

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBERS  
OCTOBER 20, 2016, 7:30 P.M.**

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on October 20, 2016.

Commissioners Present: Blizman, Brickner, Fleischhacker, McRae, Orr, Rae-O'Donnell, Schwartz, Stimson

Commissioners Absent: Mantey

Others Present: City Planner Stec, City Engineer Darnall, City Attorney Schultz, Planning Consultant Tangari

**APPROVAL OF AGENDA**

Item 5.B. was withdrawn at the request of the applicant.

**MOTION by Orr, support by Stimson, to approve the agenda as amended.**

**Motion carried unanimously.**

**PUBLIC HEARING**

**A. REZONING REQUEST 3-8-2016**

LOCATION: 29150 Twelve Mile Rd.  
PARCEL I.D.: 22-23-12-376-035  
PROPOSAL: Rezone parcel currently zoned RA-1A, One Family Residential District to SP-1, Special Purpose District  
ACTION REQUESTED: Recommend to City Council  
APPLICANT: Pioneer Health Care Management  
OWNER: Mike Yousif

As the applicant was not yet present at the meeting, the following motion was made:

**MOTION by Stimson, support by Blizman to table Rezoning Request 3-8-2016 to the end of the Public Hearing.**

**Motion carried unanimously.**

**B. ZONING TEXT AMENDMENT 1, 2016**

REQUEST: An ordinance to amend the Farmington Hills Code of Ordinances Chapter 34 "Zoning", Article 5.0 "Site Standards", Section 34-5.5, "Signs" to add a statement of purpose, to revise various regulations relating to both permanent and freestanding signs, to establish new rules relating to off-premises billboards, and to add new provisions relating to A-frame signs; to amend Article 2, "Definitions", to update certain sign definitions in light of other revisions; to amend Article 3.0 "Zoning Districts", and Article 4.0, "Use Standards", at various subsections to correspond to other revisions.

ACTION REQUESTED: Recommend to City Council  
CHAPTER OF CODE: Chapter 34, Zoning Ordinance  
SECTIONS: 34-2.2; 34-3.1.30.C.iv; 34-3.1.34.4.E; 34-4.15.1.B; 34-4.20.2.D.vii;  
34-4.20.3.iii.a, b, & c; 34-4.22.2; 34-4.23.5; 34-4.56.7; 34-3.1.29.B.3; 34-5.5

City Planner Stec said that Zoning Text Amendment 1, 2016 as well as the next item, City Code Amendment 2, 2016, represented a comprehensive amendment to the sign ordinance and was the result of many months of work by the Planning Commission. At the last study session, the Commission had recommended changes to the draft language; those changes had been incorporated into tonight's document.

City Planner Stec said that in general, the sign ordinance was being changed to make the ordinance content-neutral. All sign regulations would now be based upon time, place, and manner, and would no longer be based on sign type, i.e., open house, garage sale, accessory to the use, etc.

City Planner Stec reviewed the following highlights, while noting that the new ordinance was lengthy and the following summary did not include all the changes.

- Changes to the regulations for freestanding signs in Freeway zones. The standards had been pared down and made more precise and more objective. The maximum size limit was increased from 200 square feet to 300 square feet. The minimum distance between signs was set at 5,000 feet.
- The ability for the Zoning Board of Appeals to grant special exceptions – as opposed to a variance – to applicants who had signs that didn't meet the zoning ordinance and who sought relief from the Zoning Board of Appeals. This was current practice and had been added back in to the Text Amendment.
- A-frame signs would be allowed in residential districts to allow subdivisions to advertise association news within their subdivisions.
- Graphics were clarified.
- New language was added regarding sign illumination.
- New language was added regarding temporary signs in residential districts.
- Storefronts in the B Districts would still be limited by a percentage of the façade for sign placement, and would be permitted a maximum of 2 signs per façade.
- New language regarding hanging signs, for signs hanging from an awning or covered walk area.
- New language regarding awning signs.
- Definitions had been revised to accommodate and be consistent with the new revisions.
- Maintenance provisions had been added.
- The regulations regarding Motor Vehicle Signs had been removed from the Code and placed in the Zoning Ordinance.

City Attorney Schultz spoke to the issue of content neutrality. In the past the City had regulated signs similarly to other communities, regulating in a content neutral way but also regulating subject matter. New case law from the United State Supreme Court had changed how municipalities could regulate signs and what it meant to be content neutral. Therefore the revisions being put forth tonight had become necessary.

City Planner Stec explained that tonight's public hearing was a required step in the ordinance revision process. The Planning Commission would make a recommendation to City Council, who would also hold a public hearing, and then would make the final decision regarding the ordinance. The draft ordinance was available at the Planning Office.

