

FARMINGTON PLANNING COMMISSION PROCEEDINGS  
City Council Chambers, 23600 Liberty Street  
Farmington, Michigan  
August 12, 2019

Chairperson Crutcher called the Meeting to order at 7:00 p.m. at City Council Chambers, 23600 Liberty Street, Farmington, Michigan, on Monday, August 12, 2019.

**ROLL CALL**

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

**OTHER OFFICIALS PRESENT:** Director Christiansen, Attorney Saarela, Recording Secretary Murphy

**APPROVAL OF AGENDA**

MOTION by Chiara, seconded by Perrot, to approve the Agenda.  
Motion carried, all ayes.

**APPROVAL OF ITEMS ON CONSENT AGENDA**

**A. July 8, 2019 Minutes**

Commissioner Majoros stated that I would like to personally apologize to Mr. Christiansen and to his fellow Commissioners for at the conclusion of the meeting, I just want to go on record as saying, Kevin, I appreciate everything you do, I know it's a little frustrating for me personally, and I apologize for that, and I just want to state I appreciate everything you do and I thought I was a little out of line so I just want to say I apologize.

Christiansen replied there's no apology necessary, I appreciated everything you do and thank you very much.

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

**PUBLIC HEARING – CITY OF FARMINGTON DRAFT MASTER PLAN UPDATE 2018-2019**

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

Director Christiansen stated that this item is a Public Hearing for the Draft City of Farmington Master Plan Update 2018-2019. As the Planning Commission is aware, City Administration, City Consultants and the Master Plan Update Committee have been

working diligently on the update and moved it forward to the Planning Commission for their consideration.

At the May 13<sup>th</sup> meeting the Commission discussed and reviewed the Draft Master Plan Update and scheduled the required Public Hearing for the August 12<sup>th</sup> meeting. A copy of the minutes back in May is attached with the staff packet.

At their June 3<sup>rd</sup> Regular Meeting, City Council approved the Draft City of Farmington Master Plan Update 2018-2019 for distribution. They didn't approve the Plan, but they approved it as required by State statute for distribution. And there's a copy of the minutes with that action from City Council attached with your staff packet as well.

The following additional information is part of this staff packet and that is Draft City of Farmington Master Plan Update 2018-2019, and Notice of Public Hearing, the link to the Master Plan.

Christiansen stated he would like to put the Master Plan on the screen and turned it back over to Chairperson Crutcher and that the purpose of this item this evening is to hold the required Public Hearing, to open then the Public Hearing to anybody that wants to speak, to allow them to speak on the Master Plan, take public comment and then come back to the Commission. There is no action required on this item this evening.

MOTION by Majoros, supported by Perrot, to open the Public Hearing.  
Motion carried, all ayes.

(Public Hearing was opened at 7:04 p.m.)

### **PUBLIC HEARING**

Chairperson Crutcher opened the Public Hearing for public comment.  
Hearing none, on a motion by Chiara, supported by Kmetzo, to close the Public Hearing.  
Motion carried, all ayes.

(Public Hearing was closed at 7:05 p.m.)

Director Christiansen stated the next step is that State statute requires that notification be placed in a newspaper of general circulation, and that a public comment period then take place. And when City Council approved the distribution of the Draft Master Plan Update back in June, a public notice was sent out and then the 63-day period commenced and then this evening was the public hearing.

However, there's some additional time that Administrative have talked about providing, some additional time to allow for some comment to be made. There are some other entities, too, as statute required originally the Notice of Intent, there's also a Notice of Distribution to be provided and responded to, so there is some additional time to do that and that's why there is no action this evening. And in light of that, we have not received any comment to date, we'd like to, administratively we'd like some additional time to provide for any public comment because it's such a significant document as we worked on quite significantly and the Steering Committee and the Planning Commission. We want to make sure that those that want to way in have the opportunity and we're going to give them a second opportunity.

So, in light of that, no action is required this evening. We'll probably look to come back probably after another extended period of time, it may not be September, it possibly could be October meeting, so we'll give some additional time, another time period, maybe again that 63 days and then come back to the Planning Commission.

In the meantime, we have had response to the communications that have gone out to statutorily the agencies required to make aware we're updating our Master Plan and that includes Oakland County, and Oakland County Economic Development, Oakland County Planning, scheduled a meeting of their zoning subcommittee. And at that meeting which was last Tuesday, they reviewed the updated Master Plan as proposed and unanimously approved the City of Farmington Master Plan Update 2018-2019. What they found was that it was not inconsistent with adjacent community's master plans is what their requirement is to do. That is, Mr. Chairman, you have before you, you have a review letter from Oakland County, and then you have a letter indicating the action of last Tuesday. So that's for your record as chairperson.

## **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT: MARIJUANA ESTABLISHMENTS**

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

Director Christiansen stated this item is a Public Hearing for a Proposed Zoning Ordinance Text Amendment regarding Marijuana Establishments. The Proposed Amendment would add the definition of the term "Marijuana Establishments" to Chapter 35 of the Zoning Ordinance, Article 21 Definitions, and amend Article 2, General Provisions, to add new Section 35-61, entitled "Marijuana Establishments." Prohibiting marijuana establishments within the City of Farmington, pursuant to Michigan Regulation and Taxation of Marijuana Act initiated Law 1 of 2018, MCL 333.27951, *Et Seq.* The following additional information is attached with your staff packet for this item. A memorandum from the City Attorney, a Notice of Public Hearing, and a copy of the Proposed Ordinance.

The City Council has considered this item and it has, following the City Attorney's direction, acted on this item and has amended the City of Farmington General Code of Ordinances. So our General Code of Ordinances is a big book of Codes and Ordinances, has been amended to reflect what is now being requested of you. What is being requested of you is to do the same thing as Council has done and place it in the Zoning Ordinance. The Zoning Ordinance's responsibility is Planning Commission with respect to statutory Public Hearings to amend the Zoning Ordinance and that's why it's before you this evening.

Subsequent to your review and action by the Planning Commission, it will be forwarded to the City Council for their consideration, since as they're a legislative body, they have final decision on changes to the Zoning Ordinances since that's also in the City Code.

