

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC/REGULAR MEETING
FARMINGTON HILLS CITY HALL
COUNCIL CHAMBERS
October 17, 2019, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on October 17, 2019.

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

Commissioners Absent: Trafelet, Turner

Others Present: City Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Tangari

APPROVAL OF AGENDA

Chair Schwartz noted that the applicant for agenda item 5.A had asked for a postponement.

MOTION by Schwartz, support by Stimson, to amend and approve the agenda as follows:

- Delete Item 5.A. REVISED CLUSTER SITE PLAN 54-2-2019.

MOTION carried unanimously.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 2, 2019

CHAPTER OF CODE:	34, Zoning Chapter
REQUEST:	Amend the Zoning Ordinance “Zoning”, Article 3, “Zoning Districts,” in multiple subsections relating to non-residential uses, in order to amend provisions relating to building height and / or maximum number of stories.
ACTION REQUESTED:	Recommendation to City Council
SECTIONS:	34-3.1.19.E, 34-3.1.20.E, 34-3.1.21.E, 34-3.1.22.E, 34-3.1.23.E, 34-3.1.24.E, 34-3.1.25.E, 34-3.1.26.E, 34-3.1.27.E, 34-3.1.28.E

City Attorney Schultz said that the City had received a complaint to the public hearing notice that was published for this item. Specifically, the representative for the Farmington Hills Corporate Center/Kojaian Properties had sent correspondence indicating that they didn’t believe the ordinance as described in the publication gave adequate notice of what the issues addressed in the proposed ordinance were, and suggested that the notice might be subject to a future challenge. While the City believed all noticing requirements were met, in the interest of providing clarity City Attorney Schultz recommended that this item be postponed and re-noticed for a public hearing on November 14.

MOTION by Countegan, support by Stimson, that the Planning Commission postpone a recommendation to City Council on Zoning Text Amendment 2, 2019, proposing to amend Chapter 34 “Zoning”, Article 3, “Zoning Districts,” in multiple subsections relating to non-residential uses, in order to amend provisions relating to building height and/or maximum number of stories, until the matter is re-advertised for a public hearing to be held on November 14, 2019.

In response to comments from the Commission, City Attorney Schultz explained that the City had no pressing need to hear this item tonight.

Motion carried unanimously.

As public interested in this item had just arrived at the meeting, Chair Schwartz opened the public hearing and invited anyone present to speak.

Leroy Asher, Miller Canfield, 150 W. Jefferson, Ste 2500, Detroit, said that he agreed with tonight's action.

Seeing that no one else came forward to speak, Chair Schwartz closed the public hearing for this item.

B. ZONING TEXT AMENDMENT 3, 2019

CHAPTER OF CODE:	34, Zoning Chapter
REQUEST:	Amend the Zoning Ordinance "Zoning", "Zoning," in numerous separate sections, including: Article I, "Purpose and Introduction" to address indoor recreation facilities in various Districts; Article II, "Definitions" to revise the definition of indoor Recreation Facilities; Article III, "Zoning Districts" to add regulations for outdoor seating areas in the LI-1, Light Industrial District; Article IV, "Use Standards" to add or amend divisions relating to outdoor seating at restaurants, indoor recreation facilities, and Truck circulation at Gas Stations; Article V, "Site Standards" to add or amend provisions relating to off-street parking, exterior lighting, corner clearance, and freestanding signs; and Article VII, "Administration and Enforcement" relating to temporary uses.
ACTION REQUESTED:	Recommendation to City Council
SECTIONS:	34-4.32.1, 34-3.1.29.B, 34-2.2, 34-4.19, 34-4.58, 34-3.1.24.B, 34-3.1.24.C, 34-3.1.25.B, 34-3.1.26.B, 34-3.1.29.B, 34-3.1.29.C, 34-5.2.11.C, 34-5.16.3.A, 34-5.16.3.B, 34-7.14.6, 34-5.10, 34-5.5.3.A, 34-4.28.1

