



**Special City Council Meeting
6:00 PM, MONDAY, JUNE 1, 2015
Conference Room
Farmington City Hall
23600 Liberty St
Farmington, MI 48335**

FINAL

SPECIAL MEETING MINUTES

A Special meeting of the Farmington City Council was held on June 1, 2015, in Conference Room, Farmington City Hall, Farmington, MI. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 6:00 PM by Mayor William Galvin.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Greg Cowley	Councilmember	Present	
William Galvin	Mayor	Present	
JoAnne McShane	Councilmember	Present	
Steve Schneemann	Mayor Pro Tem	Present	
Jeff Scott	Councilmember	Present	

City Administration Present

Director Christiansen
 Assistant to the City Manager Knowles
 Recording Secretary Murphy
 City Manager Murphy
 Attorney Saarela

2. APPROVAL OF AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Greg Cowley, Councilmember
SECONDER:	JoAnne McShane, Councilmember
AYES:	Cowley, Galvin, McShane, Schneemann, Scott

3. PUBLIC COMMENT

Annabel Gabel commented on a favorable article recently published in the Farmington Observer regarding new City Manager David Murphy. She provided some history on prior City Managers in Farmington.

4. REVIEW

A. Proposed Orchard PUD Project

Knowles provided a handout to Council regarding a conceptual development plan for Orchard Phase II. She provided background on the property, indicating the DDA purchased it approximately 1 ½ years ago. She stated two Requests for Proposals (RFP) were issued before this developer came forward. She stated the intent of the RFP's was to spur residential development, with no specificity as to owner occupied or rental, but complementary to the Orchard Phase I development.

Knowles advised the proposal from Cervi Construction is a 15-unit apartment complex, three stories, with a comparable color scheme to Phase I. She indicated parking would be along the front of the property with a proposal of 21-22 spaces. City Ordinance provides the number of required spaces necessary for the number of units proposed.

Knowles stated the plan is being introduced to provide Council with an understanding of what will be presented to the Planning Commission on June 8th. She discussed the process going forward including a return to Council with more detailed information.

Mayor Galvin indicated providing a preview of these plans to Council is not part of the usual Planned Unit Development (PUD) and planning process. He noted the importance of this project, and that the feedback from Council is valued and will be integrated into the process going forward. He opened the floor for questions or comments from Council.

Responding to a question from Schneemann, Christiansen stated he does not have additional elevations of the project yet.

Schneemann advised the building was not objectionable, but his preference would be owner occupied units rather than rentals. His main concern was the site plan and the proposed site for parking. He noted that two RFP's resulted in only one interested developer. He pointed out the economic climate continues to improve providing the city an opportunity to be more selective in approving projects.

Schneemann believes the city should look for something more ideal with the intention of bringing high quality residential design into the downtown. He noted this is the only parcel in the downtown and he would be an advocate for more units. He would prefer to wait for something of higher quality.

Cowley stated he opposes apartments and queried why the change from condo to apartments.

Knowles responded the original proposal from Cervi was a condominium development, however, the elevation showed that Phase I would face the garages of the Phase II development. She stated, as a result, the DDA Board asked Cervi to go back to the drawing board and bring back new plans. She noted the DDA Board is not opposed to rental units.

Responding to a question from Cowley, Knowles stated the proposed rental rates are approximately \$1,100 or \$1,200 a month.

Cowley pointed out that the rental rate is middle of the road and not high end. He stated that his opposition to apartments was in part based on police reports that show most issues occur at apartment complexes. He does not want to set a precedent with this project which is not in the realm of high end. He defined high-end as being at least \$1500 per month. He

also inquired if the company builds and manages apartment complexes.

Responding to a question from Cowley, Knowles stated Cervi primarily does high end single family residential.

Cowley stated he does not oppose the proposed design. He is just not on board with apartments at this time and would prefer owner occupants. He would prefer to delay a decision and see what else comes along.

McShane indicated she saw the developer's initial plans for the apartments and the condos. She stated it was a distraction to have the garage doors facing west, although she did see something similar in Plymouth and it was not the end of the world. She indicated there is a demand for condos in Farmington and that they are selling within 24-48 hours of being on the market and above asking price. She stated condos would be a good fit for that location and suggested encouraging the developer to build condos, not apartments. She also expressed concern regarding the proposed parking.

Scott stated he is not anti-apartment, but rather pro millennial. He stated the downtown is in need of housing that would attract millennials to it. He is not excited about the concept plans, but would rather see something like lofts built. He pointed out millennials are not buying condos, but rather nice apartments to rent. He believes there is a market that is not being addressed, that the plans are very traditional and go against the whole vibrancy he would like to see in town.

Responding to a question from Galvin, Schneemann stated the proposed design is not offensive, however, it looked like a building that would sit amongst other of its kind in an apartment complex rather than a townhouse or brownstone.

Galvin stated that based on the discussion, Council would prefer condos to apartments and more customized quality designs.

Schneemann reiterated his dislike of the site plan, especially the parking

Further discussion was held on parking and whether it could be underground, costs the developer has incurred thus far, whether there is a TIF differential between condo versus apartment, and the utilization of a broker in the process.

Knowles advised that the DDA did accept a proposal from Cervi and need to work in good faith with them.

B. Zoning Text Amendment: Outdoor Seating

Murphy advised that the Planning Commission had reviewed the memorandum prepared by LSL Planning regarding modification and clarification of the existing outdoor seating standards in the Zoning Ordinance at their April meeting. He stated items addressed in the memorandum included State mandated enclosures, ADA requirements and right-of-way restrictions.

Murphy stated the draft zoning ordinance text amendment prepared by LSL is complete. The requested action of the Planning Commission is to hold the required public hearing as scheduled on the proposed Zoning Ordinance Text Amendment for Outdoor Seating, to make a recommendation on the proposed amendment, and to forward it to City Council for their review and consideration.

Christiansen stated the Planning Commission held the required public hearing for the proposed Zoning Ordinance text amendment for outdoor seating as scheduled at their May Planning Commission Meeting. The Commission unanimously recommended moving the text amendment forward for Council review and consideration as proposed.

Caitlyn Malloy-Marcon, LSL Planning, was present to answer questions from Council. She noted in the proposed amendment they recommend language that is crossed out be stricken from the ordinance and language underlined be added.

Cowley pointed out the Liquor Commission eliminated the need for enclosure of outdoor seating. He said personally from a liability perspective he favored enclosure.

Malloy-Marcon indicated there still needs to be delineation between areas for dining purposes, general public and walking paths. The delineation doesn't have to be a solid surface, fence, wall, or bar, or that which was previously required. She noted things like planters can now be used. She stated the amendment doesn't fully take out the requirement for an enclosure, but the requirements are more flexible.

Cowley believes enclosures should be standardized.

McShane stated it is bothersome to her that the amendment only refers to the usage of planters, railings, etc. but does not state specific design requirements. She advised there is conformity and a means of separating pedestrians from diners by requiring a well-defined fence. She noted the provision for an elevated platform is currently a big controversy in Birmingham. She requested more uniformity in regulating outdoor seating and a provision that includes options for different fence materials. She expressed concern regarding using movable objects such as planters.

Scott stated he recently called the State regarding the provisions of the new ordinance. The State informed him that outdoor seating enclosures should be clearly defined and repeatable. He wondered how this would impact Page's Restaurant and further discussion was held. He stated the focus should not be only on sidewalks and stores right downtown.

Malloy-Marcon clarified that as the ordinance is written, enclosures are only required in instances where liquor is being served, so a bakery that requested outdoor seating would not fall under these requirements. She advised a requirement of uniform fencing in the downtown would go beyond provisions of the amendment.

McShane pointed out the outdoor seating at Page's Restaurant does not comply with the provision of the amendment that states "outdoor seating areas shall be located in a manner to maintain a minimum pathway width of 5 feet (clear of structures such as light poles, trees and hydrants) along the sidewalk."

Schneemann asked for clarification of the last sentence in Section 1-7 which reads "This may be accomplished by the use of planters, railings or walls reviewed and approved by the Planning Commission." He asked if that meant only planters, railings and walls may be used. Malloy-Marcon responded that is not all inclusive of the materials that can be used.

Galvin questioned whether paint could be utilized to delineate outdoor seating boundaries. Malloy-Marcon responded the Planning Commission would determine what can be utilized to define boundaries.

Schneemann stated the decision regarding appropriate materials used for establishing outdoor seating spaces should be made by both the Planning Commission and the DDA Design Committee.

Galvin questioned the definition of “adequate environment or space” in Section 1-9 of the ordinance.

Malloy-Marcon responded it would be defined that no other site around the building or in front of the building would be an adequate amount of space to allow for same.

Galvin asked how this would apply and affect other shopping centers outside of the downtown area.

Christiansen responded the amendment was developed as a result of changes in State Law. It provides more flexibility to current outdoor seating regulations. He stated historically outdoor seating has been proposed, reviewed and approved via site plan by the Planning Commission.

Christiansen stated that the Planning Commission handles everything on a case-by- case basis. He stated even though the amendment may provide more flexibility in design standards, the commission would be good stewards of administering this ordinance.

Schneemann stated his understanding of Page’s outdoor seating plan was that it was approved only for Founders Festival. Christiansen responded that it is reviewed and approved on an annual basis.

Cowley expressed concern over Section 1-9 of the Ordinance that allows the placement of platform on the street adjacent to a restaurant under certain circumstances.

Responding to a question from Galvin, Murphy responded that the amendment could be further defined so that uniform standards could be applied by the Planning Commission. He expressed dissatisfaction with Section 1-9 from every aspect, as a business owner, a patron, and the liability it presents with for the City.

McShane asked what standards the DDA Design Committee would have in the approval process and Schneemann responded they would rely on former protocol.

Scott spoke about the differences between fully enclosed and clearly defined.

Schneemann stated his concern with the outdoor seating at Page’s and further discussion was held.

Galvin queried Council on their standing on Section 1-7 regarding the delineation of the boundaries for outdoor seating. The consensus from Council was they were not in support of the language as stated.

Malloy-Marcon stated that no matter what language is contained in the amendment, it still comes down to the interpretation of the Planning Commission.

Schneemann expressed his concern with the subjectivity of interpretation.

Scott suggested including language in Section 1-7 to the effect that there should be limited access or a controlled access point.

Further discussion was held regarding including more specific language in Section 1-7 and whether or not to include Section 1-9 in the amendment.

Galvin summarized the discussion and directed Malloy-Marcon to include Section 1-9 in the text amendment but that it can be discussed further when it comes up for vote.

C. Zoning Text Amendment: Single Family Residential Zoning Standards

Murphy stated the Planning Commission at their April 13th meeting discussed and reviewed a March 6th memorandum from LSL Planning regarding the existing single family residential zoning standards in the City Zoning Ordinance pertaining to building setbacks, building height and lot coverage. A draft Zoning Ordinance text amendment was prepared by LSL. The Planning Commission held a required public hearing on a draft Zoning Ordinance text amendment and has forwarded it to the City Council for further review and consideration.

McShane asked for clarification on the front yard setback requirement.

Malloy-Marcon responded that changes for front yard setback requirements are only recommended for properties in the R-1 Zoning District. She stated recommended changes would relax front and rear yard setback requirements to allow for overall expansion of single family dwellings. She advised that under the maximum building height, 30 feet was designated as opposed to the number of stories allowed.

McShane expressed support for setbacks, noting it gives homeowners the opportunity to expand on their property in order to meet their family needs. She expressed concern regarding staggering homes relative to the front setbacks which could affect visibility for certain neighbors.

Malloy-Marcon replied that concern was why the averaging language was included in the text as opposed to just an adjustment to the front yard setback.

McShane stated that with the housing stock in Farmington this is an excellent tool to allow better development of homes and to keep residents in the community.

Scott expressed his disappointment with the language, noting it doesn't go far enough to transform the outdated housing stock in Farmington. He stated the averaging language is too complicated for homeowners. He noted that the whole point of the amendment was to make it easy to transform the outdated housing stock in the city. He expressed concern regarding proposed easing of rear yard setbacks. He suggested front yards extend to 15 feet, no garage closer than 20 feet, and building height to 35 feet. He would like to see something transformative and perhaps engaging a seasoned consultant in the field with that expertise would be helpful.

Malloy-Marcon stated it is common among older communities to offer retrofit examples that may still fall within the ordinance.

Scott stated the current ordinance has included that text for five to seven years and has not drawn any interest. He indicated the amendment needs to include language that makes it

easy for the homeowner to invest in their property.

Schneemann agreed with Scott, stating the amendment was timid based on the request made by Council. He wouldn't mind seeing the front yard setback adjusted, as well as the rear and the height, and that the language needs to be much more aggressive.

Cowley also agreed, stating in order to grow the tax base, families must be retained. He stated that means more aggressive changes to the front and rear yard setbacks. He stressed the importance of not losing families for the neighborhoods and schools.

McShane stated that every realtor she has talked to has indicated there is no housing stock left in Farmington. She questioned Cowley's statement about losing families as her neighborhood has all young families with children and babies.

Schneemann stated growing families will be seeking larger homes and looking to other communities in which to move as opposed to Farmington with its current setbacks and averaging requirements.

Galvin stated relaxing setback requirements provides homeowners a great opportunity to modify their homes and make a long term investment in the community and further discussion was held.

Cowley asked for a comparison between Farmington and other communities. Malloy-Marcon discussed the pros and cons being experienced in those other communities.

Galvin summarized the discussion by stating the text amendment needs to be more aggressive in the changes that would allow greater flexibility in modifying homes.

Christiansen stated that it is important to understand that the homes in the R-1 Districts are older with smaller lot areas. They are primarily modest, ranch style homes.

Galvin stated that the Planning Commission should be informed that City Council would prefer a more aggressive approach to the text amendment.

D. Zoning Text Amendment-Grand River Corridor Improvement Overlay District

Murphy introduced this agenda item and turned it over to Attorney Saarela for discussion.

Attorney Saarela stated her office reviewed the text amendment and indicated that every development in the Overlay District would require a development agreement. She stated there was really no redevelopment of existing properties outside of the development agreement type scenario.

Saarela indicated the main modification is under Subsection C, Compliance with Overlay Regulations as to Building Requirements and General Development Requirements and adding to Subsection C-1, Existing Building and Uses. She stated a development agreement requirement would be necessary if a significant change to property is proposed. She summarized by saying the main change to the ordinance is that a site development may not need to meet the new overlay requirement. She stated there have to be some exemptions for existing uses or smaller modifications.

Scott stated he didn't have any issues with the proposed changes, but is concerned with some of the specifications under Section 35-142, Building Requirements. The stated the building coverage of 35 percent would not entice economic development. He also expressed concern regarding the parking calculation under Sub-section No. 5, and specifications under Nos. 6 and 7. He pointed out under Section 35-143-A, Street Classification, there is no discussion on the frontage of the river. He summarized by saying the design police and engaging the river are the two elements that need to be addressed.

Schneemann expressed support for some building standard requirements and agreed that the river is important in future redevelopment.

Cowley asked regarding the strategy involved with the parking standards. Scott responded parking requirements will be individualized meaning there are no common parking scenarios that fit all.

McShane expressed support for the recommendations set forth in the text amendment.

Murphy believes the new zoning standards are doable and reflects the community's ability to redevelop and grow its tax base.

Galvin addressed existing property owners and how they would be affected during this redevelopment. Murphy responded he hoped it would start a renaissance and encourage others to update their property as well.

Christiansen believes with the implementation of this tool there will be more flexibility and opportunity for redevelopment of properties on an individual and collective basis. He noted Farmington Hills has adopted the same type of policy so there is consistency between the two cities.

(Break in proceedings at 8:04 p.m.)

(Return to session at 8:15 p.m.)

5. DISCUSSION

A. Amend Chapter 10 of the City Fee Schedule, Zoning

Murphy advised the City Fee Schedule dealing with Zoning had not been changed since the 1990's. He stated former City Manager Pastue, along with Christiansen and City Engineers, OHM, had reviewed the schedule and increased fees making them comparable to those of surrounding communities.

Christiansen advised there has not been a comprehensive update of planning and zoning fees since the 1990s. He stated the proposed fee structure has been streamlined and consolidated for easier application. The fees are more current with the standards of other communities.

Christiansen stated the fees cover the cost of doing business that includes consulting services, planning, engineering, legal, public notices, etc. He stated the base fees are consistent with industry standard, and that add-on fees include a special land use charge to cover costs of public notices and publications in the newspaper. He noted easement developments will require additional fees as well as detailed engineering plan review.

Scott expressed concern with the \$2,000 to \$24,000 broad range shown for engineering review. He suggested a published fee schedule so a developer would know the costs going into the project and further discussion was held.

Schneemann indicated he was fine with the fee schedule as presented, that the fees are reasonable and in line with like communities.

Responding to a concern expressed by Scott, Christiansen stated they could cure the defect in the language by adding a phrase such as "in accordance with City adopted engineering design standards". Scott expressed satisfaction with this proposed change.

McShane expressed support with the proposed fee schedule. She stated the City's fee schedule needs to be competitive with surrounding communities. The City cannot afford to give away services for free.

Galvin stated former City Manager Pastue supported this proposed schedule before he left. He noted Pastue believed the increased fees keeps the City competitive with the ability to recover costs, while not creating an environment that's onerous and prohibits or delays development.

Christiansen also detailed the proposed Zoning Board fees and advised they were competitive with like communities as well.

B. Appointments to Downtown Parking Advisory Committee

Murphy advised that at the April 20th meeting, City Council established a Downtown Parking Advisory Committee. He stated the open positions on the Committee were publicized in local media, cable and in the Chamber of Commerce newsletter. He advised one application has been submitted to date. He plans for the appointments to be made at the June 15th Council meeting. He noted a special meeting to conduct candidate interviews has been scheduled for June 10th.

Galvin requested Council comments and Councilmember nominations to serve on the Committee.

McShane expressed concern regarding the limited time made available to attract qualified candidates.

Galvin advised all spots may not be filled by June 10, but if there was a quorum they could move forward and fill the remaining spots later.

Discussion followed regarding staggering the appointments.

McShane nominated Jeff Scott to serve on the committee.

Schneemann nominated Greg Cowley to serve on the committee.

Both accepted their nominations.

Discussion was held on each nominee and the qualities each one brings to the table.

Council concurred to appoint Greg Cowley to the Downtown Parking Advisory Committee.

C. Consideration to Approve Resolution Establishing a Temporary Suspension of the Issuance of New Special Events Permits for Riley Park and Sundquist Pavilion

Murphy stated last fall the City Council started the process of reviewing Special Events policies and regulations regarding the use of City parks, with Riley Park being of particular concern to Council. He advised revisions to the Special Event Policy have not yet been completed. He stated the resolution before Council provides that the City will not issue any additional permits for the use of Riley Park or the pavilion for the next six months or so while the policies and rules are being revised. The intention behind formalizing this is so that there is a neutral, across the board policy in place, applicable to all non-City sponsored events.

Cowley advised six months does not provide adequate time to address the issue.

Schneemann expressed concern with the time limitation and its impact on next summer's bookings and further discussion was held.

McShane suggested a moratorium and to grandfather existing events.

A decision was made to keep the six month timeframe in place and extend it if needed and that this item would be placed on the regular agenda of June 15th.

6. COUNCIL COMMENT

McShane reminded everyone there is no first meeting in July and August.

Both Scott and Schneemann welcomed City Manager Murphy.

Cowley asked Christiansen for an update on the Grand River/Halstead project.

Galvin stated he was approached by a concerned resident at a ground breaking ceremony that day. He advised the City needs to reinforce to residents that this is not a time to maintain status quo, but to move forward with economic development that will benefit the City and its residents.

7. CLOSED SESSION

A. Land Acquisition

B. Confidential Communication from City Attorney

Motion to enter closed session to discuss land acquisition and confidential communication from City Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steve Schneemann, Mayor Pro Tem
SECONDER:	Jeff Scott, Councilmember
AYES:	Cowley, Galvin, McShane, Schneemann, Scott

The votes were taken in the following order: Galvin, McShane, Schneemann, Scott, Cowley.

Council entered closed session at 9:10 p.m.

Motion to exit closed session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	JoAnne McShane, Councilmember
SECONDER:	Steve Schneemann, Mayor Pro Tem
AYES:	Cowley, Galvin, McShane, Schneemann, Scott

Council exited closed session at 9:52 p.m.

8. ADJOURNMENT

1. Motion to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steve Schneemann, Mayor Pro Tem
SECONDER:	Jeff Scott, Councilmember
AYES:	Cowley, Galvin, McShane, Schneemann, Scott

The meeting adjourned at 9:53 p.m.

William E. Galvin, Mayor

Susan K. Halberstadt, City Clerk

Approval Date: _____