

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
NOVEMBER 16, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 7:34 p.m.

ROLL CALL

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

Commissioners Absent: None

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultants Tangari and Upfal, Director of Planning and Community Development Kettler-Schmult

APPROVAL OF THE AGENDA

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

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. PLANNED UNIT DEVELOPMENT 2, 2023, INCLUDING SITE PLAN 67-9-2023

LOCATION: 30825 and 31361 Orchard Lake Road
PARCEL I.D.: 22-23-03-226-027 and 028
PROPOSAL: Redevelopment of shopping center in B-2, Community Business zoning district
ACTION REQUESTED: Recommendation to City Council
APPLICANT: Timothy Collier
OWNER: RPT Realty, L.P.

Applicant presentation

David Ortner, RPT Realty, was present on behalf of this request for a recommendation to City Council for planned unit development and site plan. Mark Drane, Rogvoy Architects, was also present.

Mr. Ortner provided the following information:

- The Meijer proposed for this location is a smaller grocer format, will be located on the north end of the project, and will not impede Marvin's Marvelous Mechanical Museum ("Marvin's"). The two locations are unrelated.
- Hunters Square and RPT Realty have a long standing relationship with Marvin's, and they are in regular communication with Marvin's. RPT Realty will work with Marvin's and look for opportunities to maintain their presence at the center, whether in their current space or in a

different space. RPT has worked with Marvin's as a landlord and partner through a number of setbacks, and appreciates Marvin's presence at the center.

- Hunters Square has almost 200,000sf of vacant space. A major tenant had relocated across Orchard Lake Road because the current building was obsolete; the buildings do not work on a going-forward basis.
- RPT wants to be responsible owners, landlords, and community members, as it develops a center that works into the future and does not turn into a blight in the community.
- RPT is making a significant investment in the center, trying to be thoughtful as it puts together a plan that the city will be proud of that will add to the community. RPT will work with all their tenants including Marvin's, to find a home for those who want to stay and to make sure the redevelopment is a net positive for the community.
- The redevelopment/modernization of Hunters Square includes four new development "boxes", one of which will be the proposed Meijer. There will be four new outlots as well. The plan creates additional walkability, a restaurant, a quick service restaurant, and new retail opportunities.

In response to questions, Mr. Ortner and Mr. Drane provided the following information:

- The lot split had been removed from the plan.
- The architecture will be four sided, with all entrances to the outlot buildings on the parking lot side (west side). However, the buildings will be designed to look like front of building facing Orchard Lake Road, including signs, canopies, and decorative building materials.
- Headlights of cars using the drive-through will be shielded by screen walls, hedgerows, and decorative fencing. These elements will also buffer the sidewalk.

Planner's review

Referencing the October 18, 2023 Giffels Webster review, Planning Consultant Tangari highlighted the following:

- The 29-acre Hunter's Square Shopping Center is located in a B-2 Community Business District at the southwest corner of 14 Mile and Orchard Lake Road. The developer is seeking a planned unit development.
- Properties to the north and east, including in West Bloomfield, are zoned commercial. Properties to the south and west have RC-2 multi-family zoning.
- The applicant is seeking to reconfigure a good portion of the existing shopping center, and rebuild some of the large tenant spaces, as well as add some outlots along Orchard Lake Road. The use will remain commercial.
- On August 17, 2023, the Planning Commission had found that the project qualified for a PUD development under Section 34-3.20.2, citing criteria i, ii, v, vi, and viii under Section 34-3.20.2.E. of the Zoning Ordinance.
- A set of criteria – items to be submitted – applied relative to final determination of a planned unit development. All required items had been submitted.

Regarding the site plan:

- Four new major tenant spaces were proposed at approximately 157,000 total square feet, with an additional four new outlots (one of which includes a drive-through).
- Four existing buildings on the site will be maintained in their current location. The total floor area of the site with all the proposed improvements will be about 353,000sf. Most of the uses are consistent with B-2 uses, and almost all zoning standards are met. The shopping center complies with the 2009 Future Land Use Map and Master Plan.

