

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
SEPTEMBER 23, 2021, 7:30 P.M.
The HAWK - Farmington Hills Community Center, Harrison Hall
29995 W. Twelve Mile Rd., Farmington Hills, MI 48334**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Stimson at 7:30 p.m.

ROLL CALL

Commissioners Present: Brickner, Countegan, Mantey, Schwartz, Stimson,

Commissioners Absent: Orr, Trafelet, Varga, Turner

Others Present: City Planner Stec, City Attorney Saarela, Planning Consultant Tangari, Staff Engineers Alexander and Dawkins

APPROVAL OF AGENDA

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

MOTION carried unanimously by voice vote.

REGULAR MEETING

A. LOT SPLIT 5, 2021 (Final)

LOCATION:	20893 Gill Rd.
PARCEL I.D.:	23-33-376-085
PROPOSAL:	Split parent parcel into two lots in an RA-3, One Family Residential District
ACTION REQUESTED:	Lot Split approval
APPLICANT:	Mohammad Usman
OWNER:	Mohammad Usman

Referencing his September 7, 2021/updated 9/23/2021 written comments, Planning Consultant Tangari gave the background and review for this application for 20893 Gill Road, at the southwest corner of Gill and Fenton, to split the 25,623.87 square feet parent parcel into two lots in an RA-3, One Family Residential District. The request was reviewed against the standards in the Subdivision of Land Ordinance 27-110(2)(e), *Compatibility with Existing Parcels*.

Comments regarding review criteria and outstanding issues included:

- The parcels must meet zoning ordinance requirements, including minimum average lot size of 12,500 square feet per lot. As proposed, Parcel 1 would be 12,280.26 square feet, with Parcel 2 13,343.61 square feet. Two lots exceeding 12,500 square feet could be created if the proposed lot line is adjusted slightly.

- The parcels will both have frontage on Fendt, and one will also front on Gill. Parcels in this area have a fairly wide variety of sizes, proportions, and widths. The immediately abutting parcel to the south is approximately the same size as the existing parcel; the split will create a rear-to-side relationship between the parcel to the south and Parcel 2. This is not common in the neighborhood, but is similar to the arrangement of lots one block north at Gill and Rhonswood.
- The parcels in this area have a variety of configurations and sizes, and the proposed arrangement is not atypical of other nearby block-end arrangements. The proposed lots are shallower than most in the area in relation to their width, and smaller by area as well. A typical lot fronting on Fendt is one acre with a roughly 2:1 depth:width ratio, though the two lots immediately to the west of the subject site are narrower.
- It does not appear that the proposed division will result in an incompatible relationship with surrounding parcels, except that the lot split creates a rear-to-side relationship with the parcel to the south.
- The site is not impacted by any natural features such as wetlands and is generally flat.
- The requested split is similar to other end-of-block/corner lot arrangements in the area but results in a depth-to-width ratio not typical of parcels fronting on Fendt.

Commissioner Countegan asked if the smaller properties on the northwest side of Gill and Rhonswood were the result of a lot split. Planning Consultant Tangari said he did not know the history of those properties, though it appeared there had been lot splits on Rhonswood.

The Commission discussed how the proposed lot sizes were calculated and the need to ensure that the underlying zoning requirements were met regarding lot size.

Mohammed Usman, property owner, and George Reichert, Reichert Surveying, were present on behalf of this application for a lot split. Mr. Usman said they had no problem with moving the lot line so that both parcels would be over 12,500 square feet.

MOTION by Countegan, support by Schwartz, that Final Lot Split 5, 2021, submitted by Mohammad Usman, 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 meet minimum zoning lot width and area requirements for the RA-3 zoning district, and that the lots are generally compatible with surrounding lots in the area; and that the City Assessor be so notified, with the following condition:

- Revised land surveys be provided for administrative review showing the property line between proposed parcels 1 and 2 shifted slightly to the east to make both lots meet the minimum lot area requirement.

