA”) 3, 2023

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**BACKGROUND:**

ZTA 3, 2023 was drafted by the City Attorney’s Office at the direction of the City Manager in response to concerns from City Council.

Draft ZTA 3, 2023, is intended to strengthen the City’s zoning regulations regarding short-term rental of residential homes, which is not a permitted use. To this end, the proposed amendment revises the existing definition of “motel” in such a way as to more clearly include short-term rentals of residential homes. This approach is based on Michigan case law which focused on the definition of “motel” and the limitation of motels to nonresidential zoning districts as a means of prohibiting them in residential districts. Under the Zoning Ordinance, motels are restricted to the B-3, General Business, and ES, Expressway Service zoning districts; therefore, if a home is used in a manner which fits within the definition of “motel,” such use would only be permitted if such home is within a B-3 or ES District.

**ACTION REQUESTED:**

Set ZTA 3, 2023, for public hearing for the Planning Commission’s next available regular meeting agenda.

**ATTACHMENTS:**

- [Draft Zoning Text Amendment 3, 2023](#)

ORDINANCE NO. C-\_\_\_\_\_-2023

CITY OF FARMINGTON HILLS  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2.0, SECTION 2.2, "DEFINITIONS," TO AMEND THE DEFINITION OF "MOTEL."

THE CITY OF FARMINGTON HILLS ORDAINS:

**Section 1 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, "Zoning," Article 2.0, Section 2.2, "Definitions," is hereby amended to change the definition of "Motel" to read as follows:

**Motel** means a dwelling unit, group of dwelling units, and any other type of building or group of buildings, which contains one or more rooms or sleeping units that are accessible from either the exterior or interior of such building or buildings, has access to a garage or other area to park vehicles, and provides overnight lodging that is offered or made available to the public for compensation on a per night or weekly basis. ~~designed to provide overnight lodging that is offered to the public for compensation and that caters primarily to the public traveling by motor vehicle.~~

**Section 2 of Ordinance. Repealer.**

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

**Section 3 of Ordinance. Savings.**

The amendments of the Farmington Hills Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Farmington Hills Code of Ordinances set forth in this ordinance.

**Section 4 of Ordinance. Severability.**

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or



**MINUTES  
CITY OF FARMINGTON HILLS  
SPECIAL JOINT MEETING  
CITY COUNCIL AND PLANNING COMMISSION  
CITY HALL – COMMUNITY ROOM  
APRIL 20, 2023  
6:00 P.M.**

**CALL MEETING TO ORDER**

The Joint Meeting of the City Council and Planning Commission Special Meeting was called to order by Mayor Pro-Tem Bruce at 6:05 p.m.

**ROLL CALL/INTRODUCTIONS**

**City Council Members Present:** Bruce, Boleware, Knol, Massey, Newlin

**City Council Members Absent:** Barnett, Bridges

**Planning Commissioners present:** Aspinall, Brickner, Mantey, Stimson, Trafelet,

**Planning Commissioners Absent:** Countegan, Grant, Varga, Ware

**Others Present:**

City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, City Attorney Joppich, City Planner Perdonik, Staff Planner Canty, Economic Development Director Brockway, Director of Planning and Community Development Kettler-Schmult, Planning Consultants Bahm and Tangari

**APPROVAL OF AGENDA**

By consensus.

**NEW MASTER PLAN STUDY**

- A. Review of Phases 1 and 2
- B. Public Engagement to Date
- C. Introduction to Economic Development Strategies and Redevelopment Ready Communities (RRC)
- D. Special Study Areas Discussion

Planning Consultants Bahm and Tangari led a discussion that was guided by elements presented in the April 14, 2023 Giffels Webster memorandum *Master Plan: What's Been Accomplished and What's Next*, as well as a PowerPoint presentation *Master Plan: The Next 50, PROJECT CHECKPOINT*.

Consultants Bahm and Tangari reviewed the Master Plan Timeline, summarizing Phases 1 and 2, and moving into Phase 3 discussion:

Phase 1 (completed): Where the City stands at present, with information and analysis about demographics, housing, the natural environment, community facilities, existing land use, and local economics.