- The 2006 sustainability study included a recommendation to establish a mixed use development area along Orchard Lake between 11 and 14 Mile Roads, with an emphasis on the potential to create a central business district characterized by buildings up to five stories with zero setbacks from the roads.
- The 2002 Orchard Lake Road Corridor Study was a coordinated plan for the area along Orchard Lake extending from Grand River Avenue to Pontiac. The Master Plan cites a quote from the Corridor Study that recommends a coordinated approach to development with common visual linkages, landscaping, traffic calming, pedestrian friendly ways, lighting and signage.
- As part of this PUD request, the applicants are seeking the following relief from ordinance standards:
 - a. Setback relief for front setback (reduction from 75' to 58.49')
 - b. Setback relief for rear setback (reduction from 75' to 69.34')
 - c. Pedestrian connections between ROW and Principal Building for Outlot G
 - d. Drive-in restaurant use (currently not permitted in B-2 Zoning District)
 - e. Stacking/waiting lane for drive-in in front yard
 - f. Excess lighting adjacent to residential
 - g. Insufficient loading spaces
 - h. Dumpster enclosure located in front yard setback
- The Planning Commission might want to discuss whether additional open space should be provided to buffer all the front yard parking areas, whether existing or proposed, and whether additional landscaped areas should be included along Hunters Lane and Orchard Lake Road at the southeast corner of the site.
- Regarding pedestrian access, the project adds significant pedestrian cross connectivity across the site. However, there should be more pedestrian markings on the plan. No pedestrian access or markings across drive-through lanes were provided.
- The lighting plan shows a temperature between 4000k-5000k; a lower color temperature might provide a less intense feeling. Lighting also needs to be adjusted to meet the 1/3 of a footcandle standard along the rear property line.

In response to questions, Planning Consultant Tangari provided the following:

- The applicants have offered what they consider to be additional landscaping and open space. The Planning Commission needs to assess whether or not what the applicant is offering is a fair trade off with the relief that they're requesting from the ordinance.

Commission discussion:

- Bicycle parking should be added to the plan.
- The Commission had discussed the need for common gathering areas on this site, but this was not shown on the plans. Planning Consultant Tangari said this situation should be discussed with the applicant.
- Commissioner Brickner pointed out that the Planning Commission reviews plans for compliance with the zoning ordinance. In the case of a planned unit development, the Planning Commission evaluates whether the plans fit the character of the neighborhood, among other things. The Planning Commission does not make decisions as to tenants nor does it have control on who a landlord wants to have in their in their complex. Such components cannot be used to make a determination regarding zoning compliance.

Public comment

63 letters had been received relative to this proposal, specifically in opposition to demolition of Marvin's Marvelous Mechanical Museum, and also to share concerns regarding traffic.

Chair Countegan opened the public hearing at approximately 8:15pm.

65 members of the public spoke regarding this PUD request, with most comments focusing on how the proposed redevelopment of Hunter's Square Shopping Center will impact the future of Marvin's Marvelous Mechanical Museum, which was located within the area of the shopping center that was proposed for demolition. Speakers were concerned about the added traffic a Meijer store might bring to this location. 24 speakers said they lived in Farmington Hills. Other speakers did not give an address, often saying they grew up in the City, had family in Farmington Hills, or that they lived elsewhere. Some speakers said they had been visiting Marvin's since the site was Tally Hall.

Comments regarding Marvin's included:

- Friends from across the country and international visitors state the first place they want to visit is Marvin's Marvelous Mechanical Museum. Marvin's is a unique destination that brings people to the city from all over the world.
- In just 48 hours, a change.org petition drew 27,000 signatures supporting Marvin's.
- Marvin's was written about in various publications, including *Atlas Obscura*, *Curious and Wondrous Travel Destinations*, and other publications. An area blogger that hosts international travelers always takes people to Marvin's, at their request.
- The Ann Arbor rock band Tally Hall's first album was titled *Marvin's Marvelous Mechanical Museum*.
- Many people commented that Marvin's was a "safe place" for them when younger, and today. Marvin's provided several speakers with their first jobs. Commentors referred to Marvin's as magical, unique, one of a kind, culturally significant, a place to have birthday parties, to take dates, a community/historical icon, a whacky place, brings people of all demographics together, life-changing, the opposite of the "epidemic of sameness" and "placelessness", a favorite place, a destination gem, the heart of Farmington Hills, supported by a wide community as evidenced by a successful Go Fund Me effort during the pandemic, an accessible place that welcomes everyone, including groups from Community Work Opportunities in Canton, and student tours from Farmington Public Schools.
- Speakers spoke of going to Marvin's when they were children, then later with adult friends, and then with their own children and grandchildren. Marvin's is an inter-generational attraction.
- Several speakers pointed out that no one had memories of shopping in generic big box stores, but Marvin's creates memories that last a lifetime. Marvin's was a century old, had remained through difficult times, including recessions and COVID, and was the last remaining business from Tally Hall.
- One speaker noted she had written her college admission essay about Marvin's.

Concerns regarding traffic and other issues included:

- A Meijer would bring additional intense traffic to an area where traffic was already difficult.
- Had traffic/noise/parking studies been done?
- There were several grocery stores already in this area; another one was not needed.
- Several speakers wondered why Meijer couldn't be located in the old Sam's Club location on Northwestern Highway.
- Several speakers also supported the renovation of this shopping space, noting that an update was badly needed. Several spoke of the way Meijer supported its local communities and the state, and pointed to the Frederick Meijer Gardens and Sculpture Park in Grand Rapids.
- Other commentors spoke of their desire for smaller, locally owned businesses.

- The rear docks at Meijer meant more semi-trucks/trailers will need to access this site.
- The redevelopment represented a car-centric design, thereby prioritizing people with money for cars. People are trapped unless they have a car. Empathetic and intelligent planning will solve this and similar issues.
- Several people did not support having a drive-through restaurant at this location.

In response to comments, Chair Countegan explained that that planning commissioners were appointed volunteers from the community. When proposals came to the Commission, the Commission heard them. Commissioners had taken an oath to uphold the laws of the community, the state, and the constitution. Some commissioners had also been to Marvin's, and had their own histories there. There was obviously wide community support for this business, and the Commission appreciated the passion people brought to the meeting tonight. However, the Commission needed to base its decisions on the City's Master Plan, and had to follow due process as outlined in the Zoning Ordinance. It was also important to note that the relationship between Marvin's as a tenant and the shopping center as a landlord was a contractual relationship between two private parties, and the City was not part of that contractual relationship.

Chair Countegan closed the public hearing at approximately 10:27 pm.

Chair Countegan invited Mr. Ortner to respond to public comment.

Mr. Ortner said he was "blown away" and appreciated the community's commitment and support of Marvin's. Several people had talked about Marvin's surviving the great recession and the pandemic; this survival was due in no small part to the shopping center's partnership and commitment to Marvin's in the past. RPT will continue to work with Marvin's and any of the impacted tenants in the shopping center who want to move forward. RPT was not closing Marvin's down, and will continue to work with them.

In response to other comments, Mr. Ortner said traffic, parking, and noise studies had been done, and would be presented as the process for the redevelopment of the shopping center moved forward.

Commissioner Ware pointed out that previous tenants of the shopping center had been national names and big box stores. If all the current spaces were filled, or if all the new spaces would be filled, including the small Meijer, the traffic and noise would be the same. The redevelopment of Hunter's Square would not make things worse than if every storefront were filled now.

Mr. Ortner said that was correct. The planned uses so far were the Meijer, the drive-through use, a large form entertainment space, a veterinary and medical space, and others, all totaling about the same square footage as currently exists.

Mr. Ortner emphasized that the new Meijer will not impact Marvin's; it would be located on the opposite end of the redeveloped portion of the center. He wanted to make sure the community was not confused – Meijer was not displacing Marvin's.

In response to a question from Commissioner Brickner, Mr. Ortner said they would work with all their existing tenants, including Marvin's, who wanted to stay within the shopping center complex. RPT was not closing them down or throwing them out.

Chair Countegan summarized that the proposal before the Commission for a planned unit development represented an investment in Farmington Hills relative to a shopping center that had significant vacancies. The owner's representative was stating that they were in discussion with all the tenants that were located in the portion of the center that will be redeveloped. The Planning Commission is considering a PUD plan that has B-2 as the underlying zoning, with some B-3 implications in order to allow a drive-through and some setback deviations.

Tonight's public comments had been very informative and passionate in support of a long-standing business with a long history in the community.

On the positive side, the proposal represented an owner who is making a significant investment in the Farmington Hills community, thereby strengthening the tax base that supports schools, public services, and law enforcement.

Commissioner Grant supported Marvin's remaining in its current location. Was this possible?

Mr. Ortner said he did not know the answer to that question tonight.

In response to questions, City Attorney Schultz explained that:

- The Planning Commission does not have authority to stipulate a contractual condition of tenancy between an owner and a tenant.
- The Planning Commission is looking at the physical redevelopment of a property, and is not considering use, whether that be a grocery store or an amusement center.

For the benefit of the audience present, Chair Countegan further explained that the job of a planner is to evaluate proposals for conformance with what is allowed in the zoning ordinance. Private businesses make arrangements among themselves.

Commissioner Brickner pointed out that as part of an approving motion, the Commission is required to list components of the project that meet requirements of the PUD ordinance, and to add any conditions attached to the approval.

Commissioner Ware asked if RPT was willing to include a common area within the redevelopment so that people could congregate. Walkable areas were important to the city, not just to allow people to walk, but to also to provide spaces to sit and enjoy being with friends in the outdoors.

Mr. Ortner said they were increasing walkability and connectivity throughout the site, including connecting the sidewalk along Orchard Lake Road to the plazas between the outparcels, where there will be potential locations for public art and seating, as well as restaurant and retail spaces. The areas between the outparcels will be common space, not owned by the tenant. Some restaurant tenants might want outdoor space and that would also be accommodated, but the common areas are meant to be areas for the use of all visitors.

In response to a question, City Planner Perdonik explained that outdoor seating in this instance would be a permitted accessory use, as long as there is a building between the outdoor seating and the nearby residential.

In response to a question, Mr. Ortner said Marvin's currently occupied an approximate 5300sf space.

After discussion and amendment, the following motion was offered:

MOTION by Brickner, support by Trafelet, to recommend to City Council that Planned Unit Development 2, 2023, including Site Plan 67-9-2023, both dated September 15, 2023, submitted by Timothy Collier, 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, specifically sections i, ii, v, vi, and vii, subject to the following findings and conditions:

Finding:

The Commission has no objections to the proposed property lines which will be addressed in conjunction with the final PUD Plan and the PUD Agreement.

Conditions:

- 1. Modifications of the Zoning Ordinance as indicated on the proposed plan.**
- 2. That the proponent clarify the distance between the order window and the pickup window in Outlot G, as recommended by Giffels Webster in their review.**
- 3. Compliance with ordinance stacking requirements.**
- 4. That there be less intense lighting as recommended by Giffels Webster, and that the lighting near the residential area be downlit and shielded.**
- 5. That there be a hedge along Orchard Lake Road near the drive-through restaurant to block headlights along Orchard Lake Road.**
- 6. That there be bicycle racks placed as a part of the plan.**
- 7. That all recommendations included in the October 18, 2023 Giffels Webster review letter be included in the PUD agreement, and all outstanding issues as listed in the October 18 letter be resolved.**

Motion discussion:

- Mr. Ortner was on record as saying RPT is still in discussion with Marvin's and with other existing tenants. No lease has been terminated.
- Commissioner Mantey wished there was a way to formally recognize Marvin's as a culturally valuable asset to the City, but what he was hearing was that this desire cannot affect the Planning Commission's decision regarding this proposed PUD and site plan.
- Chair Countegan agreed. The Planning Commission could not dictate the landlord's relationship with Marvin's via the PUD process, as everyone should now be aware.

Motion passed unanimously by voice vote.

Chair Countegan thanked everyone who came tonight. This proposal will next go to City Council.

Chair Countegan called a brief break at approximately 10:40pm and reconvened the meeting at approximately 10:55pm.

REGULAR MEETING

B. REVISED SITE PLAN 52-1-2021

LOCATION:	27745 Orchard Lake Road
PARCEL I.D.:	22-23-15-201-015
PROPOSAL:	Construction of addition to rear of existing gas station

convenience store building in ES, Expressway Service zoning district

ACTION REQUESTED: Site Plan Approval
APPLICANT: Three Orchards Real Estate, LLC
OWNER: Three Orchards Real Estate, LLC

Referencing the November 9, 2023 Giffels Webster memorandum, Planning Consultant Tangari gave the background and review for this request for site plan approval for construction of an addition to the rear of an existing gas station/convenience store building at 27745 Orchard Lake Road, located in an ES Expressway Service zoning district.

Planning Consultant Tangari highlighted the following:

- The applicants are requesting an amendment to a site plan that was approved in 2021, which approval included variances from the required rear and south side setbacks to permit 5' setbacks rather than the required 20'. In 2021 the applicant proposed to add a net 1,056sf to the existing building. The addition has since grown in size; the exact difference in new square footage is not provided on the plans. No changes are proposed to the existing parking, pump islands, or site circulation. However, the change in the degree of encroachment requires re-approval of both the site plans and the variances granted in 2021.
- There were other minor notes about other standards in the review memorandum; those things can be corrected and approved administratively.

Ghassan Abdelnour, GAV Associates and architect for this project, explained that the project had been delayed due to work that was done on Orchard Lake Road, resulting in a shared access connection with the new senior living facility and the restaurant. Previously there had been a cooler on the exterior of the building; this will now be inside the building. Previously the back part of the building was almost two stories high; now the building will be at a single elevation. The site itself remained the same, with the same circulation and parking.

Mr. Abdelnour said he had spoken with the Fire Marshal today; they would provide fire suppression inside the building. The clearance for the canopy will be almost 17'.

In response to questions, Mr. Abdelnour said the spruce trees on the west side of the property will be removed; replacement trees were being provided. The little building at the back of the property will be removed.

After discussion and amendment, the following motion was offered:

MOTION by Brickner, support by Trafelet, that Revised Site Plan 52-1-2021, dated October 18, 2023, submitted by Three Orchards Real Estate, LLC, be approved, because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- 1. Variance be obtained from the Zoning Board of Appeals for the rear yard and side yard setbacks.**
- 2. Meet all conditions and recommendations of the Fire Department.**
- 3. Due to the change in the degree of encroachment, re-approval of both the site plans and the variances granted in 2021.**
- 4. Resolution of all outstanding issues in the November 9, 2023 Giffels Webster review memorandum.**

Motion passed unanimously by voice vote.

C. ONE-FAMILY CLUSTER OPTION QUALIFICATION 1, 2023

LOCATION:	South side of Folsom Road, between Parker Avenue and Lundy Drive
PARCEL I.D.:	22-23-34-252-019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, and 036
PROPOSAL:	Qualification of eighteen (18) parcels for construction of single-family homes in RA-3, One Family Residential zoning district via One- Family Cluster Option
ACTION REQUESTED:	Qualification for One-Family Cluster Option
APPLICANT:	Forest at Riverwalk Development, LLC
OWNER:	Forest at Riverwalk Development, LLC

Referencing the Giffels Webster November 9, 2023 memorandum, Planning Consultant Tangari gave the background and review for this request for qualification for one-family cluster option for 18 parcels on the south side of Folsom Road, between Parker Avenue and Lundy Drive, located in a RA-3 single family district.

Planning Consultant Tangari explained that a cluster option allows the same number of units that would typically be distributed over an entire site to be built on a smaller portion of the site with reduced lot sizes, allowing the remaining portion of the site to be set aside as dedicated open space, typically protected by a conservation easement.

Planning Consultant Tangari highlighted the following:

- The site includes 19 parcels, but only 18 are included in the cluster project.
- The total acreage of the site is 16.29 acres. 2.47 acres is right-of-way, leaving 13.83 net acres.
- Qualification for the cluster option requires two findings by the Planning Commission, with final density dependent on whether or not the site qualifies under both findings:
 1. First, the Planning Commission shall find that the parcel will qualify for the cluster development option as defined in Section 34-3.17.2.B.i-viii. Development would be at the single family densities permitted in subsection 34-3.17.3.A. This finding must be made in all cases. Section 34-3.17.3.A permits 2.6 units per acre for a One Family Cluster in the RA-3 district under this item.
 2. Second, the Planning Commission may additionally find that the parcel is located in a transition area or is impacted by nonresidential uses or traffic on major or secondary thoroughfares or other similar conditions. If the Planning Commission makes such a finding, it may permit an increase in density up to the maximum densities established in subsection 34-3.17.3.B. Subsection 34-3.17.3.B. permits up to 3.9 units per acre in the RA-3 district under this item. The parcel is located adjacent to a regional stormwater management basin; it is otherwise surrounded by single family development
- No conceptual plan had been submitted as part of this application. The site contains extensive woodlands and wetlands. If wetlands are to be extensively impacted by development, EGLE (Michigan Department of Environment, Great Lakes, and Energy) permits and off-site mitigation will be required. If this is the case, the Planning Commission may wish to postpone a determination on qualification until EGLE review can be completed.
- In approving a parcel for cluster development, the Planning Commission shall find at least one of 8 standards are met. Planning Consultant Tangari suggested that ii, vi, and viii applied:

- ii. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.*
- vi. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.*
- viii. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.*

Developer Stuart Michaelson was present on behalf of this application for cluster option qualification. Mr. Michaelson provided the following:

- Gave a brief history of his development experience/history in Farmington Hills.
- Tonight the applicant was asking for cluster option qualification. At the next meeting they will present a detailed site plan; this site plan has already been designed. The development will stay out of the river on the site, which is a regulated wetland. There is an unregulated wetland in the middle of the site.
- EGLE representatives had walked the property with the previous owner.
- The developer had hired Barr Engineering, who specializes in wetlands protection. They had completed a topographical survey and a soil survey, and had taken borings.
- Mr. Michaelson had met in a pre-submission meeting with city staff including the City Manager, City Planner, Police, Fire, Building Official, Planning Director, and City Engineer.
- The project will be back before the Planning Commission on December 14 with a complete site plan submittal.
- The density request will be for 2.58 units per acre. The purpose of using the cluster option is to maintain the allowed density on the property, with minimal impact to the environment.

In response to comments, City Attorney Schultz explained that the cluster option qualification process was very similar to PUD qualification. Density determination did not have to be included this evening.

Chair Countegan summarized that the cluster option gives the City the opportunity to preserve natural features and green space, while serving as an incentive to developers who need the normally allowed density.

After discussion, the following motion was offered:

MOTION by Mantey, support by Trafelet, to make a preliminary determination that One-Family Cluster Option 1, 2023, dated October 13, 2023, submitted by Forest at Riverwalk Development, LLC, meets the following qualification standard(s) as set forth in Section 34-3.17.2.B. of the Zoning Ordinance:

- ii. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult,**
- vi. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable,**
- viii. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a**

natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved,

permitting a maximum density of 2.6 units per acre, and that it be made clear to the applicant that final granting of the One-Family Cluster Option is dependent upon a site plan to be approved by the City Council following review and recommendation by the Planning Commission.

Motion passed unanimously by voice vote.

D. REZONING REQUEST ZR 2-10-2023

LOCATION: South side of Nine Mile Road, just west of Farmington Road
PARCEL I.D.: 22-23-33-227-001, 002, and 003
PROPOSAL: Rezone three (3) parcels from B-1, Local Business to RA-4, One Family Residential zoning district
ACTION REQUESTED: Set for Public Hearing
APPLICANT: Fortesa Homes LLC/Robert Donovic
OWNER: Tom Dedvukaj

Referencing the October 24, 2023 Giffels Webster memorandum, Planning Consultant Upfal gave the background and review for this application to set for public hearing a proposal to rezone 3 parcels on the south side of Nine Mile Road, just west of Farmington Road, from B-1 Local Business to RA-4 One Family Residential zoning district.

Planning Consultant Upfal highlighted the following:

- The applicant had not submitted an up-to-date survey of the property prior to tonight's meeting; a survey was shown on the overhead screen during the meeting.
- The proposed land to be rezoned includes three parcels. Together, these parcels comprise 17,400 sf, which exceeds the required lot minimum. However, individually, none of the parcels are compliant with the required lot minimum and a rezoning cannot result in a nonconforming lot. The applicant must complete the proposed land combination and boundary adjustment shown in the application, prior to approval of the rezoning.
- Together, the three subject parcels comprise a frontage that extends 145 ft, which exceeds the required lot width. However, individually, only lot -001 is compliant with the required lot width and a rezoning cannot result in a nonconforming lot. The applicant must complete the proposed land combination and boundary adjustment shown in the application, prior to approval of the rezoning.
- The proposed site would be transitioning from a commercial designation to a residential designation which is inherently less intensive. The site is compatible with neighboring residential uses.

In response to questions, City Planner Perdonik said that City Council has final authority over rezoning requests. The applicants could complete the land combination any time between tonight and being heard by City Council.

City Attorney Schultz further explained that the Planning Commission can set the public hearing and hold the public hearing, based on the information provided this evening. However, before City Council acts the applicants will need to complete the land combination, as already stated.

Planning Consultant Tangari reiterated that the Planning Commission cannot create non-conforming lots. If the land is not combined, the final approval cannot be granted.

Chair Countegan invited the applicant to comment.

Robert Donovic, Fortesa Homes, was present on behalf of this application to rezone three properties from B-1 to RA-4 zoning district, as published. The properties had approximately 145' of frontage along Nine Mile Road. The developers wanted to create two home sites, with one site being 74' wide and the second site being 71' wide. To the south directly behind the two properties is an RA-4 district with residential homes, and to the west is also RA-4 district with residential homes. Next door to the east is 65' of trees on property not owned by the applicant, and which will act as a buffer to the medical/commercial use to the east. The two homes will be roughly 1900sf, with 3 bedrooms, two baths, and a basement and attached garage.

The homes will have high-end amenities on the building elevations.

Fortesa Homes is a family-owned company, and they will be on site daily to make sure the site stays clean.

The applicants believed the requested zoning is more harmonious than commercial zoning for this property, and the resulting development will be less intrusive than commercial. The goal is to start construction late 2024.

MOTION by Mantey, support by Aspinall, that Rezoning Request 2-10-2023, dated October 12, 2023, submitted by Fortesa Homes LLC/Robert Donovic, to rezone property located at Parcel Identification Numbers: 22-23-33-227-001, 002, and 003, Oakland County, Michigan, from B-1, Local Business District to RA-4, One Family Residential District, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion passed unanimously by voice vote.

E. AMEND PLANNED UNIT DEVELOPMENT 1, 2020, INCLUDING REVISED SITE PLAN 56-6-2020

LOCATION:	28800 Eleven Mile Road
PARCEL I.D.:	22-23-13-351-008
PROPOSAL:	Demolition of small chapel structure for open space in SP-5, Special Purpose zoning district
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	Edward Rose & Sons – Mark Perkoski, Dir. Of Acquisitions
OWNER:	Farmington Hills Senior Living, L.L.C.

Referencing the October 20, 2023 Giffels Webster letter, Planning Consultant Upfal gave the background and review for this request to set for public hearing an amendment to PUD 1, 2023, including revised site plan, in order to demolish a small chapel structure for open space, located at 28800 Eleven Mile Road.

Planning Consultant Upfal highlighted the following:

- The statement at the top of page 2 that the purpose of this PUD amendment was to permit retail and restaurant uses was in error. As stated by the applicant and elsewhere in the review, the purpose of the proposed amendment is to replace the small chapel with open space.
- After discussion with the City Attorney, and because this proposed PUD amendment includes changes to the development agreement and the exhibits in the development agreement, it has been determined that the proposed change constitutes a major amendment to the original PUD, and must go through the process for a major amendment, which includes setting a public hearing, having the Planning Commission make a recommendation to City Council, as well as the Commission reviewing the original PUD qualification to make sure that the qualification still stands given the proposed changes to the site.
- The applicant is requesting to demolish the small chapel (not the large chapel) which is attached to the Costick Center. The applicants have stated that the small chapel has no functional use. The applicant further states that there are problems with maintaining the building, and there is no adequate parking to access the building or the restrooms.
- The small chapel was included in the original PUD.
- During the original PUD qualification, among other things the applicant noted that retaining some of the existing buildings and structures on the site justified the original PUD. However, some of those historic elements are being impacted by the removal of the small chapel; the applicant is not planning around the structure, but rather is removing it.
- The original PUD resulted in building deviations on both buildings to exceed the building height. Also, the .45 floor area ratio exceeded the maximum floor area ratio that is specific for elder care services. The new application does not significantly reduce the floor area ratio.
- The plan includes a 207-apartment assisted living facility and a 27-apartment memory care facility; construction is near completion.
- The main focus of the Planning Commission's discussion should be whether the PUD qualifications still stand and whether to schedule this requested amendment for a public hearing.

Mark Perkoski, Edward Rose & Sons, 38525 Woodward Avenue, Bloomfield Hills MI, made the following points:

- The small chapel that is proposed to be demolished was associated with Catherine's Place, and was built in the 1980s.
- This proposed demolition would not increase density, but it would reduce floor area ratio. The applicants were asking to demolish a building for which they could not find a purpose, and replace it with green space. Nothing else would change from the original PUD agreement.

Mr. Perkoski responded to questions as follows:

- The building had been tested for asbestos; there may be asbestos in the pipe wrap.
- When this project was presented to City Council there was no expectation of specific use or much discussion regarding the small chapel.

MOTION by Aspinall, support by Varga, that the application to amend Planned Unit Development 1, 2020, including Revised Site Plan 56-6-2020, dated October 17, 2023, submitted by Edward Rose & Sons – Mark Perkoski, Dir. of Acquisitions, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion passed unanimously by voice vote.

October 26, 2023, Regular meeting

MOTION by Stimson, support by Ware, to approve the October 26, 2023 special and regular meeting minutes as submitted.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

Commissioner Brickner noted that the cargo containers and portable toilets were still on the property at Drake and Grand River.

ADJOURNMENT

Motion by Grant, support by Trafelet, to adjourn the meeting at 11:57pm.

Motion carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem