



PLANNING COMMISSION MEETING
Monday, February 10, 2020 – 7:00 p.m.
City Council Chambers
23600 Liberty Street
Farmington, MI 48335

AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Items on the Consent Agenda**
 - A. January 13, 2019 Minutes**
- 4. Public Hearing - Zoning Ordinance Text Amendment: Smoke Shops**
- 5. Discussion of 2021-2026 Capital Improvement Program and Request to Schedule Public Hearing**
- 6. Outside Sales Request – Alexander True Value Hardware, 22104 Farmington Road**
- 7. Public Comment**
- 8. Planning Commission Comment**
- 9. Adjournment**

FARMINGTON PLANNING COMMISSION PROCEEDINGS
City Council Chambers, 23600 Liberty Street
Farmington, Michigan
January 13, 2020

Chairperson Crutcher called the Meeting to order at 7:04 p.m. at City Council Chambers, 23600 Liberty Street, Farmington, Michigan, on Monday, January 13, 2020.

ROLL CALL

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

OTHER OFFICIALS PRESENT: Director Christiansen, Recording Secretary Murphy

APPROVAL OF AGENDA

MOTION by Perrot, supported by Majoros, to approve the Agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. December 9, 2019 Minutes

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

ELECTION OF OFFICERS

- A. Accept Nominations for Chairperson**
- B. Accept Nominations for Vice Chairperson**
- C. Accept Nominations for Secretary**

Chairperson Crutcher opened the floor for nominations for Chairperson.

MOTION by Chiara, supported by Waun, to nominate Ken Crutcher as Chairperson.
Chairperson Crutcher accepted the nomination.
Motion carried, all ayes.

Chairperson Crutcher opened the floor for nominations for Vice Chairperson.
MOTION by Perrot, supported by Chiara, to nominate Steve Majoros as Vice Chairperson.
Commissioner Majoros accepted the nomination.
Motion carried, all ayes.

Chairperson Crutcher opened the floor for nominations for Secretary.

Commissioner Chiara informed the Commission that his term is expired and he is not renewing it.

MOTION by Majoros, supported by Chiara, to appoint Miriam Kmetzo as Secretary. Commissioner Kmetzo accepted the nomination.
Motion carried, all ayes.

DISCUSSION OF ITEMS FOR SUBMISSION INTO 2021/2026 CAPITAL IMPROVEMENT PROGRAM

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

Director Christiansen stated that attached with the staff packet is a staff report for this agenda item. This is a discussion of the 2021/2026 six-year City of Farmington Capital Improvement Program. The intent of this item as the City has done on an annual basis is to review 2020/2025 City of Farmington Capital Improvement Program, the current six-year program and to discuss the 2021/2026 Capital Improvement Program, process and plan. There was a link to the current 2020/2025 six-year plan program on the City's website for your reference, so you should have been able to utilize that link and to look at the current plan who is available to anyone who would like to take a look at it and to review it and go through it on the City website, it's on the City's main page under Items of Interest.

So, again, the purpose of this evening of this Agenda item, as we have done annually, is to review the 2020/2025 six-year plan and then to discuss the 2021/2026 and then to identify some items that the Planning Commission either individually or certainly collectively can then convey to the Steering Committee Liaison for the Planning Commission, Mr. Majoros, he was reappointed to that position by the Commission at your last meeting and so he has been very instrumental in helping the City prepare the annual six-year Capital Improvement Program for a number of years now and has served very well in that capacity, looking to do so again. So, he will take your comments, your recommendations, to the Steering Committee which is scheduled to meet two times, I believe once in the end of January and then once in the beginning to mid-February and then from there the Steering Committee moves forward a draft plan that will come back to you and as you recall, the Planning Commission is responsible under the State statute, the Michigan Planning and Enabling Act, with under the Master Plan process, to move forward the annual six-year Capital Improvement Program. And what you are required to do then is to consider the draft, to schedule and hold the required Public Hearing, and then you'll move it forward to City Council.

So, with that, Mr. Chair, if we could get into this a little bit here and have some discussion, that's the purpose of this item. What's attached as well for your information is another copy and we had this attached with your last meeting packet in December, it is the calendar for Fiscal Year 2021/2026 Capital Improvement Program process. You'll see we started back in October as we typically annually do, move through November, those are internal management, administration discussions. Department heads then reviewing for the first time for the next six years in November, December 2nd Council discusses the program, the DDA then meets, the Planning Commission you'll recall met at your last meeting and discussed the program, and appointed a member to serve on the Committee, again, Mr. Majoros. Items must be submitted by January 13th and here we are this evening. So we move forward into January and the Grand River Corridor Improvement Authority considered and finalized items for submission at their January 9th meeting, that was actually on Thursday last week. On Wednesday the Downtown Development Authority formalized items for submission for the Capital Improvement Program Steering Committee, so both those bodies have moved forward with formalizing their suggested recommended items and now this evening the Planning Commission is here to discuss this. The Department heads actually did not meet today, they'll meet next week to do their formalizations. And then we continue on, you'll see this will go to two meetings of the Steering Committee, one January, one February, and then the Planning Commission will consider the draft at your February 10th meeting, so your next meeting, and you'll schedule the Public Hearing for March 9th and hold the Public Hearing as required on March 9th, then moving it forward, the 2021/2026 CIP Plan to the City Council. So that's been our process, we continue with that process with this program here and we'll move forward.

Christiansen put the 2020/2025 six-year Capital Improvement Program on the screen. It showed the Table of Contents, it's an instrument of the Steering Committee, with them moving forward to process as required by the Planning Commission, so it is an instrument of the Planning Commission that goes then to Council and becomes part of the overall budget process. It's not a budget, but it's part of a process. It's really our overall road map for Capital Improvements for the next six years. This is the Commission members from last year as you recall, the Steering Committee, this is the resolution that you approved, passed last year in March, we'll look for the same resolution here in 2020 or similar. This is a Letter of Transmittal to the residents and all interested parties, part of this document, Capital Improvement Program created to comply with State and local laws, adopted by the Planning Commission, last year it was March 11th, designed to do specifically two things: One, enhance public awareness of issues in the community that need to be addressed and show the residents that the City is actively working towards remedying them; and two, increase transparency and efficiency in the budget process. So the CIP is a resource, last year's plan had 112 projects totaling 23.2 million dollars, it is again not a plan of projects as we discussed to be completed, but rather it is a list of all

potential projects so that an inventory of costs, funding sources and timelines can be easily seen, and planning can be accomplished in a proper and logical manner.

Moving forward, why a CIP, again, it's a short-term plan identifying and categorizing large and very expensive projects, like a household budgeting plan for big ticket items, a CIP is the City's plan to find funding for projects that cannot be accomplished in one year. The CIP is any improvement or what's included in the CIP is any improvement that has at least one of the following: a purchase or improvement of a facility, system, infrastructure, a piece of equipment that costs \$10,000 or more with an expected service life of more than a year; is a nonrecurring expenditure and is a study that leads to such purchases. Again, it is not the same as the City budget, the budget appropriates funds, the CIP is merely an identification of projects, whether it's infrastructure, whether it's land acquisition, it can also be related to facility acquisition, equipment as well.

Why create a CIP? Again, the State statute, the Michigan Planning Enabling Act, Act 33 of 2008 requires that this be part of the City's long range planning process and it does state that the Planning Commission shall annually prepare a Capital Improvement Program of public structures and improvements, showing those structure and improvements in general order, their priority for the following six-year period, again, in accordance with the Act. The benefits of the CIP include calling attention to community deficiencies and providing a means of correcting them, identifying long term and short term expenditures which greatly improve the budget process and efficiency; enhancing the ability to secure grants reducing the taxpayer burden; increasing the likelihood of departmental intergovernmental cooperation improving continuity and reducing costs, and encouraging efficient governance.

This is a pie chart which is an overview, an executive summary. You see that the majority of the Capital Improvement Program projects identified as proposed and identified and then approved as part of the 2020/2025 CIP are infrastructure related. So you see roads are the majority, 29%. Sidewalk streetscapes, 22%. Water and sewer system, 17%. Drains, 3%. So, the majority is infrastructure, water, sewer, roads, sidewalks, streetscapes. From there it is vehicles and equipment and recreation and culture, I think recreation and culture was a little more here in this project year, this six-year program year, but recreation and culture, vehicles and equipment, and then you see the remaining split between buildings and grounds, land acquisition and development, parking lots.

So, if you look at the quick view, a total of 112 projects, 23.2 million dollars broken down by a year and you can see the annual estimated costs. This executive summary is then a compilation of what is spelled out in the plan. So the plan, it has categorization, it has timelines, it has determination of need and it has general funding sources identified and overall estimated amounts. So, really, again it's a guide, it's a road map, it's a wish list.

If we didn't have this, we'd be asking ourselves what do we need, where do we go, what's a priority. This puts it all down in one document.

