

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
FARMINGTON HILLS CITY HALL – COMMUNITY ROOM  
October 13, 2016, 7:30 P.M.**

Vice Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on October 13, 2016.

Commissioners Present: Blizman, Brickner, Mantey (7:34 pm), McRae (7:32 pm), Orr, Schwartz, Stimson

Commissioners Absent: Fleischhacker, Rae-O'Donnell

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

**APPROVAL OF AGENDA**

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

**Motion carried unanimously.**

**REGULAR MEETING**

**A. Discussion of Sign Ordinance Prior to Public Hearing**

The following documents were used as part of tonight's discussion:

- Sign Definitions Amended, Clearzoning/Giffels Webster Draft August 12, 2016
- Farmington Hills Sign Regulations – Other Zoning Ordinance Amendments Related to Signs That Are Outside of Sign Definitions and Section 5.5. 8-12-16.
- Farmington Hills – DRAFT Amended Sign Standards, Clearzoning/Giffels Webster Draft, August 12, 2016.
- Farmington Hills – DRAFT Amended Sign Standards, Clearzoning/Giffels Webster Draft, September 27, 2016
- Draft Ordinance: AN ORDINANCE TO AMEND FARMINGTON HILLS CITY CODE OF ORDINANCES, CHAPTER 7, ARTICLE VII, TEMPORARY SIGNS, AND CHAPTER 22, ARTICLE IV, GARAGE SALE AND OPEN HOUSE SIGNS, IN ORDER TO COMPLY WITH AND CORRESPOND TO OTHER CHANGES TO SIGN REGULATIONS WITHIN THE CITY'S ZONING ORDINANCE, CHAPTER 34 OF THE CITY'S CODE OF ORDINANCES
- Map: Potential Billboard Locations, State Minimum Distance Requirements
- Map: Potential Billboard Locations, 3,000 Foot Minimum Distance Requirement
- Map: Potential Billboard Locations, 5,000 Foot Minimum Distance Requirement

**Billboards**

City Planner Stec introduced this discussion item by explaining that next week the sign ordinance would be heard at Planning Commission Public Hearing. There were some recommended changes in the draft language, especially having to do with billboards. Those changes were recommended after review by legal counsel, who felt that approvals of billboards should be tightened so as to not include subjective determinations, but instead be based on more concrete standards that could more easily be defended. The changes could most clearly be seen by comparing billboard regulations on page 9 of the August 12 draft of *amended sign standards* with the September 27 draft. The September 27 draft pared down standards for approval from 7 bullet points to 3, thereby eliminating more subjective standards. Additionally, maps had been provided showing where billboards could be placed under

state minimum distance requirements for billboards, a 3,000-foot minimum distance requirement, and a 5,000-foot distance requirement. The City could impose stricter regulations than the State minimum.

City Attorney Schultz spoke to the importance of having standards that could be legally defended. He further explained that currently the Zoning Board of Appeals heard requests for billboards. The new standards would place this decision with the Planning Commission. Discretionary judgments were sometimes challenging to defend and it was better to have standards that were clear. Billboards were currently permitted in LI Districts along the freeways, with certain limitations.

City Attorney Schultz said the question before the Planning Commission was whether or not billboards should be allowed at all, and if they were allowed, what should the non-discretionary standards be, especially in terms of size and location.

City Planner Stec reviewed the 3 maps provided. The State minimum requirements were 1,000 feet between billboards for static signs, and 1,750 feet between billboards for electronic signs. These signs could, however, be across the street from each other if they were facing in opposite directions, i.e., one facing north and other facing south. Potentially there could be 11 electronic signs or 13 static signs under state minimums.

Since the City could require greater distance than the state minimum, maps showing a 3,000-foot minimum distance requirement and a 5,000 minimum distance requirement had been provided. The 3,000-foot minimum distance requirement would allow up to 6 billboards – static or electronic – in the City, and the 5,000-foot minimum distance requirement would allow up to 4 billboards. In both scenarios placement of additional signs would depend upon where signs were put up first.

Round table discussion included:

- The reduced criteria represented sound planning principals and would be easier to defend.
- Per the draft ordinance, billboards were *subject to site plan and landscape plan approval by the planning commission*.
- Should the standards be applied by the Planning Commission, rather than through action by the ZBA, as it was now? With the new emphasis on sign regulations generally, there was the possibility that more ZBA action would end up in circuit court. However, tonight's draft language applying non-discretionary standards allowed a reasonable certainty that the City would end up with more billboards.
- Could action on this matter be postponed until billboard applications actually came in? City Attorney Schultz advised that probably now was the time to act.
- Landowners might not want signs on their property. The lack of available locations would also limit the number of billboards in the City.
- The 5,000-foot limit was not a safety issue, but was rather an aesthetic/community character issue. The determination regarding billboards should be made based on the Master Plan and past development standards creating an already established community character. The City was proposing to allow reasonable expression without the freeway corridors being taken over by billboard signs.
- The billboards could only be permitted in LI districts. An applicant could not easily make the case to include them in other districts such as IRO because LI Districts were standard locations to allow billboards and other districts had other uses, including buffering to less intense uses, making billboards less appropriate.
- Under the new ordinance language, the City would be defending ordinance standards, not discretionary decisions, and would be less likely to be accused of exclusionary zoning.
- Wall signs on warehouses would be regulated as wall signs, not as freestanding billboards, and would not be regulated by the billboard distance requirement.
- Billboards were regulated under state and local laws, not federal regulations. A city was allowed to be more restrictive than the state regulations, as long as those more restrictive regulations could be defended.

- Would a billboard reduce the ability of a property owner to have signs on their building? While front yard signs would not be impacted by the billboard signs, should a billboard sign reduce the ability of a property owner to have a rear wall sign?
- Billboard signs would require a permit
- There was brief discussion on locations where someone might want to put a billboard.
- Billboards should not be allowed near major freeway intersections.
- The City already regulated whether billboard types of signs were freestanding or on a building, and whether they could take up a parking space or green space.
- 300 square feet was a normal billboard size.

During the above discussion, the following Commissioners gave the following opinions:

Commissioner Brickner supported the 5,000 feet minimum distance requirement, as it would provide the greatest restriction for billboards in the City.

Commissioner Orr noted that I-275 was originally built around 1972, and the City still had only one billboard. He supported the 5,000-foot distance requirement.

Commissioner Blizman said that after his 30 years on the Planning Commission, and based on the character of the community and the long traditions of the community, and the fact that there was after all that time only one billboard sign presently, he supported the 5,000 foot limit.

Commissioner Mantey said that current regulations limited the size of billboards to such an extent that they were not useful. Given the topography and features of the freeway, whether the regulation was a 3,000 or 5,000-foot distance, at most there would be 3 more billboards in the City. He preferred the 3,000-foot limitation because he felt it would be easier to defend, and would not represent a net difference in the number of billboards.

Commissioner Stimson said he was in favor of the 3,000-foot regulation.

Vice Chair Schwartz indicated he was ready for a motion on this matter.

**MOTION by Orr, support by Blizman, to direct the administration to redraft the ordinance language to use a 5,000-foot distance requirement adjacent to LI-Districts as the standard for future billboards.**

**Motion carried 5-2 (Mantey, Stimson opposed).**

Vice Chair Schwartz asked City staff to bring language to the Public Hearing limiting wall signs if a property had a billboard sign.

City Planner Stec confirmed that the consensus of the Commission was to allow 300 square foot signs, which was a larger standard than the current 200 square feet.

Vice Chair Schwartz asked that a summary of tonight's discussion regarding the distance requirement be sent to absent Commissioners before the Public Hearing.

City Planner Stec referred to the language in the draft ordinance that said that billboard signs were *subject to site plan and landscape plan approval by the Planning Commission*. He noted that there were no landscape standards for these signs. Did the Commission want to add landscaping requirements, such as one tree per square footage of

sign space? Should the ability to waive landscaping requirements be included, especially if an established landscape plan was in place and it would be detrimental to add a further requirement on top of that already approved plan?

Commissioner Brickner suggested that if an accessory structure shielding a power source were included with the sign, that evergreen bushes or trees surround that housing. Planning Consultant Arroyo suggested language that would *require a landscape shield around support posts and accessory cabinets or other accessory equipment*, primarily evergreen screening, such as evergreen shrubs.

Commissioner McRae asked if billboard type signs should be required to have a single post. Planning Consultant Arroyo said there would be challenges to this type of requirement, depending upon where the center of a sign – and therefore its weight – might be.

Commissioner Orr said all these signs would be on the rear of properties that should already have an approved site plan. He thought that the requirement should be simple: the sign had to be well maintained with existing landscaping as approved; modifications to the landscaping would be subject to approval.

In response to a question from Commissioner Blizman, City Attorney Schultz said LED signs were already regulated in terms of prohibitions regarding flashing, moving, and intervals between message changes.

Planning Consultant Arroyo said that if there were a previously approved landscape plan, changes to that plan for landscaping a freestanding sign would have to be approved either administratively or by the Planning Commission.

