

CITY OF HUNTINGTON WOODS  
REGULAR MEETING OF THE CITY COMMISSION  
MINUTES

**November 22, 2021**

7:00 p.m.

In Person Meeting – Huntington Woods Commission Room

Commissioner Mike Wright called the Meeting to order at 7:02 p.m.

**PRESENT:** Gail Linden, Mike Wright, Rick Polan, Chris Golembiewski, Sheldon Kohn, Commissioner Jules Olsman

**ABSENT:** Blake Moore (excused), Todd Sperl (Excused), Jill Ingber (Excused)

City Staff Present: Zoning Administrator, Hank Berry.

**APPROVAL OF AGENDA**

**Moved by Chris Golembiewski and seconded by Gail Linden to approve the November 22, 2021, agenda.**

**APPROVAL OF MINUTES**

Gail Linden: Requested a correction in attendance listed in the minutes of the October 25, 2021 Planning Commission Minutes.

Hank Berry: Said the correction would be made.

**Chris Golembiewski: Motion to approve as amended. Jules Olsman seconded the motion.**

**Ayes: Gail Linden, Mike Wright, Rick Polan, Chris Golembiewski, Sheldon Kohn, Jules Olsman**

**Nays: None**

**Absent: Moore (excused), Sperl (excused), Ingber (excused)**

**The Motion Carried.**

**AGENDA ITEMS:**

**Matter of a site plan review for the Cook Residence 10844 Talbot for an addition**

Commissioner Wright called for review of the site plan for 10844 Talbot.

Berry stated that although Mr. Cook is in attendance, Mr. Cook would like him to go through his presentation first, and he will add information as needed. The plan had somewhat previously been presented in 2019. The homeowner and his wife were looking to add a more substantial addition to their home, and were approved for it. Due to COVID-19 and material shortages, Mr. Cook is back with a smaller addition. There are some changes that needed to come before the planning commission, but the plan overall is not out of character from what was previously presented and approved by the commission, nor is it out of character for houses with a similar design style.

**Berry:** A plan by John Sarkesian was presented to the commission for site plan approval of 10844 Talbot. The zoning is R1D, and the property does contain one lot, 50 X 125, or 6250 sq. ft. The maximum height permitted is 30 feet, what is proposed is 21.67 feet, there is no change from what currently exists. The front yard proposed is 25.2 feet, what's required is 25 feet. The side yards required is a minimum of 5, total of 14. What is proposed is 6.9 yards on one side, 13.2 on the other side, 20.1 total. The rear yard required is 30 feet, and proposed is 51.1 feet – which leaves a substantial amount of room left in the backyard. The lot coverage is at 30% would be allowed at 1875 sq. ft. and they are proposing 28.2% coverage at 1761 sq. ft. The Maximum house permitted on a lot of this size is 2521 sq. ft. and what is proposed is 1643 sq. ft. so they are under the maximum house size. The lot is consistent with the size of the neighboring lots, each 50 X 125. Houses on either side are 1164 sq. ft. to the east, and 1178 sq. ft. to the west. At 1643 they are not out of character for the neighborhood.

Hank explained the site plan as presented visually to the commission. He then opened the floor for commissioner questions, or comments by Mr. Cook.

No questions from the commission.

**The Chair opened the discussion for public participation. Seeing no one wishing to participate the chair closed Public Participation.**

**Motion to approve plans as presented:**

**Moved by Chris Golembiewski and seconded by Gail Linden to approve the Site Plan for the Cook Residence at 10844 Talbot as presented.**

**Ayes: Gail Linden, Mike Wright, Rick Polan, Chris Golembiewski, Sheldon Kohn, Jules Olsman**

**Nays: None**

**Absent: Moore (excused), Sperl (excused), Ingber (excused)**

**The Motion Carried.**

**Master Plan Discussion – CIB Planning**

CIB planning is working with MKSK (the Master Plan consultant) and they handled their economic development strategy portion of this project. There are different components to the plan; There is the DEI plan, there will be the economic development strategy. They looked at this from a different standpoint, and this is where CIB Shines.

Eric, from CIB Planning, was there to talk about what their findings were, what some strategies may be, and where they might want to go moving forward.

**Berry** introduced CIB Planning Representative, Eric who is filling in for a colleague who was unable to attend the meeting.

**Eric** credited the majority of the figures to MKSK as the authors of the information presented.

There are three demographics that were looked at in regard to the plan; the first one was that Huntington Woods has a very stable population that is projected to maintain itself within the next ten years. Next is the lack of racial/ethnic diversity as compared to the rest of metro Detroit, and Oakland County. Lastly, is the aging population. The biggest takeaway is that compared to other communities, Huntington Woods has very high income, and a high level of education. There is not a lot of room for new development, so any development that would come would need to occur on existing properties. The survey indicated that there is some interest for some more diverse housing in the city – including but not limited to: townhomes, and senior living. The survey also included information about the commercial corridor in Huntington Woods. Top choices for all three corridors were Restaurants, Retail and Mixed-Use. The majority of the responses about the city campus indicated no change in the current location of city buildings.

#### **Suggestions for Woodward Ave:**

Mixed-use buildings: ground floor commercial, upper floors residential, offices, and/or institutional. Includes screened, covered parking with a side street entrance, small storefronts for local businesses, outdoor dining, consistent street frontage, up to date and appealing landscaping, and a walkable environment.

Three phases are recommended in this process. The first phase is streetscape improvements. This includes parallel parking, widening the sidewalk, putting a landscape buffer between travel lanes and parking, and improved access points. Phase 2 is façade improvements. This includes a parking lot, a bike parking lot. The third phase, is infill development. Some of the materials may come from MDOT, so the phases might not be in that order, but they are three stages that need to happen.

#### **Suggestions for Coolidge:**

Phase 1: Street Scape improvements and access management

Phase 2: Infill Development (Townhomes indicated where the Chase ATM is)

#### **Primary Implementation Tools:**

Traditional Commercial Lender

Private Equity

Philanthropy

Federal/State Grant/Loan

Tax Credits – LIHTC/New Market/Historic Preservation

#### **Tools Best Suited for Huntington Woods**

Commercial Rehabilitation Act – 210 of 2005  
Brownfield Act 381  
Public Private Partnership  
Community Revitalization Program (MEDC)  
Oakland County Main Street and Economic Development  
Eric further explained the Commercial Rehabilitation Act – 210, Public Private Partnerships, and MDEC.

**Berry:** Asked Chairman Wright if he could go back through some parts of the proposed plan and add some more to the explanation. An area of note is the city campus area and that the plan may require moving some city facilities. It is not a high probability aspect of the plan. Woodward is in desperate need of a facelift. The team has been in conversation with MDOT as they own the property on Woodward. It's entirely privately owned or owned by MDOT. There was a meeting with the Woodward business owners. There is a need to get the private sector to buy into the plan and development. An idea is to expand our Zoning regulation to have a 4 story development. From a city standpoint, we want to make sure that we are going to be inviting to new development. Anything we do in this area has to be approved by MDOT, however they are not offering any payment for these improvements. Berry explained the phases in more depth of the plan, and why things are suggested the way they are. He then further explains the Coolidge Plan in more depth. He states that Chase Bank is flexible to moving, but they want to maintain both locations, as they are both very busy. The draft for the plan will be available for review at the December 6<sup>th</sup>, 2021 meeting held at the recreation center. The public are encouraged to attend and contribute.

**Kohn:** I don't understand where the pieces fall between MKSK and CIB.

**Eric:** We work with the financial aspect of master plan, city building.

**Kohn:** I see where the city was wanting to help push alternative funding opportunities, and not have the zoning get in the way of the plan.

Kohn asked for further clarification on the MDOT owned properties. He raised concern for the parking availability for the Woodward Properties – more space (4<sup>th</sup> Floor) = more parking needed.

**Berry** stated that developers prefer 4-5 story buildings because the cost of elevators is so high and there's more profit in more square footage making some amenities and requirements easier to absorb. He also stated that parking is able to go underground as well. The city is able to make zoning changes in order to entice developers to want to build developments in these areas.

**Linden:** How do we get input from other people other than Brodsky?

**Berry:** Every single business received a notice about the meeting in July, but Brodsky was the only one that showed up to the meeting. The plan is to lay the ground work and the framework for the plan. They want to put another ATM in the parking lot at the

Woodward Chase location. The smaller retails, Oakland County Mainstreet program, can help them with this plan.

We are looking to put the strategy forward. In order to make this successful, we need to lump some of the smaller buildings together, in order to build an interesting development. Perhaps the business owners on Woodward may be more interested in these opportunities. The Commercial Rehabilitation Act (CRA) works better with larger parcels. That doesn't mean we can't put a couple three parcels together and market it as that. Once people start to see what happens on Woodward, and pretty soon people gain more interest, and then it ultimately attracts tenants, developers, and clientele.

### **Public Participation:**

**Hal Stack, 13108 Talbot Ave:** I have some questions and comments are about process. I think we all agree that all effective plans have measurable goals, SMART objectives, metrics that can measure progress, and that are routinely reviewed and evaluated. To be honest, I don't see that in the Huntington Woods Planning Process. Many of the goals are wonderful ideas, but not very measurable or results oriented. An example is, when I looked at the document of evaluating the last plan is the wonderful objectives/goals, maintain the city's stock of smaller single detached houses. I'm not sure what that means. I don't know what size that is, what data you have and how you can use that moving forward. It seems like a general, vague statement that has almost no meaning, and no way to measure. Unfortunately there are many of these in the plan. In the evaluation of the plan, it said unexecuted or refresh, ongoing – not terribly helpful. I hope in the plan that is being developed that we will actually follow best practice in terms of planning, where we have measurable goals, metrics, and that you, as the committee, and ultimately the city commission would periodically review where we are on the plan. Just as a quick question, has the planning committee routinely reviewed the master plan on an annual basis?

**Berry:** Asked the chair for permission to answer question and said the plan is required to be reviewed for revision every five years. At ten years, it is typical that a new plan is redone, which is where we're at right now. It is reviewed every 5 years, as required by the state. Every year there is an evaluation of what has been accomplished that goes to the city commission in a report.

**Stack:** It is not surprising that when you look at the results, almost nothing got done. Including parts of this plan, that are probably influenced by the Marijuana shop on 11 Mile Rd. Are we going to have real plans, or not? How can we make this more available and transparent to the citizens? I read in your notes from one of your earlier meetings that there is a website that people can go to, see the process, see various products coming out of that – I cannot find that website on the city website. Can you tell me where that is by chance?

**Berry:** I would be happy to show you after the meeting. It is linked to an exterior webpage off of our website. It is called HW Master Plan. The site is controlled by MKSK, which is the planner that the city has hired to help complete this process. He

said he was unsure what Mr. Stack meant by real plans. He said as far as transparency the meetings are all televised and promoted and the public participation is encouraged so he did not understand what Mr. Stack felt was not transparent.

**Stack:** I assume you're referring to the 2014-2015 Master Plan Website, but there is nothing on there about the process. It doesn't have, for example, the master plan evaluation, the city did an energy planning process from 2019 – has that been evaluated, how is that going? The question that I am raising is, can we make what we're doing available to the citizens? Why isn't the energy plan available on the city website? Why isn't the survey master plan evaluation available on the city website? Very disappointing. Thank you.

**Ordinance Issues:**

**Ordinance Revision:** *Matter of Public Hearing to Amend the Code of Ordinance for the City of Huntington Woods Chapter 40, Article 5 – Marihuana*

**Berry:** As laws change, frequently, we must change and adapt our ordinances to coincide with the laws. He then explained what is being added, and removed from the ordinance.

**Berry:** The biggest thing we can do with this is that the business of the building, the residents, the house, the home, are not subject to absent owner grow houses. By doing this, the house will have to be occupied – someone has to live there. By doing that, it is less attractive to people wanting to buy real estate for the purpose of a grow house without residence. We stay on top of our Marihuana ordinance. If there is a motion, it is to recommend to the city commission to review the ordinance and to vote on it. It has been reviewed by the HW public safety department, it has been reviewed and recommended by our city attorney. Having said that, Mr. Chair that is it. The ordinance has been available online.

**Wright:** Opened the floor for public participation. Hearing none, public participation is closed. Any comments from the commission?

**Linden:** I take it we haven't gotten any written correspondence by anything that has been posted online about this matter, or it would be on our desks?

**Berry:** You are correct, we had two phone calls that were inquiring if we were opting back in – both calls were from people wanting to open marihuana establishments within city limits.

**Kohn:** I have some lawyer type questions. I don't know how much of this out of statute, or out of a case, or multiple cases. Principal residence?

**Berry:** That just means the owner has to actually live there, and that is the purpose behind it. He pointed out that this ordinance provision has been used successfully in other communities and that Carol Rosati, the City Attorney has reviewed it.

**Kohn:** What is the remedy here? Is it a civil violation, criminal violation, whatever?

**Berry:** It would be at a minimum, civil infractions, depending on the violation it may be criminal.

**Kohn:** My question is at one point, does it become a nuisance?

**Berry:** Public Nuisance is listed in another part of this ordinance.

**Kohn:** There's a couple dimensions here from structures and parks I assume those are numbers that are protected by statutes

**Berry:** These are numbers that came out of our last ordinance and proposed originally by the City Attorney.

**Linden:** Did they come from the state? Or a previous ordinance?

**Berry:** They came from a previous ordinance, which was influenced by the state. The original Marijuana ordinance was written by Rosati, Schultz.

**Kohn:** You can't exclude lawful use. It seems to me that normal use does not require the same equipment and chemicals that medical use does. So it seems to me that medical use is not the correct term to use here.

**Berry:** Assuming this passes on to the city commission, I will have that information available for the commission.

**Kohn:** I'm questioning the last two words, they don't make sense to me.

**Berry:** If we take marijuana out at the end it may make more sense, I will ask the same question of the City Attorney for you.

**Kohn:** a qualified caregiver cannot be a user

**Linden:** The person coming to buy it cannot test it out, or smoke it at the place it is being purchased at.

**Kohn:** Are those mutually exclusive – a qualified patient and a primary caregiver?

**Hank:** yes

**Kohn:** They can be a qualifying patient but they cannot use the product.

**Berry:** So a qualifying patient comes to a primary caregiver's establishment. The primary caregiver can sell and convey to the qualifying patient marijuana. The qualifying patient cannot sit at the primary caregiver's establishment and smoke.

**Kohn:** So they cannot use it at the same time that a qualified patient is there?

**Linden:** If you were a qualified patient and a primary caregiver you could get it for yourself.

**Berry:** I guess I am not seeing the issue, but I am happy to ask the question for you

**Kohn:** You could theoretically be a caregiver and not a patient.

**Berry:** What it is saying is that you cannot consume there.

**Kohn:** Is a garage an accessory building?

**Berry:** It is.

**Kohn:** Can they grow in an accessory building? Assuming there is a lock to secure it. Or does it have to be in the primary residence?

**Berry:** It has to be inside the primary residence. We do not allow home occupations in accessory buildings.

**Berry:** Home occupations cannot take up over 25% of the primary residence.

**Kohn:** On page 8, 5.03B is specifically for marijuana.

**Berry:** I think they are addressing it in this way because this is the ordinance goes through –

**Kohn:** --5.03C talks about other than medical marijuana.

**Berry:** What you're looking at is you're going to find home occupations outlined in 5.03B beyond the limits for home occupations. Uses that are prohibited are anything that can cause a fire. If you put heat lamps in your whole hallway, that is not an issue that is going to cause a fire as long as it is up to code. If there is a specific question you would like me to ask the city attorney, I would be happy to do so.

**Kohn:** By definition, that limitation that is in that phrase only applies to – permitted under 5.03B

**Berry:** What is the question you would like me to ask the city attorney?

**Kohn:** I don't know what that 5.03B refers to, I know the reference but I don't know what it encompasses in businesses that are prohibited.



**Berry:** I can get that answered for you, and email the answers to you.

**Kohn:** Under 14 there is a similar issue because those seem to be cumulative. It seems to me that the only special use that is being permitted under 14A is marihuana home occupation. That is the way I am reading that revision.

**Berry:** I would suggest to you that is not what it is. But I am certainly happy to have the city attorney look it over for you. If you decide to push this on to the city commission to vote on, the information you have requested will be made available there. If you decide to table it for another meeting, at that point in time that information will come back to you before going to the city commission.

**Polan:** Page 3, where it is talking about the kinds of lighting. 11:00pm-6:00am – is that standard or can that be restricted more?

**Berry:** At night you cannot have abnormal residential lighting. If it is done that the light would need to be on 11-6 – any access the light has to the outside needs to be blocked off so it is not obtrusive during 11-6.

**Polan:** Where did 11-6 come from?

**Berry:** It is modeled after a reasonable number where the light might be most obtrusive to people.

**Polan:** Can It be changed 10:00pm-7:00am?

**Berry:** I can ask the city attorney if 10 is reasonable, or where this time frame is pulled from. But the point is that it would have to be blocked off and not be obtrusive at night. It won't be seen anyway.

**Motion to table the Ordinance Revision to the next meeting:**

**Moved by Gail Linden, seconded by Sheldon Kohn**

**Ayes: Golembiewski, Kohn, Linden, Polan, Wright, Olsman**

**Nays: None**

**Absent: Moore (excused), Sperl (excused), Ingber (excused)**

**The Motion Carried.**

**Ordinance Revision:** *Matter of Public Hearing to Amend the Code of Ordinances for the City of Huntington Woods Chapter 40, Article 6*

**Berry:** We are looking to clean up this ordinance a little bit. What happened is that the height and area regulations portion in which air conditioners and power generators are regulated has become an issue – in the building code you can't have the generators within 5 feet of an openable window. As a result, the first strikeout line says

not more than 3 feet of the related dwelling or principal building which would preclude a lot of places because you need the neighbors permission to put a generator in a side yard. You can't have a power generator as of the ordinance right now. Now we're finding a lot of people would like to put them out by their garage. The intent of this ordinance was not to exclude people from having a power generator. The portion is stricken so that you can have it not more than 3 feet of the principle building. This would correct the problems we have been experiencing with this. 4 is proposed and the language change, the city manager or his designee, and designee is being added because if the city manager is not in the permits have to wait. The city manager is asking questions of other employees, to see what is allowed per code and ordinance. It allows delegation of responsibilities to more than just the city manager. If the city manager is gone for two weeks, no one is getting a permit.

**Wright:** Any discussion on this?

**Polan:** Hank can you verify if the language of air conditioner, power generator, refrigeration or cooling equipment could be updated to list mechanical equipment in full?

**Berry:** Heating equipment falls in line with refrigeration and cooling. It does not include pool equipment. Pool equipment is a different animal.

**Polan:** Could you put pool equipment anywhere you want?

Berry: It is controlled by other ordinances.

**Motion to recommend the Ordinance Revision to the City Commission:**

**Moved by Sheldon Kohn, seconded by Gail Linden**

**Ayes: Golembiewski, Kohn, Linden, Polan, Wright**

**Nays: None**

**Absent: Moore (excused), Sperl (excused), Ingber (excused)**

**Election for Service for Next Year:**

Berry: Every year we have a rotating city commission member who is assigned to the planning commission as a full voting member. Assuming they appoint before our next Planning Commission Meeting – this is Mr. Olsman's last opportunity to be with us. I'd like to thank him for his service and attention he has given the Planning Commission over the year. The next appointee is unknown to us at this time.

**Election of Officers:**

- A. Chairperson
- B. Vice Chairperson
- C. ZBA Liaison

The ZBA Liaison does not have to be the Chair or the Vice Chair.

Wright: Looking for nominations for Chair.

**Motion to nominate Mike Wright for Chair:**

**Moved by Olsman, seconded by Kohn**

**Ayes: Golembiewski, Kohn, Linden, Polan, Wright, Olsman**

**Nays: None**

Wright: Looking for nominations for Vice Chair

**Motion to nominate Rick Polan for Vice Chair:**

**Moved by Gail Linden seconded by Jules Olsman**

**Ayes: Golembiewski, Kohn, Linden, Polan, Wright, Olsman**

**Nays: None**

Wright: I have been the ZBA Liaison for the last two years. I am happy to do it again, or I am happy to give it up to someone else.

Wright: Looking for nominations for ZBA Liaison

**Motion to nominate Mike Wright for ZBA Liaison:**

**Moved by Jules Olsman seconded by Sheldon Kohn**

**Ayes: Golembiewski, Kohn, Linden, Polan, Wright, Olsman**

**Nays: None**

**OTHER BUSINESS:**

None

**ADJOURNMENT:**

**Moved by Chris Golembiewski and seconded by Jules Olsman to adjourn the Planning Commission meeting.**

**Ayes: Golembiewski, Kohn, Linden, Polan, Wright, Olsman**

**Nays: None**

**Absent: Moore (excused), Sperl (excused), Ingber (excused)**

**The Motion Carried, meeting adjourned at 8:31 pm.**

Submitted

Amy Berry - Recorder