

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
September 21, 2023, 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: Countegan, Grant, Trafelet, Stimson, Varga, Ware

Commissioners Absent: Aspinall, Brickner, Mantey,

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

APPROVAL OF THE AGENDA

As there were members of the public who were waiting to offer comment from the 6:30 Study Session, and as the first agenda item had been postponed at the request of the applicant, the following motion was offered:

MOTION by Trafelet, support by Varga, to amend and approve the agenda as follows:

- **Add Public Comment following Approval of Agenda, in order to allow public comment from the 6:30pm Study Session to continue, and**
- **Delete 4.A. Site Plan 65-8-2023 (Planned Unit Development 3, 2021)**

Motion passed unanimously by voice vote.

PUBLIC COMMENT

The following public comments were a continuation of public comment relative to the 6:30pm Study Session on Planned Unit Development (PUD) 1, 2023, Construction of multiple-family housing on south side of 13 Mile Road, east of Middlebelt Road, Owner Chaldean Community Foundation.

Christine Lesser spoke of her concerns regarding increased traffic on 13 Mile Road due to the proposed PUD development. She asked if the Oakland County Road Commission will do an analysis of the additional traffic.

Wanda Whalen addressed PUD qualification requirements under Section 34-322. Ms. Whalen thought the PUD option was being requested for the sole purpose of avoiding the applicable zoning requirements. Approval of the project will negatively impact the public health, safety and welfare of the surrounding area, especially regarding the increased traffic which will need to slow to enter the proposed site. Any overflow parking will have to be in the West Gate subdivision to the north, requiring pedestrians to cross 13 Mile Road. The project will materially add service and facility loads beyond those contemplated in the future land use plan.

Evan Lucas praised the diversity of the single-family homeowners in the area, and how the residents maintained their properties. He was opposed to the construction of five 3-story buildings, with 169 parking spaces, in the middle of the two single-family residential subdivisions. He asked the Commission to reject this proposal.

Josiah LaColla, Holly Hill Farms, said that this area of 13 Mile Road had been “inactive” because the investment company that purchased the 3 subject lots several years ago had neglected the properties and had not tried to market them. The inactivity and quietness had been self-induced.

Amy Broglin agreed that Mobi Investments had owned the 3 lots for a long time, and were marketing them together. She had tried to purchase a single lot from the group, and was denied. The properties were blighted because Mobi Investments had not maintained them. While the Planning Commission was mindful of the “vision” for Farmington Hills, the Commission also needed to be aware that the residents envisioned their neighborhoods as inclusive and beautiful. There were other areas in the City that were better locations for the proposed development, including a 4-acre property just north of this site on Orchard Lake Road. She opposed the proposed development.

David York pointed to developments that had recently been created as “pocket subdivisions.” The homes sold quickly; there was no problem with unaffordable housing in Farmington Hills. He did not support the proposed development receiving Federal, State and local funds. In this case, the appropriate primary funding should come from the Chaldean Community Foundation. What was being proposed was not in line with the City’s Master Plan.

Tom Bader, Westgate Subdivision, said that traffic on 13 Mile Road “is horrendous.” Additional traffic caused by 169 cars will only make matters worse. Also, the taller buildings will infringe on the privacy of existing homes and backyards. The subject site was not zoned for this kind of development. An approval should not be justified based on the idea that the master plan might change in the future; development should follow the existing master plan. The properties had apparently been purposefully neglected, and now the owner was being rewarded for that neglect.

Margaret Bosker, Westgate, addressed the issue of school busses on 13 Mile Road. When the school busses stopped, all traffic stopped in both directions, slowing and further congesting an already congested road. 100 more residential units will include children, increasing the school bus traffic on 13 Mile. Also, during winter driving conditions Middlebelt was dangerous because it was on a grade. The added traffic will only add to a dangerous situation.

Sam Rabah, Westgate subdivision, asked about the advantage to Farmington Hills if the development was approved. Would the non-profit Chaldean Community Foundation pay taxes on this property? Would other neighboring properties follow suit and be developed as multiple-family housing, further raising the density in this area?

