

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
SEPTEMBER 15, 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

Commissioners present: Aspinall, Brickner, Countegan, Grant, Mantey, Stimson, Trafelet,

Commissioners Absent: Varga, Ware

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant
Tangari, Staff Engineer Alexander

APPROVAL OF THE AGENDA

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

MOTION carried unanimously by voice vote.

PUBLIC HEARING

A. REVISED PUD PLAN 3, 2021

LOCATION: 32680 Northwestern Hwy
PARCEL I.D.: 23-02-126-130
PROPOSAL: Construction of a multiple-family apartment building in B-2,
Community Business and B-3, General Business Districts
ACTION REQUESTED: Recommendation to City Council
APPLICANT: Robert Asmar, NWH Holdings, LLC,
OWNER: NWH Holdings, LLC

Applicant presentation

Keith Phillips, Think Shop Architects, 1420 Washington Blvd., Suite 430, Detroit MI, and Jim Butler, PEA Group, 1849 Pond Run, Auburn Hills MI, were present on behalf of this application for recommendation for Final Determination to City Council for Revised PUD Plan 3, 2021.

Utilizing a PowerPoint present and a 3-D model (passed around the Commission, and then given back to the applicants), the applicants provided the following information.

Regarding changes to the plan:

- After their last meeting, the applicants re-evaluated their plan, especially relative to some of the issues that were brought up related to height and density. The height was lowered from 69' high to 55' high, by lowering the building into the ground, with ~260 parking spaces provided below the building. The rest of the parking will be surface parking.
- The number of units was reduced from 253 to 217 units.

- The layout remained the same as with previous renditions, with a single access point off Northwestern Highway, and 360 degree circulation around the building. There were 4 access points into the garage all the way around the building.
- The applicants were in conversation with the Fire Marshal regarding circulation and access, and they believed that the Fire Marshal was now comfortable with the plan. Several dead end areas had been removed from the site.
- The reduction in units allowed a courtyard expansion.
- The concept was to try to keep a clean building, and conceal parking with two thirds of the parking below grade.
- The density was comparative to the units across Northwestern, as well as what was going on in neighboring communities.
- They were trying to provide as many amenities on the site as possible.

Regarding the design:

- Lowering the height lessened the impact on neighboring developments; a height deviation of 5' (instead of the previous 18') was requested.
- They tried to break up the massing with building materials, and by enlarging the courtyard by moving parking underground. They were asking for a deviation of 71' parking spaces. They were providing 1.7 parking spaces per unit (instead of the required 2.5 spaces per unit).

In response to a question, the applicants said the 55' height included the parapet, which was 4' tall.

Consultant Report

Referencing his August 9, 2022 memorandum, Planning Consultant Tangari reviewed this request for final PUD qualification:

Regarding PUD qualification, under Section 34-3.20.2, the Planning Commission may make a determination that the site qualifies for a PUD based on ordinance criteria and procedures. At its meeting on February 18, 2021, the Planning Commission granted preliminary PUD qualification approval to the site, citing the plan's compliance with all objective viii of Section 34-3.20.2.E. At the time, Planning Commissioners generally did not take issue with the proposed use, but several expressed reservations about the scale of the use, particularly its density and height. The PUD was also reviewed by the Planning Commission at its meeting of August 19, 2021, and again June 16, 2022; both times, a recommendation was postponed to provide an opportunity for the applicant to amend the plan in response to discussion at the meeting. The motion to postpone included non-binding advice to the applicant to reduce height and overall density, and increase the east side setback. Density and building height had been reduced since the June meeting. The applicant was seeking final PUD qualification, but was not seeking site plan approval concurrent with final qualification. Preliminary approval was not a guarantee of final approval.

In response to questions, Planning Consultant Tangari explained that the Commission would be making a recommendation 1) regarding the use as multi-family residential and 2) on the requested deviations from the ordinance. If there were things the Planning Commission wanted in terms of materials, design, etc., those could be conditions of a recommended approval.

As this was a Planned Unit Development (PUD), and the applicant was seeking some substantial deviations from ordinance standards, the Planning Commission and City Council may wish to discuss with the applicant project elements that bring greater benefit to the wider community such as art or gateway elements on the site that would be visible to pedestrians and motorists traveling in the adjacent

right-of-way, public amenities such as a wider sidewalk to accommodate more users, benches along the public sidewalk, greater landscaping in the right-of-way, public art in the right-of-way, or other items.

City Attorney Schultz explained further that the Planning Commission would be making a recommendation regarding the concept plan presented this evening. If the PUD was approved by City Council the final plans would have to be substantially similar to what was presented. If the final site plan conformed to the PUD agreement and the concept plan, the Planning Commission would have to approve it. Now was the time to list any outstanding concerns or attach conditions.

