

MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
COUNCIL CHAMBERS  
DECEMBER 14, 2017, 7:30 P.M.

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on December 14, 2017.

Commissioners Present: Countegan, Fleischhacker, McRae, Mantey (7:32 p.m.), Orr, Rae-O'Donnell, Schwartz (7:55 p.m.)

Commissioners Absent: Brickner, Stimson

Others Present: City Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Tangari

**APPROVAL OF AGENDA**

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

**MOTION carried unanimously.**

**REGULAR MEETING**

**A. PUD QUALIFICATION 2, 2017**

LOCATION: 21430 Haggerty Rd.  
PARCEL I.D.: 22-23-31-101-024  
PROPOSAL: New office building in OS-4, Office Research District  
ACTION REQUESTED: Approval of Planned Unit Development Qualification  
APPLICANT: Century Project, LLC  
OWNER: First Church of the Nazarene

Utilizing overhead slides and referring to the December 8, 2017 review letter, Planning Consultant Tangari gave the background for this request for approval of Planned Unit Development Qualification for Century Project, LLC, located at 21430 Haggerty Road, Farmington Hills MI.

Planning Consultant Tangari reviewed existing conditions for the 6.5-acre site. The northern half was currently a 3-story office building. The southern half – where most of the development would take place – was occupied by a home that had been used as a parsonage for the church to the south. Both parcels were zoned OS-4. The area was surrounded by other office and commercial uses.

Planning Consultant Tangari reviewed the criteria for PUD qualification under Section 34-3.20. Outstanding issues included:

- The applicant was offering improvements above and beyond the ordinance, in particular a quasi-public space (plaza) in the middle of the site. The Planning Commission should discuss whether those improvements satisfied the requirement: *The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements.*
- The Planning Commission should discuss whether the financial information provided to support the

case for a PUD to allow a 5-story building met the requirement for: *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.*

- The Planning Commission should discuss whether the applicants had met one of the 8 objectives listed in Paragraph E. The applicants' narrative called attention to vi and vii. Regarding item vi, the Master Plan identified the parcels as part of Freeway Redevelopment Area 2a, which called for 5 stories. The Planning Commission should discuss whether the plaza included in this plan satisfied item vii. Planning Consultant Tangari also pointed to item viii as a potential point for discussion.

Regarding Paragraph F, which listed standards for a request for qualification, it did appear that the applicant had provided sufficient information for the Planning Commission to reach a determination on PUD qualification.

Planning Consultant Tangari reviewed the conceptual site plan and use. Other than the request for the 5-story building, the dimensional requirements all seemed to be met and parking was in excess of requirements. Five stories were consistently called out as a target height in the Master Plan. A pedestrian connection to Haggerty Road would be required. The Parcel ID number should be corrected to 23-31-101-023.

Commissioner McRae noted that the Commissioners had a new plan in front of them that was not the same as the one being shown on the overhead. Planning Consultant Tangari explained that this was his first time seeing the new plan also. The applicants should explain the proposed changes.

Commissioner Mantey asked for more information regarding the consultant's comments in the letter regarding Paragraph F: *The applicant is attempting to provide a development environment that exceeds ordinance requirements.*

Planning Consultant Tangari said the plaza in the middle of the site was not required and therefore exceeded ordinance requirements. The applicants were trying to provide a unified site with a public and quasi-public space. The Commission should decide whether this met the standard in Paragraph F.

Chair Rae-O'Donnell invited the applicants to make their presentation.

Lonnie Zimmerman, Siegel/Tuomaala Associates Architects & Planners, Inc., 29200 Northwestern Highway, Suite 160, Southfield MI was present on behalf of this application. Owner Thomas Duke, 3700 Grand River, Farmington Hills MI was also present.