Chair Rae-O'Donnell opened up this item to discussion from the Planning Commission. Seeing that there was no discussion, Chair Rae-O'Donnell then opened the public hearing.

Seeing that no one came forward to speak, Chair Rae-O'Donnell closed the public hearing and brought the matter back to the Commission.

**MOTION by Schwartz, support by McRae, to recommend approval of Zoning Text Amendment 1, 2016 to City Council.**

**Motion carried unanimously.**

**C. CITY CODE AMENDMENT 2, 2016**

**REQUEST:** An ordinance to amend the 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.

**ACTION REQUESTED:** Recommend to City Council

**CHAPTERS OF CODE:** Chapter 7, Chapter 22

**SECTIONS:** Chapter 7, Article VII, "Temporary Signs" Sections 7-330, 7-331, 7-332, 7-333, 7-334  
Chapter 22, Article IV, "Garage Sale and Open House Signs" Section 22-96

City Planner Stec said that as he had explained previously, City Code Amendment 2, 2016 was associated with the Zoning Text Amendment just discussed. Sign provisions regarding temporary signs, vehicle signs, etc., within the City Code were being removed from the Code and placed within the Zoning Ordinance. Again, the City could no longer have content-based regulations for such things as garage sales, open houses, etc., and therefore this change was necessary.

Commissioner Schwartz said that City Council should view Zoning Text Amendment 1, 2016 and City Code Amendment 2, 2016 as a package. City Planner Stec said that both items would be presented to the Council at the same meeting.

Chair Rae-O'Donnell opened the public hearing. Seeing that no one came forward to speak, Chair Rae-O'Donnell closed the public hearing and brought the matter back to the Commission.

**MOTION by Schwartz, support by McRae, to recommend approval of City Code Amendment 2, 2016 to City Council.**

**Motion carried unanimously.**

At this time Agenda item 4.A. was recalled.

**A. REZONING REQUEST 3-8-2016**

**LOCATION:** 29150 Twelve Mile Rd.

**PARCEL I.D.:** 22-23-12-376-035

**PROPOSAL:** Rezone parcel currently zoned RA-1A, One Family Residential District to SP-1, Special Purpose District

**ACTION REQUESTED:** Recommend to City Council

APPLICANT: Pioneer Health Care Management  
OWNER: Mike Yousif

The applicant for this request was still not present. City Attorney Schultz said the Commission could make a motion to adjourn this item to a date uncertain.

Commissioner Brickner noted that there were public present who wished to speak on this matter. Therefore he offered the following motion:

**MOTION by Brickner, support by Fleischhacker, that the Commission hear comments from the public who had come to speak on this request.**

**Motion carried 7-1 (Schwartz opposed).**

Commissioner Schwartz said he voted against the motion because he felt the applicant should hear any public comments that were made.

Chair Rae-O'Donnell asked City Planner Stec if the applicant had made any contact with the City regarding their absence this evening. City Planner Stec said no contact had been made by the applicant, and also noted that the applicant had not shown up for the previous meeting when the matter was set for public hearing. Appropriate communications had been sent.

Chair Rae-O'Donnell opened the public hearing.

Thomas Morris, 30500 Northwestern Highway, Suite 200, Farmington Hills, represented the Woodcreek Civic Association, which encompassed all properties east, north and west of the subject site. The Board of Directors had discussed this issue and were resolved to oppose the rezoning request. They felt this was "one more slice of baloney." Their neighborhood had been under pressure for decades from the encroachment of commercial properties that were intruding closer to their homes. From time to time the owner of a property on the perimeter of the neighborhood sought rezoning because they felt they could make more profit as a commercial development. The Association felt this was an intrusion into the neighborhood. There was no reason to conclude that the present zoning was not appropriate. Mr. Morris read from the State Statue regarding factors to be considered for a rezoning request; the association felt the standards for rezoning were not met. The focus was on appropriate relationships of use and land. The current residential zoning was appropriate. From this property east to Inkster the zoning was residential. To the west were a school and the Jain Temple. To the north the properties were residential. There was no need to rezone this property as it could be used for a residential property. Also, because a property took time to sell was not a reason to rezone. The applicant had not shown up for two meetings, while members of the neighborhood had come to the meetings. The Association opposed any adjournment of the request, and asked that the rezoning request be denied this evening.

Commissioner Orr asked Mr. Morris if the property was subject to by-laws. Mr. Morris said there were no deed restrictions for the property.

In response to a question from Commissioner McRae, Mr. Morris said that Westbrook Court was part of the association represented tonight.

A discussion of process followed. Requests for rezoning required a recommendation from the Planning Commission to the City Council, and City Council made the final determination. If the Commission voted to recommend a denial, the applicant could then schedule a hearing before City Council without the Commission ever

hearing the request. There was no benefit to recommend denial of the request this evening, and indeed a recommendation to deny could have unintended consequences. A postponement to a date uncertain allowed the City to attempt to discover why the applicant was not present, and if the applicant was serious about moving forward. Also, an adjournment to a date uncertain would require that the public be noticed of any new hearing date.

Commissioner Schwartz thought that the matter should be adjourned to a date certain, to the November meeting, so that the item would not have to be re-noticed, with the attendant expenses to the applicant of doing that. It was possible there was a good reason the applicant was not present.

**MOTION by Schwartz, support by Brickner, to adjourn Rezoning Request 3-8-2016 to the next Planning Commission meeting, November 17, 2016.**

City Attorney Schultz said this motion would require that the request be heard next month, whether or not the applicant appeared. If the applicant did not appear, there would be a motion to deny, and then the request would move to City Council. He was not sure this was the best course of action.

Commissioner Schwartz said that if the request were set for next month, city staff would not have to send out new notices.

Commissioner Blizman said he would oppose the motion as he felt the request should be postponed to a date uncertain, which would allow the request to die a natural death if the applicant did not come forward. Commissioners Fleischhacker and Orr agreed.

**Motion failed 2-6 (Blizman, Fleischhacker, McRae, Orr, Rae-O'Donnell, Stimson opposed).**

Chair Rae-O'Donnell asked for a new motion.

**MOTION by Fleischhacker, support by McRae, to postpone Rezoning Request 3-8-2016 to a date uncertain, and that should the request be rescheduled the neighbors be noticed and the cost for the notice be passed on to the applicant.**

**Motion carried unanimously.**

**REGULAR HEARING:**

**A. LOT SPLIT 6, 2016 (Final)**

|                   |  |
|-------------------|--|
| LOCATION:         | 21365 Goldsmith Rd.  |
| PARCEL I.D.:      | 22-23-32-301-008   |
| PROPOSAL:         | Split existing parcel into two (2) parcels in RA-1,<br>One Family Residential District |
| ACTION REQUESTED: | Approval of final land division  |
| APPLICANT:        | Toma Stanaj  |
| OWNER:            | Toma Stanaj  |

Utilizing overhead slides and referring to the September 8, 2016 Giffels Webster/Clearzoning review letter, Planning Consultant Tangari gave the background to this request, which was an application for lot split final review. The Planning Commission had heard this request previously. At that time the primary issue of concern was the depth to width ratio. The depth to width ratio of the proposed parcel II was 6.6 to 1, which exceeded the 4:1 maximum in the Land Division Act 560.109(1)(b).

Other more minor issues included:

- Front yard setbacks would not be met by Parcel I. However, this was a nonconformity of the existing development.
- Soils in the western portion of Parcel II were hydric, meaning the area was substantially saturated by water. This would require review by the City Engineer.
- The southern end of the circular drive of Parcel I crossed into Parcel II as it reconnected to Goldsmith Road. Cross access easements must be provided in all locations where vehicular circulation required that users of one parcel must cross onto the other parcel to access public rights-of-way. Those easements must be shown on the plan. The encroachment of the existing drive onto the new parcel needed to be resolved.

Planning Consultant Tangari referred to a follow up letter dated October 17, 2016, which further noted that under Section 27-5 of the Subdivision of Land Ordinance the Planning Commission could authorize a variance from the standards of the ordinances, based on 3 criteria listed in the Section.

Planning Consultant Tangari explained that the 4:1 ratio was not a requirement of the zoning ordinance and therefore a variance could be considered for this requested lot split.

In response to a question from Commissioner Stimson, Planning Consultant Tangari said that all 3 variance criteria must be met.

Commissioner Brickner asked for further explanation of the 4:1 ratio.

Planning Consultant Tangari explained that the Land Division Act required that a split from existing properties result in a maximum 4:1 depth to width ratio. The reasoning behind this requirement was that exceptionally long, narrow lots were avoided, and “flag” lots were also discouraged.

In response to a further question from Commissioner Brickner, Planning Consultant Tangari said the 6.6 to 1 ratio was based on the 100-foot frontage of Parcel II, along with the resulting “flag” portion of the lot.

Commissioner McRae asked what would be considered the front yard of the existing home, should the lot split be granted. Planning Consultant Tangari said the front yard would face Goldsmith, and would have 179 feet of frontage there.