After reviewing the application against the criteria for PUD qualification in the ordinance (pages 2-7 of the review letter), and reviewing the concept site plan and use (p. 6-8 of the review letter) Planning Consultant Tangari listed outstanding issues as follows:

Relief from Ordinance Standards

Per the application materials, relief was sought from the following ordinance standards:

1. Height: Proposed maximum height of 55', where 50' was permitted in the underlying district (a deviation of 5').
2. East side setback (to residential): 54.47' was proposed where the underlying district requires 75' (a deviation of 20.53').
3. Density. The plan does not specify a base district for density standards. 543 rooms are proposed; the maximum number of rooms permitted in the RC-3 district was 230 rooms (a deviation of 313 rooms).
4. Parking. 365 spaces are proposed where 436 were required (a deviation of 71 spaces). This was a ratio of 1.68 spaces per unit; the Emerson across Northwestern was approved for 1.65 spaces per unit.

If City Council did grant final PUD qualification with the requested deviations, a PUD agreement would be formalized, and the final site plan would come back to the Planning Commission for further review.

Other issues:

- The Planning Commission and Council might want to discuss additional landscaping as a condition of PUD qualification.
- Bike storage could potentially mitigate some of the impact of the deviation from parking requirements.
- Electrical Vehicle charging stations will be essential to future marketability; the location of such stations could be discussed at final site plan review.
- The applicants had changed the architectural appearance in response to previous conversations; the Commission should decide whether the changes are acceptable or if other changes are desired.

Commission discussion

Commissioner Mantey was concerned that green roofs were not mentioned in the environmental review; the applicants had mentioned green roofs in earlier iterations.

Commissioner Mantey said he saw demand for an increase in rooms in order to work at home. He was not too worried about the parking.

Commissioner Brickner noted that the applicants were comparing their design to The Emerson, across Northwestern, in terms of height and density. City Planner Perdonik agreed, while noting The Emerson

was on more acreage. The Emerson was 53' high, and had ~113 rooms per acre. This proposal had ~98 rooms per acre.

In response to a question from Chair Countegan, and noting that only Objective viii. under Section 34-3.20.2.E was listed as being met in the original motion for preliminary qualification, Planning Consultant Tangari explained that a PUD became a zoning district in and of itself, and the applicant was not obligated to develop the property under the B-2 or B-3 districts. The applicant was allowed to propose residential use with the underlying commercial zoning.

Additionally, this proposal was not comparable to any of the multifamily districts in the zoning ordinance. The proposal was similar to The Emerson, which was recently approved in the area, located in one of the most built-up commercial areas in the City. There was not a lot of density that was comparable to this density in the City in general.

Chair Countegan opened the public hearing for public comment. 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.

Commissioner Mantey was concerned with the over use of the PUD process. Hopefully with the Master Plan update, fewer PUD developments would be necessary. He was disappointed that this proposal only meets one of eight objectives listed in the ordinance, which was: *To bring about redevelopment of sites where an orderly change of use is determined to be desirable*. If the green roofs were provided, they would fall under Objective i.: *To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses*. He asked that this be discussed during site plan review.

Commissioner Brickner noted that the May 2022 plans in his packet did not show the modifications being discussed this evening. He did think residential apartments were a good use, and the development acted as a buffer. His main concern was regarding the residential condominiums to the east. The greenbelt between this development and the condominiums should include taller trees that offered year-round green buffering, and more landscaping should be included. Regarding density, he hoped there was enough parking. The density was higher than normal but lower than The Emerson across the street. Recommendations by the City's consultants and staff should be included in any approving recommendation.

Commissioner Stimson said if a green roof was desired, it should be included in tonight's motion.

Commissioner Mantey said he did not want to include a green roof as a requirement, because he was unsure of its practicality.

Commissioner Stimson thought the project was too dense for this property, and too tall when it was so close to residential developments. The Emerson did not have the issue of being close to a residential complex. At a minimum, the side next to the residential development should be one less floor to make up for the too-close setback. With one less floor on the residential side, the angle to the top of the building would be the same as if the building were set back 75'. With the proposed height, the setback would be 28% closer than what would normally be allowed.

Commissioner Stimson said he liked the idea of an apartment complex, but this proposal was too massive for the small piece of land and the setbacks from the residential were too close.

Commissioner Trafelet thought the plan was improved from what was previously presented, but he agreed that the proposal was too tall and too dense. He also wanted to require more trees on the eastern side and a masonry wall.

Planning Consultant Tangari said a wall would be required on the eastern side and additional landscaping could be required as well. A 6' screen wall was typical, which would screen the parking from the neighboring use. Again, enhanced landscaping could be required. A solid evergreen screen could also be required, with deciduous trees planted in front of that.

Chair Countegan asked about any environmental aspect argument that had been made or envisioned when the project was first submitted.

Mr. Phillips said the idea was to help mitigate any environmental impacts the building might have. The entire parking structure had a green roof on it; this became the interior courtyard. They were slowing stormwater flow into the system. They had never eliminated environmental mitigation from the project, but instead had reportioned the environmental mitigation aspects to different parts of the building.

Chair Countegan asked if any baseline environmental studies had been done on the property. Mr. Butler said a Phase I environmental study had been done, and the site was clean.

