

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
March 14, 2022

Vice Chairperson Perrot called the meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, March 14, 2022.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

APPROVAL OF ITEMS ON CONSENT AGENDA

A. February 14, 2022 Minutes

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

PUBLIC HEARING – 2023-2028 CAPITAL IMPROVEMENT PROGRAM

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen stated this item is to hold the required public hearing for the 2023-2028 Capital Improvement Program for the City of Farmington. The Capital Improvement Program Steering Committee and City staff have been working diligently on updating the program to incorporate into the City Master Plan and are requesting then the Planning Commission to hold the required public hearing for this evening at tonight's meeting. At the February 14, 2022 Planning Commission meeting you recall the commission scheduled the required Public Hearing for the Capital Improvement Program for this evening, March 14, 2022. Public Notice was published and the draft 2023-2028 Capital Improvement Program is attached with your staff packet for your review. If I may, Mr. Chairman, I will go ahead and scroll down to this draft. attached with your staff packet also you'll see here is a copy of the required Public Notice, so that Notice as required for the Public Hearing this evening was published and we have verification of that, an

City of Farmington Planning Commission

March 14, 2022

Page 2

Affidavit, so we are compliant then with the statutory requirements scheduling and then this evening hold the Public Hearing. And I'll move to the document and if I could I'll go ahead a turn this and what you have then up on screen right now and what's in your packet is the draft 2023-2028 Capital Improvement Program for the City of Farmington. What is required by State statute is that the Planning Commission which you're responsible for the Capital Improvement Program as part of the overall City's Master Plan, put together a Capital Improvement Program for a six-year period and as you are aware the City does this annually for a six-year period. You might recall and without going back into too much detail, this process really starts in the fall, there's a Capital Improvement Program Steering Committee that is formed, that committee consists of various representatives from the City's boards and commissions including City Council and also Mr. Majoros from the Planning Commission. After a series of meetings a draft is put together and that then is presented to the City's boards and commissions, they have a chance to make comment and to weigh in on that draft. After that is done it comes back to you, which it did in February, and the Planning Commission then looks at that completed draft and if it is inclined moves forward with scheduling the required public hearing which you did for this evening and that's what you have before you. So, before you is the completed draft for the 2023-2028 City of Farmington Capital Improvement Program and the required public hearing as required scheduled for this evening. I'll turn it back over to you, Mr. Chair.

Vice Chairperson Perrot thanked Christiansen for the introduction.

MOTION by Waun, supported by Westendorf, to open the Public Hearing.

Motion carried, all ayes.

(Public Hearing opened at 7:07 p.m.)

PUBLIC HEARING

No comments heard.

MOTION by Crutcher, supported by Westendorf, to close the Public Hearing.

Motion carried, all ayes.

(Public Hearing closed at 7:08 p.m.)

Director Christiansen stated that the Commission's responsibility tonight is to hold the Public Hearing and then also to act on the draft as it's your responsibility under statute to act to approve the draft and in doing so if you were so inclined to do so and move it on to City Council for their review and consideration.

City of Farmington Planning Commission

March 14, 2022

Page 3

Vice Chairperson Perrot called for a motion from the Commissioners.

MOTION by Waun, supported by Westendorf, to move to approve the draft Capital Improvement Plan for 2023-2028 as submitted and forward same to City Council for their review.

Motion carried, all ayes.

PRESENTATION AND DISCUSSION – GRAND RIVER CORRIDOR IMPROVEMENT AUTHORITY VISION PLAN UPDATE 2022 REVIEW

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen stated this item is a presentation and discussion of the Grand River Corridor Improvement Authority Vision Plan Update 2022. At their February 24, 2022 meeting the Grand River Corridor Improvement Authority joint Farmington/Farmington Hills' boards, approved the Grand River Corridor Vision Plan Update 2022. The purpose of this item is to review the plan approved by the joint CIA Boards and to consider adoption of the update CIA Vision Plan as part of the City of Farmington Master Plan and comprehensive planning program. The Planning Commission previously had done this with the initial Grand River Corridor Improvement Authority Vision Plan which was developed and was approved and was approved and adopted by the Planning Commission back in 2013 and a copy of the minutes from that meeting from that time and from that action, from that meeting is attached with your staff packet this evening. If we scroll into that, Mr. Chair, this is a copy of the minutes from that meeting. There was discussion back in 2013 around the Vision Plan, you might recall the Grand River Corridor Improvement Authority was established in 2012 and that was their initial vision plan in 2013 and now over time and through the successful implementation of significant part of that plan in moving forward, it became time to update the Vision Plan, the Grand River Corridor Improvement Authority like the Planning Commission does with the Master Plan, went ahead and engaged various interests working together with the City of Farmington Hills Grand River Corridor Improvement Authority jointly via the Interlocal Agreement that the two communities have, Farmington and Farmington Hills, when it comes to their work together on the Grand River Corridor, then embarked upon updating the 2013 Vision Plan. And it's been about a year in process. So, now that they've gone through that, they've completed that process, the bodies have acted independently and then collectively together back in February approving that update and moved it forward to you, want you to consider it. The action they're requesting is for adoption as part of the City Master Plan and comprehensive planning program here in the City of Farmington. So, that's what you have before you this evening. The motion that was presented and acted on back in 2013 again is here in these minutes, I believe if you look on page 3, so that was what was done in 2013. What you then have before you this evening then, going on from the minutes of 2013, and this is the update, and the update is just that, it's an update of the 2013 plans