Phase 2 (completed): Providing opportunities for public input. Most common themes of survey responses included:

- The Need for Place to gather in provide identity.
- An All-Ages Community
- Strength in Diversity
- Importance of Location

Phase 3 (current focus): The Next 50 Years

- Meeting topics and opportunities for public engagement – seeking to include public engagement in many forums and using different response tools
- Special study areas
- Complete streets
- Housing
- Future Land Use Map
- Second Open House
- Online platform

Economic Development Strategy – Economic Development Director Brockway

- Utilize the City’s resources, including close relationships with organizations, affiliations, educational and trades institutions.
- Update to more progressive zoning, with the market and community in mind, and to guide toward trying new methods for success. Utilize form-based zoning.
- Respond to post pandemic needs and desires, including providing restaurant, entertainment, and nightlife zones.

Discussion:

- Residents and business owners should be given every opportunity to be part of the visioning process.
- Special study areas can utilize overlay zoning districts, although these have not had a lot of traction in the past. Consolidation of areas can help focus holistically on broader developmental goals. Areas discussed included:
  - Orchard Lake Road between 12 and 13 Mile Roads.
  - 14 Mile and Northwestern is a prime area for potential redevelopment including mixed use.
  - 12 Mile Road between Halsted to Middlebelt, containing office buildings with larger parking lots that are often empty.
  - Grand River/M-5/8 Mile Industrial area needs to be looked at boldly, seeking major transformation including the highway/road design in the area, and visioning how to mitigate the very small lot depths available for business and commercial uses on Grand River.
  - East end of the Oakland Community College site.
  - Retail plaza on Grand River (Target).
  - Northeast corner of Drake and Grand River.
- Research and participate in the Redevelopment Ready Community program through MEDC. It is important to make it easier to for developers to redevelop to the City’s vision. Acknowledge that greenfield development to the west can be less expensive to construct; find ways to compete with that development and make Farmington Hills attractive to developers.
  - Learn from the past. The 2009 Master Plan included overlay, mixed use zoning in the Grand River Corridor, which did not occur due to the lack of available tax increment revenue – the area did not attract developers and did not increase in value.
  - Mixed use development often emphasizes rentals, including apartments. Yet the City already has 37% rentals. The luxury apartments of the past have deteriorated; this pattern should not be repeated, and the owners of older rental properties must be held accountable. The City needs families and professionals who will put down roots and stay for many years. Still, the market for offering rentals to young professionals is strong.

- City officials and planners must be creative with their vision and what can be accomplished.
  - Plano TX was called out as an example of creative mixed use, with retail on first floor, office space on second floor, and residential on third floor.
  - People want safe communities with great schools.
- The Master Plan can provide a vision and offer tools for the City to move forward, without getting into specific controversial uses. The Master Plan is a guide to implementation of the City's vision.

City Manager Mekjian commented that sessions at the recent MML Conference pointed out that young people who lived through COVID are hungry for an office setting and have had enough of remote life. Also, for economic and social reasons, much of the future success of the City will rely on and be driven by density.

**PUBLIC COMMENT**

None.

**COUNCILPERSON/COMMISSIONER COMMENTS**

None.

**ADJOURNMENT**

The meeting adjourned at 7:11pm.

Respectfully Submitted,  
Marisa Varga  
Planning Commission Secretary  
/cem

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
APRIL 20, 2023, 7:30 P.M.**

**CALL MEETING TO ORDER**

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

**ROLL CALL**

Commissioners present:           Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware  
Commissioners Absent:           Countegan, Grant, Varga  
Others Present:                   City Planner Perdonik, Staff Planner Canty, City Attorney Schultz,  
                                                  Planning Consultant Tangari

**APPROVAL OF THE AGENDA**

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

**MOTION passed by voice vote.**

**PUBLIC HEARING**

**A.    REZONING REQUEST 1-2-2023**

LOCATION:                           29400 Orchard Lake Road  
PARCEL I.D.:                       22-23-11-101-003  
PROPOSAL:                         Rezone parcel presently zoned B-4, Planned General Business  
                                                  District, to B-3, General Business District  
ACTION REQUIRED:                 Recommendation to City Council  
APPLICANT:                        Frank Jamil  
OWNER:                             Amira Plaza, LLC

