

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING
COUNCIL CHAMBERS
August 16, 2018, 7:30 P.M.**

Vice Chair Stimson called the Planning Commission meeting to order at 7:33 p.m. on August 16, 2018.

Commissioners Present: Brickner, Goerke, Mantey, McRae, Orr, Stimson, Turner

Commissioners Absent: Countegan, Schwartz

Others Present: City Planner Stec, Staff Engineer Kennedy, City Attorney Anderson,
Planning Consultant Tangari

APPROVAL OF AGENDA

MOTION by Brickner, support by Turner, to approve the agenda as published.

MOTION carried unanimously.

PUBLIC HEARING

A. PUD PLAN 2, 2017, INCLUDING SITE AND LANDSCAPE PLAN 56-3-2018

LOCATION: 21500 & 21430 Haggerty Rd.
PARCEL I.D.: 22-23-31-101-023 & 024
PROPOSAL: New Office building in OS-4, Office Research District
ACTION REQUESTED: Recommendation to City Council
APPLICANT: Century Project LLC
OWNER: Century Project, LLC

Commissioner McRae disclosed that his employer did the photometric layout for this application, although he had not worked on that layout. He did not think this would impact his ability to be objective regarding this case.

The consensus of the Commission was that Commissioner McRae did not need to be recused in this instance.

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

Utilizing overhead slides, Mr. Zimmerman gave an overview of this PUD qualification request. He explained that there was an existing 3-story office building on the north part of the site. The new office building would be constructed on the vacant parcel to the south. To the south of that was the Hilltop Church of the Nazarene.

The new office building would be 5 stories, would blend architecturally with the existing building and the site plans of both would be combined. The new parcel was 3.5 acres; the current building was on 2 acres. The new building would be approximately 82,000 square feet.

Previously the applicants had proposed underground parking for 30 spaces. However, as they had researched further, they discovered that the cost of the 30 underground spaces approached \$2 million, and it was hard to justify that. Therefore they had modified the plans and recalculated the parking spaces, so that now they were able to meet ordinance requirements.

The two buildings were tied together with a central plaza, with landscaping and a pedestrian path in between. The dumpster would be relocated to the east side of the site, and would have a masonry enclosure except for the east side that faced the freeway.

The site entrance had been changed from a roundabout to a boulevard, with landscaping on its sides and center.

Mr. Zimmerman concluded by showing the building's elevations, and noting its similarity to the existing building, including materials and entrance canopies. The 80-foot height of the new building would allow 9 or 10-foot ceilings in the tenant spaces, which resulted in the arched windows being true vision glass all the way to the ceiling.

Commissioner Orr noted that the applicants had requested a deviation from the requirement for a 2-foot hedge along the freeway. He was concerned that with the elevational difference, headlights would shine in the homes across the freeway.

Vice Chair Stimson invited Planning Consultant Tangari to give his review.

Utilizing overhead slides and referring to the July 25, 2018 Giffels Webster review letter, Planning Consultant Tangari gave the review for this request for PUD qualification.

Planning Consultant Tangari reviewed the qualification criteria as follows:

- A. The PUD option may be effectuated in any zoning district.
- B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

The Planning Commission should discuss whether this requirement was met.

- C. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Asserted financial problems shall be substantiated with appraisals of the property as currently regulated as proposed to be regulated.

The applicant had provided some financial information to support its case though they had not provided source documents, instead summarizing the case in the project narrative. In this case the proposed size of the new building appeared to be the primary objective not achievable under conventional zoning.

- D. The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Future Land Use Plan

unless the proponent can demonstrate to the sole satisfaction of the city that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.

This standard appears to be met.

- E. The Planned Unit Development must meet, as a minimum, one of the following objectives of the city:
- 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.
 - ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
 - iii. To accept dedication or set aside open space areas in perpetuity.
 - iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.
 - v. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
 - vi. To promote the goals and objectives of the Master Plan for Land Use.
 - 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.

The applicant's narrative of the PUD called attention to vi and vii. Regarding item vi, the Master Plan identified the parcels as part of Freeway Redevelopment 2a, which called for 5 stories. The Planning Commission should discuss whether the plaza included in this plan satisfied item vii. Item viii could also be a potential point for discussion. During preliminary qualification in December 2017, the Planning Commission cited vi and viii.

- F. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

While the additional height was an important part of this application, it did appear that the applicant was attempting to provide a development environment that exceeded ordinance requirements.

Planning Consultant Tangari advised that the applicant had provided sufficient information for the Planning Commission to reach a determination on PUD qualification.

Requested relief from ordinance standards included:

- Height limit for new building: 40 feet required; 80 feet proposed. Five stories were called out in the Master Plan for this area.
- Front yard open space: 50% required; less than 50% proposed (both front yards).
- Parking setback: 10 feet required to the east; 5 feet proposed.
- Restaurant: Not permitted in OS-4; proposed in OS-4.
- Dumpster: Requirement to enclose dumpster with a gate is not met; acceptance of dumpster plan as presented is requested by applicant.

- Replacement trees: 148 replacement trees were required; 56 were provided. The applicant proposed to pay into the city tree fund for the remaining 92 replacement trees.
- Hedge. The plans included hedges screening the parking lot along Haggerty, but not along the I-275 frontage. The Planning Commission should consider whether to require the hedge along the I-275 frontage. The parking lot was roughly 10 feet above the grade of I-275, and there was significant vegetation in the I-275 right-of-way.

In response to a question from Commissioner Orr, Planning Consultant Tangari said the requirement for placing funds in the tree fund could be part of tonight's motion.

Commissioner Turner asked about the total number of replacement trees required. Planning Consultant Tangari said the parking lot tree requirement was met. 92 replacement trees were not shown on the plan.

Commissioner Goerke asked the exact percentage of open space being provided. Planning Consultant Tangari said he did not know the exact percentage. The Haggerty side was much closer to the 50% requirement than the freeway side.

Vice Chair Stimson asked if there was a need for a traffic study at the exit onto Haggerty. Was a traffic light needed there? Staff Engineer Kennedy said a traffic study would be part of the engineering review. City Planner Stec added that compliance with engineering requirements for traffic management could be part of a positive motion.

Commissioner McRae asked the height of the retaining wall proposed for the east side. Mr. Zimmerman said that the retaining wall would vary in height, up to about 6 feet.

Vice Chair Stimson opened the public hearing. Seeing that no one came forward to speak, Vice Chair Stimson closed the public hearing and brought the matter back to the Commission.

MOTION by Orr, support by Brickner, that the Planning Commission recommend to City Council that P.U.D. Plan 2, 2017, including Site and Landscape Plans 56-3-2018, dated July 26, 2018, submitted by Century Project, LLC, be approved because the plans are in accordance with the objectives, goals and policies of the Master Plan for Future Land Use and is consistent with the objectives and applicable provisions of the Planned Unit Development Option as outlined in Section 34-3.20 of Chapter 34, Zoning Ordinance.

The proposed plan meets the following PUD qualification standards as set forth in Section 34-3.20.2.E.i. thru viii., specifically:

- 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.

Subject to modifications of zoning chapter requirements as indicated on the proposed plan and as listed on page 6 of the July 9, 2018 Giffels-Webster review letter, including height of 80 feet, front yard open space of less than 50% for both front yards, parking setback as presented, restaurant use in the OS-4 district, acceptance of dumpster plan as presented.

The motion did not accept the modification of no hedge on the I-275 right of way.

Subject to the following conditions:

- Payment into the City tree fund for 92 replacement trees not shown on the plan.
- Traffic study is submitted for engineering review to determine if there is a need for a traffic

signal at the ingress/egress point on Haggerty Road.

After discussion regarding whether or not to require the hedge on the I-275 right of way, based on the significant distance from the residential homes across the freeway and the substantial vegetation already in the I-275 right-of way, Commissioner McRae offered the following amendment:

MOTION by McRae, support by Goerke, to accept the requested deviation of no hedge on the I-275 right of way.

MOTION carried 5-2 (Orr, Brickner opposed).

City Attorney Anderson suggested adding the requirement of the dedication of the full Haggerty Road right-of-way to the motion. Mr. Zimmerman stated that his intent was to dedicate the Haggerty Road right-of-way.

MOTION by Orr, support by Bruckner, to amend the motion to require the dedication of the full Haggerty Road right of way.

Motion carried 7-0.

Therefore the full motion now read:

MOTION by Orr, support by Brickner, that the Planning Commission recommend to City Council that P.U.D. Plan 2, 2017, including Site and Landscape Plans 56-3-2018, dated July 26, 2018, submitted by Century Project, LLC, be approved because the plans are in accordance with the objectives, goals and policies of the Master Plan for Future Land Use and is consistent with the objectives and applicable provisions of the Planned Unit Development Option as outlined in Section 34-3.20 of Chapter 34, Zoning Ordinance.

The proposed plan meets the following PUD qualification standards as set forth in Section 34-3.20.2.E.i. thru viii., specifically:

- 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.

Subject to modifications of zoning chapter requirements as indicated on the proposed plan and as listed on page 6 of the July 9, 2018 Giffels-Webster review letter, including:

- Height of 80 feet
- Front yard open space of less than 50% for both front yards as presented
- Parking setback to the east of 5 feet as presented
- Restaurant use in the OS-4 district
- Acceptance of dumpster plan as presented
- No hedge on I-275 right-of way

Subject to the following conditions:

- Payment into the City tree fund for 92 replacement trees not shown on the plan.
- Traffic study is submitted for engineering review to determine if there is a need for a traffic signal at the ingress/egress point on Haggerty Road.
- Dedication of the full Haggerty Road right-of-way to the Road Commission for Oakland County.

Motion carried unanimously.

REGULAR MEETING

A. PUD QUALIFICATION 2, 2018

LOCATION: 31015 Grand River Ave.
PARCEL I.D.: 22-23-35-101-005
PROPOSAL: Self-storage facility and offices with accessory uses in
B-3, General Business District
ACTION REQUESTED: Preliminary PUD qualification
APPLICANT: Gerald Clark
OWNER: Woodgate Development Company, LLC

Utilizing a PowerPoint presentation and referencing the August 8, 2018 Giffels Webster memorandum, Planning Consultant Tangari gave the background to this request for PUD qualification. The 3.41-acre parcel was largely wedge-shaped, with a small portion that protruded south to the bank of a branch of the Rouge River. The site fronted on both Grand River Avenue and Orchard Lake Road. The site was zoned B-3.

Regarding PUD Qualification. Under Section 34-3.20, the Planning Commission may make a determination that the site qualified for a PUD based on a list of criteria and procedures, all of which should be met. Whether or not the Commission thought the application qualified for a PUD, the applicant could still move forward after tonight's regular meeting.

Planning Consultant Tangari reviewed the qualification criteria as follows:

- A. The PUD option may be effectuated in any zoning district.
- B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

It appeared that the applicant was seeking relief from two dimensional standards, and were also seeking to engage in a use (self-storage) that was not a listed use in any district. It appeared that dimensional variances were not the sole driver of the request for PUD approval.

- C. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Asserted financial problems shall be substantiated with appraisals of the property as currently regulated as proposed to be regulated.

As already noted, self-storage was not a listed use in any district. There was precedent in the City for using the PUD option to develop a self-storage use.

- D. The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Future Land Use Plan unless the proponent can demonstrate to the sole satisfaction of the city that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit

Development.

This standard appears to be met – this area is considered for commercial activity.

- E. The Planned Unit Development must meet, as a minimum, one of the following objectives of the city:
- 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.
 - ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
 - iii. To accept dedication or set aside open space areas in perpetuity.
 - iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.
 - v. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
 - vi. To promote the goals and objectives of the Master Plan for Land Use.
 - 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.

The applicant's narrative addresses standards i, ii, vi, and vii; The Planning Commission must determine whether the responses given to any one of them are sufficient to qualify the project for a Planned Unit Development.

- F. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

Density was not increased by this request. While relief was sought from certain ordinance standards, the primary driver of the request appeared to be the mix of uses.

Planning Consultant Tangari advised that the applicant had provided sufficient information for the Planning Commission to reach a determination on PUD qualification.

Conceptual Site Plan and Use: The applicant proposed to remove a portion of the existing building and replace it with a multi-story climate-controlled storage building and 32 drive-up storage units. The portion of the building to remain would be used as a regional headquarters for ServiceMaster, which did fire and water damage restoration, and the MySpace Storage office.

Master plan. The property was designated Non-Center Type Business on the Future Land Use Map. It did not fall into any special planning areas.

Dimensional standards. It appeared that the applicant would be seeking relief from the height limit of the B-3 District. Otherwise, the front setback of the existing building that was proposed to remain did not meet the standards of the B-3 district. Other dimensional standards appeared to be met, although more detailed plans at subsequent stages of the application might alter this assessment.

Parking. Parking on the conceptual plans appeared to be adequate for both uses.

Pedestrian connections. A pedestrian connection to Grand River would be required. A sidewalk along a portion of the Orchard Lake Road frontage proposed in 2017 as part of the approved used car dealership site plan was not constructed, and that use appeared never to have been established. This sidewalk should be shown on the plans.

Planning Consultant Tangari concluded his presentation.

In response to a question from Commissioner Orr regarding landscaping, Planning Consultant Tangari explained that preliminary approval did not obligate the Commission to grant final site or landscape approval.

Commissioner Orr said that he had walked the site today, and he did not think there was any possibility of a sidewalk going south along the river. He was opposed to requiring a sidewalk that no one could use.

Commissioner Mantey said that he saw many people walk that portion of Orchard Lake Road; recently he saw a wheelchair user there.

Commissioner Brickner asked if a dumpster would be placed on site; no dumpster was shown on the plan.

Commissioner McRae confirmed certain details of the request. The applicants were asking for a 44-foot height; 40 feet was allowed. Also there was a large dedicated right-of-way on Orchard Lake Road. The front yard was Grand River Avenue.

Commissioner Brickner suggested including regulations in various Districts for storage facilities, so applicants did not have to constantly go through the PUD process to construct such a facility. City Planner Stec said that currently storage facilities were permitted in the LI-1 District. Self-storage facilities had changed over time and it might be worth studying in terms of permitting self storage as special land uses with design considerations.

Regarding Section 34-3.20.2.E.i, Commissioner Mantey asked how this proposal would preserve natural features that would have to be preserved in any kind of development, such as wetlands. What additional areas would be preserved? While he would support preliminary qualification, this objective would need to be further justified at final qualification.

Members of the development team present this evening included:

Dennis Cowan, Plunkett Cooney, 38505 Woodward Avenue, Suite 100, Bloomfield Hills MI

Todd Clark, ServiceMaster, 979 South Old US Highway 23, Brighton MI

Gary Gerrits, ServiceMaster, 979 South Old US Highway 23, Brighton MI

Francesca Aragona, Designhaus Architecture, 301 Walnut Boulevard, Rochester MI

Referencing his July 17, 2018 letter to the City, Mr. Cowan said they believed they met the PUD criteria for eligibility, the goals and objectives of the Master Plan, and at least 3 of the development principles of the Grand River Vision Corridor Plan, and asked for preliminary PUD qualification this evening.

Mr. Cowan gave some background to the two companies. My Space specialized in the redevelopment of difficult sites, and had successfully redeveloped sites throughout Michigan. He pointed out that nationally 67% of self-storage units were rented by homeowners with single-family homes with basements and garages.

Mr. Clark said he would be consolidating 2 Michigan ServiceMaster offices (Brighton, Livonia) at this site. The subject site was centrally located for the majority of his business in the area. He had between 35-50 people working for him at any given time. ServiceMaster` did water/fire restoration for residential customers. Having a public self-storage facility on the same site made sense as furniture from their restoration sites had to be stored while restoration took place. ServiceMaster itself would be the biggest customer of the self-storage business. At any given time they would have 20,000-30,000 square feet of their own customers' contents in storage. They would clean their customers' belongings on site, including smoke remediation. Smoke damaged items would be in temporary storage on site until they were cleaned, and then be moved into permanent storage, also on site. Mr. Clark noted that he had 15 licenses, and currently had 4 locations, and worked locally as well as away at hurricane damaged sites, etc. This building would operate as his headquarters.

Commissioner Brickner disclosed that a few years ago he had handled a collection case for ServiceMaster, though he wasn't sure it was for Mr. Clark and he had never met Mr. Clark. Mr. Clark confirmed that he did not think the case was for him and he did not remember such a case or ever doing business with Commissioner Brickner.

The consensus of the Commission was that Commissioner Brickner did not need to be recused for this case.

Commissioner Turner asked if Mr. Clark had ever run into a rodent problem. Mr. Clark said they had not, and that ServiceMaster owned Terminex, which was present on a monthly basis taking pre-emptive action against any kind of infestation.

Commissioner McRae asked about the 35-50 employees. Would these employees be parking on site? Mr. Clark said there would be approximately 5 office employees. Otherwise ServiceMaster would operate similarly to the old Danboise business that used to occupy this site. Crew members would arrive on site and leave in a company truck, or would go directly to the work site. Company trucks would be stored inside.

In response to a further question from Commissioner McRae, Mr. Clark said they would have about 70,000 square feet of rentable storage space and about 15,000-2,000 square feet of that would be for ServiceMaster customers.

Commissioner McRae said the conceptual plans did not show but Mr. Cowan's letter talked about meeting the mobility principal of the Grand River Corridor Vision Plan. Specifically Mr. Cowan's letter talked about providing a sidewalk around the perimeter. Could he show how that would be done?

Mr. Cowan said Ms. Aragona would address architectural and site plan design in her presentation.

In response to questions from Commissioner Orr about process for cleaning furniture and other items from fire damaged homes, Mr. Todd said that space for cleaning was allocated within the garage space. ServiceMaster was a green company and all the chemicals used were green. Because ServiceMaster operated nationally, all their products had to meet requirements for different locations and had to be able to cross state lines. ServiceMaster audited them annually, and they had to maintain Material Safety Data Sheets.

Commissioner Orr noted how close the Rouge River was to the proposed self-storage/cleaning facility. During the PUD process the City should ask to verify the chemical make up of any products used and proof of what might happen should there be a spill that worked its way into the Rouge River.

Mr. Gerrits gave further background to the need to develop self-storage space in tandem with the ServiceMaster business, and gave demographic information that supported the construction of self-storage facilities at this location.

Mr. Gerrits said that the dumpster would be part of the ServiceMaster function and would be inside the ServiceMaster garage. There would be no dumpster outside on site.

Regarding parking for employees, ServiceMaster operated vans that actually picked up their crew members. Many crew members would never park on site.

Commissioner McRae asked again about the sidewalk around the perimeter mentioned in Mr. Cowan's letter. Also, would the drive-up storage buildings match the rest of the buildings architecturally?

Ms. Aragona asked if the previous plan for the site would be available to them, so she could take a look at what was previously approved regarding the sidewalk. They would like to comply with that requirement.

Ms. Aragona pointed out that they were not expanding impervious pavement, and in fact were adding green space to the property, especially at the front corner closest to the intersection. They were at 70% front yard open space. The Grand River Corridor Vision Plan showed this area to be a secondary gateway to the City and they wanted to provide a gateway-worthy design.

The drive-up buildings behind the main structure would match the materials of the larger building. Some of the materials used would be insulated metal panels, fiber cement boards made to look like natural wood, aluminum and glass window systems, and a vertical corrugated metal. The building was designed to hide activity. Users would be driving through the building to unload in the climate-controlled area. The drive-ups were tucked behind so they would not be visible.

They were proposing a 44-foot height with an additional 8-foot architectural feature and a 4-foot parapet. They wanted to preserve the river and the wetlands and if possible improve upon that preservation.

The applicants concluded their presentation and Vice Chair Stimson brought the matter back to the Commission.

MOTION by Orr, support by McRae, that the Planning Commission make a preliminary finding that P.U.D. 2, 2018, dated July 18, 2018, and submitted by Gerald Clark qualifies for the Planned Unit Development Option under Section 34-3.20.2.A through D. It is further determined that the proposal meets at least one of the objectives as outlined in Section 34-3.20.2.E.i. thru viii, specifically:

- 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.**
- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.**
- vi. To promote the goals and objectives of the Master Plan for Land Use.**
- 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.**

and that it be made clear to the petitioner that final granting of the P.U.D. plan and contract requires approval by City Council, after recommendation by the Planning Commission.

Commissioner Orr noted that objective vii would need more justification when the actual plans were presented.

Commissioner McRae advised caution regarding the 52-foot height as described by the architect. However, he was encouraged by the conceptual plan.

Commissioner Mantey clarified that at this stage – preliminary qualification – the Commission was not finding that the applicants met the 4 objectives stated in the motion, but that they *appeared* to meet the objectives.

Commissioner Brickner noted that the proposed building was not facing a residential area. He thought the proposed development would be an improvement to the area.

Motion carried unanimously.

B. LANDSCAPE PLAN 65-7-2018

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| LOCATION: | Southwest corner of Thirteen Mile Road and Inkster Road |
| PARCEL I.D.: | 22-23-12-227-028, 029, 030, 031 |
| PROPOSAL: | Landscape and tree protection plan for an eight unit single family detached condominium development in RA-1A, One-Family Residential District |
| ACTION REQUESTED: | Approval of landscape and tree protection plans |
| APPLICANT: | Jim Clarke of Robertson Brothers |
| OWNER: | Robert Brody |

Utilizing overhead slides and referencing the Giffels Webster review letter dated August 10, 2018, Planning Consultant Tangari gave the background for this application for Landscape Plan approval. The site was subject to a consent judgment, and the site plan was in compliance with the terms of the judgment. The judgment required that the landscape plan for the development meet ordinance standards and be approved by the Planning Commission. Certain areas of the site were exempted from the tree replacement standards of the ordinance, as detailed in the review letter. The landscape plan did comply with the consent judgment.

City Planner Stec said that 38 trees were proposed to be planted in the free-board area of the stormwater detention basin. The Engineering Division would not approve trees to be planted in that area. The applicants were planting 111 trees on the site, when according to the consent judgment they did not need to plant anything within the dotted lines as shown. A motion should allow for administrative approval of relocation or removal of the trees in the stormwater detention area. The trees could be relocated in the southwest corner in order to strengthen the landscape border there.

Commissioner Orr noted that there were some steep grades at the northeast corner area. It appeared that the grade would be changed, yet the plans showed trees in that area were to remain. Trees could not be saved in an area that would be re-graded.

City Planner Stec said the consent judgment would control changes of that nature. The consent judgment did not relieve the site from replacement obligations outside the dotted lined areas.

Commissioner Mantey said that the Army Corps of Engineers accepted planting some trees that were tolerant of such conditions in the free-board area. He suggested that the Engineering Division look at revising their policy toward planting in those areas. The site owner was responsible for maintaining the detention basins, and if the owner wanted to plant trees in that area and be responsible for their maintenance, perhaps that could be allowed.

Jim Clark, Robertson Brothers, 6905 Telegraph, Bloomfield Hills MI was present on behalf of this application. He said he did not think any trees would be removed from the areas outside where they could remove without replacements. According to their engineer, the area called out by Commissioner Orr in the northeast corner would not be re-graded.

Mr. Clark said they would like to plant trees at some of the high water marks. Such plantings would keep the detention area from looking like a hole in the ground. Their condominium association would maintain the trees.

After giving some historical background to this application, Mr. Clark said they would like to break ground in spring of 2019, and asked for landscape plan approval.

MOTION by Brickner, support by Orr, that Landscape and Tree Protection Plan 65-7-2018, dated June 18, 2018, submitted by Jim Clarke of Robertson Brothers be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- **Administrative approval for the relocation or removal of trees from within the storm water detention free-board area if determined necessary by the Engineering Division.**

Motion carried unanimously.

C. SITE AND LANDSCAPE PLAN 61-7-2018

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|-------------------|--|
| LOCATION: | 30835 Ten Mile |
| PARCEL I.D.: | 22-23-26-101-044 |
| PROPOSAL: | Parking addition in B-3, General Business District |
| ACTION REQUESTED: | Approval of site and landscape plan |
| APPLICANT: | Michael Chudnow |
| OWNER: | Michael Chudnow |

Utilizing overhead slides and referencing the Giffels Webster review letter dated August 9, 2018, Planning Consultant Tangari gave the background for this application for site and landscape plan approval. The applicant was proposing to pave and fence a 3,125-square foot portion of the rear yard. The pavement would end 20 feet from the rear property line. The area around the dumpster would also be repaved, though the dumpster enclosure would remain. The applicant had not explained the purpose of expanding the paved area on the site.

Outstanding issues included:

- The location of parking spaces on the site were supposed to be shown on a site plan and were not.
- There was an existing 6-foot wooden fence on the rear property line. Typically a masonry wall would be required.
- Four trees were present near this property line, though they were mostly clustered to the eastern side of the property. No landscaping plan was provided.
- The purpose of expanding the paved area should be explained.

Commissioner Brickner noted that the wooden fence across the back of the property matched other wooden fences at neighboring properties. Planning Consultant Tangari said the fences were probably all installed at the same time.

Commissioner McRae asked if there had been drainage problems in the back of the buildings. Staff Engineer Kennedy said she was not aware of any issues. However, an engineering requirement was that the applicant provide detention; they had not done this.

Tracy Peterson, 30835 Ten Mile Road, Farmington Hills, was present on behalf of this application. Owner Michael Chudnow was also present.

Ms. Peterson said that they had paved the side and front parking lots about 3 years ago, and paved the dumpster area. Currently they were reconstructing the upper floor of the back end of the building in order to use that as rentable space, which was why they needed more parking spaces for those prospective tenants. Currently there were 19 tenants in the building, but the upper space was not being used.

Vice Chair Stimson asked why the parking was being fenced in. Ms. Peterson explained that the fence would separate their lot from neighbors to the west and the undeveloped dirt lot there. Mr. Chudnow further explained that at night they might leave company cars parked outside and the fence provided additional security for those cars. During the day the tenants could use the area, but during the night they would be able to store their own vehicles behind the fence and lock the access. Ms. Peterson said they were going to add 10 tenants on the 2nd floor and they would need parking.

In response to questions from Commissioner Orr, Mr. Chudnow said there was no elevator proposed for the 2nd floor tenants. Commissioner Orr asked how the new spaces would be ADA compliant. Mr. Chudnow said they had building permits for the new 2nd floor construction, and their architect was dealing with any requirements.

Commissioner Turner asked if the applicant had addressed the concerns listed in the Engineering Division review letters. Staff Engineer Kennedy said those concerns had not yet been addressed. Mr. Chudnow said they had not yet had a chance to discuss concerns with the Engineering Division.

Planning Consultant Tangari said that the plans did not show where the parking spaces were; the City needed to be able to tell how many spaces were on the lot.

Mr. Chudnow suggested that they postpone action tonight so that they could address outstanding issues including the parking lot striping and the water detention issues. After further discussion, Commissioner Brickner offered the following motions:

MOTION by Brickner, support by Turner, that Site Plan 61-7-2018, dated July 18, 2018, submitted by Michael Chudnow, be postponed to date uncertain to allow the plan to be revised to include parking analysis and lot striping.

Motion carried unanimously.

MOTION by Brickner, support by McRae, that Landscape Plan 61-7-2018, dated July 18, 2018, submitted by Michael Chudnow, be postponed to date uncertain.

Motion carried unanimously.

D. LOT SPLIT 4, 2018 (Final) (PUD 1, 2014)

| | |
|-------------------|---|
| LOCATION: | 33045 Hamilton Court |
| PARCEL I.D.: | 22-23-15-101-035 |
| PROPOSAL: | Split one parcel into three parcels in OS-4, Office Research District |
| ACTION REQUESTED: | Final Lot Split Approval |
| APPLICANT: | Hamilton Court Development, LLC |
| OWNER: | Hamilton Court Development, LLC |

Utilizing overhead slides and referencing the Giffels Webster review letter dated August 9, 2018, Planning Consultant Tangari gave the background for this application for Final Lot Split Approval at 33045 Hamilton Court.

The area proposed to be split contained three building sites, two of which – the easternmost and middle sites – had been developed. The westernmost site located on the northeast corner of I-696 and Farmington Road was vacant. Hamilton Court ran east/west along the north boundary of the site and north-south Hamilton Boulevard provided access from 12 Mile Road to the north terminating at a point between the 2 existing hotels. The existing parcel was 10.71 acres.

