

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL CHAMBER
31555 11 MILE ROAD, FARMINGTON HILLS
MARCH 20, 2014**

Acting Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on March 20, 2014.

Commissioners Present: Blizman, Fleischhacker, Schwartz, Stimson, and Topper

Commissioners Absent: Mantey, McRae, Rae-O'Donnell, Orr

Others Present: Director of Planning and Community Development Gardiner, Staff Planner Stec; City Attorney Schultz and Planning Consultant Arroyo

APPROVAL OF AGENDA

Commissioner Schwartz recommended that since several Commissioners were absent the presentation materials for Regular Hearing Item B: Making Motions, be emailed to all Commissioners and this item then be rescheduled for an upcoming meeting. With that suggested change, the following motion was offered:

MOTION by Schwartz, support by Stimson, to approve the agenda as amended, with Regular Agenda Item B: Making Motions, removed.

Motion carried unanimously.

PUBLIC HEARING

A. CAPITAL IMPROVEMENTS PLAN 2014/2015 THROUGH 2019/2020
ACTION REQUESTED: Adoption of Plan

Staff Planner Stec presented the 2014/2015 – 2019/2020 Capital Improvements Plan (CIP), a document that State statute required the Planning Commission to develop, and which the City Charter required forwarding to the City Manager. The City Manager then had the responsibility of presenting the Plan to the City Council, which presentation would occur in April.

Mr. Stec noted that the annual update of the six-year Plan was based on the coordinated efforts and input of the different city departments. Upon receipt, the City Council used the Capital Improvements Plan to guide city spending on capital improvements in a fiscally sound manner.

Mr. Stec provided a PowerPoint presentation for the Planning Commission. Projects had to be at least \$25,000 in order to be included in the Plan, though some projects under \$25,000 might be included if they were part of a larger network or system of improvements. Mr. Stec reviewed the accomplishments achieved through the previous year's Capital Improvements Plan including drainage, sanitary sewers, watermains, public facilities, sidewalks, transportation projects, equipment purchases, and parks and recreation improvement projects.

Mr. Stec thanked the City departments for their assistance in gathering data and the Planning Commission for their vision, prioritization, and completion of this important document.

Commissioner Blizman asked about the roundabout project at Fourteen and Orchard Lake Roads and the reconstruction of Farmington Road from Eleven Mile to Twelve Mile Road (referenced on pages 48-49 of the CIP). Were these projects moving forward as planned in 2014? Planning and Community Development Director Gardiner said that the roundabout would see some construction this year, but because of delays in the acquisition of the right of way the project would not be completed until 2015. The Farmington Road project was moving forward, on schedule as far as he knew.

Commissioner Blizman asked about the proposed sanitary sewer project on Middlebelt Road (referenced on page 21 of the CIP). Would Middlebelt Road be closed and for how long? Director Gardiner said they would get this information from the Engineering Department. Acting Chair Topper noted that information regarding road construction was publicized on the City's website.

Acting Chair Topper opened the public hearing regarding Agenda Item A, Capital Improvements Plan 2014/2015 through 2019/2020. As no one came forward to speak, the public hearing was closed.

MOTION by Stimson, support by Blizman, that the Planning Commission adopt the City of Farmington Hills Capital Improvement Plan 2014/2015 – 2019/2020 as published.

Motion carried unanimously.

Acting Chair Topper closed the Public Hearing.

REGULAR MEETING

A. REVISED SITE PLAN 65-10-2013

LOCATION:	29206 Orchard Lake Rd.
PARCEL I.D.:	22-23-11-101-041
PROPOSAL:	Addition of outdoor seating for a restaurant in a B-4, Planned General Business District
ACTION REQUESTED:	Approval of Site Plan by Planning Commission
APPLICANT:	Brent Skaggs of Freakin' Unbelievable Burgers
OWNER:	Spartan Pastabilities, LLC

Acting Chair Topper introduced this item.

