

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL STUDY SESSION MEETING
CITY HALL – COMMUNITY ROOM
NOVEMBER 28, 2016 – 6:00PM

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Massey at 6:00pm.

Council Members Present: Bridges, Bruce, Knol, Lerner, Massey, Rich and Steckloff

Council Members Absent: None

Others Present: City Manager Boyer, City Clerk Smith, Assistant City Manager Mekjian, Director Gardiner, City Attorney Joppich and Planning Consultant Arroyo

DISCUSSION ON PROPOSED AMENDMENT TO CONSENT JUDGEMENT (13 MILE/INKSTER PROPERTY)

Director of Planning and Community Development Gardiner explained that in 2009 the City had entered into a consent judgment for the property located at the southwest corner of Inkster and 13 Mile Roads that allowed for a development of 7 detached homes with access off 13 Mile Road. He noted that the proposed development at that time was never built and the site is still vacant. The owner has now entered into an Agreement with Robertson Brothers Homes to develop the site. Mr. Gardiner stated that Jim Clarke, representing Robertson Brothers Homes, is here this evening to discuss their proposed development that would require an amendment to the existing consent judgement.

City Manager Boyer added that staff has met with Mr. Clarke on numerous occasions to discuss his proposed revisions to the plan.

Mr. Clarke clarified that Robertson Brothers Homes did not purchase the property but has an agreement with the owner to develop the property. He stated that his company feels that there is an unmet need in this area for age-targeted, ranch-style homes that they are proposing for this site. He showed a drawing of the proposed development explaining that they would like to cluster the homes, which he feels the city is agreeable with, but is not allowed under the existing consent judgment. He stated that they spent a considerable amount of time trying to get access off of Wellington and had contacted the adjacent homeowner and obtained an easement; however, they did not contact the Homeowner's Association and ultimately representatives of the Association indicated that they were opposed to any access off Wellington. Access off of Inkster was considered but was not favored by the City. The only remaining option was access off of 13 Mile Road.

Mr. Clarke explained that the request to cluster the units would provide for a greater buffer from the development to adjacent homes. He noted that they are also requesting an 8th unit within their development and the existing consent judgment allows for 7 units. He explained that the open area would be preserved. He stated that he had met with the residents who were conceptually in favor of the plan.

Mr. Clarke also stated that the current consent judgement asks for 150% of the project to be bonded and he felt that this is not necessary for improvements that have already been made and that this clause was perhaps included due to the economy at that time.

City Manager Boyer asked the price point for the proposed homes. Mr. Clarke responded that they would be asking between \$600,000-\$800,000. He further explained that the homes would be between 2,800-3,300 square feet and would be ranch-style or a story ½ homes.

Councilmember Bridges inquired if Mr. Clarke spoke with the homeowners association and if there would be deviation from the RA-1 requirements. Mr. Clarke responded that they have spoken to representatives of the homeowners association and they are in favor of the 13 Mile Road access. He stated that they would be asking for some latitude on the RA-1 setback requirements in certain areas but will far exceed the requirements in other areas.

Councilmember Rich inquired how long houses at this price point have remained on the market. City Manager Boyer pointed out a similar development along 14 Mile Road that has homes exceeding that price range and he believes they are fully occupied.

Mr. Clarke added that they would also be interested in gating the community if the access is off of 13 Mile Road.

Councilmember Lerner questioned why the entrance would not be off Wellington.

Mayor Massey and City Manager Boyer both pointed out that, from comments heard, the residents were strongly opposed to access off of Wellington.

Councilmember Lerner inquired about including a time-line for development since the last development was never done.

Attorney Joppich responded that this is an option, but it would need to be evaluated by the City and discussed with the developer under the consent judgment terms.

Councilmember Bruce felt that if an extra unit were added that perhaps access off Wellington may be a better option.

Mr. Boyer stated that the residents were concerned with the traffic from this development going through their subdivision if access were off of Wellington.

Mr. Clarke added that the residents refused to meet with him if the proposal included access off of Wellington.

Mayor Pro-Tem Knol inquired about the sewer being provided by Franklin and if that proposed an issue. Attorney Joppich stated that the consent judgment provides for an intergovernmental agreement for sewer to be provided to this development by Franklin and typically such an agreement remains in place unless there is a breach.

Mayor Massey stated that this matter is before us to provide input on the proposed plan and determine if Council feels it is reasonable to warrant the City Attorney preparing an amendment to the consent judgment for Council's consideration at a regular meeting.

Considerable discussion was held on access to the site, and it was observed that the majority of Council appeared to prefer access from Wellington.

Councilmember Rich did not like the idea of 13 Mile access or a gate.

Mayor Pro-Tem Knol commented that while she would prefer access from Wellington, she did not want to delay the project to try and pursue that option with the residents and lose out on this development. Councilmember Steckloff concurred.

Mr. Clarke indicated that his preference was always Wellington and if the City would be willing to assist in arranging a meeting with the residents and let the residents know that this was also the preference of Council, he would be willing to discuss that option with them. To this point, the residents have refused to meet with him if the plan included access from Wellington, which is why he has proposed access from 13 Mile Road.

City Manager Boyer indicated that staff could ask the Homeowner's Association about meeting with the developer.

UPDATE ON MEDICAL MARIHUANA

Attorney Joppich provided some background on the issue of medical marihuana under the Michigan Medical Marihuana Act enacted in 2008, and discussed how the City ultimately adopted an amendment to the zoning ordinance to address medical marihuana. He explained that in September, 2016, Governor Snyder signed into law a package of three Bills expanding the statewide regulations including an amendment to Michigan Medical Marihuana Act and established licensing and tracking systems.

Attorney Joppich reviewed various sections of the new laws. He explained that they would prohibit medical marihuana facilities within local units of government unless the local unit of government adopted an ordinance to regulate them in their community; and the laws also limited growing operations to specific zoning districts. He noted that the laws take effect December 20, 2016; however, a state license could not be applied for until December 15, 2017.

Attorney Joppich mentioned that the amendment to the Michigan Medical Marihuana Act did not change the provisions for caregivers and their patients as they pertain to the City ordinance.

Rod Arroyo, Planning Consultant noted that a key decision for local government was to decide whether or not they wanted to regulate marihuana facilities that included growers, processors, provisioning centers, secure transporters and safety compliance factors. He stated that the city was not required to adopt an ordinance to regulate any of the facilities; but if they chose to, they could regulate one or more types of these facilities.

Mayor Massey requested that Council receive a definition for each type of facility.

City Manager Boyer inquired if the City could adopt an ordinance at a later date or if that had to be done prior to the time frames noted by Attorney Joppich.

Mr. Arroyo responded that the City could adopt an ordinance at any time.

Councilmember Lerner requested crime statistics with regard to growing operations in Farmington Hills or other communities.

Councilmember Steckloff requested that the statistics provided differentiate between home-grow operations and dispensaries.

Mayor Massey also requested from staff a list of potential questions that they should consider in determining whether or not to adopt an ordinance and what that ordinance should include.

ADJOURNMENT:

The study session meeting adjourned at 7:21pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Smith', with a stylized flourish at the end.

Pamela B. Smith, City Clerk