Engineer Jawad Defouni, J.A.D. Services, 5119 Highland Road, Waterford MI, was present on behalf of this application. Owner Tony Stanaj, 28315 Goldsmith, was also present.

Mr. Defouni spoke to the friendliness of the neighborhood, and said he was present to answer questions.

Commissioner McRae asked what were the special circumstances or conditions affecting the property such that the strict application of the provisions of the Subdivision of Land Ordinance would deprive the applicant of the reasonable use of the applicant’s land. There was, after all, an existing home on the property already.

Mr. Defouni said the Stanaj family was growing and they wanted to stay close to each other.

Commissioner Schwartz asked if there would be any benefit if Parcel I were reconfigured to be a small rectangle and Parcel II reconfigured to be a big “L”.

Mr. Defouni said they were trying to maintain the area in its most reasonable configuration, taking into account the wetland in the rear.

Commissioner Fleischhacker asked when the existing home was built. Mr. Stanaj said the original portion of the home was on the east side and was built in 1936.

Commissioner Fleischhacker asked what the zoning was that allowed the original home to be nonconforming. City Planner Stec said he did not know that history of the property. The setback requirement should have been in place at the time of construction and also at the time any addition was added.

In response to a further question from Commissioner Fleischhacker, Planning Consultant Tangari said that the required front yard setback for this zoning district was 40 feet. The existing home was set back 27.36 and was nonconforming.

Mr. Defouni said the property owner was giving up 30 feet of the right of way to the City.

Commissioner McRae was concerned that granting this variance would establish an unfortunate precedent. There was a history of owners of adjacent long narrow lots combining them and then adding a cul-de-sac, thus splitting two large parcels into four smaller ones.

Chair Rae-O'Donnell asked if staff had received any comment from the public in this case. City Planner Stec said no comment had been received. This hearing did not require public notice.

Commissioner Brickner asked about the buildability of the rear of the lot, where the soil was hydric. Staff Engineer Darnall said that the area could be built upon.

Commissioner Brickner was concerned that in the future a road would be proposed where the flag portion was, and a mini-subdivision created to the rear. He was not concerned with the nonconformity of the existing home.

At Commissioner Blizman's request, Planning Consultant Tangari reviewed the 3 criteria for granting a variance to the 4:1 maximum lot depth to width ratio in the Land Division Act of the State of Michigan:

1. *There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the applicant's land.*
2. *The variance is necessary for the preservation and enjoyment of substantial property right of the petitioner.*
3. *The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Commissioner Orr indicated he was ready to make a motion.

**MOTION by Orr, support by Blizman that a variance to the maximum 4:1 lot depth to width ratio stipulated by the Land Division Act 560.109(1)(b) be approved because an undue hardship exists based on the finding that the following standards of Section 27-5 of the Subdivision of Land Ordinance have been met:**

1. **There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the applicant's land, in that the configuration of the land does not allow for other than a flag-type configuration in order to access the rear of the property.**

- 2. The variance is necessary for the preservation and enjoyment of substantial property right of the petitioner. It is a very large property and the property owner has a right to develop it as he sees fit.**
- 3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated. The property is on a very large parcel and is surrounded by smaller parcels, and other large parcels have already been subdivided in this neighborhood and the resulting parcels will be in keeping with the neighborhood.**

Commissioner Blizman asked the potential impact of this lot split on other parcels and how this related to the Master Plan.

City Planner Stec pointed out that one issue was the front to back configuration that would result from this lot split. That is, the front yard of the rear home would face the rear yard of the existing home. Mr. Stanaj interjected that the portion of the existing property abutting the new rear parcel would actually be the side yard. The existing pool was in the rear yard, and the home faced south.

City Planner Stec said the rear home would be “tucked away,” and would probably not affect the rest of the neighborhood.

Commissioner Blizman continued that this was 3.3 acres, and the owner ought to be able to use his land. Presumably they would not be leveling all the trees.

Commissioner Fleischhacker pointed out that most of the area had already been divided up with cul-de-sacs serving four properties. The only one that was not so affected was the last property to the south on the east side, where there was also a “flag” configuration. He had some concern about the properties to the immediate south of this site, which could be combined with a road added to form a cul-de-sac as mentioned earlier. However, the proposed lot split would not have a huge impact as parcels on Goldsmith had already been divided. There were 5 cul-de-sacs already associated with this area. He would support the motion.

**Motion carried 6-2 (McRae, Stimson opposed).**

Commissioner Brickner asked if a condition regarding the driveway easement should have been part of this motion. City Attorney Schultz said it should have been included.