Referencing his October 14, 2019 memorandum, Planning Consultant Arroyo said Zoning Text Amendment 3, 2019 represented a series of ordinance revisions that that the Commission had been discussing for several months. For the benefit of the public hearing, he reviewed the changes, calling special attention to the following:

Indoor Recreation Facilities. The proposed amendments provided additional clarity by providing a definition of Indoor Recreation Facilities, placing all relevant regulations in Section 4.19 Indoor Recreational Facilities, and deleting Section 34-4.58. Other changes streamlined the approval process for larger recreation uses that sought to occupy vacant retail space, and clarified that all uses as now defined as "indoor commercial recreation facilities" over 5,000 square feet needed a special land use in the LI-1 District. Some new parking requirements were also provided for specific uses.

Outdoor dining: The new draft language waived the 200-foot separation requirement from residential areas when a building was located between the outdoor dining and the residential district.

Commissioner Brickner asked about outdoor dining in front of mixed use buildings that might have apartments on upper floors. Planning Consultant Arroyo said the separation requirement for outdoor dining areas applied to separation from residential zoning districts. A mixed use district that had residential uses would not be affected.

Exterior lighting: Exterior lighting would be required to be mounted parallel to the ground. Fixtures close to residential properties or public rights-of-way would be shielded on the side facing those areas. Restrictions were added on lighting during periods when businesses were not in operation.

Commissioner McRae suggested adding an exception for athletic field lighting, where lights would not be able to be mounted parallel to the ground.

Temporary Uses: This was a simple citation cleanup by removing 34-3.26.16, which did not apply.

Corner Clearance: This change would regulate corner clearance for driveways differently than public streets.

Signs: This change clarified that all freestanding signs combined should not exceed the maximum sign area.

Gas Stations: Adequate space was required to provide for the ingress, egress, and maneuvering of delivery trucks and emergency vehicles, and this would have to be demonstrated on the site plan. Also, a parking credit for up to 50 percent of fueling positions would apply to the retail portion of the gas station use.

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

MOTION by McRae, support by Orr, that the Planning Commission recommend approval by City Council of proposed Zoning Text Amendment 3, 2019, amending Articles I, II, III, IV, V, and VII of Chapter 34 “Zoning” of the Farmington Hills Municipal Code, with the amendment that:

1. Section 34-5.16.3 is revised to provide an exception for athletic field lighting from the requirement that all lighting fixtures are mounted parallel to the ground.

Motion carried unanimously.

C. CITY CODE AMENDMENT 2, 2019

CHAPTER OF CODE: 14, “Recycling, Composting, and Solid Waste Disposal”
REQUEST: Amend Chapter 14, “Recycling, Composting, and Solid Waste Disposal,” to change the name of the Chapter to “Recycling, Composting, Solid Waste Disposal, and Collection Containers”; to designate the existing provisions of the chapter as Article I, “Recycling, Composting, and Solid Waste Disposal”; and to add a new Article, Article II, Entitled “Collection Containers”

in order to establish regulations for collection containers (sometimes called donation bins), including definitions, location and placement rules, signage requirements, licensing provisions, and maintenance obligations, and to provide for exceptions to the ordinance and penalties for violation of the ordinance.

ACTION REQUESTED:

Recommendation to City Council

SECTIONS:

14-1, 14-21, 14-22, 14-23, 14-24, 14-25, 14-26, 14-27, 14-28, 14-29, 14-30

Planning Consultant Arroyo explained that this amendment to the City Code did not technically require a public hearing, but City Council had asked that the Planning Commission study this issue and make recommendations. The draft language proposed this evening was the result of several months' discussion, and was intended to regulate collection bins used for charitable purposes. Collection bins were allowed as a form of speech per case law.

The intent of the ordinance was to support, in a responsible manner, the placement and use of attended and unattended collection containers. Size, placement and construction of collection bins would now be regulated. Exceptions for non-profit organizations or religious institutions were described in Sec. 14-29.

