

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION REGULAR MEETING
FARMINGTON HILLS CITY HALL – COMMUNITY ROOM
May 9, 2019, 7:30 P.M.**

Chair Schwartz called the Planning Commission meeting to order at 7:30 p.m. on May 9, 2019.

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

Commissioners Absent: None

Others Present: City Planner Stec, Planning Consultants Arroyo and Tangari, City Attorney Schultz, 1 audience member

APPROVAL OF AGENDA

MOTION by Stimson, support by Mantey, to approve the agenda as published.

Motion carried unanimously.

REGULAR MEETING:

A. Discussion on Ordinance Amendments

Chair Schwartz invited Dan Blugerman, Thomas Duke Company, 37000 Grand River Avenue #360, Farmington Hills, to participate in tonight's discussion.

Planning Consultants Arroyo and Tangari led the discussion for this agenda item, referencing the following:

- April 26, 2019 Memorandum: *Collection Bins/Containers*
- April 26, 2019 Memorandum: *Zoning Ordinance Clean-Up Amendments*
- May 1, 2019 Memorandum: *Maximum Building Heights*

1. Clothing donation/collection bins (34-2.2, 34-5.60)

Planning Consultant Arroyo explained that the draft language presented this evening was the result of discussion at the February 28, 2019 meeting, and would allow collection bins/containers in B-1 through B-4 commercial zoning districts and the LI-1 industrial district. One accessory collection bin would also be allowed on non-profit organization or religious institution sites where that organization engaged in collection of goods and materials as part of its organizational mission.

Planning Consultant Arroyo reviewed the draft ordinance, including spacing standards, signage, license required, license application, review, maintenance and hours of operation, violations, and exceptions.

Round-table discussion included:

- The bins were required to have a 12"x12" identification plate that would include contact information. Licensing history could be included in the City's GIS system.
- Bins could not be required to be enclosed because signage was part of the free speech called out

the 2014 case, *Planet Aid v. City of St. Johns [Mich]*. Certain appearance standards were required under Paragraph 3: *Size, placement and construction*.

- The maximum 84-cubic feet maximum size seemed large. Though a smaller container might be preferred, the ordinance needed to provide a reasonable standard and reference a size that existed. However, staff could research whether there might be smaller permitted sizes that would meet the reasonableness standard.
- Signage size was limited to 2'x3' on each side.
- Should the new language be in the Code rather than the Zoning Ordinance? If in the Code, grandfathering would not be an issue.
- Under 8, *Violations* should list issuing a citation as an option as well as impounding a non-compliant container.
- The bins should be child-proofed in some way.
- Perhaps 3.a. *Containers shall only be located on parcels with a functioning and permitted use*, should also require that the use/property have a valid certificate of occupancy.
- Under 1. *Intent* perhaps the narrative should include the prevention of the installation of containers without the property owner's permission, and to have reasonable safety standards so a child could not be trapped inside a container.
- Under 1. *Intent* Should the words *to support and encourage* be deleted?

In response to questions from the Commission, Mr. Blugerman said business owners were unhappy about clothing/collection bins on their property. The bins were often dropped without permission, were an eyesore, and were often placed where snow might be stored in the winter, impeding winter circulation of parking lots.

Commissioner Countegan believed the ordinance should be kept simple, addressing health, safety and welfare issues only, along with requiring the property owner's permission. Blight could be enforced under existing blight regulations.

City Attorney Schultz thought the ordinance did focus on licensing and enforcement. He felt the language regulating location and size was not onerous.

Chair Schwartz directed Planning Consultants Arroyo and Tangari to continue to refine the draft language, and closed discussion on this item.

2. Accessory outdoor dining areas for restaurants (Section 34-4.32)

The proposed change allowed outdoor dining within 200 feet of a residential district if the outdoor dining was on the front side of a building facing a street, invisible to the residential district behind it.

City Planner Stec suggested that a site line schematic be included with an application for outdoor dining as described.

3. Indoor commercial recreation facilities (various sections)

Draft language was included to clarify language regarding indoor commercial recreation facilities. A definition of *Indoor Recreation Facilities* was added. In B-2 districts, indoor recreation facilities not exceeding 3,300 square feet would be permitted; larger facilities would be a special approval use.

Discussion focused on whether the language in 34.4.19.3 should be changed so that buildings did not

need to be set back 100 feet from an abutting residential district, and whether the 4-foot berm requirement along any property line abutting a residential district should remain.

Mr. Blugerman said that a business or property owner could take a larger space and subdivide it into smaller units in order to keep each individual subdivided area under the 3,300 square foot limit. Perhaps the ordinance should reference the combined square footage of all recreational uses under one roof.

4. Exterior lighting 34-5.16

Draft language included a clean-up for language referring to Table 34-5.16.3.A. Language was also added to require shielding from residential districts, and to further limit light at a residential property line from 0.3 to 0.1 footcandles.

Commissioner McRae said that if the lights had house-side shields, the glare at the property line would be mostly resolved. Lights should be required to be horizontal and shielded. Also the City should enforce the Michigan Energy Code requirement to dim lights overnight for sites that were not being used at night.

It came out in discussion that if the footcandle measurement at the property line was 0.0, the measurement should default to 0.1 for the 4:1 calculation. The consensus of the Commission was if the lights were fitted with house-side shields and were horizontal in placement, the footcandles limit of 0.3 at the property line did not need to change.

