

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
FARMINGTON HILLS CITY HALL – COMMUNITY ROOM
April 14, 2016, 7:30 P.M.**

Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on April 14, 2016.

Commissioners Present: Blizman, Fleischhacker, Mantey, McRae, Orr, Schwartz, Stimson, Topper

Commissioners Absent: Rae-O'Donnell

Others Present: Staff Planner Stec, Director of Economic Development Stephens, City Attorneys Gillam and Schultz, Planning Consultants Arroyo and Tangari

APPROVAL OF AGENDA

Chair Topper asked to add *Public Comment* as Item 3A to the agenda, and asked to remove Item 4C *Discussion regarding Motions* from the agenda.

MOTION by Blizman, support Fleischhacker, to approve the agenda as amended.

Motion carried 8-0.

PUBLIC COMMENT

Masha Silver, resident, was concerned about a proposed development at the old St. Alexander's property on Shiawassee Road. The developer wanted to have the property rezoned to RC-3, and had invited residents to a meeting regarding this tomorrow evening at City Hall. Ms. Silver invited the Commissioners to attend this meeting. She was opposed to this rezoning.

Chair Topper noted that this proposal was on the April 21, 2016 Planning Commission Public Hearing agenda. She thanked Ms. Silver for her comments and invited her to return and speak at the Public Hearing.

REGULAR MEETING

A. Discussion of accent lighting on commercial buildings.

Utilizing a power point presentation including photographs of LED lights and signage, Planning Consultant Arroyo gave an overview of this discussion item. The following points were highlighted:

- There was ongoing concern about LED lights on commercial buildings.
- LED lights might or might not fall under sign regulations, depending upon interpretation of the ordinance and the function of the lights.
- LED lights were very inexpensive. Animated "OPEN" signs sold for as little as \$26.00, and LED string lights sold for as little as \$15.00.
- The brightness of LED lights varied and was sometimes adjustable.
- Sometimes the LED string lights were so bright that they became a sign for the store – the intent was to draw attention to the building. They were often used in tandem with other lighted signs on the building.
- LED lights could flash with alternating colors.
- LED lights might or might not be regulated in communities, depending upon local ordinances.
- LED light tubes could be part of internal displays, not touching the window but in fact be illuminating a window.

- LED lights could be complex, with changing illuminated messages.
- LED lights could also be sophisticated and attractive – there were examples of this especially in European communities such as Amsterdam.
- Some pylon changeable signs were extremely bright, and again could operate in tandem with window lights.
- As discussion moved forward, the following items should be considered:
 1. Some building and accent lights could be tasteful and subtle, and could be encouraged as architectural elements.
 2. Accessory and window lighting could function as art.
 3. Lighting windows for attention vs. lighting of windows as signage. Some communities would specify that anything inside a building within so many feet of a window was a sign.
 4. Regulating light levels.
 5. Enforcement – nighttime enforcement would require potential overtime or involvement of personnel that were otherwise working at night.

Commissioner Fleischhacker noted that the new C'est La Vie store on Orchard Lake Road had flashing, sparkling lights on their sign.

Commissioner Schwartz wondered if lights that were being used now would be considered nonconforming after regulations were established. Planning Consultant Arroyo and City Attorney Schultz discussed the ramifications of establishing new regulations. Existing lighting would not necessarily be grandfathered.

Director of Economic Development Stephens said that he served a dual purpose, serving residents to make sure that their needs were met and quality of life protected, and also serving businesses as he was a liaison between all the City's departments and the business community, to try to make sure the City was as easy, amenable and welcoming for businesses as possible.

Director Stephens said one thing that was consistent across the board was that businesses wanted regulations to be clear and not frequently changed. It was important to have something in the ordinance regarding lighting. Signage was something very important to businesses and something for which they often sought assistance. Façade lighting was important and desirable. However, the City also needed to limit actual light volume. Accessory lighting and digital art, when done in moderation, was desirable. Too much lighting lent itself to a Vegas-strip style of appearance, which was good in some applications where it was deliberately created. The question for Farmington Hills was whether this was the atmosphere that was desired in strip malls and business areas in the City.