When this proposed language was presented at a recent City Council study session, there were 3 primary areas of discussion:

1. A non-profit school would be covered under the exemption. A for-profit school would be regulated like other properties.
2. The question was asked as to whether the amendment could allow for public art to be applied to a collection bin. This question could be a subject for later discussion, when the issue of what constituted public art would have to be discussed.
3. Existing collection bins would not be grandfathered, because the new ordinance would be located in the City Code.

Discussion included:

- Enforcement process, especially immediately following amendment approval (if approved).
- The City provided orange bags for residents to donate used clothing and have the bags picked up at the curb.
- There were several other ways to donate used clothing and items, including asking charitable agencies for a free pick-up at one's home.

Commissioner Countegan did not support this proposed code amendment. Current ordinances regulated blight and enforceable site plans, including circulation and parking, and he felt the proposed amendment represented potential over-reach and had not been shown to be necessary.

Commissioner Brickner supported the amendment, which he felt would help property owners who had collection bins dropped on their property without permission, or who felt pressure to accept the bins. Regulation would protect property owners as well as the owners of the bins.

Commissioner McRae disagreed with the court ruling saying that bins represented free speech. The proposed amendments represented a reasonable attempt to regulate collection bins in the City.

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

After discussion of minor clerical errors in the proposed amendment language, Commissioner McRae offered the following motion:

MOTION by McRae, support by Brickner, that the Planning Commission recommend approval by City Council of proposed City Code Amendment 2, 2019 revising Chapter 14, "Recycling, Composing, and Solid Waste Disposal," to add new Article II providing for regulations on collection containers, with the following corrections:

- P. 3, 1st line: b: Containers shall not ~~et~~ . . .
- P. 3, Sec. 14-25 – Signage, a., line 3: . . . ~~shoot~~ chute. . .

Motion carried 6-1 (Countegan opposed).

REGULAR MEETING

A. REVISED CLUSTER SITE PLAN 54-2-2019

LOCATION:	24560 & 24590 Orchard Lake Rd and 19 acre vacant parcel on the north side of Ten Mile Rd., east of Orchard Lake Rd.
PARCEL I.D.:	23-23-351-007, 006 & 035
PROPOSAL:	One-family cluster option subdivision (48 units) in RA-1 One-Family Residential District
ACTION REQUESTED:	Set for Planning Commission Public Hearing
APPLICANT:	Sherr Development
OWNER:	Patrick Hanaway, William and Susan Tucker & Joanne McQuade-Arnold

As noted above, this item was postponed at the request of the applicant.

APPROVAL OF MINUTES: September 19, 2019

MOTION by Orr, support by Stimson, to approve the September 19, 2019 minutes as published.

Motion carried unanimously.

PUBLIC COMMENT:

A distribution notice was received regarding the City of Farmington Master Plan Update.

COMMISSIONERS' COMMENTS:

Commissioner Stimson said that he had reservations about using the example regarding building heights given in the October 14, 2019 Giffels Webster review memorandum. The Century Office Building was actually located in an overlay district and the proposed ordinance would not impact that building. Planning Consultant Arroyo said he would clarify why that example was used – the applicant's market analysis for that building indicated that higher floor to ceiling heights were in demand.

Commissioner Stimson suggested including in any rationale for increasing the height of buildings the information that first floor increase requirements resulted in a higher percentage of increase for 3-story buildings over 2-story buildings.

In response to a comment from Commissioner Brickner, City Planner Stec said he continued to work with DTE to get a DTE pole removed from the ground on Drake Road.

Commissioner Brickner pointed out that sidewalks had been constructed at the corner of Drake and 11 Mile. A section of sidewalk there had a ramp for people with disabilities, but the sidewalk ended at a culvert.

Chair Schwartz said that at prior Capital Improvement Plan meetings a master plan for sidewalk construction had been discussed. This idea merited further emphasis.

Commissioner Orr continued to be concerned that the landscaping for the gas station on the northwest corner of Halsted and Grand River did not match the landscaping on the approved site plan.

ADJOURNMENT:

Seeing that there was no further discussion, Chair Schwartz adjourned the meeting at 8:15 p.m.

Respectfully Submitted,
Dale Countegan
Planning Commission Secretary

/cem