**MOTION by Fleischhacker, support by Orr, to reconsider the motion granting a variance for Lot Split 6, 2016 just acted upon.**

**Motion carried unanimously.**

**MOTION by Orr, support by Blizman, that a condition be added to the motion granting a variance for Lot Split 6, 2016, acted upon above, that:**

- Either an access easement for the portion of the driveway from the existing home crossing over a portion of the new lot is recorded or the portion of the encroaching driveway be removed.**

**Motion carried 6-2 (McRae, Stimson opposed).**



Commissioner McRae explained that he opposed granting this variance because he did not feel the request met criterion 2. The owner had enjoyed the use of the property for many years and the variance was not necessary for him to continue to enjoy it. He felt granting this variance constituted a “slippery slope” in terms of establishing precedence for other such requests.

**MOTION by Orr, support by Blizman, that Final Lot Split 6, 2016, submitted by Toma Stanaj, be approved because it appears to meet applicable provisions of the Zoning Chapter and of Chapter 27, Subdivision of Land, of the City Code and will result in land parcels which are generally compatible with surrounding lots in the area, and that the City Assessor be so notified.**

**MOTION carried 7-1 (McRae opposed).**

**B. LOT SPLIT 7, 2016 (Final)**

|                   |   |
|-------------------|---|
| LOCATION:         | 33481 Leisure Lane  |
| PARCEL I.D.:      | 22-23-16-427-007  |
| PROPOSAL:         | Split existing parcel into two (2) parcels in RA-1A,<br>One Family Residential District |
| ACTION REQUESTED: | Approval of final land division   |
| APPLICANT:        | Chris Bidigare  |
| OWNER:            | Kendallwood Investments, LLC  |

This item was withdrawn upon the request of the applicant.

**APPROVAL OF MINUTES:** September 8, 2016 and September 15, 2016

Commissioner Orr asked that the following change be made to the September 15, 2016 minutes:

Page 4, 3<sup>rd</sup> to last paragraph:

*In response to a question from Commissioner Orr, Planning Consultant Arroyo ~~Commissioner Orr~~ confirmed . . .*

**MOTION by Brickner, support by Orr, to approve the September 8, 2016 minutes as presented and the September 15, 2016 minutes as amended.**

**MOTION carried unanimously.**

**PUBLIC COMMENT:** None.

**COMMISSIONERS' COMMENTS:**

Commissioner Fleischhacker called the Commission’s attention to a political sign that was protected by a 6-foot fence in the front yard.

Commissioner Brickner noted that there were blue LED lights surrounding a nail salon in the Drakeshire Plaza.

Commissioner Schwartz said that the newly finished 13 Mile Road was not particularly smooth. Also there was a white stripe that looked like a bike lane but was not labeled. He asked that bike lanes be discussed at the next Capital Improvements review. City Planner Stec explained that according to the Traffic Engineer there was not enough room for a labeled bike lane on 13 Mile Road, but cyclists could use the lane at their own risk. Commissioner Schwartz said there was gravel on one side of the road.

Commissioner Schwartz asked that the SP Zoning classification be reviewed. He was not sure it made sense to keep that zoning classification.

Commissioner Schwartz and Commissioner McRae said that the new Camelia's on Orchard Lake Road was flying festoons after hours.

Commissioner Orr said the Unitarian Church on Halsted had an LED sign that was changing very quickly.

Chair Rae-O'Donnell agreed with Commissioner Schwartz that the SP-1 zoning classification should be revisited.

City Planner Stec said that he had been asked to find out how many requests for senior housing had come before the Commission in recent memory. There were 8 requests in the past 5 years.

Commissioner Fleischhacker noted that the new Sprint store at 12 and Farmington had a lollypop illuminated trailer sign being used on the weekends.

Regarding the SP-1 zoning issue, Commissioner McRae suggested that the Master Plan be updated to designate areas for Assisted Living. Commissioner Fleischhacker pointed out the difficulties of planning for Assisted Living, because the restrictions attached to that designation were inflexible, and could lead to lawsuits when people wanted to use inherited housing but could not because of the restrictions placed on that type of zoning. Commissioner McRae said he would still like to look at areas that the Commission would consider for that type of development.

Commissioner Brickner relayed a comment from Mayor Massey that a joint meeting between the City Council and the Planning Commission should be scheduled.

City Planner Stec said that the next meeting was scheduled for November 17. Commissioner Blizman said he would be absent that evening.

The December meeting would be scheduled for December 15. Commissioner Brickner said he would be absent.

**ADJOURNMENT:**

Seeing that there was no further discussion, Chair Rae-O'Donnell adjourned the meeting at 8:51 p.m.

Respectfully submitted,  
Steven J. Stimson  
Planning Commission Secretary

/cem