So, moving forward, program summary, the CIP in 2020/2025 as in previous CIPs includes the City's long range plans, again used as a basis for the CIP, the City Master Plan, the Recreation Master Plan, the Vision Plan, the Downtown Area Plan, the Grand River Corridor Vision Plan, the Orchard Lake/Ten Mile Road Intersection Redesign Analysis Plan, the Rouge River Trail Project Plan and the Downtown Master Plan, and we'll look to use those tools again and including the recently updated City of Farmington Master Plan. So that Master Plan 2009 is 2019, everything else then also being updated in the last five or so years, so we're pretty current in our planning tools and these are what are used to help us with the CIP.

Funding sources are also part and identified, prioritization, programs broken down into nine categories: buildings and grounds, drain systems, land acquisition and redevelopment, parking lots, recreation and culture, roads, sidewalks and streetscapes, vehicles and equipment, water and sewer system and that was what was also represented in the executive summary in that pie chart.

So buildings and grounds. We can see that there are some lead items here that are discussed in this plan, city-owned buildings, projects, costs, general identification of items, a little specific here in this narrative, the details by line item are in the appendix and we'll see that. So we go through the drain system, identifying locations, the County drains in the City, and this is stormwater management when we refer to drains. Land acquisition, these graphics represent some potential acquisition projects, these two are actually located, these are the twelve properties on the north side of Grand River between the east and the downtown and Power Road, those twelve properties, it's Grand River East Area as identified in the Grand River CIA Vision Plan, also in the Downtown Area Plan. Parking lots, you can see here in this graphic, those are all the municipal lots in the City, spaces, improvements. Recreation and culture, park enhancements, six City parks. Road projects, this one here represented is the Oakland Street Project, you see that graphic, it's continued. Sidewalks and streetscapes, this is the Farmington Road Streetscape, as you are aware a TAP Grant had been applied for, had been awarded but that project was put on hold for a bit for some reasons related to funding and as such did not get implemented back when originally designed but is now part of the CIP was last year, and a Transportation Alternatives Program Grant, TAP Grant, has been applied for again and it is currently in review so it's part of this 2020/2025, so that's moving forward through process. Vehicles and equipment, water and sewer system itself, and this is the Appendix. In this Appendix then projects are laid out and these are the overall general projects laid out, the major projects. You'll see category, name, you'll see rank and need,

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you'll see funding area, you'll see cost, estimated cost, future cost, and then the implementation.

So we have them by the nine categories, here's your buildings and grounds, and you go to recreation and culture, Public Safety, equipment, parking lots, roads, drains, sidewalk streetscapes, water and sewer and that's the end of the document.

So, quite a bit of information, there's a lot of projects identified in this 2020/2025. Those that haven't been implemented typically what the City does is those that have been completed obviously will be removed from the Plan because that work has been done. So, for example, the Oakland Street Project, that won't be a road project in this next six-year plan but any road projects that haven't been completed will be in that plan as well as potentially some additional projects if they're identified and they're made part of this plan as well as other related infrastructure projects. Land acquisition, the Maxfield Training Center, which the City Council has entered into an agreement with Farmington Public Schools to purchase, it is a land acquisition project, and there can be others in here as well. Recreation and culture, park enhancements, the updated Recreation Master Plan identifies needs at parks throughout the City, the six parks, so there's an interest in a particular improvement, a Capital Improvement that relates to a park, it needs to be part of this plan and so on and so on.

So the purpose now, our responsibilities and our role here, the Planning Commission's role tonight is to have some dialogue about what's in this 2020/2025 and maybe some additional thoughts, some ideas, some things you'd like Mr. Majoros, representing the Planning Commission, to carry to the Steering Committee.

Chairperson Crutcher thanked Christiansen and opened the floor for questions from the Commission.

Commissioner Kmetzo asked Christiansen when he mentioned when there are projects that are not included here either because they have been completed or they have been removed because they're not going to happen. Is there a separate list, an appendix, that lists all of those to see the difference between the list of projects here and the other?

Christiansen replied that is something that is going to be generated, it's not anything that's available right now and he has not been privy or made aware that there's anything related to removal of anything in this plan that has not been implemented yet, I think that's a comment that you made. But if they haven't been and there's been a determination that it's no longer a need, that's part of the Committee's responsibility, they would discuss that, they would share that back to us. Kmetzo then asked if there would be a list and Christiansen replied that something would be generated that would come back and say the 2020/2025 had this but the Committee has determined that for the reasons that it's

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no longer and here's the reasons why. Kmetzo then asked about prior to the 2020/2025 and Christiansen stated there has been a CIP for several years. Kmetzo then stated so

some of those projects have been removed from the list because they were determined to no longer be necessary and Christiansen replied or completed. Kmetzo asked if there was a list of those projects and Christiansen stated if she wants a historical list, they can go back through a timeline, depending how far back she wants to go. Kmetzo confirmed that there is a list and Christiansen replied that's something that's generated, and they had one that they shared last year and that can be brought back to you and then we'll get a new one.

Majoros stated he doesn't think they have anything to compare, they'd have to go back through 2020/2025 and that if it doesn't exist as is, that it is something that can probably be put together. Because just looking at what we've got, the heavy lifting on this was done two to three years ago, right, it really took a lot of work to put that list together and he's sure everyone has looked at this in advance of today, to be honest it's not radically different, you know, this is on and this is off or whatever, but the major things are either part of what we've discussed through other plans and Master Plans or whatever, but I would say if I had to guess how many things have fallen off or whatever, it would be a handful.

Christiansen stated that's something that they'd be happy to share and will share with you and that's what the Steering Committee will do. They'll go ahead and take whatever is being recommended to them by the Administration and management and from the Boards and Commissions and the Planning Commission included and compile a list for 2021/2026 and there may be some projects that are on the 2020/2025 that will not be included, and that will be shared with you and the reasons why because you'll have your discussion on it before you schedule the Public Hearing, that would be part of our review of the draft. And we can also go back a couple of years and give you a little bit of history.

Majoros said he will ask at the first meeting for these things, projects completed, dropped, new, carryover and Kmetzo replied yes, and maybe just those that were a priority, not small projects that were dropped, but anything that was urgent we want to see.

Christiansen stated we can go back a couple years and do that, maybe a three to five-year timeline, finding money can be a little far out. And then certainly letting you know historically what was completed, like Oakland Street.

Majoros said especially if we've got a budget of a million or whatever it is a year and our appetite is 25 million, so, yeah, knock a few off the list and a few new ones came on, and we're living up to the spirit of prioritization, like Commissioner Perrot said at the end of

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the December meeting, about trusting the experts, trusting the people, and their prioritization of their projects.

Commissioner Perrot stated we're paying them, they're the subject matter experts for each one of these buckets, so if we don't listen then we're foolishly throwing our money away, you know. If there's an item on here, obviously it's important, common sense. But if it's listed on here and it's urgent, but it's not pretty, it's still urgent. And the pretty thing can't trump the urgent thing, it's urgent for a reason, because we have a professional telling us that. And that's a recurring concern, the urgency ones.

Kmetzo said that's why it would be good to see, this is an urgent category, those are for urgent matters, and were they ever addressed because if not, they really weren't urgent then.

Christiansen indicated if you look up on screen and it's in your staff packet, let's go to parking lots, if you look at parking lots, the first one listed here is Drake Park parking lot; what do you think of the Drake Park parking lot? Perrot replied it's pretty rough. Christiansen said it's in tough shape so it's at the top of this list, it's prioritized as necessary and short term. It's got a funding source identified and total cost estimate and you can see that the timeline is now. And with the Recreation Master Plan Update and some possible funding sources supporting what's prioritized in that plan and then here, we have a basis for it. But if you go down the list here, you can see the Downtown parking lot, and so on and so on and so on, and you go down and some of them aren't as much a priority, so that's how this is created, that's how this is done by the Steering Committee and drafted and brought to you. And it applies to everything else here.

Perrot asked if the example they were just talking about, the parking lots, is that prioritized as number one priority and then down, down, down, down, down?

Christiansen said now you're talking about the categories.

Majoros indicated its prioritization within the category. The Committee looks across all of this and says is a parking lot because it's in category four, more important than a drain that's in category whatever, that's what the debate is.

Chairperson Crutcher stated looking at Items 7 and 8, Item 7 is a priority over Item 8, correct, but the timeline on it is the other way around, is that something?

Christiansen replied between 7 and 8, City Hall versus DPW, it's a matter of cost and a matter of timing because they're both the same timeline, I think they're just identified in a

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list here, you see 7, you see 8, you see they both are necessary short term, one was able to be deferred a little bit longer, that would be the City Hall lot over the DPW lot.

Crutcher stated he was just wondering if the numbers in here reflects priority issues, shouldn't those be flipped or switched?

Christiansen replied he thinks it's the same prioritization, both out of the General Fund, one was a little less in cost, and I think it might have been because it was identified to be able to be in the budget for that year versus than the other year, I think that's how it really happened. And I'm just going to say, Mr. Crutcher, that the rationale for that is because it might have been a Fiscal Year designation, but they had the one that is not as costly first. You'll see some others like that. Look down, see here where you see the DPW maintenance records and you see within the 2021 year and others are after that, it's under vehicles and equipment, there's a rationale for that, why it would be earlier. I don't think the number that you see is the priority number, it's consistent throughout, and I think it's just because it's identified in that particular budget for a reason.

Let's go back to the one question that you had here regarding the nine categories and what becomes a priority. This is the overview. So if you look here, you'll see the project category and then you'll see the number one here is parking lots. Number two is sidewalks and streetscapes. Then you'll see recreation/culture. Land acquisition. So this starts to be some prioritization based upon category. Now this is a wish list type document and it certainly lays out all the desire and needed projects, equipment. The final decision moving forward with what is prioritized comes down to a coordination with City management, City administration, and City Council utilizing this plan in a determination of what is the priority and Council making that determination and then starting to move in a particular direction. I know in this particular budget cycle, we're in the 2019/2020 budget, July 1 to June 30, that the major Capital Improvements infrastructure projects are related to Oakland Street, Freedom Road improvements are coming up and these are spelled out in the plan, the Mayfield Drain Project is a priority, the Bellaire sewer and its lighting is also a priority, and the parking lot that I talked about. You see all of those at the top of the list, so this becomes a very important tool because using this tool helps then decisions being made as to where the priorities are at. The City also works very closely, not just management, administration and departments, and Department heads and department staff, but certainly with the City's team of service providers including consultants, our engineering/planning consultants, our City attorney as well. So, it's quite a comprehensive process and your role is pivotal.

So what I would ask, Mr. Chair, if you'd ask the Commissioners if they have any specific projects that they might want to be considered by the Steering Committee that Mr. Majoros could take to them, if you have any, if there's anything you have of interest or that you're concerned about, or that you have a question about.

Chairperson Crutcher opened the floor for comments by the Commissioners. Hearing none, Christiansen stated that if you don't have it now and you don't have something right

now that you're thinking about that you want to share, this is an ongoing process, not just here at this meeting tonight but certainly any time, any day, whether it is personally, one on one come in, have discussion, share it via email, phone call, certainly we would welcome that and encourage you to do that as well.

Majoros inquired of Christiansen what's attached to the packet today is the 2020/2025 and Christiansen replied yes. Majoros went on to state the first meeting they're having at the end of the month is the draft of the 2021/2027 CIP? Christiansen replied that's what he expects from City Administration, that's been the typical, they'll get a draft, a draft document and that will be what will be used by the Steering Committee, along with what is being moved forward by the Steering Committee liaisons to the various Boards and Commissions.

Majoros commented on how he's going to approach this, he'll make sure we have some prioritization and some sort of reporting out on completed, dropped, new, carryover, and then some sense on how prioritized within each category, and then how the discussion unfolds across category. He stated he'll find his notes from the previous year but that the approach that he always took to review this, is he had a set of criteria that sums of the conversations that they all had about the input that we would use or that I would use representing the Planning Commission, because we're not the subject matter experts, but it's more a question of how is the prioritization being done, etc., and I'm going from memory, I'll pull my notes up. But we had talked about things like future costs of items, can we spend a little bit now to avoid a bigger cost later, is there a potential for shared revenue or shared cost so if there's something that's 100% borne by the City or does it either have the ability to or requires contribution from some other entity. Three, was fundamental safety, well-being, and I'm going to add this year property value. So if you live somewhere where drainage is always an issue, things like that with a simple fix. Four, we talked about our catalyst for future development, is the improvement an enabler to bigger and better things. And then the fifth one, and these are in no particular order, I'm just going from memory, is it fundamental to the City services and the things that Farmington provides its citizens. And I'll go back and look at my notes but those are the filters I was putting things through as we just had these conversations with various Department heads. The way these meetings went was in that first session, Chris Weber who does an awesome job of organizing all of this, has the draft and each group speaks to it and I just have these going through my mind, just have basic questions then coming out of that, we would seek our prioritization and that's what I'll report back to the Commission.

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Commissioner Perrot stated he's happy to see, and he knows it's for Mayfield is this spring, after the thaw, which is huge. All of this rain we got over the weekend, I drove up and down there a couple of times and it still floods bad. I mean it's not the worse that it's ever been when it was up to the aprons leading into people's garages, which is ridiculous

that it ever got that bad. But like I said, keeping positive, it's getting fixed this spring which is huge and they're resurfacing the road and everything's great. The other thing is and they're not pretty, there's no sex appeal to them, but the sidewalks in our town are rough and it's every neighborhood, so we have to stay focused. It's great having a beautiful downtown and spending millions downtown but trust me, I've spent some time in the recent months walking a lot of sidewalks and talking to a lot of residents and that was the number one thing that people brought up is where is the relief on our sidewalks and it's every neighborhood in town. So you can wag a finger at them and say, hey, sidewalks need to be a priority and it's going to be a big one.

Chairperson Crutcher asked what action needed to be taken on this Agenda Item and Christiansen replied any recommendations to please share amongst yourselves here as a Commission, or either to myself, City Administration, and certainly we'll convey those to Mr. Majoros and then we'll move forward together at the two Steering Committee meetings, whether you have something now or between now and when the Steering Committee meets, please share. Again, the purpose this evening as we've just done going through this, understanding it, what the basis is, why we do this, how it comes about, what the purpose is, anything that you're thinking about right now and then moving forward in accordance with the calendar I shared earlier.

Commissioner Chiara asked if the City owns Shiawassee Park and Christiansen replied Shiawassee Park is owned by the City of Farmington and Farmington Public Schools. And the City of Farmington has entered into a purchase agreement with Farmington Public Schools for the western portion, the western half which would be, if you will, from the play area and the bathrooms and it would be ballfield 3 and 4, and then going to the west, that is owned by Farmington Public Schools, and the City is looking to acquire that as part of the acquisition of the Maxfield Training Center property as well, there are two portions to this.

Chiara then asked who owns the portion where the tennis courts are, and Christiansen replied the City owns them and that there is a plan for them. The City Recreation Plan looked at those facilities and there was a survey that went out and a determination of need and I would encourage you to take a look at that because there were some interesting responses to the need, the interest in maintaining and improving those tennis courts. Christiansen went on to state that there were actually a couple different tennis court locations, Drake Park, and that one there, that based upon the survey and the Recreation Master Plan Committee's work, and eventually came to you through the

process, and it did not identify repurposing those tennis courts as a priority. They felt that there were other locations like school tennis courts that served the purpose and there was possibly opportunity to do something else, that's what the plans called for.

DISCUSSION AND SCHEDULING OF PUBLIC HEARING REGARDING A PROPOSED ZONING ORDINANCE TEXT AMENDMENT: SMOKE SHOPS

Chairperson Crutcher recalled 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 regarding smoke shops. The proposed Amendment would add the definition of the term "smoke shop" to Chapter 35, Article 21, definitions, and allow smoke shop establishments within the City of Farmington only in the C-3 General Commercial Zoning District as a Special Land Use. A copy of the proposed draft ordinance is attached with your staff packet. If you've had an opportunity, this is the ordinance for discussion this evening as prepared by our City Attorney. I believe the request for this came through City Council to City management, then to the City Attorney and City Administration and is before you this evening for your discussion, for your consideration, and again, if so choose, to schedule a Public Hearing.

Chairperson Crutcher asked if there are currently any smoke shops operating in town and Christiansen replied we have several. The City of Farmington has, if you'll look here, smoke shop is defined in this particular ordinance version, includes, as far as the definition here in this ordinance amendment, and I refer you back to the current ordinance, zoning ordinance as well, but the definition section would be amended based upon this proposed ordinance to define smoke shop as follows: a retail establishment where 50% or more of the retail area defined as wall to wall is used for the display, promotion and sale or use of products listed below; or an establishment where the sale of products listed below constitutes greater than 50% of the establishment's merchandise: cigarettes, e-cigarettes, vapor, nicotine, alternative nicotine products, cigars and packaged tobacco. So, we have shops like that. In fact, there's a vape shop downtown, there are also several throughout the community on Grand River, there's one at the World Wide Center, there's a smoke shop there which is next to O'Reilly Auto Parts, there is a vape shop that is on Grand River on the north side going to Orchard Lake Road that is next to King's Garage. There is also a vape shop on Grand River east of Orchard Lake Road that is in the small strip center and the Jett's Pizza, in that little commercial area. There's also another one up Orchard Lake that is in a small strip center on the east side south of Shiawassee, so we do have them throughout the community. And this ordinance as proposed would expand the definition, would redefine smoke shop part of the Zoning Ordinance, and then it would limit the establishment of smoke shops only within the C-3 General Commercial District throughout the community.

Chairperson Crutcher stated they're technically not called smoke shops because we don't have that definition in the ordinance. Christiansen responded they are general retail businesses right now, they sell products, they sell retail products, they're a commercial business so they meet that definition. This amendment here would specifically spell out the definition of the smoke shop and it would specifically identify where they could be located.

Majoros asked if there is any grandfathering of establishments and Christiansen replied that's what would happen if this ordinance is adopted. The ordinance then, the definitions, and the limited location to C-3, those locations then that are not in the C-3 District would become legal nonconforming uses and could not be re-established in those areas.

Commissioner Perrot asked what the proposed Public Hearing timing is and Christiansen replied that is up to the Planning Commission, if they choose to schedule a Public Hearing then it's up to the Commission if they wish to do it at their next meeting, which we would then move forward with, and then go ahead and schedule and go ahead and publish the required Public Notice and then place the consideration, the Public Hearing and the consideration of the amendment on the next agenda. From there after the Public Hearing, any action by the Planning Commission would be moved forward to City Council. City Council in considering an amendment to the Zoning Ordinance would have two considerations, one would be an introduction, and the second would be an action and they would typically do that at two consecutive meetings.

Crutcher then asked if this was specific to nicotine based products and Christiansen replied in the definition you see it's broken down into a general identification and then portions of the definition, a, b, c, d, e, and it does spell out under a, cigarettes, e-cigarettes, vapor, nicotine, nicotine alternative, nicotine products, cigars and packaged tobacco. Then it talks about tobacco paraphernalia, products, so all of that is defined here, alternative nicotine product means any noncombustible product that contains nicotine, so it talks about that. Under d it talks about nicotine product product meaning a product that does not contain tobacco but delivers nicotine, so it's more specifically identified as that type of product. And then it defines and talks about in this definition, is specific to tobacco products as well, so it looks at both tobacco products in this definition, defining them and nicotine products.

Commissioner Majoros then asked is your question now legal marijuana is its own separate item, and Christiansen replied if that is your question you may recall you actually went through an exercise of amending the Zoning Ordinance to redefine or strengthen the definitions, clarify the definitions, I think it was about last August is when you did that and that was in accordance with all of the changes made by the State, actions related to

what was medical marijuana and there is now recreational marijuana and everything related to it. So our attorneys have been working very close with us on these issues, the marijuana issue and also to questions that have come up here about vape shops and that

whole issue and how the City can identify and address and deal with the concerns that it has in the way that it wants to, so this is moving forward in that direction.

MOTION by Waun, supported by Perrot, to move to schedule a Public Hearing for a proposed Zoning Ordinance Text Amendment for smoke shops as Special Land Use for the February 10th, 2020 meeting of the Planning Commission.
Motion carried, all ayes.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENTS

Commissioner Waun thanked Commissioner Chiara for his service and stated he will be missed.

Commissioner Chiara thanked her and stated that he is a pencil and paper guy and when he first started on the Commission they used to bring over a big packet of blueprints which I used to create by the way and open them and look at them and draw on them, and they had packages of pictures and everything, so I haven't caught up with the technology. He went on to state he would be at some of the Public Hearings making comments to the Planning Commission.

Chiara then went on to state he had an update to marijuana and that it is his understanding that if you are an avid fan of the Detroit Lions you qualify for medical marijuana.

Commissioner Perrot asked if Chiara recalls when he was appointed, and he replied he thinks it was six years.

Christiansen stated it is a three-year term, a Council appointment, and at the end of that three-year term a consideration for reappointment.

Chairperson Crutcher stated he saw a sign regarding CBD oil and asked if it was different from our marijuana ordinance and Christiansen replied yes, it's not regulated or restricted by the City in the same fashion that medical marijuana dispensaries, now recreational

City of Farmington Planning Commission

January 13, 2020

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marijuana, etc., we do not have those facilities because we opted out as a community from providing opportunity for them to be here. But CBD and the sale of CBD oil is different and is not regulated in the same way.

Christiansen then gave an update on Tropical Smoothie and the World Wide Center, and further discussion was held concerning Detroit Eatz and the other great eateries in the City, including the new Rolling Stoves establishment.

Director Christiansen then thanked Commissioner Chiara for his service, his leadership, and that he will be missed and that he appreciates all he has done in the community.

ADJOURNMENT

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

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Secretary

Farmington Planning Commission Staff Report	Planning Commission Date: February 10, 2020	Reference Number 4
Submitted by: Kevin Christiansen, Economic and Community Development Director		
Description Public Hearing – Zoning Ordinance Text Amendment: Smoke Shops		
<p><u>Background</u></p> <p>This item is a Public Hearing for a proposed Zoning Ordinance Text Amendment regarding Smoke Shops. The proposed amendment would add the definition of the term “Smoke Shop” to Chapter 35, Zoning, Article 21, Definitions; and allow smoke shop establishments within the City of Farmington only in the C3, General Commercial Zoning District as a Special Land Use (SLU).</p> <p>The following additional information is attached:</p> <ul style="list-style-type: none"> • Notice of Public Hearing • Copy of Proposed Ordinance <p>Attachments</p>		

**CITY OF FARMINGTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 10, 2020
7:00 P.M.**

Please take notice, the Farmington Planning Commission will hold a Public Hearing on Monday, February 10, 2020 at 7:00 p.m. in the Council Chambers located at 23600 Liberty Street, Farmington, MI 48335 to review a proposed amendment to the Farmington Zoning Ordinance regarding smoke shops.

The proposed amendment would add the definition of the term "Smoke Shop" to Chapter 35, Zoning, Article 21, Definitions; and allow smoke shop establishments within the City of Farmington only in the C3, General Commercial Zoning District as a Special Land Use (SLU).

All interested residents are encouraged to attend the public hearing to be heard, and any written materials concerning the proposed amendment shall be received and considered.

The Zoning Ordinance and proposed amendment are available for review at the Farmington City Hall located at 23600 Liberty Street, Farmington, MI 48335 during regular business hours.

Kevin P. Christiansen, AICP, PCP, Economic and Community Development Director

Publish: January 22, 2020, Farmington Press

**CITY OF FARMINGTON
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CODE OF ORDINANCES, CHAPTER 35, "ZONING," ARTICLE 21, "DEFINITIONS," SECTION 35-252, "DEFINITIONS," IN ORDER TO ADD A DEFINITION OF "SMOKE SHOPS" AND ARTICLE 7, "CBD CENTRAL BUSINESS, C2 COMMUNITY COMMERCIAL, C3 GENERAL COMMERCIAL AND RO REDEVELOPMENT OVERLAY DISTRICTS," SECTION 35-102, "TABLE OF USES," IN ORDER TO ADD SMOKE SHOPS AS A SPECIAL LAND USE (SLU) UNDER THE LISTED "RETAIL" USES, IN THE C3 GENERAL COMMERCIAL DISTRICT, ONLY.

THE CITY OF FARMINGTON ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The Farmington City Code, Chapter 35, "Zoning," Article 21, "Definitions," section 35-252, "Definitions," is hereby amended to add the following definition:

Smoke Shop: A retail establishment where 50 percent or more of the retail area, defined as wall to wall, is used for the display, promotion, sale or use of products listed below; or an establishment where the sale of products listed below constitutes greater than 50 percent of the establishment's merchandise:

- a. Cigarettes, e-cigarettes, vapor, nicotine/alternative nicotine products, cigars, and packaged tobacco;
- b. Tobacco smoking and e-cigarette paraphernalia products, including, but not limited to: pipes for smoking tobacco and nicotine products, cigarette holders, pens and electronic devices used for smoking tobacco, vape, and other nicotine or alternative nicotine products, and cigarette rolling papers.
- c. Alternative nicotine product means any noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, inhaled or ingested by any other means.
- d. Nicotine product means a product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.
- e. Tobacco product means a product that contains tobacco and is intended for human consumption including, but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, chewing tobacco, tobacco snuff or smokeless tobacco as those terms are defined in Section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422.

f. Vapor product means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means regardless of shape or size that can be used to produce vapor from nicotine in a solution or other form. Vapor products include, but are not limited to, an electronic cigarette (E-cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette (E-cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Section 2 of Ordinance. Ordinance Amendment.

The Farmington City Code, Article 7, "CBD Central Business, C2 Community Commercial, C3 General Commercial and RO Redevelopment Overlay Districts," Section 35-102, "Table of Uses," as a Special Land Use (SLU) under the listed "Retail" uses, in the C3 General Commercial District, only.

Section 3 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Code of Ordinances shall remain in full force and effect, amended only as specified above.

Section 4 of Ordinance. Savings.

The amendments of the Farmington Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Farmington Code of Ordinances set forth in this ordinance.

Section 5 of Ordinance. Severability.

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

Section 6 of Ordinance. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 7 of Ordinance. Date and Publication.

This Ordinance is declared to have been enacted by the City Council of the City of Farmington at a meeting called and held on the ____ day of _____, 2020, and ordered to be given publication in the manner prescribed by law.

Ayes:

Nays:

Abstentions:

Absent:

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the ____ day of _____, 2020, the original of which is on file in my office.

Mary Mullison, City Clerk
City of Farmington

Farmington Planning Commission Staff Report	Planning Commission Date: February 10, 2020	Reference Number 5
Submitted by: Kevin Christiansen, Economic and Community Development Director		
Description Discussion of 2021-2026 Capital Improvement Program and Request to Schedule Public Hearing		
Background This item is a request to schedule a public hearing. The Capital Improvement Program Steering Committee and City staff have been diligently updating the program to incorporate into the upcoming City Master Plan update and are requesting the Planning Commission to schedule for public hearing at the March 9, 2020 meeting. The final draft 2021-2026 Capital Improvement Program will be available for your review on the City's website February 21, 2020. The link to the current 2020-2025 program on the City's website for reference is https://farmgov.com/getattachment/Home/Capital-Improvement-Plan-FY-2020-2025-Final.pdf.aspx?lang=en-US .		

Farmington Planning Commission Staff Report	Planning Commission Date: February 10, 2020	Reference Number 6
Submitted by: Kevin Christiansen, Economic and Community Development Director		
Description Outside Sales Request – Alexander True Value Hardware, 22104 Farmington Road		
<p>Background</p> <p>The applicant/petitioner has submitted plans for outside sales to be located within the front yard (parking lot) adjacent to the existing commercial building (unit) at 22104 Farmington Road – Alexander True Value Hardware (Farmington Crossroads Shopping Center). The existing commercial property is zoned C-2, Community Commercial. Seasonal commercial outside sales is permitted in the C-2 District subject to site plan review in accordance with the requirements of Article VII. CBD Central Business, C2 Community Commercial, C3 General Commercial and RO Redevelopment Overlay Districts, Section 35-102. Table of Uses, Special Provisions, subsection (a) (6) of the Zoning Ordinance (see copies of attached ordinance and guidelines/information sheets). The Planning Commission previously approved outside display and sales for Alexander True Value Hardware in 2015 (see attached copy of minutes). No changes regarding the existing commercial building (unit) or other site improvements are proposed.</p> <p>The submitted plans show an outside sales area within the front yard (existing shopping center parking lot) along Farmington Road adjacent to the existing commercial building (unit). The applicant/petitioner is proposing the outside sales Monday through Saturday from 8 am to 8 pm and on Sunday from 8 am to 8 pm. The seasonal time period proposed for the outdoor display and sales is from April 27th to October 31st.</p> <p>The requested action of the Planning Commission is to review the submitted outside sales application and site plan for Alexander True Value Hardware.</p> <p>Attachments</p>		



City of Farmington CivicSight Map

MAP LEGEND:

- CITY BOUNDARY
- RIVERS-STREAMS
- MULTITENANTBUILDING (Type)
- BUILT
- PROPOSED
- COMM_INDUST BLDGS
- RAPHAEL STREET(POLY)2
- RAPHAEL STREET(POLY)1
- PARCELS
- ROADS OUTSIDE FARMINGTON
- RIGHTOFWAY
- MULTITENANTPAVING
- ROW EXTEND
- LOT HISTORY
- OPEN WATER (FEATURE)P
- DetentionPond
- StreamRiver
- LakePond
- Channel
- SwampMarsh
- 2010 AERIAL PHOTOS (Image)



Map Scale: 1 inch = 122 feet
 Map Date: 4/10/2015
 Data Date: April 10, 2015

Sources: City of Farmington, Oakland County GIS
 Utility, River's Edge GIS, LLC.

Disclaimer:
 No warranty is made by this program, has been compiled from
 recorded deeds, plats, taxmaps, surveys, and other public records and
 data. It is not a legally recorded map of survey and is not intended to be
 used as one. Users of this data are hereby notified that the information
 sources mentioned above are not a warranty, representation or
 information. Once again, USE AT YOUR OWN RISK!!



FARMINGTON PLANNING COMMISSION PROCEEDINGS
City Council Chambers, 23600 Liberty Street
Farmington, Michigan
April 13, 2015

Chairperson Bowman called the Meeting to order at 7:00 p.m. in the Farmington City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

ROLL CALL

Present: Babcock, Bowman, Buyers, Chiara, Crutcher, Gronbach, Majoros

Absent:

A quorum of the Commission was present.

Chairperson Bowman asked for a moment of silence to commemorate Sherrin Hood, from LSL Planning, who lost her battle with cancer recently. She recognized her many accomplishments with the City and the zest and zeal that she brought into her projects.

OTHER OFFICIALS PRESENT: Director Christiansen, Building Inspector Koncsol

Caitlyn Malloy-Marcon, LSL Planning

APPROVAL OF AGENDA

MOTION by Gronbach, seconded by Crutcher, to approve the agenda as submitted.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. March 9, 2015 Minutes

Motion by Buyers, seconded by Babcock, to approve the items on the Consent Agenda.
Motion carried, all ayes.

**OUTSIDE DISPLAY AND SALES REQUEST – ALEXANDER TRUE VALUE
HARDWARE, 22104 FARMINGTON ROAD**

Chairperson Bowman introduced this agenda item and turned it over to staff.

Director Christiansen indicated this request is for an outdoor display and sales application that was presented to the City by Alexander True Value Hardware located at 22104 Farmington Road. The applicant has submitted plans for outdoor display and sales to be located within the front yard, the parking lot adjacent to the existing commercial building, the unit within the shopping center at 22104 Farmington Road, which is zoned as C-2, community commercial, which use is permitted in said district subject to site plan review and in accordance with zoning ordinance requirements with respect to outdoor display and sales.

He stated the Commissioners' packets included information such as the application and the area identified for outdoor sales. An aerial photo of the site was also included.

He cited the Petitioner's request for outdoor sales being Monday through Saturday, from 8:00 a.m. to 8:00 p.m. and Sunday from 8:00 a.m. to 6:00 p.m., the seasonal time period being from April 15th to October 31st.

The Petitioner was asked to come forward.

Tim Alexander, 22104 Farmington Road, came to the podium. He stated he wants to be able to have seasonal area in the front yard of parking lot and also in front of store and on the sidewalk with 10 to 12 feet of pedestrian walkway with no interference..

The floor was opened for questions from the Commissioners.

Gronbach asked for clarification of the request.

Christiansen stated that the outdoor sales area is in the northwest area of parking lot and the other display area is along the sidewalk adjacent to building for pallets, approximately four to six, for seasonal materials.

Gronbach asked for the dimensions of the area and the Petitioner responded and further discussion was held.

Christiansen stated that the area along the building where they are proposing to put the pallets in is about four feet from the building and about thirty feet long, so it will expand a portion of the front of the building and adjacent to the sliding entry door to the building.

Crutcher asked how the merchandise would be secured.

Chiara inquired about signage in the area.

Crutcher asked if the area would require a roof.

Buyers inquired about the watering of the outdoor plants.

Buyers asked if the Petitioner had thought about tents and if so, what styles.

The Petitioner responded if anything, a tent would be utilized for shade for employees and anything that he chose would have to be approved by the fire inspector.

Buyers stated that ingress and egress would have to be supplied for pedestrians as well as signage and suggested an alternative to the Petitioner's plans.

The Petitioner stated any changes would have to be on landlord approval.

Christiansen stated that he had been in discussion with the landlord and the parking lot being utilized by commuters and the orientation of parking lot designed to fit the needs of the center.

Crutcher inquired if fencing is required for outdoor sales.

Buyers asked about handicapped parking and the requirements for same.

Majoros asked if carts would be available for use in the outdoor sales area.

Buyers inquired if the application was adequate in its designation of the applicant and co-applicant and Christiansen responded in the affirmative.

Bowman thanked the Petitioner.

MOTION by Chiara, supported by Babcock, to approve the outdoor display and sales for Alexander True Value Hardware, 22104 Farmington Road, from April 15, 2015 through October 31, 2015, with location shown on the drawings and to include four pallets of seasonal goods adjacent to building, with the condition that the matter can be revisited subject to any theft or crime of same, and subject to approval of the Fire Marshall and Public Safety.

All ayes, motion carried

SITE PLAN AMENDMENT – DIGITAL TERRAIN, 37085 GRAND RIVER AVENUE

Chairperson Bowman introduced this agenda item and turned it over to staff.

Christiansen indicated this item is before the Commission for a site plan amendment for the new three story office building to be built on the site of the former K-Mart shopping center. He went into the history of the site and stated that the applicant has proposed a material change. He stated the applicant is now proposing to utilize granite in the building which they feel is more upscale and durable.

Bowman inquired about the color and Christiansen indicated that the original color was black and they have now switched it to terra cotta and because of the level of redevelopment they needed to bring it back before the Planning Commission for approval of the modification.

Bowman asked if that was the only issue before them and Christiansen responded in the affirmative.

MOTION by Gronbach, supported by Crutcher, to approve the site plan amendment for Digital Terrain, 37085 Grand River Avenue, to include granite material to be utilized in the color presented to the Planning Commission.

Motion carried, all ayes.

OUTDOOR SEATING SITE PLAN REVIEW – SUSHI MI, 32758 GRAND RIVER

Chairperson Bowman introduced this agenda item and turned it over to staff.

Christiansen stated that the owner of Sushi Mi has submitted a site plan application requesting outdoor seating at his restaurant at 32758 Grand River. He indicated the former restaurant, Korea House, had outdoor seating but that the approval runs with the owner of the establishment, thereby requiring the new owner to come before the Planning Commission for approval. He indicated the owner has submitted layout pictures, with no changes proposed from the prior owner's outdoor seating.

Noah Huffman, of Sushi Mi, was present to address any questions by the Commissioners.

Chiara inquired when they would like to start utilizing the outdoor seating and the Petitioner responded this summer.

Majoros asked if the same tables and chairs would be utilized as for the Korea House and the Petitioner responded yes.

MOTION by Buyers, supported by Crutcher, to approve the outdoor seating site plan review submitted by Sushi Mi, 32758 Grand River, as reflected in the petition submitted by the Applicant.

Motion carried, all ayes.

DISCUSSION – OUTDOOR SEATING MODIFICATION AND CLARIFICATION

Chairperson Bowman introduced this agenda item and turned it over to staff.

Christiansen stated that Administration had requested a review of the existing zoning standards regarding outdoor seating for commercial businesses throughout the City. He stated Administration and the consultants had met to discuss this item and are moving it forward to the Planning Commission for their discussion and review. He stated there is a staff report included in the Commissioners' packets as well as a memorandum from LSL Planning dated 2-13-15 and that Caitlyn Malloy-Marcon is present at tonight's meeting to go over some of their recommendations.

Malloy-Marcon stated they were asked to take a look at the current ordinance and requirements for outdoor seating, as well as State mandates regarding enclosures, right of right restrictions as well as ADA requirements for outdoor seating.

She went through the suggestions contained in the memorandum and her reasoning why they were included.

She indicated outdoor seating areas should be well defined and they looked at ways other than fencing and rails to define those areas such as planters and the like.

She cited the usage of dining platforms in other communities.

She stated the ordinance should include language that additional outdoor lighting or applications should be prohibited unless approved by the Planning Commission and that all parking requirements are met prior to approval of outdoor seating and that the City retains the right to revoke if businesses are found to be noncompliant.

Crutcher inquired about Item #9 and where that can be found in and around the community and Malloy-Marcon indicated Birmingham is utilizing platforms and further discussion was held. Crutcher then asked if any streets other than Grand River are being considered for such and Christiansen responded in the negative but that in the future perhaps Farmington Road could accommodate same.

Crutcher questioned the logic of Item #11 and taking a parking space and using it for a platform which would eliminate even more parking and suggested leaving that language out of the ordinance.

Babcock expressed concern over Item #9, stating a clause should be added to it that no barrier-free space can be utilized for same, and Malloy-Marcon stated that could be included in the language.

Christiansen assured the Commission that any outdoor seating proposed must have a site plan and must be approved by the Planning Commission and handled on a case by case basis.

Babcock expounded on her concerns regarding that and stated she would like to see a clause in the language addressing same.

Gronbach asked for clarification of paragraph number one and the cessation of outdoor seating of 10-31 and whether or not there can be exception to it and further discussion was held.

Buyers suggested finding a balance for Items #9 and 11 in the LSL letter between the business owners needs and Babcock suggested the language should reflect that any specially designated space removed should be replaced with the same specially designated space and Malloy-Marcon said she would work on that language.

Christiansen indicated the whole idea for looking at this was to provide more area for outdoor seating at places where they are spatially challenged.

Crutcher brought up mall locations in the City and how they would be addressed.

MOTION by Majoros, supported by Crutcher, to move forward and authorize LSL and staff to prepare a formal modification to outdoor seating clarification and schedule a Public Hearing concurrently at the next Planning Commission Meeting.

City of Farmington Planning Commission
Minutes of April 13, 2015
Page 6
Motion carried, all ayes.

**SCHEDULE PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT:
SINGLE FAMILY RESIDENTIAL ZONING STANDARDS**

Chairperson Bowman introduced this agenda item and turned it over to staff.

Christiansen indicated that this item was discussed at the March Planning Commission Meeting and a draft ordinance text amendment for single family residential is currently being prepared and the next step would be to schedule a Public Hearing.

MOTION by Majoros, supported by Crutcher, to schedule a Public Hearing for Zoning Text Amendment For Single Family Residential Zoning Standards at the next Planning Commission Meeting.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENTS

Gronbach inquired of Christiansen about the World Wide Center and when its renovations would be expected to take place and his concerns about the maintenance of the Center.

Bowman asked about the Uptown Plaza and work being done there.

ADJOURNMENT

MOTION by Gronbach, seconded by Buyers, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Secretary

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-775-2014

AN ORDINANCE TO AMEND CHAPTER 35, "ZONING," OF THE CITY OF FARMINGTON CITY CODE, ARTICLE 7, "COMMERCIAL DISTRICTS," SECTION 35-102 "TABLE OF USES, SPECIAL PROVISIONS," IN ORDER TO REVISE THE PROVISIONS RELATING TO OUTDOOR DISPLAYS.

THE CITY OF FARMINGTON ORDAINS:

Section 1 of Ordinance

Chapter 35, Zoning, of the Farmington City Code, Article 7, Commercial Districts, Section 35-102, Table of Uses, Special Provisions, is hereby amended as follows:

[TABLE UNCHANGED]

- (a) All retail businesses shall be conducted within a completely enclosed building; provided, however, that a site plan may be approved by the planning commission for accessory outdoor display, sales, or storage, including garden centers and nurseries, subject to ARTICLE 13, SITE PLAN APPROVAL and the following requirements:
1. Outdoor display, sales, or storage may be considered for the following businesses:
 - a. Businesses located within a Shopping Center as defined in this ordinance.
 - b. Businesses located within a building that exceeds 10,000 square feet in size.
 - c. Businesses located within the Central Business District (CBD).
 - d. Service stations located within a "C" Commercial District.
 2. Items sold shall:
 - a. Relate and be accessory to the permanent business conducted within the building in which the business is located, such as the sale of flowers at a home improvement store, or sale of ice melt at automobile service

stations, and shall be owned and operated by the same merchant operating within the building.

- b. Not include items that are customarily sold inside the building. For example, furniture stores may not place furniture outside for sale.
 - c. Be located on a durable and dustless surface and shall be graded and drained to dispose of all surface water.
 - d. Be arranged and constructed so as not to pose a hazard to pedestrians and to minimize risk of fire hazard.
3. Outdoor storage, sales, or display is allowed outside of the required yards and is confined to areas shown on an approved site plan. The planning commission may require that areas where outdoor display, sales, or storage are permitted be clearly marked with pavement markings or other means for purposes of enforcement and ensure maintenance of fire lanes.
4. Outdoor vending machines and drop boxes or donation bins shall be prohibited. This provision shall not apply to ice machines and newspaper stands.
5. Display or storage areas shall be limited to 10% of the gross floor area of the principal building, or that portion of the building occupied by the business.
6. Display or storage areas shall also maintain adequate clear area for safe pedestrian circulation along the sidewalk in front of the building, which shall be no less than 3 feet wide in C-2 and C-3; provided, however, that the width of the clear area shall in all events meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements.
7. Displays or sales shall be prohibited on municipally-owned sidewalks, public land, or public right-of-way except as may be allowed by the City Council for special events.
8. Outdoor storage of propane tanks is permitted for service station, hardware store, and convenience store uses, except in the CBD District, provided that:
 - a. The tanks shall not be larger than the standard 20-pound tank size.
 - b. The tanks are stored in a locked storage container.
 - c. The container does not exceed 50 cubic feet and 6 feet in height.
 - d. The container complies with all applicable fire and safety codes.
 - e. At least 3 feet of clearance for pedestrian traffic is provided.

- f. Advertising shall be limited to 1 square foot.
9. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.
 10. Fencing and lighting for security and aesthetic purposes may be required as determined by the planning commission. Fences shall comply with All lighting shall be shielded from adjacent residential areas in accordance with *Section 35-48, Exterior Lighting*.
 11. Uncovered items may be displayed or stored outside between April 15th and October 31st. The Building Official may extend this time as weather permits. All structures associated with temporary outdoor display shall be temporary and removed at the end of the season for storage indoors.
 12. Outdoor display, sales, and storage may be permitted as part of an approved site plan, under the following terms:
 - a. The permit shall be valid for one calendar year.
 - b. Following the initial Planning Commission site plan approval, the permit may be renewed annually by the building official, subject to the plan originally approved by the Planning Commission. If the building official finds any violations of this ordinance or the conditions of the planning commission's original approval, no renewal shall be issued, and any new outdoor display shall require a new permit from the Planning Commission.
 - c. Approved outdoor display, sales and storage areas may continue until such time as the property ownership changes or a revised site plan is approved. Approval shall not be transferrable to new owners or users. Changes of ownership or use shall be required to return to the Planning Commission for a renewal of their privileges, to ensure they are aware of the limitations that exist.
 13. The Planning Commission may allow outdoor display, sales, and storage for businesses that do not meet the criteria listed in sub-section 1, provided all other provisions of this Section (a) are met and the applicant establishes that compliance with the strict requirements of sub-section 1 would unreasonably prevent the use of the property for a permitted purpose; that the proposed display, sales, and/or storage would not adversely affect adjacent or nearby properties and would not adversely affect the public health, welfare, and safety.