Commissioner Schwartz said he had driven the neighborhood, and felt comfortable with the lot split as requested. Commissioner Mantey agreed. However, he would have liked to see a tabular comparison to address the issue of compatibility with existing lots, showing the distribution of nearby lot sizes and configurations.

Motion carried unanimously by voice vote.

B. SITE PLAN 61-8-2021

LOCATION:	33000 Covington Club Dr.
PARCEL I.D.:	23-02-226-027

PROPOSAL:	New leasing office for existing apartments in an RA-2, One Family Residential District (Multiple-family use in single-family zoning permitted by consent judgement)
ACTION REQUESTED:	Planning Commission approval
APPLICANT:	Jeffrey Kaftan, Kaftan Enterprises, Inc.
OWNER:	Covington Club Apartments

Chair Stimson disclosed that he was a resident of a different Kaftan Enterprises community, but had no financial interest in the current proposal. City Attorney Saarela advised that this did not constitute a conflict of interest, and Chair Stimson could remain on the Commission for this request.

Referencing his September 7, 2021 written comments, Planning Consultant Tangari gave the background and review for this application for site plan approval for a new leasing office at 33000 Covington Club Drive. The complex occupied a total of 17.865 acres with 78 attached units. The area where the new building is proposed is occupied by trees and is near a small complex office and pool.

Outstanding issues included:

- It appeared that the only lighting proposed is six sconces: two on the existing pool building, two on the new building, and two at the new gate in the low wall. Cut sheets should be provided to confirm that these meet the cut-off standard of the ordinance, and illumination levels needed to be provided as required.
- The applicant should confirm that no rooftop equipment was proposed.

Commissioner Schwartz asked if the City looked at tree placement in regard to power lines. This was especially important given the number of recent severe weather events causing power outages in the City. Planning Consultant Tangari said there were no standards regarding this in the ordinance, but staff did try to be cognizant of the location of power lines and addressed nearby tree placement as best they could. In the present instance, there did not appear to be a conflict with the tree placement and the location of power lines.

Commissioner Schwartz asked that potential conflict with tree placement and power line location be added to all site plan reviews.

In response to a question from Commissioner Countegan, City Planner Stec explained that staff had determined the leasing office was accessory to the original approved multi-family use and would not require City Council to amend the consent judgment.

Mark Abernathy, Alexander V. Bogaerts & Associates, 2445 Franklin Road, Bloomfield Hills, MI, said that currently leasing was held in an existing unit, and the owners wanted to have more of a focused leasing area toward the front. The structure would fit in with the existing architecture, and would meet all civil and ordinance standards.

MOTION by Brickner, support by Schwartz, that Site Plan 61-8-2021, dated August 27, 2021, submitted by Jeffrey Kaftan, Kaftan Enterprises, Inc., be approved because it appears to meet all applicable requirements of the Zoning Chapter, with the condition that a revised lighting plan meeting the deficiencies in the 9/7/21 Giffels Webster review report be submitted for administrative review.

Motion carried unanimously by voice vote.

C. SITE PLAN 62-8-2021

LOCATION:	29820 Nine Mile Rd.
PARCEL I.D.:	23-26-482-001
PROPOSAL:	Parking lot improvement for existing site in LI-1, Light Industrial District
ACTION REQUESTED:	Planning Commission approval
APPLICANT:	David Jappaya

Referencing his August 10, 2021 written comments, Planning Consultant Tangari gave the background and review for this application for site plan approval for parking lot improvement for an existing site in the LI-1, Light Industrial District, located at 29820 Nine Mile Road, the triangular corner of Nine Mile and Shiawassee Roads.

The site is approximately 0.32 acres and is developed with two buildings and a small shed. The shed will be removed. The larger building is 2,400 square feet, and the smaller one is 720 square feet. The property is currently unoccupied.

The site's property lines are not quite aligned with the locations of various right-of-way elements, and the smaller building is not located entirely on the property. As this is an existing nonconformity, and the buildings are not proposed to be altered, it can be allowed to remain as is.