5. Temporary Uses (34-7.14.6.E.c.)

The only change was a simple clean-up: ~~34-3.26.16~~

6. Corner clearance at the intersection of private drives and public rights-of-way (34-5.10)

The suggested change was for the corner clearance at a driveway be reduced to 20 feet instead of the 25 feet required for road intersections. A 6-foot minimum tree trim height was also included.

Mr. Blugerman spoke to the importance of getting corner clearance information out to the broader community.

7. Towing service and vehicle impound lots

Tow truck uses and accessory vehicle storage lots were not addressed in the ordinance, but could be accommodated in the LI-1 Light Industrial District, which allowed *Other uses similar to and of no more objectional character than the above uses*. Section 34-4.31 also included similar language for *other uses*.

The consensus of the Commission was to make no change in the ordinance language regarding towing service and vehicle impound lots.

8. Maximum number of freestanding signs permitted

The proposed amendment clarified that certain subitems increased the overall number of permitted signs on a site, rather than eating into the permitted total of three.

9. Maximum building heights in non-residential districts

Based on changes in market demand as well as shifts in industry trends, there was an increased demand for taller floor-to-ceiling heights. Established maximum building heights might not allow for the flexibility needed to provide competitive leasable floor space, particularly for office and retail users.

Suggested changes included:

- OS-1, OS-2, and OS-3 be increased from 30' to 34' maximum building height.
- OS-4 be increased from 40' to 50' maximum building height.
- B-1 be increased from 25' to 34' maximum building height.
- B-2, B-3, and B-4 be increased from 40' to 50' maximum building height.
- No changes were suggested to the 50-foot maximum height in the IRO District, unless 4 stories were desirable, when a 65' maximum height would be appropriate.
- No changes were suggested in the LI-1 District, currently 50' height maximum.

Significant discussion was held regarding the impact of taller buildings in the B-1 District, which abutted residential districts. Planning Consultant Arroyo said one solution was to require greater setbacks for greater height in the B-1 District. Where greater setbacks were not possible, the 25' foot maximum height would remain.

Mr. Blugerman suggested allowing the same heights in the B-1 and OS-1 zoning districts. Commissioner Brickner pointed out that B-1 allowed drive through restaurants. Greater height allowances might encourage larger facades on those facilities.

10. Delivery vehicle circulation patterns (34-4.28)

Recent gas station proposals had raised concerns about the ability of fuel delivery trucks to serve the property without creating hazards. The draft language addressed this issue, as well as parking requirements and the use of fueling positions to meet parking requirements.

The draft language used the term *adequate space*. The Engineering Division would be the arbiter of whether or not a site had *adequate space*.

Chair Schwartz spoke to the difficulties of on-going enforcement for an agreement that listed the use of smaller delivery trucks in order to meet circulation requirements. Commissioner McRae said the use of a larger truck would pose a problem to the business owner; the practice would be self-enforcing.

The consensus of the Commission was to accept paragraph 1.A. regarding providing adequate space for truck maneuvering and access, with engineering review and approval.

Regarding draft paragraph 1.B. which proposed language counting up to 50% of fueling positions toward the parking requirement, the Commission acknowledged the practice of many customers to leave their car at the fueling station while they went inside the convenience store to purchase product and pay for gas. Some Commissioners were concerned that allowing fueling stations to serve as parking spaces would so reduce the requirement for needed spaces close to the convenience store that not enough spaces would be provided.

11. Electric vehicle charging stations (4.55.3.A.i)

Currently the ordinance counted electric vehicle charging stations as part of required parking, but did not

require charging stations per se. The most straightforward way to require charging stations was to require charging spaces in parking lots over a certain size, using a ratio or an absolute number.

After discussion, the majority of the Commission appeared to not favor mandating electric vehicle charging stations, but to explore ways to incentivize their inclusion in appropriately sized site plans.

B. Election of Officers: Chair, Vice-chair, Secretary

MOTION by McRae, support by Brickner, to re-elect the current officers: Steve Schwartz as Chair, Steve Stimson as Vice Chair, and Dale Countegan as Secretary.

Motion carried unanimously.

PUBLIC COMMENT

Mr. Blugerman thanked the Commission for the opportunity to participate in tonight's discussion.

COMMISSIONERS' COMMENTS

The Commission called out the following enforcement issues:

- Rooftop equipment was not shielded at the Monastery at Middlebelt and 13 Mile Road
- The turn into St. Toma Church on Drake Road was badly eroded and needed gravel on the shoulder
- Telephone pole on the ground for years on Drake north of Grand River
- Lawn sign ("lawn maintenance") at corner of Old Homestead and Drake

Commissioner Turner addressed the need for economic development along Northwestern Highway, especially in strip malls where there were significant vacancies.

City Planner Stec said the PUD agreement was close to being finalized for the senior housing and self-storage development at 14 Mile and Orchard Lake Road. Stonecrest would probably sell or lease the senior facility after building it, as they were getting out of the senior living business.

Commissioner Mantey addressed the deer population in the City. He felt this was a planning issue, as residents found they could not invest in their landscaping due to the deer population. Car/deer accidents were also a problem.

City Planner Stec said the next Planning Commission Meeting would be June 13. Training would be the same night, beginning at 6:00 p.m., with dinner provided.

ADJOURNMENT

Seeing there was no further discussion, Chair Schwartz adjourned the meeting at 9:23 pm.

Respectfully submitted,
Dale Countegan
Planning Commission Secretary

/cem