### Wall Signs

City Planner Stec said he had reviewed the proposed ordinance with its administration in mind. Previously in the ordinance, signs were regulated in terms of a percentage of the building façade: 10-15% of the façade. This 10-15% could be broken up into as many individual signs as desired. Under the proposed ordinance, the maximum number of signs was 2 per façade, with signs permitted on 2 different facades.

Commissioner Brickner noted that the new ordinance language seemed to replicate the regulations for OS and IRO Districts. City Planner Stec said the regulations for OS and IRO Districts had not changed. However, the proposed ordinance basically took the regulations for the OS and IRO Districts and applied them to B Districts as well, thus imposing those regulations on retail establishments, strip malls, etc. Currently in strip malls each business had a sign based on its percentage of the single large façade.

Commissioner Orr wondered if signs could be regulated as a percentage of floor area.

Planning Consultant Arroyo suggested the following change to page 11 of the draft ordinance:

*B. Wall signs, ii.a.(2): The maximum number of wall signs per ~~façade~~ business frontage . . .*

Clear graphics could be included to clarify this language also.

Commissioner Stimson said he could not think of any businesses that would be impacted by this ordinance change.

It came out in discussion that certain businesses that did not directly abut a residential neighborhood would be able to have signs on their rear facades.

Discussion was had regarding certain buildings – i.e., McDonalds – constituting their own sign, and businesses/restaurants in the B-Districts that became destinations as their reputations grew.

In response to a question from Commissioner Stimson, Planning Consultant Arroyo said existing businesses that had legally approved signs were grandfathered at the time of the adoption of the new ordinance.

Freestanding signs, revisited.

City Planner Stec revisited the idea of requiring landscaping around freestanding signs generally. This would automatically alter the approved landscaped plan, as more landscaping would now be required. Also, many freestanding signs were in asphalt parking lots. Did the Commission want to require landscaping in existing parking lots? This regulation would be creating many nonconformities. On new sites, the regulation would not be an issue, however.

Commissioner Blizman asked about process, as signs were not shown on landscape plans. City Planner Stec explained that signs were constructed under a separate permitting process, and landscape plan approvals did not want to give the impression that signs were approved also. Through the permitting process, the location of signs might change from what was originally planned by the developers.

Commissioner Blizman asked how landscape plans could be approved to allow for landscaping around freestanding signs if the location of the signs was not certain. Commissioner Orr said that landscape plans should be all inclusive. Perhaps a landscape plan could take into account a tentative sign location.

City Planner Stec said that with a new site, sign location and landscaping was not an issue as these were incorporated in the original design. However, existing sites that were being redeveloped could find a landscaping requirement around a freestanding sign burdensome, including the extra cost of hiring a landscape architect in order to construct a new sign.

Commissioner Stimson suggested allowing administrative approval of landscaping around freestanding signs.

Commissioner Orr said a property owner could entirely re-landscape the front of their property under the sign approval process. City Attorney Schultz said it would be up to City Staff to define such activity as needing full landscape plan approval.

Commissioner Brickner mentioned the “for rent” or “for lease” signs on Orchard Lake Road that seemed to be permanent signs, allowed to stay up for years.

Commissioner Brickner was also concerned about creating too many legal nonconformities, especially along Orchard Lake Road.

Commissioner Blizman resisted the idea of requiring landscaping around freestanding signs.

Commissioner Stimson suggested that if a property owner was putting in simple landscaping around a sign, this could be approved administratively. However, if the landscape plan was being changed significantly, it should return to the Planning Commission.

Planning Consultant Arroyo said that the sign permit and any required landscaping around the sign could be handled administratively. City Planner Stec noted that any major changes to the landscape plan should return to the Planning Commission.

City Attorney Schultz said that it might be appropriate to require landscaping of new signs placed in asphalt. He felt most ordinances did have this requirement. However, the question was whether this requirement created too many nonconforming situations.

City Planner Stec noted that there were locations in Farmington Hills where it would be impossible to provide landscaping for signs in parking lots.

Commissioner Brickner said that adding a new layer of requirements such as landscaping also added a new layer of enforcement.

Commissioner Blizman spoke to the benefits of requiring sites to upgrade with landscaping as they added new monument signs.

Commissioner Blizman asked if the landscaping requirement would make all signs without landscaping nonconforming. City Planner Stec said signs without landscaping would be nonconforming.

Vice Chair Schwartz asked for a consensus or a motion regarding the proposed requirement for landscaping around freestanding signs.

