FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
July 12, 2021

Chairperson Majoros called the Meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, July 12, 2021.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

APPROVAL OF ITEMS ON CONSENT AGENDA

A. June 14, 2021 Minutes

Director Christiansen stated that the June 14, 2021 minutes have the correct date on the heading but the subsequent pages reflect the May meeting date and that the motion to approve can reflect the amendment to those minutes.

MOTION by Crutcher, seconded by Waun, to approve the amended item on the Consent Agenda.
Motion carried, all ayes.

PUBLIC HEARING – PROPOSED ZONING ORDINANCE TEXT AMENDMENT: PERMANENT OUTDOOR SEATING

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

Director Christiansen stated this item is a Public Hearing on a proposed Zoning Ordinance Text Amendment regarding permanent outdoor seating enclosures. This item came before you on several different occasions, the proposed amendment as drafted and prepared by the City Attorney and with us this evening is Beth Saarela, our City Attorney, and the amendment that Beth prepared is to Chapter 35, Zoning, Article 7, Central Business District, C-2 Community Commercial District, C-3 General Commercial District, and RO, Redevelopment Overlay District. The commercial section of the Zoning Ordinance has a table of uses, Section 35-102, the requirements for outdoor seating ae

part of that table of uses, it's actually in the details that are at the end of that. So, we're looking at an amendment to this section to allow permanent outdoor seating enclosures. And you may recall this was introduced to you, you scheduled a Public Hearing for your June meeting, there was a request to move that to the July meeting and that's why it's before you this evening. The Downtown Development Authority has reviewed this proposed Zoning Ordinance Text Amendment and they forwarded their comments to you in a copy from that meeting and their comments are attached with your staff report. And again, on two different occasions the Commission has looked at this, back on May 10th and on June 14th. Again, the Public Hearing is this evening. The Public Hearing has been Noticed as required and so your responsibility this evening is to consider the proposed Zoning Ordinance Text Amendment and to hold the required Public Hearing seeking public comment and then consider the amendment as presented.

Chairperson Majoros asked staff if at the conclusion of the Public Hearing so we're clear, the required action of the Commission tonight is simply to hold the Public Hearing or is there any motion or next step or movement that we will be considering?

Christiansen replied the required action is to hold the Public Hearing and then it's up to the Planning Commission with respect to what your action is, if any. That's something that you will determine. You can certainly take action, if it was to support the amendment, that would then be recorded in motion and it would move forward and the next step then is to the City Council. If you decided to have some additional deliberation or were not to act on it tonight for whatever reason, and have a motion to that effect, it may still be here with you. Certainly you could also act not supporting the amendment and forward that to the Council as well. So, that's up to you. Again, the City Attorney is here for any clarification and also to the City Attorney, working with staff in preparing the Text Amendment certainly can answer any questions regarding the amendment itself if you have those and you can certainly entertain that before you open the Public Hearing.

Majoros then asked for an overview from the staff attorney of the language in the ordinance so we're clear as we're hearing comment and moving forward.

Saarela said the way that I set this up for consideration is so in the event that an applicant comes in with a proposal for a permanent outdoor closure it would be considered under Subsection 13 under this section, which would require you to look at not only the additional standards set forth in that section, there will also be a Special Land Use needed also. So, we'd be looking at any proposal for a permanent outdoor enclosure as a Special Land Use. So, you have the standard Special Land Use conditions on the Zoning Ordinance and then there are some additional, architectural type conditions that are set forth here under Subsection 13. Now, those are just suggested. If you have additional concerns about architectural issues, then I would certainly take note of those, we can consider them for addition, deletion of any of these standards that are put in here. These

were just initial starting points and we welcome to hear input from the Planning Commission about different things you might like to see and hopefully have City Council consider. So, these are basically just the starting point, they were based on some other local ordinances that had outdoor seating considerations and you may have some things that you think are needed or are more appropriate for downtown here that you want to see here. Any questions in addition to that?

Director Christiansen stated that Beth certainly has taken the existing ordinance and again, working with what was requested of Council, shaped this amended ordinance as proposed. But just so everybody is on the same page it might help really quick. Outdoor seating has been permitted in Farmington for quite a while and it's permitted for our commercial uses and you see that throughout the community. And it's permitted and that's what's here in this ordinance, what you don't see in a red or underline is the current law or ordinance. It's permitted upon submittal and approval of the site plan by the Planning Commission. And it's permitted for a time period from April 15th to October 31st, it's permitted with an area that's defined adjacent to the use that it's looking to support and typically it has included either fencing or some plantings or other things to define the area and tables and chairs and umbrellas. Really that's been the extent of it. What's being requested here is more than that and that would then be the allowance for permanent enclosures; whether it would be tents with sides and coverings; whether it would be igloo-type structures, whether it would be other sorts of enclosures, and that's in this ordinance amendment, that then could be used in a more seasonal time period. So, that's really the gist of how this has all come about. It was requested that Council consider this by one of our commercial property owners who is actually in attendance here today and one of our food and beverage businesses, in light of Covid, everything else, patios being closed, everything that was allowed to happen temporarily, the interest here is to allow this on a more permanent basis. And so the City Council was approached, Council gave direction to the City Manager and Administration, working with the City Attorney, to prepare this amendment that's before you this evening.

