

FARMINGTON PLANNING COMMISSION PROCEEDINGS
Monday, February 9, 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, Buck, Crutcher, Gronbach, Ingalls, Kuiken, Scott, Sutton.

Absent: Christiansen.

A quorum of the Commission was present.

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

APPROVAL OF AGENDA

MOTION by Ingalls, seconded by Buck, 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 January 12, 2009
- Farmington Building Department 2nd Quarter Report – October 1, 2008 through December 31, 2008

Motion carried, all ayes.

PROPOSED AMENDMENTS TO SIGN ORDINANCE

Present: Rob Nesbitt, LSL Planning

Review Changes from January 12, 2009 Meeting

Rob Nesbitt reviewed the following four proposed changes made at the previous meeting:

1. Added inflatable signs to table of prohibited signs.
2. Specifies that one LED sign is permitted per business.
3. Note added to top of Table 25-09 regarding the footnotes at the end of the table.
4. Definition of snipe signs added.

Discussion followed regarding the footnote designation preceding Table 25-09.

Sutton suggested eliminating the footnote designation and simply refer to additional requirements following the table.

Buck questioned the requirement that projecting signs must be 20 ft. apart. Pastue responded the intent of the provision is to provide enough separation between signs to avoid blocking out each other.

Buck noted some of the buildings in the downtown do not have enough façade to accommodate the 20 ft. separation requirement. He asked if this would be addressed through a variance. Pastue responded the City would be inclined to allow a sign without going through an official variance process.

Scott noted the height requirement for a projecting sign should be a *minimum* of 8 ft., not maximum as stated in the ordinance.

Nesbitt stated there should be a designation of minimum or maximum for each sign under the height requirement for Table 25-09. He advised for a projecting sign there should be a minimum height of 8 ft. and a maximum of 14 ft.

Buck asked if the hanger for the sign was considered part of the dimension. Nesbitt responded yes.

Discussion followed regarding what elements of the sign are included in its measurement.

Scott stated current regulations for measuring signs discourages creativity because the outer dimensions must include all aspects of the sign which ultimately limits the size of the sign face. He stated business owners are reluctant to add nice lights, decorative hangers, etc. resulting in bland, linear signs.

Nesbitt advised lighting brackets or fixtures are not typically included in sign measurements. He stated the regulation for measuring signs as stated in the ordinance is typical for most communities because it is simple to apply.

Discussion followed regarding addressing different shapes of projecting signs as a variance. Discussion continued regarding granting a variance on the basis of creativity.

Scott expressed concern regarding the measurement of a ground sign because it includes the base and landscaping which limits the area of the sign face. He noted a lot of the square footage can be eaten up by landscaping.

Discussion followed regarding the measurement of a double-faced sign compared to the measurement of a building sign. Nesbitt stated sign regulations need to provide adequate sign measurement to clearly communicate the message.

In response to Commissioner Scott's concern regarding the limitations on a monument sign, Nesbitt proposed increasing the height to allow sufficient room for landscaping and messaging.

Discussion continued regarding area requirements for monument signs and the reasonableness of including landscaping and base in those measurements.

Nesbitt suggested keeping the height at 8 ft., but not include the base of the sign in the area of the sign face. He stated aside from a minor increase in the mass of the sign itself, the overall area of the sign face stays as written in the ordinance and the height remains the same. He advised this would not be a major change to the ordinance. He noted the only downside is the opportunity for a short, but very long sign.

Scott recommended the base requirement should be a certain percentage of the sign face.

Crutcher recommended adding a maximum length.

Gronbach noted if the Commission believes the guidelines are reasonable, the opportunity for a variance is still available.

Sutton advised the variance should still go along with the guidelines. She stated the administration cannot be put in the position of granting arbitrary variances. She expressed support for the ordinance as presented, subject to eliminating the word "Maximum" from the Height heading in Table 25-09, and specifying height for signs within the table, where applicable.

In response to a concern expressed by Commissioner Buck, Nesbitt advised the statement, "fixtures to externally illuminated signs are not included in any measurements," can be added under Section 25-5 General Regulations.

Both Scott and Pastue questioned whether this provision would prompt business owners to install larger light fixtures.

Public Hearing

MOTION by Kuiken, seconded by Sutton, to open the public hearing to receive comment on the proposed sign ordinance. Motion carried, all ayes.

Hank Borgman, 34011 Grand River, noted LED signs at the Valero Gas Station on Eight Mile Road and the Baptist Church on Shiawassee were both denied by Council. He does not object to these signs because of their practicality. He asked if the City is prohibiting LED signs.

Gronbach responded LED signs are allowed under certain conditions.

Betty Borgman, 34011 Grand River, requested the definition of a snipe sign.

Annabell Gabel, 23089 Violet, questioned the size of the signs at Zap Zone and Captain George's.

Gronbach noted existing signs may not be in compliance with the proposed sign ordinance.

Pastue advised the Valero Gas Station has been cited for erecting the LED sign that was previously denied by Council.

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

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

Consideration to Recommend Approval of Proposed Sign Ordinance to City Council

Planning Commission concurred to leave the measurement regulation for monument signs as currently stated in the ordinance.

Scott advised the measurement regulation is too restrictive and the City will need to make changes sometime in the future.

Buck asked if the measurements for projecting signs meet the standards set forth for the downtown signs.

Gronbach suggested a review of the Downtown Sign Ordinance to ensure it is in line with the proposed ordinance.

MOTION by Sutton, seconded by Kuiken, to recommend approval to the Farmington City Council of the proposed Sign Ordinance subject to the following changes: under Table 25-09, Schedule of Sign Regulations, remove the word "maximum" from the Height heading and designate minimum or maximum for specific signs within the table; external lighting is not subject to sign measurement; and modify the "note" prior to Table 25-09 by eliminating reference to footnotes. Motion carried, 7 ayes, 1 nay (Scott).

PROPOSED TEXT AMENDMENTS TO ZONING CODE DEALING WITH PAWN SHOPS AND DRY CLEANING OPERATIONS

Review of Proposed Text Amendments

Pastue reviewed the provisions of the proposed text amendments to the zoning code and the basis for recommended changes. He noted no changes have been made to the ordinance since it was presented at the last meeting.

Public Hearing

MOTION by Kuiken, seconded by Buck, to open the public hearing to receive public comment on proposed text amendments to the Zoning Code related to Pawn Shops and Dry Cleaning Operations. Motion carried, all ayes.

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

MOTION by Buck, seconded by Scott, to close the public hearing. Motion carried, all ayes.

Consideration to Recommend Approval of Proposed Text Amendments to the City Council

MOTION by Sutton, seconded by Bowman, to recommend approval to the Farmington City Council regarding proposed text amendments to the Zoning Code related to Pawn Shops and Dry Cleaning Operations. Motion carried, all ayes.

PROPOSED TEXT AMENDMENT TO ZONING CODE DEALING WITH PARKING RECREATIONAL VEHICLES

Review of Proposed Text Amendments

Pastue reviewed the provisions of the proposed text amendments to the zoning code and the basis for recommended changes.

Gronbach noted changes were made to the ordinance as a result of comments made by Commissioner Scott relative to allowing recreational vehicles to be parked on soft surfaces as long as they are maintained.

Crutcher asked if there were any changes made in terms of defining ownership of the vehicle as a result of the discussion at the last meeting.

Pastue responded no changes were made regarding that issue.

Gronbach asked if the ordinance prevents a situation where a resident rents out a recreational vehicle parked on their property.

Pastue responded that situation would be addressed by the ordinance.

Public Hearing

MOTION by Buck, seconded by Kuiken, to open the public hearing to receive public comment on the proposed text amendment to Zoning Code related to parking recreational vehicles.

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

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

Consideration to Recommend Approval of Proposed Text Amendments to the City Council

Ingalls questioned whether the City should allow parking recreational vehicles on residential lots.

Pastue stated Council had a lengthy discussion regarding this issue, but came to the conclusion one vehicle per property would be acceptable.

Discussion followed regarding the merit of allowing these types of vehicles parked residential lots.

Ingalls asked if all communities allow recreational vehicles on residential lots. Pastue responded some do not.

Gronbach asked if there are currently ongoing disputes regarding recreational vehicles.

Koncsol responded there have been limited concerns regarding this issue except where there are multiple vehicles on properties. He stated the proposed ordinance will take care of that issue.

MOTION by Kuiken, seconded by Sutton, to recommend approval to the Farmington City Council regarding proposed text amendments to the Zoning Code related to parking recreational vehicles. Motion carried, all ayes.

REVIEW OF PROPOSED AMENDMENTS TO COMMERCIAL AND RESIDENTIAL PROPERTY MAINTENANCE CODE

Pastue reviewed the provisions of the proposed amendments to the Commercial and Residential Property Maintenance Code. He stated these changes strengthen the City's ability to provide code enforcement on property maintenance.

Kuiken noted the word "therefor" in the preamble of the ordinance is misspelled.

Kuiken asked about the existence and function of the Board of Ordinance Appeals as noted in Section 24-3 of the Ordinance.

Pastue responded he was unsure regarding this board and will make any necessary changes after consulting the City Attorney.

Responding to a question regarding the Administrative Hearing Officer, Koncsol provided a description and purpose of this position.

MOTION by Sutton, seconded by Kuiken, to recommend approval to the Farmington City Council regarding proposed amendments to Commercial and Residential Property Maintenance Code. Motion carried, all ayes.

REVIEW OF PROPOSED AMENDMENTS TO CITY CODE REQUIRING REGISTRATION OF FORECLOSED PROPERTIES

Pastue reviewed the provisions of the proposed amendments to the City Code requiring registration of foreclosed properties. He stated this ordinance would ensure foreclosed properties are maintained properly. He advised the City Attorney is comfortable with the ordinance and registration process.

Sutton liked the spirit of the ordinance, but expressed concern regarding the triggering mechanisms. She is unaware of the requirement to record "Notice of Default." She stated the Sheriff's Deed is recorded and the foreclosure is advertised in the legal newspaper. She clarified if a homeowner misses a mortgage payment nothing is recorded with the Register of Deeds.

She suggested the triggering mechanism could be based on a notice of foreclosure by advertisement or a judgment of foreclosure when it is a judicial foreclosure. She stated it would then be a matter of following up on whether or not the foreclosure actually occurred.

Sutton asked regarding the difference between water and irrigation on page 5 of the ordinance.

Kuiken asked how responsive banks will be in maintaining property. Pastue responded the City will notify the bank of its obligation, but if they choose not to respond they will be billed for maintenance costs which may ultimately end up as a lien.

Discussion followed regarding initiation and administration of the inspection process on foreclosed properties and parties responsible for payment.

Gronbach expressed support for inspection of rental homes. Pastue responded the City is not staffed yet for that process.

MOTION by Sutton, seconded by Buck, to recommend approval to the City Council on the proposed amendments requiring registration of foreclosed properties subject to the City Attorney reviewing the issue regarding terminology for notice of default; specifically that the City Attorney review language pertaining to notice of foreclosure sale or judicial order of foreclosure sale and make the appropriate revisions based on those being the trigger; and that the term default as used in the ordinance requiring home inspections refers to the redemption period during a foreclosure and not simply a homeowner falling behind on a mortgage. Motion carried, all ayes.

DISCUSSION WHETHER TO SCHEDULE SPECIAL MEETING TO REVIEW MASTER PLAN UPDATE COMMENTS

Commission concurred to review Master Plan at the next meeting.

PUBLIC COMMENT

Hank Borgman, 34011 Grand River, requested information regarding changes to the Master Plan.

Betty Borgman, 34011 Grand River, noted the difficulty in determining the updates to the Master Plan on the City's website.

COMMISSION COMMENTS AND ANNOUNCEMENTS

Pastue advised the ordinance regarding on street parking will return to the Commission.

Pastue noted the XL Driving School has submitted a special land use application regarding a new site on Orchard Lake Road.

Planning Commission concurred to schedule a public hearing on March 9, 2009 meeting regarding a special land use application from XL Driving School.

Ingalls noted an unenclosed dumpster in back of Ace Hardware. He asked if it can be enclosed in the City parking lot across the street. Pastue stated the City is trying to work with Kimco to have it moved.

Bowman asked if the clock tower on Bellacino's Restaurant can be fixed. Koncsol responded the agent is finding it difficult to find replacement parts and as a result a sign may end up replacing the clock.

Bowman noted the lights on Bellacino's sign are also not working.

ADJOURNMENT

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

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Secretary