Planning Consultant Arroyo referred to his March 3, 2014 review letter, reminding the Commissioners that they had seen this site plan in November 2013. At that time the plan was denied because it did not meet the off-street parking requirements and the patio did not meet the minimum 200 feet setback from the abutting residential street. The Planning Commission also recommended that the Applicant provide additional landscape details. On January 20, 2014, the Zoning Board of Appeals granted the Applicant 1) a 35 foot variance from the 200 foot setback requirement, and 2) a 5 parking space variance. Therefore the site plan was once again before the Planning Commission for approval.

Mr. Arroyo reviewed the location of the site, noting that this used to be a Burger King facility. Freakin' Unbelievable Burgers had modified the appearance of the site but the basic functionality remained the same. Referring to the submitted site plan, Mr. Arroyo pointed out the landscape area that was proposed to be changed to outdoor dining, at the front west side of the building. He called out item 9 in the review letter:

The plan continues to show a drive between the front yard center parking aisle and the outdoor patio area. As mentioned in our previous review, we do not feel that this drive is necessary for on-site circulation. The Applicant should consider removing this drive and landscaping this area. This will replace the landscaped area being removed by the outdoor seating. The Applicant should document that the 10% front yard landscape requirement is being met.

Mr. Arroyo explained that not only was the drive not necessary for the functionality of the site, it was actually not wide enough for two-way traffic. Making this change would also replace the landscaped area being removed, as noted in the letter. Replacing the landscaped area and documenting that the 10% front yard landscape requirement was met had not been addressed in the current plan.

Mr. Arroyo continued that the landscape plan had not been reviewed by the Planning Commission and was not part of tonight's agenda. The Commission would need to decide whether they were comfortable acting on the site plan without an approved landscape plan, as the site plan would need to be adjusted to reflect the required changes in the landscaping in order to meet ordinance requirements. Certainly the Applicant needed to address the landscaping deficiency this evening.

Mr. Arroyo said that the Applicant needed to address outdoor lighting information for the patio (item 4f in the review letter), and also noted that the site plan still did not include a legal description of the property (item 2 in the review letter).

Applicant Brent Skaggs of Freakin' Unbelievable Burgers was present, with David Lenz of Studio Intrigue Architects, 1114 S. Washington Avenue, Suite 100, Lansing, Michigan.

Mr. Lenz pointed out that the site plan was denied at the November 14, 2013 Planning Commission meeting because of two deficiencies regarding (1) off street parking requirements and (2) the minimum 200' setback requirement from a residential district. The applicants had since received variances from the Zoning Board of Appeals for these two requirements, and they felt they were now ready to receive approval of the site plan from the Planning Commission.

Mr. Lenz said that while there was discussion at the November meeting regarding providing landscaping at the current drive-thru aisle adjacent to the proposed outdoor seating area, that discussion was ambivalent, and Chair McRae particularly had not been convinced that the drive aisle should be removed. Mr. Lenz pointed out that the drive aisle had been a part of this site since the building was constructed in the 1970s, and customers of the drive-thru did use it. They would therefore like to keep the drive aisle.

Mr. Lenz explained that they were proposing plantings along the patio edge, which plantings were shown on the landscape plan that had been provided to the City when the revised site plan

was submitted. Those plantings included junipers and tall grasses; more plants were actually being provided than were there currently. He asked that the Planning Commission approve the site plan tonight, and if possible, approve the landscape plan as well.

In response to a question from Commissioner Schwartz regarding the landscape plan, Consultant Arroyo said that there were two issues regarding that plan: 1) The applicants had provided some landscape information but had not actually submitted that information for a landscape plan review; this was a separate process. 2) The ordinance had a minimum requirement that 10% of the front yard had to be landscaped. The applicants had not documented that this requirement was met.