Chairperson Majoros stated one other thing that may be appropriate as well, is perhaps a quick overview about the submission by the DDA as well, just so we have that as context because I think we had this discussion a bit when we had the MiMosa discussion and there was lots of things about front of house and back of house and right-of-ways and broader parking lots, etc. I know there were some things from the DDA that seemed to echo some of the comments and things we were having that evening, but if it's appropriate, please just a quick overview of that and I think that will dispense of the overview and we'll turn it over to public.

Christiansen replied I'll be happy to do that and I think that's a good idea, Mr. Chairman, thank you very much. What is attached with your staff packet and I reference that in the staff report is the minutes and the comments from the Downtown Development Authority's

Design Committee, the DDA Design Committee meeting, and that was the April 22nd meeting. This was then forwarded to you along with their recommendation. And what they had indicated after discussion is that their concerns included several items. One, they were concerned with what this might look like if all businesses added tents in their public right-of-way and corridors after working hard over the years to create a character, a street life, in the community. Again, as they indicated here, they were concerned about a few things and the change of character in the downtown. They were concerned about the lifespan of these structures, maintenance, and how that would take place, that in a short duration they would not look the pristine look that they would look from when they might come on line a few years down the road. They were concerned about the elements. They were concerned about in the wintertime if these enclosures are used, access, snow removal, things you might expect with using this kind of area and how all of that would function. And they were in support of awnings as long as there was not --- they didn't want to have this wall looking down the street, that was kind of what their comment was and I was in attendance at that meeting and it's reflected here. So, in summary the Design Committee recommended to limit the ordinance to temporary seasonal seating during inclement weather seasons only; allow structures on the parking lot side but not on main thoroughfares, that was their concern. And to maintain a level of transparency, again, allowing this for everybody but their main concern was allowing it but having some level of limitation so that you're not changing the character of the City's thoroughfares, major thoroughfares, Grand River, Farmington Road, etc., again, in the downtown and that's where their focus is, but certainly this is applicable throughout the community as a whole as it's drafted. So, they recommended this to you, again with these comments and I'm providing them to you for your consideration this evening.

Majoros opened the floor for questions or comments from the Commission.

Commissioner Kmetzo asked at the end of the minutes from the DDA it says we would review and make additional recommendations in their May meeting and Christiansen replied they did not make anything else and that's why the Planning Commission has it as/is right here. They noted that but there was nothing else they submitted to you.

Motion by Perrot, seconded by Waun, to open the Public Hearing.

(Public Hearing opened at 7:16 p.m.)

PUBLIC HEARING

Jason Schlaff, 608 Meadowdale, Ferndale, 49220 came to the podium and stated I am the owner of the Farmington Brewing Company and sort of the reason why this item is on the Agenda apparently. I wanted this last year badly because we couldn't have people inside, I put money in place and everything was hunky-dory, I thought we were going to

go through and the company that we contracted out, Marygrove Awning, a local company, they were kind of put off on how hard it was to get stuff done and it's frustrating because we just wanted to stay in business. This year it's a little bit different, ,we're finally seeing some signs of life. First, I agree, it would probably look weird if we had eight tents on each side of the street. I think that's a really valid point and I don't know how you mitigate that except to say I agree with you. I don't think many people are going to do this because it's very expensive and I guess the quick and dirty is we have a patio; we've had a patio all winter. The difference is we're just going to have side walls on it to protect from drafts; what's the difference from your perspective and how can I address that in a way that makes it look part of our downtown, you know. We've submitted drawings, schematics, architecturals, and we went through Jeff Bowdell who signed off on the structural components of it just from a basic standpoint of safety and of course it's ever changing and I didn't know any of this stuff about back plating and how far you have to put footings in and what a footing was. So, I'd like you to consider this, I think it would be a great thing to add twelve, sixteen seats in the winter, heated, with sidewalls down in the summer it would look basically the same way it does now during the warm months, there would be two extra bars but I don't know if that really matters. Of course we'd maintain it. As far as snow removal goes, we shovel our own sidewalks, literally I shovel our sidewalks every time it snows, usually by 7:00 a.m., if anything it would make it easier. So, please ask away, what can I do to address any concerns you have or what are you thinking so I can at least feel what the Commission is thinking.

