

FARMINGTON PLANNING COMMISSION PROCEEDINGS
City Council Chambers, 23600 Liberty Street
Farmington, Michigan
February 10, 2020

Chairperson Crutcher called the Meeting to order at 7:00 p.m. at City Hall Conference Room, 23600 Liberty Street, Farmington, Michigan, on Monday, February 10, 2020.

ROLL CALL

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

OTHER OFFICIALS PRESENT: Director Christiansen, Recording Secretary Murphy

APPROVAL OF AGENDA

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

APPROVAL OF ITEMS ON CONSENT AGENDA

A. January 13, 2020 Minutes

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

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT SMOKE SHOPS

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

Director Christiansen thanked everybody for being at the meeting and accommodating the change of space for this evening's meeting.

He stated this item is a Public Hearing for a proposed Zoning Ordinance Text Amendment regarding smoke shops. The proposed amendment would add the definition of Smoke Shops, to Chapter 35, Zoning, Article 21 Definitions, and would allow smoke shop establishments within the City of Farmington only in the C-3, General Commercial Zoning District as a Special Land Use. Additional information attached with your staff packet includes a Notice of Public Hearing for this evening's Public Hearing as required, and also a copy of the proposed Ordinance. Looking through your packet you may recall we discussed this item at the January Planning Commission meeting and scheduled the required Public Hearing for this evening. The ordinance is intended to be two parts: one, is a broadened and more clear definition of smoke shops, retail establishments, where 50% or more of the retail area defined wall to wall is used for display and promotion for

the sale or use of products listed below or in an establishment where the sale of products listed below constitutes greater than 50% of the establishment's merchandise. And it relates to cigarettes, e-cigarettes, vapor, nicotine, nicotine products, cigars, tobacco, tobacco smoking, etc., etc., I won't go through all this but it's provided and presented by the City Attorney to the City and then it goes on all the way through Item F in definition and it clearly defines vapor products. And so this is an expanded and new definition. The other portion of the ordinance is the location of these facilities, of these retail businesses are to be restricted by this ordinance if recommended for approval and then adopted by City Council, to the C-3 General Commercial District and treated as a Special Land Use, so with respect to special considerations for their location. So you might ask what happens to the existing establishments? They will become grandfathered. So where they are located currently and they are not within a C-3 General Commercial District, then they would be considered grandfathered, they could remain, they could continue, but new establishments could not locate in anything other than a C-3 General Commercial. I think the ordinance also allows for RO, Redevelopment Overlay Districts as well. We currently don't have any areas defined for that so that's why it hasn't been part of the detailed discussion but there is opportunity there, so C-3 and RO, Redevelopment Overlay Districts. Anything in a C-2, anything in the CBD, Central Business District, if this ordinance is adopted would become grandfathered.

Chairperson Crutcher called for a motion to open the Public Hearing.

MOTION by Majoros, supported by Waun, to open the Public Hearing.
Motion carried, all ayes.

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

PUBLIC HEARING

Hearing no comments, Chairperson Crutcher called for a motion to close the Public Hearing.

MOTION by Waun, supported by Majoros, to close the Public Hearing.
Motion carried, all ayes.

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

Director Christiansen stated that the request for this evening on this item besides the Public Hearing is for the Council's consideration and action on this proposed amendment and recommendation on your actions to City Council for their consideration. He went on

to state that the action is up to the Planning Commission, the actions they could take would be to table it for whatever reason, to not look favorably and recommend a denial, or a nonadoption or approval or certainly recommend approval of the ordinance as proposed and presented and move it forward to City Council.

Commissioner Kmetzo asked how many establishments will be grandfathered under this ordinance and Christiansen replied probably four that are currently within the Central Business District or C-2 Zoning District.

Commissioner Westendorf then asked if this applies only to stores that are more than 50% and so a gas station or something that sells less than that percentage will be allowed to continue, and Christiansen replied in the affirmative.

Commissioner Waun then asked if they are grandfathered only if they stay at their current location but if they move to a different address within the district, they are prohibited and Christiansen replied that's correct, that one of several things would need to happen, either they would have to seek a variance from the Zoning Board, a use variance to locate within a non C-3 or RO Overlay District location. The other thing is they could change how they operate and get below the 50%, there are certain things they can choose to do, so that would be the only way they could to it.

Chairperson Crutcher then asked if they wanted to expand in their current location, would they have to go through the Zoning Board and Christiansen replied that's correct, too. But when you talk about expanding, it might not be on inventory but it would be in physical, like should the unit next door space become vacant and they want to expand or whatever, then we'd have to look at certain aspects, you know, just speculatively, they can look to expand the business, but if they did not in that expansion use that expanded area as part of the smoke shop, let's say as something else, they could to that.

