

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
May 10, 2021

Chairperson Majoros called the Meeting to order via Zoom remote technology at 7:01 p.m. on Monday, May 10, 2021.

ROLL CALL

Present: Crutcher, Kmetzo, Majoros, Mantey, Perrot, Waun, Westendorf
Absent: None
A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen, Recording Secretary Murphy, Brian Golden, Director of Media Services.

APPROVAL OF AGENDA

MOTION by Crutcher, supported by Perrot, to approve the agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. April 12, 2021 Minutes

MOTION by Perrot, seconded by Crutcher, to approve the items on the Consent Agenda.
Motion carried, all ayes.

SITE PLAN REVIEW – PROPOSED BUILDING ADDITION, MI.MOSA RESTAURANT, 23360 FARMINGTON ROAD

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a review of a proposed building addition for the existing MI.Mosa Restaurant. The proposed building addition is intended to be located in the rear of the existing restaurant covering, enclosing, the existing rear on site outdoor seating area. At their May 6, 2021 meeting, the Downtown Development Authority Design Committee reviewed and recommended the proposed building addition for MI.Mosa to the Planning Commission in accordance with the submitted plans. And that's what you see before you on the screen that's also in your meeting packet. No changes regarding building dimensions or to the exterior of the existing restaurant building or other site improvements are proposed at this time. Again, the Applicant has submitted plans as you see on the screen right now for the proposed building addition, including a proposed site plan, proposed building elevation, and detailed elevation and plan views. The Applicant is, I believe, in attendance at this meeting this evening to review the proposed building addition with the Commission and the architect representing the owner may also

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be on the meeting this evening as well. So, I would have to check, I don't see that screen right now, and I'd defer back to you, Mr. Chairman, for that, to confirm that and potentially then have an opportunity for the Applicant and the Applicant's representative to make presentation and to present information to you. With that, what is also attached with your staff packet in addition to the report is the application that was filed on behalf of the owner of the property for this site plan, also a copy of the minutes, meeting notes from the May 6th DDA Design Committee. And if you've had an opportunity to look at those, you will see their review and their comments and their recommendations in their meeting minutes to you. The site plan consists of two pages, this first one up on screen right now is what is referred to as the MI.Mosa awning, and it shows the elevations proposed north, south and east elevations, so three sides of the proposed addition. It also shows an enlarged proposed site plan area and then shows the site plan in relationship to the existing restaurant building, the rear outdoor seating area to the east, and then from that is the Downtown Farmington Center parking area. Quickly, if you look on those elevations, what you see is a canopy type structure that is proposed to be mounted to the façade of the building, will extend to the east spanning the outdoor seating area as it exists today, covering it in its entirety and that eastern end of the wedge shaped awning, that point is supported by stanchions or posts. And you'll note that it is a metal frame type structure underneath that awning, metal frame type skeleton, now you can see that, that then supports that awning will be required to be anchored into the grade, into the ground with a footing, and then there are sides on the north and south and then also on the east, three sides, that will be down to grade that have windows and there is a storm door, you can see that on what is referred to as the front elevation, that's the east elevation. The material is a very durable fabric type material, an awning fabric type material on the awning, and fabric type material with plastic windows and then a storm door. And that detail is shown on this second drawing as part of the site plan packet. You'll note that the color scheme as identified here is intended to be black in color. A couple questions from the Design Committee, they wanted to know if the awning also was black, we did not find that in the plan, but we assumed that, the black sides with the black awning, but that needs to be confirmed. Also, too, they want to know about the support structure, if the metal framing, if it was going to be a dark material as well. So when the sides are retracted or rolled up into the awning to open it up during a good weather period, if that framing was going to be dark colored frame material as well. So, those are a couple questions that the DDA Design Committee had. The other question the Design Committee had was when those sides are retracted, rolled up, currently that outdoor seating area from MI.Mosa to the rear is defined. There is a structure, kind of a fence and pier type structure that exists around the perimeter, defining that area. The DDA Design Committee wanted to know what the status of that was to be and if it's going to be removed, if there's going to be anything else in its place to when those sides are retracted and rolled up to define that area, more than just the awning and the support structure. So, those are the questions that they had, Mr. Chair, that's what's proposed this evening before you. One thing also of note, this structure which is intended to be a

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permanent structure with this material type and this configuration, this design, also has requirements with respect to Building Code. So, it will have to, if approved, comply with the 2015 Michigan Building Code in order to be constructed.

Chairperson Majoros asked if there was a representative of the company in the audience today and Jacob Khalil stated he is present.

Majoros stated at this time it would be appropriate to have the Petitioner come forward and provide any context, I know I've got a couple questions, I'm sure others do as well. But if you'd like to come forward and state your name and address of the business and provide an overview of your proposal and then we'll have dialogue from there.

Jacob Khalil stated the sides are going to have plastic, clear plastic in the see through, with a perimeter of black to match the awning itself. The metallic beams that will be coming out of it will be dark metal as well. We wanted it all to look and fit with the building itself. And for the fencing around the area, we had no plans to remove it, we wanted to incorporate it as part of the show and the stage for the restaurant so when the sides come up, they'll feel like they're in an outdoor feeling and face the barrier and perimeter of the patio.

Majoros stated he has a couple structural questions, and they may be ones that others have as well. Are the stanchions that kind of frame the building, do you have a sense how wide they are; are they like two-inch, are they like six-inches, what size?

Khalil stated it should be in the plans, I think.

Christiansen stated if you look on the second page, look where the yellow stanchions, the concrete attachment detail is right there. You can see that and you can see the footing detail, the plate, the anchors, the stud anchors, the size right there, 4-inch, 4-inch.

Majoros said so the door is prominent and the only part that rolls up then is whereas you look at the top, but the existing building I'm assuming in the orange, the three sides are the part that roll up and that door is a permanent door, is that correct? Khalil replied correct. Majoros said and there's a door on both sides and Khalil replied yes, there will be a second door to enter the building.

