

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING
CITY COUNCIL CHAMBER
31555 11 MILE ROAD, FARMINGTON HILLS MI
March 26, 2015**

Chair Topper called the Planning Commission meeting to order at 7:41 p.m. on March 26, 2015.

Commissioners Present: Fleischhacker, Mantey, McRae, Stimson, Topper

Commissioners Absent: Blizman, Orr, Rae-O'Donnell, Schwartz

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

APPROVAL OF AGENDA

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

Motion carried 5-0 (Blizman, Orr, Rae-O'Donnell, Schwartz absent).

PUBLIC HEARING:

A. SPECIAL APPROVAL 53-2-2015

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| LOCATION: | Vacant lot north of 24233 Orchard Lake Rd. |
| PARCEL I.D.: | 22-23-22-476-043 |
| PROPOSAL: | Flower Sales in a B-3, General Business District |
| ACTION REQUESTED: | Special Land Use Approval by Planning Commission |
| APPLICANT: | Scott Saxton |
| OWNER: | Raphael Orah, Maroraha, LLC |

Scott Saxton, 33724 Oakland, Farmington MI, and Raphael Orah, 24233 Orchard Lake Road, Farmington Hills MI, were present to speak on behalf of this application.

Mr. Saxton explained that this would be his 9th year at this location. They would set up as they had in the past with 10-20 local employees. He was requesting a 5-year permit, if possible. The cost to file this application was approximately \$1,180, and the use was the same as it had always been in terms of structures, tables, etc.

In response to a question from Commissioner Mantey, Mr. Saxton and Mr. Orah explained that in the past they had gone before the Zoning Board of Appeals; the cost there was \$375.00. To appear before the Planning Commission represented a significant raise in application cost.

In response to a question from Chair Topper, Mr. Saxton said they would be selling the same things they had in the past, and they would open approximately May 1st and be closed by July 15th. Opening date was weather-dependent.

Staff Planner Stec explained that the applicants were before the Planning Commission because of recent text amendments to the ordinance; previously the application had gone before the Zoning Board of Appeals. The fee was the normal fee for application to the Planning Commission, and

included site plan review. However, by appearing before the Planning Commission, the applicant could request multiple years as part of the application.

Referring to the ClearZoning letter of March 18, 2015, and utilizing overhead slides, Planning Consultant Arroyo gave the review for this application as follows:

This was a request for special approval for a five-year permit for a temporary flower center under Section 4-4.20.4, *Special land uses not otherwise permitted*. The proposed location was 24233 Orchard Lake Road, located on the west side of Orchard Lake Road, north of Ten Mile Road.

Planning Consultant Arroyo reviewed zoning and site configuration, noting that the property was zoned B-3, General Business District as were the properties to the south. Properties to the north were zoned OS-2, Planned Office District. The site was improved with a one-story commercial building: Farmington Hills Wine and Liquor. The plans submitted for review were limited to the project area, identified as a 60-foot wide by 120-foot deep gravel area that ran along the north property line.

Planning Consultant Arroyo reviewed the proposed use as follows:

The applicant was seeking a five-year permit for Saxton Flower Center, a plant shop selling annual and perennial flowers. Following is a summary of the letter of intent:

- Operations between May 1st and July 15th open Monday thru Saturday from 8 AM to 8 PM and Sunday 9 AM to 6 PM. There would be 8 to 12 employees.
- Operations between September 15th and October 31st open Monday thru Saturday from 9 AM to 7 PM and Sunday 9 AM to 5 PM. Only one tent and a few tables would be set up during the fall season.

The Applicant proposed to use the gravel area to the north of the Farmington Hills Wine & Liquor store for a temporary flower center. The use included two 20 by 40 foot tents along the north property line, a 30 by 40 foot tent along the west property line and a 20 by 30 foot tent in the center of the property, adjacent to the parking lot with additional display/sales tables to the east.

Regarding parking requirements, the applicant was not proposing any changes to the existing parking and drive aisle configuration. There were approximately 20 parking spaces located adjacent to the existing commercial building along the east and north building walls. An additional seven parking spaces were located adjacent to the proposed flower sales area. Due to the divergent nature of the temporary flower sales and liquor store, peak parking demands differed and generally did not compete.

Regarding lighting, there was no additional site lighting identified.

Planning Consultant Arroyo explained that on April 8, 2014, the Zoning Board of Appeals granted permission for the temporary use and structures to sell flowers, mulch and bagged soil. The applicant had operated under the same or similar site plan during the past several years.

Planning Consultant Arroyo reviewed the standards for a special approval as follows:

Section 34-4.20.4., *Special land uses not otherwise permitted* was intended to allow for land uses which were temporary and did not require permanent improvements of a structural nature, including seasonal uses which occurred annually or periodically on a repetitive basis.

Special land uses not otherwise permitted may be permitted by the Planning Commission subject to the following:

- i. The planning commission shall find that the character of existing uses or lack of existing uses in an area is such that permitting the special land use would not, as of the time the permission is granted, be injurious to the district and environs of the area. Such permission shall be given for a specific time period set by the planning commission.

The applicant had requested a 5-year time frame with specific hours of operation.

- ii. In classifying uses as not requiring capital improvements, the planning commission shall determine that they are either demountable structures related to the permitted use of the land like recreation development such as, but not limited to, golf driving ranges or outdoor archery courts, or are structures which do not require foundations, heating systems or sanitary sewer connections.

All structures proposed for the site would be removed and did not require foundations, heating systems or sanitary sewer connections. The applicant had not proposed restroom facilities.

- iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
- iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.
- v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of development permitted and arrangements for removing the use at the termination of the period of time granted.
- vi. The planning commission may grant extensions of the time period for the use after reviewing the area for any changes that may have occurred which would be negatively impacted by continuation of the temporary use and after determining that there have been no negative impacts from the use.

Commissioner Fleischhacker asked if the applicants had to be completely cleared out of the site by the July 15 end deadline. Planning Consultant Arroyo said he thought it would be reasonable to provide some extra time for cleanup at the end of the requested period.

Chair Topper asked if there had been any complaints regarding the flower sales on the property. Staff Planner Stec said none had been brought to his attention.

Chair Topper opened the public hearing. Seeing that no one wished to speak, Chair Topper closed the public hearing.

In response to a question from Chair Topper, Mr. Saxton said that one week before and after both

requested sale periods was enough time to set up and break down the site.

MOTION by Stimson, support by McRae, that Special Approval No. 53-2-2015, submitted by Scott Saxton, be approved for the 5 years requested, with the ability to have one additional week for set up and one additional week for tear down for both selling periods as presented in the letter of intent dated 2/18/2015, subject to all applicable provisions of the Zoning Chapter, for the following reasons:

- 1. The use would not be injurious to the district and environs.**
- 2. The effects of the use would not be contrary to the spirit and intent of the Zoning Chapter.**
- 3. The use would be compatible with existing uses in the area.**
- 4. The use will not interfere with orderly development of the area.**
- 5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.**

And subject to all Engineering and Fire Department requirements.

Commissioner Mantey said that it was important for consumers to have a variety of choices other than big box stores as to where to purchase flowers, etc.

Motion carried 5-0 (Blizman, Orr, Rae-O'Donnell, Schwartz absent).

B. CAPITAL IMPROVEMENTS PLAN 2015/2016 THROUGH 2020/2021

ACTION REQUESTED: Adoption of Plan

Staff Planner Stec presented the 2015/2016 – 2020/2021 Capital Improvements Plan (CIP). He noted that the CIP was a strategic planning tool for the City's capital needs. Projects and purchases generally in excess of \$25,000 or part of a larger network of improvements were included in the Plan. The goal of the CIP was to plan for and guide needed capital improvements and expenditures in a fiscally sound manner and to ensure that these improvements were consistent with the goals and policies of the City and the expectations of its residents. The Planning Commission had the legal authority and was mandated under the Planning Enabling Act to create the CIP, and after adoption the City Manager would submit the CIP to City Council. The CIP assisted the City Council with capital improvements budgeting.

Staff Planner Stec reviewed process, including the compilation of data, Planning Commission review on January 22, 2015, and the Planning Commission public hearing this evening, and then the forwarding of the CIP to Council.

Utilizing a power point presentation, Staff Planner Stec reviewed 2014 CIP accomplishments, including:

- Caddell Drain improvements
- sanitary sewer line improvements and installations
- water main improvements and installations
- police building renovation
- replacing police long guns with a new weapons system
- replacing the existing Emergency Medical Dispatch with an updated version
- west lot parking rehabilitation
- Fire Station 1 parking lot rehabilitation
- brine making system upgrade at DPW

- storage, winter maintenance and secondary containment at DPW
- HVAC upgrades at Fire Headquarters,
- ADA compliant entryway at Costick Activities Center (using ADA funds)
- Sidewalk installations
- Road reconstructions and improvements (Farmington Road, 10 Mile Road, others)
- Equipment and facility updates for various City departments, including DPW, Parks & Recreation, and Fire Department

Staff Planner Stec summarized the number of projects and their costs for the 2015/2016-2020/2021 period, for a total of 121 projects totaling \$151,383,000. He thanked City Departments for their contributions to the CIP, and the Planning Commission for their guiding vision.

Commissioner Mantey expressed concern regarding the roof and insulation at the Longacre House.

Chair Topper opened the public hearing. Seeing that no one came forward to speak, Chair Topper Closed the public hearing.

MOTION by Fleischhacker, support by Stimson, that the Planning Commission adopt the City of Farmington Hills Capital Improvements Plan for 2015/2016 – 2020/2021 as published.

Motion carried 5-0 (Blizman, Orr, Rae-O'Donnell, Schwartz absent).

C. ZONING TEXT AMENDMENT 1, 2015

REQUEST: Amend Chapter 34, Zoning, to revise or add the below sections

ACTION REQUESTED: Recommend to City Council

CHAPTER OF CODE: 34, Zoning Chapter

SECTIONS:

34-5.2.14, 34-5.2.14.I: Amend drive-through lane and vehicle stacking space requirements

34-4.40: Amend the section title to Vehicle Wash

34-4.40.8: Amend to permit vehicle washes as a principal permitted use in LI-1 districts

34-3.1.29.B.x.o: Amend to permit indoor motor vehicle sales

34-3.1.29.B.xi.: Amend to permit accessory buildings and uses customarily incidental to uses permitted in the LI-1 districts

34-3.1.29.C.viii: Amend to permit vehicle washes as a special approval use in LI-1 districts

34-4.46.2: Amend to require B-3 uses permitted in LI-1 districts to be subject to the minimum LI-1 yard setbacks.

34-3.1.24.B.xxi: Amend to permit indoor health, fitness and dance studios as a principal permitted use in B-2 districts

34-3.1.24.C.i: Amend to permit indoor recreation facilities over 3,300 square feet as special approval use in B-2 districts

34-3.1.25.B.o: Amend to permit indoor health, fitness, and dance studios as principal permitted uses in B-3 districts

34-3.1.25.C.k: Amend to permit indoor recreation facilities over 3,300 square feet as a special approval use in B-3 districts

34-3.1.29.B.x.p: Amend to permit indoor health, fitness, and dance studios as principal permitted uses in LI-1 districts

34-3.1.29.C.vi: Amend to permit indoor recreation facilities over 5,000 square feet as special

approval uses in LI-1 districts

34-4.58: Amend to establish regulations for indoor recreation facilities and dance studios in B-2,

B-3, and LI-1 districts

34-4.58.1: Indoor commercial recreation facilities and dance studios within enclosed buildings in

B-2 and B-3 districts shall not exceed 3,300 square feet of gross floor area

34-4.58.2: Indoor recreation facilities and dance studios within completely enclosed buildings in LI-1 districts shall not exceed 5,000 square feet of gross floor area

34-4.52: Amend to include indoor recreation facilities in section title and to be subject to use regulations of the section

34-5.19: Design standards for pedestrian access from public rights-of-way to building entrances

34-5.2.2: Set standards and give approval authority to the Planning Commission for shared off-street parking arrangements between buildings and uses

34-6.1.3: Amend to require concurrent submission and review of landscape and site plans.

34-5.14.C.ii: Amend to permit small shrubs, groundcovers, and perennials/annuals to be within

4 feet of property lines

34-5.15.D: Amend to set standards to allow Planning Department approval when site plan approval by planning commission is not required for screen walls and berms less than 6 feet in height

34-5.15.E: Amend to allow for Planning Department approval of screen wall design and plant materials for required walls generally parallel to a public street right-of-way and within 50 feet of the right-of-way

34-5.15.3: Amend to allow for Planning Department approval of alternate location, and/or waiver of screen walls or deciduous tree planting requirements

34-5.15.4: Amend to allow for Planning Commission approval of screen walls located on the residential side of an alley right-of-way

34-5.15.8: Amend to allow for Planning Department approval for openings for vehicular traffic or other purposes in required screen walls

34-5.10: Amend to require intersections of private drives with public streets to comply with corner clearance requirements

34-5.16.2: Amend to allow Planning Commission to determine when existing developed sites are required to bring all lighting into compliance with ordinance requirements

34-7.13.A & B: Violations of zoning ordinances are punishable as civil infractions

34-3.20.2.A: Amend to allow the Planned Unit Development Option to be permitted in any zoning district

Staff Planner Stec explained that these zoning changes were the result of two Planning Commission study sessions. Comments from those study session had been incorporated into the proposed changes. The Planning Commission could move to adopt the Zoning Text Amendment as written, or could call out individual zoning sections to approve, by section number.

For the benefit of those viewing the Public Hearing, and referring to the document titled: *AN ORDINANCE TO AMEND THE CITY OF FARMINGTON HILLS CODE OF ORDINANCES CHAPTER 34, "ZONING," ARTICLE 3, "ZONING DISTRICTS," ARTICLE 4, "USE STANDARDS," ARTICLE 5, "SITE STANDARDS," ARTICLE 6, "DEVELOPMENT PROCEDURES," AND ARTICLE 7, "ADMINISTRATION AND ENFORCEMENT," IN ORDER TO REVISE*

STANDARDS AND REGULATIONS RELATING TO PARKING, PERMITTED USES, SPECIAL APPROVAL USES, REQUIRED IMPROVEMENTS, PENALTIES AND OTHER REQUIREMENTS AND PROVISIONS, Planning Consultant Arroyo briefly reviewed each section of the Zoning Text Amendment.

In response to a question from Commissioner McRae regarding stacking requirements, Planning Consultant Arroyo said that the final decision/consensus of the Planning Commission had been to leave intact the requirement that at least five vehicles could be stacked in advance of an ordering station, even if there were two or more ordering stations.

Commissioner Stimson noted a clerical error under 34-5.2.14.I (page 2) where the word *wash* needed to be added (Vehicle *wash*) to the section regarding (*fixed location, when accessory to a gas station*).

Chair Topper opened the public hearing. Seeing no one come forward to speak, Chair Topper closed the public hearing.

MOTION by Fleischhacker, support by McRae, that the Planning Commission recommend to the City Council that Zoning Text Amendment 1, 2015, proposing to amend various sections and add sections to Chapter 34, "Zoning," be approved.

Motion carried 5-0 (Blizman, Orr, Rae-O'Donnell, Schwartz absent).

PUBLIC COMMENT: None.

COMMISSIONER'S COMMENTS:

The next Planning Commission would be April 16, 2015.

Discussion was had regarding the work being done on the new Petco facility on Orchard Lake Road south of 13 Mile Road.

ADJOURNMENT:

Hearing no further comment, Chair Topper adjourned the meeting at 8:21 p.m.

Respectfully submitted,

Steven Schwartz
Planning Commission Secretary

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