

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
MARCH 18, 2021, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was held electronically as authorized under the Open Meetings Act, MCL 15.261, *ET SEQ.*, as amended, and called to order by Chair Stimson at 7:30 p.m. Commission members were asked to state their name and location, as to where they were attending the electronic meeting.

ROLL CALL

Commissioners Present:

Brickner, City of Farmington Hills, Oakland County, Michigan
Countegan, City of Farmington Hills, Oakland County, Michigan
Mantey, City of Farmington Hills, Oakland County, Michigan
Orr, City of Farmington Hills, Oakland County, Michigan
Schwartz, City of Farmington Hills, Oakland County, Michigan
Stimson, City of Farmington Hills, Oakland County, Michigan
Trafélet, City of Farmington Hills, Oakland County, Michigan
Turner, City of Farmington Hills, Oakland County, Michigan
Varga, City of Farmington Hills, Oakland County, Michigan

Commissioners Absent: None

Others Present: City Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Tangari, Staff Engineers Saksewski, Dawkins, and Alexander

APPROVAL OF AGENDA

The applicant for Agenda Item 5.C. had requested the application be postponed.

MOTION by Countegan, support by Trafélet, to amend and approve the agenda as follows:

- Postpone Item 5.C. to a future meeting, as requested by the applicant.

Roll call vote:

Yeas: Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafélet, Turner, Varga
Nays: None
Absent: None
Abstentions: None

MOTION carried 9-0.

PUBLIC HEARING

A. AMENDMENT OF PUD PLAN 1, 2014

LOCATION: 33101 Hamilton Court
PARCEL I.D.: 23-15-101-038
PROPOSAL: Amend PUD to allow conversion of hotel to an Elderly housing-
Dependent facility in an OS-4, Office Research District
ACTION REQUESTED: Recommend approval to City Council
APPLICANT: Sean Koza
OWNER: Hamilton Court Development, LLC

Chair Stimson advised that the applicant had requested this agenda item be postponed.

Chair Stimson opened the meeting to any public who might want to speak on this request. Seeing that no public indicated they wished to speak, Chair Stimson brought the matter back to the Commission for a motion.

MOTION by Orr, support by Brickner, to postpone AMENDMENT of PUD PLAN 1, 2014, at the request of the applicant.

Roll call vote:

Yeas: Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays: None
Absent: None
Abstentions: None

Motion carried 9-0.

B. SPECIAL APPROVAL 55-2-2021

LOCATION: 23955 Freeway Park
PARCEL I.D.: 23-30-251-014
PROPOSAL: Indoor Recreation Facility over 5,000 square feet in LI-1, Light
Industrial District
ACTION REQUESTED: Special Use Approval
APPLICANT: Tom Anastos
OWNER: Suburban Properties-Freeway Park

Tom Anastos, ownership partner for Suburban Properties-Freeway Park, was present on behalf of this application, as was architect Tim Mrozowski, 813 Grove Street, East Lansing.

Mr. Anastos explained that Suburban Properties-Freeway Park also owned the adjacent property, 23995 Freeway Park, as well as Suburban Ice, the ice rink located at 23996 Freeway Park, across the street to the immediate north. They had owned both properties since the mid-1990s.

The ice arena was restricted from a land perspective, so when this property at 23955 Freeway Park became available, they decided to purchase it, primarily to support ice rink amenities such as performance training, strength and conditioning training, nutrition, mental wellness, etc. The ice rink did not have room for these activities. Previously Suburban Ice used an independent operator located close by, but that operator relocated their business. The applicants saw this building being able to fill that void. Their intent is to redevelop the building interior, and to use the existing site plan that was approved in 1992. They would clean up and modernize the exterior, and address the parking lot.

The applicants were seeking 2 things:

1. The approval for the use change as described.
2. A shared parking relationship with their adjacent property at 23995 Freeway Park, the office property to the immediate west of the building.

Mr. Anastos said they had submitted responses to the Giffels Webster review letter.

Referencing his March 10, 2021 letter, Planning Consultant Tangari gave the background and review for this request for special use approval for 23955 Freeway Park, an approximately 1 acre parcel in the LI-1 Light Industrial District. The proposed use was to reuse the existing building for a private fitness and training facility, the *Athlete Lab*. Indoor Recreation Facilities over 5,000 square feet in gross leasable area require special land use approval in the LI-1 District.

Outstanding issues included:

- The site plan submittal includes topographic maps for 23995 and 23955 Freeway Park Drive properties; it is not clear why the topographic map for the neighboring property is included.
- The layout plan does not provide all the required site data. Parking calculations and other information noted in the review letter must be provided on the site plan.
- The site plan should note that no outdoor storage is proposed.
- The site plan should indicate the dumpster location. The dumpster has a nonconforming wood enclosure.
- Per the applicant's response, there will be no mechanical equipment on the ground, and no screening is needed.
- Parking in the front setback is an existing nonconformity.
- The existing site is non-compliant with the current landscape requirements. The applicant should provide the minimum landscape calculations on the plan to identify the extent of existing non-conformities. The original approved plan proposed two canopy trees near the west entrance drive.
- Parking lot screening is not provided by the required hedge or 2-foot high masonry wall.
- A lighting plan is not included. If any changes are proposed, a lighting plan that complies with requirements is required. All existing site lighting is building-mounted.
- No information was provided regarding illumination levels.