Majoros stated so the two doors will be on the north and south side coming in and Crutcher said actually it's on the east side and the south side.

Majoros said I just wanted to make sure we were clear. He then opened the floor up for questions from the Commissioners.

Crutcher said I have a question regarding the door. He mentioned the doors are going to be I guess in this case permanent, and they're noted here as being storm doors, so during good weather you're not going to have to take the doors off, the doors will be there all the time? That's a question for the Applicant.

Khalil replied yes, yes, the door will be there permanently as well.

Crutcher asked if Christiansen saw anything different and Christiansen replied is what had happened is the door that's on the east side, because it's a storm type door, will be at that opening and as Mr. Khalil indicated that existing perimeter fencing pier structure will still be there and so that's where the opening is right now as it is, so that opening will remain, so that door will, yes, be a permanent structure to allow people to ingress and egress at that point only. The second access point is directly adjacent to the building, and on the second site plan page you can see that on the south side of the southwest corner of the addition, and that will be permanent, those two points.

Crutcher asked with the intent that during the good weather when the sides are all open, are you just going to have that door held open or is it going to be opening and closing as well even though the sides are open.

Christiansen replied it would be my belief, Mr. Crutcher, that that would be opening and closing since it is the means of the ingress and egress from the rear. But that one on the east side, that will be the case with that one. You'd have to go ahead and remove it from its support structures if you wanted to take it out, which is possible, too.

Crutcher said not necessarily take it out but just having it held open during good weather when people are coming and going and Christiansen replied you could do that, of course, make it that way.

Majoros said historically speaking, we could have that east side entry door, for the west side and the right side you could have everything rolled up and it's open when you have this odd looking kind of door just kind of sitting there in the wide opening. It's just odd is what I would say, esthetically. You have a storm door in the middle of nowhere, so that's a little dubious to me.

Khalil replied I don't think it would be quite in the middle of nowhere because of the existing railing that's there, you're right, it would be a weird spot.

Majoros said just to use another Farmington business as an example, where the Farmington Brewing has a railing and it's a nice summer day and you're going in the

Farmington Brewery and there's a storm door at the entry point. It would replicate that design which to me is dubious. Majoros asked Crutcher if he had any further questions and Crutcher replied that was his concern, that it's noted as a storm door and I'm just concerned about the appearance of it relative to the rest of the building and the parking lot, with that not being a true entry door but really just almost a temporary door, and the concern about having the sides coming up and down. Now, this is intended to be a permanent structure, so this is going to be in the summertime that's fine when the sides are up, and are you going to put the sides down in the summertime when there's rain or something or will the sides be coming up and down seasonally?

Khalil replied we were going to gauge it based on weather. I mean if it's windy and no one cares that rain is blowing in, then yeah, we'll probably keep the sides up. But for the most part we want people just to have some shade, you know, we're breaking umbrellas like crazy, so we just thought this would be a nice area to just relax and have some food and drinks.

Crutcher asked and then in the wintertime the sides would just stay down and Khalil replied it would stay down and then we'll try to figure out how to heat it a little bit and keep them warm. Crutcher said that would be my next question: how do you plan to heat it and Khalil replied I haven't gotten that far yet, first I wanted to see that I got approved for the construction and then we'll go back to Code for any heating elements that we decide that we want to put into it.

Crutcher said talking about the structure, some of the comments about the structure, the color of the metal, you said a dark color? I thought there was a recommendation that it be black. What's the color of the fencing there right now, is it going to coordinate with that color or is there another color added to it?

Khalil replied it's a dark steel, so it's not going to be the exact match, but if it doesn't look right, I absolutely will paint it to match it.

Christiansen said if I might, Mr. Chair, interject, and I'm not sure Mr. Golden has it available for everybody to view, he was able to share a photograph of an example of a similar type facility structure at another restaurant that is not in Farmington, it's in Livonia, but it's not dissimilar, the color scheme is a little different but it would certainly represent it visually, I don't know if Mr. Golden has that available or not and Golden replied he doesn't.

Majoros said that was referenced in the packet but I think we can kind of envision.

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Christiansen stated that Mr. Khalil had actually shared that with us, I don't know if he has it and can screen share or not, but it was something that was at least visually representative so you can see it, but I think you can see it here, too, in the site plan.

Crutcher asked what about lighting, is this going to be lit from the inside and Khalil replied yes, we still want the feel that they're in kind of like an outdoor gazebo style, so we do the string lighting running across it.

Crutcher asked what about on the exterior, will you have lighting on the exterior of it and Khalil replied yes, for the extended patio, I'll have rope lighting.

Commissioner Perrot said he had a couple of questions. One of them was about heating, but that's going to be addressed at a later date. Roughly what is the capacity with sides down, door closed, roughly, I'm sure you already have furniture picked out; do you know roughly what you're looking at for a capacity out there?

Khalil replied it's already existing with furniture so we're just covering it. So, right now there's only four tables out there, we had to create a storage area out there, so I lost another small two tables. So, four times four tables, is sixteen seats.

Perrot said based on the drawings that were provided, the Marygrove drawings and the illustration of the building in relation to the awning and that, I'm comparing it to an image simply off of Google Maps, and it shows the large MiMosa sign hanging above the existing canopy at the top of the building. Unless I read over it in the drawing, what's the future of that sign, the position, the current position of that sign is that impacted by the addition of this awning or the awning that's underneath of it?

Khalil replied the awning is underneath of it but we are still debating about moving it and working with the landlord which is my father in regard to maybe we can store it on the roof or figure out how to still utilize it. As of right now, we are aware that we're probably going to have to remove it at some point.

Westendorf said just to clarify on the sign question, so the sign will be obstructed by the new awnings, right, and Khalil replied yes, it's got to be removed.

Kmetzo stated she has a question about accessibility for handicapped individuals and Khalil replied it would be the same accessibility that we have now, it's a pretty wide door, and it should be very easy for a wheelchair to roll in and out.

Crutcher said your property line looks like it goes further back; you have parking on your site, correct? Khalil replied correct, which is currently used for seating. Crutcher then asked so this doesn't impact that parking area and Khalil replied not at all.

Christiansen said that area, Mr. Crutcher, is allowed to continue to be used right now in light of the Covid scenario. But there might be very likely a discontinuance of using identified parking areas for outdoor seating. The resolution in place by Council is for this season and it runs through October 31. Those businesses in the downtown that have taken advantage of that last year and now into this year, a second year, in light of the Covid pandemic, will continue to do that. But if it doesn't continue after this resolution expires on October 31st, those parking areas will only be able to continue to be used for parking.

Crutcher said I'm in support of them using it for outdoor seating as much as possible, but you'll still be able to expand that if we so allow that to happen?

Christiansen said that's what I'm telling you, it's not a defined area for outdoor seating permanently. It's an area approved to be used via Council's resolution of 2020, extension of that resolution in 2020, that was first in June of last year, extended in August of last year to April 14th this year and then via another resolution extended to October 31st, it's really a temporary use of parking for outdoor seating. That will have to discontinue, that portion, if that resolution expires and nothing else is put in its place.

Majoros said I'd like to confirm what you're saying, Kevin, please. Are we potentially approving something that would have to be grandfathered in later and Christiansen replied no, what they're referring to is the area that is currently beyond their property boundary to the east that is parking that they own but, it's not an area that's allowed for anything but parking except via the resolutions that were approved the last two years.

Westendorf stated in the ordinance there's a section on the exterior building materials, I'm a little confused how this meets those requirements.

Christiansen said that's a great question if I can answer it, Mr. Chair. Those are design standards for the Central Business District and they can be deviated from, modified from, with site plan action by the Planning Commission and the DDA Design Committee is aware of that and they did have some dialogue about that. And so that was part of their review which now is also that you're aware of as well. Those design standards are in the Central Business District regulations for buildings and facilities in the downtown, but via site plan if approved by the Planning Commission can be modified.

Crutcher said looking at the size it looks like it's a mostly solid panel with some clear sections to it and Christiansen replied yes. Crutcher asked was there any discussion about making that more clear than solid and Christiansen replied no, I think the DDA Design Committee was comfortable with the way that that looked because they felt in

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comment in looked by a building with sidewalls with windows and in this case they're not only down to grade, they aren't extended, they're half windows and they were supportive.

Majoros said just philosophically here I understand your point, Commissioner Crutcher, it's a debate either way but you know this is not a temporary Covid structure that we're approving for summer or winter, whatever, right. This is a permanent "structure" that we're approving, right, and I think the comments from the packet that we got about wear and tear because we're not approving bricks and mortar and wood and glass, we're fundamentally approving a canopy based permanent fixture.

Crutcher said it's a permanent tent, an awning and sides.

Majoros said yes, it's an awning with sides, and that's why we're going to have a debate here at the tail end with the resolution and the draft language. Look, we want to be supportive with businesses, we get it, right, the times are not easy and understood. But we also have a responsibility to do things that look right, that fit with the character of the City, that respect business. But also note that there are other people that are doing work with these businesses, they're doing permanent solutions with more permanent materials. And we're basically approving an addition that yes is going to meet the business need but it's not a permanent structure though it's being treated as one. I think we just have to keep that in the back of our mind for consideration.

Perrot said yes, you think kind of like in comparison to when we talked about Los Tres Amigos and Majoros replied yes, Los Tres Amigos came in and said we're going to rip up the ground, we're going to put wood and steel and glass and windows and open partitions and they're investing an awful lot. I'm not going to compare Business A to Business B, every situation is unique but at the same time, right, imagine if Los Tres came in and said we just want to put some 4 by 4 posts down and a big awning and some floppy sided tent, right, we have to be thinking these things.

Perrot said yes, because this is really laying precedence for what that window of development is and what is acceptable.

Crutcher said that's my concern, that we're going to be starting the bar for what others could be doing. Granted, it's not in the front of the building, it's in the back but it is a permanent site to view. You're functionally putting an addition on a building without functionally putting a permanent addition on a building.

Christiansen said Mr. Chair, since I don't have the capability right now, I had asked if Mr. Golden had the opportunity of something that we shared at the DDA Design Committee. I don't know if Mr. Khalil or Mr. Crutcher can access property, elevations or views, if those

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tools in hand with you. Stables Bar & Grill is the bar and grill in Livonia on Middlebelt at Five Mile that is the example I wanted you to take a look at if we could look at it.

Waun said it appears that Julie noted that she does have that photo available.

Christiansen said there's also one that has the sides on it, I don't know if you have that in your array. But what's interesting is that this is not dissimilar then, the color scheme is not this multi-colored stripe, it's solid, it's black. But you see the black framing, you see the angled awning that's mounted to the building, you see their defined area itself, they're very similar in those instances. There was a picture of that with the sides on it, I don't know if you have that.

Golden said I found that on Google Maps, street view, if anyone wants to bring that up.

Christiansen said Mr. Crutcher has it up.

Crutcher stated these appear to be clear plastic that roll down. Christiansen replied but they're not, I don't think it's clear all the way, Mr. Crutcher. I think that they are solid at the bottom but don't quote me.

Majoros said it looks like that may be an entryway there, and Westendorf replied there's an emergency exit there.

Christiansen said and that's why Mr. Khalil was showing that. His elevation, too, is for that secondary means of ingress and egress, just like Mr. Westendorf referred to, it's an emergency exit. There's Code requirements for ingress and egress, I'm not sure what the limitations are without it in front of me. But I think right next to that door, that second south side door on the proposed plan, is the door into the kitchen, I believe, so I assume they would be using that door instead of walking through the middle.

Crutcher asked are we talking about this enclosure to the left or the one to the right on the seating area and Christiansen replied the one to the right. Crutcher said I see the one over here to the left, this was the one that has the partial wall, but that looks like an entrance or waiting area or something?

Christiansen replied I think what you're seeing there is a vestibule or a waiting. I think that material configuration that you're seeing right there with the windows and then the from what would be the chair height down, rail height down is solid. That's not dissimilar to what's rolled up, I'm not sure, though, it's hard to tell. I just know that when we looked at one the other day, it had the enclosure out, so maybe it's not available in these views.

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Westendorf said on the street view, can you walk around from the side to the right, go all the way around and you can get a good look at what it would look like, so that's what it would look like from the parking lot.

Mantey asked if there would be any change in the pavement, I notice how it's delineated nicely at Stables with the cement paving versus the parking lot paving; is there anything on the proposal that would mirror that style?

Christiansen replied I don't there's any change through the circulation, the paving, the parking spaces, it's intended to enclose what's there now and not change that.

Crutcher said I'd rather not use my imagination to try to figure out what he's intending to have, what it will look like.

Khalil replied again, this is just a reference, you can see all of what I'm doing in your site plan, it's all there. I just want to show you guys a little bit of what we're doing over here as well so you can kind of see. So, this is all the outside, the parking spaces, and then the structure will be just coming up to this fence line as well.

Majoros asked if the fence on the left, that white fence, does that go and Khalil replied yes, that will all be removed. Majoros then asked if the Applicant will be replicating the front fence to replace the one fence so you have a three-sided matching fence for when the sides are rolled up. Because right now you've got your east and north elevations have a black wrought iron fence and the south is the white fence; will you be matching the south side so you have a three-sided enclosure that all matches. Khalil replied the white is just temporary, everything is black over here. So all the white will be removed, we just needed to do that temporarily, it doesn't even connect to anything, it's kind of on its own. Majoros then asked so the black fence will continue from the end point and attach back to your building and Khalil replied correct, saying I wasn't planning on having it because of the framing, I wasn't planning on putting any fencing there at all. I was going to have it all removed. But if it's required, I can put a fence there if you guys would like.

Waun said thank you for showing the pictures, for pulling them up, everyone, of Stables in Livonia. I think that represents something that's very professionally done. Marygrove Awning, I believe, is doing this project and they're a great company, I've seen their work and it all looks really good. I think the statement that if this was on the front side of the building, street view, we would have a different approach to this. But I think that something done this well on the parking lot side, I think it looks great.

Majoros clarified with Christiansen would the action and the item that we are to pursue later in the agenda, is there any implication on the action there for what we're doing here right now.

Christiansen replied no, that item is intended to address amending your outdoor seating section dealing with temporary enclosures, not a permanent building addition like this one.

Crutcher asked the door to the south, are you sure you're going to need that? Because you've already got a means of egress going out of this space, and I don't know where that door is going to but you may not need it for your use.

Khalil replied that is for the kitchen guys to run garbage and stuff like that instead of running through the seating area, so to sneak out the side area.

Majoros said I think we're pretty good on this one, I think I've heard some general support. I think there are some considerations before we entertain a motion. I think it's important that the third side be fenced where the back is, we're not asking for a complete replication of Stables & Grill, but to have two side fences and not a third would be a consideration to me in a motion. I think the front door, the main door, would also be a consideration, too, I just think that esthetically that would be something to consider and of course the way it's dressed. I think everyone in the City does a nice job front or back, planters or things that just kind of help define the space which I know is important to the Applicant, too. At this time if I could entertain a motion on the request.

Crutcher said one other comment on the door itself, I know you had the door in your comment but I'd suggest having a door removed in the summertime during good weather because there's really no reason for it to be there except for bad weather. I think just the look of it, with the sides up and the door still there is going to be sort of odd looking. I would suggest that, I don't know if you want to make it a condition, but I think it would be a better appearance if the door were removable.

Khalil replied that should be no problem with the hinges, if we're going to gauge it on how it looks, we can actually remove it and store it.

Chairperson Majoros called for a motion.

MOTION by Waun, supported by Crutcher, to move to approve the proposed building addition for MiMosa Restaurant at 23360 Farmington Road, with the additional fence as stated.

Chairperson Majoros asked Christiansen if we need to mention anything in the motion also pursuant to comments from the notes from the Design Review previously?

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Christiansen replied if you're wanting to recognize their review and recognize those comments and incorporate them into your action, yes, Mr. Chair.

Majoros said it's okay if Ms. Waun would like to add a further note the motion is also respectful of the comments from the DDA Design Committee Meeting as presented in the staff packet.

Commissioner Waun accepted the amendment.

MOTION by Waun, supported by Crutcher, to move to approve the proposed building addition for MiMosa Restaurant at 23360 Farmington Road, with the additional fence as stated, and with the comments from the notes of the DDA Design Committee Meeting as presented in the staff packet.

Motion carried, all ayes.

Majoros thanked the Applicant for his investment in Farmington.

SITE PLAN AMENDMENT – AMOCO GAS STATION 22145 FARMINGTON ROAD

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a review of a site plan amendment for the installation and use of exterior building façade lighting at the recently redeveloped now Amoco Gas Station, located at 22145 Farmington Road. The Applicant has submitted a site plan amendment and support materials in order to install an illuminated light band, accent lighting, around the exterior perimeter of the repurposed gas station pump island canopy, and there's two canopies. The existing commercial site is zoned C-3, General Commercial. Exterior lighting for nonresidential uses is subject to the review and approval of the Planning Commission in accordance with the requirements of Section 35-48 of the Zoning Ordinance and that's attached with your staff packet and that's what you see on screen right now. So, this is the exterior lighting section and if Mr. Golden were to scroll to the next page, it talks about the Planning Commission and the Planning Commission's ability to consider what is being requested of you this evening and that is for illumination of building, in this case illumination of a structure, a canopy in this case. The Planning Commission will approve an illuminated architectural band when such bands will enhance the appearance of the building and/or in this case the canopy type structure. So, this falls within your purview based upon this Ordinance provision.

The Applicant, Mr. Jamie Robinson, of Royal Gas & Oil Company, I believe is in attendance, Mr. Chair, on this Zoom video this evening in order to present this request to the Commission. If Mr. Golden were to scroll, there's quite a bit of information in your packet which was provided to you, this is really kind of a signage packet. The first thing

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is a site plan and that site plan then is the architectural site plan for the site, it shows the site, boundaries, Farmington Road, Nine Mile Road, access points, landscaping, the new building, the facilities and amenities on the site and the canopies. One thing that you should note here is for your information Mr. Robinson wanted to make you aware that as they had planned to do, they are going to be putting in two electric vehicle charging stations here. And that's for your information. So they already have those areas designated, but he just wanted to make you aware of that and that's on this site plan. So as we continue to scroll through, you'll see the detailed information with respect to the canopies. And I'm not going to steal Mr. Robinson's thunder, I'm going to let him go ahead and go through this with you. But this is what you're reviewing this evening. You're not reviewing the signage, although that's information for you, you're reviewing and considering the proposal and the interest for your approval for lighting up on top of the canopy. With that, I'll turn it back over to you, Mr. Chair.

Commissioner Westendorf recused himself at 7:51 p.m. so as to not create a conflict of interest on this item.

Chairperson Majoros called the Applicant forward to provide an overview.

Jamie Robinson, Applicant, said what this is is a 36-inch fascia that BP called – prior to Amoco – bull nose which is about 26-inches wide that will be up on top of the canopy and in the middle of that bull nose will be a colored LED strip that's six-inches wide that will be, the LED lighting backlights a panel that's either dark blue they call it or Amoco orange and it will light up at nighttime. This is part of our responsibility to Amoco is to try and get as close to their national brand image as possible and this is one thing that they've come up with versus fluorescent tubing and everything else now, plus the efficiency of LED lighting now is using LED lights with the backlights, a panel there that will be 6-inches wide and they call it a pinstripe but it will go down each canopy.

Majoros said so you're talking about the gas station island and not the main dwelling, correct and Robinson replied correct, it will be just the two canopies that are on site. The building will just be lit from inside.

Majoros then asked if half of it will be Amoco orange and half of it is the blue, is that the way the lighting works and Robinson replied correct. Majoros asked if there is a time of day that they go on when the sun sets, they're timed or whatever, and then they'd go off at a certain time? Robinson replied they will go off when they close and they plan on closing at midnight each night so they will go off then when we turn off the canopies. They will come on just like the canopy lights will.

Majoros asked how about in the morning when we get those dark Michigan mornings, if you open at 6:00 a.m. will they be on for an hour or two until the sun comes up and

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Robinson replied correct, they will be on in the morning in the wintertime for a few hours. Usually around 8:00 a.m. is when we turn everything off in the wintertime.

Majoros opened the floor for comments and questions by the Commissioners.

Commissioner Crutcher said it appears that the light features are going to be on the canopies, is that only facing the street side of the canopy or is also on the back facing the building.

Robinson said there will be none, on the south canopy that's a long Nine Mile Road, there will be none on the north side of that canopy. Same way on the north canopy, there will not be any lighting on the west side of it, they'll be three sides with the LED. And then on those blank sides, it will be just a pure white canopy that faces the building.

Crutcher stated and none of this lighting is intended for the building and Robinson replied no, none of it will be.

Commissioner Waun asked a question to Christiansen is it correct to assume that the Building Department has reviewed the foot candle calculations and Christiansen replied that would be the Economic and Community Development Department Building Official and that is something that is standard if and when something like this is approved, the next step is then the review of the proposed construction plans. He has not reviewed them to date, it's pending any action by the Commission with respect to your approval first.

Commissioner Perrot said I have just a couple of quick comments and also a couple of observations of the area. This is in my opinion this is really, really similar to and Kevin the timeframe escapes me but Flag Star Bank at Orchard and Grand River, we approved the red striping around the building that they added after the fact and that turned out very, very nice. And I can't help but notice the similarities between the geography of Nine Mile and Farmington and how similar it is to Grand River and Orchard. I would say, looking at our friend Google Maps, I mean it's almost a quarter mile down the road before you get to the nearest household, so in terms of light pollution and being an eyesore, I would think that we would be in the clear with anything based on what I can see from the drawings that are provided by the Petitioner, it looks like the blue side would be the closest to the closest resident. So, I would think like I said from an eyesore or light pollution point of view, I would think that we're pretty far away. And like I said I believe everyone that is on the Planning Commission today was a part of the approval of the Flagstar location on Orchard and Grand River, so it really is similar.

Majoros said I remember at that time the discussion was that the east, northeast side of Flagstar, residents seemed almost closer to the Flagstar situation than here. This one

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seems like as you noted pretty in the clear and would add a nice branding element, a nice touch to what's turning out to be a really beautiful development on that corner, that's for sure.

Crutcher stated I don't think anybody can see it from their house, to this intersection. I can't see it from myself but I don't think any residential is within the line of sight of this corner.

Perrot said it's a ways, and to your point, Mr. Crutcher, there's a patch of woods in between the residential, the closest residential area and that facility.

Chairperson Majoros asked if there were any other comments or questions from the Commissioners. Hearing none, he called for a motion.

MOTION by Kmetzo, supported by Perrot, to approve the site plan amendment and support materials for the redeveloped Amoco Gas Station, located at 22145 Farmington Road, to install illuminated LED light bands around the exterior perimeter of the gas station pump canopies.

Motion carried, all ayes.

Majoros thanked the Applicant.

Commissioner Westendorf returned to the meeting.

DISCUSSION AND SCHEDULING OF PUBLIC HEARING – PROPOSED ZONING ORDINANCE TEST AMENDMENT: PERMANENT OUTDOOR SEATING ENCLOSURES

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a discussion and scheduling of a public hearing for a proposed zoning ordinance text amendment which is referred to in the staff packet and on the draft amendments put together by the City Attorney's Office as Permanent Outdoor Seating Enclosures and we'll define that because there is an understanding that is needed with respect to the differentiation between what you considered earlier this evening and what really is being proposed here. Because these types of structures being proposed, when it references permanent, meaning that they would be allowed permanently but they end up being temporary type structures in terms of how they're constructed, that's the differentiation. There's also a locational difference, this is really intended, this amendment, to in particular allow that both on property and in the public right-of-way where you have outdoor seating in the public right-of-way areas throughout the community. So, in any event, as indicated in the staff report, again, this item is a

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discussion of scheduling of a public hearing for a proposed zoning ordinance text amendment regarding permanent outdoor seating enclosures. The proposed amendment would amend Chapter 35, Zoning, Article VII, the CBD, Central Business District, C-2 Community Commercial, C-3 General Commercial, and RO, Redevelopment Overlay Districts. Section 35-102 of those provisions, table of uses, and the requirement of the accessory outdoor seating provision to allow permanent outdoor seating type enclosures. And again, we can talk more about what they are if we look to the amendment. The third ordinance and in this Article, which is the Commercial District's Article in the Zoning Ordinance itself, Chapter 35, in the Table of Uses in each one of these sections, in the Table of Uses, lists the uses that are permitted and Special Land Uses. After that table, there are subsections. Outdoor Seating is a subsection of the Table of Uses for the Commercial Districts. So, outdoor seating is spelled out, what it all entails. This amendment as proposed is intended to amend that section and we'll look at it. At their April 22, 2021 meeting, the Downtown Development Authority Design Committee reviewed the proposed Zoning Ordinance Text Amendment and forwarded their comments to the Planning Commission and those comments are attached via their meeting minutes from that April 22nd meeting. A copy of the proposed draft ordinance is attached. If we had this on screen, Mr. Golden could share this item and we'd scroll down from the staff report you'll see there are comments that are made by the DDA Design Committee. So, if we go down to this item, and we go here, you will see the DDA Design Committee April 22nd meeting minutes. They reviewed the Zoning Ordinance Text Amendment as proposed. The comments of the Committee as bullet points were several and there were four of them here. They were concerned with what this could look like if this Ordinance Amendment moves forward and were to be approved and adopted by City Council as is required. If all businesses added tents in the public right-of-way or igloos or other kind of enclosures along Grand River, along Farmington Road. Their concern was that the City has worked pretty hard over the years to create a street life. The loss of connectivity, passers-by, again, it would create a separation. Again, these are their comments to be shared with you. They were concerned about the lifespan of some of these types of structures and what that might result in. They were concerned about wintertime and snow removal along the sidewalks, etc. And again, they were concerned about just this whole blending in, the separation of these kind of facilities within those enclosed outdoor seating areas from the traveled portion of the streetscape in which many of them are located. So, the summary of the Design Committee, their recommendation was to limit the ordinance to temporary seasonal seating during inclement weather seasons only. So there we are now talking about the temporary feature. Also, to allow structures on parking lot sides but not on the main thoroughfare and maintain a level of transparency. They have forwarded these comments on to you. So that dealt with their review.

The reason that this has come to this point and is before you is because there was a request by a downtown business owner to City Council to ask Council and have Council

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consider an ordinance amendment to the outdoor seating provision similar to what you had before you this evening, to allow these kind of facilities out in existing outdoor seating areas. I think initially to address and respond to the need for enclosed seating year round in relationship to the limited capacity capability, or limited volume based upon what's available with limitations with respect to the Covid pandemic as it still continues. And the desire to use outside nonenclosed outdoor seating all year round as make-up space for space that you can't use it inside if it's enclosed, can we go ahead and find a way alternatively to use our outdoor area and provide some means of enclosing it to make it more palatable for our customers. So, that's where you get the tents and the enclosures, the igloos, etc.

The request was made of Council, Council then directed City Management and Administration working with the City Attorney, to draft an ordinance and that was done. This then was reviewed administratively, moved on in April to the DDA Design Committee and is before you this evening. For you, if you schedule a public hearing and hold a public hearing and move it forward, it goes to Council for their review and consideration as a Zoning Ordinance Text Amendment as the legislative body's responsibility is they would then have two meetings to introduce the amendment and then to consider action on the amendment. So, that's FYI to you, a little background.

So, what does this all mean? If Mr. Golden would scroll down to the next page, this is the amendment as currently drafted, again, through the Zoning Ordinance, Commercial District Sections, Table of Uses and to the portion of that that refers to Accessory Outdoor Seating Areas, which is special provisions, sub (b). You'll see in here, this is the current outdoor seating provision. Certainly the outdoor seating provisions allow for via site plan review and approval of the Planning Commission, Outdoor Seating Areas and they have requirements. They have to be defined, they have to have certain elements there for operations in terms of where they're located in relationship to the restaurant or bar that they're serving, the areas are to have accessibility, there's to be tables and chairs of a level of quality, durability, and that should be shown on the site plan. Maintenance is specified in here and then as you scroll through other operational elements in the outdoors, it also indicates that if those areas, those outdoor seating areas are within a public right-of-way, not only is City approval required but any other agency that has jurisdiction, in this case on Grand River it's MDOT, on Farmington Road it would be Road Commission of Oakland County. And then there also is some discussion regarding platforms and traffic, lighting and some other elements. If you look down then after sub item 12, which speaks to permits being required, there's a new Section 13. And that new Section 13 is the amendment being proposed that will allow for removable architectural elements, awnings, canopies, marquis, other sorts of things, tents even, and igloos. And if you look here such removable architectural elements may be permitted to project into the right-of-way provided, they are constructed as to support applicable loads without any ground mounted support. So they're not intended to be like that permanent building type with the support frame and structure per se. And they're intended to be in the right-

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of-way. And so, that's the way this is drafted right now, there's some other specificity in here. And so as you go through this, you go through Sub 2 of Section 13 of the Outdoor Seating Provisions, there's some more detail regarding design, proximity, review, right-of-way, and the whole intent here is creating usable space in outdoor areas in a kind of year-round scenario. And they talk about in Section 2 of this Section 13, Outdoor Dining, Permanent Removable Features, the encroachment, the design, again materials, the color schemes and those kinds of elements.

So this is a draft right now as prepared by the City Attorney. So, the reason again is because it was requested before Council by a downtown business owner and that business owner is very much interested in this, feels that it's something necessary to provide alternatives for using the open outdoor seating area, particularly in the public right-of-way out in front of his establishment along Grand River and has had quite a bit of dialogue back and forth. He was shared this information. He has been keeping up with what is transpiring. This meeting agenda and packet was shared with him as well, I'm not sure if he's on the meeting tonight but as recent as late this afternoon shared some comments about wanting to certainly see that this would continue to move forward with that interest.

So, that's where it's at right now. Again, the idea here would be to put enclosures in existing outdoor seating areas, whether it would be on site or whether it would be out in front in public rights-of-way and that potentially could be done if this amendment would move forward and be approved and adopted. Again, in rights-of-way there's other things, MDOT for Grand River, Road Commission for Farmington Road, the City also has the rights-of-way, too. Those agencies have not been approached yet with something like this. So, this first step here as directed by Council at the City level, I don't know where that might go with those agencies. If the City supports it, if they would be, too. Because things are changing, the nature of the industry is changing, the nature of business is changing with respect to food and beverage. In light of the COVID pandemic, we were limited by restriction, by order, in terms of how they could use their inside space. And as an adjustment, an alternative, used their outside space and through resolution of Council used their outdoor space beyond the outdoor seating season which was provided for in the Zoning Ordinance Section, and that is April 15th through October 31st. Council by resolution allows those outdoor seating areas throughout the community to be used all year round last year until April 14th and now they're being used again as they are typically April 15th through October 31st, but something like this, this amendment, is looking to facilitate potentially a greater use more than just your open outdoor seating but with some temporary structures in it, whether it would be just for the April 15th to October 31 season, or it could be considered eventually could be all year round if that's where this would go.

So it's before you this evening for your review and consideration. I'm sorry that's a little long but I just wanted you to understand the background.

Chairperson Majoros said my understanding here is that we are not adopting the ordinance itself, we are simply just determining if we think this is a worthwhile enough topic to proceed forward formal public hearing, is that correct?

Christiansen replied that is correct, and also, too, you're charged with this as directed by Council to City Management and Administration, working with the City Attorney, this draft then before you in light of Council's request.

Majoros then said if we choose to go forward with a public hearing, we would hold a public hearing and at that point we would move it forward to City Council with comments as Commissioners see fit, and also from public comment, etc., correct?

Christiansen replied correct, and you can move it forward with whatever action the Commission would take, whether it would be a support and approval, whether it would be an amendment to support and approval of what was proposed, or whether it would be a nonsupport but after public hearing moving that all forward to Council, that's up to you.

Majoros opened the floor for comments from the Commissioners.

Commissioner Crutcher said this amendment would allow these temporary structures to be during our normal summer season or potentially year round, I would be in favor of looking at something like this if it allows these types of structures outside the summer season. So, it is not from April to October, but from October to April, so that it extends the outdoor seating of the businesses during inclement weather during the winter. I could see that as some benefit. I think it does functionally basically increase their seating capacity generally year round, but it's good for the business, but you might want to be aware that is what it's doing, giving an addition to their business without actually building a building.

Majoros said and further, what that looks like, frankly, we just had a healthy discussion about a back of building but now we're talking in front of building, right, so you've got duration, and you have appearance and material questions to consider, too, and these are all real things here. Any comments from Commissioners? Hearing none, he called for a motion to schedule a public hearing, I think we'd all be in favor of that. I think something like this, given the fact of where we are, given what's happened in the last year and a half, where things are just moving forward, I certainly think it's prudent that we give the public a chance to comment on these items and but we'll see where it goes. I'll open up the floor for a motion from Commissioners.

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MOTION by Waun, supported by Crutcher, to move to schedule a Public Hearing for a Proposed Zoning Ordinance Text Amendment for Permanent Outdoor Seating Enclosures for the June 14, 2021 Planning Commission Meeting.

Motion carried, all ayes.

UPDATE – CURRENT DEVELOPMENT PROJECTS

Chairperson Majoros asked Director Christiansen if there are any cycle over cycle comments that you would like to make on any updates and then we'll open the floor for the Commissioners for any questions you might not have covered.

Christiansen said just to update you with current projects you'll note in your travels the development projects that we've been speaking about for the last little while continue to progress. We had one of them before you this evening and that was the redevelopment at Nine Mile and Farmington, the now Amoco Gas Station, and that is progressing along very well. The building is up, the canopies are getting repurposed and site elements are being installed right, so that's very encouraging to see a new foundation and a small monument sign in the corner now.

You'll note that the Tropical Smoothie has moved along very nicely. The building and site elements being completed right now. The interior of the building is being built out at the moment and we anticipate completion of that very shortly in the next little while. The site elements, the site improvements, landscaping and other site related elements, signage, etc., etc., are progressing along, the landscaping is actually being installed right now. We're looking forward to the Tropical Smoothie opening up very shortly.

You'll note that the Liberty Hill Condominium development, that the infrastructure, the underground is in and they're working on the road right now. The road is cut in and they're working on the base and they're getting ready to put that road in right now. We've received the first permit application for Unit 1, that is being reviewed and getting close to being ready to be issued and looking at production of the first unit there very shortly. We've been working with the schools on a little length of sidewalk on the Ten Mile School property that was not put in when they redid that front area for parking and stormwater management and their sidewalk was not determined yet exactly where everything is going to be on Liberty Hill so it was kind of being held in abeyance a little bit.

And I think I was being asked a question if I recall earlier in the meeting or before the meeting, the pre-meeting, about the status of particular site of development and maybe I can be refreshed as to what that may have been, I think Mr. Perrot was sharing that or Ms. Waun was sharing their interest in asking questions.

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Christiansen said the status of the Maxfield Training Center, the City Attorney has prepared the legal documents for property acquisition by the selected developer, Robertson Brothers Homes, and that has been provided to them. So, that is the stage right now that the City is in working with Robertson Brothers Homes and that is their consideration of the purchase agreement and details in those documents. So we're not at the stage of moving on to the PUD process yet, we're currently at the legal acquisition documents stage.

Perrot said that a while back we had signed off on kind of a coarse correction for the Krazy Crab property and they were looking, basically they were going to relandscape into for lack of a better term, it was going to be basically a private outdoor seating park type area. I've had at least since the snow has been gone, I've probably had ten different residents asking me what's going on with that, they've had about enough of looking at the construction fence. Granted, there's only so much that we can do, but have you got any kind of a feel from those folks, are they moving forward or what's going on there?

Christiansen replied well, I was going to be able to tell you about that once the plans were approved but we just received their construction plans for the expansion of the Krazy Crab first level restaurant, 900 square-ft addition going to the west, expanding the existing dining room as you approved, DDA reviewed it, you reviewed and approved that site plan modification, the PUD site plan modification. That's going out into that area that is their outdoor seating area with the pergola that is between the existing building and the second building that by the PUD approval hopefully eventually will be realized, that 900 square-foot plus addition, plus, stormwater management, underground stormwater, parking on that site and the greenspace you're alluding to which is a private pocket park that the owner is allowing for public access to and some other site elements are part of construction plans we just received. They're under review right now.

Perrot then said the very highly piece of real estate formerly known as the Dress Barn, hard not to notice a lot of activity, those doors are open, contractors coming and going, what's going on there?

Christiansen replied the owner of the Groves Retail Center has been working with the City to prepare the former Dress Barn Space for a new tenant and they're not going to look to use the entire space, they're going to use a portion of that space. So, during that preparation, working with the City on that, we have just received plans for a build out of the interior for a new tenant and that is for Dearborn Music. And they bring to Farmington everything from A to Z that relates to how they've operated over the years, pretty exciting.

Somewhat like when we realized in the Downtown Farmington Center, US Music, after all their hundred years and now we're going to realize Dearborn Music coming here after

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all their years and repurposing a portion of the Groves Retail Center and locating in a portion of that space in the former Dress Barn unit and that's ongoing right now.

Perrot said my third and last question is GLP, they're looking to get rooftop renovations done and they're going to be out into Grand River; is that still going to plan because that obviously the whole City's summer.

Christiansen replied you're talking about the Farmington States Savings Bank and the former Village Mall, the interior modifications and then the exterior façade modifications, both of which are permitted from a certain extent. The interior modifications which was a demolition permit for the interior, and then plans to repurpose the inside for GLP Financial's professional offices. Then you might recall because you were involved, the Planning Commission went through a review of the exterior modifications which basically are bringing the former Farmington State Savings Bank exterior façade to its original luster, all that is moving forward. The challenge is then over the last while, the timing. We're anticipating that the interior was going to start March 1st. The demo is done. After getting into it after the demo, they had to do some modifications to their construction plans, so they've been working on that. Secondly, the exterior façade improvements needed some adjustments, too, and we've been working with the for the past two to three months, meeting several times with respect to the staging of construction and I think that's what you're alluding to. But that's going to necessitate six to seven months build out scenario which takes us from now, May, to the end of the year, and that's going to necessitate some impact on Grand River and the traffic on Grand River, and particularly on Farmington Road. And the rear of the Farmington State Savings Bank Building and that parking lot there is going to be used for staging as a fenced area and it is screened, that's going to be used for the storage of materials and equipment but everything is going to have to be moved in and out of that building and the way that that's going to be done is along Farmington Road and into the front of the building. And that's going to be done over that construction period of time, it's going to necessitate closure of Farmington Road, that inside lane for a period of time off and on.

So we're working with the owner, with the contractor, with MDOT, with the Road Commission, Public Works, Economic and Community Development and the City Building Official on all of that right now and OHM Advisors and Public Safety.

Christiansen then stated that The Apothecary is going into the Williams Sports Medicine Building and Tres Sorelli and yes, right now, that's a unit. Tres Sorelli has been renovated on the inside, demolition permits were issued. They removed the interior construction and Tres Sorelli then is being converted to The Apothecary and the Williams family tends to bring a little bit of Tres Sorelli back into that in conjunction with the new coffee shop

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and now we're working with them in their rear exterior area back similar to the adjacent MiMosa Restaurant next door, to help them repurpose their area outside at this point of outdoor seating. Part of that also includes adjustments to the engineering, because that site is down grade and stormwater management is an issue and retainage and other things so we're working with OHM and the Williams family, the property owners right now. We're also working with the DDA because there's an interest in making that pathway connection along a route from Farmington Road to the pavilion right there. So, that's the update there.

Commissioner Waun asked if there had been any bites or interest in the empty, vacant Panera Building and Christiansen replied yes, I actually had a little walk-thru the other day with the leasing agent which is Mid America. So someone was coming in to look to see if it was of interest to them to locate a food beverage business with approved but not constructed but could be drive-thru. Nothing has transpired since I've had that walk-thru with them. And just as an FYI, I also had somebody interested, speaking with them, about the former TCF Bank at Nine Mile and Farmington on the northeast corner.

Commissioner Kmetzo asked if there was an update on Orange Leaf and Christiansen replied that he met with Jack Kittinger today and Hilda, his wife, who are the 17-year owners of Keil's Tae Kwon Do, which has been on Grand River, and they are going to move into that unit. So they have entered into a leasing agreement and they are cleaning it up and they've got a roll out dumpster outside and they're going to relocate at Drakehire Plaza.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENT

None heard.

ADJOURNMENT

MOTION by Crutcher, supported by Perrot, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 8:37 p.m.

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Respectfully submitted,

Secretary