Commissioner Mantey expressed surprise that the owner was Thomas Duke, and not the First Church of the Nazarene as listed on the agenda. Mr. Zimmerman said a purchase agreement had been submitted with the application. Commissioner Mantey noted that Mr. Duke was his commercial landlord, and he felt he should recuse himself from discussion of this item.

**MOTION by Orr, support by Fleischhacker, to recuse Commissioner Mantey from discussion of agenda item A.**

**Motion carried unanimously.**

Commissioner Mantey left the room.

Mr. Zimmerman said that the site plan distributed this evening showed a 5-story building with below ground parking for 35 cars. The plan showed a ramp on the south side of the building going to the underground parking. The plan also showed additional landscaping, providing for increased health, safety, and welfare of the site's users, including the public. With the underground parking, the enhanced landscaping, and the central plaza, they were transforming two separate sites into one cohesive combined site. The plaza would have different materials, and a sculpture in the center. Also, rather than have two separate entries they had one central entrance to the site. The 5-story building on the south would be architecturally related to the 3-story building on the north. The 5-story building would have a roof garden with a useable patio.

Regarding Paragraph C, the obvious zoning constraint was the 40-foot high limitation; they were asking for a 5-story building. They were also considering a restaurant with an evening orientation on the first floor of the new building. The corridor was primarily office, with some hotel use. The large parking lot for the development would be mostly unused after 5:00 p.m. and would lend itself perfectly to a restaurant. Also on the south side there was a connection to the church. Parking on the subject site would allow overflow parking for the church.

Mr. Duke addressed the economic justification for this proposal. The current 3-story building to the north had been only an average performer for 17 years. He compared the 3-story building to other higher buildings in the immediate vicinity, and spoke to the difficulty of filling the space with tenants who were seeking amenity packages that the smaller building could not provide.

Referring to the explanation provided in the narrative that was part of this application, Mr. Duke reviewed the economic forces also driving the need for a higher building. The additional stories reduced the square foot price from \$22.00 per square foot to \$13.75 per square foot, allowing the rent to be competitive with other area offerings.

Commissioner Orr questioned the economic conclusions stated by Mr. Duke, as the southern parcel was larger than the northern one, and the larger size of the property could account for the increase in price per square foot, while the actual building would be the same footprint as the northern building. If the parcels were the same size, perhaps the square foot price for the two buildings would be the same. This was important because cost was one of the justifications being used to seek a PUD.

In response to a question from Commissioner McRae, Mr. Zimmerman affirmed that the green roof would have a useable patio.

Regarding meeting the objectives laid out in the ordinance, subparagraph vi called for the project to promote the goals and objectives of the Master Plan for Land Use:

- The proposed development would help sustain the financial viability of the City.
- The building would be in excess of three or four stories.
- While they would not be LEED Certified, they would put extra money into making the building energy efficient.
- Underground parking for 35 spaces.

Regarding subparagraph vii, the project fostered the aesthetic appearance of the City, especially with the related development of the two buildings and the plaza in between.

Regarding subparagraph viii, the possible restaurant use would bring about an orderly change of a desirable use, along with providing an orderly transition to the church to the south.

Regarding Paragraph F, the applicants felt they were providing an enhanced area and, through the PUD process, were giving the City the opportunity to be part of the design process.

Chair Rae O'Donnell asked if there were any tenants identified for the proposed space. Mr. Duke said they had two possible high level tenants for the site.

Referring to Commissioner Orr's earlier comments regarding economic justification for this project, Mr. Duke said the difference in cost was related to whether the southern site was developed completely separately, or in tandem with the northern site as proposed. The numbers he had provided in the narrative represented a true and accurate picture based on the context of whether the site was developed separately, or together.

Commissioner McRae spoke to recent Planning Commission conversations about sites being over parked due to having to meet zoning requirements. In this case, if all the parking was not needed, perhaps 20 or more spaces could be eliminated and more greenspace added, especially around the plaza area, giving more room for tables, benches, etc., and thus encouraging more people to actually use that feature. The applicants should take full advantage of the PUD process in that way.