Commissioner Varga said that the parking calculation is very important. Because of the hockey facility across the street, there was significant overflow parking that existed on these lots, which were quite full even on weekdays. Cars utilized street parking.

In response to a question from Commissioner Schwartz, Planning Consultant Tangari said a parking agreement between the two parcels should be required, as ownership of either parcel could change. City Planner Stec agreed, noting that the parking agreement would have to be filed with the Register of Deeds.

Mr. Anastos explained that the new property would lend support to the parking dynamic of the entire operation. The primary users of Athlete Lab during prime hours of the ice arena usage would be users of the ice arena who would walk from facility to facility, leave their cars parked. Also, the Athlete Lab would be scheduled so that adequate parking would be available to service the needs of anyone using the ice arena or the Athlete Lab. Based on forecasted occupancy, the Athlete Lab would need 90 parking spaces. There were 39 parking spaces on the site plan, with an additional 84 spaces next door.

No more than 5-6 people per day worked at 23995 Freeway Park. The Athlete Lab would have activity during the day when the ice arena had less use. Seasonally, the ice arena was slowest May through August; Athlete Lab would have peak activity during the daytime hours May – August. The two uses will complement each other.

Showing the site plan on the Zoom screen, Mr. Mrozowski made the following points:

- The adjacent office building was shown this evening to document that parking was available.
- Building heights had been noted on the plans.
- A loading space will be provided.
- There will be no outdoor storage; this will be noted on the plans.
- The dumpster had been added to the plans. However, the applicants were hoping to use a shared dumpster with the office building.
- The ground mounted generator will be removed.
- Minimum parking calculations had been added to the plan.
- Under the Michigan Building Code, the applicants were able to cap the maximum capacity of the building for plumbing and fire reasons. The applicants were proposing to cap the number of people at 270, with approximately 20 of those in physical therapy, and 250 people elsewhere in the building. They actually did not anticipate ever having 270 people in the facility.
- Regarding parking standards, the applicants believed that 1 space per 3 occupants would govern. Regardless of whether the uncapped occupancy was used, which would require 1 space per 120 square feet, or 109 spaces, or the capped occupancy with 90 spaces, there was more than enough shared parking to accommodate either.
- Barrier free requirements were satisfied.
- Corner clearance will be on the site plan for building permit application.
- The applicants were not proposing new landscaping, but were staying with the existing approved plan.
- None of the properties in the immediate area had screening between the parking lot and the street.
- Regarding pedestrian controls, a walk was proposed to direct pedestrians to the shared parking.
- All outstanding items in the Giffels Webster review had been noted on the site plan.
- They would submit a lighting plan. No new pole mounted lights were proposed; there was existing wall mounted lighting.

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

- They would consider striping more parking spaces in the current loading area, which appeared to serve as parking for 2-3 cars.
- They would put in the two canopy trees on the west entry drive, as shown on the original approved landscape plan.

City Planner Stec said that the existing landscape plan had been submitted as part of this application, and if the special use approval was granted, the applicants were obligated to meet the terms of that landscape plan.

MOTION by Orr, support by Trafelet, that Special Approval No. 55-2-2021, submitted by Tom Anastos, 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.

And with the following conditions:

- A signed shared parking agreement for the use of parking spaces on 23995 Freeway Park Drive is provided and recorded with the Register of Deeds.
- Revised site and landscape plans addressing the items of the March 10, 2021 Giffels Webster review report be submitted for administrative review.
- The existing landscape plan is accepted, and the site is required to be compliant with the plan.

And with the following finding:

- No new hedgerow is required on the Freeway Park right of way.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0.

Note: this motion was modified after the following discussion. Changes are noted below.

Matthew Strickfaden, in the audience, indicated he wished to speak on this matter. Since this was a public hearing, Chair Stimson reopened this item.

Mr. Strickfaden was concerned about pedestrian traffic control between the Athlete Lab, the building to the west, and the ice arena. He said that currently there was “an enormous amount” of foot traffic in the area, with athletes going to the property to the west when they used the parking there. There was also significant parking along the street, with sometimes very young athletes stepping out between cars into Freeway Park Drive, in an area that was close to the intersection to the west, and also close to the curve which is close to the Farmington Gymnastics Center exit. The Athlete Lab will only make this congestion worse. He asked if there had been any consideration to traffic calming measures on Freeway Park Drive.

Mr. Anastos agreed that there is a pre-existing level of activity in this area. He suggested a striped pedestrian walkway between the two properties. There were stop signs at all entrances. He asked if “no parking” signs could be placed in front of the ice rink and the Athlete Lab.

Mr. Strickfaden said the cars parked on the street were the biggest part of the problem. It was difficult to see athletes before they stepped out from between the parked cars. He had been down this street thousands of times and always had to be very careful in this location so as not to hit a pedestrian connected to the ice arena operation.

Traffic Engineer Saksewski said they would review this situation during the site plan review process. If there was a lack of parking causing parking on the street, and then street parking is prohibited in the area, the issue was simply being moved without being solved.

Mr. Anastos said people used the street parking for convenience, not because parking was not otherwise available.

City Attorney Schultz advised that since the public hearing was not opened until after the motion, the Commission could redo the motion as stated and add a final condition regarding having the applicant comply with the recommendations of the City Traffic Engineer during the site plan review process.

Chair Stimson closed the public hearing, and the motion was restated, adding a last condition, as follows:

MOTION by Orr, support by Trafelet, to add to the previous motion that the applicant comply with the recommendation of the City's Traffic Engineer at the time of the site plan approval. The entire motion now reads:

MOTION by Orr, support by Trafelet, that Special Approval No. 55-2-2021, submitted by Tom Anastos, 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.

