



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, DECEMBER 13, 2016**

The Meeting was called to order at 7:30 p.m.

ROLL CALL: Malone, Novak, Palmer, Robertson, Whitt, Wolfson

ABSENT: Maurer

OTHERS PRESENT: Planning Consultant Deem, City Attorney Vanerian, Recording Secretary Rodgers

REQUESTS FOR AGENDA CHANGES:

APPROVAL OF MINUTES:

**PC 12-03-16 APPROVAL OF THE NOVEMBER 1, 2016 PLANNING
COMMISSION MEETING MINUTES**

Motion by Palmer, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the November 1, 2016 Planning Commission minutes

COMMUNICATION:

AUDIENCE PARTICIPATION: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. PUBLIC HEARING

Recovery Home Ordinance Amendment

Open public hearing: 7:33 p.m.

City Attorney explained the amendment to the city's current zoning ordinance to recovery home. He explained typically that use would not be allowed in a single-family zoning district. He said it is a subject matter that falls under the fair housing act and the City is required to make reasonable accommodations to allow for these types of facilities within a single-family zoning district and that is what the amendment to the ordinance accomplishes. He said the City already

has a current zoning ordinance that applies to recovery homes. He said that ordinance was adopted in 2006 and things have changed in the law since then. He said it was going to be reviewed by HUD and Department of Justice and incorporate those comments into the final product. He said he has not heard back from either party until last week and each will be reviewing it and giving their feedback. He sent the amendment back in the end of August to HUD and it has been passed through three different people and the Department of Justice recently got involved in the case. He said it may change and will have to go back to council for one more final reading. He said the state doesn't have any involvement in this area of the law.

Chairman Malone said the amended ordinance seems a lot more straight forward now.

City Attorney Vanerian explained it is a delicate subject for a city to regulate. He said it needs to be regulated to some level and at the same time the City must do in a careful way so cities are not running afoul with federal discrimination laws. He said there is a lot of case law on this matter and he explained that is why he invited HUD and Department of Justice to participate in the discussion. He explained adding objectively verifiable criteria to the current definition of a non-traditional family and further clarifying the definition of a non-traditional family to be able to address more directly. He briefly discussed several more bullet points within the zoning amendment.

AUDIENCE PARTICIPTION:

Kristen Quinn – said she is a resident of Walled Lake. She asked if it is premature to send the zoning amendment back to city council before HUD responds.

City Attorney Vanerian said it is his intention to wait to hear back from HUD and the Department of Justice before anything goes back to council.

Close public hearing: 7:42 p.m.

DISCUSSION

Commissioner Palmer said it is a good start. He said there are some good definitions in the amendment.

Chairman Malone asked if it goes to council and is approved what happens to the current houses operating as a recovery home.

City Attorney said currently in the City there are no recovery homes that have received any special land use approval. He said the current application is in the process but no action has happened yet. He explained there would be no grandfathering for any recovery homes under the old ordinance.

Planning Consultant Deem discussed reasonable accommodations, not all recovery homes are the same. He explained the Department of Justice recommends that there is a process when asking

for reasonable accommodations. He explained the difference between different disabilities and it is something to consider when considering the amendments.

**PC 12-04-16 MOTION TO RECOMMEND TO CITY COUNCIL TO ADOPT
THE AMENDMENT TO THE RECOVERY HOME ORDINANCE
SUBJECT TO ADDITIONAL COMMENTS OR REVIEW THAT
WOULD BE RECEIVED FROM HUD AND DEPARTMENT OF
JUSTICE**

Motion by Robertson, seconded by Novak, CARRIED UNANIMOUSLY: To recommend to City Council to adopt the amendment to the recovery home ordinance subject to additional comments or review that would be received from HUD and the Department of Justice

2. PUBLIC HEARING

1154 E. West Maple Rd. – Special Land Use: Outdoor Sales
Applicant: Harbor Freight

Open public hearing: 7:55 p.m.

Planning Consultant Deem said that Harbor Freight is here for outdoor sales which is permitted under the zoning C-2 under special land use. He said it makes more sense for Harbor Freight to come to planning commission instead of doing temporary sales for each outdoor sale, which they have been doing for the last year. He said it is compatible with the surrounding use and the Master Plan. He said the recommendation is to approve the request.

Applicant, Robert Carrithers, for Harbor Freight said the six events is the maximum all depending on the weather. He said Harbor freight holds them every other month. He explained it would begin in March of every season.

AUDIENCE PARTICIPATION: None

Close public hearing: 7:59 p.m.

DISCUSSION

**PC 12-04-16 MOTION TO APPROVE PLANNING COMMISSION CASE 258
FOR SPECIAL LAND USE APPROVAL FOR OUTDOOR SALES
FOR APPLICANT HARBOR FREIGHT**

Motion by Wolfson, seconded by Palmer, CARRIED UNANIMOUSLY: To approve Planning Commission case 258 for Special Land Use approval for outdoor sales for applicant Harbor Freight

3. Introduction to review sign ordinance – Planning Consultant: Mike Deem

Planning Consultant Deem explained he would like a consensus to do a sign ordinance review. He said there has been a Supreme Court ruling and the decision was that signs are no longer allowed to regulate the content and must be content neutral. He said currently the city has requirements for gas signs and churches and the city cannot have restrictions anymore. He said the city has been getting some inquiry of how many signs a business is allowed. He said the number of signs is based on a multi-tenant and single tenant buildings. He would like to go through the ordinance and clean it up. He said another issue is for the redevelopment of the fast food restaurants and how many signs they are allowed. He said the ordinance is clear that businesses are allowed only one on the front of the building. He explained the business owners do not want to lose their signage. He is asking what is the characteristics Walled Lake is looking for. He said it is a way to embrace economic development for businesses. He said this is a good time to review the sign ordinance and make some amendments for the content neutrality.

Commissioner Palmer addressed his concerns about the electronic signs and areas for the planning consultant to consider. He said he wanted to make sure the TVs at the gas stations pumps are addressed because he is sick of looking at them. He said he can't hear anything because they are so loud and it is a nuisance. He said that is a live streaming television thing and he doesn't like them and doesn't think they should be allowed.

Commissioner Wolfson asked Commissioner Palmer why does he buy gas from those gas stations if it bothers him.

Planning Consultant Deem said he would look into his concerns, if the commission chooses to address the ordinance.

Chairman Malone asked the Planning Consultant to review Farmington Hills new sign ordinance. He said there are a lot more businesses that have lights framing windows more that is distracting.

ADMINISTRATIVE REPORT:

1. Code Enforcement Report October
2. Code Enforcement Report November

DISCUSSION:

COMMISSIONERS COMMENTS:

Commissioner Robertson wished everyone happy holidays and happy new year.


PC 12-05-16

ADJOURNMENT

Motion by Palmer, seconded by Robertson, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:21 p.m.



Chelsea Rodgers
Recording Secretary



Matt Malone
Chairperson