Applicant Frank Jamil made the following points:

- The property in question has a history of vacancies and has been left in a distressed condition, with the prior owner having no interest in improving the site, and other realtors have been unable to market the building.
- Mr. Jamil had been introduced to the property by the City's Economic Development Director. He owned other properties on Orchard Lake Road, and was willing to spend the time, effort, and money into redeveloping the property.

Referencing his March 9, 2023 memorandum, Planning Consultant Tangari gave the background and review for this request to rezone a .75 acre parcel presently zoned B-4, Planned General Business District, to B-3, General Business District. The property was located on the east side of Orchard Lake Road, just south of 13 Mile Road. The site was currently developed with a small multi-tenant commercial building. It was accessed from Orchard Lake Road, but did not have its own direct driveway; access was across the parcels to the north and south.

Planning Consultant Tangari reviewed the proposed rezoning against items to consider for zoning map amendment, as outlined in his March 9 memorandum.

- The application was not specific about the type of retail use the applicant was contemplating. Both B-3 and B-4 permitted uses were provided in the review materials. There was B-3 zoning adjacent to this parcel. There was OS-1 and B-3 zoning to the north and west, and B-4 to the south. To the east was RA-2B single family development.
- A small, multi-tenant commercial building was located on the site, with a type of idiosyncratic parking arrangement, with parking spaces along the south side of the building to the north accessed by this site.
- The land is designated shopping center-type business on the future land use map. Proposed zoning dimensional requirements were compared to existing requirements in the review letter. Currently the side setback and front yard open space were nonconforming. The setback nonconformity will not be changed by the rezoning. However, the nonconforming front yard open spaces will be changed; the B-3 district has a much smaller front setback, but also requires more open space. New development is not proposed at present and a concept plan is not provided.
- Regarding items to consider for a zoning map amendment:
  - The Master Plan designates the site and its neighbors to the south a shopping center-type business. There are non center-type businesses and small office to the north on the future land use map. Current zoning is consistent with the Master Plan.
  - The site would transition from one commercial designation to another. The effect on services and roads is not likely to be significant, if there is any effect at all.
  - Presently the property is developed as zoned, apart from the noncompliant south side setback and the noncompliant front yard open space.
  - As already noted, the site is bordered by B-4 and B-3 parcels and OS Office Service with residential to the rear. Commercial property across Orchard Lake is zoned B-2.
  - There is no difference between the two districts (B-4 and B-3) in terms of how much a property this size would burden the nearby thoroughfare.
  - There is other land zoned B-3 available for this use, primarily in the Grand River and Northwestern Highway corridors.
  - It appears that the site could be developed in accordance with the standards of the B-3 district. The applicant has the right to use the existing layout, but a new layout could meet standards.
  - As noted, the application is not specific about the type of use the applicant might be contemplating. B-4 and B-3 both do have somewhat similar lists of uses, with the list of uses available in B-3 being more extensive than the list of uses permitted in B-4. B-3 and B-4 uses are provided in the review documentation.
  - Development in the immediate area has not changed in a substantial way since the adoption of the last master plan. There has been a high vacancy rate in this building.
  - Rezoning could be perceived as an extension of the B-3 district to the north and east.
  - In terms of granting a special benefit to the property owner or developer, it appears that little about the physical development of the property would change.

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



Commission discussion:

- This rezoning would increase the versatility of the property, which was already next to a B-3 property.
- If the building is demolished, dimensional requirements will have to be met. Under B-3 zoning, after a demolition a building could be constructed closer to Orchard Lake Road, which was in line with the City's long-term goal of moving development closer to the street.

**MOTION by Brickner, support by Mantey, to recommend to City Council that Rezoning Request 1-2-2023, dated February 10, 2023, submitted by Frank Jamil, to rezone property located at 29400 Orchard Lake Road; Parcel Identification Number: 22-23-11-101-003, Oakland County, Michigan, from B-4, Planned General Business District to B-3, General Business District, be approved, because:**

1. **The rezoning is consistent with the City's Master Plan for Future Land Use; and**
2. **The rezoning is consistent with the existing and/or future zoning classifications and/or uses in the area.**

**Roll call vote: Ayes - Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware. Nays – None.**

**Motion carried 6-0.**

**B. AMEND PLANNED UNIT DEVELOPMENT (PUD) 2, 2021, INCLUDING REVISED SITE PLAN 59-5-2022**

LOCATION:	27400 Twelve Mile Road
PARCEL I.D.:	22-23-12-476-008
PROPOSAL:	Construction of assisted living facility and detached, single-family condominiums in RA-1B, One Family Residential District
ACTION REQUIRED:	Recommendation to City Council
APPLICANT:	Optalis Group
OWNER:	Evangelical Homes of Michigan

Tim Loughrin, Robertson Homes, was present on behalf of this application for PUD amendment. Mr. Loughrin made the following points:

- The PUD amendment would primarily affect the residential portion of the development, which had been renamed Pebble Creek.
- The overall development included about 15 acres of residential development and 15 acres of commercial development. The commercial portion included a 100-bed skilled nursing facility.
- The request was to reduce the approved density by about 50%. 94 homes had been approved, including townhomes. The applicants were asking for a reduction to 51 single family homes, eliminating the townhome component entirely.
- The decision to make this request was based on the current economic climate of rising interest rates, pricing first-time buyers out of the market, combined with the capital cost of constructing the townhomes.
- The revised plan shows an enclave development. All homes will be single story 1834 sf ranch homes, with an option for 1.5 story construction. Building heights would be 18'(single story) or 20' (1.5 stories).
- There will be increased landscaping along Inkster Road.

- The PUD agreement with City Council has been paused until a determination can be made relative to this requested amendment.
- The skilled nursing facility has not changed, and parking lot and driveway configuration is similar to the approved plan.
- Regarding the access to Cheswick, the applicants will abide by City requirements, and the engineering and fire departments were requesting full access.. However, what Robertson Homes had proposed was an emergency vehicle access only on Cheswick.
- All homes will be for-sale owner-occupied condominiums. The residential development will be connected via sidewalks; the community will be walkable and inviting, with some internal amenities. The homes will be constructed of high-end elements such as stone, brick, Hardie Board siding, etc.
- As previously approved, Robertson Homes has worked with the Historic District Commission relative to re-using some of the historic materials from the site. The historic chapel will be part of the skilled nursing facility.

Commissioner Brickner asked if there was a way to provide full access to Cheswick that had a right-turn only designation and appropriate directional curbing.

Mr. Loughrin said they would work with the City to provide the most appropriate circulation on the site. He noted that the residential portion of the PUD site would not connect with the nursing home portion; this was consistent with the high-end residential enclave being developed. Robertson Homes did feel an emergency only access on Cheswick should be considered.

Planning Consultant Tangari noted that this request constituted a major change to the approved PUD plan. Referencing his March 8, 2023 memorandum, Planning Consultant Tangari reviewed the site plan application attached to this request for a PUD amendment.

- As mentioned, the proposed density had significantly decreased for the residential portion of this PUD site. However, the plan would still need relief from the ordinance relative to density. The underlying RA-1B district requires minimum lot size of 26,000sf, or 1.675 units per acre. 51 detached single-family units were proposed in the 14.1-acre residential use area of the plan, for a proposed density of 3.6 units/acre. This exceeds the underlying permitted density, even though density has been decreased from the previously approved plan.
- Relief from the ordinance was also requested relative to the reduced front setback along Inkster Road (30' instead of 50').

In response to questions, Planning Consultant Tangari said that development under the cluster option would likely give the same density as that being requested under the PUD.

It was noted that Cheswick was a public road.

Vice Chair Trafelet opened the public hearing for this request for a PUD amendment.

Scott Griffin, Cheswick Drive, supported the development as now presented. His remaining concern was the requirement to access Cheswick Drive, and he asked a series of questions regarding why the Fire Department was requiring that access. People in the Hickory Oaks subdivision purchased their homes due to the beauty and privacy of Cheswick Drive.

Jeff Dawkins, Bradmoor Court, opposed having an access on Cheswick Drive.

Terri Weems, Bradmoor Court, noted that the Hickory Oaks subdivision maintained Cheswick Drive, including planting trees. The entrance contributed to the luxury of their homeowner experience. She was also concerned about how increased traffic would endanger the safety of schoolchildren who walked on the road to catch a school bus, as there were no sidewalks.

Scott Lawrence, Bradmoor Court, also appreciated the proposed development, except he did not want an access on Cheswick Drive, which would negatively impact their property values and present a safety hazard to walkers.

Jim Fleszar, Bradmoor Court, also opposed an access to Cheswick Drive. He thought the solution could be found in providing another access onto Inkster Road.

Seeing that no other public indicated they wished to speak, Vice Chair Trafelet closed the public hearing and brought the matter back to the Commission for discussion and/or a motion.

#### Commission discussion

The Commission acknowledged the public comments opposing the access to Cheswick Drive. However, Cheswick was a public road which provided one of at least two access points to the existing Hickory Oaks subdivision.

Two access points were necessary for any development that had this many residences. A single access could be blocked during an emergency, leaving residents unable to exit their neighborhood, and leaving emergency vehicles without another means to get to an emergency event.

After discussion and amendment, the following motion was offered:

**MOTION by Brickner, support by Mantey, to recommend to City Council that the application to amend PUD 2, 2021, including Site Plan 59-5-2022, dated February 22, 2023, submitted by Optalis Group, be approved, because the proposed amendment is consistent with the goals, objectives, and policies of the Master Plan and applicable provisions of the Planned Unit Development Option in Section 34-3.20 of the Zoning Ordinance, subject to:**

- 1. Modifications of Zoning Ordinance requirements as indicated on the proposed plan.**
- 2. The following conditions:**
  - a. All light fixtures must meet the full cut-off requirement of the ordinance.**
  - b. A second full access to the residential portion of the PUD site be provided as required by ordinance.**

**And with the recommendation to allow the following requests for relief from the Zoning Ordinance:**

- The skilled nursing facility be allowed as shown.**
- Density be allowed for detached single-family at 3.6 units/acre.**
- 30' setback along Inkster Road be allowed.**

Motion discussion:

The Commission noted that the motion's condition for a second full access did not indicate location, although the plan being recommended tonight to City Council did show the access being to Cheswick. If another location was found to be possible prior to this plan going to City Council, Council could make that change.

**Roll call vote: Ayes - Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware. Nays – None.**

**Motion carried 6-0.**

**C. SPECIAL APPROVAL PLAN 51-3-2023**

LOCATION: 24300 Drake Road  
PARCEL I.D.: 22-23-21-351-032  
PROPOSAL: Operation of temporary portable concrete batch plant in B-3,  
General Business District  
ACTION REQUIRED: Special Land Use and Site Plan Approval  
APPLICANT: Mark Anthony Contracting, Inc.  
OWNER: Dinesh Potluri

Gary Evangelista, Mark Anthony Contracting, was present on behalf of this request for a Special Land Use and Site Plan Approval in order to operate a temporary portable concrete batch plant at 24300 Drake Road. Mr. Evangelista made the following points:

- This batch plant would serve the City projects of Heritage Hills and Westwood Commons.
- Mark Anthony Contracting had used this location for a batch plant in the past, including 2020 and 2022.

Referencing his April 11, 2023 review memorandum, Planning Consultant Tangari noted that this plan was essentially the same plan as last year. This is the 5<sup>th</sup> temporary batch plant to seek location on this site within the last 8 years.

- This was a 2-acre vacant site.
- The time frame was April 17, 2023 through October 28, 2023, with full removal in the same time period.
- Requested hours of operation are from 7am to 7pm Monday through Saturday.
- It appeared all setbacks will be met; setbacks should be labeled.
- Circulation through the site is counter-clockwise. The cross-access drive to the south will be closed with a barricade.
- The site is accessible from Drake Road.

Commission discussion:

This would be a concrete batch plant, which was different than a cement plant. Cement was brought in by bulk trailers and was pumped into the silos via a pressurized system.

Vice Chair Trafelet opened the public hearing for this request for a temporary concrete batch plant.

Mark Beznos said that in the past this use had been a hideous monstrosity in the neighborhood, 7 stories high. The volume of noise hurt his ears. This plant will devalue the neighborhood and the constant trucks harm the City's infrastructure. He asked the Commission to deny this request.

Jose Garcia, Muirwood Apartments, asked for more information regarding this requested use.

Responding, Mr. Evangelista said their plants are state-of-the-art, were dustless, with no huge volume generators. The loudest thing that could be heard would be the backup alarms from the loaders, or a truck tailgate slam. They practiced ongoing dust control. On the average they

operated from 7am to 5pm, with approximately 10 intermittent paving days (10 total days) for the entire project.

In response to Commission questions, Mr. Evangelista said their bidding process included being able to use this site for the work. They should actually be gone by September. Their first work was scheduled for next week.

Srinivasan Maharajan, Muirwood Apartments, opposed approving the batch plant at this location. The apartment dwellers in the area used the sidewalks to walk during the summer months, and there were many pedestrians during the day and especially after dinner. Many of the apartment residents had only had one car, making walking to the store and other amenities even more important. When the batch plant was in operation, it was difficult to enjoy the outdoors, and Mr. Maharajan and his family avoided walking the area, even though this was the main intersection for pedestrians.

In response to Commission questions, Mr. Evangelista said there was no other available location for this batch plant; batch plants found it difficult if not impossible to share locations. He reiterated this was for a City project. The product could not be used in any other municipality. No construction traffic was allowed northbound on Drake. They will exit onto Drake, go to Grand River, and then north on Halsted to 13 Mile, and over again to Drake to the project site.

After discussion regarding available sites, and after acknowledging the public comment regarding the location for this batch plant, the following motion was offered:

**MOTION by Mantey, support by Ware, that Special Approval Plan 51-3-2023, dated March 14, 2023, submitted by Mark Anthony Contracting, Inc., 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 orderly development of the area.**
- 5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.**

Commission discussion:

It came out in conversation that most communities did not put batch plants required for municipal projects on planning commission agendas, because the nature of the road improvements required batch plants be located within municipal boundaries.

The Commission did share the concerns of the many pedestrians in the area, and asked Mr. Evangelista to relay those comments to Mark Anthony Contracting, in order to make every effort to shut the plant down earlier in the day, whenever possible.

**Roll call vote: Ayes - Aspinall, Brickner, Mantey, Stimson, Trafelet, Ware. Nays – None.**

**Motion carried 6-0.**

**REGULAR MEETING**

None.

**APPROVAL OF MINUTES March 16, 2023, Regular Meeting**

**MOTION by Stimson, support by Aspinall, to amend and approve the minutes of the March 16, 2023 Regular Meeting as follows:**

- **Correct the spelling of Commission Stimson's name on p. 3.**
- **Correct motions to read, where appropriate: Motion passed unanimously by voice vote.**

**Motion passed unanimously by voice vote.**

**PUBLIC COMMENT**

None.

**COMMISSIONER/STAFF COMMENTS**

The Commission expressed frustration at hearing requests for batch plants for city projects, and discussed the issues involved. Commissioner Ware noted that at least this gave residents an opportunity to voice their concerns.

The Commission asked City Attorney Joppich and Staff Planner Perdonik to relay their concerns to the City regarding these requests. Commissioner Ware emphasized the importance of giving people a voice.

**ADJOURNMENT**

**MOTION by Stimson, support by Brickner, to adjourn the meeting at 9:27pm.**

**MOTION passed unanimously by voice vote.**

Respectfully Submitted,  
Marisa Varga  
Planning Commission Secretary

/cem