The applicant is proposing to change the informal development of the grounds, installing a paved parking lot, screen wall, and dumpster enclosure, removing the shed and some of the fencing, repurposing the buildings for a primary caregiver grow facility, and adding new landscaping to replace the existing overgrowth. A thin brick veneer will be placed over the concrete masonry exterior.

Outstanding issues, including the need for variances, for this nonconforming site included:

- Variance will be required for front yard parking.
- Variance will be required to permit the parking area to encroach within 10 feet of the Shiawassee Road right-of-way.
- No loading space is identified.
- No information is provided regarding rooftop equipment.
- Mechanical equipment is not addressed on the plan.
- Existing barbed wire fencing should be removed.
- The fence along the western property line is proposed to be replaced with a six-foot masonry screen wall. While this wall meets the requirements of Section 34-5.15, the four trees along the west property line that are proposed to be saved will be up against the wall, and care will need to be taken not to kill or damage them during installation; the trees will require replacements if they are removed to aid wall installation. Typically, the ordinance requires deciduous trees to be placed every 30 feet on the near side of a screen wall; this would require five trees on this site. The Planning Commission should make a determination as to whether the four preserved trees and the evergreen proposed at the northwest corner of the site combine to meet this standard.
- One additional parking space required.
- Sidewalk should be adjusted to provide full 20-foot maneuvering lane.
- Note on plan must be provided stating that compliance with standards for this use will be met (cannabis grow facility).
- Corner clearance triangles should be indicated on the plan.
- Clarify which trees fulfill the requirement for parking lot trees.

- Add notes to the plan regarding compliance with lighting standards in terms of operation hours.
- Illumination levels must be compliant with the ordinance.
- Comply with additional lighting standards for sites abutting a residential district.
- No pedestrian connections to public sidewalks are proposed on this very small site.

Commissioner Mantey noted that the shape of this property was unique, and given the existing condition of this property, a practical difficulty mostly likely exists regarding the provision of the required number of trees on the property line.

City Planner Stec referenced Section 34-5-15.1.c, which read:

Whenever a wall or berm is required in a B- 1, B-2, B-3, B-4, ES and LI-1 district, deciduous trees shall be planted in the ground adjacent to the wall on the nonresidential side with size and spacing in accordance with Section 34-5.14. If a berm is used, the trees may be planted on the berm.

Planning Consultant Tangari explained that there were 4 deciduous trees already existing on the site. The Planning Commission should make a determination as to whether or not those 4 trees met the requirements of the ordinance just cited, and whether the 5th tree could be an evergreen tree.

Commissioner Brickner thought this proposal would be a big improvement for this blighted site. However, because the residential neighbor was so close, it would be very important to have proper ventilation for this use.

Patrick Foumia, 7125 Orchard Lake Road, Suite 301, West Bloomfield, represented the applicant this evening. Architect Imad Potres, Futuristic Design Consultants, 520 12 Mile Road, Suite A, Madison Heights, was also present.

Mr. Potres said that lighting issues as called out in the review letter would be corrected. He described the current state of the blighted property, addressing its noncompliant features, and speaking to the applicant's desire to improve the site and bring it "to life". They could add an additional parking space by adding parallel parking on the south side of the larger building. The western fence was actually 5 feet in from the property line, with the trees between the fence and the property line. While they would do whatever was required, placing a new fence on the property line would destroy the trees.

City Planner Stec noted that the wall was not required to be on the property line.

Mr. Potres said they were improving the buildings with a new thin brick façade, new pavement in the parking lot, new landscaping, etc. They will provide stormwater management, including underground detention if required. They would continue to work with the City to improve the site.

There would be no new rooftop equipment.

Commissioner Mantey asked if the proposed use would need all the parking spaces required by the ordinance. Mr. Foumia said that at the most 2 parking spots would be used at any one time for this use.