With the following conditions:

- A signed shared parking agreement for the use of parking spaces on 23995 Freeway Park Drive is provided and recorded with the Register of Deeds.
- Revised site and landscape plans addressing the items of the March 10, 2021 Giffels Webster review report be submitted for administrative review.
- The existing landscape plan is accepted, and the site is required to be compliant with the plan.
- The applicant is to comply with the recommendations of the City Traffic Engineer regarding any additional traffic control, parking, or pedestrian circulation issues between this site and the ice Rinks on the parcel to the north.

And with the following finding:

- No new hedgerow is required on the Freeway Park right of way.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0.

C. CAPITAL IMPROVEMENTS PLAN 2021/2022 THROUGH 2026/2027

ACTION REQUESTED: Adoption of Plan

City Planner Stec explained that the Capital Improvements Plan (CIP) was not a budget, but was a 5 year planning document that was a strategic planning tool for the City's capital needs. Projects and purchases generally in excess of \$25,000 or part of a larger network of improvements were included in the CIP.

The Planning Commission is mandated by State law to adopt a capital improvement plan after a public hearing (Act 33 of the Planning Enabling Act), and the City Manager submits the CIP to City Council.

The Commission had held 2 previous meetings to review and prioritize projects. Tonight the Commission will hold a public hearing before adopting the plan and forwarding it to City Council.

The CIP represents 203 projects for a total of \$446,605,000 in City expenditures over the next 5 year period. The CIP document is available to the public upon request to the Planning Department.

Chair Stimson opened the meeting to Commission discussion.

Commissioner Mantey followed up on previous discussions regarding the use of solar panels. 10 years ago the City put solar panels on City Hall, and since then the cost of solar panels has fallen 80%. He had asked the Department of Public Works whether or not more solar panels could be used at City Hall, and if they could be used at other City-owned facilities.

City Planner Stec said he would follow up with the Public Works Department regarding this question.

Commissioner Orr noted that in past years the Fire Department had asked for new equipment. This year the Fire Department was only including replacement equipment in its CIP plan.

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

Noting that the Capital Improvements Program had been the sole item of discussion at an earlier meeting with Department Heads, Commissioner Schwartz offered the following motion:

MOTION by Schwartz, support by Trafelet, that the Planning Commission adopt the City of Farmington Hills Capital Improvements Plan for 2021/2022 – 2026/2027 as presented, and that the CIP Plan be forwarded and recommended to City Council.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0.

REGULAR MEETING

A. SITE PLAN 56-2-2021

LOCATION:	30250 Grand River Ave.
PARCEL I.D.:	23-35-201-013, 002, 003, 004, & 005
PROPOSAL:	Used automobile sales in B-3, General Business District
ACTION REQUESTED:	Site Plan approval
APPLICANT:	30250 Grand River Ave., LLC
OWNER:	30250 Grand River Ave., LLC

Referencing his March 10, 2021 letter, Planning Consultant Arroyo reviewed this proposal for site plan approval for an auto dealership at 30250 Grand River Avenue. As noted in the applicant's narrative dated

02-15-2021, the proposed use conducts all sales online. All cars on site will be detailed on site prior to delivering them to their purchasers. Per section, 34-3.1.25.B.xxiii. the proposed use of '*Outdoor space for sale or rental of new or used motor vehicles*' is subject to review and approval of the site plan by the Planning Commission, and is also subject to the standards of Section 34-4.36.

The site was originally constructed for outdoor space for vehicle sales. However, this use ceased, and the intervening use was a non-profit private school.

The site is approximately 5.21 acres. The property's original use was a new and used car dealership. The most recent use was a private non-profit school. The site is currently unoccupied.

The applicant has submitted a separate application for a lot combination and vacation of the alley which is currently under review.

The March 10, 2021 review letter listed in detail outstanding issues for this proposal, summarized as follows:

1. Planning Commission's approval of the proposed use is required.
2. The existing site is non-compliant with the current setback, fencing and landscape requirements. Because the previous auto use was abandoned, storage / display of vehicles for sale shall not take place in the required setback areas. Regarding landscape and open space requirements, the Planning Commission may wish to consider whether to allow the continuation of the non-conformity or require revisions to comply with the requirements. It is unlikely that MDOT will allow landscaping to occur in the right-of-way.
3. Additional information is required to verify compliance with lighting standards.

Planning Consultant Arroyo concluded his review.

Commissioner Schwartz said that in his experience responses from MDOT took up to a year or longer. He opposed tying any approval to MDOT action.

Commissioner Orr strongly supported bringing the site into compliance with this change of use. Also, a loading zone should provide a way to put a vehicle on the back of a truck and then pull forward, rather than the configuration shown.

Chair Stimson invited the applicant to make his presentation.

Arie Liebowitz, 30250 Grand River Ave., LLC, was present on behalf of this application. Mr. Liebowitz gave his history as a corporate citizen of Farmington Hills. Much of his work involved reconditioning properties and bringing them back to life.

When Mr. Liebowitz acquired the subject property last year, it was vacant and dilapidated. His team cleaned up the property and made necessary repairs, and they have secured a national user for the site. However, when they brought the use to the City they discovered that what they thought was a permitted use – a car dealership – now required special approval.