City of Farmington Planning Commission
March 14, 2022
Page 4

for the corridor that includes an introduction, the four focus areas, reference information and overall revision of those areas that needed to be updated since the work that had been done since 2013 under the plan that is current that was created at that time. So, without going through the entire document and you have it in your packet, I'm happy to answer any questions that you may have. I'll just go to the first page and quickly, the Grand River Corridor Vision Plan sets forth a collective vision for the future of redevelopment along Grand River. And so like the Master Plan for the City of Farmington that you have responsibility for, and update as necessary. Typically our rule of thumb and by statute is every five years the Corridor Improvement Authority has a plan specific to the Corridor and it is a joint vision plan again with Farmington Hills. So, this is the update, it's before you this evening. Again, both bodies have acted on it, it's moved forward to you for your consideration and action this evening and I'm happy to answer any questions that you may have.

Perrot thanked Christiansen and opened the floor for questions from the Commissioners. Hearing none, he called for a motion.

MOTION by Kmetzo, supported by Crutcher, to adopt the 2022 updated Grand River Corridor Improvement Authority Vision Plan approved by the joint CIA Boards as part of the City of Farmington's Master Plan and comprehensive planning program.
Motion carried, all ayes.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT – ONLINE RETAIL DELIVERY STORAGE & PICKUP FACILITIES

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen stated this item is a discussion and scheduling of a public hearing for a proposed zoning ordinance text amendment for online retail deliver storage and pickup facilities. As indicated in the staff packet, the proposed amendment would allow online retail delivery storage & pickup facility establishments within the City of Farmington in the C-2, Community Commercial, and the C-3, General Commercial Zoning Districts as a Special Land Use. A copy of the proposed draft ordinance is attached. As the Commission is aware, we've had quite a bit of discussion about this particular item with respect to a recent site plan application and proposal for this type of use in one of our shopping centers here in the City of Farmington. After discussion and action by the Planning Commission and then direction from the Commission and discussion with the City Attorney and with City Administration at the request of the Planning Commission, a draft zoning ordinance text amendment addressing this item was prepared. You might recall that you were not inclined to approve it, the site plan application, you felt that, if you might recall, you needed to address this more comprehensively since what was being proposed is likely not to be the only one that may come to the city and come before you.

City of Farmington Planning Commission

March 14, 2022

Page 5

So, again, after discussion and after working with the City Attorney this draft zoning ordinance text amendment was prepared and with that, Mr. Chairman, what I'd like to do is turn it back over to you and certainly the City Attorney is here this evening to answer any questions as well as myself regarding this text amendment. You'll note as currently drafted it establishes again this type of use as a Special Land Use with special criteria, so that requires a Special Land Use application if it were to move forward this way and become part of the zoning ordinance and it would also then require not only an application but a site plan and a public hearing and then compliance with the Special Land Use requirements that are in this draft. Currently it's focused on two commercial zoning districts, we did have some consideration in the Industrial District and whether that was reasonable or not. That's not what's proposed here. So, that's one thing to consider. There were some comments I think made along those lines, too, so, with that, Mr. Chairman, I'll turn it back over to you.

Vice Chairman Perrot stated so we have had time to review the draft as Kevin had mentioned, Special Land Use, C-2, C-3, and then at the very bottom of the third page is the Section 2 and there's some specific areas addressing outdoor storage being prohibited, hours of operation, addressing traffic and parking and things like that; do we have any questions after reviewing this?

Commissioner Crutcher stated I have a question. Do we in our definitions now have defined what online retail delivery storage and pickup facilities are?

Christiansen replied that's a very good question, Mr. Crutcher. The definition is not currently in our definitions section and it is not included with this draft other than through the Special Land Use standards, so it's referenced through the standards but there isn't a definition specific. That's something if you wish to look to have a draft specific to a definition we would look to move forward with and put something together. I guess through the Chair I would defer back to the City Attorney regarding that question. Again, the Special Land Use standards tend to define what this is but certainly something more specific in the definitions section could be considered.

Attorney Saarela said that is not defined in the ordinance but if you feel that will be helpful, we can definitely try to come up with a definition.

Crutcher said maybe a better question is what constitutes an online retail delivery storage and are Special Land Uses for any or all of these things, does it have to be delivery, storage and pickup or is it just storage or what?

Saarela replied online retail would be the category, delivery would be like Amazon, storage and pickup facility, so they're going to store and you can pick up from there.

City of Farmington Planning Commission

March 14, 2022

Page 6

Crutcher asked if this applies to a retail facility that is now going to do stuff online with Amazon and Saarela replied no, that's a regular retail establishment. Crutcher said I thought our issue here was a pickup for delivery services or delivery drivers as opposed to what's to prevent the same thing from happening at the Fresh Thyme, people start having orders picked up at Fresh Thyme, does that now become an online retail storage pickup and Saarela replied no, because it's a store that you can go in and shop, it's a retail as its primary use and you can pick things up there which you can pretty much do at any store.

Crutcher asked what happens when someone opens a retail store which would be permitted like the Fresh Thyme and then adds an online delivery pickup facility for its use, do they now have to go through a Special Land Use?

Saarela replied no, that's a retail establishment where people can go in and shop, it's not a storage facility. A storage facility is where you have delivery people just coming in and picking up, you don't have the general public going in and shopping.

Crutcher said someone who's going to do business as mostly retail, all retail, and primarily the delivery service pickup to be taken somewhere else, if they open as a regular retail first, they can then start doing online delivery services.