Our City Attorney is here this evening with us, if you have any questions. Mr. Chair, I can just flip through really quickly. There is a memorandum from the City Attorney that I've reviewed with the City Attorney and what's placed in your packet after that discussion, they basically describe what is being requested this evening and the reason for it. This is the Public Notice for this evening and again, as I indicated, there is an amendment to both the definition section of the Zoning Ordinance, and also to the General Provisions section of the Zoning Ordinance as well.

This is the Ordinance considered by the City for Chapter 35 for the Zoning Ordinance. So this follows along with what is being requested this evening by the Planning Commission in consideration of this item.

So the action of the Planning Commission this evening is to hold the Public Hearing and make recommendation on this Ordinance to the City Council.

Chairperson Crutcher opened the floor for motions from the Commission to open the Public Hearing.

MOTION by Westendorf, supported by Perrot, to open the Public Hearing.  
Motion carried, all ayes.

(Public Hearing was opened at 7:12 p.m.)

### **PUBLIC HEARING**

Chairperson Crutcher opened the floor for public comment.

Hearing none, on a motion by Majoros, supported by Chiara, to close the Public Hearing. Motion carried, all ayes.

(Public Hearing closed at 7:13 p.m.)

Director Christiansen then stated as indicated the City Attorney is here this evening to entertain questions from the Commission on the legality of this issue or the responsibility of the City and what is being requested this evening, again, she will be happy to answer questions the Commission might have.

Chairperson Crutcher opened the floor for questions by the Commissioners.

Commissioner Chiara asked if Council has rejected any marijuana establishments in the City of Farmington and City Attorney Saarela replied that her understanding is yes. She went on to state that this is to make sure that the City has in all the necessary places in the Code and the Zoning Ordinance.

Chiara then asked whether it's a beauty shop, drug store, restaurant, or a marijuana establishment, it just fits in. Saarela replied what we're saying is it doesn't fit in.

Majoros then clarified whether that's an exclusive marijuana establishment or another establishment that may also choose to sell, so either a dedicated facility or if they chose to also sell marijuana, it doesn't matter, this would cover it.

Saarela stated it defines what a marijuana establishment is and that would track with statutory language for an establishment and that's how it would read.

MOTION by Chiara, supported by Waun, to accept the Ordinance to Amend the City of Farmington Code of Ordinances, Chapter 35, Zoning Article 21, Definition, Section 35-252. Definitions: to add a new definition of the term "marijuana establishments" and to Amend Article 2, General Provision, to add new Section 35-61, entitled "Marijuana Establishments", prohibiting marijuana establishments within the boundaries of the City of Farmington, pursuant to the Michigan Regulation and Taxation of Marijuana Act Initiated Law 1 of 2018 MCL 333.27951, *Et Seq.*

Christiansen then stated the action is a recommendation to the City Council of the approval of the Ordinance, and then everything else that Mr. Chiara said, that would be the correction action of the Planning Commission, if the maker of the motion and support are amenable to that modification.

Commissioner Chiara accepted the Friendly Amendment to his motion, with support by Waun, to move to approve and accept the text amendment and forward that recommendation to City Council to Amend the City of Farmington Code of Ordinances, Chapter 35, Zoning Article 21, Definition, Section 35-252, Definitions: to add a new definition of the term "Marijuana Establishments" and to Amend Article 2, General Provision, to add new Section 35-61, entitled "Marijuana Establishments", prohibiting marijuana establishments within the boundaries of the City of Farmington, pursuant to the Michigan Regulation and Taxation of Marijuana Act Initiated Law 1 of 2018 MCL 333.27951, *Et Seq.*

Motion carried, all ayes.

**PUBLIC HEARING FOR SPECIAL LAND USE AND SITE PLAN REVIEW FOR PROPOSED DRIVE-THROUGH – PANERA BREAD BAKERY, 34635 GRAND RIVER AVENUE**

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

Director Christiansen stated this item is a Public Hearing and consideration of a Special Land Use and Site Plan Review to construct a drive-thru on the east side of the existing Panera Bread Bakery building located at 34635 Grand River Avenue.

The existing commercial property is Zoned C-2, Community Commercial, drive-thru establishments are a Special Land Use in the C-2, Community Commercial District and require a Public Hearing and site plan review.

The Planning Commission scheduled the required Public Hearing and Site Plan Review at their July 8, 2019 meeting.

OHM Advisors, the City's Planning and Engineering Consultant has reviewed the Applicant's submitted plans and has provided a review letter which is attached with your staff report.

The Applicant is in attendance this evening to present his proposed Special Land Use and Site Plan to the Commission. The requested action of the Planning Commission is to review the submitted Special Land Use and Site Plan for the proposed drive-thru. What we have attached to the staff packet then is an aerial photograph which shows Panera Bread Bakery located on Grand River, also attached is the Public Hearing Notice, Request of Consideration of Special Land Use, Special Land Use Application is attached, and this was submitted by the Applicant. There's a Quit Claim Deed that has been provided as well as part of this information package.

The existing Panera Bakery is over twenty years old and it is an existing use that is in the building that was built for this use and it is on a property that, if I'm correct, is not owned by Panera, so the building is not owned by Panera and the Applicant is here if there's any changes to that this evening.

Also attached are plan documents with respect to the proposed drive-thru for the existing Panera Bread Bakery, they're rather detailed and it's my understanding the Applicant will go over these with you and walk you through that. So, we'll flip through these, if I can. This is a letter dated July 31<sup>st</sup>, 2019 regarding the drive-thru retrofit for Panera Bread Bakery Café, and this review is by the City's Planning and Engineering Consultant, OHM. With us this evening is Marguerite Novak, representing OHM, and she is here with respect to OHM's review and can provide that review to you and answer questions regarding their review this evening.

Marguerite Novak, OHM Advisors, stated she is a planner at OHM Advisors and that Jessica Howard from OHM is also present to discuss the engineering comments.

Novak stated she'll go over their planning comments. She indicated the letter is a combined engineering and planning review letter and it addresses compliance with the Zoning Ordinance, Master Plan, the Downtown Area Plan, Downtown Master Plan and the Downtown Parking Study. We start by giving a background to the project site, there is a summary of our comments and then a matrix of the fulfillment of the land use and zoning requirements.

So, the project is within the C-2, Commercial District, and with the addition of the drive-thru, it would be a Special Land Use. So, some of our comments on the Special Land Use requirements of the drive-thru, there are three items here, we want to see the correct number of stacking spaces shown on the site plan review. And then in addition, the parking spaces required for the restaurant, at least three spaces should be provided for customer and employee orders, that is in addition to the restaurant parking requirements.

Again, lastly, we would want to see more information and detail on the proposed location of the speakers, to ensure that any sound transmission is minimized to the neighboring residential areas.

There are some additional items here, a photometric lighting plan is needed, to further see the impact of lighting on the site. And the proposed awning needs to be shown on the site plan to ensure we have clearance for the drive-thru.

The last item I have here is further investigation is needed to ensure that no utilities are in the alley, and then further coordination with the City in permitting as well as adjacent property owners, the dumpster location, will be needed.

So basically in conclusion of our findings, we would reiterate that we defer to the Planning Commission on the Special Land Use requirements, and our comments are intended to help direct discussion.

Crutcher thanked Novak for her input.

Director Christiansen stated that he was sorry that he had not recognized Jessica Howard, who is also with OHM Advisors, who will provide engineering comments on the plan as proposed.

Jessica Howard, OHM Advisors, came to the podium. She stated that she just has a few engineering comments that are mostly for detailed engineering considerations, but just wanted to point them out now because they could change some of the intent of the Applicant for the site.

There are existing downspouts where they're proposing the drive-thru and they would recommend that the Applicant consider capturing the run-off and connecting it to their existing storm sewer system on site. And then it looks like part of that pavement goes towards the building, and they don't want to see any ponding or drainage issues created because of that, especially with cars going through there a lot more than what's going through there now.

And then there's a proposed retaining wall extension so they would want to look at more of the details for that retaining wall because that would actually be holding back dirt from the adjacent property, it's not just an esthetically pleasing wall to separate it from the adjacent properties, so there would be additional information as far as the height, the material type and just calculations for that wall that would be needed during future submittals and that's it.

Chairperson Crutcher then opened the floor for questions for the Planning and Engineering advisors from OHM.

Commissioner Majoros asked about stacking, if you look at the plan, is eight not sufficient for stacking and asked for clarification.

Novak replied that stacking, it mentions that they have ten stacking spaces, so there is a discrepancy with the plans.



Majoros then asked Christiansen if there is a minimum required in the Ordinance, is it eight or ten and Christiansen responded it's ten.

Majoros then stated there is insufficiency in stacking, and then it sounds like your other comment about the holding spaces, that's for people that order and it's not ready yet, so you pull to the side and you wait. And just the way the location is, they would have to shoot back around and park in a physical spot, so do a little 180 and go around. Like at a McDonald's, you can pull up and wait and then you can zip around after you pick up your stuff. It's physically impossible here because Spot One is where the window is so you can't pull ahead and wait there, there's really no way to maybe move around, and my assumption is the only way to resolve that is by a 180 into an existing parking spot; is that correct?

Novak replied essentially, yes.

Chairperson Crutcher asked if there were further questions from the Planning Commission. Hearing none, he then called the Applicant to the podium.

Matt Diffen, Diffen & Associates, Civil Engineers for the project, came to the podium and introduced Mike Brunetto, from Panera. He stated they reviewed the comments the Engineer and Planner put together. He stated the drive-thru stacking, they feel they can work through that, they just had a last-minute change from Panera where they wanted to move the menu board and so somehow, they lost a couple spaces, so they are entertaining a few ideas on how to handle that. So, whether they bring plans back next month and this gets tabled, or if that's something that you can have them look at, he believes he can make that work.

Diffen went on to state as far as the Commissioners' comments about the other three spaces that are required, he is correct, they will have to come around, and whether they pick spots here or over here, it depends on what's easier on the people inside the restaurant to get their food too, they still have enough parking to meet the minimum requirements for the three for that, so it's just a matter of what's the most, the best operational position for those to be.

Majoros stated that at some places we count street parking to get to the minimum required but what we're hearing is we have three spaces that would be designated as "hold for customer pick-up order", we're not impeding into the minimum required parking based on what's there now for the existing use.

Christiansen replied he's had that conversation with OHM, that was a concern that they had, that they wanted to make sure that parking calculations were such that they were still meeting their requirements and they're still required to do so.

Chairperson Crutcher opened the floor for questions.

Diffen replied that the minimum requirement for the restaurant is 32, and they have in excess of that. He went on to state that as far as noise goes, this site is significantly depressed from the adjoining properties upwards of 8 feet or so, there's mature evergreen trees and a 6-foot wall on top along the property line and they are putting in a significant more landscaping to fill in any gaps or to help buffer that, too. And the speaker, as with most drive-thru speakers, the volume is easily adjusted up and down. So, for whatever reason if it was too loud or didn't meet the initial decibel requirements for the City, it could be adjusted down so that it would. There's been other scenarios on other sites where they've had the same depressed scenario, the speaker and actually the background noise on the studies that they did on those sites, came back that the background noise was more than what the drive-thru was producing. So in most of those situations as you all know when you pull up to the drive-thru you've got you speaking out of the car towards the speaker and the speaker speaking back to you, and the intent would be to never have that volume, or those conversations be any louder than two people talking in a parking lot. So like I said, the depression of the site, the existing vegetation and walls that are there and then the landscaping that they're proposing will help to alleviate a lot of that sound. And he stated they will obviously give a photometric plan to match the site plan, mostly with the lighting in the parking lot remaining but they are putting a few doming lights and then probably relocating the existing lights so it will all be down shielded lighting, they'll make sure that it zeroes out before it gets to any lot lines. Again, you have mature evergreen trees that will block the light, too, so it's hard for any of the down shielded light projecting one way, and then an evergreen tree that is 30-feet tall, it's hard to get light on, but they'll make sure, they'll get the engineer to provide those calcs, so they have them. Drainage for the downspouts, he believes it was in the plans already but, what they're proposing is a trench drain system along the drive-thru because if the engineering is correct, the existing grade does slope towards an existing building. We put notes on there and if they're not they'll be on there next time, that those downspouts are to be tied directly into the underdrain that they're putting into the ground and then the surface flow will be caught by the trench drain. And what that drain trench does it's sort of a catch basin, you don't have to slope, or you can slope along the whole side and catch more water and you don't have any problem in that situation. So that's what they came up with that as sort of a best-case scenario.

And then the alley issues, I know Mr. Christiansen didn't really touch on it, but I believe we're working towards the City owns the alley now, putting easements in place prior to

the City vacating that alley, each of the owners on each side of the alley would get half of the alley, but the easements for egress and ingress over our whole parcel over that alley would be in place. The overhead lines that are there now which I believe are the only utilities, those easements would still be in place. And then they're offering to share their dumpster with the neighbors next door to alleviate their current dumpster issues. Their current dumpster now is supposed to be back here, but with the existing configuration of this building there's no way you could ever get a trash truck in there, so they've been pulling their dumpster out into the alley and that's where it currently sits. So obviously that's an eyesore, you can see it directly off of Grand River and it's not what the Commission or the Ordinance or the intent of how a dumpster enclosure is supposed to work. So we're offering to build a much larger dumpster enclosure in the back, share it with the neighbors, give them all the access and rights to it that they need. The retaining wall, they are going to have a 6 to 8-foot structural retaining wall, the structural engineer has already been on the site and looked at it. So the next time we submit there will be a little bit more detail with that, but our intent would be to have a poured concrete wall with brick that matches the rest of the building. And then as you get down towards the end, the rock that is there now will become a lot shorter and we'll try to keep that under three feet.

Chairperson Crutcher asked if the dumpster is shared with just the businesses on the west end of the strip center or the whole strip center and Diffen replied it is the whole strip center and that they would offer a double dumpster to accept all of their waste as well as theirs.

Majoros asked if those businesses accessed those dumpsters while walking through the alley currently and Diffen replied most of them do but the very end building has a door off the back door.

Crutcher asked if there is an alley behind those buildings and Diffen replied yes.

Christiansen stated that he would like to elaborate on this and help clarify some facts. The planning consultant's review indicated in miscellaneous items page 2 of 3, "The Applicant is willing to work with the City in permitting the drive-thru at the proposed location for the drive-thru in an alley that the City owns. Further investigation may be needed to ensure no utilities are in the alley, in addition coordination with adjacent property owners, what we needed to address with dumpster locations. Plus, the general comment, there are several alternatives that can be pursued to facilitate this. If I go back to the site plan to help Mr. Majoros' question that is being asked, this is the base site plan, and this site plan shows the footprint of the four-unit strip center building to the east and shows the alley, the stacking spaces and the dumpster. If you look here, you can see on the site plan, the dumpster location in the southeast corner. You'll see in the dash line

the existing dumpster, it's oriented to the Avenue, so that the disposal vehicles enter off of Grand River, come straight down the alley, they enter the dumpster, and they back up. The adjacent property has its dumpster behind the building and the access, Mr. Majoros, is walking around and going down the alley and using that dumpster and that's how it's used. And originally it was approved to be in that enclosure, but has over time been out on the edge of it for better access for disposal vehicles. What's being proposed is combining both properties dumpster use. And what's proposed here as you see here, is to reorient the dumpster into the parking lot towards the west and to have it be constructed now, reconstructed as a double dumpster. And so there are several things that need to be addressed, one is how the alley functions and how it's used and who owns it and how all that transpires. Again, it's a platted alley, it's a public alley. The City has some alternatives available to it, it could go through an abandonment and as Mr. Diffen alluded to, there could be a separation or split of the alley, and property owners on the adjacent sides, Panera and the strip center, could then have the property after abandonment and vacation, they could work together on an easement agreement for access maintenance and the like, it could stay a public alley, there could be an easement agreement put in place for its function and use, that's another alternative that's available.

So, there's a couple different things here. That has yet to move forward and it's being held in abeyance subsequent to the consideration of the site plan and Special Land Use first.

Majoros then asked if you're the fourth tenant on the property to the east, you're going to walk down, which is what they do today, right? Christiansen replied in part, yes. Majoros then stated in theory you're going to have to negotiate more traffic in the drive-thru when you're going to go throw your refuse away. Majoros then asked what the hours of operation of the drive-thru would be and Diffen replied same hours as the store, 6:30 a.m. to 9:00 or 9:30 p.m., and then on the weekends it's even shorter hours than that, Sunday's it closes at 8:30 and it doesn't open until 7:00 or 8:00 in the morning, but we're not having any extended hours or 24 hours.

Chiara then asked seeing that the City owns that alley, in the wintertime there's this stuff that falls from the sky called snow, who is responsible for plowing that, do you have any idea?

Diffen replied that currently the tenants are taking care of that and we will continue to do so regardless if you vacate it or easements are put in place for it.

Majoros then stated your website has the hours of operation as Monday through Friday, 6:00 to 9:30 p.m.; Saturday as 6:30 to 9:30, Sunday 7:00 to 9:00. Diffen asked if it was

for that specific location and Majoros replied Grand River and Whitaker and Diffen stated you may be correct.

Chairperson Crutcher called for a motion to open the Public Hearing.

MOTION by Majoros, supported by Perrot, to open the Public Hearing  
Motion carried, all ayes.

(The Public Hearing was opened at 7:40 p.m.)

### **PUBLIC HEARING**

Chairperson Crutcher opened the floor for comments from the public.

Robert Kull, 23917 Whitaker, came to the podium and stated he's got a few comments on this drive-thru, he feels it was just yesterday that he was here talking about the other drive-thru on the other side which is the Tropical Smoothie Café. He hasn't seen it yet, but it's been approved so we now have the proposal of two drive-thrus on either side at the very corners of Whitaker Drive and Grand River. He stated he is here to basically object to this for several reasons. The main reason is related to the traffic, he hasn't seen a traffic study, there wasn't one for Tropical Smoothie Café and he doesn't know if there would be one for this but now we've added another variable. We haven't seen the Tropical Smoothie Café, we don't know what kind of traffic will be generated, there were comments about that, and it was dealt with in a way that allowed it to happen. Traffic coming in on Grand River, exiting on Whitaker, now these two points aren't connected but you'll notice that that exit is directly across the street from the entrance to the Panera. And based on the plans, the entrance to the drive-thru would be mainly through that area on Whitaker. So now people coming down Whitaker turning into Panera, there's currently insufficient stacking spaces, it's backing up currently from, if we look at the plan, the traffic wraps around and comes toward Whitaker. I go to Panera every morning, I'm not opposed to Panera, I love Panera, but there's a lot of traffic at Panera at certain times of the day. Like World Wide Center, it's different times of the day have more traffic and particularly in the school time you'll see Panera serve a lot of teachers and students. And so there's a large amount of traffic just going in and out, a lot of people picking up their morning or coffee to into Longacre because as you know Longacre is at the end of Whitaker and so the traffic generally if you sometimes the Farmington Police will set up the little traffic monitor because there's so many people rushing through Whitaker because they're late to get their child to school and/or to get to work. So now we've got the people rushing to Longacre, they're taking the drive-thru from Tropical Smoothie Café, they're taking the drive-thru into Panera, all at Whitaker which never had a drive-thru, even as of today, there's still not a drive-thru there. Then when you exit, you're exiting

the drive-thru at Panera going north towards Grand River, you've got traffic coming in to go to the strip center over there with the nail salon and whatever else is over there, they have to cut through the exit for the drive-thru exit so you imagine this coming down, you're exiting the drive-thru this way, and someone is trying to cut through that way, they have to stop in order to get through, you're backing up traffic on Grand River. Now you've gone through your Panera drive-thru, you're exiting, you're turning left onto Grand River and you'll find that there's a lane that's now -- Grand River eastbound is now only one lane, and so that's right where it transitions. So the traffic volume is the same but now it's converted to one lane, so the frequency is increased so you've got more traffic, it's harder to turn left. I can attest to that because I go north on Grand River, I turn left every day. It's harder now to turn left, well, it's even harder to turn left, people generally try to avoid it, turning left out of the Panera because Hitachi is toward the north. So the people that are going to Hitachi get in the middle lane and you can't see it on the map but it's right there. You go into the middle lane and you're turning left, and I've done it myself where you kind of get head-on with the other person. You've got the trucks that are delivering in the alley that back-up. You've got the City of Farmington which has some sort of water station there, I don't know what it is, but they were there today, they're there maybe once a week or maybe once every other week, they put two trucks there, they're blocking part of Whitaker right there. There's a lot going on at that intersection and that's without -- there's a lot going on now but when you add two drive-thrus which the community has never had, it's a Special Land Use requirement. The residential community is zoned R-I-C, Residential Country Estate, it's supposed to be a quieter, more peaceful, I'm not saying that it is, why should we be entitled to something that someone else might not, but that's what it's zoned, I didn't make up the Master Plan, the City created the Master Plan, talk about neighborhood centers, discouraging heavily auto oriented businesses and this plan will increase the --- it turns it into an auto oriented business, it's not right now. It's very nice, peaceful, there's people sitting out, you pull in, people are there eating. Now we've got a drive-thru and we've cut down the number of seats for people that can physically be there has been cut down. We've got LED lights that say drive-thru, there's now a proposal, there's been three of them, the signage says drive-thru. Clearly the business plan, the model is to turn this into a drive-thru restaurant, to increase traffic, and it's just not right. It's not appropriate for the character of the neighborhood. There was a major accident, I think it was last month, right at that intersection, it's a dangerous intersection, this will just make it worse. The sound levels, that's the other thing, the sound levels, I had a long discussion with World Wide Center and Mr. Barbat and the City Attorney about the sounds coming through the drive-thru speaker, of course we haven't seen it yet, we came to an agreement as to how that would be handled, myself privately with the owner of World Wide but that's another issue, 6:30 in the morning to 9:30 at night, the early evening is when you want to sit out on your deck or your patio and enjoy the relative quiet and not hear the orders from Panera. There might be a volume control, everything has a volume control, but it doesn't mean that people are going to use it. So

I'd like a requirement as to the decibel levels of the speaker to be minimized and as far as how that's controlled, I know there are automatic controls, an automatic control is better than a manual control, but it seems to me it would be. The hours of operation, a limitation on hours of operation I think is very important. Panera, like I said I love Panera, I go there all the time, it's a bakery, you know, no offense to fast food restaurants, but it is not a fast food restaurant, it's not a Rally's, it's not a Burger King, a Taco Bell, it's a Panera, it's a very nice place, there's a bakery there in the early morning they're baking fresh bread, fresh coffee, but Panera is there on a lease and when their lease expires it's now Rally's, it's now Burger King, it's a Wendy's across the street, maybe across the street it's a Rally's because that's what World Wide puts there and Wendy's goes here, but they're fast food restaurants and that's I don't think consistent with the Master Plan. I think also there is an issue with the alley being vacated and that the by-pass lane, the ordinance requires a by-pass lane, so really what you're seeing in the alley is a drive-thru lane but what's next to it, it's got to be I guess a by-pass lane, I don't know that it's labeled that but the ordinance requires a by-pass lane. That by-pass lane is going to be where people are walking to get – there's a sidewalk from the strip center to the Panera and so people have to walk across that by-pass lane and then the people who are also removing the garbage from the strip center, they're going to be walking through the by-pass lane. There's going to be a lot of traffic there. People right now park in that by-pass lane when there's not enough parking at Panera because that happens frequently, I've parked in the alley several times, never been hit, which is good. Thank you.

Crutcher thanked Mr. Kull and asked if there were any more comments from the public.

Hearing none, on a motion by Majoros, supported by Chiara, to close the Public Hearing. Motion carried, all ayes.

(Public Hearing was closed at 7:50 p.m.)

Chairperson Crutcher opened the floor for questions from the Commissioners.

Waun stated she has a question for Counsel. One of the points just brought up is something that she had in mind, if this is approved for this tenant and this tenant vacates, what happens? Does the drive-thru continue for whatever could occur, could be McDonald's, could be Rally's.

City Attorney Saarela replied if it's an approved Special Land Use, so if it's the same use coming in and they don't have to seek another site plan, if they meet the same requirements of the Zoning Ordinance and it was approved for a drive-thru, it would be approved for a drive-thru. If anything changed and they weren't meeting the requirements

of the Zoning Ordinance, they have another site plan review, we'd have to look at it at that time to see if it meets the requirements of the Zoning Ordinance.

Chairperson Crutcher asked if a fast food restaurant could be there and Saarela replied yes, if it was an approved Special Land Use.

Chairperson Crutcher then asked the Applicant how they would be dealing with the parking overflow and Diffen responded that the whole purpose of the drive-thru is to streamline the operations in the bakery. They're not a McDonald's, they're not a Burger King, they don't want to be a fast food restaurant. Lots of people in businesses order their food online and this way they don't have to park, you know there are cars that come in the restaurant and wait in line to get their food. They can order online, they can pay online, they can just come through and grab their stuff and go and what that does is that it frees up the people pulling in and out in the parking lot in the congestion in the lines that you have inside. So this whole thing is to help and with the alley and the by-pass lane and again, even just with the garbage truck, not coming in off of Grand River and trying to back back-out, everything that we've tried to do here is to make it a better scenario than what you had. It's an established business, it's been there for twenty years, it does a really good business and they do have some busy hours of operation, but we intend that those same people are going to come in and if they're going to have to go to school or to their job or they want to get through there at lunchtime, I mean we've all done it at multiple different Paneras, you pull up there and the parking lot is full and it's because either the tables are all full inside or you've got a lot of people --- what Panera has determined is you've got a lot of people coming and going with take-out hours. So this drive-thru helps with all that, if that makes sense.

Crutcher then stated so you can preorder and prepay and so when you come up through the drive-thru you're not coming up to order, you're coming up to pick up your food and Diffen said yes, they're just trying to streamline the carry out service which is a large part of their existing business. And it benefits the sit down business because now the patrons that want to sit down aren't fighting in the line with the same people that just want a carry-out and they don't have to look for parking spaces because everyone went through the drive-thru instead of parking and getting out of their car to go in and get their food inside.

Crutcher indicated that not only is there a requirement of ten stacking spaces but potentially you have a line-up of fifteen to twenty cars line up out onto the street to get into the drive-thru line and Diffen replied that the objective is to efficiently move people through there and that there's some training involved but these things work very well. Just so that you're aware the drive-thru typically when we do these, we couldn't do it on this one because of the alley, but we usually and we are planning to reconfigure inside, but the drive-thru has its own kitchen and staff specifically for that. It's not mixed with the



restaurant staff anymore, again to help streamline both the carry out customers and the restaurant patrons that want a sit-down experience. So there's a separate kitchen area specifically for the drive-thru and then there's a separate kitchen area specifically for the restaurant and staff for both of those, again, to keep lines down and to keep everybody moving forward and make their whole experience more enjoyable.

Crutcher asked Christiansen if there is a requirement for a traffic study to be done and Christiansen replied that is up to the Commission, if they deem it necessary.

Crutcher then asked what the peak times are for the restaurant and Diffen replied early in the morning when people are on their way to work and then right at lunch time. Crutcher then asked if he knew what the numbers are and Diffen replied he does not, not on this store.

Mike Brunetto, Panera Bread, came to the podium and replied to the question of peak times, that approximately 15% of their business will go through the drive-thru, that's very different from McDonald's, McDonald's is typically 50% or so. So the amount of vehicles going through that drive-thru is considerably less what you're used to seeing or being a part of for some of the other fast food restaurants.

Crutcher then stated that the peak hours coincide with the increased traffic for school and then with the drive-thru there will be a lot of traffic there.

Brunetto replied one of the effects that they see from the drive-thru is that it does free up spots in the parking lot, so you don't have as much at those peak hours, people pulling in, can't find a spot, stop, back-up, it will create some more vacant spots in that parking lot and to that extent it will reduce some of the congestion and some of the lines.

Majoros said the question to him seems to be, does the drive-thru fundamentally bring in incremental business or does it redistribute the business you already have. With 15% usage of drive-thru, if you had a Panera non drive-thru location and you were generating X amount of revenue or X amount of business or whatever metrics you use to assess your business, if you put a drive-thru in in a comparable situation, clearly you're doing this to make money and facilitate things; but do you see your metrics of your revenue generated per store from 6:00 to 9:00 a.m. has gone from X to Y or are you just simply saying we don't really get a lot of incremental business out of this, we just facilitate traffic flow and kind of keep the business.

Brunetto replied that they are doing this for incremental business, and they do see about a 15% increase in sales almost across the board when we add a drive-thru.

Crutcher clarified that Brunetto said that whatever traffic is there will increase by 15% and Brunetto replied you will see an increase in vehicles, yes, without a doubt.

Majoros then stated you can't equate revenue improvement to 15% traffic but there will be more people so if the intent of the drive-thru is not redistribution and ease of movement, but incremental revenue there will be more people in theory moving through but the flip side of that is will a facility that is optimized for the business of those that want to park and walk in and those that want to use the drive-thru, there may be things that may facilitate that flow. So will an optimized footprint allow for injecting more cars and really not create more havoc, that's the question.

Crutcher stated they're decreasing the parking lot and increasing the number of cars coming in because now there's a drive-thru so people who would have gone on past will now stop and Majoros replied that a car coming through the drive-thru would spend an average of one minute eight seconds on the property versus a parked car would be there for 30 minutes, an hour, whatever it is. So I'm not buying or selling, I'm just saying not every car is going to have the same experience there as a parked car would.

Crutcher then stated his question was will there be an increase in cars just because there's a drive-thru, they may be moving faster, but there will be more cars moving faster, it seems like that would be the case.

Majoros then asked if more people would take Whitaker because of the drive-thru, so if you were going to Longacre to drop your kid off, or you were a teacher or whatever, and you normally take Gill every day, you now know there's a drive-thru, will you go one or two streets east or west, do you know what I mean, and say, oh, I'll pop in there because there's a drive thru. It's not going to invite more people to go to Longacre, but will it move traffic around from Gill over here because there's a suitable alternative to get your breakfast faster.

Crutcher stated he thinks Whitaker is the shortcut.

Majoros stated if he's coming westbound on Grand River, I'd probably turn left on Gill.

Crutcher stated he remembers doing that drive and the going to Panera after dropping his kids off at school.

Kmetzo inquired about the status of Tropical Smoothie Café and is concerned about having two drive-thrus and asked for an update.

Christiansen replied the status of the approved Tropical Smoothie with the drive-thru that was mentioned earlier, is that there were several components to that proposed site plan and in the motion of approval of the Tropical Smoothie with a drive-thru. The first is the existing building on the existing site and that is in the process of being upgraded as was required by both the Zoning Board of Appeals in their granting a variance for the stacking spaces I think was one of their items and that was then approved by the Planning Commission. Again, the existing building right now is undergoing roof reconstruction, repair and upgrades, as one of the conditions of approval by both the Zoning Board and the Planning Commission. The second item then is building modifications, façade modifications, those plans have been submitted and they're under review and permits are pending to be issued right now for that façade modification. Again, that was a condition of approval by both the Zoning Board and the Planning Commission as well. There are other site elements of the existing shopping center site that also have to be addressed and upgraded and then there's Tropical Smoothie that's brand new. And there have been property investigations, there have been some preliminary engineering that's been done, there have been some borings that have been taking place out there but there have not been final plans that have been submitted, construction plans that have been submitted for permit yet. They're working on the existing building and the existing site first but it's all in the process.

Kmetzo then asked the Applicant if this the first time they decided to put a drive-thru in this building and if so, why right now.

Brunetto replied that's a good question. They have done all the easy ones, a lot of these sites are very east and don't have retaining walls, don't have dumpsters that have to be relocated, and those are the ones that they did first. This will be one of the more expensive drive-thrus they've had to do and they've kind of picked all the low hanging fruit and are now attacking the more difficult ones.

Kmetzo then asked if this is the only Panera in Oakland County that doesn't have a drive-thru and Brunetto replied that he can't answer that, he doesn't know.

Chairperson Crutcher asked if there was a motion from the Commission.

MOTION by Waun, supported by Westendorf, to deny the Special Land Use Application and Site Plan Review for Panera Break Bakery for the addition of a drive-thru for an existing one-story restaurant building a 34635 Grand River, located in the C-2, Community Commercial District. This motion is based upon the following findings of fact:

Regarding Zoning Ordinance Section 35-152, Standards for Approval of Special Land Uses requires all five criteria to be satisfied and denial would result from failure of any one or more of the criteria:

1. This is not compatible with the goals, objectives and policies of the city of Farmington Master Plan: the use is not compatible with the Future Land Use designation of Neighborhood Centers, which favors small scale and low intensity uses to meet daily needs of the City's residents and discourages uses that are heavily auto oriented.
2. The proposed drive-thru favors motorists and passersby, rather than promoting the C-2 zoning district's intent of providing convenience to neighboring residents.
3. Drive-thrus are known to generate increased traffic volumes in and around their sites, and especially at peak traffic times and this is detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, and other such nuisance.
4. Waiting spaces are not specified on the site plan.
5. The proposed speaker is positioned in the direction of the adjacent residential neighborhood.

A roll call vote was taken on the foregoing resolution with the following result:

AYES: Crutcher, Waun, Westendorf

NAYS: Chiara, Kmetzo, Majoros, and Perrot

Motion failed for lack of support.

MOTION by Perrot, supported by Chiara, to approve the Special Land Use application with conditions regarding Zoning Ordinance Section 35-152, Standards for approval of Special Land Uses for the following findings of fact:

1. This use is compatible with the goals, objectives and policies of the City of Farmington Master Plan:
  - a. The proposed drive-thru window is accessory to an existing restaurant/commercial use that is consistent with the property's Future Land Use designation of "Neighborhood Centers."
  - b. The drive-thru is intended to improve the efficiency of the site's operations and reduce parking demands by diverting some customers to the drive-thru rather than parking and walking in. The drive-thru is not intended or expected to change the character of the site in to one that is heavily auto-oriented.

2. The use will promote the intent of the zoning district in which the use is proposed:
  - a. The proposed use is consistent with the C-2 zoning district's intent of creating mixed-use centers that include uses that provide convenience to residents in adjoining neighborhoods.
  - b. Though the drive-thru will benefit passing motorists, it will also provide convenience to neighborhood residents and, by reducing parking demands for the restaurant, could alleviate concerns about spillover parking that some residents have identified on Whittaker during peak times.
  
3. The use will be constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
  - a. The proposed use is compatible with surrounding commercial uses.
  - b. The addition of the drive-thru is intended to improve the efficiency of the site and reduce parking demands by redirecting a portion of customers to the drive-thru.
  
4. The use will be served adequately by public facilities and services, such as traffic operations along streets, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools.
  - a. The existing Panera Baker and Café is adequately served by public services, and the proposed drive-thru will not affect its needs.
  - b. Traffic patterns will be unaffected, as existing means of ingress and egress will remain.
  - c. The drive-thru is intended to reduce parking demands for the site by diverting some customers to the drive-thru instead of walking in.
  
5. The use will not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to permitted uses in the district, will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke odors or other such nuisance.
  - a. The site uses existing means of ingress and egress to Grand River and Whittaker.
  - b. The site satisfies the Zoning Ordinance's requirements for drive-thru stacking spaces, and the queue is designed to wrap around the building and remain internal to the site.

Regarding the specific requirements for drive-thru facilities required by Zoning Ordinance Section 35-158(J):

1. Stacking. Sufficient stacking capacity in accordance with Article 14, Parking and Loading Standards for the drive-thru portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
  - a. The site satisfies the Zoning Ordinance's requirements for stacking capacity. As designed, the drive-thru queue will remain internal to the site.
2. Bypass Lane. A bypass lane shall be provided around the drive-thru window.
  - a. The site plan provides for a bypass around the drive-thru window.
3. Waiting Spaces. In addition to parking space requirements for restaurants and pharmacies, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-thru portion of the operation, to allow for customers waiting for delivery of orders.
  - a. Parking spaces exist near the drive-thru exits that can be used by customers waiting for delivery of orders.
4. Connection to Commercial Development. Direct vehicular access connections with adjacent commercial developments shall be provided where feasible as determined by the Planning Commission.
  - a. The site is directly connected to adjacent commercial development via an existing alley.
5. Canopy. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
  - a. The site plan does not include a canopy exceeding the height of the building.
6. Outdoor Speaker. Outdoor speakers for the drive-thru facility shall be located in a way that minimizes sound transmission toward neighboring properties and uses.
  - a. The site is buffered from neighboring residential by a wall and substantial mature landscape that will minimize sound transmission into the neighborhood.

The site plan review conditions of Zoning Ordinance 35.163(d) are satisfied with conditions necessary to site plan review, based on specific findings.

1. Site Design Characteristics.
2. Building Design.
3. Change of Use and Redevelopment
4. Preservation of Significant Natural Features.
5. Street.
6. Access, Driveways and Circulation.
7. Emergency Vehicle Access.
8. Sidewalks, Pedestrian and Bicycle circulation.

9. Parking.
10. Loading.
11. Waste Receptacles.
12. Lighting.
13. Mechanical Equipment and Utilities.
14. Landscaping.
15. Utilities and Stormwater Management.
16. Noise.
17. Other Agency Reviews.

This motion is subject to the following conditions:

1. All improvements shall be constructed as shown on the site plan submitted to the City and reviewed by the Planning Commission, being the revised site plan dated 12-17-18, prepared by LK Architecture, Inc. on behalf of Panera.
2. The Applicant shall comply with all conditions identified in the plan review of OHM Advisors dated July 31, 2019, to the satisfaction of OHM and the City, and shall submit any documentation, including revised site plans, as necessary to demonstrate compliance with those conditions.
3. The approval is subject to compliance with all applicable codes and ordinances, including but not limited to the City of Farmington Code of Ordinances noise and nuisance ordinances, City of Farmington Zoning Ordinance including all applicable site plan review criteria, all permit requirements, and any approval requirements of other governmental agencies.
4. This approval is conditioned on the Applicant negotiating a resolution that is satisfactory to the City and neighboring property owner to secure access rights to the existing City alley for use as the drive-thru lane, and to address dumpster location.

A roll call vote was taken on the foregoing motion with the following result:

AYES: Chiara, Crutcher, Kmetzo, Majoros, Perrot

NAYS: Waun, Westendorf

Motion carried, 4-2.

Diffen thanked the Planning Commission for their time and is looking forward to working with them on this project.

## **SITE PLAN AMENDMENT FOR OUTDOOR SEATING – SIDECAR SLIDER BAR, 32720 GRAND RIVER AVENUE**

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

Director Christiansen stated the owner of Sidecar Slider Bar, Scott Pelc, has requested a site plan amendment for their approved outdoor seating for his new now existing restaurant located at 32720 Grand River Avenue, in the CBD, Central Business District. Façade improvements and outdoor seating were approved by the Planning Commission at the May 14, 2018 meeting and a copy of the minutes of that meeting are attached with your staff packet. No changes regarding building dimensions or other site improvements are proposed with this request. Mr. Pelc has submitted plans for the proposed amended outdoor seating area including a layout of the proposed outdoor seating area and proposed outdoor seating tables and chairs. He is here this evening to review the plan and site plan information with the Planning Commission for your consideration for the amended outdoor seating area.

The staff packet had an aerial photo, the aerial photo shows Grand River Avenue, shows the end cap unit which is Side Car Slider Bar at the Village Commons Shopping Center. You can see 32720 Grand River Avenue. You can see the parking lot and the access area which is the loading area, the alley which is to the east, and out front you see it on Grand River, a green space area, and you can kind of see a little bit of the outdoor patio area, this is before Sidecar came to the property. And the area that you see here is the flat area with the stone around it and the green space, that's the area that is being proposed for additional outdoor seating.

This is the plan submitted by Mr. Pelc, the existing restaurant building, down at the bottom of the drawing which is west, the entrance, entrance vestibule and the existing patio area. To the far right which is Grand River Avenue or south, the new patio area.

You might recall that on the approved site plan for Sidecar, they had both the outdoor seating area, the existing patio proposed and approved back in 2018, and they had the area that's on the south side approved as an area for seating and two fireplaces or two firepits. After consideration of those facilities, working with staff, working with City building official and inspector, working with the Fire Marshal, the decision was made that instead of the firepits, expand the outdoor seating so instead of two firepits and chairs, to have table service, tables and chairs here in this area and connect the two areas. So you can see the existing patio, the new patio which is where the firepits were as approved, and you see now a new connection, a concrete pathway.

Chairperson Crutcher called the Applicant to the podium.



Scott Pelc, owner of Sidecar Slider Bar, came to the podium. He stated they're not able to do the firepit tables at this point so they decided to reshape the patio, lay concrete, it was a patio block before, so they decided to pour concrete and they want to enclose it with a fence, some decorative planters at each corner, one at the middle, and provide an egress from the Grand River Patio to the parking lot patio.

Majoros asked Christiansen if this increased the size of the patio at all, it didn't intrude more toward the street, it's basically the same footprint just recalibrated for a different use and Christiansen replied the shape is a little bit different, it was kidney shaped before and they kind of edged it off and you see the planters that contain the area. One of the things that's required of an outdoor seating area where alcohol is served, it's got to be defined and enclosed and that's why it's proposed this way. There was also some concern about the proximity to Grand River, so squaring it off and giving it an edging and putting in planter boxes is also not only definition but a safety issue as well, so this separation was put in place to address that.

Majoros then asked if the path that connects the west side existing patio with the proposed new patio, that's not fenced in, so there is just an open walkway that connects the two parts, is that correct, and Christiansen replied in the affirmative.

Pelc said they'll be ADA compliant.

Majoros stated but not fenced in and Christiansen replied correct.

Crutcher asked if it increases their outdoor seating and Pelc replied it would increase their seating from 12 to 24 seats and it was 16 with the firepits.

Crutcher asked if the seating is in compliance and Christiansen replied yes.

MOTION by Majoros, supported by Chiara, to approve the site plan amendment for outdoor seating, Sidecar Slider Bar, 32720 Grand River Avenue, as proposed in the plans submitted for the August 12, 2019 Planning Commission meeting.

Motion carried, all ayes.

## **PUBLIC COMMENT**

None heard

## **PLANNING COMMISSION COMMENTS**

Chiara stated he surprised to hear there will be a separate kitchen for drive-thru for Panera as they're extremely efficient now.

## **ADJOURNMENT**

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

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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Secretary