Commissioner McRae also expressed support for a restaurant in the building.

Commissioner Countegan asked about the occupancy in the existing building. Mr. Duke said he thought they were at about 85%, but in the last 17 years they had struggled to fill the building. He felt putting the two spaces together in one offering – the 50,000 square foot building with the 80,000 square foot building with the plaza in between – would greatly increase the market value.

Commissioner Orr asked about shared parking with the church. Could the office building use the church parking as well as the church using the office site for overflow parking?

Mr. Duke said they had a great relationship with the church, and were happy to offer their parking as overflow for the church. However, to ask the church to park 100 or so of their cars on a daily basis was different, and he felt would be considered intrusive.

Mr. Duke added that they were adding 13 spaces to the church parking lot at the applicants' expense.

Mr. Zimmerman pointed out the increased landscaping on the plans presented this evening, and affirmed that even more high quality landscaping was likely to be added.

Commissioner Schwartz suggested removing parking from the south, where there was no entrance.

Commissioner asked if the applicants were planning on seeking any variances for the landscaping, including setbacks. Mr. Zimmerman said they were not planning on seeking variances, but were planning on exceeding ordinance requirements.

In response to comments from Commissioner McRae, Mr. Zimmerman said they would provide a pedestrian connection to Haggerty Road.

Seeing that discussion had ended, Chair Rae-O'Donnell called for a motion.

**MOTION by Fleischhacker, support by Countegan, that the Planning Commission make a preliminary finding that P.U.D. No. 2, 2017 submitted by Century Project, LLC qualifies for the Planned Unit Development Option under Section 34-3.20.2.A thru E. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E. specifically vi. and viii., and that it be made clear to the petitioner that final granting of the P.U.D. Plan and Contract requires approval by the City Council, after recommendation by the Planning Commission.**

**MOTION carried 6-0-1 (Mantey recused).**

Commissioner Mantey rejoined the Commission.

**B. PUD QUALIFICATION 3, 2017**

LOCATION:	32600 Northwestern Hwy.
PARCEL I.D.:	22-23-02-126-003, 011, 025
PROPOSAL:	New self-storage building and senior living facility in B-2, Community Business District and B-3, General Business District
ACTION REQUESTED:	Approval of Planned Unit Development Qualification
APPLICANT:	NorthPoint Development
OWNER:	NWH Holdings LLC

Utilizing overhead slides and referring to his revised letter of December 11, 2017 Planning Consultant Arroyo gave the review for this application for approval of Planned Unit Development Qualification for a parcel located along Northwestern Highway as well as Fourteen Mile Road. The property was primarily zoned B-2, with some B-3 property fronting Northwestern Highway. The site represented 3 combined parcels, with about 11 acres in total.

The Master Plan designation was primarily for multiple-family residential. There were single-family homes across Fourteen Mile Road in West Bloomfield Township, with commercial along Northwestern Highway frontage.

The submitted plan showed the boundary of the PUD as different from the three parcels included in the description.

Planning Consultant Arroyo reviewed the criteria for PUD qualification under Section 34-3.20. Outstanding issues included:

- Regarding Paragraph 2.B. and 2.C., the applicant was proposing a mix of uses not typically permitted in the underlying districts; the mix of uses would require rezoning to multiple different zoning districts under conventional zoning.

Regarding Paragraph 2.D., senior living and self-storage were generally low-traffic generators.

Regarding Paragraph 2.E., the applicants provided a narrative that suggested six of the standards were met: ii., iv., v., vi., vii., and viii.:

- ii. and iv.: It did appear that, in general, the proposed mix of uses and layout of the portion of the site along Fourteen Mile Road met the objectives, in that senior housing did provide for transition from commercial uses to residential on the north side of Fourteen Mile Road. The self-storage use was a little different in how it fit in, but it was a low-traffic generator. Additionally, the Commission had approved PUDS with self-storage uses in the past along Orchard Lake Road.