**Motion by Brickner, support by Orr, to leave the ordinance as it currently is, and not require landscaping around new freestanding signs.**

In reply to a question from Commissioner McRae, Commissioner Brickner said he did not want to turn 95% of the freestanding signs in the city into nonconforming signs.

After brief discussion, City Attorney Schultz said the choice was not to require any new landscaping “from now on.” Either the Commission should remove the requirement or leave it in.

Vice Chair Schwartz said he understood that if there was a new site plan, landscaping around a freestanding sign could be required as part of the site plan approval process. However, if a property owner were just going to change a sign, or replace a damaged sign, under the motion on the table landscaping would not be required.

City Planner Stec suggested that new developments on existing sites require site plan review.

Commissioner Blizman asked for clarification of the motion. Vice Chair Schwartz said the motion was to leave the ordinance as it was currently, or in other words, to strike the requirement from the proposed ordinance to put in landscaping around a freestanding sign.

Vice Chair Schwartz called the motion.

**Motion failed 3-4 (Blizman, Mantey, McRae, Stimson opposed).**

Therefore the language requiring landscaping around freestanding signs was left in the proposed sign ordinance.

Planning Consultant Arroyo said he would clarify that the landscaping around freestanding signs could be reviewed administratively.

Vice Chair Schwartz asked that the Chamber of Commerce be notified about next week's public hearing regarding the new sign ordinance.

Commissioner Orr asked that landscape plans show the proposed location for signs, in order that landscaping around freestanding signs could be reviewed, even if the permit process for signs was done separately. City Planner Stec said that this would be possible, but it needed to be absolutely clear that the sign location could only be formally approved as part of the building permit process.

Commissioner Brickner noted that the Chamber was meeting at City Hall on October 18 and that would be a good time to let them know about the upcoming public hearing.

Commissioner Orr asked that a note *sign permit required* be added to approved site and landscape plans. City Planner Stec said this was already the case.

#### Variances vs. Special Exceptions

City Planner Stec said that in the past if a sign did not meet zoning ordinance requirements an applicant could go before the Zoning Board of Appeals not for a variance, but for a special exception. Language gave the ZBA the ability to grant that, and it was relaxed, easier for the ZBA to grant a special exception for signs. The proposed ordinance now said that strictly a variance would be required.

Planning Consultant Arroyo said that he would add language allowing special exceptions, as had been done in the past.

#### Strip lighting and definitions

City Planner Stec said that if the proposed ordinance regarding strip lighting was approved by City Council, a definition had been prepared for strip lighting that basically said it was any lighting intended to attract attention to a business, but excluded anything that was defined as a sign, and excluded temporary lighting for holiday displays. For further clarification, did the Planning Commission want to include in the sign ordinance, (if Council passed the strip lighting ordinance), that the definition of a sign did not include anything defined as a strip light? The consensus was this should be included.

#### Motor vehicle signs

City Attorney Schultz suggested that the regulations regarding motor vehicle signs would be moved from Chapter 7 to the Zoning Ordinance, as all other language regarding signs had been removed from Chapter 7 of the City Code. The consensus of the Commission was to do this.

#### **PUBLIC COMMENT:**

None.

#### **COMMISSIONERS' COMMENTS:**

Commissioner McRae wondered who was paying for the police officer who was directing traffic at North Farmington High School on 13 Mile Road while road construction was going on.

It was brought out in discussion that 13 Mile Road was now opened up.

Commissioner McRae wondered if new road construction carried a warranty.

City Planner Stec said that he would try to find out if the new roads carried a warranty, and who paid for the police officer at North Farmington High School.

Noting that he knew this was a Wayne County project, Commissioner McRae wondered if 8 Mile Road would have been better accomplished by rebuilding the entire road rather than making so many cuts and repairs.

City Planner Stec showed the Commission a visual of strip lights that were available on the market, and asked for input as to which ones would be allowed under the proposed ordinance. It was the consensus of the Commission that most of the examples shown should not be allowed.

City Planner Stec noted that a lot split variance would be coming before the Planning Commission. The ordinance did provide a variance procedure that allowed the Commission to grant or deny a variance in that case.

Commissioner Stimson noted that mature trees had been removed from the boulevard at Hamilton Court, in violation of the approved site plan. City Planner Stec said he would follow up with this issue.

Commissioner Blizman spoke about his recent trip to Europe, and spoke to the ease of public transportation specifically in Berlin, along with the ease of using bicycles there.

### **ADJOURNMENT**

Seeing that there was no further discussion, Vice Chair Schwartz adjourned the meeting at 9:09 p.m.

Respectfully submitted,

Steven J. Stimson  
Planning Commission Secretary

/cem