

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
AUGUST 19, 2021, 7:30 P.M.**

**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, Orr, Mantey, Stimson, Trafelet, Turner,

Commissioners Absent: Countegan, Schwartz, Varga

Others Present: City Planner Stec, City Attorney Saarela, Planning Consultant Arroyo, Staff engineers Dawkins, Crimmins, and Sonck

**APPROVAL OF AGENDA**

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

**MOTION carried unanimously by voice vote.**

**PUBLIC HEARING**

**A. PUD PLAN 3, 2021**

LOCATION:	32680 Northwestern Hwy.
PARCEL I.D.:	23-02-126-130
PROPOSAL:	PUD Plan for a five story, 202 unit multiple family development in a B-2 Community Business District, and B-3 General Business District
ACTION REQUESTED:	Recommendation to City Council
APPLICANT:	NWH Holdings, LLC, Robert Asmar
OWNER:	NWH Holdings, LLC

Referencing his August 11, 2021 written comments, Planning Consultant Tangari gave the background and review for this request for recommendation to City Council of a PUD Plan for a five-story, 202 unit multiple family development as advertised.

The 5.53 acre site is currently zoned a mix of B-2 and B-3, and is mostly vacant, having been formerly occupied by all or parts of several commercial buildings. The site has no wetlands or other notable features.

Adjacent properties and uses include senior housing to the north (B-2 with PUD), commercial multi-family to the east (B-3/RC-2 multi-family), commercial to the south (B-3), and commercial also to the west ( B-2/B-3 with PUD).

The site is proposed to be accessed from a single driveway, shared with the Northpoint PUD, which occupies the land to the west and north.

Regarding PUD qualification:

Under Section 34-3.20.2, the Planning Commission may make a determination that the site qualifies for a PUD based on certain criteria and procedures. At its meeting on February 18, 2021, the Planning Commission granted preliminary PUD qualification approval to the site, citing the plan's compliance with objective viii of Section 34-3.20.2.E. At the time, Planning Commissioners generally did not take issue with the proposed use, but several expressed reservations about the scale of the use, particularly its density and height.

The PUD application was originally proposed to amend the previously approved Northpoint PUD that had incorporated all three buildings (senior living, climate-controlled storage and apartments) into the same PUD. The application has since been separated into a distinct PUD of its own, with access across the other PUD. The applicant is seeking final PUD qualification, but is not seeking site plan approval concurrent with final qualification.

Regarding the criteria for qualifications:

- 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. *The proposed use—apartments—is not permitted in the B-2 or B-3 districts, though the portion of the site zoned B-2 is planned for multiple-family residential on the Future Land Use map.*
- 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. *The applicant is proposing significantly more density than is permitted in any of the three RC multiple-family districts (nearly twice the permitted density of the RC-3 district). The applicant's narrative provides rationale behind the proposed density, essentially averring that a denser development serves as a step-down to the RC-2 district to the east from the commercial uses and regional thoroughfare to the south and east.*
- 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. *The number of apartment units proposed on the site clearly exceeds the number of single-family units that could be built under other multi-family zoning; the site's current commercial designation (primarily B-2) supports uses with a wide array of traffic demands. Nevertheless, this is a large number of units. The applicant has provided a traffic study that needs to be updated; Engineering will review its findings. The complex would utilize the same access point to Northwestern Highway as the rest of the Northpoint PUD; there is not a vehicular connection from the apartments to 14 Mile or the senior housing parking lot.*
- E. The Planned Unit Development must meet, as a minimum, one of 8 objectives of the City as listed in this section of the ordinance. The applicants feel they have met the following:
  - 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.  
*Open space is primarily found on the site in the courtyard common, though the narrative*

