

FARMINGTON PLANNING COMMISSION PROCEEDINGS  
Monday, February 8, 2010

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

**ROLL CALL**

Present: Christiansen, Crutcher, Gronbach, Ingalls, Kuiken, Scott, Sutton, Wiggins.

Absent: Bowman.

A quorum of the Commission was present.

**OTHER OFFICIALS PRESENT:** Building Inspector Koncsol, City Manager Pastue.

**OTHERS PRESENT:** Sherrin Hood, LSL Planning, Inc.

**APPROVAL OF AGENDA**

MOTION by Sutton, seconded by Kuiken, to approve the agenda as submitted. Motion carried, all ayes.

**APPROVAL OF ITEMS ON CONSENT AGENDA**

MOTION by Christiansen, seconded by Wiggins, to approve the items on the consent agenda as follows:

- Regular meeting minutes of January 11, 2010
- Acceptance of Farmington Building Department 2<sup>nd</sup> Quarter Report – October 1, 2009 through December 31, 2009

Motion carried, all ayes.

**PROPOSED ZONING TEXT AMENDMENTS**

Present: Sherrin Hood, LSL Planning, Inc.

**A. Review of Changes from Previous Meeting**

Sherrin Hood stated the draft before the Commission includes minor amendments made at the last meeting. The purpose of the proposed amendments is to update the Zoning Ordinance to match the Master Plan. She briefly reviewed the amendments.

Hood referred to Page 1-2, Section 35-3, Conflicting Regulations, and noted the addition of provision F. "Uses that are contrary to or in violation of local, state, or federal

law, ordinances, or other regulations are prohibited.” This is a catch-all to make sure we are covering everything.

Pastue stated one of the current hot topics is medical marijuana. The language here is reflective of language used by other municipalities regarding the growing or distribution of medical marijuana; which was approved by referendum last year. This essentially says any use in violation of local, state, or federal law is prohibited. The growing and disbursement of marijuana is prohibited under federal law at this time. Attorney Schultz has provided an opinion to City Council on this issue. The language here is consistent with our community standards. The language does not make this provision exclusive to medical marijuana, but refers to any use that is in violation of local, state, or federal laws. He would be happy to provide the opinion from Mr. Schultz if requested.

Hood stated the growing or distribution of medical marijuana is federally prohibited, but there is not much enforcement going on under the current federal administration. It is possible some shops may open; and then if we had a change in administration, they could no longer exist. We are playing it safe by the inclusion of Provision F.

Pastue noted it is an evolving issue. The City Attorney is comfortable with us incorporating this language.

Hood discussed page 12-6, Adult Regulated Uses, including Sexually-oriented businesses and adult motels; massage parlors, except those defined as therapeutic massage or licensed by the State of Michigan; pawnshops; pool and billiard halls, not accessory to a restaurant or bar principal use; and tattoo parlors.

Hood noted pawnshops were included, but not second-hand dealers. In response to questions from Kuiken, Hood and Sutton discussed the differences between a pawnshop and a second-hand dealer. Basically, a pawnshop transaction is considered a loan and not an outright sale.

Hood stated resale shops are not subject to these regulations. The other uses mentioned are all subject to separation and distancing requirements. They may not be located within 1,000 feet from the property line of another regulated use or second hand dealer. They also may not be located within 1,000 feet from any school, church, other place of worship, public park, public or private recreational facility, child care facility, nursery school, preschool or other use that is primarily oriented to youth activities. No regulated use can be in the same building as another regulated use. They must also be at least 400 feet from a residential zoning district. Regulated uses are only permitted in the IND zoning district. Everything else stayed as discussed last month.

Crutcher asked about the prohibition of alcohol on the premises of any Regulated Use business.

Hood stated a pool or billiard hall that is not accessory to a restaurant can't serve alcohol. No alcohol is permitted in any of the uses listed in Section 3 on page 12-6.

Kuiken stated she finds it confusing that page 12-3, refers to “Adult Regulated Uses”, while page 12-6 says “Regulated Uses”.

Hood discussed the changes in the name throughout the course of this ordinance review process. Page 12-3 is the only place it refers to “Adult Regulated Uses”; while page 12-6 refers to uses regulated by the referenced subsection.

Discussion followed on the terms “Adult Regulated Uses” and “Regulated Uses”. Gronbach requested Hood to verify the proper term with Mr. Schultz.

Gronbach referred to page 8-2, Special Provisions (a), and asked why the word “film” was crossed out. He questioned the advisability of excluding film industries which are very up and coming. It is something we would want to encourage.

Hood will check to see if it was added somewhere else. She agreed it should be encouraged.

Scott stated the word “film” is very specific, and this section is probably meant to be broader or more general in nature.

Pastue called attention to page 8-1 where radio, television, recording and movie studios are listed in permitted uses.

Gronbach referred to page 7-5, paragraph 6. And noted the word “cleanly” should be changed to “clean”.

Hood agreed, and will make this change.

Kuiken referred to page 8-1, and noted that a space is missing between Sec. 35-158 and Adult Regulated Uses.

## **B. Public Hearing**

Chairperson Gronbach requested a motion to open the public hearing.

MOTION by Sutton, seconded by Wiggins, to open the public hearing to receive public comment on the proposed Zoning Text Amendments. Motion carried, all ayes.

Hearing no public comment, Gronbach requested a motion to close the hearing.

MOTION by Kuiken, seconded by Sutton, to close the public hearing. Motion carried, all ayes.

## **C. Consideration to Recommend Approval of Zoning Text Amendments to City Council**

MOTION by Christiansen, seconded by Sutton, to recommend to City Council the approval of the Text Amendments to the Farmington Zoning Ordinance, as presented in the draft dated January 21, 2010, with the inclusion of the minor modifications made at this meeting. Motion carried, all ayes.

**PUBLIC COMMENT**

No public comments were heard.

**COMMISSION COMMENTS AND ANNOUNCEMENTS**

There were no Commission comments or announcements.

**ADJOURNMENT**

MOTION by Kuiken, seconded by Scott, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

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Secretary