Chairperson Crutcher asked if there were any letters from the public received on this item and Christiansen responded none.

Commissioner Westendorf asked if there was any concern to be had since the meeting location had changed and Christiansen replied no, that any public to enter the building would go by the room.

Chairperson Crutcher called for a motion.

MOTION by Waun, supported by Majoros, to move to approve and move forward to Council the amendment to add the definition of the term smoke shop to Chapter 35,

Zoning Article 21, definition to allow smoke shops within the City of Farmington only within the C-3, General Commercial Zoning District and Special Land Use and to include the RO, Redevelopment Overlay District.

Motion carried, all ayes.

DISCUSSION OF 2021/2026 CAPITAL IMPROVEMENT PROGRAM AND REQUEST TO SCHEDULE PUBLIC HEARING

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

Director Christiansen stated this item is a request to schedule a Public Hearing. As we have been discussing, the Capital Improvement Program Steering Committee and City staff have been diligently updating the Capital Improvement Program for the City of Farmington to incorporate into the Master Plan the 2021/2026 six-year Capital Improvement Program. The final draft of the 2021/2026 Capital Improvement Program will be available for review on the City's website on February 21st, 2020. The link to the current 2020/2025 six-year program which is the one that was put together and adopted for this program year and the next six years is on the City's website and there is a link provided to that. We've had dialogue about this at the last two meetings and if you recall at the December meeting we briefly talked about the 2021/2026 CIP and the need to appoint a representative from the Planning Commission to the Steering Committee and the Commission did that and appointed Commissioner Majoros in that capacity and he had served in that capacity for the past couple years effectively and has continued to do so based on his appointment. And then in January we did discuss again some more detail about the 2020/2025 and what to expect from the 2021/2026, some questions you had, some concerns you had, those are reflected in your minutes that you approved tonight and those minutes were moved forward to the Finance Director, Treasurer, and to the Steering Committee and subsequent to your meeting in January where you did make a comment, the Steering Committee then convened twice. They met last week, and they met the week before, in any event there were two meetings of the Steering Committee and at those meetings the Steering Committee reviewed the 2020/2025 and the 2021/2026 and considered your comments, the Commission's comments, and discussed them. One of the comments that were very pointed, and thank you again, I think it was Commissioner Kmetzo who asked for the provision to the Commission for your edification, a recap of the implemented CIP projects over the past number of years, so that's currently being prepared and that will be share with you prior to the next meeting. So, the Finance Director, with the Treasurer and the Steering Committee, are putting that all together and you'll have that available to you shortly.

Christiansen stated the purpose tonight is to schedule the Public Hearing and that would be for the March 19th meeting.

Commissioner Majoros stated that he had a couple comments, that we make sure that we read this and see what's been done. He indicated he was not able to make either of those sessions but that he provided input and feedback and he got documents. He did

represent the impact the Planning Commission has given historically about some of the tenants, reiterating things like we've got to trust the subject matter experts and that's to invest now to avoid greater costs later, potential for shared funding, maintain fundamental City services first. So we've been given the specifics of the last couple years and they did come back with a series of additions that would be kind of new to this year, so that would be part of this list that we hope to see in the 2021/2026 plan, here's what we want, here's what's been done, and here's the additions from the various groups and departments and has been done historically. They put prioritization into this, they put various cost estimates, is it urgent, is it important, is it not urgent, so the same criteria that's been used before. So the big question is always how to classify prioritization. So if I have an urgent, necessary item from the Parks and Rec area, but I have an urgent Infrastructure, which one is more urgent and that's up to the City to determine. So we worked through all of that, we see all of that, and probably one of the biggest ones you'll see which personally I agree with, you know, we can have this in our open discussion, is of the additions, there weren't a ton that were huge in significance, there was a couple, some of them are more infrastructure, equipment replacement, Mayfield Drain Project, but there was a big chunk of this that was Streetscape expansions into other further out parts of the City, and recommending potential budgets of 3.8 million. 5.8, 5.8; these were a little stout. So my only comment on the addition projects is that the Streetscape is nice, we've got one, maybe two, to have three or four more that total up to almost 20 million, felt a little ambitious. And what we've seen is there are things in the Capital Improvement Plan that's like sell City Hall and rebuild, so we want to kind of keep those things in there, I suppose, but I kind of treated those with a bit of a grain of salt.