The use of reduced setbacks would be explored in more detail with the full PUD Qualification.

- v.: The applicant was promoting as a public benefit the demolition of several obsolete buildings, including several along Northwestern Highway that fell outside of the PUD.
- vi.: The Master Plan did call for the use of the PUD option to accomplish the city's land use objectives in the area.
- vii.: The applicant's project history implied that high-quality design was likely to be proposed; the other items in this objective were not addressed. Materials for the self-storage unit would require additional sensitivity, given the visibility from nearby residential areas.
- vii: The change of uses appeared to be desirable. Redevelopment would occur and obsolete buildings and uses removed. The new development did show some compliance with the future land use plan.

Regarding Paragraph F, while this PUD did appear to request several deviations from the standards of the underlying districts, it was also clear that those deviations were not the sole driving factor behind the PUD application.

Regarding the general request for qualification, the applicant had submitted a site plan and narrative. It appeared that lot splits would be necessary to execute the proposed plan.

Planning Consultant Arroyo reviewed the conceptual site plan and use. Two buildings were proposed: a a three-story, 28,745 square-foot senior living facility with 99 beds (assisted living and memory care), and a three-story, 42,320 square foot self-storage facility with 196 storage units. Neither of those uses were permitted in the B-2 District.

The Master Plan designated this area as a specific study area, with sensitivity to the residential area and the general neighborhood, with goals including improved visibility by consolidating sites, redevelopment that protected the single family homes to the north and the condominiums to the east, and the redevelopment of business frontage on Northwestern Highway. The proposed plan could potentially meet those goals.

Master Plan policies for the area included encouraging the PUD option, consolidating vehicular access points to Northwestern Highway to facilitate access to the roundabout at Fourteen Mile Road, and disallowing vehicular access to Fourteen Mile Road. The applicants were proposing a Fourteen Mile Road access to provide emergency access. This should be discussed by the Planning Commission.

The Commission should also discuss the differences in boundaries shown for the subject site and the property boundaries in the area.

Other Master Plan policies included providing visual buffering to the residential areas north of Fourteen mile, and considering residential use of the Fourteen Mile frontage as a buffer. This was partially being accomplished via the proposed senior living facility.

Last, Master Plan policies encouraged LEED Certification and Best Management Practices for the control of storm water quality and quantity.

Regarding dimensional standards, the 25-foot front setback shown on the plan was one third of the required setback for the underlying district and also half of the required setback for the RC-1 and RC-2 multiple family districts.

Regarding parking, the ordinance did not include a parking requirement for self-storage uses, and this would be worked out as part of full PUD qualification. A pedestrian connection to Fourteen Mile Road was provided.

Planning Consultant Arroyo concluded his review.

Mark Pomeranke, NorthPoint Development, 4825 Northwest 41<sup>st</sup> Street, Riverside MO was present on behalf of this application. Mr. Pomeranke gave some background for NorthPoint Development, explaining that they were a real estate development firm with a number of different projects, including senior living and industrial self-storage. They were founded in 2012, had four offices across the country and were operating in about 16 states. Their first Detroit area senior living community opened in Troy about 6 months ago. They had a senior living project opening in Rochester Hills and their first self-storage facility also would be opening in Rochester Hills.

Regarding tonight's proposal, they were planning to construct a senior living/memory care facility and a self-storage facility in what was an acknowledged unconventional use arrangement. What those projects had in common was both were low intensity uses and served an identified need. Both could be coupled to reactivate the difficult site being discussed.

Chair Rae O'Donnell asked if NorthPoint had any other sites where the two uses were coupled. Mr. Pomeranke said this was the first. While unconventional, they felt they could construct an attractive self-storage building. He emphasized that all the activity occurred within the self-storage building.

Commissioner Schwartz asked if the entire site wouldn't be better served by building a larger senior living facility. Were other uses considered besides self-storage?