Mr. Liebowitz said they were not making any changes to the site, other than improving this real estate and putting it back into circulation, and bringing in a national user who will use the facility as the last-line facility where they will bring in cars and sell them online. They will then detail the cars and ship them to the client. Mr. Liebowitz pointed out that this is a less intense use than a conventional auto dealership.

Mr. Liebowitz was concerned that the burdens imposed by the Planning Consultant and the Engineering Department were going to render the use non-feasible.

Mr. Liebowitz said they took a survey of the B-3 district properties in this area, and submitted pictures that showed none of the properties were conforming.

Mr. Liebowitz said that when the school that was the previous use acquired the property, they used the existing one-story building as a garage for their school busses. He asked for consideration under the circumstances for this noncompliant site. It would kill the deal and an opportunity wasted if the requirements as listed by the Planning Consultant and the Engineering Department were imposed.

Regarding the boundary to the north where there were RC-3 multi-tenant apartments, the abutting boundary was treed on the apartment side, and the buildings were set 100 feet north of the boundary. Regarding the vacation of the alley, the alley was vacated by the City 20 years ago, but the vacation was never filed with the State.

Mr. Liebowitz said that he was asking that City requirements reflect the reality of the site, so that it can become viable again, rather than be burdened in such a way as to render it undevelopable. He asked that the nonconformities be allowed to remain.

Regarding the landscaping proposed for the MDOT right-of-way, the old landscaping, consisting of old shrubs and weeds, had been in the same place. They would replace what they had cleaned out with new trees and landscaping, and if MDOT had questions, Mr. Liebowitz would deal with those at that time.

Planning Consultant Arroyo pointed out that for existing nonconformities, the Planning Commission did have some flexibility as to what should be brought into compliance. For instance, the northern property line did have a fairly significant vegetative screen. The primary concern was that the barbed wire fencing be removed.

The front yard landscape area was more of an issue because the user had to meet the front yard setback for car display, which was associated with the principal use. The Planning Commission did not have the ability to waive that requirement.

Regarding landscaping in the MDOT right of way, MDOT was unlikely to allow deciduous trees, which had the potential of being struck by cars. If MDOT approved the hedgerow but would not approve the deciduous trees, perhaps those trees could be planted by eliminating a few parking spaces, and putting the trees within parking islands.

City Attorney Schultz directed the Commission's attention to the chart on pages 3 and 4 of the Giffels Webster review letter, which listed those things that required compliance and could not be waived. Those items were not nonconformities. The applicant could either comply or obtain a variance from the ZBA.

Commissioner Schwartz noted that he supported the redevelopment and use of vacant buildings, and he asked City Attorney Schultz the following questions:

1. Could the Planning Commission approve this request subject to the applicant getting necessary variances from ZBA?
2. If the ordinance was written for dealerships before it was common for cars to sell online, did the Commission have some flexibility in terms of interpreting the use?

3. Mr. Liebowitz was saying the school was using the property primarily as a storage facility for its busses. If that was the case, what is the difference between car storage and bus storage? Is this really a change?

City Attorney Schultz said for the vehicular display, the Commission could approve a site plan conditioned on areas of noncompliance getting ZBA approval.

City Attorney Schultz believed the proposed use was correctly defined in this application as a dealership, and therefore needed to meet the requirements for a dealership, including going through the special approval process.

Regarding the prior school use, City Attorney Schultz said tonight's proposed use was a change in use from a school to an auto related use.

Commissioner Schwartz suggested that the Commission look at the ordinance language regarding a dealership at a future study session.

City Planner Stec pointed out that there was no designation on the site plan of how the parking spaces were being used. However, since per tonight's discussion customers would not be coming to this site, it was reasonable to conclude the spaces in the setback would be used for car display and storage, and not for customer use.

City Planner Stec further explained that if the site was not really used as a dealership, but rather was used as a warehousing and distribution operation, the use would not be a permitted use in this District. Also, if the application was not processed as a dealership, the City would not be able to sign off on certain state forms, and the user would likely not be able to get a dealership license from the State.

In terms of site plan requirements for a dealership, the applicants needed to decide whether they would wait for MDOT's approval, because the use would not be granted occupancy until the site plan was approved, or if they wanted to revise the plan to remove some of the asphalt and plant trees in parking lot islands.

Commissioner Orr supported planting the trees in parking lot islands. He noted that the Grand River Redevelopment Authority might be interested in helping redevelop this blighted property.

In response to a question from Commissioner Varga, City Planner Stec that a dealership is a permitted use in the B-3 District. A warehouse/distribution facility would not be permitted in this District.

Commissioner Brickner asked if the use could be a combination of selling cars on site and also online. However, if the applicant was asking for display spaces, but was claiming not to be a dealership, it seemed the applicant was speaking in contradictory terms.

City Attorney Schultz explained that the ordinance actually did not have a use called "auto dealership." Rather the use was: *Outdoor space for sale or rental of new or used motor vehicles*. The Planning Commission did not have authority to give relief from the requirements for this use.

Commissioner Countegan said he supported staff's interpretation that this use was an auto dealership, with the outdoor space being used for sale or rental of new and/or used motor vehicles. He also supported occupied buildings. He felt it was important to remove the barbed wire.

Commissioner Countegan asked how many staff would be located at this building. Mr. Liebowitz said he was not certain, though the facility would not be heavily staffed.

Commissioner Countegan indicated he was ready to offer a motion.

MOTION by Countegan, support by Schwartz, that Site Plan 56-2-2021, dated February 16, 2021, submitted by 30250 Grand River Ave., LLC, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions and determinations:

- The existing public alley on the site is vacated.
- The existing vegetative screening along the northern property line is acceptable for screening from the abutting RC District.
- If MDOT approval is not granted for the proposed planting within the Grand River right of way the applicant will need to submit a revised landscape plan for Planning Commission review.
- A revised plan addressing the following items is submitted to the Planning Office for administrative review:
 - A lighting plan is included
 - All existing barbed wire is removed
 - The plan is revised to show that no vehicles will be stored or displayed within the minimum required front yard setback, or a variance permitting such use is granted by the Zoning Board of Appeals.
 - The dumpster enclosure is shown to be brought into compliance with zoning requirements

In response to discussion, City Attorney Schultz explained that if MDOT did not approve the proposed planting within the Grand River right-of-way, the applicants could not move forward until a revised landscape plan was approved by the Planning Commission.

Commissioner Countegan further clarified that that if the display area was reconfigured so as not to be used for a display area, and no vehicles were stored or displayed within the minimum required front yard setback, the applicant would not need a variance.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	Orr
Absent:	None
Abstentions:	None

MOTION carried 8-1.

B. LOT SPLIT 1, 2021(Final)

LOCATION:	South side of Twelve Mile Rd., West of Drake Rd.
PARCEL I.D.:	23-17-201-013
PROPOSAL:	Split parent parcel into two lots in an OS-4, Office Research District
ACTION REQUESTED:	Lot Split approval
APPLICANT:	Farmington Hills Corporate Investors, LLC and Perimo USA Corporation
OWNERS:	Farmington Hills Corporate Investors, LLC

Referencing his March 10, 2021 letter, Planning Consultant Arroyo gave the background and review for this request for a lot split from a parent parcel into two lots in an OS-4, Office Research District.

The Planning Commission approved a site plan for this site in 2017, with subsequent amendments to that plan approved in 2018 and 2019. A split of the portion of the overall parcel to be developed by JST from the larger property was anticipated at the time of approval.

The total site is 41.93 acres and zoned OS-4. The split will result in two parcels:

- Parcel A. 31.18 acres; this is the large, vacant remainder.
- Parcel B. 10.75 acres; the JST facility that is proposed for this site.

The proposed new property lines are substantially similar to the conceptual property lines included on the approved site plans.

The site is accessible from 12 Mile Road. The access drive to Parcel B is proposed to also serve Parcel A, which is also served by a stub at its western edge. An easement for this access is required. This easement is referenced on Sheet 1 of 2 of the Land Division Plan, along with several utility easements.

The JST facility appears to meet all dimensional standards of the OS4 district, based on a review of the property lines on Sheet 9, titled "Overall Layout."

As noted in the review letter, the plan is substantially in compliance with the Subdivision of Land Ordinance §27-110(2)(e), Compatibility with Existing Parcels.

Commissioner Brickner noted that this request was just for splitting JST off from the rest of the development.

Sam Ashley, Cunningham Limp, construction manager for JST and agent for Perimo USA Corp., said he was available to answer questions. The lot split was a condition of the amended site plan approval in May 2019. Engineering drawings were submitted in November; they were working through final details. They had submitted for building permit in January. As part of the development of the separate parcel, they had installed off-site infrastructure, with the continuation of the water main and sanitary going from the parcel further to the west, through both of these sites, and hooking up with the Mercedes Benz development.

MOTION by Schwartz, support by Trafelet, that Final Lot Split 1, 2021, submitted by Farmington Hills Corporate Investors, LLC and Perimo USA Corporation, be approved because it appears to meet applicable provisions of Chapter 34 "Zoning" and of Chapter 27, "Subdivision of Land", of the City Code, and will result in land parcels which are generally compatible with surrounding lots in the area, and that the City Assessor be so notified.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0.

C. REZONING REQUEST 1-2-2021

LOCATION: 23700 Orchard Lake Rd.
PARCEL I.D.: 23-26-151-025
PROPOSAL: Rezone a parcel currently zoned OS-2 Planned Office District, to RC-3 Multiple Residential District
ACTION REQUESTED: Set item for public hearing
APPLICANT: Jeffrey Fishman
OWNER: Universal Property Westhill

As noted above, this request was postponed at the request of the applicant.

D. PUD PLAN 1, 2021, INCLUDING SITE AND LANDSCAPE PLAN 54-2-2021

LOCATION: 31525 Twelve Mile Rd.
PARCEL I.D.: 23-15-201-270
PROPOSAL: Convert existing hotel into a senior assisted living complex in the ES, Expressway Service District
ACTION REQUESTED: Set item for public hearing
APPLICANT: Manor Senior Living, LLC
OWNER: 31525 W 12 Mile Rd. MI, LLC

Referencing his March 10, 2021 letter, Planning Consultant Tangari gave the background and review for this request to set PUD 1, 2021, including Site and Landscape Plan 54-2-2021, for a public hearing.

The 4.96 acre site is currently zoned ES Expressway Service, and is developed with a three-story, 217-room hotel with access to 12 Mile Road via a single driveway.