Further round-table discussion included:

- Businesses and retail stores would compete with each other to be the brightest in an area.
- Intensity/brightness of lighting and information vs. attractiveness needed to be studied.
- Many businesses would welcome regulation that helped maintain a tasteful environment. Flashing and intensity should be limited.
- There was some urgency to deal with this new technology quickly.
- There was currently no targeted business mailing (or emailing) list.
- Lighting could provide security, or could obscure it.
- Various local businesses were already using LED string lighting.
- While it was important not to create regulations that were unnecessarily burdensome to businesses, signage on the inside of the window should count toward window signage percentage limits.
- Did the City want to completely prohibit string lighting, or regulate them?

- Light could be measured. Regulations could limit lumens and foot candles, and also require string lights to be shielded. In terms of LED string lighting, the lights could be required to be recessed or covered. Some LED light strips had bare lights with no lens; these could be prohibited.
- The City had a history of regulating lights so that they did not shine into the night sky but were instead down lit and shielded.
- From a health and safety perspective, LED lights carried warnings not to look directly into them.
- If a business was not going to use a window as a window, did they lose the ability to place any signage on the window?
- How could the City regulate some lighting and yet encourage tasteful architectural or artistic lighting?
- To the extent possible, the definition of *sign* should include everything that could be considered as a sign.

Planning Consultant Arroyo summarized the discussion by emphasizing 3 things:

1. Did the City want to allow string lights at all?
2. Did the City want to require all lights to be recessed or prohibit the naked light source from being visible?
3. Did the City want to relate the amount of light to the ambient light, so that an evenness and uniformity of lighting was produced? This could be accomplished via a *uniformity ratio*.

Staff Planner Stec urged simplicity in ordinance development. He summarized 3 areas of possible regulation:

- Require shielding so that the source of the light was not directly visible.
- Limit the maximum brightness of the lights.
- Regulate string lights as window signs, to be included in the 25% window coverage limit.

The consensus of the Commission was that staff and consultants bring proposed regulation to the Commission as quickly as possible, focusing on LED string lighting that could be retroactively enforced.

B. Discussion of Sign Ordinance revisions.

City Attorney Gillam led the discussion of sign ordinance revisions, made necessary because of the Supreme Court's unanimous decision of *Reed vs. Town of Gilbert, Arizona*. This decision had resulted in local governments across the United States re-examining and amending their sign ordinances. Farmington Hills was just beginning to go through this process.

City Attorney Gillam gave a general background of the *Reed vs. Town of Gilbert* case and the different opinions given by different Supreme Court justices in that case.

The City Council had recently given direction that the sign ordinance should be reviewed and a draft ordinance prepared that would bring the City's regulations in line with *Reed vs. Town of Gilbert*.

Following discussion, it was the consensus of the Commission that City staff, attorneys, and consultants should continue to work on this issue and prepare a draft ordinance. A rough draft of proposed ordinance changes would be presented and reviewed at an upcoming Planning Commission session.

C. Discussion regarding Motions.

As noted above, this discussion item was withdrawn.

COMMISSIONER'S COMMENTS

Regarding the historic home on Haggerty Road that had recently been on a Planning Commission agenda, Commissioner Schwartz reported that he had spoken with someone from SHPO (State Historic Preservation Offices) who said that the Historic District Commission needed to reach out to people who purchased and restored historic homes. Staff Planner Stec said the HDC was trying to help those property owners market the property correctly.

Commissioner Fleischhacker noted that the Extended Stay America on Stansbury Street had a broken light fixture.

Commissioner Orr said that the City needed to revisit its tree ordinance. He noted that he had recently visited Dunedin, FL, and in comparison to their tree ordinance, Farmington Hills was too lenient regarding tree replacements. Commissioner Orr said that the tree ordinance should, for example, regulate smaller trees, require native species, and impose greater fines for violations.

ADJOURNMENT

Seeing that there was no further discussion, Chair Topper adjourned the meeting at 9:23 p.m.

Respectfully submitted,

Steven Schwartz
Planning Commission Secretary

/cem