City Planner Stec said the parking standard for medical marijuana facilities was the same standard as for any light industrial use.

Chair Stimson noted that once approved, the building could house any other use permitted in the Light Industrial District.

City Planner Stec referenced the August 25, 2021 Engineering review, which listed among other things concerns regarding stormwater detention on the site, the restoration of the old parking area to grass, possibly shifting the drive to align with the one across 9 Mile Road, and the inclusion of a new sidewalk on Shiawassee Road.

Planning Consultant Tangari said the following variances would likely be needed for this project to go forward:

1. Less than 10 foot greenbelt on Shiawassee in some places.
2. Location of dumpster.
3. Number of parking spaces (if adding another space was not practical).
4. Parking in required front yard.
5. Loading space location.

Given the current blighted state of this property, and after discussion of necessary variances for the project, the following motion was offered:

MOTION by Countegan, support by Mantey, that Site Plan 62-8-2021, dated August 18, 2021, submitted by David Jappaya, be approved because it appears to meet all applicable requirements of the Zoning Chapter, with the following conditions and determinations:

- A pedestrian connection to the public right-of-way is not required.
- The existing mature trees shown to be preserved on the residential side of the new masonry screen wall along the western property line meet the tree planting requirement of Section 34-5.15.1.C. Any of those trees that die due to construction will need to be replaced.
- All existing fencing and barb wire be removed.
- A revised lighting plan be submitted for administrative review.
- A revised site plan addressing the zoning deficiencies identified in the 9/7/21 Giffels Webster report be submitted for administrative review. Any deficiencies other than those that are existing legal conformities will require approval of variances by the ZBA.

Commissioner Schwartz said while he supported this project, he would oppose the motion. Because this is a problematic site he would have liked for the motion to more specifically call out items listed by the applicant, such as the new brick facade on the building. Commissioner Countegan thought that approving the site plan approved those items specifically called out in the site plan.

City Attorney Saarela agreed that approving the site plan included any items noted on the plans. If anything changed on the site plan as represented this evening, the applicants would need to return to the Commission for approval.

MOTION carried 4-1 (Schwartz opposed).

APPROVAL OF MINUTES August 19, 2021 & Corrected July 15, 2021

MOTION by Mantey, support by Countegan, to approve the August 19, 2021 and corrected July 15, 2021 meeting minutes as submitted.

Motion carried unanimously.

PUBLIC COMMENT

None

COMMISSIONERS' COMMENTS

- Commissioner Mantey addressed issues surrounding encouraging and/or requiring solar power installations. He reiterated a question he had asked in January as to why the HAWK did not utilize solar power, when 10 years ago City Administration had been proud of using solar power at the remodeled City Hall. Also at the January meeting Commissioner Mantey had cited a source claiming that the cost of using solar power had fallen 80% over the past 10 years. He requested that as the City and the Planning Commission move forward with a Master Plan update as well as future Capital Improvement Plans, staff research the economics of encouraging or requiring solar power on future developments.
- Commissioner Brickner addressed recent power outages. Years ago DTE had committed to a 5 year rotation to go around the City trimming trees that were near power lines, but this rotation no longer appeared to be happening.
- Commissioner Brickner also spoke to the sustainability/green building features that were included when City Hall was remodeled.
- Commissioner Schwartz reiterated that planning reviews should include whether or not trees are being planted too close to power lines.
- Commissioner Schwartz noted that the HAWK had no EV charging stations and no apparent solar panels. He requested a discussion regarding the feasibility of an ordinance requiring an evaluation of green technology/sustainable features whenever the City builds or renovates a public building.
- Commissioner Schwartz thanked his fellow commissioners for their experience, good judgment, and practical wisdom, which made it a pleasure to serve on the Commission.

ADJOURNMENT

MOTION by Brickner, support by Mantey, to adjourn the meeting at 9:06 p.m.

MOTION carried unanimously.

Respectfully Submitted,
John Trafelet
Planning Commission Secretary

/cem