The Planning Commission granted preliminary PUD qualification at its meeting on January 21, 2021. The applicant cited meeting objectives ii, iv, vii, and viii of Section 34-3.20.E as the criteria met for qualification:

- a. *To permanently establish land use patterns which are compatible or which will protect existing or planned uses.*
- iv. *To provide alternative uses for parcels which can provide transition buffers to residential areas.*
- vii. *To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.*
- viii. *To bring about redevelopment of sites where an orderly change of use is determined to be desirable.*

Request for final determination. Per Section 34-3.20.5.B, items must be submitted when seeking final determination of PUD qualification. The applicant has submitted a package for final determination that does not fully meet the requirements—the package should be updated to show, under Section 34-3.20.5.B.c, that:

- (1) Plan identifies land use areas, as enumerated in Section 34-3.1.1 through Section 34-3.1.30 of the chapter.
- (3) Setbacks are listed for transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.
- (5) Plan must show the general location of residential unit types and densities and lot sizes by area. The plan does not commit to a unit count by type.

- (8) Open space areas are not delineated and dimensions not given.
- (9)d. Preliminary grading plan is not provided
- (9)f. Plan does not commit to a unit count by type.

Planning Consultant Tangari said that the applicant had provided a site plan for a 128-unit independent senior living complex, including a breakdown of the type of senior units, as follows:

- 21 studio units for memory care
- 107 units for *assisted living or independent living, depending on market demand.*
 - 22 studio units
 - 81 one-bedroom units
 - 4 two-bedroom units

The plan does not commit to either assisted or independent units. However, the distinction affects how ordinance standards are applied. Generally, assisted living units are treated as components of convalescent care for the purposes of determining parking and density requirements, whereas independent living is typically treated as multiple-family for those same purposes. The Giffels Webster analysis reflects these differences.

Summary of Plan. The site plan proposes to re-use the existing building with minor modifications to the exterior and a thorough interior renovation. Parking on the site will be reduced from 290 spaces to 95 spaces in order to create usable open space with walking paths, sitting areas and additional landscaping. The plan also proposes a connection to the parking lot at 31519 12 Mile Rd (the former Chef's Table restaurant), and a connection to Orchard Lake Road via the parking lot at 27701 Orchard Lake Rd (Roberto's Coney Island). The building includes common dining facilities; the units not identified as memory care have layouts that appear to include a kitchenette, though this is not labeled on the plans.

Master Plan. The master plan designates the site expressway service, consistent with current zoning.

Land Use Plan. The entire site is dedicated to the senior housing use, though the narrative is not specific about the type of senior housing use for 107 of the units. The plan should identify and quantify the open space areas of the proposed project.

Site Plan Submission Standards. The site plan does not include many elements required for site plan review, per Section 34-6.1 and Article III of Chapter 21 of the City Code of Ordinances. The plan should be updated according to the list of required elements. All standards of the underlying district must be addressed in order to determine the degree of relief sought from ordinance standards, if any.

- A loading space is not identified, and equipment on a low rooftop on the building's west side needs to be screened.
- The parking requirement for this use depends on the ultimate disposition of the 107 non-memory care units.
 - In the first scenario (21 memory care units + 107 assisted living caring units), 32 spaces would be required and 95 spaces are provided; the site meets the parking requirements of the ordinance.
 - In the second scenario (21 memory care units + 22 independent studio units, 81 1-BR independent units and 4 2-BR independent units) 129 spaces would be required; 95 spaces are provided and the applicant would be seeking relief from ordinance standards.

- The neighboring restaurant loses four parking spaces with the cross-connection driveway; as the restaurant site did not have parking spaces to spare, the loss of those spaces must be accounted for with a shared parking agreement.

Density. Because the applicant has not committed to using the 107 units not dedicated to memory care as assisted or senior living, the Giffels Webster review considered both scenarios:

- The proposed density of 196 rooms + 21 memory care beds, the overall density exceeds the permitted density of all RC districts, though absent the memory care beds, the independent unit room count would be permitted in the RC-3 district.
- If considered a dependent elderly care facility, the use would be permitted in the SP-5 district, and the site would provide enough open space under this use. (128,000 square feet open space would be required; 166,029 square feet open space were being provided.)

Corner clearance triangles should be indicated on the plan.

Landscape Development (34-5.14). Landscaped areas of the site are significantly expanded in this proposal. All outstanding issues noted in the chart on page 9 of the review letter could be handled administratively.

Lighting (Section 34-5.16). A lighting plan is not included and confirmation of ordinance compliance should be provided.

Tree Removal & Replacement. The plan proposes to remove 5 of the existing 58 regulated trees. Three of these are dead and none are landmark trees. The applicant proposes three replacement trees.

General Location. The subject site is located in a commercial area, but also abuts multiple family to the west. There are a variety of local service, restaurant, and retail uses within walking distance. Some examples: Starbucks is less than 900 feet walking distance away, several sit-down restaurants and service businesses are within a quarter mile walk, the Holocaust Memorial Center is less than one third of a mile walk, and the U.S. Postal Service is less than a half mile walk.

Relief Sought from Ordinance Standards:

1. Density. The PUD agreement should establish a permitted maximum density, considering the potential mixes of unit types.
2. Open Space. The amount of open [useable] space provided on the plan should be more clearly identified on a use plan and the square footage set as part of the PUD agreement.
3. Parking. Relief from the parking standards of the ordinance is likely needed; again this will be dependent on the unit types.

The Commission noted that the number of independent living units vs. assisted living units would need to be provided at the public hearing.

Planning Consultant Tangari advised that there should be a supplemental submission between now and the public hearing that addresses outstanding issues.

City Planner Stec noted that there were no standards for this use in the underlying zoning district.

City Planner Stec commended the applicant for addressing circulation issues; the changes will significantly improve traffic flow. City Planner Stec noted that the City would like to have one more discussion regarding site configuration with all interested parties, including the adjacent property owners.

Chair Stimson strongly supported the changes that will improve traffic flow in this area.

Douglas Boehm, Executive Director of Manor Senior Living and Comfort Care Senior Living gave the following information:

- They were proposing 56 units of independent living, 51 units for assisted living, and 21 memory care units.
- They will provide parking calculations and update those on the site plan. They will also provide a lighting plan.
- They had updated the site plan to show setbacks, open spaces, parking unit types, building height, loading space, rooftop equipment, and landscaping.
- Regarding the entrance on Orchard Lake Road, supporting cables for wiring Orchard Lake Road were located there; this would likely make the improved access from Orchard Lake Road very difficult.

MOTION by Schwartz, support by Varga, that P.U.D. Plan 1, 2021, including Site and Landscape Plan 54-2-2021, submitted on February 18, 2021 by Manor Senior Living, LLC be set for Public Hearing by Planning Commission for next available date.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0.

E. PUD PLAN 2, 2021

LOCATION:	27400 Twelve Mile Rd.
PARCEL I.D.:	23-12-476-008
PROPOSAL:	Skilled Nursing Facility and Multi-Family Apartments in RA-1B Single Family Residential District
ACTION REQUESTED:	Set item for public hearing
APPLICANT:	Optalis Healthcare
OWNER:	Evangelical Homes of Michigan

Referencing his March 10 letter, Planning Consultant Tangari explained that the applicant was seeking approval of a PUD plan, but not of a concurrent site plan. If after the public hearing, the PUD plan was recommended to and approved by City Council, the applicant would return to the Planning Commission with a site plan.

The 31.5 acre site is currently zoned RA-1B One Family Residential District, and is developed with an abandoned orphanage consisting of 15 buildings. Pebble Creek runs along the western edge of the property, and through the southern portion. The site is currently accessible from Inkster Road via five driveways.

PUD Qualification:

At its meeting on January 21, 2021, the Planning Commission granted preliminary PUD qualification approval to the site, citing the plan's compliance with all objectives under Section 34-3.20.2.E. except for objective v. At the time, several Commissioners expressed concerns about the original layout and density of the multi-family component of the plan. The applicant is now seeking final qualification, but is not seeking site plan approval concurrent with final qualification.

Planning Consultant Tangari reviewed the criteria for PUD qualification; the criteria were generally met.

Request for final determination. The applicant has submitted a package meeting the minimum requirements for final determination. As noted above, this is not a submission for site plan, landscape plan, and tree protection plan approval; all of these will need to be submitted with full detail if the City Council grants a final determination that the site qualifies for a PUD.

Conceptual Site Plan & Use:

Summary of Proposed Use. The applicant is proposing to raze all but the central administration building and one other existing building and in their place construct a 140-bed skilled nursing center and three (originally four) multi-family apartment buildings containing a total of 61 one-bedroom units and 83 two-bedroom units (144 total units and 371 total rooms). The retained administrative building would support adjunct functions for the skilled nursing facility. The concept plan reduces the number of driveways to Inkster from five to three.

Land Use Plan. The plan breaks down the land uses proposed for the property as follows:

1. Multi-Family: 9 acres
2. Skilled Nursing: 7.7 acres
3. Detention 1: 2.1 acres
4. Detention 2: 2.1 acres
5. Natural Preservation: 7.49 acres, with 1.09 of those acres to be potentially split and sold for single-family development,

Of the full site, 37.1% of the site is assigned to open space uses.

Historic Designation. The parcel is a designated historic site. The applicant proposes to demolish 14 of the buildings, preserving the administration building. The Historic District Commission has issued a notice to proceed, subject to the following:

- Materials from demolished buildings will be stockpiled for future re-use.
- The proponent will not proceed with any demolition until all other associated approvals are received.
- Any building approved for demolition but left standing will remain subject to Historic District Commission review.

Master Plan. The master plan designates the site single family residential. The residential density map identifies this parcel as low density, which is consistent with current zoning. The Master Plan also identifies this parcel as Special Residential Planning Area No. 3 (Boys and Girls Republic) and sets the following goals and policies for the parcel:

1. Maintain the historic character of the site
The central administration is proposed to be preserved; there is no indication of whether the proposed new buildings would be designed to complement or contrast with the preserved building.
2. Arrive at a plan for development that will be compatible with abutting residential uses, including a suitable transition area of single-family to existing residential use
The conceptual plan and PUD qualification narrative consider two uses: skilled nursing and multi-

- family. A previous plan for this site included cottage style units on the west side of the site to transition from more intense to less intense uses. This plan does not include those transitional units.*
3. Pay special attention to traffic control because of intersection, topography of the roads and the proximity of the bridge on Twelve Mile Road
The concept plan reduces the number of driveways and attempts to either align the new drives with driveways across Inkster or move them away from other driveways to avoid turning conflicts.
 4. Consider the PUD Option as a means to accommodate the complexities of the site
The applicant is seeking PUD qualification.
 5. Work with the developer on suitable plans that will achieve the goals
The PUD process is designed to give the Planning Commission input into the design of the site.
 6. Feature the historic buildings on the site
Two historic buildings are preserved in the plan.
 7. Protect the environment and drainage pattern of Pebble Creek, which is part of the Green River Corridor
Development is kept away from Pebble Creek, and the narrative refers to a plan to dedicate seven acres around the creek for conservation.
 8. Carefully control the location of access for traffic management purposes
Per the comment above, the applicant appears to have considered access management issues in the conceptual design.
 9. Emphasize vehicular access from Inkster Road because of grade changes and high traffic volume on Twelve Mile Road
All access is shown from Inkster on the conceptual plan.
 - Require widening of Inkster Road if there is any non-residential development
The applicant proposes a skilled nursing facility and multi-family development.
 - Establish residential lots or other suitable transition abutting the existing lots to the west
The applicant appears to suggest that landscaping and other screening will serve as the transition to single family housing to the west. This will be addressed in more detail at the site plan stage if the PUD is approved.

