

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
FARMINGTON HILLS CITY HALL – COMMUNITY ROOM
September 19, 2019, 6:00 P.M.**

Vice Chair Stimson called the Planning Commission meeting to order at 6:00 p.m. on September 19, 2019.

Commissioners Present: Brickner, Mantey, McRae, Orr, Stimson, Trafalet, Turner

Commissioners Absent: Countegan, Schwartz

Others Present: City Planner Stec, City Attorney Schultz, Planning Consultant Arroyo

APPROVAL OF AGENDA

Since public was present regarding discussion item A. 9 *Maximum building heights in non-residential districts*, the consensus of the Commission was to hear that item first, and Commissioner McRae offered the following motion:

MOTION by McRae, support by Turner, to amend and approve the agenda as follows:

- **Move Item A.9 *Maximum building heights to non-residential districts* to first on the agenda.**

MOTION carried unanimously.

REGULAR MEETING

A. Discussion regarding proposed Ordinance Amendments

The following discussion was led by Planning Consultant Arroyo and City Attorney Schultz, referencing the following documents provided by Planning Consultant Arroyo:

- September 19, 2019 memorandum, *Maximum Building Heights*
- September 19, 2019 document, *Draft Language – Collection Containers*.
- September 18, 2019 memorandum, *Zoning Ordinance Clean-up Amendments*.

1. Maximum building heights in non-residential districts

The draft language before the Commission this evening was essentially the same as that seen at prior meetings, with the following changes:

- The maximum number of stories had not changed, and was specifically listed for each zoning district. This clarified that the purpose of the change in height was not to add stories, but rather to accommodate an increased demand in ceiling height floor-to-floor because of changes in market conditions relating to the need for communications equipment, etc., that needed to go into ceilings.
- Part 12 was added at the end, to change a graphic regarding *Building Offset – OS-3 District*, to show the new maximum height of 34 feet.

Discussion followed:

- Commissioner McRae asked how basement levels, lower levels or half-levels were referenced. Planning Consultant Arroyo explained that the ordinance had a definition for basement. However, this would not likely be an issue in the commercial districts affected by the ordinance change.
- Commissioner Orr initiated a discussion regarding encouraging underground parking. Perhaps there might be an incentive to provide underground parking, by starting the height measurement at the top of the below-ground parking structure.
- It came out in discussion that taller building would have an increased setback, since the setback was determined by formula using the height and bulk of buildings.
- The districts that were proposed to change to a 50-foot maximum height were usually not close to residential neighborhoods.
- More developers and tenants were asking for taller buildings. Recent height deviations had been granted via Planned Unit Development proposals. Seeking a variance from the ZBA was not optimum, because the standard to show practical difficulty was not easy to meet.

Commissioner Orr said he would like to advocate for encouraging underground parking, and would like the motion to direct staff to draft language that would incentivize underground parking by allowing the height measurement to start at the top of the below-ground parking structure, in districts where that was appropriate.

Vice Chair Stimson acknowledged the public present this evening, and invited them to speak.

Robert Carson, Carson Fischer, P.L.C., 411 Andover Road, West-Second Floor, Bloomfield Hills MI, representing Farmington Hills Corporate Center, made the following points:

- Farmington Hills Corporate Center had 135 acres in the City, which was developed consistent with OS-4 requirements. They had 922,000 square feet of Class A Office Space, with another recently approved development within the Corporate Park bringing the total to over 1 million square feet. They were the largest Class A office developer in Farmington Hills, and there was very little vacant OS-4 space in the City that the Corporate Center did not control.
- Farmington Hills Corporate Center was opposed to changing the height limit in the OS-4 District.
- It was unnecessary to raise ceilings to put more electronics material in ceilings or to get LEED certification.
- The City had very little OS 4 space to be developed outside of the Corporate Center. The underlying question was: what was motivating this proposed change?
- If the City changed the ordinance to allow 50 foot buildings in order to allow higher floor to ceiling heights, the City would in effect be saying that the extra height was necessary for modern construction. The OS-4 office space remaining in the City was in direct competition with the Corporate Center, and by making the change in height, the City was effectually promoting those locations while making the Center's properties and still-developable land less desirable and less competitive, i.e., the City would immediately devalue its most valuable commercial properties.
- The harmful impact on the Farmington Hills Corporate Center would be immediate,
- While the Corporate Center owned most of the OS-4 properties in the City, there was some vacant OS-4 space, including vacant land immediately to the east, which if developed with the proposed height change, would take one of the Corporate Center's tenants. The tenants would only move if the City passed this height amendment.
- The Corporate Center was developed under a PUD, and did not have the flexibility to construct higher buildings, even if the ordinance changed.

Mr. Carson concluded that in the OS-4 district, the proposed change would not be for the general benefit of the community, since there was so little vacant OS-4 property left.

Leroy Asher, Miller Canfield, 150 W. Jefferson Ste 2500, Detroit MI, speaking on behalf of the owners of 32000 West 12 Mile Road, made the following points:

- There was not a good planning reason not to change the height limits. Current literature explained that modern buildings required more space and height. Modern buildings, in order to meet LEED certification, required more glass. Tenants wanted higher floor to ceiling glass areas.
- The reason the ordinance was proposed to be amended was that from a planning perspective, increasing the height made sense.
- Mr. Asher provided a rendering of the proposed building at 32000 West 12 Mile Road, showing the space in between floors, giving space for electrical systems, technology equipment, sprinkler systems, etc., in the ceilings. The area between floors was 4-5 feet. The height of the glassed work space was 9 feet, bringing the total to 14-15 feet per floor. 50 feet was a reasonable standard which was being used in other communities.
- They were advocating for the 50 foot height, which was the correct thing to do from a planning perspective and what large-scale tenants wanted.

Brian Piergentili, Cushman & Wakefield, 27777 Franklin Rd., Southfield, said that as a corporate real estate broker, he knew that anyone looking for a building was demanding high ceilings and space between floors to install all needed equipment.

Discussion followed:

- The Commission had been discussing the height issue for some time, and not just because of one location. Recently, a new office building on Haggerty Road used a PUD to get a deviation from the height requirement. A new tenant in the Corporate Center had struggled with the height restriction there.
- While an applicant could seek a variance from the ZBA for a taller building, it would be difficult to show practical difficulty, as already discussed. Most height deviations were granted via a PUD development.
- A greater height allowance could not be tied to LEED certification, for instance. It was important not to create artificial barriers to development. An applicant that had to go to the ZBA would not find the City processes streamlined.

Mr. Carson said that if it was persuasive that 40 feet was no longer an effective standard in terms of what tenants found desirable, the City would in effect be acknowledging the devaluation of the existing buildings in the OS-4 District. This would affect their valuation and how they were taxed.

Commissioner Orr indicated he was ready to offer a motion.

After discussing whether or not to include direction to staff regarding incentivizing underground parking, the consensus of the Commission was to keep that issue separate from tonight's action.

It was noted that the following information would be useful for the public hearing:

- Maps of different areas including the overlay district that applied to OS-4 properties, showing where heights over 40 feet were allowed.
- Comparison of height restrictions, and the space allowed per floor, to similar districts in Southfield, Novi, and Livonia.

- Analysis of the land in all the affected zoning districts, and how much of that land was still available to be developed.

Because of the unavailability of several Commissioners for the October 17, 2019 date, it was suggested that the Public Hearing be set for October 10, 2019, if possible.

MOTION by Orr, support by Trafelet, that Zoning Text Amendment 2, 2019 amending the zoning regulations to increase maximum building heights in non-residential districts be set for public hearing on October 10, 2019, or if that date is not possible, the next available meeting date.

Motion carried unanimously.

2. Clothing donation/collection bins

The Commission had seen this language at prior meetings. Changed language included:

- Page 2, 3.i.: *right-of-way* was added to the 2nd line.
- Page 2, 3.j.: The separation between containers from residential properties had been changed from 250 to 100 feet. All screening would still be in place.
- Page 4, 6.a.6); After meeting with City Clerk, staff had decided to remove the requirement for a certificate of liability insurance. Therefore paragraph 6) was removed
- Page 4, 6.a.6)c) Under new paragraph 6), new subparagraph c) was added: *Calculation of required, existing, and proposed number of parking spaces*, to prevent a shortfall in required spaces.
- Page 5, 8.Violations:
Paragraph a.: Defined the violation as a civil violation.
Paragraph b.: Clarified that the ZBA was not sitting as a zoning board, but as an administrative appeal board.
Paragraph c.: Confirmed the City's right to go on private property to remove a bin, and/or enforce via the court process.
- Page 5, 9. Exceptions: A non-profit or house of worship could have up to 3 bins, and were exempt from permitting and overall requirements, except that a bin could be no closer than 50 feet from residential properties and 10 feet from non-residential properties.

