

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
MARCH 24, 2022, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

Chair Countegan thanked Commissioner Schwartz, who recently stepped down from the Commission, for his long time service on the Commission, and prior to that, on the Zoning Board of Appeals. Steven Schwartz has been a tremendous public servant to the Farmington Hills community.

Commissioners Present: Brickner, Countegan, Mantey, Stimson, Trafelet, Varga

Commissioners Absent: none
(three vacancies)

Others Present: Staff Planner Perdonik, City Attorney Schultz, Planning Consultants Arroyo and Tangari, Staff Engineer Geelhood

APPROVAL OF AGENDA

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

MOTION carried unanimously by voice vote.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 2, 2021

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend the definition of “Family” and various sections of Chapter 34, Zoning to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under state or federal law within One Family and Planned Residential zoning districts

ACTION REQUESTED: Recommend to City Council

SECTIONS: 34-2.2, 34-3.1.1 through 34-3.1.9, add new Section 34-4.60

Planning Consultant Arroyo explained that the Planning Commission had been studying this topic for several months. Proposed changes included:

- Definition of “Family” is clarified to reflect issues that have come up over time through court cases and internal review and discussion, as described.
- Two new definitions – *Reasonable Accommodation* and *Special Accommodation* – are intended to provide definitions for specific residential uses where residents qualify as handicapped or

disabled under the Americans with Disability Act, the Fair Housing Act, or the Rehabilitation Act.

- Use standards were also included in the zoning text amendment.
- The full text amendment had been provided in the Planning Commission packets.

In response to questions from the Commission, City Attorney Schultz said that the ordinance substantially reflected current practice. The ordinance amendment was necessary in order to comply with federal law, and also codified what information and physical requirements the Planning Department could ask special accommodation residences to provide when they go through the approval process.

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

MOTION by Brickner, support by Traftlet, to recommend approval to City Council of Zoning Text Amendment 2, 2021, which proposes to amend the Zoning Ordinance in numerous separate sections, including Article II, "Definitions," to revise the definition of "family," and add definitions of "reasonable accommodation" and "special accommodation residence"; Article III, "Zoning Districts," to add "special accommodation residence" as a principal permitted use within the RA-1A, RA-1B, RA-2B, RA-1, RA-2, RA-3, and RA-4, One Family Residential districts, and RP-1 and RP-2, Planned Residential districts; and Article IV, "Use Standards," to add new regulations for special accommodation residences.

MOTION carried unanimously by voice vote.

B. CAPITAL IMPROVEMENTS PLAN 2022/2023 THROUGH 2027/2028

ACTION REQUESTED: Adoption of Plan

Chair Countegan explained that the Capital Improvements Plan (CIP) is a planning document that the Planning Commission annually reviews with department heads, in order to prioritize the capital needs of the community, that represents either an individual capital plan or a network of plans over the next five years and approve. Once the Planning Commission adopts the plan, it is shared with City Council. This is a public hearing item.

Interim City Planner Perdonik pointed out that there was a draft motion in the Commissioner's packets, as well as a general draft motion that had been supplied by former Commissioner Schwartz for consideration.

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

MOTION by Brickner, support by Stimson, to adopt the City of Farmington Hills Capital Improvements Plan for 2022/2023 – 2027/2028 as presented, and that the plan be forwarded to City Council.

MOTION DISCUSSION:

Discussion regarding including equipment for sidewalk snow removal.

Noting that the CIP is a planning document, and that at the January meeting he had raised the possibility of including one piece of snow removal equipment for pedestrians on sidewalks in the future, Commissioner Mantey asked that the CIP be amended to include \$50,000 for sidewalk snow removal equipment in the DPW's capital improvements for 2027-2028.

Commissioner Brickner asked City Attorney Schultz if there were any liability issues regarding including this item.

Commissioner Mantey said there used to be liability issues with requiring snow removal on sidewalks in Michigan, but those had been removed via court decisions. He wanted to include this item as a planning issue. He reiterated comments he made in January that he felt Twelve Mile Road and the Grand River Corridor should be targeted for sidewalk snow removal, specifically where there were bus stops. He had been talking about this issue for 10 years, and would like to see this item inserted as a placeholder.