Dimensional Standards. Generally, it appears that the applicant will be seeking relief from the maximum height and front setback standards of the underlying district.

Density. The applicant is proposing two uses: skilled nursing and multiple-family residential. Relief is sought to allow these uses, which are not permitted in the underlying district.

- Skilled nursing. Per Section 34-4.17, convalescent homes in the RC-1, RC-2, RC-3, and SP-1 districts require 1,000 square feet of open space for each bed in the home. 140,000 square feet of open space is required; 404,000 square feet is provided in the skilled nursing land use area.
- Multiple Family Residential. Per Section 34-3.5.2.F, room counts would be permitted in each of the RC districts (based on acreage of the multi-family area on the land use plan), as per the chart on page 7 of the review letter showing standards in RC-1, RC-2, and RC-3 districts. The applicant's conceptual plan proposes 371 rooms.

Parking. The concept plan shows parking counts for the multi-family units that meet ordinance standards; parking counts shown for the skilled nursing facility greatly exceed the requirement. The applicant should consider reducing the number of spaces for the latter facility in order to preserve more open space on the site, or possibly an additional historic building. If there is another use (such as administrative offices) proposed in the historic building, this use should be identified, and a parking calculation provided. If the administrative building is not going to be heavily used a reduction in that field of parking might be warranted.

Tree Removal. The submission package includes the required tree survey and inventory. Should the Planning Commission recommend and City Council approve a final determination that the site qualifies for a PUD, prior to applying for the site plan approval, the applicant should re-verify the numbers on this plan. A version of the tree removal plan superimposed on an aerial image of the site will be required.

Traffic Study. A traffic study was provided; the city's traffic engineer will review.

Planning Consultant Tangari concluded his review.

Raj Patel, CEO Optalis Healthcare; John Thompson, Engineer, PEA; and Linda Verdura, Architect, Fusco, Shaffer & Pappas Architects, were present this evening.

Mr. Patel said they had listened to the Commission's comments in January and accommodated almost all the suggestions made that evening, with an emphasis on the multi-family development on the north side of the site. They had obtained a traffic study, with emphasis on traffic impacts to and from the north side of the site.

The building that is closest to the subdivision on the west side of the site is now smaller, as requested. There are now 3 buildings instead of 4, which changed how the buildings and parking are laid out on the site.

Regarding the parking off of Inkster at the midpoint of the site closest to the old administrative building, that building is refurbished to provide non-public rooms for staff, including training rooms. This is a back entrance and provides parking for staff. The new structure in front will provide for physical therapy, with the possibility of public use. Parking will be in front of that building, providing easy access.

Mr. Patel concluded his presentation.

Chair Stimson said that the applicants had taken the Commission's suggestions in amending their design; he was especially happy to see the building closest to the subdivision moved back.

Commissioner Brickner asked if the applicant had made contact with the neighbors.

Mr. Patel said they had sent the homeowners association president information regarding the development in a heads-up communication that also included an invitation to have a conversation. That had received some questions back, mostly around operational questions about the skilled nursing facility, and elevations of the multi-family buildings. Additionally, Mr. Patel offered to email, call, and/or set up a zoom call with the residents.

MOTION by Varga, support by Turner, that P.U.D. Plan 2, 2021, submitted by Optalis Healthcare dated February 18, 2021, be set for Public Hearing by the Planning Commission on a future Planning Commission meeting date.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0.

APPROVAL OF MINUTES February 18, 2021

MOTION by Orr, support by Trafelet, that the minutes for the February 18, 2021 meeting be approved as submitted.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0.

PUBLIC COMMENT

City Planner Stec said that a letter had been received from Randy Bruce, 28730 Lake Park Drive, expressing support for the PUD qualification requested at the February meeting at 32680 Northwestern Highway. Mr. Bruce expressed strong support for that project, which he felt would revitalize the area. His letter will become part of the public record and will be forwarded to City Council as the PUD project moves forward.

COMMISSIONERS' COMMENTS

The Commission welcomed Commissioner Varga.

Commissioner Schwartz asked that when the PUD project at 32680 Northwestern returns to the Commission, staff provide a map showing both sides of Northwestern from 12 to 14 Mile Roads, with the number of stories on the existing buildings.

The next Planning Commission meeting is March 25. The meeting date for April has not yet been finalized.

ADJOURNMENT:

MOTION by Orr , support by Brickner, to adjourn the meeting at 10:23 pm.

Roll call vote:

Yeas:	Brickner, Countegan, Mantey, Orr, Schwartz, Stimson, Trafelet, Turner, Varga
Nays:	None
Absent:	None
Abstentions:	None

MOTION carried 9-0

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Approved 4-22-2021

Respectfully Submitted,
John Trafelet
Planning Commission Secretary
/cem