Majoros stated it's interesting, in the instance that you just described with what we're considering here seems permanent structures and what you're describing as some degree of permanence to it from the sounds of it but in the summertime or in the applicable months, the sides are down, what have you, and it becomes largely as you described, not having the benefit of seeing exactly those plans, etc., but when we read things like permanent structure, we think permanent structures, we think things that look the same 365 days a year and I think that's the item that we're considering, so it's an interesting discussion and question for us is to make sure we are assessing not your particular instance but you are kind of representative of what is before us today which is language for structure permanence.

Schlaff said I can say that the next door neighbor wants to put up brick into the right-of-way, I have no way to even address that issue. Our is not, its frames, quarter steel, and basically it just turns it into what it looks like in the summer for most of the year when the season is gone, you know, when weather is upon us.

Majoros said going back probably three or so meetings ago we had a similar discussion about Los Tres Amigos, and Los Tres is in a similar situation as you because they're a forward facing Grand River business at a kind of a motional corner of the City by the

pavilion, and we approved, but we approved a permanent structure, it was footings, it was walls, it was windows, etc., an addition, so that sort of thing plays into it as well.

Schlaff said I know it would be easier to put it out back but it costs twice as much and that's a real factor right now.

Majoros opened the floor for questions/comments from the Commissioners.

Hearing none, he thanked Schlaff and hearing no further public comment he called for a motion to close the Public Hearing.

MOTION by Waun, seconded by Perrot, to close the Public Hearing.
Motion carried, all ayes.

(Public Hearing closed at 7:21 p.m.)

Majoros opened the floor to Commissioners for discussion.

Commissioner Crutcher asked for a clarification stating reading through this and discussion back and forth, we're talking about allowing permanent outdoor seating and there's an allowance in here for enclosures to the outdoor seating, some were permanent and we're having also removable features. I guess the clarification for me at least is this, currently we have outdoor seating seasonally; we're going to allow this ordinance amendment is to allow outdoor seating year round. As it written is it limiting the enclosure to seasonal, i.e. is it saying you can have outdoor seating year round but can only have it fully enclosed during inclement times in the winter time or is it you can have outdoor seating but then have it fully enclosed year round; is that something that would be allowed?

Saarela replied the way it's written the authorization to have it 365 days a year, whether you choose to take that down in the summer would be your choice, it would be a matter of what the site plan is, looking at the standards there and reviewing it. If one applicant may come in and say like this, I just want to put side walls that I can take down any time and the next door neighbor may come in with a different application saying I want these bricks sides that would stay up all the time. So, as written, you can consider either one of those and then it just depends on what their proposal is and how they want to manipulate it throughout the seasons. But right now as proposed, it would allow it 365.

Crutcher said then it makes for discussion, then should we consider making it somehow in the language --- I agree and support having outdoor seating available year round; is whether it should be enclosed year round, and I think there's a distinction between the outdoor seating and making an enclosure, something that is permanent which really

makes it now an addition to the building and now a permanent interior space. As opposed to you allow outdoor seating and during the nice weather in the summer it's open with maybe a roof covering, but the in the wintertime when it's cold, allow vertical sides to be put to keep the weather out during the inclement weather periods. And I'm saying that's kind of more our intent rather than just have you be able to put outdoor seating up and put a tent around it and leave the tent up year round.

Majoros said I think that's a really nice way of summing that up and a good way to think about it. And the way I quite often, what you were saying is you think that you would want the flexibility to graduate and let people move forward that have a standard that has that 365 seating and 365 structure and then not have the ability to dial businesses back down if that turns negatively. But you'd rather have it be a situational use moving forward and do just enough to allow for what businesses like the Brewery are looking for which is to maximize business 365 days a year, capitalize on inclement weather business conditions but not put the City in a position where an ordinance is written that doesn't respect perhaps some of the things that --- and I agree with the DDA's comment about what we intend to do in the downtown, etc. It feels like ordinance wise you would want to have something that would do enough to protect the businesses in that regard but give us the flexibility and the City flexibility for future applications that will come up over the next number of years.

Commissioner Perrot said if you look across town the applications could be wildly different, that's you leaving it up to the Applicant's interpretation, not necessarily a fixed set of criteria.

Majoros stated it probably makes it more difficult then to deny applications or modify applications if the ordinance says you can do this and that, you lost some ability to maintain the things that are the spirit of what I think the businesses in the community and the DDA is looking for.

Crutcher said and we don't want to basically give someone an opportunity to put an addition on their building without putting an addition on the building.

Kmetzo said continuing in that thought, Section 2 (BB), Outdoor Dining, permanent and removable; maybe the word permanent should be deleted and just removable architectural features. It gives the flexibility for anybody to put in a structure and then remove when it's not necessary. I think that's what's causing the issue here about the permanency of anything.

Crutcher said somehow we need to make a distinction between elements that are --- in order to define outdoor seating, is there something that has to be there permanently, but

in order to enclose it from the weather, those things do not have to be there permanently and I don't think the language we have makes that distinction.

Commissioner Mantey said she has partly question, partly comment, but it sort of stands out to me the way Kevin was describing things about the things that kind of popped during Covid versus adapting an existing patio space that had been used for business before like MiMosa did; I wonder if those two things need to be differentiated at all.

Crutcher replied MiMosa is a different situation in that they're in the back, in the parking lot. Just thinking of a comment from Steve Schneeman during one of the DDA discussions, is that the character of the street in Farmington is that walk down the sidewalk and see people and with sidewalk seating there's not a lot between you and the person sitting down to have a conversation to see who's in the street. Now, if outdoor seating becomes permanent and this tent is now in place; it eliminates the character of the street which in the summertime we don't want that to happen but, in the wintertime, it probably would be necessary to be there. So maybe, like I say I don't know in terms what the language should say, but maybe it's something in terms of like we have from April to October for outdoor seating, we have a specified period where you can enclose it during these periods of time. But during the other time it has to be outdoor seating that's not fully enclosed, so you can't have permanent sides if it's that kind of seating. I think what MiMosa has proposed is to actually have a tent up all the time.

Christiansen said and if I might to Mr. Crutcher just to clarify, what you had before you with MiMosa had come before for was a permanent building, it was just of different material with a permanent support structure and footings, foundation for those footings, adherence and materials that were Code compliant, Building Code compliant to treat it as a permanent structure. So, it was a site plan approval for a building addition. Short of that, that's kind of where you're at with this particular discussion. And I think you're making some very good points. Traditional outdoor seating is open air, right, we've dealt with that since the inception of providing for outdoor seating. Outside, open air, defined area, connected to a building with tables and chairs and umbrellas and that's pretty much been the extent. Now, there's an evolution that has been put in place. We used some different elements this past year with the Covid pandemic in providing area all year round, so beyond the October 31. And now the interest is in making that a more permanent type situation in those outdoor seating areas, whatever the structure might be, you know, sometimes they're igloos and tents and other elements and other sorts of things. But they might be up during the summertime but you know they're going to be there if an ordinance was set up to do that. So that's really kind of where you're at and I think your comments here about the appropriateness of timing and the appropriateness of location, the same things the DDA Design Committee had talked about, too, and forwarded to you.

Majoros said I think we would all agree here maybe, many businesses and many patrons, you know, we defined the outdoor seating area as whatever the timeframe was, but there are certain instances where if it were not a permanent structure and it's one of those beautiful November days or it's a beautiful March day, many people say I want to get one more great fall day in, and I don't want to be enclosed. I think that's what Jason was talking about, having the flexibility to do that, right, and again, that permanent language maybe precludes things like that from happening, right, versus situations that might have more flexibility to them. And Kevin, we clearly have some language questions and you know it's appropriate to try and wordsmith this live or is there an action that we could ask the City Legal to take a stab at revised language that meets the spirit of this?

Saarela said sure. Right now we have a temporary policy in place because it was a temporary resolution that allowed the outdoor enclosures in the winter during the Covid pandemic. That has the language that was really just pertaining to seasonal; are you looking for something more like or are you looking to add some language just to our Zoning Ordinance that would look at some different types of enclosures just for the winter as opposed to what we allow for summer now? So, is this just looking for a different type of thing that we have the summer for the winter, is that what we're looking for, seasonal limited?

Crutcher said I'm not sure how the language of the ordinance would be but the intent would be that in the wintertime you're allowed to have something enclosed, but in the summertime you're not allowed to have something enclosed, it's got to be open air during the summertime periods.

Saarela said so I'm looking for it to be a proposal to be any location on the property or are you looking to stay towards the back or just on a case by case basis you'll look at it.

Majoros said I would say case by case but at a minimum it's as staff noted, it's central to the visual identity of the downtown Grand River/Farmington Road, etc., I would say it's a mandatory for that space in a situation like that, to give us flexibility.

Saarela said so you still want to have a set of standards that are proposed here in Subsection 2 (BB) with respect to any proposal for the front of the building?

Crutcher replied just looking to cover the gray area, sitting on the other side of the stage I'm looking at these gray areas all the time, how to potentially add on to the building without having to add on to the building. So, by providing an enclosure, an enclosed seating area that's enclosed year round, adds on, makes an addition to the building. And if that has to follow all the requirements of doing an addition to the building, that has to be clear like what MiMosa did, they're putting an addition on the building. If they want to put an addition into the right-of-way, you can try and go through the process of trying to do

that but we don't want to make it easy to do that by saying it's a temporary seating thing that you're going to put a temporary tent up four months out of the year into the sidewalk.