Mr. Pomeranke said they did consider alternatives. He explained that this was a tough site and both uses were needed to make the project economically viable. Both uses were low intensity. They didn't build larger senior living facilities than 95-100 residents. A departure from that would be a departure from how they operated.

Chair Rae-O'Donnell asked how many senior citizens facilities NorthPoint operated throughout the country. Mr. Pomeranke said they had 5 open, and were constructing another 6.

Mr. Pomeranke further explained that they would own and operate both facilities, and they felt the \$20 million investment in the senior housing would not be harmed by having a self-storage next door, as they were designing the entire project. Architecturally the self-storage would be designed to mitigate its visual impact, with no broad sides facing Fourteen Mile or the new senior housing. They would landscape heavily. Another public benefit that could be offered was a softening of the gas company's facility to the west.

Commissioner McRae asked why this was an 11 acre site and the conceptual site plan only showed 4.7 acres being developed. The limited setback from Fourteen Mile was self-imposed, as there was plenty of space to the south. Was that property being saved for other development?

Mr. Pomeranke explained that they were purchasing 4.7 acres. There would be a shared development plan, with the idea that retail could be developed along Northwestern Highway under existing zoning.

Commissioner Orr thought that having self-storage next door to senior living apartments would be a benefit to those residents. Were the applicants proposing a lot split?

Mr. Pomeranke said that lot splits and combination would happen together later in the process.

Commissioner Orr asked about the 50-foot variance request for the front yard setback.

Mr. Pomeranke explained that they had angled their building so as to minimize the view from the single point that would need the 25-foot setback. If the highway were still configured as it was before the roundabout, they would have about a 100-foot setback.

Commissioner Countegan asked if the two buildings would have similar or dissimilar architecture.

Mr. Pomeranke said they were two different uses, and would use different but compatible materials and styles.

Commissioner Countegan said that given the history of this parcel, he found tonight's proposal interesting. He liked the low impact in terms of traffic.

In response to a question from Commissioner Countegan, City Attorney Schultz explained that cleanup of properties not owned by the applicant could be part of the plan and part of the PUD agreement.

Mr. Pomeranke added that as part of the land sale they had a joint development agreement with the current landowner. As part of that, the remaining portion of the 11 acres would be made development-ready. This joint effort would be addressed at the next hearing.

Commissioner Schwartz asked that when the applicants returned they speak more definitely about softening the gas company site, any lot splits, and how the two buildings would be physically screened and separated.

In response to comments from Commissioner McRae, Mr. Pomeranke pointed out boundaries on the aerial map as to what was being developed as part of the PUD, and what would be addressed by the joint development agreement.

Seeing that there was no further discussion, Chair Rae-O'Donnell asked for a motion.

**MOTION by Orr, support by Fleischhacker, that the Planning Commission make a preliminary finding that P.U.D. No. 3, 2017 submitted by NorthPoint Development qualifies for the Planned Unit Development Option under Section 34-3.20.2.A thru E. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E. including ii., iv., v., vi., vii, and viii. and that it be made clear to the petitioner that final granting of the P.U.D. Plan and Contract requires approval by the City Council, after recommendation by the Planning Commission. The motion also requires that the proponent provide details at the next hearing for cleaning up the properties outside the PUD agreement.**

**Motion carried 6-1 (Schwartz opposed).**

### **C. Adoption of Amended By-Laws and Rules of Procedure**



City Planner Stec gave the background for this agenda item. The Amended By-Laws and Rules of Procedure resulted from a mandate from City Council to standardize all the Boards and Commissions.

City Attorney Schultz noted that the changes included language required by the Michigan Zoning Enabling Act regarding conflicts of interest.

The Commission suggested several minor clerical corrections.