Outstanding issues included:

Site configuration and access: The site had access from 3 points along Hamilton Court and to 12 Mile Road from the middle access point at the south end of Hamilton Boulevard. A 30-foot easement for right-of-way and utilities was indicated along the northwest corner of the site at the west end of Hamilton court to provide access from Hamilton Court to Farmington Road through an adjacent site not within the development. The land division plan did not indicate a direct connection from Hamilton Court to the west boundary of the site and the right-of-way area connecting to Farmington Road to the west. Instead, a connection to the right-of-way area would only be provided for the westernmost hotel site and drivers on Hamilton Court would be routed through the hotel site to the south, or office area to the northwest of Hamilton Circle in order to access Farmington Road. Given that 2 parcels would now lack direct access to Farmington Road, the Planning Commission and applicant should determine whether not providing a direct connection from Hamilton Court to the Farmington Road right-of-way was an acceptable condition

or a violation of Exhibit C, Condition I of the PUD agreement as there did not appear to be an intent to make this direct connection as part of completing the hotel development.

Subdivision of Land Ordinance 27-110(2)(e), Compatibility with Existing Parcels.

- a. *If any parcel does not meet zoning ordinance requirements, the request shall be denied by the planning commission.* As part of the PUD approval, the development was permitted to deviate from the zoning ordinance front yard open space and parking requirements. The development was permitted to provide 42.5% front yard open space where 50% was required. The applicant should indicate the proposed front yard open space for each of the three proposed parcels and that the total front yard open space for the 3 parcels was at least 42.5%. The development was also permitted to provide 48 of the required parking spaces as off-site shared spaces with Level 1 Bank. As each of the 3 hotel sites would be on separate parcels with separate parking areas, the applicant should provide clarification of how the shared parking spaces could be used by each of the 3 hotels.

In response to a question from Commissioner Orr, City Planner Stec said there would need to be cross access agreements among the 3 parcels. The Engineering Division would also require easements for storm water control.

Commissioner Orr wanted the record to show that he had consistently been opposed to breaking up large parcels such as this one, and he wished the Commission had known this when the PUD was originally approved.

In response to a question from Commissioner McRae, City Planner Stec said the question of access to Farmington Road had been resolved in court, and the access was not off of Hamilton Boulevard, but rather an internal parking area of the hotels, in order to limit the Farmington Road access point. City Attorney Anderson said there had a been a memorandum of understanding in the PUD agreement.

Commissioner Brickner asked if this application required an amendment to the PUD. City Attorney Anderson advised that this did not require a PUD amendment, and the application could proceed this evening. However, the access to Farmington Road should be part of tonight's discussion.

Scott Tousignant, Scott Engineering, 3121 Grand River, Howell, MI was present on behalf of this application.

Mr. Tousignant explained that there were just under 50 parking spaces under an easement agreement with the adjacent parking to the east. The hotel currently under construction had reduced its number of rooms, which reduced the required parking spaces, making the 3rd most westernmost hotel compliant with its own parcel. Only the eastern and central hotel would need to use the shared parking on the bank property, and those spaces would primarily be used by employees.

The ingress/egress to Farmington Road was connected internally to the site. With the requested lot split, they proposed an easement that crossed the westernmost and central properties. There was a contiguous drive that stretched across the front of the site thus lending itself to an easement agreement. The entire site was currently under the same ownership so obtaining the cross easement would not be an issue.

Regarding the storm water issue, the central hotel storm water flowed to the east and the west detention systems, so there would be an agreement put in place to address that.

Commissioner Orr said that if he was in the central hotel and he wanted to leave the parking lot, according to the drawing shown by the applicant the only access available was the one on parcel #3 because the easement was not extended across the entrance/exit of hotel #2.

Mr. Tousignant said they would modify the drawings to incorporate the entire central entranceway.

In response to questions from City Attorney Anderson, Mr. Tousignant said that he was describing a cross-access easement across the other two parcels – Parcels #1 and #2 – for access to Farmington Road. All three hotels would use the contiguous driveway.

Commissioner McRae asked for clarification as to how parcel #3 would access Farmington Road. It appeared there was a possible access to the parking lot of the development to the west, rather than the approved access.

Vice Chair Stimson asked if there was ever going to be a connection to the drive circle to the west. Commissioner McRae pointed out there was asphalt that was not on the subject site yet connected the circle to parcel #3.

Vice Chair Stimson said that the property above the darker line on the site plan was a different property that did not have access to Farmington Road. The property north of that line was a parking lot, and the dumpster was located close to that line.

Mr. Tousignant said that as part of the construction of the third hotel, they would be making the connection to the western-most property that had an ingress/egress easement to Farmington Road.

Commissioner Turner asked for further clarification regarding the access to Farmington Road, which was not actually shown on the plan.

Mr. Tousignant said the entrance to Farmington Road was off the plan. The improvements at that entrance were currently under construction, as part of the construction of the third hotel.

Mr. Tousignant said that they recognized that they needed to address cross-access easements and easements for storm water management.

Commissioner Orr indicated he was ready to offer a motion.

MOTION by Orr, support by Mantey, that Final Lot Split 4, 2018, submitted by Hamilton Court Development, LLC 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, subject to the following conditions:

- All necessary easements are put in place prior to approval, including drainage, traffic and parking.
- Outstanding issues from August 9, 2018 Giffels Webster review report be resolved.

Motion carried 6-1 (Turner opposed).

E. SITE AND LANDSCAPE PLAN 63-7-2018

LOCATION: 28333 Grand River

PARCEL I.D.: 22-23-36-377-112
PROPOSAL: Gas Station and convenience store in B-3, General Business District
ACTION REQUESTED: Approval of site and landscape plan
APPLICANT: Behrouz Oskui
OWNER: Behrouz Oskui

Utilizing overhead slides and referencing the Giffels Webster review letter dated August 9, 2018, Planning Consultant Tangari gave the background for this application for Site and Landscape Plan Approval for a gas station and convenience store in a B-3 District at 28333 Grand River.

Outstanding issues included:

- The plans did not show the zoning of adjacent parcels or the locations of adjacent buildings, including the house to the south.
- Regarding dimensional requirements, the pump canopy did not appear to meet the front setback. Also, not all setbacks were explicitly provided on the plan.
- Regarding the trash enclosure, the applicant should consider ways to place this behind the building rather than in front of it.
- Regarding stacking, there was a tight squeeze past the northeastern pump when that fueling position was occupied.
- Regarding rooftop appurtenances, the applicant should confirm that rooftop equipment would be shielded according to the standards of Section 34-5.17.
- Regarding exterior lighting, a photometric plan was not provided.
- Regarding walls and screening, there was an existing 6-foot wooden fence on the rear property line. That was approved as screening for the used vehicle sales site plan in 2016. Typically, a masonry wall would be required, per Section 34-5.15. As a gas station was significantly more intense than a used car lot, the Planning Commission should discuss the screening again in light of the new proposal.
- Regarding pedestrian connections, there were two pedestrian connections to the Grand River sidewalk. Neither, however, brought pedestrians near the proposed building.
- Regarding general site plan comments, the plan created paved dead spaces north and south of the building. Consideration should be given to relocation of the building and/or landscaping in those areas, particularly the area south of the building, which abutted residentially zoned property. In general, a plan that retained the existing building and placed the pumps on the west side of the site might facilitate better circulation and layout. However, that would require renovation of the existing building.
- Regarding building appearance, while the proposed materials were high quality, the three sides of the building that faced either streets or residential neighbors all consisted of flat, essentially blank walls. The rear of the building faced Waldron.
- Regarding utility easements, the site was crossed by an electrical utility easement and a gas line easement. The gas line was marked for abandonment, while the electrical line was proposed to be relocated.
- Regarding the standards for gasoline service stations in Section 34-4.28, in B-3 Districts, the standards all appeared to be met. However, regarding standard v., which regulated off-street loading and unloading spaces, the applicant should consider moving the loading area adjacent to the south side of the building. That would address the awkward space layout, and would have to be screened from Waldron Street.

Regarding tree removal:

- A list of existing trees with their conditions and intended disposition had not been provided.

- The mulberry tree marked to be removed was already gone. The plan claimed that an existing elm would remain near the eastern side of the property, but it was difficult to see how, given that the plan placed it in the middle of a parking lot bumper block.
- The trees proposed on the last approved landscaping plan did not appear to have been planted.

Regarding the landscape plan:

- Wherever a wall was required in a B-3 district, deciduous trees should be planted adjacent to the wall on the non-residential side. As already noted, there was a wooden fence in place on the southern property line. Space had not been provided on the plan for trees, should the Planning Commission require additional screening? The loading space could potentially be moved further from the property line to provide a planting area.

Planning Consultant Tangari concluded his remarks by noting that while the plan was overall mostly compliant, there were several layout considerations called out in the review letter, and there were some items missing as noted.

Commissioner Orr asked if the Commission could require that excess pavement be removed and turned into green space. Planning Consultant Tangari said that issue could be part of tonight's discussion and could be a condition of approval.

Commissioner Orr cautioned against planting trees under utility wires. Also, he was concerned that there wasn't enough turning radius under the canopy to give a trash hauler room to maneuver to pick up the dumpster in its location as shown.

Planning Consultant Tangari thought a trash hauler could maneuver by entering the site off Pearl Street and exiting onto Grand River.

Ziad El-Baba, 4570 Walwit, Dearborn MI, Engineer, was present on behalf of this application. Owner Behrouz Oskui was also present.

Mr. El-Baba said that after receiving the Giffels Webster review, they had revised their plans, and distributed the revisions to the Commission. Changes included:

- Location of the dumpster enclosure was moved to the south of the building.
- The loading/unloading space was moved. There was a large vacant space on the south side now that improved the circulation.
- The canopy now complied with the required setback.
- 2 parking spaces had been added to the north of the building
- Stacking space had been added for the northeast pump
- They understood the issues with the overhead wires and were working with the issues involved.
- Regarding the landscaping: they were showing the 10-foot buffer zone on all 3 streets, and showed trees on all sides. SP-2 showed a hatched area on the south side designating a waterline easement. They could not add anything there. All the trees on the south side belonged to the neighbors but the applicants were maintaining them.
- They understood that rooftop units had to be shielded, and the note was added to SP-2.
- They understood that they needed to meet engineering requirements for storm water management.
- SP-6 was the photometric plan; it had been left off the original submission. They were 0.3 footcandle at the south property lines.
- SP-2 showed a little piece of cross access sidewalk as a hatched area leading to the building from Grand River.

- They were working with the Engineering Division regarding storm water management, the sanitary sewer line, etc. They would resolve all engineering issues.

In response to a question from Commissioner Brickner, Mr. El-Baba said the dumpster door would now be on the east.

Commissioner McRae said he was encouraged by the applicant's responses to the consultant's letter, but the new plan needed time to be reviewed. Also, he was still concerned about the northwest corner. Two parking spots had been added there, but why was the rest still paved?

Mr. El-Baba said they could remove that excess payment and add landscaping there.

MOTION by Orr, support by McRae, to postpone action on Site Plan 63-7-2018, dated July 18, 2018, submitted by Behrouz Oskui, to a date uncertain, to allow time for the plan to be revised to address items identified in the review report letters.

Commissioner Orr agreed that the revisions presented this evening were encouraging, but more revisions were needed to the landscape plan on the north and south of the building.

Motion carried unanimously.

F. SITE AND LANDSCAPE PLAN 64-7-2018

| | |
|-------------------|--|
| LOCATION: | 24281 Orchard Lake |
| PARCEL I.D.: | 22-23-22-476-043 |
| PROPOSAL: | Retail stores and automotive lube center in B-3, General Business District |
| ACTION REQUESTED: | Approval of site and landscape plan |
| APPLICANT: | Global Equity |
| OWNER: | Raphael Oraha |

Utilizing overhead slides and referencing the Giffels Webster review letter dated August 9, 2018, Planning Consultant Tangari gave the background for this application for Site and Landscape Plan approval for retail stores and automotive lube center in the B-3 District at 24281 Orchard Lake Road.

Outstanding issues included:

- The plans incorrectly identified the zoning to the north as OS-3.
- Not all setbacks were explicitly provided on the plan.
- Regarding parking, given that the party store next door appeared to use this property as overflow parking at present, and that the applicant was providing six extra spaces, did the applicant plan to enter a sharing agreement with the neighboring property?
- The applicants should confirm that no vehicles awaiting service will be kept on site beyond the available stacking area.
- Regarding circulation, the intended direction of travel through the auto lube bays should be marked on the pavement and shown on the plan.
- Regarding exterior lighting, the photometric plans showed light levels in excess of 0.3 footcandles over the residential property line.
- Regarding walls and screening, there was an existing chain link fence on the rear property line. A 6-foot masonry wall was required, per Section 34-5.15.

- There was no pedestrian connection to the Orchard Lake sidewalk.

Regarding tree removal, it appeared that all existing trees were on the west property line and were being removed. Only one of the trees was regulated, so that one replacement tree was required.

Regarding the landscape plan, 7 parking lot trees were required. Five large canopy trees and 2 ornamental trees were proposed. One additional canopy tree was required to meet the tree replacement requirement. The trees that were provided for the parking lot were arranged around its edges rather than in islands. The Planning Commission should determine whether this placement was acceptable. Also, the landscaping plan should show the curb where the cross-access drive entered the site and passed next to the pedestrian area in front of the retail storefronts.

Where a wall was required in a B-3 district, deciduous trees should be planted adjacent to the wall on the non-residential side. As noted, there was a chain-link fence in place on the property line. The rear property line was proposed to be planted with the aforementioned ornamental trees and a variety of shrubs that were expected to be less than 3 feet in height. The Planning Commission and applicant should discuss the placement of additional trees along the rear property line.

City Planner Stec pointed out that the August 6, 2018 Fire Marshall review stated that the site did not meet site access requirements, and that hydrant coverage did not meet City Ordinance requirements. Perhaps the applicant would need to show the turning radius on the plan.

Planning Consultant Tangari and City Planner Stec addressed circulation issues on the site. Cross access agreements were not required in B-3 Districts, and cross access as shown provided a potential for traffic conflicts. The applicants might want to consider whether or not they even wanted to have that connection.

Commissioner McRae asked about the distance the parking is from the retail places. He was concerned about the relative location of the parking to building #3.

Planning Consultant Tangari said the requirement was that parking be located within 300 feet of the building and that requirement was met.

In response to a question from Commissioner Orr, Planning Consultant Tangari said the driveway at the northeast corner offered one-way traffic into the site from the north.

Commissioner Orr was concerned about planting trees under utility lines, especially if the lines were at the rear of the property where landscaping was proposed. Also, it appeared there was currently electrical service to the middle of the property.

Ziad El-Baba, 4570 Walwit, Dearborn MI, Engineer, was present on behalf of this application. Owner Raphael Oraha was also present.

Mr. El-Baba addressed the review comments as follows:

- They were proposing a screen wall on the west side, as noted on SP-2.
- On the north side they were not proposing a retaining wall, rather the retaining wall there already existed. They were not proposing any changes to the north side.
- The northwest access also already existed.
- On the east side they had provided a large sidewalk area and their sidewalk would connect to the city sidewalk.

- Mr. El-Baba described traffic circulation and showed where the 3 spaces per stall for the lube center were provided.
- Lighting would be corrected and would meet ordinance requirements.
- They did have 6 extra parking spaces.
- There was a sanitary easement that ran through the property on the south side.
- The light pole in the center of the lot would be removed.

A general discussion was held regarding circulation on the site, including how to ensure there was enough radius for a fire truck.

Commissioner Orr was concerned that the masonry wall at the rear of the property would have continuous footings and thereby destroy the root systems of any nearby trees, including those on the neighboring residential property. Mr. El-Baba said they could use panels and posts for that wall.

Vice Chair Stimson suggested removing the north easement and installing landscape there. He also would like to see the lube center stacking clearly shown on the plans.

Commissioner Orr thought the plan was not ready for approval, and offered the following motion:

MOTION by Orr, support by Turner, to postpone Site Plan 64-7-2018, dated July 18, 2018, submitted by Global Equity, to a date uncertain, to allow time for the plan to be revised to address items identified in the review report letters, as well as concerns brought forward this evening by the Planning Commission, including:

- **Use of panel system screen wall along western property line to minimize damage to trees on residential side of wall**
- **Removal of one-way connection with northern abutting property**
- **Interior circulation plan is provided to show how emergency vehicles can enter and exit site, or the building has sprinkler fire supersession system to satisfy Fire Department concerns**
- **Vehicle stacking spaces are shown for lube shop**

Motion carried unanimously.

PUBLIC COMMENT None.

COMMISSIONERS' COMMENTS

Commissioner Orr asked the City to follow up on three items:

- New landscaping on Halsted in front of Windemere apartments
- Grading and paving at the church just south of the golf course on the west side of Halsted.
- Beaumont had cleaned up the south end of the east property line, but the north end was still not being maintained.

APPROVAL OF MINUTES: July 19, 2018

MOTION by Turner, support by McRae, to amend the July 19, 2018 minutes as follows:

- Page 22, 3rd paragraph, motion regarding Site Plan 51-1-2018: Motion carried ~~7-1~~ 6-2 (Schwartz, Turner opposed).

Motion carried unanimously.

ADJOURNMENT:

Vice Chair Stimson adjourned the meeting at 10:33 p.m.

Respectfully Submitted,
Dale Countegan
Planning Commission Secretary

/cem