As no other public indicated they wished to speak, Chair Countegan responded to comments made during the 6:30pm Study Session and during this meeting. By law the City was required to give each applicant due consideration. Regarding a Planned Unit Development (PUD) vs. straight re-zoning, a PUD gave the City and its residents the opportunity to negotiate terms and conditions with the applicant; this flexibility was not available under rezoning, which is a simple change in land use. Any project that comes before the Planning Commission is reviewed in terms of public safety, including traffic issues. The Commission had heard the comments from the public at tonight’s meetings, and at the August public hearing. No comments were being dismissed; the Commission wanted to get everyone’s input. Regarding the question

about tax benefit, the Planning Commission was considering a land use request, and would not be discussing tax issues. The Commission would confirm that the proposal was working within existing federal, state, and local laws. Regarding the issue of height, in Farmington Hills height is measured from the mid-point of the roof. The issue of how height is measured could be further discussed at the next meeting when PUD 1, 2023 will again be on a regular meeting agenda – October 26, 2023. At that meeting the Commission will discuss what kind of recommendation it will make to City Council regarding this proposal.

Commissioner Stimson pointed out that at the August 17, 2023 meeting the Planning Commission could not come up with a recommendation; motions to recommend and motions to deny all failed to move forward. A PUD was a negotiation, and nothing had been put on the table to renegotiate since the August meeting.

After discussion regarding process, City Attorney Schultz suggested that the Commission place PUD 1, 2023 on the next Planning Commission agenda. Whatever recommendation the Commission eventually made, the applicants could move the project to the next step, which was a hearing before City Council.

For the benefit of the public present, Chair Countegan said the formal public hearing regarding PUD 1, 2023 had been closed at the August 17, 2023 meeting, and the Commission had also heard from the public this evening. Further public comment would be allowed at the discretion of the Chair. PUD 1, 2023 would be placed on the October 26, 2023 7:30pm Planning Commission meeting agenda, and all information regarding that meeting will be available on the city website.

Chair Countegan recognized Tom Haji, Director, Chaldean Community Foundation. Mr. Haji said they had been coming to Farmington Hills since June 2023, and were under MSHDA's (Michigan State Housing Development Authority) timeline. Mr. Haji said they had applied for this project as a PUD upon the recommendation of staff. He was frustrated that there had not been more give and take between the developer and the Commission this evening.

City Attorney Schultz said that the Planning Department did not tell the applicants to do a PUD; Planning Department staff cannot make an applicant choose the PUD process or the rezoning process. The developer acts on his own behalf. City Attorney Schultz further explained that the purpose of the study session had not changed from when it was set; the Commission wanted to get more information, and they did that this evening. Commissioners also had time to gather information outside of the meeting, and commissioners will continue to gather information. Several times during the meeting the Chair asked the Commission if they had further questions, and questions were asked and discussion was held. The study session was set for one hour, and under the obligations and legal requirements of the Open Meetings Act the Commission must hear public comment. The study session had progressed as was appropriate, and via appropriate modification of the agenda, public comment had spilled over into the regular meeting also.

In response to a request from Mr. Haji, Chair Countegan recognized the applicant's traffic consultant.

Steve Russo, traffic engineer, explained that they had conducted a traffic study which had followed all accepted engineering practices. Counts were collected on a typical Tuesday, Wednesday or Thursday, during normal peak hours, as would be done for any traffic study of this nature, for any development. The results did show that there is some delay right now, and that delay might increase a little bit in the future. However, the lights along 13 Mile Road and at Baptist Manor and at Middlebelt Road create adequate gaps that allow traffic to enter and exit along the side streets. While Mr. Russo was not 100% familiar with the Farmington Public School bus routes, he assumed that students would be picked up on each side

of 13 Mile Road; the students would not be required to cross the street. He did not believe there would be a big differentiation between this development and a permitted single-family development relative to school bus use.

In response to questions, Mr. Russo said the traffic study was done in July and August 2023.

Commissioner Stimson asked about the impact on traffic if other RC-3 zoning developments were allowed next to this one, for instance at Baptist Manor. Mr. Russo said he was not familiar enough with that situation to be able to answer this question.

Staff Planner Perdonik said that the applicant's traffic study would be forwarded to an independent consultant for review.

Chair Countegan thanked the public for coming this evening, and called a short break at 8:15pm. Chair Countegan reconvened the meeting at 8:23pm.

REGULAR MEETING

A. SITE PLAN 65-8-2023 (PLANNED UNIT DEVELOPMENT 3, 2021)

LOCATION: 32680 Northwestern Highway
PARCEL ID: 22-23-02-126-130
PROPOSAL: Construction of multiple-family housing in B-2, Community Business, and B-3, General Business zoning districts
ACTION REQUESTED: Approval of site plan
APPLICANT: NWH Holdings, LLC (Robert Asmar)
OWNER: NWH Holdings, LLC (Robert Asmar)

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

B. SITE PLAN 52-4-2023

LOCATION: 30691 Grand River Avenue
PARCEL I.D.: 22-23-35-105-017
PROPOSAL: Construction of cellular tower in B-3, General Business zoning districts
ACTION REQUESTED: Set for public hearing
APPLICANT: Atlas Tower Group, Bill Williams, Territory Manager
OWNER: Motel Rainbow

Planning Consultant Tangari explained that tonight's action was to set this item for public hearing. A full review, based on his June 27, 2023 written memorandum, would be made at the time of the public hearing. The applicant had addressed all issues at a pre-application meeting.

Planning Consultant Tangari provided the following information:

- The applicant is proposing a new, 120' cellular tower at 30691 Grand River Avenue.
- Cellular towers are a permitted use in the B-3 district, subject to the standards of 34-4.24, which requires public hearings at both the Planning Commission and City Council.

Applicant Bill Williams, Atlas Tower Group, was present on behalf of this application. Amy Burroughs and Lydia Brent were also present from Atlas Tower Group.

Mr. Williams explained that the proposed cellular tower will replace the tower at the Farmington Junction building – located about a half mile away – that is being sold. The new tower will be an upgrade and will have full potential to serve the telecommunications need in the area for the foreseeable future.

Atlas Tower Group will develop the site and own the tower. T-Mobile is the anchor tenant, with other providers also co-locating on the tower.

In response to questions, the applicants explained that the tower will not be camouflaged to look like something else, such as a tree. The tower will be constructed above the 100-year floodplain. The site had a slight difference in slope (perhaps one or two feet) from Grand River to Freedom Road.

In response to questions from the Commission, Chair Countegan explained that City Ordinance regulated cellular towers in the City.

City Attorney Schultz added that federal and state statutes limited how cellular towers can be regulated.

Commissioner Ware noted that the recent surveys regarding the Master Plan addressed functionality of internet service in the area.

Chair Countegan said the public hearing would be an opportunity to communicate with residents how cellular towers are regulated, and address questions regarding public safety and community benefit.

Mr. Williams pointed out that the public safety component of cellular towers is very important, as across the country over 80% of 911 calls are made on a handheld device, and in many urban jurisdictions that ratio goes up to 90%. AT&T is interested in the site, and AT&T is the FirstNet provider (First Responder Network Authority) that enables first responders to communicate seamlessly.

Commissioner Trafelet asked how deep the footings would be, and the measure of the fall radius. Mr. Williams said the towers were built to stand, and the fall radius was taken into account in terms of location placement. He was not sure of the depth of the footings, but that information could be provided.

In response to further questions, Mr. Williams said the Telecommunications Act of 1996 specifies that the governing authority on health and safety of cellular towers is the FCC, and the FCC and FDA and all governing authorities have deemed the cellular communication facilities as safe for human use.

MOTION by Stimson, support by Trafelet, that Site Plan 52-4-2023, dated April 14, 2023, submitted by Atlas Tower Group, Bill Williams, Territory Manager, be set for public hearing, for the Planning Commission's next available regular meeting agenda.

Motion passed unanimously by voice vote.

C. SITE PLAN 54-6-2023

LOCATION: 35700 Twelve Mile Road
PARCEL I.D.: 22-23-08-400-012
PROPOSAL: Addition to an existing community center for worship in RA-1,
One Family zoning district
ACTION REQUESTED: Approval of site plan
APPLICANT: Ibrahim Abubars - ICA
OWNER: Islamic Cultural Association

Referencing his August 31, 2023 memorandum, Planning Consultant Tangari gave the background and review for this request for site plan approval for an addition to an existing community center for worship in an RA-1, one family zoning district, located at the northwest corner of 12 Mile and Drake. The applicant is proposing an addition to an existing cultural center that has a current footprint of 42,824sf. The addition would add 18,981sf with a 2,569sf mezzanine. The property is 28.5 acres.

The new addition is going to serve as a mosque with men's and women's prayer halls. Two minaret areas are proposed to project from either side of the mosque, a minaret being a component of religious architecture that's typically built into or adjacent to a mosque and includes a tower from which the call for prayer is generally projected. The minarets are exempted from the height requirement.

Regarding existing conditions, the Islamic Cultural Center is an existing structure that serves as a place of assembly for the Islamic community including opportunities for worship and religious education. The site includes 322 parking spaces. Two curb cuts provide access to the site along Twelve Mile Road.

Places of worship are a principal permitted use in the RA-1 district subjected to Planning Commission approval and the standards of Section 34-3.6.

Outstanding issues include:

- All dimensional standards of the district are met. However, the 50' setback line of all yards should appear on the plans.
- Pedestrian access connection to 12 Mile Road is provided. The landscaping plan does not include the proposed pedestrian access, and the landscape plan should reflect the same site conditions as the site plan.
- Regarding parking, there was a requirement of 223 spaces for the ancillary uses and 267 spaces for the mosque. 322 spaces are provided. However, when there is a service occurring in the mosque, there would not be a basketball game going on in the athletic facility at the same time. There is therefore some sharing of the parking spaces among the uses that occur within the building. The applicants were proposing to land bank some spaces; these were shown on the plan.
- Notes on the landscaping plan need to be provided regarding tree spacing.

The Planning Commission should review and determine:

- Whether existing vegetation is sufficient to obscure the parking areas from view of Drake Road. If so, the applicant may not need to comply with the wall/berm requirement.
- The north and west lot lines are abutting an RA district, but plans do not show a wall or berm along these lot lines. The Planning Commission may waive or modify this requirement.

Ghassan Abdelnour, GAV Associates, architect for the project, was present on behalf of this request for site plan approval. Mr. Abdelnour made the following points:

- The addition will be within the existing courtyard. No extra asphalt will be needed. Only one parking space has been lost. The plans showed 322 parking spaces and no additional spaces were being added. Some spaces will be land banked and might not ever be necessary.
- The building had minarets as already described. The height of the building was 30’.
- The mosque had been at this location for 10 years. The existing trees on the site will remain. Additional landscaping will be added around the parking lot.

In response to questions, Mr. Abdelnour provided the following further information:

- The minarets will not be active.
- Originally this site had been a college with a dormitory; the dormitory was currently being used for storage.
- Construction will start as soon as possible after all approvals are granted, hopefully by spring 2024.
- This project will provide a more attractive facility for the community that attends the mosque.
- The mosque had a Sunday school, but not a daily school.

MOTION by Trafelet, support by Stimson, that Site Plan 54-6-2023, dated June 1, 2023, submitted by Ibrahim Abubars – ICA, be approved, because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- **Applicant to contact the Fire Marshal to schedule annual inspections, as noted in the Fire Marshal’s June 19, 2023 memorandum.**
- **Applicant to resubmit plans for administrative approval showing resolution of any outstanding issues in the August 31, 2023 Giffels Webster report.**

And with the following findings:

- **The existing vegetation is sufficient to obscure the parking areas from view of Drake Road.**
- **The requirement for a wall or berm is waived along the north and west lot lines.**

Motion carried unanimously by voice vote.

APPROVAL OF MINUTES

August 17, 2023, Regular Meeting

MOTION by Grant, support by Trafelet, to approve the August 17, 2023 Public Hearing and Regular Meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

Commissioners noted how cold it was in Council Chambers.

As the stipend for the Planning Commissioners had not changed for many years, the following friendly motion was offered:

MOTION by Trafelet, support by Grant, that City Council consider increasing the stipend for Planning Commissioners from \$50 to \$100 per meeting.

Commissioner Stimson said he would serve with no stipend.

Motion passed by voice vote 5-1 (Stimson opposed).

Chair Countegan noted that Commissioners enjoy their appointments and appreciate being able to serve.

Commissioner Varga explained how to pronounce her first name: Marisa.

In response to questions, City Planner Perdonik updated the Commission on work being done on the reconfiguration of the drive through at Chase Bank at 12 Mile/Farmington Road.

ADJOURNMENT

Motion by Stimson, support by Grant, to adjourn the meeting at 9:05pm.

Motion carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary
/cem