Mr. Arroyo further explained that the proposed site plan removed existing landscaping; this had to be replaced. While the applicants might want to keep the discussed drive aisle, they had to make sure they were meeting the minimum landscaping requirements. If the applicants removed landscaping as they proposed, they had to provide replacement landscaping somewhere in the front yard in order to meet the 10% requirement, or return to the Zoning Board of Appeals to seek a variance from the ordinance requirement.

Mr. Lenz said that all existing planting in the parking islands would be pruned and cleaned up. They were removing four small bushes and an ornamental tree, and replacing them with juniper bushes and tall grasses – this would be an improvement for the site.

Consultant Arroyo said that the Applicants needed to provide the calculations to demonstrate they were meeting the 10% minimum landscaping requirement of the Zoning Ordinance. As it was, landscaping was being removed and not replaced.

Mr. Lenz reviewed the submission process as the applicants understood it.

Staff Planner Stec instructed that the City's standard procedure was to review the landscape plan separately from the site plan, and this review had to be requested by the Applicants, including submission of fees. As a result, the landscape plan had not been processed or reviewed. Consultant Arroyo concurred, saying that if an applicant wanted to have both the site plan and landscape plan reviewed at the same time, this had to be formally requested.

Consultant Arroyo clarified that the proposed outdoor dining area was going to require the removal of front yard landscaping. His recommendation was still that new landscaping be provided directly adjacent to the proposed outdoor dining area. In any event, landscaping had to be provided somewhere in the front yard to meet the 10% requirement.

Mr. Lenz said that they would be willing to add two more parking spaces east of the center aisle and then install large planters with lush plantings in between the two new additional parking spots. The pavement had already been resurfaced there, and they did not want to dig it up.

In response to a question by Acting Chair Topper, Mr. Lenz further clarified they were proposing large planters be placed in between the patio seating and the two new parking spaces, thus removing the discussed center drive aisle completely. This would provide more parking plus add more plantings to the site.

Commissioner Fleischhacker said that large pots on a paved surface would not count toward the 10% open space front yard landscaping requirement. The Commission could not approve the plan without the 10% requirement being met.

Applicant Brent Skaggs pointed out that their immediate neighbor to the north, the Marhaba Restaurant, had an outdoor dining area very similar to what Freakin' Unbelievable Burgers was proposing.

Consultant Arroyo explained that the Marhaba Restaurant did not remove landscaping when they installed their outdoor dining area, and therefore did not need to replace landscaping. The outdoor dining area was not the issue being discussed.

In response to a question by Mr. Skaggs, Mr. Arroyo further explained that the Marhaba Restaurant did not make the landscaping situation on their property worse than it was before; there was no loss of landscaping when that outdoor dining area was installed. Marhaba was not required to provide additional landscaping because they were maintaining the status quo; that was not the case with the site plan proposed this evening.

Mr. Skaggs reviewed his understanding of what occurred during the November 14, 2013 meeting. They had understood they needed to appear before the Zoning Board of Appeals in order to seek relief for the 2 items called out in the denial motion of that evening. They did not understand nor did the minutes of that meeting explain that they would have to replace the landscaping they proposed to remove, nor did it call out the 10% landscaping requirement. He felt that the landscaping proposed around the outdoor seating area greatly improved the landscaping on the site.

Mr. Skaggs asked that the Site Plan be approved this evening, without Landscape Plan approval.

Acting Chair Topper asked City Attorney Schultz if the Commission could proceed as Mr. Skaggs requested. Mr. Schultz said that Commissioner Fleischhacker's comments were accurate: the Commission could not approve the plan without the 10% front yard landscaping requirement being met. Inasmuch as this was a site plan issue, the site plan could not be approved without this deficiency being met.

Mr. Lenz said that it was difficult to address issues that were not brought up at the original meeting. Mr. Schultz said that his recollection of the November 14, 2013 meeting was that this deficiency was called out at that time. Consultant Arroyo added that the minutes did reflect the need for a further landscape plan, and he quoted from the paragraph directly before the motion in this case:

Discussion took place regarding a landscape plan being presented to the Planning Commission; and that it may be appropriate for the Applicant to return to the Planning Commission following site plan approval, with a landscape plan that addresses what is directly related to the proposed change, i.e. outdoor dining. (p. 4)

Discussion followed. Mr. Skaggs said that they had acted in good faith, submitting both the landscape and site plans simultaneously.