Christiansen stated with MiMosa `what you have to be mindful of is as prepared and presented, this amendment required that these kind of enclosures be considered as Special Land Use. So, Special Land Uses require a Special Land Use application, a site plan and a Public Hearing before the Planning Commission and there are standards that have to be addressed and complied with and you have to make those findings. So, it's a case by case basis. Current outdoor seating has a site plan and it's permitted by right, as long as you can meet all of the criteria which is pretty straightforward. Right-of-Way location is different. If it's City right-of-way, the City has jurisdiction and it's also the City giving approval as well as the site plan that would come before you to locate in the right-of-way. Anything on Grand River falls under the jurisdiction of the Michigan Department of Transportation. And Mr. Schlaff can attest to is the yearly application, and all the materials and insurances and everything else he has to provide to MDOT to announce its inception of his outdoor seating, he has to continue to do and he's done it again this year. So he continues to do that as do the other businesses that have this. The same thing would happen, Special Land Use, site plan, Public Hearing, if it was approved into the Right-of-Way on Grand River it would have to go to MDOT, they would have to approve that. Even if the City put standards in place, it would still be something in the end that they would have the final say in, structures, in this case. Other rights-of-way, Farmington Road is Road Commission for Oakland County. Right-of-way, as the Farmington Road Streetscape and again, I'm thinking a little longer term here now because this would be applicable throughout the City if this were to come on line as proposed that would be your jurisdiction and so on and so forth. So, what I'm saying to you is if you kept this approach with Special Land Use, it would be something you'd be considering on a case by case basis and to make findings on. So there might be a time when you would be supportive, because criteria was met, standards were met and you supported that. There might be times when it doesn't meet what you're looking for, whatever that might be and you wouldn't support it and it could be denied, and that's all speculative but that's how that kind of functions and I would defer back to Beth if she had any comment in addition to that. When you're looking at everything on a case by case basis under how this is proposed right now.

Saarela said and in the Special Land Use you're really looking at is a proposal in the best interest of the public health, safety and welfare for the surrounding areas. Those are the type of --- you know you've got the additional standards, is it going to cause hazardous situations to surrounding property owners and that. So in addition to looking at does it look nice, does it meet these building materials, harmonious colors, you're looking also at is it in the best interest of the public under those Special Land Uses.

Christiansen said one thing I might add really quickly, Mr. Chair, so everybody might reflect on this, too, Mr. Schlaff mentioned this earlier, the Brewery Company has an awning that comes out and so that is a covering that can be used; it's there, it's approved, it's been there for a long period of time, that's something that continues to be used. you might note that you recently approved new retractable awnings for Cowley's. so, they're not going to continue to use umbrellas that were approved for the outdoor seating, they're going to use the awnings now as approved. So, structures that are coverings in the right-of-way that have been approved that can continue to be used. It's if sides were put on those, and I know that in talking with Mr. Schloff his concern is in summertime sometimes we get some bad storms in summertime, we all know that. In any event when that happens, he had interest in our dialogue of maybe having something that could protect patrons and it would be able to be rolled down and it could protect them from rain and wind. That would have to follow to some of what you're talking about right now because currently that's not permitted. And that's another thing he was interested in when I know he approached Council, we've had a lot of discussion about this, so I still think that remains an interest of his if I'm correct. So, you mentioned something about not having anything in the summertime, I just want you to know that that's a concern that's been expressed and it's part of the items that have been brought up for discussions, so just keep that in mind as well.

Crutcher stated that was part of the concern for that reason, understanding here our climate, summertime you'll get some bad weather where you have to put the sides down for a rainstorm, wind, makes a lot of sense. Likewise in the summertime, being able to open up in January when it's 60 degrees makes a lot of sense. But I think in general we want the Streetscape to be open and the outdoor seating to be outdoor as a general way that it's used. And when it's enclosed it's a special case because it's due to the weather. I think what we don't want to see is the sides up in July with air conditioners running inside of the tent. As pleasant as that may be in some places.

Schlaff asked am I allowed to make a comment at this point, but I agree with you, I don't want enclosure. I don't want it enclosed unless it's absolutely necessary, it will never be closed even if there's a hint of a nice day, but that awning can't handle rain or wind, it's basically a sunblock. Just to go back, I already have MDOT's approval for this, I've had it since either November or December. I would have to resubmit it of course for this year but I don't have a problem with that from their perspective, I just have to lease the land from them on a twenty-year contract. That's a whole 'nother battle, not this meeting.

Majoros asked if there were any other comments or questions; hearing none he said we have to move forward, we can clearly try to move something forward that we amend ourselves, we could probably ask City staff to take another crack at it. We certainly don't want to be daunting to businesses and process an application and timing, etc., but we have to be prudent to future implications, etc., so, we're July and I'm sure you're up

against the time here like many others are but we've got to get this right, so I'll open up to see if anybody has any suggestions for action.

MOTION by Kmetzo, seconded by Crutcher, to move to delay the decision for any additional revisions that need to be made to the language of the Ordinance amending Chapter 35 Zoning of the City of Farmington; and revisions requested include differentiation between outdoor seating and consideration for temporary rather than permanent outdoor enclosures.