Commissioner Schwartz asked about a quorum being 5 members. A simple majority was required to pass a motion. In other words, 3 members of the Commission could approve anything. City Attorney Schultz said this language was a requirement of the Zoning Enabling Act, as was the language regarding a failure to disclose a conflict of interest constituting malfeasance in office.

It was the practice of the Commission to have a recused member leave the room during the agenda item being discussed, but this was not a requirement of law. In fact, the Open Meetings Act required that the meeting be open to all.

After brief further discussion, Chair Rae-O'Donnell indicated she was ready for action on this item, and the following resolution was adopted:

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON HILLS

**RESOLUTION ADOPTING REVISED  
PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE**

RESOLUTION NO. \_\_\_\_\_

At a regular meeting of the Planning Commission of the City of Farmington Hills, County of Oakland, State of Michigan, held on the 14th day of December, 2017, at 7:30 p.m., with those present and absent being,

PRESENT: Countegan, Fleischhacker, McRae, Mantey, Orr, Rae-O'Donnell, Schwartz

ABSENT: Brickner, Stimson

the following resolution was offered by Commissioner McRae and supported by Commissioner Fleischhacker.

WHEREAS, pursuant to Chapter 2, Article IV, Division 1 of the City of Farmington Hills City Code, all appointed boards, commissions, and councils shall adopt bylaws for the transaction of business, and regularly review their bylaws to ensure that they are consistent with existing laws, ordinances and practices; and

WHEREAS, the Planning Commission has reviewed its bylaws and rules of procedure and has concluded that it is necessary and desirable to adopt the revised Planning Commission Bylaws and Rules of Procedure attached to this resolution; and

WHEREAS, City of Farmington Hills Code Section 2-141 requires that bylaws and bylaws amendments be adopted by a 2/3 vote of the Planning Commission, and subsequently presented to the City of Farmington Hills City Council for review and approval before becoming effective.

NOW, THEREFORE, IT IS RESOLVED that the attached Planning Commission Bylaws and Rules of Procedure are hereby adopted; and

IT FURTHER RESOLVED that a copy of this resolution and the attached Planning Commission Bylaws and Rules of Procedure shall be forwarded to the City Council of the City of Farmington Hills for review and approval.

*AYES: 7*

*NAYS: 0*

*ABSENT: 2*

*ABSTENTIONS: 0*

*RESOLUTION DECLARED ADOPTED.*

*STATE OF MICHIGAN                    )*  
*)ss.*  
*COUNTY OF OAKLAND                )*

I, the undersigned, the duly qualified and acting Secretary of the Planning Commission of the City of Farmington Hills, County of Oakland, State of Michigan, do hereby certified that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission of the City of Farmington Hills at a regular meeting held on the 14<sup>th</sup> day of December, 2017, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Steven Stimson, Secretary*

**APPROVAL OF MINUTES**

November 16, 2017

**MOTION by Fleischhacker, support by Orr, to approve the November 16, 2017 minutes as presented.**

**Motion carried 8-0.**

**PUBLIC COMMENT**

None.

**COMMISSIONERS' COMMENTS**

Commissioner Mantey made some comments regarding why he recused himself when his landlord was on the agenda. Commissioner Countegan expressed concern that a recused Commissioner's input was lost. City Attorney Schultz spoke to the importance that everyone, including the public, was entitled to an impartial decision.

Commissioner Schwartz noted that he had been the Planning Commission liaison to the Grand River Corridor Authority since its inception. His workload had increased and he would like for someone else to take that responsibility. Chair Rae-O'Donnell said this could be discussed at the January meeting.

Commissioner Orr said that he would be gone for the next 3 months.

Commissioner Fleischhacker said he would be likely moving out of the area by June 2018.

The next meeting was set for January 18, 2018.

### **ADJOURNMENT**

Seeing that there was no further comment, Chair Rae-O'Donnell adjourned the meeting at 9:27 p.m.

Respectfully Submitted,  
Steven Stimson  
Planning Commission Secretary

/cem