

FARMINGTON PLANNING COMMISSION PROCEEDINGS  
Monday, January 12, 2009

Chairperson Gronbach called the meeting to order at 7:00 p.m. in the Farmington City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

**ROLL CALL**

Present: Bowman, Christiansen, Crutcher, Gronbach, Kuiken, Sutton

Absent: Buck, Ingalls, Scott.

A quorum of the Commission was present.

**OTHER OFFICIALS PRESENT:** City Clerk Halberstadt, Building Inspector Koncsol, City Manager Pastue.

**APPROVAL OF AGENDA**

MOTION by Bowman, seconded by Sutton, to approve the agenda as submitted. Motion carried, all ayes.

**APPROVAL OF ITEMS ON CONSENT AGENDA**

MOTION by Kuiken, seconded by Sutton, to approve the items on the consent agenda as follows:

- Regular meeting minutes of December 8, 2008

Motion carried, all ayes.

**SPECIAL LAND USE – XL AUTO DRIVING SCHOOL**

Proponent: Paul DeMars, Vice-President of Operations, Auto XL Driving School

**Public Hearing**

MOTION by Sutton, seconded by Bowman, to open the public hearing to receive comment regarding a Special Land Use Application from Auto XL Driving School, 22772 Orchard Lake Road. Motion carried, all ayes.

In response to the Commission's concern regarding parking and circulation of traffic, Mr. DeMars proposed a drive-thru process using the alleyway to exit. He stated there should be no reason for drivers who are picking up or dropping off to park. He noted the classes would be staggered by two hours. He offered to lower the number of students in classes should parking and/or traffic flow become an issue. He stated the owner is willing to provide angled parking in the rear of the building.

Sherrin Hood, LSL Senior Planner, stated the proposed use meets the standards of special land use, however, the issue of traffic and parking remains. She made the following recommendations:

- Stagger classes
- Provide angled parking in the rear
- Consider drive-thru proposal
- Re-evaluate after first season of classes

Hood stated this is an unusual use with very little documentation relative to the traffic problems that might accompany it. She recommended approval of the use provided traffic concerns can be addressed.

Paul Beale, co-owner of Morrell Electronics, 22770 Orchard Lake Road, expressed concern regarding parking and traffic issues related to a driving school. He noted his fence was removed by the owner of the proposed driving school to allow for traffic flow. He pointed out Wolverine Driving School, previously located on the site, experienced numerous traffic problems, including illegal parking, back-ups, etc. He spoke about students and/or parents parking in his lot without permission. He stated there were times he could not even get into his own parking lot. He advised a driving school needs at least 15 parking spaces. He noted his intent to replace his fence which would inhibit traffic flow proposed by the proponent. He stated it would be difficult to regulate the size and timing of the classes.

Mary Beale, co-owner of Morrell Electronics, noted they need their parking for customers who must carry in heavy objects such as large televisions. She also cited the difficulties of the earlier driving school.

Hearing no other public comment, Chairman Gronbach requested a motion to close the public hearing.

MOTION by Sutton, seconded by Bowman, to close the public hearing. Motion carried, all ayes.

### **Consideration to Approve Special Land Use Application and Site Plan**

Chairman Gronbach confirmed with the proponent that he had not submitted a revised site plan. He asked regarding the number of parking spaces required for the proposed use and how many are actually on the site.

Ms. Hood responded the proposed use requires eight (8) parking spaces with appropriate drop-off locations and there are currently nine (9) spaces on the site. She noted the northern building is primarily used for storage, however, the owner's car is there quite often and therefore the ninth space would be for his use.

Mr. Koncsol noted the rear parking is not functional and installation of angular parking would necessitate the loss of one space. He advised if Mr. Beal re-installs his fence, parking for the proposed use would be reduced even further.

Chairman Gronbach stated it is appropriate to allow one parking space for the northern building. City Manager Pastue advised the proponent could waive any use of that building.

Ms. Hood advised personal storage use does not require a parking space, however, practically speaking that building will be used periodically.

Responding to a question from Commissioner Kuiken, Mr. DeMars stated the Farmington site is small in comparison to their other driving schools. He discussed how the proposed drive-thru would work recognizing there would be little or no wait.

Chairman Gronbach read the following comments from Commissioner Scott related to issues concerning the proposed use:

- Training vehicles would be brought to the site during hours of operation and would effectively take a couple of the parking spaces.
- Proponent's proposed use of the alley would put undo burden on the adjacent neighbors. He noted that if a bank, cleaners, or fast food restaurant wanted to use the alley as part of their queuing area they would likely be turned down.
- The parking and maneuvering in the ten foot drive areas do not come close to current standards.
- He questioned how this proposed use would be different than the previous driving school that caused numerous issues with the neighbors.
- He stated unless a number of modifications were made he could not support the proposed use.

Responding to a question from Ms. Hood, Mr. DeMars stated carpooling students might be an option, but expressed concern regarding the liability.

Commissioner Christensen concurred with Mr. Scott's comments. He recognized the proposed use meets ordinance requirements, however, the issues are parking and traffic circulation. He stated stacking cars on Orchard Lake Road would be unacceptable. He further stated that the proposed use just doesn't make sense for the site. He advised he could not support the proposed use as presented.

Christensen advised the Commission has two options: 1) take action on the proposed use as presented, or 2) table the request to allow the proponent to return with a revised plan that responds to concerns expressed by the Commission.

Commissioner Crutcher asked regarding options for parents to park elsewhere when waiting to pick up students.

Mr. DeMars stated parents would be informed how to drop off and pick up students. He stated the owner would be willing to provide an affidavit waiving parking for the northern building.

Chairman Gronbach once again reiterated it would be irresponsible of the Planning Commission to approve a site plan that did not accommodate parking for a building.

Pastue stated the City would need to draft an agreement that would severely restrict future use of the northern building.

Commissioner Christiansen stated a non-conformity should not be created through special provision for the northern building. He asked if there are any businesses on Orchard Lake Road that have driveways not accessible off of Orchard Lake Road.

Ms. Hood stated the issues related to the previous driving school must not be repeated. She questioned if the site is acceptable for what is being proposed even with a number of modifications. She stated at the very least further research is needed. She noted the queuing of traffic is a real issue.

Commissioner Sutton sympathized with the adjacent business owner, Mr. Beal. She discussed the difficulty in controlling the behavior of people and ensuring they park as instructed. She stated a class of 28 students generates a lot of traffic. She concurred with Commissioner Scott that the Commission would not allow a fast food restaurant to use the alley as a dedicated road to accommodate traffic. She discussed the issue of snow removal. She encouraged the proponent to look for other property in the City that would provide a better fit. She did not support the proposed use for the site.

Gronbach asked the proponent if he would like to pursue a resolution to the issues as presented or look for another site.

Mr. DeMars stated it is up to the Commission to make that decision. He discussed the accommodations he has already made regarding the site. He stated he does not want to continue to make modifications to the site plan if the ultimate answer is no from the Commission.

Christiansen stated the proponent has not satisfied two of the ordinance requirements for special land use: 1) be served adequately by public facilities and services, such as traffic operations along streets, etc., and 2) the use is not detrimental to the natural

environment, public health, safety or welfare by reason of excessive production of traffic. He expressed dissatisfaction with what has been presented by the proponent. He stated he would deny the special land use as presented.

Sutton would be inclined to table the proponent's request for one month to allow him the opportunity to address the issues presented.

Kuiken expressed concern with tabling the request since the proposed use cannot be supported by adequate traffic operations. She encouraged the proponent to find another site in Farmington.

MOTION by Sutton, seconded by Crutcher, to deny a Special Land Use application from Auto XL Driving School, 22772 Orchard Lake Road, on the basis the site is not supported by adequate traffic circulation and parking. Motion carried, all ayes.

### **REVIEW OF PROPOSED AMENDMENTS TO SIGN ORDINANCE AND CONSIDERATION TO SCHEDULE PUBLIC HEARING**

Present: Rob Nesbitt, LSL Planning

Rob Nesbitt was present to review proposed changes to the draft sign ordinance that resulted from a joint meeting with the Planning Commission, City Council, and the Board of Zoning Appeals.

City Manager Pastue advised that if agreement is reached to move forward following the presentation, then the Commission would schedule a public hearing for the February 9<sup>th</sup> meeting.

Mr. Nesbitt discussed and received comment on the following proposed signage changes:

#### **1. Restrictions on Pedestrian-held Signs Do Not Apply to Charitable or Fundraising Activities**

Commission concurred with proposed changes.

#### **2. Inflatable Signs.**

Crutcher suggested the restriction on the size of inflatable signs should include a maximum depth size of 8 feet.

Christiansen asked if there is a demand for inflatables in the community. He stated most ordinances in which he has been involved have prohibited these types of signs. He expressed concern that if there isn't a demand for these signs why put a provision in the ordinance that allows them. He recommended allowing those who want to use these signs to go before the Zoning Board of Appeals for a temporary sign.

Building Inspector Koncsol advised in 22 years he has had only 10 requests for this type of sign.

Nesbitt asked if the Commission would like to leave this sign in the ordinance as prohibited or stay silent which leaves no direction.

Christiansen expressed concern that the City would create a liability by allowing some temporary signs and not others.

Discussion followed regarding the administration of temporary signs.

Nesbitt recommended the Commission make a decision on inflatables in the ordinance rather than remaining silent.

Sutton questioned whether there are other avenues available through the sign ordinance that would draw the same type of attention without causing the type of blight created by inflatables.

Nesbitt confirmed there are other signs available that could be used.

Commission concurred to *prohibit* inflatable signs.

### **3. Measuring Height and Area of Entranceway Signs Clarified**

Commission concurred with proposed changes.

### **4. Regulations for Changeable Message Signs Standardized in Sections 25-5 E and 25-8**

In response to a question from Sutton, Nesbitt concurred there is little difference between the terms “changeable sign” and “reader board.”

Sutton requested the removal of “legalese” in future ordinances to make them more user friendly for the community.

In response to a question from Commissioner Christiansen, Nesbitt confirmed the sign ordinance would continue to allow for manual reader boards.

### **5. LED Signs**

Nesbitt asked if the Commission has any concerns with allowing LED signs in the downtown.

Gronbach stated the importance of businesses succeeding both in and out of the downtown area and noted LED signs appear to be the wave of the future. He stated

larger businesses would likely use this type of sign and should not be restricted in the downtown.

Kuiken stated she is not a fan of these types of signs in the business district. She further stated they do not lend themselves to the atmosphere that the City is trying to create. She recognized it would be difficult to forbid them, but expressed appreciation for the restrictions that have been applied for their use.

Bowman expressed opposition to LED signs. She did not believe forbidding them would deter large businesses from the downtown area.

Christiansen noted LED signs have been used effectively by businesses.

Commission concurred to allow one LED per business or storefront.

#### **6. Added Language to Allow a Variance if Sign has Significant Historic Value**

Commission concurred with proposed changes.

#### **7. Definition for LED Signs**

Commission concurred with proposed changes.

#### **8. Banners and Pennants, Grand Opening Signs, and Inflatable Signs Subject to a Sign Permit**

Commission concurred with proposed changes.

#### **Amortization of Legal Non-Conforming Signs**

Nesbitt asked if the Commission was in agreement with the language requiring all legal nonconforming signs to be replaced by conforming signs no later than 12 years after effective date of new regulations.

Sutton concurred with the 12 year provision for replacing nonconforming signs.

Responding to a question, Nesbitt confirmed the Downtown Sign ordinance also provides the 12 year replacement provision. Nesbitt further confirmed a grandfathered nonconforming sign can be refaced during amortization.

Nesbitt advised without amortization any existing, nonconforming signs could continue indefinitely.

Christiansen noted a variance could be pursued if it can be substantiated there is some historical value. He stated that puts the onus on the owner to demonstrate historical significance of the sign.

Responding to a question from Crutcher, Nesbitt confirmed there are four situations for granting a sign variance.

Sutton noted on Page 4, Section U. – Obsolete Sign, a missing comma following the word “made”.

Nesbitt stated the intent of the ordinance is to regulate vehicles parked for the purpose of advertising, not just for the purpose of parking.

Responding to a question from Sutton, Nesbitt advised non-commercial signs are content neutral. He confirmed a window sign is separate from the non-commercial sign provision.

Responding to an additional question from Sutton, Nesbitt stated string lights are allowed to be displayed year-round as long as their purpose is other than to draw attention to a business or its merchandise on display.

Discussion followed regarding businesses that use string lights year-round for advertising purposes.

Sutton questioned if there is a better way to word the provision in order to allow string lights on trees and decorative purposes.

Christiansen advised this provision should be consistent with the Downtown Sign ordinance.

Nesbitt suggested further discussion on this subject at the public hearing.

In response to a concern expressed regarding designation of footnotes in the tables on pages 18-21, Nesbitt concurred to provide an intro before the tables to refer to footnotes for additional requirements.

Sutton asked if the term “snipe signs” should be added to the definition table. She noted on P. 23, Section E. – Banners and Pennants, the wording should be corrected.

MOTION by Christiansen, seconded by Kuiken, to schedule a public hearing to receive public comment on proposed amendments to the Sign Ordinance as drafted and modified by the Commission, for February 9, 2009 at 7:00 p.m. Motion carried, all ayes.

### **REVIEW OF PROPOSED PAWN SHOP AND DRY CLEANING ORDINANCE AND CONSIDERATION TO SCHEDULE PUBLIC HEARING**

Ms. Hood stated the proposed ordinance distinguishes between a drop-off dry cleaner facility versus a plant. She further stated a dry cleaning establishment is defined as a dry cleaner that takes in and launders their own clothes on site. A plant is where dry cleaning is accepted from many different pick-up sites.



Hood stated it is difficult to regulate a pawn shop because it is basically a retail shop. In order to provide sufficient regulation it was placed in an Industrial District or a C-3 District.

Responding to a concern expressed from Sutton, Hood stated the term "secondhand store" would be struck from the preamble of the ordinance since it does not relate to any of the following sections of the ordinance.

Responding to a question from Christiansen, Pastue stated a dry cleaning plant is more appropriate in a C-3 District.

MOTION by Kuiken, seconded by Sutton, to schedule a public hearing to receive public comment on a proposed amendment to the Zoning Ordinance related to Pawn Shops and Dry Cleaning Establishments, for February 9, 2009 at 7:00 p.m. Motion carried, all ayes.

### **REVIEW OF PROPOSED AMENDMENT TO CITY CODE DEALING WITH PARKING RECREATIONAL VEHICLES (RV) AND CONSIDERATION TO SCHEDULE A PUBLIC HEARING**

Pastue reviewed a proposed ordinance amendment dealing with Parking Recreational Vehicles.

Sutton questioned the ordinance provision whereby the recreational vehicle plate must be registered to the owner of the property. She noted the ordinance provides a 48-hour allowance for loading and unloading, however, if an RV is borrowed for such purposes it is restricted from being parked at the residence.

Pastue stated the intent of the proposed ordinance relates to *storage* of recreational vehicles.

Sutton pointed out the ordinance is for parking and storage. She suggested allowing temporary parking of an RV under the 48-hour provision.

Kuiken noted that if the RV is to be stored long term it needs to be registered to the homeowner.

Koncsol asked about out-of-town company that parks their RV in front of a home for a week.

Sutton asked if individuals are considered occupants if they are visiting for a week.

Discussion followed regarding the intent of the ordinance. Sutton advised the ordinance should ensure parking and storage of recreational vehicles limits clutter from the view of surrounding residents. Discussion continued regarding the allowance for temporary RV parking from out-of-town visitors.

MOTION by Christiansen, seconded by Sutton, to schedule a public hearing to receive public comment on a proposed amendment to the Zoning Ordinance related to parking and storage of recreational vehicles, for February 9, 2009 at 7:00 p.m. Motion carried, all ayes.

**REVIEW OF PROPOSED AMENDMENT TO CITY CODE DEALING WITH OFF-STREET PARKING OF VEHICLES IN A RESIDENTIAL DISTRICT AND CONSIDERATION TO SCHEDULE PUBLIC HEARING**

Pastue stated this proposed ordinance deals with storage of multiple vehicles on a residential lot. He advised this ordinance provides additional regulations to strengthen the code and limit where vehicles can be stored on a lot.

Gronbach read comments from Commissioner Scott regarding storage of vehicles on a hard surface. In his letter, Mr. Scott noted the opportunity exists to promote green technology. He advised concrete or asphalt would increase the amount of run off which is the opposite direction with minimizing footprint. He further advised low traffic areas are perfect for a green application of such landscape grids.

Gronbach asked if the proposed ordinance would prohibit cars from parking or straddling the street and right-of-way. He asked if the Traffic and Safety Board has looked into the number of cars parked on Oakland Street every night. He noted that a fire truck probably could not get through that area at night. He recommended parking on only one side of the street.

Pastue stated the City will take a second look at the ordinance to consider an on-street parking provision. He asked the Commission to delay scheduling a public hearing.

Sutton noted the spelling of "loading" should be corrected in the preamble of the ordinance.

MOTION by Christiansen, seconded by Sutton, to table scheduling a public hearing on a proposed amendment to City Code related to off-street parking of vehicles in a residential district to allow more time for the City to review proposed changes. Motion carried, all ayes.

**REVIEW OF PROPOSED AMENDMENTS TO COMMERCIAL AND RESIDENTIAL PROPERTY MAINTENANCE CODE AND CONSIDERATION TO SCHEDULE PUBLIC HEARING**

Pastue indicated proposed amendments to commercial and residential property maintenance code is essentially a rewrite of Chapter 24 of the City Code dealing with property maintenance regulations. He stated the City Attorney has advised that it would be unnecessary to hold a public hearing on this proposed ordinance. He would like to have this ordinance in place by April 1, 2009.

**REVIEW OF PROPOSED AMENDMENTS TO CITY CODE REQUIRING  
REGISTRATION OF FORECLOSED PROPERTIES AND CONSIDERATION TO  
SCHEDULE PUBLIC HEARING**

MOTION by Christiansen, seconded by Bowman, to bring back Agenda Item No. 9, Review of Proposed Amendments to Commercial and Residential Property Maintenance Code and Consideration to Schedule Public Hear, and Agenda Item No. 10, Review of Proposed Amendments to City Code Requiring Registration of Foreclosed Properties and Consideration to Schedule Public Hearing, to the February 9, 2009 Planning Commission to allow Commission members more time for review and comment. Motion carried, all ayes.

**PUBLIC COMMENT**

No public comments were heard.

**COMMISSION COMMENTS AND ANNOUNCEMENTS**

Sutton indicated she is no longer employed by the UAW Legal Services Plan.

**ADJOURNMENT**

MOTION by Sutton, seconded by Bowman, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 10:10 p.m.

Respectfully submitted,

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Secretary