Director Christiansen stated that typically rather than use the word delay we would move to table the action on the amendment as proposed in order to allow the City Attorney to prepare modifications to include, and then list the options that you just mentioned, if that's okay.

Majoros stated that I think certainly we could be looking at that language in our August meeting, table it to the August meeting. The question then would be for staff, will we go through the cycle again of another Public Hearing, we can just table that, and if we're comfortable with the language in August, then the required action would be to forward that to City Council which would be perhaps at the September meeting.

Christiansen said that is accurate, you will be requesting to table to the August Planning Commission meeting to allow the City Attorney to make those changes and then your list, at which time the Planning Commission will then consider that Zoning Ordinance Amendment with the changes as requested. You do not have to hold another Public Hearing unless there is a significant change to the amendment which I don't anticipate from what we're talking about here this evening. And then the next step after that at the August meeting would be to forward any action to Council. Council is required to have two meetings. They would have an introduction meeting and then they would have an action meeting and that could be September, that might be October, that would be up to them.

So, to consider Commissioner Kmetzo's motion amended as noted by staff to ask for staff legal Counsel to draft revised language based on the conversations today about permanent versus temporary structures, etc. , we would entertain that language at the August meeting.

Following discussion by the Commissioners, a roll call vote was taken on the foregoing motion by Kmetzo, seconded by Crutcher, incorporating the Friendly Amendments into the resolution, with the following result:

AYES: Crutcher, Kmetzo, Majoros, Mantey, Perrot, Waun and Westendorf
NAYS: None

Motion carried, all ayes.

DISCUSSION – ZONING AUDIT

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

Director Christiansen stated this item is a discussion item and it is one that we've had some dialogue about previous but in light of the challenges of this past year, Covid pandemic and everything else going on, not being able to be face to face, what we really had intended to do with this item is defer it for a little while and here we are back at it together and it's allowing us an opportunity to move forward with this item. Before I begin, Mr. Chair, if I might, for everybody's edification so we all know, the City of Farmington has a Planning intern for the summer, has an intern in the Economic and Community Development Department assisting us with various projects and this is one of those items that we're looking for support from. And so as we have done in past years and other departments in the City do, we look to use the talent in Farmington and of those that are engaged in the subject matter and so we have an intern that has come on board and I want to introduce Tanner Beals. Tanner is a student at U of M Dearborn and Tanner is going into urban planning and Tanner is a Farmington resident. He lives here in Farmington and he actually grew up here in the Farmington area and he graduated from high school, Orchard Lake St. Mary's, I think he grew up in the Eleven Mile/Farmington area, currently Valley View Condominiums, and he plays hockey at U of M Dearborn, Mr. Chairman, he's a goalie, and I think he knows of you and your hockey playing sons and we've had quite a bit of conversation about that in our time together so far. But we brought Tanner on board here and I'm very please to do so to help us out with a number of things. He's helping us really focus on the current environment as a result of the impact of Covid, our current nonresidential development and what the condition of it is and what's going on there so we can move forward with redevelopment business development. He's also helping with the Grand River Corridor Improvement Authority but he's also going to help us with the Zoning Audit as well in the time that he's going to be here. So, I wanted to take the opportunity to introduce Tanner to you here today. And this item, as I indicated, is one we put off for a little bit in light of the circumstances. You might recall that when communities update certain tools, planning tools, in this case we updated the City Master Plan in 2019. We finished that at the end of 2019, really kind of brought everything on board at the beginning of 2020. And we were planning in 2020 to do what would be the next step after you update your Master Plan, make sure that your implementation tool, your Zoning Ordinance, didn't need any tweaking to implement that updated or New Master Plan if that's what it is. So we were ready to embark upon that and the challenges of Covid came before us. And in light of that and the inability to be face to face and the resources that we had going in many different directions, we decided to defer that for a period of time and here we are so now we're going to move forward

to take a look at our Zoning Ordinance knowing that we now have an updated and current Master Plan and our other tools are all current and updated, it's time to take a look at our ordinance and see if there's any tweaking, any changes that we need to make. And the process that we would like to implement is starting from the beginning and maybe taking a look at a couple chapters at a time here at our meetings and maybe a little bit of homework for everybody to do, to take a look at the ordinance to see if it's really still the kind of Zoning Ordinance and the provisions here that we certainly still want to see in place that we are comfortable with. So, in light of that, this is something, too, that we're going to engage our City Attorney since this is kind of a legal exercise as you know, the zoning ordinances are a legal tool and the responsibility for its maintenance rests with you and the approval of any changes rests with the legislative body by statute, that rests with the City Council. So, anything that you as a Commission are looking to do, change, to modify as we work through this, we will then forward all of that to City Council for their consideration. So, it will take us a little bit of time, it's something that the City Attorney's Office has actually been engaged with here in Farmington over many years. I think the last kind of comprehensive review of the Zoning Ordinance was back in 2010, so it was about ten years ago and there was another Master Plan update you might recall just about that time in '09, so it was a 2010 look and there were changes made at that time. So now in light of the Master Plan Update in 2019, we're going to look to do the same thing again. So, if I might, Mr. Chair, turning it back over to you, maybe the City Attorney may have some comment for us in terms of what to expect in our process as we work together over the last several months.