Chair Countegan said he was comfortable with the project going forward, in terms of density, height, and the location of the building on the property. The Planning Commission had initiated a PUD qualification. Redevelopment was good, and there was comparable development in the proximity of this proposed development that had been successful. While there were impacts on neighbors, any time there was change there was going to be an impact, and it was up to the Planning Commission to help mitigate those effects and make sure the City was doing its best to establish good neighbors and good neighborhoods.

Chair Countegan said the issues of height, density and setback reflected a sense of the current trends, including people working from home and converting bedrooms to offices. As part of the current master planning process the Commission would be discussing how units such as these will be used in the future. He was not overly concerned about the density and he trusted the developers regarding parking – they were the ones risking capital. Again, he was in favor of moving forward.

MOTION by Stimson, support by Trafelet, that the Planning Commission recommend to City Council that PUD Plan 3, 2021, dated May 18, 2022, submitted by NWH Holdings, LLC, **BE DENIED**, for the following reasons:

- Exceeding height and density restrictions, and the setback on the east side.

Motion discussion:

Commissioner Brickner said that using a PUD would allow the Commission to put further conditions on the proposal, in order to protect the residential development to the east and to mitigate other concerns. For too long this property had been undeveloped, and an apartment building was a good use of the site. This proposal would bring something to the community rather than detract from it. He would not support the motion.

Chair Countegan said he would not support the motion.

Motion failed 2-5. (Aspinall, Brickner, Countegan, Grant, Mantey opposed).

Motion by Brickner, support by Aspinall, to recommend to City Council that PUD Plan 3, 2021, dated May 18, 2022, submitted by NWH Holdings, LLC, **BE APPROVED**, because the plans are consistent with the goals, objectives, and policies of the Master Plan and applicable provisions of the Planned Unit Development Option in Section 34-3.20 of the Zoning Ordinance, SUBJECT TO:

1. Modifications of Zoning Ordinance requirements as indicated on the proposed plan.
2. Further modifications of Zoning Ordinance requirements as follows:
 - Height not to exceed 55' in any location on the building.
 - Density not to exceed 217 units in the building.
 - At least 365 parking spaces be provided.
 - Side yard on the east side of the building be no less than 54'.
3. The following conditions:
 - Green roofs if structurally feasible.
 - Underground water storage requirements as set forth on the June 7, 2022 Environmental Review, setting forth the requirements of proper water storage on the premises, including providing calculations details for the underground detention system.
 - Higher density of landscape material will be used on the east side of the building, including taller trees that will be green year round such as arbor vitae, and taller deciduous plants, to act as a blockade between the residential condominiums to the east and this project, and in addition, if required by ordinance and/or staff, a six foot screen wall. The screen wall does not eliminate or reduce the requirement for taller trees and landscaping including shrubs as described.
 - Bicycle parking and EV stations be provided, with EV infrastructure installed in the parking structure and elsewhere as appropriate.

And with the following finding:

The Planning Commission finds that the PUD qualifies under Section 34-3.20.2.E., objectives vii and viii.
vi.: To promote the goals and objectives of the Master Plan for Land Use.
viii: To bring about redevelopment of sites where an orderly change of use is determined to be desirable.

Motion carried 7-2 (Stimson, Trafelet opposed).

REGULAR MEETING

A. ZONING TEXT AMENDMENT 1, 2022

CHAPTER OF CODE:	34, Zoning Ordinance
PROPOSED AMENDMENT:	Amend the time period that recreational equipment or trailers may be parked on a residential premises during loading or unloading.
ACTION REQUESTED:	Set for public hearing
SECTIONS:	34-5.7.1 and 34-5.74

City Planner Perdonik gave the background for this zoning text amendment request. The Planning Commission was being asked to look into the reasonableness of the 24 hour period and see whether the City was in line with other communities. The norm in several other communities was 72 hours. Other communities were silent on this issue.

The question was whether 24 hours placed an undue hardship on people to clean their recreational equipment and prep it for storage. The ordinance should strike a balance between not allowing a recreational vehicle to become a permanent fixture of the neighborhood, but still give people the flexibility to do what they need to do when they're coming and going on vacation.

The requirement for 72 hours *cumulatively over 5 days* actually clarified the requirement in terms of enforcement. The language was written to prevent gaming the ordinance, and emerged as best practice as written and experienced by other communities.

MOTION by Grant, support by Stimson, that Zoning Text Amendment 1, 2022 be set for public hearing for the Planning Commission's next available regular meeting.

Motion carried by voice vote.

APPROVAL OF MINUTES August 18, 2022 Special and Regular meetings

MOTION by Brickner, support by Trafelet, to approve the August 18, 2022 Special Meeting and Regular Meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

Cynthia Lukotch, 35263 Edythe Drive, spoke in favor of the zoning text amendment just discussed and set for public hearing. She supported the 72 hour requirement.

COMMISSIONERS' COMMENTS

The Commission discussed the new roundabout design relative to vehicles making left turns out of the Hunters Square Shopping Center.

Commissioner Grant supported the proposed change in the time frame allowing people more than 24 hours to take care of their recreational equipment after returning home from trips.

ADJOURNMENT

MOTION by Trafelet, support by Brickner, to adjourn the meeting at 8:45pm.

MOTION carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem