

“Not Approved”

**CITY OF AUBURN HILLS
PLANNING COMMISSION MEETING**

September 1, 2005

CALL TO ORDER: Chairperson Hurt-Mendyka called the meeting to order at 7:00 p.m.

ROLL CALL: Present. Beidoun, Doyle (arrived at 7:18 p.m.), Hurt-Mendyka, Hitchcock,
Luenberger, Ouellette, Verbeke
Absent. Kresnak, Pierce
Also Present. City Planner Cohen, TIFA Chair Bennett
Guests. 2

LOCATION: City Council Chambers, 1827 N. Squirrel Road, Auburn Hills, MI 48326

PERSON WISHING TO BE HEARD – none

PETITIONERS –

Silverman Mass Grading- Public Hearing

(Sidwell No. 14-04-151-005)

Ms. Hurt-Mendyka presented the request for approval of mass grading and tree removal for a site zoned B-2, General Business district. The property is generally located west of Joslyn Road, between I-75 and Great Lakes Crossing Drive.

Mr. Cohen noted:

- Steve Robinson, Silverman Development Company was present at the meeting.
- Public review has been triggered since more than 5 acres will be graded without a site plan and more than 10 regulated trees will be removed from the site.
- The Silverman Development Company proposes to move, grade, and level soil on 12.9 acres (60%) of the property. The applicant advises staff that the project will start around mid-September and take 4 weeks to complete.
- No soil will be removed from the site or brought in from other sites. Once grading is completed, the disturbed areas will be restored with a vegetative cover per the requirements of the Oakland County Drain Commission. As a condition of this permit, a water truck will be required to be on site at all times to address potential dust problems.
- 96 replacement trees will be required for the project. 12 trees are proposed to be planted back on the site this Fall per the plan. The remaining 84 trees will be replaced at a future date when the site is developed. A letter of credit with an evergreen clause for \$29,400 (84 trees x \$350) will be required prior to the start of work on the site.

The Commission's discussion yielded the following:

- Water drains from the north of the property off of I-75 through the center of the site.
- The final grade will be approximately 14 feet above the road.
- The site is being created as a pad for future development. It is zoned B-2 district.
- The wetlands were created when I-75 was constructed. Silverman plans to request MDEQ approval in the future to redirect stormwater from I-75 headed toward the center of the site to the eastern boundary.

Ms. Hurt-Mendyka opened and closed the public hearing at 7:38 p.m. since there were no comments from the audience.

Mr. Beidoun moved to recommend to City Council approval of the grading and tree removal permit for Silverman Mass Grading. The property is generally located west of Joslyn Road, Between I-75 and Great Lakes Crossing Drive on a site zoned B-2, General Business District. This is to include the discretionary findings of fact found in the review letters from all applicable City consultants and agencies.

Supported by Mr. Ouellette

**VOTE: Yes: Beidoun, Doyle, Hitchcock, Hurt-Mendyka, Luenberger, Ouellette, Verbeke
No: None**

Text Amendment to the Zoning Ordinance No. 372 – Public Hearing

Ms. Hurt-Mendyka presented the motion to recommend to City council approval of amendment to the Zoning Ordinance addressing standard of wireless communication facilities in Article IX.B-2, General Business Districts.

Mr. Cohen noted:

- Per the Planning Commission's direction, staff drafted a proposal to remove reference to the 6-story building height limitation for wireless communication facilities in the B-2 District. The proposed language will match the text in the T&R, I-1, I-2, and I-3 Districts.

B-2. GENERAL BUSINESS DISTRICT - SECTION 902. SPECIAL LAND USES PERMITTED

25. Wireless communication facilities in accordance with the standards and requirements listed in Section 1832. Wireless Communication Facilities, except for co-location applications which are subject to the administrative review provisions listed in Section 1832, Item K. ~~In the B-2 General Business District antennas shall only be allowed on buildings six (6) stories or more in height.~~

- Technology has progressed where wireless antennae can be architecturally integrated into a building's design and not be visible to the average observer. Antennae can also be placed on light poles, flag poles, signs, etc. via "stealth application.
- The proposal would allow the City Council to permit antennae to be placed on buildings shorter than six (6) stories in height via Special Land Use permit. When the ordinance was originally written, few in the industry envisioned wireless facilities being integrated into a building's facade because the technology used to be large and bulky.
- If adopted, the requirements for wireless antennae in B-2 District would match the requirements in the T&R, I-1, I-2, and I-3 Districts.

Ms. Hurt-Mendyka opened and closed the public hearing at 7:46 p.m. since there were no comments from the audience.

Ms. Doyle moved to recommend to City Council approval of the proposed text amendment to Section 902 in Zoning Ordinance No. 372 related to wireless communication facilities in the B-2 district.

Supported by Mr. Beidoun

**VOTE: Yes: Beidoun, Doyle, Hitchcock, Hurt-Mendyka, Luenberger, Ouellette, Verbeke
No: None**

Motion Carried (7-0)

Text Amendment to the Zoning Ordinance No. 372 – Public Hearing

Ms. Hurt-Mendyka presented the motion to recommend to City council approval of amendment to the Zoning Ordinance revising the standards for political signs in Section 1811.

Mr. Cohen noted:

- Staff has become aware that provisions of the City's zoning ordinance pertaining to political signs may unfairly restrict the rights of residents to express their views on public issues guaranteed by the First Amendment of the U.S. Constitution.
- The posting of signs displaying political messages regarding an election is a time-honored, traditional method of speaking. The courts have ruled that such signs are political speech under the First Amendment of the U.S. Constitution and entitled to the most scrupulous protection.
- After consultation with City Attorney Derk Beckerleg, staff recommends the following revisions to the City's political sign regulation related to public elections:
 - Remove restrictions on sign size, number of signs, and when signs can be installed prior to a public election on private property.

- o Increase time period for signs to be removed after an election from 7 to 14 days.

<u>Existing Regulation</u>	<u>Proposed Regulation</u>
Permit not required G. Political signs when pertaining to a public election, provided that such signs shall not exceed six (6) square feet in area when such signs are established by the owner or occupant of any premise, when there are no more than four (4) such signs placed on any parcel of land, and when such signs are not established sooner than thirty (30) days before, and removed not later than the first Monday after the election.	Permit not required G. Political signs when pertaining to a public election shall be located only on private property with the property owner's consent. Such signs shall be removed not later than fourteen (14) days after the election.

The Commission's discussion yielded the following:

- Desire to continue to regulate the size of political signs
- Increased time period for signs to be removed may not be necessary.

Ms. Hurt-Mendyka opened the public hearing at 8:26 p.m.

Mr. Bennett, resident and TIFA Chairman, does not agree with allowing large signs and feels seven days is a reasonable time to allow signs up after an election.

Public hearing was closed at 8:29 p.m.

Mr. Hitchcock moved to table this item to obtain clarification from Mr. Derk Berkerleg, City's legal counsel, regarding the time limit and size of signs until the meeting scheduled for September 22, 2005.

Supported by Ms. Verbeke

VOTE: Yes: Beidoun, Doyle, Hitchcock, Hurt-Mendyka, Luenberger, Ouellette, Verbeke

No: None

Motion Carried (7-0)

MINUTES

Ms. Verbeke moved to approve the minutes of August 18, 2005 with noted changes.

Supported by Ms. Doyle

VOTE: Yes: Beidoun, Doyle, Hitchcock, Hurt-Mendyka, Luenberger, Ouellette, Verbeke

No: None

Motion Carried (7-0)

OLD BUSINESS

Mr. Cohen stated he discussed the Allerton sidewalk request with Brian McBroom, Director of Community Development. Staff recommends the following:

- Conduct a public hearing on September 22nd inviting Allerton residents to focus on public comment on amending the City's Pathway Plan.
- Need to find funding for the pathway
- In the future, survey neighborhoods to investigate desire for sidewalks and pathways

NEW BUSINESS

Ms. Verbeke asked if it possible to change the ordinance from 6 am to 7 am picking up trash as she feels it is too early.

The Commission's discussion yielded the following:

- No consensus to change the rules
- Drivers pick up before traffic gets heavy on the roads

- Trash pick-up is not a city service
- Multiple trash haulers operate in the City
- Trash haulers often start early to avoid the heat of the day

COMMUNICATIONS

Mr. Cohen advised the Commissioners that he has invited Recreation Director Brian Marzolf to the next meeting to discuss updates such as the funding from a private developer to install a pathway along Galloway Creek from Squirrel to Bald Mountain Road.

ANNOUNCEMENT OF NEXT MEETING - The next scheduled meeting is September 22, 2005.

ADJOURNMENT

There being no objections the meeting was adjourned at 9:05 p.m.

Jeanne Tyler
Clerk III