Saarela stated it's just like Kevin said, our main focus is to look at your current Master Plan and what were the major changes that came about from that Master Plan and how do we go through our Zoning Ordinance now and make sure that what we have in place in the Ordinance gets us to where we want to go in the Master Plan. So, we'll focus on what were the main goals of your Master Plan and what sections of the Ordinance do we need to look at and modify to make sure that we get there.

Majoros asked so in that process would it be, as Kevin noted, going section by section. We see red line comments a lot for proposed revisions, is it that granular where you may be coming forward with red line changes or would be looking at a section saying with an understanding of cycle over cycle Master Plan changes and Commissioner Mantey gets Section 1 and we all whatever; is it up to us to hunt and peck and try to recommend or will we be approving or commenting on red line changes that you may be making?

Saarela replied so what we might start out by doing is going through what are the major goals of the Master Plan that we want to see implemented and talking about that as a Planning Commission and then we would go through on a chapter by chapter basis each meeting and we can talk about how do we make sure that that's implemented in this chapter, then we can meet, Kevin and I can meet or whatever with the staff to make sure

we're getting some red line changes in there that are consistent with the ideas that we talked about and then come back and look at it again, just similar to what we did today, where am I writing something that was your understanding of how we're trying to get to the end and if not, what do I need to do to change the language to be consistent with what we're trying to do to make the Master Plan come to life basically.

Majoros said I think we'd be comfortable with that, I mean if we could divide and conquer some of the work, it feels like maybe there'd be a discussion on each section and as Kevin noted there might be a little bit of homework, right, for someone to say I'm responsible for this section and based on the discussion we had here's the areas that we worked on, here's the language. And it's almost like each meeting you can have discussion on A, while you're looking at the nomenclature changes of B, and then the cycle just kind of flips through it and you finally put A to bed and then B moves to the next stage, so we can certainly work something out. Is there a desired timeline, are we trying to get something in a certain one year period of six month period?

Saarela asked Christiansen if he had any thoughts on the timeline and Christiansen replied as long as you need to do the work that you're looking to do. You know if we look at a couple chapters maybe at a time, you know the Zoning Ordinance is pre-structured, it hasn't changed a lot over time, it's been amended, it follows a pretty traditional ordinance approach. It's got an overview and introduction, general provisions, district requirements and then all of the special areas of focus. And it might take us four, six months to do that, maybe now to the end of the year, maybe that's kind of just a general goal to focus on but if it takes a little bit longer, that's okay, as long as what we're doing here is what everybody feels comfortable with and the Commission wants to move forward with.

Majoros asked if there were any questions or comments.

Crutcher stated he had a question in regard to the audit, are we going to be looking at what the Zoning Board of Appeals is reviewing or cases that have been brought? Something that comes to mind as people pass through the Zoning Board of Appeals are zoning variances, if we're getting the same thing coming up all of the time maybe that's an area that we ought to look at.

Christiansen replied that's a great comment. You know typically communities will do that and certainly we'll do that, too, if we have a repetitive type of variance and relief looking because there's an ordinance that may be in its application as its written and what it looks to do, is it as effective as we need it to be or maybe it needs to be modified. So we are looking at variances all of the time, so we are looking at variances all of the time, ,we'll look at that, that's a good point.

Commissioner Perrot said it's a good opportunity to prevent us from being in our own way in a nutshell and really it should be a maintenance item and I think we tried to have it as a maintenance item over the years but the budget for it gets shot down, it gets reallocated and here we are 2021 and now we're digging our heels in so I really hope that ultimately it's up to Council, but I really hope that this doesn't get shut down two months into it. Because I think once we get it going, like I said it's a maintenance item, it's an opportunity for us to really dig in.

Majoros stated it's our responsibility, let's be honest, right, we haven't dug into this in a while, and you know that's just because sometimes you've got to go and do the dishes, right.

UPDATE – CURRENT DEVELOPMENT PROJECTS

Chairperson Majoros asked Director Christiansen if there are any cycle over cycle comments that you would like to make on any updates and then we'll open the floor for the Commissioners for any questions you might not have covered.