City Attorney Schultz said in any event, the applicants had to meet the 10% front yard landscaping requirement.

Acting Chair Topper asked if the site plan could be approved with conditions requiring that the applicants meet the landscape requirements and any other deficiencies. Mr. Skaggs said that it would be difficult for them to return to the next Planning Commission meeting, which was on April 24, and still meet their construction schedule for the year. They would like to receive conditional approval as mentioned.

Commissioner Blizman asked about lighting for the patio area, as called out in Mr. Arroyo's review letter. Mr. Lenz replied that they were not adding any additional lighting; the existing lighting on the site, which was down lit and shielded and met ordinance requirements, would light the patio.

Commissioner Blizman reviewed the deficiencies of the plan as he understood them: 1) the requirement for a legal description of the property on the site plan, 2) the requirement for a landscape plan that addressed the 10% front yard landscaping requirement, and 3) the recommendation to remove the drive between the front yard center parking aisle and the outdoor patio area in order to provide the needed landscaping. Were the applicants willing to remove this drive?

Applicant Skaggs indicated that if they could get a conditional approval to move ahead, they would "add that to the landscape plan" in order to meet the 10% requirement. Commissioner Blizman clarified that this meant removing the drive as described, and Mr. Skaggs responded affirmatively: "if that was a condition of approval."

Commissioner Blizman said he was ready to make a motion with those 3 conditions.

MOTION by Blizman, support by Fleischhacker, that Site Plan 65-10-2013, dated February 28, 2014, petitioned by Brent Skaggs of Freakin' Unbelievable Burgers, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- 1. A legal description of the subject property be included on the site plan.**
- 2. The drive aisle in front of the proposed patio area be removed and replaced with a landscape island.**
- 3. Submission of a landscape plan that documents that the 10% front yard landscape requirement is met.**

Motion carried unanimously.

Commissioner Schwartz expressed reservations about the outdoor dining area as planned, because of the noise from Orchard Lake Road. Discussion followed regarding those restaurants that were able to effectively have outdoor dining along busy thoroughfares such as Orchard Lake Road. Applicant Skaggs thanked the Commissioners for their comments and for the conditional approval granted this evening.

Staff Planner Stec reviewed the process going forward, noting that for the revised site plan and new landscape plan to be reviewed at the April 24 Planning Commission meeting, these items

would need to be submitted by April 3, 2014. Responding to a further question from Mr. Skaggs, Mr. Stec explained that a revised site plan meeting the conditions of the motion could be approved administratively. The landscape plan would need to be approved by the Planning Commission. The Commission would need to see the revised site plan when they reviewed the landscape plan.

B. MAKING MOTIONS

This item was removed from the agenda as noted above. The presentation materials for this item, "Making the Most of Motions," would be emailed to all Commissioners and this item then be rescheduled for an upcoming meeting.

APPROVAL OF MINUTES: FEBRUARY 13 & 20, 2014

MOTION by Schwartz, support by Fleischhacker, to approve the February 13, 2014 minutes as written.

Motion carried unanimously.

MOTION by Schwartz, support by Fleischhacker, to approve the February 20, 2014 minutes as written.

Motion carried unanimously.

PUBLIC COMMENT

There was no public comment.

COMMISSIONER'S COMMENTS

Commissioner Fleischhacker thanked the City for repairing a pothole in his subdivision.

Acting Chair Topper welcomed new recording secretary Cheryl McGuire and thanked outgoing secretary Cindy Gray for her many years of service.

ADJOURNMENT

There being no further comments, Acting Chair Topper adjourned the meeting at 8:46 pm.

Respectfully submitted,

Beth Rae-O'Donnell
Planning Commission Secretary

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