Discussion included:

- This language, which would be in the City Code, was required to meet constitutional standards under the 1st amendment: free speech.
- The consensus of the Commission was to place the section on *Exceptions* before the section on *Violations*.
- The draft language should be changed to reflect that non-profits and places of worship should only be exempt from the licensing requirements in Sections 5 and 6.

3. Accessory outdoor dining areas for restaurants

Section 34-4.32 was amended so that in addition to other requirements already listed, outdoor dining areas for restaurants would be allowed if separated from a residential district *by a building*.

Section 34-3.1.29.B.x. would be amended to add subsection q, adding that restaurants in LI-1 districts could have outdoor dining areas as a permitted use and subject to the same standards as listed in Section 34-4.32.

4. Indoor commercial recreation facilities

There were no changes from the last draft seen by the Commission for this item.

The Commission discussed the proposed amendment to Section 34-4.19, sub-section 3, that began, *In the SP-4 district. . .* The consensus of the Commission was the entire sub-section was unnecessary and should be removed, unless further research compelled its inclusion.

5. Exterior lighting

The draft language in Section 34-5.16 corrected a reference,

Section 34-5.16.3.B.iii required that all fixtures mounted within 50 feet of a residential property line or public right-of-way have a shielding reflector.

Section 34-5.16.3.B. contained new language regulating exterior lighting. Exterior lighting could not operate during daylight hours. Building façade and landscape lighting must be turned off at night, and all other exterior lighting must be reduced to not greater than 70% of maximum during certain specified night time hours.

Commissioner McRae asked about requiring that an LED light source be parallel to the ground. City Planner Stec thought that information was in the Nuisance section of the Code. He would confirm this before the public hearing.

6. Temporary Uses

The only change in Section 34-7.14.6.E.c. was to remove an inaccurate reference.

7. Corner clearance at the intersection of private drives and public rights-of-way

Section 34-5.10 had been amended to set a separate, less stringent standard for corner clearance at private driveways.

8. Maximum number of freestanding signs permitted

Section 34-5.5.3A.iii.a. added a clause *except as otherwise permitted in this subsection,* in order to allow more than 3 small signs as permitted in the ordinance.

9. Delivery vehicle circulation patterns

Section 34-4.28 was amended to add new subsection 1, requiring that adequate space be provided for ingress, egress, and maneuvering of delivery trucks and emergency vehicles on gas station sites. Analysis must conform to the latest addition of *A Policy of Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials.*

Commissioner McRae asked that it be made clear that this analysis must be submitted with the site plan.

MOTION by Mantey, support by Orr, that Zoning Text Amendment 2, 2019 amending the zoning regulations on accessory outdoor dining areas, indoor recreation facilities, establishing parking standards for indoor recreation facilities, exterior lighting, temporary uses, corner clearance, freestanding signs, truck circulation at gas stations; and City Code Amendment 2, 2019, establishing regulations on outdoor donation collection bins, be set for public hearing on October 10, 2019, or if that is not possible, at the next available Planning Commission meeting.

Motion carried unanimously.

APPROVAL OF MINUTES: August 15, 2019

MOTION by Turner, support by Orr, to approve the August 15, 2019 minutes as published.

Motion carried unanimously.

PUBLIC COMMENT: None.

COMMISSIONERS' COMMENTS:

Commissioner McRae spoke about the confusion regarding the rules for when drivers had to stop for school busses, creating an unsafe condition on the roads.

Commissioners discussed various properties and items needing enforcement in the City.

Commissioner Traftlet asked if mother-in-law apartments were permitted in the City. City Planner Stec said they were allowed with certain conditions, such as having a direct connection to the home's interior.

ADJOURNMENT:

Seeing that there was no further discussion, Vice Chair Stimson asked for a motion to adjourn.

MOTION by Mantey, support by Brickner, to adjourn the meeting at 7:41 p.m.

Motion carried unanimously.

Respectfully Submitted,
Dale Countegan
Planning Commission Secretary

/cem