Christiansen stated if I might, Mr. Chair, and your questions are excellent and I had discussion with the City Attorney and I think your suggestion regarding definitions would help clarify specifics and answer the questions that you're asking. When we look at uses and we look at definitions and if we don't specifically see a definition for a particular type of use, we look to see what the primary function is, the primary operation. And then going through the list of permitted uses, Special Land Uses within the zoning district, you look to associate it then with. In this case online delivery services, specifically this particular use, is looking to establish a location to have products that are stored within the building that as a primary function and activity, are picked up and delivered, not by customers but by delivery people, staff, individuals, companies, however that works, that is the primary function and that's what the intention is here. If delivery happens to become ancillary to or accessory to to a certain point and it's not the primary, the primary still is principal and that's how that use is established and can continue. If somebody wanted to establish the use as a customer based use, a grocery store in this case as we're talking, but then at some point in time wanted to convert from a customer based store to a delivery based store and that became primary that would be transitioned to change the principal use and we'd have to address it that way. But if it's accessory to or associated with and the principal still is a customer based store, it stays as that type of retail, that's how it's typically handled. I think your suggestion is a good one, to define it. And you define percentages. You might recall the item that we had before us here, you had before you, was looking to be 90% delivery and 10% maybe customer if I recall correctly for all the

City of Farmington Planning Commission

March 14, 2022

Page 7

work that we did coordinating that. So, the principal, the primary was online storage delivery 90% and 10% of customer base. You might recall some of the concerns were how that was all facilitated, how the delivery worked, where the delivery took place on a particular site, the hours of operation, some of that included in this draft here. But I think to assist with what you are talking about and to clarify and to make it more clear, a definition will help that.

Crutcher stated my only concern about this is I don't see --- I don't have any objection to the business model, I don't see what the objection is to the business model other than the drivers, the delivery people would probably not be residents of the community coming in. So, if that is a concern, then it's probably something we can't state as a reason for not allowing them but that appears to be the reason for not allowing them. The percentage difference between retail pickup or delivery, that's a very arbitrary number. Whatever we set it at we'll have to enforce it and what happens if we set that number and whatever that percentage is, and the way that the business is operating, the pickup/delivery just winds up doing so much better than the walk-in even though they intend to have 50% to be walk-in, if only 2% actually walk-in, are we not going to enforce it and have them go through the Special Land Use even though they never intended on not having a retail.

Christiansen said when the nature of use is changed and they don't change from how they operate and if also, too, they are still in compliance with ordinance requirements, then there would not be an issue as long as they were operating accordingly. If there was a change in the nature of operation of a use and it deviated from what the ordinance allowed, we have to address that and there might be a number of different things that would have to happen. They'd have to cease operate and/or they would have to seek an amendment potentially how to operate. I will say this: my recollection from what your comments were and what took place in the several times that that application for this type of use was before you, two things were of concern. One was how is delivery done, where are those vehicles at, where are they going to be on a particular site, what is their relationship to adjacent properties and the hours of operation. You might recall that initially that applicant said he wanted to operate 24 hours and there's residential behind those areas. The other one they were in the back of the building of the shopping center's loading and unloading areas, I will say this, that particular site could accommodate that the way that it's built. But there are other shopping centers that all they have is a very small two track alley with a wall, if that, screening the adjacent residential and you can only imagine how that might be able to function because it probably would not be able to function, they couldn't meet the criteria for how it is to operate and again, you would such a proximity to the residential area. That's why I think some of these standards came about because not every commercial location is probably suitable from what was presented and what might happen and through the Special Land Use, that would be a process up to the Planning Commission.

City of Farmington Planning Commission

March 14, 2022

Page 8

Crutcher said but per the description and this is just speaking to the previous applicant, per the description of how the delivery drivers would operate, they're going to look like customers, they're going to look like regular retail customers, they're going to park their car, they're going to get out of their car, they're going to walk into the store, they're going to pick up a package which has been paid for, then they're going to leave the store with the package, they're going to get in their car and they're going to drive away. If I go to the store to go buy a pack of gum, I'm going to drive my car, I'm going to get out of my car, I'm going to walk into the store, I'm going to pay for online or in the store, I'm going to take my package, I'm going to walk out, I'm going to get in my car and I'm going to drive away. So I understand the concern for having this special area for the drivers to come and go but these drivers are just going to look like customers. So, the hours of operation, I understand that, that makes sense for any retail operation, we set those standards, but by having this as a Special Land Use it seems to kind of be picking on the character of people or the kind of people who are now doing these deliveries.

Christiansen replied I don't know if that's true. I think what the case is, and we've had this dialogue here, that you have and you even indicated that there are some parts of the operation that need Special Land Use consideration. Hours of operation, maybe where egress and ingress takes place, the amount of intensity, and those are the kind of things that Special Land Use is set up to address and then everybody is on the same page. You might look at, if you look at the standards here and they're up on screen, outdoor storage is prohibited under this draft, hours of operation are an issue, having a dedicated parking area for the delivery personnel specifically, traffic and parking study, one of the things that you know in your review of site plans a lot of times, is use specifically look for to meet the ordinance requirements, how loading and unloading is done, where it takes place, where the ingress and egress is, so those are the same kind of things here. And then again, it's not personal, it's operational as these are written. So I think that's something to really keep in mind, I think what you may wish to consider again through a definition is the specific language for the use and then that then should be reflected with these standards right here and moving forward as such. I'll just again say every commercial area in the City of Farmington is not the same as every other, there are some unique situations, I mentioned that one, and that would have to be addressed in however you look to handle it. But at least through this process it also gives I think the owners of these properties and then these businesses if they have interest here in moving forward, a structure to how they come about and how they operate so everybody is on the same page. That's very typical with a Special Land Use scenario, that's my experience and the City Attorney I think has a comment here to that effect.

Saarela stated the thing that we were looking at, going back to the applicant that was here, storage facilities are not a commercial use, they're an industrial use. There's a very fine line between what is being proposed here. For a storage facility you have drivers, delivery drivers picking up which is similar to the use we're talking about here. So I think

City of Farmington Planning Commission

March 14, 2022

Page 9

the Special Land Use comes in and that fine line between is it commercial or is it industrial and these Special Land Use permits are intended to make sure that the industrial part doesn't flow over into the commercial, that's the need for the Special Land Use.

Crutcher said I understand that but I think this particular applicant and the use of language hadn't just described it as a pickup facility then it's just like a CVS which also stores product in their store and people can go in and buy it via delivery service or in person, other than saying it's a storage facility is the only distinction.

Saarela stated that's the distinction under the zoning ordinance between commercial and industrial.

Crutcher said so I'd argue and come in and say we're not a storage facility, we're just a retail facility and Saarela replied let's say you have a primary use and a secondary use, but the public is allowed to come and go and shop, then the primary use is a retail. A commercial warehouse, the public physically can't go in these shops, so I think that's the distinction right there, after that it will be helpful to have in the definition public being allowed to enter and shop the store as retail, drivers and delivery personnel being allowed to enter and pick up previously entered orders, there's a way to define it however you have to keep the line between the two and that's where you have to let Special Land Use standards protect the commercial.

Christiansen said and we work very close with the delivery business and there's a requirement here in the City of Farmington before you establish your business to submit an application for zoning compliance and we review the use and if your use is a compliant use and meets requirements and whatever that might be move through the steps in the process. If it's not, if it's a use that is not compliant specific with the zoning district, which happened in this case with what was proposed at that shopping center, we look to see where you might fare, how it could work, and we did not have a structure for that which is why it then moved through the process that it did as a use similar to other types of uses and you didn't find that it was, so the other alternative is where you're at right now with this. And again, this is not personal, it's operational, and the real big concern are the ones we talked about here. Most of our commercial properties are somewhat in proximity to adjacent residential properties and so that we are very mindful of all the time and certainly, too, it would be very noticeable if you didn't have people parking in the parking lot just as typical customers and there was a delivery type group doing the same thing all of the time, that would be something that would be obvious but how do we accommodate that and that's where this amendment comes into play. The standards are public, health, safety, welfare standards for the most part. I had a couple comments if I might, Mr. Chairman, from another commissioner that is not here this evening and I'd like to share those. The first comment was are we able to make these Special Land Uses in both the C-2, C-3 districts as well as Industrial, so that's a question that's being asked and that's

not part of this draft, it's only in the commercial and not in the industrial right now. Again, there might be some different things that need to be considered. The other one was again percentage of delivery versus customers coming through a front door. What discerns delivery from a customer base coming in, what's that level, and again the definition we talked about is probably a good suggestion to go ahead and validate that. And then the other concern here expressed in these comments would be consideration on density within an area with I think the comment here is how many do we want within a certain proximity, do we want to allow this on any commercial property or do we want to have a certain limitation, how could that be handled if we chose to do that, should we have a threshold for how many would be permitted. The only thing I could comment on that would be and I'd go back through the Chair to the City Attorney, regarding what it would take, if anything could be done legally to do that, certain uses you have some limitations, limitations on proximity to other types of uses, so you have separation distance and sometimes you have limitation on certain types of uses based upon special circumstances and you have limitations on bars with liquor licenses, there's only so many made available through the State, etc. You have separation from other certain uses from certain other uses like schools and churches, etc., that sometimes puts a cap on things as far as amassing these types of uses, I'm not sure how that's really achieved because it's looked to be a private type, in this case commercial Special Land Use, commercial use with the industrial elements, the delivery elements, how that's handled I'm not really sure, again, I'd go back through the Chair to the City Attorney on that, but these were the questions that were brought up that were asked to be shared this evening so I wanted to be sure to do that, something else to consider.

Perrot said I have one question and I'm sure you addressed this, but have we looked at any other precedents in other communities, obviously we're not the first to be approached with this style of business and when we drafted our amendment and Saarela replied no, we have not done any comparables. Crutcher then asked to explore that option because some of the examples from the previous applicant showed the facilities in downtown areas it looked like so can we just confirm that there are other communities that kind of feel the same way about it or have addressed it similar or just to see how they addressed it. Because it looks like they were doing it, they were looking right down Grand River, that's what it looked like. Crutcher asked does the fact that there's going to be delivery drivers coming and going and Kmetzo replied the customers can come in and do actual shopping and Crutcher stated no, they can't. Kmetzo stated they can go in and pick up their order but they can't shop, so there's a distinction. Perrot said it's the same action, it's just two different types. Crutcher said so it's like ordering online and going to pick up your product and Kmetzo replied correct, you can't shop. Crutcher asked if we were going to allow people to shop and Christiansen replied that is not a question in our exercise here, the concern is a storage use that has delivery but it's primary and principal and how that can be facilitated whether it's chosen to be or not. I don't think the question has ever been the ability for a customer to come through a front door, however that's

handled, that's done all different ways, right. You pick up food, sometimes you sit down and eat it or whatever else, but it's the percentage that makes the primary. If the primary is delivery and storage, then it tends to function more like in our ordinance an industrial type use, not a commercial use, that's kind of why we're here where we're at right now, that's why there's a question still whether we're looking to consider this as an industrial as well, that's a whole 'nother part of the equation. And again, I think to simplify, it's a matter of the attributes of the use and there was one more here in the comments I received and that goes back to the hours of operation. but the four areas of question were the zoning district and the Special Land Use, just commercial or commercial and industrial and the percentage that makes it primarily storage and delivery and then the density, how many within a certain area or should there be a limitation or not and then the hours of operation I think are the suggestions that were made that sound like they were really good ones, a definition, and would love to see how this was accommodated in other communities, I don't know that other communities have looked at it, like do they have other provisions, I don't know, we'll have to take a look at that and come back to you and maybe what is most reasonable, Mr. Chair, in light of your comments and questions, we'll work together with the City Attorney and come back to you with a revised draft in the next week or so.

Vice Chairman Perrot stated yes, I'd be a lot more comfortable with looking at and benchmarking other communities, I don't want to create a huge research project out of this but once it's in our minutes, looking a lot further down the road once it's in our minutes and we approve it then it's legally binding and then we can at least if this evolves into the way online shopping and the way that we acquire goods and services over the years, it's traveling much faster than our codes. So, at least we looked at it, we have precedence that we looked at it, we have something that we benchmarked off of, so that would make me more comfortable going forward. so, Kevin, correct me if I'm wrong, but it would be a motion to table pending benchmarking study going forward of surrounding communities, other examples of this type of a business and really compare it to our community and see how we stack up going forward just to make sure that we obviously we're not going to be able to address every single aspect of this business because it's evolving but if we can cover more of it and get a little more language, get it into our minutes that we looked over things, something along those lines.

Christiansen stated that you may wish to in a motion to table in order to allow staff and City Attorney to review the comments made by the Commission regarding the proposed draft and to investigate this type of ordinance and how it's being handled in other communities and also to prepare a definition for this proposed use as well, if that makes sense to you.

City of Farmington Planning Commission

March 14, 2022

Page 12

MOTION by Crutcher, supported by Westendorf, to table the proposed zoning text amendment in order to allow staff and the City Attorney to review the comments made by the Commission regarding the proposed draft and to investigate this type of ordinance and how it's being handled in other communities and also to prepare a definition for this proposed use as well.

Motion carried, all ayes.

REVIEW AND DISCUSSION – ZONING ORDINANCE AUDIT

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen stated as the Commission is aware in the continuation of the Zoning Ordinance audit, I think as you mentioned, we continue to work on this and this is next in the series. This item is a review and discussion of the City of Farmington's Zoning Ordinance, that is Chapter 35, Zoning of the City of Farmington City Code. In the staff packet here is a link to that. If you will recall we have been diligently working together with the City Attorney, city staff and yourselves, on our Zoning Ordinance audit subsequent to the adoption of the updated Master Plan, this is what we embarked upon and we have moved through Chapter 35 of the Zoning Ordinance and now we're on Articles 12 and 13 which are the Special Land Use and site plan sections of this Zoning Ordinance. There is a memorandum that is in your staff packet that was prepared by the City Attorney and I'll move to that and just informationally at this point we have moved forward and now this evening through about three quarters after these two articles of the Zoning Ordinance, looking to move to the last articles, there's a couple more that deal with some functional areas, zoning board and definitions and then there are the administrative sections of the ordinance as well, so we'll move through those. I thought we might be able to get through those April, probably most likely by May, so we will probably have a few more meetings after tonight but that's just information for you. But with that, Mr. Chairman, there's a memorandum that's been prepared by the City Attorney with respect to the Zoning Ordinance audit before you this evening for Articles 12 and 13 and I'll turn it back to you.

Vice Chairperson Perrot opened the floor for questions from the Commissioners.

Saarela stated that what you're really looking at is have you had any problems with site plan review where you felt the procedures needed to be tweaked in any way that would make it better, easier, any problems you've had over the years, and with the site plan looking procedurally how that works for you. special Land Uses you're looking at a couple different things. There are standards for general Special Land Use approval that you find in Section 35-152. You can look at the standards and see if they need any modification that you think and more importantly starting in Section 35-158, you have specific Special

City of Farmington Planning Commission

March 14, 2022

Page 13

Land Uses that have specific standards attached to them that you may wish to update based on how you've seen Special Land Uses operating over the years, if anything needs to be added, modified, updated with respect to any of those things. So I think those are the primary issues you'll be looking at with respect to these two articles.

Perrot stated I'm sure my fellow Commissioners could attest to the fact that we talked about a lot of different businesses over the years, with drive-thrus, without drive-thrus, but if memory serves me I don't recall having any that were a big sticking point, a lot of it was putting it back on the petitioner to basically clean up their presentation or their application to the city in terms of updated drawings and having all the different views and drawings and such that are required before we say yes or no or before they even get to us quite honestly. I'll open it up to my fellow Commissioners if they have anything from their sticky notes or previous meetings that they would like to review.

Commissioner Kmetzo stated I do have a question, Mr. Chair, on the issue we just discussed with Section 2, Chapter 35 Zoning, Article 12, Special Land Use Section 35-158, is hereby amended with the subsections that follows, does that mean the subsections will be incorporated and Saarela replied yes, if that were approved. page 22 of 23, Article 12, would follow that for an additional set of standards. Kmetzo clarified that the amendment then for this Article 12 would include those and Saarela replied yes, if it ends up getting recommended by the Planning Commission down to City Council, that would end up in this amendment.

Crutcher asked if there is anything in the ordinance now that would apply to the issue we just discussed and Saarela replied not currently. The specific standards that Kevin and I were discussing with respect to parking, access, hours of operation, if it gets approved, basically page 23 of 23 of this chapter.

Perrot said and the review process that we're three quarters of the way through is going to become the spirit of this, is it becomes a maintenance item, so really once we would go forward potentially this time next year, let's say the amendment was to be approved this year, we would catch it next time, make sure that everything was in here as the ongoing maintenance.

Christiansen stated one of the primary reasons for doing the Zoning Ordinance audit aside from checks and balances that you are alluding to, maintenance, making sure that your regulatory approach certainly is still achieving what you as a community want to realize, whatever your goals and objectives are as they relate to this case, to land use, to planning, development, and if it's all still valid and you know things change over time. Rules and regulations of the game need to be looked at because circumstances change. Now, certainly what you do with this zoning audit as we talked about is use it to reflect back on the vision, the guide, the plan, the Master Plan that you just updated in this case.

City of Farmington Planning Commission

March 14, 2022

Page 14

And under State statute, under the Planning Enabling Act which the Planning Commission is responsible for the Master Plan, it's part of that whole exercise. even though zoning is in the Michigan Zoning Enabling Act, they do work hand in hand. The planning part of it is the guide, the road map, and what you do once you update or adopt a new or updated road map is you look to see that your rules are able to implement your road map, so that's what you've been doing here. these two articles are very, very significant in terms of a community's overall focus of its land use, its development, its economic development, when you look at the process for Special Land Use, you know special land uses are unique uses, ones that have special consideration. but there are ones that really need to be given consideration in terms of what they bring to the table and then how they are addressed and what the standards are to achieve them if there's a desire to do so. And of course site plan review is a process and you know you need to make sure that your processes are working the way you want it to work, right, however that comes about through application, to the information provided, to what they're trying to achieve with that information and to realize and then what you look to approve and what legally validates that approval, represents that approval because then you're going to move it forward to the next step which is the building permit processing and construction and everything else. So these are really significant articles and I can tell you that you've used these two articles, you as a Commission for a lot of years, very, very effectively. And if there are areas or areas of concern, we probably would have identified them or we certainly would discuss them. Certainly one of the challenges is again the nuance use, Special Land use is kind of the ebbing and flowing portion of this tool of the Zoning Ordinance. Site plan review maybe not so much but as technology changes it needs to be accommodated for, too, we've had to do that. It used to be, and Mr. Crutcher can attest to this and certainly Mr. Westendorf, too, architects, in the day you had to submit so many hard copies and that's what you submitted with the application and whatever else it was. It's a different world today, right, so much done electronically and digital information helping to exchange, helping to put together and all of that. So you have to modify your site plan requirements to reflect that and also, too, sometimes, the elements that are desired to be mandatory on a site plan, things shown, general things we can understand, building and access and parking and those things, but there's a lot of new things that are coming about, too. One off the top of my head, you know, and I think Mr. Westendorf might have been involved in this in his private business endeavors in his profession, gas stations. Gas stations used to be a place where you pulled up to the pump island and got your gas and you paid for it and you went on your way. Well, that's not the case anymore. Gas stations are now multi-faceted and multi-use, they are convenience stores and now it's not even just gas, now we're dealing with electronic charging stations and everything else. So, all of that has to be accommodated for, some nuances have to be provided for and things like site plan review codes as items that are looked for and how all of that is handled, so it's really different today. So, as we're going through here, these sections, these two articles really haven't had a lot of issues but obviously we're looking to make some

City of Farmington Planning Commission

March 14, 2022

Page 15

changes in the Special Land Use section because we considered an amendment tonight and that will probably continue as we go on.

Crutcher asked in the ordinance in terms of site plan submittals, we're not requiring sealed documents for site plan review and Christiansen replied for site plan review that's not required by ordinance but obviously when we get to buildings and architecture, we do require that. Certainly when we get to the construction plan phase and also representative site information, so the surveys, registered land surveyor, infrastructure, certified by a registered engineer, so definitely when we get to those certifications. But we certainly welcome that, it's usually a preference if you will when we have professionally prepared plans at this level by a landscape architect or a site planner that is registered and certified because they know what to provide and it makes it I think better for you as a Commission looking at those instruments.

Perrot stated Section 12 obviously has types of businesses that haven't existed in Farmington but it's important enough to have them addressed to state basically what our position is on those businesses and Christiansen replied I would say, Mr. Chairman, Article 12, the intent of the article is to provide standards for Special Land Uses which are uses which under unusual circumstances could have some level of impact, it might be a detrimental impact or a negative impact without consideration of circumstances and addressing those unique circumstances. So, you have to be mindful of that. Not every particular use is straightforward and is one that doesn't impact adjacent uses negatively or would be compatible with. So, these Special Land Uses are ones that have unique circumstances and they require you as a Commission to look at them with a different level of focus, in this case site plan and Special Land use considerations, public hearing, notice goes out, property owners get notified, so they're made aware of these kind of things so they can then be engaged in how they come about if they even do. And that may vary extensively and again, usually because they have unique circumstances of some type, there's some level of impact.

Perrot stated the one thing that I noticed there's a huge list of adult regulated uses and for obvious reasons. and then we get to page 18 of Section 12 and at the bottom under recreation facilities one of the items, a lot is really benign things, skating rinks, swimming pools, batting cages, but also included in there is shooting ranges. Now, obviously in our community as small as we are, the 2.3 miles or whatever we are, there's a very short list of properties that could even entertain that type of a business.

Christiansen replied it's interesting that you say that but those types of facilities if you in your travels may notice are in many communities, indoor ranges, archery ranges, indoor shooting ranges. Here our ordinance being not looking to be exclusionary because we can't be exclusionary, we have to provide for opportunity for all uses unless there's some legality involved or some ending court case results that impact the particular use. In any

event things like shooting ranges or other types of uses that have some unique elements to them all have to have in this case as they're listed here certain standards, Special Land Use standards addressed and so that's how that comes to be in our ordinances and many others in structure. so, these uses here, I think if you look at page 18 of 23 in this particular article and it talks about recreation facilities, indoor entertainment and amusement establishments. many of the ones listed here have something unique about them and that's why they're here and for them to be considered specially by you via site plan and required public hearing.

Perrot stated the other thing that pops in my mind is if you think about all the conversations that we had years ago about putting a Burger King in next to a neighborhood and imagine if we're putting a shooting range or we have an application for a shooting range next to a neighborhood. It was just something that jumped off the page at me.

Christiansen stated you can see the list is extensive because there's a lot of uniqueness to various uses and that's why as you're talking about there's a uniqueness to that situation with the delivery type use. It's not ancillary or accessory, it's intended to be primary and our ordinances aren't set up for it yet. You know, again, there's new uses that come up all the time that we have to then look to address and find the best way to provide for, accommodate, or to handle, that's what we're doing, that's the situation so I'm glad we're having this conversation. You can see here and what the detail is in this Special Land Use section, whatever it might be. Look at everything that relates to storage and outdoor storage and how all that is done and everything else, there's a lot of code requirements that are put in place to make sure they operate in the best interest of the public, health, safety, welfare, that's really what it is.

Crutcher asked if a motion was required and Christiansen replied no, what you've been doing is going through that and you've been completing your work, if there's any recommendations or suggestions you've made them, we've had a couple over time that we've been doing this work and make note of that accordingly and if there are no other questions and back to the Chair what we would look to do is to move on to the next series of articles. I think we probably have an April meeting with the zoning audit and probably a May meeting, too, and that should get us to the end. The last article is the definitions portion of the zoning ordinance. Between here, Article 13, and that definition section, there are two sections that deal with operations. One is loading and unloading and the other is off street parking, so those would be the next two along with the Zoning Board of Appeals and then the administrative articles and definitions, so that's what we have left.

UPDATE – CURRENT DEVELOPMENT PROJECTS

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen stated I think that everybody is happy that the weather looks like it's going to be breaking and we can get back outside and enjoy our wonderful community walking about through our neighborhoods and into and through our downtown and hopefully, too, you'll get to see some more of the activity because there's been so much that's been going on with repurpose and with redevelopment and with new uses and with working and investing and updating and upgrading properties here. We've had quite a bit of discussion in the last while about that. I guess, Mr. Chairman, I would instead of going through a list of properties I might go back to you and just ask the Commission if there's any particular project that you have any questions about, anything that you want to ask about or that's on your mind and we can have that kind of dialogue if that's okay with you, Mr. Chair.

Perrot said one I just found out about today, the salad restaurant that's going in next door to the florist, how close are they and Christiansen replied pretty close, they've got their plans approved but they have some adjustment to that unit because it hasn't been a food and beverage business before. So you know when you go into an existing building, an existing unit, that isn't facilitated or built for that, it has to be retrofitted and sometimes that requires you to look at the infrastructure, so that's sewer and water and everything else and how that's all facilitated. Also, too, things like egress, ingress, it is bathroom facilities and other things, so I would defer to our fellow commissioner architects and to their experience with some of that because I know it's not so easy when you have older construction and it has to be retrofitted and repurposed to accommodate a use that hasn't been there before, that it wasn't originally built for. So, we're working with the business owner there and with the owner of the property addressing some adjustments but that's moving on and we hope to see that realize shortly.

Perrot asked about the Farmington Diner and Christiansen replied that would be the old Panera Bread and they've been inside, they have construction permits, they've been doing interior work to repurpose the inside, the dining area, the customer service area, the kitchen. And like I was referring to with the weather, once the weather breaks a little bit and they can get back outside and do some exterior stuff, just cosmetics, that's site plan related and they're looking to complete that shortly so that they can open, too.

Crutcher asked if they are expecting parking issues like Panera had and Christiansen replied Panera had parking when it was approved to accommodate it, that was a brand new building twenty some odd years ago. And when it was built, it was built under the standards of the time, it just happens to be a use that's very desirable and so they had a lot of parking issues at peak periods with the need for overflow on adjacent properties and the like. Will they have the same sort of circumstance? I don't know, I guess that remains to be seen but it is a use that's approved for, what it's being repurposed for based

City of Farmington Planning Commission

March 14, 2022

Page 18

upon the existing construction and what is there, and so we'll see how that goes and if there's anything else that needs to be addressed, no changes proposed.

Crutcher stated I asked one of the tenants at the mall next door, indicating they have an issue now with parking because of Tropical Smoothie and Christiansen asked not enough parking and Crutcher replied not in the right location. Christiansen said I look at that center, just my observation, and if anybody else sees different, please, but I was concerned about that, too, in my capacity here and as a user of that center here in the City, quite often all the businesses there, knowing that the displacement or the removal or elimination of a certain amount of parking to accommodate a building in this case Tropical Smoothie might result in impact on parking as a whole let alone parking in certain locations, we were mindful to take a look to see what remained and I can tell you there's parking available in my observation in the middle and to the west, not just on the east because there's a building there. Crutcher said I agree that parking is available, it's just where it's located at. And then when the diner opens, their overflow is going to push to the grocery store and other stuff. We're probably going to hear a lot of complaints about people having to walk and Christiansen replied one of the focuses of our long range plans is trying to make the community a walkable community. So, I know parking is available on the site, you might have to walk a little bit from where you're parked to the businesses you're looking to go to.

Perrot stated we talked about that in depth and about the fact that it's hard to argue that seven days a week the west end of that parking lot in front of O'Reilly's is pretty much empty, that was a big part of that conversation when we were talking about Tropical Smoothie.

Crutcher said I have a question about the old Burger King and Christiansen replied I've heard that there is a potential lease agreement, but nothing has come to fruition yet, we haven't seen anything, nobody has come in with any plans to move in or establish a new business. But through the broker we were made aware that there is an interest. you know the same thing is happening across the street, not to jump ahead, with the Chicken King building. You know we have some opportunities for food and beverage in particular in our community and you know that would probably not be inconsistent with what you're seeing based upon the impact of the Covid pandemic on food and beverage businesses. And so a number of them were not able to continue to operate so there's a transition that's happening right now but we are realizing new tenants, new uses. You'll note that you talked about Panera Bread and the Farmington Grill and you talked about the former Burger King and Detroit Eats, and I'm talking about Chicken King across the street. You know that on Farmington Road, Page's property is still listed, another food and beverage and there are a few others in various locations that are available and are transitioning and changing hands. So, we're seeing this with food and beverage businesses, not that I want to diverge from your questions here, but there are other availabilities, too, with

respect to commercial retail and also some personal professional service, it just depends on the location and where it is. But we work daily on trying to attract and the right information for and looking to help to facilitate new tenants for property owners, so that's an ongoing.

Christiansen said there a couple other good things that are going on, and you might note that I think the Amoco Gas Station is right ready to open. They're looking for employees right now so put the word out there, that's really good, they've done a really nice job. they did have some infrastructure issues, and it's just like anything else that I'm mentioning, when you have existing development, when you have existing construction, buildings, facilities, sites, that were built at a period a time ago and is built for a particular use type or whatever the rules, regulations and whatever was being brought online at the time and if it's different now and the requirements are different and the standards are different to redevelop property, to repurpose property, to retrofit them that sometimes becomes challenging depending upon circumstances. That property had some issues with infrastructure and that required them to have to go back and deal with some circumstances and they've adjusted and dealt with that and now they pretty much got to a point to where they are ready to finish the interior stocking and to open up for business and we're really, really glad to see that. You know we have a site plan across the street for Savvy Sliders, we're waiting on that. We've seen some uses in the downtown that are transitioning and coming on like I had mentioned before, there's actually a new tenant that's going to be coming into the small front portion which would be the northeast portion of the CVS building which has been vacant for quite, quite a long time, but there's a new use that's here on Grand River and it's moving its location from Grand River to that location so we're working with them to help them move forward with that right now. And just some other ones hearing through the community, again, you'll see vacancies here and there but there's a lot of interest and we continue to move forward with some of the work in progress right now, Blue Hat Coffee continues, but they're getting closer with inspections, Apothecary is moving forward, a new Common Ground, you know, they're all in different stages right now. You mentioned the ones that are to the west and out of downtown a little bit and I can just tell you, too, I think there are three homesites left for Liberty Hills and they just started their marketing and construction last summer, so that's going to be pretty good. And we continue to move forward with the selected developer for the Maxfield Training Center and where they're at in their process right now, so a lot of activity but it's something more that you'll see now as the weather breaks, you can travel out and about a little bit more and as more things are done outside instead of inside, there's been a lot of inside work, the State Savings Bank.

Crutcher asked what happened with Los Tres Amigos and Christiansen replied they're doing their outside enclosure, they have their permits and working that through right now, all the moving parts and how that works. We're really excited about all of that, it looks

City of Farmington Planning Commission

March 14, 2022

Page 20

like it's going to be a very unique modification for that property, I'm very excited about that.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENT

Christiansen stated in our ongoing efforts of doing the kind of things that you as Commissioners and we as a City do with respect to planning and zoning and economic community development and in your capacity, your roles. You know we talk about what we're doing here with the zoning audit, making adjustments and updating, etc. One of the things I'm always mindful, too, we talked about this quite a bit over time and making sure that you as Commissioners have the tools available to you and what you need and I wanted to make you aware there was an email today regarding some training and we talked about training if I'm correct, various training seminars and workshops, to help you in your tasks as commissioners. There is a Planning & Zoning Essentials training, a virtual training via Zoom, to be provided by the Michigan American Planning Association, March 21st and 22nd and so it is via Zoom and I can tell you I believe it is in two evenings and it is I think a 6:00 – 8:00 p.m. virtual.

ADJOURNMENT

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

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Secretary