Director Christiansen stated the Farmington States Savings Bank redevelopment project, GLP Financial, has kicked off. You'll see barricades and fencing and enclosures and pylons and signage up indicating the work to be done and they're inside working. And there's going to be closures, several different closures, streets, impacts then from those closures, Farmington Road, Grand River, but trying to minimize that as much as possible and they're coordinating very closely with the City about the work that they're doing so we're very excited about that. That redevelopment has been approved, probably going to take about six, seven months with everything that needs to be done. So that's off and running and certainly we're very excited about that.

Tropical Smoothie and the redevelopment of the World Wide Shopping Center has been completed and that turned out very well. What a great update for a shopping center that had a limited amount of investment over a long period of time and after forty-seven, forty-eight years now with that re-façade and site changes and a new building, it just really added to the vitality of that shopping center and everything that now it can carry forward in the next while, so we're very pleased about that.

The Nine Mile/Farmington gas station redevelopment continues. They have had a couple challenges, they had some DTE challenges, we got through that, we're finishing all that right now and they're going like gangbusters right now because they'd like to get it completed as soon as possible so they can get up and running. You know when you're making that kind of investment, you want to be operating your business as soon as you can. So, we're working with them very closely.

There's a number of other things moving forward. I can tell you that final construction plans, revised, revised, have been submitted for Krazy Krab's building addition and work in the vacant portion, the second lot there, the old Ginger's Café, Mrs. Lovell's Tea Room, so we anticipate that hopefully getting its final construction projects and moving forward as soon as possible. We were hoping before Founder's, we'll see this week, we're trying as best as we can working together with them on that.

Other than that the other thing I just want to make sure that you are kept apprised of is the MTC project moving forward. The purchase agreement which was prepared by the City Attorney and as Council directed and negotiated then with the selected developer, Robinson Brothers Homes was back and forth with some modifications over the last short while and Council last week in a Special Meeting last Tuesday approved that purchase agreement as had been drafted and some adjustments indicated that needed to be made and we're looking now to move forward with the next steps which is initiation of the development review and approval process which will then engage the DDA, the Planning Commission, the City Council, as well as the Brownfield Redevelopment Authority. And we're going to look to be engaged with that probably for the period of time it's going to take but certainly the next four to six months, maybe longer, depending on the various steps and the time that it takes in that review and approval process which is the interest of everybody in moving forward. So I'll keep you abreast of that and certainly you will know when that's going to kick off with you because the PUD process is what's going to be implemented and you are really the integral element, component, in the review and approval overseer of the PUD process as well as City Council. But you have the initial engagements and you have the final PUD site plan as well as well as making recommendations to City Council on the preliminary plans.

That's just a quick update, I'm happy to answer any questions or talk about anything else that you would like.

Mantey asked if there was an update on Blue Hat. Christiansen replied Mr. Jewell continues to move forward. I had dialogue with him again, he is one of the vendors at the Farmer's Market so he was discussing all of his progress. The inside, all of the work that he's done has progressed pretty well, he's got a lot of finish work with respect to just being operational in the kitchen which is where he's at right now, so he's moving forward. The exterior elements which are the ramp, the dumpster, the elevated outdoor patio area, and the landscaping and signage still has to come but he's looking to keep moving forward and hopefully realize sometime within the next couple months, hopefully by the beginning of fall to be up and running.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENT

Chairperson Majoros stated a sincere thanks to, given all of the recent activities with all of the storms, we've seen residents, our crews, we've seen the red trucks all over, 24 hours a day, seven days a week here. The commitment, the hard work, the dedication from staff to get us back up on our feet, I know we're not completely there yet, but it's been a tremendous effort and it doesn't go unrecognized in the community. The work of the City staff, volunteers, etc., but I can't imagine what that group has been going through just to organize utilities and clean-up and equipment, it's unbelievable and I just thought it was appropriate on behalf of the residents of the City to say thank you to City staff for the work they've done so far and the work that they're going to do.

Commissioner Waun gave a special thank you to Chuck Eudy for plugging the Founder's Festival while he was being interviewed by Channel 7 in the midst of all this chaos, he made sure to let everyone know that the Founder's Festival is this weekend.

Christiansen stated it's an amazing dynamic that we have here in the City of Farmington, the residents, the property owners, the people who care about the community, the City staff is amazing, second to none, can't say enough about everybody, Public Safety and just what they provide to this community, what they bring to the community and what they do. And absolutely the Department of Public Works, second to none, and their resources are finite, they're limited. They have the staff they have and the resources they have and I will just tell you that the time that that storm event happened, within a very short time after they had left and gone home from their work day, they all turned around and came right back for the most part and they've been working ever since and they haven't stopped. So, I can't say enough about them. They deserve everybody's praise, thanks, appreciation, so if you see them, please, it's a great thing that we have here in our City. And yes, this is Founder's Festival weekend, so everybody get out and enjoy Thursday, Friday, Saturday, let's hope for good weather and let's hope for a great event.

ADJOURNMENT

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

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

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Secretary