MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC REGULAR MEETING
FARMINGTON HILLS CITY HALL – COMMUNITY ROOM
31555 11 MILE ROAD, FARMINGTON HILLS MI
February 26, 2015

Chair Topper called the Planning Commission meeting to order at 7:30 p.m. on February 26, 2015.

Commissioners Present:	Mantey, McRae, Rae-O'Donnell, Stimson, Topper, Schwartz (arrived 7:47 p.m.)
Commissioners Absent:	Blizman, Fleischhacker, Orr
Others Present:	Staff Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Stirling

APPROVAL OF AGENDA

MOTION by Rae-O'Donnell, support by Stimson, to approve the agenda as published.

Motion carried unanimously (Blizman, Fleischhacker, Orr absent).

REGULAR MEETING:

A. PRESENTATION OF HISTORIC DISTRICT COMMISSION ANNUAL REPORT FOR 2014

Steve Olson, Chair of the Farmington Hills Historic District Commission, presented the 2014 annual report.

Utilizing a power point presentation, and referring to the Historic District Commission Annual Report in the Commissioners' packets, Mr. Olson began by reviewing the membership and role of the Historic District Commission (HDC), which was authorized by City Ordinance and guided by Secretary of Interior Standards. The HDC reviewed requested modifications for Historic properties and issued Certificates of Appropriateness and Notices to Proceed. The HDC also nominated properties for inclusion in the HDC; this was relatively infrequent as many of the eligible properties were already invited in.

Mr. Olson reviewed Certificates of Appropriateness that were issued in 2014. These included:

- HD#302, Myron Crawford House, 36217 Thirteen Mile Road, for an addition to connect the existing house and barn.
- HD#516, Spicer House Stables/Chauffer Headquarters, for approval of location of additional parking spaces within 100 feet of the district for the new archery range.
- HD#520, Archibald Jones House, 29921 Ardmore, for removal and replacement of front porch.
- HD#16, Mark Arnold House, 26490 Drake, for approval of plans for a two-story addition to side and rear of home for expanding the living area of the home, and for construction of a new detached garage matching the home in exterior appearance.

Mr. Olson noted that in 2010 the HDC approved a policy that allowed staff to review limited exterior changes to historic structures. An administrative Certificate of Appropriateness was issued for:

- HD#506, Glen Oaks Country Club, 30500 Thirteen Mile Road, for an addition of an access platform for a roof-top air-handling unit on a non-historic addition to the main building.

Mr. Olson said that two properties were listed under Challenges and Transitions:

- HD#507, The Sarah Fisher Home, 27400 Twelve Mile Road. A small group of HDC members and City Staff conducted a site visit of the grounds including gaining entrance to the administration building as well as several of the cottages, and it was determined that the buildings were being suitably maintained while the site was actively marketed by St. John Providence.
- HD#7, David Simmons House, 22000 Haggerty Road. This house had been unoccupied for several years, and the HDC continued to monitor the condition of the home and was open to considering approving alternative uses for it.

Mr. Olson said that the HDC participated with the Beautification Committee Awards, and the 2014 Ruth Moehlman Historic Preservation Award was granted to HD#511, The Edward Beals House, for their exemplary efforts in the preservation of this Storybook Tudor style home. The current owners had shown true dedication to maintaining the home's original exterior and interior.

Mr. Olson reviewed Special Projects and Public Education efforts, including:

- Orange Risdon's 1825 Map of the Surveyed Part of the Territory of Michigan. This historic map was one of 13 original copies known to still exist, and the City's copy would be on display on a wall near the Planning and Community Development Office counter. This map was professionally scanned in 2014, and the next step was to make prints available for purchase by private individuals, schools, historical organizations, and any other interested parties. The proceeds would be deposited into a fund-raising account for use on future projects.
- New Technology. City GIS mapping specialist Matt Malone created a user-friendly interactive map to encourage exploration of the designed historic districts within the City. The map was accessible through the HDC section of the City website, and could also be accessed with smart phone and tablets.

Mr. Olson said they continued to look for new properties to add to the Historic District, and they were currently completing the paperwork for a mid-century home, constructed in 1956.

Mr. Olson noted that in cooperation with the homeowners, two new historic markers were installed in 2014:

- HD#511, Edward Beals House, 31805 Bond Boulevard.
- HD#521, Lambert Sellers Barn, 29980 Ten Mile Road.

Mr. Olson concluded with the theme from the National Trust: "This Place Matters." The HDC was vested in building community, protecting historic properties, and bringing publicity forward.

Chair Topper asked for an update regarding *Interstate Highway Noise Barrier*. Mr. Olson said that this item referred to HD#5, Stephen Yerkes-Rogers House, located on Nine Mile Road near I-75. This property had been in the same family for 150 years. The freeway noise was very loud, and the HDC continued to support the eventual construction of a noise attenuation wall there. However, the State did not seem to have much interest in building this barrier. Mr. Olson pointed out that in the late

1980s sound was degraded from being perceived as a negative – as pollution – and this had not helped the situation.

In response to a question from Planning Consultant Arroyo, Mr. Olson said the map copies of the Orange Risdon map would be sold for $99.00.

In response to a question from Commissioner Rae-O'Donnell regarding walking and bike tours of the Historic Districts, Mr. Olson said the HDC had identified three thematic bike tours; these had not yet been completely developed.

In response to a question from Commissioner Stimson, Mr. Olson explained that once potential homes were identified for the District, homeowners had to agree to place their homes within the District. This was sometimes a challenge because the homeowners lost some control over the exterior of their properties; they had to accept that they were stewards as well as owners of property. The front fascia of the property was especially important. Homes in the Historic District could often have additions to the rear and sides.

Chair Topper thanked Mr. Olson for his presentation.

B. PRESENTATION OF PLANNING COMMISSION ANNUAL REPORT FOR 2014

Referencing the Annual Report document in the Commissioners' packets, Staff Planner Stec reviewed the presentation that would be made to City Council regarding this report. He pointed out that the cover of the report highlighted two major accomplishments of the year: changes in seasonal outdoor sales and the Grand River Corridor Overlay District (GR-1).

Staff Planner Stec reviewed the role of the Planning Commission and its current membership. He summarized major initiatives as follows:

- 2014/2015 – 2019/2020 Capital Improvements Plan.
- Grand River Corridor Vision Plan
- Seasonal Outdoor Sales Ordinance Amendment
- Medical Marihuana Ordinance

Staff Planner Stec said that three graphs regarding 2009-2014 Planning Commission Activity Comparisons had been included as requested by the Planning Commission:

- Number of meetings per year.
- History of Approved Site and Special Approval Plans
- History of Approved Landscape Plans

Staff Planner Stec reviewed the charts on the page titled: *2014 City of Farmington Hills Planning Commission Activity*, which included number totals for meetings held, site plans, revised site plans, special approvals, landscape plans, revised landscape plans, lot splits, zoning text amendments, city code amendment, rezoning requests, site condominium review, PUD options, and PUD plan. Further charts listed each item brought before the Planning Commission individually, with results (approved/denied). Staff Planner Stec noted that the charts and graphs demonstrated the economic upturn in the City, as activity had grown throughout 2014.

The Planning Commission reviewed the report, and mentioned corrections that needed to be made throughout. Staff Planner Stec said the report was scheduled to go before City Council on March 23;

he would make sure the Commissioners saw a copy of the corrected report before that time.

C. DISCUSSION OF PROPOSED REVISIONS TO ZONING ORDINANCE

Staff Planner Stec began this discussion item by explaining that recently the Planning Commission had reviewed and made recommendations regarding proposed ordinance changes. Consultant Arroyo had incorporated those recommendations, and had brought the proposed language back to be reviewed by the Planning Commission this evening. After discussion, if the Planning Commission so chose, the proposed revisions could be set for public hearing.

Section 1 of Ordinance. Amend Section 34-5.2.14

Planning Consultant Arroyo reviewed the proposed changes to Section 34-5.2.14, which dealt with drive-through lanes, and established a few new requirements, including:

C. *Drive-through lanes where vehicle stacking and waiting occur shall not be permitted in the front yard.*

D. *Drive-through lanes and associated by-pass lanes shall be setback at least 10 feet from the side and rear lot lines.*

Regarding D, Planning Consultant Arroyo explained that it was problematic to have by-pass lanes right up to the property line for a number of reasons, including (1) turning traffic could easily encroach into surrounding locations, (2) sometimes there were barriers like walls or fences between properties and a separation such as the proposed 10 foot setback was customary and reasonable.

Commissioner McRae asked if the Planning Commission should have some discretion on applying this standard, depending upon the geography of the property. Planning Consultant Arroyo said that it was important to have room to get an emergency vehicle into the area; 10 feet wide was pretty minimal for those types of vehicles. If there was a buffer area, emergency vehicles could potentially use the buffer area also.

Commissioner McRae commented that many drive-throughs seemed to be going into "odd" properties where meeting the 10-foot setback standard might be problematic. Perhaps the Planning Commission should have an option to be flexible, rather than sending applicants to the Zoning Board of Appeals for a variance. The language could read "*setback at least 10 feet or at the discretion of the Planning Commission."* City Attorney Schultz commented that any language giving the Planning Commission discretion also had to list reasons for that discretion within the ordinance. Commissioner McRae wondered if the standard should be lowered to 5 feet, in order to reduce the potential number of applicants seeking variances.

In response to a question from Commissioner Rae-O'Donnell, Planning Consultant Arroyo said his experience was most suburban communities adopted a 10-foot setback standard.

After further discussion, it became apparent that the majority of the Commissioners were comfortable with the 10-foot standard, and Commissioner McRae said that he would go with the majority. Therefore, it was the consensus of the Commission to retain the 10-foot standard.

Planning Consultant Arroyo continued his review of this draft ordinance.

E. *Drive-through lanes located adjacent to a street shall be buffered by a minimum 10 ft. wide landscaped planting adjacent to the right-of-way as specified in 34-5.14.*

G. *All designated pedestrian areas which pass through a stacking space/by-pass lane area shall*

be clearly marked through pavement striping, alternative paving material or a stamped pattern or texture in the pavement.

Planning Consultant Arroyo also directed the Commissioners' attention to the box in the chart on page 2 (34-5.2.14.I Drive-Thru Stacking Spaces), which contained new language and now read, as a minimum stacking requirement per lane:

Ten (10) vehicles, at least five (5) of which must be in advance of the ordering station.

Discussion ensued regarding whether or not drive-throughs with two ordering stations should have this standard reduced. The question became: if a drive-through restaurant saw the need for multiple ordering stations, they already were anticipating many cars in the stacking lane. Would it serve the City's best interest to lower the standard in such cases? The consensus was to retain the standard for all drive-through establishments.

Section 2 of Ordinance. Amend Section 34-4.40 to change the heading title and to add a new subsection 8.

Planning Consultant Arroyo reviewed the proposed changes to Section 34-4.40 as follows:

34-4.40 ~~Automobile Car~~ Vehicle wash

8. In the LI district, a ~~an automobile~~ vehicle wash not connected to or accessory to a gasoline service station or automobile salesroom, showroom or office.

Section 3 of Ordinance. Amend Section 34-3.1.29 to add a new subsection B.x.o. and B.xi. and delete provisions in subsection vii.

Planning Consultant Arroyo reviewed the proposed changes to Section 34-3.1.29 as follows:

34-3.1.29 LI-1 Light Industrial District

34-3.1.29.B. Principal Permitted Uses

34-3.1.29 B.x.o. New or used motor vehicle salesroom, showroom or office when the principal use is carried on within a building and open air display of vehicles is accessory.

34-3.1.29.B.vii. ~~Accessory buildings and uses customarily incident to any of the above uses.~~ Reserved.

34-3.1.29.B.xi. Accessory buildings and uses customarily incident to any of the above uses.

Planning Consultant Arroyo said that currently the City permitted open-air display of vehicles in the LI-1 District, but did not allow indoor display. This change clarified the ordinance and made it more consistent overall.

Planning Consultant Arroyo also explained that moving the language originally in vii to xi simply moved this to the end, making it clear that that this section pertained to all buildings accessory to every principal use in the District.

Section 4 of Ordinance. Amend Section 34-4.46 subsection 2.

Planning Consultant Arroyo reviewed the proposed changes to Section 34-4.46 subsection 2 as follows:

34-4.46 Principal Permitted Uses in the LI-1 District

34-4.46.2 Uses shall be permitted subject to the B-3, general business district front yard percentage of open space requirements, ~~setbacks required from residential district and from side streets, and minimum yard setback requirements for front, side and rear yards~~,

as set forth in Section 34-3.1.25.

Planning Consultant Arroyo explained that currently there was a provision in the ordinance that certain uses permitted in the LI-1 District were subject to the standards of the B-3 District, thus giving inconsistent setback requirements for different uses within the LI-1 District. The proposed change corrected that inconsistency, while still allowing front yard open space requirements from the B-3 District.

Section 5 of Ordinance. Amend Section 34-3.1.24. to add a new subsection B.xxi. and Section 6 of Ordinance. Amend Section 34-3.1.24. to amend subsection C.i.

Planning Consultant Arroyo reviewed the proposed changes to Section 34-3.1.24:

34-3.1.24 B-2 Community Business District

34-3.1.24.B Principal Permitted Uses

34-3.1.24.B.xxi. Indoor health and fitness studio and instructional dance studios subject to 34- 4.58.1.

34-3.1.24.C Special Approval Uses

34-3.1.24.C.i. Bowling alley, indoor archery range, indoor tennis courts, indoor skating rink, indoor commercial recreation facilities over three-thousand, three-hundred (3,300) square feet and other similar uses subject to 34-4.19.

Planning Consultant Arroyo noted that similar changes were recommended in the B-3 and LI-1 District:

Section 7 of Ordinance. Amend Section 34-3.1.25. to add a new subsection B.o. and Section 8 of Ordinance. Amend Section 34-3.1.25. to amend subsection C.k.

34-3.1.25 B-3 General Business District

34-3.1.25.B Principal Permitted Uses

334-3.1.25.B.o. Indoor health and fitness studio and instructional dance studios subject to 34- 4.58.1.

34-3.1.25.C Special Approval Uses

34-3.1.25.C.k. Bowling alley, indoor archery range, indoor tennis courts, indoor skating rink, indoor commercial recreation facilities over three-thousand, three-hundred (3,300) square feet or similar forms of indoor commercial recreation subject to 34-4.19.

Section 9 of ordinance. Amend Section 34-3.1.29. to add a new subsection B.x.p. as follows:

34-3.1.29 LI-1 Light Industrial

34-3.1.29.B Principal Permitted Uses

34-3.1.29.B.x.p. Indoor health and fitness studio and instructional dance studios subject to 34- 4.58.2.

Section 10 of ordinance. Amend Section 34-3.1.29. to amend subsection C.vi. as follows:

34-3.1.29 LI-1 Light Industrial

34-3.1.29.C Special Approval Uses

34-3.1.29.C.vi. Indoor tennis or racquet court facilities, indoor ice or roller skating arenas, indoor commercial recreation facilities over five-thousand (5,000)

square feet and other similar uses subject to 34-4.52.

Commissioner McRae asked the rationale for capping a facility at 5,000 square feet in the LI-1 District before it was considered a special approval use. Planning Consultant Arroyo explained that a larger facility in light industrial could trigger parking conflicts.

Commissioner Schwartz thought that perhaps the standard should be different for dance studios, as these might not require intense parking as often the students were dropped off and picked up. Discussion followed. It was the consensus of the Commission that the trend was for parents to stay during dance classes and the standard should remain as written.

Commissioner McRae thought the 5,000 square foot standard seemed arbitrary. Planning Consultant Arroyo said that recently dance studios had come in that were smaller than 5,000 square feet and the point of the ordinance change was to be inclusive of those smaller users.

Commissioner Stimson noted that the 3,300 square foot standard for business districts included two standard office areas.

Commissioner McRae wondered if parking requirements should be referenced in the proposed language. Planning Consultant Arroyo said that a new use would already to have to meet ordinance requirements for parking.

Section 11 of ordinance. Amend Section 34-4. to add a new subsection 58. and
Section 12 of ordinance. Amend Section 34-4.52.
Planning Consultant Arroyo said that changes in Section 34-4.58 and 34-4.52 would continue to make the entire ordinance consistent with the uses already discussed:

34-4.58 COMMERCIAL RECREATION FACILITIES AND INSTRUCTIONAL DANCE STUDIOS

1. In B-2 and B-3, indoor commercial recreation facilities and instructional dance studios are permitted uses provided that such facilities do not exceed three-thousand, three-hundred (3,300) square feet gross leasable area in size. All fitness activities shall be contained within a completely enclosed building.

2. In LI-1 districts, indoor commercial recreation facilities and instructional dance studios are permitted uses provided that such facilities do not exceed 5,000 square feet gross leasable area in size. All fitness activities shall be contained within a completely enclosed building.

34-4.52 INDOOR TENNIS OR RACQUET COURT FACILITIES, INDOOR ICE OR ROLLER SKATING AREAS, INDOOR COMMERCIAL RECREATION FACILITIES, AND OTHER SIMILAR USES

Indoor tennis or racquet court facilities, indoor ice or roller skating areas, indoor commercial recreation facilities, and other similar uses which require large structures such as are normally found in industrial districts shall be permitted. Section 34-3.14.4 shall not be applied, provided the main building shall have a minimum setback of one hundred (100) feet from an RA district unless the district is separated from the use by a major or secondary thoroughfare.

Section 13 of ordinance. Amend Section 34-5. to add a new subsection 19,
Moving to a different area of the ordinance, Pedestrian Access and Connectivity, and referring to a

sketch on page 5 of the document in the Commissioners' packets, Planning Consultant reviewed the proposed new subsection 19 of Section 34-5. He noted that the Commission had historically been very interested and in many instances had been successful in getting – via requests – pedestrian access for public walkways. This new language codified this requirement.

> *1. Pedestrian access-ways of sufficient width and design to allow convenient use shall be provided between public sidewalks and principal building entrances.*
> *2. Walkways shall provide pedestrian access through parking lots from public sidewalks to building entries in a safe and efficient manner. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration unless such a configuration allows for direct pedestrian access.*
> *3. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize pedestrian access and safety.*
> *4. Walkways shall be a minimum of five (5) feet in width and installed in accordance with the city's engineering design standards.*
> *5. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along walkways to provide ample lighting during nighttime hours. This may be waived when street or parking lot lighting fixtures are deemed by the Planning Commission to be sufficient to adequately illuminate adjacent walkways.*
> *6. Pedestrian access points at property edges and to adjacent parcels shall be coordinated with existing development to provide pedestrian circulation between developments, where feasible.*
> *7. Planning commission has discretion to waive the requirement when it is not practical or may not result in any pedestrian activity.*

Commissioner McRae asked if "principal building entrance" was a *term of art*. There might be instances where it made more sense to have a sidewalk go to a secondary entrance. The main entrance might not be the closest entrance to a parking lot, for instance. Chair Topper thought the plural, *entrances*, at the end of #1 might meet this need. Planning Consultant Arroyo said the Planning Commission could determine this at site plan review. "Principal building interest" was not a term of art.

Planning Consultant Arroyo noted that #5 gave the Commission flexibility to waive the requirement for pedestrian scale lighting if lighting on site was already felt to be sufficient for the purpose.

Planning Consultant Arroyo noted that the sketch on page 5 would be part of the ordinance.

Commissioner McRae suggested that similar language to that proposed for Section 34-5.2.14.G. (regarding vehicle stacking) be included in this proposed subsection regarding pedestrian access: *All designated pedestrian areas . . . shall be clearly marked through pavement striping, alternative paving material or a stamped pattern or texture in the pavement.*

Discussion followed. Planning Consultant Arroyo said that traditionally you would not always have a marked path through a parking lot to a building. Commissioner McRae thought if pedestrian access were through a parking lot, that access needed to be marked. Planning Consultant Arroyo suggested language such as: *if the material used for the pathway was the same material as that used for the parking lot, the access needed to be stamped or striped.* However, Mr. Arroyo explained that many people entering a building from a parking lot would do so at an angle, and commercial users might

find maintaining a striped pathway on the pavement onerous. If the pedestrian access were next to or through an island, it would need to be demarcated. But putting a striped pathway all the way across a parking lot seemed unnecessary. City Attorney Schultz agreed that requiring demarcation next to or through a crossing area, such as a parking island, was appropriate. If the Planning Commission wanted more than this, perhaps it could be decided on a plan-by-plan basis.

Commissioner Schwartz said that at the Grand River Development Authority meeting this morning, a developer who had been brought in as a consultant for that area, including the Target shopping area, had emphasized the importance of breaking up the parking lot so that people felt comfortable and even encouraged to walk across the parking lot.

Commissioner McRae thought the City should at least require striping to direct pedestrian access.

Commissioner Stimson agreed that the proposed language regarding drive throughs as already quoted was very appropriate here also. He also thought the entire pedestrian access should be demarcated.

Chair Topper clarified that the striping/demarcation being discussed was from the street to one primary entrance.

Planning Consultant Arroyo said that language could be added to say that pedestrian pathways *shall be clearly designated*, or the Commission could choose the more detailed language already referenced.

In response to a question from Chair Topper, Planning Consultant Arroyo said that signage could be another way to demarcate pedestrian access.

After further discussion, it was the consensus of the Commission to incorporate the relevant language from the drive-through pedestrian areas (proposed Section 34-5.2.14.G.) to 34-5, proposed subsection 19.

Staff Planner Stec suggested, and the Commission agreed, that language also be added that any path going through or adjacent to a front yard open space area could be considered open space.

Commissioner Mantey mentioned that any applicants who sought a variance from the Zoning Board of Appeals from the requirement for a pedestrian access would have a tough time proving practical difficulty. Commissioner McRae noted that #7 of the proposed subsection allowed the Planning Commission to waive this requirement. Could the word *modify* be added? #7 would then read: *…to waive or modify . . .*

Section 14 of ordinance. Amend Section 34-5.2.2. and
Section 15 of ordinance. Amend Section 34-5.2 to delete subsections 6. and 7.
Planning Consultant Arroyo reviewed the proposed deletions of subsections 6 and 7 of Section 34-5.2 and the addition of 34-5.2.2. He explained that these changes allowed the Planning Commission to reduce off-street parking based on formal shared parking agreements being submitted to and approved by the City, instead of that authority going to the Zoning Board of Appeals.

> *34-5.2.2 Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall*

be shown of all lots or parcels intended for use as parking by the applicant.

The City recognizes that different types of uses may have different peak usage times. Therefore, two (2) or more non-residential buildings or non-residential uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced for the following:

i. If the property is on a single zoning lot and the applicant provides documentation of a reciprocal arrangement between businesses showing that operating hours of the businesses do not overlap; or
ii. If the property is on two or more zoning lots a signed agreement is provided by the property owners and duly recorded with the Register of Deeds, and the Planning Commission determines that the peak usage will occur at different periods of the day. A parking study prepared by a qualified professional following methodologies established by the Urban Land Institute's publication, Shared Parking, shall be required for any reduction that exceeds twenty (20)% of the required number of spaces and may be required to justify lesser reductions at the discretion of the Planning Commission. The study that supports the proposed shared parking arrangement shall be submitted along with the site plan and is subject to concurrence by the approving body. The approving body may, as an alternative, grant a lesser reduction in overall parking than that requested by the applicant.
iii. For any shared parking arrangement, the Planning Commission may require the construction of pedestrian sidewalks and marked crossing areas to facilitate pedestrian traffic between two sites or two use areas.

34-5.2 Off-Street Parking Requirements

~~6. Reserved In the instance of dual or multiple use sharing of off-street parking spaces, the planning commission may reduce the number of required parking spaces upon review of a shared parking study submitted by the applicant that appropriately documents that fewer spaces are necessary than required to serve the peak demand of all uses combined.~~
~~7. Reserved In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.~~

Planning Consultant Arroyo explained that two scenarios were addressed in i. and ii. above. The first dealt with a property on a single zoning lot such as a shopping center with multiple tenants; the second addressed properties on two or more zoning lots with different uses. The latter would require a recorded agreement and shared access. Also, any reduction in spaces in excess of 20% would require a shared parking study.

Planning Consultant Arroyo noted that iii. allowed the Planning Commission to require pedestrian sidewalks and marked crossing areas.

Commissioner Schwartz noted the language in iii., and the Commission agreed, should be . . . *and/or marked crossing* . . .

Commissioner Mantey suggested changing the language in i., and the Commission agreed, to

…showing that peak operating hours. . .

Section 16 of ordinance. Amend Section 34-.6.1.3.
Planning Consultant Arroyo explained that this suggested change would require landscape plans to be submitted at the same time that site plans were submitted. When a landscape plan was submitted after a site plan was approved, sometimes when the landscape plan was reviewed it was determined that changes needed to be made to the site plan. The proposed changes allowed an applicant to delay submission of a landscape plan only if certain conditions were met, as follows:

> *34-6.1.3 ~~Unless otherwise provided, w~~Whenever a landscape or greenbelt plan is required by provision of this chapter, plans shall be submitted concurrently with the site plan for review by the planning commission. The applicant may apply to the planning department to delay submission of the landscape or greenbelt plan and proceed with the site plan when they can demonstrate the following:*
>
> *i. The plans do not propose removing more than 10% of the existing trees, as identified on a tree survey, and*
> *ii. The application does not propose adding additional hard surface area, and*
> *iii. The applicant does not propose adding or relocating outdoor storage areas or loading areas, and*
> *iv. The use is not a special approval use, and*
> *v. The site does not abut a residential district.*
>
> *Landscape or greenbelt plans that were not submitted with the site plan application shall be submitted to the city within three (3) months from time of site plan approval.*

Planning Consultant Arroyo explained that originally the provision was included for a delayed landscape plan in order to help developers, who did not have to pay the full expense of a landscape plan until they knew that the site plan had received at least preliminary approval. There was a balance to be struck here. If the Planning Commission was comfortable with current practice, this change did not need to occur. However, if the Commission would rather see the landscape plan during site plan review, this change needed to occur.

Discussion followed. Reviewing the landscape plan some time after site plan approval made it harder to visualize the impact the landscape plan had on the site plan. Most communities required that site and landscape plans be submitted and reviewed together. Farmington Hills process was outlined, including engineering review. It was noted that allowing landscape plans to be submitted later than site plans caused Planning Commission agendas to be more crowded than otherwise necessary.

Regarding iii., it was the consensus of the Commission to allow for small changes – perhaps a minimum change such as 10 parking spaces or 3,000 square feet, or in plans for larger properties, perhaps a 10% change in trees, parking spaces, etc. – and still allow a delay in submission of the landscape plan.

Section 17 of ordinance. Amend Section 34-5.14., subsection C.ii.
Planning Consultant Arroyo explained this change required shrubs as well as trees to be planted a minimum of 4 feet from the property line:

> *34-5.14 LANDSCAPE DEVELOPMENT*

34-5.14.C. Plans shall be reviewed in accordance with the following additional information and requirements:

34-5.14.C.ii. ~~Plant material shall be planted a minimum four (4) feet away from property lines.~~ Trees (evergreen and deciduous) and large and small shrubs shall be planted a minimum of four (4) feet away from the property line. Groundcovers and perennials/annuals may be planted within four (4) feet of the property line.

Planning Consultant Arroyo explained that the purpose of the ordinance was to keep developers from planting trees and large bushes so close to the property line they encroached on neighbor's properties. Additionally such plantings could not be accessed for maintenance if they were right on the property line. Commissioner McRae asked if the same standard applied to front yards. Discussion followed. Planning Consultant Arroyo recommended having the front yard standard for shrubs be within two (2) feet of the property line, if there was a sidewalk. Planning Consultant Arroyo suggested removing *small shrubs* from the first sentence and amending the last line of the proposed change to: *Groundcovers, perennials/annuals and small shrubs may be planted within four (4) feet of the property line.* Small and large shrubs were defined within the ordinance.

Section 18 of Ordinance. Amend Section 34-5.15., subsection D. and E., and Section 34-5.15.3., 34- 5.15.4 and 34-5.15.8.

34-5.15 WALLS AND BERMS

Planning Consultant Arroyo explained that the proposed changes to Section 34-5.15.3. and 34-5.15.4 changed the ordinance to read *planning department* instead of ~~board of appeals.~~ This clarified that when a plan did not have to come before the Planning Commission, instead of being reviewed by the ZBA it would be reviewed administratively by the Planning Department, which was already current practice. Also the change required approval by the planning department for a required wall located on the opposite side of an alley right-of-way, instead of approval by the ZBA.

One other language clarification was in Section 34-5.15.8, which changed wording was as follows:

Such walls or berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as ~~may be approved by the director of public safety and the code enforcement officer~~ are required to address public health, safety and welfare as approved by the planning department.

Section 20 of Ordinance. Amend Section 34-5.16., subsection 2.

Planning Consultant Arroyo explained that this proposed change clarified that corner clearance standards also applied to private drives that intersected public streets. The language added read:

Section 34-5.10 Corner Clearance

These standards shall also apply to the intersection of private drives with public streets.

Section 20 of Ordinance. Amend Section 34-5.16., subsection 2.

Planning Consultant Arroyo explained that this proposed change made a correction to the ordinance, which currently required bringing lighting up to current standards when modest expansions occurred. The change allowed the Planning Commission some flexibility as to whether or not to apply this requirement on a case-by-case basis, based on the characteristics included in the added paragraph.

34-5.16 EXTERIOR LIGHTING

34-5.16.2 Applicability of regulations/Approved lighting plan. Whenever the installation or modification of outdoor lighting is part of a development that requires site plan approval, the approving body shall review and approve all proposed lighting as part of

its site plan approval process and all lighting shall be subject to the provisions of this Ordinance.

The planning commission may modify the requirement for existing developed sites seeking modest expansions to bring all lighting into compliance with these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of surrounding land use; and the extent of the proposed change in floor area and/or land use.

In response to comments by Commissioners Mantey and Stimson, City Attorney Schultz said that the code requirements regarding glare, etc., would always apply. However, some lighting was legally nonconforming per the Zoning Ordinance. Allowing some nonconforming lighting to remain would not be binding should another site plan be brought before the Commission; in that event, further changes could be required.

Staff Planner Stec wondered if a certain percentage of change should trigger bringing all lighting into conformance. City Attorney Schultz believed the suggested change was better and more defensible as written, leaving to the discretion of the Planning Commission the amount of compliance required, based on a proposed site plan's connection to the parking lot and lighting.

Section 21 of Ordinance. Amend Section 34-7.13

Planning Consultant Arroyo explained that this amendment would change zoning violations from a misdemeanor to a civil infraction. City Attorney Schultz further clarified that zoning violations had been civil infractions since civil infractions had been instituted. Previously, at the beginning of the ordinance, all the civil infractions had been listed. This was sometimes confusing because at the end of the ordinance language for misdemeanors was still included. Therefore this recommended change was a cleanup that would make the ordinance more consistent and clear that all zoning violations were civil infractions.

34-7.13 VIOLATIONS AND PENALITES

~~*Any person or anyone acting in behalf of such person violating any of the provisions of this chapter shall upon conviction thereof be subject to a fine of not more than five hundred dollars ($500.00) and the costs of prosecution or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any penalty shall not exempt the offender from compliance with the requirements of this chapter.*~~

(a) Any person, persons, firm, or corporation, or anyone acting on behalf of said person, persons, firm, or corporation, who should violate the provisions of this Ordinance, or who fails to comply with the regulatory measures or permit approvals (including conditions thereon) adopted or granted by the Board of Appeals, Planning Commission, or the City Council, shall be responsible for a municipal civil infraction, and subject to the penalties, sanctions and procedures set forth in Chapter 1, General Provisions, of the City of Farmington Hills Code of Ordinances.

(b) *Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches, and mobile homes, used, erected, altered, raised, or converted in*

violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court may, in addition to the remedies provided above, enter any such judgment, writ or order necessary to enforce or enjoin violation of this Chapter 34, Zoning Ordinance, of the City of Farmington Hills Code of Ordinances.

Section 22 of Ordinance. Amend Section 3.20., subsection 2.A.
Planning Consultant Arroyo explained that this change made it possible to have a PUD in any zoning district.

34-3.20 PLANNED UNIT DEVELOPMENT
34-3.20.2 Criteria for qualifications. In order for a zoning lot to qualify for the Planned Unit Development option, the zoning lot shall either be located within an overlay district or other area designated in this chapter as qualifying for the PUD option, or it must be demonstrated that all of the following criteria will be met as to the zoning lot:
34-3.20.2.A. The PUD option may be effectuated in any zone district. ~~only in the following districts: RA districts, RC-1, RC-2, RC-3, OS-1, OS-2, OS-4, B-1, B-2, B-3, B-4, ES, IRO, LI-1, P-1.~~

Planning Consultant Arroyo concluded his review of proposed ordinance changes. He explained that the next step was to set the proposed changes for a public hearing.

MOTION by Stimson, support by Rae-O'Donnell to set the proposed revisions to the Zoning Ordinance discussed this evening for public hearing on March 19, 2015.

Motion carried unanimously (Blizman, Fleischhacker, Orr absent).

Planning Consultant Stec noted that March 19 was the only scheduled meeting for March.

PUBLIC COMMENT: None.

COMMISSIONER'S COMMENTS:

Commissioner Schwartz reported on the Grand River Corridor Improvement Authority (CIA) meeting he had attended that morning. As he mentioned earlier in the meeting, a guest developer had been brought in to take a look at the Corridor. Noting that many comments by the guest developer paralleled discussion and current efforts by the CIA and the Planning Commission, Commissioner Schwartz mentioned the following points:

- Lack of new housing options, both single and multi-family, within the Corridor. Right now the area was designed as a "get-through" corridor. Commissioner Schwartz had asked specifically what the City should be doing around the hospital and the Target store area. The developer had suggested focusing on the middle and working out.
- For the Target center the developer recommended changed zoning to allow mixed use development, with mid-rise multi family housing (3-4 stories). Development should consciously encourage connection from retail to housing: a "cool center," with green space and planned walkability.
- The director of development from Botsford Hospital was at the meeting, and he pointed out that the hospital had 2,000 employees, none of whom lived close to the facility. The developer suggested that planners try to come up with ways to give hospital staff options to

live nearby, with both single and multi-family choices. This would create spin-off for nearby businesses.

- The last major point the guest developer made was regarding the river, which was a hidden amenity. He talked about having swingsets and walking paths by the river, and mentioned the river in Columbus Ohio: how that was a dead river now brought to life.

Commissioner Schwartz concluded his report.

In response to a question from Commissioner McRae, Planning Consultant Arroyo said the next area of study was the gap area on Grand River around Middlebelt Road. After that the12 Mile/Farmington Road area would be studied.

Staff Planner Stec said that the MI Place Grant study, utilizing an intern from Lawrence Technological University, was moving forward for the 10 Mile/Orchard Lake Road Area. Assistant to the City Manager Geinzer was staff for this project. They were sending out notices for a public input session, which would then lead to a design charette. Staff Planner Stec said he would send out an email regarding the dates on which these events would be happening.

ADJOURNMENT:

Hearing no further comment, Chair Topper adjourned the meeting at 9:22 p.m.

Respectfully submitted,

Steven Schwartz
Planning Commission Secretary

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