- calls attention to an intent to create a dense buffer to the east and utilize green roofs and landscaping on the building's various tiers to mitigate its overall impact.*
- ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.  
*The Future Land Use map does identify the northern portion of this property as multiple-family residential. As the Planning Commission considers the proposed use's compatibility with surrounding uses, the proposed scale of the use should feature prominently in the discussion.*
  - 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.  
*The applicant's narrative cites the access management benefit of the single driveway to Northwestern Highway, versus the separate driveways that previously served the individual commercial sites here.*
  - vi. To promote the goals and objectives of the Master Plan for Land Use.  
*The future land use map calls for multiple-family residential use on the B-2 portion of the property, leaving a commercial liner along Northwestern Highway. The proposed project introduces this use, though at a higher density than permitted elsewhere in the city.*
  - 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.  
*The applicant notes that the building is designed to create a gateway appearance for the city, fosters further walkability in the area, and is designed not to look monolithic (some conceptual illustrations were provided, though the Planning Commission is not making any decision on these or any other aspect of the site plan at this time). Building materials are also cited toward meeting this objective. If this PUD is approved, the PUD Agreement should include reference to proposed exemplary design and materials (including brick masonry and fiber cement products) that are proposed and require that they be a part of the development.*
  - viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.  
*The applicant's narrative calls attention to the large number of commercial buildings in the area that are not occupied, or listed for lease or sale, noting that an influx of residents to the area would increase the pool of potential patrons for remaining businesses.*

At the preliminary qualification stage, the motion to grant preliminary qualification cited only objective 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.  
*An increase in density is certainly sought by the applicant. Given that the proposed use is not permitted in the underlying district, it appears that the request is not made solely to avoid a variance. However, several deviations from ordinance standards would be requested to facilitate the conceptual plan. The applicant also proposes to extend a neighboring PUD.*
- G. All submission requirements were met, and as noted above, the Planning Commission granted preliminary qualification on February 18, 2021.

Regarding conceptual site plan and use:

1. Summary of Proposed Use. The applicant is proposing to construct a 200-unit apartment building around a large courtyard common. Access to the site would be from Northwestern Highway, via the same driveway that serves Northpoint Storage. The ground floor of the five-story building is devoted to indoor parking, with all living units on the floors above. A small portion of a bank of 9 parking spaces on the west side of the PUD encroaches on the neighboring PUD. The plans still refer to 202 units in several places; this must be corrected throughout the submission package.
2. Density. The applicant proposes 200 units, and number of each type has been adjusted to 101 one-bedroom units, 93 two-bedroom units, and 6 three-bedroom units. The number of one-bedroom units has been decreased since the original submission, in favor of more two- bedroom units. The following densities are permitted under conventional zoning:
  - RC-1, 1,900 lot area/square feet, 126 rooms
  - RC-2, 1,400 lot area/square feet, 172 rooms
  - RC-3, 1,060 lot area/square feet, 230 roomsThe proposed density is more than twice that of the densest multiple-family district in the City.
3. Master Plan. The master plan's Future Land Use map designates the portion of the site zoned B-2 as multiple-family residential, and the portion zoned B-3 as non-center-type business. The B-3 portion of the property is consistent with this designation; the B-2 portion is not. The property is not addressed on the residential density map, though it is adjacent to a high-density area, which is described as consistent with the RC districts. The site is not part of any special planning area.

Non-Center-Type Business is described as follows in the Master Plan: "*Non-Center Type Business uses are those that are not compatible with shopping centers and that could have an undesirable impact on abutting residential areas. They include most automobile-oriented uses and outdoor uses; e.g. those that have the greatest impact beyond their boundaries in terms of either traffic generation, noise or appearance. These are the uses that are permitted within the B-3 General Business District.*" Generally speaking, the category anticipates stand-alone sites rather than a planned, walkable environment.

4. Parking standards are met.
5. Trees and Preliminary Landscaping. The preliminary landscaping plan shows standards are met.

To summarize, the following deviations are requested as part of this PUD request:

1. Height: Proposed maximum height is 69 feet, where 50 feet is permitted in the underlying district (a deviation of 19 feet).
2. East side setback (to residential): 54.07 feet is proposed where the underlying district requires 75 feet (a deviation of 20.93 feet). The last request was for a 39.24 foot setback. The applicants had moved a bank of parking from the west side of the plan to the east side, thereby gaining some setback space, although it still did not meet ordinance standards.
3. Density. The plan does not specify a base district for density standards. 505 rooms are proposed; the maximum number of rooms permitted in the RC-3 district is 230 (a deviation of 275 rooms).

Planning Consultant Tangari concluded his review.

In response to questions from Commissioner Orr, Planning Consultant Tangari gave the following information:

- The property line would be the same as the PUD line on the western side of the building/property.
- Regarding setbacks on the western side, the B-2 District had a 20 foot side yard setback, and the B-3 District had a 10 foot side yard setback.

Commissioner Orr pointed out that there was no problem meeting setbacks on the west side of the PUD. The only challenge was meeting the 75-foot setback on the east side. If the applicant shifted the building, and removed the parking that was infringing on the PUD boundary as well as the parking to the immediate north of those spaces, and placed that parking on the east side, the 75-foot setback on the east could be achieved. There would also be more room on the west for enhanced landscaping, since the driveway on the west side of the building could be eliminated.

Commissioner Brickner asked about the August 12, 2021 letter from the Fire Marshal, which stated:  
*Generally, dead-end drives greater than 100' are not allowed; secondary Emergency Access shall be provided at main entrance where curb has been added. With consideration of this fact, the Farmington Hills Fire Department would be unable to provide proper life safety and fire services to this facility.*

City Planner Stec said that after clarification of the plans, this issue had been resolved. The plans did show complete access around the building.

In response to questions from Commissioner Mantey, Planning Consultant Tangari said that 403 parking spaces were required and 403 were provided. Parking space requirements were calculated based on the number of 1, 2 and 3 bedroom units.

Keith Phillips, The Think Shop Architects, 1420 Washington Blvd, Suite 430, Detroit, was present on behalf of this application for a recommendation to City Council for PUD Plan 3, 2021.

Mr. Phillips reviewed changes to the plan since they had last met with the Planning Commission:

- Increased setback on the east side of the property, providing more parking as well as providing more landscaping within that parking area.
- Reduced the height of the building to under 69 feet.
- Reduced footprint of the overall building. Integrated a more approachable way to get into the site.
- Maintained the features that were originally provided in the building.
- Provided a true benefit in decreased parking from any commercial retail space that could be built on the site.
- Increased setback on the east side, reducing the overall impact.
- Overall: reduced height, footprint; increased east side setback.

Mr. Phillips said this development provided for significant green space, both inside and outside the project. The apartment building offered the type of development trending in the area, including in West Bloomfield. Density was needed in order to provide a vibrant community for the target demographic.

Commissioner Mantey asked if the development needed as much parking as was required.

Mr. Phillips said they had tried to minimize the impact of the parking associated with this development. The majority of the parking was placed under the building. Some surface parking was still needed for guests. He also noted that a buffer was needed along Northwestern Highway.

Commissioner Mantey suggested that he would be open to reducing the number of parking spaces if the applicants provided significant bicycle storage in the covered garage space, and also provided a dedicated space for walking dogs, especially since this development was pet-friendly.

In response to questions from the Commission, Mr. Phillips gave the following information:

- This would be a masonry-clad structure with long-term composite material used as siding. There would be concrete up to the parking deck. Parking under the structure would be at grade, forming the 1<sup>st</sup> floor of the building.
- Any rooftop equipment would be shielded. Vertical unit ventilators would most likely be used for the individual units.
- Putting the parking underground was cost-prohibitive, and not being considered. The building would use footings, as opposed to a full foundation.

The Commission made the following suggestions regarding sustainability:

- Electric vehicle charging stations should be included in the 1<sup>st</sup> floor parking structure.
- The applicants should research the possibility of putting solar panels on the roof.

Commissioner Orr asked if a motion to recommend could include a condition to move the parking to the east of the of the building, as described this evening, thus allowing the building to meet the 75-foot east setback.

City Planner Stec said a requirement to meet the 75-foot setback was a significant change. If the Commission supported requiring that change, perhaps a motion to postpone would be the best action to take.

Chair Stimson supported voting on the request this evening.

Commissioner Trafelet said he had been to the site multiple times. He could not support the proposed building at this location. He felt the building was too tall, and resulted in too much density. He felt the building would result in a monolithic appearance at that corner.

Chair Stimson said he was not in favor of this proposal. At this time he felt he would vote against the proposal even if the building were shifted. He could not support the proposed density and height. The proposal was for 219% greater density than that allowed in the City's most dense district, the RC-3 District.

Commissioner Mantey suggested that the applicants construct the parking garage below grade, and thereby reduce the height of the building by one story. Other Commissioners felt this would still leave an unacceptable density level.

Chair Stimson said that density should be no greater than that allowed in the RC-3 district, and the height should be no more than 4 stories. Commissioner Trafelet agreed.

Commissioner Brickner pointed out that the purpose of a PUD could not be to avoid zoning ordinance standards. While he thought residential would be a good use at this location, a 5 story, dense apartment building appeared to be using the PUD development tool to avoid ordinance standards. Additionally, there was nothing like this proposed building anywhere in Farmington Hills. This would result in too many people concentrated in a small area. He would not support the proposal due to the requested density and the apparent ordinance avoidance.

**MOTION by Orr, support by Trafelet**, to postpone action on PUD Plan 3, 2021 to a future meeting, to allow the applicant time to make the following suggested revisions to the plan:

- As described during tonight's discussion, parking on the west side of the building be moved to the east side, in order to shift the building further west to increase the eastern side yard setback so as to meet ordinance requirements.
- Decrease the height of the building to 4 stories
- Reduce the density to meet RC-3 density standards.

Commissioner Mantey said while he would like to see the height decreased, he did not agree with the requirement to meet RC-3 density standards. However, because it was apparent the applicant did not have the votes this evening to recommend this proposal to Council, he would support the motion.

**Motion carried 5-1** (Brickner opposed).

### **Regular Meeting**

#### **A. Resolution Regarding Recording, Broadcasting, and Livestreaming of Meetings and Posting of Agenda Materials**

City Planner Stec said that City Council was recommending making meetings and meeting materials more accessible to the public, by broadcasting all meetings live, and posting meeting materials on the City's website.

After brief discussion the following motion was offered:

**MOTION by Brickner, support by Mantey**, that the Planning Commission approve RESOLUTION REGARDING RECORDING, BROADCASTING, AND LIVESTREAMING OF MEETINGS AND POSTING OF AGENDA MATERIAL, as submitted this evening.

Motion carried unanimously.

#### **APPROVAL OF MINUTES** July 15, 2021

**MOTION by Brickner, support by Turner**, to amend and approve the minutes of the July 15, 2021 meeting as follows.

- Page 5, end of 5<sup>th</sup> paragraph: . . . and ~~14 Mile Road~~. the access road.
- Page 5, after 5<sup>th</sup> paragraph, insert comments by Planning Consultant Arroyo giving his response to moving the building to the west and placing parking on the east, to meet the setback requirements on the east.

**Motion carried unanimously.**

#### **PUBLIC COMMENT**

None

#### **COMMISSIONERS' COMMENTS**

- DTE will be speaking to City Council regarding recent outages. Commissioner Mantey asked that priority be given to people on septic systems.

- Joint meeting with City Council on September 20.
- City Planner Stec updated the Commission on projects previously approved by the Commission:
  - The Pulte cluster project at 38500 W. 9 Mile Road received a motion of non-approval by City Council. The applicant will be returning to Council with fewer units and changed site plan.
  - Sarah Fisher project still going through the process with City Council; with emphasis on working through the residential component, now being developed by Robertson Brothers.
  - Radisson motel conversion to senior living also going through process with Council, with changes to provide more green space.
  - Rose PUD behind Costick Center still negotiating the PUD Agreement, which is complicated due to the land and use issues involved.
  - Senior living approved for the Ginopolis site stalled. City is enforcing site maintenance.

### **ADJOURNMENT**

**MOTION by Orr, support by Trafelet**, to adjourn the meeting at 8:41 p.m.

**MOTION carried unanimously.**

Respectfully Submitted,  
John Trafelet  
Planning Commission Secretary

/cem