Section 2 of Ordinance **Severability**

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Section 3 of Ordinance **Savings**

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Section 4 of Ordinance **Effective Date: Publication.** Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within twenty (20) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Farmington stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:30 A.M. to 4:30 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

Ayes: Cowley, Galvin, McShane, Schneemann, Scott.

Nays: None.

Abstentions: None.

Absent: None.

ORDINANCE DECLARED ADOPTED.

William E. Galvin, Mayor

Susan K. Halberstadt, City Clerk

Accessory buildings, structures and uses	In accordance with <u>Sec. 35-43</u> , Accessory Buildings
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Special Provisions

- (a) All retail businesses shall be conducted within a completely enclosed building; provided, however, that a site plan may be approved by the planning commission for accessory outdoor display, sales, or storage, including garden centers and nurseries, subject to article 13, site plan approval and the following requirements:
1. Outdoor display, sales, or storage may be considered for the following businesses:
 - a. Businesses located within a shopping center as defined in this section.
 - b. Businesses located within a building that exceeds 10,000 square feet in size.
 - c. Businesses located within the central business district (CBD).
 - d. Service stations located within a "C" commercial district.
 2. Items sold shall:
 - a. Relate and be accessory to the permanent business conducted within the building in which the business is located, such as the sale of flowers at a home improvement store, or sale of ice melt at automobile service stations, and shall be owned and operated by the same merchant operating within the building.
 - b. Not include items that are customarily sold inside the building. For example, furniture stores may not place furniture outside for sale.
 - c. Be located on a durable and dustless surface and shall be graded and drained to dispose of all surface water.
 - d. Be arranged and constructed so as not to pose a hazard to pedestrians and to minimize risk of fire hazard.
 - 3.

Outdoor storage, sales, or display is allowed outside of the required yards and is confined to areas shown on an approved site plan. The planning commission may require that areas where outdoor display, sales, or storage are permitted be clearly marked with pavement markings or other means for purposes of enforcement and ensure maintenance of fire lanes.

4. Outdoor vending machines and drop boxes or donation bins shall be prohibited. This provision shall not apply to ice machines and newspaper stands.
5. Display or storage areas shall be limited to ten (10) percent of the gross floor area of the principal building, or that portion of the building occupied by the business.
6. Display or storage areas shall also maintain adequate clear area for safe pedestrian circulation along the sidewalk in front of the building, which shall be no less than three (3) feet wide in C-2 and C-3; provided, however, that the width of the clear area shall in all events meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements.
7. Displays or sales shall be prohibited on municipally-owned sidewalks, public land, or public right-of-way except as may be allowed by the city council for special events.
8. Outdoor storage of propane tanks is permitted for service station, hardware store, and convenience store uses, except in the CBD district, provided that:
 - a. The tanks shall not be larger than the standard twenty (20)-pound tank size.
 - b. The tanks are stored in a locked storage container.
 - c. The container does not exceed fifty (50) cubic feet and six (6) feet in height.
 - d. The container complies with all applicable fire and safety codes.
 - e. At least three (3) feet of clearance for pedestrian traffic is provided.
 - f. Advertising shall be limited to one (1) square foot.
9. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.
- 10.

Fencing and lighting for security and aesthetic purposes may be required as determined by the planning commission. Fences shall comply with all lighting shall be shielded from adjacent residential areas in accordance with section 35-48, exterior lighting.

11. Uncovered items may be displayed or stored outside between April 15th and October 31st. The building official may extend this time as weather permits. All structures associated with temporary outdoor display shall be temporary and removed at the end of the season for storage indoors.
12. Outdoor display, sales, and storage may be permitted as part of an approved site plan, under the following terms:
 - a. The permit shall be valid for one (1) calendar year.
 - b. Following the initial planning commission site plan approval, the permit may be renewed annually by the building official, subject to the plan originally approved by the planning commission. If the building official finds any violations of this section or the conditions of the planning commission's original approval, no renewal shall be issued, and any new outdoor display shall require a new permit from the planning commission.
 - c. Approved outdoor display, sales and storage areas may continue until such time as the property ownership changes or a revised site plan is approved. Approval shall not be transferrable to new owners or users. Changes of ownership or use shall be required to return to the planning commission for a renewal of their privileges, to ensure they are aware of the limitations that exist.
13. The planning commission may allow outdoor display, sales, and storage for businesses that do not meet the criteria listed in subsection 1., provided all other provisions of this section (a) are met and the applicant establishes that compliance with the strict requirements of subsection 1. would unreasonably prevent the use of the property for a permitted purpose; that the proposed display, sales, and/or storage would not adversely affect adjacent or nearby properties and would not adversely affect the public health, welfare, and safety.
 - (b) Accessory outdoor seating areas may be permitted by annual license when accessory to a permitted or special land use in the district subject to the following:

CITY OF FARMINGTON

CITY COUNCIL GUIDELINES

OUTSIDE DISPLAY AND SALES

Zoning regulations of the City Code require that the City Council review requests for outside sales in CED and C2 zoned districts. The following is a list of criteria that the City Council may consider in evaluating requests for the commercial display of materials located on sidewalks or parking lots in commercial districts of the City. The Council may add or delete criteria as individual situations may warrant.

1. SALES/DISPLAY AREA should be within confines of the proponent's building or lease space. This may include sidewalk and parking lot areas in front of the proponent's building.
2. SIDEWALK DISPLAY AREAS
 - a. Walkways adjacent to displays shall have at minimum 3' clearance in front or between displays. If two-way sidewalk movement is required, 5' to 6' clearance is then suggested. Support posts and other fixed objects should not infringe on these clear walkway areas.
 - b. Displays shall not obstruct doors or other required means of ingress or egress to a building at any time.
 - c. Hanging displays above sidewalks are suggested to have a minimum clearance of 6' 8" from the walkway to the bottom of the hanging display. They shall not interfere with walkway areas.
 - d. Sidewalk displays shall be maintained on approved platforms, racks, baskets or tables.
 - e. Sidewalk displayed materials shall not be maintained on wooden pallets.
 - f. Sidewalk displayed materials shall not be maintained in metal carts.
 - g. Materials displayed above surface areas (racks or shelving) shall be made of durable materials, aesthetically compatible with front building architecture, and shall be reviewed for safety and stability by the Building Official.
 - h. Electrical cords, hoses or other materials crossing walkways shall be properly secured, or if temporary, shall be continually supervised until removed.

CITY COUNCIL GUIDELINES FOR OUTSIDE DISPLAY AND SALES

PAGE -2-

3. PARKING LOT DISPLAY AREAS

- a. An application shall be filed with the City Manager's office for parking lot display/sales and approved by City Council.
- b. The property owner shall be a co-applicant with lessee if the situation exists. The property owner must grant approval for an application to be considered.
- c. All parking lot display areas of 5 days or more shall be enclosed by a wrought iron type fencing that shall be mounted in concrete blocks approved by the Building Department. All fences shall be a minimum of 4'.
- d. The pedestrian walkways should be striped for high visibility in those areas where pedestrians cross driveway areas to access display enclosures.
- e. Proper signs for vehicular direction, i.e. stop, slow, pedestrian crossing, etc., shall be required in driveways adjacent to displays.
- f. The use of tents as part of parking lot displays shall also require inspection and approval by the Fire Marshal of the Public Safety Department.
- g. Minimum number of available parking spaces (including handicapped) required by ordinance shall be maintained unless modified by the Board of Zoning Appeals.

4. LITTER CONTAINERS shall be required in the immediate area of the display, and the applicants shall be responsible for continual maintenance of the area for litter and other debris.

5. VIOLATIONS - The City Council may attach the automatic revocation of any outside sales approval in the event two or more violations are received in any 12 month period. Notification of this revocation will be handled through the Building Department.

6. COMMUNITY SAFETY - All requests for display areas will be reviewed by the Council with emphasis on community safety.

October, 1995

CITY OF FARMINGTON OUTSIDE SALES APPLICATION

This application shall be completed in full for outside sales requests located on private or public areas when approvals are required by the City Council or Planning Commission.

An application for outside sales shall include all requests for outside sales for the following 12 month period.

The application shall provide a drawing, including dimensions, of the total area of outside sales in relationship to adjacent building and parking lots, including references to all applicable criteria as established in the "Guidelines for Outside Display and Sales".

The application requires that both the property owner and lessee request approval. The City Council has established that the property owner shall be required to be the co-applicant (in those situations where property owner and business operator are not the same) with the tenant/lessee. The property owner review and approval of the application shall be done in consideration of any outside sales requests pending or approved on the same property and in consideration of all applicable City ordinances and zoning requirements.

BUSINESS NAME: ALEXANDER TRUE VALLE HAKOWAKI

PROPERTY ADDRESS: 22104 FARMINGTON RD

PROPERTY OWNER:

Name: BRIXMOR PROPERTY GROUP

Address: 22054 FARMINGTON RD.

Business Phone: 248 476 6672 Home Phone: _____

As property owner, I have reviewed this application by the tenant/lessee as it affects the property management and City ordinances and request formal consideration of this request by the City of Farmington. I hereby certify that the contents of this application are true and accurate.

Signature: _____

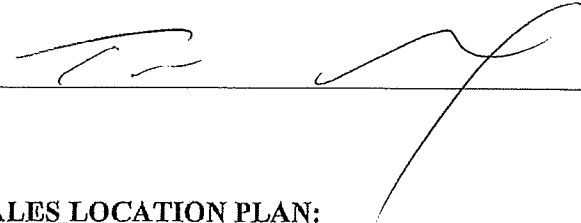
↑ SIGNED OFF IN LEASE AGREEMENT

CITY OF FARMINGTON - OUTSIDE SALES APPLICATION
PAGE -2-

TENANT/LESSEE:

Name: ALEXANDER TRUE VALUE HARDWARE
Business Address: 22104 FARMINGTON RD.
Residence Address: _____
Business Phone: 248 474 2400 Residence Phone: _____

As tenant/lessee, this outside sales application/request has been presented to the property owner for review. As tenant/lessee this request has been prepared in accordance with applicable City ordinances and special direction (if any) of the City Building Department/Ordinance Officer. I hereby certify that the contents of this application are true and accurate.

Signature:  _____

OUTSIDE SALES LOCATION PLAN:

Provide **12 SETS** of plan drawings describing the following for each request for any 12 month period:

- * Display time period (day/date to day/date)
- * Location
- * Materials to be displayed
- * Sidewalks
- * Display racks
- * Display platforms
- * Sales areas (cash register)
- * Safety measures (stop signs, crosswalks, etc.)
- * Fencing (height & description)
- * Storage areas if any (extra materials)
- * Lighting
- * Hours of operation
- * Dimensions of all affected areas
- * Any additional information required in the "Guidelines for Outside Display and Sales."

OUTSIDE SALES APPLICATION
PAGE -3-

BUILDING DEPARTMENT REVIEW/RECOMMENDATION

APPROVED _____ NOT APPROVED _____

COMMENTS: _____

CITY COUNCIL APPROVAL (If applicable) YES _____ NO _____

PLANNING COMMISSION APPROVAL (If applicable) YES _____ NO _____

DATE OF CONSIDERATION: _____

Timothy Alexander

Alexander True Value Hardware
22104 Farmington Rd

(248)302-7090

2/5/2020

City of Farmington Planning Board,

Alexander True Value Hardware would kindly like to request permission to be granted to conduct outdoor sales in the north-east corner of the Farmington Crossroads Plaza, located at Nine Mile and Farmington Road. The proposed garden center is located solely in the parking lot and will not block any pedestrian sidewalks. We are granted permission from the landlord of the Crossroads Plaza for sale of flowers and similar products in the spring and summer as well as the sales of pumpkins in the season approaching Halloween. The area will allocate from 25-30 parking spaces. The location of the garden center will allow for traffic flow, handicapped parking, and safe pedestrian/customer walking.

- Outdoor garden center sales will commence April 27th and extend no longer than July 10th.
- Pumpkin Sales will begin the second or third week in September and extend no longer than October 31st.
- Garden Center goods will be displayed in a neat and attractive manner on tables, racks, and pallets where appropriate (I.E. soil and mulch).
- All safety measures required from the City Inspector and Fire Marshal will be met.
- Garden Center hours will not exceed Alexander True Value Store hours of 8am-8pm Monday-Saturday and 8am-8pm Sunday.
- Extra lighting will not be necessary due to store hours

Thank you for your time and consideration, Timothy Alexander

Owner
Alexander True Value Hardware

BRIXMOR

Property Group

February 3, 2020

Alexander Hardware, LLC
Attn: Timothy Alexander
D/B/A: Alexander True Value Hardware
1294 Stonetree Drive
Troy, MI 48083

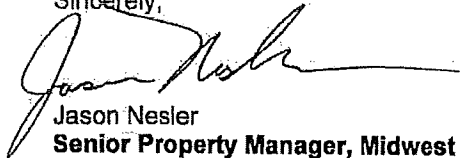
Re: Outside Sales
True Value Hardware
22104 Farmington Rd.
Farmington, MI 48336
L #1126014

Dear Tim,

Per the lease agreement dated November 21, 2012, the area shown on the attached diagram may be used for the purpose of outdoor seasonal sales.

Please feel free to contact me with any questions at (248) 247-9032.

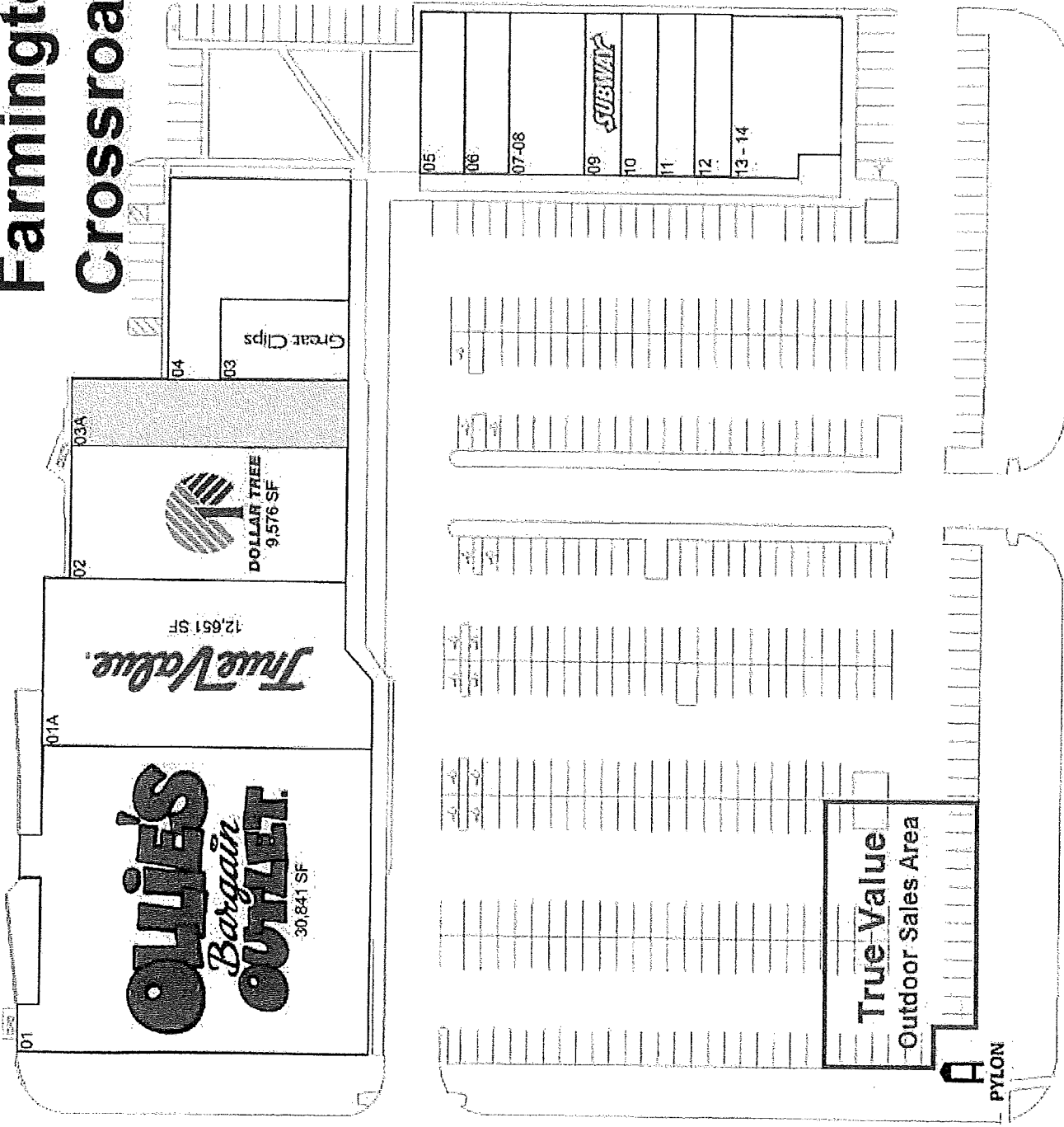
Sincerely,



Jason Nesler
Senior Property Manager, Midwest
Brixmor Property Group
22054 Farmington Road
Farmington, MI 48336
DID: (248) 442-5936 Fax: (248) 476-9504
Cell: (248) 247-9032
Email: Jason.nesler@brixmor.com

Enclosures

Farmington Crossroads



Nine Mile Road

Farmington Road





True Value



Ingress and Egress

9MILE

True Value
Garden Center

Salley Zone

Salley Zone

Ingress and Egress

Farmington Rd

Google
Imagery ©2020