City Attorney Schultz added that the CIP is a Planning Commission document. The document is not an authorization to purchase, and no liability is incurred by including an item in the CIP.

Chair Countegan said that the CIP gives the City's policy makers an indication of what the Planning Commission was prioritizing and what they were thinking about. The requested sidewalk snow removal equipment did not constitute a major policy shift, but did represent something the Commission was recommending that City Council consider.

Discussion regarding issues raised by Steven Schwartz' draft motion:

Commissioner Mantey asked how much of the \$9M prioritized for the Costick Center and \$10M for The HAWK came from the Parks and Recreation millage. The budget actually included \$4.1M per year for 5 years, or \$20.5M for the two recreation facilities, when there was \$0 allocated for the Grand River Corridor Improvement Authority.

Commissioner Mantey said he understood that an investment needed to be made at The HAWK in order to use the third floor and perhaps capture some revenue there. However, in January the Commission discussed recommending that Council consider that the Costick Center be closed and perhaps demolished, in order to redevelop that property.

Commissioner Mantey suggested a line item be added for a study on whether or not the Costick Center should be retained. He was concerned that \$1.5M would be spent this year on the Costick Center, only to have it closed next year.

Chair Countegan said the issue of whether or not to close the Costick Center was separate from the issue of the department heads requesting the Commission to prioritize improvements for The HAWK and the Costick Center as part of the CIP document. To ask that the Costick Center be removed was somewhat contrary to what the Commission had heard from the department heads regarding that building. However, the Commission could make a separate motion indicating its concerns about the extent of funding for the two facilities, including the overlap of services, questions about efficiencies, and practical considerations in the future.

Commissioner Brickner was opposed to discussing the future of the Costick Center in the CIP document, especially since a new senior living facility was being constructed behind the Costick Center, and there would be a specific population of seniors that would be able to walk to the Costick Center. Also, the swim pool at the Costic Center was different in function and purpose than the pool at The HAWK.

Commissioner Mantey said if the funds were coming from the Parks and Recreation Millage, he had no issue with improvements being made at the Costick Center. If all the funding was coming from the General fund, with \$20M being prioritized for The HAWK and the Costick Center, and not even \$200K being prioritized for the Grand River Corridor Improvement Authority, he would like that discussed. He understood the Grand River Corridor Improvement Authority was intended to be funded by tax increment financing, but there had not been any tax increment financing and the Corridor remained unimproved.

Chair Countegan emphasized that the CIP represented staff's recommendation as presented to the Planning Commission. Ultimately the City Council was responsible for budgets, and they would be the ones making decisions regarding expenditures for the Costick Center and The HAWK. He asked if Commissioner Mantey would like the CIP to include a line item prioritizing some funding for Grand River Corridor redevelopment.

Chair Countegan further explained that the Grand River Corridor Improvement Authority was set up to have funding through a tax increment financing plan, which would only work if development occurred. Obtaining help from the City to improve the Grand River area might be a goal. It was important to understand that the funding amounts in the CIP did not represent budget numbers.

Commissioner Stimson pointed out that funding for the Grand River Corridor Improvement Authority was a different budgetary discussion, unless there was something to be capitalized as part of that improvement.

Commissioner Brickner added that the funding for the Grand River Corridor Improvement Authority was set up via joint ordinances with the City of Farmington, under the authority of State laws regarding tax increment financing. The Authority was never set up to be funded by either city. This was not a CIP concern.

Commissioner Mantey said he would like the minutes to reflect his request that some funds be added in next year's CIP for Grand River Corridor redevelopment. State funding for improvement of Grand River Avenue should be researched. He would like to see a funding estimate for separated bike lanes on Grand River, to be painted green, such as was done on other major thoroughfares in the metro Detroit area.

MOTION by Brickner, support by Stimson, to adopt the City of Farmington Hills Capital Improvements Plan for 2022/2023 – 2027/2028 as presented, and that the plan be forwarded to City Council, with the following amendment:

- \$50,000 be added to the DPW equipment request for sidewalk snow removal equipment, specifically to target Twelve Mile Road and Grand River Avenue in the vicinity of bus stops.

Motion carried unanimously by voice vote.

REGULAR MEETING

A. SITE PLAN 68-12-2021

LOCATION:	Parcel south of 34700 Grand River Ave.
PARCEL I.D.:	23-21-376-021
PROPOSAL:	New commercial building for manufacturing in LI-1, Light Industrial District
ACTION REQUESTED:	Site Plan Approval by Planning Commission

APPLICANT: Jing-Jin Electric
OWNER: Jing-Jin Electric

Referencing his March 11, 2022 letter, Planning Consultant Tangari gave the background and review for this request for site plan approval to build an addition to an existing manufacturing facility, with 73,667 square feet of new manufacturing space (2 stories) and 10,227 square feet of new office space (3 stories). The existing building is 83,819 square feet; a breakdown of office and manufacturing square footage in the existing building had been provided.

The site was 6.65 acres and zoned LI-1, and was developed with an existing manufacturing facility for Jing Jin Electric, which makes electric powertrains. The southern portion of the site, which was currently vacant, and where most of the work would occur, was re-zoned to LI-1 from B-3 in 2021.

Outstanding issues included:

- Setbacks should be labeled, although setback requirements appeared to be met.
- 6 loading spaces were required; 4 were provided. However, the actual area that was dedicated to the loading bay exceeded the required area for six spaces with four docks. If the Planning Commission felt the requirement was met, it should be so noted in the motion.
- Parking count was not split between office and manufacturing uses. The area devoted to office space was not defined. However, with the correct breakdown the parking changed from a 218 space requirement to a 215 space requirement, which was not a big change.
- Rooftop equipment and mechanical equipment must be addressed in the plans, although the 5' parapet as shown appeared to meet the screening requirement.
- Dumpster enclosure detail needed.
- Landscape area abutting the street should be dimensioned on the plans.
- Planning Commission should decide whether to allow greater size for replacement trees. The applicant was proposing a number of deciduous trees at a 4" caliper, which was 1" larger than the minimum that was required. There were a number of evergreen trees that they were proposing to put in at a 12' minimum height rather than an 8' minimum height. The applicant was asking that the Planning Commission find that the larger sizes of planting equate to the 44 trees.
- Lighting plan required adjustments.
- Pedestrian connection to Grand River sidewalk not provided.
- Parking in the required 50-foot setback. Per footnote 34-3.5.2.S, in the LI-1 district, "Off-street parking for visitors, over and above the number of spaces required under Section 34-5.2, may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line and provided further that the number of such spaces does not equal more than ten (10) percent of the total number of spaces required." There was a bay of parking arrayed along the southern front of the building that was partially within the 50-foot setback, and six additional spaces encroached partially into the setback, for a total of 23 spaces, which exceeded ten percent of the total. The spaces were also not labeled for visitor parking, and were not in excess of the requirement, as required per ordinance.

There were three options for addressing the lack of compliance with the parking requirement: 1) redesign to move the spaces, 2) obtain a variance to eliminate the spaces in the required front yard setback, or 3) obtain a variance to permit the placement of spaces within the required front yard setback.

Planning Consultant Tangari noted that the applicant had said that there would be a maximum of 132 employees on site.

In response to a question from Commissioner Mantey, Planning Consultant Tangari said he agreed with the applicant in that there was not room on the site to plant the required replacement trees. Again, they were asking to put in bigger trees, instead of paying into the tree fund.

Commissioner Mantey suggested that the Planning Commission make a determination that would allow the larger trees, while leaving the final decision to Planning staff as to whether there was room for the size of trees normally required, or whether funds would better be utilized in the tree fund.

Chair Countegan commented that he preferred not to add money to the tree fund, if that money was not being used.

Chair Countegan invited the applicant to make his presentation.

Bill Cockrum, General Manager JJE North America, was present on behalf of this application for site plan approval. Alex Orman, Orman Engineering, Waterford, was also present.

Mr. Cockrum made the following points:

- JJE was located at 34700 Grand River Avenue. The facility was purchased in May 2020, and JJE had made significant renovations to the building. JJE was a technology leader in electric drive motors and drive systems, and was expanding its footprint locally.
- The Farmington Hills site was an automated site, which currently had two 10 hour shifts, five to six days a week, and currently employed up to 102 employees. They would like to expand their operation further and were forecasting growth to a first shift maximum of 144 employees, and a 2nd shift maximum of 84 employees, or an additional 50-60 employees at this site.

Commission questions and discussion:

In response to Commission questions, Mr. Cockrum gave the following information:

- There was no plan to build any battery packs at this location. They would be manufacturing the electric motor portion of EV vehicles only.
- Regarding the parking plan, JJE was adopting a hybrid, flexible schedule, with some employees spending some time working off-site. Because of the highly automated lines they did not have as many people as they would historically have on a manufacturing site. They would have accessible spaces and spaces for visitors. They could have up to 10-12 visitors at a time.

In response to comments from Mr. Orman, Planning Consultant Tangari explained the requirement that the only spaces that are allowed to be in the required front setback are those spaces that are in excess of the required number of spaces, and that number can't be more than 10% of the requirement.

The Commission agreed with Commissioner Mantey's earlier suggestion to make a finding that the trees could be larger as requested in order to meet the tree replacement requirement, but to leave the determination of whether that was the best solution to the expertise of planning staff.

The Commission discussed the question of whether to allow 4 loading spaces instead of the required 6 spaces, given that the actual square footage of the spaces was over what would be required for 6 spaces.

Planning Consultant Tangari said the Planning Commission could make a finding that the loading space was the equivalent of meeting the ordinance, or they could add the request for 4 loading spaces to the list of variances needed.

Chair Countegan asked if there were any pitfalls with what was proposed for the loading spaces. Planning Consultant Tangari said he did not think there were any pitfalls.

Mr. Orman said they could make the pedestrian connection to the existing sidewalk along Grand River from the parking lot.

MOTION by Varga, support by Trafelet, that Site Plan 68-12-2021, dated February 22, 2022, submitted by Jing-Jin, be approved because it appears to meet all applicable requirements of the Zoning Chapter, with the following findings and conditions:

Findings:

- The allocated square footage for the loading spaces is adequate to meet the requirement.
- If replacement or relocation of the required replacement trees onsite on a one-to-one basis is not feasible, the Commission finds that the smaller number of larger trees proposed by the applicant may be substituted to equal the equivalent number of required caliper inches, but leaves to City staff the decision as to whether to allow the larger trees to be planted, or alternatively, to require that funds be placed in the tree fund.

And with the following conditions:

- As outlined in the March 11, 2022 Giffels Webster report, a variance be granted by the Zoning Board of Appeals to permit parking within a required front yard setback, or a variance be granted to eliminate the spaces shown in the front yard setback, or the plan be redesigned to meet the requirement.
- A sidewalk connection be provided to Grand River Avenue.
- All other outstanding items noted in the March 11, 2022 Giffels Webster report be resolved per administrative review and approval.

MOTION carried unanimously by voice vote.

Commissioner Mantey noted the Fire Department's concern regarding storing lithium-ion batteries, and asked Planner Perdonik to touch base with the Fire Department to see if there are potential issues relating to battery backups for homes and to electric vehicles.

APPROVAL OF MINUTES February 17, 2022

MOTION by Brickner, support by Trafelet, to approve the February 17, 2022 minutes as presented.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONERS' COMMENTS

Commissioner Mantey clarified earlier comments regarding wanting to see a bike path painted green on Grand River Avenue in the Grand River Corridor improvement area, specifically Grand River east of the City of Farmington, or at the least the area east of Middlebelt Road.

Commissioner Varga suggested that Commissioner Mantey be nominated to fill the vacancy of the master plan joint subcommittee that will support the master plan update.

MOTION by Varga, support by Trafelet, that Commissioner Mantey be appointed to fill the vacancy on the master planning joint subcommittee with City Council.

Motion carried unanimously by voice vote.

Chair Countegan asked staff to email the Commission with an introduction to new Commissioner Grant.

Commissioner Brickner thanked Steven Schwartz for his service to the Commission.

Chair Countegan said that Steven Schwartz had made many contributions to the Commission and the City; he would be missed.

ADJOURNMENT

MOTION by Brickner, support by Trafelet, to adjourn the meeting at 8:42 p.m.

MOTION carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem