

FARMINGTON PLANNING COMMISSION PROCEEDINGS  
23600 Liberty Street  
Farmington, Michigan  
October 10, 2022

Chairperson Majoros called the meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:07 p.m. on Monday, October 10, 2022.

**ROLL CALL**

Present: Kmetzo, Majoros, Mantey, Perrot, Waun  
Absent: Crutcher, Westendorf  
A quorum of the Commission was present.

**OTHER OFFICIALS PRESENT:** Director Kevin Christiansen; City Attorney Beth Saarela; Recording Secretary Bonnie Murphy, Brian Golden, Director of Media Services; Brian Belesky, Audiovisual Specialist.

**APPROVAL OF AGENDA**

MOTION by Waun, seconded by Perrot, to approve the agenda.  
Motion carried, all ayes.

**APPROVAL OF ITEMS ON CONSENT AGENDA**

**A. July 11, 2022 Minutes**

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

**HILLSIDE TOWNES - PRELIMINARY PUD REVIEW AND REQUEST TO SCHEDULE PUBLIC HEARING: ROBERTSON BROTHERS HOMES, MAXFIELD TRAINING CENTER, 33000 THOMAS STREET**

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

Director Christiansen stated the item before you this evening is a preliminary PUD plan review and request to schedule the required Public Hearing with the Planning Commission on a proposed PUD planned unit development plan development on the former Maxfield Training Center. If you'll recall at the May 9, 2022 Farmington Planning Commission meeting the Commission held a pre-application conference with discussion and review with the Applicant on their proposed PUD concept plan for the former Maxfield Training Center. No action was taken at that meeting and this is an optional step in the PUD process, the developer/applicant, Robertson Brothers, chose to initiate that step so there was a concept plan review with both the DDA Design Committee and the Planning Commission. The DDA is engaged as this project is located in the downtown and our site plan requirements with the Zoning Ordinance require that the DDA and the Design

Committee review any site plan and make their comments and suggestions and forward that on with any recommendations to the Planning Commission. So, they had a concept plan review back before you had your meeting in May and they forwarded those comments to you at that time and then they've also had a meeting prior to this meeting this evening on the preliminary plan and we'll take a look at that information provided by them, and comments and suggestions from that meeting. The Applicant, Robertson Brothers Homes has submitted a preliminary PUD plan for the redevelopment of the former Maxfield Training Center and the preliminary plan includes a conceptual preliminary site plan, a preliminary proposed floor plan, preliminary proposed building elevations and project support material. Also attached are aerial photos of the site, a site survey and a copy of the May 9, 2022 pre-application conference staff report and the approved meeting minutes. The following additional information is attached along with your packet and you'll refer to the packet this evening, Mr. Chair, which is substantial in terms of the number of items and material and I think my staff when preparing this indicated it was a pretty hefty packet. So, PUD site plan is provided and a planning conceptual design review letter from OHM Advisors dated September 13, 2022 is provided and OHM has engaged in the process of reviewing the preliminary plans, in fact there was an initial review done when the application was submitted, that review resulted in a resubmittal of plans based upon comments and review, items identified and expressed being of concern on some issues, and after the initial review letter the Applicant submitted a revised plan set and that's what we have in the packet tonight and the DDA Design Committee has reviewed them as well. Also, included is the PUD site plan engineering concept plan, preliminary plan review letter from OHM dated September 26, 2022 so you have a plan review and engineering review letter from OHM. The DDA Design Committee, their minutes from September 27, 2022 are included here and we can take a look at them, Mr. Chair, and take a look at the comments and read them into the record and make them a part of the entire project packet. The Applicant is here this evening, Mr. Tim Loughrin with Robertson Brothers Homes in order to present the preliminary plan and is prepared to do so this evening.

With that, Mr. Chairman, I'll go to the screen and I'll go down through the staff report, the application that was submitted back earlier this summer as required under the terms of the purchase agreement. As you know Robertson Brothers Homes was selected as the developer/builder for this project, they responded to the RFQ quotations that was prepared by the City and that was then sent out. There were four respondents. City Council selected Robertson Brothers Homes as the selected developer/respondent, they entered into a purchase agreement then with the City for purchasing the Maxfield Training Center and the other elements related to the project and the timelines then that are in that purchase agreement, in that PA, required Robertson Brothers to submit a PUD application earlier this summer and that is this application. So that was submitted then after the conceptual optional step one PUD reviews, this application then is what is before you this evening. It is required materials under the PUD requirements for a preliminary

plan and also that support materials be provided. So, we'll go down and do this real quick, we're not going to steal any thunder from Mr. Loughrin. Again, these are items here that are required, there's a checklist in here. This letter in here is the overview letter of the project that was provided by Robertson Brothers Homes, their company, their PUD site plan submittal, it's fairly detailed, again, Mr. Loughrin can go through this, it's in your packet.

Chairperson Majoros stated it was well prepared and answered a lot of the requirements of the PUD and seemed satisfactory, but again, at that time we'll ask the Commissioners if there's any specifics they want addressed to that portion of it.

Christiansen went through the contents of the packet on the screen. He then pulled up the DDA minutes from September 27, 2022 meeting and the items that the Design Committee discussed, materials, product, layout, architecture, on site/off site development related items, item related to the public benefit, public amenities, streets, sidewalks, other things. They talk about the two homes that the City owns, they're intended to be acquired and repurposed to an event space area and that will be discussed with the Applicant. They talk about the elevations, the building materials of the units, the exteriors, the wood, the balcony, the gutters, etc., all of those items were discussed and the suggestions made and there was a motion made by the DDA Design Committee to forward the preliminary PUD site plan for Hillside Townes with the following conditions: that the proposed condominiums building elevations be modified to incorporate the recommended changes as discussed by the Design Committee and is listed in these minutes. The final details for Promenade Park which is the area where the two city-owned homes are located, that will be repurposed as Promenade Park, the Design Committee is reviewing that and there are some final details that they'd like to have some input in. and then suggestions from the Design Committee related to project infrastructure and that's reflected in the minutes, the incorporation of the plan wherever possible. So those plans were forwarded to you with the minutes this evening.

Chairperson Majoros asked Commissioners if there were any questions regarding the Design Committee's suggestions and opened the floor for comments. Hearing none, Director Christiansen stated that OHM representatives Austin Downie, Jennifer Morris and Matt Parks were present at the meeting to address any questions.

He then put the project site on the screen and indicated that the two platted roads that has been addressed through the legal process and have been abandoned and vacated. He showed the surrounding properties with Thomas, School and Lawrence Streets, Shiawasse Park, and Farmington Place. He put up a boundary map which shows the boundaries of the property in question and the adjacent properties, showing mixed-use, downtown, Historic District, Warner, Oakland, Shiawasse Park, properties on the south

side of Thomas Street, between Thomas Street and Grand River, again, an overview. Also included is a site survey where you can see the two streets that used to be there

and are no longer there, part of the original plat. An overview from the architect was also put on the screen and Christiansen stated all of the existing are important, that sets the stage, and with the preliminary plan this evening, and I'll turn it back to over to the Chairperson stating there are five steps to a PUD and we're in Step 2, and the meeting tonight includes an introduction to the preliminary plan and a request to schedule the Public Hearing so those are the items of action before you this evening.

Majoros opened the floor for questions or comments from the Commissioners and hearing none, he invited the Applicant to the podium.

Tim Loughrin, Robertson Brothers Homes, came to the podium. He stated since he was last here there has been a lot of progress made with this project, there were a number of neighborhood meetings, individual neighbors, met with DDA, worked with staff and consultants on some of the details of the plan, we used the feedback received from everyone including the Planning Commission in the process. He said we're excited to move forward and utilize an underutilized property and bring that property to life. There are a few changes since the last time mainly elevations and we're still working with the DDA on the details for that as well as to the Promenade Park.

He stated this property is about three acres, about 18 dwelling units per acre. The Central Business District is the zoning and we're proposing 54 for sale townhomes. We really call them attached single family, nobody lives on top of each other so it's really single family that are attached and this is about half of what we're building so it gets to that attainable price point. New single-family homes, I think I mentioned this last time, we just can't build them for less than \$500,000 and that's really out of reach for most people's pocketbooks but it also allows you get some density in the downtown area and we love walkable communities. If you know anything about Robertson, we really seek out the walkable type of locations which we've been coveting this site frankly for many years and we're excited to hopefully finally moving forward. And they are all the same, two bedrooms, 1,330 square foot, one car garage.

Some of the highlights, again, I mentioned they're owner-occupied and that 54 new taxpayers, with widen open space on the property, and we see this as a catalyst for more residential in the downtown area which would then lead to additional retail, office, commercial investment in your downtown. Again, it will clean up a really obsolete property, this is something that the City has had a vision to developing this area for quite some time and they're walkable, that's something we really focus on but this site is really important because it truly is walkable between two very important parts of your City. It's

between your downtown area and the park there, Shiawassee Park which has been a focus of the City for quite some time so we're really working hard to make that functional, that will be open to the public, a walkway through the community which is atypical for us

but we have done it but it's something we're completely open to for this particular site. If that mechanism to construct the pedestrian promenade but it's also a passable park so there's really a lot of things you can do with this and we're really leaving it open to you as a City and the DDA has given us a lot of input on that on what they'd like to see, so I think we got pretty far along, they did approve us conditionally when we met two, three weeks ago with the caveat that we come back after making some of the changes and our planners are already working on that, so I think we were probably 90 percent there, so what I'll be showing you will be changing to some degree and I'll go through that a little bit and I hope by the time we come back for the Public Hearing we can show you that.

It's a housing option for residents who are vastly underserved, I don't want to rush over this because it's very important. As I mentioned, it's just been way too expensive a market, interest rates haven't helped that, this type of product is something that I think is in demand and will continue being in demand when hopefully things normalize here in the not-too-distant future. And then shameless promotion, we've been around a long time, we've done a lot of good projects and we have a really good reputation so I would ask you to ask around.

The site concept plan in your packet, there are 54 units, we did have more as I mentioned last time but one building would have fallen down the hill, so we decided not to put that building on there. So, basically what you'll see here, where we had the parking lot on the north area, by having it as just a parking lot and not being a building on there, there's really no issues with. We've had a lot of consultants to look at it and that is the reason it took so long for us to really come forward and understand the costs involved, that we're not looking to mitigate anything, we stay out of the angle of repose which is a consulting firm that knows a lot more than I do, we should be fine with the design we have today. You can see there's a lot of pedestrian walkways in this plan so it's connecting the promenade which Kevin mention which are the two houses the City owns between Grand River and Thomas Street; those will be razed and in its place there will be this promenade. That promenade, I'm hoping this is something that meets your expectation, but we're really excited about the way – the DDA would own it and would be programming it in the future, so that's really the plan, it wouldn't be part of our project. The area in the middle there, that is a public walkway through our development, we will put that in our laws, talk to the homeowners, every homeowner will know that this is a public path going through so we'll make that very clear and this will as I mentioned convey people through, I mean they've been using this property for decades so that's really kind of the concept on that. You'll see a lot of landscaping, and the parking situation will be just about two parking

spaces per unit, noting some street parking, that's pretty typical for us. So, just plan progression, I think this is important to point out, it might not look to different from when we started but there's a lot of things that have gone on here. First of all, I guess I'd point out that the exception idea for the Promenade has really turned out. In the original response we basically had a little street with a parking lot, and it was meant for pedestrian conveyance as well as vehicular. In the first plans we had that concept but in speaking with you and speaking with the DDA and speaking with staff, we know that you were looking for more so hopefully we've done that in the current plan. You'll also see we have less units as I mentioned because of the hillside. We had originally proposed in our original RFQ response, we proposed doing a tramway similar to what they have in Cincinnati, that would be for conveyance down, did not get much attraction with that. So those are still discussions we've had on what can be done with those funds elsewhere and those are important conversations to have and we're willing to do just that, transfer whatever funds on that tram to improvements on site if that's what the City is looking for. And then of course we've really updated that pedestrian connection through the property, that was working in conjunction, I know you made comments but also the DDA has made comments on how they want to see that. I think we've gotten there. So, this is the detail of what that would look like and we try to utilize elements that you already have in the City and so you have these bollards, we'll be using those bollards, there will be lighting details. One of the things that isn't shown on here you don't see much brick pavers, that is something the DDA wants to see some of that connection to what you have here. So, what we have agreed on is having the brick pavers continue from Grand River to about where you see that square, you know, concrete pad there which is meant for removable table and chair, that sort of thing. So that would bring kind of historical vibe from what you see downtown into this and just continue from there. So that was one of the comments that they gave that we would be proposing to do. I mentioned the lighting, some nice decorative fencing, artistic shade structures where you have this through the on-site area and just bringing some of those elements in together. So you might wonder what those squares are with the X's on them, those are tents, we will not be putting the tents in that was really identifying that as the DDA programs exist in the future, those are the areas where they can put up tents for fairs and that sort of thing. Otherwise, what I think that we're talking about is doing artificial grass in that and that can then be utilized for food trucks and you name it, art fairs. I designed this so that the bollards are removable so you can bring in a truck or tents and that sort of thing, so we thought of thought all those things through. So, that's the concepts, it looks a little formal towards Grand River, that's on purpose really to echo your downtown and then it gets a little more natural, a little whimsical, our planner had kind of designed the swooping concrete paving element to mimic the river so that's the process on that. He loved it, he really got into this as an architect.

Here's the site context, this is an urban area, it's an urban project. We do have some historic single-family neighbors who we have been trying to be obviously working within that context, transitional use which I think we are. The other proposal was multi-story apartments, many more units, more imposing buildings so just by nature of the for-sale townhome, I think that helps. We're willing to work with our neighbors on how just to soften that look but I think we're a pretty urban area, right, and I think that's what you're really looking for, to bring in some density to help out the downtown. So, I think this project is a really good transition for that from your higher density, higher commercialized area, to your single families. So, I think that's the purpose of the site context, just to show you where we fit into the overall community.

The next slide goes into our architecture and what we submitted was on the top left and I will say we have not gotten a lot of traction with that, that has kind of fallen on deaf ears. So, we have recalibrated a little bit and this came from consultants, the DDA, and they were all pretty consistent, so what we are proposing to do is something more like a lower rise. This is a project on the lower left that we're building in another community so I'm proposing to build this exact same thing. You know and it would be kind of focused on what Farmington has but using those elements, those materials, that design, that block. We were trying on the top left to create an outdoor living area and that long cut would create that, the more I look at it I don't know why we submitted it. So, again, the lower left is little more slim lined and that would be what we're proposing to go forward with and that is really what the DDA kind of gave us direction. So, with that and with some of the comments they made, we will have those drawings for you prior to the Public Hearing. I wanted to point that out.

And I know you've seen this before, I just wanted to point this out, just to show every unit has its own attached garage directly into the unit. You can see where it says flex room, we're proposing to have that really built out as a Zoom room, so almost everybody takes that when we build this, it's like a downstairs basement, so that's been very popular for us. On the second floor everything is open, that's by design, living room, dining room, kitchen, an awful lot of light comes in and then on the top floor would be two bedrooms. And we are building, the closest community we're building this would probably be Brighton, the Brighton community, it's called Connelly Square and it's a similar type. What we're proposing would be richer elevations, if you will, but the project would be the same so you can go out there if you like. That is my last slide, so I'm happy to answer any questions.

Chairperson Majoros thanked the Applicant and opened the floor up for questions from the Commissioners. He said it sounds like we're close but there are certainly some of the answers and the changes being made, we'll probably get full detail before the Public Hearing, at a subsequent meeting we'll get one more chance there to go through final

detail. But pretty consistent with where we've been, appreciate responding and respecting the feedback through the whole process.

Commissioner Kmetzo asked if the Hillside Townes design was shown to the group that did the slope stability test and did they say this was sufficient. Loughrin replied yes, this is what I call the final version after going through that whole process. So, yeah, if you can just think of an angle like this, if it was like this and you building on top of that the whole hillside would fall down in theory. So, if you basically hold off of that top point you should basically have stability but yeah, we spend a lot of time and money and effort to understand that.

Majoros asked if there were any headlines from the meetings with neighbors, we've brought up slope stability, corrosion, those sort of things, storm water management, I think we're aware of the comments that have come up before, perhaps proximity of the core unit towards the most adjacent property, perhaps the pedestrian walkway, I think we've heard the comments but as you know you've been having conversations with the neighborhood group as well as individuals, any headlines from those and things that perhaps if we do have a public hearing where those that might not have benefited from those conversations when you do present next time, you can say here's the four or five major issues we've heard and here's some things that we've done. So, just some headlines from those, if you would.

Loughrin replied we've had a couple Zoom meetings with the neighbors in the area and generally speaking I think they're in support of this type of product over what could be built there so I was happy with that response. We've also talked to the neighbors to the north of Unit 29, I've walked that property with them, there's certainly opportunities for screening, for not allowing public on that property. I mean it's a beautiful piece of land there and we don't want people just wandering off. So, we would be happy to do screening, landscaping, you know, we've offered to replace some landscaping that would have to be removed. So the plan is as we're proposing it as far as kind of working with the on buffering and landscaping, we're more than happy to do that and we've done that in the past with adjacent neighbors where we've actually put a number of trees of their property which in many respects enhances their property value but it also has more impact the closer to the property that you put the trees. So those are things that we're thinking about and we're going to discuss it with them. And we've also met with the adjacent church and have had those conversations about just being good neighbors. Part of our property has some of their spaces and there's also an agreement for City parking so you know there's a lot of moving parts there but we've had discussions on just making sure the easements work with our development and just being good neighbors, some pretty good conversations up to this point.



Majoros thanked the Applicant.

Christiansen stated there were no more comments from the staff but that they appreciated Mr. Loughrin being here this evening, it's certainly been quite an extensive, working together, cooperative, collaborative effort between the City and Robertson Brothers Homes and we appreciate all of that. You went through multiple reviews, various bodies and a lot of give and take with respect to project conditions and adjustments that have to be made, a big challenge on this site is the fact that you have a property that's been developed as it is for a long time and you're going to take that built condition away and what is the suitability of putting it back, you're dealing with soil conditions, you're dealing with engineering issues, you're dealing with other parameters, what kind of project and the City's overall Master Plan, Downtown Master Plan, the goals and objectives and all that, trying to mesh together and come out with what works for the City's planning perspective in the interest of the downtown, the Downtown Development Authority, the City, the Planning Commission, the City Council, but what the site suitability and what the limitations might be but it's also a business issue for the developer/investor because they're making a decision to invest and do what they're doing and to take those existing conditions and figure out how to best make it work in their business interest and develop that site with infrastructure, water, sewer, roads, storm water management is going to be significant here, underground discharge, all of this has to function let alone their product and everything about it and all if that that goes along. Plus, I think as we're all aware, there are environmental issues on this site. There's been extensive environmental investigation here, Phase I, II, Supplemental Phase II, HazMat, asbestos in the old school, etc., etc. This school building that burned in 1914, the original school is buried in the ground and all the impact to that over time has led to environmental circumstances that had to be remediated. So, that's just a recant, Mr. Chair, there's been a lot of coordination and like I say I appreciate that, continuing to work forward in addressing these comments, concerns, questions, suggestions, whatever it's been from community bodies, officials, City development team, Maxfield Training Center development team, Robertson Brothers development team all working together, or planning and engineering consultants or the residents and the church and everybody else, all these again having worked together, so it's a lot and we're hopeful we're getting closer to what everybody wants it to be and from Robertson Brothers interest in their business and their business plans and their investment here, we hope then to be able to make sure that we dotted the I's and crossed the T's, so I just wanted to make that clear.

Loughrin said Kevin brings up good points. Because it's in the DDA, because of some of the environmentals, obviously there are Brownfield and DDA TIF dollars that we've been talking with the City about, but at the end of the day, it is only 54 units so there's only so much that you can actually put on the backs of those from a Brownfield, from a DDA Tax Increment Finance Reimbursement structure. So, we've had conversations and we're

working through those, I think there are grants available, I think that's an option, we're looking into those. There may be avenues really to get a lot of these things.

Christiansen stated don't get me wrong, the City's first interest is in its vision, its goals, its objectives, its long-range plans for its redevelopment and the City is going to look to implement that. And the City Council and its direction to Administration, Management and Administration and staff and then all those who are entrusted to carry out the City's long-range plans and making sure we get the right project and the right redevelopment and follow the City's long-range plans and what we've put in place. So, we work with our developers to make sure that we're achieving that with the give and take necessary, but a lot of hands, a lot of involvement, we've got a significant amount of work yet to do yet. The next step, and we talked about this, Mr. Chairman, subsequent to tonight then is moving forward and the other item on your agenda with this issue as I indicated is a request to schedule the required Public Hearing and I think per the dialogue we had and making the recommendation as requested by Robertson Brothers Homes for your November meeting.

Majoros said there's been a lot of commentary along the way, I think we've reached a lot of good compromise, a lot of good agreement, we respected the plans we put in place, we all worked very hard on, Master Plans, downtown plans and what have you. I think that if I look back on meetings we had years ago, and some of the early comments and things and I think as we matured through the process we got to a point where we had good constructive dialogue on this and I would just encourage if we do go forward with the Public Hearing which I'm pretty sure we will, that the ability to kind of recap that for those that haven't been involved along the way, and to recognize and acknowledge the issues. I think it was David Judge that came in once and represented the feedback from the community, too, and that was super helpful, too, so I think we'll arrive at a good place, and it's been a good process and what have you. With that, I'll turn it over to Commissioners, if we have a motion on tonight's agenda item number 4.

MOTION by Waun, supported by Perrot, to move to schedule the Public Hearing for Hillside Townes Planned Unit Development at 33000 Thomas Street for the November 14<sup>th</sup> Planning Commission meeting.  
Motion carried, all ayes.

Director Christiansen stated Public Hearing requirements require that a Public Notice go out to all property owners within 300 feet and that the Notice be published and that will take place and we'll follow its requirements so that the property owners within 300 feet of the project site as required will get an individual notice and again, the Notice will be published. I can tell you, too, there's an opportunity for those interested or any comments to respond either in writing or to provide information and that will be in the Notice that is

done and how you can respond. We did get a letter earlier today from a resident near the project site and the Gundlachs submitted an e-mail and a letter and we indicated to them to make sure it would get in the file and it will become a part of the permanent record. But this letter and anything else, any other communication, comments that want to be shared by the public will be shared by the public will be made part of the overall project record and the Public Hearing will allow all those interested to come and have an opportunity to speak.

### **UPDATE – CURRENT DEVELOPMENT PROJECTS**

Director Christiansen stated he'd be happy to talk about anything and everything because there's so much going on, I could spend the rest of the night updating you. But you can see all the hard work, all the planning, long range planning of the economic development focus, all the engagement with our business community, whether it's downtown out downtown throughout the community, look at all the infrastructure projects, Capital Improvement Program that we lay out every year on an annual basis and the implementation of that, the City is working very hard and your tax dollars are hard at work and I hope everybody is pleased with the results that are taking place. Everything from the Farmington State Savings Bank to this project to the former Courthouse site and the Liberty Hills development where thirteen to fourteen basements were put in. Then you see other projects that are going on in other areas in the community, look at Farmington Road Streetscape and on and on and on. So, quite a bit of activity, we're very busy right now, trying to get a lot of stuff done before the winter comes, that's always a challenge getting to that finish line so we're on it right now. But I'm happy answer any questions that anybody has concerns about.

Majoros asked if the Streetscape was still on schedule to be completed before the snow flies and Christiansen replied it's a beautiful day and that Streetscape is looking pretty good. OHM Advisors are here and we give their team a lot of credit for making sure that yes, that is happening and they are here to answer your questions if you have any on that. They've been great stewards on behalf of the City, making sure, sheperding that project, making sure it's getting done the right way. And a lot of great work with the good weather we've been having allowed that construction to take place and to continue hopefully so they can get to the place they want to be at before construction season kind of winds down into winter, that's when things are going to stop, but very hopeful that the primary construction and road project, the Streetscape project will get to its completion in the phase that they're doing by the end of October, beginning of November, somewhere in there, that's what the goal is. The finish elements, the bells and whistles, they may take a little longer, the spit, shine and polish, yes. But to answer your question again, yes, we're pretty pleased, it looks really good, it will be nice to have the second leg, the left leg was done on Grand River, now the right leg is going to get done and you're going to have

two good legs. So, it's nice to have knee replacements, hip replacements, to get new body parts so you can walk again, but it looks great.

Majoros then asked about the Heights Brewery and the timing for that one, they were saying maybe spring, maybe earlier. Christiansen replied they would like to be earlier, it's just a matter of infrastructure and connectivity. Look at all of the things going on on Farmington Road from not only Heights Brewing Company but the coordination, City of Farmington with the Michigan Economic Development Corporation and the evaluation and assessment of Kassel Dental and the RFQ went out to market and that property being promoted right now for redevelopment along with some other interests, all of that going

on right now. Heights Brewery, they've come in, we've met, we talked about the infrastructure needs now they're in talking to us about the repurpose of the interior and then the exterior and timing and how all of that is going to work, so that's moving forward. He then noted the Amoco Gas Station had its grand opening, state of the art, EV charging stations, everyone go to the Amoco. It took a long time to go from the Clark Gas Station and the Citgo and the dormancy and the vacancy to where it is right now. And the interior work for the old TCF Bank has happened, they've gone ahead and removed everything on the inside they want to take out and gutted out the interior for repurpose and you'll note the tube drive-thrus are gone, there's just a little canopy, they're moving forward and Savvy Sliders will be a nice improvement on that corner as well.

### **PUBLIC COMMENT**

Chris Schroer, 20620 Warner, questioned setbacks for the Hillside Townes and also if the City is being proactive in prohibiting companies coming in to buy these properties for rental purposes.

Director Christiansen replied saying the Central Business District in Article 7 of the Zoning Ordinance has design standards, it has commercial design standards, and it has residential design standards. Residential design standards have requirements for the project and the project units, in this case condominiums. So, there are setback requirements, a front setback of 5, a side setback there is not a minimum but there needs to be fire rated walls and however that works, and a rear setback is 25 yards and lot line abutting residential zone and that's what Mr. Schroer is referring to. The north lot line of the site abuts his south lot line in his single-family home that fronts on Warner Street, so that is his question. So, I can bring that up really quick, but the PUD is a flexible zoning tool and it allows for modifications and deviations from the Zoning Ordinance requirements in accordance with submitted plans and final approval of the project plans and the development agreement or the PUD agreement that is required as part of the PUD project. And then final agreement would be approval by City Council. So, any

modifications, deviations, whether it be spatial requirements, setbacks, whether it be densities or height or parking all falls within the purview in the development agreement eventually with City Council. As far as the ability to restrict marketing and those types of elements, the City has not looked to go down that pathway, I'm not saying there won't be discussion or concern about that but certainly that concern has been expressed by Mr. Schroer here, this is intended by Robertson Brothers response to the RFQ and their purchase agreement and all their dialogue with every development team in the City and with City Management and Administration and with City Council, to be a for sale product, a for sale unit project development. As far as how that all plays out, who buys, the restrictions on that, that has not been looked into at all and if we can, that question would go back to you, Mr. Chair, and then to the City Attorney for any comments that she might have.

Majoros stated they are having the same problem at GM, we're trying to stop people reselling Corvettes for 20 grand over sticker, but Corvettes are owned by the dealer and not the manufacturer, so it becomes very difficult for an end consumer to buy something and then restrict the ability for them to resell. Those are difficult conversations, but I would just ask the City Attorney if she had something to add.

Attorney Saarela stated that is not discussed in the PUD ordinance, it would have to be something that would have to be discussed in the PUD agreement with some sort of conditional approval and I really think when you're looking at a conditional approval you have to look at the impact.

Majoros said I think it's an interesting observation and something we can think about but I think it would be a very difficult proposition to put into an agreement.

#### **PLANNING COMMISSION COMMENT**

None heard.

#### **ADJOURNMENT**

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

The meeting was adjourned at 8:07 p.m.

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Respectfully submitted,

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Secretary