

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

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

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

Commissioners Absent: Schwartz, one seat vacant

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

APPROVAL OF AGENDA

MOTION by Orr, support by Fleischhacker, to approve the agenda as published.

Motion carried unanimously.

PUBLIC HEARING

A. SPECIAL APPROVAL PLAN 63-6-2016

LOCATION:	30790 Eight Mile Rd.
PARCEL I.D.:	22-23-35-352-017, 018 & 22-23-35-376-017
PROPOSAL:	Temporary concrete mixing batch plant in a LI-1, Light Industrial District
ACTION REQUESTED:	Special land use and site plan approval
APPLICANT:	Anthony Sarotte of Florence Cement Co.
OWNER:	City of Farmington Hills

Anthony Sarotte, Florence Cement Co., 12585 23 Mile Rd., Shelby Township, was present on behalf of this application. Mr. Sarotte said that the sole purpose for this cement batch location was to serve the Independence Commons paving project. If approved, the paving would take place from July through November, with 28 days of actual paving. Therefore the plant would be run for 28 days. If the project was not completed by November, the plant would be moved out to serve another location.

Regarding dust control, Mr. Sarotte said Florence Cement was permitted via the MDEQ. The MDEQ's main purpose with them was air quality. Florence Cement kept a water truck on site and kept records of when they watered. Mr. Sarotte had submitted documents, which included two unannounced inspections in 2013, at sites in Dearborn and Eastpointe. In both instances the MDEQ found their site was clean, dust was controlled, and daily records were maintained. Florence Cement Company had been setting up temporary batch plants for over 20 years, and had never had a problem. There would be no concrete crushing at the site. The only thing on the ground would be a pile of stone and a pile of gravel. Everything else would be enclosed. They would grade and gravel the subject site, and a silt fence would be installed. A water truck would be kept on site.

Commissioner Blizman asked about the impact of hot humid weather on the operation. Mr. Sarotte said that sometimes such weather would shut the plant down. In other instances they were able to work early and late in the day.

In response to questions from Commissioner McRae, Mr. Sarotte said they were the subcontractor on this project. They had been issued a purchase order about a month ago.

Seeing that there were no further questions for the applicant, Chair Rae-O'Donnell invited Planning Consultant Arroyo to give his report.

Referring to the June 30, 2016 Clearzoning review letter and utilizing overhead slides, Planning Consultant Arroyo gave the review for this application, which was a request for special approval and site plan approval to allow the temporary cement batching plant. The request had been set for public hearing on June 16, 2016.

Planning Consultant Arroyo referred to the draft document: *Agreement Regarding the Location, Operation and Removal of a Temporary Cement Batch Plant for the Independent Commons subdivision Road Improvement Project*. This agreement would be between the City and Fonson Company, Inc. Some details in the agreement still had to be decided, including the location, termination date, traffic, dust control, hours of operation, etc.

Planning Consultant Arroyo said this request was for a temporary use, for 3-4 months, and would be complete before the end of the year. Typically more detail was included in a site plan application. The Planning Commission should determine if the detail presented was acceptable, given the temporary nature of the use.

Planning Consultant Arroyo concluded that in terms of special approval standards, this application could go forward.

Staff Planner Stec asked what would happen if the project was not completed in 2016. Staff Engineer Darnall said that an early spring 2017 completion was planned.

Mr. Sarotte said they had no control over when the project would be completed. If the work was not complete in 2016, the batch plant would be removed for the winter. They would return to the site as soon as the frost laws allowed in early 2017.

Commissioner Blizman asked if this site was within 300 feet of a residential property. Planning Consultant Arroyo said that he did not think so.

Commissioner Mantey said that the draft agreement was with the prime contractor, Fonson Company. Tonight's application was being made by the sub-contractor, Florence Cement. City Attorney Schultz said this was correct; any concern could be reflected in the motion. The provision in the ordinance that the "granting of permission for the use shall be made in writing stipulating all conditions . . ." referred to the motion as recorded in the minutes and as provided to the applicant.

At the request of Commissioner McRae, the timetable of this project was reviewed, including when bids were put out (February 2016), and when the contracts were awarded (late May, 2016). Commissioner McRae was frustrated with the process, which seemed to him to put the Planning Commission in the position of having to approve something very quickly, literally days before the project was due to begin.

Chair Rae-O'Donnell asked the hours of operation. Mr. Sarotte said the hours of operation would conform to City Ordinance, which was 7 a.m. to 7 p.m. Staff Engineer Darnall explained that the Director of Public Works did have authority to extend those hours, if necessary.

Chair Rae-O'Donnell asked for further clarification regarding dust control. Mr. Sarotte explained that a water truck would be kept on site, and further explained dust control protocols.

Commissioner Fleischhacker asked if the Commission could limit the hours of operation to a lesser time frame than the ordinance allowed. City Attorney Schultz said that City Council would have ultimate authority to set hours of operation.

Commissioner Mantey asked about the ordinance requirement that “The planning commission shall examine the proposed use and determine that the petitioner has adequately explored alternative locations and that the location proposed is the most reasonable.” Had other locations been explored?

Mr. Sarotte explained that as part of the contract, 7 possible locations for the batch plant had been listed. They had examined all those locations; none worked. They found the subject site and discovered it belonged to the City. They went to the City and asked permission to use the site, and following process, they were now before the Planning Commission this evening.

For the sake of due diligence, Commissioner Mantey asked where one of the locations was. Mr. Sarotte said that a location at Grand River and Drake had been explored; it was not available.

Commissioner Blizman asked if by approving this location, would the Commission and the City be de facto approving the location for any future temporary cement batch plants?

Commissioner Blizman also noted that Planning Consultant Arroyo’s review letter had mentioned that a cement batch plant was not specifically permitted in the LI-1 District. Planning Consultant Arroyo said that as the request was for a temporary use, the use was fine in the LI-1 District. City Attorney Schultz agreed, noting that cement batch plants were not specifically called out anywhere in the ordinance.

Chair Rae-O’Donnell asked the days of operation. Staff Engineer Darnall said the ordinance permitted operations Monday-Saturday, 7 a.m. to 7 p.m.

Seeing that discussion had ended, Chair Rae-O’Donnell opened the public hearing.

Larry Ehlers, 30885 8 Mile Road, Livonia MI, said that he was relieved that the use was temporary. His concerns had been regarding noise and air pollution.

Staff Planner Stec said that no written comments had come in regarding this application. Phone conversations had centered on the duration of the project, as well as hours of operation.

Chair Rae-O’Donnell closed the public hearing.

Commissioner McRae asked what would happen if this request was denied. Mr. Sarotte said they would have to find another location.

MOTION by Blizman, support by Fleischhacker, that Special Approval No. 63-6-2016, submitted by Anthony Sarotte, be approved because the proponent has demonstrated that the use meets the minimum criteria for approval as outlined in Section 34-4.20.4.B(i thru vii) and 34-4.20.4.C(i through v) of Chapter 34, Zoning Ordinance. This approval is subject to all applicable provision of the Zoning Chapter, any other applicable city codes, and the following condition:

- **The use is subject to the terms and conditions of any agreement(s) with the City.**

The motion also acknowledges that the Special Approval Standards of Section 34-3.1.29 are met:

- a. The use is not injurious to the district and environs.**

- b. The use is not contrary to the support and purposes of the special land uses chapter.**
- c. The use is not incompatible with already-existing uses in the area.**
- d. The use would not interfere with orderly development.**
- e. The use would not be detrimental the safety and convenience of vehicular or pedestrian traffic.**

Motion carried unanimously.

Commissioner McRae strongly recommended that the process for special approvals of this nature be revisited in the future.

REGULAR MEETING

Discussion of Sign Regulations

Planning Consultant Arroyo led the discussion of sign regulations, utilizing documents distributed to the Planning Commission:

- Sign Definitions Amended: Clearzoning/Giffels Webster Draft June 24, 2016
- Farmington Hills – Amended Sign Standards: Clearzoning/Giffels Webster Draft June 24, 2016
- Draft Ordinance: *An Ordinance to amend the Farmington Hills Code of Ordinances by Amending Chapter 17 “Nuisances,” Article VII, “Performance Standards,” Section 17-106, “Lighting,” relating to performance standards to address window perimeter lighting.*

Planning Consultant Arroyo reviewed changes in the draft sign standards, based on input from the Planning Commission at the June 9, 2016 meeting. Items specifically mentioned included:

- Page 4: Ascenders and descenders extending up to *25 percent of the average letter height* beyond the sign area rectangle do not count toward the total sign area calculation.
- Page 5: New regulation regarding free standing signs, including locating within the freestanding sign zone, and also adding a provision that gave the possibility of additional freestanding signs, depending upon the configuration of a zoning lot.
- Page 14: Temporary A-Frame signs would be permitted with associated requirements.

Planning Consultant Arroyo asked for comment regarding whether subdivision A-Frame signs should be regulated differently than commercial areas, especially in terms of setback from curbs. Subdivisions frequently put A-frame signs announcing association or neighborhood events in entrance boulevards.

Round table discussion included:

- Permitting A-frames within the right of way in subdivisions could lead to political sign placement in rights-of way, especially since signs could not be regulated based on content.
- Boulevards were typically in the right-of-way.
- Subdivision signs could not be exempted from the ordinance, based on sign ownership. However, they might be able to be exempted based on zoning district.
- How many A-frame signs should be permitted within subdivisions? One per development? One per major entrance?
- For commercial applications, A-frame signs needed to be 3 feet from the curb and 4 feet from the building.
- A-frame signs commonly came in 3 x 4 foot sizes. The ordinance should reflect that reality.
- A-frame signs were most appropriate in urban settings.

Further round table discussion included:

- How sign area for various signs was calculated was confusing, especially when referring to lettering, background, uprights, etc. Clarifying the language and adding more sign types to the graphics might help.
- Whether a background would be included in the sign area would be determined administratively, based on whether the background color was neutral and did not draw attention to the background.

Planning Consultant Arroyo said the amended sign standards would go before City Council in study session on July 11. After getting Council input, the Planning Commission would review the language again before setting the changes for public hearing.

PUBLIC COMMENT: None.

COMMISSIONERS' COMMENTS:

Commissioner Fleischhacker asked about tree removals that had occurred on the PUD property in front of Home Depot. Staff Planner Stec said that this was being addressed through code enforcement and court action.

Commissioner Orr commented that driving on southbound I-275 “was a dream.”

Commissioner McRae initiated a discussion regarding the need to retune the lights on the roads being used due to the I-275 construction.

Commissioner Blizman mentioned that a grocery store might go into the closed K-Mart location.

Commissioner McRae suggested that the Commission might look at the southeast portion of 12 and Orchard Lake Roads as a special study area, due to the vacant buildings in that area.

ADJOURNMENT

Seeing that there was no further discussion, Chair Rae-O'Donnell adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Steven J. Stimson
Planning Commission Secretary

/cem