Christiansen thanked Commissioner Majoros for his comments, that that recaps everything that has been done to date, and he thinks everyone here has been done on an annual basis for the past couple of years on the Capital Improvement Program, and that the value of this tool is that this is basically the City's business plan, the City Capital Acquisition Plan, whether it is equipment, whether it is land acquisition, whether it is special projects, infrastructure, streetscapes, roads, everything like it and without it we don't have a road map. And it also is important because it gives an accounting of what the City's goals are with respect to those elements, those items, by subject area and also to identify funding sources and timelines, etc. And even though they may seem, wow, that's a little far-fetched, that's a long way off or that's a lot of money, without them being part of a list then they're never identified and they're never thought about and then they may never happen if they could happen and there's always possibility. But they aren't ,things that aren't needed at a certain level and I think that last year's plan, this one, 2020/2025, there's 112 projects at 23.2 million dollars; the City has a 9 million dollar

budget and that's challenging in its own right and so it's based on need, and it's based on opportunity, so there's a reality to it but there needs to be a wish list. Not necessarily pie in the sky, but some may consider it that way, but there are some real needs, immediate needs, and it's important that they are as well as the other things we talked about are part of the plan.

MOTION by Majoros, supported by Waun, to move to schedule the Public Hearing for the 2021/2026 Capital Improvement Program, for the next scheduled meeting of the Farmington Planning Commission scheduled on March 9, 2020.
Motion carried, all ayes.

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

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

Director Christiansen stated that the staff report for this particular item has quite a bit of material with it so he's not going to steal the thunder of the Petitioner here, if they choose to do so. But this request is for outside sales to be located within the front yard of the parking lot adjacent to the existing commercial building, C-2 the unit at 22104 Farmington Road, Alexander True Value Hardware and they are located at the Farmington Crossroads Shopping Center. The existing commercial property, the shopping center, is Zoned C-2, Community Commercial, and seasonal commercial outside sales are permitted in the C-2 District, subject to site plan review in accordance with the requirements of Article 7, CBD, Central Business District the other commercial districts as well as the Redevelopment Overlay District.-102, Table of Uses, specifies under Special Provisions in Subsection 86, and this is all in the Zoning Ordinance for requirements for outside sales. And copies of those Ordinance provisions, the Ordinance itself creating a little bit of change in 2014, and then the regulations themselves, the section from the Zoning Ordinance which is attached with your staff packet. Some of you might recall, the Planning Commission previously approved outside display and sales for alexander's True Value Hardware in 2015, and there's a copy of the minutes from that 2015 meeting. No changes regarding the existing commercial building, the unit in the center that houses the Alexander's True Value Hardware in the center itself, or other site improvements are proposed. The plans that are in your staff packet show an outside sales area in the front yard of the parking lot in the northwest corner along Farmington Road adjacent to the commercial center. The parking area, Nine Mile, Farmington Road, are not directly at any access point and not to the building but in the shopping center parking lot. The Applicant has submitted an outline of this proposal and also specified the days and hours of operation, Monday through Saturday, 8:00 a.m. to 8:00 p.m.; Sunday 8:00 a.m. to 8:00 p.m.; and the time period is intended to be April 27th through

October 31st, with a couple different seasonal elements within that timeframe. So the requested action this evening of the Commission is to review the submitted plans for outside sales as well as the site plan for Alexander True Value Hardware. And there are representatives here this evening, Tim Alexander, the owner of Alexander True Value Hardware is here, and I'll let him introduce himself and we also have a co-applicant here this evening, and I'll let her introduce herself.

Tim Alexander and Sara Kwiatkowski from Alexander's True Value Hardware, introduced themselves for the record.

Alexander stated they are requesting to have outdoor sales for the Alexander True Value Hardware Store for flowers and possibly pumpkins. They are not proposing to stay out there the whole time, the flower sales will last anywhere from ten to twelve weeks. They were previously approved in 2015 but at that time we did not take any action because they weren't staffed to do it and they would like another opportunity to sell flowers. They understand there are safety guidelines involved with the City, and they will work with City officials to create that. He indicated he runs a nice, clean operation in his store, and he would do the same outside and represent the City very well, people will come off the freeway and see a nice set-up out there.

Chairperson Crutcher asked if the window of time stated in the request is the maximum time they can apply for and Alexander replied the April 27 to October, that's the maximum timeframe, but the flower business won't be out there that long.

Kwiatkowski stated they changed the timeframe to be from April 27 to July 10th for the flower sales, that would be the maximum, it's a pretty short season.

Christiansen stated that in the City's ordinance section, the time period for allowance of this activity is from April 15th to October 31st.

Alexander said the weather plays a big factor with the flowers.

Majoros asked if this location for the Ten Mile and Orchard Lake Saxton location and Kwiatkowski replied no, that they are hired by Alexander and that is a totally different operation.

Majoros then confirmed that there will be no entry pedestrian walking egress from Nine Mile and Kwiatkowski replied in the affirmative. She went on to state there may be some attractive fencing on the parking lot side so everything will be contained and that there will be an egress and ingress through the front area of the parking lot, not on the sidewalk.

Crutcher asked if there will be registers out there to ring up sales and Alexander replied yes, that flowers will be rung up out there and perhaps mulch, that the point of sale will be out there.

Majoros asked if there would be an area to load flowers and Alexander replied that his employees will take the purchases to the cars and that there will be carts to accommodate that transfer.

Crutcher asked what the "safety zone" on the picture delineates and Alexander replied that is the area where they can turn around, the safety zone is for directional purposes.

Christiansen showed the aerial overview of the site plan showing the sales tent, the fencing and the offset, there is a drive lane that is separated from the area where the display is and from where people can come from where their cars are at to this area, very safe and secure and to have a structure to it and that is a requirement. So there is a maneuvering area, an area to move through, an area to park on the outside and as indicated there is no intention to load and unload right there, it's separated for customers to be able to come in safely and leave safely with service provided by True Value Hardware staff.

Perrot confirmed that there will be no product there and no cars in the safety zone, and Christiansen replied that's correct.

Kmetzo inquired about the tables depicted in the photo and Kwiatkowski replied that those are for flats of flowers.

Westendorf asked if during the break in seasons the tent would be taken down and Alexander replied he would not leave an empty structure out there and that is stated in his lease.

Christiansen stated that the Commission could include in their approval that the site can be maintained in accordance with City and ordinance requirements and also that if activity discontinues for a period of time and that it is not used, then that it be removed and that can be coordinated with the Economic and Community Development Department and the City building official. What the City would not want is an abandoned operation, so that condition could be in there and that the City could monitor it.

Christiansen then pointed out that the approval is for a year period for the season and it can be renewed in consecutive years by the City as long as there were no issues, no expansion, no changes but continue as is that's provided by the ordinance. He went on to state that any action, any approval would be tied to the site plan, and tied to all the

other attachments, the narrative, the timeframe, and also to the landlord's approval, any conditions the Commission places in their approval.

Westendorf stated that the 2015 plan also included sidewalk sales, is there sidewalk sales included in this request?

Christiansen stated sidewalk sales are approved and they were back at that time and that was part of the business and its establishment and it continues on, but this request is specific just to the outside in the parking lot.

Further discussion was held on the provisions that could be included in the approval and Alexander stated that his lease specifies exactly what can be sold outdoors, that it must be solely related to items related to his business.

Crutcher asked if other stores in the center could request the same and Christiansen replied if they went through the process of an application and a site plan and landlord approval and everything else.

Alexander stated the area of the parking lot is designated in his lease to be utilized for only his business and further discussion was held.

Christiansen then indicated there has been discussion of an outlot building proposed at that center, an 8,000 square foot, three-unit retail building there, not dissimilar to the Tropical Smoothie going in at the World Wide Center.

MOTION by Waun, supported by Westendorf, to move to approve the outside sales request for Alexander True Value Hardware Store at 22104 Farmington Road, with the location shown on the drawings and to include the coordination of the Economic Development Department and City Building Official with continued operation of the outside area as approved, and if it were to be discontinued for any period of time, that it would be removed, and that all safety measures required by City Officials and Fire Marshal will be met, and that the garden center will be displayed in a neat and attractive manner on tables, racks, that are appropriate.

Motion carried, all ayes.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENTS

Westendorf asked for an update on future and ongoing projects in the City and Christiansen provided a brief summary of the activities going on with the former Farmington State Savings Bank/Village Mall, the Maxfield Training Center, the Winery, the Streetscape grant, the transition of the Samurai Steak and Sushi to Crazy Crab

Seafood, the proposed Hawthorne Street Development, the Soave property, the Courthouse property, and Hershey's.

Christiansen then reminded the Commissioners that there is training available if anyone is interested, and that three Zoning Board members just attended that training and that applications are being accepted to fill Mr. Chiara's seat.

ADJOURNMENT

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

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

Respectfully submitted,

Secretary